

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
TUESDAY 9 FEBRUARY 2021

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

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

1. APOLOGIES

Nil.

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

That the Minutes of the Council Meeting held on 18 January 2021, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION**4. ***COUNCIL WORKSHOPS**

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE**DATE**

Proposed Workshop Guidelines

Urban Growth Boundary Report

Mid-year Budget Review and Budget Overview 2021/22

Hotel Project Update

Dog Management Policy Consultation Update

1 February

RECOMMENDATION:

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE
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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
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(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

Chris Boron of Howrah has given notice of the following questions:

INSTALLATION OF GATE – SALACIA STREET ENTRANCE

Mr Nelson, you stated 21/1/21 ...*"The Salacia Avenue car park provides vehicle parking to Wentworth Play Park and access to the Clarence Foreshore Trail for the public. Council does not gate car parks to our public park areas"21/11/20...."Council has an obligation to protect the health and wellbeing of community members"....*

- Who authorised installation of the gates at the entrance to the Wentworth Park Sports Grounds, denying the public access to the Clarence Foreshore Trail between Bellerive and Howrah Beaches? The Car Parks are clearly marked as access to the Clarence Foreshore Trail, defined and specified on your website cadastral maps.
- Who is authorised by Council, to open the Wentworth Sports Grounds Public Car Park Gates at 6am and close the Public Car Park Gates at 10pm each day and evening, denying the public access, to the Clarence Foreshore Trail?
- Why does Council continue to allow dangerous hooning by not placing rocks to stop the hooning circuit? You will recall, Council inexplicably removed stockpiled rocks in the Car Park, which should have been strategically positioned to **stop** this latest hooning circuit.

CCC Learned Aldermen, you can easily stop hooning, anti-social behaviour and illegal overnight camping in the Wentworth Children's gravel Car Park, by installing a NO BRAINER appropriate, 10pm to 6am Gate!

Please advise the names of the Aldermen opposing the installation of a gate, to stop this ongoing dangerous anti-social behaviour.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 18 January 2021 Mrs Joanne Marsh of Bellerive asked the following question:

TREES

Over a long period of time it has been very sad to see young trees stressed, dying and dead in Kangaroo Bay, Bellerive Beach Park, Rosny Hill Road, Bayfield Street, Wentworth Park playground and the South Street Reserve.

Why are the trees dying?

Why aren't they being promptly replaced?

ANSWER

Further discussion has occurred with Mrs Marsh. There can be many reasons for trees dying, including not surviving the initial establishment period. A number of these trees have been identified to be replaced in the months May to July, when the weather is cooler.

7.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda.

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC
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(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION – ALD MULDER
INDEPENDENCE DAY**

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

“That Council

1. Acknowledges the desire of the Premier to commence a conversation about a new date for Australia Day.
2. Supports a new date that recognises Australia becoming a fully “sovereign, independent and federal nation”.

EXPLANATORY NOTES

1. Leaders of all 3 Tasmanian political parties have expressed a desire for a national conversation regarding the appropriateness of January 26 as Australia’s national day.
2. January 26 marks the date in 1788 that Australia was colonised by the British Crown.
3. January 1, 1901 marks the commencement date of the *Commonwealth of Australia Act 1900*. This statute of the United Kingdom Parliament received Royal Assent from Her Majesty Queen Victoria and established Australia as a ‘dominion’ of the Empire
4. September 3, 1939 marks the (retrospective) commencement of the Australian *Statute of Westminster Adoption Act of 1942*. The UK *Statute of Westminster* ‘formally demonstrated Australia's independence to the world’.
5. Although the *Statute of Westminster Adoption Act* established our independence, the Parliament of the United Kingdom retained legislative and judicial powers over Australia, including appeals to the Monarch and the Privy Council.

NOTICE OF MOTION – ALD MULDER /contd...

6. March 3, 1986 marks the commencement of the *Australia Act 1986* with the preamble
 1. “An Act to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation.”
7. The *Australia Act* achieved sovereignty and independence by, inter alia:
 1. Section 1 - Termination of power of Parliament of United Kingdom to legislate for Australia
 2. Section 10 - Termination of responsibility of United Kingdom Government in relation to State matters
 3. Section 11 - Termination of appeals to Her Majesty in Council (Privy Council).

T Mulder
ALDERMAN

GENERAL MANAGER’S COMMENTS

A matter for Council

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

Representative Reporting

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report for the period ending 31 December 2020 (refer Attachment 1).

- **GREATER HOBART COMMITTEE**

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



Quarterly Report to Owners' Representatives

Progress update to 31 December 2020



Document Approval and Issue Notice

This is a managed document. For identification of amendments each page contains a release number and a page number.

Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

PREPARED: Jonathon Bellette, Department Manager Business Performance Date: 14 January 2021
(For release)

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(For release)

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1. Introduction

TasWater is pleased to present its second quarter (Q2) FY2020–21 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

Outlined within the report are key aspects of TasWater's performance for the quarter ended 31 December 2020. This includes performance against key performance indicators outlined in the FY2021–25 Corporate Plan as well as financial performance compared to the FY2020–21 Budget.

The report also includes a dedicated section outlining TasWater's performance against a range of operational key performance indicators, as agreed with Owners as part of the development of the FY2021-25 Corporate Plan.

2. Executive Summary

2.1 Operating performance

TasWater's operating performance has continued to largely meet expectations during the December quarter, with the majority of strategic and operational measures on track to achieve full-year targets and financial performance tracking ahead of budget.

Performance against key customer metrics has remained strong, as measured through the ongoing results for customer complaints, first point resolution of customer calls and the percentage of calls answered within 30 seconds. After a disappointing result in FY2019-20, the Total Recordable Injury Frequency Rate (TRIFR) is also ahead of forecast. However, a further Lost Time Injury (LTI) that occurred during November 2020 has put pressure on achieving the full-year target for the Lost Time Injury Frequency Rate (LTIFR) and reiterates the need for an ongoing focus in this area.

From a financial perspective, the higher than expected profitability has been primarily driven by a reduction in the small business rebate provision, favourable variance in development revenue and lower than expected bad and doubtful debt expenses. Whilst the half-year results are encouraging, TasWater considers it prudent to maintain a conservative approach on its full-year financial projections until the impact of reduced COVID-19 financial support for businesses and households is better understood. Consideration as to whether to issue an interim dividend payment for this financial year will be made in the next quarter.

Capital expenditure as at 31 December 2020 remains lower than budget, however a major milestone was achieved during the quarter with the award of the Bryn Estyn Water Treatment Plant (WTP) Upgrade. Delivery of the capital program is expected to accelerate in coming months due to the volume of planning, investigation and project development activities that have been progressed as well as a recent change to the delivery model for lower-risk, low value projects that is outlined further in this report.

Total debt as at 31 December 2020 was well below budget.

2.2 Innovations

TasICT Award for H2Go¹ project

On 13 November 2020, TasWater's H2Go project won the TASICT award for Project of the Year. This award recognises the collaborative and innovative approach taken to development of the application, particularly within TasWater's Service Delivery and Business Systems teams.

H2Go has now been rolled-out to the majority of operational teams, with the key focus in 2021 being to further enhance the user experience and leverage the application and technology platform more broadly across TasWater.

¹ H2Go is TasWater's front-end mobility solution for Maximo, our asset management system and is utilised by our operators in the field.

3. Performance Results for the Quarter

3.1 Strategic performance summary

Customer priorities	Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you		FY2019-20	FY2020-21	Q2 FY2020-21
Identify and close critical customer service gaps	Customer satisfaction percentage	62%	66%	62% ²
	Brand perception percentage	54%	58%	54% ²
Improve our community engagement and understanding	Community and stakeholder satisfaction percentage	62%	62%	62%
Commercial and Economic – Give you value for money		FY2019-20	FY2020-21	Q2 FY2020-21
Deliver Price and Service Plan commitments	Capital Expenditure	\$128.8M	\$193.3M	\$65.4M ³
Achieve further efficiencies	EBITDA ⁴	\$138.3M	\$103.5M	\$75.2M
	Interest cover ratio	1.7	0.5	3.2
Water and Environment – Provide you with safe drinking water and responsibly manage your sewage		FY2019-20	FY2020-21	Q2 FY2020-21
Meet agreed regulatory compliance targets	Customers supplied by drinking water systems meeting best practice risk mitigation (per cent) ⁵	4.4%	4.6%	4.4%
	Number of dams above the ANCOLD LOT	4	3	4
Optimise system performance	Number of critically notifiable spills (less than or equal to)	8	5	3 ⁶
	Treated waste water compliant with EPA requirements (flow-weighted)	90.8%	90.0%	88.9% ⁷
People and Culture – Build culture and skills for the long-term benefits of Tasmania		FY2019-20	FY2020-21	Q2 FY2020-21
Enhance workforce capability and culture	Fifty per cent constructive leadership styles by 2023	Material improvement in pulse cultural survey results	Material improvement in pulse cultural survey results	Material improvement in pulse cultural survey results
Relentless focus on safety (Zero Harm)	Total Recordable Injury Frequency Rate (TRIFR)	18.2	12	14.6 ⁸

Colour Key: = on or better than target = within 10% of target = greater than 10% outside target

² These two metrics are unchanged from the September quarter report as research is undertaken each year in July and January with results available in August and February respectively.

³ Refer to section 3.5 for further information on the capital program.

⁴ Earnings before interest, taxation, depreciation and amortisation.

⁵ This KPI measures the percentage of drinking water systems that meet best-practice drinking water risk mitigation principles.

⁶ Three spills occurred during August 2020 at Margate, Risdon Prison and Rosny College, however given the seasonal nature of spills it is expected that the full-year target will be met at this stage.

⁷ Based on prior year trends, this metric is expected to improve over the summer months.

⁸ TasWater is forecasting a gradual reduction in this KPI over the course of the financial year and is ahead of forecast as at 31 December 2020.

3.2 Operational performance summary

Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you	FY2019-20	FY2020-21	Q2 FY2020-21
Total complaints	1,138	1,100	394
First point resolution percentage for calls	91.6%	90%	94.4%
Percentage of calls answered by an operator within 30 seconds	83.0%	85%	94.9%
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks	92.3%	90%	100%
Commercial and Economic – Give you value for money	FY2019-20	FY2020-21	Q2 FY2020-21
Productivity - savings realised	\$4.1M	\$3.4M	\$1.8M
Productivity - Increased revenue initiatives	\$8.8M	\$6.5M	\$4.7M
Total overdue debtors as a percentage of revenue at end of year	5.0%	19.0%	4.0%
Water and Environment – Provide you with safe drinking water and responsibility manage your sewage	FY2019-20	FY2020-21	Q2 FY2020-21
Number of BWAs and DNCs throughout the year	1	1	0
Percentage of customers where microbiological compliance has been achieved	100%	100%	100%
Percentage of trade waste volume covered by a meaningful agreement	45%	85%	52% ⁹
Number of industrial customers on a long term agreement	10%	20%	13%
People and Culture – Build culture and skills for the long-term benefits of Tasmania	FY2019-20	FY2020-21	Q2 FY2020-21
Lost-time injury frequency rate (LTIFR)	2.9	2.4	3.6 ¹⁰
Number of lost-time injuries (LTIs)	10	6	4 ¹⁰
Number of notifiable incidents	5	3	3
Number of full time equivalent (FTE) ¹¹	869	866	883 ¹²

Colour Key:

- = on or better than target
- = within 10% of target
- = greater than 10% outside target

⁹ It is expected that a number of large-volume customers will commence coverage under an agreement during the next two quarters. Accordingly, the full-year target is expected to be met.

¹⁰ Three lost-time injuries (LTIs) were experienced in August 2020 and a further LTI occurred in November 2020. Accordingly, achievement of the full-year target is considered at risk.

¹¹ Includes TasWater FTEs in the Capital Delivery Office.

¹² Increased Electrical and SCADA contractors (22 FTEs) were not accounted for in initial targets.

3.3 Financial Performance

Table 1: Financial summary

KPI	FY2019-20		FY2020-21		
	Actual Result	YTD Result	YTD Target	YTD Variance	EOY Target
Capital Expenditure (\$ Million)	128.8	65.4	80.9	(15.5)	193.3
Debt (\$ Million)	579.6	609.7	632.3	22.6	687.0
Gearing ratio	40.0%	41.3%	43.4%	2.1%	47.1%
Interest cover ratio (times)	1.7	3.2	1.3	1.9	0.5

As at 31 December 2020, TasWater recorded a net profit of \$22.1 million, which is \$17.7 million favourable to budget. The year to date underlying net profit of \$5.9M¹³ is \$13.7M above budget.

The year to date net profit result was driven, in part, by the reduction of the small business rebate provision (\$5.7 million) and a favourable variance in development revenue (\$4.0 million). Whilst TasWater had forecast a significant reduction in developer activity due to the uncertainties associated with COVID-19, this reduction has yet to occur. This is a non-cash revenue stream that is excluded from the underlying results.

In addition, bad and doubtful debt expenses are \$7.7M lower than budget. As shown in Section 3.2, overdue debt as a percentage of revenue was 4.0 per cent as at 31 December 2020. This was favourable to TasWater's YTD forecast of 14.7 per cent, which anticipated a significant deterioration due to the impacts of COVID-19. With customer debt and portfolio performance remaining largely in line with pre-pandemic levels, TasWater did not include any increase to its bad debt provision in its actual results for November and December 2020 (a \$6.1M increase was budgeted).

The level of provisioning will be reassessed over the coming months as we monitor the performance of our portfolio for any evidence of change with the easing of financial support relating to COVID-19. Our approach to provisioning will seek to balance the current positive debtor experience and local COVID-19 status, with the remaining uncertainty that exists in connection with future outbreaks. This remaining uncertainty is highlighted by the current overseas COVID-19 experience and the fact that a vaccine is yet to be rolled out in Australia. We anticipate that the work undertaken to update the provisioning methodology will help inform a recommendation to the Board in March 2021 with regard to the potential to reinstate dividends to owners.

Capital expenditure for the quarter was \$65.4 million, approximately \$15.5 million below budget. Expenditure is expected to accelerate in coming months, with further information provided in Section 3.5.

As at 31 December 2020, total debt was \$22.6 million lower than budget. This is predominantly due to the timing of capital expenditure compared with the profiled amounts for the first half of the financial year, and higher level of receipts from customers paying their accounts.

¹³ Underlying net loss is the net profit/(loss) adjusted for contributed asset revenue.

3.4 Significant incidents

Coronavirus (COVID-19) pandemic

An independent audit was commissioned by TasWater to determine the effectiveness of its response to the COVID-19 pandemic as well as identify learnings and opportunities for improvement to the Incident and Emergency Management Plan (IEMP). The auditor determined that TasWater's response was 'effective' and has suggested some minor improvements to the IEMP which are expected to be completed by June 2021.

At TasWater's instigation, WorkSafe Tasmania (WST) also conducted an assessment of TasWater's COVID-19 safety plans and the implementation of these plans at office sites. WST determined that considerable thought and planning had been undertaken and that this produced an effective outcome for TasWater.

Based on these findings, TasWater considers that it is well prepared to respond to any future waves relating to COVID-19 or new events of similar magnitude.

Ridgeway Dam

As outlined in the previous Quarterly Report, Ridgeway Dam has been operating four metres below its full supply level for the last 12 months to reduce the safety risk associated with the dam. As part of the associated water quality risk mitigation program currently being implemented, silt curtains have been procured and preliminary works for the installation of these curtains has recently commenced.

During September 2020, SMEC Holdings were commissioned to undertake a detailed structural review of the previous analysis undertaken on the dam. The draft report was provided to management on 18 December 2020 and the findings of the report are currently being considered. Cleaning of the downstream face and vegetation management has also been undertaken to assist in validating the structural review.

Hobart Water Supply Turbidity

An incident was declared in October 2020 following a heavy rainfall event that saw turbidity in the Derwent River increase significantly and the output from the Bryn Estyn WTP drop to 20 ML/day (compared to the October average of 85 ML/day), thus putting continuity of water supply to Hobart at risk. After the rain event, the raw water turbidity decreased, and plant production was able to be increased to meet demand. Proactive operations ensured supply was able to be maintained in the networks with adequate chlorine residual to maintain safe supply.

Risdon Vale Wet Weather Overflows

The suburb of Risdon Vale has had historical issues with stormwater infiltration which, combined with recent growth, resulted in raw sewage discharging to the Grass Tree Rivulet during heavy rain events on 5 October 2020.

Initial investigations have resulted in a series of recommendations to reduce the frequency of spills, with short term recommendations including increased frequency of sewer cleaning and sewer main condition assessments currently being implemented. A more detailed investigation is currently underway and is expected to be completed in early 2021.

Risdon Brook Dam Water Supply Issue

Natural inflows which occurred in July 2020 have resulted in instances where there have been high organics and colour in Risdon Brook Dam. As a result, TasWater has been unable to meet aesthetic drinking water standards for colour in the treated water from Risdon Brook Dam since this time.

Considerable work has been undertaken to improve the treatability of the water and TasWater will now be able to supply from the storage with a mixture of two thirds from the Bryn Estyn WTP and one third from Risdon Brook dam. Whilst a slight increase in water quality complaints may be experienced from customers on the Eastern Shore, the water will be safe to drink and will either meet, or be only slightly above, the aesthetic drinking water limit for colour.

A formal contingency plan and associated trigger points for various actions has been developed which defines when and what action will be taken to ensure the reliability of supply for Hobart. Risdon Brook became available on 18 January 2021 and at this stage TasWater expects that town water and irrigation demand can continue to be met without the need for water restrictions in the greater Hobart area.

3.5 Capital expenditure

Summary

Although no major projects were planned to be completed in this period, a significant amount of planning, investigation and project development activities have continued to be progressed. During the quarter, a major milestone was achieved with the award of the contract for the Bryn Estyn WTP Upgrade, allowing TasWater's alliance partner to begin site establishment.

The current status of the Top 25 projects by total project budget are shown in Table 2 below. In response to recent feedback from Owners, it is intended that future reports will outline changes in project budget estimates and completion dates, including for projects that have reached the Target Out-turn Cost (TOC) stage.

Table 2: Status updates - Top 25 by total project budget

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
1	Bryn Estyn Water Treatment Plant (WTP) Major Upgrade	Target Out-turn Cost/Project Budget Estimate Project Delivery	Aug-23 Jan-24	226,372	Project date extended partially due to delay in approvals and a more comprehensive review of the schedule.
2	Northern Midlands Sewerage Improvement Plan - Longford Sewage Treatment Plant (STP) Upgrade	Project Delivery	Sep-21	33,672	On track.
3	Whitemark raw water storage upgrade - Hendersons Dam raising	Project Delivery	Jul-21	11,686	On track.
4	Mikany Dam Upgrade	Project Delivery	May-22 Jun-22	20,067	Further design requirements to address key risks.
5	Latrobe Sewerage System - Network Upgrade and Augmentation	Project Delivery	Sep-21 Aug-21	6,184	On track.
6	Davis St Smithton SPS Upgrade	Target Out-turn Cost/Project Budget Estimate Planning and Investigation	Jun-22	17,628	Project is being reviewed for the best option due to the increase of price.
7	Booth Avenue Sewer Main Upgrade Stage 2	Project Delivery	Aug-21	3,800	On track.

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
8	Bushy Park Waste Stream	Target Out-turn Cost/Project Budget Estimate Planning and Investigation	Feb-23	1,500	Second phase, prudence of original preferred solution being tested.
9	Blackstone Rd SPS Upgrade	Project Development	Apr-21 Jul-21	3,230	Project extension required to analyse tenders.
10	Wellington St SPS upgrade	Project Delivery	Jan-21 Feb-21	2,123	Minor delay associated with construction delays.
11	Turriff Lodge STP Upgrade	Project Development	Jan-22	2,225	On track.
12	RTWSP Stage 4 - WP4 (Dowlings Creek/Yolla, Manuka River/Strahan, Glen Huon, Westbury, St Helens, Scottsdale, Bridport, Deloraine, Longford, Bracknell)	Project Development	May-23	5,067	On track.
13	UV Program - Stage 2 - (Campbell Town/Ross, Fingal, Queenstown, South Esk, Swansea, Triabunna, Tullah, West Tamar and Zeehan)	Project Development	May-23	8,513	On track.
14	STP AS4024 Machine Safety Audit and Upgrade	Project Development	Jun-21 Nov-21	-	Project still being scoped and budget will be assigned once completed. Extension to allow for the project has been requested.
15	Bicheno STP	Project Development	Mar-24 May-24	-	Minor change in completion date resulting from better understanding of the project.
16	Upper Reservoir Dam Upgrade	Target Out-turn Cost/Project Budget Estimate	Jan-22	4,150	On track.
17	UV Program - Stage 1 - Phase 1 (Burnie, Distillery, North Esk)	Project Development	Nov-24	5,032	On track.
18	Pioneer Water Supply	Planning and Investigation Project Development	Jul-22 Jun-23	-	The initial date of July 2022 was an internal estimate prior to approval from Regulators' and detailed planning for the reintroduction of service.
19	Scottsdale STP	Project Development	May-24	-	On track. Budget still being developed
20	Tasman Highway, Orford - Trunk main	Project Delivery	Sep-20 Sep-22	2,358	Project on hold as we wait for development to progress.
21	Geeveston STP Upgrade	Project Development	Mar-23 Dec-23	3,238	Delay occurred in requirement for environmental approvals to be received.

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
22	Rosebery Additional Treated Water Storage Project	Target Out-turn Cost/Project Budget Estimate	Oct-22	-	On track. Budget still being developed.
23	Bridport Water Supply Improvements	Project Development	Jul-24 Aug-24	-	Minor change of one month to forecast completion date identified in development stage .
24	Ulverstone STP Upgrade	Project Development	Oct-23	7,620	On track.
25	Queenstown STP remediation	Project Development Target Out-turn Cost/Project Budget Estimate	Jun-22 Jul-22	1,144	Minor delay noted as part of the budget estimate cost.

Capital Delivery Office (CDO)

During the establishment phase of the CDO, its operations have been continually reviewed to ensure that the most optimal model is in place to deliver TasWater's expanded capital program.

In keeping with this focus, the decision was made in December 2020 for TasWater to resume direct responsibility for lower-risk, low-complexity capital works, including those that require a level of urgency. This is expected to result in a more streamlined, timely approach for these projects to be progressed. The CDO will continue to manage the medium and large, multi-disciplinary projects, including the Bryn Estyn WTP Upgrade and other projects of state significance.

To support this there has been some structural realignment in both the CDO and TasWater. A Project Delivery Team is currently being reinstated within TasWater and work has commenced on the assessment of existing and upcoming projects based on risk, level of complexity and urgency to determine whether they will be managed by the CDO or TasWater. We are also making substantial progress with the Alliance partners to change their contractual terms and conditions based on the feedback we have received from the industry. We are aiming to issue revised CDO contractual terms and conditions for industry feedback before the first week in February 2021.

A number of meetings have been held by senior management with the Civil Contractors Federation (CCF) and conversations have taken place with Engineering Australia along with a number of contractors and other interested parties who have all welcomed the opportunity to engage in the realignment work we are undertaking.

3.6 Externally funded major projects

Tamar Estuary River Health Action Plan (TERHAP)

An interim Grant Deed has been received from the Tasmanian Government that provides funding for the investigation, design and approval activities to be undertaken as part of the Target Out-turn Cost (TOC) phase of works.

It is proposed that a further deed covering the full extent of the proposed works will be provided following completion of the TOC phase. There is also the potential for another interim deed to be provided to progress any identified early works.

Relevant planning activities have continued, including environmental assessments and the release of a tender package to undertake the design engineering for the TOC phase of works.

Macquarie Point STP funding and relocation

The scope and budget estimate for progressing the Detailed Business Case (DBC) is currently being finalised, with the proposal expected to be submitted in February 2021 for approval by the TasWater Capital Works Program Group.

Discussions around finalising an agreement for seed funding with the State Government to undertake this work is progressing and it is hoped that the agreement will be in place when the investigation and design works within the DBC phase is ready to commence. Project Specific Guidelines for the proposed works have been received from the Environment Protection Authority (EPA) and these requirements will be addressed within the DBC phase.

The optioneering study associated with siting the proposed Macquarie Point Sewage Pump Station (SPS) is complete. A stakeholder group met in December 2020 to assess the constructability and subsequently confirm the feasibility of a pumping station at the southern end of the existing Macquarie Point Sewage Treatment Plant (STP). The design work for the pumping station and transfer pipeline (to Selfs Point STP) is now sufficiently developed to finalise this aspect of the DBC.

TasWater has worked with the Macquarie Point Development Corporation (MPDC) to develop a Request for Tender (RFT) for the realignment of the trunk main through the site, which will assist in relieving site development constraints. The RFT was finalised in November 2020 and a design consultant is expected to be appointed in February 2021.

Discussions have also recommenced with the State Government regarding project funding for the full project. The more comprehensive funding agreement is expected to be submitted to the Owners' Representatives Group (ORG) in May or June 2021.

Port Arthur feasibility study

In early 2019, TasWater was approached by the Port Arthur Historic Site Management Authority (PAHSMA) to take over the private water and wastewater assets which are used to service the historical village and a number of tourist businesses related to the historical site.

PAHSMA indicated that they are coming under increasing pressure to expand the water and sewerage infrastructure to enable further expansion of tourism associated with the Historical Site and the wider Tasman Peninsula. They also do not have the expertise or capacity to run a water and sewerage service and would prefer to focus their efforts on managing the historical site.

In response to this request, TasWater undertook a preliminary assessment of the existing assets which found significant deficiencies in terms of public health and environmental compliance.

The assessment indicated that between \$15M and \$20M would be required to bring the assets up to an appropriate standard. In addition, TasWater has very few assets on the Peninsula and limited organisational capacity to service the assets because of their distance to existing operational facilities. It is also likely that tourism and general population growth will necessitate the introduction of services to additional townships on the Peninsula in the longer term. It would therefore be prudent for TasWater to ensure that it has the operational capacity to service the upgraded assets and that provision was made to cater for the longer term needs of the Peninsula.

Accordingly, TasWater wrote to the Premier requesting funds be made available to fund a water and sewerage feasibility study for the Tasman Peninsula. Advice was received from the Department of Treasury and Finance in December 2020 that it was preparing a grant for \$500,000 to undertake the feasibility study. TasWater has now commenced detailed scoping with the aim of commencing the feasibility study in July 2021 and delivering the study within a 15-month timeframe.

3.7 Matters of public and key stakeholder interest

Waratah Dam

In seven years of operation, the Waratah Dam has never been used as a water storage asset by TasWater and is not required to deliver water to Waratah.

As a result of a range of factors, including the costs of repair work, the redundancy of the dam as an asset and the significant number of other infrastructure priorities in Tasmania, an application to decommission the Dam was submitted to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) in November 2020. The application has recently been made public, with the period for public comment to close on 1 February 2021.

Issues raised previously by community members relating to the decommissioning include increased risk of fire and flooding, the value of the dam as a heritage asset and potential impacts on flora and fauna. These issues have been independently addressed and this information is included in our permit application.

Regardless of this decision, discussions have continued with a potential proponent for ownership of the dam. The project being progressed by the proponent is in its infancy and, at this stage, the likelihood of the project progressing further is considered to be low. The proponent has also indicated that TasWater's decision to seek to decommission the existing dam has no bearing on its business case as they would construct a new dam immediately downstream of the existing structure should the project proceed.

Water supply security

Entering the peak summer period, TasWater has been implementing elements of the contingency plan that was developed after the seasonal outlook, including establishment of a dedicated working group to manage the supply to Hobart.

While milder summer temperatures and above average rainfall due to La Nina has helped, the resilience of the Hobart system is still challenged by production constraints at the Bryn Estyn WTP, the need to maintain levels in Ridgeway Dam at four metres below full supply level and high irrigation demand. As detailed in section 3.4 we have been further challenged this year with high organics and colour in Risdon Brook Dam.

More broadly, water restrictions have been implemented for Bridport due to the expected seasonal influx of tourists, inadequate river flows and treatment capacity. Whilst COVID-19 restrictions remain in force in some areas of Australia, Tasmania's borders are open to most Australian states and the National Visitor Survey released in October 2020 indicates an increase in the number of Tasmanians holidaying within the State. In addition, demand in Bridport was higher than average during November 2020, reinforcing our view that demand is likely to be similar to previous years. The business case for improving supply to Bridport is expected to be delivered within the next few weeks.

On Flinders Island, the auxiliary spillway at Henderson Dam was recently damaged as a result of unexpected heavy rainfall. This has delayed the construction of the Henderson Dam upgrade to enable repair works to be completed and for the dam to drain. The onset of water restrictions for Whitemark will be delayed until construction works can recommence.

TasWater's annual water conservation awareness campaign has commenced, including television and press advertisements, digital channels, bus signage and street signs throughout southern Tasmania. Other efforts include a series of advertorials and media releases about the importance of conserving water during the drier months. In specific locations that are vulnerable to water

restrictions (such as Bridport) TasWater has engaged directly with the relevant council and broader community around the importance of conserving water.

Legislative Council Select Committee investigation into TasWater's operations

Public hearings for the Select Committee commenced on 3 November 2020 with testimony from the EPA, Tasmanian Hospitality Association, Malcolm Eastley (private citizen) and the Local Government Association of Tasmania (LGAT). Hearings covered council dividends, trade waste, biosolids, fixed charges for infrastructure and TasWater's environmental regulatory compliance.

TasWater understands that the Civil Contractors Federation (CCF) and the Tasmanian Auditor General were also called to provide testimony in private hearings. Further hearings are expected to take place in early February 2021 with TasWater's first appearance scheduled for 2 February 2021.

Government Business Scrutiny Committee hearing

On 14 December 2020, TasWater appeared before the Legislative Council for the annual Government Business Scrutiny Committee hearing.

Prior to TasWater appearing, the Chair of the ORG and the acting CEO of the Local Government Association of Tasmania appeared before the Committee. Key items of discussion in this session were the owners' view of the performance of TasWater, the impacts of COVID-19 and TasWater's ownership model.

Key discussion points from TasWater's appearance were the recent asset revaluations, FY2019-20 health and safety results, the Blue Bus program and the performance of the CDO.

4. Key policy, risk and strategy matters

4.1 Price and Services Plan 4 update

Work has continued to prepare the Price and Services Plan 4 (PSP4) that will set out the customer outcomes and prices to be delivered over the period 1 July 2022 to 30 June 2026.

During the quarter, work continued on the development of TasWater's proposed developer charges policy, including consideration of a potential standard charge and high-level negotiation framework. Preliminary engagement has commenced with key stakeholders, including the Local Government Association of Tasmania and the Office of the Tasmanian Economic Regulator, and it is expected that further consultation will occur during the March 2021 quarter to inform a final position for PSP4.

Other inputs for TasWater's revenue requirement, including the rolled forward Regulated Asset Base and depreciation, are underway. The proposed PSP4 is to be submitted to the Tasmanian Economic Regulator by 30 June 2021.

4.2 Rural Water Use Strategy

DPIPWE released its draft Rural Water Use Strategy in late October 2020. The purpose of the Strategy is to support the State Government's policy objective to increase agricultural production to \$10 Billion by 2050 (a 10-fold increase on current levels). TasWater had a number of concerns with the Strategy, in particular that a number of issues which are critical to TasWater's interests remain outside of the scope of the Strategy, including urban water supply security, catchment management and water quality.

TasWater has met with DPIPWE to discuss its concerns and submitted a formal response to the Department in December 2020. In addition, the Chairman will be writing to the State Government recommending that a complementary urban water strategy is developed and that TasWater could lead this piece of work.

5. Responses to queries from prior updates

Date	Region	Issue	Raised by	Response
8 May 2019	All	Is there the potential to hold future meetings via live stream or other technology?	Mayor Dean Winter (Kingborough Council)	<p>Meetings have been held from TasWater's offices using our conferencing technology (Cisco Webex) during the COVID-19 pandemic. We have also successfully used this technology at non-TasWater sites.</p> <p>An electronic voting system to enable Owners' Representatives to vote from remote locations and provide a robust record of votes is in the final stages of testing and administrators will shortly commence training in use of the system.</p> <p>However, both direct feedback from Owners and the findings from our review of our response to COVID-19 suggest that meetings via technology may not always be an appropriate or optimal means of consultation and decision-making. Accordingly caution should be exercised in choosing to utilise technology as the means of interaction, particularly for General Meetings.</p>



Quarterly Report to Owners' Representatives

Progress update to 31 December 2020

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

The Weekly Briefing Reports of 18 and 25 January and 1 February 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 18 and 25 January and 1 February 2021 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013970 – EAST DERWENT HIGHWAY WITHIN THE VICINITY OF KANDOS DRIVE AND OTAGO BAY ROAD, OTAGO - UPGRADES TO THE EAST DERWENT HIGHWAY INCLUDING THE RELOCATION OF THE OTAGO BAY ROAD JUNCTION, UPGRADES TO THE KANDOS DRIVE JUNCTION AND ASSOCIATED REHABILITATION WORKS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for upgrades to the East Derwent Highway including the relocation of the Otago Bay Road junction, upgrades to the Kandos Drive junction and associated rehabilitation works at the East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road, Otago.

RELATION TO PLANNING PROVISIONS

The land is zoned Utilities and subject to the Road and Railway Assets Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 9 February 2021.

CONSULTATION

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

- pedestrian and cyclist safety; and
- further planned works.

RECOMMENDATION:

- A. That the Development Application for upgrades to the East Derwent Highway including the relocation of the Otago Bay Road junction, upgrades to the Kandos Drive junction and associated rehabilitation works at East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road, Otago (Cl Ref PDPLANPMTD-2020/013970) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG M7 – WEED MANAGEMENT PLAN.
 3. ENG M1 –DESIGNS DA.
 4. ENG M5 – EROSION CONTROL.
 5. ENG R3 – RURAL ROAD.
 6. ENG R5 – ROAD EXTENSION.
 7. ENG S1 – INFRASTRUCTURE REPAIR.
- 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**

Currently, vehicles turning right into the northern end of Otago Bay Road have to turn from the southbound overtaking lane which is considered an unsatisfactory arrangement by the Department of State Growth as vehicles travelling in an overtaking lane would not expect to be confronted by a stationary vehicle waiting to turn right. The Austroads Guidelines do not support vehicles turning right from overtaking lanes.

The highway at the Kandos Drive junction consists of three traffic lanes, two southbound and one northbound with the opposing lanes undivided. The alignment of the highway consists of a sweeping high-speed curve, combined with a vertical sag curve, with Kandos Drive located on the inside curve. With one traffic lane for northbound traffic, a vehicle that is turning right into Kandos Drive must turn from this single traffic lane.

There is no widening of the road on the left to allow for traffic to pass the stationary turning vehicle. The highway characteristics supports free flow of traffic conditions and a vehicle stationary in the northbound traffic lane waiting to turn right, could catch unsuspecting motorists, increasing the risk of rear-end collisions.

2. STATUTORY IMPLICATIONS

2.1. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 28.4 – Utilities Zone; and
- Section E5.0 – Road and Railway Assets Code; and
- Section E7.0 – Stormwater Management Code.

2.2. 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 proposed highway upgrades are located on the East Derwent Highway and involve two junctions including Kandos Drive and Otago Bay Road. These junctions are located 2.7km north of the Bowen Bridge. The project relates to East Derwent Highway road reservation as well as minor integration works with adjacent council road reservations for Kandos Drive, Otago Bay Road and Restdown Drive. Seven road casements are involved. Design of the upgrades has been limited to the existing road reserves and does not require land acquisition.

The East Derwent Highway is a Category 3 Regional Access Road, managed by the Department of State Growth.

3.2. The Proposal

The proposal involves improvements to the East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road.

The first improvement involves providing a protected right turn lane into Kandos Drive by widening the inside of the horizontal curve, on the eastern side of the Highway.

The second improvement involves providing a protected right turn lane into Otago Bay Road and includes the relocation of the existing junction 110m to the south. Rehabilitation works to remove the old junction and the establishment of a new bus pull off area on Otago Bay Road is also proposed. Vehicles turning left into Otago Bay Road will benefit from the provision of a left turn deceleration lane to allow them to move clear of the through traffic and slow down before negotiating the turn.

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 following aspects of the proposed works are exempt under Clause 6.2.4 of the Scheme:

- Minor road widening to provide a right turn lane into Otago Bay Road;
- Minor road widening to provide a right turn lane into Kandos Drive; and
- Minor road widening to provide a left turn deceleration land into Otago Bay Road.

The relocation of the Otago Bay Road junction does not satisfy exemption Clause 6.2.4(a) or (b) as the works are not associated with a minor upgrade to an existing road and will rather provide for a new junction. This aspect of the proposal therefore requires discretionary consideration under Clause 28.3.2 A1 and 28.4.3 A2 of the Scheme in relation to noise and landscaping.

The proposal meets the Scheme’s relevant Acceptable Solutions of the Utilities Zone, Road and Railway Assets Code and Stormwater Management Code with the exception of the following.

Utilities Zone

- **Clause 28.3.2 A1 (Noise)** – The location of the planned works is located adjacent to Rural Living zoned properties. In the absence of a noise report, noise emissions can be expected to exceed those specified under the Acceptable Solution.

Performance Criteria	Proposal
<i>“P1 – Noise emissions measured at the boundary of the residential zone must not cause environmental harm.”</i>	<p>The Performance Criteria requires demonstration that the highway and intersection upgrade will not cause environmental harm in the form of excessive noise to properties within the surrounding residential zone.</p> <p>Given the proposal is for minor upgrades and relocation of an existing junction, it is considered there would be no increased perceptible noise impact to nearby residents beyond the current noise environment. The proposal will improve the existing safety and efficiency of the road network and will not increase traffic generation. Specific noise modelling is therefore not considered necessary.</p> <p>For this reason, it is considered that the proposal will not cause environmental harm to residences within the vicinity of the proposal and the requirements of the performance criteria are therefore met.</p>

Utilities Zone

- **Clause 28.4.3 A2 (Landscaping)** – Landscaping is not proposed along the boundaries shared with a residential zone.

Performance Criteria	Proposal
<i>“P1 – Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zoned land.”</i>	<p>The proposal relates to the existing highway environment with grass verge. The dwellings on adjacent rural residential land are well setback from the highway (10m+) and contain mature plantings along the frontage with the highway. Disturbed areas including those around the existing junction to be removed are proposed to be rehabilitated and revegetated with topsoil and grass.</p> <p>Having regard to these characteristics and the proposed rehabilitation, the existing landscape setting is considered appropriate to ensure sight lines are maintained along the highway within the vicinity of the junctions and no other specific landscaping measures are necessary.</p> <p>The performance criteria is therefore considered to be satisfied.</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. Pedestrian and Cyclist Safety

The representor has requested consideration be given to incorporation of a pedestrian crossing (pedestrian island) into the design to make crossing the highway safer for pedestrians. The representor has also suggested consideration be given to improving cyclist safety along the highway.

- **Comment**

The Department of State Growth has advised there are currently no plans to provide pedestrian or cycle infrastructure in this location project due to the low number of pedestrians and cyclists and no adjoining footpaths.

Further, the Department of State Growth has advised that due to the posted speed limit of 80km/h they do not support a pedestrian island in this location as it would present a safety risk to all road users. The installation of a pedestrian island would likely require further road widening, the installation of a median barrier and likely acquisition of private land to accommodate additional infrastructure.

5.2. Further Planned Works

The representor has queried whether the Department of State Growth plans to undertake junction upgrades at Murtons Road to improve the safety of this junction for motorists.

- **Comment**

Murton Road is outside of the project extent and has not been included in this scope of works. The Department has been contacted in relation to this issue and has not provided any commitment to the upgrade of this junction.

6. EXTERNAL REFERRALS

The proposal was referred to DPIPWE's Conservation Assessments and Wildlife Division. The Department's response is attached. In response to the Department's recommendation in relation to weed management, a condition requiring the production and implementation of a weed management plan has been included.

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

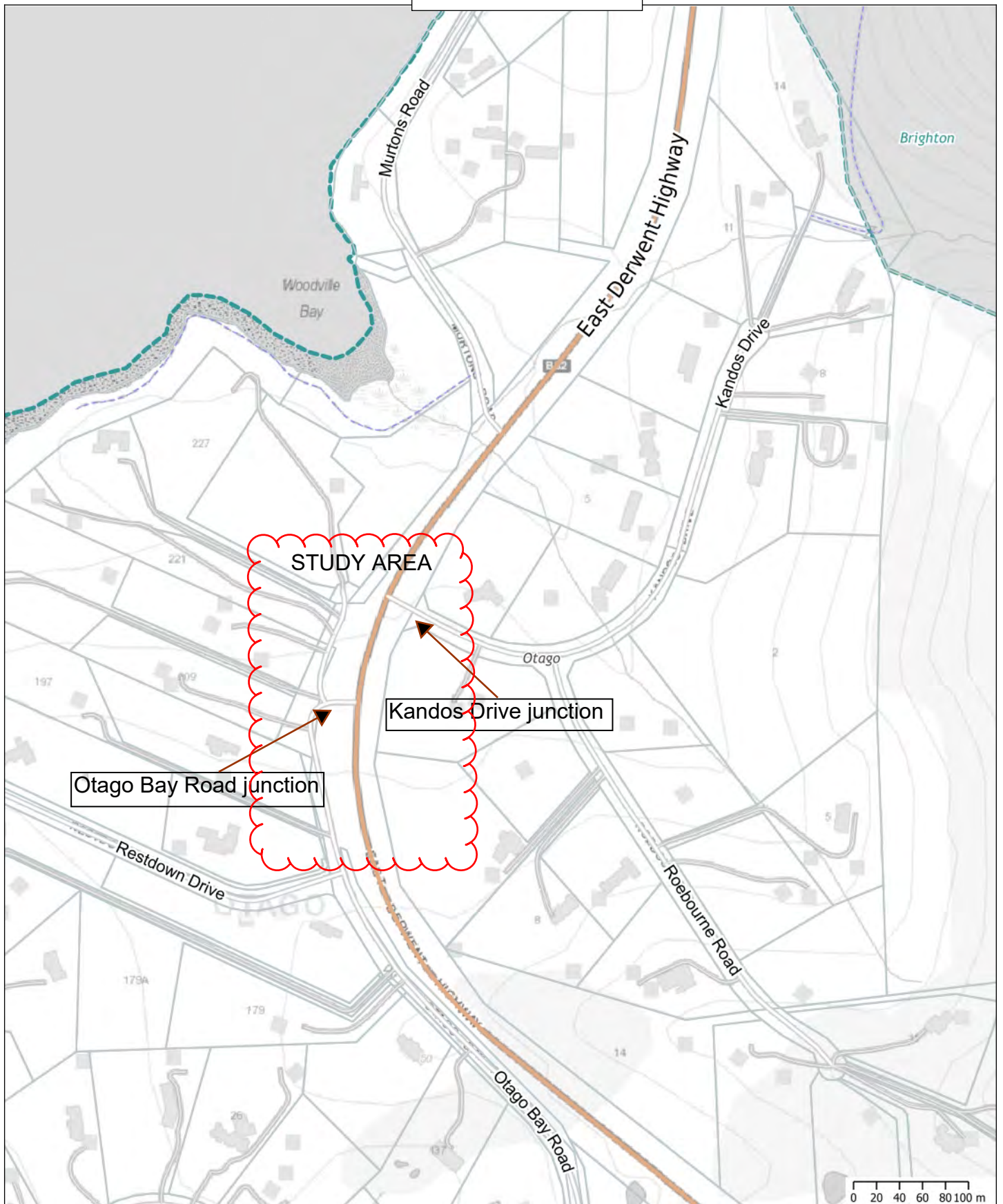
9. CONCLUSION

The proposal for upgrades to the East Derwent Highway including the relocation of the Otago Bay Road junction, upgrades to the Kandos Drive junction and associated rehabilitation works on the East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road, Otago is considered to satisfy all relevant performance criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (10)
3. DPIPWE Referral Advice (2)
4. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

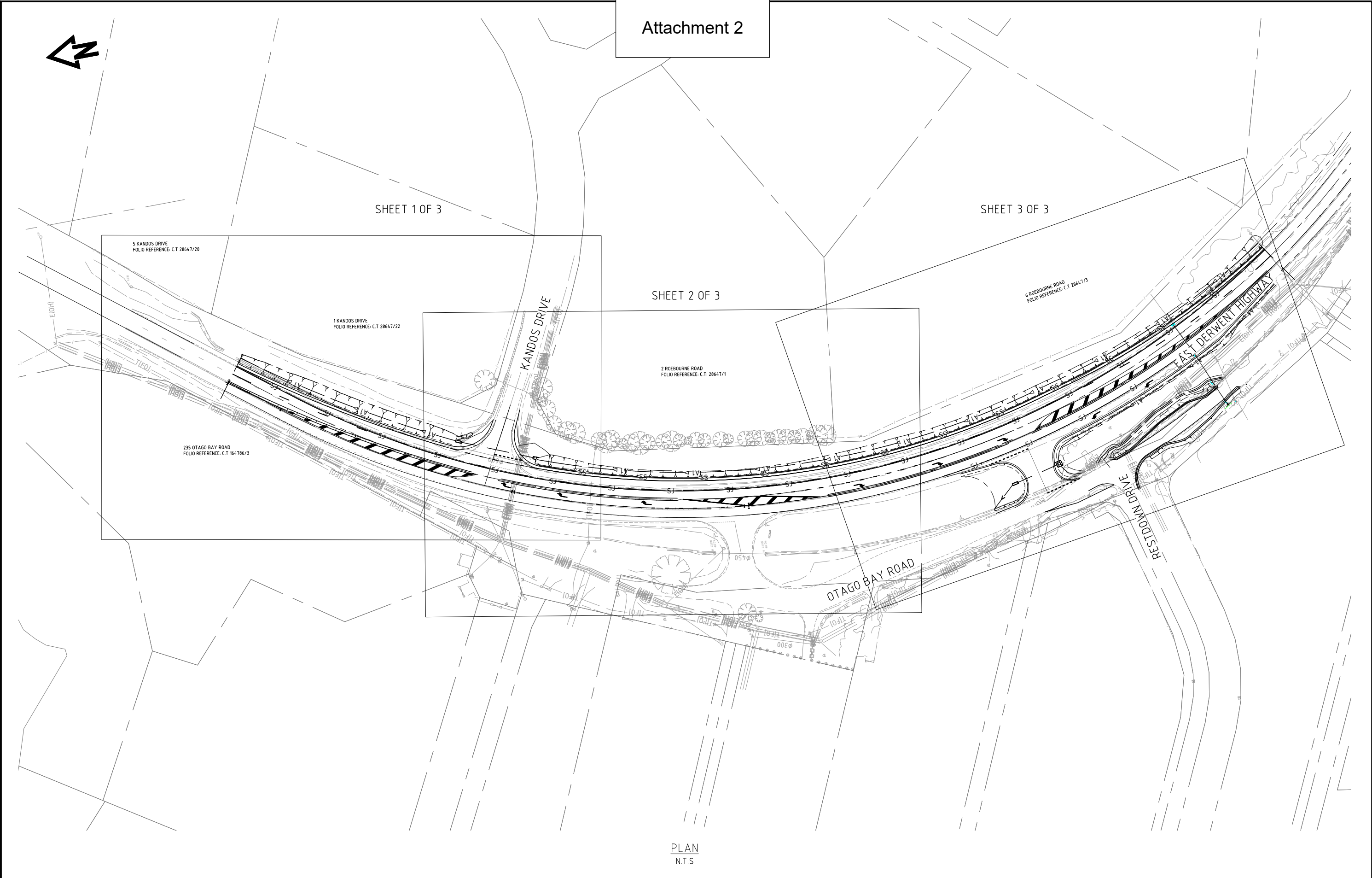



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

1/21/2021

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					SCALES				Department of State Growth			CONTRACT No. 2220-5-28	DRAWING 0000.dwg	PRINTED DATE 09-Nov-20, 3:55 PM	SHEET No.
									EAST DERWENT HIGHWAY (A0029) OTAGO BAY JUNCTION IMPROVEMENT			REGISTRATION NUMBER A0029.006			0003
0	FOR CONSTRUCTION						29.09.2020		KEY PLAN						
No.	Amendment Description			Initials			Date								
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5 KANDOS DRIVE
FOLIO REFERENCE: C.T 28647/20

1 KANDOS DRIVE
FOLIO REFERENCE: C.T 28647/22

TREES TO BE TRIMMED ONLY TO
CORRIDOR BOUNDARY (MAINTAIN
SIGHTLINES TO THE SOUTH FROM
KANDOS DRIVE JUNCTION)

DEMOLISH EXISTING DISH DRAIN
AND DISPOSE OF OFF-SITE

RELOCATE EXISTING SIGN CLEAR
OF PROPOSED WORKS

DIVERT EXISTING DISH DRAIN

RELOCATE EXISTING SIGN CLEAR
OF PROPOSED WORKS

CAUTION: EXISTING POWER POLE



235 OTAGO BAY ROAD
FOLIO REFERENCE: C.T 164786/3

CAUTION: TELSTRA/NBN

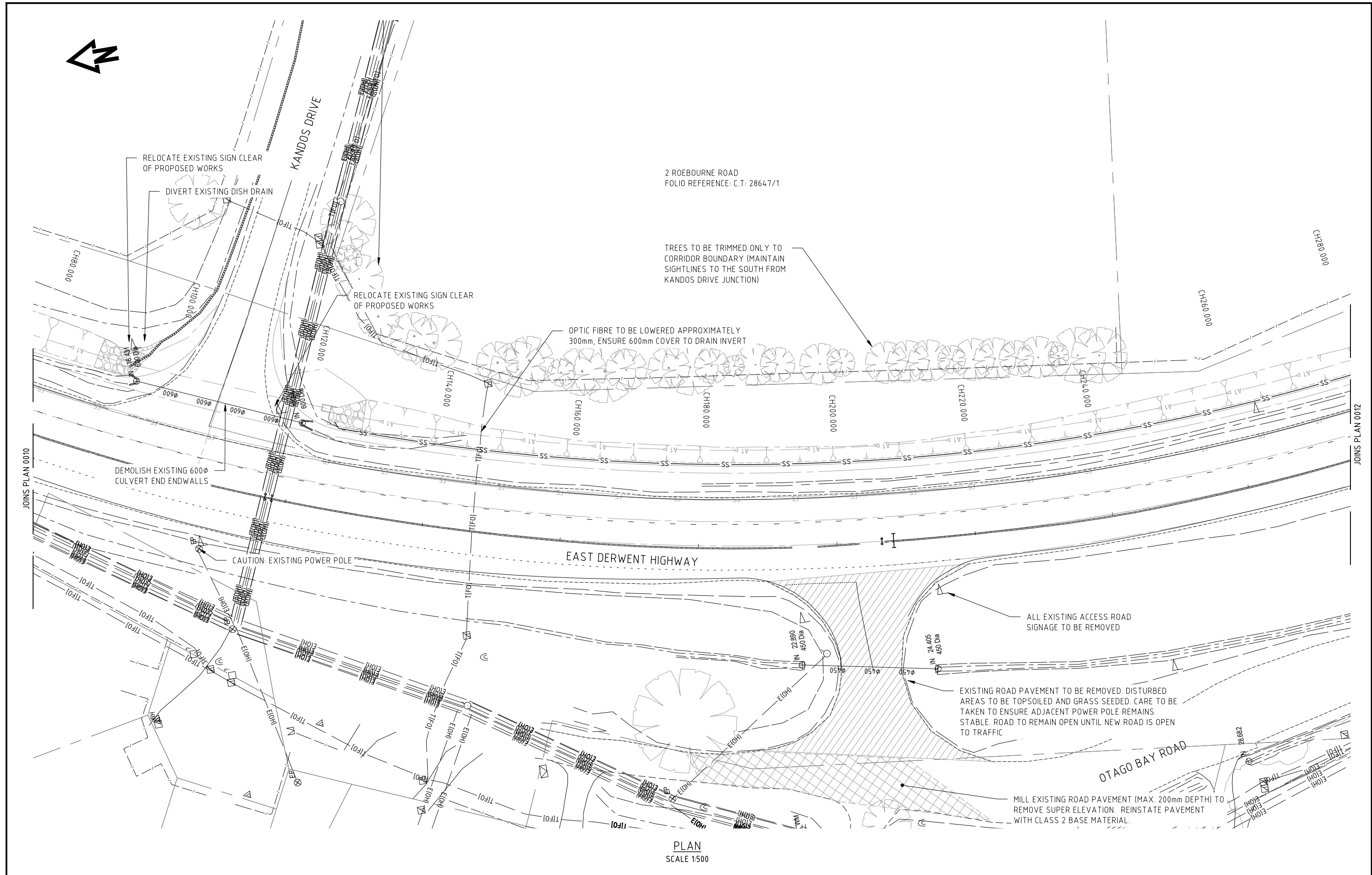
CAUTION: EXISTING POWER POLE



CAUTION: EXISTING POWER POLE

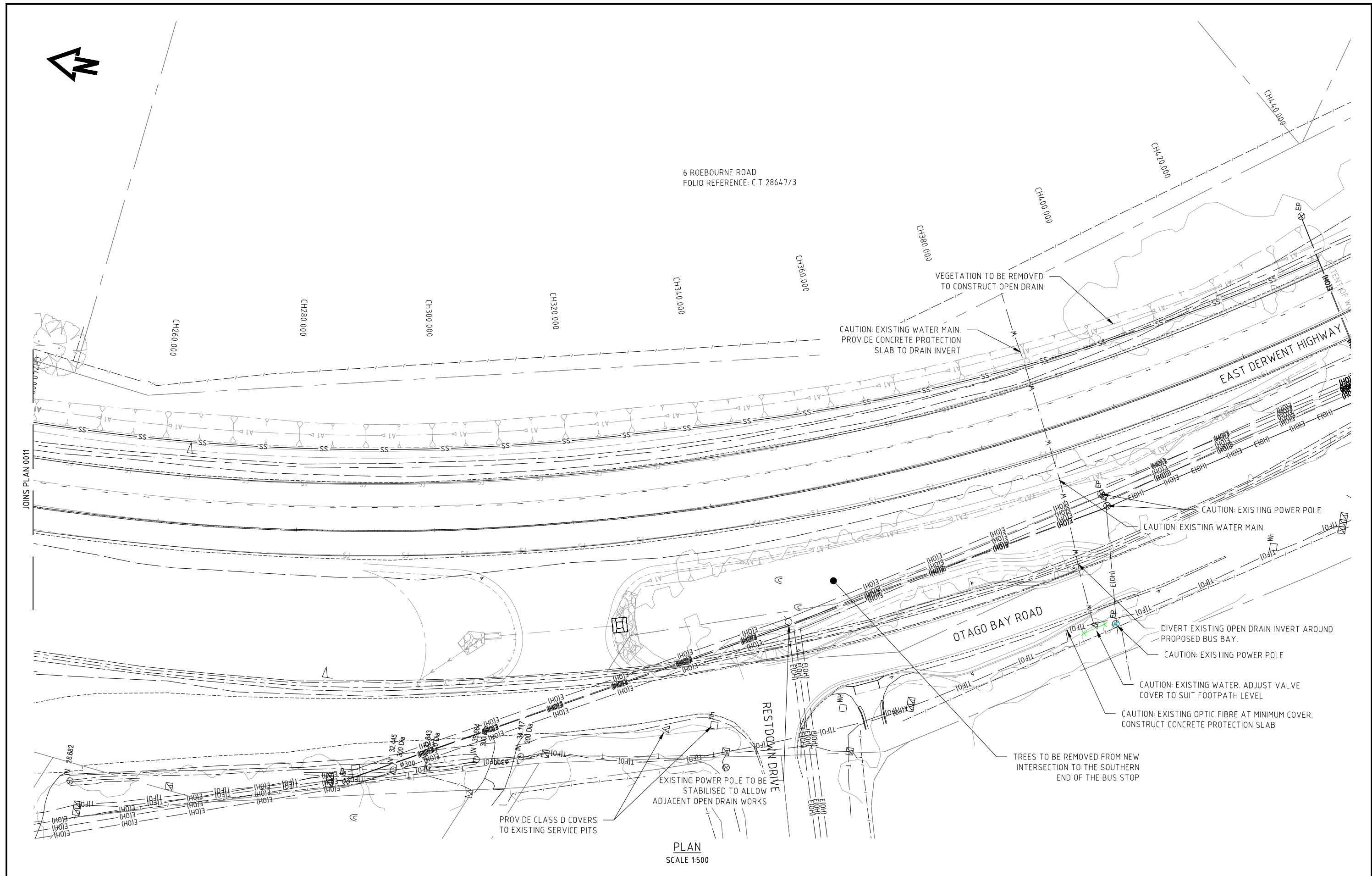
PLAN
SCALE 1:500



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0	FOR CONSTRUCTION		29.09.2020	SCALE 1:500			EXISTING CONDITIONS & DEMOLITION PLAN SHEET 1			REGISTRATION NUMBER A0029.006			
No.	Amendment Description		Initials	Date	Co-ordinate System: MGA94	Height Datum: AHD	DESIGNED						
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JOINS PLAN 0011



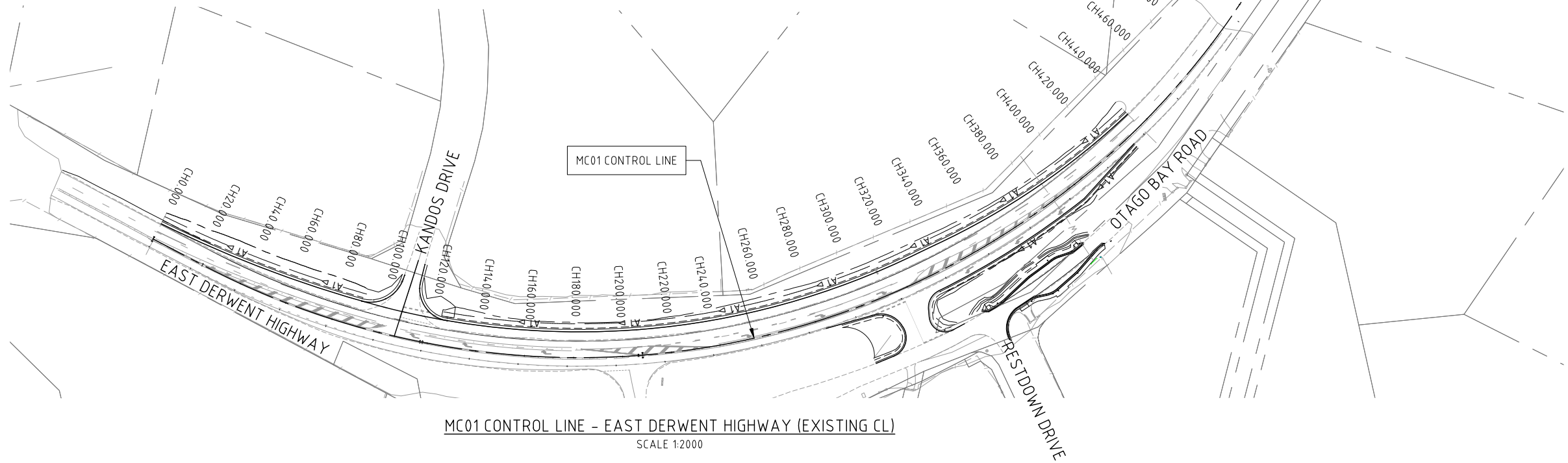
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							EAST DERWENT HIGHWAY (A0029) OTAGO BAY JUNCTION IMPROVEMENT		2220-5-28	0010.dwg	09-Nov-20, 4:40 PM	
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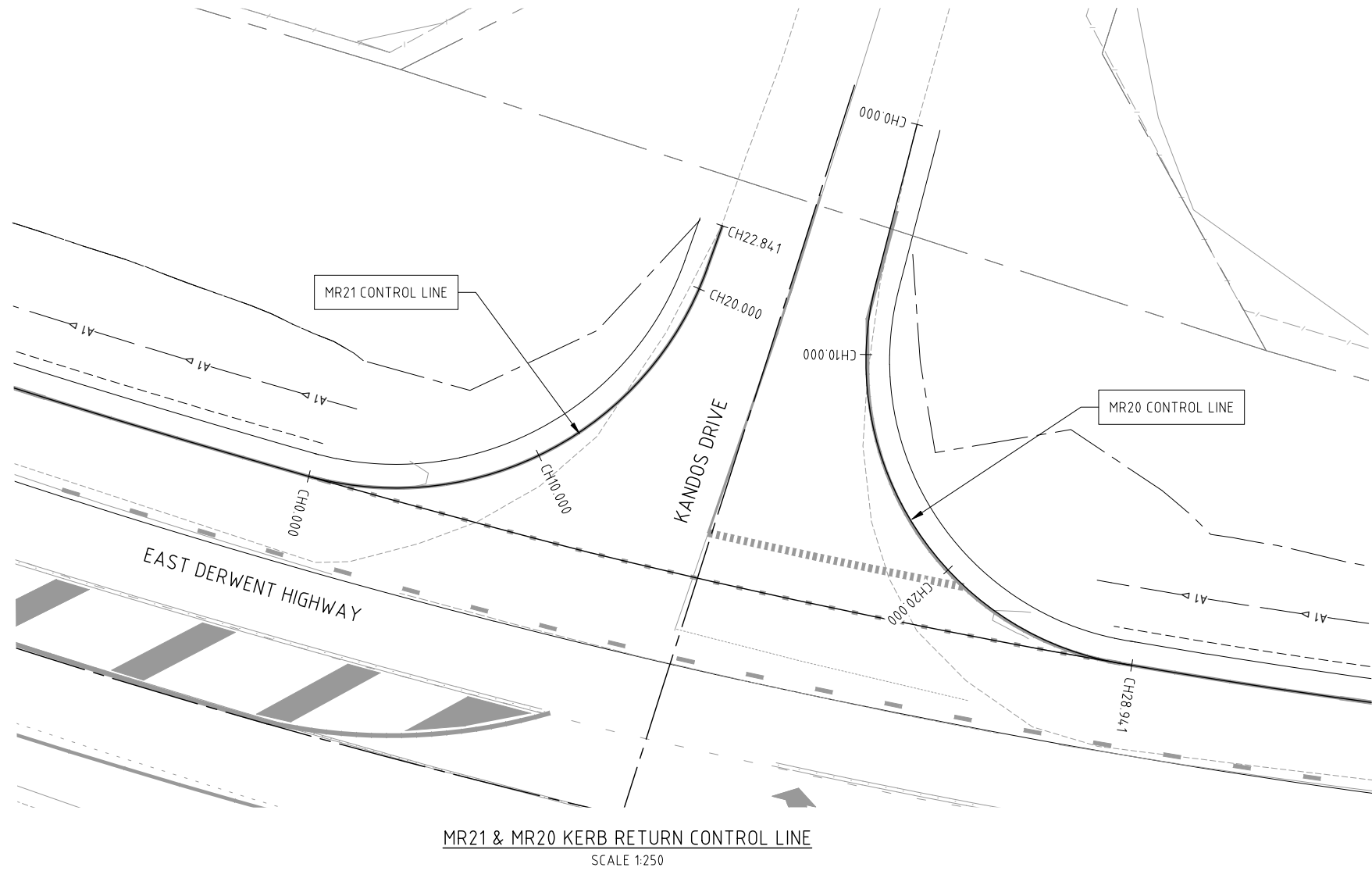
				SCALES			Department of State Growth		CONTRACT No.	DRAWING	PRINTED DATE	SHEET No.
				 SCALE 1:500			EAST DERWENT HIGHWAY (A0029) OTAGO BAY JUNCTION IMPROVEMENT		2220-5-28	0010.dwg	09-Nov-20, 4:40 PM	0012
0	FOR CONSTRUCTION			29.09.2020		DESIGNED REVIEWED	EXISTING CONDITIONS & DEMOLITION PLAN SHEET 3		REGISTRATION NUMBER			
No.	Amendment Description		Initials	Date					A0029.006			
A3 original		This sheet may be prepared using colour and may be incomplete if copied		Co-ordinate System: MGA94		Height Datum: AHD						



MC01 HORIZONTAL POINTS								
PT	25	EASTING	NORTHING	HEIGHT	BEARING	RAD/SPIRAL	A.LENGTH	DEFL.ANGLE
IP 1	0.000	523758.718	5261786.486	12.518	218°20'00.72"			
TC	22.682	523744.649	5261768.694	13.886	218°20'00.72"			
IP 2	69.814	523715.214	5261731.467	16.735		R = -328.000	94.264	16°27'58.30"
CT	116.946	523697.537	5261687.423	19.553	201°52'02.42"			
TC	117.946	523697.165	5261686.494	19.617	201°52'02.42"			
IP 3	162.207	523680.578	5261645.166	22.584		R = -328.000	88.523	15°27'48.11"
CT	206.469	523675.611	5261600.912	25.765	186°24'14.31"			
IP 4	208.184	523675.420	5261599.207	25.895				
IP 5	372.616	523656.452	5261419.982	38.963		R = -323.500	328.863	58°14'44.42"
CT	537.048	523798.868	5261309.530		127°47'44.09"			
IP 6	733.536	523954.133	5261189.113		127°47'44.09"			



						SCALES						Department of State Growth				CONTRACT No. 2220-5-28		DRAWING 0013.dwg		PRINTED DATE 09-Nov-20, 3:55 PM		SHEET No. 0013	
						 SCALE 1:2000				<div>DESIGNED</div> <div>REVIEWED</div>		EAST DERWENT HIGHWAY (A0029) OTAGO BAY JUNCTION IMPROVEMENT CONTROL LINE SETOUT - SHEET 1				REGISTRATION NUMBER A0029.006						REVISION 0	
0		FOR CONSTRUCTION				29.09.2020																	
No.		Amendment Description		Initials		Date																	
A3 original		This sheet may be prepared using colour and may be incomplete if copied				Co-ordinate System: MGA94		Height Datum: AHD															



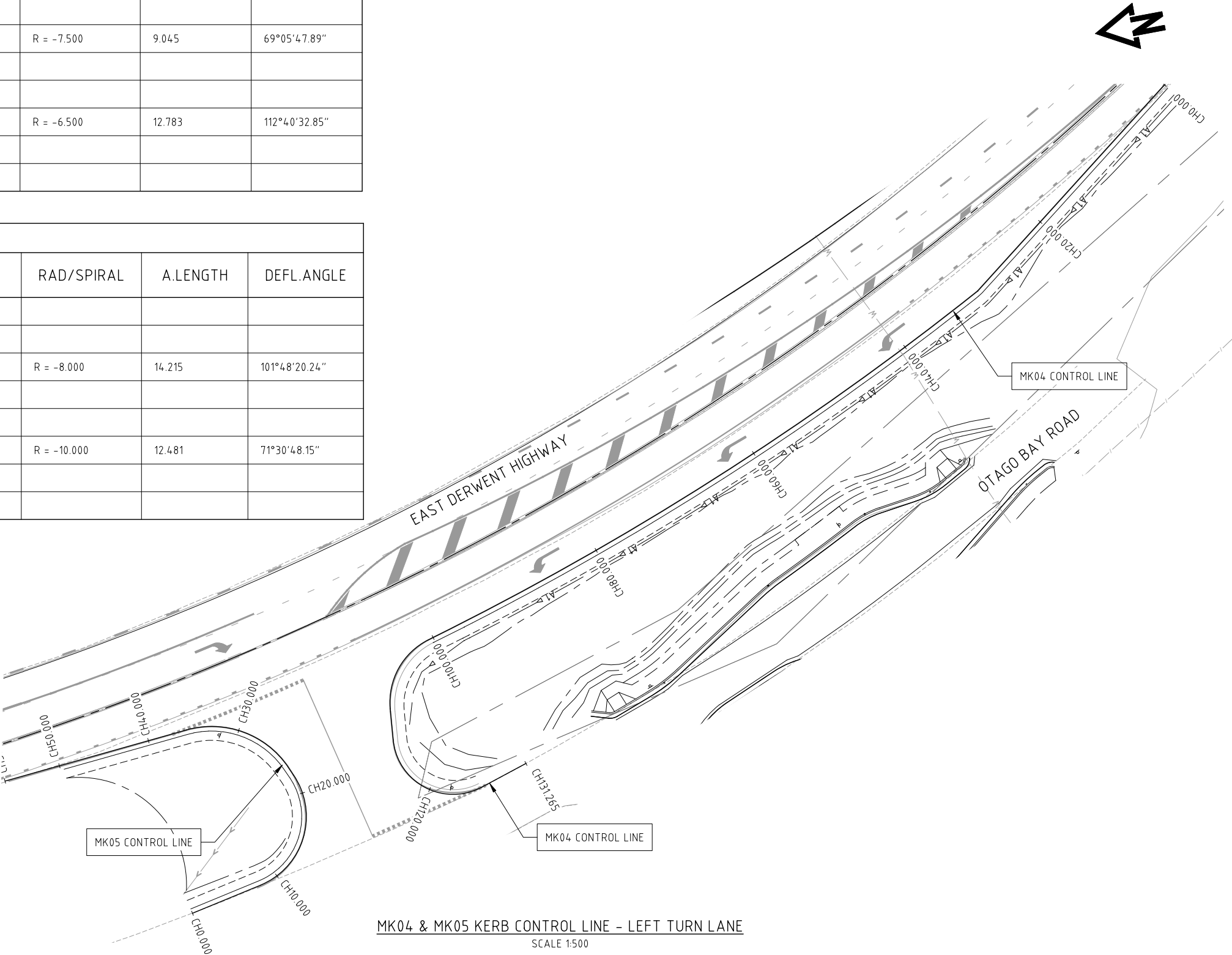
MR21 HORIZONTAL POINTS								
PT	CHAINAGE	EASTING	NORTHING	HEIGHT	BEARING	RAD/SPIRAL	A.LENGTH	DEFL.ANGLE
IP 1	0.000	523718.213	5261707.632	17.283	205°12'12.20"			
TC	0.169	523718.141	5261707.478	17.293	205°12'12.20"			
IP 2	10.546	523712.685	5261695.885	18.137		R = -14.002	20.754	84°55'31.22"
CT	20.923	523723.750	5261689.424	18.746	120°16'40.98"			
IP 3	22.841	523725.406	5261688.457	18.858	120°16'40.98"			

MR20 HORIZONTAL POINTS								
PT	CHAINAGE	EASTING	NORTHING	HEIGHT	BEARING	RAD/SPIRAL	A.LENGTH	DEFL.ANGLE
IP 1	0.000	523728.102	5261679.558	19.437	295°10'00.96"			
TC	6.971	523721.793	5261682.523	19.121	295°10'00.96"			
IP 2	17.801	523708.847	5261688.605	18.846		R = -13.000	21.661	95°27'57.46"
CT	28.632	523704.026	5261675.139	19.417	199°42'03.50"			
IP 3	28.941	523703.921	5261674.848	19.440	199°42'03.50"			

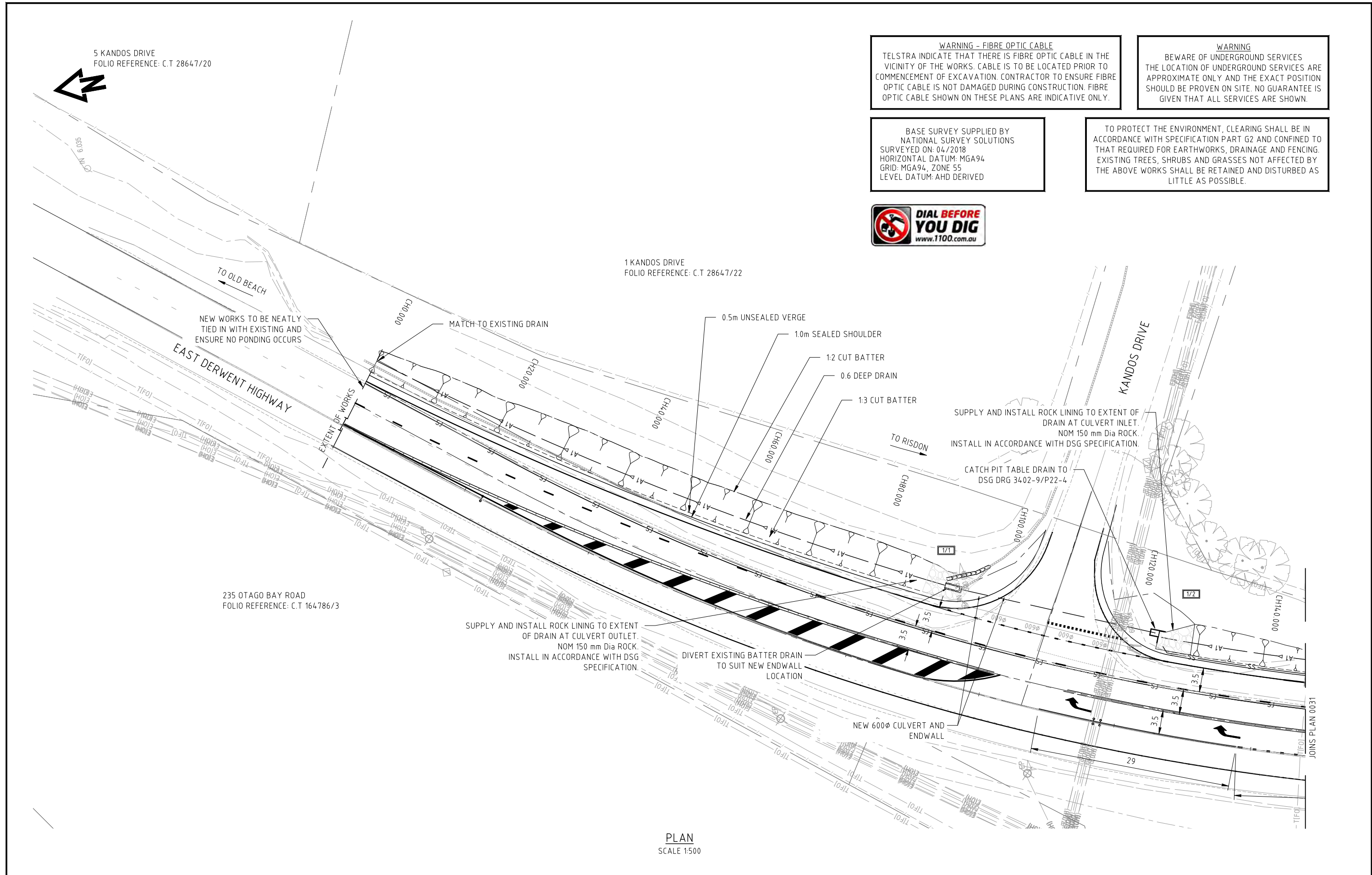
				<div>SCALES</div> <div><div>02.557.51012.5</div><div>SCALE 1:250</div></div>		<div></div> <div>DESIGNED</div> <div>REVIEWED</div>	<div>Department of State Growth</div> <div>EAST DERWENT HIGHWAY (A0029)</div> <div>OTAGO BAY</div> <div>JUNCTION IMPROVEMENT</div> <div>CONTROL LINE SETOUT - SHEET 2</div>	CONTRACT No.	DRAWING	PRINTED DATE	SHEET No.		
0	FOR CONSTRUCTION		29.09.2020					2220-5-28	0013.dwg	09-Nov-20, 3:55 PM			
No.	Amendment Description	Initials	Date	Co-ordinate System: MGA94		Height Datum: AHD		REGISTRATION NUMBER		A0029.006			
A3 original	This sheet may be prepared using colour and may be incomplete if copied									0014			
											REVISION 0		


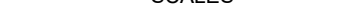
MK04 HORIZONTAL POINTS								
PT	CHAINAGE	EASTING	NORTHING	HEIGHT	BEARING	RAD/SPIRAL	A.LENGTH	DEFL.ANGLE
IP 1	0.000	523723.181	5261386.599		322°49'51.27"			
IP 2	30.076	523705.010	5261410.565					
IP 3	65.155	523688.539	5261441.686			R = 330.500	70.158	12°09'45.63"
CT	100.234	523678.995	5261475.580	35.673	344°16'24.33"			
TC	100.562	523678.906	5261475.895	35.646	344°16'24.33"			
IP 4	105.084	523677.507	5261480.866	35.289		R = -7.500	9.045	69°05'47.89"
CT	109.607	523672.364	5261481.332	35.076	275°10'36.44"			
TC	113.016	523668.969	5261481.639	35.024	275°10'36.44"			
IP 5	119.407	523659.248	5261482.520	35.181		R = -6.500	12.783	112°40'32.85"
CT	125.798	523662.183	5261473.212	35.636	162°30'03.59"			
IP 6	131.265	523663.827	5261467.998	36.069	162°30'03.59"			

MK05 HORIZONTAL POINTS								
PT	CHAINAGE	EASTING	NORTHING	HEIGHT	BEARING	RAD/SPIRAL	A.LENGTH	DEFL.ANGLE
IP 1	0.000	523654.569	5261506.429	32.963	168°12'16.86"			
TC	7.969	523656.198	5261498.629	33.593	168°12'16.86"			
IP 2	15.076	523658.211	5261488.991	34.148		R = -8.000	14.215	101°48'20.24"
CT	22.184	523667.232	5261492.933	34.526	66°23'56.63"			
TC	23.248	523668.208	5261493.359	34.519	66°23'56.63"			
IP 3	29.489	523674.806	5261496.242	34.131		R = -10.000	12.481	71°30'48.15"
CT	35.730	523674.164	5261503.414	33.588	354°53'08.48"			
IP 4	56.109	523672.348	5261523.712		354°53'08.48"			



				SCALES			Department of State Growth EAST DERWENT HIGHWAY (A0029) OTAGO BAY JUNCTION IMPROVEMENT CONTROL LINE SETOUT - SHEET 3	CONTRACT No. 2220-5-28	DRAWING 0013.dwg	PRINTED DATE 09-Nov-20, 3:55 PM	SHEET No. 0015	
				SCALE 1:500				REGISTRATION NUMBER A0029.006				REVISION 0
0 FOR CONSTRUCTION		29.09.2020				DESIGNED						
No. Amendment Description		Initials Date				REVIEWED						
A3 original This sheet may be prepared using colour and may be incomplete if copied				Co-ordinate System: MGA94 Height Datum: AHD								



				SCALES			Department of State Growth		CONTRACT No.	DRAWING	PRINTED DATE	SHEET No.
				 SCALE 1:500			EAST DERWENT HIGHWAY (A0029) OTAGO BAY JUNCTION IMPROVEMENT		2220-5-28	0030.dwg	09-Nov-20, 4:40 PM	0030
0	FOR CONSTRUCTION			29.09.2020		DESIGNED REVIEWED	ROADWORKS & DRAINAGE PLAN SHEET 1		REGISTRATION NUMBER A0029.006			
No.	Amendment Description		Initials	Date								
A3 original		This sheet may be prepared using colour and may be incomplete if copied		Co-ordinate System: MGA94		Height Datum: AHD						

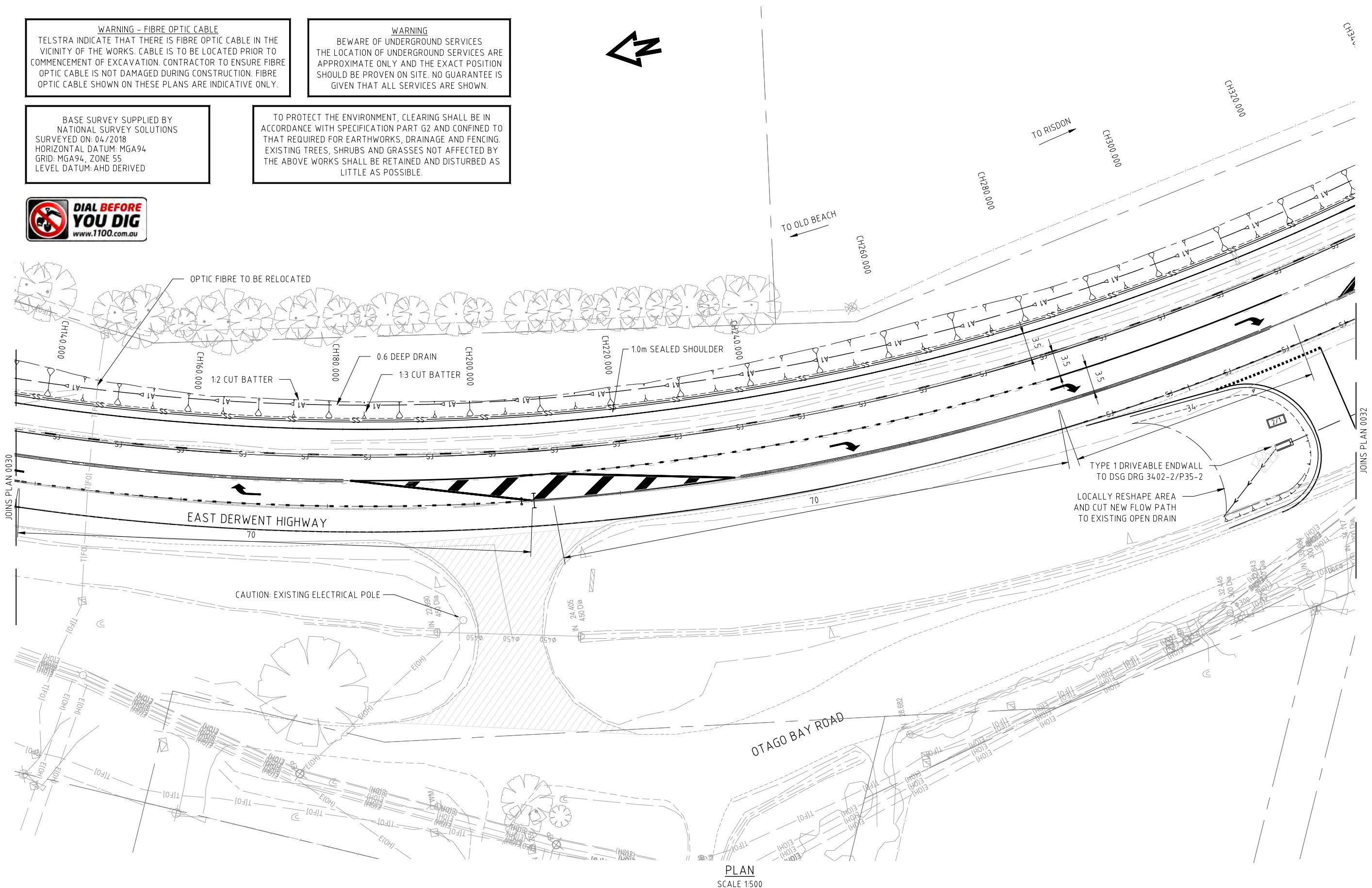
WARNING - FIBRE OPTIC CABLE
TELSTRA INDICATE THAT THERE IS FIBRE OPTIC CABLE IN THE VICINITY OF THE WORKS. CABLE IS TO BE LOCATED PRIOR TO COMMENCEMENT OF EXCAVATION. CONTRACTOR TO ENSURE FIBRE OPTIC CABLE IS NOT DAMAGED DURING CONSTRUCTION. FIBRE OPTIC CABLE SHOWN ON THESE PLANS ARE INDICATIVE ONLY.

BASE SURVEY SUPPLIED BY
NATIONAL SURVEY SOLUTIONS
SURVEYED ON: 04/2018
HORIZONTAL DATUM: MGA94
GRID: MGA94, ZONE 55
LEVEL DATUM: AHD DERIVED



WARNING
BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THE EXACT POSITION SHOULD BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN.

TO PROTECT THE ENVIRONMENT, CLEARING SHALL BE IN ACCORDANCE WITH SPECIFICATION PART G2 AND CONFINED TO THAT REQUIRED FOR EARTHWORKS, DRAINAGE AND FENCING. EXISTING TREES, SHRUBS AND GRASSES NOT AFFECTED BY THE ABOVE WORKS SHALL BE RETAINED AND DISTURBED AS LITTLE AS POSSIBLE.



			<div>SCALES</div> 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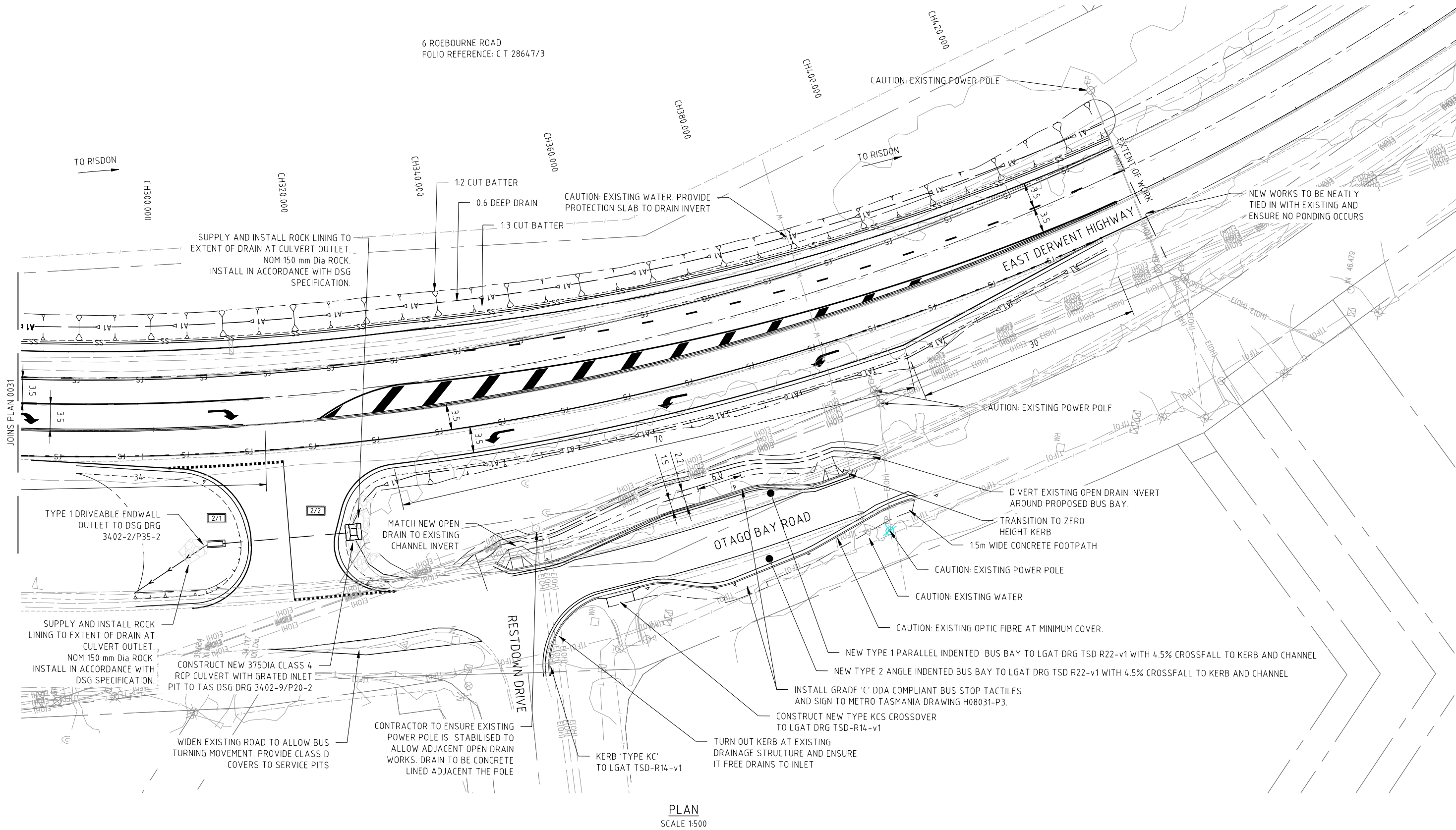


BASE SURVEY SUPPLIED BY
NATIONAL SURVEY SOLUTIONS
SURVEYED ON: 04/2018
HORIZONTAL DATUM: MGA94
GRID: MGA94, ZONE 55
LEVEL DATUM: AHD DERIVED

TO PROTECT THE ENVIRONMENT, CLEARING SHALL BE IN
ACCORDANCE WITH SPECIFICATION PART G2 AND CONFINED TO
THAT REQUIRED FOR EARTHWORKS, DRAINAGE AND FENCING.
EXISTING TREES, SHRUBS AND GRASSES NOT AFFECTED BY
THE ABOVE WORKS SHALL BE RETAINED AND DISTURBED AS
LITTLE AS POSSIBLE.

WARNING - FIBRE OPTIC CABLE
TELSTRA INDICATE THAT THERE IS FIBRE OPTIC CABLE IN THE
VICINITY OF THE WORKS. CABLE IS TO BE LOCATED PRIOR TO
COMMENCEMENT OF EXCAVATION. CONTRACTOR TO ENSURE FIBRE
OPTIC CABLE IS NOT DAMAGED DURING CONSTRUCTION. FIBRE
OPTIC CABLE SHOWN ON THESE PLANS ARE INDICATIVE ONLY.

WARNING
BEWARE OF UNDERGROUND SERVICES
THE LOCATION OF UNDERGROUND SERVICES ARE
APPROXIMATE ONLY AND THE EXACT POSITION
SHOULD BE PROVEN ON SITE. NO GUARANTEE IS
GIVEN THAT ALL SERVICES ARE SHOWN.



0	FOR CONSTRUCTION		29.09.2020
No.	Amendment Description	Initials	Date
A3 original	This sheet may be prepared using colour and may be incomplete if copied		

SCALES	
SCALE 1:500	
Co-ordinate System: MGA94	Height Datum: AHD

DESIGNED
REVIEWED

Department of State Growth
EAST DERWENT HIGHWAY (A0029)
OTAGO BAY
JUNCTION IMPROVEMENT
ROADWORKS & DRAINAGE PLAN SHEET 3

CONTRACT No. 2220-5-28	DRAWING 0030.dwg	PRINTED DATE 09-Nov-20, 4:40 PM	SHEET No. 0032
REGISTRATION NUMBER A0029.006			REVISION 0

Attachment 3

From: Conservation Assessments
<ConservationAssessments@dpipwe.tas.gov.au>
Sent: Monday, 21 December 2020 1:00 PM
To: Rebecca Anning
Cc: Hamilton, Sheryl
Subject: RE: PDPLANPMTD-2020/013970 - East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road, Otago

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Lovell

Thank you for your email and the opportunity to comment on the development application for upgrades to the East Derwent Highway including the relocation of the Otago Bay Road junction, upgrades to the Kandos Drive junction and associated rehabilitation works. Conservation Assessments (CAS) has reviewed the information provided and can make the following comments.

Threatened Flora

There are records within 500 m of the proposed development area for the following flora listed under the Tasmanian *Threatened Species Protection Act 1995* (TSPA):

Species name	Common name	TSPA
<i>Bolboschoenus caldwellii</i>	Sea clubsedge	r
<i>Vittadinia gracilis</i>	Woolly new-holland-daisy	r
<i>Vittadinia muelleri</i>	Narrowleaf new-holland-daisy	r

There are records of *V. gracilis* within the proposed development footprint. CAS note that DSG have obtained a permit to take these specimens (DA 20243 dated 12/11/2020).

Threatened Fauna

There are records within 500 m of the proposed development area for the following fauna listed under the TSPA and/or *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA):

Species name	Common name	TSPA	EPBCA
<i>Dasyurus viverrinus</i>	Eastern quoll		EN
<i>Sarcophilus harrisii</i>	Tasmanian devil	e	EN

A further 13 threatened fauna species are likely to occur in the area based on Range Boundaries.

There is unlikely to be significant habitat for these species within the proposed development footprint.

Weeds and Diseases

There are several plant species that are declared weeds under the *Weed Management Act 1999* recorded within 500 m of the proposed development area, including bone seed (*Chrysanthemoides monilifera* subsp. *monilifera*) and blackberry (*Rubus fruticosus*).

It is recommended that strict hygiene procedures be implemented as part of the proposed works in order to minimise the transportation of weed propagules in material or attached to vehicles or

machinery. Information about practical hygiene measures to implement can be found in Appendix 1 of the [DPIPWE \(2015\) Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania](#)

If you have any queries about the above comments, please contact Sheryl Hamilton (sheryl.hamilton@dpipwe.tas.gov.au).

Regards

Anthony Mann

Acting Section Head

Conservation Assessments and Wildlife Management

Natural & Cultural Heritage Division

Department of Primary Industries, Parks, Water and Environment

E-mail: Anthony.Mann@dpipwe.tas.gov.au

Ph: (03) 6165 4417

Please note I don't work Fridays

From: Rebecca Anning <ranning@ccc.tas.gov.au>

Sent: Monday, 14 December 2020 10:09 AM

To: Conservation Assessments <ConservationAssessments@dpipwe.tas.gov.au>

Subject: PDPLANPMTD-2020/013970 - East Derwent Highway within the vicinity of Kandos Drive and Otago Bay Road, Otago

Please see attached Development Application now advertised and referred to you for comment.

Kind regards

Rebecca



Rebecca Anning
Planning Administration Officer
Clarence City Council

38 Bligh Street | PO Box 96 Rosny Park TAS 7018

Ph 03 6217 9550

Email ranning@ccc.tas.gov.au

Web www.ccc.tas.gov.au

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Attachment 4

EAST DERWENT HIGHWAY WITHIN THE VICINITY OF KANDOS DRIVE AND OTAGO BAY ROAD, OTAGO



Photo 1: The view northwards towards the Otago Bay Road junctions when viewed along the East Derwent Highway.



Photo 2: The view southwards towards the Otago Bay Road and Kandos Drive junctions.

**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013996 – 112
BALOOK STREET, LAUDERDALE - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 112 Balook Street, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Coastal Erosion Hazard, Waterway and Coastal Protection, Inundation Prone Areas, Stormwater Management, Road and Railway Assets and 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 9 February 2021.

CONSULTATION

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

- parking impact;
- construction impact;
- stormwater management; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 112 Balook Street, Lauderdale (CI Ref PDPLANPMTD-2020/013996) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The development must be connected to the TasWater reticulated sewer system prior to the commencement of the use of the multiple dwellings.

3. ENG M1 –DESIGNS DA [Access, car park and driveway construction, service upgrades or relocation].
4. ENG A5 – SEALED CAR PARKING.
5. ENG A1 – NEW CROSSOVER [3.6m wide, TSD-R09 (Urban)].
6. The structural design and construction must be in accordance with the recommendations contained within Appendix 2 of the Coastal Vulnerability Report prepared by GES dated December 2020. Specifically, the pier foundations must be end bearing case only and not assume lateral support within the scour zone. Certification from a suitably qualified civil engineer is required to be provided with the documentation submitted with a future building permit application demonstrating that the structural design meets the requirements of Appendix 2.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 December 2020 (TWDA 2020/01920-CCC).

ADVICE

- a. The demolition of the existing dwelling will require demolition approval, for which a Building Surveyor must be engaged to provide a Certificate of Likely Compliance Demolition Work which must then be registered with council.
 - b. Direct access from the eastern rear boundary to Lauderdale Beach is not approved as part of this permit and the existing access must be removed to prevent further coastal erosion.
- 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 dwelling located on 112 Balook Street, Lauderdale has an existing access to Lauderdale Beach through the dunes. Council has previously advised property owners adjoining Lauderdale Beach to remove direct accesses to the beach to minimise coastal erosion and impacts upon natural values.

The property has since changed ownership therefore it is considered reasonable to include an advice that the beach access should be removed to prevent further coastal erosion. This issue is discussed in further detail under the Coastal Erosion Hazard Code Assessment below.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential under the Scheme.

The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to building envelope, private open space, solar access, width of garages, on-site car parking, number of vehicle accesses, layout of car parking areas, stormwater management, inundation hazard and coastal erosion hazard.

2.2. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zones;
- Section E5.0 – Road and Railway Assets Code;
- 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.

2.3. 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 668m² rectangular shaped lot located on the eastern side of Balook Street. The eastern (rear) boundary of the site adjoins the Lauderdale Beach reserve. The site has frontage to Balook Street and forms a level, low-lying property to the rear of the dune system lining Lauderdale Beach. The site is developed with a single storey dwelling and is surrounded by established residential development to the north, west and south. The dwelling is setback 1.8m from the southern side boundary, 2.7m from the northern side boundary and 16m to the rear.

3.2. The Proposal

It is proposed to demolish the existing dwelling and construct two conjoined multiple dwellings.

The multiple dwellings would be two storeys with a maximum height of 6.74m above natural ground level. The multiple dwellings would be setback 6m from the frontage with Balook Street and would be provided with upper level decks. Each multiple dwelling would be provided with parking in the form of a single car garage and uncovered space between the dwelling and the street. The dwellings would have a flat roof form and would have a contemporary appearance.

Waste storage facilities would be provided for the exclusive use of each dwelling.

The existing vehicular access is proposed to be removed and two new accesses constructed to provide each dwelling with independent access from Balook Street.

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

In accordance with Clause E11.4.1(p), the proposed development is exempt from the Waterway and Coastal Protection Code because the development would be connected to full services (sewerage and stormwater).

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Road and Railway Assets, Parking and Access, Stormwater Management, Inundation Prone Areas and Coastal Erosion Hazard codes with the exception of the following.

