

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL (PLANNING AUTHORITY) HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON WEDNESDAY 22 JANUARY 2020

HOOR CALLED: 7.00pm

PRESENT: The meeting commenced at 7.08 pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

B A Blomeley
H Chong
L Edmunds
D Ewington
R H James
W Kennedy
T Mulder
J Peers
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 3

IN ATTENDANCE

General Manager
(Mr I Nelson)

Manager Health and Community Development
(Mr J Toohey)

Chief Financial Officer
(Ms M Coleman)

Group Manager Engineering Services
(Mr R Graham)

Manager City Planning
(Mr R Lovell)

Senior Planner
(Mr B Gibbs)

Executive Officer to General Manager
(Ms J Ellis)

The Meeting closed at 8.59 pm.

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

CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING**WEDNESDAY 22 JANUARY 2020****TABLE OF CONTENTS**

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

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

1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

(File No 10-03-09)

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.

INTEREST DECLARED

Nil.

3. REPORTS OF OFFICERS**PART A DEPUTATIONS**

- Mr David Morris-Nunn (proponent) addressed the Meeting and responded to questions from Aldermen.
- Mr John Counsell (representor) on behalf of the Rosny Montagu Bay Landcare and Coastcare Group Inc addressed the Meeting and responded to questions from Aldermen
- Ms Jennifer Rayner (representor) addressed the Meeting
- Ms Josephine Castillo (representor) addressed the Meeting
- Ms Beth Rees (representor) on behalf of the Rosny Hill Friends Network addressed the Meeting

PART B – FORMAL PROCEEDINGS

3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2019/002428 - 12A AKUNA STREET AND AKUNA STREET ROAD RESERVE, ROSNY - PUBLIC RECREATION FACILITIES, VISITOR ACCOMMODATION AND FOOD SERVICES

(File No PDPLANPMTD-2019/002428)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for Public Recreation Facilities, Visitor Accommodation and Food Services at 12A Akuna Street and Akuna Street Road Reserve, Rosny.

RELATION TO PLANNING PROVISIONS

The land is zoned Recreation and subject to the Road and Railways Assets, Natural Assets, Parking and Access, Stormwater Management, and Public Arts 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 has been extended with the written agreement of the applicant to expire on 22 January 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 541 representations were received raising the following issues:

- inappropriate and inconsistent with Nature Conservation Act 2002 and National Parks and Reserves Management Act 2002 and lease to Council (privatisation of a public asset);
- scenic detriment/visual prominence/natural and cultural values;
- loss of native vegetation and fauna;
- threatened vegetation;
- diminish recreational enjoyment;
- traffic generation;
- lack of parking;
- noise;
- stormwater;

- lack of “social or ethical licence” and incompatibility with contemporary social values;
- deterioration of the Reserve;
- precedent;
- contrary to other codes;
- traffic impact assessment is inadequate;
- alternative small-scale development;
- no development;
- property devaluation;
- ugly design;
- firefighting water tanks;
- dedicated bicycle lanes;
- lack of bicycle parking;
- risk appraisal;
- ownership;
- supply of infrastructure;
- privacy;
- Performance Criteria;
- concern about long term management;
- lighting;
- increased fire risk;
- Metro services; and
- support.

The proposal was considered by the Disability Access Advisory Committee (DAAC), the Tracks and Trails Committee (TTC) and Natural Resource and Grants Committee (NRGC) who raised the following issues:

- matters in relation to the Rosny Hill Bushland Reserve Management and Committee structure (NRGC);
- advice for the architects to use the DAAC toolkit and where appropriate to liaise with the Committee (DAAC); and
- support for additional or improved tracks and suggested technical requirements (TTC)

RECOMMENDATION:

A. That the Development Application for Public Recreation Facilities, Visitor Accommodation and Food Services at 12A Akuna Street and Akuna Street Road Reserve, Rosny (CI Ref PDPLANPMTD-2019/002428) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM3 – EXTERNAL COLOURS [*add additional sentence* “Walls of buildings facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.”]

