

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 19 AUGUST 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

Ald Chipman (Leave of Absence)

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 29 July 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**

Presentation – Welcoming Cities

Presentation – Derwent Estuary Program

Roadway/Access Issue – Cremorne

Council Meeting Matters

5 August

Urban Design Survey

Suburb Boundary Change/Howrah Gardens Survey Results

Roadway/Access Issue – Cremorne

Lauderdale Primary School Safety

12 August

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)

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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.

QUESTION:

At Council's Meeting of 29 July 2019 Victor Marsh of Bellerive asked: "When will the Council begin working on a traffic management plan that will provide for safe and efficient traffic management, pedestrian well-being and safety and minimise local impacts"?

ANSWER

Council monitors traffic, pedestrian and parking activity within the Bellerive Village and surrounding areas on an ongoing basis. This includes review of reported crash history data on Council's roads on an annual basis as part of the Black Spot funding program. Road safety audits have not identified any significant safety concerns in the Bellerive village precinct. In relation to parking, Council has adopted the Kangaroo Bay Public Car Parking Strategy which provides strategic direction to manage car parking as development in the Kangaroo Bay area continues.

Council Officers recognise pedestrian connectivity enhancements will be beneficial to the community. The Kangaroo Bay developments, including the BYC marina development, will contribute to improved pedestrian and cycleway connectivity. Other opportunities to improve pedestrian connectivity are commonly undertaken in conjunction with road reconstruction works. Percy Street and Cambridge Road are due for road reconstruction within the next five years and Officers will provide improvement options for Council to consider when master plan design work is complete for these roads.

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.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

Quarterly Reports

TasWater Corporation has distributed its Quarterly Report for the period 1 April to 30 June 2019.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

- **GREATER HOBART COMMITTEE**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 29 July and 5 and 12 August 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 29 July and 5 and 12 August 2019 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

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 PDPLANPMTD-2019/001641 – 151 EAST DERWENT HIGHWAY, LINDISFARNE - FOOD VAN**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Food Van at 151 East Derwent Highway, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Parking and Access and Stormwater Management 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.

Council is required to exercise a discretion within the statutory 42 day period which expires on 21 August 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and six representations were received. It has been noted that four of these representations came from the same household and business.

The following issues were raised:

- the proposed development does not add any appeal to the streetscape;
- the proposal will generate traffic hazards and nuisance to adjoining residences;
- a food van will be unfair competition to the existing businesses;
- the proposed hours of operation will be outside of the permitted hours;
- there is no consideration for landscaping;
- there is no requirement for street signage application;
- the proposal does not include toilet facilities;
- the proposal does not have a provision for rubbish facilities;
- the development will lead to more food vans;
- the proposed development does not have a time limit;
- the visual appearance of the food van can change any time; and
- the proposed days of trading will jeopardise other businesses in the area.

RECOMMENDATION:

- A. That the Development Application for a Food Van at 151 East Derwent Highway, Lindisfarne (CI Ref PDPLANPMTD-2019/001641) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AM1 – NUISANCE.
 3. GEN AM5 – TRADING HOURS [5.00pm] to [9.30pm].
 4. The operator of the food van must provide a rubbish bin next to the food van during the hours of operation and dispose of the contents regularly to ensure there is no rubbish about the site.
- 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**

Planning permit D-2016/452 was issued on 15 January 2018 for a grocery and convenience store.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Local Business under the Scheme.

2.2. The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme. The Resource Management and Planning Appeals Tribunal (RMPAT) decisions have found that an Acceptable Solution is not a relevant consideration of the applicable Performance Criterion unless specifically referenced. Therefore, in this report, where the proposal does not meet the Acceptable Solution for a Use or Development Standard, only assessment of the Performance Criteria is made.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;

- Section 10 – Local Business Zone; and
- Section E6.0 – Parking and Access and Stormwater Management Codes.

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 1517m² corner allotment located on East Derwent Highway. It has two crossovers and access points, one from East Derwent Highway and one from Beach Road.

The site is occupied by Lindisfarne Service Centre, which operates on-site from 7.00am to 5.30pm Monday to Friday. It is open on Saturdays from 8.00am to 1.00pm and closed Sundays.

The site is zoned Local Business and is surrounded by a local businesses and residential living setting.

The site provides car parking for 16 cars.

3.2. The Proposal

An application is made to operate a take-away food van from Friday to Sunday 5.00pm to 9.30pm from the subject property. The proposed hours of operation would only coincide with the Lindisfarne Service Centre for half an hour on Friday. The trailer would not be stored on-site. The food van would arrive Friday and leave Sunday.

The food van would only provide take-way services and would not provide an opportunity to dine on-site. The proposed use would not involve any music or promotional speakers.

The food van would be sited approximately 4m from the Residential zone and 3m from the Lindisfarne Service Station. The food van would be 7m long and 3.2m wide and have a maximum height of 2.4m. It would be of dark colour and includes signage on the van that includes a business logo and two menu boards. These signs are not subject to assessment under the Scheme.

The proposed food van would require 3 car spaces allocated to it under the Parking and Access Code. The Lindisfarne Service Station requires 3 car parking spaces allocated to it. The food van would occupy car parking spaces while located on-site, there would be an excess of 8 car parking spaces when both uses are operating.

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 requires discretion under the following Performance Criterion.

- **Local Business Zone**

The proposal does not comply with Clause 20.3.1 A1 of the Scheme in relation to Hours of Operation because the proposed hours of operation are 5.00pm to 9.30pm, Friday until Sunday. The proposed variation must therefore be considered pursuant to the Performance Criterion (P1) of the Clause 20.3.1 as follows.

Performance Criteria	Proposal
<p><i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i></p>	<p>Complies - the proposed hours of use are from 5pm to 9.30pm Friday to Sunday inclusive. It is noted that the proposed development site is located adjacent to a residential setting and the nearest residential dwelling is located 30m from the proposed development site.</p> <p>It also noted that the proposed food van is not a permanent structure and would not be operating every night. It would be transferred to site on Friday and removed on Sunday.</p> <p>In addition, the proposed use will not include any commercial vehicle movements. It is also considered that the proposed development will seek a variation of 0.5 hours, which can be considered reasonable.</p> <p>Furthermore, the proposed use is located adjacent to East Derwent Highway. Therefore, an element of noise can be considered to be associated with the surrounding area.</p> <p>On the basis of the location of the proposed development and activities involved in the use, it is considered that the requirements of this performance criterion are met.</p>

5. REPRESENTATION ISSUES

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

5.1. Visual Appearance

Representors are concerned that the proposed development would not add any appeal to the streetscape, whereas other businesses in the area have spent considerable amount of money to ensure that they are appealing and attractive. A mobile food van offers no attraction or appeal to the streetscape.

- **Comment**

The visual appearance of a proposed building or a structure is not a relevant consideration under the Local Business zone. This issue therefore, cannot be given determining weight.

5.2. Impact on Residential Amenity

Representors are concerned that the proposed development will have a negative effect on residential amenity via noise and other emissions.

The proposed use will have a negative impact on residential amenity and its customers will create a disturbance on Beach Road.

- **Comment**

The issues concerning negative impact on residential amenity have been addressed in the assessment above. It is considered that the proposed development meets the relevant performance criterion.

5.3. Impact on Traffic on Beach Road

Representors are concerned that the proposed development will increase traffic on Beach Road and generate traffic hazards.

- **Comment**

It is anticipated that the proposed use will be busiest after peak traffic periods and therefore will not have an unreasonable impact on traffic safety on Beach Road. It is also noted that the Lindisfarne Service Station is closed, apart from a brief time period of 0.5 hours on Fridays, when the proposed food van is operating. Furthermore, Council's Engineers are satisfied that the proposed development meets all the relevant development standards.

5.4. Impact on Traffic on East Derwent Highway

Representors are concerned that traffic flow will be dangerous with half of the intended customers travelling southwards on East Derwent Highway. As there is no access from south lanes on the highway, this will require them to do a U-turn in the already dangerous Nietta Road intersection.

- **Comment**

It is noted that the subject site is already used for commercial purposes by the Lindisfarne Service Station, which generates vehicle traffic in and out of the site similarly to the proposed use. Furthermore, Council's Engineers are satisfied that the proposal will not impact on traffic safety in view of the sight distance and traffic flow during the hours of operation.

5.5. Competition between Businesses

Representors are concerned that the food van will be unfair competition to the existing businesses.

Other businesses are required to make a sizeable investment to develop the sites they are located on. Food vans are not subject to a development application fee. They will not increase rates as they are temporary structures.

- **Comment**

Competition between private businesses is not a relevant consideration under the planning scheme. This issue therefore, should not be given determining weight. Notwithstanding the above, rates are being paid on the property and the development application is subject to the discretionary application fee.

5.6. Hours of Operation

Representors are concerned that the proposed hours of operation are outside permitted hours.

- **Comment**

The issues regarding the food van operating outside the permitted hours are addressed in the above assessment. It is considered that the proposed use meets the relevant performance criterion.

5.7. Landscaping

Representors are concerned that there is no consideration for landscaping. There is no landscaping proposed as a part of the development, as seen for instance in “Evans Street Eats” in Hobart.

- **Comment**

The proposed use would operate in an already established site and would be temporary in nature. Therefore, standards regarding landscaping are not a relevant consideration under the Scheme.

5.8. Signage

Representors are concerned that there is no requirement for a signage application.

The signage may be offensive to ratepayers and Council.

- **Comment**

The proposed use includes signage on the van that includes a business logo and two menu boards. These signages are not subject to assessment under the Scheme.

5.9. Toilet Facilities

Representors are concerned that there is no provision of toilet facilities for staff and customers.

- **Comment**

The applicant provided a letter from the Lindisfarne Service Station Manager stating that the applicant will have access to the sanitary facilities on-site. However, access to the sanitary facilities is not a relevant consideration under the Scheme and therefore has no determining weight.

5.10. Rubbish Removal

Representors are concerned that there is no provision for rubbish removal as customers of the food van will have no dining area and will be inclined to eat in their vehicles. This means that customers may discard their rubbish on the street and surrounding area.

- **Comment**

The proposed food van would only provide pick-up services and would not provide a dine-in option. It is anticipated that customers would move on as the site is not an attractive place to dine. However, a condition requiring rubbish bins to be provided on-site during the hours of operation and regular disposal of any rubbish, will be included in the planning permit.

5.11. The Development will lead to additional Food Vans On-site

Representors are concerned that the development will lead to more food vans on-site. The electricity of the food van must be supplied by the landlord or existing tenant. The landlord or existing tenant are in business and will be encouraged to promote more food vans for financial gain. The existing food van will make it easier for additional food vans to apply to operate on the subject site.

- **Comment**

This matter is not a relevant consideration under the Scheme. A future application for an additional food van would be assessed on its own merits.

5.12. The Nature of the Use

Representors are concerned that the proposed development has no time limit and the temporary use may become permanent use.

- **Comment**

The temporary use refers to the nature of the use, which operates on Friday, Saturday and Sunday. The primary and permanent use on-site relates to the operation of the Lindisfarne Service Station, which occupies and operates the site six days a week.

5.13. The Proposed Colour Scheme

Representors are concerned that the appearance of the proposed food van can change.

- **Comment**

The proposed colour scheme of a structure or a building is not a relevant consideration under the zone. Therefore, this issue has no determining weight.

5.14. Days of Trading

Representors are concerned that the proposed days of trading jeopardise other businesses in the surrounding area.

The proposed days of trading represent 70% of turnover for other businesses operating in the area. The proposed food van is a “smash and grab” operation designed to maximise profit without consideration of service to the community.

- **Comment**

The competition between private businesses is not a relevant consideration under the Scheme. Food services that provide take-way services are a permitted use in the zone and therefore an encouraged use under the zone.

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.

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

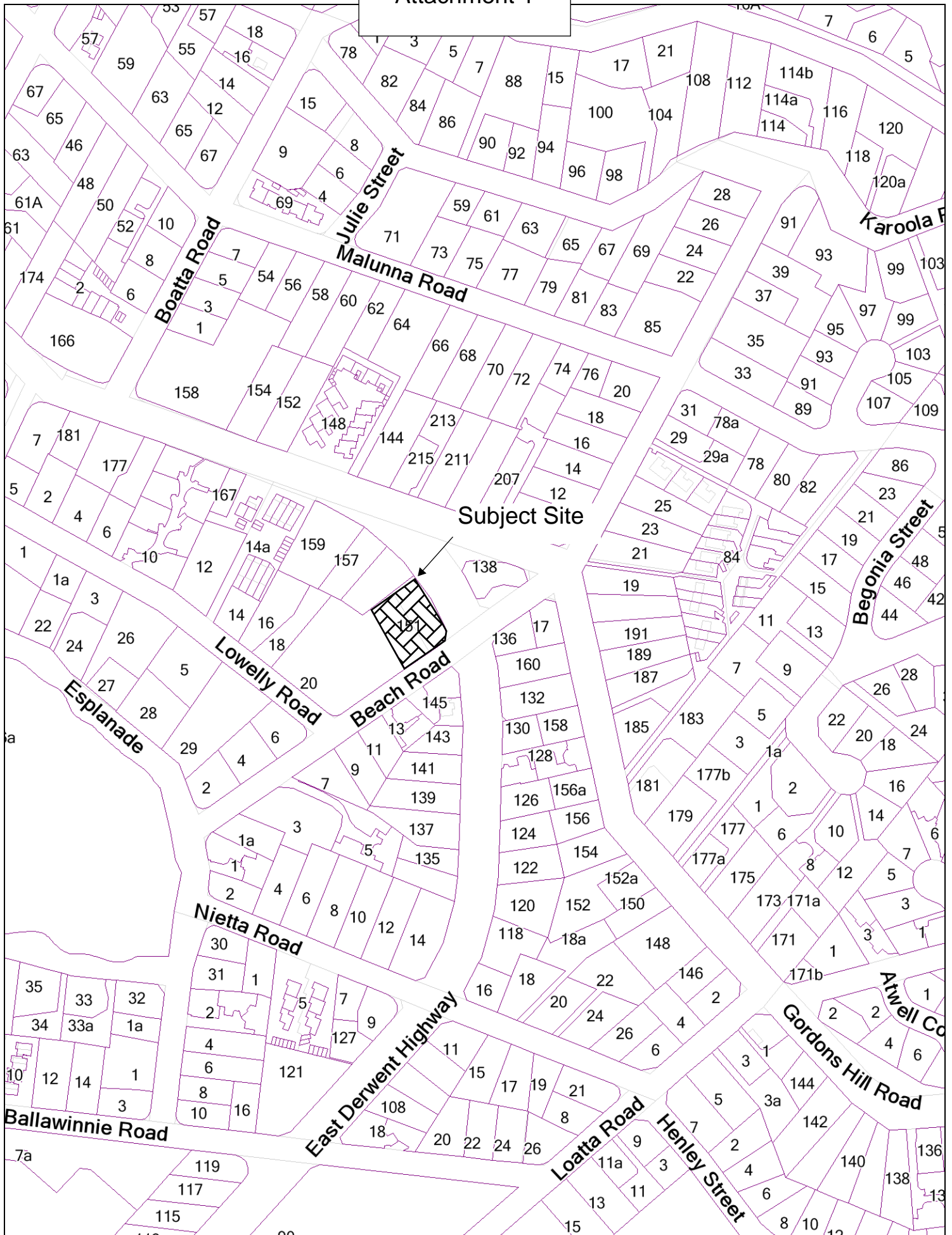
9. CONCLUSION

The proposal is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 8 August 2019 **Scale:** 1:2,987 @A4

6/452



Attachment 3



Attachment 4



Photo. Site viewed from East Derwent Highway, LINDISFARNE

11.3.2 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/3) AND 28 LOT SUBDIVISION (SD-2018/56) - 102 AND 106 PASS ROAD, ROKEBY, 118 PASS ROAD AND 50 MINNO STREET, HOWRAH (SECTION 39 REPORT)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council's decision of 6 May 2019 in light of the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

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 (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.

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

The draft Amendment, Proposal and draft Permit conditions were advertised in accordance with statutory requirements and 1 representation was received from the applicant. The issue raised related to Condition 3 of the draft Permit and specifically the payment of a cash contribution in-lieu of Public Open Space. This matter is discussed in further detail within the body of this report.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representation does not warrant modification to draft Amendment A-2018/3.
- B. That Council resolves, under Section 43F of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representation warrant the modification to Condition 3 of the draft Permit SD-2018/56.

Specifically, Condition 3 of the draft Permit should be modified to require a POS contribution relating to 5% of the value of the area of land in the approved plan described as Lots 104-122 only.
- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

The relevant background to this amended and associated proposal is documented in the report considered by Council at its Meeting on 6 May 2019.

2. STATUTORY IMPLICATIONS

2.1. Pursuant to Section 39 and Section 43F of the Land Use Planning and Approvals Act 1993 (LUPAA) Council is required to consider the merits of any representations received and provide the Tasmanian Planning Commission (TPC) with:

- (a) a copy of each representation received; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to –
 - (i) the need for modification of the draft Amendment (S.39) and/or the draft Permit [S.43F(6)(b)] in light of that representation;
 - (ii) the impact of that representation on the draft Amendment as a whole; and

- (c) such recommendations in relation to the draft Amendment as the authority considers necessary.

3. PROPOSAL IN DETAIL

3.1. The Site

The site is comprised of four titles located on the western side of Pass Road approximately 600m north of the intersection with the South Arm Highway. A location plan is included in the attachments and described in detail in Council's initiation report dated 6 May 2019.

3.2. The Amendment (A-2018/3)

It is proposed to amend the Scheme by rezoning the properties at 102 and 106 Pass Road and a portion of the adjacent road reservation from "Particular Purpose" (32.0 – Urban Growth zone) to "General Residential". A copy of the certified Amendment is included in the attachments.

3.3. The Subdivision (SD-2018/56)

A detailed description of the proposed subdivision is included in Council's initiation report dated 6 May 2019. In summary, it is proposed to create 28 residential lots designed around the existing house lot (102 Pass Road) previously approved as shown in the attachments.

The proposed lots range in size from 562m² to 948m² and includes 20 new lots and the redesign of 7 previously approved lots at 50 Minno Street (SD-2015/35).

