

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 livestreamed, audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 21 JUNE 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 31 May 2021, the Special Council Meeting held on 7 June 2021 and the Special Council (Planning Authority) Meeting held on 7 June 2021, as circulated, be taken as read and confirmed.

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

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

PURPOSE	DATE
Proposed New Joint Authority Public Open Space Risdon Vale Urban Renewal Presentation	7 June
Confidential Briefing Chambroad Presentation Rates Modelling and Hardship Policy Derwent Estuary Program Update	15 June

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

(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

Nil.

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

Nil.

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

No Quarterly Reports 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 31 May, 7 and 14 June 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 31 May and 7 and 14 June 2021 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – SIGN – 22 BRIDGE STREET, RICHMOND – POOSEUM**

(File No PDPLANPMTD-2020/010800)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the petition tabled at Council's Meeting of 31 May 2021, requesting that "the Clarence City Council reverse its decision to force the Pooseum to remove the existing sign, and that they accept and approve the Pooseum's retroactive Development Application".

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

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

Sections 48, 48A and 63A of the *Land Use Planning and Approvals Act, 1993* are also relevant.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and the significant support it received.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** At Council's Meeting of 31 May 2021, a petition with 1634 signatories was received requesting the following:

"that the Clarence City Council reverse its decision to force the Pooseum to remove the existing sign, and that they accept and approve the Pooseum's retroactive Development Application".

- 1.2.** The petition was collected and submitted electronically and complies with the requirements of the *Local Government Act, 1993*.

2. REPORT IN DETAIL

- 2.1. The petition requests Council to “reverse its decision to force the Pooseum to remove the existing sign, and that they accept and approve the Pooseum’s retroactive Development Application”.
- 2.2. Council has been in negotiations with the owner of Pooseum since late 2019 to resolve issues with the signage located at the front of the business. The placement and size of the signs was considered to be non-compliant with the *Clarence Interim Planning Scheme 2015* and the historic and heritage code within it, and council also advised the owner that a permit application was required.
- 2.3. The owner of Pooseum lodged a development application for one sign with council in January 2021 but the invoice issued was not paid and as a result the application was not valid.
- 2.4. Council has since sought to take enforcement action under the *Land Use Planning and Approvals Act, 1993* (LUPAA) for the owner to either remove the unapproved signage or lodge a valid development application for all three signs.
- 2.5. Specifically in regard to the request to remove the signage, Council has acted in accordance with section 63A of LUPAA which provides that a planning authority that does not take all reasonable steps to ensure that a planning scheme that has effect in respect of an area within its municipal district is complied with is guilty of an offence punishable on summary conviction.
- 2.6. In respect to the petition’s requested action to “approve the Pooseum’s retroactive Development Application”, Council is bound by the provisions of Section 48 of LUPAA which requires that “*where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use or development undertaken within the area to which the planning scheme relates, whether by the authority or by any other person*”.

2.7. Therefore, a development application cannot be determined in any other manner than by assessment under the planning scheme. To do otherwise would be in contravention of Section 48 of LUPAA.

2.8. A valid development application for all three signs has now been lodged and will be dealt with in accordance with the provisions of LUPAA.

3. CONSULTATION

The development application has been advertised in accordance with statutory requirements.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

6.1. In determining an application for development before it, Council is bound by the provisions of LUPAA.

6.2. Under Section 63A of LUPAA, it is an offence for a Planning Authority not to take all reasonable steps to ensure that its planning scheme is complied with.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

While Council can note the intent of the petition and the significant support it received, making a decision on the actions requested by the petition would contravene the requirements of the *Land Use Planning Approvals Act* in respect to observing and enforcing the requirements of the Clarence Interim Planning Scheme 2015.

Attachments: Nil

Ian Nelson
GENERAL MANAGER

11.3 PLANNING AUTHORITY MATTERS

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

**11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/016635 – 2A
NAPOLEON STREET, RICHMOND - DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 2A Napoleon Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Historic Heritage Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 23 June 2021.

CONSULTATION

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

- loss of privacy;
- overshadowing; and
- not in keeping with heritage character.

RECOMMENDATION:

A. That the Development Application for Dwelling at 2A Napoleon Street, Richmond (CI Ref PDPLANPMTD-2021/016635) be approved subject to the following condition.

1. GEN AP1 – ENDORSED PLANS.

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

ASSOCIATED REPORT**1. BACKGROUND**

The title was created by a subdivision (PDPLANPMTD-2020/008996) approved by council on 26 June 2020.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10 – General Residential Zones; and
 - Section E6.0 – Historic Heritage Code.
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 745m² vacant residential lot with vehicular access from Napoleon Street. The surrounding area is predominantly residential in nature. A council carpark is located further south.

3.2. The Proposal

The proposal is to construct a two-storey dwelling as per the plans provided in Attachment 2.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. 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.

4.3. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Historic Heritage Code with the exception of the following.

Historic Heritage Code

- **Clause E13.7.2 A1 (Development Standards for Heritage Places) –**
The proposal requires a variation to this standard as there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause E13.7.2 as follows.

Clause	Performance Criteria	Assessment
E13.7.1 P1	<p><i>“Development must not result in any of the following:</i></p> <p><i>(a) 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>Council’s Heritage Advisor has assessed the proposal and advises the following.</p> <p>The proposal has adopted a simplistic overall building style, albeit articulated via inclusion of separate smaller scaled elements to diffuse what would otherwise be a significantly large form. Inclusion of symmetrically arranged windows upon the upper levels appears to satisfy the requisite simplistic fenestration patterns of the heritage precinct.</p>

		Appropriately pitched roof forms and proposed muted, earthy colour tones also appear to contribute to the requirements of this code.
	<i>(b) 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>	This proposal is not considered to impact upon existing streetscape elements as the development does not involve the removal of any existing features that contribute to the historic character of the area.

Historic Heritage Code

- **Clause E13.7.2 A2 (Development Standards for Heritage Places) –**
The proposal requires a variation to this standard as there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause E13.7.2 as follows.

Clause	Performance Criteria	Assessment
E13.7.2 P2	<p><i>“Development must be designed to be subservient and complementary to the place through characteristics including:</i></p> <p><i>(a) scale and bulk, materials, built form and fenestration;</i></p>	Council’s Heritage Advisor considers that the proposal demonstrates complementary elements including simplistic built forms, complementary building materials, symmetrical door/window arrangements and muted subservient colours.

		Although the dwelling is two storey and differs from the predominantly single storey dwellings in the area, it is well setback from the street and includes articulation of the overall building forms with smaller attached building elements.
	<i>(b) setback from frontage;</i>	The proposed setback from street frontage is considerably greater than adjoining property which allows the adjacent heritage-listed property to remain dominant within the streetscape.
	<i>(c) siting with respect to buildings, structures and listed elements;</i>	Refer to (b).
	<i>(d) using less dominant materials and colours.”</i>	Refer to (a).

Historic Heritage Code

- **Clause E13.7.2 A3 (Development Standards for Heritage Places) –**
The proposal requires a variation to this standard as there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause E13.7.2 as follows.

Clause	Performance Criteria	Assessment
E13.7.2 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>	Council’s Heritage Advisor considers that the proposed dwelling contains elements that respond to the heritage character of Richmond and through its materials and design is readily identifiable as being a new building.

Historic Heritage Code

- **Clause E13.7.2 A5 (Development Standards for Heritage Places) –**
The proposal requires a variation to this standard as there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause E13.7.2 as follows.

Clause	Performance Criteria	Assessment
E13.7.2 P5	<i>“New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.”</i>	Council’s Heritage Advisor considers that the proposed fences and gates for this project are considered compatible with the principle characteristics of this precinct.

Historic Heritage Code

- **Clause E13.8.2 A1 (Development Standards for Heritage Precincts)**
- The proposal requires a variation to this standard as there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause E13.8.1 as follows.

Clause	Performance Criteria	Assessment
E13.8.2 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>	Council’s Heritage Advisor considers that the proposal does not appear to impact upon significant clusters of period buildings or streetscapes and as such, has minimal impact upon the principle characteristics of the Richmond Township.

Historic Heritage Code

- **Clause E13.8.2 (Development Standards for Heritage Precincts) A2**
- The proposal requires a variation to this standard as there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause E13.8.1 as follows.

Clause	Performance Criteria	Assessment
E13.8.2 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>	Council’s Heritage Advisor is satisfied that the proposal is consistent with the Design Criteria/Conservation Policy as it will not impact the heritage qualities of the nearby buildings or streetscape and includes design features which are compatible with the heritage character of Richmond.

Historic Heritage Code

- **Clause E13.8.2 A5 (Development Standards for Heritage Precincts)**
 - The proposal requires a variation to this standard as there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause E13.8.1 as follows.

Clause	Performance Criteria	Assessment
E13.8.2 P5	<p><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></p> <p><i>(a) not be confused with the original historic fabric associated with nearby historic places in the locality;</i></p>	Council’s Heritage Advisor considers that the proposal adopts an unambiguously modern aesthetic which is generally considered compatible with the principal characteristics of the locality.

	<i>(b) be compatible with the architectural design, colour and aesthetic characteristics of the historic places in the area;</i>	Refer (a).
	<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 dwelling is a 2-storey construction which, by virtue of its location amongst single storey dwellings, will inadvertently appear larger in scale. Attempt has been made, however, to mitigate visual impact via increased setback from the street frontage in addition to articulation of the overall building forms with smaller attached building elements.
	<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>	Refer (a) and (c) above.
	<i>(e) repeats the particular rhythm, spatial characteristics and character of historic places and other contributory buildings in the area;</i>	The subject site is bounded by a singular heritage property of low-level proportions. The remaining properties within the immediate vicinity/streetscape are of non-heritage origin. This proposal does, however, draw some influence from similar proportioned residences located nearby within Franklin Street.
	<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>	Refer (f).
	<i>(g) avoid blank walls at ground and upper floor levels when viewed from surrounding streets;</i>	This proposal does not include blank walls.

	<i>(h) utilise landscaping, fencing or other techniques to enhance the property and to reduce conflict with historic streetscapes.”</i>	The proposed fences and gates for this project are considered compatible with the principal characteristics of this precinct.
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5. REPRESENTATION ISSUES

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

5.1. Loss of Privacy

Concern was raised that the proposal will result in a loss of privacy for the adjoining property owners to the east, specifically from the bedroom and bathroom windows on the second floor.

- **Comment**

The proposal complies with all development standards in the General Residential zone including boundary setbacks. In addition, the second storey is located 11m from the eastern boundary which is considered a reasonable separation in a residential setting to ensure that the privacy of the adjoining property owners is not unreasonably impacted.

5.2. Overshadowing

Concern was raised that the overshadowing diagrams are not an accurate representation of the impact the proposed dwelling will have on the existing dwelling to the south at 2 Napoleon Street.

- **Comment**

The proposal complies with the building envelope standards in the General Residential zone and therefore this issue is not a relevant planning consideration. Notwithstanding the above, the overshadowing diagrams show that the dwelling at 2 Napoleon Street would be overshadowed in the morning until around 11am on 21 June but would not be impacted for the remainder of the day.

5.3. Not In Keeping with Heritage Character

Concern was raised that the proposal is not in keeping with the heritage character of Richmond.

- **Comment**

The proposal has been assessed by Council's Heritage Advisor as was detailed previously in this report. In summary, it is considered that the proposal is a satisfactory response and will not have an unreasonable impact on the heritage character of Richmond.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

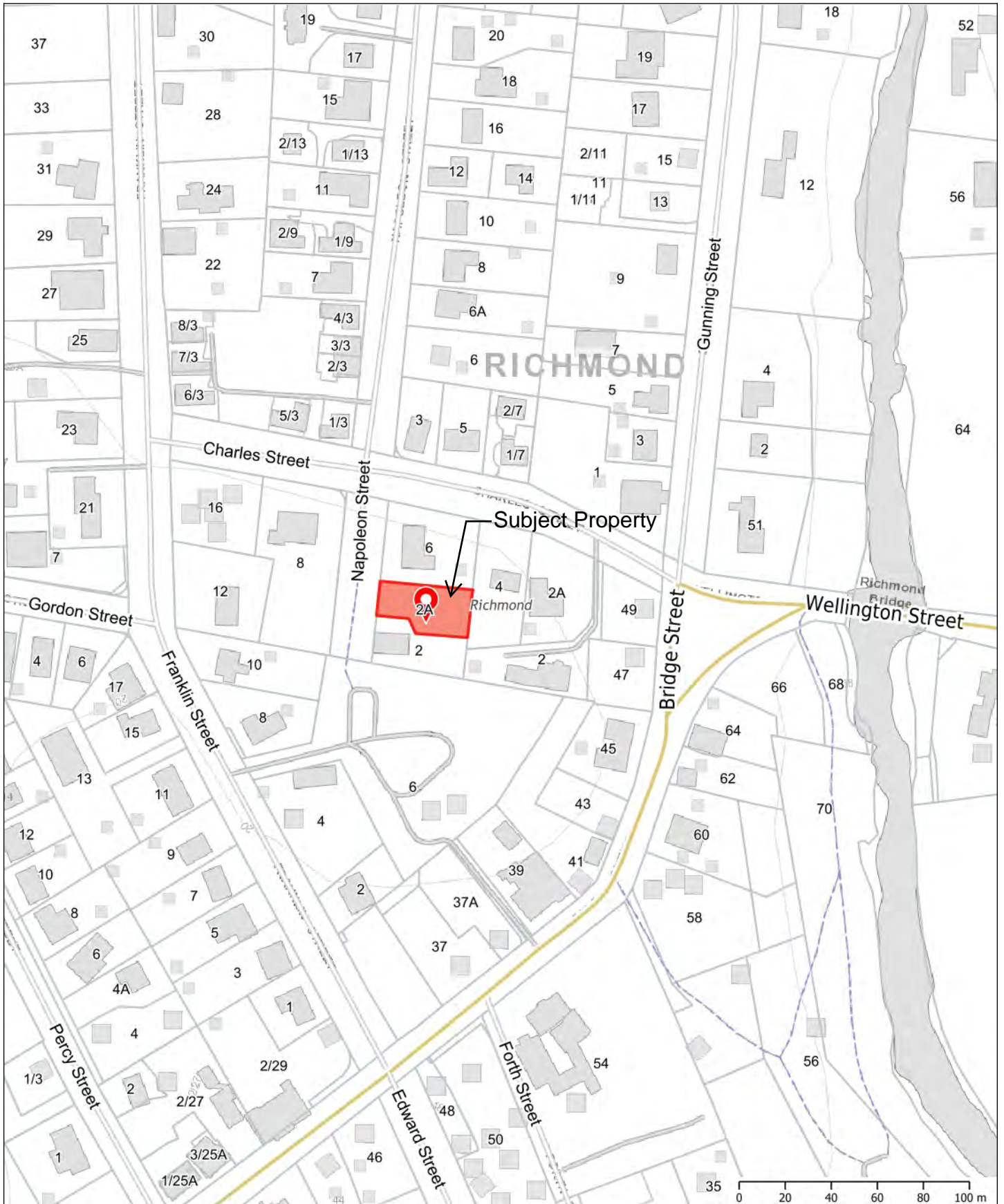
9. CONCLUSION



The proposal for a single dwelling is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (8)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Location Plan - 2A Napoleon Street



	<p>This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.</p>	<p>6/8/2021</p>	
		<p>1:2257</p>	



834-03

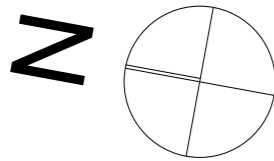
LEGEND

- smoke detector hard wired to electrical system
- ⊗ extractor fan with heating elements optional
- DP downpipe
- AJ articulation joint
- METER BOX meter box

LEGEND:

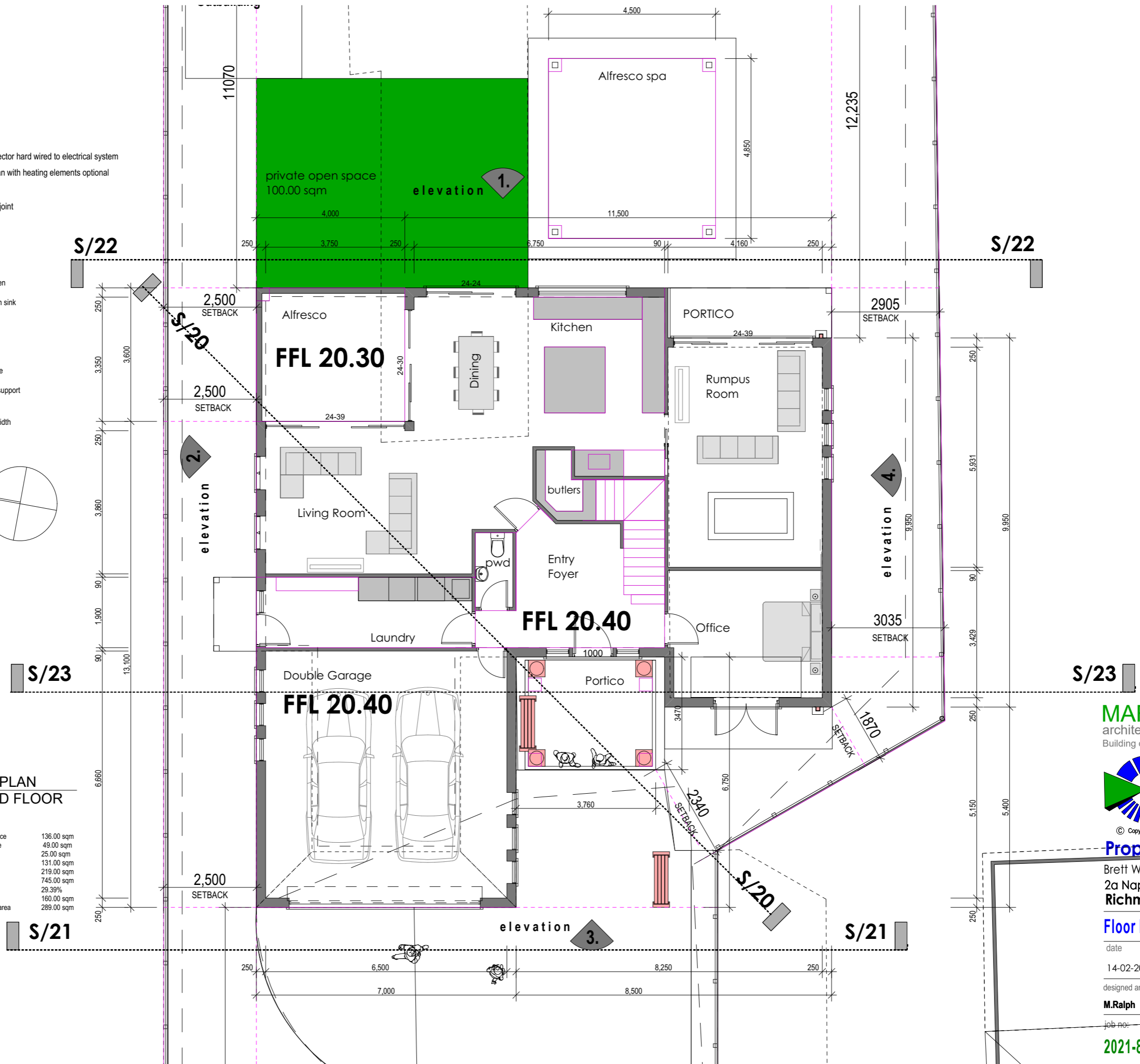
- dw - dishwasher
- hp - hot plates
- ubo - under bench oven
- wo - wall oven bank
- sink - stainless kitchen sink
- sh - shower
- bth - bath
- wc - toilet
- spa - spa bath
- vb - vanity basin
- tr - laundry trough
- wm - washing machine
- mh - manhole
- ds or shs-structural support

- 820 door
- door width



FLOOR PLAN GROUND FLOOR

Floor area Residence	136.00 sqm
Floor are of Garage	49.00 sqm
alfresco	25.00 sqm
First floor Area	131.00 sqm
Site Cover	219.00 sqm
Site Area	745.00 sqm
Site Coverage	29.39%
Landscaped space	160.00 sqm
Total Landscaped area	289.00 sqm



MARCUSRALPH
architectural animation design
Building designer accreditation CC1317F

13 Franklin street
Richmond, Tasmania 7025

0409 975 825 mob

e: marcusralph@bigpond.com

Proposed Residence

Brett Willis
2a Napoleon street
Richmond

Floor Plan GF

date

14-02-2020

designed and drawn revision-date

M.Ralph Design Drawing

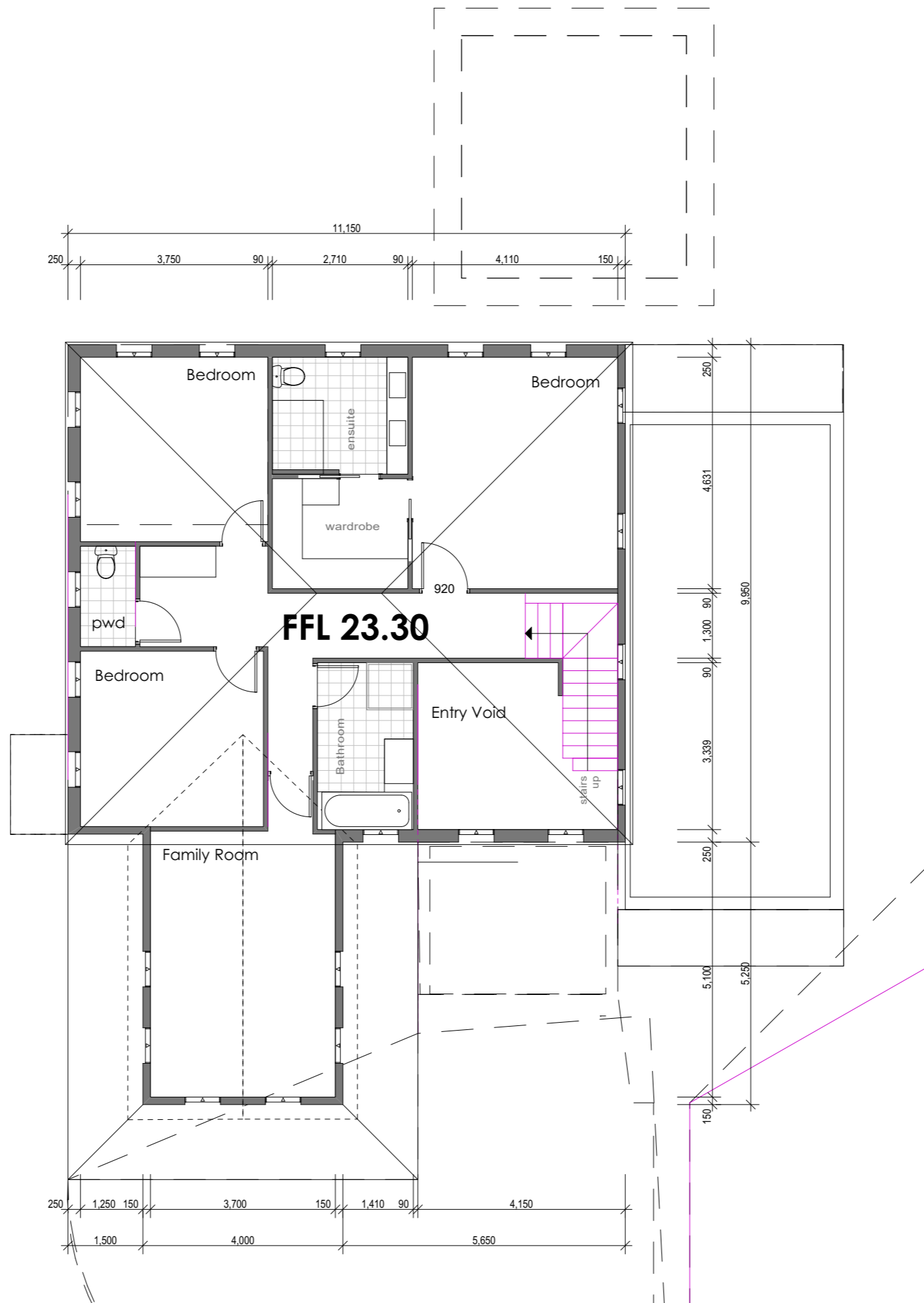
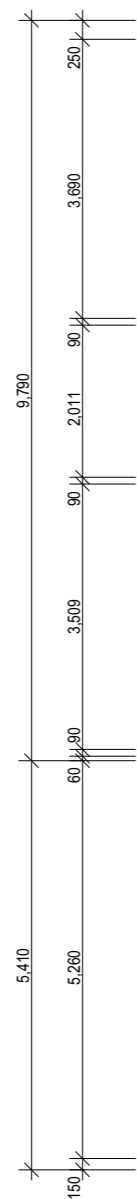
job no: drawing no:

2021-834

834-05

FLOOR PLAN FIRST FLOOR

Floor area Residence	136.00 sqm
Floor are of Garage	49.00 sqm
alfresco	25.00 sqm
First floor Area	131.00 sqm
Site Cover	219.00 sqm
Site Area	745.00 sqm
Site Coverage	29.39%
Landscaped space	160.00 sqm
Total Landscaped area	289.00 sqm



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Building designer accreditation CC1317F

13 Franklin street
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0409 975 825 mob
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Proposed Residence

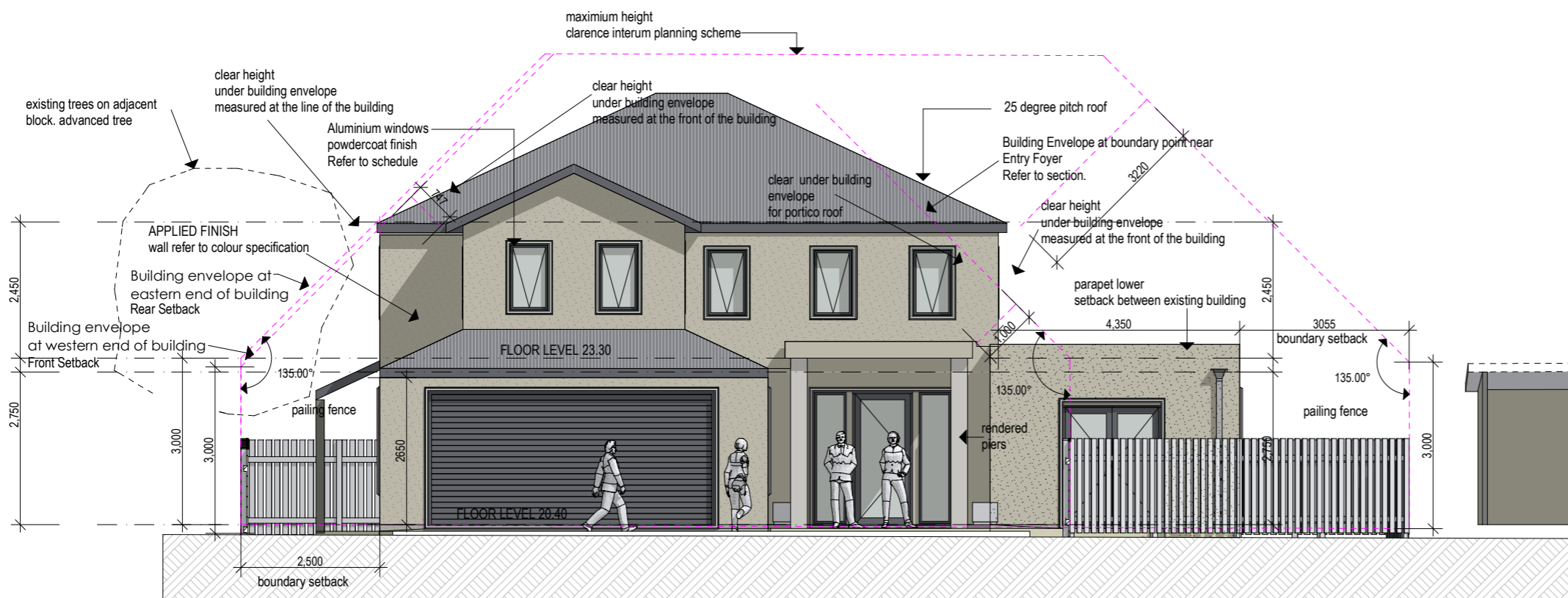
Brett Willis
2a Napoleon street
Richmond

Floor plan FF

date
14-02-2020
designed and drawn
M.Ralph
job no:
2021-834
revision-date
Design Drawing
drawing no:
834-06



ELEVATION 02
NORTH ELEVATION



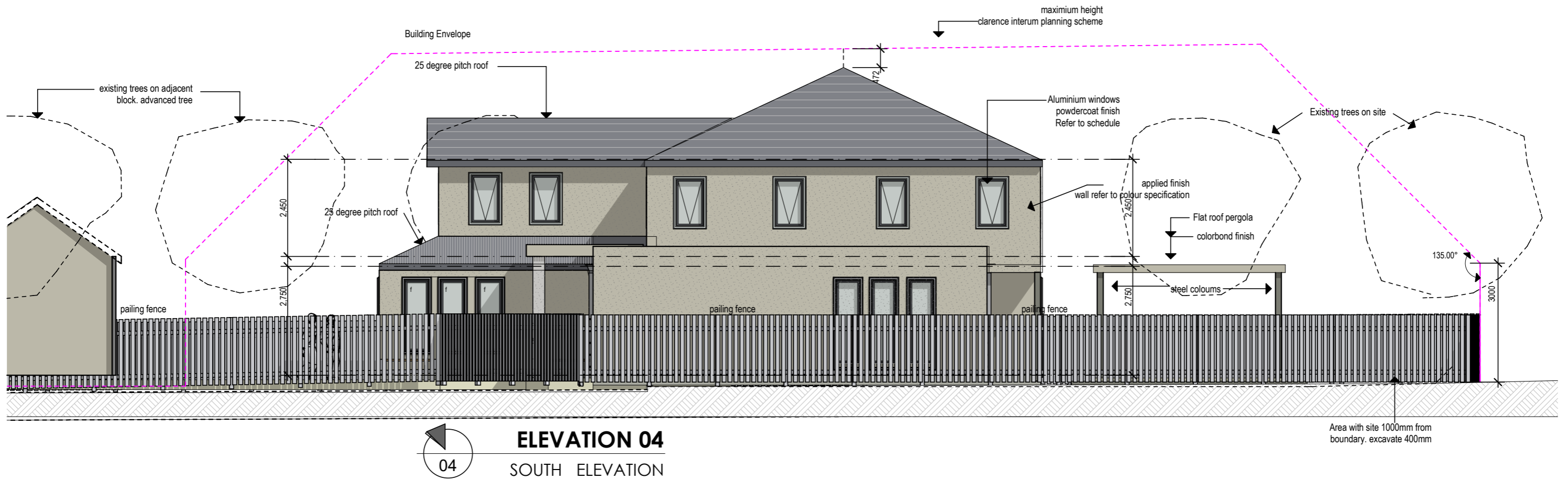
ELEVATION 03
WEST ELEVATION

Clour Schedule:
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Walls :Dulux Limed White render
trim: Dulux Limed white 1/2 strength
Garage door : colour monument

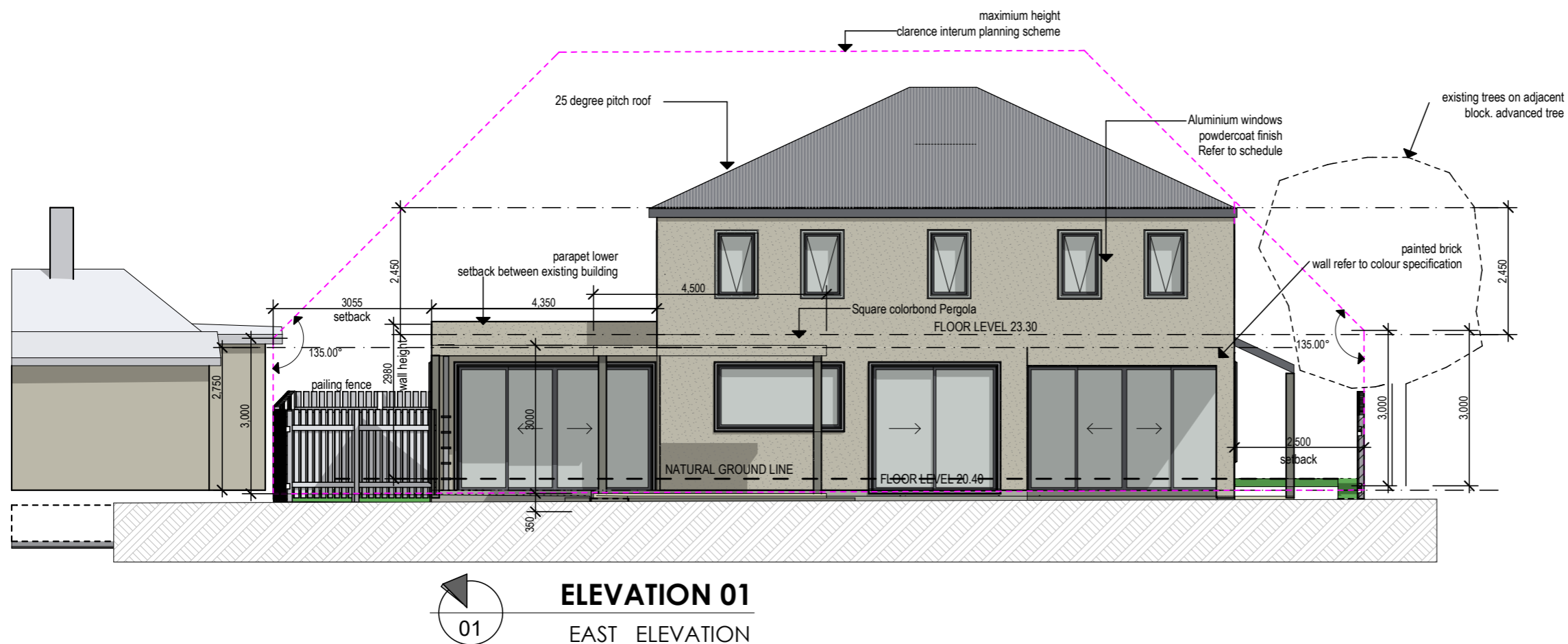
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Proposed Residence
Brett Willis
2a Napoleon street
Richmond

Elevation
date
14-02-2020
designed and drawn
M.Ralph
job no:
2021-834
revision-date
Design Drawing
drawing no:
834-07



Clour Schedule:
 Roof : colorbond Monument
 Walls :Dulux Limed White render
 trim: Dulux Limed white 1/2 strength
 Garage door : colour monument



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Proposed Residence
 Brett Willis
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Elevations
 date
 14-02-2020
 designed and drawn
M.Ralph
 job no:
2021-834
 revision-date
 Design Drawing
 drawing no:
834-08



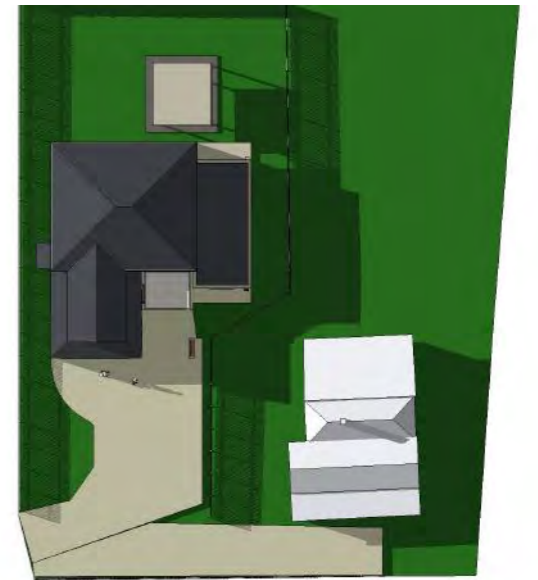
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21 june 10.00 am



21 june 11.00 am



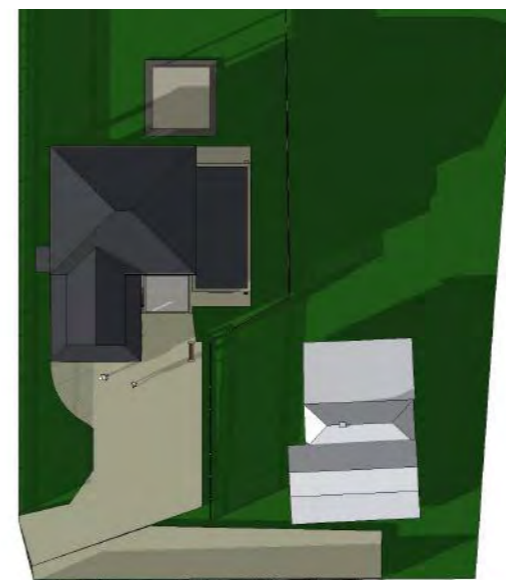
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21 june 1.00 pm



