

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

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

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

COUNCIL MEETING
MONDAY 22 MARCH 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 1 March 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
Sporting Club – Funding for Clubrooms	
Waste Levy/Container Deposit Legislation	
Strategic Plan	
Health and Well-being Strategy	
Nominations for Local Government of Tasmania President and GMC	8 March
Golf Australia Proposal	
Rosny Golf Course Interim Plan	
Rosny Park Urban Design Framework	
South Arm Oval Master Plan	15 March

RECOMMENDATION:

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE
--

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

6. *TABLING OF PETITIONS**

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

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

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

- “Received from 344 signatories strongly objecting to changing the current Council Policy of dogs off lead in Anzac Park for the following reasons:
 1. Anzac Park with its flat open green space and paved pathways close to the Village allows easy access and use for senior citizens, those with mobility issues, young people and families to enjoy the company of their dogs off lead and still under effective control.
 2. Anzac Park is an integral part Anzac traditions and lends itself to social gathering place for the community with their dogs off lead enjoying the freedom of outdoor space.
 3. Dogs are part of the Anzac family and traditions and recognised as Australia’s greatest war animals.”

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

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 1 March 2021 Mrs Joanne Marsh of Bellerive asked the following question.

PEDESTRIAN SAFETY

A new pedestrian safety sign has been installed at the Howard Road/Brooker Highway intersection. It flashes for about ten seconds when the button is activated and reads give way to pedestrians.

Is it possible for Council engineers to consider installing a similar pedestrian safety device at the intersection facing the cars turning left from Kangaroo bay Drive into Rosny Hill Road where a similar pedestrian safety issue exists?

ANSWER

Council's engineers referred the question from Mrs Marsh to the Department of State Growth (DSG) to gauge an understanding of the signage used at the intersection of Brooker Highway and Howard Road in Glenorchy. The Department advised the GIVE WAY To PED sign was installed at the junction due to the excessive offset distance between the turning traffic and the pedestrian crosswalk.

The offset distance at the Kangaroo Bay Drive/Rosny Hill intersection is not as large as the Brooker Highway. Council's engineers are aware of the issue raised at the Kangaroo Bay Drive/Rosny Hill Road junction and are exploring options for improvement. Further advice will be provided to Aldermen when the assessment is complete.

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 BLOMELEY
ACTON ROAD TRAFFIC CONGESTION**

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

“In response to significant community concern, Council writes to the State Government requesting:

1. an urgent review of the road congestion issues at the Acton Road roundabout/ interchange (connecting to the Tasman Highway); and
2. this review to include an assessment of available solutions to remedy this situation.”

EXPLANATORY NOTES

The Cambridge Link Road, opened in July 2020, has delivered safer and more efficient road travel for daily commuters, and agricultural and commercial traffic, and has also proven popular with visitors and cyclists travelling from Richmond towards the Tasman Bridge.

However, an unintended consequence of this \$9.5 million project is that cars travelling along Acton Road are now often “banked up” in the morning peak travel time (from 7.45am to 8.45am) along Acton Road, often behind the roundabout to Seven Mile Beach.

Commuters travelling this road in the morning peak hour have reported an additional 10 to 15 minutes being added to their travel time, as traffic utilising the Cambridge Link Road has right-of-way at the Acton roundabout.

With this area of our City continuing to grow, traffic congestion will further deteriorate unless appropriate mitigating action is taken.

B A Blomeley
ALDERMAN

GENERAL MANAGER’S COMMENTS

A matter for council.

**9.2 NOTICE OF MOTION - ALD VON BERTOUCHE
PUBLIC CONSULTATION PRIOR TO COUNCIL REQUEST TO MINISTER FOR
PLANNING TO AMEND THE SOUTHERN TASMANIAN REGIONAL LAND USE
STRATEGY**

In accordance with Notice given Alderman von Bertouch intends to move the following Motion:

- “1. That prior to considering any further Council requests to the Minister for Planning to amend the Southern Tasmanian Regional Land Use Strategy (STRLUS), including any extension to the Urban Growth Boundary (UGB) within Clarence, Council as a matter of policy and best practice, undertakes broad public consultation before determining whether or not to support a particular request; and
2. That the feedback received be included in any report to Council in the same manner as a land use planning application.”

EXPLANATORY NOTES

- A Council decision to request the Minister for Planning to amend the STRLUS is an administrative decision, i.e. it is not a statutory decision of Council acting as a Planning Authority. As such, Council has the remit to determine the evidence it will consider in making a decision whether or not to request such a change.
- Public consultation is a cornerstone of Council’s operation and should be an integral component of determining whether a request should be made to the Minister for Planning for a change to STRLUS.
- Council’s Community Engagement Policy 2020, which was approved by Council in February 2020, notes that the purpose of community engagement is to assist Council in its decision making. The policy highlights that Council’s community engagement practices will demonstrate accountability and transparency; create confidence in Council decisions; and enable Council to make appropriate decisions by considering the impacts on its communities and stakeholders.
- From a good governance and fairness perspective, Clarence community members should be given an opportunity to express to Council their views as to the effect a change to STRLUS, particularly an UGB extension, will have on them, before Council determines whether or not a request is to be made to the Minister. The results of the consultation should form part of the report to Council on this matter.

- Public consultation appears to be discretionary, rather than guaranteed, within the current Ministerial process detailed in the INFORMATION SHEET RLUS 1 – REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES. It is therefore incumbent on Council to ensure natural justice is afforded to its community by ensuring up-front public consultation.

S von Bertouch
ALDERMAN

GENERAL MANAGER'S COMMENTS

*Consistent with the Community Engagement Policy 2020.
A matter for council.*

**9.3 NOTICE OF MOTION - ALD EDMUNDS
22 BRIDGE STREET, RICHMOND**

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

“That the Council waives all extra and discretionary fees relating to the business at 22 Bridge Street, Richmond and instead charges the regular fee (of \$386.60) for the lodgement of a development application for signage at the property.”

EXPLANATORY NOTES

Council and the business are at an impasse over the lodgement of a development application for the sign at 22 Bridge Street Richmond.

Anecdotally, conflicting pieces of advice have led to the impasse and mediation efforts have been unsuccessful.

This issue dates back to 2019 and needs to be resolved.

Currently the business is being faced with a bill of \$1109 to lodge the DA because of extra fees imposed by Council.

The Council can waive the extra charges to allow the business to lodge its application and normal processes to take place.

The waiver is only of the excess fees and the business is still paying the costs that any other business would expect to pay for an initial DA application.

L Edmunds
ALDERMAN

GENERAL MANAGER'S COMMENTS

This matter relates to the sign at the Pooseum in Richmond. The current sign has been installed without a development permit.

Signage in Richmond is subject to the Heritage Code applicable under the Clarence Interim Planning Scheme 2015. Council has recently produced a Heritage Signage Guideline to assist businesses in Richmond in regard to new signage.

A development application seeking a retrospective permit incurs additional fees. Those fees act as a penalty and serve to deter building and other works occurring without a development permit. The penalty is set in accordance with council's approved fee schedule.

Importantly, if an application is received for the current sign it will require payment of the penalty fee in accordance with the fee schedule. Further, an application seeking approval of the current sign will likely be recommended for refusal because it does not comply with the heritage code applicable to Richmond. In accordance with council's delegations, any recommendation for refusal will be referred to council for determination.

If the current sign were removed and an application was made for a new sign that complies with the heritage code and other relevant planning requirements, the application would be regarded as a new application with no penalty fee payable.

Any waiver of fees would need to be reported as a Grant or Benefit in the Annual Report, in accordance with Section 77 of the Local Government Act, 1993.

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

December Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

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

11. REPORTS OF OFFICERS

11.1 *WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 1, 8 and 15 March 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 1, 8 and 15 March 2021 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION - SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS ROAD, SANDFORD****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the petition tabled at Council's Meeting of 1 March 2021, requesting Council to reconsider the proposal to request the Minister for Planning to extend the Urban Growth Boundary within the Southern Tasmanian Land Use Strategy to include the land at 52 Richardsons Road.

RELATION TO EXISTING POLICY/PLANS

The Southern Tasmanian Regional Land Use Strategy is relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council authorises the General Manager to write to the petitioners acknowledging their concerns; advising that Council's decision of 9 February 2021 to support the proposed expansion of the Southern Tasmanian Regional Land Use Strategy's Urban Growth Boundary to include the land at 52 Richardsons Road, Sandford remains unchanged; and that it is likely that there will be opportunities for consultation when the Minister for Planning commences his formal consideration of the UGB request.

PETITION - SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 52 RICHARDSONS ROAD, SANDFORD /contd...

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** At Council's Meeting of 1 March 2021, a petition from 256 signatories was received requesting Council to: *“reconsider the proposal to request the Minister for Planning to extend the Urban Growth Boundary (UGB) within the Southern Tasmanian Regional Land Use Strategy (STRLUS) to include the land at 52 Richardsons Road, Sandford and prior to reconsidering the proposal council undertake broad consultation within the Lauderdale and Sandford community to ascertain community views in relation to the proposed extension to the UGB”.*
- 1.2.** The petition was collected and submitted electronically and complies with the requirements of the *Local Government Act, 1993*.
- 1.3.** A breakdown of the number of signatories by suburb is listed below:

SUBURB	NUMBER
Lauderdale	173
Sandford	34
Cremorne	21
Clifton Beach	6
Acton Park	5
Howrah	4
South Arm	2
Opossum Bay	1
New Town	1
Sorell	1
Sandy Bay	1
Bagdad	1
Seven Mile Beach	1
Hobart	1
Lutana	1
Rokeby	1
Lindisfarne	1
Ex-Lauderdale	1
TOTAL	256

2. REPORT IN DETAIL

2.1. At its Meeting of 9 February 2021, Council considered a request to modify the Southern Tasmanian Regional Land Use Strategy's (STRLUS) Urban Growth Boundary (UGB) to include a 12.1Ha portion of the land at 52 Richardsons Road, Sandford.

2.2. At that meeting Council resolved:

“...to support the proposed expansion of the UGB to include the land at 52 Richardsons Road, Sandford and requests the Minister for Planning to approve the necessary amendment to the Southern Tasmanian Regional Land Use Strategy”.

2.3. At its Meeting of 1 March 2021, Council reconsidered its decision by way of a Motion on Notice which sought to rescind the decision of 9 February and prior to reconsidering the matter, undertake broad consultation with the Lauderdale and Sandford communities regarding extension of the UGB. The Motion on Notice was lost so the decision of 9 February 2021 remains unchanged.

3. CONSULTATION

As the matter involved a request to amend the Urban Growth Boundary rather than a planning application under the *Land Use Planning and Approvals Act, 1993* there was no requirement for public exhibition. It is likely that there will be opportunities for consultation when the Minister for Planning commences his formal consideration of the UGB request. In the event that a future application for a planning scheme amendment is received it will be advertised in accordance with statutory requirements.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

Council initially considered the matter at its Meeting on 9 February 2021 and resolved to support a request to extend the Southern Tasmanian Regional Land Use Strategy's Urban Growth Boundary to include the property at 52 Richardsons Road, Sandford. The matter was again considered at Council's Meeting of 1 March 2021 by way of a Motion on Notice. As the Motion on Notice was not supported, Council's decision of 9 February remains unchanged.

Attachments: Nil

Miriam Coleman
ACTING GENERAL MANAGER

11.2.2 PETITION – SOUTH ARM OVAL SKATE PARK INFRASTRUCTURE**EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at Council's Meeting on 9 February 2021 from 548 signatories requesting that council not construct the berm and fence or wall at the South Arm Oval Skate Park. Also, a request to design the new play space and fund the construction of the play space in the 2021/2022 budget.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 for a Well Planned Liveable City is relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires council to formally consider petitions within 42 days of the petition being tabled at a council meeting.

CONSULTATION

Consultation was undertaken during June to August 2020 through an on-line survey on council's website for community feedback on the Men's Shed, the play space design and three options for sound mitigation at the Skate Park.

FINANCIAL IMPLICATIONS

The estimated cost of the earth berm with a paling fence will be reported to council, as adopted at the Council Meeting of 12 October 2020.

RECOMMENDATION:

That Council:

- A. Notes the petition.
- B. Notes the General Manager's advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).
- C. Notes council's decision of 12 October 2020 to adopt the revised South Arm Master Plan with an earth berm and paling fence.
- D. Authorises the General Manager to write to petitioners acknowledging their concerns and advising of council's decision.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** A petition containing 548 signatures was tabled at Council's Meeting held on Monday, 9 February 2021 requesting council to:

- *“maintain the infrastructure status quo of the South Arm Skatepark, by not installing a berm/fence or wall;*

- *immediately start designing a modified play space and surrounds following the most recent community consultation of the South Arm Oval Master Plan;*
- *fund the building of the new play space in Council's 21/22 budget."*

1.2. The petition received contained signatures from 113 locations across Australia and overseas. It should be noted that with online petitions unless a specific address or suburb is entered, then the system reverts to Australia as the address, hence the high number of signatories addressed as Australia (107). **Attachment 1** includes a summary of the signatory locations.

1.3. Council, at its Meeting on 16 March 2020 considered the next stage of the implementation of the South Arm Oval Master Plan and adopted:

- "A. That Council install vehicle barriers to prevent vehicle access onto the South Arm Oval as set out in Attachment 4 of the report to address associated safety implications and periodic night use of the skate park.*
- B. That Council notes receipt of the jta Health, Safety and Noise Specialists "Noise Modelling Study – South Arm Skate Park – February 2020" and release as a public document as well as undertaking community engagement to determine the most appropriate form of noise attenuation for Council to install.*
- C. That Council authorises the General Manager to undertake community consultation on the remaining elements in the South Arm Oval Master Plan inclusive of the proposed playground Men's Shed, landscaping/planting, hardstand, passive games area, including any proposed consequent amendments to the current master plan, and to then obtain an acoustic consultant review of the master plan to identify any potential ongoing noise attenuation issues, and to then report back to a future workshop on design options for Council consideration.*
- D. That Council authorises the General Manager to write to nearby residents to the South Arm Oval, SAPRA and Calverton Hall advising of this Council decision".*

- 1.4.** At its Meeting held 12 October 2020, Council considered the results of the community consultation, a revision of the South Arm Oval Master Plan and adopted:

- A. That Council adopt the revised South Arm Oval Master Plan to include the location for the Men's Shed and to provide "in principle" support to the South Arm Peninsula Men's Shed Inc. for the Men's Shed project.*
- B. That Council adopts the revised South Arm Oval Master Plan to include a modified play space and surrounds resulting from the community consultation.*
- C. That Council adopts the revised South Arm Oval Master Plan to remove the hitting wall and hardstand area.*
- D. That Council adopts the revised South Arm Oval Master Plan with an earth berm and paling fence and authorises the General Manager to engage a designer to prepare detailed engineering plans and estimate for Option 1 – Earth Berm and Paling Lap Fence to mitigate noise from the skate park. The General Manager to report back to Council on the design and cost estimate for further consideration.*
- E. That Council authorises the General Manager to write to residents and property owners in the vicinity of the South Arm Oval, SAPRA and Calverton Hall Committee and on Council's website advising of Council's decision".*

2. REPORT IN DETAIL

- 2.1.** The South Arm Oval Master Plan and various components of the master plan has been subject to previous community consultation. Most recently for eight weeks, 7 June through to 2 August 2020, the community were invited to comment on the proposed Men's Shed, play space design and noise mitigation options appropriate for this site.
- 2.2.** Nearby residents have expressed concern at the noise generated by users of the skate park. Council engaged jta Health, Safety and Noise Specialists to report on noise mitigation options, expected noise level reduction achievable for each option and preliminary costs for each option.

- 2.3.** The result of the community consultation on noise mitigation options resulted in council's decision to adopt the revised South Arm Oval Master Plan with Option 1 - the Earth Berm with Paling Lap Fence at the Council Meeting held 12 October 2020. The General Manager will report back to council on the design and cost estimate for further consideration.

3. CONSULTATION

3.1. Community Consultation Undertaken

Consultation was undertaken during June to August 2020 through an on-line survey on council's website for community feedback on three options for sound mitigation at the skate park.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

Write to the petitioners acknowledging their concerns and advising them of council's decision.

- **Consultation plan**

Nil.

- **Consultation aim**

Nil.

- **Community engagement tools**

Nil.

- **Consultation timing**

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2016-2026 under Liveability has the following Strategy to: *"Enhance the liveability of activity centres, community hubs and villages through streetscape and urban design projects and local area master plans"*.
- 4.2.** Council's Strategic Plan 2016-2026 under the Promoting Health has the following Strategy to: *"Promote active and healthy lifestyles through provision and support for active and passive recreation programs and activities"*.
- 4.3.** Council's Strategic Plan 2016-2026 under Parks and Recreation Facility: *"Planning for and providing new sporting and recreation facilities to meet community demand"*.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Council must determine any action to be taken in respect of the petition within 42 days after tabling of the petition.

7. FINANCIAL IMPLICATIONS

As adopted at the Council Meeting of 12 October 2020, the estimated cost of the earth berm with a paling lap fence will be reported to council.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** Council's decision at its Meeting held 12 October 2020 to adopt the revised South Arm Oval Master Plan including an Earth Berm and Paling Fence addresses the concerns of neighbouring property owners regarding noise emanating from use of the skate park.

- 9.2.** The General Manager to write to the petitioners acknowledging their concerns and advising them of council's decision.

Attachments: 1. Collation of Petition Signatories into Suburbs (1)

Ross Graham

GROUP MANAGER ENGINEERING SERVICES

Attachment 1

SUBURB	No	SUBURB	No	SUBURB	No
Sandford	15	Lenah Valley	1	Potts Point	1
Cremorne	4	Abbotsford	1	Caboolture	1
Tasmania	20	Caulfield North	1	Chiswick	1
Lauderdale	9	Mornington	2	Lake Macquarie	1
Howrah	6	Brighton	1	Milperra	1
Opossum Bay	7	Montrose	3	Valley View	1
Clifton Beach	5	Austins Ferry	1	Leumeah	1
Tweed Heads	1	Moonah	2	Morphett Vale	1
Bellerive	4	Ranelagh	1	South Penrith	1
Primrose Sands	1	Officer	2	Curran's Hill	1
Electrona	1	Battery Point	1	Millendon	1
Brisbane	12	Dargaville	1	Dynnyrne	1
Pascoe Vale	1	Woodend	1	Brunswick	1
Carindale	1	Bentleigh East	1	Clarence	1
Goodwood	1	Punchbowl	1	Reynella	1
Sydney	9	Mentone	1	Flagstaff	1
Seven Mile Beach	1	New Town	1	South Arm	48
Acton Park	4	Box Hill	1		
Latrobe	1	Devonport	1		
Mount Waverley	1	Midway Point	1		
Perth	5	Heathcote	1		
Richmond	3	Nubeena	1		
Frankston	1	Adelaide	4		
Launceston	10	Hobart	137		
Cygnets	1	Dubai, Japan	1		
Sandy Bay	4	Turners Beach	1		
Glenorchy	2	New Norfolk	1		
Lindisfarne	4	Old Beach	2		
Wynyard	1	Gagebrook	1		
Rokeby	2	Australia	107		
Ashburton	1	Riddells Creek	1		
Canberra	2	Paralowie	1		
Nhulunbuy	1	Ormeau	1		
Bongaree	1	Newtown	1		
Doveton	1	Collinsvale	1		
West Gladstone	1	Portland	1		
Lachlan	1	Melbourne	22		
Geilston Bay	1	Culcairn	1		
Sorell	4	Illawong	1		
Blackmans Bay	3	Huntershill	1		
Coomera	1	Yarram	1		
Cambridge	2	Toowoomba	1		
Andrews Farm	1	Tamworth	1		
New Zealand	1	Red Hill	1		
Kingston	1	Reservoir	1		
Rosny	1	Dee Why	1		
Warrane	3	Sunbury	1		
Berriedale	1	Mudgeeraba	1		

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-2020/013697 – 20 AQUA PLACE, SEVEN MILE BEACH - 2 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 20 Aqua Place, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Parking and Access, Stormwater Management, On-site Wastewater Management and Inundation Prone Areas 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 24 March 2021.

CONSULTATION

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

- a structure plan for Seven Mile Beach has not been undertaken;
- lot density;
- overshadowing;
- conflicting information on plans;
- setbacks;
- vehicle manoeuvring;
- lack of on-site visitor parking for Unit 2;
- stormwater management;
- private open space does not comply;
- bulk and scale; and
- inundation.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 20 Aqua Place Seven Mile Beach (C1 Ref PDPLANPMTD-2020/013697) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [the garage door on Unit 1 relocated to the eastern elevation to provide for adequate vehicle manoeuvring on-site].
 3. ENG A2 – CROSSOVER CHANGE.
 4. ENG A5 – SEALED CAR PARKING.
 5. ENG M1 – DESIGNS DA.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 11 November 2020 (PDPLANPMTD-2020/013697).
- 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 by subdivision permit SD-2018/57 which was approved by Council at its Meeting on 13 January 2020.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Village under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;

- Section 16.0 – Village Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E6.0 – Parking and Access Code;
- Section 15.0 – Inundation Prone Areas Code; and
- Section 23.0 – 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 a 1135m² vacant residential lot in Seven Mile Beach. The lot has frontage to Aqua Place and is bounded by vacant residential lots to the north and south and Council owned land to the east.

3.2. The Proposal

The proposal is for 2, two storey dwellings. Each dwelling contains a double garage and living areas on the ground floor and bedrooms on the first floor.

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 Bushfire Prone Areas Code, Parking and Access Code, Inundation Prone Areas Code and On-site Wastewater Management Codes with the exception of the following.

Village Zone

- **Clause 16.4.2 A2 (Setbacks)** – Unit 2 requires a variation as the southern and north-eastern corners of Unit 2 extend into the side and rear setback.

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

Clause	Performance Criteria	Assessment
16.4.2 P2	<p><i>“Building setback from side and rear boundaries must satisfy all of the following:</i></p> <p><i>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p><i>(i) overlooking and loss of privacy;</i></p>	<p>Unit 2 is set at an angle on the lot which results in the windows on both the north-eastern and south-western elevations being located at least 2m from the boundaries. Given the orientation of the dwelling to the boundary it is considered that the proposal will not result in significant overlooking to the adjoining vacant lot to the south. The window facing the eastern boundary will overlook Council owned land and therefore loss of privacy to this area is not a relevant consideration.</p>

	<p>(ii) <i>overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p> <p>(iii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p> <p><i>taking into account aspect and slope.”</i></p>	<p>The property to the south at 18 Aqua Place is currently vacant and therefore the proposal will not impact any habitable rooms or private open space. Notwithstanding, overshadowing diagrams were provided with the application which showed that the proposal will result in overshadowing to the northern part of this lot, with approximately 28% of the lot being in shadow at 9am on 21 June, reducing to approximately 20% of the lot at 12pm and then increasing to approximately 28% at 3pm. It is considered that the proposal will not unreasonably prevent a future dwelling on this lot to obtain reasonable sunlight to its habitable rooms and its private open space.</p> <p>The height and scale of the proposed dwellings is compatible with the domestic scale of dwellings in the area. Therefore, the proposal is not considered to result in an unreasonable visual impact.</p>
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Parking and Access Code

- **Clause E6.7.5 A1 (Layout of Parking Areas)** – The on-site turning and manoeuvring areas for Unit 1 do not comply with the Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 16.4.2 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>	Council’s Engineer has advised that there is insufficient area for vehicle manoeuvring to and from the garage for Unit 1.

		This has been raised with the applicant who has provided an amended plan with the garage entrance on the eastern elevation. Council's Engineer has reviewed the amended plan and agrees that this will be a satisfactory solution. It is recommended that a condition requiring amended plans to relocate the garage door on Unit 1 to the eastern elevation be included on the permit.
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Stormwater Management Code

- **Clause E7.7.1 A1 (Stormwater Drainage and Disposal)**– There is no reticulated stormwater system in Seven Mile Beach and therefore the proposal cannot meet the Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 16.4.2 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> <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 Engineer is satisfied that the proposed on-site stormwater system is satisfactory.
	<i>(b) collected for re-use on the site;</i>	not applicable
	<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

Stormwater Management Code

- **Clause E7.7.1 A2 (Stormwater Drainage and Disposal)** – The area of impervious area, as shown on the stormwater drainage plan, is over 600m² and therefore does meet the Acceptable Solution.

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

Clause	Performance Criteria	Assessment
16.4.2 P2	<i>“A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.”</i>	Council’s Engineer is satisfied that the proposed on-site stormwater drainage system will achieve satisfactory stormwater quality outcomes.

Inundation Prone Areas Code

- **Clause E15.7.5 A1 (Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas)** – The proposal requires a variation to the Acceptable Solution as both dwellings contain solid walls that are 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	<i>“Landfill, or solid walls greater than 5m in length and 0.5m in height, must satisfy all of the following:</i> <i>(a) no adverse effect on flood flow over other property through displacement of overland flows;</i>	Council’s Engineer is satisfied that the proposal will not adversely affect flood flow over any other property.

	<i>(b) the rate of stormwater discharge from the property must not increase;</i>	Stormwater will be managed on-site and therefore the rate of stormwater discharge from the site will not increase.
	<i>(c) stormwater quality must not be reduced from pre-development levels.”</i>	As the stormwater is managed on-site, Council’s Engineer is satisfied that the stormwater quality will not be reduced.

5. REPRESENTATION ISSUES

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

5.1. A Structure Plan for Seven Mile Beach has not been Undertaken

Concern was raised that a structure plan has not been undertaken in accordance with the decision made by Council at its meeting on 2 December 2019, for an application for a 49 lot subdivision at 20 Regal Court, Seven Mile Beach (SD-2019/10), and on this basis the proposal should be refused.

- **Comment**

Council at its meeting on the 2 December 2019 made a recommendation that a “*long-term structure plan for the Seven Mile Beach Township should be developed to guide the delivery of a quality urban environment before any further residential development is approved.*” Regardless of this decision, Council is bound to determine an application in accordance with the *Land Use Planning and Approvals Act 1993*. Accordingly, this issue cannot have determining weight.

5.2. Lot Density

Concern was raised that the proposal for two multiple dwellings does not comply with the development standards of the Scheme and will create a precedent in the area. Concern was also raised that the proposal will not comply with the provisions of the (future) State Planning Scheme.

- **Comment**

The lot is zoned Village and multiple dwellings are a discretionary use within this zone. Under the State Planning Scheme, the Seven Mile Beach area is proposed to be zoned Low Density Residential.

Multiple Dwellings are a discretionary use in the zone; however, they must have a site area per dwelling that is not less than 1 dwelling per 1200m². The development would therefore be prohibited under the future planning scheme. However, the development must be considered under the current Scheme which does not include any density standards for multiple dwellings.

5.3. Overshadowing

Concern was raised that the proposal will result in overshadowing and loss of privacy for neighbouring properties.

- **Comment**

Overshadowing and loss of privacy has been discussed previously in this report and it is considered that the development will not cause an unreasonable loss of sunlight or privacy to the adjoining (vacant) residential lots.

5.4. Conflicting Information on Plans

Concern was raised that there is confusion regarding the impervious area of the total site.

- **Comment**

The site plan and landscaping plan have differing calculations of the percentage of the site covered by impervious surfaces. However, the only relevance the percentage of impervious area has to the assessment of the application is in relation to the Stormwater Management Plan, which has been discussed previously in the report and was found to be satisfactory.

5.5. Setbacks

Concern was raised that the proposal does not comply with the front and side boundary setbacks required by the Scheme.

- **Comment**

The proposal meets the front boundary setback as Unit 1 is located 20m from the front boundary of the site to Aqua Place. The proposal requires a variation to the side and rear boundaries which has been discussed previously in this report and found to meet the relevant standards.

5.6. Vehicle Manoeuvring

Concern was raised that the proposed development did not provide adequate vehicle turning and manoeuvring.

- **Comment**

As has been discussed above, the layout of parking areas for Unit 1 was not satisfactory, however, with a modified design for Unit 1, there will be adequate manoeuvring on-site for vehicles.

5.7. Lack of On-site Visitor Parking for Unit 2

Concern was raised the visitor car parking space is not acceptable.

- **Comment**

The Scheme requires that the proposal provide two car parking spaces per dwelling and one visitor space. The proposal complies with this standard and the location of the visitor space in the front of the site is considered to be appropriate.

5.8. Stormwater Management

Concern was raised that the stormwater drainage design was inadequate and that the absorption bed is located too close to Unit 1 “Eljen bed”.

- **Comment**

Council’s Environmental Health Officer has assessed the application and considers that the proposal meets the Acceptable Solution in regard to separation distances.

5.9. Private Open Space does not Comply

Concern was raised that the proposed private open space does not comply with the Scheme standards.

- **Comment**

There are no standards in the Village zone regarding the provision of private open space for dwellings and therefore this concern does not have determining weight.

5.10. Bulk and Scale

Concern was raised that the bulk of the development is out of character with the surrounding area which is characterised by single dwellings.

- **Comment**

The only standard that addresses bulk and scale of development is in Clause 16.4.2 P2 (Setbacks), which relates to a variation to a side and rear boundary setback. As discussed above, the two, 2 storey dwellings are considered to have a bulk and scale of dwellings in the surrounding area and are not considered to have an unreasonable visual impact. It is also worth noting that although the majority of lots in Seven Mile Beach contain single dwellings, there is a range of lot sizes from around 500m² to around 1500m² and therefore, the proposal with a density of 1 dwelling per 567m² is not out of character with the surrounding area.

5.11. Inundation

Concern was raised that the proposal will exacerbate the inundation issues in Seven Mile Beach and set a dangerous precedent to other subdivisions.

- **Comment**

The proposal is considered to comply with the relevant standards in the Inundation Prone Areas Code and therefore this concern should not have determining weight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

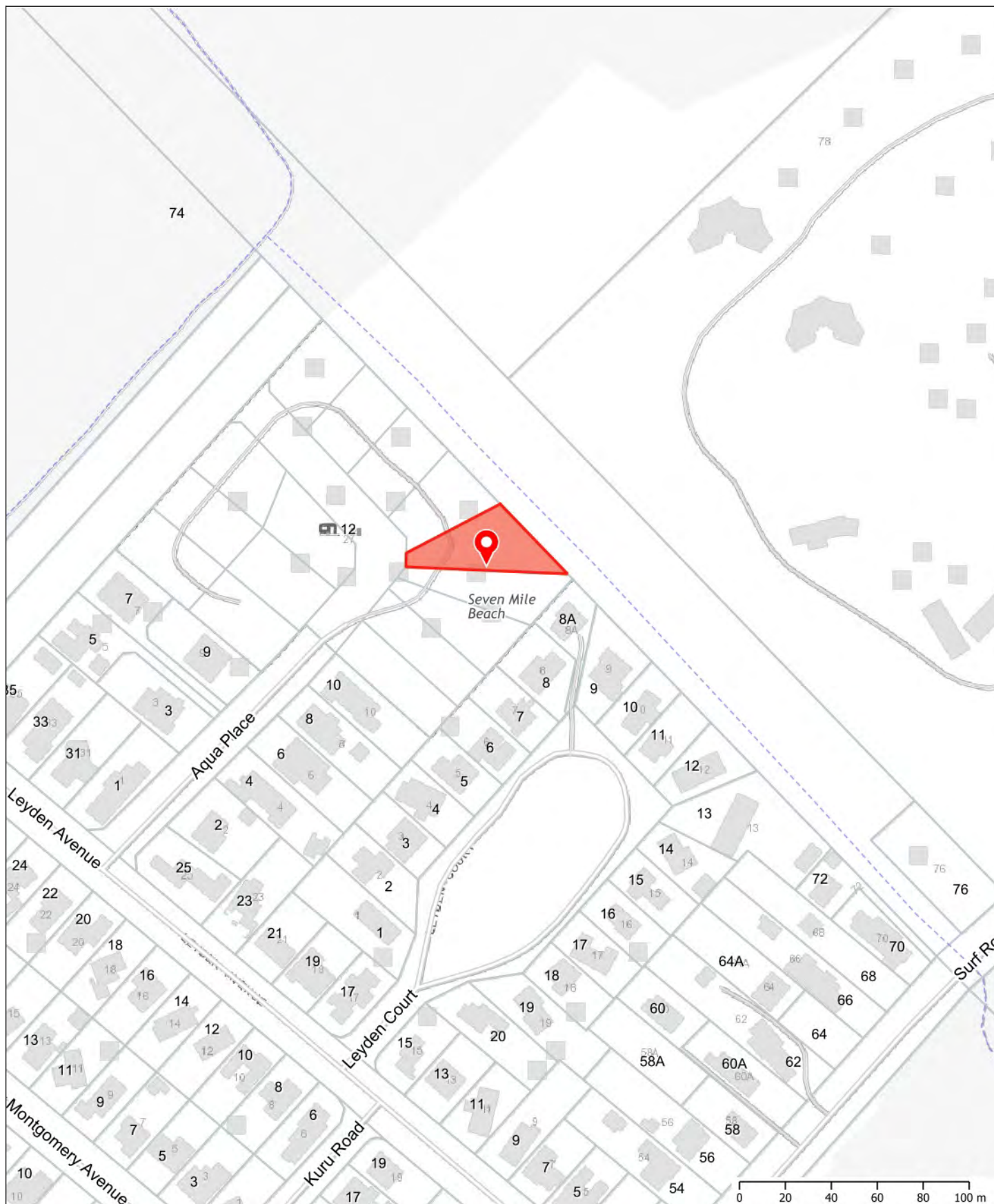
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal for 2 Multiple Dwellings is considered to meet the standards of the Scheme and is recommended for approval.

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

Bruce Gibbs
ACTING MANAGER CITY PLANNING



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.

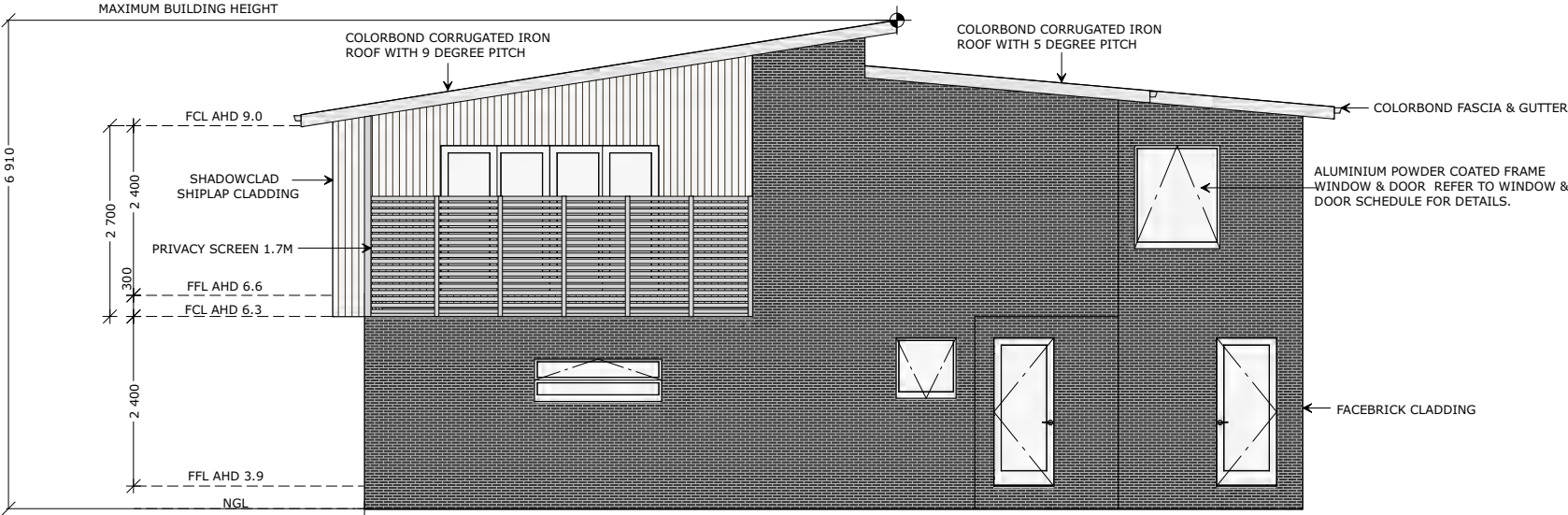
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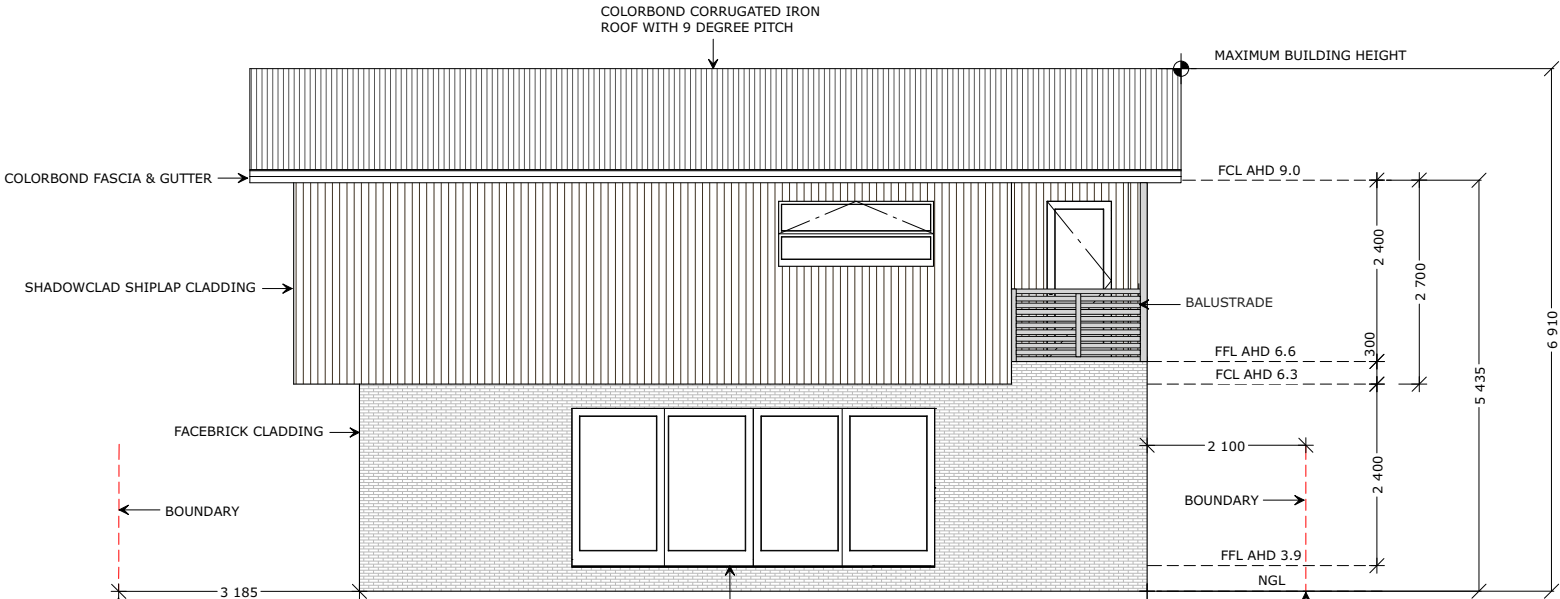


TITLE REFERENCE.
VOLUME FOLIO
138559 100

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609



NORTH EAST ELEVATION



SOUTH EAST ELEVATION

AREA
LAND AREA: 1135sqm
SITE COVERAGE: 278.9sqm= 24.5%

AREA FREE FROM IMPERVIOUS SURFACES: 489.25sqm=43.1%

FLOOR AREAS UNIT 1
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

FLOOR AREAS UNIT 2
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

No. REVISION

PROJECT
TWO LUXURY DWELLINGS FOR REAL START PTY LTD
LOT 11 12 AQUA PLACE
SEVENMILE BEACH 7170

SCALE
1:100

DRAWN DC **CHECKED SB**

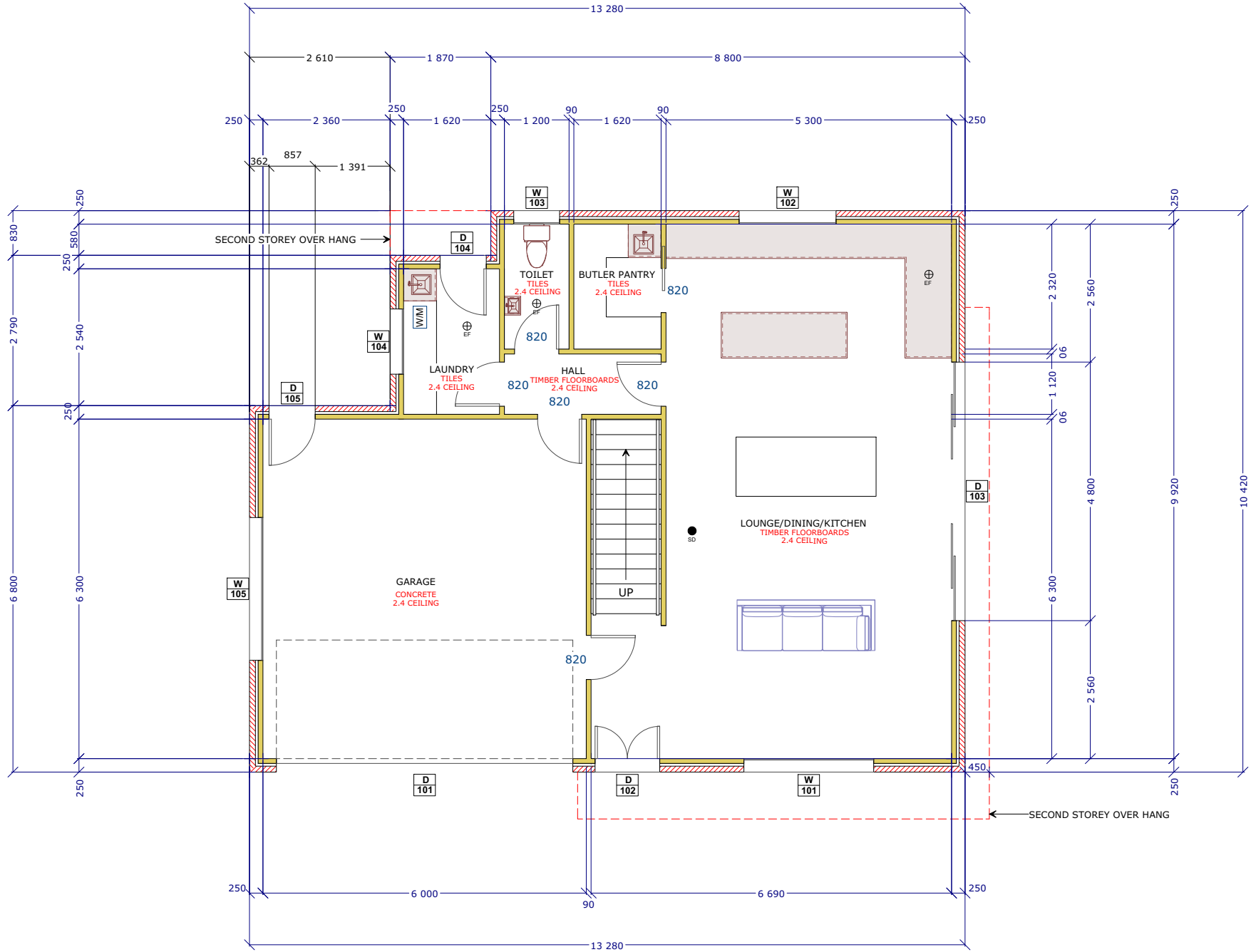
DATE:
SEPTEMBER 2020

NE/SE ELEVATION
PLAN UNIT 2

DRG No **REV**
2020-09-WD606

A3

TITLE REFERENCE.
VOLUME FOLIO
138559 100



AREA	
LAND AREA:	1135sqm
SITE COVERAGE:	278.9sqm= 24.5%
AREA FREE FROM IMPERVIOUS SURFACES: 489.25sqm=43.1%	
FLOOR AREAS UNIT 1	
FLOOR AREA:	191.1sqm
ALFRESCO AREA:	9.86sqm
GARAGE:	26.2sqm
TOTAL:	227.16sqm
FLOOR AREAS UNIT 2	
FLOOR AREA:	191.1sqm
ALFRESCO AREA:	9.86sqm
GARAGE:	26.2sqm
TOTAL:	227.16sqm

CONSTRUCTION NOTES

WALLS:
EXTERNAL:
GRAPHITE FACEBRICK &
SHADOWCLAD SHIPLAP

INTERNAL WALLS:
10mm PLASTERBOARD LINING ON
90X35mm MGP10 STUDWORK
@450mm CTS,1 ROW NOGGIN
90X45,MGP10 TOP AND BOTTOM
PLATES.LINTELS AND PLATES
WHERE SHOWN ON DETAIL PLANS.