No new road connections to Pass Road are proposed and the vehicular access to the lots will be via Napa Street terminating in a cul-de-sac towards the south-east corner of the site. A 10m wide POS walkway is proposed from the cul-de-sac head to Pass Road providing a direct connection for pedestrians to local services and public transport routes on Pass Road.

4. PLANNING ASSESSMENT

An assessment of the proposed amendment and subdivision is detailed in Council's initiation report dated 6 May 2019.

5. REPRESENTATION ISSUES

The draft Amendment, Proposal and draft Permit conditions were advertised in accordance with statutory requirements and one representation was received from the applicant.

5.1. Issue

The applicant confirms that they have no objection to the amendment as certified. The concern relates to Condition 3 of the draft Permit and specifically the payment of a cash contribution in-lieu of Public Open Space.

Condition 3 on the draft Permit states:

“Council has formed the opinion that the subdivision will or is likely to increase the demand for public open space and as no or no sufficient or acceptable provision has been made in the proposal plan for public open space it has been determined that payment of a cash contribution (“the Contribution”) in lieu of public open space equal to 5% of the value of the area of land in the approved plan described as Lots 58-64 and 104-122 is required in accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993. ...”

The applicant submits that:

- “● The area of the subdivision described in the above condition includes a portion of land which forms part of a previous subdivision which already has been the subject of an open space contribution as part of that permit – the new area of additional residential lots is therefore less than that specified.*
- Lot 64 of the proposed subdivision is consistent with the previous subdivision plan [SD-2015/35], and the five lots 58 – 63 are only added to by an increase in size and therefore do not increase the demand for POS.*
- The subdivision includes a 350m² lot which will provide a public open space which will form part of the subdivision – the area has a size and proportion which make it usable for this purpose. The area of this lot is the equivalent to 2% of the area of the new subdivision.*
- It is therefore submitted that Condition 3 should be revised to require no more than 3% of the value of lots 104-122”.*

- Comment**

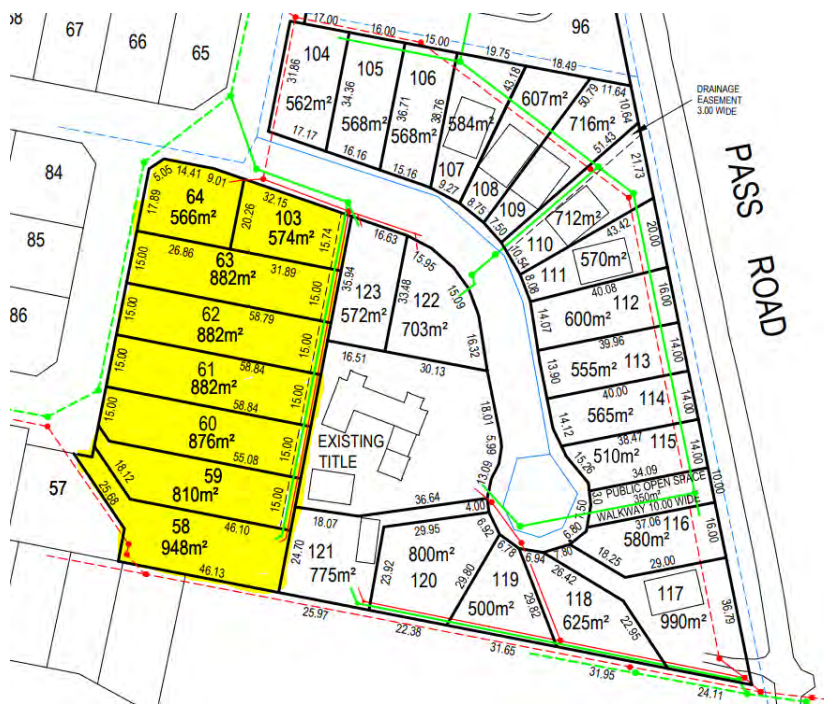
The concern relates to two very separate issues, firstly the lots that will generate an increased demand for POS and secondly the contribution that the proposed pedestrian access way to Pass Road makes to Council's POS network. These matters are addressed in turn below.

SD-2015/35 and increased Demand

It is accepted that the POS demand generated by the SD-2015/35 approval at 50 Minno Street was met through the provision of an appropriately sized and located 1126m² POS lot (Lot 200, transferred to Council as part of the second stage). Below is an extract of the subdivision layout approved under SD-2015/35 with the subject Lots 58-64 identified for clarity.



The extract of the proposed subdivision plan below shows the subject Lots 58-64 (and 103) highlighted for clarity.



A comparison between the two subdivision configurations clearly show that, consistent with the applicant's submission, that Lot 64 of the proposed subdivision is generally consistent with the previous subdivision plan [SD-2015/35], and the five Lots 58 – 63 are increased in size. On this basis it is accepted that these lots do not increase the demand for POS beyond that identified in the SD-2015/35 Permit. Additionally, Lot 103, whilst appearing as an additional new lot, generates no more demand than the existing parent lot at 106 Pass Road. For this reason, an additional POS contribution representing 5% of the area of Lot 103 is not required and does not need to be referenced in any revised permit condition.

Pedestrian Access Way

At the time the application was submitted to Council this Pedestrian Access Way was initially proposed to be 4m wide and the applicant's supporting report identified (at p29 and 30) the: *“(g) The new footway will provide connection to Council's existing network” and “(h) Public open Space is not provided within the subdivision and therefore it is intended that provision is by cash in lieu in accordance with the Council Policy”.*

The initially proposed footway was considered warranted. However, at 4m wide, it was considered undesirable and could be enhanced in terms of amenity and broader crime prevention through environment design (CPTED) principles by increasing its width to 10m. This approach is consistent with similar subdivision applications approved by Council elsewhere.

In response to these initial concerns the applicant provided an amended proposal resulting in a 10m wide, 350m² Public Open Space Walkway linking the cul-de-sac head to Pass Road as shown on the extract above between Lots 115 and 116. It is also noted the amendments did not result in the loss of any lots.

Section 5.11 of Council's Public Open Space Policy 2013 (the POS Policy) states:

“Land used for the following purposes should not be transferred to Council as POS:

- (i) stormwater drainage swales and natural water courses that would otherwise form part of the overall drainage within the subdivided area;*
- (ii) above ground infrastructure such as utility stations;*
- (iii) below ground infrastructure that would limit the use of the land above it and/or would limit landscaping treatments; and*
- (iv) pedestrian access ways.*

Where land is required for any of the above purposes, it should be provided to the relevant authority for the intended purpose and, subject to Council's discretion, either: additional land provided for POS, or alternatively a cash contribution provided in lieu of it.

When alternative areas of land is provided for POS on top of the land intended for the above purposes, the utilitarian function must be appropriately located and not inhibit the successful use and development of the POS”.

In this instance it is considered that the sole purpose of the proposed footway is to provide a pedestrian access way from the cul-de-sac head to Pass Road for the benefit of the future owners of the surrounding area. It is also considered that 10m width of the footway is necessary to ensure that it is fit for purpose having regard to CPTED principles. It is not suitable as a recreation space.

Section 11.1 of the POS Policy provides that unique circumstances may warrant departure from the policy. However, in this instance it is recommended that the full 5% cash-in-lieu contribution be required (in preference to the 3% requested by the applicant) on the basis that land is not suitable as a recreation space and provides no other function other than a pedestrian connection.

Amended Condition

For the reasons outlined above it is considered that Condition 3 of the draft Permit should be modified to require a POS contribution relating to 5% of the value of the area of land in the approved plan described as Lots 104-122 only.

6. EXTERNAL REFERRALS

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

7. COUNCIL COMMITTEE RECOMMENDATION

Council's Tracks and Trail Committee supported the need for the footway to be increased to 10m in width as exhibited.

8. STATE POLICIES AND ACT OBJECTIVES

An assessment of the proposed Amendment and associated subdivision against the State Policies and the objectives of Schedule 1 of LUPAA is detailed in Council's Report dated 6 May 2019.

9. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

10. CONCLUSION

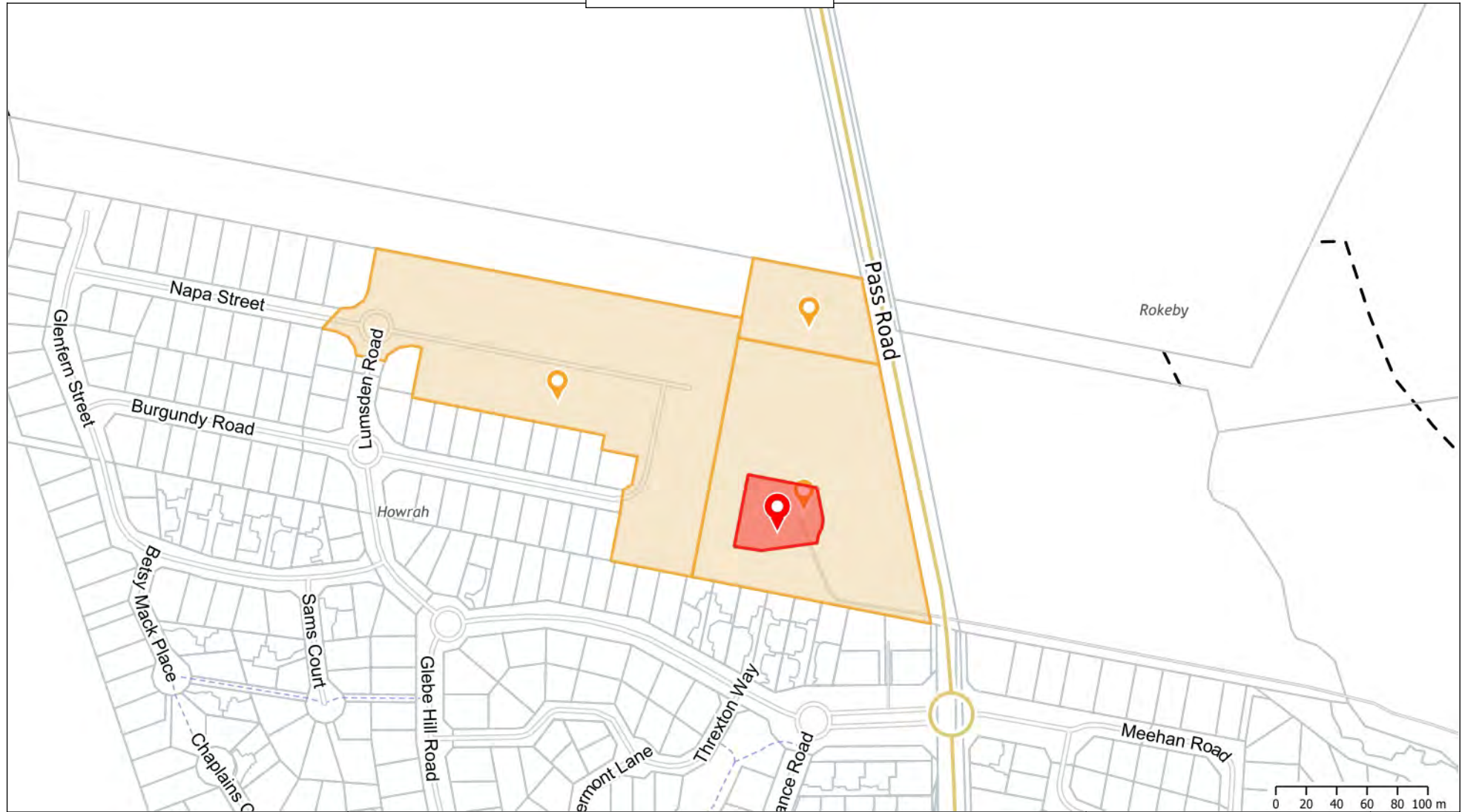
In accordance with the requirements of Section 39 and Section 43F of LUPAA Council is required to review its decision of 6 May 2019, in light of the representations received during the public exhibition period.

The draft Amendment, proposal and draft Permit conditions were advertised in accordance with statutory requirements and in this instance one representation was received from the applicant. The applicant supported the certified Amendment but raised several concerns relating to POS, and the requirement to pay cash-in-lieu of it. For the reasons outlined in this report, it is considered that the representor concern warrants minor modification to the draft Permit.

Attachments: 1. Location Plan (1)
2. Certified Amendment (1)
3. Proposal (1)
4. Permit (11)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

8/08/2019

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



Scale 1:1500

Printed @ A3

(c) Clarence City Council

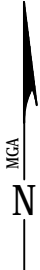
AMENDMENTS TO PLANNING SCHEME PLAN Amendment A-2018/3

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 10th DAY OF MAY 2019 PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE 6th DAY OF MAY 2019 IN THE PRESENCE OF:



CORPORATE SECRETARY



LEGEND

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

AMENDMENTS		
No.	Revision/Issue	Date



Unit G04 40 Molle Street,
HOBART TAS 7000
P 03 6220 0299 F 03 6220 0290
E admin@learyandcox.com

Project Name and Address

102 PASS ROAD
GLEBE HILL
50 MINNO STREET
HOWRAH

Drawing Title

PLAN OF SUBDIVISION

Client

HOBART PROPERTIES & SECURITIES PTY LTD

SCALE

0 10 20 30 40

1:1000 at A3

Contour Interval

0.50m

Date

13 / 03 / 19

SHEET

1 of 1

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NL

CHKD

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AutoCAD Ref

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DATUM

Horz: XXXXXX

Vert: XXXXXX



Clarence... a brighter place

Clarence City Council

DRAFT PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: SD-2018/56

Approval Date: 10 May 2019

Description: 28 Lot Subdivision

Address: 102 & 106 Pass Rd, Rokeby, 118 Pass Rd & 50 Minno St, Howrah

This permit is granted, subject to the following conditions:

General Conditions:

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.
2. Works associated with excavations, road construction and other activities associated with the development are only to be undertaken between the following hours:

Monday - Friday	7.00am to 6.00pm
Saturday	9.00am to 6.00pm
Sunday	10.00am to 6.00pm

3. Council has formed the opinion that the subdivision will or is likely to increase the demand for public open space and as no or no sufficient or acceptable provision has been made in the proposal plan for public open space it has been determined that payment of a cash contribution ("the Contribution") in lieu of public open space equal to 5% of the value of the area of land in the approved plan described as Lots 58-64 and 104-122 is required in accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

The amount of the Contribution is to be based on a valuation ("the Valuation") of the specified lots by the Valuer General. Unless otherwise specified in this condition, the Valuation is to be as at the date of lodgement of the final plan of the subdivision for sealing at which time Council will instruct the Valuer General to provide the Valuation.

The landowner must pay the Valuer General's fee for any Valuation before sealing of the final plan to which the Valuation relates.

The final plan will not be sealed until the Contribution has been paid.

Where a staged subdivision is proposed the landowner must elect in writing at the time of lodging the final plan for the first stage to either:

- have the Valuation done and pay the Contribution for the lots proposed in all stages of the subdivision in which such case the lots will be valued as at the date of lodgement of the final plan for the first stage, or alternatively
- have the Valuation done and pay the Contribution for the lots proposed in stage 1 only and to have a further Valuation done and pay a separate Contribution for each subsequent stage. In this case, the Valuation of the lots in stage 1 will be as at the date of lodgement of the final plan for that stage and the Valuation of the lots in any subsequent stage will be as at the date of lodgement for sealing of the final plan for that stage.

References in this condition to payment of a Contribution include the provision of security for the same in the form of a bond by the landowner to pay the Contribution which is supported by a bank guarantee. Each of the bond and the guarantee are to be in a form acceptable to Council.

Note: There may be a delay in the sealing of the final plan to facilitate the valuation process. This may be a consideration for landowners with staged subdivisions when electing to pay collectively as one lump sum or alternatively prior to the sealing of each stage.

Council Property Conditions:

5. Any lots described as “public open space”, “public access way”, “road”, “to be acquired by the Highway Authority” or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document.

The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.

Engineering Conditions:

6. Each lot must be provided with a minimum 3.0m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD-R09 (Urban) (copy available from Council). All internal lots must have a 3.6m minimum width driveway constructed to the body of the lot, with appropriate drainage. This access must be inspected by Council's Clerk of Works prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner in accordance with any directions given by Council to the owner and at the owner's expense.

7. Engineering designs, prepared by a suitably qualified person, are required for:

- road design (including line marking);
- road stormwater drainage;
- lot accesses;
- stormwater drainage;
- POS walkway

and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such designs must be submitted to and approved by Council's Group Manager Asset Management and must clearly describe what works are being undertaken for each approved stage of the development.

In accordance with Council's adopted fee schedule, a fee of 1% of the contract fee or certified construction cost will be charged for the approval of these plans and is payable upon their lodgement. A 'start of works' permit must be obtained prior to the commencement of any works.

For the Final Plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid and an agreement entered into in accordance with Council Policy. Please note that the bond for the "on-maintenance" period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

8. Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete or concrete, providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Group Manager Asset Management prior to the commencement of any works.
9. The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.

10. Any existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles and the service replaced in PVC or copper type A for water.
11. Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council's main prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. An extension to Council's stormwater main may be required at the owner's expense.
12. To prevent unauthorised vehicular access to the public walkway, access points must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of these posts must be approved by Council's Group Manager Asset Management.
13. An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Asset Management prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
14. A weed and hygiene management plan identifying how vehicle and machinery hygiene will be managed and methods to control weeds, must be submitted to and approved by Council's Group Manager Engineering Services prior to commencement of works. The plan must:
 - reference any Weeds of National Significance and Declared Weeds under the Weed Management Act;
 - address the spread of weed contaminated soil, weed material and soil-based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
 - identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
 - include a detailed breakdown of estimated costs.

The Final Plan and Schedule of Easements for any stage will not be sealed until the weed and hygiene management plan for that stage has been implemented and maintained to the satisfaction of Council's Group Manager Engineering Services. Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed and hygiene management plan for that stage must be submitted prior to sealing. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

15. The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all Council infrastructure required to service the lots in a form to the satisfaction of Council's relevant / delegated officer.

16. Street construction, including line marking, concrete kerbs, gutters and footpaths with bitumen roads, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Pavement designs must be based upon laboratory soaked CBR values. Line marking must be in thermoplastic material.
17. The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot.
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 Council's Group Manager Engineering Services 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. Suitable covenants must be included in the Schedule of Easements to:
 1. 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; and
 2. prohibit vehicle access and egress to Pass Road.