21 june 2.00 pm



21 june 3.00 pm



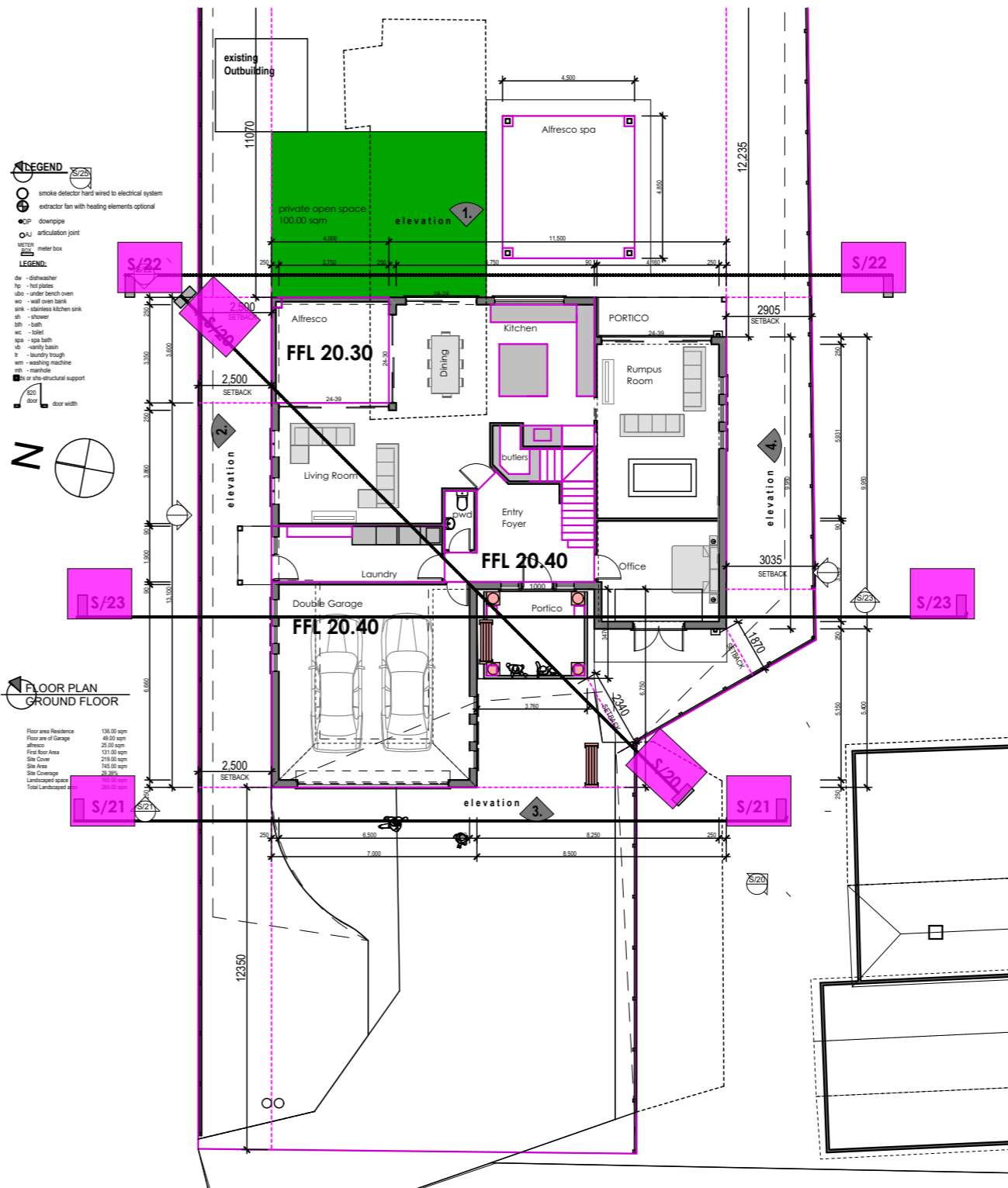
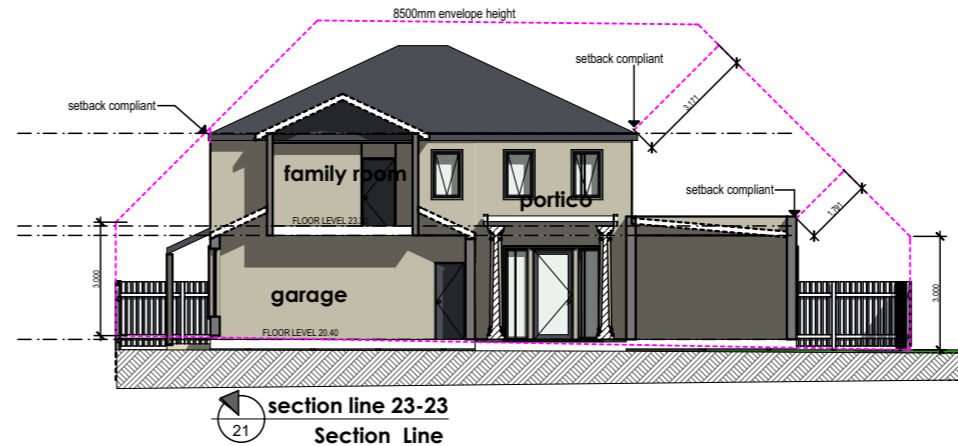
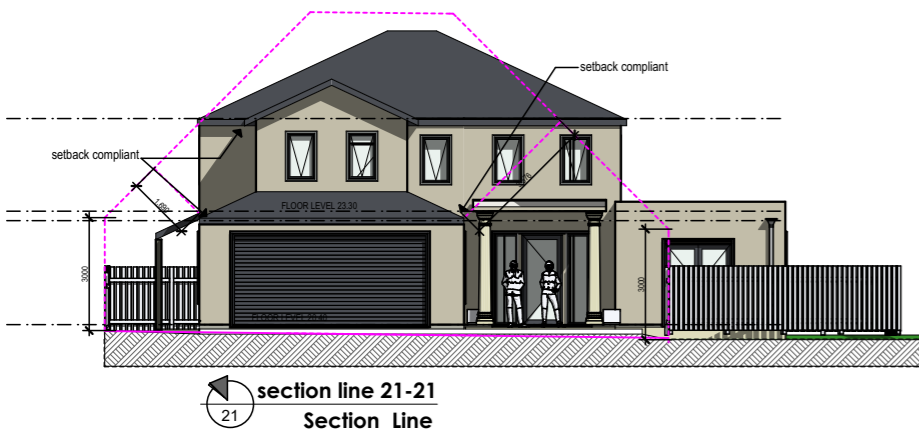
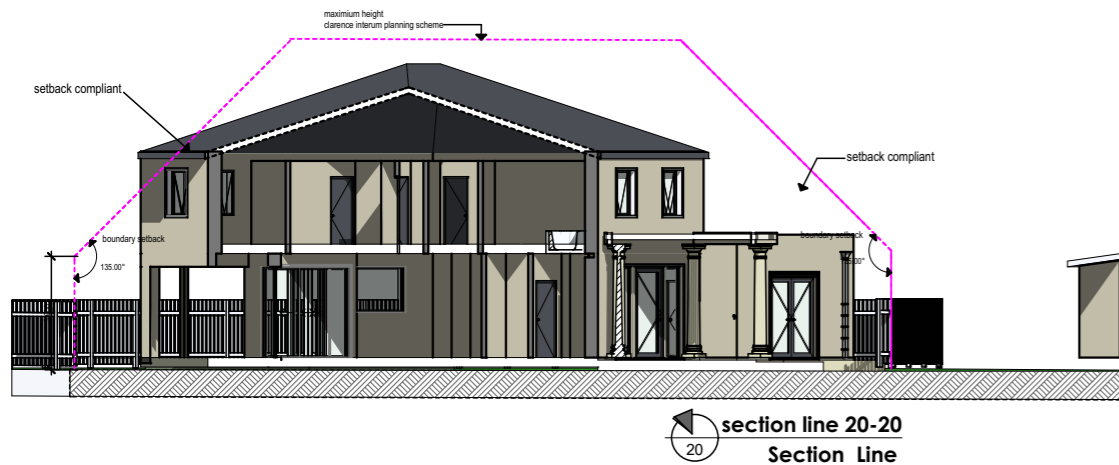
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Proposed Residence
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 Richmond

Sun shade images

date	
14-02-2020	
designed and drawn	revision-date
M.Ralph	Design Drawing
job no:	drawing no:
2021-834	834-09



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Proposed Residence
Brett Willis
2a Napoleon street
Richmond

section through building

date
14-02-2020
designed and drawn
M.Ralph
job no:
2021-834

revision-date
Design Drawing
drawing no:
834-10

2A NAPOLEON STREET, RICHMOND



Photo 1: Development site viewed from formed part of Napoleon street, looking northeast.



Photo 2: Development site viewed looking northeast from adjacent the southern boundary.

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/017703 – 38 AND 38A BUCKINGHAM DRIVE, HOWRAH - 30 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 30 Lot Subdivision at 38 and 38A Buckingham Drive, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Stormwater Management, Road and Railway Assets, Bushfire Prone Areas, Landslide Hazard, Waterway and Coastal Protection Area 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.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 23 June 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 13 representations were received raising the following issues:

- increase in traffic;
- removal of vegetation/trees;
- traffic during construction of subdivision;
- size of lots;
- impact on rare and endangered species;
- Public Open Space does not provide a community benefit;
- noise; and
- future link to Holland Court.

RECOMMENDATION:

A. That the Development Application for a 30 Lot Subdivision at 38 and 38A Buckingham Drive, Howrah (Cl Ref PDPLANPMTD-2021/017703) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS [a reconfiguration of Lots 26 – 28, 200 and 201 to relocate the access to the drainage reserve/easement further south, approximately in the location of Lot 27].
3. GEN AP1 – STAGING.

[Stage 1: “Super lot” containing all lots within Stage 2;
Stage 2: Lots 8 – 17 and 200 – 201;
Stage 3: Lots 2 – 7 and Lots 18 – 23;
Stage 4: Lots 1 and Lots 24 – 30].

4. The development must provide an Interim Hazard Management area in accordance with the Interim Hazard Management Areas Plan prepared by Rogerson & Birch, 19 April 2021. Evidence that the works have been completed in accordance with the approved plan must be provided when the Final Plan for each stage is lodged to the satisfaction of Council’s Group Manager Engineering Services.
5. The Final Plan and Schedule of Easements must describe the following:
 - a right-of-way over the Balance lot in favour of council to provide for access to the drainage reserve.

Additional covenants or other controls must not be included on the titles to the lots created by the subdivision where they are in conflict with any provisions of or seek to prohibit any use provided for within the relevant Planning Scheme applying to the lot.

6. ENG M2 - DESIGNS SD include additional dot point “a multi-user path within public open space and linking the new road lot and existing multi-user path along South Arm Highway”, replace second paragraph with “A fee in accordance with council’s adopted fee schedule will be charged for the approval of these plans and is payable upon their lodgement. A “start of works” permit must be obtained prior to the commencement of any works.”
7. A construction management plan identifying the proposed car parking, traffic flow and circulation measures to be undertaken during construction must be submitted to and approved by Council’s Group Manager Engineering Services prior to commencement of any subdivision works.
8. ENG M4 – POS ACCESS.
9. ENG M5 – EROSION CONTROL.
10. ENG M7 – WEED MANAGEMENT.
11. ENG M8A – SERVICE EASEMENTS.
12. ENG R1 – ROAD NAMES.
13. ENG R2 – URBAN ROADS.
14. ENG R5 – ROAD EXTENSION.

15. ENG S1 – INFRASTRUCTURE REPAIR.
 16. ENG S2 – SERVICES.
 17. ENG S4 – STORMWATER CONNECTION.
 18. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
 19. LAND 5 – SUBDIVISION LANDSCAPING replace third sentence with “the plan must include construction details for footways, multi-user paths and other public links within both road reserves and public open space areas.”
 20. A 1.8m high solid fence with anti-graffiti paint, in accordance with the recommendations of the Noise Report (Noise Vibration Consulting, 8 October 2020), must be constructed along the northern boundary of the site prior to the sealing of the Final Plan. A plan of the fence must be submitted and approved by council’s Manager City Planning prior to its construction.
 21. PROP 2 – POS FENCING insert “The fencing for the first 4.5m along the entry to the public open space lot must have a maximum height of no more than 1.2m above natural ground level” after the second sentence.
 22. The drainage reserve must be fenced to the satisfaction of council’s Group Manager Engineering Services. Details of the fencing must be submitted and approved prior to the commencement of works.
 23. PROP 3 – TRANSFER.
 24. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 May 2021 (TWDA 2021/00490-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The lot originally had direct access to the South Arm Highway. When the highway was upgraded, the access was closed, and an access was created from Buckingham Drive for the use of the existing dwelling.

At this time, the landowner entered into a Part 5 Agreement which stated that in the event that 38A Buckingham Drive was required for the purpose of road associated with a development of the site, the road must be constructed to council's current standards.

This Part 5 Agreement was entered into prior to the extension of Sandringham Place which is now the public road frontage for the property and provides for a safer and more efficient access to the lot.

A previous application for a 30-lot subdivision was lodged in 2019 (SD-2019/4) but was withdrawn following advertising, as a Bushfire Hazard Management Plan was not provided.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 7.5 – Compliance with Relevant Standards;
- Section 8.10 – Determining Applications;
- Section 1.0 – Bushfire Prone Areas Zone;
- Section E3.0 – Landslide Code;
- Section E5.0 – Road and Railway Assets Code; and
- Section E11.0 – Waterway and Coastal Protection 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 comprised of two parcels, 38 Buckingham Drive is a 2.1ha lot bound by the South Arm Highway along its northern boundary, residential lots to the south, Crown land to the east and a Community Purpose zoned lot to the west which contains the Howrah Church of Christ; 38a Buckingham Drive is Crown land containing the driveway to 38 Buckingham Drive and a multi-user path to the South Arm Highway.

The site contains a single dwelling and associated outbuilding located generally along the southern boundary of the site which is set amongst areas of remnant native vegetation, maintained and overgrown grasses and domestic gardens. Existing vehicular access to the site is from Buckingham Drive.

3.2. The Proposal

The proposal is for a subdivision to create 30 residential lots. The subdivision also creates a drainage reserve containing stormwater infrastructure, a public open space lot and road lot.

The subdivision is proposed in three stages as follows:

- Stage 1: “Super lot” containing future Lots 8 – 17 and Lot 200 (Public Open Space) and Lot 201 (Drainage Reserve);
- Stage 2: Lots 8 – 17 and Lots 200 – 201;
- Stage 3: Lots 2 – 7 and Lots 18 – 23 (includes demolition of dwelling and outbuildings); and
- Stage 4: Lot 1 and Lots 24 – 30.

Stage 2 is accessed via the existing access from Buckingham Drive which is to be upgraded and will include the relocation of the multi-user pathway leading from Buckingham Drive to the South Arm Highway.

Stage 3 will include the construction of a road link to Sandringham Place over an unconstructed portion of the existing road reservation.

The application included the following reports:

- Traffic Impact Assessment (Midson Traffic, January 2021);
- Stormwater Detention Volume Design (Henry Design and Consulting, 24 August 2020);
- Bushfire Hazard Report (21 April 2021); and
- Noise assessment (Noise Vibration Consulting, 8 October 2020).

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. 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.

4.3. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Bushfire Prone Areas, Landslide, Road and Railway Assets and Waterway and Coastal Protection Codes with the exception of the following.

General Residential Zone

- **Clause 10.6.1 A2 (Lot Design)**– Lots 1 – 7, 10, 13, 16 – 27 do not contain building envelopes that have a long axis facing north or within 20 degrees west or 30 degrees east of north.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause 10.6.1 as follows.

Clause	Performance Criteria	Assessment
10.6.1 P2	<i>“The design of each lot must contain a building area able to satisfy all of the following:</i>	
	<i>(a) be reasonably capable of accommodating residential use and development;</i>	The lots are all regular shaped with reasonable road frontage and it is considered that all are able to reasonably accommodate residential development.
	<i>(b) meets any applicable standards in codes in this planning scheme;</i>	The proposal meets the requirements of all relevant Codes.
	<i>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</i>	The site has a slope from the south down to the north which will assist in ensuring that all lots will be able to achieve reasonable solar access.
	<i>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i>	The slope of all proposed lots does not exceed the acceptable solution of 1 in 5 and therefore the need for cut and fill associated with future development is minimised.
	<i>(e) provides for sufficient useable area on the lot for both of the following;</i> <i>(i) on-site parking and manoeuvring;</i> <i>(ii) adequate private open space.”</i>	The lots are regular in shape and all exceed the minimum lot size in the zone, therefore providing sufficient area for car parking and private open space.

General Residential Zone:

- **Clause 10.6.1 A3 (Lot Design)**– Lots 2 – 4 and 25- 29 have a frontage less than 12m.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause 10.6.1 as follows.

Clause	Performance Criteria	Assessment
10.6.1 P3	<i>“The frontage of each lot must satisfy all of the following:</i>	
	<i>(a) provides opportunity for practical and safe vehicular and pedestrian access;</i>	The lots all contain adequate frontage to be able to provide practical and safe access.
	<i>(b) provides opportunity for passive surveillance between residential development on the lot and the public road;</i>	Each lot will have sufficient frontage so that passive surveillance of the road will be visible from a future dwelling.
	<i>(c) is no less than 6m.”</i>	Complies

General Residential Zone:

- **Clause 10.6.1 A5 (Lot Design)** – The proposal is for a 30-lot subdivision and therefore does exceed the allowable lot number under the Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause 10.6.1 as follows.

Clause	Performance Criteria	Assessment
10.6.1 P5	<i>“Arrangement and provision of lots must satisfy all of the following;</i>	
	<i>(a) have regard to providing a higher net density of dwellings along;</i>	
	<i>(i) public transport corridors;</i>	
	<i>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</i>	
	<i>(iii) within 200m of business zones and local shops;</i>	
		The proposed lots range between 434m ² and 714m ² and comply with the Acceptable Solution in regard to lot size. A higher density would be difficult to achieve given the need to provide a road frontage to the lots.

	<i>(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;</i>	Complies as the proposal is for the whole of the lot.
	<i>(c) staging, if any, provides for the efficient and ordered provision of new infrastructure;</i>	The staging provides for stormwater infrastructure and public open space to be provided in the first stage.
	<i>(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</i>	<p>The lots are generally regular in shape and will allow opportunity for passive surveillance of the road. The public open space is located at the rear of the residential lots. Is recommended that a condition be included to require the first 4.5m of fence along the entry to the public open space to have a maximum height of 1.2m, which will provide for passive surveillance of this area from the road and adjoining lots.</p> <p>As the area to the west of the site contains the church and surrounds it is not considered necessary to require this style of fence along the rear boundaries of these lots.</p>
	<i>(e) is consistent with any applicable Local Area Objectives or Desired Future."</i>	Not applicable

General Residential Zone

- **Clause 10.6.2 A1 (Roads)** – The proposal does not meet the Acceptable Solution as a new road is proposed.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause 10.6.2 as follows.

Clause	Performance Criteria	Assessment
10.6.1 P5	<p><i>“The arrangement and construction of roads within a subdivision must satisfy all of the following:</i></p> <p><i>(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</i></p>	Not applicable
	<p><i>(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</i></p>	Not applicable as the subdivision is for the whole title and no balance lot is created.
	<p><i>(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;</i></p>	<p>The land to the west at 30 Holland Court is currently zoned Community Purpose and contains a church and associated car parking. The current zoning does not provide any subdivision potential. Regardless of the above, the potential for subdivision in the event that the zoning was changed has been considered. In this case, the location of the site is at the periphery of the General Residential zone and is a logical completion of the Howrah Gardens residential area.</p> <p>Council has recently received an application for a rezoning and residential subdivision on the adjoining property at 30 Holland Court, however, the proposal does not include the subdivision of the portion of this site containing the church. The location of the church in the centre of the site restricts the location of any future connection to the site and therefore it is not considered appropriate to require a road connection to the common boundary with 30 Holland Court.</p>

		<p>However, it is considered appropriate to require a pedestrian connection that will lead to Holland Court, in the event that this lot is subdivided. To achieve this a minor adjustment to the lots at the end of the cul-de-sac to essentially swap the access to the public open space with Lot 27. This will provide for a more direct connection to 30 Holland Court and the Kunyah Bushland Reserve.</p> <p>This has been discussed with the applicant who has agreed in principle to the condition.</p> <p>A condition requiring the construction of a multi-user path through the public open space is recommended which will provide a link to the multi user path along the South Arm Highway and also to the southern end of the site which will connect in the future if 30 Holland Court is developed.</p>
	(d) <i>an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</i>	The proposal provides a legible road network through the site.
	(e) <i>cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</i>	The proposal provides for reasonable connectivity to the road network by the through road from Sandringham Place to Buckingham Drive and good pedestrian connectivity through the proposed public open space. There are currently no options for providing a link to Holland Court and therefore the use of a cul-de-sac in this case is acceptable.

	(f) <i>connectivity with the neighbourhood road network is maximised;</i>	Connectivity to the neighbourhood road network is maximised by the construction of two roads linking Sandringham Place to Buckingham Drive and a pedestrian/bicycle link along the western boundary of the site which will provide a link to adjoining public open space and also facilitate a connection if 30 Holland Court is developed in the future.
	(g) <i>the travel distance between key destinations such as shops and services is minimised;</i>	The proposal is an extension of the existing Sandringham Place and Buckingham Drive and is suitably located to shops and services in Rokeby and Howrah.
	(h) <i>walking, cycling and the efficient movement of public transport is facilitated;</i>	<p>The proposal includes the construction of a multi-user path from Buckingham Place to the existing multi-user path on the South Arm Highway.</p> <p>The proposal also includes the development of footways through the proposed public open space and it is recommended that these be constructed as multi-user paths to facilitate both pedestrian and cycle movement in the area.</p>
	(i) <i>provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</i>	Not applicable
	(j) <i>any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.”</i>	Sandringham Place will be extended, and a new road created generally parallel to Buckingham Drive and Raleigh Place and therefore the existing road network pattern is extended.

General Residential Zone

- **Clause 10.6.3 A1 (Ways and Public Open Space)** – no Acceptable Solution so requires assessment against the Performance Criteria.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause 10.6.1 as follows.

Clause	Performance Criteria	Assessment
10.6.1 P5	<i>“The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	
	<i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	A pedestrian link is provided to the South Arm Highway from Buckingham Drive and from the proposed public open space lot. The proposal also provides a connection to the public open space area known as Kuynah Bushland Reserve.
	<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	As discussed previously, it is recommended that a condition be included that requires a minor modification to the lot layout to relocate the access to the public open space to the south of Lot 28 which better facilitates a future pedestrian connection to a future development on 30 Holland Court.
	<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	As previously discussed, 30 Holland Court does not currently have residential subdivision potential due to its zoning as Community Purpose and existing use as a church. However, pedestrian/bicycle connections are provided through the site to the South Arm Highway from Buckingham Drive and also through the proposed public open space lot.

	<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	The proposed pathways provide convenient access to the existing multi-user path along the South Arm Highway.
	<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	The public open space is at least 10m wide and is generally open with only 3 lots having a rear boundary adjoining this space. Direct views are available from the road through to the public open space which will assist in passive surveillance of this area. In addition, it is recommended that a fence with a maximum height of 1.2m high be constructed for the first 4.5m of the entry to the public open space to provide for passive surveillance of this area.
	<i>(f) provides for a legible movement network;</i>	The proposal to relocate the access to the public open space to the south of Lot 27 will create a more legible pedestrian route through the site to the public open space known as Kuynah Bushland Reserve, and also to 30 Holland Court, if this lot is developed in the future.
	<i>(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</i>	Not applicable
	<i>(h) Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council policy.</i>	The portion of land that can be taken as public open space, which excludes the stormwater detention pond and easements to this area, constitutes 5.8% of the area of the site in accordance with Council's Public Open Space Policy which requires a minimum of 5%. A desirable link from the South Arm Highway to the Kuynah Bushland Reserve is identified in Council's Tracks and Trails Strategy.

	<p>(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i></p> <p>(i) <i>the width of the way;</i></p> <p>(ii) <i>the length of the way;</i></p> <p>(iii) <i>landscaping within the way;</i></p> <p>(iv) <i>lighting;</i></p> <p>(v) <i>provision of opportunities for 'loitering';</i></p> <p>(vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)."</i></p>	<p>The public open space will have direct views in this area from the cul-de-sac and from the existing multi-user path along South Arm Road. In addition, the area is a minimum 10m wide and runs in straight lines. Accordingly, the design of the public open space is considered reasonable to ensure that opportunities for entrapment and other criminal activities are minimised.</p>
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Road and Railway Assets Code

- **Clause E5.5.1 A3 (Road Accesses and Junctions)** – the proposal will result in an increase in traffic to the site from the Buckingham Drive access which is greater than 20% or 40 vehicle movements per day and exceeds the allowable increase of the Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause E5.5.1 as follows.

Clause	Performance Criteria	Assessment
E5.5.1 P3	<p><i>“Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i></p>	

	<i>(a) the increase in traffic caused by the use;</i>	The increased traffic generated by the proposed development is likely to be 170 vehicles per day with a peak volume of 18 vehicles per hour at the Buckingham Drive access (80% of the total increased traffic generation from the development).
	<i>(b) the nature of the traffic generated by the use;</i>	The traffic generated by the development will be residential in nature, which is consistent with the traffic in the surrounding network.
	<i>(c) the nature and efficiency of the access or the junction;</i>	The Traffic Impact Assessment has concluded that the junction is capable of absorbing the additional traffic generated by the development.
	<i>(d) the nature and category of the road;</i>	Buckingham Drive is a local residential street.
	<i>(e) the speed limit and traffic flow of the road;</i>	The general urban speed limit of 50km/h applies to Buckingham Drive.
	<i>(f) any alternative access to a road;</i>	Alternative access to the site is available via Sandringham Place. Stage 2 of the subdivision includes the extension of Sandringham Place for access to the subdivision.
	<i>(g) the need for the use;</i>	The access is required to service the traffic generated by the proposed subdivision.
	<i>(h) any traffic impact assessment; and</i>	The Traffic Impact Assessment concludes that the Buckingham Drive access provides a suitable access to the subdivision and should be supported.
	<i>(i) any written advice received from the road authority.”</i>	The application was referred to the Department of State Growth who had no comment regarding the proposed access arrangements.

Road and Railway Assets Code

- **Clause E5.6.2 A2 (Road Accesses and Junctions)** – no Acceptable Solution so requires assessment against the Performance Criteria.

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

Clause	Performance Criteria	Assessment
E5.6.2 P2	<p><i>“For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i></p> <p>(a) <i>the nature and frequency of the traffic generated by the use;</i></p>	<p>The Traffic Impact Assessment (TIA) provided with the application has determined that traffic generated by the development will be 40 vehicles per day with a peak of four vehicles per hour at the Sandringham Place access. The increase in traffic on both Sandringham Place and Buckingham Drive is not considered to adversely impact on the efficiency of these roads.</p>
	(b) <i>the nature of the road;</i>	Sandringham Place and Buckingham Drive are both local residential streets.
	(c) <i>the speed limit and traffic flow of the road;</i>	Both roads have a speed limit of 50km per hour.
	(d) <i>any alternative access to a road;</i>	There is no alternative access to the site.
	(e) <i>the need for the access or junction;</i>	The new access proposed from Sandringham Place is necessary to service the traffic generated by the development.
	(f) <i>any traffic impact assessment; and</i>	A TIA was provided with the application.
	(g) <i>any written advice received from the road authority.”</i>	The application was referred to the Department of State Growth who had no comment to make regarding the proposed access arrangements.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 13 representations were received. The following issues were raised by the representors.

5.1. Increase in Traffic

Concern was raised that the proposal will result in an increase in traffic through Sandringham Place and Buckingham Drive.

- **Comment**

As discussed in the report, the TIA demonstrated that the increase in traffic generated by the development is able to be absorbed into the existing road network and will not have an adverse impact on the amenity of the surrounding area.

5.2. Removal of Vegetation/Trees

Concern was raised that the proposal involves the removal of a large number of trees on the site.

- **Comment**

The site is not covered by the Natural Assets Code and therefore there is no ability to require the retention of the trees on the site. On this basis, the issue cannot have determining weight.

5.3. Traffic During Construction of Subdivision

Concern was raised there would be a significant increase in traffic in Sandringham Place during the construction of the subdivision.

- **Comment**

The construction of the subdivision is required to comply with the *Environmental Management and Pollution Control (Noise) Regulations 2016* which specifies hours of operation for machinery. However, in order to ensure that the construction of the subdivision does not have an unreasonable impact on the amenity of the neighbouring residents, a permit condition is recommended for a Construction Management Plan to be provided prior to the commencement of subdivision works.

5.4. Size of Lots

Concern was raised that the lots appear small and not in keeping with the character of the surrounding area.

- **Comment**

The lot sizes all exceed the minimum lot size required by the planning scheme and therefore, this issue cannot have determining weight.

5.5. Impact on Rare and Endangered Species

Concern was raised that the development will impact on the Betong marsupial and Swift Parrot species that currently frequent the site.

- **Comment**

The site is not covered by the Natural Assets Code and therefore the impact on native species cannot be considered in the assessment of this application. On this basis, this issue cannot have determining weight.

5.6. Public Open Space does not provide a Community Benefit

Concern was raised that the public open space does not provide any community benefit.

- **Comment**

The public open space lot provides a pedestrian and bicycle link to South Arm Road and to the Kuynah Bushland Reserve and is considered to meet the requirements of the Public Open Space Policy.

5.7. Noise

Concern was raised regarding noise from the South Arm Highway and whether a noise attenuation fence will be funded by the developer.

- **Comment**

The noise report provided by the developer has proposed a noise attenuation fence along the South Arm Highway to mitigate traffic noise. It is recommended that a permit condition be included that requires the developer to construct this fence.

5.8. Future Link to Holland Court

Concern was raised that there should be a road link to Holland Court as was originally proposed when the Howrah Gardens area was subdivided.

- **Comment**

As discussed previously in this report, the existing zoning of the adjoining land and the location of the building on this site, restricts the potential to provide a vehicular connection. However, the lack of a road connection is considered to be offset by the pedestrian/bicycle link through the site which will link to the adjoining property at 30 Holland Court, if this site is subdivided in the future.

6. EXTERNAL REFERRALS

The application was referred to the Department of State Growth who had no objections to the proposal providing that the noise mitigation fence recommended in the Noise Report was constructed by the developer.

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

9. CONCLUSION

The proposal is for a 30-lot residential subdivision which is considered to meet the requirements of the Scheme and is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 38 & 38A Buckingham Drive



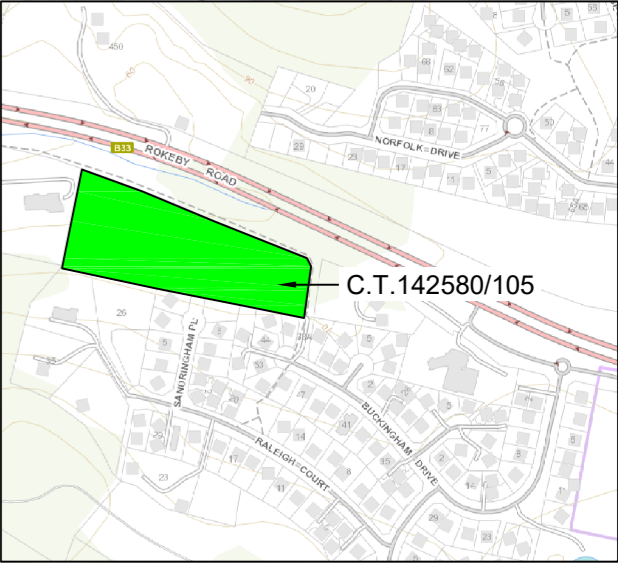
Rev D

Development Standards for Subdivision

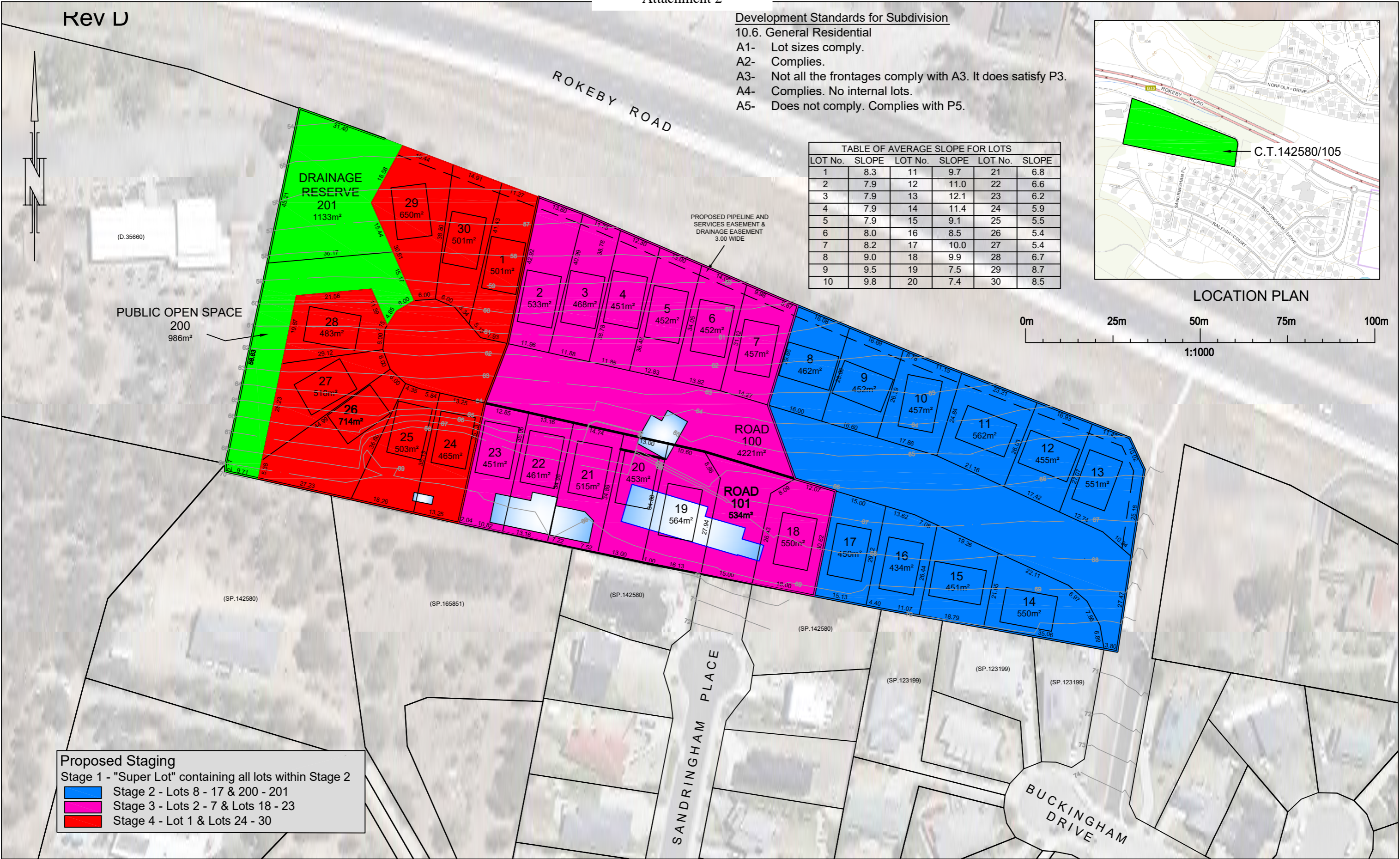
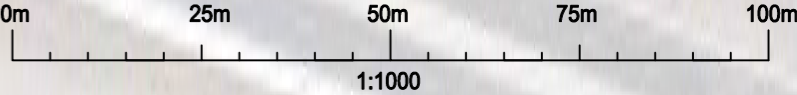
10.6. General Residential

- A1- Lot sizes comply.
- A2- Complies.
- A3- Not all the frontages comply with A3. It does satisfy P3.
- A4- Complies. No internal lots.
- A5- Does not comply. Complies with P5.