3. GEN S1 – SIGN CONSENT.

4. Prior to the issue of a building permit, a plan for the management of construction of the site must be submitted and approved by Council's Manager City Planning. The plan must outline the proposed construction practices for the site in relation to:
- proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
 - control of dust and emissions during working hours;
 - construction parking;
 - proposed screening of the site and vehicular access points during work;
 - procedures for washing down vehicles, to prevent soil and debris being carried along Rosny Lookout Road and Akuna Street;
 - traffic/pedestrian management;
 - to prevent inadvertent direct damage during works, orchid locations beyond the direct impact footprint must be clearly marked on construction diagrams and cordoned off as exclusion zones for workers, plant machinery and materials. Programming works during the dormancy period for the species February to May (inclusive) must be achieved where possible to reduce the likelihood of incidental damage to plants, but protection of the locations within exclusion zones would still be necessary to protect soil structure and habitat quality. Construction fencing must be erected to protect other vegetated areas;
 - during construction the potential for the spread of weeds and introduction of *Phytophthora cinnamomi* must be minimised by employing wash down and/or inspection of vehicles, machinery and boots before leaving/entering the site to ensure no viable plant materials or large clods of soil are transported. This must be undertaken in accordance with the Tasmanian Weed and Disease Planning and Hygiene Guidelines (DPIPWE 2015);
 - any material brought onto site is certified clean fill, thereby reducing the potential for weed or pathogen invasion; and
 - avoid stockpiling/storage of materials and machinery in areas of native vegetation.
5. Mechanical plant and miscellaneous equipment such as heat pump, air conditioning units, switchboards, hot water units or similar must be screened from view from the street and other public spaces. Plans showing the method of screening must be submitted for approval by Council's Manager City Planning prior to the issue of a building permit.

6. Bushfire hazard management must be undertaken in accordance with the recommendations of the Bushfire Hazard Assessment Report (BHAR) prepared by Gifford Bushfire Risk Assessment and dated 24 June 2019. Clearance of native vegetation must only be undertaken in accordance with the BHAR and must not be undertaken outside of the identified fire management area. Any alternative bushfire management arrangements which require the removal of additional native vegetation which is not exempt under the planning scheme will require additional planning approval.
7. The café/kiosk and restaurants must cease trading no later than 11pm each day except to provide room service to the Visitor accommodation guests.
8. Commercial vehicle movements (excluding passenger vehicles, but including delivery and associated loading and garbage removal), to or from the site must be within the hours of:
 - a. 7.00am to 9.00pm Mondays to Fridays inclusive;
 - b. 8.00am to 7.00pm Saturdays; and
 - c. 10.00am to 6.00pm Sundays and Public Holidays.
9. Prior to the issue of a building permit a parking plan showing the following must be submitted to and approved by Council's Group Manager Engineering Services:
 - a minimum of 141 car parking spaces generally in accordance with the endorsed plans; and
 - the layout of car parking spaces, access aisles, circulation roadways and ramps designed to comply with Section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking must have sufficient headroom to comply with Clause 5.3 "Headroom" of the same Standard.

The approved parking plan must be implemented prior to the commencement of the use and all the approved car parking spaces must be clearly marked and remain available for the sole use of visitors, patrons and staff.
10. ENG A5 – SEALED CAR PARKING.

11. ENG M1 – DESIGNS DA [add fourth dot point “lighting of parking, pedestrian paths and vehicle circulation roadways (where required) in accordance with Clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.”] [add fifth dot point “The pedestrian crossing at Rosny lookout carpark must be on a raised platform to enhance the low speed environment and pedestrian safety. New information/advisory signage and road markings around the carpark must be provided to help drivers make informed decisions. Appropriate lighting around the carpark must be provided to support carpark users”] [*add after last sentence* “The detailed engineering drawings, submitted for Council approval, must also include full construction detail of all works proposed on the Rosny Lookout Road (localised road widening and safety barrier) and the intersection of Akuna Street and Rosny Lookout Road (improved intersection definition) in accordance with the recommendations of the Rosny Hill Hotel Traffic Impact Assessment prepared by Midson Traffic Pty Ltd and dated August 2019. The works must be completed prior to the commencement of the use.”]
12. ENG M5 – EROSION CONTROL.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. 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.
15. Prior to the issue of a building permit, engineering plans must be submitted and approved by Council’s Group Manager Engineering Services which confirm the number of on-site bicycle parking spaces provided is no less than the number specified in Table E6.2. of the Scheme. The design of bicycle parking facilities must comply with all the following:
 - a. be provided in accordance with the requirements of Table E6.2;
 - b. be located within 30m of the main entrance to the building.