WET AREAS:
10mm WATER RESISTANT LININGS
AND SUBSTRATES TO WET AREAS
IN ACCORDANCE WITH B.C.A 3.8.1

FLASHINGS:
COLORBOND FLASHINGS AS
REQUIRED
COLOUR TO BE SURFMIST

WINDOWS:
DOWELL WINDOWS
OR SIMILAR,SELECTED
POWDER COATING TO
WINDOWS AND DOORS
COLORBOND FLASHINGS
AROUND WINDOWS AND
DOORS

GLAZING:
REFER TO WINDOW SCHEDULE

ROOF:
COLORBOND CORRUGATED IRON
COLOUR TO BE SURFMIST

CORNICE AND REVEALS:
SQUARE SET PLASTERBOARD

CEILINGS:
10mm PLASTERBOARD FITTED TO
FURRING CHANNELS @450mm
CTS AND/OR UNDERSIDE OF
450mm FLOOR JOISTS.

FLOOR:
SELECTED 10mm TILES TO BATHROOMS
10mm TIMBER FLOORBOARDS AND
CARPET WHERE SHOWN.

ARCHITRAVE & SKIRTING
42X18mm BEVELLED PAINTED
ARCHITRAVES AND 67X18mm
SQUARE PAINTED SKIRTS.

INSULATION:
MIN R4.0 PINK BATTS TO CEILINGS
MIN R2.5 BATTS TO EXTERNAL WALLS
MIN R1.0 INSULATION MATERIAL BENEATH SLAB
IN KITCHEN / LOUNGE / DINING AREA.
MIN R2.5 INSULATION IN INTERNAL WALLS
BETWEEN GARAGE, LAUNDRY, WC BATHROOM
AND REST OF HOUSE.
MIN R4.0 INSULATION IN TIMBER FLOORS
WHERE OPEN TO EXTERNAL AIR BENEATH.
MIN R4.0 INSULATION IN DECK OVER KITCHEN.

WATERPROOF LININGSAND MEMBRANE TO
ALL WET AREAS TO BCA 3.8.1

NOTES

- KEY
- SMOKE DETECTOR HARD WIRED
 - ⓘ EXHAUST FAN

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609

No.	REVISION
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PROJECT

TWO LUXURY DWELLINGS
FOR REAL START PTY LTD
LOT 11 12 AQUA PLACE
SEVENMILE BEACH 7170

SCALE	1:100
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DRAWN DC	CHECKED SB
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DATE:	SEPTEMBER 2020
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FIRST FLOOR PLAN
UNIT 1 & 2

DRG No	REV
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2020-09-WD602	
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A3

TITLE REFERENCE.
VOLUME FOLIO
138559 100

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609



AREA
LAND AREA: 1135sqm
SITE COVERAGE: 278.9sqm= 24.5%

AREA FREE FROM
IMPERVIOUS SURFACES: 489.25sqm=43.1%


FLOOR AREAS UNIT 1
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm


TOTAL: 227.16sqm

FLOOR AREAS UNIT 2
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

LEGEND

 RED CORDALINE FLAX OR SIMILAR
QUANTITY: 11
HIEGHT: 1M

 GREEN CORDALINE FLAX OR SIMILAR
QUANTITY: 10
HIEGHT: 1M

 FREE FROM IMPERVIOUS SURFACES

 PRIVATE OPEN SPACE AREA (P.O.S)

 CONCRETE DRIVEWAY & PATHS

No.	REVISION
-----	----------

PROJECT

**TWO LUXURY DWELLINGS
FOR REAL START PTY LTD
LOT 11 12 AQUA PLACE
SEVENMILE BEACH 7170**

SCALE
1:250

DRAWN DC	CHECKED SB
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DATE:
SEPTEMBER 2020

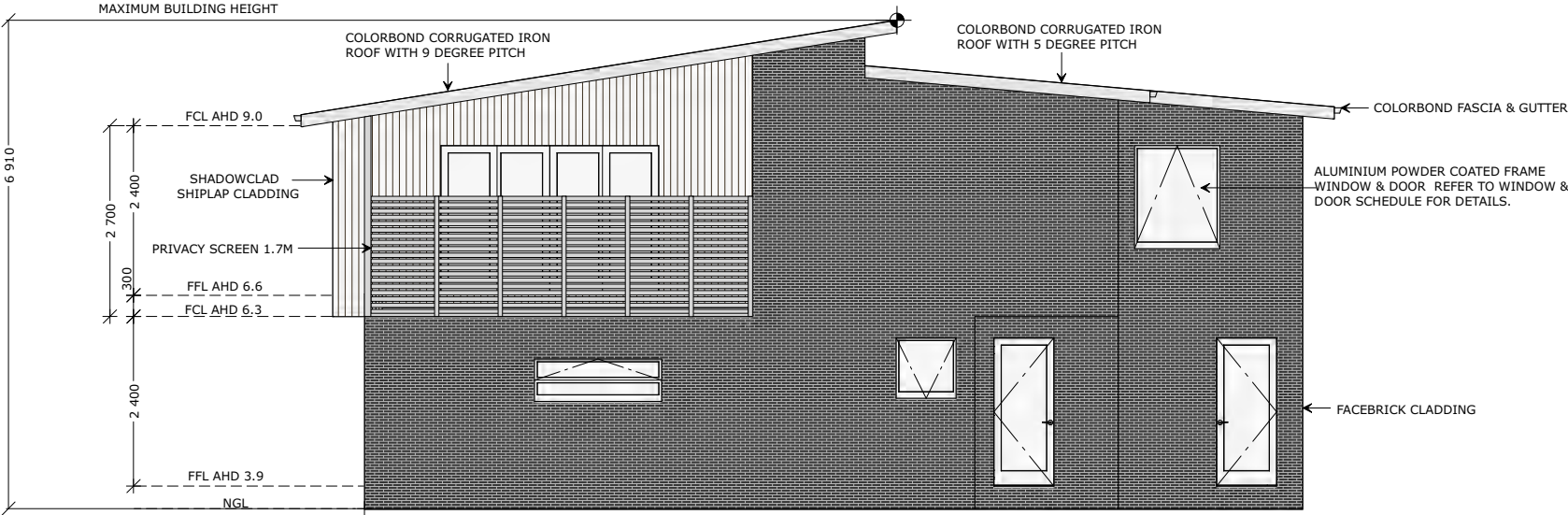
P.O.S & LANDSCAPE PLAN

DRG No 2020-09-WD608	REV
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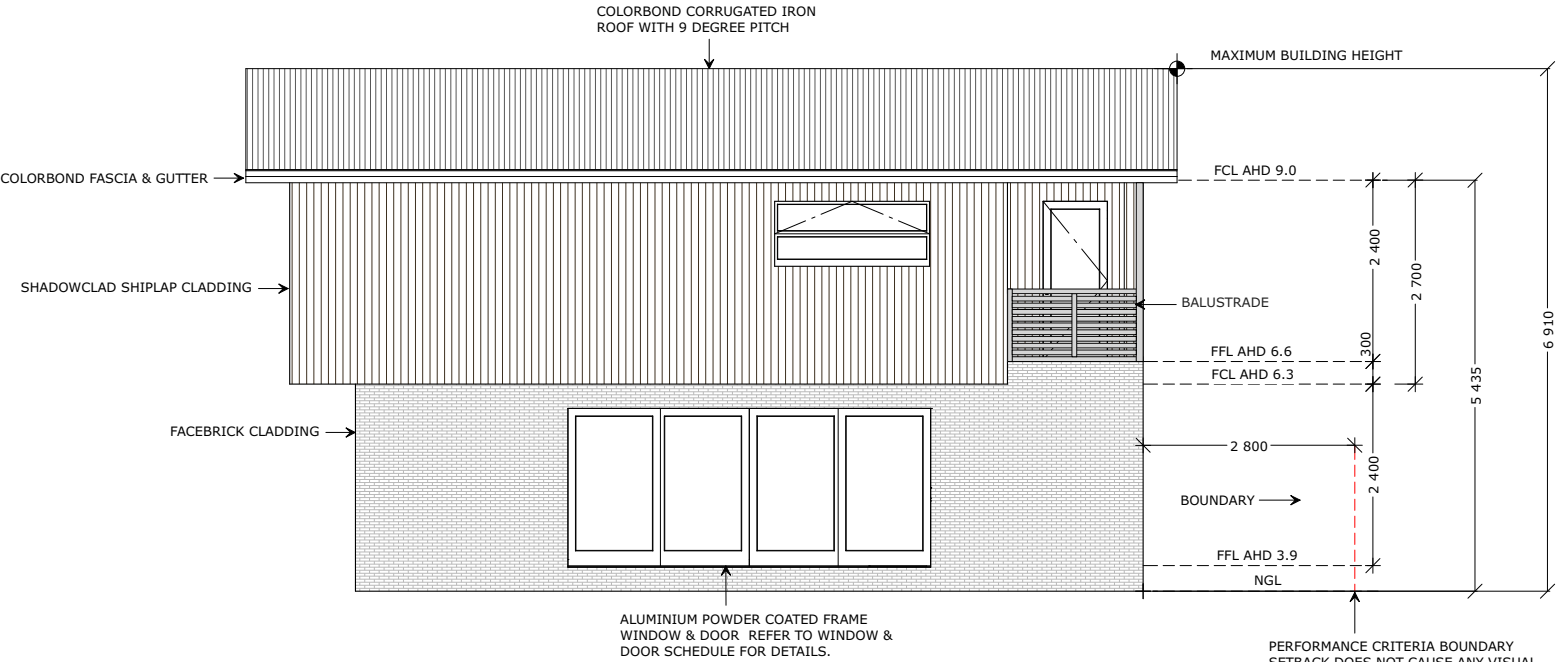
A3

TITLE REFERENCE.
VOLUME FOLIO
138559 100

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609



NORTH WEST ELEVATION



SOUTH EAST ELEVATION

AREA
LAND AREA: 1135sqm
SITE COVERAGE: 278.9sqm= 24.5%

AREA FREE FROM
IMPERVIOUS SURFACES: 489.25sqm=43.1%

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GARAGE: 26.2sqm

TOTAL: 227.16sqm

FLOOR AREAS UNIT 2
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ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

PROJECT
TWO LUXURY DWELLINGS
FOR REAL START PTY LTD
LOT 11 12 AQUA PLACE
SEVENMILE BEACH 7170

SCALE
1:100

DRAWN **CHECKED**
DC **SB**

DATE:
SEPTEMBER 2020

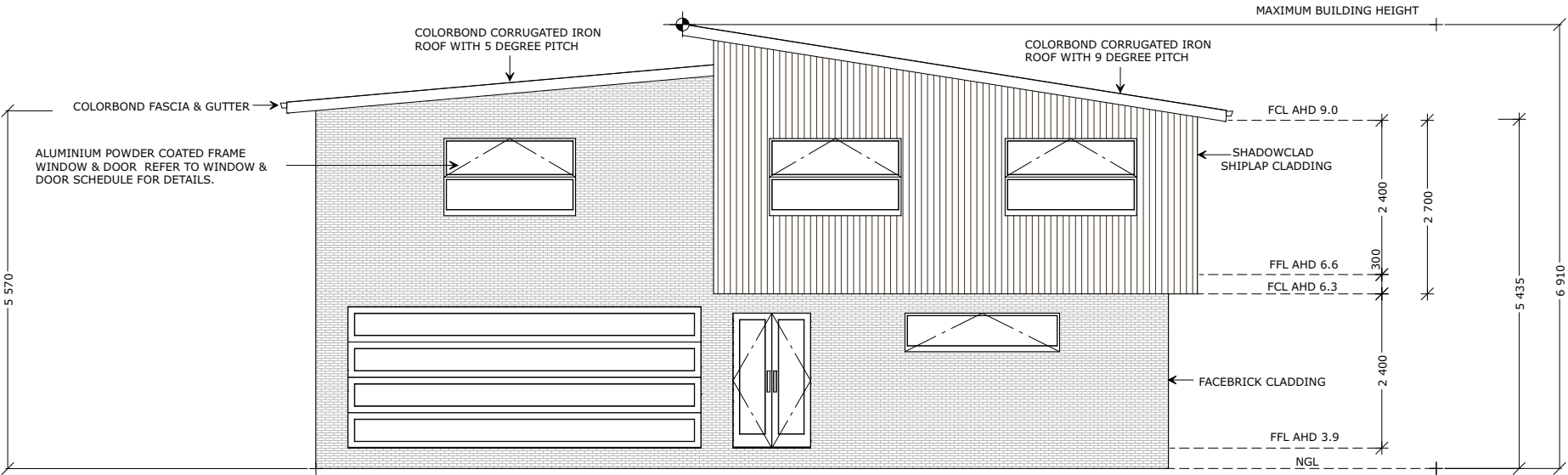
NW/SE ELEVATION
PLAN UNIT 1

DRG No **REV**
2020-09-WD604

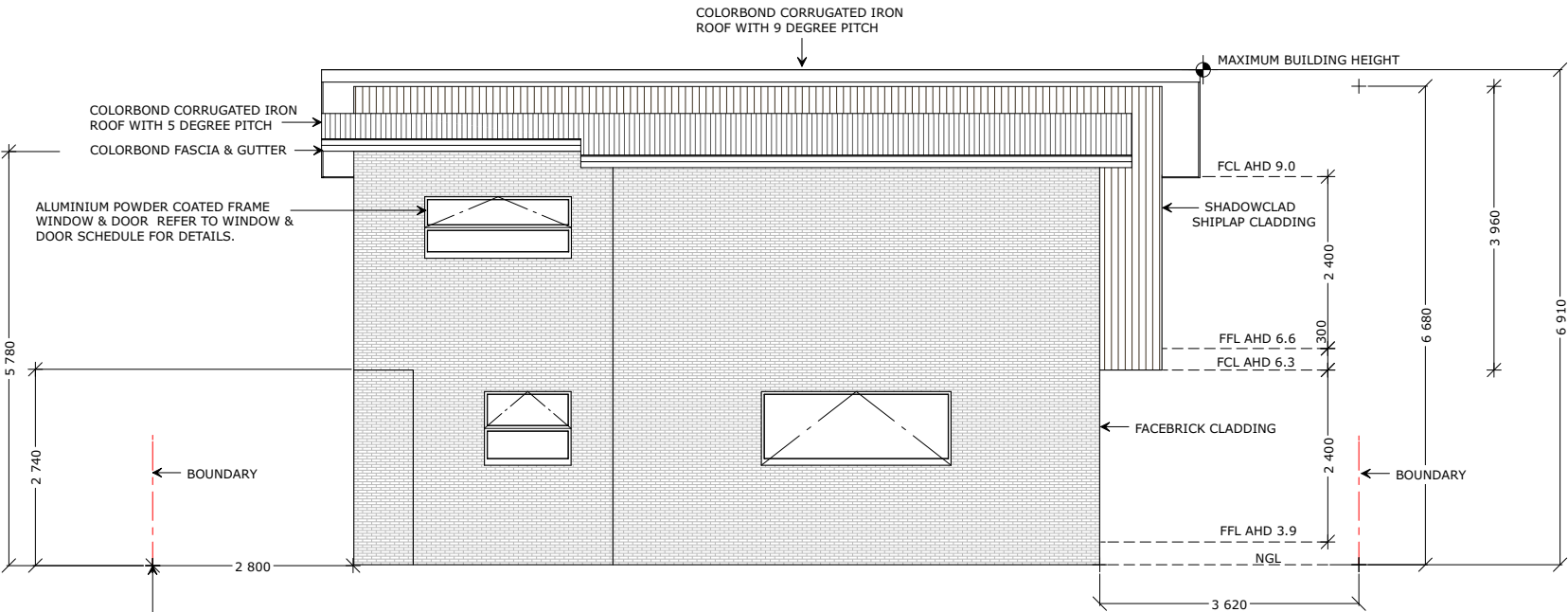
A3

TITLE REFERENCE.
VOLUME FOLIO
138559 100

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION

AREA
LAND AREA: 1135sqm
SITE COVERAGE: 278.9sqm= 24.5%

AREA FREE FROM
IMPERVIOUS SURFACES: 489.25sqm=43.1%

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GARAGE: 26.2sqm

TOTAL: 227.16sqm

FLOOR AREAS UNIT 2
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ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

PERFORMANCE CRITERIA BOUNDARY SETBACK
DOES NOT CAUSE ANY VISUAL IMPACT, PRIVACY
ISSUES OR OVER SHADOWING DUE TO BEING A
NEW SUBDIVISION WITH NO HOUSES BUILT. REFER
TO SHADOW DIAGRAM PLAN FOR MORE DETAIL.

No. REVISION

PROJECT
TWO LUXURY DWELLINGS
FOR REAL START PTY LTD
LOT 11 12 AQUA PLACE
SEVENMILE BEACH 7170

SCALE
1:100

DRAWN DC
CHECKED SB

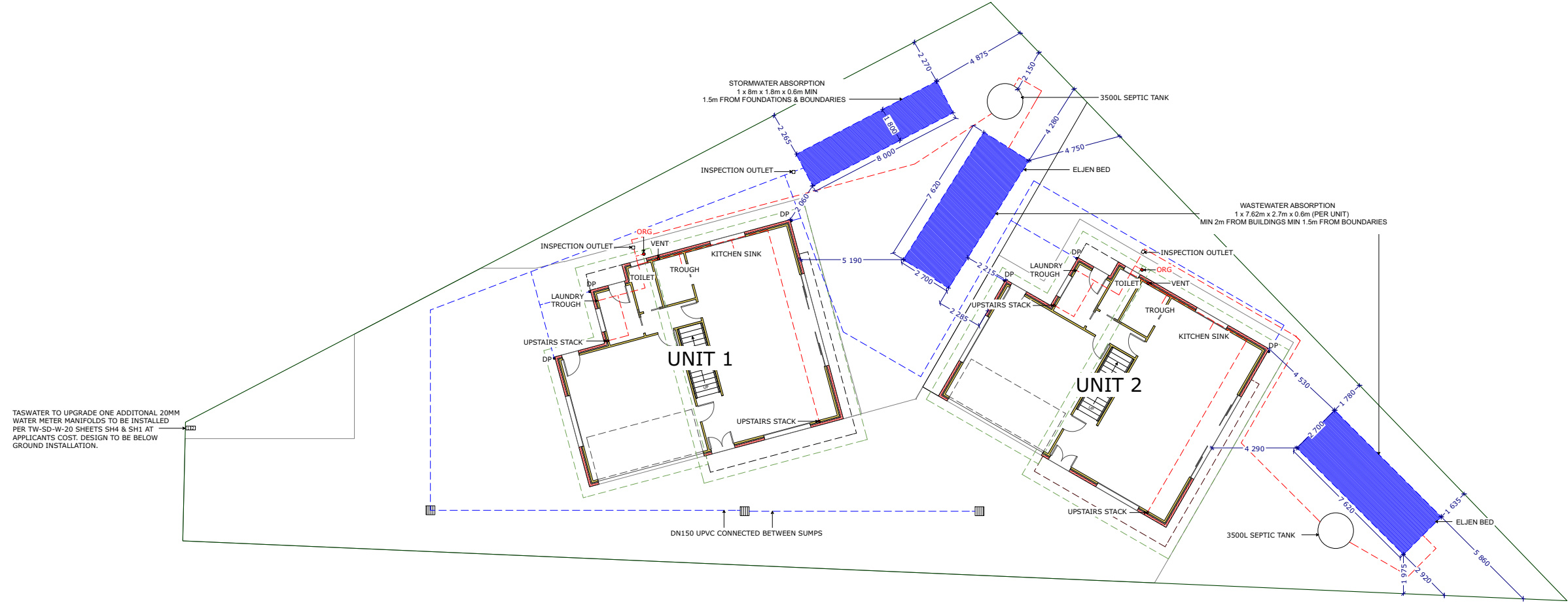
DATE:
SEPTEMBER 2020

SE/SW ELEVATION
PLAN UNIT 1

DRG No
2020-09-WD605

REV

A3



TASWATER TO UPGRADE ONE ADDITIONAL 20MM
WATER METER MANIFOLDS TO BE INSTALLED
PER TW-SD-W-20 SHEETS SH4 & SH1 AT
APPLICANTS COST. DESIGN TO BE BELOW
GROUND INSTALLATION.

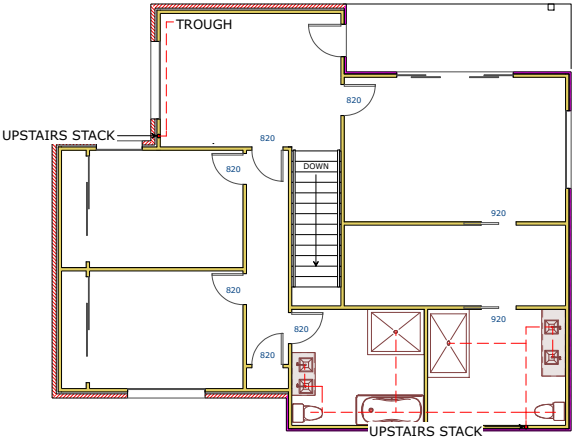
UNIT 1 ROOF SURFACE AREA : 177.71 SQM
UNIT 2 ROOF SURFACE AREA : 177.71 SQM
TOTAL ROOF SURFACE AREA: 355.42 SQM
DRIVEWAY SURFACE AREA: 326.76

PIPE SIZE LEGEND

- DN 100 UPVC STORMWATER DRAIN CONNECTED TO ON SITE BRANCH CONNECTION (BLUE)
- DN 100 UPVC VENTED SEWER DRAIN (RED) MIN FALL 1 IN 60
- DN40 PN16 PE100 DISCHARGE LINE (ORANGE)
- 450 x 450 x 600 DEEP GRATED SUMP DN150 UPVC CONNECTED BETWEEN SUMPS
- ORG - OVERFLOW RELIEF GULLY WITH TAP OVER
- HWC - HOT WATER CYLINDER
- DP - DOWN PIPE

FIXTURE OUTLET SIZES:

- W.C-DN100
- SHOWER-DN50
- SINK-DN50
- TROUGH-DN50
- BASIN-DN40
- BATH-DN40



UPPER STORY PLUMBING UNIT 1 & 2

THE LOCATION OF HOTWATER CYLINDERS TO BE CONFIRMED BY OWNER &
BUILDER THE BUILDER IS TO LOCATE AND CONFIRM THE PRESENCE OF ALL
EXISTING SERVICES ONSITE AND WITHIN THE AREA OF WORKS.

No.	REVISION
PROJECT TWO LUXURY DWELLINGS FOR REAL START PTY LTD LOT 11 12 AQUA PLACE SEVENMILE BEACH 7170	
SCALE 1:250	
DRAWN DC	CHECKED SB
DATE: SEPTEMBER 2020	
PLUMBING/DRAINAGE PLAN	
DRG No 2020-09-WD611	REV
	A3

TITLE REFERENCE.
VOLUME FOLIO
138559 100

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609

CONSTRUCTION NOTES

WALLS:
EXTERNAL:
GRAPHITE FACEBRICK &
SHADOWCLAD SHIPLAP

INTERNAL WALLS:
10mm PLASTERBOARD LINING ON
90X35mm MGP10 STUDWORK
@450mm CTS,1 ROW NOGGIN
90X45,MGP10 TOP AND BOTTOM
PLATES.LINTELS AND PLATES
WHERE SHOWN ON DETAIL PLANS.

WET AREAS:
10mm WATER RESISTANT LININGS
AND SUBSTRATES TO WET AREAS
IN ACCORDANCE WITH B.C.A 3.8.1

FLASHINGS:
COLORBOND FLASHINGS AS
REQUIRED
COLOUR TO BE SURFMIST

WINDOWS:
DOWELL WINDOWS
OR SIMILAR,SELECTED
POWDER COATING TO
WINDOWS AND DOORS
COLORBOND FLASHINGS
AROUND WINDOWS AND
DOORS

GLAZING:
REFER TO WINDOW SCHEDULE

ROOF:
COLORBOND CORRUGATED IRON
COLOUR TO BE SURFMIST

CORNICE AND REVEALS:
SQUARE SET PLASTERBOARD

CEILINGS:
10mm PLASTERBOARD FITTED TO
FURRING CHANNELS @450mm
CTS AND/OR UNDERSIDE OF
450mm FLOOR JOISTS.

FLOOR:
SELECTED 10mm TILES TO BATHROOMS
10mm TIMBER FLOORBOARDS AND
CARPET WHERE SHOWN.

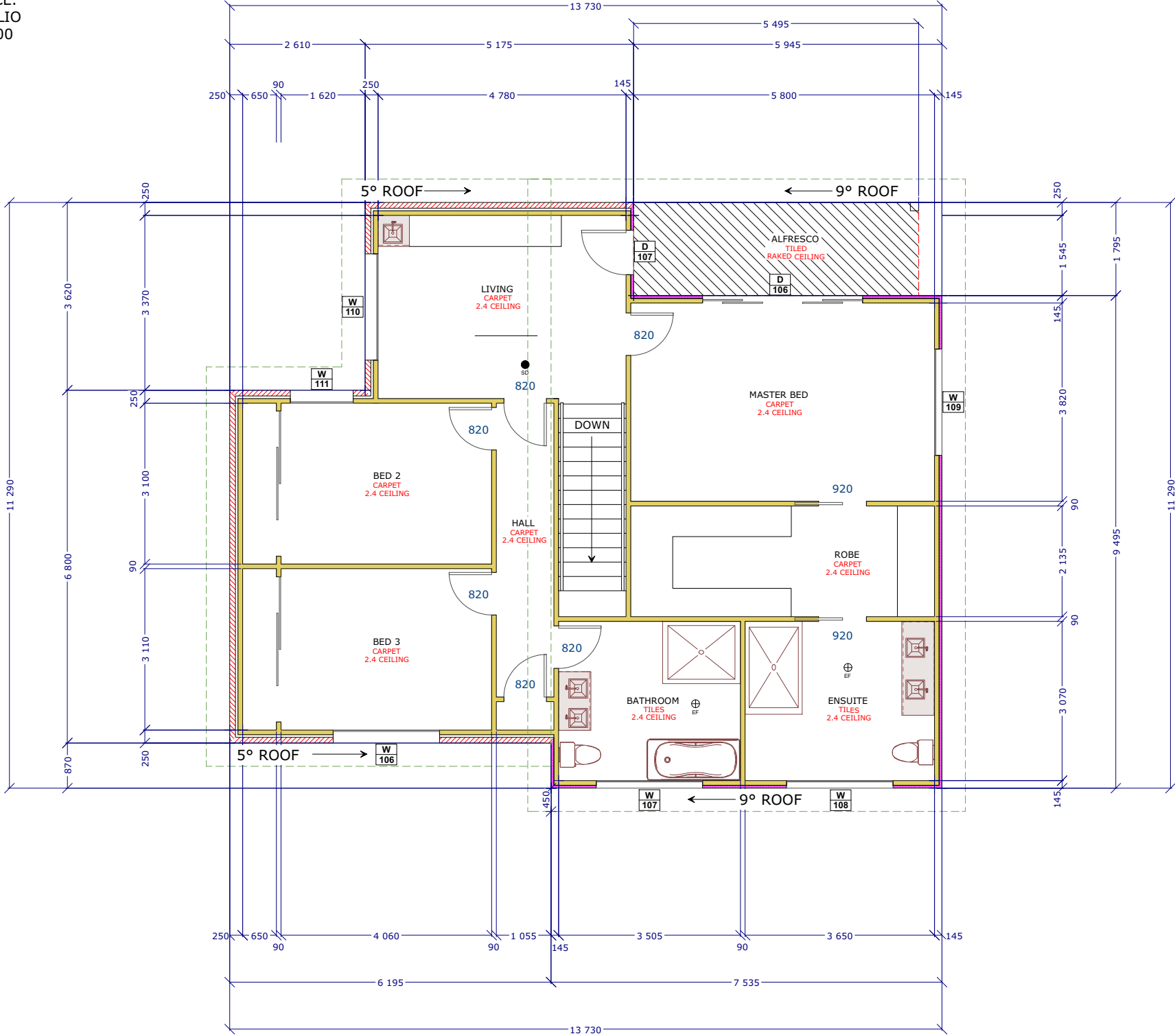
ARCHITRAVE & SKIRTING
42X18mm BEVELLED PAINTED
ARCHITRAVES AND 67X18mm
SQUARE PAINTED SKIRTS.

INSULATION:
MIN R4.0 PINK BATTS TO CEILINGS
MIN R2.5 BATTS TO EXTERNAL WALLS
MIN R1.0 INSULATION MATERIAL BENEATH SLAB
IN KITCHEN / LOUNGE / DINING AREA.
MIN R2.5 INSULATION IN INTERNAL WALLS
BETWEEN GARAGE, LAUNDRY, WC BATHROOM
AND REST OF HOUSE.
MIN R4.0 INSULATION IN TIMBER FLOORS
WHERE OPEN TO EXTERNAL AIR BENEATH.
MIN R4.0 INSULATION IN DECK OVER KITCHEN.

WATERPROOF LININGS AND MEMBRANE TO
ALL WET AREAS TO BCA 3.8.1

NOTES

- KEY
- SMOKE DETECTOR HARD WIRED
 - ⊕ EXHAUST FAN



AREA
LAND AREA: 1135sqm
SITE COVERAGE: 278.9sqm= 24.5%

AREA FREE FROM
IMPERVIOUS SURFACES: 489.25sqm=43.1%

FLOOR AREAS UNIT 1
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

FLOOR AREAS UNIT 2
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

No. REVISION

PROJECT

TWO LUXURY DWELLINGS
FOR REAL START PTY LTD
LOT 11 12 AQUA PLACE
SEVENMILE BEACH 7170

SCALE
1:100

DRAWN DC
CHECKED SB

DATE:
SEPTEMBER 2020

SECOND FLOOR PLAN
UNIT 1 & 2

DRG No
2020-09-WD603

REV

A3

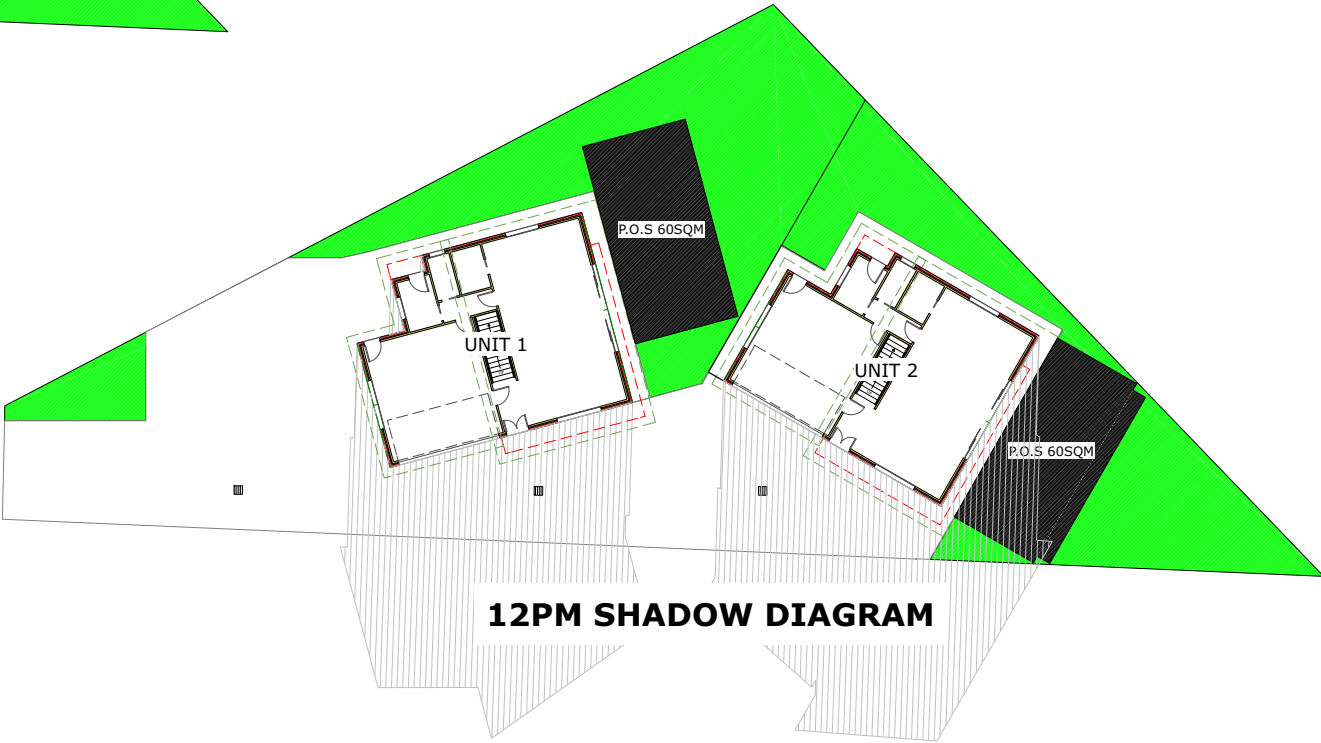
TITLE REFERENCE.
VOLUME FOLIO
138559 100



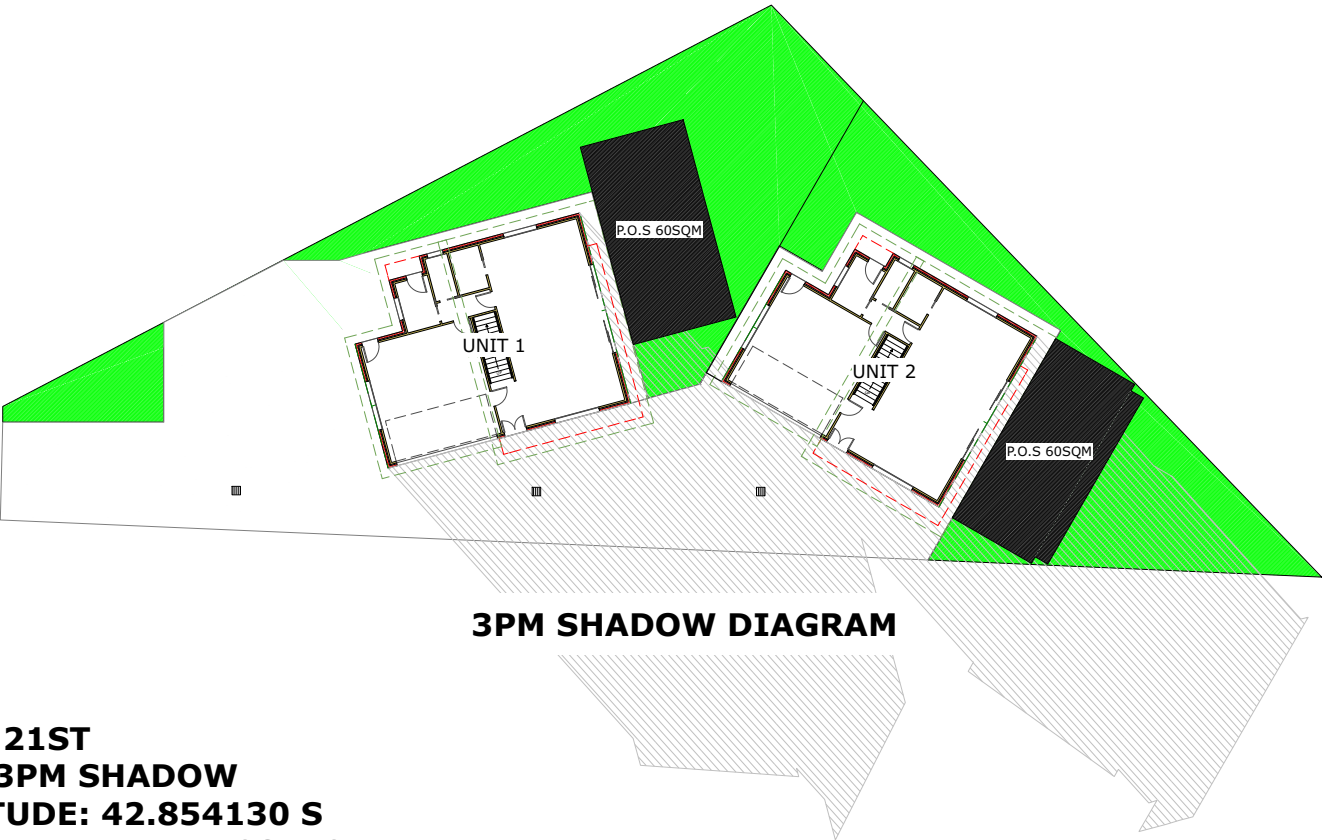
BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609



9AM SHADOW DIAGRAM



12PM SHADOW DIAGRAM



3PM SHADOW DIAGRAM

JUNE 21ST
9AM-3PM SHADOW
LATITUDE: 42.854130 S
LONGITUDE: 147.508170 E

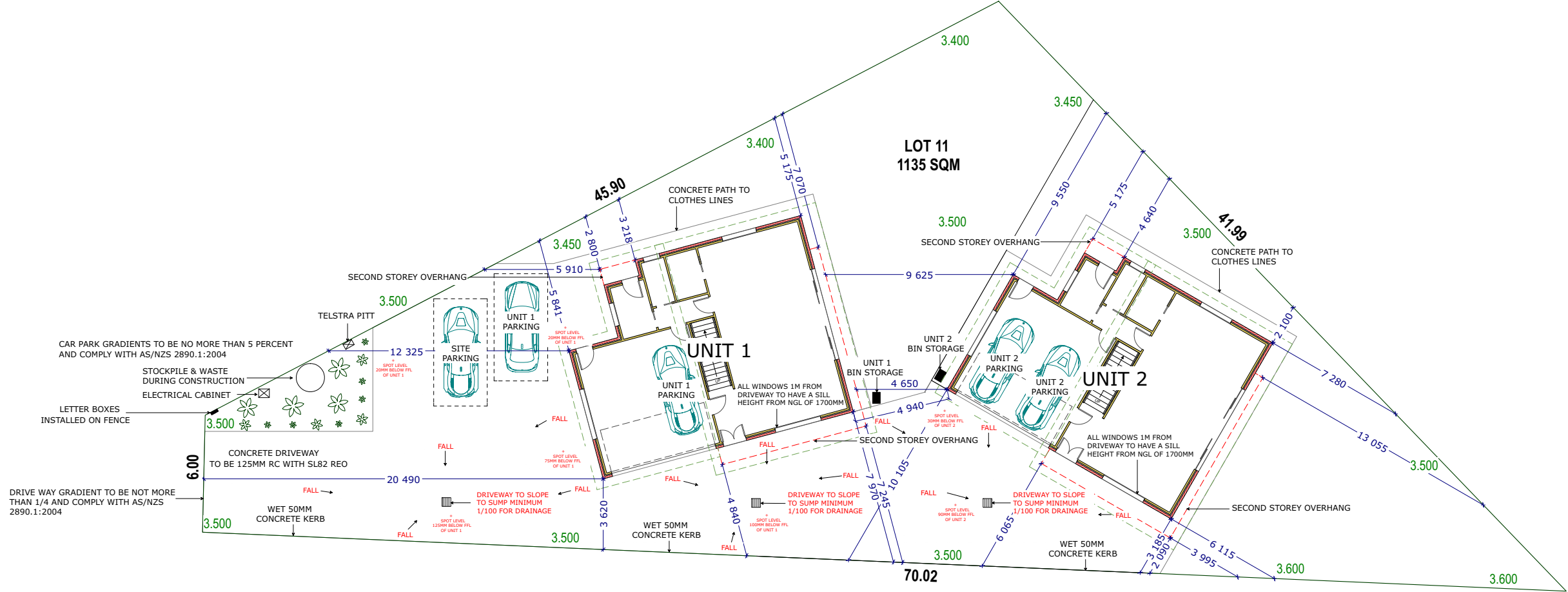
AREA	
LAND AREA:	1135sqm
SITE COVERAGE:	278.9sqm= 24.5%
AREA FREE FROM IMPERVIOUS SURFACES: 489.25sqm=43.1%	
FLOOR AREAS UNIT 1	
FLOOR AREA:	191.1sqm
ALFRESCO AREA:	9.86sqm
GARAGE:	26.2sqm
TOTAL:	227.16sqm
FLOOR AREAS UNIT 2	
FLOOR AREA:	191.1sqm
ALFRESCO AREA:	9.86sqm
GARAGE:	26.2sqm
TOTAL:	227.16sqm

No.	REVISION
PROJECT TWO LUXURY DWELLINGS FOR REAL START PTY LTD LOT 11 12 AQUA PLACE SEVENMILE BEACH 7170	
SCALE 1:400	
DRAWN DC	CHECKED SB
DATE: SEPTEMBER 2020	
SHADOW DIAGRAM PLAN	
DRG No 2020-09-WD609	REV A3

TITLE REFERENCE.
VOLUME FOLIO
138559 100



BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609



AREA
LAND AREA: 1135sqm
SITE COVERAGE: 278.9sqm= 24.5%

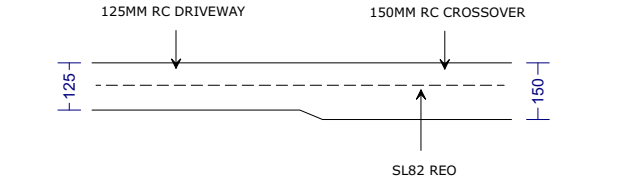
AREA FREE FROM
IMPERVIOUS SURFACES: 417.66sqm=36.79%

FLOOR AREAS UNIT 1
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

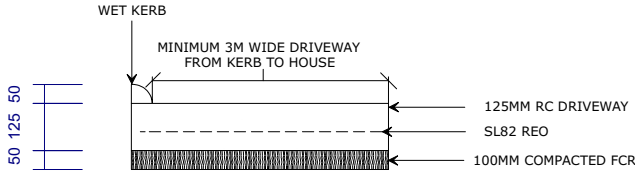
TOTAL: 227.16sqm

FLOOR AREAS UNIT 2
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm



**CROSS OVER SECTION
1:20**



**DRIVEWAY SECTION
1:20**

SITE ANALYSIS

CONSTRUCTION
TWO NEW LUXURY DWELLINGS TO BE
CONSTRUCTED ON THE NEW SUBDIVISION LOT
11 12 AQUA PLACE SEVEN MILE BEACH

SAFE ACCESS TO & FROM THE SITE
6.0M CROSS OVER AND WIDE DRIVEWAY INTO
THE LOT WILL ALLOW FOR EASE OF ACCESS

STOCKPILE AND WASTE
DESIGNATED STOCKPILE AND WASTE DURING
CONSTRUCTION

STORAGE
EACH LUXURY DWELLING HAS ITS OWN LETTER
BOX AND BIN STORAGE SPACE

COASTAL EROSION HAZARD
FINISHED FLOOR LEVELS TO BE ABOVE 3.2 AHD

SET BACKS/BUILDING ENVELOPE
N/A

VEGETATION
N/A

SUN/SHADOW/PRIVACY/VIEWS
ALL LUXURY DWELLINGS GET THE MINIMUM
AMOUNT ON SUN TO PRIVATE OPEN SPACE AREAS
AND WINDOWS. NO NEIGHBORING PROPERTY'S
ARE EFFECTED BY OVER SHADOWING OR
BLOCKING OF VIEWS AND GIVING THE LOW
PITCH ROOFS AND SMALL GROUND FOOT PRINT
THE LUXURY DWELLINGS GIVE NO unreasonable
loss of amenity. WINDOWS WITHIN 1M OF A
SHARED DRIVEWAY TO HAVE A SILL HEIGHT OF
1700MM FROM NGL.

