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COUNCIL MEETING
MONDAY 11 APRIL 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ACKNOWLEDGEMENT OF COUNTRY	5
2.	APOLOGIES	5
3.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	5
4.	OMNIBUS ITEMS 5	
4.1	CONFIRMATION OF MINUTES	5
4.2	MAYOR'S COMMUNICATION	6
4.3	COUNCIL WORKSHOPS	6
4.4.	TABLING OF PETITIONS	7
4.5	REPORTS FROM OUTSIDE BODIES	8
4.6	REPORTS FROM SINGLE AND JOINT AUTHORITIES	8
4.7	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES	9
4.7.1	CLARENCE JAZZ FESTIVAL EVENT REPORT 2022	9
4.8	WEEKLY BRIEFING REPORTS	23
5.	PUBLIC QUESTION TIME	24
5.1	PUBLIC QUESTIONS ON NOTICE	24
5.2	ANSWERS TO QUESTIONS ON NOTICE	24
5.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE	24
5.4	QUESTIONS WITHOUT NOTICE	25
6.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	26
7	PLANNING AUTHORITY MATTERS	
7.1	DEVELOPMENT APPLICATION PDPLANPMTD-2021/017577 – 269 KENNEDY DRIVE, CAMBRIDGE (WITH ACCESS OVER 273 KENNEDY DRIVE, CAMBRIDGE) - WAREHOUSE, CARAVAN PARK AND RESTAURANT	28
7.2	DEVELOPMENT APPLICATION PDPLANPMTD-2021/021597 – 147 BAYVIEW ROAD, LAUDERDALE - 22 LOT SUBDIVISION	70
7.3	AMENDMENT APPLICATION PDPSAMEND-2019/001707- 18 DOWNHAMS ROAD, RISDON VALE – ARAN ECO-DEVELOPMENT SPECIFIC AREA PLAN AND SITE-SPECIFIC DEPARTURE	105
7.4	CLARENCE LOCAL PROVISION SCHEDULE - LINDISFARNE REZONING TO THE GENERAL RESIDENTIAL ZONE	184

7.5	CLARENCE LOCAL PROVISION SCHEDULE - ROSNY HILL NATURE RECREATION AREA: REZONING TO THE ENVIRONMENTAL MANAGEMENT ZONE	192
7.6	CLARENCE LOCAL PROVISIONS SCHEDULE - APPLICATION OF NATURAL ASSET CODE AND REZONING TO THE LANDSCAPE CONSERVATION ZONE, HOWRAH HILLS	202
7.7	CLARENCE LOCAL PROVISION SCHEDULE - REPLACEMENT OF THE ROAD AND RAILWAY ASSETS CODE ATTENUATION AREAS OVERLAY WITH REVISED MAPPING	212
7.8	CLARENCE LOCAL PROVISION SCHEDULE – MODIFICATION OF THE POTENTIALLY CONTAMINATED LAND OVERLAY	226
8.	REPORTS OF OFFICERS.....	235
8.1	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS.....	235
8.1.1	PETITION – FOOTPATH HOOKEY PLACE, ROKEBY	235
8.1.2	PETITION – “NORTHERN PASS ROAD PRECINCT”	239

8.2 ASSET MANAGEMENT - NIL ITEMS

8.3 FINANCIAL MANAGEMENT - NIL ITEMS

8.4 GOVERNANCE

8.4.1	DRAFT COMMUNITY WELLBEING STRATEGY 2022-2032 – COMMUNITY CONSULTATION.....	248
8.4.2	UPDATED CONSTITUTION – DISABILITY ACCESS ADVISORY COMMITTEE	278
8.4.3	RENEWAL OF LEASE – SOUTH ARM PENINSULA RESIDENTS ASSOCIATION COMMUNITY CENTRE– 9 CALVERTON PLACE, SOUTH ARM	295

9. MOTIONS ON NOTICE

9.1	NOTICE OF MOTION - ALD JAMES PARKING ARRANGEMENTS IN THE VICINITY OF BELLERIVE VILLAGE	301
9.2	NOTICE OF MOTION - ALD MULDER YOUTH JUSTICE PROGRAMS	303
9.3	NOTICE OF MOTION - ALD VON BERTOCH NATURAL DISASTER/HUMANITARIAN CRISIS ASSISTANCE POLICY	305

10.	ALDERMEN’S QUESTION TIME	307
10.1	QUESTIONS ON NOTICE	307
10.2	ANSWERS TO QUESTIONS ON NOTICE	307
10.3	ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING	307
10.4	QUESTIONS WITHOUT NOTICE	311
11.	CLOSED MEETING	312
11.1	APPLICATIONS FOR LEAVE OF ABSENCE	
11.2	TENDER 1391/20 – SPITFARM ROAD, OPOSSUM BAY – STORMWATER UPGRADE	
11.3	TENDER T1410-21 – KERBSIDE WASTE COLLECTION SERVICE	

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. ACKNOWLEDGEMENT OF COUNTRY FOLLOWED BY COUNCIL PRAYER

The Mayor to make the following statement:

“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”.

2. APOLOGIES

Ald Mulder (Leave of Absence)

3. 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.

4. OMNIBUS ITEMS**4.1 CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 21 March 2022, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION**4.3 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
Fees Comparison	
Community Well-being Strategy	
Greenhouse Gas Emissions	
PlanBuild	
Business Support	28 March
DSG Network Operating Plan	
Clarence Local Provision Schedule Amendments	
Waste Levy	
Confidential – Significant Projects Update	
School Road	4 April

RECOMMENDATION:

That Council notes the workshops conducted.

4.4. TABLING OF PETITIONS

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

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

4.5 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.

4.6 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

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

4.7 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**4.7.1 CLARENCE JAZZ FESTIVAL EVENT REPORT 2022****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to table the Clarence Jazz Festival 2022 Event Report.

RELATION TO EXISTING POLICY/PLANS

City Events Plan 2014–2018 is relevant. The Clarence Jazz Festival is a tool to market the city nationally and is the City's signature event.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Audience surveys and community feedback through review of the Cultural Arts Plan.

FINANCIAL IMPLICATIONS

The Clarence Jazz Festival is funded annually through the Annual Operating Plan.

RECOMMENDATION:

That council receives the Clarence Jazz Festival 2022 Event Report.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Clarence Jazz Festival is council's premier community event held in February each year. The festival is run over multiple days at a variety of sites around the city.
- 1.2.** The festival features professional and emerging jazz musicians from Tasmania, Australia and internationally, to present a high-quality event that is Tasmania's premier jazz event.

1.3. In 2021 and 2022 the opening night of the Jazz Festival has been held at piyura kitina (Risdon Cove) in partnership with the Tasmanian Aboriginal Centre (TAC).

1.4. In 2021 and 2022 the Clarence Jazz Festival was impacted by the COVID-19 pandemic but has gone ahead with community safety measures in place. The pandemic has meant that the number of national and international acts has been limited for 2021/2022, and interstate visitation has been reduced. It is anticipated the 2023 festival will return to a more typical format.

2. REPORT IN DETAIL

2.1. The 2022 Clarence Jazz Festival was held from 16 – 20 February across seven venues in Clarence. Venues were Kangaroo Bay Parkland, Rosny Farm grounds, Rosny Barn, Simmons Park, Richmond Village Green, Puddleduck Winery and piyura kitina. The variety of locations provides the opportunity to market the city to a broad local and national audience.

2.2. The festival has become Tasmania's leading jazz festival; it is highly regarded and established as an important feature in the Tasmanian festivals calendar as a quality, boutique style event.

2.3. The festival provides professional development opportunities for musicians through the Scholarship program and supports professional artists. The Jazz Festival takes place across the city providing broad access to events for the Clarence community. The events at piyura kitina have facilitated the development of a strong partnership with the TAC, a significant achievement for council, enabling conversations around the hosting of other possible events through the year.

- 2.4.** In 2021, the festival was reduced in scope and duration due to budget limitations because of council's restrained financial position as a result of the COVID-19 pandemic. Nonetheless the shorter five-day format was considered by the Jazz Festival working group (of the Events Special Committee) to deliver a more "punchy" and vibrant festival. In 2022, a successful one-off COVID recovery grant from Arts Tasmania allowed for the addition of more Tasmanian musicians and professional development projects within the festival.

Travel restrictions as a result of the pandemic impacted the number of national and international acts for 2021/2022, and interstate visitation was reduced. It is anticipated the 2023 festival will return to a more typical format.

3. CONSULTATION

3.1. Community Consultation

Audience surveys at the Jazz Festival were in paper format; online survey through ticketing platform; council's website "Your Say". Demographic data is captured through ticketing platforms. Additional community input through the Cultural Arts Plan review process facilitated by Prof Noel Frankham and Can Seng Ooi of UTAS.

3.2. State/Local Government Protocol

Nil.

3.3. Other

The Events Special Committee including the Jazz Festival working group.

3.4. Further Community Consultation

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2021-2031 under the objective *A prosperous and creative city*:

“3.8. *Delivering a diverse program of cultural events to increase access, participation and excellence in arts and cultural activities.*”

Clarence Events Plan 2014 – 2018 under Strategy 1: *Build Community Participation, Social Inclusion,*

“Manage or support a range of events that attract different sectors of the community.”

And

“Aim to provide events in different locations across the city.”

Strategy 2: *Marketing, Visitation,*

“Use the Clarence Jazz Festival as a tool to market the city nationally.”

Strategy 3: *Build Creative Opportunities, Professional Development,*

“Ensure an element of professional development is evident at the Clarence Jazz Festival.”

And

“Support professional artists through programs such as the Clarence Jazz Festival Artists in Residence.”

5. EXTERNAL IMPACTS

Partnerships with organisations such as UTAS (festival scholarships program), Tasmanian Aboriginal Centre (cultural events), Music Tasmania (co-hosted events) and state Festivals such as Mona Foma (shared acts) increase festival activity and reach.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

The Clarence Jazz Festival budget allocation through the Events Special Committee for 2022 was \$90,000. Thirty seven thousand was received through a one-off COVID recovery grant round from Arts Tasmania and \$5,000 through an Events Tasmania marketing grant.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The Jazz Festival is council's premier event and the perfect vehicle with which to market the city and its attractive locations and local producers. The festival is well supported by the local and broader Tasmanian community. Feedback received through the festival demonstrated the audience appetite for more Tasmanian produce - food and wine, and this provides an opportunity to further market the city through showcasing local produce and producers with flow on economic benefit through increased visitation and consumer spend.

Attachments: 1. Clarence Jazz Festival 2022 Event Report (9)

Ian Nelson
GENERAL MANAGER



Clarence Jazz Festival 2022

Event report

16 - 20 February

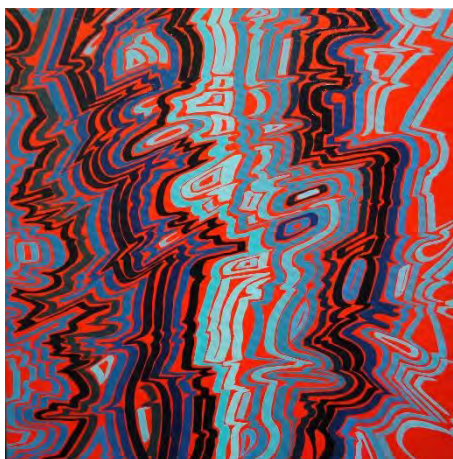
Overview

The 2022 Clarence Jazz Festival was the 26th year of the festival. With the Tasmanian borders re-opening and the COVID Omicron variant being introduced to Tasmania, the Festival went ahead albeit with some changes to the program for increased safety. Numbers were capped at sites to comply with COVID safety guidelines with many events reaching site capacity. It is hoped that in 2023 capacity limits will be removed or increased.

As in 2021, the festival was presented in a compact 5-day format. It was agreed by the Jazz Festival working group that this new format provided for a punchy and engaging program rather than the previous 7 – 10 day format which was more dispersed and diluted.

The festival visited 7 venues around Clarence and created 239 paid performance opportunities – the majority for Tasmanian musicians, with 2 interstate acts.

This year saw the festival delivered with the now recognisable CJF branding which incorporated the work of commissioned Tasmanian artist Luisa Romeo. Luisa's work was particularly suited to the Jazz Festival brand and included portraits of some of the musicians who were playing at the festival. These portraits and other abstract works were displayed as a small exhibition in the Barn during the Festival and was enjoyed by many people.

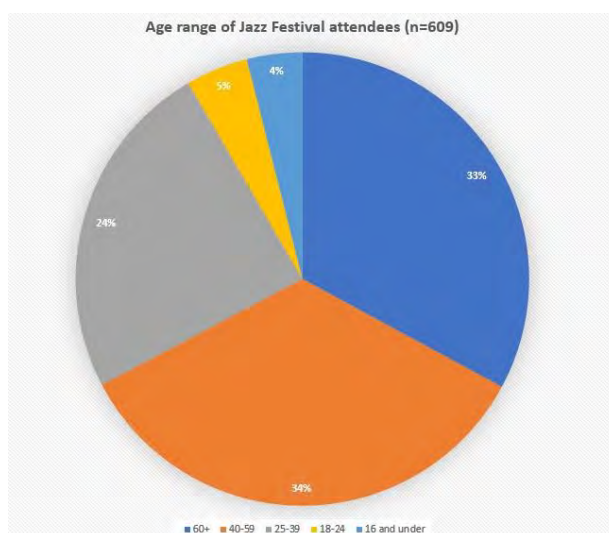


Artwork by 2022 artist in residence Luisa Romeo

The festival was delivered with the programming motto in the Arts and Events Team camp being “something for everyone”. Captured age data from paper, electronic surveys and Humanitix ticketing data showed the following result:

Of 609 attendees captured through surveys:

- 34% were 40-59,
- 33% were 60+
- 24% were 25-39
- 5% were 18-24
- 4% were 16 and under



The festival audience continues to grow in the 25-39 demographic and continues to attract dedicated audience in the older age ranges. The introduction of the Emerging Artists program along with the longstanding CJF **Scholarship** program have contributed to attracting younger audiences; past Scholars are now band leaders or perform in multiple acts across the regular programming. The 2022 Scholarship program was delivered in partnership with UTAS and this relationship will continue to develop into the future.

The Program

The opening night was held at piyura kitina (Risdon Cove) and was highly popular reaching site capacity. The event was an important next step in consolidating our partnership with piyura kitina. Very positive feedback was received from Dewayne Everrettsmith. The cooking school *palawa kipli* catered the event for the evening proving to be very successful for them, selling out of all meals and providing experience and exposure. Cultural tours of the site also sold out.



The partnership with the Tasmanian Aboriginal Corporation has been developed further and there is now discussion of other partnership events being held at the site outside of the Jazz Festival.

The Big Day at Kangaroo Bay this year was shortened by 1 hour to avoid the late evening cold. The public response was once again very enthusiastic commenting on the number of musical acts for such a small entrance fee. Over 100 musicians performed at the Big Day with 16 varied Tasmanian acts and 2 interstate acts over two stages presenting 10 hours of music.

The Twilight Series, this year rebranded as **Richmond Rhythms**, continues to be a community favourite and is well loved and supported. The winery event was delivered at Puddleduck Vineyard in the Coal River Valley and booked out within two weeks of going on sale. Puddleduck were very grateful and excited to be hosting the event which proved very successful for them. They are keen to host CJF again in the future. We will continue to highlight different Clarence businesses in this way providing increased awareness, exposure and economic benefit for Clarence producers.



Rosny Farm



Puddleduck Vineyard

The Richmond Village Green event was also extremely well attended with stalwart audience members and many new faces. Production values were increased and professionalised with an increase in quality of stage, lights and audio.

The closing event – **Jazz Party at Simmons Park** was again a hugely popular day and showcased the important work of three of Greater Hobart's Community bands; The Clarence Big Band, The Southern Lights Big Band and the Southern Districts Concert Band.



Jazz on the Lawns at Rosny Farm was as popular as ever and the **Jazz Lounge's** headliner shows were once again well attended with Michelle Nicolle's World premiere Bach project being sold out and Thursday night close to capacity. The Jazz Lounge was also the venue for a series of **masterclasses** with festival musicians.

Michelle Nicolle in the Jazz Lounge

Ambassador and Special Projects

The 2022 Festival Ambassador renowned Jazz Vocalist Michelle Nicolle attended every key event, performing with her own ensemble and several locals over the 5 days. This was the first time the festival has had a female ambassador and is part of the drive for the festival to be more inclusive of diversity and gender balance. The success of this was evident through the diversity of the attendees.

A feature project of the festival made possible through a grant from Arts Tasmania was the *Hothouse* program which was an important part of the festival's music development function.

The program featured Miette's, playing to an intimate and devoted crowd in the Jazz Lounge and Gus Leighton's *Green Rises* project, a new 'mega big band' featuring a commissioned work inspired by the sights and sounds of Kangaroo Bay and premiered at the Jazz Party at Simmons Park.

The introduction of the **Emerging Artists program** along with the longstanding CJP **Scholarship** program have contributed to attracting younger audiences; past Scholars are now band leaders or perform in multiple acts across the regular programming. The 2022 Scholarship program was delivered in partnership with UTAS and this relationship will continue to develop into the future.

Jazz Festival Scholarship recipients Miah Aplin and Joshua Ford King had increased opportunities to play across the festival performing at the opening night, the Big Day and the Jazz Party. Our third scholar Esther Outram was unwell, but opportunities will be sought for her to play through the year.



Jazz Scholar Josh Ford-King and Ambassador Michelle Nicolle



Jazz Scholar Miah Aplin performing with Michelle

Attendance and feedback

A sample of survey comments include:

- *Excellent, one of the many benefits of living in the Clarence Municipality. Would not live anywhere else!*
- *Love the festival, come every year more food options on the lawn would be good!*
- *Opening night was very moving. Loved Swoon more please.*

The following table is a breakdown of venues and attendances:

Date	Venue	Number	Allocation	Comments and Partners
Wednesday 16	piyura kitina (Risdon Cove)	361	350	Free. Palawa Kipli & Tasmanian Aboriginal Centre
Thursday 17	Twilight Series: Puddleduck Winery	130	130	Free. Puddleduck Winery – booked out.
	Jazz Lounge: Rosny Barn Sessions 1 and 2	80	180	Ticketed
	Jazz on the Lawns Thursday	250	350	Free. More Tasmanian wine options requested
Friday 18	Jazz on the Green: Richmond Village Green	127	300	Free. More Tasmanian wine options requested
	Jazz Lounge: Rosny Barn Sessions 1 and 2	100	180	Ticketed
	Jazz on the Lawns Friday	350	350	Free
Saturday 19	Big Day at Kangaroo Bay	1982	1450	\$10 entry. Bar Collective, Sandford Scout Group, Australian International Youth Association. More food options.
Sunday 20	Twilight Series: Simmons Park	300	300	Free. Bellerive Rotary. BYO event
	Master Class: Michelle Nicolle	9	20	
	Master Class: Spike Mason	11	20	
	Master Class: Katy Raucher	6	20	
	Master Class: Charlie McCarthy	3	20	

Festival Marketing

The Clarence Jazz Festival is an opportunity to showcase Clarence as a vibrant place to live, work and play, and to visit, with parks like Simmons, the Village Green, and Kangaroo Bay. It showcases our beautiful wineries, parks and Council venues. The Jazz Festival received a great deal of exposure this year from the press. It is Council's signature event and the name Clarence Jazz Festival is associated with a high-quality event that sustains and retains its community focus.

The marketing of the event this year again benefited through our Mercury partnership. A direct program and poster drop were facilitated through our supplier both north and south of the State which was extremely successful. Several advertisements were placed in the Mercury. Social media platforms were used to disseminate up to date information on the festival and this allowed the musicians to further spread the word to their industry colleagues.

The Mercury and ABC Hobart showed a particular interest in the threads of the scholarship students and the emerging musician's programs with several articles and interviews. There were fewer competing events this year which also contributed to the overall attendance.

The following table demonstrates the reach of 'Clarence' through editorial and a range of free, sponsored and purchased advertisements:

MEDIA COVERAGE:	
Editorial & press/TV/radio	Date and details
Hobart Jazz Club Newsletter	December and February issues
CCC	Rates Newsletter and Rosny Farm program guide
Hobart Magazine	Calendar insert and what's on— Jan and Feb
The Mercury	21 st Jan – Exotic Strings Join Jazz Festival
The Mercury	3 rd Feb – Photo of Scholars and article
The Mercury	19 th Feb – CJF tune into festival's vibe
ABC local radio	Interview with CJF Scholars
ABC local radio	Interview with Festival Ambassador Michelle Nicolle
7HO	Interview with Stevie McEntee
7HO	Spoken ad in daily rotation – not paid
ABC local radio	Wrap up – Ryk Godard

Mercury ads	Date, publication and type
8 Sponsored ads plus	Dec 8 th and Feb 12 th
Social media campaigns	
Facebook general and sponsored posts	15 Dec – 21 Feb
Instagram posts	15 Dec – 21 Feb
Purchased	Type
Hobart Magazine	Full page paid advertisement, 1 x half
Eastern Shore Sun	Ad and article

The success of the festival is, in part gauged by its achievements against the strategies in the Clarence Events Plan.

Strategy 1: Build social inclusion	Concerts delivered in areas that have little cultural activity. Offering free events with a relaxed atmosphere accessible to all.
Strategy 2: Build Identity of the City	Advertising Clarence far and wide.
Strategy 3: Build Creative Opportunities	The CJF Scholarship Program providing 3 young performers with a great personal growth opportunity. Emerging artists program and Hothouse program offering artist development opportunities. Contracting 239 paid performance local musicians and enabling them to be employed and creative during a challenging period.
Strategy 4: Build Economic Capacity	Partnering with local businesses and vendors. Attracting visitors into Clarence.