The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with Section 2 “Design of Parking Facilities” and Clauses 3.1 “Security” and 3.3 “Ease of Use” of the same Standard. The approved plan must be implemented prior to the commencement of the use and all the approved car parking spaces must be clearly marked and remain available for the sole use of visitors, patrons and staff at all times.

16. Prior to the issue of a building permit, engineering plans must be submitted and approved by Council’s Group Manager Engineering Services which confirms the design of motorcycle parking areas are located, designed and constructed to comply with Section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and are within 30m of the main entrance to the building. The approved plan must be implemented prior to the commencement of the use and all the approved car parking spaces must be clearly marked and remain available for the sole use of visitors, patrons and staff at all times.
17. Prior to the issue of a building permit, engineering plans must be submitted and approved by Council’s Group Manager Engineering Services which confirm the Commercial vehicle facilities for loading, unloading or manoeuvring are provided on-site in accordance with Australian Standard for Off-street Parking, Part 2: Commercial Vehicle Facilities AS 2890.2:2002. The approved plan must be implemented prior to the commencement of the use and remain available for use at all times.
18. A contribution to public art at a ratio of 1% of the cost of the development, up to a maximum of \$20,000 must be made prior to the commencement of the use. The contribution must be made as a cash payment to the Clarence City Council Public Arts Fund to be allocated to public art on public land within the Rosny Hill reserve.
19. Buildings and structures must be designed and managed to minimise risk of bird strike by the installation of low reflectance glass on external surfaces. Glazing details must be submitted and approved by Council’s Manager City Planning prior to the issue of a Building Permit.
20.
 - (i) The developer/operator must prepare a series of supporting plans to form part of the Rosny Hill Reserve Activity Plan (RHRAP) to be prepared independently by Council as the Management Authority for the Rosny Hill Reserve.
 - (ii) The specific requirements for the supporting plans will be determined by the Council but will include the following:
 - Natural Vegetation Management Plan;
 - Weed/Hygiene Management Plan;

- Interpretation Plan (to include ecology/cultural/education aspects of the reserve);
 - Track upgrade and management plan;
 - Landscape entrance plans (for tracks);
 - Cultural Heritage Plan (Aboriginal and Colonial);
 - Arts in the Landscape Plan; and
 - Review of the Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan (BHMP) prepared by Gifford Bushfire Risk Assessments and dated 24 June 2019 to cover conservation values identified in the above Natural Values Management Plan.
- (iii) The supporting plans must be prepared prior to issue of a building permit or subsequent to the determination of specific requirements by Council referred to in (ii) above, whichever is the latter.
- (iv) The developer/operator is responsible for preparing the RHRAP supporting plans, at its own cost, under the direction of and to the satisfaction of the RHRAP committee.
- (v) The developer/operator must undertake works and on-site management on an ongoing annual basis, at its own cost, as required by the works schedule of the RHRAP. Such works must commence prior to the commencement of the use or subsequent to the Council adopting the RHRAP, whichever is the latter.
21. A landscape plan for works over the building and directly adjacent or associated with the development must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit. Plantings must be of species appropriate to the Rosny Hill Reserve and must be compatible with works proposed by the Rosny Hill Reserve Activity Plan when adopted by Council. The plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3.
- The landscape plan must clearly document the following:
- a north point;
 - existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
 - existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
 - existing trees identified as to be retained or removed;
 - indirect impacts on the population of *Dianella amoena* (grassland flaxlilly) that sits underneath the proposed cantilevered building must be given consideration in respect of changes to runoff and rainfall;
 - areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
 - areas of proposed landscape soft work treatments including garden beds and lawns;

- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- Any landscaping materials used within the potential indirect impact buffer around orchids must be certified as being weed free and should be as low nutrient as possible, to prevent altering the adjacent soil chemistry to the detriment of the orchids.
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died, or which was removed.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released the works must be deemed satisfactory by Council's Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

22. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

23. The development must meet all required Conditions of Approval specified by TasWater notice dated 24 September 2019 (TWDA 2019/01065-CCC).

