

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

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

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

COUNCIL MEETING
MONDAY 6 MAY 2019

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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. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 8 April 2019 and Special Council (Planning Authority) Meeting held on 15 April 2019, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION**4. COUNCIL WORKSHOPS**

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

PURPOSE	DATE
Budget	
Planning Controls – Cash-in-lieu for Parking	15 April
Presentation by Sporting Club	
Budget	29 April

RECOMMENDATION:

That Council notes the workshops conducted.

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

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

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

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

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

The General Manager will table the following petition which complies with the Act requirements:

- Received from 2049 signatories encouraging Council to consider purchasing the Eastside Squash Centre and negotiating a long term operational lease with the Tasmanian Squash Academy or provide substantial financial support to the Tasmanian Squash Academy to enable it to purchase the Eastside Squash Centre.

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

STORMWATER ISSUES

Michael Figg of Lauderdale asked the following questions:

1. Why, in the Lauderdale Feasibility Study it stated that I, Michael Figg, and my neighbour had to spend \$2M to upgrade the stormwater but in the DA for a property in Lauderdale tonight nothing is mentioned about the stormwater?
2. Why is nothing mentioned about the conservation significant Fauna and Flora or soil types in the officer's report?
3. When is Council going to be compliant with Tasmanian Urban Drainage Act in Lauderdale?
4. Why the stormwater is being directed onto neighbour's property from Council's drain in the School Community Hall pictured in the handout?
5. Why these items have not been addressed in the officer's report in this DA?

/ contd on Page 8...

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**ANSWERS**

1. The Lauderdale Feasibility Study indicated the properties in the lower catchment area near the canal require significant stormwater infrastructure to service the large catchment region. It is common in stormwater management systems for the area near the point of discharge to require higher capital investment.

In relation to the proposed development of 15 Acton Road, Lauderdale the stormwater for the proposed additions will be serviced by an existing stormwater line on the southern side of the property. The permit conditions require the developer to provide engineering drawings ensuring satisfaction of the stormwater design.

2. The subject site is not covered by the Natural Assets code, which protects native flora and fauna, and therefore this matter was not a relevant consideration under the Scheme and had no determining weight.
3. In accordance with the Urban Drainage Act 2013, Council is preparing a stormwater management plan for Lauderdale's urban region. This is due for completion at the end of this year. The plan will detail the management of stormwater assets and flood maps showing the level of risk from flooding.

Lauderdale has significant stormwater challenges due to being a flat floodplain and likely to be the subject of future sea level rise. The stormwater system management plans are the first step of modelling and documenting the issues for all Council's urban regions. This will then be used by Council officers to develop staged stormwater improvement plans for each catchment for Council's consideration in future budgets.

4. The open drain adjacent the School Community Hall is serviced by a piped stormwater drain, which is located within the neighbouring property. The exact reasoning of this is unknown due to the installation being a long time ago, however, it is likely the natural slope of the land was used to accommodate the stormwater design and placement.

It is understood the overlain water shown in the picture arose from an issue related to a water main and not stormwater.

5. The above items were not considered relevant under the Scheme for inclusion in the officer's report.

/ contd on Page 9...

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**BELLERIVE BEACH PARK**

Joanne Marsh of Bellerive asked the following question:

There are a number of vehicles repeatedly entering Bellerive Beach Park causing compression damage to the so called grassed areas of the park. These include very heavy vehicles which now appear to be required to service the problematic light towers. She has been informed by the Mayor on 14 January 2019, that the Council has allocated funding in the Annual Plan 2018/2019 to design and install an irrigation system within the grassed areas of Bellerive Beach Park, it is anticipated that this work will commence within the next 2 months. Mrs Marsh asked what is the current status of this plan as the condition of Bellerive beach Park is a disgrace to the City of Clarence.

ANSWERS

There have been issues with one of the light towers at the Blundstone Arena resulting in heavy equipment requiring access to the Bellerive Beach Park to undertake the repairs. These repairs have now been finalised and entry for heavy vehicles will now be limited to occasional maintenance.

Funding was allocated in the 2018/2019 Annual Plan for the design and installation of irrigation at Bellerive Beach Park. The irrigation design is due at the end of May 2019, whereupon the proposed installation will be issued for quotation. The aim is for construction to be completed in July/August 2019.

Following the installation of the irrigation the grassed areas will receive regular maintenance including coring, oversewing, top dressing and fertilising.

7.4 QUESTIONS WITHOUT NOTICE

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

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

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

9. MOTIONS ON NOTICE

Nil

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker
(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

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

(File No)

Chairperson's Report – Alderman D Ewington

Report to Council for the 3 month period 1 January 2019 to 31 March 2019.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

2. CAPITAL WORKS PROJECTS**Silwood Avenue Track Upgrade, Howrah**

A detailed design has been completed, in consultation with Council's Aboriginal Heritage Consultant, for concreting of a steep section of the path at the west end of Howrah Beach. Crown Land approval has been received and the works have been scheduled for construction.

Clarence Foreshore Trail – Marana Avenue (Tasman Bridge) to Montagu Bay Park, Montagu Bay

Construction of the first stage, from the area under the Tasman Bridge, through the ex-SES site and around the Primary School Oval is complete. Design and completion of the next stage is dependent on progress by the Department of Education of the Primary School Masterplan. DoE are still in the early stages of their planning and the Committee agreed that options should be investigated to redirect remaining funds to progressing design of the next section of path towards Rosny Point.

Clarence Foreshore Trail – Simmons Park to Anzac Park, Lindisfarne

Civil works for the section from Simmons Park to Ford Parade were successfully completed, with the exception of landscape plantings, which will be undertaken after the dry summer months.

Permanent Track Counter – Kangaroo Bay

A counter has been purchased to count path users at Kangaroo Bay. The counter will be permanently embedded in the shared path to keep ongoing counts. Installation is planned for May 2019.

3. RECURRENT INITIATIVES

Nil.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**Tasman Highway – Extension from Tasman Bridge to Montagu Bay Road**

Council has been successful in receiving funding of \$70,000 under the Vulnerable Road User Program for this project. With Council's contribution of \$50,000 the total funding available is \$120,000. Negotiations are ongoing with the Department of State Growth (DSG) on the maintenance responsibility for the area between the southern property boundary and the edge of the Tasman Highway. At issue is DSG's insistence on the application of the *Roads and Jetties Act*, in relation to Council being responsible for maintaining the State Government road reserve, if a path is constructed. The Act has recently been amended to allow scope for negotiation on maintenance responsibilities, which may allow the project to progress.

Kangaroo Bay Development

When the marine slipway is open, it becomes a challenge for cyclists to make their way along Cambridge Road, through the village and back onto the foreshore path. The Committee has also considered issues relating to the Bellerive Yacht Club development. At its Meeting of 28 May 2018, Council resolved on a preferred option to retain a ramp from Clarence Street to the Bellerive Yacht Club carpark. The Committee considered two options for the ramp; a longer DDA compliant ramp, which would require removal of a significant Pepper tree, or an upgrade of the existing shorter/steeper ramp configuration. The Committee preferred a compromise, whereby the ramp is lengthened (and the grade reduced) but without requiring removal of the tree (noting that this would not meet DDA requirements).

Rosny Hill Road – Highway Overpass to Rosny Barn Carpark

The concept design is being re-worked with the aim of reducing the extent of retaining walls.

5. 2019/20 CAPITAL BUDGET

The Committee considered capital budget proposals for 2019/20 and ranked projects in order of priority for budget consideration.

6. GOVERNANCE MATTERS**Committee Meeting**

The Committee held one meeting during the quarter; on 4 February 2019, chaired by Alderman Dean Ewington.

7. EXTERNAL LIAISON

Council officers met with Department of State Growth to discuss the Cambridge Bypass project and opportunities for cyclists and a path along Barilla Rivulet.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil

Ald Dean Ewington
CHAIRPERSON

EVENTS SPECIAL COMMITTEE

Chairperson's Report – March 2019 (Deputy Mayor Heather Chong)

2019 Clarence Jazz Festival Report – 17-24 February**Overview**

The 23rd Clarence Jazz Festival (CJF) was presented over 8 days, at 7 venues and included 250 musicians, mostly from Tasmania. The new Swinging Sunday at the Boardwalk was a big hit with the public and 87 community-based musicians performed during the day, bringing their family and friends to enjoy the atmosphere, food and drinks, and children's entertainment.

The new Ambassador, Adrian Cunningham was instantly liked by musicians and the public as an affable character, able to relay all the messages of an MC, as well as being a great musician who knew when to "sit in" with the local bands without taking over the spotlight.

The Twilight Series, designed to take CJF to the wider community, was very well received in each area. The weather was unpleasant early week but the public came prepared with rain coats and warm clothes and stayed on even during the strong winds at South Arm. The partnerships with community organisations to provide a bar and barbecue continues to work well for those participating as a fundraiser, and it adds value to the festival.

Moving the Big Weekend to the Rosny Barn was very popular and the site received great feedback about its beautiful grounds and cosy atmosphere. The Jazz Lounge delivered more ticketed events than usual, and most were very well attended with 3 sold out days before.

Even though there were local music events and a blues festival competing for attendees during the CJF, numbers were good across all venues. Almost 7,000 people attended one or more concerts during the festival, with some people coming every day. Most who attend are from the Clarence and greater Hobart area, but we are aware of couples from the UK, Victoria and NSW who come every year. Numbers from interstate and overseas were greater than other years due to the festival being on the front cover of Travelways, which is available at every gateway to the state.

Our demographic is visibly shifting to a younger audience and this is due to an increase in the number of young musicians and bands who are performing the many forms of jazz. The CJF Scholarship program, which has been going now for 8 years, has been a direct contributor to this shift as past Scholars are now band leaders or perform in multiple acts.

A sample survey was done which demonstrates the festival's appeal to the wider community and the kudos it gives Council as the presenter. Some interesting facts from the survey include:

- 71 out of 135 surveyed had attended more than 1 day;
- 44 out of 135 had never been before; and
- 104 out of 135 prefer the Rosny Farm to the Boardwalk for the Big Weekend.

Interesting quotes in the feedback section included:

- “top event, well done CCC”;
- “loved everything we have been to”;
- “great locations and community event”;
- “has evolved over the decades to an international standard”;
- “brilliant vibe at the farm”;
- “keep it up – more food and more shade please”; and
- “love that it moves to different parks”.

At the conclusion of the festival a member of the public wrote to Letters to the Editor in “The Mercury” with the following statement titled “Jazz session pleasures”:

“I had the pleasure of attending the Sunday session of the Clarence Jazz Festival at Rosny Barn. The music was good, as expected, and the grass was green and short, the ambience good, the toilets clean, with plenty of paper and soap, there were plenty of tables and seats and sufficient interesting food and drinks. There were Scouts from Sandford collecting rubbish, first aiders, and other staff, including a young man in a high-vis tunic, looking accessible, answering questions and carrying a two-way radio just in case. It was a most enjoyable and well-organised function. Congratulations Clarence City Council”. Peter Read, North Hobart (Tuesday 26/2).

This was also received via a CCC Contact web-form submission:

*“Please pass along to the Mayor and Management Team.
I came to the last weekend of the festival and was gobsmacked by the fabulous program and the talent on offer. And, how about that Ambassador, Adrian Cunningham? What a great musician!
Congratulations to Wendy and the support team around her – they did you proud.
Oh! And I am so impressed by the musical talent in Hobart, I even joined the Hobart Jazz Club whilst there. Regards and thanks again”. Bernard Duke, Launceston (Monday 25/2)*

The following table is a breakdown of venues and attendances:

DATE	EVENT/VENUE	Attendance	Comments and Community Partners
SUN 17	SWINGING SUNDAY - Bellerive Boardwalk	2000	Community and School big bands – food vendors and bar – Sandford
MON 18	TWILIGHT SERIES – Wentworth	250	Clarence Lions
TUES 19	TWILIGHT SERIES – Simmons Park	420	Bellerive Rotary
WEDS 20	TWILIGHT SERIES – South Arm	300	SAPRA
THUR 21	TWILIGHT SERIES – Richmond Green	350	Richmond Fair Committee/Red Cross

FRI 22	BIG WEEKEND – Rosny Farm (outdoors)	770	Food vendors and bar – Sandford Scouts & Clarence Rovers,
	JAZZ LOUNGE (Barn) – Show 1	100	Tickets - \$20 – Sold Out
	JAZZ LOUNGE – Show 2	100	Tickets - \$15 – Sold Out
	JAZZ LOUNGE – Show 3	80	Free entry
SAT 23	BIG WEEKEND – Rosny Farm (outdoors)	1200	Food vendors and bar – Sandford
	JAZZ LOUNGE – Show 1	70	Ticketed - \$10
	JAZZ LOUNGE – Show 2	50	Ticketed - \$15
	JAZZ LOUNGE – Show 3	100	Tickets - \$20 – Sold Out
	JAZZ LOUNGE – Show 4	100	Free entry
SUN 24	BIG WEEKEND – Rosny Farm (outdoors)	860	Food vendors and bar – Sandford Scouts and Clarence Rovers, Hobart
	JAZZ LOUNGE – Show 1	25	Ticketed - \$15
	JAZZ LOUNGE – Show 2	80	Ticketed - \$10

Marketing

The Clarence Jazz Festival is an opportunity to showcase Clarence as a great place to live, work and play, and to visit, with its beautiful parks, scenery and amenity. The “Clarence” brand gets more coverage in the weeks leading up to and during the festival than at any other time of the year. It is the Council’s signature event and the name Clarence Jazz Festival is associated with a quality event that sustains and retains its community focus.

The sample survey showed the recipients heard about the CJF through many different ways including (in order) “The Mercury”, Facebook, road signs, posters, the internet, Travelways, word of mouth and Clarence newsletter.

The following list demonstrates the reach of “Clarence” through editorial and a range of free, sponsored and purchased advertisements:

MEDIA COVERAGE:	
Editorial & press/TV	Date and details
Hobart Jazz Club Newsletter	December and February issues
CCC	Rates Newsletter and Rosny Farm program guide
Creative Hobart (HCC)	Listing in “festivals and events in Hobart”
Eastern Shore Sun	January edition – photo of Ambassador and article
Explore	February edition – photo and article
Travelways	February/March edition – photo and article
“The Mercury”	14/02 – Photo of Scholars and article
“The Mercury”	17/02 – Photo of Rosny College Band and article
Southern Cross News	17/02 – Video footage from Boardwalk
WIN TV News	17/02 - Video footage from Boardwalk
“The Mercury”	22/02 – Photo of Ambassador and article
“The Mercury” – Tasweekend	23/02 – Social Scene – photos of people at Boardwalk
“The Mercury”	26/02 – Out and About – photos of people at Rosny Farm

Mercury ads	Date, publication and type
Sponsored	27/01 – Tassie Living large strip
Sponsored – INSERT	31/1 – 24,000 programs in southern Tasmanian
Sponsored	02/02 - Tasweekend half page
Sponsored	03/02 - Tassie Living large strip
Sponsored	07/02 - Thursday Pulse
Sponsored	08/02 - Friday ON page
Sponsored	9/02 – Tasweekend half page
Sponsored	10/02 - Tassie Living large strip
Sponsored	14/02 - Thursday Pulse
Sponsored	15/02 - Friday ON page
Sponsored	16/02 – Tasweekend half page
Sponsored	17/02 – Tassie Living large strips
Sponsored	17-23/02 – online x 15,000 page impressions
Sponsored	21/02 - Thursday Pulse
Sponsored	22/02 – Friday ON page
Sponsored	23/02 – Tasweekend half page
The Seven Network	No. of television ads
Sponsored	48 x SCTV .30 second ads, 9-24 February
Sponsored	24 x 7TWO .30 second ads, 9-24 February
Sponsored	24 x 7MATE .30 second ads, 9-24 February
Purchased	Type
Ad - November	Wangaratta Jazz Festival program
Package – Travelways and Explore magazines	Travelways front cover Travelways - ½ page ad Explore – full inside cover and back page
The Mercury	30/1 – Saturday EGN “get your CJF program Thursday”
Warp	Strip on front COVER
Hobart FM	Radio ads

An increased amount was spent on the marketing budget to get information about the CJF over and above the advertising for the coinciding music events happening at the same time. This is a fairly new situation and will not have to be repeated every year as early investigations show the Blues, Brews and Barbecues festival will be held 2 weeks later in 2020.

The Travelways package was a once-only campaign to increase the reach of Clarence and the Jazz Festival. It was the first time the magazine had ever featured an event on its front cover, as food and wine usually dominates the headlines.

Programming

Some changes were made to the program with the inclusion of Swinging Sunday on the Boardwalk, not using the Rosny Farm for a twilight concert but full programming for the Big Weekend including extra shows in the Jazz Lounge, where the number of ticketed shows was increased.

The success of the festival is, in part, gauged by its achievements against the strategies in the Clarence Events Plan.

Strategy 1: Build social inclusion	Concerts delivered in areas that have little cultural activity. Offering free events with a relaxed atmosphere accessible to all.
Strategy 2: Build Identity of the City	Advertising Clarence far and wide. Increased attendance from interstate visitors.
Strategy 3: Build Creative Opportunities	The CJF Scholarship Program providing 3 young performers with a great personal growth opportunity. Contracting 250 local musicians.
Strategy 4: Build Economic Capacity	Twilight concert partnerships with local organisations that can raise funds. Twelve commercial vendors attended across the weekends. Attracting visitors into Clarence.

Budget

The festival came in under budget due to higher than expected income from ticket sales and sponsorships.

Summary

It is a shame that the many compliments for Clarence Council that are received every day during the Festival to staff and volunteers cannot be given as substantiated evidence of how much the public love and appreciate this event. Council is praised for its contribution to the culture of the city, for the well-presented parks and venues, and for the well organised and executed public events. The Clarence Jazz Festival is loved by the music community for bringing them together in a valued and respectful way and the public benefit by seeing the magic happen on stage at beautiful locations and in a safe and relaxed atmosphere.

Attachments: Nil

Ald H Chong
CHAIRPERSON

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 8, 15, 22 and 29 April 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 8, 15, 22 and 29 April 2019 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION - ACTON ROAD/SOUTH ARM ROAD-UPGRADE – OFFICER'S REPORT**

(File No S062)

EXECUTIVE SUMMARY**PURPOSE**

To consider the report from Council officers in response to the petition received regarding the Acton Road/South Arm Road T junction. Specifically, the petition requests improvements to traffic safety at the intersection and proposes the construction of a roundabout.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

No consultation has been undertaken on this matter.

FINANCIAL IMPLICATIONS

No funds have been specifically allocated in the current Annual Plan for any road works at the intersection of Acton Road and South Arm Road; noting that South Arm Road is the responsibility of the Department of State Growth (DSG). Any physical works falling within Council's area of responsibility, if recommended, can be assessed by Council for inclusion in future Annual Plans.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council continues to liaise with the Department of State Growth relating to the upgrade of South Arm Road between Oakdowns and Lauderdale, including the intersection of Acton Road and South Arm Road.
- C. That Council authorises the General Manager to advise the petitioners of Council's decision.

**PETITION - ACTON ROAD/SOUTH ARM ROAD-UPGRADE – OFFICER’S REPORT
/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1** An electronic petition containing 1,515 names was tabled at Council’s Meeting held on Monday, 8 April 2019 requesting: *“To have a roundabout installed at intersection of Acton Road/South Arm Road intersection to improve safety”*.

A location map is included as an attachment (refer Attachment 1).

- 1.2** The information included with the petition outlines the historical issues with traffic leaving and entering South Arm Road from Acton Road. Most of the concerns and comments made by signatories to the petition relate to the morning and afternoon peak hours and merging from the minor road to the major road.
- 1.3** South Arm Road is a State controlled road and carries relatively high traffic volumes; approximately 10,000 vehicles per day. The morning peak hour traffic on South Arm Road is heavily biased in the city-bound direction and traffic entering from Acton Road must give way to traffic on the main road.
- 1.4** Acton Road is a Council owned Road and carries approximately 4,000 vehicles per day. The Lauderdale Primary School and the associated childcare centre are located at this end of Acton Road, near the junction.
- 1.5** Council’s Meeting of 3 August 2015 adopted Council’s priority projects for State Roads, to be promoted in liaison with DSG. The upgrade of South Arm Road, from the Police Academy to Acton Road, was rated ninth, from a list of ten priorities. The priority list was submitted to the State Infrastructure Minister requesting support for the listed projects.

- 1.6** Council, at its Meeting of 5 October 2015 considered a petition for a pathway from Oakdowns to Lauderdale, and resolved as follows:

“A. That Council notes the intent of the petition.

B. That Council advises the petitioners that Council will continue to liaise with the Department of State Growth and the Minister for Police and Emergency Services relating to options for cycling and walking opportunities between Rokeby and Lauderdale”.

2. REPORT IN DETAIL

- 2.1.** The Acton Road intersection is considered to be part of the State road network, as South Arm Road is under the State’s ownership and control.
- 2.2.** A check of the site crash records, as recorded by Tasmania Police and maintained by the Department of State Growth (DSG), indicates that there has been one crash (property damage type), related to turning movements at the intersection over the past 10 years. It is noted that several crashes have been reported along the section of South Arm Road, between Oakdowns and the Acton Road junction, over the same time period.
- 2.3.** The petition proposes upgrading of the junction at Acton Road and South Arm Road with the installation of a roundabout.
- 2.4.** An intersection upgrade of this nature requires detailed traffic assessment and investigation to ascertain the best treatment for intersection control. Such a traffic assessment should consider traffic volumes, turning movements, pedestrians and cyclist movements, adjoining land use, potential for growth and road safety. The assessment should investigate options to evaluate the level of service that can be achieved, and the impacts and costs associated with alternative treatments.
- 2.5.** Any upgrade of State roads, including intersections, requires the approval and allocation of funding from the State road authority; DSG.

- 2.6.** It is expected that future upgrading of the section of South Arm Road, between Oakdowns and Lauderdale, will incorporate a pedestrian/cyclist path. Any traffic management proposal for the intersection of Acton Road and South Arm Road should facilitate safe crossing at the junction and incorporation of a pedestrian/cyclist facility between the junction and Oakdowns.

3. CONSULTATION

3.1. Community Consultation

No consultation has been undertaken on this matter.