TABLE OF AVERAGE SLOPE FOR LOTS					
LOT No.	SLOPE	LOT No.	SLOPE	LOT No.	SLOPE
1	8.3	11	9.7	21	6.8
2	7.9	12	11.0	22	6.6
3	7.9	13	12.1	23	6.2
4	7.9	14	11.4	24	5.9
5	7.9	15	9.1	25	5.5
6	8.0	16	8.5	26	5.4
7	8.2	17	10.0	27	5.4
8	9.0	18	9.9	28	6.7
9	9.5	19	7.5	29	8.7
10	9.8	20	7.4	30	8.5



LOCATION PLAN



Proposed Staging
Stage 1 - "Super Lot" containing all lots within Stage 2
Stage 2 - Lots 8 - 17 & 200 - 201
Stage 3 - Lots 2 - 7 & Lots 18 - 23
Stage 4 - Lot 1 & Lots 24 - 30

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.
All measurements and areas are subject to the final survey.
Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

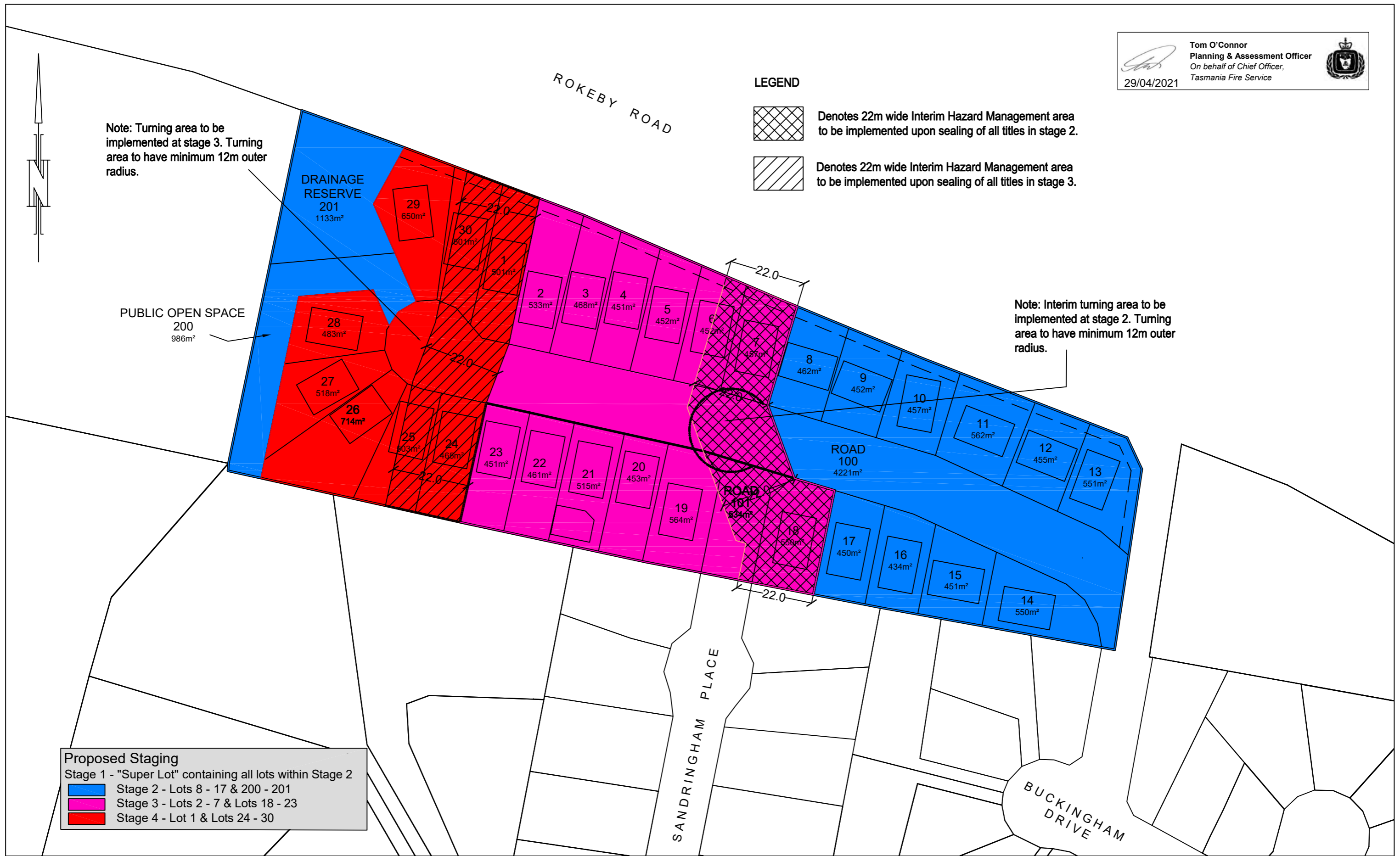


UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER: CLARENCE CITY COUNCIL
NIGEL DAVID INNES
TITLE REFERENCE: C.T.142580/105 C.T.133933/2
LOCATION: 38 & 38A BUCKINGHAM DRIVE
HOWRAH

Proposed Subdivision

Date: 19-04-2021	Reference: INNEN01 11380-04
Scale: 1:1000 (A3)	Municipality: CLARENCE



38 & 38A BUCKINGHAM DRIVE, HOWRAH



Photo 1: *Development site viewed from southern side of the South Arm Highway, looking west.*



Photo 2: *Site of existing dwelling on site viewed looking north from Sandringham Place.*



Photo 3: Aerial image of site, excerpt from Council's GIS.

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/018087 – 3
YACHTSMANS WAY, TRANMERE - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 3 Yachtsmans Way, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas, Parking and Access, Inundation Prone Areas 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 June 2021.

CONSULTATION

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

- traffic and parking;
- noise;
- population density;
- standard of buildings;
- resale value;
- loss of sunlight;
- bulk of the development;
- proximity to boundary; and
- loss of privacy.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 3 Yachtsmans Way, Tranmere (C1 Ref PDPLANPMTD-2021/018087) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M14 – STORAGE AREAS.
 3. ENG A5 – SEALED CAR PARKING.
 4. ENG M1 – DESIGNS DA.
 5. TASWATER - The development must meet all required Conditions of Approval specified by TasWater notice dated 16/04/2021 (TWDA 2021/00548-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

The lot was created as part of the SD-2010/63 subdivision.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E1.0 – Bushfire Prone Areas;
- Section E6.0 – Parking and Access;

- Section E7.0 – Stormwater Management; and
- Section E15.0 – Inundation prone Areas 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 746m² rectangular shaped lot with vehicle access from Yachtsmans Way. The lot contains no remaining native vegetation and an existing crossover which was provided as part of the subdivision approval.

3.2. The Proposal

The proposal is to construct two double storey multiple dwellings. Each dwelling would have an upper level open plan living/kitchen/dining area with adjacent deck and a bedroom.

The units would contain three bedrooms on the upper ground floor and the ground floor would contain a double garage.

The exterior of the dwellings would be brick, cladding and the roofs would be Colorbond.

Included in the proposal is a landscaping plan which would include some retaining walls and internal fences combined with plantings adjacent parking and driveway areas.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 *Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”*

4.2. 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.

4.3. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Bushfire Prone Areas, Parking and Access, Stormwater Management, and Inundation Prone Areas Codes except for the following.

General Residential Zone

- **Clause 10.4.8** – the proposal would include bin storage at the front of Unit 1. This would not meet the requirements of the acceptable solutions for this clause.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.4.8 as follows.

Clause	Performance Criteria	Assessment
10.4.8	<p><i>“P1 A multiple dwelling must have storage for waste and recycling bins that is:</i></p> <p><i>(a) capable of storing the number of bins required for the site;</i></p>	<p>The proposal includes an area at the front of Unit 1 which is not a common storage area.</p> <p>Both units have an area for bin storage which would be adequate for the number of bins required;</p>

	(b) <i>screened from the frontage and dwellings; and</i>	Screening is indicated on the plans; however, no height is shown. A permit condition is recommended for any permit issued to provide adequate screening.
	(c) <i>if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.”</i>	The proposed storage area is not a common storage area.

5. REPRESENTATION ISSUES

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

5.1. Parking and Traffic

Representors have raised issue with a potential increase in traffic and parking issues because of the proposal.

- **Comment**

The proposal has provided on-site parking as required by the parking and access code. There are no relevant clauses which consider traffic in relation to individual multiple dwelling developments. It has therefore met the applicable use and development standards of the Scheme.

5.2. Noise

Concern was raised that the proposal would result in an increase in noise from vehicles.

- **Comment**

There are no clauses in the General Residential zone or applicable codes which consider noise in relation to the operation of a residential use. This issue therefore has no determining weight.

5.3. Population Density

Concern was raised that the building density was increasing throughout the surrounding area and as a result there was an increase in population density.

- **Comment**

The proposal has met all the Acceptable Solution of the General Residential zone in relation to building density. There are no other planning controls which would restrict the number of dwellings per lot or inhabitants of the dwellings.

5.4. Standard of Buildings

The representors raised concern about the standard of the buildings when compared to the quality and density of the existing properties.

- **Comment**

There are no applicable clauses which assess the quality or standard of dwellings, including appearance, in the General Residential zone. This therefore has no determining weight.

5.5. Resale Value

Concern was raised that the development would decrease the resale values of the surrounding properties.

- **Comment**

Impacts on land values are not a consideration under the Scheme. This matter therefore has no determining weight.

5.6. Loss of Sunlight

Concern was raised that the development would result in a loss of sunlight to an adjacent property.

- **Comment**

The proposed dwellings would be entirely within the building envelope, meet all setbacks from property boundaries and would not exceed the maximum height in the zone. No discretion is sought relating to the loss of sunlight.

5.7. Bulk of the Development

Concern was raised about the combined site coverage of the proposed units.

- **Comment**

The proposal was assessed against the acceptable solutions of the scheme and has met all the relevant acceptable solutions in relation to site coverage.

5.8. Proximity to Boundary

Concern was raised about the proximity of the buildings to the property boundaries.

- **Comment**

The proposal was assessed against the acceptable solutions of the Scheme and has met all the relevant acceptable solutions in relation to setback.

5.9. Loss of Privacy

Concern was raised regarding potential loss of privacy as a result of overlooking.

- **Comment**

The proposal has met all the relevant acceptable solutions of the Scheme in relation to setback and privacy. The dwellings would meet all the required setbacks and privacy screens would be provided where required in addition to raised windowsill heights. The inclusion of these features ensures the proposal meets the relevant acceptable solutions.

6 EXTERNAL REFERRALS

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

7 STATE POLICIES AND ACT OBJECTIVES

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

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 2021-2031 or any other relevant council policy.

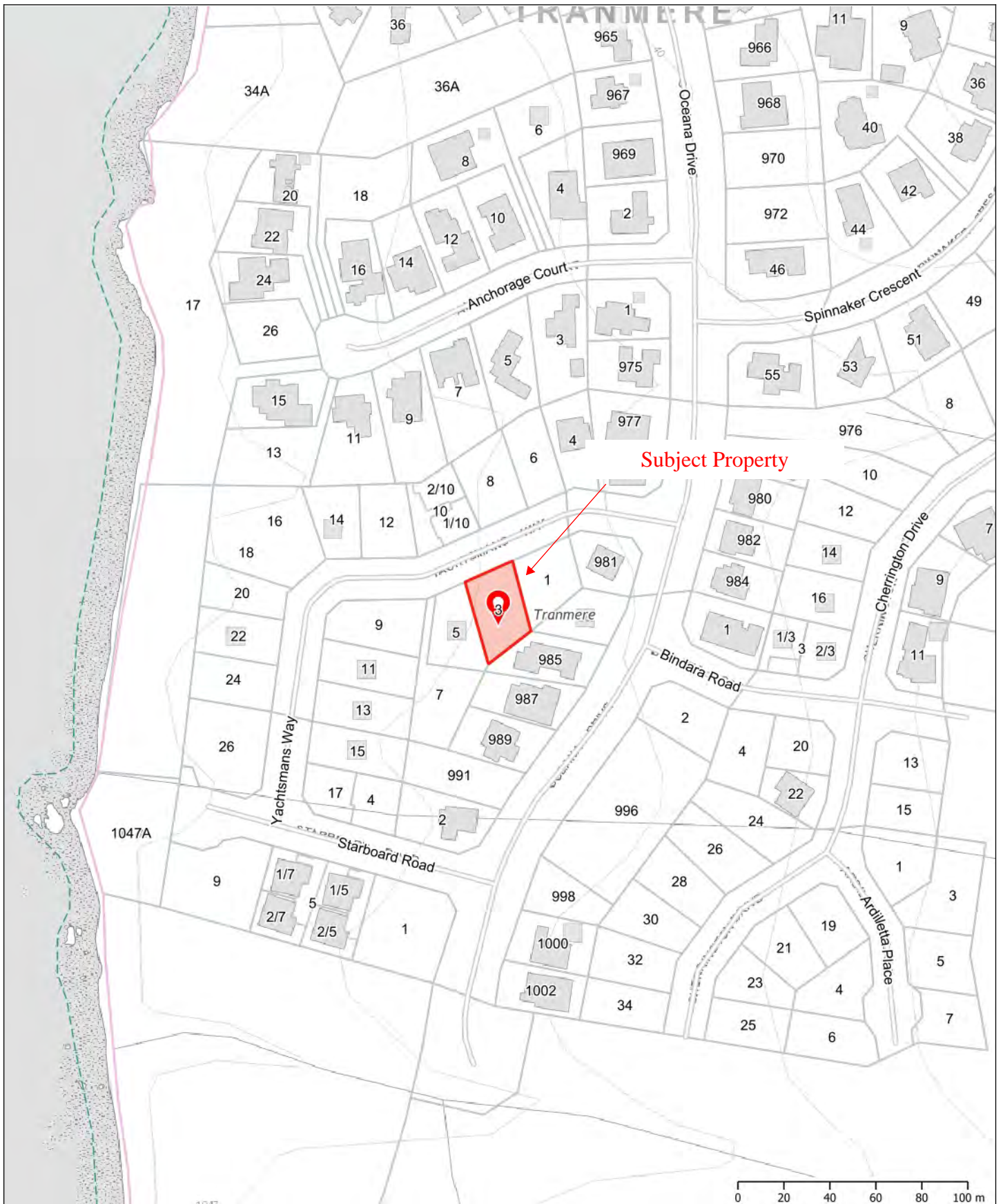
9 CONCLUSION

The proposed multiple dwelling development seeks a discretion in relation to waste storage and is recommended for approval, subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



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

6/9/2021

1:2257



LANDSCAPE SCHEDULE



Evergreen Baby Lomandra



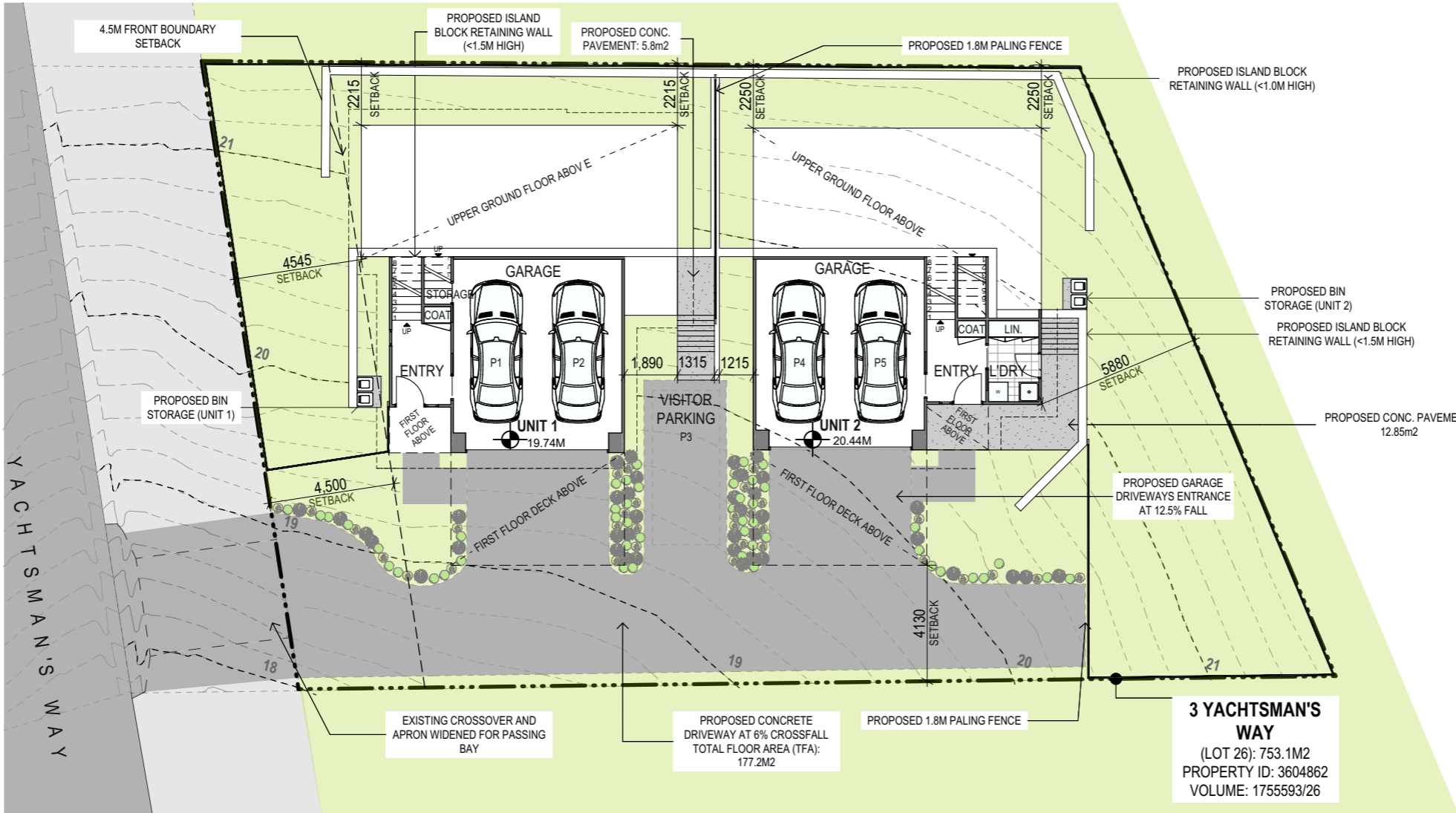
Isabella Liriope



Luscious Tristaniopsis



Green John Callisteman



SITE PLAN
1:200

FLOOR AREAS

UNIT 1

Ground Floor:	54.05m ²
Upper Ground Floor:	62.85m ²
First Floor:	58.75m ²
Upper First Floor:	35.60m ²
Private Open Space:	24.0m ²

UNIT 2

Ground Floor:	59.85m2
Upper Ground Floor:	57.0m2
First Floor:	58.75m2
Upper First Floor:	36.75m2
Private Open Space:	24.0m2
Total Site Coverage (Unit 1+2):	233.75m2

Total Site Coverage (Unit 1+2):

Concrete Surfaces:	195.85m2
Total Impervious Area:	429.6m2
Site Coverage (%):	31%



CLIENT

Wilson Homes

ADDRESS

3 Yachtsman's Way
Tranmere
Australia

TITLE

SITE PLANS

Site Plan

PROJECT NO: 2117
DRAWN: A.L
CHECKED: A. Hill



DRAWING NO

REV

A-001

NOTES

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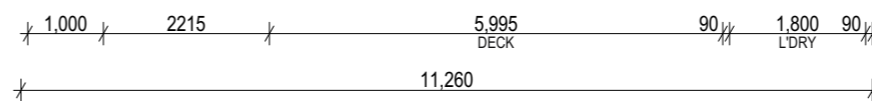
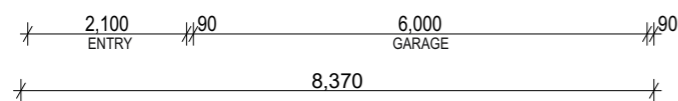
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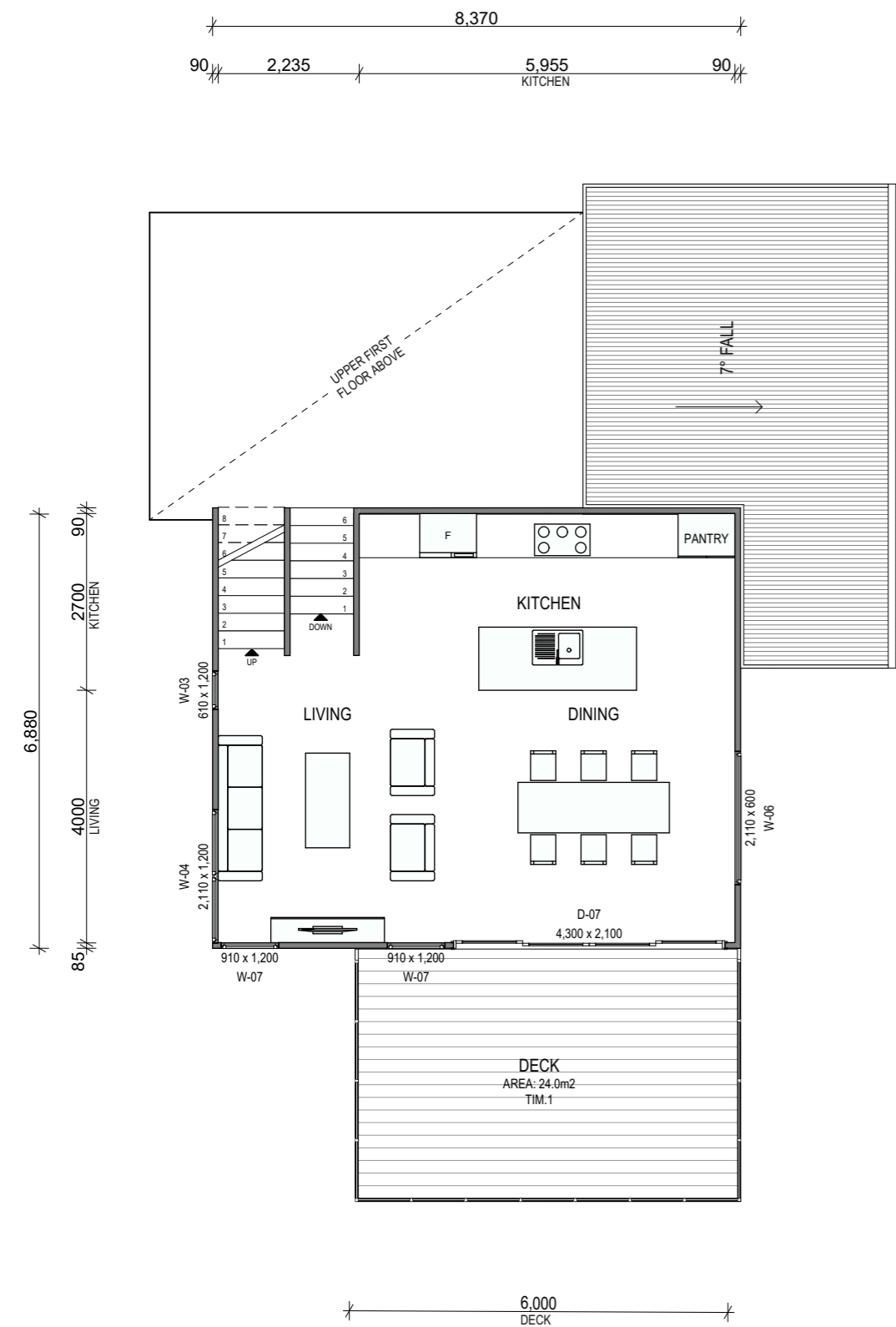
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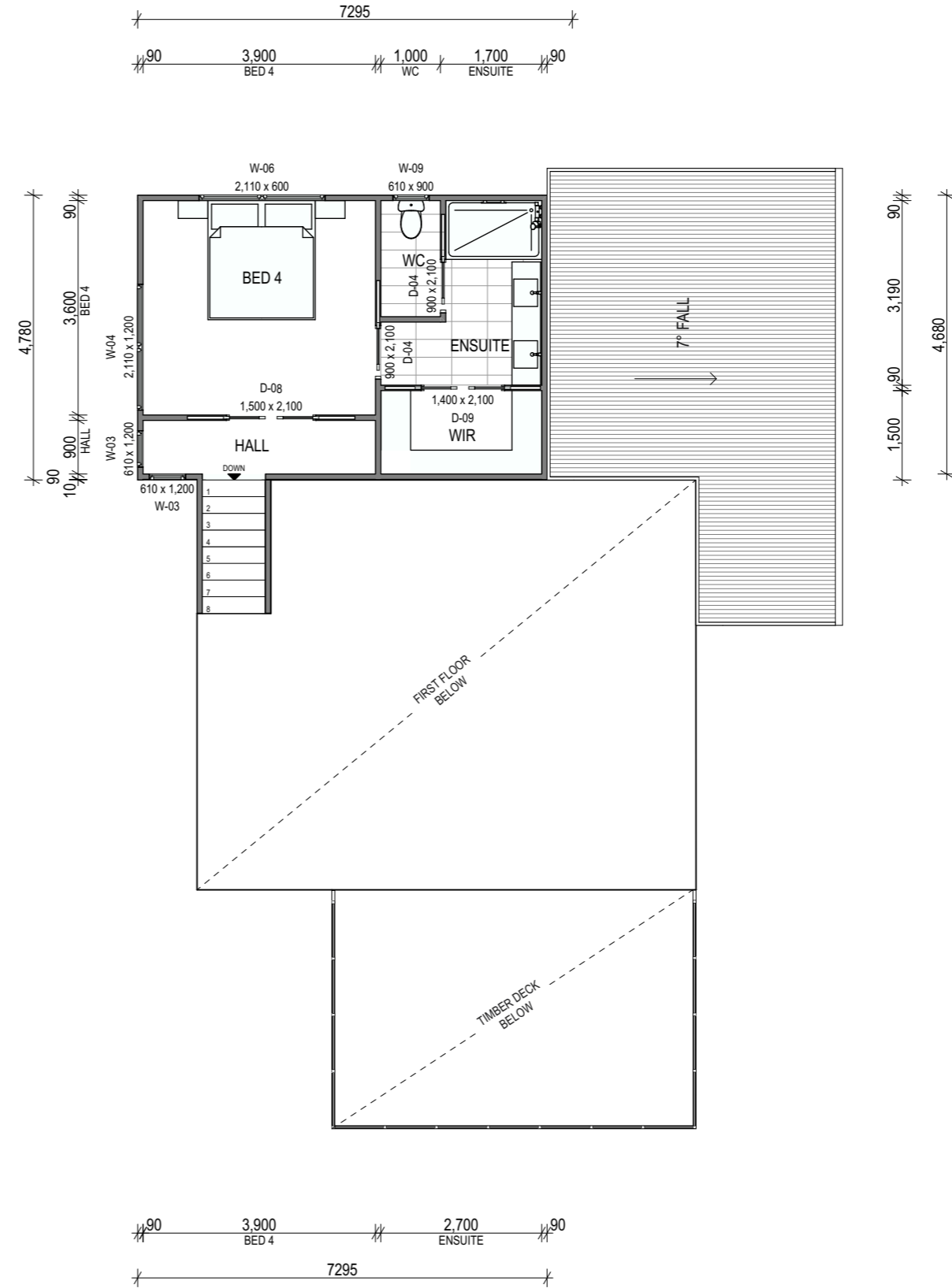
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Agenda Attachments - 3 Yachtsmans Way, Tranmere Page 3 of 13





03
UNIT 1 - FIRST FLOOR PLAN
1:100



04
UNIT 1 - UPPER FIRST FLOOR PLAN
1:100

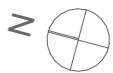


CLIENT
Wilson Homes

ADDRESS
3 Yachtsman's Way
Tranmere
Australia

TITLE
GA PLANS
Unit 1 - First + Upper First

PROJECT NO: 2117
DRAWN: A.L.
CHECKED: A. Hill

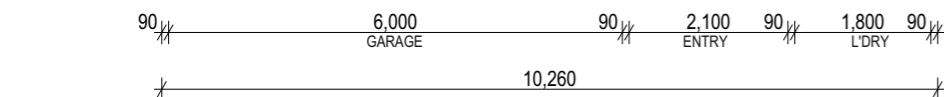


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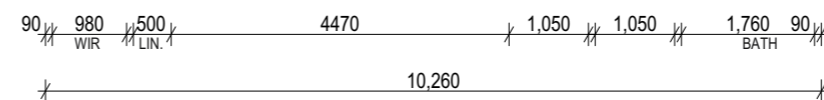
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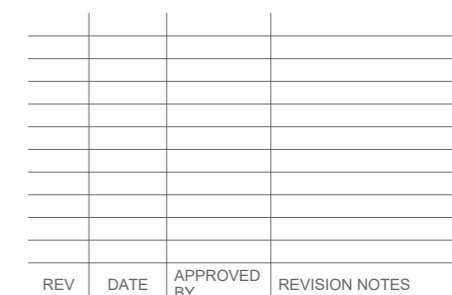


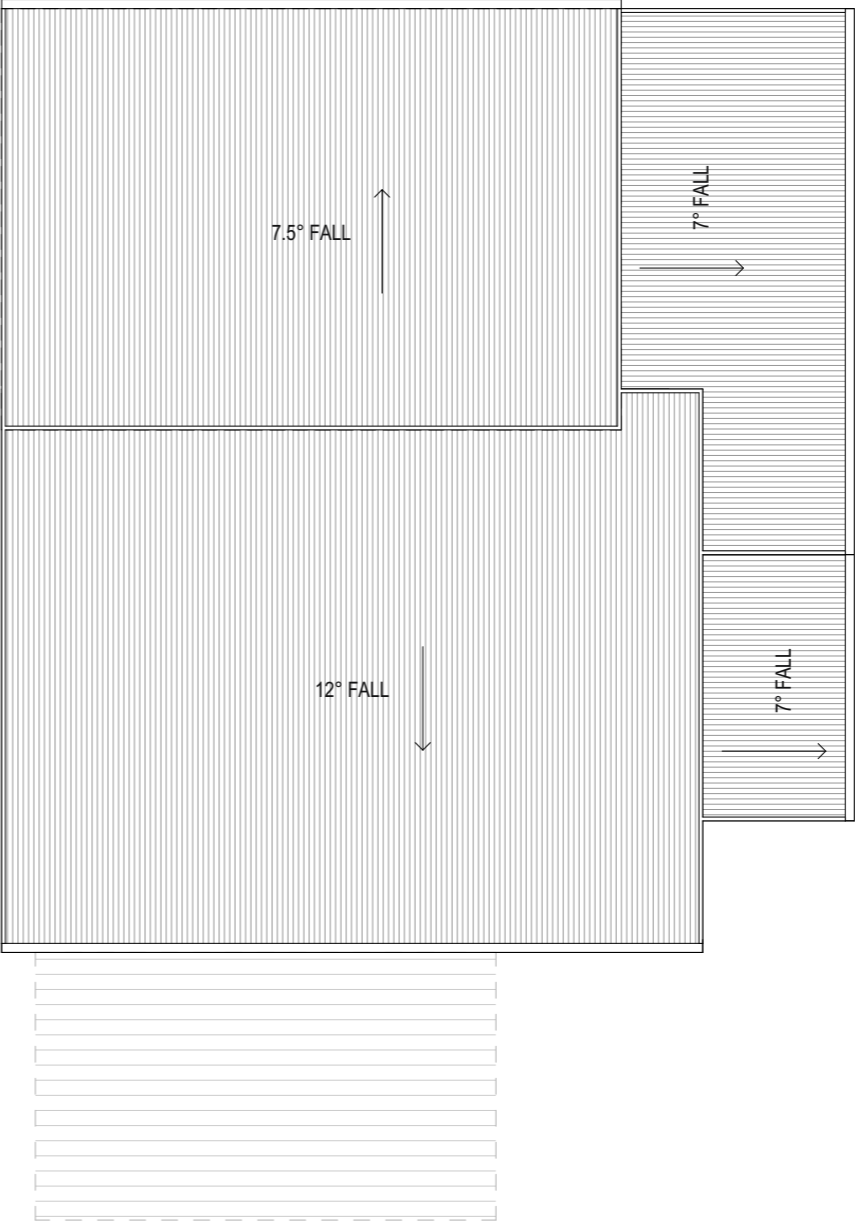
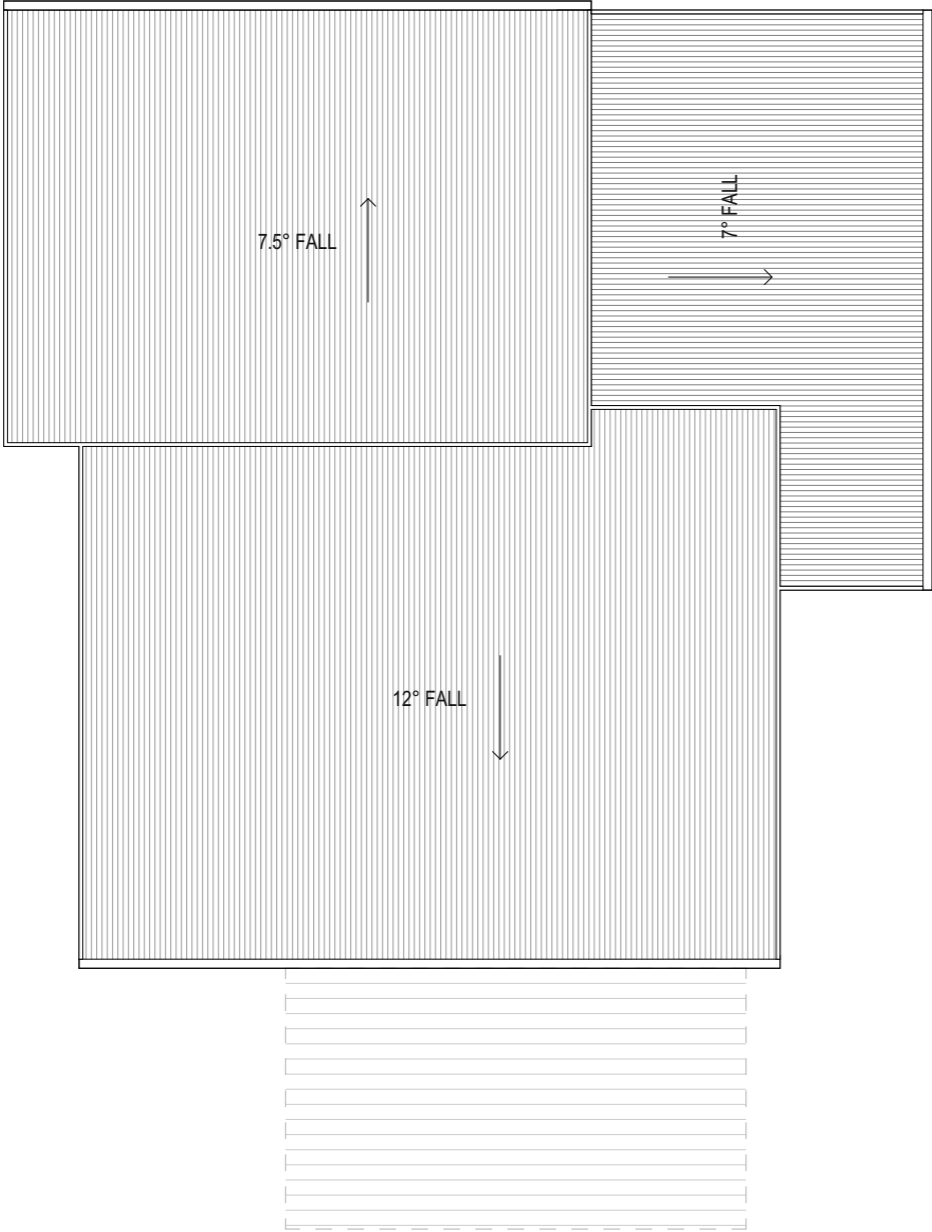
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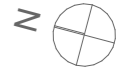


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GA PLANS
Unit 1 + 2 - Roof Plan

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A-007

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REV	DATE	APPROVED BY	REVISION NOTES

- KEY
- CL-1:

BR-1:

TR-1:

GD-1:

CB-1:
- Axon Cladding 133mm Smooth, Surfmist®

Austral brick, Overland, Freycinet

Colorbond capping, flashing & trim, Monument®

Sectional timber garage door

Custom Orb®, Monument®



CLIENT

Wilson Homes

ADDRESS

3 Yachtsman's Way
Tranmere
Australia

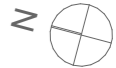
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GA ELEVATIONS
Unit 1 - East + South Elevation

PROJECT NO: 2117

DRAWN: A.L

CHECKED: A. Hill



DRAWING NO

E-008

REV

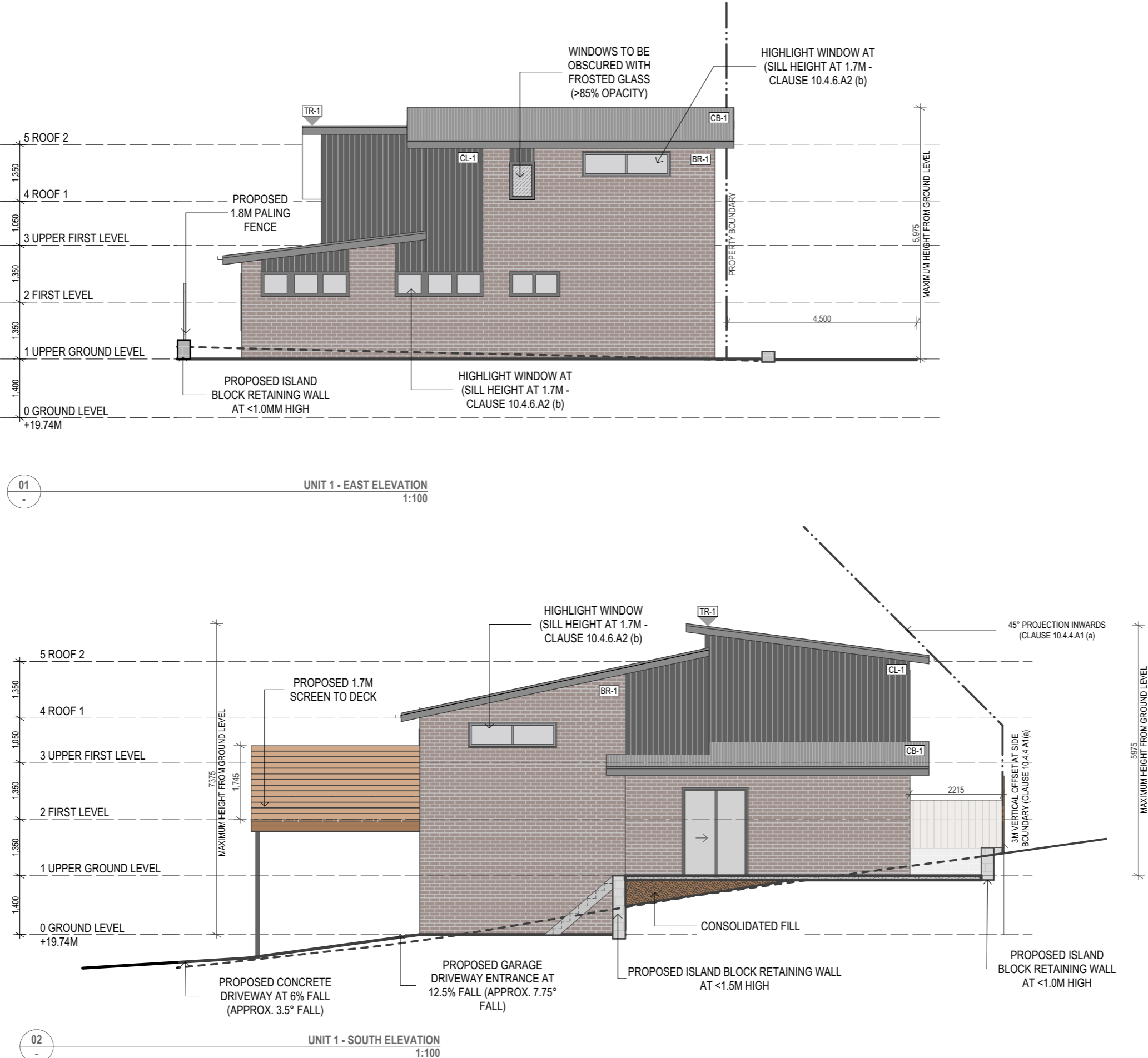
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REV	DATE	APPROVED BY	REVISION NOTES



