

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

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

COUNCIL MEETING
MONDAY 6 APRIL 2020

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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

1. APOLOGIES**2. ***CONFIRMATION OF MINUTES**

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 16 March 2020, 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

Community Support Package

DATE

23 March

Community Support Package

30 March

RECOMMENDATION:

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

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**

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

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

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

- Received from 44 signatories requesting Council to replace the large eucalypt tree on Council land outside 15 Hill Street with a more suitable species.

7. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. Questions may be submitted to Council in writing on the Friday 10 days before 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.

Questions on notice and their answers will be included in the minutes.

Mr Thomas Chick of Mornington has given notice of the following question:

COVID-19 EFFECT ON COUNCIL MEETINGS

In what way will COVID-19 affect the way Council Meetings work. If a public gallery is not feasible, as I suspect, will meetings be streamed. Will Aldermen be teleconferencing in. What other changes will occur that I have not addressed?

7.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 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 taken on notice. Wherever possible, answers will be provided at the next ordinary Council Meeting.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC
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(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 or deliver reports to Council)

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD BLOMELEY
BELLERIVE VILLAGE PEDESTRIAN SAFETY**
(File No 10-03-05)

In accordance with Notice given Ald Blomeley intends to move the following Motion:

“That this Council:

- A. Notes the petition tabled at the 16 March 2020 Meeting, requesting Council to:
 - 1. review the current traffic management and pedestrian safety arrangements in the Bellerive Village retail/commercial precinct; and
 - 2. as part of this review, engage with local business owners and residents to ascertain the level of support for traffic calming/pedestrian safety measures.
- B. Calls for Officers to undertake a Strategic Review of the current traffic flow and pedestrian interactions in and around Bellerive Village – specifically the commercial precinct of Cambridge Road, Clarence Street, Percy Street and Queen Street – with this Review to focus on pedestrian safety and traffic management.
- C. The findings of this Strategic Review to be presented to Aldermen at a workshop”.

EXPLANATORY NOTES

In recent times, the issue of pedestrian safety in and around the Bellerive Village shopping precinct has been raised as an issue of concern, particularly by business owners and our more elderly residents.

A petition was initiated by the local business owner of Cabbages Flower Shop. Within three weeks, this conforming petition, that was tabled at the 16 March 2020 Council Meeting garnered 279 signatories.

The high level of community and business support of the petition clearly demonstrates the heightened community concern surrounding the danger posed to pedestrians, mainly elderly residents, as they attempt to cross roads in the Bellerive Village shopping precinct.

With significant development to occur in Bellerive Village and the surrounding Kangaroo Bay, it is timely for Council to commission a Strategic Review of traffic flow and pedestrian interactions in and around Bellerive Village.

In addition, the strong support of the petition clearly demonstrates community will for Council to fully investigate this matter and take all appropriate steps to ensure pedestrian safety and deliver an enhanced Bellerive Village shopping experience.

B A Blomeley
ALDERMAN

GENERAL MANAGER'S COMMENTS

Section 60 of the Local Government Act requires the General Manager to within 42 days of tabling a petition, advise the Council if the petition complies with Section 59 of the Act; and for Council, at that Meeting, to determine any action to be taken.

I advise that this petition complies with the Act requirements and can be determined by Council, in accordance with the Notice of Motion or in another way.

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

None pending.

Representative Reporting

- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**

10.2 *REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**

Nil.

11. REPORTS OF OFFICERS

11.1 *WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 16, 23 and 30 March 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 16, 23 and 30 March 2020 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-2019/006108 – 16 YACHTSMANS WAY, TRANMERE - DWELLING AND ANCILLARY DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling and Ancillary Dwelling at 16 Yachtsmans Way, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas, Coastal Erosion Hazard (Low), Stormwater Management and Parking & Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 14 April 2020.

CONSULTATION

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

- guesthouse setback to boundary;
- loss of sunlight; and
- visual impact.

RECOMMENDATION:

A. That the Development Application for Dwelling and Ancillary Dwelling at 16 Yachtsmans Way, Tranmere (C1 Ref PDPLANPMTD-2019/006108) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A7 – REDUNDANT CROSSOVER.

3. The ancillary dwelling must be as follows:
 - a. have a floor area not greater than 60m²
 - b. be appurtenant to the single dwelling; and
 - c. share with the single dwelling, access and parking, water, sewerage, gas, electricity and telecommunications connections and meters.

ADVICE

- a) The development is located within a mapped bushfire prone area and as such as BAL and bushfire assessment must form part of the certified documents for the building permit application.
 - b) One of the sewer connection points and one of the stormwater connection points must be sealed off 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**

An adhesion of neighbouring titles (16 and 18 Yachtsmans Way) to create a single title for 16 Yachtsmans Way was approved in July 2019.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet applicable 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 E1.0 – Bushfire Prone Areas Code;
 - Section E6.0 – Parking & Access Code;

- Section E7.0 – Stormwater Management 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 site (CT Ref: 178102/1) is a 1780m² irregular lot located on the north-western side of Yachtsmans Way. The lot is located adjacent an approximate 30m Council reserve along the River Derwent.

The site contains a 4m wide pipeline easement along the northern boundary. A 9.9m wide drainage easement is located adjacent the pipeline easement.

The site is accessible with two existing crossovers (as the site was formerly two lots) coming off Yachtsmans Way.

3.2. The Proposal

The proposal is for a single two storey dwelling with integral double garage and residential workshop. The proposal also includes a freestanding 60m² ancillary dwelling to be used as a guest house. The ancillary dwelling includes a shed (externally accessible) and a single vehicle carport.

The applicant has advised that the ancillary dwelling will be used by the owner while the main dwelling is being constructed and will subsequently be used by family and friends visiting from interstate.

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 relevant Codes with the exception of the following.

Coastal Erosion Hazard Code

- **Clause E16.7.1 A1** – There is no Acceptable Solution for Building and Works.

Performance Criteria	Proposal
<p><i>“Buildings and works must satisfy all of the following:</i></p> <p><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></p>	<p>Complies - while over half of the area for the main dwelling would be covered by the Code, Council’s Engineers are satisfied that the proposed development will not increase the level of risk to users of the site and neighbouring properties due to the Low level of the Code. There is no public infrastructure adjoining the site.</p>
<p><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></p>	<p>Complies - the main dwelling would be located 4.5m from the rear boundary of the lot which adjoins a Council reserve. Council’s Engineers are satisfied there is no erosion risk from wave run up associated with the proposal.</p>

<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>	not applicable
<i>(d) need for future remediation works is minimised;</i>	Complies - there will not be an increase in the demand for remediation works as a result of the proposal as the proposal would be located within the building envelope.
<i>(e) health and safety of people is not placed at risk;</i>	Complies - the lot is zoned for residential use and it is not considered that the health and safety of people is placed at risk due to the main dwelling being partially located in an area subject to the Low level of the Code.
<i>(f) important natural features are adequately protected;</i>	Complies – the Council reserve provides a buffer between the lot and the River Derwent.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	Complies – there is no change to public foreshore access resulting from the proposal.
<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>	Complies – access to the lot is outside the area covered by the Code.
<i>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	not applicable
<i>(j) not be located on an actively mobile landform”.</i>	not applicable

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. Guesthouse Setback

Concern is raised that the proposed ancillary dwelling does not comply with regulations and is too close to the boundary.

- **Comment**

The ancillary dwelling would be located closest to the eastern side boundary. While the carport would be setback 0.3m from the boundary, the ancillary dwelling would be setback 1.5m from the boundary.

The ancillary dwelling and carport would be located within the building envelope, achieving compliance with the Acceptable Solution A3 for Clause 10.4.2.

5.2. Loss of Sunlight

Concern is raised that the development will result in a loss of sunlight and that overshadowing diagrams have not been provided.

- **Comment**

As the proposal fits within the building envelope and is therefore not seeking discretionary approval in this regard, there is no requirement to assess loss of sunlight and overshadowing.

5.3. Visual Impact

Concern is raised in relation to the proposed height of the main dwelling, its roofline and visual bulk. The representor has also requested the roof height be reduced.

- **Comment**

As mentioned above the proposal fits within the building envelope. There is accordingly no requirement to assess potential visual bulk impacts and Council has no head of power to request the height of the main dwelling be reduced.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

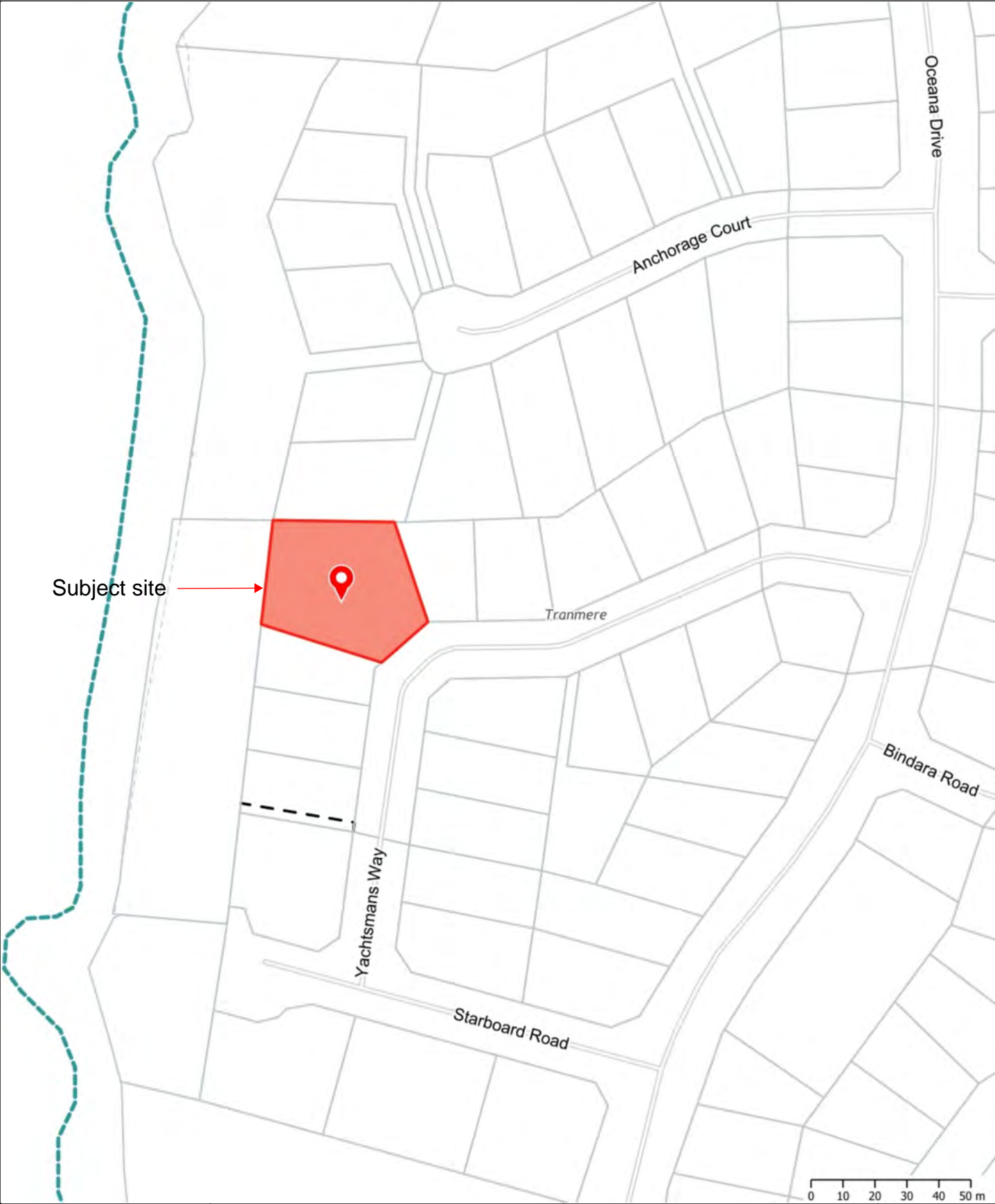
9. CONCLUSION



The proposal for a single dwelling including an ancillary dwelling at 16 Yachtsmans Way, Tranmere is considered to satisfy all relevant standards in the Scheme and is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (10)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1 - Location Plan



	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.	26/03/2020	
		1:1645	

Attachment 2 - Proposal Plans

DEVELOPMENT DOCUMENTATION
FOR

16 YACHTSMANS WAY, TRANMERE

LOT 1 / VOL 178102

WIND SPEED: N3
SOIL CLASSIFICATION: CLASS M
CLIMATE ZONE: 7
BAL: 12.5 (119 FRE)

COUNCIL: CLARENCE CITY COUNCIL
ZONE: 10.0 GENERAL RESIDENTIAL

- A 001 CONTENTS
- A 100 EXISTING SITE CONTEXT
- A 101 PROPOSED SITE PLAN
- A 200 DWELLING FLOOR PLAN GROUND
- A 201 DWELLING FLOOR PLAN FIRST
- A 202 DWELLING ROOF PLAN
- A 203 GUEST COTTAGE FLOOR / ROOF PLAN
- A 300 DWELLING ELEVATIONS
- A 301 DWELLING ELEVATIONS
- A 302 GUEST COTTAGE ELEVATIONS

DRAWINGS TO BE READ IN CONJUNCTION WITH:

LAND SURVEYING	SURVEY PLUS	20-01-2019
COASTAL EROSION REPORT	DOYLE CONSULTING	16-12-2019
SOIL REPORT	DOYLE CONSULTING	16-12-2019
BAL REPORT	LAND ADVICE	17-12-2019

HOUSE GROUND UFA:	171m2
HOUSE FIRST UFA:	120m2
GARAGE UFA:	87m2
HOUSE SITE COVERAGE ROOF AREA	382m2
GUEST COTTAGE UFA:	60m2
SHED UFA:	13.5m2
GUEST SITE COVERAGE ROOF AREA	133m2
TOTAL SITE COVERAGE ROOF AREA:	515m2
TOTAL SITE AREA:	1780m2
TOTAL SITE COVERAGE %:	28%



PO BOX 116, NORTH HOBART, TAS. 7002
WWW.NEXT50ARCHITECTS.COM.AU
BSPT(AS): 758231031 | CC4672E
ABN: 97 606 476 804

BEE 0427 679 517 | STU 0404 709 832
INFO@NEXT50ARCHITECTS.COM.AU

REV	DATE	DESCRIPTION
A	21/02/2020	Ancillary dwelling size
-	-	-
-	-	-
-	-	-
-	-	-

REV	DATE	DESCRIPTION
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

PROJECT
HENKER RESIDENCE
THOMAS AND JULIA HENKER
16 YACHTSMANS WAY
TRANMERE, TASMANIA, 7018

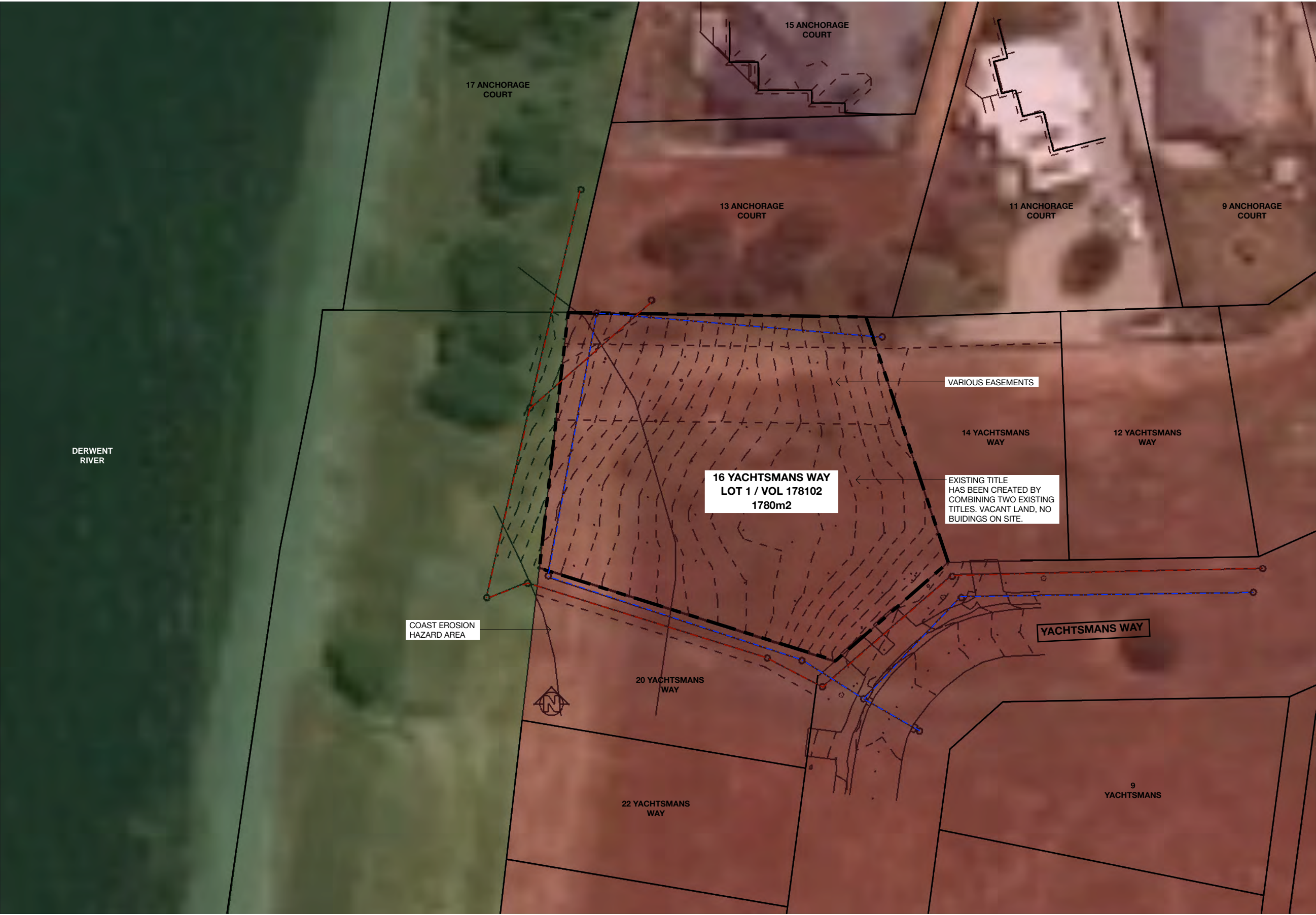
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DATE
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ISSUE
REV

NTS @A3
21/02/2020
BAN, SMH
PLANNING
A

DRAWING
CONTENTS

DRAWING NO.
26718_001

GENERAL NOTES: Contractor shall verify all dimensions onsite before undertaking work or shop drawings. Written dimensions take precedence, written specification takes precedence over this drawing. DO NOT SCALE. Dimensions are indicative only, must cross reference with details and maintain minimum dimensions according to NCC. All work must be in accordance with NCC all relevant Australian Standards, drawing is copyright and the property of NEXT 50 Architects.