PLUMBING
SEWER/STORM WATER TO BE CONNECT TO
SEPTIC TANKS WITH ABSORPTION TRENCHES,
ONE FOR EACH LUXURY DWELLING.
(REFER TO DRAINAGE/PLUMBING PLAN)

BAL RATING
BAL 19

No. REVISION

PROJECT
**TWO LUXURY DWELLINGS
FOR REAL START PTY LTD
LOT 11 12 AQUA PLACE
SEVENMILE BEACH 7170**

SCALE
1:250

DRAWN DC **CHECKED SB**

DATE:
SEPTEMBER 2020

SITE PLAN

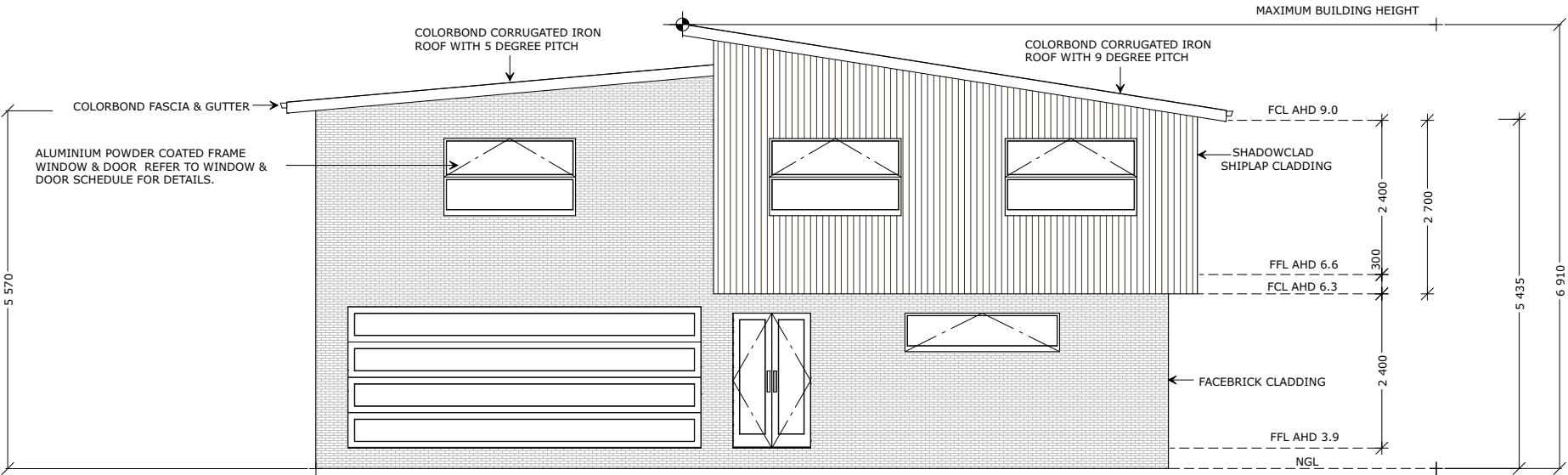
DRG No
2020-09-WD601

REV

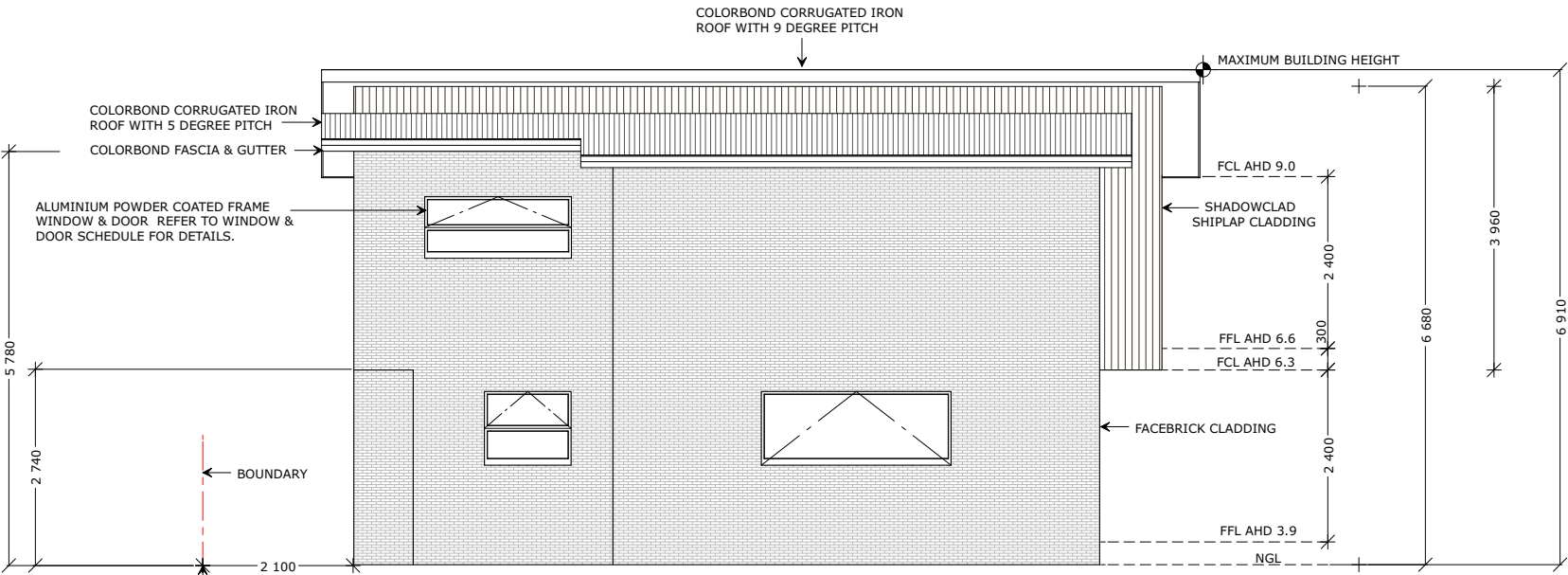
A3

TITLE REFERENCE.
VOLUME FOLIO
138559 100

BUILDING DESIGNER: SAM BURNETT
ACCREDITATION No: CC6609



SOUTH WEST ELEVATION



NORTH WEST ELEVATION

AREA
LAND AREA: 1135sqm
SITE COVERAGE: 278.9sqm= 24.5%

AREA FREE FROM
IMPERVIOUS SURFACES: 489.25sqm=43.1%

FLOOR AREAS UNIT 1
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

FLOOR AREAS UNIT 2
FLOOR AREA: 191.1sqm
ALFRESCO AREA: 9.86sqm
GARAGE: 26.2sqm

TOTAL: 227.16sqm

PERFORMANCE CRITERIA BOUNDARY SETBACK
DOES NOT CAUSE ANY VISUAL IMPACT, PRIVACY
ISSUES OR OVER SHADOWING DUE TO BEING A
NEW SUBDIVISION WITH NO HOUSES BUILT. REFER
TO SHADOW DIAGRAM PLAN FOR MORE DETAIL.

No.	REVISION
PROJECT TWO LUXURY DWELLINGS FOR REAL START PTY LTD LOT 11 12 AQUA PLACE SEVENMILE BEACH 7170	
SCALE 1:100	
DRAWN DC	CHECKED SB
DATE: SEPTEMBER 2020	
SW/NW ELEVATION PLAN UNIT 2	
DRG No 2020-09-WD607	REV A3

20 AQUA PLACE, SEVEN MILE BEACH



Photo 1: Site viewed from Aqua Place, looking northeast.

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014879 – 48 BRIDGE STREET, RICHMOND - CHANGE OF USE TO MEDICAL CENTRE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Medical Centre at 48 Bridge Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Historic Heritage, 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 24 March 2021.

CONSULTATION

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

- impact on car parking;
- impact on pedestrian safety and movement;
- impact on heritage values; and
- the proposal is not suitable for the location.

RECOMMENDATION:

A. That the Development Application for Change of Use to Medical Centre at 48 Bridge Street, Richmond (Cl Ref PDPLANPMTD-2020/014879) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN C2 – CASH-IN-LIEU
[\$27,500] [5].

3. GEN AM5 – TRADING HOURS
Monday - Saturday 6am to 10pm; and
Sundays and Public Holidays 7am to 9pm.
4. External lighting must be turned off between 11pm and 6am, except for security lighting.
5. Commercial vehicle movements to or from the site must be within the hours of:
Monday - Saturday 6am to 10pm; and
Sundays and Public Holidays 7am to 9pm.
6. Any works to the front door must re-use existing materials and be supplemented with like-for-like material. Details must be provided and approved by Council's Manager City Planning prior to the issue of a Certificate of Likely Compliance or notification of works.
7. The proposed front door must be proportionally similar to the existing front door. Details must be provided and approved by Council's Manager City Planning prior to the issue of a Certificate of Likely Compliance or notification of works.
8. GEN S7 – SIGN MAINTENANCE.
9. GEN EX1 – TASMANIAN HERITAGE COUNCIL.

ADVICE

A Building Surveyor must be engaged for certification for a change of use and building classification, these need to be lodged with Council and then the Building Surveyor may issue a new occupancy permit.

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

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Business Zone; and
- Section E6.0 – Parking and Access, Stormwater Management and Historic Heritage 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 429m² property which contains 1 existing dwelling and a retail space (Saddler’s Court Gallery). The site has frontage to Bridge Street and vehicle access is provided via Edward Street. It is located in the centre of Richmond Village and its frontage forms a significant part of the historic centre. The site is level and located opposite Franklin Street park.

3.2. The Proposal

The proposal is to change the use of the ground floor retail space to a medical centre. No changes would be proposed for the upper-level dwelling. The medical centre would employ two doctors and occupy a floor area of 138.8m². The proposed hours of operation would be Monday to Friday from 9am to 5pm.

Minor changes would be proposed to the existing building fabric. The doorway to the shop will be replaced with a new joinery door to provide an 850mm clearance for disability access. No changes are proposed to the existing door frame or windows. The text of the existing sign would be replaced with “Bridge Street Surgery”. The design of the sign would be like for like with the existing sign and exempt from the provisions of the E17.0 Signs code.

The site provides two car parking spaces which are associated with the existing dwelling on-site. The subject tenancy has a credit of five car parking spaces under the Scheme associated with the retail use (one space for each 30m²) and a credit of one car parking space associated with the residential use. The medical centre would require 10 car parking spaces under the Scheme. A variation of five car parking spaces is sought as part of this application.

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.

Parking and Access Code

- **Clause 6.6.1 A1-Number of Car Parking Spaces** – Does not comply, the proposal has a deficiency of five car parking spaces under the Scheme.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 6.6.1 as follows.

Clause	Performance Criteria	Assessment
6.61 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>	
	<i>(a) car parking demand;</i>	It is considered that the proposed development will generate additional car parking demand. The requirement under the Scheme is 10 car parking spaces (five car parking spaces per practitioner). The site has a credit of five car parking spaces associated with the retail land use. One car parking space is provided on-site.
	<i>(b) the availability of on street and public car parking in the locality;</i>	<p><i>Richmond Parking Occupancy Survey (2018)</i> in Attachment 3 considers the car parking availability in the Richmond area. It is noted that there is reasonable on-street parking located within the vicinity of the site, with good pedestrian access to the site.</p> <p>The site is located nearby to the Franklin Street public carpark. The <i>Richmond Parking Occupancy Survey (2018)</i> identified that on-street parking in the area and the above carpark is often under-utilised. Therefore, adequate car parking is available in the immediate area of 150m from the subject property to meet the demand of the development.</p> <p>In response to the conclusions regarding the availability of parking in the area, Council’s Traffic Engineer acknowledges that there is potential to increase car parking within the Franklin Street carpark.</p>

		<p>Council is in the process of improving the profile and attracting users through the planned upgrade of the pedestrian laneway from Bridge Street to the Franklin Street carpark.</p> <p>The possibility of line marking additional spaces along Bridge Street and limiting parking restrictions along Franklin Street to increase availability of car parking is not something Council is considering at this point, as Council's Traffic Engineer does not consider that this will significantly increase the numbers of on street parking. However, it is noted that the on street car parking spaces and their operation may alter as required in the future.</p>
	<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	There is a limited access to public transport in Richmond. The site is nearby to the Bridge Street/ Henry Street and Richmond Bus Station in Franklin Street carpark. Metro bus route number 725 runs seven times a day on weekdays and three times a day on weekends and public holidays.
	<i>(d) the availability and likely use of other modes of transport;</i>	Visitors will generally visit Richmond by car and tourist buses.
	<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	No alternative arrangements proposed.
	<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>	Sharing of spaces is not proposed.

	<i>(g) any car parking deficiency or surplus associated with the existing use of the land;</i>	The site has been operating as a retail space and occupies an existing dwelling upstairs. The credit associated with the previous retail use is five car parking spaces.
	<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>	as above
	<i>(i) the appropriateness of a financial contribution in-lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	<p>As discussed, improvements can be undertaken in the Council carpark (Franklin Street carpark) to increase the density of car parking and it would be appropriate to require a cash-in lieu contribution which will go towards these upgrades.</p> <p>It is considered that the development and the above proposed improvements will add to the demand for car parking in the vicinity of the site and therefore it is appropriate to require cash-in-lieu to ensure that this additional demand can be met.</p> <p>It is noted that a recent Tribunal decision regarding car parking in Richmond at 2/25 Bridge Street (<i>Hobart Properties & Securities Pty Ltd v Clarence City Council and R Scaife</i> [2018] TASRMPAT 30) accepted the evidence of Council's Engineer that the improvement and upgrading of the Franklin Street carpark is likely to increase its utilisation and a financial contribution was therefore appropriate.</p>

		On this basis, the Tribunal considered that it was appropriate to take cash-in-lieu for the deficient spaces that cannot be provided on-site as upgrading of this carpark will increase its utilisation.
	<i>(j) any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	not applicable
	<i>(k) any relevant parking plan for the area adopted by Council;</i>	not applicable
	<i>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;"</i>	Council's Heritage Adviser is satisfied that the proposed change of use and associated parking shortfall would not have a detrimental impact upon the heritage significance of the area.

- **Clause 6.6.1 A2-Number of Car Parking Spaces** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 6.6.1 as follows.

Clause	Performance Criteria	Assessment
6.61 P2	<i>"Use and Development on land within the Activity Centres specified in Table E6.3 must make a cash in lieu payment for any deficient spaces at the rate specified in Table E6.3. Alternative arrangements may be made in accordance with any parking plan adopted by Council."</i>	The applicant has agreed to a cash-in-lieu payment in accordance with the rate as specified in Table E6.3.

- **Clause 13.7.2 A1-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 13.7.2 as follows.

Clause	Performance Criteria	Assessment
13.7.2 P1	<p><i>“Development must not result in any of the following:</i></p> <p>(a) <i>loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</i></p> <p>(b) <i>substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.”</i></p>	<p>The proposed minor change relates to the widening of the front door and the removal of the 45mm step to provide DDA compliant entrance. The proposed change does not cause a loss of historic cultural heritage significance of the place. No significant streetscape elements will be removed or changed as part of the works.</p> <p>Heritage Tasmania and Council’s heritage advisor are both satisfied that the proposed development is a minor development using the prevailing heritage materials. No heritage elements will be demolished as part of the works and no changes are proposed to the streetscape elements that contribute to the significance of the place. The proposed internal alterations were considered by Tasmanian Heritage Council under the <i>Historic Cultural Heritage Act 1995</i>. Tasmanian Heritage Council was satisfied that the proposed works will not result in substantial diminution of the historic cultural heritage significance of the place.</p>

- **Clause 13.7.2 A2-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 13.7.2 as follows.

Clause	Performance Criteria	Assessment
13.7.2 P2	<p><i>“Development must be designed to be subservient and complementary to the place through characteristics including:</i></p>	<p>The only proposed external change relates to the widening of the front door. It is noted that external materials will be reused, and the new introduced material will be joinery and sandstone paving.</p>

	<p>(a) <i>scale and bulk, materials, built form and fenestration;</i></p> <p>(b) <i>setback from frontage;</i></p> <p>(c) <i>siting with respect to buildings, structures and listed elements;</i></p> <p>(d) <i>using less dominant materials and colours.”</i></p>	<p>No changes are proposed to the setback of the building, or its siting. Also, no new colours will be introduced. Heritage Tasmania and Council’s heritage advisor were satisfied that the proposal is designed to be subservient and complementary to the place.</p>
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- **Clause 13.7.2 A3-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause 13.7.2 as follows.

Clause	Performance Criteria	Assessment
13.7.2 P3	<i>“Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.”</i>	Tasmanian Heritage Council and Council’s Heritage Adviser are satisfied that the materials and form of the outbuildings would not diminish the heritage characteristics of the place. The only change relates to the door joinery in order to provide an 850mm wide clearance for disability access and sandstone paving. No new fabric or materials will be introduced to the external features.

- **Clause 13.7.2 A4-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P4 of Clause 13.7.2 as follows.

Clause	Performance Criteria	Assessment
13.7.2 P4	<i>“Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.”</i>	Not applicable - the proposal does not include any extensions to the existing buildings.

- **Clause 13.8.2 A1-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 13.8.2 as follows.

Clause	Performance Criteria	Assessment
13.8.2 P1	<i>“Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.”</i>	The only proposed external change will include a use of new joinery and extending the width of the front door and sandstone paving.

- **Clause 13.8.2 A2-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 13.8.2 as follows.

Clause	Performance Criteria	Assessment
13.8.2 P2	<i>“Design and siting of buildings and works must comply with any relevant design criteria/ conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.”</i>	Not applicable - no new works or buildings will be proposed.

- **Clause 13.8.2 A3-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause 13.8.2 as follows.

Clause	Performance Criteria	Assessment
13.8.2 P3	<i>“Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.”</i>	Not applicable - no extensions to the existing buildings will be proposed.

- **Clause 13.8.2 A5-Development Standards for Heritage Places** – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P5 of Clause 13.8.2 as follows.

Clause	Performance Criteria	Assessment
13.8.2 P5	<i>“The design of new development must be sympathetic to the heritage locality in terms of bulk, setbacks, materials, colour scheme, form, and character of the place, streetscape and surrounding area. It therefore must:</i>	
	<i>(a) not be confused with the original historic fabric associated with nearby historic places in the locality;</i>	The original historic heritage fabric will be re-used.
	<i>(b) be compatible with the architectural design, colour and aesthetic characteristics of the historic places in the area;</i>	The proposed change is minor and is compatible with architectural design. The historic heritage fabric will be re-used and therefore colours and aesthetics will be compatible with the characteristics of the historic places in the area.
	<i>(c) not visually dominate an existing heritage place or street in terms of size, height and bulk when viewed from the street frontage or frontages;</i>	The proposed change is minor and will not visually dominate an existing heritage place or street.
	<i>(d) adopt a contemporary architectural character of an understated appearance to minimise the visual dominance over adjacent contributory buildings, the heritage place or historic places in the locality, in terms of size, height or bulk;</i>	Not applicable – the proposed change only refers to the width of the door.

	<i>(e) repeats the particular rhythm, spatial characteristics and character of historic places and other contributory buildings in the area;</i>	Not applicable - spatial character of the buildings will not be changed.
	<i>(f) relates to and uses as reference points the materials, front and side setbacks, roof form, colours and details of adjacent buildings and the surrounding precinct;</i>	The original historic heritage fabric will be re-used and no changes to building form or setbacks are proposed.
	<i>(g) avoid blank walls at ground and upper floor levels when viewed from surrounding streets;</i>	Not applicable - no changes to blank wall space are proposed.
	<i>(h) utilise landscaping, fencing or other techniques to enhance the property and to reduce conflict with historic streetscapes."</i>	Not applicable - no changes to the landscaping are proposed.

5. REPRESENTATION ISSUES

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

5.1. The Proposal is not Suitable for the Location

Concern was raised by six representors that the proposal is not suitable for the location, and the area should be characterised by commercial and retail businesses.

- Comment**

The proposed land use, Professional Services, is a permitted use in the General Business zone, and therefore the matter does not have any determining weight.

5.2. Impact on Heritage Values

Concern was raised by five representors with respect to the impact on heritage values noting that the proposal does not add heritage value to the precinct.

- **Comment**

As discussed above, the proposed changes to heritage elements of the building are very minor, and both the Tasmanian Heritage Council and Council's Heritage Advisor are satisfied that the proposal meets the relevant provisions of the Historic Heritage Code. It is considered that the design is generally consistent with the Georgian attributes of the heritage precinct and will not have a detrimental impact on the heritage values of the area.

5.3. Impact on Car Parking

Concern was raised by seven representors with respect to the availability of car parking in the surrounding area.

- **Comment**

As discussed above, the development does not meet the Parking and Access Code, and as there is an identified need to provide additional parking, a cash-in-lieu contribution is required.

5.4. Impact on Traffic and Pedestrian Safety and Movement

Concern has raised by two representors with respect to the impact on traffic safety and pedestrian movements in the surrounding area.

- **Comment**

The previous use of the building as a shop and a gallery is considered to generate similar or even higher volume of pedestrian traffic in the area.

Council's engineers are satisfied that the proposed development meets all the relevant standards of the E6.0 - Parking and Access code.

6. EXTERNAL REFERRALS

The proposal was referred to Tasmanian Heritage Council, which has provided a Notice of Heritage Decision (Attachment 4) 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.

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 conditional approval.

Attachments: 1. Location Plan (1)
2. Plans (7)
3. Richmond Parking Occupancy Survey 2018 (12)
4. Notice of Heritage Decision (2)
5. Site Photo (1)

Bruce Gibbs
ACTING MANAGER CITY PLANNING

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



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.

3/10/2021

1:1250

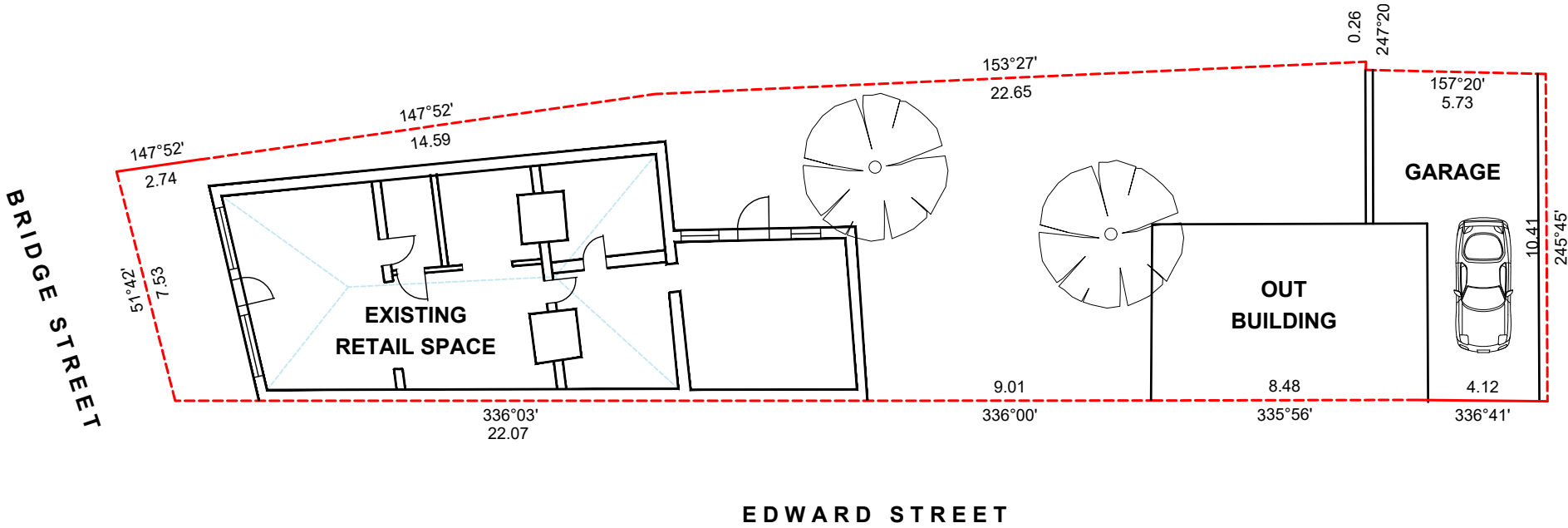


SITE PLAN NOTES

THIS DRAWING HAS BEEN CONSTRUCTED USING SURVEY INFORMATION FROM C.L. ANDREWS & ASSOCIATES, LAND & ENGINEERING SURVEYORS - FILE No. 20095 cooper dated 01/12/2020.

TOTAL AREAS

TOTAL INTERNAL AREA = 237.5 sqm
(138.9 sqm ground floor + 98.6 sqm garage + outbuilding)
TOTAL EXTERNAL AREA = 194.5 sqm
SITE AREA = 432 sq.m



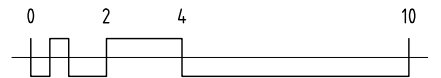
A02. SITE PLAN 1:200

REVISIONS

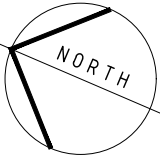
Rev.	Description:	By:	Date:

GENERAL NOTES

- o CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS. ADVISE PROJECT MANAGER AND ARCHITECT OF DISCREPANCIES WHICH MAY OCCUR.
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- o ALL GLAZING TO COMPLY WITH AS 1288.
- o NO SMOKING ON SITE.
- o NO DOGS ON SITE.



METRES
1 centimetre on this drawing represents
2 metres on the ground (i.e. 1:200).



SHEET No. **2** OF 7



CERTIFIED BUILDING PRACTITIONER - ARCHITECT
TAS - CC982U VIC - 17933 NSW - 9523
PO BOX 1 BATTERY POINT TASMANIA 7004
THE STUDIO 49A DAVEY STREET HOBART
Phone: (03) 6224 1822 admin@mcaarchitects.com.au
Anna: 0439 330 923 Michael: 0418 124 355

PROJECT TITLE
**PROPOSED ALTERATIONS & ADDITIONS
No. 48 BRIDGE STREET, RICHMOND
for BRIDGE STREET SURGERY**

ISSUE
PLANNING APPROVAL

DRAWING TITLE
SITE PLAN

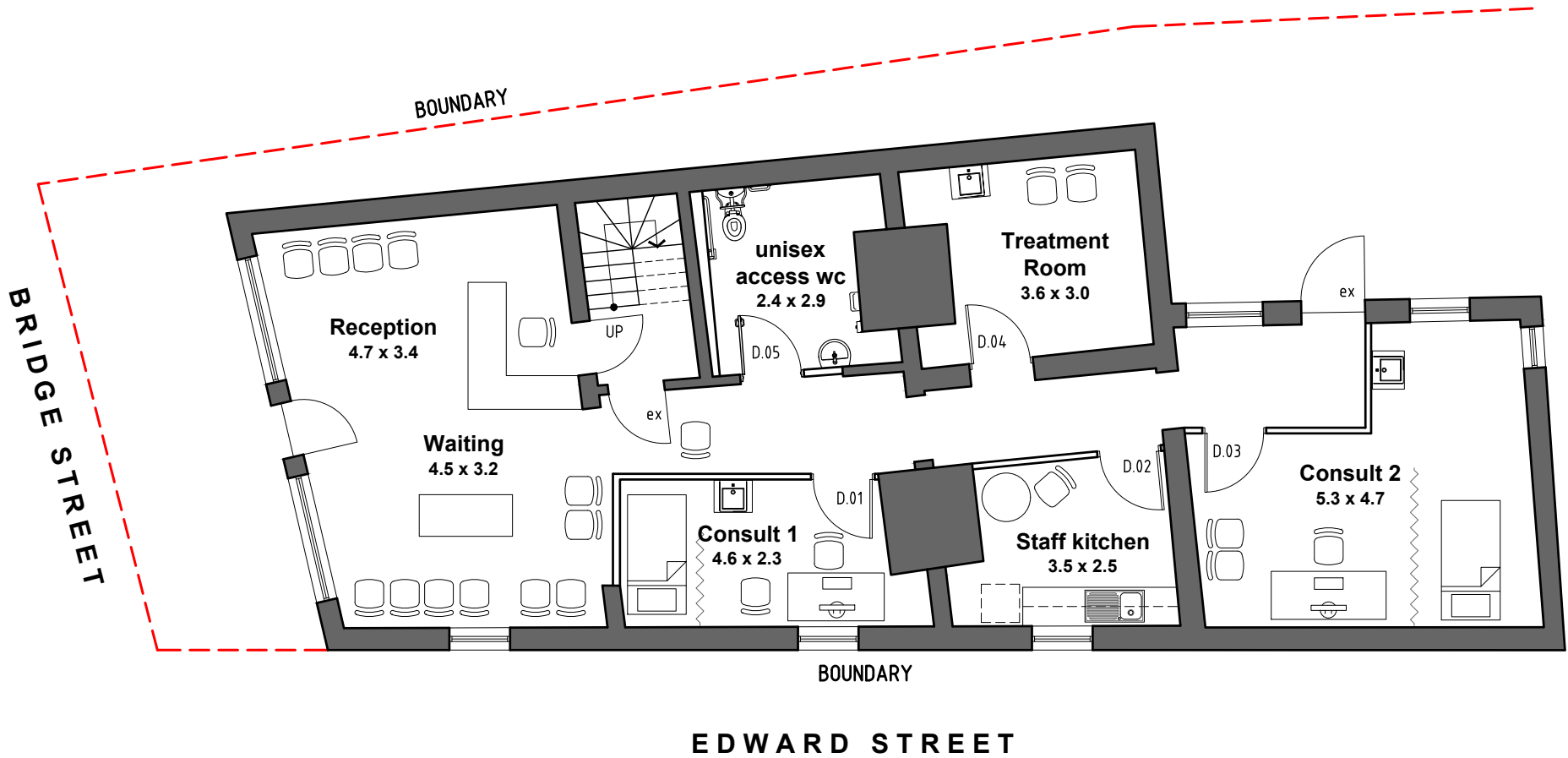
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1:200 @ A3	AEC			09.12.2020

REVISION: **A**
File: **-**
PROJECT No: **20085**

A02

WALL LEGEND	
<div></div>	EXISTING WALLS TO BE RETAINED.
<div></div>	NEW 90mm H.W. STUDWORK WALL.

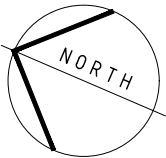
FLOOR AREA
FLOOR AREA = 138.9 sqm.



A06. PROPOSED FLOOR PLAN - GROUND FLOOR 1:100

REVISIONS			
Rev.	Description:	By:	Date:

- GENERAL NOTES**
- o CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF ANY BUILDING WORKS. ADVISE PROJECT MANAGER AND ARCHITECT OF DISCREPANCIES WHICH MAY OCCUR.
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SHEET No. **6** OF 7



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PROJECT TITLE
**PROPOSED ALTERATIONS & ADDITIONS
No. 48 BRIDGE STREET, RICHMOND
for BRIDGE STREET SURGERY**

ISSUE
PLANNING APPROVAL

DRAWING TITLE
**PROPOSED FLOOR PLAN
GROUND FLOOR**

Scale:	Drawn:	Checked:	Approved:	Date:
1:100 @ A3	AEC			09.12.2020

REVISION: **A**
File: **-**
PROJECT No: **20085**

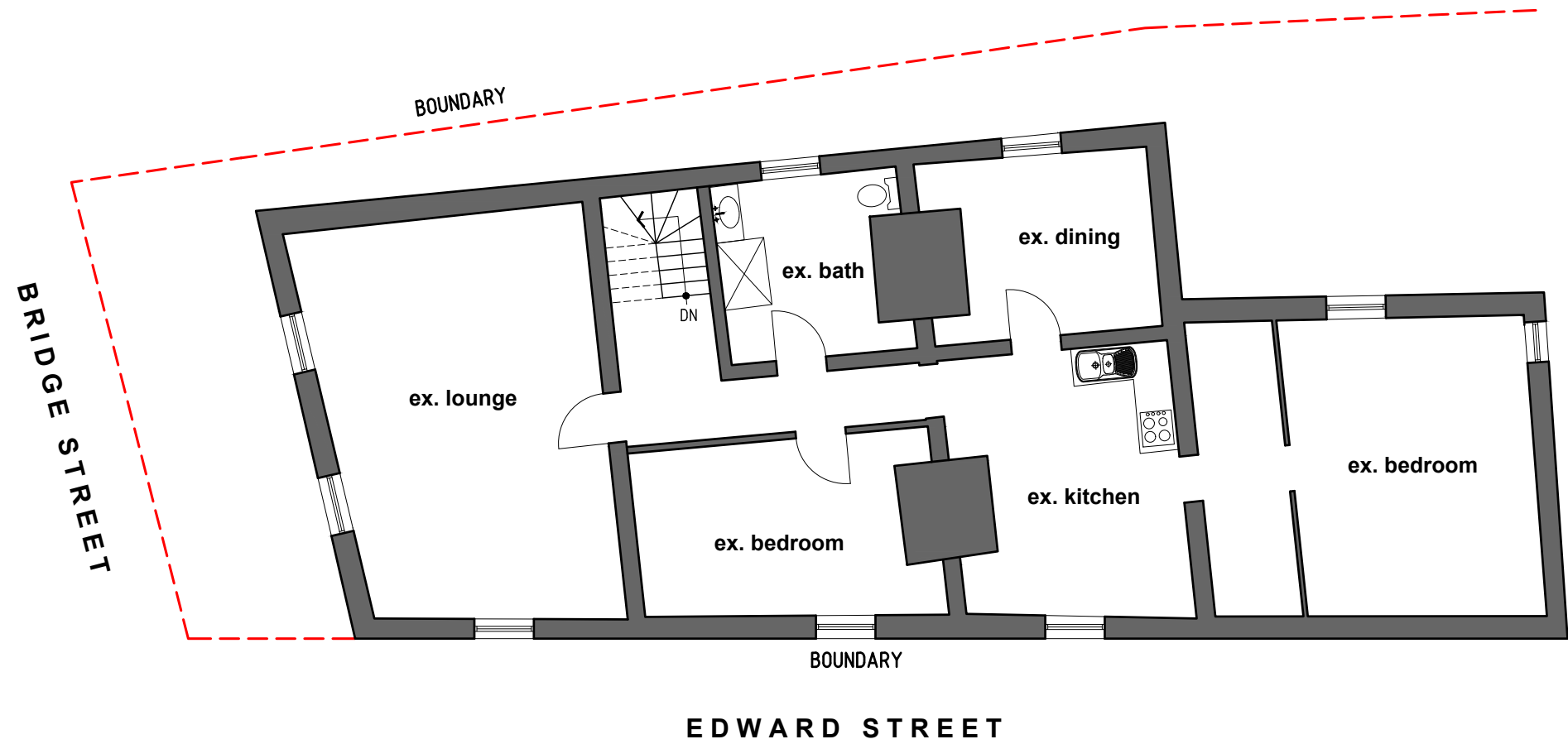
A06

WALL LEGEND

EXISTING WALLS TO BE RETAINED.

EXISTING FLOOR AREA

EXISTING FLOOR AREA = 138.9 sqm.



A04. EXISTING FLOOR PLAN - FIRST FLOOR (NO CHANGES PROPOSED)

REVISIONS

Rev.	Description:	By:	Date:

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- o NO DOGS ON SITE.

SHEET No. 4 OF 7

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PROJECT TITLE

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No. 48 BRIDGE STREET, RICHMOND
for BRIDGE STREET SURGERY

ISSUE

PLANNING APPROVAL

DRAWING TITLE

EXISTING FLOOR PLAN
FIRST FLOOR

Scale:	Drawn:	Checked:	Approved:	Date:
1:100 @ A3	AEC			09.12.2020

REVISION: A

File: -

PROJECT No: 20085

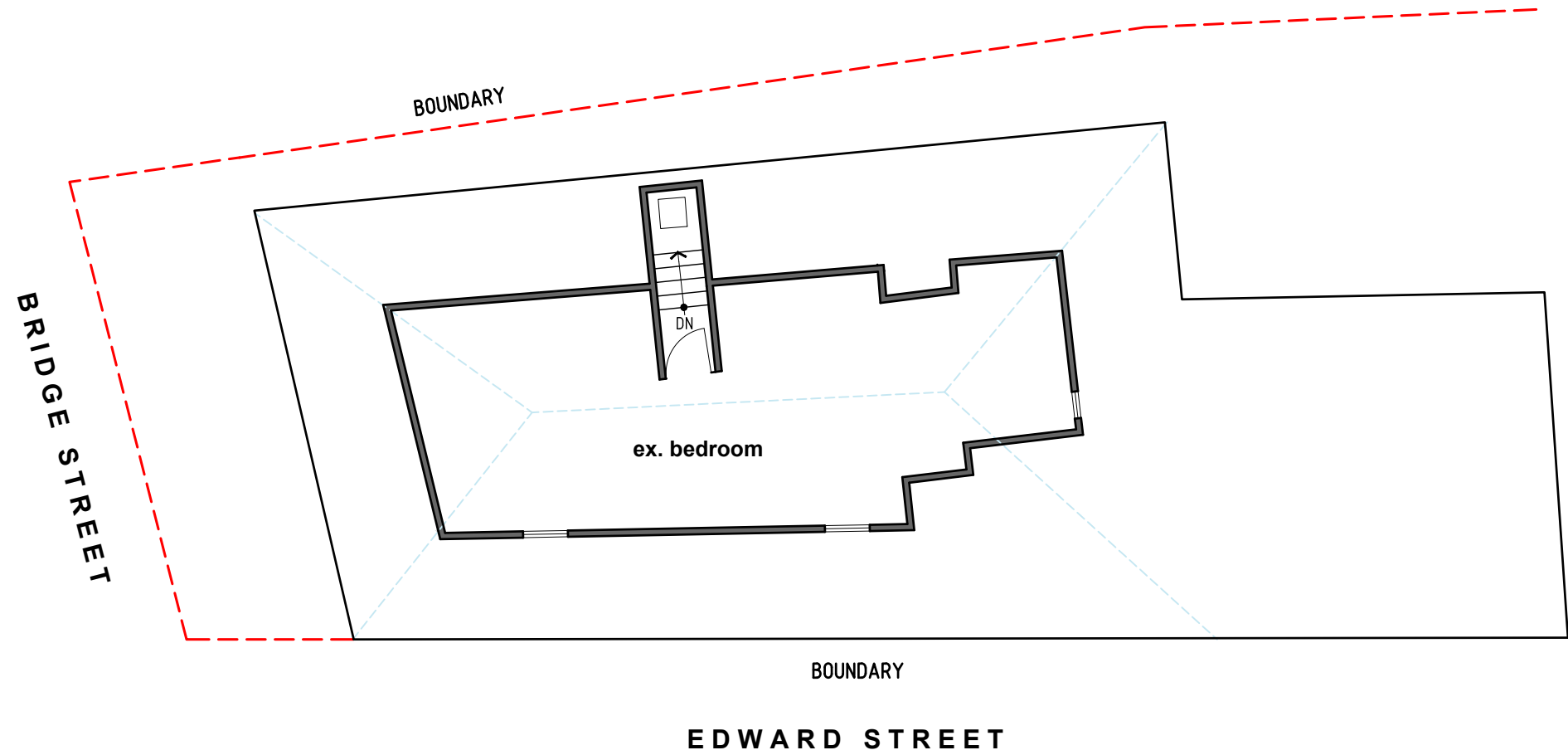
A04

WALL LEGEND

EXISTING WALLS TO BE RETAINED.

EXISTING FLOOR AREA

EXISTING FLOOR AREA = 40.8 sqm.



A04. EXISTING FLOOR PLAN - ATTIC (NO PROPOSED CHANGES)

REVISIONS

Rev.	Description:	By:	Date:

GENERAL NOTES

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SHEET No. 4 OF 7

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No. 48 BRIDGE STREET, RICHMOND
for BRIDGE STREET SURGERY

ISSUE

PLANNING APPROVAL

DRAWING TITLE

EXISTING FLOOR PLAN
ATTIC

Scale:	Drawn:	Checked:	Approved:	Date:
1:100 @ A3	AEC			09.12.2020

REVISION: A

File: -

PROJECT No: 20085

A04



REPLACE EXISTING
SIGNAGE
(SIGN WRITE).

HERITAGE GREEN BACK.
GOLD LETTERING.



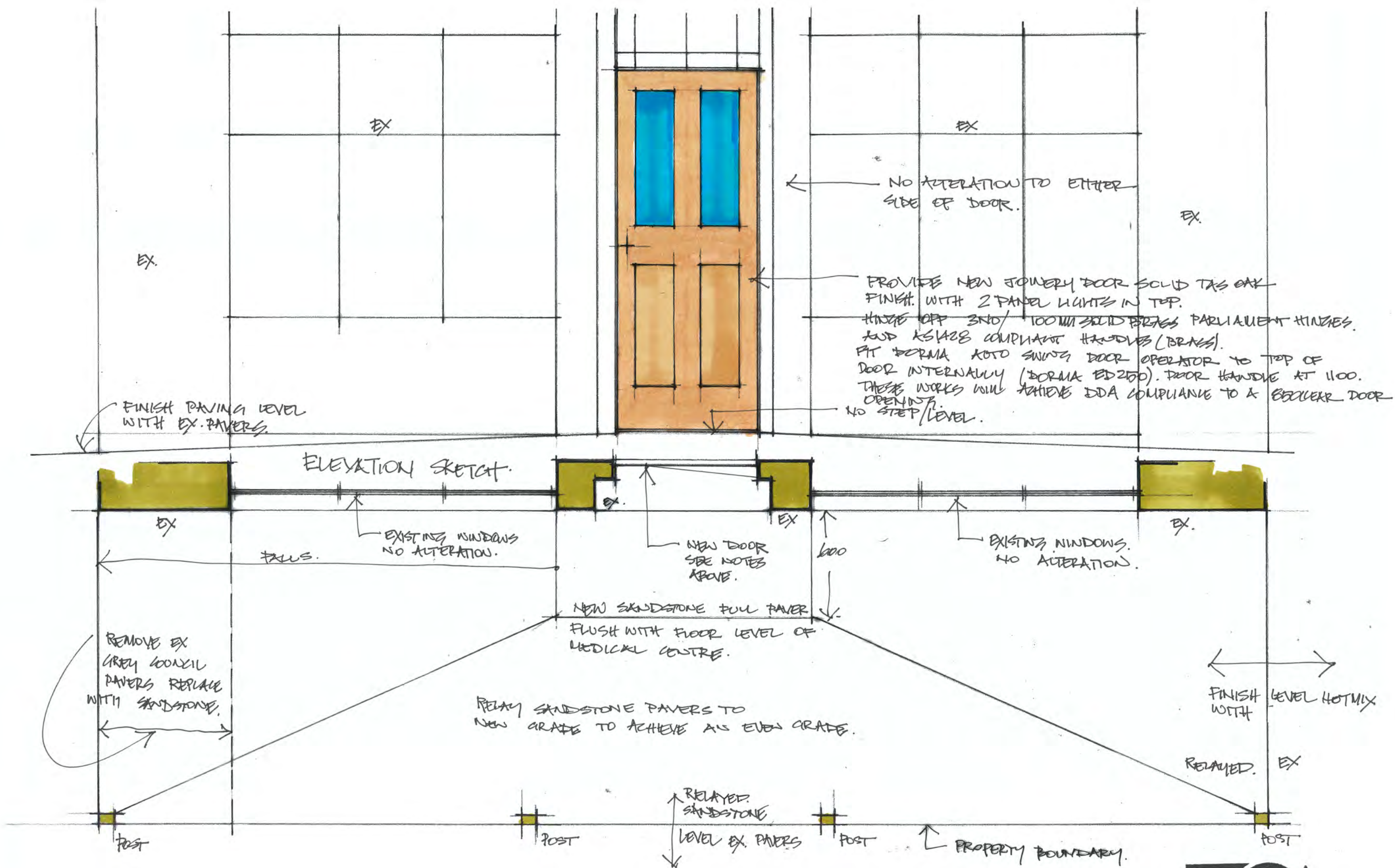
PAINT OUT SIGNAGE.
IN 'HERITAGE GREEN'



MCA ARCHITECTS

FACIA SIGN GRAPHIC
TO FIT ON EXISTING
'SADDLERS COURT GALLERY'
SIGN.

