

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

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

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

**COUNCIL MEETING**  
**MONDAY 2 NOVEMBER 2020**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
1.	APOLOGIES.....	4
2.	CONFIRMATION OF MINUTES .....	4
3.	MAYOR’S COMMUNICATION .....	4
4.	COUNCIL WORKSHOPS .....	4
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE .....	5
6.	TABLING OF PETITIONS.....	6
7.	PUBLIC QUESTION TIME.....	7
7.1	PUBLIC QUESTIONS ON NOTICE .....	7
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	7
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	7
7.4	QUESTIONS WITHOUT NOTICE .....	7
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC .....	8
9.	MOTIONS ON NOTICE.....	9
9.1	NOTICE OF MOTION - ALD WARREN FLYING OF THE ABORIGINAL FLAG .....	9
10.	REPORTS FROM OUTSIDE BODIES .....	10
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	10
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES .....	11
11.	REPORTS OF OFFICERS .....	30
11.1	WEEKLY BRIEFING REPORTS .....	30
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS .....	31
11.2.1	PETITION – PLANNING APPLICATION PDPLANMTD-2019-006096– LAND ADJACENT TO 754 AND 798A DORANS ROAD, SANDFORD .....	31

11.2.2 PETITION – KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE.....	34
-----------------------------------------------------------------------	----

### **11.3 PLANNING AUTHORITY MATTERS**

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/012064 – 11 NORTH TERRACE AND 89A SOUTH TERRACE, LAUDERDALE - TOILET BLOCK.....	37
11.3.2 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING AND 13 LOT RESIDENTIAL SUBDIVISION (PDPSPAMEND-2020-004373) – 16 NAYUKA STREET AND 10 THOONA STREET, GEILSTON BAY.....	54
11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2020/009811 – 178 DELPHIS DRIVE, SANDFORD - TELECOMMUNICATIONS FACILITY .....	75
11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/011780 – 3/32 BRIDGE STREET, WITH ACCESS OVER 32 BRIDGE STREET, RICHMOND - VISITOR ACCOMMODATION .....	134
11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/011811 – 228 DERWENT AVENUE, LINDISFARNE - FOOD VAN .....	146

### **11.4 CUSTOMER SERVICE - NIL ITEMS**

### **11.5 ASSET MANAGEMENT - NIL ITEMS**

### **11.6 FINANCIAL MANAGEMENT - NIL ITEMS**

### **11.7 GOVERNANCE - NIL ITEMS**

12. ALDERMEN'S QUESTION TIME .....	169
12.1 QUESTIONS ON NOTICE.....	169
12.2 ANSWERS TO QUESTIONS ON NOTICE.....	169
12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING.....	169
12.4 QUESTIONS WITHOUT NOTICE .....	174
13. CLOSED MEETING .....	175
13.1 APPLICATIONS FOR LEAVE OF ABSENCE	
13.2 PROPERTY MATTER - GEILSTON BAY	

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

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

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 12 October 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:

<b>PURPOSE</b>	<b>DATE</b>
Kangaroo Bay Hotel Site	
Flood Mapping	
Coastal Hazards Policy	
Food Van Policy	
Committee Budget Process	19 October
Reconciliation Action Plan	
Strategic Plan	26 October

**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.

## **7. PUBLIC QUESTION TIME**

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

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

### **7.1 PUBLIC QUESTIONS ON NOTICE**

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

Nil.

### **7.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil.

### **7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

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 put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

<b>8. DEPUTATIONS BY MEMBERS OF THE PUBLIC</b>
------------------------------------------------

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



**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION - ALD WARREN  
FLYING OF THE ABORIGINAL FLAG**

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

“That Council fly the Aboriginal flag outside Council Chambers on an ongoing basis, following NAIDOC week, from 16 November 2020.”

**EXPLANATORY NOTES**

Australia has three official flags: the Australian National Flag, the Australian Aboriginal Flag and the Torres Strait Islander Flag.

In June 2015, Alderman Kay McFarlane successfully moved a motion to have two flag poles added for the flying of additional flags on ceremonial occasions. Prior to this only the Australian and Clarence City flags were flown on a regular basis.

Council now flies the Tasmanian state flag in addition to the Australian and Clarence flags. The fourth flagpole is unused for much of the year.

The Aboriginal flag, despite being an official Australian flag, is currently only flown during NAIDOC week and on Reconciliation Day.

In 2019, the current Council agreed to proceed with a Reconciliation Action Plan to better reflect the contribution of the traditional custodians of this land.

At the beginning of every Council meeting we pay our respects to the traditional owners. Flying the flag is one way we can acknowledge the fact that Aboriginal people have been on this land for over 60,000 years and are one of the oldest continuing cultures in the world. By doing so we recognise the Aboriginal history and culture of our municipality, which is one that we should celebrate and be proud of.

B Warren  
**ALDERMAN**

**GENERAL MANAGER'S COMMENTS**

*Should council support the motion, the flags will be flown in accordance with the Australian Government Flag Protocol.*

**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**

September Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

**10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT****Chairperson's Report –Alderman D Ewington**

Report to Council for the 3-month period 1 July 2020 to 30 September 2020.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's principal objectives are to:

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

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

**2. CAPITAL WORKS PROJECTS****Flagstaff Hill Track**

The last section of this track has been completed on the northern side of Flagstaff Hill.

**Clarence Plains Rivulet Track**

A section has been completed by the Old Rokeby School House Youth Centre that connects to South Arm Road.

**Barilla Rivulet Track – Backhouse Lane to Cambridge Bypass**

A track has been constructed alongside the rivulet, with an extension to connect it to Cambridge Road. The underpass at the Cambridge bypass will be concreted to minimise damage during flood events.



**Meehan Range**

A draft Strategic Plan has been prepared and consultation is currently underway with Parks and Wildlife. Toilets are being installed, along with a new entry track. An 11<sup>th</sup> birthday celebration will be held on 30 October to officially open the toilets.

**3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES**

**Signage** – Signage has been installed at the Clarence Mountain Bike Park.

**Clarence MTB Park at Meehan Range** – Storm damage and washouts have occurred in the Skills Park area. Repairs have been done at the railway abutment area.

**4. DESIGN AND INVESTIGATION WORK IN PROGRESS****Clarence Coastal Trail – Mays Point**

Discussion is underway with a landowner for transfer of proposed public open space identified in an approved subdivision to come over to Council to allow for upgrade and repair of steps onto Mays Beach.

**Waverly Flora Park**

A track consultant has looked at the unauthorised mountain bike tracks that were constructed during COVID and prepared a report recommending management options.

**Single Hill Tracks**

A Reserve Activity Plan is being prepared and consultation has been carried out with the community.

**Tangara Trail – Roscommon Track**

An agreement has been reached between the Tas Equestrian Centre, Hobart Archery and CCC on the alignment of a track across the site to connect Acton Road to Lauderdale Beach.

**Clarence Plains (Old Rokeby) Historic Trail**

The Tranmere-Clarence Plains Landcare Group is keen to refresh the trail with new alignment and signage. Planning work is underway to update the text on the signs and improve the route.

**Clarence Plains Rivulet Track**

Investigations are underway to extend the track from the Nutshell on Droughty Point Road to Rokeby Beach.

**5. GOVERNANCE MATTERS.**

One committee meeting was held on 15 August 2020.

**6. EXTERNAL LIAISON**

TACPLACI – Clarence Plains Historic Trail.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman D Ewington  
**CHAIRPERSON**

**BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT****Chairperson's Report – Alderman D Ewington**

Report to Council for the 3-month period 1 July to 30 September 2020.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's prime objectives are to:

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

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

**2. CAPITAL WORKS PROJECTS****Clarence Foreshore Trail – Montagu Bay to Rosny College**

Council was successful in applying for Federal grant funding for design and construction of upgrading of the existing asphalt path, to provide a wider (2.5m) concrete surface. An Aboriginal Heritage Consultant has been engaged to assist Council in applying for Aboriginal Heritage Tasmania approval. This is a relatively involved process due to the significant length of path and its proximity to several Heritage sites. A scoping document is under preparation seeking external consultants to design the CFT upgrade.



*Clarence Foreshore Trail – Montagu Bay to Rosny College*

**Clarence Foreshore Trail – Simmons Park to Anzac Park, Lindisfarne**

Funds were allocated in the 2019/2020 capital budget for the next section of the Lindisfarne Clarence Foreshore Trail, along Ford Parade to the Lindisfarne Yacht Club. Further funds were allocated for the 2020/2021 capital budget to complete the works through to Anzac Park. Some adjacent stakeholders commented on loss of car parking associated with the proposed design and this was discussed at a Council workshop in July 2020, in order to confirm a direction in proceeding forward on the project. Subsequent to the Workshop, stakeholders have been advised that it is intended to progress with the design as proposed and Council will monitor parking issues on completion of the project. Construction is currently programmed to commence in the first quarter of 2021.





*Clarence Foreshore Trail – Ford Parade, Lindisfarne*

### **Rosny Hill Road – Tasman Highway Overpass to Rosny Barn Carpark**

These works were completed by an external contractor in May 2020, however there are several streetlights, encroaching into the new path, which require relocation by TasNetworks. TasNetworks' works program was impacted by COVID-19 such that they were unable to undertake the pole relocations in conjunction with the contract works. The streetlights relocations are now progressing.



*Rosny Hill Road Path – Tasman Highway Overpass to Rosny Barn Car Park*

### **3. RECURRENT INITIATIVES**

Nil.

### **4. DESIGN AND INVESTIGATION WORK IN PROGRESS – 2020/2021 CAPITAL BUDGET**

As noted above, design and investigation work is focussing on progressing the projects funded for 2020/2021, being:

- Clarence Foreshore Trail – Montagu Bay to Rosny College; and
- Clarence Foreshore Trail – Simmons Park to Anzac Park, Lindisfarne.

### **5. GOVERNANCE MATTERS**

#### **Committee Meeting**

The Committee held one meeting during the quarter, on 3 August 2020.

**6. EXTERNAL LIAISON**

Council officers have liaised with the Department of State Growth (DSG) on design details for bike facilities for the Hobart Airport Interchange project and for the East Derwent Highway upgrade, between Golf Links Road and Sugarloaf Road. Similarly, officers are liaising with DSG on sustainable transport aspects of the current planning study into Rokeby Road/South Arm Road.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman Dean Ewington

**CHAIRPERSON**

**NATURAL RESOURCE MANAGEMENT – QUARTERLY REPORT****Chairperson’s Report – Alderman Beth Warren**

Report to Council for the 3-month period 1 July 2020 to 30 September 2020.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee’s principal objectives are to:

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

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

**2. CAPITAL WORKS PROJECTS****Glebe Hill Bushland Reserve Entrance Landscaping**

Council has allocated \$60,000 to landscape the entrances to Glebe Hill Bushland Reserve. The Glebe Hill Bushland Reserve Activity Plan 2020-2030 is currently being drafted by Inspiring Place and will include concept designs for the entrances to provide guidance for landscaping.

**She Oak Point Foreshore Reclamation and Rock Armouring**

Council has allocated \$60,000 to rock armour and reclaim the She Oak Foreshore that has experienced significant erosion over the last several decades. This project will complement the upgrade of the multi-user track through She Oak Point from bitumen to a wider concrete path also funded during the 2020/2021 financial year.

### **3. RECURRENT INITIATIVES**

#### **Development of Natural Area Activity Plans and NRM Planning**

The below dot points summarise natural area planning outcomes for the quarter:

- Following a 1450 letter mailout to Seven Mile Beach and Acton Park residents, Stage 1 of the consultation for the Draft Single Hill Bushland Reserve Activity Plan 2021-2030 has been completed. The 1400 “hits” on Council’s Website page indicated the strong interest in the reserve’s future. The feedback is being incorporated into the draft plan.
- Stage 1 of the review of the Glebe Hill Bushland Reserve Activity Plan is currently occurring, with keen interest being received from local residents in the Glebe Hill Estate.
- The final version of the Draft Lauderdale Saltmarsh Reserve Activity Plan is awaiting endorsement by council.

#### **Implement Natural Area Reserve Activity Plans**

The below dot points summarise works performed in Clarence’s natural areas:

- maintenance work, including weed control and brush cutting was performed at Geilston Bay Coastal Reserve adjacent to Granville Avenue;
- repair work was done on a section of vandalised fencing at the beach access to Bellerive Beach at the end of Lower River Street. Burnt posts were replaced and cut wires re-installed. The transition from the path to the beach was also upgraded to create an even gradient where storm events had washed away some of the path and beach sand;
- temporary fencing to protect the dunes and newly planted vegetation post stormwater upgrades several years ago at the end of Lower River Street was removed;
- three concrete slabs were installed along David’s Way at Richmond in preparation for the installation of three seats on order from New South Wales;
- the section of Cremorne Coastal Reserve about the Cremorne Spit was weeded and planted at the request of the Pipe Clay Coastcare Group;

- several areas adjacent to the rotunda at Rosny-Montagu Bay Foreshore Reserve received extensive vegetation management to remove dead standing and fallen vegetation (mostly drooping she oaks) to reduce fuel levels and make the area look tidy;
- perimeter plantings at Roscommon, near the Archery Centre toward Acton Road, were maintained. Long grass around the plants was brush cut and additional trees and shrubs from areas where plants were unsuccessful were re-planted;
- entrance points to Roscommon Reserve from Terrina Street have been landscaped with native plants and mulch;
- entrances to the Tangara Trail at Saxon Drive and Everton Place were landscaped;
- the section of Tangara Trail at the end of Everton Place was being over-grown by silver wattle seedlings that were cut and poisoned to clear the trail;
- additional boulder rocks have been installed using an excavator about the lookout area of Rosny Hill to prevent vehicles entering the bushland areas where there are sensitive native plant species, including orchids;
- native trees and shrubs have been planted along the new section of track from Backhouse Lane toward the new Cambridge Bypass; and
- landscaped garden beds about Clarendon Vale Oval have been weeded and extra native plants added to mulched areas.

### **School Landcare**

Cambridge Primary School classes were involved with planting working bees on the adjacent public open space along Barilla Rivulet over two days. Several classes on each day, as part of the School's Nature Play Program, took turns in planting native tube stock in pre-prepared planting beds. The project was a huge success and builds on many years of the school's involvement to improve the natural values of Barilla Rivulet and surrounds.

Lauderdale Primary School kindergarten students planted native plants in a section of the Tangara Trail near Sirocco Court, Acton. The planting was part of a “Bandicoot Bunkers” Program, a partnership between Clarence City Council, Acton Landcare and the Lauderdale Primary School. The event was a great success with two classes of kindergarten students planting over 50 plants. Each plant was guarded with a corflute guard that the students hand painted themselves in the classroom before the working bee (See **Figure 1**).



**Figure 1** – Ray Johnston (Left) and Mack Archibald-Mitchell planting native species as part of the Bandicoot Bunkers Program with Acton Landcare

### **Drainage Swales and Wetlands**

The below dot points summarise drainage swale and wetland works during the quarter.

- Low-lying sections of the Lauderdale Wetland Track received additional gravel to raise the height of the track. Areas with culverts were cleared to improve stormwater flow.



- After significant rain events, several sections of the red gravel track along the Clarence Plains Rivulet from the Clarence Plains Youth Centre to Droughty Point Road got “washed out”. A 5.5 tonne Excavator was engaged to re-shape the rivulet to improve water flow during storm events and repair the gravel track. Weeds were removed by contractors and native plants planted.
- Maintenance works were performed along Kangaroo Bay Rivulet.
- Maintenance works were performed along Acton Creek, including broad leaf treatment of the numerous flat weeds along the reserve.

### **Natural Area Volunteer Support**

Natural area volunteer support during the quarter is summarised below.

- Council’s Volunteer Co-ordinator, Chris Johns, announced his retirement and resigned from Clarence City Council during the quarter. His efforts over the last seven years are appreciated.
- Pipe Clay Coastcare held a working bee along the new spit track at Cremorne. Over 70 people participated in the working bee to help install a fish sculpture, surface the track with limestone gravel, spread mulch, plant native coastal species and construct dry stone retaining walls (see Figure 2).



**Figure 2** – Image of art installation and volunteers working at Cremorne



**Climate Change Initiatives**

Climate change achievements for the quarter are outlined below.

- Council’s “Coastal Hazards Policy” progressed through additional internal consultation and is now ready to be presented at a council workshop in the next quarter.
- Internal consultation was conducted on an “Energy Savings Action Plan”, which will soon be ready to be presented at a council workshop. The plan identifies cost and greenhouse gas emission savings in seven council owned buildings, including the Clarence Aquatic Centre.

**Priority Weed Management**

The below dot points summarise weed management for the quarter.

- African boxthorn and other declared weeds were treated along the coastal reserve from the Northern end of Roches Beach to the Southern end of Seven Mile Beach.
- A sweep to control weeds along Tranmere Coastal Reserve, south of Pindos Park was performed. Replacement native plants were planted where weeds were removed. African boxthorn was removed from the headland just North of Pindos Park as well.
- Blackberry thickets were cut and painted with herbicide in the dunes at Howrah Beach.
- Chilean needle grass control has been undertaken by contractors at a newly discovered infestation on Musks Road, Sandford. Follow-up needle grass control was also undertaken in the Montagu Bay area surrounding the primary school in late September to coincide with school holidays as part of council’s Needle Grass Eradication Program.
- Annual serrated tussock winter control program concluded in July with all known affected roadsides and reserves treated.
- The annual Spanish heath control program was undertaken in July with works undertaken at known locations within the municipality including along the Tangara Trail, Mortimer Bay Coastal Reserve, Sandford roadsides, Acton Park roadsides and Racecourse Flats, Lauderdale.

- Serrated tussock and African boxthorn control were undertaken at the recently acquired public open space at Single Hill Bushland Reserve as part of a 3-year implementation plan for the site.
- Primary African boxthorn and boneseed control was undertaken at undeveloped public open space at 1047 Oceana Drive, Tranmere and 798A Dorans Road, Sandford in August and September.
- Boneseed control was undertaken in the Rokeby Hills Bushland Reserve in September.

**4. DESIGN AND INVESTIGATION WORK IN PROGRESS**

Nil.

**5. GOVERNANCE MATTERS**

The Committee did not meet during this quarter due to COVID-19 restrictions. The next scheduled meeting is Thursday, 8 October 2020 at the Clarence City Council Library.

**6. EXTERNAL LIAISON**

Nil.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman Beth Warren  
**CHAIRPERSON**

**SPORT & RECREATION ADVISORY COMMITTEE – QUARTERLY REPORT****Chairperson's Report –Alderman D Ewington**

Report to Council for the 3-month period 1 July 2020 to 30 September 2020.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's principal objectives are to:

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

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

**2. STRATEGIC ITEMS****Review of the Health & Wellbeing Plan**

The committee participated in the review of Council's Health & Wellbeing Plan. The committee identified that the Health & Wellbeing Plan does not provide strategic direction to guide Council's decision making in relation to Public Open Space, and Sport & Recreation.

Consequently, the committee endorsed the need for council to develop a Sport and Recreation Strategy and a Public Open Space Strategy to guide the planning, development and maintenance of Sport & Recreation and Public Open Space.

### **3. CAPITAL WORKS PROJECTS**

#### **Risdon Vale Oval Community Sport Pavilion**

Construction for the new pavilion is nearing completion with the pavilion to be available for use by mid-November. A formal opening is proposed to celebrate the opening of the pavilion and to acknowledge the financial contribution from the Commonwealth Government, Tasmanian Government and Council.

#### **Anzac Park – Design for Community Pavilion**

Council has engaged ARTAS to prepare detailed design and construction drawings for the new pavilion. ARTAS have undertaken initial consultation with Council officers and local clubs to understand design considerations for the new pavilion. Concept design is ongoing.

### **4. MASTER PLANNING**

#### **Geilston Bay Oval Master Plan**

High level concepts have been prepared for further consultation with key stakeholders which include State Sporting Associations and local clubs.

#### **ANZAC Park Master Plan**

With the proposed upgrade of the football pavilion, previous planning undertaken at the site in 2017 is again under review. The committee supports master planning to consider preferred use and strategic development of both ANZAC Park and Geilston Bay Oval precincts simultaneously given the proximity of the two sites.

#### **Bayview Secondary Master Plan**

A draft master plan has been prepared to develop the site as a community sporting precinct. Public exhibition of the draft master plan is proposed in the coming months. Council are aiming to have the project DA ready by mid-2021. Officers have met with DSG, DOE and Communities Tasmania to discuss the acquisition of 17 Goodwin's Road, which is essential for the development of the precinct but is currently zoned for a future road bypass. This land is owned by Communities Tasmania and Council is waiting on a response from that department regarding future use of the land prior to moving towards rezoning and preparing a DA for the development.

**Bellerive Beach Park Master Plan**

Council has endorsed a review of the current Bellerive Beach Master Plans. Officers have commenced a review of the current master plans with an aim to consolidate the plans into one Master Plan to be presented at a future Council workshop.

**Little Howrah Beach Master Plan**

Documentation is being prepared to engage an external planning consultant. The objective of the plan is to guide future use and development of Little Howrah Beach area.

**5. GRANTS****Improving the Playing Field – Communities, Sport and Recreation**

Council will make application to Round 1 of the Improving the Playing Field grants program, to seek funding for construction of a new pavilion at Clarendon Vale Oval and upgrade field lighting at Clarence High School. Applications close 23 October 2020.

**Healthy Tasmania Grant**

Council will make application to Round 2 of the Healthy Tasmania Fund to request funding for the construction of a Ninja Park at Neilson Park, Rokeby. The funding program closes 30 October 2020.

**6. GOVERNANCE MATTERS.**

Three committee meetings were held on 8 July, 12 August and 9 September.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman D Ewington  
**CHAIRPERSON**

## **11. REPORTS OF OFFICERS**

### **11.1 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 12, 19 and 26 October 2020 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 12, 19 and 26 October 2020 be noted.

**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS****11.2.1 PETITION – PLANNING APPLICATION PDPLANMTD-2019-006096– LAND ADJACENT TO 754 AND 798A DORANS ROAD, SANDFORD**

(File No PDPLANPMTD-2020/010800)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the petition tabled at Council's Meeting of 12 October 2020, objecting to the Development Application for a jetty on land adjacent to 754 and 798A Dorans Road.

**RELATION TO EXISTING POLICY/PLANS**

The matter is related to the Clarence Interim Planning Scheme 2015.

**LEGISLATIVE REQUIREMENTS**

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

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

That Council notes the intent of the petition and advises the petitioners of Council's decision in relation to the Development Application.

---

**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** At Council's Meeting of 12 October 2020, a petition containing 1846 signatories was received opposing the Development Application for a jetty on land adjacent to 754 and 798A Dorans Road, Sandford.
- 1.2.** The petition was collected and submitted electronically and complies with the requirements of the *Local Government Act*, 1993.

**2. REPORT IN DETAIL**

- 2.1.** The petition requested Council to reject the proposal for a jetty on land adjacent to 754 and 798A Dorans Road, Sandford and to develop a strategic plan for the foreshore within the council area to ensure similar private facilities are given a wider consultation process to allow for better scrutiny of future applications.
- 2.2.** The development application was refused by Council as Planning Authority at its meeting of 12 October 2020.
- 2.3.** Regarding the second element of the petition, it is important to note that the development was solely located on Crown Land. Consequently, council had no control over landowner consent and any strategic or other plan would have had no application or effect. Ultimately, the question of whether there should be a policy governing developments of this nature is a question for the Tasmanian Government.

**3. CONSULTATION**

The development application was advertised in accordance with statutory requirements.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Not applicable.

**5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

Not applicable.

**7. FINANCIAL IMPLICATIONS**

Not applicable.

**8. ANY OTHER UNIQUE ISSUES**

Not applicable.



**9. CONCLUSION**

The petition was considered as part of Council's consideration of the Development Application at its meeting of 12 October 2020.

Attachments: Nil

Ian Nelson  
**GENERAL MANAGER**

**11.2.2 PETITION – KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the petition tabled at Council's Meeting on 12 October 2020, requesting Council to activate the buy-back clause in the contract for the sale of Council land at Kangaroo Bay Drive, Bellerive.

**RELATION TO EXISTING POLICY/PLANS**

Not applicable.

**LEGISLATIVE REQUIREMENTS**

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

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

That Council notes the intent of the petition and advises the petitioners of the outcome of Council's consideration of the extension request.

---

**ASSOCIATED REPORT****1. BACKGROUND**

At its Meeting of 12 October, Council considered a request to grant a further extension of time to Chambroad Overseas Investment Australia Pty Ltd to achieve substantial commencement of the Kangaroo Bay Hotel and Hospitality School Site development.

**2. REPORT IN DETAIL**

**2.1.** A petition containing 2268 signatories was received requesting Council to activate the buy-back clause in the contract for the sale of council land to Chambroad Australia for the construction of a hotel and hospitality training school at Kangaroo Bay Drive, Bellerive. With the exception of two entries, the petition complies with the requirements of the *Local Government Act*, 1993.

**2.2.** The petition was tabled at Council's meeting of 12 October 2020.

- 2.3.** Council considered the request for an extension of time at its Meeting of 12 October 2020. The recommendation was lost. Council has not yet determined its position in respect to buy-back or other options.

**3. CONSULTATION**

Not applicable.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Not applicable.

**5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

Not applicable.

**7. FINANCIAL IMPLICATIONS**

Not applicable.

**8. ANY OTHER UNIQUE ISSUES**

Not applicable.

**9. CONCLUSION**

The petition was tabled at Council's Meeting of 12 October 2020 and was considered as part of the deliberations on the request to grant an extension of time for the construction of a hotel and hospitality school at Kangaroo Bay.

Attachments: Nil

Ian Nelson  
**GENERAL MANAGER**

### **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-2020/012064 – 11 NORTH TERRACE AND 89A SOUTH TERRACE, LAUDERDALE - TOILET BLOCK****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Toilet Block at 11 North Terrace and 89A South Terrace, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Open Space and subject to the Parking and Access, Stormwater Management, Waterway and Coastal Protection, Inundation Prone Areas, and Coastal Erosion Hazard 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 10 November 2020.

**CONSULTATION**

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

- anti-social behaviour;
- potential flora impacts;
- blocking of traffic;
- alternative use of money; and
- upgrade of existing toilet block.

**RECOMMENDATION:**

A. That the Development Application for Toilet Block at 11 North Terrace and 89A South Terrace, Lauderdale (C1 Ref PDPLANPMTD-2020/012064) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The existing toilet block on the site must be demolished and the area rehabilitated within 60 days of the commencement of the use of the proposed toilet block.
  3. The development must meet all required Conditions of Approval specified by TasWater notice dated 15/09/2020 (TWDA2020/01404-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**

An application for a new toilet block was approved on 12 July 2017 (Council reference D-2016/294). The application lapsed without achieving substantial commencement. This application is exactly the same proposal as the previous permit granted in 2017.

### **2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned Open Space under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 19.0 – Open Space Zone;
  - Section E6.0 – Parking and Access Code;
  - Section E7.0 – Stormwater Management Code;
  - Section E11.0 – Waterway and Coastal Protection Code;
  - Section E15.0 – Inundation Prone Areas 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 is a 4757m<sup>2</sup> property owned by Crown Land. The property contains a public carpark accessed from North and South Terrace and access ramp to the beach in the centre. Crown Consent was provided for the application.

As the access to the site at 89A South Terrace is over 11 North Terrace, that site was also included in the description for the application.

#### **3.2. The Proposal**

The proposal is for a new toilet block that would contain one ambulant toilet, one unisex toilet and one accessible toilet, an external shower, a water fountain and other minor amenities. The new toilet would be located at the southern end of the existing carpark at 89A South Terrace. The application also involves the demolition and removal of the existing toilet block upon the completion of the new toilets.

The building would have a minimum 1.8m setback from the front boundary of the site and a maximum height of 3.61m. The toilet would be located approximately 25m from the boundary to the General Residential zone and 45m from the nearest residence on South Terrace.

### **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 Open Space Zone, and Parking and Access, Stormwater Management, Waterway and Coastal Protection, Inundation Prone Areas, and Coastal Erosion Hazard Codes with the exception of the following.

##### **Open Space Zone**

- **Clause 19.3.1 A1 (Hours of Operation)** – the proposal would require operating hours to be outside of the prescribed hours of the Acceptable Solution (being 6.00am to 10.00pm Monday-Saturday and 7.00am-9.00pm Sundays and Public holidays).

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 19.3.1 P1 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
19.3.1	<i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.”</i>	<p>The nature of the proposed use, being passive recreation, would necessitate that the use is in operation outside of the designated hours under the Acceptable Solution.</p> <p>The use would only require light commercial vehicles to access the site for maintenance and cleaning. This would only occur between 7.00am-5.00pm on weekdays and on occasion 9.00am-noon on Saturdays.</p> <p>The proposed toilet block is not likely to create any change in disturbance to residences within the General Residential zone compared to the existing toilets.</p>



		<p>Any impacts upon residential amenity in the neighbouring zone due to noise or other impacts would be dealt with under the powers of EMPCA 1994.</p> <p>Given that the development would not create more disturbance or impact than the existing toilet block, the application is considered to satisfy the requirements of the Performance Criteria.</p>
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### Open Space Zone

- Clause 19.3.2 A1 (related to Noise)** – the proposal did not provide a noise report to demonstrate compliance with the Acceptable Solution (being 55dB(A) (LAeq) between the hours of 8.00am to 6.00pm; 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00pm and 8.00am; and 65dB(A) (LAmax) at any time).

The proposed development must be considered pursuant to the Performance Criteria P1 of Clause 19.3.2 as follows.

Clause	Performance Criteria	Assessment
19.3.2	<p><i>“Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.”</i></p>	<p>The use of the public toilet would not cause any significant increase in noise emanating from the site to the point of causing environmental harm.</p> <p>Any impacts upon residential amenity in the neighbouring zone due to noise or other impacts would be dealt with under the powers of EMPCA 1994.</p> <p>Given that the development would not create more disturbance or impact than the existing toilet block, the application is considered to satisfy the requirements of the Performance Criteria.</p>

**Open Space Zone**

- **Clause 19.4.2 A1 (Setback from Frontage)** – the proposal would not comply with the setback from frontage prescribed by the Acceptable Solution (5m).

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 19.4.2 as follows.

Clause	Performance Criteria	Assessment
	<p><i>“Building setback from frontage must satisfy all of the following:</i></p> <p><i>(a) be consistent with any Desired Future Character Statements provided for the area;</i></p> <p><i>(b) enhance the characteristics of the site, adjoining lots and the streetscape.”</i></p>	<p>There are no Desired Future Character Statements for this zone.</p> <p>The building would form an adjunct to the existing carpark and reserves. It is considered that the building is appropriately located in relation to the site for ease of identification and to provide accessible amenities. The design of the building is intended to enhance the streetscape and set a good standard for civic architecture. The proposed development would enhance the adjoining lots by replacing the older toilet block which has reached the end of its useable life with a well-designed public building. The application is considered to satisfy the requirements of the Performance Criteria.</p>

**Coastal Erosion Hazard Code**

- **Clause E16.7.1 A1 (Buildings within the Mapped Overlay)** – there is no Acceptable Solution provided for this clause.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E16.7.1 as follows.

Clause	Performance Criteria	Assessment
	<p><i>“Buildings and works must satisfy all of the following:</i></p> <p>(a) <i>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>(b) <i>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>(c) <i>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></p> <p>(d) <i>need for future remediation works is minimised;</i></p> <p>(e) <i>health and safety of people is not placed at risk;</i></p> <p>(f) <i>important natural features are adequately protected;</i></p> <p>(g) <i>public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i></p>	<p>Council’s Development Engineer has assessed the site and proposal and advised that the building would not cause an increase in risk to users of the site, adjoining properties or public infrastructure.</p> <p>There would not be an increase in risk of erosion. The proposal would not require future remediation works to be carried out.</p> <p>There would not be an increase to the health or safety of the public. No impacts are proposed to important natural features.</p> <p>Access to the foreshore would not be impeded.</p> <p>Access to the site would be maintained.</p> <p>A developer contribution was not considered necessary in this instance.</p> <p>The location is not an actively mobile landform.</p>

	<p><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></p> <p><i>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i></p> <p><i>(j) not be located on an actively mobile landform.”</i></p>	
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

## **5. REPRESENTATION ISSUES**

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

### **5.1. Anti-social Behaviour**

Concern was raised that the new toilet block would cause antisocial behaviour that would impact upon residential amenity.

- Comment**

The building was designed to avoid entrapment areas and provide passive surveillance of the entry points. It would be situated on a highly visible portion of the site.

There is no relevant Acceptable Solution or Performance Criteria for Council to consider beach user behaviour. This issue therefore has no determining weight. Nevertheless, it is relevant that there is no known history of antisocial behaviour around the existing toilets. However, any instances that may occur would be a matter for local police.

### **5.2. Potential Flora Impacts**

Concern was raised regarding the potential flora impacts of the proposed development.

- **Comment**

The new toilet block would require the removal of one tree. Council will, however, undertake planting of additional trees elsewhere on the site to replace the loss.

The site is not subject to the Natural Assets Code, as such there is no relevant Acceptable Solution or Performance Criteria for Council to consider. This issue therefore has no determining weight.

### **5.3. Blocking of Traffic and Beach Access**

Concern was raised with regard to the proposed development impeding traffic access to the beach and that it would create a conflict between vehicles and pedestrians.

- **Comment**

The toilet block would be located on the far end of the carpark, approximately 15m away from the ramp. The ramp is for the purpose of both pedestrian beach access and to allow vehicles to launch small craft. This arrangement would not change.

There is no relevant Acceptable Solution or Performance Criteria for Council to consider related to the beach access ramp. This issue therefore has no determining weight.

### **5.4. Alternative Use of Money**

Concern was raised as to the use of funds for the subject site in Lauderdale, as opposed to the public toilets on Bayview Road or the use of large rocks along the foreshore.

- **Comment**

The Lauderdale Canal Public Toilets were originally funded in the 2016/17 budget. Following a design change in 2019 and an anticipated budget shortfall, a budget variation to increase funds was approved in the 2020/21 budget so the project could continue to the construction stage.

The allocation of Council funds is not a matter that can be considered in planning assessment, as there is no relevant Acceptable Solution or Performance Criteria for Council to consider under the Scheme. The comments were referred to Council's Asset Management Group for consideration. This issue therefore has no determining weight.