Budget

Clarence Jazz Festival BUDGET		Budget
INCOME		
Total gross income from tickets sales, sponsorship, food and beverage, stall fees and merchandise:		\$28,040
Grants		
Arts Tasmania Grant*		\$37,000
Events Tas Grant*		\$5000
CCC budget allocation		\$95,150
Total Income		\$165,190
EXPENSES		
Artist fees		\$68,430.00
Production costs		\$64,734.00
Marketing		\$16,234.00
Contractor wages and sundries		\$8,959.00
Total expenditure		\$158,392
Note: some invoices still to come at time of writing		

**An Intrastate Marketing grant was received from events Tasmania, which rebated already allocated marketing funds.*

**Arts Tasmania grant allowed for artists to be paid the national minimum performance fee and include more artists in the program. This grant round was a COVID response round.*

Summary

Council is praised for its contribution to the culture of the city, for the well-presented parks and venues, and for the well organised and executed public events. The Clarence Jazz Festival is loved by the music community for bringing them together in a valued and respectful way and the public benefit by seeing the magic happen on stage at beautiful locations and in a safe and relaxed atmosphere.

The festival has seen many changes in the last two years as has the cultural sector. The fresh branding and creative direction along with increased production values have changed the face of the Clarence Jazz Festival making it a popular and accessible festival for community members both old and new.

The Jazz Festival is Council's premier event and the perfect vehicle with which to market the city and its attractive locations and local producers. Feedback received through the festival demonstrated the audience appetite for more Tasmanian produce - food and wine, and this provides an opportunity to further market the city through showcasing local produce and producers with flow on economic benefit through increased visitation and consumer spend.

4.8 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 21 and 28 March and 4 April 2022 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 21 and 28 March and 4 April 2022 be noted.

5. 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.

5.1 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.

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

At Council's Meeting of 21 March Teena Bourne of Rokeby asked the following questions.

NEIGHBOURHOOD CENTRES

1. Who will be funding the six new Neighbourhood Centres in the Skyline Plans?
2. Does Clarence City Council give funding to the two Neighbourhood Centre that is currently providing excellent services to the community in the Clarence Plains Area?"

ANSWER

1. The Skylands Master Plan contemplates six new communities on the Droughty Point peninsula. Within each community it is proposed that there be an activity centre that includes local shops and other facilities that a local community might need. There is no proposal to establish six Neighbourhood Centres that we are aware of.

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /CONTD...

2. There are four Neighbourhood Centres currently operating in the Clarence municipality. They are funded through the Tasmanian Government via the Department of Communities. Council does not provide direct funding to these centres; however, it does provide a significantly subsidised lease to the Rokeby Neighbourhood Centre. Council also leases land to the Warrane / Mornington Neighbourhood Centre for a community garden. This reflects councils' approach to work in partnership with neighbourhood centres by providing support to assist each centre.

5.4 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.

6. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(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)

7	PLANNING AUTHORITY MATTERS
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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:

7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/017577 – 269 KENNEDY DRIVE, CAMBRIDGE (WITH ACCESS OVER 273 KENNEDY DRIVE, CAMBRIDGE) - WAREHOUSE, CARAVAN PARK AND RESTAURANT**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Warehouse, Caravan Park and Restaurant at 269 Kennedy Drive, Cambridge (with access over 273 Kennedy Drive, Cambridge).

RELATION TO PLANNING PROVISIONS

The land is zoned Light Industrial and Open Space and subject to the Natural Assets, Safeguarding of Airports, Coastal Inundation Hazard and Flood-prone Hazard Areas Codes under the Tasmanian Planning Scheme - Clarence (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 30 April 2022.

CONSULTATION

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

- impact on natural values;
- impact on water quality;
- impact on adjoining airport services; and
- Caravan Park and Restaurant is a prohibited use.

RECOMMENDATION:

A. That the Development Application for Warehouse, Caravan Park and Restaurant at 269 Kennedy Drive, Cambridge (with access over 273 Kennedy Drive, Cambridge) (CI Ref PDPLANPMTD-2021/017577) be refused for the following reasons.

1. The proposed caravan sites and reception/amenities building is defined as Visitor Accommodation which is a prohibited use in the Light Industrial Zone.

2. The proposal does not comply with Clause 18.3.2 P1 of the Light Industrial Zone as the close proximity of the warehouse is likely to result in noise and odour emissions which will have an adverse impact on the users of the visitor accommodation and restaurant and thereby creates a land use conflict which would compromise the use of the land for industrial purposes.
 3. The proposal does not comply with Clause C3.5.1 P1 of the Road and Railway Assets Code as the safety and efficiency will be adversely effected due to the conflict between the users of the warehouse and the caravan park and restaurant.
 4. The proposal does not comply with Clause C7.6.1 P1.1 of the Natural Assets Code as there would be an adverse impact on natural values as the buffers between the site and the Pittwater Orielton RAMSAR Wetland Site are insufficient.
 5. The proposal does not comply with Clause C7.6.1 P2.1 of the Natural Assets Code as the proposed cabins are located within a coastal refugia area and development within this area is considered to limit the potential for landward retreat of saltmarsh and saline wetlands due to sea level rise caused by climate change.
 6. The proposal does not comply with Clause C7.6.1 P2.2 of the Natural Assets Code as the proposed use is not reliant upon a coastal location to fulfill its purpose.
 7. The proposal does not comply with Clause C11.5.2 P1.1 and P1.1 of the Coastal Inundation Hazard Code as the proposed caravan park is not a use that relies on a coastal location to fulfill its purpose.
 8. The proposal does not comply with Clause C11.6.1 P1.1 and P1.2 of the Coastal Inundation Hazard Code as a coastal inundation hazard report was not provided.
 9. The proposal does not comply with Clause C16.5.1 of the Safeguarding of Airports Code as the visitor accommodation and restaurant will adversely impact the operation of the Cambridge Airport.
- 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-2021/017577 - 269 KENNEDY DRIVE, CAMBRIDGE (WITH ACCESS OVER 273 KENNEDY DRIVE, CAMBRIDGE) - WAREHOUSE, CARAVAN PARK AND RESTAURANT /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

A permit was issued in 2020 (PDPLANPMTD-2020/009032) for warehouses. Earthworks and filling in conjunction with this permit have commenced on-site.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned both Light Industrial and Open Space 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 5.6 – Compliance with Applicable Standards
- Section 6.10 – Determining Applications;
- Section 18.0 – Light Industrial Zone;
- Section 29.0 – Open Space Zone;
- Section C2.0 – Parking and Sustainable Transport Code;
- Section C3.0 – Road and Railway Assets Code;
- Section C7.0 – Natural Assets Code;
- Section C10.0 – Coastal Erosion Hazard Code;
- Section C11.0 – Coastal Inundation Hazard Code;
- Section C12.0 – Flood Prone Areas Hazard Code; and
- Section C16.0 – Safeguarding of Airports 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).

2.5. Given its proximity to the internationally recognised Pitt Water-Orielton Lagoon RAMSAR Site to the north of the site, consideration should also be given to the impact on this area which is protected under the federal *Environment Protection and Biodiversity Conservation (EPBC) Act*.

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 2.5ha vacant, internal lot located to the north of industrial lots to the north side of Kennedy Drive. The site is accessed from Kennedy Drive via a right-of-way over 273 Kennedy Drive. The site adjoins the Barilla Bay foreshore to the north site, Cambridge Airport to the west and south, and industrial development to the east.

Fill has recently been placed on part of the site in accordance with the approved permit for warehouses. As a result, the area of the land located within the Light Industrial is at a higher level than the land located within the Open Space zone to the north of the site.

3.2. The Proposal

The proposal is for a multi-use development containing a 1394m² warehouse, restaurant, and caravan park which includes 20 cabins, 9 caravan sites and a reception/amenities building. The site contains a total of 82 car parking spaces.

The cabins are located 20m from the northern boundary of the lot, adjoining a coastal reserve and two viewing platforms linked by duck boarding are proposed to be located to the north of the cabins. The application proposes that the 20m separation between the cabins and the coastal reserve provides for a buffer between the coastal reserve and the proposed use and development on the site.

Services, including water supply, wastewater treatment and stormwater treatment will be provided on-site.

The lot is dual zoned with the warehouse, restaurant, reception/amenities building and the nine caravan sites located within the Light Industrial zone. The cabins and associated parking spaces are located within the Open Space zone.

Following advertising, some aspects of the development were identified as prohibited, namely the nine caravan sites and reception/amenities building proposed to service the caravan park. These uses are defined as Visitor Accommodation which is a prohibited use in the Light Industrial zone and therefore cannot be considered. The applicant declined to amend the design in response to this critical problem, as this was likely to require a new application. The applicant wished to proceed with the application in its current form.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 5.6]

“5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.”

4.2. Determining Applications [Section 6.10]

“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(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 section 57(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. General Provisions

There are no General Provisions relevant to the assessment of this proposal.

4.4. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Light Industrial and Open Space Zone and Natural Assets, Safeguarding of Airports, Coastal Inundation Hazard and Flood-prone Hazard Areas Codes with the exception of the following.

Light Industrial Zone

- **Clause 18.3.2 A1** – the restaurant component of the development is proposed as a separate use defined as Food Services, which is a Discretionary use in the zone. The applicant has proposed the restaurant on the basis that it would service the surrounding industrial development and therefore is not directly associated with the use of the caravan park.

The proposed use must be considered pursuant to the Performance Criteria (P1) of Clause 18.3.2 as follows.

Clause	Performance Criteria	Assessment
18.3.2	<p><i>“A use listed as Discretionary must not compromise the use or development of the surrounding properties for industrial activities with minimal or managed off site impacts, having regard to:</i></p> <p><i>(a) the characteristics of the site;</i></p>	<p>The site is located adjacent to the runway of the Cambridge Airport to the west and south, and industrial development to the east and the south. The site was subdivided as an industrial lot and approval has previously been granted to develop the site for warehouses.</p>

	<p><i>(b) the size and scale of the proposed use; and</i></p>	<p>The applicant has proposed that the restaurant would service the surrounding industrial area and will be open from 7am to 7pm. The proposed restaurant has a gross floor area of 378m² over two levels and an upper-level deck with an area of 70m². Based on a seating area of approximately 320m², this could seat around 160 patrons at one time.</p> <p>The applicant's intent is that the restaurant will service the surrounding industrial area as well as the caravan park which is reflected in the scale of the building.</p>
	<p><i>(c) the function of the industrial area."</i></p>	<p>The access to the restaurant and caravan park is located between the warehouse building and its associated car parking, with the manoeuvring areas located within this area. This is unsatisfactory and likely to lead to vehicle conflict within the site with many users unfamiliar to the site and surrounding area having to navigate past an operating warehouse which typically would use trucks and other industrial equipment in its daily operation.</p> <p>The function of the warehouse would clearly be adversely impacted by the regular traffic to the caravan park and restaurant.</p> <p>In addition, it would be anticipated that visitors to the caravan park and restaurant are likely to expect a higher level of amenity than visitors to an industrial site. The close proximity of the warehouse is likely to result in noise and odour emissions which will have an adverse impact on the patrons of the visitor accommodation and restaurant and could compromise the use of the land for industrial purposes as the industrial use would be under pressure to change its operation to reduce these impacts.</p>

		It is considered that the proposal will result in significant land use conflict which would result in function of the industrial area being adversely affected. Accordingly, the proposal is not considered to comply with this standard and should be refused.
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Parking and Sustainable Transport Code

- **Clause C2.5.1 A1**– the number of car parking spaces does not meet the minimum spaces specified in Table C2.1. The combined uses require a total number of spaces of 179 spaces (29 for the caravan park, 25 for the restaurant and 125 for the warehouse). Eighty-two car parking spaces are provided on-site.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C3.5.1 as follows.

Clause	Performance Criteria	Assessment
C3.5.1	<p><i>“P1.1</i></p> <p><i>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</i></p> <p><i>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</i></p>	None available
	<p><i>(b) the ability of multiple users to share spaces because of:</i></p> <p><i>(i) variations in car parking demand over time; or</i></p> <p><i>(ii) efficiencies gained by consolidation of car parking spaces;</i></p>	Due to the dual zoning and the small area of the site used for warehouse, the number of car parking required for the warehouse is well in excess of what would be required for the use. If the warehouse was calculated by floor area as was the case in previous planning schemes, the warehouse would require 19 spaces.

		The proposal includes 25 spaces adjacent to the warehouse which is considered adequate and leaves 57 spaces to service the caravan park and restaurant.
	<i>(c) the availability and frequency of public transport within reasonable walking distance of the site;</i>	Public transport is available along Kennedy Drive but visitors to the site would not be expected to use this mode of transport.
	<i>(d) the availability and frequency of other transport alternatives;</i>	None available
	<i>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</i>	The Codes constrain development on the site.
	<i>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</i>	On street car parking is not available.
	<i>(g) the effect on streetscape; and</i>	The site is an internal lot located around 107m from Kennedy Drive and therefore streetscape is not a consideration.
	<i>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</i>	A Traffic Impact Assessment was not provided.
	<i>P1.2</i> <i>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</i>	
	<i>(a) the nature and intensity of the use and car parking required;</i>	Not applicable
	<i>(b) the size of the dwelling and the number of bedrooms; and</i>	Not applicable
	<i>(c) the pattern of parking in the surrounding area.”</i>	Not applicable

Road and Railway Assets Code

- **Clause C3.5.1 A1.4** – the traffic movements to the site will increase by more than 40 vehicle movements per day.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C3.5.1 as follows.

Clause	Performance Criteria	Assessment
C3.5.1	<p><i>“P1</i></p> <p><i>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</i></p> <p><i>(a) any increase in traffic caused by the use;</i></p>	<p>The site is accessed by an existing sealed driveway 6m wide from Kennedy Drive. Kennedy Drive is an arterial road designed to cope with large volumes of traffic. Council’s Development Engineer has advised that the development will not result any adverse safety effects on the junction due to the increase in traffic.</p> <p>It is noted that once the works to the airport roundabout have been completed, Kennedy Drive will end in a cul-se-dac servicing only 263 and 269 Kennedy Drive which significantly reduces the traffic on the part of Kennedy Drive.</p>
	<p><i>(b) the nature of the traffic generated by the use;</i></p>	<p>The traffic generated by the proposal is a combination of industrial and visitors to the restaurant and caravan park. Although there is no issue with the junction in isolation, it is likely that the combination of uses on-site would lead to vehicle conflict.</p>

		<p>This is due to the visitors to the caravan park and restaurant, some of which will tow caravans, will have to negotiate the access from Kennedy Drive which would be regularly used by large trucks servicing the warehouse.</p> <p>It is considered that the nature of the traffic generated by the combination of uses on the site will result in a safety conflict for users and should be refused on this basis.</p>
	<i>(c) the nature of the road;</i>	Kennedy Drive is an arterial road servicing a number of existing industrial developments.
	<i>(d) the speed limit and traffic flow of the road</i>	Kennedy Drive has a speed limit of 80km/hour.
	<i>(e) any alternative access to a road;</i>	There is no alternative access.
	<i>(f) the need for the use;</i>	There is no identified need to the proposed caravan park and restaurant to be located on this site.
	<i>(g) any traffic impact assessment; and</i>	A Traffic Impact Assessment was not provided.
	<i>(h) any advice received from the rail or road authority.”</i>	Council is the road authority in this case and as discussed above, Council’s Development Engineer considers that the access is adequate to accommodate the additional traffic generated by the development, however, there are concerns regarding the vehicle conflict that could occur as discussed above.

Natural Assets Code - Waterway and Coastal Area/Future Coastal Refugia Area

- **Clause C7.6.1 A1** – the sealed plan for the lot does not contain a building area approved under the current Scheme and therefore cannot meet the Acceptable Solution. The area of the site covered by this Code is shown in Attachment 4.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C7.6.1 as follows.

Clause	Performance Criteria	Assessment
C7.6.1	<p><i>“P1.1</i></p> <p><i>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</i></p> <p><i>(a) impacts caused by erosion, siltation, sedimentation and runoff;</i></p>	<p>The applicant has provided a natural values report (Jim Mulcahy, 9 December 2021) that addresses the impact of the development of the natural values of the site and adjacent waterways, including the internationally recognised Pittwater Orielton RAMSAR Wetland Site.</p> <p>The area of the site located within the Light Industrial zone has been cleared and filled under the existing permit for warehouses. The remainder of the site located within the Open Space zone consists of generally cleared land and an area of freshwater aquatic wetlands in the north-eastern corner of the site.</p> <p>The report concluded that as there are few natural values on the site and the development is located outside the areas of saltmarsh and wetland found on the site, the proposal will have little direct impact provided that the stormwater and wastewater treatments are suitably managed.</p> <p>However, parts of the site provide potential for landward migration of saltmarsh and saline wetlands due to climate change. The development will impact natural values by limiting the potential for landward retreat of saltmarsh and saline wetlands due to sea level rise associated with climate change.</p>

		<p>The report considers that the buffers between the development and the RAMSAR site are generally adequate, however larger buffers would be preferable and provide greater security for landward retreat of saltmarsh and saline wetlands.</p> <p>The proposal was referred to the Department of Parks and Wildlife Services (PWS) who reviewed the natural values report and considered that further consideration of the buffers would be recommended to ensure adequate protection of the natural values of the wetland area on the site and nearby RAMSAR site.</p> <p>PWS is concerned about the net effects of the proposed development and use on the neighbouring reserve, in particular disturbance to migratory shore birds in the adjacent RAMSAR wetland from the recreation/noise, light and movement associated with the caravan park, restaurant and warehouse concurrent operations and recommend that if a permit is issued, a condition be included to require details of mitigation measures to be implemented to avoid and minimise negative off-site impacts on the natural values of the Reserve land.</p> <p>For the above reasons, it is considered the development does not satisfactorily demonstrate that the proposal will not impact the natural values of the site and the adjoining RAMSAR site and should be refused on this basis.</p>
	<i>(b) impacts on riparian or littoral vegetation;</i>	<p>The site contains an area of wetlands which will not be directly impacted by the development provided that the on-site wastewater and stormwater systems are adequately managed, however, there may be indirect impacts as the development may prevent the landward retreat of saltmarsh and saline wetlands. It is considered that the proposal does not meet Objective C7.1.3 which is:</p>

		<p><i>‘To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.’</i></p> <p>On this basis, the proposal should be refused.</p>
	<i>(c) maintaining natural streambank and streambed condition, where it exists;</i>	Not applicable
	<i>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	Not applicable
	<i>(e) the need to avoid significantly impeding natural flow and drainage;</i>	Not applicable
	<i>(f) the need to maintain fish passage, where known to exist;</i>	Not applicable
	<i>(g) the need to avoid land filling of wetlands;</i>	The proposal does not include landfilling of identified wetland areas on the site.
	<i>(h) the need to group new facilities with existing facilities, where reasonably practical;</i>	There is no need to locate buildings in this area.
	<i>(i) minimising cut and fill;</i>	There is existing fill on the site approved under the previous permit which raises the level of the land within the Light Industrial Zone above the level of the land in which the cabins are proposed. The current development proposes minimal land fill.
	<i>(j) building design that responds to the particular size, shape, contours or slope of the land;</i>	The cabins are located on that part of the site that is located within the coastal refugia area and due to the fill on the Light Industrial land and the level of the Open Space land, the cabins are built up at their northern end to respond to the change in levels.

	<i>(k) minimising impacts on coastal processes, including sand movement and wave action;</i>	Not applicable
	<i>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</i>	The development of land within a coastal refugia area may result in the need for future works to protect the infrastructure.
	<i>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</i>	For the reasons described above, the proposal is not considered to minimise impacts on natural values and is recommended for refusal.
	<i>(n) the guidelines in the Tasmanian Coastal Works Manual.</i>	As above
	<p><i>P1.2</i></p> <p><i>Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</i></p> <p><i>(a) the need to access a specific resource in a coastal location;</i></p>	Not applicable as the use is not located within the tidal extend on spatial extent of tidal waters.
	<i>(b) the need to operate a marine farming shore facility;</i>	Not applicable
	<i>(c) the need to access infrastructure available in a coastal location;</i>	Not applicable
	<i>(d) the need to service a marine or coastal related activity;</i>	Not applicable
	<i>(e) provision of essential utility or marine infrastructure; or</i>	Not applicable

	<i>(f) provisions of open space or for marine-related educational, research, or recreational facilities.”</i>	Not applicable
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Natural Assets Code – Waterway and Coastal Area/Future Coastal Refugia Area

- **Clause C7.6.1 A2** –the sealed plan for the lot does not contain a building area approved under the current Scheme and therefore cannot meet the Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause C7.6.1 as follows.