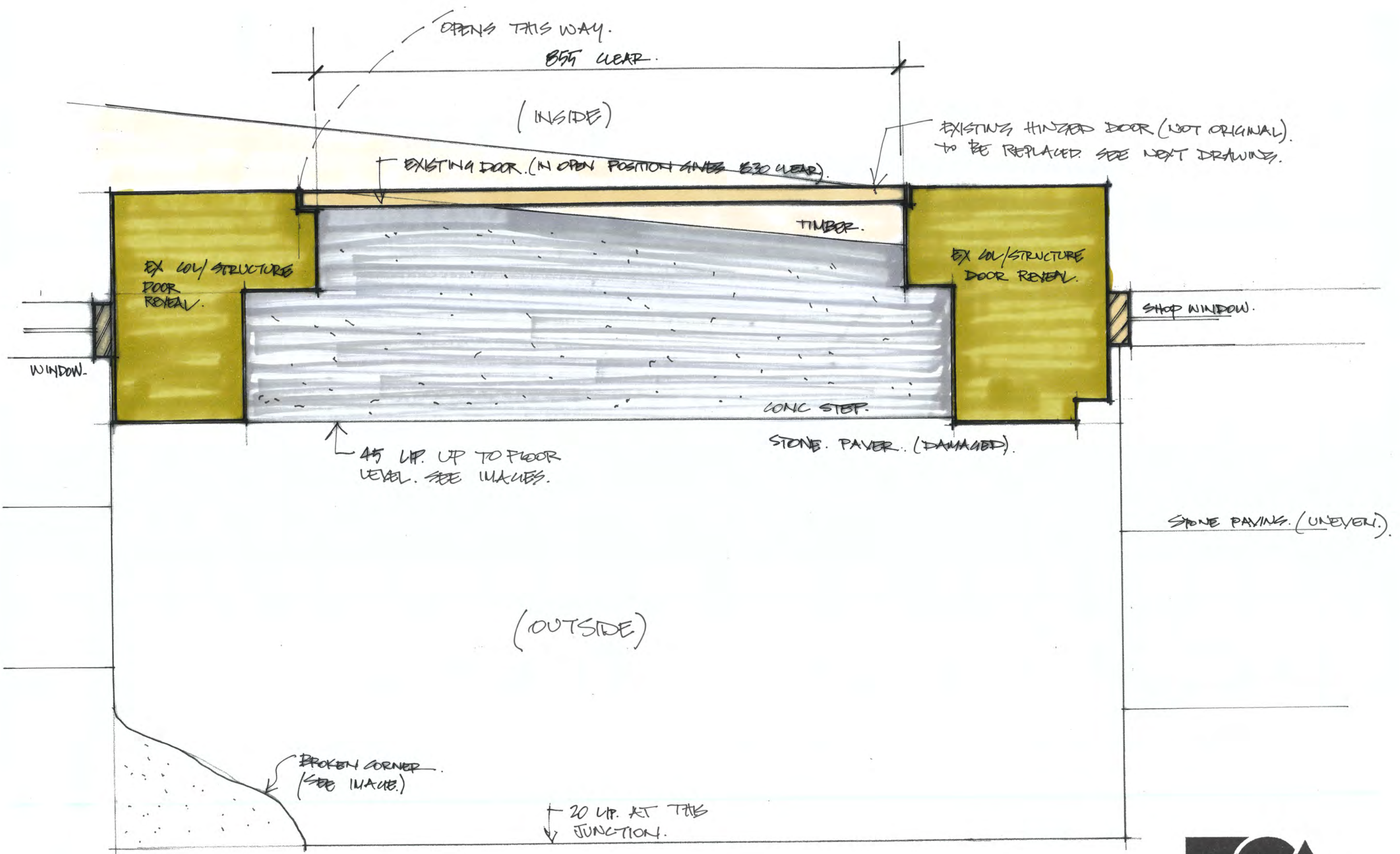
PD PLAN PMTD - 2020/014879
48 BRIDGE STREET
RICHMOND.



PLAN SKETCH PROPOSAL TO ASSIST DDA COMPLIANCE. (REFER PHOTOGRAPHS WITH LETTER)
48 BRIDGE STREET RICHMOND.



MCA ARCHITECTS
48 BRIDGE STREET
RICHMOND VIC 3121



EXISTING PLAN VIEW OF ENTRANCE DOOR @ 48 BRIDGE STREET.
1:5. @ A3. SKETCH. DDA COMPLIANCE.



MCA ARCHITECTS

48, BRIDGE STREET
RICHMOND. RFI REPLY.

Richmond Parking Occupancy Survey – Sumamry of Results Report

transport | community | mining | industrial | food & beverage | energy



Prepared for:

Clarence City Council

Client representative:

Max Melton

Date:

16 November 2018

Rev 00

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Figure 2: Richmond Overall On-Street Parking Occupancy.....	2
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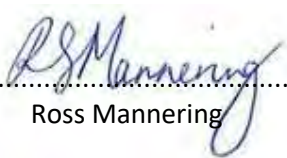
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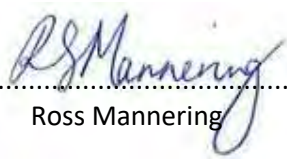
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Appendices

- Appendix A: On Street Parking Survey Results
Appendix B: Off-Street Parking Survey Results

Prepared by:  Date: 16 November 2018
Leenah Ali

Reviewed by:  Date: 16 November 2018
Ross Mannering

Authorised by:  Date: 16 November 2018
Ross Mannering

Revision History					
Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
00	Summary of Results	L. Ali	R. Mannering	R. Mannering	16/11/2018

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1. Introduction

Clarence City Council approved a development application for a change of use to doctor's surgery and signage at 2/25 & 25A Bridge Street, Richmond. Council's decision to approve the development application has been appealed and as a result, has been referred to the Resource Management and Planning Appeal Tribunal.

To inform Council's submission to the Tribunal, Council have engaged **pitt&sherry** to undertake a parking occupancy survey in the Richmond area. This report briefly details the findings of the parking survey.

2. Survey Methodology

The parking occupancy survey for Richmond was carried out on Thursday 15 November 2018. The study area for the parking occupancy survey was informed by a previous survey undertaken by **pitt&sherry** in 2014 and is shown in Figure 1. The survey was undertaken every hour between 9am and 6pm.

The parking occupancy has been analysed to determine the variations in the parking utilisation throughout the day. Parking occupancy rates were established for each off-street car park and on-street car parks.



Figure 1: Parking Survey Study Area

3. Parking Survey Results

3.1 On-Street Car Park

The parking survey results for the 239 on-street car parks surveyed show that there is spare capacity on street. All on-street parking with the exception of on-street parking on Forth Street was recorded to have a peak occupancy of 68% or lower and an average occupancy of 58% or lower. Forth Street was recorded to have a peak occupancy of 100% and an average occupancy of 88%.

A summary of the on-street car parking is provided in Table 1 while Figure 2 shows the variation of overall parking occupancy (% of total available spaces) for on-street parking during the survey time. Detailed on-street parking survey results are provided in Appendix A.

Table 1: On-Street Parking Summary

Location	Peak Occupancy (%)	Average Occupancy (%)
Bridge Street	60%	46%
Henry Street	67%	42%
Bathurst Street	41%	23%
Edward Street	68%	58%
Forth Street	100%	88%
Percy Street	25%	25%
Franklin Street	63%	25%

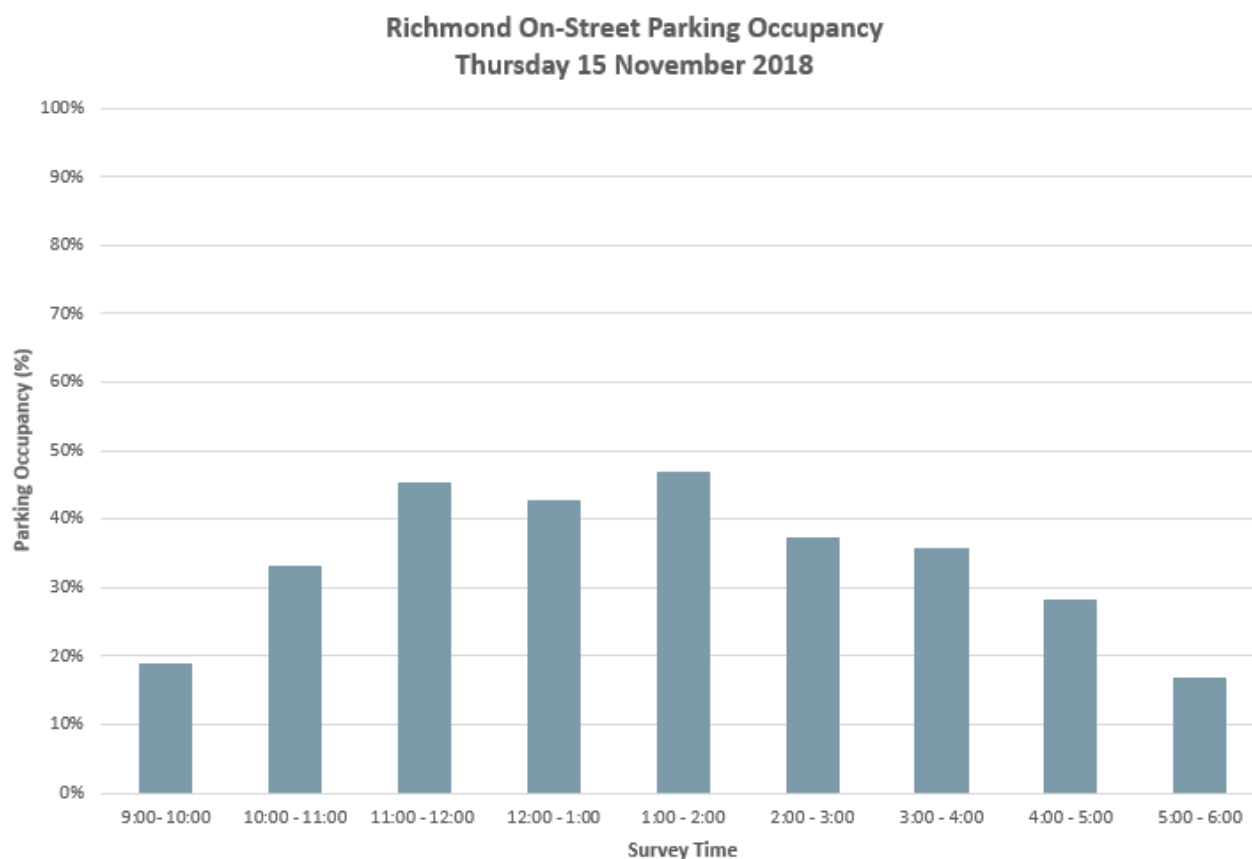


Figure 2: Richmond Overall On-Street Parking Occupancy

Based on the above results, it is seen that on-street parking is currently underutilised and there is spare capacity.

It is however noted that while the on-street parking is currently underutilised, the parking on Forth Street was recorded to exceed Council's service level target of 85% peak occupancy during most of the duration of the survey.

3.2 Off-Street Parking

The parking survey results for off-street car parks in Richmond indicate that there is spare capacity in the car parks with a peak occupancy of 82% or lower and an average occupancy of 57% or lower at all surveyed car parks.

A summary of the off-street car parking is provided in Table 2 while the variation of overall parking occupancy (% of total available spaces) during the survey time is shown in Figure 3. Detailed off-street parking survey results are provided in Appendix B.

Table 2: Off-Street Parking Summary

Location	Peak Occupancy (%)	Average Occupancy (%)
Franklin Street Car Park	48%	29%
Forth Street Car Park	82%	57%
Percy Street Car Park	30%	12%
Bridge Street Car Park	68%	42%

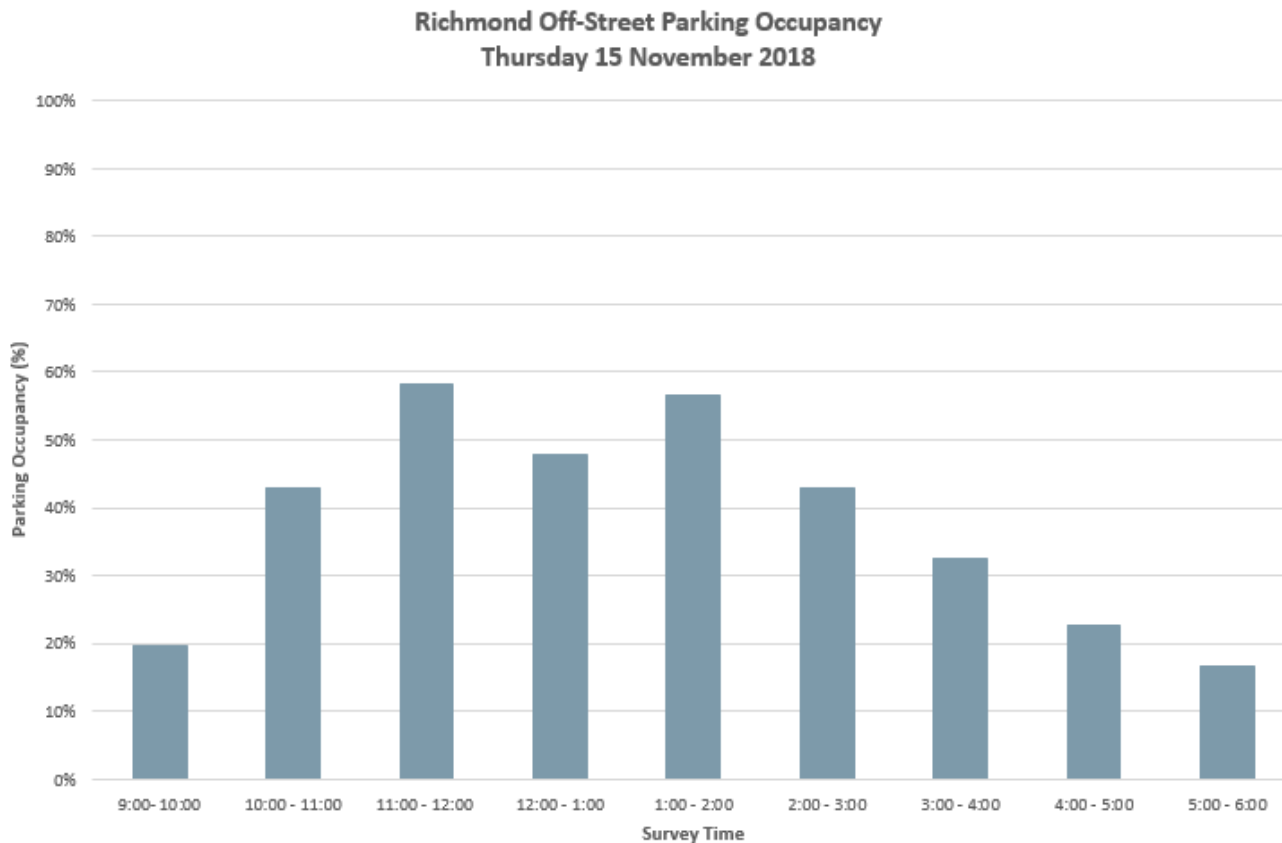


Figure 3: Richmond Overall Off-Street Parking Survey

Based on the above, it is seen that off-street parking is currently underutilised and there is spare capacity within these car parks.

4. Summary

Parking occupancy surveys were undertaken for the Richmond activity centre on Thursday 15 November 2018. Based on the survey results, it has been determined that there is space capacity in both on-street and off-street car parks within the activity centre.

Appendix A

On Street Parking Survey Results

City of Clarence
Richmond Parking Study

On Street Parking

Street	Between	Side of Road	Restrictions	Supply	Thursday 15 November 2018									Total Average
					9:00- 10:00	10:00 - 11:00	11:00 - 12:00	12:00 - 1:00	1:00 - 2:00	2:00 - 3:00	3:00 - 4:00	4:00 - 5:00	5:00 - 6:00	
Bridge Street	Blair Street & Henry Street	N	Unrestricted parallel parking	17	0	1	3	5	5	6	8	3	0	4
		S	Unrestricted parallel parking	17	2	2	8	6	6	4	1	2	1	4
	Henry Street & Percy Street	N	Unrestricted parallel parking	9	2	5	6	6	6	6	5	4	1	5
		S	Unrestricted parallel parking	8	1	4	5	3	8	4	2	2	1	4
	Percy Street & Franklin/ Edward Street	N	Unrestricted parallel parking	9	3	5	7	7	8	7	3	4	3	6
	Franklin/Edward Street & Wellington St fork	N	Unrestricted parallel parking	3	1	2	2	2	2	1	2	1	1	2
		N	Unrestricted 90 degree parking	8	2	3	6	5	6	4	6	4	5	5
		S	Unrestricted parallel parking	23	7	11	19	15	15	13	17	10	10	13
Total				94	18	33	56	49	56	45	44	30	22	43
Occupancy Percentage				100%	19%	35%	60%	52%	60%	48%	47%	32%	23%	46%
Henry Street	Bridge Street & Bathurst Street	E	Unrestricted parallel parking	7	0	0	3	2	3	2	2	0	0	2
		W	Unrestricted parallel parking	5	2	1	3	4	5	5	2	0	1	3
Total				12	2	1	6	6	8	7	4	0	1	5
Occupancy Percentage				100%	17%	8%	50%	50%	67%	58%	33%	0%	8%	42%
Bathurst Street	Henry Street & Edward Street	N	Unrestricted parallel parking	19	2	9	9	7	6	2	1	4	1	5
		S	Unrestricted parallel parking	20	5	5	7	5	4	2	1	1	1	4
Total				39	7	14	16	12	10	4	2	5	2	9
Occupancy Percentage				100%	18%	36%	41%	31%	26%	10%	5%	13%	5%	23%
Edward Street	Bathurst Street & Bridge Street	E	Unrestricted parallel parking	19	6	13	12	13	13	13	8	11	4	11
Total				19	6	13	12	13	13	13	8	11	4	11
Occupancy Percentage				49%	32%	68%	63%	68%	68%	68%	42%	58%	21%	58%
Forth Street	Bridge Street & Car Park	E	Unrestricted 90 degree parking (disabled)	3	2	3	2	2	1	0	3	2	1	2
		E	Unrestricted parallel parking	5	3	5	5	5	5	4	5	5	3	5
Total				8	5	8	7	7	6	4	8	7	4	7
Occupancy Percentage				100%	63%	100%	88%	88%	75%	50%	100%	88%	50%	88%
Percy Street	Bridge Street & 3 Bridge Street Driveway	W	Unrestricted parallel parking	6	0	1	1	2	1	2	1	4	0	2
		E	Unrestricted parallel parking	5	3	4	3	3	4	3	3	2	0	3
	3 Bridge Street Driveway & 12 Bridge Street Driveway	W	Unrestricted parallel parking	10	0	0	0	0	0	0	0	0	1	1
		E	Unrestricted parallel parking	13	3	5	5	6	8	9	9	7	4	7
	12 Bridge Street Driveway & Gordon Street	W	Unrestricted parallel parking	15	0	0	1	1	1	0	1	0	1	1

		E	Unrestricted parallel parking	10	1	0	0	0	0	0	0	0	0	1
Total				59	7	10	10	12	14	14	14	13	6	15
Occupancy Percentage				100%	12%	17%	17%	20%	24%	24%	24%	22%	10%	25%
Franklin Street	Bridge Road & Bdy of 3 & 5 Franklin Street	W	Unrestricted parallel parking	6	0	0	1	3	5	2	5	1	1	2
		E	Unrestricted parallel parking	2	0	0	0	0	0	0	0	0	0	0
Total				8	0	0	1	3	5	2	5	1	1	2
Occupancy Percentage				100%	0%	0%	13%	38%	63%	25%	63%	13%	13%	25%

Total	239	45	79	108	102	112	89	85	67	40	92
Average Occupancy Percentage	100%	23%	38%	47%	50%	55%	41%	45%	32%	19%	44%

Appendix B

Off Street Parking Survey Results

City of Clarence
Richmond Parking
Study

Off Street Parking

					Thursday 15 November 2018									Total Average
Street	Between	Side of Road	Restrictions	Supply	9:00- 10:00	10:00 - 11:00	11:00 - 12:00	12:00 - 1:00	1:00 - 2:00	2:00 - 3:00	3:00 - 4:00	4:00 - 5:00	5:00 - 6:00	
<i>Franklin Street Carpark</i>	Northern Section	N	Unrestricted 90 degree parking	16	0	0	1	1	4	1	0	1	0	1
	Main Carpark	W	Unrestricted 90 degree parking	2	1	1	1	1	0	0	0	0	0	1
		W/E	Unrestricted 90 degree parking	18	0	2	11	12	13	10	11	4	2	8
	Overflow	S	Unrestricted 90 degree parking	6	1	2	2	2	3	3	3	2	0	2
Total				42	2	5	15	16	20	14	14	7	2	12
Occupancy Percentage				100%	5%	12%	36%	38%	48%	33%	33%	17%	5%	29%
<i>Forth Street Carpark</i>	Northern Section	N	Unrestricted 90 degree parking	9	0	9	9	5	7	7	5	4	4	6
	Norther Section	N	Unrestricted 90 degree parking (disabled)	1	0	0	0	0	1	0	0	0	0	1
	Central Section		Unrestricted 90 degree parking	22	7	12	20	20	20	18	13	7	3	14
	Richmond Gaol	S	Unrestricted 90 degree parking	12	2	7	8	7	10	5	1	0	0	5
	Bakery Car Park	W	Unrestricted 90 degree parking	7	2	4	3	3	4	1	2	1	0	3
Total				51	11	32	40	35	42	31	21	12	7	29
Occupancy Percentage				100%	22%	63%	78%	69%	82%	61%	41%	24%	14%	57%
<i>Percy Street Car Park</i>	Main Car Park	E	Unrestricted 90 degree parking	10	3	4	5	5	3	2	1	1	1	3
		N	Unrestricted 90 degree parking	5	1	1	1	1	0	0	0	0	0	1
		W	Unrestricted 90 degree parking	5	1	0	0	0	1	3	2	3	2	2
Total				20	5	5	6	6	4	5	3	4	3	6
Occupancy Percentage				100%	25%	25%	30%	30%	20%	25%	15%	20%	15%	30%
<i>Bridge Street Car Park</i>	Main Car Park		Unrestricted 90 degree parking	48	14	28	32	20	24	20	14	13	14	20
			Unrestricted paralle parking	2	0	0	2	1	2	0	1	1	1	1
Total				50	14	28	34	21	26	20	15	14	15	21
Occupancy Percentage				100%	28%	56%	68%	42%	52%	40%	30%	28%	30%	42%

Total	163	32	70	95	78	92	70	53	37	27	68
Occupancy Percentage	100%	20%	43%	58%	48%	56%	43%	33%	23%	17%	42%

Contact

Leenah Ali
6210 1419

lali@pittsh.com.au

transport | community | mining | industrial | food & beverage | energy



Brisbane

Level 10
241 Adelaide Street
PO Box 5243
Brisbane City QLD 4000
T: (07) 3058 7499

Launceston

Level 4
113 Cimitiere Street
PO Box 1409
Launceston TAS 7250
T: (03) 6323 1900
F: (03) 6334 4651

Newcastle

Level 1
81 Hunter Street
Newcastle NSW 2300
T: (02) 4910 3600

E: info@pittsh.com.au
W: www.pittsh.com.au

incorporated as
Pitt & Sherry (Operations) Pty Ltd
ABN 67 140 184 309

Devonport

Level 1
35 Oldaker Street
PO Box 836
Devonport TAS 7310
T: (03) 6451 5599

Melbourne

Level 1, HWT Tower
40 City Road
Southbank VIC 3006
PO Box 259
South Melbourne VIC 3205
T: (03) 9682 5290
F: (03) 9682 5292

Sydney

Suite 902, Level 9,
North Tower
1-5 Railway Street
Chatswood NSW 2067
PO Box 5487
West Chatswood NSW 1515
T: (02) 9468 9300



Hobart

Level 1, Surrey House
199 Macquarie Street
GPO Box 94
Hobart TAS 7001
T: (03) 6210 1400
F: (03) 6223 1299

pitt&sherry

PLANNING REF: PDPLANPMTD-2020 014834
THC WORKS REF: 6444
REGISTERED PLACE NO: 1103
FILE NO: 10-76-08THC
APPLICANT: MCA Architects obo Bridge St Surgery
DATE: 10 March 2021

NOTICE OF HERITAGE DECISION

(*Historic Cultural Heritage Act 1995*)

The Place: 48 Bridge Street, Richmond.
Proposed Works: Signage and alterations.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PDPLANPMTD-2020 014834, advertised on 05/02/2021, subject to the following conditions:

1. Proposed new partition walls must have minimal impact on the existing heritage fabric, and the method of installation must:

(i) Scribe around the existing heritage details (e.g. skirtings, cornice and fire surrounds); and

(ii) Use fixings that can be removed with minimal damage to the heritage fabric; and

(iii) Have a shadow-line, or other junction that minimises filling, between heritage walls and new linings.

Reason for condition

To minimise physical impact on the historic fabric of the place, consistent with the appropriate outcomes described in Section 9.1 of the *Works Guidelines*.

2. The installation of new plumbing fixtures and services to the ground floor must be designed and built in a manner that minimises damage to original walls and timber floors.

Reason for condition

To minimise physical impact on the historic fabric of the place, consistent with the appropriate outcomes described in Section 9.4 of the *Works Guidelines*.

Advice

It is recommended that the proposed staff kitchen remains in the existing kitchen space (where the doorway and door are proposed to be altered with a new D.04) and that the proposed treatment room is instead located in the proposed staff kitchen. This change to the proposal may allow for less intervention to the historic building fabric.

Should you require clarification of any matters contained in this notice, please contact Deirdre Macdonald on 0419 589 283 or on 1300 850 332.



Ian Boersma

Works Manager – Heritage Tasmania

Under delegation of the Tasmanian Heritage Council

Attachment 5



Photo 1. Site viewed from Bridge Street, RICHMOND

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 TASMANIAN DRAFT WASTE AND RESOURCE RECOVERY BILL 2021 - CONSULTATION**

(ECM: 4545250)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Department of Primary Industries, Parks, Water and Environment's Draft Waste and Resource Recovery Bill.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil at this time.

CONSULTATION

Community consultation on the Draft Waste and Resource Recovery Bill 2021 (the Bill) has recently closed.

FINANCIAL IMPLICATIONS

There are no financial implications associated with council's response to this consultation. However, there will be financial implications to council and the community should the Bill be legislated.

RECOMMENDATION:

- A. That council notes the Department of Primary Industries, Parks, Water and Environment's Tasmanian Draft Waste and Resource Recovery Bill released for public comment.
- B. That council endorses the 12 March 2021 letter, Attachment 1 to the Associated Report, to the Department of Primary Industries, Parks, Water and Environment as feedback on the Draft Waste and Resource Recovery Bill.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Local Government Association of Tasmania (LGAT) has for several years discussed with the Tasmanian Government the development of an overall strategic approach for the management of waste in Tasmania.

- 1.2.** LGAT engaged Urban EP to undertake a Feasibility Study for a Tasmanian Statewide Waste Management Arrangement. Part A was released early in 2019. It collated evidence and presented findings on the needs for and benefits of a State-wide Waste Management Arrangement. Part B was released later in 2019, and it evaluated the roles, functions and possible governance models of a State-wide arrangement.
- 1.3.** In June 2019, the Department of Primary Industries, Parks, Water and Environment (DPIPWE) released the Draft Waste Action Plan (DWAP) for community consultation.
- 1.4.** At its meeting of 30 September 2019, council evaluated the DWAP and adopted:
- “A. That Council notes the Department of Primary Industries, Parks, Water and Environment’s Tasmanian Draft Waste Action Plan be released for public comment.*
- B. That Council authorises the General Manager to prepare a submission to the Department of Primary Industries, Parks, Water and Environment noting the key principles Council considers relevant to the Draft Waste Action Plan (DWAP); as set out in Attachment 2 to the Associated Report.*
- C. That Council authorises the General Manager to provide a submission to the Department of Primary Industries, Parks, Water and Environment on the seven key areas of the Draft Waste Action Plan, as set out in Attachment 2 to the Associated report”.*
- 1.5.** On 4 February 2021, DPIPWE released the Draft Waste and Resource Recovery Bill 2021 for public comment.
- 1.6.** The information released by DPIPWE consists of:
- Draft Waste and Resource Recovery Bill 2021;
 - Draft Waste and Resource Recovery Bill – Explanatory Paper; and
 - Tasmanian Waste Levy Impact Study – Urban EP Report.

- 1.7.** The purpose of this report is for council to ratify the General Manager's letter on the proposed Bill.

2. REPORT IN DETAIL

- 2.1.** The Minister for Environment and Parks announced on 4 February 2021 the release of the Draft Waste and Resource Recovery Bill 2021 which provides for the introduction of a waste levy in Tasmania.

- 2.2.** The levy aims to make landfill progressively more expensive to incentivise the recovery of resources and provide funding to improve options for resource recovery.

- 2.3.** The principle of implementing a waste levy is to:

1. increase the cost of sending waste to landfill, so it is higher than the cost of alternatives that actively seek to reduce waste such as avoiding, reducing, reusing and recycling waste;
2. raise financial capacity to support the development of appropriate infrastructure and provide services and options for avoiding, reducing, reusing and recycling waste; and
3. provide funding for communications and education to improve waste management.

- 2.4.** The waste levy applies to the landfill operators, i.e. the point of disposal. The levy does not apply at the waste transfer stations. However, the gate fees at the transfer stations will have to increase proportional to the waste levy, as the transfer stations will be charged the levy for the waste they transport for disposal.

- 2.5.** The Bill proposes the following in relation to the waste levy:

- A waste levy will commence in Tasmania on 1 November 2021 at \$20 per tonne.

- The Tasmanian Government will increase the levy to \$40/t on 1 November 2023 and \$60/t on 1 November 2025 to match the average of regional waste levies across Australia (currently \$60 per tonne).
- The phasing aims to allow for investment certainty and enable businesses and local governments to plan and adapt.
- Licensed landfill operators (i.e. Copping) will be liable to pay the levy to the State Government on all waste disposed at their facilities.
- Licensed landfill operators will be entitled to a resource recovery rebate for waste they divert from or remove from landfill.
- Landfill operators will only need to increase charges (gate fees) for materials which attract the waste levy.

- 2.6.** The EPA will be tasked with collecting the levy and managing compliance of those who must pay it.

The estimated waste levy revenue is \$8.3M in the first full year and \$16.8M in the fifth full year.

- 2.7.** The draft Bill proposes to establish the Tasmanian Waste and Resource Recovery Board to manage the funds raised by the levy.

The Board will not manage projects or initiatives, rather it will apply waste levy funds through grants, industry loan schemes, community or infrastructure funds/other programs that promote the purposes of this Bill.

The Board functions are to provide advice to the Minister, develop a three yearly waste strategy and annual operational plan, and promote waste reduction and resource recovery through appropriate fund programs.

The Board consists of five to seven members appointed by the relevant Minister with one position to be a nominated representative of local government.

- 2.8.** The waste levy does not apply to green waste and organic compost, clean fill, other recycled materials such as metals and concrete.

Also exempt is asbestos, litter disposed by the public authority being illegal dumping and organised clean-up events, and operative materials used for landfill operations i.e. landfill capping.

- 2.9.** The information provided indicates the waste levy will fund the administration of the Board, EPA waste regulation, litter and illegal dumping, funding regional waste groups, and the remainder to a Waste Fund.

- 2.10.** Tasmania is the last State to implement a waste levy. Waste levy rates vary around the country. By State the reinvestment has been estimated to be 19.9% in NSW, 25% in WA, 72% in Victoria, 73% in South Australia and 77% in Queensland.

- 2.11.** A workshop on this matter was held with council on 9 March 2021, where upon council advised its position in relation to the draft Bill being:

- Council supports the draft Bill on the basis the funding collected from the waste levy is fully re-invested for use in the waste recovery, waste management and waste minimisation.
- Council notes the draft Bill proposes a 1 November 2021 commencement date for the waste levy. The commencement date creates an impossibility for council to consider the costs associated with the levy in its annual budget and Rating Resolution for the 2021/2022 financial year. Therefore, it is recommended kerbside collection be excluded from the waste levy until 1 July 2022.

In addition, council noted:

- Administration costs from operating the waste levy should be minimised to maximise reinvestment to the funding programs.

- The Department should investigate the benefits of establishing Regional Illegal Dumping (RID) programs in order to manage and prevent illegal dumping.
- The Department must ensure that a comprehensive and proactive communication strategy and associated plan is delivered to communicate the Waste Levy Scheme to the community to ensure that the purpose, costs and benefits of the waste levy implementation is well understood by the public.
- The Department consider the implementation of the levy at \$20 per tonne, increasing annually by \$10 per tonne to the maximum of \$60 per tonne as a transition increase of costs to the community and businesses.

2.12. This information was forwarded to DPIPWE on 12 March 2021, as feedback on the State Government's proposed Draft Waste and Resource Recovery Bill. The letter is **Attachment 1**.

3. CONSULTATION

3.1. Community Consultation

The community was provided with an opportunity to provide feedback on the draft Bill. This closed on 12 March 2021.

3.2. State/Local Government Protocol

The Department of Primary Industries, Parks, Water and Environment released the Draft Waste and Resource Recovery Bill 2021 for public comment.

3.3. Other

Not applicable.

3.4. Further Community Consultation

This is a State Government matter. It is unknown whether any further community consultation is planned.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2016/2026 within the *Governance and Leadership* area contains in part the following Strategy to:

- “6.1 Respond to the changing needs of the community through leadership, advocacy and innovative governance.*
- 6.2 Formulate and maintain a suite of policies to provide a framework for the establishment and implementation of Council's plans, strategies, programs, and services.*
- 6.6 Establish strategic partnerships to facilitate greater opportunities for Council to improve service delivery.”*

5. EXTERNAL IMPACTS

The intention of implementing a waste levy is to provide financial incentive to divert waste away from landfill into the Resource Recovery industry.

6. RISK AND LEGAL IMPLICATIONS

There are some risks with Tasmania heading towards a Statewide waste arrangement. These can be summarised as:

- A levy will increase the cost of disposing waste to landfill. Conversely, a levy could assist to fund and realise a circular economy and the flow on economic benefits that could arise to both the State generally and Clarence municipality specifically.
- There may be an increase in illegal dumping, perceived as a nil cost method of disposing of waste.
- The release of the collected levy funds through programs to the waste industry will be dependent upon the waste strategy and operational plan from the Board.

7. FINANCIAL IMPLICATIONS

7.1. At this stage there is no direct financial implications to council in making a submission on the draft Bill.

- 7.2.** Should the draft Bill proceed to legislation, council will need to consider the costs associated with the waste levy in the development of council's annual estimates and annual rating resolution.

8. ANY OTHER UNIQUE ISSUES

Tasmania is the last state to implement a waste levy.

9. CONCLUSION

- 9.1.** The State Government released the Draft Waste and Resource Recovery Bill 2021 for community consultation with a proposed waste levy to be introduced on 1 November 2021. The consultation period closed on 12 March 2021.

- 9.2.** The draft Bill was discussed at a council workshop on 9 March 2021 and council's comments on the draft Bill have been corresponded to the Department of Primary Industries, Parks, Water and Environment, refer **Attachment 1**.

Attachments: 1. Council letter to Department of Primary Industries, Parks Water and Environment on 12 March 2021 (2)

Ross Graham

GROUP MANAGER ENGINEERING SERVICES



38 Bligh St Rosny Park
PO Box 96
Rosny Park TAS, 7018
Dx 70402
Ph 03 6217 9500
Fax 03 6245 8700
E clarence@ccc.tas.gov.au

12 March 2021

Engineering Services
Ref: 4543060

Policy and Business Branch
Department of Primary Industries, Parks, Water and Environment
GPO Box 1550
Hobart Tas 7001
Email: wis.enquiries@dpipwe.tas.gov.au

To Whom it may concern,

Draft Waste and Resource Recovery Bill – Consultation Feedback

We thank the Department for the opportunity to comment on the draft Waste and Resource Recovery Bill released on 4 February 2021 for public comment.

Timing of council meetings has not allowed for council to adopt a position on the draft Bill prior to the closing date for comment. The next opportunity for this is our council meeting on 22 March 2021.

A workshop was held to discuss the draft Bill on 9 March 2021 whereupon council advised of its position in relation to the draft Bill being:

- Council supports the Draft Bill on the basis the funding collected from the Waste Levy is fully reinvested for use in the waste recovery, waste management and waste minimisation.
- Council notes the proposed 1 November 2021 commencement date for the Waste Levy. This is impossible to work within council budgets and Rates notices. It is recommended kerbside collection and related municipal waste collections be excluded from the Waste Levy until 1 July 2022. Commencement as currently proposed raises the prospect of significant costs to councils that will be difficult to fund in the current financial year in the manner contemplated by the draft Bill.

In addition, council noted:

- Administration costs from operating the Waste Levy should be minimised to maximise reinvestment to the funding programs.
- The Department should investigate the benefits of establishing Regional Illegal Dumping (RID) programs in order to manage and prevent illegal dumping.
- The Department needs to communicate the Waste Levy Scheme to the community so the public is informed of the purpose, costs and benefits of the Waste Levy implementation.
- The Department consider the implementation of the Levy at \$20 per tonne, increasing annually by \$10 per tonne to the maximum of \$60 per tonne as a transition increase of costs to the community and businesses.

We would welcome the opportunity to discuss our feedback with you if there is an opportunity to do so, particularly in respect to the proposed 1 November 2021 commencement date issue.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Nelson', with a stylized, flowing script.

Ian Nelson
General Manager

11.5.2 SOUTH ARM OVAL REVISED MASTER PLAN EARTH BERM, PALING FENCE AND PLAY SPACE IMPLEMENTATION**EXECUTIVE SUMMARY****PURPOSE**

To consider the design and cost estimates for the earth berm, paling lap fence and the playground space as part of the South Arm Oval Revised Master Plan implementation.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 and Community Engagement Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The South Arm Oval Master Plan has been subject to previous community consultation. Residents adjacent to the Skate Park and key stakeholders were invited to comment on the revision of the South Arm Oval Master Plan from June to end of July 2020. Feedback was sought on three main components:

- proposed Men's Shed;
- skate park noise mitigation options; and
- children's play space design.

This report will focus on the last two dot points.

FINANCIAL IMPLICATIONS

There are funds within the 2020-2021 Passive Recreation Capital Works Budget for the South Arm Master Plan implementation. Should council support the construction of the earth berm and paling lap fence and the playground, funding to support the decision will be considered by council as part of the 2021-2022 Capital Works Program deliberations.

RECOMMENDATION:

- A. That council authorises the General Manager to complete the design of the earth berm, paling fence and playground design.
- B. That council authorises the General Manager to present the earth berm, paling fence and play space design for consideration as part of the 2021/2022 Capital Works Program and to pursue grant funding for these Master Plan elements to enable construction within a year.
- C. That council authorises the General Manager to write to nearby residents and property owners to the South Arm Oval; SAPRA and Calverton Hall Committee advising of council's decision.

SOUTH ARM OVAL REVISED MASTER PLAN EARTH BERM, PALING FENCE AND PLAY SPACE IMPLEMENTATION /contd...

ASSOCIATED REPORT**1. BACKGROUND**

1.1. The development of the South Arm Oval Master Plan has involved substantial work from 2015. Details of the work from 2015 to 2019 are included in “Attachment 1” of the council meeting report of 12 October 2020. This can be found on council’s website at <https://www.ccc.tas.gov.au/wp-content/uploads/2020/10/Clarence-Meeting-Agenda-12-October-2020.pdf>.

1.2. At its meeting held on Monday, 12 October 2020, council resolved the following:

- “A. That Council adopt the revised South Arm Oval Master Plan to include the location for the Men’s Shed and to provide “in principle” support for the South Arm Peninsula Men’s Shed Inc. for the Men’s Shed project.*
- B. That Council adopts the revised South Arm Oval Master Plan to include a modified play space and surrounds resulting from the community consultation.*
- C. That Council adopts the revised South Arm Oval Master Plan to remove the hitting wall and hardstand area.*
- D. That Council adopts the revised South Arm Oval Master Plan with an earth berm and paling fence and authorises the General Manager to engage a designer to prepare detailed engineering plans and estimate for Option 1 – Earth Berm with Paling Lap Fence to mitigate the noise from the skate park. General Manager to report back to Council on the design and estimate for further consideration.*
- E. That Council authorises the General Manager to write to nearby residents and property owners to the South Arm Oval, SAPRA and Calverton Hall Committee and placing on Council’s website advising of this Council decision.”*

1.3. This report covers Items B and D from the above council resolution.

2. REPORT IN DETAIL

2.1. Earth Berm and Paling Lap Fence

Engineering plans have been prepared for the construction of the earth berm and paling lap fence at the South Arm Oval skate park as shown in **Attachment 1**.

The design has been based on the jta “Noise Mitigation Study” – May 2020 for Option 1, 2m high earth berm with 1.2m high paling lap fence installed at the peak of the berm and in accordance with council’s decision at its meeting held on 12 October 2020.

jta were further engaged to assess the proposed earth berm and paling lap fence design and produced a report jta “Noise Mitigation Study” – February 2021 included as **Attachment 2**.

Noise modelling conducted to assess the effectiveness of this design shows a medium to high noise reduction is achieved at most dwellings to the south of the skate park. The paling lap fence provides line of sight obstruction between the skate park and the ground floor of adjoining dwellings, thus blocking a direct line of noise transmission as well.

The noise modelling determined that no significant noise mitigation is predicted to occur in the areas towards the north and west, being the furthest distances from the skate park. Noise levels in this area are predicted to change by less than 1dB(A), in some instances there is an increase which the consultants advise is not perceivable by humans.

The noise modelling predicts modest reductions in noise levels to the south-west.

Reference is made to Table 6.1 – Noise Mitigation of Earth Berm and Acoustic Fence of the jta report (in **attachment 2**) which shows the noise modelling results to the neighbouring properties with the designed berm and paling fence in place.

The cost estimate to construct the earth berm with paling lap fence is \$215,000 (excluding GST).