3.2. State/Local Government Protocol

Any upgrade on State roads, including intersections, requires approval by the State road authority, the Department of State Growth (DSG).

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2016-2026, under "Infrastructure", has an Objective:

"To ensure that existing infrastructure is maintained and renewed to meet identified service and amenity levels";

and within that objective is the Strategy to:

"provide for the effective and safe transport of people and goods throughout the City".

- 4.2.** Council's Strategic Plan 2016-2026, under "Governance", has an Objective:

"To actively engage the community in Council activities and issues";

and within that objective is the Strategy:

"to review and implement the Consultation and Communication Strategy".

5. EXTERNAL IMPACTS

Any upgrade on State roads, including intersections, requires approval and funding by the State road authority, the Department of State Growth (DSG).

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Council has no funds allocated in the forward plan for upgrade of the intersection at Acton Road and South Arm Road; noting that South Arm Road is the responsibility of DSG.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Upgrading of this section of State road, including the Acton Road intersection, requires approval and funding by the State road authority, the Department of State Growth (DSG).

9.2. Council will continue to liaise with the Department of State Growth (DSG) relating to upgrade of South Arm Road between Oakdowns to Lauderdale, including the intersection of Acton Road and South Arm Road.

9.3. The petitioners will be advised of Council's decision.

Attachments: 1. Location Map (1)

Ross Graham

GROUP MANAGER ENGINEERING SERVICES

ATTACHMENT 1



11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2017/505 - 15 DERWENT STREET, BELLERIVE - EXTENSION AND CONSOLIDATION OF USE AND OPERATIONAL RESTRICTIONS AT BELLERIVE OVAL (OVER-RIDING PREVIOUS PERMITS)

(File No D-2017/505)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider a consent agreement regarding the appeal against Council's decision to refuse the development application for an extension and consolidation of use and operational restrictions at Bellerive Oval (over-riding previous permits) at 15 Derwent Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Recreation and subject to the Coastal Erosion Hazard Area and Parking & Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

RECOMMENDATION:

- A. Approve the consent agreement resolving the appeal against Council's decision in respect to development application D2017/505 and authorise Council's Manager City Planning to sign the consent agreement to enable the Resource Management and Planning Appeals Tribunal to order the permit contained in Attachment 3 of the Associated Report to be issued.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2017/505 - 15 DERWENT STREET, BELLERIVE
- EXTENSION AND CONSOLIDATION OF USE AND OPERATIONAL
RESTRICTIONS AT BELLERIVE OVAL (OVER-RIDING PREVIOUS PERMITS)
/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

The site is the subject of a number of significant planning permits, including D-2012/330 (extensions and new grandstand), D-2008/407 (lighting), D-2008/223 (non-sporting events), D-2007/228 (indoor practice centre), and D-2000/113 (Bellerive Oval upgrade) which collectively have defined the transition of the ground as a local sporting venue to the home of the Tasmanian Cricket Association from 1987.

The Resource Management and Planning Appeal Tribunal (RMPAT) approved the major redevelopment of Bellerive Oval in 2000. The activities at Bellerive Oval were limited to:

- sporting fixtures during daylight hours;
- training and coaching clinics; and
- functions associated with sporting use of the oval, and by the TCA.

A “Bellerive Oval Transport Plan” (BOTP) was also required to be implemented to control the impacts of traffic and parking associated with major events.

In 2008, Council approved the extension of the use of the facilities at the oval to include a Community Building. Following a consent decision issued by RMPAT (April 2009), the approval allows for:

- non-sporting related activities involving more than 1500 people or noise generated exceeds 55dB(a) measured as an Leq over any 15 minute period at the nearest residential boundary is limited to a maximum of 6 functions per year;
- amplified commentary or music restricted to 10.00pm except for 1 pre-Christmas event per year which was limited to 11.30pm; and
- limitation of sound levels for non-sport related events to 65dB(A) at the nearest boundary of any residence.

Also, in 2008 Council approved lighting for the oval which includes (but is not limited) to the following conditions:

- the number of sporting events using the lighting is limited to 20 events per year and must not extend beyond 10.30pm;
- lighting towers may not operate after 11.00pm/time limitations to venue activities;
- noise restrictions.

However, Council has received complaints for a number of years about the noise levels coming from events at Blundstone Arena, including One Day International cricket games and performers during rehearsal for sporting events.

Under the D-2012/330 permit, which was for the development of a new grandstand and other associated facilities, a number of the use conditions were transferred over to the new permit. Where this did not occur, the new permit included a condition (Condition 2) which clearly directed that the use must only be undertaken in accordance with the previous permit conditions. Notwithstanding, there was clearly some confusion as to how permit conditions operated.

On 28 March 2015, Cricket Tasmania held a “sporting” event at Blundstone Arena, called “Nitro Circus”. Nitro Circus events consist of motor-cross bike riders doing aerial acrobatics and performances. There was also music and announcements which were purported to be clearly heard a long way from the oval (eg outside Eastlands).

Two noise consultants took readings on the day, one engaged by Cricket Tasmania and the other by Council. Both noise reports showed the noise levels far exceeded any previous permit conditions. Council received numerous complaints about the noise levels.

It was decided the noise from the event came under the definition of an “environmental nuisance” as prescribed by the *Environmental Management and Pollution Control Act 1994* (Tas) (EMPCA). An Environmental Protection Notice (EPN) was issued to “...vary existing planning permit conditions or restrictions of a permit; ...” in accordance with Section 44 (2) (d) of EMPCA.

Council then engaged a market research company, Myriad Research, to undertake a questionnaire with neighbouring residents to determine what the nuisance was with events (for example was the issue with music, commentators or other sources?) and to identify whether an acceptable level of noise could be established for the community. Council’s noise consultant was also engaged to analyse the data and determine a level that was suitable.

Once acceptable levels had been determined an EPN was drafted. Council officers then began discussion with Cricket Tasmania to negotiate an agreed level of noise that was suitable and acceptable. Discussions were not successful and on 16 December 2016 the EPN was formally issued (refer Attachment 1).

The EPN was appealed by Cricket Tasmania on the following grounds:

- “1. *Tasmanian Cricket Association disputes any suggestion that environmental nuisance occurred due to noise from an outdoor event at Blundstone Arena on 28 March 2015 or that environmental nuisance is likely to occur from future events held at Blundstone Arena in accordance with existing permits.*
2. *Variations of the conditions or restrictions of permits D-2012/330, D-2008/407, D-2008/223 and D-2000/113 are both unnecessary and unreasonably restrictive for the operation of the use which council has previously approved”.*

It was agreed, through the RMPAT mediation that a new development application would be lodged to bring all planning issues for events into one permit.

The new development application D2017/505 (the subject of this appeal) was subsequently lodged on 6 November 2017. Landowner (Council) consent to lodge the development application was provided and further information from the applicant was received on 18 May 2018. The proposal was advertised in accordance with statutory requirements and 37 representations were received. Council considered the application at its Meeting on 20 August 2018 and determined to refuse the application on the following grounds.

- “1. *The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015 Clause 18.3.1(P1) [operation of the use within 50m of the adjacent General Residential zone].*
2. *The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015 Clause 18.3.2(P1) [noise emissions].*
3. *The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015 Clause 18.3.2(P2) [external amplified loud speakers or music].*
4. *The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015 Clause 18.3.3(P1) [external lighting, other than flood lighting].*
5. *The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015 Clause 18.3.4(P1) [patron vehicles operating after 10.30pm]”.*

2. MEDIATION ISSUES

2.1. Notice of appeal was filed by Cricket Tasmania with the RMPAT on 5 September 2018. A local resident subsequently joined as a party to the appeal. The Cricket Tasmania grounds of appeal were simply a rebuttal of Council’s reasons for refusal, whilst the resident filed grounds concerning traffic management, particularly in relation to the operation of the Bellerive Oval Transport Plan.

Mediation took place on 20 December 2018 with a further mediation session to specifically deal with traffic management issues occurring on 9 January 2019.

2.2. To facilitate mediation, all requirements and conditions of the EPN and planning permits D-2012/330 (extensions and new grandstand), D-2008/407 (lighting), D-2008/223 (non-sporting events), and D-2000/113 (Bellerive Oval upgrade), were migrated into a single draft consolidated permit. Only requirements that were superseded (such as noise conditions), duplications or conditions that are no longer relevant (such as construction and development conditions) were omitted. Changes to the permit were discussed with the parties in three main contexts; extended hours for television audiences, noise controls and traffic management. Each issue on which agreement was reached is discussed in turn below.

2.3. Extended Hours for Television Audiences

The hours of operation have essentially stayed the same with the light towers prohibited from operating at 100% power after 10.30pm for a number of events not exceeding 20 events per single calendar year.

A new condition of the draft permit provides that where television broadcasting contractual commitments require the light towers to operate beyond 10.30pm, the operator may, by notice at least 28 days prior to the event, apply to Council's Senior Environmental Health Officer for permission to exceed the restrictions for operation at 100% power to 11.00pm and 25% power to midnight.

2.4. EPN Settlement

Apart from additional clarification of definitions and terms of noise limits and measurement, the controls imposed by the EPN have not altered.

2.5. The Bellerive Oval Transport Plan (BOTP)

Traffic management conditions have been altered to more precisely identify the remit of the BOTP. The BOTP must now contain measurable benchmarks in relation to safe and efficient traffic management, telephone enquiries and pedestrian safety minimising local impacts, against which the performance of the Traffic Management Plan can be considered by the BOTP Committee. There is also a requirement for a diagrammatic plan of traffic management.

The conditions also specify the membership composition of the BOTP, meetings requirements and purpose. As a point of difference with previous permits, the community representative role will become vacant after 3 years and publically advertised and the operator must undertake an independent review of the traffic management plan every 3 years by a qualified traffic engineer. The review is to evaluate the achievement of safe and efficient traffic movement, access for emergency services and pedestrian safety. In all of the circumstances, the enhanced BOTP arrangements, to which the parties have agreed in principle, represent an improvement over past arrangements.

3. CONCLUSION

Council's consultant lawyer has been instructed to provide an opinion on the merits of the mediated outcome which is contained in Attachment 2. In summary, it is concluded that the draft permit resolves the noise issues which led to the issue of the EPN; the BOTP is improved as a traffic management tool; the draft permit over-rides the previous planning permits listed above; and that the draft conditions are fit for purpose and are capable of enforcement.

Both the appellant (Cricket Tasmania) and the party joined (local resident) have consented to the permit and their representatives have signed the consent agreement (refer Attachment 3).

The mediated settlement of this planning appeal will also settle the appeal against Council's EPN which will be revoked as soon as the draft permit is issued by RMPAT.

It is recommended that based on the agreement reached between the parties during the mediation of the appeal, Council agrees to the consent agreement (refer Attachment 3) which approves the development with conditions.

- Attachments:
1. EPN issued to Cricket Tasmania, dated 16 December 2016 (10)
 2. Council's Legal Advice (5)
 3. Consent Agreement including Draft Permit (8)

Ross Lovell
MANAGER CITY PLANNING



Clarence City Council

ENVIRONMENT PROTECTION NOTICE**No. 70**

ISSUED TO: Tasmanian Cricket Association
 ABN 34 009 476 993
 15 Derwent St
 Bellerive Tas 7018

ENVIRONMENTALLY RELEVANT ACTIVITY: Conducting or allowing to be conducted at the Blundstone Arena any Outdoor Event which involves amplified sound.

I, Ronald Vanderwal, Senior Environmental Health Officer, Clarence City Council being satisfied in accordance with section 44(2)(a), (d) and (e) of the *Environmental Management and Pollution Control Act 1994* ("the Act") in relation to the above-named environmentally relevant activity issue this environment protection notice to the above-named person as the person responsible for the activity.

GROUND

This environment protection notice is issued on the grounds that:

1. Environmental nuisance due to noise caused by outdoor events is likely to be caused to nearby property occupiers if not managed appropriately. Environmental nuisance occurred due to noise from an outdoor event at Blundstone Arena on 28 March 2015 and the Blundstone Arena is likely to be the venue for future outdoor events
2. It is desirable to vary the conditions or restriction of permits D2012/330, D2008/407, D 2008/223 and D2000/113, as detailed in Attachment 1 to this notice to ensure the Arena is regulated in a consistent and certain manner such that environmental nuisance due to noise caused by outdoor events is not caused to neighbouring property occupiers.
3. It is necessary to secure compliance with the general environmental duty as an outdoor event on 28 March 2015, at the Blundstone Arena has caused environmental nuisance due to noise. Consistent and certain conditions are required in relation to noise caused by future outdoor events to ensure compliance with the general environmental duty.

DEFINITIONS

Unless the contrary appears, words and expressions used in this environment protection notice have the meaning given to them in Schedule 2, the Noise Measurement Procedures Manual Second Edition July 2008 (DEPHA) and the Act. If there is inconsistency between a definition in the Act or Noise Measurement Procedures Manual and a definition in this notice, the Act or Noise Measurement Procedures Manual definition prevails to the extent of the inconsistency.

REQUIREMENTS

In accordance with section 44(3) you, as the person to whom this notice is issued, are required to comply with the conditions contained in Schedule 1 of this notice. These conditions prevail over the terms of the permits to the extent of any inconsistency.

This notice takes effect on the date on which it is served upon you.

APPEAL RIGHTS

You are advised you may appeal to the Resource Management and Planning Appeal Tribunal against this notice, or against any requirement contained in it, within 14 days from the date on which the notice is served on you, by writing to:

The Chairperson
Resource Management and Planning Appeal Tribunal
GPO Box 2036
Hobart TAS 7001

Schedule 1

1 Sound limits for Blundstone Arena

- 1.1 Amplified Sound associated with any Outdoor Event at Blundstone Arena including sound checks and rehearsals, must not occur between 10.30pm and 10am, with the exception of a single, non-sporting pre-Christmas event per year, which may extend until 11.30pm.
- 1.2 The only equipment to be used within Blundstone Arena to produce Amplified Sound is to be the permanent fixed public address system as installed on site within Blundstone Arena from time to time. Additional temporary or portable amplification equipment is not to be installed or used during any Outdoor Event unless prior written approval is given by the Senior Environmental Health Officer. This requirement does not apply to loud hailers or the like when used for crowd control or emergency management.
- 1.3 Amplified sound associated with Outdoor Events at Blundstone Arena, measured at the locations specified in Attachment 1, is not to exceed:
 - a) 62 dB(A) measured as a Leq over any 10 minute observation period; and
 - b) 72 dB(C) measured as a Leq over any 10 minute observation period; and
 - c) a mean Lmax of 68dB(A) for public announcements measured over any 10 minute observation period;

2 Sound monitoring for Blundstone Arena

- 2.1 Sound monitoring of any Outdoor Event conducted at Blundstone Arena must be carried out during the Outdoor Event.
- 2.2 With effect from the date of this notice, monitoring is to be carried out at the following locations;
 - 20 Church Street (6 metres from house facade)
 - 9 Beach Street (3 metres from house facade)
 - 18 Derwent Street (level with house facade).
- 2.3 The Senior Environmental Health Officer may, at any time and in consultation with you, vary any of the locations specified in 2.2 or any substitute locations, if s/he is of the opinion that a location is or has become unsuitable as a monitoring point.
- 2.4 The sound monitoring must be conducted by a qualified acoustic consultant engaged by you at your cost or a person appropriately trained and under the direction of that consultant.
- 2.5 Within fourteen (14) days of any Outdoor Event your qualified acoustic consultant must provide to Council a report containing;
 - 2.5.1 A statement of the type of event and its start and finish time.
 - 2.5.2 A table showing sound levels achieved in the period between the start and finish time of the event at each of the required monitoring locations and evidence of the same in a form acceptable to the Senior Environmental Health Officer.

- 2.5.3 A statement as to whether or not the noise limits specified in this notice have been complied with.
- 2.5.4 In respect of any exceedance of those limits, details of action taken in respect of the same and any other information relevant to the cause of any exceedance.

- 2.6 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual except where there is an inconsistency with the requirements of this notice, in which case, the requirements of this notice prevail.

3 Sound control for Blundstone Arena

- 3.1 You must ensure that during an Outdoor Event the person conducting sound monitoring can communicate directly and live with the Console Operator.
- 3.2 During an Outdoor Event the person conducting sound monitoring must immediately advise the Console Operator if the measured sound levels at any monitoring point exceed the permitted levels in clause 1.3 of this Notice.
- 3.3 If the Console Operator is advised that sound levels exceed the permitted level in clause 1.3, s/he must immediately take such action as is required to reduce sound levels so that this notice is complied with.

4 Control of sound from other activities associated with Outdoor Events

- 4.1 Any activities associated with an Outdoor Event including setting up, cleaning up, dismantling or packing must not occur between the hours of 11pm and 9am and must not be accompanied by amplified sound.

5 Dispensation

- 5.1 Upon application in writing by you, Council's Senior Environmental Health Officer may at any time grant dispensation from any requirement of this notice on such terms and conditions as s/he considers reasonable and appropriate. Such dispensation may be limited to a specific outdoor event or to outdoor events of a particular kind.

Schedule 2

Interpretation**In this Schedule 2:**

Amplified Sound means sound produced by a sound amplification device and includes sound produced by the public address system installed at Blundstone Arena.

Blundstone Arena means the Bellerive Oval and Recreational Ground Complex at 15 Derwent Street, Bellerive.

Console Operator means the person at the sound mixing console (or sound desk), who is in control of the volume of amplified sound at Blundstone Arena.

dB(C) means the "C" weighted overall sound pressure level.

L_{eq} means the time average A-weighted and C-weighted sound pressure level, within the meaning given by Australian Standard AS1055.1, for a ten minute time interval.

L_{max} means the highest level of environmental sound occurring during the measurement time.


Noise Measurements Procedures Manual means the document so titled (second edition July 2008) issued by the Environment Division, Department of Environment, Parks, Heritage and the Arts as amended or substituted from time to time.

Outdoor Event means any public entertainment event including but not limited to concerts, live shows and sporting fixtures conducted at the Blundstone Arena otherwise than in a fully enclosed permanent structure.

The Permits means permits D2000/113, D 2008/223, D 2008/407 and D2012/330.

Date of notice: 16/DEC/2016

Signed:

 RONALD VANDERWAL
SENIOR ENVIRONMENTAL HEALTH OFFICER,
CLARENCE CITY COUNCIL

Attachment 1

2012/230	Extensions to Grandstand, partial demolition and alterations to Blundstone Arena (Bellerive Oval). The proposal also specifies changes to the existing BOTP (Bellerive Oval Traffic Plan) which will modify parking and transport operations in the locality on event days.	
Application No.	Condition No.	Condition
D-2012/330	2	Notwithstanding Conditions 2 and 32 of the Development Permit in Application D-2000/113 dated 23 October 2000, the use or development must only be undertaken in accordance with the endorsed plans and any Permit conditions of D-2000/113, D-2008/223 and D-2008/407 unless superseded by this permit and must not be altered without the consent of Council. In particular, on-going requirements and restrictions applying to outdoor concerts and non-sporting events/functions, sound management, off-site waste management, advertising requirements, public order management, annual venue performance reporting, lighting and transport planning must be complied with.
D-2012/330	9	The venue operator must submit by 28 February annually to Council, a copy of a venue performance report in relation to the outdoor sporting events provided for by this Permit held during each calendar year. Such report is to address all aspects affecting neighbourhood amenity, including noise impacts, traffic and car parking, litter control and public safety.

D-2012/330	13	Noise levels for music associated with outdoor sporting events is not to exceed 65dB(A) measured as an Leq over any 15 minute observation period from locations to be agreed with Council's Senior Environmental Health Officer. Data collected in testing for this condition should be included in the annual venue performance report referred to in Conditions 9 and 10. A noise management plan from a suitably qualified person, demonstrating measures to achieve this level, must be submitted to Council's Senior Environmental Health Officer and approved prior to the evening events taking place.
D-2012/330	14	Any public address system is to be designed and maintained to ensure sounds emitted do not exceed 45dB(A) for more than 10% of any observation period of 15 minutes from locations to be agreed with Council's Senior Environmental Health Officer.
D-2012/330	15	The total number of occasions for which the oval and any other land may be used for outdoor concerts and non-sport related events, where either: (a) more than 1500 persons are involved; or (b) the noise levels generated exceed 55dB(A) measured as an Leq over any 15 minute period at the nearest residential boundary is limited to 6 per calendar year in aggregate. Where any concert and/or other non-sporting related event involving more than 1500 persons is to be held, the operator of the site must notify Council 28 days prior to the date of this event.

Bellerive Oval Lighting		
Application No.	Condition No.	Condition
D-2008/407	6	Outdoor sporting events involving amplified commentary must cease at 10.30pm. This includes sound checks.
D-2008/407	7	Any activities involving the cleaning up, dismantling or packing of material following outdoor sporting events is to cease at midnight and may not resume until 9.00am.
D-2008/407	13	Noise levels for music associated with outdoor sporting events is not to exceed 55dB(A) measured as an Leq over any 15 minute observation period from the nearest boundary of any residence. Data collected in testing for this condition should be included in the annual venue performance report referred to in Condition 10. A noise management plan from a suitably qualified person, demonstrating measures to achieve this level, must be submitted to Council's Senior Environmental Health Officer and approved prior to the evening events taking place.
D-2008/407	14	Any public address system is to be designed and maintained to ensure sounds emitted do not exceed 55dB(A) for more than 10% of any observation period of 15 minutes from the nearest boundary of any residence.

Utilisation of existing facilities as Community Building		
D- 2008/223 Application No.	Condition No.	Condition
D- 2008/223	2	The total number of occasions for which the oval and any other land may be used for outdoor concerts and non-sport related events, where either: (a) more than 1500 persons are involved; or (b) the noise levels generated exceed 55dB(A) measured as an Leq over any 15 minute period at the nearest residential boundary; is limited to 6 per calendar year in aggregate. Where any concert and/or other non-sporting related event involving more than 1500 persons is to be held, the operator of the site must notify the Council 28 days prior to the date of this event.
D- 2008/223	5	Outdoor non-sport related events involving amplified commentary or music must not begin before 11am and must cease at 10pm, with the exception of a single pre-Christmas event per year, which shall be restricted to 11.30pm. This includes sound checks and support acts.
D- 2008/223	6	Any activities involving the cleaning up, dismantling or packing of material following outdoor non-sport related events is to cease at midnight and may not resume until 9.00am.

