

Prior to the commencement of the meeting, the Acting 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 Acting 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 9 SEPTEMBER 2019

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	APOLOGIES	4
2.	CONFIRMATION OF MINUTES.....	4
3.	MAYOR’S COMMUNICATION	4
4.	COUNCIL WORKSHOPS.....	4
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE.....	5
6.	TABLING OF PETITIONS	6
7.	PUBLIC QUESTION TIME.....	7
7.1	PUBLIC QUESTIONS ON NOTICE	7
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	7
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	8
7.4	QUESTIONS WITHOUT NOTICE	9
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	10
9.	MOTIONS ON NOTICE – NIL ITEMS	11
10.	REPORTS FROM OUTSIDE BODIES	12
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	12
	• CIPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	
	• GREATER HOBART COMMITTEE	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES	13
11.	REPORTS OF OFFICERS	33
11.1	WEEKLY BRIEFING REPORTS	33
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS	34

11.3 PLANNING AUTHORITY MATTERS

- 11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2019/002154 – 34 AND 36 SPITFARM ROAD, OPOSSUM BAY – DWELLING ADDITIONS (DEMOLITION OF RETAINING WALLS AND GARAGE, NEW RETAINING WALLS AND GARAGE AND RELOCATION OF SHED).....36
- 11.3.2 DEVELOPMENT APPLICATION D-2018/457 – 17 EMMALINE COURT, ROKEBY - 16 MULTIPLE DWELLINGS61

11.4 CUSTOMER SERVICE - NIL ITEMS

11.5 ASSET MANAGEMENT - NIL ITEMS

11.6 FINANCIAL MANAGEMENT - NIL ITEMS

11.7 GOVERNANCE

- 11.7.1 NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE103
- 11.7.2 CAMBRIDGE PRIMARY SCHOOL – LEASE OF PUBLIC LAND120
- 11.7.3 REQUEST FOR ASSISTANCE – EASTSIDE SQUASH CENTRE, 69 CAMBRIDGE ROAD, BELLERIVE137
12. ALDERMEN’S QUESTION TIME144
- 12.1 QUESTIONS ON NOTICE.....144
- 12.2 ANSWERS TO QUESTIONS ON NOTICE.....144
- 12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....144
- 12.4 QUESTIONS WITHOUT NOTICE144
13. CLOSED MEETING145
- 13.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 13.2 QUOTATION Q1268-19 – CARELLA STREET CUL-DE-SAC RECONSTRUCTION
- 13.3 CONTRACTUAL MATTER

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

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

1. APOLOGIES

Ald Chipman (Leave of Absence)
Ald von Bertouch (Leave of Absence)

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 19 August 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**

South Eastern Regional Park
Consultation Policy
Strategic Plan Process
Sporting Facility

26 August

Waste Management
Local Government Legislation Review
Presentation from representatives from North Melbourne Football Club

2 September

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.

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.

Mrs Janet Counsell has given notice of the following question:

ROSNY HILL NATURE RECREATION AREA

Since 2010, when the Rosny Hill Nature Recreation Area was identified for development by the Clarence City Council, at what stages of the process were cost/benefit analysis carried out? Where can the findings of these cost/benefit analysis be accessed by ratepayers?

Dr Alice Stoneman has given notice of the following question:

CLIMATE CHANGE THREATS

Climate change caused by human activity is the biggest threat the world has ever faced. According to the latest IPCC report (which many criticise as too conservative) we are already locked into a scenario of 1.5 degrees of warming. But worse than that, we now only have 11 years left to prevent unstoppable catastrophic climate breakdown. Climate Change is already affecting us here and now. We had 3% of the state on fire last summer. Last year's floods caused more than \$20 million worth of damage in Southern Tasmania. Weather events such as these are becoming more severe and more frequent with drastic negative health, environmental and economic outcomes.

What is the Clarence City Council doing to reduce their greenhouse gas emissions, and to adapt to future climate change threats?

7.2 ANSWERS TO QUESTIONS ON NOTICE

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.

FUTURE TRAFFIC MANAGEMENT PLANNING BELLERIVE PRECINCT

Joanne Marsh of Bellerive asked the following question on behalf of Victor Marsh, who was unable to attend. The question relates to the answer to his previous question regarding the future traffic management planning in the Bellerive precinct. The term pedestrian connectivity enhancement was used, given that pedestrians currently feel unsafe in the Bellerive area, would Council Officers please give some examples of possible pedestrian connectivity enhancements in the area that would benefit the community?

ANSWER

“There are a number of pedestrian connectivity enhancements planned in the Bellerive area; some of these are Council initiatives, while others are to be delivered as part of new developments. Examples are:

- Council has engaged an engineering consultant to investigate opportunities for pedestrian improvements at the Clarence Street/Cambridge Road traffic signals, including crossing of the left turn slip lane from Cambridge Road to Clarence Street.
- The proposed hotel development will include a promenade around the water frontage, connecting to a path on the water side of the proposed public carpark adjacent to the hotel. This will link the Kangaroo Bay promenade with the boardwalk near the Bellerive Yacht Club (BYC).
- As part of the changes to parking and access at the BYC, Council proposes to improve the pedestrian access ramp from Cambridge Road to the BYC carpark.
- Council is currently consulting with the community on the Victoria Esplanade masterplan to inform future improvements to landscaping and amenity for users of the area to Bellerive.
- Future road reconstruction works at Percy Street and Cambridge Road will include consideration of pedestrian improvement options such as road narrowing, median crossings and speed management devices. These will be designed with pedestrian connectivity as a key priority, noting that the timing of these works will be guided by asset condition criteria and reconstruction works due within the next five years”.

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**

- **GREATER HOBART COMMITTEE**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT**
(ECM 3611064)**Chairperson's Report – Alderman D Ewington**

Report to Council for the 3 month period 1 April 2019 to 30 June 2019.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

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

Construction has been completed of a short length of concrete path, where the unsealed surface was at a relatively steep grade and was prone to erosion. Care was taken in the design and construction to protect Aboriginal Heritage values in the immediate area of the works.

Clarence Foreshore Trail – Tasman Bridge to Montagu Bay Park, Montagu Bay

Construction of the first stage, from the area under the Tasman Bridge, through the ex-SES site and around the Primary School Oval is complete.

Design and completion of the next stage is dependent on progress by the Department of Education of the Primary School Masterplan. A decision has been made to re-direct the remaining funds to the next section of path, south of Montagu Bay, towards Rosny Point.

Clarence Foreshore Trail –Simmons Park to Anzac Park, Lindisfarne

Civil works for the section from Simmons Park to Ford Parade are complete. Funds have been allocated in the 2019/2020 capital budget for the next section to the Lindisfarne Yacht Club and design is in progress.

Permanent Track Counter – Kangaroo Bay

A permanent counter has been installed in the shared path to keep ongoing counts of cyclists and pedestrians.

3. RECURRENT INITIATIVES

Nil.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

Tasman Highway – Extension from Tasman Bridge to Montagu Bay Road

Council has been successful in receiving funding of \$70,000 under the Vulnerable Road User Program for this project. With Council's contribution of \$50,000 the total funding available is \$120,000. Negotiations are progressing on formalising a maintenance agreement with the Department of State Growth (DSG) as the works are located within the State Road Reserve. This agreement needs to be in place prior to construction.

Kangaroo Bay Development

When the marine slipway is open, it becomes a challenge for cyclists to make their way along Cambridge Road, through the village and back onto the foreshore path. The Committee has also considered issues relating to the Bellerive Yacht Club development. At its Meeting of 28 May 2018, Council resolved on a preferred option to retain a ramp from Clarence Street to the Bellerive Yacht Club carpark. The Committee considered two options for the ramp; a longer DDA compliant ramp, which would require removal of a significant Pepper tree, or an upgrade of the existing shorter/steeper ramp configuration.

The Committee preferred a compromise, whereby the ramp is lengthened (and the grade reduced) but without requiring removal of the tree (noting that this would not meet DDA requirements).

Rosny Hill Road – Highway Overpass to Rosny Barn Carpark

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

5. 2019/20 CAPITAL BUDGET

The following cycling infrastructure related projects have been allocated funds in the 2019/2020 capital budget:

- Clarence Foreshore Trail at Lindisfarne – Ford Parade to Yacht Club – \$150k;
- Clarence Foreshore Trail at Bellerive – Beach Street to High Street – \$150k;
- additional funds for Rosny Hill path – \$150k;
- Howrah Road multi-user path between the Clarence Foreshore Trail at the service station to the beach access opposite Bingley Street – \$106k;
- Howrah Road design for cyclist improvements between the Clarence Foreshore Trail and Clarence Street – \$40k; and
- Rosny Hill Road pedestrian overpass to Kangaroo Bay – design for connection improvements – 25k.

6. GOVERNANCE MATTERS

Committee Meeting

The Committee held two meetings during the quarter; on 1 April 2019 and 3 June 2019.

7. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman Dean Ewington
CHAIRPERSON

TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT
(ECM 3610713)**Chairperson's Report –Alderman D Ewington**

Report to Council for the 3 month period for 1 April to 30 June 2019.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

- provide advice and make recommendations, including policy, to assist Council in the development of tracks and trails in the City;
- assist in the development and periodic review of Council's Tracks and Trails Strategy;
- develop and maintain a Tracks and Trails Register which captures all existing and possible future trail and track networks (including multi-user pathways) in Clarence;
- develop and review (on a rolling basis) the Tracks and Trails Action Plan for endorsement by Council that articulates the development initiatives prioritised and proposed to be conducted over a 5 year programme which recognises the access and needs of all users eg: walkers, horse riders, mountain bikers, etc;
- monitor progress and work to address the actions of the plan according to their level of priority;
- as part of internal referral processes, provide input and advice on the provision and requirements for trail networks and the provision of trail linkages as part of new subdivisions.

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

2. CAPITAL WORKS PROJECT**Fort Direction to Potters Hill Track, South Arm**

A link track has been constructed along Fort Direction Road to connect the Fort Direction Track to Potters Hill Reserve.

Merindah Track, Glebe Hill

A formal track was constructed from the entrance to the reserve at Merindah Street into the reserve, to provide improved access for the public.

Flagstaff Hill to Caves Hill Track, Meehan Range

A new track was constructed from the end of the Caves Hill Track to the rocky fire trail on the northern side of Flagstaff Hill. The track eliminates a steep section of fire trail.

Roscommon East Track, Tangara Trail, Lauderdale

An all-weather gravel surface track has been installed along the eastern side of Roscommon.

3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES

Tangara Trail – Brushcutting has been carried out on sections of the Tangara Trail in Acton.

Barilla Rivulet Track – Clearing work has been carried out along the rivulet to remove weeds and overgrown vegetation in preparation for a future track.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**Tangara Trail - Roscommon West Track**

Several meetings have been held with Hobart Archery and Tasmanian Equestrian Centre to identify existing infrastructure in Roscommon and develop a plan to accommodate a future Tangara Trail corridor around the western and northern perimeter.

Clarence Coastal Trail – Mays Point to Cremorne

Aboriginal Heritage surveys are complete, and approvals are being sought to construct the track.

Clarence Mountain Bike Park

A DA application was prepared to construct toilets and picnic shelter in the Clarence Mountain Bike Park. Awaiting approval from the Crown to carry out works.

5. GOVERNANCE MATTERS

Committee Meetings

Two committee meetings were held on 11 April and 20 June 2019.

6. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman D Ewington
CHAIRPERSON

**NATURAL RESOURCE MANAGEMENT AND GRANTS COMMITTEE –
QUARTERLY REPORT**
(ECM: 3611082)**Chairperson's Report – Alderman Beth Warren**

Report to Council for the 3-month period 1 April 2019 to 30 June 2019.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

- advise Council on the strategic planning and management of bushland and coastal reserves and parks throughout the City;
- provide advice on Council's Reserve Activity Plans and Catchment Management Plans in the context of the "Clarence Bushland and Coastal Strategy";
- administer, in conjunction with Council, the Land and Coast Care Grants Program;
- facilitate and provide guidance for the implementation of Council's adopted Clarence Bushland and Coastal Strategy; and
- promote information sharing of natural resource related matters affecting the City.

In working towards these goals, the Committee, in conjunction with Council's Natural Assets Officer, implemented a range of activities which are set out below.

2. CAPITAL WORKS PROJECTS**Lauderdale Canal Boat Ramp Robustic Fencing**

Robustic fencing has been installed around the dune areas of the Lauderdale Canal Vehicle Access Facility. The fencing will protect the newly landscaped dunes from vehicles and pedestrians and has been oiled with natural decking oil to increase the lifespan of the timber. Conservation Volunteers Australia were engaged to do the planting in the dunes.



Image of Robustic Fence Installation at Lauderdale Canal Boat Ramp

Landscaping Path Verges at Flagstaff Gully Road

Eco Works contractors were engaged to landscape the path verges post path construction by the Council Depot Crew along Flagstaff Gully Road. Hundreds of plants, including a small number of semi-advanced natives, were planted to soften the look of the area and stabilise disturbed areas and sections of the bank below the path. Woodchip mulch was applied to planting areas that were not too steep and “creeping-type” native ground covers planted in steep areas to spread down banks.

3. RECURRENT INITIATIVES

Development of Reserve Activity Plans (RAP) 2018-19

Draft Lauderdale Saltmarsh Reserve Activity Plan 2019-2029

Community and stakeholder consultation were undertaken on the Lauderdale Saltmarsh Reserve Activity Plan 2019-2029, including a “Walk and Talk” session on Sunday, 14 April 2019. Community Consultation closed on Friday, 31 May 2019 and individual 1:1 stakeholder consultation with State Government Departments, University of Tasmania, Derwent Estuary Program etc has followed. The results of the community consultation being collated into a Feedback table which will guide the development of the Draft Lauderdale Saltmarsh Reserve Activity Plan 2019-2029.

Draft Mortimer Bay Coastal Reserve Activity Plan 2018-2022

Community and stakeholder consultation were undertaken for the Draft Mortimer Bay Coastal Reserve Activity Plan 2018-2022 and a report to Council will be tabled in Spring 2019.

Draft Cremorne Coastal Reserve Activity Plan 2019-2029

Community consultation was undertaken for the Cremorne Coastal Reserve Activity Plan 2019-2029 with the consultation closing on Friday, 26 April 2019. The results of the community consultation and the subsequent recommendations for amendments to the Draft Plan will be presented to Council in Spring 2019.

Implement Natural Area Reserve Activity Plans**Rosny Hill Reserve**

The area about the “trig point” at the top of Rosny Hill underwent extensive vegetation management. Vegetation, predominately drooping she oak, *Allocasuarina verticillata*, was thinned and pruned to reduce fuel levels and allow improved sight lines in an area that has previously been prone to anti-social behaviour and litter dumping. Vegetation was piled and burnt by Council’s Fire Crew.

Extensive vegetation management was also undertaken about the Rosny Hill Circuit Track and the track from Akuna Street. Vegetation piles from the collected green waste have been burnt by Council’s Fire Crew.

Brinktop Bushland Reserve

Maintenance of Brinktop Bushland Reserve Entrance Landscaping was performed by Eco Works during the quarter.

Acton Park Tangara Corridors

Weedy mainland species of large shrubs have been removed and piled for burning by Council’s Fire Crew about sections of the Tangara between Renmark Place, Axiom Way and Sirocco Place. Weedy species removed included Kanuka, *Kunzea ericoides* and Warren River cedar, *Taxandria juniperina*.

Over successful coastal wattle shrubs were pruned and suckering blackwood trees near Axiom Way thinned out to improve the form of species that will grow to adult trees in the future.

Thoona Bushland Reserve

Brush cutting, garden bed maintenance and weed control was performed by contractors at Thoona Bushland Reserve in Geilston Bay.

Wiena Bushland Reserve

A thorough “scout” for weeds was undertaken throughout the reserve at Wiena Bushland Reserve. Main weeds treated were serrated tussock, blackberry, briar rose and Spanish heath. Entrance ways to the reserve were tidied up and rubbish removed.

Rosny-Montagu Coastal Reserve

The verges of the multi-user track from She Oak Point to Montagu Bay were brush cut by contractors. Vegetation close to the track was pruned and dead limbs/trees removed for safety and ease of maintenance into the future.

Rokeby Beach Coastal Reserve

The small area of coastal reserve at the carpark area to Rokeby Beach on Droughty Point Road received a “tidy up”. Long grass was brush cut, litter was collected and removed, and weeds were controlled.

Roches Beach Accessways

All beach accessways to Roches Beach were maintained. Long grass was brush cut, litter removed, overhanging vegetation pruned, dead vegetation removed, weeds controlled, and sand littered on bitumen areas shovelled back into the dunes.

Geilston Bay Coastal Reserve

The section of Coastal Reserve parallel with Granville Avenue has received significant maintenance work. Several patches of blackberry have been cut out and treated with herbicide. Vegetation growing close to the track has been pruned and rubbish removed from the reserve.

The section of reserve on the rivulet side of the Geilston Bay Tennis Club has been mulched and planted out with several hundred coastal species. This area looks tidier now and once plants are established will provide excellent habitat for local animals such as the Eastern Barred Bandicoot.

27 Acton Court

Mallee mesh guards were installed around trees and shrubs that were being heavily grazed by local wildlife at 27 Acton Court. The corflute guards previously protecting plants were not high enough and vegetation was receiving regular “haircuts” by browsing animals not allowing the plants to grow to any height above the 450mm high guards.

Seven Mile Beach Coastal Reserve

Contractors were engaged to clean up large amounts of litter dumped at the dead end of Seven Mile Beach Coastal Reserve where the road finishes with the Hobart Airport boundary fence. An old kitchen, building waste, dead wallaby carcasses and general rubbish were removed and transferred from the site.

Illegal vehicle access to the dunes in the Seven Mile Beach Coastal Reserve was evident near the red gravel road entry to Day Use Area 2. To stop damage to the reserve, rock barriers were installed to prevent further vehicle access (image below).



Image of rock barriers preventing cars entering the Seven Mile Beach Coastal Reserve near Day Use Area 2.

Roches Beach Coastal Reserve

The entrance to Roches Beach at 34a Balook Street has now been fully landscaped with native coastal plants. Feedback from the local community was very positive.

Mt Canopus Bushland Reserve

Contractors were engaged to perform maintenance on the Swale that runs parallel with Grahams Road within Mt Canopus Bushland Reserve. Dead blackberry canes were mulched, dead branches and green waste taken away and grass brush cut.

Clarence City Council Land and Coast Care Volunteer Activities

Working Bees and Events

For the quarterly period, there were 24 Working bees held by land and coast care groups in Clarence. In total, 64 participants contributed approximately two hours of their own time to volunteering. Calculating the value of the volunteer contributions to Council at \$40 per hour, volunteers provided Council with an in-kind contribution of \$5,120. These figures are an approximation only as some working bees are longer than 2 hours and volunteer administrative contributions have not been captured.

Council also hosted the annual **Volunteer Reception** recognising all Volunteer groups in Clarence, about 100 volunteers enjoyed a very entertaining evening.

Landcare Tasmania and Clarence City Council held a 25-year celebration event at Rosny Farm with about 40 volunteers enjoying a slide show highlighting their achievements over the past 25 plus years. This is part of the **State Landcare Conference** to be held in October at the Blundstone Arena in October.

Potential new group: Chris Johns and representatives from TACPLACCI met with some interested neighbours at Pindos Park interested in forming a group to work on a small section of coastal reserve. Their first working bee date still to be advised.

CCC 2018-19 Land and Coast Care Grants' Program

All groups that received funding through the CCC Land & Coast Care Grants have been encouraged to finish their projects by the end of June 2019. Provided Council funds the program for 2019-20, groups that have received funding in 2018-19 will need to acquit previous funding before they apply for further funding.

Drainage Swales

Seven Mile Beach Road Swale

The swale drain that flows from Acton Creek toward Royal Hobart Golf Course Practice Range under Seven Mile Beach Road underwent maintenance work. Long grass was brush cut, weeds have been removed and vegetation pruned to allow improved access.

The **Clarence Plains Rivulet** area in front of Bayview Secondary College has been brush cut and mowed. Numerous Hawthorn plants have been cut to the ground, poisoned and removed from site. Track verges have been maintained and the area is looking great.

Barilla Creek Maintenance

The section of Barilla Creek about the bridge at Backhouse Lane was in desperate need of clearing works to improve flows and aesthetics. Crack willow, hawthorn, briar-rose and other weeds have been removed and long grass brush cut to improve stormwater flows. The area has been prepared for planting with native species that will bind the streambanks and provide a better level of bioremediation compared with the weedy species previously occupying the streambanks.

A section of the flat area of the stream bank of Barilla Creek from the decommissioned sewage ponds toward Maxwells Road has been cleared to allow future planning for a Class 3 track to link with Maxwells Road and possibly the Barilla Caravan Park. Funding has been provided to undertake track construction in the 2019-20 CCC Annual Budget.

Risdon Vale Rivulet

Tasflora were engaged to undertake maintenance works along the Risdon Vale Rivulet from the Risdon Vale Fire Station to Kerria Road. Significant quantities of rubbish were removed, grass was brush cut and blackberry patches treated.

Geilston Creek

Native plugs and tubes were planted about the newly shaped section of Geilston Creek to prevent erosion from stormwater flows. Work is planned to upgrade some of the rock drop structures installed as it is evident the rock used by the Council Depot Crew was not large enough and some of it is washing downstream after storm events.

Priority Weed Management

Weed control works have been carried out at **Wiena Bushland Reserve, Lindhill Bushland Reserve, Racecourse Flats and Mortimer Bay Coastal Reserve.**

A Conservation Volunteers Australia Crew did a thorough sweep of Mortimer Bay Coastal Reserve removing juvenile radiata pine seedling and verbascum. A survey for ragwort, recently found for the first time in the reserve, was undertaken with no ragwort being found.

Droughty Point Road

Tasflora were engaged to perform roadside weed control along Council Managed verges. Boneseed, African boxthorn, serrated tussock and briar rose were the main weeds treated.

Weed Communication Strategy

Weed Communication Strategy has been finalised and will be rolled out over a 5-year period. It is an internal operational document that will guide how Council will communicate with the public and industry regarding weed management responsibilities with the objectives to:

- 1) ensure a greater awareness of weeds in the Clarence Municipality. Specifically, people should be empowered to participate in weed management and understand their legal responsibilities as landowners; and
- 2) ensure that land developers and industry more broadly are aware of their responsibilities and aware of their potential to influence weed management outcomes.

By improving communications about weeds and weed management responsibilities we can reduce complaints and requests for information. An increased level of public engagement in weeds and weed management will also maximise council investments in priority weed programs, improve efficiencies in monitoring and surveying programs, lead to a reduction in Weed Management Act 1999 enforcements and will maximise Landcare/Coastcare group investment in natural area management.

Implementation of the Weed Communications Strategy will be the responsibility of Council's Weeds Planning Officer supported by Council's Marketing Department.

Needle Grass Eradication Program

Chilean and Texas needle grass winter control has been undertaken by Eco Works Contractors in the month of June. One new population was discovered along Rose Bay foreshore track and treated but the remainder of the program focussed on known sites for fluproponate treatment and time was not wasted on further extension surveys due to difficulties in identifying both species in winter.

Areas covered included nature strips, road reserves and public open space in **Otago Bay, Lindisfarne, Rose Bay, Montagu Bay, Rosny, Bellerive, Clarendon Vale, Rokeby and Sandford** for Chilean needle grass. Areas of Glebe Hill and Rokeby were treated for Texas needle grass.

A significant amount of work was put into the first fluproponate treatment at **Clarendon Vale Green Belt** infestation (45 Goodwin's Road) which was only discovered during peak flowering in December 2018. In general winter treatment of needle grasses utilises the selective and residual herbicide fluproponate applied broadly across affected areas to target adult plants and regeneration of needle grass seedlings over an 18 to 24-month period without removing all competition from native and competitive pasture and lawn. This is a critical component of long-term control of needle grass populations at known sites across the municipality. Follow-up survey and spot-spraying plants will occur from late October through to the end of December 2019.

Other Priority Declared Weed Programs

The objective of the serrated tussock control program is to reduce plant numbers on council-managed properties. This will minimise the risk of spread via council maintenance activities (ie mowing or reserves, roadside slashing) and users of trails (ie horse riders and bike riders on the Tangara Trail); and will meet council's statutory obligation of containing its spread onto neighbouring properties or to non-affected council assets.

Serrated tussock control program has commenced with winter control undertaken at **Nowra Bushland Reserve** to build upon recent years investment in that area and to support adjoining landowners who are actively managing and engaging contractors to undertake work on their own land.

This area will be a focus for compliance for serrated tussock on private land due to the efforts of many residents and Council's investment in serrated tussock control in Nowra Bushland Reserve.

The control program will continue in July and August with the fluproponate treatment of serrated tussock on council-managed roadsides and reserves. The treatment area extends from **Richmond, Dulcot, Cambridge, Acton Park, Mount Rumney, Tranmere, Rokeby, Clarendon Vale, Oakdowns, Roches Beach, Lauderdale, Sandford and South Arm.**

Spanish heath control has occurred at known locations within **Clarence Mountain Bike Park, Mortimer Bay Coastal Reserve, sections of the Tangara Trail - Axiom Way-Sirocco Court and Axiom Way-Cahill Place, Acton Park and Deeprise Way, Lauderdale** - and a newly discovered population on roadside at Baragoola Lane Sandford.

During April, inspections were carried out for all properties with known pampas grass infestations. New plants were discovered during this inspection time at **Natone Hill, Bedlam Walls (Geilston Bay)** on a mix of council-managed land and private land. Additional private properties and council roadsides and council tracks were also identified with pampas grass near **Baragoola Lane and Palana Court, Sandford.** Private landowners identified with new pampas infestations have been issued with weed notifications and educational material to assist them with control of pampas grass on their properties.

Schools Landcare Support Program

Cambridge School Landcare Site (Barilla Rivulet Area)

Rock furniture has been installed on the grassed area of the Cambridge Recreational Ground close to the Barilla Rivulet. The rock furniture is used by the school as an “outdoor classroom” and doubles as a play area for students.



Image of Rock Furniture near Barilla Creek

Defined mulched areas have been developed for future planting by the school in the next quarter.

Lauderdale Primary School, in conjunction with **Acton Park Landcare**, helped establish several **Bandicoot Bunkers** about the Tangara Trail Network in Acton. Approximately 40 Children were involved with the project.

Rose Bay High School in partnership with The Clarence City Council Youth Assist Program held a planting session at Kangaroo Bay Rivulet involving six participants.