#### **5.5. Upgrade of Existing Toilet Block**

Concern was raised regarding the potential to upgrade the existing toilet block instead of constructing a new toilet block.

- **Comment**

The existing toilet block has reached its end of life point. The building is no longer compliant with Australian Standards or the Building Code. It also does not provide an accessible toilet. The existing building cannot be retrofitted to comply with the current standards. The toilet location is proposed to be moved due to the current site being higher risk of coastal erosion and having a greater impact upon the adjoining dunes.

There is no relevant Acceptable Solution or Performance Criteria for Council to consider under the Scheme. This issue therefore has no determining weight.

### **6. EXTERNAL REFERRALS**

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

The proposal was referred to Aboriginal Heritage Tasmania due to its coastal location, who have advised they do not require any specific conditions to be included on the 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.

The proposal is consistent with the Lauderdale Structure Plan, which promotes public open spaces being supported by amenities. The proposal is consistent with the outlined Design Principles and Specific objectives relevant to the application including:

CF/O3: *“To ensure that there is a wide range of facilities and services for all life stages needing support in the community.”*

CF/O4: *“To ensure that buildings used for community facilities are enjoyed by users and make strong contribution to the streetscape.”*

The building has been designed to ensure that there is good passive surveillance of the amenities block, unlike the current building that has entrapment locations. The new toilets would also include accessible features including an ambulant toilet and wheelchair access.

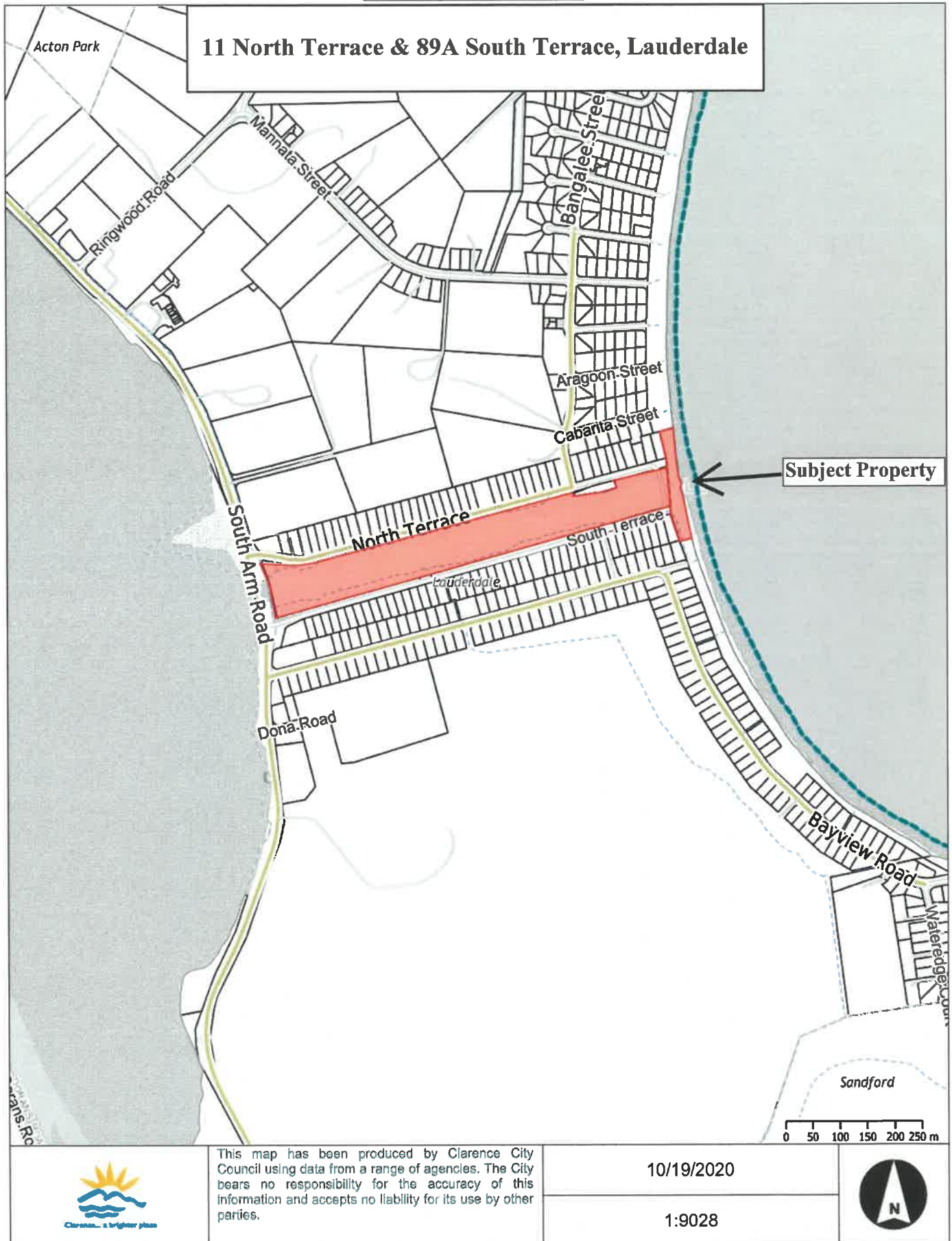
**9. CONCLUSION**

The proposal is recommended for approval, subject to conditions.

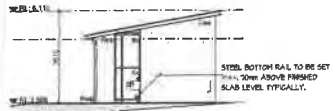
Attachments: 1. Location Plan (1)  
2. Proposal Plan (4)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

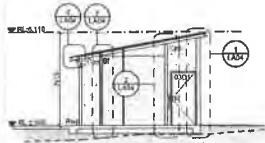
# Attachment 1







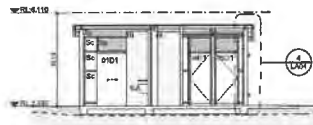
**NORTH ELEVATION**  
SCALE 1:100



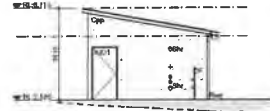
**SECTION A**  
SCALE 1:100



**EAST ELEVATION**  
SCALE 1:100



**SECTION B**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100



**WEST ELEVATION**  
SCALE 1:100

## LEGEND

RB	BLOCKWORK
CCP	CONCRETE, PRE-CAST
SC	STEEL, CHEQUER PLATE
RP	STEEL, PERFORATED METAL
CL	COLUMN, REFER TO STRUCTURAL DRAWINGS
DN	DOOR NUMBER
WN	WINDOW NUMBER
BN	BASIN & TYPE
SN	SHOWER
BS	BABY CHANGE STATION
RWP	40mm DIA PVC/RAINWATER PIPE
OF	OVERFLOW SPOUT
DF	DEBRIS FOUNTAIN

# 6ty°

Postal Address  
PO Box 83  
Riverside  
Tasmania 7250  
W 8549m.au  
E 8549m@6ty.com.au

6ty Pty Ltd  
ABN 27 014 008 900  
Architectural  
ASBP No. CC033187  
Structural / Civil  
ASBP No. CC16335

Tasman Suite 103  
The Charter  
287 Charles Street  
Launceston Tasmania  
P (03) 6332 3300

27 Beal Street  
Oatlands Tasmania  
P (03) 6424 7151



## PRELIMINARY - NOT FOR CONSTRUCTION

REV.	DATE	ISSUED FOR	REV.
01	21.06.17	ISSUED FOR TENDER	-
02	25.10.17	ISSUED FOR TENDER & BUILDING APPROVAL	A
03	12.06.18	ISSUED FOR TENDER & BUILDING APPROVAL	B
04	16.07.18	ISSUED FOR TENDER & BUILDING APPROVAL	C
05	28.02.19	ISSUED FOR TENDER & BUILDING APPROVAL	D

DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE. CHECK AND VERIFY ALL DIMENSIONS ON SITE. NEVER DISCREPANCIES TO THE SUPERINTENDENT. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA, APPLICABLE AUSTRALIAN STANDARDS & LOCAL AUTHORITY REQUIREMENTS.

PURPOSE: NEW PUBLIC TOILET BLOCKS

AP: 11 NORTH TERRACE & 89A  
SOUTH TERRACE, LAUDERDALE  
CLARENCE CITY COUNCIL

DESCRIPTION: ELEVATIONS & SECTIONS

DESIGNED: DVG DRAWN: ADS CHECKED:  
SCALE: 1:100 N/A: SEE DRAWING SHEET

PROJECT NO. 16.009 DRAWING NO. LA03 REV. D



# SERVICES NOTE:

PRIOR TO COMMENCING CONSTRUCTION AND SITE WORKS, THE CONTRACTOR IS TO  
 ADVISE AND PAY FOR THE ON SITE SURVEYING AND CONVEYANCE OF CERTAIN  
 SERVICE LOCATIONS FOR ALL UNDERGROUND SERVICES INCLUDING DATA, PHONE,  
 POWER, GAS, SEWER, WATER AND STORMWATER IN THE AREA OF THE PROPOSED  
 LOCATION TO BE COVERED USING CABLE LOCATORS AND HAND DIGGING  
 METHODS. PRIOR TO ANY WORKS ON SITE, ANY CLAIMS WITH DESIGNED SERVICES  
 ON FOLLOWING DRAWINGS ARE TO BE REPORTED TO DESIGN ENGINEER FOR  
 DIRECTION.

# 6ty°

Postal Address  
 PO Box 83  
 Burnside  
 Tasmania 7250  
 W. 6ty.com.au  
 E. info@6ty.com.au

Turner Suite 103  
 The Centre  
 257 Charles Street  
 Launceston Tasmania  
 P (02) 6332 3366

67 Best Street  
 Devonport Tasmania  
 P (03) 9424 7161

6ty Pty Ltd  
 ABN 27 014 809 800

Architectural  
 ASP No. CC04161  
 Structural / Civil  
 ASP No. CC1833



## CONTROLLED DOCUMENT

REV	DATE	REVISION	REV.
01	21.09.17	TENDER	
02	04.06.18	TENDER AND BUILDING APPROVAL	
03	17.07.18	TENDER AND BUILDING APPROVAL	



ACTUAL NORTH



PROJECT NORTH

DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE. CHECK AND VERIFY ALL  
 DIMENSIONS ON SITE. REFER DISCREPANCIES TO THE SUPERINTENDENT.  
 ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH  
 BUILDING CODE OF AUSTRALIA, APPLICABLE AUSTRALIAN STANDARDS &  
 LOCAL AUTHORITY REQUIREMENTS.

PROJECT NEW PUBLIC TOILET BLOCKS  
 AT 11 NORTH TERRACE,  
 89A SOUTH TERRACE  
 LAUNCESTON  
 FOR CLARENCE CITY COUNCIL

DRAWING CIVIL WORKS  
 SITE PLAN  
 EXISTING

DESIGNED CGB DRAWN PAS CHECKED

SCALE 1:200 AT A1 SIZE DRAWING SHEET

PROJECT No. 16.009 DRAWING No. LC01 REV.

Postal Address  
PO Box 63  
Tasmania 7250  
W. Bygones  
E. admin@6ty.com.au

By Pty Ltd  
ABN 27 014 000 800

Architectural  
AS/NZS 10457:2017  
Structural/ Civil  
AS/NZS 10457:2017



Tanner Suite 903  
The Chimes  
267 Chimes Street  
Launceston Tasmania  
P (03) 9332 3300

87 Bell Street  
Devonport Tasmania  
P (03) 6424 7181

## CONTROLLED DOCUMENT

DATE	DATE	REVISION	REV
01	21.06.17	TENDER	
02	20.06.18	TENDER AND BUILDING APPROVAL	
03	17.07.18	TENDER AND BUILDING APPROVAL	
04	29.05.19	PAVEMENT AMENDMENTS	A



ACTUAL NORTH



PROJECT NORTH

DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE. CHECK AND VERIFY ALL DIMENSIONS ON SITE. REFER DIMENSIONS TO THE SUPERINTENDENT. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA, APPLICABLE AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS.

PROJECT NEW PUBLIC TOILET BLOCKS  
11 NORTH TERRACE,  
89A SOUTH TERRACE  
LAUDERDALE  
FOR CLARENCE CITY COUNCIL

DRAWN CIVIL WORKS  
SITE PLAN - CIVIL DEMO  
NEW WORKS & CIVIL DETAILS  
CHECKED CGB DRAWN PAS

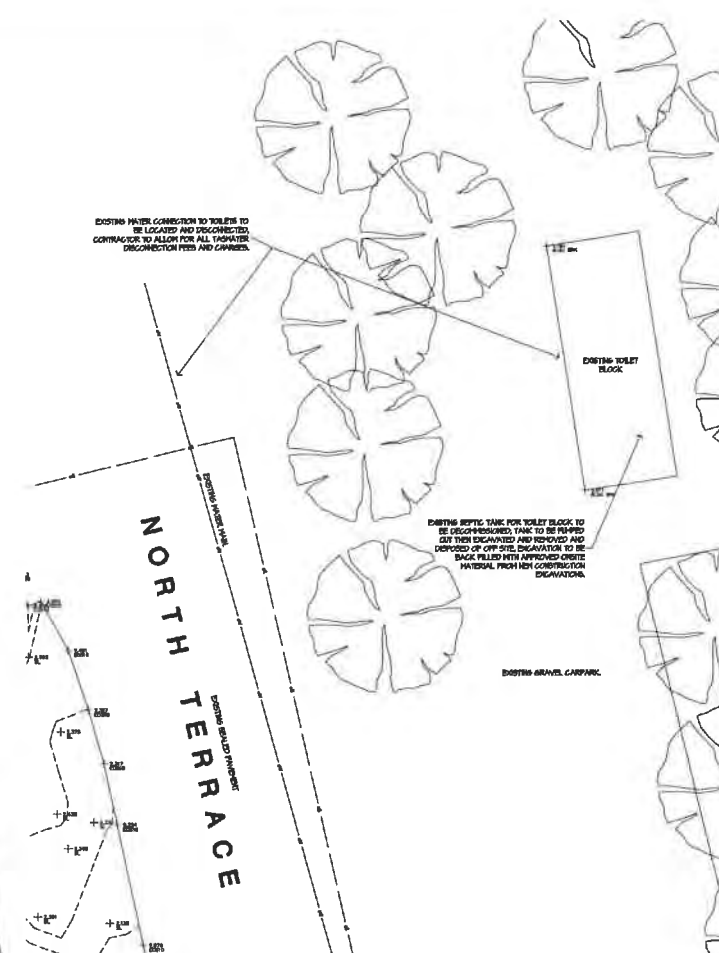
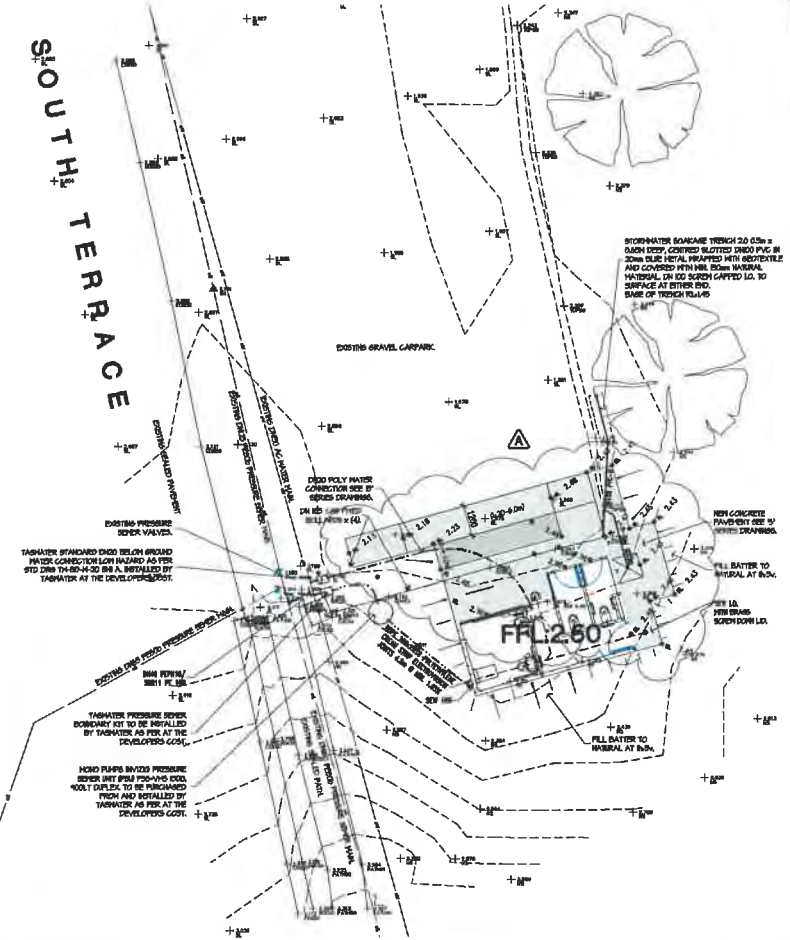
SCALE 1:100 AT SITE DURING SET-UP

PROJECT NO 16.009 DRAWING NO LC02 REV A

## PRESSURE SEWER NOTES

- GENERAL  
ALL WORKS ARE TO BE CARRIED OUT TO THE RELEVANT AUSTRALIAN STANDARD AND THE WATER SUPPLY CODE OF AUSTRALIA (NSW 2018) VERSION 5.1. ANY DEVIATIONS FROM THESE STANDARDS REQUIRED THE PRIOR APPROVAL OF THE SUPERINTENDENT. CCC PLANNING DEPARTMENT AND THE TOWNHALL WORKS SUPERVISOR WERE APPLICABLE.
- ADDITIONAL NOTES  
A. IN SUPPLY AND INSTALLATION OF CH-PROPERTY WORKS IN ACCORDANCE WITH TOWNHALL PRESSURE SEWER OVERLAYS AND HOW INSTALLATION MANUAL.  
B. IN 1.00 CAN BE LOCATED WHERE SUBJECT TO VEHICLE WHEEL LOADS.  
C. FOR LOCATION TO PROVIDE DIRECT LINE OF SIGHT TO THE PL.  
D. IN LOCATION TO BE FREE OF ANY ZONE OF INFLUENCE FROM ANY SUPPORTING STRUCTURE.

- A. CARRIAGE PROPERTY SEWER CONNECTION DEPTH TO BE PRIOR TO FINALISING LOCATION OF 18 OR CONSIDERING ANY CONSTRUCTION WORKS.  
B. IN LOCATION TO BE COVERED BY PROPERTY OWNER PRIOR TO COMMENCING INSTALLATION WORKS.  
C. IN PUMP INSTALLATION AND CONNECTIONS TO ONLY OCCUR AFTER BUILDER HAS COMPLETED ALL CONSTRUCTION WORKS AND HOUSE SEWER PIPE HAVE BEEN FLUSHED OF ALL DEBRIS. IN NOT TO BE USED FOR BUILDER'S SEWER SERVICE.  
D. DISCHARGE PIPE TO BE:  
1. 200mm PER DESIGN AND 100mm PER POLYMERISE CROWN STEPS.  
2. JOINTS TO BE ELECTRIC FUSION.  
3. COVER TO BE PER BRANDED PLAN (PSE - 1000 - 800MM HX 1100MM) WITH PRIVATE PROPERTY NOT SUBJECT TO TRAFFICABLE LOADS.  
4. IN TIME TO BE CLEARED OF DEBRIS PRIOR TO PUMP INSTALLATION.  
5. IN DISCHARGE PIPE TO BE TESTED TO 1000kPa FOR 2 HOURS AND BE FREE OF DEFECTS.



**SERVICES NOTE:**  
PRIOR TO COMMENCING EXCAVATION AND SET-UP, THE CONTRACTOR IS TO AVOIDING ALL PAVEMENT FOR THE ON SITE WORKS AND COMPENSATION OF DEPTH OF SERVICE LOCATIONS FOR ALL UNDERGROUND SERVICES INCLUDING DATA, PHONE, POWER, GAS, WATER, NATURAL GAS AND STORMWATER. IN THE AREA OF VEHICLES, LOCATION TO BE COVERED WITH 100mm DIA. LOCATIONS AND ROAD DRAINAGE METHODS. PRIOR TO ANY WORKS ON SITE, ANY CLASHES WITH EXISTING SERVICES IN FOLLOWING DRAWING ARE TO BE REPORTED TO DESIGN ENGINEER FOR DIRECTION.



Project Address  
PO Box 83  
Riverside  
Tasmania 7250  
W 81p.60m.au  
E 60m.au@6ty.com.au

By Pty Ltd  
ABN 52 014 888 800

Architect  
ARP No. CO00447  
Structural Code  
ARP No. CO18531

Tender Suite 103  
The Charter  
387 Channel Street  
Launceston Tasmania  
P (08) 8333 2550



67 Steel Street  
Devonport Tasmania  
P 03 924 7181

ELECTRICAL SCHEDULE		
SYMBOL	DESCRIPTION	CAT No.
PS4	PS4 DOUBLE HEATER PROTECTED OUTLET	CLIPAL WEATHER SHEET RECEPTS

NOTES:  
THE SYSTEM AND ALL COMPONENTS ARE TO BE INSTALLED IN ACCORDANCE WITH AS 3000 AND ALL REFERENCED DOCUMENTS AND TO THE SATISFACTION OF THE TASNETWORKS INSPECTOR.

ALL FITTINGS ARE TO BE DMC COMPLIANT.

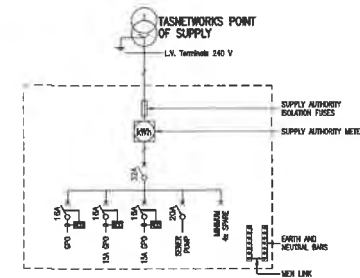
LOCATIONS OF ELECTRICAL EQUIPMENT SHOWN ARE INDICATIVE ONLY. GO-OR-BUY FINAL ELECTRICAL EQUIPMENT LOCATIONS WITH ARCHITECTURAL DRAWINGS AND ALL OTHER SERVICES DETAILS AND TRADES DISCIPLINES ON SITE.

ENERGY EFFICIENCY CALCULATIONS TO COMPLY WITH BCA PART J6			
ROOM NAME	FLOOR AREA (M <sup>2</sup> )	ILLUMINATION POWER LOAD ALLOWANCE (W)	DESIGN ILLUMINATION POWER LOAD (W)
01 ACCESS WC	6.4	68	—
03 SERVICE DUCT	5.8	53	—
04 UNISEX WC	2.8	31	—
05 AMHS WC	2.8	29	—
TOTAL	17.8	180	—

HYDRAULIC SERVICES LEGEND	
SYMBOL	DESCRIPTION
—	GOLD WATER SUPPLY
—	REDUCED ZONE PRESSURE DEVICE

HYDRAULIC SERVICES ABBREVIATIONS	
SYMBOL	DESCRIPTION
B	BATH
HDC	HOUSE DED COOK
SH	SHOWER
WC	WATER CLOSET

NOTES:  
ALL WORK IS TO BE INSTALLED AND CARRIED OUT TO AS 3000 AND TO THE SATISFACTION OF THE LOCAL COUNCIL INSPECTOR.



## MAIN SWITCHBOARD SINGLE LINE DIAGRAM

SCALE: N.T.S.

YES GABRIEL TO BE HEAVY DUTY AND VANDAL RESISTANT, 36 STAINLESS STEEL GIBSON PANGLOSS OR PRE-MANUFACTURED ENCLOSURE, MINIMUM RATING 100A.

## CONTROLLED DOCUMENT

REV.	DATE	REVISION	BY
01	21.09.17	TENDER	A
02	12.08.18	TENDER & BUILDING APPROVAL	A
03	15.07.18	TENDER & BUILDING APPROVAL	A
04	27.02.18	TENDER & BUILDING APPROVAL	A

DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE. CHECK AND VERIFY ALL DIMENSIONS ON SITE. REFER DISCREPANCIES TO THE SUPPLIER/CLIENT. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA, APPLICABLE AUSTRALIAN STANDARDS & LOCAL AUTHORITY REQUIREMENTS.

PROJECT: NEW PUBLIC TOILET BLOCKS  
AT: 11 NORTH TERRACE,  
89A SOUTH TERRACE  
LAUDERDALE  
CLARENCE CITY COUNCIL  
DRAWING: BUILDING SERVICES PLAN

DRAWN: S.J.G. CHECKED: S.J.G.  
SCALE: 1:50  
AT 1:50 DRAWN SHEET

PROJECT NO. 16.009 DRAWING NO. LB01 REV. A

### Attachment 3



Existing amenities block at northern end of the site.



Site of proposed development at southern end of existing car park.



Existing amenities block, as viewed from the centre of the existing car park.

**11.3.2 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING AND 13 LOT RESIDENTIAL SUBDIVISION (PDPSPAMEND-2020-004373) – 16 NAYUKA STREET AND 10 THOONA STREET, GEILSTON BAY****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council's decision of 10 August 2020, in response to the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to a Section 43A application made for a combined Section 43A application for a planning scheme amendment and 13 lot residential subdivision incorporating public open space and road lots at 16 Nayuka Street, Geilston Bay. The proposal also involves the adjoining Council reserve at 10 Thoona Street for the establishment of new stormwater infrastructure.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Low Density Residential under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code.

The proposed subdivision layout is currently Prohibited under the Scheme.

**LEGISLATIVE REQUIREMENTS**

The proposal was submitted to Council in accordance with Section 43A of the LUPAA for a combined planning scheme amendment and development application. The certified amendment was advertised in accordance with the statutory requirements and pursuant to Section 39 of the LUPAA; Council is required to consider the merits of any representation received.

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

**CONSULTATION**

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

- density;
- future subdivision potential;
- impact on natural values;
- bushfire risk;
- stormwater management; and
- road design.

These issues are discussed within the body of the report.

**RECOMMENDATION:**

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations relating to the Clarence Interim Planning Scheme 2015 do not warrant modifications to draft amendment PDPSPAMEND-2020-004373.
- B. That Council resolves, under Section 43F(6) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations relating to the proposed subdivision do not warrant modifications to the draft permit PDPSPAMEND-2020-004373.
- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

---

**ASSOCIATED REPORT****1. BACKGROUND**

The relevant background was documented in the report considered by Council at its Meeting on 10 August 2020.

**2. STATUTORY IMPLICATIONS**

Pursuant to Section 39 of the LUPAA, Council is required to consider the merits of any representations received and provide the Tasmanian Planning Commission (TPC) with:

- a copy of each representation received;
- a statement of its opinion as to the merits of each representation;
- its view as to whether any modification to the Amendments (as exhibited) should be made in light of the representations;

- the impact that the representations have on the draft amendment as a whole; and
- such recommendations in relation to the draft amendment as the authority considers necessary.

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The subject site is 16 Nayuka Street, Geilston Bay (CT 130578/2). The site has an area of 1.289ha and is located within the established settlement of Geilston Bay confined to the eastern side of the East Derwent Highway. The site is currently accessed from the south-eastern termination of Nayuka Street. The site is developed with a dwelling and outbuilding located at the north-western corner of the site.

#### **3.2. The Amendment**

On 10 August 2020, Council resolved to initiate and certify a planning scheme amendment to rezone the land at 16 Nayuka Street from Low Density Residential to General Residential (1.289ha).

#### **3.3. The Subdivision**

The proposal is for a 13-lot residential subdivision resulting in the extension and cul-de-sac termination of Nayuka Street.

The proposed subdivision will be required to discharge stormwater into Council infrastructure on Council's land at 10 Thoona Street to the north-east. For the purposes of the application, Council consent has been obtained for this to occur and subsequently forms part of the application.

Council presently manages vegetation and the associated bush fire risk on that land via the implementation of a works plan. However, the proposal is not reliant on this management and the subdivider is required to implement and undertake adequate fire management practices on their property and at no time act in reliance of works undertaken by Council. No 10 Thoona Street is a public bushland reserve and part of Council's open space network.

A copy of the subdivision proposal is included in the attachments.



#### **4. CONSULTATION**

The proposal was advertised in accordance with the statutory requirements and eight representations were received against the proposal. Seven of the eight representations were identical in form. The representors raised the following issues.

##### **4.1. Density**

The concern relates to the density of the subdivision being greater than that permitted under the current Low-Density Residential zoning and that the increased density will impact upon neighbouring residential amenity through traffic, noise and privacy.

- **Comment**

The site is located within the STRLUS Growth Boundary and would provide for a subdivision pattern and density which is consistent with that of the adjoining General Residential zoned properties to the west and south. Future development of the lots will be required to address all relevant Scheme development standards relating to building design which, with the exception of density, are not dissimilar to the Low-Density Residential zone standards. The issues raised relating to traffic impact are addressed below.

##### **4.2. Future Subdivision Potential**

The concern relates to a comment within the applicant's consultant planners report suggesting the "Balance Lot" may be capable of further subdivision.

- **Comment**

The proposed "Balance Lot" would have a land area of 2,006m<sup>2</sup> and would be capable of further subdivision. The subdivision of this land would be dependent upon the removal of the existing dwelling and associated outbuildings (which is not proposed as part of this application). Further subdivision of the Balance Lot would require further Council approval and would be required to demonstrate compliance with the subdivision standards for the General Residential Zone and applicable Codes.

#### **4.3. Impact on Natural Values**

The concern is that the subdivision will contribute to the loss of ecological diversity and habitat for local wildlife. The representors request a Natural Values Report to be provided to determine the full impact upon natural values and for appropriate mitigation measures to be implemented.

- **Comment**

Although the site is not covered by the Natural Assets Code, a Natural Values Assessment (by North Barker dated 19 September 2018) was undertaken for the site mainly to inform the bushfire hazard assessment. The Natural Values Assessment was included within the advertised documentation.

The assessment found that the property retains a small number of native trees, however, the composition has been heavily altered with a maintained understorey and selective culling of trees. The assessment found that no threatened flora species were observed on-site, no direct observations were recorded for state or federal listed species from within 500m of the property, there was no identified habitat for threatened species and there is a high level of weed infestation.

The proposal will however result in the loss of one large *E.globulus* (Blue gum) which is known to form a potential swift parrot foraging habitat. The assessment recommends consideration be given to the planting of blue gum/black gum species to offset the loss of this tree.

However, this is not considered practical in an urban setting and may in fact increase the potential for bird-strike through further introduction of swift habitat into urban areas. Additionally, there is no head of power under the Scheme to impose such a requirement.

It is therefore considered that the proposed amendment would not cause any significant impact on natural physical resources or ecological processes.

**4.4. Bushfire Risk**

The concern is that the subdivision will increase bushfire risk for residents due to there being only one escape route (ie Nayuka Street).

- **Comment**

The subdivision required assessment against the requirements of the Bushfire Prone Areas Code which requires multiple escape routes to be integrated into subdivision design.

A Bushfire Hazard Management Plan accompanied the application making provision for emergency escape routes to Adina Park and Thoona Street Reserve. The escape routes would be on land proposed to be transferred to Council therefore ensuring permanent public access.

**4.5. Stormwater Management**

The concern is that inadequate stormwater planning for the subdivision design will result in increased run-off onto downstream properties and increase the risk of Geilston Bay Creek flooding. The representor makes this assumption based on downstream stormwater issues arising from the adjacent Lindhill Avenue subdivision. The representors are also concerned the increased potential for water logging and flooding of Geilston Bay Creek will increase the propensity for weed growth within both public and private land.

- **Comment**

Council's Development Engineer has advised the subdivision incorporates a detention system on Lot 900 which will be transferred to Council for maintenance. The detention system has been designed to ensure runoff from the subdivision does not exceed pre-development levels during a 5%AEP storm event, as per the requirements of the Stormwater Management Code. The detention system is also proposed to include a gross pollutant trap for primary treatment and filters for further tertiary treatment of the stormwater to achieve the quality and quantity target stated within the State Stormwater Strategy.

Conditions 5, 13, 14 and 15 of the draft permit address stormwater infrastructure requirements.

In relation to weed management, a weed management plan is a requirement of Condition 8 of the draft permit and is required to be submitted to Council for approval prior to works commencing on-site.

#### **4.6. Road Design**

The concern is that the increased vehicle movements arising from future construction and residential development will cause traffic safety issues along the existing Nayuka Street due to its narrow width.

- **Comment**

The existing Nayuka Street is approximately 180m long with a road reservation width of 15m and sealed pavement width of 6m. The street is a low speed, low volume environment that services residential properties only. Although it is a narrow street when compared with current Council road construction standards, it was constructed to the acceptable standard of the day and is consistent with the surrounding road network including Kenton Road and Eurobin Street, which have the same road characteristics as Nayuka Street with the proposed extension.

The application was accompanied with a Traffic Impact Assessment (TIA). The TIA did not identify any significant adverse impacts on traffic efficiency or safety of the road network and suggests the proposed extension to Nayuka Street will improve the existing condition of the road in terms of amenity and safety. Council's Development Engineers support this finding.

The proposed extension of Nayuka Street has been designed with a 15m road reservation with a 6m wide sealed lane width which is an acceptable standard under the Tasmanian Standard Drawings for a cul-de-sac with a road length less than 150m. The design is consistent with the existing Nayuka Street section and therefore would provide a smooth and continuous extension.

Nayuka Street currently does not have any turning facilities along the length of the road for vehicles and thus turning manoeuvres must be done within private driveways.

Council's Development Engineers are of the view the proposed extension of Nayuka Street will improve existing conditions by constructing a cul-de-sac which will provide a safe turning opportunity for vehicles and will reduce the amount of turning manoeuvres performed within private driveways.

The road design is therefore considered appropriate and conditions (5, 10 and 11) have been included within the draft permit addressing Council's road construction standards.

## **5. STATE POLICIES AND ACT OBJECTIVES**

- 5.1.** The Strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA was detailed in the Agenda report dated 10 August 2020.
- 5.2.** The proposal is consistent with the outcomes of the relevant State Policies.
- 5.3.** There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

## **6. CONCLUSION**

In accordance with the requirements of Section 39 LUPAA, Council is required to review its decision of 10 August 2020 in response to the representations received during public exhibition period.

In this instance, eight representations were received raising concerns in relation to density, stormwater management, road design, bushfire risk, impact on natural values and future subdivision potential.

It is considered that the issues raised in the representations do not warrant modifications to the Certified Draft Amendment or the draft Permit.