D-2008/223	7	Noise levels for non-sport related events is not to exceed 65dB(A) measured as an Leq over any 15 minute observation period from the nearest boundary of any residence. Data collected in testing for this condition should be included in the annual venue performance report referred to in Condition 13.
D-2008/223	8	Any public address system is to be designed and maintained to ensure sounds emitted do not exceed 45dB(A) for more than 10% of any observation period of 15 minutes from the nearest boundary of any residents.
D-2000/113	Bellerive Oval Upgrade	
Application No.	Condition No.	Condition
D-2000/113	2	All sporting competitions are to be restricted to daylight hours.
D-2000/113	21	The public address system is to be designed and maintained to ensure sounds emitted do not exceed 45 dB(A) for more than 10% of any observation period of 15 minutes from the nearest boundary of any residence.

Contact: Adam Beeson
Our Ref: ARB:IC:182836

17 April 2019

Mr Bruce Gibbs
Clarence City Council
DX 70402
ROSNY PARK

By email bgibbs@ccc.tas.gov.au

Dear Mr Gibbs

Planning Appeal – 15 Derwent Street, Bellerive (Blundstone Arena) - 98/18P

I refer to your email of 11 April 2019. You have sought our advice in relation to the settlement of Tribunal proceedings, in particular:

1. *Does the consent agreement and draft permit, if approved by the Tribunal, properly resolve the matters which led to the issue of an EPN under the EMPC Act?*
2. *Will the changes proposed to the BOTP in anyway reduce its effectiveness as a traffic management tool?*
3. *Will the draft permit override all previous planning permits and the environmental protection notice?*
4. *Are the conditions of the draft permit fit for purpose and can they reasonably be enforced should the need arise?*

1. Advice - Summary

- 1.1 In my opinion the draft permit does resolve the matter which led to the issuing of environment protection notice no. 70 (the **EPN**). The primary purpose of the EPN was to address noise emissions. The draft permit incorporates the noise controls contained in the EPN.
- 1.2 In my opinion the proposed changes to the Bellerive Oval Traffic Plan (the **BOTP**) do not reduce its effectiveness as a traffic management tool. The draft permit's treatment of traffic management issues, to incorporate specific reference to a traffic management plan and clarify the membership and process of appointment to the BOTP Committee, improves the BOTP.
- 1.3 The draft permit will override all previous planning permits. We recommend that the EPN be revoked as soon as the draft permit is issued. That is necessary as otherwise the EPN would prevail over the permit.
- 1.4 In my opinion the conditions in the draft permit are fit for purpose and are capable of enforcement.

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- › Employment & Workplace Relations Law
- › Bankruptcy, Insolvency & Securities Enforcement
- › Insurance Law, Personal Injury Law
- › Building, Construction & Engineering Law

2. Advice - Detail

We now address each of the four questions in further detail.

Does the consent agreement and draft permit, if approved by the Tribunal, properly resolve the matters which led to the issue of an EPN under the EMPC Act?

- 2.1 EPN no. 70 was issued following the Nitro Circus event at the Bellerive Oval. Simmons Wolfhagen provided advice to Council on enforcement arising from that event in April 2015. The advice contemplated the issuing of an EPN to vary the permit conditions and this was what ultimately occurred. We are not aware of the details as to why Council decided to issue an EPN as opposed to any other enforcement action. The EPN explains that its purpose is to deal with environment nuisance for outdoor events. It was designed to ensure regulation of noise was consistent and certain notwithstanding the four existing permits. The EPN made some reference to the noise arising from the Nitro Circus event on the 28 March 2015.
- 2.2 The draft permit largely replicates the EPN with respect to noise. It creates a system for the control of noise emissions through absolute limits and a regime for verifying compliance.
- 2.3 The draft permit also builds in a degree of flexibility, although discretion is retained with Council, for events which do not need the level of regulation that a Nitro Circus type event does. The flexibility arises from enabling the operator to submit a noise management plan. The noise management plan would create a system whereby Council can be satisfied, following a calibration process, noise emissions will be within the permit limits. This might be used for the Sheffield Shield matches or club games.

Will the changes proposed to the BOTP in anyway reduce its effectiveness as a traffic management tool?

- 2.4 The BOTP was created by permit 2000/113 issued on the 23 October 2000. We understand that the BOTP committee has met regularly and this system has proved effective in terms of traffic management.
- 2.5 The joined party to Cricket Australia's appeal (Ms Marsh) specifically raised issues in relation to traffic. The outcome from this process, in my view, is a suite of traffic conditions that are more responsive to the planning scheme than the four existing permits. In particular there is specific reference to a traffic management plan which is a requirement of clause 18.3.4 P1 in the Recreation Zone. The requirement for a traffic management plan is linked to the BOTP committee process in that the committee will review the efficacy of traffic management plans on a regular basis.
- 2.6 The draft permit also requires the Bellerive Oval operator to conduct a review of traffic management plans every three years.
- 2.7 The BOTP committee process remains largely as it has operated for the last 19 years. There are some minor changes to bring the provisions up to date in terms of the members of the BOTP committee. The way in which the resident's representative is appointed has also been clarified. The provision of minutes and the convening of meetings has been made clear in terms of the responsibility being on the Bellerive Oval operator.

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- 2.8 There are additional requirements on the Bellerive Oval operator in terms of providing for a telephone number for residents to call in relation to traffic management issues. Obligations are placed on the operator to respond to those enquiries expeditiously.
- 2.9 In my view the changes proposed to the BOTP are minor and will not reduce its effectiveness as a traffic management tool. Quite the opposite is true. In my view the mediation process, which involved significant input from the joined party and Cricket Australia, has resulted in a suite of conditions concerning traffic that are more effective than currently exist.

Will the draft permit override all previous planning permits and the environmental protection notice?

- 2.10 The process of consolidating permits in this fashion is a rare occurrence. It therefore gives rise to questions about the way in which the previous permits will operate (if at all) when the consolidated permit is issued.
- 2.11 There is no provision in the *Land Use Planning and Approvals Act 1993* (the **Act**) to revoke planning permits in these circumstances. That would be the simplest way to insure clarity around the four existing permits when this new permit comes into force.
- 2.12 It is worth noting that the four existing permits in broad terms contain two elements. The first related to development to be undertaken at the site. All that development has occurred and to that extent those permits are no longer in force. The second element related to use and the conditions upon use. Those aspects of those permits remain in force.
- 2.13 The approach adopted here has been to make clear in the draft permit that it prevails over the four existing permits (condition 2).
- 2.14 The effect of this condition is not to revoke the permits. As noted this is not able to be achieved under current legislative regime.
- 2.15 The intent rather is to make clear that in terms of enforcement, regard is only to be had to the consolidated permit. That would apply if Council took the view it wanted to enforce the provisions of a previous permit. It would also apply where the operator sought to rely on a previous permit condition when faced with enforcement action under the consolidated permit.
- 2.16 Condition 2 is not an absolute bar to these arguments in my view but would be very persuasive in an enforcement context. That is, if the operator sought to rely on a previous permit condition the Court would be likely to reject that argument as a result of the clear reference in the consolidated permit. It would also be persuasive that the operator had signed up to a mediated outcome which made clear that the consolidated permit prevails over the preceding. This is further reinforced by the fact that, as we understand the history, the idea of a consolidated permit arose from the EPN process at the suggestion of the operator.
- 2.17 In short in my view the draft permit will override all previous planning permits in relation to the control of use of the Bellerive Oval.

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- 2.18 The draft permit does not override the EPN. Under section 44(7) of the *Environmental Management and Pollution Control Act 1994* an environment protection notice prevails over a planning permit.
- 2.19 The Council have indicated to Cricket Australia that if the draft permit is issued it will move to revoke the EPN. This, in my view, is the most effective way to address interaction between the EPN and the consolidated permit.

Are the conditions of the draft permit fit for purpose and can they reasonably be enforced should the need arise?

- 2.20 The process of developing the draft permit has been lengthy and involved Cricket Australia and the joined party. The draft permit contains 37 conditions. The conditions address in broad terms three issues:
1. Parking and traffic
 2. Sound
 3. Operating times
- 2.21 The approach to the drafting of the conditions has begun with the previous permits which are to be consolidated. Each of those conditions has been reviewed to ensure they can be enforced and that it is clear what compliance looks like. The consolidation has extended beyond the four existing permits to the EPN.
- 2.22 It should be remembered this process has not involved starting from scratch in terms of the way in which the Bellerive Oval's operations should be conditioned. The starting point has been the existing permits and EPN under which it is operated.
- 2.23 There is some complexity to the management of parking and traffic at this site due to the varying nature of events held there. All parties were agreeable to the general proposition that a traffic management plan needed to be provided for events in excess of 3,000 people and this is reflective of the planning scheme requirements. In that sense the conditions are enforceable and fit for purpose.
- 2.24 The second element of the parking and traffic conditions is the oversight and review mechanism achieved by the BOTP committee. It is fair to say that these conditions are relatively novel in a planning sense. However, they are in my view enforceable by virtue of the obligation being on the operator to convene and establish the BOTP committee. The operator is also required to prepare minutes and publish them. The operator is also required to amend the traffic management plan in accordance with any recommendation from the BOTP committee.
- 2.25 Noise emissions are a significant issue from the operation of the Bellerive Oval. The conditions imposed in the consolidated permit set limits on amplified sound. It is amplified sound that has caused issues with noise in the past. The absolute limits provided mean that regardless of any monitoring requirements the Council can itself assess whether the use of the facility is in accordance with the permit.
- 2.26 The sound conditions set out a regime whereby the obligation is on the operator to monitor events which are likely to cause significant noise.

- 2.27 There is also a system for other events using amplified sound such that real time monitoring is not required. That system is designed such that Council can have a high degree of confidence that noise emissions will be below the limits proposed in the permit. If this is not the case, then the mechanism set out in the permit should identify that and Council can determine what cause of action they need to take.
- 2.28 In relation to operating times the only significant addition to the existing conditions is to include a process where the operator can apply to relax those restriction where television broadcasting contractual commitments require it.
- 2.29 The application is determined by Council's Senior Environmental Health officer. That discretion is subject to an absolute limit as well - meaning that no light tower could be operated at 100% power after 11 pm or at all after midnight.

Concluding remarks

- 2.30 The mediation process which has resulted in the draft permit has been lengthy. Council has met with Cricket Australia and the joined party on three occasions. Two occasions were in a formal mediation context and the third an informal meeting focused on traffic issues. This process has in my view enabled an improvement from the suite of conditions arising from the existing four permits and proposal made in the development application.
- 2.31 In my opinion the draft permit is fit for purpose and each of the conditions are legally valid. You will appreciate that the ultimate decision in this matter rests with the Tribunal and it will need to be satisfied that the permit and all of the conditions are within its power to make.

Yours faithfully
Simmons Wolfhagen



Adam Beeson

Senior Associate | Local Government, Environment, Planning & Development Law
adam.beeson@simwolf.com.au

Cricket Tasmania

Applicant

Clarence City Council

Respondent

Joanne Marsh

Joined Party

CONSENT MEMORANDUM

The parties hereto agree to resolve the proceedings on the making of the following orders:

1. Uphold appeal 98/18P by setting aside the Council's refusal of the application and directing that a permit be issued subject to the conditions hereto attached as Annexure A, titled D-2017/505 Consolidation Permit.
2. Appeal 141/16E is dismissed.
3. Each party meets its own costs of and incidental to the appeals.

Dated: 2019

Simmons Wolfhagen

Peter McGlone

Per:

Per:

Practitioners for the Respondent

On behalf of Joanne Marsh

Irene Duckett

Per

On behalf of the Applicant

(Phil Gartrell, OBO Irene Duckett)

Prepared by the Respondent

Simmons Wolfhagen
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Annexure A (RMPAT 98/18P)



Clarence... a brighter place

Clarence City Council

PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: D-2017/505

Approval Date: <> <> 2019

Description: Consolidation of Permits

Address: 15 Derwent Avenue, Bellerive (Bellerive Oval)

This permit is granted, subject to the following conditions:

General

1. The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council. The endorsed plans comprise:
 - a) The plans approved and endorsed pursuant to D-2000/113, in particular
Site Plan SK01/B, Ground Floor Plan SK2, First Floor Plan SK3, Second Floor Plan SK4, Third Floor Plan SK5, Pavilion & Member's Pavilion SK6, SK7 & SK8, Indoor Practice Centre SK9, Derwent Street Elevation SK10/A, South Stand Basement Level SK11/A, South Stand Concourse Level SK12, South Stand Commentary Level SK13, South Stand Platform Level SK14, South Stand North Elevation SK15, South Stand East Elevation SK17, South Stand Axial Section SK18.
 - b) The plans approved and endorsed pursuant to D-2008/223.
 - c) The plans approved and endorsed pursuant to D-2008/407.
 - d) The plans approved and endorsed pursuant to D-2012/330, in particular:
ARTAS Architects plans A300 (issue 2), A302 (issue 3), A303 (issue 4), A305 (issue 3), A310 (issue 3), A315 (issue 3), A320 (issue 3), A325 (issue 3), A400 (issue 3), ASOO (issue 4), ASOI (issue 4) and the basement window details dated 8 January 2014.
2. The conditions of this permit prevail over and replace the conditions contained in:
 - a) Development permit D-2000/113 dated 23 October 2000
 - b) Planning permit D-2008/407 dated 24 November 2008
 - c) Planning permit D-2008/223 dated 11 April 2009
 - d) Planning permit D-2012/330 dated 21 January 2013.

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3. Terms in this permit have the following meaning:

Amplified Sound means sound produced by a sound amplification device and includes sound produced by the public address system installed at Bellerive Oval

The Bellerive Oval is the Recreational Ground Complex at 15 Derwent Street, Bellerive.

Console Operator means the person at the sound mixing console (or sound desk), who is in control of the volume of amplified sound at the Bellerive Oval.

dB(C) means the "C" weighted overall sound pressure level.

Future Sporting Events means sporting events for sporting codes which as at the date of this permit had not used the Bellerive Oval before. For example, if the Bellerive Oval was used for A-League soccer games.

Leq means the time average A-weighted and C-weighted sound pressure level, within the meaning given by Australian Standard AS1055.1, for a ten-minute time interval.

Lmax means the highest level of environmental sound occurring during the measurement time.

Noise Management Plan means a document prepared by a suitably qualified expert which includes but is not limited to, the following elements:

- a) A description of the methodology to calibrate the sound mixing console (or sound desk), such that the Console Operator can read off the console or desk display, in real-time, whether the noise limits in this permit are being exceeded by Amplified Sound (**calibration process**).
- b) Details of the equipment which will be used to allow the Console Operator to read off the console or desk display, in real-time, whether the noise limits in this permit are being exceeded by Amplified Sound
- c) A requirement that the calibration process be undertaken within 3 months of the date of this permit and then once in every two year period after the first calibration.
- d) A requirement that the Council be notified that the calibration has taken place within 28 days of it occurring.
- e) A requirement that the Console Operator maintain the volume of Amplified Sound below that required to ensure the noise limits in this permit are not being exceeded.

Noise Measurements Procedures Manual means the document so titled (second edition July 2008) issued by the Environment Division, Department of Environment, Parks, Heritage and the Arts, as amended or substituted from time to time.

Non-sporting Outdoor Events means events not involving the playing of competitive sport. Examples of competitive sport are Australian Rules Football, cricket, soccer, rugby, baseball and athletics. Non-sporting Outdoor Events includes events involving motorised vehicle or equipment based activities, even where the activities have a competitive element.

Outdoor Event means any entertainment event including but not limited to concerts, live shows and sporting fixtures conducted at the Bellerive Oval otherwise than in a fully enclosed permanent structure.

4. The venue operator must develop a Security Masterplan in consultation with the Police in order to protect the amenity and safety of the area. The plan is to be implemented where events extend beyond 8.00pm and will cater for more than 300 persons on any given day.

5. The Bellerive Oval operator must submit by 28 February annually to Council's Senior Environmental Health Officer, a copy of a venue performance report in relation to the outdoor events held during each calendar year. Such report is to address all aspects affecting neighbourhood amenity, including noise impacts, traffic and car parking, litter control and public safety.
6. The operator of the site is to give notice to the public of upcoming outdoor non-sport related events involving more than 1500 persons, 14 days prior to the date of the event via:
 - a) The Public Notice section of "The Mercury" newspaper, or
 - b) A notification process approved by Council.

Parking and Traffic

7. 40 car parking spaces must be provided on-site prior to the commencement of the use. Each space, including disabled parking, must be clearly marked and used solely for parking purposes.
8. The Bellerive Oval operator must submit a Traffic Management Plan to the Council 14 days prior to any Outdoor event of more than 3000 people. Where a series of Outdoor Events of similar type is planned in a 12-month period (for example AFL football matches), one Traffic Management Plan may be submitted to comply with this condition.
9. A Traffic Management Plan must be prepared by a suitably qualified person in accordance with the relevant Australian Standards.
10. A Traffic Management Plan must provide for safe and efficient traffic management and pedestrian safety with local impacts minimised to the satisfaction of the General Manager.
11. A Traffic Management Plan must contain (but is not limited to):
 - a) Measurable benchmarks in relation to safe and efficient traffic management, telephone enquiries and pedestrian safety, against which the performance of the Traffic Management Plan can be considered by the BOTP Committee.
 - b) A diagrammatic representation of:
 - i. Roads that are to be closed during an event. The times of closures must be noted on the diagram
 - ii. The location of taxi ranks and bus interchanges during an event
 - iii. Parking areas that are closed during an event. The times of closures must be noted on the diagram
 - iv. Any alterations to the ordinary road configuration during an event and the means to achieve that alteration.
 - v. Dedicated DDA parking locations
12. The Traffic Management Plan must be provided to all emergency services and made available to the public by being placed on the Bellerive Oval website and Bellerive Oval operator's website.
13. A telephone number for residents to call before or during an Outdoor event, to seek information on the Traffic Management Plan and report traffic management issues arising during an Outdoor event, must be placed on the Bellerive Oval operator's website and the Bellerive Oval website.
14. The Bellerive Oval operator will respond to telephone enquiries made before or after an Outdoor event within 48 hours or before the event (whichever is sooner). The Bellerive Oval operator will respond and action telephone enquiries immediately during an Outdoor event.

15. The Bellerive Oval Traffic Plan Committee (the "BOTP Committee") is to be established and convened by the Bellerive Oval operator to the satisfaction of the General Manager of the Clarence City Council. The BOTP Committee is to comprise of one representative of:

- a) Tasmania Police
- b) Clarence City Council
- c) Bellerive Oval operator
- d) Department of State Growth
- e) The traffic management service provider
- f) The public transport provider to the Bellerive Oval.
- g) The residents of Bellerive.

The resident's representative and a proxy will be appointed by the General Manager of the Clarence City Council from residents of Bellerive who have expressed interest in the position following a public advertising process. The resident's representative position and the proxy will become vacant 3 years after appointment and the position will be publicly advertised.

16. The BOTP Committee will meet within one week of, or as soon as practicable after, any event of more than 3,000 people, or series as referred to in condition 8, to review the benchmarks and performance of the Traffic Management Plan of the event, refine the processes in place and determine any appropriate modifications.
17. The Bellerive Oval operator must prepare minutes of each BOTP Committee meeting. The minutes will be published on the Bellerive Oval website and the Bellerive Oval operator's website within 14 days of each meeting. A copy of the minutes is to be made available during business hours for viewing at the offices of the Bellerive Oval operator. A copy of minutes is to be provided to the Clarence City Council within 14 days of each meeting.
18. The Bellerive Oval operator will amend the Traffic Management Plan in accordance with any recommendation from the BOTP Committee.
19. The Bellerive Oval operator must undertake an independent review of the Traffic Management Plans every three years. The review must:
- a) Assess and report on the Traffic Management Plans implemented during the preceding three years.
 - b) Be undertaken by a qualified traffic engineer.
 - c) Consider the Traffic Management Plans in achieving safe and efficient traffic movement, access for emergency services and pedestrian safety.
20. The BOTP Committee is to consider the report of the independent review as soon as practicable after it has been completed. The BOTP Committee is to attach the report of the independent review to the minutes of the meeting at which it is considered.

Sound

21. Sound limits for Bellerive Oval:

- a) Amplified Sound associated with any Outdoor Event at Bellerive Oval including sound checks and rehearsals, must not occur between 11pm and 10am. Amplified sound may occur from 9am for cricket matches.
- b) The only equipment to be used within Bellerive Oval to produce Amplified Sound is to be the permanent fixed public address system as installed on site within Bellerive Oval. Additional temporary or portable amplification equipment is not to be installed or used during any Outdoor Event unless prior written approval is given by Council's Senior



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Environmental Health Officer. This requirement does not apply to loud hailers or the like when used for crowd control or emergency management.

- c) Amplified sound associated with Outdoor Events at Bellerive Oval, measured at the locations specified in condition 23(c), is not to exceed any of the following:
 - i. 62 dB(A) measured as a Leq
 - ii. 72 dB(C) measured as a Leq
 - iii. a mean Lmax of 68dB(A) for public announcements measured over any 10-minute observation period.

22. Sound control for Bellerive Oval:

- a) The Bellerive Oval operator must ensure that during an Outdoor Event referred to in condition 23(a)i-iv(inclusive) the person conducting sound monitoring can communicate directly and live with the Console Operator.
- b) During an Outdoor Event referred to in condition 23(a)i-iv(inclusive) the person conducting sound monitoring must immediately advise the Console Operator if the measured sound levels at any monitoring point exceed the levels in condition 21(c).
- c) If the Console Operator is advised that sound levels exceed the permitted level in condition 21(c), s/he must immediately take such action as is required to reduce sound levels so that condition 21(c) is complied with.

23. Sound monitoring for Bellerive Oval:

- a) Sound monitoring must be undertaken during the following Outdoor Events:
 - i. Big Bash League cricket matches (or the successor to that competition or other Twenty20 matches held after 6pm)
 - ii. Australian Football League matches
 - iii. Non-Sporting Outdoor Events which are likely to attract more than 3000 people.
 - iv. Future Sporting Events which are likely to attract more than 3000 people.