- 2.2.** Preliminary advice from council planning officers is the earth berm and paling fence will require a development application.

2.3. Playground and Surrounds

Concept design plans have been prepared for the playground and surrounds as part of the South Arm Oval Master Plan included as **Attachment 3**.

The design incorporates those elements of play that were most popular with the community in response to the consultation in mid-2020. The main features are combination play tower, swings, trampoline, picnic spaces, pathways, vegetated berm, bike track with “petrol station”, shade trees and seating.

The cost estimate to construct the playground is \$375,000 (excluding GST).

- 2.4.** A petition containing 548 signatures was tabled at council’s meeting held on Tuesday, 9 February 2021 requesting council to:

- *“Maintain the infrastructure status quo of the South Arm Skatepark, by not installing a berm/fence or wall;*
- *Immediately start designing a modified play space and surrounds following the most recent community consultation of the South Arm Oval Master Plan;*
- *Fund the building of the new play space in Council’s 21/22 budget.”*

- 2.5.** The petition is listed for consideration at a separate item also on this Agenda.

3. CONSULTATION

3.1. Community Consultation Undertaken

- Public consultation was conducted in relation to the draft South Arm Oval Master Plan over the period from 14 March to 8 April 2015.
- A Planning Permit was received 21 June 2016 for the construction of the multi-use hardstand area (skate/scooter/bike ramp, basketball court and tennis wall).

- On 11 May 2017, council approved a further Planning Permit for the same construction with a minor amendment to relocate the skate park 2m to the south.
- A Noise Assessment Report prepared for council by an Acoustic Engineer and a further less complex summary prepared by an independent engineer and approved by the Acoustic Engineer were made available on the Clarence City Council website.
- Council sought community comment and feedback on the draft master plan on 30 November 2017.
- At its meeting on 5 February 2018, council authorised the General Manager to write to the residents and inform them of council's decision to adopt the revised South Arm Oval Master Plan.
- At its meeting on 28 May 2018, council approved the Development Application D-2018/153 – 21 Harmony Lane, South Arm – Skate Park and recreational facilities. The development application was for a multi-use hardstand area (skate park, basketball court and tennis wall).
- In a letter dated 21 November 2018, council wrote to the South Arm community advising residents of RMPAT's decision and that council can now proceed with the development of the skate park and associated facilities.
- In a letter dated 14 August 2019, council wrote to residents and property owners in close proximity of the South Arm Oval advising that construction of the skate park at South Arm Oval is expected to commence in mid-August for a period of eight weeks, weather permitting.
- On 11 November 2019, council wrote to residents and property owners in proximity of the South Arm Oval Skate Park advising that it had received a Post Occupancy Noise Survey from Mr Pearu Terts, Noise and Acoustics Consulting Engineer, with a copy of the survey attached.

- In an email dated 6 December 2019, council officers wrote to SAPRA and the Calverton Hall Committees inviting discussions on:
 - investigating limiting car access in the area of the skate park; and
 - consulting with SAPRA and Calverton Hall Committee on the outcomes of these actions.
- On 23 December 2019, council wrote to residents and property owners in close proximity of the South Arm Oval advising of the South Arm Oval Skate Park Noise Survey workshop outcomes.
- During March 2020, council wrote to residents and property owners to advise them of the decision of the council meeting held 16 March 2020.
- On 9 June 2020, council wrote to residents and property owners to advise them of the community consultation process and timeline in relation to the revised South Arm Draft Master Plan.
- Between 10 June and 31 July 2020, via council's website, the community were invited to comment on the revised South Arm Oval Master Plan including Men's Shed, playground and noise mitigation options for the skate park.
- On 4 November 2020, council wrote to nearby residents and property owners of the South Arm Oval, SAPRA and Calverton Hall Committee advising of council's 12 October 2020 decision.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

3.4. Further Community Consultation

Nearby residents, SAPRA and Calverton Hall Committee will be advised in writing of council's decision and it will be made available on council's website for the broader community via the Minutes of the meeting.

- **Consultation Plan**

Nil.

- **Consultation Aim**
Advice of council's decision with regard to earth berm and paling lap fence and playground.
- **Community Engagement Tools**
Letter and council's website.
- **Consultation Timing**
Following the council meeting to be held 22 March 2021.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2016-2026 under the Liveability has the following Strategy to: *"Enhance the liveability of activity centres, community hubs and villages through streetscape and urban design projects and local area master plans"*.
- 4.2.** Council's Strategic Plan 2016-2026 under the Promoting Health has the following Strategy to: *"Promote active and healthy lifestyles through provision and support for active and passive recreation programs and activities"*.
- 4.3.** Council's Strategic Plan 2016-2026 under Parks and Recreation Facility: *"Planning for and providing new sporting and recreation facilities to meet community demand"*.

5. EXTERNAL IMPACTS

The construction of the earth berm and paling lap fence will impact on some members of the community more than others.

6. RISK AND LEGAL IMPLICATIONS

The construction of an earth berm and paling lap fence, if supported by council, will require a new development application.

7. FINANCIAL IMPLICATIONS

- 7.1.** As at the end of February 2021, there are \$42,599.12 funds available in the South Arm Oval Master Plan project.
- 7.2.** The estimated cost to construct the earth berm, paling fence and play space is \$590,000 excluding GST.
- 7.3.** Depending on the availability of internal project management resources, in order to deliver the project in the short term, there may be a need to appoint an external project manager to assist on the delivery of the project at an estimated cost of \$60,000 - \$70,000.
- 7.4.** Council has recently been allocated \$1,952,854 from the Federal Government Local Roads and Community Infrastructure Program (LRCI). The LRCI stipulates a number of criteria that projects must meet to qualify for funding approval.
- 7.5.** Council is required to present a suite of eligible projects for consideration by the Federal Government to be funded within the LRCI program. A range of potential eligible projects will be presented to council at a council workshop in the immediate short term. Due to the time constraints associated with the program, it is beneficial that the projects are council approved “shovel ready” projects that also align with the LRCI eligibility criteria.
- 7.6.** The LRCI program requires approved funds to be expended by 31 December 2021.
- 7.7.** The South Arm Oval earth berm, paling fence and playspace are considered to be eligible projects for the LRCI program.

8. ANY OTHER UNIQUE ISSUES

- 8.1.** Having walls in an open space area may be contrary to the principles of Crime Prevention through Environmental Design which promotes open passive surveillance.

- 8.2.** Some neighbours adjacent to the South Arm Oval Skate Park have complained about noise from the facility. The proposed earth berm and paling fence will reduce noise levels to the south and south-west of the facility.

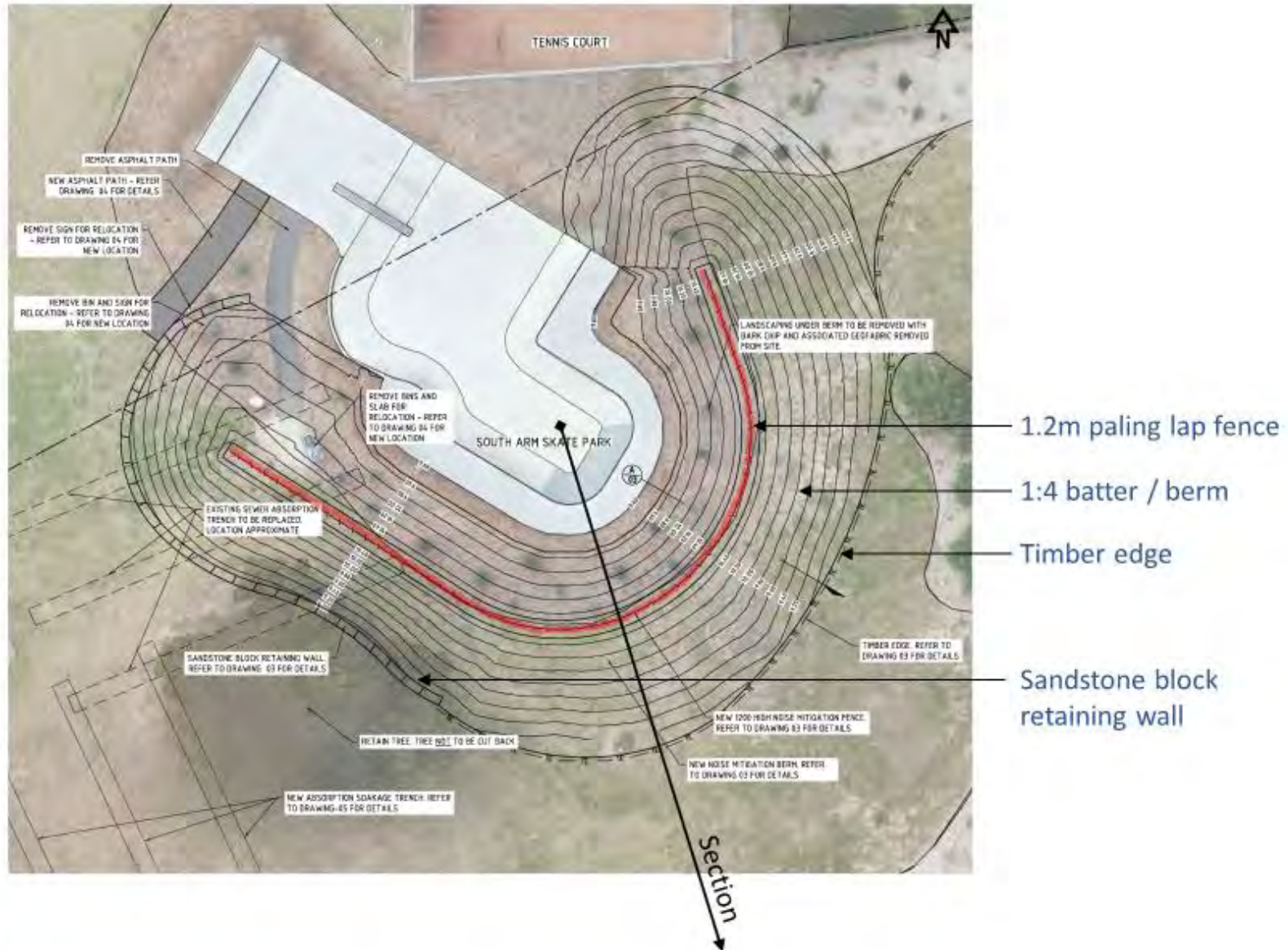
9. CONCLUSION

It is recommended the proposed earth berm and paling lap fence at the South Arm Oval skate park, along with the proposed playground, be considered by council as part of the 2021-2022 Capital Works Program, also for officers to pursue grant funding to enable Master Plan elements to be constructed within a year.

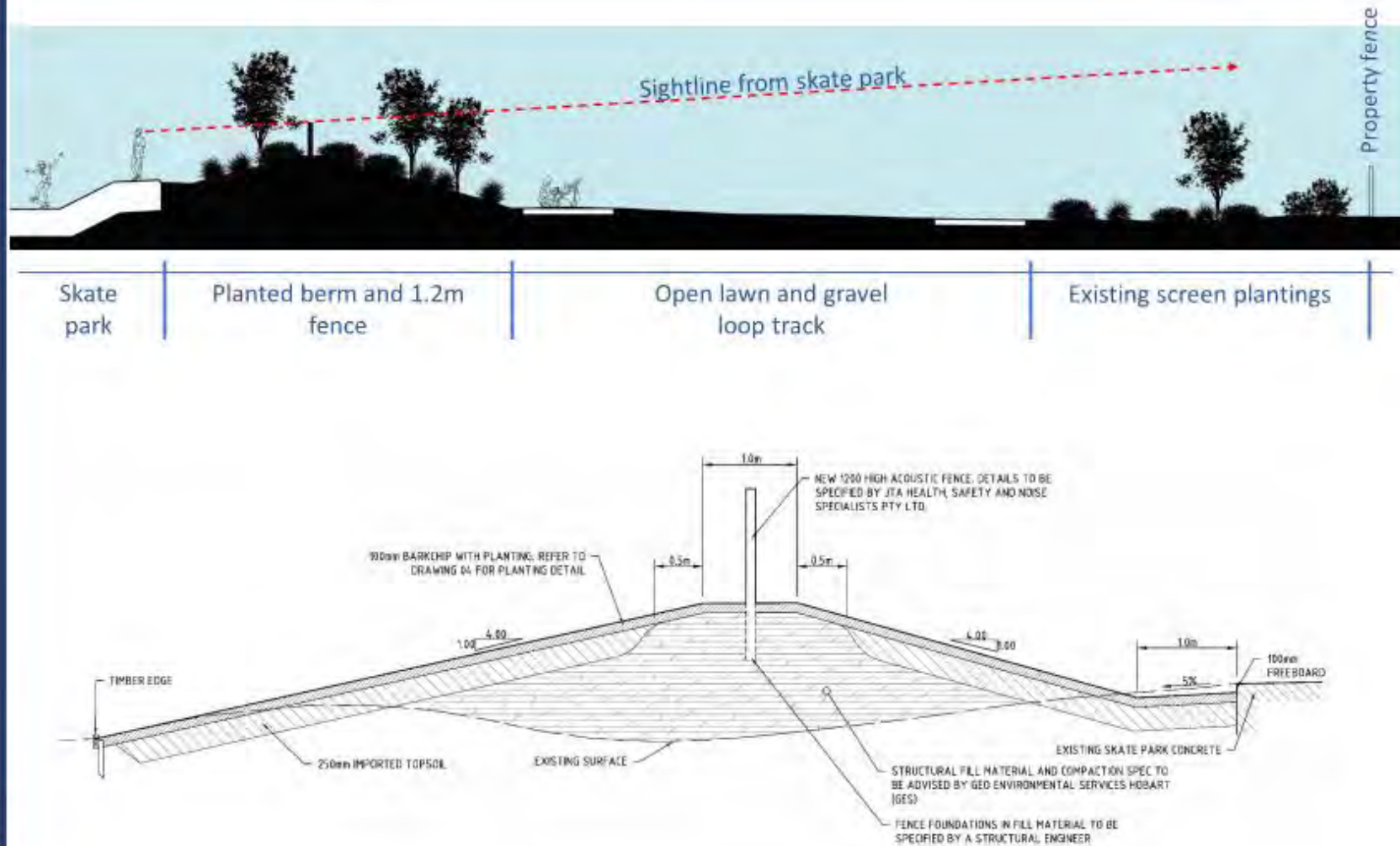
Attachments: 1. Earth Berm and Fence Design (2)
2. jta “Noise Mitigation Study South Arm Skate Park” [February 2021] (38)
3. Playground Concept Design [March 2021] (1)

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

Earth Berm and Fence Design



Earth Berm and Fence Design





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NOISE MITIGATION STUDY SOUTH ARM SKATE PARK

Client: Clarence City Council

Job No: N16803

Report By: William Dalmau, Senior Acoustic Consultant

Reviewed By: Alec Kuoch, Acoustic Consultant

\\jta1\Shared\Clients\Clarence City Council\N16803 - Final design of skate park\N16803 - Clarence City Council
- South Arm Skate Park - Final Design R1.docx

P: 1300 856 282 | F: 1300 856 284 | info@jta.com.au | www.jta.com.au
139 Ormond Rd Elwood VIC 3184

JTA Health, Safety & Noise Specialists Pty Ltd
ABN: 78 007 071 383





1 INTRODUCTION

Clarence City Council has installed a skate park at the south-east of the South Arm Oval. Once the skate park was in use, an environmental noise assessment was conducted of skate park noise emissions by Pearu Terts and involved the measurement of skate park noise levels under various times and conditions.

The environmental assessment concluded that the skate park noise emission met the applicable conditions in Planning Condition 4, which relates to noise emissions.

To investigate potential noise mitigation options available to reduce the noise emissions at residential receivers further, JTA Health, Safety & Noise Specialists was engaged to perform a desktop noise modelling study of the skate park. The desktop noise modelling study was commissioned by Clarence City Council.

Through consultation with Clarence City Council, noise mitigation options were investigated for their efficacy with the most practicable and efficient design presented in this report.

The desktop noise modelling study included the following:

- 1) From the information provided in the acoustic report and skate park design drawings, prepare a 3D noise model of the skate park and surrounding local area. Noise modelling will be conducted utilising SoundPLAN software.
- 2) Implement noise mitigation design options into the noise model and predict the noise impact at residential receivers with each recommended treatment option.
- 3) Prepare a report detailing the findings of the review and noise modelling outcomes.

Disclaimer: JTA Health, Safety & Noise Specialists has prepared this report exclusively for the use by the named client. JTA Health, Safety & Noise Specialists believe that the information in this report is correct, and that any opinions, conclusions or recommendations are reasonably held or made at the time of writing. However, JTA Health, Safety & Noise Specialists do not warrant their accuracy, and disclaim all responsibility for any loss or damage which may be suffered by any person, directly or indirectly from the use of this report.

2 SITE DESCRIPTION

South Arm is a town located on the South Arm Peninsula on the outskirts of the greater Hobart area in Tasmania, Australia. The skate park is situated adjacent to the South Arm Oval and is bounded by the following:

- A Tennis court and Harmony Lane to the north
- A community centre and Calverton Hall to the west and South Arm Road and dwellings
- Dwellings and Calverton Place to the south

Several dwellings are located in close proximity to the skate park on both Harmony Lane and Calverton Place, with the closest dwellings being to the north and south. Residential dwellings are also located to the west of the oval at South Arm Road.

Figure 2.1 details the nearest noise sensitive receivers to the skate park.



Figure 2.1 – Noise Sensitive Receivers and Local Environment

2.1 Skate Park

The skate park is located south east of the South Arm Oval, and its foundation is slightly elevated by approximately 1 metre to the surrounding area, while platform levels are elevated approximately 2 metres. Figures 2.2 and 2.3 illustrates the location of the skate park in relation to the surrounding environment and the skate park design respectively. Also presented in Appendix III are the engineering drawings and construction of the skate park.



Figure 2.2 – Skate Park and Local Environment

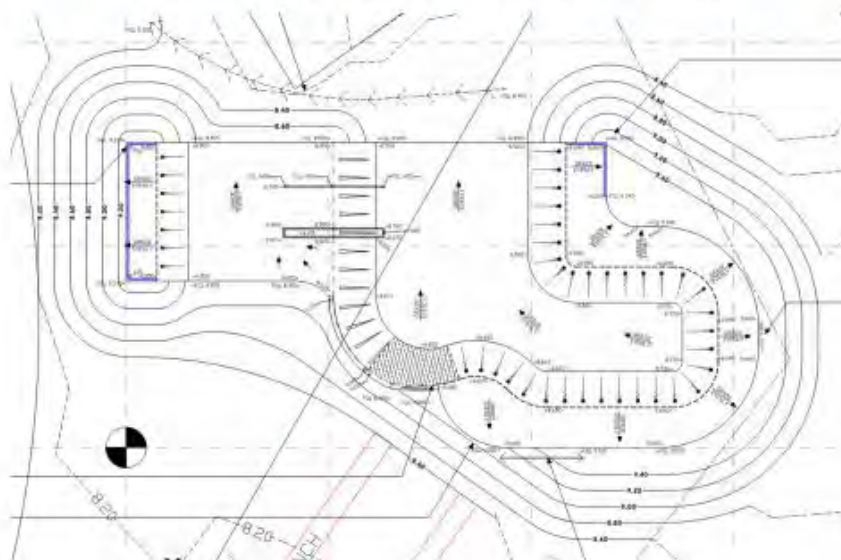


Figure 2.3 – Skate Park Design



3 METHODOLOGY

3.1 Noise Emission Requirements

The Resource Management and Planning Appeal Tribunal have prescribed noise limits for the skate park located in South Arm and provides details on noise measurement procedures, including the measurement of effective noise levels.

The Tribunal has determined noise limits and effective noise levels to be measured at a point at the site boundary of the nearest noise receptors or a complaint site. Effective noise levels are then compared with the noise limits to determine compliance.

3.1.1 Noise Limit Criteria

The Resource Management and Planning Appeal Tribunal has set out conditions for the Council by varying the planning permit for the Skate Park at South Arm, by substituting Condition 4 of the planning permit with the following:

- Noise monitoring by a suitably qualified person is to be undertaken within 30 days of the commencement of the use. The noise monitoring is to be undertaken as far as possible at the nearest boundary of 43A Harmony Lane to the skate bowl and also at the point nearest to the skate bowl of the boundary of the nearest residential dwelling in Calverton Place.
- A report from the suitably qualified person verifying the noise levels is to be submitted to the Council within 14 days of undertaking the noise monitoring. Measurements are to be in accordance with the methods of the Noise Measurements Procedures Manual issued by the Director or Environmental Management and are to be averaged over a 15-minute time interval.
- If the noise levels exceed the mean L_{max} of 70 dB(A) and an L_{eq} of 57 dB(A) then noise attenuation measures to reduce emissions to achieve compliance with the above threshold are to be determined by the suitably qualified person and implemented to the satisfaction of the Council's Senior Environmental Health Officer within a reasonable period of time, having regard to the nature of the proposed noise attenuation measures.

The environmental noise assessment conducted by Pearu Tetrs (Document Set ID: 3713059) dated the 5th of November 2019 concluded that the skate park has met all relevant permit conditions as well as the Resource Management and Planning Appeal Tribunal conditions stated above.

3.2 Sleep Disturbance Criteria

At present, there is no legislation or guidance in Tasmania for specifically assessing skate park use with regard to noise emissions, particularly during the night time period. Therefore it is proposed to adopt the sleep disturbance criteria commonly adopted in other states when assessing non-industrial, commercial or trade noise sources.

The most commonly adopted impact criteria regarding noise emissions from non-industrial, commercial or trade premises is based upon sleep disturbance criteria defined in the New South Wales Environment Protection Authority (EPA) Publication '*Environmental Criteria for Road Traffic Noise*'. The research performed is based on noise associated with vehicles, however this criteria can be used and is widely accepted as an assessment tool for other sources of noise such as voices and local sporting infrastructure. The NSW Environmental Criteria for Road Traffic Noise states the following in relation to sleep disturbance:



- Maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep.
- One or two noise events per night with a maximum internal noise level 65-70dB(A) are not likely to affect health and wellbeing significantly.

The noise experienced within a habitable room is usually 10dB(A) lower than the noise outside, even if a window is open. Consequently, a maximum noise level of 60-65dB(A) outside an open window is unlikely to cause awakenings.

The adopted criteria for this study will be L_{max} 65dB(A).

Note, noise levels below L_{max} 60 dB(A) will be considered acceptable, levels between L_{max} 60 and 65 dB(A) will be considered marginally acceptable, and levels above L_{max} 65 dB(A) will exceed the criteria.

While the sleep disturbance criteria is lower than that of the Resource Management and Planning Appeal Tribunal, it should be noted that the sleep disturbance criteria is assessed at the dwelling rather than the boundary.

3.3 Sound Power vs Sound Pressure

As part of the study being undertaken, both sound pressure and sound power values will be presented and discussed. To provide some clarity on the technical terms in this report, a description of each term is provided below, first the technical terms and then more simpler explanations:

3.3.1 Technical Descriptions

The sound pressure level (SPL) is the logarithmic measure of the sound pressure measured at a specific point. Specifically, it is the logarithmic ratio of the pressure of interest to the reference pressure. The reference pressure is equivalent to the smallest fluctuation in pressure human ears can typically sense as sound. The intention of the SPL is to provide a measure of the sound pressure typically experienced by human ears.

The sound power level (L_w) is a logarithmic measure of source acoustic power expressed in dB. The sound power level is fixed and inherent to the source similar to how electric power is inherent to an electrical device. The resulting sound pressure level due to a given sound power level is dependent on various environmental factors such as distance, acoustic shielding, meteorological factors etc.

3.3.2 Simple Explanation

In real-world terms, the sound pressure levels are the noise levels received by the ear or microphone at a particular location away from noise sources, while the sound power level is the noise level emitted by a noise source at its location.

A good analogy is a heater may have a certain power rating, say 1000 Watt, and a thermometer will measure the temperature at certain locations away from the heater. The power of the heater doesn't change whereas the temperature that the thermometer reads will vary depending on the distance to the heater.

If we swap out the heater for a speaker and the thermometer for a microphone or ear in the above analogy, the speaker would have a certain sound power level and the microphone or ear will pick up the corresponding sound pressure level at a certain distance from the speaker.



When sound power levels are discussed further in this report, they relate to the noise level of the source and are not related to a noise level at a certain distance from the source, e.g. they relate to the sound energy of skateboard wheels contacting the skate park. Sound power levels for a noise source are always higher than sound pressure levels at a distance away from the noise source as the sound gets quieter the further away it is measured or heard.

The purpose of utilising sound power levels in acoustics is an accurate prediction of sound pressure levels at a variety of distances that can only be completed with sound power levels in real-world environments.

3.4 Sound Level Reduction and Perceptibility

There is a discrepancy between how sound is heard by humans and the actual level in decibels, especially when considering the difference between two levels. This is due to the logarithmic scale sound is measured in when using decibels. Table 3.1 provides a comparison of how a reduction in noise levels is perceived by human ears vs the actual acoustic reduction in decibels and the associated percentage change.

Table 3.1- Sound Reduction Perceived Vs Actual Reduction

Decibel Reduction from Original Level (dB)	Acoustic Energy Percentage of Original Level	Perceivable Change
1	80%	No change observable
2	63%	
3	50%	Medium reduction noticeable
4	40%	
5	33%	
6	25%	Large reduction noticeable
7	20%	
8	15.5%	
9	12.5%	Sounds half as loud
10	10%	



4 NOISE SOURCES

Noise sources and sound power data were derived from the previous noise assessment report conducted at the completion of the skate park by Pearu Tetrs (Document Set ID: 3713059) dated the 5th of November 2019.

Noise measurements were conducted on 5 separate days from the 13th to 21st of October 2019. Skateboards, Scooters, Bike and Patron noise were monitored over the assessment period of different use cases. Sound Pressure Levels and octave frequencies levels are presented in Appendix II.

JTA assumes that noise measurements were conducted in accordance with EPA Tasmania's Noise Measurement Procedure Manual.

Note, that the noise measurement were conducted closer to the Skate Park than the residential dwellings. Therefore, sound power levels were determined based on the measurement location to where the noise source was observed. The distance of the noise source was approximated to a centralised position within the Skate Park and the approximate sound power level was then calculated from that location based on measured sound pressure levels at the measurement location. From the skate park activity's resulting sound power levels, the sound pressure level was predicted to the noise sensitive receptors. Sound Power Levels are presented in Table 4.1 below.

Table 4.1 – Sound Power Levels of Skate Park Activities

Skate Park Condition	Sound Power Level L_w , dB(A) (Noise Level of Source at Source Location)
1-2 Skateboards & Voices	79
2-3 Skateboards & Voices	92
0-1 Skateboards, 0-1 Scooters & Voices	94
0-2 Skateboards, 0-1 Scooters & Voices	96
2 Skateboards, 3 Scooters & Voices	110
0-2 Skateboards, 2-5 Scooters, 1 Bike & Voices	110
1-5 Skateboards, 5 Scooters, 1 Bike & Voices	106

5 NOISE MODELLING

The skate park's noise emissions were predicted by incorporating the relevant noise sources into a computer noise model prepared for the site. The noise modelling was conducted using the software SoundPLAN which implements the algorithms contained in ISO 9613-1 and ISO 9613-2. The model accounts for the following factors:

- Source sound power levels as specified in Appendix II
- Source directivity, tonality and orientation
- Distance attenuation, including source and receptor heights
- Barrier effects due to fences, structures and other buildings
- Ground effects
- Atmospheric attenuation
- Meteorological effects

The skate park noise model includes the following:

- Skate park structures
- Residential dwellings
- Industrial and commercial buildings not associated with site operations
- Topography of the area
- Ground absorption of the local area
- Noise sources associated with the operation of the site



Figure 5.1 – 3D Model Wireframe of South Arm Oval and Skate Park



5.1 Predicted Results for Existing Skate Park

5.1.1 Sleep Disturbance Adopted Criteria

Table 5.1 details the predicted noise levels of the skate park during the night time period to be compared against the sleep disturbance adopted criteria. As the sleep disturbance criteria only applies to the night time period, only two conditions will be assessed, typical and worst-case.

- Typical Conditions: 0-2 Skateboards, 0-1 Scooters & Voices
- Worst-case Conditions: 0-2 Skateboards, 2-5 Scooters, 1 Bike & Voices

It is to be noted that although the worst-case conditions are presented, they are considered very unlikely to occur during the night time period and are not representative of the use of the skate park during the night time period. It is very unlikely the skate park will be utilised during the night time period to the same capacity as the busiest times during the day time period.

Table 5.1 – Predicted Effective Noise Levels at Property Dwelling

Location	Skate Park Conditions	Predicted Noise Level at Dwelling (Sound Pressure Level)	Predicted Level Below Criteria
		L_{max} dB(A)	$L_{max} < 65$ dB(A)
43 Harmony Lane	Typical	57	Yes
45 Harmony Lane		54	Yes
17 Calverton Place		48	Yes
19 Calverton Place		47	Yes
43 Harmony Lane	Worst-case	73	No ¹
45 Harmony Lane		70	No ¹
17 Calverton Place		64	Marginal ²
19 Calverton Place		64	Marginal ²

1 – Worst-case conditions are considered very unlikely to occur during the night time period are included for reference only and not for assessment.

The skate park is predicted to be below the sleep disturbance adopted criteria under typical conditions and the likelihood of causing unreasonable awaking reactions to typical populations is low.

5.1.2 Resource Management & Planning Appeal Tribunal Condition

Due to the skate park already being found to be compliant with all relevant permit conditions, the following comparison of predicted noise levels under a variety of conditions against the Resource Management & Planning Appeal Tribunal Conditions is for reference only.

Skate park effective noise levels were predicted via noise modelling for each of the assessed activities and are presented in Table 5.2 for the existing conditions.



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Table 5.2 – Predicted Effective Noise Levels at Property Boundary

Location	Skate Park Conditions	Predicted Effective Noise Level at Boundary (Sound Pressure Level)		Predicted Level Below Criteria	
		L_{eq} dB(A)	L_{max} dB(A)	$L_{eq} < 57$ dB(A)	$L_{max} < 70$ dB(A)
43A Harmony Lane	1-2 Skateboards Voices	46	75	Yes	No
17 Calverton Place		39	69	Yes	Yes
19 Calverton Place		39	69	Yes	Yes
43A Harmony Lane	2-3 Skateboards Voices	52	77	Yes	No
17 Calverton Place		45	71	Yes	No
19 Calverton Place		45	70	Yes	No
43A Harmony Lane	0-1 Skateboards 0-1 Scooters Voices	45	68	Yes	Yes
17 Calverton Place		39	62	Yes	Yes
19 Calverton Place		39	62	Yes	Yes
43A Harmony Lane	0-2 Skateboards 0-1 Scooters Voices	53	84	Yes	No
17 Calverton Place		47	77	Yes	No
19 Calverton Place		47	77	Yes	No
43A Harmony Lane	2 Skateboards 3 Scooters Voices	59	72	No	No
17 Calverton Place		54	69	Yes	Yes
19 Calverton Place		54	68	Yes	Yes
43A Harmony Lane	0-2 Skateboards 2-5 Scooters 1 Bike Voices	59	73	No	No
17 Calverton Place		52	68	Yes	Yes
19 Calverton Place		51	68	Yes	Yes
43A Harmony Lane	1-5 Skateboards 5 Scooters 1 Bike Voices	56	81	Yes	No
17 Calverton Place		49	74	Yes	No
19 Calverton Place		49	74	Yes	No

6 NOISE MITIGATION OPTION

A study of the noise mitigation design option developed in conjunction with Clarence City Council has been modelled to determine its effectiveness in reducing the noise emissions from the skate park to nearby residences.

The noise mitigation design is an earth berm with an acoustic fence at the peak and incorporates the following:

- 1.2m acoustic fence positioned at the apex of the berm and is located to wrap around the skate park from the south to the east.
- Earth berm between 10m and 15m wide that is between 1 and 2 metres above ground level that is located to wrap around the skate park from the south to the east.

Illustrated in figure 6.1 is the location of the earth berm used and the location of the acoustic fence.

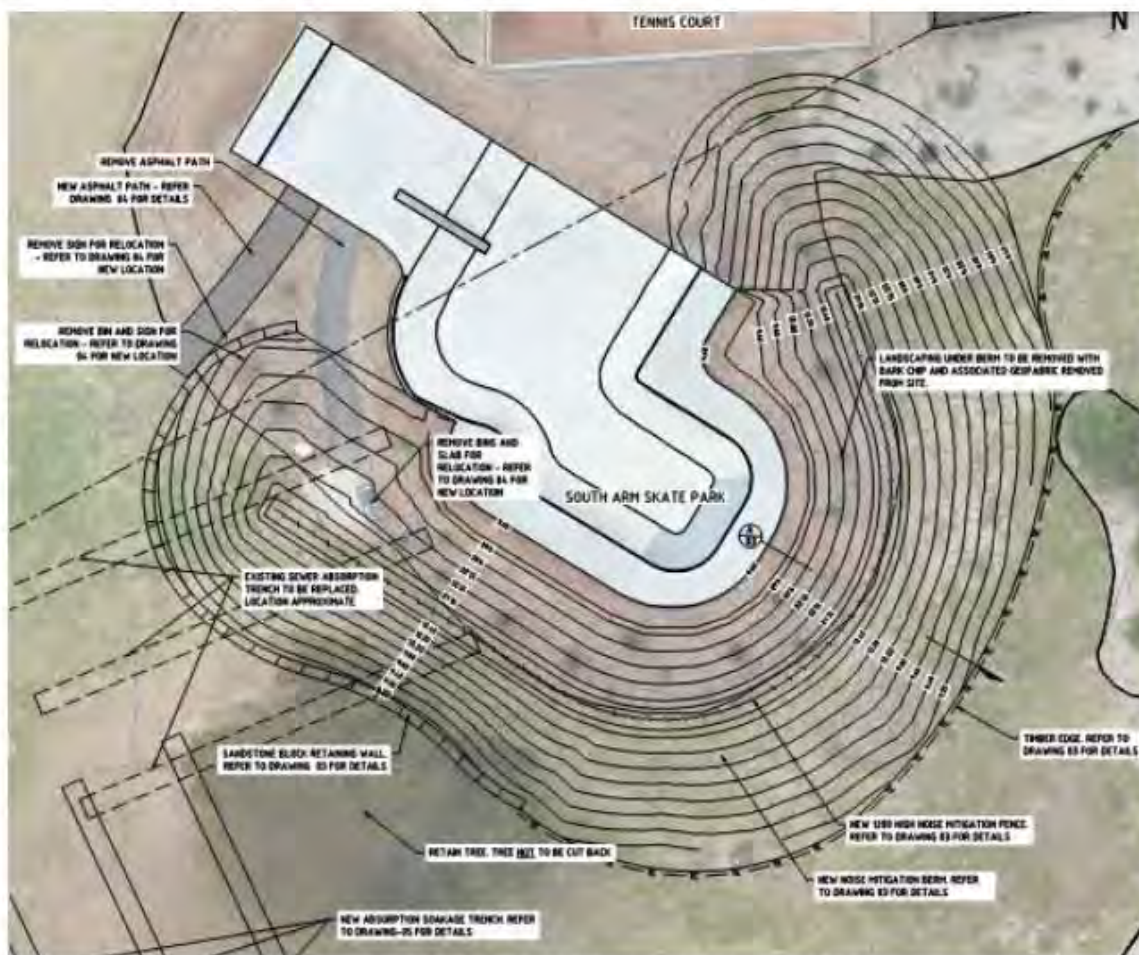


Figure 6.1 –Location of Earth Berm and Acoustic Fence



6.1 Noise Mitigation Option Reductions

The noise reductions predicted to be achieved from the earth berm and acoustic fence for each condition under investigation are presented in Table 6.1. Both average (L_{eq}) and maximum (L_{max}) noise levels reductions for typical and worst-case conditions are detailed. For reference typical and worst case conditions are as follows:

- Typical Conditions: 0-2 Skateboards, 0-1 Scooters & Voices
- Worst-case Conditions: 0-2 Skateboards, 2-5 Scooters, 1 Bike & Voices

Note, negative values represent noise levels predicted to be being higher under the proposed earth berm and acoustic fence condition at the specified location. This is due to skate park noise reflecting off the acoustic fence and back towards dwellings.

Table 6.1 - Noise Mitigation of Earth Berm and Acoustic Fence

Location	Noise Level Reduction (dB)			
	Typical Activity L_{eq}	Typical Activity L_{max}	Worst-case Activity L_{eq}	Worst-case Activity L_{max}
2 Harmony Ln	-0.5	-0.4	0.5	0.5
3 Calverton Pl	2.4	2.7	1.3	1.6
6 Harmony Ln	0.1	0.1	0.3	0.5
7 Calverton Pl	1.9	1.9	-0.8	-0.7
10 Harmony Ln	0.0	-0.1	0.1	0.2
11 Calverton Pl	6.6	5.8	6.0	6.0
12 Harmony Ln	-0.1	-0.2	0.5	0.6
13 Calverton Pl	5.0	4.6	5.1	5.2
14 Harmony Ln	-0.1	-0.2	0.1	0.1
15 Calverton Pl	4.5	4.3	4.3	4.2
17 Calverton Pl	4.2	4.0	3.2	3.2
19 Calverton Pl	4.6	4.7	3.1	3.2
21 Calverton Pl	4.7	4.6	3.0	3.1
23 Calverton Pl	7.4	7.2	5.4	5.3
43 Harmony Lane	-0.1	-0.2	0.2	0.2
43A Harmony Lane	0.6	1.0	0.0	0.1
45 Harmony Lane	0.1	-0.1	0.2	0.1
55 Harmony Lane	2.1	2.5	0.8	1.1
65 Harmony Lane	4.2	5.0	2.6	3.6
3135 South Arm Rd	2.0	2.9	1.6	1.3
3137 South Arm Rd	3.0	3.3	2.4	2.3
3145 South Arm Rd	1.7	0.9	1.3	1.3
3147 South Arm Rd	2.1	2.2	1.9	1.8
3151 South Arm Rd	0.6	-0.4	0.5	0.6
3155 South Arm Rd	-0.2	-0.2	0.3	0.5
3159 South Arm Rd	1.5	1.6	0.6	0.6
Average Reduction	2.2	2.2	1.7	1.7



6.2 Noise Mitigation Option Predicted Noise Levels

The predicted noise level at dwellings surrounding the skate part in all directions are detailed in Table 6.2 under the proposed earth berm and acoustic fence conditions for both typical and worst-case noise sources.

Table 6.1 - Noise Mitigation of Earth Berm and Acoustic Fence

Location	Noise Level Reduction (dB)			
	Typical Activity L_{eq}	Typical Activity L_{max}	Worst-case Activity L_{eq}	Worst-case Activity L_{max}
2 Harmony Ln	39	65	38	61
3 Calverton Pl	26	53	27	48
6 Harmony Ln	42	68	41	64
7 Calverton Pl	26	52	33	55
10 Harmony Ln	42	69	42	65
11 Calverton Pl	33	59	33	55
12 Harmony Ln	43	70	42	66
13 Calverton Pl	37	63	37	59
14 Harmony Ln	40	66	40	63
15 Calverton Pl	36	63	36	58
17 Calverton Pl	33	59	34	56
19 Calverton Pl	33	59	34	56
21 Calverton Pl	35	61	37	59
23 Calverton Pl	37	62	38	60
43 Harmony Lane	47	72	47	70
43A Harmony Lane	48	74	48	81
45 Harmony Lane	44	70	44	67
55 Harmony Lane	36	63	37	57
65 Harmony Lane	27	54	29	51
3135 South Arm Rd	36	61	37	60
3137 South Arm Rd	32	58	32	55
3145 South Arm Rd	27	53	27	49
3147 South Arm Rd	40	65	40	62
3151 South Arm Rd	38	65	38	61
3155 South Arm Rd	40	66	39	62
3159 South Arm Rd	39	65	39	62



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7 DISCUSSION

From the outcomes of the noise reduction predictions of the proposed earth berm and acoustic fence, it can be seen that there is a significant noise reduction predicted at the Calverton Place dwellings south of the skate park. Typical reduction in noise levels at these dwellings is predicted to typically be between 3 and 7 dB(A); these reductions would be perceived as a moderate to large reduction in noise levels. While there are some modest reductions and even a slight increase predicted at 3 Calverton Place and 7 Calverton Place, these locations are generally less exposed to skate park noise than other dwellings closer to the skate park.

The proposed earth berm and acoustic fence noise mitigation was investigated as a possible solution to reduce the noise emissions from the skate park. Noise modelling was conducted to predict the effectiveness of the design. A model considered both typical and worst-case scenarios used to simulate the duration when the noise would be most disturbing and have the greatest effect on sleep and other relaxation periods.

Noise modelling of the earth berm and acoustic fence proved that the design provides medium to high reduction in noise levels at most dwellings to the south of the skate park.

The study of the design demonstrated under typical and worst-case conditions, significant noise reductions are predicted where the effective noise levels at the dwellings along Calverton Place will fall below the sleep disturbance criteria of L_{MAX} 65 dB(A). Thus, less disturbance to sleep and improved respite times at these locations.

While significant noise mitigation is predicted at dwellings south and east of the skate park, no significant noise mitigation is predicted to occur towards the north and west. Noise levels are predicted to change by less than ± 1 dB(A), with this change not being perceivable by humans. Modest reductions in noise levels are predicted to the south-west of the skate park.

8 30 Years of Independent Tailor-Made Advice

JTA is one of Australia's leading independent workplace consultancies. For 30 years we've helped businesses manage their occupational health, safety and noise requirements. We pride ourselves on our ability to understand a client's needs and provide tailor-made advice. Our team of specialist consultants offer pragmatic recommendations based on innovative scientific solutions and legislative compliance. Creating healthy, safe and productive workplaces is what we do every day.



APPENDIX I – Glossary of Terms

ABL	The Assessment Background Level (ABL) is the single figure background level representing each assessment period (daytime, evening and night-time) for each day. It is determined by calculating the 10th percentile (lowest 10 percent) background level (L_{A90}) for each period.
Adverse meteorological conditions	Meteorological conditions under which noise propagation is enhanced. This typically includes the presence of wind and temperature inversions.
A-weighting	Refers to an adjustment made to the noise level reading to take into account the tonal composition of a noise relative to the ear's response to the various tones that make up the noise. A-weighting is done to make sure that the noise level reading properly reflects the loudness of the noise as perceived by the "average" human ear.
dB(A)	Decibel level with an applied A-weighting.
dB(Lin)	Decibel level with a Linear weighting i.e. no frequency weighting applied.
Decibel, dB	Decibel is a logarithmic unit used to describe the ratio of a signal level relative to a reference level and is used to describe sound pressure and sound power magnitudes.
L_1	The L_1 level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the L_1 level for 99% of the time.
L_{10}	The L_{10} level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the L_{10} level for 90% of the time. The L_{10} is a common noise descriptor for environmental noise and road traffic noise.
L_{50}	The L_{50} level is the noise level which is exceeded for 50% of the sample period. During the sample period, the noise level is below the L_{50} level for 50% of the time.
L_{90}	The L_{90} level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the L_{90} level for 10% of the time. This measure is commonly referred to as the background noise level.
L_{eq}	The equivalent continuous sound level (L_{eq}) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This measure is also a common measure of environmental noise and road traffic noise.