She Oak Point Landcare Group, a group consisting of intellectually disabled students from Rosny College, have been performing maintenance-type activities at She Oak Point during the quarter. They have spread woodchip mulch about garden beds, performed litter collection in the reserve and pruned low lying branches from shrubs and trees.

Prison Program Project

Rosny Hill Rock Wall Construction - Kellatie Road Entrance

The prison crew have constructed a dry mudstone and dolerite wall at the entrance to Rosny Hill from Kellatie Road. Local residents have been very impressed with the work done by the crew and planting of the beds behind the wall will occur during winter.



Image of Rock Wall at Kellatie Road Entrance to Rosny Hill

The Prison Crew installed some platforms, steps and retaining walls at the steep entrance to **Rokeby Hills from Raleigh Court** using sandstone. A red gravel track now links the entrance way to Mayfair Court and beyond.

Radiata pine control was done at **Seven Mile Beach Coastal Reserve**. It is evident from previous work that natural regeneration of native dune species occurs once the pine trees are removed allowing natural sunlight to germinate native seed found in the sand.

Wetland/Storm Water Retention Basins**Cambridge Park Wetland**

Rock borders have been installed around two of the landscaping areas on the fringe of Cambridge Park Wetland. The wetland is starting to “mature” with many plants growing past juvenile stages. One on-going problem is litter ending up in the wetland, mostly from the nearby commercial properties.

Lauderdale Wetland

Grass surrounds about the wetland at Lauderdale were mowed with a Deutscher Mower. The nearby swale parallel with Terinna Street was brush cut with native rushes and sedges left “in situ” to promote bioremediation of stormwater.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

Nil.

5. GOVERNANCE MATTERS.**Committee Meeting**

The next committee meeting is scheduled for Wednesday, 7 August 2019 at the Clarence City Council Chambers.

6. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson’s Report be received by Council.

Attachments: Nil.

Alderman Beth Warren
CHAIRPERSON

11. REPORTS OF OFFICERS**11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 19 and 26 August and 2 September 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 19 and 26 August and 2 September 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-2019/002154 – 34 AND 36 SPITFARM ROAD, OPOSSUM BAY – DWELLING ADDITIONS (DEMOLITION OF RETAINING WALLS AND GARAGE, NEW RETAINING WALLS AND GARAGE AND RELOCATION OF SHED)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Dwelling Additions (Demolition of retaining walls and garage, new retaining walls and garage and relocation of shed) at 34 and 36 Spitfarm Road, Opossum Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and is subject to the Parking and Access Code, Stormwater Management Code, Waterway and Coastal Protection Code and Coastal Erosion Hazard 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 17 September 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and two representations were received. The following issues were raised:

- impact on road safety; and
- streetscape impact.

RECOMMENDATION:

A. That the Development Application for Dwelling Additions (Demolition of retaining walls and garage, new retaining walls and garage and relocation of shed) at 34 and 36 Spitfarm Road, Opossum Bay (Cl Ref PDPLANPMTD-2019/002154) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. A plan for the management of demolition and construction works must be submitted and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must outline the proposed demolition and construction practices in relation to:
 - weed hygiene methods to prevent the spread of weeds and soil-based pathogens to and from the property during construction;
 - procedures to prevent soil and debris being carried onto Opossum Bay Beach;
 - methods for the storage and removal of materials handled on-site;
 - parking for employees involved in demolition and construction;
 - car parking, traffic flow and circulation arrangements for workers and large vehicles required to access the site during the demolition and construction stages; and
 - how works would be undertaken generally in accordance with "*Wetlands and Waterways Works Manual*" (DPIWE, 2003) and "*Tasmanian Coastal Works Manual*" (DPIPWE, Page and Thorp, 2010).

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

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village 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 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 16 – Village Zone;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection Code; and
- Section E16.0 – Coastal Erosion Hazard 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 36 Spitfarm Road is an almost square, 329m² lot located on the western side of Spitfarm Road. There is an existing two storey dwelling centrally located, taking up the majority of the lot. A 6m x 4m garage fronts Spitfarm Road. A 3m x 3m shed is located behind the existing garage. The boundary of the site extends to High Water Mark with Opossum Bay Beach. The proposal also involves the adjoining property to the south at 34 Spitfarm Road in that a retaining wall associated with 36 Spitfarm Road currently extends across the boundary into this adjoining property.

3.2. The Proposal

Application is made for the following works:

- Removal of the existing retaining wall located along the northern boundary of 34 Spitfarm Road and the retaining wall extending along the full frontage of the site supporting a levelled area adjacent to the road.

- Relocation of the 3m x 1.5m outbuilding (shed) located along the southern boundary of 36 Spitfarm Road to centrally along the property frontage and maintaining a 3.5m setback from the property frontage.
- Removal of an existing access path located along the northern boundary of 36 Spitfarm Road.
- Construction of a new blockwork retaining wall within the boundaries of 36 Spitfarm Road. The retaining wall would be located parallel with the property frontage and inset 3.5m from this frontage. The retaining wall would have a depth of 2.7m. The retaining wall would be located mostly below road level and would return for a distance of 3m along the southern boundary and 8.5m along the northern boundary. A new set of stairs would be constructed along the northern boundary to provide access from road level to the dwelling.
- Demolition of the existing outbuilding (garage) and construction of a new 6m x 4m “Colorbond” clad outbuilding (garage) directly adjoining the Spitfarm Road property frontage. The garage would have a maximum height of 3.2m above natural ground level increasing to 6m at the western end of the new retaining wall.

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”.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal requires discretion under the following Performance Criteria.

Village Zone

The proposal does not comply with Clause 16.4.2 A1 of the Scheme in relation to front setback. The various elements of the proposal would provide the following front setbacks:

- shed: 3.5m;
- garage: 0m; and
- retaining wall: 3.5m.

The proposed variation must therefore be considered pursuant to the Performance Criterion (P1) of the Clause 16.4.2 as follows.

Performance Criteria	Proposal
<i>“Building setback from frontage must satisfy all of the following:</i>	See below assessment.
<i>(a) be consistent with any Desired Future Character Statements provided for the area;</i>	Not applicable – there are no Desired Future Character Statements applied to the Village Zone.
<i>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</i>	<p>The proposed garage, shed and retaining wall would be compatible with the setback of adjoining buildings and would maintain the continuous building line evident within the western Spitfarm Road streetscape.</p> <p>An analysis of the aerial photographs of the western side of Spitfarm Road has revealed that the prevailing building line for garages located from 30 – 46 Spitfarm Road is zero to 2m from the frontage boundaries. The western side of Spitfarm Road is unique in that the properties fall steeply from the road towards Opossum Bay Beach. This leaves little practical opportunity to site garages other than directly adjacent to the street frontage on levelled platforms. It is noted that the existing shed on the site provides a nil setback from the road frontage.</p>

	<p>In consideration of the reduced setbacks along the western side of Spitfarm Road, it is considered that the setback of the proposed garage would therefore be consistent with the prevailing building line.</p> <p>The proposed shed would be located behind the retaining wall therefore would not be visible from the street. The siting of this building would therefore have no impact upon building setback compatibility although it is noted that it would be in line with the established building setback of dwellings within the street.</p> <p>The proposed retaining wall is required to achieve a levelled area at the front of the site and would be located mostly below natural ground level. A 1m high fence is proposed above natural ground level along the full length of the retaining wall to protect users from the 2.7m drop to the west. The fence complies with the front fence standards for the zone.</p>
<p>(c) <i>enhance the characteristics of the site, adjoining lots and the streetscape”.</i></p>	<p>The western side of the Spitfarm Road streetscape is characterised by levelled platforms supporting parts of the dwelling and/or garages/carports. Much of the frontage is sealed with limited landscaping. It is proposed to seal the area between the retaining wall and the street with the exception of the area to the north of the garage which would be retained as a landscaped area.</p> <p>The garage is proposed to have a façade width of 4m to accommodate 1 car space and would abut the street frontage. The ratio of façade to frontage is comparable to that of other garages located along the western side of Spitfarm Road, with the exception of the adjoining garage at 34 Spitfarm Road which has a façade width of 6m to accommodate the parking of two vehicles.</p>

	<p>The garage would be clad with “Colorbond” which is consistent with other outbuilding cladding types within the surrounding area.</p> <p>The above design measures will provide for a development which is capable of enhancing the streetscape characteristics.</p>
--	--

Village Zone

The proposal does not comply with Clause 16.4.2 A2 of the Scheme in relation to side and rear setback because the garage would be setback 1.5m from the northern side property boundary and the retaining wall would be located directly upon the northern and southern side property boundaries. The proposed variation must therefore be considered pursuant to the Performance Criterion (P2) of the Clause 16.4.2 as follows.

Performance Criteria	Proposal
<p><i>“Building setback from side and rear boundaries must satisfy all of the following:</i></p> <p><i>(a) Be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by;</i></p>	<p>See below assessment.</p>
<p><i>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p>	<p>The proposed garage would be located at the northern end of the property therefore any shadow cast by the proposed building would be concentrated within the boundaries of 34 and 36 Spitfarm Road.</p> <p>The retaining wall along the southern boundary of 36 Spitfarm Road would have a short wall length and would adjoin a retaining wall structure located on the adjoining property at 34 Spitfarm Road. Any overshadowing impact upon this adjoining property would be minimal and would be mostly absorbed by the existing retaining walls in place. No overshadowing of private open space or habitable room windows would occur.</p>

<i>(iii) visual impact, when viewed from adjoining lots, through building bulk and massing.</i>	<p>The proposal would replace an existing failing retaining wall inset from the front boundary with Spitfarm Road. The fence located on top of the retaining wall would be lower than the existing and for this reason will have less visual bulk.</p> <p>The proposed garage would not cause any unreasonable visual impact when viewed from the adjoining property to the north at 38 Spitfarm Road as this adjoining property is located at a significantly lower elevation than the garage and is designed to take advantage of the westerly outlook over Opossum Bay Beach.</p>
<i>Taking into account aspect and slope”.</i>	<p>The retaining wall has been designed and located to restore the stability of the frontage of the property. The garage would be located near the road frontage, as this forms the only level area on the site that is directly accessible from the road.</p>

Waterway and Coastal Protection Code

The proposal does not comply with Clause E11.7.1 A1 of the Scheme in relation to buildings and works within a Waterway and Coastal Protection Area. The proposed demolition, retaining walls and garage would be located within a Waterway and Coastal Protection Area. The proposed variation must therefore be considered pursuant to the Performance Criterion (P2) of Clause E11.7.1 as follows.

Performance Criteria	Proposal
<i>“Buildings and works within a Waterway and Coastal Protection Area must satisfy all of the following:</i>	See below assessment.
<i>(a) avoid or mitigate impact on natural values;</i>	<p>The proposed retaining wall structures, garage and shed would be located near the road frontage as opposed to the environmentally sensitive foreshore area. The retaining walls have been designed to be structurally sound and with appropriate drainage to minimise damage from rainfall events. Council’s Development Engineer considers the design appropriate for a coastal setting.</p>

	This will in turn protect the environmental values of the foreshore area below.
<i>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</i>	The retaining wall would be designed and constructed in a manner which is appropriate for the location and usage and will therefore minimise risk of damage to the subject site and adjoining properties. The design of the retaining wall would include the necessary drainage to prevent erosion, sedimentation and runoff impacts.
<i>(c) avoid or mitigate impacts on riparian or littoral vegetation;</i>	The proposed retaining wall would replace an existing solid structure and would not result in the removal of coastal vegetation.
<i>(d) maintain natural streambank and streambed condition, (where it exists);</i>	The coastal location precludes any impact upon streambank or streambed condition.
<i>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	The proposed works would be occurring within a modified urban environment therefore would not impact upon in-stream natural habitat.
<i>(f) avoid significantly impeding natural flow and drainage;</i>	The retaining wall would not impede natural flow and drainage of the coastline.
<i>(g) maintain fish passage (where applicable);</i>	The proposed retaining wall, garage and shed would be located adjacent to the coastline and therefore would not impact upon fish passage.
<i>(h) avoid landfilling of wetlands;</i>	The proposal does not involve a wetland.
<i>(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided".</i>	Given the proximity of the dwelling to the coast, it is recommended that a condition be included requiring the preparation of a construction management plan which is to include details of how the works are to be carried out in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).

Coastal Erosion Hazard Code

The proposal does not comply with Clause E16.7.1 A1 of the Scheme in buildings and works within a Coastal Erosion Hazard Area because the retaining wall and associated stairs on the northern boundary of the site would be located within the Coastal Erosion Low Hazard Area.

The proposed variation must therefore be considered pursuant to the Performance Criterion (P1) of the Clause E16.7.1 as follows.

Performance Criteria	Proposal
<i>“Buildings and works must satisfy all of the following:</i>	See below assessment.
<i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i>	Council’s Development Engineer has advised that the proposal is consistent with the performance criteria of the Coastal Erosion Hazard Code. The proposed retaining wall and pathway would be designed to withstand erosion impact.
<i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i>	Given the low level of risk to a small component of the retaining wall and stairs along the northern side boundary, Council’s Development Engineer has advised that no structural or design measures are required to be incorporated into the design of the structures.
<i>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i>	Council’s Development Engineer has advised that the retaining wall and stairs will be subject to a low level of erosion risk and accordingly no measures are required to be incorporated into the design to modify or mitigate the erosion hazard.
<i>(d) need for future remediation works is minimised;</i>	The location of the majority of the retaining wall and pathway outside of the erosion hazard areas will ensure the need for future remediation work is minimised.
<i>(e) health and safety of people is not placed at risk;</i>	The engineering report indicates that the design of the retaining wall and pathway is in accordance with the relevant design codes and in accordance with the requirements of the Building Code of Australia. The design response will ensure the health and safety of people is not placed at risk.
<i>(f) important natural features are adequately protected;</i>	The proposed development aims to enhance the stability of the site which will assist in preserving the natural features of the coastline.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	The proposed works are contained wholly within the boundaries of 36 Spitfarm Road, therefore would not impact upon public access over nearby public land.

<i>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	Access to the site is provided from Spitfarm Road which is entirely outside of the erosion hazard area. Access to the site is therefore not expected to be compromised by expected future erosion.
<i>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	Given the low level of risk posed by the development, Council's Development Engineer has advised that the provision of a developer contribution is not warranted in this case.
<i>(j) not be located on an actively mobile landform".</i>	The property is not located on an identified actively mobile landform.

5. REPRESENTATION ISSUES

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

5.1. Impact on Road Safety

The representors have expressed concern in relation to the impact of the garage structure close to the road frontage as this will limit the opportunity for the safe passing and parking of vehicles along Spitfarm Road. Concern is also raised that the location of the garage will impede pedestrian access along Spitfarm Road in the absence of formalised footpaths and the manoeuvring of boats and trailers into nearby properties.

- **Comment**

The section of Spitfarm Road lining Opossum Bay Beach is narrow with no designated footpaths or on-street parking. Due to the topographical constraints of the properties located between Spitfarm Road and Opossum Bay Beach, many of the dwellings are provided with sealed frontages to provide for on-site car parking. The proposal would result in a similar arrangement albeit with the garage in a relocated location.

Council does not have plans to upgrade this section of Spitfarm Road however, Council's Development Engineer has advised that the provision of adequate on-site car parking, road verge width and low speed environment will ensure the development does not compromise vehicle, pedestrian or cyclist safety.

Notwithstanding the above, it is recognised that the construction phase may cause inconvenience to road users and pedestrians. To minimise this inconvenience and to uphold road safety, it is recommended that a condition be included requiring the production of a management plan for the demolition and construction works dealing with the following matters:

- methods for the storage and removal of materials handled on-site;
- parking for employees involved in demolition and construction; and
- traffic flow and circulation arrangements for workers and large vehicles required to access the site during the construction phase.

5.2. Streetscape Impact

The representors have raised concern in relation to the size of the proposed garage and its external appearance and that the design will dominate the streetscape. The representors have indicated that recently constructed garages on the eastern side of Spitfarm Road have been sited to comply with the front setback standard and that this should be applied to the western side of Spitfarm Road.

- **Comment**

The proposed garage relies upon discretion for the front setback standard which, as discussed in relation to Clause 16.4.2 P2 above, is considered to satisfy the corresponding performance criteria. The building setbacks on the western side of Spitfarm Road are considerably less than that displayed on the eastern side of the road. The new garage would be of a similar width to the existing and would provide for a zero setback from the frontage that is consistent with that of the adjoining garage to the south at 34 Spitfarm Road.

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 for Dwelling Additions (Demolition of retaining walls and garage, new retaining walls and garage and relocation of shed) at 36 Spitfarm Road, Opossum Bay 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 (10)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



SUBJECT PROPERTY:
- 34 & 36 Spitfarm Road, Opossum Bay

Spitfarm Road

Opossum Bay

0 10 20 30 40 50 m

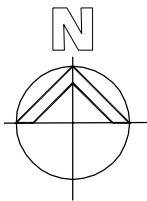


This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

27/08/2019

1:1129





SCHEDULE 1 REQUIREMENTS:-

DESIGNER	P.A.V. HOLMES
ACCREDITATION NUMBER	CC 324 R
CLIENT	MR. R. HAIG
PROJECT ADDRESS	36 SPITFARM ROAD, OPOSSUM BAY
LAND TITLE REFERENCE NUMBER	
FLOOR AREAS	N/A
WIND CLASSIFICATION	N/A
SITE CLASSIFICATION	S
CLIMATE ZONE	7
BUSHFIRE PRONE AREA BAL RATING	N/A
ALPINE AREA	N/A
CORROSION ENVIRONMENT	SEVERE
OTHER SITE HAZARDS	N/A



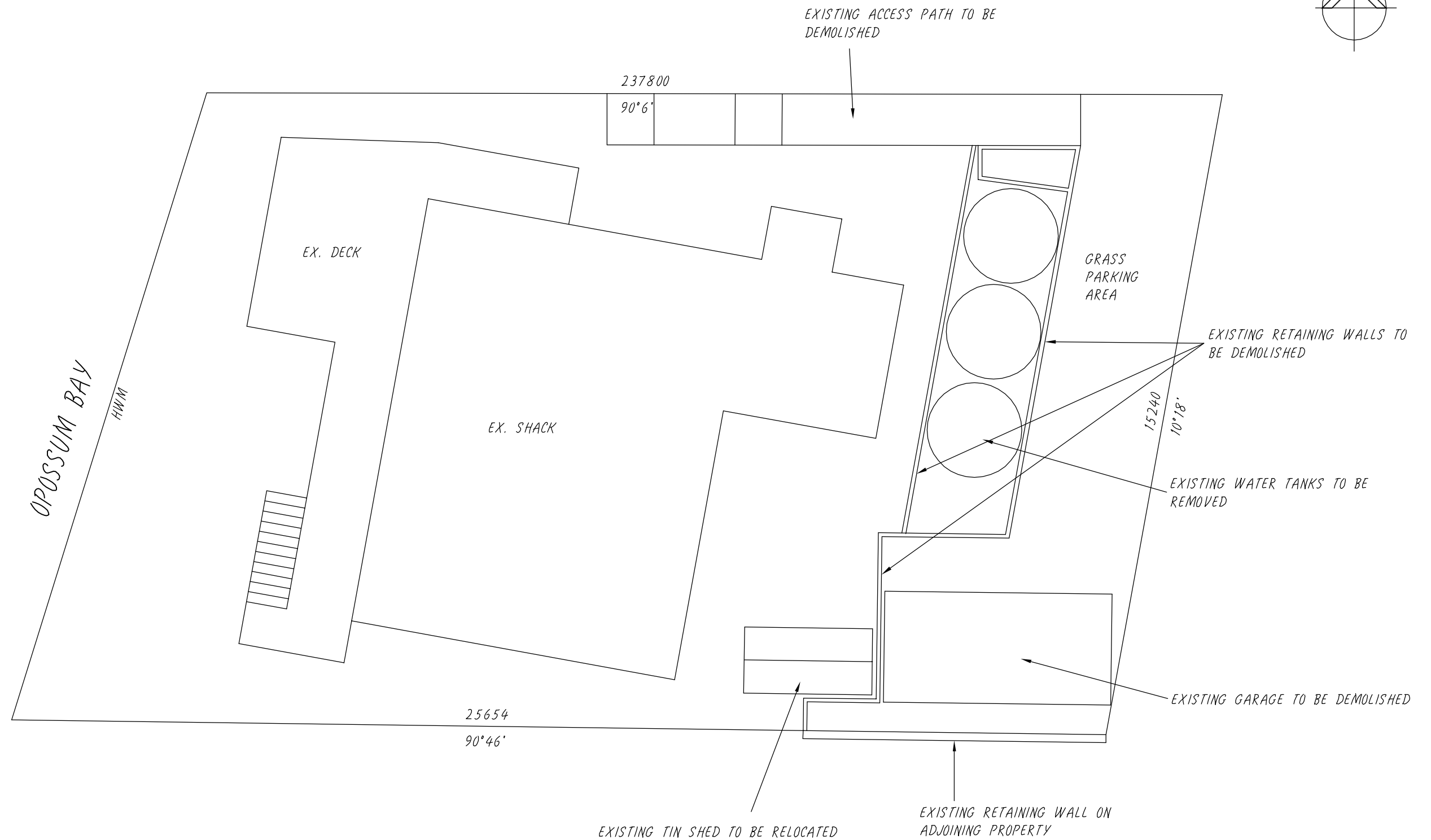
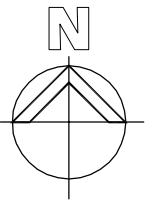
DRAWING No.	DRAWING TITLE	REVISION
18376-01	TITLE SHEET, GOOGLE SITE PLAN & SWAMPIE	A
18376-02	EXISTING SITE PLAN & DEMOLITION NOTES	
18376-03	PROPOSED UPPER LEVEL PLAN AND ACCESS SIDE ELEVATION	A
18376-04	NEW GARAGE LAYOUT PLAN	A
18376-05	UPPER LEVEL GARAGE SLAB LAYOUT PLAN	A
18376-06	LOWER LEVEL LAYOUT PLAN & DRAINAGE PLAN	A
18376-07	SECTIONS & GARAGE SLAB PLAN	A
18376-08	REPLACEMENT RETAINING WALLS - DETAILS	A

EXISTING RETAINING WALL ON
ADJOINING PROPERTY. REMOVE
EXISTING NO-FINES CONCRETE
BACKFILL AND CONSTRUCT NEW WALL
RETURN ON BOUNDARY

SOIL & WATER MANAGEMENT NOTES :

1. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE GUIDELINES FOR SOIL AND WATER MANAGEMENT - JUNE 1999 & THE SOIL AND WATER MANAGEMENT CODE OF PRACTICES FOR HOBART REGIONAL COUNCILS.
2. SILT FENCE 20000 TO BE INSTALLED BELOW ALL EXCAVATIONS. SILT FENCE TO BE SECURED WITH STAR DROPPERS AT MAX. 2m CRS. WITH FENCING TO BE PINNED TO THE GROUND IN BETWEEN.
3. DISTURBANCE OF SOIL AND VEGETATION TO BE KEPT TO A MINIMUM.
4. MATERIALS ARE ONLY TO BE STOCKPILED ON SITE AT DESIGNATED AREAS.
5. INSTALL SILT FENCE TO LOWER SIDE OF MATERIALS STOCKPILED ON SITE.
6. NO SOIL OR MUD TO BE TRACKED ONTO COUNCIL ROADS BY VEHICLES LEAVING SITE.
7. ALL DISTURBED AREAS ARE TO BE LOAMED AND GRASSED OR LANDSCAPED ON COMPLETION OF WORKS.
8. ALL VEHICLES TO BE LOADED AND UNLOADED WITHIN PROPERTY BOUNDARY.
9. ALL ROADS AND FOOTPATHS TO BE KEPT CLEAR OF ALL BUILDING MATERIALS, RUBBISH AND DEBRIS.

GOOGLE MAP SITE PLAN



KWIKCLAMP OR SIMILAR HANDRAIL, GUARD RAIL AND KICKRAIL TO STAIRS AND LANDINGS, WITH INFILL TO BCA REQUIREMENTS ON SOUTHERN SIDE

PROPOSED 1000 HIGH BLOCK BALUSTRADE TO NORTHERN SIDE OF THE ACCESS TO BCA REQUIREMENTS

TECHDRY BLOCK RETAINING WALLS TO SIDE BOUNDARY TO DETAIL - STEPPED TO SUIT

SHED OMITTED FOR CLARITY

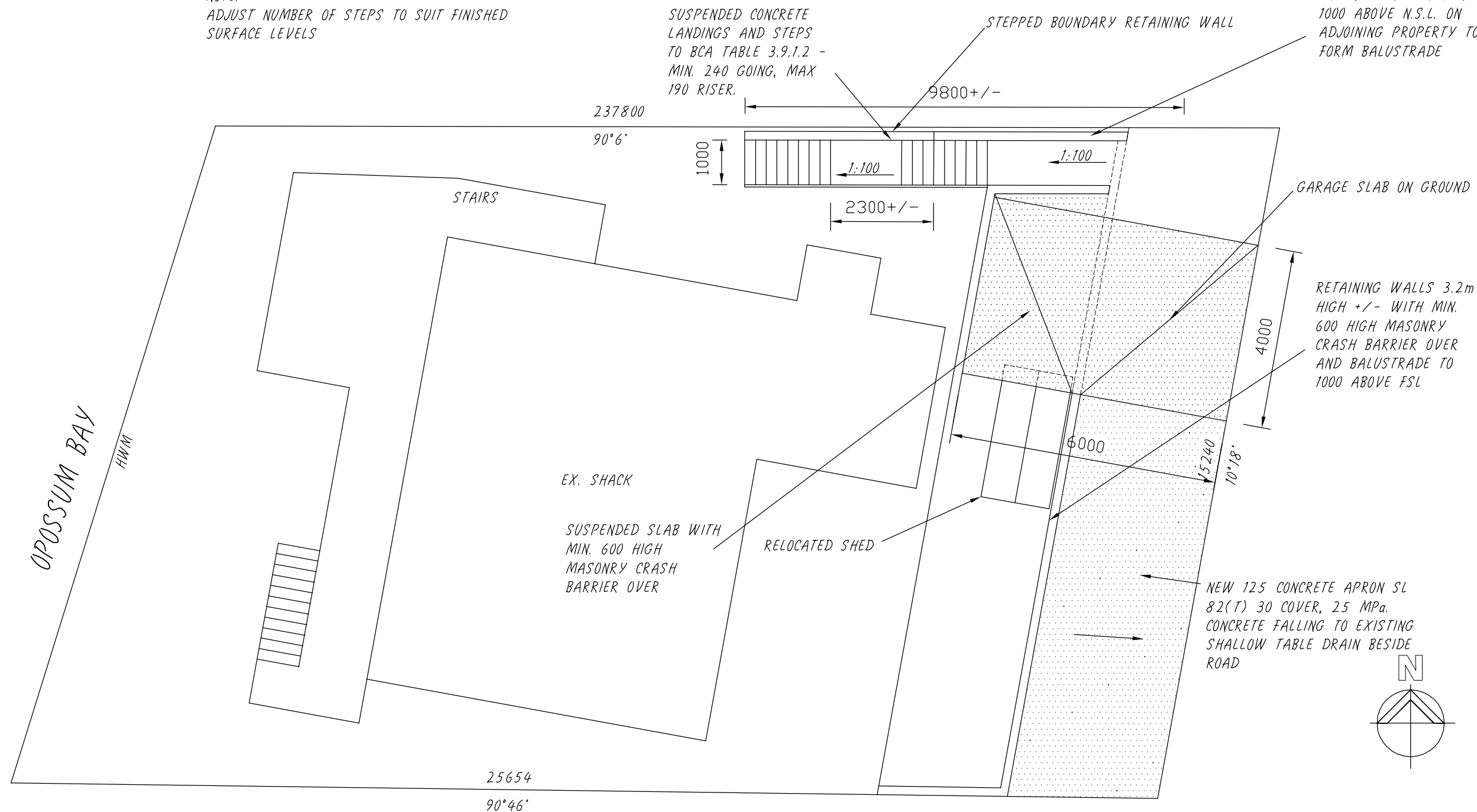
ACCESS SIDE ELEVATION

NOTE:-
ADJUST NUMBER OF STEPS TO SUIT FINISHED SURFACE LEVELS

SUSPENDED CONCRETE LANDINGS AND STEPS TO BCA TABLE 3.9.1.2 - MIN. 240 GOING, MAX 190 RISER.