KEY

10.0 GENERAL RESIDENTIAL

19.0 OPEN SPACE ZONE

SEWER

STORMWATER

GAS

POWER

WATER MAIN

PHONE LINE

1

EXISTING SITE CONTEXT

<div>NEXT 50</div>	PO BOX 116, NORTH HOBART, TAS. 7002	REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
	WWW.NEXT50ARCHITECTS.COM.AU	A	21/02/2020	Ancillary dwelling size	-	-	-
	BSPT(AS): 756231031 CC4672E	-	-	-	-	-	-
	ABN: 97 606 476 804	-	-	-	-	-	-
	BEE 0427 679 517 STU 0404 709 832	-	-	-	-	-	-
	INFO@NEXT50ARCHITECTS.COM.AU	-	-	-	-	-	-

GENERAL NOTES: Contractor shall verify all dimensions onsite before undertaking work or shop drawings. Written dimensions take precedence, written specification takes precedence over this drawing. DO NOT SCALE. Dimensions are indicative only, must cross reference with details and maintain minimum dimensions according to NCC. All work must be in accordance with NCC all relevant Australian Standards, drawing is copyright and the property of NEXT 50 Architects.

HENKER RESIDENCE

THOMAS AND JULIA HENKER

16 YACHTSMANS WAY

TRANMERE, TASMANIA, 7018

PROJECT

SCALE

DATE

DRAWN

ISSUE

REV

1:500 @A3

21/02/2020

BAN, SMH

PLANNING

A

DRAWING

EXISTING SITE CONTEXT

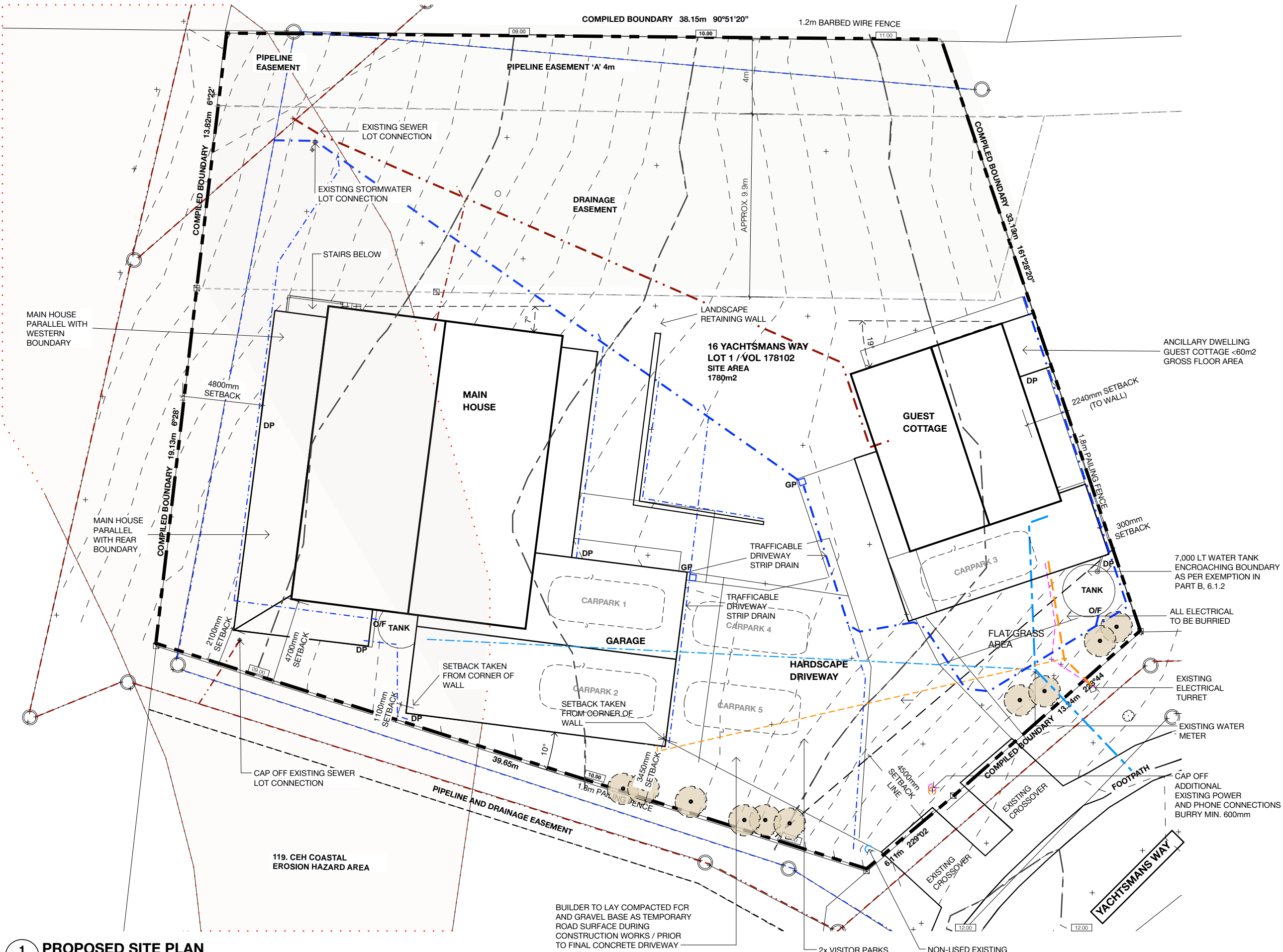
TRUE 15.09°

NORTH

DRAWING NO.

26718_100

Agenda Attachments - 16 Yachtsmans Way, Tranmere Page 3 of 12



KEY

- SEWER
- STORMWATER
- GAS
- POWER
- WATER MAIN
- PHONE LINE

GENERAL NOTES:

STORMWATER: ALL STORMWATER PIPES FROM HOUSE DRAINAGE TO STORMWATER PITS TO BE DN100 SN6. ALL OTHER PIPES TO BE DN150 SN4 MIN (EXCEPT WHERE SHOWN). PROVIDE 300MM MINIMUM COVER UNDER VEGETATED AREA (NON TRAFFIC) AND 150MM MIN. UNDER REINFORCED CONCRETE. ALL GRATED PITS TO BE CLASS C. ALL STORM WATER PIPES TO BE GRADED AND INSTALLED TO AS3500.3 MIN. 1%.

SEWER: ALL SEWER LINES SHOWN TO BE DN100 SN6 UPVC @ 1.65% MINIMUM GRADE AND INSTALLED TO AS3500.2.

GENERAL SOIL AND WATER MANAGEMENT CONTROL MEASURES: (APPLY AS APPLICABLE TO THE CONDITIONS OF THIS SITE AT THE VARIOUS PHASES OF CONSTRUCTION)

- 1.) MINIMISE SOILT DISTURBANCE (PHASE LARGE EXCAVATIONS INTO SUB PHASES)
- 2.) DIVERSION DRAINS TO PREVENT EROSION AND COLLECTION OF EXCESSIVE STORM WATER IN EXCAVATION CUTS ETC
- 3.) SEDIMENT FENCES - INSTALL WHERE DOWNSLOPE EROSION MEASURES ARE REQUIRED AND TO PROTECT STOCKPILES
- 4.) PROTECT STOCKPILES, HAY BAILS OR EROSION FENCES.
- 5.) UNDERTAKE SEDIMENT GENERATING ACTIVITIES IN A DESIGNATED AREA (AWAY FROM SLOPED SURFACES THAT COULD RUN-OFF IN AN UNCONTROLLED MANNER.
- 6.) INSTALL ROOF DRAINAGE EARLY. ASAP AFTER INSTALLATION OF ROOFING IRON, OR PREFERABLY BEFORE.
- 7.) STABILISE THE SITE ACCESS, PROVIDE VEHICLE WASH-OFF AREAS IF REQUIRED, AND DIVERSION DRAINAGE, STABLE SURFACE MATERIAL ETC

ALL WORKS ARE TO BE IN ACCORDANCE WITH THE WATER SUPPLY CODE OF AUSTRALIA WSA 03 -2011-3.1 VERSION 3.1 MRWA EDITION V2.0 AND SEWERAGE CODE OF AUSTRALIA MELBOURNE RETAIL WATER AGENCIES CODE WSA 02 -2014-3.1 MRWA VERSION 2 AND TASWATER'S SUPPLEMENTS TO THESE CODES.

DRIVEWAY CROSSOVER:

THE CURRENT TITLE HAS BEEN COMBINED FROM TWO PREVIOUS TITLES IN A NEW SUBDIVISION, AND THEREFORE THERE ARE TWO EXITING DRIVEWAY CROSSOVERS. DUE TO THE NATURE OF THE PROPOSED HOUSE AND PROPOSED ANCILLARY DWELLING, THE DEVELOPMENT SEEKS TO RETAIN USE OF BOTH CROSSOVERS, ONE FOR EACH.

1 PROPOSED SITE PLAN

101 1:200



PO BOX 116, NORTH HOBART, TAS. 7002
WWW.NEXT50ARCHITECTS.COM.AU
BSR(YAS): 758231031 | CC4672E
ABN: 97 606 476 804

REE 0427 679 517 | STU 0404 709 832
INFO@NEXT50ARCHITECTS.COM.AU

REV

DATE

DESCRIPTION

A

21/02/2020

Ancillary dwelling size

REV

DATE

DESCRIPTION

-

-

-

-

-

-

-

-

-

PROJECT

HENKER RESIDENCE
THOMAS AND JULIA HENKER
16 YACHTSMANS WAY
TRANMERE, TASMANIA, 7018

SCALE

DATE

DRAWN

ISSUE

REV

1:200 @A3

21/02/2020

BAN, SMH

PLANNING

A

DRAWING

SITE PLAN

TRUE

15.09°

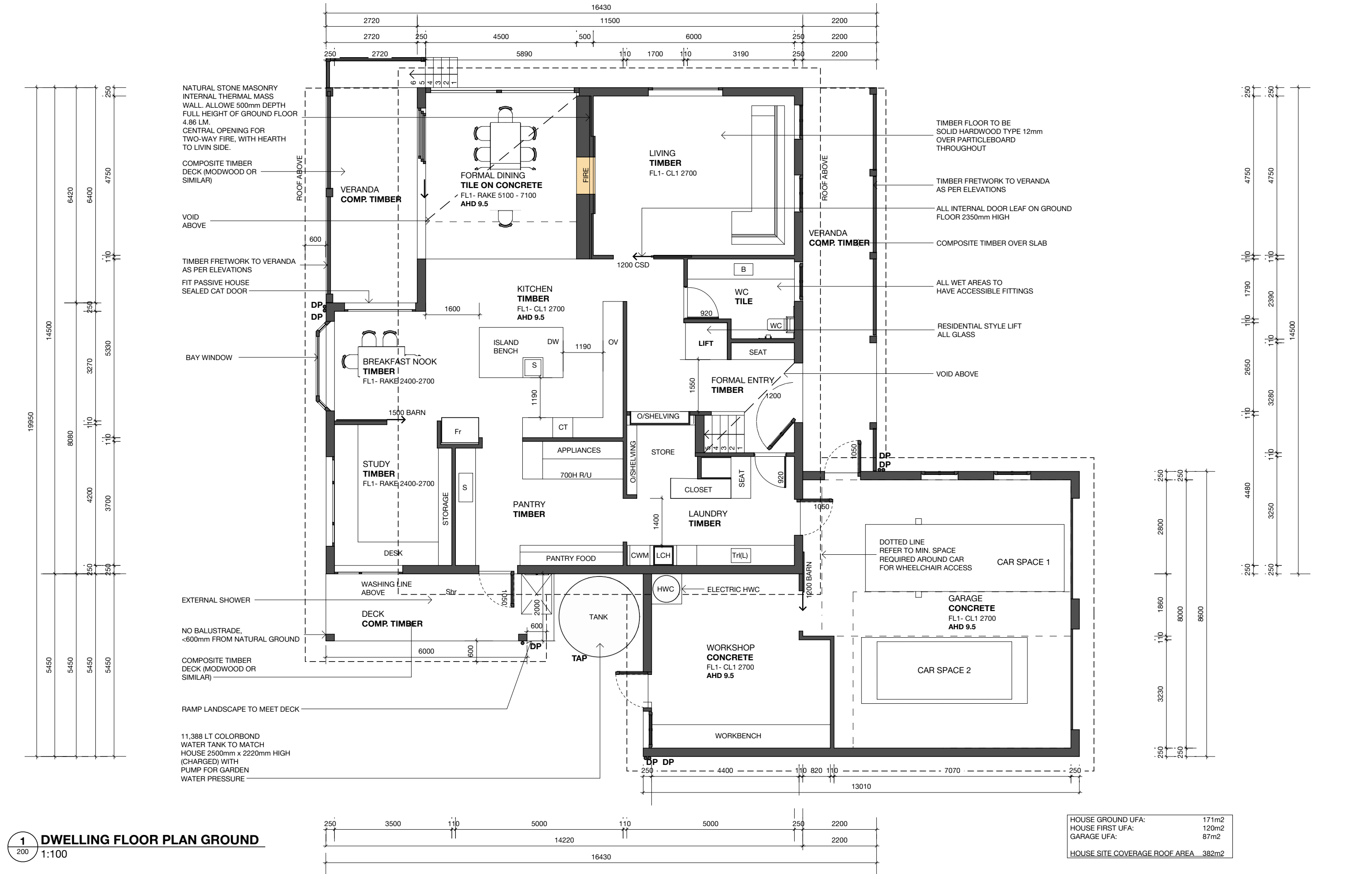


NORTH

DRAWING NO.

26718_101

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1 DWELLING FLOOR PLAN GROUND
200 1:100

REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
A	21/02/2020	Ancillary dwelling size	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-

PROJECT

HENKER RESIDENCE

THOMAS AND JULIA HENKER
16 YACHTSMANS WAY
TRANMERE, TASMANIA, 7018

SCALE

1:100 @A3

DATE

21/02/2020

DRAWN

BAN, SMH

ISSUE

PLANNING

REV

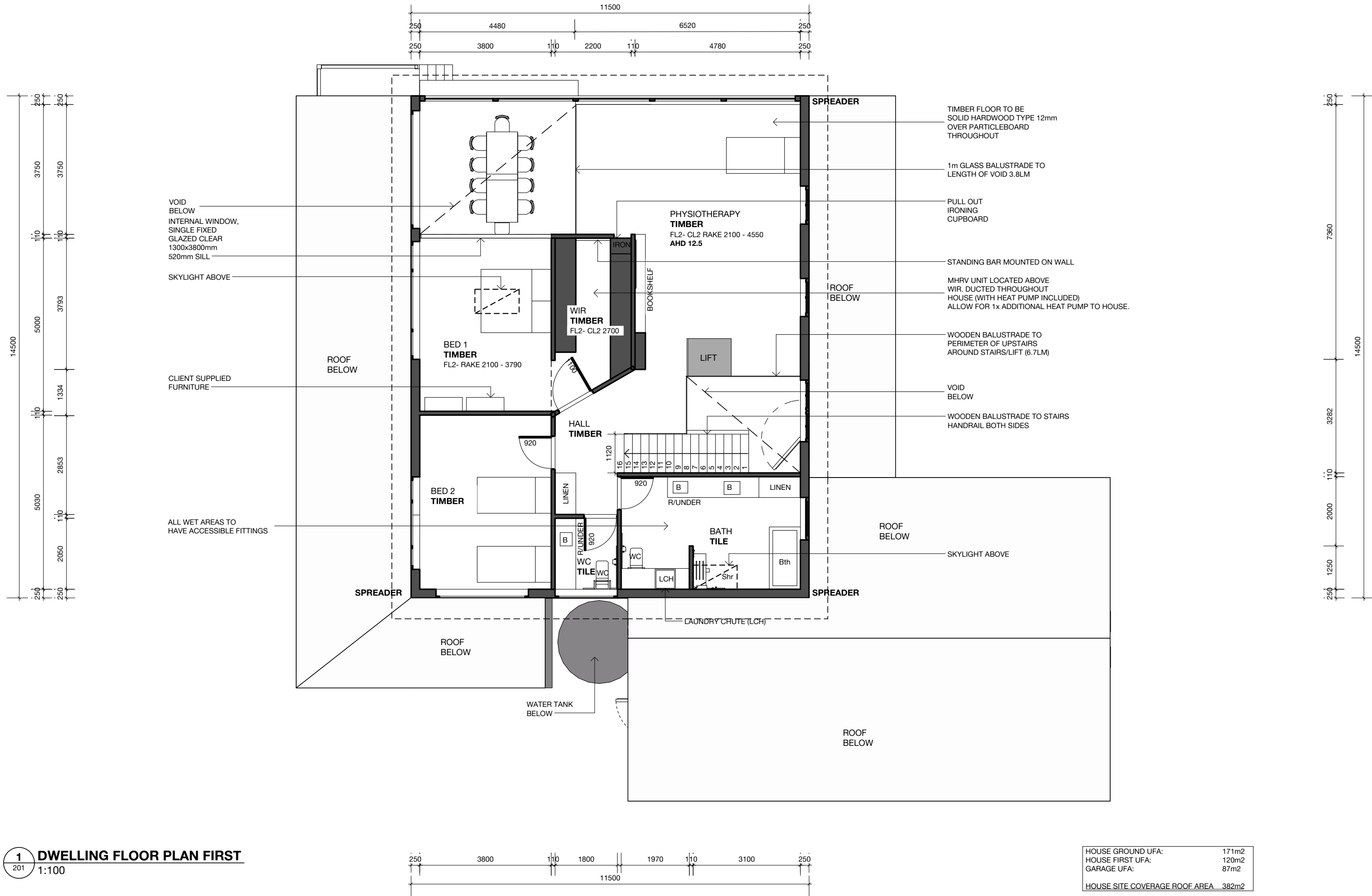
A

DRAWING

DWELLING FLOOR PLAN GROUND

DRAWING NO.