Additional covenants or other controls must not be included on the titles to the lots created by the subdivision where they are in conflict with any provisions of, or seek to prohibit any use provided for within, the relevant Planning Scheme applying to the lot.

20. All services, including the street lighting system, must be underground and within the road reserve or covered by a suitable easement.
21. 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.

Environmental Health Conditions:

21. Accumulated vegetation or the like must be managed by:
 - (a) chipping/mulching for removal or reuse on the site; or
 - (b) removal from the site to a location to be approved by Council's Senior Environmental Health Officer prior to such removal; or
 - (c) removal to a waste management facility licensed to take such material (receipts must be retained as proof of disposal location); or
 - (d) other method approved in writing by Council's Senior Environmental Health Officer.

No on-site burning of materials is permitted unless approved in writing by Council's Senior Environmental Health Officer and the burn conducted in accordance with any directions given.

No on-site burning will be approved within 500m of a habitable building.

The burning of accumulated building debris (including paper, cardboard, plastic, wood etc) is not permitted and must be removed from the site and disposed of at a waste management facility licensed to take such material.

TasWater Conditions:

23. The development must meet all required Conditions of Approval specified by TasWater notice, dated 25 February 2019 (TWDA 2018/00949-CCC).

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. Following the approval of new street name/s please contact Council's Administration Officer on 6217 9683 who will be able to assist with the allocation of street numbering to each lot.

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

SUBMISSION TO PLANNING AUTHORITY NOTICE OF DRAFT AMENDMENT TO PLANNING SCHEME AND PLANNING APPLICATION REFERRAL

Council Planning Permit No.	SD-2018/56 A-2018/3	Council notice date	4/12/2018
TasWater details			
TasWater Reference No.	TWDA 2018/01989-CCC	Date of response	25 Feb 2019
TasWater Contact	Greg Clausen	Phone No.	(03) 6237 8242
Response issued to			
Council name	CLARENCE CITY COUNCIL		
Contact details	cityplanning@ccc.tas.gov.au		
Development details			
Address	102 PASS RD, ROKEBY	Property ID (PID)	1502053
Description of development	Subdivision		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Ross Cumming	Concept Services Arrangement	B	6 Sept 2018
TasWater	Document D1: Water Supply zone arrangements		19 Feb 2019
Submission			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater makes the following submission(s):</p> <ol style="list-style-type: none"> TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. 			
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. Prior to commencing construction of the subdivision, any water connection utilised for construction must have a backflow prevention device and water meter installed to the satisfaction of TasWater. <p>ASSET CREATION & INFRASTRUCTURE WORKS</p> <ol style="list-style-type: none"> Special Water Supply requirements are as follows: <ol style="list-style-type: none"> The development must be connected to the Rokeby Reservoir Zone (top water level RL 107.0m) to TasWater satisfaction. <p><i>Advice:</i> There are three options acceptable to TasWater:</p> 			

- i. *Construct a new DN200 water main along Pass Road from the DN300 trunk main (asset number A3351497) located at the Emerald Drive intersection that is connected to the Rokeby Reservoir supply zone; or*
 - ii. *In the event that the proposed DN200 water main along Pass Road has already been constructed by others and transferred to TasWater, then connect to the new DN200 main; or*
 - iii. *Install a Pressure Reducing Valve (PRV) set to a total head of 107.0m. This option will also require a DN100 water main to be constructed between lots 115 and 116 for future connection to the proposed DN200 water main along Pass Road and a bond by way of a bank guarantee with security to complete the connection to the proposed DN200 water main and decommission the PRV arrangements.*
 - b. The extension of the Rokeby Reservoir water supply zone into land external to this development as indicated by Document D1 must be facilitated by placement of infrastructure to TasWater satisfaction.
- Advice:** *Rokeby Reservoir will comfortably meet consumer expectations up to the 65m contour.*
5. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
 6. Prior to applying for a Permit to Construct the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a Registered Professional Engineer showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.
 7. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
 8. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
 9. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, generally as shown on the Schedule of Drawings, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
 10. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
 11. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
 - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
 - c. Security for the twelve (12) month defects liability period to the value of 10% of the works

must be lodged with TasWater. This security must be in the form of a bank guarantee;

- d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
12. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
13. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
14. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
15. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

16. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.
Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.
17. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.

DEVELOPMENT ASSESSMENT FEES

18. The applicant or landowner as the case may be, must pay a development assessment fees to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:
 - a. \$1,139.79 for development assessment; and
 - b. \$149.20 for Consent to Register a Legal DocumentThe payment is required within 30 days of the issue of an invoice by TasWater.
19. In the event that Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

General

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

A copy of the GIS is included in email with this notice and should aid in updating of the documentation. The location of this infrastructure as shown on the GIS is indicative only.

- A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies
- TasWater will locate residential water stop taps free of charge
- Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

Authorised by

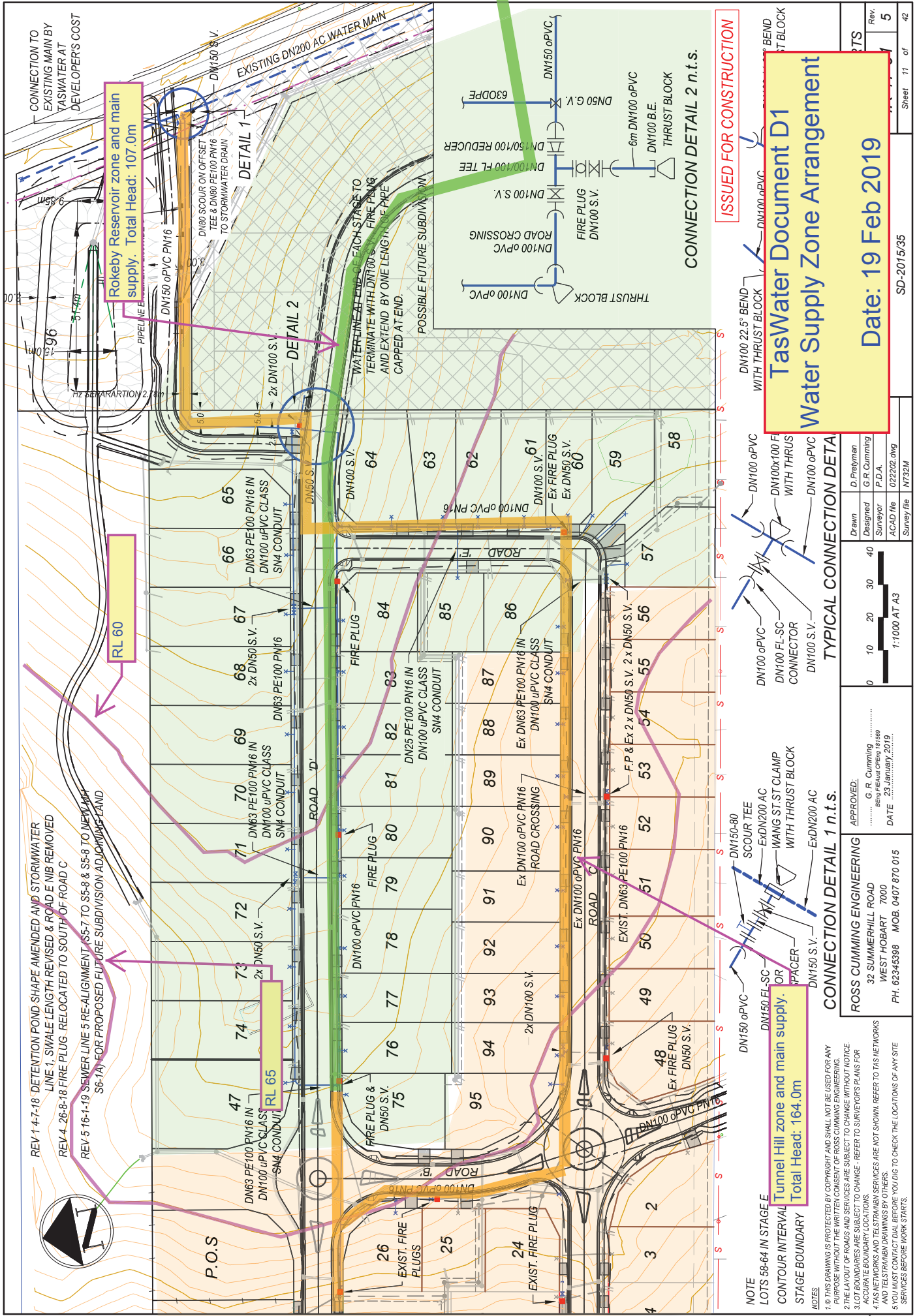


Jason Taylor

Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au



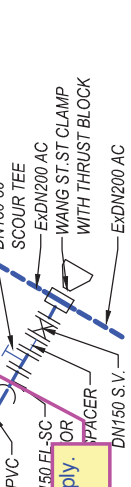
ISSUED FOR CONSTRUCTION

TasWater Document D1
Water Supply Zone Arrangement

Date: 19 Feb 2019



TYPICAL CONNECTION DETAIL



CONNECTION DETAIL 1 n.t.s.

NOTE
LOTS 58-64 IN STAGE E
CONTOUR INTERVAL
STAGE BOUNDARY

NOTES
1. THIS DRAWING IS PROTECTED BY COPYRIGHT AND SHALL NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF ROSS CUMMING ENGINEERING.
2. THE LAYOUT OF ROADS AND SERVICES ARE SUBJECT TO CHANGE WITHOUT NOTICE.
3. LOT BOUNDARIES ARE SUBJECT TO CHANGE - REFER TO SURVEYOR'S PLANS FOR ACCURATE BOUNDARY LOCATIONS.
4. GAS NETWORKS AND TELSTRA/BNB SERVICES ARE NOT SHOWN. REFER TO GAS NETWORKS AND TELSTRA/BNB DRAWINGS BY OTHERS.
5. YOU MUST CONTACT DIAL BEFORE YOU DIG TO CHECK THE LOCATIONS OF ANY SITE SERVICES BEFORE WORK STARTS.

APPROVED:
ROSS CUMMING ENGINEERING
32 SUMMERHILL ROAD
WEST HOBBART 7000
PH. 62345398 MOB. 0407 870 015
DATE 23 January 2019
G. R. Cumming
BEN FEALIN OPEng 191569

Drawn	D. Preyman	Designed	G. R. Cumming
Surveyor	P.D.A.	Surveyor	P.D.A.
ACAD file	022202.dwg	ACAD file	022202.dwg
Survey file	N732M	Survey file	N732M

SD-2015/35

Sheet 11 of 42

11.3.3 SUBDIVISION APPLICATION – 90A AND 92 GORDONS HILL ROAD, LINDISFARNE – 1 LOT SUBDIVISION
(File No. PDPLANPMTD-2019/001781)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 90A and 92 Gordons Hill Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 21 August 2019 as agreed with the applicant.

CONSULTATION

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

- impact of future development;
- access arrangements;
- servicing capacity;
- responsibility for access upgrades; and
- maintenance of public footway.

RECOMMENDATION:

A. That the application for a 1 lot subdivision at 90A and 92 Gordons Hill Road, Lindisfarne (CI Ref PDPLANPMTD-2019/001781) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS1 – POS CONTRIBUTION [5% - Lot1].

3. Prior to the sealing of the Final Plan of Survey the developer must purchase a right-of-way easement over the Council land at 90A Gordons Hill Road. The developer is responsible for all costs associated with the creation of the right-of-way including an agenda report, valuation, survey costs and land titles fees.
4. ENG M2 – DESIGNS SD [lot accesses, shared driveway and stormwater drainage].
5. Lots 1 and 2 must be provided with a 5.5m wide by 7.5m long sealed crossover from Gordons Hill Road to the boundary with 90A Gordons Hill Road in accordance with *Tasmanian Standard Drawing TSD-R09 (Urban)* (copy available from Council). The remainder of the shared driveway over 90A Gordons Hill Road to the boundary of Lots 1 and 2 must be sealed and have a minimum width of 3.6m. The access and driveway must be inspected by Council prior to sealing or pouring new concrete.

Following construction, the crossover and driveway must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.

OR

Both existing access crossovers from Gordons Hill Road to 90A Gordons Hill Road must be widened and sealed to provide passing opportunities for vehicles entering and leaving Gordons Hill Road. The two access points and passing bays must be reconstructed to a minimum width of 5.5m and 7.5m long from the kerb with a sealed pavement continuous to the property boundary.

6. ENG M8 – EASEMENTS.
7. ENG S2 – SERVICES.
8. ENG S4 – STORMWATER CONNECTION AND DETENTION.
9. ENG S1 – INFRASTRUCTURE REPAIR.
10. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 July 2019 (TWDA 2019-00889-CCC).

ADVICE

- a. As a consequence of the development, the street numbering allocated to each lot/unit will be as set out as follows:
 - Lot 1 - 92A Gordons Hill Road; and
 - Lot 2 - existing dwelling 92 Gordons Hill Road.
- 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.

SUBDIVISION APPLICATION PDPLANPMTD-2019/001781 – 90A AND 92 GORDONS HILL ROAD, LINDISFARNE – 1 LOT SUBDIVISION /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The application involves 92 Gordons Hill Road and adjoining Council owned land located to the south of the subject site (known as 90A Gordons Hill Road). The Council land provides access to two other properties including 90 and 1/90 Gordons Hill Road via a right-of-way which was formalised in the late 1980's.

The right-of-way providing access to 90 and 1/90 Gordons Hill Road is 4.5m wide along the southern boundary of the Council land. However, the physical driveway providing access to 90 Gordons Hill Road is located entirely outside of the right-of-way. Given 90 Gordons Hill Road is in the same ownership as the subject site, it is considered reasonable to include an advice clause requiring the existing right-of-way to be expunged and replaced with a benefiting right-of-way as proposed within the subdivision plan. This is particularly relevant in the context of consideration of compliance with the access requirements of the Scheme which will be discussed further below. The applicant has been advised of this requirement.

The access is also used by an existing dwelling at 68 Henley Street, however, no legal entitlement is in place for this to occur.

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. Resource Management and Planning Appeals Tribunal (RMPAT) decisions have found that an Acceptable Solution is not relevant to the consideration of the applicable Performance Criterion unless specifically referenced.

Therefore in this report, where the proposal does not meet the Acceptable Solution for a Use or Development Standard, only assessment of the Performance Criteria is made.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E5.0 – Road and Rail Assets Code;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The property known as 92 Gordons Hill Road has a land area of 986m² and is located on the western side of Gordons Hill Road. Gordons Hill Road is elevated above the site with the site sloping gently to the south-west. The property contains a single storey dwelling located towards the property frontage with Gordons Hill Road.

Access to the site is proposed to be provided via a shared driveway located over the adjoining Council owned land at 90A Gordons Hill Road. This access arrangement arises because access is compromised directly from Gordons Hill Road due to the presence of a steep embankment.

The site is located within an established residential area within Lindisfarne and is surrounded primarily with single and multiple dwelling developments.

3.2. The Proposal

Application is made to subdivide the subject property into two lots, one containing the existing dwelling (Lot 2) with an area of 583m² and one vacant lot (Lot 1) to the rear with an area of 403m².

Lot 2 would retain a 12.7m frontage onto Gordons Hill Road. Lot 1 would be provided with access to Gordons Hill Road via a variable width right-of-way extending over an existing formed access on 90A Gordons Hill Road. The right-of-way would benefit Lot 1 and Lot 2 being the existing arrangements.

The existing drainage easements are proposed to be carried forward across both titles. A new pipeline and services easement is proposed to be created along the north-western side boundary resulting in three boundaries being encumbered by easements.

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 requires discretions under the following Performance Criteria.

- **General Residential Zone**

The proposal does not comply with Clause 10.6.1 A2 of the Scheme in relation to lot design because the long axis of Lot 1 would be oriented 55 degrees east of north. The proposed variation must therefore be considered pursuant to the Performance Criteria (P2) of the Clause 10.6.1 as follows:

Performance Criteria	Proposal
<i>“P2 – The design of each lot must contain a building area able to satisfy all of the following:</i>	See below assessment.
<i>a) be reasonably capable of accommodating residential use and development;</i>	The design of the proposed vacant lot, Lot 1, is adequate in size, shape and orientation to allow for the future construction of a residential dwelling capable of being provided with areas of outdoor space and on-site car parking to meet the reasonable needs of the occupants.
<i>b) meets any applicable standards in codes in this planning scheme;</i>	The proposal is consistent with the relevant requirements of the Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code, which will be discussed further in this report.
<i>c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</i>	The design of Lot 1 would enable reasonable solar access through design consideration due to its level, northerly orientation and reasonable separation from adjoining properties.
<i>d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i>	The gently sloping terrain will minimise the need for future earth works associated with future residential development.
<i>e) provides for sufficient useable area on the lot for both of the following:</i> <i>(i)on-site parking and manoeuvring;</i> <i>(ii)adequate private open space”.</i>	Proposed Lot 1 would have sufficient area for outdoor living and on-site car parking, in accordance with the requirements of the General Residential zone, Road and Rail Assets Code and Parking and Access Code.

- **General Residential Zone**

The proposal does not comply with Clause 10.6.1 A4 of the Scheme in relation to lot design because proposed Lot 1 would form an internal lot.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P4) of the Clause 10.6.1 as follows.