STEPPED BOUNDARY RETAINING WALL

EXTEND WALL TO MIN 1000 ABOVE N.S.L. ON ADJOINING PROPERTY TO FORM BALUSTRADE



HUTCHINGS SPURR PTY. LTD.
CONSULTING ENGINEERS
23 ANTILL STREET, HOBART, 7000. A.C.N. 009508525
PHONE (03) 6223 5020 FAX (03) 6223 5347

^ STRUCTURAL
^ CIVIL
^ MUNICIPAL
^ MECHANICAL
^ MARINE
^ ELECTRICAL

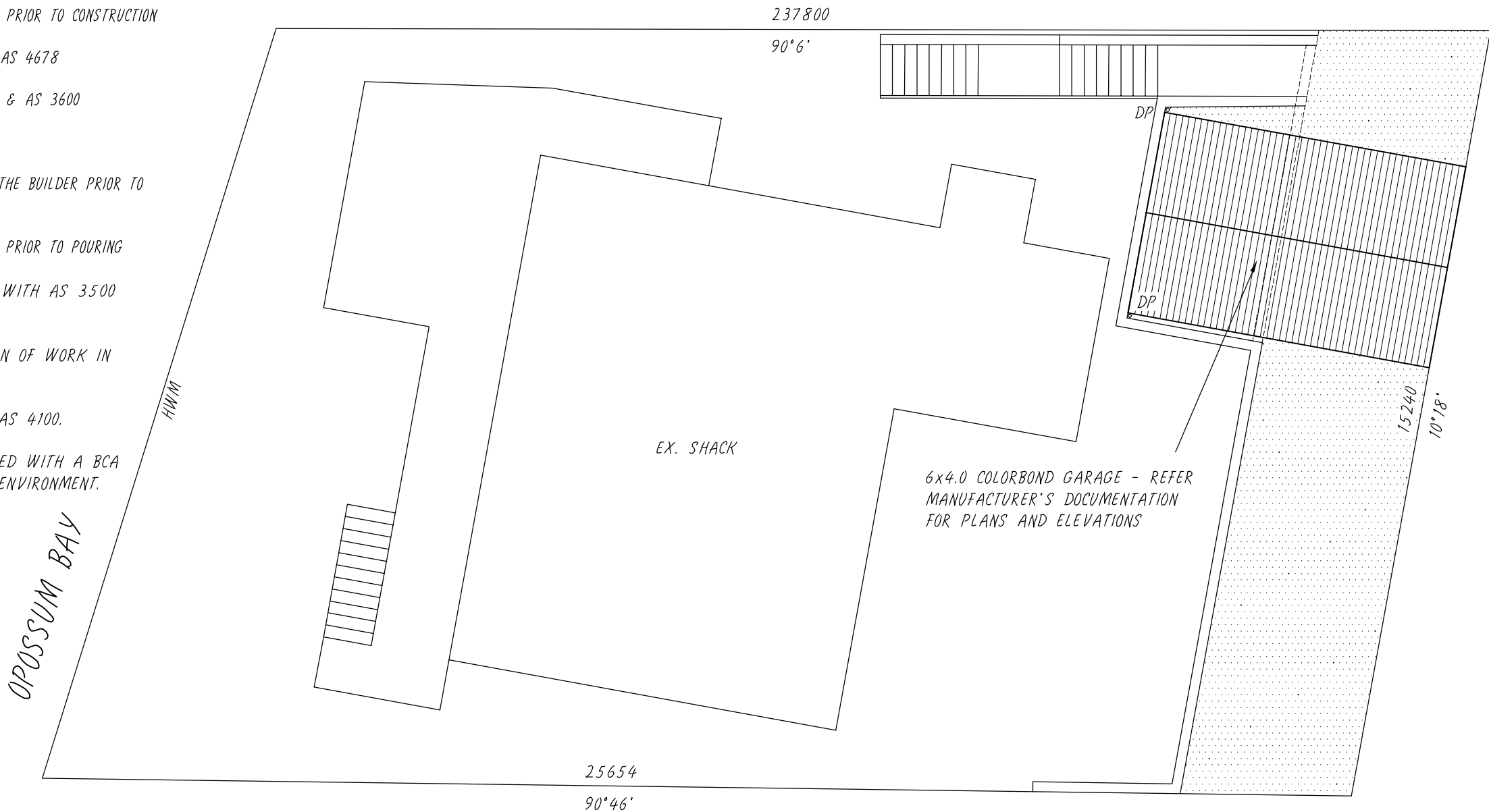
PROPOSED REPLACEMENT RETAINING WALLS AT 36 SPITFARM ROAD, OPOSSUM BAY
FOR MR. R. HAIG
PROPOSED UPPER LEVEL PLAN & ACCESS SIDE ELEVATION

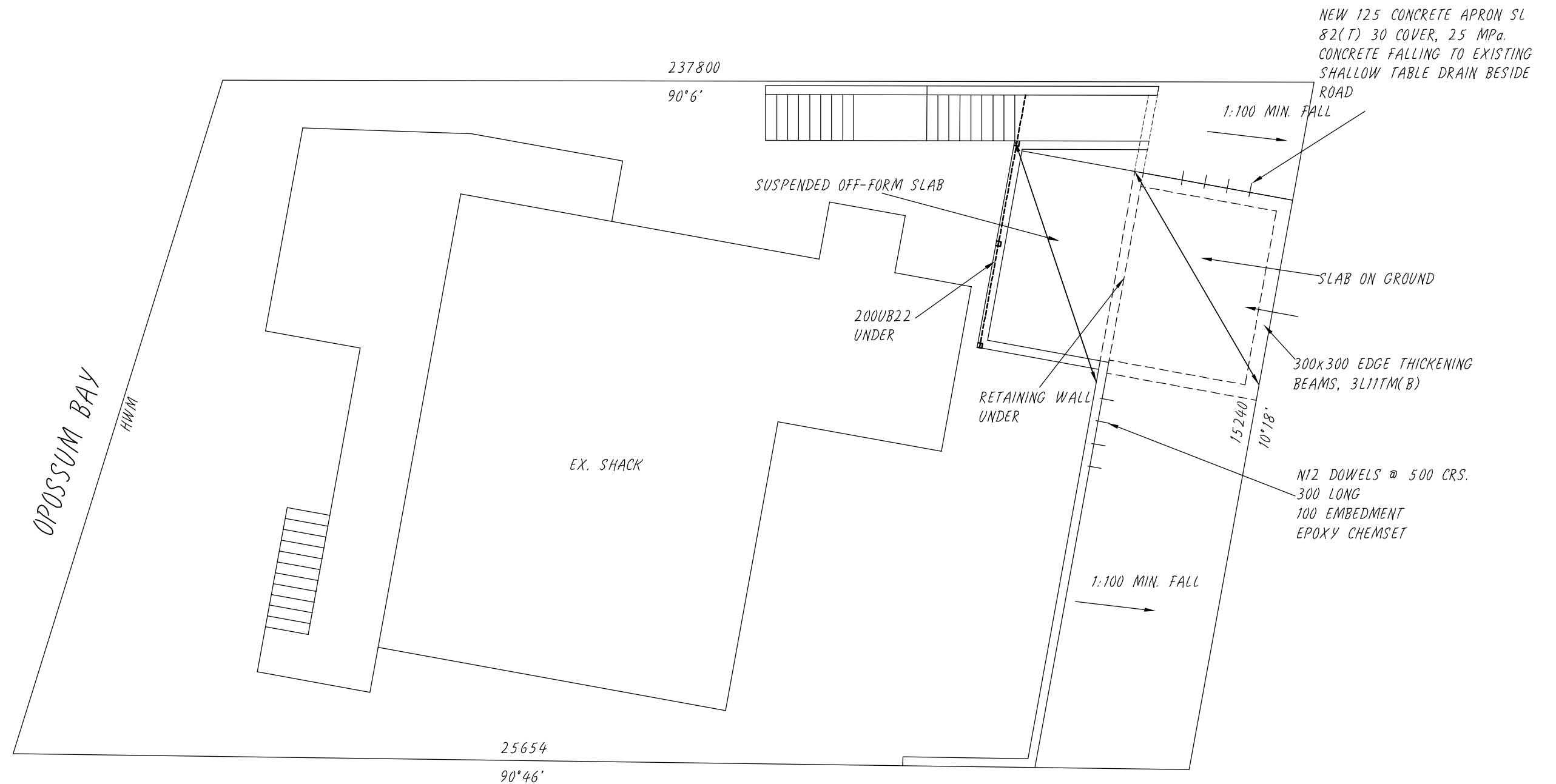
SCALE	AS SHOWN	
DRAWN	P.A.V.H.	DATE FEB 2019
APPROVED		

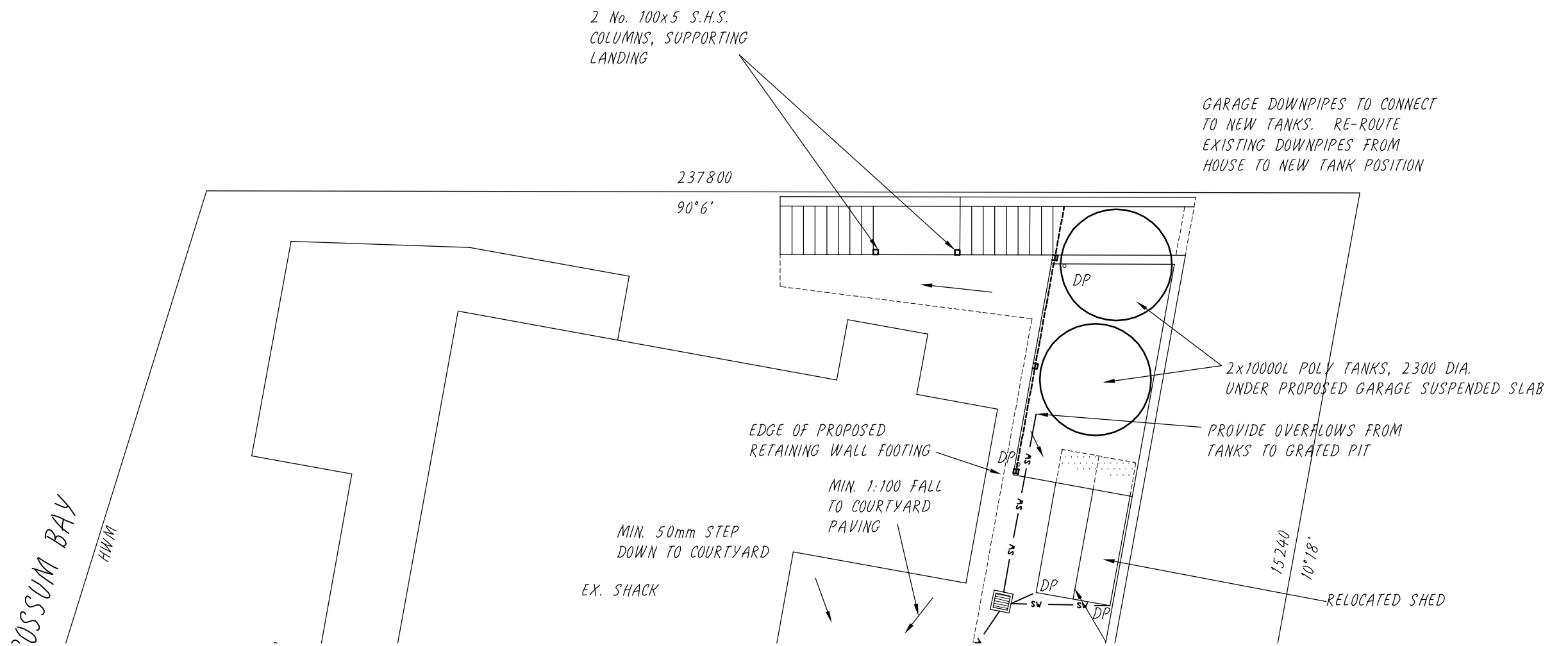
DRAWING No.
18376-03A
No. OF SHEETS

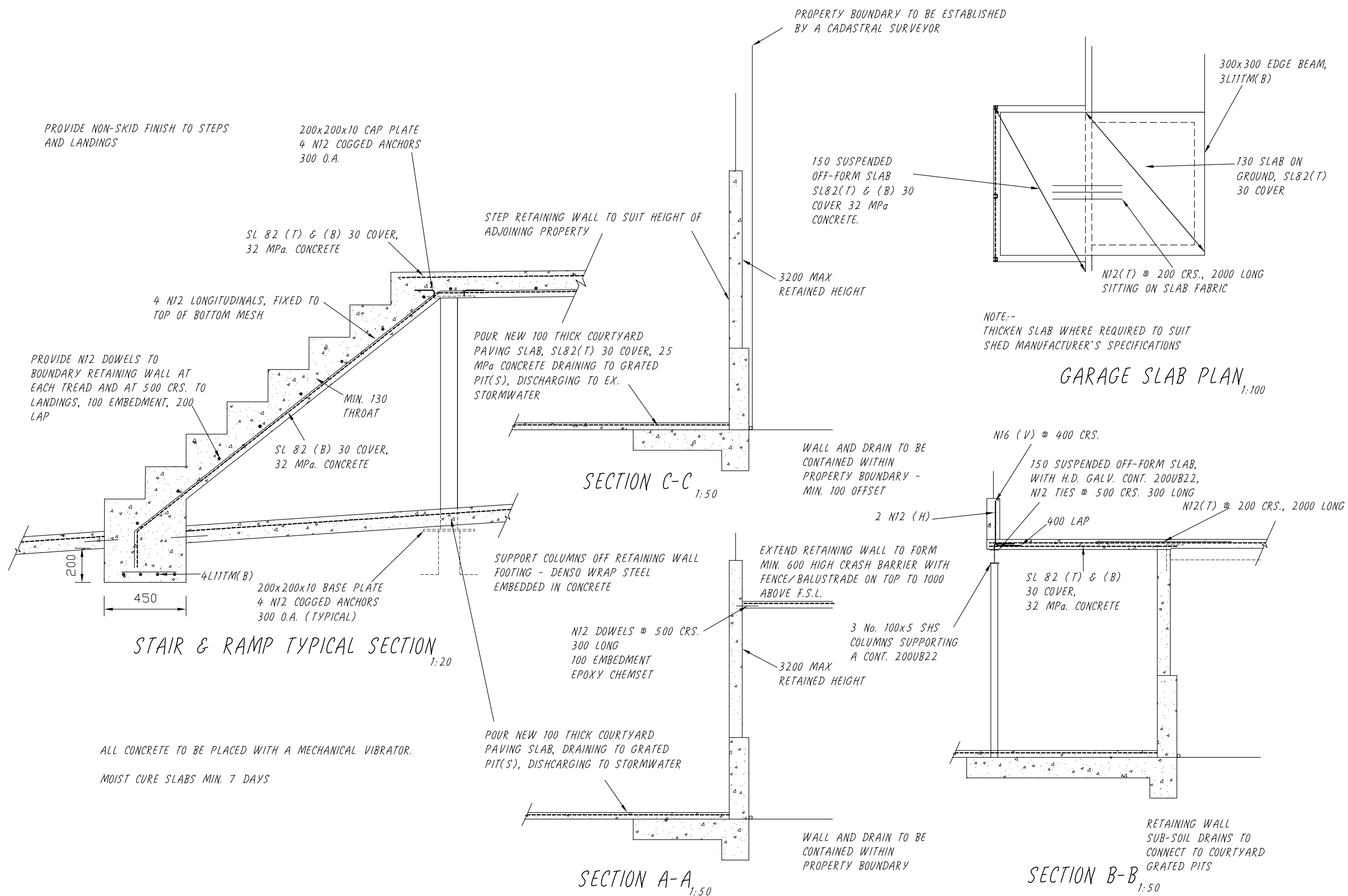
GENERAL NOTES :

- 1. THE LOCAL BUILDING AND HEALTH AUTHORITY SHALL BE THE CLARENCE CITY COUNCIL
- 2. ALL WORK IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS AND TO THE SATISFACTION OF THE LOCAL BUILDING AUTHORITY
- 3. NO WORK IS TO BE STARTED PRIOR TO THE RECEIPT OF FORMAL BUILDING APPROVAL.
- 4. A CADASTRAL SURVEYOR IS TO ESTABLISH BOUNDARY LOCATIONS PRIOR TO CONSTRUCTION
- 5. RETAINING WALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH AS 4678
- 6. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH AS 2870 & AS 3600
- 7. ALL MASONRY TO BE IN ACCORDANCE WITH AS 3700
- 8. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BY THE BUILDER PRIOR TO STARTING ANY EXCAVATION OR CONSTRUCTION.
- 9. ENGINEER TO INSPECT AND APPROVE EXCAVATIONS FOR FOOTINGS PRIOR TO POURING
- 10. ALL PLUMBING AND DRAINAGE TO BE IN ACCORDANCE WITH AS 3500 AND THE TASMANIAN PLUMBING CODE.
- 11. PROVIDE TRAFFIC CONTROL AND SIGNAGE FOR DURATION OF WORK IN ACCORDANCE WITH AS 1742.3.
- 12. ALL STRUCTURAL STEEL TO BE IN ACCORDANCE WITH AS 4100.
- 13. ALL STEELWORK TO BE H.D. GALVANISED OR PROTECTED WITH A BCA APPROVED PAINT SYSTEM FOR A SEVERE CORROSION ENVIRONMENT.









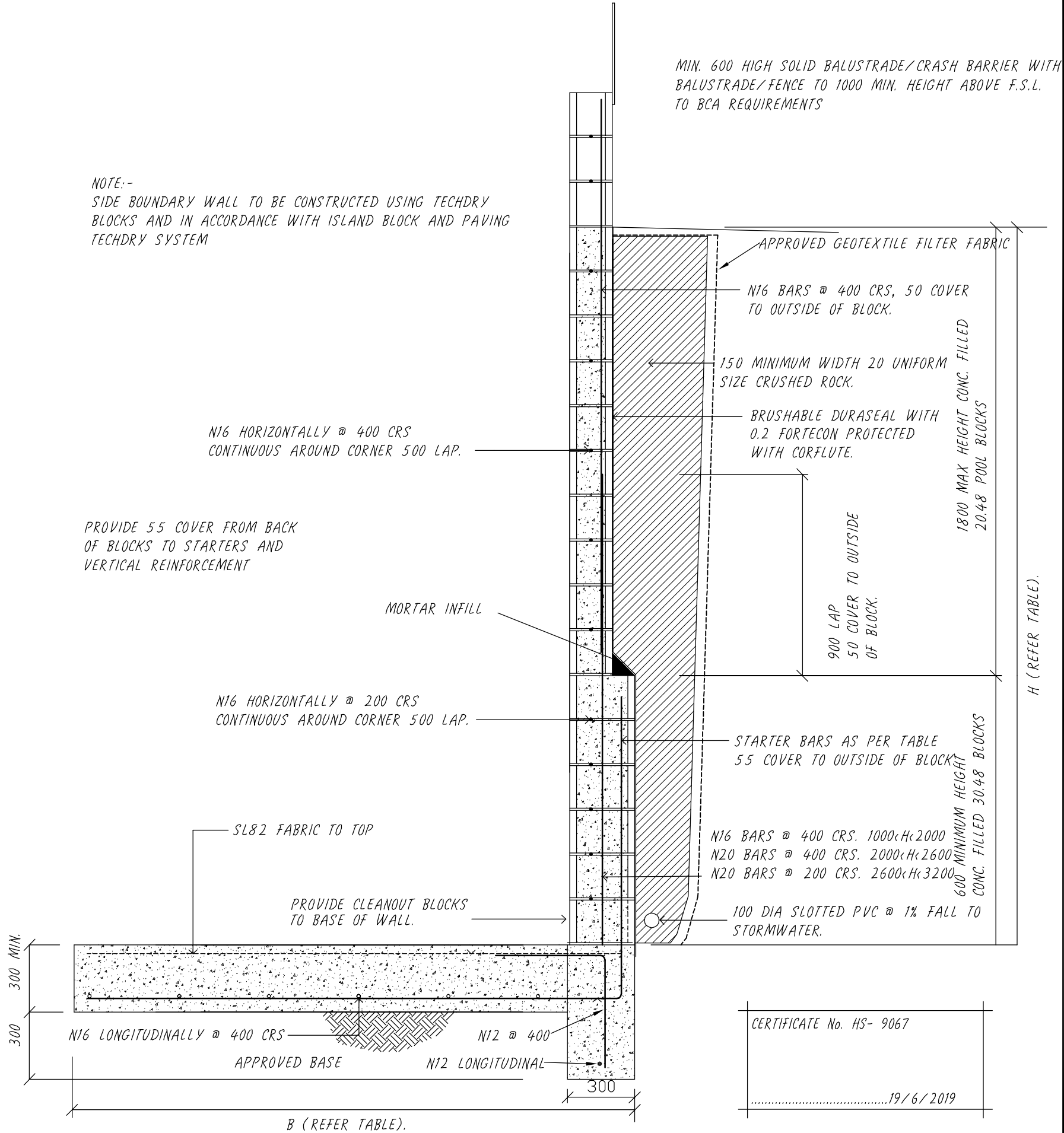
CONSTRUCTION NOTES

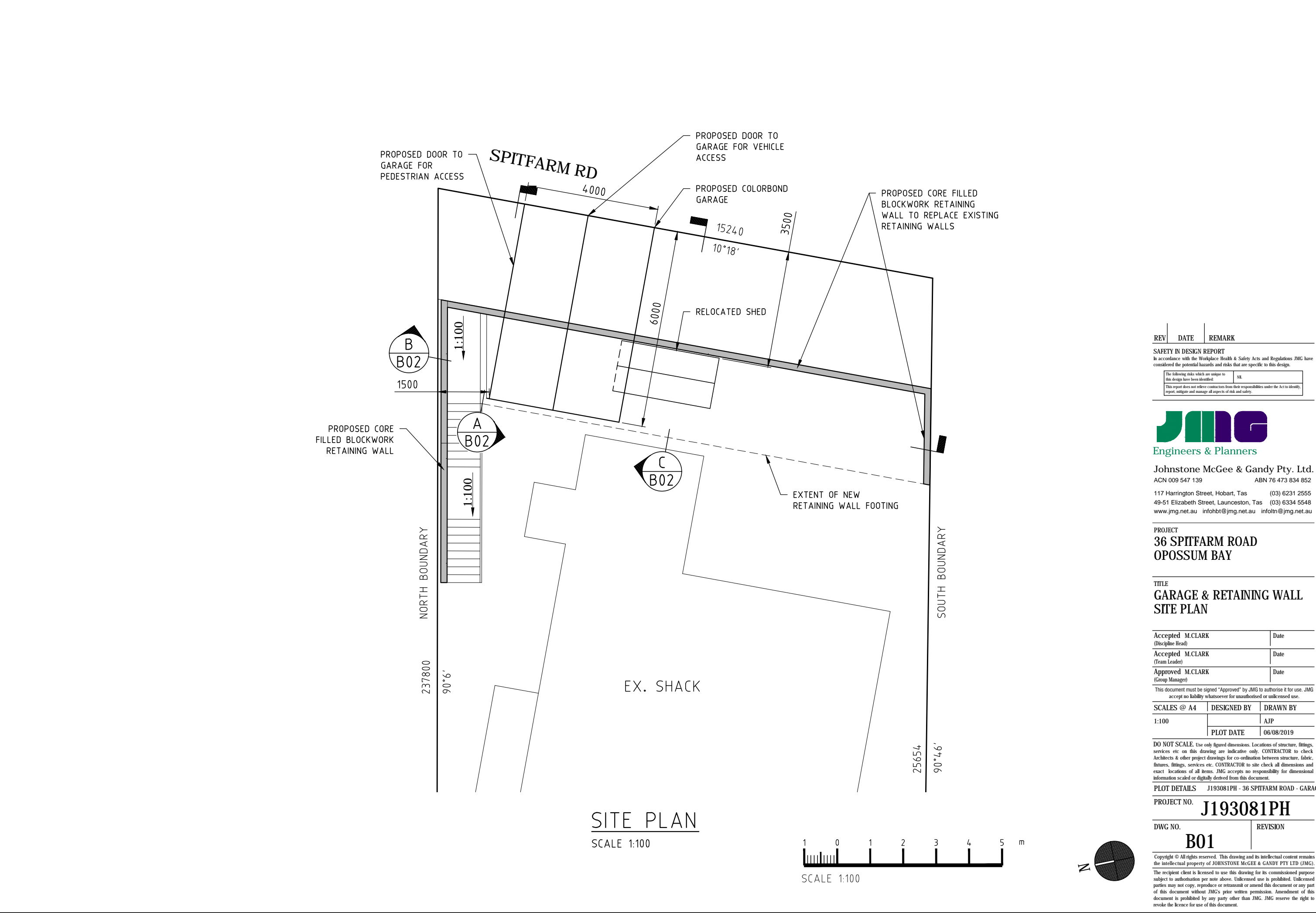
- 1. RETAINING WALLS TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF AS 4678 & AS 3700
- 2. MORTAR 1:0-0.25:3 CEMENT:LIME:SAND
- 3. BLOCKS TO BE GRADE 12 TO A.S. 2733
- 4. GROUT - MAX. AGGREGATE SIZE 10mm
 - SLUMP 230 +/- 30
 - MIN. CHARACTERISTIC STRENGTH 20 MPa.
- 5. CLEANOUT HOLES ARE TO BE PROVIDED TO THE BASE OF ALL CORES. AT THE END OF EACH DAYS BLOCK LAYING, & BEFORE THE WALL IS FILLED, MORTAR DROPPINGS ARE TO BE WASHED OUT REINFORCEMENT TIED AND HOLES BLOCKED OFF.
- 6. RETAINING WALL FOOTINGS ARE TO BE FOUNDED ON APPROVED TRIMMED SUBGRADE WITH A MIN. BEARING CAPACITY OF 150 KPa.
- 7. CONCRETE STRENGTH(MPa)/SLUMP(mm) FOOTINGS 25/90
- 8. 50 COVER TO ALL BASE REINFORCEMENT
- 9. ALLOW MIN. 14 DAYS AFTER FILLING BLOCKS PRIOR TO BACKFILLING BEHIND WALL.
- 10. CORE FILL TO BE PLACED WITH A PENCIL VIBRATOR.
- 11. MOIST CURE WALL CONCRETE FOR 14 DAYS PRIOR TO WATERPROOFING.
- 12. BACK OF WALL TO BE COATED WITH MIN. 2 COATS OF AN APPROVED BITUMINOUS PAINT, LINED WITH FORTECON PROTECTED BY COREFLUTE OR SIMILAR SACRIFICIAL SHEETING.
- 13. PROVIDE EXPANSION JOINTS AT MAX. 10m CRS. PROVIDE R10 DOWEL BARS ACROSS JOINTS AT 400 CRS., GREASED AND CAPPED ONE END

HEIGHT H	BASE B LEVEL	BASE B 1:4 SLOPE	BASE B 5 KPa. SURCHARGE	STARTER BARS
1200	900	1100	1100	N12 @ 400
1600	1100	1500	1300	N16 @ 400
2000	1400	1900	1700	N16 @ 400
2400	1700	2400	2100	N20 @ 400
2800	2100	2900	2300	N20 @ 400
3200	2500	3100	2800	N20 @ 200 CRS

NOTE:-
SIDE BOUNDARY WALL TO BE CONSTRUCTED USING TECHDRY BLOCKS AND IN ACCORDANCE WITH ISLAND BLOCK AND PAVING TECHDRY SYSTEM

PROVIDE 55 COVER FROM BACK OF BLOCKS TO STARTERS AND VERTICAL REINFORCEMENT





REV	DATE	REMARK
SAFETY IN DESIGN REPORT		
In accordance with the Workplace Health & Safety Acts and Regulations JMG have considered the potential hazards and risks that are specific to this design.		
The following risks which are unique to this design have been identified:		NIL
This report does not relieve contractors from their responsibilities under the Act to identify, report, mitigate and manage all aspects of risk and safety.		