26718_200



PO BOX 116, NORTH HOBART, TAS. 7002
WWW.NEXT50ARCHITECTS.COM.AU
BSPT/AS: 758231031 | CC4672E
ABN: 97 606 476 804
BEE 0427 679 517 | STU 0404 709 832
INFO@NEXT50ARCHITECTS.COM.AU

REV	DATE	DESCRIPTION
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-	-	-
-	-	-

REV	DATE	DESCRIPTION
-	-	-
-	-	-
-	-	-
-	-	-

PROJECT
HENKER RESIDENCE
THOMAS AND JULIA HENKER
16 YACHTSMANS WAY
TRANMERE, TASMANIA, 7018

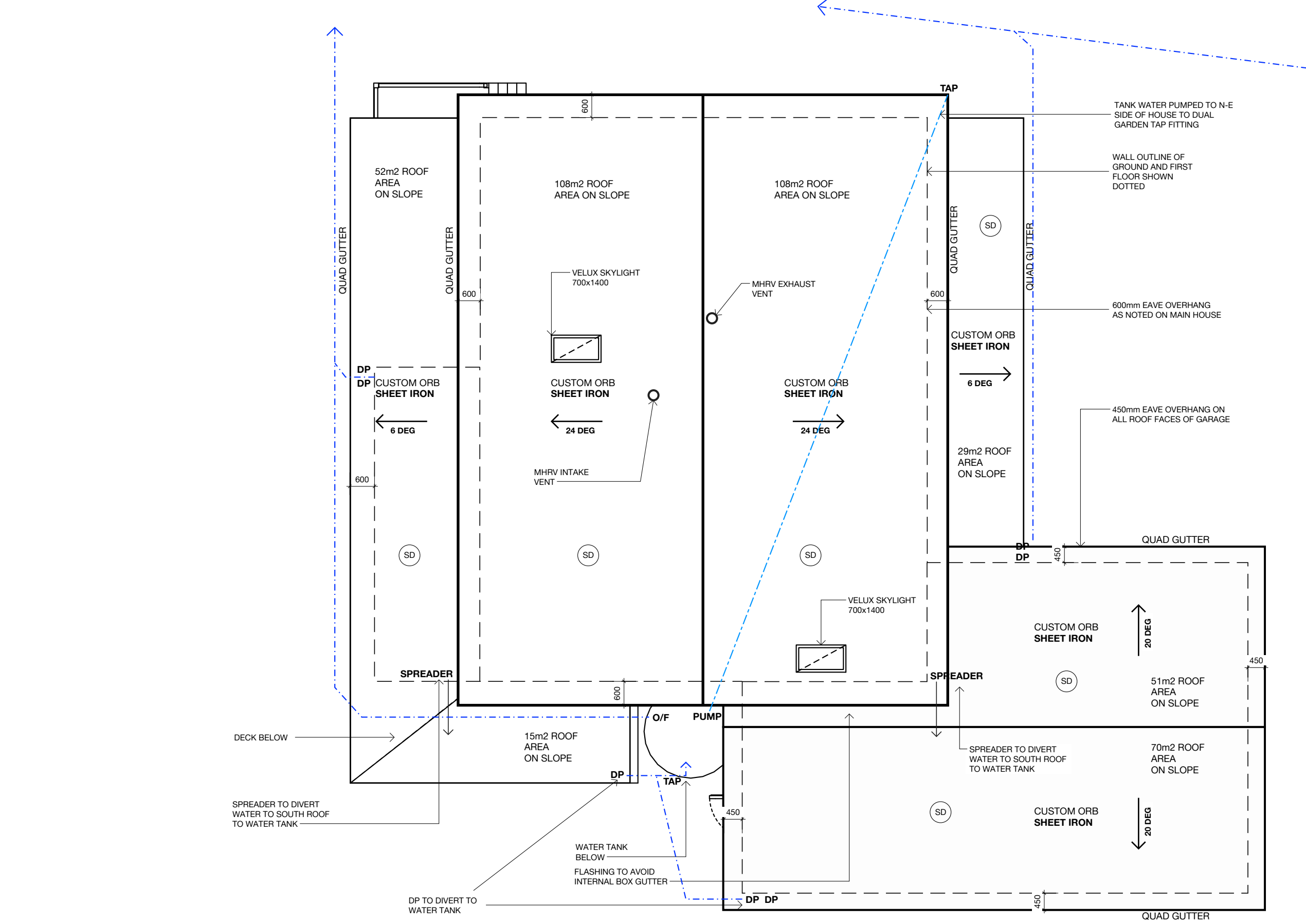
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21/02/2020
BAN, SMH
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DRAWING
DWELLING
FLOOR PLAN FIRST



DRAWING NO.
26718_201



KEY

SD

ROOFING IRON, CUSTOM ORB, MID-GREY COLOUR RANGE TBC

1202

DWELLING ROOF PLAN

1:100

HOUSE GROUND UFA:	171m2
HOUSE FIRST UFA:	120m2
GARAGE UFA:	87m2
HOUSE SITE COVERAGE ROOF AREA	382m2

REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
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-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-
-	-	-	-	-	-

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HENKER RESIDENCE

THOMAS AND JULIA HENKER

16 YACHTSMANS WAY

TRANMERE, TASMANIA, 7018

PROJECT

SCALE

DATE

DRAWN

ISSUE

REV

1:100 @A3

21/02/2020

BAN, SMH

PLANNING

A

DRAWING

DWELLING ROOF PLAN


TRUE 15.09°

NORTH

DRAWING NO.

26718_202



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	WWW.NEXT50ARCHITECTS.COM.AU						
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	ABN: 97 606 476 804	-	-	-	-	-	-
		-	-	-	-	-	-
		-	-	-	-	-	-
	BEE 0427 679 517 STU 0404 709 832						
	INFO@NEXT50ARCHITECTS.COM.AU	-	-	-	-	-	-

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SCALE	1:100 @A3
DATE	21/02/2020
DRAWN	BAN, SMH
ISSUE	PLANNING
REV	A

TRUE 15.09° NORTH



1 NORTH-EAST ELEVATION
300 1:100 BAL 12.5



2 NORTH-WEST ELEVATION
300 1:100 BAL 12.5

NEXT 50
PO BOX 116, NORTH HOBART, TAS. 7002
WWW.NEXT50ARCHITECTS.COM.AU
BSN/AS: 758231031 | CC4672E
ABN: 97 606 476 804
BEE 0427 679 517 | STU 0404 709 832
INFO@NEXT50ARCHITECTS.COM.AU

REV	DATE	DESCRIPTION
A	21/02/2020	Ancillary dwelling size
-	-	-
-	-	-
-	-	-

REV	DATE	DESCRIPTION
-	-	-
-	-	-
-	-	-
-	-	-

PROJECT
HENKER RESIDENCE
THOMAS AND JULIA HENKER
16 YACHTSMANS WAY
TRANMERE, TASMANIA, 7018

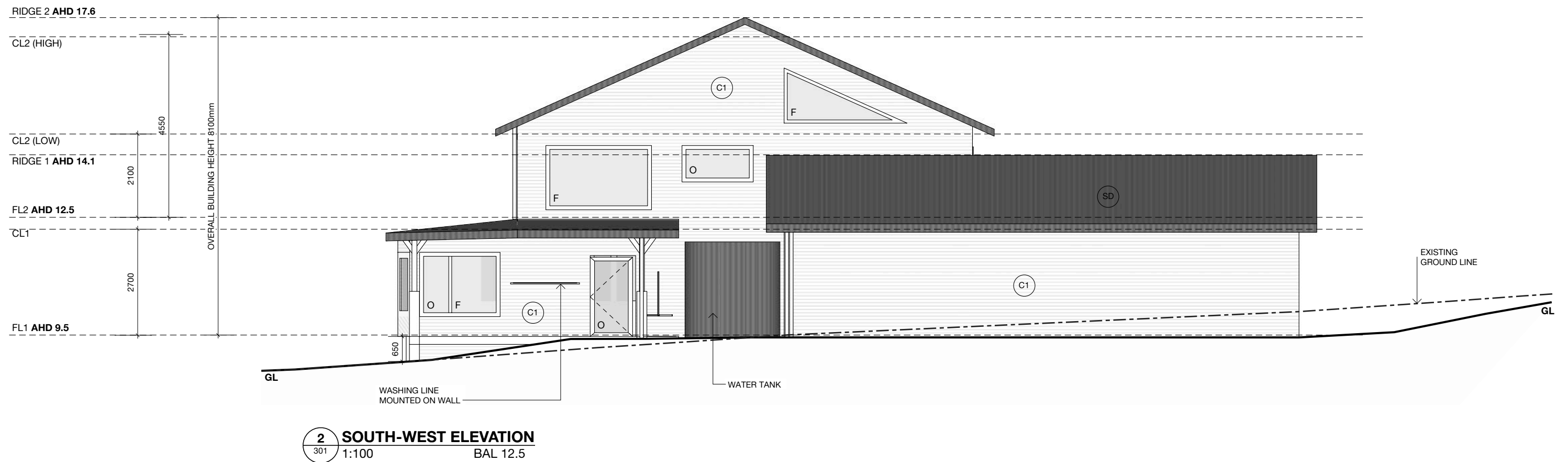
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DATE	21/02/2020	BAN, SMH
DRAWN		PLANNING
ISSUE		A
REV		


DRAWING
DWELLING ELEVATIONS

DRAWING NO.
26718_300

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C1	CEMENT SHEET WEATHERBOARD, PAINTED LIGHT GREY TBC
C2	STONE VENEER, NATURAL
SD	ROOFING IRON, CUSTOM ORB, MID- GREY COLOUR RANGE TBC



	PO BOX 116, NORTH HOBART, TAS, 7002	REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
	WWW.NEXT50ARCHITECTS.COM.AU						
	BSP(TAS): 756231031 CC4672E	A	21/02/2020	Ancillary dwelling size	-	-	-
	ABN: 97 606 476 804	-	-	-	-	-	-
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	BEE 0427 679 517 STU 0404 709 832	-	-	-	-	-	-
	INFO@NEXT50ARCHITECTS.COM.AU	-	-	-	-	-	-

PROJECT
HENKER RESIDENCE
THOMAS AND JULIA HENKER
16 YACHTSMANS WAY
TRANMERE, TASMANIA, 7018

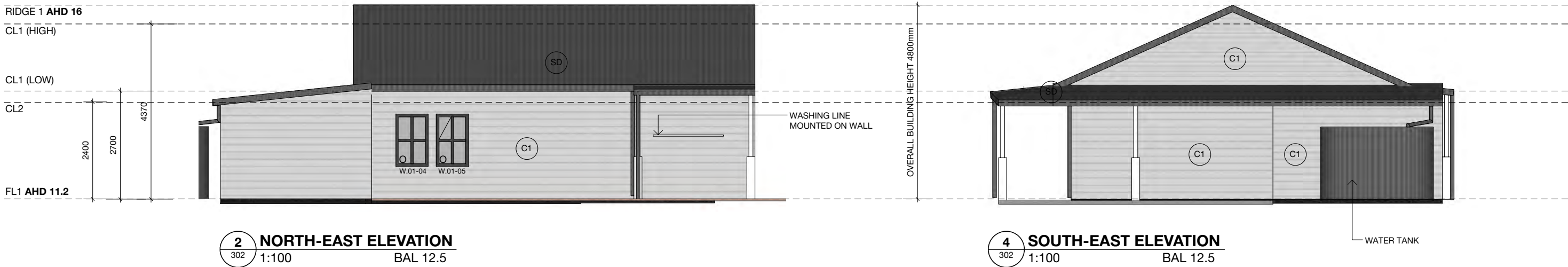
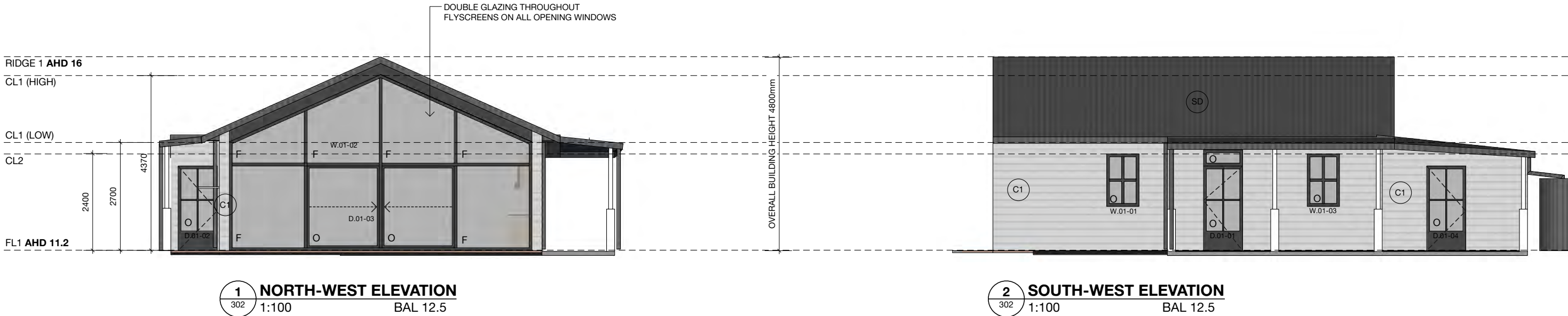
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DATE	21/02/2020
DRAWN	BAN, SMH
ISSUE	PLANNING
REV	A

DRAWING DWELLING ELEVATIONS

DRAWING NO.
26718_301

KEY

- C1 CEMENT SHEET WEATHERBOARD,
PAINTED LIGHT GREY TBC
- SD ROOFING IRON, CUSTOM ORB, MID-
GREY COLOUR RANGE TBC



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BSPT(AS): 758231031 | CC4672E
ABN: 97 606 476 804
BEE 0427 679 517 | STU 0404 709 832
INFO@NEXT50ARCHITECTS.COM.AU

REV	DATE	DESCRIPTION
A	21/02/2020	Ancillary dwelling size
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-	-	-
-	-	-

REV	DATE	DESCRIPTION
-	-	-
-	-	-
-	-	-
-	-	-

PROJECT
HENKER RESIDENCE
THOMAS AND JULIA HENKER
16 YACHTSMANS WAY
TRANMERE, TASMANIA, 7018

SCALE
DATE
DRAWN
ISSUE
REV

1:100 @A3
21/02/2020
BAN, SMH
PLANNING
A

DRAWING
**GUEST COTTAGE
ELEVATIONS**

DRAWING NO.
26718_302

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Attachment 3



Site when viewed from Yachtsmans Way looking north towards River Derwent.



Looking south across site towards adjoining property at 20 Yachtsmans Way.

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/006741 – 3 MIROS DRIVE, HOWRAH - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for three Multiple Dwellings (one existing + two new) at 3 Miros Drive, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 16 April 2020.

CONSULTATION

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

- overshadowing;
- privacy;
- fencing;
- roof material;
- building heights;
- access; and
- loss of value.

RECOMMENDATION:

A. That the Development Application for three Multiple Dwellings (one existing + two new) at 3 Miros Drive, Howrah (CI Ref PDPLANPMTD-2020/006741) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG M1 – DESIGNS DA.
 3. The site must be provided with a minimum 5.5m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Engineering drawings approved by Council's Development Engineer. This access must be inspected by Council's Development Works Officer prior to sealing or pouring new concrete.
 4. Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.
 5. ENG A5 – SEALED CAR PARKING.
 6. 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.

Suitable provision must 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. Evidence of either of these options being in place must be provided prior to [the sealing of the Final Plan/the commencement of the use/prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works].
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 30 January 2020 (TWDA 2020/00095-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10.0 – General Residential Zone;
 - Section E5.0 – Road and Railway Assets Code;
 - Section E6.0 – Parking and Access Code; and
 - Section E7.0 – Stormwater Management Code.
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1243m² lot with access and 16.44m frontage to Miros Drive and is located within an established residential area at Howrah. The site supports an existing single dwelling and associated landscaped gardens, slopes down to the south-west and is not encumbered by any easements. The location of the site is shown in **Attachment 1**.

3.2. The Proposal

The proposal is for the development of three Multiple Dwellings (one existing + two new) on the site. The proposed new dwelling units would each be 2-storey, contain three bedrooms and a double garage. A total of seven on-site parking spaces are proposed.

The proposal would be accessed from Miros Drive, requiring the construction of a passing bay and portion of the driveway over an unformed part of Miros Drive. Landowner (Council) consent was provided as part of the application as the existing driveway access requires modification to increase its width, thus requiring landowner consent. The proposal plans are provided in **Attachment 2**.

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 Parking and Access and Stormwater Management Codes with the exception of the following.

General Residential Zone

- **Clause 10.4.2 A3** – it is proposed that Unit 3 would not comply with the 4m rear setback, and Unit 2 with the building envelope prescribed by the acceptable solution.

Performance Criteria	Proposal
<p><i>“P3 - The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p>	see below

<p>(i) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The adjoining dwelling at 2/11 Tennent Court is located to the east of the development site, and is a single storey dwelling, with a lower level storage area. It contains two bedrooms, shared kitchen /dining area with associated deck area on the western side of the upper level, with a study and garage also.</p> <p>The overshadowing diagrams provided by the applicant (attached) show that the development will overshadow the dwelling at 2/11 Tennent Court from 1pm on 21 June until evening. This impact is not considered unreasonable in that there would be in excess of three hours of sunlight at Winter Solstice available to the habitable areas of that adjacent dwelling.</p> <p>The dwelling to the west at 1 Miros Drive would be impacted before 10am only on 21 June, meaning that there would not be an unreasonable impact upon the amenity of either the habitable rooms or private open space of that property.</p> <p>On this basis, the proposal will not cause an unreasonable loss of sunlight to the adjoining dwellings.</p>
<p>(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The proposal will cause overshadowing to the ground level private open space for 2/11 Tennent Court from around 12pm on June 21. This dwelling also has a deck accessible from the upper level habitable rooms that forms the main, useable open space area for the dwelling. This area would be impacted from after 1pm at 21 June, meaning that it would also have in excess of three hours sunlight at Winter Solstice. It is therefore considered that the proposal would not have an unreasonable impact on the amenity of the private open space areas of the adjoining dwelling.</p>
<p>(iii) <i>overshadowing of an adjoining vacant lot; or</i></p>	<p>not relevant</p>

<p>(iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The proposed dwellings are all two storey and have a maximum height above natural ground level that is lower than the maximum height allowed in the zone. The bulk and scale of proposed dwellings are compatible with the surrounding area and on this basis, the development is not considered to have an unreasonable visual impact on the adjoining properties.</p>
<p>(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>There are many examples in the surrounding area where dwellings are located in proximity to the rear and side boundaries of lots and on this basis, the separation between the proposed dwellings is considered compatible with that prevailing in the surrounding area.</p>

General Residential Zone

- Clause 10.4.3 A2** – it is proposed that the private open space areas to both Units 2 and 3 would not be provided with direct access to their respective open space areas as prescribed by the acceptable solution. The existing dwelling (Unit 1) is compliant with the acceptable solution.

Performance Criteria	Proposal
<p>“P2 - A dwelling must have private open space that:</p> <p>(a) <i>includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p> <p>(i) <i>conveniently located in relation to a living area of the dwelling; and</i></p> <p>(ii) <i>orientated to take advantage of sunlight”.</i></p>	<p>see below</p> <p>Unit 2 is provided with areas of private open space at ground level which are accessed via the main entry and garage and surround the dwelling unit. The unit also includes an 18.5m² deck on the first floor which is directly accessed from the living areas and would achieve reasonable solar access.</p> <p>Unit 3 would have private open space that surrounds the dwelling unit in a similar configuration to Unit 2, with a larger compliant area to the north-west of the unit at ground level, and a deck at the south of the upper level.</p>

	The combination of these areas would take advantage of available sunlight and would be convenient, to varying degrees, as useable outdoor living areas as required by the performance criteria.
--	---

General Residential Zone

- **Clause 10.4.4 A1** – it is proposed that Unit 2 would have no windows facing within 30 degrees east and west of north as prescribed by the acceptable solution. The existing dwelling (Unit 1) and Unit 3 are orientated to be compliant with the acceptable solution.

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>	Units 2 contains windows on the western and eastern elevations of the living spaces of each dwelling unit, which together will allow adequate sunlight to enter these rooms, as required by this standard.

Stormwater Management Code

- **Clause E7.7.1 A2** – it is proposed that the development would have a site total of 715.13m² of impervious area, which exceeds the 600m² impervious area prescribed by the acceptable solution.