- Attachments:
1. Certified Amendment (2)
  2. Subdivision Proposal (1)
  3. Draft Permit (9)

Ross Lovell  
**MANAGER CITY PLANNING**

# INSTRUMENT OF CERTIFICATION



The Clarence City Council resolved at its meeting of 10 August 2020 that, Draft Amendment PDPSPAMEND-2019/004373 of the Clarence Interim Planning Scheme 2015, at 16 Nayuka Street, Geilston Bay, meets the requirements specified in Section 32 of the *Land Use Planning and Approvals Act 1993*.

Date 14 August 2020;

THE COMMON SEAL of the Clarence City Council  
was hereunto duly affixed in the presence of :-

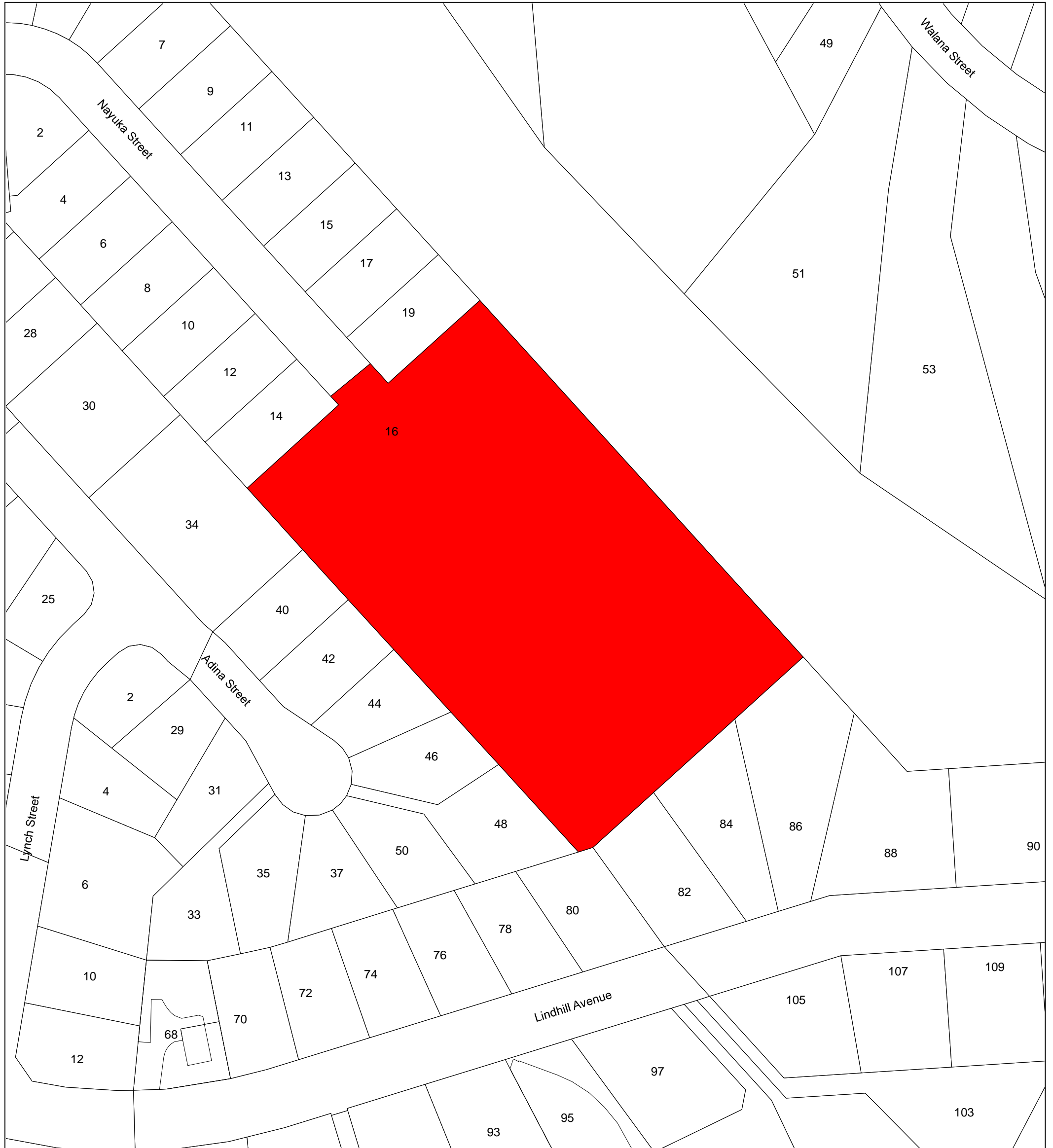
.....

**Corporate Secretary**

# CLARENCE CITY COUNCIL

## CLARENCE INTERIM PLANNING SCHEME 2015

### Amendment PDPSAMEND-2019/004343



Scale 1:1000

Printed @ A3

(c) Clarence City Council

#### AMENDMENTS TO PLANNING SCHEME PLAN Amendment PDPSAMEND-2019/004343

To rezone 16 Nayuka Street, Geilston Bay from Low Density Residential to General Residential.



General Residential

THE COMMON SEAL OF THE CLARENCE  
CITY COUNCIL HAS BEEN HERE UNTO  
AFFIXED THIS XX DAY OF XX 2020  
PURSUANT TO A RESOLUTION OF THE  
COUNCIL PASSED THE XX DAY OF  
XX 2020 IN THE PRESENCE OF:

\_\_\_\_\_  
CORPORATE SECRETARY







## PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

**Development No:** PDPSPAMEND-2019/004373

**Approval Date:** 10 August 2020

---

**Description:** Planning Scheme Amendment (Rezone Low Density Residential to General Residential) & 12 Lot Subdivision

**Address:** 16 Nayuka Street (and 10 Thoona Street, for Stormwater infrastructure), GEILSTON BAY

---

This permit is granted, subject to the following conditions:

**General Conditions:**

- 1 The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.
- 2 As Council has formed the opinion that the subdivision will or is likely to increase the demand for public open space and as no or no sufficient or acceptable provision has been made in the proposal plan for public open space it has been determined that payment of a cash contribution ("the Contribution") in lieu of public open space equal to 1.68% of the value of the area of land in the approved plan described as Lots 1-12 is required in accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

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

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

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

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

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

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

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

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

#### **Engineering Conditions:**

- 4 Each lot must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD-R09 (Urban) (copy available from Council). This access must be inspected by Council’s Development Works Officer prior to sealing or pouring new concrete.

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 Engineering designs, prepared by a suitably qualified person, are required for:
  - road design (including line marking);
  - road stormwater drainage;
  - lot accesses;
  - stormwater drainage;

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

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

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

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

- 6 To prevent unauthorised vehicular access to public recreation areas, access points must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of these posts must be approved by Council's Group Manager Asset Management prior to installation.
- 7 An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Asset Management prior to the commencement of works.
- 8 A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Asset Management prior to commencement of works. The plan must:
  - reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
  - identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
  - include a detailed breakdown of estimated costs.

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

- 9 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.
- 10 Street construction, including line marking, concrete kerbs, gutters and footpaths with bitumen roads, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Pavement designs must be based upon laboratory soaked CBR values. Line marking must be in thermoplastic material.
- 11 The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot.
- 12 The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.
- If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense
- 13 Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council's main prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. An extension to Council's stormwater main may be required at the owner's expense.
- 14 Stormwater reticulation is to be designed in accordance with the requirements of Council's Local Highways Standard Requirements By- Law and the State Stormwater Strategy to the satisfaction of Council's Group Manager Engineering Services. The design is to identify and design overland flow paths and run-off handling systems for 1% AEP events. These systems shall ensure that no concentrated flow or overflow from street drainage and stormwater reticulation is directed across or through proposed lots (unless dedicated as an overland flow path with easements in favour of Council). Designs shall ensure that net discharge of stormwater does not exceed predevelopment levels and water quality characteristics of receiving waters are maintained or improved. The design must incorporate Water Sensitive Urban Design principles and be submitted for approval by Council's Group Manager Engineering Services prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
- 15 All stormwater for the development must be designed and constructed to include 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 the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.

- 16 All services, including the street lighting system, must be underground and within the road reserve or subject by a suitable easement approved by the Group Manager Asset Manager.
- 17 Any existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles and the service replaced in PVC or copper type A for water.

**TasWater Conditions:**

- 19 The development must meet all required Conditions of Approval specified by TasWater notice, dated 21 October 2019 (TWDA 2019/01518-CCC).
- 

The following advice is also provided:

- A. Clarence City Council owns the land adjacent to the property subject to the development application. Council presently manages vegetation and the associated bush fire risk on that land via the implementation of a works plan. Council may update, modify or otherwise alter its vegetation and fire management plans at a future date without the notice to adjoining landowners.

Adjoining title holders are solely responsible for undertaking vegetation and fire management on their property. Therefore, the landowner is also required to implement and undertake adequate fire management practices on their property and at no time act in reliance of works undertaken by Council. Accordingly, the Council is not accountable in respect of any future loss the landowner believes results from the management of Council's land, with the exception of negligence.

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

Ross Lovell

**MANAGER CITY PLANNING**

*THIS APPROVAL IS GIVEN UNDER DELEGATION GRANTED BY COUNCIL ON 19 MAY 2003*

## Submission to Planning Authority Notice

Council Planning Permit No.	PDPDAMEND-2019/004373		Council notice date	15/10/2019
<b>TasWater details</b>				
TasWater Reference No.	TWDA 2019/01518-CCC		Date of response	21/10/2019
TasWater Contact	Phil Papps	Phone No.	(03) 6237 8246	
<b>Response issued to</b>				
Council name	CLARENCE CITY COUNCIL			
Contact details	cityplanning@ccc.tas.gov.au			
<b>Development details</b>				
Address	16 NAYUKA ST, GEILSTON BAY		Property ID (PID)	1875175
Description of development	S.43A Planning Scheme Amendment to the Clarence Interim Planning Scheme 2015 (rezoning) and associated 12 lot subdivision			
<b>Schedule of drawings/documents</b>				
Prepared by		Drawing/document No.	Revision No.	Date of Issue
Leary & Cox		Plan of Subdivision / 10847 / 1	--	25/03/2019
<b>Conditions</b>				
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater makes the following submission(s):</p> <ol style="list-style-type: none"> <li>TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.</li> </ol> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>Prior to commencing construction of the subdivision, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b></p> <ol style="list-style-type: none"> <li>Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.</li> <li>Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.</li> <li>Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All</li> </ol>				



infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.

7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
8. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
10. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
  - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
11. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.

#### **FINAL PLANS, EASEMENTS & ENDORSEMENTS**

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

conditions.

#### DEVELOPMENT ASSESSMENT FEES

16. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:

- a. \$675.71 for development assessment; and
- b. \$149.20 for Consent to Register a Legal Document

The payment is required by the due date as noted on the statement when issued by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/Development/Technical-Standards>

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

##### Service Locations

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

A copy of the GIS is included in email with this notice and should aid in updating of the documentation.

The location of this infrastructure as shown on the GIS is indicative only.

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

#### Declaration

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

#### Authorised by



**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

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

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2020/009811 – 178  
DELPHIS DRIVE, SANDFORD - TELECOMMUNICATIONS FACILITY****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Telecommunications Facility at 178 Delphis Drive, Sandford.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Landslide Hazard Area, Medium, Bushfire Prone Areas, Natural Assets, Landslide Hazard Area, Waterway and Coastal Protection Areas, 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 has been extended to 4 November 2020.

**CONSULTATION**

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

- building height;
- design;
- the proposal is contrary to the telecommunications code;
- visual amenity;
- the natural environment and Tangara trail;
- the need for the facility is unclear;
- health impacts, radiation, ARPANSA- guidelines and EME emissions; and
- impact on property values.

**RECOMMENDATION:**

- A. That the Development Application for Telecommunications Facility at 178 Delphis Drive, Sandford (C1 Ref PDPLANPMTD-2020/009811) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN M1 – [No trees are to be removed other than those necessary for the construction of the building, vehicular access and the connection of services].
- 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 Rural Resource under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme and is a discretionary land use under the Rural Resource zone.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
  - Section 10 – Rural Resource Zone; and
  - Section E6.0 – Landslide Hazard Area, Medium, Bushfire Prone Areas, Natural Assets, Landslide Hazard Area, Waterway and Coastal Protection Areas, Parking and Access and Stormwater Management Codes.

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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a 16.34Ha rectangular shaped allotment, located on the southern side of Delphis Drive. The subject site is known as Mount Augustus and is heavily forested and slope constrained. The proposed facility would be located on hilltop of Mount Augustus and situated 150m south of the existing residence on the property, 60m from the closest outbuilding. The site occupies several buildings, including a single dwelling and outbuildings.

The surrounding environment is characterised by large rural residential properties. The nearest residence would be located approximately 240m north of the proposed tower.

#### **3.2. The Proposal**

The proposed facility will host Optus telecommunications equipment designed to significantly improve Optus 3G and 4G services in the surrounding area. The proposed works would include an access track and a service track and Axicom monopole and associated infrastructure, such as antennas and dish. The facility would be located within a 15x 15m compound enclosed by a chain-link security fence.

The access would be provided by extending the existing access track serving the existing dwelling. The proposed monopole structure would have a maximum height of 40m and would be finished in unpainted and non-reflective grey.

The proposed facility would be located along the skyline of Mount Augustus in an area that is already partly cleared.

**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 Rural Resource Zone and – Landslide Hazard Area, Bushfire Prone Areas, Natural Assets, Landslide Hazard Area, Waterway and Coastal Protection Areas, Parking and Access and Stormwater Management Codes with the exception of the following.

**Rural Resource Zone**

- **Clause 26.3.3 A1 - Discretionary Use** – the proposal is a discretionary non-agricultural use.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 26.3.3 as follows.

Clause	Performance Criteria	Assessment
26.3.3 P1	<p><i>“A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</i></p> <p><i>(a) the characteristics of the proposed non-agricultural use;</i></p>	<p>Complies - it is noted that the subject site does not host any agricultural uses. Due to the steep slope of the site and existing heavy vegetation it is considered unlikely that it would be able to host any agricultural uses.</p>

	<p>(b) <i>the characteristics of the existing or likely agricultural use;</i></p> <p>(c) <i>setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</i></p> <p>(d) <i>any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.”</i></p>	<p>The proposal meets all relevant setback requirements for the Rural Resource zone, and therefore it is considered that sufficient separation is maintained from the surrounding agricultural uses.</p> <p>The proposal is located in the middle of the large lot, and therefore it is considered that a reasonable buffer would be maintained to the nearest agricultural land at 1501 South Arm Road.</p> <p>It is considered that the proposed development meets the relevant performance criterion.</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### **Rural Resource Zone**

- **Clause 26.4.1 A1 - Building height** – the maximum height of the proposal is 40m.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 26.4.1 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
26.4.1 P1	<p><i>“Building height must satisfy all of the following:</i></p> <p>(a) <i>be consistent with any Desired Future Character Statements provided for the area;</i></p> <p>(b) <i>be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy;</i></p>	<p>Complies - it is noted that there is no Desired Future Statement provided for the area.</p> <p>The proposed structure is a non-habitable structure, and therefore it is considered that it will not cause unreasonable adverse impacts on residential amenity by overlooking.</p>

	<i>(c) if for a non-residential use, the height is necessary for that use.”</i>	The proposed structure is a telecommunications tower, and therefore the height is necessary for operational purposes.
--	---------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

### **Rural Resource Zone**

- **Clause 26.4.3 A1 – Design** – the proposal would be located on a skyline and requires clearing of native vegetation.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 26.4.3 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
26.4.3 P1	<p><i>“The location of buildings and works must satisfy all of the following:</i></p> <p><i>(a) be located on a skyline or ridgeline only if:</i></p> <p><i>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</i></p> <p><i>(ii) Significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</i></p>	<p>Complies - the location of buildings and works has been chosen as an operational requirement.</p> <p>Telecommunications towers need to be located on high ground in order to provide a feasible level of service.</p> <p>It is also noted that the location of the proposed tower is already cleared and therefore works associated with the construction of the proposed structure will not require any additional clearing of native vegetation.</p> <p>Due to operational necessities, the proposed structure’s height cannot be reduced, and it is noted that it is well separated from adjoining land uses.</p> <p>The structure will be finished in non-reflective grey that is considered to blend with the skyline, and therefore minimise the visual impact caused by the proposed structure.</p>



	<p>(b) <i>be consistent with any Desired Future Character Statements provided for the area;</i></p> <p>(c) <i>be located in an area requiring the clearing of native vegetation only if:</i></p> <p>(i) <i>there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</i></p> <p>(ii) <i>the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.”</i></p>	<p>The proposal will require some vegetation removal for the extension of the access track; however, this clearing is associated with bushfire management and access construction. As recommended by the Natural Values Assessment provided with the application, a large portion of the existing access track will be utilised for access to prevent unnecessary vegetation removal.</p> <p>It is considered that the proposed development meets the relevant performance criterion.</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### **Rural Resource Zone**

- **Clause 26.4.3 A2 – Design** – the proposal would be finished in unpainted, non-reflective grey.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 26.4.3 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
26.4.3 P2	<i>“Buildings must have external finishes that are non-reflective and coloured to blend with the rural landscape.”</i>	Complies - the telecommunications tower is proposed to be finished in unpainted, non-reflective grey. It will blend well with the skyline and reduce the visual prominence of the structure.

		<p>The colour scheme is considered appropriate to mitigate visual impact as the proposed facility will protrude above the tree line.</p> <p>Montages showing the visual impact of the proposed tower were provided with the application demonstrating that the proposed structure would blend with the landscape.</p> <p>It is considered that the proposed development meets the relevant performance criterion.</p>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### Telecommunications Code

- **Clause 19.7.1 A1 – Shared Use and Co-location** – the area does not have any facilities capable of serving Optus’ target coverage area.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 19.7.1 as follows.

Clause	Performance Criteria	Assessment
19.7.1 P1	<p><i>“A new antenna may be located on a new tower if it is impracticable to co-locate on an existing tower, having regard to the following:</i></p> <p><i>(a) no existing tower is located within the telecommunications network area with technical capacity to meet the requirements for the antenna;</i></p> <p><i>(b) no existing tower is located within the telecommunications network area with sufficient height to meet the requirements of the antenna;</i></p> <p><i>(c) no existing tower is located within the telecommunications network area with sufficient structural strength to support the proposed antenna and related equipment;</i></p>	<p>Complies - the applicant has advised Council officers that there are no facilities in the area capable of servicing Optus’s target coverage area. The applicant claims that alternative facility sites are too far away or incapable of providing coverage to Optus’ target coverage area.</p> <p>The applicant submitted that 178 Delphis Drive is favourable from a technical perspective. The structure would be sited in an area already cleared, though a partial new access will need to be constructed.</p>

	<p>(d) <i>there is risk of electromagnetic interference between the antenna and an existing antenna on an existing tower;</i></p> <p>(e) <i>there are other limiting factors that render existing towers unsuitable.”</i></p>	<p>It is noted that the subject site is well separated from surrounding residences and will be partially screened by the existing dense vegetation. The visual impact of the tower is anticipated to be minimal in this location.</p> <p>The applicant has submitted that shared use and co-location has been considered in detail. Co-location is preferred by carriers because it is faster and simpler from regulatory perspective. Furthermore, the applicant has advised Council officers that the proposed facility would be compliant with all relevant Australian safety standards and thus would not constitute a risk to health and safety.</p> <p>It is considered that the proposal complies with the relevant performance criterion.</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### Telecommunications Code

- **Clause 19.7.2 A1 – Visual Amenity** – the area does not have any facilities capable of serving Optus’ target coverage area.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 19.7.2 as follows.

Clause	Performance Criteria	Assessment
19.7.2 P1	<p><i>“The location of telecommunications infrastructure not complying with A1 must ensure any detrimental impact upon visual amenity is minimised by reducing the prominence of telecommunications infrastructure, and important public views such as vistas to significant public buildings, streetscapes and heritage areas are protected.”</i></p>	<p>Complies - photomontages were provided as part of the application showing how the proposed telecommunications tower will appear from the adjoining locations. The surrounding viewpoints were selected for the report to demonstrate the impacts.</p>

		<p>The first montage shows the visual impact from Delphis Drive. It is noted that the proposed tower is visible from Delphis Drive. However, due to its slim design profile and neutral colour scheme, it is not considered to be visually prominent and will not be a visual focal point.</p> <p>The second montage shows the visual impact from South Arm Road. The proposed tower is barely visible from South Arm Road, which is a major highway used by local residents and visitors alike when passing through the area.</p> <p>The third montage shows the visual impact from Pipe Clay Lagoon, which is considered to be a significant landscape area in the surrounding area. It is considered that the proposed tower is barely visible from Pipe Clay Lagoon and will not have a negative impact on the surrounding landscape.</p> <p>The fourth montage shows the visual impact from Rifle Range Road, which is another major highway in the area. The proposed tower will be visible from some perspectives. However, it is not considered to be a focal viewpoint when viewed from Pipe Clay Lagoon, and due to its setback is barely visible from most of the perspectives from that location.</p> <p>It is also noted that the facility is on a hilltop as an operational necessity.</p>
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>The applicant has noted that, if the proposed tower were not to be sited on a high point, a significantly larger tower with a greater visual impact would have been needed to sufficiently serve the area.</p> <p>Given the steep and heavily forested terrain, the closest residences are not expected to have views of the proposed tower.</p> <p>Furthermore, the trees surrounding the tower are Eucalyptus trees. An average height for a mature eucalyptus tree is between 20-60m. Therefore, it is considered that the trees surrounding the tower will also provide significant screening.</p> <p>It is considered that the proposed development meets the relevant performance criterion.</p>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### Telecommunications Code

- Clause 19.7.3 A1 – Environmental Values** – the proposal is located in an area of environmental significance as defined in the *Telecommunications (Low-impact Facilities) Determination 1997*.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 19.7.3 as follows.

Clause	Performance Criteria	Assessment
19.7.3 P1	<i>“Telecommunications infrastructure located in an area of environmental significance must ensure environmental and heritage values are not significantly impacted.”</i>	Complies - a Natural Values assessment was provided with the application, addressing the requirements of the Natural Assets code. The report stated that the vegetation clearing required as part of the works is insignificant.

		<p>It is also noted that the surrounding area is heavily forested, and the tower is proposed to be sited in an already cleared area. The extension to an existing access will require some clearing of native vegetation. As indicated in the Natural Values Assessment, the clearing is considered to be insignificant. The applicant is also proposing to utilise a large portion of the existing access track in order to minimise the clearing of native vegetation.</p> <p>There are no sites of heritage importance nearby.</p> <p>It is considered that the proposed development complies with the relevant performance criterion.</p>
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### **Natural Assets Code**

- **Clause 27.8.1 A1** – the proposal would be require clearing native vegetation.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 27.8.1 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
27.8.1 P1	<p><i>“(a) The clearance of native vegetation is the minimum extent necessary for the development (including bushfire hazard minimisation); and</i></p> <p><i>(b) Special circumstances apply.”</i></p>	<p>Complies - a Natural Values assessment was provided with the application. The report states that the clearing of native vegetation on-site is insignificant and is the minimum extent necessary for the development.</p> <p>It is also noted that the applicant is proposing to utilise the existing access arrangement to reduce the vegetation clearance.</p> <p>It is considered that the proposed development meets the relevant performance criterion.</p>

## **5. REPRESENTATION ISSUES**

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

### **5.1. Building Height**

The representors are concerned that the proposed development compromises local visual amenity and is visually unappealing.

- **Comment**

As indicated in the assessment above, it is considered that the proposed development complies with the relevant performance criterion. The proposed tower has a slim profile and due to its colour scheme will blend well with the skyline. Given the steep and heavily forested terrain, the closest residences are not expected to have views of the proposed tower. The existing trees also provide additional screening. In general terms, it is noted that the surrounding area is not an undisturbed landscape, but a heavily modified one by residential development. Structures, such as telecommunication lines and altered landscapes are already defining the area and its character.

The height of the proposed tower is an operational necessity that is required to achieve a transmission link to Optus' network. Even though the proposed structure will be visible from some adjoining locations, it will not be a focal viewpoint and will generally blend with the natural landscape. It is also worth noting that mature Eucalyptus trees in the area will reach to a similar height as the proposed structure and will provide additional screening. It is considered that the proposed development meets the relevant performance criterion.

**5.2. Design**

The representors are concerned that the proposed development is clearly located on a ridgeline.

- **Comment**

It is noted that the proposed development is located on a ridgeline. However, as indicated in the assessment above, the structure is allowed to be located on a ridgeline under the relevant Performance Criterion if this is necessary for the functional requirements of the infrastructure and if the works minimise the need to clear native vegetation. Also, it is noted that the applicant has made an effort to minimise the impacts on the rural landscape by using low reflectance materials that will blend with the skyline. It is considered that the proposal meets the relevant performance criterion.

**5.3. The Proposal is Contrary to the Telecommunications Code**

The representors have noted that the coverage within the area is fine and does not need improving.

- **Comment**

The applicant has advised Council that the coverage in the area needs improving and is willing to make a significant investment to improve the coverage. The surrounding area that the proposed tower is to serve consists of areas of differing residential densities, for example suburban Cremorne, South Arm, Lauderdale and Clifton Beach and the surrounding rural areas.

**5.4. Visual Amenity**

The representors are concerned that the proposed development is very prominent from the surrounding area.

- **Comment**

While it is noted that the proposed structure will be visible from some surrounding locations, its visual impact on the landscape is to be minimised. The surrounding area is not characterised by undisturbed landscapes and is heavily modified by surrounding land uses.



It is considered that the proposed development complies with the relevant performance criterion.

#### **5.5. Impact on Natural Environment and Tangara Trail**

The representors are concerned how the proposal would have an unreasonable impact on the surrounding natural environment and Tangara Trail.

- **Comment**

As indicated in the assessment above, the proposed tower will be visible from some perspectives in the surrounding area. However, it is an operational necessity for the tower to be a tall structure. A shorter structure would not be able to be linked to the existing Optus' service network. The reality that the structure is visible does not mean that its visual impact would be unreasonable, particularly to an already heavily modified landscape. It is considered that the proposed structure would not be a visual focal point of the area particularly when considering the surrounding setting where it would be located.

It is noted that the proposed facility is over 500m from the closest part of the trail. It is not expected to be visually prominent for trail users, given its setback and the fact that major parts of the trail are heavily forested.

#### **5.6. The need for the Proposed Facility is Unclear and not Sufficiently Justified**

The representors are concerned that need for the proposed facility is not sufficiently justified.

- **Comment**

As a part of the submission, the applicant has provided a justification for the site selection and the need for the proposed facility. The applicant has advised Council that there is a need to improve mobile service for the communities of Clifton Beach, Sandford and Cremorne. The applicant noted that existing base stations in the area are unsuitable for co-location due to their location, technical capabilities and environmental constraints to service the target area.

The applicant has prepared coverage modelling demonstrating existing and proposed coverage on the South Arm peninsula. The service modelling shows deficiencies with existing service in many parts of the peninsula. The applicant has advised Council that the proposed facility will fully resolve these issues, providing reliable and high-quality service to residents of Sandford, Cremorne and Clifton Beach.

#### **5.7. Health Impacts, Radiation, ARPANSA - Guidelines and EME Emissions**

The representors are concerned about the long-term impacts of the potential radiation and emissions caused by the proposed facility. The representors are concerned that proposed development may have health implications for the residents near the subject site.

- **Comment**

This matter is not a consideration under the Scheme, and therefore the matter does not have any determining weight.

The relevant government agency responsible for the above matters is Australian Radiation Protection and Nuclear Safety Agency. It is noted that these matters are regulated by ARPANSA, who sets the safety standard, and the Australian Communications and Media Authority (ACMA), who regulate carriers and monitor compliance with that standard.

#### **5.8. The Impact on Property Values**

The representors are concerned that the proposed development would impact on the surrounding property values.

- **Comment**

This matter is not a consideration under the Scheme, and therefore the matter does not have any determining weight.

### **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 016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

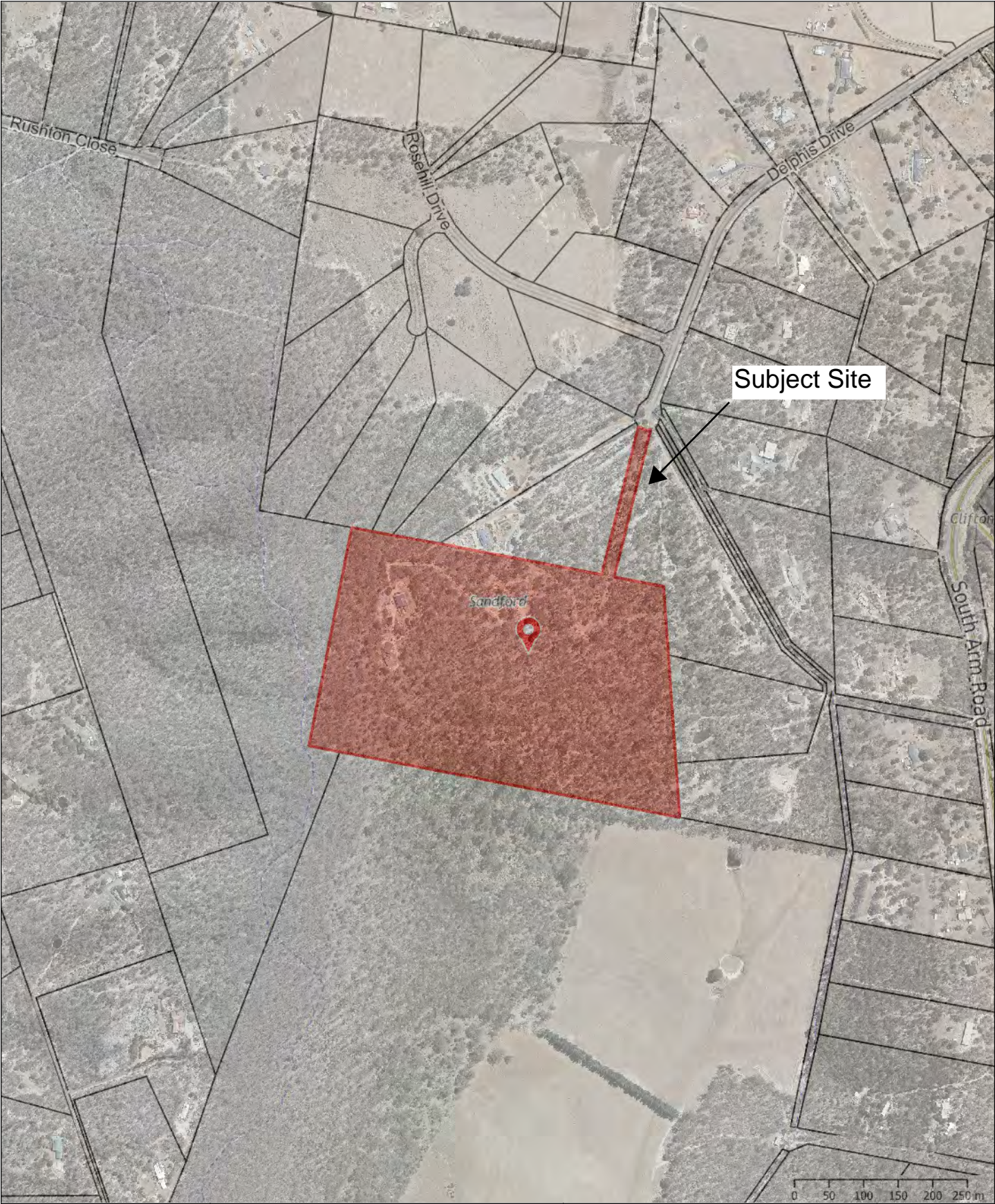
The proposal for telecommunications facility at 178 Delphis Drive, Sandford is recommended for conditional approval.



Attachments: 1. Location Plan (2)  
2. Proposal Plan (7)  
3. Natural Values Assessment (32)  
4. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**





Attachment 1



 <p>Clarence... a brighter place</p>	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.	10/12/2020	
		1:7500	





	<p>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.</p>	<p>10/16/2020</p>	
		<p>1:72224</p>	



Attachment 2

- NOTES:**
1. ALL INFORMATION TO BE CHECKED ON SITE PRIOR TO FABRICATION AND CONSTRUCTION.
  2. SERVICES INFORMATION CONTAINED ON THIS DRAWING IS INDICATIVE ONLY AND REFERENCE SHOULD BE MADE TO THE AUTHORITIES DRAWINGS TO CONFIRM ACCURACY AND COMPLETENESS. WHERE INFORMATION IS AVAILABLE, THE SUB-SURFACE SERVICES INSTALLED BY AGENTS OTHER THAN AUTHORITIES HAVE BEEN SHOWN, BUT ADDITIONAL UNDOCUMENTED SERVICES MAY BE PRESENT. SHOULD THE CONTRACTOR BELIEVE THAT SUB-SURFACE SERVICES ARE AT RISK OF DAMAGE DURING CONSTRUCTION, THE CONTRACTOR SHOULD NOTIFY THE RELEVANT AUTHORITIES AND ESTABLISH THE EXACT LOCATION OF THE SERVICES.