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L_{max}	The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.
L_n	The level exceeded for N% of the monitoring time.
Neutral meteorological conditions	Meteorological conditions under which no enhancements to noise propagation are presents, i.e. temperature inversions and windy conditions.
RBL	The Rating Background Level (RBL) for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night-time.
Sound Power Level (SWL)	A logarithmic measure of source acoustic power expressed in dB. The sound power level is fixed and inherent to the source similar to how electric power is inherent to an electrical device. The resulting sound pressure level due to a given sound power level is dependent on various environmental factors such as distance, acoustic shielding, meteorological factors etc.
Sound Pressure Level (SPL)	The sound pressure level is the logarithmic measure of the sound pressure measured at a specific point. Specifically it is the logarithmic ratio of the reference pressure to the pressure of interest. The reference pressure is equivalent to the smallest fluctuation in pressure human ears can typically sense as sound. The intention of the SPL is to provide a measure of the sound pressure typically experienced by human ears.
Stability Class	The system of classifying atmospheric stability using considerations of solar radiation, surface wind speed, cloud cover and temperature lapse rate. The scale ranges from A (strongly unstable) to F (moderately stable)
Temperature Inversion	An atmospheric condition when the temperature gradient in the air is inverted so that sound waves are refracted in the air back towards the ground, enhancing the distance over which noise propagates.

The following table presents example activities with their typical sound pressure level in dB(A).

Sound Pressure Level dB(A)	Example Activity
120	Jet aeroplane take off at 100m
110	Amplified rock concert
100	Pneumatic drill/jackhammer at 1 metre
80	Heavy vehicle passes close by
60	Normal conversation at 1 to 2 metres
40	Quiet business office
20	Quiet bedroom at night
0	Threshold of hearing



Noise Mitigation Study
Clarence City Council – South Arm, TAS

APPENDIX II- SOUND PRESSURE LEVEL DATA & STATISTICALS

Attachment 2

E13

Spectral analysis of measured noise

Date	13/10/2019		16/10/2019		17/10/2019		19/10/2019				21/10/2019				
Location	Loc 2	Loc 3	Loc 2	Loc 3	Loc 2	Loc 2	Loc 2	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 2	Loc 3
Time	13:54	14:23	14:31	14:51	18:23	18:41	16:22	16:40	17:04	17:22	18:08	18:25	18:45	19:05	19:24
Duration	18.5 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min
Activity	3 skb + 3 scoot + voices	4 scoot + voices	No users	No users	3 scoot + voices	No users	1-5 skb + 5 scoot + 1 bike + voices	0-2 skb + 2-5 scoot + 1 bike + voices	3-4 skb + 1-4 scoot + 0-1 bike + voices	2 skb + 3 scoot + voices	0-2 skb + 1 scoot + voices	0-1 skb + 0-1 scoot + voices	0-2 skb + voices	2-3 skb + voices	0-2 skb + 0-1 scoot + voices
Measure	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Leq
Overall A	49.2	44.4	39.0	39.0	46.7	38.2	57.1	52.9	53.3	54.2	48.0	39.8	44.8	51.3	47.7
C	62.7	55.1	62.9	51.0	56.8	47.7	71.3	70.3	65.3	70.2	53.8	51.5	52.0	58.6	53.6
Octave Hz 31.5	60.8	52.3	59.8	48.4	54.1	45.1	69.8	68.0	62.8	68.0	48.7	48.2	48.7	55.7	47.5
63	53.7	44.8	49.9	45.8	47.1	42.5	60.8	57.6	53.0	58.1	47.9	44.9	44.9	47.1	44.7
125	44.1	45.1	43.1	45.6	44.7	33.1	50.3	50.8	47.4	49.2	45.3	45.5	46.8	41.5	47.1
250	38.2	32.6	36.8	31.4	35.5	31.7	45.1	47.8	43.8	45.5	37.3	35.4	36.2	41.8	38.2
500	43.7	37.3	34.0	30.7	39.2	32.0	50.4	48.4	45.7	46.4	46.3	33.8	35.3	44.6	47.1
1k	44.8	41.8	34.5	32.5	42.4	33.7	52.3	48.4	47.2	46.8	43.4	33.0	34.6	46.9	43.5
2k	43.4	36.5	30.0	33.5	39.9	31.6	50.6	45.7	46.4	45.6	40.5	32.0	36.3	45.6	38.1
4k	39.3	33.6	28.7	31.6	39.0	29.6	49.2	43.0	47.3	49.5	31.6	33.9	41.4	42.0	31.2
8k	30.4	22.7	26.9	17.5	32.7	22.8	44.4	36.1	41.0	44.7	23.0	23.9	32.9	33.2	22.3

Attachment 2

E8

Measurements and statistical analysis of noise over 15-18.5 min periods, dB(A)

Date	13/10/2019		16/10/2019		17/10/2019		19/10/2019				21/10/2019				
Location	Loc 2	Loc 3	Loc 2	Loc 3	Loc 2	Loc 2	Loc 2	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 3	Loc 2	Loc 3
Time	13:54	14:23	14:31	14:51	18:23	18:41	16:22	16:40	17:04	17:22	18:08	18:25	18:45	19:05	19:24
Duration	18.5 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min	15 min
Samples	11100	9000	9000	9000	9000	9000	9000	9000	9000	9000	9000	9000	9000	9000	9000
Activity	3 skb + 3 scoot + voices	4 scoot + voices	No users	No users	3 scoot + voices	No users	1-5 skb + 5 scoot + 1 bike + voices	0-2 skb + 2-5 scoot + 1 bike + voices	3-4 skb + 1-4 scoot + 0-1 bike + voices	2 skb + 3 scoot + voices	0-2 skb + 1 scoot + voices	0-1 skb + 0-1 scoot + voices	0-2 skb + voices	2-3 skb + voices	0-2 skb + 0-1 scoot + voices
Lmax	72.9	76.8	55.7	64.5	70.1	58.9	83.1	68.9	74	71.5	78.7	62.7	69.6	77	76.8
L0.1	65.6	60.8	48.0	57.1	63.8	53.6	73.3	65.0	67.2	67.3	73.2	55.8	65.4	72.0	72.8
L1	59.3	51.9	43.8	49.7	57.9	48.2	68.1	59.8	62.0	63.2	50.3	49.9	55.6	62.4	52.4
L5	54.3	46.9	42.1	41.6	52.6	42.6	62.1	56.0	58.2	59.9	44.3	43.9	48.6	55.8	45.6
L10	51.9	44.5	41.1	39.0	49.8	40.3	59.3	54.6	56.5	57.8	41.9	41.2	45.4	52.3	42.5
L50	44.5	37.8	38.3	35.4	40.0	35.4	52.1	51.8	50.0	50.7	38.0	36.6	38.2	44.2	38.2
L90	39.0	34.8	36.0	33.3	35.4	32.6	46.4	49.8	47.2	47.9	36.0	34.6	35.1	40.3	35.8
L95	37.8	34.2	35.1	32.8	34.4	32.1	45.3	49.4	46.5	47.2	35.5	34.1	34.5	39.2	35.4
L99	36.0	32.8	33.2	32.0	32.9	31.2	43.8	48.9	45.6	46.4	34.6	33.5	33.5	37.1	34.8
Lmin	33.2	31.0	31.5	31.1	31.1	29.2	42.0	47.7	44.4	45.1	33.8	32.3	32.0	35.6	33.8
Leq A	49.2	44.4	39.0	39.0	46.7	38.2	57.1	52.9	53.3	54.2	48.0	39.8	44.8	51.3	47.7

The first measurement on 19/10/2019 met the Leq = 57 dB(A) threshold due in part to strong breeze interacting with the adjacent tree



Noise Mitigation Study
Clarence City Council – South Arm, TAS

APPENDIX III- SKATE PARK CONSTRUCTION DRAWINGS

DRAWING LIST:

7080-01	LOCALITY PLAN & DRAWING LIST
7080-02	GENERAL ARRANGEMENT
7080-03	DETAIL SHEET 1 OF 2
7080-04	DETAIL SHEET 2 OF 2
7080-05	LANDSCAPING PLAN
7080-06	SEWER ABSORPTION TRENCH
7080-07	SITE PLAN & SETOUT



LOCALITY PLAN
NTS

SOUTH ARM SKATE PARK SOUND MITIGATION 7080

LEGEND:

	PROPERTY BOUNDARY/BOUNDARY SEGMENT
	FENCE NEW
	FENCE EXISTING
	TIMBER EDGE REFER TO DRAWING 7080-3 FOR DETAILS
	SANDSTONE RETAINING WALL REFER TO DRAWING 7080-3 FOR DETAILS
	ASPHALT PATH NEW REFER TO DRAWING 7080-5 FOR DETAILS
	LANDSCAPING NEW REFER TO DRAWING 7080-5 FOR DETAILS
	LANDSCAPING EXISTING - TO RETAIN REFER TO DRAWING 7080-5 FOR DETAILS
	GUM BARK MULCH 100mm DEEP

NOTES:

1. ALL SERVICES TO BE LOCATED BY CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY WORK.
2. ALL SERVICES, HORIZONTALLY AND VERTICALLY ARE INDICATED IN AN APPROXIMATE LOCATION ONLY.
3. ALL SETOUT, INCLUDING LANDSCAPING TO BE UNDERTAKEN BY A LICENSED SURVEYOR.
4. ALL WORKS TO BE IN ACCORDANCE WITH THE TAS LGAT STANDARD DRAWINGS UNLESS NOTED OTHERWISE. IF ANY CONTRADICTION OCCURS BETWEEN PROJECT DRAWINGS AND STANDARD DRAWINGS, THE PROJECT DRAWINGS TAKE PRECEDENCE.
5. NO TREES OR PLANTS TO BE REMOVED OR DAMAGED OTHER THAN THAT NOTED IN DRAWING SET.
6. REMEDIATE ALL DISTURBED SURFACES WITH APPROVED FILL AND 100mm OF APPROVED IMPORTED WEED-FREE SEEDED TOPSOIL AND BARK CHIP AS REQUIRED TO MATCH EXISTING.

SERVICES

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.

PRELIMINARY ISSUE

NOT TO BE USED FOR CONSTRUCTION

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				DATE:	NOV 20
				DRAWN:	AWH
				DESIGN CHECK:	
				DATE:	19.01.21
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				DATE:	17.12.20
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				DATE:	



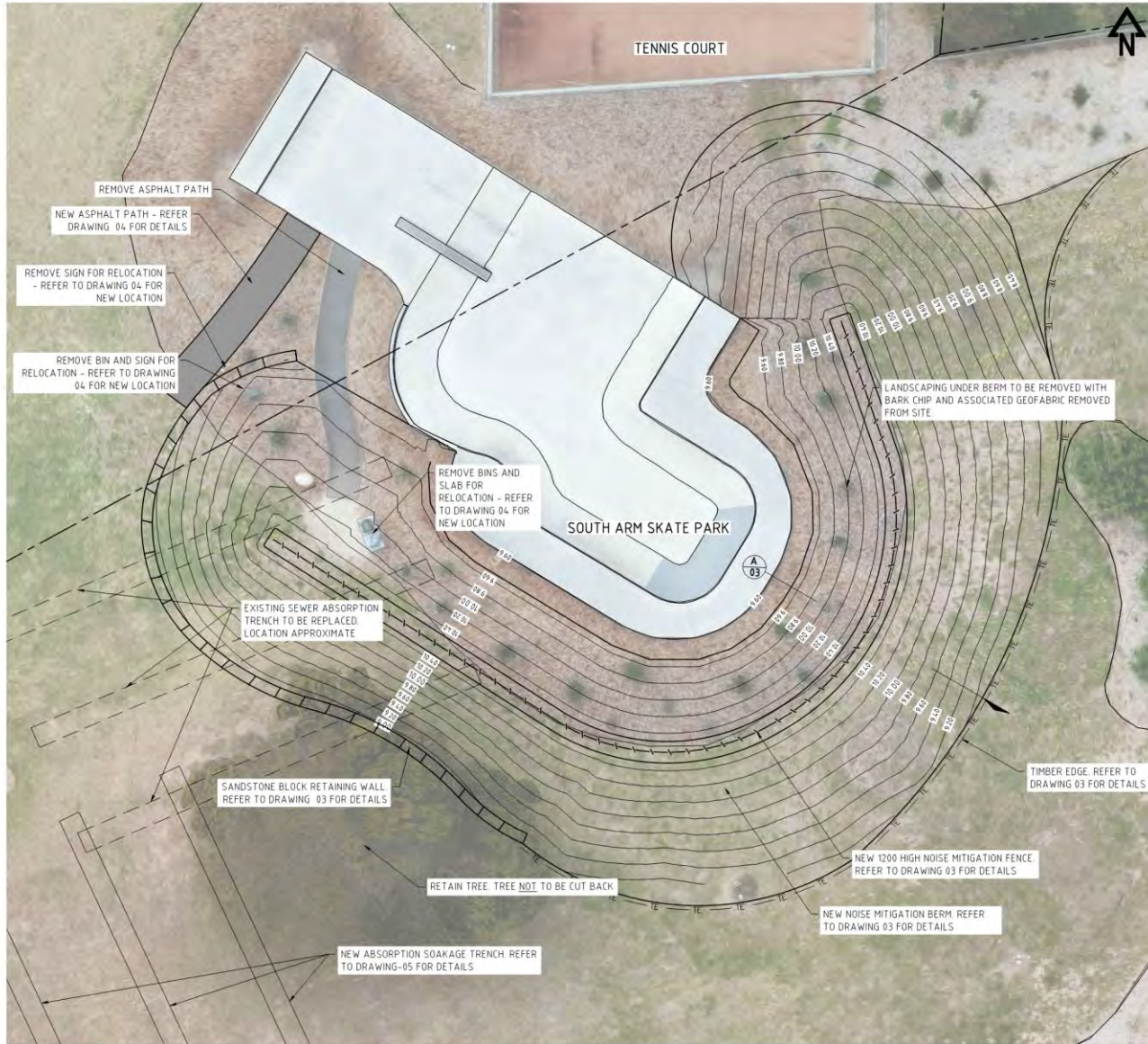
SOUTH ARM SKATE PARK
SOUND MITIGATION
LOCALITY PLAN & DRAWING LIST

7080-01

PROJECT NUMBER

A1

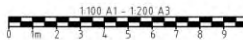
Attachment 2



GENERAL ARRANGEMENT
SCALE 1:100

SERVICES

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.



PRELIMINARY ISSUE
NOT TO BE USED FOR CONSTRUCTION

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				DRAFT CHECK			
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No.	REVISIONS	NATL DATE		ENGINEER			



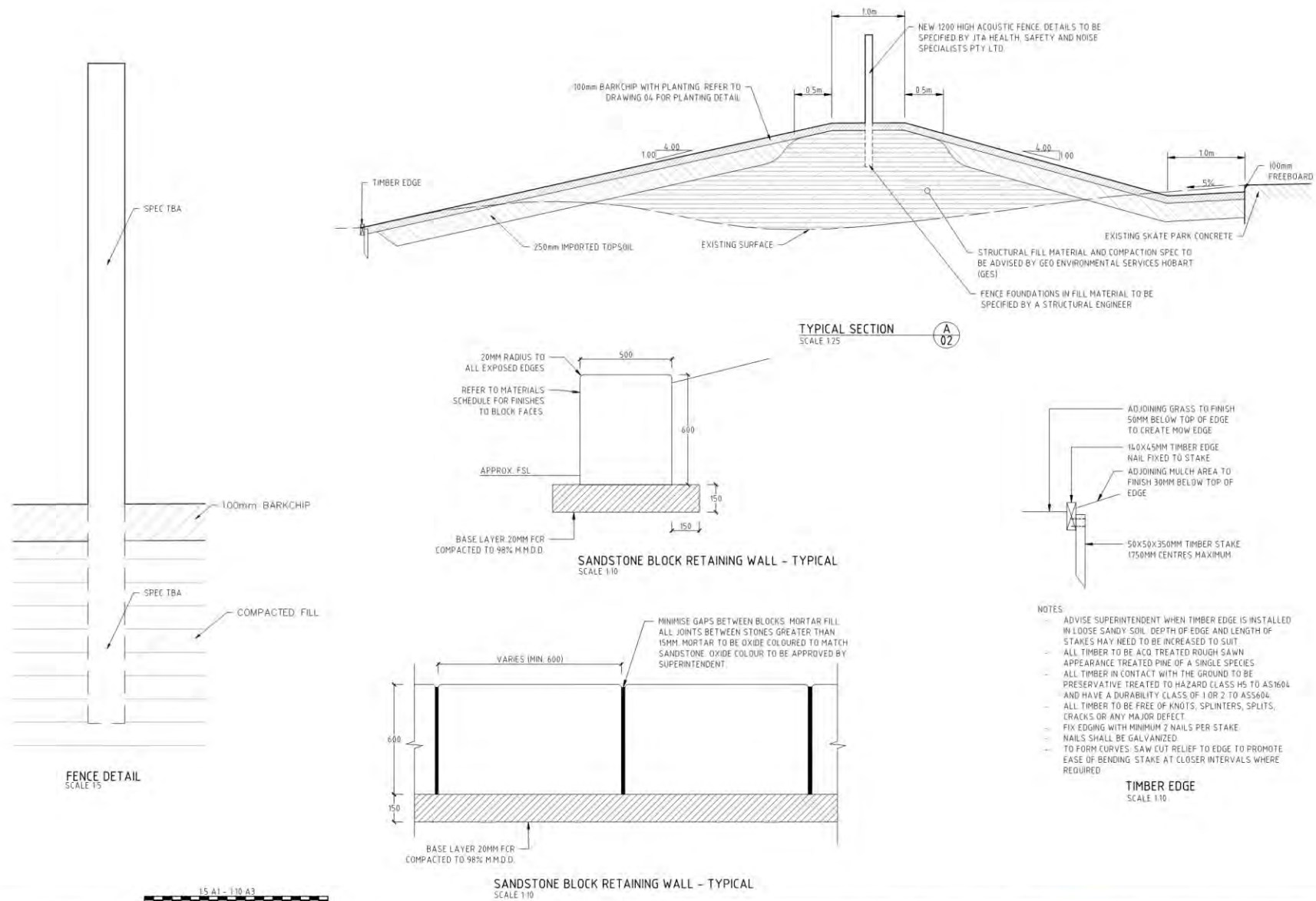
SOUTH ARM SKATE PARK
SOUND MITIGATION
GENERAL ARRANGEMENT

7080-02

PROJECT NUMBER

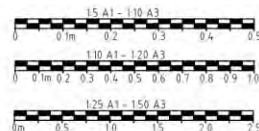
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Attachment 2



SERVICES

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.



SANDSTONE BLOCK RETAINING WALL - TYPICAL
SCALE 1:10

PRELIMINARY ISSUE

NOT TO BE USED FOR CONSTRUCTION

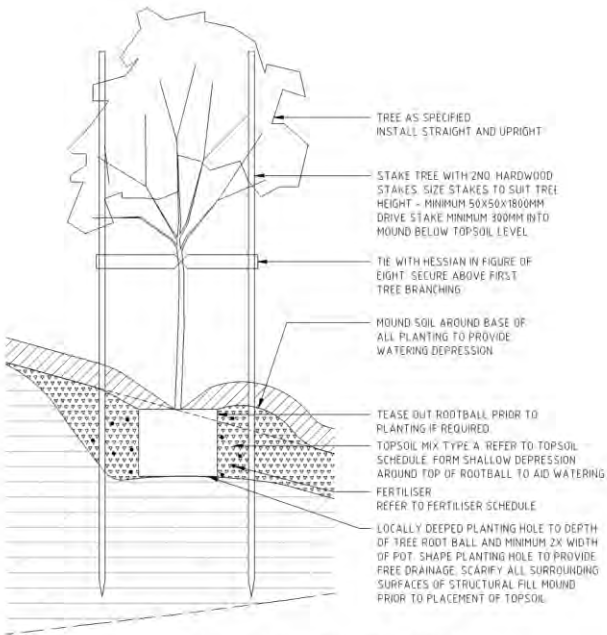
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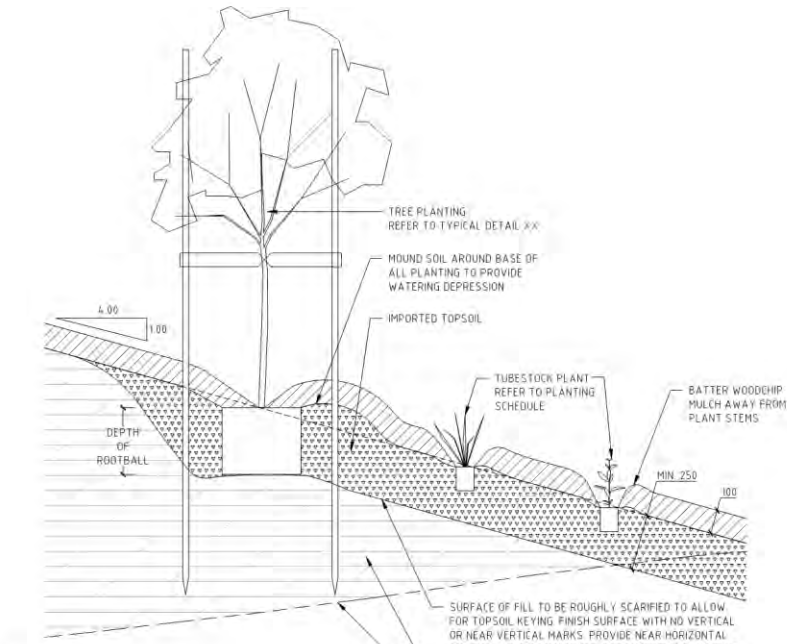
SOUTH ARM SKATE PARK
SOUND MITIGATION
DETAIL SHEET 1 OF 2

7080-03

A1



TREE PLANTING ON MOUND - TYPICAL
SCALE 1:10



NOTES
PREPARATION OF STRUCTURAL FILL MOUND TO BE INSPECTED AND APPROVED BY SUPERINTENDENT PRIOR TO PLACEMENT OF TOPSOIL. SOURCE AND QUALITY OF IMPORTED TOPSOIL TO BE APPROVED BY SUPERINTENDENT PRIOR TO IMPORT TO SITE.

PLANTING ON MOUND - TYPICAL
SCALE 1:10

SERVICES

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PRELIMINARY ISSUE

NOT TO BE USED FOR CONSTRUCTION

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DESIGN CHECK: AWH		DATE: NOV 20	
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B PRELIMINARY ISSUE		AWH TO B1 Z1	
REVISIONS		INITIAL DATE	
ENGINEER		DATE	



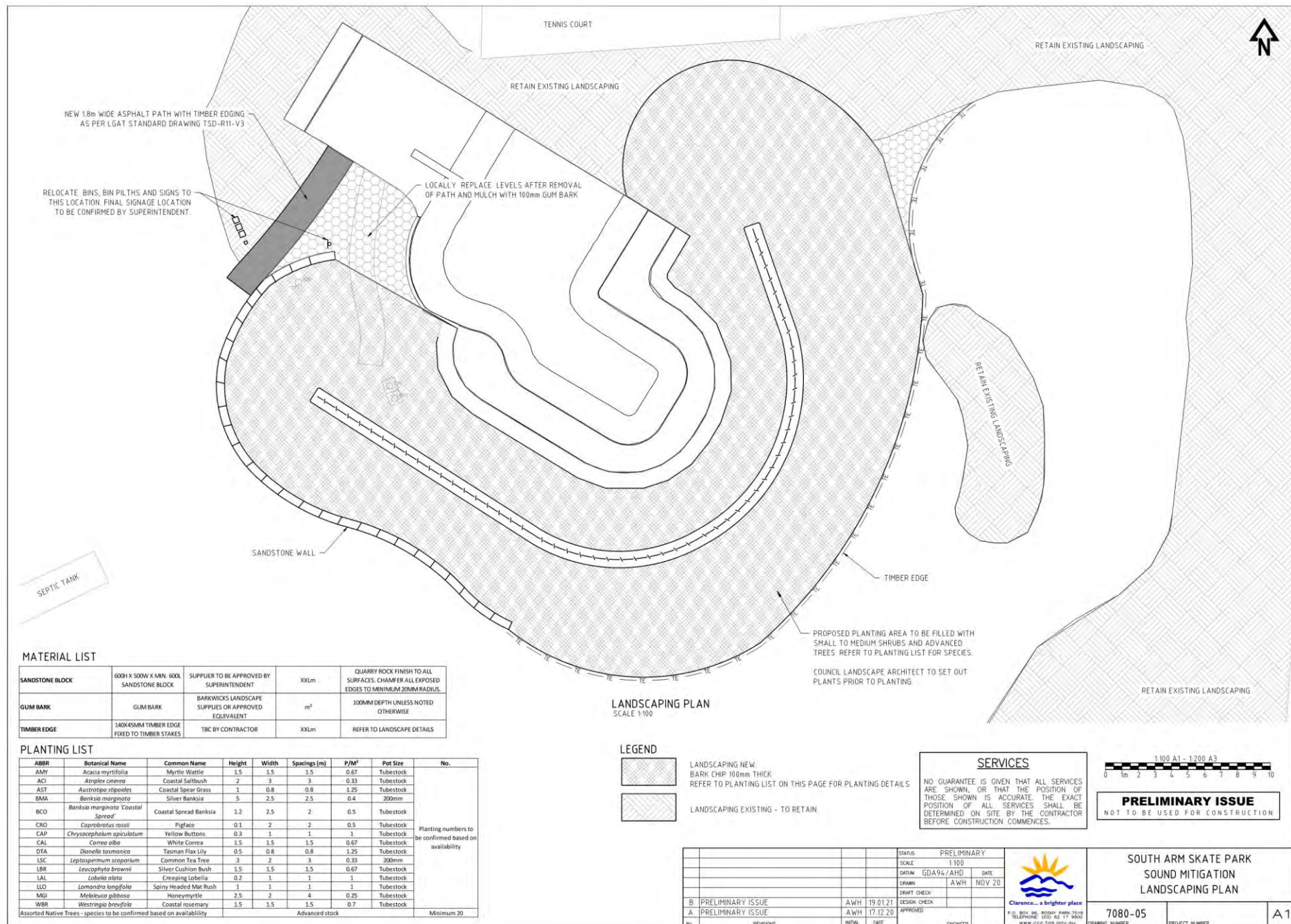
SOUTH ARM SKATE PARK
SOUND MITIGATION
DETAIL SHEET 2 OF 2

7080-04

PROJECT NUMBER

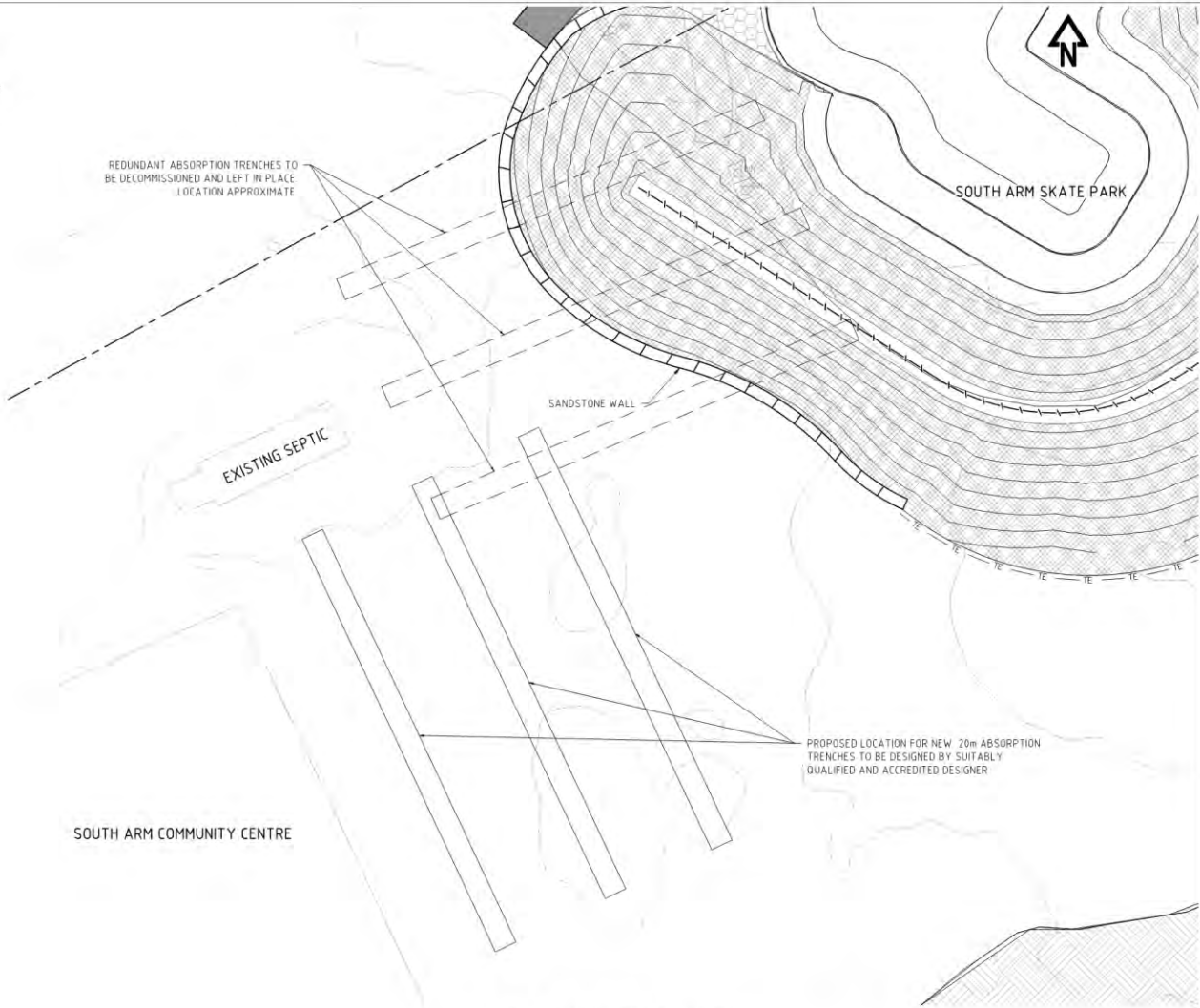
A1

Attachment 2



NEW ABSORPTION TRENCH NOTES

- 1 THE DRAWING REPRESENTS THE APPROXIMATE LOCATION OF THE EXISTING TRENCHES. THE CONTRACTOR MUST CONFIRM THE LOCATION OF THE TRENCHES PRIOR TO ANY WORKS BEING UNDERTAKEN.
- 2 THE CONTRACTOR WILL NEED TO APPLY FOR A NEW PLUMBING PERMIT AND PROVIDE A NEW WASTEWATER REPORT FROM A SUITABLY QUALIFIED PERSON FOR THE PROPOSED NEW TRENCH/S THAT ARE REQUIRED TO BE RELOCATED. ALL APPROVALS MUST BE GRANTED BEFORE ANY WORKS ARE TO BE UNDERTAKEN.
- 3 ALL NEW AND EXISTING TRENCHES MUST BE PROTECTED FROM VEHICLE ACCESS AND MOVEMENTS DURING CONSTRUCTION.
- 4 DESIGN, APPROVALS AND CONSTRUCTION OF THE TRENCH IS REQUIRED TO BE UNDERTAKEN BY THE CONTRACTOR.



NEW ABSORPTION TRENCH LOCATION
SCALE 1:100

SERVICES

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.

1:100 A1 - 1:200 A3

PRELIMINARY ISSUE

NOT TO BE USED FOR CONSTRUCTION

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		ENGINEER:	
B	PRELIMINARY ISSUE	AWH	19.01.21
A	PRELIMINARY ISSUE	AWH	17.12.20
REV.	REVISIONS	INITIAL	DATE

Clarence... a brighter place

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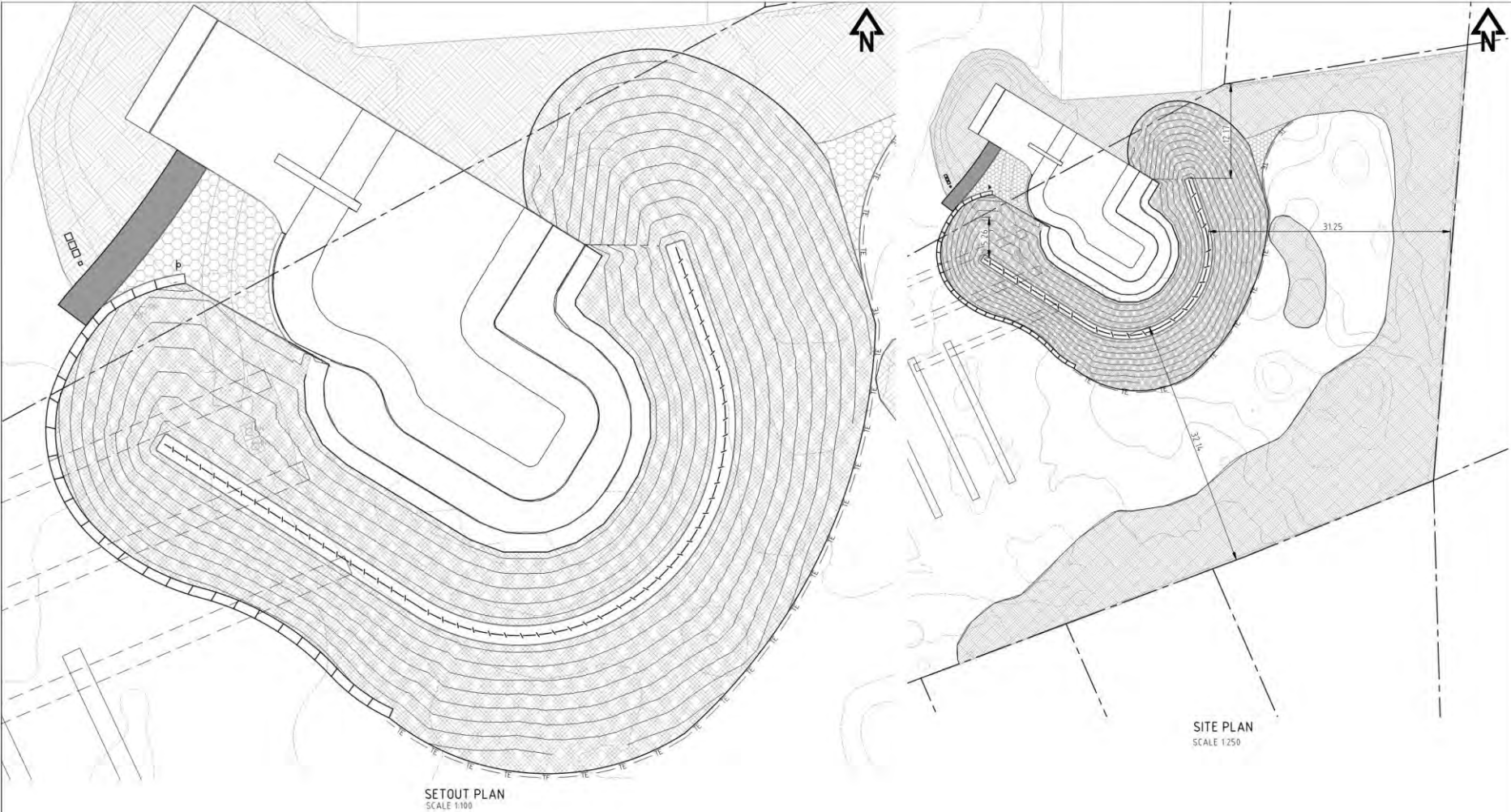
SOUTH ARM SKATE PARK
SOUND MITIGATION
SEWER ABSORPTION TRENCH

7080-06

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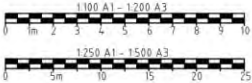
PROJECT NUMBER

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SERVICES

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.



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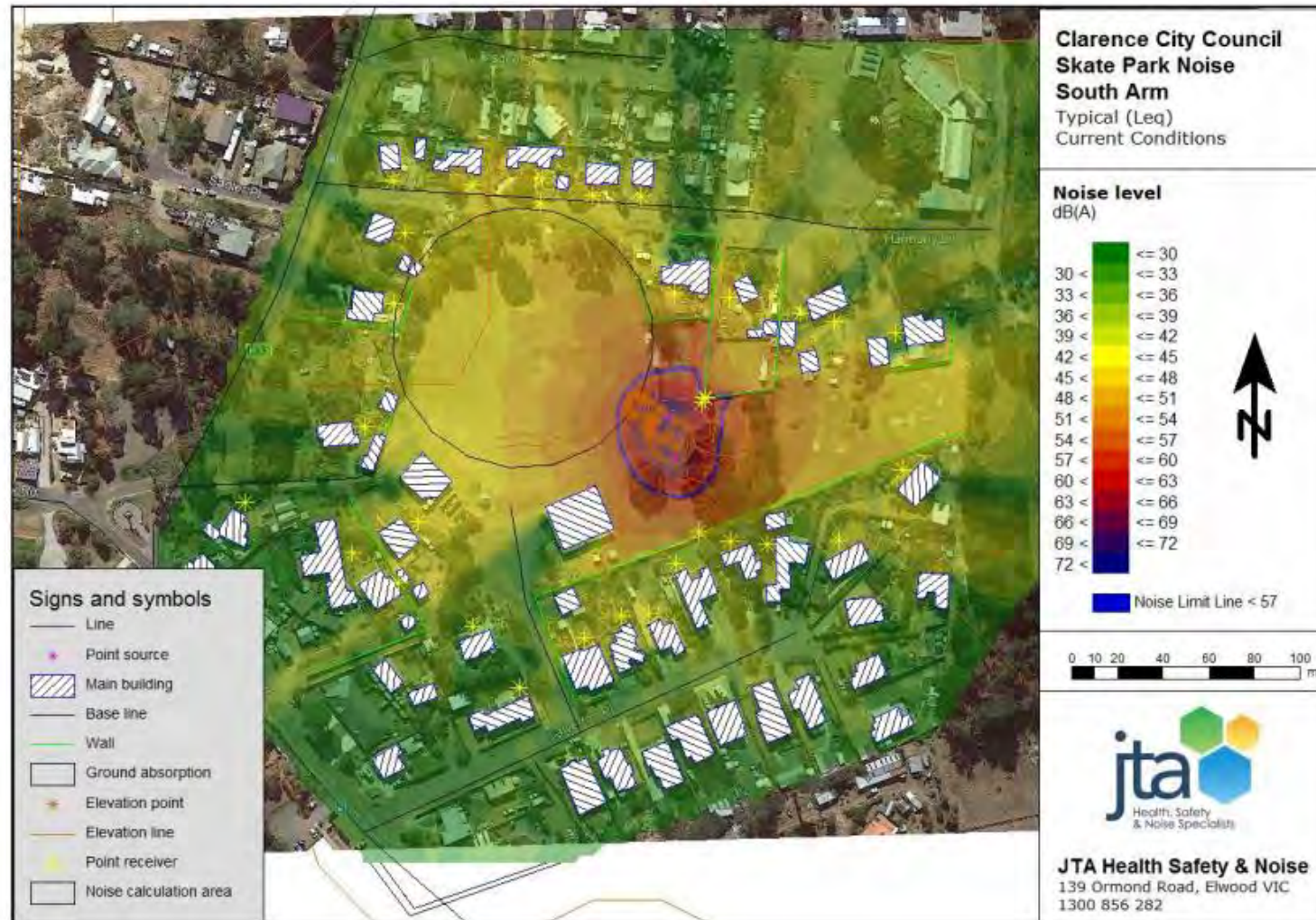
SOUTH ARM SKATE PARK SOUND MITIGATION SITE PLAN & SETOUT	
7080-07	A1
DRAWING NUMBER	PROJECT NUMBER