Performance Criteria	Proposal
<p><i>“P4 - 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>Proposed Lot 1 would obtain access to Gordons Hill Road via a reciprocal right-of-way proposed over the adjoining Council land at 90A Gordons Hill Road. Gordons Hill Road existed prior to 1 July 2015.</p> <p>The access arrangement is considered a reasonable response to encourage optimal land utilisation and efficiencies.</p>
<p><i>b) it is not reasonably possible to provide a new road to create a standard frontage lot;</i></p>	<p>In consideration of the subdivision design, it is not feasible to construct a new road for access given the limited number of right-of-way beneficiaries with the access arrangement forming a reasonable response to an infill subdivision design.</p>
<p><i>c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i></p>	<p>The proposal is the only reasonable way to separate the land to the rear of the existing dwelling, in that the site is entirely constrained by residential development and is denied direct access from Gordons Hill Road.</p>
<p><i>d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</i></p>	<p>The proposed subdivision will provide for an infill development opportunity therefore contributing to the more efficient utilisation of fully serviced residential land and access arrangements in place from Gordons Hill Road.</p> <p>The proposed subdivision would also facilitate future development of Lot 1 in a manner that is considered unlikely to create conflict with adjoining residential land.</p>

<p>e) <i>the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i></p>	<p>The proposed development is for a subdivision only with the only physical works proposed at this time being the construction of a new access point to Lot 1 and upgraded driveway access over 90A Gordons Hill Road. The applicant is aware of this requirement.</p> <p>The upgrade of the driveway over Council land will be to the benefit of the existing properties relying on access over this land as it will provide for a safer driveway design that will allow two vehicles to pass. The access arrangement will therefore improve residential amenity.</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>Both lots would have more than the required 3.6m wide access via a right-of-way, and a condition can require the sealing of the shared right-of-way to ensure an appropriate level of service.</p>
<p>g) <i>passing bays are provided at appropriate distances to service the likely future use of the lot;</i></p>	<p>A right-of-way currently services the existing dwellings located on 90 Gordons Hill Road and 1/90 Gordons Hill Road, however, the right-of-way does not coincide with the physical location of the driveway. The right-of-way servicing the subdivision is proposed to be located adjacent to the existing right-of-way and is intended to benefit the subject site only.</p> <p>The reciprocal right-of-way servicing Lots 1 and 2 is proposed to have a minimum width of 5.5m in order to provide adequate passing opportunity along the full length of the right-of-way given the right-of-way will provide physical access to 90 Gordons Hill Road and 1/90 Gordons Hill Road.</p> <p>Whilst it is not proposed to rectify the access arrangements also involving 90 Gordons Hill Road and 1/90 Gordons Hill Road, it is considered that the existing right-of-way could be expunged and replaced with the proposed right-of-way to also benefit the properties at 90 Gordons Hill Road and 1/90 Gordons Hill Road.</p>

	<p>Council's Property Services Department will follow this matter up separately.</p> <p>It is recommended that a condition be included within the planning permit requiring the developer to purchase the right-of-way over Council land to benefit the subdivided lots.</p> <p>In consideration of the number of beneficiaries of the right-of-way, Council's Development Engineer has advised that the right-of-way design is acceptable and will provide for the safe movement of vehicles within the right-of-way subject to imposition of recommended engineering conditions addressing the construction standard for the shared access.</p>
<i>h) 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>	The proposed subdivision would not result in the creation of any additional access strips, however, the number of beneficiaries of the right-of-way would increase from two to three.
<i>i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i>	A condition can be imposed on the permit requiring the construction of a sealed access to the lot proper for Lots 1 and 2.
<i>j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces”.</i>	The proposed lot would not front any public open space or rights-of-way.

- **General Residential Zone**

The proposal does not comply with Clause 10.6.3 A1 of the Scheme in relation to public open space because there is no acceptable solution to satisfy. The proposed variation must therefore be considered pursuant to the applicable Performance Criteria (P1) of the Clause 10.6.3 as follows.

Performance Criteria	Proposal
<i>“P1 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	See below assessment.
<i>(a) – (g) and (i)</i>	Not applicable as these standards only apply in instances where land is proposed to provide public open space.
<i>(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy”.</i>	<p>It has not been proposed to provide or incorporate public open space as a part of the subdivision layout.</p> <p>In this case, it is considered that the creation of one additional residential lot will increase the demand for public open space on a local and regional scale.</p> <p>On this basis, an appropriate condition has been included requiring a cash payment in-lieu of open space – in accordance with Council Policy and as discussed above.</p>

5. REPRESENTATION ISSUES

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

5.1. Impact of Future Development

The representor has raised concern that the subdivision, including future development of Lot 1, would have a negative impact on the residential amenity of surrounding properties by way of visual bulk and overlooking.

- **Comment**

The proposal is consistent with the relevant standards relating to subdivision in the General Residential zone. Should approval of the subdivision be granted, any future development of Lot 1 will be required to demonstrate compliance with the relevant building envelope and privacy standards of the Scheme which are intended to ensure that the amenity of adjoining properties is not unreasonably impacted.

5.2. Access Arrangements

Concern is raised that the creation of additional lots with access over the Council owned land at 90A Gordons Hill Road will place increased risk of this access being obstructed by parked cars. The concern relates to the property at 68 Henley Street which is provided with backyard access to the Council owned land. The owners of this property have reported being regularly impacted by vehicles parked along the driveway over 90A Gordons Hill Road.

- **Comment**

No 68 Henley Street utilises the adjoining Council access, however, this property has no legal entitlement to do so. In the absence of a legal right for this property to obtain secondary access from the adjoining Council land, the issue of obstruction of the access cannot be given any determining weight.

5.3. Servicing Capacity

The representor has raised concern that increased densities within the area will create servicing supply issues. The concern relates specifically to sewer and stormwater infrastructure.

- **Comment**

The application was referred to TasWater as a new water and sewer connection will be required. The authority has not raised any concern in relation to the ability to adequately service the proposed subdivision and have included conditions to be appended to the planning permit if granted by Council.

In relation to stormwater services, Council's Development Engineer has advised that there are no identified concerns in relation to stormwater capacity to the subject site however there are significant concerns in relation to the lower catchment area (downstream nearer the East Derwent Highway).

It is considered that there is no requirement to upgrade the existing stormwater system as part of the proposed subdivision, however, stormwater detention is recommended for each lot to reduce stormwater flows downstream. A condition is recommended addressing the stormwater detention requirements.

5.4. Responsibility for Access Upgrades

The representor has queried which party is responsible for the access upgrade over 90A Gordons Hill Road. The representor has indicated that the costs of upgrading the access should not burden existing users of the access.

- **Comment**

The subdivision proposal will increase the usage of the shared access over 90A Gordons Hill Road. The developer is responsible for all costs associated with the design and construction of the access to a standard acceptable to Council. The access will require upgrading with a reciprocal right-of-way to be formed to benefit 90, 2/90 and 92 Gordons Hill Road only. The access will not benefit 68 Henley Street as there is no formal legal agreement in place for this property to be provided with secondary access over Council land.

5.5. Maintenance of Public Footway

The representor has requested that the existing footway connecting Gordons Hill Road and Henley Street be upgraded as part of the development and better maintained by Council.

- **Comment**

The existing footway consists of a sealed pavement extending from Gordons Hill Road to Henley Street. Council's Development Engineer has inspected the site and is of the view the footway is in good condition and does not require upgrading. The maintenance of Council land is a Council responsibility and includes pot hole repairs and grass cutting.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

In relation to Council's *Public Open Space Policy 2013*, it is noted that the site will form a consolidation of an existing urban area and will be afforded the highest level of access to both local and regional recreational opportunities (Clarence Foreshore Trail, Natone Hill Reserve, Anzac Park and local parks). It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

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

While Section 117 of the *Local Government Building and Miscellaneous Provision Act 1993* (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created (Lot 1), representing the increased demand for POS generated by the proposal and not the entire site the subject of the application.

9. CONCLUSION

The proposal for a 1 lot subdivision at 90A and 92 Gordons Hill Road, Lindisfarne is considered to satisfy all relevant Acceptable Solutions and Performance Criteria of the Scheme and is accordingly recommended for conditional approval.

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

Ross Lovell
MANAGER CITY PLANNING

**LOCATION PLAN
90A & 92 GORDONS HILL ROAD, LINDISFARNE**



SUBJECT PROPERTIES:
- 90A and 92 Gordons Hill Road, Lindisfarne



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

1/08/2019

1:2257



Attachment 2

Development Standards for Subdivision

10.6.1 General Residential

A1- Lot areas comply with A1.

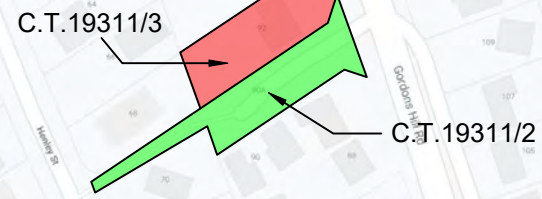
A2- A 10mx15m rectangle will fit, but not with the orientation specified in the planning scheme.

We believe it will satisfy P2.

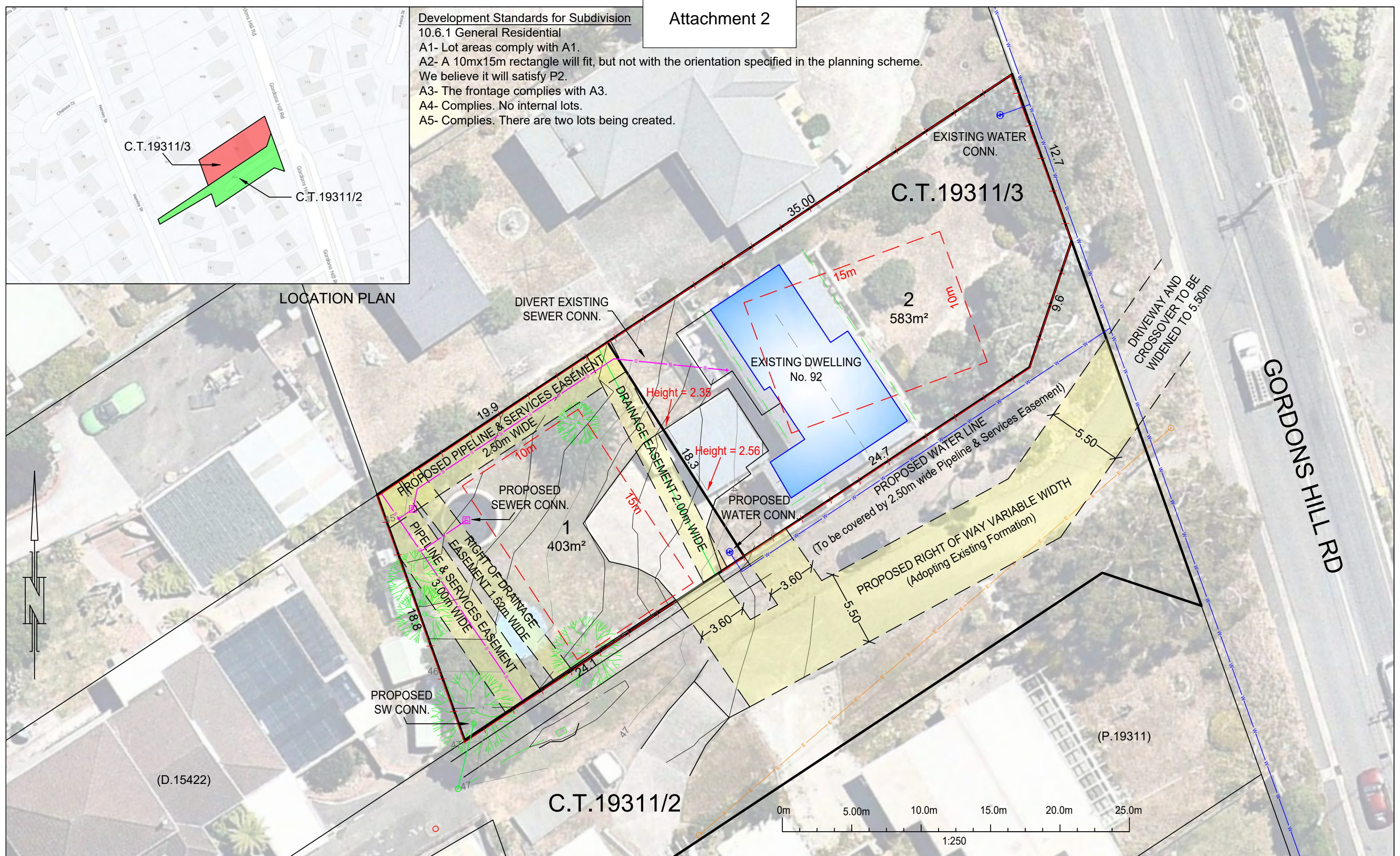
A3- The frontage complies with A3.

A4- Complies. No internal lots.

A5- Complies. There are two lots being created.



LOCATION PLAN



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

All measurements and areas are subject to the final survey.

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



UNIT 1, 2 KENNEDY DRIVE
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PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER:	CLARENCE CITY COUNCIL TIMOTHY S. GLASS
TITLE REFERENCE:	C.T.17723/1 & C.T.19311/3
LOCATION:	90A & 92 GORDONS HILL ROAD LINDISFARNE

Proposed Subdivision

Date: 02-07-2019	Reference: GLAST01 8213-02
Scale: 1:250 (A3)	Municipality: CLARENCE

90A AND 92 GORDONS HILL ROAD, LINDISFARNE



Photo 1: View from Gordons Hill Road across the Council owned land at 90A Gordons Hill Road to 92 Gordons Hill Road. The Council owned land contains a driveway which currently provides the sole means of access to 1/90, 90 and 92 Gordons Hill Road. The driveway in view is sealed and currently only provides for single lane access. The existing dwelling located on 92 Gordons Hill Road is visible (white weatherboard house with green roof).

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001177 – 16 COTTESLOE STREET, LINDISFARNE - ADDITIONS AND CHANGE OF USE TO VISITOR ACCOMMODATION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and change of use to Visitor Accommodation at 16 Cottesloe Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 21 August 2019.

CONSULTATION

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

- loss of privacy;
- visual impact; and
- lack of privacy.

RECOMMENDATION:

A. That the Development Application for additions and change of use to Visitor Accommodation at 16 Cottesloe Street, Lindisfarne (CI Ref PDPLANPMTD-2019/001177) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a 1.7m screen with a minimum transparency of at least 25% along the eastern side of the deck servicing the Visitor Accommodation].

3. ENG M1 – DESIGNS DA.
4. ENG A5 – SEALED CAR PARKING.
5. ENG A2 – CROSSOVER CHANGE.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 24 May 2019 (TWDA 2019/00731-CCC).

ADVICE

The building work is to comply with the National Construction Code 2019 Part 3 Fire Separation.

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

ASSOCIATED REPORT**1. BACKGROUND**

The building was originally approved as a dwelling and flat (B-1964/64).

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. Resource Management and Planning Appeals Tribunal (RMPAT) decisions have found that an Acceptable Solution is not relevant to the consideration of the applicable Performance Criterion unless specifically referenced. Therefore, in this report, where the proposal does not meet the Acceptable Solution for a Use or Development Standard, only assessment of the Performance Criteria is made.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;

- Section 10 – General Residential Zones; 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 contains a dwelling and flat referred to Units 1 and 2 on the proposal plans. A single carport is located on the site, directly accessed from the street.

3.2. The Proposal

The proposal is to convert the existing non-habitable space under Unit 2 into Visitor Accommodation. The proposal includes alterations to existing windows and doors in the sub-floor space and the construction of a deck.

The proposal includes the construction of a new deck for Unit 2 which replaces an existing deck in the same location and a new deck for Unit 1.

A parking deck to replace the existing single carport is proposed to provide 3 car parking spaces for the proposed visitor accommodation and the existing Units 1 and 2. A 1.7m high privacy screen is proposed to be constructed along the north-east side of the parking deck and partially along the north-west side. Stairs to the existing Units 1 and 2 are proposed to be constructed along the western boundary providing access from the parking deck to proposed Units 1 and 2. Stairs are also proposed to the north of the parking deck which will provide access to the Visitor Accommodation.

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 requires discretions under the following Performance Criteria.

- **General Residential Zone**

The proposal does not comply with Clause 10.4.2 A1 for the following reasons:

- the proposed parking deck is located within 4.5m of the primary frontage of the site.

The proposed discretion must therefore be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.2 as follows.

Performance Criteria	Proposal
<i>“A dwelling must:</i>	
<i>(a)</i>	not applicable
<i>(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and”</i>	The parking is partially located within the front boundary setback. As the structure is replacing an existing carport which is located on the front boundary, the proposed (unroofed) parking is considered compatible with the setbacks of dwellings in the area. In addition, the site slopes steeply from the road frontage which constrains the location of parking spaces on the site.

- **General Residential Zone**

The proposal does not comply with Clause 10.4.2 A3 for the following reasons:

- the proposed screening on the north-eastern side of the parking deck extends out of the building envelope by 1m.

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

Performance Criteria	Proposal
<i>“The siting and scale of a dwelling must:</i>	
<i>(a) not cause unreasonable loss of amenity by:</i>	
<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	The parking deck is located to the south of the existing Units 1 and 2 and to the south-east of the dwelling at 14 Cottesloe Street and the south-west of the dwelling at 18 Cottesloe Street. Due to its orientation and location in relation to the adjoining dwellings, the parking deck will not overshadow any overshadow habitable room windows of adjoining dwellings.
<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	As above, the orientation of the dwelling in relation to the adjoining dwellings, means that the parking deck will not cause overshadowing to the private open space.
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	not applicable
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The parking structure will have a maximum height of 3.1m to the floor level, however, the privacy screen increases its height to a maximum of 4.8m. The unroofed parking structure replaces an existing carport located approximately 1m from the side boundary and therefore it is considered that the proposal will not have an unreasonable visual impact when viewed from the adjoining property.

<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The proposal does not result in incompatible separation between dwellings in the surrounding area.
---	--

• **General Residential Zone**

The proposal does not comply with Clause 10.4.6 A1 for the following reasons:

- the parking deck is located within 6m of the windows located along the southern elevation for Unit 1;
- the parking deck is located within 3m of the south-west boundary;
- the deck servicing the Visitor Accommodation unit has a floor level greater than 1m above natural ground level; and
- the proposed deck on Unit 2 is located 2.72m from the northern (rear) boundary.

The proposed variations must therefore be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.6 as follows.

Performance Criteria	Proposal
<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>	
<i>(c) an adjoining vacant residential lot.</i>	not applicable
<i>(a) a dwelling on an adjoining lot or its private open space; or</i>	The adjoining dwelling to the west contains windows on the upper level and given their height the parking deck will not cause overlooking to this dwelling. It is considered that the proposed deck servicing the visitor accommodation unit will overlook the backyard of the adjoining dwelling to the east. This issue was discussed with the applicant who has agreed that a privacy screen be installed along the east side of the deck to ensure that the privacy of the neighbour is not significantly affected.

	The proposed deck on Unit 2 overlooks the Lindisfarne Primary School and therefore does not overlook a dwelling or its private open space.
(b) <i>another dwelling on the same site or its private open space; or</i>	The parking deck is located at street level and due to the land sloping down away from the street frontage, direct views from the deck will be over the roof of the building. Given the steep angle of views from the parking deck, direct views into the habitable room windows will be minimised.