JMG
Engineers & Planners

Johnstone McGee & Gandy Pty. Ltd.
ACN 009 547 139 ABN 76 473 834 852

117 Harrington Street, Hobart, Tas (03) 6231 2555
49-51 Elizabeth Street, Launceston, Tas (03) 6334 5548
www.jmg.net.au infohbt@jmg.net.au infofnt@jmg.net.au

PROJECT
36 SPITFARM ROAD
OPOSSUM BAY

TITLE
GARAGE & RETAINING WALL
SITE PLAN

Accepted M.CLARK (Discipline Head)	Date
Accepted M.CLARK (Team Leader)	Date
Approved M.CLARK (Group Manager)	Date

This document must be signed "Approved" by JMG to authorise it for use. JMG accept no liability whatsoever for unauthorised or unlicensed use.

SCALES @ A4	DESIGNED BY	DRAWN BY
1:100		AJP
	PLOT DATE	06/08/2019

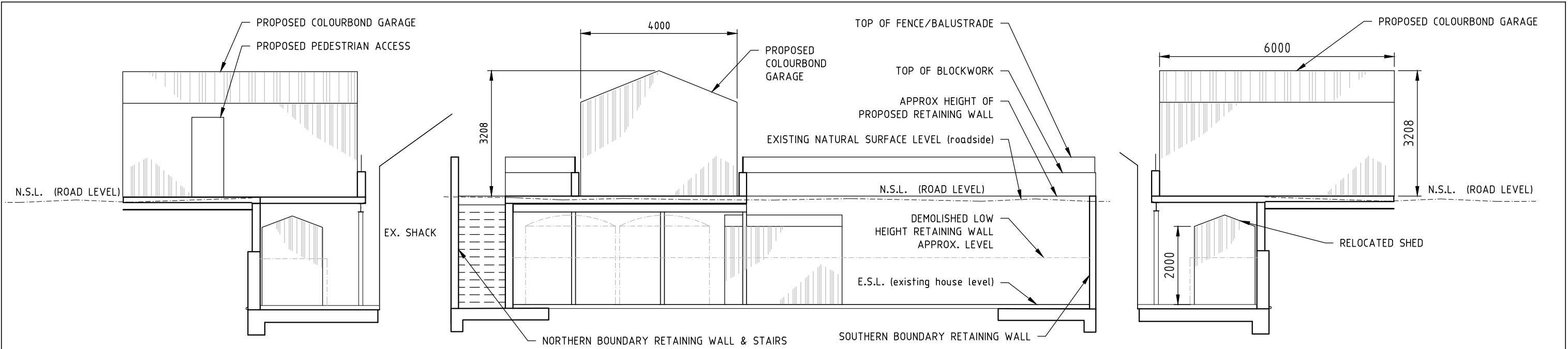
DO NOT SCALE. Use only figured dimensions. Locations of structure, fittings, services etc on this drawing are indicative only. CONTRACTOR to check Architects & other project drawings for co-ordination between structure, fabric, fixtures, fittings, services etc. CONTRACTOR to site check all dimensions and exact locations of all items. JMG accepts no responsibility for dimensional information scaled or digitally derived from this document.

PLOT DETAILS J193081PH - 36 SPITFARM ROAD - GARAGE ELEVATION

PROJECT NO. **J193081PH**

DWG NO. B01	REVISION
--------------------	----------

Copyright © All rights reserved. This drawing and its intellectual content remains the intellectual property of JOHNSTONE MCGEE & GANDY PTY LTD (JMG).
The recipient client is licensed to use this drawing for its commissioned purpose subject to authorisation per note above. Unlicensed use is prohibited. Unlicensed parties may not copy, reproduce or retransmit or amend this document or any part of this document without JMG's prior written permission. Amendment of this document is prohibited by any party other than JMG. JMG reserve the right to revoke the licence for use of this document.



SECTION - A
SCALE 1:100

SECTION - B
SCALE 1:100

SECTION - C
SCALE 1:100

REV	DATE	REMARK
SAFETY IN DESIGN REPORT		
In accordance with the Workplace Health & Safety Acts and Regulations JMG have considered the potential hazards and risks that are specific to this design.		
The following risks which are unique to this design have been identified:		NIL
This report does not relieve contractors from their responsibilities under the Act to identify, report, mitigate and manage all aspects of risk and safety.		



Engineers & Planners

Johnstone McGee & Gandy Pty. Ltd.

ACN 009 547 139 ABN 76 473 834 852

117 Harrington Street, Hobart, Tas (03) 6231 2555
49-51 Elizabeth Street, Launceston, Tas (03) 6334 5548
www.jmg.net.au infohbt@jmg.net.au infofntn@jmg.net.au

PROJECT
36 SPITFARM ROAD
OPOSSUM BAY

TITLE
GARAGE & RETAINING WALL
ELEVATIONS

Accepted M.CLARK (Discipline Head)	Date
Accepted M.CLARK (Team Leader)	Date
Approved M.CLARK (Group Manager)	Date

This document must be signed "Approved" by JMG to authorise it for use. JMG accept no liability whatsoever for unauthorised or unlicensed use.

SCALES @ A4	DESIGNED BY	DRAWN BY
		AJP
	PLOT DATE	06/08/2019

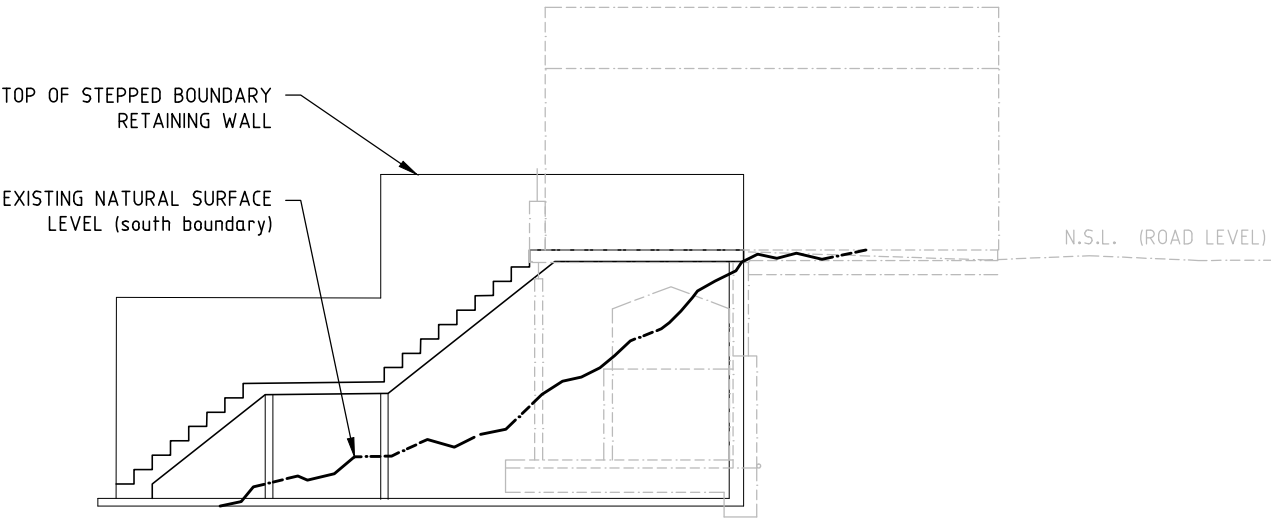
DO NOT SCALE. Use only figured dimensions. Locations of structure, fittings, services etc on this drawing are indicative only. CONTRACTOR to check Architects & other project drawings for co-ordination between structure, fabric, fixtures, fittings, services etc. CONTRACTOR to site check all dimensions and exact locations of all items. JMG accepts no responsibility for dimensional information scaled or digitally derived from this document.

PLOT DETAILS J193081PH - 36 SPITFARM ROAD - GARAGE ELEVATIONS

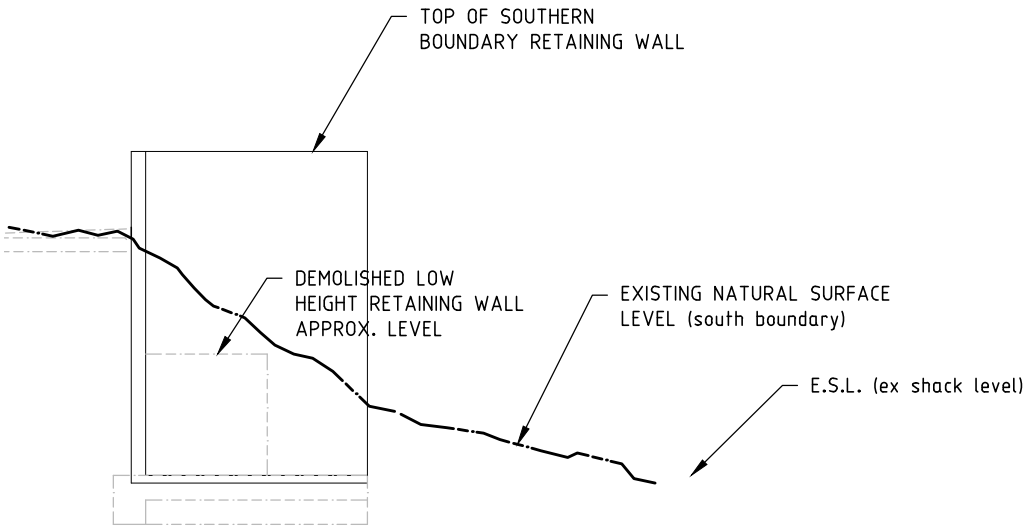
PROJECT NO. J193081PH

DWG NO.	REVISION
B02	

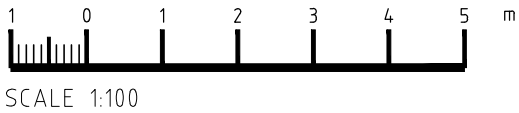
Copyright © All rights reserved. This drawing and its intellectual content remains the intellectual property of JOHNSTONE MCGEE & GANDY PTY LTD (JMG).
The recipient client is licensed to use this drawing for its commissioned purpose subject to authorisation per note above. Unlicensed use is prohibited. Unlicensed parties may not copy, reproduce or retransmit or amend this document or any part of this document without JMG's prior written permission. Amendment of this document is prohibited by any party other than JMG. JMG reserve the right to revoke the licence for use of this document.



NORTHERN BOUNDARY RETAINING WALL
(SOUTH ELEVATION)
SCALE 1:100



SOUTHERN BOUNDARY RETAINING WALL
(NORTH ELEVATION)
SCALE 1:100



34 & 36 SPITFARM ROAD, OPOSSUM BAY



Photo 1: 36 Spitfarm Road when viewed from Spitfarm Road. Construction fencing is currently in place due to the removal of the existing retaining walls resulting from recent storm damage.



Photo 2: The existing garage located on 34 Spitfarm Road when viewed from Spitfarm Road.

11.3.2 DEVELOPMENT APPLICATION D-2018/457 – 17 EMMALINE COURT, ROKEBY - 16 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 16 Multiple Dwellings at 17 Emmaline Court, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential 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 was extended with the consent of the applicant until 11 September 2019.

CONSULTATION

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

- loss of privacy;
- overshadowing; and
- lack of sole-occupancy units.

RECOMMENDATION:

A. That the Development Application for 16 Multiple Dwellings at 17 Emmaline Court, Rokeby (CI Ref D-2018/457) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a 1.7m screen between Units 9 and 11 and the shared driveway].
3. ENG M1 – DESIGNS DA.

4. A lighting design for the shared driveways and carpark is required to be submitted and approved by Council's Group Manager Engineering Services to ensure that parking and vehicle circulation roadways and pedestrian paths used outside daylight hours are provided with lighting to a standard which:
 - enables easy and efficient use;
 - promotes the safety of users;
 - minimises opportunities for crime or anti-social behaviour; and
 - prevents unreasonable light overspill impacts.
5. ENG A5 – SEALED CAR PARKING.
6. ENG A1 – NEW CROSSOVER.
7. ENG M5 – EROSION CONTROL.
8. For the purposes of protecting Council's stormwater system all stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. A Maintenance Management Schedule/Regime must also be submitted and the facility must be maintained in accordance with this schedule.
9. A stormwater design from a suitably qualified person advising of the suitability of private and public stormwater systems for the proposed development or use is required to ensure that the stormwater quality and quantity is managed appropriately. The drainage system which can be defined as a combination of overland flow paths (including roads and watercourses) and the underground reticulation system designed to provide safe conveyance of stormwater runoff and a specific level of flood mitigation must be designed to accommodate a storm with an ARI of 100 years. This design and supporting calculations must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building Permit.
10. GEN F5 – PART 5 AGREEMENT
 - To ensure that the wastewater infrastructure is maintained in accordance with manufactures' specifications and clearly identifies the property owner/s obligations' in relation to the pump station maintenance; and

- Incorporating the Maintenance Management Schedule/Regime obligations for the stormwater treatment facility required by Condition 9 and including a requirement to report to Council on an annual basis stating that all maintenance requirements for the facility have been met. Where strata division is contemplated with this development, a suitable provision is to be made in the Body Corporate rules associated with this development to the satisfaction of Council for the proper management of the stormwater treatment facility by the Body Corporate.
11. LAND 1A – LANDSCAPE PLAN [insert after “Landscape Plan”, “for the shared car parking area”.]
 12. The development must meet all required Conditions of Approval specified by TasWater notice dated 30 August 2019 (TWDA 2018/01287-CCC).

ADVICE

The property owner is required to undertake any necessary measures and arrangements to facilitate the collection of refuse and recycling that is required by a collection service provider which may include indemnifying the service provider from pavement damage when entering the property. Any arrangements between the property owner/s and the service provider is to be in place prior to commencement of use.

- 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**

Development Application D-2015/80 for 12 Multiple Dwellings was approved on 20 August 2015, however, the development was not commenced.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned General Residential under the Scheme and is subject to the Stormwater Management and Parking and Access Codes.

- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10 – General Residential Zones;
 - Section E6.0 – Parking and Access Code; and
 - Section E7.0 – Stormwater Management Code.
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a vacant residential lot with an area of 7016m² which has frontage to both Emmaline Court and Tollard Drive and vehicular access from Emmaline Court. The lot is an internal lot and is surrounded by residential development to the north, south and east. To the west is a vacant Environmental Living Zoned lot.

3.2. The Proposal

The proposal is for 16, two storey dwellings (see plans in Attachment 2). Each dwelling contains 3 bedrooms and either an attached single or double garage. Each dwelling, apart from Units 7 and 8, contain 2 car parking spaces and 13 additional spaces are provided at the entrance to the site from Emmaline Court. All dwellings are accessed from a single access and driveway off Emmaline Court.

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”.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

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

General Residential Code

The proposal does not comply with Clause 10.4.2 A4 for the following reasons:

- Units 11, 12 and 13 are located within the internal front setback requirements of 4.5m in relation to the eastern boundary.

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 overshadowing diagrams for 21 June provided by the applicant show that the habitable room windows on the adjoining dwellings to the east will not be overshadowed by the development until 2.00pm in the case of 8 Tollard Drive, or 3.00pm in the case of 7 and 9 Tollard Drive. As the overshadowing occurs from only 2.00pm on 21 June, the overshadowing is not considered unreasonable.

<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	<p>The overshadowing diagrams show that the private open space of the properties to the east of the site will start to be overshadowed from 1.00pm on 21 June. These properties are unaffected by the development between 9.00am and 1.00pm and will receive more than 3 hours of sunlight on 21 June.</p> <p>On this basis, the amenity of the properties is not considered to be detrimentally reduced.</p>
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	Not applicable as there are no adjoining vacant residential lots.
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The dwellings are all double storey which is consistent with many of the dwellings in the area and is not considered to have an unreasonable visual impact when viewed from the adjoining lots.
<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The surrounding area contains dwellings that have varying setbacks to side and rear boundaries ranging between 2.5m to 15m. On this basis the proposal is considered consistent with that prevailing in the surrounding area.

General Residential Code

The proposal does not comply with Clause 10.4.3 A2 for the following reasons:

- the private open space for Unit 12 does not have the minimum horizontal dimension of 4m; and
- the private open space for Units 9 – 16 has a slope greater than 1 in 10.

Performance Criteria	Proposal
<p><i>“A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p>	<p>Unit 12 contains a 50m² area located east of the dwelling which has a minimum horizontal dimension of 2.6m which extends to 5m in some parts. The area is capable of being used as an extension to the dwelling. In addition, the dwelling also contains a deck on the upper floor which is directly accessible from the living areas of the dwelling.</p>

	In regard to the slope of the private open space, Units 9 – 16 all contain decks on both levels of the dwelling which provide adequate areas for outdoor dining.
(i) <i>conveniently located in relation to a living area of the dwelling; and</i>	The private open space is located from a ground floor study area and is easily accessible from the lower ground level of the dwelling. In addition, the deck on the ground level is directly accessed from the living room.
(ii) <i>orientated to take advantage of sunlight</i> ".	Overshadowing diagrams provided by the applicant demonstrate that the private open space will receive 3 hours of sunlight on 21 June and on this basis, the private open space is considered satisfactory.

General Residential Code

The proposal does not comply with Clause 10.4.4 A1 for the following reasons:

- Units 5, 6, 8, 9 and 15 do not have windows of a habitable room facing between 30 degrees east of north and 30 degrees west of north.

Performance Criteria	Proposal
<i>"A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom)"</i> .	The living room of the dwellings are orientated towards the east and contain large windows which allow sunlight to enter during the morning. In addition, all living rooms have a skylight which will allow sunlight to enter for most of the day.

General Residential Code

The proposal does not comply with Clause 10.4.4 A1 for the following reasons:

- Units 5, 7 and 10 – 14 contain windows on the north elevation that are located to the south of dwellings on the same site and receive less than 3 hours sunlight on 21 June.

Performance Criteria	Proposal
<i>“A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A)”.</i>	Although the north facing windows will receive limited sunlight on 21 June, the large eastern facing windows will receive at least 2 hours sunlight on 21 June. In addition, the living rooms all contain skylights which ensure that the living rooms receive sunlight for more than 3 hours on 21 June. On this basis, the proposal is considered reasonable.

General Residential Code

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

- Units 1 – 4 include a deck on the upper floor which are located 3.6m from the dwelling to the south.

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>(a) a dwelling on an adjoining lot or its private open space; or</i>	Units 1 – 4 are located at the rear of the site and are separated by a distance of around 34m to the nearest dwelling on the adjoining lot to the north. Given the separation distance, the location of the decks will not unreasonably overlook dwellings on adjoining lots.
<i>(b) another dwelling on the same site or its private open space; or</i>	The decks are each located 3.6m from a bedroom window on the dwelling located to the south. The window has a sill height of 1.8m and therefore overlooking from the decks into the bedroom windows opposite will be minimised.
<i>(c) an adjoining vacant residential lot”.</i>	Not applicable as there are no adjoining residential lots.

General Residential Code

The proposal does not comply with Clause 10.4.6 A3 for the following reasons:

- Units 9 and 11 contain bedrooms that are located within 2.5m of the shared driveway.

Performance Criteria	Proposal
<i>“A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling”.</i>	It is considered that the location of the windows within 2.5m of the shared driveway would have a detrimental impact on the amenity of the dwelling as the windows would be subject to vehicle light intrusion. It is recommended that a permit condition be included recommending screening between the windows of Units 9 and 11 and the shared driveway to ensure that the vehicle light intrusion is minimised.

Parking and Access Code

The proposal does not comply with Clause E6.6.7.5 A1 for the following reasons:

- Units 1 – 6, 10, 11, 15 and 16 all contain single garages with a tandem space in front of the garage which does meet the relevant Australian Standard for car parking layout.

Performance Criteria	Proposal
<i>“The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site”.</i>	The proposed tandem parking for the above units is considered satisfactory by Council’s Engineer as it provides for safe parking and appropriate manoeuvring on-site.

Parking and Access Code

The proposal does not comply with Clause E6.6.7.7 A1 for the following reasons:

- lighting for the shared driveway and parking spaces located at the entrance to the site from Emmaline Court has not been provided.

Performance Criteria	Proposal
<i>“Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to a standard which satisfies all of the following:</i>	

<i>(a) enables easy and efficient use of the area;</i>	Council's Engineer considers that lighting must be included for the shared driveway and car parking spaces as the site will be used regularly outside daylight hours. It is recommended that a condition to require a suitable lighting plan should be included on the permit.
<i>(b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;</i>	Appropriate lighting is required to ensure that conflicts are minimised.
<i>(c) reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;</i>	The recommended condition for lighting will ensure that the shared areas on the site have reasonable visibility and provide for passive surveillance of the driveway and parking areas on the site.
<i>(d) prevents unreasonable impact on the amenity of adjoining users through light overspill;</i>	The recommended condition for lighting will ensure that lighting is appropriately designed to prevent an unreasonable impact on the adjoining lots and the dwellings on the same site.
<i>(e) is appropriate to the hours of operation of the use".</i>	It is appropriate that lighting at night be provided to the shared driveway and parking areas on-site.

5. REPRESENTATION ISSUES

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

5.1. Loss of Privacy

Concern was raised that the development will result in a loss of privacy to adjoining properties.

- **Comment**

As discussed previously in the report, the proposal requires a variation to the standards relating to privacy between dwellings on the same site but meets all other standards relating to the protection of privacy for adjoining lots. Accordingly, this issue is not a relevant planning consideration and cannot have determining weight.

5.2. Overshadowing

Concern was raised that the proposal will result in unreasonable overshadowing of adjoining properties.

- **Comment**

As discussed previously in the report, overshadowing to the adjoining properties to the east will occur from around 2.00pm on 21 June. As the properties are not affected until this time, it is considered that the proposal will not have an unreasonable impact on the amenity of the adjoining property owners.

5.3. Lack of Sole-occupancy Units

Concern was raised that the proposal does not make provision for any accessible sole occupancy units as required by the Building Code of Australia (the BCA).

- **Comment**

Compliance with the BCA is not a relevant planning consideration and whether accessible sole occupancy dwellings are required or not is a matter for the Building Surveyor to consider.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who have 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 16 Multiple Dwellings at 17 Emmaline Court, Rokeby is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (24)
3. Site Photo (2)

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

17 Emmaline Court, Rokeby



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.