KEY

CL-1: Axon Cladding 133mm Smooth, Surfmist®
BR-1: Austral brick, Overland, Freycinet
TR-1: Colorbond capping, flashing & trim, Monument®
GD-1: Sectional timber garage door
CB-1: Custom Orb®, Monument®



CLIENT _____

Wilson Homes

ADDRESS _____

3 Yachtsman's Way
Tranmere
Australia

TITLE _____

GA ELEVATIONS

Unit 1 - West + North Elevation

PROJECT NO: 2117
DRAWN: A.L
CHECKED: A. Hill



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E-009

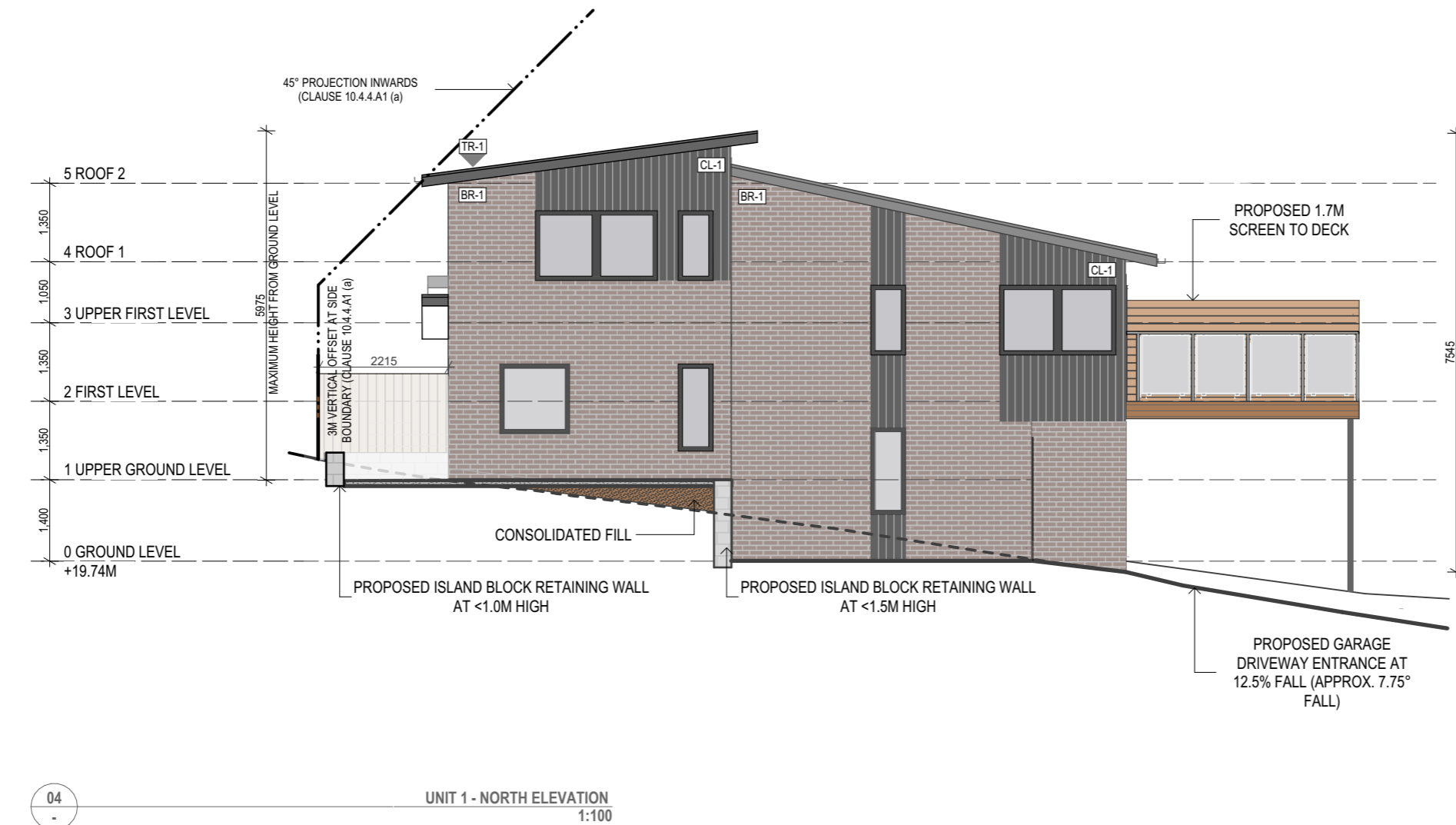
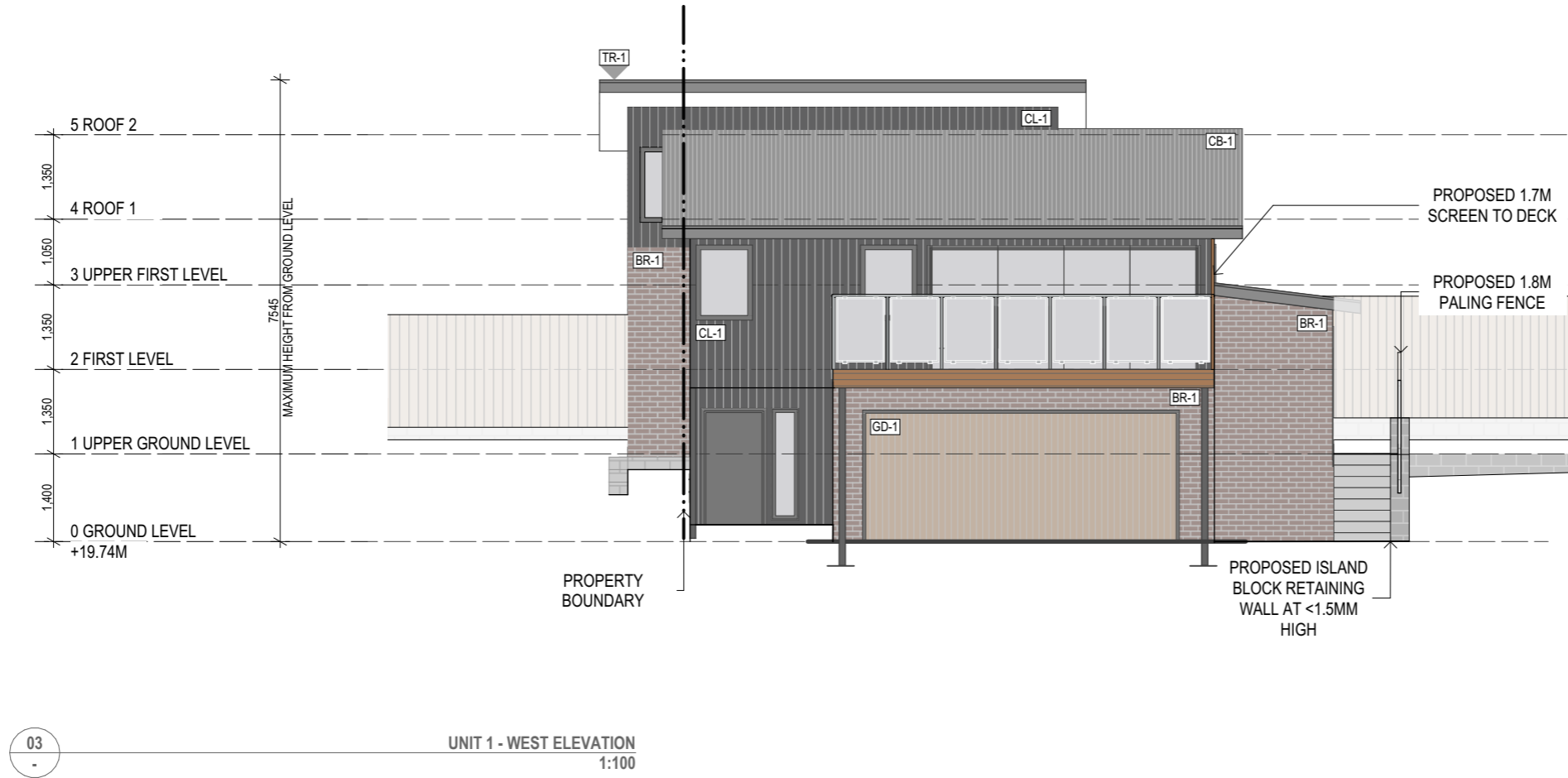
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REV	DATE	APPROVED BY	REVISION NOTES



KEY

CL-1: Axon Cladding 133mm Smooth, Surfmist®
BR-1: Austral brick, Overland, Freycinet
TR-1: Colorbond capping, flashing & trim, Monument®
GD-1: Sectional timber garage door
CB-1: Custom Orb®, Monument®



CLIENT _____

Wilson Homes

ADDRESS _____

3 Yachtsman's Way
Tranmere
Australia

TITLE _____

GA ELEVATIONS

Unit 2 - East + South Elevations

PROJECT NO: 2117
DRAWN: A.L
CHECKED: A. Hill



DRAWING NO _____ REV _____

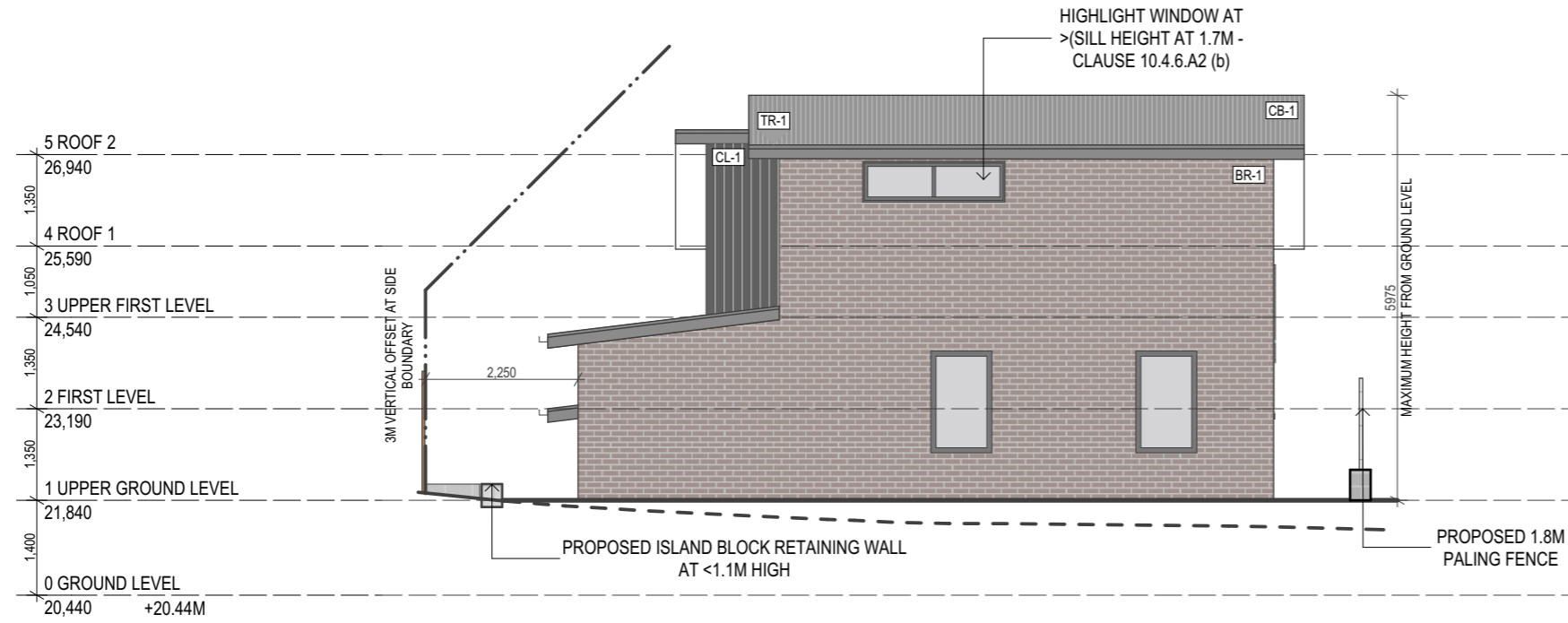
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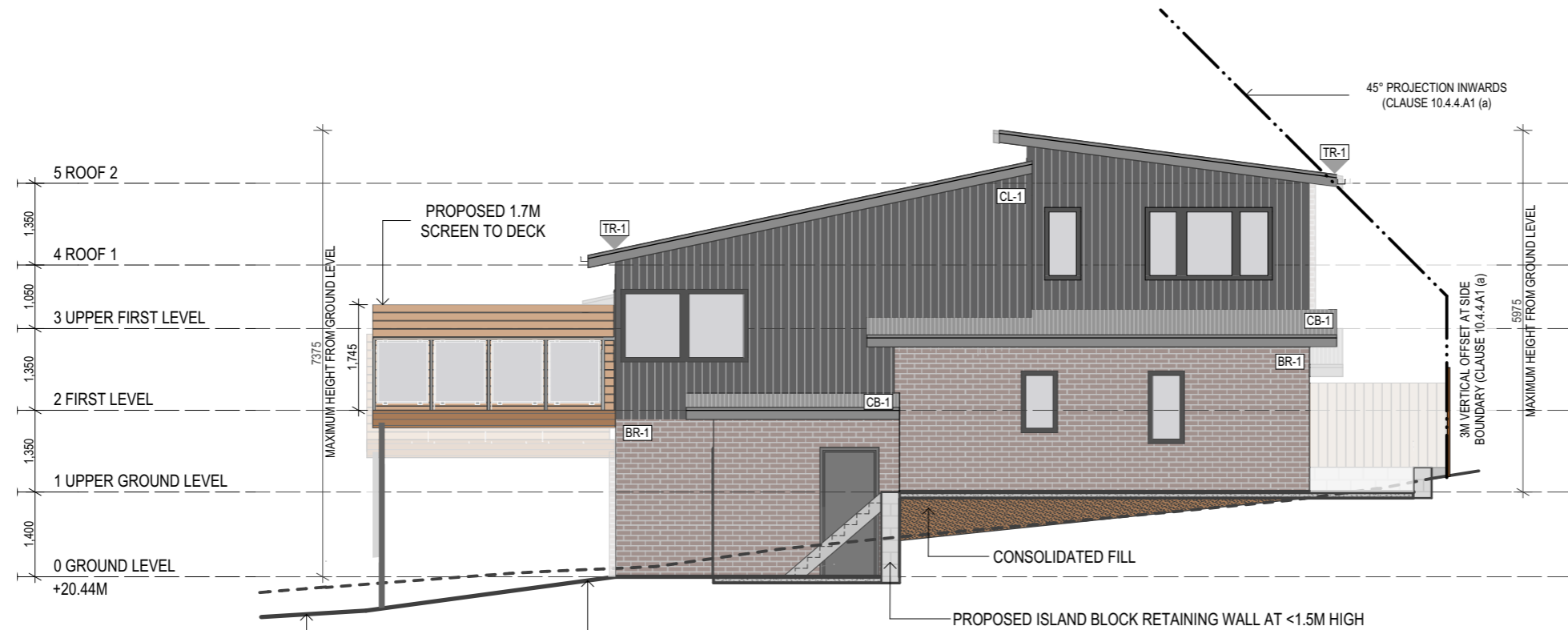
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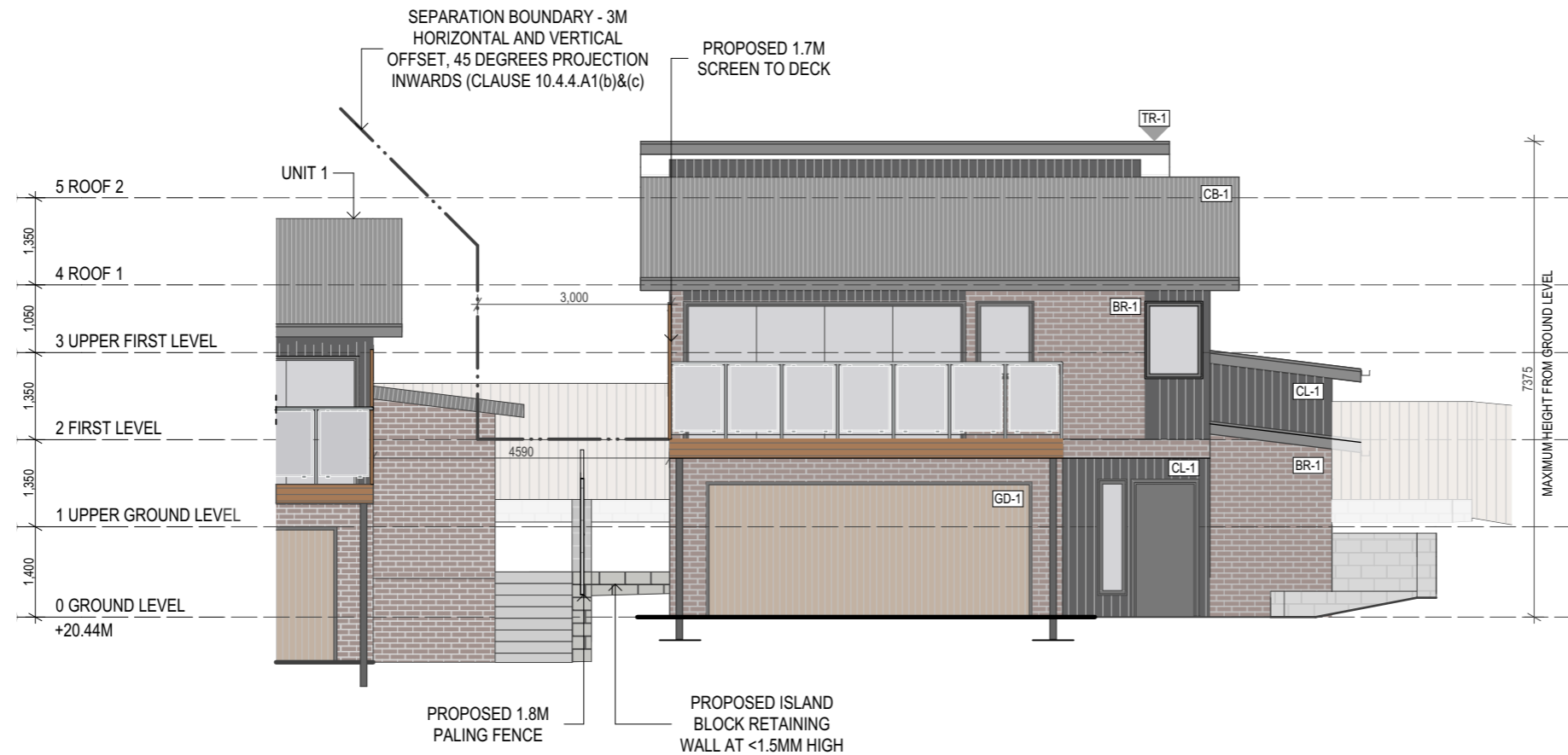
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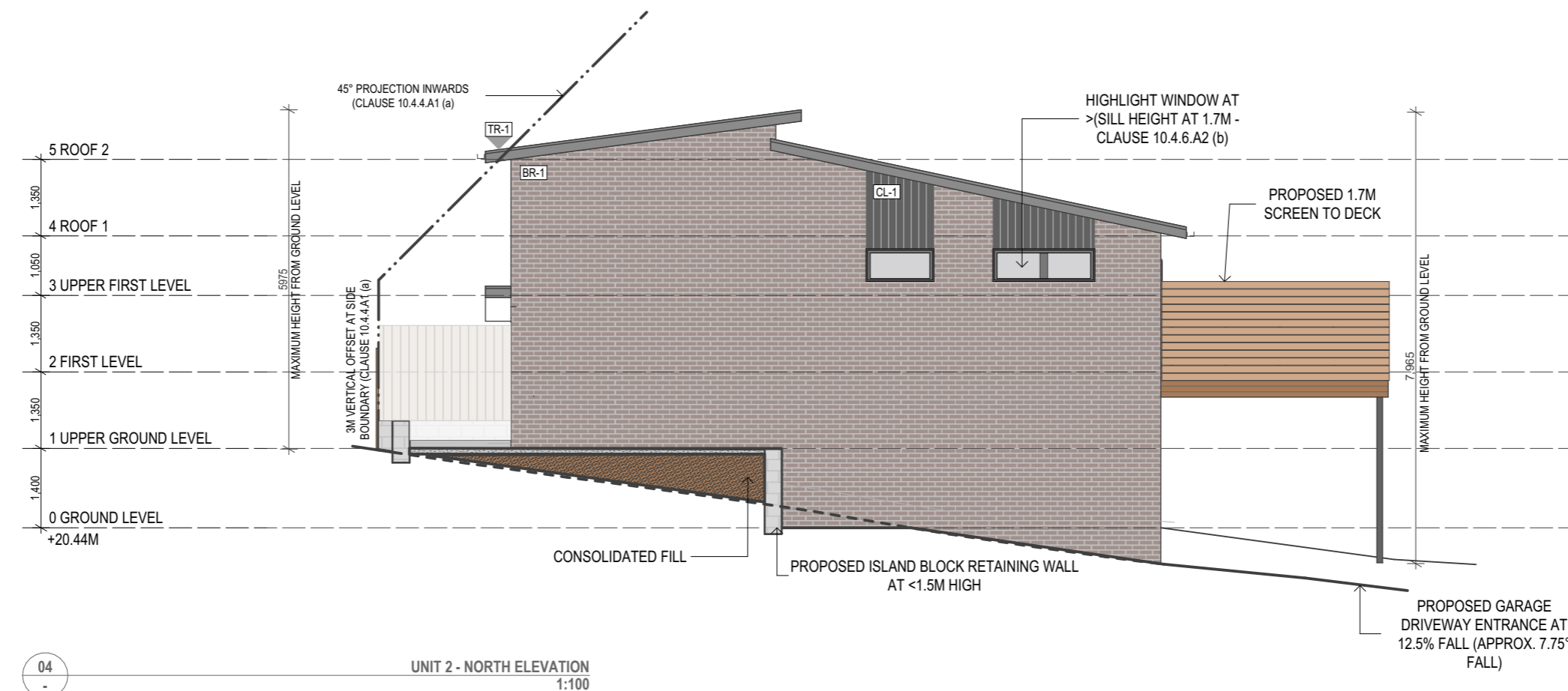
01 UNIT 2 - EAST ELEVATION 1:100



02 UNIT 2 - SOUTH ELEVATION 1:100



03
UNIT 2 - WEST ELEVATION
1:100



04
UNIT 2 - NORTH ELEVATION
1:100

KEY

CL-1:	Axon Cladding 133mm Smooth, Surfmist®
BR-1:	Austral brick, Overland, Freycinet
TR-1:	Colorbond capping, flashing & trim, Monument®
GD-1:	Sectional timber garage door
CB-1:	Custom Orb®, Monument®



CLIENT

Wilson Homes

ADDRESS

3 Yachtsman's Way
Tranmere
Australia

TITLE

GA ELEVATIONS
Unit 2 - West + North Elevation

PROJECT NO: 2117
DRAWN: A.L.
CHECKED: A. Hill



DRAWING NO

REV

E-011

NOTES

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REV	DATE	APPROVED BY	REVISION NOTES

Attachment 3



11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/012958 – 46A KAOOTA ROAD, ROSE BAY AND 44 KAOOTA ROAD, ROSE BAY - RETAINING WALL AND FENCE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Retaining Wall and Fence (Retrospective) at 46A Kaoota Road, Rose Bay and 44 Kaoota Road, Rose Bay.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 22 June 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- stormwater flow;
- fence visually inconsistent and unreasonable in scale; and
- objection to the wall being on neighbouring land.

RECOMMENDATION:

A. That the Development Application for Retaining Wall and Fence at 46A Kaoota Road, Rose Bay and 44 Kaoota Road, Rose Bay (CI Ref PDPLANPMTD-2020/012958) be refused for the following reasons.

1. The application does not satisfy Section 5 and Schedule 1 of the *Land Use Planning and Approvals Act 1993*, because it does not meet the objective “to provide for the orderly and sustainable use...of land...”.

ADVICE: The unapproved structure must be removed from the land within 60 days, otherwise council may commence enforcement action.

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

DEVELOPMENT APPLICATION PDPLANPMTD-2020/012958 - 46A KAOOTA ROAD, ROSE BAY AND 44 KAOOTA ROAD, ROSE BAY - RETAINING WALL AND FENCE (RETROSPECTIVE) /contd...

ASSOCIATED REPORT**1. BACKGROUND**

Council officers attended the property in August 2020 to inspect a fence and wall that had been constructed without approval. The property owner was subsequently requested to apply for the relevant approvals.

During the initial assessment of the application, a land surveyor's report was produced which revealed that a portion of the structure was constructed on the adjoining property. The encroachment onto the adjoining property at 44 Kaoota Road varies from 30mm to 90mm. The adjoining property was subsequently added to the application.

Methods for dealing with the encroachment matter were presented to the applicant. These included a boundary adjustment, easement on the Certificate of Title or alteration of the wall and fence. However, the applicant did not want to pursue these options for resolving the encroachment.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 10 – General Residential Zone;
 - Section E6.0 – Parking and Access Code; and
 - Section E7.0 – Stormwater Management Code.

- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA). Section 51, Section 52 and Section 53 of LUPAA, in relation to making a valid application and obtaining landowner consent must also be considered.

3. PROPOSAL IN DETAIL

3.1. The Site

The first property at 46A Kaoota Road is an internal lot with frontage via an access strip to Kaoota Road. The site has an existing single dwelling and outbuilding. The second property at 44 Kaoota Road is a 949m² rectangular site, with a frontage that extends for 15m along Kaoota Road.

3.2. The Proposal

The proposal is for a retaining wall with fence on top. The structure extends 16m along the internal front boundary, and 6.5m along the northern side boundary of 46A Kaoota Road and encroaches over the boundary onto a portion of the southern side of 44 Kaoota Road. The maximum height being 2.8m above natural ground level. The fence is constructed of dark blue, solid Colorbond panel.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. 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.

4.3. Compliance with Zone and Codes

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

General Residential Zone

- **Clause 10.4.2 A3 (Building Envelope)** – the proposal would project beyond the prescribed 3D building envelope.

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

Clause	Performance Criteria	Assessment
“P3	<i>The siting and scale of a dwelling must:</i>	
(a)	<i>not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i>	As detailed below.
(i)	<i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i>	The wall and fence would not cause any major overshadowing impact for neighbouring properties as it is located in the vicinity of the north/north-western corner of 46A Kaoota Road and the southern side of 44 Kaoota Road.
(ii)	<i>overshadowing the private open space of a dwelling on an adjoining property;</i>	As detailed above, the wall and fence does not cause any major overshadowing impact to neighbouring properties.
(iii)	<i>overshadowing of an adjoining vacant property; or</i>	There are no vacant adjoining properties.

(iv)	<i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	The visual bulk of the structure will not result in an unreasonable loss of residential amenity. This is due to the wall and fence being approximately 15m from the nearest neighbouring dwelling and not greater than 3m from natural ground level.
(b)	<i>provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area.”</i>	As the structure is a wall and fence, proximity to site boundary is expected. Therefore, the separation is considered consistent. The wall and fence are therefore consistent with the requirements of the above performance criteria.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

5.1. Stormwater Flow

The representor raised concern that stormwater flow would be concentrated onto their property.

- **Comment**

The application did not trigger assessment against the clauses within the stormwater management code as it does not create new impervious surfaces, new lots, new car parking spaces. As such this issue does not have determining weight.

5.2. Fence Visually Inconsistent

The representor raised concern that the fence is visually inconsistent with others in the area. Concern was further raised that height and bulk of the wall and fence are visually obtrusive.

- **Comment**

The wall and fence are not visible from the street, making any visual inconsistencies less significant. Nevertheless, there is no relevant clause in the planning scheme requiring design consistency.

The wall and fence are located along the northern boundary of 46A Kaoota Road and southern side boundary of 44 Kaoota Road; thus, the only overshadowing would fall upon the site of 46A Kaoota Road. The visual bulk caused is not considered to result in an unreasonable loss of residential amenity. This is due to it being approximately 15m from the nearest neighbouring dwelling, and not causing any major overshadowing.

5.3. Objection to the Wall being on Neighbouring Land

The representor noted their objection to the wall being erected on their property without their consent, as well as a desire to have the encroaching portion of the wall removed.

- **Comment**

Section 5 of the LUPAA is relevant to this representation. Section 5 provides that *“It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in Schedule 1”*.

Relevantly, Schedule 1, objective (1)(b) provides that the objectives of the resource management and planning system of Tasmania are *“to provide for the fair, orderly and sustainable use and development of air, land and water”*.

Encroachment upon the title of the adjacent property owner is contrary to the objectives of LUPAA because it does not provide for the fair and orderly development of the land. It follows that the application should be refused.

The receipt of such a representation confirms that no such written approval was given, nor intended to be given at this time. A such, the application is non-compliant with all standards of the Scheme. This matter is further discussed in Section 9 of this report.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

9. OTHER MATTERS

As set out in paragraph 5.3 above, the application relates to development, in part, to land on an adjoining property. Due to refusal of the landowner of 44 Kaoota Road to provide consent for the development, the application is contrary to the objectives of LUPAA and should therefore be refused.

10. CONCLUSION

The proposal is recommended for refusal. The application has not demonstrated that it complies with the objectives of LUPAA. As the structure has been erected without the necessary approvals, it is also appropriate to provide advice that it should be removed.

Attachments: 1. Location Plan (1)
2. Proposal Plan (7)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1



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

6/11/2021

1:2257





KAOOTA ROAD

44 Kaoota Rd
F/R: 62273/8

This section of retaining wall partially encroaches into FR:62273/8
External face of wall to boundary offsets shown in red.

46 Kaoota Rd
F/R: 63595/2

This section of retaining wall is within
63595/5 boundaries. External face of
wall to boundary offsets shown

46A Kaoota Rd
F/R: 63595/5
893m²

38 Cornwall St
F/R: 55473/36

48 Kaoota Rd
F/R: 63595/1

36 Cornwall St
F/R: 55473/35

50 Kaoota Rd
F/R: 62273/11

Legend

- Title Boundary
- Compiled Surrounding Boundaries
- House / Deck
- Retaining Wall
- Fence

IMPORTANT NOTE:
THIS PLAN IS OF AN IDENTIFICATION SURVEY ONLY AND AS SUCH IS NOT REGISTERED BY THE RECORDER OF TITLES. SUBSEQUENT REGISTERED OR OTHER SURVEY IN THIS AREA MAY AFFECT THE BOUNDARY DEFINITION SHOWN ON THIS PLAN. ANY DIFFERENCES CAUSED TO THE BOUNDARY DEFINITION SHOWN ON THIS PLAN ARE BEYOND THE CONTROL OF VERIS AUSTRALIA PTY LTD WHO CAN ACCEPT NO RESPONSIBILITY FOR SUCH DIFFERENCES.

THIS NOTE IS AN INTEGRAL PART OF THE PLAN

DEVELOP
WITH
CONFIDENCE™



Unit 2, 37 Tasma Street
North Hobart TAS 7000
03 6232 0400
hobart@veris.com.au
veris.com.au
ABN 25 098 991 210

NO	DATE	DRN	CHKD	DESCRIPTION
0	27/11/20	JM	JL	New Wall Pickup & Offsets Added
0	01/09/17	JM	JL	FIRST ISSUE

This plan is not intended for attachment to sale contract documents

DRAWING No: H02457-D01-1		
CONTOUR INTERVAL: N/A		
DATUM: MGA84		
SCALE: 1:200		ORIGINAL SHEET SIZE: A3
DATE OF SURVEY: Various		
VERIS JOB No: H02457	REV 0	SHEET No: 1 OF 1

TOM & SARAH WILLIAMS
BOUNDARY IDENTIFICATION SURVEY
46A KAOOTA ROAD
ROSE BAY

Proposal

Application for retrospective Planning Approval for existing concrete wall and colorbond screen/fence - 46A Kaoota Road, Rose Bay

Application is hereby made to Clarence City Council for retrospective Planning Approval to be granted for an existing reinforced concrete and concrete block wall and a colorbond steel screen/fence mounted on top of the wall.

To assist Council in consideration of this Application please refer to the following Attachments:

A – Lot Plan - Overview with surface contour lines

B – Record of Title/Easements

C – Location Plan for Wall and Screen/Fence

D – Existing Wall and Screen/Fence - Views

E – Geological Assessment.

The installation of the wall and screen fence were commissioned for reasons outlined in this application. The wall was constructed during October 2018 and the screen/fence installed during March 2020.

Our property comprises a tee-headed, battle-axe lot which was created during the 1960's from the re-subdivision of two adjoining lots fronting Kaoota Road. At that time approvals for subdivision of land appear not to have adequately taken into account the problems arising from boundaries crossing natural surface contours. In our case a steeply sloping backyard met a vertical timber boundary fence rather than the usual frontage to a public road where contours of the land can be made to blend with those of the roadway formation.

The natural contours of our property slope to a lowest point at the north western corner. This area of our backyard was difficult to access and to make any worthwhile use of. As a result it served the purpose of collecting windborne leaves and other rubbish and giving rise to an unmanageable bed of weeds causing a nuisance to adjoining properties.

Most Rose Bay residents enjoy views over the Derwent River from their steeply sloping blocks. Apart from affording wonderful river views, steeply sloping blocks make it difficult to cut grass, establish a level playing area for children, gain access for hanging washing or to make walking safe for older people.

We have lived at 46A Kaoota Road, Rose Bay since 2013. During this time we have learned to appreciate that the quality of residents' views can be affected by the appearance of roofs, gardens and the grounds of downhill properties. This appreciation convinced us to repaint our roof a light grey colour so that uphill residents would be spared the glare and reflection which arose from the previous white colour of the roof. We believe that in a precinct where views and the overlooking of properties is a neighbourhood advantage, residents should be conscious of how they present their properties to people who overlook them.

After having settled into our home, we spent time during 2018 planning its future use. This included securing Council approval for an extension of our house. Our application met with no objections or comment and was approved by Council without delay. In anticipation of our house extension proceeding and of the birth of our first child, we decided to prepare our backyard to facilitate access/storage for builders and to improve the unattractive and otherwise useless corner of our backyard.

Reinforced Concrete Wall

We engaged ABM Construction & Building Services to install a visually suitable and structurally sound, reinforced concrete retaining/support wall along parts of the western and northern boundaries of our property. ABM was commissioned on the basis of their reputation as competent and experienced civil constructors. Upon completion of the wall we felt vindicated in our choice of contractor, being satisfied with the way the work had been undertaken and the sound construction of a wall which has performed its intended purpose. Not being experienced in building matters we had no reason to believe that the wall had not been constructed in accordance with all relevant requirements.

In its assessment of this application we request Council to take into consideration the following additional observations in support of retention of the concrete wall;

- The installation of the wall has had the effect of removing the problem of weeds for both us and for adjoining neighbours. It also has permitted more worthwhile use and easier maintenance of our backyard.
- Visual improvement of our backyard is of benefit to us as well as to those uphill residents who overlook our property. The only portion of the wall which is visible to uphill viewers is a consistent 100mm high edge for the full length of the wall. The resulting level grassed area of our backyard which has emerged is a practical and visual improvement to the unsightly weed patch it replaced.
- The wall is wholly contained within the boundaries of our property and is not visible from downhill properties nor does it make any impact on the existing boundary fences.

- The permeability of the ground at this location favours absorption of rainwater rather than the creation of surface run-off. Nevertheless adequate drainage provision in the form of weep holes has been installed to the wall and seepage water will discharge onto our property before it will run off down hill.
- Although the wall retains earth in excess of 500mm at the deepest point this is not the case for the full length of the wall. The depth of retained earth at both ends of the wall tapers to zero mm. The average depth of earth retained by the wall is 550mm.
- We have not received any comment or objection to the installation of the wall nor are we aware of any comment/complaint having been made. We do not see how an objection to the existence of a properly constructed wall which is wholly within the boundaries of our property and cannot be observed from adjoining properties could be reasonably maintained.

Colorbond Screen/Fence

A colorbond screen/fence has been installed on top of the wall to make the north western corner of our backyard visually attractive for us, our neighbours and for the residents who overview our property. The screen/fence also affords privacy to the backyard activities and windows of our downhill neighbours.