5. REPRESENTATION ISSUES

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

5.1. Loss of Privacy

Concern was raised that the proposal will result in a loss of privacy for the adjoining property owner from the parking deck and the lack of boundary fence.

- **Comment**

As discussed previously in the report, the proposed deck for the visitor accommodation is considered to have a detrimental impact on the privacy of the adjoining property and it is recommended that a condition be included requiring screening of the eastern side of the deck.

The parking deck provides privacy screening around the north-east side which provides screening from views into the front yard of the adjoining property to the east. However, the stairs leading to the proposed Visitor Accommodation unit will allow views into the front yard.

Due to topography of the site and the lack of boundary fence, users of the stairs which lead to the Visitor Accommodation unit will have views into the front garden of the adjoining property to the east. However, as the main private open space for the adjoining dwelling is at the rear of the dwelling, and the stairs are used for short periods of time, the impact is not considered significant.

Notwithstanding the above, the applicant has indicated that they will be constructing a fence along the north-eastern boundary which will minimise direct views into the neighbours' front yard.

5.2. Visual Impact

Concern was raised that the parking deck will have an unreasonable visual impact on the adjoining property.

- **Comment**

As previously discussed, the parking deck replaces an existing carport in the same location and is considered that the proposal will not have an unreasonable visual impact on the adjoining properties.

5.3. Lack of Landscaping

Concern was raised that there would not be any landscaping attributed to the front unit and also that landscaping be considered along the north-eastern boundary instead of the proposed stairs.

- **Comment**

Landscaping for multiple dwellings or visitor accommodation use does not require landscaping and therefore this is not a relevant consideration and cannot have determining weight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal for additions and change of use to Visitor Accommodation at 16 Cottesloe Street, Lindisfarne is recommended for approval with conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (11)
3. Site Photo (1)



Ross Lovell
MANAGER CITY PLANNING

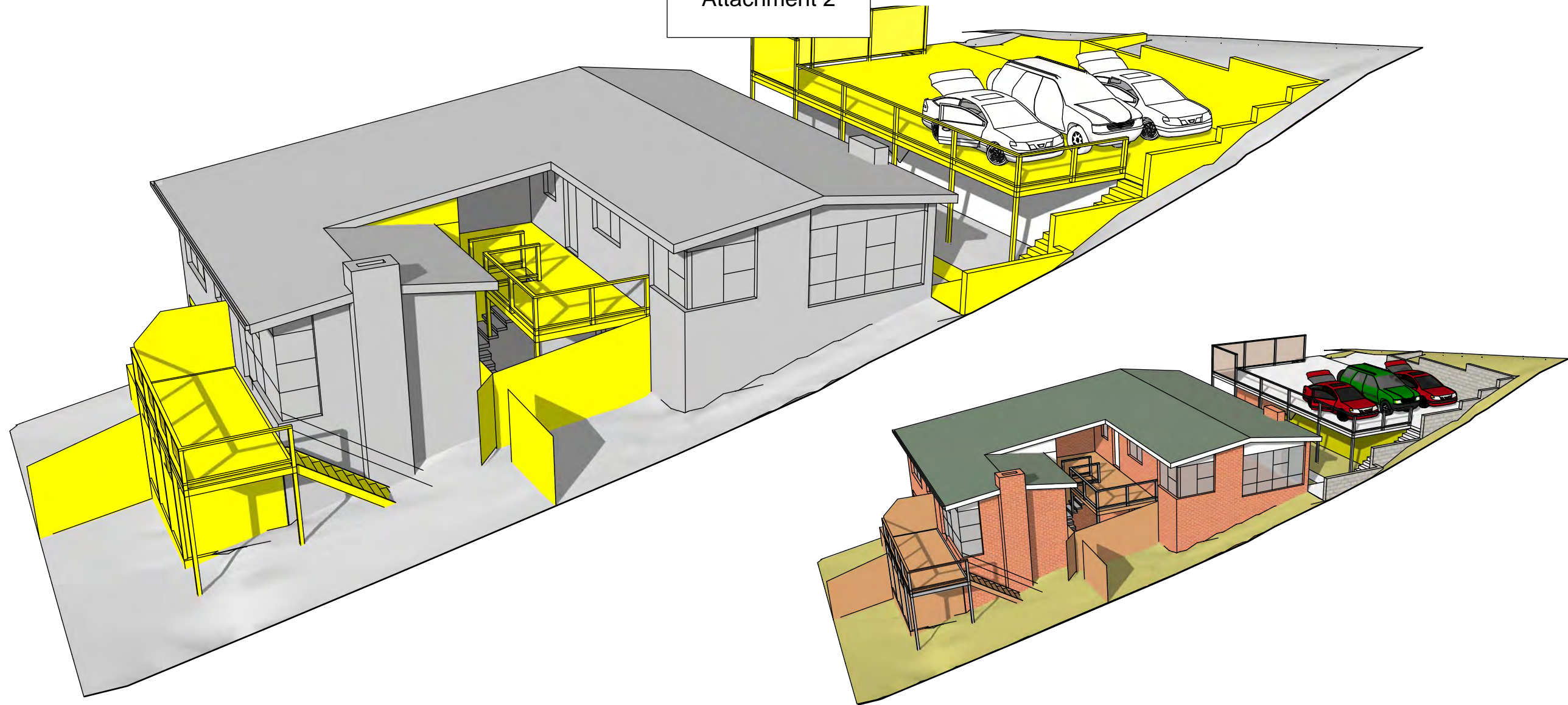
Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

Attachment 1

16 Cottesloe Street, Lindisfarne



	This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.	9/08/2019	
		1:564	



Area Summary

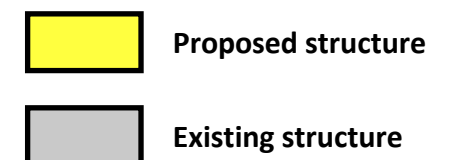
<u>Upper Floor</u>	Existing	Proposed	Demolition	Total
Unit 1	97.20	0.00	0.00	97.20
Unit 1 Deck	11.56	27.59	-11.56	16.03
Unit 2	70.96	2.89	0.00	73.85
Unit 2 Decks	16.04	14.80	-16.04	-1.24
Car Parking Deck	0.00	137.96	-14.68	123.28
<u>Lower Floor</u>				
Visitor Acc.	70.96	0.00	0.00	70.96
Deck	0.00	27.15	0.00	27.15
<u>Area Summary</u>				
Floor Area	195.76	45.28	-27.60	213.44
Car Parking Deck	0.00	137.96	-14.68	123.28
Site Cover	168.16	0.00	0.00	168.16
	28%	0.00	0.00	28%

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- 1 Cover Page
- 2 Aerial Plan
- 3 Site Plan
- 4 Site Access Plan
- 5 Lower Floor Plan - Visitor Accommodation
- 6 Upper Floor Plan - Unit 2
- 7 Existing / Demolition Elevations
- 8 Proposed Elevations
- 9 Proposed Elevations
- 10 Perspectives I
- 11 Perspectives II - Parking Deck

Project Details

Title Reference	Folio 63610 -163
Title Area	603 m2





David Reinbold architectural designs

ABN: 93202 133 447 ACC NO: CC4256Y

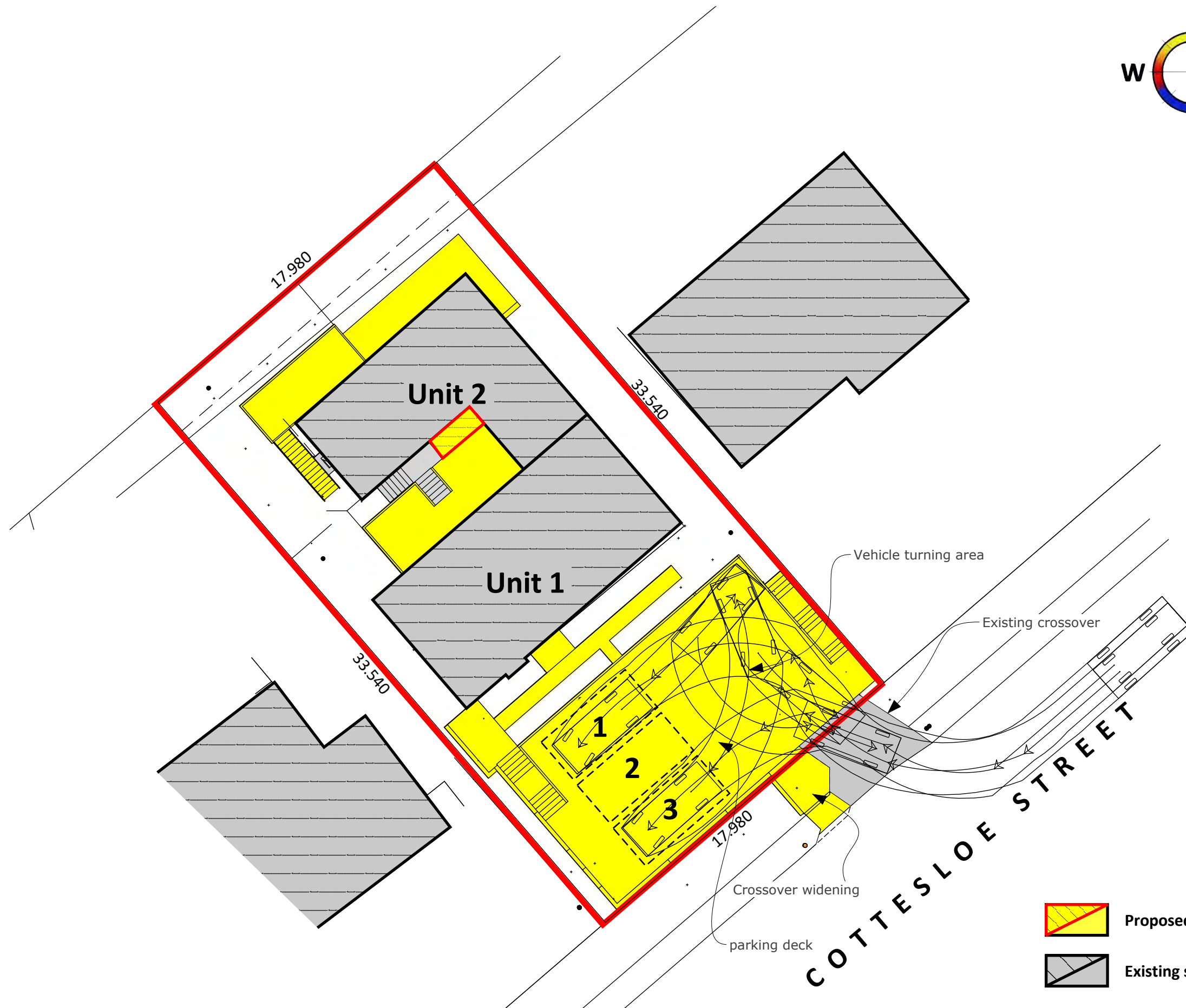
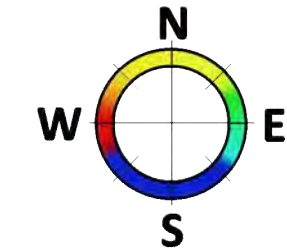
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North Hobart 7002
Phone: 0407 356 649
davidmreinbold@gmail.com

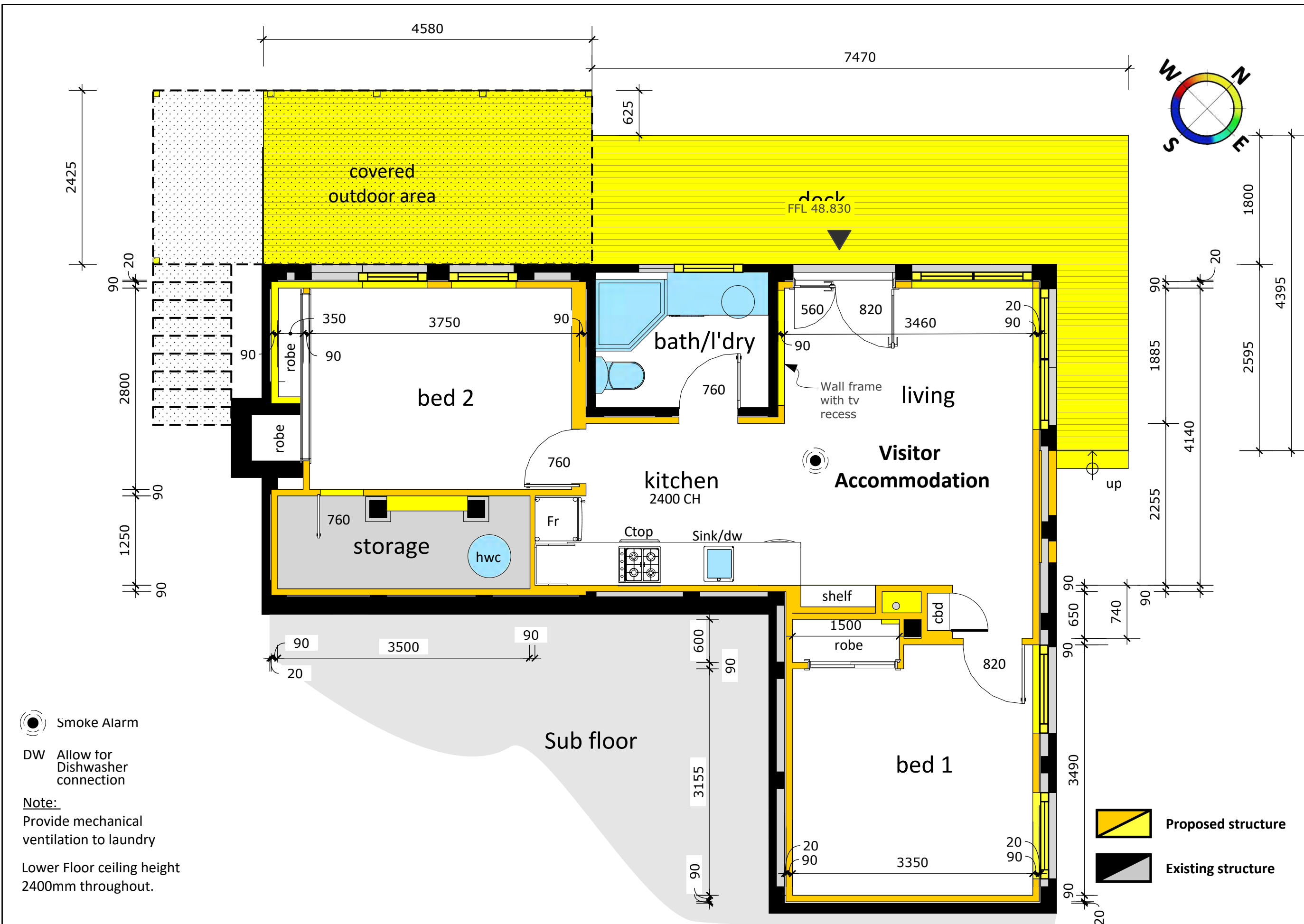
Proposed
Additions & alterations, change of use
to visitor accommodation
16 Cottesloe Street, Lindisfarne

For
Hollie Blackley & Andrew Hunt

Date **-Revision 1-**
July 3, 2019
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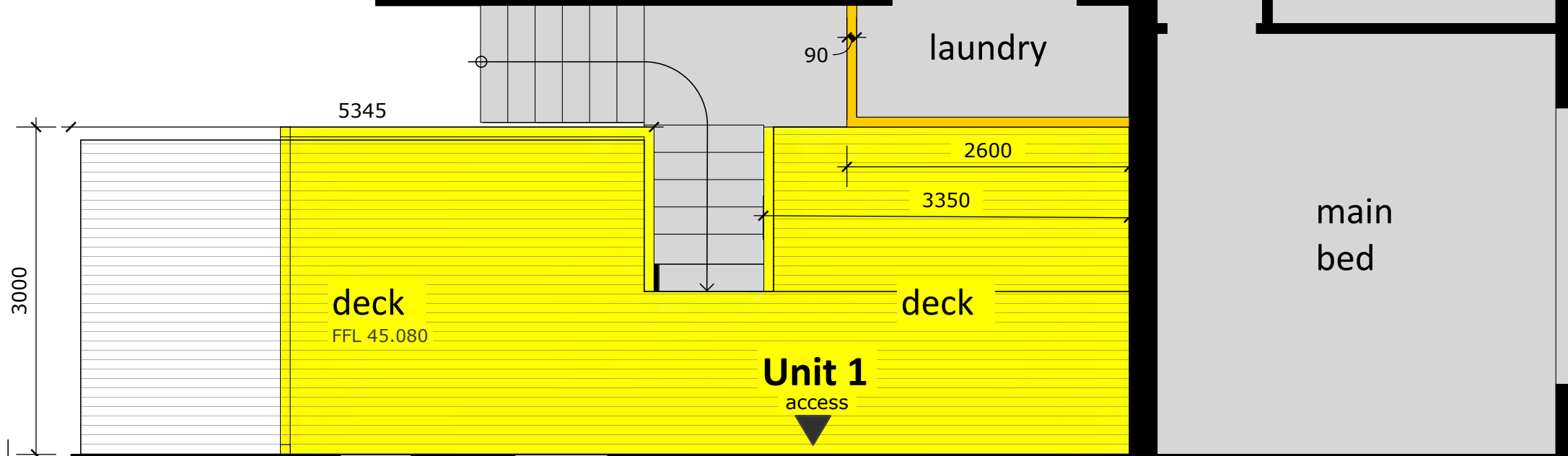
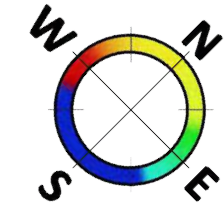
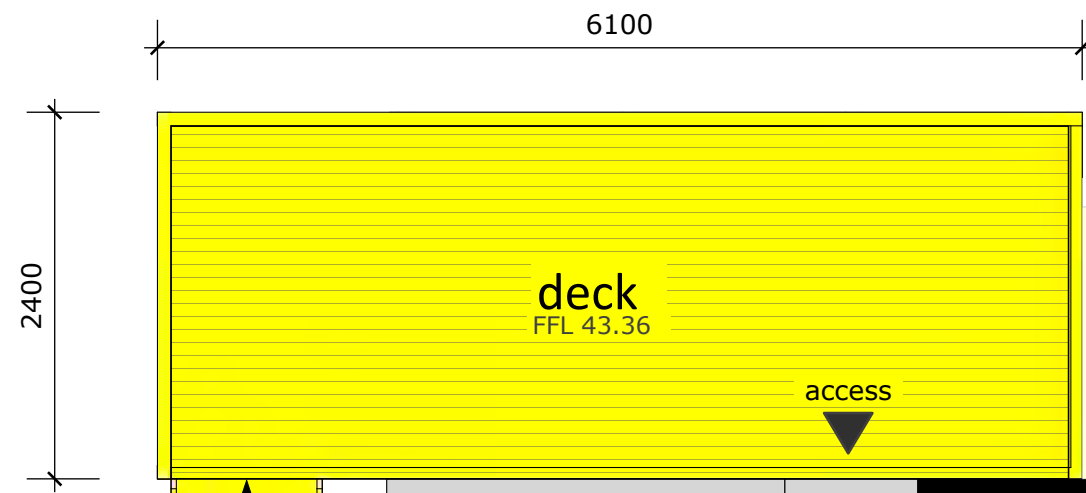
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-  Proposed structure
-  Existing structure