Sound monitoring is not required at other Outdoor Events if a Noise Management Plan has been approved by the Clarence City Council's Senior Environmental Health Officer or General Manager prior the event taking place and the Noise Management Plan requirements have been met and the event is conducted in accordance with the Noise Management Plan.

- b) Upon application in writing, Council's Senior Environmental Health Officer may at any time grant dispensation from any requirement of this permit for sound monitoring for an Outdoor Event on such terms and conditions as they consider reasonable and appropriate. Such dispensation may be limited to a specific Outdoor Event or to Outdoor Events of a particular kind. Council's Senior Environmental Health Officer will determine an application and advise the Bellerive Oval operator of the determination within 3 business days of receiving the application. In deciding on an application Council's Senior Environmental Health Officer may only have regard to:
 - i. A Noise Management Plan (or Plans) submitted pursuant to condition 23 a)
 - ii. A report (or reports) submitted in the preceding 12 months under condition 23 f)
 - iii. Sound monitoring data prepared by a suitably qualified expert
 - iv. The type of event the subject of the application and the likely noise that will produced by Amplified Sound during the event.

- c) With effect from the date of this permit, monitoring is to be carried out at the following locations:
 - i. 28 Church Street at front boundary
 - ii. 9 Beach Street (3 metres from house facade)
 - iii. 18 Derwent Street (level with house facade).
- d) The Senior Environmental Health Officer may, at any time and in consultation with the Bellerive Oval operator, vary any of the locations specified in condition 23(c) or any substitute locations, if they are of the opinion that a location is or has become unsuitable as a monitoring point.
- e) The sound monitoring must be conducted by a qualified acoustic consultant engaged by the Bellerive Oval operator at its cost or a person appropriately trained and under the direction of that consultant.
- f) Within fourteen (14) days of an Outdoor Event referred to in condition 23(a)i-iv(inclusive) or, an Outdoor Event for which sound monitoring has occurred due to the absence of an approved Noise Management Plan, the Bellerive Oval operator must provide to Council a report by the qualified acoustic consultant referred to in condition 23(e) containing:
 - i. A statement of the type of event and the time of the first and last use of Amplified Sound during the event.
 - ii. A table showing sound levels achieved in the period between the first and last use of Amplified Sound during the event at each of the required monitoring locations and evidence of the same in a form acceptable to the Senior Environmental Health Officer.
 - iii. A statement as to whether or not the noise limits specified in this permit have been complied with.
 - iv. In respect of any exceedance of those limits, details of action taken in respect of the same and any other information relevant to the cause of any exceedance.
- 24. All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual except where there is an inconsistency with the requirements of this permit, in which case, the requirements of this permit prevail.
- 25. Noise emissions from all mechanical plant shall not exceed the background noise level by more than 5 dB(A).

Operating Times

- 26. Any activities associated with an Outdoor Event including setting up, dismantling or packing must not occur between the hours of 11pm and 9am and must not be accompanied by Amplified Sound.
- 27. The maximum number of evening sporting events involving use of the lights at full illumination, is not to exceed 20 events in a single calendar year.
- 28. Light towers shall not be operated at 100% power after 10.30pm.
- 29. Light towers shall not be operated at more than 50% power between 10.30pm and 11pm.
- 30. Light towers shall not be operated after 11pm.
- 31. Where television broadcasting contractual commitments, relating directly to an event taking place at Bellerive Oval, require the light towers to operate beyond the limits in conditions 28 – 30 (inclusive); the following will apply:

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- a) The Bellerive Oval operator may apply to the Council's Senior Environmental Health Officer for permission to exceed the restrictions in condition 28-30.
 - b) The application must be made 28 days prior to the event.
 - c) Where the Council's Senior Environmental Health Officer is satisfied it is necessary for television broadcasting contractual commitments, relating directly to an event taking place at Bellerive Oval s/he may approve the use of the light towers in excess of conditions 28 - 30 for operation at 100% power to 11pm and 25% power to midnight.
32. Lighting levels for evening training sessions will be in accordance with the training and match practice provisions of Table 1 of AS 2560.2.3-2007 Sports Lighting Part 2.3: Specific applications – Lighting for football (all codes).
33. Any temporary outdoor lighting associated with any outdoor non-sporting event must be located and baffled in accordance with Australian Standard AS 4282-1997 "Control of Obtrusive Effects of Outdoor Lighting" to ensure that it does not create a nuisance for residences.
34. The use of function rooms at the Bellerive Oval for non-sport related functions which extend beyond 8pm is to be restricted to:
- a) a maximum of 300 patrons per day, and
 - b) must cease no later than 11.30pm.
35. Outside storage areas must be screened so as to prevent goods and waste materials being seen from the street. The areas must be maintained in a clean and hygienic manner.
36. External facing signs are not to be displayed without separate approval.
37. The Outdoor Cricket Practice Area shall only be used during daylight hours.

The following advice is also provided:

- A. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the *Land Use Planning and Approvals Act 1993* Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the *Land Use Planning and Approvals Act 1993*. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- B. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- C. Non-compliance with this permit is an offence under Section 63 of the *Land Use Planning and Approvals Act 1993* and may result in enforcement action under Division 4A of the *Land Use Planning and Approvals Act 1993* which provides for substantial fines and daily penalties.

Ross Lovell
MANAGER CITY PLANNING

**11.3.2 DEVELOPMENT APPLICATION D-2018/759 - 3 WATTON PLACE
(INCLUDING ACCESS OVER 17 WATTON PLACE), HOWRAH - DWELLING**
(File No D-2018/759)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 3 Watton Place (including access over 17 Watton Place), Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas, Landslide and Parking and Access 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 was extended with the consent of the applicant until 8 May 2019.

CONSULTATION

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

RECOMMENDATION:

A. That the Development Application for Dwelling at 3 Watton Place (including access over 17 Watton Place), Howrah (Cl Ref D-2018/759) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

ADVICE: The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided as part of the certified documents for the building permit application.

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

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10 – General Residential Zone;
 - Section E1.0 – Bush-Prone Areas Code;
 - Section E3.0 – Landslide Code; and
 - Section E6.0 – Parking and Access Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a vacant residential lot which slopes steeply in a southerly direction. Access to the site is via an existing right-of-way over 17 Watton Place which is located on the northern boundary of the site. The site is bound by Council owned land to the east, vacant residential lots to the north and west and Watton Place road reservation to the south.

3.2. The Proposal

The proposal is for a two storey dwelling with a maximum height of 8.408m from natural ground level.

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Bushfire Prone Areas, Landslide Hazard and Parking and Access Codes with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Setbacks and Building Envelopes for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p>	

		<p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p>	<p>complies</p> <p>Does not comply as part of the roof on the south-west elevation extends out of the building envelope for approximately 2.3m (refer Attachment 2) and part of the deck is located 3m from the rear boundary which requires a variation of 1m.</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>complies</p>

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

Performance Criteria	Proposal
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p> <p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p> <p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p> <p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p> <p><i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>There are no dwellings on adjoining lots therefore this standard is not applicable.</p> <p>Not applicable as the adjoining lot to the west is vacant.</p> <p>The applicant provided overshadowing diagrams which show that vacant residential to the west at 23 Vienne Drive will be overshadowed on 21 June between 9.00am and 12.00pm but will not be affected after this time. It is considered that the proposal will not unreasonably affect the future development of the adjoining lot.</p> <p>The proposal is for a two storey dwelling which complies with the maximum height in the zone, however, when viewed from the adjoining lot to the south, appears three storey. Due to the steep slope, the existing and approved dwellings on the lots to the east of Vienne Drive have a similar appearance. On this basis, the proposed is compatible with the bulk and of dwellings in the area.</p> <p>The separation between dwellings is compatible with that in the surrounding area.</p>

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.3 A2	Site coverage and private open space for all dwellings	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24m²; or</p> <p>(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:</p> <p>(i) 4m; or</p> <p>(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>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p>	<p>complies</p> <p>complies</p> <p>Does not comply as the private open space shown on the plan is accessed through the entry.</p> <p>complies</p>

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

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

Performance Criteria	Proposal
<p><i>“A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p> <p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p> <p><i>(ii) orientated to take advantage of sunlight”.</i></p>	<p>In addition to the private open space to the north of the dwelling, the proposal also includes a 22m² deck on the north-western elevation of the dwelling which is directly accessed from the living room and is orientated to obtain sunlight. The proposal also includes a large area of private open space to the south and east of the dwelling. On this basis, it is considered that the proposed private open space is satisfactory.</p>

General Residential Zone

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

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

Performance Criteria	Proposal
<p><i>“A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i></p> <p><i>(a) a dwelling on an adjoining lot or its private open space; or</i></p> <p><i>(b) another dwelling on the same site or its private open space; or</i></p> <p><i>(c) an adjoining vacant residential lot”.</i></p>	<p>Not applicable as the adjoining site to the north is vacant.</p> <p>as above</p> <p>The proposed deck is located 3m from the site’s rear boundary, which is the side boundary of the adjoining property to the north (5 Vienne Drive). It is considered that the setback is sufficient to protect the privacy of a future dwelling on the adjoining property to the north, given that it is likely that the private open space/deck will be orientated to the north-west of the lot to obtain views and sunlight. In addition, there is sufficient area on the adjoining lot for a future dwelling which can be designed to take into consideration the location of the deck. On this basis, the proposal is considered satisfactory.</p>

5. REPRESENTATION ISSUES

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

5.1. Overshadowing

The representor was concerned that the proposal will have an impact on the adjoining property from overshadowing and also that overshadowing diagrams were not included with the application.

- **Comment**

Following advertising, the applicant provided overshadowing diagrams. As discussed above, the proposal is not considered to cause unreasonable overshadowing to the adjoining properties. In addition, the representor's property is located approximately 45m from the subject site and will not be affected by overshadowing caused by the proposed dwelling.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

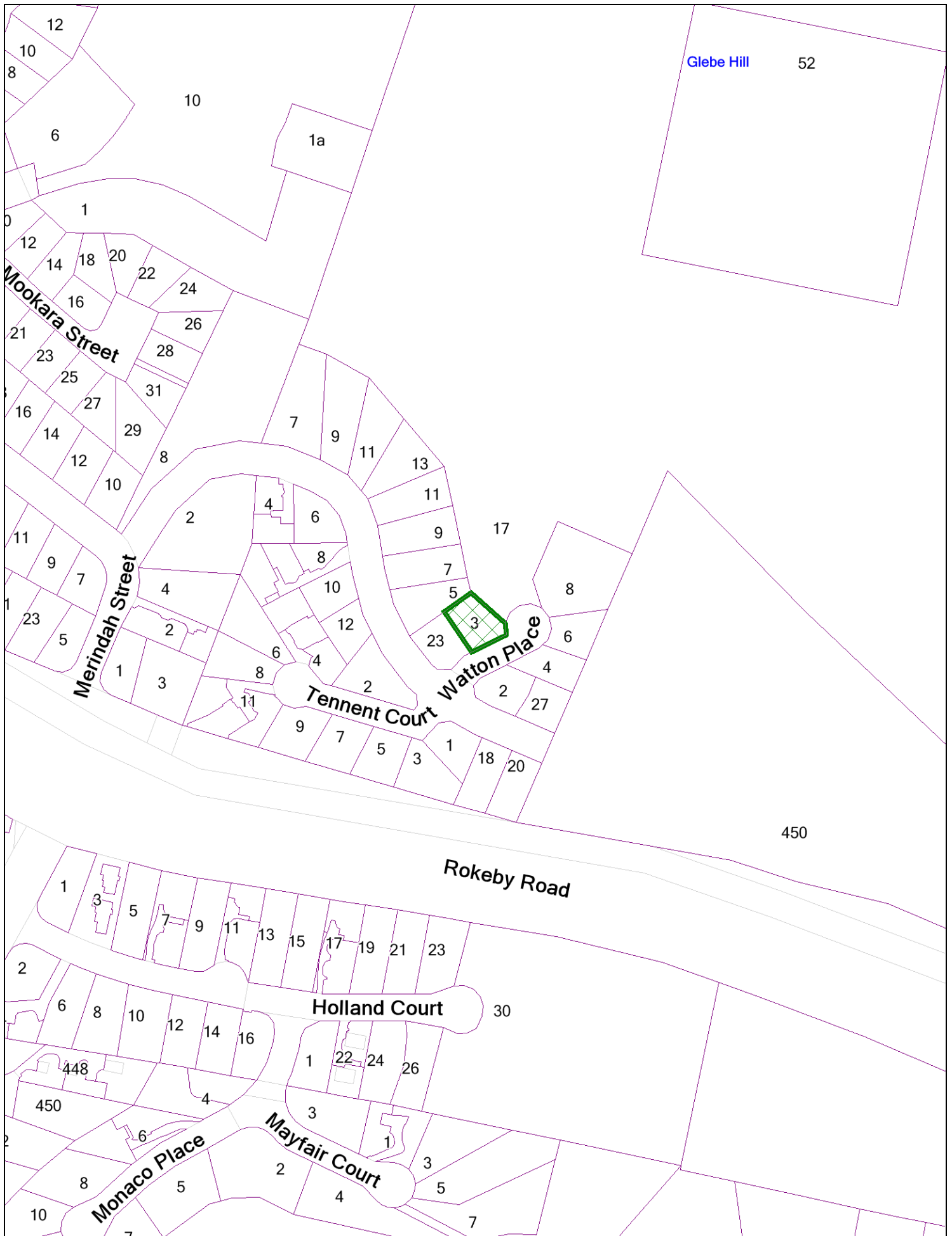
9. CONCLUSION

The proposal for a dwelling is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

Clarence City Council



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 18 April 2019 **Scale:** 1:2,668 @A4

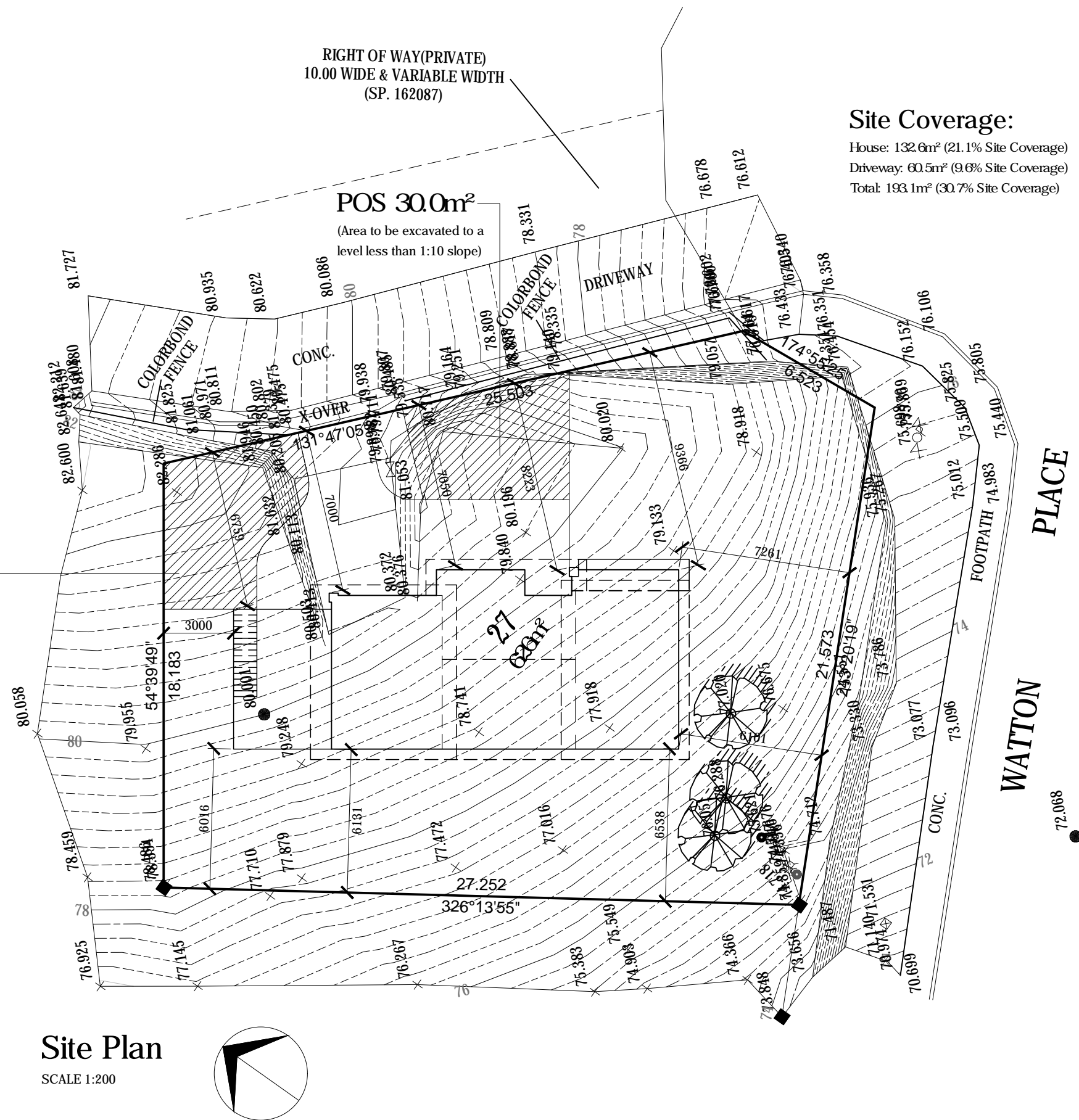
POS 34.8m²
(Level to be excavated to a
level less than 1:10 slope)

RIGHT OF WAY(PRIVATE)
10.00 WIDE & VARIABLE WIDTH
(SP. 162087)

POS 30.0m²
(Area to be excavated to a
level less than 1:10 slope)

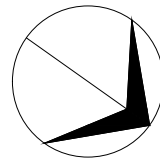
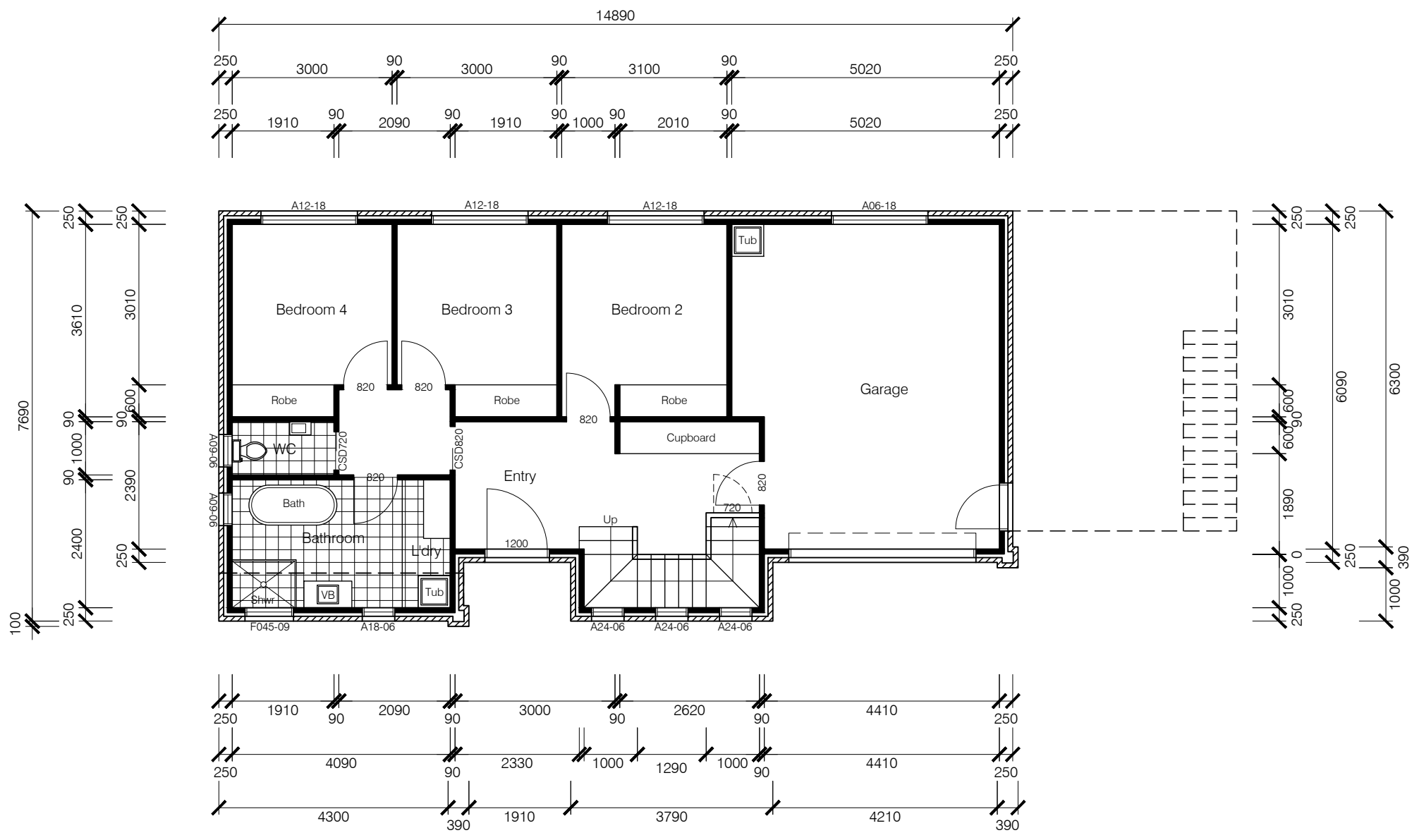
Site Coverage:

House: 132.6m² (21.1% Site Coverage)
Driveway: 60.5m² (9.6% Site Coverage)
Total: 193.1m² (30.7% Site Coverage)



Site Plan
SCALE 1:200

Rev	Amendment:	Date:	Accredited Practitioner:	Client Name:	Drawing Title:	Date:	Sheet Size:
			Narelle Walker - CC1661W Unit 1, 18 Kennedy Drive Cambridge TAS 7170 P: 03 62484366 E: narelle@direenhomes.com.au	Julian & Emma Cook	Site Plan	19-Dec-18	A3
				Project Address:	File Name:	Drawing Scale:	Drawing No:
				3 Watton Place Howrah 7018	18 DHD-8, 3 Watton Place.dwg	1:200	A-01