The colour of the screen/fence is “Basalt” which is a standard Colorbond colour designed to be aesthetically pleasing and universally acceptable.

The maximum height of the fence/screen above the natural ground surface is 2770mm at its northern end and at the southern end is 2240mm. The average height of the screen/fence above natural ground level is 2505mm.

We believe that the screen/fence is much better looking than the uneven appearance of the timber paling boundary fences that remain in existence but which follow the contours of the original surface of the land.

In its assessment of this application we request Council to take into consideration the following additional observations in support of retention of the screen/fence;

- Constructed of non-porous sheet steel, the screen/fence provides valuable shelter for people and for our gardens and those of our neighbours, against the often strong and cold winds which frequent Hobart at this exposed location.
- The screen/fence does not inhibit views from uphill properties.
- The height of the screen/fence helps to retain balls and other items which young children inevitably throw onto adjoining properties.

- The existence of the screen/fence restricts the ability of children and our dog to climb on or jump over the wooden boundary fences.

Request for Approval

The steeply sloping topography of Rose Bay affords many of its residents an ability to overlook downhill properties. This amenity gives rise to the following issues of community relevance;

- A need to maintain the privacy of downhill residents from overlooking of their backyards, windows and activities; and
- A need for downhill residents to be conscious of maintaining the appearance of their properties which are overlooked by uphill residents.

We have installed a concrete retaining wall for the purpose of making a small portion of our back yard more useful and to improve the appearance of this area for all of the residents of Rose Bay who overlook our property.

In addition to the observations already made in this submission, we have installed a screen/fence in our backyard to limit our overlooking of downhill neighbours. The screen/fence also limits the ability of uphill residents to overlook and invade the privacy of our downhill neighbours.

We submit that the existence of the wall and screen/fence on our land serve a beneficial purpose not only for us but for our downhill and uphill neighbours. It follows that the absence of the screen/fence and its support wall would be detrimental to all of the parties who currently gain benefit from their existence. On this basis we submit that there would appear to be no reason why Council should not recognise the merits for retention of the screen/fence and its support wall which are the subject of this application.

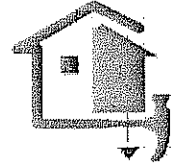
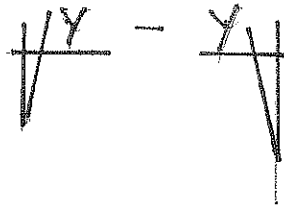
We therefore request Council to grant its approval for this application.

ATTACHMENT C

Quotation

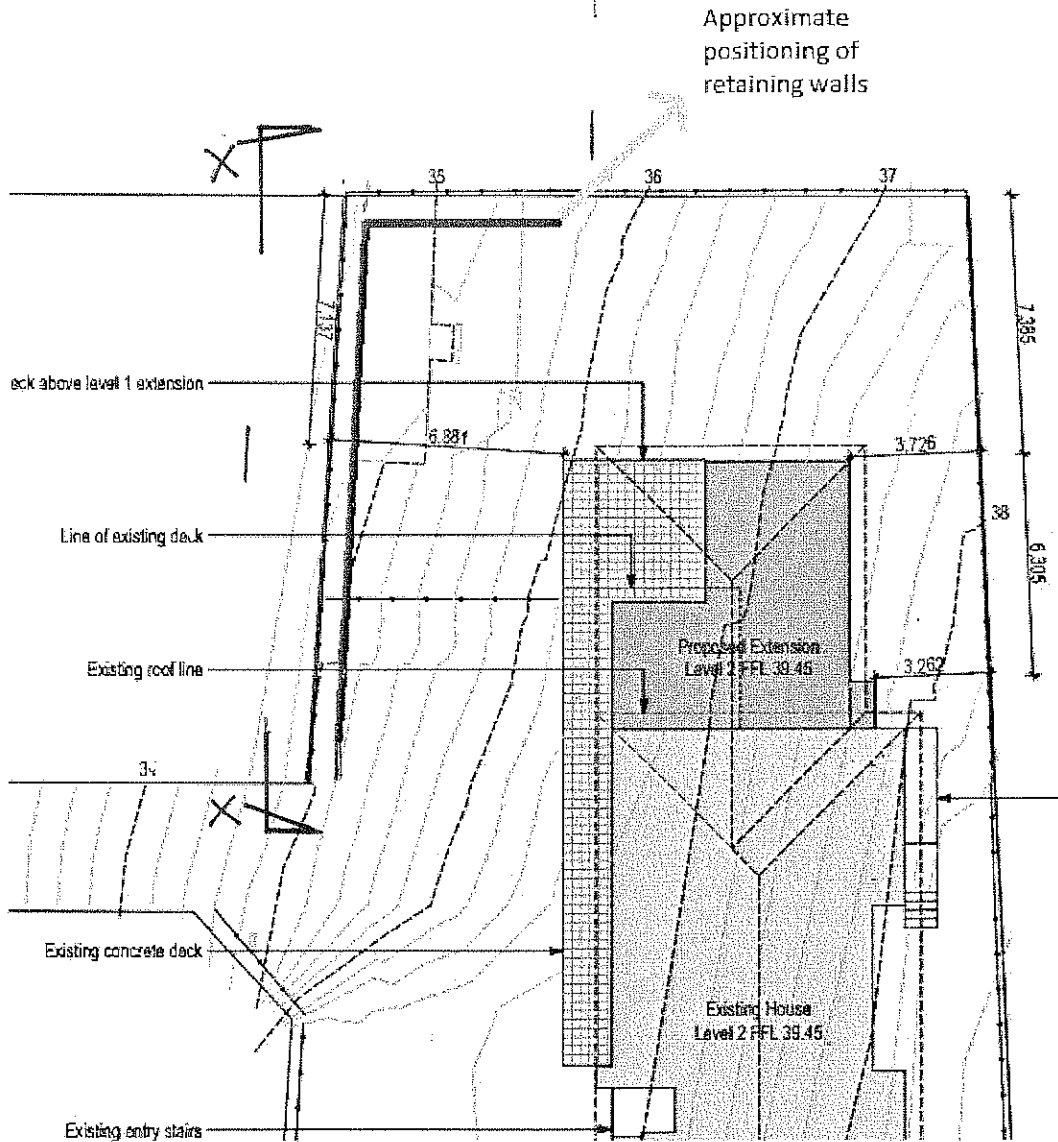
Ref: 78612355

Date: 5 September 2018



ABM Construction
& Building services

Appendix

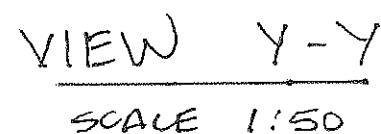
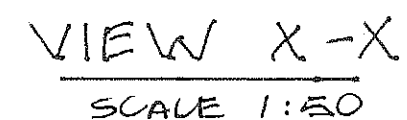


FOR VIEWS X-X & Y-Y
SEE ATTACHMENT D

A deposit of 50% will be required approximately 7 Days prior to work commencement. Balance of 50% will be payable upon work completion and on terms as per this quotation. The price attached to this quotation will be valid for a period of 30 days from quotation date.

Please note, the scope of our work is limited as per terms in this quotation and excludes any costs due to unforeseen circumstances (common examples are, removal of Asbestos, excavation of rock etc). You should also be aware that any large change outside the scope of our work may result in a higher cost (upon request a separate quote can be generated).

We hope you find our quotation meets your satisfaction. Should you want to progress with the job or have any questions regarding the work then please feel free to contact us.



EXISTING CONCRETE WALL
AND COLORBOND SCREEN/
FENCING.
VIEWS X-X & Y-Y ATT C
ALL DIMENSIONS IN MILLIMETERS
CONTOURS SEE ATTACHMENT A

Attachment 3



View from top of the driveway at 46A Kaoota Road, Rose Bay of the wall and fence.



View of 46A Kaoota Road, Rose Bay from the road (source Google Maps)

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 HUON VALLEY COUNCIL - REQUEST TO AMEND THE STRLUS CYGNET GROWTH MANAGEMENT STRATEGY****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a referral from the Huon Valley Council seeking council's endorsement for an amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Growth Management Strategy for Cygnet.

RELATION TO PLANNING PROVISIONS

The entire Huon Valley municipality is outside of the area identified on the STRLUS Map 10: *The Residential Strategy for Greater Hobart – Residential Areas* and therefore is outside the mapped STRLUS Urban Growth Boundary.

Under the STRLUS, Cygnet is identified on Map 9: *Regional Settlement Strategy* as a "Township" (Page 99) and Table 3 (Page 89) prescribes a "moderate" Growth Strategy and "mixed" Growth Scenario.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

In a letter dated 4 May 2021, the Huon Valley Council advised that at its meeting on 31 March 2021 it had resolved to seek an amendment to the STRLUS to modify the Cygnet Growth Management Strategy. They advised that the Minister for Planning requested that they seek endorsement from all councils within the southern region in the form of a council resolution.

RECOMMENDATION:

A. That the Minister for Planning be advised that:

1. Council does not oppose an amendment to the Southern Tasmania Regional Land Use Strategy's Growth Management Strategy for Cygnet because it is unlikely to have significant direct impacts on Clarence.
2. The requested amendment should be modified to clarify the residential expansion is limited to a defined area including 15 Louisa Street and Lot 1 Channel Highway and 7368 Channel Highway, Cygnet being the properties giving rise to the request for the amendment. This will provide clarity and is consistent with the previously approved approaches in Hobart, Sorell and Clarence.

3. Council is nevertheless concerned that continued ad hoc expansion of the Urban Growth Boundary, and the expansion of existing settlements in the case of this proposal, may adversely impact the sustainable development of the region, including the efficient and equitable supply of infrastructure and services. Accordingly, council requests urgent action by the State Government on the review of the Southern Tasmania Regional Land Use Strategy.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. Under the STRLUS, Cygnet is identified on Map 9: Regional Settlement Strategy as a 'Township'. A copy of Map 9 is included in the attachments and shows the location of Cygnet in the context of Greater Hobart. The rectangle is the area shown on Map 10, the map that establishes the Urban Growth Boundary for Greater Hobart. Cygnet is outside of it.
- 1.2. Table 3: Growth Management Strategies for Settlements prescribes a "moderate" Growth Strategy and "mixed" Growth Scenario (Page 89 of the STRLUS).

The footnote at the bottom of Table 3 states: **For all settlements categorised as "township" or lesser, the growth strategy indicated does not preclude growth possible under existing capacity.*

- 1.3. Following the Tasmanian Planning Commission hearing on Draft Amendment PSA-2-2019 on 19 August 2020 seeking to partially rezone the land at 15 Louisa Street, Cygnet from Recreation to General Residential, on 25 September 2020 the Tasmanian Planning Commission (TPC) advised that it did not consider the draft amendment was consistent with the regional strategy. In a subsequent letter dated 1 October 2020, the TPC referred to the moderate growth strategy of 10-20% applicable to the Cygnet Township and advised that it had been exceeded.

The application is currently adjourned sine die.

- 1.4.** At its meeting on 31 March 2021, the Huon Valley Council resolved to seek an amendment to the STRLUS to facilitate the expansion of Cygnet.
- 1.5.** A copy of the Huon Valley Council's planning authority report is included in the attachments as is a copy of the supporting SGS Economics and Planning Cygnet Residential Demand and Supply Analysis.
- 1.6.** A second draft amendment PSA-2-2017 to rezone Lot 1 Channel Highway, Cygnet from Particular Purpose Zone 1 - Urban Growth Zone to General Residential and Utilities, partially rezone the land at 7368 Channel Highway, Cygnet from General Residential to Utilities, and amend the Scenic Landscapes Corridor overlay was considered by the TPC on 6 June 2021.

The proposal included a proposed 61-lot subdivision. The Draft amendment and associated permit are as yet undetermined.

2. STATUTORY IMPLICATIONS

- 2.1.** Under Section 30C(3) of LUPAA the Minister for Planning may declare a regional land use strategy.
- 2.2.** Section 30C(4) specifies that the Minister must keep all regional land use strategies under regular and periodic review. There is no formal statutory process for individuals or planning authorities to apply to amend the STRLUS.
- 2.3.** There are no statutory requirements, timeframes or considerations, relevant to council for consideration and response to this referral.

3. REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES

- 3.1.** Despite LUPAA specifying that the Minister must keep all regional land use strategies under regular and periodic review [S.30C(4)], with the exception of several relatively minor ad hoc changes to the UGB, a thorough review of the STRLUS has not yet commenced.
- 3.2.** There is no formal statutory mechanism for either individuals or planning authorities to apply to amend a regional land use strategy.

3.3. In recognition of the above the Minister for Planning has initiated two different methods to facilitate urban expansion beyond the current UGB:

- The Department of Justice’s Planning Policy Unit (PPU) Information Sheet RLUS 1; and
- A proposed draft amendment to the STRLUS that introduces a new policy enabling the consideration of proposals for urban zoning beyond the UGB in limited circumstances without requiring an amendment to the STRLUS.

Each of these processes have been described in detail in previous council reports.

3.4. The proposed amendment to the STRLUS enabling the consideration of urban zoning beyond the UGB was the subject of a Council Workshop and considered at its meeting of 9 February 2021. This mechanism is currently in draft form and not an avenue available at this time. Accordingly, the proposal should be assessed against the PPU’s Information Sheet RLUS 1.

Notwithstanding, it is noted that should the amendment to the STRLUS be approved, it could facilitate the expansion of Cygnet (and elsewhere) within the scope of that mechanism.

3.5. RLUS 1 requires that amendments to the STRLUS must demonstrate that they:

- further the Schedule 1 Objectives of LUPAA;
- are in accordance with State Policies made under Section 11 of the State Policies and Projects Act;
- are consistent with the Tasmanian Planning Policies, once they are made; and
- meet the overarching strategic directions and related policies in the regional land use strategy.

The Huon Valley Council report recognises the role of the STRLUS and the RLUS 1 but does not specifically address each of the requirements. While this will be a matter for the Minister for Planning, the SGS Economics and Planning Cygnet Residential Demand and Supply Analysis provides the council's rationale behind the proposal.

4. THE SITE

Cygnet is located on the northern side of the Huon River approximately, 18km south of Huonville and 55 kilometres south-west of Hobart (approximately a 50 minute commute by car). Cygnet has a population of 1556 (according to the 2016 census) and offers a range of commercial, community, visitor accommodation and residential uses.

A copy of the STRLUS – Map 9 is included in the attachments and identifies Cygnet in the regional context. Additionally, an extract of the Huon Valley Interim Planning Scheme 2015's zone map is included on Page 8 of the council report (also attached).

Under the STRLUS the growth management strategy for Cygnet is specified as: Moderate Growth - 10% to 20% increase in number of potential dwellings achieved through a mixed growth scenario being a combination of infill and greenfield opportunities.

5. THE PROPOSAL

At its meeting on 31 March 2021, the Huon Valley Council resolved to request that the Minister for Planning amend the STRLUS by insertion of an additional footnote at the bottom of Table 3 – *Growth Management Strategies for Settlements* as follows:

***For the Cygnet Township, the growth management strategy does not preclude residential growth through rezoning of existing urban land within the established settlement boundaries is supported by residential land supply and demand data and analysis from a suitably qualified person.*

While the proposal is drafted for undefined expansion of Cygnet, Huon Valley Council officers advise that the proposed amendment was devised in response to the two draft amendments at 15 Louisa Street, Cygnet (PSA-2-2019) Lot 1 and 7368 Channel Highway, Cygnet (PSA-2-2017) described above.

6. PLANNING ASSESSMENT

The STRLUS's primary objective is to provide a framework for the delivery of an integrated sustainable settlement across the region. The strategic directions, policies and actions provide certainty to the broader community, infrastructure providers and governments assisting to inform medium and long-term investment decisions.

To assist with the rational and efficient growth of the region the STRLUS prescribes an UGB for Greater Hobart and individual growth strategies for regional settlements. Together they are important land use planning tools guiding settlement strategy.

There is no formal statutory process for individuals or planning authorities to apply to amend the STRLUS. There have been no substantial changes to the UGB since it was declared and only five relatively minor amendments in Clarence, Hobart and Sorell. To date there have been no amendments to Table 3: *Growth Management Strategies for Settlements*.

The proposed amendment refers to “*existing urban land within the established settlement boundaries*” the extent of which is not defined. The Huon Valley Council report contains three images at Pages 6 and 8 which assist to establish the spatial extent of the settlement boundaries. Discussion with Council officers confirm that:

1. Plan 1: Cygnet Strategy Map (p6) formed part of an adopted local strategy (2007) and identifies an Urban Growth Boundary. The plan and associated Urban Growth Boundary have no status above the local level.
2. The extract of the Huon Valley Interim Planning Scheme 2015 zone map (p8) identifies the existing zones but for the purpose of this exercise, in the council's view, does not reflect the “*established settlement boundaries*”.

3. Image 1: *Extent of Cygnet UCL area and Planning Scheme residential zones and other image extracts* (p8) is an extract from the LISTmap and identifies a township outline. This township outline is the council's preferred map to "*establish the settlement boundaries*".

The proposed amendment to the STRLUS does not confirm that the "*established settlement boundary*" should be read to mean the UCL shown on Image 1. Without this clarification the provision is unclear and may potentially fetter council, developer and community expectations, as well as confuse the settlement strategy. This will be a matter for the Minister for Planning and, if approved, a matter for the TPC to administer.

The Huon Valley Council engaged SGS Economics and Planning to undertake a Cygnet Residential Demand and Supply Analysis (a copy of which is included in the attachments). Based on this analysis, the council submits that an amendment to the Cygnet Growth Strategy is required because there is not enough land available to cater for the projected number of dwellings under the moderate growth strategy for the balance period of the Regional Strategy (to 2035). The result being that potential new residents cannot move to Cygnet due to insufficient choice and affordability pressures.

The SGS Report established that "*currently there is the capacity to provide another 92 to 165 new dwellings in the Cygnet urban growth boundary to 2036..... "Demand for housing in Cygnet is strong. To 2036 it is estimated that there will be demand for another 524 dwellings in the Cygnet area from 2020. Assuming that 80 per cent of the dwellings should be located within the urban growth boundary to protect agricultural land from fragmentation and to develop greater economic and social vibrancy in the town, then 419 dwellings will be demanded within the growth boundary*".

To provide context, the SGS Report shows at Table 4 (p8) that in 2019, Cygnet had 430 non-vacant residential rated properties. Therefore, if approved, proposed amendment to the STRLUS will allow for the doubling of the size of Cygnet.

The Huon Valley Council submit that proposed amendment to the STRLUS responds to the SGS Report and is limited as it relates only to Cygnet, and therefore will not have broader implications for the region. Despite this, it is considered that land supply at the regional level can only be fully understood through a comprehensive review of the STRLUS and associated settlement strategies. Continued pressure at the fringes experienced by all councils within the region highlights the need for urgent review. Rezoning of the two sites described above will have no significant direct impacts on Clarence. However, whether the case for additional residential land in Cygnet is warranted at this time will ultimately be a matter for the Minister for Planning.

7. CONSULTATION

In a letter dated 4 May 2021, the Huon Valley Council advised that the Minister for Planning had requested that they seek endorsement from all councils within the southern region for a proposal seeking an amendment to the STRLUS Cygnet Growth Management Strategy.

8. STRATEGIC PLAN/POLICY IMPLICATIONS

The most significant strategic considerations relating to the potential residential expansion outside of the township are the strategies within the STRLUS and in particular those that relate to metropolitan settlement strategy discussed above.

The State Policies are:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

The relevant considerations under each of these policies must be considered on a case by case basis and in this instance a matter for both the Huon Valley Council and the TPC.

9. CONCLUSION

This report has outlined issues associated with Huon Valley Council's request to amend the STRLUS to provide for the future expansion of Cygnet. The nature and format of the proposed amendment is different from those previously considered by council and while it would have little impact on Clarence, the proposal is not limited to a particular site. The proposal will provide for the "*rezoning of existing urban land within the established settlement boundaries*", the spatial extent of which is not defined and may result in interpretation/implementation uncertainty.

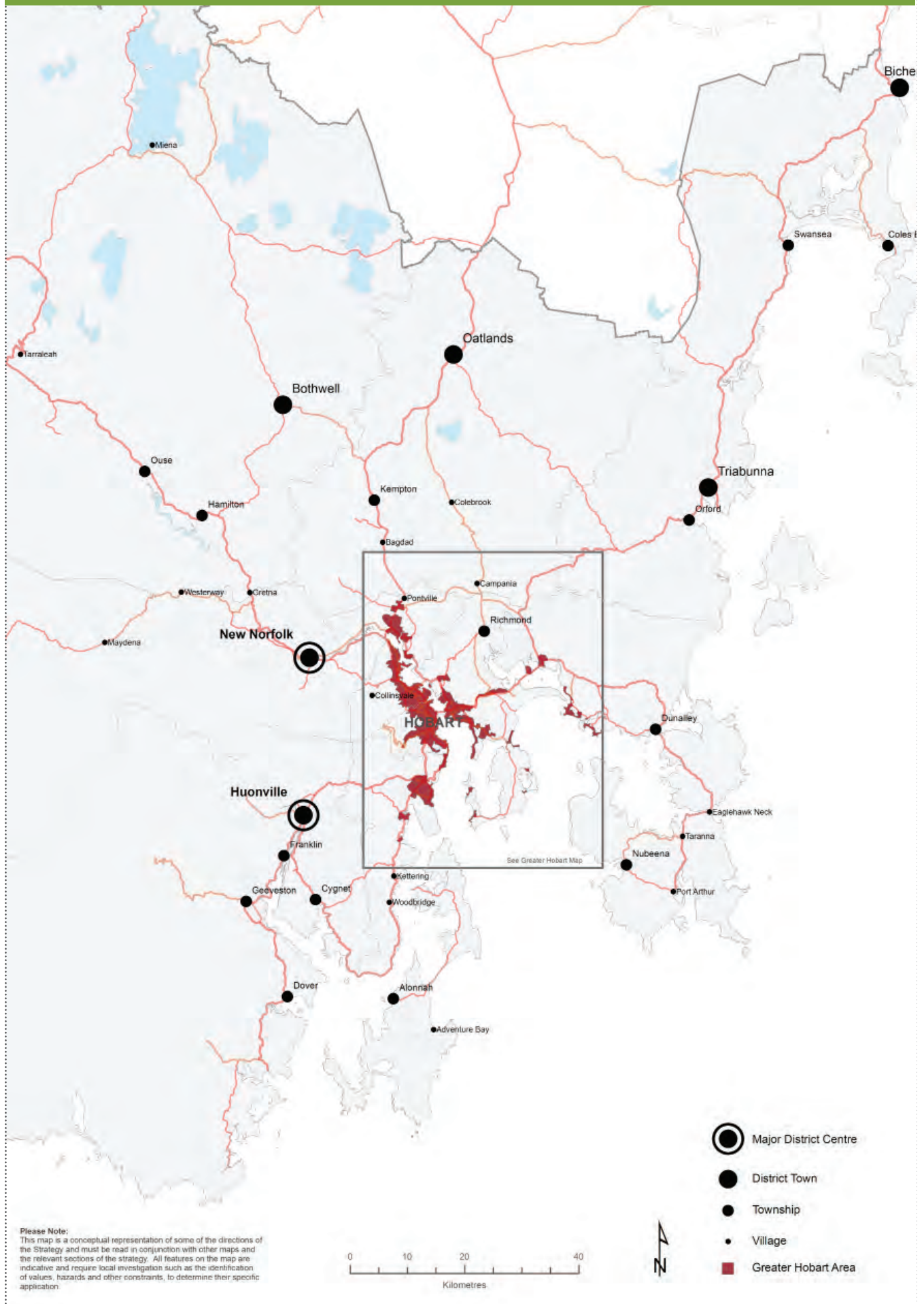
The primary purpose of the proposed amendment is to provide for the two rezonings at 15 Louisa Street and Lot 1 Channel Highway and 7368 Channel Highway, Cygnet currently before the TPC. An amendment for these sites would improve the likelihood of approval rather than the proposed wording which could provide for doubling the size of the township, which should be considered in light of the major settlement strategy review.

Expansion of existing settlements via description in the form proposed may set an undesirable precedent for further amendments of this nature enabling the ad hoc expansion of other satellite settlements. Collectively amendments of this nature are likely to have regional implications. However, in isolation the proposal is more likely to have implications for Kingborough Council and the City of Hobart and highlights the need for an urgent and comprehensive review of the STRLUS.

Attachments: 1. STRLUS – Map 9 (1)
2. Huon Valley Council's Planning Authority Report dated 31 March 2021 (12)
3. SGS Economics and Planning Cygnet Residential Demand and Supply Analysis (26)

Ian Nelson
GENERAL MANAGER

MAP 9: REGIONAL SETTLEMENT STRATEGY



Title	AMENDMENT TO THE SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY (2010-2035)
Agenda Number	17.007/21*
Strategic Plan Reference	5
File Reference	17/74
Author	Manager Development Services
Responsible Officer	Director Environment and Development Services
Reporting Brief	The Director Environment and Development Services presenting a report an amendment to the <i>Southern Tasmanian Regional Land Use Strategy (2010-2035)</i>
Attachments	<p>A. <i>Southern Tasmanian Regional Land Use Strategy (2010-2035)</i></p> <p>B. <i>Information Sheet – Reviewing and Amending the Regional Land Use Strategies</i></p> <p>C. <i>Cygnet Residential Demand and Supply Analysis Report, 2020</i></p> <p>D. <i>Huon Valley Land and Development Strategy - Cygnet Strategy map</i></p> <p>E. <i>Letter to Huon Valley Council Mayor from the Minister of Planning and attachments (2020)</i></p> <p><i>E1: Roadmap Summary</i></p> <p><i>E2: Roadmap Background Report</i></p>

Background

1. The purpose of this report is to seek Council endorsement for an amendment to the *Southern Tasmanian Regional Land Use Strategy (2010-2035)* (Regional Strategy; STRLUS) that relates to the township of Cygnet. A description of the Cygnet Township area is set out below.
2. The [Regional Strategy](#) is a broad statutory based strategic planning policy that applies to Southern Tasmania under the *Land Use Planning and Approvals Act 1993* (Act) (Attachment A). The most recent revision of the strategy is the version dated 19 February 2020. The following is stated on page 1 of the strategy:

The Regional Strategy is intended to be a broad policy document that will facilitate and manage change, growth, and development within Southern Tasmania over the next 25 years

3. A summary of the strategic planning policy framework established by the Regional Strategy is set out in Attachment B. This Information Sheet issued by the Planning Policy Unit (Department of Justice) includes the following statement.

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

4. Since the commencement of the Regional Strategy in October 2011, the strategy has applied a *moderate growth strategy* to the township of Cygnet. This growth strategy has not been amended since the Regional Strategy commenced.
5. When the Regional Strategy commenced in 2011, application of the *moderate growth strategy* equated to 70 new dwellings being constructed in the Cygnet Township over the 25 year period of the strategy that obtained an Occupancy Permit based on the number of dwellings at that time in the township. However, in 2020 the number of new dwellings constructed in the township exceeded this projection. Therefore, this meant the projected number of new buildings to be built in the township had been reached 15 years earlier than forecast.
6. In 2020 Council arranged for a supply and demand analysis of residential land within the township to be carried out by SGS Economics and Planning (Attachment C). This report includes planning and other advice regarding:
 - Current and future population projections for Cygnet;
 - Current supply capacity of the township for residential zoned land;
 - Projected demand for residential land in the township to 2036; and
 - The supply capacity of the township to meet that projected demand for residential land to 2036.

7. An amendment to the Regional Strategy is considered necessary based on the planning and other advice in the SGS Report, and in particular, its advice on the anticipated level of residential growth in the township over the next 15 years resulting from projected demand for new residential dwellings.
8. As set out below, the proposed amendment to the Regional Strategy is limited in its application as it is to relate only to growth strategy (*moderate growth strategy*) considerations under the strategy specific to Cygnet. That is, the amendment is not proposed to have broader application beyond Cygnet.
9. In 2020 the Minister of Planning released a 'Roadmap' for review of the Regional Strategy which includes a range of short to long term land use planning projects (Attachment E). In the accompanying documentation forwarded to Council the following is stated:

...There is increasing concern in the southern region that the Southern Tasmanian Regional Land Use Strategy (STRLUS) is out of date and not necessarily reflective of current planning issues. There are also ongoing calls for adjustments to the Urban Growth Boundary set out in the STRLUS and a review of the settlement policies for each of the designated regional towns and settlements...

The other key element in relation to the STRLUS is the broadly held view that the data upon which it is based is out of date, although there appears to be little disagreement with the fundamental strategic directions it proposes...

10. Whilst the Roadmap is a good initiative as it will be a further opportunity for a review of settlement policies for the townships in the Huon Valley, for the reasons set out in the report and the SGS Report it is considered very important that in the meantime that the proposed amendment to the Regional Strategy is made.

Council Policy

11. Council does not have a specific policy relating to amending the Regional Strategy.
12. The policy requirements of the Regional Strategy are taken into account by Council when making decisions as a planning authority when required.

Legislative Requirements

13. Section 5AA of the Act sets out legislative requirements for the regional strategies. A regional land use strategy for a regional area and amendments to a strategy can be declared by the Minister of Planning under the Act.
14. Section 30O of the of the Act (the former provisions that are still in place for Interim Planning Schemes) requires that planning scheme amendments must be, *as far as reasonably practicable, consistent* with the Regional Strategy.

Risk Implications

15. There is a risk that failing to make the proposed amendment to the Regional Strategy will result in out of date and inaccurate growth data for the township of Cygnet being utilised and relied upon for planning decisions. Subsequently this places risks of urban sprawl and fragmentation of agricultural land due to an inability to provide sufficient residential land within the township's urban growth boundaries: see further the SGS report – Attachment C.

Engagement

16. Engagement associated with this decision will be undertaken at Inform Level by inclusion within the Council meeting Minutes that will be available to the public on the Council's website and at the Customer Service Centre.
17. As set out in Attachment B, Council should obtain written endorsement for the proposed amendment from all other planning authorities in Southern Tasmania, and also consult with relevant State Government agencies and State authorities on the proposal. Therefore, if Council decides to seek approval from the Minister for Planning for the amendment to be made, that as part of that process it is recommended Council obtains the support from other planning authorities for the amendment as part of the process.
18. Also as part of the process, under the Act the Minister for Planning is required to consult with the Tasmanian Planning Commission, planning authorities, and relevant State Service agencies (e.g. Department of State Growth) and State authorities (e.g. TasNetworks) on the amendment: Section 5A(4).

Human Resource and Financial Implications

19. This Report does not raise any Human Resource or Financial Implications for the Council beyond internal officer time that falls within existing budget allocations.

Discussion

20. The wording of the proposed amendment to the Regional Strategy is set out below, and is proposed to be added to Table 3 on page 89 as a further footnote to that table as follows:

***For the Cygnet Township, the growth strategy does not preclude residential growth through rezoning of existing urban land within the established settlement boundaries if supported by residential land supply and demand data and analysis from a suitably qualified person.*

21. The amendment is relevant to planning scheme applications for amendments to the *Huon Valley Interim Planning Scheme 2015* currently under consideration by the Council and the Tasmanian Planning Commission.

Cygnet Township area

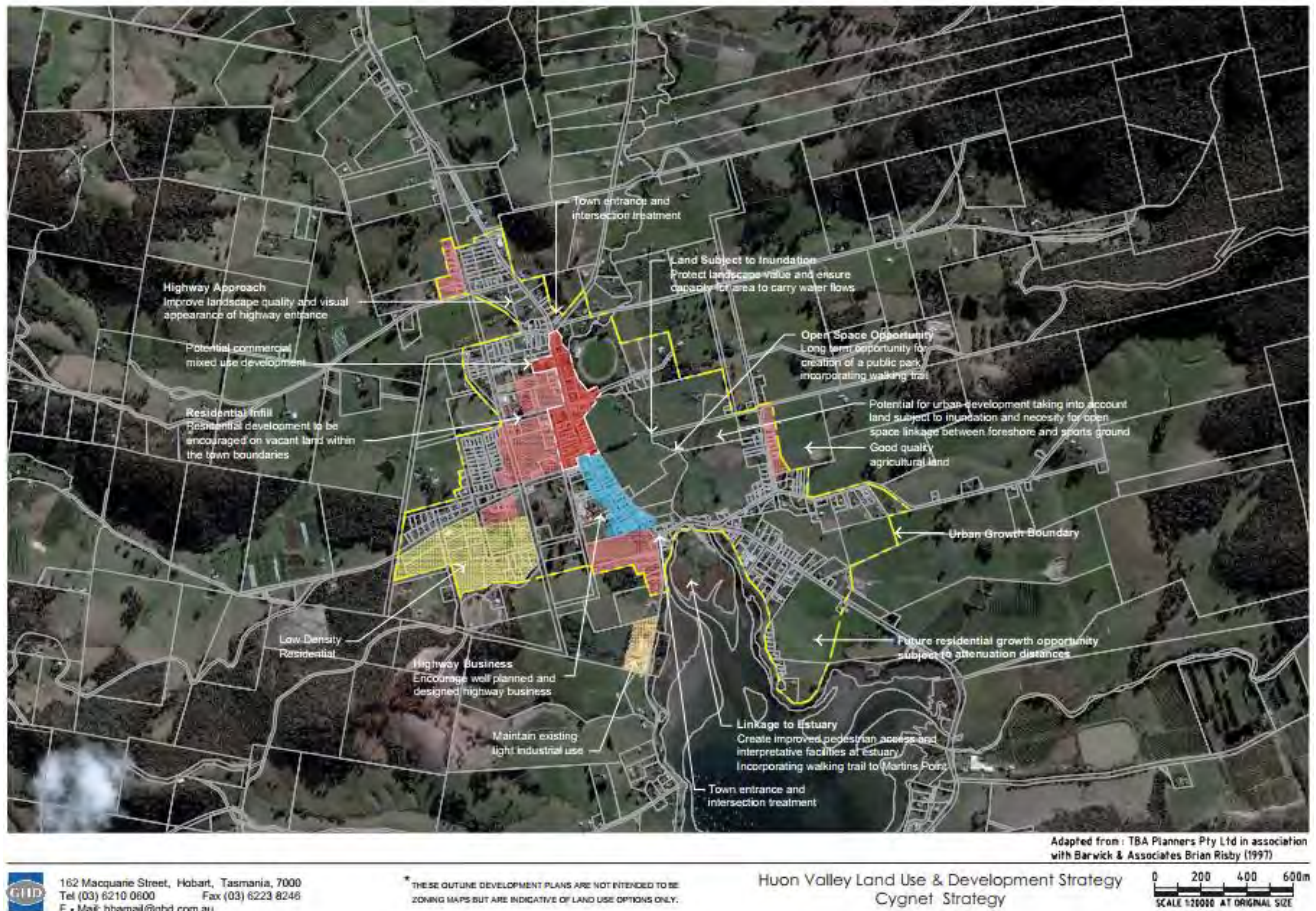
22. Cygnet is classified as a 'Township' in Table 3 in the Regional Strategy (page 89). The characteristics of a Township are set out in Table 2 of the strategy (page 87). A Township area excludes any surrounding rural living areas.

23. **Table 1:** Extract from Table 2, Regional Strategy (page 87)

TOWNSHIP	
Description	Townships are residential settlements with prominent town centres providing a number of facilities, some local employment opportunities and convenience shopping.
Population*	500 to 1500 (excluding any surrounding rural living areas)
Utility Connections	Electricity. May have reticulated water and sewerage if existing
Services	See Activity Centre Network: Town Centre

24. The *Huon Valley Land Use & Development Strategy* was endorsed by Council in 2007 includes the Cygnet Strategy map (Attachment D). The Cygnet Strategy map shows the Urban Growth Boundary (UGB) for Cygnet which is outlined in yellow on the map below.

25. The UGB area on the Cygnet Strategy map has been used for the residential supply and demand analysis and is referred to in the SGS Report.



Plan 1: Cygnnet Strategy map - [Huon Valley Land Use and Development Strategy](#)

Cygnnet Township area - Urban Centre and Locality (UCL) mapped area

26. For the purposes of Table 3 of the Regional Strategy, the UCL area as a mapped LISTmap layer, is considered to represent the Cygnnet Township area. This is because the UCL area aligns more closely with the Cygnnet residential Planning Scheme zones than the UGB mapped area.
27. The UCL area is shown on the following map (Image 1). The map also shows land within the UCL area that is zoned General Residential (red) and land that is subject to other zones.
28. The Cygnnet UCL area on the Cygnnet Strategy map has also been used for the residential supply and demand analysis and is referred to in the SGS Report.

Regional Strategy

29. In Section 19.5.2, the Regional Strategy states:

“The growth management strategies for the settlements across the region are divided into four categories as follows (the percentage growth is calculated as the percentage of the number of dwelling existing at the declaration date that can occur across the 25 year planning period)”...

30. The growth management strategy for the township of Cygnet is specified as: *Moderate Growth - 10% to 20% increase in no. of potential dwellings*. The growth management strategy is considered against the growth scenario. (Regional Strategy: page 86. Table 3)

31. The growth scenarios are categorised into *mixed* and *consolidation* scenarios. The Regional Strategy states:

A mixed growth scenario indicates that residential growth should come from a mix of both greenfield and infill circumstances and that expansion of the residential zone may be required dependent upon an assessment of the yield capacity and vacancy of existing zoned land...(page 86)

32. From its commencement in 2011, under the *Settlement and Residential Development Policy* (Section 19.5.2; page 86) and by Table 3, the Regional Strategy specified Cygnet as a Township with a *moderate growth strategy* (10% - 20% increase in dwellings over 25 years) and *mixed growth scenario* (residential growth from both greenfield and infill development).