1:50 (A3)

Upper Floor Plan - Unit 2

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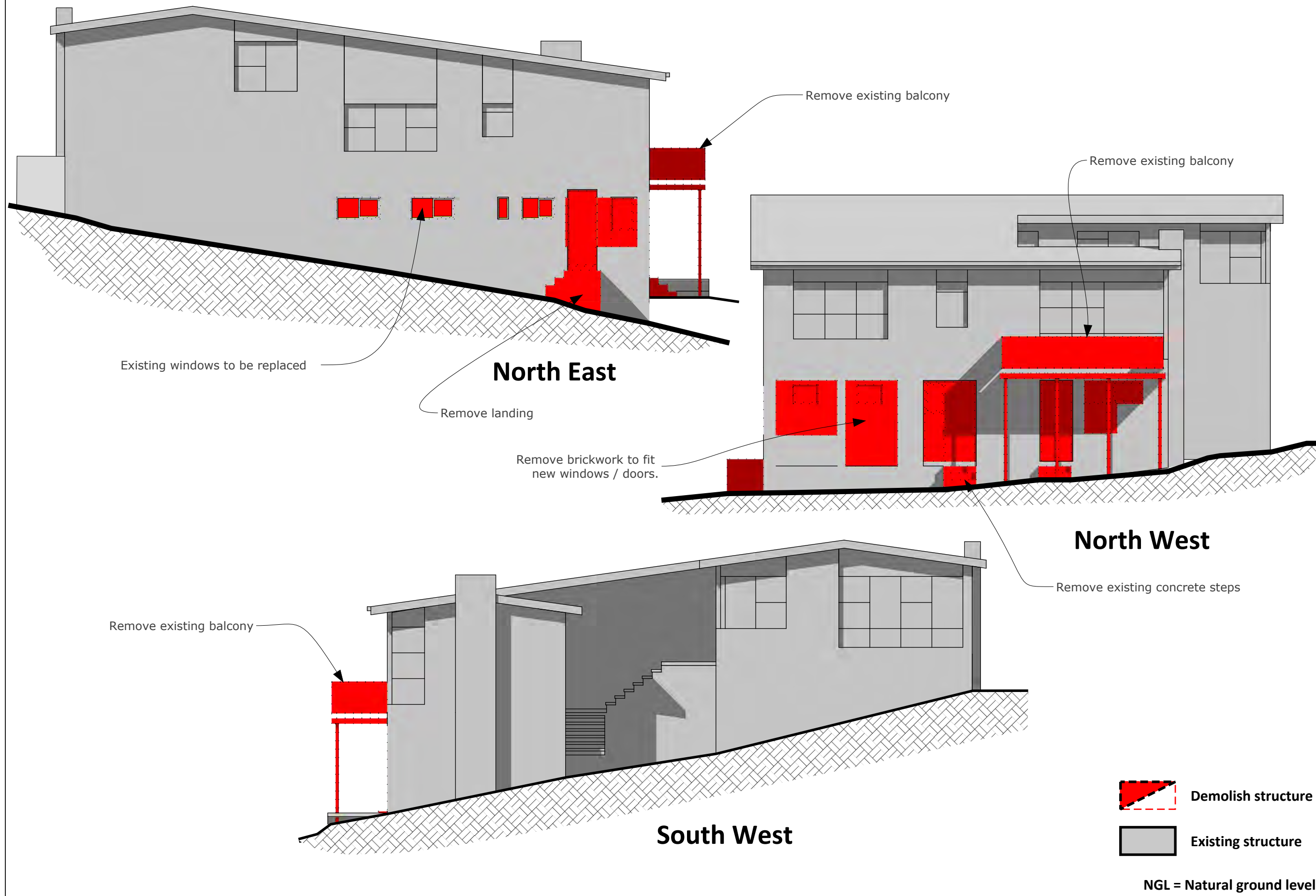
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6

11



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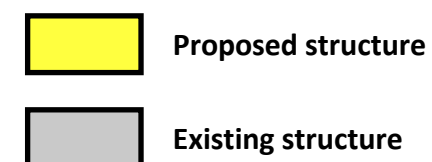
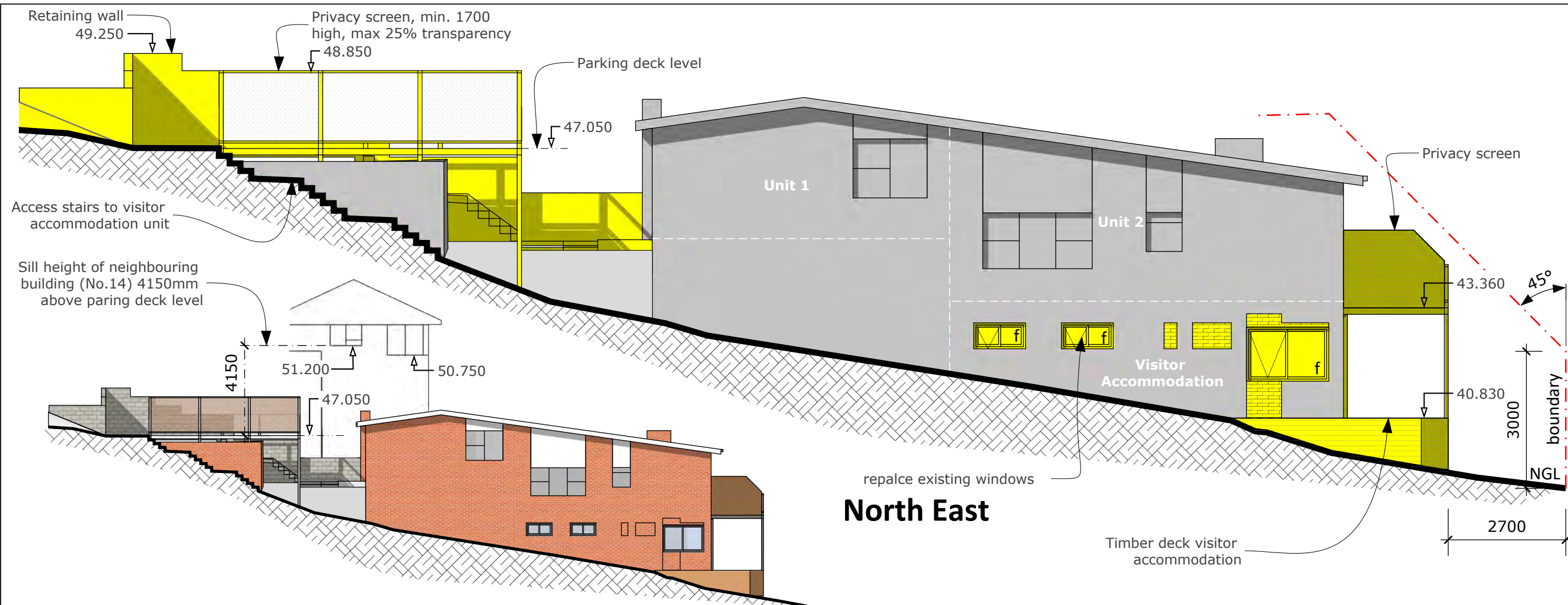
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NGL = Natural ground level

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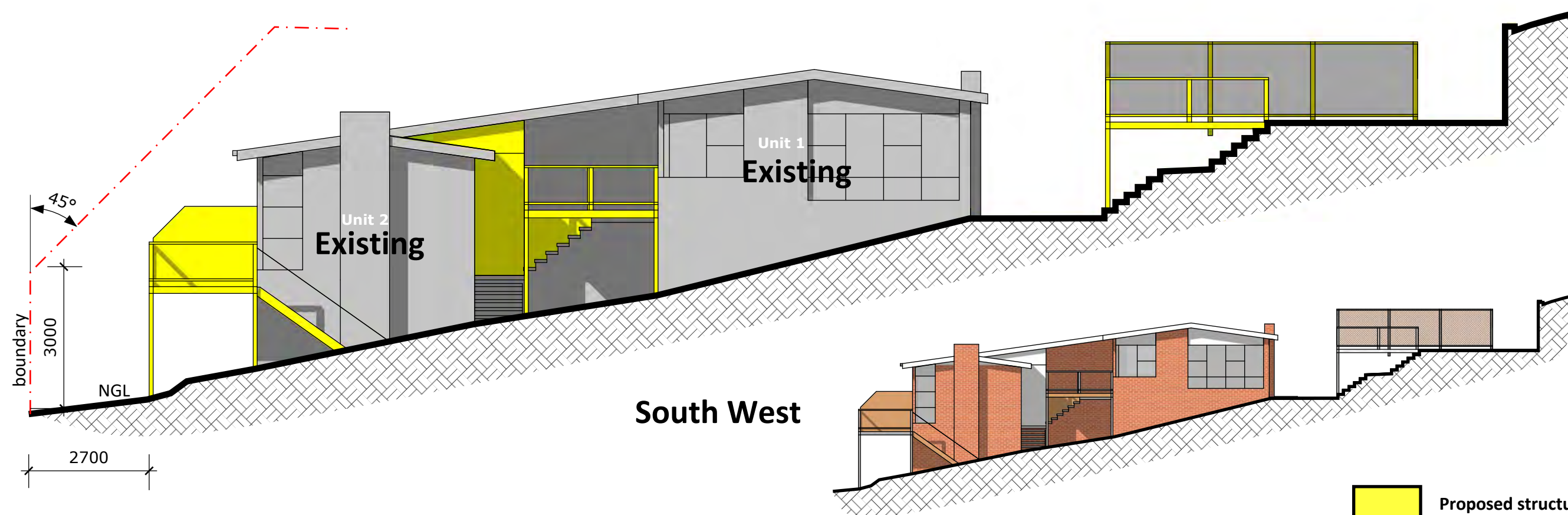
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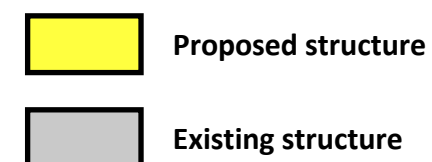
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South East



South West



NGL = Natural ground level

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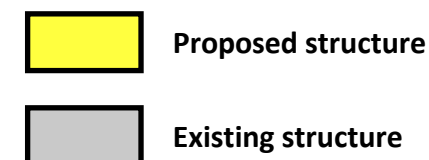
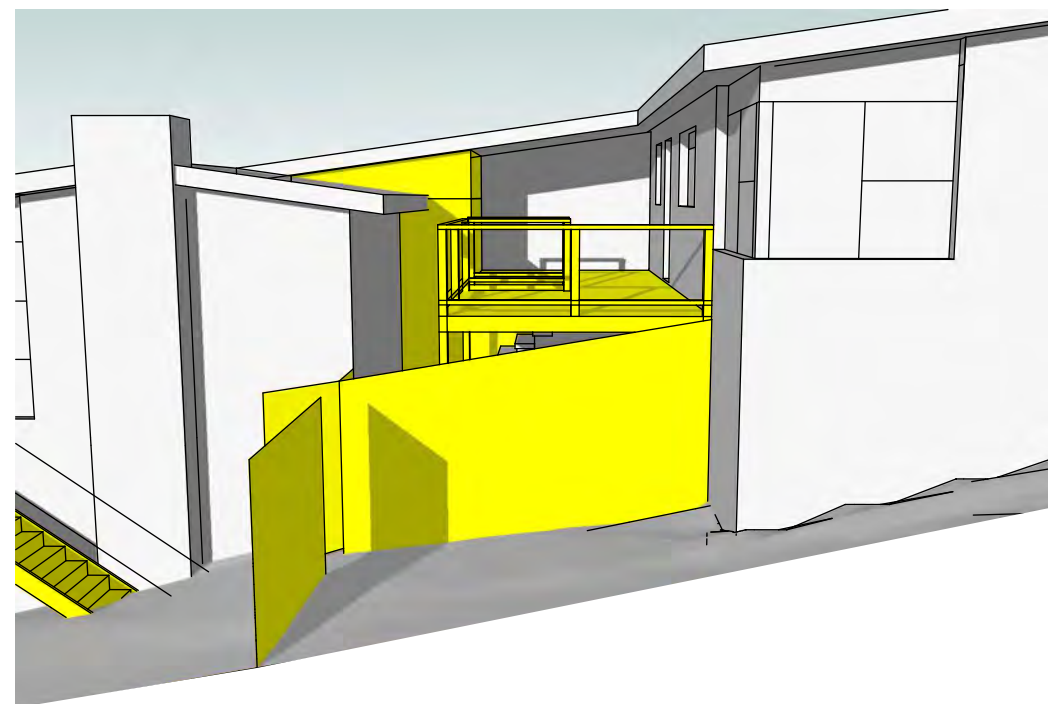
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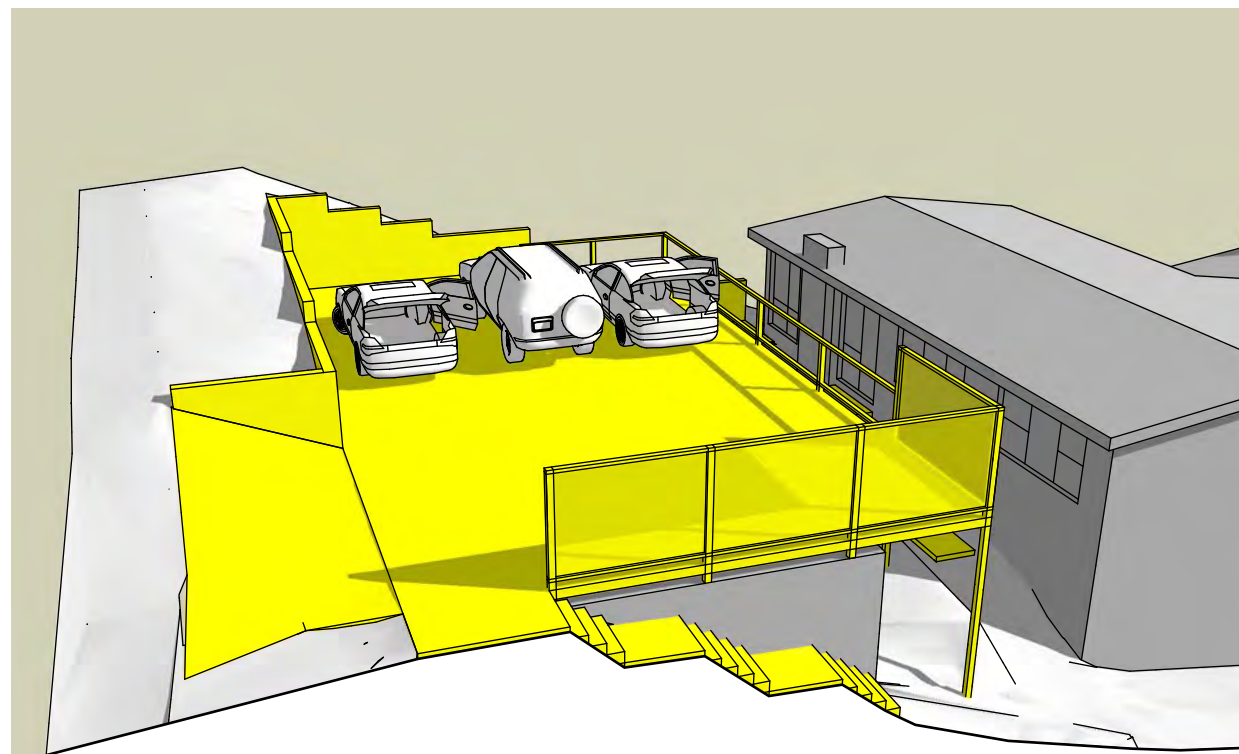
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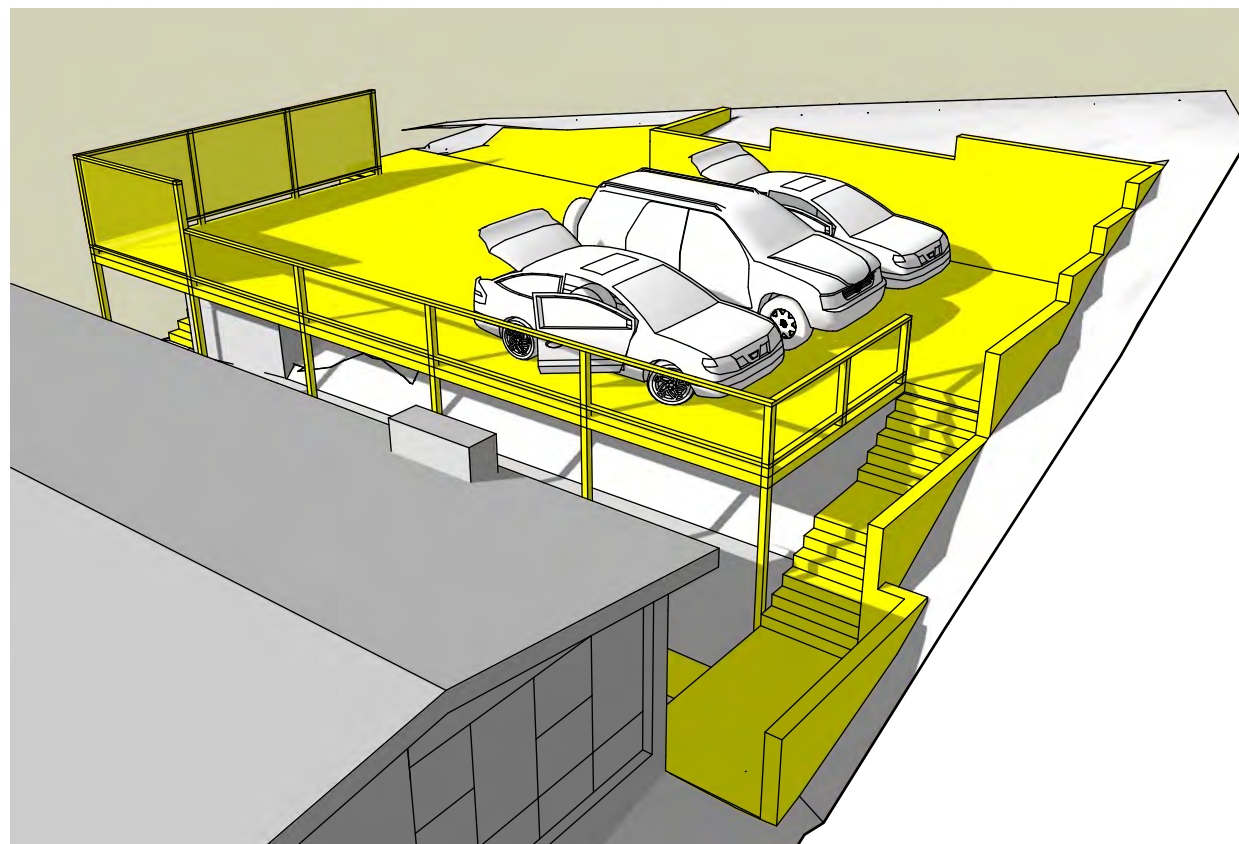
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July 3, 2019
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East Perspective

-  Proposed structure
-  Existing structure
-  Ground to be cut



West Perspective



Top Perspective Cut & Fill



Lower Perspective Cut & Fill

Attachment 3

16 Cottesloe Street, Lindisfarne



View of site from Cottesloe Street.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 COUNCIL DELEGATIONS UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993**

(File No 20-01-00)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider an amendment to Council's delegations under the Land Use Planning and Approvals Act 1993 (LUPAA), in order to ensure the continued efficient provision of services.