30/08/2019

1:2894



Sheet List			
Sheet Number	Sheet Name	Revision	Revision Date

DA

000-Specification +Cover

DA010	COVER PAGE	F	17/01/19
DA020	PERSPECTIVE DRAWINGS	F	17/01/19
DA030	GENERAL NOTE	F	17/01/19

100-General Arrangement Plans

DA110	SITE PLAN	E	17/01/19
DA120	GA GROUND FLOOR PLAN	F	17/01/19
DA130	GA LOWER GROUND FLOOR PLAN	F	17/01/19

200-Typical Floor Plans

DA210	D1-4 LG&GROUND FLOOR PLAN	F	17/01/19
DA220	D1-4 ROOF FLOOR PLAN	F	17/01/19
DA230	D5-D8 LG&GROUND FLOOR PLAN	A	17/01/19
DA240	D5-D8 ROOF PLAN	A	17/01/19
DA250	D9,10,15,16 LG&GROUND FLOOR PLAN	A	17/01/19
DA260	D9,10,15,16 ROOF PLAN	A	17/01/19
DA270	D11-D14 LG& GROUND FLOOR PLANS	F	17/01/19
DA280	D11-14 ROOF PLAN	E	17/01/19

300-Elevations

DA310	EAST&WEST ELEVATION	F	17/01/19
DA320	INTERNAL NORTH&EAST ELEVATION	F	17/01/19
DA330	NORTH&SOUTH ELEVATION	F	17/01/19
DA-340	D1 ELEVATIONS	F	17/01/19
DA-341	D2 ELEVATIONS	C	17/01/19
DA-342	D3 ELEVATIONS	C	17/01/19
DA-343	D4 ELEVATIONS	C	17/01/19
DA-344	D5&6 ELEVATIONS	C	17/01/19
DA-345	D7&8 ELEVATIONS	C	17/01/19
DA-347	D9&10 ELEVATIONS	F	17/01/19
DA-348	D11 ELEVATIONS	C	17/01/19
DA-350	D12 ELEVATIONS	C	17/01/19
DA-351	D13 ELEVATIONS	C	17/01/19
DA-352	D14 ELEVATIONS	C	17/01/19
DA-353	D15&16 ELEVATIONS	F	17/01/19

400-Sections

DA-410	TYPICAL SECTIONS	F	17/01/19
--------	------------------	---	----------

500-Window & Door

DA500	WINDOW SCHEDULE	F	17/01/19
-------	-----------------	---	----------

600-Site Analysis

DA-600	SITE ANALYSIS	F	17/01/19
DA-610	SHADOW DIAGRAM 1	F	17/01/19
DA-620	SHADOW DIAGRAM 2	F	17/01/19
DA-640	CONCEPT LANDSCAP PLAN	F	17/01/19
DA-650	AREA CALCULATION	F	17/01/19
DA-660	WORKING PLAN	F	17/01/19
DA-670	3D SHADOW DIAGRAM FOR DWELLING 10-14	C	17/01/19

700-Finishes

DA-700	EXTERNAL FINISH SCHEDULE	F	17/01/19
--------	--------------------------	---	----------



PROPOSED 14 UNITS MULTI-DWELLING HOUSE

17 EMMALINE COURT, ROKEBY, TAS

1. Architectural drawings shall be read in conjunction with other consultants drawings and specifications. Any discrepancies shall be referred to WEN architects before proceeding with work.
2. All dimensions and levels are in millimeters unless noted otherwise. No dimension shall be obtained by scaling the drawing.
3. All dimensions to be checked on site with any discrepancies referred to WEN architects before proceeding with work.
4. All work to be carried out in accordance with the requirements of the principal certifying authority, current ncc & Australian standards.



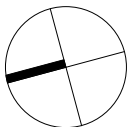
SYDNEY
16b Lambert Street, West Ryde
T: +61 4 66 354 312 & +61 4 50 338 804
E: info@wenarchitecture.com
Reg NSW: 10355

[illegible]

DRAWING STATUS:

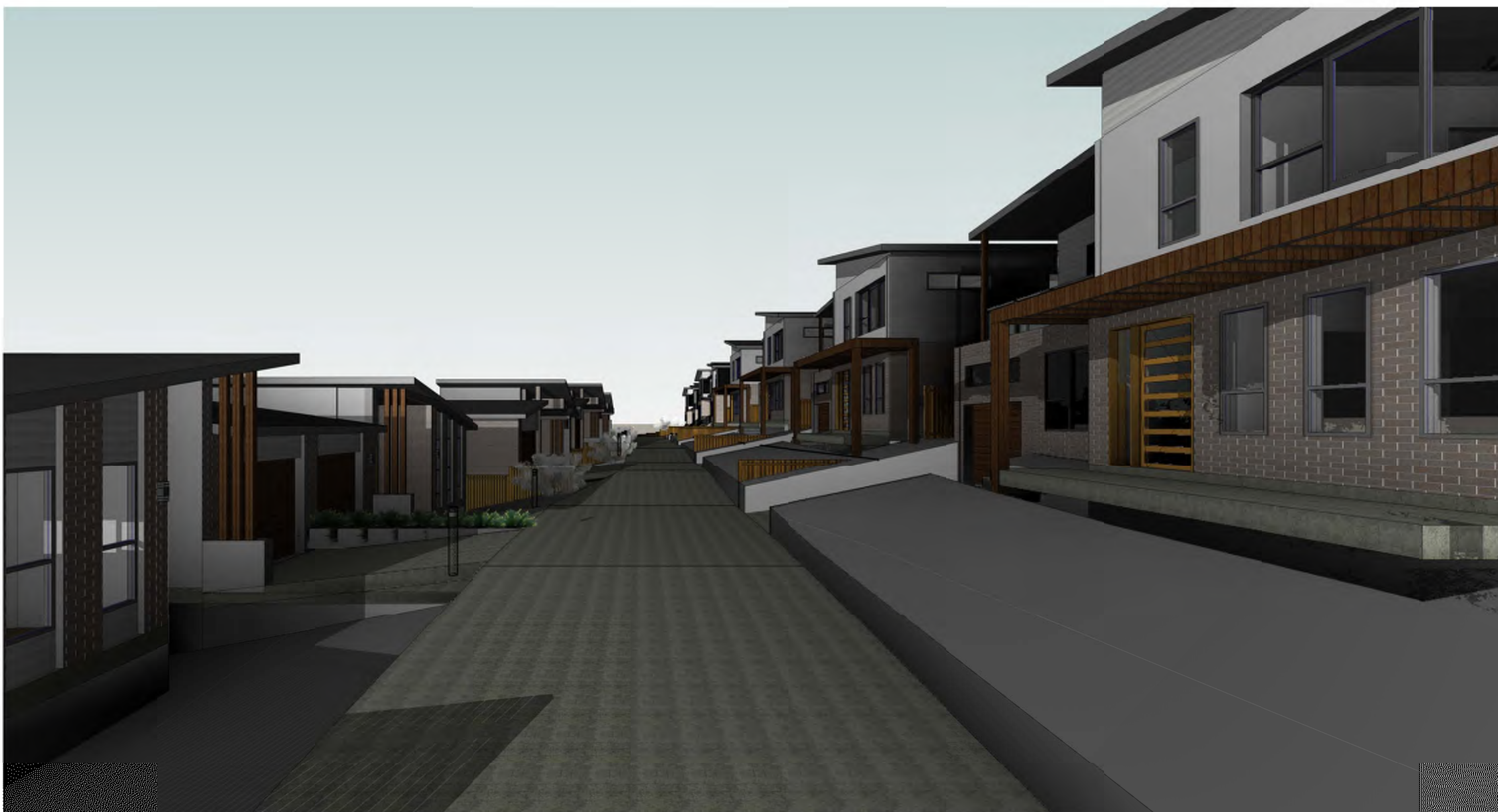
PLANNING PERMIT

North



DRAWING LEGEND

<u>Project:</u> TOWNHOUSE 17 EMMALINE COURT, ROKEBY				
<u>Title:</u> COVER PAGE				
<u>Project #:</u>	<u>Scale:</u>	<u>Dwn:</u>	<u>HY:</u>	<u>Out:</u>
1666		@A1	HY	RW
<u>Drawing #:</u>				<u>Rev</u>
DA010			F	



Agenda Attachments - 17 Emmaline Court, Rokeby Page 3 of 27



1

SITE PLAN

Scale 1 : 200

1. Architectural drawings shall be read in conjunction with other consultant drawings and specifications. Any discrepancies shall be referred to WEN architects before proceeding with work.

2. All dimensions and levels are in millimeters unless noted otherwise. No dimension shall be obtained by scaling the drawing.

3. All dimensions to be checked on site with any discrepancies referred to WEN architects before proceeding with work.

4. All work to be carried out in accordance with the requirements of the principal certifying authority, current ncc & Australian standards.

WEN ARCHITECTS

SYDNEY
16b Lambert Street, West Ryde
T: + 61 4 66 354 312 & +61 4 50 338 804
E: info@wenarchitecture.com
Reg NSW: 10355

Rev	Revision Description	Date
A	DRAFT DESIGN	29/05/2018
B	ISSUE TO COUNCIL	21/07/2018
C	FURTHER INFORMATION	21/08/2018
D	FURTHER INFORMATION 2	10/09/2018
E	DESIGN MODIFICATION	17/01/19

North

DRAWING STATUS:
PLANNING PERMIT

DRAWING LEGEND:

Project:
TOWNHOUSE
17 EMMALINE COURT, ROKEBY

Title:
SITE PLAN

Project #:
1666

Scale:
1 : 200

Drawn:
HY

Checked:
RW

DA110

E

0 1 2 3 4 5 10

SCALE

Agenda Attachments - 17 Emmaline Court, Rokeby Page 4 of 27



1 GROUND FLOOR
Scale 1 : 200

1. Architectural drawings shall be read in conjunction with other consultant drawings and specifications. Any discrepancies shall be referred to WEN architects before proceeding with work.

2. All dimensions and levels are in millimeters unless noted otherwise. No dimension shall be obtained by scaling the drawing.

3. All dimensions to be checked on site with any discrepancies referred to WEN architects before proceeding with work.

4. All work to be carried out in accordance with the requirements of the principal certifying authority, current ncc & Australian standards.

WEN ARCHITECTS

SYDNEY
16b Lambert Street, West Ryde
T: + 61 4 66 354 312 & +61 4 50 338 804
E: info@wenarchitecture.com
Reg NSW: 10355

Rev	Revision Description	Date
A	DRAFT DESIGN	29/05/2018
B	DRAFT DESIGN	16/07/2018
C	ISSUE TO COUNCIL	21/07/2018
D	FURTHER INFORMATION	21/08/2018
E	FURTHER INFORMATION 2	10/09/2018
F	DESIGN MODIFICATION	17/01/19

DRAWING STATUS:

PLANNING PERMIT

DRAWING LEGEND:

North

0 1 2 3 4 5 10
SCALE

Project:
**TOWNHOUSE
17 EMMALINE
COURT, ROKEBY**

Title:
GA GROUND FLOOR PLAN

Project #	Scale	Drawn	Checked
1666	1 : 200 @A1	HY	RW

Drawing #	Rev
DA120	F



1 LOWER GROUND
Scale 1 : 200

1. Architectural drawings shall be read in conjunction with other consultant drawings and specifications. Any discrepancies shall be referred to WEN architects before proceeding with work.
2. All dimensions and levels are in millimeters unless noted otherwise. No dimension shall be obtained by scaling the drawing.
3. All dimensions to be checked on site with any discrepancies referred to WEN architects before proceeding with work.
4. All work to be carried out in accordance with the requirements of the principal certifying authority, current ncc & australian standards.

WEN ARCHITECTS

SYDNEY
16b Lambert Street, West Ryde
T: + 61 4 66 354 312 & +61 4 50 338 804
E: info@wenarchitecture.com
Reg NSW: 10355

Rev	Revision Description	Date
A	DRAFT DESIGN	29/05/2018
B	DRAFT DESIGN	16/07/2018
C	ISSUE TO COUNCIL	21/07/2018
D	FURTHER INFORMATION	21/08/2018
E	FURTHER INFORMATION 2	10/09/2018
F	DESIGN MODIFICATION	17/01/19

DRAWING STATUS:

PLANNING PERMIT

DRAWING LEGEND:

North

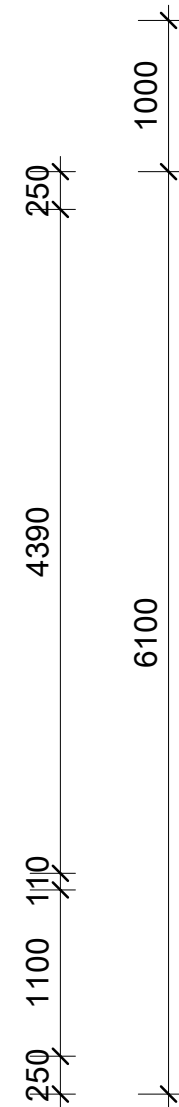
Project:
**TOWNHOUSE
17 EMMALINE
COURT, ROKEBY**

Title:
GA LOWER GROUND FLOOR PLAN

Project #	Scale	Dwn	Out
1666	1 : 200 @A1	HY	RW

Drawing #	Rev
DA130	F


0 5 10 20 30
SCALE



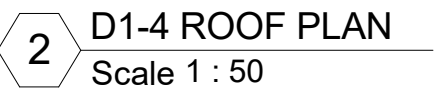
WWE ARCHITECTS

[illegible]

North:




<u>Project:</u> TOWNHOUSE 17 EMMALINE COURT, ROKEBY			
<u>Title:</u> D1-4 LG&GROUND FLOOR PLAN			
<u>Project #:</u> 1666	<u>Scale:</u> 1 : 50	<u>Draw:</u> HY	<u>Ca:</u>
<u>Drawing:</u> DA210	<u>Rev</u>		F



WHEAT
ARCHITECTS

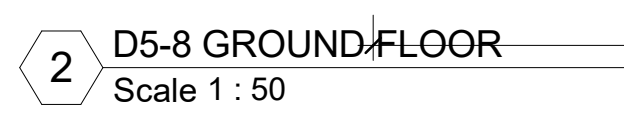
[illegible]

North:



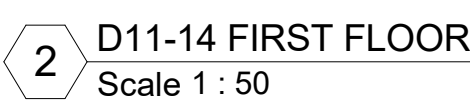
Project #:	Scale	Drw.	Ckd:
1666	1 : 50 @A1	HY	RW

F

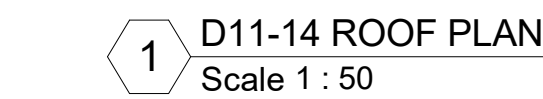


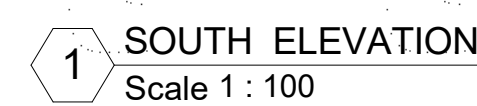
Agenda Attachments - 17 Emmaline Court, Rokeby Page 9





F





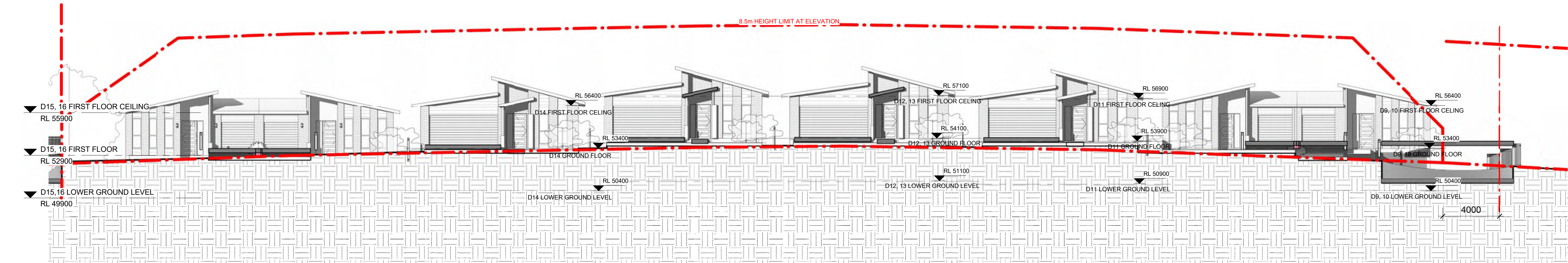
W&E
ARCHITECTS

Rev	Revision Description	Date
A	DRAFT DESIGN	28/05/2018
B	DRAFT DESIGN	16/07/2018
C	ISSUE TO COUNCIL	21/07/2018
D	FURTHER INFORMATION	21/08/2018
E	FURTHER INFORMATION 2	10/09/2018
F	DESIGN MODIFICATION	17/01/19
G		
H		
I		
J		
K		
L		
M		
N		
O		
P		
Q		
R		
S		
T		
U		
V		
W		
X		
Y		
Z		

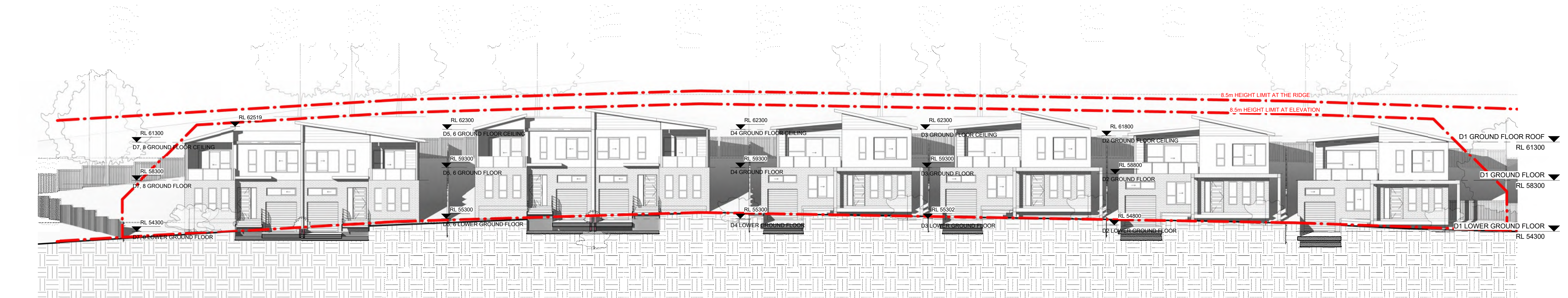
North

A horizontal line with vertical tick marks at intervals of 1, labeled 0, 1, 2, 3, 4, and 5. Below the line, the word "SCALE" is written under the first tick mark (0).

F



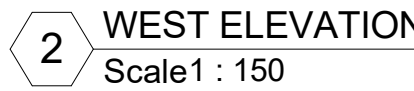
1 INTERNAL WEST ELEVATION
Scale 1 : 150



2 INTERNAL EAST ELEVATION
Scale 1 : 150



1 EAST ELEVATION
Scale 1 : 150



2 WEST ELEVATION
Scale 1 : 150



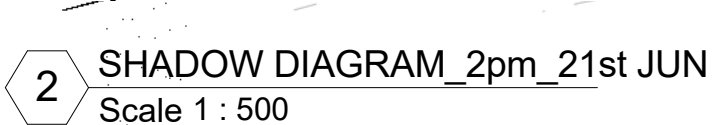
WINE
ARCHITECTS

DRAWING STATUS:

PLANNING PERMIT

DRAWING LEGEND

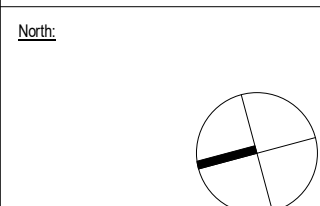
<u>Project:</u> TOWNHOUSE 17 EMMALINE COURT, ROKEBY		
<u>Title:</u> NORTH&SOUTH ELEVATION		
<u>Project #:</u> 1666	<u>Scale:</u> 1 : 150	<u>Drawn:</u> HT
<u>Drawing #:</u> DA330		<u>Rev:</u>

[illegible]

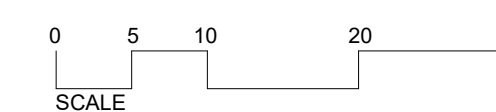
WHEAT
ARCHITECTS

[illegible]

PLANNING PERMIT



DRAWING LEGEND

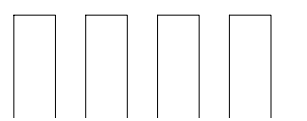


Title:
SHADOW DIAGRAM 2

Project #:	Scale	Dwr:	Ckd:
1666	1 : 500 @A1	HY	RW

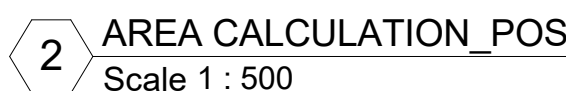
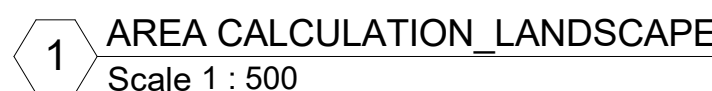
DA-620

F



LANDSCAPED CONCRETE PAVERS

F

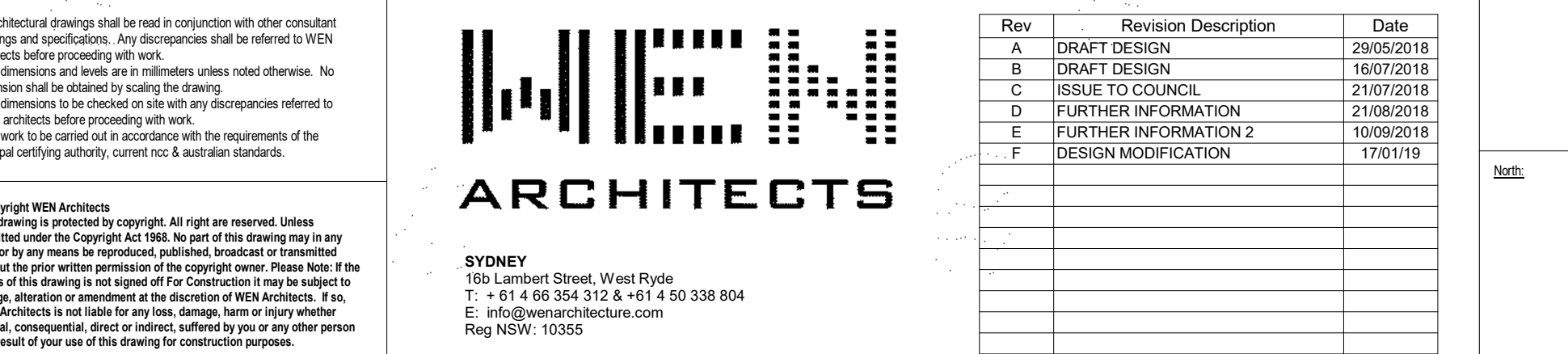
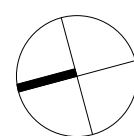




1. WHERE POSSIBLE ALL SILT FENCES, PERIMETER BANKS, SEDIMENT BASINS AND OTHER SEDIMENT AND EROSION CONTROL STRUCTURES SHALL BE INSTALLED AS A FIRST STEP IN THE CONSTRUCTION SEQUENCE.