**LEGEND**

- PROPERTY BOUNDARY  
--- e --- e --- U/G POWER SUPPLY  
--- E --- O/H POWER SUPPLY  
--- 0 e --- 0 e --- OPTUS UNDERGROUND ELECTRICAL  
--- 0 fo --- 0 fo --- OPTUS FIBRE LINK

EXISTING POWER POLE 508186

OPTUS UNDERGROUND ELECTRICAL ROUTE

EXISTING RESIDENTIAL BUILDING

NEW 3m WIDE ACCESS TRACK

EXISTING STORAGE BUILDINGS (TYP)

CRANE/EWP LOCATION (TBC BY CONSTRUCTION CONTRACTOR)

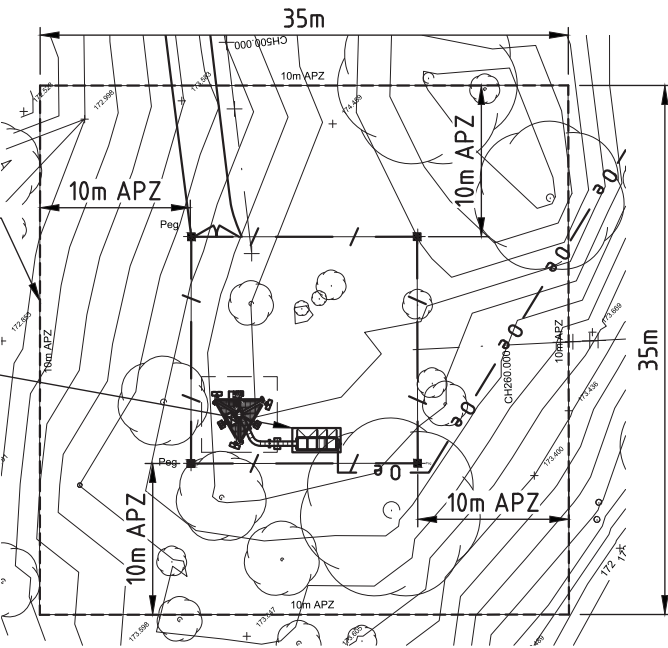
10m WIDE APZ ALL AROUND AXICOM COMPOUND

10m WIDE APZ ALL AROUND AXICOM COMPOUND

AXICOM COMPOUND AND INSTALLATION

**OVERALL SITE PLAN**

SCALE 1:2000



**APZ PLAN**

SCALE 1:500

**DRAFT**

Rev	Date	Revision Details	AXICOM Consultant	GE CAD	GE Designer	PM Verifier	PM Approver
A	XX.XX.XX	ISSUED FOR CONSTRUCTION (WORKS DESCRIPTION)					



Client:

Project:

MOBILE NETWORK AUSTRALIA  
SITE No:- H0184  
CLIFTON BEACH  
DELPHIS DRIVE

Drawing Title:

OVERALL SITE PLAN

Drawing Status:

FOR CONSTRUCTION

Drawing No.

H0184-G2

Revision

A





AXICOM COMPOUND SECURITY  
FENCING (15.0m x 15.0m) WITH 3.0m  
ACCESS GATE

EXISTING TREES INSIDE THE  
COMPOUND TO BE CUT AND REMOVED

OPTUS RRU's (15 OFF TOTAL - 5 OFF  
PER SECTOR) TO BE INSTALLED ON RRU  
MOUNTS ON NEW TRIANGULAR  
HEADFRAME. REFER NOTE 5

STEP RUNGS AND LAD SAF

OPTUS RRV4-65D-R6 PANEL ANTENNAS  
(3 OFF, 1 OFF PER SECTOR) TO BE  
INSTALLED ON NEW TRIANGULAR  
HEADFRAME. REFER NOTE 5.

OPTUS UNDERGROUND  
POWER ROUTE APPROX.  
(INDICATIVE ONLY)

15000 AXICOM LEASE AREA

CRANE/EWP LOCATION  
(TBC BY CONSTRUCTION  
CONTRACTOR)

OPTUS Ø900 PARABOLIC ANTENNA  
(1 OFF). REFER NOTE 8

AXICOM 40.0m HIGH  
MONOPOLE WITH ACCESSIBLE  
TRIANGULAR HEADFRAME.  
REFER NOTE 8

MGA ZONE 55  
E 540 160  
N 5 242 790  
AT € MONOPOLE

DETAIL  
SCALE 1:125

1  
-

OPTUS ICS OUTDOOR CABINET (4  
BAY) ON CONCRETE SLAB. REFER  
NOTE 6

OPTUS 300mm WIDE ELEVATED CABLE  
LADDER ON SUPPORT POSTS TO  
ACCOMMODATE OPTUS 2 OFF MLEH 9/18  
TRUNK CABLES (SHARED ACROSS EACH  
SECTOR). REFER NOTE 4

#### LEGEND



- PROPERTY BOUNDARY
- U/G POWER SUPPLY
- O/H POWER SUPPLY
- OPTUS UNDERGROUND ELECTRICAL
- EXISTING CONTOUR

#### NOTES:

- REFER TO DRAWING H0184-A1 FOR ANTENNA SYSTEM CONFIGURATION.
- REFER TO DRAWING H0184-F1 FOR EQUIPMENT ODC LAYOUT.
- ALL INFORMATION TO BE CHECKED ON SITE PRIOR TO FABRICATION AND CONSTRUCTION.
- OPTUS 2 OFF TRUNK CABLES (SHARED ACROSS EACH SECTOR) TO BE RUN INTO OPTUS EXTERNAL 300mm WIDE NEMA 20B HORIZONTAL ELEVATED CABLE LADDER ON SUPPORT POSTS AND VERTICALLY INSIDE THE MONOPOLE. FOR CABLE LADDER DETAILS REFER TO DRGs. A0548B-S1 AND XXXXXXXX.
- FOR HEADFRAME AND ANTENNA MOUNT DETAILS REFER XXXXXXXXX REV X.
- OPTUS ICS ODUs (4-BAY) SUPPORT FOOTING SIZE TO BE 3.30m x 0.30m x 1.60m. REFER TO DRG. FG-ENCL-0133 PAGES 1 TO 3 FOR CABINET DETAILS AND DRG. STD-23375 FOR CONCRETE FOOTING DETAILS.
- OPTUS ANCILLARY EQUIPMENT INCLUDING COMBINERS TO BE INSTALLED TO THE REAR OF THE OPTUS PANEL ANTENNAS ON THE SAME MOUNT AS PER MANUFACTURERS SPECIFICATIONS
- REFER TO DRAWING H0184-T1 FOR TRANSMISSION DETAILS.
- EXISTING TREES INSIDE THE COMPOUND TO BE CUT AND REMOVED. AND EXISTING TREES NEAR THE COMPOUND TO BE TRIMMED.

DRAFT



Client:

Project:

MOBILE NETWORK  
AUSTRALIA  
SITE No:- H0184  
CLIFTON BEACH  
DELPHIS DRIVE

Drawing Title:

SITE LAYOUT AND SETOUT PLAN

Drawing Status:

FOR CONSTRUCTION

Drawing No.

H0184-G3

Revision

A

20 10 0 10 20 30 40 50mm

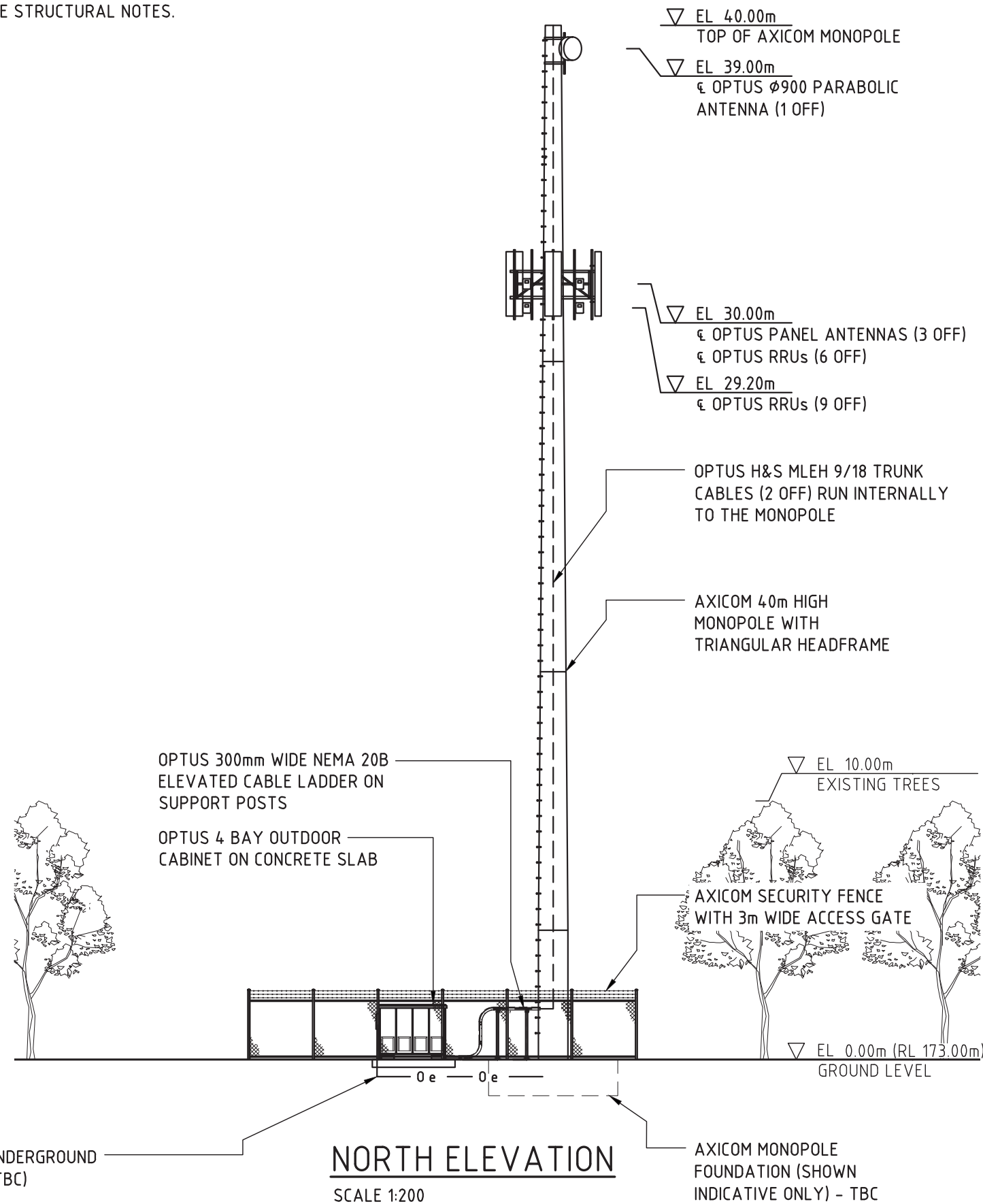
A3

NOTES:

1. REFER TO DRAWING H0184-A1 FOR PANEL ANTENNA DETAILS.
2. REFER TO DRAWING H0184-G1 FOR MONOPOLE STRUCTURAL NOTES.

NOTE:

THIS DRAWING IS DIAGRAMMATIC ONLY  
AND SHOULD NOT BE SCALED.



**DRAFT**

OPTUS UNDERGROUND  
POWER (TBC)

**NORTH ELEVATION**  
SCALE 1:200

AXICOM MONOPOLE  
FOUNDATION (SHOWN  
INDICATIVE ONLY) - TBC



**Axicom**

**OPTUS**

Client:

Project:

MOBILE NETWORK  
AUSTRALIA  
SITE No:- H0184  
CLIFTON BEACH  
DELPHIS DRIVE

Drawing Title:

**SITE ELEVATION**

Drawing Status:

**FOR CONSTRUCTION**

Drawing No.

**H0184-G4**

Revision

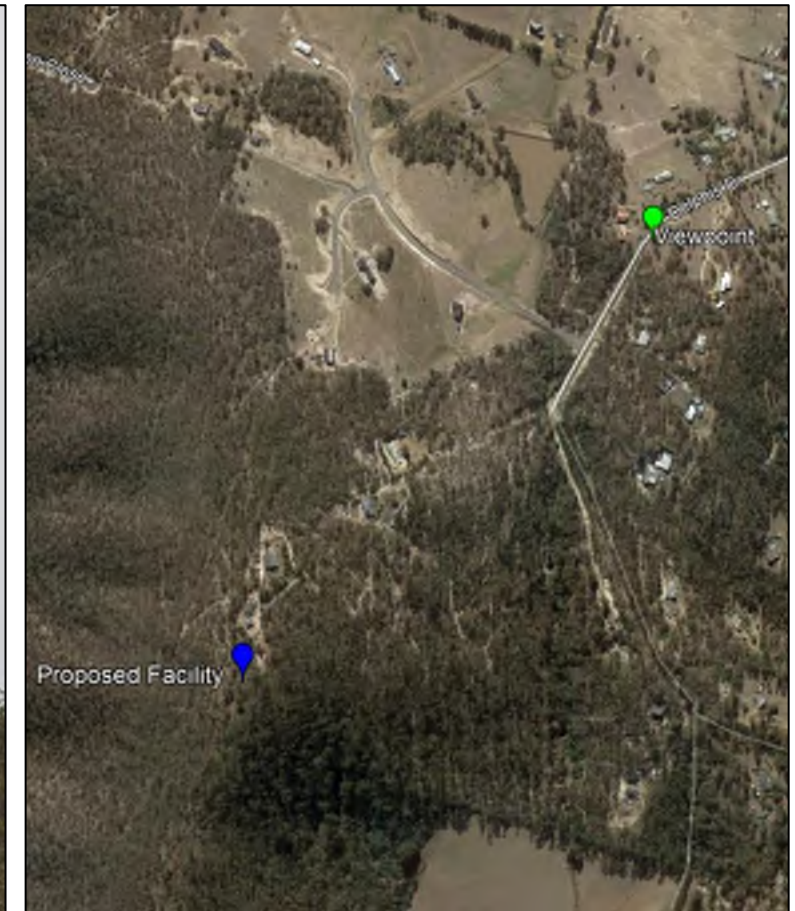
**A**

20 10 0 10 20 30 40 50mm

A3



PROPOSED AXICOM  
TELECOMMUNICATIONS FACILITY



**PHOTOMONTAGE – VIEW FROM DELPHIS DRIVE (APPROX SETBACK 800m)**

**FOR REFERENCE**



LEVEL 1 / 110 PACIFIC HIGHWAY  
ST LEONARDS NSW 2065  
[COMMUNITY@AXICOM.COM.AU](mailto:COMMUNITY@AXICOM.COM.AU)  
02 9495 9000

Project:  
**H0184 Clifton Beach**  
178 Delphis Drive, Sandford TAS 7020

Drawing Title:  
**PHOTOMONTAGE 1  
(INDICATIVE ONLY)**

Drawn: AM

Date: 17/9/2020

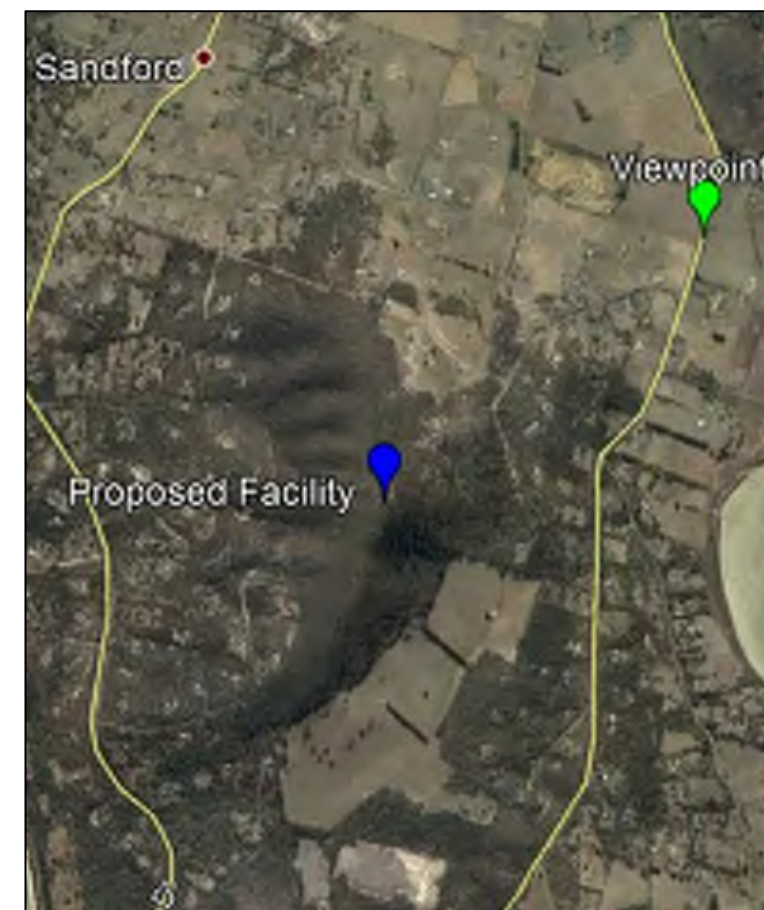
Scale: NTS



PROPOSED AXICOM  
TELECOMMUNICATIONS FACILITY



**PHOTOMONTAGE – VIEW FROM SOUTH ARM ROAD (APPROX SETBACK 1.6km)**



**FOR REFERENCE**



LEVEL 1 / 110 PACIFIC HIGHWAY  
ST LEONARDS NSW 2065  
[COMMUNITY@AXICOM.COM.AU](mailto:COMMUNITY@AXICOM.COM.AU)  
02 9495 9000

Project:  
**H0184 Clifton Beach**  
178 Delphis Drive, Sandford TAS 7020

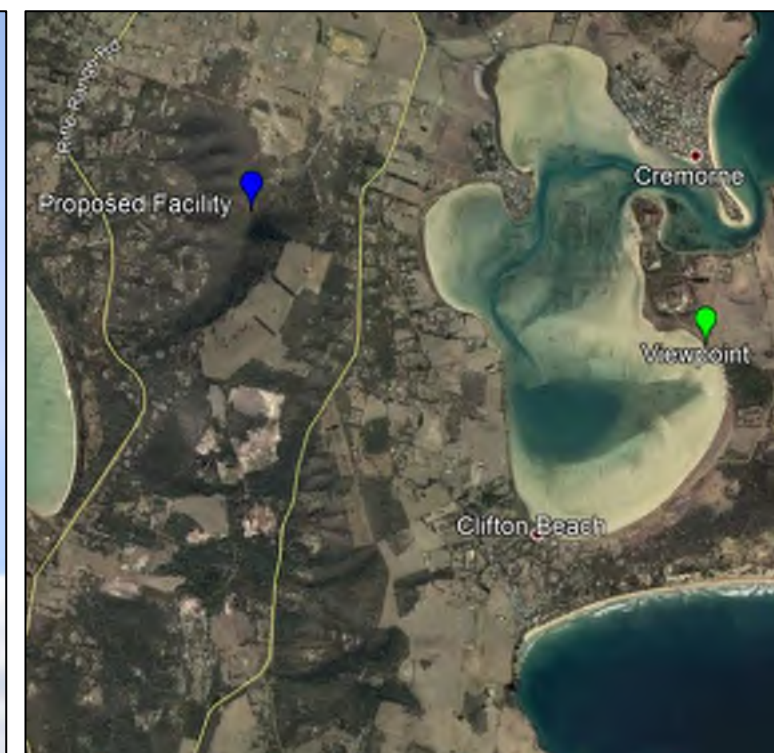
Drawing Title:  
**PHOTOMONTAGE 2  
(INDICATIVE ONLY)**

Drawn: AM

Date: 17/9/2020

Scale: NTS





**PHOTOMONTAGE – VIEW FROM BICHENO ROAD / PIPE CLAY LAGOON (APPROX SETBACK 3.5km)**

**FOR REFERENCE**



LEVEL 1 / 110 PACIFIC HIGHWAY  
ST LEONARDS NSW 2065  
[COMMUNITY@AXICOM.COM.AU](mailto:COMMUNITY@AXICOM.COM.AU)  
02 9495 9000

Project:  
**H0184 Clifton Beach**  
178 Delphis Drive, Sandford TAS 7020

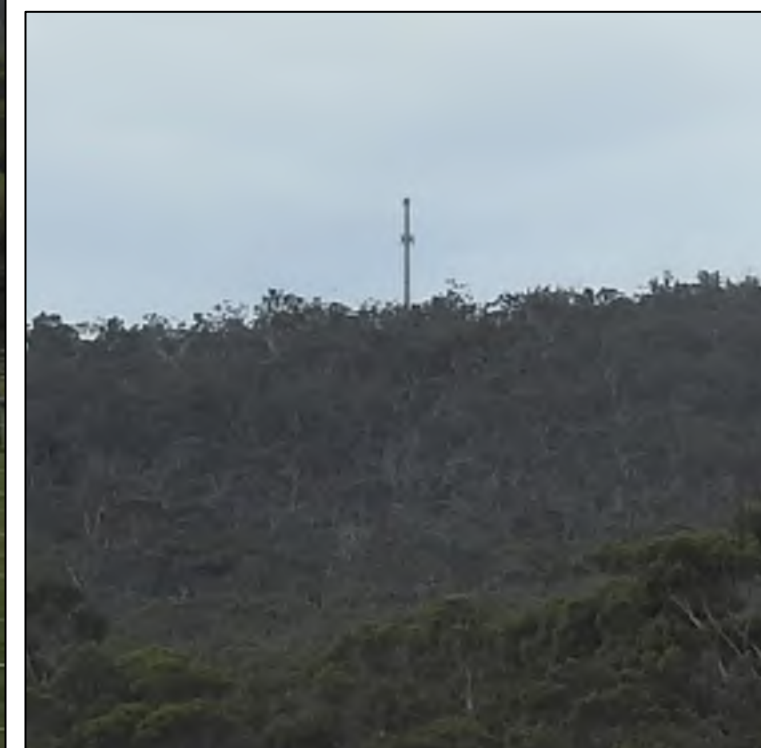
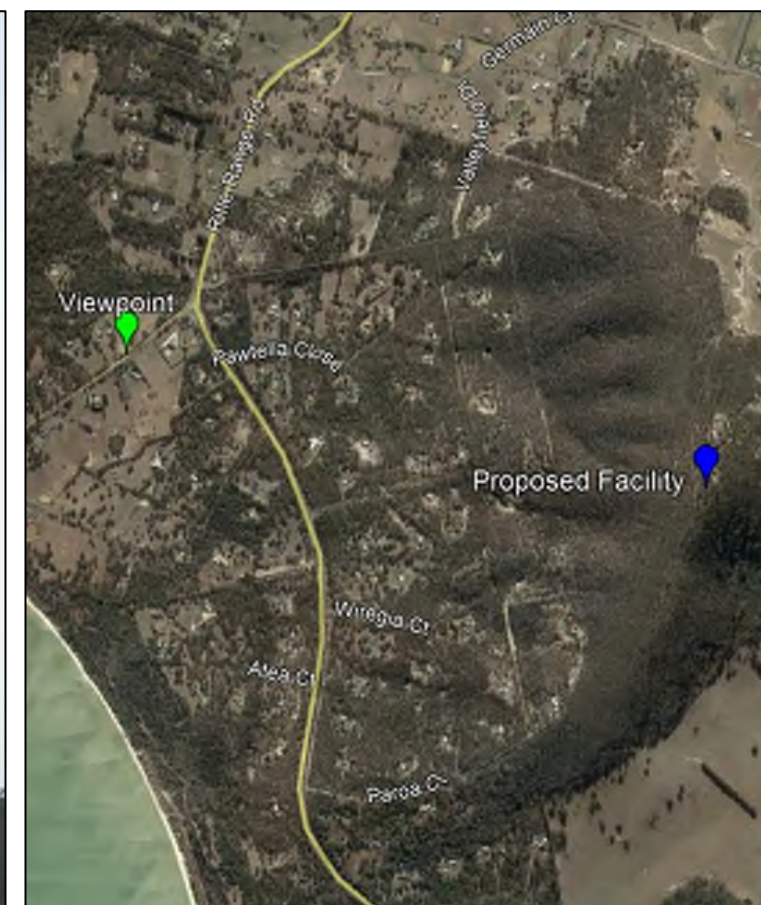
Drawing Title:  
**PHOTOMONTAGE 4  
(INDICATIVE ONLY)**

Drawn: AM

Date: 17/9/2020

Scale: NTS





**PHOTOMONTAGE – VIEW FROM RIFLE RANGE ROAD (APPROX SETBACK 1.6km)**

**FOR REFERENCE**



LEVEL 1 / 110 PACIFIC HIGHWAY  
ST LEONARDS NSW 2065  
[COMMUNITY@AXICOM.COM.AU](mailto:COMMUNITY@AXICOM.COM.AU)  
02 9495 9000

Project:  
**H0184 Clifton Beach**  
178 Delphis Drive, Sandford TAS 7020

Drawing Title:  
**PHOTOMONTAGE 3  
(INDICATIVE ONLY)**

Drawn: AM

Date: 17/9/2020

Scale: NTS

## Attachment 3



28 Suncrest Avenue  
Lenah Valley, TAS 7008  
mark@ecotas.com.au  
www.ecotas.com.au  
(03) 62 283 220  
0407 008 685  
ABN 83 464 107 291

Axicom Pty Ltd  
ATTENTION: Andrew McLane (Senior Town Planner)  
Level 17 69 Ann Street  
Brisbane QLD 4000

1 September 2020

Dear Andrew

RE: Mobile Network Australia (Optus) site: Site No. H0184  
178 Delphis Drive, Sandford, Tasmania  
Planning advice (ecological values)

Please find following a statement of findings on ecological values associated with the proposed Mobile Network Australia site (Site No. H0184) proposed for private property at 178 Delphis Drive (PID 1731438; C.T. 122636/15; LPI FDT14), Sandford, Tasmania.

The assessment was undertaken, and the following report prepared, in response to correspondence from Clarence City Council dated 25 June 2020 in relation to the submitted development application, now referred to as PDPLANPMTD-2020/009811.

Specifically, that correspondence required the following additional information:

- Please provide a *Natural Values Assessment* which is prepared by suitably qualified person and is consistent with the Guidelines for Natural Values Assessment (DPIPWE July 2009).

I recommend that this cover letter and attached report (including the appended *Natural Values Atlas*, *Biodiversity Values Database* and *Protected Matters Search Tool* reports) be provided with any planning applications, as it addresses the potential concerns in regard to ecological values usually raised at the local government level of assessment.

Note that this letter and attached reports do not constitute legal advice. It is recommended that formal advice be sought from the relevant agency prior to acting on any aspect of this report.

Please do not hesitate to contact me further if additional information is required.

Kind regards

Mark Wapstra  
Senior Scientist/Manager

Mark Wapstra  
28 Suncrest Avenue  
Lenah Valley, TAS 7008

ABN 83 464 107 291  
email: mark@ecotas.com.au  
web: www.ecotas.com.au

business ph.: (03) 62 283 220  
mobile ph.: 0407 008 685



## ECOLOGICAL ASSESSMENT OF PROPOSED MOBILE NETWORK AUSTRALIA (OPTUS) SITE: SITE NO. H0184, 178 DELPHIS DRIVE, SANDFORD, TASMANIA



Environmental Consulting Options Tasmania for  
Axicom Pty Ltd

1 September 2020

Mark Wapstra  
28 Suncrest Avenue  
Lenah Valley, TAS 7008

ABN 83 464 107 291  
email: [mark@ecotas.com.au](mailto:mark@ecotas.com.au)  
web: [www.ecotas.com.au](http://www.ecotas.com.au)

business ph.: (03) 62 283 220  
mobile ph.: 0407 008 685

ECOLOGICAL VALUES ASSOCIATED WITH PROPOSED MOBILE NETWORK AUSTRALIA  
(OPTUS) SITE: SITE NO. H0184, 178 DELPHIS DRIVE, SANDFORD, TASMANIA  
SUPPORT DOCUMENTATION FOR DEVELOPMENT APPLICATION (PDPLANPMTD-  
2020/009811) UNDER CLARENCE INTERIM PLANNING SCHEME 2015

*Prepared by Brian French & Mark Wapstra for Axicom Pty Ltd, 1 September 2020*

## INTRODUCTION

### *Preamble*

Axicom Pty Ltd engaged Environmental Consulting Options Tasmania (ECOtas) to provide planning advice in relation to the management of ecological (flora and fauna) values associated with a proposed Mobile Network Australia (Optus) facility (Site No. H0184) on private property at 178 Delphis Drive, Sandford, Tasmania (Figures 1-3).

This report fully complies with the Department of Primary Industries, Parks, Water & **Environment's** *Guidelines for Natural Values Surveys - Terrestrial Development Proposals* (DPIPWE 2015), a document that outlines the various ecological values that need to be assessed for various types of terrestrial development proposals.

Specifically, the intent of this report is to address items raised in correspondence with Clarence Council dated 25 June 2020 in relation to the submitted development application, now referred to as PDPLANPMTD-2020/009811. To that end, **this report also includes a "compliance statement" that addresses the provisions of the** Natural Assets Code of the *Clarence Interim Planning Scheme 2015*.

### *Land use proposal and general description of site*

The land use proposal was described as part of documentation submitted with the development application (PDPLANPMTD-2020/009811), and this information is not repeated herein except as it relates to ecological findings and the management of values with specific legislative or other policy-level requirements.

The land use proposal was assessed by reference to design drawings, specifically the draft Axicom Drawing No. H0184A-P1. This design drawing draft has not been included due to alterations in the design proposal mainly regarding the lease area access track options. Figure 3 indicates the current proposal.

The site is wholly on private property (178 Delphis Drive; PID 1731438; C.T. 122636/15; LPI FDT14). The proposed site is accessed via a well-formed (albeit steep in some sections) private road that accesses the existing private residence on Mount Augustus.

The proposed facility occurs at 175 m a.s.l. on a north-south trending ridgeline. There are no drainage features shown on topographic maps (or noted on site assessment) associated with the project area.

The geology of the project area is mapped as Permian-**age** "upper glaciomarine sequences of pebbly mudstone, pebbly sandstone and limestone." (geocode: Pu), which was confirmed by site assessment by reference to road cuttings, regolith, soil types, vegetation types and particular plant species. The geology is mentioned because it has a strong influence on the classification of vegetation and the potential occurrence of threatened flora (and to a lesser extent, threatened fauna).