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

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. Overshadowing

Concern was raised by representations that the proposal would cause an unreasonable loss of amenity in relation to overshadowing of living areas, both indoor and outdoor, in winter months.

- **Comment**

Clause 10.4.2 (A3) prescribes the building envelope requirements, and the proposal does not comply with the acceptable solutions. It does, for the reasons discussed in Section 4 of this assessment, satisfy the associated performance criteria, P3, in that there would be in excess of three hours of sunlight at Winter Solstice available to the habitable areas and outdoor living areas of the adjacent dwelling. While it is acknowledged that the development would have some impact upon solar access at Winter Solstice, this impact is not considered an unreasonable impact in terms of the tests of the Scheme, and therefore does not justify refusal of the proposal.

5.2. Privacy

The representations raise concerns in relation to privacy of indoor and outdoor living areas, due to the proposed location of Units 2 and 3.

- **Comment**

The proposal meets the requirements of the Scheme in relation to privacy, as articulated by the acceptable solutions of Clause 10.4.6. The measures utilised by the design to achieve compliance include use of obscure glazing to a height of 1.7m above the finished floor level of Units 2 and 3, highlight windows with a sill height of 1.7m above the finished floor level and setbacks of 3.0m relative to the eastern boundary for Unit 3. This issue is therefore not of determining weight.

5.3. Fencing

Concern was raised by the representations that the existing fencing for the side and rear boundaries of the site is of insufficient height for the proposed use. Specific concerns are that the fence should be increased to 1.8m in height to provide for privacy of adjacent properties and to form an appropriate fence for the keeping of pets.

- **Comment**

Fencing is not a relevant planning consideration and therefore cannot have determining weight. Modifications to existing fencing is a matter for negotiation between landowners, and not relevant to the consideration of this proposal.

5.4. Roof Material

The representations are concerned that the proposal plans do not specify the roofing material proposed for the development, and that reflectivity of the roofing material to be used is an issue. It is submitted that if the development were approved, a condition should be included to require low reflectivity and a colour/finish that blends appropriately with the view and surrounding development.

- **Comment**

There are no design standards in the Scheme relevant to the colours, materials and architectural appearance of the dwellings in the General Residential Zone, therefore such a condition cannot be imposed. Hence this issue cannot have determining weight.

5.5. Building Heights

Concern is raised in relation to the height of the proposed dwellings, and specifically in relation to what checks are in place to ensure that the heights (if approved) are not exceeded.

- **Comment**

If the development application is approved and planning permit granted, building and plumbing permits would then also be required to enable construction to proceed. These plans must be consistent with the planning permit, and the development then constructed in accordance with the approved plans. In any event this is an enforcement issue and has no determining weight in relation to the application.

5.6. Access

The representations raise concern that access to an unformed track off the end of Miros Drive must not be obstructed, either during or following construction. The track in question is a gravel track that is used informally for access to the backyards of properties on the lower (southern) side of Tennent Court.

- **Comment**

Miros Drive is Council-maintained for a distance of 35m from the intersection with Merindah Street. Access beyond the Council-maintained portion is informal, and not licensed by Council. While it is acknowledged that landowners in the vicinity of the site have been using the gravel track in question for access, this use has been informal and without the consent of Council, as the relevant authority. Should owners of land seek to utilise this area in the future to obtain access for a specific purpose, this should be requested of Council in writing and consent granted prior to doing so. Any potential conflicts during construction are a matter for owners and the developer to resolve.

5.7. Loss of Value

Concern is raised by the representations that the proposed development would obscure views of the mountain, river and features of greater Hobart, and that this would compromise the residential amenity of adjacent properties and therefore decrease the value of the associated properties.

- **Comment**

Loss of view and resultant loss of property value is not a relevant planning consideration and therefore cannot have determining weight. The proposal meets the relevant tests of the Scheme in relation to building envelope, and loss of view (and land value) are not relevant considerations under the Scheme and to the discretions sought by the proposal.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is for the development of three Multiple Dwellings (one existing + two new) at 3 Miros Drive, Howrah. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

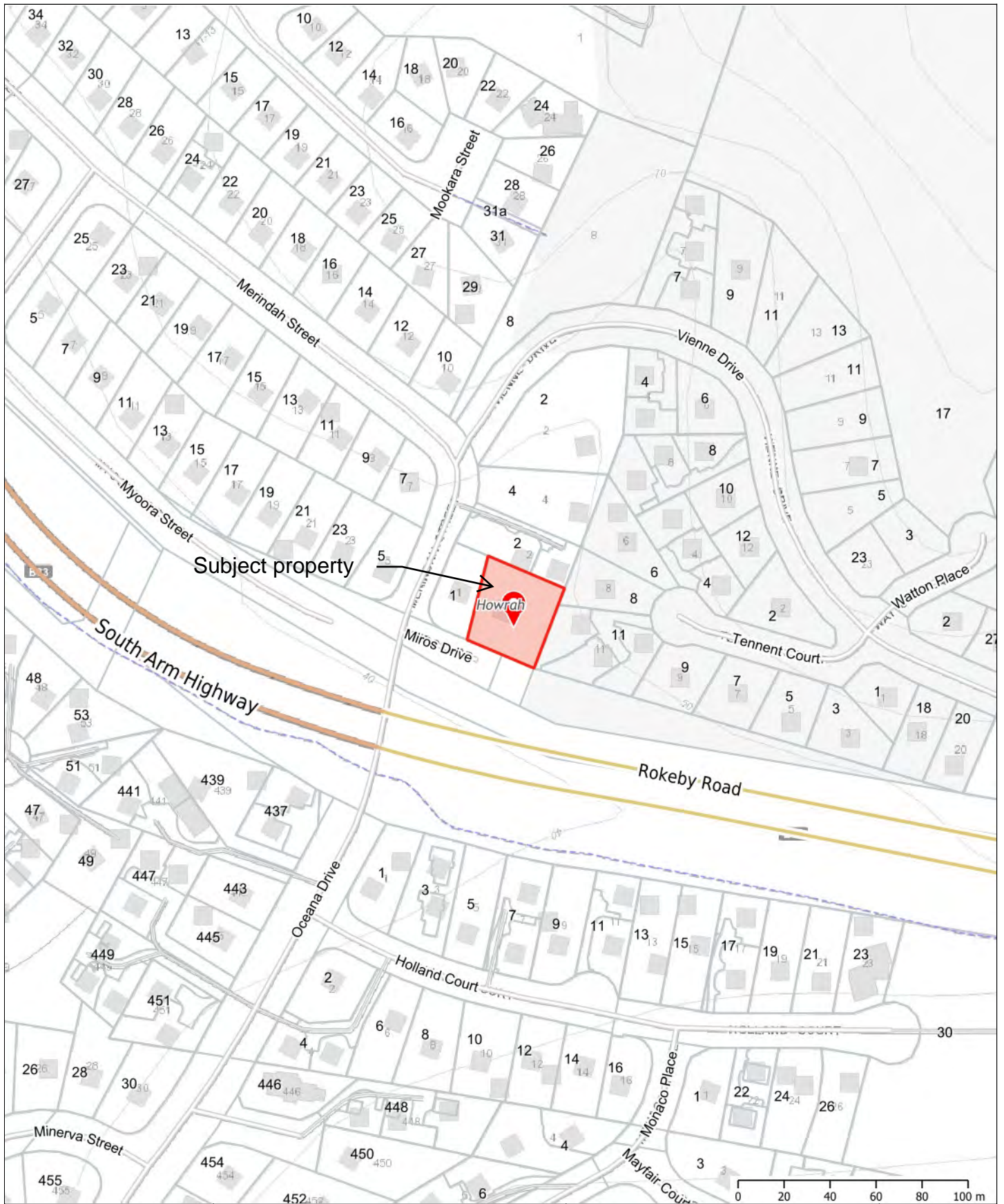
Attachments: 1. Location Plan (1)
2. Proposal Plan (11)
3. Site Photo (3)

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

Location Plan - 3 Miros Drive



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.

25/03/2020

1:2257



3 Miros Dr, Howrah 7018



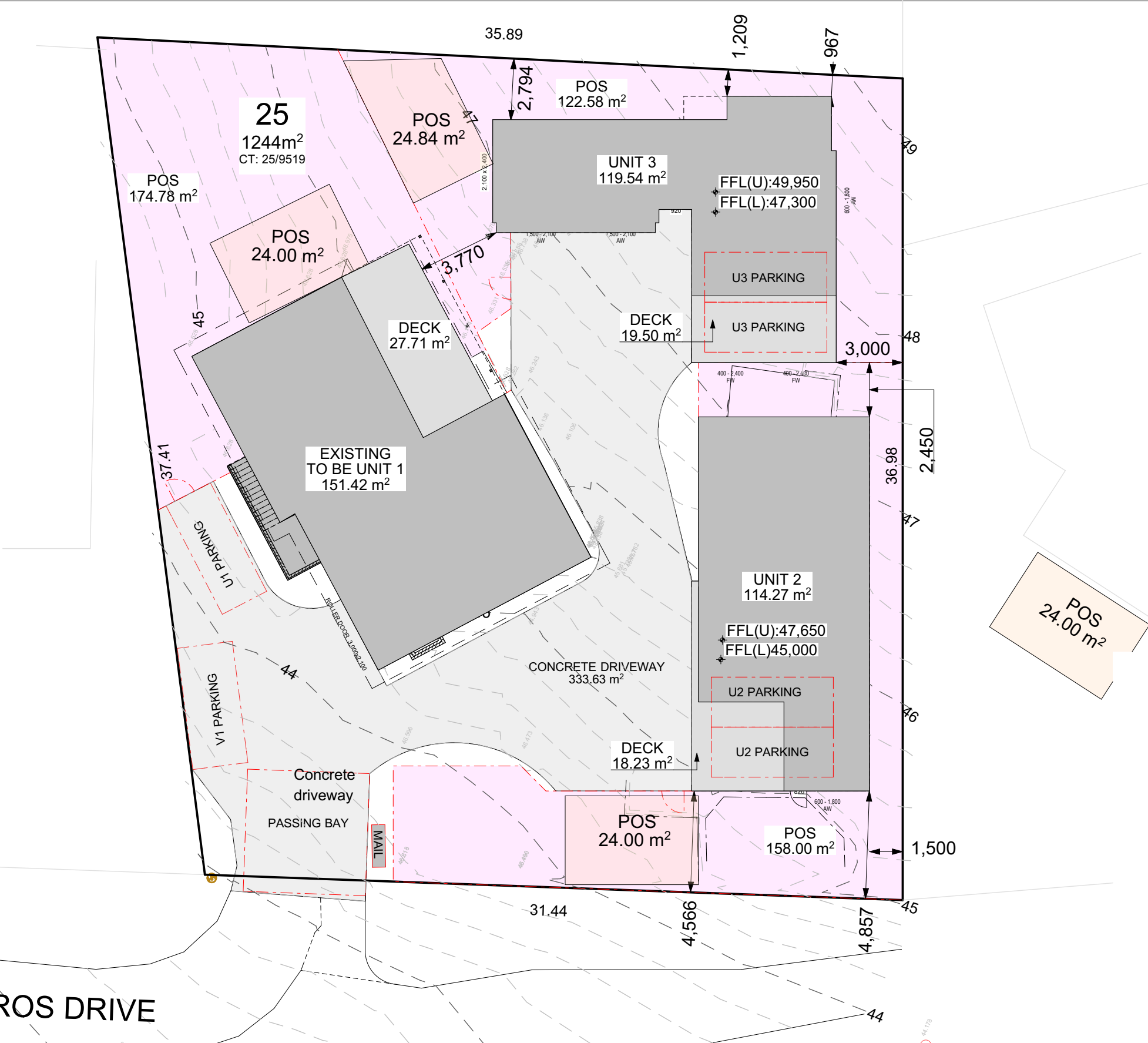
General Information	
Designer	Jason Nickerson CC6073Y
Owner(s) or Clients	Kearney Developments Pty Ltd
Building Classification	1a
Title Reference	25/9519
Climate Zone	7
Zoning	General Residential

Drawing No:	Description
DA.01	Site Plan
DA.02	Landscaping Plan
DA.03	U1 Floor Plan (Exis...
DA.04	U2 Floor Plan
DA.05	U3 Floor Plan
DA.06	Elevations
DA.07	Elevations
DA.08	Elevations
DA.09	Shadow Study 01
DA.10	Shadow Study 02

MERINDAH STREET

NOT FOR CONSTRUCTION

Site Areas	
Site area	1244 sqm
Total Building Area	385.23 sqm
Total Site Coverage	30.97%



Site Plan



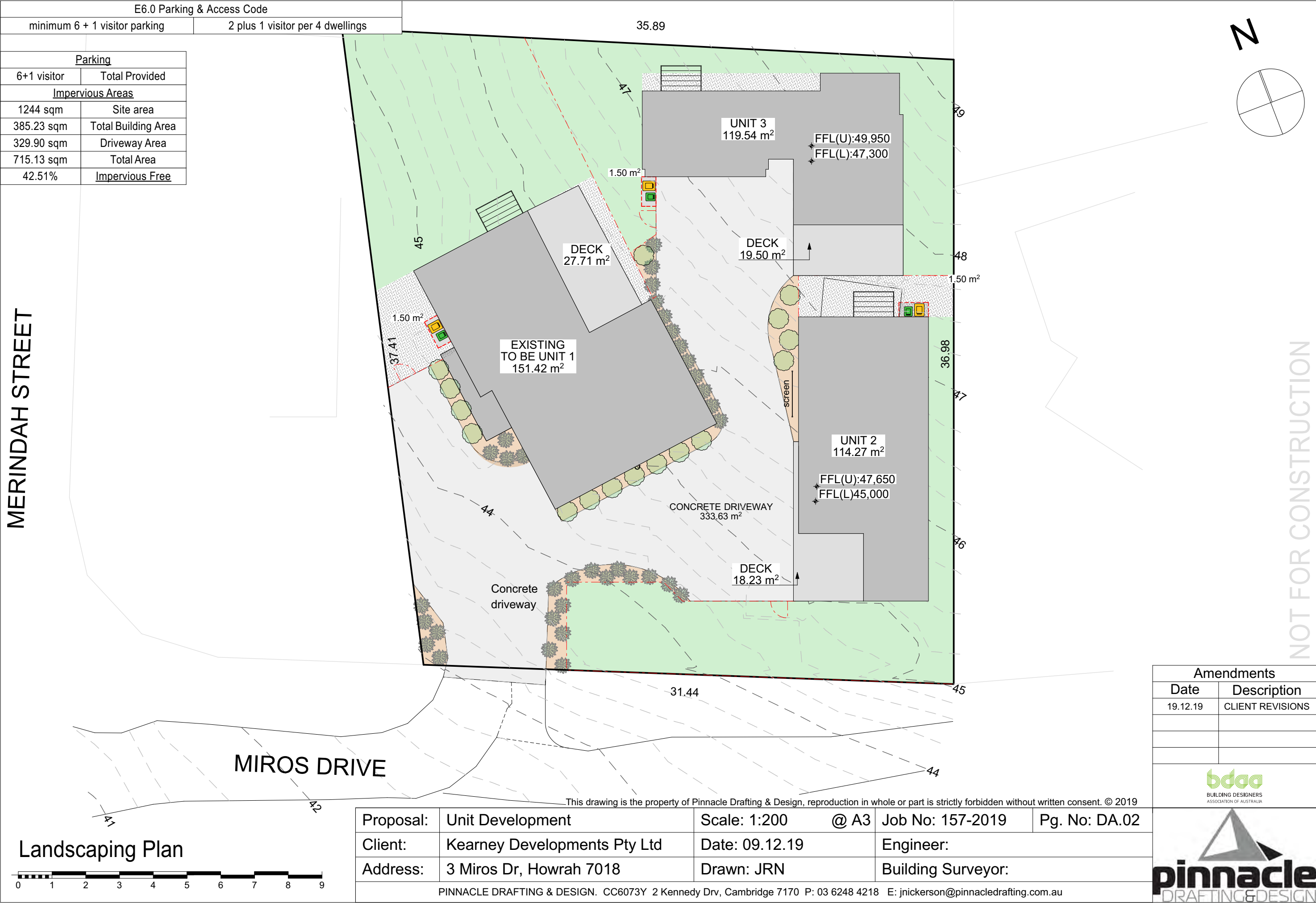
Proposal:	Unit Development	Scale: 1:200 @ A3	Job No: 157-2019	Pg. No: DA.01
Client:	Kearney Developments Pty Ltd	Date: 09.12.19	Engineer:	
Address:	3 Miros Dr, Howrah 7018	Drawn: JRN	Building Surveyor:	

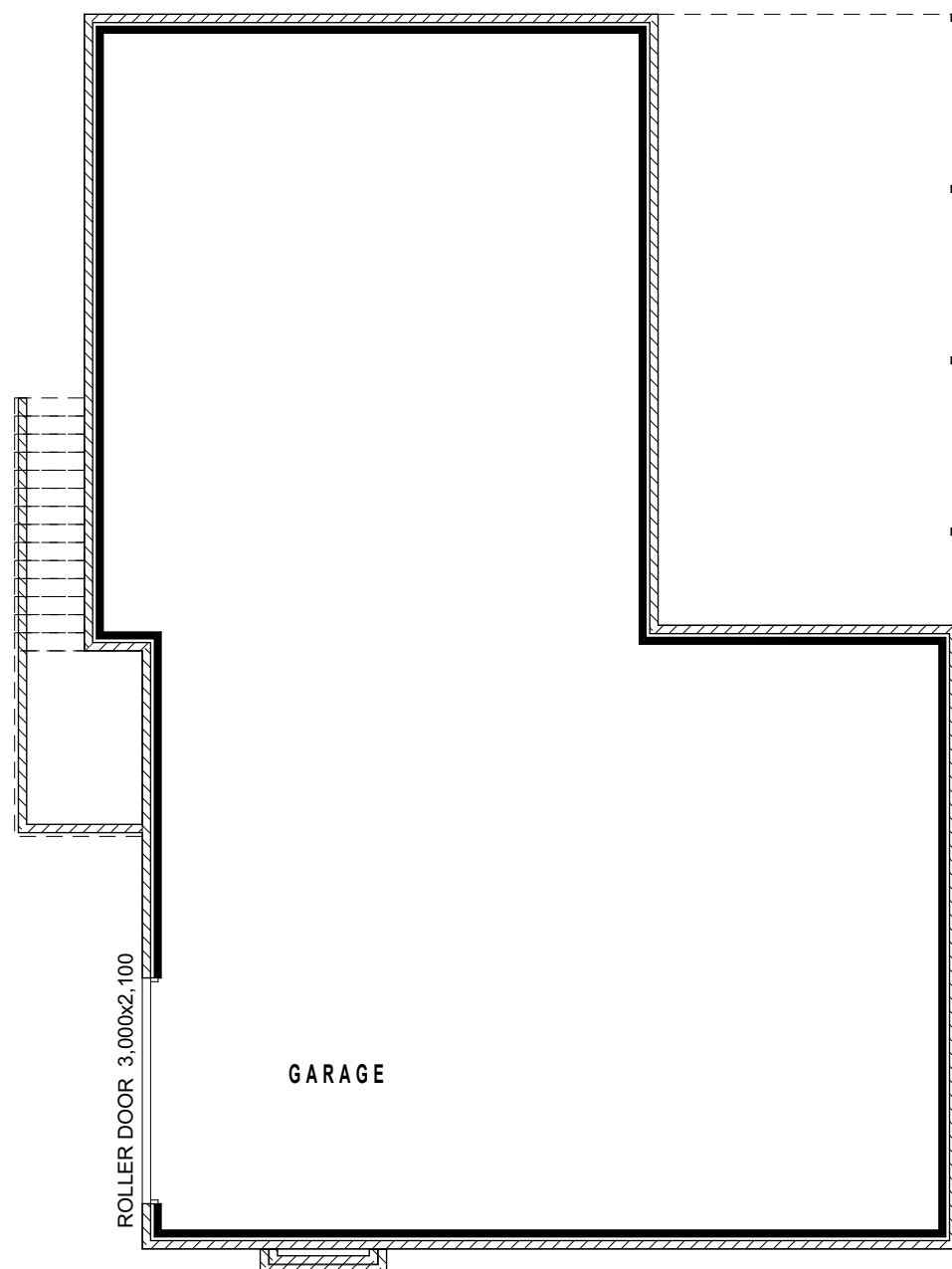
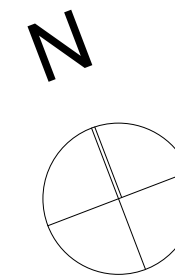
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
19.12.19	CLIENT REVISIONS