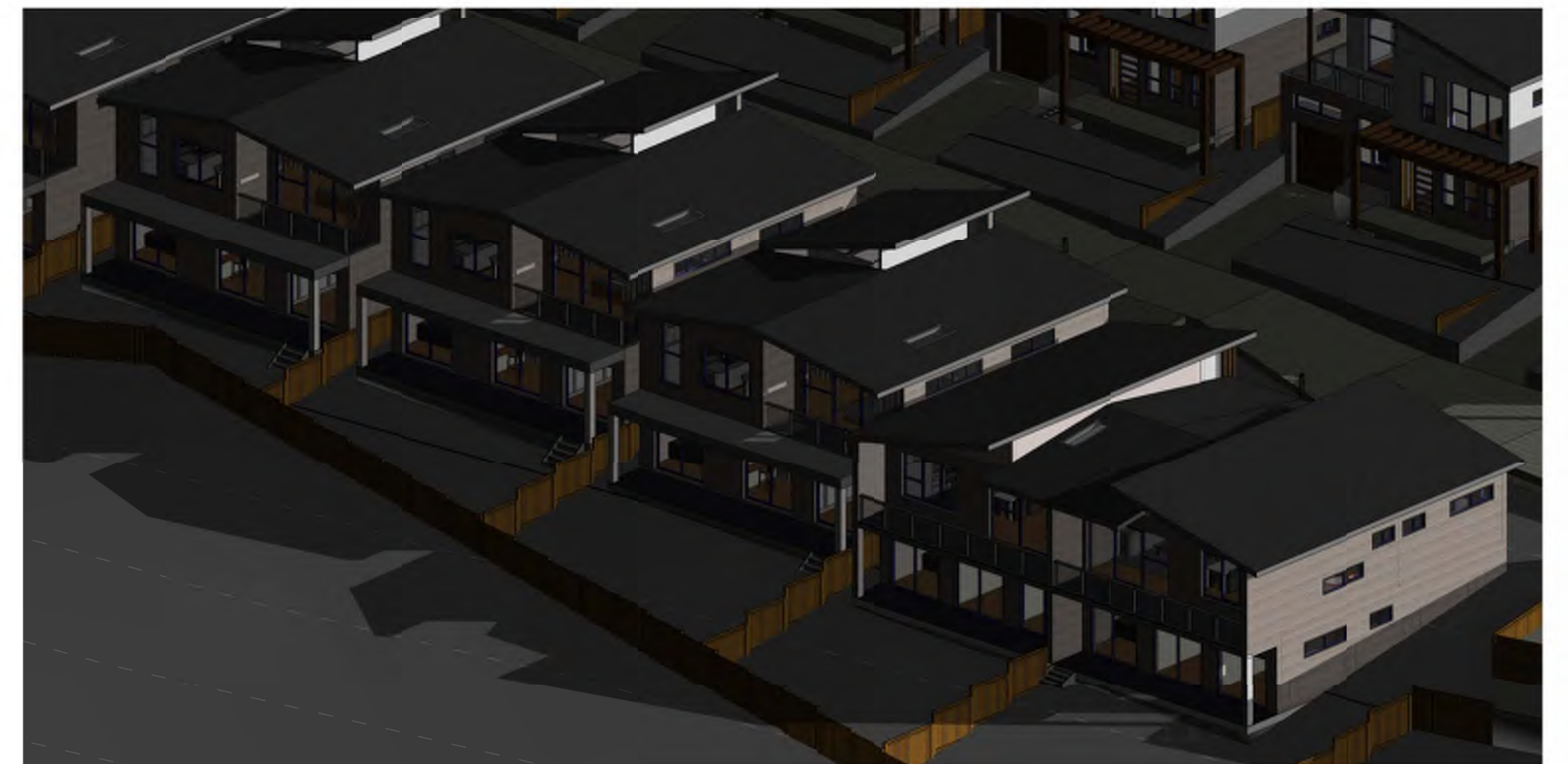
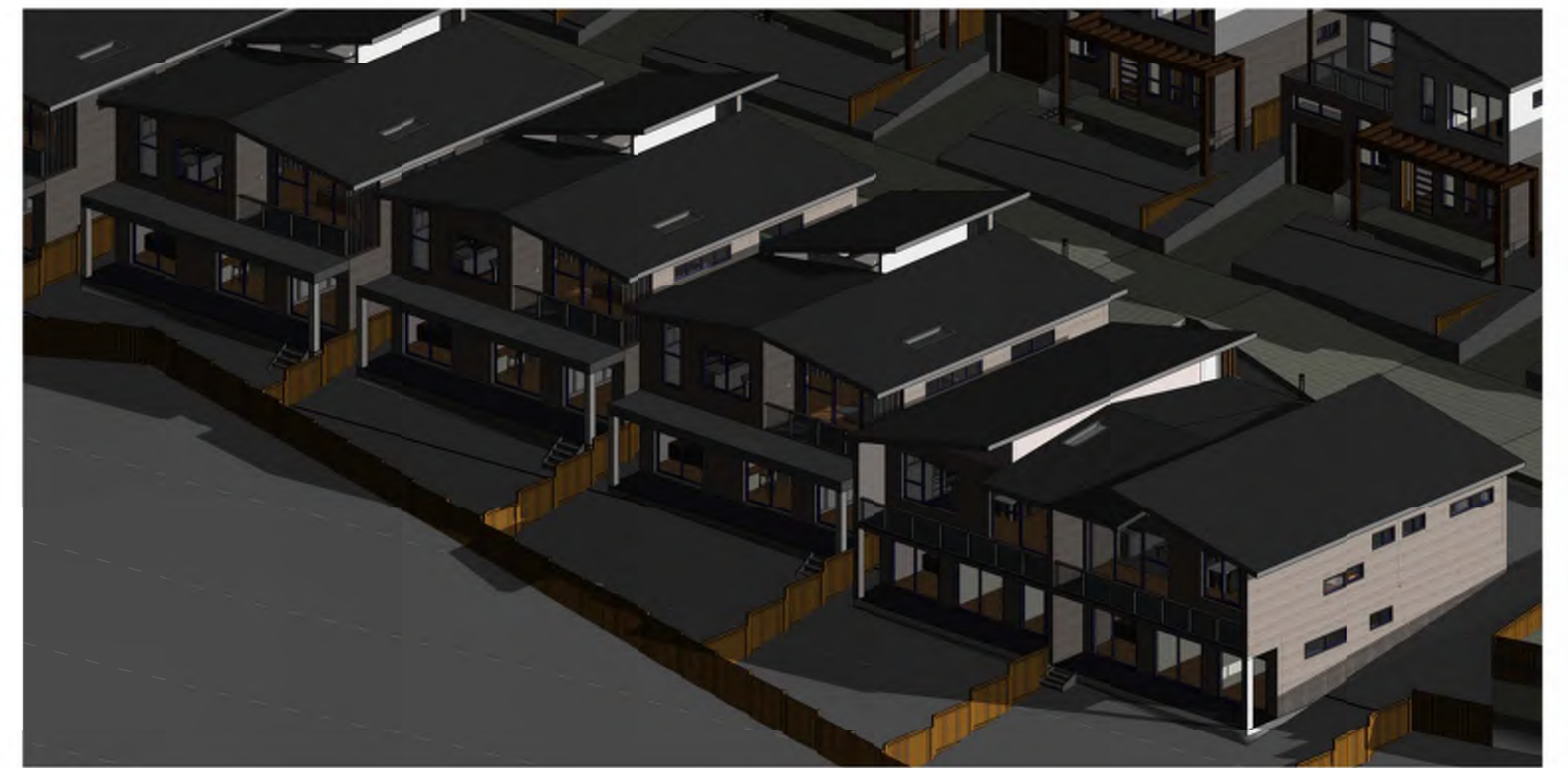
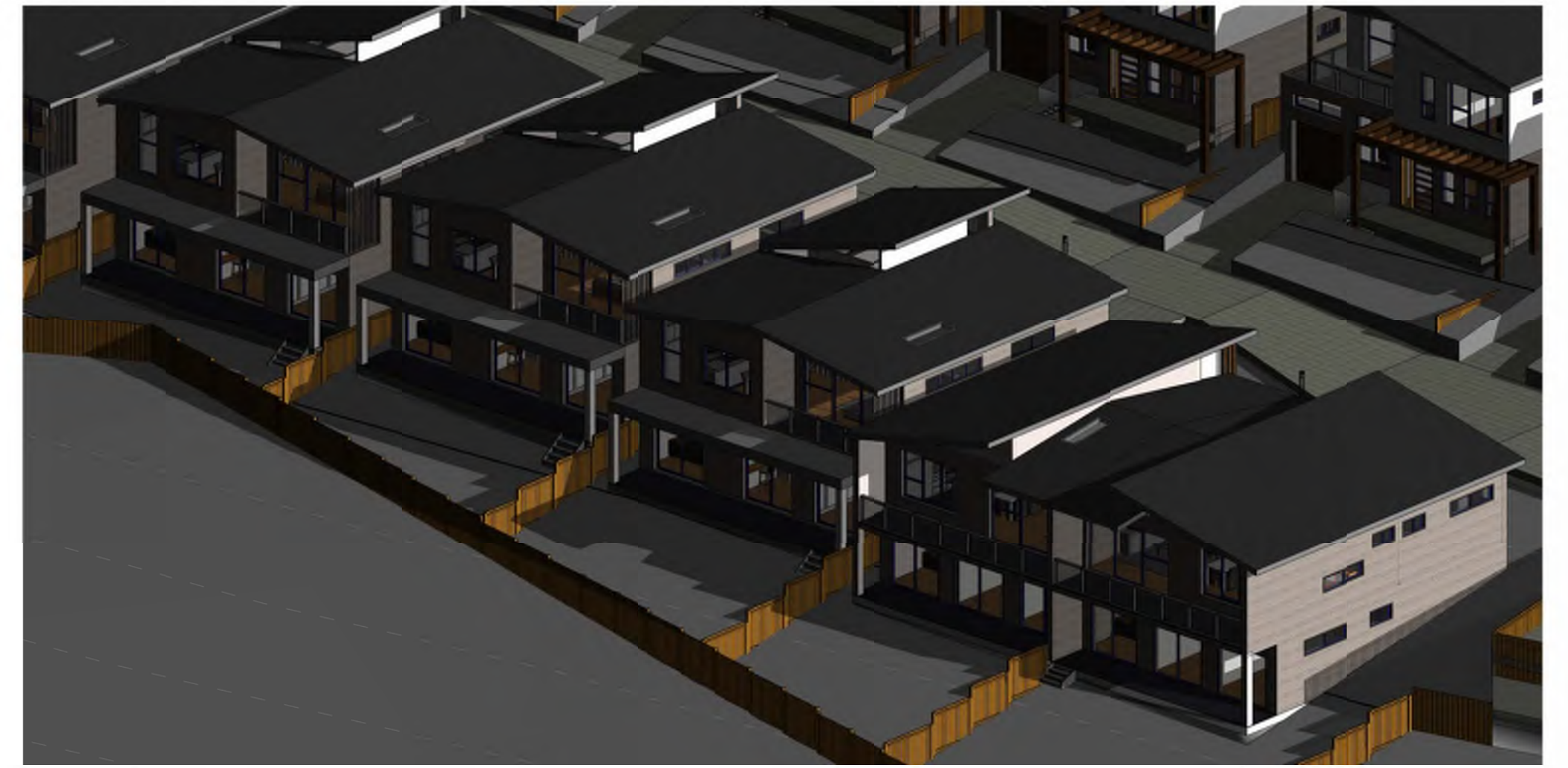
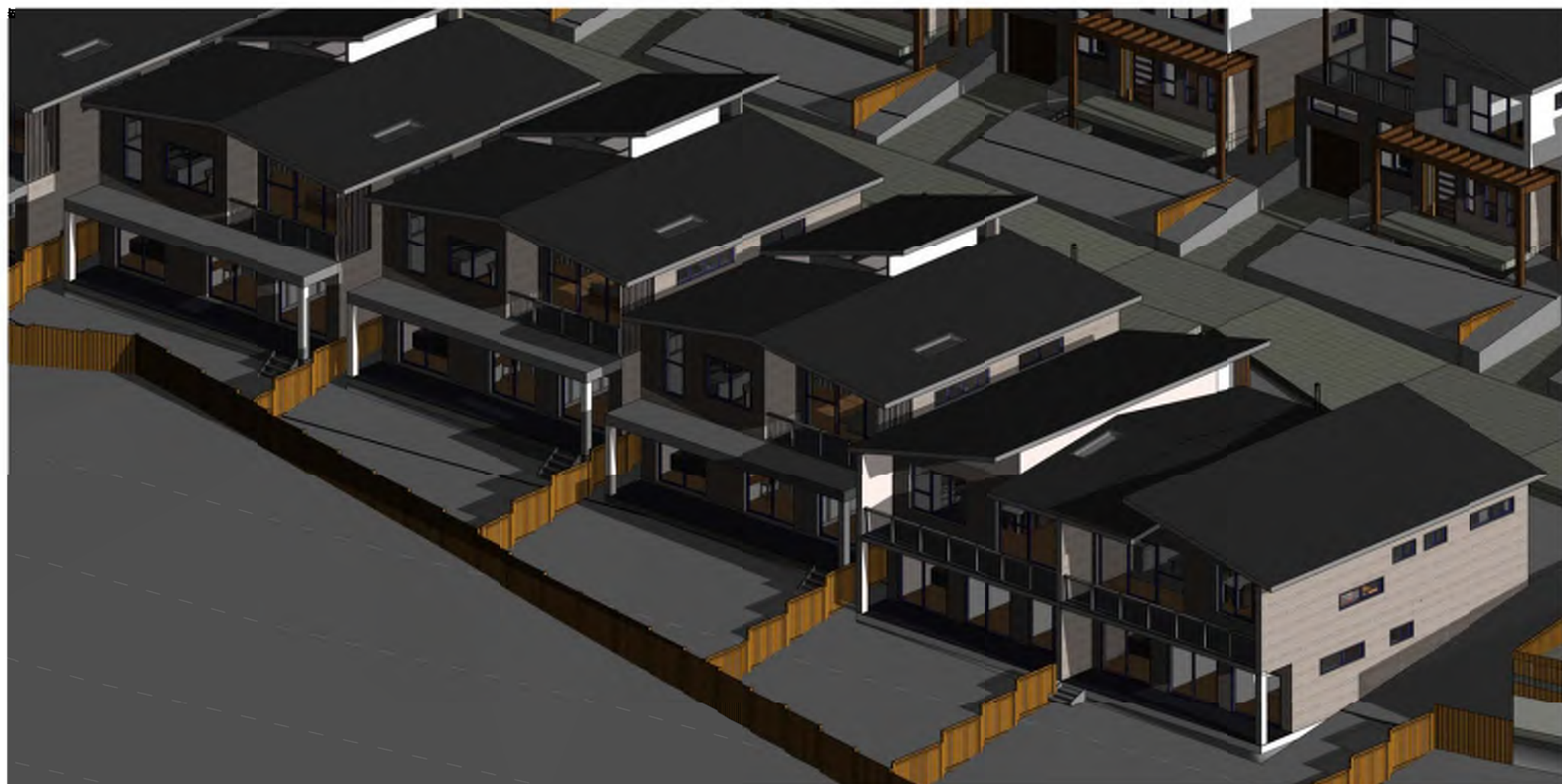
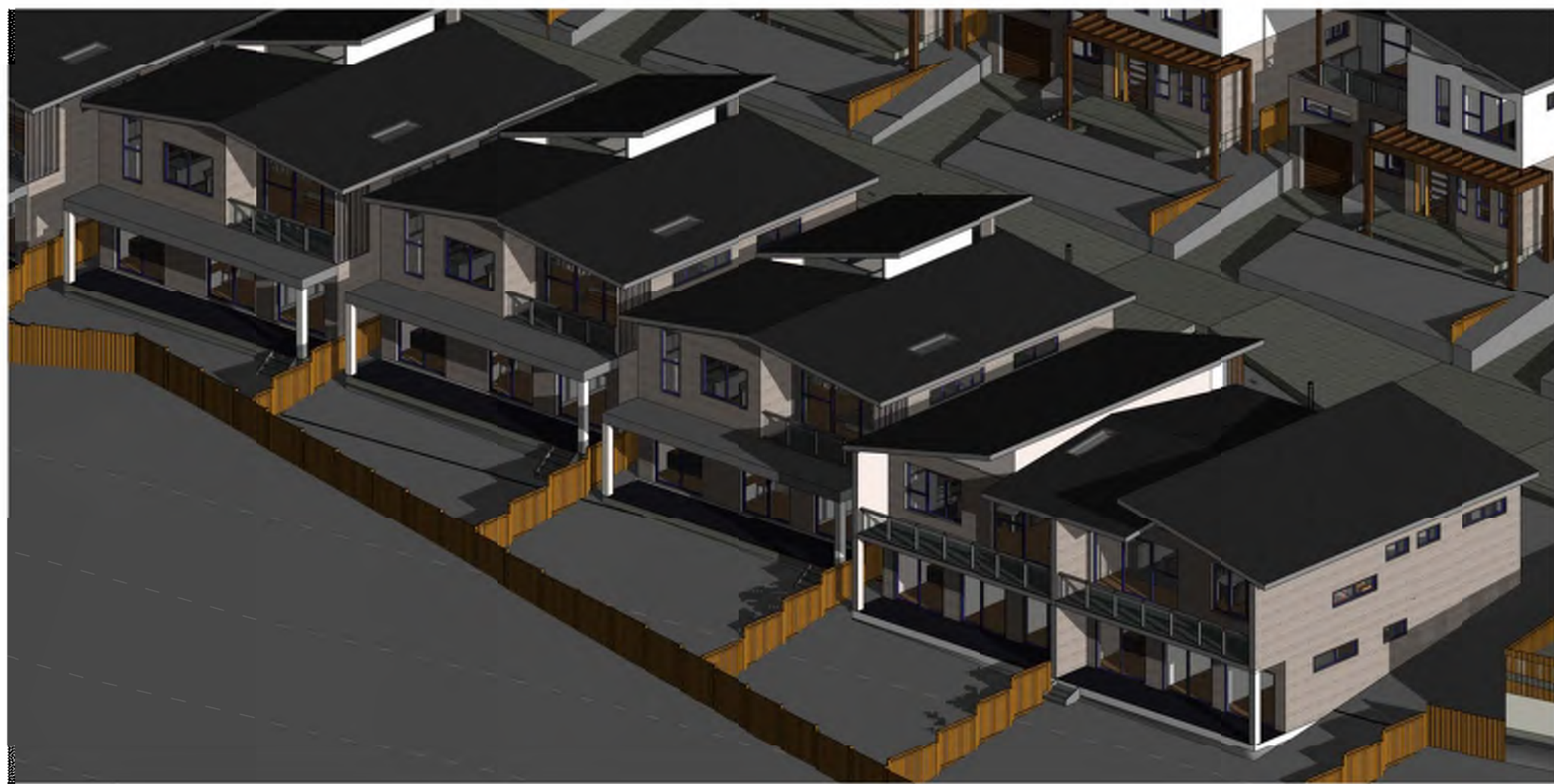
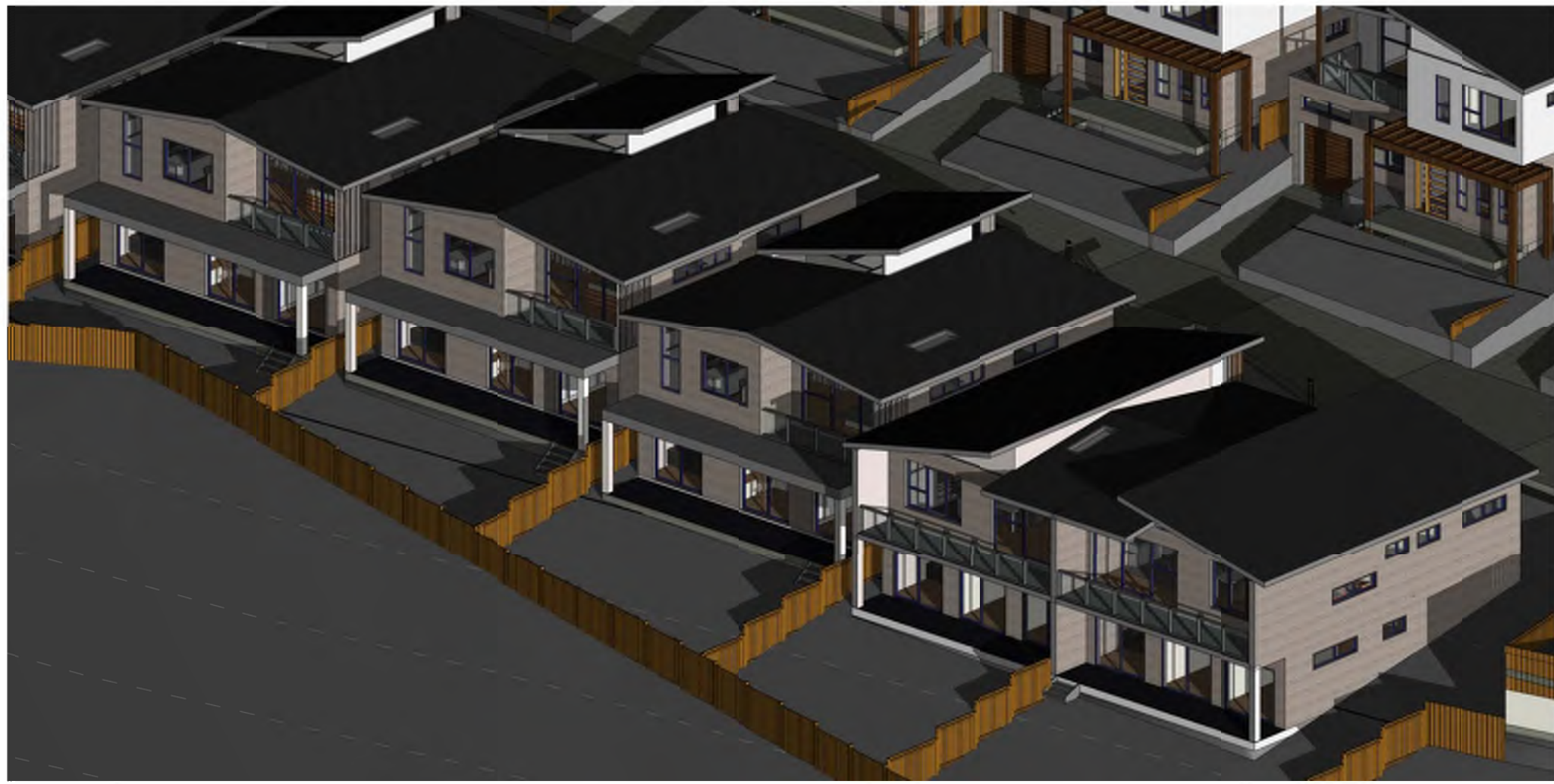
- | | |
|-----------------|-----------------|
| DRAWING STATUS: | DRAWING LEGEND: |
| DRAWING PERMIT | DRAWING PERMIT |

1. CONSTRUCT SILT FENCE AS CLOSE AS POSSIBLE TO PARALLEL TO THE CONTOURS OF SITE

[illegible]

Year	Scale
2000	0
2001	1
2002	2
2003	3
2004	4
2005	5
2006	6
2007	7
2008	8
2009	9
2010	10

<u>Project:</u> TOWNHOUSE 17 EMMALINE COURT, ROKEYB			
<u>Title:</u> WORKING PLAN			
<u>Project #:</u> 1666	<u>Scale:</u> 1 : 200 @A1	<u>Draw:</u> HY	<u>Unit:</u> RW
<u>Drawing #:</u> DA-660		<u>Rev:</u>	F



3



1 3D View 2
Scale

1. Architectural drawings shall be read in conjunction with other consultant drawings and specifications. Any discrepancies shall be referred to WEN architects before proceeding with work.
2. All dimensions and levels are in millimeters unless noted otherwise. No dimension shall be obtained by scaling the drawing.
3. All dimensions to be checked on site with any discrepancies referred to WEN architects before proceeding with work.
4. All work to be carried out in accordance with the requirements of the principal certifying authority, current ncc & Australian standards.



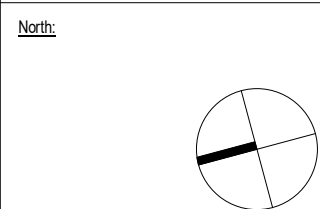
WHEAT
ARCHITECTS

SYDNEY
16b Lambert Street, West Ryde
T: +61 4 66 354 312 & +61 4 50 338 804
E: info@wenarchitecture.com
Reg NSW: 10355

[illegible]

DRAWING STATUS:

PLANNING PERIOD



DRAWING LEGEND:

Project:
TOWNHOUSE
17 EMMALINE
COURT, ROKEBY

Title:
EXTERNAL FINISH SCHEDULE

Project #:	Scale	Drw:	Ckd:
1666		HY	R

Drawing #: DA-700	Rev: F
-------------------	--------

Attachment 3



View of site from the access via Emmaline Court.



View of site from the access looking south.



View taken from on the site looking east.



View of the access from Tollard Drive.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE**

(File No 05-10-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council's participation in the National Redress Scheme for Institutional Child Sexual Abuse by authorising the Mayor to sign a Memorandum of Understanding in relation to that Scheme.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

The *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* and *National Redress Scheme into Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* are relevant.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

None identified.

RECOMMENDATION:

That Council:

- A. Supports Council's participation in the National Redress Scheme for Institutional Child Sexual Abuse.
- B. Authorises the Mayor to sign the Memorandum of Understanding regarding Council's participation in the National Redress Scheme for Institutional Child Sexual Abuse.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The National Redress Scheme for Institutional Child Sexual Abuse ("the National Redress Scheme") provides acknowledgement and support to people who experienced institutional child sexual abuse.

- 1.2.** At the Local Government Association of Tasmania General Meeting on 2 July 2019, all local councils agreed to join the National Redress Scheme with the Tasmanian Government as a “State Institution”. The Department of Justice will oversee administrative arrangements undertaken by the Child Abuse Royal Commission Response Unit.
- 1.3.** The Attorney-General, on behalf of the Tasmanian Government, signed the Memorandum of Understanding (MOU) on 5 August 2019.
- 1.4.** The MOU has now been sent to individual councils for signing by their respective Mayors.
- 1.5.** The MOU is an important step in recognising and alleviating the impact of past institutional child sexual abuse.

2. REPORT IN DETAIL

- 2.1.** The National Redress Scheme was formed in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, which estimated that 60,000 people experienced institutional child sexual abuse in Australia.
- 2.2.** The National Redress Scheme started on 1 July 2018 and will run for 10 years. The purpose of the National Redress Scheme is to help people who experienced institutional child sexual abuse to access counselling, a direct personal response from the responsible institution and a redress payment.
- 2.3.** The Tasmanian Government officially joined the National Redress Scheme on 1 November 2018.
- 2.4.** On 20 September 2018, the Tasmanian Parliament passed the *National Redress Scheme into Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* to bring Tasmania into the National Redress Scheme. The Act has received Royal Assent and will commence on 1 November 2018 bringing the Tasmanian Government and participating Tasmanian non-government institutions into the Scheme.

- 2.5.** This means that Tasmanians access support services and submit redress applications to an institution who has agreed to join the National Redress Scheme.
- 2.6.** The MOU acknowledges that the primary objective in providing redress for survivors of child sexual abuse is to recognise and alleviate the impact of past institutional child sexual abuse and related abuse and to respond to the recommendations in the Redress and Civil Litigation Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- 2.7.** The MOU recognises the importance of the National Redress Scheme for Institutional Child Sexual Abuse. The MOU is an acknowledgement that sexual abuse occurred in institutional settings and the sexual abuse suffered by children is wrong and should not have happened. The MOU represents the State Government and the councils' co-operation to participate in the National Redress Scheme and sets out the roles and obligations for the State Government and councils.
- 2.8.** In summary, the provisions of the MOU provide:
- the MOU will expire on 30 June 2028, unless terminated earlier or extended for a further period;
 - the MOU is not a legally enforceable document but is intended to reflect the State Government and councils' commitment to its objective;
 - the State Government and councils will work collaboratively to deliver redress from participating institutions to eligible persons;
 - the Department of Justice will administer the councils' participation in the Scheme; and
 - a council will be responsible for the cost of providing redress to an eligible person if the sexual abuse occurred in one of its institutions.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

The State Government has already signed the MOU.

3.3. Other

At the Local Government Association of Tasmania General Meeting on 2 July 2019, all local councils agreed to join the National Redress Scheme with the Tasmanian Government as a “State Institution”.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

None identified.

5. EXTERNAL IMPACTS

Council’s signing of the MOU is a significant and important step in recognising and acknowledging the impact of past institutional child sexual abuse.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

None identified.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The National Redress Scheme for Institutional Child Sexual Abuse (“the Redress Scheme”) provides acknowledgement and support to people who experienced institutional child sexual abuse.

9.2. All Tasmanian councils have agreed to join the National Redress Scheme with the Tasmanian Government as a “State Institution”. The Attorney-General, on behalf of the Tasmanian Government, signed the MOU on 5 August 2019.

- 9.3.** The MOU has now been sent to individual councils for signing by its respective Mayor.

Attachments: 1. Memorandum of Understanding (12)

Ian Nelson
GENERAL MANAGER



**Memorandum of Understanding
on the participation of local councils
in the National Redress Scheme for
Institutional Child Sexual Abuse**

Recitals

1. The Parties enter into this Memorandum of Understanding (MoU) in recognition of the importance of the National Redress Scheme for Institutional Child Sexual Abuse. This Agreement is an acknowledgment that sexual abuse suffered by children in institutional settings is wrong and should not have happened.
2. The Parties agree the objective of providing redress for survivors of child sexual abuse is to recognise and alleviate the impact of past institutional child sexual abuse and related abuse, and to respond to the recommendations contained in the *Redress and Civil Litigation Report* of the Royal Commission into Institutional Responses to Child Sexual Abuse.
3. This MoU represents the cooperation between Parties on the participation in the National Redress Scheme and sets out the roles and responsibilities of the Parties under the National Redress Scheme.
4. This MoU is to be read in conjunction with the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) and other related legislation.
5. The Minister for Justice or the Minister with portfolio responsibility for the National Redress Scheme and Lord Mayors are authorised to agree to amendments to this MoU in accordance with Part 5 – Governance Arrangements.

PART I – Operative Provisions

Parties

6. This MoU is between:
 - a) the State of Tasmania (the “State”); and
 - b) the local councils, being:
 - Break O’Day Council
 - Brighton Council
 - Burnie City Council
 - Central Coast Council
 - Central Highlands Council
 - Circular Head Council
 - Clarence City Council
 - Derwent Valley Council
 - Devonport City Council
 - Dorset Council
 - Flinders Council
 - George Town Council

Glamorgan – Spring Bay Council
Glenorchy City Council
Hobart City Council
Huon Valley Council
Kentish Council
Kingborough Council
King Island Council
Latrobe Council
Launceston City Council
Meander Valley Council
Northern Midlands Council
Sorell Council
Southern Midlands Council
Tasman Council
Waratah-Wynyard Council
West Coast Council
West Tamar Council

(Together, “the Parties”)

Term of this MoU

8. This MoU will commence for each Party as soon as it is signed by them. This may occur after the commencement date of the National Redress Scheme. This MoU will expire on 30 June 2028, unless terminated earlier or extended as agreed in writing by the Parties.
9. Commitments under this MoU which refer to participating government institutions, only apply to Parties that have participating government institutions declared.