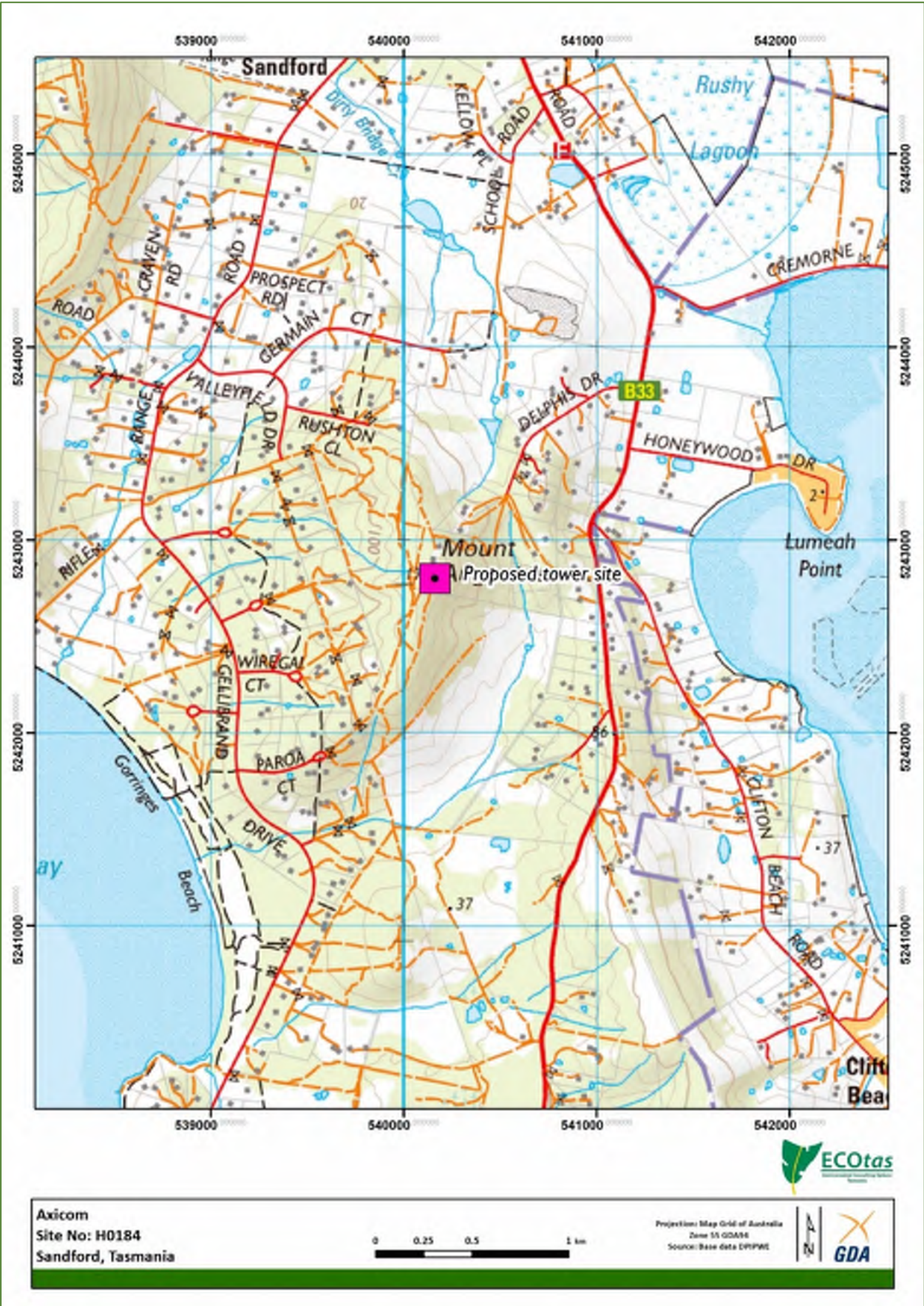


Figure 1. General location of subject site [source: LISTmap]



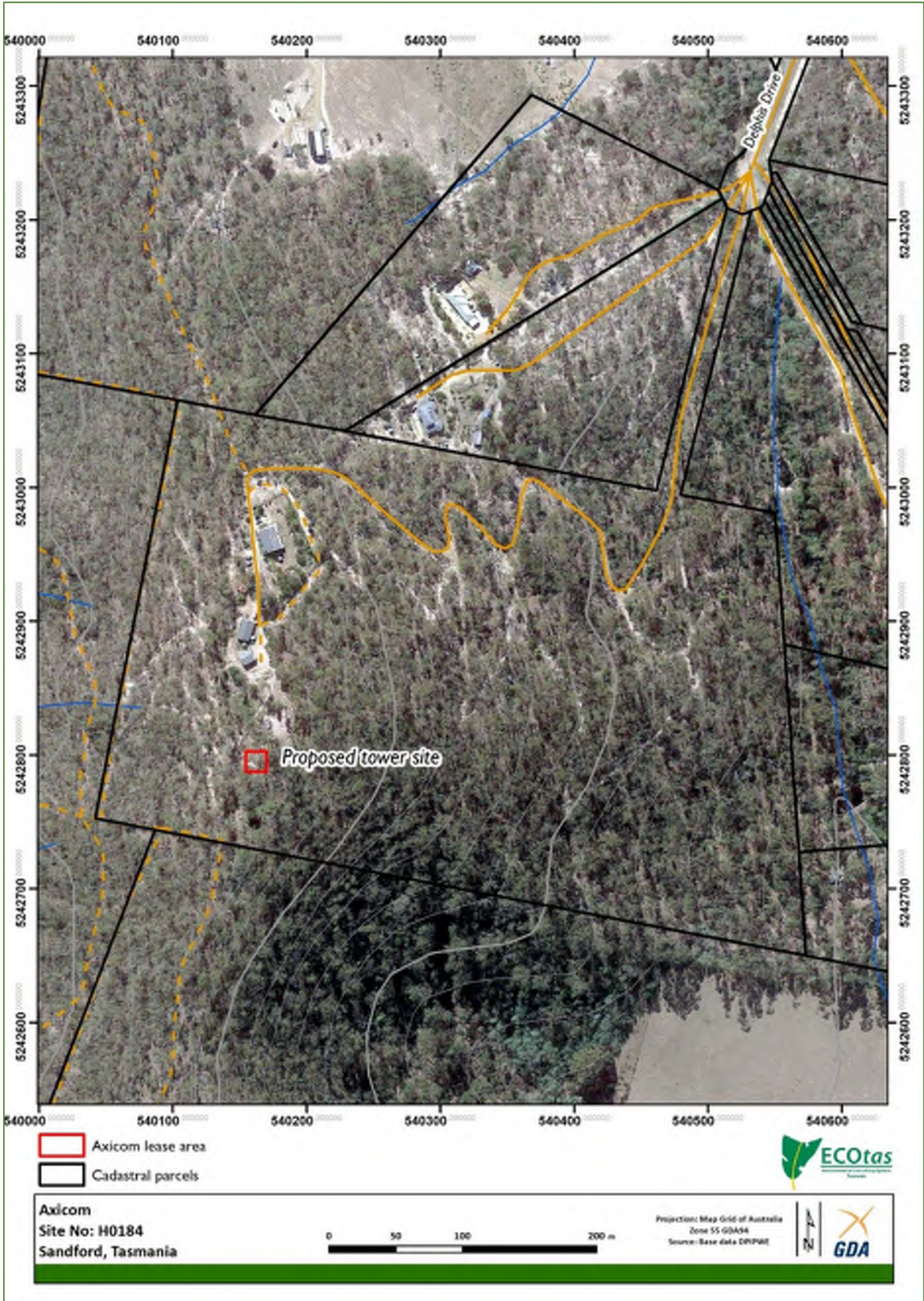


Figure 2. Detailed location of subject site showing aerial imagery, cadastral and topographic features [source: LISTmap]



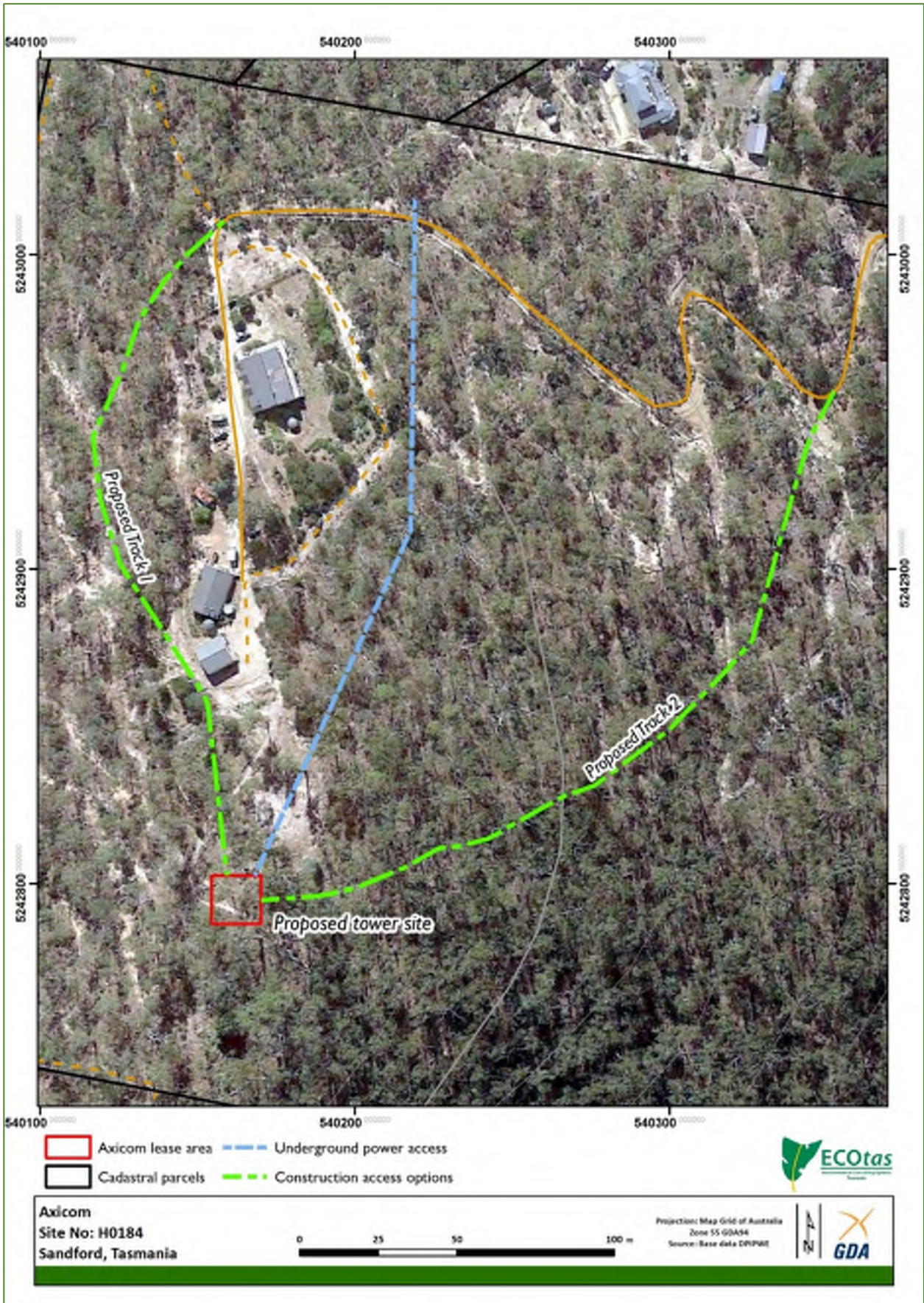


Figure 3. Detail of the proposed tower site, underground power route and construction access options [source: LISTmap & Axicom]

## METHODS

### *Database checks*

TheList was examined to determine existing vegetation mapping and known sites for **threatened flora and fauna**. Database reports were produced under DPIPWE's *Natural Values Atlas* (DPIPWE 2020), the Forest Practices Authority's *Biodiversity Values Database* (FPA 2020) and the Commonwealth Department of the Environment & Energy's *Protected Matters Search Tool* (CofA 2020) to support the assessment process (all appended for reference).

### *Field assessment*

The field assessment was restricted to the proposed development area as defined by the site plan (Figure 3) including a 10 m buffer either side of all proposed features.

A site assessment was undertaken on 18 August 2020 by Brian French.

Vegetation types were classified according to TASVEG as described in *From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation* (Kitchener & Harris 2013+, online version), with the boundaries between vegetation types identified by reference to overstorey and understorey changes and marked using the waypoint function of a hand-held GPS (Garmin Dakota 10).

With reference to the threatened flora, the survey included consideration of the most likely habitats for such species. Further details are not provided because no such species were detected.

Surveys for threatened fauna were practically **limited to an examination of "potential habitat"** (i.e. comparison of on-site habitat features to habitat descriptions for threatened fauna), and detection of tracks, scats and other signs, except as indicated below.

The project area was also assessed with respect to plant species classified as declared weeds under the Tasmanian *Weed Management Act 1999*, Weeds of National Significance (WoNS) or **"environmental weeds"** (author opinion and as included in *A Guide to Environmental and Agricultural Weeds of Southern Tasmania*, NRM South 2017).

The site was also assessed with respect to potential impacts of plant and animal pathogens, by reference to habitat types and field symptoms.

Only ca. 6 individual trees within the lease area may need to be removed (or may be affected by works). These individuals of *Eucalyptus tenuiramis* (silver peppermint) are all regrowth and are small (<5 m tall) with diameters at breast height over bark (DBHOB) less than 10 cm. No large trees are to be disturbed by the proposal with all access and power routes deliberately sited to avoid any larger trees.

## FINDINGS

### *Vegetation types*

#### Existing vegetation mapping

This section, which comments on the existing TASVEG 4.0 mapping for the study area, is included to highlight the differences between existing mapping and the more recent mapping from the present study to ensure that any parties assessing land use proposals (via this report)



do not rely on existing mapping. Note that TASVEG mapping, which was mainly a desktop mapping exercise based on aerial photography, is often substantially different to ground-truthed vegetation mapping, especially at a local scale. An examination of existing vegetation mapping is usually a useful pre-assessment exercise to gain an understanding of the range of habitat types likely to be present and the level of previous botanical surveys.

TASVEG 4.0 map the project area as (Figure 4):

- *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO): for the majority of the property; and
- *Eucalyptus globulus* dry forest and woodland (TASVEG code: DGL): on the relatively moist south-facing slopes.

This mapping is largely correct; however, the vegetation boundaries differ slightly in that the existing TASVEG mapping does not separate the existing house site including the associated sheds and cleared areas as extra-urban miscellaneous (TASVEG code: FUM) as indicated in the revised mapping in Figure 5.

### Revised vegetation mapping

As indicated in METHODS, the assessment was only undertaken within the disturbance footprint(s) of the project, which supports two native vegetation mapping units and one modified land mapping unit (Figure 5).

The lease area compound for the proposed communications tower, proposed access route 1 and the underground power route (Figure 5) is dominated by *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO) and extra-urban miscellaneous (TASVEG code: FUM). This zone, including the native forest areas mapped as DTO, is highly disturbed with a myriad of vehicle tracks, stock fences and mountain bike trails. The lease area for the communications tower is regrowth from past disturbance and is cleared immediately to the north (see Plate 1). The areas mapped as FUM consist of firebreaks/fuel management zones, sheds and gardens. *Eucalyptus globulus* dry forest and woodland (TASVEG code: DGL) occurs on proposed access route 2 on the relatively moist south-facing slope. The area of DGL is in good condition with virtually no disturbance noted. The vegetation composition and structure of DTO and DGL is indicated in Table 1 (DGL) and Table 2 (DTO).

DGL and DTO do not equate to threatened ecological communities under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*; however, both DGL and DTO are classified as threatened vegetation types under Schedule 3A of the Tasmanian *Nature Conservation Act 2002*.



Plate 1. The northern boundary of the proposed lease area (yellow line) indicating the disturbed nature of the vegetation at the site

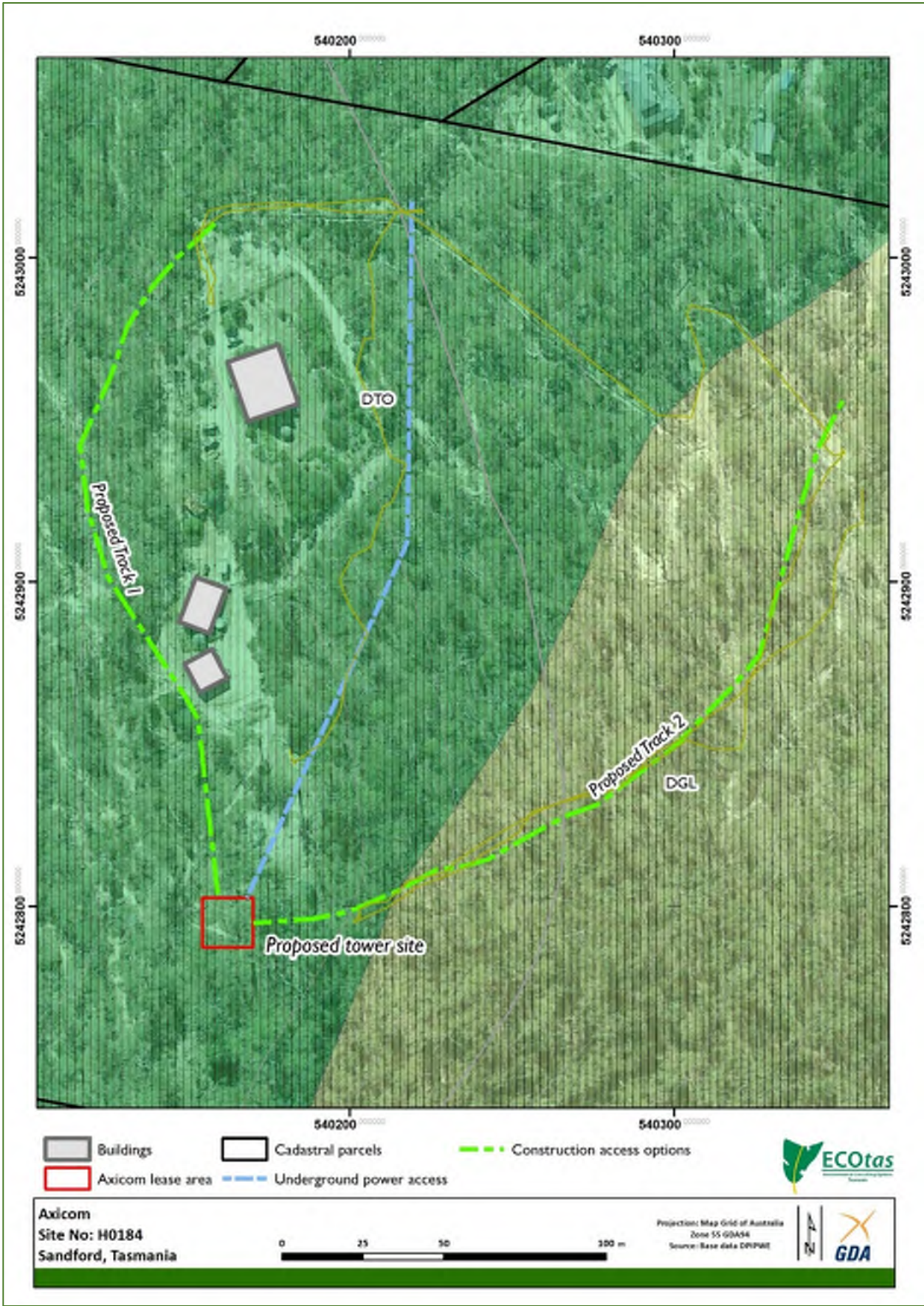


Figure 4. Existing TASVEG 4.0 vegetation mapping for the subject site and surrounds (refer to text for codes)



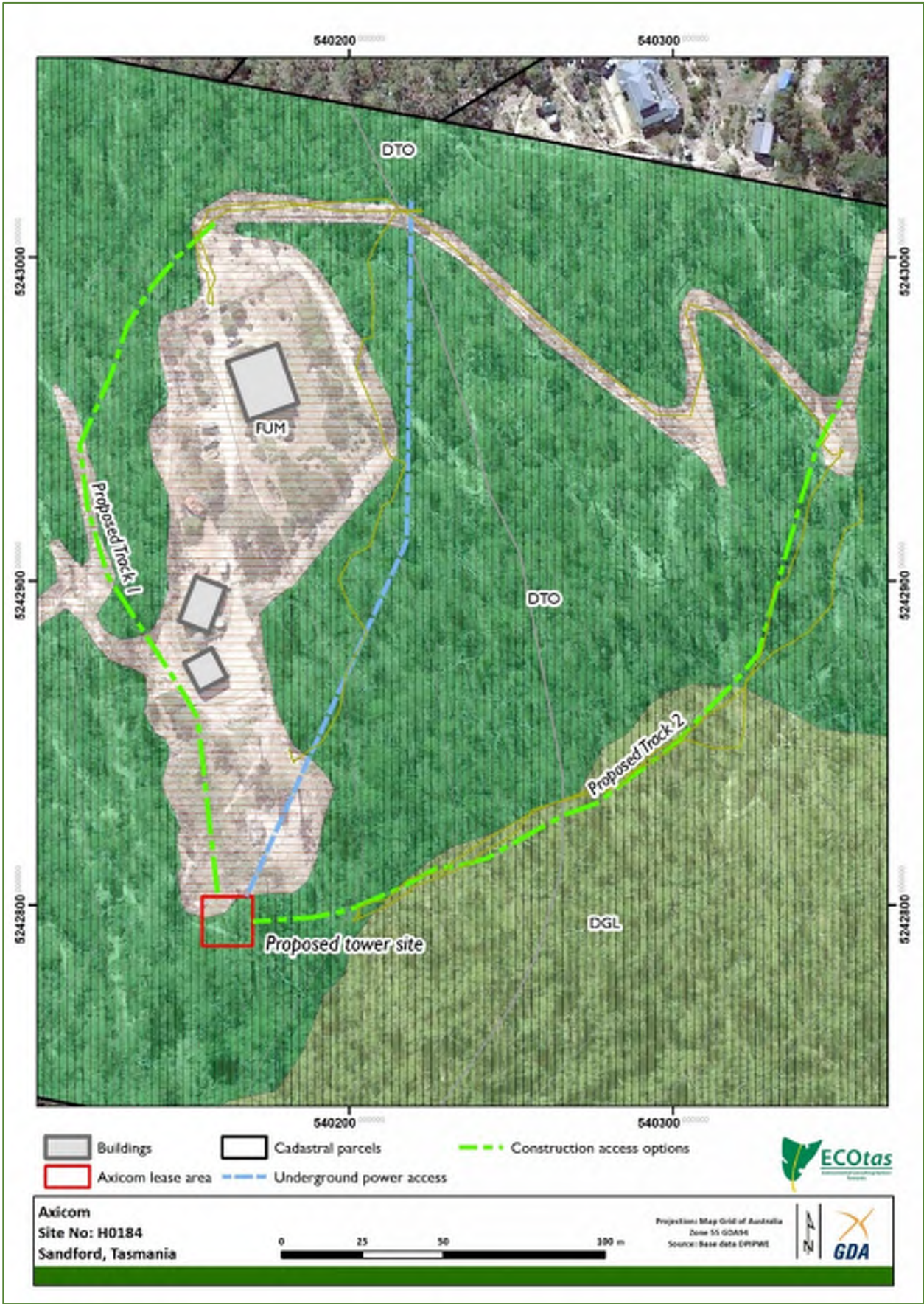


Figure 5. Revised vegetation mapping for the subject site (refer to text for codes)



Table 1. Description of *Eucalyptus globulus* dry forest and woodland (TASVEG code: DGL) from the study area



<i>Eucalyptus globulus</i> dry forest and woodland (TASVEG code: DGL)		
DGL is isolated to the relative moist south-facing slopes of proposed access route 2 (see Figure 5). DGL is in good floristic condition with very little disturbance noted.		
		
DGL in the relatively moist south-facing slopes along proposed access route 2		
Stratum	Height (m) Cover (%)	Species (underline = dominant, parentheses = sparse)
Trees	20-24 m 15-20%	<u><i>Eucalyptus globulus</i></u>
Trees	8-12 m 15%	<u><i>E. globulus</i></u> , <i>Acacia dealbata</i> , <i>Exocarpos cupressiformis</i>
Tall shrubs	2-5 m 25%	<i>Pomaderris elliptica</i> , <i>Allocasuarina littoralis</i> , <u><i>Dodonaea viscosa</i></u> , <i>Acacia dealbata</i> , <i>Leptomeria drupacea</i>
Shrubs	<2 m) 15%	<i>Pultenaea daphnoides</i> , <i>Pomaderris pilifera</i> , <i>Cassinia aculeata</i>
Low shrubs	<0.5 m 20%	<i>Astroloma humifusum</i> , <i>Acrotriche serrulata</i>
Grasses/graminoids	<1 m 40%	<i>Lomandra longifolia</i> , <i>Dianella revoluta</i> , <i>Poa sieberiana</i>
Herbs	15%	<i>Dichondra repens</i> , <i>Acaena novae-zelandiae</i> , <i>Oxalis perennans</i> , <i>Hypochaeris radicata</i> , <i>Viola hederacea</i> , <i>Poranthera microphylla</i>

Table 2. Description of *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO) from the study area

<i>Eucalyptus tenuiramis</i> forest and woodland on sediments (TASVEG code: DTO)		
<p>DTO dominates the forest areas in the vicinity of the proposed access route 1, the proposed communications tower site and beside the access road to the existing residence. This community ranges from marginal condition surrounding the existing residence including the proposed lease area (see Plate 1) and proposed access route 1 to good condition in the vicinity of the underground power access route.</p>		
		
<p>DTO on the southern margin of the site of the proposed communications tower lease area</p>		
Stratum	Height (m) Cover (%)	Species (underline = dominant, parentheses = sparse)
Trees	10-12 m 15%	<u><i>Eucalyptus tenuiramis</i></u>
Trees/tall shrubs	3-5 m 10%	<u><i>Acacia mearnsii</i></u> , <i>Allocasuarina littoralis</i> , <i>E. tenuiramis</i> . ( <i>Dodonaea viscosa</i> ), <i>Exocarpos cupressiformis</i> , ( <i>Bursaria spinosa</i> )
Shrubs	<2 m 15%	<i>Pultenaea daphnoides</i> , <i>Epacris impressa</i> , <i>Ozothamnus obcordatus</i> , <i>Hibbertia riparia</i> , <i>Billardiera heterophylla</i>
Low shrubs	<0.2 m 10%	<i>Astroloma humifusum</i> , <i>Acrotriche serrulata</i> , <i>Pultenaea pedunculata</i> , <i>Bossiaea prostrata</i> , <i>Rytidosperma procumbens</i> , <i>Kennedia prostrata</i>
Grasses/graminoids	<2 m <5%	<i>Lomandra longifolia</i> , <i>Dianella revoluta</i> , <i>Poa sieberiana</i> , <i>Austrodanthonia</i> spp., <i>Austrostipa</i> spp., <i>Lepidosperma laterale</i> , <i>Poa rodwayi</i>
Herbs	variable	<i>Oxalis perennans</i> , <i>Senecio minimus</i> , <i>Gonocarpus tetragynus</i> , <i>Goodenia lanata</i> , <i>Wahlenbergia</i> spp., <i>Viola hederacea</i>



## *Plant species*

### Threatened flora species recorded from the study area

Database information indicates that the project area does not support known populations of flora listed as threatened on either the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Protection Act 1999*. The field assessment did not detect any threatened fauna species from the proposed development site or adjacent areas.

### Threatened flora species potentially present (database analysis)

Figure 6 indicates threatened flora species near to the study area and Table 3 provides a listing of threatened flora from within 5,000 m of the study area (nominal buffer width usually used to discuss the potential of a particular study area to support various species listed in databases), with comments on whether potential habitat is present for the species, and possible reasons why a species was not recorded.

## *Threatened fauna*

### Known locations

Database information indicates that the project area does not support known populations of fauna listed as threatened on either the Tasmanian *Threatened Species Protection Act 1995* or the Commonwealth *Environment Protection and Biodiversity Protection Act 1999*. The field assessment did not detect any threatened fauna species from the proposed development site or adjacent areas.

### Potential habitat analysis

The *Natural Values Atlas* report indicates several records of threatened fauna within 5,000 m of the project area (see Figure 7 and appended report). These (except wholly marine and pelagic species) are listed below with a brief commentary on the likelihood of the site supporting the species, and the potential impacts of the development on these species (Table 4).

## *Weeds*

No plant species classified as declared under the Tasmanian *Weed Management Act 1999* were detected from the study area. One species, *Billardiera heterophylla* (bluebell creeper) that is considered as an “environmental weed” (in *A Guide to Environmental and Agricultural Weeds of Southern Tasmania*, NRM South 2017) was detected from adjacent to the project area. *Billardiera heterophylla* (bluebell creeper) is widespread in the greater Sandford area including on adjacent properties to the project area. If the current proposed routes are utilised, no immediate management actions are required as no plants were located on the disturbance footprint of the access routes or lease area.









Figure 7. Distribution of threatened fauna (as per the *Natural Values Atlas* records) from the vicinity of the project site and wider area

Table 3. Threatened flora reported from within 5,000 m of the project area

Species listed below are listed as rare (r), vulnerable (v), endangered (e), or extinct (x) on the Tasmanian *Threatened Species Protection Act 1995* (TSPA); vulnerable (VU), endangered (EN), critically endangered (CR) or extinct (EX) on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). Information below is sourced from DPIPWE's *Natural Values Atlas* (DPIPWE 2020) and other sources where indicated. Habitat descriptions are taken from FPA (2016), FPA (2017) and TSS (2003+), except where otherwise indicated. Species marked with # are listed in CofA (2020).

Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
<i>Austroparmelina whinrayi</i> lichen	r -	<i>Parmelina whinrayi</i> occurs as an epiphyte in coastal scrub and woodland in Tasmania.	Potential habitat absent.
<i>Bolboschoenus caldwellii</i> sea clubsedge	r -	<i>Bolboschoenus caldwellii</i> is widespread in shallow, standing, sometimes brackish water, rooted in heavy black mud.	Potential habitat absent.
<i>Caladenia caudata</i> tailed spider-orchid	v VU	<i>Caladenia caudata</i> has highly variable habitat, which includes the central north: <i>Eucalyptus obliqua</i> heathy forest on low undulating hills; the northeast: <i>E. globulus</i> grassy/heathy coastal forest, <i>E. amygdalina</i> heathy woodland and forest, <i>Allocasuarina</i> woodland; and the southeast: <i>E. amygdalina</i> forest and woodland on sandstone, coastal <i>E. viminalis</i> forest on deep sands. Substrates vary from dolerite to sandstone to granite, with soils ranging from deep windblown sands, sands derived from sandstone and well-developed clay loams developed from dolerite. A high degree of insolation is typical of many sites.	Potential habitat marginally present. The distinctive flowers of this species were not detected, which would have been present at this time of year (Wapstra 2018).
<i>Caladenia filamentosa</i> daddy longlegs	r -	<i>Caladenia filamentosa</i> occurs in lowland heathy and sedgy eucalypt forest and woodland on sandy soils.	Potential habitat marginally present. The distinctive leaves of this species were not detected, which would have been present at this time of year (Wapstra 2018).
<i>Cotula vulgaris</i> var. <i>australasica</i> slender buttons	r -	<i>Cotula vulgaris</i> var. <i>australasica</i> habitat includes saline herbfields, rocky coastal outcrops, and wet or brackish swamps.	Potential habitat absent.
<i>Cuscuta tasmanica</i> golden dodder	r -	<i>Cuscuta tasmanica</i> is known from saline areas and brackish marshes often, but not exclusively, on plants of <i>Wilsonia backhousei</i> (narrowleaf wilsonia).	Potential habitat absent.
<i>Cyrtostylis robusta</i> large gnat-orchid	r -	<i>Cyrtostylis robusta</i> is known from coastal or near-coastal sites in forest and heathland on well-drained soils. There is sometimes a strong correlation with <i>Allocasuarina verticillata</i> (drooping sheoak) on coastal dolerite cliffs.	Potential habitat absent.
<i>Dianella amoena</i> grassland flaxlily	r EN # only	<i>Dianella amoena</i> occurs mainly in the northern and southern Midlands, where it grows in native grasslands and grassy woodlands.	Potential habitat marginally present. This distinctive species was not detected.
<i>Eucalyptus morrisbyi</i> morrisbys gum	e EN #	<i>Eucalyptus morrisbyi</i> occurs in coastal, dry sclerophyll woodland on gentle to hilly slopes with poor drainage. It tends to be restricted to gullies that offer some relief in this drought-prone, low rainfall area. It is associated with poor soils. The Calverts Hill subpopulation and associated remnant stands occur on recent sands overlying dolerite and the Risdon subpopulation on Permian mudstone.	Potential habitat present. This distinctive tree species was not recorded.

Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
<i>Eucalyptus morrisbyi</i> x <i>viminialis</i> subsp. <i>viminialis</i>	- -	<i>Eucalyptus morrisbyi</i> x <i>viminialis</i> subsp. <i>viminialis</i> is a hybrid species between the widespread and common <i>E. viminialis</i> and the threatened <i>E. morrisbyi</i> (see above). This species generally occurs close to populations of <i>E. morrisbyi</i> (within a few tree lengths) in the Cremorne and East Risdon areas.	Potential habitat present. This species was not recorded.
<i>Eucalyptus risdonii</i> risdon peppermint	r -	<i>Eucalyptus risdonii</i> is restricted to the greater Hobart area (particularly the Meehan Range), with an outlying population at Mangalore and on South Arm. It occurs on mudstone, with an altitudinal range from near sea level to 150 m a.s.l. It can occur as a dominant in low open forest with a sparse understorey on dry, insulated ridgelines and slopes (e.g. with a northwest aspect), and individuals can extend into other forest types typically dominated by <i>E. tenuiramis</i> or <i>E. amygdalina</i> (but occasionally by other species) on less exposed sites.	Potential habitat present. This distinctive tree species was not detected.
<i>Glycine latrobeana</i> clover glycine	v VU # only	<i>Glycine latrobeana</i> occurs in a range of habitats, geologies and vegetation types. Soils are usually fertile but can be sandy when adjacent to or overlaying fertile soils. The species mainly occurs on flats and undulating terrain over a wide geographical range, including near-coastal environments, the Midlands, and the Central Plateau. It mainly occurs in grassy/heathy forests and woodlands and native grasslands.	Potential habitat marginally present. This distinctive species was not detected.
<i>Hyalosperma demissum</i> moss sunray	e -	<i>Hyalosperma demissum</i> grows on rock pavements or shallow sandy soils in some of Tasmania's driest regions, and also in scalded patches in <i>Eucalyptus amygdalina</i> heathy/grassy woodland. The underlying substrate is mostly Jurassic dolerite, with occasional occurrences on Triassic sandstone and also Cainozoic sediments with a laterite lag. The elevation range of recorded sites in Tasmania is 30-470 m a.s.l., with an annual rainfall range of less than 600 mm.	Potential habitat absent.
<i>Juncus amabilis</i> gentle rush	r -	<i>Juncus amabilis</i> occurs in a variety of habitats, usually poorly-drained sites such as damp grasslands and grassy woodlands, wet pastures, roadside ditches and edges of still and slow-flowing waterbodies. As presently understood, the species is mainly confined to lowland areas in the eastern half of the State but there are potential higher elevation and more western records that require confirmation.	Potential habitat absent.
<i>Lachnagrostis punicea</i> subsp. <i>punicea</i> bristle blowgrass	r -	<i>Lachnagrostis punicea</i> subsp. <i>punicea</i> occurs in moist depressions in grassy woodlands/forests and grasslands, and on the edges of swamps and saline flats.	Potential habitat absent.
<i>Lepidium hyssopifolium</i> soft peppercress	e EN # only	The native habitat of <i>Lepidium hyssopifolium</i> is the growth suppression zone beneath large trees in grassy woodlands and grasslands (e.g. over-mature black wattles and isolated eucalypts in rough pasture). <i>Lepidium</i>	Potential habitat absent (atypical of all known sites).



Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
		<i>hyssopifolium</i> is now found primarily under large exotic trees on roadsides and home yards on farms. It occurs in the eastern part of Tasmania between sea-level to 500 m a.s.l. in dry, warm and fertile areas on flat ground on weakly acid to alkaline soils derived from a range of rock types. It can also occur on frequently slashed grassy/weedy roadside verges where shade trees are absent.	
<i>Lepilaena preissii</i> slender watermat	r -	<i>Lepilaena preissi</i> occurs in fresh and brackish lagoons, and estuaries.	Potential habitat absent.
<i>Leucochrysum albicans</i> var. <i>tricolor</i> grassland paperdaisy	e EN # only	<i>Leucochrysum albicans</i> var. <i>tricolor</i> occurs in the west and on the Central Plateau and the Midlands, mostly on basalt soils in open grassland. This species would have originally occupied <i>Eucalyptus pauciflora</i> woodland and tussock grassland, though most of this habitat is now converted to improved pasture or cropland.	Potential habitat absent.
<i>Prasophyllum apoxychilum</i> tapered leek-orchid	v EN # only	<i>Prasophyllum apoxychilum</i> is restricted to eastern and northeastern Tasmania where it occurs in coastal heathland or grassy and scrubby open eucalypt forest on sandy and clay loams, often among rocks. It occurs at a range of elevations and seems to be strongly associated with dolerite in the east and southeast of its range.	Potential habitat marginally present. This species was not detected.
<i>Pterostylis ziegeleri</i> grassland greenhood	v VU # only	<i>Pterostylis ziegeleri</i> occurs in the State's south, east and north, with an outlying occurrence in the northwest. In coastal areas, the species occurs on the slopes of low stabilised sand dunes and in grassy dune swales, while in the Midlands it grows in native grassland or grassy woodland on well-drained clay loams derived from basalt.	Potential habitat absent.
<i>Ruppia tuberosa</i> tuberous seatassel	r -	<i>Ruppia tuberosa</i> has been recorded from the State's southeast at Ralphs Bay and Blackman Bay, where it grows in holes and channels in saltmarshes.	Potential habitat absent.
<i>Rytidosperma indutum</i> tall wallabygrass	r -	<i>Rytidosperma indutum</i> is relatively widespread on mudstone and dolerite in dry sclerophyll woodlands and associated lowland grasslands in drier parts of the State.	Potential habitat present. This species was not recorded.
<i>Stenanthemum pimeleoides</i> propeller plant	v VU # only	<i>Stenanthemum pimeleoides</i> is restricted to Tasmania's central East Coast and the Northern Midlands, where it occurs in dry sclerophyll forest or woodland with an open heathy or shrubby understorey. The topography tends to be flat to gently sloping. The species occurs in the drier parts of the State with rainfall between 500-800 mm per year, and usually at elevations below 100 m.	Potential habitat absent.
<i>Stuckenia pectinata</i> fennel pondweed	r -	<i>Stuckenia pectinata</i> is found in fresh to brackish/saline waters in rivers, estuaries and inland lakes. It forms dense stands or mats, particularly in slow-flowing or static water. The species grows in water of various depth.	Potential habitat absent.

Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
<i>Stylidium despectum</i> small triggerplant	r -	<i>Stylidium despectum</i> has mainly been recorded from wet sandy heaths, moist depressions, soaks and hollows in near-coastal areas. It extends to similar habitat amongst forest and woodland in the Midlands.	Potential habitat absent.
<i>Triglochin minutissima</i> tiny arrowgrass	r -	<i>Triglochin minutissima</i> inhabits fresh or brackish mudflats or margins of swamps in lowland, mostly coastal areas.	Potential habitat absent.
<i>Vittadinia muelleri</i> narrowleaf new-holland-daisy	r -	<i>Vittadinia muelleri</i> occurs in native grassland and grassy woodland.	Potential habitat present. This species was not recorded.
<i>Xanthoparmelia subloxodella</i> lichen	e -	<i>Xanthoparmelia subloxodella</i> was known only from Cape Deslacs where it occurred on mudstone and consolidated soil in coastal vegetation at the boundary of pasture and the heathy cliff edge. Searches of the area in recent years have failed to locate this species again.	Potential habitat absent.
<i>Xerochrysum palustre</i> swamp everlasting	v VU # only	<i>Xerochrysum palustre</i> has a scattered distribution with populations in the northeast, east coast, Central Highlands and Midlands, all below about 700 m elevation. It occurs in wetlands, grassy to sedgy wet heathlands and extends to associated heathy <i>Eucalyptus ovata</i> woodlands. Sites are usually inundated for part of the year.	Potential habitat absent.

Table 4. Threatened fauna potentially present within 5,000 m of the project area

Species listed below are listed as rare (r), vulnerable (v), endangered (e), or extinct (x) on the Tasmanian *Threatened Species Protection Act 1995* (TSPA); vulnerable (VU), endangered (EN), critically endangered (CR) or extinct (EX) on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). Information below is sourced from the DPIPWE's *Natural Values Atlas* (DPIPWE 2020), Bryant & Jackson (1999) and FPA (2020); marine, wholly pelagic and littoral species such as marine mammals, fish and offshore seabirds are excluded. Species marked with # are listed in CofA (2020).

Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
<i>Accipiter novaehollandiae</i> grey goshawk	e -	Potential habitat is native forest with mature elements below 600 m altitude, particularly along watercourses. Significant habitat may be summarised as areas of wet forest, rainforest and damp forest patches in dry forest, with a relatively closed mature canopy, low stem density, and open understorey in close proximity to foraging habitat and a freshwater body (i.e. stream, river, lake, swamp, etc.).	Potential habitat absent. Species may utilise broader area for foraging but potential nesting habitat is absent.
<i>Amelora acontistica</i> chevron looper moth	v -	Potential habitat for the Chevron Looper Moth is saltmarshes, salt pans, and adjacent grasslands and grassy forest/woodland (within catchment of adjacent saline habitats).	Potential habitat is entirely absent.
<i>Antipodia chaostola</i> tax. <i>leucophaea</i> chaostola skipper	e EN #	Potential habitat is dry forest and woodland supporting <i>Gahnia radula</i> (usually on sandstone and other sedimentary rock types) or <i>Gahnia microstachya</i> (usually on granite-based substrates).	Potential habitat absent. <i>Gahnia radula</i> (and <i>Gahnia microstachya</i> ) are absent.

Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
<i>Aquila audax</i> subsp. <i>fleayi</i> wedge-tailed eagle	e EN #	Potential nesting habitat is tall eucalypt trees in large tracts (usually more than 10 ha) of eucalypt or mixed forest. Nest trees are usually amongst the largest in a locality. They are generally in sheltered positions on leeward slopes, between the lower and mid sections of a slope and with the top of the tree usually lower than the ground level of the top of the ridge, although in some parts of the State topographic shelter is not always a significant factor (e.g. parts of the northwest and Central Highlands). Nests are usually not constructed close to sources of disturbance and nests close to disturbance are less productive.	Potential nesting habitat absent adjacent to the project area. No known nests within 1,000 m of project area.
<i>Alcedo azurea</i> subsp. <i>diemenensis</i> Tasmanian azure kingfisher	e EN # only	Potential foraging habitat is primarily freshwater (occasionally estuarine) waterbodies such as large rivers and streams with well-developed overhanging vegetation suitable for perching and water deep enough for dive-feeding. Potential breeding habitat is usually steep banks of large rivers (a breeding site is a hole (burrow) drilled in the bank).	Potential habitat absent. No ephemeral or permanent waterbodies or drainage features present. Listed in CofA (2019) as <i>Ceyx azureus</i> subsp. <i>diemenensis</i> .
<i>Botaurus poiciloptilus</i> Australasian bittern	- EN #	Potential habitat is comprised of wetlands with tall dense vegetation, where it forages in still, shallow water up to 0.3 m deep, often at the edges of pools or waterways, or from platforms or mats of vegetation over deep water. It favours permanent and seasonal freshwater habitats, particularly those dominated by sedges, rushes and reeds (e.g. <i>Phragmites</i> , <i>Cyperus</i> , <i>Eleocharis</i> , <i>Juncus</i> , <i>Typha</i> , <i>Baumea</i> , <i>Bolboschoenus</i> ) or cutting grass ( <i>Gahnia</i> ) growing over a muddy or peaty substrate (TSSC 2011).	Potential habitat absent. Project area does not include wetlands.
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i> spotted-tailed quoll	r VU #	Potential habitat is coastal scrub, riparian areas, rainforest, wet forest, damp forest, dry forest and blackwood swamp forest (mature and regrowth), particularly where structurally complex areas are present, and includes remnant patches in cleared agricultural land or plantation areas. Significant habitat is all potential denning habitat within the core range of the species. Potential denning habitat includes 1) any forest remnant (>0.5 ha) in a cleared or plantation landscape that is structurally complex (high canopy, with dense understorey and ground vegetation cover), free from the risk of inundation, or 2) a rock outcrop, rock crevice, rock pile, burrow with a small entrance, hollow logs, large piles of coarse woody debris and caves.	Potential habitat present. This species (and the other marsupial carnivores) have large home ranges/territories and habitat preferences (which can include highly modified vegetation), making it difficult to discount the presence of the species from any particular site. However, the area proposed for development is modified with no large piles of coarse woody debris (no logs present), no large hollow tree bases, rock piles, or wombat burrows, such that denning habitat is absent. No evidence of the species (e.g. scats, latrine sites, skulls, footprints, etc.) was detected. It is highly unlikely that the works will have a significant impact on this species (miniscule loss of marginal potential habitat).
<i>Dasyurus viverrinus</i> eastern quoll	- EN #	Potential habitat is a variety of habitats including rainforest, heathland, alpine areas and scrub. However, it seems to prefer dry forest and native grassland mosaics which are bounded by agricultural land.	Potential habitat present. See comments under spotted-tailed quoll.
<i>Haliaeetus leucogaster</i>	v -	Potential habitat comprises potential nesting habitat and potential foraging habitat. Potential foraging habitat is any	Potential nesting habitat absent. No known nests within 1,000 m of project area.



Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
white-bellied sea-eagle		large waterbody (including sea coasts, estuaries, wide rivers, lakes, impoundments and even large farm dams) supporting prey items (fish). Potential nesting habitat is tall eucalypt trees in large tracts (usually more than 10 ha) of eucalypt or mixed forest within 5 km of the coast (nearest coast including shores, bays, inlets and peninsulas), large rivers (class 1), lakes or complexes of large farm dams. Scattered trees along river banks or pasture land may also be used.	
<i>Hirundapus caudacutus</i> white-throated needletail	- VU #	Potential habitat is virtually any aerial habitat as this species generally does not land during the Australian portion of the migration. This species forages aerially, generally following frontal weather systems or other air uplift events such as bushfires to feed on insects etc.	Potential habitat present. However, as this species does not land, roost or breed on the Australian migration, any proposal will not have an effect on the white-throated needletail.
<i>Lathamus discolor</i> swift parrot	e CR #	Potential foraging habitat comprises <i>E. globulus</i> or <i>E. ovata</i> trees that are old enough to flower. Potential nesting habitat is considered to comprise eucalypt forests that contain hollow-bearing trees.	Potential foraging habitat is present along the potential access route 2 in the form of <i>E. globulus</i> woodland. The route is located to avoid any trees. No nesting habitat (hollow-bearing trees) were located within or adjacent to the project area.
<i>Litoria raniformis</i> green and golden frog	v VU	Potential habitat is permanent and temporary waterbodies, usually with vegetation in or around them. Potential habitat includes features such as natural lagoons, permanently or seasonally inundated swamps and wetlands, farm dams, irrigation channels, artificial water-holding sites such as old quarries, slow-flowing stretches of streams and rivers and drainage features.	Potential habitat absent. No permanent waterbodies or drainage features present.
<i>Pardalotus quadragintus</i> forty-spotted pardalote	e EN #	Potential habitat is any forest and woodland supporting <i>Eucalyptus viminalis</i> (white gum) where the canopy cover of <i>E. viminalis</i> is greater than or equal to 10% or where <i>E. viminalis</i> occurs as a localised canopy dominant or co-dominant in patches exceeding 0.25 ha.	Potential habitat absent. <i>Eucalyptus viminalis</i> and hollow-bearing trees are absent within and adjacent to the project area.
<i>Perameles gunnii</i> subsp. <i>gunnii</i> eastern barred bandicoot	- VU #	Potential habitat is open vegetation types including woodlands and open forests with a grassy understorey, native and exotic grasslands, particularly in landscapes with a mosaic of agricultural land and remnant bushland. Significant habitat is dense tussock grass-sagg-sedge swards, piles of coarse woody debris and denser patches of low shrubs (especially those that are densely branched close to the ground providing shelter) within the core range of the species.	Potential habitat is present in the form of open woodlands. This species utilises virtually any open environment which includes paddocks, urban gardens and lawns. No evidence of this species was noted such as the distinctive diggings. It is highly unlikely that the works will have a significant impact on this species (miniscule loss of marginal potential habitat).
<i>Pseudemoia pagenstecheri</i> tussock skink	v -	Potential habitat comprises native grasslands dominated by tussock-forming grasses.	Potential habitat absent. Tussock grassland is not present.
<i>Sarcophilus harrisii</i> Tasmanian devil	e EN #	Potential habitat is all terrestrial native habitats, forestry plantations and pasture. Devils require shelter (e.g. dense vegetation, hollow logs, burrows or caves) and hunting habitat (open understorey mixed with patches of dense vegetation) within their home range (4-27 km <sup>2</sup> ). Significant habitat is a patch of potential	Potential habitat present. See comments under spotted-tailed quoll.

Scientific name Common name	Status TSPA EPBCA	Tasmanian habitat description (and distribution)	Comments on project area and database records
		denning habitat where three or more entrances (large enough for a devil to pass through) may be found within 100 m of one another, and where no other potential denning habitat with three or more entrances may be found within a 1 km radius, being the approximate area of the smallest recorded devil home range (Pemberton 1990). Potential denning habitat is areas of burrowable, well-drained soil, log piles or sheltered overhangs such as cliffs, rocky outcrops, knolls, caves and earth banks, free from risk of inundation and with at least one entrance through which a devil could pass.	
<i>Tyto novaehollandiae</i> subsp. <i>castanops</i> masked owl	e VU #	Potential habitat is all areas with trees with <b>large hollows (≥15 cm entrance diameter)</b> . Remnants and paddock trees (in any dry or wet forest type) in agricultural areas may constitute potential habitat. Significant habitat is any areas within the core range of native dry forest with trees over 100 cm dbh with large hollows ( <b>≥15 cm entrance diameter</b> ).	Potential habitat absent. Hollow-bearing trees are not present. Species may also utilise broader area for foraging and temporary roosting.

## FINDINGS Weeds continued...

The existing access road to the existing residence is in good condition with no weed infestations noted. Any works have the potential to introduce weeds to the site, especially if machinery has come from a weed-infested site.

Several planning manuals provide guidance on appropriate management actions, which can be referred to develop site-specific prescriptions for the project. These manuals include:

- Allan, K. & Gartenstein, S. (2010). *Keeping It Clean: A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens*. NRM South, Hobart;
- Rudman T. (2005). *Interim Phytophthora cinnamomi Management Guidelines*. Nature Conservation Report 05/7, Biodiversity Conservation Branch, Department of Primary Industries, Water & Environment, Hobart;
- Rudman, T., Tucker, D. & French, D. (2004). *Washdown Procedures for Weed and Disease Control*. Edition 1. Department of Primary Industries, Water & Environment, Hobart; and
- DPIPWE (2015). *Weed and Disease Planning and Hygiene Guidelines - Preventing the Spread of Weeds and Diseases in Tasmania*. Department of Primary Industries, Parks, Water & Environment, Hobart.

For the present project, the following is recommended:

- apply machinery hygiene protocols for any machinery entering the site according to the manuals cited above at an appropriate washdown facility prior to entering the site.

## Plant and animal disease

### Rootrot pathogen, *Phytophthora cinnamomi*

*Phytophthora cinnamomi* (PC) is widespread in lowland areas of Tasmania, across all land tenures. However, disease will not develop when soils are too cold or too dry. For these reasons,

PC is not a threat to susceptible plant species that grow at altitudes higher than about 700 m a.s.l. or where annual rainfall is less than about 600 mm (e.g. Midlands and Derwent Valley). Furthermore, disease is unlikely to develop beneath a dense canopy of vegetation because shading cools the soils to below the optimum temperature for the pathogen. A continuous canopy of vegetation taller than about 2 m is sufficient to suppress disease. Hence PC is not considered a threat to susceptible plant species growing in wet sclerophyll forests, rainforests (except disturbed rainforests on infertile soils) and scrub e.g. teatree scrub (Rudman 2005; FPA 2009).

According to Rudman (2005) and FPA (2009), *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO) is moderately susceptible and *Eucalyptus globulus* dry forest and woodland (TASVEG code: DGL) is not susceptible to the pathogen. No evidence of the pathogen was noted (i.e. no dead or dying susceptible plant species). Given that there was no evidence of PC, the recommended machinery hygiene protocols noted in the section on weeds are applicable.

### Myrtle wilt

Myrtle wilt, caused by a wind-borne fungus (*Chalara australis*), occurs naturally in rainforest where myrtle beech (*Nothofagus cunninghamii*) is present. The fungus enters wounds in the tree, usually caused by damage from wood-boring insects, wind damage and forest clearing. The incidence of myrtle wilt often increases forest clearing events such as windthrow and wildfire. *Nothofagus cunninghamii* is absent from the project area. No special management is recommended.

### Myrtle rust

Myrtle rust is a disease limited to plants in the Myrtaceae family. This plant disease is a member of the guava rust complex caused by *Austropuccinia psidii*, a known significant pathogen of Myrtaceae plants outside Australia. Infestations are currently limited to NSW, Victoria, Queensland and Tasmania (DPIPWE 2015).

No evidence of myrtle rust was noted. No special management is recommended.

### Chytrid fungus and other freshwater pathogens

Native freshwater species and habitat are under threat from freshwater pests and pathogens including *Batrachochytrium dendrobatidis* (chytrid frog disease), *Mucor amphibiorum* (platypus mucor disease) and the freshwater algal pest *Didymosphenia geminata* (didymo) (Allan & Gartenstein 2010). Freshwater pests and pathogens are spread to new areas when contaminated water, mud, gravel, soil and plant material or infected animals are moved between sites. Contaminated materials and animals are commonly transported on boots, equipment, vehicles tyres and during road construction and maintenance activities. Once a pest pathogen is present in a water system it is usually impossible to eradicate. The manual *Keeping it Clean - A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens* (Allan & Gartenstein 2010) provides information on how to prevent the spread of freshwater pests and pathogens in Tasmanian waterways wetlands, swamps and boggy areas.

The project area does not support any ephemeral or permanent waterbodies or drainage features. No special management is recommended.



### Additional "Matters of National Environmental Significance"

The EPBCA Protected Matters Area report (CofA 2020) indicates that the Threatened Ecological Community Tasmanian Forests and Woodlands dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / *E. brookeriana*), listed as Critically Endangered, may occur within the area. This vegetation type was not identified from within or adjacent to the project area.

### SUMMARY

#### *Legislative and policy implications*

Note that the information provided below is our interpretation of legislation and policy only. It does not constitute legal advice. Advice should be sought from the relevant agency.

#### Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The project does not trigger the thresholds of the *Significant Impact Guidelines – Matters of National Environmental Significance* (CofA 2013) in relation to threatened ecological communities (none present), threatened flora (none present) or threatened fauna (marginal potential habitat only and works of a miniscule scale relative to wider extent of potential habitat).

#### Tasmanian Threatened Species Protection Act 1995

Threatened flora and fauna on this Act are managed under Section 51, where a permit is required **to knowingly "take" (which includes kill, injure, catch, damage, destroy and collect)**, keep, trade in or process any specimen of a listed species. Where threatened flora or fauna are likely to be taken, it is usual to apply for a permit under Section 51 of the Act on the required proforma to the Policy & Conservation Advice Branch (PCAB, DPIPWE)

In this case, the project will not result in the taking of threatened flora or fauna such that a permit will not be required.

#### Tasmanian Forest Practices Act 1985 and associated Forest Practices Regulations 2017

The Act provides this definition of **the concept of "clearing"**:

*clearing of trees* means the removal of trees by–

- (a) clearing, cutting, pushing or otherwise removing; or
- (b) destroying the trees in any way.

**The Act provides this definition of the concept of "trees":**

*trees* means –

- (a) any woody plants with a height or potential height of 5 metres or more, whether or not living, dead, standing or fallen, that are–
  - (i) native to Tasmania; or
  - (ii) introduced into Tasmania and used for the processing or harvesting of timber; and
- (b) tree ferns [where *tree fern* means a plant of the species *Dicksonia antarctica*].



Within the project area, on this basis, even the removal of seedlings, saplings, logs or trunks (dead or alive) of various species of native trees and tall shrubs may constitute “clearing” of “trees” under the Act.

Section 4 of the *Forest Practices Regulations 2017* specify circumstances in which an FPP is not required, as follows:

4. Circumstances in which forest practices plan, &c., not required

For the purpose of section 17(6) of the Act, the following circumstances are prescribed:

(a) the harvesting of timber or the clearing of trees with the consent of the owner of the land, if the land is not vulnerable land and—

(i) the volume of timber harvested or trees cleared is less than 100 tonnes for each area of applicable land for each year; or

(ii) the total area of land on which the harvesting or clearing occurs is less than one hectare for each area of applicable land for each year—

whichever is the lesser.

It is clear that the works will not exceed these thresholds.

Section 4 of the *Forest Practices Regulations 2017* further specifies the following circumstance in which an FPP is not required, as follows:

4. Circumstances in which forest practices plan, &c., not required

(j) the harvesting of timber or the clearing of trees on any land, or the clearance and conversion of a threatened native vegetation community on any land, for the purpose of enabling –

(i) the construction of a building within the meaning of the *Land Use Planning and Approvals Act 1993* or of a group of such buildings; or

(ii) the carrying out of any associated development –

if the construction of the buildings or carrying out of the associated development is authorised by a permit issued under that Act.

While the *Regulations* do not formally exempt telecommunications facilities from the requirements of an FPP (as they do for some forms of infrastructure), the definition of a “building” and “associated development” provide a reasonable interpretation of the *Regulations* that exempt the project from requiring a certified FPP.

Under the Tasmanian *Land Use Planning and Approvals Act 1993*, a building is defined as:

*building* includes –

(a) a structure and part of a building or structure; and

(b) fences, walls, out-buildings, service installations and other appurtenances of a building; and

(c) a boat or a pontoon which is permanently moored or fixed to land;

This definition reasonably relates to the telecommunications tower and associated structures.

The *Forest Practices Regulations 2017* defines “associated development” as:

*associated development* means development that is related to the construction or use of a building, or to the construction or use of a group of buildings, and includes the development of—

(a) water, sewerage, gas, electrical, telecommunications and other services to be provided to the building or group of buildings; and

(b) roads, footpaths and cycle paths; and

(c) firebreaks; and

(d) recreational facilities, including but not limited to parks and sportsgrounds; and

(e) facilities to enable the commercial use of the building or group of buildings.

This definition reasonably relates to the works associated with the installation of the telecommunications facility.

As the proposal will include a “building” and “associated development” requiring approval through the *Clarence Interim Planning Scheme 2015*, a Forest Practices Plan will not be required.

Tasmanian Land Use Planning and Approvals Act 1993

Refer to following “compliance statement” that addresses the provisions of the Natural Assets Code under the *Clarence Interim Planning Scheme 2015*.

## REFERENCES

- Allan, K. & Gartenstein, S. (2010). *Keeping It Clean: A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens*. NRM South, Hobart.
- APG (Angiosperm Phylogeny Group) (2016). An update of the Angiosperm Phylogeny Group classification for the orders and families of flowering plants: APG IV. *Botanical Journal of the Linnean Society* 181(1): 1–20. [for scientific and taxonomic nomenclature of vascular plants]
- Bryant, S.L. & Jackson, J. (1999). *Tasmania’s Threatened Fauna Handbook: What, Where and How to Protect Tasmania’s Threatened Animals*. Threatened Species Unit, Parks & Wildlife Service, Hobart.
- CofA (Commonwealth of Australia) (2013). *EPBC Act Policy Statement 1.1: Significant Impact Guidelines – Matters of National Environmental Significance*. Commonwealth of Australia, Canberra.
- CofA (Commonwealth Australia) (2020). *Protected Matters Search Tool Report* for a point defining the approximate facility location, buffered by 5 km, dated 11 August 2020. [appended]
- de Salas, M.F. (Ed.) (2019+) *Flora of Tasmania Online*. Tasmanian Herbarium, Hobart. [for scientific and taxonomic nomenclature of vascular plants]
- de Salas, M.F. & Baker, M.L. (2020). *A Census of the Vascular Plants of Tasmania, including Macquarie Island*. Tasmanian Herbarium, Hobart. [for scientific and taxonomic nomenclature of vascular plants]
- DPIPWE (Department of Primary Industries, Parks, Water & Environment) (2015). *Weed and Disease Planning and Hygiene Guidelines – Preventing the Spread of Weeds and Diseases in Tasmania*. Department of Primary Industries, Parks, Water & Environment, Hobart.
- DPIPWE (Department of Primary Industries, Parks, Water & Environment) (2015). *Guidelines for Natural Values Surveys - Terrestrial Development Proposals*. Department of Primary Industries, Parks, Water & Environment, Hobart.
- DPIPWE (Department of Primary Industries, Parks, Water & Environment) (2015). *Biosecurity Factsheet: Myrtle Rust*. Department of Primary Industries, Parks, Water & Environment, Hobart.
- DPIPWE (Department of Primary Industries, Parks, Water & Environment) (2020). *Natural Values Atlas Report* ECOtas\_Axicom\_DelphisDrive for a point defining the approximate facility location (540157mE 5242802mN), buffered by 5 km, dated 11 August 2020. [appended]
- DPIPWE (Department of Primary Industries, Parks, Water & Environment) (2019). Threatened Native Vegetation Communities List, as per Schedule 3A of the *Tasmanian Nature Conservation Act 2002*. [http://dpiipwe.tas.gov.au/conservation/flora-of-tasmania/monitoring-and-mapping-tasmanias-vegetation-\(tasveg\)/tasveg-the-digital-vegetation-map-of-tasmania/threatened-native-vegetation-communities](http://dpiipwe.tas.gov.au/conservation/flora-of-tasmania/monitoring-and-mapping-tasmanias-vegetation-(tasveg)/tasveg-the-digital-vegetation-map-of-tasmania/threatened-native-vegetation-communities).
- FPA (Forest Practices Authority) (2009). *Management of Phytophthora cinnamomi in Production Forests*. Flora Technical Note No. 8. Forest Practices Authority, Hobart.



- FPA (Forest Practices Authority) (2016). *Habitat Descriptions of Threatened Flora in Tasmania*. Forest Practices Authority, Hobart.
- FPA (Forest Practices Authority) (2017). *Threatened Flora Species Survey Notes*. Forest Practices Authority, Hobart.
- FPA (Forest Practices Authority) (2020). *Biodiversity Values Database* report, specifically the **species'** information for grid reference centroid 540157mE 5242802mN (nominally the centroid of the *Natural Values Atlas* report), buffered by 2 **km, hyperlinked species' profiles** and predicted range boundary maps, dated 11 August 2020. [appended]
- FPA (Forest Practices Authority) (2016). *Habitat Descriptions for Threatened Flora in Tasmania*. Forest Practices Authority, Hobart.
- Kitchener, A. & Harris, S. (2013+). *From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation*. Edition 2 (online edition). Department of Primary Industries, Parks, Water & Environment, Hobart. [for classification and nomenclature of vegetation mapping units]
- NRM South (2017). *A Guide to Environmental and Agricultural Weeds of Southern Tasmania*. NRM South, Hobart.
- Rudman T. (2005). *Interim Phytophthora cinnamomi Management Guidelines*. Nature Conservation Report 05/7, Biodiversity Conservation Branch, Department of Primary Industries, Water & Environment, Hobart.
- Rudman, T., Tucker, D. & French, D. (2004). *Washdown Procedures for Weed and Disease Control*. Edition 1. Department of Primary Industries, Water & Environment, Hobart.
- TSS (Threatened Species Section) (2003+). *Notesheets and Listing Statements* for various threatened species. Department of Primary Industries, Parks, Water & Environment, Hobart.
- TSSC (Threatened Species Scientific Committee) (2011). *Commonwealth Conservation Advice on Botaurus poiciloptilus (Australasian Bittern)*. Department of Sustainability, Environment, Water, Population & Communities. Canberra.
- Wapstra, M. (2018). *Flowering Times of Tasmanian Orchids: A Practical Guide for Field Botanists*. Self-published by the author (Fourth Edition, July 2018 version).
- Wapstra, H., Wapstra, A., Wapstra, M. & Gilfedder, L. (2005+, updated online at [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)). *The Little Book of Common Names for Tasmanian Plants*. Department of Primary Industries, Water & Environment, Hobart. [for vernacular nomenclature of vascular plants]



"COMPLIANCE STATEMENT" PROPOSED MOBILE NETWORK AUSTRALIA (OPTUS)  
SITE: SITE NO. H0184, 178 DELPHIS DRIVE, SANDFORD, TASMANIA  
SUPPORT DOCUMENTATION FOR DEVELOPMENT APPLICATION (PDPLANPMTD-  
2020/009811) UNDER CLARENCE INTERIM PLANNING SCHEME 2015

*Prepared by Brian French & Mark Wapstra for Axicom Pty Ltd, 1 September 2020*

*Preamble*

**Note that the following "compliance statement" is** our interpretation of the provisions of the *Clarence Interim Planning Scheme 2015* and may not necessarily represent the views of Clarence City Council. The following does not constitute legal advice. It is recommended that formal advice be sought from the relevant agency prior to acting on any aspect of this statement.

Under the *Clarence Interim Planning Scheme 2015*, the site proposed for development is wholly subject to the Biodiversity Protection Area (BPA) overlay.

*Natural Assets Code*

The *Scheme* includes a Natural Assets Code, which has relevance because the site is wholly subject to the Biodiversity Protection Area (class: High) overlay.

The purpose of the Natural Assets Code is stated below:

E27.1 Purpose

E27.1.24.1

The purpose of this code is to:

- (a) protect identified threatened native vegetation communities and threatened flora species;
- (b) conserve threatened fauna by minimising habitat clearance and managing environmental impact; and
- (c) protect other native vegetation recognised as locally significant by the Planning Authority.

Apart from the area now mapped as urban areas (TASVEG code: FUM), the project area is wholly covered by threatened native vegetation in the form of *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO) and *Eucalyptus globulus* dry forest and woodland (TASVEG code: DGL), such that E27.1.24.1(a) has application in relation to vegetation types.

The project area does not support threatened flora, such that E27.1.24.1(a) does not have application in relation to threatened flora species.

The project area does support potential habitat of threatened fauna species, in at least a general and somewhat marginal sense for species such as the marsupial carnivores, eastern barred bandicoot, masked owl, swift parrot, and wedge-tailed eagle, such that E27.1.24.1(b) has application.

We are not aware that the project area **supports** "native vegetation recognised as locally significant by the Planning Authority", **except in a general** sense through the application of the Biodiversity Protection Area overlay intended to confer management constraints to areas of native vegetation, such that E27.1.24.1(c) may not have direct application.





The application of the Natural Assets Code is stated below:

#### E27.2 Application

This code applies to all use or development, including subdivision and the clearance or disturbance of vegetation, on land wholly or partially within a Biodiversity Protection Area (BPA) shown on the planning scheme maps.

The project area is wholly covered by the Biodiversity Protection Area overlay.

The term “vegetation” in this statement, however, is not defined and is presumed to logically link to clause E27.1 (Purpose) of the Natural Assets Code under which the concept of “native vegetation” is referred to and defined as:

“...plants that are indigenous to Tasmanian including trees, shrubs, herbs and grasses that have not been planted for domestic or commercial purposes”.

“Clearance” is defined under the Code as:

“the removal of vegetation from an area of land leaving it in non-vegetated state, on a permanent or extended basis, or replacing the vegetation with alternate species and/or communities”.

For the present proposal, the proposed facility site is within an area of native vegetation, specifically *Eucalyptus tenuiramis* forest and woodland on sediments (TASVEG code: DTO), and other project elements are also within native vegetation, viz. DTO and *Eucalyptus globulus* dry forest and woodland (TASVEG code: DGL). It is reasonable to consider that small-scale clearing will need to be undertaken.

“Disturbance” is defined under the Code as:

“the alteration of the structure and species composition of a vegetation community through actions such as selective removal, or thinning, of vegetation or the removal of understorey”.

In Our opinion, partial structural modification along existing tracks and through open forest not requiring the removal of canopy trees **may comprise “disturbance”, although the** it is noted that while minor structural modification may occur, there is highly unlikely to be any material change to the species composition.

Section E27.4 indicates the uses or developments that are exempt from the Natural Assets Code, as follows:

#### E27.2 Application

#### E27.4 Use or Development exempt from the Natural Assets Code

The following use or development is exempt from this code:

- (a) the clearance or disturbance of non-native vegetation; and
- (b) the clearance or disturbance of priority vegetation for those activities described under Section 6.0 – Limited Exemptions, except for Clause 6.3.2 (a) and Clause 6.5.2.

Clause E27.4(a) is not met because at least part of the development will need to occur within an area supporting native vegetation.

Clause E27.4(b) is not met because the development will include clearance and disturbance of “priority vegetation”, which is defined as:

“native vegetation that has high biodiversity value because it:

- (a) forms an integral part of threatened vegetation;
- (b) is a threatened flora species;
- (c) provides habitat for a threatened fauna species; or
- (d) is otherwise identified by the Planning Authority as locally significant”.



Section E27.5 indicates the application requirements for developments with the BPA (high risk) area, as follows:

#### E27.5 Application Requirements

##### E27.5.1

An application for a use or development within the BPA (High Risk) area is to be accompanied by a Natural Values Assessment for the site, except where the building and works will be within the existing cleared curtilage of an existing development.

##### E27.5.3

In addition to any other application requirements, the planning authority may require the provision of the following information, if considered necessary to determine compliance with a standard:

- (a) a report detailing method for mitigating impacts on nearby natural values; or
- (b) a report demonstrating special circumstances.

A "Natural Values Assessment" is described as follows:

"An ecological assessment, generally consistent with the *Guidelines for Natural Values Assessment* (DPIPWE July 2009), by a suitably qualified person to identify and clearly convey:

- (a) the range and location of natural values affecting the site;
- (b) the significance of these natural values, in particular the identification of priority vegetation;
- (c) any likely impact on these natural values from the surrounding area including existing activities on the site, nearby land uses, weeds, pests, pathogens and the degree of connectivity with other land with natural values;
- (d) the likely impact of the proposed development or use on these natural values;
- (e) a consideration of the classification of the impact;
- (f) recommendations for the design of the proposed development or use to avoid or minimise the identified impacts; and
- (g) recommendations for the mitigation or management of any residual impacts.

The Natural Values Assessment should reflect current legislation and policy".

The preceding assessment and report, which fully complies with the *Guidelines for Natural Values Assessments – Terrestrial Development Proposals* (DPIPWE 2015), combined with this "compliance statement", is intended to satisfy the intent of the requirements for a "natural values assessment" under the Code.

Section E27.6 provides the criteria for assessing the proposed development against the level of impact, as follows:

#### E27.6 Impact Classification

Potential impacts arising from a natural values assessment will be classified in accordance with the following criteria:

##### Major

The use or development, including subdivision works or the anticipated development upon the proposed lots, is likely to cause a significant impact upon priority vegetation irrespective of mitigation.

##### Minor

- (a) The use or development, including the likely need to clear for bushfire hazard reduction, is likely to only result in a minor impact on priority vegetation;



- (b) Mitigation measures, including biodiversity offsets, are proposed which reduce the impact on priority vegetation to a minor level; or
- (c) Any subdivision works or the future development upon the proposed lots is likely to only cause a minor impact upon priority vegetation.

Negligible

- (a) No priority vegetation will be cleared;
- (b) The use or development (including construction activities) will not involve blasting or significant noise or vibration impacts; and
- (c) Any subdivision works or the future development upon the proposed lots are unlikely to cause an impact upon priority vegetation.

In our opinion, the most conservative approach is to consider that the project should be classified as a “major” impact because of the presence of threatened native vegetation, although the small-scale of works and existing disturbed nature of the vegetation is noted.

Section E27.8 provides the development standards for vegetation clearance or disturbance, as follows:

27.8 Development Standards

E27.8.1 Vegetation clearance or disturbance

Objective

To ensure that:

- (a) Priority vegetation is adequately protected;
- (b) Loss of vegetation is minimised;
- (c) Long term management plans are implemented; and
- (d) Impacts from construction and development activities are minimised and residual impacts appropriately managed.

In our opinion, the objective of the standard should be met because the provisions of the *Scheme* ensure that the balance of the native vegetation (priority vegetation) within the balance of the title is protected, the loss of native vegetation will be minimised to the construction footprint, and the site selected represents a reasonable balance between minimising impacts, utilising already disturbed parts of the title, within the context of the constraints imposed by the telecommunications engineering and delivery standards.

The Acceptable Solution for a Major Impact is stated as:

For a Major impact

A1

No Acceptable Solution

This means that irrespective of design, the Performance Criteria must be met.