General Residential Zone

- **Clause 10.4.2 A3 (Building envelope)** – the proposal would project beyond the prescribed 3D building envelope, at the northern and southern side boundaries. The length of the northern garage wall to Unit 1 is 9.9m within 1.5m of the side boundary.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause 10.4.2 as follows.

Clause	Performance Criteria	Assessment
10.4.2 P3	<i>“The siting and scale of a dwelling must:</i>	
	<i>(a) not cause unreasonable loss of amenity by:</i>	See below assessment.
	<i>(i) Reduction in sunlight to habitable room (other than bedroom of a dwelling on an adjoining lot; and</i>	The degree of building envelope encroachment is illustrated in the elevation plans (Attachment 2). The upper level of the proposed dwelling encroaches the 45-degree tangent of the prescribed building envelope on the north and south side elevations.

		<p>Specifically, the diagrams demonstrate that no overshadowing impact would occur to the property to the north at 110 Balook Street due to the northerly orientation of this adjoining property in relation to the subject site.</p> <p>The diagrams indicate the adjoining property to the south at 114 Balook Street would be affected by overshadowing caused by the proposed development during the afternoon.</p> <p>The adjoining property to the south at 114 Balook Street contains two small north facing living room windows and a larger east facing window to the same room that currently receive full sun between 9am and 3pm on 21 June (6 hours). The diagrams demonstrate these windows would be in shadow between 10-11am on 21 June (Winter solstice).</p> <p>However, the east facing living room window, being much larger in size, will continue to receive full sun between 9am-12noon on 21 June and will continue to provide the greatest value in terms of solar access to the living room due to its size. It is therefore considered the loss of morning sunlight to the north facing windows of the living room would be offset by the larger east facing window and accordingly the living room will receive adequate levels of morning sunlight. The performance criteria is therefore met in this regard.</p>
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		<p>The shadow diagrams also demonstrate the two small north facing living room windows would be subject to a 50-100% reduction in sunlight between 1-2pm on 21 June. The proposal will therefore result in a loss of 1 hour of sunlight to the living room which represents an overall reduction of 16.6% compared with the existing scenario. The resultant reduction would be minor in that well in excess of 3 hours of sunlight would be retained to the living room.</p>
	<p>(ii) <i>Overshadowing the private open space of a dwelling on an adjoining lot; and</i></p>	<p>The diagrams demonstrate that no overshadowing impacts would occur to the property to the north at 110 Balook Street due to the northerly orientation of this adjoining property in relation to the subject site.</p> <p>The private open space allocated to the adjoining dwelling to the south at 114 Balook Street would be impacted to varying degrees. The private open space consists of a 20m² north facing deck located along the northern side of the dwelling and a 330m² backyard area beyond. The shadow diagrams demonstrate the deck would not be affected by additional overshadowing impact arising from the proposed development.</p> <p>In terms of the broader backyard space, the proposed development will cause additional overshadowing impact from 2pm onwards on 21 June. Most of the backyard will continue to receive morning, midday, and early afternoon sunlight.</p> <p>The proposal would therefore not cause an unreasonable reduction in solar access to the private open space of this adjoining dwelling.</p>

	(iii) <i>Overshadowing of an adjoining vacant lot; or</i>	not applicable
	(iv) <i>Visual impacts caused by apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>Unit 1 would have a solid wall 1.1m from the northern boundary with a height of 4.2m and a length of 9.9m comprising a lower level garage. The bulk of the upper level of Unit 1 is setback 2.9m from the northern side boundary.</p> <p>The adjoining dwelling at 110 Balook Street is single storey and contains two habitable room windows which face the subject site. However, these windows are supplemented with east and west facing windows which form the primary windows to these rooms in terms of solar access and view retention. The proposed dwelling would not be visible from the main windows to these rooms therefore would not cause any unreasonable visual impact when viewed from within the dwelling.</p> <p>Unit 1 would extend 5.7m beyond the rear building line established by the dwelling at 110 Balook Street. While the building will have greater visual prominence when viewed from the private open space of 110 Balook Street, when compared with the existing dwelling, the proposed design solutions including greater setback for the upper level, flat roof and varied external materials and finishes will result in Unit 1 appearing lighter and less bulky.</p> <p>The adjoining property to the south at 114 Balook Street comprises a single storey dwelling containing a living room with windows on the</p>

		<p>northern elevation facing proposed Unit 2. The southern elevation of proposed Unit 2 would consist of a 19.7m long solid ground level wall and 16m long upper level with a maximum height of 6.7m. The living room windows facing the subject site are narrow therefore only provide glimpses of the neighbouring property. The main windows to this room are to the east to take advantage of the coastal views. The visual impact when viewed from within the dwelling would therefore be reasonable.</p> <p>The southern elevation of proposed Unit 2 will be visible from the deck and backyard attributed to 114 Balook Street. While the proposed building will be highly visible, the main outlook to the east would not be impacted and the proposal includes design solutions to minimise the bulk when viewed from this adjoining property including a reduced upper level footprint, flat roof and varied external materials and finishes. The visual impact of the development when viewed from the private open space of this adjoining dwelling would therefore be reasonable.</p>
	<p>(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area."</i></p>	<p>The proposed separation from the side boundaries of 1.1m – 2.9m is greater than the setbacks offered by the existing dwelling located on the subject site and would not have any negative impact upon the separation of dwellings.</p> <p>The distance between dwellings on adjoining lots varies from 5.7m to 9m with the proposal providing a 3.8 – 12m separation. Therefore, the proposal is</p>

		considered consistent with the separation between dwellings in the area.
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General Residential Zone

- **Clause 10.4.3, A2(c) (Site coverage and private open space for all dwellings)** – Unit 2 is provided with a ground level deck to the rear and upper level deck on the front facade, both of which are not accessible from a habitable room.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 10.4.3 as follows.

Clause	Performance Criteria	Assessment
10.4.3 P2	<p><i>“P2 - A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p>	<p>The private open space to Unit 2 comprises a variety of areas to the east, west and south of Unit 2. The ground level private open space for Unit 2 would be located to the east and south of the dwelling and would provide a minimum dimension of 4m and a minimum area of 24m² as required by the acceptable solution. The backyard of Unit 2 is large enough for children’s play, while the alfresco area located to the rear of the dwelling could comfortably accommodate outdoor dining.</p> <p>The ground level private open space would be supplemented by an upper level deck located on the front façade of the dwelling. The deck has been designed to be of a size, layout and orientation to facilitate outdoor dining, entertaining and relaxation.</p>
	<p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>Access to the upper level deck would be provided by sliding doors from a hallway to the living room. The location of the deck in relation to the living room is considered sufficiently convenient to serve as an outdoor</p>

		extension to the dwelling for a range of recreation and leisure activities.
	<i>(ii) orientated to take advantage of sunlight.”</i>	<p>The private open space would extend to the west, south and east of the dwelling. During the morning, the backyard of the proposed dwelling would receive reasonable sunlight, and the upper level deck would achieve reasonable solar access in the afternoons. Over 50% of the backyard area would receive at least 3 hours of sunlight on the Winter Solstice and the proposed upper level deck would almost receive unimpeded sunlight from 12pm onwards on the Winter Solstice.</p> <p>The combination of these areas would take advantage of available sunlight and would be convenient, to varying degrees, as useable outdoor living areas as required by the performance criteria.</p>

General Residential Zone

- **Clause 10.4.4, A1 (Sunlight and overshadowing for all dwellings) –**
The living room windows to Unit 2 would be oriented 45 degrees east of north, as opposed to the required 30 degrees.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.4.4 as follows.

Clause	Performance Criteria	Proposal
10.4.4 P1	<i>“A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).”</i>	<p>The dwelling has been designed to include a living room window on both the eastern and southern elevations of the living space and west elevation windows along the “nook” area which flows through to the living space. The design of windows will therefore allow both morning and afternoon sunlight to enter the living room during the Winter Solstice.</p> <p>The open plan design of the living space will allow ample solar access into this space throughout the year therefore improving the thermal efficiency and amenity of the dwelling.</p>

General Residential Zone

- **Clause 10.4.5, A1 (Width of openings and garages and carports for all dwellings)** – The total width of the garage openings for Unit 1 and 2 facing the street is 7.85m, which exceeds the 6m maximum width of openings prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.4.5 as follows.

Clause	Performance Criteria	Assessment
10.4.5 P1	<i>“A garage or carport must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.”</i>	The proposed front setback of 6m together with the separation of the garage openings and second storey above will reduce the visual dominance of the garages when viewed from the street. While the garage openings will occupy a reasonable high percentage of the lower level façade, the scale and presentation of the upper level of the multiple dwellings will significantly reduce the ratio of openings to façade visible from the street.

		It is therefore considered that this test of the Scheme would be met by the proposal.
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Road and Railway Assets Code

- **Clause E5.6.2 A2 (Number of vehicular accesses)** – in that two separate access are proposed to each of the dwelling units, which does not comply with the single access point prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E5.6.2 as follows.

Clause	Performance Criteria	Assessment
E5.6.2 P2	<i>“For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i>	See below assessment.
	<i>(a) the nature and frequency of the traffic generated by the use;</i>	The proposed development is expected to generate 20 vehicle movements per day based on the occupancy rate. The likely daily vehicle movements are considered to be very low with adequate capacity within the surrounding road network to ensure traffic efficiency and safety is maintained.
	<i>(b) the nature of the road;</i>	The access would be located on a residential street accommodating low traffic volumes. Balook Street has been constructed to meet road construction requirements and provides adequate passing opportunity. Council’s Development Engineer is satisfied that the proposal would not compromise traffic flows, as required by this test.

	(c) <i>the speed limit and traffic flow of the road;</i>	Balook Street is subject to the general urban speed limit of 50km/h. The traffic generated by the proposed development would be residential in nature which is consistent with the existing Balook Street and traffic conditions of the surrounding network.
	(d) <i>any alternative access to a road;</i>	It is feasible to provide a shared access arrangement via the existing access however, it would warrant a re-design that may compromise the ability to provide adequate private open space and parking spaces.
	(e) <i>the need for the access or junction;</i>	<p>The General Urban Speed Limit of 50km/h applies to Balook Street and there is no known crash history in the vicinity of the site area which entrenches the low speed/low volume nature of the road.</p> <p>The access is required to facilitate independent access to the multiple dwellings in a way that maximises compliance with private open space and parking requirements.</p>
	(f) <i>any traffic impact assessment; and</i>	Council's Development Engineer indicated a Traffic Impact Assessment was not warranted in this case.
	(g) <i>any written advice received from the road authority."</i>	<p>Council's Development Engineer considers that the development and proposed access points are a reasonable response to the development of the site, in conjunction with the provision of the necessary services.</p> <p>For the above reasons, the proposal is therefore considered to satisfy the performance criteria.</p>

Parking and Access Code

- **Clause E6.6.1, A1 (Number of car parking spaces)** – It is not proposed to provide a single visitor parking space for the development.

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

Clause	Performance Criteria	Assessment
E6.6.1 P1	<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>	See below assessment.
	<i>(a) car parking demand;</i>	The proposal requires the provision of two spaces each per dwelling unit. These are provided within the proposed garages.
	<i>(b) the availability of on-street and public car parking in the locality;</i>	Council’s Development Engineer has advised there is no record of parking issues in the area and is satisfied that given the nature of the development and availability of on-street parking on both sides of Balook Street in the vicinity of the site, that there is sufficient capacity within proximity of the site to absorb the visitor space. It is therefore considered that there is adequate on-street car parking to satisfy overflow and visitor parking demand.
	<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	The site is located within 400m of a public transport route which extends along Bangalee Street. However, the service is not of a reasonable frequency and requires multiple bus exchanges to form a viable alternative to car ownership.

	<i>(d) the availability and likely use of other modes of transport;</i>	The site is located within an urban environment where occupants would have options to use bicycles and motorcycles, which could easily be parked on-site. However, the distance from major employment centres and services and facilities would prevent reliance on these alternatives to car ownership.
	<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	Aside from on-street parking, there are no other viable alternatives for car parking provision.
	<i>(f) 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>	not applicable
	<i>(g) any car parking deficiency or surplus associated with the existing use of the land;</i>	There is no previous site credit associated with the use of the site as a dwelling.
	<i>(h) 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>	not applicable
	<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>	A cash contribution in-lieu of the deficient visitor parking space is not considered appropriate in the case of this proposal, in that the site is not located within an activity centre and there are no facilities or other transport facilities within proximity of the site that a contribution could be taken towards.

	(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>	There is no parking plan for the area.
	(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;”</i>	not applicable

Parking and Access Code

- **Clause E6.7.1 A1 (Number of vehicular accesses)** – in that two access points are proposed to each of the multiple dwellings, which exceeds the single access point prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E6.7.1 as follows.

Clause	Performance Criteria	Assessment
E6.7.1 P1	<i>“The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:</i>	See below assessment.
	<i>(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;</i>	The frontage of the site currently provides enough space for the parking of two vehicles on-street. The proposed accesses would have a separation of 5.4m which is sufficient to provide for the parking of one vehicle along the frontage of the site. Council’s Development Engineer has advised ample on-street parking is available within close proximity to the site that will offset the reduction in on-street parking arising from the introduction of a second access point.

	<p><i>(b) whether the additional access points can be provided without compromising any of the following:</i></p> <p><i>(i) pedestrian safety, amenity and convenience;</i></p> <p><i>(ii) traffic safety;</i></p> <p><i>(iii) residential amenity on adjoining land;</i></p> <p><i>(iv) streetscape;</i></p> <p><i>(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;</i></p> <p><i>(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity."</i></p>	<p>While it is uncommon for a dual access arrangement servicing multiple dwellings in this area, the allocation of individual access points will provide satisfactory separation so as to ensure easy pedestrian and vehicle recognition and is an appropriate design response for an access servicing a larger volume of vehicles. The access to frontage ratio would also remain consistent with that of properties located further to the south fronting the 90-degree bend.</p> <p>The proposed access points would not compromise residential amenity and would not compromise any sites identified by the Historic Heritage Code of the Scheme.</p> <p>Conditions of approval have been included to ensure the accesses are designed and constructed in accordance with current Australian Standards to ensure traffic safety is not compromised.</p>
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Parking and Access Code

- **Clause E6.7.5 A1 (Layout of car parking areas)** – The two parking spaces allocated to each dwelling would form a tandem parking arrangement.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E6.7.5 as follows.

Clause	Performance Criteria	Assessment
E6.7.5 P1	<i>“The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.”</i>	<p>The proposed parking layout of Units 1 and 2 will ensure the provision of two on-site car parking spaces for each dwelling as required by Table E6.1 of the Parking and Access Code and provides for adequate dimensions to enable vehicles parked within these spaces to exit the site in a forward direction.</p> <p>Council’s Development Engineer advises the proposed car parking arrangement is satisfactory. The access and parking allocated to each dwelling would be via a separate driveway so as to not interfere with the parking arrangements associated with the other dwelling on the site.</p> <p>The car parking arrangement is considered to provide for safe and convenient access to and from the site.</p> <p>For the above reasons, the proposed parking layout will provide for safe, easy and efficient use.</p>

Stormwater Management Code

- **Clause E7.7.1 A1 (Stormwater drainage and disposal)** - As Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E7.7.1 as follows.

Clause	Performance Criteria	Assessment
E7.7.1 P1	<i>“Stormwater from new impervious surfaces must be managed by any of the following:</i>	See below assessment.
	<i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i>	Council’s Development Engineer considers that the land area of the property is sufficient to enable all stormwater to be retained and/or reused on the site. Details of the stormwater disposal system, such as trenches and/or rainwater tanks, would need to be submitted with applications for building and plumbing permits as normally required.
	<i>(b) collected for re-use on the site;</i>	as per above
	<i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.”</i>	not applicable

Inundation Prone Areas Code

- **Clause E15.7.2 A1 (Riverine, Coastal Investigation Area, Low, Medium, High Inundation Prone Areas)** - As the proposal is for a new habitable building in which there is no acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E15.7.2 as follows.

Clause	Performance Criteria	Assessment
E15.7.2.P1	<i>“A new habitable building must satisfy all of the following:</i>	See below assessment.
	<i>(a) floor level of habitable rooms, and rooms associated with habitable buildings (other than a dwelling) that are either publicly accessible, used frequently or used for extended periods, must be no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;</i>	The finished floor level of the ground floor level habitable rooms to Units 1 and 2 would be 3.37m AHD which exceeds the 3m required by Table E15.1. The proposal therefore meets the performance criteria.
	<i>(b) risk to users of the site, adjoining or nearby land is acceptable;</i>	A Coastal Vulnerability Report has been submitted which includes a stable foundation zone assessment. The eastern (rear) end of the building would be located within an area identified as being susceptible to future erosion impacts. The report recommends the portions of the proposed structure located seaward of the design setback (areas outside of the stable foundation zone) be founded on deep pier foundations extending below the design scour depth of -1.0m AHD with appropriate structural engineering design including accounting for hydrostatic pressures. Subject to implementation of the structural design measures, the proposal presents an acceptable risk to users of the site, adjoining or nearby land. A condition has been included addressing the additional structural design requirements.
	<i>(c) risk to adjoining or nearby property or public infrastructure is acceptable;</i>	As discussed above, Council’s Development Engineer considers the proposal presents an acceptable risk to adjoining or nearby property or public infrastructure.

	<i>(d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i>	As discussed above, the proposal includes a recommendation for structural design measures to be incorporated to minimise the risk of damage to the building arising from wave run-up and erosion.
	<i>(e) need for future remediation works is minimised;</i>	Council's Development Engineer has reviewed the Coastal Vulnerability Report and supports the recommendations made within the report. However, an additional measure is considered necessary requiring the applicant's engineer to certify that the proposed structural design will not increase the need for future remediation works. A condition has been included to this effect.
	<i>(f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;</i>	Figure 10 of the Coastal Vulnerability Report demonstrates the expected recession impact relative to the stable foundation zone. The expected recession impact relates to the eastern (rear) portion of the site only and does not extend to the Balook Street property frontage. Access to the site would therefore not be lost or compromised as a result of expected future sea level rise.
	<i>(g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works;</i> <i>except if it is development dependent on a coastal location^{RL}.</i>	not applicable

Inundation Prone Areas Code

- **Clause E15.7.5 A1 (Riverine, Coastal Investigation Area, Low, Medium, High Inundation Prone Areas)** - As the proposal includes a wall that is greater than 5m in length and 0.5m in height.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E15.7.5 as follows.

Clause	Performance Criteria	Assessment
E15.7.5.P1	<p><i>“Landfill, or solid walls greater than 5m in length and 0.5m in height, must satisfy all of the following:</i></p> <p><i>(a) no adverse affect on flood flow over other property through displacement of overland flows;</i></p> <p><i>(b) the rate of stormwater discharge from the property must not increase;</i></p> <p><i>(c) stormwater quality must not be reduced from pre-development levels.”</i></p>	<p>Council’s Development Engineer is satisfied that the multiple dwelling development will not adversely affect flood flow over adjoining properties or increase the rate of stormwater discharge from the property or reduce the stormwater quality.</p>

Inundation Prone Areas Code

- **Clause E15.7.5 A2 (Riverine, Coastal Investigation Area, Low, Medium, High Inundation Prone Areas)** - As there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E15.7.5 as follows.

Clause	Performance Criteria	Assessment
E15.7.5.P2	<p><i>“Mitigation measures, if required, must satisfy all of the following:</i></p> <p><i>(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;</i></p> <p><i>(b) not have a significant effect on flood flow.”</i></p>	Councils Development Engineer has assessed the proposal and considers that the design and construction is to be in accordance with the recommendations of the submitted Coastal Vulnerability Report. A condition has been included to this effect.

Coastal Erosion Hazard Code

- **Clause E16.7.1 A1 (Buildings and works within a Coastal Erosion Hazard Area)** - As there is no Acceptable Solution.

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

Clause	Performance Criteria	Assessment
E16.7.1 P1	<i>“Buildings and works must satisfy all of the following:</i>	See below assessment.
	<i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i>	Council’s Development Engineer is satisfied that there would be no increase in risk to users of the subject or adjoining sites, in relation to the proposed building.
	<i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i>	The Coastal Vulnerability Report indicates that the erosion risk from wave run-up can be mitigated to an acceptable level through the use of structural and design methods to prevent damage and loss. Specifically, the report recommends the use of piled footings to the stable foundation zone. Council’s Development Engineer supports this recommendation in conjunction with appropriate indemnity from the design engineer.

	(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>	The Coastal Vulnerability Report recommends that the structural and design methods are to be developed by a suitably qualified engineer. Council's Development Engineer supports this recommendation.
	(d) <i>need for future remediation works is minimised;</i>	Subject to implementation of the recommended structural and design methods outlined above, the need for future remediation works would be minimised.
	(e) <i>health and safety of people is not placed at risk;</i>	Subject to implementation of the structural and design methods outlined above, the proposed development would not compromise public health and safety.
	(f) <i>important natural features are adequately protected;</i>	<p>No known natural features would be compromised as a result of the proposed development. However, protection of the coastal dunes and vegetation located on the beach adjoining the site must also be considered.</p> <p>The property has an existing access to the beach through the dunes. The retention of the existing vegetation on the sand dunes is a relevant issue to ensure that the development does not cause coastal erosion through further removal of vegetation. The existing access to the beach must be removed and adequately treated to ensure that no additional vegetation is removed from the coastal dune system. As discussed above, owners have previously requested to prevent beach access.</p>

	(g) <i>public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	The proposed development would be located within the boundaries of the site and although beach erosion can be expected to occur, the development would not obstruct public access to the foreshore.
	(h) <i>access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	Access and parking to the site would be provided from Balook Street, which is not identified as an area subject to coastal erosion.
	(i) <i>provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	The proposed development would not create any additional burden on infrastructure requiring any cost contribution as part of this proposal.
	(j) <i>not be located on an actively mobile landform.”</i>	Council’s Development Engineer is satisfied that the proposed development would not be located on an actively mobile landform.

5. REPRESENTATION ISSUES

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

5.1. Parking Impact

The representor is concerned the proposal will result in further shortages of on-street parking within Balook Street.

- **Comment**

The proposal will result in the shortfall of one visitor car parking space. Council’s Development Engineer is satisfied there is adequate on-street parking available within Balook Street to cater for any overflow parking demand arising from the proposed development.

5.2. Construction Impact

The representor is concerned the construction phase (parking of construction vehicles) will place increased pressure on on-street parking availability and cause an inconvenience and reduce pedestrian safety.

- **Comment**

The inconvenience of construction vehicles parked within the street would form an unavoidable temporary inconvenience to residents.

5.3. Stormwater Management

The representor is concerned the existing stormwater infrastructure within the street will be unable to cater for the increased flows arising from the development.

- **Comment**

Council's Development Engineer has advised that the land area of the property is sufficient to enable all stormwater to be retained and/or reused on the site. Details of the stormwater disposal system, such as trenches and/or rainwater tanks, would need to be submitted with applications for building and plumbing permits as normally required.

5.4. Overshadowing

Concern was raised regarding the overshadowing that would be caused by the proposed development with respect to the habitable rooms and private open space of their dwelling.

- **Comment**

Overshadowing impacts have been discussed in detail in the assessment of Clause 10.4.2 P3 above and have been found to not unreasonably impact upon an adjoining lot based on quantitative assessment. The application is considered to comply with the Performance Criteria for this clause. Both the private open space and habitable room windows of 112 Balook Street will receive well above 3 hours of sun light during the Winter Solstice.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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



9. CONCLUSION

The proposal is for two multiple dwellings at 112 Balook Street, Lauderdale. The proposal satisfies all the relevant performance criteria of the Scheme and is recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plans (15)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING



	<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>1/21/2021</p>	
		<p>1:2257</p>	

112 BALOOK STREET

BALOOK STREET

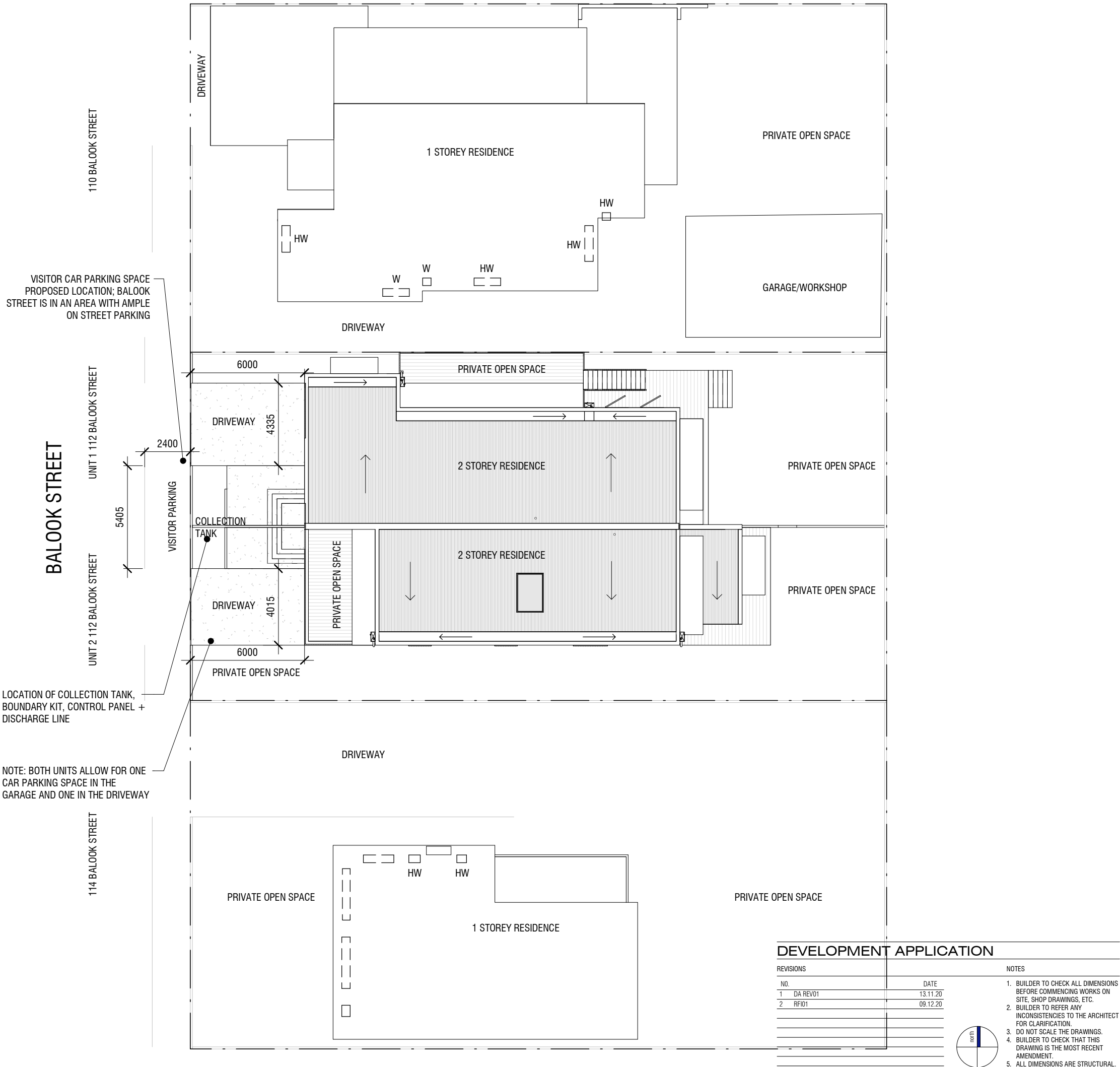


DEMOLITION

4
DA06

[illegible]

STUDIO ELLIOTT ARCHITECTURE + DESIGN



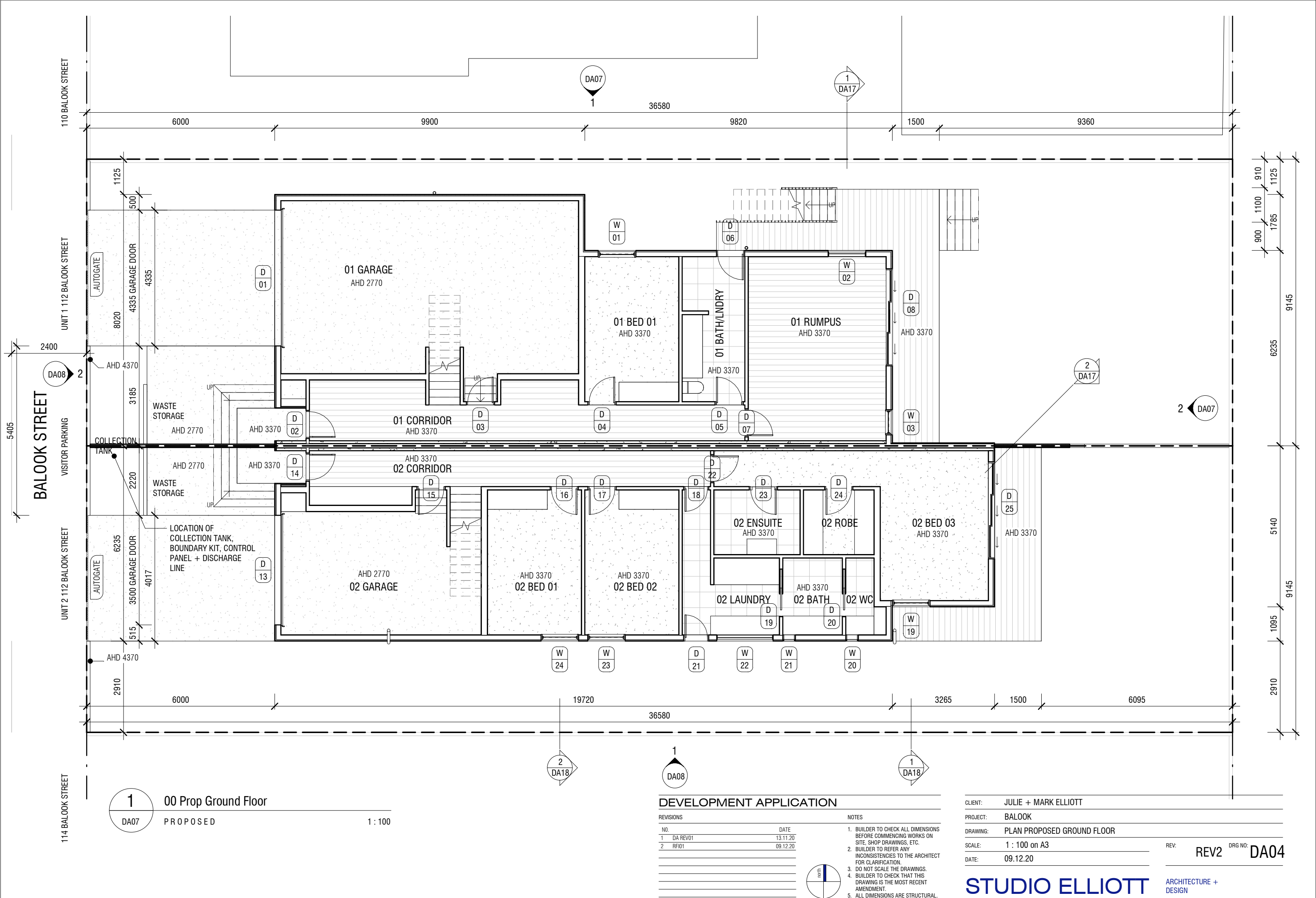
DEVELOPMENT APPLICATION

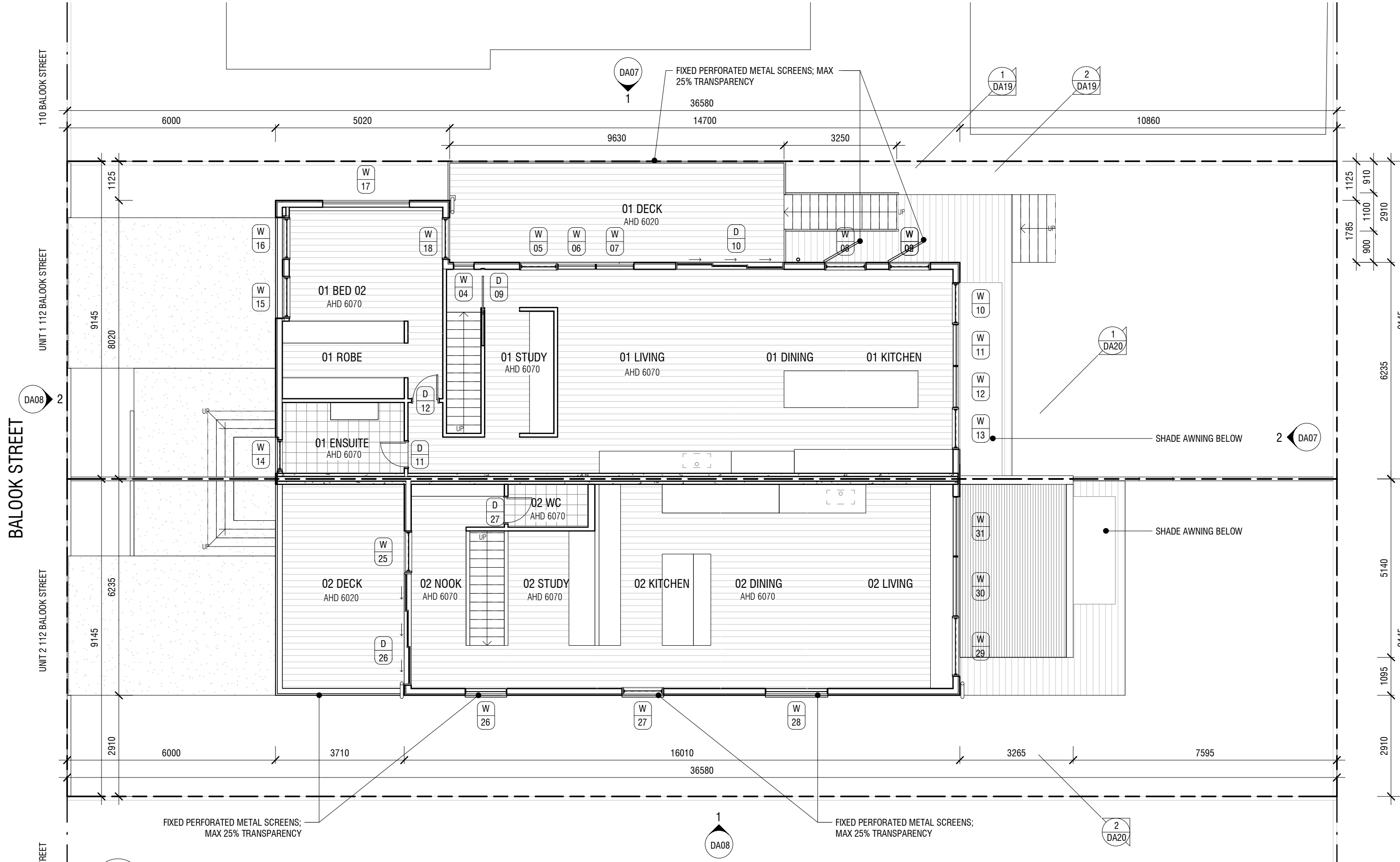
REVISIONS		NOTES
NO.	DATE	
1	DA REV01	13.11.20
2	RF101	09.12.20



CLIENT:	JULIE + MARK ELLIOTT
PROJECT:	BALOOK
DRAWING:	PLAN PROPOSED SITE
SCALE:	1 : 200 on A3
DATE:	09.12.20
REV:	REV2
DRG NO:	DA02

STUDIO ELLIOTT ARCHITECTURE + DESIGN





1
DA07
01 Prop First Floor
PROPOSED
1 : 100

DEVELOPMENT APPLICATION		
REVISIONS		NOTES
NO.	DATE	
1	DA REV01 13.11.20	1. BUILDER TO CHECK ALL DIMENSIONS BEFORE COMMENCING WORKS ON SITE, SHOP DRAWINGS, ETC.
2	RF01 09.12.20	2. BUILDER TO REFER ANY INCONSISTENCIES TO THE ARCHITECT FOR CLARIFICATION.
		3. DO NOT SCALE THE DRAWINGS.
		4. BUILDER TO CHECK THAT THIS DRAWING IS THE MOST RECENT AMENDMENT.
		5. ALL DIMENSIONS ARE STRUCTURAL.

CLIENT: JULIE + MARK ELLIOTT

PROJECT: BALOOK

DRAWING: PLAN PROPOSED FIRST FLOOR

SCALE: 1 : 100 on A3

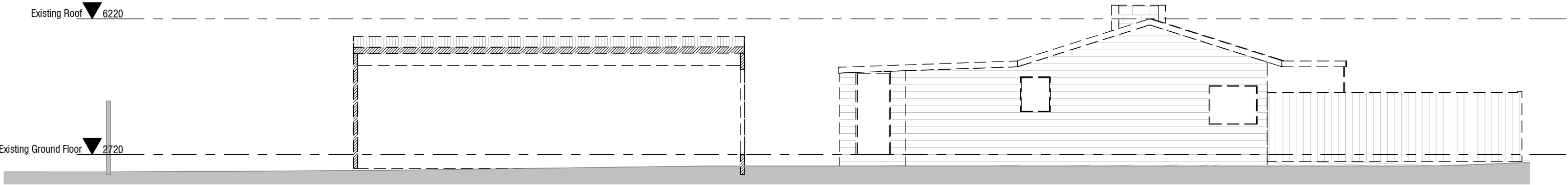
DATE: 09.12.20

REV: REV2

DRG NO: DA05

STUDIO ELLIOTT

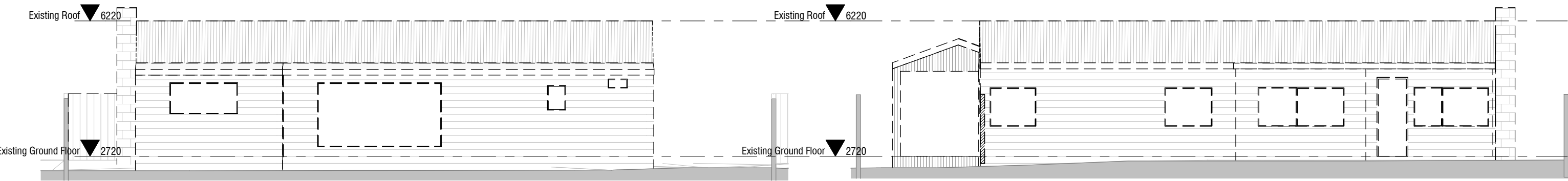
ARCHITECTURE + DESIGN



1

Existing North Elevation

DA03DEMOLITION1 : 100



2

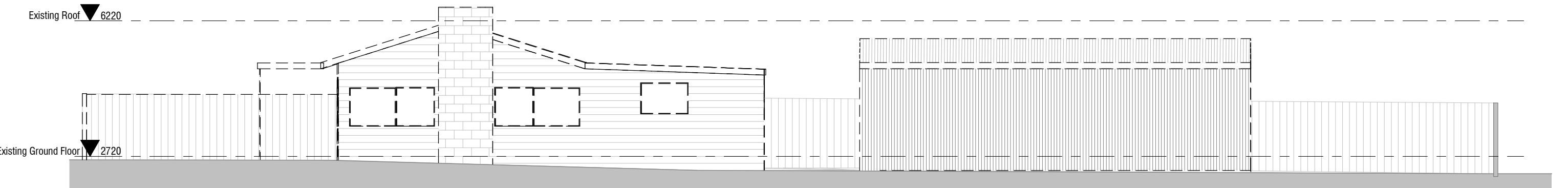
Existing East Elevation

DA03DEMOLITION1 : 100

3

Existing West Elevation

DA03DEMOLITION1 : 100



4

Existing South Elevation

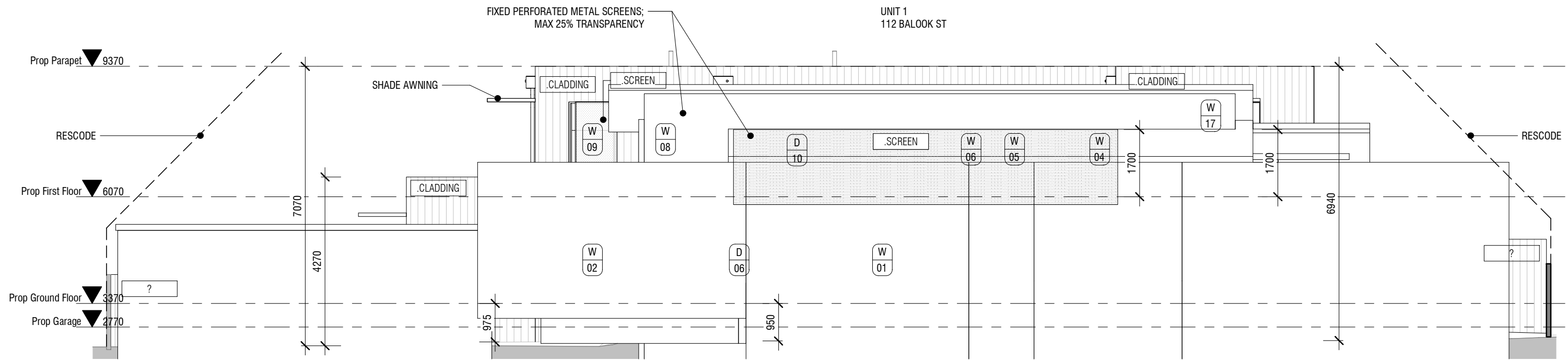
DA03DEMOLITION1 : 100

DEVELOPMENT APPLICATION		
REVISIONS		NOTES
NO.	DATE	
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		2. BUILDER TO REFER ANY INCONSISTENCIES TO THE ARCHITECT FOR CLARIFICATION.
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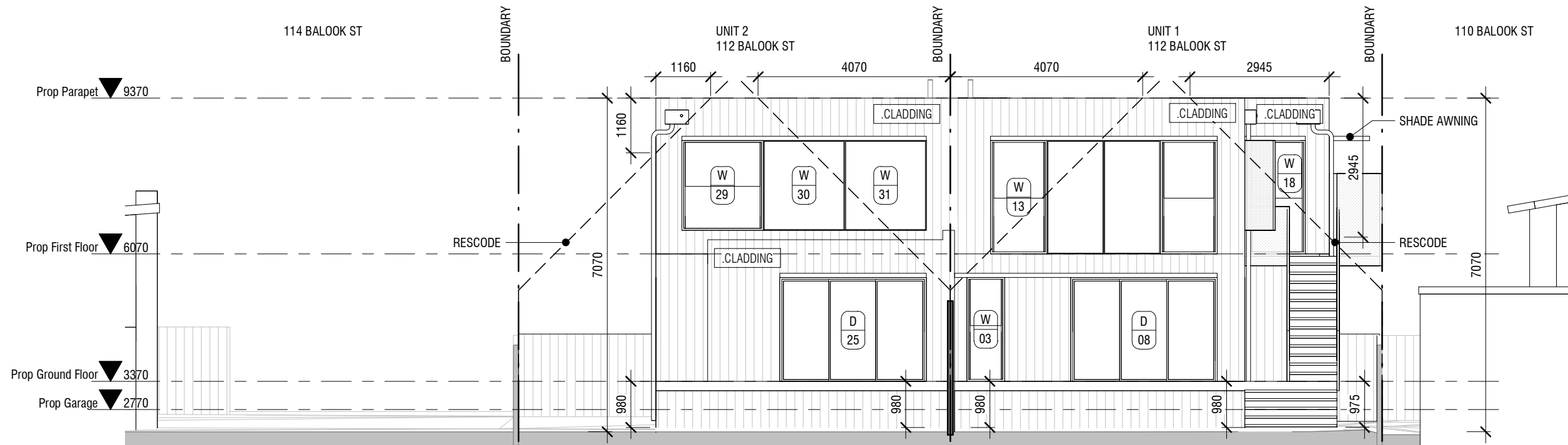
CLIENT:	JULIE + MARK ELLIOTT
PROJECT:	BALOOK
DRAWING:	ELEVATIONS DEMOLITION
SCALE:	1 : 100 on A3
DATE:	13.11.20
REV:	REV1
DRG NO:	DA06

STUDIO ELLIOTT

ARCHITECTURE +
DESIGN



1 Proposed North Elevation
DA04 PROPOSED 1 : 100



2 Proposed East Elevation
DA04 PROPOSED 1 : 100

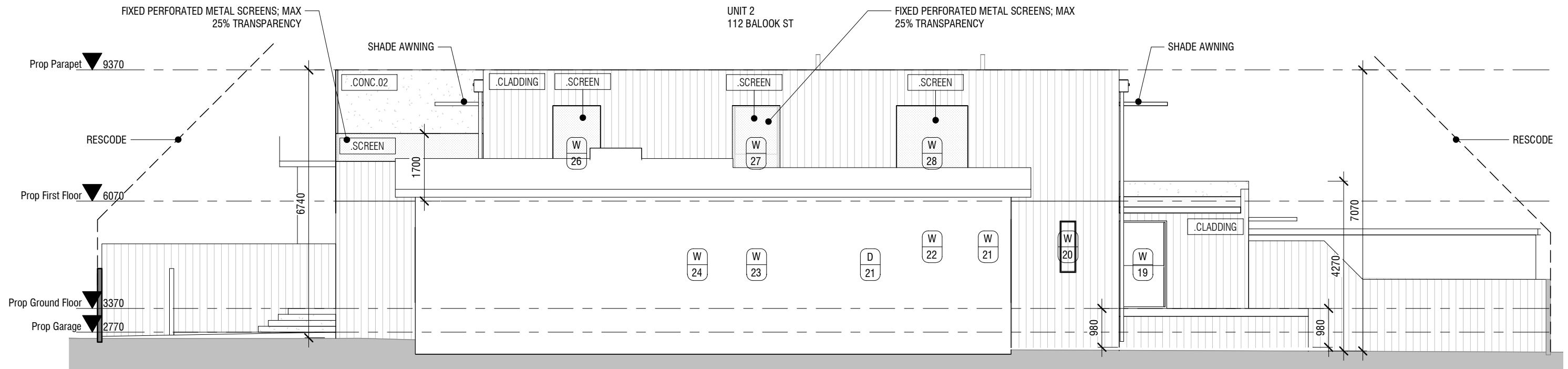
DEVELOPMENT APPLICATION

REVISIONS		NOTES
NO.	DATE	
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2	RF01 09.12.20	

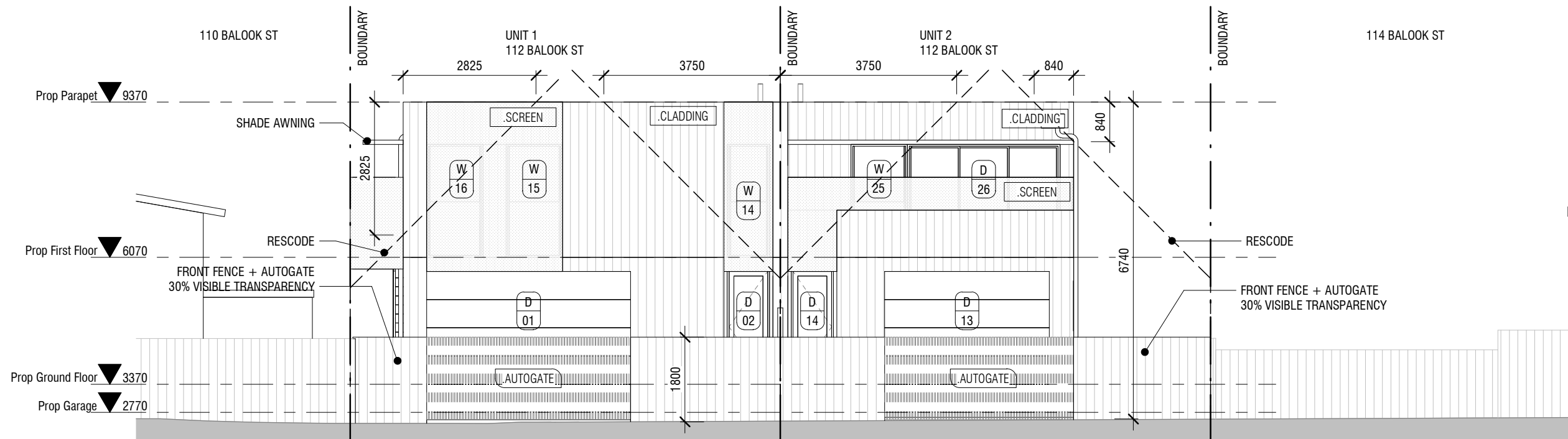
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CLIENT:	JULIE + MARK ELLIOTT
PROJECT:	BALOOK
DRAWING:	ELEVATIONS PROPOSED
SCALE:	1 : 100 on A3
DATE:	09.12.20
REV:	REV2
DRG NO:	DA07

STUDIO ELLIOTT ARCHITECTURE + DESIGN



1 Proposed South Elevation
DA04 PROPOSED 1 : 100



2 Proposed West Elevation
DA04 PROPOSED 1 : 100

DEVELOPMENT APPLICATION

REVISIONS

NO.	DATE
1 DA REV01	13.11.20
2 RF101	09.12.20

NOTES

- BUILDER TO CHECK ALL DIMENSIONS BEFORE COMMENCING WORKS ON SITE, SHOP DRAWINGS, ETC.
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- DO NOT SCALE THE DRAWINGS.
- BUILDER TO CHECK THAT THIS DRAWING IS THE MOST RECENT AMENDMENT.
- ALL DIMENSIONS ARE STRUCTURAL.

CLIENT: JULIE + MARK ELLIOTT

PROJECT: BALOOK

DRAWING: ELEVATIONS PROPOSED

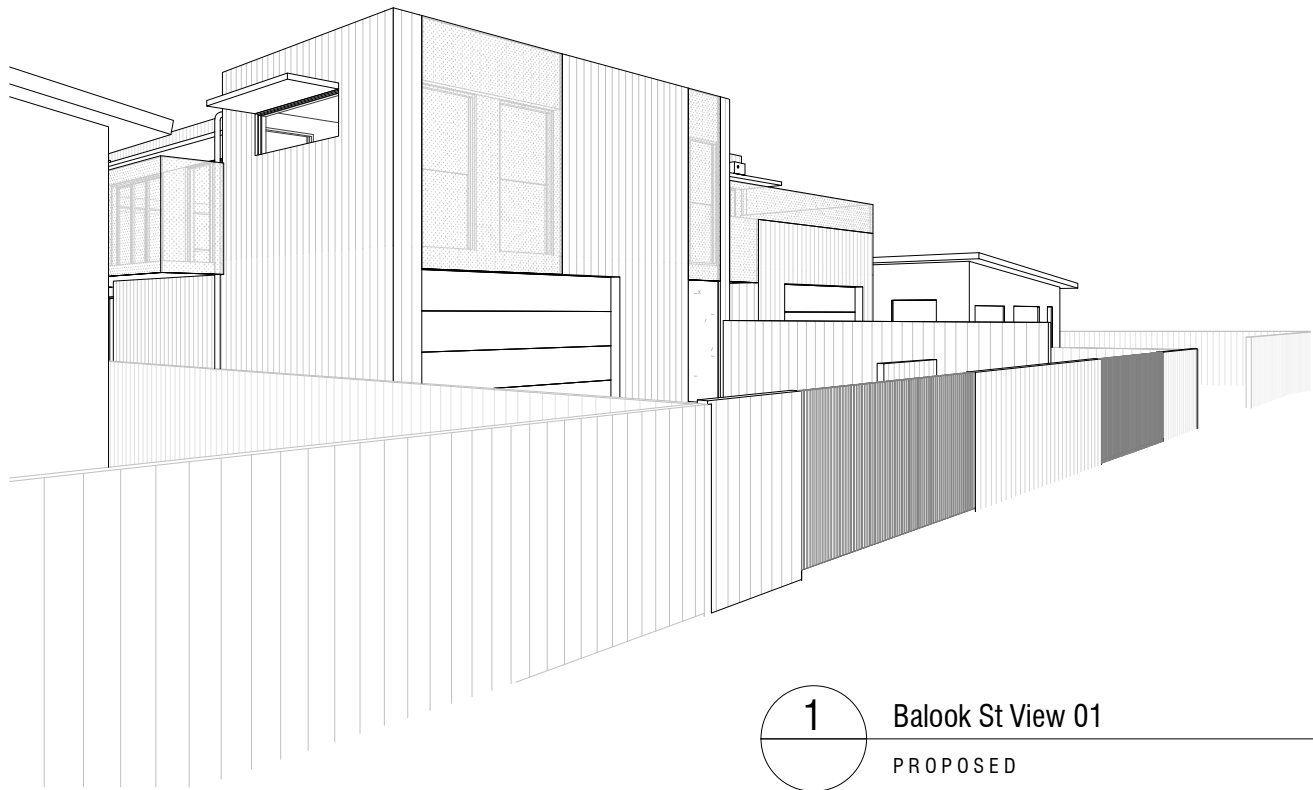
SCALE: 1 : 100 on A3

DATE: 09.12.20

REV: REV2 DRG NO: DA08

STUDIO ELLIOTT

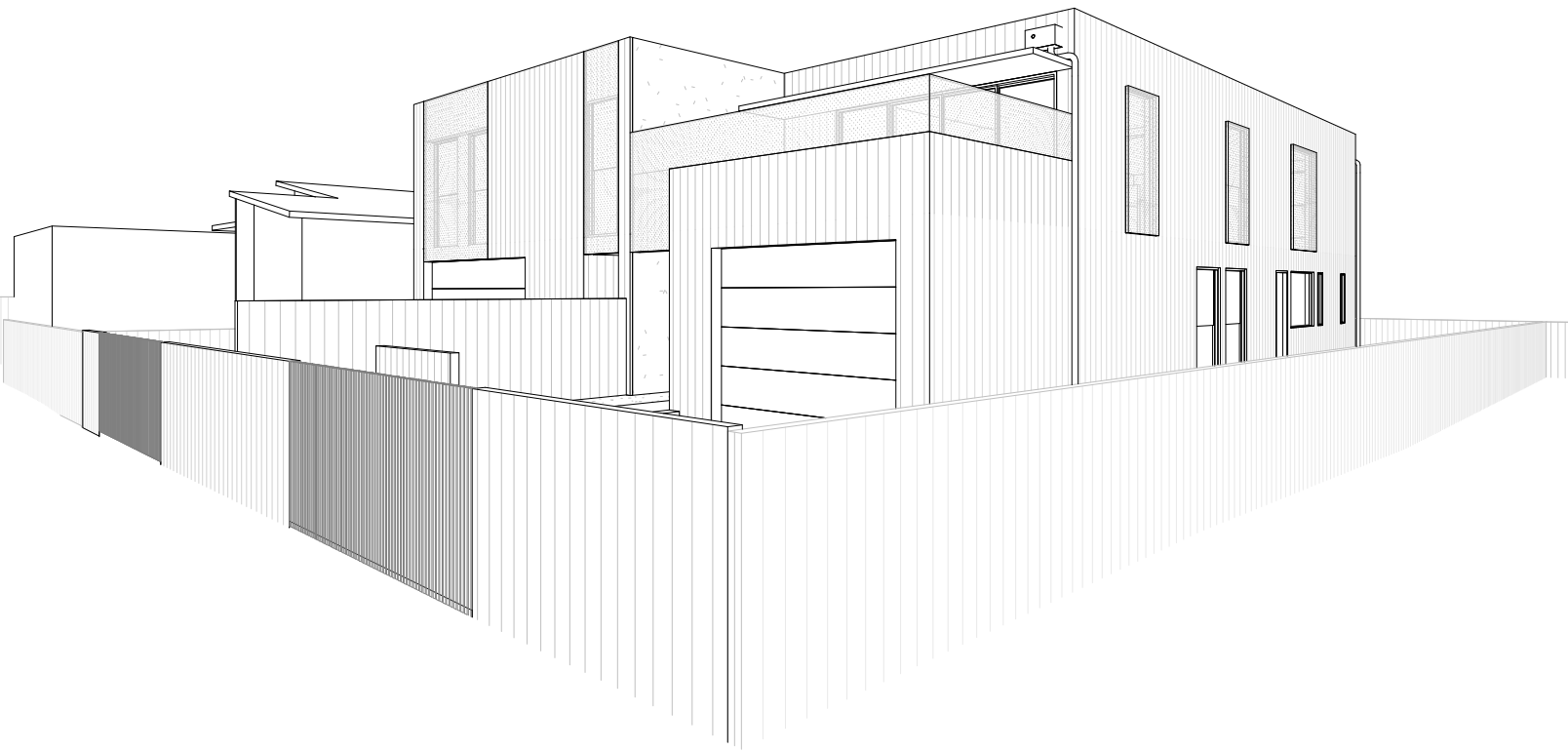
ARCHITECTURE + DESIGN



1 Balook St View 01
PROPOSED



3 Rear View 01
PROPOSED



2 Balook St View 02
PROPOSED

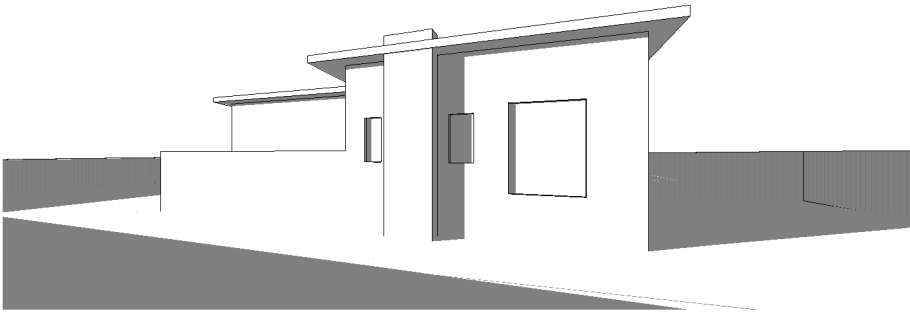
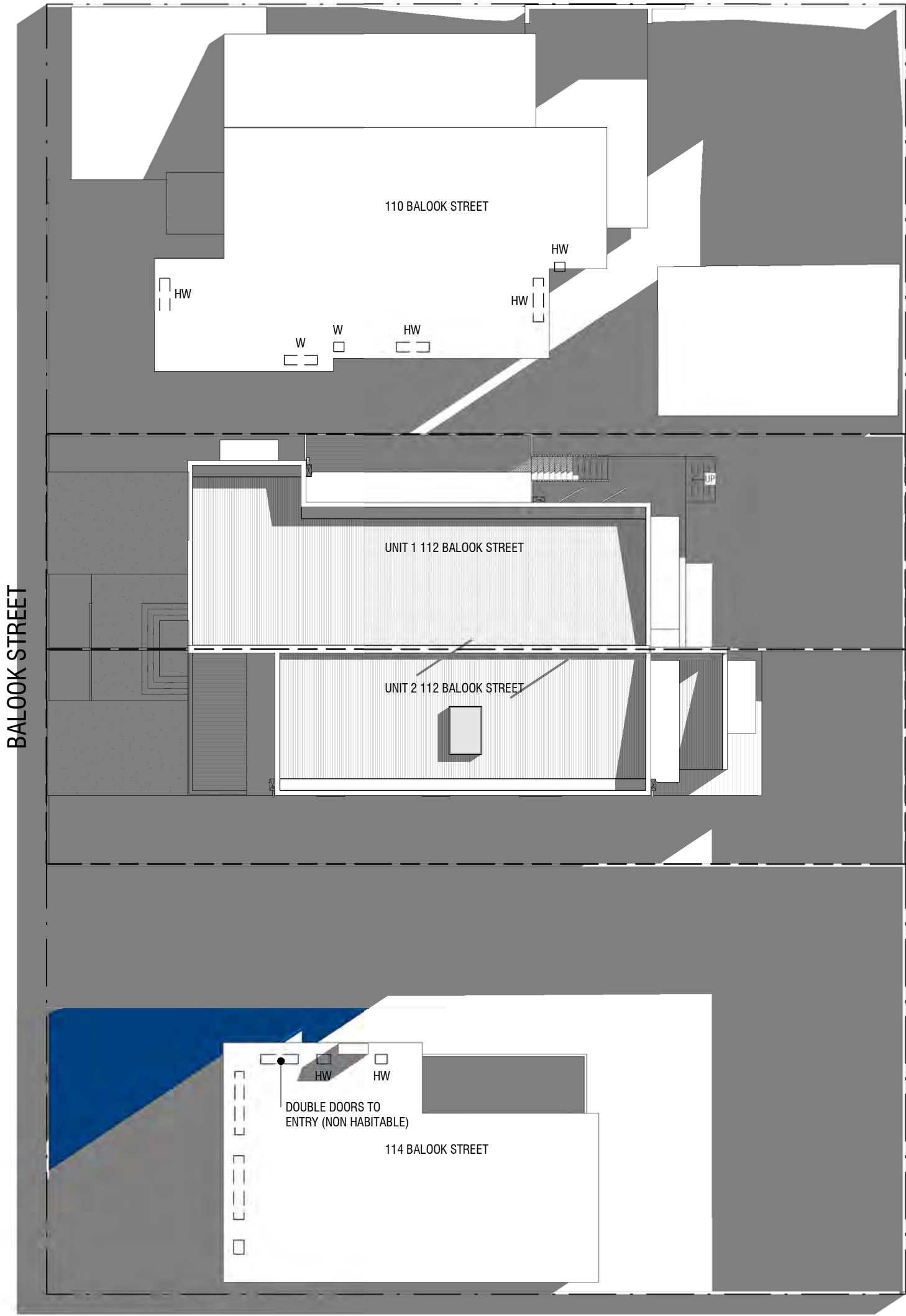
DEVELOPMENT APPLICATION

REVISIONS		NOTES
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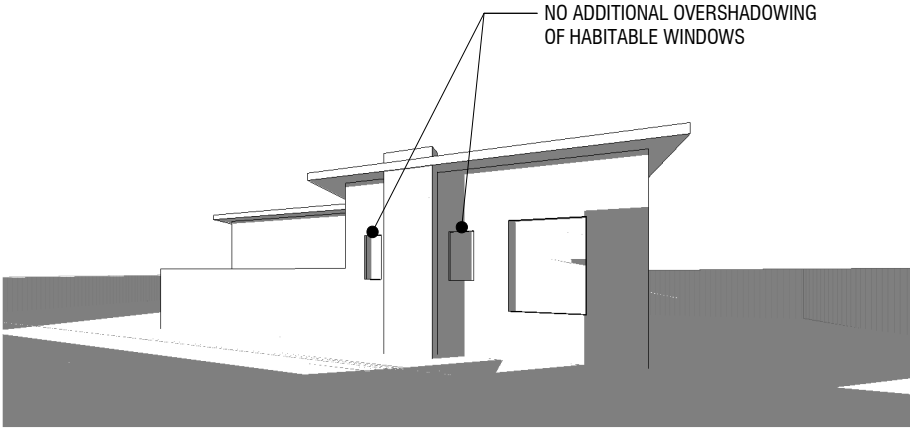
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5. ALL DIMENSIONS ARE STRUCTURAL.

CLIENT:	JULIE + MARK ELLIOTT
PROJECT:	BALOOK
DRAWING:	PERSPECTIVES
SCALE:	on A3
DATE:	13.11.20
REV:	REV1
DRG NO:	DA09

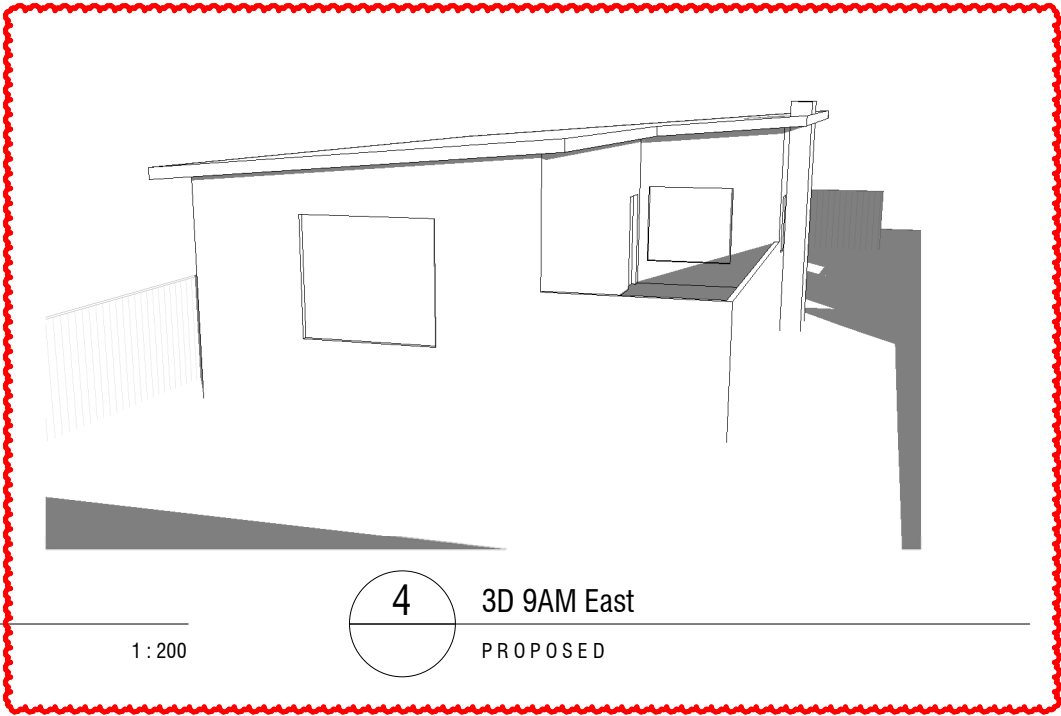
STUDIO ELLIOTT ARCHITECTURE + DESIGN



2 3D 9AM Existing
EXISTING



3 COMPLIANT 3D 9AM
PROPOSED



4 3D 9AM East
PROPOSED

SHADOW PERCENTAGE OF 114 BALOOK STREET
PRIVATE OPEN SPACE (POS)

	AREA m2	% OF POS
POS	371m2	
EXISTING	260m2	70%
PROPOSED	297m2	80%

1 Shadow Diagram 9am
DA07 PROPOSED

1 : 200

DEVELOPMENT APPLICATION

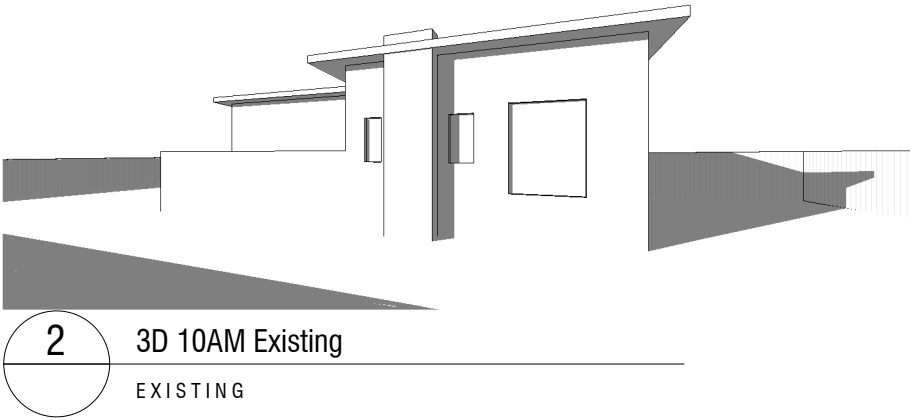
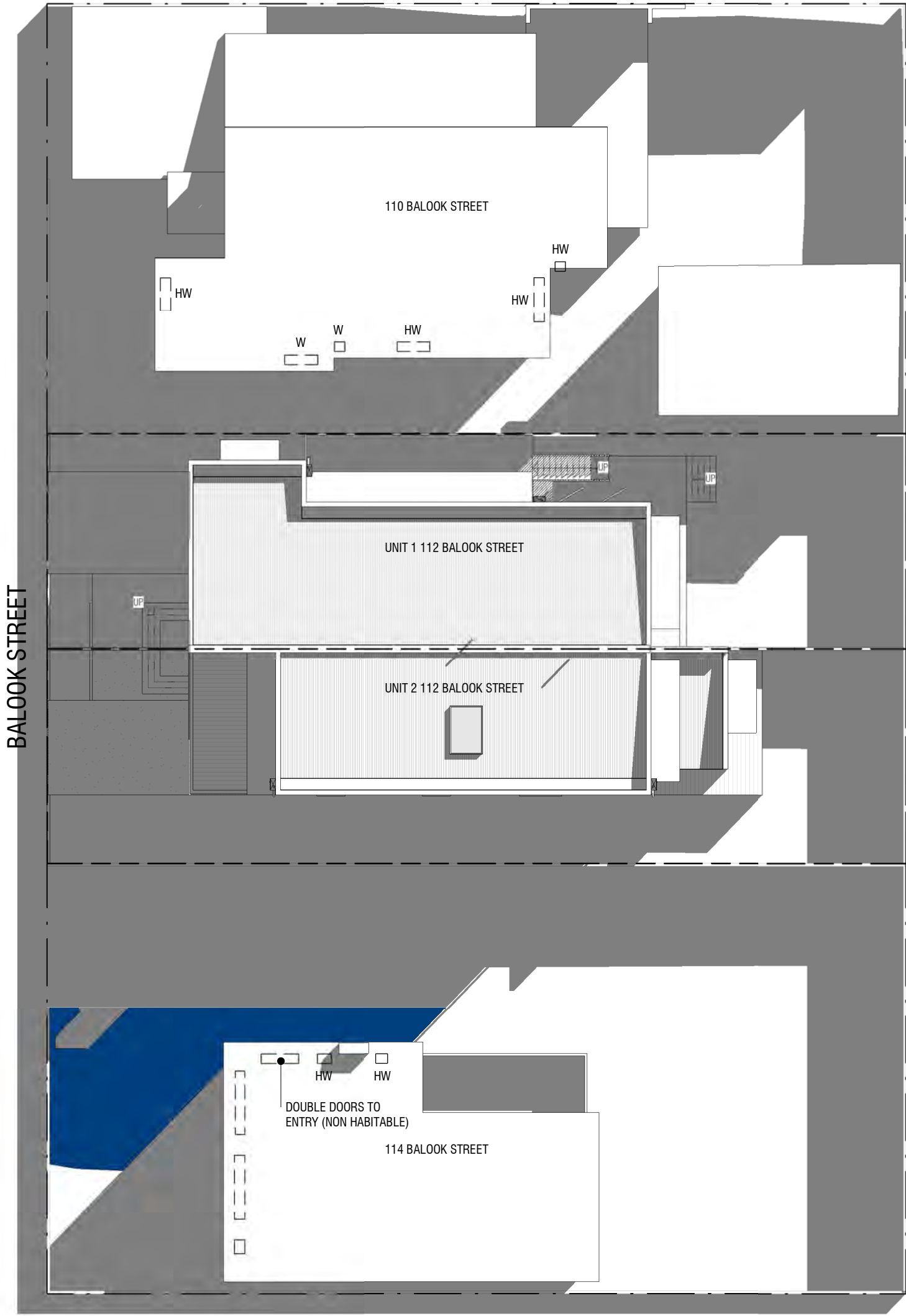
REVISIONS		NOTES
NO.	DATE	
1	DA REV01	13.11.20
3	Shadow Diagrams	18.01.21
4	114 Shadow Diagram	21.01.21



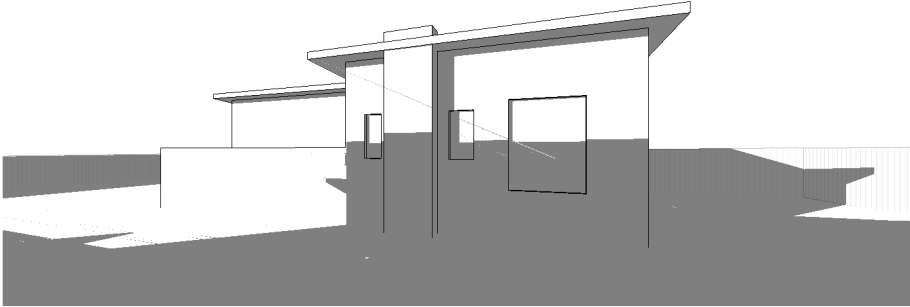
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5. ALL DIMENSIONS ARE STRUCTURAL.

CLIENT:	JULIE + MARK ELLIOTT	REV:	REV4	DRG NO:	DA10
PROJECT:	BALOOK				
DRAWING:	SHADOW DIAGRAM 9AM				
SCALE:	1 : 200 on A3				
DATE:	21.01.21				

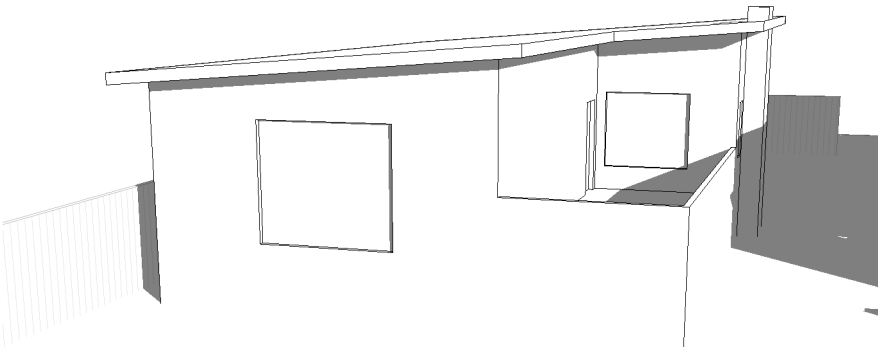
STUDIO ELLIOTT ARCHITECTURE + DESIGN



2 3D 10AM Existing
EXISTING



3 3D 10AM
PROPOSED



4 3D 10AM East
PROPOSED

SHADOW PERCENTAGE OF 114 BALOOK STREET
PRIVATE OPEN SPACE (POS)

	AREA m2	% OF POS
POS	371m2	
EXISTING	176m2	47%
PROPOSED	221m2	59%

1 Shadow Diagram 10am
DA07 PROPOSED

1 : 200

DEVELOPMENT APPLICATION

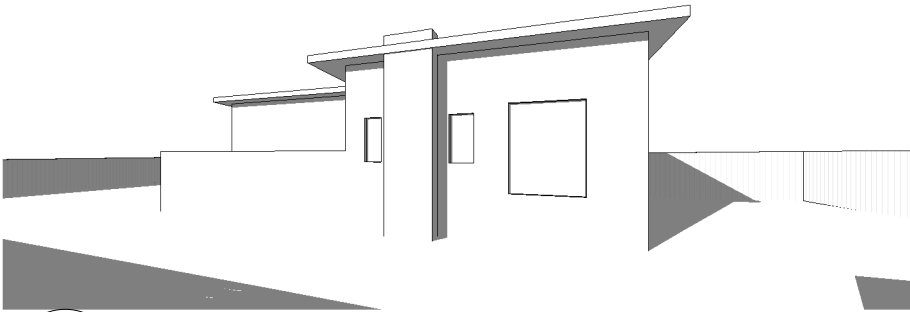
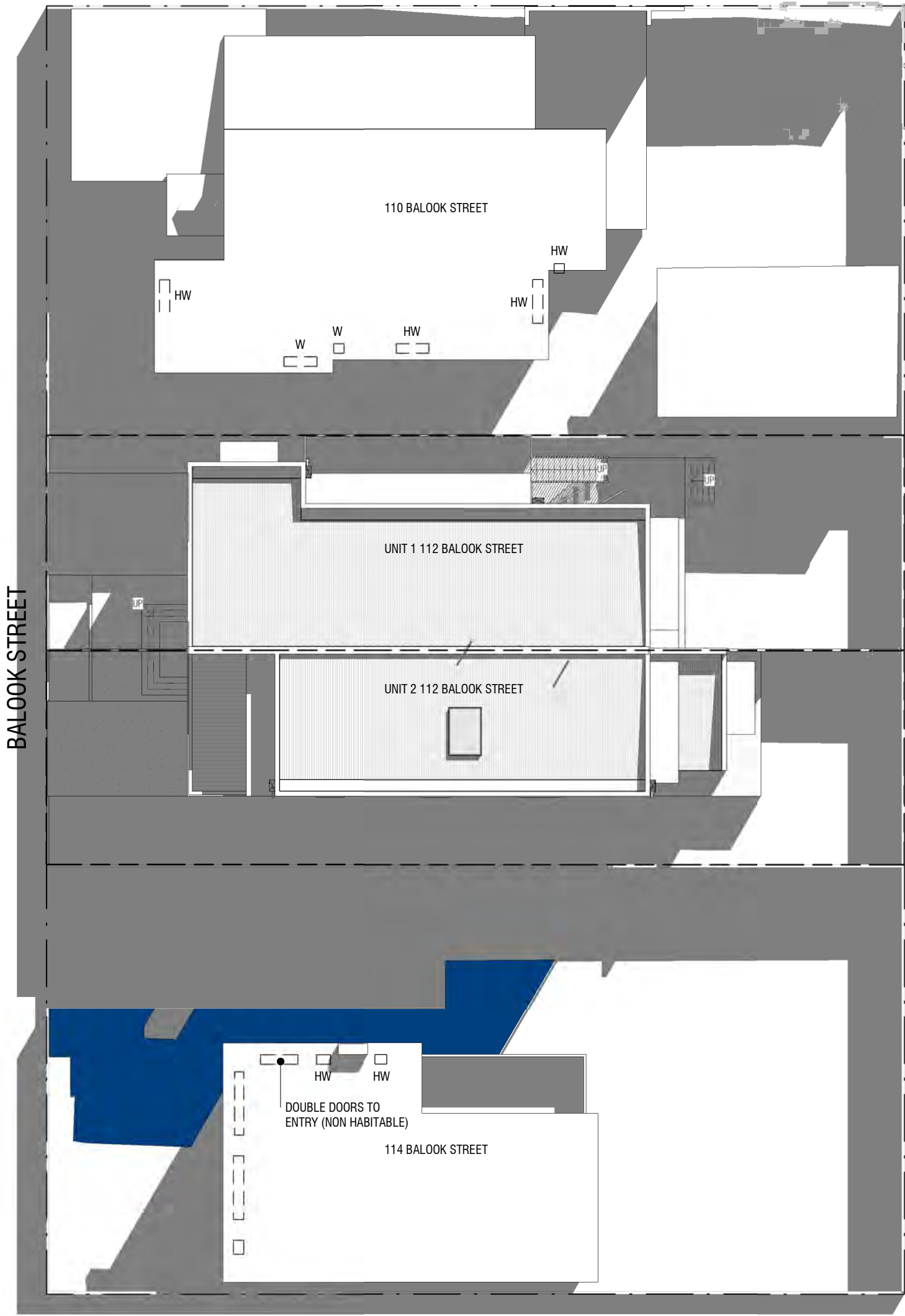
REVISIONS		NOTES
NO.	DATE	
1	DA REV01	13.11.20
3	Shadow Diagrams	18.01.21
4	114 Shadow Diagram	21.01.21



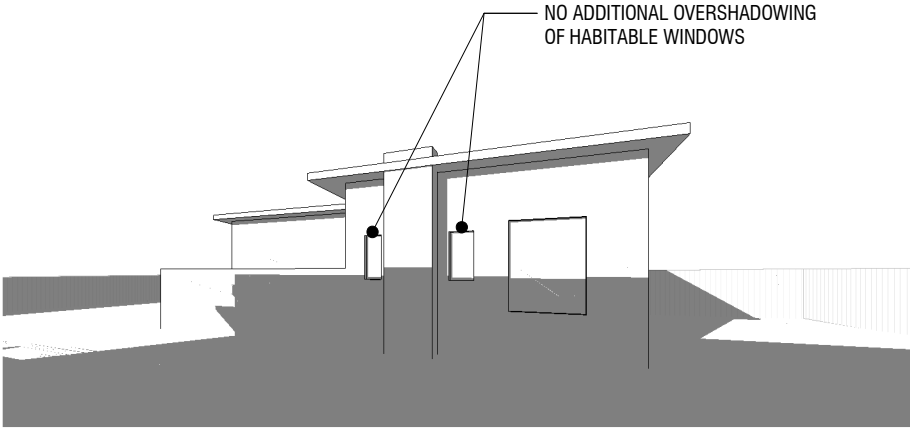
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CLIENT:	JULIE + MARK ELLIOTT
PROJECT:	BALOOK
DRAWING:	SHADOW DIAGRAM 10AM
SCALE:	1 : 200 on A3
DATE:	21.01.21
REV:	REV4
DRG NO:	DA11

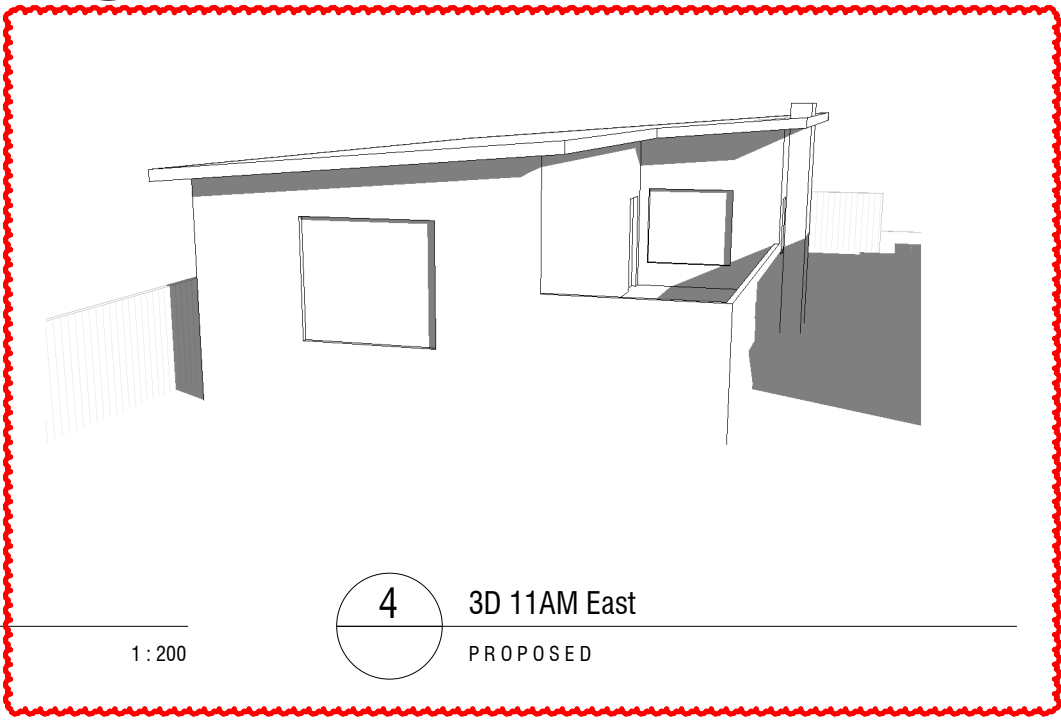
STUDIO ELLIOTT ARCHITECTURE + DESIGN



2 3D 11AM Existing
EXISTING



3 3D 11AM
PROPOSED



4 3D 11AM East
PROPOSED

SHADOW PERCENTAGE OF 114 BALOOK STREET
PRIVATE OPEN SPACE (POS)

	AREA m2	% OF POS
POS	371m2	
EXISTING	124m2	33%
PROPOSED	178m2	48%

1 Shadow Diagram 11am
DA07 PROPOSED

1 : 200

DEVELOPMENT APPLICATION

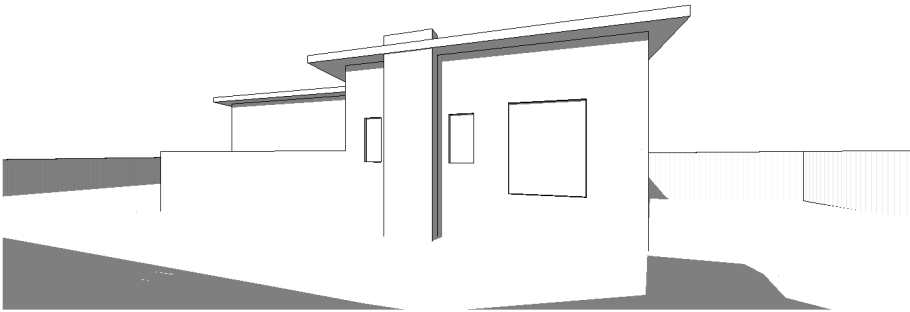
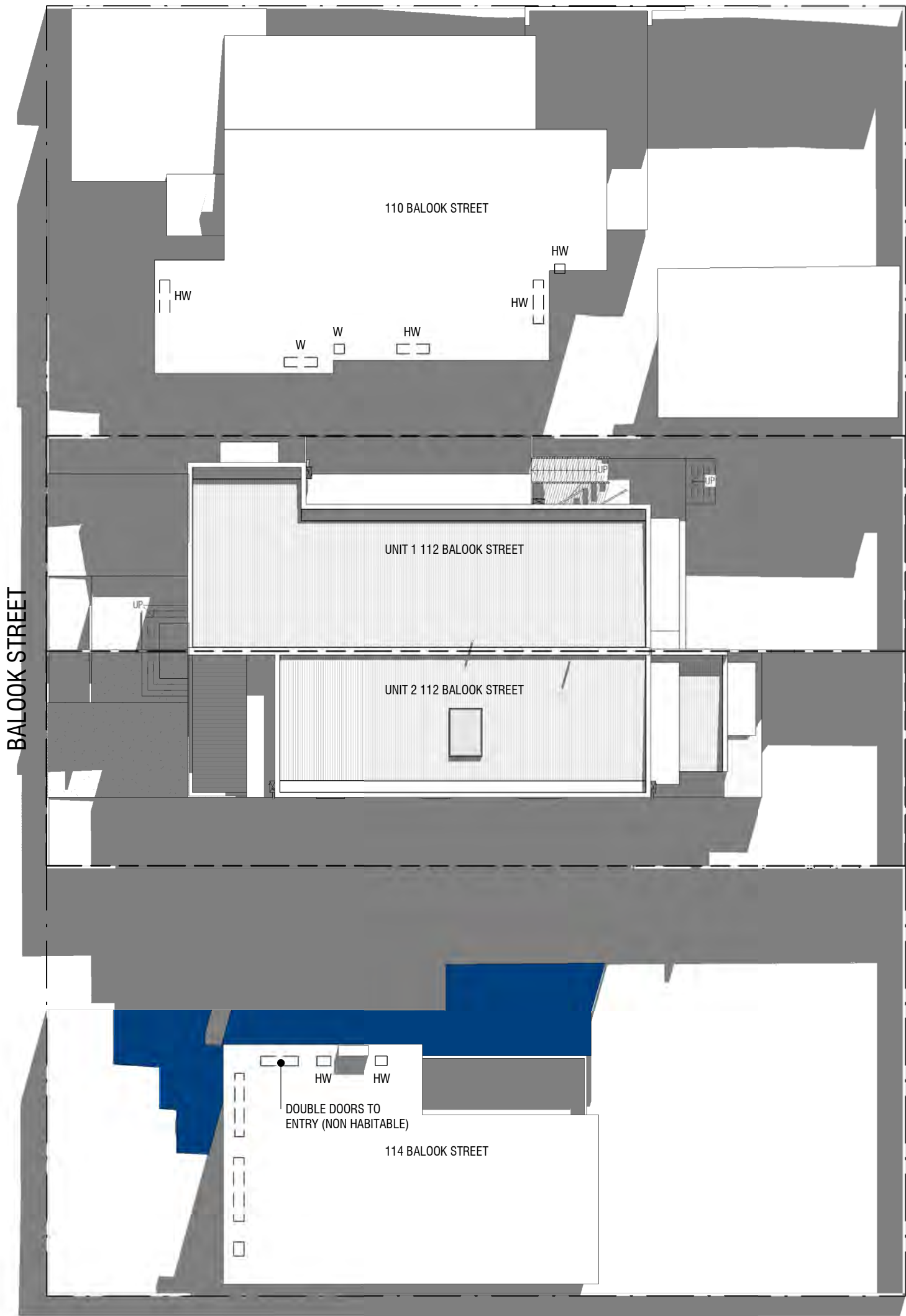
REVISIONS		NOTES
NO.	DATE	
1	DA REV01	13.11.20
3	Shadow Diagrams	18.01.21
4	114 Shadow Diagram	21.01.21

1. BUILDER TO CHECK ALL DIMENSIONS BEFORE COMMENCING WORKS ON SITE, SHOP DRAWINGS, ETC.
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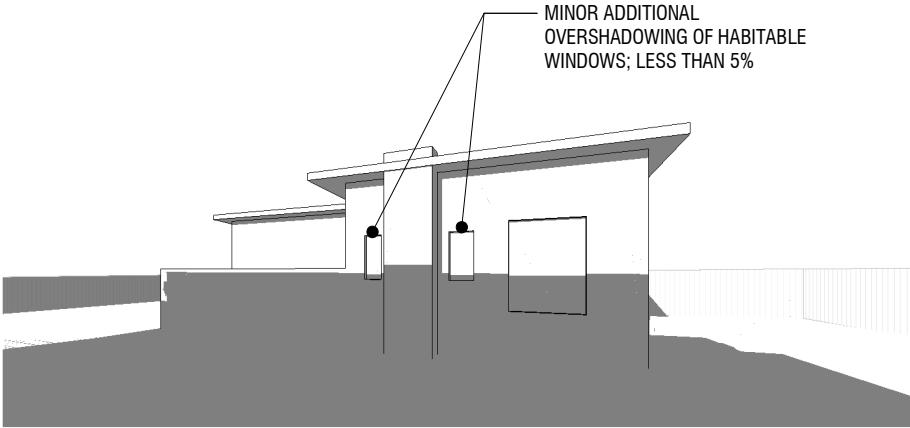


CLIENT:	JULIE + MARK ELLIOTT	REV:	REV4	DRG NO:	DA12
PROJECT:	BALOOK				
DRAWING:	SHADOW DIAGRAM 11AM				
SCALE:	1 : 200 on A3				
DATE:	21.01.21				

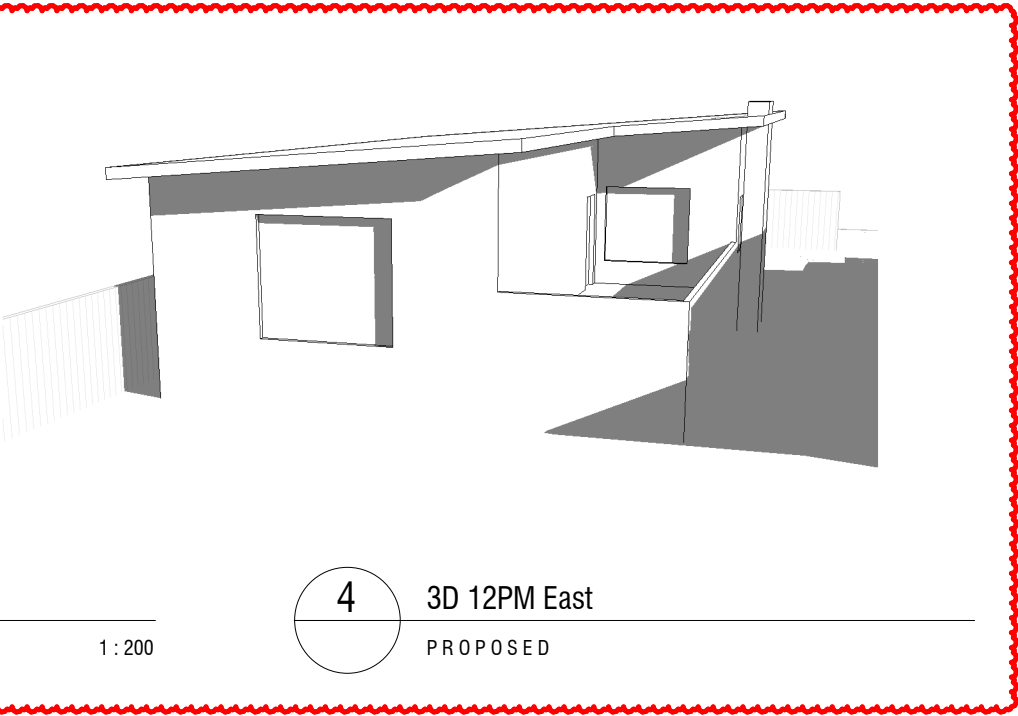
STUDIO ELLIOTT ARCHITECTURE + DESIGN



2 3D 12PM Existing
EXISTING



3 3D 12PM
PROPOSED



4 3D 12PM East
PROPOSED

SHADOW PERCENTAGE OF 114 BALOOK STREET
PRIVATE OPEN SPACE (POS)

	AREA m2	% OF POS
POS	371m2	
EXISTING	91m2	24%
PROPOSED	136m2	36%

1 Shadow Diagram 12pm
DA07 PROPOSED

1 : 200

DEVELOPMENT APPLICATION

REVISIONS		NOTES
NO.	DATE	
1	DA REV01	13.11.20
3	Shadow Diagrams	18.01.21
4	114 Shadow Diagram	21.01.21

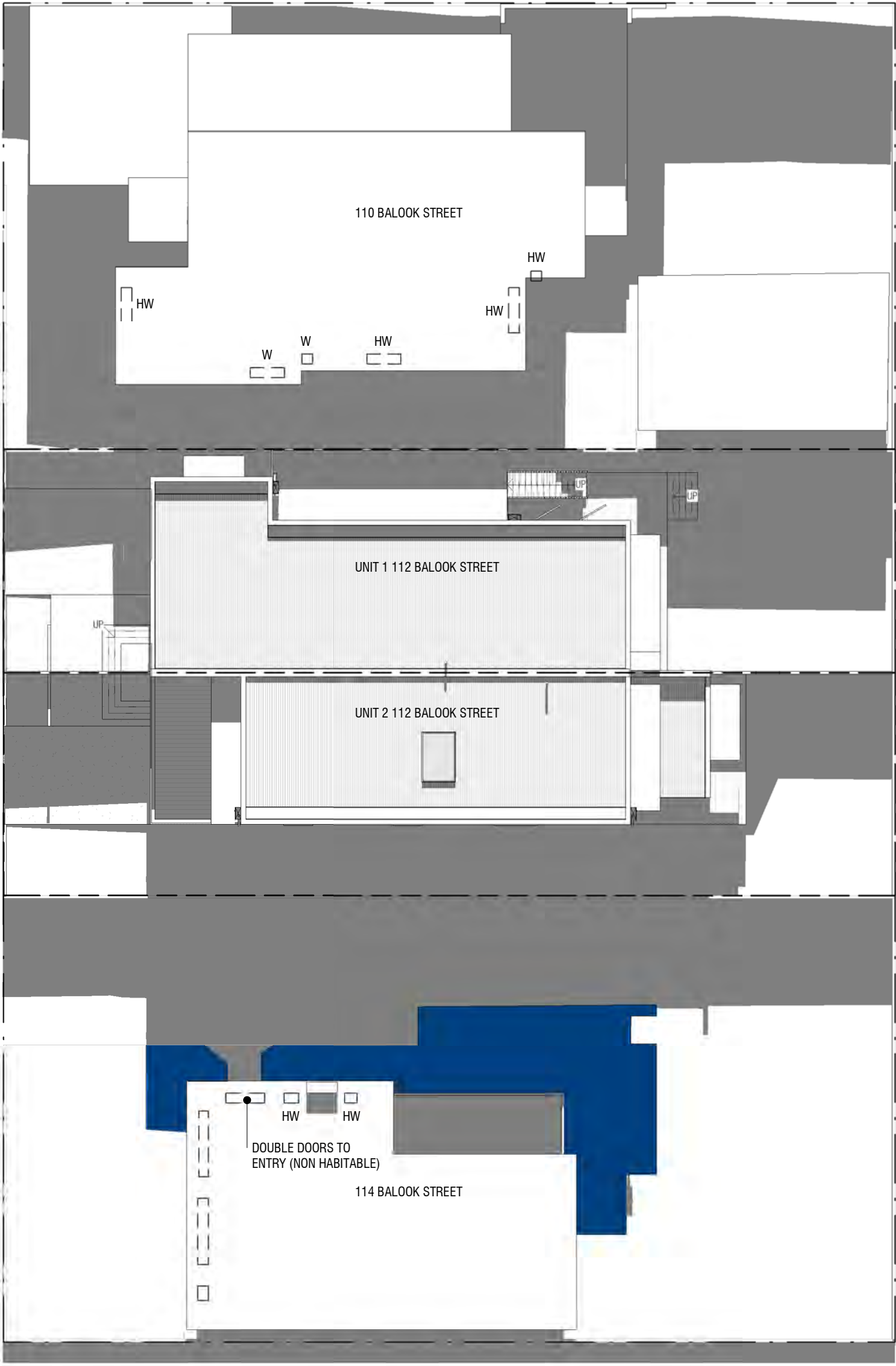
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CLIENT:	JULIE + MARK ELLIOTT
PROJECT:	BALOOK
DRAWING:	SHADOW DIAGRAM 12PM
SCALE:	1 : 200 on A3
DATE:	21.01.21
REV:	REV4
DRG NO:	DA13

STUDIO ELLIOTT ARCHITECTURE + DESIGN

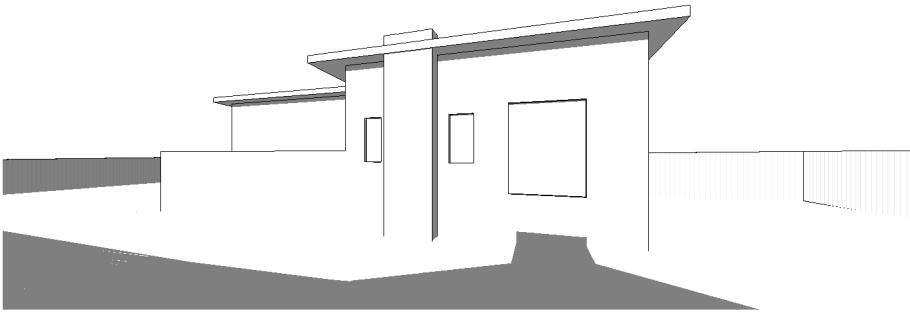
BALOOK STREET



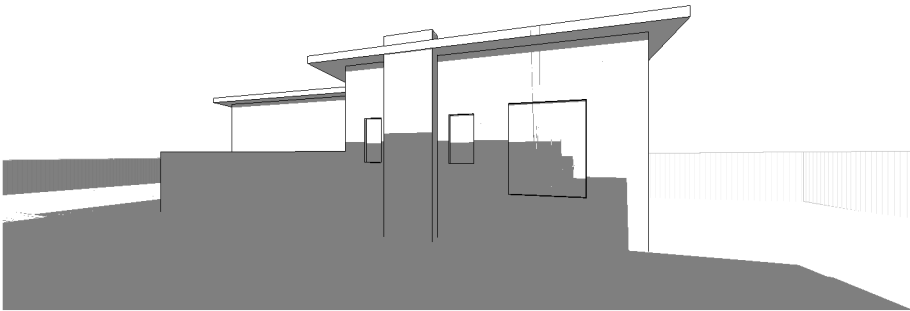
SHADOW PERCENTAGE OF 114 BALOOK STREET
PRIVATE OPEN SPACE (POS)

	AREA m2	% OF POS
POS	371m2	
EXISTING	70m2	19%
PROPOSED	121m2	32%

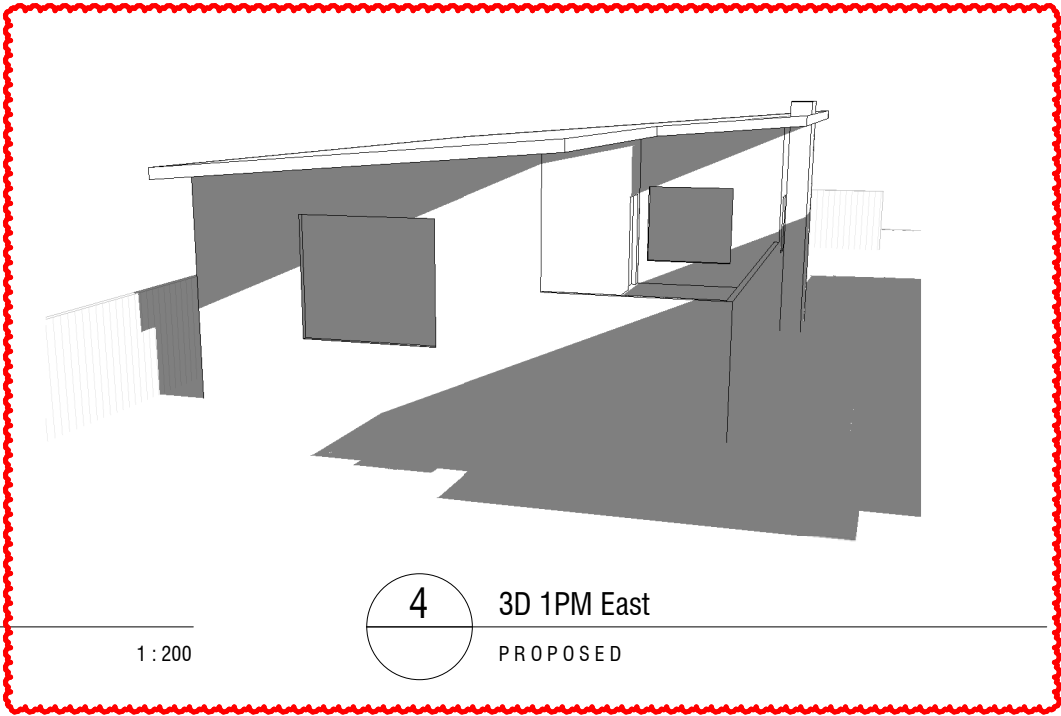
1 Shadow Diagram 1pm
DA07 PROPOSED



2 3D 1PM Existing
EXISTING



3 3D 1PM
PROPOSED



4 3D 1PM East
PROPOSED

1 : 200

DEVELOPMENT APPLICATION

REVISIONS		NOTES
NO.	DATE	
1	DA REV01 13.11.20	
3	Shadow Diagrams 18.01.21	
4	114 Shadow Diagram 21.01.21	

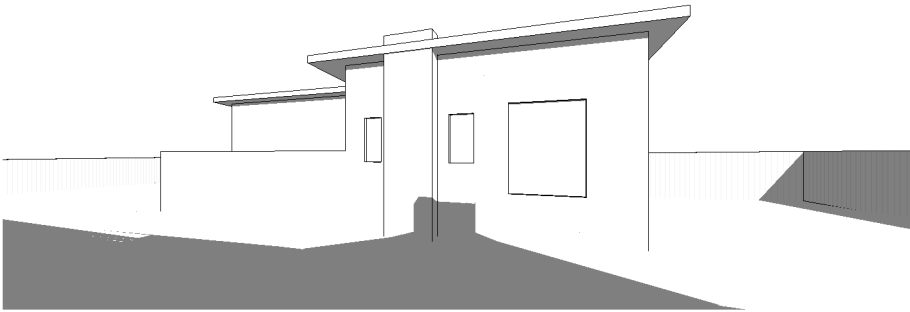


1. BUILDER TO CHECK ALL DIMENSIONS BEFORE COMMENCING WORKS ON SITE, SHOP DRAWINGS, ETC.
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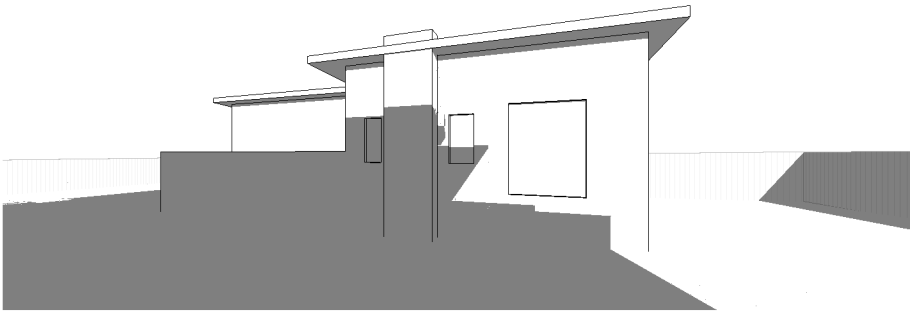
CLIENT:	JULIE + MARK ELLIOTT	REV:	REV4	DRG NO:	DA14
PROJECT:	BALOOK				
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SCALE:	1 : 200 on A3				
DATE:	21.01.21				

STUDIO ELLIOTT ARCHITECTURE + DESIGN

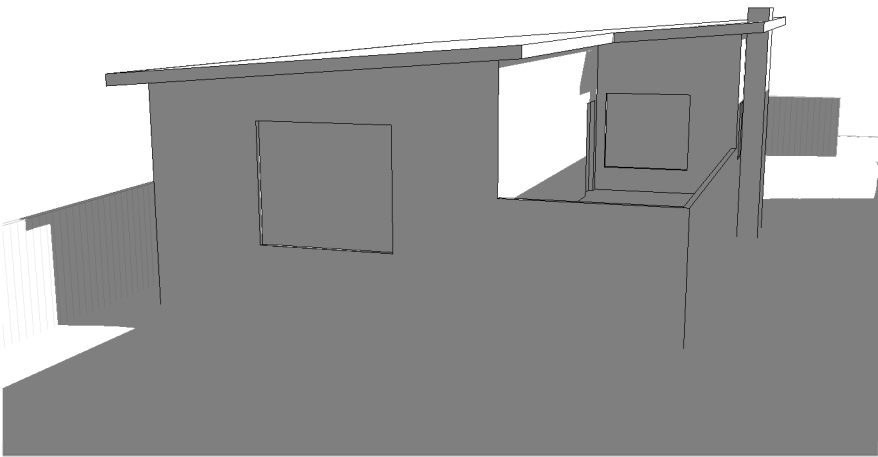
BALOOK STREET



2 3D 2PM Existing
EXISTING



3 3D 2PM
PROPOSED



4 3D 2PM East
PROPOSED

SHADOW PERCENTAGE OF 114 BALOOK STREET
PRIVATE OPEN SPACE (POS)

	AREA m2	% OF POS
POS	371m2	
EXISTING	106m2	28%
PROPOSED	193m2	52%

1 Shadow Diagram 2pm
DA07 PROPOSED

1 : 200

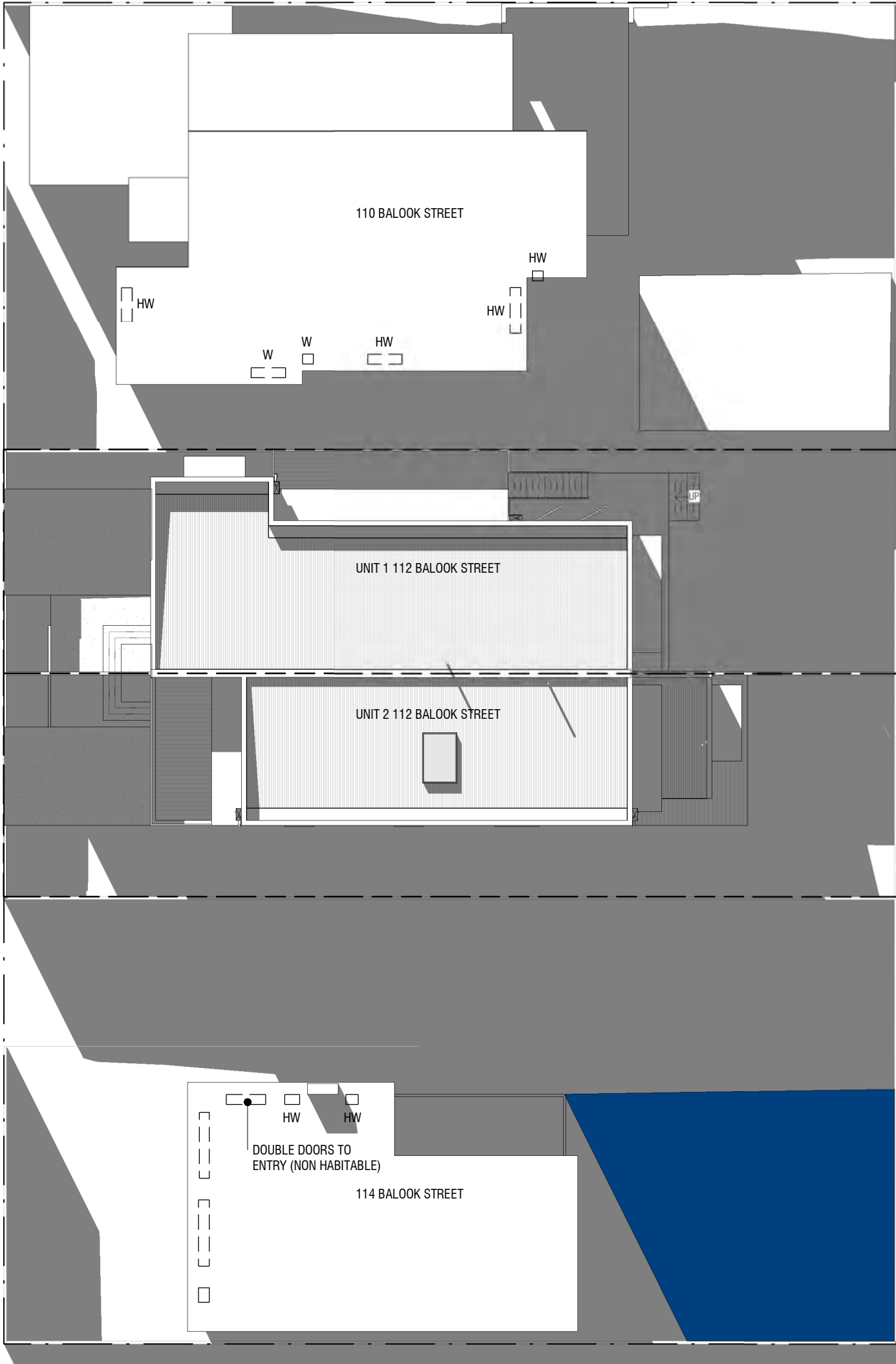
DEVELOPMENT APPLICATION

REVISIONS		NOTES
NO.	DATE	
1	DA REV01 13.11.20	
3	Shadow Diagrams 18.01.21	
4	114 Shadow Diagram 21.01.21	

1. BUILDER TO CHECK ALL DIMENSIONS BEFORE COMMENCING WORKS ON SITE, SHOP DRAWINGS, ETC.
2. BUILDER TO REFER ANY INCONSISTENCIES TO THE ARCHITECT FOR CLARIFICATION.
3. DO NOT SCALE THE DRAWINGS.
4. BUILDER TO CHECK THAT THIS DRAWING IS THE MOST RECENT AMENDMENT.
5. ALL DIMENSIONS ARE STRUCTURAL.