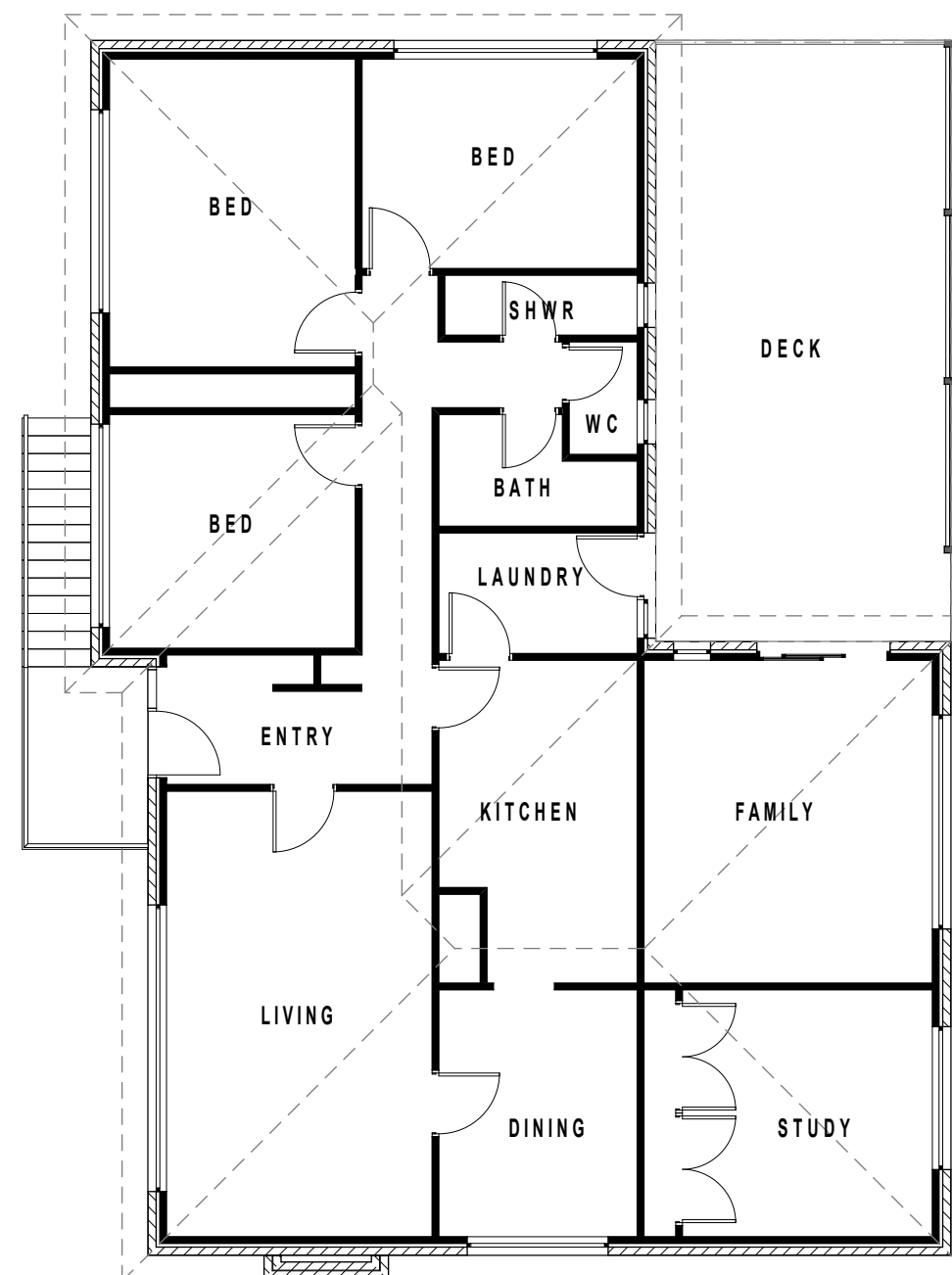
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LOWER FLOOR



UPPER FLOOR

Floor Areas	
Total	151.42 sqm
Deck	27.71 sqm

U1 Floor Plan (Existing)



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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 157-2019	Pg. No: DA.03
Client:	Kearney Developments Pty Ltd	Date: 09.12.19	Engineer:	
Address:	3 Miros Dr, Howrah 7018	Drawn: JRN	Building Surveyor:	

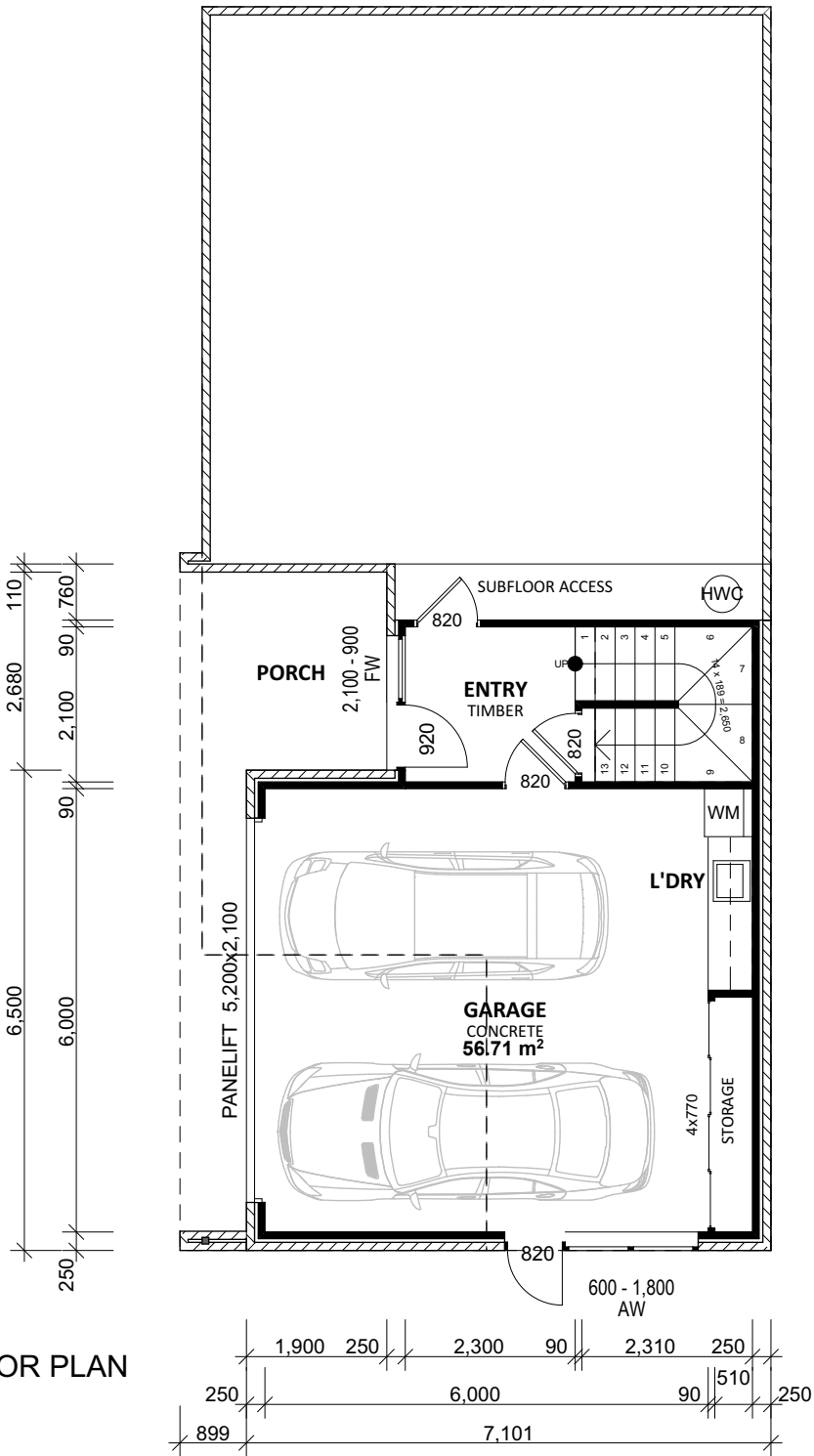
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Amendments	
Date	Description
19.12.19	CLIENT REVISIONS

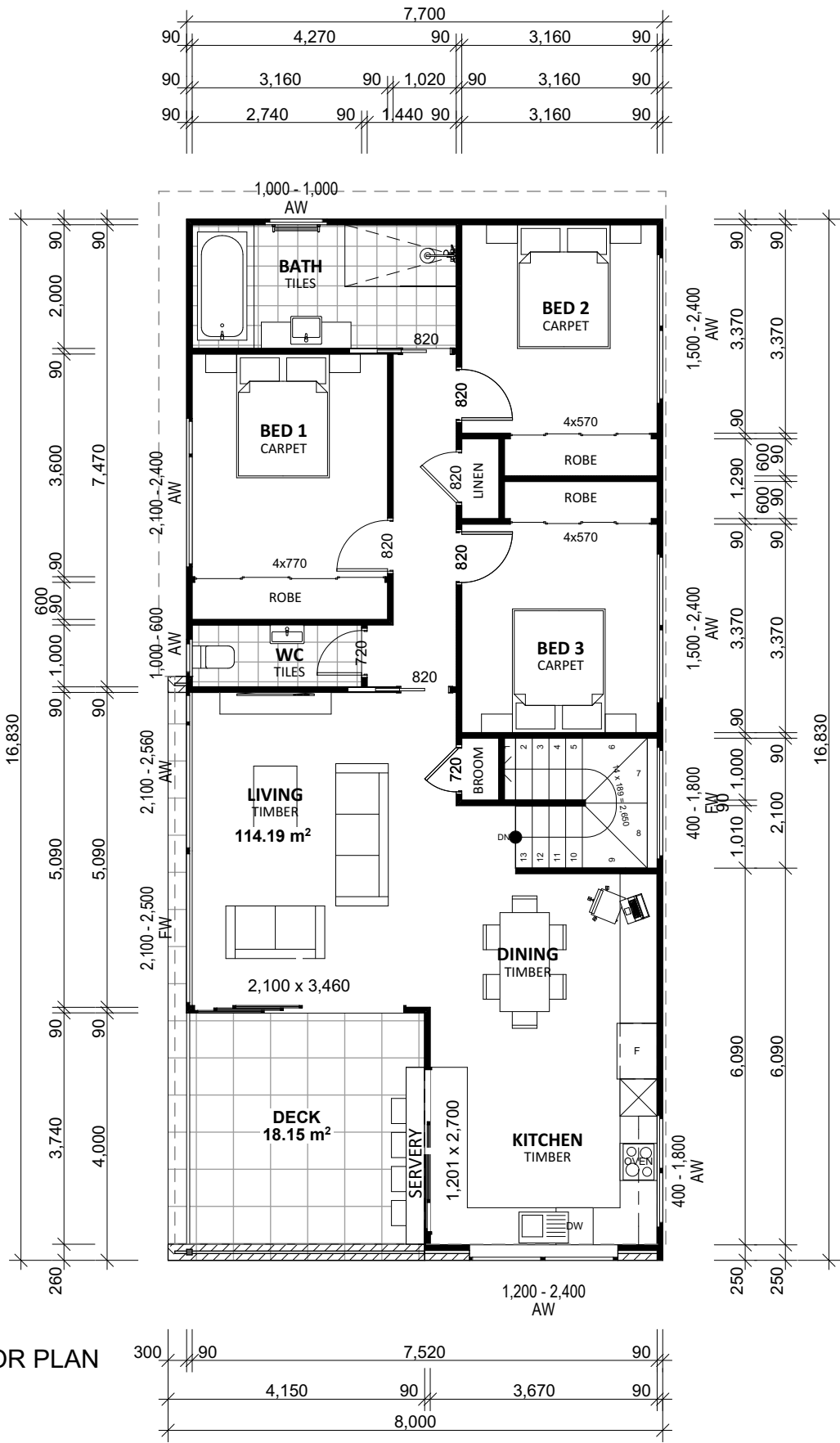


NOT FOR CONSTRUCTION

Floor Areas	
Lower Floor	56.71 sqm
Upper Floor	114.19 sqm
Total	170.90sqm
Deck	18.15 sqm



U2 Floor Plan

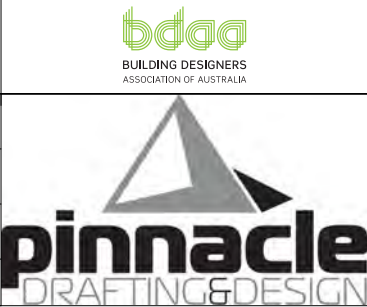


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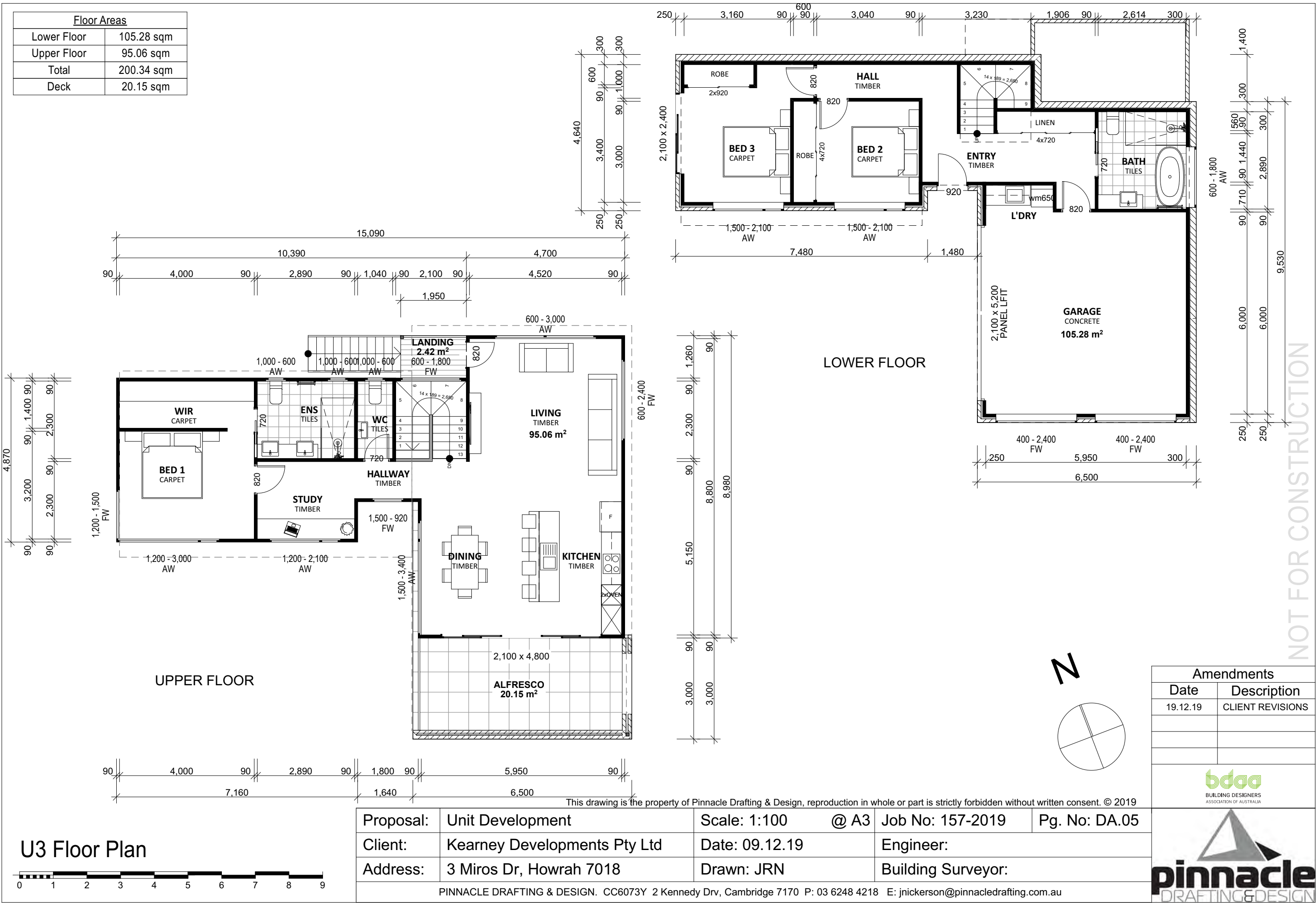
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Address:	3 Miros Dr, Howrah 7018	Drawn: JRN	Building Surveyor:	

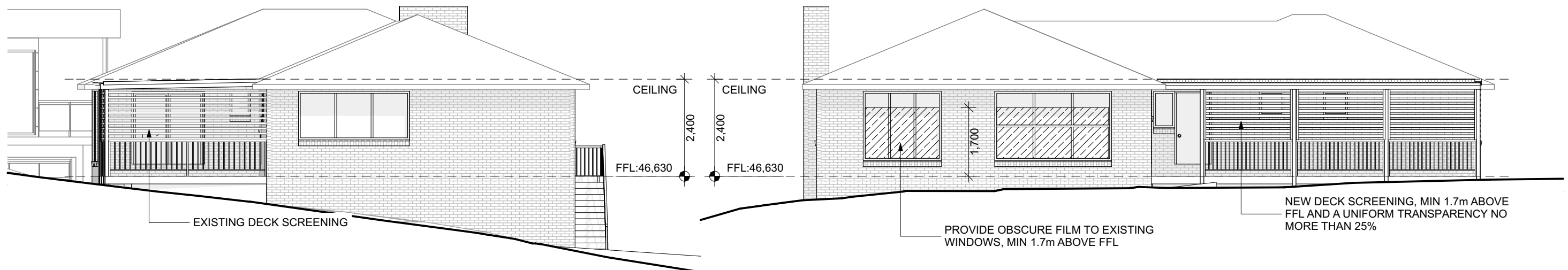
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
19.12.19	CLIENT REVISIONS