The Performance Criteria for a Major Impact are stated as:

P1

- (a) The clearance of native vegetation is the minimum extent necessary for the development (including bushfire hazard minimisation);
- (b) Special circumstances apply.

P1(a) is met, in our opinion, within the context of the configuration of the project.

P1(b) requires the consideration of special circumstances, which are defined as:

**ECOtas...providing options in environmental consulting**

...particular contexts or overriding benefits associated with the proposed use or development that justify an impact on priority vegetation. Special circumstances are considered to exist if one of the following is demonstrated:

- (a) any clearance or disturbance is already within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service (or delegate), for the existing use on site;
- (b) the use or development will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (c) ongoing management cannot ensure the survival of the threatened community and there is little potential for recruitment or for long term persistence;
- (d) the extent of likely impact on the priority vegetation is insignificant in consideration to the extent of that priority vegetation elsewhere.

Our interpretation of these clauses is that clause (a) has no application to the present project, except in very general terms, and that clause (c) also has no direct application, as in the absence of the project, the identified native vegetation will persist, albeit continuing in its already disturbed state. We are not qualified to address clause (b), except to note that telecommunications are presumably well within the general concept of resulting in "significant long term social and economic benefit" and because of design constraints, that there is unlikely to be other "feasible alternative location(s)".

In relation to clause (d), however, this requires the consideration of the scale of impact on priority vegetation. The Scheme does not define the concepts of "insignificant" or "elsewhere" so the usual approach is to consider the impact at different spatial scales. In this case, the project area is in the South East bioregion and impacts will be on DTO and DGL vegetation types (Table 5).

Table 5. Spatial extent (and reservation levels) of DTO and DGL at different scales  
[source: <http://dpiwwe.tas.gov.au/conservation/development-planning-conservation-assessment/planning-tools/tasmanian-reserve-estate-spatial-layer>]

Scale	DTO: area (reservation level)	DGL: area (reservation level)
Statewide	48,100 ha (24% reserved)	19,800 ha (30% reserved)
NRM South region	48,000 ha (24% reserved)	19,300 ha (29% reserved)
South East bioregion	46,000 ha (24% reserved)	18,300 ha (30% reserved)
Clarence municipality	1,600 ha (8% reserved)	2,700 ha (32% reserved)

At any reasonable scale, the proposed works will result in an effectively unmeasurable proportional loss of DTO or DGL at any particular scale (even at the scale of the private title), such that we believe that the concept of the "extent of likely impact on the priority vegetation is insignificant in consideration to the extent of that priority vegetation elsewhere" is satisfied, such that special circumstances exist, meaning that P1(b) is satisfied.



*178 DELPHIS DRIVE, SANDFORD*



*Site Photo. Site viewed from Delphis Drive, Sandford*



**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/011780 – 3/32 BRIDGE STREET, WITH ACCESS OVER 32 BRIDGE STREET, RICHMOND - VISITOR ACCOMMODATION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Visitor Accommodation at 3/32 Bridge Street, with access over 32 Bridge Street, Richmond.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Business and subject to the Parking and Access and Historic Heritage 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 4 November 2020.

**CONSULTATION**

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

- parking and turning on the site;
- street parking; and
- privacy within the site.

**RECOMMENDATION:**

A. That the Development Application for Visitor Accommodation at 3/32 Bridge Street, with access over 32 Bridge Street, Richmond (Cl Ref PDPLANPMTD-2020/011780) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.

ADVICE 6 – FOOD REGISTRATION ADVICE.

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

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The whole site at 32 Bridge Street is a listed heritage place under the Scheme. The property is listed under Tasmanian Heritage Register ID: 1085 (Clarence Ref: R606) for the significance of the brick cottage on the site.

Application D-2016-339 was an approved application to convert the “barn” to a shop.

Application D-2017-282 was approved for a partial change of use to the front portion of the cottage (25.2m<sup>2</sup>) from a shop to hotel industry use to allow for cellar door sales.

The site was strata titled under PDSTRATAAP-2019/000871, to create 3 strata titles. These are; the cellar door facing the street front, the dwelling in the rear of the cottage, and the shop in the converted outbuilding.

### **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned General Business under the Scheme.

**2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 21.0 – General Business Zone; and
- Section E6.0 – Parking and Access Code; and
- Section E13.0 – Historic Heritage 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 555m<sup>2</sup> lot divided into 3 strata titles with common property.

The building is a 32.2m<sup>2</sup> shop with existing accessible toilet and kitchenette. The proposal involves a change of use to allow the building to be used for visitor accommodation. This would also include internal alterations to the building, which are exempt from planning assessment.

There are four parking spaces on the site. Two spaces are assigned to the dwelling, one space is assigned to the cellar door, and one space assigned to the shop at the rear of the site.

#### **3.2. The Proposal**

The proposal is for a change of use from “shop” to visitor accommodation.

The conversion would include internal alterations to add a bathroom, robe, pantry and burners to the floor plan. There are no external changes proposed to the building. The visitor accommodation would provide a parking space on the site, which is contained within the building’s strata title.

Given no signage was proposed as part of this application, a condition is recommended for inclusion on any permit granted that no signs be placed on the site without further Council approval.

### **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 Business Zone and Parking and Access and Historic Heritage Codes with the exception of the following.

##### **General Business Zone**

- **Clause 21.3.1 A1 (Hours of Operation)** – the proposal would require operating hours to be outside of the prescribe hours of the Acceptable Solution (being 6am to 10pm Monday-Saturday and 7am-9pm Sundays and Public holidays).

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 21.3.1 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
21.3.1	<i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.”</i>	<p>The nature of the proposed use, being visitor accommodation, would necessitate that the use is in operation outside of the designated hours under the Acceptable Solution.</p> <p>The use would not require commercial vehicle movements (relying on Council provided kerbside waste collection) or other similar impacts.</p> <p>The proposed visitor accommodation use is likely to create less disturbance to residences within the General Residential zone than the current approved use being a shop.</p>

		<p>A visitor accommodation use would be comparable to that of a residential use, especially given the use would be modest in size and only provide one double bed. Any impacts upon residential amenity in the neighbouring zone due to noise or other impacts would be dealt with under the powers of EMPCA 1994.</p> <p>Given that the use would have very limited capacity with respect to the number of guests and would not create more disturbance or impact than a typical residential use, the application is considered to satisfy the requirements of the Performance Criteria</p>
--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## **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. On-site Turning and Parking**

Concern was raised with respect to the provision of parking and ability to turn on-site.

- **Comment**

The Parking and Access Code of the Scheme requires the provision of one car parking space for the development in order to comply with the Acceptable Solution. The building has one dedicated parking space assigned within its individual strata title. The application therefore complies with the requirements of the code.

The Australian Standards for parking spaces require a width of 2.4m per space. The existing parking spaces were assessed under the application to strata title the site. Given the additional width of each parking space (varying from 2.85m to 3m in width) the site was assessed by Council's Development Engineers to have adequate provision for parking and turning.



**5.2. On-street Parking**

Concern was raised with respect to the limited availability of on-street parking in Richmond, particularly in the vicinity of the subject site.

- **Comment**

There is no relevant clause in the Scheme related to the provision of on-street car parking with respect to a change of use on a privately owned site for Council to consider. This issue therefore has no determining weight.

**5.3. Privacy within the Site**

Concern was raised with respect to the privacy for other uses within the site.

- **Comment**

There is no relevant clause in the Scheme related to privacy within the site for Council to consider. This issue therefore has no determining weight.

**6. EXTERNAL REFERRALS**

The proposal was referred to the Tasmanian Heritage Council (THC), which has provided a Notice of Interest stating that the THC has no interest in the application and do not require any particular conditions to be placed on a permit, if issued.

**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 recommended for approval, subject to conditions.

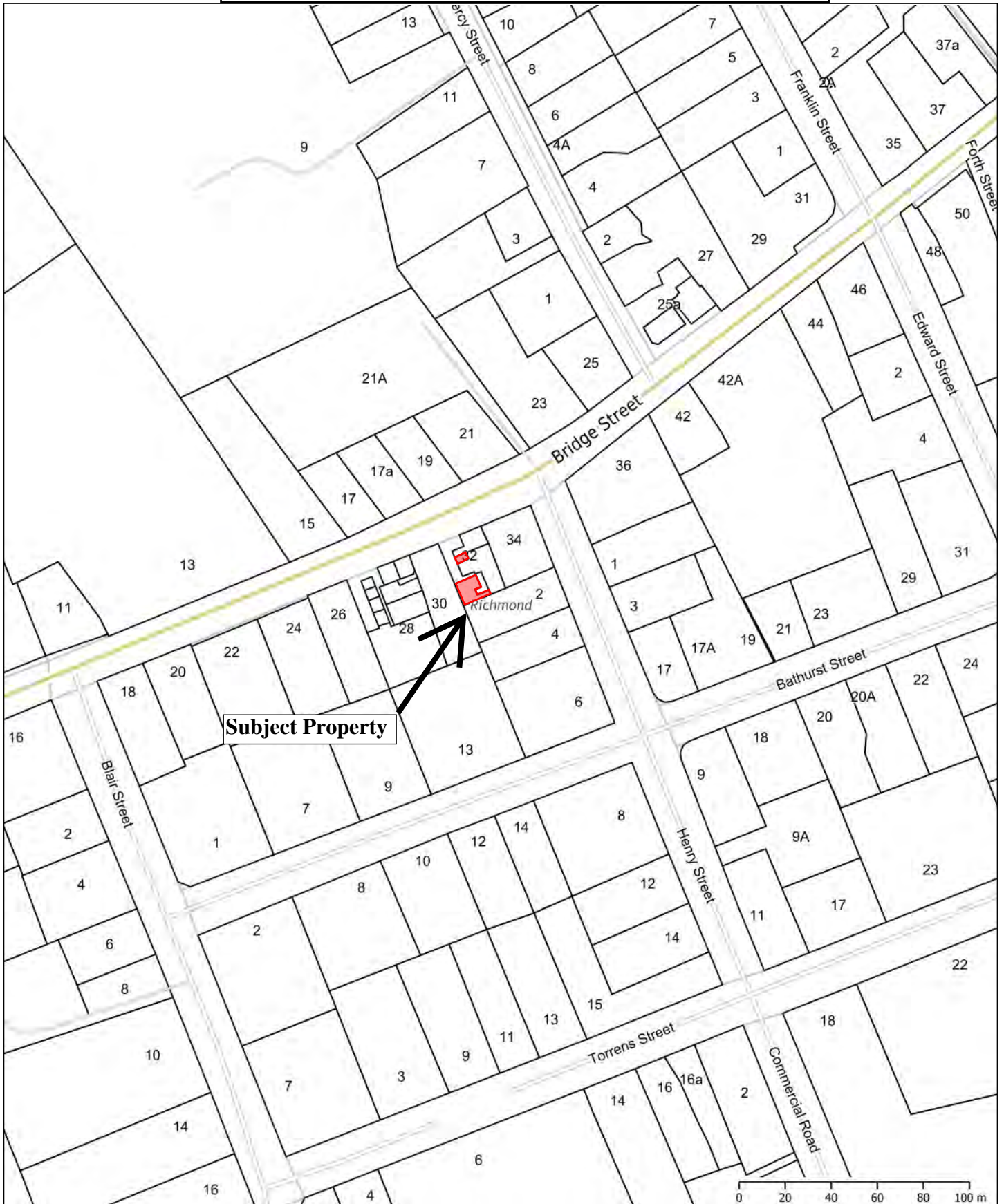
Attachments: 1. Location Plan (1)  
2. Proposal Plan (3)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1

## Location Map

### 3/32 Bridge Street, Richmond



0 20 40 60 80 100 m

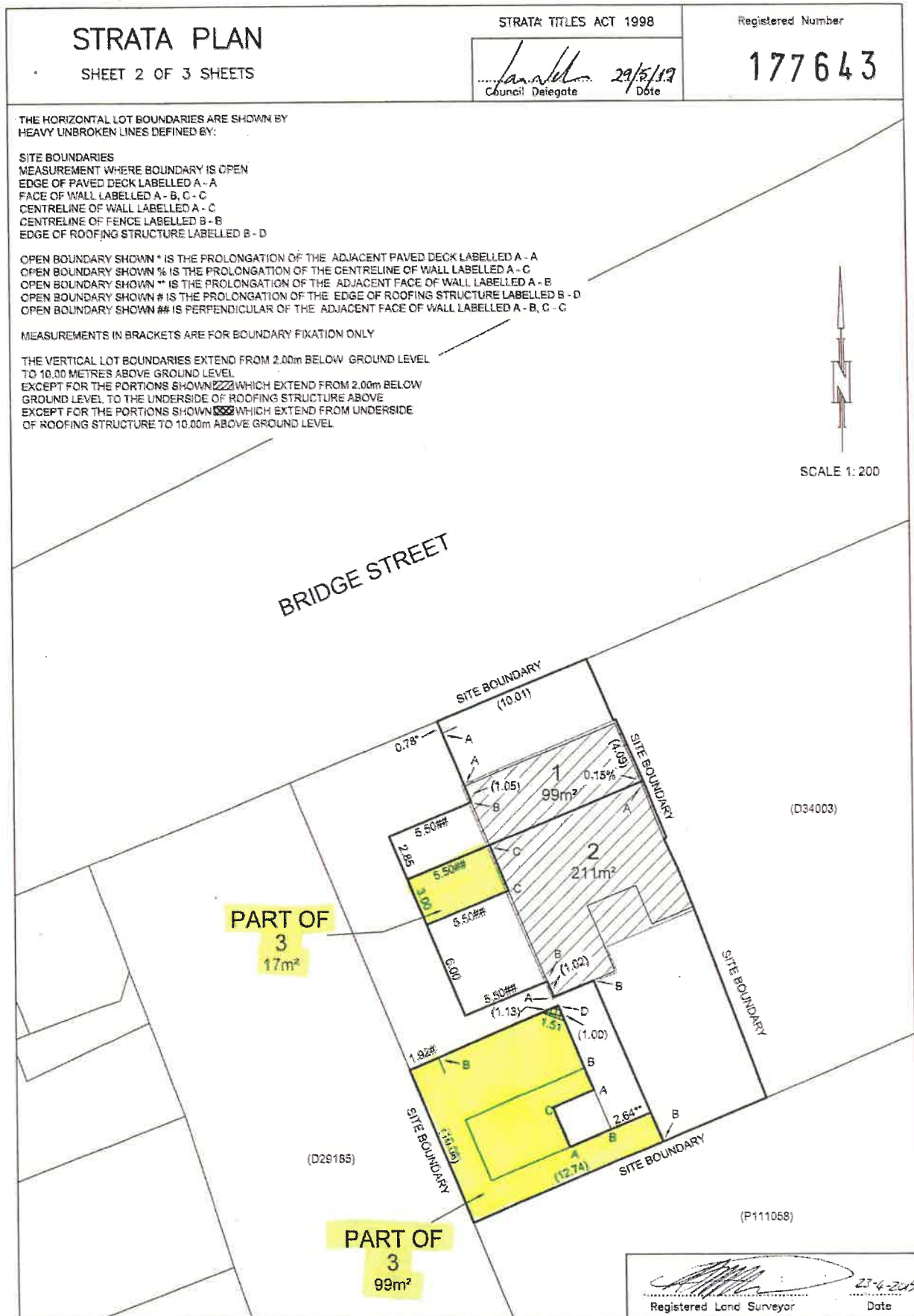


This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

10/19/2020

1:2257



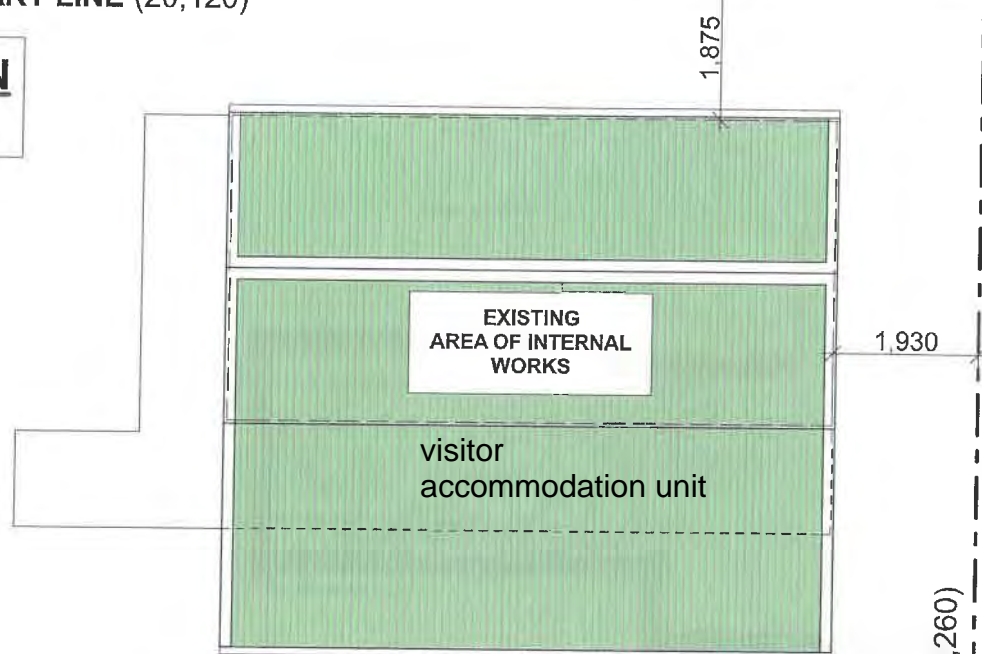




BOUNDARY LINE (20,120)

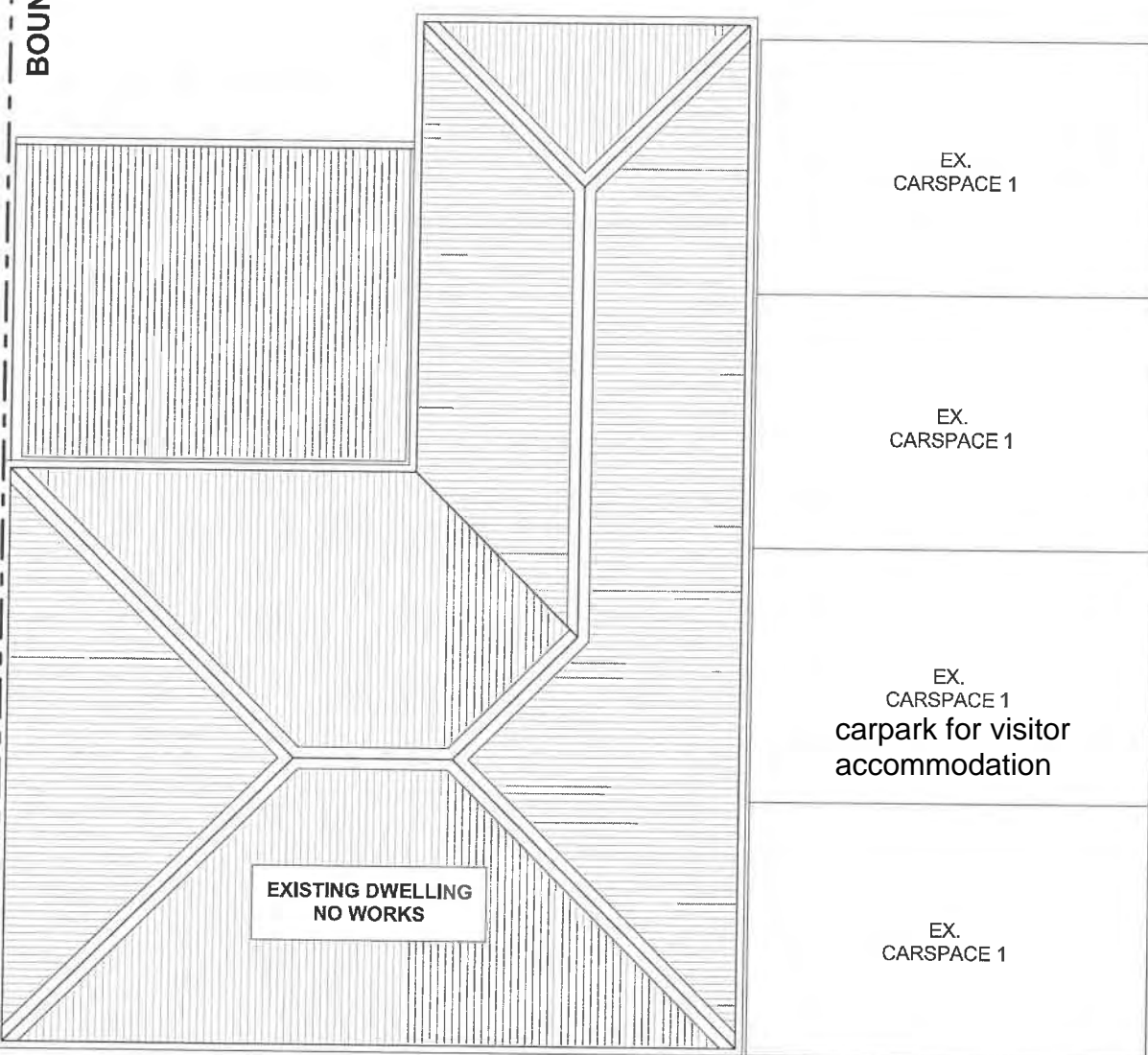
## PROPOSED SITE PLAN

Scale: 1:100 @ A3



BOUNDARY LINE (27,260)

BOUNDARY LINE (27,260)



BOUNDARY LINE (20,120)

ENTRY / EXIT

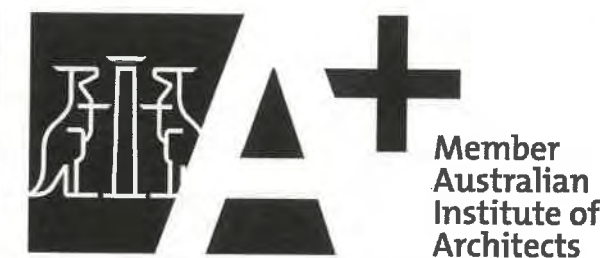
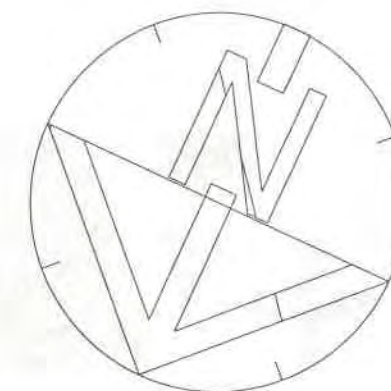
## DIRECTOR'S LIST

FOR: MAXINE GRIFFITHS  
SITE: 32 BRIDGE STREET,  
RICHMOND, TASMANIA  
PLANNING ZONE: 21.0 (GENERAL BUSINESS)  
LAND TITLE: 24335 / 1  
LOT AREA: 548 m<sup>2</sup>  
FLOOR AREA: UNCHANGED  
DESIGN WIND SPEED (AS 1170.2): N3  
CLIMATE ZONE: 7  
SOIL CLASSIFICATION (AS 2870): N/A  
BUILDING CLASS: 1b  
ENERGY RATING: N/A  
BAL: N/A  
SITE HAZARDS: REFER TO DESIGN SAFETY REPORT

## DRAWINGS LIST:

WD.01	COVER / SITE PLAN	11.08.2020
WD.02	PLANS	11.08.2020
WD.03	FRAMING PLAN	11.08.2020
WD.04	DRAINAGE PLAN	11.08.2020

Peter Kay Pty Ltd.  
Building Surveyor Limited  
Approved 27/08/2020  
Peter Kay – Lic No. 7069  
Ph 0457 980 583



## DA & BUILDING PERMIT ISSUE

### SHANE MANN & ASSOCIATES Architecture & Interior Design

ABN: 98 375 524 257

494 Nelson Rd, Mount Nelson, Tasmania 7007

Mobile: 0419 993 163

E-mail: smann@smarchitects.net.au



FOR MAXINE GRIFFITHS  
32 BRIDGE STREET,  
RICHMOND, TASMANIA

DRAWING TITLE

PROPOSED INTERNAL ALTERATIONS

DRAWN	T.L.	DATE	11.08.2020	DRAWING NO.	23.20 / WD.01
SCALE	AS SHOWN	PROJECT NO.	23.20		

ACCREDITED DESIGNER:

SHANE MANN - CC1045V

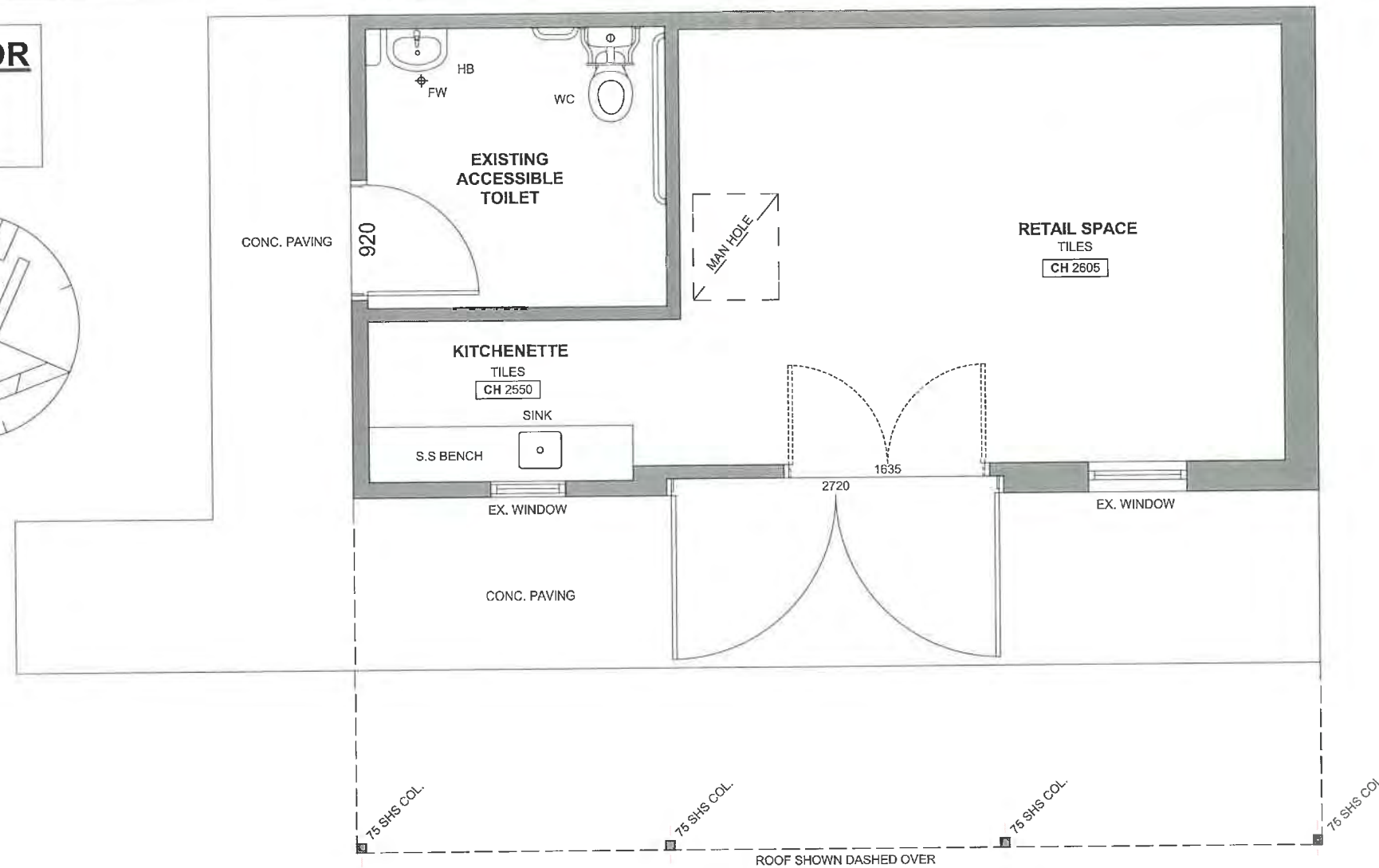
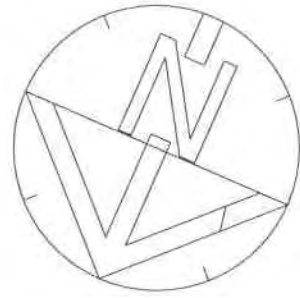


## LOCALITY PLAN

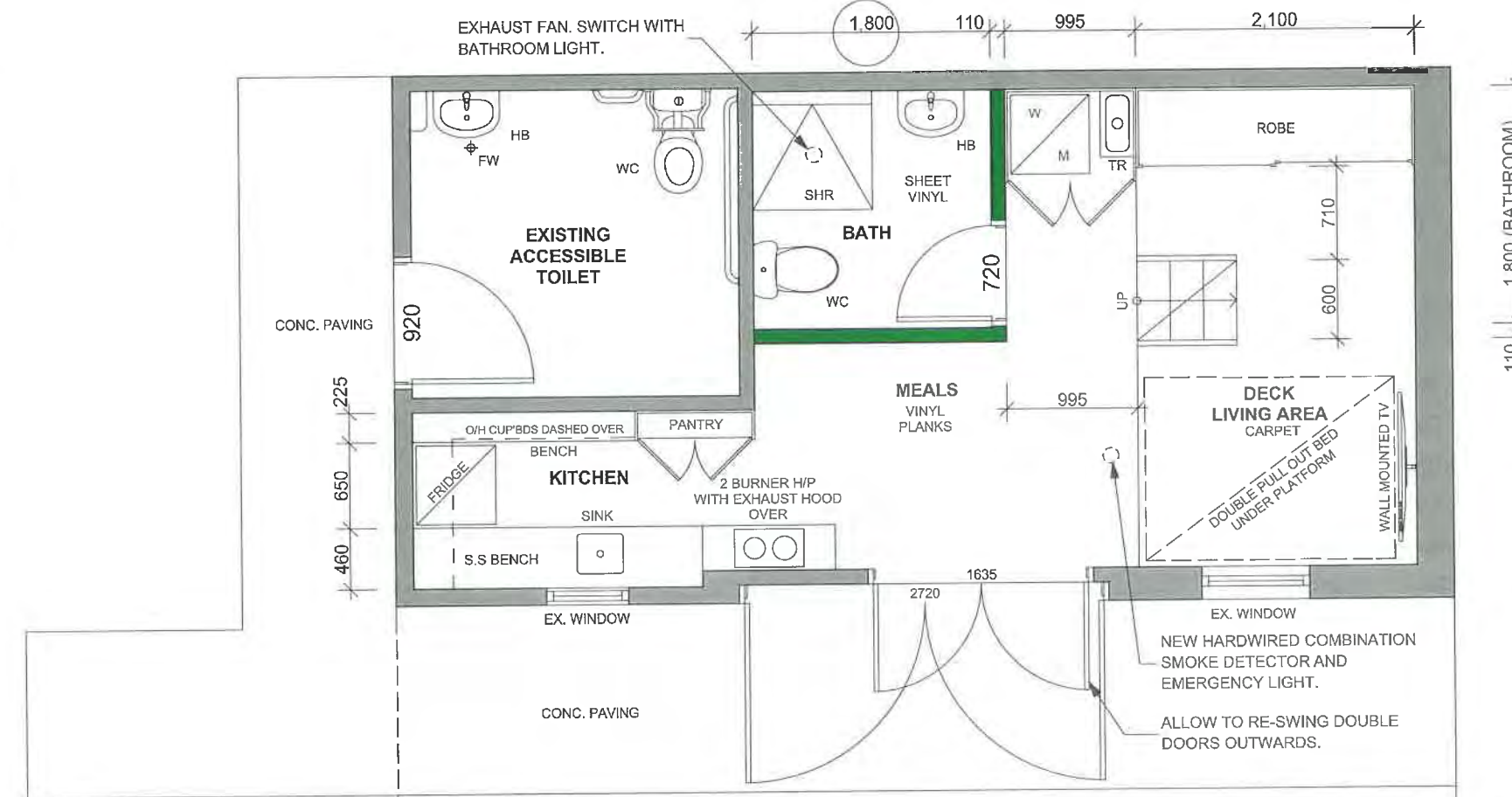
NOT TO SCALE



Scale: 1:50 @ A3



Scale: 1:50 @ A3



## DA & BUILDING PERMIT ISSUE

1. ALL WORKS SHALL COMPLY WITH THE TASMANIAN BUILDING REGULATIONS, LOCAL AUTHORITY REQUIREMENTS AND THE NATIONAL CONSTRUCTION CODE SERIES **2019 VOL. 2**. MATERIALS AND WORKMANSHIP SHALL COMPLY WITH THE S.A.A CODES AND STANDARDS. PROPRIETARY ITEMS SHALL BE INSTALLED IN STRICT ACCORDANCES WITH THE MANUFACTURERS SPECIFICATIONS AND OR DETAILS.
2. ALL ELECTRICAL WORKS TO COMPLY WITH **AS 3000** AND AURORA REGS. OWNER TO CONFIRM ALL NEW LIGHT POSITIONS AND GPO LOCATIONS.
3. ALL FRAMING TO COMPLY WITH **AS 1684.2**.
4. SMOKE DETECTORS TO COMPLY WITH **NCC VOL. 2 PART 3.7.2**.
5. PLUMBING AND DRAINAGE TO CONFORM TO **AS 3500**, FIXTURE TO BE INSTALLED TO **BCA NCC VOL. 2 PART 3.8.1**. WATER RETICULATION 20 DIA FROM BRANCHES TO FIXTURES.
6. SHOWER TO BE WATERPROOFED TO COMPLY WITH THE REQUIREMENTS OF THE **NCC VOL 2 CLAUSE 3.8.1.2** AND **AS 3740**. PROVIDE BUILDING SURVEYOR WITH CERTIFICATE OF WATERPROOFING CONFIRMING COMPLIANCE WITH THE ABOVE NCC CLAUSE AND CODE.
7. R5.0 INSULATION BATTS TO CEILING/ROOF CAVITY, PLUS R1.3 UNDER ROOF SHEETING.
8. CONFIRM ALL MEASUREMENTS & LEVELS ON SITE.
9. ALL ABOVE GROUND WATER LINES SHALL BE METAL TO COMPLY WITH **AS 3959, CLAUSE 5.8**.
10. NEW SHOWER WILL BE RECESSED (STEPLESS) INSTALLATION INSTALLED BY GRINDING FALLS INTO EXISTING FLOOR SLAB TO MEET NCC 2019 REQUIREMENTS.
11. SUPPLY & SET-UP ALL SAFETY FENCING, BARRIERS AND SIGNAGE TO COMPLY WITH LOCAL WORKPLACE REGULATIONS.
12. PROVIDE 12 MONTHS WARRANTY ON ALL WORKS.