CLIENT:	JULIE + MARK ELLIOTT	
PROJECT:	BALOOK	
DRAWING:	SHADOW DIAGRAM 2PM	
SCALE:	1 : 200 on A3	REV: REV4 DRG NO: DA15
DATE:	21.01.21	

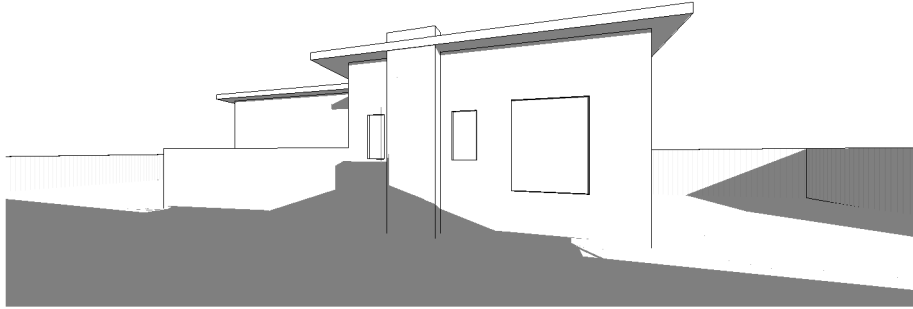
STUDIO ELLIOTT ARCHITECTURE + DESIGN



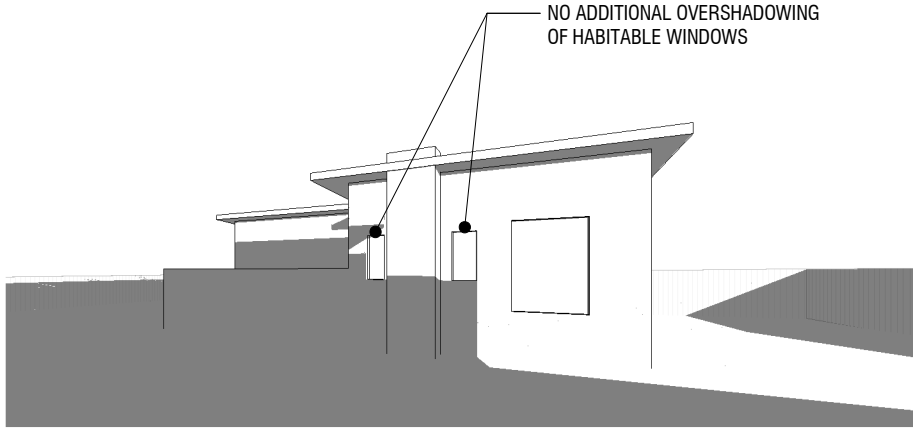
SHADOW PERCENTAGE OF 114 BALOOK STREET
PRIVATE OPEN SPACE (POS)

	AREA m2	% OF POS
POS	371m2	
EXISTING	179m2	48%
PROPOSED	299m2	80%

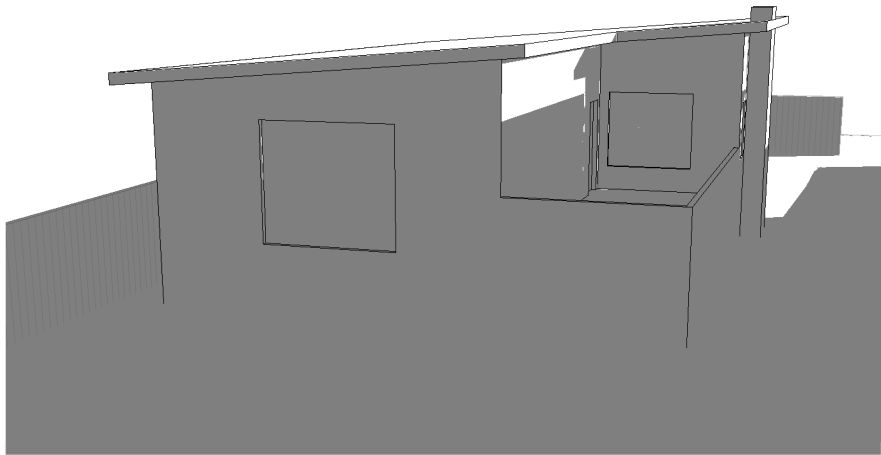
1 Shadow Diagram 3pm
DA07 PROPOSED



2 3D 3PM Existing
EXISTING



3 3D 3PM
PROPOSED



4 3D 3PM East
PROPOSED

1 : 200

DEVELOPMENT APPLICATION

REVISIONS		NOTES
NO.	DATE	
1	DA REV01	13.11.20
3	Shadow Diagrams	18.01.21
4	114 Shadow Diagram	21.01.21

1. BUILDER TO CHECK ALL DIMENSIONS BEFORE COMMENCING WORKS ON SITE, SHOP DRAWINGS, ETC.
2. BUILDER TO REFER ANY INCONSISTENCIES TO THE ARCHITECT FOR CLARIFICATION.
3. DO NOT SCALE THE DRAWINGS.
4. BUILDER TO CHECK THAT THIS DRAWING IS THE MOST RECENT AMENDMENT.
5. ALL DIMENSIONS ARE STRUCTURAL.

CLIENT:	JULIE + MARK ELLIOTT		
PROJECT:	BALOOK		
DRAWING:	SHADOW DIAGRAM 3PM		
SCALE:	1 : 200 on A3	REV:	REV4
DATE:	21.01.21	DRG NO:	DA16

STUDIO ELLIOTT ARCHITECTURE + DESIGN

Attachment 3

112 BALOOK STREET, LAUDERDALE



Photo 1: Site viewed from Balook Street, looking southeast.



Photo 2: Site viewed from Balook Street, looking northeast.



Photo 3: Site viewed looking west towards Balook Street from adjacent reserve.

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014305 – 14 TIANNA ROAD, LINDISFARNE - ALTERATIONS TO EXISTING DWELLING (UNIT 1) & DECK ADDITION TO UNIT 2 (APPROVED)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for alterations to the existing dwelling (Unit 1) and a deck addition to Unit 2 (approved) at 14 Tianna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 11 February 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations (1 with 3 separate submissions) were received raising the following issues:

- Concerns surrounding Unit 1 & unapproved site works;
- Height of Unit 2, & inability to construct within approved heights;
- Duration of construction works;
- Open space and landscaping;
- Drainage;
- Retaining works;
- Overshadowing;
- Solar panels;
- Use of garage of Unit 2;
- Deck balustrade;

- Privacy;
- Inconsistency with character of area; and
- Failure to comply with Scheme provisions.

RECOMMENDATION:

A. That the development application for alterations to the existing dwelling (Unit 1) & deck addition to Unit 2 (approved) at 14 Tianna Road, Lindisfarne (CI Ref PDPLANPMTD-2020/014305) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

ADVICE

- Works associated with excavations, road construction and other activities, including the use of portable and mobile equipment and machinery, associated with the development must be in accordance with the *Environmental Management and Pollution Control (Noise) Regulations 2016*.

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 lot was created as part of SD-2011/18 which involved a boundary adjustment between parcels 14 Tianna Road and 10 Moirunna Road. The boundary adjustment increased the lot size of 14 Tianna Road. At this time, 14 Tianna Road was a vacant lot.

A single dwelling was subsequently constructed on the site, which did not require planning approval under the previous scheme. Building and plumbing permits were granted under BPA-2014/229 and PA-2014/340.

A development application, PDPLANPMTD-2019/001355, was received in 2019 for the development of 2 multiple dwellings (1 existing, 1 new) on the site. This application was publicly advertised as part of the assessment, and the application subsequently withdrawn prior to determination.

A development application, PDPLANPMTP-2020/008858, was approved on 15 July 2020 for the development of 2 multiple dwellings (1 existing, 1 new) on the site. The approved development was a permitted development, which also included modifications to Unit 1 to both enclose the lower level of the existing dwelling to create rumpus / cinema rooms, and to remove windows facing the shared driveway. A condition was included as part of the permit granted to require the removal of the southwest facing habitable room windows of the existing dwelling, Unit 1, as proposed, in order to meet the associated acceptable solution of the Scheme for separation from the shared driveway.

The development of Unit 2 is notifiable building work, and Council has been notified as required of construction having commenced in December 2020.

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.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 - Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a regular-shaped, 1055m² lot located on the southern side of Tianna Road. The site is in an established residential area, adjoining five properties: 8, 10, 12 and 14 Moirunna Road and 16 Tianna Road. Opposite the site to the north is Natone Hill (refer Attachment 1).

The site slopes down to the southeast towards Moirunna Road and contains a 2.5m wide easement for sewerage. A 1.5m wide easement for stormwater is also located on the site in the southern portion, along the south western side boundary.

The site contains an existing two storey split level dwelling with integral garage and upper level corner south east/west facing deck. The dwelling is located within the northern half of the site, north of the easement and has a maximum height of 7.7m above natural ground level.

3.2. The Proposal

The proposal is for the development of an 18.65m² upper level deck addition to the dwelling unit, Unit 2, which itself has been approved under PDPLANPMTP-2020/008858. Also proposed as part of this application are modifications to the existing dwelling, Unit 1, to allow the southwest facing upper and lower level habitable room windows to remain in place.

The proposed deck would be located on the upper level of Unit 2, facing southeast. It would have a finished floor level of 4.23m above natural ground level, a finished height of 5.53m including a proposed glass balustrade and would be setback 3.0m from the northeastern (side) boundary and 5.45m from the southeastern (rear) boundary.

The windows for which approval is sought are 2 southwest facing windows on the upper level of Unit 1, one to a bedroom and one to the living room, and one on the lower level to the rumpus room. The proposal plans are included in the Attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications {Section 8.10}

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

(a) all applicable standards and requirements in this planning scheme; and

(b) any representations received pursuant to and in conformity with ss57(5) of the Act,

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Road and Railway Assets, Parking and Access and Stormwater Management Codes with the exception of the following:

General Residential Zone

- **Clause 10.4.2 (A3) setbacks and building envelope for all dwellings**
– the proposed deck for the upper level of Unit 2 would have a finished floor level of 4.23m above natural ground level, a finished height of 5.53m which includes a proposed glass balustrade and would be setback 3.0m from the northeastern (side) boundary and 5.45m from the southeastern (rear) boundary. The balustrade would protrude beyond the building envelope prescribed by the acceptable solution as shown by the proposal plans.

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

Performance Criteria	Proposal
<p><i>“P3 - The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p> <p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p> <p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p> <p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p> <p><i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.”</i></p>	<p>See below.</p> <p>The part of the proposal that protrudes beyond the building envelope is the glass balustrade, proposed to secure the deck space, as shown in the proposal plans. The screen would be transparent and would therefore have no impact upon solar access to adjacent properties. The subject unit, Unit 2, has an existing planning permit and therefore any considerations associated with overshadowing caused by the building itself are not considered afresh as part of this assessment.</p> <p>On the basis that the proposal will not cause an unreasonable (or any) loss of sunlight to the adjoining dwellings, the requirements of this test are met.</p> <p>The proposed deck would be located on the upper level of the approved Unit 2. The physical works proposed include the construction of the deck surface and associated glass balustrade (and rail), to a height of 5.63m above natural ground level. Being glass and therefore transparent, it is considered that the visual impact of the deck addition would be low, in that it would largely not change the appearance of the approved dwelling unit. Similarly, it is considered that the glass balustrade associated with the deck would not unreasonably impact the appearance of the approved dwelling unit, in terms of the bulk and scale of the development.</p> <p>The proposed deck would be separated by 3.0m from the nearest (side) boundary, and 5.45m from the rear boundary. This separation distance is considered to be compatible with the surrounding area and on this basis, the development of the proposed deck is not considered to have an unreasonable visual impact on the adjoining properties.</p>

	There are many examples in the surrounding area where outdoor living (deck) areas are located in proximity to the rear and side boundaries of lots and on this basis, the separation between the proposed dwellings is considered compatible with that prevailing in the surrounding area.
--	--

General Residential Zone

- **Clause 10.4.6 (A3) privacy for all dwellings** – the proposal is for retention of rumpus room, living room and bedroom windows of Unit 1 within 1m of the shared driveway, as prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause 10.4.6 as follows:

Clause	Performance Criteria	Assessment
10.4.6 P3	<i>“A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.”</i>	<p>While Unit 1 has various windows with a 0m setback to the shared driveway, the rumpus room window has a minimum sill height of 1.5m increasing to 2.0m downslope above the driveway and the bedroom window has a sill height of 1.7m above the driveway. The living room located on the upper level of Unit 1 has a sill height of 1.7m above the finished floor level. Accordingly, the Unit design minimises detrimental impacts of vehicle noise or light intrusion to habitable room of a multiple dwelling.</p> <p>On this basis, it is considered that the location of the habitable room windows satisfies the requirements of this performance criterion.</p>

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations (1 with 3 separate submissions) were received. The following issues were raised by the representors:

5.1. Concerns surrounding Unit 1 (existing) and unapproved site works

Concern is raised that Unit 1 has been constructed over height and that the lower level of Unit 1 has been enclosed as a rumpus and cinema room space without approval. The representations request that Council require that a land surveyor provide confirmation of the constructed height of the dwelling unit. The colour of Unit 1, being white, is also raised as a concern, in terms of reflectivity for nearby residences.

- **Comment**

The enclosure of the lower level of the existing dwelling was shown by the proposal plans and is relevant to this application only in relation to the proposal to retain windows to the associated rumpus room on the lower level, where within 1m of the shared driveway. The enclosure of the deck would have, were it not associated with the development of the site for multiple dwellings, met the building envelope requirements of the Scheme and not have required a planning permit except in relation to windows, and the proposal complies with the associated performance criteria, P3, of Clause 10.4.6 for the reasons discussed above.

Unit 1 was constructed in 2014 and did not require a planning permit. The concerns surrounding height have been analysed in detail as part of this assessment by the relevant officers including Council's building officers, and it is considered that there is no evidence that the existing dwelling unit has been constructed over the approved height. These issues, including the colour of Unit 1, are not planning considerations relevant to this application and therefore not of determining weight.

5.2. Height of Unit 2 (approved), and inability to construct within approved heights

The representations raise concerns that Unit 2 cannot be constructed in accordance with the approved plans, specifically in relation to height. It is submitted that work should be stopped on site to enable the necessary (discretionary) development application to be lodged for the building, which the representors submit is to be constructed over the approved height.

- **Comment**

This issue has been reviewed in detail as part of this assessment, and it is considered that the approved dwelling unit, Unit 2, can reasonably be constructed in accordance with the approved plans. There is no evidence that the approved dwelling unit would be constructed over the approved height, in that the building plans reflect those endorsed by the permitted planning permit for the development of multiple dwellings on the site. This issue is not a consideration relevant to the determination of this application and therefore not of determining weight.

5.3. Duration of construction works

Concern is raised by the representations that the site has, since the first dwelling (Unit 1) was constructed, resembled a construction site with large amounts of noise generated. It is submitted by the representors that the development should be undertaken within a specified timeframe, and associated noise limited.

- **Comment**

The Scheme does not include development standards within the zone that seek to limit construction timeframes. Noise is not a relevant consideration under the Scheme, and noise associated with typical residential land use is anticipated within a residential area. That said, any noise must not breach the requirements of the Environmental Management and Pollution Control (Noise) Regulations 2016 and the *Environmental Management and Pollution Control Act 1994*. It is reasonable to include advice to alert the applicant to their responsibilities in relation to both. This issue is therefore not of determining weight.

5.4. Open space & landscaping

The representations raise concern that there is insufficient area for outdoor living, and insufficient area for landscaping as part of the development.

- **Comment**

This development relates to a deck addition and reinstatement of windows only. The development of multiple dwellings was approved as a permitted development on the basis of compliance with the prescribed requirements of the acceptable solution for private open space. This issue is therefore not of determining weight.

5.5. Drainage

Concern is raised by the representations in relation to the proposed stormwater design for the development, and whether the proposed works have been designed to adequately cater for the proposed additional impervious area associated with the development.

- **Comment**

This proposal is for the development of a deck on Unit 2 (previously approved) and reinstatement of windows in Unit 1 (existing) only. Conditions associated with stormwater management and treatment were included as conditions of the approved multiple dwelling development, in relation to the provision of detailed engineering designs for the proposal. This issue is therefore of no relevance to this proposal and not of determining weight.

5.6. Retaining works

The representations raise concern in relation to retaining works associated with the level outdoor living area to the southeast of Unit 1. It is submitted that the retaining structure and a possible future fence have not been considered or approved by Council.

- **Comment**

The development proposed by this application is for a deck addition to Unit 2 and reinstatement of windows to Unit 1 only. No retaining works are proposed as part of this proposal.

The planning permit granted for the development of multiple dwellings considered the proposed retaining wall and associated screen fence associated with the proposed outdoor living area to the southeast of Unit 1, with a retaining wall height of 1.5m and associated fence for screening purposes to Unit 2. This is reflected by the approved permit and associated building plans for construction as notifiable work. This issue is therefore not of determining weight.

5.7. Overshadowing

Concern is raised by the representations that the proposed development would have an adverse impact upon solar access for nearby residential properties.

- **Comment**

Being that this proposal is for a deck only as part of Unit 2, overshadowing considerations associated with the approved unit are not relevant to the determination of this application.

The approved development was approved as a permitted development on the basis of compliance with the prescribed building envelope, in which consideration of overshadowing impacts was not required. This issue is therefore not of determining weight.

5.8. Solar panels

The representations raise solar panels as being a concern in relation to Unit 2. Specific concern is that solar panels have not been shown on the plans, if proposed as part of the development.

- **Comment**

Solar panels are not proposed, and Clause 6.1.3 of the Scheme provides that such works would not require a permit. The applicant is therefore not obliged to provide any information in relation to the possibility of solar panels, if proposed.

5.9. Use of garage of Unit 2

Concern is raised by one representation that the southwest facing windows of the lower level garage of Unit 2 indicate that the owners intend using the garage for habitable purposes in the future.

- **Comment**

This proposal is for the development of a deck on Unit 2 (previously approved) and reinstatement of windows in Unit 1 (existing), as discussed. Unit 2 has previously been approved, and queries about possible future use of the garage space is not a consideration relevant to this assessment.

5.10. Deck balustrade

Concerns are raised that the heights of the proposed deck glass are not accurately shown, and that the plans have omitted the required railing as part of such a deck.

- **Comment**

The proposed height of the balustrade is shown by the proposal plans. The applicant has not proposed a railing on the balustrade, and even if proposed, it would have no impact upon the assessment of the proposed development as discussed above, in that there would be a negligible impact in terms of both overshadowing and visual impact. This issue is therefore not of determining weight.

5.11. Privacy

Concerns are raised by the representations that privacy for nearby residential properties would be compromised by the proposed development. Noise has also been raised as a privacy issue, in relation to the use of the proposed deck.

- **Comment**

The proposed deck complies with the acceptable solution in relation to setback distance from side and rear boundaries as articulated by Clause 10.4.6 (A1), in that a 3m side setback and 5.45m rear setback are proposed.

Being that this distance is compliant with the acceptable solution, Council is not empowered to require privacy screening on the deck.

Noise associated with residential land use and including the use of the proposed deck as an extension of the living spaces of the approved dwelling unit is considered reasonable within an established urban area. This issue is therefore not of determining weight.

5.12. Inconsistency with character of area

The representations raise concern that the proposed development is inconsistent with the character of the area, both in terms of the scale of the development and the lack of backyard, in that the representors submit that the area is characterised by single dwellings with large backyards.

- **Comment**

This proposal is for the development of a deck on Unit 2 (previously approved) and retention of windows in Unit 1 (existing), as discussed above. The development of multiple dwellings (1 existing, 1 new) has a planning permit. Density of development and the size of the approved Unit 2 is not a consideration relevant to this development application.

There are many examples of decks for outdoor living purposes within proximity of the development site. The proposal satisfies the relevant tests of the Scheme in relation to building envelope and privacy, as discussed. This issue is therefore not of determining weight.

5.13. Failure to comply with Scheme provisions

Concerns have been raised by the representations that the proposed development does not satisfy a number of development standards of the General Residential Zone. Specific concerns are that the proposal does not satisfy the privacy requirements of Clause 10.4.6 in relation to noise, and overlooking likely from the proposed deck, Clause 10.4.2 in relation to building envelope in relation to the proposed deck, and Clause 10.4.3 in relation to site coverage in that neither dwelling unit would have open space areas with appropriate solar access.

- **Comment**

The proposal is reliant upon the performance criteria relating to building envelope (Clause 10.4.2, P3) and privacy relative to the shared driveway (Clause 10.4.6, P3). For the reasons discussed above, it is considered that the relevant tests of both performance criteria are met. This issue is therefore not of 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 or any other relevant Council policy.

9. CONCLUSION

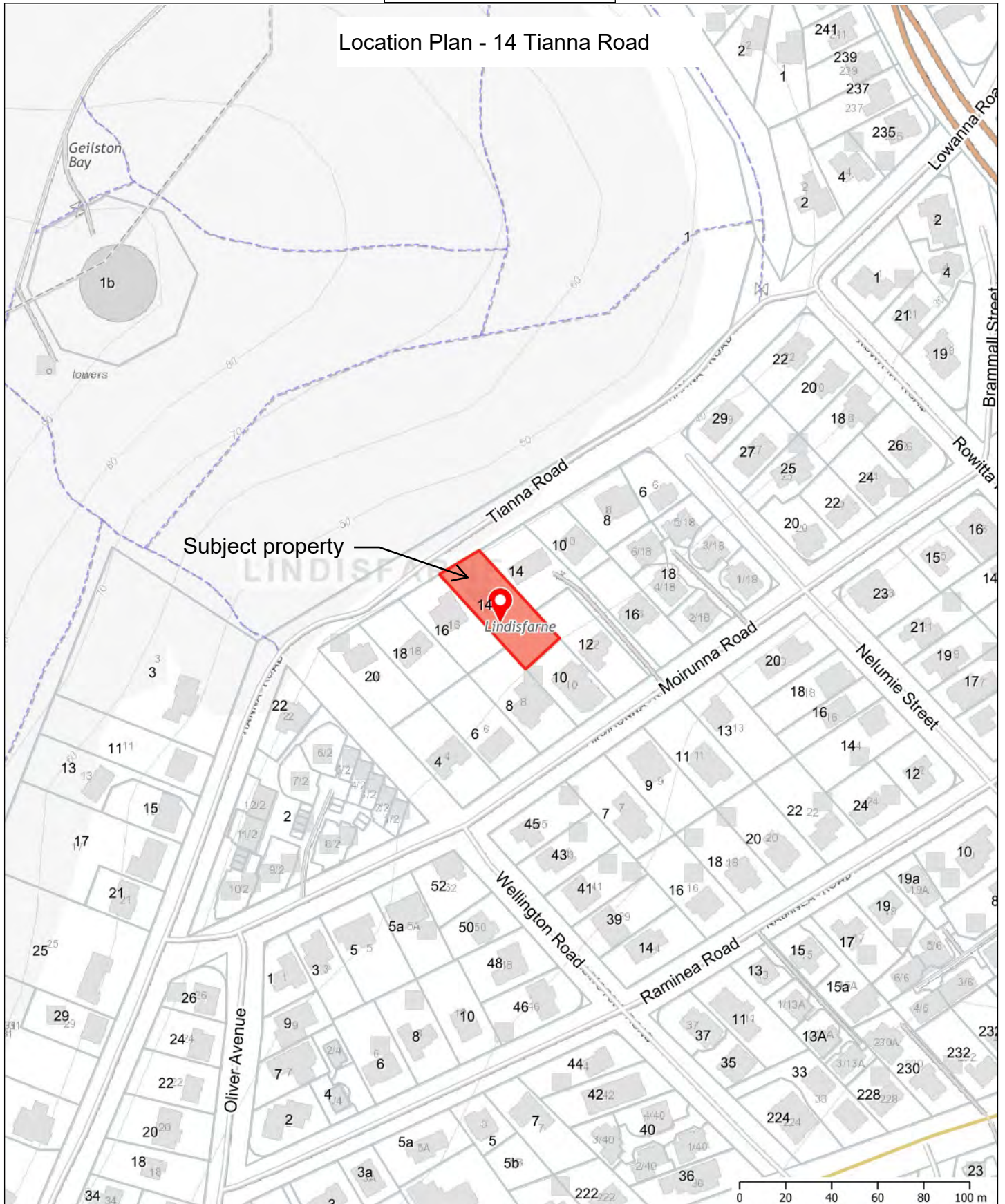
The proposal is for alterations to the existing dwelling (Unit 1) and a deck addition to Unit 2 (approved) at 14 Tianna Road, Lindisfarne. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (5)
3. Site Photo (3)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 14 Tianna Road



Subject property

Lindisfarne



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

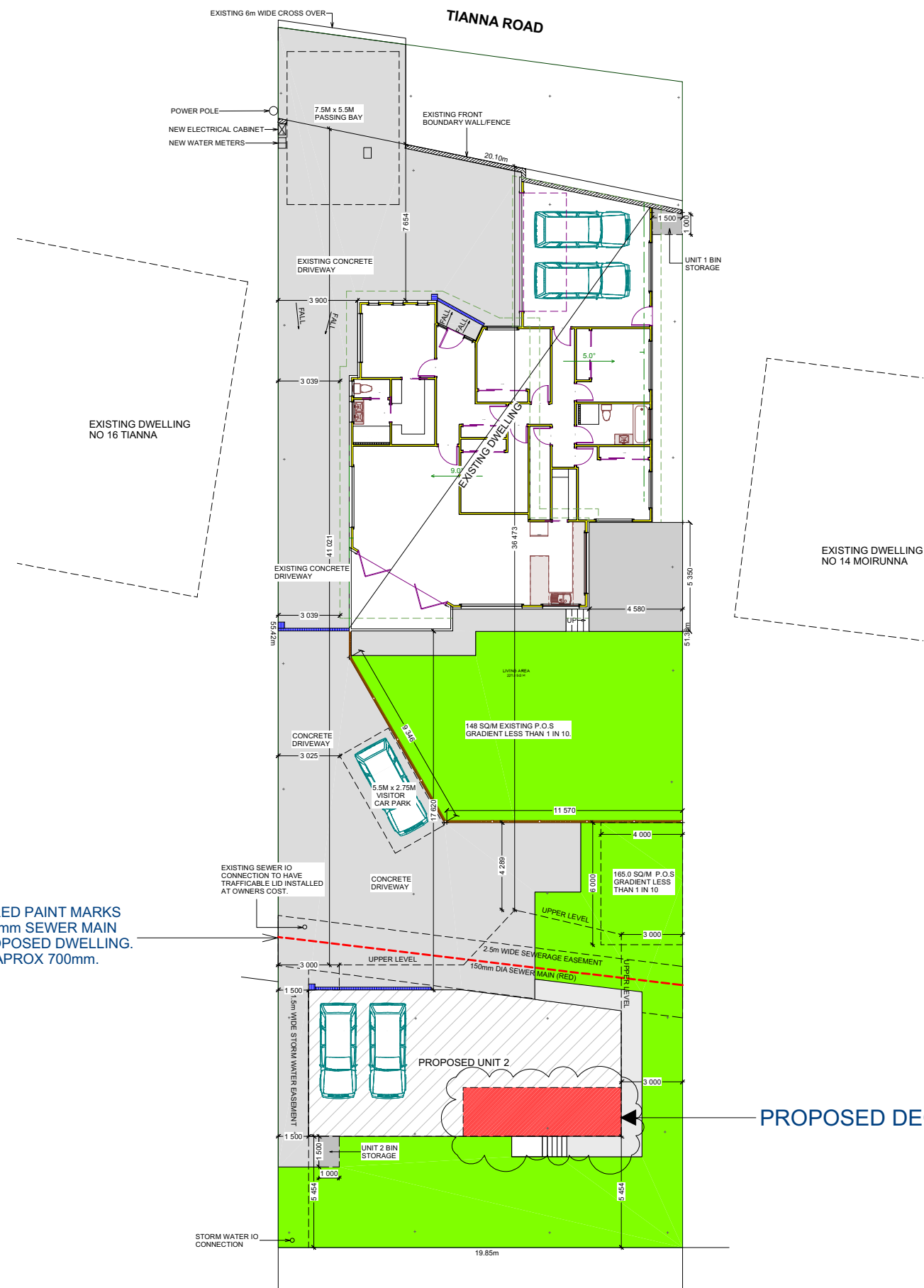
1/28/2021

1:2257



Attachment 2

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609
14 TIANNA RD LINDISFARNE
TASMANIA 7015
0472544068
sam@architecturaldesigns.org



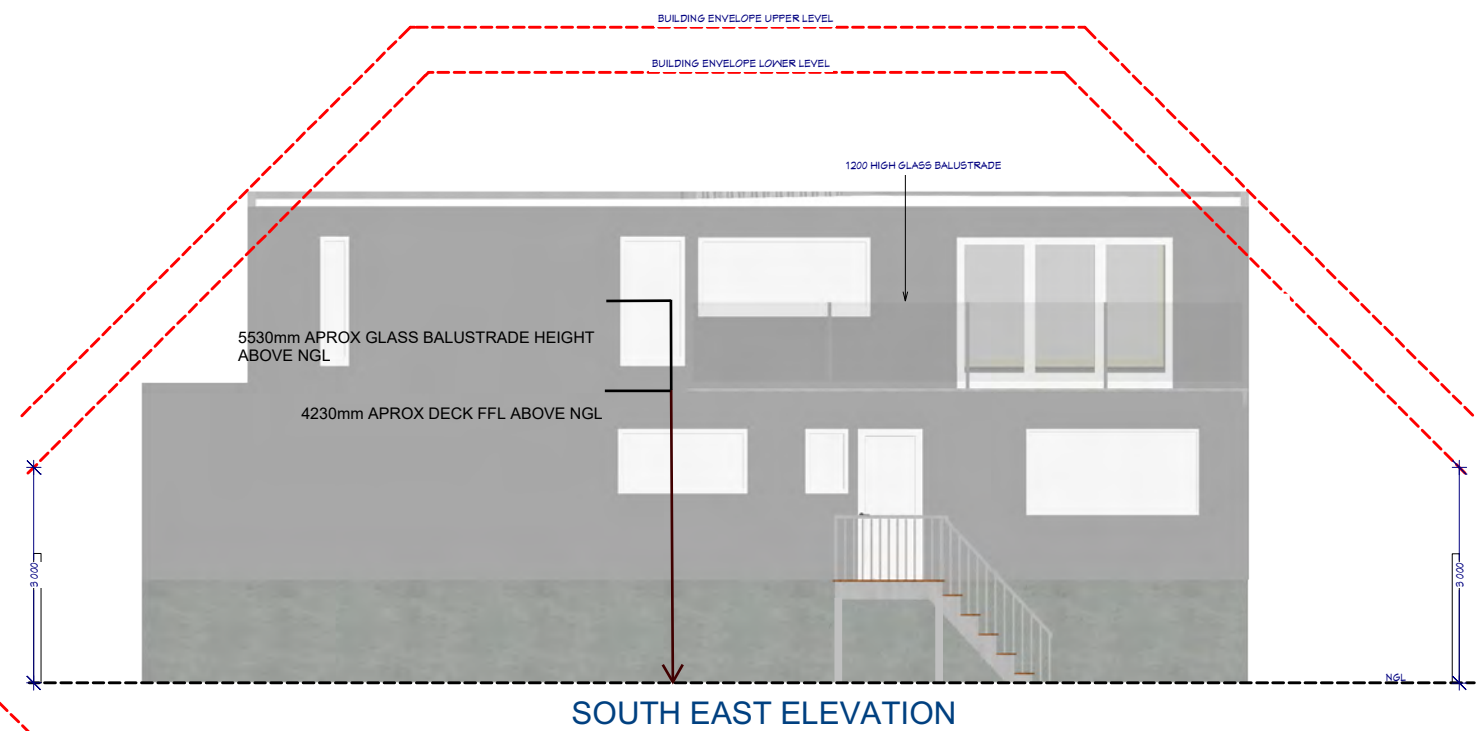
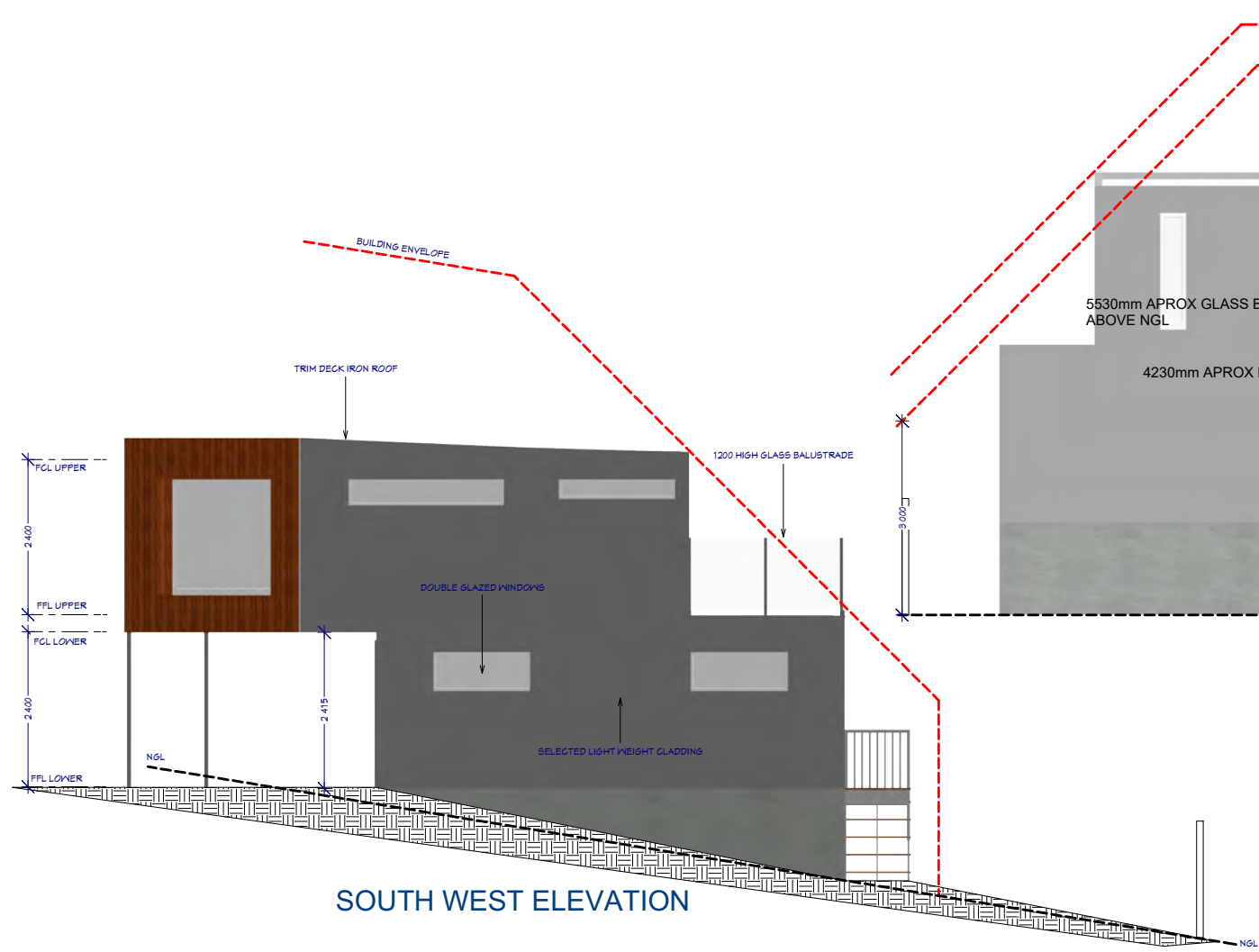
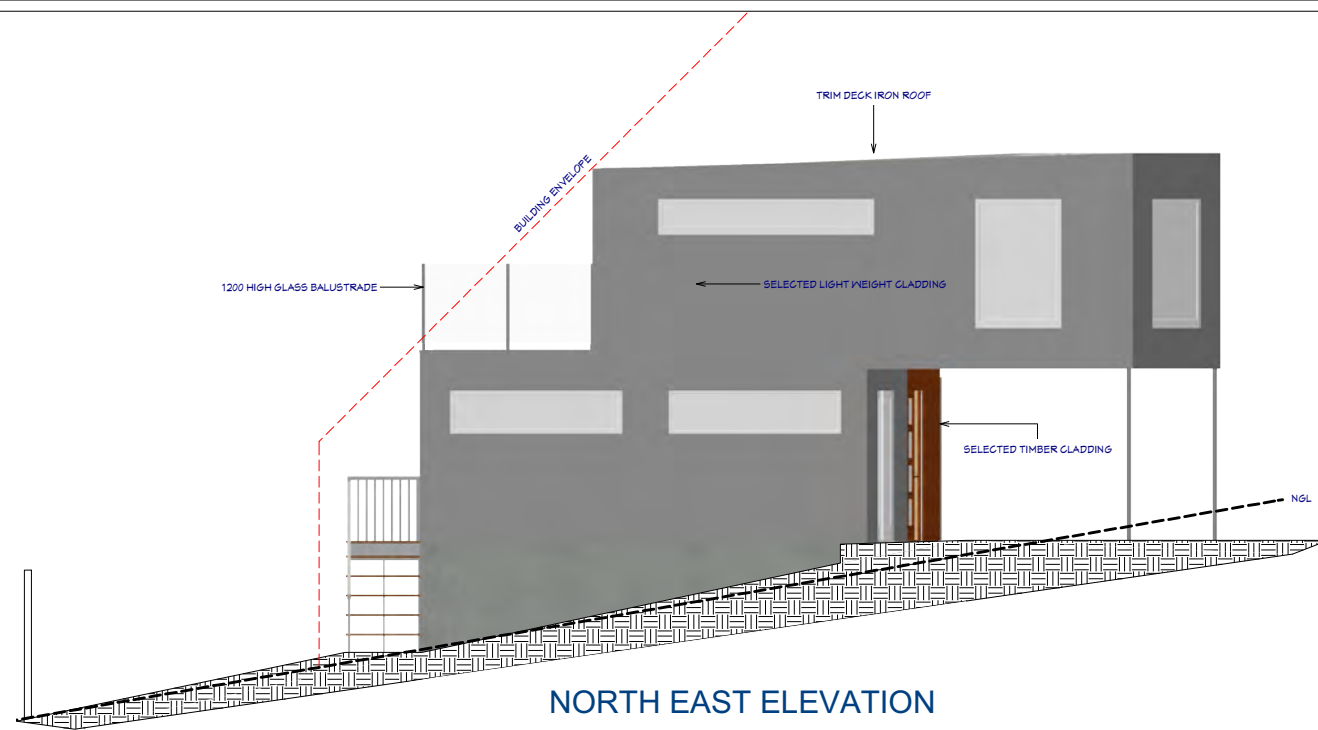
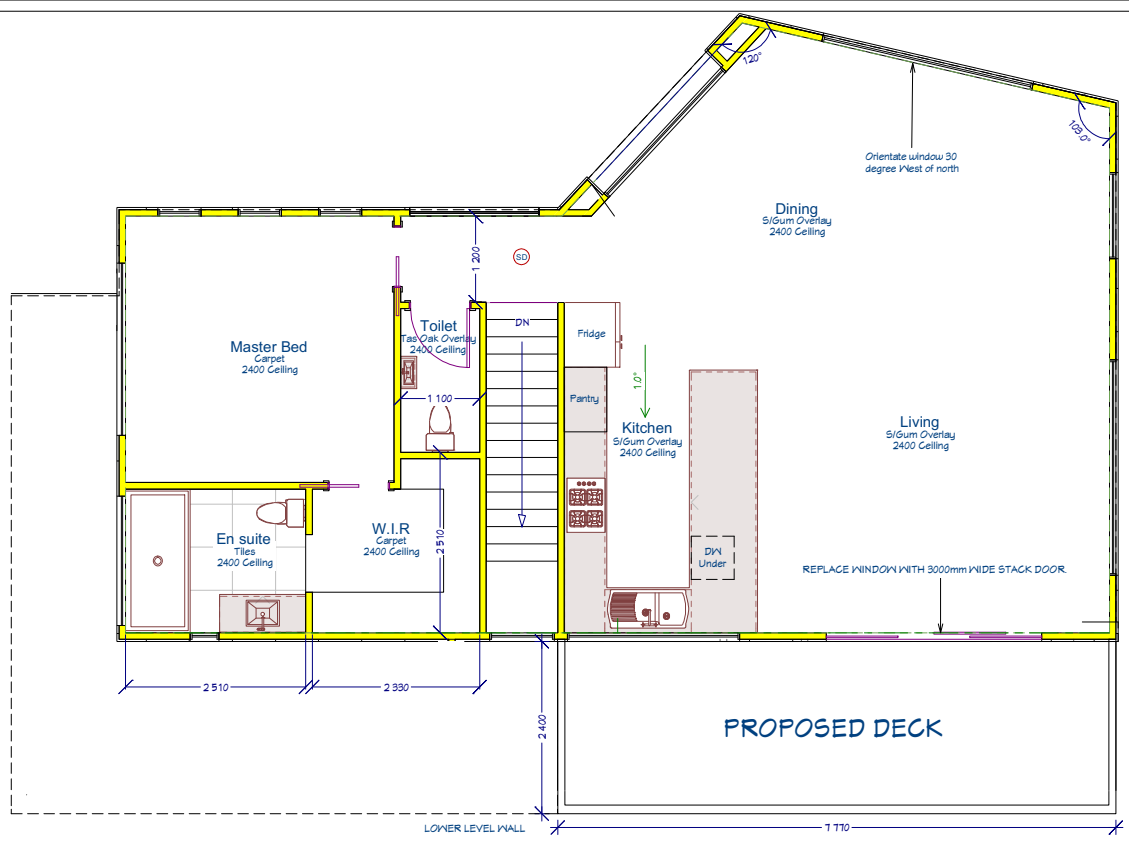
AREA
LAND AREA: 1055.00 sq/m
SITE COVERAGE: 365.60 sq/m= 34.65%

FLOOR AREAS
UNIT 1 LOWER: 94.50 sq/m or 10.17 building squares
UNIT 1 UPPER: 224.00 sq/m or 24.11 building squares
UNIT 2 LOWER: 106.20 sq/m or 11.43 building squares
UNIT 2 UPPER: 96.60 sq/m or 10.40 building squares
UNIT 2 PROPOSED DECK: 18.65 sq/m

TOTAL PERMEABLE GROUND 324.40 sq/m=30.75%

No.	REVISION
PROJECT	
PROPOSED DECK UNIT 2 AND REINSTATE WINDOWS UNIT 1.	
FOR BURNETT 14 TIANNA RD LINDISFARNE	
SCALE 1:250	
DRAWN SB	CHECKED
DATE: FEB 2020	
SITE PLAN	
DRG No 2020-14-WD2A	REV
	A3





BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609

14 TIANNA RD LINDISFARNE TAS 7015
PO BOX 233 LINDISFARNE TAS 7015
T:0472544068
E:sam@architecturaldesigns.org

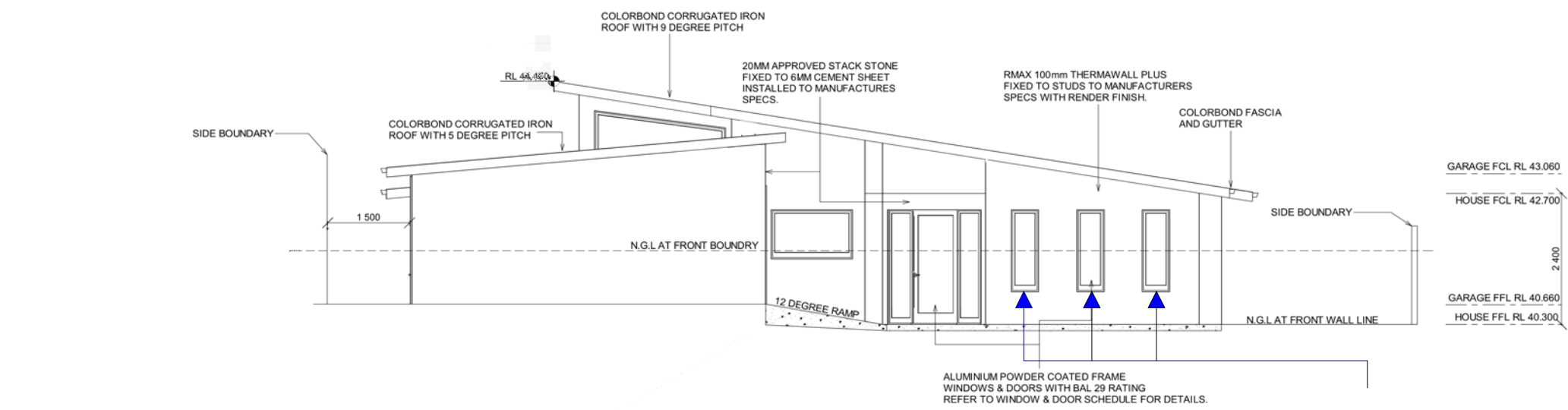
©COPYRIGHT 2020.

No.	REVISION

PROJECT

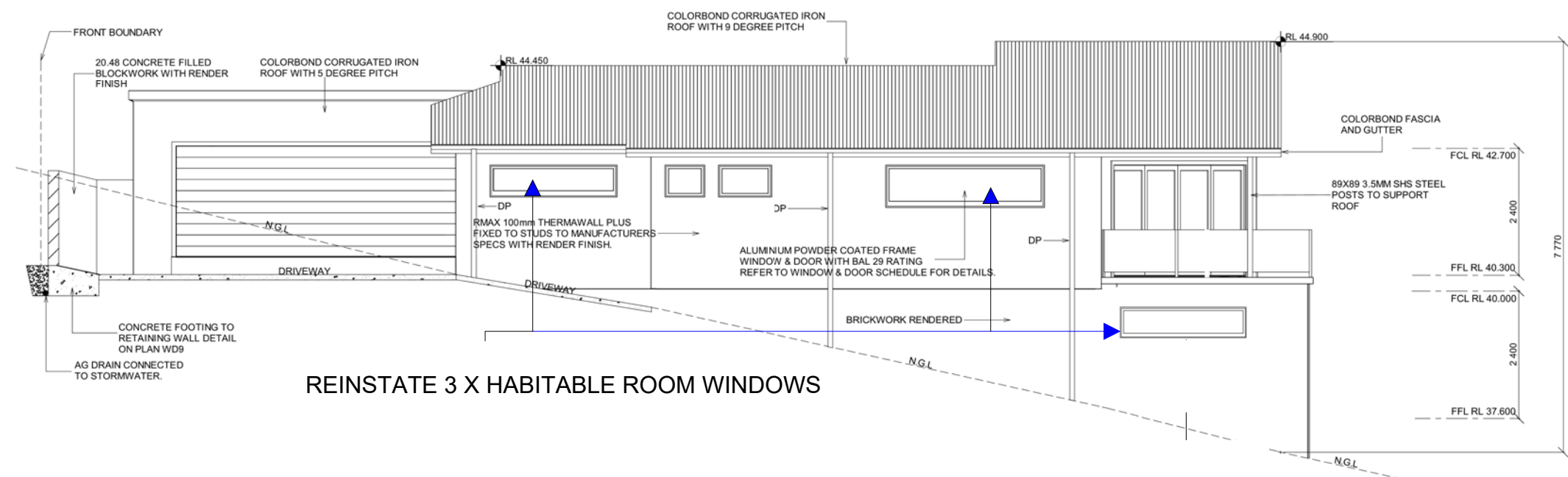
Proposed Deck Unit 2 and Reinstate
~~FOR BURNETT 1.~~
2/14 TIANNA RD
LINDISFARNE

SCALE	
1:100	
DRAWN	CHECKED
SB	
DATE:	
MARCH 2020	
UNIT 2	
DECK PLAN	
DRG No	REV
2020-14-WD3A	B
	A3



NORTH WEST ELEVATION

REINSTATE 3 X HABITABLE ROOM WINDOWS.

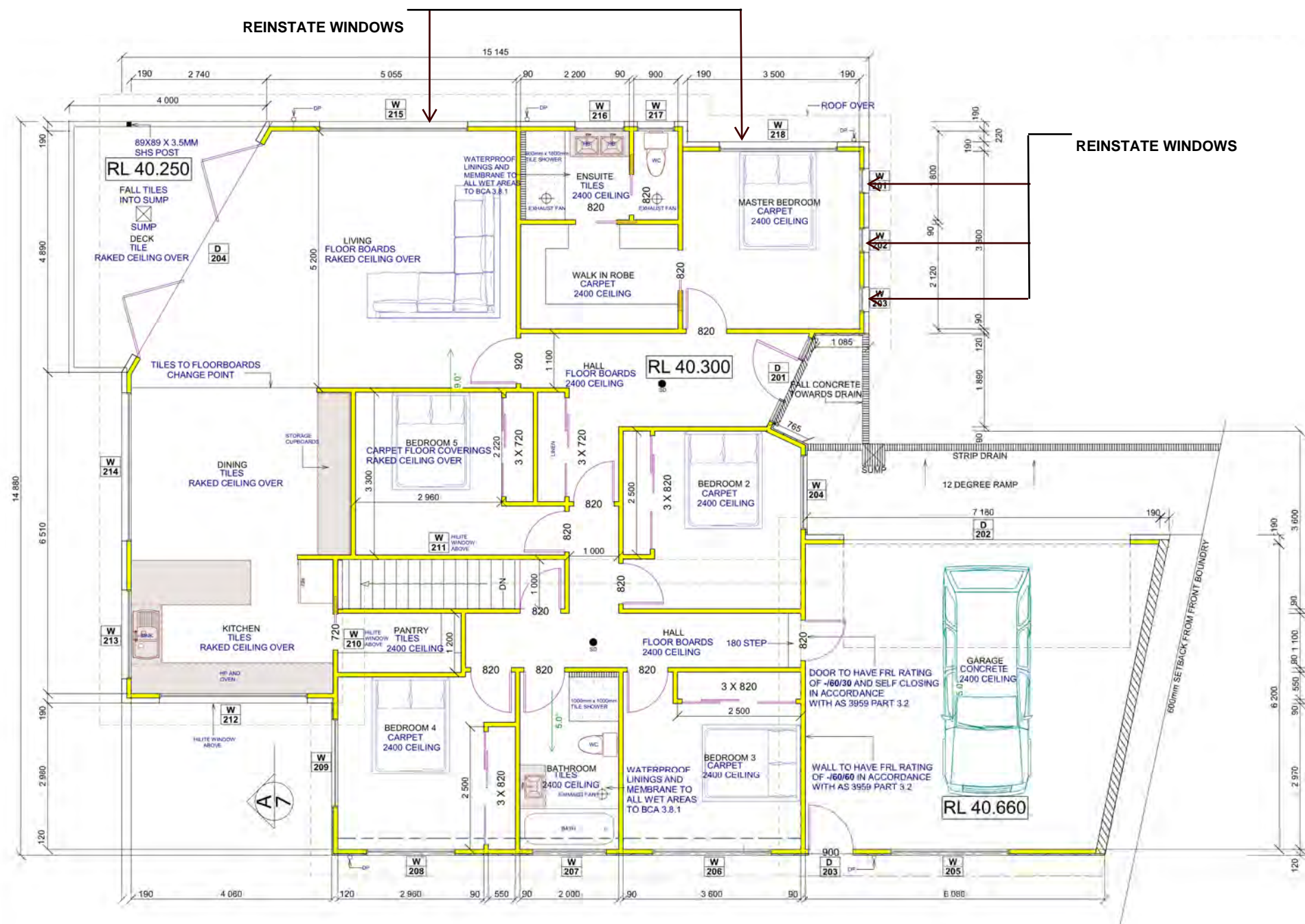


SOUTH WEST ELEVATION

REINSTATE 3 X HABITABLE ROOM WINDOWS

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609
14 TIANNA RD LINDISFARNE
TASMANIA 7015
0472544068
sam@architecturaldesigns.org

No.	REVISION
PROJECT Proposed Deck Unit 2 and Reinstate Windows Unit 1. FOR BURNETT 14 TIANNA RD LINDISFARNE	
SCALE 1:100	
DRAWN SB	CHECKED
DATE: MAY 2019	
EXISTING ELEVATION PLAN	
DRG No 2020-14-WD20	REV A
	A3



NORTH

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609
14 TIANNA RD LINDISFARNE
TASMANIA 7015
0472544068
sam@architecturaldesigns.org

No.	REVISION
PROJECT Proposed Deck Unit 2 and Reinstale Windows Unit 1.	
FOR BURNETT 14 TIANNA RD LINDISFARNE	
SCALE 1:100	
DRAWN SB	CHECKED
DATE: MAY 2019	
UNIT 1 UPPER FLOOR	
DRG No 2020-14-WD17	PLAN
	REV
	□
	A3

14 TIANNA ROAD, LINDISFARNE



Photo 1: Site viewed from Tianna Road, looking southeast.



Photo 2: Site viewed from driveway, looking southeast.



Photo 3: Unit 1 viewed from adjacent the northeastern boundary, looking northwest.



Photo 4: Unit 2 (under construction) viewed from adjacent southwestern boundary.



Photo 5: Southwestern wall of Unit 1, showing habitable room windows proposed to be retained.



Photo 6: Unit 2 (under construction) viewed from adjacent the northeastern boundary, looking southeast.

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014888 – 4 ALINTA STREET, HOWRAH - ADDITIONS & ALTERATIONS TO DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Additions & Alterations to Dwelling at 4 Alinta Street, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 10 February 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- Overshadowing;
- Visual impacts;
- Privacy; and
- Impact on property values.

RECOMMENDATION:

A. That the Development Application for Additions & Alterations to Dwelling at 4 Alinta Street, Howrah (Cl Ref PDPLANPMTD-2020/014888) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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.

DEVELOPMENT APPLICATION PDPLANPMTD-2020/014888 - 4 ALINTA STREET, HOWRAH - ADDITIONS & ALTERATIONS TO DWELLING /contd...

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.

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 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 567m² property with one existing dwelling and associated garage. The site has frontage and access to Alinta Street. The site slopes at approximately 7 degrees and falling to the west.

The existing house is a 3-bedroom single storey, weatherboard dwelling with a floor area of 164.7m².

The site is zoned General Residential and is within a suburban living setting.

3.2. The Proposal

The proposal is for additions and alterations to the existing dwelling. The additions include a second storey addition which would accommodate two bedrooms, a bathroom, a kitchen, a small deck and a second living room. The lower level alterations would include a replacement of the existing garage. The maximum height of the proposed extension would be 6.5m above natural ground level.

The proposed extension would have a 3.1m setback from the rear boundary, a 0.81m setback from the west side boundary and a 6.2m setback from the front boundary.

4. PLANNING ASSESSMENT

4.1. Determining Applications {Section 8.10}

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

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

- **Clause 10.4.2 A3 (Building Envelope)** – the proposal would project beyond the prescribed 3D building envelope, at the west side elevation and at the rear.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause 10.4.2 as follows.

Clause	Performance Criteria	Assessment
10.4.2 P1	<i>“The siting and scale of a dwelling must:</i>	
(a)	<i>not cause unreasonable loss of amenity by:</i>	The application is considered to comply as:
(i)	<i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	<p>Complies- the shadowing diagrams provided demonstrate that the development would impact upon the habitable room windows for 6 Alinta Street. However, it is noted that this dwelling would receive unimpeded sunlight to windows between 9am and 1pm on the Winter Solstice.</p> <p>Therefore, it is considered that the proposed development would not cause an unreasonable impact upon neighbouring dwellings by reducing sunlight to habitable rooms.</p>
(ii)	<i>overshadowing the private open space of a dwelling on an adjoining lot; or</i>	<p>Complies- the proposed development would cast shadows upon 6 Alinta Street during the hours of 9am and 3pm on the Winter Solstice.</p> <p>The property at 6 Alinta Street has areas of private open space at the rear which exceed the minimum land area of 25m² as required by the Scheme. These areas meet the relevant criteria regarding size, solar orientation and gradient to be utilised as private open space areas.</p> <p>These would be moderately impacted by overshadowing between 2pm and 3pm on the Winter Solstice.</p> <p>As demonstrated by the overshadowing diagrams, at the worst time of day during Winter Solstice, a minimum of 90% of these areas will receive unimpeded solar access.</p>

(iii)	<i>overshadowing of an adjoining vacant lot; or</i>	There are no vacant residential lots adjoining the subject site.
(iv)	<i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>Complies- the maximum height of the proposed development would be 6.5m from Natural Ground Level, well below the 8.5m height standard.</p> <p>The building elevations that face adjoining lots contain several design elements to articulate the building form and avoid blank expanses which might impact on bulk and mass. The design would employ several materials, textures and elements to lessen visual bulk. The proposed design solutions, such as varied external finishes, will make the dwelling appear lighter and less bulky.</p> <p>Building and design elements, such as different window sizes and heights, varied building height across the elevations, low roof pitch, will all reduce the bulkiness and mass of the proposed development. Each of the proposed elevations consist of these elements which will make the proposed dwelling appear lighter.</p> <p>Furthermore, it is noted that when viewed from an adjoining or neighbouring property, such as from Carella Street, the subject site is located on a lower contour line and will appear smaller than shown on the eastern elevation.</p> <p>The proposed development would not be unreasonable and is consistent with the mass and scale of residential buildings in the surrounding area which compromise a range of styles and two storey dwellings.</p>

(b)	<i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.”</i>	<p>Complies- the distance of separation between the proposed extension at 4 Alinta Street and the existing dwelling at 2 Alinta Street would be 2.1m.</p> <p>There are several instances of similar developments with comparable separation in the surrounding area. For instance, dwellings at 6 and 8 Alinta Street, which are located west of the subject site, have single dwellings with a separation distance of 1.6m between them and the dwellings at 11 Alinta Street and 13 Alinta Street have a separation distance of 3m. It is also noted that the dwellings at 12 Alinta Street and 14 Alinta Street only maintain a vertical separation of 2.75m.</p> <p>The proposal is therefore consistent with the separation of dwellings in the area and are considered compatible with the streetscape.</p>
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5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations were received. The following issues were raised by the representors.

5.1. Overshadowing

Concern was raised by 2 representors regarding the overshadowing that would be caused by the proposed development with respect to the habitable rooms and private open space of their dwelling.

- **Comment**

Overshadowing impacts have been discussed in further detail in the assessment of Clause 10.4.2 P3 above and has been found to not unreasonably impact upon an adjoining lot based on quantitative assessment. The application is considered to comply with the Performance Criteria for this clause.

Adjoining properties and their private open space and habitable room windows will receive well above 3 hours of sunlight during the Winter Solstice.

5.2. Visual Impacts

Concern was raised by 2 representors with respect to the visual bulk and loss of views caused by the proposed development.

- **Comment**

Visual bulk has been discussed in the assessment of Clause 10.4.2 P3 earlier in this report. The proposal would not unreasonably impact upon amenity due to bulk height or mass for the reasons discussed above. In relation to the impacts of views, it is worth noting the appeal decision in *R Kasem v Hobart City Council and Ors* [2018], which discussed the matter of visual impact. Regard was given to an outlook from a habitable window in its entirety but not to the protection of any particular view, such as the River Derwent. In this case, while there may be some loss of views from dwellings to the rear, the matter has no determining weight under the Scheme.

5.3. Privacy

Concern was raised by 2 representors with respect to the privacy and the overlooking of the windows on the northern elevation.

- **Comment**

The proposal complies with the relevant Clause 10.4.6 A2 Privacy for all dwellings, and therefore the matter does not have any determining weight.

5.4. Impact on property values

Concern was raised by 2 representors with respect to the impact on property values.

- **Comment**

This matter is not a relevant consideration under the Scheme, and therefore 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 or any other relevant Council policy.

9. CONCLUSION

The proposal is recommended for approval.

Attachments: 1. Location Plan (1)
2. Plans (4)
3. Overshadowing diagrams (1)
4. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



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

1/25/2021

1:1000

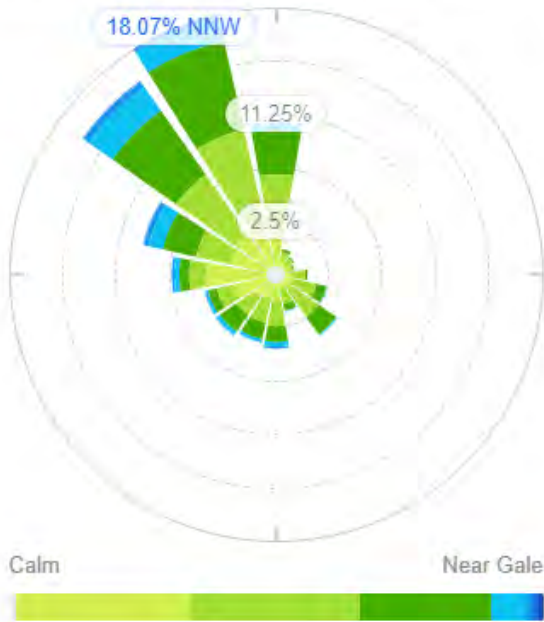


SITE INFORMATION

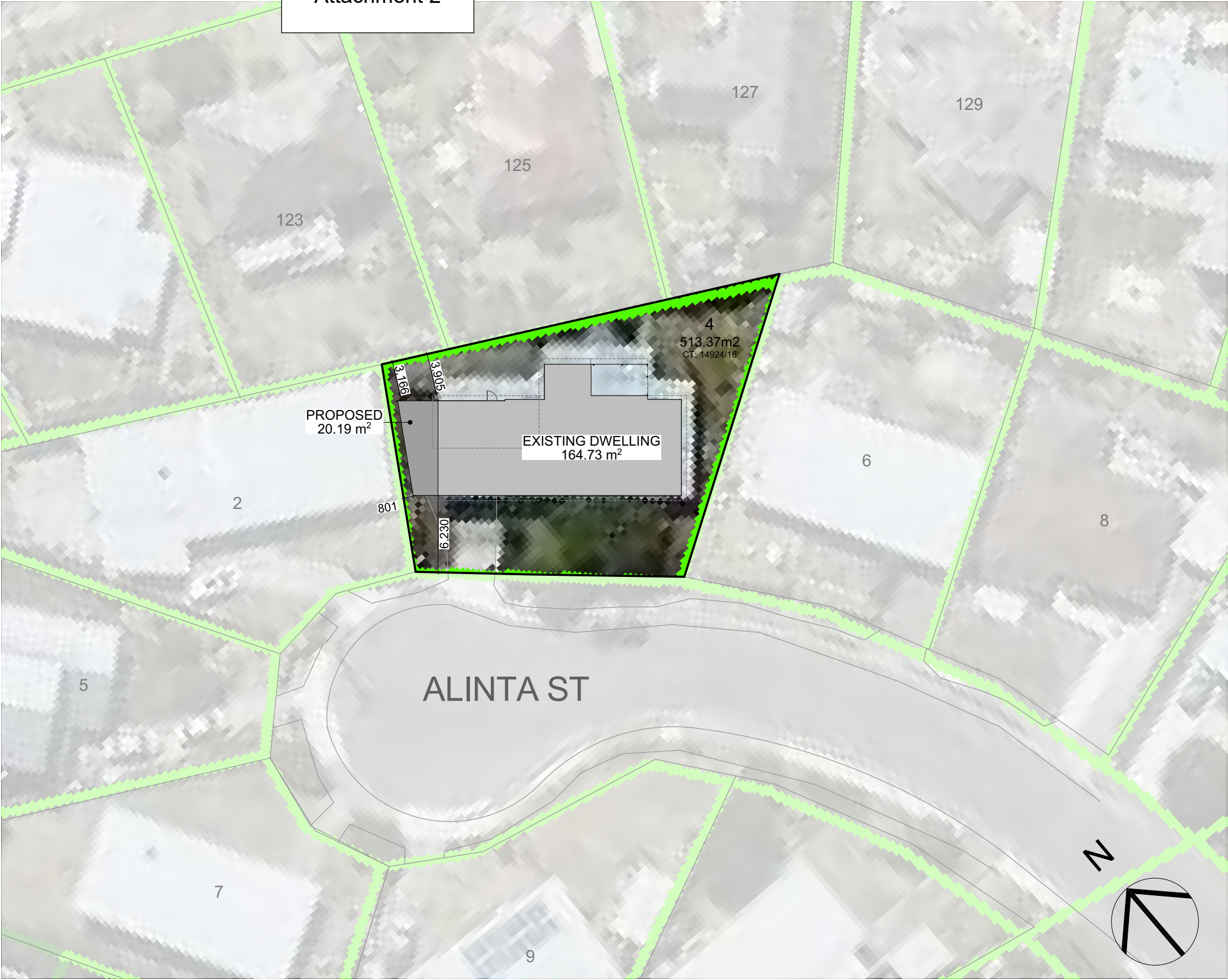
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Property ID: 5182480
Wind Classification: 'TBC'
Soil Classification: "TBC"
Climate Zone:
BAL Level: "TBC"
Alpine Area:

Proposed Ground Floor Area:20.19m2
Proposed First Floor Area: 82.53m2
Site Area: 102.72m2
Total Building Area: 164.73m2
Total Site Coverage: TBC

Wind Rose
Annual (5 Year Average)





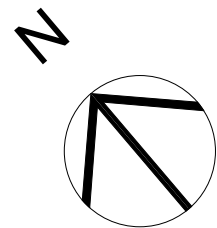
Location Plan




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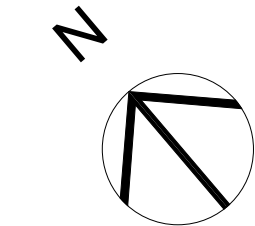
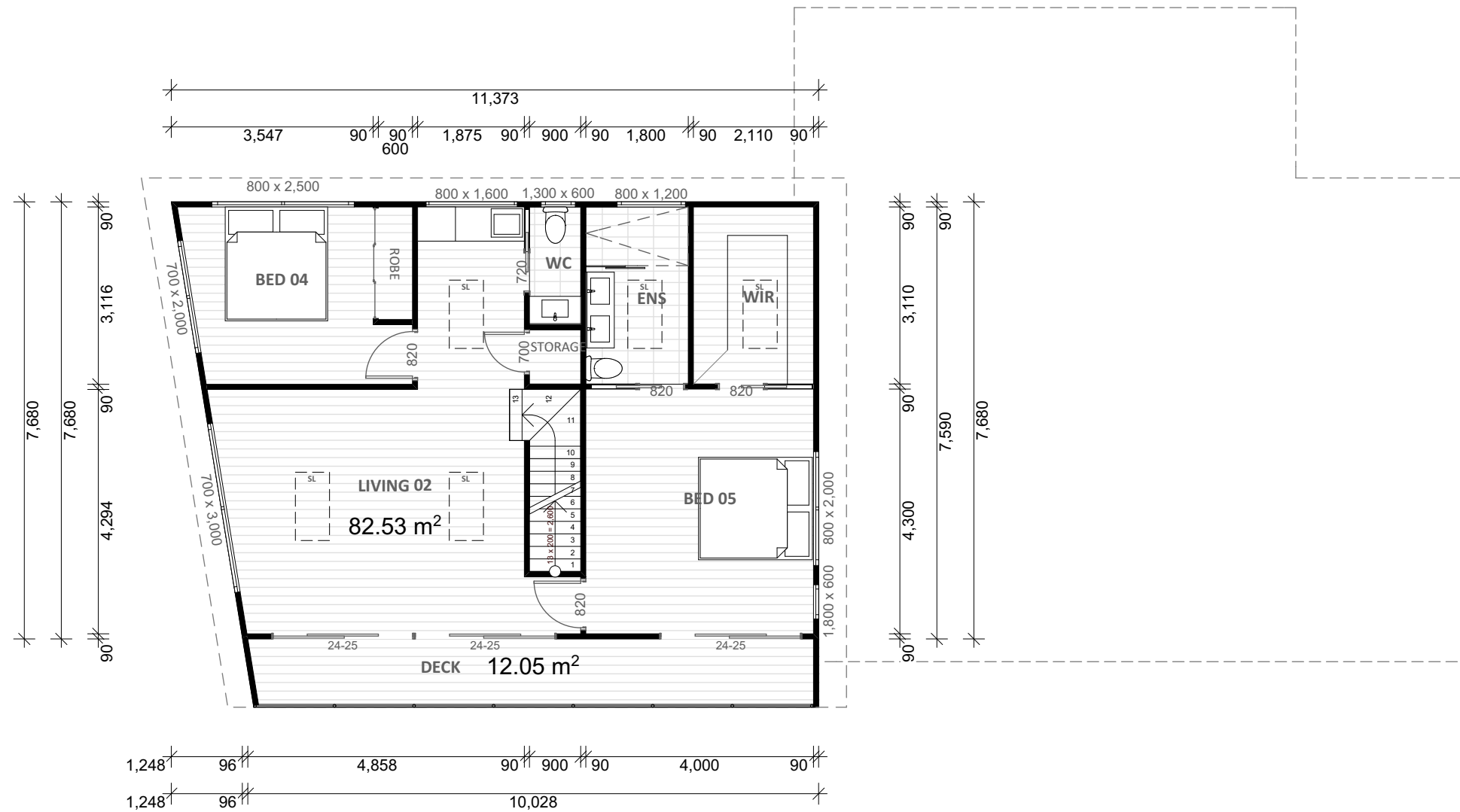
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	ADDRESS:						BUILDING SURVEYOR:	SCALE: @ A3	
	4 Alinta Street, Howrah					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN - 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU		

RENOVATION KEY	
EXISTING WALLS	
NEW	



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	CLIENT:	REV	AMENDMENT	DATES	JOB NO: 2023	PROPOSAL: RENOVATIONS	STATUS: APPROVAL	PG NO. REV
	French				LICENCE NO:	ENGINEER:	DATE: 16/12/20	A5.0
	ADDRESS:				189009392	BUILDING SURVEYOR:	SCALE: 1:100 @ A3	
	4 Alinta Street, Howrah				DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN - 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU		

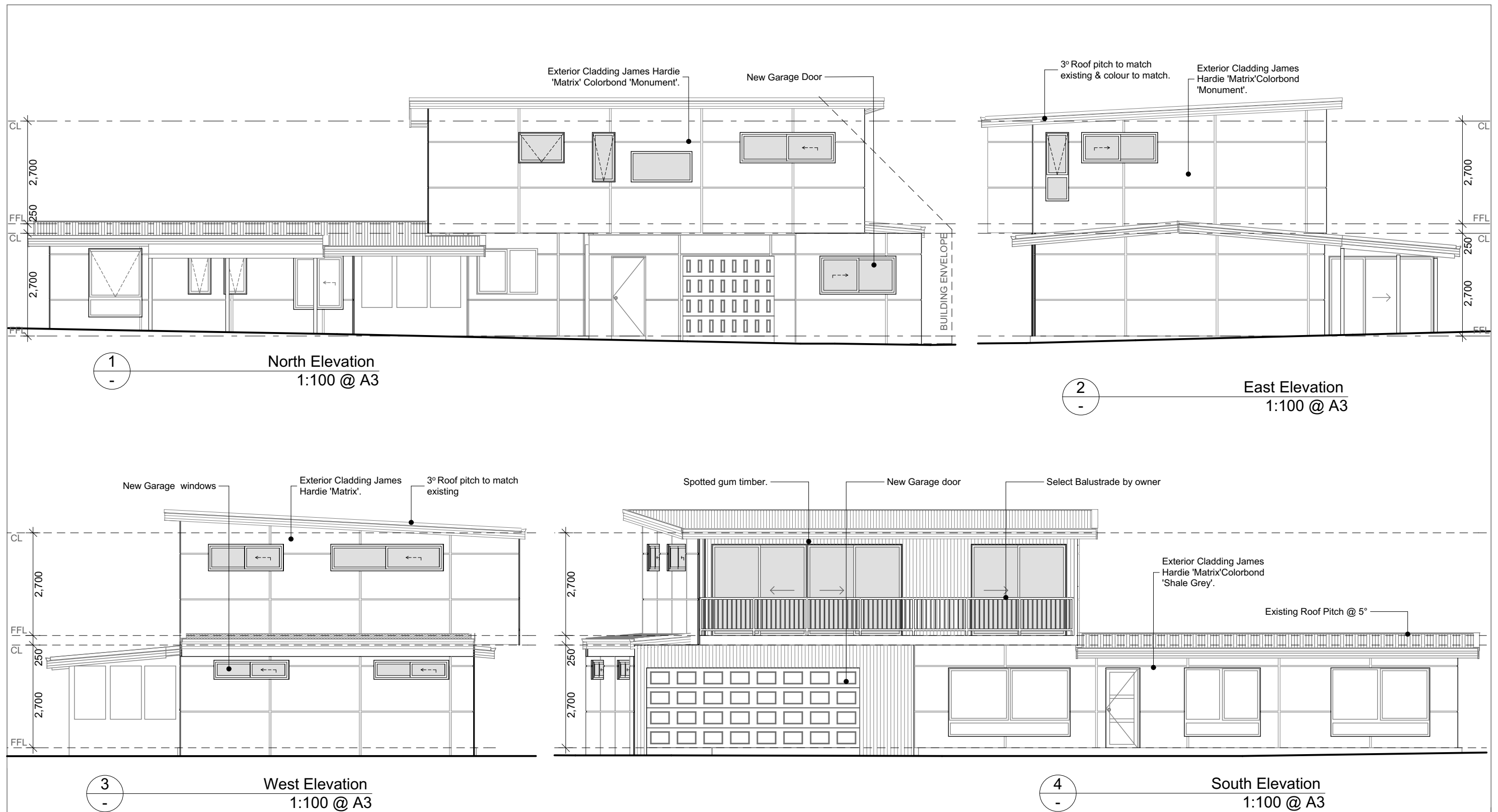


Proposed First Floor Plan



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	CLIENT:	REV	AMENDMENT	DATES	JOB NO: 2023	PROPOSAL: RENOVATIONS	STATUS: APPROVAL	PG NO. REV A.6
	French				LICENCE NO: 189009392	ENGINEER:	DATE: 16/12/20	
	ADDRESS:					BUILDING SURVEYOR:	SCALE: @ A3	
	4 Alinta Street, Howrah					DRAWN: MK		

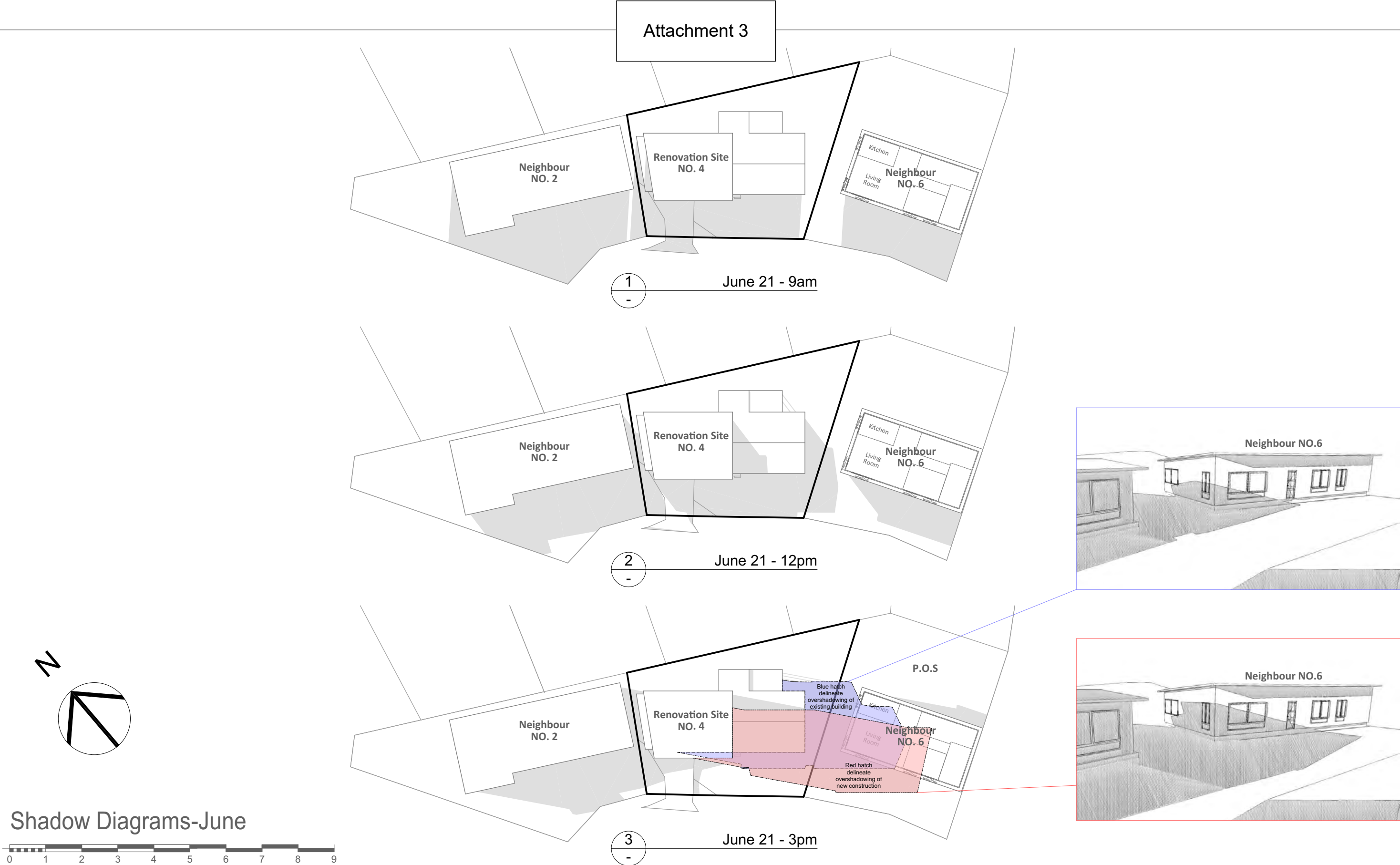


Elevations



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	CLIENT:	REV	AMENDMENT	DATES	JOB NO: 2023	PROPOSAL: RENOVATIONS	STATUS: APPROVAL	PG NO. REV
	French				LICENCE NO: 189009392	ENGINEER:	DATE: 16/12/20	A6.0
	ADDRESS:					BUILDING SURVEYOR:	SCALE: 1:100 @ A3	
	4 Alinta Street, Howrah					DRAWN: MK MATT KENNEDY DRAFTING & DESIGN - 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU		



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	CLIENT:	REV	AMENDMENT	DATES	JOB NO: 2023	PROPOSAL: RENOVATIONS	STATUS: APPROVAL	PG NO. REV
	French				LICENCE NO:	ENGINEER:	DATE: 16/12/20	A8.0
	ADDRESS:				189009392	BUILDING SURVEYOR:	SCALE: @ A3	
	4 Alinta Street, Howrah				DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN - 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU		

Attachment 4



Photo 1. Site viewed from Alinta Street, Howrah

11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/013923 – 167 BLESSINGTON STREET, SOUTH ARM - 2 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 167 Blessington Street, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Parking and Access, On-site Wastewater Management, and Stormwater Management 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 11 February 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- Consistency with housing type in the area;
- Traffic;
- Obtrusive to the playground;
- Loss of views;
- Decrease in property value;
- Trees as habitat; and
- Trees as bushfire risk.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 167 Blessington Street, South Arm (CI Ref PDPLANPMTD-2020/013923) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A1 – DESIGNS DA.
 3. ENG A1 – NEW CROSSOVER.
 4. ENG A5 – SEALED CARPARKING.
 5. ENG M5 – EROSION CONTROL
- 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 information.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Village under the Scheme.
- 2.2.** The proposal is discretionary due to being a discretionary use within the Use Table for the zone and because it does not meet Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 16 – Village Zone; and
 - Section E6.0 – Parking and Access Code;
 - Section E7.0 – Stormwater Management Code; and
 - Section E23.0 – On-Site Wastewater Management Code.
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an 850m² vacant block at the southern end of Blessington Street in South Arm. It is bound by a property with a single dwelling (165 Blessington Street.) to the north and west, Council owned open space to the south and east, and the road to the northeast. It is not encumbered by any easements. The location of the site is shown in Attachment 1.

3.2. The Proposal

The proposal is for the development of 2 multiple dwellings on the site.

The proposed dwellings would be double storey 3-bedroom units, each with a south facing deck. They would have a maximum height of 6m from natural ground level. They would also be setback 2.17m from the north-western side boundary; Unit 2, 2.5m from the south-western boundary; 3.6m from the south-eastern boundary and Unit 1, 4.7m from the front boundary. Each unit would have private open space in the form of a second storey deck of 28m² and 36m² for Unit 1 and Unit 2 respectively.

There would be two carparking spaces dedicated to each unit located in separate double garages. There would also be a single uncovered visitor space provided for at the front of the site. The units would be serviced by a secondary treatment wastewater system.

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 Village Zone and On-site Wastewater Management, Road and Rail Assets, Parking and Access, and Stormwater Management Codes with the exception of the following.

Village Zone

- **Clause 16.4.2 A2 (side and rear setbacks)** – the Acceptable Solution requires that a side or rear setback must be either half the height of the wall of the building, or 2m whichever is the greater of the two. The proposed units would be located 2.17m from the north-western side boundary. Unit 2 would also be 2.5m from the rear boundary.

The proposal must be considered pursuant to the Performance Criteria P2 of Clause 16.4.2 as follows.

Clause	Performance Criteria	Assessment
16.4.2	<p><i>“Building setback from side and rear boundaries must satisfy all of the following:</i></p> <p><i>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p>	The proposal is considered to comply as follows:
	<p><i>(i) overlooking and loss of privacy;</i></p>	The subject property is south of a row of three successive access strips for neighbouring lots. These span approximately 18m and solely accommodate driveways. There is also solid fencing and established vegetation along these driveways, as can be seen in the site photos (Attachment 3).

		<p>Therefore, there would be no privacy implications as a result of the side setback due to the distance, vegetation and intermittent use of the adjacent area.</p> <p>Unit 2 is offset from the majority of the dwelling at 165 Blessington Street as shown by the application site plan. This would result in potential overlooking mostly impacting the driveway area and garage area. There would be approximately 14.5m between Unit 2 and the nearest habitable room window at 165 Blessington Street. The distance between habitable room windows is adequate to prevent any unreasonable loss of privacy.</p> <p>The dwelling at 165 Blessington Street has in excess of 220m² of Private Open Space located to its south and east. The deck and immediate surrounding area of open space would be shielded from view of the proposed units by the existing dwelling. There may be some overlooking potential for the eastern portion of the open space, this area appears to be mainly used for landscaping and clothes drying.</p> <p>The separation distances for the proposed units are therefore adequate to prevent any unreasonable impacts due to overlooking.</p>
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	<p>(ii) <i>overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</i></p>	<p>The property most impacted due to overshadowing is 169-177 Blessington Street which is the Council owned playground/park. As there is no residential use on this site there would be no impact upon residential amenity.</p> <p>The property to the west of the subject site would have some overshadowing during the Winter Solstice between 9am and 10.30am. This would not reduce the solar access to a habitable room window to less than 3 hours. 165 Blessington St has a large deck facing Seacroft Bay. This deck would not be impacted by overshadowing after 10am on the Winter Solstice.</p> <p>Shadowing diagrams were provided by the applicant showing the potential shadowing effect which is considered to be accurate.</p>
	<p>(iii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p>	<p>The proposed units are to be two storeys. The resultant visual impact is not considered to be unreasonable taking into consideration the site location and separation distance between dwellings.</p> <p>There is some established vegetation in place along the south-western and south-eastern property boundaries which would be retained, providing some visual softening. Additionally, the design would incorporate Sycon Matrix sheet cladding on the lower storey of the units, Sycon Axon vertical cladding on the upper storey, and timber balustrades. This would provide a visual break to the overall bulk of the buildings. A low pitch skillion roofline is also proposed to minimise bulk. As the units would be separate, there would be a physical break</p>

		between the built forms. Multiple external finishes (cladding and colours) have also been proposed. Together these will ensure no unreasonable bulk or massing impacts.
	<i>taking into account aspect and slope.”</i>	There are no considerations relevant that arise from aspect or slope. The application is considered to satisfy all requirements of the Performance Criteria.