Clause	Performance Criteria	Assessment
C7.6.1	<p><i>“P2.1</i></p> <p><i>Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:</i></p> <p><i>(a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas;</i></p>	<p>As discussed above, it is considered that the proposal does not satisfactory demonstrate that the proposal will minimise adverse impacts on natural assets as it could potentially limit the landward transgression of wetlands as sea levels rise due to climate change. The proposal should be refused on this basis.</p>
	<p><i>(b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation;</i></p>	<p>The location of the cabins are located within the coastal refugia area and could create a barrier if tidal inundation was to extend to this part of the site.</p>

	<i>(c) allowing the coastal processes of sand deposition or erosion to continue to occur;</i>	See (a)
	<i>(d) the need to group new facilities with existing facilities, where reasonably practical;</i>	There are no existing facilities.
	<i>(e) the impacts on native vegetation;</i>	As discussed previously.
	<i>(f) minimising cut and fill;</i>	Cut and fill is minimised due to the design of the cabins.
	<i>(g) building design that responds to the particular size, shape, contours or slope of the land;</i>	The cabins are located on that part of the site that is located within the coastal refugia area and due to the fill on the Light Industrial land and the level of the Open Space land, the cabins are built up at their northern end to respond to the change in levels.
	<i>(h) the impacts of sea-level rise on natural coastal processes and coastal habitat;</i>	As discussed, it is considered that the buffers created between the development are not satisfactory in providing for landward transgression of the wetlands as sea levels rise due to climate change.
	<i>(i) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</i>	For the reasons described above, the proposal is not considered to minimise impacts on natural values and is recommended for refusal.
	<i>(j) the guidelines in the Tasmanian Coastal Works Manual.</i>	For the reasons described above, the proposal is not considered to minimise impacts on natural values and is recommended for refusal.
	<p><i>P2.2</i></p> <p><i>Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</i></p> <p><i>(a) the need to access a specific resource in a coastal location;</i></p>	<p>The proposal is for a use that does not rely on a coastal location and therefore cannot meet this standard. On this basis, the proposal should be refused.</p>

	<i>(b) the need to operate a marine farming shore facility;</i>	Not applicable
	<i>(c) the need to access infrastructure available in a coastal location;</i>	Not applicable
	<i>(d) the need to service a marine or coastal related activity;</i>	Not applicable
	<i>(e) provision of essential utility or marine infrastructure; and</i>	Not applicable
	<i>(f) provision of open space or for marine-related educational, research, or recreational facilities.”</i>	Not applicable

Natural Assets Code – Priority Vegetation Area

- **Clause C7.6.2 A1** – the development includes clearing of vegetation on that portion of the site covered by the Code and as there is no building envelope on the sealed plan, the Acceptable Solution cannot be met. This Clause relates to the use of cabins on land covered by this Code and the area impacted is shown in Attachment 4.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C7.6.2 as follows.

Clause	Performance Criteria	Assessment
C7.6.2	<p><i>“P1.1 Clearance of native vegetation within a priority vegetation area must be for:</i></p> <p><i>(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;</i></p>	<p>The only approved use on the site is for a warehouse (Storage) and therefore the development of that part of the site covered by the Natural Assets Code – Priority Vegetation Areas cannot meet this standard.</p>

	<i>(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;</i>	Not applicable
	<i>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</i>	Not applicable
	<i>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</i>	The proposal for a caravan park does not provide any long-term social and economic benefits and there are alternative sites for a caravan park that would be more suitable and therefore the proposal does not meet this standard.
	<i>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</i>	The natural values report concludes that the development is located on that part of the site that is cleared agricultural land and regenerating cleared land and therefore will not directly impact any natural values on the site.
	<i>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</i>	As discussed above, given the degraded nature of the site, there is little impact on identified threatened species in the area of the site proposed to be cleared for the constructions of the cabins.
	<p><i>PI.2</i></p> <p><i>Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</i></p> <p><i>(a) the design and location of buildings and works and any constraints such as topography or land hazards;</i></p>	
	<i>(b) any particular requirements for the buildings and works;</i>	None proposed
	<i>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</i>	The area is not covered by the Bushfire Prone Areas Code.

	<i>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</i>	No mitigation measures have been proposed.
	<i>(e) any on-site biodiversity offsets; and</i>	None proposed
	<i>(f) any existing cleared areas on the site.”</i>	The buildings are located in existing cleared areas of the site.

Coastal Inundation Hazard Code

- **Clause C11.5.2 A1** – there is no Acceptable Solution for uses within a non-urban zone and located within a medium coastal inundation hazard band. This Clause relates to the construction of cabins on land covered by this Code and the area affected by this Code is shown in Attachment 4.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C11.5.2 P1 as follows.

Clause	Performance Criteria	Assessment
C11.5.2	<p><i>“P1.1</i></p> <p><i>A use within a non-urban zone and within a medium coastal inundation hazard band must be for a use which relies upon a coastal location to fulfil its purpose, having regard to:</i></p> <p><i>(a) the need to access a specific resource in a coastal location;</i></p>	<p>Clause C11.2.4 provides that Visitor Accommodation is not a use that is reliant on a coastal location therefore cannot meet P1.1. On this basis, the proposal must be refused.</p>
	<i>(b) the need to operate a marine farming shore facility;</i>	Not applicable
	<i>(c) the need to access infrastructure available in a coastal location;</i>	Not applicable
	<i>(d) the need to service a marine or coastal related activity;</i>	Not applicable

	<i>(e) provision of an essential utility or marine infrastructure;</i>	Not applicable
	<i>(f) provision of open space or for marine-related educational, research, or recreational facilities;</i>	Not applicable
	<i>(g) any advice from a State authority, regulated entity or a council; and</i>	Not applicable
	<i>(h) the advice obtained in a coastal inundation hazard report.</i>	A coastal inundation hazard report was not provided with the application.
	<p><i>P1.2</i></p> <p><i>A coastal inundation hazard report also demonstrates that:</i></p> <p><i>(a) any increase in the level of risk from coastal inundation does not require any specific hazard reduction or protection measures; or</i></p>	As a coastal hazard coastal inundation hazard report was not provided with the application, this standard is not met.
	<i>(b) the use can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific hazard reduction or protection measures.”</i>	As above

Coastal Inundation Code

- **Clause C11.6.1 P1** – no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C11.6.1 P1 as follows.

Clause	Performance Criteria	Assessment
C7.6.1	<p>"P1.1</p> <p><i>Buildings and works, excluding coastal protection works, within a coastal inundation hazard area must have a tolerable risk, having regard to:</i></p> <ul style="list-style-type: none"> (a) <i>whether any increase in the level of risk from coastal inundation requires any specific hazard reduction or protection measures;</i> (b) <i>any advice from a State authority, regulated entity or a council; and</i> (c) <i>the advice contained in a coastal inundation hazard report.</i> <p>P1.2</p> <p><i>A coastal inundation hazard report also demonstrates that the building or works:</i></p> <ul style="list-style-type: none"> (a) <i>do not cause or contribute to coastal inundation on the site, on adjacent land or public infrastructure; and</i> (b) <i>can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific coastal inundation protection works."</i> 	<p>Report not provided.</p> <p>As above</p> <p>As above</p>

Safeguarding of Airports Code

- **Clause C16.5.1 A1** – as the caravan park is a sensitive use and is located within a noise airport exposure area.

Clause	Performance Criteria	Assessment
C16.5.1 A1	<p><i>“PI</i></p> <p><i>A sensitive use within an airport noise exposure area must be located and designed to minimise exposure to excessive aircraft noise, having regard to:</i></p> <p><i>(a) the location, orientation and elevation of the site relative to aircraft flight paths;</i></p>	<p>The Cambridge Airport Operator has made a representation on the application as they consider that the development of a caravan park within close proximity to the runways at 115 Kennedy Drive will compromise the operation of the airport.</p> <p>The restaurant and cabins are located directly below the flight path of aircraft arriving and departing the airport, and approximately 45m from the runway. The close proximity to the runways is considered to result in adverse impacts to users of the restaurant and visitor accommodation use from excessive noise.</p>
	<p><i>(b) the current and future type and frequency of aircraft operating from the airport;</i></p>	<p>The airport operates regular flights from the facility with 37,352 movements in 2020. The airport may operate 24 hours a day and currently has regular flights departing the airport at 4am.</p>
	<p><i>(c) the type of use and the operational requirements for the use;</i></p>	<p>It is considered that the proximity of the site close to working runways would result in an adverse impact on the users of the caravan park and restaurant who would expect a higher level of amenity than would be obtained on this site.</p>

	<i>(d) the layout and construction of buildings associated with the use;</i>	The site layout does not appear to take into consideration the location of the nearby runways and flight paths,
	<i>(e) the need to not compromise the future operation of the airport;</i>	It is considered that issues arising from excessive noise from the aircraft could limit the operation of the airport. Therefore, it is considered that the proposal does not meet one of the Objectives of this Code which is to “ <i>safeguard the operation of airports from incompatible use or development</i> ”.
	<i>(f) the noise attenuation measures required by Section 3 of the Australian Standard AS 2021 – 2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction;</i>	There are no measures proposed for the buildings to mitigate noise from the adjacent airport.
	<i>(g) the requirements of any relevant airport master plan; and</i>	Not applicable
	<i>(h) any advice from the airport operator or Airservices Australia.”</i>	The airport operator of the Cambridge Airport has submitted a representation against the use of the site for visitor accommodation and restaurant as they consider that proximity of these uses to the working runway will have an adverse impact on its operation. This is discussed in further detail below.

5. REPRESENTATION ISSUES

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

5.1. Impact on Natural Values

Concern was raised that the proposal will result in adverse impacts on the natural values, including the adjoining RAMSAR site and migratory bird species found in the adjoining wetland.

- **Comment**

As discussed in the report, the development does not comply with relevant standards in the Natural Assets Code as the proposed use is not reliant upon a coastal location to fulfill its purpose and will limit the potential for landward retreat of saltmarsh and saline wetlands. It also has potential to adversely impact the internationally significant Pitt Water-Orielton Lagoon RAMSAR Site located to the north of the site which is protected under the federal *Environment Protection and Biodiversity Conservation (EPBC) Act*.

5.2. Impact on Water Quality

Concern was raised that the proximity of the proposed development and its on-site wastewater system may impact the water quality in Barilla Bay in which oyster farms operate.

- **Comment**

The proposal relies on on-site wastewater and stormwater management and if managed appropriately, should not result in adverse impacts to Barilla Bay. However, given the issues raised in the report regarding the potential issues on the RAMSAR site, the proposal is not supported.

5.3. Impact on Adjoining Airport Services

Concern was raised that the proposal will adversely affect the operation of the adjoining Cambridge Airport due to the proximity of the caravan park and restaurant to the working runway. The representation highlights safety issues associated with the adequacy of security fencing; the aircraft safety impact of solar panels, due to glare; impacts on operational requirements and the potential for constraints on flights, due to amenity conflicts with the proposed use; and the need for runway safety protection zones where activities/uses involving congregation of people are avoided for safety reasons.

- **Comment**

As has been discussed, the development is not considered to meet the standards of the Safeguarding of Airports Code and is one of the reasons for refusal.

5.4. Caravan Park and Restaurant is a Prohibited Use

Concern was raised that the caravan park is located on land zoned Light Industrial, and Visitor Accommodation is a prohibited use in the zone. In addition, the representor considers that the proposed restaurant is directly associated and subservient to the visitor accommodation use and therefore should be defined as part of the visitor accommodation use.

- **Comment**

The caravan park is defined as Visitor Accommodation which is a prohibited use in the Light Industrial zone and therefore cannot be approved.

In relation to the restaurant, the applicant has proposed that it will service both the development on the site and the surrounding area, and it has been assessed on the basis that it is a separate use to the visitor accommodation, as discussed above. Based on the plans and information provided it has been assessed as a separate use of Food Services which is a Discretionary use in the zone.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who have provided a number of conditions to be included on the planning permit if granted, the Cambridge Airport and Parks and Wildlife Services.

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

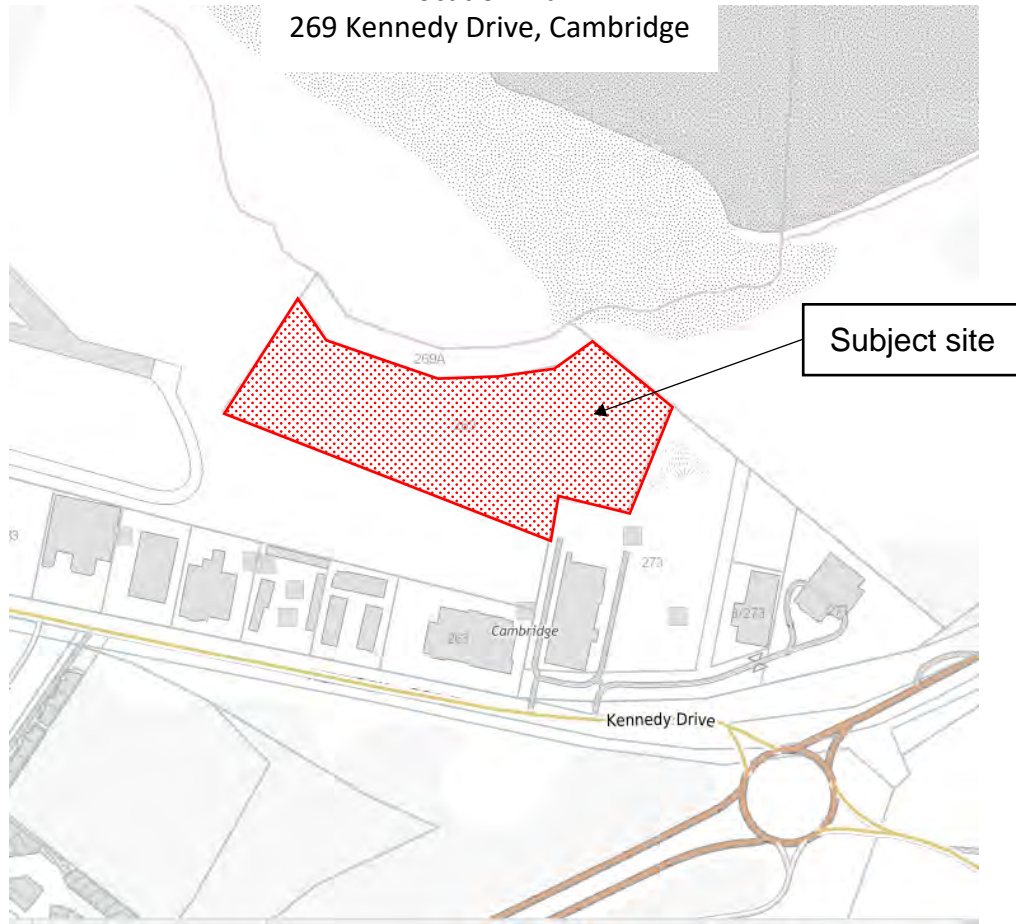
The proposal for a warehouse, caravan park and restaurant is recommended for refusal as it is considered to result in significant land use conflict and does not meet a number of standards of the Scheme.

Attachments: 1. Location Plan (1)
2. Proposal Plan (11)
3. Site Photo (1)
4. Site Plans Showing Zones, Relevant Codes and RAMSAR Location (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan 269 Kennedy Drive, Cambridge



WAREHOUSE & CARAVAN PARK

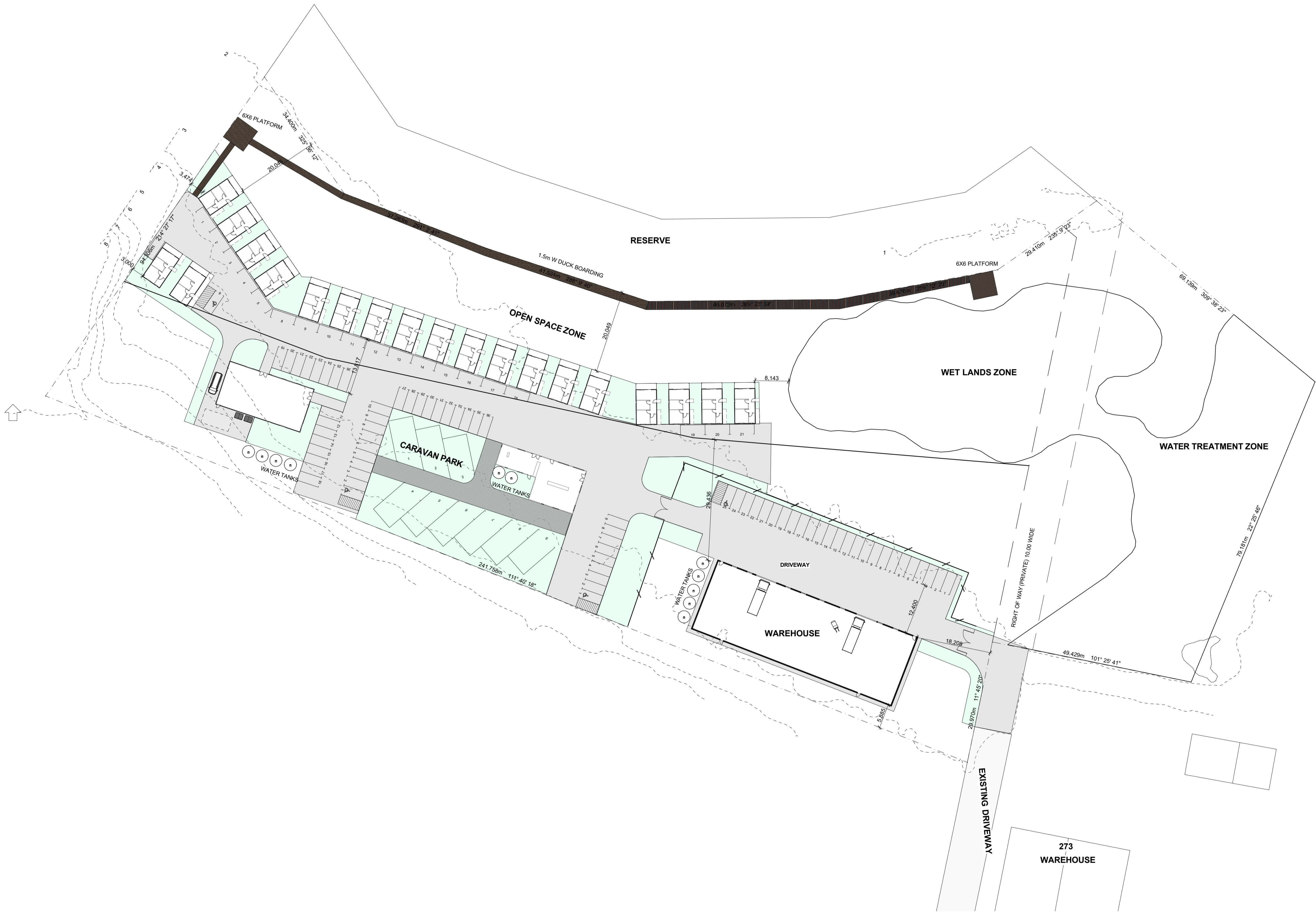
VANCHANG KENNEDY DRIVE DEVELOPMENT

ID	NAME	REV
DA01	COVER	
DA02	SITE PLAN	
DA03	WAREHOUSE SITE PLAN	
DA04	WAREHOUSE FLOOR PLAN	
DA05	WAREHOUSE FLOOR PLAN	
DA06	WAREHOUSE ELEVATION	
DA07	WAREHOUSE SECTION	
DA08	CARAVAN PARK SITE PLAN	
DA09	CABIN PLAN	
DA10	RECEPTION OFFICE PLAN	
DA11	RESTAURANT PLAN	



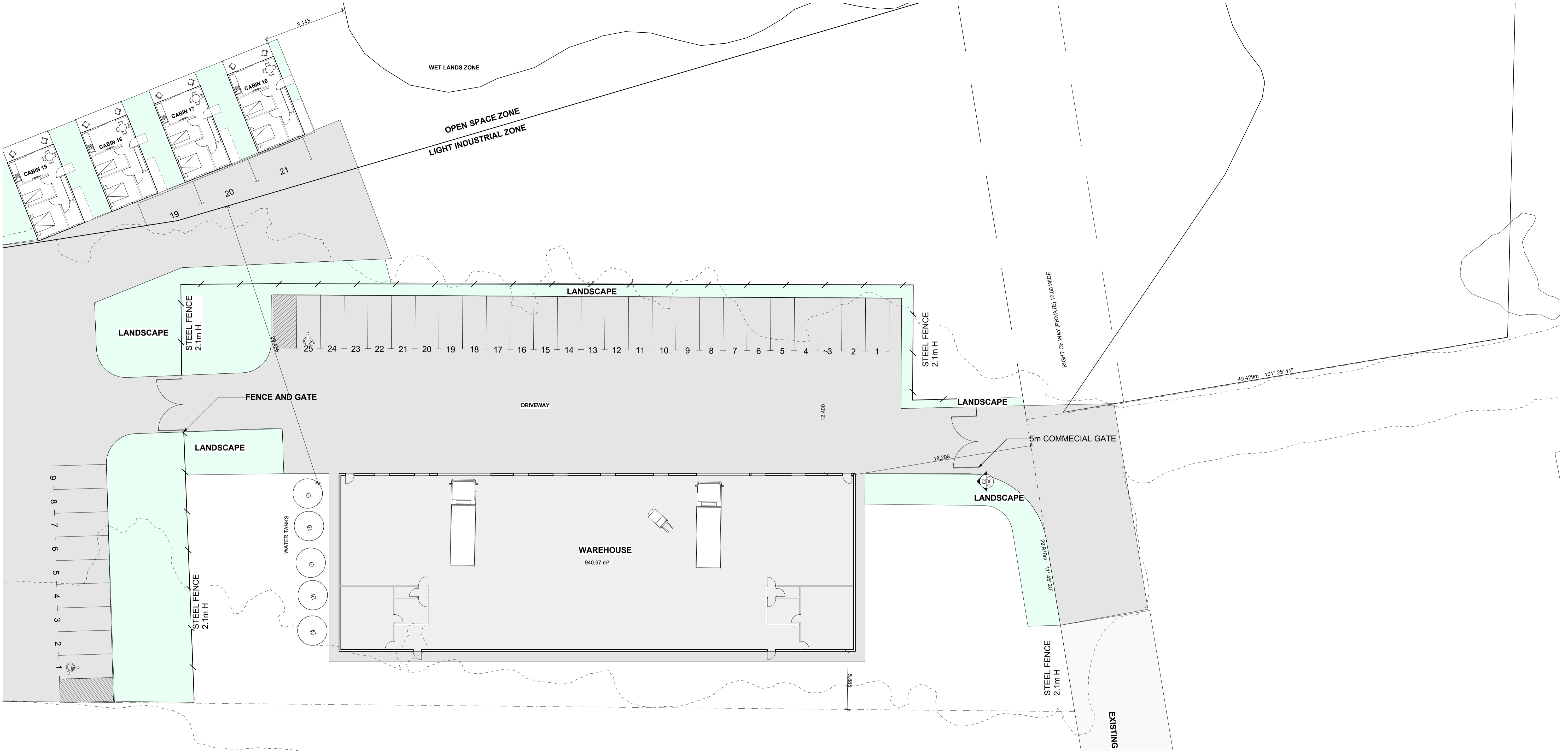
1 LOCATION PLAN
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	VANCHANG PTY LTD				C.LI	COVER