Enforceability

10. The Parties do not intend any of the provisions of this MoU to be legally enforceable. However, that does not lessen the Parties’ commitment to this MoU.

Delegations

11. The Minister for Justice or the relevant Minister with portfolio responsibility for the National Redress Scheme is authorised to agree to amendments to this MoU and schedules to this MoU in accordance with Part 5 – Governance Arrangements.
12. Respective Mayors are authorised to agree to amendments to this MoU and schedules to this MoU in accordance with Part 5 – Governance Arrangements.

Definitions

13. In this MoU, unless the contrary appears:
- a) where a word or phrase has a defined meaning, any grammatical form of that word has a corresponding meaning,
 - b) a reference to legislation or a legislative provision includes a reference to any amendment, substitution or re-enactment of that legislation or provision, and
 - c) the singular includes the plural and vice versa.
14. Terms in this MoU will have the same meaning as in Scheme legislation.
15. In this MoU, unless the contrary appears:

Confidential Information means information that:

- i. The Parties know, or ought to know is confidential, or
- ii. The Parties agree in writing after the commencement of this MoU is confidential information for the purpose of this MoU.

For the avoidance of doubt, Confidential Information does not include Protected Information as defined in the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018. An example of Confidential Information would be a policy position shared by a Party on an issue that has arisen in the course of the Scheme.

The assessment framework policy guidelines for the monetary redress payment is Confidential Information.

Scheme legislation means:

- i. the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) (the National Redress Scheme Act)
- ii. the National Redress Scheme for Institutional Child Sexual Abuse Rules 2018 (the Rules), and
- iii. the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018* (Tas).

PART 2 – Objectives

Role and purpose of this MoU

16. This MoU provides the foundation for governments to work together to implement the Scheme. This MoU will be signed by any local council that seeks to become a participating state institution for the purposes of the Scheme.
17. In addition, this MoU provides Parties with the framework for delivering the Scheme by setting out:
- a) roles and responsibilities of the State and participating local councils;
 - b) governance arrangements;
 - c) financial arrangements;

-
- d) implementation arrangements; and
 - e) Scheme operational arrangements.

Objects of the Redress Scheme

- 18. The National Redress Scheme Act set out the objects of the Scheme.
- 19. The main objects of the Scheme are to recognise and alleviate the impact of past institutional child sexual abuse and related abuse, and provide justice for the survivors of that abuse.

PART 3 – Roles and Responsibilities

Shared roles and responsibilities

- 20. The State and local councils which have had participating government institutions declared will:
 - a) work collaboratively to deliver redress from participating institutions to eligible survivors;
 - b) share information and data, subject to this MoU and privacy requirements, to promote a best practice and survivor-focused Scheme; and
 - c) identify and seek to resolve issues in a timely manner where Scheme arrangements are having unintended impacts.

Roles and responsibilities of the State

- 21. The State will:
 - a) introduce legislation to refer to the Commonwealth Parliament the text reference and the amendment reference, or adopt the relevant version of the National Redress Scheme Act once enacted and refer the amendment reference, in accordance with s 51(xxxvii) of the Constitution;
 - b) administer the participation of the Parties to the Scheme through the State Department of Justice;
 - c) deliver direct personal responses to its survivors in accordance with the Direct Personal Response Framework;
 - d) deliver access to counselling and psychological care to survivors residing in Tasmania;
 - e) fulfil reporting obligations to the Scheme; and
 - f) fulfil agreed financial obligations in accordance with Part 6 – Financial Arrangements.

Roles and responsibilities of the local councils

- 22. The local councils will:
 - a) deliver direct personal responses to its survivors in accordance with the Direct Personal Response Framework;

-
- b) fulfil information sharing and reporting obligations required under the National Redress Scheme to the State; and
 - c) fulfil agreed financial obligations in accordance with Part 6 – Financial Arrangements.

PART 4 – IMPLEMENTATION ARRANGEMENTS

Reporting

23. The State will provide local councils which have had claims made under the Scheme with an individual quarterly report on applications made under the Scheme that relate to their participating institutions, including information on:
- a) the number of completed applications,
 - b) the number of completed internal reviews of decisions,
 - c) the proportion of affirmed decisions,
 - d) the proportion of accepted offers,
 - e) the number of applicants that have been determined not entitled to redress under the criminal convictions policy, and
 - f) the number of applications to be processed.

Confidential Information

24. Subject to clause 25, a Party must not disclose Confidential Information to anyone, without the prior written consent of the Party that provided them with the information.
25. A Party can disclose Confidential Information to the extent that it:
- a) is disclosed to its internal management personnel, solely to enable effective management and/or auditing of the Scheme;
 - b) is shared within a Party, or with another agency, where this serves the State's or local council's legitimate interests;
 - c) is authorised or required by law to be disclosed, or
 - d) is in the public domain otherwise than due to a breach of this MoU.
26. Where a Party discloses Confidential Information to another person under clause 25 they must:
- a) notify the receiving person that the information is confidential; and
 - b) not provide the information unless the receiving person agrees to keep the information confidential.
27. A Party receiving Confidential Information will take all reasonable steps to ensure that the Confidential Information of the other Party is protected at all times from any unauthorised use or access and to immediately notify the other Party if the receiving Party becomes aware of any unauthorised access to, or use or disclosure of Confidential Information.

Privacy

28. In exchanging information under this MoU, officials need to be aware of their obligations under privacy legislation.

PART 5 – GOVERNANCE

Variation of this MoU

29. This MoU, and schedules to this MoU, may be amended at any time by agreement in writing by all the Parties.

Review of this MoU

30. The Parties may review the operation and objectives of this MoU following the review of the Scheme outlined in the Scheme legislation, or as otherwise agreed by the Parties.

Withdrawal and Termination of this MoU

31. The Parties agree that withdrawal from this MoU will be a measure of last resort.
32. A Party that ceases to be a declared participating state institution under the Scheme legislation immediately ceases to be a Party to this MoU.
33. A Party to the MoU may indicate its intent to withdraw from this MoU at any time by notifying all other Parties in writing of its intention to do so. A Party that proposes to withdraw will give at least three months' notice of its intention to withdraw.
34. Following notification of a Party's intention to withdraw from this MoU under clause 33, the terms of withdrawal, including the date on which the Party will cease to be a Party, and arrangements necessary because of the withdrawal, will be negotiated in good faith and agreed between the State and the Party intending to withdraw from this MoU.
35. If a Party withdraws, this MoU will continue between all remaining Parties.

Counterparts

36. This MoU may be executed in any number of counterparts. All counterparts, taken together, constitute this MoU. A Party may execute this MoU by signing any counterpart.

Dispute Resolution

37. Any Party may give notice in writing to other Parties of a dispute under this MoU.
38. Officials of relevant Parties will attempt to resolve any dispute in the first instance.
39. If a dispute is unable to be resolved by officials, it may be escalated to the Minister for Justice or relevant Minister with responsibility for redress and Lord Mayors.

Ministerial Declarations

40. Local councils will declare the participating local council institutions as participating State institutions.

-
41. Local councils are required to specify which local government institutions they agree to being declared under the Scheme, in accordance with the Scheme Legislation, and may do this by specifying a list of institutions by class.
 42. The State will arrange the Commonwealth Minister responsible for redress to declare the specified local government institutions as participating institutions where the relevant requirements are met. The Minister's declaration will be in the form of a notifiable instrument (which is not disallowable).

PART 6 – FINANCIAL ARRANGEMENTS

43. The Scheme operates on a 'responsible entity pays' basis, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. Parties will fund the cost of providing redress to each eligible survivor for whom one of their participating government institutions is responsible. This includes the monetary payment, access to CPC and costs associated with delivering direct personal responses.
44. Participating local government institutions that are determined to be responsible for abuse will pay the Commonwealth Government administrative charge, set at 7.5 per cent of the total value of the institution's gross liability for redress payments made in relation to that abuse in each quarter.
45. Participating local government institutions, will also be required to pay a per-claim contribution towards legal support costs, delivered by the Scheme's legal support services. This amount will be \$1,000 for each claim for which the institution is the only liable participating institution, or a portion of the \$1,000 contribution proportionate to the institution's share of the redress payment where it is jointly responsible for providing redress with another institution or institutions. This amount does not include any GST, and no GST will be charged. These costs are directly attributable to supporting eligible applicants to access legal support.
46. The State will not seek a contribution from participating local government institutions to the State's administrative costs arising from the coordination and management of local government institution claims.
47. The State will underwrite participating local government institutions as assessed by the Scheme Operator and levy participating local government institutions accordingly.
48. Parties will be invoiced in arrears on a quarterly basis. The quarterly invoice will include the total amount owed and the total number of applicants who have been paid in the quarter broken down by CPC contribution, redress payment, legal support contribution and administrative charge along with details for payment.
49. The Parties note that the per-claim administrative charge will be reviewed by the Commonwealth Government in accordance with the requirements under the Scheme legislation to ensure it accurately reflects the costs being recovered.

PART 7 – THE SCHEME

50. The National Redress Scheme Act establishes the National Redress Scheme for Institutional Child Sexual Abuse. It provides the legislative basis for entitlement,

participation, how to obtain redress, offers and acceptance of redress, provision of redress, funding, funder of last resort and other administrative matters.

Responsibility for redress

51. A participating institution will be responsible for redress if the abuse occurred in circumstances where the institution is, or should be treated as being, primarily or equally responsible for the abuse.

Release from civil liability

52. Survivors receiving redress under the Scheme will be required to release the responsible participating institution(s), their associates and the officials of these institutions (other than the abuser) from all civil liability in relation to all instances of child sexual abuse, and related non-sexual abuse within scope of the Scheme. This will be a condition of accepting any components of redress under the Scheme.
53. Where a participating institution has been released from civil liability either at common law or under another payment scheme in relation to the abuse they have been found liable for under the Scheme, then that release and any confidentiality provisions, cannot be relied upon for the limited purpose of determining the payment amount that a survivor may be entitled to under the Scheme.
54. Parties agree that their participating government institutions will waive their rights under prior releases to the extent necessary, and will not take action against survivors for failing to comply with the prior release simply on the basis that the survivor has applied for redress and notified the Scheme of information relevant to their application including a prior payment received. All other conditions under existing releases with survivors will remain.

Counselling and psychological care (CPC)

55. Parties agree that survivors found eligible under the Scheme, and who have signed the release from civil liability, will have the opportunity to access CPC to address the impact of their experience.
56. The State will provide access to CPC by delivering CPC services directly to survivors residing in Tasmania and receiving a tiered payment of \$1,250, \$2,500 or \$5,000 from responsible institutions for the provision of their services.

Direct personal response

57. Parties agree that survivors who are entitled to redress under the Scheme, and who have signed the release from civil liability, should have the opportunity to receive a direct personal response from the responsible participating institution(s), if they choose it.
58. Parties that have had participating institutions declared agree to adhere to the National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018.

Signed for and on behalf of the State of
Tasmania by


The Honourable Elise Archer MP

Attorney-General and Minister for Justice

Date 5 August 2019

Signed for and on behalf of the
Break O'Day Council by

Cr Mick Tucker

Mayor of the Break O'Day Council

Date

Signed for and on behalf of the
Brighton Council by

Cr Tony Foster

Mayor of the Brighton Council

Date

Signed for and on behalf of the
Burnie City Council by

Ald Steven Kons

Mayor of the Burnie City Council

Date

Signed for and on behalf of the
Central Coast Council by

Cr Jan Bonde

Mayor of Central Coast Council

Date

Signed for and on behalf of the
Central Highlands Council by

Cr Loueen Triffitt

Mayor of the Central Highlands Council

Date

Signed for and on behalf of the
Circular Head Council by

Cr Daryl Quilliam

Mayor of the Circular Head Council

Date

Signed for and on behalf of the Clarence City
Council by

Ald Doug Chipman

Mayor of the Clarence City Council

Date

Signed for and on behalf of the Derwent Valley
Council by

Cr Ben Shaw

Mayor of the Derwent Valley Council

Date

Signed for and on behalf of the Devonport City Council by

Ald Annette Rockliff

Acting Mayor of the Devonport City Council

Date

Signed for and on behalf of the Flinders Council by

Cr Annie Revie

Mayor of the Flinders Council

Date

Signed for and on behalf of the Glamorgan – Spring Bay Council by

Cr Debbie Wisby

Mayor of the Glamorgan – Spring Bay Council

Date

Signed for and on behalf of the Hobart City Council by

Ald Anna Reynolds

Lord Mayor of the Hobart City Council

Date

Signed for and on behalf of the Kentish Council by

Cr Tim Wilson

Mayor of the Kentish Council

Date

Signed for and on behalf of the King Island Council by

Cr Julie Arnold

Mayor of the King Island Council

Date

Signed for and on behalf of the Dorset Council by

Cr Greg Howard

Mayor of the Dorset Council

Date

Signed for and on behalf of the George Town Council by

Cr Bridget Archer

Mayor of the George Town Council

Date

Signed for and on behalf of the Glenorchy City Council by

Ald Kristie Johnston

Mayor of the Glenorchy City Council

Date

Signed for and on behalf of the Huon Valley Council by

Cr Bec Enders

Mayor of the Huon Valley Council

Date

Signed for and on behalf of the Kingborough City Council by

Cr Dean Winter

Mayor of the Kingborough City Council

Date

Signed for and on behalf of the Latrobe Council by

Cr Peter Freshney

Mayor of the Latrobe Council

Date

Signed for and on behalf of the Launceston City Council by

Signed for and on behalf of the Meander Valley Council by

Ald Albert van Zetten

Mayor of the Launceston City Council

Date

Cr Wayne Johnston

Mayor of the Meander Valley Council

Date

Signed for and on behalf of the Northern Midlands Council by

Signed for and on behalf of the Sorell City Council by

Cr Mary Knowles

Mayor of the Northern Midlands Council

Date

Cr Kerry Vincent

Mayor of the Sorell Council

Date

Signed for and on behalf of the Southern Midlands Council by

Signed for and on behalf of the Tasman Council by

Cr Alex Green

Mayor of the Southern Midlands Council

Date

Cr Kelly Spaulding

Mayor of the Tasman Council

Date

Signed for and on behalf of the Waratah Wynyard Council by

Signed for and on behalf of the West Coast Council by

Cr Robert Walsh

Mayor of the Waratah Wynyard Council

Date

Cr Phil Vickers

Mayor of the West Coast Council

Date

Signed for and on behalf of the West Tamar Council by

Cr Christina Holmdahl

Mayor of the West Tamar Council

Date

11.7.2 CAMBRIDGE PRIMARY SCHOOL – LEASE OF PUBLIC LAND

(File No C004-1000)

EXECUTIVE SUMMARY**PURPOSE**

At its Meeting of 14 January 2019, Council considered submissions it received in relation to the proposed lease of a portion of public land located at the Cambridge Memorial Oval, to the Department of Education. Due to administrative oversight, one submission objecting to the proposed lease was not presented to Council at that meeting. Consequently, there is a risk that the original decision could be invalid.

The purpose of this report is to enable Council to consider all the submissions received, including the one not presented at its 14 January 2019 Meeting. The recommendation is identical to that approved by Council on 14 January 2019 and will “lay alongside” that original decision and therefore “buttress” the original decision.

RELATION TO EXISTING POLICY/PLANS

Council, at its Meeting of 10 September 2018 resolved to lease public land (a portion of Cambridge Memorial Oval) to the Department of Education for development of the Cambridge Primary School.

LEGISLATIVE REQUIREMENTS

Section 178 of the Local Government Act details the process Council must follow in determining to lease public land.

Section 178 provides that (in part):

“... if a Council intends to lease ... public land the General Manager is to:

- (a) publish that intention on at least 2 separate occasions ...; and*
- (b) display a copy of the notice on the property; and*
- (c) notify the public that objection to the proposed lease may be made within 21 days”.*

Further, the Council must consider any objection lodged. A decision to lease public land requires an absolute majority of Council.

CONSULTATION

In addition to the statutory requirements under Section 178 of the Act, Council also conducted a public meeting at the Cambridge Hall to advise the community in regard to the proposal to lease. Approximately 90 people attended the public meeting.

FINANCIAL IMPLICATIONS

The proposal to lease part of the reserve to the Department of Education will necessitate relocation of the existing reserve clubrooms and toilets and require the relocation of the reserve car parking. A condition of Council’s proposed lease is that these costs be met by the State Government (Department of Education).

RECOMMENDATION:

- A. That Council resolves to lease public land as depicted in Attachment 1 of the Associated Report to the Department of Education for a period of up to 99 years.
- B. That the lease be subject to the following conditions (as determined by Council at its Meeting of 10 September 2018).
- that the Department of Education agree that no further encroachment onto the reserve will be sought for further expansion of the school footprint;
 - that the State Government fund the relocation of the existing clubrooms and toilet facilities and the redevelopment of new like facilities on the eastern end of the oval. Such cost and relocation to be further negotiated between Council and the State, noting that the existing facilities are to continue in use until replacement facilities are built;
 - that the State Government and Council explore options for additional parking at the site; and that the State Government meet the cost of providing for agreed additional car parking for both school and public use; and
 - that the Department of Education agree to work with Council to facilitate the provision of a public walking trail along the Barilla Creek rivulet at the rear of the school.
- C. That the General Manager be authorised to undertake the necessary actions to negotiate and finalise lease arrangements in accordance with this report and the requirements of the Local Government Act.
- D. That the General Manager advise all parties who lodged an objection to the proposed lease of Council's decision and their rights to appeal Council's decision in accordance with Section 178A of the Local Government Act.

NB: A decision to lease public land requires an Absolute Majority of Council.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Cambridge Memorial Oval is situated on a parcel of land that was gifted to Council as a memorial for members of the Maxwell family who died during the Second World War.

- 1.2. The land was gifted to be used as a recreation or sports facility. A condition of the transfer was that Council: *“not without the consent of the transferor or his personal representatives use the said piece of land for any other purpose and would not without such consent, sell, lease or otherwise part with the possession of such land”*.
- 1.3. The transferor and his personal representatives are now deceased and the power to consent to dealing with the land did not pass to any descendants of the transferor. In dealing with the land it is therefore now a matter for Council.
- 1.4. Council is however, under the requirements of the Local Government Act required to deal with the land as public land.
- 1.5. Council, at its Meeting of 10 September 2018 resolved to lease the land to the Department of Education, subject to conditions, and to give notice of intention under Section 178 of the Act.
- 1.6. Section 178 of the Act sets out process requirements for Council where it intends to lease public land. In summary, the Act requires Council give notice of intent, invite objections, consider submissions received and determine whether to proceed or not. Any decision to lease public land is appealable to the Resource Management and Planning Appeals Tribunal.

2. REPORT IN DETAIL

- 2.1. The Department of Education, in conjunction with the Cambridge Primary School, has undertaken a master-planning exercise to identify the future needs of the school.
- 2.2. The school has a growing enrolment and is expected to reach 500 students by 2030 from a current enrolment of 355 students.
- 2.3. To facilitate implementation of the Masterplan, the Department is seeking to lease a small portion of the Cambridge Memorial Oval from Council. Shown as Attachment 1.

- 2.4.** In accordance with the requirements of the Local Government Act Section 178, Notice of Intention for Council to lease the land, was given by Council at its Meeting of 10 September 2018.
- 2.5.** Subsequently, a public meeting was held to inform the Cambridge community of Council's decision and statutory advertising was undertaken inviting objections or submissions in regard to the intention to lease.
- 2.6.** At the close of submissions, 40 submissions, including seven objections, have been received.
- 2.7.** In summary, the submissions/objections raised the following matters.

OBJECTION	COMMENT
Alienation of public space.	The proposed lease area is approximately 3% of the recreation reserve area.
Traffic/access to Cambridge Road.	Lease of the proposed area will not in itself affect traffic volumes or access to and from the school.
Land donated for community use.	As noted in the Associated Report, power to consent to dealing with the land did not pass to any descendants of the Maxwell family and as such is now a matter for Council.
Relocation of cricket pavilion and parking.	A condition of Council's proposed lease is for these facilities to be replaced at the cost of the State Government. The current facilities are reaching end of life and would require significant upgrading in the short-medium term. The proposed lease provides the opportunity for Council to work with the Education Department to improve parking and traffic movements in the precinct.
Removal of "memorial".	There is no proposal to remove the "memorial" status of the land.
Other school options are available.	This is a matter for the Education Department and the school.
Oval closure will result in loss of recreation space.	The proposed lease does not result in the closure or impact on the use of the existing oval

Problems with proposed school masterplan and design.	This is a matter for the school and Department of Education. Matters raised, in particular the location of the proposed gymnasium will be discussed with the school as part of any subsequent development application lodged by the Department of Education.
School has reached capacity.	This is a matter for the Education Department and the school.

2.8. An additional submission was received from St Aidans Cricket Club expressing Aidans' support for the proposal, subject to the development of new recreation facilities prior to the demolition of existing facilities. This would be a condition of any proposed lease.

2.9. Thirty-one other submissions in support of the proposed lease were received.

2.10. Should Council resolve to grant the lease, objectors would have 14 days to lodge a further objection with the Resource Management and Planning Appeals Tribunal.

3. CONSULTATION

3.1. Community Consultation

A public meeting to discuss the proposed lease of land was held at the Cambridge Hall on 14 November 2018. A statutory consultation process in accordance with Section 178 of the Local Government Act was also undertaken.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

The expansion of the school into the reserve will marginally reduce the size of the overall reserve, noting there will be no change to the size or alignment of the actual playing surface. The proposal includes relocation and development of current oval facilities and re-alignment of car parking and roadways within the oval precinct.

6. RISK AND LEGAL IMPLICATIONS

Advice received is that there is no impediment to Council dealing with the land as set out in this report.

7. FINANCIAL IMPLICATIONS

There are no specific financial implications to Council at this time.

8. ANY OTHER UNIQUE ISSUES

The expansion of the school may require a minor change to the zoning boundaries under the Clarence Interim Planning Scheme. These changes are expected to be minor in nature and readily achievable.

9. CONCLUSION

That Council resolve to approve the proposed lease of the identified parcel of land to the Department of Education subject to the conditions set out in Council's decision of 10 September 2018.

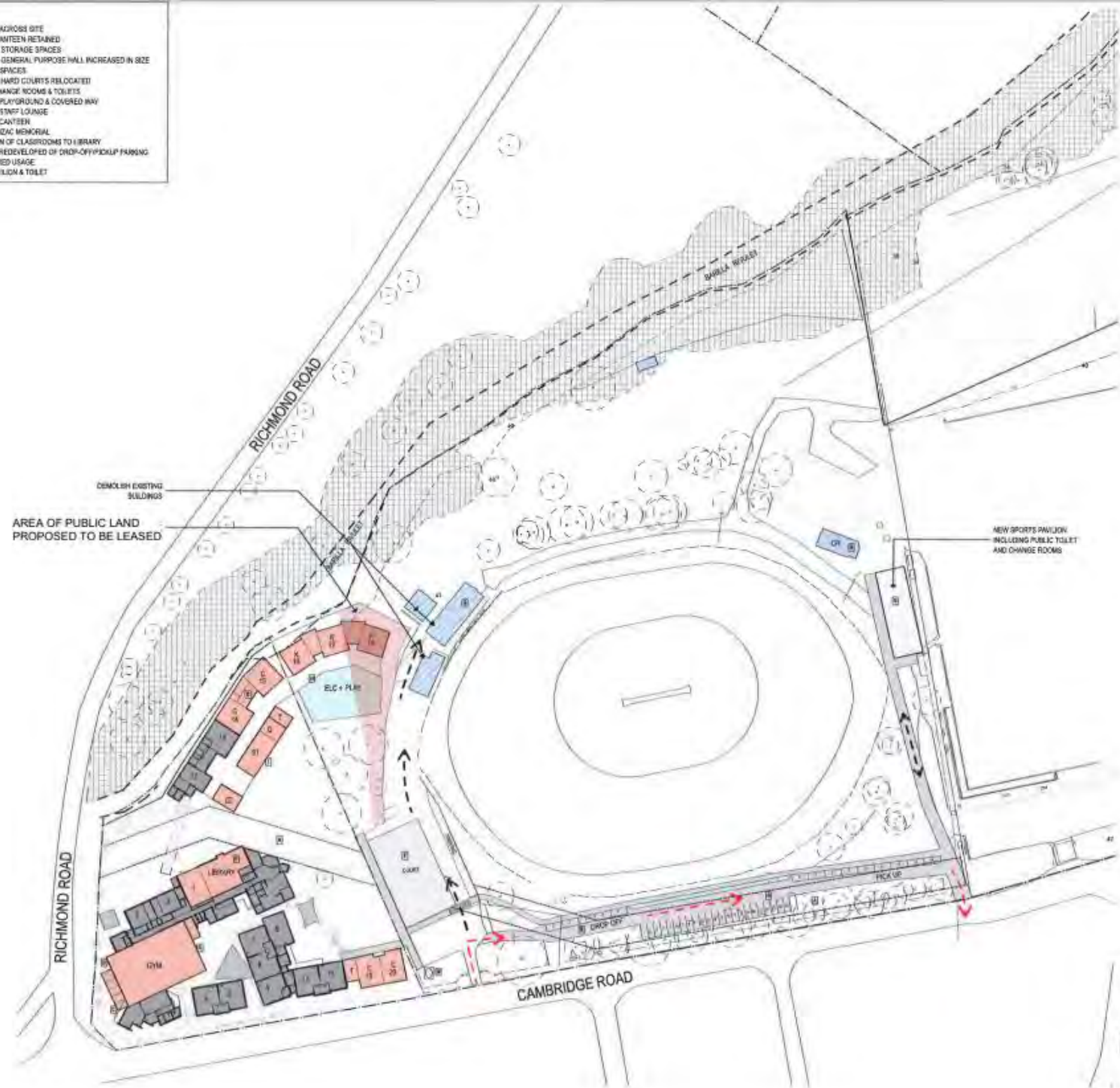
Attachments: 1. Proposed Site Plan (1)
2. Summary of Representations (10)

Ian Nelson
GENERAL MANAGER

ATTACHMENT 1

LEGEND	
	EXISTING BUILDINGS
	NEW SCHOOL BUILDING
	NEW SPORTS BUILDING
	PROPOSED COVERED WAY/DECK
	PROPOSED ROAD / PATH / CARPARKING
	EXISTING CARPARKING
	EXISTING GRAVEL ROAD
	EXISTING CHANGE ROOMS / TOILETS
	EXISTING VEGETATION
	PROPOSED PLAYGROUND
	ADDITIONAL COUNCIL PROPERTY OCCUPIED BEYOND SCHOOL BOUNDARY
	VEHICULAR ACCESS
	SECONDARY ACCESS