Stormwater Management Code

- **Clause E7.7.1 A1 (disposal of stormwater)**– the proposal is not able to dispose of stormwater from new impervious surfaces by gravity to public stormwater infrastructure.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E7.7.1 as follows.

Clause	Performance Criteria	Assessment
E7.7.1	<i>“Stormwater from new impervious surfaces must be managed by any of the following:</i>	
	<i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles;</i>	Not applicable.
	<i>(b) collected for re-use on the site;</i>	The application proposes to collect the rainwater on site for re-use in stormwater tanks. This complies with the requirements of this Performance Criteria.

	<i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.”</i>	Not applicable. No public infrastructure is available in this area.
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5. REPRESENTATION ISSUES

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

5.1. Type of dwellings proposed

Concern was raised that the proposed units were not consistent with the style of housing in Blessington Street, leading to a significant change to the streetscape.

- **Comment**

Blessington Street does not have a uniform house ‘style’. The area has a range of dwelling types from modest single storey shacks to very large 2 storey modern houses. In any event, there is no applicable planning control pertaining to the style of dwellings. This issue therefore has no determining weight.

5.2. Traffic

Concern was raised with respect to the driveway being utilised by 4 residences, creating a traffic hazard.

- **Comment**

The application proposes a new access point for the subject site which currently does not have a crossover. The existing access referred to in the representation is the access strip for the property to the north of the subject site (165 Blessington Street.). The application would not be using that access and does not benefit from a Right of Way easement to do so. The application complies with all relevant clauses of the Parking and Access Code.

5.3. Development obtrusive to playground

Concern was raised that the proposed units would be obtrusive to the public playground that the subject property adjoins.

- **Comment**

There is no relevant Clause in the Scheme related to this matter for Council to consider. In any event, the development of two units on the site would pose no greater imposition to the playground than a large single dwelling. The units have been located on the side of the subject property that is farthest from the playground. Therefore, this matter has no determining weight.

5.4. Loss of views

Concern was raised with respect to the proposal causing a loss of views for the representor from their property.

- **Comment**

There is no relevant Clause in the Scheme related to the loss of views for Council to consider. Therefore, this matter has no determining weight.

5.5. Decrease in property value

Concern was raised with respect to the representor's property being devalued due to the proposed development.

- **Comment**

There is no relevant Clause in the Scheme related to the potential devaluation of nearby properties for Council to consider. This issue therefore has no determining weight.

5.6. Protection of trees

Concern was raised with respect to the gum trees on site being habitat for a number of bird species, including cockatoo, kookaburra, swift parrot and galah.

- **Comment**

The site is not covered by the Natural Assets Code, consequently there is no relevant Clause in the Scheme related to the removal of vegetation on the site. The tree removal does not trigger any relevant requirements. This issue therefore has no determining weight.

5.7. Risk posed by trees

Concern was raised with respect to the gum trees on site posing a bushfire risk to the units and surrounding properties.

- **Comment**

Bushfire risk and mitigation is regulated in the Building Act 2016. There is no relevant Clause in the Scheme related to bushfire risk for the construction of a single dwelling. Notwithstanding this, the gum trees would be removed given they are within the proposed building footprint. This issue therefore has no 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 recommended for approval, subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (17)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1 167 Blessington Street, South Arm



Subject Property

0 20 40 60 80 100 m

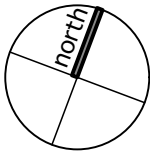


This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

1/27/2021

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Rev	NO.	DATE	NOTE

Client
Patricia & Graeme
Norris

Address
**167 Blessington
Street, South Arm**

Project
Blessington St.
Townhouses

Drawing
Proposed Site Plan

Dwg No.

RFI 1

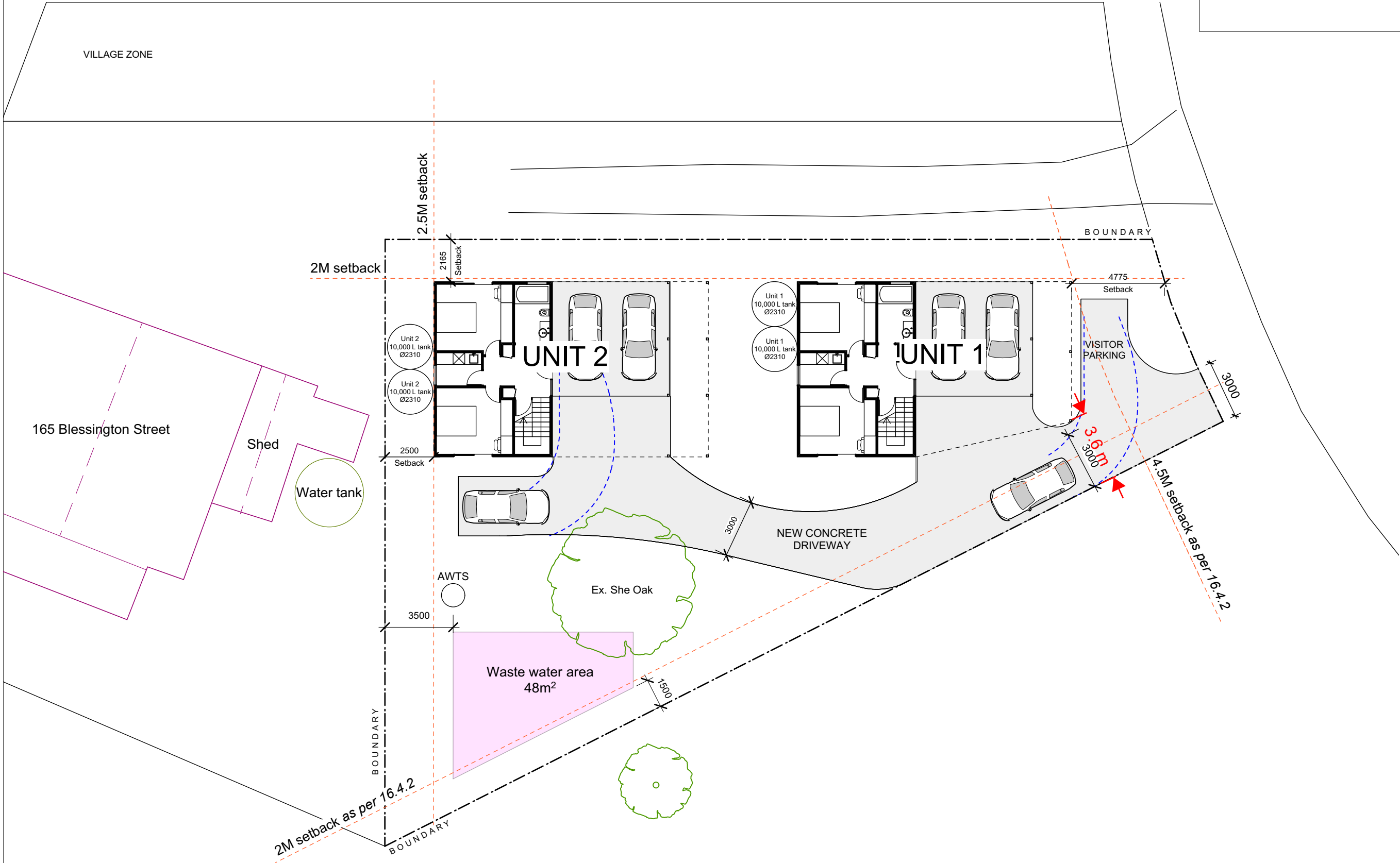
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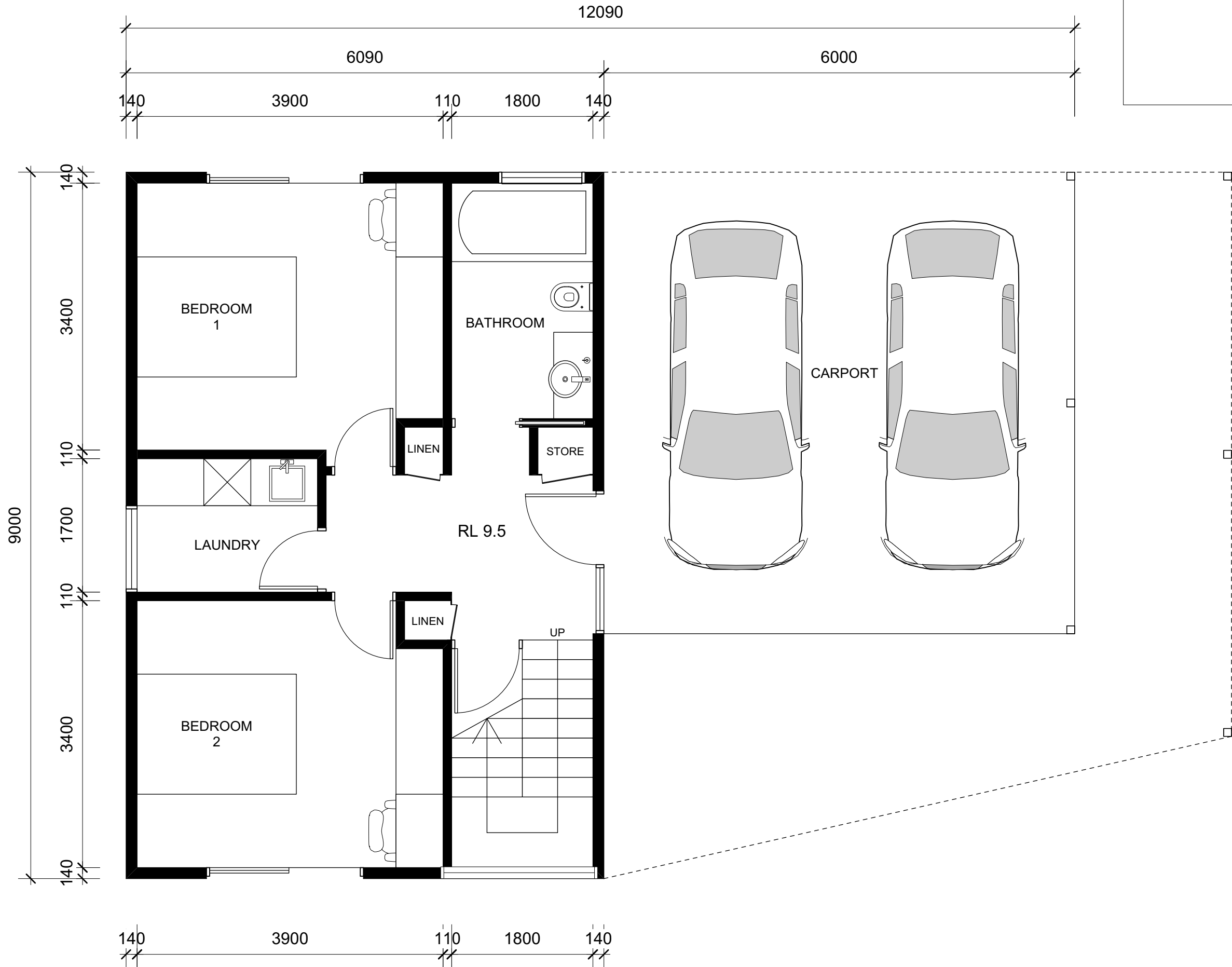
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9/12/20

Rev	Drawn	Checked
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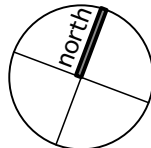
Status	Job No.
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Project
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Drawing
Unit 1 Ground Floor Plan

Dwg No.
RFI 2

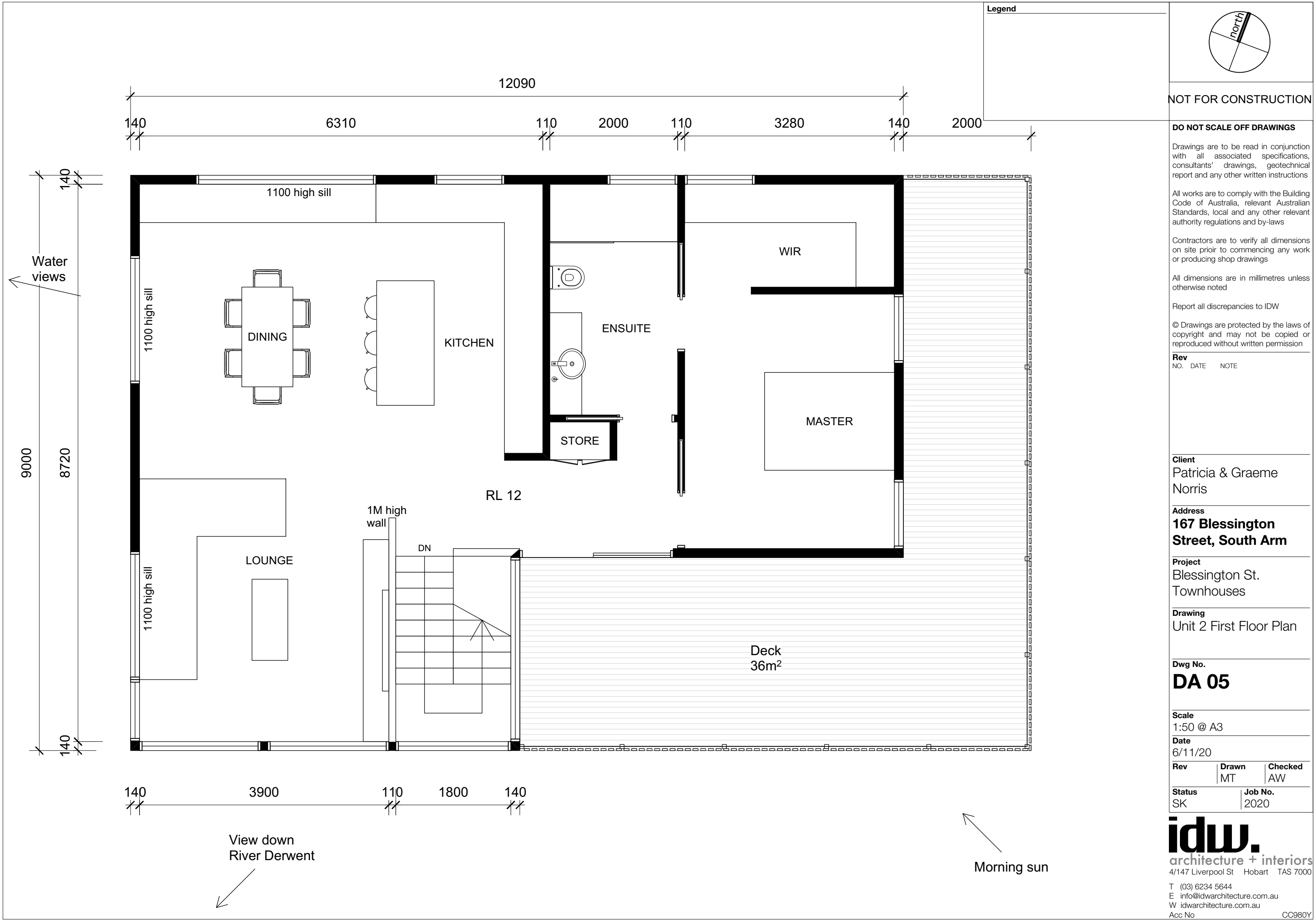
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Drawing
Unit 2 First Floor Plan

Dwg No.
DA 05

Scale
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Date
6/11/20

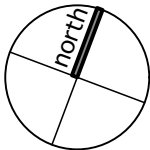
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AX	Scyon Axon vertical cladding
MA	Scyon Matrix vertical cladding
T	Timber balustrade
G	Glazing



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Drawing
Unit 1- Proposed Elevation

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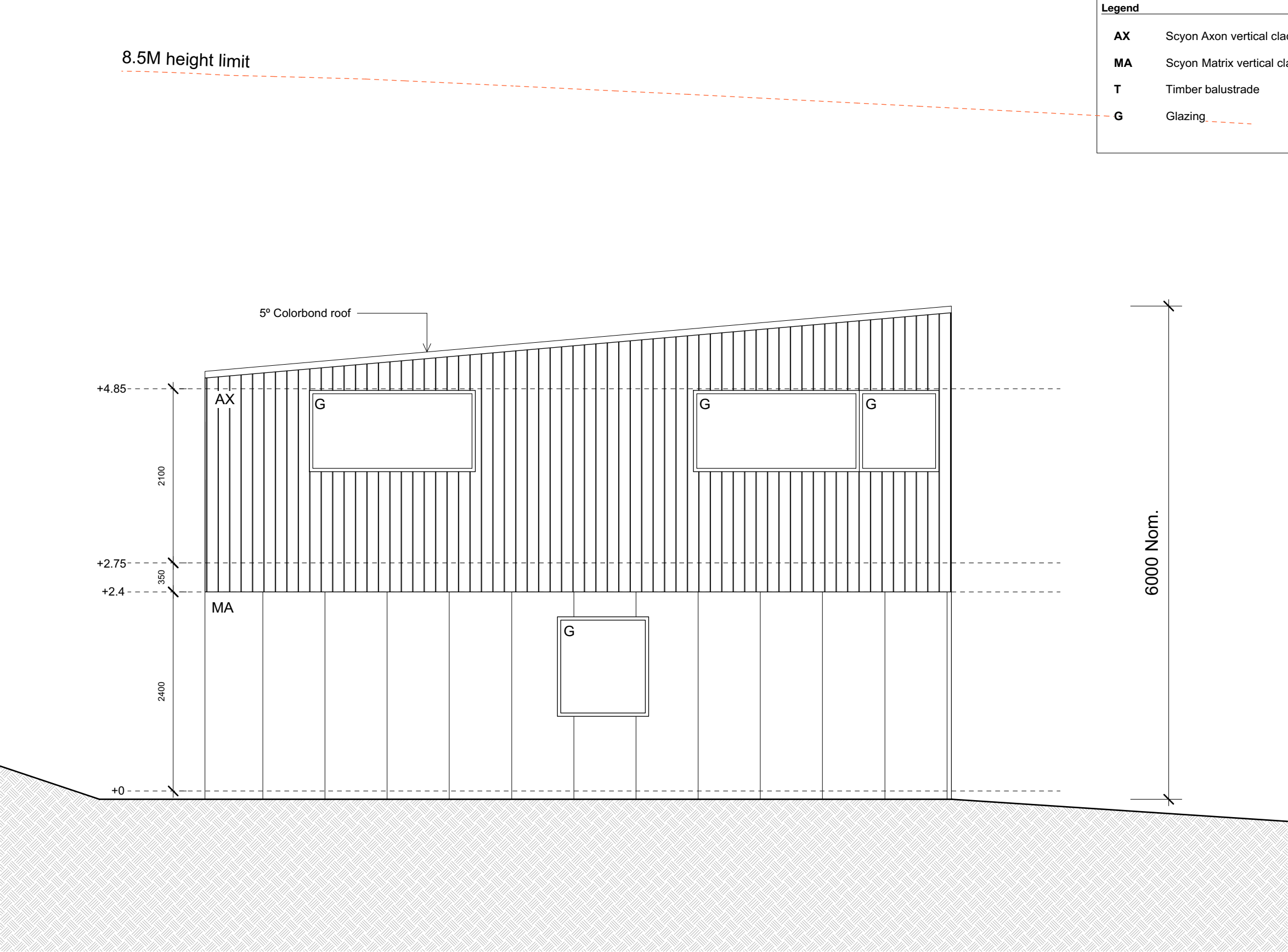
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Legend

AX

Scyon Axon vertical cladding

MA

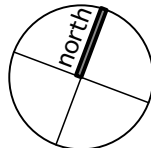
Scyon Matrix vertical cladding

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Timber balustrade

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Glazing



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Project
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Drawing
Unit 1- Proposed Elevation

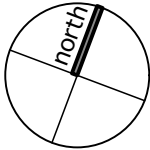
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8.5M height limit

Legend	
AX	Scyon Axon vertical cladding
MA	Scyon Matrix vertical cladding
T	Timber balustrade
G	Glazing



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Drawing
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Dwg No.
DA 08

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Date
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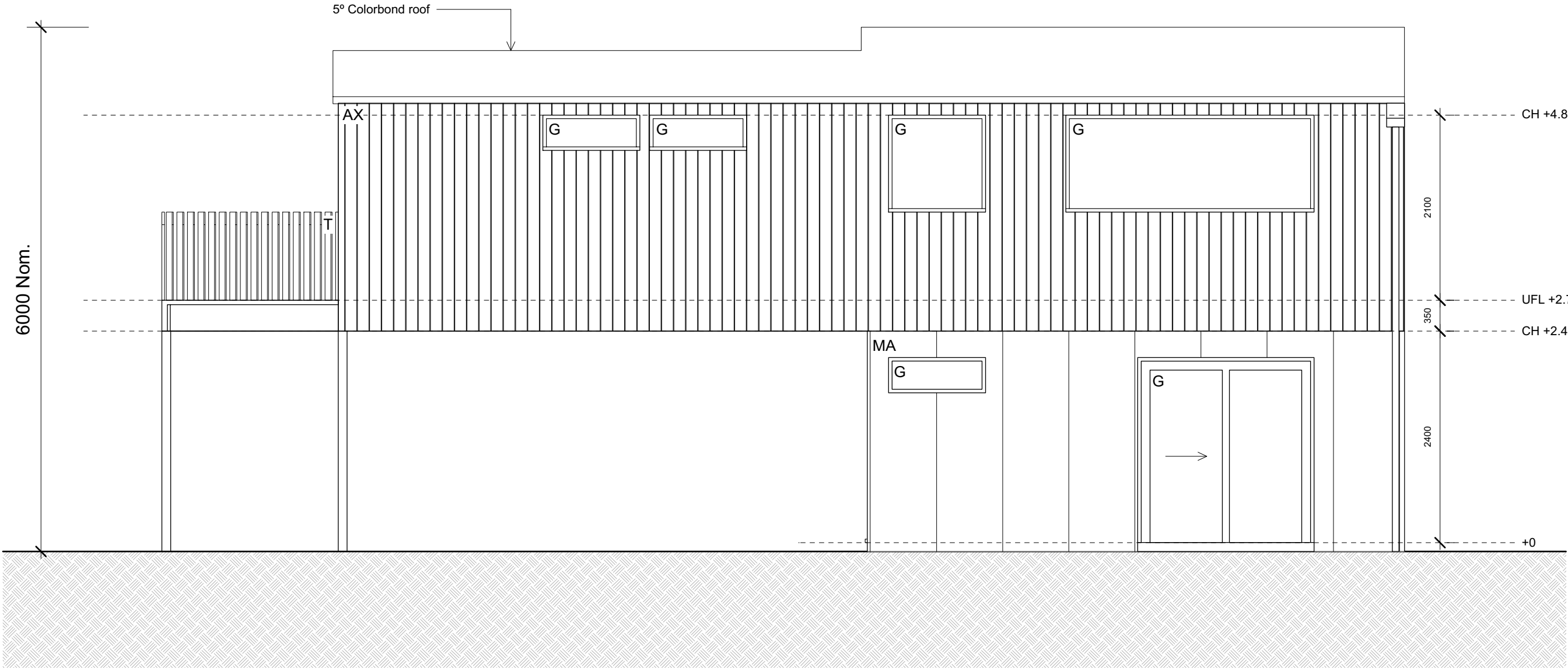
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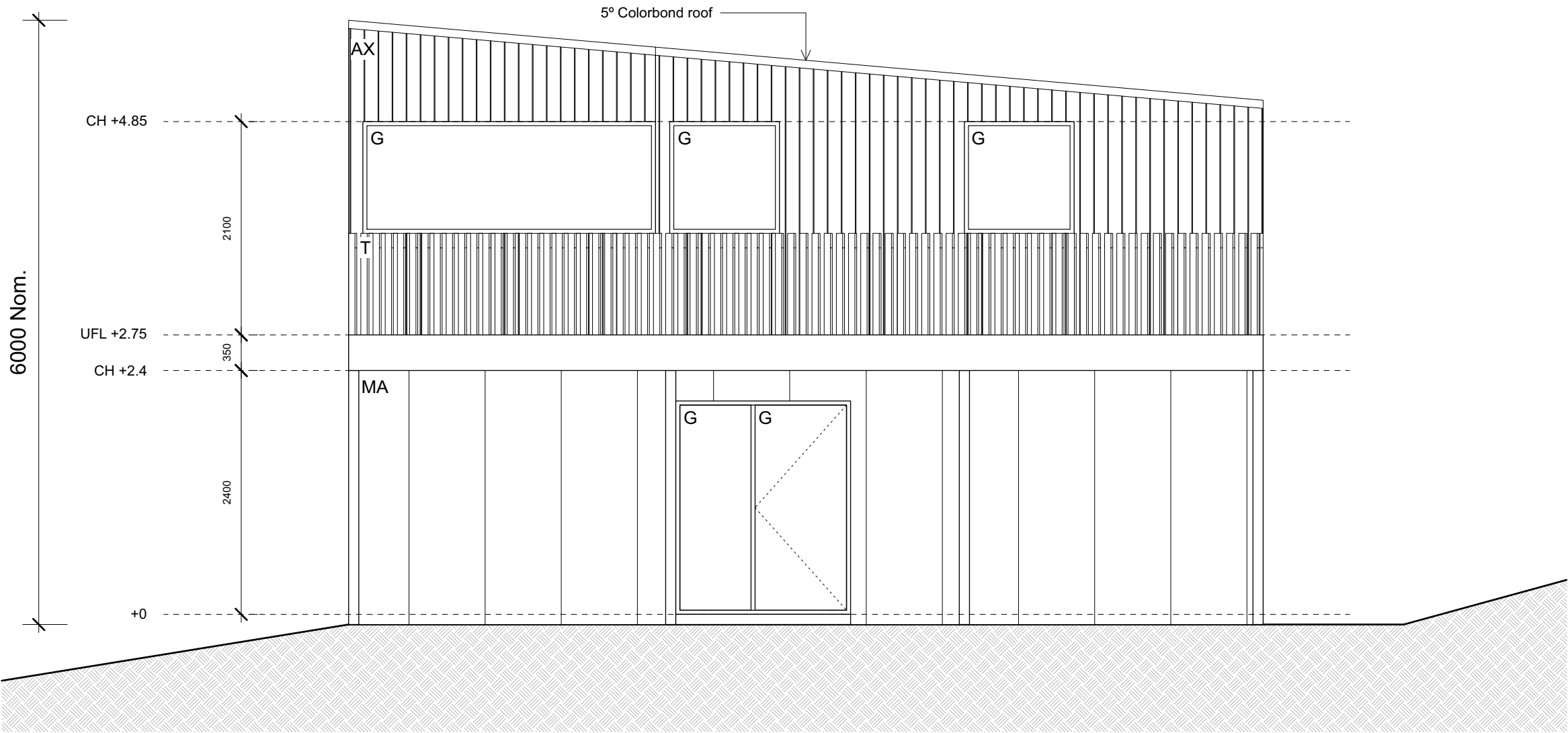
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8.5M height limit



Legend

AX

Scyon Axon vertical cladding

MA

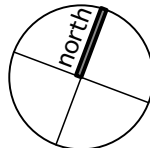
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Glazing



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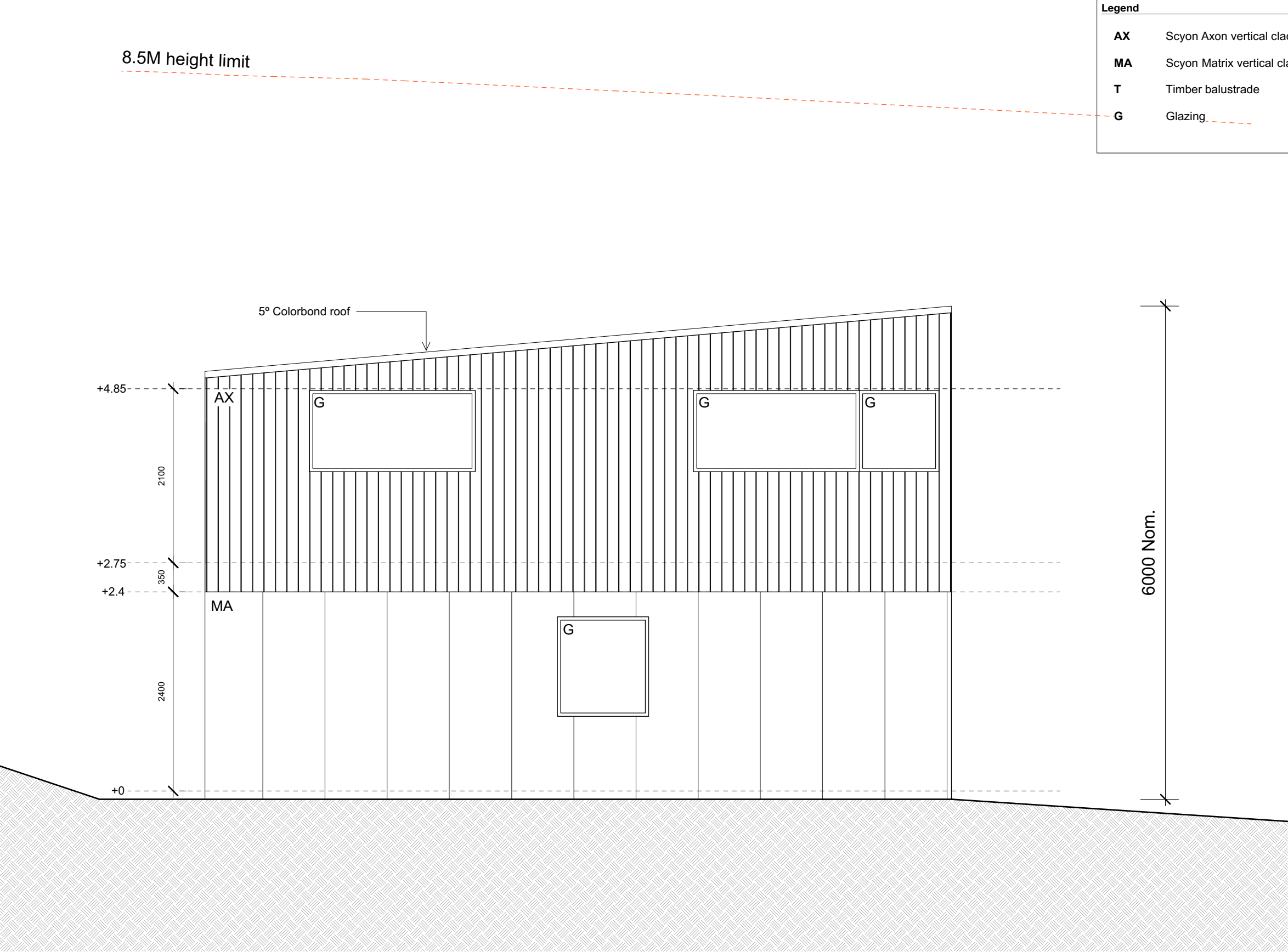
Project
Blessington St. Townhouses

Drawing
Unit 1- Proposed Elevation

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Legend

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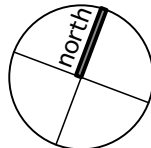
Scyon Matrix vertical cladding

T

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Glazing



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Drawing
Unit 2- Proposed Elevation

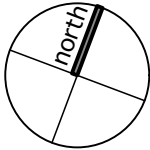
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8.5M height limit

Legend	
AX	Scyon Axon vertical cladding
MA	Scyon Matrix vertical cladding
T	Timber balustrade
G	Glazing



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Drawing
Unit 2- Proposed Elevation

Dwg No.
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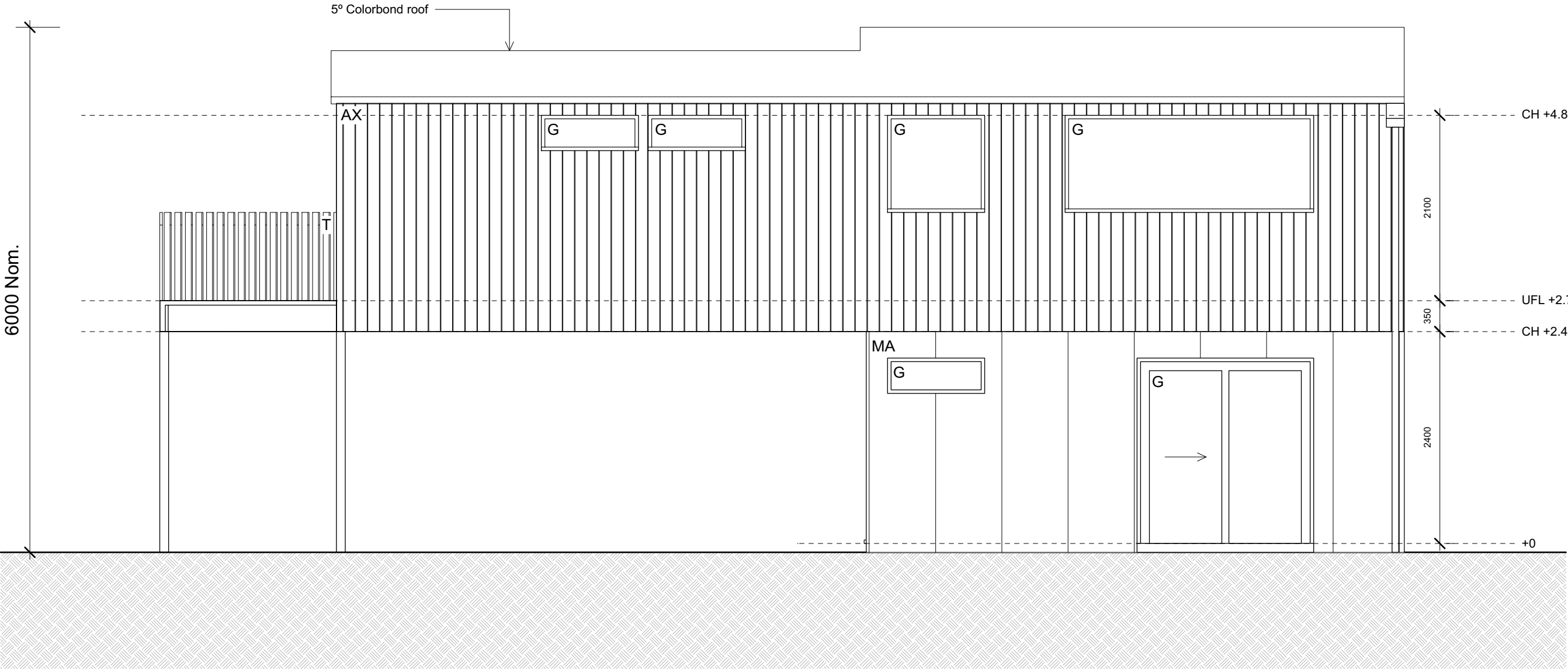
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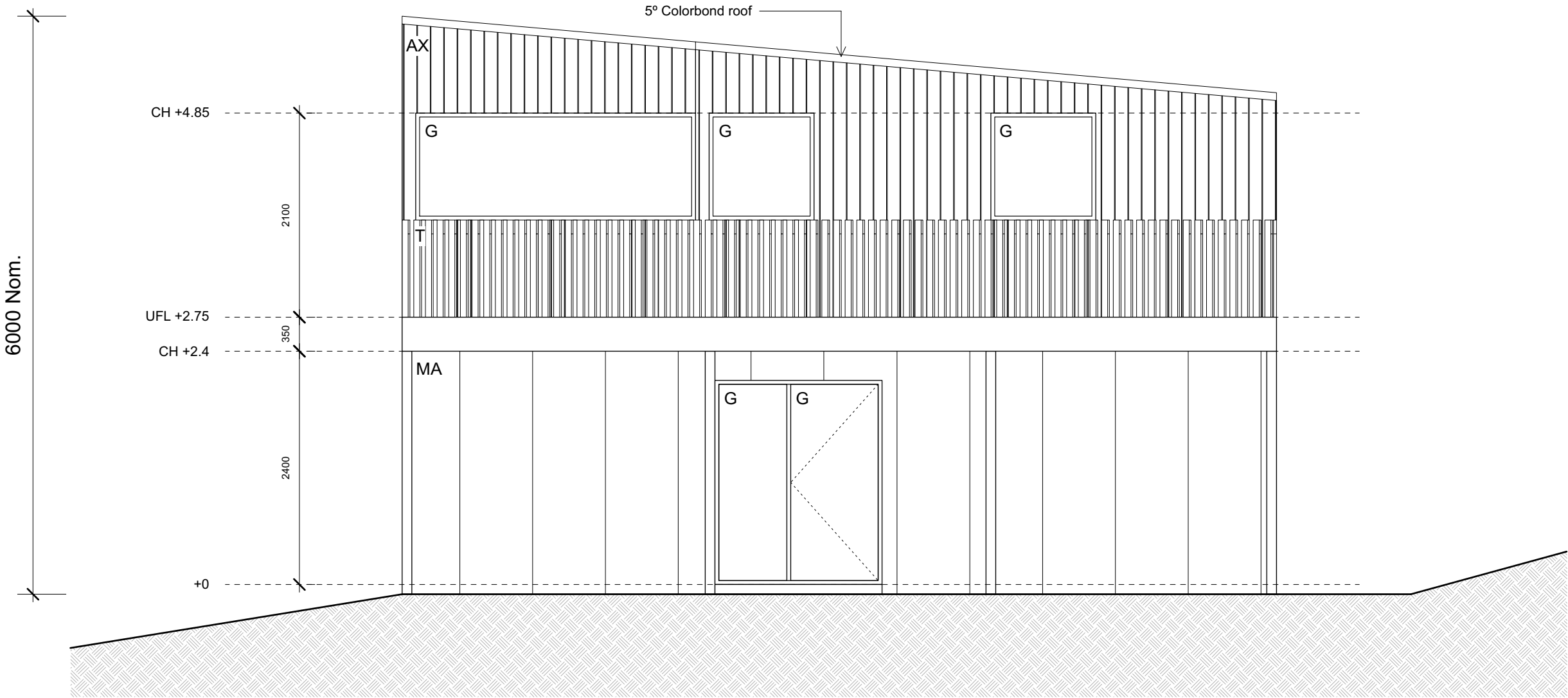
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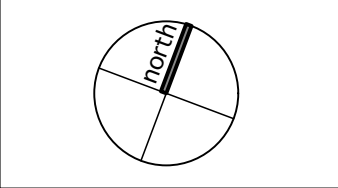
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8.5M height limit



Legend	
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MA	Scyon Matrix vertical cladding
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G	Glazing



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Address
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Project
Blessington St. Townhouses

Drawing
Unit 2- Proposed Elevation

Dwg No.
DA 13

Scale
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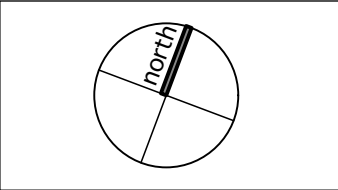
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Client
Patricia & Graeme
Norris

Address
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Street, South Arm**

Project
Blessington St.
Townhouses

Drawing

Site Section

Dwg. No.

DA 14

Scale
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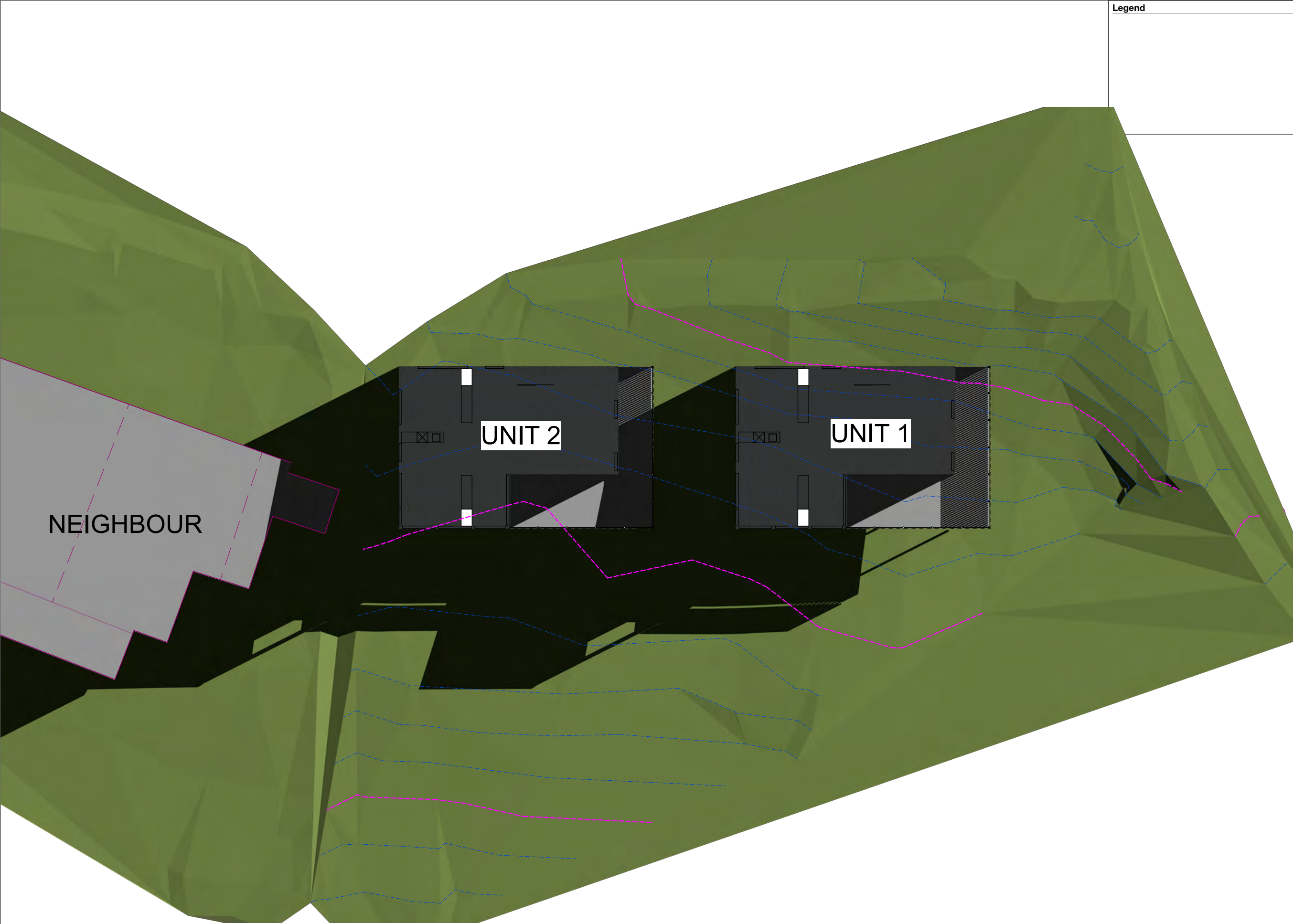
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Agenda Attachments - 167 Blessington Street, South Arm Page 15 of



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Drawing
9 AM- Shadow Diagram

Dwg No.
DA 15

Scale
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Date
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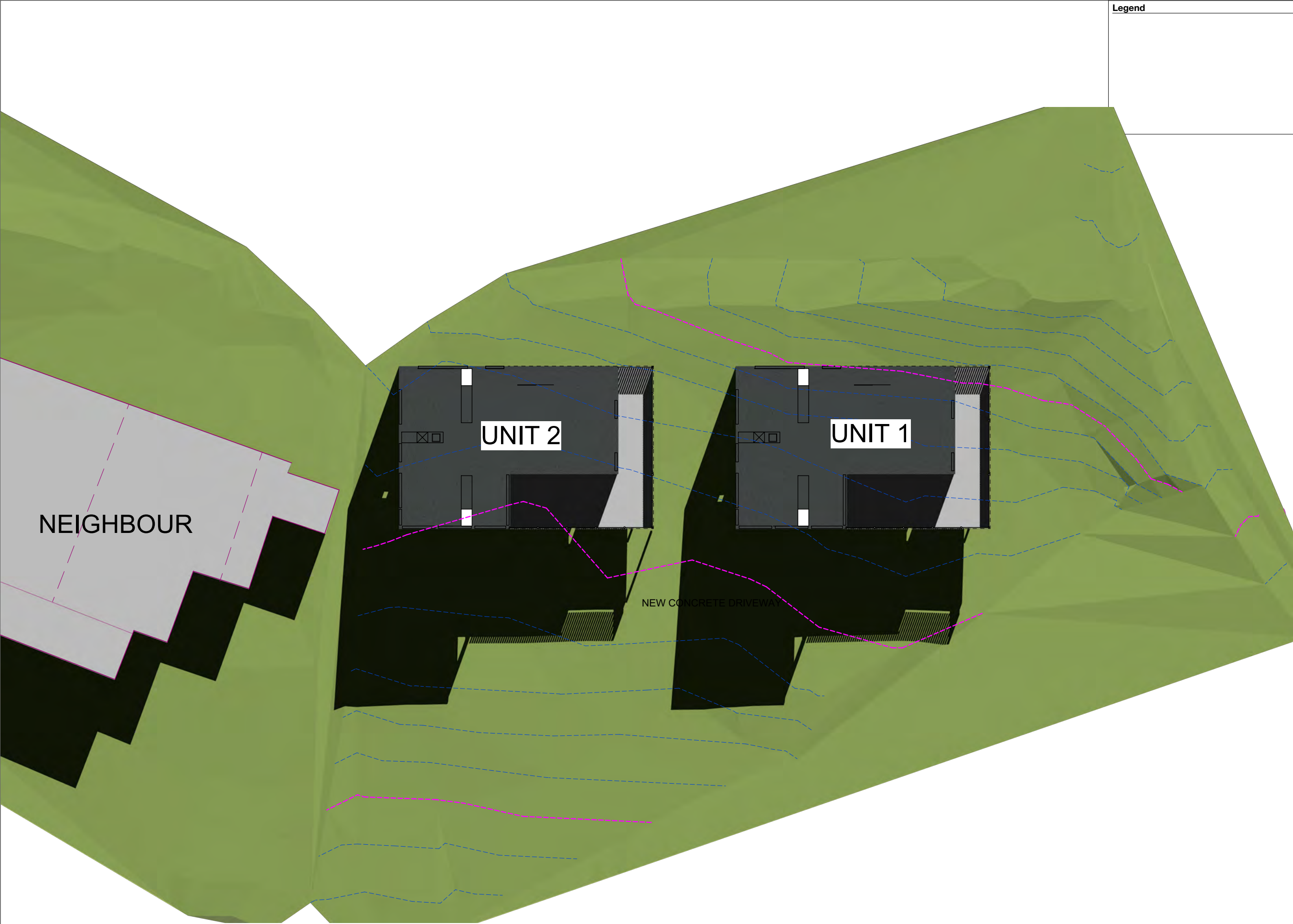
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Drawing
12 PM- Shadow Diagram

Dwg No.
DA 16

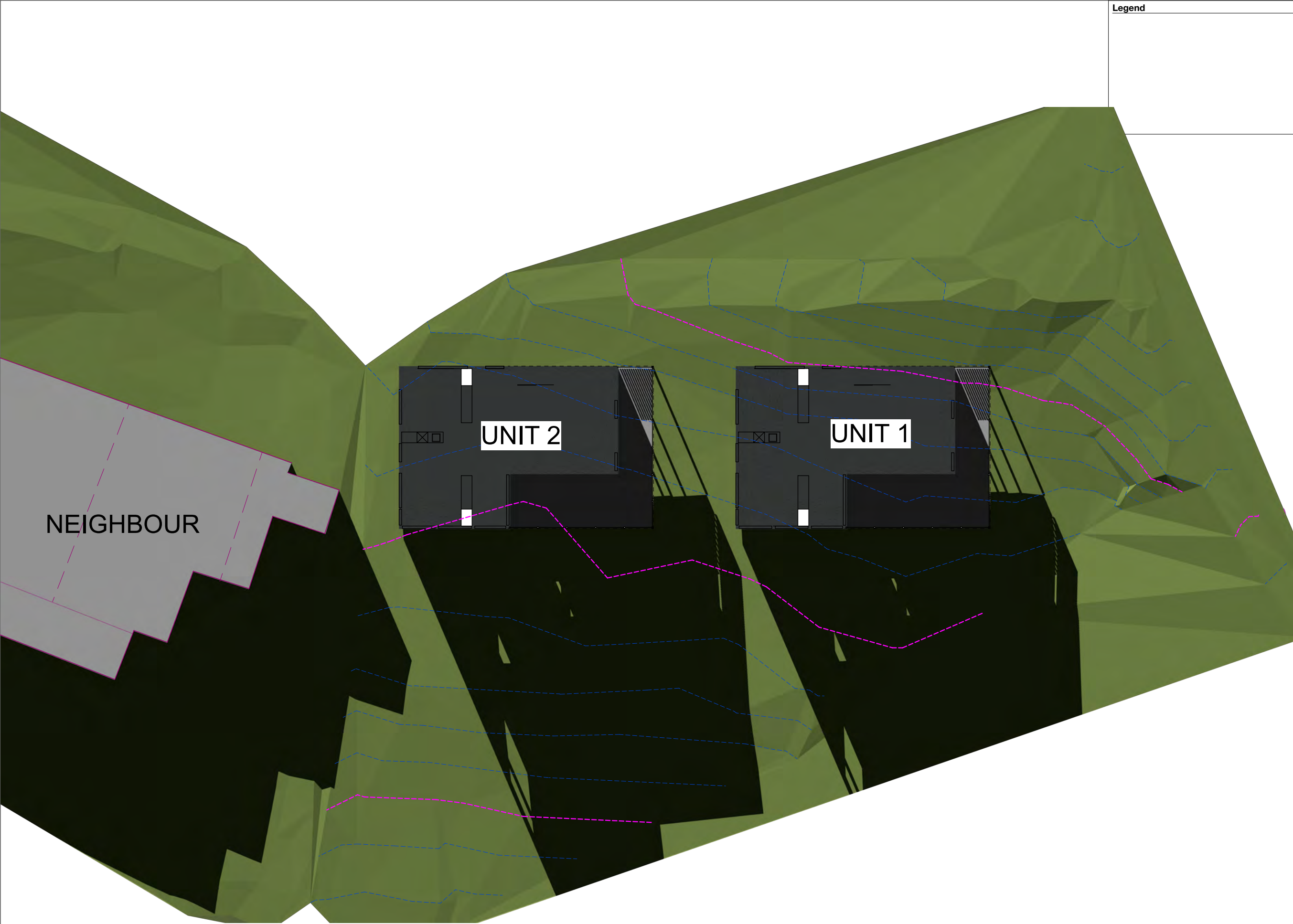
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Date
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Drawing
3 PM- Shadow Diagram

Dwg No.
DA 17

Scale
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Attachment 3



Photo taken from street looking across subject site towards the dwelling on 165 Blessington Street.



Photo taken from middle of subject property looking towards Seacroft Bay.



Photo taken at side of property looking north towards the driveways for 161, 163 & 165 Blessington St.

11.3.5 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS ROAD, SANDFORD

(File No. PDPSAMEND-2020 011424)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider a request to modify the Southern Tasmanian Regional Land Use Strategy's (STRLUS) Urban Growth Boundary (UGB). Specifically, it requested that the UGB be extended to include a 12.1Ha portion of the land at 52 Richardsons Road, Sandford.

RELATION TO PLANNING PROVISIONS

The land at 52 Richardsons Road, Sandford is zoned Rural Resource and Environmental Living under the provisions of Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the following Code Overlays:

- Bushfire Prone Areas;
- Landslide Hazard Area (Low);
- Waterway and Coastal Protection Areas;
- Coastal Inundation Hazard Area (Low, Medium & High);
- Coastal Erosion Hazard Area (Low);
- Natural Assets (Low & High);

Additionally, parts of the site are known to have been used for potentially contaminating activities and therefore subject to the Potentially Contaminated Land Code.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

The request to amend the STRLUS has not been exhibited and there is no requirement to do so.

The proposal was, however, referred to TasWater and the Department of State Growth for comment.

RECOMMENDATION:

- A. That Council resolves to advise the applicant that:
1. The proposal is premature, and Council does not support an expansion of the UGB to include the land at 52 Richardsons Road, Sandford for the following reasons:
 - The proposal will exacerbate impacts of sprawl and compound costs associated with infrastructure and service provision. Which will, in the longer term, be subsidised by the broader community.
 - The proposal is inconsistent with the Minister’s proposed amendment to the STRLUS and associated Roadmap to a full review of the STRLUS.
 - The proposal would adversely impact on the Greater Hobart settlement strategy.
 - The increased traffic load on Bayview Road would adversely impact residential amenity for those residents
 2. As part of a comprehensive review of the STRLUS, should it be demonstrated that additional urban land is required, then the subject land should be considered as a potential site in the context of the overall review and desired settlement strategy progressed by the Minister for Planning.
- 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**

- 1.1.** The STRLUS was approved by the Minister for Planning on 27 October 2011. The STRLUS was amended as part of a “housekeeping” review on 1 October 2013. It was further amended on 14 September 2016, 9 May 2018 and again on 19 February 2020 in response to ad hoc requests to expand the UGB.
- 1.2.** Although the STRLUS has now been amended several times to facilitate urban expansion in Hobart, Sorell and Clarence, the changes have not been major. The STRLUS is now in urgent need of review. Councils are experiencing increasing development pressure on the fringes, and since its initial approval, there have been important changing trends in regional population, housing, transportation and traffic management, infrastructure and other planning issues.

1.3. Despite the *Land Use Planning and Approvals Act* 1993 (LUPAA) specifying that the Minister must keep all regional land use strategies under regular and periodic review [S.30C(4)], a thorough review of the STRLUS has not yet commenced. For this reason and the fact there is no statutory mechanism for either individuals or Planning Authorities to apply to amend it, the Minister developed a non-statutory method for individuals and Councils to request amendments to the regional strategies. The method is articulated in the form of information sheet developed by the Department of Justice's Planning Policy Unit (PPU) and released on 1 February 2019. A copy of the Information Sheet RLUS 1 - Reviewing and Amending the Regional Land Use Strategies is included in the attachments.

1.4. While non-statutory, the information sheet provides information on when and under what circumstances the regional land use strategies may be reviewed and amended. It also provides details on the requirements and processes for reviewing and considering amendments to the regional land use strategies.

The information sheet recognises that amending a regional land use strategy is not always the most appropriate course of action to facilitate use and development within a region. In the first instance use and development should be directed to those agreed areas identified in the relevant strategy.

1.5. In a letter received 8 December 2020 the Minister advised that prior to a full review of the STRLUS, the government wished to introduce an interim policy by an amendment to the STRLUS that enabled the consideration of proposals for minor urban zoning beyond the UGB in particular circumstances and without needing to seek an amendment to the STRLUS.

The proposal was referred to councils for feedback prior to finalisation and is the subject of another report on this agenda.

2. STATUTORY IMPLICATIONS

2.1. Under Section 30C(3) of LUPAA the Minister for Planning may declare a regional land use strategy. Section 30C(4) specifies that the Minister must keep all regional land use strategies under regular and periodic review.

- 2.2.** Section 30O(1) of LUPAA (for Interim Schemes) and S.34 - LPS Criteria (for the future Tasmanian Planning Scheme), requires that planning schemes (and any amendments to an existing planning scheme) are to be, as far as practicable, consistent with the relevant regional land use strategy. In Clarence the relevant regional land use strategy is the STRLUS.
- 2.3.** There is no formal statutory mechanism for either individuals or Planning Authorities to apply to amend the STRLUS.
- 2.4.** Pursuant to Section 32(ea) [and 30O(1)] of LUPAA, before certifying and publicly exhibiting a draft planning scheme amendment Council needs to be satisfied that the draft amendment is consistent with the relevant regional land use strategy.
- 2.5.** Pursuant to Section 30O(1) of LUPAA, the TPC must be satisfied that a draft planning scheme amendment is consistent with the relevant regional land use strategy before approving an amendment. Similar legislative requirements apply to all future LPS', and amendments to LPS' that will be in place under the Tasmanian Planning Scheme.
- 2.6.** Despite the Minister's proposed amendment to the STRLUS to insert a new strategy/consideration at SRD 2.12 discussed at section 1.5 of this report, it has not been approved and has no statutory effect at this time. Notwithstanding that, it is noted that should it be approved in its current form, the proposal to expand the UGB by 12.1ha would not comply with the 2, 3 or 4ha maximum areas proposed.
- 2.7.** The subject land is outside the UGB. Accordingly, an application to rezone the land for urban purposes (General Residential for example) would be inconsistent with the STRLUS and should not be initiated by Council and, in the event that it was, it could not be approved by the TPC without the STRLUS first being amended by the Minister for Planning prior to determination.

3. THE SITE AND CONTEXT

3.1. The Site

The subject site is 52 Richardsons Road, Sandford (CT 158742/9), a 73Ha irregular shaped vacant lot located to the south of Lauderdale. The site has a westerly aspect varying in both slope and elevation from relatively flat and low-lying adjacent to the saltmarsh up to the 10m contour rising with increasing slope (up to 1:5) to the 79m contour.

The site abuts the TasWater Reservoir at the of top of Richardsons Hill and has direct road frontage to Bayview Road and the South Arm Highway and Richardsons Road.

The site abuts and is to the east of Council's land at Racecourse Flats. The lower lying areas of the site represents an extension of the saltmarsh. Further east, increasing in elevation is a 23Ha patch of remnant bushland currently developed with an informal trail network.

A location plan and site photograph are contained in the attachments.

3.2. Planning Controls

The site is zoned Rural Resource and Environmental Living under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the following Code Overlays:

- Bushfire Prone Areas;
- Landslide Hazard Area (Low);
- Waterway and Coastal Protection Areas;
- Coastal Inundation Hazard Area (Low, Medium & High);
- Coastal Erosion Hazard Area (Low); and
- Natural Assets (Low & High).

Additionally, parts of the site are known to have been used for contaminating activities and accordingly the Scheme's Potentially Contaminated Land Code also applies.

The northern boundary of the site adjoins the UGB however the entire site is outside of it.

A zone plan and a plan showing the existing UGB are contained in the attachments.

3.3. Natural Assets

The proposal is accompanied by a Natural Values Assessment by North Barker dated 28 May 2020. The report identifies that the site includes *“forested western slopes of Richardsons Hill, some remnant and regenerating saltmarsh, brackish and freshwater wetlands and extensive areas of old long-established pasture dominating the southern slopes of Richardsons Hill.”*

The report states that a total of 152 vegetation species were recorded on site of which 120 are native and 32 are introduced (including 8 declared weeds). The vegetation communities range from poor to excellent condition and are identified in Figure 3 of the North Barker report (p13) included in the attachments.

A description of habitat is included at p23 of the report. In summary, the forested areas support foraging and nesting habitats and include occasional large mature white gums suitable for nesting birds and mammals in the form of hollows.

The wetland and saltmarsh communities provide habitat for various specialist fauna, although their extent on the property is small.

3.4. Potentially Contaminated Land

Parts of the site have been modified and known to have been subject to a range of contaminating activities including landfill, asbestos, quarrying operations and fuel storage. A plan showing the area of the site previously used for these activities is included in the attachments. While this area is considered to be “potentially contaminated” thereby invoking the Scheme’s Potentially Contaminated Land Code, based on the information available, it is considered that the remainder of the site outside of this area is unlikely to be contaminated.

4. THE PROPOSAL

The applicant requests an amendment to the STRLUS by expanding the UGB to include a 12.1Ha portion of the subject land. Ultimately the request is that Council support the proposed expansion and to advise the Minister for Planning accordingly.

In addition to the applicant's planning report (JMG, November 2020) the proposal was accompanied by the following supporting documentation:

- Concept Plan;
- Aboriginal Heritage Assessment (Cultural Heritage Management, 28 May 2020);
- Traffic Impact Assessment (Milan Prodanovic, July 2020);
- Natural Values Assessment (North Barker, 28 May 2020);
- Geotechnical Assessment (GES, May 2020);
- Photomontages;
- Bushfire Hazard Report (JMG, August 2020);
- Concept Services Report (JMG, 14 August 2020);
- Land Capability Assessment (GES, 14 August 2020); and
- A letter of support from the University of Tasmania (17 June 2020).

For the most part the documentation appears to support a planning scheme amendment lodged under S.43A for a rezoning and subsequent subdivision. However, the proposal is limited to a request to modify the STRLUS. If the request is ultimately approved by the Minister for Planning, then a future S.43A application is foreshadowed that is likely to reflect that described in the reports and shown in the concept subdivision proposal.

4.1. Southern Tasmanian Regional Land Use Strategy (STRLUS)

It is proposed to expand the STRLUS UGB (Map 10) by approximately 12.1Ha to include a portion of the site to provide for future residential development as shown in the attachments. This portion of the site abuts the southern extent of the Lauderdale UGB and provides for a 300m linear link from Bayview Road to the substantive expansion to the south.

4.2. Foreshadowed S43A application.

Should the requested UGB expansion ultimately be approved, the applicant foreshadows the submission of a subsequent application under S.43A of LUPAA seeking a planning scheme amendment and subdivision permit.

The planning scheme amendment is anticipated to:

- rezone the portion of the land within the expanded UGB to General Residential (12.1Ha);
- rezone a 35.6Ha portion of the site to Open Space;
- rezone the balance to be zoned Rural Living; and
- introduce a Specific Area Plan (SAP) to guide the form of future development on the land.

A concept subdivision plan was submitted with the proposal and included in the attachments. The concept plan is contingent on the proposed UGB expansion being approved and provides for 147 future General Residential lots, 8 Rural Living lots, road lots and 35.6Ha of Public Open Space (POS).

The proposed POS represents 49% of the total site area. This land captures a significant proportion of the area covered by the Natural Areas overlay mapping backing on to the Racecourse Flats saltmarshes.

The applicant's planning report outlines (at p6&7, attached) that the adjoining Racecourse Flats saltmarshes is one of the largest saltmarsh communities in the Derwent estuary, has significant ecological values and is internationally recognised as a crucial migratory shorebird habitat and fish nursery. It is submitted that the provision of 35Ha dedicated area of public open space will provide significant environmental benefit by allowing for the future migration to the saltmarsh.

5. PLANNING ASSESSMENT

5.1. Concept Plan

While under this process the applicant's Concept Plan cannot form part of the proposed expansion to the UGB, it does provide a clear indication of the applicant's intent, anticipated development potential and expectations, and for this reason warrants discussion.

6.1.1 Residential form

A total of 147 General Residential zoned lots are proposed with the majority of lots ranging in size from 500m² to 700m². The lots are connected to Lauderdale via an extension of Bayview Road continuing east to the top of Richardsons Hill before heading south west back down hill to the substantive residual area. The first 600m of the Bayview Road extension is bounded on one side (south and west) by the proposed POS lot and provides frontage to 34 residential lots on the other (north and east).

In terms of settlement structure, the majority of the lots have a westerly aspect with views to Mt Mather and Mt Wellington beyond. The lots will be separated from the existing Lauderdale General Residential Zone by a ridgeline and the proposed POS lot, a distance of approximately 300m. For this reason, the proposal presents as an isolated cluster within a separate drainage catchment rather than an extension of Lauderdale.

It is noted that traffic generated from the proposal would be distributed north through Bayview Road and south through Richardsons Road. This is discussed in further detail at Section 5.7 of his report.

6.1.2 Rural Living Lots

The Concept Plan shows 8 rural living lots (ranging from 2.0Ha to 8.4Ha) to the west and south of the proposed UGB expansion/General Residential Zone. This area is currently zoned Rural Resource and would need to be rezoned as part of the foreshadowed future S.43A application. No amendments to the STRLUS are proposed to facilitate these lots as a standalone Rural Living cluster. The applicant was provided with opportunity to support/explain this element of the proposal and provided a submission to the effect that, in their view, the future rezoning of these lots could be facilitated under the STRLUS as currently expressed, and without the need for alteration.

Despite the applicant's submission it is considered that this is likely to be problematic and would not meet the relevant tests. An assessment of the most relevant considerations against SRD 1.3 is included in the attachments.

6.1.3 Proposed Public Open Space

The area of the proposed POS allocation is significant and represents 49% of the total site area. This has been proposed in an attempt to offset the UGB expansion/General Residential zoning in terms of both biodiversity and POS recreation opportunities. Notwithstanding this intent, it is not possible to secure the land under this process and there is no capacity to ensure that the proposed POS will be reflected in any future proposal as there is no legal mechanism to link any support to expand the UGB to this offer.

Should the POS be proposed as part of any future proposal, considerations will be:

- Whether the land has been identified in any adopted POS strategy as being required.

In this instance Council's trail register identifies one linear trail through the site but it is not shown on the Tracks and Trails Action Plan 2015-2020.

- Whether the land needs to be in public ownership to manage/protect its biodiversity value, or whether the planning controls (zone and code provisions) can do this sufficiently independent of ownership.
- Whether Council is prepared to maintain such a significant area of land in that location. With limited resources, where does this fit in terms of Council's other obligations.

Nevertheless, the proposed POS allocation is not relevant to this assessment. The proposal to expand the UGB ought to be assessed based on the considerations relevant to supply, demand, density and settlement strategy.

5.2. Function of UGB

The UGB is one of the most important tools in land use planning for ensuring the rational and efficient growth of cities. It has been applied in cities around the world for many decades and throughout Australia in capital and regional cities.

The purpose of the UGB is to direct urban growth to areas best able to be supplied with appropriate infrastructure and services and protect other valuable peri-urban and environmentally valuable land from urban development pressures (i.e. controlling sprawl). Its consequence is to promote rational and efficient city building, in terms of infrastructure, controlling traffic congestion, equitable access to community services and facilities, shops, employment and schools.

The STRLUS recognised the significant role that the UGB has to play in achieving the best form of city growth for metropolitan Hobart.

Irrespective of the review mechanism (i.e. comprehensive review, recognition of emerging trends/new data, or in response to an ad-hoc request), it follows that any modification of an established UGB ought to consider:

- Population trends;
- Greater Hobart settlement strategy;
- Land supply across the Southern region;
- Land supply at the local level/market segment (Clarence specific); and
- Land suitability and weighting assessment against alternative sites.

5.3. Settlement Structure and Associated Costs

The cost of providing, maintaining and operating infrastructure and services can vary substantially depending on settlement structure, location and proximity to existing infrastructure and services. Increased population can be accommodated by one of three basic models:

- Greenfield expansion on the urban fringe;
- Infill development provided within established urban areas; and
- Dispersed (ad hoc piecemeal subdivision) growth on the urban/peri-urban fringe.

The cost associated with each approach varies in terms of initial cost to the developer and ongoing servicing/maintenance cost to councils and other agencies.

In practice, governments use or provide for a combination of each of these models, however, consideration of the costs associated with each approach is a relevant settlement consideration.

The literature establishes the following key components/observations and cost comparisons between settlement types.

Greenfield development

Greenfield development usually requires completely new infrastructure networks to be constructed and the volume of development places additional ‘at once’ pressure on service provision. Under this model developers usually provide any required infrastructure and/or contribute towards required upgrades which occur upstream (such as road and intersection expansions).

From this perspective, greenfield development appears to be a cost-effective settlement type to councils. Lot sale prices reflect the value of the land and associated capital improvements when released to the market. However, there are often additional costs to councils and other agencies associated with providing new facilities and upgrading off-site infrastructure. Ongoing maintenance costs and servicing are the responsibility of councils and can be significant over time.

Infill development

Typically infill development provides for increased density in established areas making better utilisation of existing assets while at the same time increasing the rate base to contribute to ongoing maintenance. Infill development can be facilitated through a range of methods including:

- Small scale rear lot subdivision /units;
- Gentrification through redevelopment of existing urban areas to higher densities; and
- Remnant large undeveloped inner urban lots subdivided/developed to urban densities.

This settlement model costs the least to Council and other agencies. However, infill development is often less desired by the development industry due to higher initial land prices, limited size of developable land parcels and the development expectations/opposition in established communities.

Dispersed development

Dispersed development is usually incremental and takes place gradually as larger rural lots are subdivided, often at some distance from existing development. For a single development, dispersed development is usually inexpensive to service with infrastructure where any connection costs are borne by the property owner/developer. For this reason, sale prices of lots released to the market are often more affordable and, in the short term, seen as a cost-effective settlement type to residents and councils alike.

However, over time, dispersed non-contiguous development is difficult to service efficiently (particularly with any community services that may be required) and can lead to “leapfrog” development and result in significant costs to councils and agencies in the longer term.

Of the three models, infill development results in the cheapest model to develop and service for councils, followed by greenfield development and then dispersed development which is the most expensive.

The proposal to expand the UGB at 52 Richardsons Road would be an example of Greenfield development while the proposed Rural Living lots would be considered dispersed development.

There are financial modelling tools available to quantify the actual cost to develop, maintain and service a settlement. Advanced models will cater for:

- The costs of installing and maintaining infrastructure (including roads, footpaths, water, sewerage, stormwater etc);
- The costs associated with developing/upgrading and maintaining new community facilities (including public open space, recreational facilities, community buildings, schools, medical services etc);
- The cost of service provision (including childcare, meals on wheels, rubbish collection etc); and
- Rates and revenue sources.

The models are only as good as the data and assumptions fed into it. However, establishing the parameters is a complex exercise requiring detailed breakdown of costs over the life of the respective assets, external servicing requirements, knowledge of required community facilities and services, recognition of any developer contributions, state government funding and rating revenue received. Even with robust starting parameters, the costs over the life of the assets, which may be up to 100 years for some assets, have a high potential for distortion.

For these reasons, the cost of the proposed UGB and associated Rural Living lots have not be modelled. However, it will be more expensive to service in the longer term than the same yield provided through infill alternatives. Matters unique to this proposal that will further compound the costs to Council include:

- The upgrading of Richardsons Road and Forest Hill Road to Council's Rural Road standard as specified under the Local Highways Standards Requirements By-law No 1/2014 (6.0m wide spray seal minimum); and
- The installation of a new Bayview/South Arm Road roundabout.

These costs are substantial and will be specific/unique to this proposal and discussed below.

Richardsons Road and Forest Hill Road

The TIA submitted with the proposal identified that Richardsons Road and Forest Hill Road would need to be sealed (1.2km). There is no commitment that the developer would undertake the work and there is no capacity to ensure that the costs will be borne by the developer through this process. Accordingly, it is likely that Council will need to contribute to the upgrade (if not fund it entirely) and commit to its ongoing maintenance. The full cost of sealing this road is likely to be in the order of \$1M.

Even if a developer contribution could be secured, which is not possible through this process) it would be based on a proportionate share meaning Council would need to contribute the balance. This could only occur as part of a future application and condition on the permit. Accordingly, there is uncertainty and an inherent financial risk.

Bayview/South Arm Road roundabout

The existing Bayview/South Arm Road intersection is coping under the current load. The TIA submitted with the proposal identifies that the proposal will reduce the level of service of this intersection to level of service “F”. The proponent does not propose to upgrade the intersection with the roundabout that will be required, instead indicated that it is a matter that DSG should monitor. Accordingly, there is a high risk that the reduced level of service experience by the existing Lauderdale residents will result in pressure for Council to undertake/fund the works. The cost associated with this project have not been modelled but will be expensive given the location, proximity to the coast, low water table, no alternative accesses and the need to undertake the works whilst the intersection is still being used. The cost of works is likely to be within the \$1.5M-\$5M range.

5.4. Clarence Land Supply

A review of current lot supply in Clarence is undertaken periodically. The review is comprised of the most significant subdivisions/land holdings and is completed to provide an indication of residential land availability. It does not account for all available lots or minor infill subdivision and on this basis underrepresents the number of lots actually available, or readily subdividable within the UGB.

The last review was completed in July 2020 and a copy is included in the attachments. In summary, there are over 2800 lots that have been approved, or could be, across a range of market segments (affordable, medium and premium). The majority are greenfield lots and all are appropriately zoned, within the STRLUS’ UGB and in most cases are within an approved staged subdivision.

The STRLUS identifies several Greenfield Development Precincts in Greater Hobart. The Greenfield Development Precincts in Clarence are identified on the Tranmere Rokeby peninsula (Droughty Point) and the north western side of Sugarloaf Road, Risdon Vale. This land is zoned Future Urban and has not yet been approved for subdivision. Subject to the preparation of suitable masterplans this land could readily be rezoned, subdivided and developed for residential purposes. The July 2020 review indicated that together these sites are likely to provide for an additional 2300 lots. However, the latest figures associated with the “Skylands” proposal (Droughty Point) indicate that that project may yield up to 3500 lots (up from 1700).

Accordingly, there are 5000-6500 lots in greenfield areas/edge estates in Clarence that are within the UGB that are either approved or could be readily approved and able to be released over the coming years. Again, infill and minor subdivisions are not included in this estimate.

The release of land in some zoned and greenfield area in Clarence has been slow in some instances. This has been particularly so along Pass Road associated with the ParanVille estate and Clarence Heights estate behind Clarendon Vale. However, there has been increasing interest in the ParanVille subdivisions and Clarence Heights has commenced on ground works with the first of these lots anticipated to be released to the market in the coming months. Other areas such as Risdon Vale (Sugarloaf Road), Glebe Hill, Rokeby, Howrah and Tranmere have been developed and released steadily.

While there is land available in a range of market segments and there is limited opportunity for infill development (small scale subdivision and multiple dwellings) in Lauderdale (adjoining the site) none of the 2800 lots are within this suburb. This is not a new issue and should have been anticipated as consequence of adopting the current UGB.

In addition to the above, at its meeting on 10 August 2020 Council considered a request to expand the UGB at 471 Cambridge Road, Mornington and 540 Pass Road, Cambridge. Council resolved to support the expansion of the UGB and advised the Minister for Planning accordingly. To date that request has not progressed. However, if ultimately approved it would provide for 60-70 additional lots beyond the 5000-6500 lots described above.

Providing for growth in Sandford (as an extension to Lauderdale), independent of a comprehensive review of the STRLUS, will result in an altered settlement pattern and release of land that could potentially be to the detriment of other settlements elsewhere in Clarence.

5.5. Hobart City Deal

While LUPAA requires the Minister to undertake reviews of regional strategies, at this time the Government is focussed on the completion of the transition of council planning schemes to the TPS followed by the development and introduction of certain state planning policies, before reviewing the STRLUS.

However, the Hobart metropolitan councils are focussed on a more urgent review. The Hobart City Deal acknowledges that “... *planning, identification, sequencing and prioritisation of actions being considered in the City Deal are informed by the following factors:*

- *Efficient movement of people;*
- *Improved passenger experience;*
- *Responsiveness to new technologies;*
- *Pedestrian and cycling improvements;*
- *Current and future land use; and*
- *Infrastructure investment”.*

The impact of the STRLUS is an important factor in dealing with these matters and the Greater Hobart Committee has raised the prospect of undertaking the necessary review work effectively through the metro plan now underway.

One of the drivers behind the City Deal is to provide for and encourage medium rise development and infill housing options. The measure of success is that:

“Hobart will have a more diverse, affordable and inclusive housing mix to provide choices to meet our changing lifestyle and population needs.”

Low density development on the fringe will not further this objective as it neither increases diversity nor is inclusive. On this basis the proposed 12.1Ha expansion to the UGB, which would provide new greenfield development at the fringe, will not further the objectives of the Hobart City Deal.

Expanding the UGB in this location will exacerbate sprawl. This approach, as opposed to targeted infill opportunities, or fringe locations closer to Hobart, will result in new residents having to travel further to access jobs, education and services. Sprawl models, such as this would have serious physical and social impacts on metropolitan Hobart and is contrary to the recommendations in the state’s Toward Infill Housing Development report prepared for the Department of State Growth dated August 2019.

5.6. Planning Policy Unit Information Sheet - Application Requirements

The PPU’s *Information Sheet RLUS 1* (attached) prescribes the following minimum information required to be submitted in order to consider an amendment request. Additionally, amendments seeking to modify an urban growth boundary, settlement growth management strategies or seek other modifications to a regional settlement strategy, will usually require additional supporting information such as an analysis of current residential land supply and demand, using accepted contemporary and verifiable data sources, that considers the region in its entirety.

The applicant’s report attempts to address each of the requirements and is included in the attachments (p41-45). Based on the applicant’s response, it is considered that the request is in order and in a form suitable for Council’s consideration.

The PPU's Information Sheet strongly recommends:

- that written endorsement for the proposed change is sought from all the planning authorities in the relevant region; and
- that consultation with relevant State Service agencies, State authorities and other infrastructure providers be undertaken before making a request for an amendment to ensure that any significant issues are avoided.

Therefore, if supported by Council, the Minister will consult with each of the planning authorities and agencies, authorities, and infrastructure providers as part of any State assessment process.

5.7. Planning Policy Unit Information Sheet - Assessment Requirements

The PPU's Information Sheet outlines that the following matters must be considered if an amendment is proposed to a regional land use strategy to develop 'greenfield' land.

- 1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.*

The applicant's report provides an assessment against the other STRLUS strategic directions. In summary, there are two regional policy directives that are particularly relevant to the proposal, being *Land Use and Transport Integration* and *Settlement and Residential Development*.

The *Land Use and Transport Integration* policy directive highlights the relative location of different land uses (for example where people live in relationship to places for employment, shopping and key services) and transport demand, cost and modal choice. It seeks to improve integration of transport and land use planning to enable the development of urban areas that are efficient, liveable, and environmentally sustainable in the face of a changing climate.

The applicant's report addresses this issue at p38-39 (attached). It is acknowledged that the proposed subdivision layout would provide for new road connections between existing and potential future roads. However, it is not accepted that the proposed urban expansion on the fringe is necessary to improve existing key public transport corridors and improve the frequency of service. The location is unlikely to improve walking and cycling linkages beyond recreation, and the site's spatial separation from employment centres, shops, education and other and key services will result in increased car dependency. This has significant ramifications in the short and longer term including:

- Increased traffic on Bayview Road/Bayside Drive and impact on the highway;
- Infrastructure upgrades on South Arm Road; and
- Future maintenance.

With respect to *Settlement and Residential Development*, the applicant acknowledges the role of the UGB. The justification to expand the UGB to include 12.1Ha of the subject site is based on:

- providing open space and recreational opportunity not otherwise available in the locality;
- improving connectivity with the surrounding area;
- improving the environmental management and expansion opportunities of the Lauderdale Saltmarsh Reserve;
- increasing housing supply and greater mix of housing choice; and
- increasing affordable housing.

In this regard, it is noted that it is not possible to secure the proposed Open Space through this process. The proposed Open Space, regardless of how desirable it may be, does not justify the need for urban expansion, when the costs of that are so great in terms of social impacts, cost of servicing and maintaining infrastructure resulting in subsidisation by the urban rate base.

Additional low-density housing on the fringe will further distort greenfield/infill targets. While this would increase land supply it will not introduce a greater mix of housing diversity. In terms of affordable housing, there is nothing to ensure that the expansion will provide for the delivery of affordable housing. It may be that the land is more affordable than other more appropriately located alternatives, however, as previously discussed this will result in a sprawl model heavily subsidised by the broader community.

For the above reasons it is considered that the proposal is inconsistent with the STRLUS Settlement and Residential Development strategies.

2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.

The proposal does not impact on natural values including threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values and coastal values.

The proposal would avoid impacts upon the wetland and waterway values found within the western part of the site, adjacent to the Racecourse Flats saltmarsh. While it cannot be secured through this process, the future management of this land and the adjoining woodland could be secured if transferred to Council as part of a future subdivision application (as foreshadowed).

3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.

The land is not subject to the scheme's Historic Heritage Code and known to contain any cultural or Aboriginal heritage values. The Scenic Landscape Code is not used in Clarence.

Notwithstanding that, the proposal would encroach the skyline as shown in the site photographs in the attachments. For this reason, the proposed concept plan indicates an alternative road lot layout below the 65m contour level. This configuration would have a reduced impact on scenic values but has not been reflected in the proposed amendment to UGB or the foreshadowed S.43A rezoning and subdivision proposal.

4. *The potential loss of agricultural land from Tasmania's agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).*

As detailed above the land is not prime agricultural land. The conversion of the land to General Residential (and Rural Living) would result in the loss of grazing pasture.

5. *The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.*

It is considered that the proposal is unlikely to introduce any land use conflict. Any real or perceived conflict between urban and rural/rural living land would effectively be shifted rather than introduced and the reasons outlined in the applicant's report (p52) are accepted.

6. *Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.*

As previously discussed, the land is subject to the following Scheme Code Overlays:

- Bushfire Prone Areas;
- Landslide Hazard Area (Low);
- Waterway and Coastal Protection Areas;
- Coastal Inundation Hazard Area (Low, Medium & High);
- Coastal Erosion Hazard Area (Low); and
- Natural Assets (Low & High).

Additionally, parts of the site are known to have been used for a potentially contaminating activity and therefore subject to the Potentially Contaminated Land Code (discussed in further detail below).

The applicant claims that a key driver behind the Concept Plan was to develop a solution that reduced the proposed residential development's exposure to potential natural hazards. This being the case, any future use and development provided for through any approved UGB expansion would be required to be assessed against each of the above codes and is likely to be able to be designed to meet the relevant requirements.

In a broader context the applicant's report identifies (p22) that the proposal provides opportunity for residential zoned land that is outside of the Lauderdale Coastal Inundation Hazard Area to *“allow for the orderly retreat and abandonment of land that is susceptible to future inundation – i.e. the proposal would ensure the future viability of the Lauderdale settlement by ensuring that sufficient residential land is available should existing residential areas be affected by inundation and other climate change related impacts”*.

7. *Risks associated with potential land contamination.*

As previously stated, parts of the site have been modified and known to have been subject to a range of contaminating activities including landfill, asbestos, quarrying operations and fuel storage. Accordingly, any future application would need to be accompanied by a submission from a suitably qualified person addressing the relevant Code considerations.

Based on the information available it is considered that the extent of any contamination would be unlikely to extend to the area proposed to be included within the UGB and zoned General Residential in the future.

8. *The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).*

The proposal accesses South Arm Road in Sandford at Forest Hill Road (via Richardsons Road) and in Lauderdale via an extension of Bayview Road. Richardsons Road is a 740m long gravel road which junctions with Forest Hill Road at its western end. The trafficable width of Richardsons Road varies from around 6.0m at the western end down to 4.3m at the eastern end of the road. Forest Hill Road is sealed around 490m long with a width of 5.5m widening to 7.3m before its junction with South Arm Road.

Bayview Road is a 2.0km long residential collector road serving the Lauderdale area. The road is sealed, generally 8.3m wide and provides access and frontage to properties along both sides of the road width for its full length.

The traffic impact assessment (TIA) accompanying the proposal indicates that this will result in up to an additional 131 vehicle movements per hour during peak periods or 1,312 per day. The TIA concludes that based on travel times the resultant load onto South Arm Road will be reasonably evenly distributed with 55% using the Richardsons Road junction and 45% using the Bayview Road junction.

This will result in around 716 vehicles/day and around 72 vehicles/hour during the peak hours using Richardsons Road and around 596 vehicles/day and around 60 vehicles/hour during peak hours using Bayview Road.

Based on these figures the TIA concluded that:

- The Forest Hill Road/South Arm Road and Bayview Road/South Arm Road junctions will continue to operate at an acceptable level of service beyond Year 2030.
- No improvements will be required at the Forest Hill Road/South Arm Road junction for operational efficiency.
- During the morning peak hour, the Bayview Road/South Arm Secondary junction will operate at a level of service F in the year 2030 if the traffic volume along the South Arm Secondary Road continues to increase at a compound rate of 2.3% for the next 10 years.
- That DSG will need to plan for the upgrading of the traffic management at the Bayview Road/South Arm Road junction with the installation of a roundabout.

As discussed in further detail below the proposal was referred to the Department of State Growth (DSG) for comment. DSG's response was high level and did not comment on the likely impact that the proposal would have on the existing road network and any upgrades that may be necessary.

Key observations:

- The proposal would contribute to around 12% increased load on Bayview Road / South Arm Road junction.
- The TIA indicates that the Bayview Road/South Arm Road roundabout would not be developed as part of the foreshadowed proposal and that obligation will fall to DSG.
- The TIA indicates that the foreshadowed proposal would necessitate Richardsons Road and Forest Road being upgraded to a sealed surface. It is not specified who would undertake upgrades. However, it is anticipated that, at best, a developer contribution proportionate to the increased load could be required as part of any future application.

- The resultant load on Bayview Road will be 2,300 vehicles/day at the western end. This will change the nature of the road from its current classification of a “Residential Street” to one that functions as a “Collector Road”. Council’s Traffic engineer advises that the road geometry is capable of absorbing this load, but it will adversely impact the residual amenity on the adjoining properties. To provide context, the impact on amenity would be comparable to currently experienced in Begonia Street, Lindisfarne (2,100 vehicles/day) and Riawena Road, Montagu Bay (2,700 vehicles/day).

5.8. Proposed roadmap and Interim Amendment to the STRLUS

The Minister for Planning’s recently proposed amendment to the STRLUS facilitating the ability to apply for land to be rezoned for urban purposes outside of the UGB is currently in draft form and has not yet been approved. Even so, it is noted that the intent is to limit the scope of application to potentially 2, 3 or 4Ha lots. The proposal to expand the UGB by 12.1Ha is several times the scale of expansion envisaged through this mechanism and therefore inconsistent with it.

6. CONSULTATION

The request to amend the STRLUS has not been exhibited and there is no requirement to do so.

Should Council support the request, the Planning Policy Unit’s *Information Sheet RLUS 1 - Reviewing and Amending the Regional Land Use Strategies* outlines that, as a minimum, the Minister for Planning will consult with the TPC, all planning authorities within the region and the relevant State Service Agencies and Authorities for a period of at least 5 weeks.

Subject to the Minister’s discretion, requests seeking to incorporate broader strategic changes are likely to require public input through a public exhibition process.

7. EXTERNAL REFERRALS

The proposal was referred to TasWater and DSG for comment.

TasWater advised that they agreed with the recommendations within the concept services report, the setup was relatively straightforward and that both of the sewerage options presented were possible.

In terms of water supply, TasWater expressed concern about the ability to service any additional future expansion (beyond that currently proposed) on the eastern side of the water tank. Even so, TasWater advised that an additional 15 lots may be able to be serviced but might require a different pump to the one required for this development.

With respect to sewerage, TasWater advised that in new areas their preference is to not rely on pressure sewer due to the high operating costs. However, the area can be serviced, there are likely to be several viable options and the developer is likely to incur external costs in order to connect.

DSG provided a very high-level response making no reference to the likely impact that the proposal would have on the existing road network and any upgrades that may be necessary. They advised that detailed commentary will be provided if a future rezoning and development application is made.

With respect to the need to expand the UGB in this location they advised *“further analysis is required to better understand how the proposal relates to existing residential land supply and demand. The proposal seeks to meet demand in the middle to upper market segment within a fringe urban area, and this also requires further, strategic justification”*.

This is an indication that based on the available information the applicant’s justification for the proposal is premature.

A copy of DSG’s response is included in the attachments.

8. COUNCIL COMMITTEE RECOMMENDATION

The proposal was not referred to any Council committees. However, the applicant gave a presentation to Council's Tracks and Trails Committee. Accordingly, they are aware of the proposal and supported the proposed track network.

9. STRATEGIC PLAN/POLICY IMPLICATIONS

The following State Policies are made under the State Policies and Projects Act 1993:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996. The National Environmental Protection Measures (NEPMS) are automatically adopted as State Policies under the *State Policies and Projects Act 1993*.

The National Environmental Protection Measures (NEPMS) are automatically adopted as State Policies under the State Policies and Projects Act 1993.

9.1. State Coastal Policy

The State Coastal Policy 1996 is applicable to the entire site as it is within 1km of the high-water mark. The applicant's report contained a detailed assessment against the State Coastal Policy at pages 29-38 and a copy is included in attachments. The applicant's assessment is accepted, subject to the clarification that:

- The proposed POS cannot be transferred to Council as part of this proposal to expand the UGB; and
- There is no mechanism to ensure that a future proposal will include the transfer of the POS described.

9.2. State Policy on the Protection of Agricultural Land 2009

The purpose of the State Policy on the Protection of Agricultural Land 2009 policy is to:

“conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land”.

The policy identifies eleven principles to establish sustainable agricultural use and development by minimising:

- a) conflict with or interference from other land uses; and
- b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.

Again, the applicant’s report contains an assessment against the applicable considerations at pages 27-29. In summary, the proposal was accompanied by a Land Capability Assessment that concluded that the land is not prime agricultural land and its productive potential is limited. There is no agricultural activity to the north and west of the site and the land to the south and east characterised by low intensity/domestic scale grazing associated with rural residential use. The Land Capability Assessment’s observations and conclusions are accepted and it is considered that the land has neither regional nor local agricultural significance.

9.3. State Policy on Water Quality Management 1997

The purpose of the State Policy on Water Quality Management 1997 is *“To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania’s Resource Management and Planning System.”*

Given that the site and subsequent development would be serviced by reticulated water, sewerage and stormwater the most relevant sections of the policy are 17.2 and 33.1 relating to waste discharge, erosion and stormwater management and could be addressed through conditions as part of a future application.

9.4. National Environment Protection Measures

National Environment Protection Measures (NEPM's) are also taken to be State Policies in Tasmania. NEPMs are made under Commonwealth legislation and given effect in Tasmania through the State Policies and Projects Act.

The National Environmental Protection Measures relate to:

- ambient air quality;
- ambient marine, estuarine and freshwater quality;
- the protection of amenity in relation to noise;
- general guidelines for assessment of site contamination;
- environmental impacts associated with hazardous wastes; and
- the re-use and recycling of used materials.

The listed NEPMs are most relevant to subsequent development and not directly applicable to this proposal. However, as a generalisation the Codes within the Scheme contain provisions that address these matters in detail at the time of application.

10. CONCLUSION

The proposal is limited to a request to expand the UGB to include a 12.1ha portion of the land at 52 Richardsons Road, Sandford. No development is proposed at this time. If approved the proposed expansion to the UGB would facilitate the submission of a foreshadowed future planning scheme amendment and associated subdivision that would result in the creation of 147 General Residential lots, 8 Rural Residential lots and a 35.6Ha POS lot.

The proposal is not supported for the following reasons:

- The proposal does not meet the requirements of the PPU's information sheet on amending the regional land use strategies.
- The proposal is inconsistent with the requirements of the Minister's proposed amendment to the STRLUS.
- Additional land is not urgently required to meet the future needs of Greater Hobart and there are no exceptional circumstances that warrant modification of the UGB to include the subject property at this time.
- Piecemeal consideration of amendments to the STRLUS may result in the further delay of the increasing need for its urgent review and may have unplanned implications for the staging and settlement distribution of Greater Hobart.
- The proposal is inconsistent with the STRLUS in that it would exacerbate sprawl and further distort planned infill/greenfield ratios.
- Sprawl has implications for the environment, use of fossil fuels, transport options and efficiency, social inclusion and access to services. In the longer term the cost of sprawl is higher than infill alternatives and subsidised by others.
- The proposed POS lot cannot be transferred to Council through this process and there is no mechanism available to ensure that it will be transferred as part of a future proposal.
- The existing natural assets contained within the site can be effectively managed under provisions of the Scheme and do not need to be transferred to public ownership.