RELATION TO EXISTING POLICY/PLANS

The changes sought are specifically aimed at improving the efficient delivery of services and will not impact on any pre-existing policies or strategies of the Council.

LEGISLATIVE REQUIREMENTS

Delegations under the Land Use Planning and Approvals Act 1993 must be direct from Council to the officer, as they cannot be on-delegated by the General Manager.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That Council resolves to approve the following Delegation in respect to the Land Use Planning and Approvals Act, 1993.

NO.	ACT REF	DETAILS OF DELEGATION	DELEGATION
133	Land Use Planning and Approvals Act, 1993 S57, 58	To administer the processing of applications and agreements in respect to planning permits; and to grant permits, or to grant permits with conditions (development applications and subdivisions) as appropriate in relation to applications for permits in accordance with the provisions of the relevant Planning Scheme and to attach conditions to permits granted with respect to any matters specified in a relevant Planning Scheme and/or consistent with Council policies and standards in respect of applications for Discretionary Permits where:	General Manager; Manager City Planning (incorporating the role of Manager Integrated Assessment), Senior Statutory Planner

NO.	ACT REF	DETAILS OF DELEGATION	DELEGATION
		<ul style="list-style-type: none"> representations are only from State Government Departments; there is a maximum of one representation which is also deemed to include all separately submitted representations from or on behalf of one property address; the development value is less than \$10M. 	

B. That the delegation be reviewed one year after introduction.

ASSOCIATED REPORT

1. BACKGROUND

Council has previously approved a range of delegations under various pieces of legislation as a means of better effecting the provision of services to its community. Unlike delegations under the Local Government Act and most other items of legislation, delegations under LUPAA must be direct from Council to the officer as they are not able to be on-delegated by the General Manager.

2. STATUTORY IMPLICATIONS

Section 8.10.1 of the Scheme provides that:

“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”.*

3. REPORT IN DETAIL

- 3.1.** It is proposed to amend the delegation of the relevant officer to approve a planning permit with up to one representation. For interpretation purposes, one representation would include all submissions emanating from or on behalf of one property. In this regard, it is noted that occasionally more than one submission is made from or on behalf of owners/occupiers of one address and these are typically repetitive or cumulative of the same issues of concern for the property.
- 3.2.** The proposed delegation does not include refusal of an application. However, it should be noted that under a separate delegation, whenever an applicant refuses to grant additional time beyond the statutory 42 day time limit, the relevant officer is delegated to determine the particular application. Nor does the proposed delegation include projects with a value exceeding \$10M, which are referred to a Special Planning Authority Meeting.
- 3.3.** Save for the above exceptions, the current level of delegation is compared with other Tasmanian Councils in the table below.

Council	Trigger to refer to Council for decision
Clarence	1 representation, unless government agency or refusal
Hobart	4 representations or refusal
Kingborough	2 representations or refusal
Launceston	3 representations or refusal
Huon Valley	3 representations
Burnie	Directors discretion to refer to Council

- 3.4.** The main purpose of the delegation is to speed up the development approval process for applications with a representation and to provide greater efficiencies. The above table indicates that some other councils operate limited delegations to approve applications with representations, in order to enhance efficiencies in the planning process.
- 3.5.** Currently most applications reported to Council meetings require an extension of the 42 days statutory timeline, in order to fit in with Council's Meeting schedule. This causes a delay in the approval process for those applicants.

- 3.6.** The table below shows the number of applications reported to Council since July 2018. It reveals that most applications with between 1 and 3 representations were approved in accordance with the officer's recommendation. Typically, those not supported by Council involved officer recommendations to refuse and so under the proposed delegation, those applications would still have been put to Council for decision.

Number of Representations	Number Applications	Number times Officer Recommendation Reversed, or Conditions Modified
0	7	1
1	64	2
2	14	0
3	11	0
4	7	1
5	4	2
5+	8	2

- 3.7.** Most applications considered by Council concern residential developments; single dwellings, multiple dwellings, fences and outbuildings. In these instances, Council's scope to exercise discretion is limited due to the technical nature of assessment under the Performance Criteria. Introducing the delegation will therefore allow that assessment to proceed on a technical basis and relieve Council of any unrealistic expectations people may have about the extent of discretion that is available under the Scheme and the Act.
- 3.8.** Considering the above table, the proposed delegation will result in a reduction in the number of planning items or Council agendas, ensuring that less time is spent considering often minor or technical assessment matters, allowing Council to concentrate on other matters before it.
- 3.9.** The delegation will also result in operational efficiencies benefitting not only the applications in question, but all other applications and requests dealt with by the City Planning group. This is because the reporting process will also be much more streamlined than the Council agenda report process.

It may be anticipated that these efficiencies would translate to improved customer satisfaction with Council's response rate to a range of applications, preliminary assessments and enquiries. The current level of service for these is limited by the growing quantity and complexity of workload, while officer resources have remained stable. This situation is borne out by the following forecasts:

- Development applications – currently expected to exceed 800. This is similar to 2018, however, that was approximately 25% above 2017.
- Preliminary planning assessments – currently expected to exceed 1,600 and therefore over a 45% increase on 2018. Factors influencing this include changes to the Building Act resulting in large number of pre-Certificate of Likely Compliance checks sought by building companies, as well as the expanding awareness of the service and its value for designers in the face of complex planning controls.
- Council agenda reports – currently on track for a 41% increase on 2018.
- Strata sealings – currently on track for a 35% increase on 2018.

3.10. It is considered that the introduction of the delegation would ensure procedural fairness in the assessment and approval of applications, due to the following factors:

- the representation will be considered in accordance with Section 8.10 of the Scheme;
- bias will be avoided as consideration must be limited to the particular discretion being exercised, in accordance with Section 8.10;
- reports and decisions will be made by appropriately qualified persons;
- delegated reports published in the Council's Weekly Briefing Report, so that Council may remain aware of decisions made, particularly in the case of contact from applicants and representors; and

- the LUPAA rights of applicants and representors would be unchanged, including the right to appeal to RMPAT.

4. CONSULTATION

4.1. Community Consultation

Not applicable.

4.2. State/Local Government Protocol

Not applicable.

5. STRATEGIC PLAN/POLICY IMPLICATIONS

The changes sought are specifically to improve the level of service and will not impact on any pre-existing policies or strategies of Council.

6. EXTERNAL IMPACTS

No significant impacts.

7. FINANCIAL IMPLICATIONS

No significant implications.

8. ANY OTHER UNIQUE ISSUES

No other relevant issues.

9. CONCLUSION

The amended delegation under the Land Use Planning and Approvals Act 1993 has been prepared to ensure the continued efficient provision of services by Council to its community.

In line with expectations at the Council workshop where this proposal was examined, it is also proposed to review the delegation outcomes after one year of operation.

Attachments: Nil.

Ian Nelson
GENERAL MANAGER

11.7.2 HOWRAH/ROKEBY SUBURB BOUNDARY ALTERATION

(File 25-03-01)

EXECUTIVE SUMMARY**PURPOSE**

To confirm Council's in-principle support for a boundary change between Howrah and Rokeby and refer the proposed boundary change to the Nomenclature Board, in consideration of landowner feedback and community feedback following consultation.

RELATION TO EXISTING POLICY/PLANS

There are no relevant existing policies or plans. Council is currently developing the Clarence Plains Master Plan, which will include this area of land.

LEGISLATIVE REQUIREMENTS

- Local Government (Meeting Procedures) Regulations 2015;
- Local Government Act 1993;
- Survey Co-ordination Act 1944; and
- Rules for Place Names in Tasmania (Nomenclature Board of Tasmania).

CONSULTATION

Direct consultation with the three affected landowners has occurred as well as broad community consultation by advertising the proposed boundary change on Council's website, via social media and Have Your Say community consultation portal.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

- A. That following the consultation with the three affected landowners and the broader community, Council resolves to support the proposed boundary change (Option 2) and refer the proposed suburb boundary alteration to the Nomenclature Board for final decision.
- B. That Council authorises the General Manager to provide the results of the consultation to the Nomenclature Board.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. At its Meeting of 8 July 2019, Council resolved to provide in-principle support for an alteration of the suburb boundary between Howrah and Rokeby as shown at Attachment 1 (previously referred to as "Option 2").

Council also authorised the General Manager to conduct community consultation regarding the proposed boundary change in accordance with the “Rules for Place Names in Tasmania” and advice from the Nomenclature Board of Tasmania – to determine whether there is broad-based community support for the proposed changes.

- 1.2.** This Report sets out the feedback Council received from the three affected landowners and the community consultation.

2. REPORT IN DETAIL

Background

- 2.1.** Council has previously received two requests from developers in the Howrah/Rokeby area to alter the suburb boundary between Howrah and Rokeby and to create a new suburb named “Howrah Gardens”.

- 2.2.** At its Meeting of 8 April 2019, Council resolved as follows:

- “A. That Council notes the requests to rename the land at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road by altering the suburb boundaries of Howrah and Rokeby and creating a new suburb names ‘Howrah Gardens’.*
- B. That Council recognises the area colloquially known as ‘Howrah Gardens’, and supports the inclusion of this area in the new suburb of ‘Howrah Gardens’.*
- C. That Council supports, in-principle, the requested suburb boundary changes, ensuring that the area presently colloquially known as ‘Howrah Gardens’ is incorporated, and the creation of a new suburb named ‘Howrah Gardens’ for the reasons set out by the proponents.*
- D. That the General Manager, on behalf of Council, conduct a broad-based community survey to determine whether there is strong community support for the proposed changes.*
- E. That, following the completion of the broad-based community survey, the General Manager provide a report to Council and that Council then determine whether to refer the proponent’s request to the Nomenclature Board of Tasmania for determination”.*

- 2.3.** Following this decision, Land Tasmania advised Council that the Nomenclature Board was unlikely to support the creation of a new suburb in the Howrah Gardens area as the proposal does not adequately meet the requirements set out in the Rules and there was evidence of significant community opposition.
- 2.4.** Land Tasmania instead suggested that a boundary change in the area could be supported from a technical perspective and subject to consultation being undertaken that demonstrates broad based community support. Land Tasmania provided Council with three options for consideration.
- 2.5.** At its Meeting of 8 July 2019, Council resolved to rescind its 8 April 2019 decision and replace it with its decision of 8 July 2019 which provided:

- “1. Council authorises the General Manager to advise the community of Council’s decision to rescind its 8 April 2019 decision (Item 11.7.4) and replace that decision with this decision.*
- 2. Council provides in-principle support for an alteration of the suburb boundary between Howrah and Rokeby as shown in Option 2 of the attachments to the Associated Report.*
- 3. Council authorises the General Manager to conduct community consultation regarding the proposed boundary change in accordance with the “Rules for Place Names in Tasmania’ and advice from the Nomenclature Board of Tasmania – to determine whether there is community support for the proposed changes.*
- 4. Following the completion of the consultation, the General Manager provide a report to Council and that Council then determine whether to refer the proposed suburb boundary change to the Nomenclature Board of Tasmania for determination”.*

Community Consultation

- 2.6.** Rule 36(3) of the Nomenclature Rules requires the following in respect to alteration of a suburb boundary:

“(a) ...

(b) ...

- (c) evidence of consultation with owners whose property addresses would change; and*
- (d) evidence of support for the proposal from a majority of the affected owners”.*

- 2.7.** Land Tasmania has advised Council that “broad-based community consultation” means those residents, property owners and businesses within the area subject to any proposed boundary or name change. In the circumstances the affected landowners are the landowners/subdividers of the area known as Skillion Hill. Notwithstanding the consultation requirements of the Rules, in accordance with Council’s decision of 8 July 2019, it is appropriate to consult with the wider Howrah/Rokeby community.
- 2.8.** Council wrote to the three affected landowners, Malwood Pty Ltd, Tranmere Point Pty Ltd and the Archdiocese of Hobart and requested their feedback on the proposed Option 2. The three affected landowners each contacted Council and advised that they supported Option 2.
- 2.9.** Council undertook broad public consultation by advertising through its website, social media and by promoting its Have Your Say community consultation portal. The public consultation was open between 16 and 31 July 2019 and received 101 votes with 80 comments. A landowner in Tollard Drive, Rokeby also emailed Council and noted their support for Option 2.
- 2.10.** The Have Your Say portal asked one question “Do you support the proposed boundary adjustment for Howrah and Rokeby?” The result was that 61 people (59.86%) voted against the proposed boundary alteration and 41 people (40.26%) voted for the boundary alteration.

Of those who voted via the “Have Your Say” portal, 68 respondents were Howrah or Rokeby residents with 45 voting against and 23 voting for the proposed boundary alteration.

2.11. The community feedback via the “Have Your Say” portal can be summarised as follows:

Against the Boundary Alteration

- proposed change is not in the interest of community members and is not necessary as the existing boundary has defined itself;
- Howrah is big enough; either make a new suburb or leave it as it is;
- the whole “Howrah Garden Centre” area of Buckingham Drive should be classed as Rokeby;
- alteration should be larger and include houses already built in the Glebe Hill estate;
- it’s always been Rokeby and the historic town of Rokeby will disappear;
- Rokeby is up and coming and its stigma is disappearing with the new developments;
- it’s offensive to Rokeby residents who have for many years had to deal with the stigma of living in Rokeby;
- it will bring Howrah’s good name down to Rokeby;
- properties in Howrah will be worth more than properties in Rokeby and it will negatively affect property values in Howrah for owners who previously purchased at a higher price than those in the Rokeby area;
- proposed change appears to be driven by land values, the developers and investors and maybe rates income.

For the Boundary Document

- a positive change for the community and will create better feeling to the whole area;
- appears to be a logical extension of the existing Howrah area;
- Council should consider adjusting Glebe Hill Estate Rokeby into Howrah;
- Howrah Gardens is only a small area so moving the boundary would be a good idea;
- appears geographically logical and therefore easy for people to recognise;

- land on Tollard Drive released at the same time as other blocks that will be adjusted are not included - this seems unfair;
- land and housing values contained within the proposed new boundary are consistent with Howrah land and property prices;
- bank evaluations for building properties will otherwise be based on Rokeby averages; this will make building homes difficult;
- the land and house packages were marketed as Howrah;
- property values will change because a developer wants to make money by having a Howrah address;
- reluctance to buy in Rokeby due to the poor social image, concerns around housing prices, stigma.

2.12. It is clear from the broad public consultation findings that on balance the wider community does not support the proposed boundary alteration for various reasons. The summary of public consultation comments indicates that there is a divide over the proposal, however, it must be noted that the three affected landowners have each supported the proposed boundary alteration. The Rules makes it clear that as a primary consideration it is the affected owners who must be consulted, and the majority must give their support.

3. CONSULTATION

3.1. Community Consultation

Community consultation has occurred.