Lower Floor Plan

SCALE 1:100
LOWER FLOOR AREA: 107.5m²

Rev	Amendment:	Date:	Accredited Practitioner:	 <p>DIREEN HOMES PTY LTD Unit 1, 18 Kennedy Drive, Cambridge, 7170 P: 03 62484366 E: info@direenhomes.com.au</p>	<p>Client Name: Julian & Emma Cook</p> <p>Project Address: 3 Watton Place Howrah 7018</p>	Drawing Title: Lower Floor Plan		Date: 19-Dec-18	Sheet Size: A3
			Narelle Walker - CC1661W Unit 1, 18 Kennedy Drive Cambridge TAS 7170 P: 03 62484366 E: narelle@direenhomes.com.au			File Name: 18 DHD-8, 3 Watton Place.dwg		Drawing Scale: 1:100	Drawing No: A-02

Legend & Notes:

- Block veneer walls
- 90mm stud walls with 10mm plasterboard lining throughout (wet area plasterboard to bathroom, ensuite and laundry walls).
- C

Carpet as selected by client with foam underlay
- T

Ceramic floor tiles selected by client
- Con

Concrete floor finish
- CJ

Control Joint
- P

Pantry
- R

Refrigerator
- CT

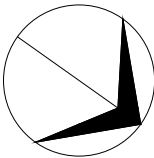
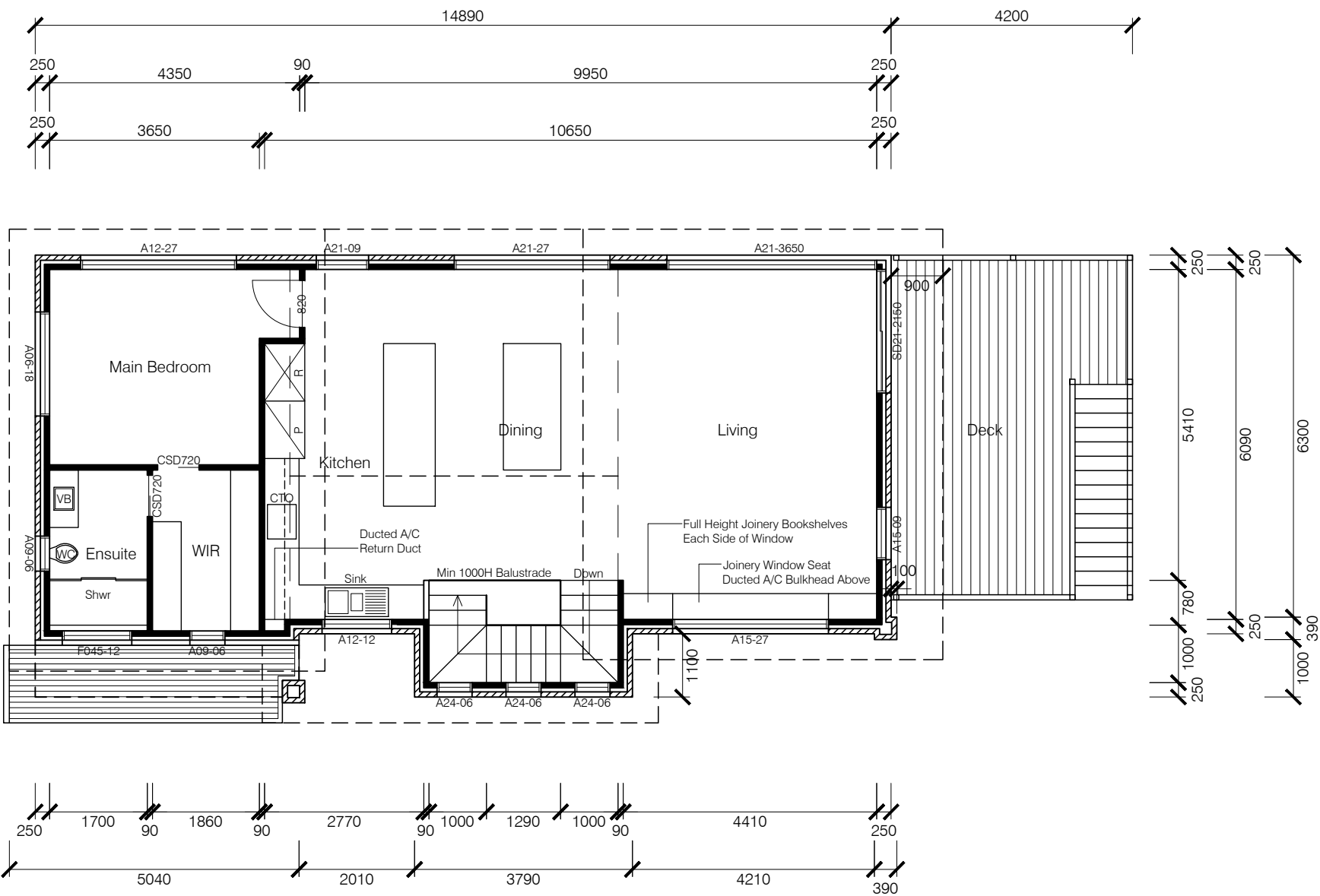
Cooktop
- VB

Vanity Basin
- WC

Toilet (Water Closet)
- CSD

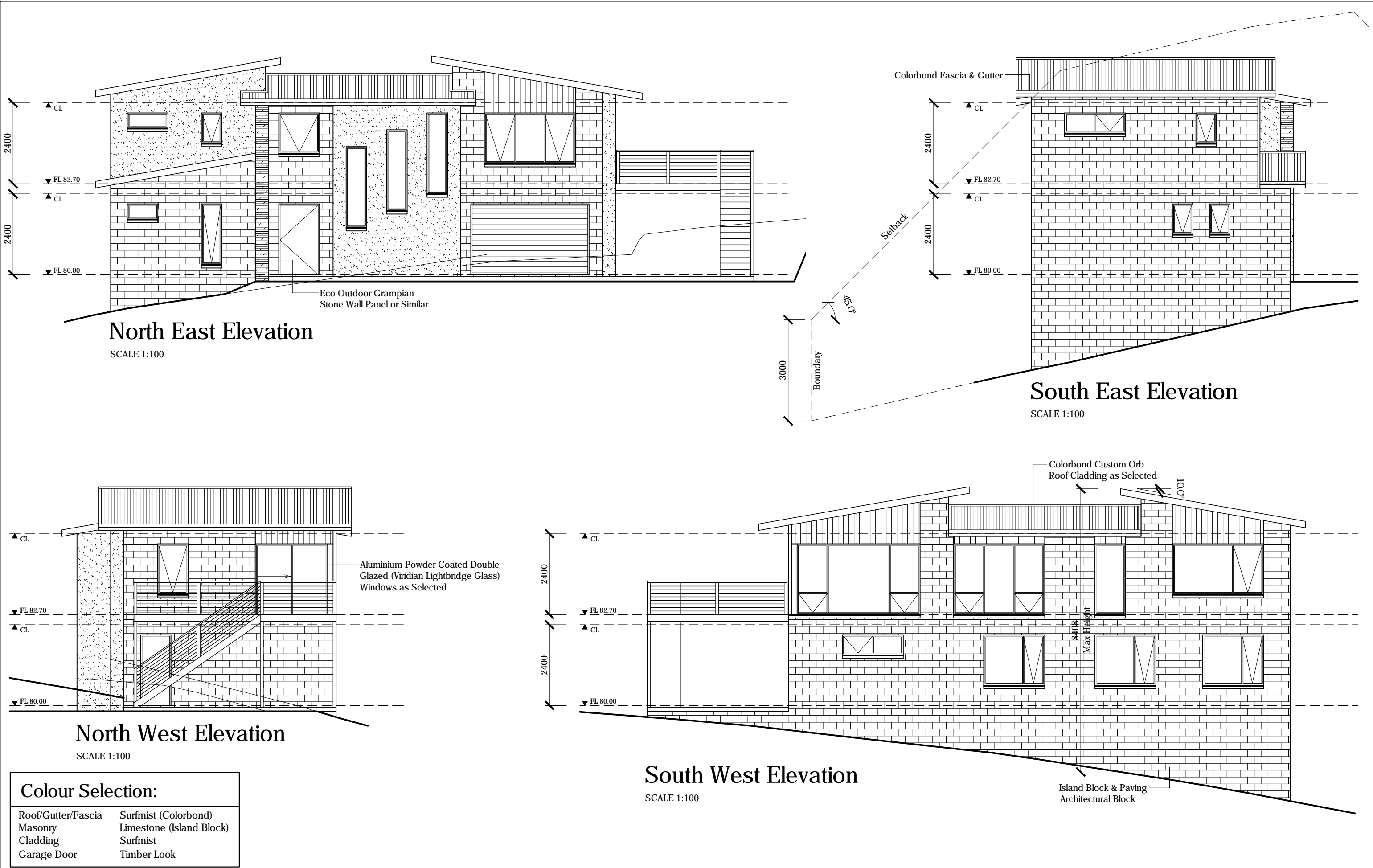
Cavity Sliding Door
- MB

Meter Box



Upper Floor Plan
SCALE 1:100
UPPER FLOOR AREA: 103.3m²

Rev	Amendment:	Date:	Accredited Practitioner:	<div><div><div></div></div><div>DIREEN</div><div>HOMES</div><div>PTY LTD</div><div>Unit 1, 18 Kennedy Drive, Cambridge, 7170</div><div>P: 03 62484366 E: info@direenhomes.com.au</div></div>	Client Name: Julian & Emma Cook Project Address: 3 Watton Place Howrah 7018	Drawing Title: Upper Floor Plan	Date: 19-Dec-18	Sheet Size: A3
			Narelle Walker - CC1661W Unit 1, 18 Kennedy Drive Cambridge TAS 7170 P: 03 62484366 E: narelle@direenhomes.com.au			File Name: 18 DHD-8, 3 Watton Place.dwg	Drawing Scale: 1:100	Drawing No: A-03



Rev	Amendment:	Date:	Accredited Practitioner:	Client Name:	Drawing Title:	Date:	Sheet Size:
			Narelle Walker - CC1661W Unit 1, 18 Kennedy Drive Cambridge TAS 7170 P: 03 62484366 E: narelle@direenhomes.com.au	Julian & Emma Cook	Elevations	19-Dec-18	A3
				Project Address:	File Name:	Drawing Scale:	Drawing No:
				3 Watton Place Howrah 7018	18 DHD-8, 3 Watton Place.dwg	1:100	A-04

3 Watton Place (including access over 17 Watton Place), HOWRAH



Site viewed from Watton Place looking north.



View of access to the site from the right of way off Watton Place.

11.3.3 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/3) AND 2 LOT SUBDIVISION (SD-2018/56) - 102 AND 106 PASS ROAD, ROKEBY, 118 PASS ROAD AND 50 MINNO STREET, HOWRAH
(File No A-2018/3)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a combined Section 43A application comprising of a planning scheme amendment to rezone the land at 102 and 106 Pass Road, Rokeby, 118 Pass Road and 50 Minno Street, Howrah and a 28 lot subdivision (SD-2018/56).

RELATION TO PLANNING PROVISIONS

The land at 102 and 106 is zoned Particular Purpose (32.0 – Urban Growth Zone) and the land at 118 Pass Road and 50 Minno Street is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme).

Additionally, all of the parcels are subject to the Bushfire-Prone Areas Code and the land at 118 Pass Road and 50 Minno Street is also subject to the North Glebe Hill Specific Area Plan.

The proposed subdivision is currently prohibited under the Scheme.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) are references to the former provisions of the LUPAA 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.

Essentially, the savings and transitional provisions apply to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule and include the Clarence Interim Planning Scheme 2015.

Section 43A(1) of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

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.

CONSULTATION

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment (rezoning) and development of the site.

RECOMMENDATION:

- A. That Council resolves, under Section 30O (1) of the Land Use Planning and Approvals Act 1993 that the draft Amendment A-2018/3 at 102 and 106 Pass Road, Rokeby, Howrah (and the adjoining road reservation) is:
 - (i) limited to a local provision;
 - (ii) practical; and
 - (iii) consistent with the Southern Tasmanian Regional Land Use Strategy 2010-2035.
- B. That Council resolves, under Section 34(1) (a) of the Land Use Planning and Approvals Act 1993 to initiate draft Amendment A-2018/3 at 102 and 106 Pass Road, Rokeby Street, Howrah (and the adjoining road reservation).
- C. That Council resolves, under Section 35(1) of Land Use Planning and Approvals Act 1993 that draft Amendment A-2018/3 meets the requirements specified under Section 32.
- D. That Council resolves, under Section 35(2) of Land Use Planning and Approvals Act 1993, to prepare and certify draft Amendment A-2018/3, sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- E. That the 28 Lot Subdivision (SD-2018/56) at 102 and 106 Pass Road, Rokeby, 118 Pass Road and 50 Minno Street, Howrah be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. GEN AM4 – CONSTRUCTION HOURS.
 - 3. GEN POS 4 – POS CONTRIBUTION [5%][58-64, 104-122].
 - 4. PROP 3 – TRANSFER.
 - 5. ENG A1 – NEW CROSSOVER [TSD-R09 (urban)] after “Council).”, insert “all internal lots must have a 3.6m minimum with driveway constructed to the body of the lot, with appropriate drainage”.
 - 6. ENG A5 – SEALED CAR PARKING.
 - 7. ENG S1 – INFRASTRUCTURE REPAIR.

8. ENG S2 – SERVICES.
 9. ENG S4 – STORMWATER CONNECTION.
 10. ENG S10 – UNDERGROUND SERVICES.
 11. ENG M2 – DESIGNS SD [road design, road stormwater, lot assess, stormwater, POS walkway].
 12. ENG M4 – POS ACCESS.
 13. ENG M5 – EROSION CONTROL.
 14. ENG M7 – WEED MANAGEMENT PLAN.
 15. ENG M8 – EASEMENTS.
 16. ENG R2 – URBAN ROAD.
 17. ENG R5 – ROAD EXTENSION.
 18. All stormwater designs for the development must include 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 the Group Manager Asset Management for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime/replacement requirements for any treatment facilities.
 19. GENF2 – COVENANTS [1. to prohibit all structures and works, including impervious areas, requiring connection to stormwater or sewer services, within on lots 107 – 110 below the service pipelines and connection points; 2. prohibit vehicle access and egress to Pass Road]
 20. A 2.5m wide concrete walkway is to be designed and constructed through the walkway reserve from the subdivisional road to the Pass Road reservation with the design and gradients suitable to connect to the future multi-user path along Pass Road.
 21. EHO 4 – NO BURNING.
 22. A TW COND – [25-02-2019][TWDA 2018/00949-CCC].
- F. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/3) AND 2 LOT SUBDIVISION (SD-2018/56) - 102 AND 106 PASS ROAD, ROKEBY, 118 PASS ROAD AND 50 MINNO STREET, HOWRAH /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** At the time the previous Clarence Planning Scheme 2007 (CPS2007) declared (April 2008) all of the subject land was zoned Rural. Amendment A-2012/3 to the CPS2007 was approved in June 2013. The amendment rezoned the majority of the land at 50 Minno Street (including the newly created 118 Pass Road) to Residential and resulted in the introduction of DPO16 – Part 50 Minno Street Development Plan Overlay.
- 1.2.** The land at 102 and 106 Pass Road did not form part of Amendment A-2012/3 and remained zoned Rural under that Scheme.
- 1.3.** Following the introduction of DPO16 under the CPS2007, Council approved a 98 lot subdivision (SD-2015/35) representing a residential extension of the Glebe Hill development. The subdivision has commenced and resulted in the creation of 118 Pass Road and its subsequent transfer to Council for stormwater drainage treatment.
- 1.4.** On 25 July 2017, Council approved Permit SD-2017/9 for a one lot subdivision of 102 Pass Road, effectively excising the house from the balance land. This subdivision resulting in the creation of 102 and 106 Pass Road, shown in the attachments and described in further detail below.

2. STATUTORY IMPLICATIONS

- 2.1.** The land at 102 and 106 is zoned Particular Purpose (32.0 – Urban Growth Zone) and the land at 118 Pass Road and 50 Minno Street is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme).

Additionally, all of the parcels are subject to the Bushfire-Prone Areas Code and the land at 118 Pass Road and 50 Minno Street is also subject to the North Glebe Hill Specific Area Plan.

- 2.2.** The proposed subdivision is currently prohibited under the Scheme. Consequently a Planning Scheme Amendment would be needed before an application could be entertained.
- 2.3.** The savings and transitional provisions of LUPAA (Schedule 6) specifies that the former Act applies to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule ie the Clarence Interim Planning Scheme 2015. Section 43A(1) of the former Act provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.
- 2.4.** The proposal is submitted under Section 43A of the LUPAA and seeks a combined planning scheme amendment and development approval for a 28 lot subdivision.
- 2.5.** If certified, the application and any draft Permit will then be advertised for public comment and subject to further review on the basis of any representations received by Council, prior to it being forwarded to the Tasmanian Planning Commission (TPC) for final consideration. In addition, should it be considered appropriate, under Section 35 Council has the power to direct that the amendment be modified.
- 2.6.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 8.11 – Conditions and Restrictions on a Permit;
 - Section 10.0 – General Residential Zone;
 - Section 32.0 – Particular Purpose Zone – Urban Growth Zone;

- Section 5.0 – E5.0 Road and Railway Assets Code; and
- Section F10.0 – North Glebe Hill Specific Area Plan.

3. PROPOSAL IN DETAIL

3.1. The Site

The site is comprised of 4 titles located on the western side of Pass Road approximately 600m north of the intersection with the South Arm Highway described below.

Address	Title	Description
106 Pass Road	175688/2	1.801ha lot which, with the exception of a number of out buildings which were originally associated with the dwelling on 102 Pass Road, is largely vacant. The lot has a 173m frontage to Pass Road and is encumbered by a 6.0m wide burdening Right-of-Way and services easement befitting 102 Pass Road. Additionally, the lot is burdened by a second 2.0m wide services easement along the southern boundary.
102 Pass Road	175688/1	2249m ² internal lot containing an existing dwelling and an associated outbuilding. The lot was recently created through approval of SD-2017/9 which excised dwelling from the balance land (106 Pass Road) which surrounds it. Vehicular access to Pass Road is provided to Pass Road via a right-of-way over 106 Pass Road.
50 Mino Street	174563/201	4.498ha balance lot, currently being developed through the staged release of the SD-2015/35 subdivision permit. The proposal involves the re-subdivision/reconfiguration of 7 of the lots approved under the SD-2015/35 Permit. The reconfiguration modifies the alignment of the boundary between the two parent lots.
118 Pass Road	170771/96	4409m ² lot transferred to Council in the initial stages of the 50 Minno Street subdivision (SD-2015/35) and developed for stormwater detention/management.

A location plan is included in the attachments.

The subject land has not been identified as containing any native vegetation, is located within the serviced area for both water and sewer and includes Council's land at 118 Pass Road used for stormwater detention/management.

3.2. The Amendment (A-2018/3)

It is proposed to amend the Scheme by rezoning the properties at 102 and 106 Pass Road from "Particular Purpose" (32.0 – Urban Growth Zone) to "General Residential".

3.3. Modified Amendment

Should Council resolve to initiate an amendment, Section 35 of LUPAA specifies that after preparing a draft amendment Council must determine whether (or not) the draft amendment meets the requirements of Section 32. Should Council be satisfied that the amendment is in order it may certify the Amendment as meeting S.35. However, pursuant to S.35(b), if Council is not satisfied that the amendment meets the requirements of S.32, then it should proceed to modify the amendment until it does.

In this instance the proposed amendment does not propose to rezone that portion of the Pass Road road reservation adjacent to 106 Pass Road out to the centreline. This is inconsistent with the TPC expectation and would introduce a zoning anomaly in Pass Road.

Therefore approval of the amendment as proposed would introduce an anomaly that ought to be addressed prior to any certification. On this basis it is recommended that the amendment be modified to include the adjoining road reservation to its centreline. Accordingly, further consideration and assessment of this amendment should be as modified and shown in the attachments.

3.4. The Subdivision (SD-2018/56)

The proposed subdivision proposes the creation of 28 residential lots designed around the existing house lot (102 Pass Road) previously approved (SD-2017/9) as shown in the attachments.

The proposal includes the redesign of 7 of the previously approved 50 Minno Street lots (SD-2015/35 - numbers 58, 59, 60, 61, 62, 63 and 64). No changes to the existing boundaries of 102 Pass Road are proposed, although the existing access via right-of-way to Pass Road will be replaced with a new crossover, a direct connection to the new road.

The net increase in residential lots proposed by the subdivision, over those previously approved, is 20 (of the 28 lots, 1 is the existing 106 Pass Road being subdivided into 21 and 7 being reconfigured from 50 Minno Street). The proposed lots will range in size from 562m² to 948m².

The vehicular access to the lots will be via Napa Street from the Minno Street subdivision and will terminate in a cul-de-sac towards the south-east corner of the land and does not propose a road connection to Pass Road.

A 10.0m wide POS walkway is proposed from the cul-de-sac head to Pass Road, this will provide a direct connection for pedestrians from the proposed lots and the existing 50 Minno Street development to local services and public transport routes on Pass Road.

Works associated with the subdivision will include service connection to existing infrastructure, including the stormwater detention pond on Council's land at 118 Pass Road.

It is also proposed to demolish the existing outbuilding located on the proposed Lot 121.

4. PLANNING ASSESSMENT

An Assessment of the proposed subdivision is as follows.

4.1. Particular Purpose Zone

As previously stated the lots at 102 and 106 Pass Road are currently zoned Particular Purpose – 32. Urban Growth Zone. The zone does not provide for subdivision outside of those providing for public spaces, utilities and/or the excision of an existing dwelling.

The proposed 28 lot subdivision is prohibited and the reason behind the draft amendment.

Should the draft amendment be approved the entire site would be subject to the provisions of the General Residential zone discussed below.

4.2. General Residential Zone

The proposed subdivision meets all relevant Acceptable Solutions of the General Residential zone with the exception of the following.

Lot Design

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.1 A2	Building Area	<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; 	Does not comply with (e). See orientation of lots attached.