ACCREDITED DESIGNER:  
SHANE MANN - CC1045V



**Attachment 3**  
**Site Images**  
**3/32 Bridge Street, Richmond**



Heritage cottage and succulent shop on subject site.  
4 car spaces can be seen, perpendicular along the cottage facade.



Succulent shop that was originally a barn to the original cottage on subject site.



Front 2 rooms of the cottage have been converted to a shop, also with approval for a cellar door.  
This portion of the cottage has been separately strata titled from the remainder of the cottage which currently serves as a dwelling.

**11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/011811 – 228  
DERWENT AVENUE, LINDISFARNE - FOOD VAN****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Food Van at 228 Derwent Avenue, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and 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 4 November 2020.

**CONSULTATION**

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

- on-site car parking;
- pedestrian safety;
- noise and odour emissions;
- use classification;
- compliance with Zone Purpose Statements;
- signage;
- staff and customer amenities; and
- littering.

**RECOMMENDATION:**

- A. That the Development Application for a Food Van at 228 Derwent Avenue, Lindisfarne (Cl Ref PDPLANPMTD-2020/011811) be refused for the following reasons.

1. The proposal does not comply with Zone Purpose Statement 10.1.1.2 of the General Residential Zone as required by Clause 8.10.2(a) of the Scheme because the proposed non-residential use will not provide for a compatible use that primarily services the local community and it is not considered compatible with residential amenity.
  2. The proposal does not comply with Clause E6.6.1 P1(a) of the Clarence Interim Planning Scheme 2015; in that the proposal does not provide adequate on-site car parking to meet the reasonable needs of users of the use taking into account the level of parking available on and outside of the land.
- 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 the Acceptable Solutions under the Scheme relating to on-site car parking.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone; and
- Section E6.0 – Parking and Access Code.

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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The subject site is a 581m<sup>2</sup> rectangular shaped lot located on the northern side of Derwent Avenue. The site is developed with a single dwelling and is surrounded by residential development to the east, west and north. The site is located opposite the Lindisfarne Village Activity Centre (specifically the Woolworths Shopping Centre, Baker's Delight Bakery and Derwent Avenue/Franklin Street junction).

#### **3.2. The Proposal**

An application is made to operate a take-away food van from Monday to Sunday between 8.00am to 6.00pm from the subject property. The proposed food van would serve food to take away only, including hamburgers and ice-creams. However, a limited number of seats would be provided for customers waiting for food to be prepared.

The food van would be parked 1m from the primary frontage. The food van would be 3m long and 2.2m wide and have a maximum height of 2.4m.

External lighting is proposed and would be turned off between 6.00pm and 8.00am.

The food van would be stored on-site while not in use.

No additional on-site car parking is proposed for the retail use. The existing car parking is provided for the occupants of the existing dwelling only.

### **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**

##### **Use**

The proposal is defined as Food Services which is a discretionary use in the General Residential Zone subject to the use not displacing a residential use. The proposed food van would operate alongside the existing dwelling therefore ensuring the existing residential use of the site is not displaced.

In determining an application for a permit for a discretionary use (as distinct from development), the Scheme specifies under Section 8.10.2 that the planning authority must have regard to the following:

- “(a) The purpose of the applicable zone;*
- (b) Any relevant local area objective or desired future character statement for the applicable zone;*
- (c) The purpose of any applicable code; and*
- (d) The purpose of any applicable specific area plan;*

*but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised”.*

In this case, the discretion sought relates to the use of the land for Food Services purposes.

In relation to (a) above, the General Residential Zone Purpose Statements are set out below:

*“10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*

*10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.*

*10.1.1.3 To provide for the efficient utilisation of services.”*

In response to Zone Purpose Statement 10.1.1.2, the proposal is considered an incompatible non-residential use because the use would effectively provide a takeaway food service capable of servicing the broader area and become a food destination. Discretionary uses in the General Residential Zone include a consulting room, medical centre, veterinary, child health clinic, church, public hall and local shop. While the proposed use may be of a similar scale and intensity to the above-mentioned discretionary uses, the discretionary uses permissible in the zone provide an overall community benefit so as to justify a location outside of a commercial/business zoning. The proposed use has no demonstratable local community benefit that could not otherwise be accommodated within the nearby Lindisfarne Village Activity Centre on other appropriate public areas.

The proposal would effectively extend the Lindisfarne Village Activity Centre into a residential area and would reduce residential amenity. The proposal is likely to result in amenity impacts by way of noise, odours and traffic that are typically associated with the non-residential activities conducted within the nearby Lindisfarne Village Activity Centre where such impacts should be contained. Accordingly, the proposal is considered incompatible with Zone Purpose Statement 10.1.1.2 and is recommended for refusal in accordance with Clause 8.10.2(a) of the Scheme.

In response to Zone Purpose Statement 10.1.1.3, the food van would be connected to the existing infrastructure service network, to provide for the efficient utilisation of services within an area with servicing capability.

In relation to Clause 8.10.2(b) no local area objectives or desired future character statements have been prepared for the General Residential Zone.

In relation to Clause 8.10.2(c), the proposal has been assessed against the requirements of the relevant Codes and is considered to provide inadequate on-site car parking. This issue is discussed in greater detail below.

In relation to Clause 8.10.2(d), the site is not subject to a Specific Area Plan.

**Development Standards**

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

**E6.0- Parking and Access Code**

- **Clause E6.6.1 A1** – Table E6.6.1 requires one car parking space per 6.6m<sup>2</sup> floor area for a take-away food business. Based on the floor area of the food van, one car parking space is required, whereas no additional on-site car parking is proposed. As discussed below, a cash-in-lieu payment is not considered appropriate.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E6.6.1 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
E6.6.1 P1	<p><i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i></p> <p><i>(a) car parking demand;</i></p>	<p>The proposed food van is expected to generate a demand for car parking which is greater than that required by the Scheme which makes the lack of any car parking more problematic.</p> <p>The focus on the business as a take-away food service may result in a higher turnover of customers than would ordinarily be associated with a cafe or restaurant offering dine-in options.</p> <p>The proposal would operate during normal business hours (8.00am to 6.00pm) and on this basis, the overall demand for car parking is at its greatest to serve the adjacent Lindisfarne Activity Centre. The proposal may also be reasonably capable of generating a demand for staff parking that is not provided on-site if staff members are to be employed.</p>

		<p>While some customers and staff may access the premises by foot, bicycle or public transport, the majority of visitation is likely to be car dependent due to the lack of dedicated bicycle infrastructure and a frequent, reliable public transport service within the area, based on parking survey work.</p> <p>The food van would in effect operate as a take-away shop offering a variety of food items for purchase, with a constant turnover of patrons. In consideration of the nature of the use, it is reasonable to expect demand for parking will rise in the area. This is cause for concern as Council's Traffic Engineer advises that there is already inadequate car parking facilities in the area.</p> <p>Accordingly, it is considered that the proposal generates an additional car parking demand that cannot be provided on-site. The proposal does not satisfy the requirements of (a).</p>
	<p><i>(b) the availability of on-street and public car parking in the locality;</i></p>	<p>Although there is public car parking immediately adjacent to the subject site, recent car parking studies undertaken by Council have found that demand for car parking in the Lindisfarne Village is high and existing car parking supply is at capacity at peak times. The car parking spaces associated with Woolworths Shopping Centre are reserved for the businesses operating on that site, and therefore cannot be utilised.</p> <p>These results are based on average figures attained during normal business hours.</p>

		The proposal would operate during normal business hours and therefore have an impact on the existing supply during peak periods which is considered unreasonable. It could also cause on street parking to spread out along the street and impact adjacent residential properties.
	(c) <i>the availability and frequency of public transport within a 400m walking distance of the site;</i>	The subject site is on a Metro bus route providing connections to Hobart City, Rosny Park and Risdon Vale. However, the service is infrequent and can involve bus change overs which reduces the appeal of this service over car ownership. While the site provides convenient access to public transport, it is unlikely that customers will rely on buses.
	(d) <i>the availability and likely use of other modes of transport;</i>	The business would be well placed to service walkers and cyclists who live within the area. While it is feasible that customers may form walkers and cyclists, it is unlikely that these options can be relied upon as alternative modes of transport that would reduce the car parking demand generated by the proposal.
	(e) <i>the availability and suitability of alternative arrangements for car parking provision;</i>	There are no available suitable arrangements for providing additional car parking.
	(f) <i>any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i>	There is no practical solution for sharing car parking spaces by multiple uses as a means of reducing car parking demand. Based on the business operating during normal business hours and the nature of the take-away food business, there is foreseeable increased car parking demand with the potential for customer overlap.
	(g) <i>any car parking deficiency or surplus associated with the existing use of the land;</i>	There is no surplus for car parking for the existing use and the proposal generates an additional demand.



	<p>(h) <i>any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i></p>	<p>There is no available credit in this case.</p>
	<p>(i) <i>the appropriateness of a financial contribution in-lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i></p>	<p>In this case, Council's Traffic Engineer has advised Council has no strategic plans at this stage to provide additional parking facilities or upgrade existing parking facilities within the Lindisfarne Village area. Rather, works within the Lindisfarne Village area are concentrated around streetscape and pedestrian amenity improvements.</p> <p>Existing Council owned public car parks are not conveniently located in proximity to the proposal and therefore any redesign or upgrade would not be appropriate.</p> <p>The purpose of a cash-in-lieu payment is to provide funds for Council to construct the deficient car parking close to the proposed use. In this case, there is no suitable site for the construction of additional short- or long-term parking to service the proposal.</p> <p>Accordingly, it is not appropriate to require a financial contribution in-lieu of the deficient car parking space.</p>

	(j) <i>any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	not applicable
	(k) <i>any relevant parking plan for the area adopted by Council;</i>	Council's Interim Car Parking Plan does not apply in this instance due to the location of the property within the General Residential Zone (ie outside of the Lindisfarne Village Activity Centre). The proposal is therefore required to meet the on-site car parking requirements of the <i>Clarence Interim Planning Scheme 2015</i> .
	(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code."</i>	not applicable

## **5. REPRESENTATION ISSUES**

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

### **5.1. On-Site Car Parking**

The representors raised concern that the subject site does not provide adequate car parking on-site to meet the demand generated by the proposed use.

- Comment**

The concern the representor has raised is valid under the Scheme. It is considered the proposed development does not provide adequate on-site car parking to meet the demand generated by the proposed use and is accordingly recommended for refusal against Clause E6.6.1 P1(a).

### **5.2. Pedestrian Safety**

The representor is concerned the proposal will impact pedestrian safety by pedestrians crossing Derwent Avenue to access the business.

- **Comment**

Pedestrian safety is not a matter addressed by the Scheme. Accordingly, this issue does not have determining weight. However, Council's Traffic Engineer is of the view that the introduction of a commercial use on the northern side of Derwent Avenue will increase crossing activity opposite the busy one-way intersection at Franklin Street and Derwent Avenue. This additional pedestrian activity is undesirable from traffic and parking perspective.

### **5.3. Noise and Odour Emissions**

The representors have raised concern that the proposal will impact upon residential amenity through unreasonable noise and odour emissions.

- **Comment**

In relation to noise impacts, the proposal has been assessed by Council's Environmental Health Officer as complying with Clause 10.3.1 A2 in relation to noise. This issue therefore has no determining weight.

The proposed food business is likely to create amenity impacts (odour and increased activity) that would be detrimental to surrounding properties and for this reason is considered an incompatible use when assessed against the Zone Purpose Statements.

### **5.4. Use Classification**

The representor has raised concern the proposal does not meet the definition of a Home Occupation and should be defined as Food services.

- **Comment**

The proposal is for Food Services which is a discretionary use within the General Residential Zone.

**5.5. Compliance with Zone Purpose Statements**

The representor has raised concern the proposal does not meet Zone Purpose Statement 10.1.1.2 of the Scheme in that the use is not compatible with surrounding residential uses. The representor is of the view the proposal would be more appropriately located within the Lindisfarne Village Activity Centre.

- **Comment**

As discussed earlier in this report, the proposed discretionary use is not considered to meet the Zone Purpose Statements applied to the General Residential Zone as required by Clause 8.10.2 of the Scheme and is accordingly recommended for refusal.

**5.6. Signage**

Concern is raised in relation to the proposed signage in terms of its location and proposed illumination.

- **Comment**

Insufficient information has been submitted with the application to determine compliance with the Signs Code in terms of location, size, dimensions and graphics. Accordingly, should the application be approved, it is recommended that a condition be included on the planning permit stipulating that no signage is approved as part of this application.

**5.7. Waste Management**

Concern is raised insufficient information has been provided in relation to waste management practices including trade waste and exhausts.

- **Comment**

Waste management is a matter addressed by Council's Environmental Health Officers at the food business application stage.

**5.8. Staff and Customer Amenities**

The representor has raised concern that the proposal will not provide adequate toilet facilities for the use of staff and customers.

- **Comment**

Food vans are not regulated under the Building Act 2000, therefore there is no requirement to provide public toilet facilities.

**5.9. Littering**

The representor has raised concern the proposal will lead to an increased incidence of littering in the area.

- **Comment**

Littering is not a relevant consideration under the Scheme and does not have any determining weight.

**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 is for a food van at 228 Derwent Avenue, Lindisfarne. The proposal requires discretion relating to use and on-site car parking requirements. The proposal will provide for a non-residential use which is not compatible with surrounding residential use as required by Zone Purpose Statement 10.1.1.1 of the General Residential Zone.



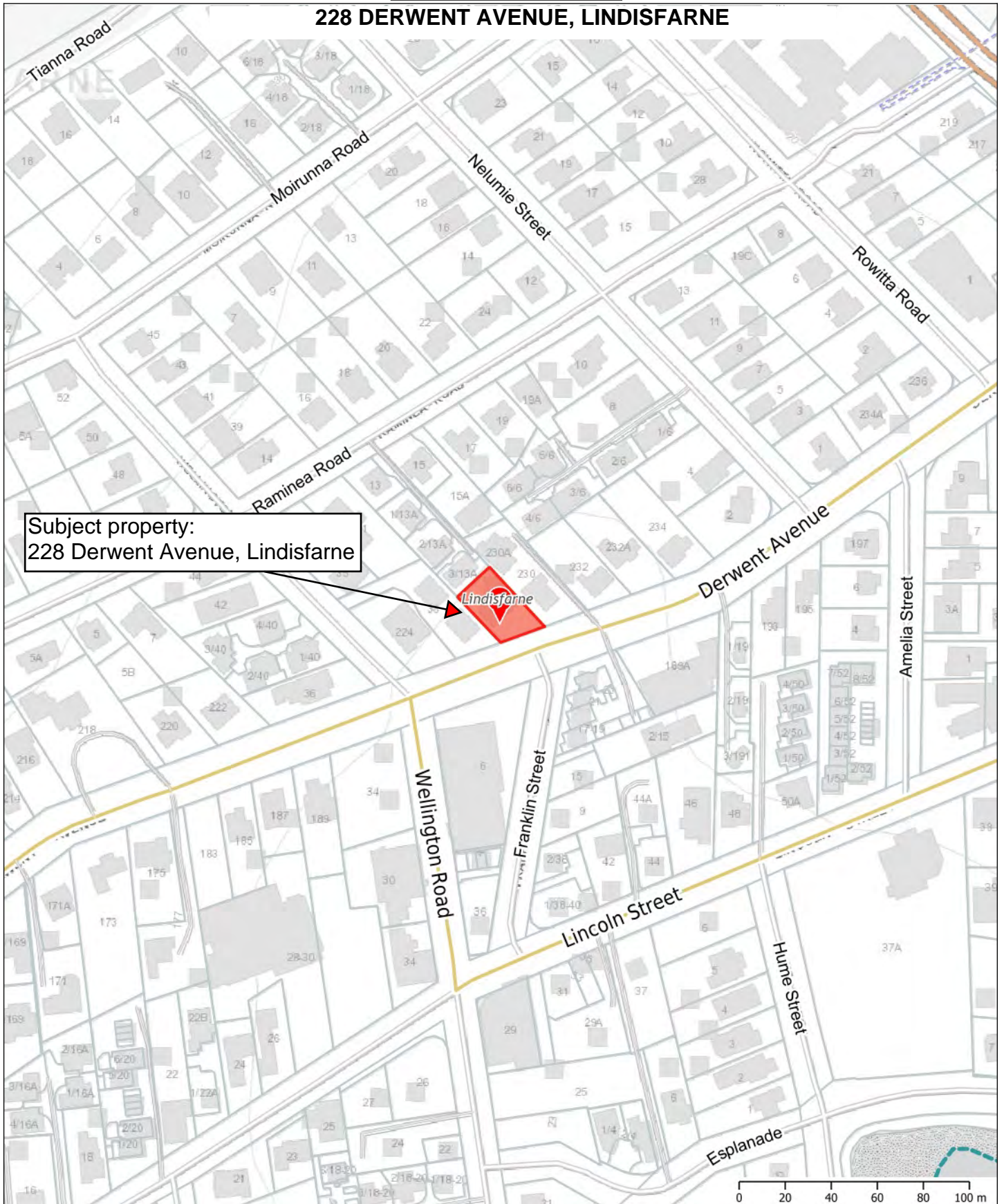
Furthermore, the proposal does not provide for adequate on-site customer parking in consideration of the demand generated by the proposed use and the lack of on-street parking in the immediate area. The proposal is therefore recommended for refusal.

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

Ross Lovell  
**MANAGER CITY PLANNING**

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

228 DERWENT AVENUE, LINDISFARNE



Subject property:  
228 Derwent Avenue, Lindisfarne

Lindisfarne



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

10/13/2020

1:2257



# **228 Derwent Avenue Hamburger & ice cream food trailer**

228 Derwent avenue is located directly opposite the lindisfarne village shopping precinct.

Our proposal is to operate a hamburger/ice cream business utilising a council approved mobile food trailer from the property as detailed in the attached diagram.

Proposed operation hours would be between 8am and 6pm on various days including weekends.

A mixture of illuminated and non illuminated signage would be on the trailer only, all signage and internal lights would be turned off between 6pm and 8am. The trailer would also be screened from the public by gates when not in use.

The trailer would be on the property most of the time but would also remain relocatable for frequent use at other venues, and remain a mobile business.

Being a takeaway only operation it is expected most customers will enjoy our food at one of the local parks, reserves or take home, we would like to provide some seats purely for customers to use while waiting.

All food will be purchased fresh daily from local business or wholesalers and prepared within the council approved trailer, there will be no preparation or cooking anywhere else.

We would like to position the trailer approx 1.5 metres from the closest point of the boundary and 3 metres at the furthest point as detailed in the diagram, the trailer will be approximately 3 metres in length (not including draw bar), 2.2 metres wide and 2.4 metres high. The total floor area of the trailer will be approx 6.6 square metres.

As this will be a family operated business staff would have the use of the toilet within the house.

Power would be supplied to the trailer from the house via an extension lead (no generator required). Water would also be supplied to the van using a hose connection from a tap, hot water would be supplied from a gas or electric hot water system fitted within the trailer as per council requirements (we are looking to purchase a trailer already council approved to operate as a food vehicle), waste water would go into the holding tank on the trailer and pumped out when required. All waste/rubbish would be removed by us regularly as required.

We have been careful to choose a food business that will not impact other business in the village and give Lindisfarne another takeaway option.

The food trailer and seating area will be screened by hedges and trees so they are not visible by either of our neighbours, ensuring their privacy is not affected and minimising the noise impact.



# MUNICIPALITY OF CLARENCE

Eng Plan No.

ENGINEER'S DEPARTMENT

H.C. Plan No.

8813

## SEWERAGE HOUSE CONNEXION PLAN

8813

THE D.F. & G. FISH

FITTINGS	
1 Closet	No. 8 Urinal
2 Bath	No. 9 Sidet
3 Basin	No. 10 Shop Hopper
4 Shower	No. 11 Closer Sink
5 Sink	No. 12 Dish Washer
6 Trough	No. 13 Drinking Fountain
7 W. Machine	No. 14 Kitchen Disposal Unit

LC Inspection Chamber
I.O.D. Inspection Opening Drop
I.O. Inspection Opening
E.V. Eject Vent
O.B. Oblique Branch
P.O. Palani Gully

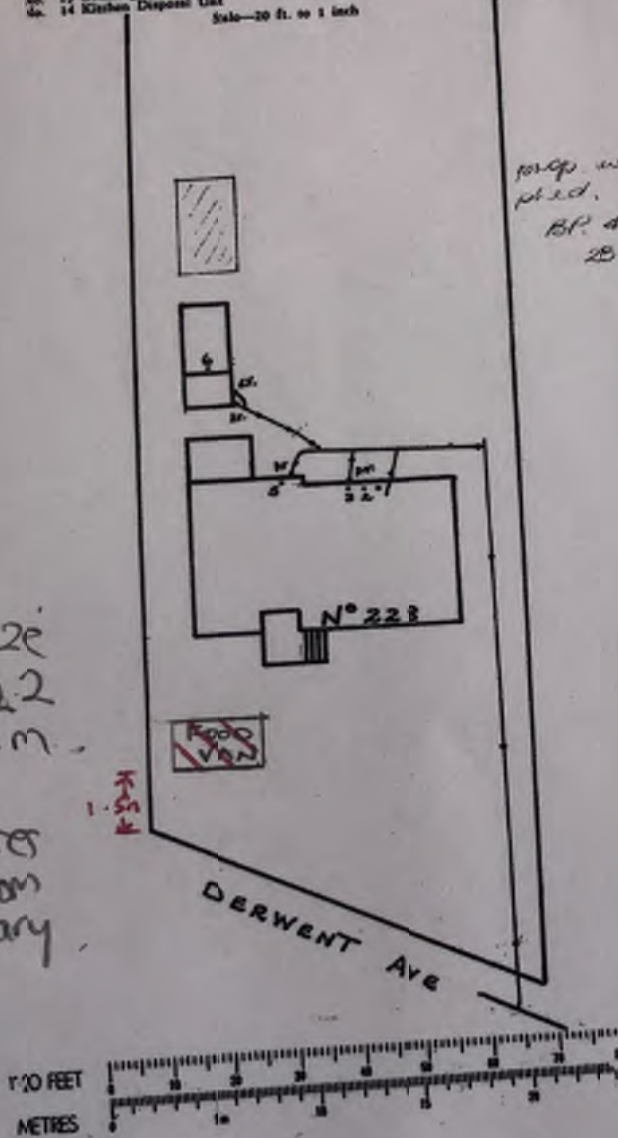
### REFERENCE

S.V.P. Soil Vent Pipe
D.T. Disconnector Trap
G.D.T. Gully Disconnector Trap
G.I.T. Grease Interceptor Trap
C.I.P. Cast Iron Pipe
P.V.C. Unplasticized Polyvinyl Chloride Pipe
B.V. Back-Vent

Scale—20 ft. to 1 inch

Van size  
3m x 2.2  
x 2.2m.

1.5 metres  
back from  
boundary.



Plumber: J. G. G. G.  
Designer: J. G. G. G.  
Pipes: J. G. G. G.  
Treated: J. G. G. G.  
Inspector: J. G. G. G.

APPROVED

Municipal Engineer

19

Sewerage Connexion is being made to the Council's Sewer Mains.  
STORMWATER DRAINS connected to the existing house  
sewer drains are to be disconnected and diverted accordingly.  
SEWAGE from the premises (including outbuildings) must be  
disposed, in a manner satisfactory to the Inspector, to the nearest  
sewer channel or other approved disposal point.

If a Sewerage Connexion is being made to the  
Council's Sewer Mains, the existing septic tank  
to be emptied and filled with soil.  
SEPTIC TANK, if shown, is not to be installed  
without the written approval of the Public Health  
Department.

HIGH PRESSURE WATER SUPPLY TO BE CONNECTED TO ALL FIXTURES





*228 Derwent Avenue, Lindisfarne*



*Photo 1. Site viewed from Derwent Avenue, Lindisfarne*

<b>11.4 CUSTOMER SERVICE</b>
------------------------------

Nil Items.

<b>11.5 ASSET MANAGEMENT</b>
------------------------------

Nil Items.

<b>11.6 FINANCIAL MANAGEMENT</b>
----------------------------------

Nil Items.

<b>11.7 GOVERNANCE</b>
------------------------

Nil Items.



## **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).

Ald Edmunds has given notice of the following questions.

#### **TASWATER – REMOVAL OF ARTWORK**

1. Can Council, as an owner of TasWater, or TasWater advise the reasons for the removal of artwork/murals on the water reservoir on the corner of Ormond Street and Waverley Street, Bellerive.

#### **FLYING OF ABORIGINAL FLAG**

2. Mayor Doug Chipman told the ABC on October 24, 2020 that the Aboriginal flag will permanently fly at the Council chambers.

Given the Council's decision (Agenda item 9.2) on October 12, 2020, to not fly the flag permanently, how can Council officers enact that arbitrary announcement?

### **12.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil

### **12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

Ald Mulder

1. In relation to the Kangaroo Bay Boulevard site, regarding sale of council land to the proponent can I seek information as to the value of that land in terms of the contractual arrangement and whether or not that value is for individual plots of land or whether that value is for the collective land because it is likely that the sum of the whole is greater than the sum of the parts?

#### **ANSWER**

In terms of the valuation for the land that is commercially confidential. I cannot disclose that publicly. I am quite happy to disclose that on a confidential basis privately via a memo and I will undertake to do that tomorrow. I will need to take that on notice in terms of how the valuation is made up.

2. I have been approached by a concerned tenant in the area, one of the occupiers of council property who has been told that her lease will expire in 2021. I note that there has been a long delay in submission of that application to council and we have not formally received that yet we have had a couple of briefings and a couple of alternatives and I wonder if it is beholden upon us as landlords to at least keep our tenants informed of what is happening with Kangaroo Bay Boulevard and the likely timelines?

**ANSWER**

The development application for the Kangaroo Bay Boulevard site has been submitted but is not yet valid because landowner consent has not been provided. Council officers have sought further information before the granting of landowner consent is considered. That further information was received last week and is current being reviewed.

In regard to the property leases, contact was made with PPM Real Estate, property managers for the tenancies, earlier this year to advise that residents were likely to be required to vacate residences early in 2021. This information was conveyed to tenants directly by the property managers. Given the recent outcome of the request for an extension of time, we are not able to provide the property manager with any timelines other than that previously advised. We will however provide an update as soon as the time frame becomes clearer.

Ald Kennedy

Could I be advised how many more villas we can expect to be built at One Hill Estate at Seven Mile Beach under the current approvals?

**ANSWER**

The developer has advised that the final units are currently being completed for occupation.

There are no additional villas to be developed under the relevant planning permit.

Ald Edmunds

Recently Council approved a roads priority list which was sent to the Infrastructure Minister. We should have at the time thought to send it to the Federal Infrastructure Minister and indeed anyone else whose election is relevant to our part of the world and if so could I request that the correspondence is sent to Canberra both sides of the House and also to Members for Franklin?

**ANSWER**

I will need to check who it has been circulated to. It has certainly been sent to Minister Ferguson. In terms of Federal Members, I think it has been sent to a number but I will have to confirm that.

Further update

The road priority list was not sent to Federal Members. We will provide that information to Federal Members for Tasmania as soon as possible.

Ald Walker

1. On Friday our household received the quarterly rates notice. It was the issue date 8 October so through speed mail we received it on 9 October so I assume that many people might only be getting it today. The due date is 19 October. This seems tighter than usual and doesn't meet a regular household's regular payment cycle. Am I misunderstanding this to be a shorter timeline and if I am not is this a really hard and fast arbitrary date or will they have a few days depending where they are with their fortnightly pay cycles.

**ANSWER**

In July the rates notices are issued and on the rates notices are the four instalment dates. They are not quarterly. There are statutory requirements as to the number of days for the first instalment to be due and the second to be due and then the spacing for the final 2 instalments is considered in terms of what is likely to be occurring in the community such as Christmas, school holidays, Easter, those sorts of considerations so it is not a neat quarterly timeframe given the legislative requirements in terms of setting those dates. With regard to the reminder notice we are not actually required by law to provide that. I do understand that the timing and receipt of those is a little bit of a surprise and short in terms of 19 October due date however we had some operational matters that halted us from having those out earlier, so we accept that.

(Mayor) The opportunity to be lenient in regard to that?

**ANSWER**

We can certainly consider requests should they come through formally in writing.

2. What are the professional development or refresher courses that our staff are required to undertake every year? I would like to know the different variety and usual amount of time that has to be allocated to this so first aid, diversity training for example.

**ANSWER**

Council staff undertake a variety of recurrent mandatory training, including:

- First aid 1 to 2 days
- CPR ½ day
- Traffic management 1 day
- Advanced traffic management 2 days
- Chainsaw operations 1 day
- Confined space entry/awareness 1 day
- Chemical certification 2 days
- Fire Warden 1 day
- Playground safety certification 2 days
- Forklift operations licence 2 days
- Asbestos identification/removal 1 day
- Fire Extinguisher ½ day
- Safe Dog Handling ½ day
- Fire Abatement 1 day

The training programs listed above have various expiration periods from 12 months to 5 years.

Some of the Professional Development training required for staff over the past 24 months include:

- Diploma of Leadership & Management 6 months
- Diploma of Human Resources Management 6 months
- Certificate IV in Project Management 6 months
- Managing Challenging People & Environments 1 day
- Public Speaking 5 days
- Heavy rigid/medium rigid licence 1 Day plus driving hours
- Mental Health Awareness 1 hour
- Safe Guarding Children Online 2 hours
- Certificate IV in Regulatory Services 15 months
- Certificate II in Horticulture 15 months
- Certificate III in Horticulture 24 months
- Certificate III in Civil Construction 36 months
- Certificate III in Business Administration 24 months
- Certificate III in Children Services 24 months
- Certificate III in Information Technology 24 months
- Certificate IV in Work Health & Safety 24 months
- Geometric Design 2 days
- Work Health & Safety for Managers 1 day
- National Construction Code Seminar 1 day
- Employee Safety Representative 5 days

The Professional Development qualifications listed above have minimal off the job training requirements

Ald Blomeley

1. Has a date been set for the Appeal Hearing for the Rosny Hill development?

**ANSWER**

The 10<sup>th</sup>, 11<sup>th</sup> and 14<sup>th</sup> December have been set down for the Hearing.

2. Is council in a position to provide an update as to where the announced Derwent River passenger ferry service trial is at? When will it start?

**ANSWER**

I have been in contact with the Department of State Growth today who have advised that there are a number of parties who have already pre-registered an interest in the project and there is a request for a proposal document being drafted at the moment and it is expected to be imminently released aiming for the end of the month.

Ald Peers

When we notify people of surrounding development more around housing development, should we be putting in more information without giving our planning staff too much extra work? Sometimes a house may have a height of 7m and people complain about the height but if they knew that in that area they could build to 8.5m I just wonder if we could cut down on some the representations we have by giving people a bit more information without giving our planning staff extra work. Could this be done or just discussed at a workshop?

**ANSWER**

We had in mind to bring a question of resourcing to a workshop and potentially the next workshop. There is no possibility of providing additional services without additional resources and at this point in time our planning area as with a number of other areas are significantly under resourced given the level of activity that we have. So, our plan is to talk to aldermen at the next workshop with a view to trying to address those resourcing issues within the constraints that we have at the moment.

Ald James

1. I have been provided with, I don't think that any of the other Aldermen have been provided with, a copy of the sale and development agreement that was part of discussions earlier this evening. On page 442 it says in relation to the contract attachment 5 sets out the terms of the buy-back contract and relatively this includes the buy-back of \$2.44M. Is attachment 5 available to the public or is that one of the confidential documents that I would have to put in writing in order to have the detail on what it implies in relation to the buy -contract?

**ANSWER**

The entire contract is commercial-in-confidence and therefore is confidential. That includes attachment 5. As I advised previously under Section 28 of the Local Government Act you can make application to me to view the contract and as I also advised that would need to be on provision of an undertaking that it remains confidential. It is not available for public distribution.

Question contd

It is just that in the officers' papers it does refer to attachment 5 and what the terms of the buy-back are so it has already hit in a sense the public at large.

**ANSWER**

(Mayor) I think the General Manager's advice is clear. It is to the General Manager's credit that he has been able to take an issue that would normally be dealt with in closed council into the public arena taking into account the sensitivities. The fact that we know about that clause does not mean that it is available to everyone to scrutinise it is commercial-in-confidence.

2. The \$14.5M monies that were part of the grant as part of COVID-19 what criteria is able to be accessed insofar as is it possible for all the monies for the sound attenuation wall at South Arm to be sourced from that source or are we locked into a particular project that would require certain conditions in order for us to access those funds?



**ANSWER**

The Local Government Loans Program Guideline provides examples of the types of projects that the Department of Treasury and Finance will consider under the program. The extensive list includes the development of, or improvements to, recreational and sporting grounds.

Eligibility criteria include:

- that the work must be undertaken in 2020/21,
- will provide Tasmanian employment opportunities,
- is procured through appropriate processes and,
- is financed through the approved loan from Tascorp.

Council has Department approval to draw down up to \$14.8 million in loan funds for a specific suite of council approved capital projects that were assessed against the Department's criteria.

Any variations to council's capital budget will require a decision of council. Amendments to the Department approved schedule of projects require a decision of council to alter the schedule and the revised schedule is then submitted to the Department for assessment against the eligibility criteria.

Ald Warren

I have already asked the General Manager about getting viewing stats for our public meetings and I would be particularly interested in adding to that our stats for tonight just for our information as to how well we are engaging with our community and the wonderful democracy of ours.

**ANSWER**

I will send everyone a link to the You Tube site.

**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 PROPERTY MATTER – GEILSTON BAY

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:

- proposals to acquire land; and
- applications by Aldermen for a Leave of Absence.

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

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

**PROCEDURAL MOTION**

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