3.2. State/Local Government Protocol

Consultation with Lands Tasmania has occurred in accordance with the Rules.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no specific strategic policy implications that will arise as a result of this decision.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

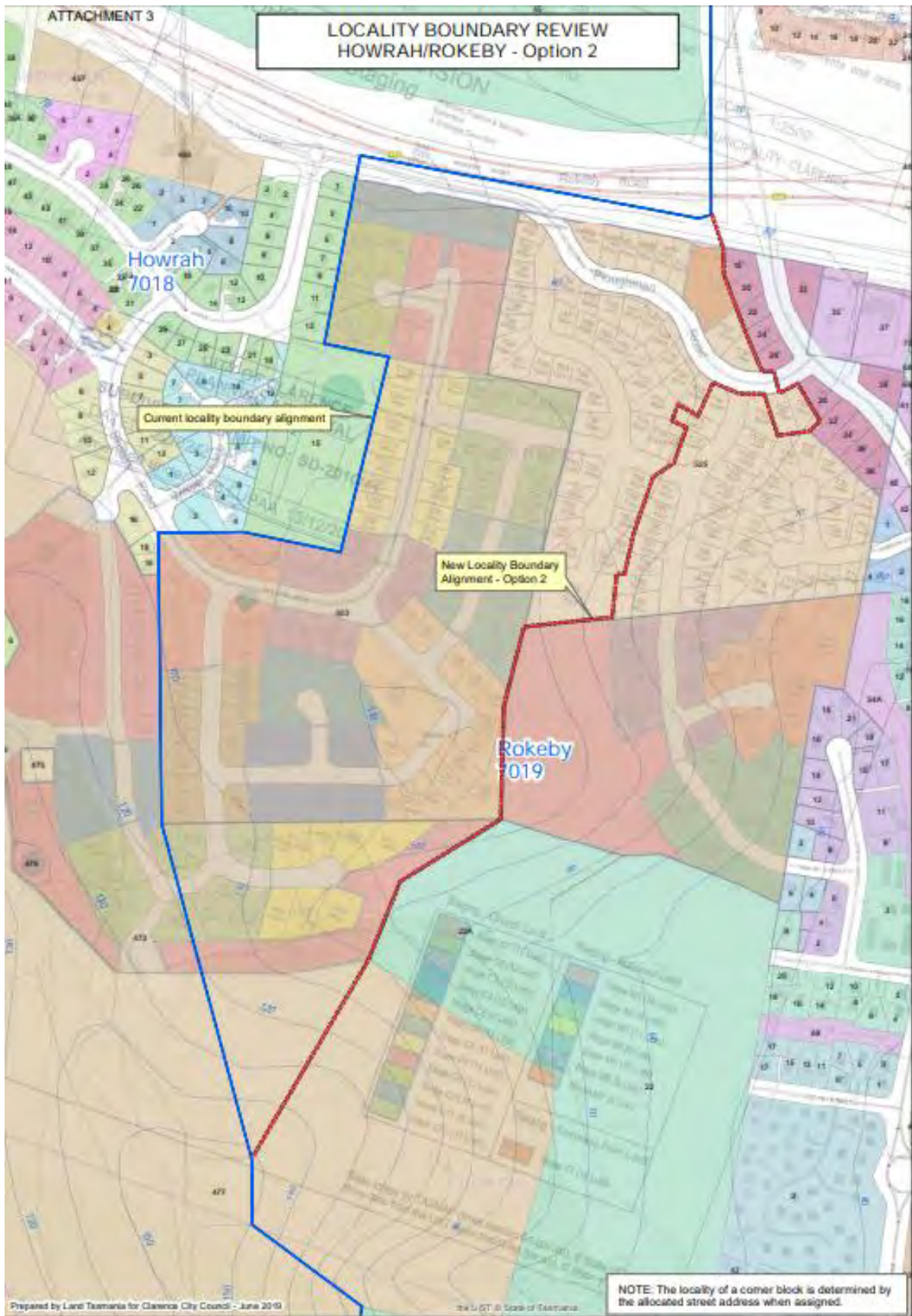
Nil.

9. CONCLUSION

Council has consulted with the three affected landowners, being the developers of the land as well as the wider community. The landowners support the proposed boundary alteration. The results of the community consultation indicate that, on balance, the wider community does not support the proposed boundary alteration. However, in accordance with the Rules, Council must give primary consideration to the feedback from the three affected landowners before deciding whether to refer the proposed boundary alteration to the Nomenclature Board. It is clear that the three affected landowners support the proposed boundary alteration and it is therefore recommended that Council resolves to support the proposed suburb boundary change.

Attachments: 1. Option 2 Map Showing the Proposed Boundary Alteration (1)

Ian Nelson
GENERAL MANAGER



11.7.3 DERWENT ESTUARY PROGRAM

(File No 3601191)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider authorising the Mayor to sign a new Partnership Agreement with the Derwent Estuary Program.

RELATION TO EXISTING POLICY/PLANS

Council is currently a partner of the Derwent Estuary Program. The program partners encompass a number of Councils, the State Government, Government agencies and private industry members. The Council's Strategic Plan 2016-2026 is also relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

No consultation has been undertaken.

FINANCIAL IMPLICATIONS

Council currently makes an annual contribution of \$52,730 to the Derwent Estuary Program. The other partners also make a cost contribution to the Program.

RECOMMENDATION:

That Council:

- A. Supports Council's continued participation as a member of the Derwent Estuary Program; and
- B. Authorises the Mayor to sign the new 5 year Partnership Agreement on behalf of Council.

ASSOCIATED REPORT**1. BACKGROUND**

1.1. The Derwent Estuary Program (DEP) was established in 1999 as a regional partnership between the Tasmanian Government, six Councils, five private enterprises, scientists and the community for the purpose of restoring and promoting the Derwent Estuary.

1.2. Since that time the program has operated under a Partnership Agreement between all parties.

- 1.3.** In 2010 the partnership was awarded Australia's National River prize for excellence in reducing water pollution, conserving habitats and species, monitoring river health and promoting great use of the river and foreshore.

2. REPORT IN DETAIL

- 2.1.** The current Derwent Estuary Program Partnership Agreement expires in September 2019.
- 2.2.** The proposed draft Agreement is for a 5 year period and is essentially the same as the previous Agreement. A copy of the draft Agreement is attached (refer Attachment 1).
- 2.3.** The Tasmanian Government have confirmed their continuing support of the Derwent Estuary Program. A copy of the letter from the Minister for Environment, Parks and Heritage is attached (refer Attachment 2).
- 2.4.** Informal confirmation of support has been received from the other partnership organisations with representatives intending to meet at an event on 26 August 2019 for formal signing of the new Agreement.
- 2.5.** The functions of the Derwent Estuary Program are to:
- continue and improve monitoring methods of water, sediments, seafood and habitats in the Derwent Estuary;
 - facilitate the reduction of nutrients entering the estuary;
 - facilitate the reduction of heavy metal levels in the estuary;
 - facilitate the improvement of water quality at beaches and bays;
 - facilitate an increase in the area of high priority habitat and numbers of iconic species; and
 - increase awareness of DEP and its programs.

2.6. The Derwent Estuary Program has in the past provided financial contribution to Clarence Council projects which aim to reduce sediment/pollutants entering the estuary, for example, the gross pollutant traps installed at Simmons Park.

2.7. The Agreement provides for the following activities, programs and desired outcomes:

- a co-ordinated commitment from program partners to plan, manage and maintain the intrinsic values of the Derwent Estuary;
- the development of a long term Environmental Management Plan;
- improved quality of water, sediments and seafood;
- enhancement and conservation of estuary ecosystems;
- a strong, scientific basis to support decision making and a comprehensive monitoring program;
- good community and stakeholder understanding, awareness and participation in estuary management; and
- optimal and efficient use of resources in the design, development and implementation of best practice management programs.

3. CONSULTATION

3.1. Community Consultation

There has been no external consultation in respect of this matter.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2016-2026 under the Goal Area "*an environmentally responsible City*" has the following Strategy to: "*Work collaboratively with relevant agencies to enhance and protect the natural environment, eg Derwent Estuary Program, Natural Resource Management South, Tasmanian Fire Service*".

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Council currently makes an annual contribution of \$52,730 to the Derwent Estuary Program, as adopted in the Annual Plan. The new Agreement provides for on-going contributions to be in accord with this amount subject to annual CPI increases. Other cash contributions to the Derwent Estuary Program are DPIPWE (\$148,481), Brighton (\$14,648), Derwent Valley (\$14,648), Glenorchy (\$52,730), Hobart (\$52,730), Kingborough (\$26,364), TasWater (\$68,391), Nyrstar (\$56,991), Norske Skog (\$10,750), TasPorts (\$11,816) and Hydro (\$22,910).

8. ANY OTHER UNIQUE ISSUES

In addition to the direct financial contribution a number of partnership organisations make significant “in-kind” contributions to the program by way of water sampling and analysis, seafood sampling and analysis, office accommodation and technical advice and input.

9. CONCLUSION

The Derwent Estuary Program has been a successful collaborative approach to monitoring and improving the health of the Derwent River. It is recommended that Council approve the signing of a new 5 year Partnership Agreement.

Attachments: 1. Draft Derwent Estuary Program Partnership Agreement (7)
2. Letter from the Minister for Environment, Parks and Heritage (1)

Ian Nelson
GENERAL MANAGER

Attachment 1

Sent from Clarence City Council



Derwent Estuary Program

PARTNERSHIP AGREEMENT

A 5 Year Voluntary Partnership between the

GOVERNMENT OF TASMANIA

the

**BRIGHTON, CLARENCE CITY, DERWENT VALLEY,
GLENORCHY CITY, HOBART CITY and KINGBOROUGH
COUNCILS**

and

**HYDRO TASMANIA, NORSKE SKOG BOYER, NYRSTAR
HOBART, TASMANIAN PORTS CORPORATION and
TASWATER**

for the

**ENVIRONMENTAL MANAGEMENT
OF THE DERWENT ESTUARY**

August 2019

Attachment 1

Sent from Clarence City Council

1. PREAMBLE

1.1 The Derwent Estuary lies at the heart of the Hobart metropolitan area and is an asset of great natural beauty and diversity. Named for the Celtic word 'clear water' in 1794, the Derwent has always been an integral part of Tasmania's cultural, economic and natural heritage.

1.2 The following Parties - the Government of Tasmania (the 'Government'), the Brighton, Clarence City, Derwent Valley, Glenorchy City, Hobart City and Kingborough Councils ('the Councils'); Hydro Tasmania, Nyrstar Hobart, Norske Skog Paper Mills (Australia) Ltd, the Tasmanian Ports Corporation and TasWater are committed to working together and with other stakeholders to plan, manage and maintain the intrinsic values and public uses of the Derwent through the Derwent Estuary Program (DEP).

The Parties, operating under previous Agreements, established the Derwent Estuary Program (DEP), have also developed cooperative arrangements to coordinate monitoring and communications activities.

1.3 The Parties have developed a long-term Strategic Plan (the 'Plan') for the Derwent Estuary in consultation with stakeholders. The Plan was revised and updated in 2019.

1.4 The primary area addressed by the DEP comprises the Estuary between New Norfolk and a line between Tinderbox and the Iron Pot. However, these boundaries may be extended as needed to address relevant issues associated with the catchment or nearshore coastal waters.

1.5 The purpose of this Agreement is to facilitate the Plan's implementation by the Parties, stakeholders and the community through the DEP.

1.6 The Parties agree that the contents of this Agreement and the Schedules represent a voluntary partnership for sustainable management in the Estuary to operate from the 1 August 2019 and concluding on the 30th June 2025, or as otherwise determined by the Parties.

2. DEP OBJECTIVES, STRATEGIES AND IMPLEMENTATION

2.1 The Parties agree that the principal objective of the Plan is to ensure that the Derwent Estuary is a healthy and diverse ecosystem that supports a wide range of recreational and commercial uses and is a source of community pride and enjoyment.

2.2 The Parties agree that implementation of the Plan through the DEP will provide the following outcomes:

- improved quality of water, sediments and seafood;
- enhancement and conservation of estuary ecosystems;
- a strong scientific basis to support decision-making and a comprehensive monitoring program;
- good community and stakeholder understanding, awareness and participation in estuary management; and
- optimal and efficient use of resources in the design, development and implementation of best practice management programs.

2.3 The Parties agree that the key strategies in the DEP Plan are to:

Attachment 1

Sent from Clarence City Council

- manage and reduce pollution, including sewage and industrial discharges, boat wastes, and urban runoff;
- protect and enhance natural systems, by enhancing estuarine habitats and species, managing marine pests and coastal weeds, and managing river flows;
- enhance human use of and benefits from the estuary, particularly through regional recreation and tourism initiatives;
- improve scientific understanding, develop decision support tools and monitor estuary conditions and trends; and
- promote understanding, awareness and participation in estuary planning and management through reporting, education and celebration of achievements.

2.4 The Parties agree to implement these strategies through an annual action plan presented in Schedule 2, and to review and update this Schedule annually by 31st March each year.

2.5 The Parties agree that additional agreements to implement major strategic projects may be developed, subject to Board approval.

2.6 The Parties agree to review and update the DEP Plan in Schedule 1, as required, to ensure it provides the long-term direction and strategies for the sustainable management of the Estuary.

3. DEP STRUCTURE

3.1 The Parties, while recognising and maintaining their respective roles and responsibilities, agree to adopt the DEP and the following structure as the principal means to:

- work together and facilitate implementation, review and updating of the Plan and this Agreement;
- provide leadership, coordination and a 'whole of government' strategic approach to estuary management; and
- ensure open and positive communication and consultation, to inform and involve the community and stakeholders in estuary management.

3.2 The Parties agree to arrange meetings of the Premier, relevant Ministers, Council Mayors and industry leaders, as required, in the course of the implementation of the DEP to formally review and resolve key elements of the Plan.

3.3 The Parties agree to continue the operation of the DEP Board and the Members Committee (the Members Committee comprising of the Director of the EPA, the State Manager of Environmental Health Services, the General Managers of the Councils and the CEOs of industry partners) to:

- ensure the DEP Plan and its objectives and strategies are integrated into the respective policy and planning documents of the Parties and other stakeholders;
- oversee and coordinate implementation of the Plan, including its review and revision, on the advice of the Technical Working Group;
- engage other representatives of the Parties or stakeholders to assist the Committee, as required;
- develop further agreements and/or form special purpose task forces or working groups, where necessary, to ensure the implementation of the Plan's strategies and actions;
- review the results achieved by the implementation of the Plan and this Agreement;
- arrange DEP meetings and provide periodic reports and information for the Premier, State Government Ministers, Council Mayors and industry leaders; and

Attachment 1

Sent from Clarence City Council

- oversee the provision of information and consultation, as required, on the DEP Plan and this Agreement with stakeholders and the community.

3.4 The Parties agree to coordinate the provision of advice to the DEP Board and Members Committee through the continued operation of the Technical Working Group, comprising representatives of Government Agencies, the Councils and key stakeholders, as determined by the DEP Members Committee.

3.5 The Parties agree to maintain support for the DEP Management Team whose role is to provide executive, scientific, technical and administrative support, to assist the DEP Board, Members Committee and Technical Working Group, and to undertake other tasks as directed by the Board and Members Committee.

3.6 The Parties agree that the DEP Board and Members Committee will liaise with and, where required, resolve agreements and joint working arrangements with other stakeholders and the community to ensure effective implementation of the Plan.

3.7 The Parties agree to consult widely with the community, industry and all stakeholders on Estuary issues, the Plan and its implementation.

4. DEP RESOURCES

4.1 The Parties agree to commit the time and resources needed to implement this Agreement and to jointly provide the resources needed to progressively implement the Plan and support the Management Team.

4.2 The Parties agree to commit funds for the 2019/20 financial year as outlined in Schedule 2 and to review and update funding commitments in this Schedule annually by 31st May each year.

4.3 The Parties agree to cooperate to secure additional resources that may be required to implement the Plan and priority projects.

5. DEP COMMUNICATIONS, REPORTING AND REVIEW

5.1 The Parties agree that communications will be coordinated through a representative Communications Advisory Group, and that all media releases will be circulated to the Board and Members Committee in advance.

5.2 The Parties agree that an annual report on the DEP for the financial year will be prepared and presented to the Board and Members Committee by 30th October each year.

5.3 The Parties agree to review the performance of this Agreement annually before 31st March and where agreed make appropriate amendments for the subsequent financial year.

5.4 The Parties agree to complete a major review of the Agreement before the end of the 5-year period and determine whether the DEP should be continued and, if so, under what terms, conditions and arrangements.

Attachment 1

Sent from Clarence City Council

Signed by:

The Honourable Elise Archer, MP
Minister for the Environment

Signature: _____

Alderman Anna Reynolds
Lord Mayor of Hobart City Council

Signature: _____

Councillor Tony Foster
Mayor of Brighton Council

Signature: _____

Alderman Doug Chipman
Mayor of Clarence City Council

Signature: _____

Councillor Ben Shaw
Mayor of Derwent Valley Council

Signature: _____

Alderman Kristy Johnston
Mayor of Glenorchy City Council

Signature: _____

Councillor Dean Winter
Mayor of Kingborough Council

Signature: _____

Mr Mike Brewster
TasWater

Signature: _____

Mr Dale Richards
Norske Skog Paper Mills (Australia) Ltd

Signature: _____

Mr. Reinhardt Viljoen
Nyrsstar Hobart Smelter

Signature: _____

Mr Anthony Donald
Tasmanian Ports Corporation

Signature: _____

Mr Stephen Davy
Hydro Tasmania

Signature: _____

Attachment 1

Sent from Clarence City Council

SCHEDULE 1

DERWENT ESTUARY PROGRAM

Business Plan 2019

Attachment 1

Sent from Clarence City Council

* * *

SCHEDULE 2

DERWENT ESTUARY PROGRAM

2019/20 IMPLEMENTATION PLAN AND BUDGET

Attachment 2

Treasurer
Minister for Environment, Parks and Heritage

Level 9 15 Murray Street HOBART TAS 7000 Australia
Ph: +61 3 6165 7739



Ms Ursula Taylor
CEO
Derwent Estuary Program
utaylor@derwentestuary.org.au

25 JUL 2019

Dear Ms Taylor

Thank you for your recent correspondence seeking confirmation of the Tasmanian Government's commitment to a new Partnership Agreement to continue the Derwent Estuary Program (DEP) for a further five years.

Our Government recognises that the DEP, via the partnership arrangements, makes a valuable contribution to the community through its work to restore and promote the Derwent estuary.

Our Government remains a strong supporter of the DEP and I am pleased to advise that we are happy to agree to continue to support the program for another five years and upon the expiry of the current Grant Deed and Memorandum of Understanding, ongoing cash and in kind contributions will be renegotiated for the term of the new agreement.

I look forward to collaborating with the DEP and other partner organisations into the future, to continue the important work that is being undertaken to maintain the ecological health of the estuary while supporting a range of recreational and commercial uses.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Peter Gutwein", with a long horizontal flourish extending to the right.

Peter Gutwein MP
Minister for Environment, Parks and Heritage

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 JOINT AUTHORITY MATTER

13.3 TENDER – VERGE AND HORSE TRAIL MAINTENANCE

13.4 TENDER T1308-19 – 2019 ANNUAL HARD WASTE COLLECTION SERVICE

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

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