33. Table 1: *Summary of Growth Strategy and Growth Scenario – Cygnet*

SETTLEMENT	GROWTH STRATEGY	GROWTH SCENARIO
<i>Cygnet Township</i>	<i>Moderate</i>	<i>Mixed</i>

Planning Scheme Zones - Cygnet

- 10.0 General Residential
- 12.0 Low Density Residential
- 16.0 Village
- 17.0 Community Purpose
- 18.0 Recreation
- 19.0 Open Space
- 20.0 Local Business
- 32.0 - 39.0 Particular Purpose

Huon Valley Interim Planning Scheme 2015

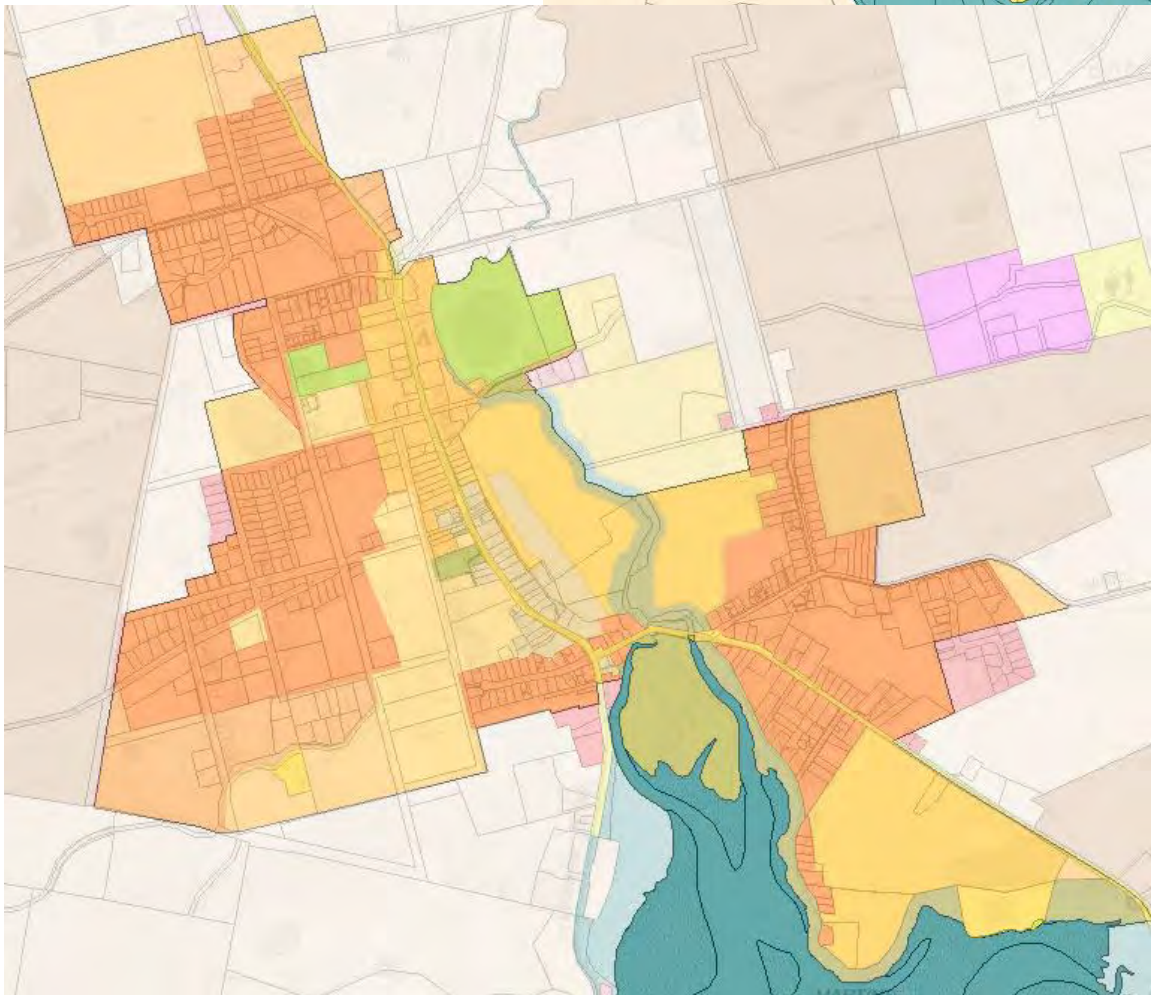
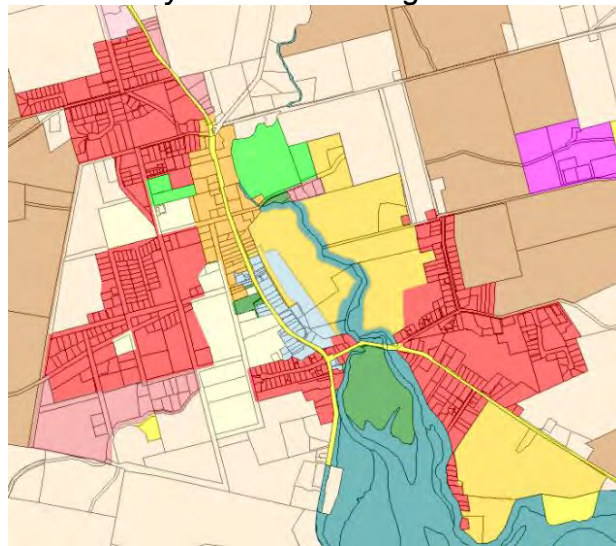


Image 1: Extent of Cygnet UCL area and Planning Scheme residential zones and other image extracts: LISTmap

34. The summary in the following table for the UCL area for Cygnet shows the increase in the number of residential dwellings in the Cygnet UCL area between October 2011 and 30 January 2020 based on Council records. The Table below shows there were 352 residential buildings in the UCL area in October 2011 completed to building occupancy stage following the issue of an Occupancy Permit.

35. **Table 2: Residential buildings and vacant land (UCL), Cygnet**

October 2011 – January 2020

UCL Land	UCL Land
17/10/2011	30/1/2020
Residential buildings (Occupancy Permit issued for a dwelling; land then classified as <i>non-vacant residential land</i>)	Residential buildings (Occupancy Permit issued for a dwelling; land then classified as <i>non-vacant residential land</i>)
352	434
	+82 dwellings
Vacant residential land (land classified as <i>vacant residential land</i>)	Vacant residential land (land classified as <i>vacant residential land</i>)
66	59
	-7 vacant lots

Council data 2020

36. The application of the *moderate growth strategy* equated to a projection of 70 new dwellings being constructed in the Cygnet Township over the 25 year period of the strategy that obtained an Occupancy Permit based on the number of dwellings within the township in October 2011 when the strategy commenced. See further the SGS Report.

37. The SGS Report states in relation to the Regional Strategy:

The moderate growth strategy in the STRLUS refers to an anticipated growth of 10 to 20 per cent of dwellings. A mixed growth scenario indicates that residential growth should come from a mix of both greenfield and infill circumstances and that expansion of the residential zone maybe required dependent upon an assessment of the yield capacity and vacancy of existing zoned land.

In addition, the Strategy promotes consolidation of existing settlements and minimisation of urban sprawl and lower density development (p. 85).

The demand projections in STRLUS were primarily based on historic growth, primarily based on Census publications of which the most recent, published one would have been 2006. Since 2011, population growth and related dwelling demand has outpaced anticipated growth as detailed in STRLUS (page 21).

38. The SGS Report also states:

- Strong population growth has been evident in Cygnet over the past decade (Figure 2). Between 2010 and 2019 the average annual growth rate was 1.7 per cent per annum. This has increased to 2.4 per cent over the past five years, and 2.9 per cent in the past three. As a result, the figure also reveals that the population forecast for Cygnet in 2021, using the Treasury growth rates for the Huon Valley (Table 1), has already been met by 2019, even under the high scenario. (page 7)*
- In order to achieve the overarching strategic planning objectives of urban consolidation, prevention of sprawl and fragmentation of agricultural land, it is of the utmost importance to ensure sufficient and suitable vacant residential land is provided for in and around existing settlements (within their UGB)..(page 21).*
- There is an urgent need to update STRLUS to reflect updated projections and ensure the overarching strategic planning objectives are achieved. There is also a need to update the Treasury population projections to appropriately account of intrastate migration patterns.. (page 21)*
- Demand for housing in Cygnet is strong. To 2036 it is estimated that there will be demand for another 524 dwellings in the Cygnet area from 2020. Assuming that 80 per cent of the dwellings should be located within the urban growth boundary to protect agricultural land from*

fragmentation and to develop greater economic and social vibrancy in the town, then 419 dwellings will be demanded within the growth boundary. (page 23)

- *...The analysis shows there is an acute shortage of suitable, vacant residential land to accommodate future growth, while meeting the overarching planning objectives.... (page 21).... As it currently stands, there is insufficient land available to achieve a dwelling capacity that will meet the projected demand within the urban growth boundary. (page 23).*

39. The SGS Report in section 4 of the report and in other sections of the report refers to some well-known current and future impacts that arise such as urban sprawl and fragmentation of agricultural land if there is not an adequate supply of residential land to meet or, substantially meet the projected residential demand forecasts. The report states:

In order to achieve the overarching strategic planning objectives of urban consolidation, prevention of sprawl and fragmentation of agricultural land, it is of the utmost importance to ensure sufficient and suitable vacant residential land is provided for in and around existing settlements...(SGS Report, page 21)

40. The SGS Report clearly set out that there is not sufficient residential land capacity within the Cygnet Township area for the next 10-15 years. In particular, it is relevant that the number of dwellings that the *moderate growth strategy* relates to within the township have now been constructed.

41. The proposed amendment is consistent with the Objectives set out in Schedule 1 of the Act and with relevant State Policies under the *State Policies and Project Act 1993*.

Conclusion and Recommendation

42. For the reasons set out in the report and the SGS Report it is considered very important regarding the residential housing needs of Cygnet that the proposed amendment to the Regional Strategy is made.

17.007/21*

RECOMMENDATION

That:

- a) The report on the amendment to the *Southern Tasmanian Regional Land Use Strategy (2011-2035)* be received and noted.
- b) Council request the Minister for Planning to amend the *Southern Tasmania Regional Land Use Strategy (2010-2035)* by adding to Table 3 of the strategy as a footnote the following wording:

*****For the Cygnet Township, the growth strategy does not preclude residential growth through rezoning of existing urban land within the established settlement boundaries if supported by residential land supply and demand data analysis from a suitably qualified person.***

- c) Council request other Southern Tasmanian councils whether they support the proposed amendment and advise the Minister of the response from the other councils.
- d) The General Manager is authorised to complete the processes for the amendment in accordance with Council's decision including any adjustment to the wording of the amendment that is required by the Minister of Planning consistent with Council's decision.

CYGNET RESIDENTIAL DEMAND AND SUPPLY ANALYSIS

FINAL
12/08/2020

Prepared for
Huon Valley Council

Independent
insight.



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EXECUTIVE SUMMARY

SGS Economics and Planning was engaged to undertake a residential land demand and supply study for the town of Cygnet within the Huon Valley Council.

The town of Cygnet has been experiencing high demand for housing over recent years due to the popularity of the town for families and smaller households (including retirement). SGS Economics and Planning, in this report, analysed the demand for housing in Cygnet and the existing supply of residential land. This analysis was performed to understand the adequacy of existing vacant residential land in Cygnet within the Urban Centre and Locality (UCL) and the Urban Growth Boundary (UGB).

A range of factors are considered including government policy, affordability and household composition to draw conclusions on the suitability of expedited land release in Cygnet.

The report contains four chapters:

1. Documentation and results of housing demand modelling for Cygnet
2. Estimation of capacity for new housing in Cygnet (UCL and UGB) and gap analysis to determine the adequacy of current supply of residential land
3. Commentary on planning principles and land demand allowances
4. Findings and conclusion.

Demand for housing in Cygnet is strong. To 2036 it is estimated that there will be demand for another 524 dwellings in the Cygnet area from 2020. If it was assumed that about eighty per cent of demand would be accommodated on residential land (as opposed to lower density lifestyle area outside of the UGB), demand would be 419 dwellings.

The capacity analysis indicates that currently there is the capacity to provide another 92 to 165 new dwellings in the Cygnet urban growth boundary to 2036, and 91 to 163 new dwellings in the Cygnet urban centre locality depending on dwelling density and realisation rates. If HVC land in the George Street redevelopment area is developed, the high capacity scenario increases to 209 and 207 dwellings for the UGB and UCL respectively. The capacity analysis is based on an assessment by the planning department of Council on the number of lots that could be created on vacant lots; and on two realisation rates reflecting the extent to which these lots may actually be used to enable further development¹.

As it currently stands, there is an acute shortage to meet all demand. There is not sufficient land to meet demand for the next ten to fifteen years. As a rule of thumb, there should be approximately fifteen years of vacant supply in order to not adversely affect housing affordability and prevent land banking and/or speculative behaviour. Indeed, evidence shows that affordability is already decreasing and some household types (for instance on minimum wages) may already struggle to meet housing costs.

The insufficient supply means that potential residents cannot move to or remain in Cygnet due to insufficient choice and affordability pressures.

¹ Keeping in mind that many households may choose a large garden over a subdivision, or may want to reserve the option to subdivide to a later stage in life.

1. INTRODUCTION

SGS Economics and Planning was engaged to undertake a residential land demand and supply study for the town of Cygnet within the Huon Valley Council.

The town of Cygnet has been experiencing high demand for housing over recent years due to the popularity of the town for families and smaller households (including retirement). SGS Economics and Planning, in this report, analysed the demand for housing in Cygnet and the existing supply of residential land. This analysis was performed to understand the adequacy of existing vacant residential land in Cygnet within the Urban Centre and Locality (UCL) and the Urban Growth Boundary (UGB).

A range of factors are considered including government policy, affordability and household composition to draw conclusions on the suitability of expedited land release in Cygnet.

The report contains four chapters:

1. Documentation and results of housing demand modelling for Cygnet
2. Estimation of capacity for new housing in Cygnet (UCL and UGB) and gap analysis to determine the adequacy of current supply of residential land
3. Commentary on planning principles and land demand allowances
4. Findings and conclusion.

Housing demand

SGS has created an Excel-based housing demand model for Cygnet. The model includes the following aspects:

- Population forecasts by age
- Household formation preference
- Housing type preferences

Results include housing demand by type including separate, semi-detached and apartment types.

Housing capacity

SGS has reviewed vacant residential land supply and historic uptake data collected by HVC. For each parcel of land identified as vacant and suitable for housing, SGS used HVC's categorisation based on its likely timeframe to be development ready and available to the market.

Forecast demand is then compared to housing capacity by timeframe to understand housing market alignment and identify potential gaps/oversupply over time.

Commentary

SGS provides commentary on the adequacy and currency of planning guidances in light of overarching planning objectives of urban consolidation, prevention of urban sprawl and prevention of fragmentation of agricultural land. Further, SGS has used data from our award-winning Rental Affordability Index to comment on housing affordability.

Findings and recommendation

Conclusions and recommendations are drawn concerning the need for future planning around supply of land in Cygnet.

2. HOUSING DEMAND

2.1 Introduction and purpose

An assessment of population and demographic trends has been undertaken to develop an understanding of the underlying forces which are driving growth and demand for dwellings in the Huon Valley LGA and Cygnet. Beyond population and dwelling forecasts, this section also considers typology and housing choice.

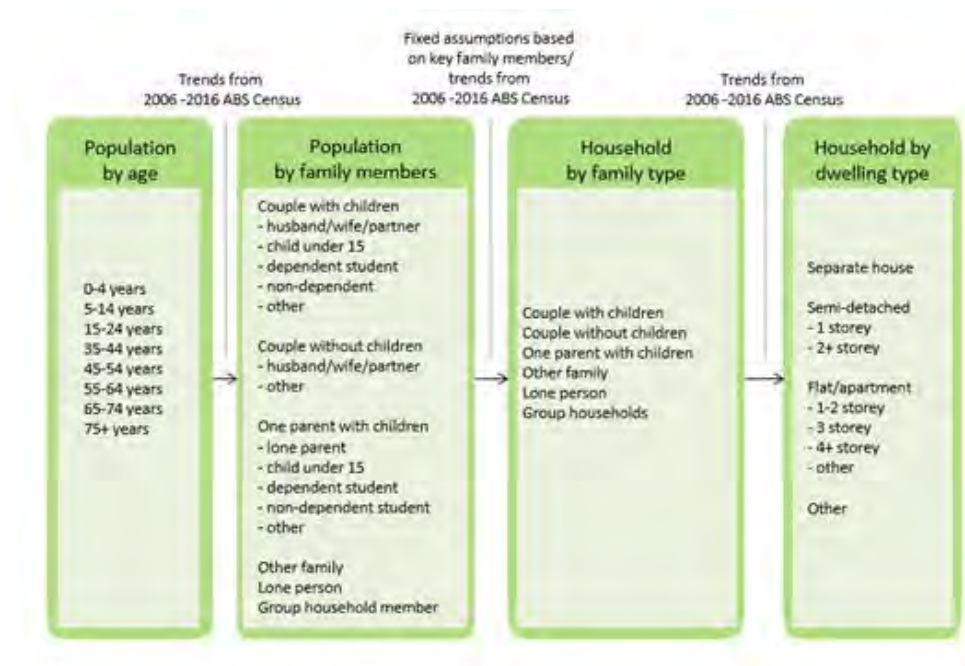
The purpose of the analysis is to forecast housing demand in Cygnet to the year 2036. Two scenarios are provided to illustrate the housing demand under high growth and moderate growth trends. Assumptions for the scenarios are drawn from analysis of historic housing growth in Cygnet and Huon Valley LGA.

2.2 Approach

The analysis in this section draws upon a range of datasets, mostly from ABS, including population growth, age, family, and household type. These core demographic components combine to help understand the drivers for housing demand in Cygnet presently and into the future.

SGS has applied its in-house and tested *Housing Demand Model* to forecast total demand and demand by dwelling type. The datasets are key inputs into the modelling process to help determine the change in the number of households requiring housing in Cygnet. An illustration of the model below shows the outputs as being housing demand by 'separate house', 'semi-detached' (referring to attached dwellings, terraces and townhouses) and 'flat/apartment'.

FIGURE 1: SGS HOUSING DEMAND MODEL METHOD



Source: SGS Economics and Planning

Demand for different dwelling type shifts throughout an individual's lifespan, due to income levels, the structure of the household they live in and preferences. To that end, changing demographics and the changing relationship between household types and dwelling types described will impact upon future housing choices. In regional areas, like the Huon Valley, housing type preferences are strongly skewed towards separate houses, but the ageing of the population will likely drive a slight increase in demand for units (referred to as flats/apartments).

The model's base scenario is run off historically observed household and dwelling compositions in the LGA – generating a 'business as usual' forecast of the future if there are no major shifts in population/demographic trends or supply/capacity constraints.

The model is run at the LGA level as this is the level that population forecasts by age group from the Tasmanian Government are available. Using the outputs for the Huon Valley LGA, the housing demand for Cygnet was calculated with: trends adjusted to reflect the on-the-ground experience under the high scenario; and trends held constant to reflect a milder housing growth rate under the moderate scenario.

2.3 Population growth

The Tasmanian Department of Treasury and Finance has prepared population projections for Tasmania's Local Government Areas for 25 years (2017 to 2042)². Table 1 below shows population forecasts for the Cygnet SA2 based on the population at the 2016 census and the population growth rates for the Huon Valley LGA from the Treasury projections.

The Tasmanian Government's projections have three series, based on different assumptions - high, medium, and low. The medium and high series are shown here (Table 1).

TABLE 1: POPULATION GROWTH COMPARISON OF DIFFERENT SERIES, CYGNET

Series	2016	2021	2026	2031	2036
High	4,266	4,561	4,843	5,111	5,347
Medium	4,266	4,522	4,728	4,903	5,040

Source: Tasmanian Government 2019

Table 2 shows the assumptions the Tasmanian Treasury used to estimate the population forecasts by scenario.

TABLE 2: ASSUMPTIONS FOR POPULATION GROWTH SERIES

Series	Fertility (total fertility rate)	Mortality (life expectancy at birth)	Net Interstate Migration	Net Overseas Migration	Average annual growth rate (AAGR)
High	Increasing from 1.96 babies per woman in 2017, to 2.10 babies per woman by 2028	To reach 86.0 years for males and 88.5 years for females by 2067.	Net gain of 1,200 persons per year to Tasmania (+0.3% to population in 2017)	Net gain of 2,100 persons per year to Tasmania (+0.4% to population in 2017)	0.74% to 2036 0.62% per annum to 2067
Medium	Constant rate of 1.96 babies per woman.	To reach 82.4 years for males and 85.2 years for females by 2067.	Zero net interstate migration.	Net gain of 1,800 persons per year to Tasmania. (+0.34% to the population in 2017)	0.38% to 2036 0.20% per annum to 2067

Source: Tasmanian Government 2019

² <https://www.treasury.tas.gov.au/economy/economic-data/2019-population-projections-for-tasmania-and-its-local-government-areas>

Table 3 below compares the recent experience in Cygnet to these scenarios. It shows that growth in Cygnet has been trending above the high growth scenario from the Treasury forecasts for the Huon Valley municipality.

TABLE 3: COMPARISON OF CYGNET POPULATION GROWTH TO POPULATION PROJECTIONS

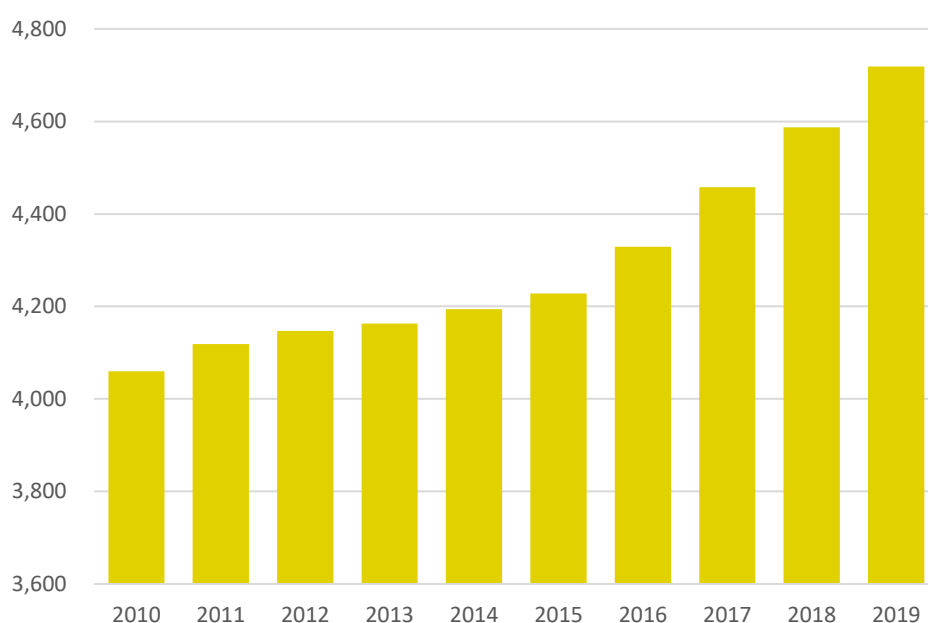
Series	Fertility (total fertility rate)	Mortality (life expectancy at birth)	Net Interstate Migration	Net Overseas Migration	Average annual growth rate (AAGR)
Actual in Cygnet 2017 to 2019	A natural increase in the population of 49 (124 births and 75 deaths) indicating a replacement rate above 2.0 (high scenario)	Not available	Net internal migration of +291 over three years (+2% per annum). This is well above the high series rate but does include intrastate movements	Net overseas migration of +50 over three years (+0.4% per annum). This is equivalent to the high series for Tasmania.	2.9% per annum from 2017 to 2019. This is well above the high series for Tasmania

Source: SGS Economics and Planning 2020 using ABS (2020) estimated residential population by components, SA2 level.

This can partially be explained by a key shortcoming of the Treasury projections: the projections do not take into account internal migration patterns within Tasmania. As stated in the Huon Valley Economic Development Strategy 2015-2020, the Huon Valley is influenced significantly by its relative proximity to Tasmania's capital city Hobart and the neighbouring municipal area, Kingborough. The proximity to these two denser populated areas, coupled with lower average house prices, means that to first homeowners and other low-medium income earners, Cygnet offers considerable appeal.

Strong population growth has been evident in Cygnet over the past decade (Figure 2). Between 2010 and 2019 the average annual growth rate was 1.7 per cent per annum. This has increased to 2.4 per cent over the past five years, and 2.9 per cent in the past three. As a result, the figure below also reveals that the population forecast for Cygnet in 2021, using the Treasury growth rates for the Huon Valley (Table 1), has already been met by 2019, even under the high scenario.

FIGURE 2: ESTIMATED RESIDENT POPULATION IN CYGNET SA2



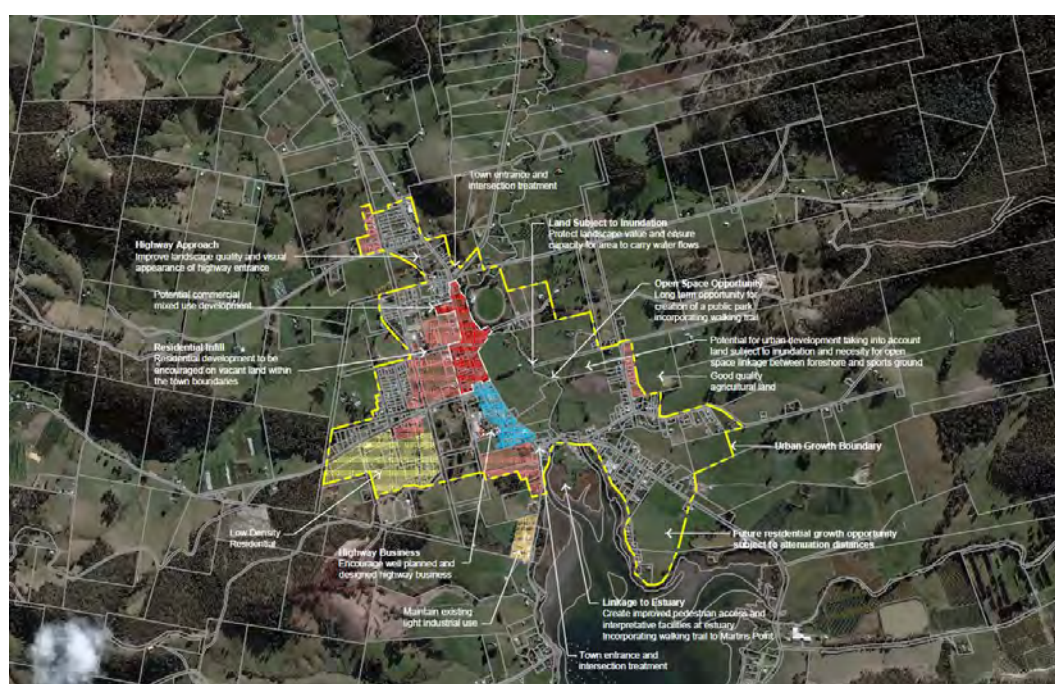
Source: ABS (2020) estimated residential population by components

Take-up of vacant residential land

The take-up of vacant residential land is another indicator of housing demand. The Southern Tasmanian Regional Land Use Strategy (STRLUS) assumed a moderate growth trajectory for Cygnet which corresponds to an annual average growth rate of 0.9 per cent per annum for Cygnet.

Table 4 shows the rateable properties for vacant residential land and non-vacant residential land within the Urban Centre Locality (UCL) area of Cygnet and also within the Urban Growth Zone for the years 2011, 2013, 2016 and 2019. The UCL is an ABS geography to capture data for individual towns. The UCL for Cygnet is slightly larger than the Urban Growth Centre boundary. The Urban Growth boundary for Cygnet (Figure 3) is referred to on the Cygnet Strategy map of the Huon Valley Land Use and Development Strategy and has been used by Council for planning purposes, in particular, prior to the commencement of the current planning scheme.

FIGURE 3: CYGNET URBAN GROWTH BOUNDARY



Source: GHD

The data shows that the number of non-vacant residential properties has increased by 83 since 2011 in the UCL, a compounded growth rate of 2.7 per cent per annum. The total growth rate for Cygnet is 2.4 per cent per annum.

TABLE 4: RESIDENTIAL LAND, CYGNET

RATED LAND (as at 1 July of each year)	Cygnet Urban Centre Locality (UCL)	2011	2013	2016	2019
	Vacant residential land	45	74	80	56
	Non-Vacant Residential land	347	366	399	430
RATED LAND (as at 1 July of each year)	Urban Growth Centre - Cygnet	2011	2013	2016	2019
	Vacant residential land	48	63	48	36
	Non-Vacant Residential land	358	376	394	419

Source: Huon Valley Council, received August 2020

Table 5 shows the applications for subdivisions lodged between 2007 and 2020, for subdivisions within the Cygnet Urban Centre and Locality (UCL); and Cygnet Urban Growth Boundary (UGB) areas that were completed such that Final Plans for these subdivisions were

able to be sealed to enable lots to be created (or for relevant stages of a subdivision). The period before 2011 saw applications for larger scale subdivisions ranging between 20 and 30 lots, which were mainly driven by the new estates located along Silver Hill Road (Devereaux Court and Dorgan Court) and Mary Street (Lourdes Rise). An application of 29 lots was lodged in 2011 on 27 Silver Hill Road, which is outside the boundary of the Cygnet UGB but within the Cygnet UCL. The period post 2011 saw a decrease in the size of subdivision applications. Applications during this period were characterised by infill development with subdivisions ranging between 1 to 3 lots.

TABLE 5: APPLICATIONS OF APPROVED SUBDIVISIONS TO FINAL PLAN STAGE, CYGNET UCL AND UGB

Application year	Subdivision	Address	Additional lots from approved subdivision	Final Plan sealed - 2011	Approval	Final Plan sealed
2007	SUB-4/2007	24 Silver Hill Road (Devereaux Crt)	19	Final Plan sealed - 2011	2011	FP sealed
2008	SUB-11/2008/A	Mary Street - Lourdes Rise	25	Final Plan sealed - 2011	2011	FP sealed
2012	SUB-81/2012	24 Dances Road	1		2013	FP sealed - 2013
2012	SUB-43/2012	11 Emma Street	1		2013	FP sealed- 2018
2012	SUB-47/2012	5 Smith Street	1		2013	FP sealed -2018
2011	SUB-7/2011	27 Silver Hill Road (Dorgan Crt)	9	Final Plan sealed for stage 1 (9 lots) - 2015	2015	FP sealed
2011	SUB-7/2011	27 Silver Hill Road (Dorgan Crt)	20	Final Plan sealed for stage 2 (20 lots) - 2016	2016	FP sealed
2017	SUB-18/2017	7406; 7404; 7402 Channel Highway	3		2019	FP sealed- 2019
2017	SUB-3/2017	8 Frederick Street	2		2017	FP sealed- 2020
2017	SUB-1/2017	5 Smith Street	1		2017	FP sealed- 2018
2017	SUB-37/2017	10 Charles Street	8	Plan sealed for stage 1 (8 lots) 2019; (Stage 2 TBC)	2019	FP sealed
2018	SUB-32/2018	32 Christina Street	2		2019	FP not sealed
2020	SUB-29/2020	14 George Street	1	Final Plan sealed - 2011	2019	FP Sealed

Source: Huon Valley Council, received August 2020

Other subdivision lot data for the period 2011-2019 for approved subdivisions in Cygnet are shown in Table 6³. It shows that over the past 9 years 110 lots have been created in Cygnet.

The three major releases in this time were Devereaux Court (19 lots in 2011), Lourdes Rise (27 lots in 2011) and Dorgan Court (29 lots across 2015 and 2016). Satellite imagery (Figure 4) reveals that the take-up rate of these sub-divisions has been high, with only a few vacant lots remaining in these three sub-divisions (at April 2019).

TABLE 6: APPROVED SUBDIVISIONS, CYGNET

Subdivisions (not including approved boundary adjustments as boundary adjustments do not create additional lots)	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Number of lots created	53 lots	4 lots	4 lots		8 lots (+1 x POS lot) Total: 8 lots Stage 1 - Dorgan Court comprised 8 lots plus 1 x Public Open Space lot	2 lots + 20 lots Total: 22 lots Stage 2 of Dorgan Court subdivision comprised 20 lots	10 lots	8 lots	1 lot + Balance	110 lots

Source: Huon Valley Council, received August 2020

FIGURE 4: DEVEREAUX COURT (TOP LEFT) AND DORGAN COURT (BOTTOM RIGHT) IN 2012



Source: Google Earth, accessed August 2020

³ This data does not include boundary adjustment approval information as no new lots are created by that process, and does not include data between 2011-2019 for approved subdivisions that were withdrawn after lodgement, or for approved subdivisions that subsequently lapsed

FIGURE 5: DEVEREAUX COURT (TOP LEFT) AND DORGAN COURT (BOTTOM RIGHT) IN 2019



Source: Google Earth, accessed August 2020

2.4 Housing demand scenarios

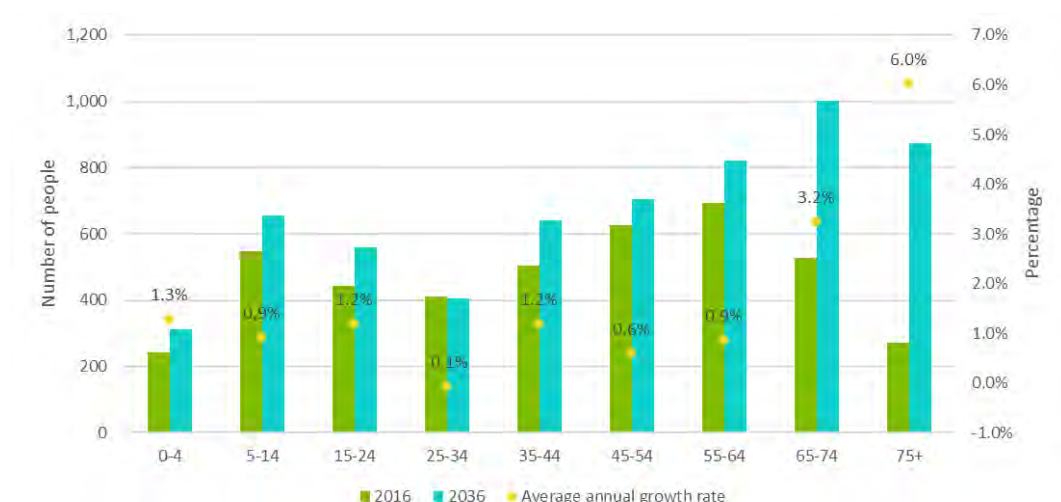
All the historic evidence above suggests that demand for residential lots is growing faster in Cygnet than predicted by official government population projections produced by Treasury, as well as what is assumed in the STRLUS.

SGS prepared two scenarios to establish a range in which housing demand in Cygnet might occur. Housing demand under a high growth scenario and a moderate growth scenario will be discussed in the next section. Under the high growth scenario, dwelling growth of 2 per cent per annum has been applied to forecast housing demand. For the moderate growth scenario, the dwelling demand rate is 1.5 per cent per annum.

Age distribution

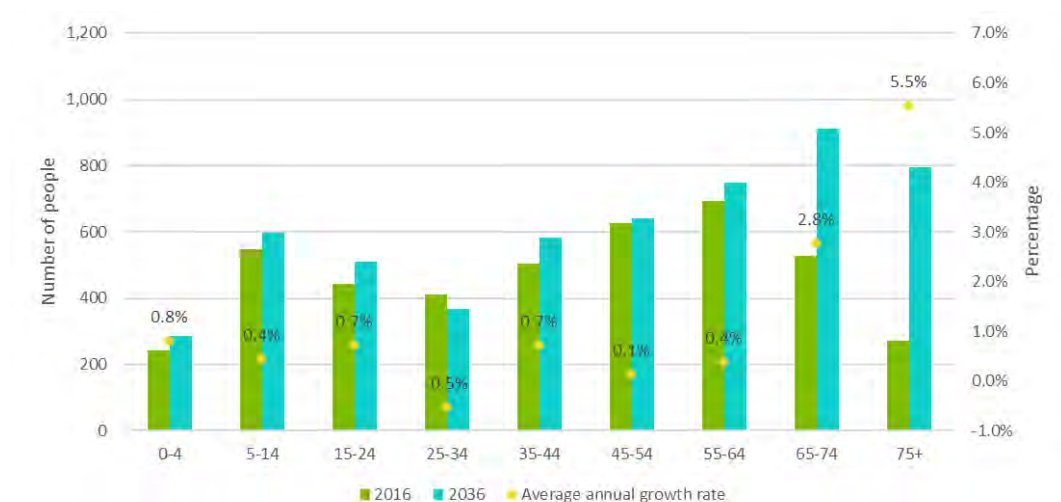
The age profile of the population is also projected to change, impacting the types of dwellings demanded, with major growth in aged population cohorts. The current and projected age profile for residents in the Cygnet SA2 under the high and moderate growth scenarios are shown in Figure 6 and Figure 7. Trends of an aging population profile can be observed under both scenarios, as the dominant age groups are anticipated to shift from 45 to 64 in 2016 to 65 to 75 by 2036. This reflects that people are growing older and remaining healthy and independent for longer. It is expected most of the older people in Cygnet will remain living independently, particularly if housing options are provided to them. Similarly, an adequate supply of land for detached housing will allow young families to move into Cygnet.