		<p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is 10m x 15m in size.</p>	
10.6.1 A3	Frontage	The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2 (15.0m in this instance), except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	Does not comply. Lots 107-114, 116, 118-120 have frontages of less than 15.0m.
10.6.1 A4	Internal lots	No lot is an internal lot.	Does not comply. Lots 58, 117 and 121 are internal lots.
10.6.1 A5	Subdivision is for no more than 3 lots.	Subdivision is for no more than 3 lots.	Does not comply. The subdivision is for more than 3 lots.

The proposed variation must be considered pursuant to the relevant Performance Criteria of Clause 10.6.1 as follows.

Performance Criteria	Proposal
<p><i>“P2</i> <i>The design of each lot must contain a building area able to satisfy all of the following:</i></p> <p><i>(a) be reasonably capable of accommodating residential use and development;</i></p> <p><i>(b) meets any applicable standards in codes in this planning scheme;</i></p> <p><i>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</i></p>	<p>Each lot proposed contains a building area in accordance with the performance criteria as follows:</p> <p>(a) all lots are designed to be able to reasonably accommodate residential use and development with the sizes ranging from 525m² to 948m². The majority of lots can accommodate a 10m x 15m rectangle. Lots 112-115 have minimum width of approximately 14.0m and will adequately provide for residential development being not significantly constrained;</p> <p>(b) the lots meet the applicable standards in the relevant codes;</p> <p>(c) the subject land is relatively gently sloping and open to the northly aspects which maximises solar access, with the north/south orientated Lots 104 to 110 able to have north facing backyards;</p>

<p><i>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i></p> <p><i>(i) provides for sufficient useable area on the lot for both of the following;</i></p> <p><i>(ii) on-site parking and manoeuvring;</i></p> <p><i>(iii) adequate private open space.</i></p>	<p>(d) the subject land has gentle slopes ranging approximately from 1:9 to 1:18, the proposed road follows the contour and therefore further minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) the lot sizes proposed will provide sufficient useable area to contain both on-site parking and manoeuvring and adequate private open space for future residents.</p>
<p>P3 <i>The frontage of each lot must satisfy all of the following:</i></p> <p><i>(a) provides opportunity for practical and safe vehicular and pedestrian access;</i></p> <p><i>(b) provides opportunity for passive surveillance between residential development on the lot and the public road;</i></p> <p><i>(c) is no less than 6m.</i></p>	<p>Assessment against the Performance Criteria is as follows:</p> <p>(a) the frontage widths for these lots will all remain sufficient to accommodate appropriate vehicular and pedestrian access to future dwellings;</p> <p>(b) the layout of the lots as proposed will retain the ability of future passive surveillance between future dwellings and the street;</p> <p>(c) all these lots have frontages in excess of 6m.</p>
<p>P4 <i>An internal lot must satisfy all of the following:</i></p> <p><i>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</i></p> <p><i>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</i></p>	<p>Assessment against the Performance Criteria is as follows:</p> <p>(a) Lot 58 gains access from the road layout envisaged under the F.10 north Glebe Hill Specific Area Plan (SAP), the lot design is necessary due to the road layout required under the SAP. The current proposal retains the original lot frontages approved under SD-2015/35 while adding additional land at the rear of the respective lots. This approach minimises the number of internal lots in the overall layout.</p> <p>The proposal minimises the number of internal lots within the new section. However, the site is constrained by the previous subdivision and road connection from 50 Minno Street along with the lot created for the existing dwelling at 102 Pass Road.</p>

<p>(c) <i>the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i></p> <p>(d) <i>the lot will contribute to the more efficient utilisation of residential land and infrastructure;</i></p> <p>(e) <i>the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i></p> <p>(f) <i>the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i></p> <p>(g) <i>passing bays are provided at appropriate distances to service the likely future use of the lot;</i></p> <p>(h) <i>the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</i></p> <p>(i) <i>a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i></p> <p>(j) <i>the lot addresses and provides for passive surveillance of public open space and public rights-of-way if it fronts such public spaces.</i></p>	<p>In this instance the proposed cul-de-sac termination results in two internal lots (Lot 117 and 121) and is considered to be the only reasonable option to efficiently utilise the land.</p> <p>(b) The road layout created through the SAP included Lot 58, and it is not possible to create additional road in this part of the subdivision that would result in the removal of this internal lot. The new road proposed as part of the subdivision has been designed as an extension to the approved road and extends as far as possible while providing a suitable turning area for vehicles in the vicinity of Lots 117 and 121.</p> <p>(c) Not applicable.</p> <p>(d) The additional area at the rear of Lot 58, and the layout of Lots 117 and 121 contribute to the more efficient utilisation of the land.</p> <p>(e) The proposed internal lots do not result in an arrangement where neighbouring amenity is likely to be unreasonably affected. Additionally, the internal lots would be created at the same time as the adjoining lots and on this basis any future landowners would be aware of their configuration at the time of purchase.</p> <p>(f) All 3 lots have access strips with a width in excess of 3.6m.</p> <p>(g) All 3 lots have access strips which are less than 30m in length and are of a size where only 2 dwellings will be provided and therefore passing bays will not be required to provide for future development.</p> <p>(h) None of the access strips are adjacent to any others.</p> <p>(i) Driveway sealing can be ensured via a condition associated with any approval.</p> <p>(j) Not applicable.</p>
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<p><i>P5 An Arrangement and provision of lots must satisfy all of the following;</i></p> <p><i>(a) have regard to providing a higher net density of dwellings along;</i></p> <p><i>(i) public transport corridors;</i></p> <p><i>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</i></p> <p><i>(iii) within 200m of business zones and local shops;</i></p> <p><i>(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;</i></p> <p><i>(c) staging, if any, provides for the efficient and ordered provision of new infrastructure;</i></p> <p><i>(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</i></p> <p><i>(e) is consistent with any applicable Local Area Objectives or Desired Future”.</i></p>	<p>Assessment against the Performance Criteria is as follows:</p> <p>(a) The arrangement and provision of lots within the subdivision layout has the smaller lots in closer proximity to Pass Road where there is shorter pedestrian connection to public transport and nearby existing public open space areas.</p> <p>(b) The subdivision provides for the lots sizes prescribed in the zone and includes all of the land and will not provide for any balance lot/s.</p> <p>(c) No staging is proposed.</p> <p>(d) the layout provides opportunity for passive surveillance between lots and the street;</p> <p>(e) there are no applicable Local Area Objectives or Desired Future Character Statements.</p>
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Roads

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.2 A1	New Roads	The subdivision includes no new road.	does not comply

The proposed variation must be considered pursuant to the relevant Performance Criteria of Clause 10.6.2 as follows.

Performance Criteria	Proposal
<p><i>“P2 The arrangement and construction of roads within a subdivision must satisfy all of the following:</i></p> <p><i>(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</i></p> <p><i>(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</i></p> <p><i>(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;</i></p> <p><i>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</i></p>	<p>Assessment against the Performance Criteria is as follows:</p> <p>(a) The proposed road represents an extension of a previously approved road.</p> <p>(b) The subdivision will not provide for any balance lot/s.</p> <p>(c) There is no neighbouring or nearby land with subdivision potential that requires future connector road provision. Pedestrian connection from the cul-de-sac to Pass Road is provided via the proposed 10.0m wide POS walkway.</p> <p>(d) The proposed road has been designed as an extension of the approved road network providing a reasonable degree of legibility at the local residential scale.</p> <p>(e) The proposed cul-de-sac does not increase the number of terminating roads but rather is the only reasonable option for development within the planned constraints of the previous subdivision layouts.</p> <p>(f) The proposed road represents an extension of the approved roads. In this context it is connected to the planned road network.</p> <p>(g) The proposed road represents an extension of the approved road and is in close proximity to the planned business precinct.</p>

<p>(e) <i>cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</i></p> <p>(f) <i>connectivity with the neighbourhood road network is maximised;</i></p> <p>(g) <i>the travel distance between key destinations such as shops and services is minimised;</i></p> <p>(h) <i>walking, cycling and the efficient movement of public transport is facilitated;</i></p> <p>(i) <i>provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</i></p> <p>(j) <i>any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints”.</i></p>	<p>(h) Alternative transport modes are encouraged through the connection of the end of the cul-de-sac to the Pass Road reservation to allow walking/cycling connection.</p> <p>(i) No new arterial and collector roads are proposed requiring specific bicycle infrastructure.</p> <p>(j) The existing street grid is extended to the extent possible by extension of Napa Street.</p>
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Ways and Public Open Space

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.3 A1	POS	No Acceptable Solution	Must be assessed against the performance criteria.

The proposal must be considered pursuant to the relevant Performance Criteria of Clause 10.6.3 as follows.

Performance Criteria	Proposal
<p><i>“P1</i> <i>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i></p> <p><i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i></p> <p><i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i></p> <p><i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i></p> <p><i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i></p> <p><i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i></p> <p><i>(f) provides for a legible movement network;</i></p>	<p>Assessment against the Performance Criteria is as follows:</p> <p>(a) There are no existing ways on the adjoining land to provide connections to. However, the proposal includes a 10.0m wide POS walkway connection to Pass Road.</p> <p>(b) There is no undeveloped neighbouring land with further subdivision potential.</p> <p>(c) A connection to Pass Road is provided.</p> <p>(d) The footway connection to Pass Road provides walking/cycling connection to future local shops and community facilities as well as existing public open space and public transport routes.</p> <p>(e) The proposed footway is 10.0m wide, is straight and relatively short. It will be visible from several of the proposed lots, is directly in line with lot 120, visible from and the cul-de-sac head and Pass Road.</p> <p>(f) The proposed layout provides for a legible movement network for both vehicles and pedestrians.</p> <p>(g) The new POS Walkway will provide connection to Council’s existing network.</p> <p>(h) In addition to the POS Walkway the applicant proposes to pay a cash-in-lieu, of POS in accordance with the Council POS policy.</p> <p>(i) The way proposed is 10.0m wide, relatively short in length and straight. This configuration will minimise opportunities for antisocial behaviour.</p>

<p>(g) <i>the route of new ways has regard to any pedestrian and cycle way or public open space plan adopted by the Planning Authority;</i></p> <p>(h) <i>Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council policy.</i></p> <p>(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i></p> <p style="padding-left: 20px;">(i) <i>the width of the way;</i></p> <p style="padding-left: 20px;">(ii) <i>the length of the way;</i></p> <p style="padding-left: 20px;">(iii) <i>landscaping within the way;</i></p> <p style="padding-left: 20px;">(iv) <i>lighting;</i></p> <p style="padding-left: 20px;">(v) <i>provision of opportunities for 'loitering';</i></p> <p style="padding-left: 20px;">(vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i></p>	
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Roads

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.4 A1	New Roads (Optical fibre)	The subdivision includes no new road.	does not comply

The proposed variation must be considered pursuant to the relevant Performance Criteria of Clause 10.6.4 as follows.

Performance Criteria	Proposal
<i>“P4 The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply”.</i>	Underground services can be conditioned as part of any approval.

4.3. Bushfire-Prone Areas Code

The subject land is subject to the Bushfire-Prone Areas Code and the proposal was accompanied by a bushfire report addressing the relevant requirements of the Code. The proposal meets the relevant Acceptable Solutions and the report concludes that the lots have been assessed as a combination of “BAL LOW”, “BAL 12.5” and “BAL 19”.

4.4. Road and Railway Assets Code

The proposed subdivision meets all relevant Acceptable Solutions of the Road and Railway Assets Code with the exception of the following.

Existing Road Access and Junctions

Clause	Standard	Acceptable Solution (Extract)	Proposed
E5.5.1 A1	Safety and efficiency of Roads	The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	Does not comply. The subdivision layout proposes an extension to an existing road rather than a new junction. The intensification will be in excess of 40 vehicle movements per day.

The proposed variation must be considered pursuant to the relevant Performance Criteria of Clause 10.6.4 as follows.

Performance Criteria	Proposal
<p><i>“P3 Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i></p> <p><i>(a) the increase in traffic caused by the use;</i></p> <p><i>(b) the nature of the traffic generated by the use;</i></p> <p><i>(c) the nature and efficiency of the access or the junction;</i></p> <p><i>(d) the nature and category of the road;</i></p> <p><i>(e) the speed limit and traffic flow of the road;</i></p> <p><i>(f) any alternative access to a road;</i></p> <p><i>(g) the need for the use;</i></p> <p><i>(h) any traffic impact assessment; and</i></p> <p><i>(i) any written advice received from the road authority”.</i></p>	<p>Assessment against the Performance Criteria is as follows:</p> <p>(a) The increase in traffic generated by the 20 additional lots proposed will be within the design capacity of the existing roads.</p> <p>(b) The residential subdivision will generate traffic consistent with a residential area.</p> <p>(c) No new junction will be required as the new road is planned as an extension of an existing one.</p> <p>(d) The local road network has recently been developed and the proposal represents an extension to it.</p> <p>(e) The area is subject to a speed limit of 50km/hr, layout does not provide for through traffic and will remain a low speed traffic environment.</p> <p>(f) No vehicular access from Pass Road is proposed.</p> <p>(g) The subdivision provides infill development at a density envisaged by the STRLUS.</p> <p>(h) No traffic impact assessment has been undertaken. Council’s Development Engineer advises that the proposal can be approved subject to appropriate conditions.</p> <p>(i) Not applicable.</p>

4.5. Stormwater Management Code

The proposed subdivision meets all relevant Acceptable Solutions of the Scheme’s Stormwater Management Code. Any subdivision Permit should include standard conditions relating to stormwater.

4.6. North Glebe Hill Specific Area Plan

The F10.0 North Glebe Hill Specific Area Plan (SAP) applies to the land at 50 Minno Street and 118 Pass Road. It does not apply to 102 and 106 Pass Road. In the circumstance where there is any conflict between the provisions of the SAP and those of a Zone or Code the provisions of the SAP apply. In this instance the SAP (at F10.8) includes Development Standards for Subdivision and are applicable to the proposed Lots 58, 59, 60, 61, 62, 63, 64 and 103 which are all partially subject to the SAP.

The provisions relate to road layout and staging and the proposed subdivision meets all relevant Acceptable Solutions.

5. CONSULTATION

Applications for planning scheme amendments are not formally open for public comment until after Council has resolved to initiate and certify the Amendment. Should this be the case, the draft amendment and any associated draft permit will be publicly exhibited in accordance with the statutory requirements.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who advised that it does not object to the granting of the permit subject to the inclusion of TasWater conditions.

7. COUNCIL COMMITTEE RECOMMENDATION

The proposal was not referred to any Council committees. Notwithstanding, should the amendment be initiated any committee comments or recommendations received during the public exhibition period may be considered as part of Council's Section 39 report.

8. STATE POLICIES AND ACT OBJECTIVES

8.1. Section 30O - Amendment of Interim Planning Schemes

Section 30O(1) of LUPAA provides that an amendment to an Interim Planning Scheme may only be made to a *“local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy”*.

In this instance the proposed amendment relates to local application of zones. The site is within the Southern Tasmanian Regional Land Use Strategy 2010-2035's (STRLUS) Urban Growth Boundary, is sufficiently serviced and represents a shift from future urban to urban. The amendment proposed will provide for residential infill at a density envisaged by the STRLUS.

8.2. Section 32 - Requirements for Preparation of Amendments

Section 32(1) of LUPPA specifies that amendments to planning schemes must:

- “(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- (ea) must not conflict with the requirements of section 30O; and*
- (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms”*.

In this context the proposal represents a change from future urban to urban. The amendment will provide for residential development in an area identified under the STRLUS for this purpose. The proposed zoning is unlikely to introduce any land use conflict with the adjoining land zoned General Residential to south and west. The change in zone essentially represents a minor shift in the current alignment and is unlikely to introduce any land use conflict.

Section 32(2) of LUPPA specifies those elements of Section 20 – *“What can a planning scheme provide for”* also apply to amendments to planning schemes.

In this instance it is considered that the proposed amendment is consistent with the relevant requirements.

8.3. LUPAA Objectives

An amendment is to further the objectives of LUPAA. The objectives of Schedule 1 of LUPAA are:

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

“(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity”;

Development is generally considered sustainable when there are no demonstrable adverse effects upon natural resources, ecological processes or genetic diversity. The amendment promotes the objectives for sustainable development of land through allowing for the efficient use of urban zoned land for residential use and development within the Urban Growth Boundary of the STRLUS.

The proposed amendment relates to an area of land which was modified and cleared of original native vegetation many years ago and there would be no significant impact from the proposed rezoning on natural physical resources or ecological processes.

“(b) to provide for the fair, orderly and sustainable use and development of air, land and water”;

The proposed rezoning will provide for infill development increasing housing stock and improve housing choice and within an established residential area. It will therefore further this Objective.

“(c) to encourage public involvement in resource management and planning”;

The strategic planning process for the STRLUS involved extensive opportunities for public involvement. Should Council resolve to initiate and certify the amendment, it (along with any draft permit conditions) will be advertised for public comment.

“(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) above”;

If initiated and certified by Council, and ultimately approved by the TPC, the proposal could facilitate economic development through subsequent subdivision, residential construction and associated ongoing servicing. Following construction, the increase in local population will benefit the economic development of Howrah/Rokeby and the broader area in the longer term.

“(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State”.

Development achieved through the amendment requires co-operative planning between the developers, Council and to a degree, the general community.

PART 2 - Objectives of the Planning Process Established by this Act

“(a) to require sound strategic planning and co-ordinated action by State and local government”;

The STRLUS is the most relevant strategic consideration. As mentioned above the site is located within the established Urban Growth Boundary and will provide for residential infill at a density envisaged by the STRLUS.

“(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land”;

The proposal is consistent with the STRLUS. If ultimately approved the General Residential zone contains sufficient controls to regulate the future use and development of the land.

“(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land”;

The site is not subject to the Scheme’s Natural Asset Code and the existing vegetation has no identified significance. For this reason, the proposal will have minimal impact on the environment and can be justified given the broader social, economic and environmental benefits that will be achieved as a result of the proposed urban consolidation.

“(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels”;

The proposal provides for a residential expansion in an area identified in the STRLUS for this purpose. Other adopted State Policies are not directly applicable to the proposed amendment.

“(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals”;

The amendment has been submitted under the provisions of Section 43A of LUPAA and linked to a development application and is consistent with this requirement. The proposed development is supportable subject to standard conditions.

“(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania”;

The amendment and the subsequent development of the site will assist in the provision of housing supply within close proximity to surrounding services.

“(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”;

The proposed amendment and associated development will not impact any significant building or place.

“(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community”;

The proposal will extend and make efficient use of existing infrastructure.

“(i) to provide a planning framework which fully considers land capability”.

Subject to appropriate conditions the proposal will provide for a suitable infill subdivision and associated future residential development.

Based on the above it is considered that the proposal furthers the stated objectives of Schedule 1 of LUPAA.

9. STRATEGIC PLAN/POLICY IMPLICATIONS

The following State Policies are made under the State Policies and Projects Act 1993:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

The National Environmental Protection Measures (NEPMS) are automatically adopted as State Policies under the State Policies and Projects Act 1993.

9.1. State Coastal Policy

The State Coastal Policy 1996 is not applicable to the proposal.

9.2. State Policy on the Protection of Agricultural Land 2009

The land is not agricultural land and the proposed rezoning will not result in fettering or constraining of any nearby agricultural use.

9.3. State Policy on Water Quality Management 1997

The purpose of the State Policy on Water Quality Management 1997 is: *“To achieve the sustainable management of Tasmania’s surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania’s Resource Management and Planning System”.*

Given that the site is proposed to be serviced by reticulated water, sewerage and stormwater the most relevant sections of the policy are 17.2 and 33.1 relating to waste discharge, erosion and stormwater management and can be addressed through appropriate conditions.

9.4. National Environment Protection Measures

National Environment Protection Measures (NEPM’s) are also taken to be State Policies in Tasmania. NEPMs are made under Commonwealth legislation and given effect in Tasmania through the State Policies and Projects Act.

The National Environmental Protection Measures relate to:

- ambient air quality;
- ambient marine, estuarine and fresh water quality;
- the protection of amenity in relation to noise;
- general guidelines for assessment of site contamination;
- environmental impacts associated with hazardous wastes; and
- the re-use and recycling of used materials.

The listed NEPMs are most relevant to subsequent development and not directly applicable to this amendment. However, as a generalisation the Codes within the Scheme contain provisions that address these matters in detail at the time of application.

10. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

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

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

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

The subject site is proposed to be zoned General Residential within an establishing urban environment. Upon completion it will form an extension of an existing urban area and will be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

A 10.0m wide POS walkway is proposed from the cul-de-sac head to Pass Road. As previously discussed it is considered that the link is desirable, and the proposed walkway is appropriate meeting the relevant Policy considerations.

However, Section 5.11 of the Policy specifies that land designated for this purpose should be provided in addition to either alternative POS and/or cash-in-lieu contribution of it.

It is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities. In this instance it is not considered desirable to require additional POS land and there are no discounting factors that would warrant a reduction of the maximum POS contribution.

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

11. CONCLUSION

The proposed subdivision is currently prohibited under the provisions of the Scheme. For this reason the applicant has lodged an application under Section 43A of LUPAA, which provides for the concurrent consideration of a Planning Scheme Amendment and associated Development Application for a use/development that would otherwise be prohibited.

For the reasons detailed within the body of this report it is considered that the proposed rezoning amendment is consistent with the STRLUS and meets the relevant provisions of LUPAA and for this reason is supported. Accordingly, it is recommended that Council initiates and certifies the draft amendment (as modified to include the adjoining Pass Road road reservation).