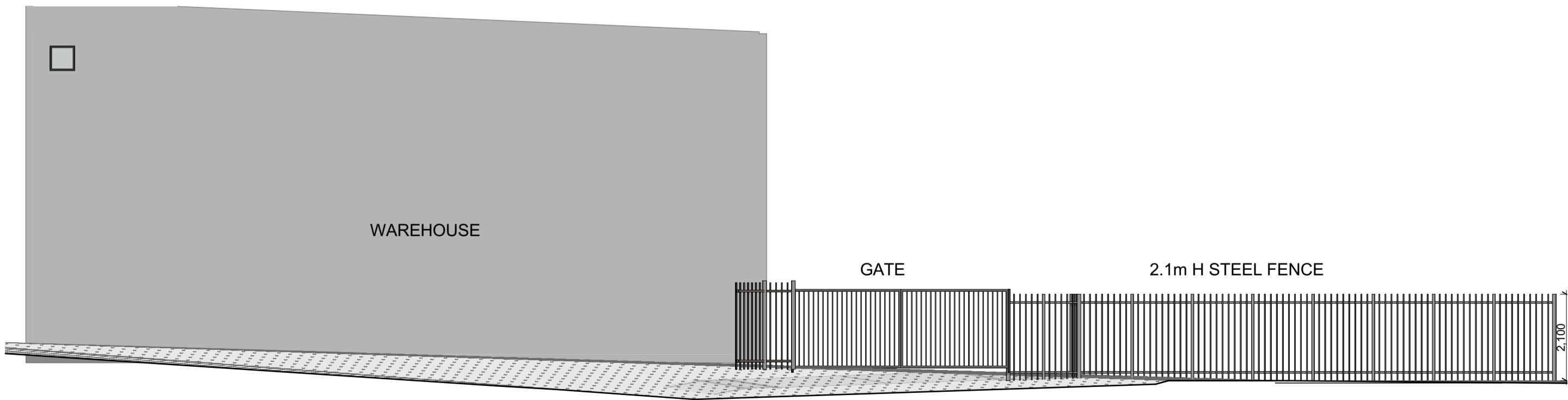


1 SITE PLAN
1:500

PROJECT	ADDRESS	NORTH	PLOT DATE	PROJECT ID	SCALE	PAGE
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CLIENT	CHECKED BY		REVISION	DRAWN BY		DRAWING
VANCHANG PTY LTD				C.LI		SITE PLAN

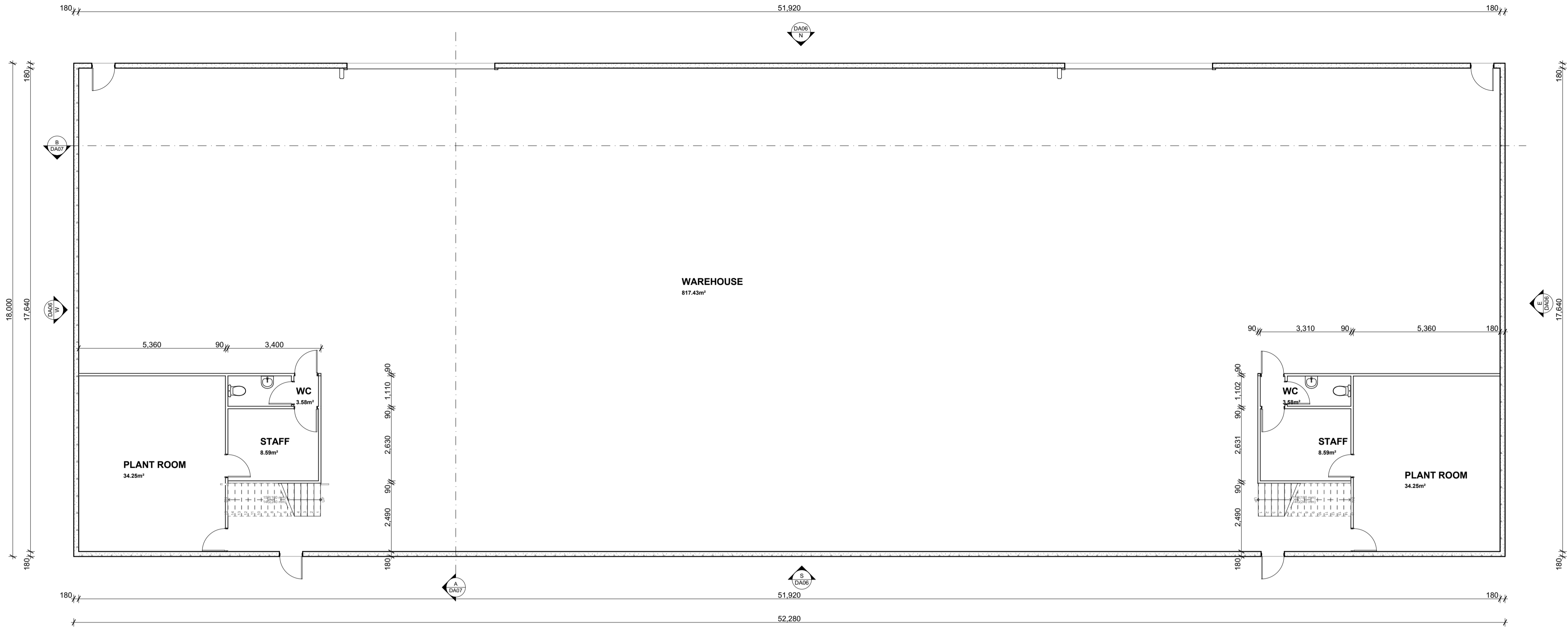


1 WAREHOUSE SITE PLAN
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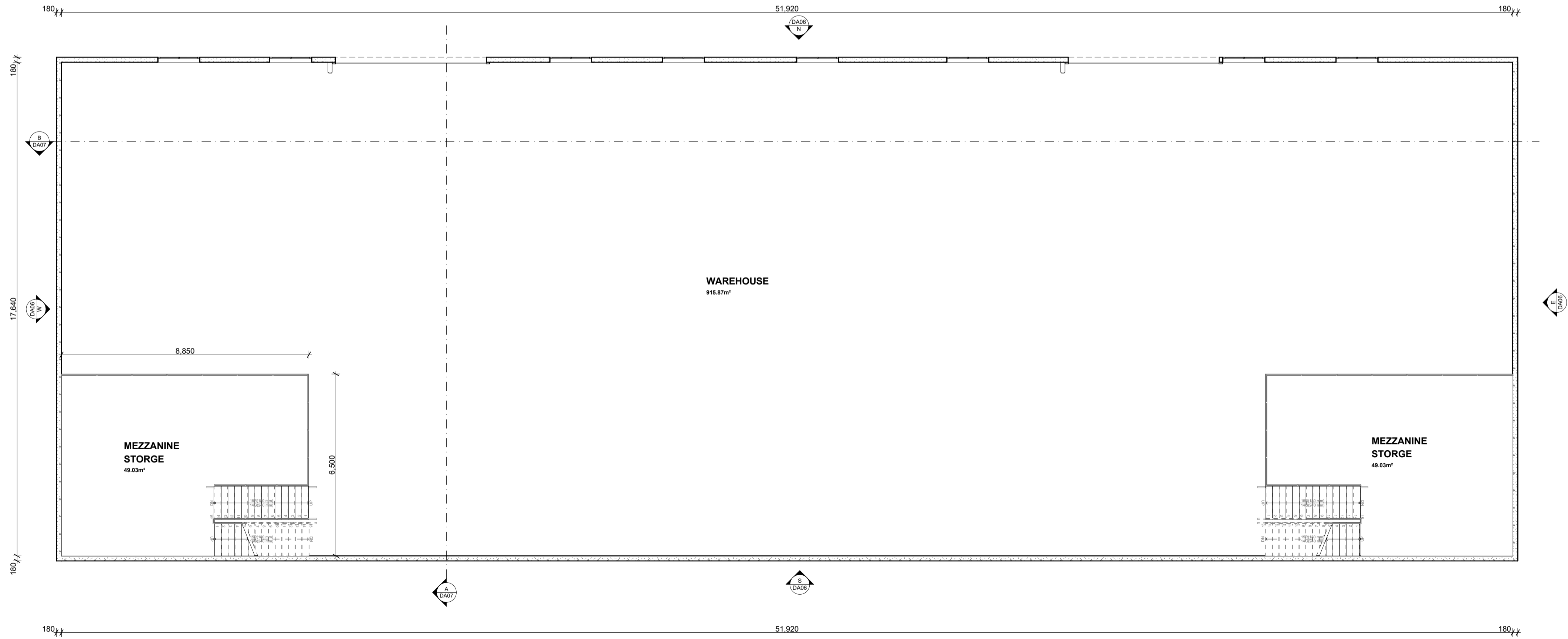


E2 SITE ELEVATION
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VANCHANG PTY LTD				C.LI		WAREHOUSE SITE PLAN

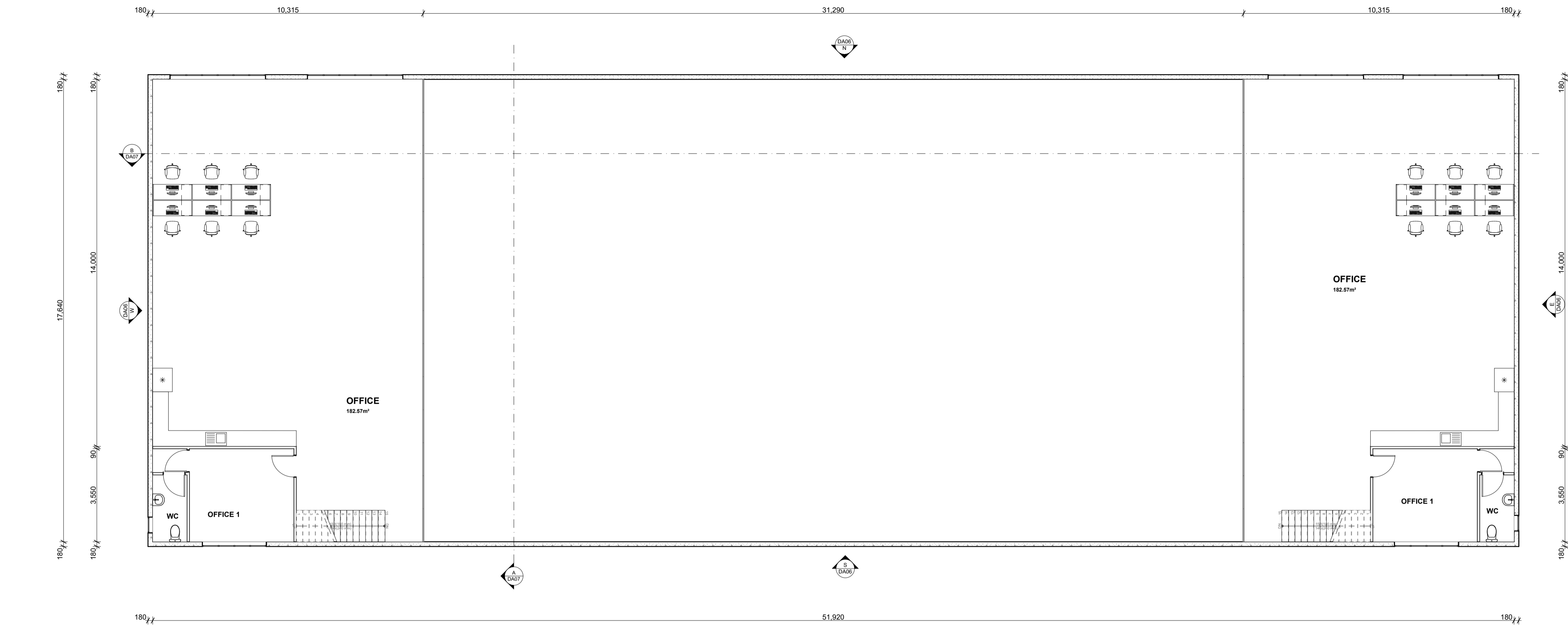


1 L1 GROUND FLOOR PLAN
1:100

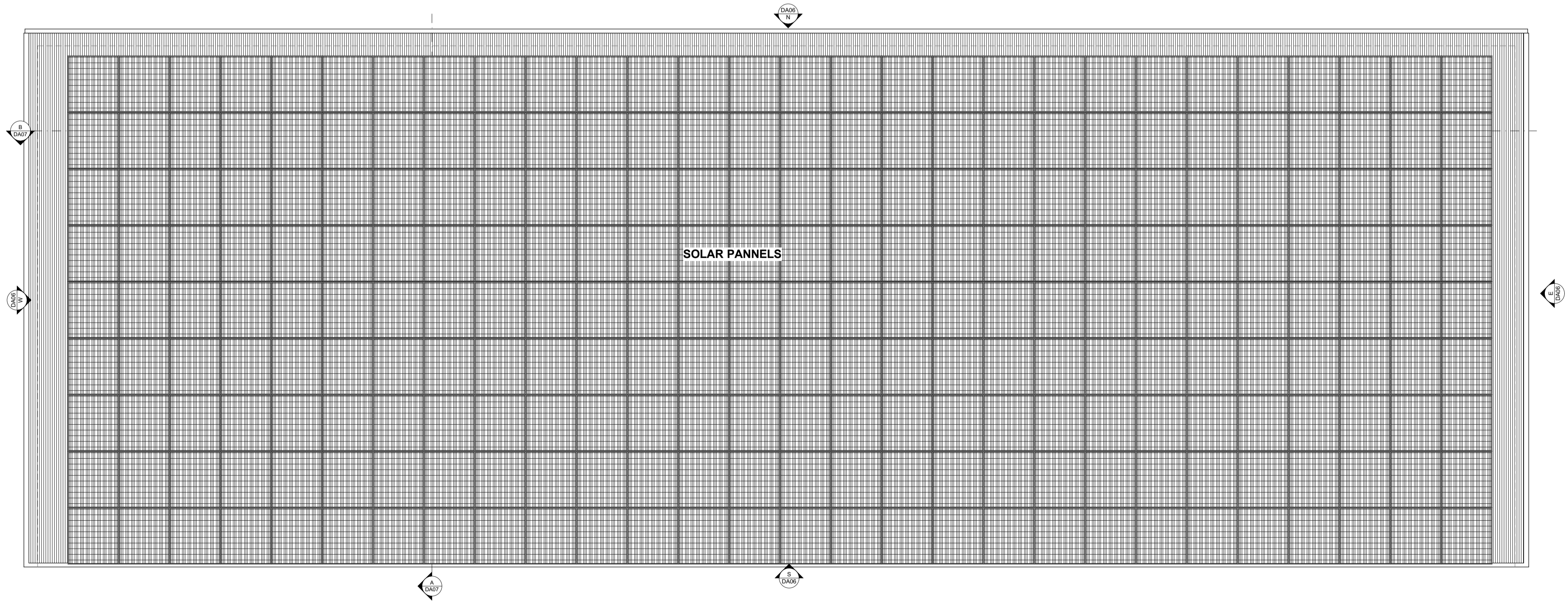


2 L2 MEZZANINE PLAN
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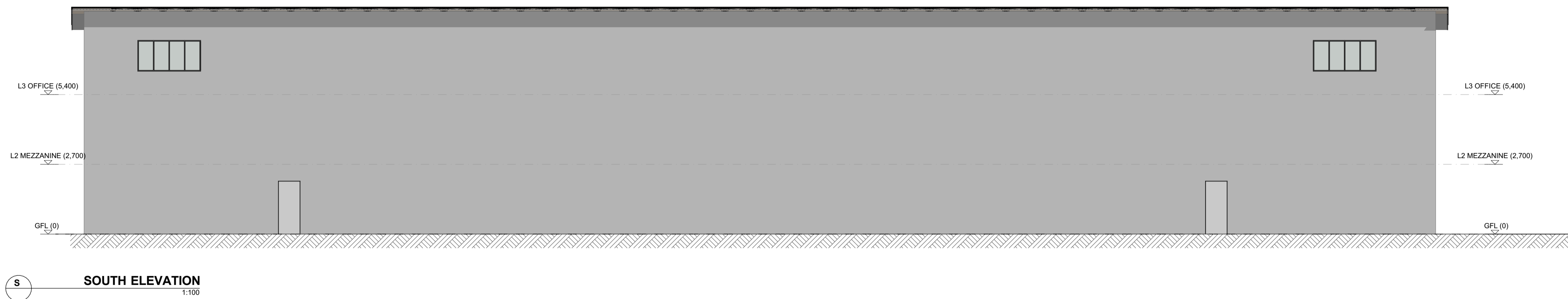
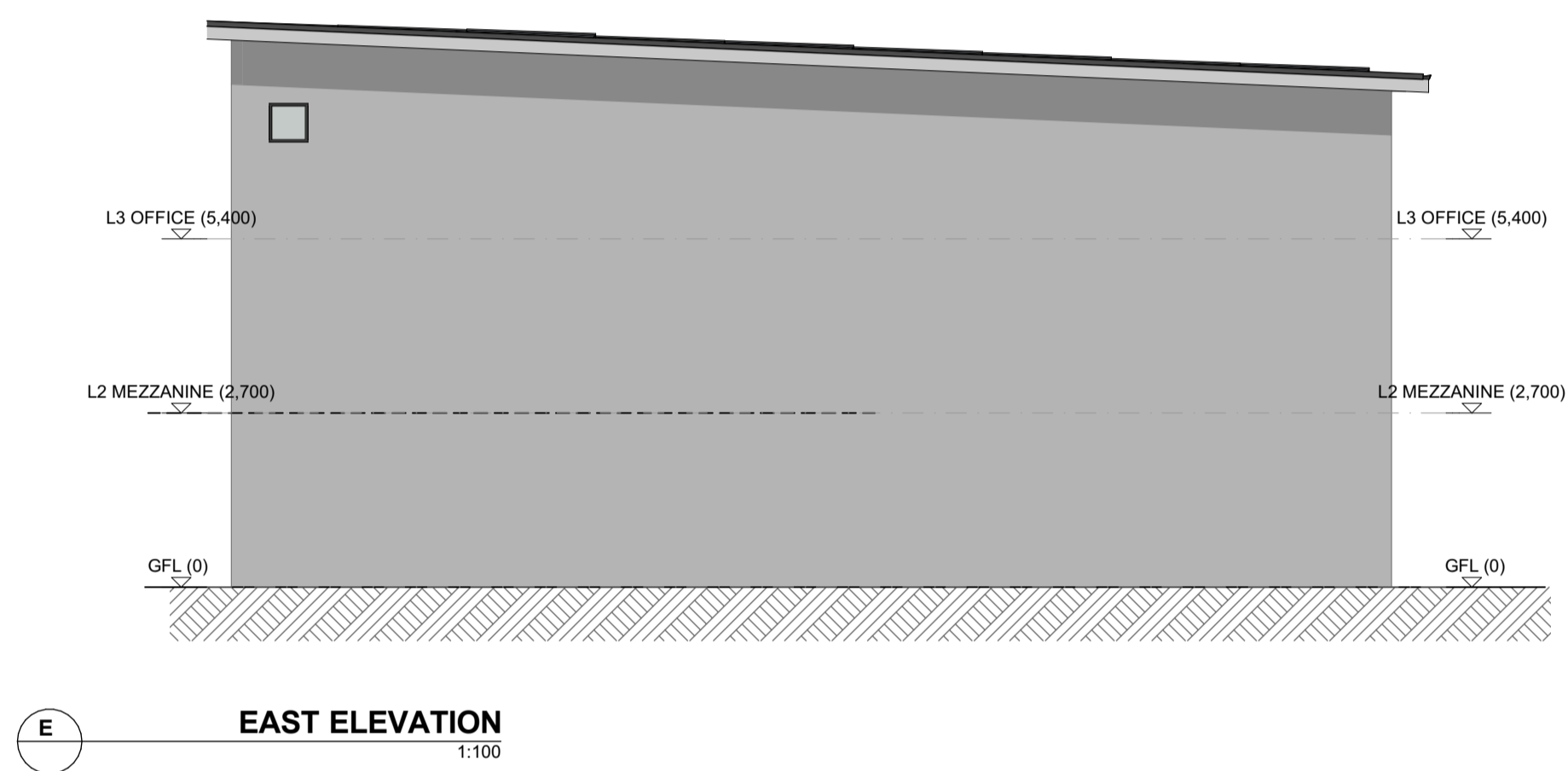
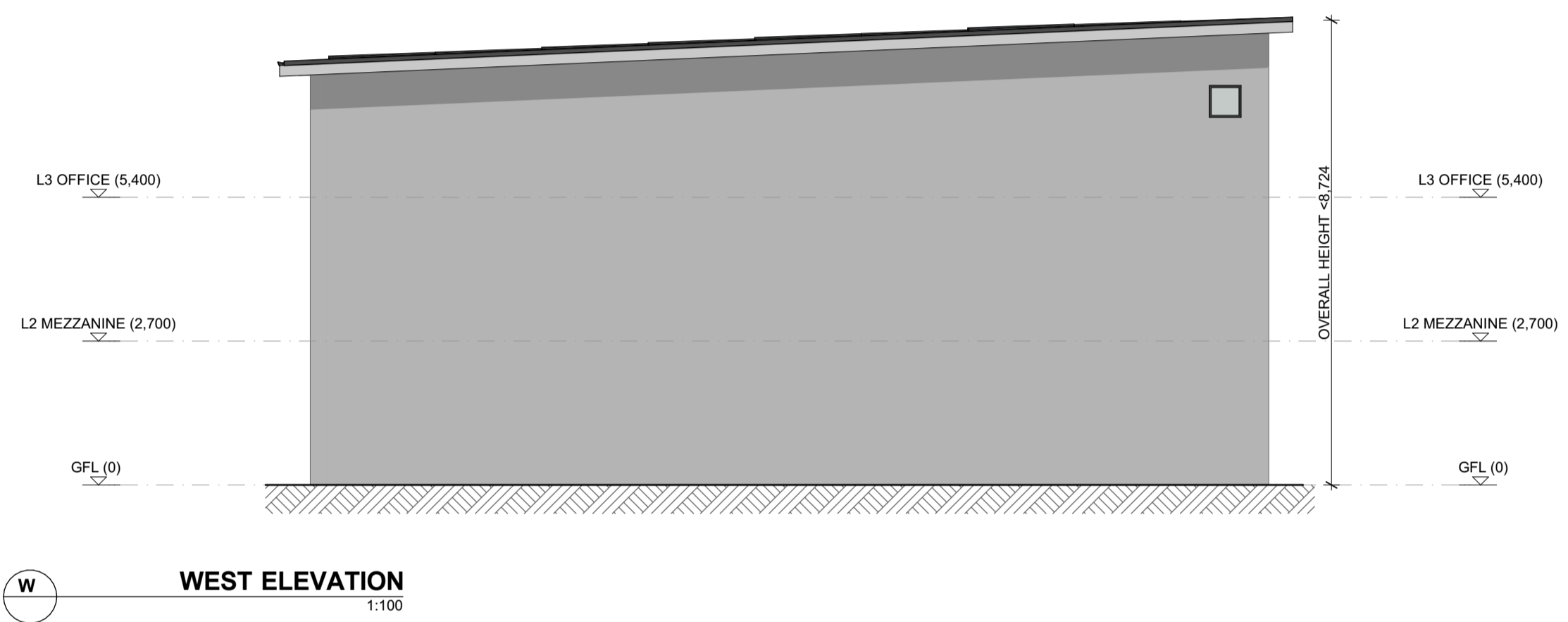
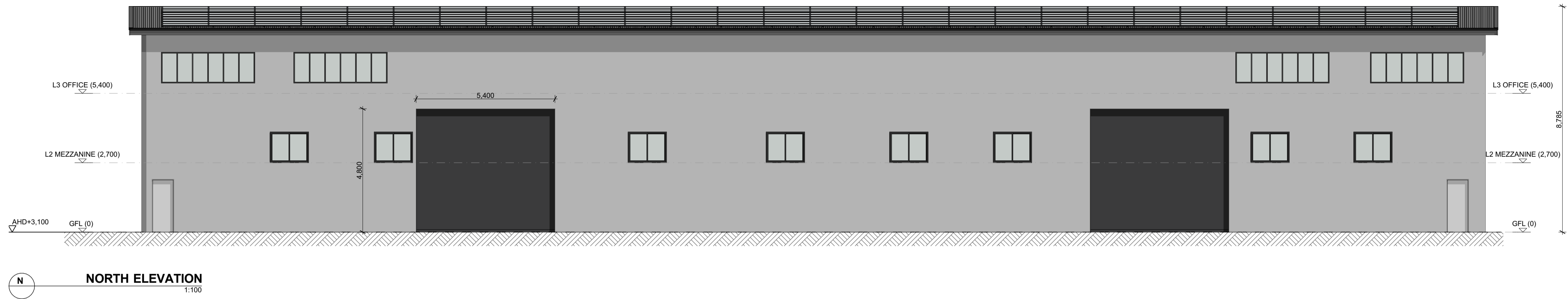