- Attachments:
1. Location Plan (1)
 2. Aerial & Site Photographs (2)
 3. Zoning & STRLUS UBG Plan (2)
 4. Concept Subdivision Plans (2)
 5. Potentially Contaminated Land (1)
 6. Rural Living Assessment Against STRLUS SRD 1.3 (3)
 7. Clarence Subdivision & Residential Land Supply - Updated July 2020 (1)
 8. Information Sheet RLUS 1 - Reviewing and Amending the Regional Land Use Strategies (7)
 9. Comments from the Department of State Growth (2)
 10. Applicant's Planning Report (53)
 11. Natural Values Assessment (52)

Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1

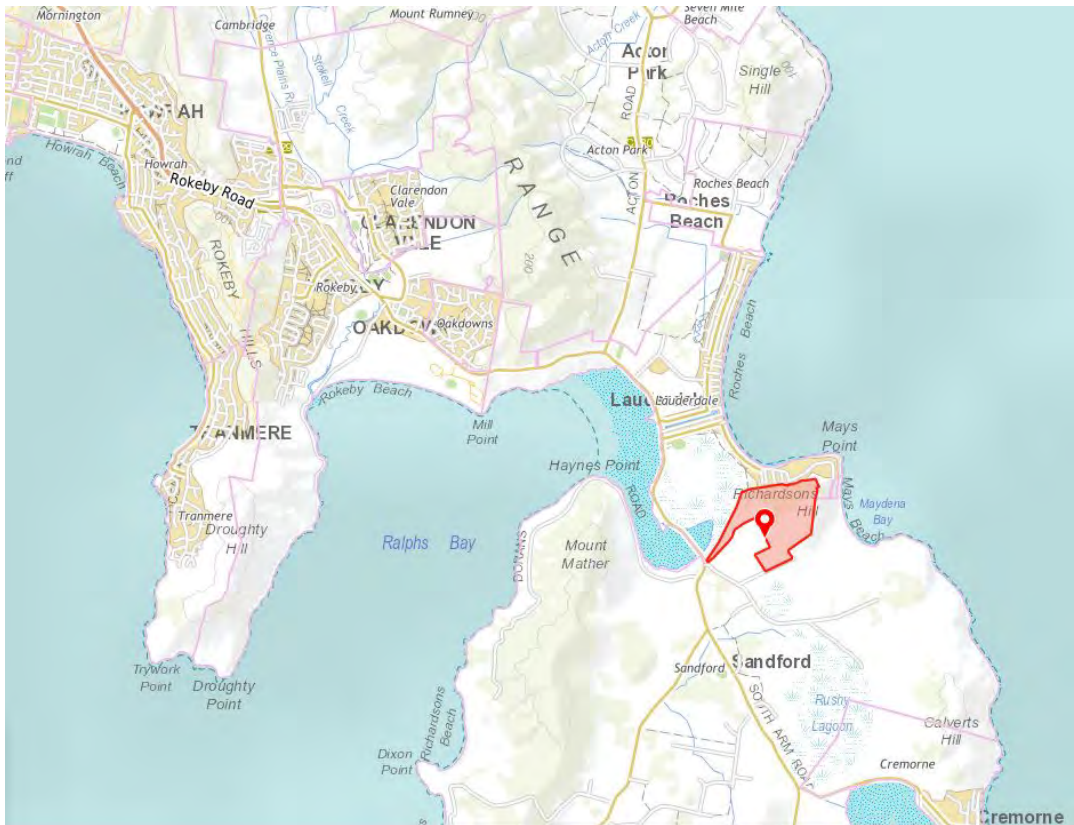


Fig 1: Location Plan – showing broader Clarence context

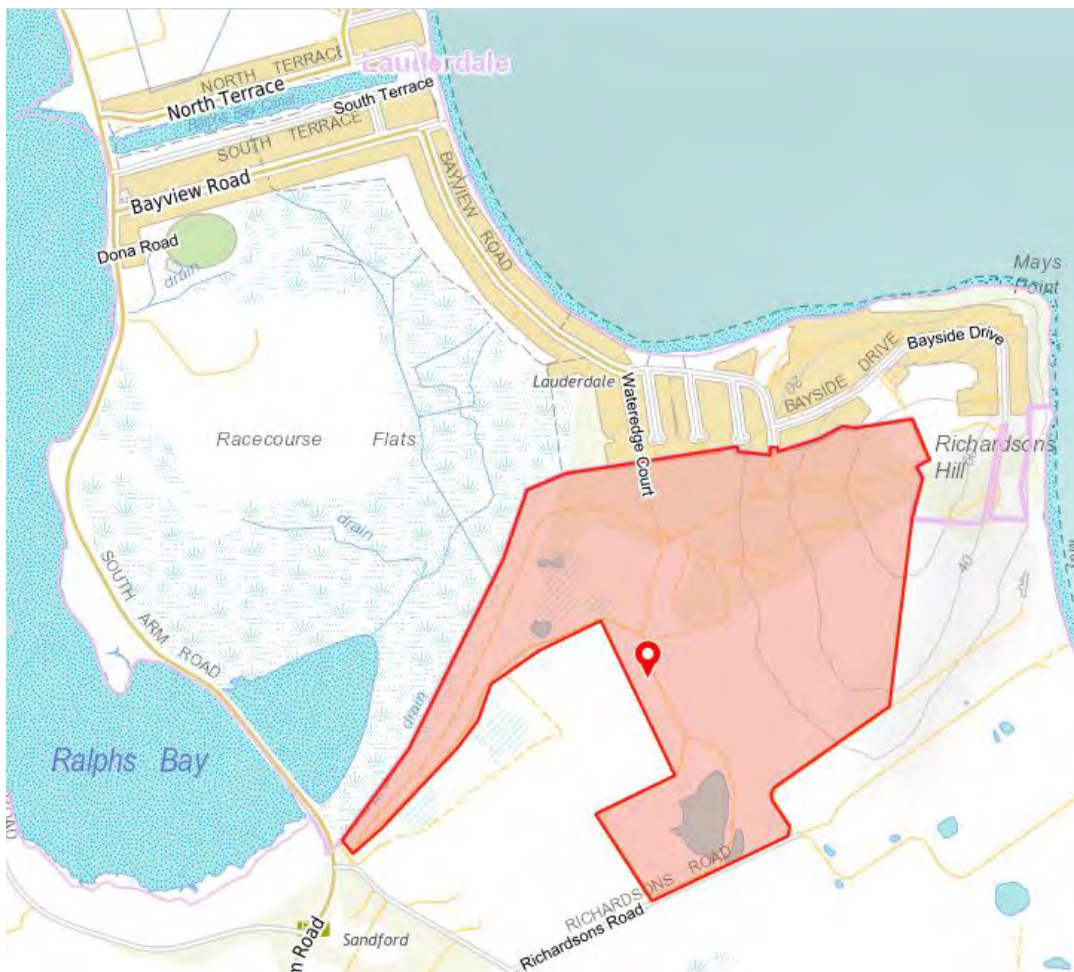


Fig 2: Location Plan – showing contextual proximity to Lauderdale

Attachment 2



52 Richardsons Road, Sandford



(Source: Google Earth)

Photo overlooking subject site from Mt Mather



(Photo from Mt Mather – Mary McParland Sept '20)

52 Richardsons Road, Sandford



(Photo from Mt Mather – Mary McParland Sept '20)

52 Richardsons Road, Sandford – proposed Expansion of UGB & Rezoning



(Photo from Mt Mather – Mary McParland Sept '20)

Attachment 3

Clarence Interim Planning Scheme 2015 – Existing Zones

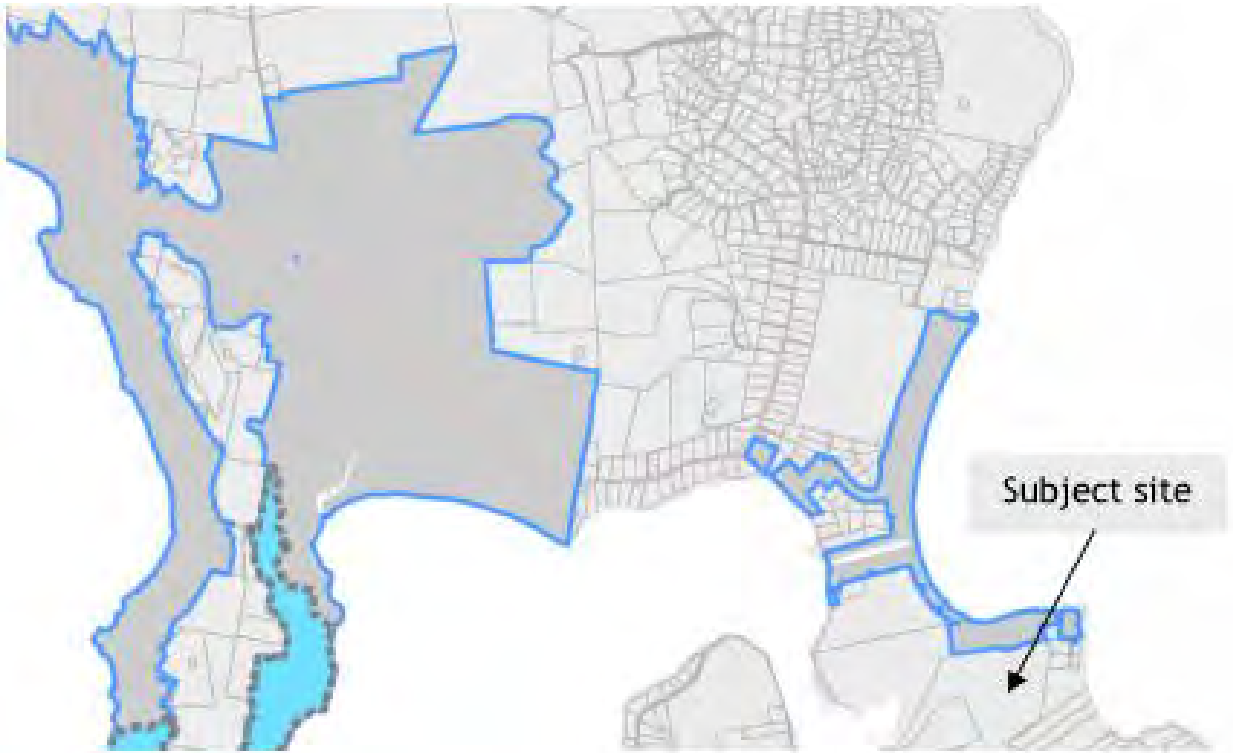


Foreshadowed proposed Zones



Southern Tasmania Regional Land Use Strategy - Urban Growth Boundary (UGB)

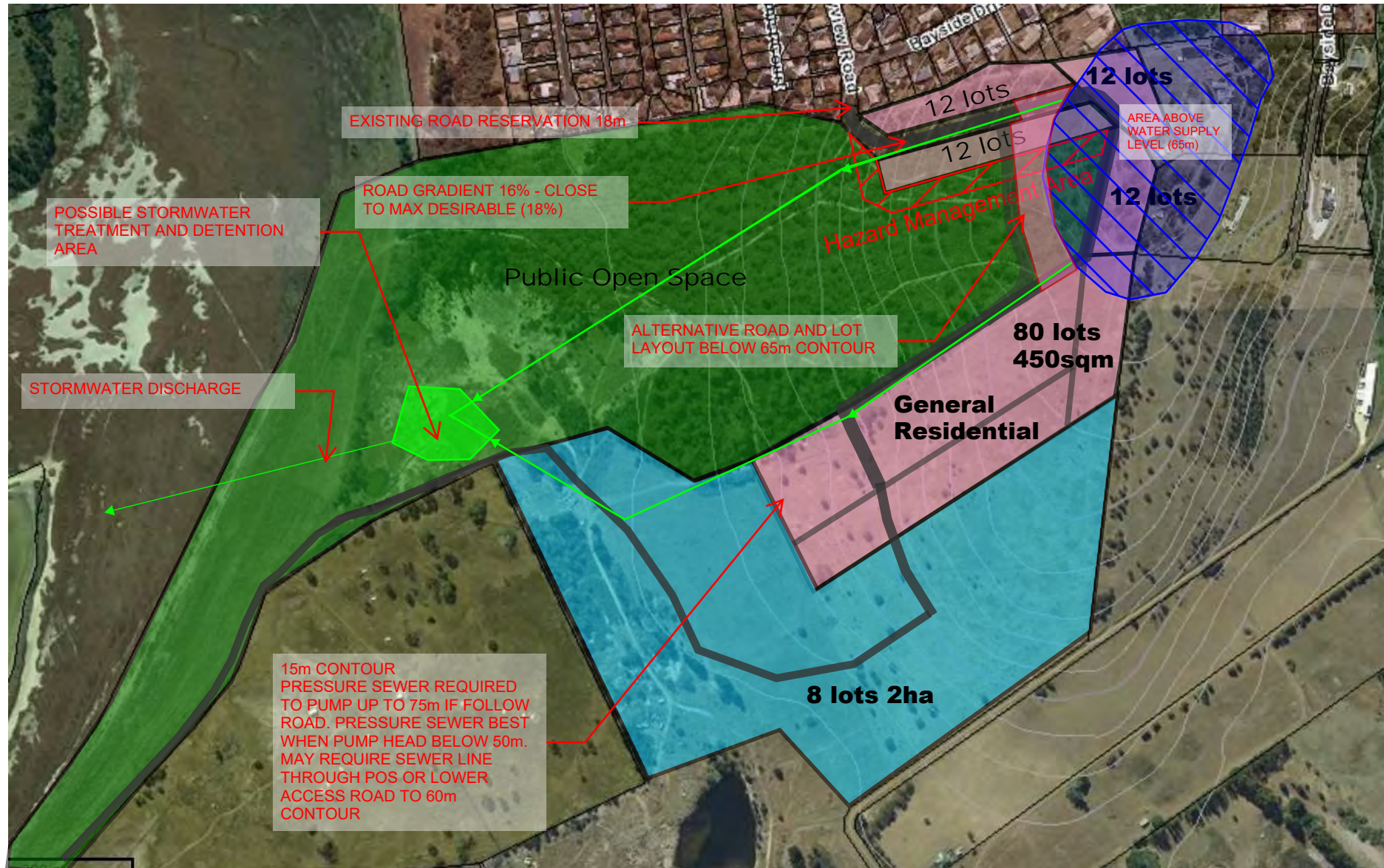
Existing UGB



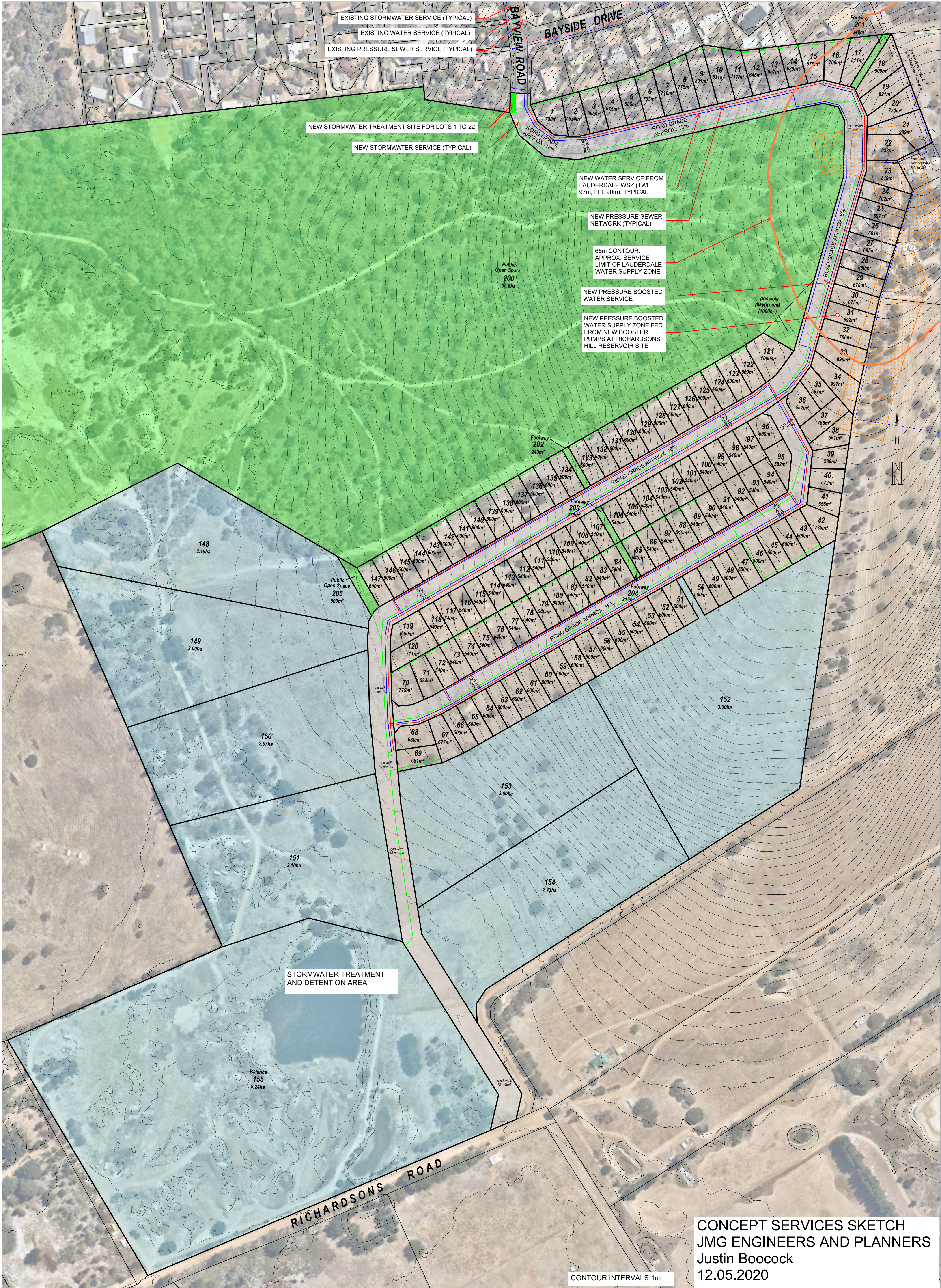
Proposed UGB amendment incorporating a portion of the subject site



Attachment 4



52 Richardsons Road - Concept Plan January 2020



REV	AMENDMENTS	DRAWN	DATE	APPR.
C	adjust road width to 18m & change lot 205	AB	3-4-2020	AB
B	major lot changes	AB	2-4-2020	AB
A	major changes, richardsons road change	AB	24-3-2020	AB

**ROGERSON
& BIRCH**
SURVEYORS

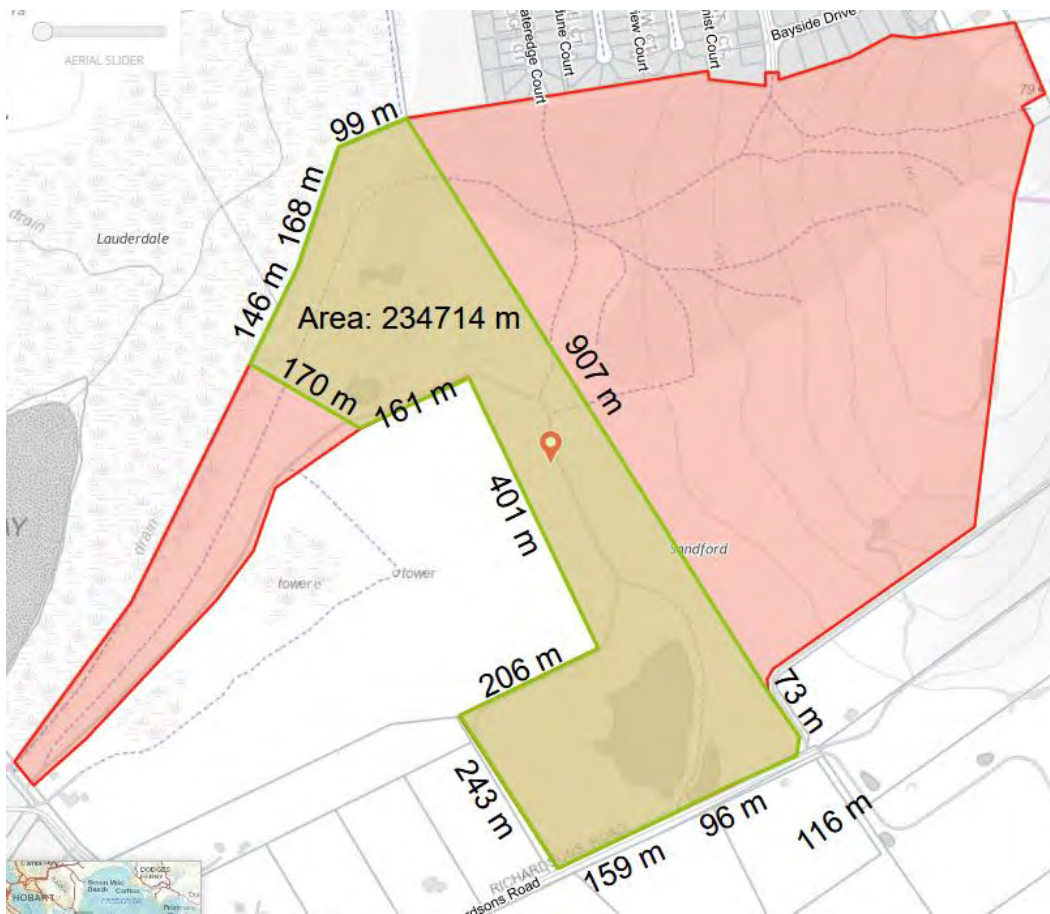
UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER: WORBEY DEVELOPMENTS PTY LTD & JULIE ANN RICHARDS
TITLE REFERENCE: C.T.158742/9
LOCATION: 52 RICHARDSONS ROAD SANDFORD

Proposed Subdivision			
Date:	3-4-2020	Reference:	LADOP02 12336-05
Scale: 1:1500 (A1) 1:3000 (A3)		Municipality:	CLARENCE

Attachment 5

Potentially Contaminated Land



Note: the area shown in green above indicates the portion of site known to have been subject to a range of contaminating activities including landfill, asbestos, quarrying operations and fuel storage.

Rural Living Assessment (STRLUS SRD 1.3)

Strategy	Comment
<i>Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:</i>	
<i>1. to existing rural living communities; or</i>	The site does not form part of an existing rural living community but would represent an extension of the Sandford rural living area.
<i>2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone.</i>	This provision is not relevant because the area to be zoned rural living is not currently zoned Environmental Living. Furthermore, the rezoning would not be for the purposes of preparing the LPS.
<p><i>Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:</i></p> <p><i>a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:</i></p> <p><i>(i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and</i></p> <p><i>(ii) only limited subdivision potential is created by rezoning.</i></p>	<p>The subject area is not currently used for Rural Living purposes.</p> <p>The area proposed to be rezoned to Rural Living is 24.1Ha. The concept plan anticipates 8 new Rural Living zoned lots. However, subject to potential minimum lots sizes of 1Ha, the area could potentially yield in excess of 20 additional lots.</p>
<i>b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural</i>	Not relevant to the proposal.

<p><i>living purposes, in accordance with the following:</i></p> <p><i>(i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use;</i></p> <p><i>(ii) the land rezoned to rural living use is adjacent to an existing rural living community;</i></p> <p><i>(iii) the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;</i></p> <p><i>(iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</i></p> <p><i>(v) the management of risks and values on the land rezoned to rural living</i></p>	
<p><i>c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:</i></p> <p><i>(i) the land must predominantly share common boundaries with:</i></p> <ul style="list-style-type: none"> <i>• existing Rural Living zoned land; or</i> <i>• rural living communities which comply with SRD 1.3(a);</i> <p><i>(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;</i></p>	<p>The proposal is not for infill and would not consolidate the existing settlement.</p> <p>The land shares a common Boundary with Rural Living zoned land and a rural living community zoned Rural Resource.</p> <p>As previously stated, the area proposed to be rezoned to Rural Living is 24.1Ha. which could potentially yield in excess of 20 additional lots. This would be negligible in the context of the broader Sandford catchment, but very significant in the context of the immediate Richardsons Road locality and its surrounds.</p>

<p><i>(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;</i></p> <p><i>(iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;</i></p> <p><i>(v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;</i></p> <p><i>(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and</i></p> <p><i>(vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.</i></p>	<p>The proposed rezoning to Rural Living would be unlikely to introduce land use conflict with adjoining land.</p> <p>The Rural Ling lots would not integrate with the existing rural living area but would represent an extension of it.</p> <p>The land is not designated as Significant Agricultural Land.</p> <p>Should the requested expansion of the UGB ultimately be approved, at the time the rezoning application is submitted, the proposal would not meet this requirement.</p> <p>The site's exposure to risk and presence of natural values could be effectively managed through the applicable Codes. In this instance the majority of Rural Living lots will be subject to the Scheme's Potentially Contaminated Land Code. Accordingly, any future application would need to be accompanied by a submission from a suitably qualified person addressing the relevant Code considerations. This may establish that:</p> <ol style="list-style-type: none"> 1. the lots are suitable; 2. the lots require some form of rehabilitation; or 3. potentially, result in a reduced number of lots. <p>Either way, the Code is not relevant to the current proposal and would be unlikely to prevent the future development of the proposed lots. This issue is less significant than several of the other matters outlined above.</p>
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Attachment 7

Clarence Subdivision & Residential Land Supply - Updated July 2020.

Zoned Land

Location/Suburb	Description	Subdivision Permit	# of lots sealed	# of lots remaining	Comment
Cambridge	Rose Crt	N/A	10	0	10 Estimate based on 7600m2 @ 29 Rose Crt & 29 Blossom Crescent
Clarendon Vale	Clarence Heights (Fenshaw)	SD-2010/43	412	1	411
Glebe Hill	Mino St	SD-2015/35	98	88	10
	106 Pass Rd (West side)	SD-2018/56	22	0	22
	40 Pass Road (East side)	SD-2013/40	48	0	48 (Stage 28 & 29 only - Lucy Way/Lane Lane) Hanniffy Rd, Roybridge Way (92) & extension south of Tranmere Pt Land
Howrah Gardens	Malwood	SD-2010/44	176	55	121 (29)
	Tranmere Pt balance	N/A	95	0	95 Zoned and indicative lot layout provided in SD-2010/44
Lindisfarne	Jones land	SD-2011/29	118	27	91 Stages 1 & 2 complete
	Jones Balance	N/A	52	0	52 5Ha* Zoned Balance with no current approvals
	Lindhill Av- Begonia St	N/A	88	0	88 22Ha* Zoned LDR with no current approvals
Oakdowns	Knopwood	SD-2014/44	180	49	131 Stages 7-12 remaining
	50 Oakdowns Parade	2020-010113	70	0	70 Evidence of anticipated lot yield - Not yet determined at 21 July 2020
Paranville	163 Pass Rd	SD-2018/3	175	0	175 Independent of SAP staging
	Subject to SAP	SD-2013/16	325	211	114 SD-2013/16 - with 163 Pass Rd (SD-2018/3 removed)
	SAP & Strata	SD-2013/16	226	0	226 Technically 1 lot with 226 Community Development Strata sites
	South - 89 Pass Rd	SD-2016/31	179	0	179 Independent of SAP staging
	South - 91 Pass Rd	SD-2018/11	169	0	169 Independent of SAP staging
	South - 93 Pass Rd	N/A	150	0	150 No lot layout - estimate 150 lots within Gen Res portion of property
Risdon Vale	170 Sugarloaf Road	SD-2015/49	125	63	62 Stages 4-9 remaining Previous Retirement Living site. Evidence of anticipated lot yield - Not yet determined at 21 July 2020
	1 Elaia Drive	2020/008974	98	0	98
	74 Sugarloaf Road	SD-2017/30	71	0	71
	6 Aralia	SD-2017/42	48	0	48
Rokeby	22 Attkins St	SD-2018/19	19	0	19
	22 Attkins St - Super lots	N/A	50	0	50 7 "super lots" could provide for ~50 MD's (or subdivision)
	Droughty Point (Howie)	SD-2008/48	347	114	233 SD-2008/48 (251 lots) & SD-2011/19 (96) = 347 Combined
Tranmere	Carr	SD-2011/49	109	100	9 LDR lots above Oceana Dr
	Luckman (below Oceana Dr)	SD-2009/29	75	52	23
	Luckman (above Oceana Dr)	SD-2017/10	13	0	13
	Luckman Gen Res Balance	N/A	32	0	32 Based on SD-2017/10 indicative lot layout
			Sub Total	2820	

Greenfield sites (within STRLUS UGB & zoned Future Urban)

Location	Area (m2)	Lot Yield*
Pass Road ROKEBY	101 Pass Rd (Williams)	38170
Tranmere	Droughty Point	1700000
Risdon Vale/ Geilston Bay		480000
		Sub Total
		2311
		Total
		5131

Notes:

* lot yield based on Lauderdale study - 583 lots in 56Ha i.e. 1 lot per

960 m2

lot yield LDR Estimate - 1 lot per 2500m2

The Lindisfarne Ridge is within the UGB but not zoned Future Urban and no Masterplan has been developed - the area is ~18Ha and likely to yield an additional 50-80 lots depending on constraints and Open Space.

REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES

Purpose

This information sheet is issued by the Department of Justice, Planning Policy Unit and provides information on when and under what circumstances the regional land use strategies are reviewed and amended. It also provides information on the requirements and processes for reviewing and considering amendments to the regional land use strategies.

Background

The *Land Use Planning and Approvals Act 1993* (LUPAA) provides for the preparation and declaration of regional land use strategies, which provide an important high-level component of the planning system. Essentially, the regional land use strategies provide the linkage between the Schedule 1 objectives of LUPAA, State Policies established under the *State Policies and Projects Act 1993*, and the future Tasmanian Planning Policies with the current interim and future Tasmanian planning schemes. They provide the mechanism by which the strategic directions of the State and each region are implemented through the land use planning system.

The regional land use strategies set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for Government, local councils, developers and the community on where, when and what type of development will proceed.

Three regional land use strategies are currently in place in Tasmania. The Minister for Planning¹ originally declared the Cradle Coast, Northern and Southern regional land use strategies on 27 October 2011².

The three regional land use strategies provide the strategic direction for future land use and development in each region over a 25-year time horizon. The strategic directions, policies and actions contained within the regional land use strategies aim to deliver sustainable settlements that are integrated across each region, integrated with services and infrastructure, and complemented

¹ Minister for Planning, the Hon Bryan Green MP.

² The three regional land use strategies are: Living on the Coast – The Cradle Coast Regional Land Use Planning Framework; Northern Tasmania Regional Land Use Strategy; and Southern Tasmania Regional Land Use Strategy 2010-2035.

by built and open space environments. They also provide directions, policies and actions to protect Tasmania's agricultural estate and other resource-based industries and protect the State's cultural and natural environments.

Regional land use strategies may also incorporate or reference specific local strategic documents for the purposes of reflecting the application of each strategy within a particular municipal area or sub-regional area.³

Since their declaration, a number of subsequent amendments have been made to both the northern and southern regional land use strategies. The amendments range from minor revisions and refinements to improve consistency and revisions to align with the latest planning reforms, through to broader reviews to implement more strategic changes, such as the review of the Northern Tasmania Regional Land Use Strategy to allow for components of the Greater Launceston Plan.

The regional land use strategies are currently implemented in the land use planning system through statutory zoning and planning provisions in interim planning schemes. They are a key consideration when amendments to the interim planning schemes and other existing planning schemes are being assessed. The regional land use strategies will similarly be implemented through the Local Provisions Schedules (LPSs) that form part of the Tasmanian Planning Scheme.

Legislative context

The regional land use strategies are given legal effect through section 5A of LUPAA.

The Minister for Planning may declare a regional land use strategy for a regional area. Amendments to a regional land use strategy may also be made by the Minister declaring an amended strategy and the Minister is also responsible for keeping the strategies under regular and periodic review.

In addition, comprehensive reviews of all three regional land use strategies will be undertaken following the implementation of the future Tasmanian Planning Policies.

When declaring a regional land use strategy under section 5A of LUPAA, the Minister must first consult with the:

- Tasmanian Planning Commission;
- planning authorities; and
- relevant State Service Agencies and State authorities.

LUPAA specifically requires all planning schemes and any amendments to a planning scheme to be, as far as practicable, consistent with the relevant regional land use strategy.

Before certifying and publicly exhibiting a draft planning scheme amendment, a local council, acting as a planning authority, needs to be satisfied that the draft amendment is consistent with the relevant regional land use strategy.

³ Before being incorporated into (or referenced in) a regional land use strategy, local strategic documents would need to be based on verifiable evidence, supported by Government and demonstrate how they reflect the strategic application of a relevant strategy.

Equally, the Tasmanian Planning Commission must be satisfied that a draft planning scheme amendment is consistent with the relevant regional land use strategy before approving the amendment. Similar legislative requirements apply to all future LPSs, and amendments to LPSs that will be in place under the Tasmanian Planning Scheme.

Reviewing and amending the regional land use strategies

Regional land use strategies have a significant role to play in setting the medium to longer-term strategic directions for each region. Therefore, it is important that the strategic directions, policies and actions contained within each strategy appropriately address both current and emerging land use planning issues. To achieve this, the Minister for Planning is committed to regularly and periodically reviewing the strategies.

Amendments to regional land use strategies will need to be considered over time for a number of reasons. Importantly, amendments to the strategies will generally occur as part of the reviews that are conducted by the Minister for Planning. The Minister for Planning may consider an amendment to a strategy outside the normal review periods under exceptional circumstances.

Any amendment to a regional land use strategy that is requested by an individual or a planning authority would need to be supported by documentation that identified and justified the need for the amendment. Moreover, as the regional land use strategies are a regional plan, it would require the general support from all councils within the region.

The request would also be subject to a rigorous assessment process to ensure that the agreed medium and longer-term strategic directions contained in the relevant strategy are not undermined. This is necessary to ensure that any site-specific amendments to a regional land use strategy do not lead to unintended regional planning outcomes.

An amendment to a regional land use strategy may need to be considered for purposes such as:

- implementing broader legislative reform or overarching State policies or strategies (e.g. the future Tasmanian Planning Policies);
- implementing any revised background analysis of issues in response to changes such as demographics, emerging planning issues, housing supply and demand, or population growth projections;
- incorporating or referring to local or sub-regional strategy planning work that is based on verifiable and agreed evidence and reflects the application of a regional land use strategy in a municipal area or sub-regional area;
- incorporating contemporary community expectations; or
- making minor refinements to correct errors or clarify the operation of a strategy.

It is also important to consider that amending a regional land use strategy is not always the most appropriate course of action to facilitate use and development within a region. This is because the strategies represent the agreed and approved strategic directions for each ‘entire’ region and provide certainty to the broad community, infrastructure providers and governments as to medium and long-term investment decisions. Consequently, use and development should be directed in the first instance to those agreed areas identified in the relevant strategy.⁴

Information requirements to support an amendment request

The information requirements for considering a request to amend a regional land use strategy will be dependent on the nature of the proposed amendment.

Before an individual or a planning authority considers whether or not to make a request to amend a regional land use strategy, it is recommended that early discussions take place with the Planning Policy Unit within the Department of Justice to determine if specific information requirements will be required to enable the consideration of the proposed amendment.

All requests to amend a regional land use strategy should include, as a minimum, the following information.

Minimum information requirements to support an amendment request

1. All requests for an amendment to a regional land use strategy should first be directed to the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
2. All draft amendments to a regional land use strategy should be submitted in writing to the Minister for Planning by the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
3. The supporting documentation should include details on why the amendment is being sought to the regional land use strategy.
4. The supporting documentation should include appropriate justification for any strategic or policy changes being sought and demonstrate how the proposed amendment:
 - (a) furthers the Schedule 1 objectives of LUPAA;
 - (b) is in accordance with State Policies made under section 11 of the *State Policies and Project Act 1993*;
 - (c) is consistent with the Tasmanian Planning Policies, once they are made; and
 - (d) meets the overarching strategic directions and related policies in the regional land use strategy.

⁴ For example, the Northern Tasmania Regional Land Use Strategy and Southern Tasmania Regional Land Use Strategy 2010-2035 direct residential development in areas within a relevant Urban Growth Boundary or growth corridors.

As the regional land use strategies represent the agreed and approved strategic directions for the planning authorities that are located in a particular region and the State, any proposed amendments need to consider the impacts on these entities and should be based on an agreed position.

To assist with the consideration of an amendment to a regional land use strategy, it is strongly recommended that written endorsement for the proposed change is sought from all the planning authorities in the relevant region.

It is also strongly recommended that consultation with relevant State Service agencies, State authorities and other infrastructure providers be undertaken before making a request for an amendment to ensure that any significant issues are avoided when the Minister for Planning consults as part of considering the merits of the amendment request.

In addition, amendments that seek to modify an urban growth boundary (or equivalent), settlement growth management strategies, or seek other modifications to a regional settlement strategy, will usually require additional supporting information such as an analysis of current residential land supply and demand, using accepted contemporary and verifiable data sources, that considers the region in its entirety.

The following additional supporting information should also be included.

1. Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance.
2. Analysis and justification of the potential dwelling yield for the proposed additional area of land.
3. Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared.
4. Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities.
5. Consideration of appropriate sequencing of land release within the local area and region.
6. Consideration of any targets for infill development required by the regional land use strategy.
7. Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.

The following matters must be considered if an amendment is proposed to a regional land use strategy to develop ‘greenfield’ land⁵. These matters may also need to be considered for amendments relating to some infill development (such as ‘brownfield’ and ‘greyfield’ development⁶).

The following matters should be considered.

1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.
2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.
3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.
4. The potential loss of agricultural land from Tasmania’s agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).
5. The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.
6. Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.
7. Risks associated with potential land contamination.
8. The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).

Process for considering an amendment request

The process for considering an amendment request to a regional land use strategy will depend on the nature and scope of the request and the adequacy of the supporting documentation.

As a minimum, the Minister for Planning is required to consult with the Tasmanian Planning Commission, planning authorities, and relevant State Service agencies (e.g. Department of State

⁵ Greenfield land is generally former agricultural or undeveloped natural land on the periphery of towns and cities that has been identified for urban development

⁶ Brownfield sites are underutilised or former industrial or commercial sites in an urban environment characterised by the presence of potential site contamination. Greyfield sites are underutilised, derelict or vacant residential or commercial sites in an urban environment that are not contaminated.

Growth) and State authorities (e.g. TasNetworks) on all amendments to regional land use strategies).

The Minister will consult with these relevant entities for a period of at least 5 weeks. The Minister may also need to consult with other infrastructure providers, where relevant, such as TasWater and TasGas.

For amendments seeking to incorporate broader strategic changes to a regional land use strategy, the Minister for Planning is also likely to seek public input through a formal public exhibition process during this 5 week consultation period. Broader strategic changes have the potential to affect property rights and the community should be afforded natural justice before the Minister declares an amended strategy.

The Minister for Planning will also require all planning authorities in the relevant region to agree to the proposed amendment.

Following the consultation period, the Minister for Planning will consider any submissions received and seek advice from the Department of Justice, Planning Policy Unit before determining whether or not to declare an amended regional land use strategy and whether any modifications are required to the amendment prior to declaration. Procedural fairness will be afforded to all parties prior to making a decision on the amendment request.

Where can I get more information?

General enquiries about the requirements and process for considering amendments to the regional land use strategies should be directed to:

Planning Policy Unit
Department of Justice
GPO Box 825
HOBART TAS 7001

Telephone (03) 6166 1429
Email: planning.unit@justice.tas.gov.au

January 2019

Department of State Growth

4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Ph 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au



Mr Ian Nelson
General Manager
Clarence City Council
By email: inelson@ccc.tas.gov.au

Dear Mr Nelson

Proposal to amend the Urban Growth Boundary at 52 Richardsons Road, Sandford

Thank you for the opportunity to provide comment on a proposed amendment to the Urban Growth Boundary (UGB) at 52 Richardsons Road, Sandford.

I understand the proponent has submitted a request to amend the UGB, together with a plan of subdivision and supporting technical reports. Our comments at this stage relate only to the proposed amendment of the UGB. Further detailed comment on any future development of the land will be provided if a rezoning and development application is subsequently made. These comments will address any impacts on the State Road network, passenger and active transport, and mineral resources, as key portfolio areas of interest to the Agency.

The current UGB for Greater Hobart is defined under the Southern Tasmania Regional Land Use Strategy (STRLUS). The intent of the UGB is to balance the ratio of greenfield development to infill development, and the STRLUS identifies key areas for both across the metropolitan region. In Clarence, this includes greenfield development precincts at Droughty Point and Risdon Vale, and densification areas around Linsdisfarne, Rosny, Bellerive and Warrane.

The Department of Justice has provided guidance on the process and information required to review and amend regional land use strategies. In relation to UGB adjustments in greenfield areas, the guidance recommends analysis and justification of the need to release the land beyond those areas provided in the STRLUS, justification of the densities suggested, and an analysis of local impacts (e.g. transport, environmental, resources).

The current proposal provides some justification for the need to expand the UGB in this location, however we consider further analysis is required to better understand how the proposal relates to existing residential land supply and demand. The proposal seeks to meet demand in the middle to upper market segment within a fringe urban area, and this also requires further, strategic justification.

If you have any queries regarding the matters raised above, please do not hesitate to contact Lucy Thorne, A/Manager Planning Policy on 0429 698 118 or email Lucy.Thorne@stategrowth.tas.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J Verrier', with a long horizontal flourish extending to the right.

James Verrier
Director, Transport Systems and Planning Policy

12 January 2021

cc: dford@ccc.tas.gov.au

PLANNING REPORT

FOR JULIE RICHARDS AND LADO PROPERTY
HOLDINGS PTY LTD

52 Richardsons Road,
Sandford

November 2020

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Executive Summary

This report has been prepared in support of a proposed amendment to the Urban Growth Boundary that would enable the potential development of land at 52 Richardsons Road, Sandford (**'the subject site'**). The amendment would allow for a subsequent planning scheme amendment and Planning Permit application for a residential subdivision on the site.

The Urban Growth Boundary is spatially defined in the *Southern Tasmanian Regional Land Use Strategy 2010-2035* (STRLUS) and was primarily established for the purpose of setting a physical extent for the 20-year supply of residential land in the metropolitan area. Although amendments to regional land use strategies are intended to occur as part of periodic reviews conducted by the Minister for Planning, reviews can be requested outside of normal review periods.

For the reasons outlined in this report, the Minister for Planning is requested to review the Urban Growth Boundary within the STRLUS outside of the normal review period. Evidence is documented to support the request for the amendment and justification is provided for the need to adjust the Urban Growth Boundary.

The report has been prepared in accordance with information requirements specified by the **Department of Justice's Planning Policy Unit within the** document, *Reviewing and Amending the Regional Land Use Strategies*. The information requirements state that a request to amend the Urban Growth Boundary be underpinned by sound rationale, including how the amendment would further strategic objectives of relevant legislation. Therefore, contemporary data sources, including current residential land supply and demand, population growth projections from the Department of Treasury and Finance, and analysis of potential dwelling yield and land consumption, have been assessed.

The findings form a sound evidence base as outlined in this report for consideration by the Minister for Planning in consultation with the Tasmanian Planning Commission, Clarence City Council, TasWater, and the relevant State Government Agencies and Authorities such as the Department of State Growth to amend the Urban Growth Boundary in this instance.

The report demonstrates that the rezoning proposal is consistent with the objectives of the *Land Use Planning and Approvals Act 1993* and the *State Policies and Projects Act 1993*. The report also demonstrates that the proposal is in accordance with the Strategic Directions and Regional Policies identified within the STRLUS. It is also demonstrated via a detailed consideration of the supply and demand of housing in the region that the proposal is consistent with the Regional Settlement Strategy identified in the STRLUS.

1. Introduction

The proposed amendment to the Urban Growth Boundary of Greater Hobart is to enable the potential development of land at 52 Richardsons Road, Sandford. The amendment would allow for a subsequent planning scheme amendment and Planning Permit application to protect a large significant habitat within public open space and allow both residential and rural residential housing to occur on the site.

The potential development of the site presents an opportunity to improve the liveability, amenity, and sustainability of the surrounding area, encompassing Lauderdale and the South Arm Peninsula, through the supply of housing and other forms of development that contribute to the aspirations and needs of the region. To provide preliminary context, details of the subject site and the surrounding locality are outlined below.

1.1 Background

The Urban Growth Boundary (UGB) is spatially defined in the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS) and was primarily established for the purpose of setting a physical extent for the 20-year supply of residential land in the greater metropolitan area. Additionally, the purpose of the UGB is to include land for other urban functions (i.e. commercial and industrial development) as well as pockets of open space and recreational land that assist in providing urban amenity.

The STRLUS is one of three regional land use strategies for Tasmania, providing strategic direction for the southern area of the state which encompasses twelve local government municipalities, including Clarence (the locality of the subject site). The purpose of the Strategy is to provide a linkage between the objectives of **Tasmania's Resource Management and Planning System** as outlined in Schedule 1 of the *Land Use Planning and Approvals Act 1993* (LUPAA); the State Policies established under the *State Policies and Projects Act 1993*; and Tasmanian Planning Policies within the current interim and future Tasmanian planning schemes.

Accordingly, the objectives and relevant policies of each of the above instruments have been given due consideration in this report with supporting evidence as to how adjustment of the Urban Growth Boundary to include a specific area within the subject site has potential to further strategic objectives for the region and the State.

The aim of the STRLUS is to deliver sustainable settlements integrated with services and infrastructure, that are complemented by built and open space environments. The STRLUS and all other regional land use strategies are currently implemented in the land use planning system through statutory zoning and planning provisions in interim planning schemes. The regional land use strategies are given legal effect through Section 5A of LUPAA.

1.2 The Subject Site and Surrounding Locality

The Subject Site

The Subject site is located at 52 Richardsons Road, Sandford (CT 158742/9) (Figure 1). The site is located immediately south of the perimeter of the Urban Growth Boundary which encompasses the existing urban settlement in Lauderdale. It is an entry point to the South Arm Peninsula, north of smaller settlements outside of the Urban Growth Boundary such as Cremorne and Clifton Beach. The subject site has an area of approximately 73 ha.



Figure 1: Subject site (source: LIST map).

The site benefits from proximity to existing services and infrastructure within the settlement of Lauderdale, immediately to the north, as well as proximity to adjoining local centres to the north west at Rokeby and Howrah. The site is within a commutable distance to central Hobart and other major employment locations on Hobart's eastern shore. The site is currently within the Environmental Living Zone and the Rural Resource Zone of the *Clarence Interim Planning Scheme 2015* (the Planning Scheme).

Title information is included as Appendix A.

The Local Area

The surrounding area comprises a diverse mix of peri-urban and rural land uses and development. **The site's western side wraps around a parcel of land zoned for 'Utilities' which is occupied by broadcasting transmission services.** More broadly, south of the site are **swathes of 'Rural Resource' and 'Rural Living' land. 'Rural Living' lots are predominantly occupied with a single dwelling and associated outbuilding structures, enclosed by relatively high levels of tree canopy cover. 'Rural Resource' land is largely cleared of vegetation and appears to be used for grazing.** Both immediately and further north of the subject site are areas of residentially zoned land, both **'General Residential' and 'Rural Living'.** Interspersed with these zones are **small pockets of land zoned for 'Community Purpose', 'Recreation', 'Local Business' and 'General Business'.** These pockets in the immediately surrounding area to the subject site provide a range of local services and amenities including childcare, fuel, a local grocer, café, newsagency, and **doctor's surgery** to service the residential areas.

North west of the site, a significant **amount of land is zoned as 'Open Space'** as shown below in Figure 4. This open space area is known as the Lauderdale Saltmarsh Reserve and is of

environmental significance due to being one of the largest saltmarsh communities in the Derwent estuary. The reserve has significant fauna value and international recognition as a crucial migratory shorebird habitat, fish nursery, and location for rare moths, butterflies, and other invertebrates. The reserve also has easy walking access and connection to the Tangara Trail.

There is a recognised need for improved environmental management of the reserve as the saltmarsh is expected to migrate further south east as the climate changes. The predicted migration pathway has been identified in the 2019 (Draft) *Lauderdale Saltmarsh Reserve Activity Plan 2020-2030* commissioned by Clarence City Council. The saltmarsh is predicted to migrate into a significant area of the subject site (please refer to Figure 4). The proposed amendment to the UGB will effectively future proof the migration pathway of the saltmarsh via a proposed 35Ha dedicated area of public open space. Therefore, the subject site has potential to provide significant net environmental benefits for the surrounding area by allowing for this potential migration in future climate scenarios and through facilitating the improved management of trail and bike connections and other necessary features within the proposed public open space.

In addition to net environmental benefits the proposal also has the potential to provide significant recreational benefits for the community through the provision of 35Ha of public open space. The subject site borders the Saltmarsh Track which forms part of the Tangara Trail. In addition, the more than two km of existing trail network on the proposed POS of the subject site provides the potential to link the Tangara Trail with other trails to the south notably the coastal track to Mays and Clifton Beaches. As can be seen from the Concept Plan there is a proposed dedicated pedestrian link that runs between lots 17 and 18. This link would provide the opportunity for a continuous trail joining the coastal track and Tangara Trail via the track network within the proposed public open space area. These benefits are consistent with vision and strategies for trail linkages contained in both the *Tangara Trail Management Plan 2012* and *Clarence Tracks & Trails Strategy 2012*.

Key social infrastructure servicing the area includes Lauderdale Primary School, Child Care and Early Learning Centres, Lauderdale Football and Sports Club including an indoor pool, **'Roches Beach Living' Retirement Village, Bayview Park (public open space) as well as Lauderdale Beach** and Mays Beach (both accessible to the public). Sandford is situated within the Clarence City Council municipality with a population of approximately 1,883 residents¹. Lauderdale has a population of 2,411 residents².

¹ ABS 2016 Census Quick Stats (accessed via the internet on 7 May 2020).

² ABS 2016 Census Quick Stats (accessed via the internet on 2 June 2020).



Figure 2: Subject site surrounding locality (source: LISTmap, accessed on 7 May 2020).



Figure 3: Site Context and Surrounding Facilities (source: LISTmap).



Figure 4: Subject site (shaded in blue) and existing saltmarsh (shaded in red) on the western boundary, overlaid with predicted saltmarsh migration pathway (source: LISTmap aerial image accessed 11/6/2020, saltmarsh migration pathway extracted from (Draft) *Lauderdale Saltmarsh Reserve Activity Plan 2020-2030*).

The proposed adjustment to the Urban Growth Boundary would allow for inclusion of a portion of the subject site within the area currently allocated for the 20-year supply of residential land in the metropolitan area, as well as provision of other urban functions. As shown above in Figure 3, the site is within close proximity to local services and facilities.

Communities south of the site would also benefit from the open space proposed on the site, including the settlements at Cremorne, Honeywood Drive, and Clifton Beach as shown below in Figure 5.



Figure 5: Settlements south of the Subject site, including by distance and population.

1.3 Social Services and Facilities

General Social Infrastructure

The STRLUS defines ‘social infrastructure’ as *...all services, facilities and structures that are intended to support the well-being and amenity of the community. This includes not only educational and health facilities, but social housing and other community facilities (such as online access centres).*³

The social infrastructure of Sandford is dependent on nearby activity centres and networks that form part of the regional landscape. The *Southern Tasmania Regional Land Use Strategy* defines different activity centres based on their size and function. Although Sandford does not fall within any of the activity centre definitions, as its size and functions are not of a scale to warrant such categorisation, the nearest activity centre is Lauderdale. Lauderdale is defined as a minor satellite of Greater Hobart but **has services similar to those provided by a ‘Local Centre’** (see Figure 6 below).

³ The *Southern Tasmanian Regional Land Use Strategy*, Page 46.

LOCAL CENTRE		
Role	To provide a focus for day-to-day life within an urban community.	
Commercial including retail	Offer at least one grovery/convenience store and a range of small specialty shops (i.e. newsagents, pharmacy, gift store) or small-scale eating establishments.	
Government Services & Community infrastructure	Local community services, including Child Health Centre.	
Residential	Some residential may be interspersed.	To be determined at the local level
Entertainment	May have some dining in the evening or local bar, but residential amenity should be preserved.	
Access	Should be highly accessible by cycling or walking from surrounding area to enhance local access. In an urban context should be serviced by existing public transport.	
Catchment	Locality.	

Figure 6: Definition of a Local Centre (source: Page 78, *Southern Tasmania Regional Land Use Strategy 2010-2035*, accessed on 25 May 2020).

Directly adjoining existing residential development at Lauderdale, the site is within close proximity to community services and facilities, ensuring good support for the potential future community of the subject site. The site is within 300m of local beaches and 1km from recreational areas and local businesses, including cafes and grocers; and 3km from Lauderdale Primary School and an early learning centre. A little further away is Rokeby Primary School, Bayview Secondary College, and Emmanuel Christian School, 7km north west of the site. These **facilities are a maximum of 10 minutes' drive and are accessible via the public transport route** along South Arm Road. Principal employment areas are located within a 30-minute commute from the subject site, including Rosny Park, Cambridge, and the Hobart CBD.

The infrastructure and services north of the site are able to support any additional population accommodated on the subject site should it be included within the Urban Growth Boundary. Any additional population accommodated on the subject site would also provide further support and value to the broader locality.

Sports and Recreation

Developing the subject site for residential purposes has the potential to significantly strengthen sporting and recreational linkages through provision of open space corridors with trails that would connect the rural living areas of Sandford to the township of Lauderdale. By linking the rural living areas of Sandford with the township of Lauderdale, the proposal offers the potential for increased use of existing spaces such as Mays Beach (300m east of the site) and a multi-use trail that runs along the north western boundary of the subject site. The trail would provide a link between the site and the several accessible public open space assets and recreation opportunities provided within Lauderdale.

Council's *Public Open Space Policy* (amended December 2019) sets out criteria for an open space networks across the local government area that provides for a range of active and passive recreation opportunities. The planning scheme is to be developed/amended to include provisions consistent with this Policy. The Policy sets out a range of considerations that public open space needs to account for in the context of neighbourhood, regional, and city-wide recreational needs. These considerations include improved connectivity, convenience, supporting a diversity of recreational activities, and protection of locally significant natural or cultural values.

The proposed adjustment of the Urban Growth Boundary and introduction of the proposed 35Ha of public open space would support the policy by enhancing natural values, improving public access to bushland areas, while addressing informal trails and dirt bike tracks that are currently degrading the natural values of the land.

As demonstrated in Figure 7 below, the proposal would provide connectivity between the existing section of the Tangara Trail and the existing residential area of Lauderdale. The proposal would allow for the formalisation of existing trails on the subject site that already provide an informal link between the trail and the current end of Bayview Road. These trails would be contained within the proposed area of public open space and could be upgraded to provide formal multi-use tracks in consultation with environmental advice and Council. The proposal would also allow for connections between the proposed residential area to the south and the proposed public open space via the provision of footways between the lots. Further connections would be provided to the proposed road network by other trails within the proposed public open space.

In addition, the proposed concept plan includes a public picnic/BBQ area toward the top of Richardsons Hill (as shown on the Concept Plan). This elevated position would provide commanding views and would potentially be a destination point for hikers and bicycle riders as well as the general community.

Public Transport

The site is serviced by three bus routes. Two bus routes travelling to Rosny Park and Hobart City are on the south west side of the site, with two bus stops on South Arm Road, 144 m from the closest part of the site. Another bus route travelling to Hobart **City is 210m north of the site's** northern most extent adjoining the existing General Residential Zone within Lauderdale.

Whilst it is likely that the development will eventually trigger the need for an extension to the existing bus route, it is likely there will be an increased demand for peak time services to the Hobart CBD and neighbouring employment areas in Mornington and Rosny Park in the intervening period. The proposed road design will enable buses to turn if required, or continue to the Highway.

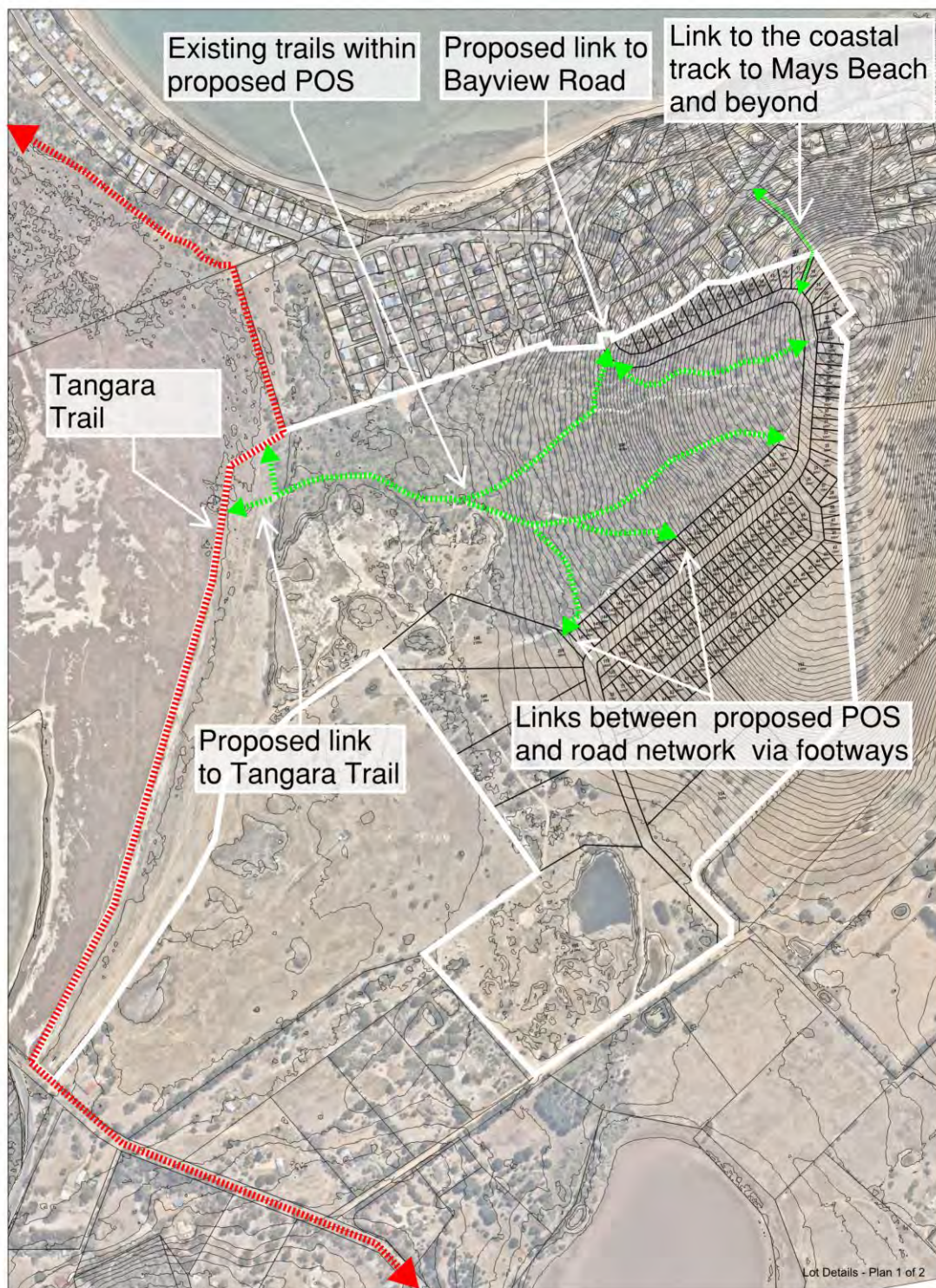


Figure 7: Overall concept plan overlaid with position of existing section of the Tangara Trail (in red) and existing trails within what will become public open space upon the site (in green).

2. The Proposal

The proposal is to amend the Urban Growth Boundary established by the STRLUS so that it incorporates part of the subject site. This amendment would then allow for a subsequent planning scheme amendment that would be combined with an application for a Planning Permit for subdivision of the site. The subdivision envisaged would generally be in accordance with the attached concept plan (Appendix B). The advice from the **Department of Justice's** Planning Policy Unit (PPU) is that any request for an amendment to the UGB must be first considered by the relevant planning authority before final determination by the Minister for Planning. In this case, the relevant planning authority is Clarence City Council. Council has advised that it may consider a request to alter the UGB as it applies within its municipal area separately from a planning scheme amendment.

2.1 Proposed Amendment to the Urban Growth Boundary

The proposed amendment to the STRLUS involves extending the southern perimeter of the Urban Growth Boundary to encompass part of the subject site. The existing Urban Growth Boundary is shown below in Figure 8.

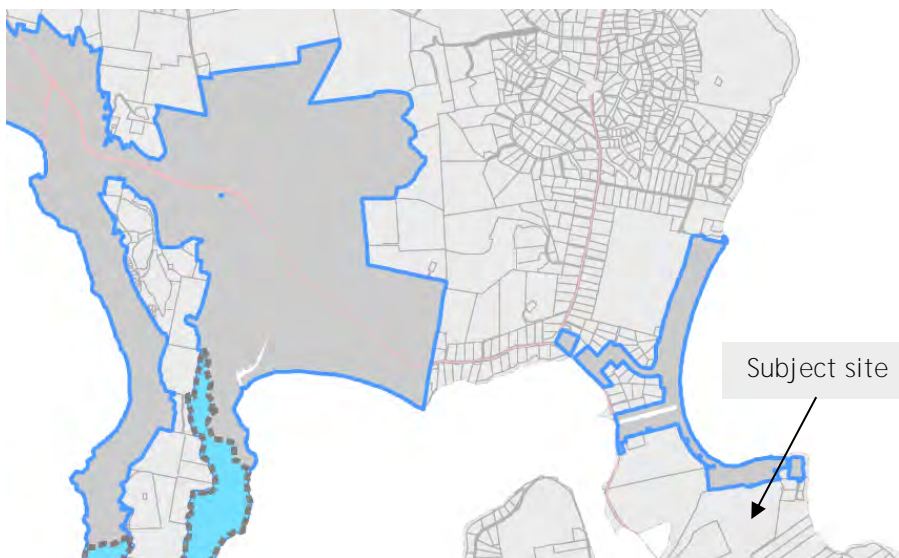


Figure 8: Existing Urban Growth Boundary within the STRLUS.

The proposed Urban Growth Boundary is shown below in Figure.



Figure 9: Proposed Urban Growth Boundary within the STRLUS.

2.2 Proposed Planning Scheme Amendment

Should the request for the Urban Growth Boundary amendment be approved, a planning scheme amendment combined with an application for a Planning Permit for subdivision of the site would be lodged with Clarence City Council. The amendment would seek to rezone the land included within the residential lots shown on the attached Concept Plan (i.e. lots 1 to 147) within the General Residential Zone of the *Clarence Interim Planning Scheme 2015*. The larger proposed residential lots shown on the plan (lots 148 to 155) would be within the Planning Scheme's Rural Living Zone. The substantial area of public open space proposed would be within the Open Space Zone. This area would be over 35ha of mostly bushland but includes a number of currently informal walking trails that would be further developed in liaison with Council. As can be seen on the Concept Plan, the proposed public open space would include nearly all of the existing bushland on the site with the proposed residential area occupying land nearly all of which is currently cleared of native vegetation. The existing and proposed zoning of the site is shown below in Figures 10 and 11.



Figure 10: aerial image of site and surrounding land overlaid with existing planning scheme zoning (source: LISTmap accessed 30/6/2020).

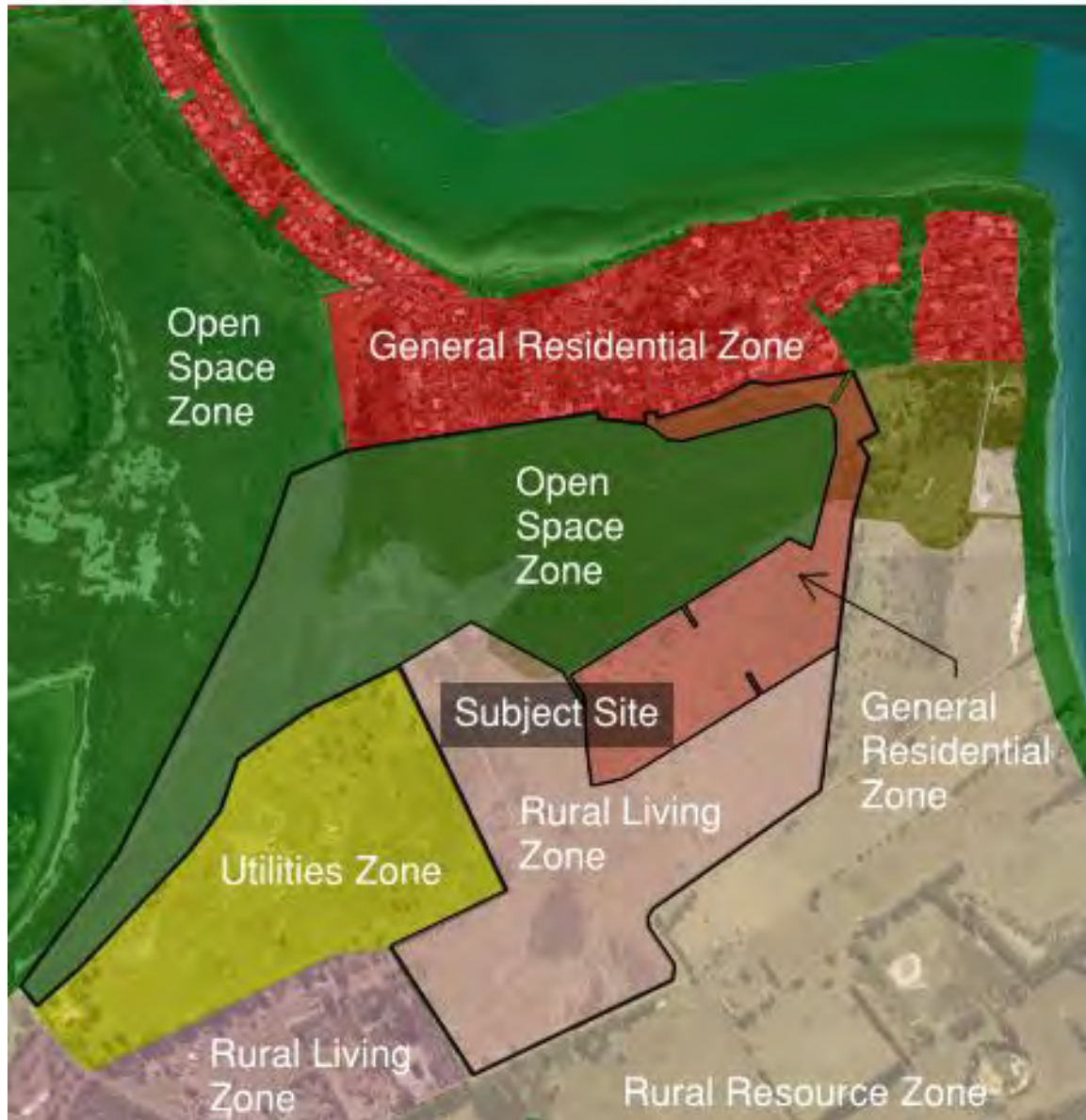


Figure 11: aerial image of site and surrounding land overlaid with proposed planning scheme zoning (source for base image: LISTmap accessed 30/6/2020).

A Specific Area Plan (SAP) would also be created to provide a cohesive structure to the development of the site for residential purposes and to ensure the optimum physical layout of development upon it. The proposed SAP would include standards for infrastructure and the layout of roads and public open space. This approach is consistent with that advocated in the STRLUS and adopted for other development areas within the *Clarence Interim Planning Scheme 2015* (the Planning Scheme) area.

The proposed SAP would be inserted into the Planning Scheme as section F17.0. The SAP would follow the approach adopted for other sites within the Clarence municipal area where subdivision and subsequent residential development of a Greenfields site has occurred, such as at 74 Sugarloaf Road for example. The proposed SAP would include the following provisions:

F17.1 Purpose of the 52 Richardsons Road Specific Area Plan

The purpose of this Plan is to:

- (a) provide a cohesive structure to the development of residential land between the existing residential area of Lauderdale and the rural areas of Sandford;*
- (b) provide for the optimum physical layout, combining accessible urban form with opportunities for the community's desired range of activities and facilities, the protection of natural and human values;*
- (c) Provide for open space that includes:*
 - (i) Recreation and social activities.*
 - (ii) Parkland to enhance the residential environment.*
 - (iii) Preservation of significant natural and heritage values of the site.*
 - (v) Connectivity to Lauderdale and Sandford.*
 - (vi) Walking trails consistent with the Tangara Trail Management Plan 2012 and Clarence Tracks & Trails Strategy 2012.*
- (d) to provide the integrating planning framework to guide the development of land in different ownerships.*

F17.2 Application of the 52 Richardsons Road Specific Area Plan

This Plan applies to the area of land designated as F17.0 on the Planning Scheme Maps.

F17.3 Definition of Terms

There are no specifically defined terms in this Specific Area Plan.

F17.4 Development Exempt from this SAP

The following use and development is exempt from requiring a permit under this Specific Area Plan:

- (a) Change of Use; and*
- (b) All development, construction and works other than subdivision.*

F17.5 Application Requirements of the 52 Richardsons Road Specific Area Plan

In addition to any other application requirements, the planning authority may require an application for subdivision be accompanied by a submission demonstrating how the proposal meets any applicable Performance Criteria.

F17.6 Use Standards

There are no Use Standards applicable for this Specific Area Plan.

F17.7 Development Standards for Building and Works

There are no Development Standards for Buildings and Works applicable for this Specific Area Plan.

F17.8 Development Standards for Subdivision

F6.8.1 Infrastructure

<i>Objective:</i>	
<i>To ensure an integrated infrastructure layout.</i>	
<i>Acceptable Solutions</i>	<i>Performance Criteria</i>
<p>A1</p> <p><i>The subdivision:</i></p> <p>(a) <i>is minor boundary adjustment that maintains the minimum lot size and dimensions of each lot; or</i></p> <p>(b) <i>does not involve the creation of new road lots and would not prevent the implementation of the Road Layout Plan in Schedule 1 of this Plan; or</i></p> <p>(c) <i>generally accords with the Road Layout Plan in Schedule 1 of this Plan.</i></p>	<p>P1</p> <p><i>The proposed road layout:</i></p> <p>(a) <i>provides street and pedestrian connectivity into adjoining lots, and</i></p> <p>(b) <i>minimises access points onto Sugarloaf Road, and</i></p> <p>(c) <i>maximises street frontages to lots created, and</i></p> <p>(d) <i>maximises the number of north-south or east-west orientated lots.</i></p>
<p>A2</p> <p><i>Subdivision is not staged.</i></p>	<p>P2</p> <p>(a) <i>Staging provides for the efficient installation and delivery of services.</i></p> <p>(b) <i>Staging provides for the early transfer of Public Open Space lots.</i></p>

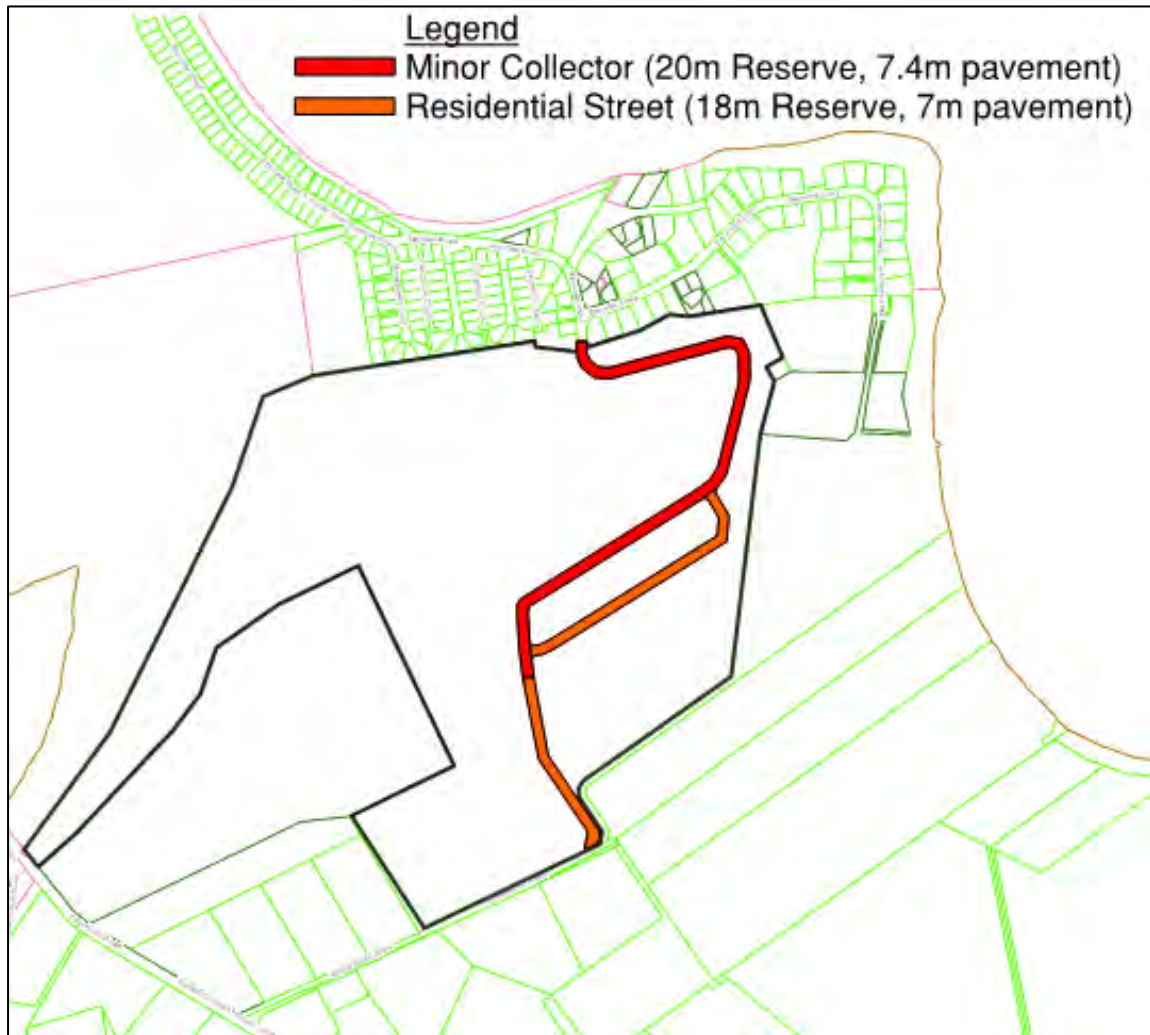


Figure 12: Proposed Road Layout Plan (source for base image: LISTmap accessed 30/6/2020).

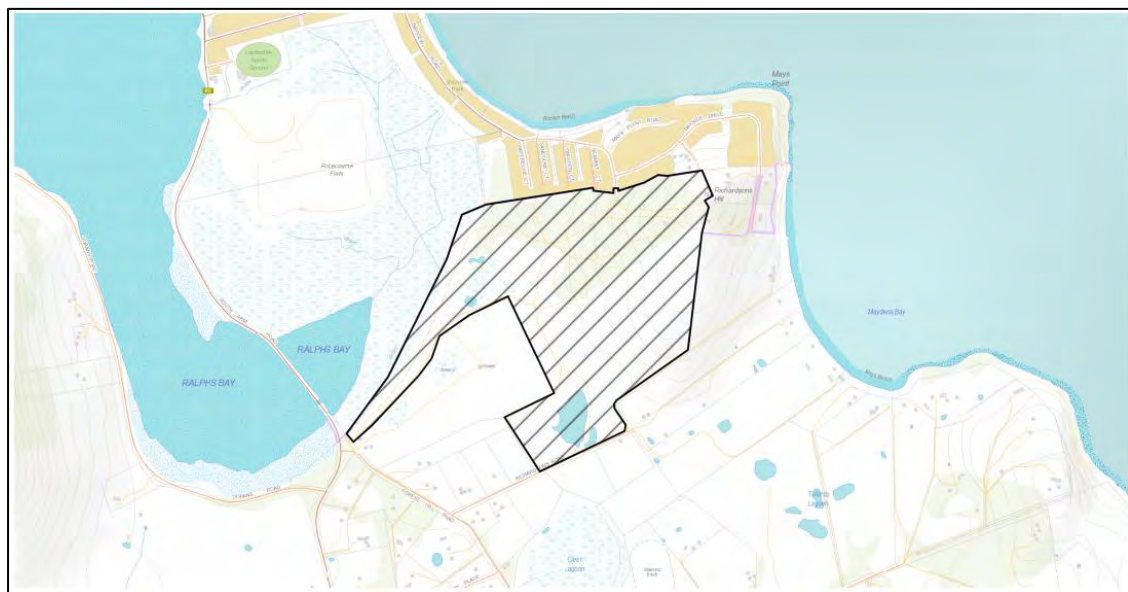


Figure 13: Proposed Map F17.0, 52 Richardsons Road Specific Area Plan (source for base image: LISTmap accessed 13/7/2020).

The proposed Planning Scheme amendment would be subject to further assessment by both Council and the Tasmanian Planning Commission. However, the proposal is considered to be consistent with the purpose statements provided for each of the relevant Zones. The proposal is consistent with the purpose of the General Residential Zone as it would allow for residential use and development at a suburban density in a location where full infrastructure services are available or can be provided, thereby ensuring the efficient utilisation of these services.

The proposal is considered to be consistent with the purpose of the Rural Living Zone as it would provide for residential use and development on larger lots in a rural setting. The proposal would also facilitate passive recreational opportunities that enhance pedestrian, cycling and horse trail linkages via the provision of the substantial area of public open space proposed. The proposed Rural Living lots would also provide a buffer between the rural land to the south and the proposed smaller General Residential lots, thereby avoiding land use conflict with adjacent Rural Resource zoned land.

The proposal is also in accordance with the purpose of the Open Space Zone as it would include 35 Ha or 49% of the subject site as land dedicated for public open space. As documented above this area contains significant environmental and recreational attributes and would provide opportunities for passive recreation and a high level of natural and landscape amenity. The recreation and environmental protections and benefits as a result of the concept plan have been generally supported by the Lauderdale Coast Care group and formally supported by Dr Vishnu Prahalad, Lecturer in Physical Geography at the University of Tasmania (Appendix K).

The SAP has also been prepared in accordance with the relevant Code provisions of the Planning Scheme. The proposal is supported by a Bushfire Hazard Report (Appendix H) that addresses the relevant requirements of the Bushfire Prone Areas Code (Code E1.0). The site is not considered to include potentially contaminated land, so the Potentially Contaminated Land Code (Code E2.0) is not considered relevant. While fill has been placed on an area within the southern part of the site, this is understood to have been clean fill only. The attached Geo-technical Assessment demonstrates that the landslide risk posed on the site is low, thereby addressing the requirements of the Landslide Code (Code E3.0).

The attached Traffic Impact Assessment and Concept Services Report address the relevant requirements of the Road and Railway Assets Code (Code E5.0) and the Parking and Access Code (Code E6.0). The Concept Services Report also addresses the Stormwater Management Code (Code E7.0). While the layout of roads and stormwater infrastructure would be subject to further design, the proposal is considered to demonstrate that the proposed development would be provided with appropriate and adequate infrastructure.

The Natural Values Assessment (NVA) provided in support of the proposal demonstrates that the proposal would avoid impacts upon natural values within the part of the site that is mapped within the Waterway and Coastal Protection Area. The NVA therefore addresses the Waterway and Coastal Protection Code (Code E11.0). The site is not listed as a heritage place nor is it within a heritage precinct, so the Historic Heritage Code (Code E13.0) is not relevant.

Areas within the western part of the site are within the Coastal Inundation Hazard Area. These areas would be predominantly contained within the proposed public open space. However, some areas along the western boundaries of the Rural Living lots proposed within this part of the site are also within this hazard area. Building areas within these lots would be sited clear of the hazard area. While much of the proposed balance lot is within the above hazard area, partly due to excavation that has occurred in the past associated with previous sand mining activities, there is an area within the eastern part of this lot that would be clear of the hazard area. The proposed road that would provide access to the site from Richardsons Road would be within the hazard area, however, it would only be within a Low Inundation Hazard Area. The proposal would therefore satisfy the relevant standards for subdivision within the Inundation Prone Areas Code (Code E15.0).

Of the remaining Codes within the Planning Scheme, only the Natural Assets Code (Code E27.0) is considered relevant to the proposal. This Code is addressed in the Natural Values Assessment (NVA) provided in support of the proposal. The relevant provisions of the Code are considered to be satisfied as the NVA concludes that the impact of the proposal upon natural values would

be minor, and that any impact would be offset by the generous area of public open space that would be provided.

2.3 State and Regional Policy Assessment

The requirements of the Planning Policy Unit are such that strategic objectives within a range of legislative and policy documents must be considered in order for the proposed amendment to the STRLUS and UGB to be approved. Each of these objectives is outlined in further detail below.

Land Use Planning and Approvals Act 1993

Schedule 1 of the *Land Use Planning and Approvals Act 1993* (LUPAA) outlines the objectives of the Resource Management and Planning System of Tasmania as well as the Objectives of the Planning Process established by this Act. The subject of this proposal is assessed against each in Table 1 and Table 2 below.

Table 1: Schedule 1, Part 1 Objectives of LUPAA.

Part 1	Amendment Response
(a) <i>To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	<p>The proposal is considered to constitute sustainable development as it would provide economic, environmental, and social benefits to the local area and the wider community. The proposal would make best use of the natural and physical resources of the site. The proposal would take what is currently neglected and under-used land and transform it into a vibrant new homes area centred around a regionally significant area of public open space.</p> <p>The proposal would minimise impacts upon high biodiversity values through a subdivision design which integrates bushfire hazard management into the proposed road and lot layout. Any impact upon such values would be offset via the provision of a substantial area of public open space. This approach would protect and conserve the remainder of the currently unprotected values on the site.</p> <p>The proposal would have only a minor impact upon ecological processes on the site and, as noted in the attached Natural Values Assessment, would halt the current process of degradation that is eroding natural values on the site. The proposal would enhance genetic diversity by conserving and protecting areas of threatened vegetation that are currently unprotected.</p>
(b) <i>To provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	<p>The proposal is considered to be an orderly extension of an existing residential area that takes into account the significant natural values present on the site - i.e. while at face value, it may appear orderly for the existing residential area of Lauderdale to be extended southward in a more direct fashion than is proposed, this approach would have a significant impact upon natural values. Therefore, an approach which respects and protects these values has been adopted. The proposed extension to the existing residential area will largely follow the existing tree line at the eastern edge of the vegetation on the site, before flowing into the existing cleared area to the south. Under the proposed layout the majority of new dwellings would only be seen from south west of the site and be hidden from the north by the proposed forested POS (as is evidenced by the photomontages at Appendix G). The proposed layout includes a residential street which provides a strong connection to the existing Lauderdale residential community, whilst maintaining important natural values.</p>

Part 1	Amendment Response
	<p>It should also be noted that a previous feasibility study⁴ into the potential for the Lauderdale residential area to be expanded by approximately 583 residential properties found that <i>“the project based on a 10% Hurdle Rate, a median sales price of \$150,000 per lot, a median acquisition price of \$525,000 and a fill supply cost of \$20 per cubic metre returns a negative NPV value of - \$8,085,282 and thus is not feasible”</i>.</p> <p>The study found the principle restriction to development was that the vast majority of the existing residential zoned land within Lauderdale is within a Coastal Inundation Hazard Area, as identified by the Planning Scheme’s Inundation Prone Areas Code (see Figure 10). By providing residential zoned land that is outside of this hazard area, the proposal would allow for the orderly retreat and abandonment of land that is susceptible to future inundation - i.e. the proposal would ensure the future viability of the Lauderdale settlement by ensuring that sufficient residential land is available should existing residential areas be affected by inundation and other climate change related impacts.</p> <p>At a broader level, the proposal would create housing opportunities within the Lauderdale area by providing coastal living residential lots that are generally not available elsewhere within the Clarence Municipal Area. The proposal should therefore be seen as allowing for the orderly provision of housing at the higher end of the market in an area relatively close to the Hobart CBD. This issue is expanded upon in the Supply and Demand analysis provided below.</p> <p>As noted above, the proposal is considered to provide for the sustainable use of the land within the site by largely confining development to existing cleared areas. The proposal would also rely upon extensions to existing services rather than require new services to be provided. Similarly, the proposal would provide links within the existing local road network rather than require an extension of this network. Specifically, Bayview Road extends to the boundary of the subject site and this link has been used as the feeder road to the proposed development from the Lauderdale side. The proposed road layout would create a continuous and logical connection between the proposed residential area and the existing Lauderdale community.</p>
(c) <i>to encourage public involvement in resource management and planning; and</i>	<p>The public will be involved in this process at various stages, including when the proposed planning scheme amendment is placed upon public exhibition. The proponent has also consulted widely with various interest groups including Clarence City Council’s Tracks and Trails Committee, Coast Care Lauderdale, and the local community.</p>
(d) <i>both to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	<p>The proposal would facilitate short-term, medium-term, and long-term economic development in the local area and the surrounding region. In the short-term, the construction of the proposed subdivision would provide employment and generate revenue for associated suppliers. The presence of a workforce on the site would have positive benefits for nearby businesses. A subdivision involving the creation of over 150 residential lots and associated infrastructure such as roads and services staged over</p>

⁴ Lauderdale Urban Expansion, JMG, 2016.

Part 1	Amendment Response
	<p>a number of years would generate significant activity in the local civil construction and design industries.</p> <p>In the medium term, the construction of houses upon the proposed lots would create economic activity that would continue beyond construction of the proposed subdivision. This activity would sustain employment and generate revenue in the construction industry and associated trades. Similarly, the proposal would greatly assist in the economic recovery of Tasmania post the COVID-19 economic contraction. In addition to assisting general economic recovery the supply of over 150 new residential lots staged over a number of years will significantly contribute to addressing the existing housing shortfall in the Greater Hobart area.</p> <p>In the longer term, the increase in housing allowed for by the proposal would ensure that there is a critical mass to the Lauderdale population. This critical mass would in turn ensure that current and planned services, such as schools, an upgrade to South Arm Road, and other community facilities are supported. As noted earlier in the report, Lauderdale currently offers a range of both public and commercial services. Any increase in the local population would only increase the viability of these services. As noted above, in response to <i>Objective (b)</i>, the proposal would also ensure that the population of Lauderdale can be maintained if the predicted effects of climate change become apparent in existing residential areas within the settlement.</p>
(e) <i>to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	<p>The proponent has consulted extensively with Clarence City Council and advice regarding the proposal has been sought from the Department of State Growth, TasWater, and the Tasmanian Planning Commission. As noted above, the proponent has also consulted with the local community and is active member within the local development industry.</p>

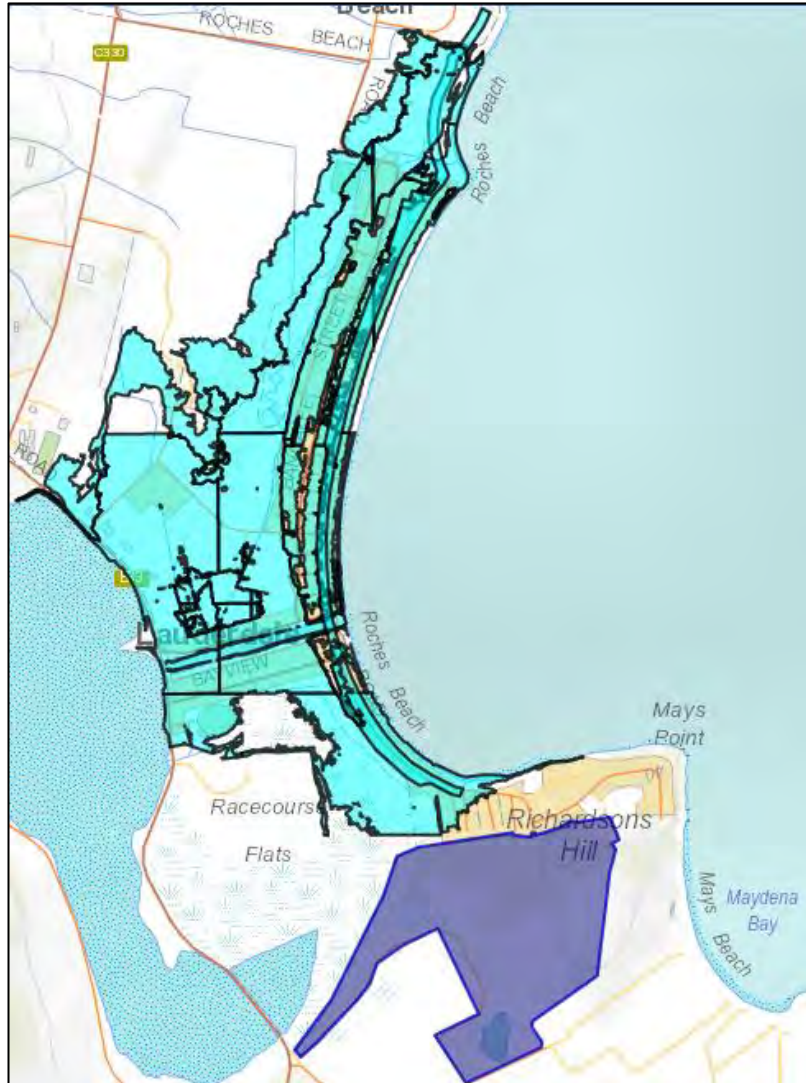


Figure 14: Coastal Inundation Hazard Areas (shaded in light blue) to the north of the site (shaded in dark blue), source: LISTmap accessed 27/5/2020.

Table 2: Schedule 1, Part 2 Objectives of LUPAA.

Part 2	Amendment Response
<i>(a) to require sound strategic planning and coordinated action by State and local government; and</i>	The proposal has been considered against the <i>Southern Tasmanian Regional Land Use Strategy 2010-2035</i> as well as relevant ABS data sets and analysis of supply and demand in the Clarence municipality. While the site is located outside the defined Urban Growth Boundary, its proximity to existing services, the demand for housing in the area (specifically in the upper market segment), and the opportunity for additional land in a coastal location close to Lauderdale give merit to the proposal.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	The amendment will modify the instrument of the Urban Growth Boundary within the <i>Southern Tasmanian Regional Land Use Strategy 2010-2035</i> (STRLUS) which sets the extent of residential land supply for the next twenty years. The way in which the proposed amendment accords with overall directions of the STRLUS is addressed below and the rationale for extending the Urban Growth Boundary to include the subject site is addressed in further detail in Section 3.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	<p>The proposal would have an overall positive effect upon the environment. By securing approximately 35Ha of bushland and wetland that comprises nearly half of the area of the site as public open space, the proposal would ensure the ongoing conservation and protection of the high biodiversity values contained within the site. The proposal would also address the current situation in which uncontrolled use of informal tracks within the bushland is leading to degradation of environmental values. The proposal would allow for these tracks to be actively managed, for inappropriate routes to be closed, and for properly formed tracks to be created that do not degrade the surrounding environment.</p> <p>The site has been subject to a Natural Values Assessment which found that the proposal would have only a minor impact upon any threatened native vegetation communities and conversely that the proposed 35Ha of public reserve would protect significant threatened communities of both flora and fauna. This assessment is addressed in further detail in Section 3.2 under “Impacts on natural values”.</p> <p>The proposal would provide social benefits by supporting the viability of local businesses and community functions. In the short term the development of the site will create jobs and will stimulate the local economy. In the long term, the increase in the immediate area’s population is expected to have a positive economic effect on local service providers and businesses. The proposal is considered likely to have positive economic and social impacts with minimal environmental impacts.</p>
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	The proposed amendment is consistent with the relevant State Policies, the directions of the STRLUS (see below), local by-laws and management plans such as the Tangara Trail Management Plan 2012-2017. The amendment will not conflict with neighbouring municipalities or regional areas.

Part 2	Amendment Response
(e) <i>to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The proposed amendment would enable future rezoning and further development to occur on the subject site, which would be carried out via Section 43a of the <i>Land Use Planning and Approvals Act 1993</i> . This consolidated approach allows for a co-ordinated approach to be taken in the consideration of relevant issues, such potential impact upon natural values and natural hazard management.
(f) <i>to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i>	The development of the site will contribute to the viability and expansion of community facilities, open space, and more diverse housing options within the Lauderdale and South Arm locality. The proposal would significantly contribute to the existing surrounding open space network while improving and future proofing high value environmental assets.
(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The site is not listed as having any European historic value and a detailed Aboriginal Heritage Assessment has been carried out which confirms that the site does not contain Aboriginal Heritage sites. Therefore, no buildings, areas, or other place of historic and heritage value will be affected by the proposed development. Furthermore, wetland and waterway values found within the western part of the site which are of scientific value will remain protected by a large area of open space on that portion of the site. Detail of these matters is addressed further in Section 3.2.
(h) <i>to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	<p>Section 1.2 identifies existing social infrastructure within the locality and how it could support the proposal. Furthermore, the proposal would contribute additional public assets in the form of public open space which would benefit the surrounding community.</p> <p>Consultation with TasWater has confirmed that the proposed development can be provided with appropriate public utilities without any expansion in the capacity of existing infrastructure.</p> <p>Development upon the site is feasible compared to other potential residential expansion areas within Lauderdale. Due to the elevated position this proposal would require no fill to address inundation issues, the proposal would not rely upon existing public stormwater infrastructure, and the proposed lots would be serviced by an existing water supply. While the proposed extension of the pressurised sewer network and road connections would come at a cost, this would be met by the developer.</p>
(i) <i>to provide a planning framework which fully considers land capability.</i>	<p>The site's agricultural potential has been considered in the Land Capability Classification System (via Listmap on 2 June 2020). The majority of the site is classified as 'Class 5' which identifies land unsuited to cropping and with slight to moderate limitations to pastoral use. Two small portions towards the subject site's western boundary are classified as 'Class 6' which is land marginally suited to grazing due to severe limitations. On this basis, the subject site is considered to have only limited agricultural potential and is therefore suitable for alternative development.</p> <p>The site is considered capable of accommodating the proposed development. As demonstrated in the attached assessments, the site is not significantly constrained by natural hazards. Where</p>

Part 2	Amendment Response
	these hazards exist, they can and will be adequately mitigated and managed.

State Policy on the Protection of Agricultural Land 2009

The purpose of the above policy is to:

To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

The policy is intended to achieve its purpose through the following objectives:

To enable the sustainable development of agriculture by minimising:

- (a) conflict with or interference from other land uses; and*
- (b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

Of the eleven principles contained within the above policy, the following are considered relevant to the proposal:

<i>1. Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.</i>	The proposal is considered to be consistent with principle 1, as sustainable agricultural development would not be unreasonably confined or restrained by non-agricultural use or development. As noted in the attached Land Capability Assessment, while the site includes cleared areas that may have previously been used for some agricultural activities, it is considered to have limited agricultural potential given its land classification. Therefore, while the proposal would convert these areas to non-agricultural use and development, it would not unreasonably confine or restrain sustainable agricultural development, as the potential for this development to occur on the site is limited.
<i>2. Use or development of prime agricultural land should not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as the growth medium.</i>	As confirmed in the attached Land Capability Assessment, the land within the site is not considered to be prime agricultural land. Therefore, the proposal does not involve the conversion of such land to non-agricultural use.
<i>5. Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.</i>	The proposed residential use of the land within the site is considered to be consistent with the policy as it would not unreasonably convert agricultural land and would not confine or restrain agricultural use in the vicinity. As noted above, the agricultural capability of the site is limited, therefore, it is not considered unreasonable for part of the site to be converted to residential use.

	<p>No agricultural activity occurs to the north and west of the site, nor does it appear possible given the zoning and existing land found in these directions. What agricultural activity does occur in the vicinity occurs only to the south and east of the site. This activity appears to be limited to low intensity grazing associated with rural residential use.</p> <p>While the adjoining property to the east at 76 Richardsons Road is within the planning scheme's Rural Resource Zone, it is already fettered by the existing residential development to the north. The vegetation upon this property and the topography of the land is also considered to provide separation between any agricultural activity that occurs upon it and the proposed residential use of the site.</p> <p>The proposed rural living lots would provide separation between the proposed residential lots and any agricultural activity to the south of the site. These lots would have sufficient area in order to provide sufficient buffers between the residential lots and the Rural Resource Zone land found in this direction. The rural living lots would also provide separation between the southernmost residential lots and the property to the east discussed above.</p>
<p><i>7. The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.</i></p>	<p>As noted in the attached Land Capability Assessment, the site is not considered to contain prime agricultural land. Therefore, as the conversion of non-prime agricultural land to non-agricultural use is proposed, a consideration of the local and regional significance of the site for agricultural use is required.</p> <p>As noted in the Land Capability Assessment, there is no evidence that the site could be classified as having local or regional agricultural significance. The site appears to have only supported low-intensity grazing in the past which is unlikely to have formed a significant part of a local or regional agricultural supply chain. This activity is also unlikely to have generated significant demand for local or regional services.</p> <p>The site does not occupy a strategic position within the local or regional context. The site is at the periphery of an area that although zoned for rural resource use, includes substantial areas that are unsuitable for agricultural use, such as lagoons and forested areas. This area is also fettered by residential</p>

	development and fragmented by past subdivision.
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The proposal is considered to be consistent with the State Policy on the Protection of Agricultural Land.

Tasmanian State Coastal Policy 1996

The policy applies to all of the site as it is within 1km of high-water mark. The principles of the policy are:

- *Natural and cultural values of the coast shall be protected.*
- *The coast shall be used and developed in a sustainable manner.*
- *Integrated management and protection of the coastal zone is a shared responsibility.*

The above principles guide the following outcomes that the policy seeks to achieve. The outcomes considered relevant to the proposal are considered below.

1) Protection of Natural and Cultural Values of the Coastal Zone

<i>1.1. NATURAL RESOURCES AND ECOSYSTEMS</i>	
<i>1.1.1. The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.</i>	The proposal would ensure the sustainability of ecosystems on the site by protecting and conserving areas with natural values. The proposed 35Ha reserve would protect regionally significant natural ecosystems and would future proof natural processes such as the predicted migration of the Lauderdale saltmarsh and the impacts of sea level rise as a result of climate change.
<i>1.1.2. The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.</i>	The proposal would allow for the ongoing management of ecological coastal features on the site by transferring the areas where these features occur into public ownership. It is understood that there are no geomorphological or geological features on the site and the proposal would not affect the aquatic environment.
<i>1.1.3. The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.</i>	<p>The proposal would conserve the diversity of native flora and fauna on the site by securing the areas of bushland it contains as public open space. The transfer of this land into public ownership is considered to be an appropriate and valuable conservation measure that would provide for the protection and recovery of a variety of vulnerable flora and fauna species.</p> <p>Similarly including the low lying wetland areas of the site within the proposed public open space will ensure habitats and communities within the regionally significant Lauderdale saltmarsh are protected from</p>

	impacts of any future potential grazing or other damaging activities upon the subject site.
<i>1.1.4. Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.</i>	The proposal would allow for improved weed control upon the site by transferring an area of degraded bushland into public ownership. This area is currently being degraded by activities that are likely to introduce weeds. The proposed change in ownership would allow for these activities to be controlled and for weed management to occur. The proposal would retain the vast majority of native flora on the site.
<i>1.1.5. Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.</i>	<p>The proposal would protect water quality by appropriately managing stormwater from the proposed development. While the exact layout of the stormwater infrastructure required by the development would be determined at a later stage, the concept plan allows for the required stormwater detention and treatment to be accommodated within the site.</p> <p>In addition the proposed public reserve would prevent any future ad hoc grazing within the lower lying areas of the site adjacent to the Lauderdale Saltmarsh. Coastal water quality will be enhanced by preventing any future contamination and impacts from any potential grazing activities.</p>
<i>1.1.6. Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.</i>	Not applicable.
<i>1.1.7. Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.</i>	<p>The attached Natural Values Assessment has identified vegetation upon the site as having special conservation value. This vegetation would be protected upon being transferred into public ownership. The bushland upon the site is also considered to have an aesthetic value and community benefit that would be also be protected by its transfer into public hands.</p> <p>The Saltmarsh ecosystem is considered a regionally significant conservation area. In developing the proposal this ecosystem was specifically identified for protection and included in the concept plan. Stakeholders involved in the protection of the Saltmarsh</p>

	have been broadly involved in the development of the proposal.
<i>1.1.8. An effective system of marine reserves will continue to be established to protect marine ecosystems and fish nursery areas.</i>	Not applicable.
<i>1.1.9. Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.</i>	The proposal would allow for the protection and management of the Lauderdale Saltmarsh, which is recognised as an important coastal wetland. This protection and management would include allowing for the future migration of the saltmarsh, as noted above.
<i>1.1.10. The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.</i>	The proposed development would be subject to a Specific Area Plan which would ensure that it is consistent with the attached concept plan.
<i>1.1.11. Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone.</i>	The proposal would allow for improved fire management of the immediate area by providing a road between the existing residential development to the north and the bushland within the north-eastern corner of the site. The proposal would also allow for fire management to be carried out within the proposed bushland reserve by providing a fire trail between the reserve and the residential lots proposed to the south.
1.2. CULTURAL AND HISTORIC RESOURCES	
<i>1.2.1. Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.</i>	An Aboriginal Heritage Assessment has been provided for the site which confirms that it does not contain Aboriginal sites or relics.
<i>1.2.2. All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.</i>	Not applicable.
1.3. CULTURAL HERITAGE	
<i>1.3.1. Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.</i>	The site is not listed as a heritage place or otherwise recognised as having particular European heritage significance.
1.4. COASTAL HAZARDS	

1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.	The proposal responds to the coastal inundation risk posed to parts of the site by locating building envelopes clear of the planning scheme's Coastal Inundation Hazard Areas. The Geo-Technical Assessment provided for the proposal confirms that the site is not susceptible to erosion or landslip.
1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.	Not applicable as the site does not contain an actively mobile landform.
1.4.3. Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.	While this outcome is not directly relevant to the proposal, it is considered to be consistent with any policy that responds to the potential effects of climate change by allowing for a planned retreat from potentially affected residential areas within Lauderdale.