Noise Mitigation Study
Clarence City Council – South Arm, TAS

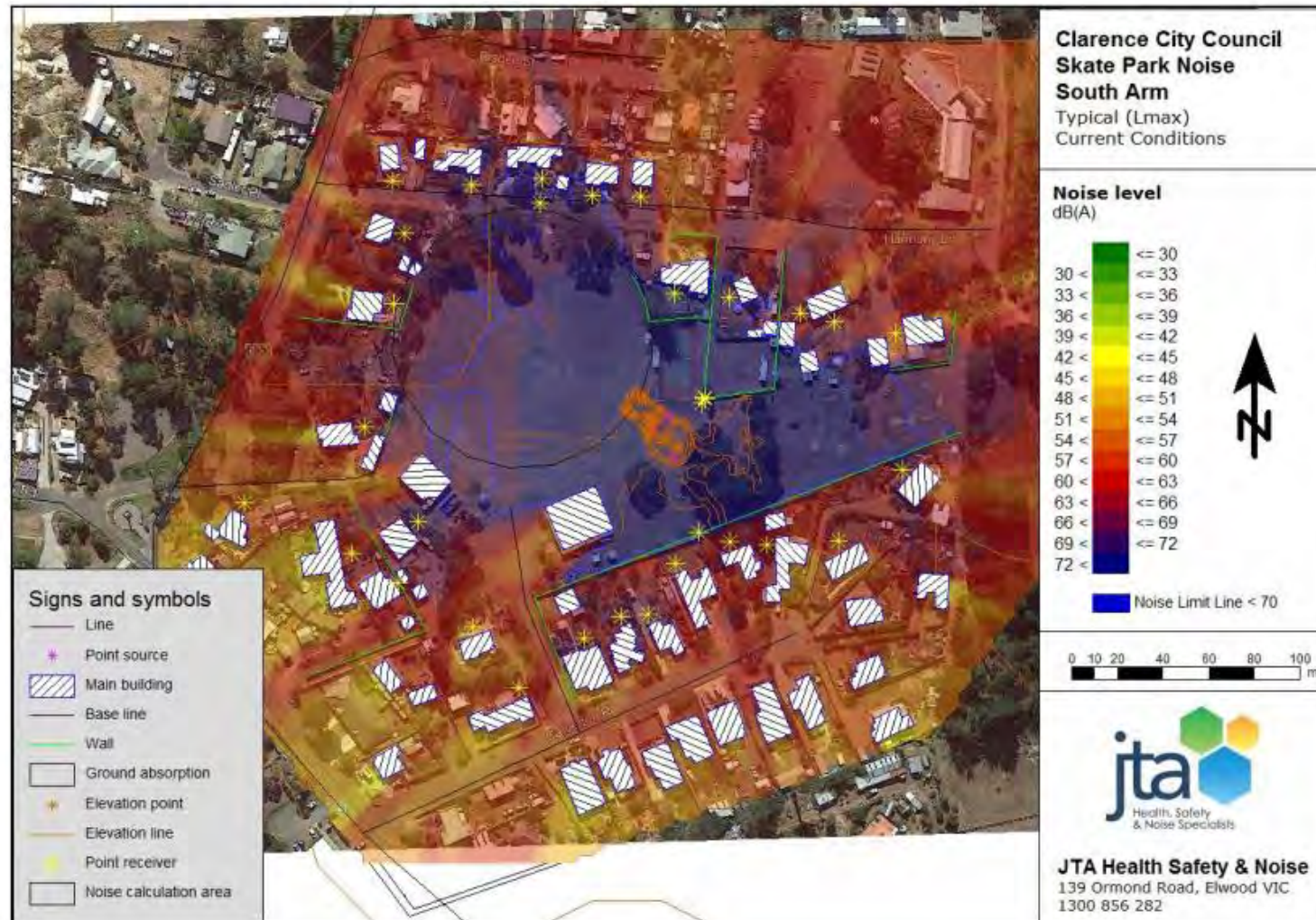
APPENDIX IV - NOISE CONTOUR MAPS

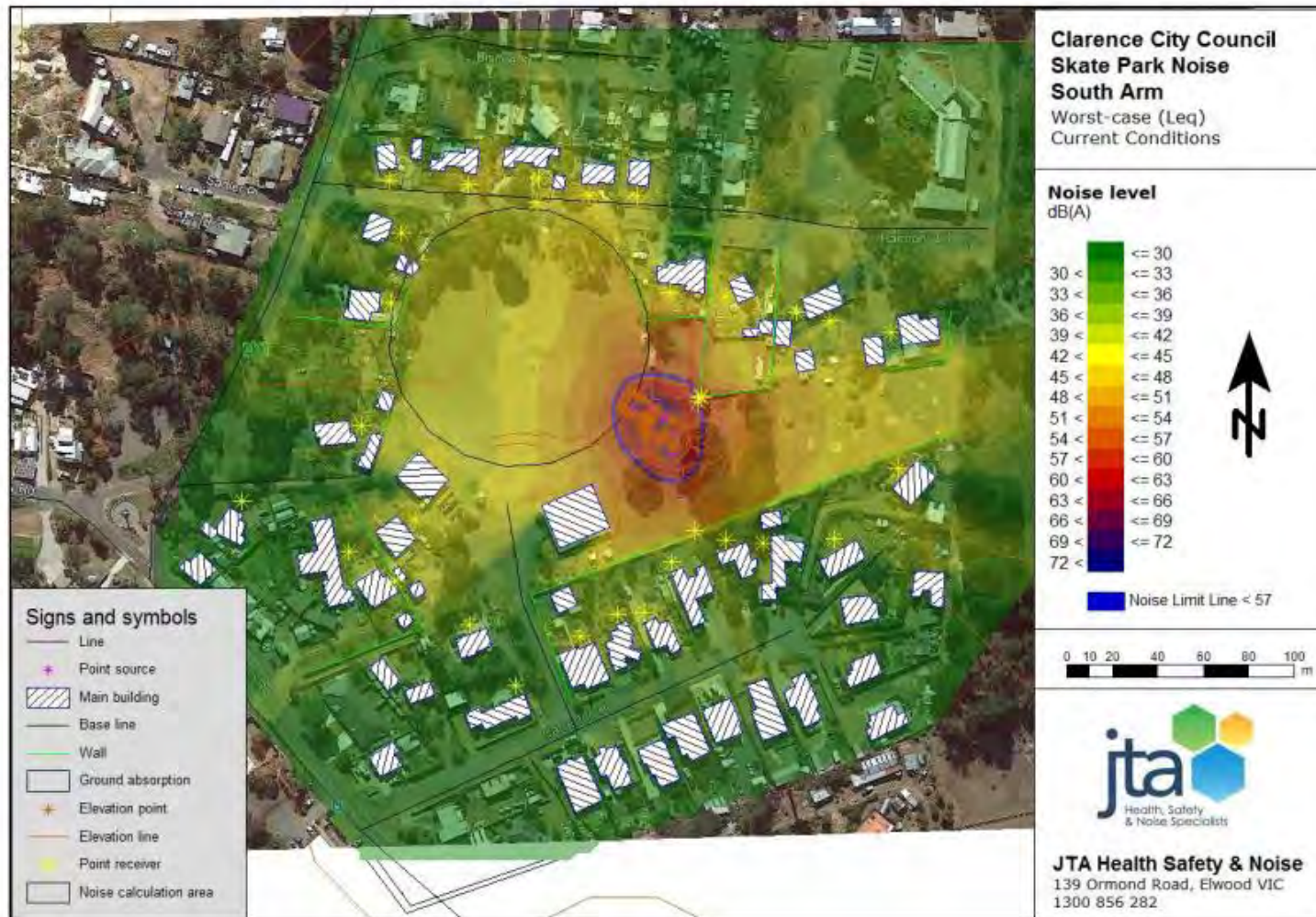
CURRENT CONDITIONS

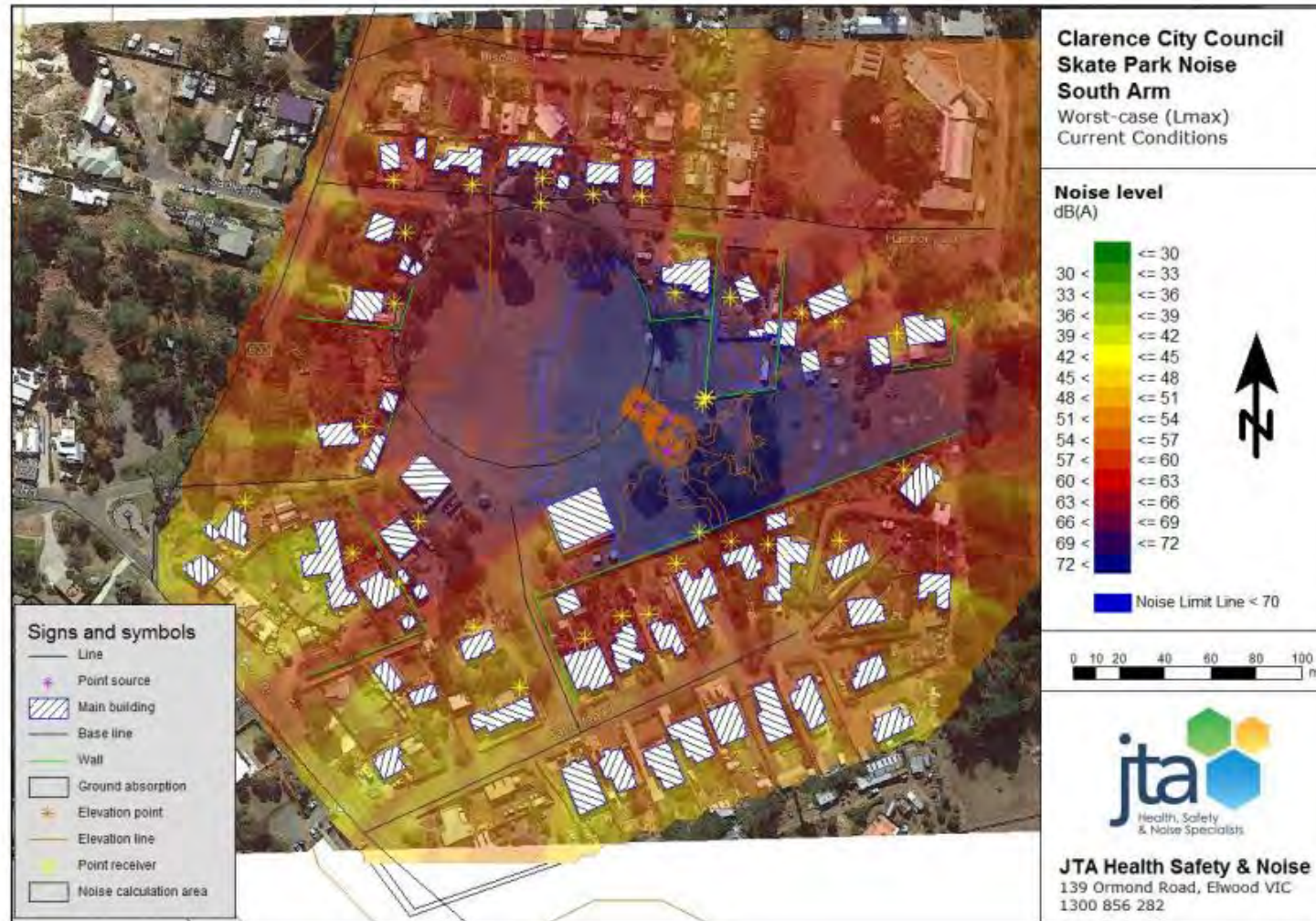




Noise Mitigation Study
Clarence City Council – South Arm, TAS



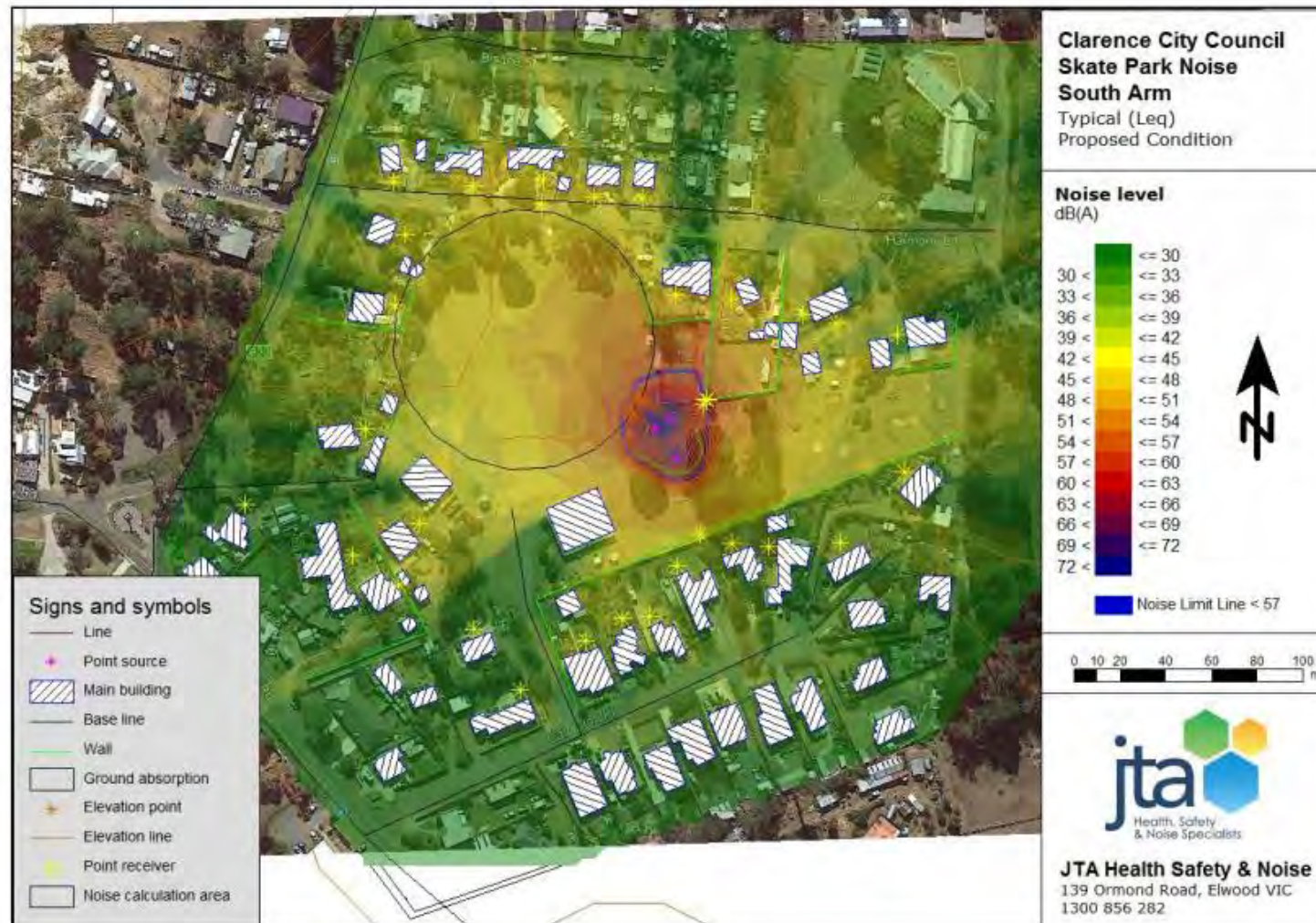


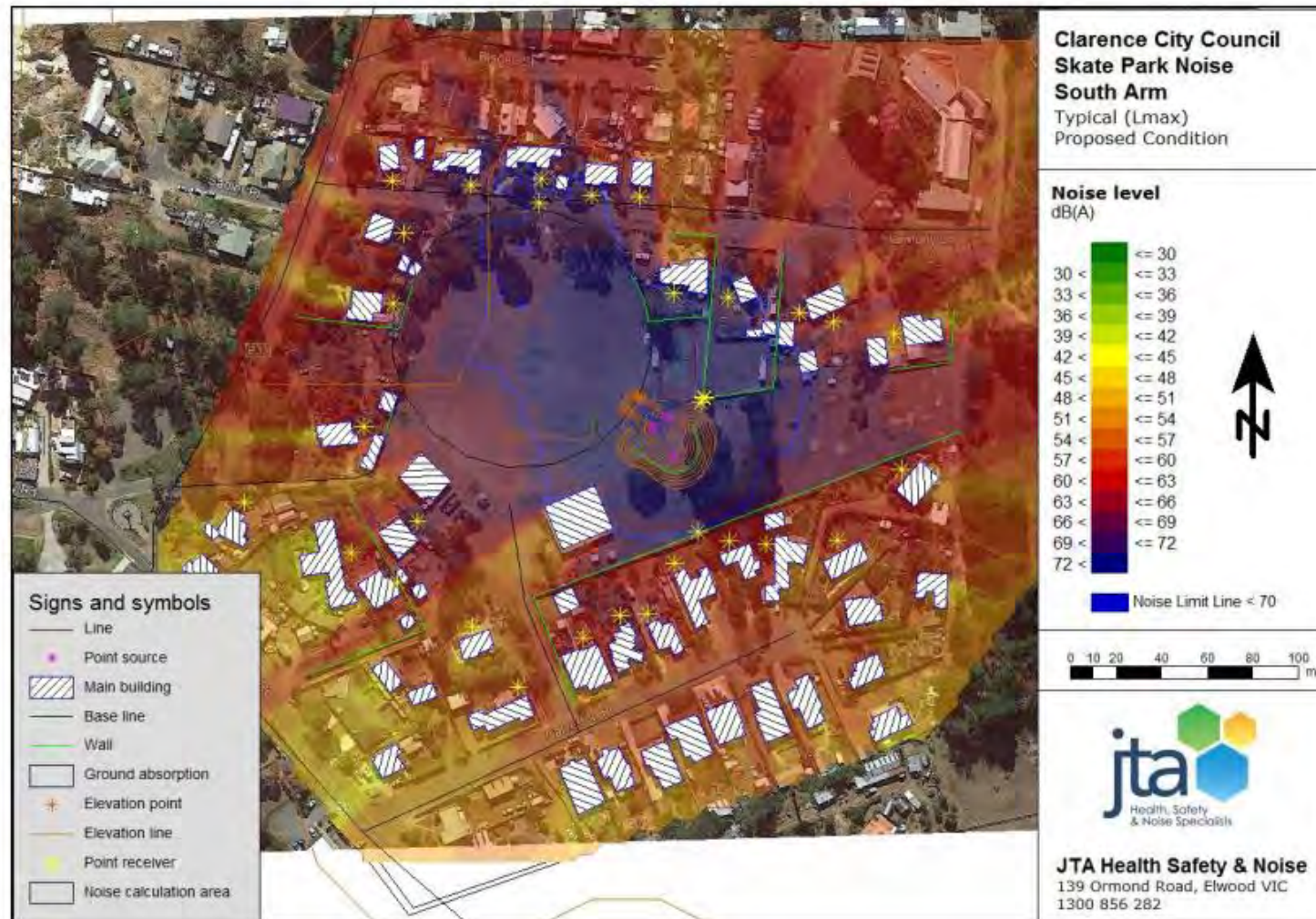


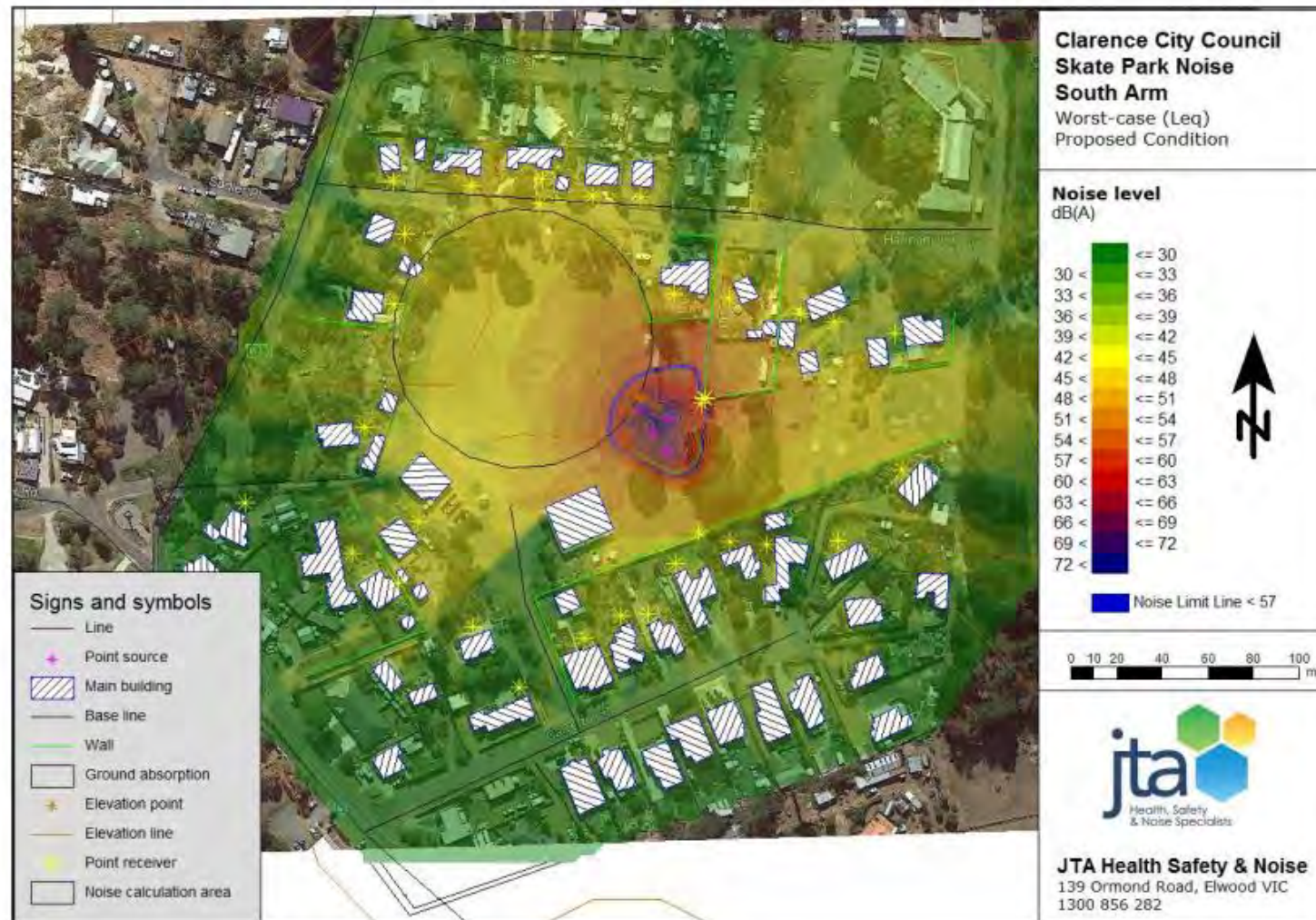


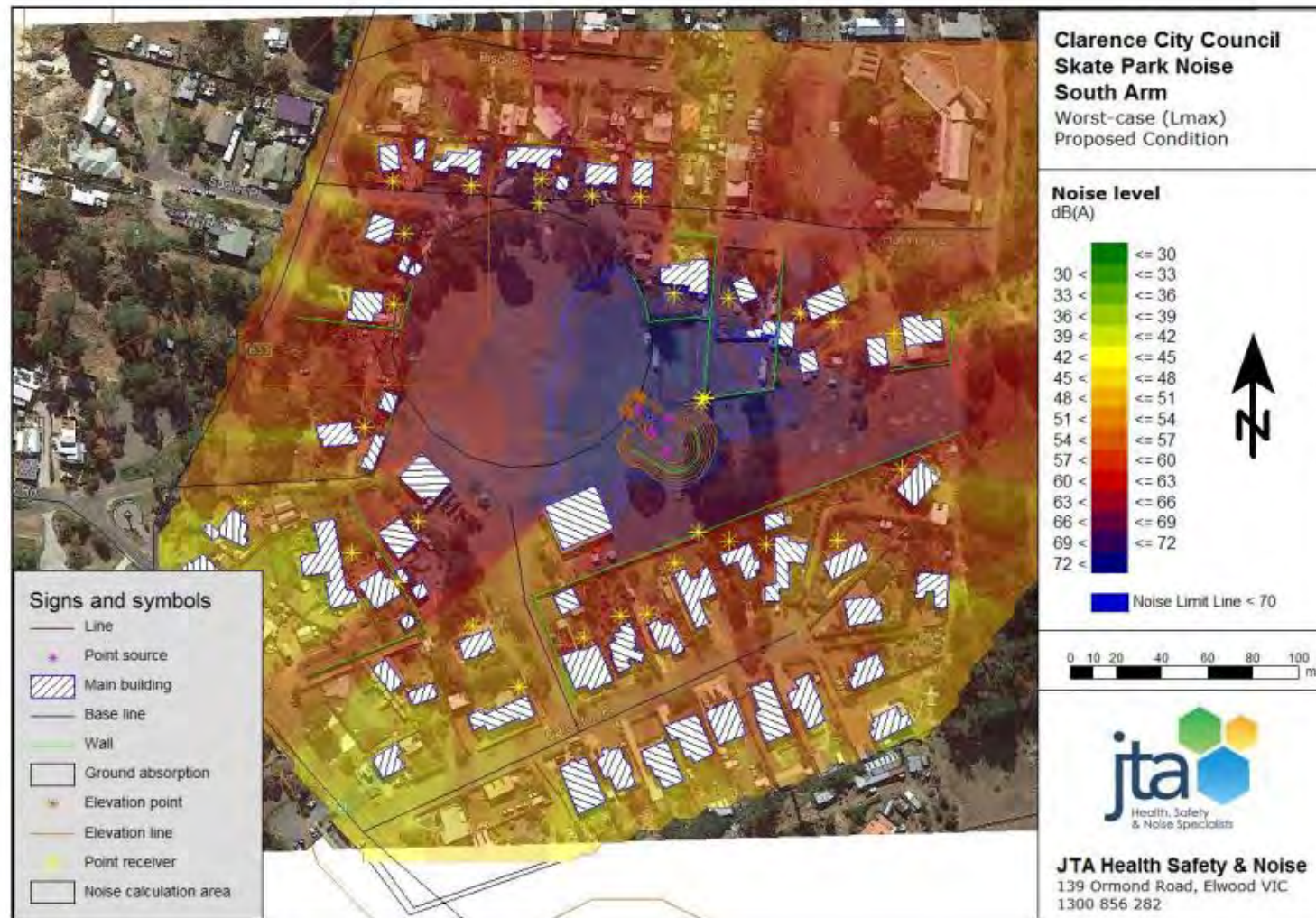
Noise Mitigation Study
Clarence City Council – South Arm, TAS

PROPOSED CONDITIONS

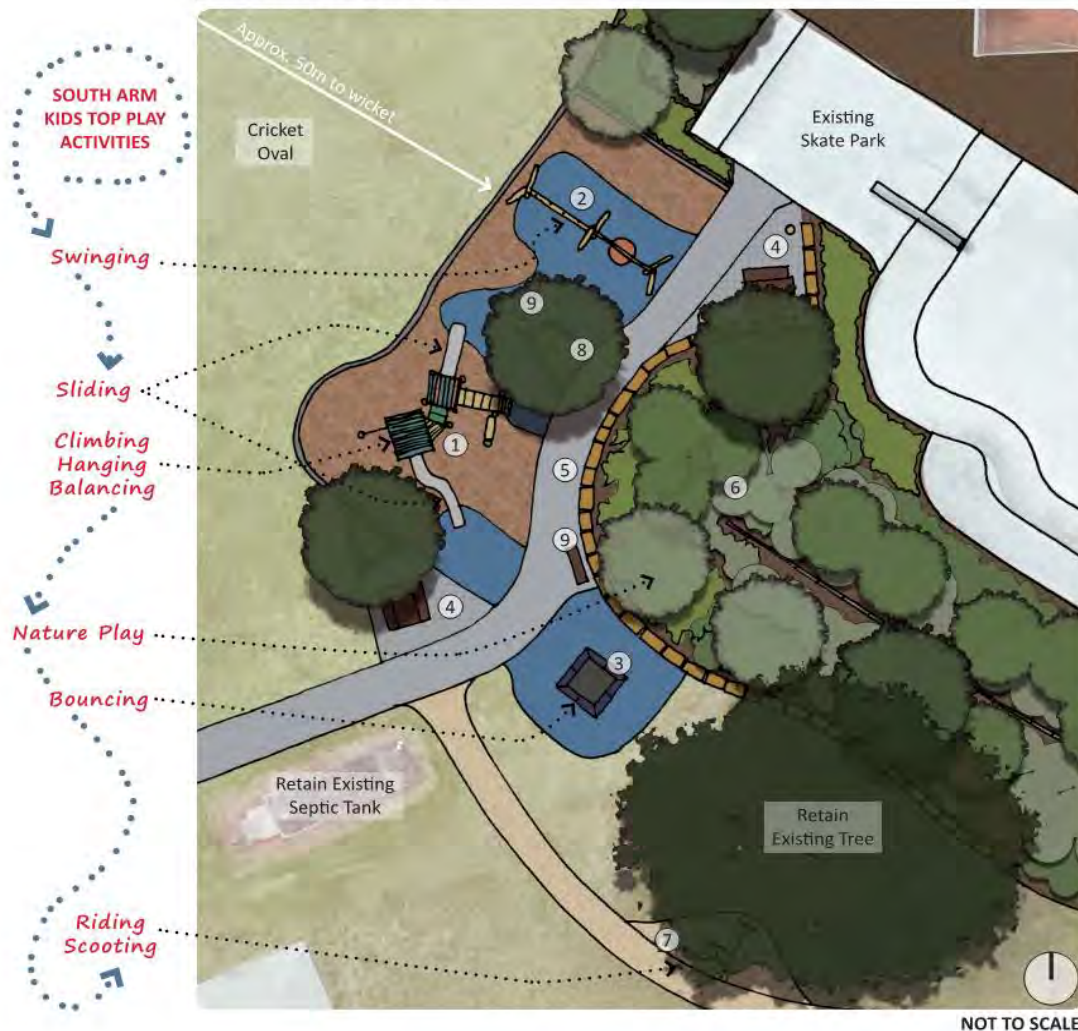








PLAYGROUND CONCEPT PLAN



NOT TO SCALE

LEGEND

- ① **COMBINATION PLAY TOWER**
A playful mix of climbing nets, ladders, steps and platforms with various slides for all ages. Ground level shop fronts and activity panels for little kids. Higher platforms and climbing challenges for big kids.
- ② **SWINGS**
Basket swing for playing with friends and a sling seat and toddler bucket for all ages. Rubber softfall below and connecting to paths to improve accessibility.
- ③ **TRAMPOLINE**
Inground trampoline for bouncing and playing together. Accessible to wheelchairs.
- ④ **PICNIC SPACES**
Picnic table settings with various seat arrangements and accessible ends. Rubbish bins at suitable locations.
- ⑤ **MAIN ACCESS PATH**
Concrete footpath connecting car park to skate park and playground. Minimum width 1800mm.
- ⑥ **VEGETATED BERM**
Native plantings and trees to vegetated berm (not part of playground works). Sandstone block retaining wall, maximum 500mm high. Opportunity for integration of nature play elements such as playable art, stepping stones, fallen logs, etc.
- ⑦ **GRAVEL BIKE TRACK AND 'PETROL STATION'**
1800mm wide gravel track to loop around open grassed area for little kids on bikes and trikes. Little kids imagination play areas along track such as petrol station features/cubby house.
- ⑧ **SHADE TREES**
Provide native trees for canopy shade over play equipment and picnic areas.
- ⑨ **SEATING AREA**
Provide various types of informal seating such as stools and park seats around playspace.

PLAY FEATURES



NOTE: All furniture and equipment items shown are indicative only, subject to detail design and funding.

SOUTH ARM OVAL

Playground Concept Design

Draft For Council Review
March 2021



11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - PRESIDENT AND GENERAL MANAGEMENT COMMITTEE ELECTIONS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider nominations for the position of President of the Local Government Association of Tasmania (LGAT) and one position for Committee Member of the General Management Committee.

RELATION TO EXISTING POLICY/PLANS

There are no Council Strategic Plan/Policy implications in respect to this matter. However, Council has had a long-term strategic commitment to seek representation and pursue active participation on Regional, Local and State representative bodies.

LEGISLATIVE REQUIREMENTS

The Local Government Association of Tasmanian has appointed the Tasmanian Electoral Commission to conduct the election process for the filling of the relevant positions.

CONSULTATION

All communication on the election is carried out by the Tasmanian Electoral Commission. A circular has been sent to all Councils to seek nominations.

FINANCIAL IMPLICATIONS

Not applicable to this report.

RECOMMENDATION:

- A. That Council nominates an Alderman as a candidate for election as President of the Local Government Association of Tasmania.
- B. That Council nominates an Alderman as a candidate for election as Committee Member for the Southern Electoral District.

ASSOCIATED REPORT**1. BACKGROUND**

The Local Government Association of Tasmania (LGAT) has advised that nominations are sought for election to the position of President of the LGAT and for election as a Committee Member of the General Management Committee.

2. REPORT IN DETAIL

- 2.1.** Council has in the past placed particular emphasis on the need for Clarence to actively participate in Local Government bodies, including the pursuit of relevant representative appointments. This has included representation on the General Management Committee of LGAT and as President of the LGAT.
- 2.2.** The Committee Members and President are elected for a two-year term in accordance with the LGAT rules (Attachment 1).
- 2.3.** The LGAT is seeking nominations for President and for Committee Members (Attachment 2). The following election timetable has been provided:
- nominations opened on Monday, 1 March 2021 and close at 5.00pm on Wednesday, 21 April 2021;
 - in the event that a ballot is required, ballot material will be posted on Monday, 26 April 2021 with the close of the postal ballot set down for 10.00am on Thursday, 17 June 2021; and
 - results will be declared on 17 June 2021.
- 2.4.** The position of President of the LGAT is regarded as close to a full-time role which involves:
- the Chairing of the LGAT General Management Committee and meetings of the Association;
 - involvement in the Premier's Local Government Council;
 - dialogue with State and Federal Government;
 - working party involvement; and
 - public engagements and being the representative voice of the Local Government industry in Tasmania.
- 2.5.** The General Management Committee meets periodically throughout the year. There are six Committee Members appointed from identified "electoral districts".

2.6. Committee Members and the President of LGAT are elected in accordance with the requirements set out in the LGAT Rules.

2.7. A nomination form has been provided for both positions (Attachment 3).

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

The State Electoral Commissioner has distributed the circular request to all Councils inviting nominations.

3.4. Further Community Consultation

Not applicable

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no Council Strategic Plan/Policy implications in respect to this matter. However, Council has had a long-term strategic commitment to seek representation and pursue active participation on Regional, Local and State representative bodies.

5. EXTERNAL IMPACTS

None identified.

6. RISK AND LEGAL IMPLICATIONS

Nominations will need to be submitted by Wednesday, 21 April 2021.

7. FINANCIAL IMPLICATIONS

None identified.

8. ANY OTHER UNIQUE ISSUES

Not applicable to this report.

9. CONCLUSION

9.1. It is a matter for Council to determine whether it wishes to put forward a nomination for consideration as Local Government Association of Tasmania President.

9.2. It is a matter for Council to determine whether it wishes to put forward a nomination for consideration as Committee Member of the General Management Committee of LGAT.

Attachments: 1. Local Government Association of Tasmania Rules [26 June 2020] (38)
2. Circular from Electoral Commission (1)
3. Nomination Form (1)

Miriam Coleman
ACTING GENERAL MANAGER



RULES

*These Rules were adopted at the
Annual General Meeting of the Association on 26 June 2020*

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PRELIMINARY

1. THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

The Local Government Association of Tasmania is a body corporate in accordance with the Act.

2. PURPOSE OF THE RULES

The purposes of the Rules of the Association are to provide for:

- (a) the management of the Association;
- (b) the appointment of the General Management Committee;
- (c) the membership of the Association;
- (d) the imposition of fees and subscriptions; and
- (e) such other matters concerning the operations of the Association as the Members in general meeting shall determine.

3. INTERPRETATION AND DEFINITIONS

- (a) Headings inserted are for guidance purposes only and do not affect the interpretation of these Rules.
- (b) Words importing the plural include the singular and vice versa.
- (c) Words importing either gender shall include both genders.
- (d) “Act” means the *Local Government Act 1993* (Tas) or any amendment or substitution thereof.
- (e) “ALGA” means the Australian Local Government Association;
- (f) “Alter” in relation to these Rules includes:
 - (i) the insertion of a new Rule;
 - (ii) the insertion of a new Rule in substitution of an existing Rule;
 - (iii) the amendment of an existing Rule; and
 - (iv) the rescission of an existing Rule.

- (g) “Annual General Meeting” means the meeting of the Association convened in accordance with Rule 11(a).
- (h) “Association” means the Local Government Association of Tasmania.
- (i) “Business Day” means a day on which banks are generally open for business in Tasmania (but does not include a Saturday, Sunday or public holiday).
- (j) “Chair” means the person who chairs a meeting.
- (k) “Chief Executive Officer” means the Chief Executive Officer of the Association appointed in accordance with these Rules.
- (l) “Council” means a council established under section 18 of the Act.
- (m) “Council Cost Index” means the annual index determined by the Association to reflect cost movements in council operations and the provision of services.
- (n) “Council Election Year” means any year in which a Council Election is held.
- (o) “Council Election” means an election held under Part 15 of the *Local Government Act 1993* (Tas).
- (p) “Electoral Commissioner of Tasmania” means the Electoral Commissioner appointed under Section 14(1) of the *Electoral Act 2004* (Tas) and includes a person appointed pursuant to an Act substituted for the *Electoral Act 2004* (Tas) who carries out functions the same as, or similar to, the functions of the Electoral Commissioner of Tasmania under the *Electoral Act 2004* (Tas) as at the date of these Rules.
- (q) “General Management Committee” and “GMC” mean the General Management Committee elected in accordance with these Rules.
- (r) “General Manager” means the person appointed as general manager of a Member in accordance with the Act.
- (s) “General Meeting” means a meeting of the Association convened in accordance with Rule 11(b), other than the Association’s Annual General Meeting.
- (t) “LGAT ASSIST” means the Board established to provide Local Government employees with support and assistance in certain circumstances, and includes its successors and assigns.
- (u) “Lord Mayor” means the Lord Mayor of the Hobart City Council.
- (v) “Mayor” means the person appointed as mayor of a Member in accordance with the Act and includes, where relevant, the Lord Mayor.

- (w) “Meeting of the Association” means:
 - (i) an Annual General Meeting;
 - (ii) a General Meeting; and
 - (iii) a Special General Meeting.
- (x) “Member” means a member of the Association.
- (y) “Mid Term Year” means each calendar year occurring two years after the holding of an Ordinary Election immediately following a Council Election Year.
- (z) “Municipal area” has the same meaning as in the Act.
- (aa) “Ordinary Election” means an election of members of the GMC pursuant to these Rules.
- (bb) “Policy” means the principles adopted by the Association, from time to time, to further the objects of the Association as set out in Rule 4.
- (cc) “Population” means the estimate for a municipal area taken closest to the proposed date of the Annual General Meeting in that year by the Australian Bureau of Statistics.
- (dd) “Population category” shall mean a category outlined in Rule 18(b).
- (ee) “President” means the President elected in accordance with these Rules.
- (ff) “Returning Officer” means the person responsible for conducting an election under these Rules.
- (gg) “Rules” means these Rules of the Association.
- (hh) “Sector Matter” includes a subject matter, topic or item for discussion that does not relate to or concern the objects of the Association and, or in the alternative, the Association has little or no power to alter or affect.
- (ii) “Special General Meeting” means a meeting of the Association convened in accordance with Rule 10.
- (jj) “State Grants Commission” means the commission established under the *State Grants Commission Act 1976* (Tas) and includes any body established pursuant to an Act substituted for the *State Grants Commission Act 1976* (Tas), which body carries out functions the same as, or similar to, the functions of the State Grants Commission under the *State Grants Commission Act 1976* (Tas) as at the date of these Rules.
- (kk) “Subscriptions” mean the subscriptions raised and payable in accordance with these Rules and the Act.

- (ll) “Sub-Committee” means a Sub-Committee appointed in accordance with these Rules.
- (mm) “Voting Representative” means a representative of a Member lawfully appointed by the Member and notified to the Association in accordance with Rule 13(f).

PURPOSE AND MEMBERSHIP OF THE ASSOCIATION

4. OBJECTS OF THE ASSOCIATION

The objects of the Association are to:

- (a) protect and represent the interests and rights of Councils in Tasmania;
- (b) promote an efficient and effective system of local government in Tasmania;
and
- (c) provide services to Members, councillors and employees of Councils.

5. POWERS OF THE ASSOCIATION

The Association has the power to do anything necessary or convenient for the attainment of its objects.

6. MEMBERSHIP OF THE ASSOCIATION

- (a) Membership of the Association is restricted to Councils.
- (b) Where there is a merger or amalgamation of two or more Councils that are Members, the Council resulting from the merger or amalgamation shall continue to be a Member.
- (c) A Council which is not a member of the Association shall be admitted as a member upon written application by that Council. Upon the Association receiving the application of such a Council, that Council shall be bound by these Rules.
- (d) A Member may resign from the Association provided:
 - (i) that the Member provides written notice of its intention to resign, detailing reasons, addressed to the Chief Executive Officer; and
 - (ii) that such resignation does not take effect until the completion of the Association's financial year following the Association's financial year in which written notice of the intention to resign is provided; and
 - (iii) that until the period referred to in Rule 6(d)(ii) expires, the Member pays the Subscriptions as determined by the Association in accordance with these Rules; and

- (iv) that the notice of intention to resign may be withdrawn at any time in writing by that Member.
- (e) A Member which does not withdraw its notice of intention to resign as permitted by Rule 6(d)(iv) ceases to be a member of the Association at the completion of the period referred to in Rule 6(d)(ii).
- (f) The Association may refuse to renew the membership of a Member which:
 - (i) has not paid any Subscriptions due and owing; or
 - (ii) fails to comply with, or contravenes, these Rules or any other rule of the Association.
- (g) A refusal to renew membership under Rule 6(f) shall not take effect until:
 - (i) the Association has provided the Council with at least one month's written notice; and
 - (ii) the Association has provided an opportunity for the Council to respond to the written notice at a Meeting of the Association.

7. RECOGNITION OF OTHER LOCAL GOVERNMENT ORGANISATIONS

- (a) The Association recognises that other Council interest and regional groups established throughout Tasmania assist with representing and protecting the rights and interests of Local Government within Tasmania.
- (b) The Association, where appropriate, will work with such other interest and regional groups established throughout Tasmania.

MEETINGS

8. ANNUAL GENERAL MEETING

- (a) The functions of the Annual General Meeting are to:
 - (i) receive the President's report;
 - (ii) confirm the minutes of the previous Annual General Meeting;
 - (iii) receive and adopt the financial statements for the preceding financial year;
 - (iv)
 - (A) determine the President's honorarium for the forthcoming year;
 - (B) determine any honorarium to be paid to the Vice President for the forthcoming year;
 - (v) determine allowances, sitting fees and expenses for attendance by committee members at meetings of the General Management Committee and Sub-Committees for the forthcoming year;
 - (vi) receive the declaration of the poll for the election of the President and General Management Committee elected in accordance with these Rules;
 - (vii) adopt a budget for the forthcoming financial year;
 - (viii) set Subscriptions for the forthcoming financial year in accordance with these Rules;
 - (ix) receive reports from Association representatives; and
 - (x) consider any amendments to these Rules.
- (b) Notice of the Annual General Meeting shall be given to all Members at least 28 days prior to the date of the Annual General Meeting.

9 GENERAL MEETINGS

- (a) In addition to the Annual General Meeting, there may be General Meetings.
- (b) General Meetings may be called:
 - (i) by the President; or
 - (ii) by the General Management Committee.
- (c) The functions of General Meetings include:
 - (i) to formulate and ratify policy of the Association;
 - (ii) to consider extending the term of office of the General Management Committee, the President, or the Vice-President for such period as the General Meeting thinks fit; and
 - (iii) subject to Rule 12, to conduct other business.
- (d) Notice of any General Meeting shall be given to all Members at least 14 days prior to the date of the General Meeting.

10 SPECIAL GENERAL MEETINGS

- (a) In addition to the Annual General Meeting and General Meetings, there may be Special General Meetings.
- (b) Special General Meetings may be called:
 - (i) by the President; or
 - (ii) by any 3 members of the General Management Committee acting together; or
 - (iii) by 3 or more of the Members in writing to the President stating the reasons for calling a Special General Meeting.
- (c) Notice of any Special General Meeting shall be given to all Members at least 14 days prior to the date of the Special General Meeting.
- (d) Subject to Rule 10(e), at any Special General Meeting, only business of which notice is given shall be transacted.
- (e) The General Management Committee may notify the Members that, due to an emergency, amendments to these Rules will be considered at a Special General Meeting called pursuant to Rule 10(b).

CONDUCT OF MEETINGS

11 WHEN AND WHERE MEETINGS OF THE ASSOCIATION ARE TO BE HELD; USE OF TECHNOLOGY

- (a) The Annual General Meeting of the Association is to be held, if possible, in July of each year.
- (b) There shall be at least 3 General Meetings in addition to the Annual General Meeting, in every financial year of the Association.
- (c) Subject to Rule 11(d) and (e), Meetings of the Association are to be held in a city or town in Tasmania as determined by the General Management Committee.
- (d) Meetings of the Association may be held by telephone or other technology (whether audio or audio-visual) as determined by the General Management Committee.
- (e) A Meeting of the Association held solely or partly by using technology as permitted by Rule 11(d) is treated as being held at the place where the Chair of the Meeting of the Association is located.
- (f) Notwithstanding that the Members are not present together in one place at the time of a Meeting of the Association that is held solely or partly by using technology in accordance with Rule 11(d), a resolution passed will be deemed to have been passed at a Meeting of the Association held on the day on which and at the time at which the Meeting of the Association was held solely or partly by using technology.
- (g) The provisions of these Rules relating to the Meetings of the Association apply to Meetings of the Association held solely or partly by using technology pursuant to Rule 11(d) to the extent that they are capable of applying, and with the necessary changes.
- (h) A Member present at the commencement of a Meeting of the Association held solely or partly by using technology pursuant to Rule 11(d) will be conclusively presumed to have been present and, subject to other provisions of these Rules, to have formed part of the quorum throughout that Meeting.

12 BUSINESS OF MEETINGS OF THE ASSOCIATION

- (a) Subject to Rules 12(b) and (d), any Member may bring forward for discussion at a General Meeting any subject connected with the objects of the Association or pertaining to matters of common concern to Members, on giving to the Chief Executive Officer 35 days written notice of such intention.

- (b) In March each year the Chief Executive Officer shall invite each Member to provide written notice to the Chief Executive Officer of items the Member wishes to include in the agenda of the General Meeting to be held immediately following the Annual General Meeting, such items to be received by the date determined by the Chief Executive Officer.
- (c) Within 7 days of receipt of the same, the Chief Executive Officer is to provide to each member of the General Management Committee a copy of written notices the Chief Executive Officer receives pursuant to Rules 12(a) and (b) that the Chief Executive Officer believes (acting reasonably) the General Management Committee should consider pursuant to Rule 12(d).
- (d) The General Management Committee may negotiate with a Member regarding the inclusion, or not, on the agenda of
 - (i) a subject matter sought to be discussed by a Member at a General Meeting in accordance with Rule 12(a); or
 - (ii) items sought by a Member in accordance with Rule 12(b) to be included in the agenda of a General Meeting.
 if the subject matter or item:
 - (iii) does not advance or concern the objects of the Association;
 - (iv) has been considered at a General Meeting held in the period 12 months before the date of the notice from the Member;
 - (v) is not considered by the General Management Committee to concern a Sector Matter; or
 - (vi) requires consideration by the Tasmanian Government and should be considered at the General Meeting to be held immediately following the Annual General Meeting.
- (e) The Chief Executive Officer is to prepare an agenda for a Meeting of the Association and provide each Member with the agenda and any supporting documents at least 14 days before the Meeting of the Association (and 28 days before an Annual General Meeting), which agenda is to include the matters and items specified by the General Management Committee (taking into account the notices received pursuant to Rules 12(a) and (b), but subject to Rule 12(d)).
- (f) Provided that the time limit in Rule 12(c) is complied with, the Chief Executive Officer may liaise with a Member in relation to a notice received pursuant to Rules 12(a) or (b) to, with the Member's consent, amend the notice so that its subject matter is connected with the objects of the Association and pertains to matters of common concern to Members.