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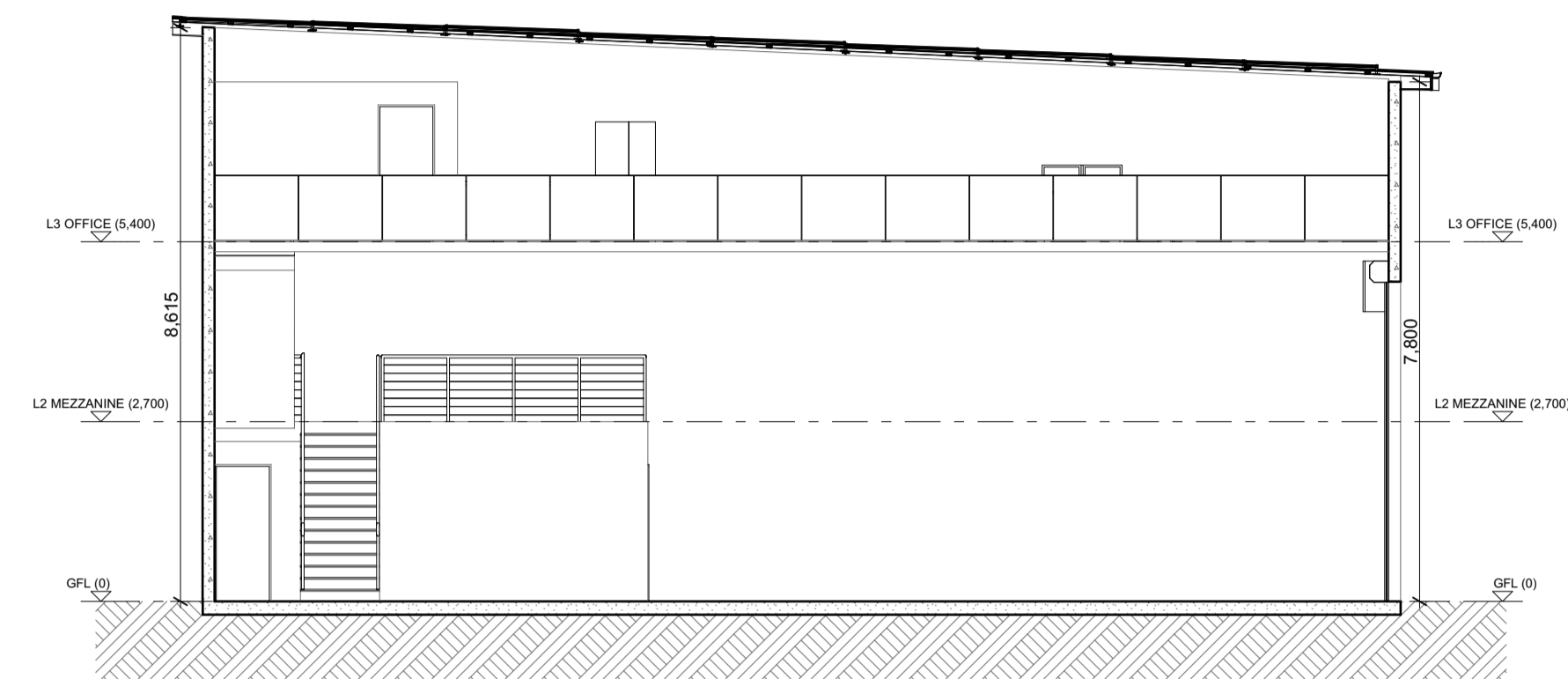


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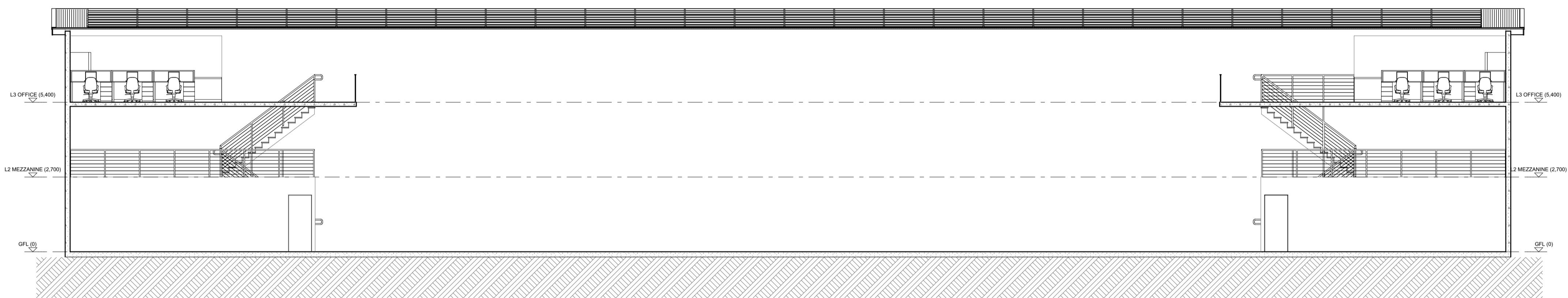
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				REVISION	CHECKED BY	DRAWN BY C.LI	DRAWING WAREHOUSE FLOOR PLAN



PROJECT	ADDRESS	NORTH	PLOT DATE	PROJECT ID	SCALE	PAGE
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VANCHANG PTY LTD			C.LI			WAREHOUSE ELEVATION

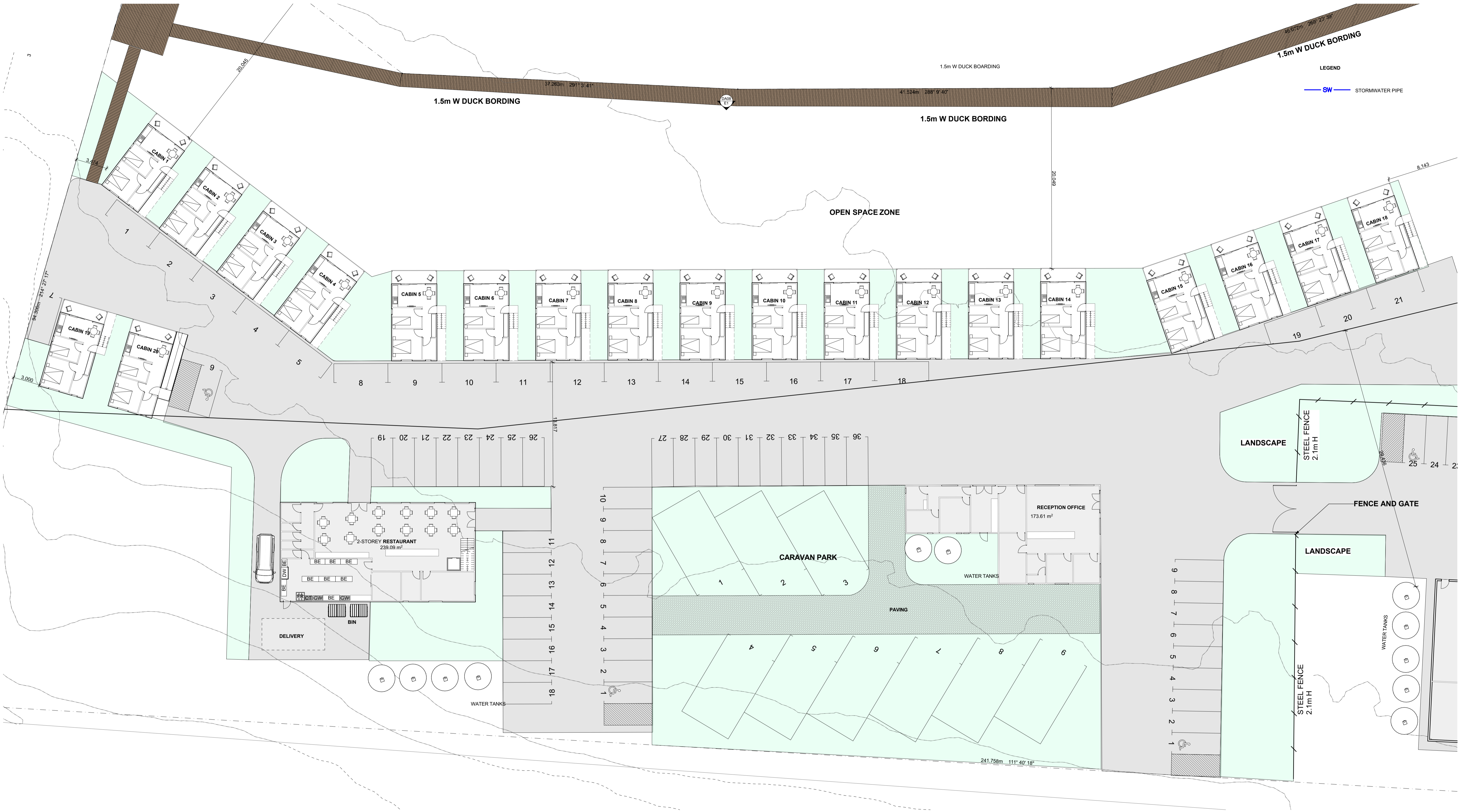


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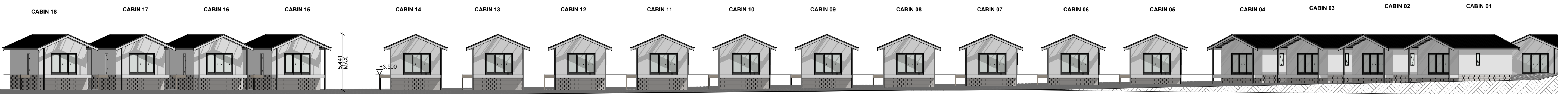


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CLIENT	CHECKED BY	REVISION	DRAWN BY			DRAWING
VANCHANG PTY LTD			C.LI			WAREHOUSE SECTION



1 CARAVAN PARK SITE PLAN
1:200



E1 SITE ELEVATION
1:200

PROJECT
WAREHOUSE & CARAVAN PARK
VANCHANG KENNEDY DRIVE
DEVELOPMENT

ADDRESS
269 Kennedy Drive Cambridge

CLIENT
VANCHANG PTY LTD

NORTH
N

PLOT DATE
6/11/2021

PROJECT ID
#PIn

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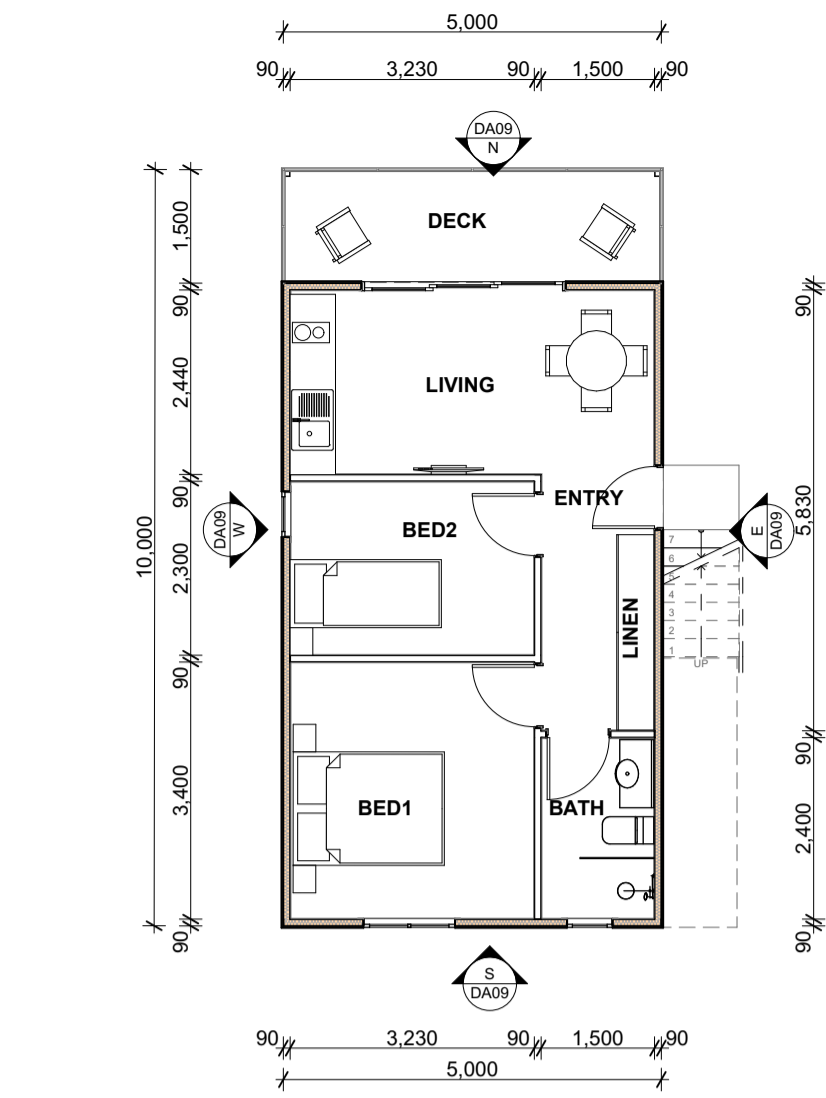
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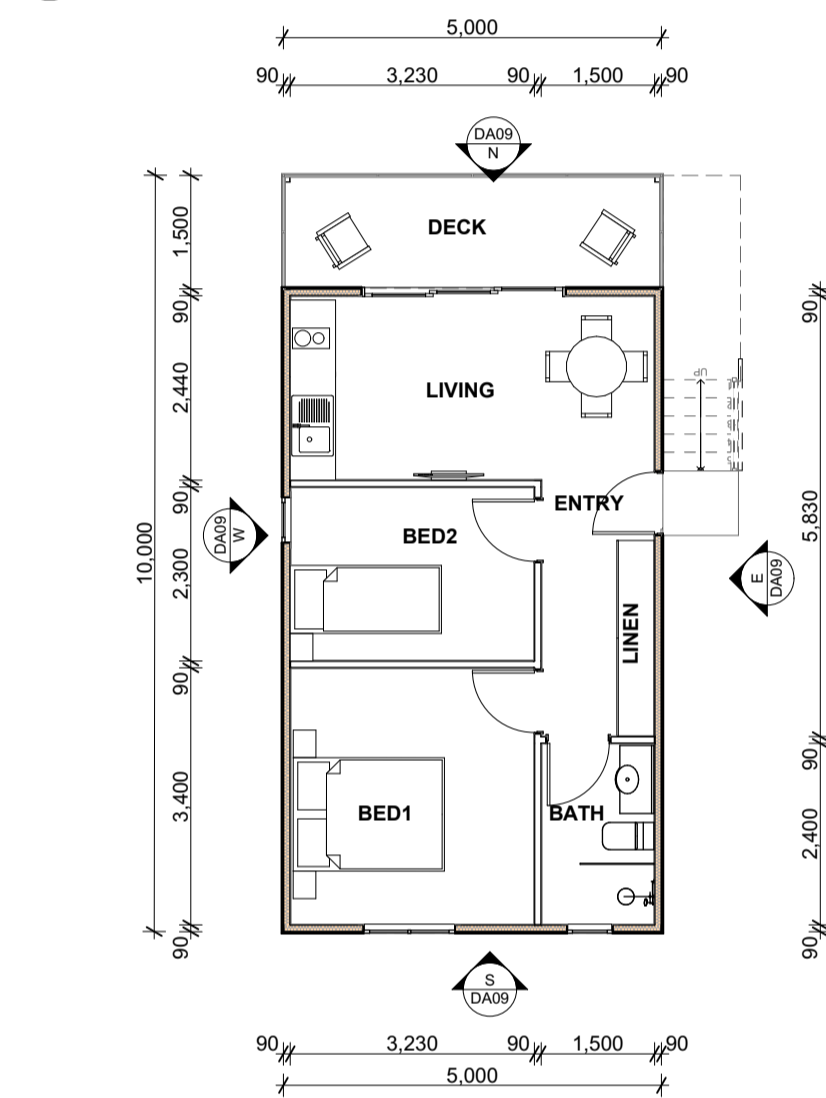
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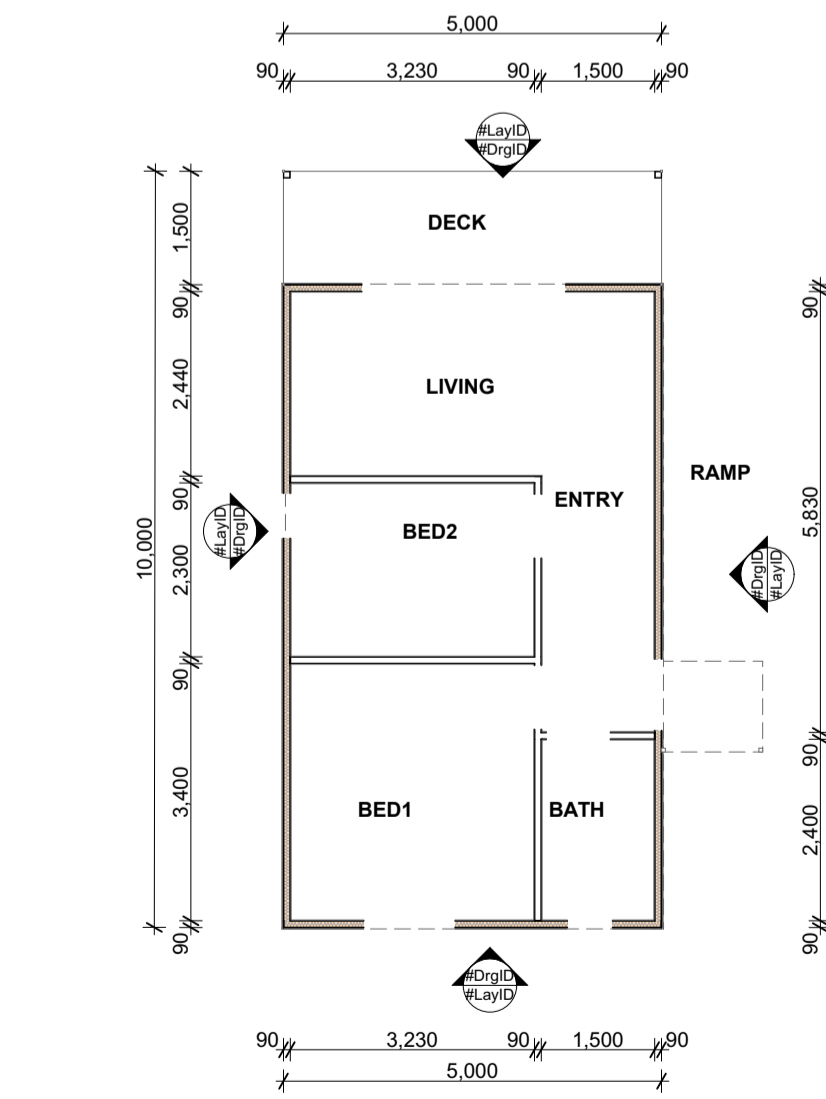
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CARAVAN PARK SITE PLAN