FIGURE 6: POPULATION PROJECTION AND GROWTH RATE BY AGE (HIGH GROWTH), CYGNET SA2



Source: ABS Census; Tasmanian Government 2019; and SGS Economics and Planning

FIGURE 7: POPULATION PROJECTION AND GROWTH RATE BY AGE (MODERATE GROWTH), CYGNET SA2



Source: ABS Census; Tasmanian Government 2019; and SGS Economics and Planning

2.5 Housing demand model results

Forecast dwelling demand

Table 7 and Table 8 summarise the results of the housing demand modelling under the high and moderate growth scenarios. The results are derived from the *Housing Demand Model* using ABS Census data patterns in demographics and housing types from 2001 to 2016 and population growth forecasts to 2036 for the Cygnet SA2.

Under the high growth scenario, the model indicates that while the highest growth rate between 2020 and 2036 is likely to be for semi-detached dwellings (3.4 per cent per annum), the dwelling mix in Cygnet will still be dominated by detached (separate house) dwellings. Demand for separate houses is expected to grow 1.9 per cent per year between 2020 and 2036. The preference for separated houses in Cygnet will drive demand for 678 residential lots to 2036. The projected demand for semi-detached, unit and other dwellings types adds to demand by another 50 dwellings to 2036. The demand for semi-detached and units may or may not occur on strata-titled lots.

In total, the model shows that 729 new dwellings are to be demanded by 2036 in the Cygnet SA2 area, which translates to an increase of 2 per cent per annum.

TABLE 7: DWELLING DEMAND FORECAST 2020 TO 2036 (HIGH GROWTH), CYGNET SA2

Dwelling type	2020 ⁴	2021	2026	2031	2036	2020 to 2036 Growth	AAGR ⁵ 2020 to 2036
Separate house	1,874	1,920	2,135	2,349	2,553	678	1.9%
Semi Detached	26	27	33	38	44	18	3.4%
Flat, unit or apartment	27	28	32	36	40	12	2.3%
Other	41	42	48	54	60	20	2.5%
Total	1,968	2,017	2,247	2,477	2,697	729	2.0%

Source: SGS Housing Demand Model (2020)

Modelling results under the moderate scenario shows a lower housing demand growth rate of 1.5 per annum. This is driven by the assumption that the share of housing growth in the Huon Valley LGA allocated to Cygnet SA2 remains constant throughout the years. Separate houses remain the most dominant housing type, whereas semi-detached dwellings have the highest growth rate. A total of 525 new dwellings are projected to be the size of housing demand by 2036.

TABLE 8: DWELLING DEMAND FORECAST 2020 TO 2036 (MODERATE GROWTH), CYGNET SA2

Dwelling type	2020	2021	2026	2031	2036	2020 to 2036 Growth	AAGR 2020 to 2036
Separate house	1,842	1,878	2,039	2,191	2,328	486	1.5%
Semi Detached	25	27	31	36	41	15	2.9%
Flat, unit or apartment	27	27	30	33	36	9	1.9%
Other	40	41	46	51	55	15	2.0%
Total	1,934	1,973	2,146	2,311	2,459	525	1.5%

Source: SGS Housing Demand Model (2020)

The differences between the two scenarios are largely driven by the demand in separate houses. Among the 204 dwelling growth difference between the high and moderate scenarios, separate houses account for 94 per cent (192 dwellings) of the total difference.

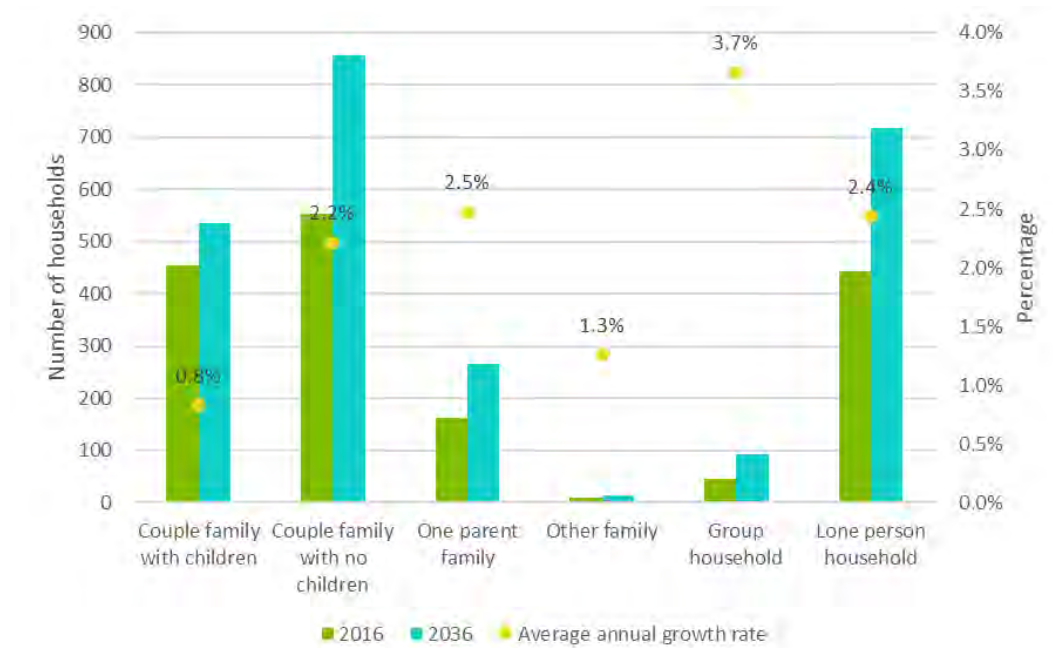
Forecast household composition

The age statistics are reflected in the projected growth of different household types in the LGA. Under the high growth scenario (Figure 8), while couple families with children are anticipated to grow by 18 per cent between 2016 and 2036, couple families with no children, one parent family, and lone person household types are expected to grow considerably, by 55, 63, and 62 per cent respectively.

⁴ The figure for 2020 is calculated by assuming that 80% of the growth between 2016 and 2021 (3 years' worth) has already been realised.

⁵ AAGR – Average Annual Growth Rate

FIGURE 8: HOUSEHOLDS BY COMPOSITION (HIGH GROWTH), CYGNET SA2

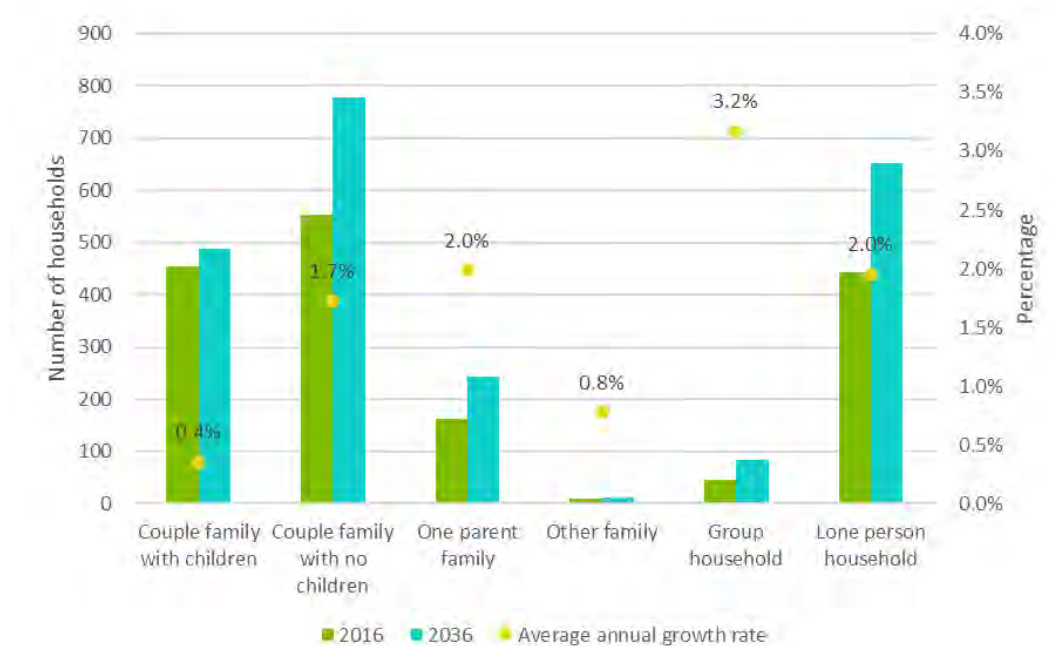


Source: Tasmanian Government 2019; SGS Housing Demand Model (2020)

Under the moderate growth scenario shown in Figure 9, couple families with children are only expected to grow by 7 per cent by 2036, while the biggest growths will also be seen in one parent families (48 per cent), lone person households (47 per cent), and couple families with no children (41 per cent).

Changes in household compositions in both scenarios are in line with trends seen across Tasmania and Australia, in that the average household size is to see a decrease overtime driven by ageing population. The ageing of the population in Tasmania is however more pronounced than Australia as a whole.

FIGURE 9: HOUSEHOLDS BY COMPOSITION (MODERATE GROWTH), CYGNET SA2



Source: Tasmanian Government 2019; SGS Housing Demand Model (2020)

3. HOUSING DEVELOPMENT CAPACITY

3.1 Introduction and purpose

This chapter identifies available vacant residential land in Cygnet ready for development in the immediate, medium and longer-term. HVC has supplied much of the data required for the supply analysis, with SGS tasked with analysing this information and estimating the available lots within the UCL and UGB boundaries.

The purpose of the analysis is to reveal the capacity for new housing in Cygnet to 2036 and compare to housing demand to ascertain whether new parcels of land should be released. Key to meeting population demand as forecast will be to ensure land supply is consistent and stable, properly located and readily developable.

3.2 Housing capacity

Method

To estimate the housing capacity of Cygnet (i.e. the likely number of dwellings that could be built in Cygnet to 2036), SGS relied upon the vacant land and lots analysis as identified by HVC. Each parcel was reviewed by SGS taking into account engineering advice provided by HVC to consider constraints to develop on each lot. This analysis included a lot of analysis conducted by Council compared to previous analysis completed by SGS on housing capacity in Cygnet.

Parcels of land were sorted into four different groups:

- Development ready lots (immediate supply)
- Land that is serviced with water and sewage, but not sub-divided (medium-term supply)
- Land that is serviceable but not sub-divided (medium to longer term supply)
- Land that is not sub-divided nor fully serviced (long term supply)
- Council-owned land (uncertain supply)

In addition, dwelling densities and realisation rates (what share of lots would realistically be developed) were allocated. The theoretical capacities of vacant residential land were estimated based on the following assumptions for two scenarios, low and high, with the higher scenario assuming greater densities⁶:

- Two different realisation rates are applied to development estimates. For the low capacity scenario, it is assumed that 50 per cent of the theoretical capacity will be realised. Many landowners will not sub-divide their land preferring to keep the whole parcel intact for their own use. There are also cost constraints if new access ways or infrastructure has to be provided and planning constraints such as the coastal overlay or other overlays on some sites. For the higher capacity scenario, it is assumed optimistically that 90 per cent of the capacity can be realised. This realisation rate was chosen given the accuracy and research behind the housing capacity data set supplied by HVC.
- Consideration has been given to dwelling densities in the General Residential zone in preparation of the vacant land and lots analysis as identified by HVC, with densities in

⁶ though compared to major cities the density in the high scenario remains low

that range of 9 dwellings per hectare (equivalent to 1,100 sqm per lot) to 15 dwellings per hectare (equivalent to 665 sqm per lot).

- For Huon Valley Council (HVC) owned land at 20 Golden Valley Road and 14 George Street, this land has been previously identified by Council for housing development as part of the George Street Site Development Strategy, and potentially therefore this land may be used, for example, as community housing and related services. As an indication for a use in the high scenario, it is assumed the capacity of 14 George St is 49 dwellings based on prior research by Terroir. For the low scenario, it is assumed that this land is not used for housing.

Housing development capacity in Cygnet urban growth area

Table 9 below shows the results of the above analysis for Cygnet within the urban growth boundary. It shows that in the low scenario, with a realisation rate of 50%, there is future capacity for 92 new dwellings in Cygnet.

With a higher realisation rate (90 per cent) and the use of council land for medium density housing (such as a retirement village), the capacity in Cygnet is for 209 new dwellings. These scenarios can be thought of as a range, with the likely capacity falling somewhere in between, and likely towards the bottom of the range.

TABLE 9: HOUSING CAPACITY IN CYGNET URBAN GROWTH BOUNDARY

Land Type	Dwelling capacity (Low)	Dwelling capacity (Higher)	Dwelling capacity (Higher) with council land
Development ready (Short term)	16	28	28
Fully serviced but not sub-divided (Medium term)	50	89	89
Serviceable but not sub divided (Medium to longer term)	21	37	37
Not sub-divided or fully serviced (Long term)	6	11	11
Council-owned land (Uncertain)	0	0	44
Total	92	165	209

Note: the 44 Council-owned lots refer to those 49 lots at 14 George St identified by Terroir, with a 90% realisation rate applied

Allocating the above capacity to five-year time blocks results in the dwelling capacities below in Table 10:

- In the short term (to 2021) there is an immediate capacity for 16 to 28 new dwellings, depending on the capacity scenario, on development-ready lots in Cygnet.
- In the medium term when fully serviced but not sub-divided land is likely available for development, there is a capacity for around 50 to 89 dwellings between 2022 to 2026.
- In the medium to longer term when serviceable but not sub-divided land is likely available for development, there is a capacity for around 21 to 37 dwellings between 2027 to 2031.
- In the longer-term, when more difficult land for development may be ready for release, there is a capacity for a further 6 to 11 dwellings.

If the Council land is included and developed over the medium term, the capacity increases to 111 dwellings for 2022-2026 and 59 dwellings in 2027-2031.

TABLE 10: DWELLING CAPACITY IN 5-YEAR INTERVALS, URBAN GROWTH BOUNDARY

	2020-2021*	2022-2026	2027-2031	2032-2036	Total
Dwelling capacity (Low)	16	50	21	6	92
Dwelling capacity (Higher)	28	89	37	11	165
Dwelling capacity (Higher) with council land	28	111	59	11	209

As a general rule of thumb, there needs to be approximately 15 years of vacant supply of land available to prevent speculative land behaviour and upward pressure on land and housing affordability.

Housing development capacity in Cygnet urban centre locality

Table 11 below shows the results of the above analysis for Cygnet within the urban centre locality. It shows that in the low scenario there is currently capacity for 91 new dwellings in Cygnet.

With a higher realisation rate (90 per cent) and the use of council land for medium density housing (such as a retirement village), the capacity in Cygnet is for 207 new dwellings. These scenarios can be thought of as a range, with the likely capacity falling somewhere in between, and likely towards the bottom of the range.

TABLE 11: HOUSING CAPACITY IN CYGNET URBAN CENTRE LOCALITY

Land Type	Dwelling capacity (Low)	Dwelling capacity (Higher)	Dwelling capacity (Higher) with council land
Development ready (Short term)	11	19	19
Fully serviced but not sub-divided (Medium term)	51	91	91
Serviceable but not sub divided (Medium to longer term)	24	42	42
Not sub-divided or fully serviced (Long term)	6	11	11
Council-owned land (Uncertain)	0	0	44
Total	91	163	207

Note: the 44 Council-owned lots refer to those 49 lots at 14 George St identified by Terroir, with a 90% realisation rate applied

Allocating the above capacity to five-year time blocks results in the dwelling capacities below in Table 12:

- In the short term (to 2021) there is an immediate capacity for 11 to 19 new dwellings, depending on the capacity scenario, on development-ready lots in Cygnet.
- In the medium term when fully serviced but not sub-divided land is likely available for development, there is a capacity for around 51 to 91 dwellings between 2022 and 2026.
- In the medium to longer term when serviceable but not sub-divided land is likely available for development, there is a capacity for around 24 to 42 dwellings between 2027 to 2031.
- In the longer-term, when more difficult land for development may be ready for release, there is a capacity for a further 6 to 11 dwellings.

If the Council land is included and developed over the medium term, the capacity increases to 113 dwellings for 2022-2026 and 64 dwellings in 2027-2031.

TABLE 12: DWELLING CAPACITY IN 5-YEAR INTERVALS, URBAN CENTRE LOCALITY

	2020-2021*	2022-2026	2027-2031	2032-2036	Total
Dwelling capacity (Low)	11	51	24	6	91
Dwelling capacity (Higher)	19	91	42	11	163
Dwelling capacity (Higher) with council land	19	113	64	11	207

As a general rule of thumb, there needs to be approximately 15 years of vacant supply of land available to prevent speculative land behaviour and upward pressure on land and housing affordability.

Comparison to housing demand

As revealed in Section 2, the demand for housing in the Cygnet area (SA2) has been high in recent years. This is forecast to continue. Table 13 and Table 15 show the dwelling demand in the Cygnet SA2 and within the Cygnet growth boundary. It is assumed by SGS that 80 per cent of growth in the Cygnet area should be captured within the growth boundary to improve town vibrancy and economic outcomes for Cygnet (as explored in chapter 4). Additional growth in agricultural areas and shack communities is discouraged by the Huon Valley Land Use and Development Strategy and the Southern Tasmania Regional Land Use Strategy. At present only around a third of dwelling growth in the Cygnet area is being captured within the growth boundary (see Table 17 later).

Housing capacity shortfall within the Cygnet UGB

Table 13 shows the gap between the future capacity scenarios. The results show that:

- In the low capacity scenario (the most likely scenario) there is insufficient capacity in Cygnet to cater for demand in the short, medium and long term.
- In the unlikely higher capacity scenario as well, demand is insufficient in the short, medium, and long term.
- When housing development on the HVC land is included there is still insufficient capacity over the next 16 years as well. There is a smaller deficit of supply in the medium term, which is not adequate for demand also due to the lack of choice and affordability this tight supply would create. This minor excess capacity in this scenario also relies on council foregoing broader community uses of prime council-owned land in the middle of Cygnet.

TABLE 13: DETACHED DWELLING DEMAND IN 5-YEAR INTERVALS COMPARED TO DWELLING CAPACITY, URBAN GROWTH BOUNDARY

	2020-2021*	2022-2026	2027-2031	2032-2036	Total
Demand in Cygnet SA2	39	173	164	148	524
Dwelling demand in growth boundary	31	139	131	118	419
Supply gap: Low capacity scenario	-15	-89	-111	-112	-328
Supply gap: Higher capacity scenario	-3	-50	-95	-107	-255
Supply gap: Higher scenario with Council land	-3	-28	-73	-107	-210

*Assumes 60% of the demand for 2016 to 2021 has already been realised

The analysis in Table 14 shows that in the short term, between 50 to 91% of dwelling demand in the Cygnet growth boundary can be catered for within the UGB, with 36 to 64% in the next 5 years, 16 to 28% between 2027 and 2031, and only 5 to 9% in 2032 to 2036. In total, only 22 to 39% of dwelling demand is accommodated within the UGB, not including council owned land, and if supply is not increased, this demand would likely go into rural land and/or elsewhere. Even with the high realisation rate of 90% there is still going to be a shortfall in supply.

TABLE 14: PROPORTION OF DETACHED DWELLING DEMAND IN CYGNET SA2 IN 5-YEAR INTERVALS COVERED BY DWELLING CAPACITY, URBAN GROWTH BOUNDARY

	2020-2021*	2022-2026	2027-2031	2032-2036	Total
Supply gap: Low capacity scenario	50%	36%	16%	5%	22%
Supply gap: Higher capacity scenario	91%	64%	28%	9%	39%
Supply gap: Higher scenario with Council land	91%	80%	45%	9%	50%

*Assumes 60% of the demand for 2016 to 2021 has already been realised

Housing capacity shortfall in the Cygnet UCL

A similar result is observed for the Cygnet urban centre locality, as shown in the gap analysis in Table 15. A larger deficit is shown in the next year when compared to the UGB, and a smaller deficit in supply in the medium term.

TABLE 15: DETACHED DWELLING DEMAND IN 5-YEAR INTERVALS COMPARED TO DWELLING CAPACITY, URBAN CENTRE LOCALITY

	2020-2021*	2022-2026	2027-2031	2032-2036	Total
Demand in Cygnet SA2	39	173	164	148	524
Dwelling demand in growth boundary	31	139	131	118	419
Supply gap: Low capacity scenario	-20	-88	-108	-112	-328
Supply gap: Higher capacity scenario	-12	-48	-89	-107	-256
Supply gap: Higher scenario with Council land	-12	-26	-67	-107	-212

*Assumes 60% of the demand for 2016 to 2021 has already been realised

The analysis in Table 16 shows that in the short term, only 34 to 61% of dwelling demand in the Cygnet growth boundary can be catered for within the UCL, with 36 to 66% in the next 5 years, 18 to 32% between 2027 and 2031, and only 5 to 10% in 2032 to 2036. In total, only 22 to 39% of dwelling demand is accommodated within the UCL, not including Council owned land, and if supply is not increased, this demand would likely go into rural land and/or elsewhere. Even with the high realisation rate of 90% there is still going to be a shortfall in supply.

TABLE 16: PROPORTION OF DETACHED DWELLING DEMAND IN CYGNET SA2 IN 5-YEAR INTERVALS COVERED BY DWELLING CAPACITY, URBAN CENTRE LOCALITY

	2020-2021*	2022-2026	2027-2031	2032-2036	Total
Supply gap: Low capacity scenario	34%	36%	18%	5%	22%
Supply gap: Higher capacity scenario	61%	66%	32%	10%	39%
Supply gap: Higher scenario with Council land	61%	81%	49%	10%	49%

*Assumes 60% of the demand for 2016 to 2021 has already been realised

3.3 Conclusions

The lack of supply of land ready for housing development presents challenges to new residents looking to move to Cygnet. These new residents may choose to not move to Cygnet or may move outside of the growth boundary. Demand will not be met under the existing supply.

SGS are aware of a property that is undergoing an application for a Section 43A rezoning and subdivision approval – this property is currently not residentially zoned. This property is within the UCL boundary and partly within the UGB boundary. If the rezoning and subdivision applications are successful there is potential for a further 61 lots available in the medium term.

The ageing of the population also requires careful consideration. The early release of new residential lots can help attract families to Cygnet reducing the ageing of the population while land in the centre of Cygnet may be dedicated to retirement living instead of detached housing.

In the current market, land values may become prohibitive for households to move into Cygnet. It is very likely that demand is currently diverted to areas outside the UGB, and into other parts of the Huon Valley or adjacent LGAs.

4. COMMENTARY

STRLUS and demand for housing since 2011

In STRLUS, Cygnet is defined as a township with a moderate growth strategy according to a mixed growth scenario from 2011 to 2035. A township is defined as residential settlement with prominent town centres providing a number of facilities, some local employment opportunities and convenience shopping. They tend to have a population of 500 to 1,500 residents, excluding the surrounding rural living areas.

The moderate growth strategy in STRLUS refers to an anticipated growth of 10 to 20 per cent of dwellings. A mixed growth scenario indicates that residential growth should come from a mix of both greenfield and infill circumstances and that expansion of the residential zone may be required dependent upon an assessment of the yield capacity and vacancy of existing zoned land.

In addition, the Strategy promotes consolidation of existing settlements and minimisation of urban sprawl and lower density development (p. 85).

The demand projections in STRLUS were primarily based on historic growth, primarily based on Census publications of which the most recent, published one would have been 2006. Since 2011, population growth and related dwelling demand has outpaced anticipated growth as detailed in STRLUS.

In addition, population growth has outpaced the population projections by Treasury by LGA. The issue with the Treasury projections is they do not account for intrastate migration between LGAs and/or growth patterns based on planning decisions. We therefore see in several LGAs, especially those with relative affordable house prices and within a (somewhat) commutable distance from Hobart, that population projections have been below actual growth rates.

In order to achieve the overarching strategic planning objectives of urban consolidation, prevention of sprawl and fragmentation of agricultural land, it is of the utmost importance to ensure sufficient and suitable vacant residential land is provided for in and around existing settlements (within their UGB).

There is an urgent need to update STRLUS to reflect updated projections and ensure the overarching strategic planning objectives are achieved. There is also a need to update the Treasury population projections to appropriately account of intrastate migration patterns.

Acute shortfall of supply within the township

The analysis shows there is an acute shortage of suitable, vacant residential land to accommodate future growth, while meeting the overarching planning objectives.

The following observations support the key finding of the analysis. At the time of writing this report there was no vacant residential land for sale in Cygnet. At the same time, we see that housing affordability has been decreasing (see paragraph below).

In addition, a significant share of residential demand has been accommodated outside of the UCL and UGB of Cygnet, as is illustrated in the table below. The table was compiled from ABS Census data. It shows that the majority of the dwelling stock increase was accommodated in the area outside of the UCL and the UGB⁷. This suggests limited availability of suitable and

⁷ It also shows that the majority of the existing dwelling stock is outside of the UGB and UCL, reflecting the rural historic character of the town.

affordable land within the township. Of course, many households in the area also choose to live in rural and environmental lifestyle settings. The dwelling growth rate within the UCL and UGB was 3.7% and 2.1% respectively, well above the growth rate for the SA2, reflecting a high demand for living in the town.

TABLE 17 NUMBER OF PRIVATE DWELLINGS, CYGNET

	2011	2016	Growth	AAGR	Share of growth	Share of stock (2016)
Cygnnet SA2	1,988	2,135	147	1.8%	100%	100%
Cygnnet UCL	323	373	50	3.7%	34%	17%
Cygnnet remainder (UCL)	1,665	1,762	97	1.4%	66%	83%
Cygnnet UGB	399	433	34	2.1%	23%	20%
Cygnnet remainder (UGB)	1,589	1,702	113	1.7%	77%	80%

Source: ABS Census, 2011 and 2016

Housing affordability and choice

High rents, relative to household incomes, has seen Greater Hobart become the least affordable metropolitan area in Australia for renting. Many homes have also been converted to short-term holiday rentals. Many households are looking to the Huon Valley for more affordable housing options. According to the rental affordability index⁸, Cygnnet has an acceptable level of affordability, but this will be impacted over time if there is a shortage of housing in comparison to demand as identified by SGS in the proceeding chapter. Rental affordability provides the best insight into the relation of residential demand and supply, as its affordability level is not distorted by property speculation and wealth creation considerations.

Already, rental affordability for the average income rental household has dropped markedly in Cygnnet from being 'very affordable' in the fourth quarter of 2013, to 'acceptable' by the second quarter in 2019. For some household types, rents have already become unaffordable, where households pay more than thirty per cent of their income in rent. This leaves them with insufficient funds to pay for other primary needs such as heating, medical needs, education and transport.

COVID-19 and public health restrictions

The impacts of the pandemic are still evolving and uncertain. However, it is clear there are substantial consequences in terms of economic growth, migration and tourism.

At the time of writing this report, Tasmania is successfully pursuing a strategy of elimination of COVID-19. Travel across State borders is restricted to essential travellers and people who accept to stay in hotel quarantine for two weeks. This has resulted a drop of visitors to the island. With uncertainty about the future availability of a vaccine, restrictions may stay in place for another year or more.

Economic modelling shows unemployment levels may not fall to pre-pandemic levels for another three to four years.

Both lower migration and high unemployment may undermine demand for residential land, although that is not visible in the market yet, partially due to housing investment subsidies.

All in all, the pandemic may delay residential demand by two to three years.

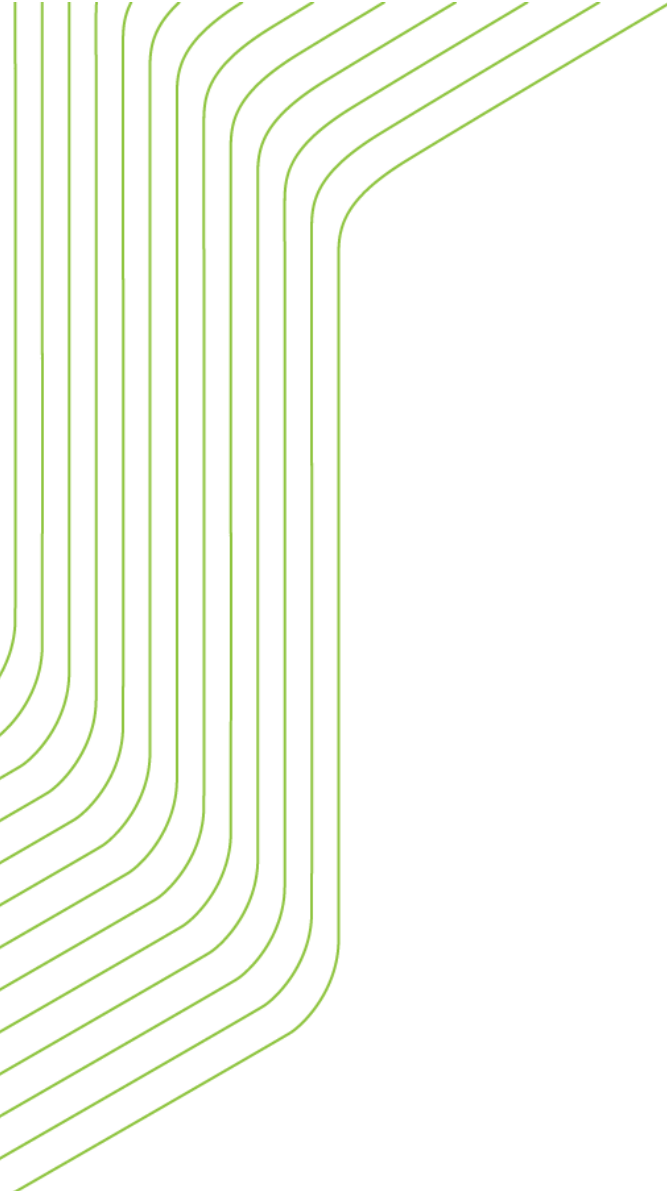
⁸ <https://www.sgsep.com.au/projects/rental-affordability-index>

5. FINDINGS AND RECOMMENDATION

The capacity analysis indicates that currently there is the capacity to provide another 92 to 165 new dwellings in the Cygnet urban growth boundary to 2036, and 91 to 163 new dwellings in the Cygnet urban centre locality depending on dwelling density and realisation rates. If HVC land in the George Street redevelopment area is developed, the high capacity scenario increases to 209 and 207 dwellings for the UGB and UCL respectively. The actual capacity likely lies somewhere towards to bottom of this range, with the higher scenario unlikely to be realised.

Demand for housing in Cygnet is strong. To 2036 it is estimated that there will be demand for another 524 dwellings in the Cygnet area from 2020. Assuming that 80 per cent of the dwellings should be located within the urban growth boundary to protect agricultural land from fragmentation and to develop greater economic and social vibrancy in the town, then 419 dwellings will be demanded within the growth boundary.

As it currently stands, there is insufficient land available to achieve a dwelling capacity that will meet the projected demand within the urban growth boundary. The insufficient supply means that potential new residents cannot move to Cygnet due to insufficient choice and affordability pressures.



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11.7.2 REVIEW OF CODE FOR TENDERS AND CONTRACTS**EXECUTIVE SUMMARY****PURPOSE**

To consider a minor amendment to the Code for Tenders and Contracts to allow council to implement a new electronic procurement system, VendorPanel.

RELATION TO EXISTING POLICY/PLANS

The Code for Tenders and Contracts is an operational policy and procedural guideline associated with tendering and the use and operation of Council's Multi-Use Register.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 and the Local Government (General) Regulations 2015 are relevant.

CONSULTATION

Council officers involved in contract and tendering and procurement processes have been consulted about the proposed amendment to the Code.

FINANCIAL IMPLICATIONS

Council is currently paying an annual fee to VendorPanel for its software and is unable to fully use the software until the Code is amended as proposed.

RECOMMENDATION:

That Council:

- A. Amends the Code for Tenders and Contracts as shown in Attachment 1 of the Associated Report.
- B. Notes that council is undertaking a wider review of its low-level procurement processes, with an internal audit report to be presented to the Audit Panel at its next meeting.
- C. Notes that council officers are in the process of undertaking a full review of the Code for Tenders and Contracts and will present a revised Code for consideration and approval at a future council meeting.

ASSOCIATED REPORT**1. BACKGROUND**

The Local Government Act 1993 and the Local Government (General) Regulations 2005 require council to have a Code for Tenders and Contracts. The purpose of the Code is to provide a framework for effective tendering and contracting processes for the procurement of goods and services, which ensure probity, impartiality, accountability and transparency.

2. REPORT IN DETAIL

- 2.1.** Since 2005, council has had a Code for Tenders and Contracts. The Code has been reviewed several times since then and is currently subject to a substantial review by council officers. This review is expected to be finalised within the next few months.
- 2.2.** Council has already committed to implementing its new electronic procurement system, VendorPanel. VendorPanel is an electronic procurement system used by government and other businesses to manage its procurement and supplier management roles. The implementation is significantly progressed and ready for use.
- 2.3.** VendorPanel will allow council to run its Multi-Use Register, quotation and tender processes from the initial seeking quotes or tenders, receiving responses, evaluating those responses and accepting or declining the responses through the VendorPanel online portal. This will ultimately replace the “hard copy” system currently in place.
- 2.4.** The current Code provides that tender responses must be lodged in hardcopy in council’s tender box. This means that VendorPanel cannot be used for tenders unless an amendment is made to the Code.
- 2.5.** It is proposed that the Code be amended to remove reference to the requirements that tenders must be lodged in hardcopy in council’s tender box. This will allow council to start implementing VendorPanel for both quotations and tenders.

3. CONSULTATION

3.1. Community Consultation Undertaken

No community consultation is required.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Code for Tenders and Contracts promote a number of objectives outlined in council's adopted Strategic Plan 2021 - 2031. These include:

“Governance and Leadership

5.2 Formulating and maintaining a suite of policies to provide a framework for the establishment and implementation of council's plans, strategies, programs and services.

5.3 Continuing to focus on providing transparency in our decision-making processes.

Council's Assets and Resources

6.4 Having effective control of financial risk by maintaining – appropriate and effective systems of internal control.

6.11 Effectively administering compliance with statutory obligations, legal responsibilities and governance standards.”

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Council is currently paying an annual fee to VendorPanel for its software and is unable to fully use the software until the Code is amended as proposed.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

To allow council to fully use the VendorPanel software, it is necessary for a minor amendment to be made to the current Code for Tenders and Contracts to remove the requirement that tenders must be lodged in hardcopy at council's tender box.

Attachments: 1. Code for Tenders and Contracts as Amended (12)

Ian Nelson
GENERAL MANAGER



CLARENCE CITY COUNCIL

CODE FOR TENDERS & CONTRACTS



Approved by Council on 5 October 2015

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CODE FOR TENDERS & CONTRACTS

(A copy of this Code is available for public inspection at Council's offices during ordinary office hours. Copies of it are also available for purchase at a reasonable charge or it can be accessed on Council's website at www.ccc.tas.gov.au/codefortenders.)

1 Introduction

The purpose of this Code is to provide details as to the general principles and processes which Clarence City Council will apply and follow in the course of procuring goods and services. This Code and its contents are statutory requirements of the *Local Government Act 1993* ('the Act') and the *Local Government (General) Regulations 2015* ('the Regulations').

Under the Act and Regulations the procurement of goods and services in excess of a prescribed amount must be by:

- (i) an open tender process under which tenders are invited by public advertisement; or
- (ii) employing a multiple-use register (refer 4.2 of this Code); or
- (iii) a multiple-stage tender process. (refer section 4.3 of this Code).

The open tender process must also be used in establishing a standing contract by which one or more suppliers are contracted for a specified period to provide specified goods or services without need for any further tender process during that period.

As at the date of Council's approval of this version of the Code, the Prescribed Amount above which the above processes must be used is \$250,000.00.

(It should be noted that all references in this Code to dollar amounts are GST exclusive.)

There are however circumstances in which Council is exempt from undertaking the above processes. Those circumstances are described in Part 7.

Procurements involving contracts for goods and services of a value below the Prescribed Amount are not subject to the same level of control as for contracts the value of which exceed it. Part 5 of this Code details the processes Council will follow in cases of procurement below the Prescribed Amount.

2 Code Principles

This Code has been developed as a transparent set of guidelines that Council will follow in order to comply with the principles relating to procurement which are required in the Regulations. Those principles which Council will apply across the whole range of its procurement process are the promotion of:

- open and effective competition,
- value for money,
- enhancement of the capabilities of local business and industry, and
- ethical behaviour and fair dealing.

3 Code Procedures

In promoting the above principles Council will ensure that the following procedures are followed in the course of any procurement.


3.1 Uniformity of information available to suppliers

When inviting tenders or quotations for the provision of its requirements Council will ensure all potential suppliers are provided with the same information relating to Council's requirements. This will be achieved by ensuring that all persons who wish to be considered as suppliers of the requirements in question are provided with the same common form documentation setting out the terms and conditions of tendering or quoting, the precise nature of Council's requirements and the contractual terms upon which supply is to be made by the successful respondent. This information will always be in writing and will be accompanied by copies of all relevant related documents such as drawings and specifications.

3.2 Amending or extending invitations for tenders or quotations

If, after issuing an invitation for tenders or quotations Council wishes to amend its requirements or vary the terms and conditions of the relevant process in any way, it will provide written details of that amendment to all persons who have requested and been provided with a copy of the relevant information.