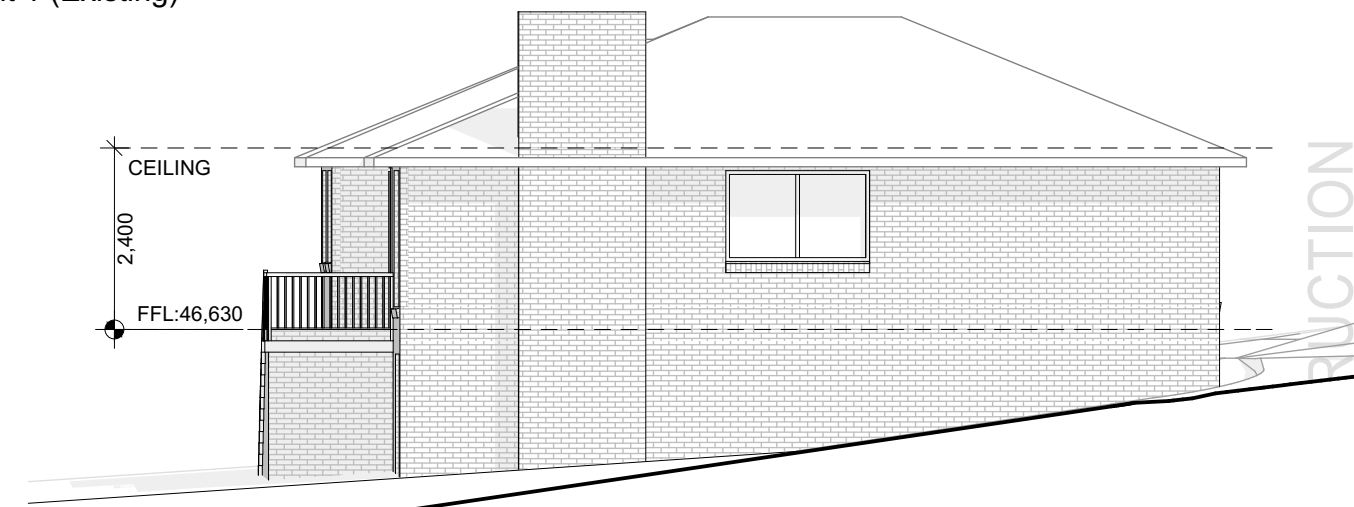
Floor Areas	
Lower Floor	105.28 sqm
Upper Floor	95.06 sqm
Total	200.34 sqm
Deck	20.15 sqm





North Elevation - Unit 1 (Existing)

East Elevation - Unit 1 (Existing)



South Elevation - Unit 1 (Existing)



West Elevation - Unit 1 (Existing)

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Elevations

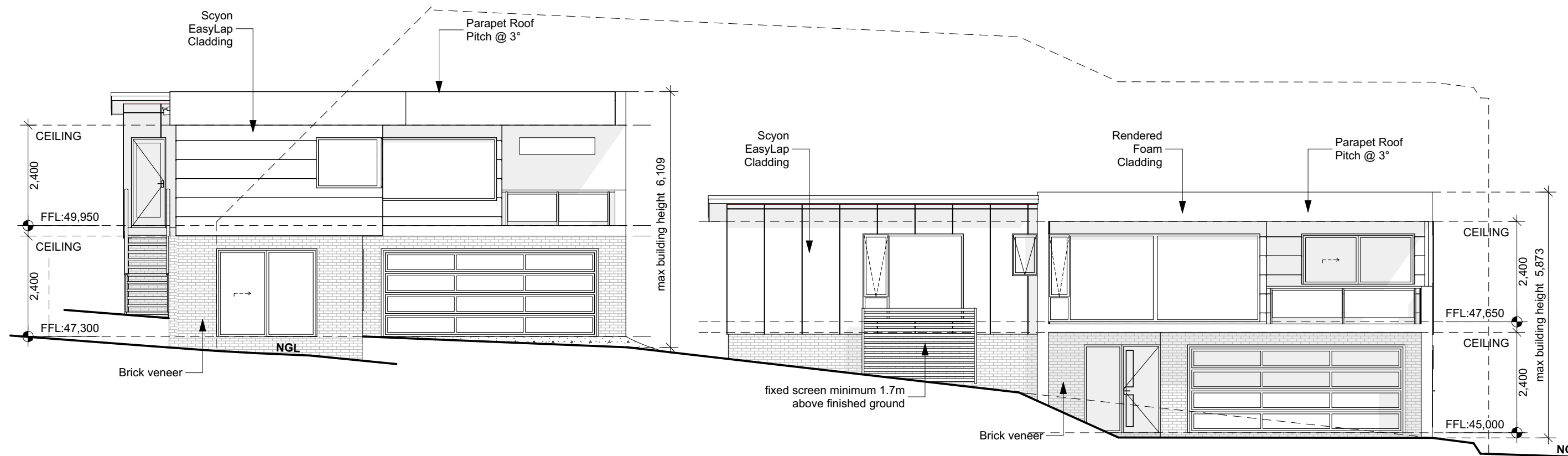


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Address:	3 Miros Dr, Howrah 7018	Drawn: JRN	Building Surveyor:	

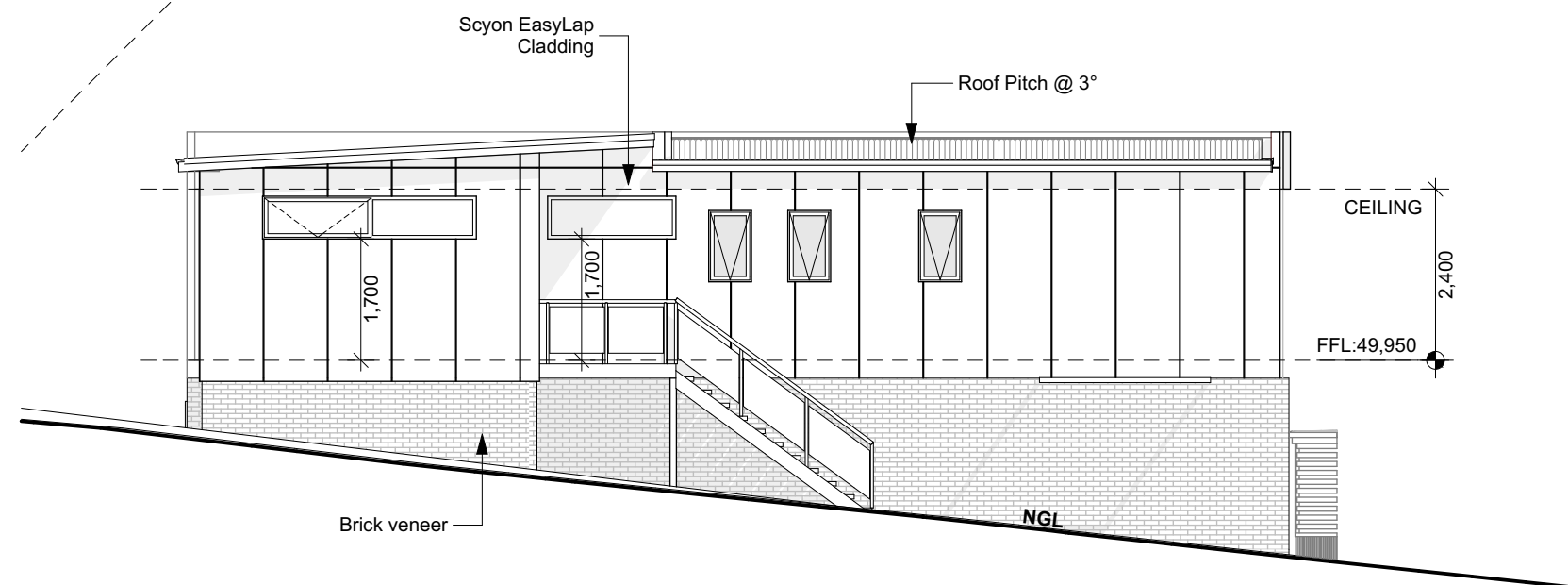
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Amendments	
Date	Description
19.12.19	CLIENT REVISIONS

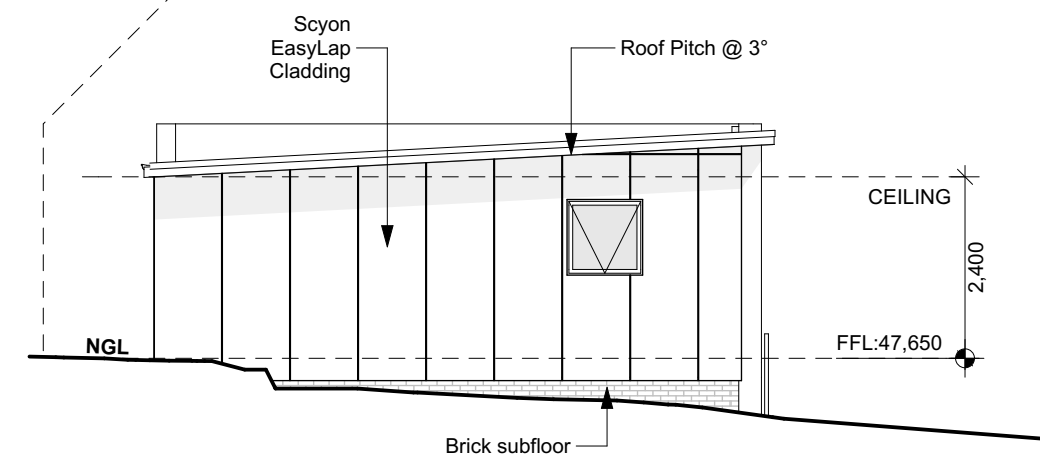




West Elevation - Unit 3 & 2

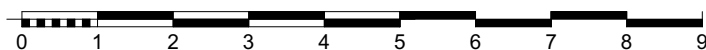


North Elevation - Unit 3



North Elevation - Unit 2

Elevations



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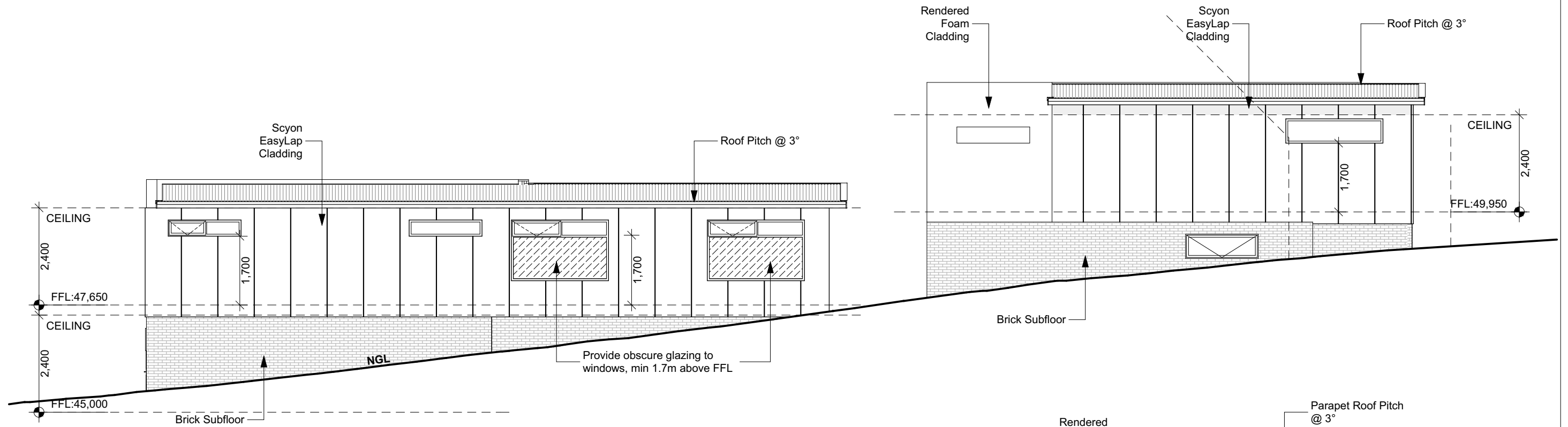
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Client:	Kearney Developments Pty Ltd	Date: 09.12.19	Engineer:	
Address:	3 Miros Dr, Howrah 7018	Drawn: JRN	Building Surveyor:	

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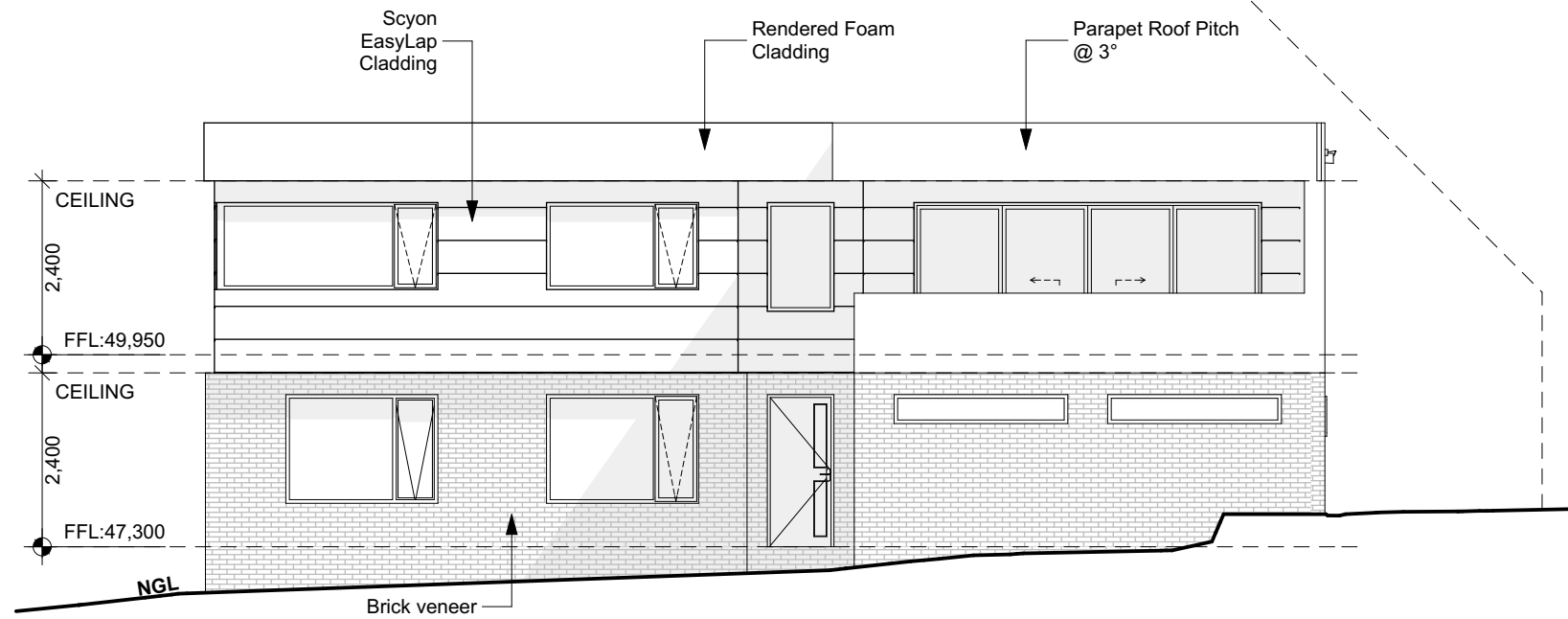
Amendments	
Date	Description
19.12.19	CLIENT REVISIONS



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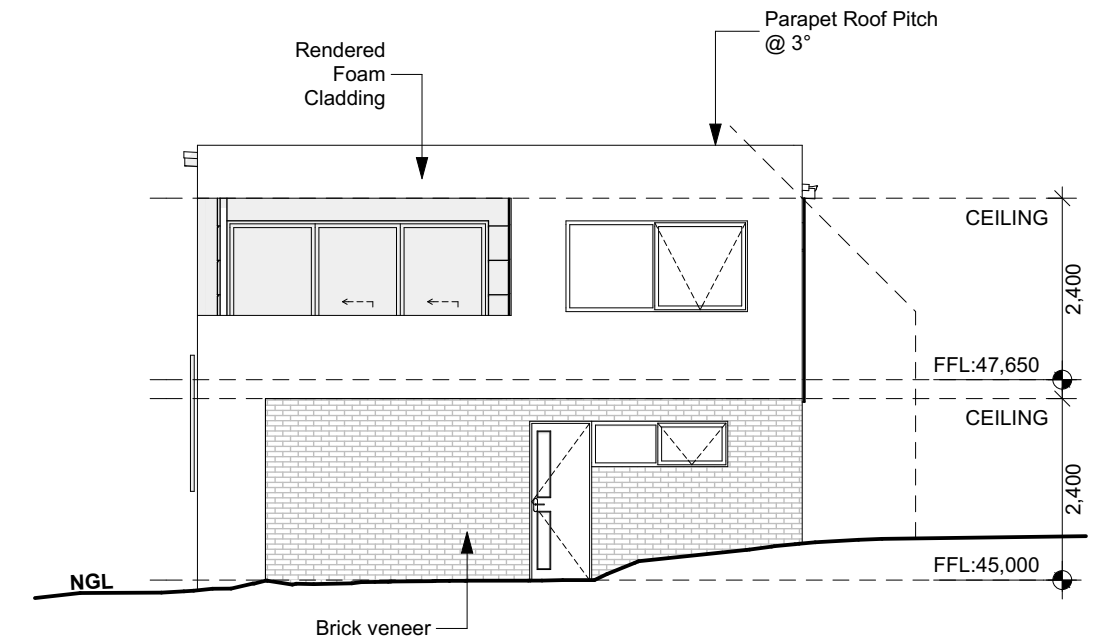


East Elevation - Unit 2 & 3



South Elevation - Unit 3

Elevations



South Elevation - Unit 2

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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 157-2019	Pg. No: DA.08
Client:	Kearney Developments Pty Ltd	Date: 09.12.19	Engineer:	
Address:	3 Miros Dr, Howrah 7018	Drawn: JRN	Building Surveyor:	