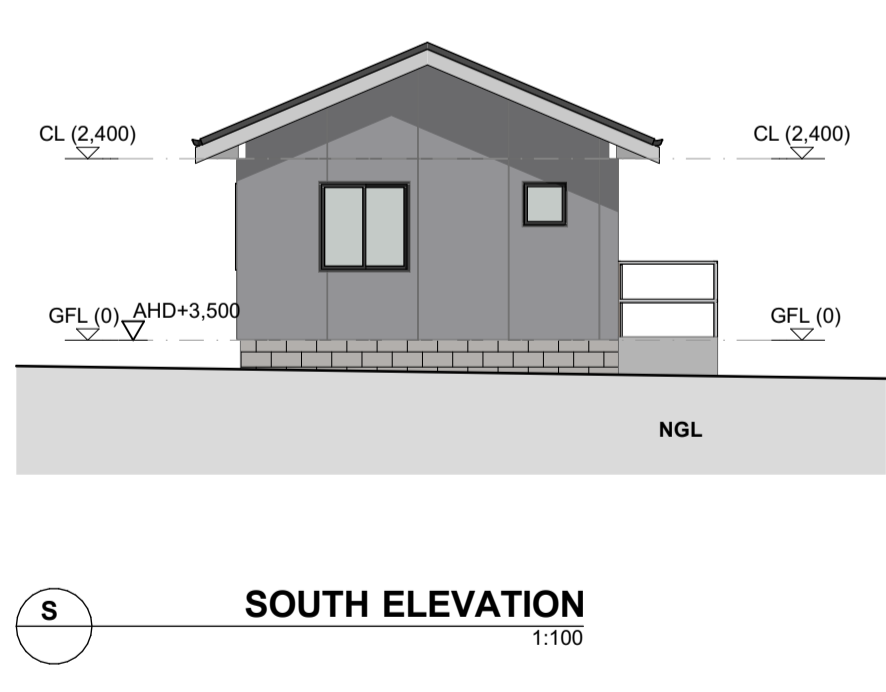
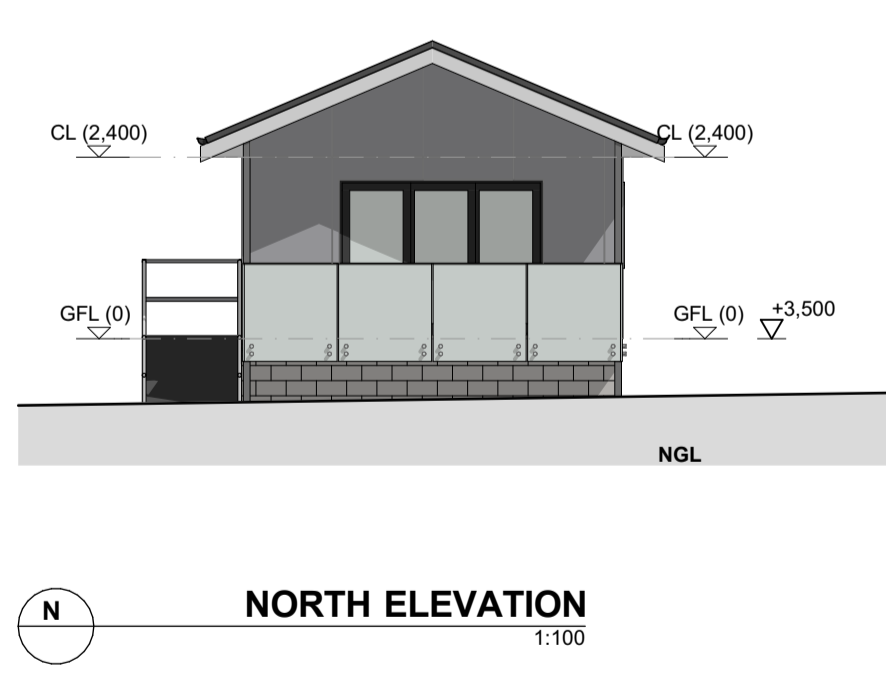
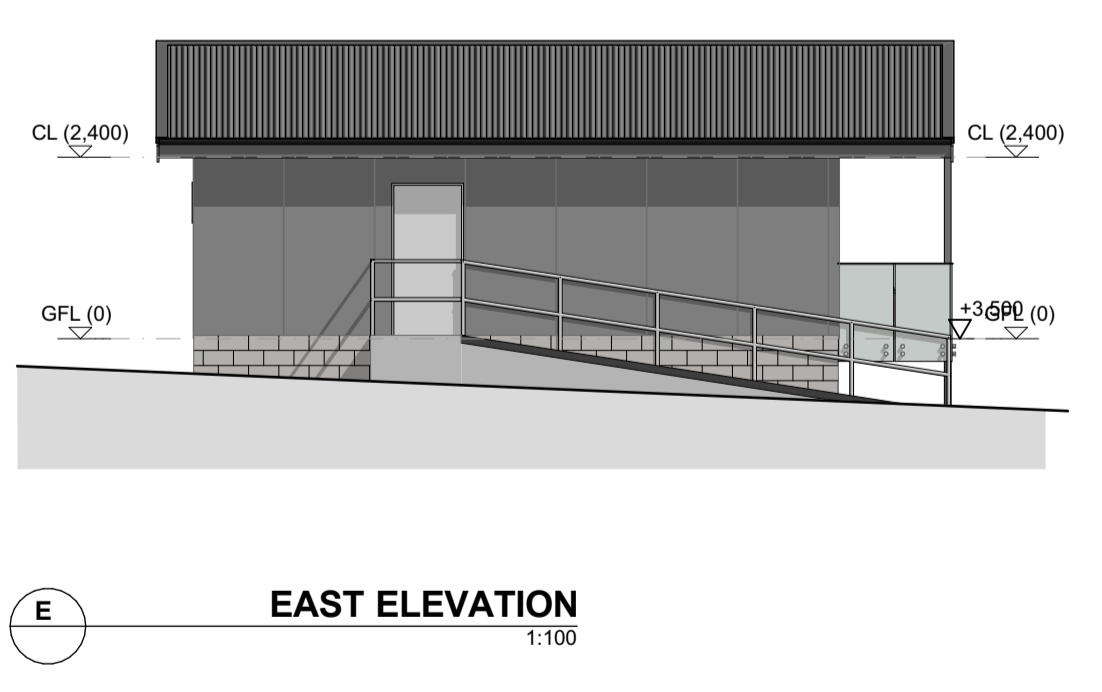
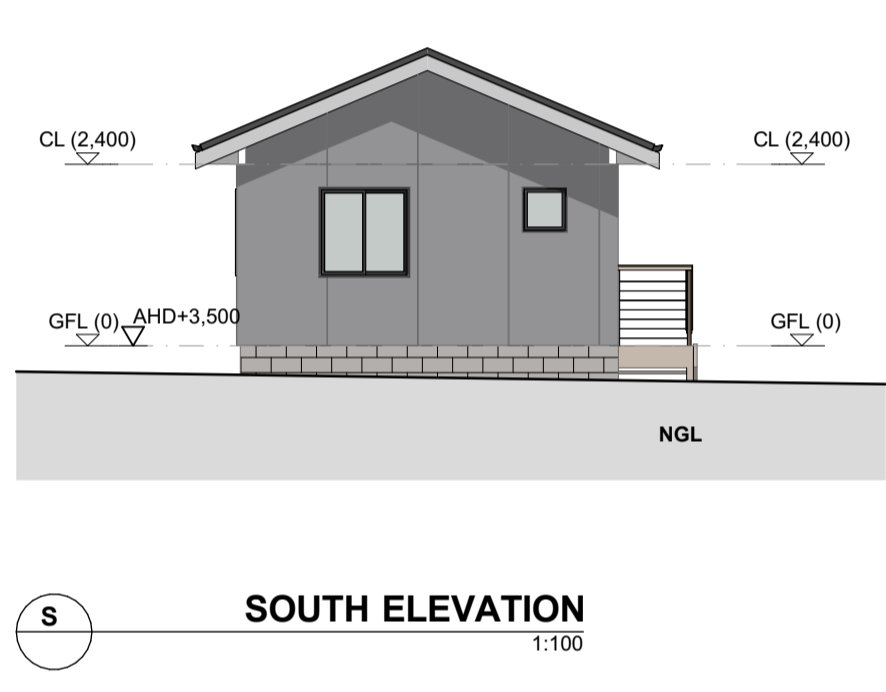
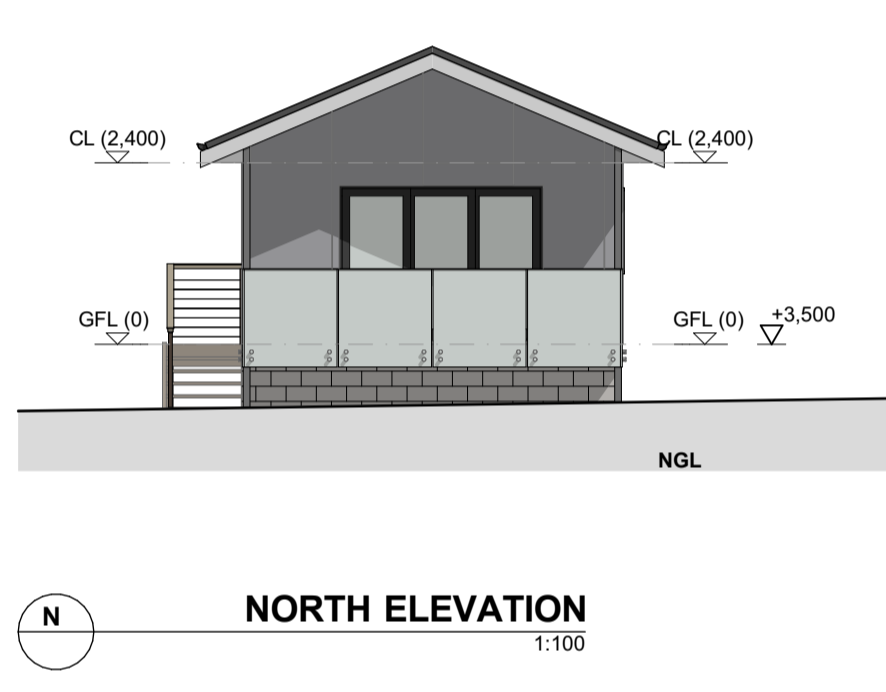
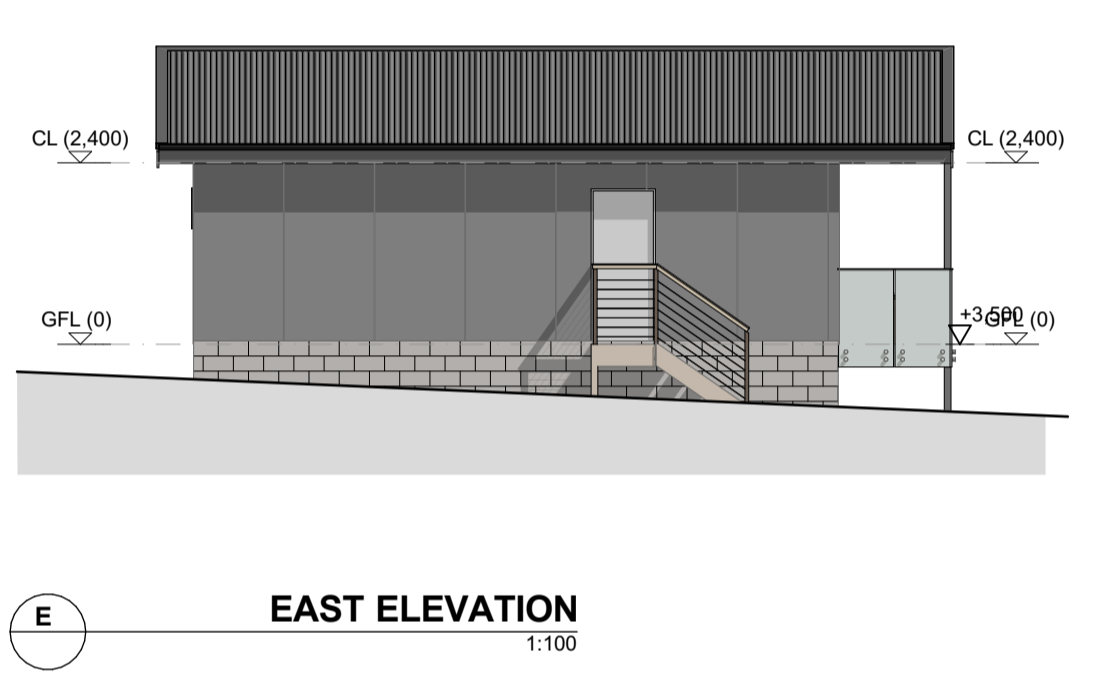
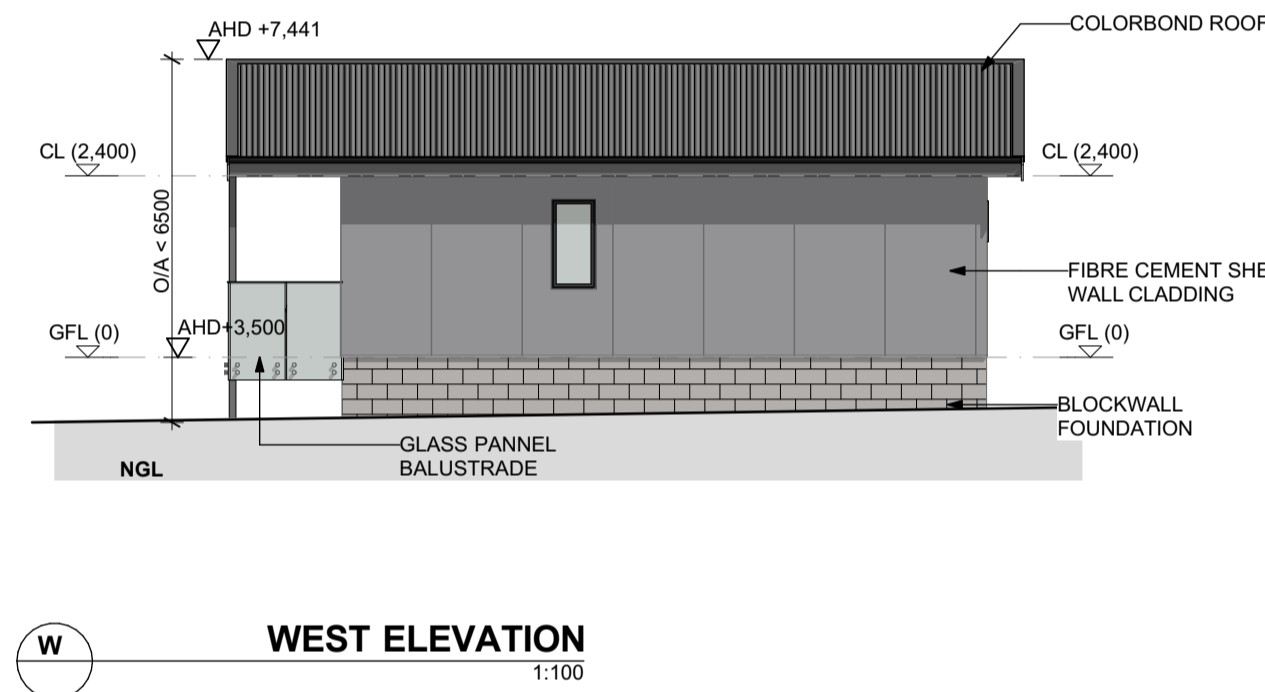
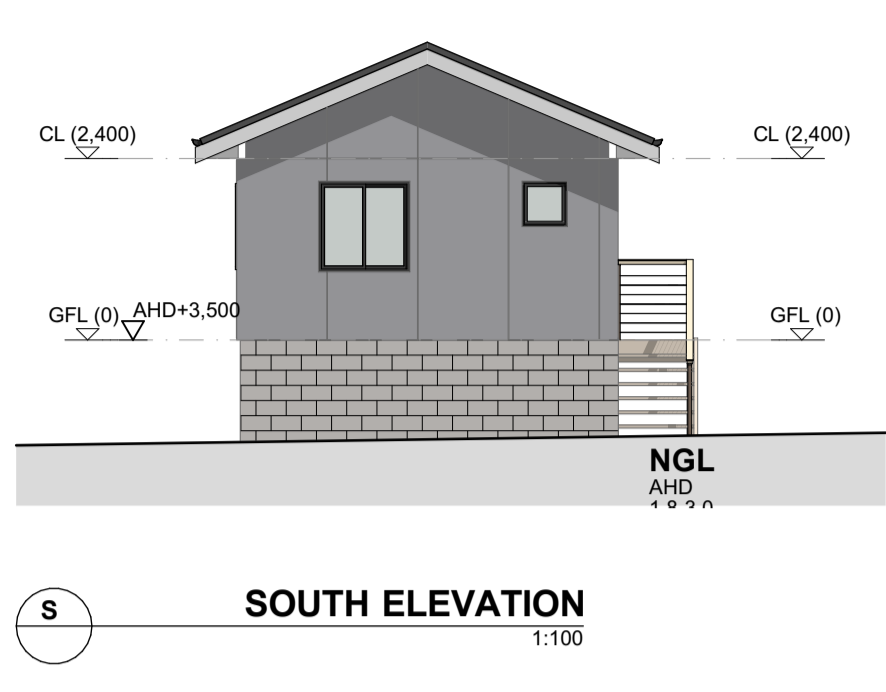
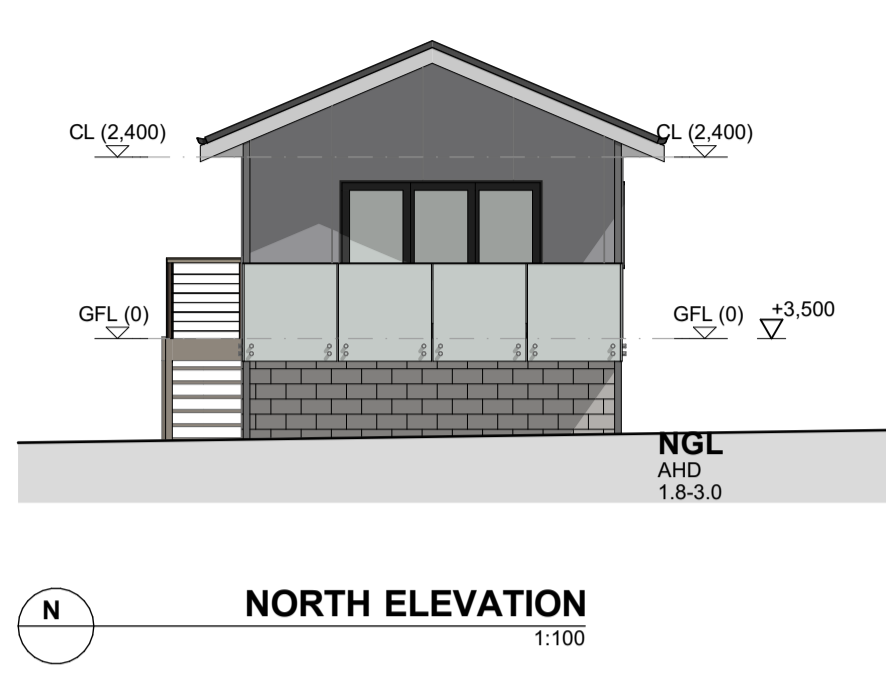
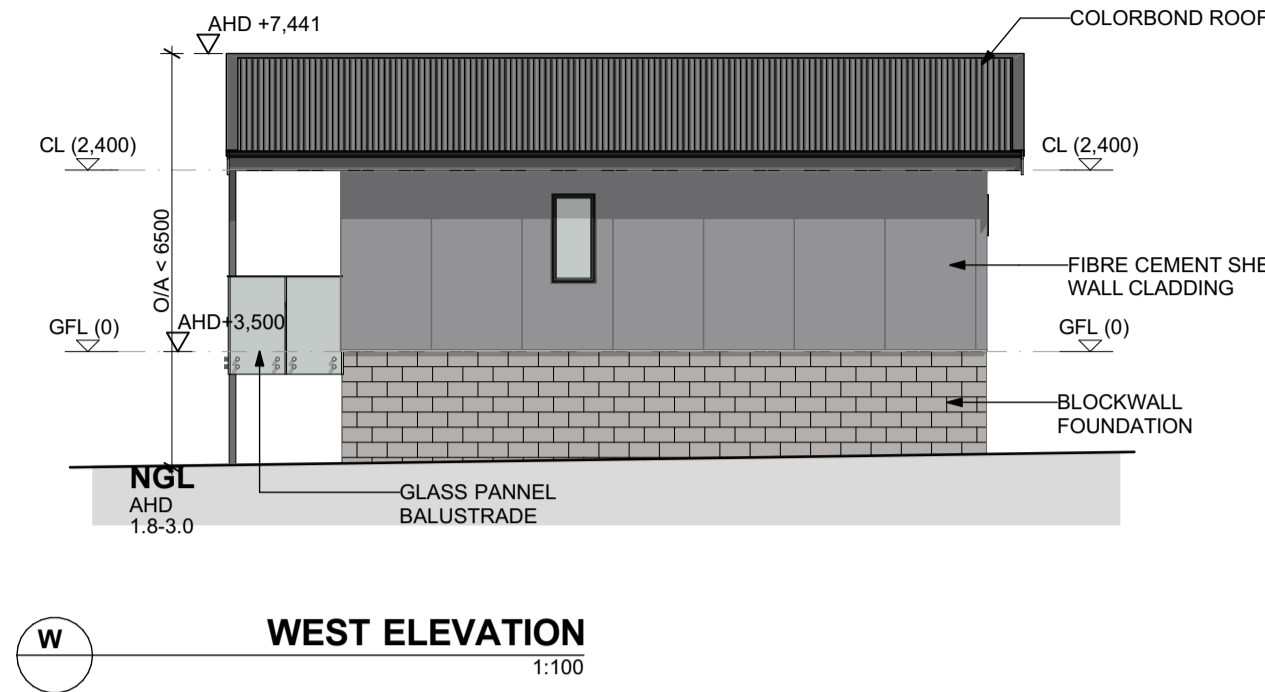
1 CABIN 1-18 FLOOR PLAN 1:100