KEY	
A.	EXISTING CANTEN RETAINED
B.	PROPOSED STORAGE SPACES
C.	PROPOSED GENERAL PURPOSE HALL INCREASED IN SIZE
D.	ANCILLARY SPACES
E.	PROPOSED HARD COURTS RELOCATED
F.	EXISTING CHANGE ROOMS & TOILETS
G.	PROPOSED STAFF LOUNGE
H.	PROPOSED CANTEN
I.	EXISTING ANZAC MEMORIAL
J.	CONVERSION OF CLASSROOMS TO LIBRARY
K.	PROPOSED REDEVELOPED OF DROP-OFF/PICKUP PAVING AREA - SHARED USAGE
L.	SPORTS PAVILION & TOILET



A - CLIENT ISSUE 28/02/18

Project Name

Cambridge Kindergarten

74 Wilnot Road
Huonville
Hobart 7109

Client
Department of
Education

Project Title
Proposed Site plan -
option 1

Sheet
B 107 A

Scale
1:1000

Date
28/02/2018

Page No.
1418

Scale
1:1000

North

103 6231 3300
103 6234 2302

www.m2a.com.au

25 ACTUAL 30

North Hobart, TAS

PO Box 144

North Hobart, TAS

Unit 3001/10000000

Project & Client Information

M2A

ATTACHMENT 2

CAMBRIDGE PRIMARY SCHOOL MASTER PLAN

Notice of Intention to lease public land (Section 178 of the Local Government Act, 1993)

OBJECTIONS RECEIVED TO THE PROPOSED LEASE AND SUMMARY OF GROUNDS OF OBJECTION

NO	GROUNDS OF OBJECTION
1	<ul style="list-style-type: none"> • Oval and surrounds used by many people for access to walking areas, jogging etc. • Already limited amount of land available • Access to Cambridge Road already difficult from side streets during time of school pick up and drop off and recent addition of parking bays; increasing heavy vehicle use near school accessing shop.
2	<ul style="list-style-type: none"> • Land donated for whole of community use “and not for any other purpose” concerned that lease of the land could create a precedent for further lease or sale in the vicinity • Express wishes of family who donated the land should not be disregarded • School plan requires relocation of parking and cricket club facilities so although lease area relatively small, Council should consider its impact on land availability on the site. • Very little land available in the Cambridge Village area and the proposed lease area currently allows for natural recreation by the community -frequently used for walking dogs, recreation and exercise and area would be enhanced by walking trails and plans proposed in Council’s Cambridge Master Plan. No other land available in Cambridge once this is lost • School plan does not seem to give adequate consideration to parking with little, if extra parking planned for the increase in student numbers. As the proposed new parking areas are already used during school drop off and pick up this will cause additional traffic and parking pressure on side streets and around the oval • Proposed changes to the entry and exit from the oval while assisting in traffic management at the current entrance, the changes appear to only focus on the school’s requirements rather than the broader community access. Problems caused for access by motor homes and caravans to the waste/black water dump point required to navigate through the school traffic
3	<ul style="list-style-type: none"> • Land donated by a family in memory of their sons who died in World War II. The land was donated for public use and recreational space. Council should continue to honour the donation of the land • A very emotive issue in the community for those who know the family and it seems disrespectful to remove a memorial for fallen soldiers. School has already taken some of that land to lease for its own use • School is part of the whole community and all needs should be taken into account • Area needs to retain its green space. As more people are moving to area this need is increasing • Department of Education has a number of other options to deal with increased numbers of children

	<ul style="list-style-type: none"> • School currently uses the oval for recess and lunch recreation time to provide enough space for children to play in; National standards set out how much outside space should be available for school children to use The school only currently meets those when the oval is taken into account There are a large number of days when the oval is closed for use by the school. If all available space in the current school. area is built on the children will have virtually no play area when the oval is closed • Out of area children enrolled for next year so is the extra space required? • Location is already a traffic and safety issue for children • A larger school and more children will make the situation worse.
4	<ul style="list-style-type: none"> • As an architect, was involved in the previous redevelopment of the school • Considers the plan has 4 major design flaws - Refer attached sketch (Existing Master (Concept) Plan: <ul style="list-style-type: none"> ○ Additions to GP hall to provide a gym – this encroachment on the existing courtyard with a possible 6m high wall will ruin the space and create a difficult area for teachers to supervise students. It is an expensive option and will be very disruptive to the school during construction ○ Objection to allowing School to construct 3 classrooms on the oval land – positioned over 3 drainage easements - questions whether a thorough site survey and analysis was done prior to the preparation of the master plan ○ New buildings (unknown function) positioned on the playground will occupy valuable grassed playground space and create a corridor effect and again difficult for teachers to supervise students ○ Relocation of the car park to provide for netball court - existing car par park is an ideal central and convenient location for parents and visitors and respects the war memorial area, the netball court can be relocated on the oval land even over the drainage easements if necessary. Location of the new car park is remote, inconvenient, may require the removal of some trees • Has offered alternative to cover his objection and perhaps a preferred option for the school as follows <ul style="list-style-type: none"> ○ GP hall to become Library/Computer studies – minimum alteration required; courtyard left as a useable space, existing library converted back to a classroom and two adjacent classrooms to remain, this eliminates having to build the new 3 classroom block (over the drainage easements and on oval land) ○ The buildings planned over the grassed playground alternatively positioned west of the kindergarten between the Richmond Road boundary and the 10m wide easement. ○ Construction of a new gym on the oval land (positioned to avoid drainage easements) ○ This satisfies the spirit of the Maxwell family land gift as the gym can be used by both the school and the Cambridge community. It also avoids relocating the netball court and the car park as the netball court will be within the gym.

5**	<ul style="list-style-type: none"> • Does not understand proceeding with this option as there are others • School has made no effort to explain why this proposal is superior to other options (eg greenfield site, using land over the creek) • This option (taking over the community land) seems to offer the school and the community the worst possible outcome – further consolidation of grounds (once the new buildings are added), more reliance on the Council oval, less parking, no real resolution of traffic issues • Seems that the school is selling out both the local community and their future students • Maxwell family would be horrified with this proposal • School making its students write letters of support was disgraceful
6**	<ul style="list-style-type: none"> • Parent of student(s) at the school and resident of Clarence • Does not agree with the proposal to gift memorial land to the DoE for construction • Does not agree with the proposed encroachment of Cambridge Primary School onto any land that is part of a memorial donation • DoE offered other alternatives • Is aware that the school and DoE have the opportunity to purchase land over the creek • Over the creek expansion would mean <ul style="list-style-type: none"> ○ Opportunity to expand into the future ○ no building site on campus and the associated health and safety issues that children would be exposed to by having a building site at the school ○ No loss of playground area ○ incorporation of greater playground spaces for children ○ No disruption to classes during construction • Believes that the choice of the current proposal is to make life easier for the DoE rather than the long term future of the school and for the people of Cambridge • Would support Council making improvements to the memorial land • It is not appropriate to gift it to government departments it should be preserved for future generations

7

Submission that was previously not considered

- School has around 340/ 380 students this year; School has reached saturation in the context of the building envelope being more than open space for its students to conduct proper physical sports and self physical activities
- Students do their 20 min PE first thing , in-between the school buildings
- School has one reasonable play area and that is simply what I can best describe as a battery hens environment at lunch and recess. Play area is so deficient that the tennis court is used for kinda and not what its meant for
- In most Public Schools all requirements and needs are on site
- The school has no owed on site car parking and I'm amazed how the past building improvements even pasted the planning scheme
- The school will have 3 Kinda classes, each having 21 infants; The principal admits that it is due to the sub divisions across from the school
- The current arrangement as far as my checks last year left council open to litigation because of the high volume of traffic and walking traffic entering the school
- There has been infant student escapes from the school grounds into the car park
- My checks showed no lease or arrangement with the Education Dept was in place
- Considering the huge increase in residential development and the omission by the principal of that increase, HOW can council even entertain reducing the public recreational open space
- I believe parking is to be taken away from the oval at the creek end/ cricket nets which takes away direct parking from the oval if its utilised on a week day
- I also understand there is an attached, undeveloped area that backs onto I think the TFS Engineering complex. This area should not be used as a substitute for the loss of the proposed lease as this will be needed into the future
- Proposal interferes with the bequested memorial area and is hugely disrespectful and distasteful
- My understanding is that there is a monetary carrot in the form of new change rooms etc
- This should not be over stated for a short term gain which will turn into a long term future negative issue
- Its a great School but to give the current and future students a quality all round education it should be kept at the status quo or re locate as did Lindisfarne North
- The Principal has said if this doesn't go ahead the school will be building up, leading to a 2 year in part relocation. This brings with it set back compliance with the planning scheme
- I strongly object to the reduction in any form of public recreational open space

SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND

NO	BASIS OF SUPPORT
8	<p>Parent of students at the school</p> <ul style="list-style-type: none"> • concerned at large class numbers which is due to the lack of space in the school • The development would allow the construction of more classrooms and will be less crowded and provide for more opportunities • Schools is part of the community • Decision should be based on what is best for the future which is with the children
9	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • Schools is 95% capacity and increasing • Classes already crowded – increase in growth will result in overcrowding and decrease in well-being of students • Need more space to practice fire drills and emergency exits. If school becomes overcrowded students may have change schools and their parents will have to drive further to take them to school – will increase student stress and anxiety • Need space for exercise and release of energy • Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities
10	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • Will have to use the multi-purpose room and library as class rooms • Will not have a venue to do PE in wet weather • May need to change schools and then may be bullied at another school • Overcrowding could result in injury to students
11	<p>Cambridge Primary School student</p> <ul style="list-style-type: none"> • Currently at 95% capacity • Need more space to create a healthy, happy learning environment • Overcrowding will result in an unhappy, unhealthy environment and stress for teachers. • Children's learning will suffer with too many children per teacher • Less room in playground • A bigger playground would increase self-awareness, self-esteem and self-respect of children. Families will benefit from healthier, happier children
12	<ul style="list-style-type: none"> • Increasing student numbers and overcrowding of classroom space and playground • Will have to use multi-purpose room and library for classrooms

13	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • Will need to use fun learning facilities for classrooms. These activities increase self-awareness, self-esteem and selfrespect • Will reduce play area and equipment use • Classrooms will become overcrowded
14	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • Currently at 95% capacity and this is increasing • Stress for teachers with overcrowding. If the school needs to build up rather than out this may exclude students with disabilities. It will make emergency exit more difficult • Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities
15	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • If numbers continue to increase local children will need to be turned away and 370 students will have to find another school – they will lose their friends • Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities • More classroom money will need to be spent and then no money for excursions
16	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • Overcrowding of classrooms resulting in bad behaviour and stress for teachers • May need to change schools if becomes too crowded
17	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • Overcrowding of classrooms • Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities • More space will mean happier students
18	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • At 95% capacity and increasing • Classrooms will become overcrowded • Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities, nowhere to hold PE in wet weather • Students will have to move school if too overcrowded and will have to leave their friends • Acknowledge that the land is memorial land but the school needs the space

19	<p>Cambridge Primary School students</p> <ul style="list-style-type: none"> • At 95% capacity and increasing • School will need to build upwards if it cannot expand on the Council land and the school will have to shut while the building is undertaken • Only a small piece of land is needed and Council does not use the land • Will need to use existing playground space for classrooms as well as library and multi purpose rooms and will lose the facilities • Overcrowded classrooms lead to behaviour problems and stress for teachers as well as reduced learning opportunities
20	<ul style="list-style-type: none"> • Cambridge Primary School students • At 95% capacity and increasing. • Classrooms will become overcrowded and learning will be reduced as teachers will not be able to give children the attention they need It will also result in discipline issues • Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities - nowhere for PE in wet weather
21	<ul style="list-style-type: none"> • Respects and acknowledges the historical significance of the area however, only a small piece of land is required and the memorials, monuments and oval remain intact. • Acknowledges the concerns regarding loss of public space but considers that it is not widely use • The public has always been able to use the school basketball court, play equipment and grassed areas • Feels that the land to be used by the school is offset by the new public park in Blossom Court recently developed by Council. • The school has focussed on the current open areas near the school and cared for the nearby creek and surrounds. The school's expansion into this area would enhance the space and provide educational opportunities for the natural environment • The school expansion may solve current anti-social behaviour behind the current changing rooms. • The resulting upgrade of the toilet facility would provide a major improvement to the current facilities • Cambridge and the school expanded rapidly without adequate planning Use of the land would solve many of the associated problems
23	<ul style="list-style-type: none"> • The school is the heart of the Cambridge community culturally and materially. • Proposal is spatially efficient and respects all stakeholder users of the greater Cambridge oval vicinity

24	<p>Grew up in Cambridge and has now moved back and has 2 children at the school</p> <ul style="list-style-type: none"> • School has a great reputation for size, caring and inclusive empathetic nature • Concern at the subdivisions in Cambridge which have impacted on the school • Additional land will enhance the value to the school and the entire Coal Valley area; and Clarence's reputation for sensitivity and a high quality of strategic well planned development • Consequence of not providing the land is a threat to the living standards in the area for children, families and businesses
25	<p>Have two grandchildren at the school</p> <ul style="list-style-type: none"> • Feel that the forebears of the memorial would not object to the proposal in such a growing area
26	<ul style="list-style-type: none"> • School is reaching capacity and given the large amount of public space in the immediate area (the memorial oval) the small amount of land required would be put to highly important use for future generations
27**	<ul style="list-style-type: none"> • See it as the most financially, environmentally and educationally efficient and common sense way for the school to expand while ensuring on-going effective teaching and learning • Plan will not impact on an the war memorial and will make a positive impact on the car park oval change rooms for school and club members, it will improve access to and preservation of green spaces and the creek for students and local residents
28**	<p>Has had children at the school since 2009</p> <ul style="list-style-type: none"> • Sees the success of the Cambridge housing development as due to the school's reputation • The Council plays a large role in the housing developments and is aware of the significant growth and lacking infrastructure to support such growth
29**	<p>Grew up in Cambridge</p> <ul style="list-style-type: none"> • See it as the most financially, environmentally and educationally efficient and common sense way to expand while ensuring on-going effective teaching and learning • Understand community concern with impact on the war memorial however, considers that the community can work together to create a more respectful and peaceful place to remember • Will make a positive impact on the car park, oval, change rooms for school and club members • Will improve access to and preservation of green spaces and the creek for students and local residents • School strives to provide an environmentally respectful learning space that can be used to educate the future citizens of Tasmania
30**	<p>Daughter attends school.</p> <ul style="list-style-type: none"> • Fully supports the intention to lease the area of land for proposed new school buildings and playground

31**	<ul style="list-style-type: none"> • Most financially, environmentally and educationally efficient, and common sense way for the school to expand while ensuring on-going effective teaching and learning • Will not impact on the war memorial and will make a positive impact on the car park, the oval, the change rooms for school and club members • Will improve access to and preservation of green spaces and the creek for students and local residents
32**	<p>Local residents and will have 2 children at school</p> <ul style="list-style-type: none"> • Most financially, environmentally and educationally efficient and common sense way for the school to expand while ensuring on-going effective teaching and learning • Will not impact on the war memorial and will make a positive impact on the car park, oval, change rooms for school and club members • Will improve access to and preservation of green spaces and the creek for students and local residents
33**	<ul style="list-style-type: none"> • With new development across the road to the school, majority of homes are being built by young families - school is already seeing increased numbers in its Launching into Learning program and an extra third kindergarten class added • Have children in grades 1 and already have large classes • Any additional classroom will mean that the library and multi-purpose rooms will be converted to classrooms • Most financially, environmentally and educationally efficient and common sense way for the school to expand and ensure on-going effective teaching and learning • Amount of land sought to be leased is very small and part of that land has the public toilets on them which the Department has offered funding for replacement as well as the clubrooms • Will improve access to and preservation of green spaces and the creek for students and local residents
34**	<ul style="list-style-type: none"> • Will not impact on the war memorial • Is a necessary upgrade to the school and more houses are being built meaning more students for the school which the school will not be able to accommodate • Will improve access to and preservation of green spaces and the creek for students and local residents
35**	<ul style="list-style-type: none"> • Believes the request is reasonable to expand the school to accommodate the growing number of children that are now in the Cambridge district • Son to be in kindergarten and worries that the school is at full capacity • The lease of land will facilitate the best learning environment for all of the students
36**	<ul style="list-style-type: none"> • Most cost effective, least disruptive and environmentally friendly approach to developing the school • New subdivisions have brought more families to the area and more facilities are needed to accommodate increase in school numbers

	<ul style="list-style-type: none"> Proposed lease area is predominantly car park and will not impact on the environment in a negative way Upgrade to the toilet block and change rooms will benefit the wider community
37**	<ul style="list-style-type: none"> Contrary to comments from some attending the public meeting the land is not going to be “stolen” Parcel of land to be used by the school is for the community
38**	<ul style="list-style-type: none"> Most financially, environmentally and educationally efficient and common sense way for the school to expand while ensuring on-going effective teaching and learning Plan will not impact on the war memorial and will have a positive impact on the car park, oval and change rooms for both the school and club members Will improve access to and preservation of green spaces and the creek for students and local resident
39**	<ul style="list-style-type: none"> Has 2 children attending the school Having public toilets in close proximity is major cause for concern There have been several complaints of speeding vehicles leaving worksites and suspicious activity associated with the toilets
40**	<p>Submission on behalf of St Aidan’s Cricket Club Committee</p> <ul style="list-style-type: none"> Club has a good relationship with Cambridge Primary School Would be supportive of the lease of the land on which their clubrooms are situated on the following conditions New purpose built change rooms, kiosk and clubrooms are constructed before any of the current buildings are demolished If this does not occur, the club (which originated over 60 years ago with the emphasis of providing disadvantaged and troublesome youth with a club to be a part of) would be forced to fold without a home base for practice and no form of revenue. Also need to ensure that the nets remain as they are a training facility for senior and junior programs and used by the local community. Without the nets the club cannot train leading to a loss of income for the club Cambridge is a fast growing area and the club is running a variety of junior cricket programs to develop and nurture local talent. The Club plans to expand to programs to incorporate women’s and girls’ cricket. This will require purchase of new equipment To fully facilitate these programs the new club rooms and facilities will need to be adequately constructed to meet the club’s needs Existing facilities are outdated and too small for expanding use. Club is happy to assist during the planning stage

** Submissions received after the close of the advertising period

11.7.3 REQUEST FOR ASSISTANCE – EASTSIDE SQUASH CENTRE, 69 CAMBRIDGE ROAD, BELLERIVE
(File No C004-69)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a request from the Tasmanian Squash Academy, including via a petition, to “*consider purchasing the Eastside Squash Centre and negotiating a long-term operational lease with the Tasmanian Squash Academy or provide substantial financial support to the Tasmanian Squash Academy to enable it to purchase the Eastside Squash Centre*”.

RELATION TO EXISTING POLICY/PLANS

The Sport and Active Recreation Strategy Guiding Principles 2014, the Recreation Needs Analysis 2019 and Strategic Plan 2016-2026 are relevant.

LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* is relevant. Section 175 provides a Council may purchase land for any purpose which it considers to be of benefit to the Council or the community.

CONSULTATION

Consultation has occurred between Council and the Tasmanian Squash Academy. No public consultation has occurred.

FINANCIAL IMPLICATIONS

Should Council otherwise resolve to purchase the property at 69 Cambridge Road, Bellerive or provide substantial financial support via another means, the decision will necessarily be subject to financial considerations in regard to the appropriate funding sources to support the resolution. This will require a further report to Council for consideration.

RECOMMENDATION:

That Council:

- A. Resolves not to purchase the property at 69 Cambridge Road, Bellerive on the basis that the land is not a strategically important land acquisition for council and that there is no clear broad-based community benefit arising from the purchase.
- B. Resolves not to provide other substantial financial support to the Tasmanian Squash Academy because such support is not for a significant community benefit and is unable to be adequately secured.
- C. Authorises the General Manager to write to the Tasmanian Squash Academy and advise of Council’s decision.

REQUEST FOR ASSISTANCE – EASTSIDE SQUASH CENTRE, 69 CAMBRIDGE ROAD, BELLERIVE /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Tasmanian Squash Academy (“TSA”) approached Council, including via a petition, to “*consider purchasing the Eastside Squash Centre and negotiating a long-term operational lease with the Tasmanian Squash Academy or provide substantial financial support to the Tasmanian Squash Academy to enable it to purchase the Eastside Squash Centre*”.
- 1.2.** The TSA provided a business case in support of its request. The business case set out the TSA’s commercial position with respect to its operations, assets and liabilities.
- 1.3.** The TSA’s petition and business case to Council seeks consideration of the following options:
- for Council to purchase the property and grant the TSA a long-term operational lease; or
 - provide the TSA with a loan to purchase the property.
- 1.4.** By way of relevant background, Council has:
- at its Meeting on 5 May 2014, adopted the Sport and Active Recreation Guiding Principles (Guiding Principles); and
 - at its Meeting on 18 March 2019, adopted the Recreation Needs Analysis 2019.
- 1.5.** The Guiding Principles relevantly provide that:
- Council responds to the needs of our community;
 - our community’s health and well-being are important;

- Council will provide for the future needs for public open space and recreation facilities; and
- Council will provide equitable access and pricing policies for services in the context of the community's capacity to pay.

1.6. The Recreation Needs Analysis 2019 did not identify squash as a sport within the scope of the report and therefore no assessment of its needs was undertaken.

2. REPORT IN DETAIL

2.1. The Eastside Squash Centre is located at 69 Cambridge Road, Bellerive. It is a two-storey building comprising eight squash courts and associated amenities on a 2244 square metre lot.

2.2. The TSA has requested and petitioned Council seeking a significant loan to enable TSA to purchase the property or, alternatively, that Council purchases the property and grant the TSA a long-term operational lease.

2.3. In considering the request for assistance, Council officers have:

- sought and received a market valuation of the property;
- sought and received a building condition report; and
- assessed the business case provided by TSA.

2.4. Broadly, the market valuation and building condition reports are considered satisfactory. There are, however, several concerns with the business case that lead to the conclusion that a loan or other commercial arrangement regarding the property would most likely result in commercial difficulties for TSA unless Council subsidised the arrangement. Such an approach would be inconsistent with Council's support of other sporting clubs.

2.5. More fundamentally, the request by TSA is considered inconsistent with Council's policies related to sport and recreation and, more broadly, the Strategic Plan.

- 2.6.** First and foremost, Council purchases real property to meet its assessed strategic requirements for the community. Land acquisitions are guided by clear, demonstrable assessment of community need and are not made in a speculative manner or primarily for a commercial reason. Council has not previously identified the property at 69 Cambridge Road as strategically important from a sporting or any other perspective. For this reason, it is submitted that the land at 69 Cambridge Road, Bellerive does not amount to a strategic land acquisition. It is also relevant to note that the property is designed exclusively for squash and would be difficult to “repurpose” for an alternative community benefit should squash cease to be played at this location.
- 2.7.** Within the strategic context of sport and recreation, Council’s Recreation Needs Analysis 2019 (RNA) does not identify squash as a key sporting activity within the municipality. This assessment is reflected in the Squash Australia Report June 2019 which indicated that national participation in squash has declined from 321,000 participants in 1997-98 to 188,000 participants in 2018-19. Exclusive use squash centres are declining across Australia with future trends being toward shared facilities with other sports (eg multi-use sports centres). For that reason, Squash Australia’s strategic direction is to focus on multi-sport courts and halls and to seek involvement with multi-use sport facilities as opposed to exclusive use facilities. This approach is consistent with the broad approach adopted by Council in the RNA.
- 2.8.** If Council does not support the TSA request, there are other opportunities within Clarence for squash to be incorporated into existing multi-use sports centres. The Warrane Sports Centre and the Clarence Sports Centre, Montagu Bay (NFSRA) both have squash courts that are not currently used. The condition of these courts would need investigating and the possibility of squash (as a sport) sharing facilities with other users at each venue be considered before any other action is taken.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Discussions have occurred with representatives of the Tasmanian Squash Academy.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. The Guiding Principles establish the basis for consideration of the request. Relevantly:

- *Council responds to the needs of our community* - Council's Sport & Recreation Strategy questionnaire revealed very little support for squash. There is also a demonstrable decline in squash participation in Australia from 321,000 participants in 1997-98 to 188,000 participants in 2018-19 (Source Squash Australia Report June 2019).
- *Council will provide for the future needs for public open space and recreation facilities* - Future trends for squash facilities in Australia are for shared facilities with other sports, ie multi-purpose sports centres. Exclusive use squash centres are declining across Australia.
- *Council will provide equitable access and pricing policies for services in the context of the community's capacity to pay* - Council must consider support for squash in line with other sports and as a Community Service Obligation (CSO). The level of investment required and likely ongoing support for squash are not matched by the level of participation; resulting in an inequitable distribution of council assets that should not be readily supported.

- 4.2.** The RNA does not identify squash as a popular sport within the municipality. Consistent with the Guiding Principles, the RNA identifies accessibility to sporting facilities to be on a non-exclusive, multi-user basis. Consequently, it would be inconsistent with the Guiding Principles and the RNA for Council to support, from a strategic perspective, the purchase of a dedicated squash facility.
- 4.3.** Within the context of existing facilities within Clarence, the Warrane Sports Centre and NFSRA have squash courts within each venue. Those courts are not currently used as squash courts. The feasibility of “resurrecting” those courts could be assessed. Such assessment is consistent with the Guiding Principles and RNA in terms of shared, multi-user facilities.

5. EXTERNAL IMPACTS

If Council supports the recommendations, the TSA may need to investigate other options for squash facilities in the municipality. As mentioned above, there are two other facilities within Clarence that currently have squash courts that are not being used as such. Investigation of the viability of these facilities could be undertaken in consultation with the existing users of those facilities.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Should Council otherwise resolve to purchase the property at 69 Cambridge Road, Bellerive or provide substantial financial support via another means, the decision will be subject to financial considerations in regard to the appropriate funding sources to support the resolution. This will require a further report to Council for consideration.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The Tasmanian Squash Academy (“the TSA”) has approached Council with a business case and petition seeking Council support for the purchase of the Eastside Squash Centre at 69 Cambridge Road, Bellerive. The request is inconsistent with council’s strategic objectives, Guiding Principles for sport and active recreation and the RNA. Consequently, it is recommended that Council refuse the request.

Attachments: Nil.

Ian Nelson
GENERAL MANAGER

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 CONTRACTUAL MATTER

13.3 QUOTATION Q1268-19 – CARELLA STREET CUL-DE-SAC RECONSTRUCTION

This report has 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; 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”.