In advising an amendment to an invitation Council may also, depending on the nature of the amendment and how long after issue of the invitation the amendment is notified, extend the length of time for suppliers to lodge their response. This extension will also be notified in writing to all persons who have requested and been provided with a copy of the relevant information to ensure that all have an equal opportunity to meet requirements.



Generally the right for Council to amend invitations or extend the time for responses will be set out in the common form conditions which accompany each invitation.

3.3 Giving fair and equal consideration to all responses.

All written invitations for tenders or quotes will set out the terms and conditions upon which responses will be received and assessed by Council. Most importantly, the criteria against which responses to any invitation will be assessed will be set out in detail. All responses will be considered against those criteria on a fair and equal basis.

3.4 Dealing generally with suppliers.

In all dealings with either existing suppliers or with potential suppliers via any new procurement Council officers are expected to act honestly and equitably and to provide prompt and courteous responses to all reasonable requests for advice and information. As a general rule, Council's Customer Service Charter applies to such dealings however officers will be mindful that general response times provided for in the Charter may not be appropriate where potential suppliers need advice or information in time to meet a closing dead-line for responses.

3.5 Protecting commercial-in-confidence information

Council will treat all information provided in a response to an invitation as commercial-in-confidence irrespective of whether or not a respondent specifically claims confidentiality for any response or part of it. This means that all possible precautions will be taken to ensure that response details are kept confidential from other respondents and competitors. This will apply not only during the stages where responses are being received and assessed but at any time afterwards. After the closing date for responses the only information that Council will provide if requested is the number of respondents to any particular invitation and the identity of those respondents.

It should be noted that in recognition of the importance of preserving commercial confidentiality in its tender process, Council meetings where officers report on the outcome of an invitation for tenders and Council makes a decision to award the tender are conducted as closed meetings which themselves attract a further level of statutory protection against disclosure of tender details.

3.6 Opening of tenders

To assure transparency and fair dealings in the process relating to tenders, tender responses are required to be lodged in hard copy in the tender box in the public reception area of Council's offices before close of tenders. Promptly at the specified time for close of tenders all responses received are removed from the tender box by no less than two Council officers and details of the names of respondents and prices tendered will be formally recorded. Respondents may attend at the opening of tenders to ensure their response is received and recorded. They may ask how many other responses were received and from whom but no other information will be provided about any other tender response.

3.7 Late responses will not be accepted

Under the terms of the Act and the Regulations, late tenders cannot be accepted. There is no scope for Council to accept any tender response that is received after the closing date and time as first advertised or later extended. Council will apply this same rule to quotation responses which are received after the closing date and time as first notified or later extended.

3.8 How non-complying responses will be dealt with

Any formal invitation for tenders or quotations will include requirements as to things respondents must do or information they must provide in responding to the invitation. Required actions or information will generally be identified in the invitation document as being mandatory while other requirements may be discretionary. All requested information relating to the criteria against which responses will be assessed is mandatory information.

Council expects responses to any invitation for tenders or quotation to reflect the degree of care and attention which the respondent would exercise in delivering Council's requirements if its tender or quotation was to be successful.

If a response does not contain specified information required as part of any evaluation criterion applicable to the relevant assessment process, the response will be scored nil in respect of that particular criterion. No notice of the omission or opportunity to rectify it will be given to the respondent.

However where it is apparent on the face of a response document that a calculation error may have occurred in any mandatory information provided, the assessing officer may give the respondent notice by email of the apparent error and request clarification or amendment of it within a specified time limit. Failure on the part of a respondent to do so within the required time limit may result in the entire response being excluded from the assessment process with no further notice.

3.9 Debriefing unsuccessful respondents

Unsuccessful respondents to any invitation for quotations or tenders of a value exceeding \$100,000 may request a debriefing on their response.

A request for a debriefing:

- must be made within 7 days of Council notifying the respondent that its response was not successful,
- must be in writing, and
- must be addressed to the General Manager.

As soon as reasonably practicable but no later than 14 business days after the receipt of a debriefing request Council officers will meet with a representative of the unsuccessful respondent at Council's offices.

Council will be represented at such meetings by at least two Council officers including the officer named in relevant invitation documents as contact officer in respect of the invitation or as superintendent in the case of works contracts.

Debriefing meetings will be strictly limited to discussing as to how the respondent's response was assessed against relevant criteria including instances where the response was felt to have not met or to have fallen short of requirements of any particular criteria. On no account will any other response including the successful response be discussed.

Council will not provide a written debrief to any respondent; either instead of or following a debriefing meeting.

3.10 Complaints procedures

Any complaints regarding processes related to the supply of goods or services to Council including any aspect of any procurement process must be made in writing and addressed to the General Manager. Such complaints will generally be handled in accordance with Council's Customer Service Charter which, amongst other things, prescribes time limits within which complaints must be responded to. Where requested and where necessary to avoid loss of opportunity in a then current tender or quotation assessment process, such complaints will be treated with appropriate priority.

3.11 Review of Tender Process

To ensure effective operation of the Code, the review of each Tender process will be subject to control verifications during the pre-advertisement and pre-decision making periods, and before the Contract is signed. This review is in accordance with standard procedures as established by the General Manager to ensure that each Tender complies with the Regulations and the Code.

Based on criteria and procedures developed by the General Manager, a review may be undertaken at the completion of a Tender- related Contract to evaluate and document the work carried out, or services provided by a Contractor, and evaluate the performance of the Contractor under the Contract with Council. In general terms tender performance evaluation will be assessed as to whether and how the outcomes required were achieved and the conduct, quality and timeliness of the services provided.

3.12 Use of probity advisors

Council will engage the service of a probity advisor where the nature of a tender warrants particular sensitivity to due process. For example, where Council is seeking tenders for large and complex developments that may involve joint venture proposals, or where the contractual engagement is for extended periods, or other similar projects where the General Manager considers that a probity advisor should be engaged.

In certain circumstances, Council may also engage a probity advisor to independently investigate complaints of a particular nature against Council in its procurement processes and to provide recommendations to the General Manager in respect of such complaints.

4 Tendering processes for contracts above the Prescribed Amount

As mentioned in the Introduction in Part 1, under the Act and the Regulations purchases of goods and services the value of which is likely to be above the Prescribed Amount must be by:

- (i) an open tender process ;or
- (ii) inviting tenders from registrants on a multiple-use register or
- (iii) a multiple-stage tender process.

(It should be noted that these processes are in contrast to situations where Council invites quotations. Quotations are invited in various ways where the amount of the supply is likely to be below the Prescribed Amount. An explanation of Councils quotations processes appears in Part 5.)

What follows is a description of each of the prescribed processes for tendering and how they will be applied by Council.

4.1 Open tender

An open tender is where tenders are invited by public notice.

To comply with the minimum requirement of the Regulations Council will generally advertise an invitation for tenders by a single insertion in the public notices section of the Mercury newspaper appearing on a Wednesday or a Saturday. Depending on the value or specialized nature of a particular requirement Council may choose to advertise an open tender more than once and sometimes in a national newspaper such as The Australian. For the purposes of informing the general public, tender where appropriate will also be listed on Council's social media outlets.

4.2 Inviting tenders from registrants on Council's multiple use register ("MUR")

In cases where the value of Council's requirements exceeds the Prescribed Amount, the Regulations allow a council, to invite tenders from registrants on its MUR rather than by a public notice in a newspaper.

Where a particular requirement falls within a specific category of works or services within the MUR Council will send a copy of its invitation for tenders to all contractors which are registered within that particular category.

An explanation of how the MUR works and how suppliers may apply to be registered on it appears on Council's web-site at www.ccc.tas.gov.au/codefortenders.

4.3 Multiple-stage tenders

Multiple-stage tenders are generally reserved for very specialized procurement requirements and are not commonly used by Council. They comprise a two-stage process by which, in the first stage, expressions of interest are invited by public notice from potential suppliers. From those expressions of interest a short-list of preferred suppliers is decided on and then, as the second stage of the process, formal invitations to tender for Council's requirements are extended to those short-listed respondents.

A more detailed explanation of the multiple-stage tender process and how it works appears in regulation 26 of the Regulations. In using this process Council is obliged to and will comply with the process prescribed by that regulation.

5 Procurement processes for contracts below the Prescribed Amount

While the tender processes for the procurement of goods and services where the value of supply contracts are likely to be above the Prescribed Amount are regulated in the ways detailed in Part 4, Council is able to determine its own internal processes for procurements of a value below the Prescribed Amount provided such processes comply with the general principles and requirements of the Act and the Regulations.

What follows is an outline of the procurement processes which Council will (with the exception of formally approved preferred supplier arrangements) implement in cases where the value of a contract for goods or services is not likely to exceed the Prescribed Amount and where 3 written quotes are required and how the MUR may be used as an alternative. Those processes are divided into categories depending on the likely value of the relevant purchase.

Purchases between \$15,000 and \$100,000 (GST Exclusive)

- At least 3 written quotes are required to be sought. Such quotes can be obtained by direct contact with the supplier and/or through using Council's Multiple-Use Register.

Purchases between \$100,000 and \$250,000 (GST Exclusive)

- Written quotes are to be sought either by the invitation of responses from all registrants within the relevant category of the Council Multiple-use Register or by public advertisement (through available print and electronic and social media) in circumstances where the skills, services or product sought is not sufficiently covered by registrants in the Multiple-Use Register or where the use of the Multiple-Use Register will not provide sufficient market contestability for the product or services sought; and
- Advertisements are to specifically invite quotations (ie invitation for quotations and **not** tenders);


6 Use of the MUR for contracts valued at under the Prescribed Amount.

With the exception of purchases of goods and services for less than \$15,000 Council requires goods or services (including works) which fall within a current category of Council's MUR all registrants within the relevant category will be invited to provide a quotation to provide the required goods or services (including works).

7 Exemptions from tender or quotation processes

The Act states that in certain prescribed situations or prescribed contracts the requirements to call tenders by way of open tender, use of the MUR or by multi-stage tender do not apply. Those situations and contracts which are set out in regulation 27 of the Regulations are:

- (a)** an emergency, if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
- (b)** a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- (c)** a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- (d)** a contract for goods or services obtained as a result of a tender process conducted by –
 - (i)** another council; or
 - (ii)** a single authority or a joint authority; or
 - (iii)** the Local Government Association of Tasmania; or
 - (iv)** any other local government association in this State or in another State or a Territory; or
 - (v)** any organisation, or entity, established by any other local government association in this State or in another State or a Territory;
- (e)** a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- (f)** a contract for goods or services that is entered into at public auction;
- (g)** a contract for insurance entered into through a broker;
- (h)** a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;

- 
- (i)** a contract for goods or services, if the council resolves by absolute majority and states the reasons for the decision, being that a satisfactory result would not be achieved by inviting tenders because of –

 - (i)** extenuating circumstances; or
 - (ii)** the remoteness of the locality; or
 - (iii)** the unavailability of competitive or reliable tenderers;
 - (j)** a contract of employment with a person as an employee of the council.

11.7.3 RATES AND CHARGES FINANCIAL YEAR 2021/2022**EXECUTIVE SUMMARY****PURPOSE**

To set rates and charges applying to properties within the City for financial year 2021/2022.

RELATION TO EXISTING POLICY/PLANS

Consistent with adopted Rates and Charges Policy and adopted Estimates for financial year 2021/2022.

LEGISLATIVE REQUIREMENTS

Recommendation complies with rating provisions of the Local Government Act 1993.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

The proposed resolutions give effect to the rating requirements inherent in Council's adopted Estimates for financial year 2021/2022 and are therefore critical to the on-going operations of Council.

RECOMMENDATION:

- A. That the Clarence City Council makes the following General Rate, Service Rates and Service Charges under the *Local Government Act, 1993* and the *Fire Service Act, 1979* for the financial year 1 July 2021 to 30 June 2022 in respect to land in the municipal area which is separately valued under the Valuation of Land Act, 2001.

Definitions and Interpretation

- 1 Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act, 1993* have the same meanings as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meanings set out below.

“**Act**” means the *Local Government Act, 1993*;

“**conservation protection arrangements**” means formal arrangements the owner of land in the municipal area has entered into for the preservation of flora or fauna or other recognised conservation values or purposes under the *Nature Conservation Act, 2002* or by formal arrangement with Council regarding that land;

“**CPR**” means a plan registered at the register at the Central Plan Office, Hobart for the lodgement and registration of plans, and included in the Central Plan Register;

“domestic refuse” means any domestic refuse and other rubbish collected by Council’s normal refuse collection service from land in the municipal area and expressly excludes biohazardous waste, controlled waste, noxious refuse and trade waste;

“land used for commercial purposes” means land used or predominantly used for commercial purposes and includes all land coded “C” in the valuation list;

“land used for industrial purposes” means all land used or predominantly used for industrial purposes and includes all land coded “I” in the valuation list;

“land used for primary production” means all land used or predominantly used for primary production and includes all land coded “L” in the valuation list;

“land used for public purposes” means all land used or predominantly used for public purposes and includes all land coded “P” in the valuation list;

“land used for quarrying or mining” means all land used or predominately used for quarrying or mining and includes all land coded “Q” in the valuation list;

“land used for residential purposes” means all land used or predominantly used for residential purposes and includes all land coded “R” in the valuation list;

“land used for sporting or recreation facilities” means all land used or predominantly used for sporting or recreation facilities and includes all land coded “S” in the valuation list;

“locality areas” means areas defined by those locality boundaries as published in the Locality and Postcode Areas Dataset as contained in the Tasmanian Spatial Data Directory on the Tasmanian Government LIST website;

“municipal area” means the municipal area of Clarence;

“non-used land” means all land coded “V” in the valuation list;

“refuse” means any domestic refuse, biohazardous waste, controlled waste, noxious refuse, trade waste and other rubbish, debris, litter, recyclable materials or any other similar materials, articles or things;

“the map” means the map attached to these resolutions and marked as schedule 1;

“valuation list” means, in respect of the financial year, the valuation list, supplementary valuation list or particulars of adjustment factors last provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*; and

“waste management services” means refuse, recycling and/or green organics collection services provided by Council to land in the municipal area.

2. General Rate

2.1 Pursuant to Sections 90 and 91 of the Act Council makes the following General rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Clarence for the period commencing 1 July 2021 and ending 30 June 2022 which consists of 2 components as follows:

(a) a rate of 0.56375 cents in the dollar on the capital value of the land; and

(b) a fixed charge of \$300.00.

- 2.2 That pursuant to Section 107 of the Act, by reason of the use or non-use of land, Council declares, by absolute majority, that component (a) of the General rate is varied for the financial year as follows:
- (a) for land used for primary production, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar;
 - (b) for land used for residential purposes, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar;
 - (c) for land used for sporting or recreation facilities, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar; and
 - (d) for land which is non-used land, the rate is varied by decreasing it by 0.36525 cents in the dollar to 0.19850 cents in the dollar.

3. Services Rates and Charges

Pursuant to Sections 93, 93A, 94 and 95 of the Act Council makes the following service rates and service charges on all rateable land within the municipal area of Clarence (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply any of the following services) for the period commencing 1 July 2021 and ending 30 June 2022 as follows.

- 3.1 A service rate for stormwater removal on all lands which drain into Council's drain, or where the nearest boundary of the land is within 30m of Council's drain, of 0.04373 cents in the dollar on the capital value of the land. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate in the sum of \$90.00.
- 3.2 A service charge for waste management in respect of all land for the making available by Council of waste management services of \$212.60 per service provided.
- 3.3 That pursuant to Section 107 of the Act, Council, by absolute majority, varies the service rate for stormwater removal (but not the minimum amount, if applicable) for the financial year in relation to the following land within the municipal area according to the locality of the land and/or the use of the land as follows:

- (a) the Rate is varied by decreasing it by 0.04373 cents to 0.00 cents in the dollar of the capital value of the land if:
 - i. the land is not located within an area coloured red on the map; or
 - ii. the land is not within a sewerage district, defined as at 30 June 2009, being the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with land outside that District and which is within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District.
- (b) for land which is used:
 - i. for primary production;
 - ii. for residential purposes;
 - iii. for private aged care purposes;
 - iv. for sporting or recreational facilities; or
 - v. which is non-used landand which is not the subject of the variation at clause 3.3(a) the Rate is varied by decreasing it by 0.02268 cents to 0.02105 cents in the dollar of the capital value of the land.

3.4 That pursuant to Section 94 of the Act, Council, by absolute majority, varies the Waste Management Service Charge for the financial year within the municipal area according to the use of land and/or according to the level of service provided to the land as follows:

- (a) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 120 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$249.80;
- (b) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$425.00;
- (c) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where no 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by decreasing the charge otherwise applicable by \$55.00, this variation being in addition to any other variation which may apply to the land;

- (d) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where an additional 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$55.00 in respect of each greenwaste bin provided, this variation being in addition to any other variation which may apply to the land; and
- (e) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic recycling component of the waste management services, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$34.20, this variation being in addition to any other variation which may apply to the land;
- (f) in respect of land used for commercial purposes, land used for industrial purposes, land used for public purposes or land used for quarrying or mining, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services (or such other uses requiring a bin of this size approved by the General Manager), the Waste Management Service Charge is varied to \$425.00.

4. Fire Service Rate

Pursuant to Section 93A of the Act, Council makes the following service rates in respect of the Fire Service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows:

- 4.1 An Urban Fire Service Rate of 0.05722 cents in the dollar on the capital value of all lands within the Hobart Urban Fire District (ES) shown on CPR 3332. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.
- 4.2 A District Fire Service Rate of 0.01607 cents in the dollar on the capital value of all lands within the Cambridge, Seven Mile Beach, Lauderdale, Richmond and South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.

- 4.3 A Rural Fire Service Rate of 0.01635 cents in the dollar on the capital value of all lands which are not within the Hobart Urban Fire District (E.S.) shown on CPR 3332 or the Cambridge, Seven Mile Beach, Lauderdale, Richmond, or South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$42.00.

5. Maximum Percentage Increase

- 5.1 Pursuant to Section 88A of the Act, the Council, by absolute majority, sets a maximum percentage increase for all rates payable on any rateable land within the municipal area of 50% above the amount payable in respect of that rateable land in the 2021/2022 financial year.
- 5.2 Pursuant to Section 88A(1)(b) Council declares, by absolute majority, that the maximum percentage increase varies within the municipal area according to the following factors:
- (a) for all rateable land used, or predominantly used, for residential purposes and is occupied as a principal dwelling by persons who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991, the maximum percentage increase is varied to 10%;
 - (b) for all rateable land used or predominantly used for residential purposes and where the variation at sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (c) for all rateable land which is used or predominantly used for primary production purposes and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (d) for all rateable land which is used or predominantly used for commercial purposes, industrial purposes, public purposes, mining and quarrying purposes, or sporting or recreation facilities and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 30%;
 - (e) subparagraphs (a) to (d) do not apply to:
 - i. any increase in the value of rateable land the subject of a supplementary valuation pursuant to Section 92 of the Act made after 1 July 2014 if any increase in the value of the land is attributable to the undertaking of capital improvements or the subdivision of land; or
 - ii. where the general rate was not applied in full in the 2020/2021 financial year for any reason, including the exercise of any discretion or the grant of any remission: or
 - iii. where the land use code as provided by the Valuer General in respect of the 2021/2022 year varies from 2020/2021.

6. Remissions

6.1 Pursuant to Section 129 of the Act Council, by absolute majority, grants a remission of all or part of any rates paid or payable by the following classes of ratepayers:

- (a) for the class of ratepayers liable to pay the General Rate who lease land from the Crown and upon which there is constructed a boat shed or jetty used for private purposes, Council grants a Remission of \$175.00;
- (b) in respect of the class of ratepayers where the rateable land is 20 hectares or greater in area and is wholly or partially zoned pursuant to the Clarence Interim Planning Scheme 2015 as Significant Agricultural, Rural Living, Environmental Living or Rural Resource, Council grants the following Remissions in respect of component (a) of the General Rate, (as per clause 2.1):

Area of Land	Proportional Remission of component (a) of the General Rate
Not less than 20 hectares and not greater than 50 hectares	20% of component (a) of the general rate
Not less than 50 hectares and not greater than 80 hectares	30% of component (a) of the general rate
Greater than 80 hectares	40% of component (a) of the general rate

6.2 In respect of each class of ratepayers and in respect of rateable land which is used or predominantly used:

- (a) for commercial purposes;
- (b) for industrial purposes;
- (c) for mining and quarrying purposes;
- (d) for primary production purposes; or
- (e) for public purposes
and where such rateable land is liable to pay the Waste Management Service Charge, such charge is remitted to nil where;
- (i) the Waste Management Service Charge is not used in relation to the rateable land; and
- (ii) the ratepayer demonstrates to the satisfaction of the General Manager that there is in place an alternative Waste Disposal Service for the rateable land.

6.3 For all rateable land used or predominantly used by ratepayers who are eligible pensioners within the meaning of the Local Government (Rates and Charges Remissions) Act 1991 and where the rateable land is occupied as a principal dwelling by such ratepayers, a remission of 1.6% applies to all rates excluding any fire service rate.

- 6.4 The amount of the minimum stormwater service rate (if applicable) is remitted in respect of all properties to which Paragraph 3.3(a) above applies.

7. Separate Land

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the Valuation List prepared under the Valuation of Land Act 2001.

8. Adjusted Values

For the purposes of each of these resolutions any reference to the capital value of land includes a reference to that value as adjusted pursuant to Sections 89 and 89A of the Act, except where these resolutions otherwise provide.

9. Instalments

Pursuant to Section 124 of the Act Council decides:

- 9.1 Where rates are not paid by instalments, the date of payment is the 31st day after the issue of the rates notice;
- 9.2 All rates may be paid by all rate payers by 4 instalments, which must be of approximately equal amounts;
- 9.3 The dates by which instalments are to be paid shall be as follows:
- (i) the first instalment on or before the 31st day after the issue of the rates notice;
 - (ii) the second instalment on or before the 61st day after the due date of the first instalment;
 - (iii) the third instalment on or before the 31st day of January 2021; and
 - (iv) the fourth instalment on or before the 4th day of April 2021.
- 9.4 If a rate payer fails to pay any instalment within 21 days of the due date, Council may determine that the entire balance of the rates payable becomes due.

10. Late Payments

That in accordance with Section 128 of the Act, and subject to the application of Council's relevant policies, Council decides as follows.

- 10.1 If any rate or instalment is not paid by the due date daily interest applies to the unpaid amount for the period during which it is unpaid from and including the day after it fell due.

- 10.2 Interest shall not apply to any rate or instalment that is not paid by the due date where a ratepayer makes regular payments through Council's direct debit system, or other formal system of regular payments, is not in arrears and does not default on such payments.
- 10.3 The amount of the interest is the maximum prescribed percentage under Section 128 of the Act, being 7.32% per annum.
- B. That Council extends the COVID-19 Financial Hardship Policy to 30 June 2022.

NB: A Decision on this Item requires an Absolute Majority of Council.

ASSOCIATED REPORT

1. BACKGROUND

The purpose of this report is to consider Rates and Charges for financial year 2021/2022, variations to rates and charges for financial year 2021/2022 and the fixing of maximum percentage increases and the remission of rates and charges for financial year 2021/2022.

2. REPORT IN DETAIL

- 2.1.** The recommendations associated with this report give effect to the rating implications of the Estimates adopted by Council at its Meeting of 7 June 2021. They are consistent with Council's adopted Rates and Charges Policy.
- 2.2.** Reflecting the adopted Estimates, after growth and allowing for the effect of State Government charges, the total rate requirement increased on average by 3.77%.
- 2.3.** Council's Fire Service Contribution, which is a State Government charge payable directly to the Tasmania Fire Service, has increased by 6.6% in nominal terms. Within this overall average, the urban area has increased by 6.4%, the district areas (including, for example, Richmond, Cambridge, Seven Mile Beach, and South Arm) have increased by 8.8%, and the rural area by 7.0%. This distribution of increases has been determined by the State Fire Commission and Council has no discretion over its implementation.

- 2.4.** The recommendations contain no significant changes from rating policies adopted by Council in respect of the 2020/2021 financial year and are consistent with Council's adopted Rates and Charges Policy.
- 2.5.** In 2019, Clarence was the subject of a full revaluation of all properties by the Valuer General, taking effect 1 July 2019. This resulted in all properties classifications experiencing a change in property value whereby the impact on the annual rates distribution was above the council policy maximum percentage increase.
- 2.6.** A Revaluation Rebate was applied to the properties that were eligible due to the cap being exceeded and in accordance with the 2020/2021 Rating Resolution. There are some properties whereby the rates for 2021/2022 will render them eligible for a further Revaluation Rebate.
- 2.7.** The recommendation proposes continuation of the range of rate caps to various property classes previously applied by Council. The mechanism under the Act is that a single cap must be set and may then be varied. The variations are consistent with those applied in prior years and are noted as follows:
- Vacant land 50%
 - Commercial 30%
 - Industrial 30%
 - Public purpose 30%
 - Mining and quarrying 30%
 - Residential 20%
 - Primary production 20%
 - Pensioners (residential) 10%
- 2.8.** The redistribution effect of these caps for the 2021/2022 financial year will be very minor, in the order of \$8,500 for residential and pensioners, commercial, industrial, public land and quarries. This is in comparison to 2020/2021 where the Revaluation Rebate applied was in the order of \$28,000.

- 2.9.** Proposed rate variations are consistent with past policy and include variations to both the General Rate and the Stormwater Rate. The waste charge is again varied on a “component” basis under which properties are charged at a more granular level according to the level of service provided. This was introduced in financial year 2014/2015 in line with the implementation of the greenwaste bin service and provision of the opportunity for property owners to request multiple bins.
- 2.10.** Council’s own Pensioner Remission Policy is consistent with the past year.
- 2.11.** Other remissions are also consistent with current policy and recent rating decisions.
- 2.12.** In 2020/2021 council adopted a COVID 19 Financial Hardship Policy to provide a mechanism that provides support to customers who are experiencing financial hardship due to the COVID 19 pandemic. The policy is set to expire 30 June 2021. The impact of the pandemic is ongoing, locally, nationally and globally. The continuation of the policy to 30 June 2022 provides reassurance to the community that there is support available in potentially financially stressful circumstances. A copy of the policy is included as Attachment 2.

3. CONSULTATION

3.1. Community Consultation

No issues to be addressed.

3.2. State/Local Government Protocol

No issues to be addressed.

3.3. Other

No issues to be addressed.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Consistent with Council's adopted Rates and Charges Policy and the adopted Estimates for financial year 2021/2022.

5. EXTERNAL IMPACTS

No issues to be addressed.

6. RISK AND LEGAL IMPLICATIONS

Draft resolutions are consistent with relevant legislation.

7. FINANCIAL IMPLICATIONS

No direct implications, however, the draft resolutions give effect to the rating requirements inherent in Council's adopted Estimates for 2021/2022 financial year and are therefore critical to the on-going operations of Council.

8. ANY OTHER UNIQUE ISSUES

No issues to be addressed.

9. CONCLUSION

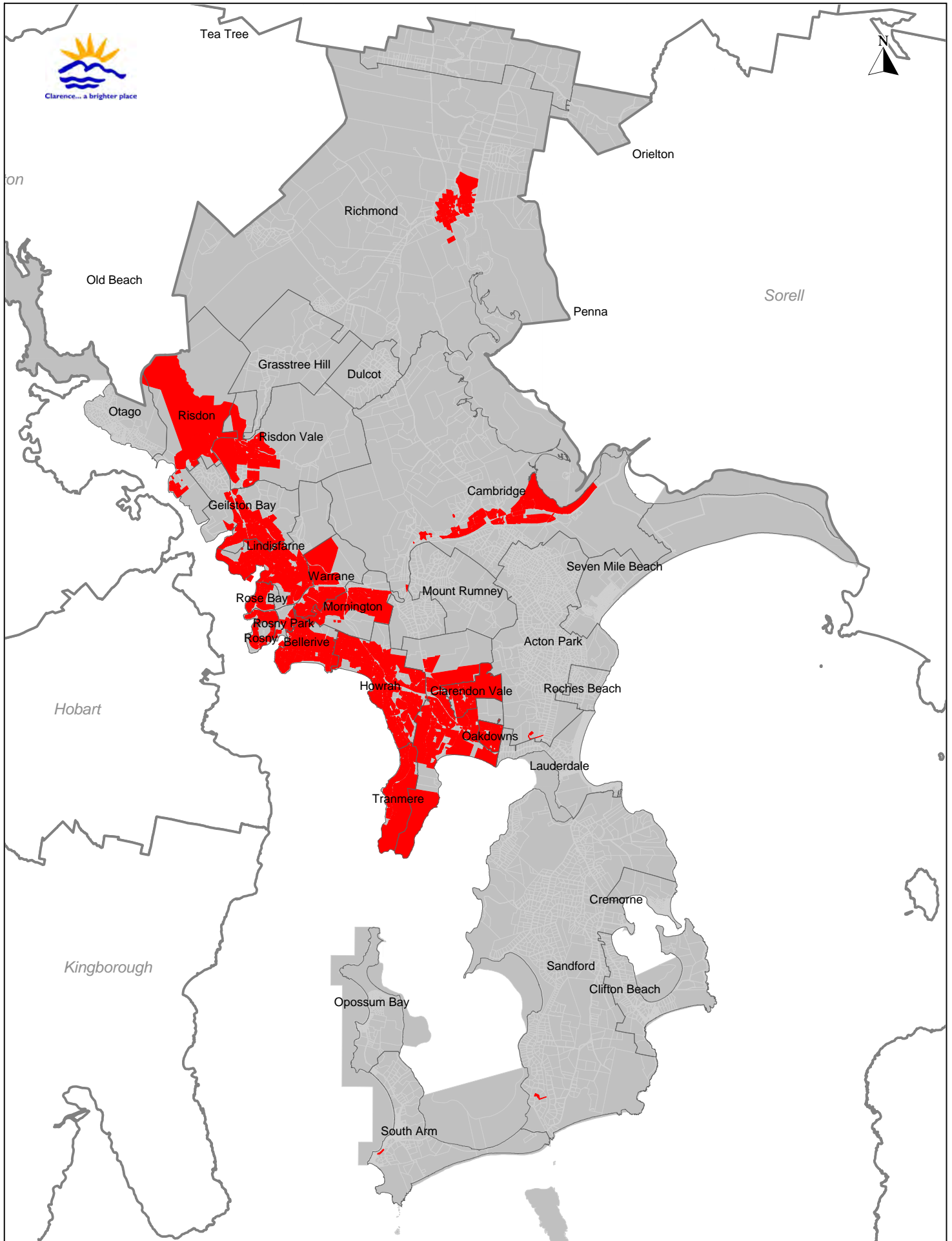
The recommendations give effect to Council's rating requirement for financial year 2021/2022 and associated rating policies including variations of rates and rate remissions. In the circumstances of the continuing COVID pandemic and the uncertainty it may cause, it is also recommended that Council extend its COVID-19 Financial Hardship Policy to 30 June 2022.

Attachments: 1. The Map - Schedule 1 (1)
2. COVID 19 Financial Hardship Policy (5)

Ian Nelson
GENERAL MANAGER

SCHEDULE 1
Clarence City Council
Rates and Charges 2021/2022

ATTACHMENT 1



COVID-19 FINANCIAL HARDSHIP POLICY

1. PURPOSE

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

2. POLICY STATEMENT

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

This policy will apply with effect from ~~31 March 2020~~21 June 2021 and continue until 30 June 202~~1~~1, unless Council determines to rescind it from an earlier date

3. SCOPE

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

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

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

4. CLARENCE CITY COUNCIL STRATEGIC PLAN OUTCOME

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

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

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

5. STATUTORY REQUIREMENTS

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

6. DEFINITIONS

The following definitions apply to this policy:

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

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

Genuine financial hardship: occurs when a ratepayer or tenant is genuinely unable to pay the rates and charges owed and unable to meet other financial obligations.

Genuine financial hardship does not arise where it is inconvenient to pay the amount of rates owed or it is subject to the timing of income; for example, holiday pay, dividends, lump sum payment.

Genuine financial hardship may occur in the following circumstances arising as a result of the COVID-19 pandemic crisis:

- Loss or significant reduction in family income due to job loss or business closure (or both);
- Serious illness resulting in incapacity to work;

- Death in the family; or
- Any other factor that results in an unforeseen and substantial change in the ratepayer's capacity to meet their financial obligations.

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

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

7. ELIGIBILITY

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

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

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

8. ASSISTANCE UNDER THIS POLICY

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

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

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

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

Hardship Assistance in Relation to Council Fees

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

9. EVIDENCE OF GENUINE FINANCIAL HARDSHIP

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

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

- written reasons detailing the circumstances in which the person is unable to pay the rates and charges when they fall due and payable;
- documents that show the ratepayer or tenant has sought help from a financial counsellor (such as a receipt from a booking with a financial counsellor);
- a statutory declaration from someone who is familiar with the ratepayer's circumstances (family doctor, bank officer, welfare officer, Government agency);
- bank statements, medical certificates, or other documentary evidence that demonstrates the circumstances that have caused or are symptomatic of the ratepayer's genuine financial hardship;
- evidence of loss of main source or sources of income;
- evidence of qualification for Federal Government assistance in response to the COVID-19 pandemic crisis.

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

10. APPLICATION PROCESS

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

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

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

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

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

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

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

11. DELEGATED APPROVAL

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

- Rates Officers - where alternative payment arrangements result in the full payment of rates by 30 June 202~~4~~¹;
- Chief Financial Officer – for decisions up to \$2000; or
- General Manager for decisions over \$2000.

12. WHAT HAPPENS IF AN APPLICATION IS APPROVED?

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

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

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Mulder

Kangaroo Bay Hotel and Hospitality School Development

1. At the open briefing in October 2020, Chambroad said that should UTAS not be able to proceed attempts would be made to find an alternative education provider. Will the planned briefing in June be confined to this issue and will it be an open briefing as the one that occurred in 2020?

ANSWER

I am not aware of the intentions of whether it is an open or a confidential briefing, but I can certainly ask Chambroad regarding their intentions on that front. In respect to the content of the discussion in June I understand it will be focussed around an education provider or what comes next after UTAS but may also propose other possibilities or at least seek to discuss those. In terms of details I have nothing further at this point.

2. Have there been any discussions about another use in the event that another provider cannot be found, and would any alternative use require a new sale and development agreement?

ANSWER

There has not been any detailed discussion of another use other than that was an issue that I was asked whether it would be appropriate to put to council and I certainly left the door open to that, I didn't see it as my place to say no. In terms of another sale and development agreement, the way that the current agreement is drafted the answer is yes on 2 counts: It is currently structured around a hotel and hospitality education facility and second is that it makes reference to a particular development permit so if there was a requirement to amend the development application that would be a further trigger.

Ald Peers

I know we all get a lot of comments about roadkill and I am wondering if somewhere we can do some trials on some of the equipment that may deter animals from crossing the road? I know when we attend conferences there are many things that they say will do the job I am just wondering if we could pick an area without going with heaps of money and just trial some things?

ANSWER

Taken on notice.

Council's officers are reviewing methods of reducing roadkill and will provide information to Aldermen through a future briefing report.

Ald Edmunds

1. I understand that there has been a vote on the EBA that was narrowly passed. I just wonder if we could have a summary of some of the reasons people voted no?

ANSWER

I do not have any particular reasons but in my experience, it is not unusual to have close votes where there are slightly differing points of view, so I wasn't particularly surprised.

2. This morning on the ABC interview with the Mayor and Piia Wirsu the Mayor said regarding the Kangaroo Bay developer they may well have another provider in their back pocket. Have either the Mayor or the General Manager been in touch with any prospective providers?

ANSWER

(Mayor) Absolutely not from my point of view.

(General Manager) No.

(Mayor) Chambroad have indicated in our regular meetings with them that they may have or they are exploring but I am not aware of any particular outcome there at all.

Question contd

So obviously they would be as the developer but you two have not been in touch with prospective RTOs or training providers?

ANSWER

(Mayor) Absolutely correct

Ald James

1. Can we be provided with an update on the Boulevard Kangaroo Bay development and as to when there is going to be a development application lodged or will it require another workshop prior to a development application being lodged?

ANSWER

I understand that the development application is to be lodged in the near future and one of the issues is it will require landowner consent from me so that is effectively the trigger and I don't have a precise date. I know there are some details being worked through basically as a pre-cursor to formal lodgement. I am not completely sure of the timeline for that at this point, but I understand that it is imminent.

2. As we have been advised the public pier in Bellerive will soon be open to the public. It is my understanding that there is a ledge on the sea side of the pier which basically people can actually step over the fence and sit on that ledge or run along the ledge and there is that potential to fall into the water. Also what is concerning is that there are bench seats at certain intervals and any child could actually step up onto the bench and then just very gingerly step over that fence onto the ledge and therefore they haven't got the protection beyond that ledge. Now that ledge runs completely the full length of the pier. Has there been an occupational health and safety measure done on that and has there been any indication as to whether the fence needs to be heightened in order to prevent any possible mishap in relation to any person, young person or any other person for that matter stepping over the fence, fishing on that ledge or running on that ledge and therefore there may be some concern that the council may have to see as part of its policy of public liability cover. Has there been and perhaps my question is have there been any discussions in relation to this, has the matter been brought to council's attention and is there any means by which some measures are going to be done to make sure that this potential hazard is rectified?

ANSWER

Council's risk management group has assessed the matter and advised the proposed signage which states that "Persons using this facility do so at their own risk" is sufficient.

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 CONTRACTUAL MATTER

13.3 CONTRACTUAL MATTER

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

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence.

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.