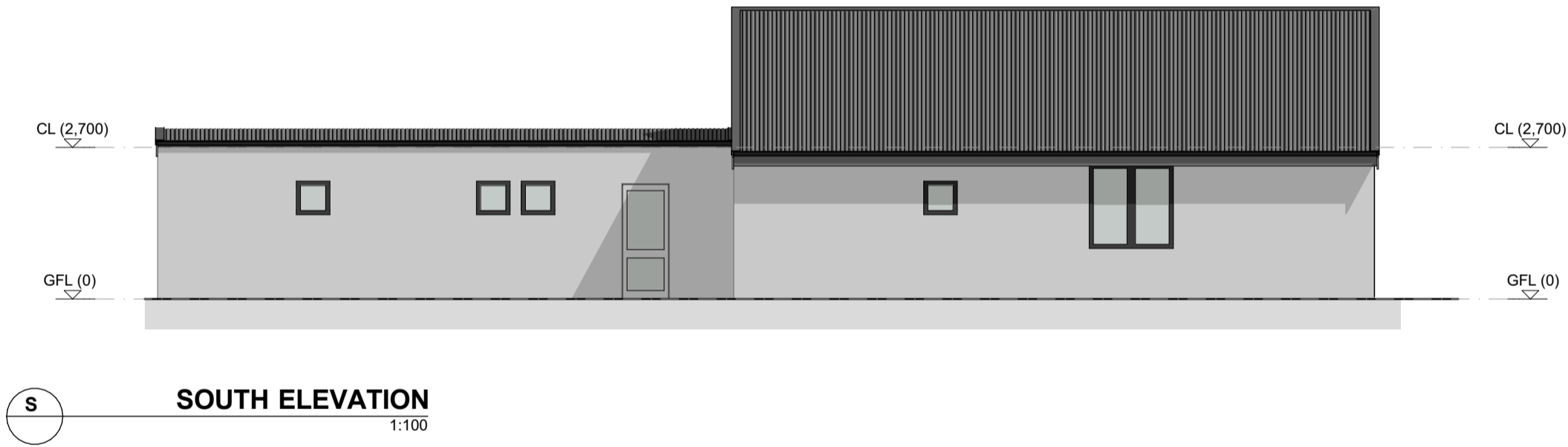
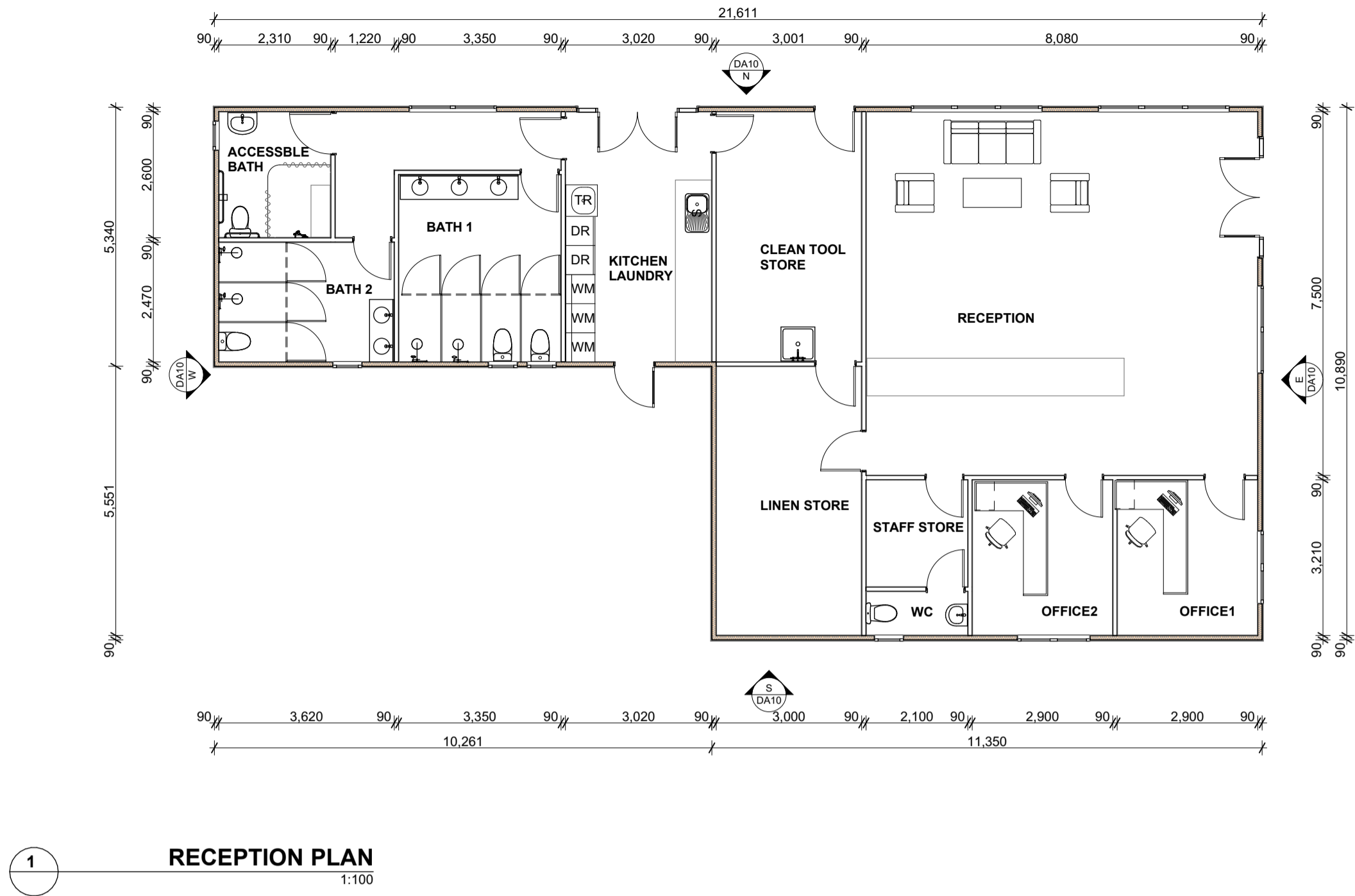
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11 CABIN 20 FLOORPLAN 1:100

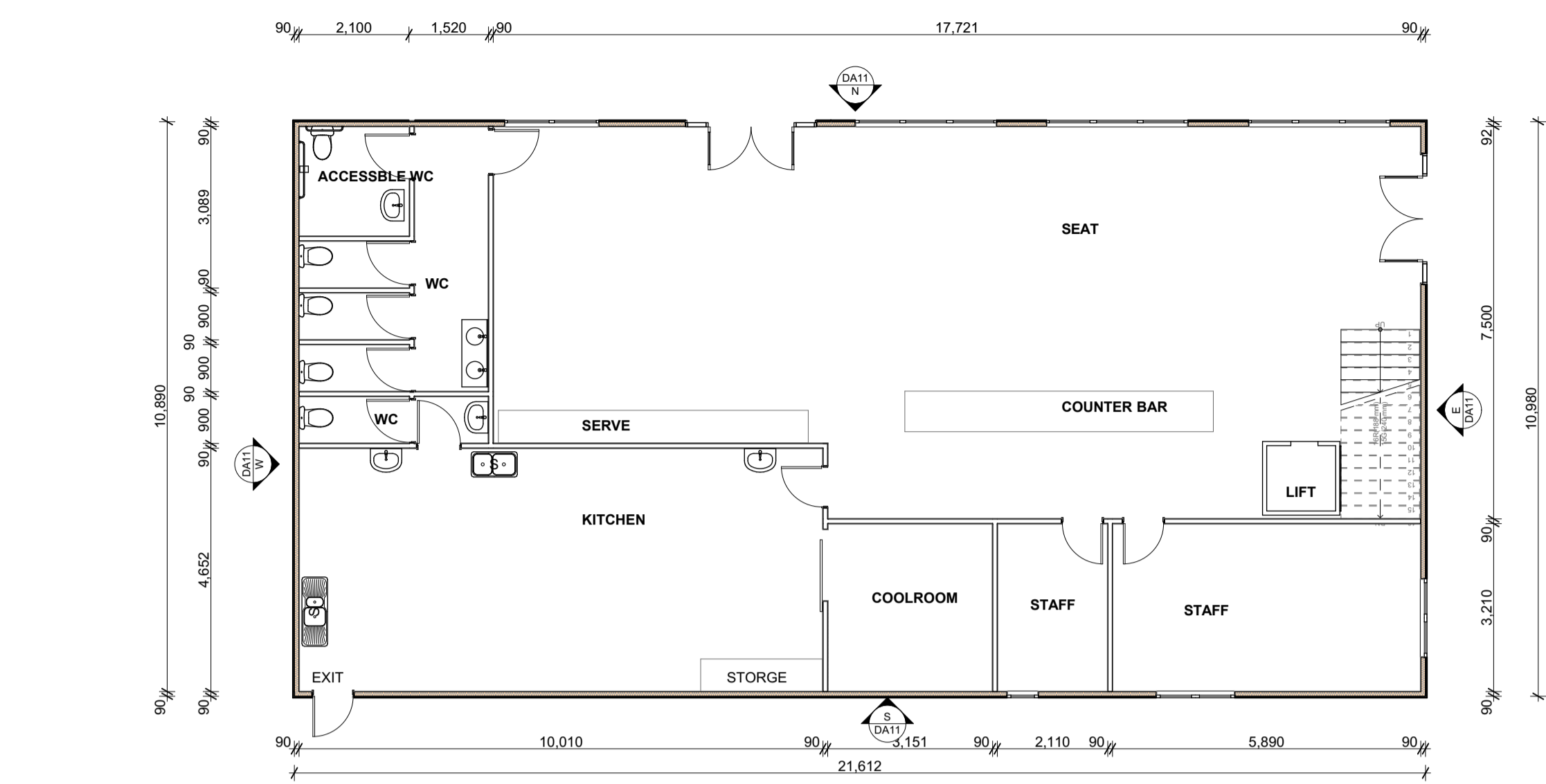


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CLIENT	CHECKED BY	REVISION	CHECKED BY	REVISION	DRAWN BY	DRAWING
VANCHANG PTY LTD					C.LI	CABIN PLAN

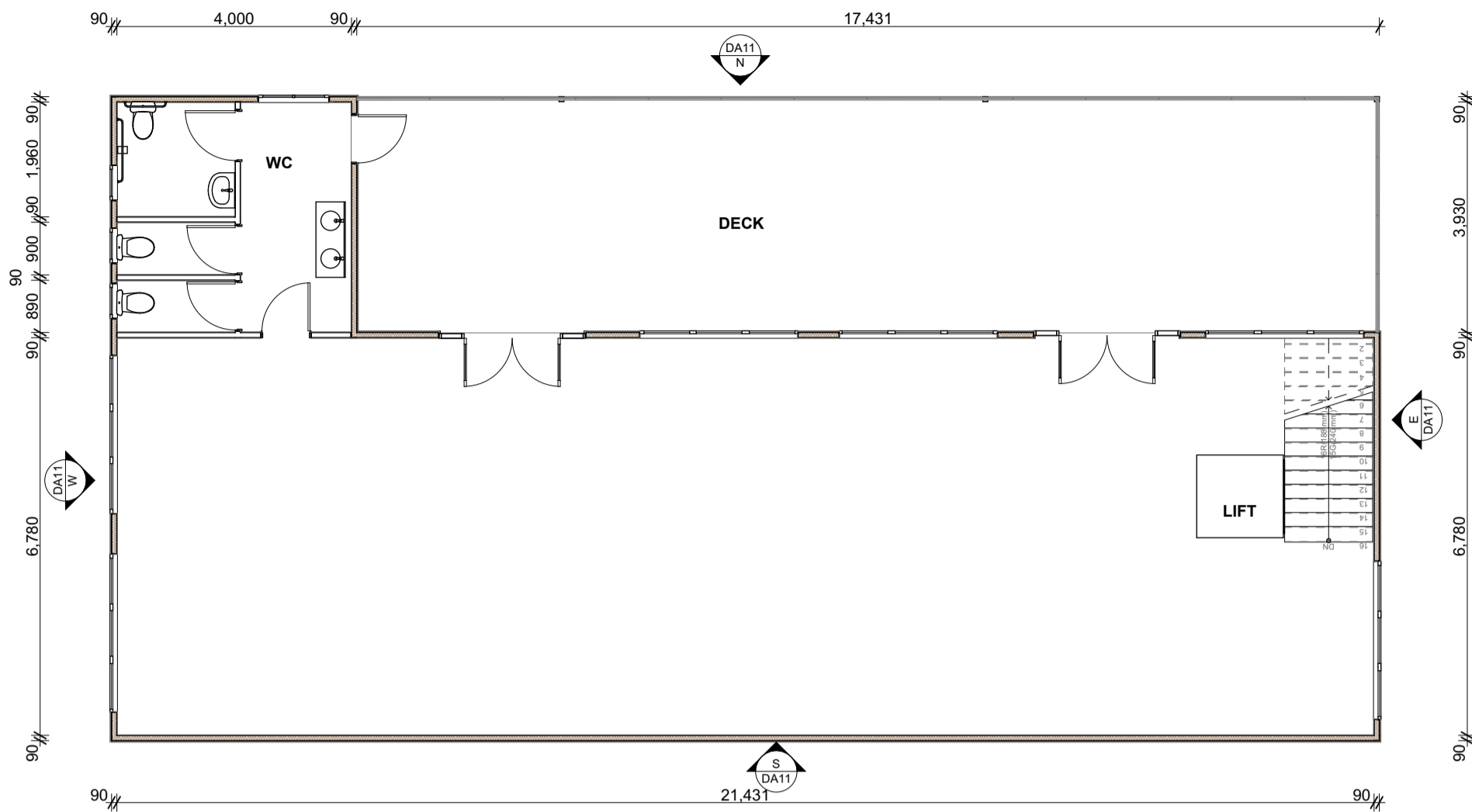


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CLIENT	VANCHANG PTY LTD		REVISION	CHECKED BY	DRAWN BY	DRAWING
					C.LI	RECEPTION OFFICE PLAN

- KITCHEN LEGEND**
- BE** STAINLESS STEEL WORKBENCH
 - DW** PASS-THRU DISHWASHER
 - CT** 5-POT COOKTOP
 - FR** FREESTANDING FRYER
 - GW** GAS WOK
 - S** STAINLESS STEEL SINK



1 GROUND FLOOR PLAN
1:100



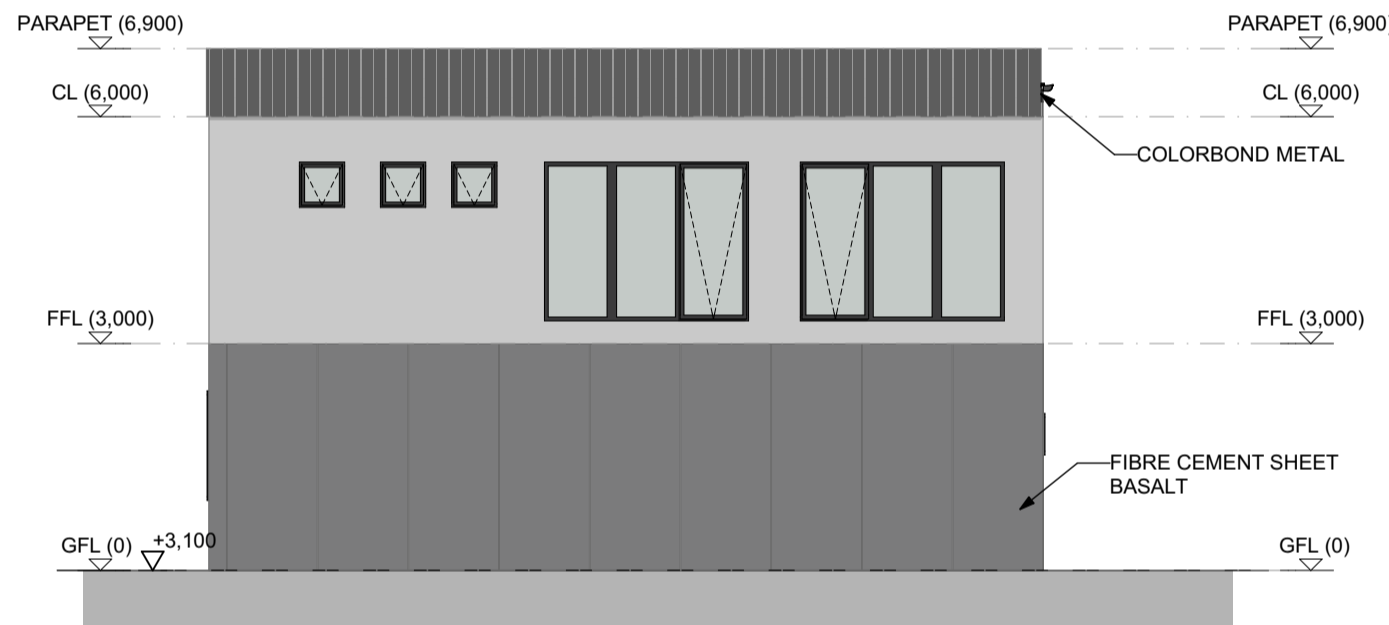
2 FIRST FLOOR PLAN
1:100



E EAST ELEVATION
1:100



N NORTH ELEVATION
1:100



W WEST ELEVATION
1:100



S SOUTH ELEVATION
1:100

PROJECT
WAREHOUSE & CARAVAN PARK
VANCHANG KENNEDY DRIVE
DEVELOPMENT

ADDRESS
269 Kennedy Drive Cambridge

CLIENT
VANCHANG PTY LTD

NORTH
PLOT DATE
6/11/2021
PROJECT ID
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C.LI

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DRAWING
RESTAURANT PLAN

Attachment 3



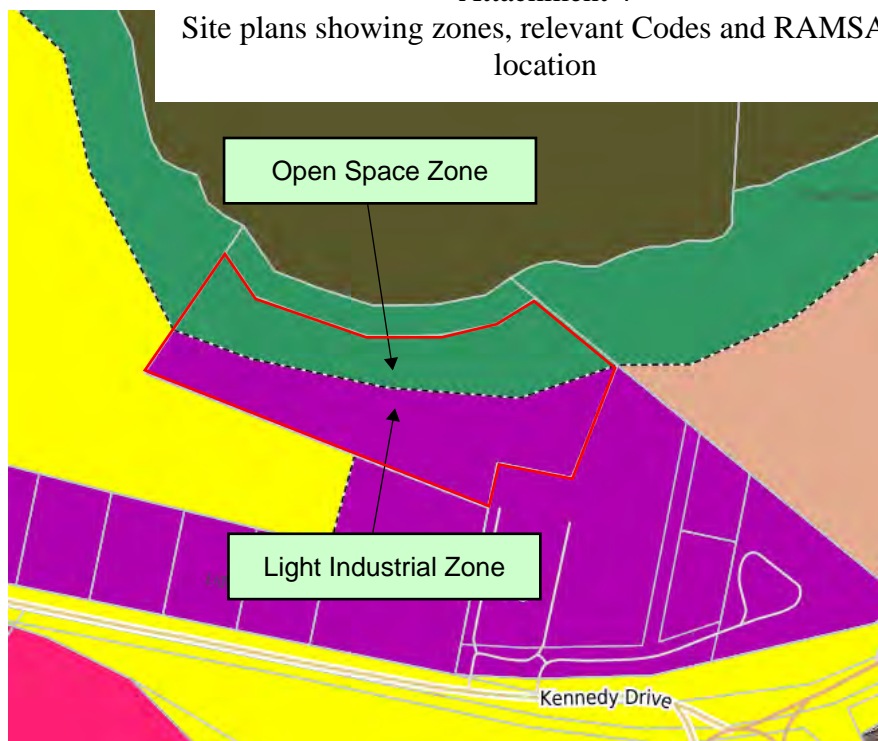
Aerial photo of the site looking north towards Barilla Bay.