2) Sustainable Development of Coastal Areas and Resources

2.1. COASTAL USES AND DEVELOPMENT	
2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.	The proposal is considered to be for sustainable development as it would minimise the loss of native vegetation and largely rely upon existing infrastructure. The proposal would lead to improved conservation outcomes within the proposed bushland and wetland reserve.
2.1.2. Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.	The proposal is supported by a Natural Values Assessment which considers the environmental impact of the proposed development. This assessment concludes that there would no impact upon threatened flora and insignificant impact upon threatened fauna as a result of the proposal. The assessment also finds that there would be only limited impact upon high conservation value vegetation and that this would be offset by the significant area of bushland reserve included in the proposal.
2.1.3. Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.	The need to avoid and minimise impacts upon natural values on the site was a key driver in the development of the concept plan. Access routes and building areas have been sited to avoid and minimise impacts upon these values. As a result, the potential impact of the proposal upon aesthetic values would also be minimised as the vast majority

	of vegetation on the site would be retained, ensuring that buildings and other infrastructure is generally viewed against the existing wooded skyline on the site.
<i>2.1.4. Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.</i>	The proposal will be assessed by the relevant statutory bodies, including the Tasmanian Planning Commission and Clarence City Council.
<i>2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.</i>	The proposal is considered unlikely to cause environmental damage. Care has been taken to ensure that environmental degradation would be avoided where possible. The proposal would allow for the remedy and mitigation of existing degradation within the proposed bushland reserve by transferring this land into public ownership. The proposal includes strategies to avoid or mitigate potential adverse environmental effects, including the siting of development generally within existing cleared areas. The proposal also includes a mitigation strategy that would see any loss of native vegetation mitigated by the provision of a generous offset in the form of the proposed bushland reserve.
<i>2.1.6. In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.</i>	While the proposed development is not necessarily dependent upon a coastal location, it would clearly benefit from its position close to the coast and would not adversely affect use and development that is dependent upon a coastal location.
<i>2.1.7. New industrial developments will be encouraged to locate in specified industrial zones.</i>	Not applicable as a new industrial development is not proposed.
<i>2.1.8. Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the Mining Act 1929.</i>	Not applicable.
<i>2.1.9 Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral</i>	Not applicable.

<i>Exploration Code of Practice. Adequate rehabilitation shall be carried out.</i>	
<i>2.1.10. Extraction will be subject to the Quarry Code of Practice and environmental assessment as required by State legislation including the Environmental Management and Pollution Control Act 1994. Adequate rehabilitation shall be carried out.</i>	Not applicable.
<i>2.1.11. Extraction of sand will be provided for by zoning of appropriate areas in planning schemes</i>	Not applicable.
<i>2.1.12. Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.</i>	Not applicable.
<i>2.1.13. Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.</i>	Not applicable.
<i>2.1.14. Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and promote economic efficiency under the Living Marine Resources Management Act 1995.</i>	Not applicable.
<i>2.1.15. Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.</i>	Not applicable.
<i>2.1.16. Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.</i>	As noted above, the proposal would protect water quality by appropriately managing stormwater from the proposed development.
<i>2.1.17. Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental</i>	Not applicable.

<i>Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.</i>	
<i>2.1.18. Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.</i>	Not applicable.
<i>2.1.19. Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.</i>	Not applicable.
2.2. MARINE FARMING	
The outcomes for marine farming are not relevant as this activity is not proposed.	
2.3. TOURISM	
The outcomes for tourism are not relevant as this activity is not proposed.	
2.4. URBAN AND RESIDENTIAL DEVELOPMENT	
<i>2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.</i>	Care has been taken in the development of the concept plan to ensure that the proposal would minimise and where possible avoid impacts upon environmentally sensitive areas. The proposed subdivision road and residential lots have been sited to ensure that the loss of native vegetation is minimal. Environmentally sensitive areas such as the areas within the western part of the site which contain threatened vegetation would be located within the proposed public open space, which would allow for their protection and management. The proposed development would largely depend upon existing infrastructure and any new infrastructure required would not encroach upon environmentally sensitive areas.
<i>2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.</i>	The proposed residential development would be based upon the existing Lauderdale township. The development would be connected to the existing residential area to the north via a road connection to Bayview Road, as well as a pedestrian link to existing public open space within the area. While the majority of the proposed residential lots would be separated from the existing residential area by the proposed bushland

	<p>reserve, this is necessary in order to avoid impacts upon natural and aesthetic values. The majority of the lots would be directly linked to the existing community via a single row of residential lots. This concept was intentionally developed to ensure the proposed residential lots were inextricably linked to the existing community.</p> <p>The proposed residential development would be compact as the majority of the residential lots would be grouped together within the central part of the site. The proposal is therefore not considered to be ribbon development or to include an unrelated cluster of development.</p>
<i>2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.</i>	The proposed change to the Urban Growth Boundary and subsequent rezoning would identify the site for future residential development. The proposal is considered to be consistent with the objectives of the policy as natural and cultural values would be protected, sustainable development is proposed, and it would allow for integrated management and protection of the coastal zone.
2.5. TRANSPORT	
<i>2.5.1. All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.</i>	The proposed transport infrastructure is considered to be consistent with the policy as it has been routed to avoid and minimise impacts upon natural values, and to avoid the creation of ribbon development.
<i>2.5.2. Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.</i>	While the proposed roads are not intended to form part of a specific scenic coastal transport route, they would provide recreation and amenity benefits by providing access to the proposed bushland reserve and trail network.
<i>2.5.3. New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.</i>	Not applicable as a new coast hugging road is not proposed.
<i>2.5.4. Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.</i>	Not applicable.

2.5.5. <i>The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.</i>	Not applicable.
2.6. PUBLIC ACCESS AND SAFETY	
2.6.1. <i>The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.</i>	The proposal would enhance public access to and along the coast by providing improved linkages between existing residential areas and the Tangara Trail and other walking tracks.
2.6.2. <i>Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.</i>	The proposal would allow for public access to the coast to be directed to identified access points by transferring the proposed bushland reserve into public ownership. This transfer would also halt the existing uncontrolled access that currently causes damage within the bushland.
2.6.3. <i>Agreements between landowners, landholders and councils or State Government to grant public access to the coast, and Aborigines access to Aboriginal sites and relics in the coastal zone over private and public land will be encouraged and shall be considered when preparing plans or approving development proposals.</i>	Given that the proposed bushland reserve would provide public access to the coast, an agreement to allow for such access between the landowner and Council or State Government is not necessary.
2.6.4. <i>Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores.</i>	The extensive area of the proposed bushland reserve would allow opportunities for the provision of public facilities, such as parking facilities, toilet blocks, and picnic sites. For example, a picnic area is envisioned close to the top of the hill upon the site. A possible playground is indicated at the south-eastern corner of the proposed reserve, adjacent to lot 121. Given the relative openness of parts of the bushland on the site, public facilities could be provided within it without significantly affecting natural values - i.e. the vegetation removal required to provide such facilities would be limited.
2.6.5. <i>Councils will ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast to indicate the level and type of lifesaving facilities and personnel required.</i>	Not applicable.
2.6.6. <i>Developer contributions will be encouraged in respect to the costs of</i>	Not applicable.

<i>providing public access and safety services for the community.</i>	
2.7. PUBLIC LAND	
The outcomes for public land are not relevant as development upon this land is not proposed.	
2.8. RECREATION	
<i>2.8.1. Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.</i>	The proposal would provide for improved recreational use of the bushland on the site via the creation of a public reserve. By allowing for the transfer of this bushland into public ownership, the proposal would facilitate recreational use of the bushland in a safe and environmentally responsible manner.
<i>2.8.2. Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.</i>	The proposed bushland reserve would provide suitable recreation opportunities without affecting sensitive coastal ecosystems. The proposed transfer of the bushland on the site would allow for existing tracks that may currently adversely affect areas with high natural value on the site to be closed, or formalised in order to reduce or eliminate existing adverse impacts upon these areas.
<i>2.8.3. Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.</i>	Not applicable as the site is considered unlikely to be suitable for use as a special recreational vehicle area.

The proposal is considered to be consistent with the objectives and outcomes of the *Tasmanian State Coastal Policy 1996*.

The Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS)

The Tasmanian Planning Provisions provide an overarching strategic framework for the **State's** planning system, consisting of the Tasmanian Planning Scheme (expected to come into effect in the next 12 to 24 months) and the regional land use strategies. The relevant component of the Tasmanian Planning Scheme is the State Planning Policies, though these have not yet come into effect so are not considered in this proposal. The relevant regional land use strategy is the *Southern Tasmanian Regional Land Use Strategy 2010-2025 (STRLUS)*.

The STRLUS has a number of components relevant to the proposed adjustment of the Urban Growth Boundary, including a number of directions within the Strategic Framework (chapter 4). Furthermore, of the fifteen regional policy directives, the regional **policy areas of 'Land Use and Transport Integration' and 'Settlement and Residential Development'** are particularly relevant. Each of these areas have been addressed below.

Regional Policies

There are two regional policy directives of the STRLUS of particular relevance to the proposal, namely **'Land Use and Transport Integration' and 'Settlement and Residential Development'**.

The **‘Land Use and Transport Integration’** policy directive highlights the relative location of different land uses (for example where people live in relationship to places for employment and shopping) as a significant determinant of transport demand, cost and modal choice. It seeks to improve integration of transport and land use planning to enable the development of urban areas that are efficient, liveable, and environmentally sustainable in the face of a changing climate. This objective is achieved through a broad range of clauses which include:

- a) maintaining and improving existing key public transport corridors to facilitate reliable, frequent public transport services,
- b) improving walking and cycling infrastructure and linkages, particularly for local trips, and
- c) consolidating residential development in rural areas into key settlements where daily and weekly needs of residents are met.

There are a number of goals identified in sub-clauses that the proposal would meet in order to further the objectives of the regional policy, namely:

- LUTI 1.6 - *Maximising road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision;*
- LUTI 1.11 *Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.*

The **‘Settlement and Residential Development’** policy directive highlights why the location, form, type, and density of residential development is a significant land use planning issue. The reasons why this issue is significant include:

- a) the economic and environmental sustainability of the overall urban form;
- b) demands upon the transport system;
- c) location, capacity and demand for social and physical infrastructure;
- d) impacts upon the natural environment;
- e) and the capacity to accommodate a growing and ageing population.

The above policy highlights that within Southern Tasmania, a significant proportion of residential **development to meet the community’s housing needs is located within the Greater Hobart area, which is also the location for over 90% of the region’s employment.** However, there are still many people outside of Greater Hobart who travel daily into the metropolitan area and there is **evidence of ‘commuter’ communities who have taken** advantage of the coastal, rural, and bushland lifestyle opportunities presented in those locations with the benefit of relatively short travel times (in comparison to mainland circumstances).

Notwithstanding the above, residential growth is primarily managed through an Urban Growth Boundary that sets the physical extent for a 20-year supply of residential land for the metropolitan area as well as including land for other urban purposes (i.e. commercial and industrial development) as well as pockets of open space and recreational land that assist in providing urban amenity. To include the subject site within the Urban Growth Boundary would unlock further open space and recreational opportunity not otherwise available in the locality, as well as improving connectivity with the surrounding area and environmental management opportunities of the Lauderdale Saltmarsh Reserve.

There are a number of goals identified in other sub-clauses that the proposal would meet in order to further the objectives of the regional policy, namely:

- *SRD2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability;*
 - *SRD2.4 Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc;*

- *SRD 2.8 Aim for the residential zone in planning schemes to encompass a 10 to 15-year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart;*
- *SRD2.9 Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population;*
- *SRD2.11 Increase the supply of affordable housing.*

Further to the relevant components of the STRLUS highlighted above, the way in which the proposal meets the ten strategic directions of the STRLUS is addressed in Section 3.2 which provides a rationale for the development of Greenfield land.

3. Strategic justification for the proposal

3.1 Rationale for the Urban Growth Boundary amendment

The Regional Settlement Strategy

Lauderdale is part of the Greater Hobart Area and therefore the main control over residential growth within the area is the Urban Growth Boundary. The Urban Growth Boundary, which is spatially defined in the *Southern Tasmanian Regional Land Use Strategy 2010-2035* (STRLUS), has been primarily established for the purpose of setting a physical extent for the 20-year supply of residential land in the metropolitan area from 2010 until 2030. Additionally, its purpose is to include land for other urban functions (i.e. commercial and industrial development) as well as pockets of open space and recreational land that assist in providing urban amenity. The rationale for including the subject site within the Urban Growth Boundary is outlined in further detail below.

Supply and Demand

Current Population Trends - Hobart and Clarence

The STRLUS and the Urban Growth Boundary were based upon the ABS data available at the time that the strategy was prepared in 2010. The strategy was based upon a total population increase within the Greater Hobart area between 2001 and 2008 of 12,536 persons or 6.2%. This increase was based upon data drawn from the *ABS Estimated Residential Population 2009*. The background report which established the regional profile states that a medium growth scenario was envisaged and that **“population growth rate, based on projecting past trends, is expected to decrease over time for most areas”⁵**.

In recent years, Greater Hobart has experienced higher than predicted population growth. In **2012, the ABS’ (3222.0 Population Projections 2012-2061)** most aggressive population prediction for the following 50 years was an average increase of 2,440 people per annum. Based upon the census data from 2016, the population of Greater Hobart was predicted to grow from 212,085 to 236,136 persons in the decade from 2009 to 2019⁶, a total increase of 24,051 persons, 11.35%, or 2,405 people per annum. From a figure of 229,088 at 30 June 2017, Hobart’s population is now projected to increase to between 300,333 and 406,752 in 2066⁷. The higher end of the current projection equates to an average population increase of 3,553 people per annum over a 50-year period. This projected growth rate has increased by 1,113 people per annum or 45% since the 2012 most aggressive projections.

The above statistics show that the current population and projected population growth rates are significantly higher than those envisaged when the STRLUS was drafted. While the strategy was based on a medium population growth rate scenario, subsequent actual and predicted population growth has exceeded even the most aggressive models of predicted population growth rates in 2010. This situation has resulted in a well-recognised housing shortage within the Greater Hobart area as development of housing options within certain sectors has not kept pace with demand. The proposed amendment to the UGB would enable the supply of over 150 residential lots in the

⁵ SGS Economics, Southern Tasmanian Regional Land Use Strategy Background Report No.2: The Regional Profile, 2020.

⁶ ABS, 3218.0 - Regional Population Growth, Australia, 2018-19 (ERP by SA2 and above [ASGS 2016], 2001 onwards)

⁷ ABS, 3222.0 - Population Projections, Australia, 2017 (base) to 2066

short to medium term to assist to accommodate the demand for new housing options.

Of all six local government areas that make up the Greater Hobart region, Clarence has the highest population. In 2017, this population was 56,148 people (25% of the total population for Greater Hobart at that point in time)⁸. This high percentage of the overall population is reflected in the municipality having both the highest number of building approvals and the highest value of residential building, which were 235 (14.9% of the Greater Hobart average)⁹ and \$90 million (14.7% of the Greater Hobart average)¹⁰ respectively in the most recent year for which data is available (2017).

Further to the above, the **Department of Treasury and Finance ('DTF')** released updated population projections for Tasmania in 2019, which provide information on expected growth for both the Clarence municipality and Greater Hobart. Under a '**medium series**' growth scenario from 2017 to 2042, Clarence is expected to grow by 10,495 persons (0.73 percent). Of the six municipalities that make up Greater Hobart, this is the third highest growth rate. The DTF predicts that the population of Clarence will grow to 66,245 in 2042 if growth continues at the medium rate of 0.73%. If growth is high (1.2%) the predicted population for Clarence is 71,212, and 63,098 if growth is low (12.4%). Given these projections, Clarence can be expected to grow by 6,950-15,064 people from 2017 to 2042, depending on the growth rate.

ABS Census data from 2018¹¹ demonstrates that Clarence is currently estimated to have a population of 56,945 persons, which is a 1.4% increase from 2017. This increase means population growth is currently tracking slightly above the high growth scenario. The Census data also recorded an average of 2.4 persons per household. Based on the predictions outlined above, the population of Clarence is also predicted to continue growing at a medium to high growth rate.

Housing stock by sale price and household income

Even with the largest population, highest number of building approvals, and the highest value of residential building in 2017, Clarence is still relatively affordable. Recent data sources for the area calculate that the median sale price for houses in Greater Hobart was \$486,000 as of May 2020¹². In Clarence this was only slightly higher at \$530,000 with similar averages for data of the previous two years. Equally, median house prices were matched by other indicators of relative affordability. Median household incomes of the municipality were only 6% above the average of \$792 per week for Greater Hobart (a 0.47% increase from 2011) at \$830 per week in 2016 (a 0.47% increase from 2011)¹³.

There are also relatively high rates of home ownership within the Clarence area (both outright and via mortgage arrangements). In the most recent data obtained from 2016, outright home ownership was at 36.4% (4% above the average for Greater Hobart, only exceeded by the Kingborough municipality)¹⁴ and home ownership with a mortgage was at 37% (though less than

⁸ ABS, Regional Statistics by LGA 2017 (Total females and total males)

⁹ ABS, Regional Statistics by LGA 2017 (Building approvals - Year ended 30 June, Private sector houses [no.])

¹⁰ ABS, Regional Statistics by LGA 2017 (Building approvals - Year ended 30 June, Value of residential building [\$m])

¹¹ ABS, Regional Statistics by LGA 2018

¹² CoreLogic, Suburb Statistics Report, 16 June 2020

¹³ ABS, Regional Statistics by LGA 2017 (Median equivalised total household income (weekly)(\$))

¹⁴ ABS, Regional Statistics by LGA 2017, Tenure Type - Occupied private dwellings - census (Owned outright (%))

mortgage rates for three other local government municipalities within Greater Hobart)¹⁵. Rates of renting were much lower at 22.6% (5% below the average for Greater Hobart)¹⁶. Across both home ownership and rental tenures, most occupants made mortgage repayments or rent payments that were less than 30% of their household income¹⁷.

Suitability of housing stock for Clarence households

The ABS data analysed above demonstrates that to rent or enter home ownership in Clarence is relatively affordable. However, there is some demonstrated need for stock that more appropriately meets the aspirations and needs of households within the area, as demonstrated by a number of ABS indicators. An analysis of dwellings across the six municipalities of Greater Hobart in 2016 found that Clarence had 10% more dwellings that had extra bedrooms than the average for the Greater Hobart region¹⁸. In 2016, family households made up **70% of the area's** total households and group households only made up 2.4%¹⁹. Dwelling types most suitable for these cohorts are separate houses and semi-detached row or terrace houses or townhouses which comprise 72.6% of the **municipality's** total housing stock. Analysis of the data sets for housing stock and household types respectively has found that for every family or group household in Clarence, 1.35 separate houses and semi-detached row or terrace houses or townhouses are available. Moreover, it has been found that less than 1 flat or apartment is available for every lone person household. This data highlights the need for a broader range of housing stock within the Clarence area.

The Property Market and Diversification of Segments

In addition to the requirements for a broader range of housing stock, an analysis of Greenfield and Urban Infill land in Greater Hobart has been undertaken by reviewing *Background Report No. 13 - Dwelling Yield Analysis ('the Report')* (which supported the *Southern Tasmanian Regional Land Use Strategy 2010-2035*). The Report found that the greatest potential for growth is land located in the middle lower market segment outside of the inner suburbs and towards the urban fringe. The market segments are determined by the median price for the suburb relative to the median sale price of other suburbs in the study area.

However, the suburb of Lauderdale was identified in the above report as unique amongst suburbs on the urban fringe in that it is within the middle to top market segment and had a median sale value of \$349,000 in 2009²⁰. The median value has increased to \$590,000 in 2020 including a 50.9% increase over the previous five years. Few other fringe areas of Greater Hobart are within this market segment. Within the Clarence area, only Lauderdale and Seven Mile Beach are on the fringe and within this market segment. Given that Lauderdale and Seven Mile Beach have little greenfield land supply left that is zoned for residential purposes, extending the Urban Growth Boundary to include the subject site would provide supply for a segment of the market that is not currently catered for within the area. The level of unmet demand for new housing in the

¹⁵ ABS, Regional Statistics by LGA 2017, Tenure Type - Occupied private dwellings - census (Owned with a mortgage (%))

¹⁶ ABS, Regional Statistics by LGA 2017, Tenure Type - Occupied private dwellings - census (Rented (%))

¹⁷ ABS, Regional Statistics by LGA 2017, Household stress - census (Households where mortgage repayments are less than 30% of household income (%)) and (Households where rent payments are less than 30% of household income (%))

¹⁸ ABS, Regional Statistics by LGA 2017, Dwellings that require extra bedrooms

¹⁹ ABS, Regional Statistics by LGA 2017, Aggregated data for lone person households, group households, family households, and total households

²⁰ Southern Tasmania Regional Land Use Framework, Background Report No. 13: Dwelling Yield Analysis, Prepared by GHD Ltd (March 2010)

area was recently demonstrated when a small development of eight vacant lots was advertised at Single Hill overlooking Seven Mile Beach. It was reported that within seven days of advertisement agents had received over 80 applications and all lots were sold to local buyers at prices significantly above asking price²¹.

Due to its views and proximity to beaches and the coast, the subject site is considered particularly favourable for the middle to top market segment. Furthermore, with sea level rise and much of Lauderdale being within a Coastal Inundation Hazard Area, alternate locations for residential living opportunities will need to be found. Providing additional housing stock to cater for this unfulfilled demand would free up supply for each level of aspirational homeowners to improve their investment and ultimately create a supply of opportunities for renters and others to access more affordable housing options within Clarence.

On a broader scale, the property market in Greater Hobart has been relatively rapidly increasing in value over recent years. In the current housing market, housing experts agree there is a significant supply shortage of housing given the level of demand²².

In addition to recent growth in net migration to Greater Hobart the housing shortage has been further exacerbated by the relatively recent and significant take up of property owners offering their properties as short term rentals to satisfy tourism demand. This undersupply has resulted in Greater Hobart median property prices continuing to experience significant increases as well as rental vacancy rates and rental yields being some of the lowest and highest in Australia respectively.

While the STRLUS deals with long term goals for sustainable development, the existing housing stock would not appear to meet the current and thus future demand. The dwelling yield analysis methodology that supported the STRLUS states that due to random sampling, the sampling may over select parcels which cannot be developed further or under select parcels which can be developed further. In determining the dwelling yield capacity of existing zoned land, the methodology recommended further work be completed to better understand additional factors, including subdivision and take up patterns, character and demographics of the suburb and zones, access to services, demographic trends, and potential for multiple dwellings. The current significant undersupply of both new greenfield and infill housing options in certain market segments suggests specific, appropriate amendments to the Urban Growth Boundary such as that proposed would assist in meeting sustainable development growth that contributes to meeting high levels of unfulfilled demand.

Greenfield precincts

A desktop review was undertaken of all Greenfield land within the Clarence municipality zoned for future residential development via LISTmap (dated 1 June 2020). An estimated total of 535 hectares was identified across the suburbs of Rokeby, Geilston Bay, Risdon Vale, Lauderdale, Oakdowns, Tranmere, Howrah, Mornington, Clarendon Vale and Lindisfarne. 59% of this land was zoned General Residential (317 hectares) and 44% was zoned Particular Purpose Zone 1 - Urban Growth Zone (218 hectares). Of the General Residential zoned land, approximately 14% (44 hectares) has development approval for subdivision and the remainder is undeveloped. All land zoned Particular Purpose Zone 1 - Urban Growth Zone (218 hectares) is essentially deferred urban development land as it is earmarked for future residential subdivision, but further rezoning and development approval for subdivision is still to occur.

Of the total 535 hectares of Greenfield land identified across ten suburbs, the majority is within suburbs in lower market segments, with 60.5% (316 hectares) being in Rokeby, followed by 13%

²¹ The Mercury Newspaper, 16/6/20.

²² <https://www.realestate.com.au/news/hobart-housing-price-growth-forecast-to-lead-australia-in-2018/>

in Risdon Vale (68 hectares) and 10% (54 hectares) in Clarendon Vale. Conversely, only a small amount of Greenfield land is available in suburbs within the medium to upper market segments, with 0.98% (5.1 hectares) at Lauderdale and 3.17% (16.6 hectares) at Tranmere. The land in Lauderdale that is potentially available within these segments is the low-lying inundation prone land that has been discounted as suitable for future residential development by a previous feasibility study²³. These figures demonstrate that there is a need for additional Greenfield land supply within these areas to cater for demand in the middle to top market segment. By amending the Urban Growth Boundary to include the proposed area for General Residential zoning on the subject site, an appropriate level of additional supply would be available to the market in the short to medium term.

Summary

The ABS and other sourced data analysed above demonstrates that Clarence is well placed to deliver additional land supply for residential development. This situation is due to the **municipality's** population being the highest population of all local government areas, the third highest projected growth rate to 2042, and its growth between 2016 and 2017 tracking above the medium growth scenario that the STRLUS is based upon.

While there is a supply of residential zoned land within Clarence that could provide additional supply to the market, this land is predominantly in locations within the lower to middle lower market segments. There is little supply in fringe areas where there is demand in the middle to top market segment, as demonstrated by the above Greenfield analysis. Extending the Urban Growth Boundary to include the subject site would assist in addressing this gap in housing supply.

²³ Lauderdale Urban Expansion, JMG, 2016.

3.2 Rationale for development of Greenfield land

Given that the site includes former agricultural and undeveloped natural land and is on the periphery of the Lauderdale township, it is considered to be greenfield land as defined by the Planning Policy Unit (PPU). The PPU therefore requires the following matters to be addressed:

- 1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.*
- 2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.*
- 3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.*
- 4. The potential loss of agricultural land from Tasmania's agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).**
- 5. The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.*
- 6. Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslide hazards.*
- 7. Risks associated with potential land contamination.*
- 8. The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).*

How the proposal meets the relevant overarching strategic directions and related policies in the relevant regional land use strategy (i.e. the STRLUS) was considered earlier in the report. A demonstration of how the proposal meets the other strategic directions and policies in the strategy, as required by the above point 1. is provided below.

SD1: Adopting a more Integrated Approach to Planning and Infrastructure

By considering the proposed amendment in a regional context, the proposal allows for a more integrated approach to be taken in land use planning and infrastructure planning than has previously occurred. This report considers the proposal in this context and confirms that it is an appropriate response to the STRLUS requirement for an integrated approach to planning in the region.

SD2: Holistically Managing Residential Growth

The proposal is considered to be consistent with a sustainable pattern of residential development and land release. The proposal would provide a logical and orderly land release within the Lauderdale area that would satisfy a demand that cannot be satisfied elsewhere within the township or immediately surrounding areas. The proposal would also satisfy demand for residential land within the higher segments of the market in which there is only limited supply within the Clarence Municipal Area specifically, and within the wider region more generally. The proposal would have no effect upon productive resources given that the land in question is currently unproductive.

As detailed in the accompanying Natural Values Assessment, the proposal would have only a minor impact upon the natural values present on the site. The proposal would provide an

overwhelmingly positive net environmental benefit by preserving a significant area of bushland and wetland (including threatened species) and giving this over to public ownership. The future migration path of the Lauderdale saltmarsh would also be protected and future proofed.

The proposal is unlikely to have any impact upon cultural values. As described in the attached Aboriginal Heritage Assessment, no Aboriginal Heritage Sites have been identified on the land and it is considered unlikely that such sites will be encountered. The site is not a listed European cultural heritage place.

Consultation with TasWater has confirmed that the proposed development could be serviced by existing infrastructure. The proposal would therefore assist to maximise existing infrastructure systems. The proposal would ensure the sustainability of community access to services within the surrounding area by ensuring that the population of Lauderdale has sufficient mass to justify and support the provision of planned services, both private and public.

The proposal should be seen as a direct response to potential climate change impacts. As noted above, most of the existing Lauderdale residential area has been identified as potentially susceptible to coastal inundation. The proposed amendment would ensure that there is a viable option available should a planned retreat from these areas be considered necessary.

The proposal responds to the issue of affordability by providing opportunities in the middle to top market segments, thereby reducing pressure in other areas within lower segments of the market. The proposal would ensure that Lauderdale continues to offer residential land supply in a sought-after location.

SD3: Creating a Network of Vibrant and Attractive Activity Centres

As noted above, the proposal would ensure the ongoing sustainability of the Lauderdale settlement by ensuring that its population retains sufficient mass to support services, both public and private. The proposal would support the existing network of activity centres by providing a vibrant and attractive new homes area, centred around a regionally significant area of public open space. The proposal is likely to generate increased investment in the area which would provide a strong basis for economic growth and for a more efficient and balanced concentration of goods and services within the Lauderdale township. This economic growth is likely to see an increase in synergies amongst local business and concomitant job creation. The proposal would solidify Lauderdale as the focus for the South Arm peninsula and other adjacent areas.

The substantial area of public open space proposed would provide a focus for the local community, thereby increasing opportunities for social interaction. By providing clear physical links between the existing residential area of Lauderdale and the rural land to the south, the proposal would encourage interaction between these areas.

The proposal would leverage existing community investment in physical and social infrastructure by making greater use of existing services and networks. For example, the area of public open space proposed would enable links to the existing Tangara Trail and other track and trail networks. Services would be provided to the proposed development via extensions to existing reticulated networks. Access would be provided to the development via an extension to the existing road network that would increase use of existing infrastructure. The proposal would also add to the stock of social infrastructure by creating a focal point for the community, in the form of a regionally significant area of public open space.

As noted earlier in the report, the proposal is likely to generate increased demand for public transport in the area. The proposed development would closely integrate with the existing walking track network provided by the Tangara Trail and would provide additional opportunity for walking and cycling within the extensive area of public open space proposed.

SD4: Improving our Economic Infrastructure

The proposal would not affect **existing economic infrastructure such as the state's** ports and airports. The development would benefit from any expansion of the National Broadband Network as this may allow increased opportunity for residents on the site to Work-from-Home as part of employment **in the “new-economy”**.

SD5: Supporting our Productive Resources

As noted earlier, the subject land is currently not used for agriculture and has only limited agricultural capability, as stated in the attached Land Capability Assessment. The proposed use and development is therefore considered to be the best productive use of the land. Lauderdale is not noted as a rural centre that is dependent upon agriculture for economic activity. The proposal would therefore not affect the vitality of the town by reducing the availability of productive land upon which resource activity depends.

SD6: Increasing Responsiveness to our Natural Environment

Key drivers in planning the proposed development have been the significant natural values evident within the bushland on the site and the associated bushfire hazard risk this poses. As a result of this careful planning, the proposal would have only a minor impact on the natural values evident on the site. The proposed residential lots have generally been located in existing cleared areas around the periphery of the bushland in the northern and eastern parts of the site and within the large cleared area to the south of the bushland.

Lots are proposed upon only one side of the subdivision road within the northern and eastern parts of the development. As well as limiting any impact to existing bushland this approach is intended to reduce the environmental impact associated with providing sufficient bushfire hazard management areas for the proposed lots, by allowing for the proposed road to be included in these areas. This proposed design would also reduce the bushfire risk posed to existing dwellings on the topside of Bayside drive. As demonstrated in the attached Bushfire Hazard Report, the proposed lots would be provided with Hazard Management Areas necessary to mitigate bushfire risk in accordance with current best practice. The integrated approach taken in developing the attached concept plan has resulted in strong risk management arrangements being built into the proposal.

While the western part of the site is susceptible to coastal inundation, the proposed rural living lots have been designed to provide building areas that would be clear of this hazard. The site is not susceptible to other natural hazards. The attached Geotechnical Assessment demonstrates that the site not susceptible to landslide hazard and there no other natural hazards identified on the site.

As noted earlier, the proposal is a response to the natural hazard posed elsewhere in the Lauderdale area - i.e. the coastal inundation hazard posed to much of the existing residential area of the town.

SD7: Improving Management of our Water Resources

The proposed development would have access to TasWater's existing reticulated water network. This use of existing infrastructure would lead to efficient and cost-effective distribution of what is a vital resource in the economy and the community.

SD8: Supporting Strong and Healthy Communities

The proposed development would be centred around an area of 35Ha of public open space. This proposed integration of land use and social infrastructure would create opportunities to improve the long-term health of the community and provide equal opportunity to access high quality open spaces and recreational facilities.

SD9: Making the Region Nationally and Internationally Competitive

The proposal is considered to **capitalise upon the region's comparative advantages**, by drawing upon its landscape values and the aesthetics of the coastline and surrounding marine environment.

SD10: Creating Liveable Communities

The proposal would create a residential area that would have exceptional liveability. The proposal would create residential land that would support a high quality of life, health, and well-being for residents as well as visitors to what would be a regionally significant area of public open space and linked trail network. This area would provide an attractive bushland setting for the development. All of the proposed lots would also have views either toward Mount Wellington/Kunanyi and/or of Frederick Henry Bay. While the design of facilities within the proposed area of public open space is subject to further consideration, the size of the area and the significant natural values it contains would ensure that it provides ample recreational opportunities for both existing and future residents.

A priority of the development of the Concept Plan was to ensure future residents as well as the broader community have easy access to the significant area of public open space proposed. As can be seen on the Concept Plan there are proposed dedicated pedestrian walkways toward the middle of the main residential area that would provide easy access to the open space for residents. Similarly, toward the top hill area of the Concept Plan there is a triangular area set aside that could serve as a picnic/BBQ area for the community to take advantage of the expansive views from the top of Richardsons Hill.

Regional Policy 19: Settlement and Residential Development [SRD 1.3 (c)]

The proposal would support SRD1.3 as although the land is not currently zoned for rural living or environmental living, it meets a number of criteria under sub-clause (c), namely:

- i) it shares a boundary with a substantial Environmental Living zone area to the north;
- ii) the amount is not a significant increase being 24.09ha of the 1745ha Rural Living area that extends from the southern end of Ralphs Bay to Watsons Bay/Goats Bluff or approximately 1% of the total area (as shown below in Figure 7);
- iii) the purpose of the rural living lots is to ensure there is not conflict between the proposed General Residential zone and the Rural Resource zone;
- iv) the area is connected by pedestrian pathways via the created public open space into the Tangara Trail and foreshore trail network;
- v) the land is not zoned for Significant Agriculture;
- vi) the land is not adjacent to the Urban Growth Boundary or identified for urban growth; and
- vii) the management of risks and values on the site are considered and are acceptable.

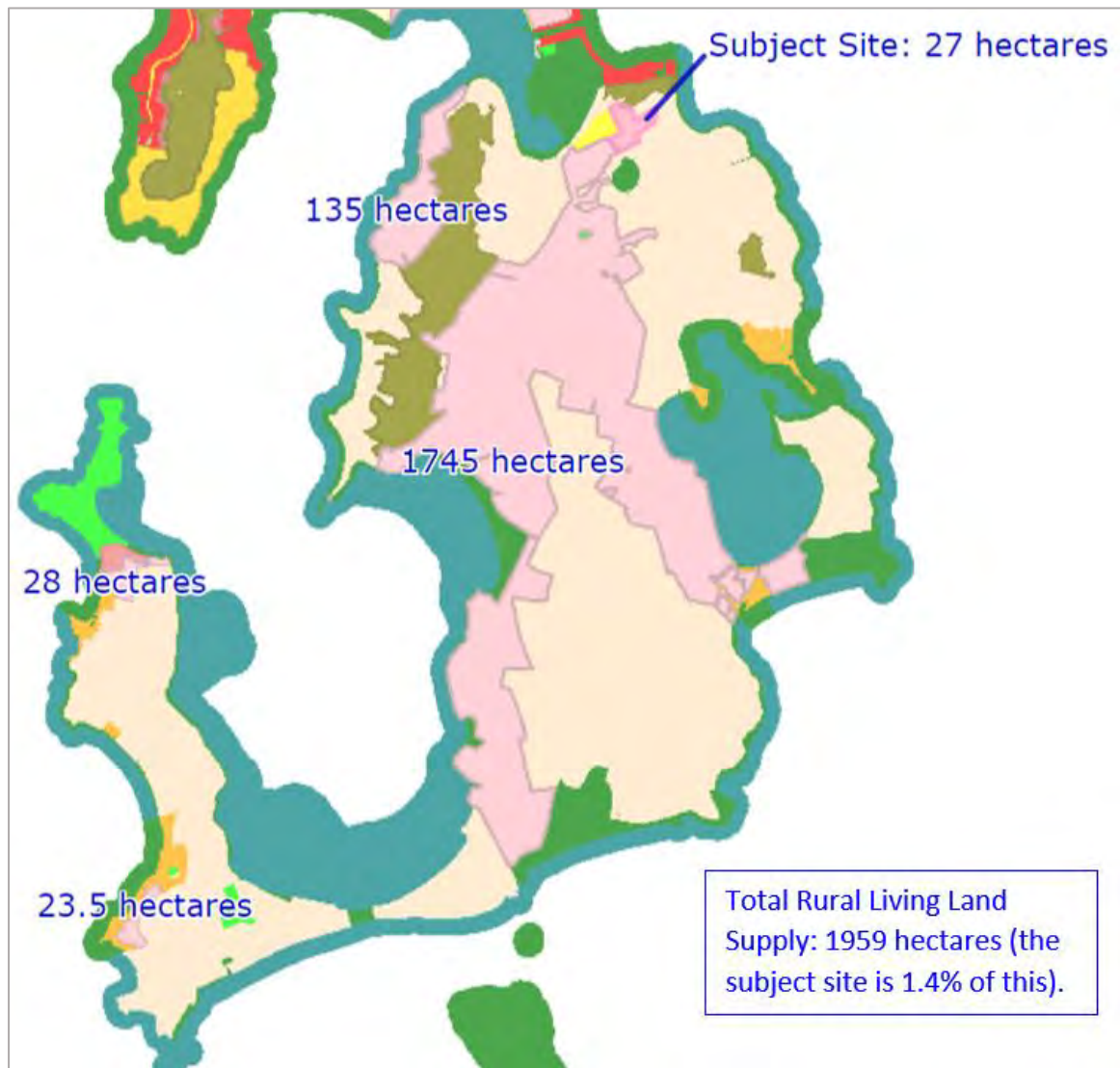


Figure 7: Rural Living Land Supply on the South Arm Peninsula.

Impacts on natural values

Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values, have been given due consideration as demonstrated in the attached Natural Values Assessment (refer Appendix E). The assessment shows that the proposal would have only minor impact upon threatened native vegetation communities as it would minimise impacts and include significant offsets. Furthermore, the assessment states that the proposal would have no impact upon the threatened flora identified on the site and an insignificant impact upon threatened fauna habitat possibly found on the site. The proposal would avoid impact upon the wetland and waterway values found within the western part of the site, adjacent to the Racecourse Flats saltmarsh. The proposal would be consistent with the management plan for the saltmarsh as it would give over land to public ownership that the saltmarsh may potentially encroach upon in the future, should predicted climate change impacts eventuate. The proposal has been formally supported by Dr Vishnu Prahalad, Lecturer in Physical Geology at the University of Tasmania (Appendix K). Dr Prahalad has been closely involved in the *Draft Saltmarsh Reserve Activity Plan 2020-2030*.

Impacts on cultural values

Potential impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values, as a result of the proposal are considered unlikely. As noted above, the site is not **listed as having any European historic value. Given the site's limited history of occupation** since settlement, it is unlikely to contain items of European heritage value. A detailed Aboriginal Heritage Assessment has been carried out which confirms that the site does not contain Aboriginal Heritage sites and that such sites are unlikely to be encountered should the proposed development proceed (refer Appendix C). An Unanticipated Discovery Plan would be enacted in the unlikely event that Aboriginal artifacts are discovered during construction of the proposed development.

As shown in the attached photomontages (refer Appendix G), the proposal would have only limited overall impact upon scenic values. The future development envisaged for the site is unlikely to be visible from the majority of the existing residential areas of Lauderdale. Therefore, photomontages have not been provided to show the potential visual impact of the development when viewed from these areas.

Some vegetation removal associated with future development on the lots may be perceptible from places along Bayview Road, but the development itself is likely to only be visible from close by, such as at the end of this road and from Bayside Drive. Even from these locations, the backdrop to the residential areas provided by the existing vegetation upon Richardsons Hill would be maintained, as the vegetation removal required to carry out development on the site would be limited. Vegetation removal is not proposed on the top of the hill or the ridgeline, so the wooded skyline seen from the north of the site would be maintained. It is also noted that existing residential development in the area is orientated toward the views and solar access available generally to the north and away from the site, rather than to the south and toward the site.

The attached photomontages provided demonstrate how the proposed development would appear when viewed from the south-west (at point on the Tangara Trail) and from the south (from the existing entrance to the site from Richardsons Road). The photomontages are considered to demonstrate that the proposed development would nestle into the landscape. While future development upon the proposed lots would be visible from the above vantage points, its visual impact is not considered to be excessive or otherwise unreasonable in a landscape that already includes residential and other development.

It should also be noted that there are only limited points from which the development would be visible. Future development upon the proposed lots would generally not be visible from the east, as there is a ridgeline and a band of vegetation on an adjoining property that provides visual separation between the site and the rural residential development in this direction. Where future development would be visible predominantly from the south west, it would be seen against the existing backdrop provided by the bushland covering Richardsons Hill.

Potential loss of agricultural land

Impacts on **agricultural land from Tasmania's agricultural estate (including**, but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries) have been considered as part of this proposal. While the proposal would convert land that has been used for limited agricultural activities in the past to residential land, **this would not be a significant loss to Tasmania's agricultural estate.** As stated in the attached Land Capability Assessment, the site has only limited agricultural capability.

The site is currently not used for agriculture and appears to have little potential for viable agricultural use beyond low-intensity grazing. The site is fettered to an extent by surrounding residential development and the most suitable land for agriculture upon it is poor quality, south facing pasture. The site is not within an irrigation district nor is it likely to be included in such a

district given the limited suitable land available for agriculture in the surrounding area. While part of the site was previously used for an extractive industry (namely, sand mining) it is currently being rehabilitated and is now a site for the disposal of fill.

Potential for land use conflicts

As noted in the Land Capability Assessment, the larger Rural Living lots proposed would provide a significant buffer between the proposed residential lots and any agricultural activity to the south of the site. While the same buffers would not be provided to the east of the site, the agricultural potential of the land in this direction appears limited. There are no other land uses upon land close to the site that would potentially lead to land use conflict with the proposed residential use. This use is consistent with the residential use that occurs to the north of the site and the Rural Living Lots would also provide sufficient buffers between the residential lots and the environmental values found to the west.

Risks from natural hazards

As stated throughout the report, the need to reduce the potential natural hazards posed to the proposed residential development was a key driver in the Concept Plan. The proposed road network has been routed to ensure that it provides separation between the residential lots proposed within the northern and eastern parts of the site and the bushland that would be retained within the proposed area of public open space. Building envelopes upon the Rural Living lots proposed within the western part of the site would be sited to avoid areas that are identified as subject to inundation and/or coastal erosion. There are no other natural hazards evident on the site that pose a potential risk to the proposed development.

Risks associated with potential land contamination

The majority of the site is not considered to be potentially contaminated. The only potentially contaminated area on the site is within the southern part of the property where fill has been placed over the years. While only clean fill is understood to have been placed on the site and it has not been used for the disposal of controlled waste, there is some potential for contamination to have occurred. However, the building envelope within the Rural Living lot which would contain this area would be sited so that it is clear of the area where fill has been placed. Therefore, given that the potential for contamination is considered to be low, associated risks are considered to be acceptable.

Potential for impacts on State and local road networks

The attached Traffic Impact Assessment considers the impact of the proposal upon State and local road networks. The assessment demonstrates that the proposal would not significantly increase traffic volumes at the relevant intersections within the local road network once the proposed subdivision is fully developed. The assessment details what upgrades may need to be considered to the relevant roads within the network to ensure that they may accommodate the increase in traffic caused by the proposal and other factors in the medium to long term.

4. Conclusion

This report has considered a proposed amendment to the Urban Growth Boundary that would enable the potential development of land at 52 Richardsons Road, Sandford. For the reasons outlined throughout the report, the Minister for Planning is requested to review the Urban Growth Boundary within the STRLUS outside of the normal review period.

Evidence and justification has been provided to support the request for the amendment. The report has been prepared in accordance with information requirements specified by the Planning Policy Unit. The request to amend the Urban Growth Boundary is underpinned by sound rationale and demonstrates how it would further the strategic objectives of relevant legislation and the STRLUS. Contemporary data sources have been provided to support the case for the amendment.

The report demonstrates that the proposal is consistent with the objectives of the *Land Use Planning and Approvals Act 1993* and the *State Policies and Projects Act 1993*. The report also demonstrates that the proposal is in accordance with the Strategic Directions and Regional Policies identified within the STRLUS. It has also been demonstrated, via a detailed consideration of the supply and demand of housing in the region, that the proposal is consistent with the Regional Settlement Strategy identified in the STRLUS. This supply and demand analysis shows that there is a lack of housing supply within the middle to top of the market within the fringe areas of the region that would be addressed by the proposal.

The proposal would create a new homes area that would ensure the long-term viability of the Lauderdale population. The proposal would provide for residential development within the area that would not be affected by future climate change impacts as might some of the lower lying existing residential areas within the town. Further potential effects of climate change would also be accommodated by incorporating an area identified as predicted saltmarsh migration within the extensive area of public open space proposed. This open space would include 35Ha and 49% of the subject site and would provide recreational opportunities for both nearby residents and visitors to the site in its own right. The proposed open space containing existing trails as well as proposed pedestrian access points would provide linkages to the existing Tangara Trail as well as other track and trail networks south of the site. The proposal is supported by key stakeholders in terms of the proposed environmental protections as well as the proposed **additions to the community's recreational opportunities**.

The proposal would have a minor impact upon natural values and would ensure the ongoing protection of threatened vegetation communities that are currently unprotected on the subject site. The development envisaged for the site has been planned in an integrated way to ensure that natural values would be protected to the greatest extent possible. The proposal is supported by expert reports which demonstrate that the natural hazards evident on the site would be avoided or adequately managed in the proposal.

The development envisaged for the site would be serviced by extensions to existing reticulated networks and would not require any expansion of existing infrastructure capacity. Similarly, access to the development would be provided by a connection between existing roads, rather than an extension to the road network. The proposal would therefore make efficient use of existing infrastructure and services.

The proposed development would provide a significant opportunity for the local construction industry and supporting businesses. In addition to assisting the general economy the supply of over 150 new residential lots would significantly contribute to addressing the existing critical housing shortfall within the Greater Hobart area.

Given the evidence detailed above and throughout the report, the proposed amendment to the Urban Growth Boundary is recommended for approval by both Clarence City Council and the Minister for Planning.

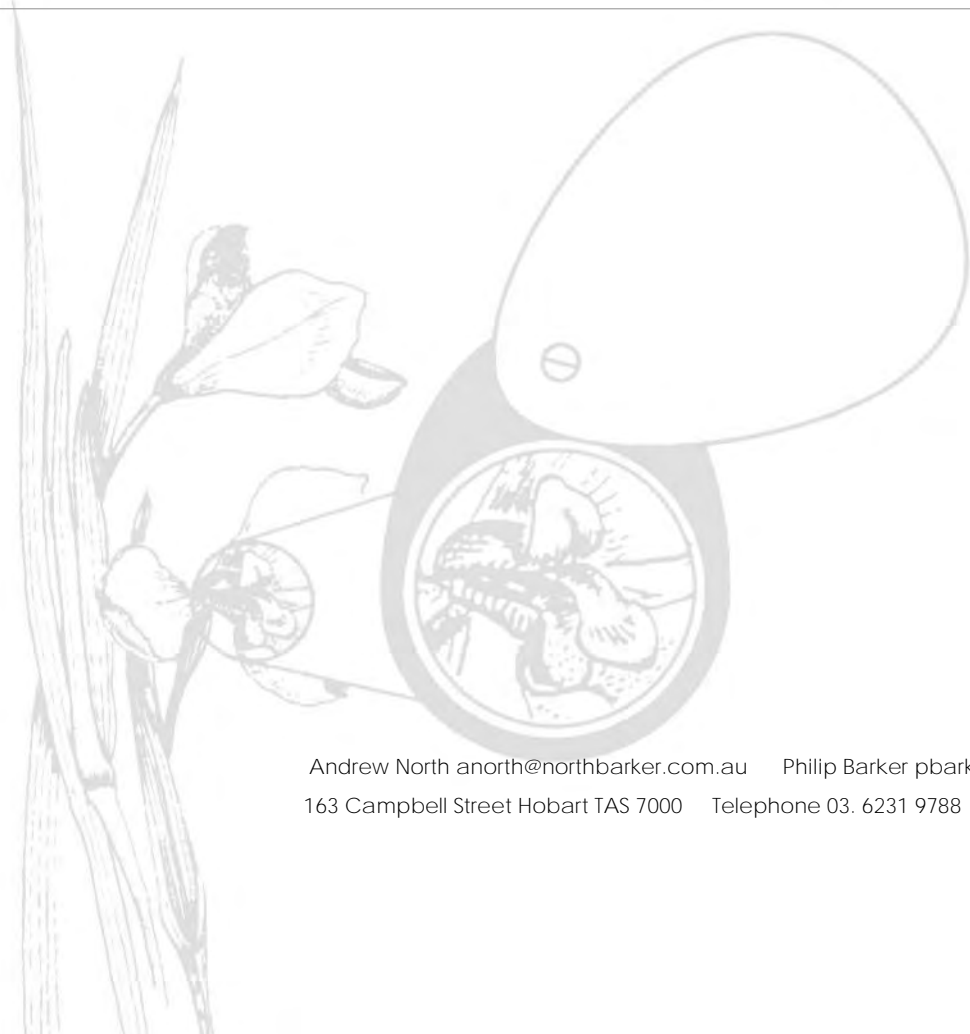


52 Richardsons Road
Lauderdale

Natural Values Assessment

28 May 2020

For JULIE RICHARDS AND LADO PROPERTY HOLDINGS PTY LTD
JMG024

A faint, light-colored illustration in the background of the lower half of the page. It depicts a plant with long, thin leaves and two small flowers on the left. To the right of the plant is a magnifying glass with a large, oval handle and a circular lens. The lens is focused on a detailed drawing of a small insect, possibly a beetle or a similar creature, which is resting on a leaf. The entire illustration is rendered in a simple, line-art style.

Andrew North anorth@northbarker.com.au Philip Barker pbarker@northbarker.com.au
163 Campbell Street Hobart TAS 7000 Telephone 03. 6231 9788 Facsimile 03. 6231 9877

Contributors:

Client Contact: Matthew Clark, Adam Smee, JMG

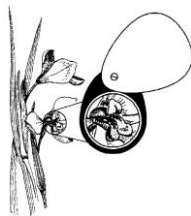
Field Assessment: Andrew North, NBES

Report: Andrew North

Mapping: Linda Drummond, NBES

File Control

Version	Date	Author / Comment
First Draft V1.0	24/05/2020	Andrew North
V1.1	28/05/2020	A. North after A Smee review



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Summary

Clarence Interim Planning Scheme 2015	
Title Ref:	C.T. 158742/9
Rezoning To:	General Residential. Rural Living and Open Space
Current Zone	Rural Resource Zone Environmental Living
Overlays Considered	Biodiversity Protection Area Waterway and Coastal Protection Area
Waterway and Coastal Protection Code E11	Avoids impact to natural values on land adjoining Racecourse Flats saltmarsh within the overlay
Natural Assets Code E27	Conforms to E27.9.1 For a Minor Impact P1 through the minimisation of impact to priority vegetation and the provision of offsets.
Threatened flora	Juniper wattle – <i>Acacia ulicifolia</i> – rare TSPA Sea clubsedge – <i>Bolboschoenus caldwellii</i> – rare TSPA Fennel pondweed - <i>Stuckenia pectinata</i> – rare TSPA
Impacts	None
Threatened fauna and habitat	Possibly eastern barred bandicoot
Impacts	Insignificant
Threatened vegetation	<i>E. viminalis</i> coastal forest (DVC) -NCA Wetland communities (ASF AHL) – NCA Saltmarsh (ASS) - EPBCA
Impacts	1.2 ha DVC
Native vegetation	<i>E. amygdalina</i> coastal forest (DAC)
Impacts	0.37 ha DAM
Environment Protection and Biodiversity Conservation Act (EPBCA)	No significant impact to MNES
Threatened Species Protection Act (TSPA)	No impact to listed species
Nature Conservation Act (NCA)	Permit to take product of wildlife potentially required should trees supporting nesting hollows be removed
Weed Management Act (WMA)	Declared weeds present in project area

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1 INTRODUCTION

1.1 Background

52 Richardson Road, Lauderdale (Title Ref: C.T. 158742/9) is a large property of 72.8 ha. It extends over two zones under the Clarence Interim Planning Scheme 2015 (CIPS) – Rural Resource D26 and Environmental Living D14. Worbey Developments Pty Ltd are looking to rezone some of the land to release a portion of the property for residential development. Prior to preparing a rezoning application they are placing a request to Clarence City Council to have the Southern Land Use Strategy revised to extend the Urban Growth Boundary into part of the property.

The concept plan for the subdivision includes 147 residential lots, 8 larger rural lots and an extensive area (over 35 ha) of Public Open Space capturing a significant proportion of the natural areas currently captured within the Environmental Living Zone plus important land backing the Racecourse Flats saltmarshes.

This report provides ecological assessment of the property and considers implications for the Natural Assets Code of the CIPS to assist with the application.



Plate 1: View from Richardson Hill toward Mt Wellington over Racecourse Flats saltmarsh and Ralphs Bay

1.2 Study area

The study area is in Lauderdale in south-eastern Tasmania (Figure 1). It is in the Tasmanian South East bioregion¹ in the Clarence City Council and is approximately 72.8 ha in extent. The site is zoned subject to several Codes under the *Clarence Interim Planning Scheme 2015*. This report confines itself to those with implications for biodiversity values, the *Natural Assets Code* (E27) and the *Waterways and Coastal Protection Areas Code* (E11).

¹ IBRA 7 (2012)

The site extends from just above sea level where it adjoins racecourse Flats to 78m at the crest of Richardsons Hill.

It includes forested western slopes of Richardsons Hill, some remnant and regenerating saltmarsh, brackish and freshwater wetlands and extensive areas of old long-established pasture dominating the southern slopes of Richardsons Hill. The site has been modified through sand extraction, materials storage and land fill, of which the latter operation continues to the present time.

The geology is predominantly classified as undifferentiated Quaternary sediments with Richardson Hill crest Permian Upper glaciomarine sequences of pebbly mudstone, sandstone and limestone². The site is captured within the Nine Mile Beach Land System which is extrapolated to other major sand spits including Seven Mile Beach and Lauderdale where it is formed from calcareous wind-blown sands and with localised areas of clay soils typically forming dunes and backflats³.



Figure 1: Location of 52 Richardsons Road

² 1:250,000 Digital geology from The List

³ Davies 1988

2 METHODS

The following sources were used for biological records for the region:

- TASVEG version 3.1 digital layer⁴,
- Natural Values Atlas (NVA) - all threatened species records within 5 km of the study area and threatened fauna considered possible to occur in suitable habitat⁵,

2.1 Botanical Survey

This assessment was undertaken in accordance with the 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'⁶.

Native vegetation was mapped in accordance with units defined in TASVEG 3.1⁷. Vascular plants were recorded in accordance with the current census of Tasmanian plants⁸. The site was mapped using a meandering area search technique⁹. Particular attention was given to habitats suitable for threatened species under the Tasmanian *Threatened Species Protection Act 1995* (TSPA) and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA), and to 'declared' weeds under the Tasmanian *Weed Management Act 1999* (WMA)¹⁰.

2.2 Fauna survey

The survey was carried out in accordance with DPIPWE's 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'¹¹.

The study area was searched for the potential presence, habitat, and signs (e.g. scats, tracks, nests) of threatened fauna concurrently with the botanical survey.

2.3 Limitations

Due to various limitations (e.g. variations in species presence and detectability), no biological survey can guarantee that all species will be recorded during a single visit. The field survey was undertaken in late spring, so seasonal and ephemeral species/habitat may have been overlooked or are seasonally absent, including summer flowering species. However, we are confident the surveys sufficiently captured community level diversity. We compensate for survey limitations in part by considering all listed threatened species from data from the Tasmanian *Natural Values Atlas* (NVA). These data include records of all threatened species known to occur, or with the potential to occur, up to 5 km from the study area.

3 RESULTS - BIOLOGICAL VALUES

A full inventory of all vascular plant species recorded on site is included in Appendix A. Separate plots were recorded in each discernible vegetation community (Appendix B), along with 'running' species list from incidental observation recorded elsewhere on the property.

A total of 152 species were recorded including (120 native and 32 introduced).

⁴ Kitchener and Harris (2013)

⁵ DPIPWE Natural Values Atlas Report (2020) report 26 November 2019

⁶ DPIPWE (2015)

⁷ Kitchener and Harris (2013)

⁸ de Salas and Baker (2019)

⁹ Goff *et al.* (1982)

¹⁰ Tasmanian State Government 1995; Commonwealth of Australia 1999; Tasmanian State Government 1999

¹¹ DPIPWE (2015)

3.1 Vegetation communities

TASVEGv3.1 (Figure 2) shows the bushland in the north of the site to be *E. amygdalina* coastal forest and woodland (DAC). Our assessment generally agrees but has separated off two patches as *E. viminalis* coastal forest (DVC). Cleared areas are classified similarly as predominantly Agricultural land (FAG) and variously Urban Areas (FUM) or Extra Urban Miscellaneous areas (FUR). Our mapping (Figure 3) has tightened boundaries. We have also pulled out some small patches of wetland vegetation and classified them as Lacustrine herbland (AHL) or Freshwater aquatic sedgeland and rushland (ASF). The panhandle shaped piece of land that borders Racecourse Flats is mapped correctly on TASVEG being Coastal grassland (GHC) albeit modified, and narrow sliver of Succulent saltmarsh (ASS).

Table 1: Vegetation Communities

Community	EPBC Listing	NCA Listing	Area
<i>Eucalyptus viminalis</i> – <i>E. globulus</i> coastal forest (DVC)		Threatened	7.16
<i>Eucalyptus amygdalina</i> coastal forest (DAC)			19.22
Coastal grassland (GHC)			7.43
Lacustrine herbland (AHL)		Threatened	0.81
Succulent saline herbland (ASS)	Vulnerable		1.78
Freshwater aquatic sedgeland and rushland (ASF)		Threatened	0.25
Regenerating cleared land (FRG)			5.57
Agricultural land (FAG)			22.70
Urban Area (FUR)			0.37
Extra-urban Miscellaneous Areas (FUM)			6.73
Water (OAQ)			0.86
TOTAL			72.88

DVC corresponds to the threatened community, *Eucalyptus viminalis-Eucalyptus globulus* coastal forest and woodland, listed as 23 Schedule 3A under the Tasmanian Nature Conservation Act 2002 (NCA).

AHL and ASF are both included in Wetlands, a threatened community, listed as 39 Schedule 3A under the Tasmanian Nature Conservation Act 2002 (NCA).

ASS is part of the subtropical and temperate coastal saltmarsh ecological community, listed as vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

Vegetation types across the survey area are summarised in text below. Distribution of TASVEG native vegetation communities are presented in Figure 3, with patch floristics in Appendix B.

3.1.1 *Eucalyptus viminalis*– *E. globulus* coastal forest and woodland (DVC)

This occupies two distinct environments. On the upper slopes of Richardsons Hill (Plate 2) it is characterised by an open woodland character with widely spaced trees over a sagg *Lomandra longifolia* dominated ground layer with a few scattered shrubs, mostly of bull oak *Allocasuarina littoralis*. There is a grassy and herb component that includes sun orchids *Thelymitra* spp. and tiger orchids *Diuris sulphurea*. There are potentially likely to be other species that could be picked up in surveys in different seasons. It is in good condition with few weeds. Some of the trees are mature and hollow bearing.



Plate 2: *Eucalyptus viminalis* coastal woodland Richardsons Hill with few shrubs and prominent sagg

The second area is on the lower slopes of Richardson's Hill. The larger stand includes a dense secondary layer of regrowth *E. viminalis* and a prominent silver wattle *Acacia dealbata* component (Plate 3). The understorey is dominated by bracken which in places forms a dense layer outcompeting other species, but in other co-exist with sags and a range of smaller low shrubs. On sandy ridges backing the saltmarsh the vegetation takes on a more heathy character (Plate 4).

Eucalyptus viminalis – *E. globulus* coastal forest and woodland (DVC) is listed as threatened under the Tasmanian NCA. There are only 3400 ha in Tasmania, 1600 ha in the SE Bioregion and 200 ha in Clarence of which only 40 ha is secured in reserves¹².

¹² TASVEG_3_0_areaBYvegcode_June 2014. (spreadsheet provided by DPIPWE)



Plate 3: *Eucalyptus viminalis* coastal forest lower slopes of Richardsons Hill with silver wattle and bracken



Plate 4: *Eucalyptus viminalis* coastal forest over heathy understorey adjacent to Racecourse Flats

3.1.2 *Eucalyptus amygdalina* coastal forest (DAC)

This dominates the mid slopes of Richardsons Hill and shows significant structural availability. In some places it is characterised by a tall shrub layer that includes areas dominated by bull oak and others where tea tree *Leptospermum scoparium* forms an almost single species secondary layer (Plate 6). Bracken is locally dense but in other areas is spare allowing for a diverse heathy and in other places sedge dominated ground layer. Floristically this community is very diverse. It is infested with a range of woody weeds and climbers which have the potential to impact on native species. There are occasional large trees bearing hollows, but most are younger specimens.



Plate 5: *Eucalyptus amygdalina* coastal forest (DAC) over heathy undertorey with bracken



Plate 6: *Eucalyptus amygdalina* coastal forest (DAC) over scrubby undertorey dominated by tea tree

Eucalyptus amygdalina coastal forest and woodland (DVC) is not listed as threatened under the Tasmanian NCA. There are 150,000 ha in Tasmania, 13,800 ha in the SE Bioregion and 600 ha in Clarence of which only 50 ha is secured in reserves¹³.

3.1.3 Coastal grassland (GHC)

This occupies a broad band behind the saltmarsh on low sandy rises that frame the Racecourse Flats. Generally, depauperate with a prominence of *Poa poliformis* tussocks with knobby clubsedge *Ficinia nodosa* scattered through. Other native grasses occupying open patches include *Rytidosperma geniculatum* and *Lachnagrostis filiformis*. Introduced grasses such as cocksfoot *Dactylis glomerata* and sea wheatgrass *Thinopyrum junceiforme* are locally prominent. The general absence of native herbs suggests the site has been subject to attempts of agricultural improvement and is likely to have been ploughed and sown to pasture in previous decades.



Plate 7: Coastal grassland (GHC)

Coastal grassland (GHC) is not listed as a threatened community under state or Commonwealth legislation. There are 11500 ha in Tasmania, 500 ha in the SE Bioregion and just 50 ha in Clarence of which only 3 ha is secured in reserves¹⁴.

3.1.4 Lacustrine herbland (AHL)

This is an area of low herbfield which support a flora that is distinguished from saltmarsh due to the (virtual) absence of succulent herb such as *Sarcocornia* spp. This occurs in less saline environments than ASS and is associated with brackish conditions at sites that would be inundated after heavy rain events. It is likely to be occupying an area that has been stripped of sand in the past and so has colonised an induced environment. It includes a diverse range of brackish and saltmarsh marginal species along with more typical freshwater herbs. The component species grade into the adjacent vegetation mapped as Regenerating Cleared Land (FRG) which is notable for the diverse mix of native species albeit heavily weed infested. (Plate 9).

¹³ TASVEG_3_0_areaBYvegcode_June 2014. (spreadsheet provided by DPIPWEE)

¹⁴ TASVEG_3_0_areaBYvegcode_June 2014. (spreadsheet provided by DPIPWEE)



Prominent herbs include *Samolus repens*, *Selliera radicans*, *Mimulus repens*, *Carpobrotus rossii* and *Disphyma crassifolium* subsp. *Clavellatum*. Fine leaved sedges and rushes include *Isolepis* spp. and *Schoenus nitens*. Tiny short-lived annual herbs such as *Lilaeopsis polyantha* are apparent in spring before dying off. This includes scattered tussocks of common blown grass *Lachnagrostis filiformis*. By summer extensive patches of bare ground characterise some of this mapping unit.

Plate 8: Lacustrine herbland up close (AHL)

Lacustrine herbland (LHA) is listed as a threatened community under the Tasmanian NCA as 'wetland'. There are only 1400 ha in Tasmania, 200 ha in the SE Bioregion but none are mapped in Clarence. Wetlands occupy 200 ha of which 80 ha is secured in reserves¹⁵.



Plate 9: The old sand mine being recolonised by various native and non-native flora, classified as regenerating cleared land (FRG)

¹⁵ TASVEG_3_0_areaBYvegcode_June 2014. (spreadsheet provided by DPIPWE)

3.1.5 Succulent saline herbland (ASS)

Classic succulent saltmarsh forms extensive areas around and across Racecourse Flats north west of the site and just extends into the margins of the panhandle shaped arm of the property. This is tidally influenced and includes a distinct succulent saltmarsh community of *Sarcocornia quinqueflora*, *Wilsonia backhousei* and *Disphyma crassifolium* subsp. *clavellatum*.

Plate 10: Succulent saline herbland - pink flower of *Disphyma crassifolium*

Succulent saline herbland (ASS) is captured with



in the EPBC vulnerable ecological community subtropical and temperate coastal saltmarsh but is not listed as a threatened community under the Tasmanian NCA. There are only 2400 ha in Tasmania, 1600 ha in the SE Bioregion and 400 ha in Clarence, of which 100 ha is secured in reserves¹⁶.

3.1.6 Freshwater aquatic sedgeland and rushland (ASF)

This occupies two deeper excavations where standing water persist throughout the year other than in drought conditions. The marginal vegetation is dominated by a dense mix of *Bolboschoenus caldwellii*, *Eleocharis acuta*, *Typha* sp. and *Schoenoplectus pungens*. Deeper water supports *Myriophyllum salsugineum*, *Potamogeton ochreatus* and *Stuckenia pectinata*.

Freshwater aquatic sedgeland and rushland (ASF) is listed as a threatened community under the Tasmanian NCA as 'wetland'. There are 6900 ha in Tasmania, 1800 ha in the SE Bioregion and 40 ha are mapped in Clarence. Wetlands occupy 200 ha in Clarence of which 80 ha is secured in reserves¹⁷.

¹⁶ TASVEG_3_0_areaBYvegcode_June 2014. (spreadsheet provided by DPIPWE)

¹⁷ TASVEG_3_0_areaBYvegcode_June 2014. (spreadsheet provided by DPIPWE)



Plate 11: Freshwater aquatic sedgeland and rushland ASF

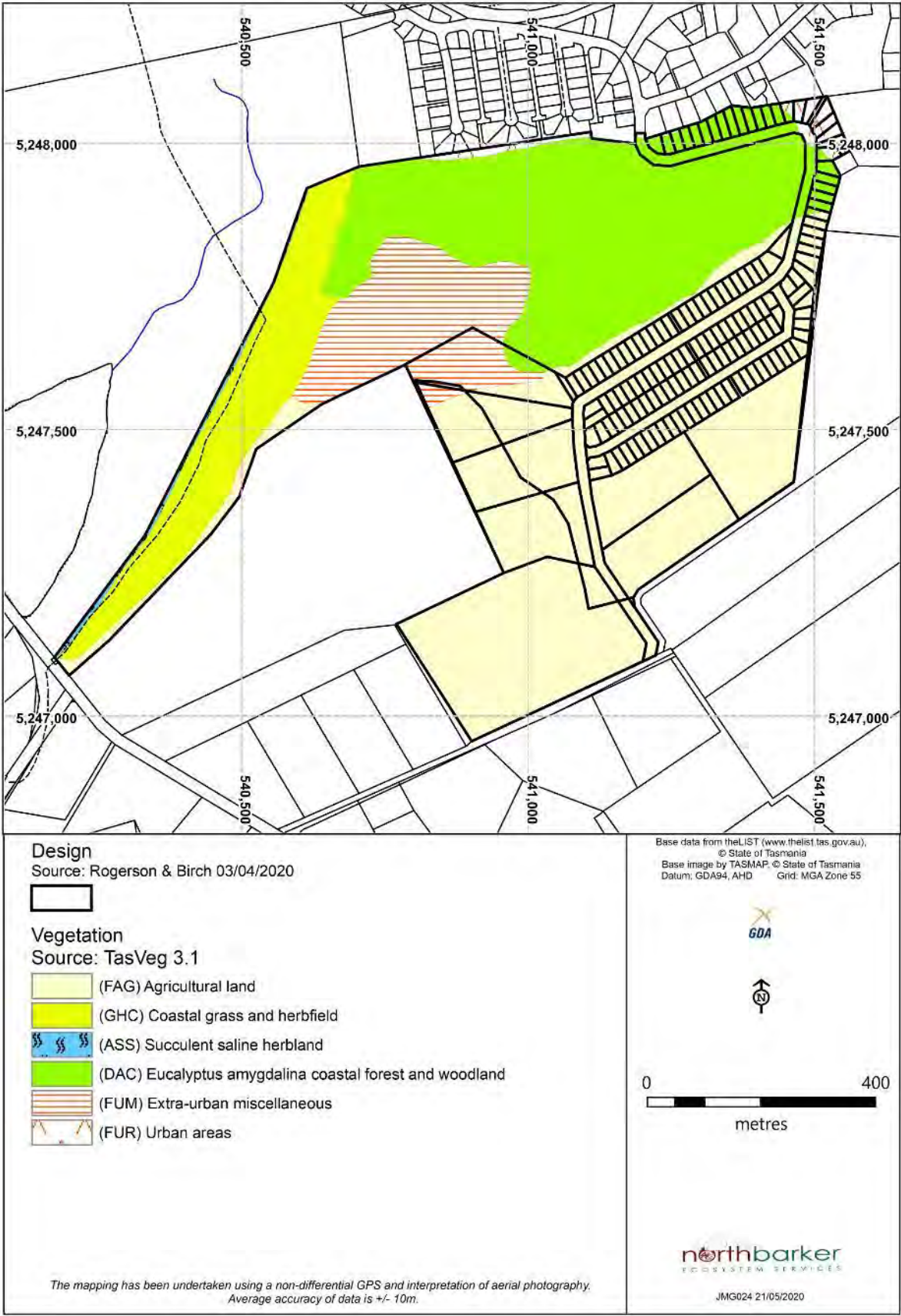


Figure 2: Vegetation communities - TASVEG 3.1

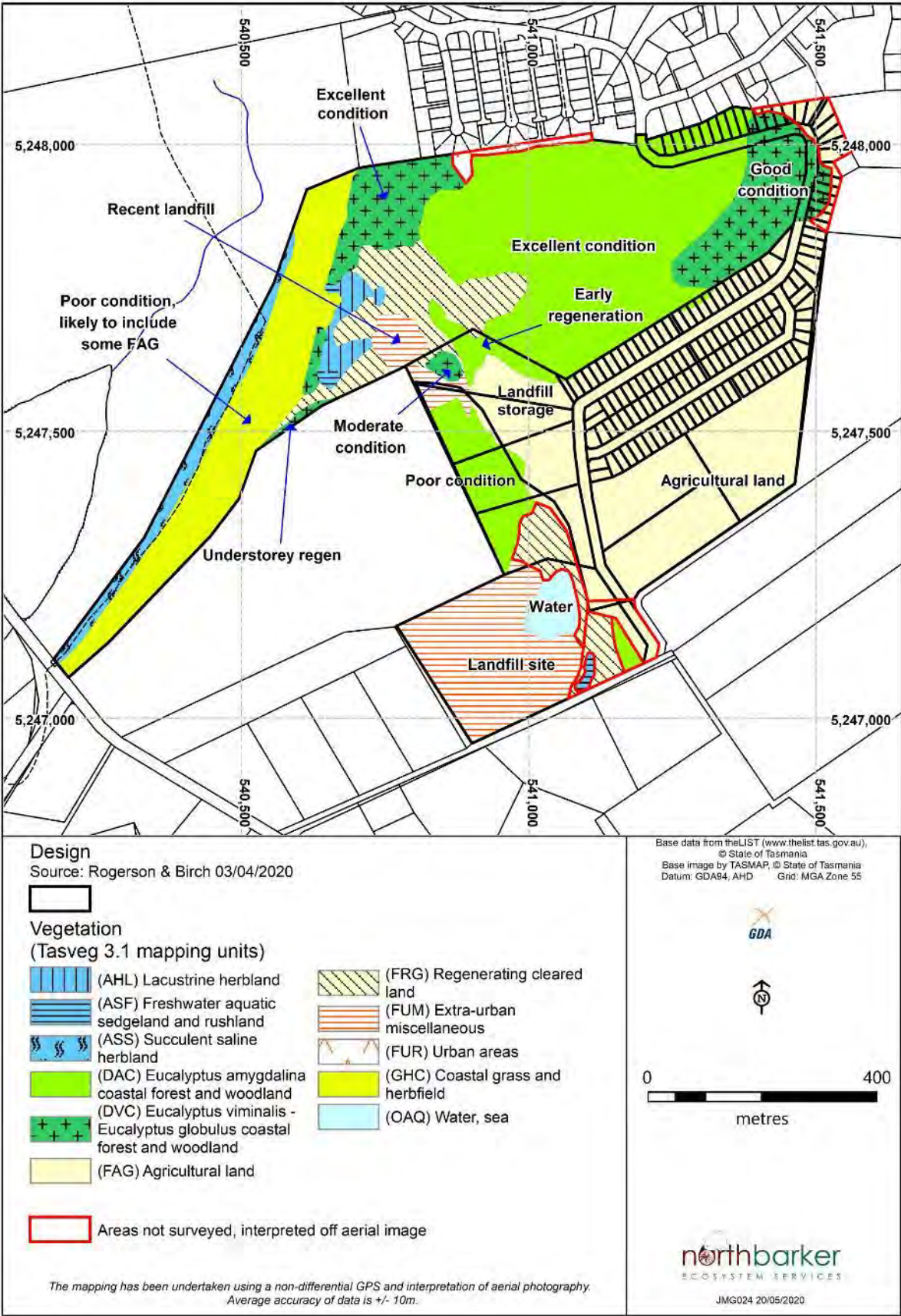


Figure 3: Vegetation communities - this study

3.2 Flora of Conservation Significance

3.2.1 Threatened Flora Recorded in Survey

- *Acacia ulicifolia* juniper wattle



Plate 12: Juniper wattle *Acacia ulicifolia*

This straggly shrub with distinctive prickly foliage is present in low numbers in the forested area. Recorded at just one location the cryptic nature means plants could easily be overlooked, especially outside the early Spring flowering period.

This species is rarely recorded in Clarence and there is only one record on the Natural Values Atlas from Waverly Flora Park, making this occurrence a significant find. Typical habitat is heathland and heathy forest on sandy substrates. It occurs throughout the northern and eastern Tasmania, typically in coastal and subcoastal locations.

Note: The morphology is atypical of *A. ulicifolia* and further taxonomic assessment may indicate it to belong to another taxon. It has affinities to the unlisted *A. genistifolia* and *A. gunnii* but does not match either of those exactly.

- *Bolboschoenus caldwellii* – sea club sedge



Plate 13: Sea clubsedge *Bolboschoenus caldwellii*

This distinctive bright green sedge forms dense patches in shallow water on the margins of two wetlands. Plants in one of the dried-out depressions had been heavily browsed (by wallabies or cattle?). The largest patches extend over 100 sqm each. They are all located in an area identified for Public Open Space.

B. caldwellii is not uncommon in Clarence with numerous records from Lauderdale, Cremorne, Seven Mile Beach area, although most occur on private land.

- *Stuckenia pectinata* – fennel pondweed



This was recorded mixed in with other floating and submerged aquatic vegetation on one of the deeper pools. There is potential for it to occur in other low lying aquatic sites on the property although these were all at low levels of inundation due to the drought conditions prevalent at the time of survey.

S. pectinata is known from nearby sites on Ralphs Bay and in Rushy Lagoon near Cremorne.

Plate 14: Fennel pondweed *Stuckenia pectinata* (fine-leaved plant)

3.2.2 Other Significant flora Recorded in Survey

- *Cassytha pedicellosa* – stalked dodderlaurel



Recorded at several location in DAC and on sandy substrates in previously cleared sites. All locations are within the proposed Public Open Space.

This is a Tasmanian endemic parasitic ground hugging creeper that attaches itself to prostrate plants in heathland and heathy woodland. These records build on previous observations of *C. pedicellosa* in Clarence at Cape Deslacs and Calverts Lagoon.

Plate 15: stalked dodder laurel *Cassytha pedicellosa*

3.2.3 Other Threatened Flora Recorded in Vicinity

Below are lists taken from a Natural Values Report for the site

Threatened flora within 500 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Cuscuta tasmanica</i>	golden dodder	r		n	7	04-Apr-2017
<i>Lachnagrostis robusta</i>	tall blowgrass	r		n	16	01-May-2012
<i>Ruppia tuberosa</i>	tuberous seatassel	r		n	56	19-Oct-2017
<i>Triglochin minutissima</i>	tiny arrowgrass	r		n	1	07-Dec-1974

Threatened flora within 5000 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Bolboschoenus caldwellii</i>	sea clubsedge	r		n	4	24-Jan-2013
<i>Caladenia filamentosa</i>	daddy longlegs	r		n	2	12-Oct-1995
<i>Cotula vulgaris</i> var. <i>australasica</i>	slender buttons	r		n	1	15-Nov-1906
<i>Cuscuta tasmanica</i>	golden dodder	r		n	7	04-Apr-2017
<i>Eucalyptus morrisbyi</i>	morrisbys gum	e	EN	e	70	30-Sep-2018
<i>Eucalyptus morrisbyi</i> x <i>viminalis</i> subsp. <i>viminalis</i>		ph	PH	e	13	30-Sep-2018
<i>Eucalyptus risdonii</i>	risdon peppermint	r		e	1	15-Mar-2016
<i>Hyalosperma demissum</i>	moss sunray	e		n	1	10-Oct-2017
<i>Juncus amabilis</i>	gentle rush	r?		n	20	21-Jul-2010
<i>Lachnagrostis punicea</i> subsp. <i>filifolia</i>	narrowleaf blowgrass	r		n	4	21-Dec-2016
<i>Lachnagrostis robusta</i>	tall blowgrass	r		n	39	29-Feb-2016
<i>Lepidium hyssopifolium</i>	soft peppergrass	e	EN	n	2	29-Oct-2004
<i>Limonium australe</i> var. <i>australe</i>	yellow sea-lavender	r		n	2	14-Feb-1966
<i>Ruppia tuberosa</i>	tuberous seatassel	r		n	68	19-Oct-2017
<i>Rytidosperma indutum</i>	tall wallabygrass	r?		n	3	07-Jul-1996
<i>Scleranthus fasciculatus</i>	spreading knawel	v		n	9	04-Mar-2011
<i>Stuckenia pectinata</i>	fennel pondweed	r		n	2	01-Apr-1978
<i>Stylidium despectum</i>	small triggerplant	r		n	1	26-Nov-1958
<i>Triglochin minutissima</i>	tiny arrowgrass	r		n	5	14-Nov-2016
<i>Vittadinia gracilis</i>	woolly new-holland-daisy	r		n	2	13-Dec-2011
<i>Vittadinia muelleri</i>	narrowleaf new-holland-daisy	r		n	17	01-Aug-2018
<i>Wilsonia rotundifolia</i>	roundleaf wilsonia	r		n	1	04-May-1998

Several of the species previously recorded from the vicinity have the potential to occur on site based on habitat suitability. Some of these were deliberately targeted in surveys conducted for this project but were not found to occur. None of the species not recorded in this study warrant targeted survey. The likelihood of any being impacted by the footprint of the proposed subdivision is considered very remote.

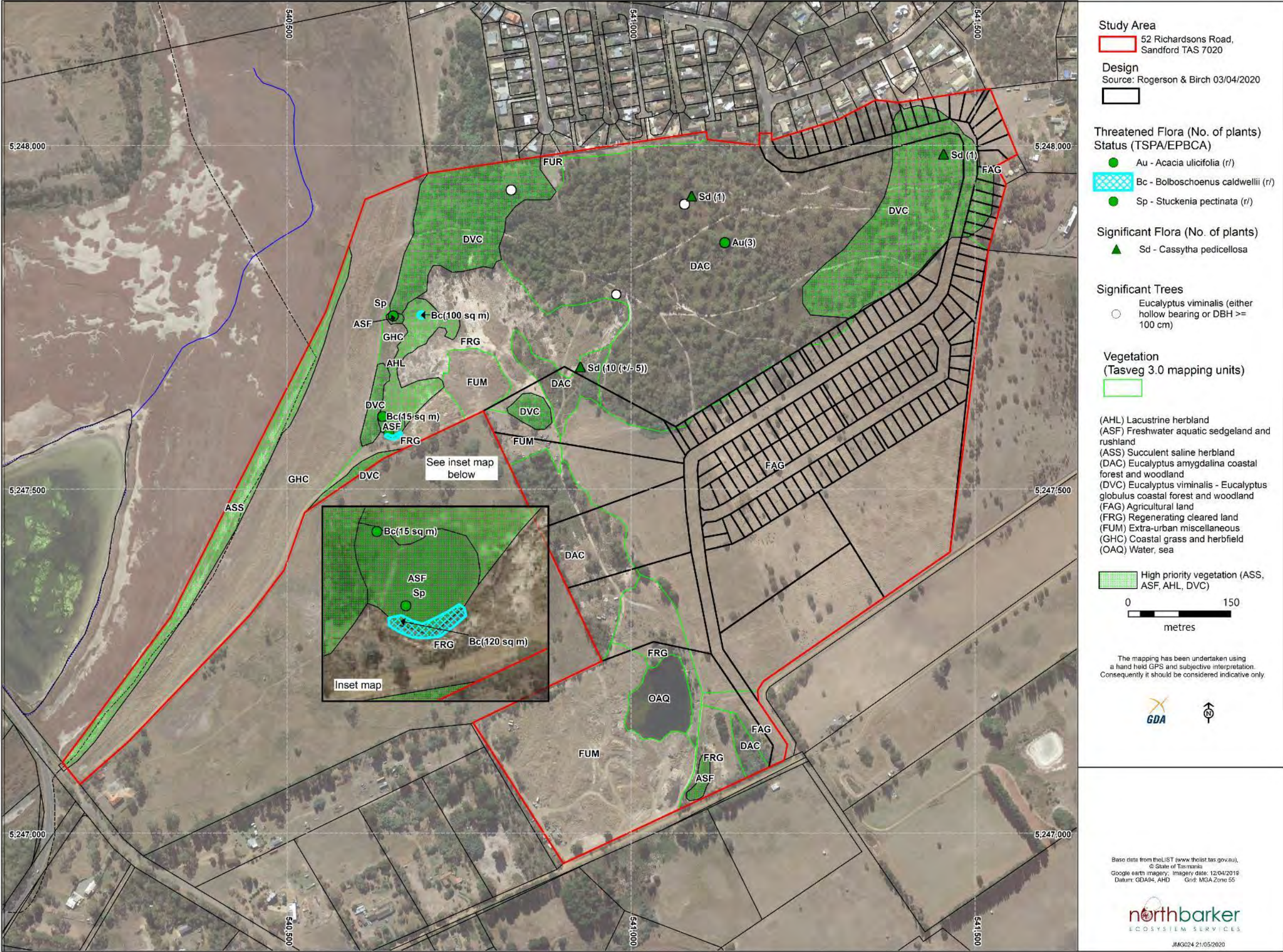


Figure 4: Threatened Flora and Vegetation

3.3 Weeds

Our surveys recorded 32 introduced plant species including 8 declared weeds. These include several environmental weeds, most of which were concentrated within (but not restricted to) modified land (Table 2 and Figure 5). Note the south west corner of the property in and around the existing land fill site has not been included in the survey. This includes a wide range of weeds.

None of the declared weeds are targeted for eradication measures based on the WMA or Clarence Weed Management Strategy¹⁸. The focus of management for these species is containment.

Table 2: Declared weeds within survey area

Species	Comment	WONS ¹⁹	Zone within Clarence Council ²⁰	Priority under CWMS ²¹
<i>Carduus pycnocephalus</i> slender thistle	Localised within previously cleared land in the area of the old sand mine		Zone B containment	3 containment
<i>Chrysanthemoides monilifera</i> boneseed	Occasional plants browsed by cattle in disturbed sites		Zone B containment	4 Site specific containment
<i>Erica lusitanica</i> spanish heath	Dense patch around margins of old sand mine in regenerating cleared land and local infestations in DAC		Zone B containment	4 Site specific containment
<i>Genista monspessulana</i> montpellier broom	Localised near track sides in DAC	YES	Zone B containment	4 Site specific containment
<i>Lycium ferocissimum</i> African boxthorn	Some large plants in north east corner at top of Richardson's Hill	YES	Zone B containment	4 Site specific containment
<i>Marrubium vulgare</i> horehound	Recorded in old pasture in far north east corner on north face of the crest of Richardsons Hill. Potentially elsewhere in old pasture		Zone B containment	4 Site specific containment
<i>Nassella trichotoma</i> serrated tussock	Extensive , with scattered infestation across all of the pasture in the south of the property and along the roadside in the west	YES	Zone B containment	4 Site specific containment
<i>Rubus fruticosus</i> agg. blackberry	Occasional	YES	Zone B containment	4 Site specific containment

¹⁸ Clarence Weed management Strategy (NBES 2016)

¹⁹ Weeds of National Significance

²⁰ Tasmanian Weed Management Act 1999

²¹ Clarence Weed Management Strategy (NBES 2016)

- CWMS Clarence Council Weed Management Strategy
 - Priority 3 - Eradicate isolated infestations, contain infestations to ensure no further spread within term of the action plan
 - Priority 4 - Control and contain where threatening important values, aim to control dense infestations within term of the action plan (15 years) Considered response for all species

The Clarence Local List (CLL) includes locally important weeds not declared under the WMA. "Control and contain where practical through landowner partnerships with Council. Target eradication of small infestations during term of the action plan". Most of these where they occur in land identified for Public open Space are worth targeting for eradication.

Table 3: Clarence Local List Weeds within survey area

Species	Comment	Strategic Objectives CWMS ²²
<i>Acacia provincialis</i> (syn <i>A retinodes</i>) wirilda	One mature individual located on the interface between ARS/DVC	1 3
<i>Billardiera heterophylla</i> bluebell creeper	Widespread and locally dense infestations in DAC. Potentially the most significant environmental weed on site	1
<i>Chamaecytisus palmensis</i> tree lucerne	Localised to southern boundary	1 3
<i>Pinus radiata</i> radiata pine	Single young tree on southern boundary.	2 3
<i>Psoralea pinnata</i> Blue butterfly bush	Localised to site in old sand mine area	1 3

Strategic Objective

- 1: Localised species of high threat that should be targeted for eradication
- 2: Entrenched species requires a 'containment' style of management. In this scenario localised species may be targeted for eradication or control in order to protect identified assets from further infestations. Areas currently free of these weeds should also be kept free.
3. Planted exotics that should have a strategy for replacement.

²² Clarence Weed Management Strategy (NBES 2016)



Horehound *Marrubium vulgare*



Slender thistle *Carduus pycnocephalus*



Serrated tussock *Nassella trichotoma*



Spanish heath *Erica lusitanica*



African boxthorn *Lycium ferocissimum*



Plate 16: Declared weeds



Wirilda *Acacia provincialis*



Blue butterfly bush *Psoralea arborea*



Bluebell creeper *Billardiera heterophylla*
The most prolific environmental weed in the proposed Reserve

Plate 17: Environmental Weeds - Clarence Local Weed List

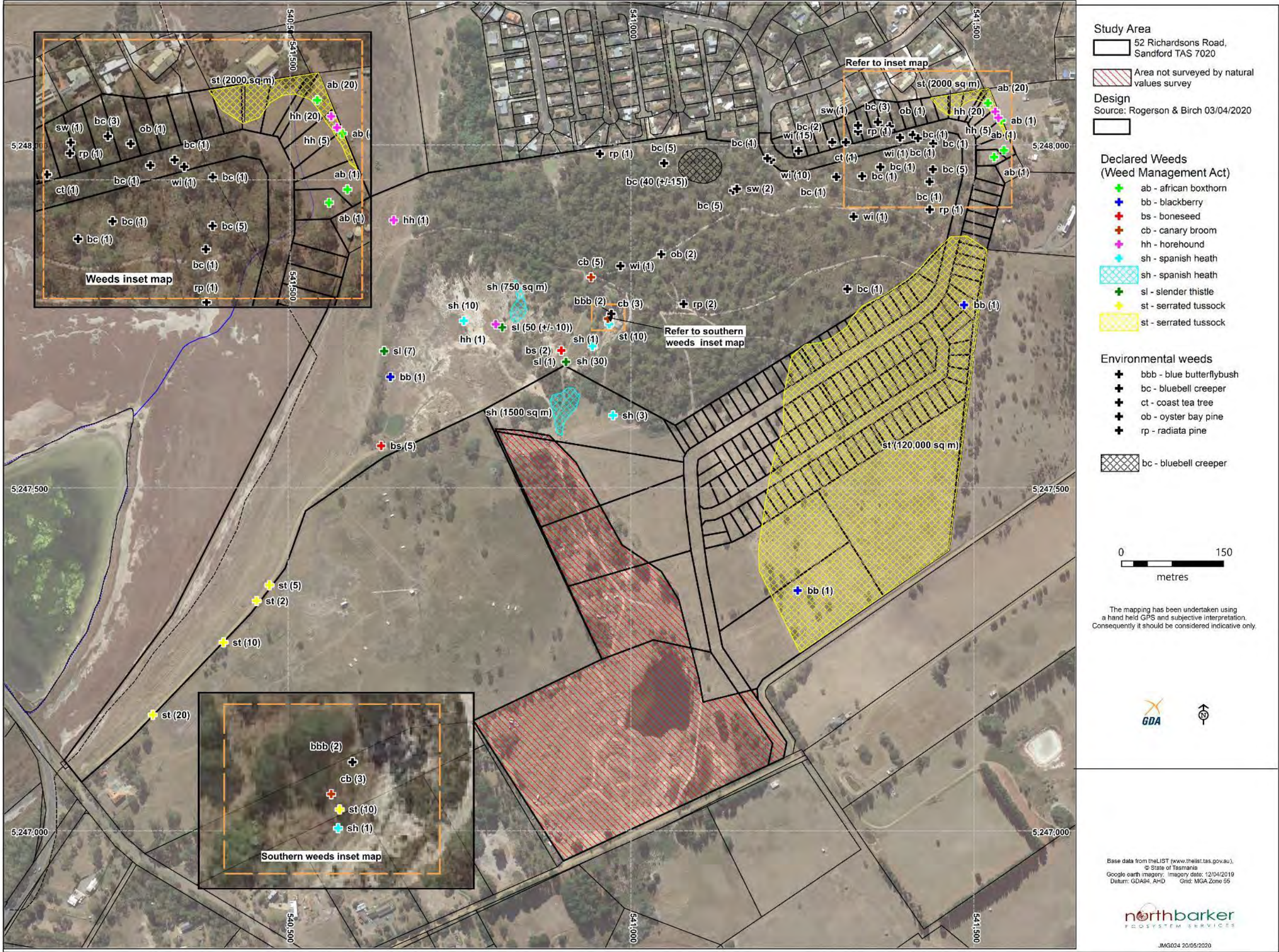


Figure 5: Weeds

3.4 Threatened Fauna and Habitat

The site supports a range of fauna habitats. Although no detailed fauna surveys were conducted anecdotal observations were recorded. The bushland areas provide shelter for a number of vertebrate fauna including brush-tail possums, ring-tailed possums (a carcass of this species was observed on site), rufous wallabies, and bandicoots, as evidenced by diggings.

The wetlands provide limited cover for aquatic birds for foraging and nesting.



The most likely threatened fauna to use the site for both breeding or foraging include the eastern barred bandicoot, the Tasmanian devil, the eastern and spotted-tail quoll and Tasmanian masked owl.

The forested areas (DAC and DVC) support foraging and nesting habitats. There are occasional large mature or senescing white gums that could provide significant habitat for nesting birds and arboreal mammals in the form of numerous hollows. Most of the DAC forest is regrowth with smaller younger trees.

The wetland and saltmarsh communities provide habitat for various specialist fauna, although their extent on the property is small. Threatened species associated with these habitats have abundant areas of habitat on the adjacent saltmarshes to the north west.

Plate 18: Tree hollows in *Eucalyptus viminalis*

3.4.1 Threatened Fauna Recorded in Vicinity

Below are lists taken from a Natural Values Report for the site

Threatened fauna within 500 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Amelora acontistica</i>	chevron looper moth	v			1	02-Feb-2007
<i>Eubalaena australis</i>	southern right whale	e	EN	m	1	12-Jun-1995
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	1	26-Dec-1976
<i>Theclinessthes serpentata</i> subsp. <i>lavara</i>	Chequered Blue	r		e	1	11-Feb-2013

**Threatened fauna within 500 metres
(based on Range Boundaries)**

Species	Common Name	SS	NS	BO	Potential	Known	Core
<i>Lathamus discolor</i>	swift parrot	e	CR	mbe	l	0	l
<i>Antipodia chaostola</i>	chaostola skipper	e	EN		l	0	0
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i>	spotted-tail quoll	r	VU	n	l	0	0
<i>Litoria raniformis</i>	green and gold frog	v	VU	n	l	0	0
<i>Chrysolarentia decisaria</i>	tunbridge looper moth	e		e	l	0	0
<i>Pseudemoia pagenstecheri</i>	tussock skink	v		n	l	0	0
<i>Haliaeetus leucogaster</i>	white-bellied sea-eagle	v		n	2	0	0
<i>Amelora acontistica</i>	chevron looper moth	v			l	0	l
<i>Tyto novaehollandiae</i> subsp. <i>castanops</i>	masked owl (tasmanian)	e	VU	e	l	0	l
<i>Pardalotus quadragintus</i>	forty-spotted pardalote	e	EN	e	l	0	0
<i>Sarcophilus harrisii</i>	tasmanian devil	e	EN	e	l	0	0
<i>Accipiter novaehollandiae</i>	grey goshawk	e		n	l	0	0
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	l	0	l
<i>Aquila audax</i> subsp. <i>fleayi</i>	tasmanian wedge-tailed eagle	e	EN	e	l	0	0
<i>Dasybela achroa</i>	saltmarsh looper moth	v		e	l	0	0
<i>Brachionichthys hirsutus</i>	spotted handfish	e	CR	e	l	0	0
<i>Dasyurus viverrinus</i>	eastern quoll		EN	n	0	0	l

- Eastern-barred bandicoot

This species is listed under the EPBCA but not listed as threatened in Tasmania due to a stable and widespread population. It is resilient to various types of human disturbance and can reach higher than natural densities in peri urban environments. The combination of open pasture for foraging, surrounded by dense cover provides ideal habitats.

- Tasmanian devil

There are few confirmed records from the vicinity (3 within 5km). The site includes a range of suitable habitat and plenty of prey (rabbits and wallabies).

No evidence in the form of dens or scats / latrines was found in the survey.

- Quolls

As with the devil this study area could form part of a home range. There are no records of spotted-tail quoll and just 2 records of eastern quoll (5km radius) although their presence cannot be discounted without targeted survey.

- Tasmanian masked owl

The Tasmanian masked owl had been recorded in the vicinity. Very few large trees are present with one or two over mature specimens that may include hollows large enough (>15cm). However, nothing suitable was discernible from the ground inspections. It is more likely masked owls limit the activity on site to hunting for prey.

- Chequered Blue Butterfly

This species has close association with the preferred larval foodplant coastal saltbush *Rhagodia candolleana* which is present in the site. There are records from the immediate vicinity (500m) and so this species could occur, most likely in the western half where the foodplant is most prominent in open terrain close to saltmarsh where adult butterflies prefer to congregate.

4 IMPACT ASSESSMENT and MITIGATION

The design of the subdivision considered from the outset the distribution of native vegetation and took into account threatened vegetation and species as a priority with the intent of minimising that impact to high priority biodiversity values. Early layouts included an access road that would bisect the forest continuing the current alignment of Bayview Road. The chosen road alignment skirts around the edge of the forest avoiding bisecting the retained bushland and leaving it in one single larger block. Limiting lots to just one side of the road reduces the footprint on the vegetation and also provides a more visible and accessible bushland for the public to appreciate and use.



Plate 19: Main area for residential subdivision - pasture with scattered serrated tussock -

The General residential lots are placed south of the bushland in low priority ex pasture.

4.1 Vegetation communities

The extent of vegetation types that will impacted and retained in a reserve allocated to Public Open Space is summarised in Table 4.

Table 4: Impact to vegetation

Community Type	Threatened	Impact – Lots, Roads, Playground	Retain - POS	Ratio Retain:Loss
DAC		4.64	14.58	3.1:1
DVC	yes	1.18	5.98	5.1:1
AHL/ASF/ASS	yes	0.12	2.71	21.6:1
GHC		0	7.43	No impact
FAG/FUM/FUR/OAQ		31.45	4.91	n/a
TOTAL		37.39	35.61	

There is a bias towards the impact being concentrated in the areas of forest in the poorest condition. The impacted DAC includes all of the 2.45 ha in poor condition, whilst the retained proportion includes 90 % of the nearly 16 ha of area determined to be in excellent condition. Likewise, with the DVC all of the excellent condition areas are retained whilst half of the impact is affecting all of the patches considered to be in poor or moderate condition. So, if condition is taken into account the offset ratios would be even higher than presented in Table 4.