- (g) The Association is not required to do anything, including taking any action or adopting any procedure, in respect of a resolution passed at a Meeting of the Association that concerns or relates to a Sector Matter, unless the resolution provides otherwise.

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

- (a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).
- (b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.
- (c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.
- (d) A list of Voting Representatives will be made available at the commencement of any Meeting of the Association.
- (e) Members may send other elected members or Council officers as observers to any Meeting of the Association.
- (f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a Meeting of the Association.

14. PROXIES AT MEETINGS

- (a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.
- (b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.
- (c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.
- (d) Proxies count for the purposes of voting and quorum at any meeting.

15. QUORUM AT MEETINGS

- (a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.
- (b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.

16. VOTING AT MEETINGS

- (a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:

Population of the Council Area	Number of votes entitled to be exercised by the Voting Representative	Colour placard to be raised by the Voting Representative when voting
Under 10,000	1	Red
10,000 – 19,999	2	White
20,000 – 39,999	3	Blue
40,000 and above	4	Green

- (b) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.
- (c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.
- (d) The Chair of the meeting shall be entitled to rely upon the electronic vote or the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.
- (e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.
- (f)
- (i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.
 - (ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the meeting or not.
 - (iii) When a vote is being taken to amend these Rules of the Association, the resolution must be carried by at least two-thirds of the votes

capable of being cast by Members, whether present at the meeting or not.

- (g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.
- (h) In respect of a Meeting of the Association held solely or partly by using technology as permitted by Rule 11(d):
 - (i) other than the table at Rule 16(a), Rules 16(a) to (d) will not apply to voting at those meetings;
 - (ii) the General Management Committee will determine the method of voting in lieu of electronic voting buttons and placards; and
 - (iii) for the avoidance of doubt, each Member must be permitted to exercise the number of votes determined according to the table at Rule 16(a).

GENERAL MANAGEMENT COMMITTEE AND OTHER COMMITTEES

17. FUNCTION OF THE GENERAL MANAGEMENT COMMITTEE

- (a) The functions of the General Management Committee include:
- (i) appointing and reviewing the performance of the Chief Executive Officer of the Association;
 - (ii) determining Association Policy, with such policy to be ratified at a Meeting of the Association;
 - (iii) providing strategic direction to the Association in accordance with policies resolved by Meetings of the Association;
 - (iv) carrying out such delegations as may be made to it by Meetings of the Association;
 - (v) providing for the good management and administration of the Association;
 - (vi) ensuring that the accounts of the Association are:
 - (A) prepared in accordance with these Rules; and
 - (B) circulated to all Members not less than 28 days prior to the date of the Annual General Meeting;
 - (vii) investing the funds of the Association;
 - (viii) borrowing, raising or securing the payment of money in such manner as the General Management Committee may think fit;
 - (ix) taking or holding mortgages, liens, charges, and any other form of security to secure payment of the purchase price or any part thereof;
 - (x) making nominations to various statutory and other bodies related to the operations of Local Government;
 - (xi) nominating representatives to the Australian Local Government Association in accordance with Rule 30;
 - (xii) approving the appointment of the members of the Board of LGAT ASSIST;

- (xiii) nominating Directors for appointment to the Board of Directors of Tasplan Ltd in accordance with the Constitution of Tasplan Ltd as amended from time to time;
 - (xiv) Determining if a Meeting of the Association will be held by telephone or other technology (whether audio or audio-visual) in accordance with Rule 11(d); and
 - (xv) In accordance with Rule 16(h)(ii), determining the method of voting (in lieu of electronic voting buttons and placards) at a Meeting of the Association held solely or partly by using technology as permitted by Rule 11(d).
- (b) The General Management Committee may, by resolution, delegate with or without conditions any of its powers, functions or delegations other than this power of delegation, to an employee, contractor or other entity.
 - (c) The General Management Committee may determine by simple majority in its absolute discretion all matters relating to the setting up or operation of any Board or Committee to which it delegates any of its powers, duties or discretions.

18. COMPOSITION OF THE GENERAL MANAGEMENT COMMITTEE

- (a) The General Management Committee shall consist of:
 - (i) the President;
 - (ii) provided the Hobart City Council is a current Member, the Lord Mayor of the Hobart City Council or his or her proxy; and
 - (iii) six members to be elected, as provided in Rule 18(b), from the three electoral districts set out in Rule 19.
- (b) The 3 electoral districts referred to in Rule 19 shall elect 2 members as follows:
 - (i) one from a Member within the electoral district having a population of 20,000 or more; and
 - (ii) one from a Member within the electoral district having a population of less than 20,000.
- (c) Where a member of the General Management Committee is subsequently elected President, a recount of votes for the Population category in the electoral district the President represented shall be held to fill the vacancy. If there are no votes to recount, the Council or Councils concerned shall fill the vacancy in accordance with Rule 20 in so far as practicable.

19. ELECTORAL DISTRICTS FOR THE PURPOSE OF ELECTING MEMBERS TO THE GENERAL MANAGEMENT COMMITTEE

The 3 electoral districts for the purposes of electing members to the General Management Committee are as follows:

- (a) NORTH WEST & WEST COAST ELECTORAL DISTRICT comprising the Burnie City Council, the Devonport City Council, the Central Coast Council, the Circular Head Council, the King Island Council, the Waratah-Wynyard Council, the Kentish Council, the Latrobe Council, and the West Coast Council;
- (b) NORTHERN ELECTORAL DISTRICT comprising the Launceston City Council, the Break O'Day Council, the Flinders Council, the Meander Valley Council, the West Tamar Council, the Dorset Council, the George Town Council, and the Northern Midlands Council; an
- (c) SOUTHERN ELECTORAL DISTRICT comprising the Clarence City Council, the Glenorchy City Council, the Kingborough Council, the Brighton Council, the Glamorgan-Spring Bay Council, the Derwent Valley Council, the Southern Midlands Council, the Central Highlands Council, the Huon Valley Council, the Sorell Council, and the Tasman Council.

20. CONDUCT OF ELECTIONS FOR MEMBERSHIP TO THE GENERAL MANAGEMENT COMMITTEE

Elections for the General Management Committee shall be conducted in accordance with the following procedures:

- (a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.
- (b) In the month of March:
 - (i) following a Council Election; and
 - (ii) in each Mid Term Year;

the Returning Officer shall request nominations for the General Management Committee from Members within the 3 electoral districts.
- (c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.
- (d) In making a nomination, a Member is not restricted to nominating an elected member from its own Council provided that the nomination is for an elected member from a Member Council in the same electoral district and the same Population category as the nominating Member.

- (e) Nominations:
 - (i) are to be submitted on a form approved and issued by the Returning Officer;
 - (ii) must be accompanied by a copy of a certified copy of the Resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election to the General Management Committee; and
 - (iii) shall close on a date determined by the Returning Officer;
- (f) Nominations cannot be withdrawn after the closing of nominations.
- (g) If at the end of the time for nominations the number of candidates for any office:
 - (i) does not exceed the number then to be elected, those candidates shall be deemed to be duly elected; or
 - (ii) exceeds that number, a poll shall be conducted by postal ballot in accordance with these Rules.
- (h) The Returning Officer shall prepare a postal ballot paper and material for each electoral district detailing nominations within each Population category. Candidates shall be listed on the ballot paper in alphabetical order.
- (i) The postal voting material shall be posted by registered mail to the Mayor of each Member Council within 10 Business Days of the close of nominations. The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.
- (j) Each Member shall have one vote for both population categories within its electoral district.
- (k) The ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.
- (l) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.
- (m) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.
- (n) Where more than 1 nomination is received for a Population category within an electoral district, the person polling second shall automatically be the proxy.

- (o) If at the ordinary elections for the General Management Committee there is only one nomination for a Population category, or if the position of proxy for a Population category becomes vacant and there were no further nominations at the last General Management Committee elections from which to draw a proxy, the Chief Executive Officer is to call nominations from Members in the Population category and, if a ballot is necessary, conduct a ballot as soon as practicable.

21. TERM OF OFFICE

- (a) Subject to Rule 21(c), members of the General Management Committee shall take up office at the conclusion of the Annual General Meeting at which his or her election is declared and shall hold office for a 2 year term concluding at the end of the relevant Annual General Meeting or as determined by the Annual General Meeting.
- (b) The office of any member of the General Management Committee shall be vacated if that member:
 - (i) resigns by notice in writing addressed to the Chief Executive Officer;
 - (ii) is absent without leave for three consecutive meetings of the General Management Committee;
 - (iii) ceases to be a Councillor or Alderman; or
 - (iv) has not been lawfully nominated as a candidate for election to the General Management Committee in accordance with Rule 20.
- (c) The term of office of the General Management Committee may be extended by any Meeting of the Association for such periods as it determines.
- (d) A casual vacancy on the General Management Committee shall be filled as soon as practicable by the conduct of a by-election in accordance with Rule 20.

22. CALLING MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

- (a) The General Management Committee shall determine the frequency, date, time and venue of its meetings.
- (b) At least 7 days before the date of holding any meeting of the General Management Committee, notice of the time and place and of the business to be brought forward at the meeting shall be given to each Member by the Chief Executive Officer.
- (c) Meetings of the General Management Committee may be held by telephone or other technology (whether audio or audio-visual) as determined by the General Management Committee.
- (d) A resolution signed by the majority of members of the General Management Committee or the written acceptance (including by email transmission) of a resolution by the majority of members of the General Management Committee shall be deemed to be a resolution made at a meeting of the General Management Committee.

23. QUORUM FOR AND VOTING AT GENERAL MANAGEMENT COMMITTEE

- (a) At any meeting of the General Management Committee, no business shall be transacted unless:
 - (i) there is a majority of the General Management Committee present; and
 - (ii) there is at least one representative of a Member having a population of 20,000 or more; and
 - (iii) there is at least one representative of a Member having a population of less than 20,000.
- (b) Each member of the General Management Committee shall have one vote.

24. WHO MAY ATTEND MEETINGS OF THE GENERAL MANAGEMENT COMMITTEE

Meetings of the General Management Committee may be attended by:

- (a) any Councillor or Alderman from any Member Council; and
 - (b) such other persons as the Committee determines,
- and, with the permission of the President, they may address the Committee.

25. PRESIDENT

- (a) The President shall be a Councillor or Alderman of a Member Council.
- (b) The functions of the President are to:
 - (i) chair Meetings of the Association and the General Management Committee;
 - (ii) be the spokesperson of the Association;
 - (iii) provide leadership and direction in furthering the objects of the Association.
- (c) The President has the power to delegate any of his or her functions to other members of the General Management Committee.
- (d) At any Meeting of the Association and of the General Management Committee at which the President is present, he or she:
 - (i) has no deliberative vote on any question at a Meeting of the Association by virtue of being in the chair, but may exercise the vote or votes of a Member as the Voting Representative;

- (ii) in the case of equality of votes on any matter, does not have a casting vote.

26. ELECTION OF PRESIDENT

Elections for the President shall be conducted in accordance with the following procedures:

- (a) The Chief Executive Officer shall request the Electoral Commissioner of Tasmania to act as Returning Officer for the election unless otherwise determined by the General Management Committee.
- (b) The Returning Officer shall request nominations for the office of President at the following times:
 - (i) in the month of March following a Council Election;
 - (ii) in the month of March in each Mid Term Year;
 - (iii) where a President vacates the office of President pursuant to Rule 27(b);
 - (iv) where the President gives advance notice that he or she intends to resign or cease to be a Councillor or Alderman pursuant to Rule 27(c).
- (c) Each Member is entitled to make only one nomination and if more than one is received all nominations from that Member will be null and void.
- (d) Nominations for the office of President:
 - (i) shall be submitted on a form approved and issued by the Returning Officer;
 - (ii) must be accompanied by a copy of a certified copy of the resolution passed by the Member at a duly convened meeting of the Member that lawfully nominated the candidate for election as the President; and
 - (iii) shall close on the date determined by the Returning Officer.
- (e) Nominations cannot be withdrawn after the close of nominations.
- (f) If upon the close of nominations:
 - (i) only one nomination has been received, that candidate shall be deemed duly elected; or
 - (ii) more than one nomination has been received, a poll shall be conducted by postal ballot in accordance with these Rules.

- (g) The Returning Officer shall prepare a postal ballot paper and material. Candidates shall be listed on the ballot paper in alphabetical order.
- (h) The postal voting material shall be posted by registered mail to the Mayor of each Member within 10 working days of the close of nominations.
- (i) Each Member is entitled to one vote.
- (j) The Mayor shall complete the ballot paper according to the policy or practice of his or her Council.
- (k) Subject to Rule 26(l) the ballot is to close at a date and time determined by the Returning Officer but at least seven (7) days prior to the Annual General Meeting of that year.
- (l) If an election is called pursuant to Rule 27(b) or 27(c), the ballot shall close at a date determined by the Returning Officer.
- (m) Procedure for the conduct of the scrutiny shall comply as closely as practicable with that for the election of Mayors of Councils.
- (n) Upon completion of the scrutiny, the Returning Officer shall declare the result of the election and provide written advice of the result including scrutiny details to each candidate and the Chief Executive Officer.

27. TERM OF OFFICE OF PRESIDENT

- (a) Subject to Rule 27(d), the President shall take up office at the conclusion of the combined Annual General Meeting and General Meeting which immediately precede the LGAT Conference following his or her election and shall hold office for a two year term concluding at the end of the relevant combined Annual General Meeting and General Meeting.
- (b) The office of the President shall be vacated if the President:
 - (i) resigns by notice in writing addressed to the Chief Executive Officer;
 - (ii) is absent without leave for three consecutive meetings of the General Management Committee;
 - (iii) ceases to be a Councillor or Alderman; or
 - (iv) has not been lawfully nominated as a candidate for election as President in accordance with Rule 26,

and if the office of President becomes vacant more than twelve months before the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), then Rule 27(g) applies.

- (c) If the President gives notice in writing to the Chief Executive Officer that he or she:
 - (i) intends to resign as President; or
 - (ii) intends to cease being a Councillor or Alderman,
 and if the office of President becomes vacant more than six months before the next AGM where a President is due to take up office in accordance with Rule 27(a), a new President shall be elected in accordance with the procedures in Rule 26.
- (d) Where a President is elected in an election held by operation of Rule 27(b) or 27(c), they shall take up office at the time of declaration of their election or at the date the office of President is vacated, whichever is later.
- (e) If the office of President becomes vacant within six months of the next Annual General Meeting where a President is due to take up office in accordance with Rule 27(a), the Vice President shall assume office as President until a new President is elected at that Annual General Meeting in accordance with Rule 26.
- (f) The term of office of the President may be extended by any Meeting of the Association for such periods as it determines.

28 VICE PRESIDENT

- (a) At its first meeting following the Annual General Meeting, the General Management Committee shall elect one of its members to be the Vice President of the Association.
- (b) Where the President is absent or ill, the Vice President shall be the acting President.
- (c) If the term of office of the General Management Committee is extended under Rule 21(c) the term of office of the Vice-President shall be extended for the same period of time as that of the General Management Committee.
- (d) If, on any count, 2 or more candidates for Vice President have an equal number of votes, the President is to decide which of them is to be elected by the drawing or casting of lots in the manner prescribed in Rule 29(b).

29. DRAWING OR CASTING OF LOTS

- (a) If, in an election or appointment under these Rules, 2 or more candidates have an equal number of votes and if applicable, the Returning Officer is unable or not otherwise empowered to resolve which candidate is to be elected or appointed, a drawing or casting of lots in the manner prescribed in Rule 29(b) is to apply.
- (b) To draw or cast lots, the Returning Officer (or President in the appointment of the Vice President) is to –
 - (i) make out, in respect of each candidate to be included in the draw, a slip bearing that candidate's name; and
 - (ii) place each slip in a non-transparent container sufficiently large to allow them to move about freely when shaken or rotated; and
 - (iii) shake or rotate the container and permit any other person present who wishes to do so to shake or rotate the container; and
 - (iv) take out of the container one of the enclosed slips; and
 - (v) record the name of the candidate which appeared on that slip.
- (c) The candidate elected or appointed is the candidate whose name is first recorded in accordance with Rule 29(b)(v).

30. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

- (a) The President and the Vice President shall be the Tasmanian delegates to the Annual General Meeting of the ALGA unless otherwise determined by a Meeting of the Association.
- (b) The President and the Vice President shall be the Tasmanian delegates to the Executive of the ALGA unless otherwise determined by the General Management Committee
- (c) Due to the absence or incapacity of the President or Vice President, the General Management Committee may nominate alternate delegates to the Executive of the ALGA.

31. SUB-COMMITTEES

- (a) The General Management Committee or a Meeting of the Association may appoint Sub-committees as required.
- (b) The composition of Sub-committees shall:
 - (i) include a member of the General Management Committee who shall be the Chair of the Sub-committee;
 - (ii) as far as possible, comprise such elected members and employees from Members as the General Management Committee determines as being appropriate;
 - (iii) be representative of the diversities of the composition of the Association, taking into account population categories, specific interest groups within Member Councils, and regional diversities; and
 - (iv) contain such employees of Members who may be appropriate in assisting with consideration of the specific issue being examined by the Sub-committee.
- (c) A Sub-committee shall:
 - (i) carry out such delegations as may be given to it by a Meeting of the Association, in which case the Sub-committee need only report back to General Meetings upon progress of the matter; or
 - (ii) investigate and report upon the specific issue to a Meeting of the Association; and
 - (iii) act in accordance with policies established by a Meeting of the Association.
- (d) At any meeting of a Sub-committee, no business shall be transacted unless there is a majority of the Sub-committee present.

RULES FOR CONDUCT OF DEBATE

The rules of procedure for the conduct of debates at Meetings of the Association and within Sub-committees and the General Management Committee shall be as follows:

32. AUTHORITY OF THE CHAIR

- (a) The Chair shall be heard without interruption.
- (b) The Chair may call any representative to order whenever, in the opinion of the Chair, the necessity arises to do so.
- (c) The ruling of the Chair on all questions of order or the proper conduct of the meeting shall be final.

33. ORDER OF BUSINESS

- (a) At every meeting, the first business shall be the confirmation of the minutes of the previous meeting, and no discussion shall be permitted in relation to those minutes except as to their accuracy as a record of proceedings.
- (b) The order of business at any meeting shall be as in the notice of the meeting, but such order may be altered by resolution to that effect.

34. DEBATE OF MOTIONS

- (a) A motion shall not be debated until it has been seconded.
- (b) When a motion has been proposed and seconded, it shall become subject to the control of the meeting, and shall not be withdrawn without the consent of the meeting.
- (c) Nothing shall prevent either a Meeting of the Association or the General Management Committee from dealing with any issue “in committee” and making only its conclusions public.

35. AMENDMENT OF MOTIONS

- (a) When a motion has been proposed and seconded, a Member may move an amendment, but such amendment shall not be debated until it has been seconded.
- (b) A second or subsequent amendment shall not be considered until the previous amendment has been dealt with.

- (c) If an amendment has been carried, the motion as amended shall become the motion before the meeting, whereupon any further amendment upon such motion may be moved.
- (d) If an amendment, whether on the original motion or on an amended motion, is lost, a further amendment to the motion before the meeting may be moved.

36. *SPEAKING TO MOTIONS*

- (a) A Member who has moved any motion or amendment, other than a motion for adjournment of the debate, shall be deemed to have spoken thereon; but any Member who has seconded any motion or amendment, without any further observation than that they second the same, may speak once on every such motion or amendment.
- (b) Subject to these Rules, every Member, other than the mover of the original motion, shall have the right to speak once upon such motion, and once upon every amendment moved thereto.
- (c) Except with the consent of the meeting, a Member shall not speak more than once on any motion unless misunderstood or misrepresented, in which case the speaker shall be permitted to explain, without adding any further observations than may be necessary for the purpose of such explanation.
- (d) Except with the consent of the meeting, a speaker shall not speak for more than 3 minutes at any one time, except that the mover of the original motion in their opening speech may speak for 5 minutes.
- (e) At the discretion of the Chair, when a motion or amendment has been moved and seconded, further speech in support of such motion shall not be heard until someone shall have spoken in opposition to such motion, and thereafter speakers shall only be entitled to speak for or against the motion in rotation PROVIDED that in any case where the same motion has been submitted by more than one Member, a representative from each Member so submitting the motion shall be entitled to be heard.
- (f) Every speaker shall confine his or her remarks to the matter under consideration.
- (g) The Chair may call the attention of the meeting to continued irrelevance or tedious repetition on the part of any speaker, and may direct the speaker to discontinue.
- (h) No speaker shall make personal reflections on or impute improper motives to any other speaker.
- (i) If 2 or more representatives rise to speak at the same time, the Chair shall decide which shall be first heard.

- (j) A Member shall be represented by the Voting Representative, unless an observer has been introduced to the Chair for that debate.

37. POINTS OF ORDER

- (a) Any representative who considers that any other representative is out of order may call the attention of the Chair thereto.
- (b) Upon a question being raised, the representative called to order shall immediately resume his or her seat unless explicitly permitted to offer an explanation, retraction or apology, in which case the representative may explain, retract or apologise for the matter or remark alleged to have been out of order; and if such explanation, retraction or apology is deemed satisfactory, no further discussion on the question of order shall be permitted.

38. CLOSURE OF DEBATE

- (a) The closure of a debate may be obtained by a motion, according to the evident sense of the meeting, “that the question be now put”, and discussion shall not ensue thereon.

39. HOW QUESTIONS ARE TO BE PUT

- (a) The Chair shall put to the meeting all questions on which it is necessary that a vote be taken, first in the affirmative and then in the negative and Voting Representatives shall, subject to Rule 16(h)(ii), vote:
 - (i) at a Meeting of the Association, by voting cards identifying their voting entitlements in accordance with these Rules; or
 - (ii) at meetings, other than a Meeting of the Association, by show of hands,
 and the Chair shall declare the result to the meeting.
- (b) The Chair may put any question as often as is necessary to enable the Chair to form an opinion as to the result of the voting, or the Chair may appoint tellers to count the number of votes for and against the question, and to announce the result to the meeting.
- (c) Alternative methods of putting the question are permissible if deemed appropriate by the Chair.

40. SUSPENSION OF RULES

- (a) Any one or more of the rules of procedure for debate may be suspended by resolution at any Meeting of the Association PROVIDED that there shall be a distinct statement in every such resolution of the purpose and duration of the suspension, and that for every matter for which suspension is required there shall be a separate resolution.
- (b) In addition to Rule 40(a), the rules of procedure for debate will be automatically suspended:
 - (i) whilst the meeting is being addressed by a guest speaker in respect of a subject matter not the subject of a motion at the meeting and during questioning of the guest speaker; and
 - (ii) during any discussion in respect of a subject matter not the subject of a motion at the meeting and determined by the Chair to not require the rules of procedure for debate to apply.

41. VALIDITY OF PROCEEDINGS

Business conducted at any meeting at which a quorum is present is valid notwithstanding:

- (a) that there is some defect in the appointment of any representative present at that meeting; or
- (b) that there is an informality or irregularity in the proceedings to which attention is not called at the time, provided that such want of formality or irregularity does not materially affect the results of such proceedings.

EMPLOYEES

42. CHIEF EXECUTIVE OFFICER

- (a) The Chief Executive Officer has the following powers and functions:
 - (i) to provide advice to Members, Meetings of the Association, the General Management Committee and any Sub-committees;
 - (ii) to co-ordinate the development of objectives, policies and programs for consideration by Meetings of the Association or the General Management Committee;
 - (iii) to prepare strategic and operational plans for the Association;
 - (iv) to manage the resources of the Association;
 - (v) to establish and maintain human resource policies and procedures;
 - (vi) to appoint employees of the Association in accordance with approved organisational structures and policies, to allocate duties to employees, and to suspend or dismiss employees; and
 - (vii) to sign contracts on behalf of the Association.
- (b) The Chief Executive Officer shall be responsible to the General Management Committee.

43. EMPLOYEES

The employees of the Association shall be responsible to the Chief Executive Officer.

FINANCES

44. FINANCIAL YEAR

The financial year of the Association shall commence on the 1st day of July and end on the 30th day of June in the following year.

45. SUBSCRIPTIONS

- (a) Every Member shall pay such annual subscriptions as are set and determined in accordance with these Rules.
 - (i) Each Council will pay an equal share as a flat fee, with the total to be equal to 40% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.
 - (ii) Each Council will be placed within the appropriate population category as reported by the ABS annually. Each Council will pay an equal share of the category's percentage, with the total to be equal to 30% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.
 - (iii) Each Council will be placed within the appropriate total assessed revenue category, as reported in the Annual Report of the State Grants Commission. Each Council will pay an equal share of the category's percentage, with the total to be equal to 30% of the Associations total annual subscriptions, as determined by the budget adopted at the Annual General Meeting.
 - (iv) At the absolute discretion of the General Management Committee, rounding up or down of the percentages referred to in Rule 45(b)(ii) and 45(b)(iii) may occur in the development of the budget for approval at the Annual General Meeting.
 - (v) The category parameters for Assessed Revenue are to be adjusted in line with the annual Council Cost Index as set by the Association.
- (b) The subscriptions formula as set out above and the average percent payable by each category shall apply as of 1 July 2018.
- (c) The annual subscription is due and payable at the office of the Association on the first day of July in the financial year to which it relates. The subscription must be paid within one month after a written notice specifying the amount payable has been delivered or sent by post to the General Manager of the Member.

Population Categories

Population	Category number	Percentage
<1000	1	0
1,000 to 4,999	2	0.5
5,000 to 9,999	3	2.5
10,000 to 14,999	4	3.0
15,000 to 24,999	5	4.5
25,000 to 34,999	6	5.5
35,000 to 54,999	7	6.6
55,000+	8	7.6

Revenue categories

Revenue range		Category number	Percentage
\$0.00	\$4,999,999.00	1	0.8
\$5,000,000.00	\$7,999,999.00	2	2.0
\$8,000,000.00	\$9,999,999.00	3	2.5
\$10,000,000.00	\$14,999,999.00	4	3.5
\$15,000,000.00	\$24,999,999.00	5	4.8
\$25,000,000.00	\$34,999,999.00	6	5.8
\$35,000,000.00	\$59,999,999.00	7	6.8
\$60,000,000.00	and above	8	7.0

46. ACCOUNTS

The General Management Committee shall ensure that the accounts of the Association comply with relevant requirements prescribed in the Act and are in accordance with relevant current accounting standards.

47. SITTING FEES AND EXPENSES

- (a) Members of the General Management Committee and members of Sub-committees shall be entitled to any allowance or sitting fee determined.
- (b) Members of the General Management Committee and members of Sub-committees shall be reimbursed for reasonable expenses incurred in carrying out the duties of office in relation to telephone rental, telephone calls, travelling and care of any child of the member by a licensed carer.

MISCELLANEOUS

48. IMMUNITY PROVISION

A Member, an employee of a Member, an elected representative of a Member and an employee of the Association is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power or in the performance or purported performance of a function of the Association either under these Rules, the Act or any other Act (whether State or Commonwealth) or Regulations.

49. LEGAL OPINIONS

- (a) Where the General Management Committee, on its own behalf or following a submission from a Member, believes that an issue has major ramifications for Local Government within the State of Tasmania, then the General Management Committee may request an opinion upon the matter from any legal advisers of the Association.
- (b) A copy of a legal opinion so obtained by the General Management Committee shall be forwarded to every Member.
- (c) The cost of the opinion and its distribution to every Member shall be met from the general funds of the Association.

50. NOMINATIONS TO OUTSIDE BODIES

- (a) Where the Association is requested to make nominations to any body, then the General Management Committee is empowered to nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.
- (b) Where any Act or Regulation states that an Alderman, Councillor, or an employee of a Council, Local Government regional authority or an employee of the Association cannot be a representative upon the subject body, then the General Management Committee shall nominate such persons as it believes have the requisite knowledge, qualifications, or experience required for the office.

51. COMMON SEAL OF THE ASSOCIATION

- (a) The Chief Executive Officer shall have the custody of the Common Seal.
- (b) The Common Seal shall not be attached to any document without an express order of the General Management Committee, unless to authenticate any document, or to comply with the provisions of any rule directing that such seal shall be attached to any document.
- (c) In every case where the Seal has been ordered to be attached to any document, such document shall also be signed by the President (or, in the case of the absence or illness of the President, by the Vice President and one member of the General Management Committee) and countersigned by the Chief Executive Officer.

52. NOTICES AND COMMUNICATIONS

Any notice or other communication under these Rules shall be in writing and shall be delivered by post or by facsimile or email transmission to a party at the address, facsimile number or email address as the party may from time to time notify to the Association. All notices and communications under these Rules (unless otherwise specified) shall be effective only upon receipt.

53. LGAT ASSIST

The General Management Committee is responsible for the management and operation of the monies of the Association identified as LGAT ASSIST, which responsibility will be fulfilled by the General Management Committee:

- (a) approving appointments to the Board of LGAT ASSIST;
- (b) approving the rules to be adopted by LGAT ASSIST;
- (c) approving interest rates in accordance with the rules to be adopted by LGAT ASSIST; and
- (d) other than the matters set out in (a) to (c) above, delegating its powers, duties and discretions in respect of the management and operation of the monies of the Association identified as LGAT ASSIST to the Board of LGAT ASSIST.

54. WINDING UP

Upon the winding up and dissolution of the Association, any property that remains after the satisfaction of its debts and liabilities shall be given and transferred to Member Councils in equal shares.

Reference: F60.301

Level 3
169 Main Road
Moonah Tasmania 7009
PO Box 307
Moonah Tas 7009
Phone (03) 6208 8700
Fax (03) 6208 8791
ballot.box@tec.tas.gov.au
www.tec.tas.gov.au

Mayor Doug Chipman
Clarence City Council
PO Box 96
Rosny Park Tas 7018

Dear Mayor Doug Chipman

Local Government Association of Tasmania – 2021 General Management Committee election

The Tasmanian Electoral Commission has been asked to conduct the 2021 election of President and 6 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT) adopted at the AGM of the Association on 26 June 2020.

Nominations are now invited from LGAT members and must be received at my office by 5:00 pm Wednesday 21 April 2021.

Candidates will be notified of receipt of their nomination by this office.

Election timetable

Nominations open..... Monday 1 March 2021
Nominations close..... 5:00 pm Wednesday 21 April 2021
Ballot material posted (if a ballot is required) Monday 26 April 2021
Close of postal ballot..... 10:00 am Thursday 17 June 2021
Declaration of the result..... Thursday 17 June 2021

A nomination form and reply-paid envelope are enclosed.

If you would like further information or assistance, please call Kristi Read of this office on 6208 8722.

Yours sincerely



Andrew Hawkey
ELECTORAL COMMISSIONER

1 March 2021

Local Government Association of Tasmania Nomination Form

Nomination of a candidate for election of President or Committee Member of the General Management Committee, Local Government Association of Tasmania.

Nominations are invited and must be lodged, posted, or emailed to be received by the Returning Officer at the address shown below **before 5 pm on Wednesday 21 April 2021**. This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election. Candidates will be notified of receipt of the nominations by this office.

It is the responsibility of the candidate to ensure that the nomination form is received by the Returning Officer before the close of nominations. Late nominations cannot be accepted.

Each member is entitled to:

- nominate one elected Councillor of a Member Council for the position of President of the Local Government Association of Tasmania; and
- nominate one elected Councillor of a Member Council for the position of Committee Member of the General Management Committee. Members can only nominate a Councillor within their own electoral district and population category.

Candidate

Family Name:	Given names:	Member Council:
Position of: <input type="checkbox"/> President <input type="checkbox"/> Committee Member		
Postal address:	Email address:	
Given names for ballot paper: (if different from above)	Contact phone numbers:	
	Mobile	
I accept the nomination as a candidate for election to the position shown above.		
Signature.		Date.

Nominator

Name of Member Council:	
Hereby nominates the above-named candidate for election.	
Name of person authorised to lodge nomination behalf of Member Council:	
.....	Contact mobile number:
Endorsed at council meeting held on:	This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election.
Date.	
Signature of authorised person	
Date.	

The address for lodgement at the Tasmanian Electoral Commission is:

Level 3, TasWater Building, 169 Main Road, MOONAH TAS 7009

Phone: (03) 6208 8722

Postal Address: PO Box 307, MOONAH TAS 7009

Email: nominations@tec.tas.gov.au

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 Ewington

- 1 What if anything is council doing to remedy the parking and traffic safety issues around and along Mornington Road?

ANSWER

Our internal traffic working group is presently assessing the parking issue in Mornington Road and McIntyre Street. It will take some time to complete that investigation and I will advise Aldermen in due course when we have completed that body of work.

- 2 I went to the LGAT conference in Launceston last week and there was an interesting discussion on resource sharing with Councils. What level of resource sharing or collaboration are we having with other councils?

ANSWER

Council is involved in a range of activities where we resource share or work collaboratively with our neighbouring councils. An example would be the dog pound, we have a long term agreement in place with Hobart, Glenorchy and Brighton regarding the dogs' home and how that operates. Copping waste disposal site is another good example that is a collaboration between ourselves, Kingborough, Sorell and Tasman. Recycling is another good example in terms of a southern Tasmanian approach to recycling, we work collaboratively between the 12 southern councils to negotiate an agreement on common terms.

We work regularly with other councils to tender for road resealing and sometimes this is also facilitated through the Local Government of Tasmania. We are finding that on a more frequent basis because of the Greater Hobart Act and City Deal that the four metro councils are working collaboratively. Probably the most pertinent example of that is the initial work for the development of the metro plan which will feed into the review of the Southern Tasmanian Regional Land Use Strategy. The four metro councils have committed resources to that, and work is well underway.

The other point I would make is from time to time we assist our neighbouring councils when we have resource capacity and they need some help. It's something we have done periodically but it is not a common and on-going thing in comparison to a number of councils in the north that have on-going permanent arrangements. Latrobe Kentish is a good example.

Ald Kennedy

1. I refer to the memo we received on 24 February in regard to the Interim Planning Directive 4 exemptions which took effect on 22 February. Have we had much feedback on that and if there is actually a transitional period in place for the people who may have submitted development applications say a couple of days before?

ANSWER

I do not believe we have had any feedback at this point. There's also no transitional arrangements. It comes into effect on the day it was issued however we have done our best to inform people that we deal with of the change.

2. How was that information or consultation actually put out to the wider community?

ANSWER

There was no consultation by the State Government. It was their initiative, so it was not a matter for council to consult on. So, there has been no community consultation on it.

Ald Edmunds

1. Could we have an update on how things went with the smoke free area around Bellerive Oval during this summer. Perhaps it was a good time to have it with smaller crowds so perhaps just an update.

ANSWER

The feedback was generally very positive all round. We have actually done a detailed report that I can circulate to the Aldermen.

2. What is the process in terms of if an Alderman was to disclose confidential information or confidential discussions to the public. Is that just done through the code of conduct or is that something council takes action on?

ANSWER

In broad terms there are two avenues. It could be a code of conduct issue or it could be a complaint directly to the Director of Local Government who has the power under the Act to investigate and make any necessary referrals. The ultimate referral is it could go off to the DPP if the matter is serious enough to be investigated and prosecuted.

Ald Walker

1. Nearly eighteen months ago a notice of motion I put forward regarding RID squads was passed by council. I have really received no feedback other than to say that the waste body that we were going to involve in discussions doesn't exist. I would like to get a further update or any potential momentum around it especially in light of the fact that with the waste levy coming in there is going to be far more likelihood of illegal dumping increasing across private, State and Local Government land?

ANSWER

The notice of motion asked for that to be referred to the STCA Southern Waste Group which has since folded. The new southern areas waste group is working on strategic items at the moment. I went to an information session on the waste levy which will be coming to a council workshop to explain. Aspects of illegal dumping will need to be considered in the future particularly how this is managed through the waste levy.

2. Regarding extension of the permit for Kangaroo Bay granted in 2019, at that time were there any impediments that would have stopped this council from exercising the buyback clause? I refer to the decision of October 2019 when there was no COVID-19 or force majeure events.

ANSWER

My recollection is that the extension was triggered by the issue with TAFE withdrawing so like the most recent consideration the issue would be whether that would be regarded as a force majeure issue and we can debate whether that would have or not so I will address the question in two parts. If it wasn't regarded as a force majeure, so within the control of Chambroad in other words, then it would have been open to council to initiate the buyback. If it was legally regarded as a force majeure issue then we would have been in the circumstance as we have recently found ourselves, required to provide an extension to comply with the contract terms.

Question contd

Has or has not the force majeure component that came into place been put largely around COVID-19 causing difficulties arranging a contract rather than it being difficult in general?

ANSWER

The issue if I can answer it this way is that at each point in time when council received a request for extension council needed to consider that in the context of the circumstances present at that point so you aren't able to reflect back on history it's about what are the circumstances that give rise to that particular request.

Question contd

I have no recollection of force majeure mentioned at that time and I don't believe that answer has given me clarity. I am going to have to work out ways of asking that again.

(Mayor) The question of force majeure was never put to us last time as a reason why we should extend it. I think that it was just the mood of the council of the day that it should be granted because they wanted to see it go ahead that was my perception at the time.

(Ald Mulder) Did we have to come up with reasons for refusing the application for extension in October 2019 because the contract says and it has been told to us 100 times, we can't unreasonably refuse the extension. Before we got to buy back we needed to come up with reasons to refuse and I think that would be the critical issue.

(Mayor) It wasn't countenanced at the time I think as a result of workshops and discussions council was of a mood to extend it as I recall so the issue of reasons to the contrary did not come up.

(Ald Mulder) I think there needs to be reasons not to extend.

ANSWER

(General Manager) In that context it is probably best that I take that question on notice and look at the actual words of the contract because in my mind without the contract in front of me I need to have a look at what the words of the two relevant clauses say. It is very clear that clause 6A, which is the force majeure clause, includes requirements for reasonable consideration. I haven't got to the front of my mind, I think it is what clause 6.3 says in respect to its specific wording because I haven't had to think about that for quite a period of time, a couple of years.

(Mayor) If I could add to that if when reviewing it you could look at the officer's report for that particular decision as well to get the context around it?

(Ald Blomeley) As a clarification, my interpretation of Ald Walker's question is totally different to where we are now it is about when the buyback was an option in 2019. Am I correct?

ANSWER

(Mayor) We will take it on notice and see if we can provide the clarity you are looking for.

Further advice

(General Manager) Following further discussion with Alderman Walker, I believe the essence of the question is this – in regard to the first and second extensions of time, was it open to council to buyback the land? The answer to that question is 'yes, unless the council as Vendor at that time has wilfully in default on a term of the agreement'. At those times Council had met its obligations under the agreement. So, the buyback right was an option for council to exercise in respect to the first two time extensions. The decision to grant the extension of time in May 2019 and November 2019 was based on advice received that the proponent needed further time to secure an education provider and was not related to force majeure.

By contrast, the third time extension was subject to a 'force majeure' situation which invoked a separate requirement to not unreasonably withhold consent to the time extension request if satisfied that all reasonable attempts have been made to comply with the time limit or that non-compliance is for reasons not within the reasonable control of the other party.

Ald Blomeley

1. I understand that lease negotiations between council and the Rokeby Neighbourhood Centre have been on the books for some time now. Could you please provide an update on where these negotiations are at?

ANSWER

We have been negotiating with the Rokeby Neighbourhood Centre for well over 2 years at this point in time. Their lease expired coming up to three years ago so between 2-3 years actively negotiating in an environment where the lease was continuing at will. I unfortunately had to provide instructions to officers in the last couple of weeks to provide a fourteen day notice period to the Rokeby Neighbourhood Centre that if they were able to bring themselves to conclude the lease negotiations then we would actively consider termination of the existing lease. Over the period of negotiations we have had a number of issues in terms of the way that negotiations have been conducted that has left us incredibly dissatisfied with the position that we are in and obviously it is a very serious issue for us to take the action we have contemplated, it is only as a last resort. Ultimately if we can find a solution, we would be happy to do that but after well over 2 years' worth of negotiations it was time to say "enough".

2. Following the 2019 severe weather event that tore off the roof of the Clarendon Vale Oval Changerooms, you would be aware the Rokeby Cricket Club and other users of that facility have been forced to use shipping containers as temporary accommodation, could you please indicate where council is at with replacing these facilities?

ANSWER

We are still dealing with our insurance brokers to deal with the insurance company on what is a possible payout. It has taken almost eighteen months, but we are still involved in those negotiations. Council can be informed that we were unsuccessful with the State Government fund that council considered at a workshop and we took direction to put that in as a grant opportunity. Officers are looking at what possible budget considerations we can put to council to consider in 2021-22 for replacement of the containers.

(General Manager) There is a temporary building in place and that has been dealt with as part of the insurance arrangements. The Sport and Recreation Advisory Committee has been actively looking at this project amongst a list of other projects and actively considering the long term issues associated with that site. Those issues are complex but certainly there is an intention to have a full and frank discussion about those buildings and that project as part of the budget process this year.

Question contd

I understand that the Rokeby Cricket Club which is a sporting club in a disadvantaged community who has been dealt such a devastating blow is being charged an hourly rate of ten dollars to use the shipping container. Is that something that council would consider waiving?

ANSWER

That is a fee set by council under the List of Fees and Charges. It is at the discretion of council if it would like to waive that charge?

Ald Peers

A person lost their wallet down one of the rainwater drains in Bayfield Street, they tried to get it out but they realised the grate was locked. Being a weekend, they had no idea who has the key, does council, could someone let me know who would have a key to that?

ANSWER

If it is a stormwater grate. I would assume council would have a key to that and our out of hours workforce could be contacted in terms of releasing the grate.

Ald James

1. This council in my opinion made a landmark decision last year in regarding the Local Provisions schedule so my question is where are we at with that and given that the public hearings are coming up could you provide us with an update on where we are at with the local provisions schedule that this council clearly endorsed back early last year.

ANSWER

I am pleased to say that the hearing stage was completed some months ago. There are some delays for information that the Tasmanian Planning Commission has requested the most important one of those relates to information from the Hobart Airport relating to its noise exposure area to the satisfaction of the commission so hopefully that won't be too long in conclusion.

2. I have been advised that the public pier will cost about \$2.5M. Having said that my question is will the contingency provisions be applied in relation to picking up the variants?

ANSWER

As I advised previously, we are still awaiting resolution of the claims through the contract so when that matter has been resolved we will have a better understanding of the financial status and I will provide advice to council.

Question contd

Is it true that the \$2.5M is the cost that has been incurred to date and there will be an approach for contract variations to increase that to meet the contingency factor?

ANSWER

I don't know what the costs are to date. Our last claim would have been in January. I can inform council as to what has been claimed as at the end of January.

Ald Warren

Thank you for the package of information that we have received this evening however I question whether the blue plastic folder is a necessary and I am getting quite a collection of these. I wonder with the agreement of my fellow Aldermen can we say that this is an unnecessary use of plastic?

ANSWER

(Mayor) It is a matter for Council to determine.

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 matter has 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

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:

- 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”.