ADVICE

- a. **ADVICE 16 – THREATENED SPECIES ADVICE.**
- b. The granting of this permit does not ensure compliance with the provisions of the Commonwealth Disability Discrimination Act 1992, and the applicant will therefore be responsible for any complaints arising under that Act in relation to non-compliance with the provisions of that legislation. Applicants are advised to check the current Australian Standards and seek independent technical advice regarding disability matters.

Applicants are encouraged to complete Clarence City Council's Access and Inclusion Assessment Toolkit as a resource to assist the applicant with general design elements that deliver more accessible and inclusive facilities for people with disability and older members of the community.

Request a copy of the Toolkit at: www.ccc.tas.gov.au/toolkitrequest

- c. Works associated with excavations, road construction and other activities, including the use of portable and mobile equipment and machinery, associated with the development must not cause a nuisance and may only occur during the hours specified by the Environmental Management and Pollution Control (Noise) Regulations 2016 unless prior written approval is given by Council's Manager Health and Community Development. Where construction work is proposed outside the hours specified by the Regulations, authority may be given on the following basis:
 - a. The reasons for the construction work are provided to Council's Manager Health and Community Development in writing at least 2 weeks prior to the work.
 - b. The work must not be conducted unless Council's Manager Health and Community Development has provided authority in writing.
 - c. Any residential properties that may be affected by the work are notified by the developer in writing at least 7 days prior to the work. The written notification must include the proposed commencement date and time, reasons for the work and contact details of the person in charge of the work.
- d. The development may require referral to the Australian Government Minister for the Environment if it has, will have or is likely to have a significant impact on any of the matters of national environmental significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). It is a matter for the applicant to determine if referral is required under the EPBC Act.

- B. That Council instruct the General Manager to commence preparation of the Rosny Hill Reserve Activity Plan (RHRAP). The RHRAP will be finalised prior to the commencement of the use of the land for Visitor Accommodation and Food Services and provide the operator of the development with an annual schedule of works and on-site management which must be completed by the operator to the satisfaction of the Managing Authority of the Reserve.

That the General Manager be authorised to form the RHRAP committee (the committee) to prepare the strategy and schedule of works. The committee must include at least one representative nominated by the operator. The committee will make recommendations to the General Manager who will finalise the RHRAP for adoption by Council. The full scope of the RHRAP will be determined at the preliminary planning and consultation stages but may include the following supporting plans:

- Natural Vegetation Management Plan (NVMP);
- Weed/Hygiene Management Plan;
- Interpretation Plan (to include ecology/cultural/education);

- Track upgrade and management plan;
- Landscape entrance plans (for tracks);
- Cultural Heritage Plan (Aboriginal and Colonial);
- Arts in the Landscape Plan;
- Review of the BHMP to cover conservation values identified in the NVMP.

The developer/operator is responsible for preparing the above supporting plans, at its own cost and by condition of the recommended planning permit conditions. The supporting plans must be prepared under the direction of the RHRAP committee. The committee will provide advice to the General Manager, who will provide final approval of the supporting plans.

The RHRAP must be reviewed and adopted by Council every 5 years with a continuing works and on-site management programme to be undertaken by the operator which will be formally required under the terms of the sub-lease of the land.

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

Decision:	MOVED: Ald Blomeley SECONDED: Ald von Bertouch	
	“That the Recommendation be adopted”	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald James
	Ald Chipman	Ald Kennedy
	Ald Chong	Ald Mulder
	Ald Edmunds	Ald Warren
	Ald Ewington	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	

The Meeting closed at 8.59 pm