The small patch of wetland that is impacted was remotely mapped and not inspected on the ground. It is possible this would not qualify as this threatened vegetation community, although in the absence of that confirmation we have taken the conservative approach.

All bushfire hazard management is likely to be able to be contained within the proposed lots. It is likely a management track will be required along the rear of the lots. Should clearance for a management track extend for 5 m from the rear of the lots this will impact on an additional 2250 sq m of forest.

4.2 Threatened plants

Three threatened plant species have been identified on the site. The known locations of all three will be retained.

No impact is anticipated to any habitat for the two wetland plants (*Bolboschoenus caldwellii* or *Stuckenia pectinata*). Potential habitat for *Acacia ulicifolia* is limited to the DAC community, 75% of which is to be retained.

4.3 Threatened fauna habitat

No specific areas of threatened fauna habitat have been identified. In a general sense all non forest vegetation habitat will be retained and 78% of forested habitats will be captured within the Public Open Space.

4.4 Mitigation and offset

The current proposal presents an opportunity to secure the long-term conservation of a significant proportion of natural values on the property. This area provides significant recreational opportunities



Plate 20: Walking tracks extend through the open forest to be part of the Public Open Space

The creation of a Public Open Space Reserve provides a means to direct management to facilitate the rehabilitation some legacy issues arising from previous land use practices. It will also put a stop to adverse impacts resulting from cattle grazing, especially to sensitive wetland vegetation. Furthermore, it provides real opportunity to tackle some serious environmental weeds that will if left unmanaged in time degrade the integrity of the bushland. Important declared agricultural weeds such as serrated tussock present a broader threat to the adjoining lands. This proposal present opportunity to tackle this infestation.

The property currently suffers from neglect. No active management has taken place over a long period resulting in a perception by some of the local community that the land has no intrinsic value. For some it is used as wasteland or a place for informal unapproved activities. These include dumping of garden waste, deposition of household rubbish and building waste, bike tracks including jumps and firewood gathering including felling of trees. One 'enterprising' neighbouring resident has even gone to lengths to construct poultry sheds. The consequence of these activities is the ongoing degradation of the site through burial and erosion plus the introduction of weeds.

The continuation of these practices will result in further degradation of the site. The weed infestations are actively spreading and expanding. It can be anticipated that the perpetuation of the status quo will not benefit the natural values of the area in the long term.



Plate 21: Wood hooking goes on in the forest



Plate 22: Tracks used as mountain bike course with jump ramps



Plate 23: Poultry shed in bushland behind residences. This is located in the study area.



Plate 24: Informal camp

5 LEGISLATIVE REQUIREMENTS

5.1 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The EPBCA is structured for self-assessment; the proponent must determine whether or not the project is likely to have a significant impact on a matter of national environmental significance (MNES) such as a listed threatened species or community. If this is likely then the Department of Environment and Energy may consider the proposed activity is a 'controlled action' which would require approval from the Commonwealth Minister.

No MNES will be impacted and so there is no reason to assess this proposal under the EPBCA.

5.2 Tasmanian *Threatened Species Protection Act 1995*

Any impact on threatened plant species listed under the TSPA will require a 'permit to take' from the Policy and Conservation Assessments Branch (PCAB) at the Department of Primary Industries, Parks, Wildlife and the Environment (DPIPWE).

No impacts to known locations supporting threatened species are anticipated.

5.3 Tasmanian *Nature Conservation Act 2002*

Threatened vegetation communities are listed under Schedule 3A on the NCA. Several threatened communities have been occurring of which one will be impacted: *E. viminalis* coastal forest (DVC).

The NCA does not regulate impacts to these communities but informs relevant criteria in some of the local Planning Schemes (refer 5.5).

5.4 Tasmanian *Weed Management Act 1999*

Clarence is a Zone B municipality for all eight of the species of declared weed observed on site (blackberry, serrated tussock and boneseed). According to the provisions of the *Weed Management Act 1999*, Zone B municipalities are those which host widespread infestations where control and prevention of spread is the principle aim. The containment principles of this Act should be sufficiently met with best practice construction hygiene that prevents the transport of contaminated material off site.

5.5 Clarence Interim Planning Scheme 2015

Figure 6 identifies the extent of coverage of two overlays with implications for natural values covered in this assessment. The Biodiversity Protection Area overlay includes most of the forested area, plus the land adjoining the Racecourse Flats saltmarsh. The Waterways and Coastal Protection overlay is confined to the north western border of the property adjoining the adjacent saltmarsh.

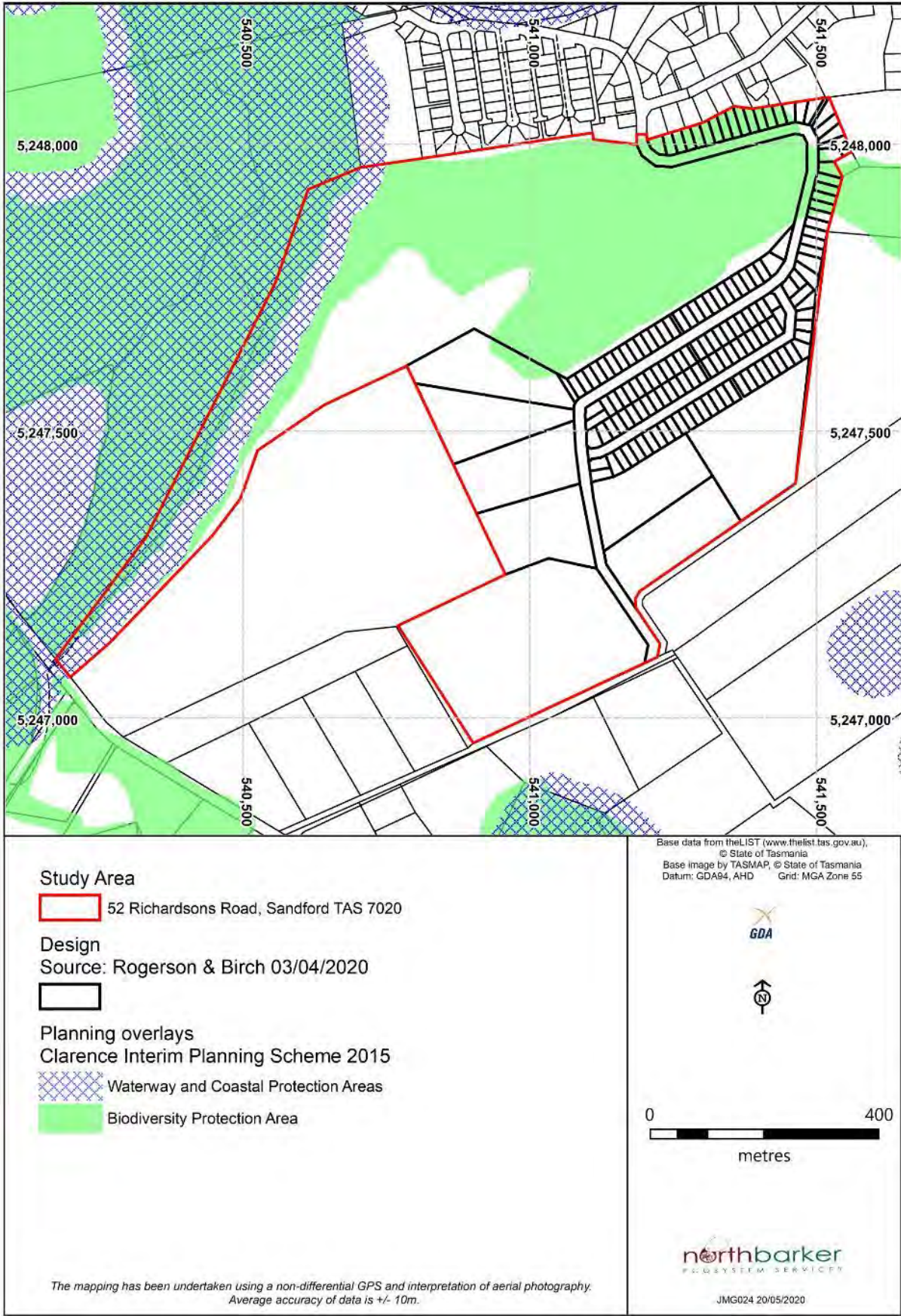


Figure 6: Biodiversity Protection Are and Waterway and Coastal Protection Area overlays

Waterways and Coastal Protection Code E11

The narrow sliver of saltmarsh and the coastal grassland along the north west boundary of the site is captured within the Waterways and Coastal Protection overlay triggering this code.

The Acceptable Solution for Subdivision within a Waterway and Coastal Protection Area (E11.8.1 A1) can be met because it will be

- (b) for the creation of a lot for public open space, public reserve or utility

Natural Assets Code E27

As a portion of the site falls within the area covered by the Biodiversity Protection Area overlay and as such triggers a requirement to address the Natural Assets Code (E27) of CIPS.

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.

Given the BPA partially extends over the site, E27.2 suggests The Natural Assets Code applies to the entire property irrespective of whether or not any part is outside the BPA.

The general purpose of the provision of the E27 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.

Specifically, the proposal must meet the standards relating to development (E27.8.1), 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.

Impacts are classified as either being Major, Minor or Negligible depending on their impact to 'priority vegetation'

Priority vegetation means vegetation that has high biodiversity value because it:

- (a) forms an integral part of threatened vegetation;
yes The vegetation mapped as DVC, ASS, ASF and AHL are threatened communities and so are priority vegetation.
- (b) is a threatened flora species;
yes Three threatened flora species occur on site.

(c) provides habitat for a threatened fauna species; or

maybe Evidence of threatened fauna is limited although potential habitat for several species is present and almost certainly occurs for at least one species. The eastern barred bandicoot. Some question on applicability of this species given its absence from Tasmanian TSPA.

(d) is otherwise identified by the Planning Authority as locally significant.

no No locally significant sites or values have been identified in this area by Council

E27.6 Impact Classification

The vegetation on site is priority vegetation based on several criteria.

For an Impact to be deemed negligible it must fulfil the following:

(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.

No. This proposal cannot be deemed to have a negligible impact as some clearance of threatened vegetation (DVC) is proposed.

For an Impact to be deemed minor it must fulfil the following:

(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

Impacted priority vegetation is limited to 1.18ha of DVC, threatened vegetation community and possibly a small unconfirmed patch of ASF (0.12 ha). This scale of impact to is considered to be minor.

(b) Mitigation measures, including biodiversity offsets, are proposed which reduce the impact on priority vegetation to a minor level

The generous Public Open Space allocation includes a significant quantity of priority values including three threatened flora, just under 6 ha of DVC threatened vegetation plus three wetland communities totalling 2.6 ha. Management of the POS will enhance the biodiversity values providing a very effective biodiversity offset.

(c) Any subdivision works or the future development upon the proposed lots is likely to only cause a minor impact on priority vegetation

Impacted priority vegetation is limited to 1.18ha of DVC, threatened vegetation community and possibly a small unconfirmed patch of ASF (0.12 ha). This scale of impact to is considered to be minor.

For an Impact to be deemed major it must fulfil the following:

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.

The proportionate loss of 1.18 ha of DVC (priority vegetation) is small relative to the offset which captures more than 5 x the impacted amount and ensures an improved management regime for the offset. This is not a significant impact.

In conclusion the proposed activity is considered to accord to a 'minor impact' to 'priority vegetation'.

E27.9 Subdivision standards

There is no Acceptable Solution for Minor Impacts A1.

The current proposal must therefore meet the "Performance Criteria" P1 for Minor Impact.

(a) Subdivision works, including accesses, fences and service locations are designed to minimise the clearance of native vegetation; and

Access from Lauderdale via Bayview Road cannot avoid impacting on vegetation entirely. The main residential area has been located on cleared land. The access road bypasses around the edge of the vegetated land and limits lots to one side to minimise the extent of clearance.

(b) Lots must be designed to contain a building envelope which reduces clearance of native vegetation to the minimum extent necessary to contain the anticipated use and any clearance required for bushfire management.

Dependent on BHM plan but opportunity with space for adequate setbacks to building envelopes on lots backing on to native vegetation.

(c) No burning, blasting or construction works involving excavators or multiple truck movements are to occur within 500 m (or 1 km if in line-of-sight) of an active raptor nest during the breeding season between July to January inclusive.

There are no raptor nests within 1km of the subject land

(d) Additional mitigation measures are proposed to ensure that the development will satisfactorily reduce all remaining impacts on priority vegetation.

The boundary of Public Open Space facing on to the new access road could be defined on site. Fencing of this boundary will reduce any risk of inadvertent damage, especially during the period of civil works. A construction and environmental management plan that prescribes strict controls on civil works would effectively mitigate any risk of inadvertent impacts.

(e) Conservation outcomes and long term security of any offset is consistent with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority 2013.

The offset will be incorporated into Reserve which is intended to become Public Open Space. A Reserve Management Plan can be prepared that articulates clear measures to manage and secure the land. The plan can be prepared in line with Clarence Councils Reserve Activity Plans format. Further consideration of the Tasmanian Councils Authority offset Guidelines are provided below.

Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority 2013

The offset guidelines referred to in 27.9 (e) include a set of principles which can be applied to the proposal. Each principle is considered below.

1. Offsets are the final component of a mitigation hierarchy

1.1 Offsets should only be pursued where all opportunities to avoid and minimise adverse effects on biodiversity values have been exhausted. This approach suggests that:

- ☐ Impacts should be avoided to obviate the need for an offset.
- ☐ The extent of impact should be limited to the maximum degree possible, thus reducing the scale of any offset.
- ☐ Opportunities for rectification and repair such as site rehabilitation following the impact should be investigated.
- ☐ Only offset the residual impact (provided that all other principle are met).

The most significant and best sustainable and ongoing area of priority vegetation has been allocated to POS. The area identified for residential development avoids impacting this to a reasonable extent. A Construction and Environmental Management Plan will provide opportunity to rectify any impacts such as rehabilitation of road cuttings.

1.2 The offsetting of impacts of Threatened Vegetation Communities as listed in Schedule 3A of the Nature Conservation Act 2002 (Tas) is to be avoided in preference to no-impact except:

- ☐ The planning authority is satisfied there are 'special circumstances';
- ☐ The patch of affected vegetation is of poor or very poor condition, that despite ecological restoration works unlikely to be viable in the long term; and
- ☐ The patch of vegetation is limited in extent in proportion to the total area remaining of that vegetation community on the site.

Special circumstances are only applied in CIPS for major impacts. We have determined this proposal to be a minor impact and so Special circumstances do not have to be met.

Most of the impacted vegetation is of poor or moderate condition. In contrast to most of the good and excellent condition vegetation is located within the offset.

2. Offsets must deliver a net benefit for biodiversity conservation

2.1 The impact must be properly estimated taking into account both direct and indirect impacts brought about by the action:

- ☐ Direct impact is the 'footprint of the development'.
- ☐ Indirect impact includes associated outcomes resulting from the action. For example subdivision in a residential area implies future housing development with changes to land management associated with permanent human occupancy.

This assessment has considered both direct and indirect impacts taking into account the footprint of the development, likely fire management requirements and consequence of the subdivision.

The bushland area is already being used by the public, not always appropriately. The outcome of this proposal will formalise and legalise appropriate public use, providing a social benefit. But it will also provide a means of eliminating misuse.

2.2 If the offset is unlikely to result in a net positive gain then the development application should not be approved.

The offset will result in net positive gain as the management of the offset area can be formalised ensuring degrading processes, eg weeds and illegal dumping of garden waste, can be controlled and informal public use is regulated.

2.3 Offsets should be consistent with the State principles and policies and should aim to contribute to comprehensive, adequate and representative (CAR) reserve system.

The purpose of CAR Reserve system aims to increase the extent and protection of under reserved vegetation communities. The offset has the potential to contribute protection of 6 ha of *E. viminalis* coastal forest which is currently underserved.

2.4 Use established standards (such as the Protected Areas on Private Land criteria) and reservation targets to identify where an offset can contribute to the (CAR) reserve system.

The proposed offset captures all native vegetation outside the impact area thus maximising the size of the offset and securing an area of vegetation that well exceeds the preferred minimum of 10ha that are applied under the PAPL criteria.

As a Council Reserve it can be recognised as part of the CAR Reserve system if it is secured under a covenant through the *Nature Conservation Act 2002*, which is the case for other reserves in Clarence such as Glebe Hill Bushland Reserve.

2.5 Offsets should be of a size to ensure that they are ecologically viable and can be managed effectively in the long term.

Land to be protected through covenants is assessed by the Protected Areas on Private Land Advisory Committee. As a general rule covenants for protection of forest communities are a minimum of 10ha. The proposed reserve extends over more than 35 ha of which more than 20 ha is forest and 10 ha is native non forest vegetation. .

2.6 To deliver a net benefit, a direct offset should exceed the impact in value of environmental service as a minimum. As a guide the offset ratio should aim for the conservation of an area:

- ☐ 1:1 of similar value for non-threatened vegetation communities;
- ☐ 3:1 to 5: 1 for threatened vegetation communities; or
- ☐ or other ecological values determined to be of significant by the planning authority within the planning area (such as threatened species habitat).

The offset area is secures an offset of more than more than 5: 1 of threatened forest vegetation, more than 3:1 for impact to non-threatened forest vegetation and virtually 100% of non-forest vegetation.

2.7 The management of the offset is as important as the security of the offset:

- ☐ Offsets should include costed management actions which are compared with the equivalent management costs of the impacted area.
- ☐ Offset should include financial contribution or commitment to management costs for a minimum of 5 years.

The proposed offset will include a Reserve Activity Plan in line with those developed for other bushland reserves in Clarence. This format includes costed actions. The specifics of the funding will be determined in the Council permit.

2.8 Where the planning authority believes a proposed offset has a high risk of failing to return a 'net benefit' over time due to such things as the effort and cost involved in managing the offset, consideration should be given to:

- ☐ Not allowing the use or development to proceed; or
- ☐ Incorporating multipliers that reduce the risk such as higher offset ratios that provide some redundancy or additional direct actions that are complementary to indirect offset.

There is no reason to think the offset has a high risk of failing to return a net benefit.

2.9 Offsets that are largely reliant upon the future success of actions may include:

- ☐ Replacement of loss through additional planting and revegetation works.
- ☐ Restoration of existing secured area that requires management actions.
- ☐ Fencing of degraded areas to improve habitat condition.

The viability of the offset is not reliant on any specific management actions. Fencing works and other restoration opportunities can be included in the commitments in the Reserve Activity Plan.

2.10 An offset should include a suite of actions designed to minimise risk and create a net benefit for biodiversity conservation. These actions may be direct or indirect and include a combination of some or all of the following: protection *in situ*, protection offsite, restoration, rehabilitation, research, monitoring and financial contributions. When taken as a whole, the benefit of the offset actions must be greater than the scope of the adverse impacts on biodiversity value.

The offset provides the most preferred mechanism of *protection in situ* supplemented with weed management and control of degrading activities (rubbish dumping etc). An outcome of the proposal will be increased surveillance that will reduce the likelihood of degrading activities such as illegal public activities.

2.11 The condition of the biodiversity value(s) potentially impacted and the condition of any biodiversity value(s) proposed to be protected or enhanced must be considered and compared when determining whether a proposed offset will achieve a net benefit.

The condition of the offset vegetation is in much better condition than the impacted vegetation. The offset clearly achieves a net benefit.

2.12 The existing vulnerability of any biodiversity value(s) proposed to be protected or enhanced must be considered when determining whether a proposed offset will achieve a net benefit.

A mechanism that protects and prescribes appropriate management of the offset will ensure net positive conservation outcome in the long term. The provision of signs demarking the change of tenure along with anticipated publicity will promote this awareness to the general public to cease misuse.

3. Offsets must aim to be permanent

3.1 All proposed offset measures must be included as a condition on the permit authorising the use or development causing the impact. The condition should:

- ☐ Identify the location of the offset by title reference.
- ☐ Identify what and how values are to be conserved.
- ☐ Identify the means to secure that offset.

The identity, location, values and means of security can be easily defined in the planning permit.

3.2 Legally enforceable mechanisms to secure, monitor and enforce any offset must be provided. Preferred mechanism in descending order:

- ☐ Covenant under *Nature Conservation Act 2002*—subject to acceptance from State Government, and where the offset is greater than 10ha in area.
- ☐ Conservation Agreement under *Environment Protection and Biodiversity Conservation Act 1999*.
- ☐ Part 5 Agreement under *Land Use Planning and Approvals Act 1993* (where a Part 5 Agreement is used, it must be recorded on the title of the offset site).
- ☐ Condition of approval on the planning permit.
- ☐ Covenant between Council and the title holder.
- ☐ Term Management Agreement under *Nature Conservation Act 2002*.

The incorporation of the land into Public Open Space will mean its transfer to Council ownership will provide confidence in the likely outcome of the land being managed in accordance with the principles of management of other bushland reserves in Clarence. Most of the mechanisms in the list above pertain to private land offsets.

3.3 Management of the offset is usually necessary to ensure it delivers a permanent conservation outcome;

- ☐ Implementation of offset should be audited by the applicant/developer and reported to those party to the offset agreement.
- ☐ Management of the offset should be subject to reporting after Year 1, 2, 5 and 10.
- ☐ Management of the offset should be available to the broader community where the land is provided for public use.

Generally, responsibility for management of the offset falls to the landowner. With handover to Council this level of reporting falls with Council. The Reserve Activity Plans are updated every 5 years.

3.4 Implementation and management of the offset over time must be demonstrated. This may require funding and contractual agreements to be in place prior to the approval.

The offset will be under Council ownership ensuring high level of confidence in appropriate management of the offset. Implementation of the offset can be ensured through a condition of permit. Any funding arrangements can be made part of the approval.

3.5 Consideration should be given to the transfer of the offset site to the Council or other public authority, where significant management measures are not required or where funding is available to the public authority to cover the cost of the required management action. Examples include:

- ☐ Acquisition of the offset site as a public open space contribution for subdivision approved under the *Local Government (Building and Miscellaneous Provisions) Act 1993*
- ☐ Incorporation of the offset site into an existing Council or State reserve or other component of an existing open space network, provided that public use of the land will not jeopardise the biodiversity value(s) intended to be protected.

The proposed outcome for the offset accords to the first dot point as it is intended for it to become Public open Space.

4. Offsets must aim to be 'like for like'

4.1 Offsets should generally be for the same species, habitat or vegetation community that is being impacted.

The vegetation impacted and being used for the offset are the same – DAC and DVC.

4.2 The Vegetation Condition Assessment Method is to be used as a basis for categorising and comparing the condition of vegetation communities.

Detailed condition assessment has not been undertaken although some qualitative commentary on condition has been made.

4.3 Offsets that are not 'like for like' are only appropriate where:

- ☐ No suitable offset that provides 'like for like' is available or appropriate;
- ☐ An offset will provide a net benefit for a biodiversity value of equal or greater ecological significance in the bioregion; and
- ☐ It is in accordance with a Council endorsed biodiversity conservation strategy for the planning area

The offset is like for like.

4.4 Offsets are designed to assist in the conservation of biodiversity values. However, where consistent with this principle, consideration can be given to offsets that also conserve other 'social values' that may be impacted upon such as:

- ☐ Offsets that also conserve important skyline or hill face areas
- ☐ Offsets that conserve biodiversity values in the same neighbourhood, suburb or catchment as that within which the impact is proposed
- ☐ Offsets that provide some recreational or other open space value to the local community.

This offset will provide recreational value through formalising a network of recreational trails. These will provide new links through to the Tangara Trail

4.5 Offsets that are not like for like should be subject to third party validation, by the State or other peer review body, to ensure their appropriateness.

Not applicable

5. Indirect offsets (financial contributions) are acceptable in limited circumstances where direct offsets are unachievable

Not applicable

6. Retention of native vegetation onsite is preferred.

6.1 Preference should be given to offsets that secure the formal protection and management of conservation values on the same property that is subject to the impact, except where a greater biodiversity benefit can be gained through an offsite offset.

The offset secures the formal protection and management of conservation values on the same property that is subject to the impact.

6.2 In circumstances where there is a limited opportunity for an adequate offset to be implemented onsite, then off-site offsetting should be pursued.

Not applicable

6.3 Where offsite offsetting is pursued, preference is given to:

☐ Offsets that are contiguous with, or near to, other reserved or managed habitat; or

☐ Offset in the same neighbourhood, suburb or catchment as the impact.

Not applicable.

6.4 Unless the offset forms part of a package developed at the State or Federal level, the offset must be within the planning area of the relevant planning authority.

The offset falls within Clarence Council.

6.5 The location of an offset, being either onsite or offsite, is a balance between implementation and management of the offset, and the best location where conservation gains can be made within the planning area.

The chosen location for the offset provides a good opportunity to consolidate existing conservation area boundaries and is the best location for an offset on site.

7. Offsets are formulated and approved in the context of the established planning system.

7.1 Recognise where native vegetation clearance is regulated by other 'authorities':

☐ Ensure planning schemes avoid unnecessary duplication of assessment; and

☐ Where there are dual assessment responsibilities between a local planning authority and other authority, avoid duplication in the development of offset packages.

The offset will form part of the development application thus complying with this principle. NO additional state or commonwealth permits (eg TSPA or EPBCA) will be required..

7.2 Provided a planning scheme controls native vegetation clearance, planning authorities should regulate non-threatened native vegetation clearance based on local biodiversity values.

The vegetation includes non threatened and the regulation and offsetting of the clearance forms part of the process.

7.3 Local planning authorities may set thresholds for loss of non-threatened native vegetation (where is does not contain habitat for threatened species) in some areas, or for some communities, below which approval may either not be required or may be 'permitted'.

☐☐ Offset packages should not be developed for impacts that are below these thresholds. In other words use or development subject to offset packages, are identified as 'discretionary' applications.

Not applicable as the vegetation includes threatened vegetation.

7.4 For threatened species and significant habitat for threatened species:

☐☐ Impacts to State and Commonwealth threatened species and habitat are best addressed by the appropriate regulating authority. The proponent should inform the planning authority of the advice/determination made by the relevant authority to help inform appropriate planning decisions. The mechanisms for approval and offsetting in these instances are addressed outside of the *Land Use Planning and Approvals Act 1993*.

☐☐ Recognise however the *Threatened Species Protection Act 1995* is limited to regulating direct impacts and cannot regulate impacts to habitat.

No impact to threatened species.

7.5 All proposed offsets must form part of the development application resulting in the adverse impact.

The offset will form part of the application.

7.6 All consents required to facilitate a proposed offset should be obtained prior to the approval of the development application.

The offset requires consent of the future landowner of the offset, which in this case is Clarence Council. It is understood that Council are supportive of the process.

7.7 Where an off-site offset is proposed, the development application must be treated (and advertised) as relating to both the site of the use or development and the offset site.

The offset is NOT offsite. As the offset is part of the application it will form part of the advertised application

In conclusion, it is considered that the proposed development meets the performance criteria of the E27 Natural Assets Code in relation to minor impacts to priority biodiversity values.

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APPENDIX A: Plant species recorded in the study area

Status codes:

ORIGIN

i - introduced
d - declared weed WM Act
en - endemic to Tasmania
t - within Australia, occurs only in Tas.

NATIONAL SCHEDULE

EPBC Act 1999
CR - critically endangered
EN - endangered
VU - vulnerable

STATE SCHEDULE

TSP Act 1995
e - endangered
v - vulnerable
r - rare

Sites:

1	DAC - Eucalyptus amygdalina coastal forest - E541010, N5247670	29/11/2019	Andrew J. North
2	FRG - Regenerating cleared land - E540800, N5247750	29/11/2019	Andrew J. North
3	AHL - Lacustrine wetland - E540670, N5247700	29/11/2019	Andrew J. North
4	ASF - Freshwater aquatic sedgeland and rushland - E540650, N5247750	29/11/2019	Andrew J. North
5	ASS - succulent saltmarsh - E540460, N5247540	29/11/2019	Andrew J. North
6	GHC - Coastal grass - E540450, N5247400	29/11/2019	Andrew J. North
7	DVC - E. viminalis coastal forest - E540740, N5247880	29/11/2019	Andrew J. North
8	DVC - E. viminalis coastal forest - E541500, N5247950	29/11/2019	Andrew J. North
9	DAC - additional species - E, N	29/11/2019	Andrew J. North

Site	Name	Common name	Status
DICOTYLEDONAE			
AIZOACEAE			
3 8	<i>Carpobrotus rossii</i>	native pigface	
3 5	<i>Disphyma crassifolium</i> subsp. <i>clavellatum</i>	roundleaf pigface	
9	<i>Tetragonia implexicoma</i>	bower spinach	
APIACEAE			
3	<i>Eryngium vesiculosum</i>	prickfoot	
3	<i>Lilaeopsis polyantha</i>	jointed swampstalks	
ASTERACEAE			
8	<i>Brachyscome aculeata</i>	hill daisy	
9	<i>Brachyscome spathulata</i>	spoonleaf daisy	
2	<i>Carduus pycnocephalus</i>	slender thistle	d
8	<i>Cassinia aculeata</i> subsp. <i>aculeata</i>	dollybush	
2	<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	d
2	<i>Cirsium vulgare</i>	spear thistle	i
9	<i>Coronidium scorpioides</i>	curling everlasting	
3	<i>Cotula coronopifolia</i>	water buttons	i
2	<i>Leontodon saxatilis</i>	hairy hawkbit	i
2 3	<i>Vellereophyton dealbatum</i>	white cudweed	i
BORAGINACEAE			
9	<i>Cynoglossum australe</i>	coast houndstongue	
CAMPANULACEAE			
3	<i>Lobelia anceps</i>	angled lobelia	
8	<i>Wahlenbergia</i> sp.	bluebell	
CASUARINACEAE			
1 8	<i>Allocasuarina littoralis</i>	black sheoak	
1	<i>Allocasuarina monilifera</i>	necklace sheoak	en
CHENOPODIACEAE			
3	<i>Atriplex prostrata</i>	creeping orache	i
2 7	<i>Rhagodia candolleana</i> subsp.	coastal saltbush	
5	<i>Sarcocornia blackiana</i>	thickhead glasswort	
CONVOLVULACEAE			
9	<i>Dichondra repens</i>	kidneyweed	
5	<i>Wilsonia backhousei</i>	narrowleaf wilsonia	
DILLENIACEAE			
1 7 8	<i>Hibbertia acicularis</i>	prickly guineaflower	
1	<i>Hibbertia procumbens</i>	spreading guineaflower	

1 7 8	<i>Hibbertia prostrata</i>	prostrate guineaflower	
	DIPSACACEAE		
2	<i>Dipsacus fullonum</i>	wild teasel	i
	DROSERACEAE		
2	<i>Drosera pygmaea</i>	dwarf sundew	
	ERICACEAE		
1 7 8	<i>Astroloma humifusum</i>	native cranberry	
1	<i>Brachyloma ciliatum</i>	fringed heath	
1	<i>Epacris impressa</i>	common heath	
1	<i>Epacris lanuginosa</i>	swamp heath	
2	<i>Erica lusitanica</i>	spanish heath	d
1	<i>Leucopogon ericoides</i>	pink beardheath	
1 8	<i>Leucopogon virgatus</i>	common beard-heath	
	EUPHORBIACEAE		
1 7	<i>Amperea xiphoclada</i> var. <i>xiphoclada</i>	broom spurge	
	FABACEAE		
1 7	<i>Acacia dealbata</i> subsp. <i>dealbata</i>	silver wattle	
1 8	<i>Acacia genistifolia</i>	spreading wattle	
9	<i>Acacia howittii</i>	howitt's wattle	i
1 8	<i>Acacia mearnsii</i>	black wattle	
2 7	<i>Acacia melanoxylon</i>	blackwood	
2	<i>Acacia provincialis</i>	wattle	i
1	<i>Acacia suaveolens</i>	sweet wattle	
9	<i>Acacia ulicifolia</i>	juniper wattle	r
1 7 8	<i>Aotus ericoides</i>	golden pea	
1 7 8	<i>Bossiaea cinerea</i>	showy bossiaea	
1	<i>Dillwynia glaberrima</i>	smooth parrotpea	
2	<i>Genista monspessulana</i>	canary broom	d
9	<i>Gompholobium huegelii</i>	common wedgepea	
7	<i>Indigofera australis</i> subsp. <i>australis</i>	native indigo	
8	<i>Kennedia prostrata</i>	running postman	
2	<i>Medicago lupulina</i>	black medick	i
2	<i>Psoralea arborea</i>	blue butterfly bush	i
	GENTIANACEAE		
3	<i>Centaurium tenuiflorum</i>	slender centaury	i
	GOODENIACEAE		
3	<i>Scaevola hookeri</i>	creeping fanflower	
3	<i>Selliera radicans</i>	shiny swampmat	
	HALORAGACEAE		
2	<i>Gonocarpus micranthus</i> subsp.	creeping raspwort	
4	<i>Myriophyllum salsugineum</i>	lake watermilfoil	
	HEMEROCALLIDACEAE		
8	<i>Dianella revoluta</i>	spreading flaxlily	
2	<i>Thelionema caespitosum</i>	tufted lily	
	LAURACEAE		
1	<i>Cassytha glabella</i>	slender dodderlaurel	
2 9	<i>Cassytha pedicellosa</i>	stalked dodderlaurel	en
1	<i>Cassytha pubescens</i>	downy dodderlaurel	
	LYTHRACEAE		
2 3	<i>Lythrum hyssopifolia</i>	small loosestrife	
	MENYANTHACEAE		
3	<i>Ornduffia reniformis</i>	running marsh flower	
	MYRTACEAE		
1 8	<i>Eucalyptus amygdalina</i>	black peppermint	en
1 7 8	<i>Eucalyptus viminalis</i> subsp. <i>viminalis</i>	white gum	
1	<i>Euryomyrtus ramosissima</i>	heath-myrtle	

1	<i>Leptospermum glaucescens</i>	smoky teatree	en
9	<i>Leptospermum laevigatum</i>	coast teatree	
1 7	<i>Leptospermum scoparium</i>	common tea-tree	
	OXALIDACEAE		
2	<i>Oxalis sp.</i>	woodsorrel	
	PHRYMACEAE		
3	<i>Thyridia repens</i>	creeping monkeyflower	
	PITTOSPORACEAE		
7 8	<i>Billardiera heterophylla</i>	bluebell creeper	i
7 8	<i>Bursaria spinosa subsp. spinosa</i>	prickly box	
	PLANTAGINACEAE		
2 3 6	<i>Plantago coronopus</i>	buckshorn plantain	i
9	<i>Veronica calycina</i>	hairy speedwell	
3	<i>Veronica gracilis</i>	slender speedwell	
	PRIMULACEAE		
3	<i>Samolus repens var. repens</i>	creeping brookweed	
	PROTEACEAE		
1 7	<i>Banksia marginata</i>	silver banksia	
	RANUNCULACEAE		
4	<i>Ranunculus trichophyllus</i>	water fennel	
	RESEDACEAE		
7	<i>Reseda lutea</i>	cutleaf mignonette	i
	ROSACEAE		
8	<i>Acaena echinata</i>	spiny sheeps burr	
2	<i>Acaena novae-zelandiae</i>	common buzzy	
2	<i>Cotoneaster pannosus</i>	velvet cotoneaster	i
9	<i>Rubus fruticosus</i>	blackberry	d
	RUBIACEAE		
2	<i>Galium aparine</i>	cleavers	i
	SANTALACEAE		
7	<i>Exocarpos cupressiformis</i>	common native-cherry	
	SAPINDACEAE		
8	<i>Dodonaea viscosa subsp. spatulata</i>	broadleaf hopbush	
	SOLANACEAE		
9	<i>Lycium ferocissimum</i>	african boxthorn	d
2	<i>Solanum vescum</i>	gunyang	
	THYMELAEACEAE		
8	<i>Pimelea humilis</i>	dwarf riceflower	
1	<i>Pimelea linifolia</i>	slender riceflower	
	TREMANDRACEAE		
1	<i>Tetradlea labillardierei</i>	glandular pinkbells	
	MONOCOTYLEDONAE		
	ASPARAGACEAE		
1 7 8	<i>Lomandra longifolia</i>	sagg	
	ASPHODELACEAE		
8	<i>Bulbine glauca</i>	bluish bulbine-lily	
	CENTROLEPIDACEAE		
2	<i>Centrolepis strigosa</i>	hairy centrolepis, bristlewort	
	CYPERACEAE		
3	<i>Bolboschoenus caldwellii</i>	sea clubsedge	r

3 4	<i>Eleocharis acuta</i>	common spikesedge	
2 6 8	<i>Ficinia nodosa</i>	knobby clubsedge	
2 3	<i>Isolepis cernua</i>	nodding clubsedge	
2 3	<i>Isolepis levynsiana</i>	fan clubsedge	?i
1 7 8	<i>Lepidosperma concavum</i>	sand swordedge	
1	<i>Lepidosperma longitudinale</i>	spreading swordedge	
3	<i>Schoenoplectus pungens</i>	sharp clubsedge	
2	<i>Schoenus apogon</i>	common bogsedge	
2	<i>Schoenus lepidosperma subsp. lepidosperma</i>	slender bogsedge	
3	<i>Schoenus nitens</i>	shiny bogsedge	
IRIDACEAE			
1	<i>Patersonia fragilis</i>	short purpleflag	
2	<i>Sisyrinchium iridifolium</i>	blue pigroot	i
JUNCACEAE			
2	<i>Juncus amabilis</i>	gentle rush	r
3	<i>Juncus articulatus</i>	jointed rush	i
3	<i>Juncus kraussii subsp. australiensis</i>	sea rush	
2	<i>Juncus pallidus</i>	pale rush	
2	<i>Juncus planifolius</i>	broadleaf rush	
9	<i>Luzula densiflora</i>	dense woodrush	
LAXMANNIACEAE			
8	<i>Arthropodium milleflorum</i>	pale vanilla-lily	
ORCHIDACEAE			
8	<i>Diuris sulphurea</i>	tiger orchid	
2	<i>Microtis parviflora</i>	slender onion-orchid	
8	<i>Thelymitra sp.</i>	sun-orchid	
POACEAE			
8	<i>Aira caryophyllea</i>	silvery hairgrass	i
7 8	<i>Austrostipa mollis</i>	soft speargrass	
7	<i>Austrostipa rudis subsp. australis</i>	southern speargrass	
1	<i>Austrostipa sp.</i>	speargrass	
8	<i>Austrostipa stiposa</i>	corkscrew speargrass	
2	<i>Bromus hordeaceus</i>	soft brome	i
3	<i>Cynosurus echinatus</i>	rough dogstail	i
6 8	<i>Dactylis glomerata</i>	cocksfoot	i
1	<i>Deyeuxia quadriseta</i>	reed bentgrass	
3	<i>Hemarthria uncinata</i>	hooked matgrass	
2	<i>Holcus lanatus</i>	yorkshire fog	i
3 5	<i>Lachnagrostis filiformis</i>	common blowngrass	
8	<i>Microlaena stipoides</i>	weeping grass	
9	<i>Nassella trichotoma</i>	serrated tussock	d
2	<i>Paspalum dilatatum</i>	paspalum	i
2	<i>Phalaris aquatica</i>	toowoomba canarygrass	i
7	<i>Poa labillardierei</i>	silver tussockgrass	
3 6	<i>Poa poiformis</i>	coastal tussockgrass	
1	<i>Poa rodwayi</i>	velvet tussockgrass	
8	<i>Poa sieberiana</i>	grey tussockgrass	
6 8	<i>Rytidosperma geniculatum</i>	knead wallabygrass	
9	<i>Rytidosperma setaceum</i>	bristly wallabygrass	
8	<i>Tetrarrhena distichophylla</i>	hairy ricegrass	
8 9	<i>Themeda triandra</i>	kangaroo grass	
POTAMOGETONACEAE			
4	<i>Potamogeton ochreatus</i>	blunt pondweed	
4	<i>Stuckenia pectinata</i>	fennel pondweed	r
RESTIONACEAE			
1	<i>Leptocarpus tenax</i>	slender twinerush	
TYPHACEAE			
4	<i>Typha sp.</i>		

	PTERIDOPHYTA	
	DENNSTAEDTIACEAE	
1 7 8	<i>Pteridium esculentum subsp. esculentum</i>	bracken
	SELAGINELLACEAE	
2	<i>Selaginella uliginosa</i>	swamp spikemoss

APPENDIX B: SITE SURVEYS

Site: 1 DAC - Eucalyptus amygdalina coastal forest

Grid Reference: 541010E, 5247670N
Accuracy: within 100 metres
Recorder: Andrew J. North
Date of Survey: 29 Nov 2019

Trees: *Eucalyptus amygdalina*, *Eucalyptus viminalis* subsp. *viminalis*
Tall Shrubs: *Acacia dealbata* subsp. *dealbata*, *Acacia mearnsii*, *Allocasuarina littoralis*, *Allocasuarina monilifera*, *Banksia marginata*, *Leptospermum glaucescens*, *Leptospermum scoparium*
Shrubs: *Acacia genistifolia*, *Acacia suaveolens*, *Amperea xiphoclada* var. *xiphoclada*, *Bossiaea cinerea*, *Dillwynia glaberrima*, *Epacris impressa*, *Epacris lanuginosa*, *Euryomyrtus ramosissima*, *Leucopogon ericoides*, *Pimelea linifolia*
Low Shrubs: *Aotus ericoides*, *Astroloma humifusum*, *Brachyloma ciliatum*, *Hibbertia acicularis*, *Hibbertia procumbens*, *Hibbertia prostrata*, *Leucopogon virgatus*, *Tetratheca labillardierei*
Graminoids: *Lepidosperma concavum*, *Lepidosperma longitudinale*, *Leptocarpus tenax*, *Lomandra longifolia*, *Patersonia fragilis*
Grasses: *Austrostipa* sp., *Deyeuxia quadriseta*, *Poa rodwayi*
Ferns: *Pteridium esculentum* subsp. *esculentum*
Climbers: *Cassytha glabella*, *Cassytha pubescens*

Site: 3 AHL - Lacustrine wetland

Grid Reference: 540670E, 5247700N
Accuracy: within 50 metres
Recorder: Andrew J. North
Date of Survey: 29 Nov 2019

Herbs: *Carpobrotus rossii*, *Disphyma crassifolium* subsp. *clavellatum*, *Eryngium vesiculosum*, *Lilaeopsis polyantha*, *Lobelia anceps*, *Lythrum hyssopifolia*, *Ornduffia reniformis*, *Samolus repens* var. *repens*, *Scaevola hookeri*, *Selliera radicans*, *Thyridia repens*, *Veronica gracilis*
Graminoids: *Bolboschoenus caldwellii*, *Eleocharis acuta*, *Isolepis cernua*, *Juncus kraussii* subsp. *australiensis*, *Schoenoplectus pungens*, *Schoenus nitens*
Grasses: *Hemarthria uncinata*, *Lachnagrostis filiformis*, *Poa poiformis*
Weeds: *Atriplex prostrata*, *Centaurium tenuiflorum*, *Cotula coronopifolia*, *Cynosurus echinatus*, *Isolepis levynsiana*, *Juncus articulatus*, *Plantago coronopus*, *Vellereophyton dealbatum*

Site: 4 ASF - Freshwater aquatic sedgeland and rushland

Grid Reference: 540650E, 5247750N
Accuracy: GPS (within 10 metres)
Recorder: Andrew J. North
Date of Survey: 29 Nov 2019

Herbs: *Myriophyllum salsugineum*, *Potamogeton ochreatus*, *Ranunculus trichophyllus*, *Stuckenia pectinata*
Graminoids: *Eleocharis acuta*, *Typha* sp.

Site: 5 ASS - succulent saltmarsh

Grid Reference: 540460E, 5247540N
Accuracy: within 50 metres
Recorder: Andrew J. North
Date of Survey: 29 Nov 2019

Shrubs: *Sarcocornia blackiana*, *Wilsonia backhousei*
Herbs: *Disphyma crassifolium* subsp. *clavellatum*
Grasses: *Lachnagrostis filiformis*

Site: 6 GHC - Coastal grass

Grid Reference: 540450E, 5247400N
Accuracy: within 50 metres
Recorder: Andrew J. North
Date of Survey: 29 Nov 2019

Graminoids: *Ficinia nodosa*
Grasses: *Poa poiformis*, *Rytidosperma geniculatum*
Weeds: *Dactylis glomerata*, *Plantago coronopus*

Site: 7 DVC - E. viminalis coastal forest - northwestern patch POS

Grid Reference: 540740E, 5247880N
Accuracy: within 100 metres
Recorder: Andrew J. North
Date of Survey: 29 Nov 2019

Trees: *Acacia melanoxylon*, *Eucalyptus viminalis* subsp. *viminalis*
Tall Shrubs: *Acacia dealbata* subsp. *dealbata*, *Banksia marginata*, *Bursaria spinosa* subsp. *spinosa*, *Exocarpos cupressiformis*, *Leptospermum scoparium*
Shrubs: *Amperea xiphoclada* var. *xiphoclada*, *Bossiaea cinerea*, *Rhagodia candolleana* subsp. *candolleana*
Low Shrubs: *Aotus ericoides*, *Astroloma humifusum*, *Hibbertia acicularis*, *Hibbertia prostrata*, *Indigofera australis* subsp. *australis*
Graminoids: *Lepidosperma concavum*, *Lomandra longifolia*
Grasses: *Austrostipa mollis*, *Austrostipa rudis* subsp. *australis*, *Poa labillardierei*
Ferns: *Pteridium esculentum* subsp. *esculentum*
Weeds: *Billardiera heterophylla*, *Reseda lutea*

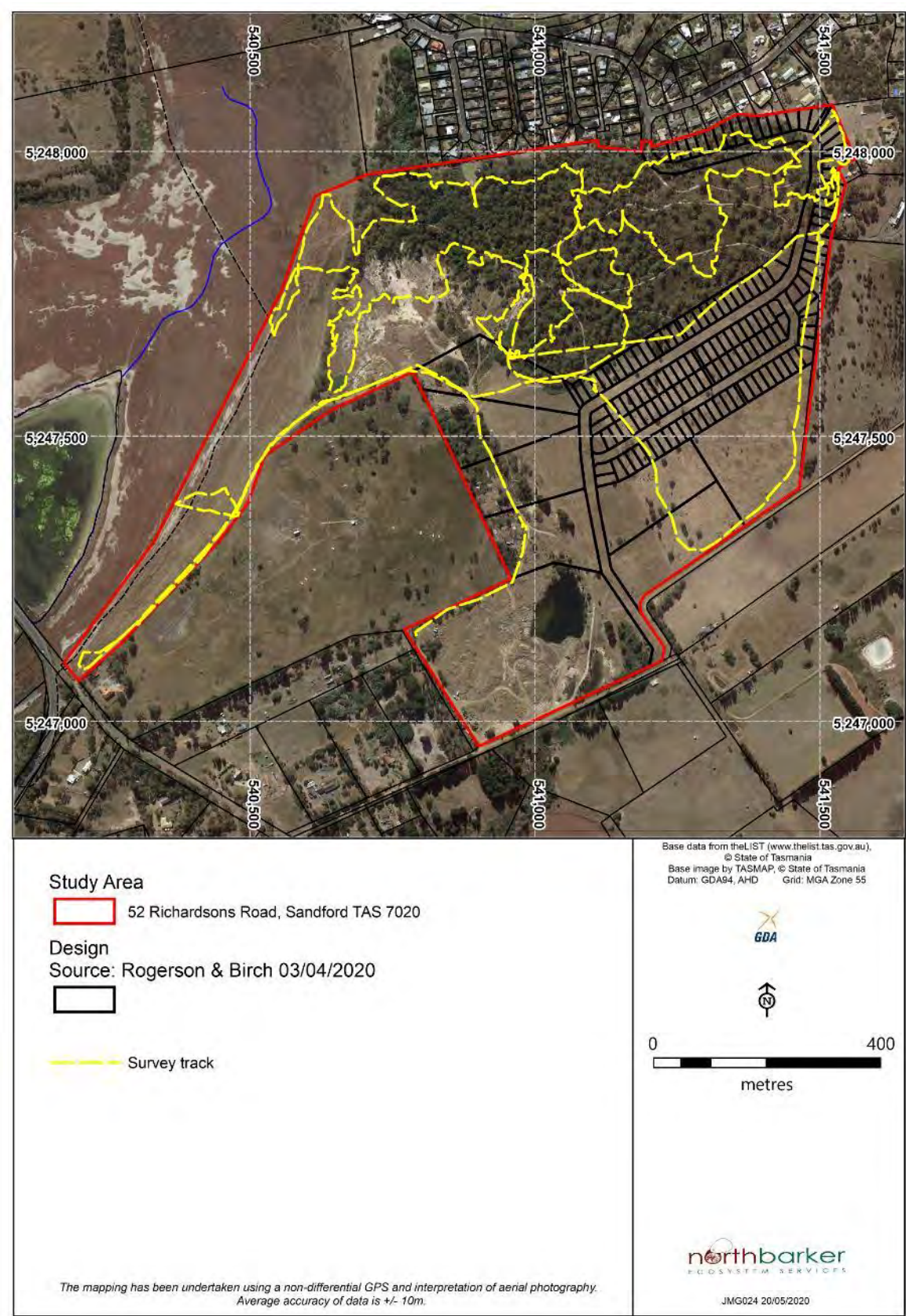
Site: 8 DVC - E. viminalis coastal forest – eastern upper slope in subdivision

Grid Reference: 541500E, 5247950N
Accuracy: within 50 metres
Recorder: Andrew J. North
Date of Survey: 29 Nov 2019

Trees: *Eucalyptus amygdalina*, *Eucalyptus viminalis* subsp. *viminalis*
Tall Shrubs: *Acacia mearnsii*, *Allocasuarina littoralis*, *Bursaria spinosa* subsp. *spinosa*, *Dodonaea viscosa* subsp. *spatulata*
Shrubs: *Acacia genistifolia*, *Bossiaea cinerea*, *Cassinia aculeata* subsp. *aculeata*
Low Shrubs: *Aotus ericoides*, *Astroloma humifusum*, *Hibbertia acicularis*, *Hibbertia prostrata*, *Leucopogon virgatus*, *Pimelea humilis*
Herbs: *Acaena echinata*, *Arthropodium milleflorum*, *Brachyscome aculeata*, *Bulbine glauca*, *Carpobrotus rossii*, *Dianella revoluta*, *Diuris sulphurea*, *Kennedia prostrata*, *Thelymitra* sp., *Wahlenbergia* sp.
Graminoids: *Ficinia nodosa*, *Lepidosperma concavum*, *Lomandra longifolia*
Grasses: *Austrostipa mollis*, *Austrostipa stupos*a, *Microlaena stipoides*, *Poa sieberiana*, *Rytidosperma geniculatum*, *Tetrarrhena distichophylla*, *Themeda triandra*
Ferns: *Pteridium esculentum* subsp. *esculentum*
Weeds: *Aira caryophyllea*, *Billardiera heterophylla*, *Dactylis glomerata*

APPENDIX C: SURVEY COVERAGE

Yellow line is GPS track log



11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 LAUDERDALE CANAL PARK DRAFT MASTER PLAN – COMMUNITY CONSULTATION**

(ECM 4517140)

EXECUTIVE SUMMARY**PURPOSE**

To seek approval to consult on the draft Master Plan for a new district level park at Lauderdale Canal, Lauderdale.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016 - 2026 is relevant. Council's Community Engagement Policy 2020 is also relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

No formal consultation has been undertaken to date. Local and city-wide consultation is recommended to determine the views of the community in relation to the draft Master Plan for Lauderdale Canal Park, Lauderdale.

FINANCIAL IMPLICATIONS

Council allocated funding for the development of the South East Regional Park in the 2019/2020 budget and these funds have been used to develop the draft Master Plan for the Lauderdale Canal Park. There are remaining funds within this project to undertake the community consultation program for the draft Lauderdale Canal Park Master Plan.

RECOMMENDATION:

That Council:

- A. Approves the draft Master Plan for Lauderdale Canal Park to be used for city-wide community consultation; and
- B. Authorises the General Manager to co-ordinate the city-wide community consultation to obtain feedback on the draft Master Plan for Lauderdale Canal Park and to report the consultation outcomes to a future workshop.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** A Notice of Motion was presented by Alderman James at the Council meeting held 3 December 2018 for Council officers to investigate and report back on the establishment of a Regional Park in the south eastern region of the City.

The Motion was:

“A. That Council seek an officer’s report and estimate of costs for the establishment of a Regional Park in the south eastern region of the city.

The report to include the following:

- 1. Availability of Council land south of Rokeby and include areas of Lauderdale, Cremorne and Sandford, and*
- 2. South East Regional Park be commensurate with size, scale and scope of other Regional Parks already established in the City at Simmons Park and Bellerive Beach.*

B. The officer’s report and recommendations on the benefits or otherwise of a Regional Park in the SE region of the City be available for consideration in the first round of the 2019/20 budget workshops set down for March 2019.”

- 1.2.** At the Council Workshop held on 13 May 2019 Aldermen considered four options for a South East Regional Park.
- 1.3.** A Workshop Briefing was sent to Aldermen dated 23 August 2019 which provided further analysis of potential sites for a South East Regional Park.
- 1.4.** At the Council Workshop held on 26 August 2019 Aldermen considered more detailed analysis of three sites, Lauderdale Canal, former Lauderdale Tip and Neilson Park, Rokeby for a South East Regional Park. Council did not support any of the 3 options and directed Council staff to:
 - Develop concept plans for Lauderdale Canal for a high-quality District Park.
 - Identify foreshore land opportunities in the Rokeby area for a future South East Regional Park.
- 1.5.** In May 2020, council engaged Inspiring Place to develop the draft Lauderdale Canal Park Master Plan.

1.6. The draft Lauderdale Canal Park Master Plan was presented to Aldermen at the Council Workshop held on 30 November 2020. Aldermen raised several matters for discussion including:

- Protection of assets from sea level rise.
- Any potential for improving the flow of canal water from Ralphs Bay.
- Ensure BBQ's are above high tide and take into account sea level rise.
- Accessible playground.
- Shared paths being safe for walkers and not used as a 'racetrack'.

2. REPORT IN DETAIL

2.1. Main design elements of the proposed draft Master Plan are as shown in **Attachment 1:**

- District Park level park and play facilities;
- Inclusive, diverse play spaces;
- Picnic and community facilities;
- Wheel sports (skate, scoot, bike);
- Passive park and water recreation;
- Inclusive design across entire park;
- Protection and revegetation of the unique canal environment;
- Maximisation of the waterside location and provision of physical and visual access to the canal;
- Improved pedestrian access and circulation;
- Improved parking provision and road edges; and
- Stronger pedestrian and cycle links to the neighbouring beach, former tip site, shops, etc.

2.2. Estimate for implementation of the draft Master Plan:

- Construction works \$2,500,000
- Professional services (design) \$200,000
- Total \$2,700,000

2.3. It is proposed to consult city-wide to obtain feedback on the elements of draft Lauderdale Canal Park Master Plan.

2.4. The consultation will be in accordance with the Community Engagement Policy 2020 and will use council’s “Have Your Say”, advertising, social media platforms, face to face meetings and letters to the Lauderdale community.

2.5. The program for public consultation and development of final Lauderdale Canal Park Master Plan is as follows:

- City-wide public consultation February-March 2021
- Consultation outcomes to inform design March-April 2021
- Council review and adoption May-June 2021

3. CONSULTATION

3.1. Community Consultation

To date, no formal community consultation has been undertaken for the draft Master Plan.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Internal discussions with relevant staff have been undertaken to inform the draft Master Plan design. Issues discussed include traffic, parking, stormwater infrastructure, bus transport, tracks and trails, public art, dog management, sea level rise and natural areas. Discussions with internal staff will continue throughout the design development of the project.

In September 2020, council staff informally met with two community members as representatives of the local Coast Care and Scouts groups. They provided feedback on existing site use and issues and offered preliminary suggestions for consideration in the draft Master Plan.

3.4 Further Community Consultation

Community consultation will be undertaken in accordance with the proposed consultation plan outlined below and consistent with council's Community Engagement Policy 2020.

Consultation Plan

- **Consultation Aim**

To engage city-wide and with the immediate Lauderdale community to exchange views, ideas and information on the elements of the draft Lauderdale Canal Park Master Plan.

- **Community Engagement Tools**

In accordance with Clause 8 of the Community Engagement Policy 2020. The consultation will be provided online via the 'Have Your Say Clarence' website. Residents of Lauderdale and Roches Beach will be notified of the consultation via a direct mail out and invited to visit the website. The wider Clarence community will be invited to the 'Have Your Say Clarence' site via notifications on council's digital platforms including social media and website. Council officers will make hard copy versions of the consultation available as required for members of the community who cannot access the online survey.

Council staff will also arrange for face to face consultation sessions with the general public and key stakeholders onsite at Lauderdale Canal. The sessions may include the set up of a tent or similar with equipment such as printed plans and feedback forms so staff can directly engage with the community and seek ideas. Further information regarding the structure and timing of these sessions will be provided to council prior to the events.

- **Consultation Timing**

The consultation is anticipated to commence in February and will be open for a minimum of six weeks.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2016/2026 within the Goal Area A *Well-Planned Liveable City* contains the following strategy:

“Create safe, well connected and high quality public open spaces that meet the needs of the community and visitors, with a focus on accessibility and safe design principles.”

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Lauderdale Canal has, in the past, been impacted by significant rain events, coastal inundation, storm surges and effects of stagnant water. It can be expected that these types of events will continue to impact on the Lauderdale Canal area and therefore potentially place council assets at risk. These issues are considered as part of the draft Master Plan.

7. FINANCIAL IMPLICATIONS

7.1. Council allocated funding for the development of the South East Regional Park in the 2019/2020 budget and these funds have been used to develop the draft Master Plan for the Lauderdale Canal Park. There are remaining funds within this project to undertake the community consultation program for the draft Lauderdale Canal District Park, Lauderdale.

7.2. The budget for the final Lauderdale Canal Park Master Plan will depend on council's consideration of the adopted elements to be built for the community.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The previous Lauderdale Canal Master Plan was developed in 1997. There is an opportunity to obtain community feedback on the site and develop a new and improved District Level park at Lauderdale Canal to better service the local community and people visiting the area.

Attachments 1. Draft Lauderdale Canal Park Master Plan (1)

Ian Nelson

GENERAL MANAGER



Key:

- STAGE 1**
- 1 Formalise existing gravel carpark. Reduce footprint by arranging parking and aisle widths to meet AS 2890.1. Resurface with bitumen and include linemarking and wheel stops. Improve exit sight lines through the removal and trimming of existing vegetation. Install new gravel trail connections and revegetate with endemic coastal planting.
 - 2 Retain existing foot bridge including sculptural elements either end of the bridge.
 - 3 Stabilise canal bank and revegetate.
 - 4 Resurface existing gravel trail throughout the park. Ensure positive drainage. Create uniform width of 2.4m across park.
 - 5 Remove existing concrete platform and stairs. Stabilise bank and revegetate.
 - 6 Stabilise canal bank, re-establish grassed area with irrigation and sub surface drainage. Revegetate endemic coastal planting. Retain existing small beach section for use by model boat enthusiasts.
 - 7 Upgrade existing stormwater infrastructure as required. Consider integrating with timber viewing deck structures to screen infrastructure and allow users to step out and down to the canal edge.
 - 8 Upgrade existing seating and provide additional seats along the loop track to reduce distance between rest stops.
 - 9 Engage arborist to remove dangerous limbs or trees and establish succession planting strategy across park.

- STAGE 2**
- 10 Rationalise provision and location of parking. Define and formalise 90° parking to comply with AS 2890.1. Provide bitumen surface, linemarking and wheel stops as required.
 - 11 Relocate bus stop in consultation with Metro, remove parking, formalise trail connection and revegetate.
 - 12 Formalise existing carpark layout to meet AS 2890.1. Integrate new bus stop and footpath. Remove parking area from cafe entrance –allow designated deliveries only space. Provide DDA ramp from carpark on North Terrace down to day use area.
 - 13 Replace existing shelters with new public shelter including accessible BBQs and picnic tables. Re-establish grassed day use area with irrigation and sub surface drainage.
 - 14 Install new interpretation panels highlighting significant features of the park. Develop wayfinding strategy for park and provide new directional signage at suitable locations and intervals.
 - 15 Trim vegetation to improve vehicle and pedestrian sightlines around corners and into car parking areas.
 - 16 Change road surface and introduce roadside vegetation and kerb bulbing for safer pedestrian crossing point to connect park to beach. Consider lowering speed limit to 40kph. Formalise parking arrangement to meet AS 2890.1 (indicative parking layout shown). Improve pedestrian links to new toilet block.
 - 17 Provide sheltered picnic and viewing area in location of old toilet block.
 - 18 Trailer parking. Layout indicative subject to detail design.

- STAGE 3**
- 19 Formalise parkside edge of North Terrace. Remove gravel shoulder and provide flush concrete edge to road surface. Use bollards and planting to better define edge of park and eliminate informal parking.
 - 20 New timber boardwalk to connect loop path around waters edge and limit damage to saltmarsh. Revegetate canal bank with endemic coastal planting. Provide step and ramp access connecting to main loop path.
 - 21 Provide safer pedestrian crossings points into the park along North Terrace and South Terrace. Introduce traffic calming devices such as roadside vegetation, kerb bulbing at crossings and improved pram ramp infrastructure.
 - 22 Upgrade Icy Creek Lane pedestrian and Tangara Trail link. Min 2.4m gravel path. Revegetate grassed areas with endemic coastal planting and trees to create habitat enhancement corridor. Install bollards along roadway to remove informal parking. Existing property access from Icy Creek Lane will be retained.
 - 23 Upgrade existing pedestrian crossing point on South Terrace from Hill Street Grocer. Opportunity to review parking arrangement and circulation within the Hill Street Grocer carpark and at entry point.
 - 24 New play precinct with multiple play opportunities for all ages including, New public shelter including accessible BBQs, picnic tables and toilet facilities. Potential future market space, interpretation point, art, seating and social space. Upgrade existing concrete and gravels paths to min 2.4m wide exposed aggregate concrete paths. Install new perimeter fencing with controlled entry points from South Terrace
 - 25 Existing skatepark to be upgraded.
 - 26 Integrated hard surface play area with half court basket ball court, ball games area, table tennis, bike/scooter circuits and parkour course.

- STAGE 2**
- 27 New urban playground area with swings, see-saws and climbing structures including balancing elements, slides and climbing walls.
 - 28 Re-establish grassed picnic area within fenced playground. Include shade trees, irrigation and sub surface drainage.
 - 29 New nature play playground area with balancing logs, log hop, climbing nets and native planting.
 - 30 New carpark to service main activity hub and play precinct. Provide new pedestrian refuge for safer crossing of South Terrace.
 - 31 New pedestrian/cycle path bridge linking Bangalee Street to Icy Creek Lane offering views along the canal and out to Frederick Henry Bay.

Legend:

- Resurfaced/ New compacted gravel footpath. Min. 2.4m wide.
- New exposed aggregate footpath. Min 2.4m wide
- New boardwalk. Min 2.4m wide
- Revegetate area with endemic coastal planting
- Re-establish grassed area with irrigation, sub surface drainage and edging
- Nature play space (eg. balancing logs, log hop and climbing nets)
- Urban play space (eg. swings, slides and climbing structures)
- Skate park with integrated hard surface play space (eg. table tennis, half court basketball, parkour course and seating)
- New timber viewing decks with gravel access path and native planting
- New accessible BBQ shelter and picnic facilities
- New accessible public toilet (to be constructed in 2021)
- New public shelter with accessible toilets, BBQs and picnic facilities
- New park seating provided every 50-60m on main loop path
- Timber bollards along open grass sections
- Fencing around play precinct



TIMBER VIEWING DECKS



CURVED TIMBER BOARDWALK



PEDESTRIAN/CYCLE BRIDGE



OPEN GRASS AREAS



UPGRADED SKATEPARK



INTEGRATED HARD SURFACE PLAY



URBAN AND NATURE PLAY SPACES

LAUDERDALE CANAL PARK MASTER PLAN

Lauderdale Canal Park, Lauderdale | Draft For Review
PREPARED FOR CLARENCE CITY COUNCIL



inspiring
place



Date 26 / 11 / 2020
Scale 1:1000 @ A1
1:2000 @ A3

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 TASNETWORKS CREATION OF EASEMENT – 21 KING STREET, BELLERIVE****EXECUTIVE SUMMARY****PURPOSE**

To consider a request from TasNetworks to create an easement over council's park at 21 King Street, Bellerive for the replacement of an existing substation.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

As the proposed creation of easement represents a transaction of an interest in council land, this decision is required to be dealt with under section 177 of the *Local Government Act 1993* (Tas) and requires an Absolute Majority decision of Council.

CONSULTATION

Consultation has occurred between council officers and TasNetworks regarding the design and location of the replacement substation.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by TasNetworks and will not impact on council's Annual Plan.

RECOMMENDATION:

- A. That council endorses the creation of the electricity easement in favour of TasNetworks at 21 King Street, Bellerive.
- B. That all costs associated with the creation of the electricity easement are to be borne by TasNetworks.
- C. That TasNetworks undertakes all remedial works in respect to the replacement of the existing substation and cabling by suitable landscaping and replanting of the affected areas to be to the satisfaction of Council's Group Manager Engineering Services.

NB: An Absolute Majority is required for a decision on this item.

TASNETWORKS CREATION OF EASEMENT – 21 KING STREET, BELLERIVE
/contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1** A request has been received from TasNetworks to replace the existing substation and cabling on the council land at 21 King Street, Bellerive to maintain the reliability and safety of the network.
- 1.2** Council approval is required to create an easement on the title for the council land to formalise the construction and future maintenance of the electricity infrastructure in favour of TasNetworks.

2. REPORT IN DETAIL

- 2.1** Council owns the park at 21 King Street, Bellerive which has a war memorial, pathway, basic gardens and an existing TasNetworks substation and underground cabling.
- 2.2** TasNetworks has requested council approval to replace the existing substation and cabling to maintain reliability and safety of the network in this vicinity.
- 2.3** Council and TasNetworks officers have identified a suitable location for the new substation to minimise impact on the park.
- 2.4** TasNetworks has agreed to accept all costs associated with the creation of the easement on the title, reinstate surfaces and make good any damage including installation of planting along the fence line between 21 King Street and 2 Britannia Place.

3. CONSULTATION**3.1 Community Consultation**

Nil.

3.2 State/Local Government Protocol

Nil.

3.3 Other

Consultation has occurred between council officers and TasNetworks regarding the design and location of the replacement substation.

3.4 Further Community Consultation

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1 TasNetworks has a statutory obligation to maintain a register of its easements and agreements and to formalise these arrangements by the creation of electricity easements on the title. The Electricity Supply Act 1995 (Tas) provides TasNetworks with a head of power to establish electricity infrastructure in or over public land subject to the agreement with the relevant land authority.

6.2 As the proposed creation of an easement represents a transaction of an interest in council land, this decision is required to be dealt with under the Local Government Act 1993 (Tas) and requires an Absolute Majority decision of council.

7. FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by TasNetworks and will not impact on council's Annual Plan and Estimates.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

9.1 Council owns the park at 21 King Street, Bellerive which has a war memorial and existing TasNetworks substation and underground cabling.

9.2 TasNetworks has requested council approval to replace the existing infrastructure and to create an easement on the title meeting all costs associated with the remedial works and creation of easement on the title.

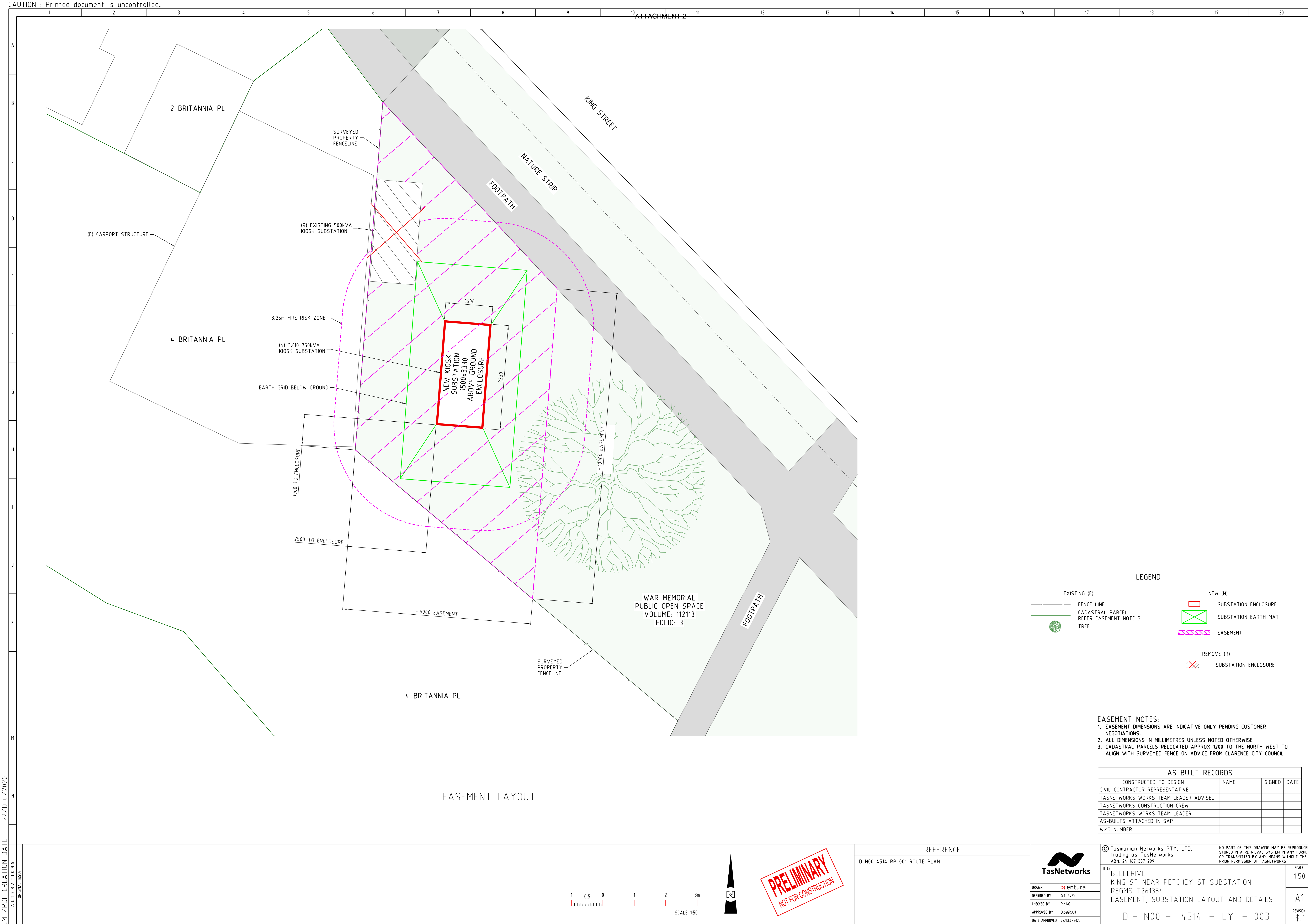
9.3 The *Electricity Supply Act* 1995 (Tas) provides TasNetworks with a head of power to establish electricity infrastructure in or over public land subject to the agreement with the relevant land authority.

Attachments: 1. Photograph of Council Land showing existing Substation (1)
2. Plan showing Proposed Easement (1)

Ian Nelson
GENERAL MANAGER



EMF/PDF CREATION DATE 22/DEC/2020
ALTERATIONS
ORIGINAL ISSUE



EASEMENT LAYOUT

LEGEND

- EXISTING (E)
- FENCE LINE
 - CADASTRAL PARCEL REFER EASEMENT NOTE 3
 - TREE
- NEW (N)
- SUBSTATION ENCLOSURE
 - SUBSTATION EARTH MAT
 - EASEMENT
- REMOVE (R)
- SUBSTATION ENCLOSURE

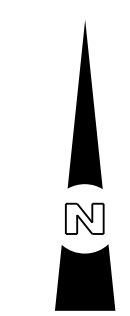
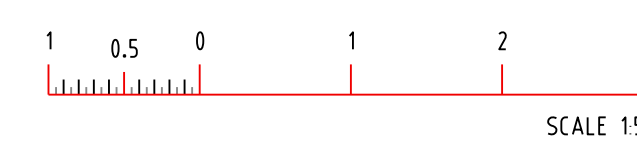
- EASEMENT NOTES:
- EASEMENT DIMENSIONS ARE INDICATIVE ONLY PENDING CUSTOMER NEGOTIATIONS.
 - ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE
 - CADASTRAL PARCELS RELOCATED APPROX 1200 TO THE NORTH WEST TO ALIGN WITH SURVEYED FENCE ON ADVICE FROM CLARENCE CITY COUNCIL

AS BUILT RECORDS			
CONSTRUCTED TO DESIGN	NAME	SIGNED	DATE
CIVIL CONTRACTOR REPRESENTATIVE			
TASNETWORKS WORKS TEAM LEADER ADVISED			
TASNETWORKS CONSTRUCTION CREW			
TASNETWORKS WORKS TEAM LEADER			
AS-BUILTS ATTACHED IN SAP			
W/O NUMBER			

REFERENCE	
D-N00-4514-RP-001 ROUTE PLAN	

DRAWN	entura
DESIGNED BY	G.TURVEY
CHECKED BY	R.KING
APPROVED BY	D.deGROOT
DATE APPROVED	22/DEC/2020

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NO PART OF THIS DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM IN ANY FORM, OR TRANSMITTED BY ANY MEANS WITHOUT THE PRIOR PERMISSION OF TASNETWORKS	
TITLE BELLERIVE KING ST NEAR PETCHY ST SUBSTATION REQMS T261354 EASEMENT, SUBSTATION LAYOUT AND DETAILS	SCALE 1:50 A1
D - N00 - 4514 - LY - 003	REVISION \$.1



PRELIMINARY
NOT FOR CONSTRUCTION

BM DWG NO D - N00 - 4514 - LY - 003
BM REV \$.1

11.7.2 MINISTER'S ROADMAP AND PROPOSAL TO AMEND THE SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY URBAN GROWTH BOUNDARY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a State Government proposal to introduce an amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS) to provide for consideration of applications involving urban rezoning outside of the Urban Growth Boundary (UGB).

RELATION TO PLANNING PROVISIONS

The proposal is limited to an amendment to the STRLUS to introduce a new Regional Policy (SRD 2.12) at 19.7 that provides for limited urban rezoning outside of the UGB.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The proposal was referred to the Mayor seeking feedback on:

- the proposed amendment to the STRLUS as an interim measure; and
- the roadmap to a full review of the STRLUS.

RECOMMENDATION:

- A. That the Minister for Planning be thanked for his proposal to address uncertainties associated with the delays in the review of the Southern Tasmanian Regional Land Use Strategy and that council recommends the following modifications, to ensure that the intention of this timely initiative is met, without long term risk to the integrity of regional settlement strategy.
1. Prior to determining the appropriate maximum property sizes for rezoning (i.e. 2, 3 or 4ha), the Planning Policy Unit should provide the Minister with indicative modelling of potential cumulative supply impact or a total additional supply to be provided through the proposed mechanism.
 2. Urban rezoning beyond the UGB should be restricted to the Greater Hobart metropolitan area.
 3. Measures should be introduced to ensure that any rezoned land is developed as intended rather than add to current land banking.
 4. Measures should be introduced to provide for urban anomalies separated from the UGB, such as retirement villages in non-urban zones.
 5. Within metropolitan Hobart, there should be added flexibility around the perimeter of land earmarked for growth, via the Tasmanian Planning Scheme's Future Urban zone.

6. The current Information Sheet on Amending the Regional Land Use Strategies prepared by the Planning Policy Unit should be revoked or amended to relevantly apply to proposals under the new initiative.
- B. That the Minister be requested to revise the roadmap to:
1. Allow review of the regional strategies concurrently with the completion of the TPS, noting that this is in the hands of the Tasmanian Planning Commission, whereas the Planning Policy Unit will oversee the implementation of the regional strategy review; and
 2. Specify a projected completion timeframe for the review and implementation of regional strategies in the roadmap, giving clarity to councils, relevant agencies, developers and the community.
- 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

- 1.1. The STRLUS was approved by the Minister for Planning on 27 October 2011. The STRLUS was amended as part of a "housekeeping" review on 1 October 2013. It was further amended on 14 September 2016, 9 May 2018 and 19 February 2020 in response to specific requests to expand the UGB.
- 1.2 Under Section 5A of the *Land Use Planning and Approvals Act 1993* (LUPAA), the Minister must undertake regular and periodic reviews of regional strategies.
- 1.3 Councils and the Minister's office have recognised that the STRLUS is in urgent need of review. Councils are experiencing increasing development pressure on the fringes, and since its initial approval, there have been important changing trends in population, housing, transportation and traffic management, infrastructure and other planning issues.

2. STATUTORY IMPLICATIONS

- 2.1. Under Section 30C(3) of LUPAA, the Minister for Planning may declare a regional land use strategy. Section 30C(4) specifies that the Minister must keep all regional land use strategies under regular and periodic review.

- 2.2.** Section 30O(1) of LUPAA (for Interim Schemes) and S.34 - LPS Criteria (for the future Tasmanian Planning Scheme), requires that planning schemes (and any amendments to an existing planning scheme) be, as far as practicable, consistent with the relevant regional land use strategy. In Clarence the relevant regional land use strategy is the STRLUS.
- 2.3.** There is no formal statutory process for individuals or planning authorities to apply to amend the STRLUS.
- 2.4.** Pursuant to Section 32(ea) [and 30O(1)] of LUPAA, before certifying and publicly exhibiting a draft planning scheme amendment council needs to be satisfied that the draft amendment is consistent with the relevant regional land use strategy.
- 2.5.** Pursuant to Section 30O(1) of LUPAA, the TPC must be satisfied that a draft planning scheme amendment is consistent with the relevant regional land use strategy before approving an amendment. Similar legislative requirements apply to all future LPS', and amendments to LPS' that will be in place under the Tasmanian Planning Scheme.

3. REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES – PLANNING POLICY UNITS INFORMATION SHEET

- 3.1.** Despite LUPAA specifying that the Minister must keep all regional land use strategies under regular and periodic review [S.30C(4)], with the exception of the amendments detailed above, a thorough review of the STRLUS has not yet commenced.

For this reason, and the fact there is no statutory mechanism for either individuals or planning authorities to apply to amend it, the Minister requested the Department of Justice's Planning Policy Unit (PPU) to develop a method for individuals and councils to request amendments to the regional strategies.

- 3.2.** By letter of 1 February 2019, the Minister articulated the role the regional land use strategies have in setting the medium to longer term strategic directions for each region and confirmed his commitment to regularly and periodically reviewing the strategies to ensure they address current and emerging land use planning issues.

In summary the Minister's letter outlines:

- amendments to the Strategies will need to be considered over time for a number of reasons;
- amendments will generally occur as part of the reviews that are conducted by the Minister for Planning;
- amendments may be considered outside the normal review periods under exceptional circumstances;
- to assist councils seeking amendments to their strategy the PPU's *Information Sheet RLUS 1 - Reviewing and Amending the Regional Land Use Strategies*, was prepared to provide guidance on the process and information requirements needed to support any amendment requests.

- 3.3.** All 3 regional land use strategies including the STRLUS provide the strategic direction for future land use and development in each region over a 25-year time horizon. LUPAA requires all new planning schemes and any amendments to existing planning schemes to be, as far as practicable, consistent with the relevant regional land use strategy. For this reason, it is important that the strategic directions, policies and actions contained within each strategy appropriately address both current and emerging land use planning issues.

The non-statutory information sheet provides information on when and under what circumstances the regional land use strategies may be reviewed and amended. It also provides information on the requirements and processes for reviewing and considering amendments to the regional land use strategies.

The information sheet recognises that amending a regional land use strategy is not always the most appropriate course of action to facilitate use and development within a region. In the first instance use and development should be directed to those agreed areas identified in the relevant strategy.

The information sheet, setting out the requirements and assessment process, is attached.

3.4. Despite the process provided for in the PPU's Information Sheet to amend the STRLUS (including the UGB), no amendments to the STRLUS have been approved via this process to date. However, at its meeting on 10 August 2020, council supported a request to expand the UGB to include the land at 471 Cambridge Road and 540 Pass Road, Cambridge (approximately 4ha). To date, the Minister's decision is pending.

3.5. The information sheet outlining the mechanism to instigate and process an amendment the STRLUS has not been revoked. This is important to note as the discussion below will address its inconsistency with the proposed initiative.

4. ROADMAP FOR REVIEW OF STRLUS

4.1. At a Local Government Association of Tasmanian (LGAT) webinar held on 20 October 2020, the Minister observed that for a range of reasons, there was strong interest in progressing the reviews of the respective regional land use strategies. This was partly because of the time that had elapsed since their approval, the need to keep them current, but also, because of pressure on land supply.

The Minister confirmed that the delivery of the Tasmania Planning Schemes (TPS) was of the highest priority but remained committed to reviewing the regional land use strategies and that work would commence after the TPS was in place. While the substantive work would commence in 2022, a range of activities have already started that will enable councils to address the particular issues that they are currently experiencing including pressures on the UGB. This work is being undertaken under the banner of the Hobart City Deal, as preparatory work for the Greater Hobart Metro Plan.

The Minister indicated that working toward a full review of the regional land use strategies in 2022 will provide opportunity to gather the data that will be required to support that process. Flexibility would be introduced to consider proposals that may straddle those boundaries and that may be moving into areas that have been earmarked for future growth beyond the established UGB.

It was significant to note that the Minister recognised land banking is impacting the supply of land. He noted that there are large areas of land that are appropriately zoned within the current strategies which are not yet activated and yet there are new proposals that are seeking to expand or work across those boundaries with greenfield development. He acknowledged that this is an important challenge for the State to find ways of activating more land that is already appropriately zoned or earmarked rather than just opening up new land to development and that innovative options for resolving this issue would be considered, with a *“significant appetite at all levels of government for being innovative and motivating the owners of that land to get on with the job of making it available to development”*.

4.2. Following the webinar presentation, on 8 December 2020 the Minister advised that he had released a “roadmap” in response to:

- concerns that the STRLUS is out of date and does not reflect current planning issues; and
- ongoing calls for adjustments to the UGB and to review the settlement policies.

The roadmap (attached) identifies a range of short, medium and long-term projects/initiatives.

4.3. The Roadmap and accompanying explanatory notes identify the following:

Short Term 2020

- flexibility to consider urban zoning beyond the UGB;
- potential to consider modifications to the growth strategies for regional towns, such as modified growth targets or the inclusion of structure plans;
- commencement of regional data collection to inform the MetroPlan;
- release of the Tasmanian Planning Policies Scoping Paper; and
- preparation of a position paper on a framework for regional land use strategy preparation and approval.

Medium Term 2021

- preparation, assessment and approval of the Tasmanian Planning Policies;
- review/modifications of regional town growth strategies;
- completion of the MetroPlan and review of STRLUS to incorporate relevant parts;
- continued development of regional planning data; and
- release of a position paper on a framework for regional land use strategy preparation and approval.

Long Term 2022 and beyond

- amendments to the planning legislation to provide for enhanced regional strategic planning framework;
- commencement of review of STRLUS against Tasmanian Planning Policies;
- completion of regional data set for review; and
- initiation of full review of STRLUS.

There are certain disappointing aspects to the roadmap, particularly in terms of the delays to the review of the STRLUS.

It is unclear why resource constraints mean the regional strategy must be delayed until after the TPS is completed, since the TPS is in the hands of the TPC and the regional strategies are in the hands of the PPU. Moreover, it is unclear why the strategy reviews must wait for the development of planning policies. The details of these policies are unknown and their relationship to the strategy unspecified. As the regional strategies contain their own planning policies, it must be queried why those policies are not simply examined as part of the review of the particular strategy. Then, if the PPU ultimately develops new planning policies that have implications for the regional strategy, it is unclear why that could not be addressed by an amendment to the strategy.

5. PROPOSED AMENDMENT TO THE STRLUS

Despite the short, medium and longer term initiatives provided in the roadmap, the proposal is limited to an amendment to the STRLUS that introduces a new policy enabling the consideration of proposals for minor urban zoning beyond the UGB in particular circumstances, without requiring an amendment to the STRLUS.

The background paper (attached) states that: *“the intention is to restrict the scope to address what appear to be anomalies and avoid detracting from the intent of the UGB and the goal of achieving a balanced infill to greenfield development ratio across Greater Hobart.*

The policy is proposed as an interim measure pending the outcomes of the Greater Hobart Metro Plan process and the comprehensive review of the STRLUS”.

The Minister is seeking feedback on the proposed amendment to the STRLUS and also any feedback or questions relating to the roadmap (attached).

- 5.1.** Specifically, it is proposed to introduce a new Regional Strategy SRD 2.12 at 19.7 of the STRLUS as follows:

“Notwithstanding SRD 2.2 and SRD 2.8, land outside the Urban Growth Boundary shown in Map 10 may be considered for rezoning for urban development if it:

- a) adjoins land within the Urban Growth Boundary;*
- b) comprises a lot that is outside the Urban Growth Boundary, or the residual area of a lot that is partially within the Urban Growth Boundary, with an area of not more than <2> hectares¹;*
- c) does not constitute a significant increase in land zoned for urban development outside the UGB in that locality; and*
- d) results in minimal potential for land use conflicts with adjoining land uses”.*

¹ *This figure will be informed by feedback from stakeholders. See background paper for discussion on maximum land area options of 2, 3, or 4 hectares.”*

- 5.2.** Feedback is sought on:

- the policy/mechanism;
- the criteria;
- the preferred land area (2, 3, or 4 Ha); and
- the Roadmap.

- 5.3.** In relation to the preferred land area, the background paper provides the following considerations at Table 1.

Table 1 – Considerations for determining a maximum size limit in proposed STRLUS policy SRD 2.12

Maximum size	Considerations
2 hectares	<ul style="list-style-type: none"> • potential for 30 dwellings at 15/ha; • relatively small and likely to have minimal impact on the broader settlement strategy; • potential to be an anomalous exclusion from the UGB.
3 hectares	<ul style="list-style-type: none"> • potential for 45 dwellings at 15/ha; • provides broader scope for considering land outside the UGB, but may lead to impacts on the broader settlement strategy.

4 hectares	<ul style="list-style-type: none"> • potential for 60 dwellings at 15/ha; • likely to allow for a significant increase in urban land outside the UGB with greater potential to impact on the settlement strategy; • likely to have been excluded from the UGB intentionally.
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- 5.4.** If the policy is approved, Planning Scheme Amendments could be initiated by planning authorities and approved by the Tasmanian Planning Commission, for urban rezonings outside the UGB. This is not currently possible.

6. PLANNING ASSESSMENT

6.1. Function of UGB

The UGB is one of the most important tools in land use planning for ensuring the rational and efficient growth of cities. It has been applied in cities around the world for many decades and throughout Australia in capital and regional cities.

The purpose of the UGB is to direct urban growth to areas best locations able to be supplied with appropriate infrastructure and services and protect other valuable peri-urban and environmentally valuable land from urban development pressures (i.e. controlling sprawl). Its consequence is to promote rational and efficient city building, in terms of infrastructure, controlling traffic congestion, equitable access to community services and facilities, shops, employment and schools. It is therefore a technique for ensuring that inappropriate urban sprawl is avoided. Urban sprawl usually comes at a significant cost in terms of factors such as social isolation from services and alternatives to car dependency, traffic congestion, higher infrastructure costs and subsidisation of it.

The STRLUS recognised the significant role that the UGB has to play in achieving the best form of city growth for metropolitan Hobart.

Irrespective of the review mechanism (i.e. comprehensive review, recognition of emerging trends/new data, or in response to an ad-hoc request), it follows that any modification of an established UGB ought to consider:

- land supply across the Southern Region;
- land supply at the local level/market segment;
- population trends;
- Greater Hobart settlement strategy; and
- land suitability and weighting assessment against alternative sites.

As the Minister highlighted, land banking is recognised as an issue impacting land release and the orderly release of new housing. In terms of greenfield supply, it is not so much a lack of land supply, but a land speculation problem. In Clarence, as with other municipalities within the Southern Region, there are several large land holdings appropriately zoned and approved for subdivisions which have not been completed. In other areas, it is commonplace for developers to release limited numbers of lots (on occasion a lot or 2 at a time), to avoid holding costs including land tax. This distorts the housing market. Yet no measures are proposed to discourage it and the practice is likely to be just as prolific associated with future land rezoned through the proposed process, unless suitable requirements are put in place as part of any approval.

The proposed amendment introducing SRD2.12 does not address these considerations. Ad hoc expansions may collectively have serious impacts on settlement strategy overall. The potential magnitude of aggregate expansion potential provided for through SRD2.12 on settlement strategy and land supply has not been modelled and the impacts are unknown. So, while it may prove that rezoning outside of the UGB may reasonably help address current residential land issues, the PPU has not provided any scientific assessment to provide confidence this will be so. Therefore, before implementing, it would be appropriate that the PPU provide the Minister with suitable modelling to support the proposal taking into account cumulative impacts. This could help better plan the scope and location of expansion or a quantitative regional limit.

While the Minister's initiative will provide for growth adjacent to the UGB, it fails to address an issue that council has identified and previously raised with the PPU. That is the issue of addressing occasional isolated anomalies outside of and not connected to the UGB in non-urban zones and the specific example in Clarence relates to retirement or lifestyle villages such as the Risdon Vale complex, which as council will recall seeks an expansion. Neither the background paper nor proposed amendment recognise the existence of these anomalies which appears to be one of the primary purposes of the initiative.

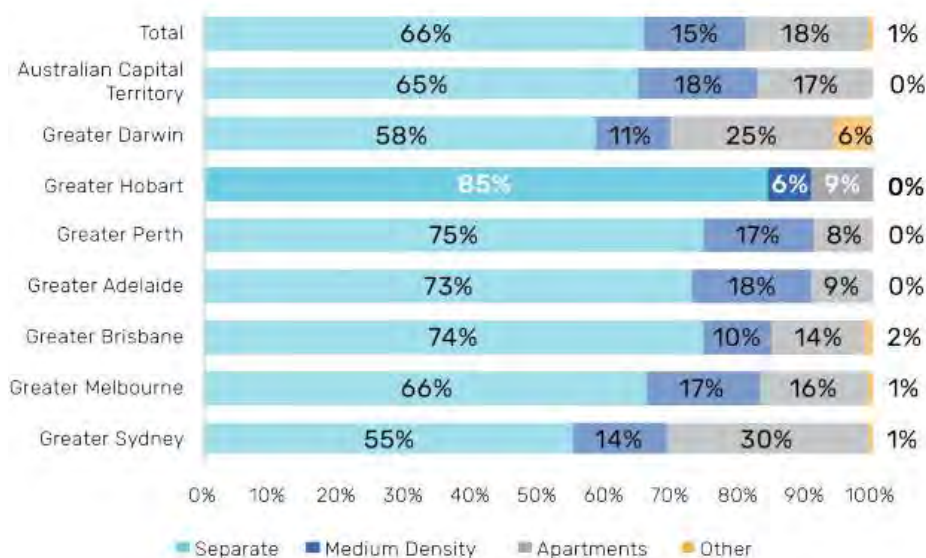
Accordingly it is considered that these types of developments ought to be recognised and provided opportunity for minor expansion where appropriately located abutting urban development and appropriately serviced.

The proposed amendment should also specifically provide for urban growth around those areas that the Minister in his webinar address identified as land earmarked for growth. This would resolve issues that arise as structure planning is undertaken for those major sites recognised in the STRLUS and zoned for future growth. The relevant experience here is that as the detailed design exercise proceeds, the boundaries identified at the broader scale require some adjustment in order to develop the best plan for the site, having regard to a wide range of opportunities and physical constraints that can only emerge as part of a detailed planning exercise, such as the Tranmere - Droughty Point - Rokeby Peninsula Structure Plan.

6.2. Balancing Greenfield and Infill Development

A report titled *Toward Infill Housing Development - prepared for the Tasmanian Department of State Growth* dated August 2019 provides a useful comparison of Greenfield and Infill Development. The report states at p14 that *"Australia's cities are characterised by urban sprawl, which has dominated residential development patterns for decades. Tasmania's urban centres have followed this trend. Separate houses account for 85% of total housing stock in Hobart, and 87% in Launceston, compared nationally with 66%"*.

The figure below provides a comparison of housing form and density in Australian capitals. The figure shows Hobart as being characterised by detached low density development and more so than any of the other capital cities [Source: ABS Table Builder – Dwelling Structure by Greater Capital City Statistical Area (2016)].



The STRLUS established that (in 2011) approximately 85% of new dwellings occur through greenfield development with relatively low densities between 7-10 dwellings per ha. This settlement pattern is consistent with sprawl.

For the reasons set out in the Background Report 13 and 14 relating to dwelling yield analysis and housing needs respectively, the STRLUS identifies that *“this strategy proceeds on the basis of a 50/50 ratio of greenfield to infill scenario, with a minimum net residential density of 15 dwellings per hectare”* (p91).

This is a fundamental component of the STRLUS, yet no figures have been maintained to establish how successfully this ratio is being implemented.

In the absence of qualifiable figures, the Toward Infill Housing Development report identifies that *“anecdotally and based on the location of growth across Greater Hobart, it is reasonable to assume that development has not moved far from the original 85/15 ratio since 2010 (p14).”* This claim is consistent with the development experience in Clarence.

The Toward Infill Housing Development report identifies that:

“Greenfield development requires the conversion of large areas of land, often for low-density housing, together with the provision of new and expanded infrastructure to service new residential areas.

In Tasmania, this land is often productive agricultural land and/or has greenspace and environmental values. Based on a density of ten dwellings per hectare, every hundred houses delivered as infill would avoid the conversion of ten hectares of land.

While housing development on the urban fringe is more costly for governments and the community, it does deliver affordable housing options and it does support a housing product – single dwellings on a larger block – which many households still prefer. From an industry perspective, it is also an easier form of housing to deliver, with less complexity and lower risks for developers compared to more constrained, inner-city sites.

The key for any housing market is to achieve an appropriate balance between infill and greenfield housing. Tasmania’s very high proportion of greenfield development suggests a greater focus on infill opportunities and stronger enforcement of infill ratios, would be appropriate.”

In summary, the Government’s own report establishes that:

- infill Targets are not being met;
- there is a cost associated with greenfield development. While it provides affordable housing options for individuals, ultimately it is subsidised by the broader community;
- low density development on the fringes contributes significantly to sprawl; and
- development on the fringe reduces the area of land available for alternative productive uses.

Given the implications associated with further distorting of infill/greenfield targets it is concerning that the sprawl provided for through the proposed amendments to the STRLUS have not been quantified or modelled as previously discussed.

6.3. Hobart City Deal

While LUPAA requires the Minister to undertake reviews of regional strategies, at this time the Government is focussed on the completion of the transition of council planning schemes to the TPS followed by the development and introduction of certain state planning policies, before reviewing the STRLUS.

However, the Hobart metropolitan councils are focussed on a more urgent review. The Hobart City Deal acknowledges that

“... planning, identification, sequencing and prioritisation of actions being considered in the City Deal are informed by the following factors:

- *Efficient movement of people;*
- *Improved passenger experience;*
- *Responsiveness to new technologies;*
- *Pedestrian and cycling improvements;*
- *Current and future land use; and*
- *Infrastructure investment”.*

The impact of the STRLUS is an important factor in dealing with these matters and the Greater Hobart Committee has raised the prospect of undertaking the necessary review work effectively through the metro plan now underway.

One of the drivers behind the City Deal is to provide for and encourage medium rise development and infill housing options. The measure of success is that: *“Hobart will have a more diverse, affordable and inclusive housing mix to provide choices to meet our changing lifestyle and population needs.”*

Low density development on the fringe will not further this objective as it neither increases diversity nor is inclusive. On this basis the proposed amendment to the STRLUS, which explicitly is designed to provide new greenfield development at the fringes, will not further the objectives of the Hobart City Deal.

However, it is noted that a modified amendment that limited its application to the Greater Hobart metro councils would provide for the limited growth envisaged while assisting to control the extent of sprawl. This would reduce the impact on the greater Hobart settlement pattern and associated strategies in the long term, bringing low density and less expansive housing close to the metropolitan area. This approach would provide new residents with closer access to jobs, education and services than in outlying townships, where sprawl would have serious physical and social impacts on metropolitan Hobart.

6.4. Planning Policy Unit Information Sheet

Neither the Roadmap and accompanying explanatory notes nor the background paper (both included in the attachments) recognise the amendment mechanism prescribed under the Information Sheet previously discussed. However, it is noted that the considerations afforded to applicants under the Information Sheet are inconsistent with the proposed criteria at SRD 2.12. Accordingly, the Information Sheet should be modified to suit or be revoked.

The background paper states that *“Any proposals that do not fit the criteria in SRD 2.12 would need to be considered as part of any medium term update of the STRLUS to implement the Greater Hobart Metro Plan, or as part of the longer term review of the STRLUS.”*

This is confusing as it is not evident whether both mechanisms would be available to applicants or whether the mechanism prescribed under the Planning Policy Unit’s Information Sheet will become redundant.