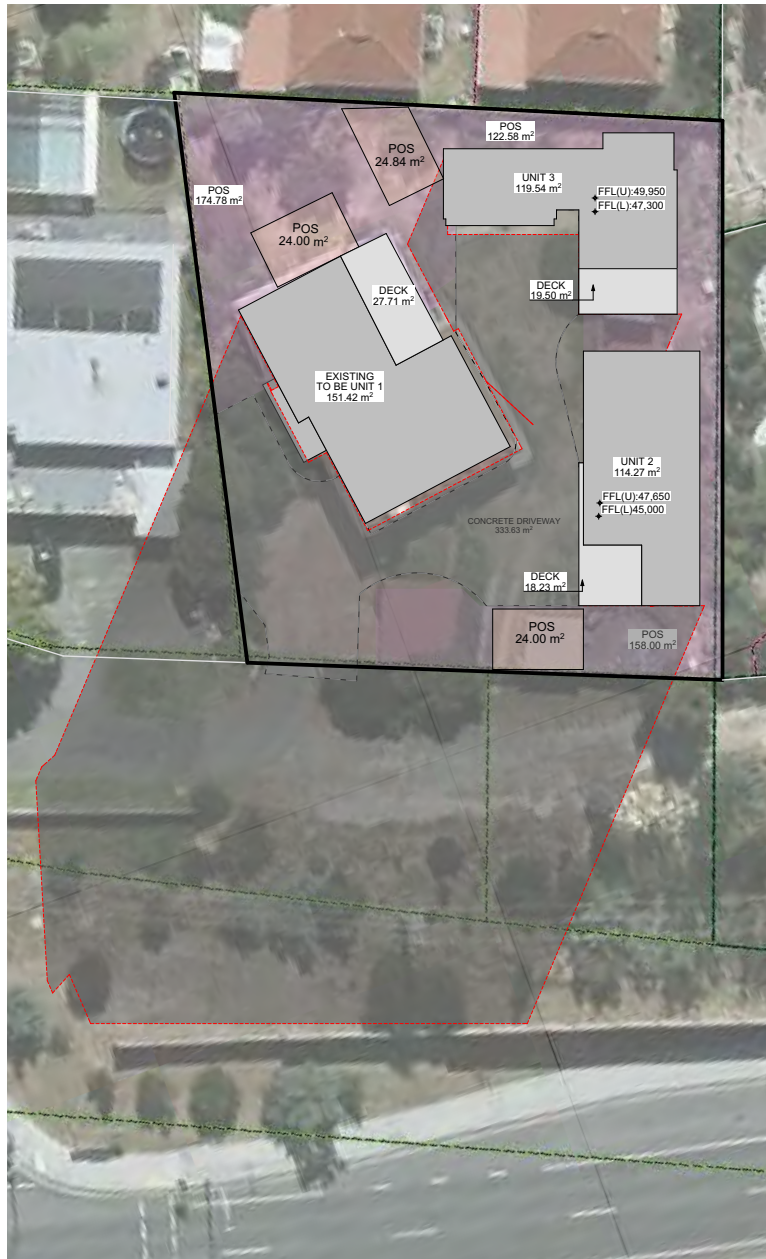
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Amendments	
Date	Description
19.12.19	CLIENT REVISIONS

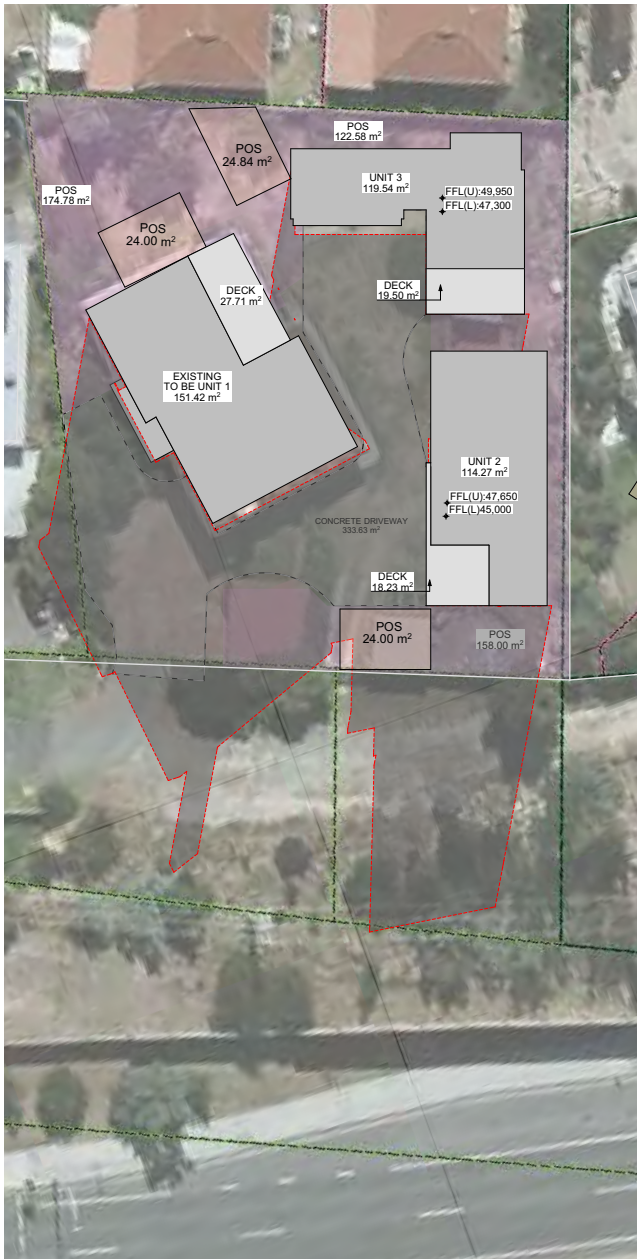
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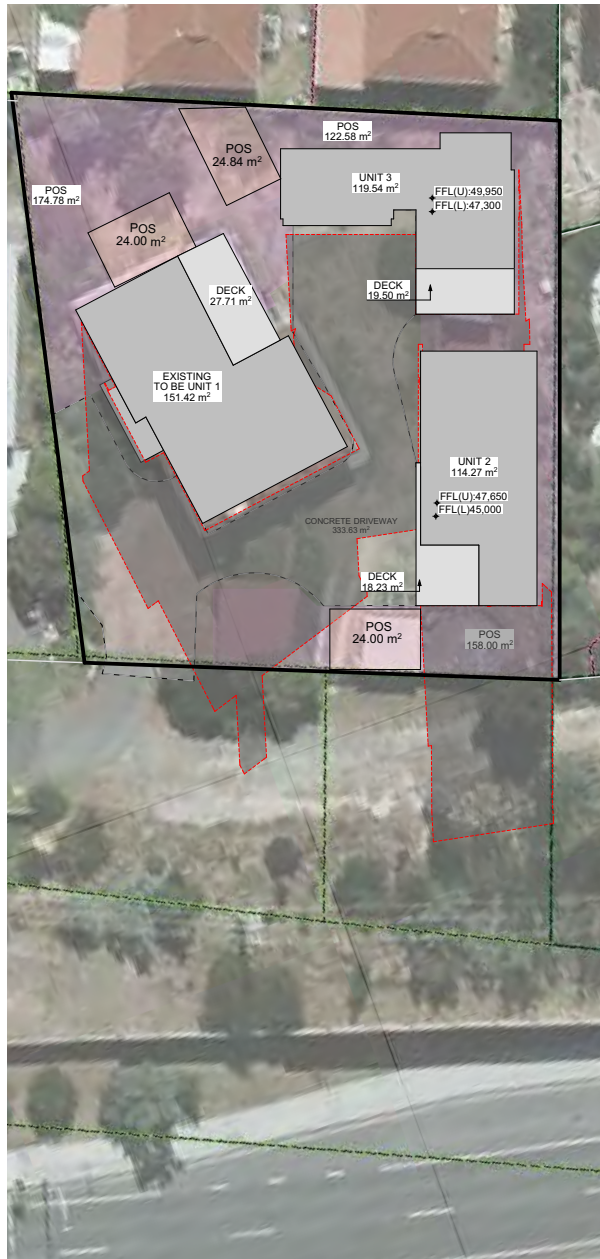
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SHADOW DIAGRAMS @ 0900 ON JUNE 21st



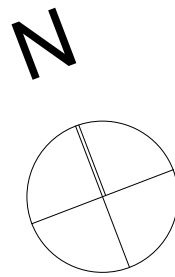
SHADOW DIAGRAMS @ 1000 ON JUNE 21st



SHADOW DIAGRAMS @ 1100 ON JUNE 21st



SHADOW DIAGRAMS @ 1200 ON JUNE 21st



NOT FOR CONSTRUCTION

Shadow Study 01



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Proposal:	Unit Development	Scale: 1:500 @ A3	Job No: 157-2019 Pg. No: DA.09
Client:	Kearney Developments Pty Ltd	Date: 09.12.19	Engineer:
Address:	3 Miros Dr, Howrah 7018	Drawn: JRN	Building Surveyor:
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au			

Amendments	
Date	Description
19.12.19	CLIENT REVISIONS


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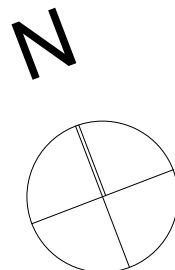
SHADOW DIAMGRAS @ 1300 ON JUNE 21st



SHADOW DIAGRAMS @ 1400 ON JUNE 21st



SHADOW DIAGRAMS @ 1500 ON JUNE 21st



Shadow Study 02



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Proposal:	Unit Development	Scale: 1:500	@ A3	Job No: 157-2019	Pg. No: DA.10
Client:	Kearney Developments Pty Ltd	Date: 09.12.19		Engineer:	
Address:	3 Miros Dr, Howrah 7018	Drawn: JRN		Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au					

Amendments	
Date	Description
19.12.19	CLIENT REVISIONS


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Attachment 3

3 MIROS DRIVE, HOWRAH



Photo 1: Site viewed from intersection of Miros Drive and Merindah Street, looking southeast.



Photo 2: Site of access track, viewed from southern boundary of site looking southeast



Photo 3: Site of development viewed from southern boundary of site looking northeast



Photo 4: Site of proposed development viewed from southeastern part of site, looking north



Photo 5: *Site of existing dwelling viewed from eastern end of Miros Drive, looking northeast*

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 COVID-19 – CLARENCE CITY COUNCIL COMMUNITY SUPPORT PACKAGE****EXECUTIVE SUMMARY****PURPOSE**

To provide an update on Council's COVID-19 response, a recommended community support package for consideration and approval by Council and approve several delegations to the General Manager.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

The *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Tas) and the *Local Government Act 1993* (Tas) are relevant.

CONSULTATION

Council, via the Mayor and key Council staff, has been keeping the Clarence community updated in relation to the evolving issues and responses to the COVID-19 pandemic.

On 27 March 2020, a LGAT General Meeting of member Councils was held. The meeting approved several relief measures to be put before each Council for formal consideration. This report and its recommendations address Council's previous discussion and the resolution of the LGAT General Meeting.

FINANCIAL IMPLICATIONS

There are significant immediate and long-term financial implications associated with the COVID-19 pandemic response. These costs cannot be accurately quantified at present but are realistically in the millions of dollars and will affect Council's financial position in the current and subsequent years.

Balancing the provisions of the support package with the financial consequences associated with such measures will necessarily lead Council to focus on the prioritisation of delivery of core services to the community and consequently require reductions in other services or service levels. These considerations will need to underpin Council's consideration of the 2020/21 Estimates and Annual Plan and will continue to influence budget and planning processes in subsequent years.

RECOMMENDATION:

That Council:

- A. Notes that the General Manager:
- Has activated Council's Business Continuity and Recovery Plan and taken steps in accordance with that plan to manage Council's services and activities, including steps aimed at ensuring staff safety in accordance with published social distancing and other restrictions;
 - Is working closely with representatives of the Tasmanian Government and other Councils to support the government response to this crisis, provide resources if requested, and to respond in accordance with relevant emergency management plans if required.
- B. Approves the following community assistance package, and authorises the General Manager to implement the package, to assist individual ratepayers and businesses within the City of Clarence.
- That no penalties, charges, interest or debt collection for late rate payments will occur until at least 30 June 2020.
 - That rental relief on Council owned buildings and other premises where tenants and/or leaseholders are experiencing financial hardship will be considered, upon written application by the relevant tenant, until 30 June 2020, and approved in accordance with Council's Community Hardship Policy.
 - A "Community Hardship Policy" that provides the basis for the General Manager (or delegate) to assess hardship claims in relation to payment of rates.
 - The community grants program be refocussed to support local businesses, not-for-profit organisations and community organisations recover their operations to help build resilience, until 30 June 2021.
 - As a means of supporting local business recovery and injecting funds into the local economy in a timely manner, settle creditor invoices within 14 days of receipt (or sooner), irrespective of normal or contracted trading terms.
 - Adopt a zero% rate increase of the General rate by fixing the General rate for the upcoming financial year (FY2020/21) to be the equivalent to the rate cent in the dollar as approved in Council's rating resolution 2019/2020 as detailed in Paragraphs 2.1 and 2.2 of said rating resolution.

Note:

Paragraph 2.1 of the 2019/20 rating resolution states that the General Rate consists of 2 components.

- a) a rate of 0.54595 cents in the dollar on the capital value of the land; and
- b) a fixed charge of \$300

Paragraph 2.2 of the 2019/20 rating resolution states that component (a) of the general rate is varied by decreasing by 0.35455 cents in the dollar to 0.19140 cents in the dollar in respect of land used for primary production, residential purposes, sporting or recreational facilities and land that is non-used land.

- Any increase to fees and charges limited to a maximum of Hobart CPI (for the 12 month period to the end of March 2020).

C. Authorises the General Manager to take all further actions necessary to continue to address this pandemic crisis, including:

- expending funds in addition to the 2019/20 Estimates in order to respond effectively to the current crisis (in accordance with Section 82(4) of the Local Government Act 1993 (Tas)). Such additional expenditure to be reported to Council at each Council Meeting, or monthly via an update to Elected Members if Council Meetings are not occurring.

Note – this recommendation requires an absolute majority decision.

- Putting in place flexible work and leave arrangements, where such arrangements will have the effect of ensuring Council has a workforce that is ready and able to respond to the crisis and the recovery, that may result in the incurring of additional costs in addition to the 2019/20 Estimates (in accordance with Section 82(4) of the Local Government Act 1993 (Tas)).

Note – this recommendation requires an absolute majority decision.

- Implementing all statutory Notices issued by the Tasmanian Government in accordance with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Tas).
- Take all necessary steps to secure altered funding arrangements (for example, increased overdraft limits, securing debt funding, etc) to facilitate continued Council operations. Additional funding arrangements to be reported to Council at each Council Meeting, or monthly via an update to Elected Members if Council Meetings are not occurring.
- Subject to any statutory notice being issued by the Tasmanian Government in accordance with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (Tas), pursuant to Section 6(3) of the Land Use Planning and Approvals Act 1993 (LUPAA), delegate the General Manager to determine all applications that would otherwise be determined by the full Council unless they are called in by an Elected Member for the period from 7 April to 30 June 2020 inclusive, subject to the following requirements:
 - i. Elected Members will be informed of any application(s) subject to this recommendation; to make them aware of matters they may wish to call in before any delegation is exercised.
 - ii. Such delegation to be immediately revoked upon appropriate change to legislation to allow alternative Council Meeting formats that enable Council to sit as a Planning Authority in accordance with LUPAA.

COVID-19 – CLARENCE CITY COUNCIL COMMUNITY SUPPORT PACKAGE
/contd...

ASSOCIATED REPORT**1. BACKGROUND**

The COVID-19 pandemic crisis is evolving rapidly. This report summarises the Council's role in the pandemic, actions taken to date in response to the latest information, advice and directives from the Australian and Tasmanian Governments and a proposed community support package.

2. REPORT IN DETAIL**Council's Role in the Pandemic Response**

2.1. The Premier declared a State of Emergency on 19 March 2020. The lead agency responding to COVID-19 in Tasmania – known as the Response Management Authority – is the Tasmanian Department of Health (DoH). The Secretary of the Department of Police, Fire and Emergency Management (DPFEM) is the State Emergency Management Controller.

2.2. The Council's responsibilities in responding to COVID-19 are in line with the Emergency Management Act and the Municipal Emergency Management Plan. Those responsibilities are to:

- Distribute warnings and other relevant advice to the community, ensuring consistency of messaging with DoH and Tasmania Police.
- Assist as requested and required by the State/Regional/Emergency Operations Controller.
- Provide regular information/situation reports to the State/Regional Controller if requested.
- Provide liaison officers to the Emergency Operations Centre (EOC) as requested.
- Maintain essential services to the community, as detailed in business continuity plans.

- 2.3.** Council is in regular communication with the Tasmania Government’s Emergency Management Authority via its Emergency Management Co-ordinator.

Business Continuity and Recovery Plan

- 2.4.** On 24 March 2020 the Mayor, upon advice from the General Manager, activated Council’s Business Continuity and Recovery Plan (BCRP).

- 2.5.** The BCRP activates three key teams:

- the Leadership Team – comprising Mayor, Deputy Mayor and General Manager;
- the Assessment Team – comprising a number of key staff, led by the Acting Manager Governance; and
- the Continuity Team – comprising Executive and other Managers, led by the General Manager.

- 2.6.** Teams have been meeting regularly, in some instances daily.

- 2.7.** The BCRP response has been focussed on:

- Assessing and managing Council’s workplaces and workforce.
- Implementing “work from home” and other work arrangements focussed on social distancing / risk mitigation.
- Identification of essential services and resourcing requirements.
- Contingency plans should further restrictions, such as a “hard lock down”, occur.

Other Actions

- 2.8.** It has been necessary to implement a number of other actions to comply with restrictions announced by the Tasmanian Government, or to respond to particular risks emerging within Council operations. These actions include:

- Closure of the Council Chambers building to the public.
- Closure of community amenities including a number of parks and all skate parks.
- Signage placed on toilets, exercise equipment and other facilities providing hygiene warnings.

Community Response Package

2.9. On 23 March 2020, Elected Members attended a workshop to discuss options for inclusion in a community response package. A further workshop was held on 30 March to discuss specific recommendations, including the resolution passed at the LGAT General Meeting held on 27 March 2020.

2.10. The following resolution was passed at the LGAT General Meeting:

“That LGAT Voting Representatives agree to take back the following relief mechanisms, to their Council for determination of a formal position on them as soon as practicable for this point in time with a review before 30 June 2020.

1. *No penalties, charges, interest or debt collection for late rates payments and extended payment periods (with such measures in place) until 30 June 2020*

CARRIED UNANIMOUSLY

2. *Rent relief on council owned buildings where tenants are experiencing financial hardship until 30 June 2020.*

CARRIED UNANIMOUSLY

3. *A common approach to hardship/assistance policies with LGAT to develop a model policy based on engagement with councils.*

CARRIED UNANIMOUSLY

- 4a. *Community grants to be refocussed as appropriate to support local business and not for profit recovery or conversion to a digital environment or circular economy until 30 June 2021.*

- 4b. *As a means of supporting local business recovery and injecting funds into communities in a timely manner, councils be encouraged to settle creditor invoices within a maximum 14-day timeframe (or sooner), irrespective of normal trading terms.*

CARRIED UNANIMOUSLY

5. *A 0% increase on general rates for 2020-21 but fees and charges may be indexed by CPI.*

CARRIED

6. *Seek the option of relaxing depreciation requirements or extending standard asset life for 2020-21 upon agreed criteria with the Auditor General (including asset condition) and subject to the Auditor General adjusting financial indicators accordingly”.*

CARRIED

- 2.11.** Following from the workshop held on 30 March 2020, a package of measures has been developed. These measures form Resolution B of this report.

COVID-19 Act

- 2.12.** The *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Tas) (COVID-19 Act) was enacted on 26 March 2020. The COVID-19 Act facilitates amendment of numerous legislative requirements via the issuing of Notices by relevant government Ministers.