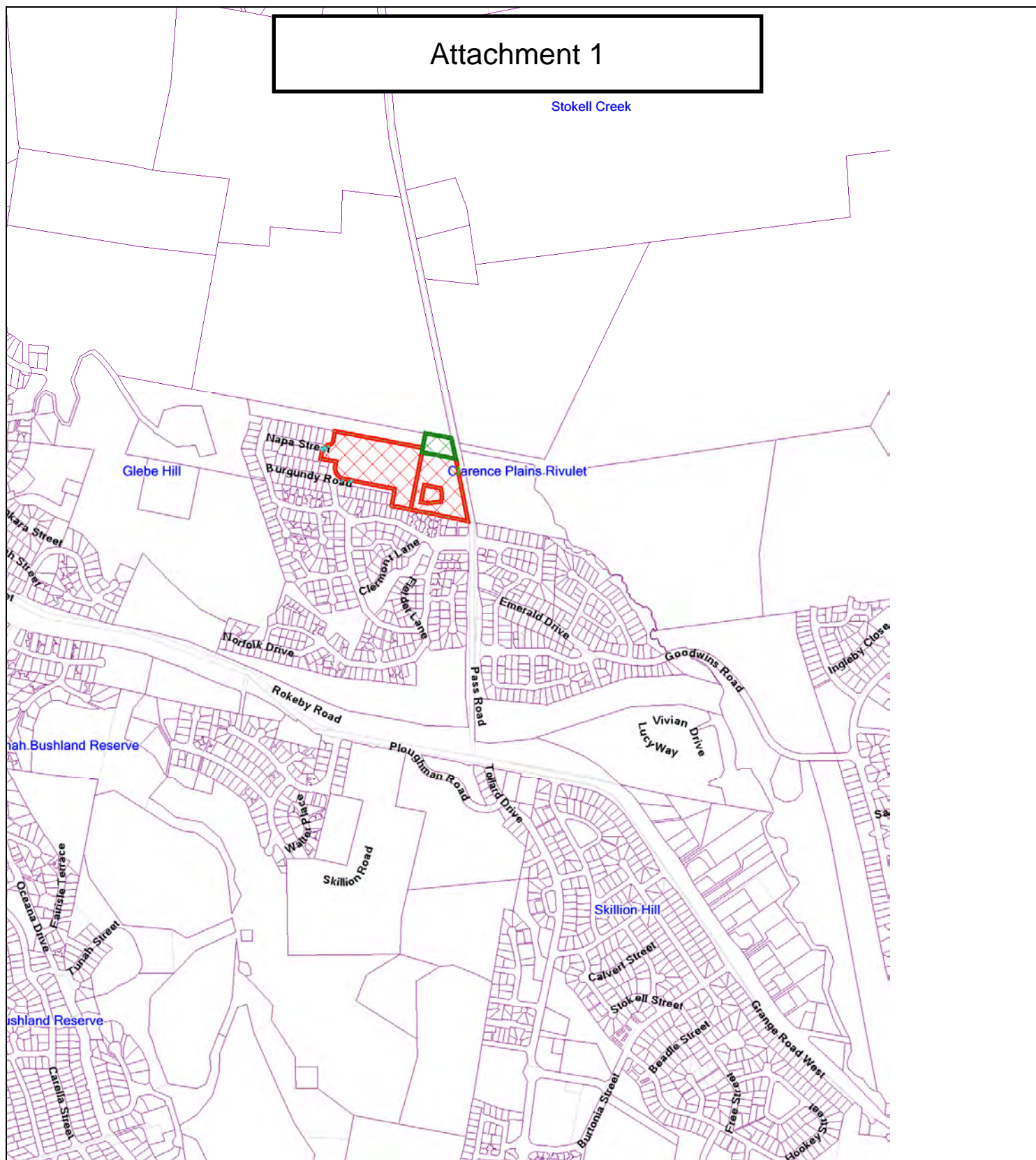
It is recommended that the proposed 28 lot subdivision be approved subject to appropriate conditions.

- Attachments:
1. Location Plan (1)
 2. Aerial Photograph (1)
 3. Existing Zone Plan (1)
 4. Proposed Amendment A-2018/3 (1)
 5. Proposed Subdivision Plan SD-2018/56 (1)

Ross Lovell
MANAGER CITY PLANNING

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

102, 106 & 118 Pass Rd & 50 Minno St - Location plan



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Tuesday, 16 April 2019 **Scale:** 1:12,330 @A4

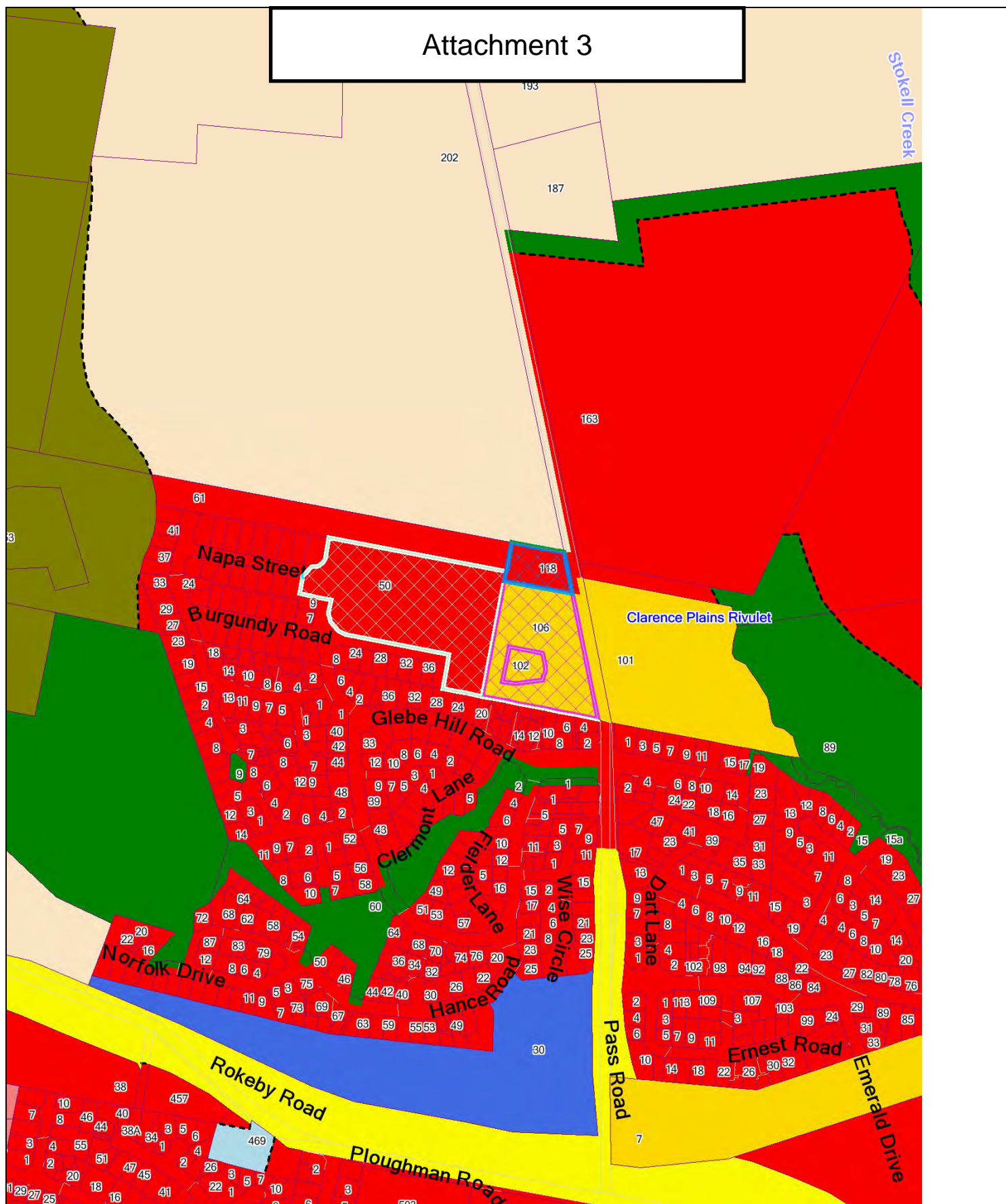
102, 106 & 118 Pass Rd & 50 Minno St - Aerial Photograph

Attachment 2



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102, 106 & 118 Pass Rd & 50 Minno St - Existing Zone Plan



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CLARENCE CITY COUNCIL
CLARENCE INTERIM PLANNING SCHEME 2015
Amendment A-2018/3

Attachment 4




Scale 1:1500

Printed @ A3

(c) Clarence City Council

**AMENDMENTS TO PLANNING SCHEME PLAN
Amendment A-2018/3**

To rezone 102 and 106 Pass Road, Rokeby from
Particular Purpose Zone 1 - Urban Growth Zone
to General Residential.

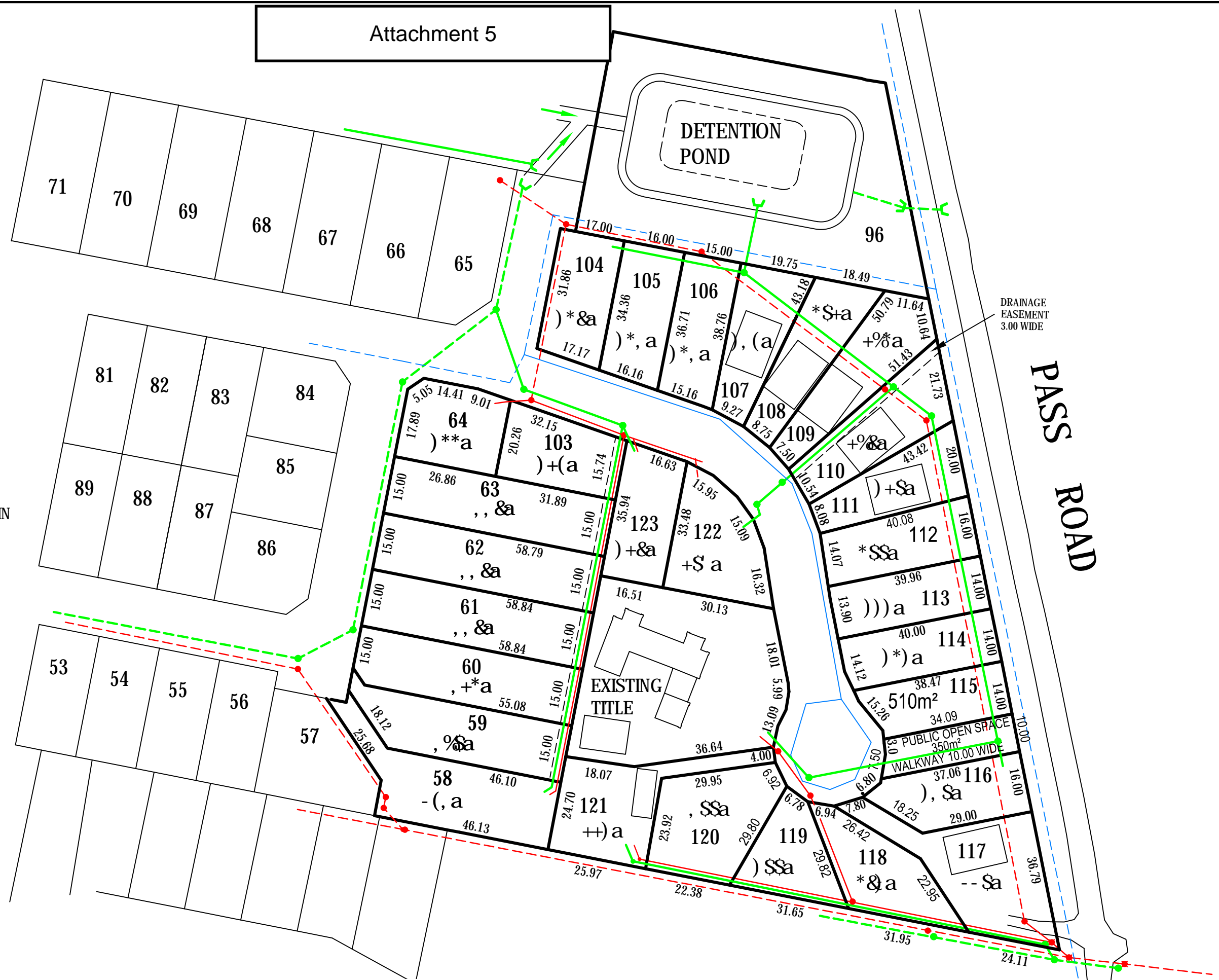
 General Residential

THE COMMON SEAL OF THE CLARENCE
CITY COUNCIL HAS BEEN HERE UNTO
AFFIXED THIS XX DAY OF XX 2019
PURSUANT TO A RESOLUTION OF THE
COUNCIL PASSED THE XX DAY OF
XX 2019 IN THE PRESENCE OF:

CORPORATE SECRETARY



Attachment 5



LEGEND

- EXISTING SRORMWATER MAIN
- SRORMWATER MAIN
- EXISTING SEWER MAIN
- SEWER MAIN
- EXISTING WATER MAIN
- WATER MAIN

AMENDMENTS			Project Name and Address		Drawing Title		SCALE		Contour Interval		FILE REF:	
No.	Revision/Issue	Date										
			<div>Unit G04 40 Molle Street, HOBART TAS 7000 P 03 6220 0299 F 03 6220 0290 E admin@learyandcox.com</div>		<div>102 PASS ROAD GLEBE HILL 50 MINNO STREET HOWRAH</div>		<div>0 10 20 30 40 1:1000 at A3</div>		<div>0.50m Date 13 / 03 / 19</div>		<div>10276</div>	
<div>LEARY & COX LAND & ENGINEERING SURVEYORS</div>					<div>Client HOBART PROPERTIES & SECURITIES PTY LTD</div>		<div>THIS DOCUMENT IS, AND SHALL REMAIN, THE PROPERTY OF LEARY & COX, LAND & ENGINEERING SURVEYORS. THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THE DOCUMENT IN ANY WAY IS PROHIBITED.</div>		<div>SHEET 1 of 1</div>		<div>Geocoll Ref XXXXXX AutoCAD Ref XXXXXX Datum Vert: XXXXXX</div>	

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 SPORTS AND RECREATION ADVISORY COMMITTEE CONSTITUTION**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider a constitution for the new Sports and Recreation Advisory Committee.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016-2026; and
- Recreation Needs Analysis 2019.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred with Aldermen at a previous workshop and as part of the development of the Recreation Needs Analysis 2019. Council formally considered the establishment of a Sport and Recreation Advisory Committee as a Special Committee of Council at its Meeting on 18 March 2019, subject to approval of a constitution.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

- A. That Council adopts the Sport and Recreation Advisory Committee Constitution and proceeds to establish the committee.
- B. Subject to Council approving Recommendation “A” above, that Council nominates three Aldermen as members of the Committee, namely a Chairperson, a Committee Member and a Proxy Member.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. Council has developed and approved the Recreation Needs Analysis 2019 (RNA). The RNA analyses sets out current and projected demand, participation, planning and provision for sport and recreation across the City.

- 1.2.** An outcome of the RNA process was the recommended establishment of a Sport and Recreation Advisory Committee (Committee). At its Meeting of 18 March 2019, Council approved the RNA and the establishment of the Committee, subject to approval of a constitution.

2. REPORT IN DETAIL

- 2.1.** The RNA is a strategic review (ie point in time capture) of the current and projected demand, participation, planning and provision for sport and recreation across the City of Clarence.

- 2.2.** As an outcome of Council's approval of the RNA on 18 March 2019, Council also approved the establishment of the Committee, subject to approval of a constitution.

- 2.3.** The new Committee has the following objectives:

- to provide advice and input to Council relevant to sport and recreation within the municipality and in accordance with the strategies outlined in Council's Strategic Plan and the Recreation Needs Analysis 2019;
- to advise Council on significant developments, projects and/or infrastructure requirements for community level sport and recreation;
- to provide assistance and support to sport and recreation clubs in relation to grant submissions and development applications; and
- to promote shared facility provision and investment through strategic partnerships with local clubs, peak bodies and state agencies.

- 2.4.** The Constitution establishes the membership of the Committee. Membership is comprised as follows:

- two Council Alderman, one of whom will be the Chairperson of the Committee;
- a Council Alderman to act as a proxy member to the two appointed representatives;

- a Council officer with expertise in sport and recreation;
- a Council officer to act as secretary; and
- three members of the Clarence community with demonstrable high-level sport and recreation experience, who are not representatives of a peak body or similar sporting organisation.

2.5. The Committee may also invite up to two additional people with suitable skills and/or qualifications to participate in working parties established by the Committee.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Sport and Recreation Committee will assist Council to meet its identified strategic plan and RNA outcomes.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the establishment of the Committee (that is, there is no requirement for a specific budget allocation to support the Committee).

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

That Council endorses the proposed Sport and Recreation Advisory Committee Constitution and proceeds to establish the committee.

Attachments: 1. Sport and Recreation Advisory Committee Constitution (12)

Andrew Paul
GENERAL MANAGER



Revised: April 2019

CONSTITUTION OF THE SPORTS AND RECREATION ADVISORY COMMITTEE

The Sports and Recreation Advisory Committee has been established under the provisions of Section 24 of the *Local Government Act 1993* (Tas) as an Advisory Committee. The Committee assists and advises Council in relation to sport and recreation issues and opportunities within the municipality, including implementation of key actions contained within the Recreation Needs Analysis 2019.

1. Interpretation

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

“**Alderman**” means an elected member of the Clarence City Council.

“**Committee**” means the Clarence City Council Sport and Recreation Advisory Committee.

“**Committee Member**” means a person duly appointed to the Committee under the provisions of this constitution.

“**Council**” means Clarence City Council

“**General Manager**” means the General Manager of the Clarence City Council.

“**Sport and Recreation**” has the same meaning and scope as described within the Recreation Needs Analysis 2019.

“**Sport**” means physical activity requiring skill, competitive in nature and governed by formal rules.

“**Recreation**” means passive or unstructured physical activity at Council parks (regional, district and local).

2. Objectives

The Committee is to:

- Provide advice and input to Council relevant to sport and recreation within the municipality and in accordance with the strategies outlined in the Council Strategic Plan and the Recreation Needs Analysis 2019;
- Advise the Council on significant developments, projects and/or infrastructure requirements for community level sport and recreation;
- Provide assistance and support to sport and recreation clubs in relation to grant submissions and development applications; and
- Promote shared facility provision and investment through strategic partnerships with local clubs, peak bodies and state agencies.

3. Functions and Obligations

The Committee has the following functions and obligations:

1. To be actively involved in providing advice to Council in accordance with the Objectives set out above, including but not limited to:
 - matters of strategic importance and/or significance;
 - policy frameworks and service levels;
 - significant strategic opportunities and/or future investments;
 - Council's master plans; and
 - Assisting with community engagement.
2. To facilitate communication between the Council and sporting and recreational organisations identified within the Recreation Needs Analysis 2019, and more broadly in respect to the implementation of Council approved sport and recreation projects and initiatives;
3. Be actively involved in providing advice and recommendations on suitable land and/or sport and recreation projects for consideration by the Council in the achievement of its Strategic Plan objectives and Master Plans;
4. To assist Council to maximise the use and utilisation of Council owned facilities through resource sharing and other initiatives.
5. To form working parties of the Committee, if necessary, to address specific issues or activities;

6. To periodically review Committee processes, including rule changes, if necessary;
7. To provide feedback and input to the Council's sport and recreation strategies and plans.

4. Committee Membership and Roles

4.1 Membership

The Committee shall consist of:

Council

- Two Council Alderman, one of whom will be the Chairperson of the Committee;
- A Council Alderman to act as a proxy member to the two appointed representatives;
- A Council Officer with high level expertise in sport and recreation; and
- A Council Officer to act as secretary.

Community

Community representation will include three (3) members of the Clarence community with demonstrable high level sport and recreation experience.

Community representatives will not be representatives of a peak body or similar sporting organisation. Community representatives must have a broad knowledge and understanding of sport and recreation issues without specific bias toward one code or sport.

One proxy representative may be appointed for the community representative positions (that is, a fourth community representative to attend meetings in the absence of another community representative).

Additional participation

The Committee may invite up to two (2) additional people with suitable skills and/or qualifications to participate in working parties established by the Committee.

4.2 Appointment

The method of appointment shall be as follows:

Council appointees

- The Council will appoint its Alderman representation (and a proxy representative);
- Officer representation will be determined by the General Manager.

Community representatives

Community representatives will be conducted as follows:

1. Vacancies will be advertised via online media, sport and recreation networks, Committee Member networks and/or local newspapers;
2. Nominations for Community representative appointments will be received in writing on a completed nomination form (Attachment 1) and must be approved by the Chairperson, other nominated Aldermen and Council Officers of the Committee;
3. To be considered, nominees will be required to meet the following criteria for nomination:
 - Preference will be given to residents of the Clarence municipality.
 - Nominees must have knowledge of Council's Recreation Needs Analysis 2019 and Strategic Plan and demonstrate a capacity to contribute from their own knowledge and experiences in discussions and providing advice on implementing the strategy.
 - Nominees must have a commitment to assisting Council and other organisations to advise on the implementation of the 'Recreation Needs Analysis 2019' by being available to meet when required for a maximum of 2 hours at a time, and be prepared to be involved in any additional meetings if necessary during business hours.
 - Priority will be given to people who are not already members of a special committee of Council.

Tasmanian Government Nominee

The Tasmanian Government may nominate a representative to participate in the Committee. The position will be an ex-officio position without voting rights.

4.3 Terms of Office

Council Representatives

1. Council will appoint two (2) Aldermen and a proxy as its representative members on the Committee. Appointments are made immediately following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently 4 years).
2. The duration of appointment for Council officer representatives is at the discretion of the General Manager.

Community Representatives

Community Representatives are appointed for the term of Council to coincide with the Council's current term of office. Existing committee members are welcome to re-nominate for further terms.

State Government Representative

The Tasmanian Government Representative is appointed at the discretion of the Tasmanian Government's Department of Premier and Cabinet. The term of each appointment is to be determined by the State Government.

4.4 Casual Vacancies

Should a Community Representative position become vacant before the expiration of that representative's term then the vacancy will be filled using the method of appointment described at clause 4.2 above for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

4.5 Office Bearers

1. There are two office bearers:
 - A Chairperson; and
 - A Secretary.
2. It is the established practice of the Council to appoint Aldermen as both its representative member(s) and as Chairperson of the committee.
3. The Chairperson's term of office is for the term of Council.
4. The Secretary is to provide the following support:
 - Issuing agendas; and
 - Taking minutes of meetings.

4.6 Role of Chairperson

1. The Chairperson is responsible for:
 - Conducting committee meetings in an efficient, effective and inclusive manner;
 - Public communication on matters arising from the Committee will be communicated by the Chairperson only and in accordance with Council Policy C1.60 – *“Policy and Operational Framework for Media Communications by Council “Special” Committees.”*
2. If the Chairperson or proxy is not present at a meeting of the Committee then a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting then the meeting is adjourned to the time and place of the next scheduled meeting as notified by the Secretary.