This will be important for proposals greater than the prescribed threshold at SRD 2.12 (whether it be 2, 3 or 4Ha) but still consistent with the considerations provided for in the Planning Policy Unit’s Information Sheet. Accordingly, it is recommended that the matter be raised with the Minister so that it may be clarified.

7. CONSULTATION

The proposal was referred to the Mayor seeking feedback on the proposed interim amendment to the STRLUS and the associated roadmap to a full review of the STRLUS.

8. STRATEGIC PLAN/POLICY IMPLICATIONS

The most significant strategic considerations relating to the potential expansion of the UGB are the strategies within the STRLUS and in particular those that relate to metropolitan settlement strategy. These matters have been discussed above.

The State Policies are:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

The relevant considerations under each of these policies must be considered on a case by case basis and would be required to be assessed as part of any future planning scheme amendment involving a proposal for urban rezoning.

9. CONCLUSION

The STRLUS is in need of urgent review. The Minister for Planning is seeking feedback on a proposed roadmap towards the full review and specifically a proposed amendment to the STRLUS as an interim measure that would, subject to the prescribed tests, enable the TPC to approve proposals for urban rezoning proposals abutting the UGB.

The initiative to address uncertainties associated with the delays in the review of the STRLUS is timely, however, to ensure that the intentions of initiative are met while also delivering an efficient and rational settlement strategy, certain matters should be addressed. These are summarised as follows:

- to set the appropriate rezoning size to be allowed, the PPU should model the potential supply that may be achieved, or to determine a total target;

- to minimise the social, financial and environmental costs associated with sprawl, rezonings under the policy should be restricted to the Hobart metropolitan council areas. The need for and size of expansion at outlying towns and villages should be undertaken as part of the overall review which the Minister proposes in 2022;
- measures should be introduced to ensure that any rezoned land is developed as intended rather than add to current land banking;
- measures to resolve urban zoning anomalies distant to the UGB should be provided;
- provision should be made for added flexibility around the perimeter of the identified major growth sites within the metropolitan area; and
- the PPU's information sheet on Amending the Regional Land Use Strategies, should be revoked or amended to relevantly apply to proposals under the new initiative.

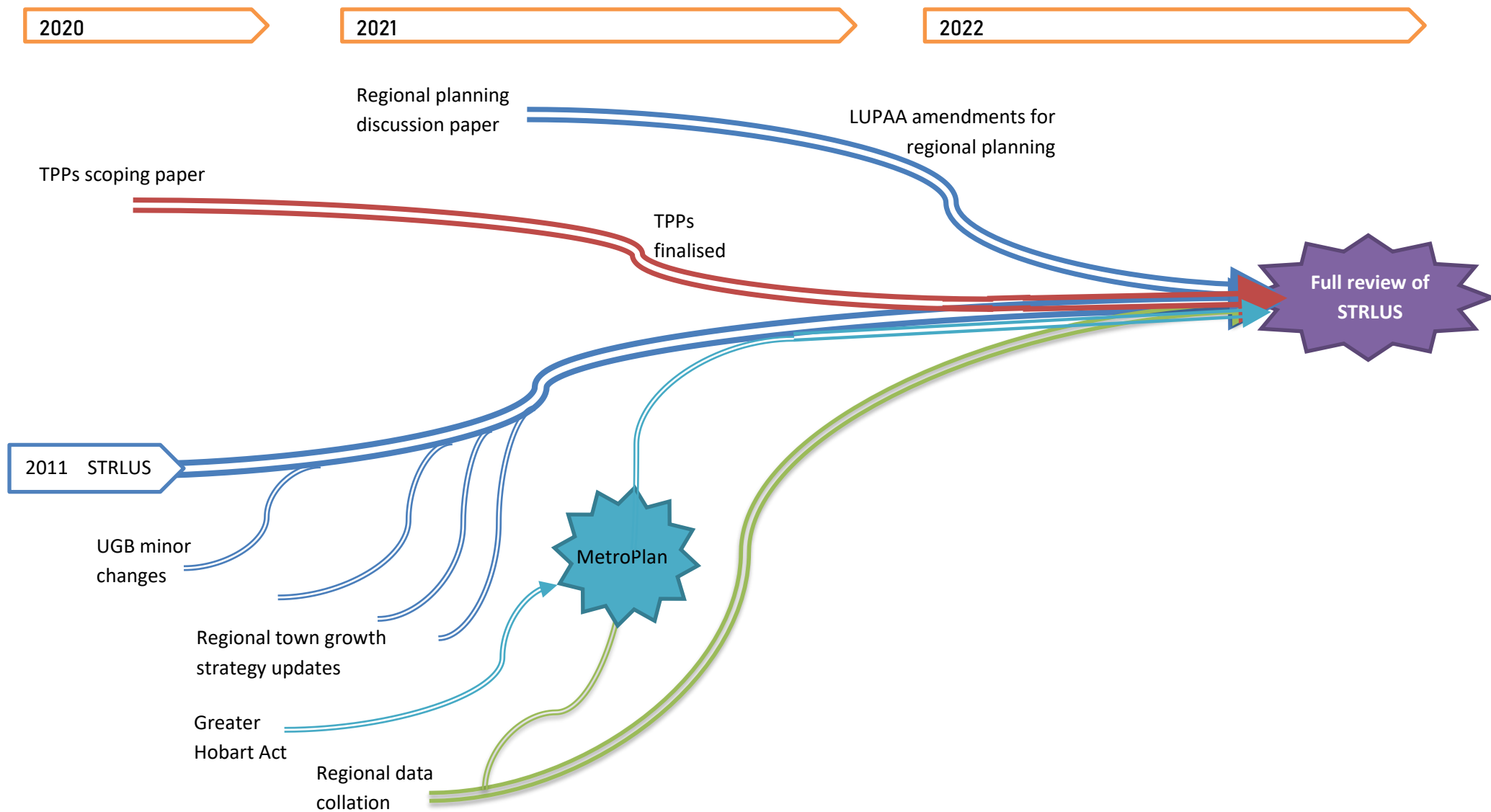
It is also recommended that the Minister's roadmap be modified to:

- review the regional strategies concurrently with the completion of the TPS process; and
- specify completion and implementation timelines for the review of the regional strategy, given the rather conceptual nature of the roadmap diagram suggests only the review from 2022, without tangible completion timeframes that councils require, for their own planning and to give certainty to all affected parties.

Attachments: 1. Road Map for Review of the STRLUS (3)
2. Background Paper (4)
3. Information Sheet – Reviewing and Amending the Regional Land Use Strategies (7)

Ian Nelson
GENERAL MANAGER

Roadmap for review of the Southern Tasmania Regional Land Use Strategy



The Tasmanian Government recognises the important role of regional land use strategies in guiding land use planning. The regional land use strategies have a significant role to play in setting the medium to longer-term strategic directions for each region in Tasmania.

The *Land Use Planning and Approvals Act 1993* (LUPAA) provides for the preparation and declaration of regional land use strategies, which provide an important high-level component of the planning system. Essentially, the regional land use strategies provide the linkage between the Schedule 1 Objectives of LUPAA, State Policies established under the *State Policies and Projects Act 1993*, and the future Tasmanian Planning Policies with the current interim and future Tasmanian planning schemes. They provide the mechanism by which the strategic directions of the State and each region are implemented through the land use planning system.

The regional land use strategies set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for Government, local councils, developers and the community on where, when and what type of development will proceed.

The three regional land use strategies provide the strategic direction for future land use and development in each region over a 25-year time horizon. The strategic directions, policies and actions contained within the regional land use strategies aim to deliver sustainable settlements that are integrated across each region, integrated with services and infrastructure, and complemented by built and open space environments.

They also provide directions, policies and actions to protect Tasmania's agricultural estate and other resource-based industries and protect the State's cultural and natural environments. Regional land use strategies may also incorporate or reference specific local strategic documents for the purposes of reflecting the application of each strategy within a particular municipal area or sub-regional area.

The regional land use strategies are currently implemented in the land use planning system through statutory zoning and planning provisions in interim planning schemes. They are a key consideration when amendments to the interim planning schemes and other existing planning schemes are being assessed. The regional land use strategies will similarly be implemented through the Local Provisions Schedules (LPSs) that form part of the Tasmanian Planning Scheme.

There is increasing concern in the southern region that the Southern Tasmanian Regional Land Use Strategy (STRLUS) is out of date and not necessarily reflective of current planning issues. There are also ongoing calls for adjustments to the Urban Growth Boundary set out in the STRLUS and a review of the settlement policies for each of the designated regional towns and settlements.

The Government and the four Greater Hobart Councils have agreed that the Work Program under the *Greater Hobart Act 2019* will provide for a medium term review through the development of a 'MetroPlan' for informing an update to the STRLUS and potentially the Urban Growth Boundary. There is also the potential to consider modifications to the growth strategies in the STRLUS for the regional towns and settlement, such as modified growth targets or structure plans where appropriately justified.

The Government has maintained that it would be premature to conduct a full review of any of the three regional strategies until the Tasmanian Planning Policies are in place. The proper reviews would also require the establishment of more detailed processes and clarified responsibilities for the preparation of, consultation on, and approval of these reviewed strategies.

The other key element in relation to the STRLUS is the broadly held view that the data upon which it is based is out of date, although there appears to be little disagreement with the fundamental strategic directions it proposes. The currency of data for Greater Hobart is being addressed as part of the MetroPlan project and this offers the opportunity to continue that data management function into the longer term review for the entire region.

The Minister for Planning has released a 'Roadmap' to show how the STRLUS will be managed and incrementally amended in the short, medium and long term building to the full review once these other key planning system components are in place.

The graphic indicates:

- Short term 2020
 - more flexible approach to consider urban zoning beyond the Urban Growth Boundary
 - potential to consider modifications to the growth strategies for regional towns, such as modified growth targets or the inclusion of structure plans
 - commencement of regional data collection to inform the MetroPlan
 - release of the Tasmanian Planning Policies Scoping Paper
 - preparation of a position paper on a framework for regional land use strategy preparation and approval
- Medium term 2021
 - preparation, assessment and approval of the Tasmanian Planning Policies
 - continued consideration of potential modifications to growth strategies for regional towns
 - completion of the MetroPlan and review of STRLUS to incorporate relevant parts
 - continued development of regional planning data
 - release of a position paper on a framework for regional land use strategy preparation and approval
- Long term 2021
 - amendments to the planning legislation to provide for enhanced regional strategic planning framework
 - commencement of review of STRLUS against Tasmanian Planning Policies
 - completion of regional data set for review
 - initiation of full review of STRLUS

Background Paper

Policy proposal for the consideration of urban rezoning proposals outside the Southern Tasmania Regional Land Use Strategy Urban Growth Boundary

Overview

The Minister for Planning has issued a 'roadmap' for review of the Southern Tasmania Regional Land Use Strategy (STRLUS). This roadmap illustrates how a range of short- to long-term land use planning projects will work together towards the full review of the STRLUS.

This document explains the context, content, and intended procedures for a proposal to add an interim policy to the Settlement and Residential Development policies in the STRLUS, which is one of the short-term outcomes identified in the 'roadmap'. The intention of introducing the policy is to enable the consideration of proposals for urban zoning beyond the current Greater Hobart Urban Growth Boundary (UGB) in particular circumstances.

Requests for extension of the UGB to allow residential development have been occurring since its inception. Often these requests relate to small titles or partial titles on the edge of the UGB. A number of minor changes to the UGB have been made as amendments to the STRLUS over this time. These have been considered as anomalies in the UGB map. This proposal is intended to provide a simplified approach for dealing with these anomalies without requiring the amendment of the STRLUS.

Other requests are for larger land areas, development of which may have a more significant impact on infrastructure or settlement strategies across the region. Broader consideration should be given to these impacts in the context of the Greater Hobart area before determining the suitability of any UGB amendments.

The proposed approach represents an interim step for updating the STRLUS and, as outlined in the STRLUS roadmap, forms part of the shorter term outcomes that build toward broader reviews.

Key steps in the STRLUS roadmap include:

1. An interim amendment of the STRLUS to enable the consideration of a minor urban rezoning beyond the UGB in particular circumstances and without needing to seek an amendment to the STRLUS.
2. Preparation of a Metro Plan under the *Greater Hobart Act 2019* to guide integrated development in urban areas. This process will involve improved data collection, analysis of residential supply and demand and consideration of the suitability of the current UGB. The Metro Plan will inform any medium term update to the STRLUS.
3. The longer term development of a regional planning framework enabling the comprehensive review of the STRLUS following the making of the Tasmanian Planning Policies (TPPs). This framework will be incorporated into the *Land Use Planning and Approvals Act 1993* and address the purpose, content, roles, and procedures for making, reviewing, and amending regional land use strategies.

In the short to medium term, there will also be the potential to consider modifications to the growth strategies for regional towns and settlements outside the Greater Hobart UGB. These may be in the form of modified growth targets or the inclusion of structure plans as updates to the growth strategies in the STRLUS.

The Urban Growth Boundary

The STRLUS established the UGB in 2011 and it is mainly implemented through the allocation of urban zones in planning schemes. Zones allowing for residential as well as business, industry, and community use and development are able to be included within the UGB. Discussion within the strategy indicates the purpose of the UGB is to:

- set the physical extent for a 20 year supply of residential land, at a 50/50 greenfield to infill ratio and with a minimum net residential density of 15 dwellings per hectare, for the metropolitan area;
- reflect infrastructure capacity, environmental, landscape and heritage values, and land hazards; and
- support increased density in areas around integrated transit corridors and principal and primary activity centres.

The strategy also notes that the UGB should be monitored on a yearly basis, with reviews to incentives or restrictions triggered if the ratio of greenfield to infill development is not on track.

While the UGB was originally intended as indicative, it was updated and confirmed by councils as definitive in 2013. However, monitoring of residential development and the ratio of greenfield to infill development has not occurred despite residential growth and increasing housing pressure over recent years. In 2011, it was noted that 710 hectares of residential land (infill and greenfield) was required within the UGB; in 2020 we are unable to definitively say how much of that land has been taken up or what portion has gone to infill and greenfield. This is likely to be considered in preparation of the Metro Plan.

Various anomalies in the UGB have also not been resolved in the years since the making of the STRLUS. Variances in approach, such as basing the UGB on cadastre or zoning and inclusion of non-urban zones, have resulted in:

- numerous land parcels of varying size that are split by the UGB, and
- seemingly appropriate parcels, part parcels, or whole residential areas being left out of the UGB.

The persistence of anomalies in the UGB makes determination of land use decisions at the UGB fringe difficult.

The proposal

The proposed policy provides a pathway for considering a rezoning for urban development that proposes a minor extension of the UGB. The intention is to restrict the scope to address what appear to be anomalies and avoid detracting from the intent of the UGB and the goal of achieving a balanced infill to greenfield development ratio across Greater Hobart.

The policy is proposed as an interim measure pending the outcomes of the Greater Hobart Metro Plan process and the comprehensive review of the STRLUS.

The proposed policy would be included in the Settlement and Residential Policies of the STRLUS as regional policy SRD 2.12 (refer Attachment 1). The proposed SRD 2.12 has been drafted to provide clear criteria but also work within the limits of the STRLUS by:

- establishing principles for the use of discretion not absolute standards;
- reflecting language used elsewhere in the strategy; and
- operating in conjunction with other regional policies that are typically addressed in planning scheme amendment assessment processes.

The proposed policy establishes clear criteria regarding the location and size of land that may be considered for rezoning. This is limited to small titles or residual parts of titles that abut the UGB and seem to be anomalies in its application.

Location: The proposed policy requires the site to:

- adjoin the UGB, meaning that it must share a common boundary with the UGB;
- either comprise a full title, or be the residual area of a title that is partially within the UGB; and
- not constitute a significant increase in land zoned for urban development outside the UGB in that locality.

It is important to note that the locational test relates to the UGB and not to land adjoining any urban rezonings beyond the UGB. Consideration must be given to the cumulative effects on the land beyond the UGB in the local area, but an analysis of the supply and demand is not required.

Size: It is proposed to limit the total land area of a title that may be considered for rezoning outside the UGB. The maximum size should reflect the intent of addressing an anomaly while also avoiding the rezoning of substantial land areas outside the UGB. It is intended that there would be no need to undertake a supply and demand analysis and comply with the requirement in regional policies SRD 2.2 and 2.8. Options identified for the maximum size are detailed in the table below.

The PPU will also undertake a detailed GIS analysis of land adjoining the UGB to determine the impact of the different maximum land area options.

Table 1 – Considerations for determining a maximum size limit in proposed STRLUS policy SRD 2.12

Maximum size	Considerations
2 hectares	<ul style="list-style-type: none">• Potential for 30 dwellings at 15/ha• Relatively small and likely to have minimal impact on the broader settlement strategy• Potential to be an anomalous exclusion from the UGB
3 hectares	<ul style="list-style-type: none">• Potential for 45 dwellings at 15/ha• Provides broader scope for considering land outside the UGB, but may lead to impacts on the broader settlement strategy
4 hectares	<ul style="list-style-type: none">• Potential for 60 dwellings at 15/ha• Likely to allow for a significant increase in urban land outside the UGB with greater potential to impact on the settlement strategy• Likely to have been excluded from the UGB intentionally

As impacts on transport networks, adjoining land uses, infrastructure servicing capacity, natural values, cultural values, and hazards are the subject of other RLUS policies and standard assessment processes, criteria related to these matters have not been included in the proposed policy. It remains expected that these matters are addressed in any rezoning assessment process.

Procedures

Provided the proposal satisfies SRD 2.12, a council would be able to initiate and certify a proposed amendment to the planning scheme to rezone land for urban development for small areas outside the UGB without needing to seek an amendment to the STRLUS. The relevant planning authority and the Tasmania Planning Commission would determine the suitability of the proposed rezoning as a part of the standard assessment process.

Any proposals that do not fit the criteria in SRD 2.12 would need to be considered as part of any medium term update of the STRLUS to implement the Greater Hobart Metro Plan, or as part of the longer term review of the STRLUS.

Attachment 1: Proposed policy SRD 2.12

Notwithstanding SRD 2.2 and SRD 2.8, land outside the Urban Growth Boundary shown in Map 10 may be considered for rezoning for urban development if it:

- a) adjoins land within the Urban Growth Boundary;
- b) comprises a lot that is outside the Urban Growth Boundary, or the residual area of a lot that is partially within the Urban Growth Boundary, with an area of not more than <2> hectares¹;
- c) does not constitute a significant increase in land zoned for urban development outside the UGB in that locality; and
- d) results in minimal potential for land use conflicts with adjoining land uses.

¹ This figure will be informed by feedback from stakeholders. See background paper for discussion on maximum land area options of 2, 3, or 4 hectares.

REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES

Purpose

This information sheet is issued by the Department of Justice, Planning Policy Unit and provides information on when and under what circumstances the regional land use strategies are reviewed and amended. It also provides information on the requirements and processes for reviewing and considering amendments to the regional land use strategies.

Background

The *Land Use Planning and Approvals Act 1993* (LUPAA) provides for the preparation and declaration of regional land use strategies, which provide an important high-level component of the planning system. Essentially, the regional land use strategies provide the linkage between the Schedule 1 objectives of LUPAA, State Policies established under the *State Policies and Projects Act 1993*, and the future Tasmanian Planning Policies with the current interim and future Tasmanian planning schemes. They provide the mechanism by which the strategic directions of the State and each region are implemented through the land use planning system.

The regional land use strategies set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for Government, local councils, developers and the community on where, when and what type of development will proceed.

Three regional land use strategies are currently in place in Tasmania. The Minister for Planning¹ originally declared the Cradle Coast, Northern and Southern regional land use strategies on 27 October 2011².

The three regional land use strategies provide the strategic direction for future land use and development in each region over a 25-year time horizon. The strategic directions, policies and actions contained within the regional land use strategies aim to deliver sustainable settlements that are integrated across each region, integrated with services and infrastructure, and complemented

¹ Minister for Planning, the Hon Bryan Green MP.

² The three regional land use strategies are: Living on the Coast – The Cradle Coast Regional Land Use Planning Framework; Northern Tasmania Regional Land Use Strategy; and Southern Tasmania Regional Land Use Strategy 2010-2035.

by built and open space environments. They also provide directions, policies and actions to protect Tasmania's agricultural estate and other resource-based industries and protect the State's cultural and natural environments.

Regional land use strategies may also incorporate or reference specific local strategic documents for the purposes of reflecting the application of each strategy within a particular municipal area or sub-regional area.³

Since their declaration, a number of subsequent amendments have been made to both the northern and southern regional land use strategies. The amendments range from minor revisions and refinements to improve consistency and revisions to align with the latest planning reforms, through to broader reviews to implement more strategic changes, such as the review of the Northern Tasmania Regional Land Use Strategy to allow for components of the Greater Launceston Plan.

The regional land use strategies are currently implemented in the land use planning system through statutory zoning and planning provisions in interim planning schemes. They are a key consideration when amendments to the interim planning schemes and other existing planning schemes are being assessed. The regional land use strategies will similarly be implemented through the Local Provisions Schedules (LPSs) that form part of the Tasmanian Planning Scheme.

Legislative context

The regional land use strategies are given legal effect through section 5A of LUPAA.

The Minister for Planning may declare a regional land use strategy for a regional area. Amendments to a regional land use strategy may also be made by the Minister declaring an amended strategy and the Minister is also responsible for keeping the strategies under regular and periodic review.

In addition, comprehensive reviews of all three regional land use strategies will be undertaken following the implementation of the future Tasmanian Planning Policies.

When declaring a regional land use strategy under section 5A of LUPAA, the Minister must first consult with the:

- Tasmanian Planning Commission;
- planning authorities; and
- relevant State Service Agencies and State authorities.

LUPAA specifically requires all planning schemes and any amendments to a planning scheme to be, as far as practicable, consistent with the relevant regional land use strategy.

Before certifying and publicly exhibiting a draft planning scheme amendment, a local council, acting as a planning authority, needs to be satisfied that the draft amendment is consistent with the relevant regional land use strategy.

³ Before being incorporated into (or referenced in) a regional land use strategy, local strategic documents would need to be based on verifiable evidence, supported by Government and demonstrate how they reflect the strategic application of a relevant strategy.

Equally, the Tasmanian Planning Commission must be satisfied that a draft planning scheme amendment is consistent with the relevant regional land use strategy before approving the amendment. Similar legislative requirements apply to all future LPSs, and amendments to LPSs that will be in place under the Tasmanian Planning Scheme.

Reviewing and amending the regional land use strategies

Regional land use strategies have a significant role to play in setting the medium to longer-term strategic directions for each region. Therefore, it is important that the strategic directions, policies and actions contained within each strategy appropriately address both current and emerging land use planning issues. To achieve this, the Minister for Planning is committed to regularly and periodically reviewing the strategies.

Amendments to regional land use strategies will need to be considered over time for a number of reasons. Importantly, amendments to the strategies will generally occur as part of the reviews that are conducted by the Minister for Planning. The Minister for Planning may consider an amendment to a strategy outside the normal review periods under exceptional circumstances.

Any amendment to a regional land use strategy that is requested by an individual or a planning authority would need to be supported by documentation that identified and justified the need for the amendment. Moreover, as the regional land use strategies are a regional plan, it would require the general support from all councils within the region.

The request would also be subject to a rigorous assessment process to ensure that the agreed medium and longer-term strategic directions contained in the relevant strategy are not undermined. This is necessary to ensure that any site-specific amendments to a regional land use strategy do not lead to unintended regional planning outcomes.

An amendment to a regional land use strategy may need to be considered for purposes such as:

- implementing broader legislative reform or overarching State policies or strategies (e.g. the future Tasmanian Planning Policies);
- implementing any revised background analysis of issues in response to changes such as demographics, emerging planning issues, housing supply and demand, or population growth projections;
- incorporating or referring to local or sub-regional strategy planning work that is based on verifiable and agreed evidence and reflects the application of a regional land use strategy in a municipal area or sub-regional area;
- incorporating contemporary community expectations; or
- making minor refinements to correct errors or clarify the operation of a strategy.

It is also important to consider that amending a regional land use strategy is not always the most appropriate course of action to facilitate use and development within a region. This is because the strategies represent the agreed and approved strategic directions for each ‘entire’ region and provide certainty to the broad community, infrastructure providers and governments as to medium and long-term investment decisions. Consequently, use and development should be directed in the first instance to those agreed areas identified in the relevant strategy.⁴

Information requirements to support an amendment request

The information requirements for considering a request to amend a regional land use strategy will be dependent on the nature of the proposed amendment.

Before an individual or a planning authority considers whether or not to make a request to amend a regional land use strategy, it is recommended that early discussions take place with the Planning Policy Unit within the Department of Justice to determine if specific information requirements will be required to enable the consideration of the proposed amendment.

All requests to amend a regional land use strategy should include, as a minimum, the following information.

Minimum information requirements to support an amendment request

1. All requests for an amendment to a regional land use strategy should first be directed to the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
2. All draft amendments to a regional land use strategy should be submitted in writing to the Minister for Planning by the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
3. The supporting documentation should include details on why the amendment is being sought to the regional land use strategy.
4. The supporting documentation should include appropriate justification for any strategic or policy changes being sought and demonstrate how the proposed amendment:
 - (a) furthers the Schedule 1 objectives of LUPAA;
 - (b) is in accordance with State Policies made under section 11 of the *State Policies and Project Act 1993*;
 - (c) is consistent with the Tasmanian Planning Policies, once they are made; and
 - (d) meets the overarching strategic directions and related policies in the regional land use strategy.

⁴ For example, the Northern Tasmania Regional Land Use Strategy and Southern Tasmania Regional Land Use Strategy 2010-2035 direct residential development in areas within a relevant Urban Growth Boundary or growth corridors.

As the regional land use strategies represent the agreed and approved strategic directions for the planning authorities that are located in a particular region and the State, any proposed amendments need to consider the impacts on these entities and should be based on an agreed position.

To assist with the consideration of an amendment to a regional land use strategy, it is strongly recommended that written endorsement for the proposed change is sought from all the planning authorities in the relevant region.

It is also strongly recommended that consultation with relevant State Service agencies, State authorities and other infrastructure providers be undertaken before making a request for an amendment to ensure that any significant issues are avoided when the Minister for Planning consults as part of considering the merits of the amendment request.

In addition, amendments that seek to modify an urban growth boundary (or equivalent), settlement growth management strategies, or seek other modifications to a regional settlement strategy, will usually require additional supporting information such as an analysis of current residential land supply and demand, using accepted contemporary and verifiable data sources, that considers the region in its entirety.

The following additional supporting information should also be included.

1. Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance.
2. Analysis and justification of the potential dwelling yield for the proposed additional area of land.
3. Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared.
4. Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities.
5. Consideration of appropriate sequencing of land release within the local area and region.
6. Consideration of any targets for infill development required by the regional land use strategy.
7. Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.

The following matters must be considered if an amendment is proposed to a regional land use strategy to develop ‘greenfield’ land⁵. These matters may also need to be considered for amendments relating to some infill development (such as ‘brownfield’ and ‘greyfield’ development⁶).

The following matters should be considered.

1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.
2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.
3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.
4. The potential loss of agricultural land from Tasmania’s agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).
5. The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.
6. Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.
7. Risks associated with potential land contamination.
8. The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).

Process for considering an amendment request

The process for considering an amendment request to a regional land use strategy will depend on the nature and scope of the request and the adequacy of the supporting documentation.

As a minimum, the Minister for Planning is required to consult with the Tasmanian Planning Commission, planning authorities, and relevant State Service agencies (e.g. Department of State

⁵ Greenfield land is generally former agricultural or undeveloped natural land on the periphery of towns and cities that has been identified for urban development

⁶ Brownfield sites are underutilised or former industrial or commercial sites in an urban environment characterised by the presence of potential site contamination. Greyfield sites are underutilised, derelict or vacant residential or commercial sites in an urban environment that are not contaminated.

Growth) and State authorities (e.g. TasNetworks) on all amendments to regional land use strategies).

The Minister will consult with these relevant entities for a period of at least 5 weeks. The Minister may also need to consult with other infrastructure providers, where relevant, such as TasWater and TasGas.

For amendments seeking to incorporate broader strategic changes to a regional land use strategy, the Minister for Planning is also likely to seek public input through a formal public exhibition process during this 5 week consultation period. Broader strategic changes have the potential to affect property rights and the community should be afforded natural justice before the Minister declares an amended strategy.

The Minister for Planning will also require all planning authorities in the relevant region to agree to the proposed amendment.

Following the consultation period, the Minister for Planning will consider any submissions received and seek advice from the Department of Justice, Planning Policy Unit before determining whether or not to declare an amended regional land use strategy and whether any modifications are required to the amendment prior to declaration. Procedural fairness will be afforded to all parties prior to making a decision on the amendment request.

Where can I get more information?

General enquiries about the requirements and process for considering amendments to the regional land use strategies should be directed to:

Planning Policy Unit
Department of Justice
GPO Box 825
HOBART TAS 7001

Telephone (03) 6166 1429
Email: planning.unit@justice.tas.gov.au

January 2019

11.7.3 DOG MANAGEMENT POLICY REVIEW

(File No.)

EXECUTIVE SUMMARY**PURPOSE**

To obtain endorsement by Council of the draft revision of Council's Dog Management Policy, including a Schedule of Declared Areas, and to initiate a 4-week period of public consultation.

RELATION TO EXISTING POLICY/PLANS

The Policy is consistent with Council's Strategic Plan 2016-2026 and existing policy on user pays fees and charges.

LEGISLATIVE REQUIREMENTS

The Dog Control Act 2000 requires council to review its Dog Management Policy every 5 years. The policy contains a code of responsible dog ownership, a fee structure, the provision of declared areas and any other relevant matters.

CONSULTATION

A workshop was held with Aldermen in October 2020 with a follow-up survey of Aldermen through Have Your Say completed in November 2020. Discussions and meetings have been held with relevant organisations such as Dogs Tasmania, Dogs Homes of Tasmania, RSPCA, Eastern Shore Dog Club, Hobart Dog Walking Association, Birds Tasmania, RSL Tasmania, Bonorong Wildlife Park, Tasmanian Equestrian Centre, Coastcare groups and Parks and Wildlife Service. Discussions were also held with internal stakeholders in Asset Management such as the Tracks and Trails and Natural Areas and Recreational Planning groups.

FINANCIAL IMPLICATIONS

The fee structure contained within the policy will aim to recover 70% of the costs associated with dog management.

RECOMMENDATION:

That Council endorses the revised draft Dog Management Policy including the Schedule of Declared Areas (January 2021) and authorises its release to the public for a 4-week period of public consultation.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1** The Dog Control Act 2000 requires councils to develop and implement a policy relating to dog management within its municipal area, and states that this policy must be reviewed every 5 years.

The Act requires councils to invite public submissions relating to the policy and to consult with any appropriate organisation or body. Any submissions and outcomes of consultation are to be considered prior to adopting the policy.

- 1.2** The Dog Control Act was proclaimed on 4 April 2001, and the first Dog Management Policy was formally adopted by Council on 14 January 2002. There have been two reviews of this policy since that time which were adopted by Council on 25 February 2008 and 16 November 2015 respectively.
- 1.3** The current Dog Management Policy was adopted in 2015 after extensive public consultation and is now due for review.

2 REPORT IN DETAIL

- 2.1** The Policy is required to include:

- A code relating to responsible dog ownership;
- A fee structure;
- The provision of declared areas; and
- Any other matter.

- 2.2** The following changes to the Policy are proposed:

CODE

The Code of Responsible Dog Ownership is a voluntary code that defines best practice principles for people considering dogs as companion animals. The code includes suggested actions pre and post purchase of a dog.

While there have been no changes to the principles outlined within the Code of Responsible Dog Ownership, the code has been updated in format and language in line with council's adopted style guide.

FEE STRUCTURE

The fee structure provides guidelines within which councils can set annual fees for dog management. This fee structure is consistent with existing policies relating to user pays fees and charges and recognises efforts that owners have taken that signify responsible dog ownership.

The current fee structure is considered overly complicated and changes are being made to simplify and remove some historic elements of the fee schedule which are causing an impediment to the rollout of Project Connect. Simplification of the fee schedule will support the rollout of Project Connect. The objective of that project is that owners will be able to register their dogs on-line instead of needing owners to attend the Council offices and the Customer Contact Group processing the registration.

The following changes are proposed to the fee structure:

- Extending the pension discount to apply to all dogs owned by a pension card holder, currently a pensioner can only get the discounted rate on one dog.
- Rationalise the categories of dogs from seven to four categories by removing the separate fee for purebred dogs, working dogs and racing greyhounds. These dogs would be moved into either the desexed dog or entire-dog categories.
- Removing the historic \$5 early payment fee which is a remnant of the 2002 policy.
- Changing the fee incentives for trained dogs by removing the one-off discount for Grade 3 trained dogs. Dogs reaching the Grade 4 (all off-lead training) will continue to receive a lifetime 50% discount.
- The 50% discount for dogs reaching 6 months of age after 1 December be discontinued.
- No fee will be charged to owners registering their dogs from 1 May to 30 June. This will apply to new dogs to the area, overdue registration fees for dogs already on the Register of Dogs will be at the appropriate fee.
- Increasing the reliance on the general rate to 30% in light of changes to service levels and increased usage of Council facilities by out of area users.

DECLARED AREAS

The Dog Control Act provides for 4 types of declared areas:

- Exercise areas, where dogs can be either on-lead or off-lead;
- Training areas, areas designated for training such as obedience classes;
- Prohibited areas, where dogs are excluded to protect sensitive habitat for native fauna; and
- Restricted areas, where dogs can be restricted from entering during specified areas, days or seasons or at all times. These restrictions may be classified as either on or off-lead.

Several changes are proposed to the declared areas, these are as follows:

- The Tangara Trail will have the same declaration as the Clarence Coastal Trail and the Clarence Foreshore Trail, that is it will become an on-lead dog exercise area due to the increased usage of this trail by cyclists and pedestrians.
- All Council bushland reserves and nature recreation areas will become on-lead areas in order to protect local fauna and flora. This will include, but is not limited to, the Waverley Flora Park, Bedlam Walls and Natone Hill areas.
- ANZAC Park in Lindisfarne will be changed to on-lead at all times due to the ongoing development of this park as a memorial park.
- A new off-lead dog park be established in Natone Street Lindisfarne to compensate for the removal of ANZAC Park as an off-lead area.
- The disused Lauderdale tip site is to be developed into a fenced off-lead dog exercise area.
- Cambridge Dog Park (under development) is to be declared as an off-lead dog exercise area.
- 3/22 Rosny Hill Road (Rosny Golf Course site) is to become an on-lead exercise area if this area ceases to be a golf course in 2021.
- Roscommon Reserve (including Lauderdale Wetland Reserve) will become an on-lead exercise area due to the shared usage and sporting activities in this area and to protect local flora and fauna.
- A breed specific off-lead exercise area for greyhounds is to be established within easy access to the majority of greyhound owners.

Three sites are identified as being suitable for this purpose, and it is recommended to put this out to public consultation with the following options:

- Subject to City Heart concept planning, Charles Hand Park off Bastick Street in Rosny; or
- Conara Foreshore Reserve, Rosny Esplanade in Montagu Bay; or
- Goodwins Road in Clarendon Vale.

Maps have been attached to this report for consideration. A separate declaration will need to be made for this land to permit greyhounds off-lead.

- Roches Beach at Lauderdale – 2 options are proposed. It is recommended to put this out to public consultation with the following options:

- The current restrictions to remain, which are:
 - Roches Beach (from Bambra Street, north to 11 Kirra Road) dogs to be on-lead at all times; and
 - Roches Beach (from Bambra Street south to Mays Point Road) no dogs from 10.00am – 6.00pm from 1 December to 31 March; at all other times dogs can be off-lead under effective control.
- Summer restrictions removed from the beach to enable shared use of:
 - Canal north to Bambra Street/Bambra Reef, dogs can be off-lead under effective control; and
 - Canal south to Mays Point dogs will be restricted from entering at all times.

Maps have been attached to this report for consideration.

- Bellerive Beach – 3 options are proposed. It is recommended to put this out to public consultation with the following options:
 - From First Bluff to Beach Street – no dogs at any time. From Beach Street to Second Bluff – No dogs from 10.00am – 6.00pm from 1 December to 31 March; at all other times dogs can be off-lead under effective control. This is the current declaration; or
 - From First Bluff to Beach Street – no dogs at any time. From Beach Street to Second Bluff – No dogs 1 December to 31 March; at all other times dogs must be on-lead; or
 - The entirety of Bellerive Beach becomes prohibited to dogs at all times.
- Howrah Beach – 4 options are proposed. It is recommended to put this out to public consultation with the following options:
 - No dogs from 10.00am – 6.00pm from 1 December to 31 March; at all other times dogs can be off-lead under effective control. This is the current declaration; or
 - No dogs from 10.00am – 6.00pm from 1 December to 31 March; at all other times dogs must be on-lead; or
 - No summer restrictions - dogs can be off-lead under effective control at all times; or
 - No summer restrictions - dogs to be on-lead at all times.

OTHER MATTERS

No changes are proposed to the existing elements of Other Matters section of the Policy but information on impounded dogs has been added. This information had previously been included in the Code of Responsible Dog Ownership but is more appropriate in this category.

3. CONSULTATION

3.1. Community Consultation Undertaken

Not applicable.

3.2. State/Local Government Protocol

The Parks and Wildlife Service was consulted as were groups within the Environmental Management branch of Council. A workshop and follow-up survey were held with Aldermen in respect to the policy review.

3.3. Other

Relevant organisations including Dogs Tasmania, Dogs Homes of Tasmania, RSPCA, Eastern Shore Dog Club, Hobart Dog Walking Association, Birds Tasmania, RSL Tasmania, Bonorong Wildlife Park, Tasmanian Equestrian Centre, Pipeclay Coastcare and Parks and Wildlife Service were consulted.

3.4. Further Community Consultation

The Dog Management Policy review community consultation will be undertaken in accordance with the proposed consultation plan outlined below and consistent with the proposed Community Engagement Policy 2020.

- **Consultation Plan**

- Prepare a survey through Your Say.
- Prepare posts for social media and media release for Council website.
- Prepare an edition of DogNews to be emailed and posted to registered dog owners.
- Advise organisations previously consulted that the draft Policy is now open for review.
- Notification in front foyer of Council chambers.

- **Consultation Aim**

To gain community feedback of the revised Dog Management Policy and Schedule of Declared Areas.

- **Community Engagement Tools**

In accordance with Clause 8 of the Community Engagement Policy 2020, this consultation will use:

- Your Say Clarence
- City of Clarence website
- Social media
- Media release
- Direct email/letter through DogNews

- **Consultation Timing**

The consultation is anticipated to commence in March 2021 and be open for 4 weeks. The results of the consultation are anticipated to be available in late April 2021.

Further consultation may be undertaken at Council request.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Policy is consistent with existing strategic plans and financial policies.

5. EXTERNAL IMPACTS

The revised Dog Management Policy will impact certain parts of the community dependent on the scope of any approved changes.

6. RISK AND LEGAL IMPLICATIONS

Council is required to review its Dog Management Policy once every 5 years.

7. FINANCIAL IMPLICATIONS

Dog management is partly funded through the general rate. This is provided as a community service obligation. The policy aims to set this contribution to 30%. There will be some additional costs in relation to fencing for a Greyhound exercise area (if approved) and amended signage for areas where declarations have changed.

8. ANY OTHER UNIQUE ISSUES

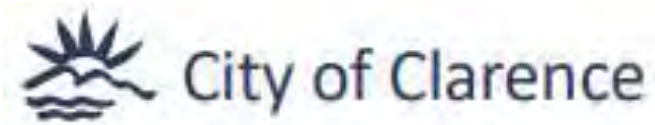
Nil.

9. CONCLUSION

- 9.1.** The Policy aims to provide an approach to dog management in Clarence that balances the needs of both dog and non-dog owners. Public consultation is an important part of this process to enable a considered outcome as well as being a legislative requirement.
- 9.2.** Changes have been proposed to the Code of Responsible Dog Ownership, the fee structure, other relevant matters and declared areas.

Attachments: 1. Draft of the revised Dog Management Policy (13)
2. Draft of the revised Schedule of Declared Areas. (8)
3. Maps of proposed Bellerive Beach exercise options (3)
4. Maps of proposed Howrah Beach exercise options (4)
5. Maps of proposed Greyhound off-lead areas (3)
6. Maps of proposed Roches Beach exercise options (2)

Ian Nelson
GENERAL MANAGER



DOG MANAGEMENT POLICY 2021

VERSION 1
Produced January 2021

DRAFT 1 January 2021

Vision for the City of Clarence

Clarence...diverse communities working together for a vibrant and prosperous and sustainable city.

Dog Management Policy

Introduction

In accordance with Section 7 of the Dog Control Act 2000 council must develop, make and implement a policy relating to dog management within its municipal areas. The policy must be reviewed every five years and must include each of the following elements:

- code of responsible dog ownership
- fee structure
- schedule of declared areas
- any other relevant matter

Aim

To achieve a harmonious relationship between people, dogs and the environment.

Council's role in achieving this aim

Within available resources and consistent with council service provision priorities, council will:

- Provide information for dog owners and non-dog owners of their rights and responsibilities under the Dog Control Act 2000.
- Understand that exercise areas should recognise the needs of people and dogs, as well as considering impacts on the environment when planning dog exercise options.
- Appreciate the needs of dog owners and non-dog owners in the development of future recreation and urban management planning processes.
- Administer the provisions of the Dog Control Act 2000.

Direction Statements

- The importance of dog companionship is recognised.
- Benefits to the health and welfare of dogs, and benefits to the owner are recognised.
- That the value of education and promotion of responsible dog ownership is the first guiding principle for dog management issues within the City of Clarence.
- Regulatory measures are used where education has previously been provided and a subsequent offence is detected, or where a serious offence against the Dog Control Act 2000 has occurred.

Code of Responsible Dog Ownership

Purpose

To provide guidelines for dog owners and prospective owners on actions that will assist in producing healthy and happy dogs and provide a harmonious community for all residents.



Objectives

Dogs are an important part of society and we value their companionship. As with any animal there are standards of care and welfare that need to be observed. The views and concerns of neighbours and other members of the community need to be considered.

Responsible dog ownership requires accepting full responsibility for dogs in terms of their needs and the standards for dog management that are expected by the wider community.

The following code has been developed to help owners maximise

- Appropriate dog behaviours
- Understanding of dog control regulations
- The health and welfare of dogs
- Promoting adherence to the voluntary code of responsible dog ownership

Pre-Purchase Guidelines

Dogs are a valuable companion animal that require an ongoing commitment to their care. In order to fully understand the obligations and responsibilities of dog ownership, research should be taken prior to making the final decision to bring a dog into your home.

Some issues that need to be considered before acquiring a dog are:

- The breed of the dog and its suitability to the home environment.
- The number and age of family members.
- Compatibility to any other pets you own.
- The size of your yard and suitable fencing.
- Proximity of neighbours and any pets they may own.
- Access to a kennel or other shelter when outside.
- Your current lifestyle and activity levels.
- Vaccinations, desexing and microchipping before 6 months of age
- Arrangements for care if you are away or unavailable - proximity and cost of boarding kennels, pet minders or in-house sitters.
- Location and access to dog exercise areas and proximity to any prohibited or restricted areas.
- Location and access to other services such as veterinary and pet services.
- Initial and continuing costs – including but not limited to purchase or adoption costs, vaccinations, microchipping, desexing, registration costs, on-going and unexpected veterinary costs, pet insurance, dietary requirements from pup to adult, obedience classes and grooming.
- Socialisation and education of your dog and providing access to a variety of experiences.
- Familiarisation with regulations relating to dog ownership - Dog Control Act 2000, Animal Welfare Act 1993 and Council's Dog Management Policy.

Post-Purchase Guidelines

Having made the decision to bring a dog into your family the following actions are recommended to ensure a healthy and happy dog:

- Microchipping and desexing before six months of age
- Registration with council at six months of age
- Annual vaccinations and veterinary checks
- Appropriate diet from puppy through to adulthood
- Puppy school and obedience training
- Opportunities for exercise, play and socialisation
- Adherence to all regulatory requirements

Consideration of Others

There are responsibilities for us all to consider the impact of our actions, and our dog's actions, on others and this includes taking actions to:

- Ensure your dog does not bark or howl excessively and cause a nuisance to others.
- Contain your dog to your property and ensuring your dog does not jump fences or wander off.
- Clean up after your pet by removing and disposing of dog waste immediately.
- Keep no more than two dogs on your property without a kennel licence or council approval.
- Make sure your dog is on lead at all times and only taken off lead in designated off-lead areas.
- When in an off-lead area keep your dog under effective control at all times. Effective control is defined as being:
 - within line of sight
 - in close proximity
 - your dog being immediately responsive to your command.
- Do not allow your dog to become a nuisance to others when in a public place. Your dog's enthusiastic or playful activity such as jumping at people and rushing to other dogs might not be appreciated by other people or dogs.
- Compliance with the Dog Control Act 2000 and other regulatory requirements.
- Understanding your responsibilities as a dog owner.

Awareness

Ongoing awareness of this Code will be provided through:

- City Rangers in their daily activities
- Council staff in community events such as Dogs Day Out
- Promotion through Dog News, Council's website and social media platforms
- Support of education programs in local schools and community organisations, run through Dogs' Homes of Tas and Delta Dog Safe



Other Relevant Matters

Kennel Licences

The Dog Control Act 2000 provides that a kennel licence is necessary if more than two dogs over the age of six months are to be kept at a property, or in the case of working dogs, four working dogs being kept at a property. The Act does provide for a temporary exemption when a dog is being cared for a short period of time if it meets the criteria for a temporary exemption.

An application for a Kennel licence will only be considered in the following circumstances:

- The premises are in non-residential styled zoning, and
- The property has an area equal to or greater than 1 hectare

Council's assessment of a kennel licence will include consideration of issues such as zoning of the land including any adjacent residential styled zoned properties. It will also take into account the location of residential zoned buildings, local amenity, environmental health issues and animal welfare. Council will be taking into consideration the kennel standards for dogs which reflect the State Government's draft Animal Welfare Standards and Guidelines for Dogs in respect to the keeping of dogs on private premises.

A kennel licence will not be granted if the premises to which the licence relates is deemed to be unfit for the purpose for which it is to be used, if it is not in the public interest, or if it is not compatible with the principles within council's Code of Responsible Dog Ownership.

In extenuating circumstances, where the criteria outlined in the Dog Control Act 2000 cannot be met, and the property does not meet the minimum standards in terms of size and zoning, a short-term kennel licence may be sought from council. The issuing of a licence in this circumstance would be at the discretion of the General Manager and would apply for a set period and only for the dogs specified on the licence.

Lost Dogs

If your dog is missing it may have been collected by the City Rangers and taken to the Dogs' Home of Tasmania, located at 101 Scots Road in Risdon Vale.

Fee Structure

Policy

The objective of the fee schedule is to set the reliance on the general rate to 30%. This is in response to the increasing demand on Ranger Services by users of Clarence City Council facilities from other municipal areas and reflects the provision of non-dog areas and services for non-dog owners. The financial impost of providing a ranger service is to be achieved through a combination of setting appropriate fees and ensuring that all dogs are registered.

Objectives

- Maximising the level of dog registration in the City of Clarence.
- Recognising responsible dog ownership in establishing the scale of fees.
- To minimise the reliance on the general rate contribution for dog management costs.

Registration Categories

Category	Level of fees	Documents for eligibility
Entire Dog	Fee adopted each financial year by council	
Desexed Dog	30% of the Entire Dog fee	<ul style="list-style-type: none"> • Certificate of Sterilisation issued by a veterinary surgeon/surgery • other documentation which confirms that the dog is sterilised such as previous council documents or microchipping certificate • a signed statutory declaration
Guide Dog (inc Hearing dogs)	No fee charged	Identification card issued by Guide Dogs Australia or Hearing Dogs
Guard Dog	2 x the Entire Dog fee	Documents may be requested by council to confirm the dog will be guarding a non-residential property
Dangerous Dog	10 x the Entire Dog fee	Formal Dangerous Dog declaration or written advice from a council that made the declaration

Guidelines for setting and payment of fees

- Kennel licence fees are raised annually and will be set at the Entire Dog fee.
- The registration fees are to be paid annually and based upon the financial year 1 July to 30 June.
- Renewal notices will be sent prior to 30 June each year.
- Registration fees are due before the 1st of August each year.
- All fees will be rounded to the nearest 10 cent.
- All registration and kennel licence fees will be increased by a minimum of CPI (Hobart) for the twelve-month preceding period to the end of the March quarter.

Reductions and Reimbursements

Pension concessions

20% discount will apply to dogs registered to a pensioner. In this policy a pensioner is defined under the meaning of the Local Government (Rates and Charges) Remissions Act 1991.

Registrations made after 30 April

A 100% reduction be applied to dogs registered after 30 April each year until 30 June of that year unless the registration is made at the direction of an authorised officer.

Obedience Trained Dogs

An ongoing 50% discount will apply to the registration fee for dogs that have received a Grade 4 training certificate which has been issued by an accredited training organisation. Grade 4 training is recognised as being all off-lead training. The principle behind this fee reduction is to encourage and support owners to have well trained dogs when in off-lead environments.

Dogs adopted from animal welfare bodies

In recognition of the valuable work undertaken in the field of animal welfare, a free first year registration will be given until 30th June (following date of purchase) if adopted from one of the following organisations:

- Dogs' Homes of Tasmania
- RSPCA
- GAP – Greyhound Adoption Program



Implementation

- Changes to the fee structure will come into effect on 1 July following formal adoption by council of the revised Dog Management Policy.
- Fees are to be set annually by Council in accordance with the Dog Control Act and the Local Government Act.
- Information on the fee structure is to be made available on Council's website and social media platforms, via DogNews and through the council offices.

Declared Areas

Classes of Declared Areas

The Dog Control Act 2000 defines specific classes of declared areas

Exercise Areas

Areas where a dog may be exercised subject to one of the following conditions:

- On-lead
- Off-lead

Training Areas

An area where a dog may be trained subject to any specified conditions. Dogs being exercised in these areas are not expected to be under effective control when taken off lead if their owner is actively engaged with them.

Restricted Area

Areas where dogs are restricted from entering during specified hours, days or seasons or at all times.

Prohibited Areas

Areas containing sensitive habitat for native flora or fauna where dogs are prohibited

Objectives

- To recognise the needs of people in Clarence who own dogs.
- To recognise the needs of non-dog owners in the appropriate declaration of areas.
- To provide safe and appropriate environments for the community.
- To protect sensitive areas including areas of cultural significance, native flora and fauna.
- To facilitate responsible dog ownership and support compliance to leash laws by providing a range of opportunities for dog exercise in the City of Clarence.
- To consider the provision of dog exercise areas in planning for future public recreation areas.
- To provide training areas where dog training is conducted on a formal basis.

Principles for declaration

Dogs must be on-lead when entering into and using all shared use areas, including tracks, trails, pathways, regional parks and bushland reserves unless separately declared otherwise. Under the provisions of the Dog Control Act 2000 all dogs in road or road-related areas in built up areas, are required to be on-lead. The definition of road-related area includes any footpath or track that is designed for use by cyclists or pedestrians. A built-up means an area in which:

- there are buildings on land next to the road and
- there is street lighting at intervals not over 100 metres for a distance of 500 metres or if the road is shorter than 500 metres, for the whole road.

Council is the only authority with the ability to declare areas for the exercise, restriction or prohibition of dogs under the Dog Control Act 2000. This authority will be primarily utilised on parcels of land which come under council's management.

Where it is considered appropriate, council may enter into negotiations with the owners of other parcels of land for the declaration of their land in relation to exercise, restriction or prohibition of dogs. When negotiations are conducted, discussions will also be held in relation to management, policing and appropriate signage for that land. In conducting such negotiations council will only exercise those functions over its own land, unless there is a mutual benefit in deciding otherwise.

For areas seen by the public as a single parcel of land, but under management by different authorities, a consistent pattern of use in relation to dog exercise will be maintained over the entire parcel of land, if feasible. Where this is not feasible, the separation of restrictions is to be made visually obvious.

Subject to above, areas will be declared according to the following principles:

- Recognition of the community's desire to exercise their dogs in natural areas.
- Recognition of the community's desire to exercise their dogs in beach environments.
- Delivering shared and restricted access to beaches during summer periods for all users.
- Providing a consistency of restriction provisions across contiguous parcels of land.
- Recognition of the need to retain some areas as dog free, due to the use of those areas by other groups in the community, eg. sporting fields and perimeters, play equipment, family-oriented parks.
- Providing consistency with council's Reserve Management Plans and other development plans recognised or endorsed by the council.
- Potential sites of future dog exercise areas be investigated in growing and developing communities.

Priorities for future exercise areas

Where possible, council will seek to provide a dog exercise area within reasonable walking distance of the majority of residences in each suburb. If it is not possible to provide an exercise area within reasonable walking distance, future plans for the development of exercise areas within suburbs will be prioritised on the basis of:

- Areas of urban consolidation and where registration levels are above the average registration level for the population of that suburb.
- Areas in which there is a high level of population growth, in which case the provision of exercise areas should be considered in relation to public open space requirements for any subdivisions.
- Lower priority will be given to those areas where there is low residential density and large lot sizes.



Criteria and level of declaration

Beaches

Where appropriate, beaches in the City of Clarence area will be subject to shared and restricted usage by dog owners. During the summer period of 1 December to 1 March, dogs will not be permitted on most council beaches between the hours of 10.00am and 6.00pm. A definitive list of shared usage and restrictions is to be clearly outlines in the Schedule of Declared Areas. At all other times of the year, effective control provisions will apply to dogs on beaches unless separately declared otherwise.

The definition of beach will include the foreshore area of the beach and approved council access ways. It does not include the dune area, or any tracks on the dunes parallel to the beach.

Multi User Pathway / Shared Tracks and Trails (including Tangara Trail)

All shared use tracks, trails, pathways will be designated as being on-lead exercise areas to support the increasing use of these areas by pedestrians and cyclists. This declaration includes areas immediately adjacent to the track, trail or path to a distance of 2 metres where fencing within 2 metres is not present.

Bushland Reserves

Dogs will be permitted only on-lead in bushland reserves where there is a need to protect natural flora, fauna and/or areas of cultural significance unless separately declared otherwise. Exercise of dogs in natural and bushland areas will be restricted to defined track areas to support Council's Reserve Activity Plans.

Parks

Under the Dogs Control Act 2000, dogs are not permitted within 10 metres of any play equipment. Due to their size, there will be some local parks where dogs will be restricted from entering as they will be in breach of this regulation or if it is not practical or is not compatible with intended use of the park. In all other regional and local parks, dogs must be on-lead at all times, unless separately declared otherwise.

Greyhounds

Council undertakes to provide for an off-lead greyhound exercise area, in an appropriately located and fenced area. This is in recognition of recent amendments to the Act which permits greyhounds to be off-lead in specified area subject to any declared conditions.

Sporting Recreation Grounds and Perimeters

In order to maintain our sporting and recreation facilities dogs will not be permitted on any of council's sporting recreation grounds and perimeters at any time.

Other Public Recreation Areas

Other public recreation areas under Council control will be considered on a case by case basis having consideration to the needs of the community, and any management plans existing for the area. In areas that have not been declared, dogs must be on-lead.

Training Areas

Areas that are utilised by a recognised obedience club for formal obedience classes will be designated off-lead training areas. A dog in these areas is regarded as being under effective control of a person if they are actively engaged in training or agility or obedience trials.

Prohibited areas defined under the Dog Control Act

In addition to the prohibited areas declared by council the Dog Control Act 2000 requires the following areas be prohibited to dogs at all times:

- Any grounds of a school, preschool, crèche or other place for the reception of children without the permission of the person in charge of the place
- Any shopping centre or any shop
- The grounds of a public swimming pool
- Any playing area of a sportsground on which sport is being played
- Any area within 10 metres of a children's playground

Signage of Declared Areas

It is a requirement under the Act for Council to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

Implementation

Following adoption of this policy, the Council is required to formally notify by public notice the declaration of areas. This notice is also to include the date from which the declaration is to take effect.

A list of the areas to be declared is provided as an attachment to this policy.

Measurement Systems

Fee Structure

- Total Revenue
- Total Costs
- Revenue and Costs by cost/revenue category
- The total revenue received through registrations
- The total revenue received per registration category
- General Rate contribution to Dog Management as a percentage of total costs

Declared Areas

- Usage of declared areas (largely anecdotal)
- Number of complaints received
- Number of infringements served
- Changes in registration levels per suburb
- Cost of maintaining declared areas

General Indicators of Dog Ownership in Clarence

- Total number of registrations each year
- The total number of registrations per registration category
- Number of dwellings with registered dogs
- Registration levels per suburb
- Number of infringements issued by nature of offence
- Number of complaints by nature of complaint
- Number of dogs delivered to Dogs home

General Review

This policy when adopted will be endorsed for a period of seven years. A review of this policy will be commenced within five years of the adoption of this policy.



Schedule of Declared Areas

Land to be declared under the provisions of Section 20 of the Dog Control Act 2000

From 1 July 2021
to 31 December 2028

Classes of Declared Areas

The Dog Control Act 2000 defines specific classes of declared areas

Exercise Areas

Areas where a dog may be exercised subject to one of the following conditions:

- On-lead
- Off-lead

Training Areas

An area where a dog may be trained subject to any specified conditions. Dogs being exercised in these areas are not expected to be under effective control when taken off lead if their owner is actively engaged with them.

Restricted Area

Areas where dogs are restricted from entering during specified hours, days or seasons or at all times.

Prohibited Areas

Areas containing sensitive habitat for native flora or fauna where dogs are prohibited



On-Lead Exercise Areas

Multi-User Pathways / Shared Tracks and Trails

This declaration includes the following:

Clarence Coastal Trails

Clarence Foreshore Trails

Two Rivulets Track

Tangara Trail

Mortimer Bay Coastal Track

Lauderdale Wetlands Track

This declaration includes areas immediately adjacent to the track or trail to a distance of 2 metres where fencing within 2 metres is not present.

Bushland Reserves

All Bushland Reserves and Nature Recreation Areas are on-lead to protect natural flora, fauna and/or areas of cultural significance. Exercise of dogs is restricted to the defined track areas.

This declaration will include the following areas:

Waverley Flora Park

Wiena Bushland Reserve

Canopus Centauri Bushland Reserve

North Warrane Bushland Reserve

Glebe Hill Bushland Reserve

Pilchers Hill Bushland Reserve

Otago Bay Lagoon Reserve

Potters Hill Bushland Reserve

Lauderdale Wetland Reserve

Bedlam Walls Bushland Reserve?

Nowra Bushland Reserve

Mortimer Bay Coastal Reserve

Rokeby Hills Bushland Reserve

Toorittya Bushland Reserve

Kuynah Bushand Reserve

Bandicoot Bushland Park

Dune tracks

All access ways onto council beaches are on-lead until the dog reaches the beach proper to protect the dune systems.

Bellerive, Boardwalk Perimeter

Dogs are permitted on the perimeter only.

Bellerive, 1a Beach Street

Area immediately behind Luttrell Avenue from Beach Street through to Alexandra Esplanade.

Bellerive, Second Bluff

This declaration includes all areas on the bluff from Alexandra Esplanade to Silwood Avenue.

Howrah, Wentworth Park

Due to the family orientated focus and proximity of schools, childcare and sporting facilities.

Lauderdale, Roches Beach

From Bambra Street entrance, north to a point opposite number 11 Kirra Road (from reef to reef).

Lauderdale, Roscommon Reserve (including Lauderdale Wetland reserve)

Due to the shared usage and sporting activities in this area and to protect local flora and fauna.

ATTACHMENT 2

Lindisfarne, Simmons Park

Due to numerous family orientated facilities in this park

Lindisfarne, Anzac Park

Due to the ongoing development of this area as a community memorial park.

Richmond, Richmond Riverbanks

This declaration extends to both sides of the bridge and river due to the resident duck population.

Rokeby, Chipmans Road

This area lies adjacent to significant wetland area.

Rosny, Rosny Hill Nature Recreation Area

Due to the existing wildlife and future development in this area.

Rosny, 3/22 Rosny Hill Road

The site of the Rosny Golf Course will become an on-lead area after it ceases to be a golf course, pending future development of this area.



Off-Lead Exercise Areas

Cambridge, Cambridge Road

Cambridge Dog Park, to be developed behind the soccer grounds

Clarendon Vale, 45 Goodwins Road

Council land between Goodwins and Reynolds Road, excluding sports oval.

Roches Beach, Lauderdale

From the Canal north to Bambra Reef

Lauderdale, Lauderdale Saltmarsh reserve – to be developed

An area within the redeveloped tip site land is to be established as dog off-lead

Lindisfarne, Natone Street

Area adjacent to the turning circle in Natone Street behind Bowls Club (to be developed)

Montagu Bay, Rosny Esplanade

Conara Foreshore Reserve.

Oakdowns, Oakdowns Park

Internal area accessed from Woodleigh Drive, Oakdowns Parade, Horsham Road or Cavenor Drive. Dogs are not permitted to be within 10 metres of any play equipment.

Opossum Bay, Shelly Beach

From Bangor Road entrance east to Icehouse Bluff.

Richmond, Richmond Recreation Ground

Victoria Street, excluding the Skate Park area

Risdon Vale, 6a Sugarloaf Road

Grasstree Rivulet Reserve situated east of Sugarloaf Road, bounded by Grass Tree Hill Road.

Rosny Park, Charles Hand Park

Area bounded by Bastick Street, Riawena Road and Rosny Hill Road, excluding the Skate Park and College grounds.

Greyhound off-lead exercise area

An area within the city is to be fenced and developed into a Greyhound off-lead exercise area. There are 3 options proposed for Council consideration:

- Bastick Street in Rosny Park within the Charles Hand Park; or
- Conara Foreshore Reserve, Montagu Bay; or
- Goodwind Road , Clarendon Vale.

Restricted Areas

Beaches

Dogs will be restricted from entering the following beaches between the hours of 10.00am and 6.00pm during the period from 1 December to 1 March each year. At all other times dog must be under “effective control” as defined under the Dog Control Act 2000.

- Howrah Beach – 4 options are proposed. It is recommended to put this out to public consultation with the following options;
 1. No dogs from 10.00am – 6.00pm from 1 Dec to 31 March at all other times dogs can be off-lead under effective control. This is the current declaration; or
 2. No dogs from 10.00am – 6.00pm from 1 Dec to 31 March at all other times dogs must be on-lead; or
 3. No summer restrictions - dogs can be off-lead under effective control at all times; or
 4. No summer restrictions - dogs to be on-lead at all times.

(Council’s draft position on Howrah beach has not been determined at this stage and may change in the final adopted draft of the Schedule of Declared areas)

- Bellerive Beach – 3 options are proposed. It is recommended to put this out to public consultation with the following options:
 1. From First Bluff to Beach Street – no dogs at any time. From Beach Street to Second Bluff – No dogs from 10.00am – 6.00pm from 1 Dec to 31 March at all other times dogs can be off-lead under effective control. This is the current declaration; or
 2. From First Bluff to Beach Street – no dogs at any time. From Beach Street to Second Bluff – No dogs 1 Dec to 31 March at all other times dogs must be on-lead; or
 3. The entirety of Bellerive Beach becomes prohibited to dogs at all times.

(Council’s draft position on Bellerive beach has not been determined at this stage and may change in the final adopted draft of the Schedule of Declared areas)

- Cremorne Beach
- Opossum Bay Beach
- South Arm Beach
- Seven Mile Beach - Council managed area from Esplanade up to Day Use Area 3

The reason for this declaration is because the above beaches are popular with families during the summer period.

Dogs will be restricted from entering the following beaches at any time on any day of the year:

- Little Howrah Beach due to its size and sheltered nature as well as its historical use.
- Roches Beach – from the Canal south to May Point to provide a dog free alternative in an area which is popular with families.

(This area is currently declared with the summer restrictions no dogs from 10.00am and 6.00pm during the period from 1 December to 1 March each year, and off-lead and effective control at all other times).

ATTACHMENT 2

Two options are proposed. It is recommended to put this out to public consultation with the following options:

1. The current restrictions to remain, which are:
 - Roches Beach (from Bambra Street, north to 11 Kirra Road) dogs to be on-lead at all times; and
 - Roches Beach (from Bambra Street south to Mays Point Road) no dogs from 10.00am – 6.00pm from 1 Dec to 31 March at all other times dogs can be off-lead under effective control.
 2. Summer restrictions removed from the beach to enable shared use of:
 - Canal north to Bambra Street/Bambra Reef, dogs can be off-lead under effective control; and
 - Canal south to Mays Point dogs will be restricted from entering at all times.
- Bellerive Beach - from the beach access at Beach Street west to First Bluff to provide a dog free alternative in an area which is popular with families.

Four options are proposed (refer to Bellerive Beach proposed options on previous page).

Dogs are permitted off-lead on the following beaches at any time. Off-lead dogs must be under “effective control” at all times.

- Roches Beach at Lauderdale from Canal north to Bambra Reef
(This area is currently declared with the summer restrictions no dogs from 10.00am and 6.00pm during the period from 1 December to 1 March each year, and off-lead and effective control at all other times).
Two options are proposed (Refer to Roches Beach proposed options above)
- Opossum Bay, Shelly Beach from Bangor Road entrance east to Icehouse Bluff.

Bellerive Beach Play (Rotary) Park

Dogs will be restricted from entering the Bellerive Play Park at any time on any day of the year. The reason for this restriction is due to numerous family orientated facilities in this park, and the adjoining section of Bellerive Beach which is restricted to dogs at any time on any day of the year. However, dogs may be walked on-lead through this area on the Clarence Foreshore Trail only.

Sporting Recreation Grounds and Perimeters

Dogs will be restricted from entering all Council sports grounds and perimeters at any time on any day of the year in order to assist in maintaining the grounds to an acceptable level.

In Kangaroo Bay access will be allowed on-lead on Council land adjacent to Rosny College for the purpose of accessing the multi-user pathway.

Village Green, Richmond

Dogs will be restricted from entering The Village Green at Richmond at any time on any day of the year. The reason for this restriction is that this area is used by residents and visitors to enjoy the facilities nearby and traditionally dogs have not been permitted in this area.

Bellerive Board Walk

ATTACHMENT 2

Dogs will be restricted from entering all areas beyond the waterside perimeter of the Bellerive Boardwalk multi-user pathway any time on any day of the year.

Bushland Reserves

Exercise of dogs in all Bushland Reserves and Nature Recreation areas is restricted to the defined track areas to protect natural flora, fauna and/or areas of cultural significance.

This declaration will include the following areas:

Waverley Flora Park	Wiena Bushland Reserve
Canopus Centauri Bushland Reserve	North Warrane Bushland Reserve
Glebe Hill Bushland Reserve	Pilchers Hill Bushland Reserve
Otago Bay Lagoon Reserve	Potters Hill Bushland Reserve
Lauderdale Wetland Reserve	Bedlam Walls Bushland Reserve?
Nowra Bushland Reserve	Mortimer Bay Coastal Reserve
Rokeby Hills Bushland Reserve	Toorittya Bushland Reserve
Kuynah Bushland Reserve	Bandicoot Bushland Park

Greyhound exercise area

An area within the city is to be fenced and developed into a Greyhound off-lead exercise area. This area is for the sole purpose of exercising greyhounds and no other breed of dog is to be taken into this space. The 3 areas proposed for Council consideration are:

- Bastick Street in Rosny Park within the Charles Hand Park
- Conara Foreshore Reserve, Montagu Bay
- Goodwind Road , Clarendon vale

Dune Access Tracks

Dogs will be restricted from entering the dune areas of a beach and any dune track that runs parallel to the foreshore at any time on any day of the year. The reason for this restriction is in order to protect the dune environment from excessive erosion.

Training Areas

South Street Reserve, Bellerive.

Prohibited Areas

Pipe Clay Lagoon

The Council owned area of Pipe Clay Lagoon, from a point opposite number 91 Cremorne Avenue west to a point adjacent to number 201 Cremorne Avenue, dogs will be prohibited from entering as it provides an important habitat for resident and native migratory wading birds.

Racecourse Flats

The Council owned area east of South Arm Road known as Racecourse Flats, dogs will be prohibited from entering as it provides an important habitat for resident and native migratory wading birds.

Public Areas not declared in this schedule

For public land not specifically declared under the provisions of the Dog Control Act 2000, and where land is not already defined under Section 28 of the Act as a prohibited public area, a dog is required to be under effective control. It is not intended that these areas be declared under the Dog Control Act, as this provision of the legislation is sufficient to cover their intended use.

Effective control is a term defined under Section 4 of the Dog Control Act 2000.

- For public space areas a dog is under effective control if it is on a fixed lead not exceeding 2 metres long held by a person of sufficient age and strength to control the dog.
- When in a declared off-lead a dog is under effective control if it is:
 - in line of sight
 - within close proximity
 - and immediately responsive to the person's command.
- If tethered to a fixed object by a lead not exceeding 2 metres long for no more than 30 minutes.

Bellerive Beach

Option 1
(Current Declaration)



From Beach Street to First Bluff

No dogs at any time

From Beach Street to Second Bluff

Summer Restrictions - No dogs from 10.00am to 6.00pm 1 Dec – 31 March
At all other times – Dogs can be off-lead under effective control

Bellerive Beach

Option 2



From Beach Street to First Bluff

No dogs at any time

From Beach Street to Second Bluff

Summer Restrictions - No dogs from 1 Dec – 31 March
At all other times 1 April to 30 November – Dogs must be on-lead

Bellerive Beach

Option 3



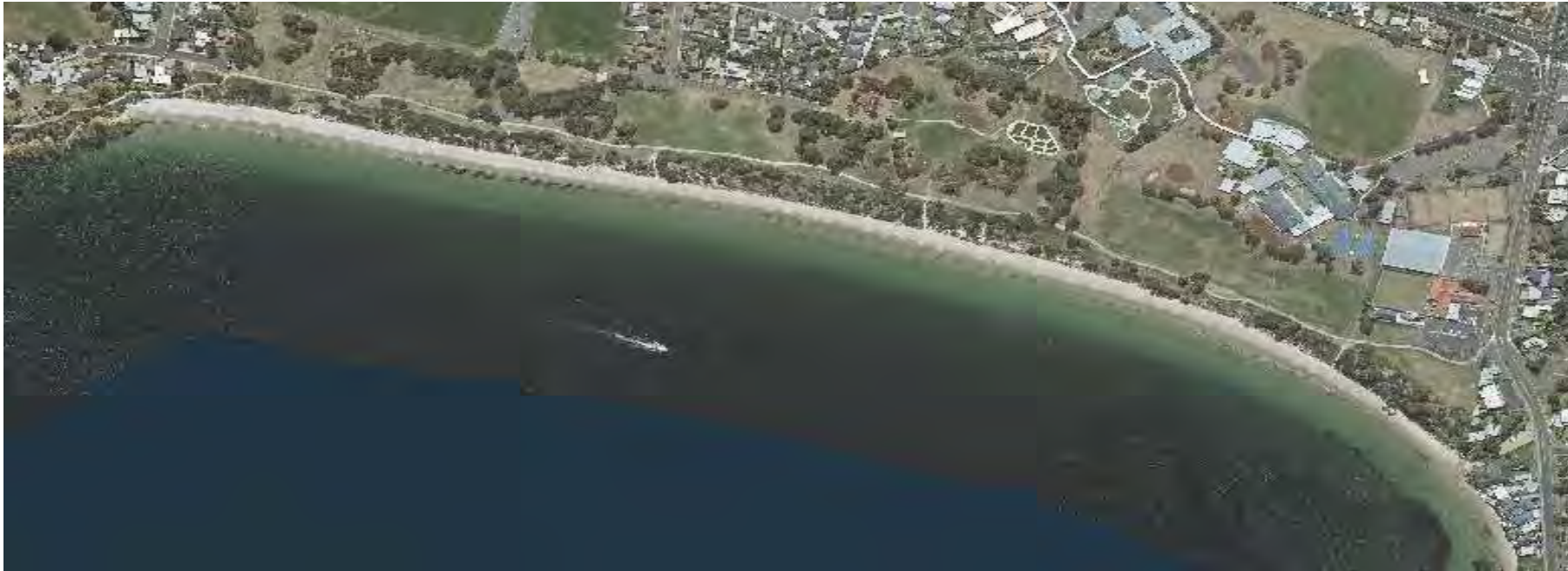
From First Bluff to Second Bluff

Line in the sand and summer restrictions removed

No Dogs at any time

Howrah Beach

Option 1
(Current Declaration)



From Silwood Avenue to Howrah Road

Summer Restrictions - No dogs from 10.00am to 6.00pm 1 Dec – 31 March

At all other times – Dogs can be off-lead under effective control

Howrah Beach

Option 2



From Silwood Avenue to Howrah Road

Summer Restrictions - No dogs from 10.00am to 6.00pm 1 Dec – 31 March

At all other times – Dogs must be kept on-lead

Howrah Beach

Option 3



From Silwood Avenue to Howrah Road

No Summer Restriction

Dogs can be off-lead under effective control at all times

Howrah Beach

Option 4



From Silwood Avenue to Howrah Road

No Summer Restriction

Dogs must be kept on-lead

Greyhound Off-lead area

Charles Hand Park



Option 1

Bastick Street Rosny

Located in the existing off-lead exercise area of Charles Hand Park. This off-lead area is near busy roads and not fenced which is seen as the reason it is seldom used.

This site has access to parking, dog poo bin, public toilets and there is a water line in close proximity for a dog watering station to be included.

This site has the possibility for further development by fencing an adjoining area **X** for use by all other breeds.

Will require approx 330 metres of fencing

Greyhound Off-lead area

Conara Foreshore Reserve



Option 2

Rosny Esplanade Rosny

Located in the existing off-lead exercise area of Montagu Bay Foreshore Reserve. This off-lead area is not fenced and not widely used. It is close to a school, it has been recommended for fencing previously.

This site has access to parking, dog poo bin, public toilets and the land has water for a dog watering station to be included.

This site has the possibility for further development by fencing an adjoining area **X** for use by all other breeds.

Will require approx 250 metres of fencing

Greyhound Off-lead area

Clarendon Vale

Option 3



Goodwins Road, Clarendon Vale

This Crown land may be transferred to Council.

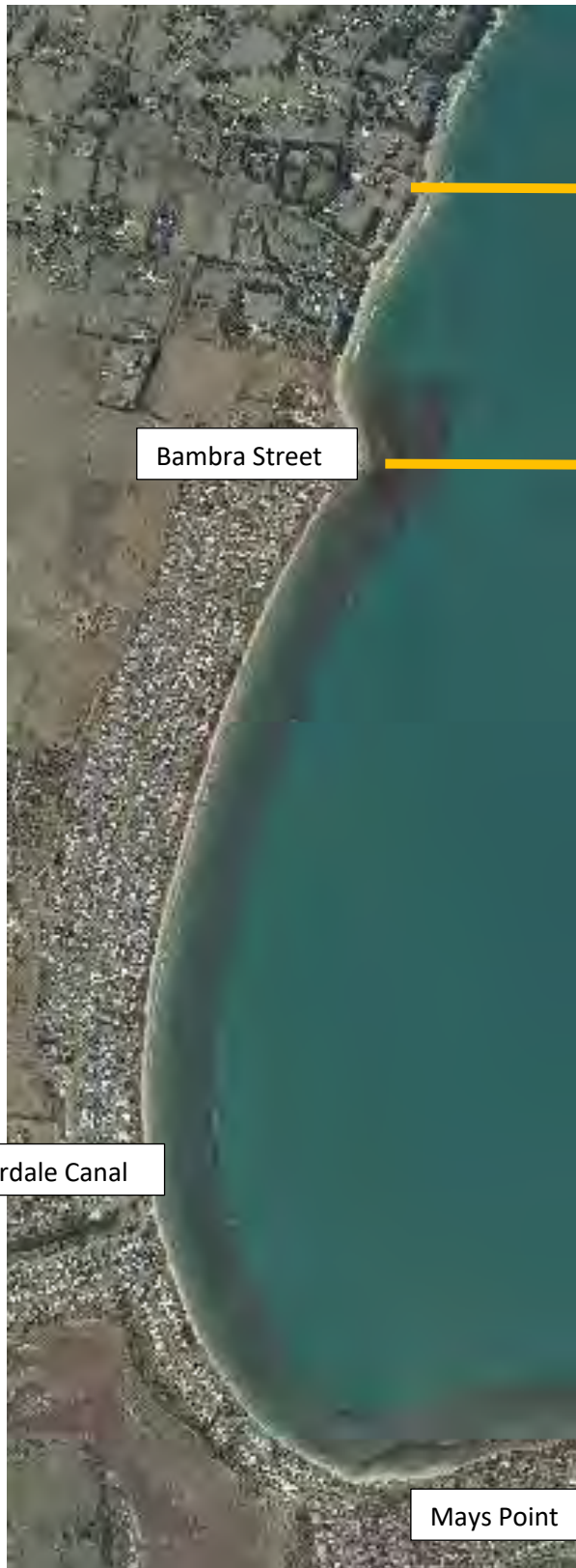
The area is adjacent to an existing off-lead dog exercise area and a fenced off lead area is consistent with long term plans for this area.

This site has access to parking and the land has water for a dog watering station to be included. Public amenities are planned.

Will require approx 250 metres of fencing and a dog poo bin.

Roches Beach at Lauderdale

Option 1
Current Declaration



North of 11 Kirra Road

Dogs permitted at any time
Dogs can be off-lead under effective control

From Bamba Street north to 11 Kirra Road

Dogs permitted at any time
Dogs must be on-lead

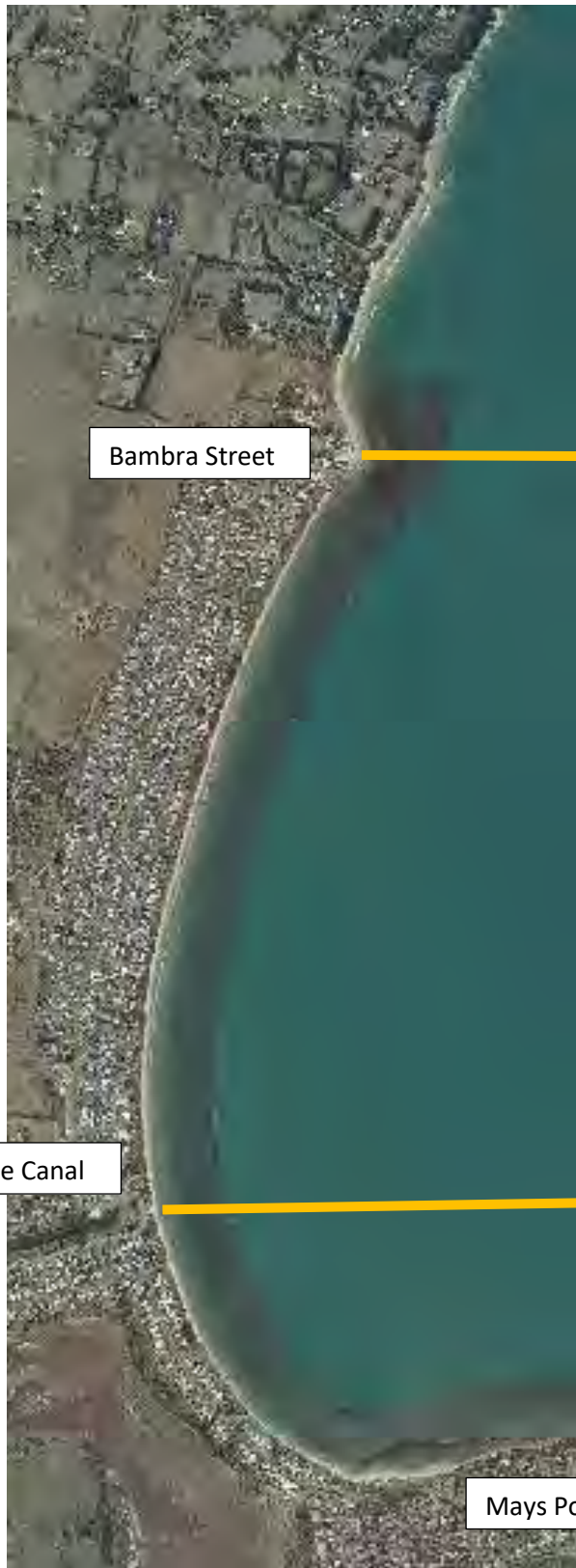
From Bamba Street south to Mays Point

Summer restrictions – No dogs from
10.00am to 6.00pm 1 Dec – 31 March

At all other times – Dogs can be off-lead
under effective control

Roches Beach at Lauderdale

Option 2



From Bamba Street north

Dogs permitted at any time
Dogs must be on-lead

From Bamba Street south to Lauderdale Canal

No Summer Restriction

Dogs can be off-lead under effective control

From Lauderdale Canal to Mays Point

No dogs at any time

11.7.4 KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE**EXECUTIVE SUMMARY****PURPOSE**

To reconsider 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, in accordance with the Sale and Development Agreement.

RELATION TO EXISTING POLICY/PLANS

Clarence City Council Strategic Plan 2016 – 2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. Should an alternative recommendation be adopted, there may be significant financial implications for council.

RECOMMENDATION:

That Council:

- A. Rescinds its 21 December 2020 decision in relation to Item 3.1.
- B. Notes the written request for an extension of time by Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 7 October 2020.
- C. Acknowledges the challenges and circumstances that have confronted Chambroad and the University of Tasmania (UTAS) as a consequence of the global COVID-19 pandemic, and that the non-compliance with the agreed time limit for substantial commencement arises for reasons not within the reasonable control of Chambroad.
- D. Authorises the General Manager to write to Chambroad to confirm council's grant of an unconditional extension of time to 13 October 2022 in accordance with the terms of the Sale and Development Agreement.
- E. Authorises the General Manager to separately write to Chambroad to negotiate non-contractual conditions which will allow council to be regularly updated in respect to Chambroad's progress towards substantial commencement (as specified by the Sale and Development Agreement).

NB: An Absolute Majority is required for a decision on Recommendation A.

KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE /contd...

ASSOCIATED REPORT**1. BACKGROUND**

1.1. The background to this matter has previously been reported to council on 12 October 2020 and 21 December 2020.

1.2. At its Meeting of 21 December 2020, council resolved the following:

“That Council:

A. Notes the written request for an extension of time by Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 7 October 2020, including the proposed measures to monitor the project and provide updated information to Council on a regular six-monthly basis during the extension period.

B. Acknowledges the challenges and circumstances that have confronted Chambroad and the University of Tasmania (UTAS) as a consequence of the global COVID-19 pandemic, and that the non-compliance with the agreed time limit for substantial commencement arises for reasons not within the reasonable control of Chambroad.

C. Authorises the General Manager to write to Chambroad to offer an extension of time in accordance with the terms of the Sale and Development Agreement, subject to the following conditions:

a. That the time for substantial commencement be no later than 13 October 2022.

b. That the Mayor and General Manager be briefed on progress immediately following each six-monthly review meeting, or at any other time that a critical decision related to the site or project is to be made, with an update report to be provided for tabling in open council by the Mayor at the following meeting of Council.

c. Prior to any decision to commence works at the site, the General Manager must be notified in writing. Chambroad is to provide council access, via an independent probity auditor appointed by the General Manager, to the following executed agreements which will provide evidence that key agreements are in place to support a reasonable conclusion that Chambroad will be able to complete the project. The key agreements are:

i. The agreements with UTAS (or another educational partner) in respect to the collaboration and rental of the education and related facilities;

- ii. *The agreement with a hotel operator in respect to the management agreement of the five-star hotel facility; and*
- iii. *The head contract with the principal construction contractor for construction of the buildings and other onsite facilities as approved by the relevant development permit, to the practical completion stage. If there is more than one head construction contract, then each contract shall be provided.*
- d. *Upon completion of the requirements set out at Recommendation C(c) above, the General Manager will issue Chambroad a certificate that confirms Council is satisfied that Chambroad can reasonably complete the project.*
- e. *That Chambroad provides acknowledgment that the extension of time and conditions set out above do not alter the buy-back provisions contained in the Sale and Development Agreement, which will become active from the 14 October 2022 if substantial commencement has not occurred.*
- f. *That Chambroad provides acknowledgment accepting Council's offered extension including the conditions contained within this Recommendation C.*

D. Authorises the General Manager to take all reasonable steps to conclude the arrangements set out at Recommendation C above.

E. Acknowledges Chambroad's offer to make the site available on a temporary basis for community use prior to development commencing.

F. Authorises the Mayor and General Manager to communicate this decision publicly following provision of advice to Chambroad Australia."

- 1.3.** In accordance with the council decision of 21 December 2020, council officers have been negotiating with Chambroad the conditions set out in Recommendation C above. Chambroad has now advised that its Board is not willing to accept all the conditions and that it will not accept the conditions as a variation to the SDA. Chambroad has suggested that any conditions be negotiated as non-contractual terms through an exchange of letters or a similar mechanism.

- 1.4.** It is relevant to note that at no point prior to 21 December 2020 did Chambroad advise council that it had any concerns with those conditions. It was clear that the conditions would need to be approved by the Chambroad Board, but there was no indication that the proposed conditions would be rejected in whole or in part. It was not until 6 January 2021 that Chambroad formally advised that its Board would not agree to the proposed conditions. In anticipation of this advice, council sought external legal advice on 4 January 2021 and received that advice on 5 and 6 January.
- 1.5.** It is now clear that while Chambroad is willing to provide regular updates they are reluctant to provide council with access to concluded construction, hotel operator and education provider agreements in the manner originally contemplated by council. Significantly, the proposed approach excludes altogether any confirmation of hotel and education provider agreements, and only high-level access to confirm completed construction agreements.
- 1.6.** In the circumstances, with the conditions as set out in the 21 December 2020 recommendation not being agreed to by Chambroad, it is now necessary for the matter to be brought back to council for further consideration and instruction.
- 1.7.** It is recommended that council's 21 December 2020 decision be rescinded as set out in the Recommendation to this Report. If resolved in the affirmative, this would overturn the previous decision of 21 December 2020. Council is then able to make a new decision. It is recommended that the new decision be in two parts. The first part – to grant an unconditional extension in accordance with the Sale and Development Agreement terms, to 13 October 2022. The second part – to authorise the General Manager to negotiate non-contractual arrangements aimed at keeping council informed and updated on Chambroad's progress toward substantial commencement in accordance with the terms of the Sale and Development Agreement.

2. REPORT IN DETAIL

- 2.1.** On 7 October 2020, Chambroad wrote to council and requested a time extension to reach substantial commencement by 13 October 2022. The letter detailed the reasons for the request, being that the project has been impacted by COVID-19 and consequent delays in finalising its commercial agreement with UTAS.
- 2.2.** The letter also outlined a number of specific conditions which Chambroad proposed could be attached to the time extension to provide increased transparency and comfort to Council that the project would still proceed. The conditions outlined in the letter were discussed with Aldermen at workshops on 7 and 28 September 2020. Within the context of proposed conditions, council officers worked with both Chambroad and Aldermen to develop conditions that were more contractually robust. These conditions formed part of the recommendations put to council on 12 October and 21 December 2020 respectively.
- 2.3.** The recommendation put to council on 12 October 2020 was lost. No alternative motion was put.
- 2.4.** As there was no decision arising from council's 12 October 2020 meeting, external legal advice was sought to clarify council's risk and liabilities in particular circumstances. The central focus of the advice was clause 6A of the SDA and what that clause required and permitted council to consider.
- 2.5.** The external legal advice advised that by failing to consider the request for the time extension in accordance with the SDA, council was in material breach of the SDA and needed to take immediate action to remedy that breach. The failure to remedy the breach created the real risk that Chambroad could terminate the SDA for breach of contract and consequently make a claim for substantial damages. That circumstance still exists.
- 2.6.** On 21 December 2020 council reconsidered the request for extension with the same conditions proposed in the 12 October 2020 report and resolved to grant the extension subject to those conditions.

- 2.7.** Following council's decision, Chambroad representatives advised council that the Chambroad Board would not agree to those conditions in full and would not agree to the conditions forming a variation to the SDA. In particular, Chambroad does not agree to the conditions related to Recommendation C(c)(i) and (ii) and wishes to only provide evidence sufficient to satisfy council that construction contracts are in place (Recommendation C(c)(iii)). Chambroad representatives have suggested that the conditions be non-contractual and operate to keep council advised of Chambroad's progress towards substantial commencement. This would still allow council to use the information provided to inform future decisions regarding Chambroad's progress toward substantial commencement and its achievement of the SDA requirements.
- 2.8.** In discussions between council officers and Chambroad representatives, it is clear that there is a mutual desire to ensure the conditions require Chambroad to keep council updated on their progress to substantial commencement including providing 6 monthly review reports.
- 2.9.** Council sought external legal advice and was advised firstly, that in accordance with the terms of the SDA, it is only the time extension that council must contractually consider. There is no contractual right for either party to impose conditions. Secondly, and following from the first point, any conditions must be mutually agreed between council and Chambroad. In this regard there is a contractual 'offer and acceptance' process in play.
- 2.10.** In these circumstances it is recommended that council rescind its 21 December 2020 decision and make a new decision in two distinct parts.
- 2.11.** Firstly, to grant the requested extension of time unconditionally in accordance with the terms of the SDA.
- 2.12.** Secondly, providing the General Manager with instructions to negotiate non-contractual terms (via an exchange of letters or similar) that put in place arrangements to keep council informed of progress toward substantial commencement during the extension period.

2.13. Relevant to the recommended course of action set out above, if council was to now grant an extension unconditionally, the buy-back clause under the SDA would be preserved.

2.14. In any event, Council is still required to make a decision on the request for extension prior to 13 April 2021.

3. CONSULTATION

3.1. Community Consultation Undertaken

No community consultation has been undertaken regarding this matter.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

This matter was discussed with Aldermen at workshop held on 1 February 2021.

3.4. Further Community Consultation

Should Council approve the recommendation, 6 monthly updates can be provided to council (and consequently the community) via the tabling of updates at council meetings.

- **Consultation plan**
Not applicable.
- **Consultation aim**
Not applicable.
- **Community engagement tools**
Not applicable.
- **Consultation timing**
Not Applicable

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Clarence City Council Strategic Plan 2016 – 2026 includes the following goal:

“Clarence is a city that fosters creativity, innovation and enterprise.”

The goal is supported by strategies. The following two strategies are relevant:

“5.5 Build upon the existing range of community and cultural assets at Rosny Park / Bellerive to establish a cultural and creative precinct as a place where ideas, creativity, learning and innovation are developed, shared and promoted.

5.10 Encourage and facilitate business enterprise through strategies within economic development, land use planning and cultural development programs.”

The proposal by Chambroad/UTAS to develop a combined hotel and hospitality school meets the strategic goal and strategies of Council, by fostering learning, innovation and business enterprise within the City.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Council has been provided with confidential legal advice regarding the SDA and, specifically, the operation and effect of the time extension provisions in respect to substantial commencement.

7. FINANCIAL IMPLICATIONS

Council has been advised that there are potentially significant financial implications should the time extension not be granted in accordance with the terms of the SDA.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

Council has received a request for time extension from Chambroad Australia in accordance with the terms of the Sale and Development Agreement. Council approved an extension subject to conditions on 21 December 2020. Chambroad has not fully agreed to those conditions. In the circumstances it is recommended that the granting of a time extension in accordance with the SDA be separated from the conditions and that the proposed conditions be resolved via an exchange of letters or similar on a non-contractual basis. This approach will resolve the time extension in accordance with the terms of the SDA and preserve the buy-back clause contained in the SDA.

Attachments: Nil

Ian Nelson
GENERAL MANAGER

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**Ald Mulder**

On October 21 last I understand you [Mayor Chipman], the General Manager and Ald Blomeley attended an invitation only breakfast meeting with the Minister for Infrastructure For the record Mr Mayor, in what capacity did you attend that party political fundraising event?

ANSWER

(Mayor) I attended in my official capacity believing it to be a meeting convened by the Minister. I wasn't aware at the time I accepted the invitation it was a party only event.

(Ald Blomeley) There were non-party members there as well and members of the community throughout southern Tasmania. It was well attended and people were very keen to engage in that type of forum with the Minister for Infrastructure so people like yourself, Mr Mayor and others who are not party members were present at that function.

Ald Kennedy

Regarding our walking trail from Lauderdale to Cremorne, I would just like to know what the current state of the steps is at the Mays Point entrance. A walker recently broke her leg in 3 places while trying to walk down the steps.

ANSWER

The steps in question are in a coastal reserve which is privately owned and not the responsibility of council. Following a decision of council, the process of transferring the land to council ownership is underway. However the likely timing of this is unknown.

Ald von Bertouch

1. When will the design and costing of the proposed berm/fence at the South Arm Skatepark be presented to an Aldermen's workshop?

ANSWER

It is anticipated the information will be ready in March 2021 for a workshop with Council.

Question contd

Will the design and its costing be considered in the 2021/22 budget deliberations without the design and its associated costing being determined at a Council Meeting?

ANSWER

(Mr Graham) There was a council decision for the General Manager to report to council on the costs of the berm but I will bring to a workshop the costs of the playground and the berm and then I will seek direction from council to report back on the costs of the berm.

2. Will a concept plan and associated costing be considered in the 21/22 budget deliberations for the proposed Play Space at the South Arm Oval?

ANSWER

(Mr Graham) I will take the costs for the playground and the berm to a workshop and I will seek direction from council.

Ald Blomeley

1. Following the community led petitions and the subsequent decisions of this council to undertake pedestrian safety works in both Bellerive and Lindisfarne villages can you please provide an update as to where these two projects are at?

ANSWER

In relation to Lincoln Street pedestrian crossing the consultation is complete with the local business owners and was well received. We are completing the quotation document and anticipate having that out to contractors in February. In relation to the Bellerive village pedestrian and traffic calming consultation that was completed before December, was well received and the survey results we are compiling at the moment to come to a council workshop, hopefully that should be ready in February.

2. Following the release of the preliminary plans of the ANZAC community sports pavilion and engagement with club users over the last couple of months can you please provide an update as to where this project is at?

ANSWER

The ANZAC Park plan is going through internal review by council officers and the architects are required to make some further changes and then we will be doing another engagement phase with the clubs at ANZAC Park in relation to the latest plans.

(Mayor) Do you intend to bring it to a workshop before going out to further consultation?

ANSWER

After we have discussed the next review of the plans with the clubs then we will go to a workshop.

Question contd

Is that all the ANZAC Park users together or club by club?

ANSWER

A joint user group meeting involving the clubs is being arranged for February 2021.

Ald Peers

I have had a question from a ratepayer regarding our parking signage. With our parking signage does it need to have days on the bottom of it? There is parking signage in Winkleigh Place that has hours but no days mentioned below. Do we need to have days or is it fine not having days on it?

ANSWER

(Mr Graham) I will confirm that. If it does not have days then it applies to every day I would envisage but I will confirm the actual location with Ald Peers. {Further response} Parking restrictions apply to the days indicated on the signs. If no days are stipulated, the parking restrictions apply every day.

Ald James

1. In your media release of 21 December 2020 you made some comments but in particular paragraph five says and I quote "the Council has now approved the extension of time with several new conditions that protect the interests of council and also preserves the buy back option". My question is should there be no substantial commencement of the project by the deadline in October 2022 then I understand that preserves and this means that the buy-back option can occur however if there is no substantial commencement does that mean that the buy-back option is still on the books?

ANSWER

(General Manager) That is my understanding. At 14 October 2022 the buy-back option is a live issue again.

Question /contd

So if in fact substantial commencement did occur and that is basically some footings were put down and it is deemed under the Sale and Development Agreement then if there were some footings put down then in fact that would meet the conditions of the agreement and there would be no buy-back option?

ANSWER

(General Manager) It is more than footings. Substantial commencement includes in-ground works and ground level works so it is not simply a case of digging some holes and pouring some concrete. It requires building permits and plumbing permits and for those in ground works to have been executed.

Question contd

It is a little bit of additional information that I need to seek and that is that the construction of the building in its entirety may not necessarily proceed other than those in-ground works which would basically put some plumbing, some infrastructure at a certain level on that ground but not the completion of the building.

ANSWER

(General Manager) In terms of the Sale and Development Agreement yes, but you will recall that council also was seeking conditions regarding the contractual basis for a variety of activities prior to that occurring so that we had some comfort that once construction does commence that it is likely to conclude as well, it won't be a start / stop exercise. That was the whole purpose of discussing those proposed conditions to be put to Chambroad.

2. In relation to Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 and on page 176 of our agenda it says and I quote Regulation 15 of that particular regulation provides that council may, may consider certain sensitive matters in closed meeting. In our policy which I have obtained a copy of that it says and I quote council in accordance with the procedures and intentions and intentions of the Local Government Procedures will deal with the following matters in closed meeting. Does the regulation 15 as presented under the regulations take precedence over the council policy in relation to “may” in the former and “will” in the latter.

ANSWER

(Mayor) The regulations certainly take precedence.

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 CONTRACTUAL MATTER

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

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