- 2.13.** Council must be able to implement the requirements of each Notice quickly and effectively. For this reason, it is recommended that Council provide to the General Manager a broad delegation to implement the changes required by each Notice.

- 2.14.** Additionally, Council’s response to the COVID-19 crisis will result in over expenditure of Council’s budget in the current year. This over-expenditure will relate to a range of actions designed to assist with Council’s response to this crisis. For this reason, it is recommended that Council provide the General Manager with approval to over-expend against the approved Estimates, subject to formal report back to Council on a regular basis not exceeding one month.

- 2.15.** Linked to the recommended delegation above, there will be a need to provide additional paid leave to Council employees. This leave will assist to mitigate against any shut-down of work activities, but also assist to ensure Council's workforce is ready and able to provide designated essential services and also respond to the recovery effort at the relevant time. Provision of additional paid leave will result in over-expenditure against the approved Estimates.

3. CONSULTATION

3.1. Community Consultation Undertaken

No community consultation has been undertaken as this was not possible within the timeframe of this crisis.

3.2. State/Local Government Protocol

On-going consultation is occurring with the Tasmanian Government, via formal and informal avenues.

3.3. Other

Discussion of various community support measures was the focus of the LGAT General Meeting, held 27 March 2020. The resolution of the meeting is reproduced above.

3.4. Further Community Consultation

Following a decision by Council, the package of community support measures will be publicly communicated to our community, via electronic and other media.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The current crisis will be a disruptive influence upon Council's Strategic Plan, 10 Year Financial Plan and a range of other plans for a significant period, measured in years. A substantial review of these plans will be required following the crisis.

5. EXTERNAL IMPACTS

Council is a key business and employer within the City of Clarence. Aside from its role as a local government authority, Council has the capacity to positively influence the economy and wellbeing of its community. The proposed community support package has been developed to assist individual ratepayers and businesses to get through this crisis in the best way possible, recognising that many in our community will suffer detrimental financial, social and health impacts.

6. RISK AND LEGAL IMPLICATIONS

6.1. The Tasmanian Government passed the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 (the Act) on 26 March 2020.

6.2. The Act provides a mechanism for the Tasmanian Government, via its various Ministers, to issue notices amending the requirements of a wide range of legislation.

6.3. In the week beginning 30 March 2020, Council expects to receive a number of Notices. Broadly, we expect these notices to amend meeting requirements, statutory/regulatory requirements and to facilitate a range of other activities relevant to the current crisis. Elected Members will be updated as and when Notices are issued.

7. FINANCIAL IMPLICATIONS

7.1. The COVID-19 pandemic crisis will have serious implications for Council. Broadly speaking, Council can expect to:

- incur a deficit against its FY2019/20 Estimates;
- reduce services in the FY2020/21 year to meet the requirement for a “zero” increase budget; and
- incur deficits in subsequent years requiring loan borrowings.

- 7.2.** The extent of deficits will not be known for some time however, such deficits are necessary and reasonable in the circumstances. Council's obligation, in the context of the *Local Government Act 1993 (Tas)* requirements, is to provide for the health, safety and welfare of the community (Section 20). The current circumstances can be argued to justify deficits and extraordinary measures.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** The COVID-19 pandemic crisis is an extraordinary event impacting world-wide. The Tasmanian Government has put in place a range of pandemic measures, including significant economic stimulus. The Tasmania Government, quite reasonably, has asked local government to play its part in its communities.
- 9.2.** The recommendations provided with this report seek to do three key things:
- summarise actions to date;
 - provide a community support package for Council to approve; and
 - authorise the General Manager to take all necessary steps to respond to this crisis on behalf of Council, including authorisation to expend unbudgeted funds.

Attachments: 1. COVID-19 Community Hardship Policy (5)

Ian Nelson
GENERAL MANAGER

COVID-19 FINANCIAL HARDSHIP POLICY

1. PURPOSE

The purpose of this policy is to provide guidance to the community as to what Council support is available should they be experiencing genuine financial hardship as a result of the COVID-19 pandemic crisis.

2. POLICY STATEMENT

This policy provides the framework for the assessment of applications from ratepayers and tenants of Council owned properties who are experiencing difficulty in meeting their obligations due to genuine financial hardship as a result of the COVID-19 pandemic.

This policy will be reviewed quarterly to assess continued applicability and will apply with effect from 31 March 2020.

3. SCOPE

This policy applies to all ratepayers of Clarence City Council, who are responsible for rates and charges on a property within the City of Clarence and also extends to tenants of Council owned buildings who are experiencing financial hardship due to the COVID-19 pandemic crisis.

In applying this policy, Council will be guided by the following principles:

- Compliance with relevant statutory requirements;
- Flexibility in providing payment options and processes that meet local needs and the special circumstance of those facing hardship;
- Fair, equitable and respectful treatment of all applicants facing financial hardship;
- A 'stop the clock' approach to suspend debt recovery and/or legal action while a ratepayer's hardship application is awaiting determination, and subsequently if that application is approved; and
- Respecting confidentiality such that information provided by applicants is treated as private and confidential and can only be used for the purposes of assessing the hardship application and not be made available to third parties (with the exception of referral to Council's debt collection agency).

4. CLARENCE CITY COUNCIL STRATEGIC PLAN OUTCOME

The following strategies are identified in Council's Strategic Plan 2016-2026:

Governance and leadership: Clarence City Council will provide leadership and accessible, responsive, and accountable governance to the city.

Council's assets and resources: Clarence City Council will effectively and efficiently manage its financial, human and property resources to attain Council's strategic goals and meet its obligations.

5. STATUTORY REQUIREMENTS

Sections 125, 126 and 127 of the *Local Government Act 1993* (**the Act**) set out the circumstances in which a Council can consider an application for postponement of payment of rates on the ground of hardship. Council's 'Rates and Charges Policy 2016' also applies and must be read in conjunction with the Act and does not take precedence over the Act requirements.

6. DEFINITIONS

The following definitions apply to this policy:

Ratepayer: a person who is liable to pay rates on a property in Clarence. This may be the owner of the property or could also be the person renting the property if the rental agreement requires that person to pay rates.

Tenant: a person who has a rental agreement with Council for a Council owned building/property that requires the payment of rent or rates and charges.

Genuine financial hardship: occurs when a ratepayer or tenant is genuinely unable to pay the rates and charges owed and unable to meet other financial obligations. Genuine financial hardship does not arise where it is inconvenient to pay the amount of rates owed or it is subject to the timing of income; for example, holiday pay, dividends, lump sum payment. Genuine financial hardship may occur in the following circumstances arising as a result of the COVID-19 pandemic crisis:

- Loss or significant reduction in family income due to job loss or business closure (or both);
- Serious illness resulting in incapacity to work;
- Death in the family; or
- Any other factor that results in an unforeseen and substantial change in the ratepayer's capacity to meet their financial obligations.

Rates and charges: means the following Council rates and charges that appear on a rates notice:

- General rate;
- Waste charges;
- Stormwater charges; and
- any interest or penalties that Council can charge if the rates and charges are not paid on time (including any costs that Council would charge for the recovery of overdue rates)

7. ELIGIBILITY

A ratepayer or tenant may be eligible for consideration for hardship assistance in the payment of overdue rates and charges where:

- They are unable to pay amounts when due and payable for reasons beyond their control due to the COVID-19 pandemic crisis; and
- Payment when due would cause the person genuine financial hardship.

Any ratepayer or tenant who cannot pay their rates or charges due to genuine financial hardship may apply to Council for assistance at any time. Ratepayers and tenants are encouraged to contact Council to seek assistance as soon as practicable.

8. ASSISTANCE UNDER THIS POLICY

This policy provides the framework for the assessment of an application from a ratepayer or tenant of a Council property who is experiencing genuine financial hardship and cannot pay their rates and charges payments as a result of the COVID-19 pandemic crisis.

A ratepayer who believes they are suffering genuine financial hardship can apply to Council for either:

- Waiver of interest, penalties, legal charges invoiced in respect of the Rates, in-part or in-full (i.e. not being required to pay any extra fees that Council may have charged for the Rates not being paid on time); or
- Deferral of the payment of rates (i.e. paying Rates after they would normally be due).

A ratepayer or tenant may apply for one or more of the above types of relief when making an application.

Hardship Assistance in Relation to Council Fees

Any application for hardship assistance in relation to Council fees or charges will be assessed in accordance with the same eligibility criteria used to assess genuine financial hardship assistance in respect of rates and charges.

9. EVIDENCE OF GENUINE FINANCIAL HARDSHIP

If a person makes an application for relief in accordance with this policy, Council will ask the person to provide evidence that they are suffering genuine financial hardship.

Evidence that Council may ask for to assist with the assessment may include and is not limited to:

- Written reasons detailing the circumstances in which the person is unable to pay the rates and charges when they fall due and payable;

- Documents that show the ratepayer or tenant has sought help from a financial counsellor (such as a receipt from a booking with a financial counsellor);
- A statutory declaration from someone who is familiar with the ratepayer's circumstances (family doctor, bank officer, welfare officer, Government agency);
- Bank statements, medical certificates, or other documentary evidence that demonstrates the circumstances that have caused or are symptomatic of the ratepayer's genuine financial hardship;
- Evidence of loss of main source or sources of income;
- Evidence of qualification for Federal Government assistance in response to the COVID-19 pandemic crisis.

If Council staff require additional evidence to support an application by a ratepayer or tenant, they will explain exactly what they require and why they need it to determine the application.

10. APPLICATION PROCESS

Council's Rates Relief application form and evidence of financial hardship are to be submitted by the ratepayer or tenant in writing to the General Manager for assessment.

The provision of supporting evidence with the application will assist the prompt assessment of the application.

The application form will be available on Council's website (www.ccc.tas.gov.au). Alternatively, a person may telephone Council and ask that a form be posted to them.

Application forms may be submitted to Council by email (clarence@ccc.tas.gov.au) or posted to Clarence City Council, PO Box 96, Rosny Park 7018.

Council staff will contact the ratepayer or tenant once the application is received and provide advice regarding the assessment process, including if there is any other information required.

Council may refer an application to an independent accredited financial counsellor for assessment if it deems this to be necessary.

The application will be valid for a maximum period of 12 months from the date of approval. The ratepayer or tenant will be required to reapply prior to the end of each period and establish whether their circumstances have changed or not.

11. DELEGATED APPROVAL

Determination on applications in accordance with this policy will be subject to review and approval by:

- Rates officers - where alternative payment arrangements result in the full payment of rates by 30 June 2021;
- Chief Financial Officer – for decisions up to \$2000; or
- General Manager for decisions over \$2000

12. WHAT HAPPENS IF AN APPLICATION IS APPROVED?

Each application received in accordance with this policy will be reviewed and determined in accordance with the policy requirements. The ratepayer or tenant will be advised in writing of Council's decision.

For each approved application, Council staff will put in place necessary arrangements. Should there be any error or mis-calculation on a subsequent rates notice or other invoice, the ratepayer or tenant shall be entitled to rely upon the written advice provided in relation to the application.

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 QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**Ald Mulder**

1. Citing an over-reliance on Chinese students UTAS has announced major reductions in course offerings. Have there been any communications regarding the Kangaroo Bay Hospitality School? If not does the Mayor think it appropriate that we make such an enquiry?

ANSWER

There have been communications with UTAS and Chambroad and they are still working together on a business plan.

2. In the event that Council cannot meet as a planning authority within the prescribed time does the General Manager have discretion to determine a planning application in the absence of a Planning Authority or does Council need to approve such delegation?

ANSWER

In the context of Council sitting as a planning authority, the State Government is currently considering whether it needs to legislate particular changes to the Local Government Act to deal with the Coronavirus situation, but we are unclear on what those measures might be at this point in time. In respect to actual delegations, Council officers have delegation to approve planning matters in certain circumstances already and as Aldermen would be aware that any planning matter that is listed for a refusal or has more than one objector then those matters automatically come to Council so there is a limited number of planning matters that are not captured by delegation at this point in time.

/ contd on Page 80

2 contd...

The purpose of my question was to find out how we would navigate it should it be that say the next Council Meeting if we were in a situation where some of us may have the virus and be in home isolation we may not have a quorum for a planning meeting even if there is one so if you don't have quorum for a Council Meeting you can't sit as a planning authority. What do we do in those circumstances?

ANSWER

The answer to that question goes back to my initial statement. We are awaiting advice from the State which I understand should be considered this week in terms of alternative arrangements they may put in place. So the two principle issues under the Local Government Act for Councils are the requirement to have a Council Meeting at least once every 4 weeks and secondly that those meetings are to be in person so once that issue has been dealt with that will give a clearer idea of just how planning matters might be dealt with.

Mayor

If Council is unable to deal with an application within a certain period of time isn't there a fall back on the General Manager?

ANSWER

There is a fall back on the Manager City Planning to be able to resolve that planning item under delegation.

Ald Walker

1. With regard to Victoria Esplanade landscaping as we approach budget time, I would like to know for the public record that we could get some comfort that while designs might not have been finalised that there is still an intent that there will be a budget component around that area.

ANSWER

Council officers have been working on not only a landscaping plan but also the initial stages of a master planning process for the Victoria Esplanade area right around to the Bellerive Fort. It was our intention to bring that to a workshop within the next few weeks.

2. With reference to an email received by all Aldermen extending an invitation to attend an event on 15 March organised by Clarence Climate Action in partnership with Living Well Clarence, it sounds like that was an event with part of Council working with a non-government entity. For the sake of comfort but also for some potential future events and on the basis of consistency could it be explained how Council may be able to do a similar thing with other organisations that are community minded such as perhaps the IPA, the nearly eighty year old venerable think tank that supports free market ideas, the free flow of capital, limited efficient government, evidence based policy, the rule of law, representative democracy and property rights. Is that something that could and should happen and if not on the basis of consistency, why not?

/ contd on Page 81...

ANSWER

The usual way that that would occur if it has gone to all Aldermen is if Council wishes to adopt a position on that, one would normally expect a notice of motion to be raised and if it is supported by a majority of Aldermen then it would be implemented. It is not a decision that officers would ordinarily make.

2 contd...

That did seem to happen in relation to this event

ANSWER

My understanding was that all Aldermen received a copy of the invitation and there is nothing to stop individual Aldermen from attending in their own right.

ALD PEERS

The land just down from Fairway Rise on the far side of the road, there is a big mound of dirt, who owns that land?

ANSWER

It is State Government owned and it is identified for a slip road onto the Tasman Highway.

Ald Blomeley

Aldermen would be aware that today AFL made some announcements postponing games until 31 May and then they will review the situation. Some of the big organisations have already made the call including RSL Tasmania who have cancelled ANZAC Day services. In part of that announcement they were urging local government state-wide to ensure that we do not hold similar events. I know that there is one run by the local community in Richmond and I would just like to understand what our position is because it hasn't been officially communicated to Aldermen. Just so we have information about what our position is and how we are communicating and through which channels to the residents and ratepayers of this great city.

ANSWER

An email was sent at around 5pm on 16 March giving Aldermen an update on our high-level preparations regarding the coronavirus pandemic and we discussed the memo on the previous Friday. It is certainly our intention to systematically review events and determine which events should be cancelled and which should go ahead and in fact to that extent we have already cancelled several events over the last few days.

Our preparations will go further than that in the context of assessing what activities Council should be involved in going forward which should be cancelled, and which should not. Which are essential versus which are discretionary. Also, which of our facilities should remain open to the public and which should not. There has been a lot of planning engaged in over the last 2 weeks. We had plans in place prior to that in a general sense as we always do for business continuity issues and in light of the emerging advice and other material from various governments, we have been constantly reviewing that and adapting it to our circumstances with a view that we may need to act upon it as early as this week.

/ contd on Page 82...

Question contd

My concern is more about communication to residents and ratepayers and what channels will be used. Clarence Your Say is just not sufficient in this situation and I understand it is ever evolving but we have to try and get ahead of the curve here in communicating to our residents and ratepayers.

ANSWER

We will utilise a range of communication channels, including social media, signage and other means available to us to communicate with our community.

Ald Edmunds

1. How many casual staff does Council employ and what measures are being put in place to support them and those permanent staff without enough sick leave should they lose work due to coronavirus cancellations or self-isolation?

ANSWER

Arrangements that have been put in place are focussed upon maintaining as much work for staff as possible, potentially in alternative locations which might well be from home. That's our primary focus right now. The aim is to keep people engaged in meaningful work for as long as possible and avoid stand downs where annual leave or other forms of leave might need to be utilised. In the context of casual employees my discussions with the HR manager have been that in terms of numbers I believe it is around 70-80 casuals and for a significant number of those they are what we would refer to as regular casuals. For the purposes of our COVID-19 arrangements we will treat them as part time employees and maintain their income as consistently as possible. For a small number of employees who are genuine casuals where we cannot find work, we will have to assess their individual situations but we have not made a particular determination in their circumstances at this point, but they are very much the minority.

2. Did the City Heart promotion video uploaded to Council's internet channels the day after our last meeting cost any money?

ANSWER

The cost was approximately \$2000.

Ald von Bertouch

Could Aldermen be advised what permit conditions and licence requirements have not been met for the Arm End pipeline?

ANSWER

Planning Permit D-2018/455 for a Water Reuse Pipeline contains five conditions which must be satisfied prior to the commencement of development, being Conditions 2, 5, 6, 8 and 9. Specifically, the conditions require amended plans (in relation to the proposed pump station), a Construction and Environmental Management Plan, a legal agreement with Council (to include matters such as infrastructure maintenance, ownership and licensing), engineer designs and an erosion and sediment control plan.

None of the conditions have been satisfied to date.

/ contd on Page 83...

Ald James

1. At what stage are we up to in the appeal process on the Rosny Hill Hotel Development?

ANSWER

A preliminary conference was held on 26 February 2020 after which the appellants were directed to file revised grounds of appeal by 4 March 2020. This direction was not complied with until 20 March 2020. Mediation between the parties may take place but this is unlikely to resolve all the grounds of appeal. However, it may reduce the number of grounds of appeal. A full hearing of the appeal has been scheduled for the week beginning 15 June 2020.

2. Are you able to provide to Council a timeline for the consideration of the Boulevard Development at Kangaroo Bay?

ANSWER

We are expecting a Development Application by May and also expect to go back with a revised design following the consultation. At this stage we are unaware of the timeline for this aspect of the development process.

Ald Chong

I have been listening to comments regarding problems with supermarkets being able to restock due to time constraints that supermarkets can be accessed to make deliveries and I know that we put those type of conditions on our planning permits. Have we received any such requests to change those delivery times while the Covid-19 situation is causing shortages and do we have a policy to deal with it if we receive such requests?

ANSWER

My advice is that there are no restrictions from a planning point of view on any of the 4 supermarkets in our City. They are free to take deliveries at any time of the day or night.

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 be recorded in the following Agenda.

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 TENDER T1357-20 – RISDON VALE OVAL PUBLIC TOILETS AND CHANGEROOMS CONSTRUCTION

13.3 WASTE COLLECTION CONTRACTS – EXTENSION

13.4 T1276-18 – BELLERIVE PUBLIC PIER CONSTRUCTION

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

- contracts and tenders for the supply of goods and services;
- 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”.