5. Meeting Procedures

5.1 Committee meetings

The following meeting procedures apply:

1. The Secretary will provide a set standard agenda for each meeting (Attachment 2);
2. Any additional topics for each agenda must be forwarded to the Secretary no later than one (1) week prior to the scheduled meeting date;
3. A copy of each agenda will be distributed to all representatives at least one week prior to the next meeting;
4. Decisions of the Committee are to be made by a majority vote of members present at the meeting;
5. The Secretary will ensure that Minutes of each Committee and working party meeting are taken. Minutes are to be distributed to all Committee members, Aldermen, relevant Council officers and other relevant Council advisory Committees;
6. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee;
7. All members of the Committee must act in accordance with all Council policies and applicable legislation when carrying out their respective responsibilities on behalf of the Committee.

5.2 Working Parties

The Committee may establish working parties to address specific issues or undertake particular activities. Requirements for the conduct of working parties are:

1. The Committee will provide any working party it establishes with specific terms of reference, which may include relevant timeframes;
2. Activities undertaken by appointed working parties will report back to each Committee meeting; and
3. All members of a working party must act in accordance with all Council policies and applicable legislation when carrying out their respective responsibilities on behalf of the Committee.

5.3 Public Attendance

Public attendance at a Committee Meeting is by invitation only.

5.4 Frequency of meetings

Meetings will be held according to the following requirements:

Frequency

1. The Committee will meet at least five (5) times each year. The Committee will, as a minimum:
 - Review Council's Sport & Recreation Quarterly report; and
 - Discuss considerations for the Annual Budget Process prior to the Council Budget Programme.
2. The Committee may meet on other occasions when required.
3. A working party will meet at date(s) and time(s) determined by its members and as required by the Committee.

Time/Duration/Venue

1. Meetings will be up to two hours in duration unless extended by agreement of Committee Members. The Committee will determine meeting start times.
2. Meetings will be held at the Council Offices.

Quorum

1. A quorum of the Committee shall be five (5) representatives.
2. A member of the Committee may not vote in relation to any matter in which he/she has a pecuniary interest, including as a member of a relevant sport and/or recreation organisation.
3. At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.
4. Representatives who do not attend 3 consecutive meetings without tendering apologies will not be considered as a current representative (the Committee may vacate that Representative's position on the Committee and fill the vacancy as a Casual Vacancy in accordance with the requirements of this Constitution).

6. Reporting Requirements and Arrangements

6.1 Areas of Reporting

The Committee will report against:

1. Priority projects identified in Council's various plans and strategies related to sport and recreation;
2. Implementation and/or administration of the Recreation Needs Analysis 2019;
3. Key inputs and advice provided by the Committee into the delivery of the Council's Strategic Plan commitments in respect to sport and recreation; and
4. Other matters which come before the Committee.

6.2 Nature of Reporting

1. Minutes will be distributed for all Committee and working party meetings to all Committee Representatives, the Council, relevant Council officers, other relevant Council advisory Committees and relevant organisations associated with the plan.
2. The Committee may, at its discretion, provide reporting to the Council through the Chairperson of the Committee on matters (non-operational) that the Committee has considered based on the following:
 - Reports are to be presented to the General Manager for inclusion in the 'Reports From Council And Special Committees And Other Representative Bodies' section of the Council's meeting agenda;

- The Committee report may include recommendations to the Council on matters that have been considered by the Committee.
3. The activities of the Committee will also be highlighted in Council's quarterly reports and Annual Report.
 4. Any other reports required will be on an as needed basis.

6.3 Provision of information to the community

Provision of information to the community shall occur via:

1. Quarterly Reports and Annual Report;
2. Other means as appropriate throughout the year (for example, via regular updates in the Council rates newsletter, via Council's website, etc).

6.4 Communication of budget matters

The Committee when forward planning and considering upcoming actions will communicate recommendations to Council on a timely basis prior to annual budget deliberations.

7. Resourcing

7.1 Budget

The Committee does not have a budget but will be supported by Council as follows:

1. Council administrative support;
2. Paper, postage and stationary requirements;
3. Reimbursement of reasonable out of pocket expenses for committee members (i.e. travel, refreshments); and
4. Any additional committee expenses (i.e. conference fees).

7.2 Responsible Council Officer

The Group Manager Engineering Services shall delegate a Council manager as the Responsible Council Officer.

8. Review of Constitution

1. The Committee may make recommendations to Council on the review of the Committee's responsibilities (Powers and Obligations) and this constitutional framework.

2. Recommendations for amendments to the constitutional framework can be made at any time provided that suggested changes are noted on the agenda (as per the framework), a quorum is present at the meeting, and two-thirds of those present and entitled to vote support the recommendations.
3. Amendments to this constitution must be approved by Council.
4. As a minimum timeframe the Constitution is to be reviewed every five (5) years by report to the Council.

Attachment 1

Sport and Recreation Advisory Committee

Nomination Form

Name:

Address:

Email:

Phone:

Please specify the name of sporting and/or recreation organisation which you are a member of :

Please state why you wish to become a member of the Sport and Recreation Advisory Committee. (You may wish to include skills or knowledge you think you would be able to contribute to the group.):

Signature

Date:

Attachment 2

Clarence City Council

Sport and Recreation Advisory Committee

Agenda

Date: _____ **Time:** _____ **Location:** Council Offices

- 1. Present**
- 2. Apologies**
- 3. Confirmation of Previous Minutes**
- 4. Correspondence**
- 5. General Business**
 - 5.1 Status of projects
 - 5.2 Reports
 - 5.3 Information sharing news items
- 6. Matters Arising**
- 7. Meeting Closed**
- 8. Next Meeting**

**11.7.2 REQUEST FOR PREAPPROVAL FOR ENERGY CONTESTABILITY
TENDER AND CONTRACT 2019-2022**
(File No)**EXECUTIVE SUMMARY****PURPOSE**

To grant the General Manager pre-approval to accept the lowest price tender response from an energy retailer and enter into the relevant contract to supply electricity to contestable sites from 1 July 2019 to 31 December 2022.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* (Tas) sets out requirements for Council's tendering processes. Council's "Code for Tenders and Contracts" (October 2015) is also relevant.

CONSULTATION

No community consultation has been undertaken.

FINANCIAL IMPLICATIONS

Contestable energy rates are significantly lower than the default rate applied by Aurora Energy which would otherwise apply. Through a contestable process it is likely that significant cost savings can be achieved over the duration of the proposed three and a half year contract period. However, due to the nature of fluctuating energy rates and fluctuating energy use, it is not possible to quantify the exact cost savings. The contestable rates offered by energy retailers have a five day period for acceptance, which significantly limits the opportunity to refer a preferred offer to Council for approval prior to signing a contract.

RECOMMENDATION:

- A. That Council note the potential for significant cost savings which are likely to be achieved through the contestable electricity supply tendering process.
- B. That Council note the constrained five day period for acceptance of tendered electricity supply rates by energy retailers, which makes tender approval by Council in the usual way impracticable.
- C. That Council delegate approval to the General Manager - to accept the lowest price tender response from an energy retailer (provided it is less than the default rate offered by Aurora Energy) and to then sign the relevant contract for the supply of electricity to contestable sites for the period from 1 July 2019 to 31 December 2022 (3.5 years), and to do all other things reasonably necessary to conclude the contract process.
- D. That the General Manager report back to Council as soon as reasonably practicable after acceptance of the relevant tender response and execution of the contract, confirming the substantive terms of the contract.

REQUEST FOR PREAPPROVAL FOR ENERGY CONTESTABILITY TENDER AND CONTRACT 2019-2022 /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** From 1 July 2014, all electricity customers on mainland Tasmania have had the option of sourcing electricity from a new entrant retailer as an alternative to Aurora Energy. This was a graduated process with some categories of customers becoming eligible several years earlier. The introduction of competition into the electricity market is referred to as “contestability”. Contestability provides customers with the opportunity to choose their retailer and enter into an electricity contract with them. Such customers are called “contestable” customers because different retailers can “contest” for business by offering contracts with set rates.
- 1.2.** Currently, Council has four sites which are supplied electricity under a contestable arrangement. These sites are the Council Chambers, the Council Depot, Wentworth Park and the Clarence Aquatic Centre. Electricity for these sites is supplied under contracted rates pursuant to Contract C1264-18 “Electricity Supply to Contestable Sites 2019”. This contract is a six month contract and is due to expire on 30 June 2019. Under the proposed tender, Council will tender for two “large” market sites; namely the Council Chambers and the Clarence Aquatic Centre. The reason for the reduction in site coverage relates to changes in pricing for “large” versus “small” contestable sites.
- 1.3.** The contracted rates pursuant to the abovementioned Contract C1264-18 are 13.264c/kWh for peak and 9.653c/kWh for off peak power.
- 1.4.** In the absence of a contestable contract arrangement, a default rate is applied by Aurora Energy. The default rate is set by Aurora Energy based on the rate that it reasonably determines to be necessary to recover the costs of acquiring electricity in the National Electricity Market, plus a reasonable profit margin.

That rate is typically significantly higher than a rate applied on a contestable basis and is currently 40-50c/kWh.

- 1.5. Due to the nature of the energy market, when seeking tenders, tendered rates will only be available for acceptance within five days of the submission of their tender response. This is because TasNetworks publish rates for future energy every Wednesday, which energy retailers then use for the prices within their tender response and TasNetworks then requires the retailer to purchase this energy in advance (depending on the length of the contract) by the following Monday.
- 1.6. The usual process of seeking Council permission to accept a tender response and enter a contract takes significantly longer than five days. To resolve this, pre-approval from Council is required to allow the General Manager to accept the lowest price tender response from an energy retailer and enter into the relevant contract. The period of the proposed contract is from 1 July 2019 to 31 December 2022 (3.5 years).

2. REPORT IN DETAIL

- 2.1. The current Contract C1264-18 for the supply of electricity to contestable sites commenced in mid-January 2019 and is due to expire on 30 June 2019. As the total cost to Council was calculated as being less than \$250,000, a Council decision was not required to select the energy retailer and sign the contract. The contract has a short six-month period as it was intended as an interim arrangement only. This enabled Council to engage an external consultant, Energy ROI, to provide longer term advice regarding the energy market, an appropriate length for the next contract, and to formulate considerations for the next tender document.
- 2.2. The immediate prior Contract C1054-15 “Electricity Supply to Contestable Sites 2016-18” commenced in or about January 2016, for a period of approximately three years, and expired on 31 December 2018. This contract was the result of a tender process and followed the usual process of referral to Council for acceptance of a tender response prior to signing of the contract.

However, the tender process encountered difficulties, due to the aforementioned five day approval period.

- 2.3.** For contract C1054-15, Council had requested retailers make their rates available for acceptance for 30 days instead of the typical five days to allow for a Council decision to accept the lowest tender response. Only Aurora Energy was able to hold their rates for this extended period, and hence, the other tender responses were non-compliant and could not be selected by Council. However, to achieve this 30 day price guarantee, Aurora Energy increased their rates slightly compared to what would have otherwise been offered. The contract nevertheless resulted in significant energy cost savings (compared to the Aurora Energy default rate) over the contract period.
- 2.4.** Further significant cost savings are the objective of entering into a new contract pursuant to a fresh tender process. Energy ROI has advised that the next contract should operate until 31 December 2022. Energy ROI has recommended this end date to coincide with anticipated legislative and/or regulatory changes communicated by the State Government which, if passed, will decouple the Tasmanian electricity prices from the National Energy Market and Victorian electricity prices.
- 2.5.** The Tasmanian energy market pricing is currently linked to the mainland through the National Energy Market which Tasmania joined in 2005. Tasmanian wholesale prices are linked to the Victorian electricity market. Pricing volatility, driven by national issues, have flowed through to Tasmania and energy prices in Tasmania have increased. The planned exit from the National Electricity Market is aimed at reducing electricity prices for Tasmania.
- 2.6.** In that context, Energy ROI has recommended locking in rates for the period until 31 December 2022, in a market where rates have been trending up (contestable rates have increased over the past five years). The rates accepted by current Contract C1264-18 were up to 80% higher than the rates from the previous Contract C1054-15. In addition, the final bill adds further charges for network, market and metering charges.

- 2.7.** The current Contract C1264-18 and the previous Contract C1054-15 applied to the Council Chambers, Council Depot, Wentworth Park and the Clarence Aquatic Centre. At the time of entering Contract C1054-15 each of these sites were considered “large” market sites and were eligible for contested electricity rates whereas “small” market sites were not eligible. This approach was replicated on an interim basis for Contract C1264-18.
- 2.8.** Energy ROI has recommended applying the new contract to only the Council Chambers and the Clarence Aquatic Centre initially. This is because the pricing situation has now changed and rates for “large” market sites are now higher than rates for “small” market sites when taking into account other network charges. The Council Chambers, and the Clarence Aquatic Centre both use above 150MWh per year and hence are currently defined by the Tasmanian Electricity Market Rules as “large” sites. The remainder of Council’s sites throughout the municipality, including the Council Depot and Wentworth Park, are classified as “small” sites but may be bundled into the rates for “large” sites at Council’s discretion, as discussed below.
- 2.9.** Energy ROI has recommended removing the Council Depot and Wentworth Park from the initial contract, but to include a provision within the contract permitting the sites (and possibly other small sites) to be brought back under the contestability prices contract at a later date. This will provide Council with the flexibility to manage its electricity costs further should the opportunity arise.
- 2.10.** Based on existing electricity consumption the total cost, under the proposed new contestability contract for Clarence Aquatic Centre and the Council Chambers for 2019-2022, will exceed \$250,000 and a Council decision is required to proceed.

3. CONSULTATION

3.1. Community Consultation

No community consultation has been undertaken.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2016/2026 is relevant. Goal Area Council's assets and resources contains the following Strategy to: *"Maintain Council in a sound financial position through: planning for financial flexibility to meet unforeseen future externalities and opportunities"*.

The proposed tender and resultant contract has the capacity to maintain or improve Council's financial position by securing cheaper electricity prices.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1. The *Local Government Act 1993 (Tas) (Act)*, Section 333A, requires Council to invite tenders for any contract it intends to enter for the supply of goods or services valued at or above \$250,000. Tenders must be invited and conducted in a manner in compliance with the Act. In addition, Section 333B of the Act requires that Council comply with its "Code for Tenders and Contracts" dated 5 October 2015 (Code).

6.2. Any advertisement and subsequent tender processes will be carried out by Council officers in accordance with the Act and the Code. Once tender responses have been assessed, due to the financial delegation thresholds, the usual procedure is for Council officers to seek a decision from Council for acceptance of a tender response and for the General Manager to then act on any Council decision to complete the process via finalisation of a contract.

- 6.3.** There is nothing in the Act, the *Local Government (General) Regulations 2015* (Tas), the Code or Council’s “Procurement Procedure” (October 2015) that prohibits Council providing preapproval for the General Manager to accept a tender response and enter a contract. In the circumstances of the five day period in which to accept tendered rates, and subject to those rates being less than the Aurora Energy default rate and the lowest tendered rates being accepted, it is considered appropriate for Council to grant pre-approval to the General Manager to award the contract and do all things necessary to complete the contract process.
- 6.4.** The contract will be a standard form contract offered by the energy retailer. The usual template contracts drafted and used by Council for Asset Management projects are not suitable for use as an energy supply contract due to the nature of the services. Past procedure has been to accept the contract offered by the energy retailer without amendment, as Council is not in a strong commercial bargaining position regarding the amendment of an energy retailer’s legal terms.
- 6.5.** Notwithstanding the above, and prior to executing any contract pursuant to any preapproval given by Council, legal review will be undertaken to determine that there is nothing unusual or unexpected contained in the contract. It is also important to note that, the electricity industry is heavily regulated and so Council is protected to a reasonable extent by those regulatory controls.

7. FINANCIAL IMPLICATIONS

- 7.1.** Contestable rates are currently typically around 12c/kWh. If Council were not to accept one of the tender responses, then the default rate (currently 40-50c/kWh) will be applied by Aurora Energy. As the default rates are higher than the contestable rates by a factor of approximately between three and five, not accepting a contestable rate would likely translate into significant missed cost savings by Council.

7.2. Due to the nature of the tender requirements, it is expected that all of the tender responses will as a matter of course, be lower than the default rate provided by Aurora Energy. In that regard, selection of any one of the tender responses will likely result in cost savings for Council. To maximise those cost savings, the cheapest of the tender responses is proposed for selection. It is difficult to exactly quantify the expected cost savings as the exact energy rates are yet to be tendered and will be applied to fluctuating future energy use.

7.3. The period of the proposed contract is from 1 July 2019 to 31 December 2022, consisting of the following:

- a) 2019/2020 financial year (ie 1 July 2019 to 30 June 2020);
- b) 2020/2021 financial year (ie 1 July 2020 to 30 June 2021);
- c) 2021/2022 financial year (ie 1 July 2021 to 30 June 2022); and
- d) first half of 2022/2023 financial year (ie 1 July 2022 to 31 December 2022).

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Council has had the benefit of significant cost savings having previously entered into prior contracts for contestable electricity rates for the Council Chambers, the Clarence Aquatic Centre, the Council Depot and Wentworth Park. The current contract is due for expiry on 30 June 2019. Council has the opportunity to continue to have the benefit of significant cost savings by entering into a new contestable arrangement for the Council Chambers and the Clarence Aquatic Centre (plus a contractual option to bundle in the Council Depot and Wentworth Park at a future date dependent on cost savings being achievable).

- 9.2.** Rates tendered by energy retailers are only open for acceptance for a period of five days due to external market conditions influenced by TasNetworks. The usual process of referral to Council prior to accepting a tender response and executing a contract is therefore not practicable.
- 9.3.** Due to the nature of contestable arrangements, all of the tender responses are anticipated to be lower than the default rate of Aurora Energy which would otherwise apply.
- 9.4.** It is proposed that Council grants the General Manager preapproval to select the lowest tendered rates for energy contestability for the upcoming contract for the period 1 July 2019 to 31 December 2022. To keep the Council informed and ensure transparency, the General Manager is to report back to Council as soon as reasonably practicable after execution of a consequent contract, providing details of the key terms of the contract, and specifically price.

Attachments: Nil.

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

11.7.3 INVESTMENT MISSION

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to seek approval for the Mayor to participate with the Tasmanian Co-ordinator General on an investment mission to Binzhou, China.

RELATION TO EXISTING POLICY/PLANS

Council has previously entered into a “friendship agreement” with Binzhou City.

Council policy requires the consent of Council for the Mayor or Aldermen undertaking any overseas travel.

LEGISLATIVE REQUIREMENTS

Not applicable.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There is sufficient funding in the 2018/19 budget to fund the cost, estimated at \$6,000.

RECOMMENDATION:

That Council approve the Mayor’s participation in an Investment Mission to Binzhou in June 2019.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Chambroad Overseas Investments Australia, based in Binzhou, China are the developers of the proposed Hotel and Hospitality Training School at Kangaroo Bay.
- 1.2.** Commencement of the proposed development has occurred, although in recent times progress on further building works has been delayed pending finalisation of negotiations between Chambroad, the State Government and an educational provider in relation to the operation/development of the Hospitality Training School.

2. REPORT IN DETAIL

- 2.1.** The State Co-ordinator General is planning a brief investment mission to China in June.
- 2.2.** A major component of the investment mission will be meetings with the Chairman of Shandong Chambroad Holdings, the parent company of Chambroad Overseas Investment Australia, the developers of the Kangaroo Bay development, who are based in Binzhou.
- 2.3.** The Co-ordinator General has requested the Mayor participate in the investment mission given Council's "friendship" agreement with Binzhou City and our previous commercial dealings with Chambroad through the initial Kangaroo Bay development process.
- 2.4.** Whilst initial works have been undertaken on the development, work has been delayed pending finalisation of some commercial agreements in relation to the hospitality training school.
- 2.5.** It is appropriate for the Mayor to participate in the mission to obtain first hand an understanding of the issues in regard to the future timelines and progress for the Kangaroo Bay development, and Chambroad's continued commitment to the development.

3. CONSULTATION

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council has previously entered into a "friendship agreement" with Binzhou City.

Council policy requires the consent of Council for the Mayor or Aldermen undertaking any overseas travel.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

There is sufficient funding in the 2018/19 budget to fund the cost, estimated at \$6,000.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

It is considered appropriate for the Mayor to participate in the investment mission to obtain a first-hand understanding of Chambroad's continued commitment to the Kangaroo Bay development.

Attachments: Nil.

Andrew Paul
GENERAL MANAGER

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10/04/2019

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

Dear Mayor Chipman

Investment Mission to China - June 2019

I am planning a brief investment-focused visit to China in early June 2019 which will include meetings in the cities of Binzhou and Boxing.

I am writing to ask you to accompany me given the current collaborations that the City of Clarence has with Binzhou.

The purpose of the visit is to strengthen the relationship with the Shandong Province in China and demonstrate support for existing and future Chinese investment in Tasmania. This is especially important against the backdrop of guidelines introduced by the Chinese Government in August 2017 which increase restrictions for outward investment.

It is intended that we meet with the Government of Binzhou during the Mission to discuss investment in agriculture, tourism and education; and to articulate the importance of the Kangaroo Bay development to Tasmania. This provides an opportunity for you to also further your 'Friendship City' cooperation in line with the Memorandum of Understanding between the cities of Clarence and Binzhou that was signed in May 2017.

Importantly, we will also meet with the Chairman of Shandong Chambroad Holdings Co. Ltd (Chambroad) to emphasise that bringing the Kangaroo Bay development to fruition is a high priority for both the Tasmanian Government and the Clarence City Council. The aim will be to secure Chambroad's continued commitment to the development.

I believe this visit should take place as a matter of priority. For Tasmania to remain competitive in this landscape we need to build on strategic relationships and emphasise the importance of international trade and investment to our State.

At this stage, I am planning to arrive in China on the evening of 7 June and depart the evening of 11 June.

I am hoping that you can attend and look forward to your earliest advice on the matter.

Yours sincerely

John Perry
COORDINATOR-GENERAL

Ph: (03) 6777 2804 (Direct)
E: john.perry@cg.tas.gov.au

12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

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

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 GENERAL MANAGER'S RETIREMENT

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

- personnel matters;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence;

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.