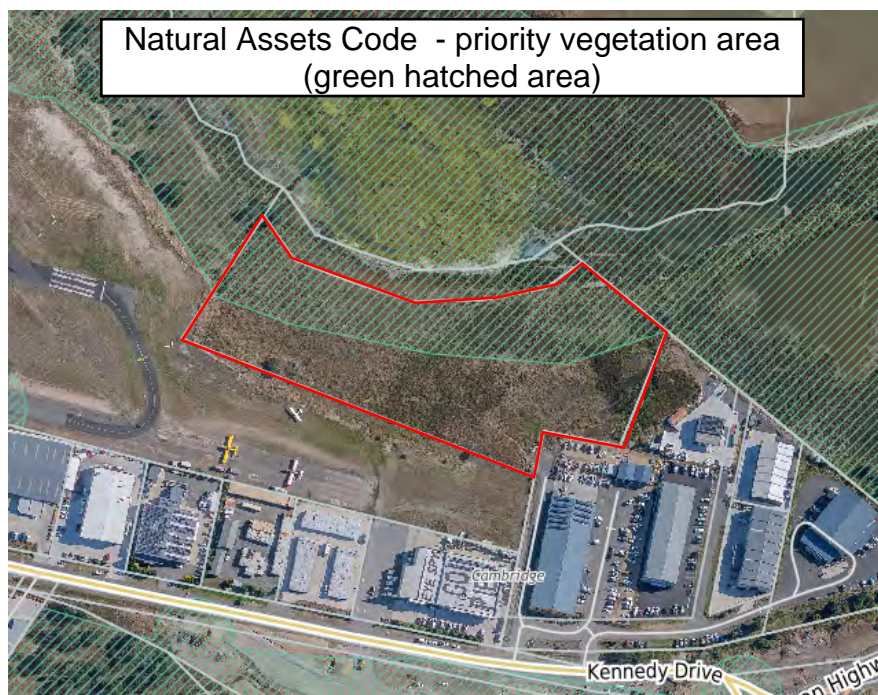
Aerial photo of the site looking north towards Barilla Bay.

Attachment 4

Site plans showing zones, relevant Codes and RAMSAR location



Natural Assets Code - priority vegetation area
(green hatched area)



Natural Assets Code - future coastal refugia
area (red hatched area)



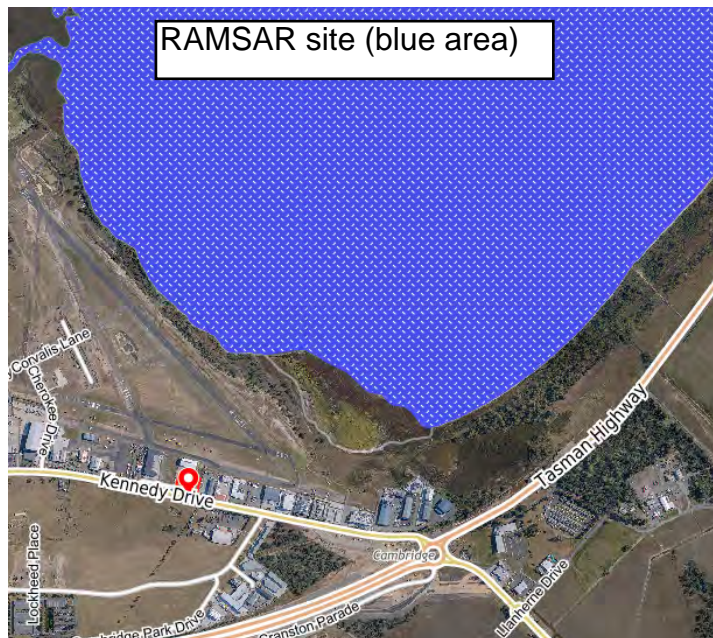
Natural Assets Code - waterway and coastal protection area (blue area)



Coastal Inundation Hazard Code (Medium) (blue area)



RAMSAR site (blue area)



7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/021597 – 147 BAYVIEW ROAD, LAUDERDALE - 22 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 22 lot subdivision at 147 Bayview Road, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Road and Railway Assets Code, the Natural Assets Code, the Safeguarding of Airports Code, the Bushfire-prone Areas Code, the Coastal Inundation Hazard Code and the Flood-prone Areas Hazard Code under the Tasmanian Planning Scheme - Clarence (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 with the written consent of the applicant on 13 April 2022.

CONSULTATION

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

- environmental impact;
- traffic impact;
- noise;
- impact on residential amenity;
- impact on character; and
- inappropriate subdivision design.

RECOMMENDATION:

A. That the Development Application for a 22 lot subdivision at 147 Bayview Road, Lauderdale (CI Ref PDPLANPMTD-2021/021597) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Amended plans showing a change to the area of the public open space to create a taper from the southern boundary of Lot 21 to the north-western corner of the site must be submitted to and approved by Council's Manager City Planning. The total area of public open space is to be no less than one-twentieth of the whole area comprised in the plan of subdivision. When approved, the plans will form part of this permit.

3. An amended bushfire hazard management plan (BHMP) is required showing all the individual lots and is certified by the Tasmania Fire Service (TFS) or an accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS3959-2009 Construction of buildings in bushfire-prone Areas must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/development. When approved, the plans will form part of the permit.
4. The Final Plan and Schedule of Easements for Lots 12 to 22 inclusive must describe an area that:
 - prohibits development within the saltmarsh migration area described by the Natural Values Assessment dated 31 August 2021 and Addendum dated 7 February 2022, prepared by North Barker Ecosystem Services; and
 - for Lots 10 to 22 inclusive, a bushfire hazard management zone as required by the Bushfire Hazard Management Plan referred to by Condition 3, within which no habitable building or part thereof is to be constructed, unless constructed to a higher BAL standard and accompanied by a bushfire hazard management plan that operates in a manner that is consistent with BHMP referred to at Recommendation 3 above.
5. An environmental management plan is to be submitted to and endorsed by Council's Group Manager Engineering Services, prior to commencement of site works. The plan is to include the demarcation of the permitted impact area (the building impact area) on-site and on all construction plans and include a requirement that all works, and movements be confined within the designated impact area. It will additionally identify the actions required by both the developer and future lot owners to comply with the recommendations of the Natural Values Assessment (Section 5) dated 31 August 2021 and Addendum (Section 2.2.4) dated 7 February 2022, prepared by North Barker Ecosystem Services.
6. GEN F5 – PART 5 AGREEMENT [the ongoing management and maintenance of Lots 12 to 22 inclusive as described by the environmental management plan required by Condition 5].
7. Filling of the land shall be fit for the purposes of those future uses reasonably expected on the land and must be undertaken in a manner which does not create nuisance by way of dust, noise, traffic movements or weed dispersal, either during the filling operation or after completion. Upon completion of filling operations, the works shall be certified by a suitably qualified person as being carried out in accordance with the approved filling plan and rehabilitation plan and is fit for purpose and free of deleterious matter or hazardous/controlled substances. An as constructed topographical survey plan at a suitable scale is to be provided to council upon completion of the works.

8. LAND 5 – SUBDIVISION LANDSCAPING.
9. GEN AM4 – CONSTRUCTION HOURS.
10. ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES.
11. ENG A1 – NEW CROSSOVER [TSD-R09].
12. ENG A3 – COMBINED ACCESSES [TSD-R09].
13. ENG M2 – DESIGNS SD.
14. ENG M4 – POS ACCESS.
15. ENG M5 – EROSION CONTROL.
16. ENG R1 – ROAD NAMES.
17. ENG M7 – WEED MANAGEMENT PLAN.
18. ENG M8 – EASEMENTS.
19. ENG R2 – URBAN ROAD.
20. ENG S1 – INFRASTRUCTURE REPAIR.
21. ENG S4 – STORMWATER CONNECTION.
22. ENG R5 – ROAD EXTENSION.
23. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 September 2021 (TWDA 2021/01482-CCC).

ADVICE:

- Consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended that the proponent contact TasNetworks Early Engagement team at early.engagement@tasnetworks.com.au at their earliest opportunity.

- 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-2021/021597 – 147 BAYVIEW ROAD, LAUDERDALE - 22 LOT SUBDIVISION /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 5.6 – Compliance with Applicable Standards
- Section 6.10 – Determining Applications;
- Section 8.0 – General Residential Zone;
- Section C3.0 – Road and Railway Asset Code;
- Section C7.0 – Natural Assets Code;
- Section C11.0 – Coastal Inundation Hazard Code;
- Section C12.0 – Flood-Prone Areas Hazard Code;
- Section C13.0 – Bushfire-Prone Areas Code; and
- Section C16.0 – Safeguarding of Airports 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 in one parcel, being 147 Bayview Road, which has an area of 2.497ha and 17.0m frontage to Bayview Road. The site adjoins residential lots to the north and east, open space comprised of an area of saltmarsh/wetland area and owned by council to the west, and land within the Environmental Living Zone to the south.

The site slopes gently down to the west, is comprised of coastal forest and woodland, coastal grass and herbfield. The site is described as being moderately disturbed with evidence of clearing and introduced plant species. There are no existing structures within the boundaries of the site. The location of the site is shown in the Attachments.

3.2. The Proposal

The proposal is for a subdivision to create 22 residential lots. The subdivision also creates a public open space lot of 2399m² and road lot and involves upgrades to existing infrastructure to the north-west of the site for stormwater drainage, for which associated landowner consent was provided. It is proposed to develop the subdivision as a single stage, and the filling of the site is also proposed to a minimum of 3.9m AHD for the building areas. The proposal plans are included in the Attachments.

The following documentation was submitted in support of the development application:

- Planning report (JMG, September 2021);
- Concept services report (JMG, December 2021);
- Bushfire report and hazard management plan (North Barker, August 2021);
- Natural values assessment, and addendum (North Barker, August 2021 and February 2022);

- Traffic impact assessment (ECTM Consulting, August 2021); and
- Coastal inundation hazard report (JMG, February 2022).

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 5.6]

“5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.”

4.2. Determining Applications [Section 6.10]

“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(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 section 57(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. General Provisions

The Scheme contains a range of General Provisions relating to specific circumstances not controlled through the application of Zone, Code or Specific Area Plan provisions.

There are no General Provisions relevant to the assessment of this proposal.

4.4. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and the Road and Railway Assets Code, the Natural Assets Code, the Safeguarding of Airports Code, the Bushfire-prone Areas Code and the Coastal Inundation Hazard Code with the exception of the following:

General Residential Zone

- **Clause 8.6.1 (A2) Lot Design** – the proposal includes the creation of four lots, Lots 10, 11, 12 and 13 with frontage of less than 12m as prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause 8.6.1 as follows:

Clause	Performance Criteria	Assessment
8.6.1 P2	<p><i>“Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</i></p> <p><i>a. the width of frontage proposed, if any;</i></p> <p><i>b. the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</i></p> <p><i>c. the topography of the site;</i></p> <p><i>d. the functionality and useability of the frontage;</i></p> <p><i>e. the ability to manoeuvre vehicles on the site; and</i></p> <p><i>f. the pattern of development existing on established properties in the area,</i></p> <p><i>and is not less than 3.6m wide.”</i></p>	<p>See below assessment.</p> <p>The lots all contain adequate frontage to be able to provide practical and safe access.</p> <p>The proposal is not reliance upon shared rights of way.</p> <p>The site slopes gradually down to the west, and the proposed frontages would be of an appropriate width to provide safe, functional and useable access.</p> <p>The subject lots would each have sufficient area to provide for manoeuvring of vehicles, as required.</p> <p>The lots are all in excess of the minimum size for the zone, and the associated frontage consistent with development within proximity of the site.</p> <p>Complies</p>

General Residential Zone

- **Clause 8.6.1 (A4) Lot Design** – the proposal includes the creation of one lot, Lot 12 which does not have its long axis between 30 degrees east and west of north as prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P4) of Clause 8.6.1 as follows:

Clause	Performance Criteria	Assessment
8.6.1 P4	<p><i>“Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</i></p> <p><i>a. the size, shape and orientation of the lots;</i></p> <p><i>b. the topography of the site;</i></p>	<p>See below assessment.</p> <p>The proposed lots address and satisfy the relevant parts of the Acceptable Solution regarding future development in relation to clearance from setbacks and title restrictions, slope and orientation and size of the building areas. The lots are considered to be of a size and shape consistent with that of surrounding residential lots in Lauderdale and would support a range of development types as permitted within the General Residential zone.</p> <p>The development would be accessed from a proposed internal road off Bayview Road, to be developed in accordance with council’s engineering requirements. The site is gently to moderately sloping and council’s engineers are satisfied that the proposed layout and associated fill are a reasonable response to the development of the site and future residential development of the lots.</p>

	<i>c. the extent of overshadowing from adjoining properties;</i>	Each of the proposed lots would be capable of being developed for a range of residential development types consistent with the provisions of the General Residential zone, with consideration of overshadowing impacts at that time.
	<i>d. any development on the site;</i>	There are no existing buildings within the boundaries of the lot.
	<i>e. the location of roads and access to lots; and</i>	The layout would provide opportunities for access from the proposed internal road, with appropriate orientation to provide for appropriate solar access.
	<i>f. the existing pattern of subdivision in the area.”</i>	The lots are all in excess of the minimum size for the zone, and the associated frontage consistent with development within proximity of the site.

General Residential Zone

- **Clause 8.6.2 (A1) Roads** – the proposal includes the creation of a new road, which does not comply with the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 8.6.4 as follows:

Clause	Performance Criteria	Assessment
8.6.4 P1	<p><i>“The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</i></p> <p><i>a. any road network plan adopted by the council;</i></p>	<p>See below assessment.</p> <p>There is no road network plan in place for the area.</p>

	<p><i>b. the existing and proposed road hierarchy;</i></p> <p><i>c. the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</i></p> <p><i>d. maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</i></p> <p><i>e. minimising the travel distance between key destinations such as shops and services and public transport routes;</i></p>	<p>A traffic impact assessment (TIA) was submitted in support of the application, and council's engineers are satisfied that the proposed road layout is an appropriate response to the location of the site. The TIA confirms that the development would provide a safe and convenient configuration for access.</p> <p>That said, it is acknowledged that Bayview Road is a no-through road, meaning that the proposal would add traffic volume to the existing road network and further exacerbate known issues associated with the intersection of Bayview Road with South Arm Road. This land has, however, historically been zoned General Residential and therefore it is recognised that it is appropriate and expected that the land would be developed for residential purposes.</p> <p>There is no requirement to facilitate connection to the adjacent Open Space to the west or the Environmental Living zone to the south.</p> <p>The proposed lots would have access to the existing pathways within the Bayview Road reservation, and to the west to the existing path adjacent the wetland.</p> <p>The proposed layout would be provided with access between the subject lot, adjacent lots and service centres as required.</p>
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	<p><i>f. access to public transport;</i></p> <p><i>g. the efficient and safe movement of pedestrians, cyclists and public transport;</i></p> <p><i>h. the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;</i></p> <p><i>i. the topography of the site; and</i></p> <p><i>ii. the future subdivision potential of any balance lots on adjoining or adjacent land.”</i></p>	<p>While the length of the travel distance is considered reasonable, it is considered that the proposal would compound deficiencies for the intersection of Bayview Road and South Arm Road, for motorists travelling towards Hobart. However, this has been accepted through the historic zoning and commitment to the residential development of the site.</p> <p>Bayview Road is serviced by the Metro Tasmania network, and the proposed road would provide convenient access to this network.</p> <p>Council’s development engineers accept the conclusions of the submitted traffic impact assessment, in that there is no identified crash history or identified road safety deficiencies in the vicinity of the site access.</p> <p>Council’s development engineers advise that the engineering designs to be required, if the subdivision is approved, would capture the associated bicycle and walking path requirements articulated by the performance criteria.</p>
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Road and Railway Assets Code

- **Clause C3.5.1 (A1.4) Traffic generation at a vehicle crossing, level crossing or new junction** – the proposal would not comply with the requirements of the acceptable solution, A1.4, in that vehicle movements would increase by in excess of 20% or 40 movements per day.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C3.5.1 as follows:

Clause	Performance Criteria	Assessment
C3.5.1 P1	<p><i>“Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</i></p> <p><i>a. any increase in traffic caused by the use;</i></p> <p><i>b. the nature of the traffic generated by the use;</i></p>	<p>See below assessment.</p> <p>The TIA provided with the application submitted that the increase in traffic would be in order of 10% on existing traffic volumes, which is supported by Bayview Road not being a through road. Such an increase in volume on Bayview Road is not considered to adversely impact the efficiency of that road.</p> <p>An increase in vehicles per day as a result of the proposal in the morning peak is predicted by the TIA to be 9.9%, for vehicles turning onto South Arm Road from Bayview Road. While there would be an impact, it is concluded by the TIA that the proposal would add a relatively low number of vehicles per hour to each peak morning and afternoon hour traffic flow. As discussed above, this has been anticipated by the historic zoning of the site.</p> <p>The traffic would be residential in nature and would be consistent with that of the surrounding residential area.</p>

	<p><i>c. the nature of the road;</i></p> <p><i>d. the speed limit and traffic flow of the road;</i></p> <p><i>e. any alternative access to a road;</i></p> <p><i>f. the need for the use;</i></p> <p><i>g. any traffic impact assessment; and</i></p> <p><i>h. any advice received from the rail or road authority.”</i></p>	<p>Bayview Road is a local (link) road that services an established residential area. Council’s development engineers are satisfied that the proposed development would not compromise this function, although adding to existing traffic volumes in the order of 10% above existing levels, according to the TIA.</p> <p>It is considered that traffic speeds and efficiency would not be compromised as a result of the proposal, in that the road has been designed and constructed as a 50km/h local residential road with sufficient capacity to absorb the proposed development without compromise to flows.</p> <p>There is no alternative access possible to the site.</p> <p>The land is zoned General Residential and therefore identified as an appropriate site for a development of the nature proposed, utilising existing infrastructure and services.</p> <p>The submitted traffic impact assessment has been considered as part of the assessment of the proposal.</p> <p>Council is the road authority for Bayview Road, and council’s development engineers are satisfied that while the proposal would result in an increase in traffic volumes on Bayview Road, it would not unreasonably compromise flows or efficiency. It is therefore considered that this performance criterion is met by the proposal.</p>
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Natural Assets Code

- **Clause C7.6.1 (A1) Buildings and works within a waterway and coastal protection area or a future coastal refugia area** – the proposal is for the placement of fill and construction of the road and associated services is proposed on land within the waterway and coastal protection area and not within a building area on a sealed plan approved under this Scheme, as required by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1.1) and (P1.2) of Clause C7.6.1 as follows:

Clause	Performance Criteria	Assessment
C7.6.1	<p><i>“P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</i></p> <p><i>a. impacts caused by erosion, siltation, sedimentation and runoff;</i></p> <p><i>b. impacts on riparian or littoral vegetation;</i></p> <p><i>c. maintaining natural streambank and streambed condition, where it exists;</i></p>	<p>See below assessment.</p> <p>A natural values assessment and addendum (NVA) were submitted as part of the application. The assessment concludes that the proposal would appropriately site the building areas away from the area with ecological value, thus satisfying this test.</p> <p>Of significance is the location of the saltmarsh migration area located to the west of the site, which the NVA concludes must be protected and all development precluded from this area.</p> <p>A series of conditions have been included to reflect these requirements. These include the creation of an easement within which development would be precluded, to reflect the location of the saltmarsh migration area.</p>

		<p>The development of an environmental management plan is also recommended to inform the future owners of each of the affected lots of their obligations for the protection of this area. This includes a Part 5 Agreement to be appended to each of the affected lots to inform the owner of their obligations. These measures would ensure that (b) and (c) of this criterion are met.</p>
	<p><i>d. impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i></p>	Not applicable
	<p><i>e. the need to avoid significantly impeding natural flow and drainage;</i></p>	Not applicable
	<p><i>f. the need to maintain fish passage, where known to exist;</i></p>	There is no natural streambank located within the boundaries of the site that would be compromised.
	<p><i>g. the need to avoid land filling of wetlands;</i></p>	There is no wetland or watercourse area within the boundaries of the lot. There would be no filling of the adjacent wetland to the west.
	<p><i>h. the need to group new facilities with existing facilities, where reasonably practical;</i></p>	Not applicable

	<i>i. minimising cut and fill;</i>	Fill is proposed to a maximum depth AHD of 3.9m, as reflected by the proposal plans. This is necessary to facilitate residential development and would ensure the protection of the significant saltmarsh migration area on the western part of the site, which would be protected as proposed by the use of appropriate easements, together with an environmental management plan for the site, also to be required by conditions.
	<i>j. building design that responds to the particular size, shape, contours or slope of the land;</i>	Not applicable
	<i>k. minimising impacts on coastal processes, including sand movement and wave action;</i>	Not applicable
	<i>l. minimising the need for future works for the protection of natural assets, infrastructure and property;</i>	Council's development engineers are satisfied that there would be no need for future protection works, given the design proposed.
	<i>m. the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</i>	Council's development engineers are satisfied that the recommended engineering conditions would ensure compliance with both guidelines, as required. The environmental management plan in the recommended conditions would ensure that all relevant guidelines are met as part of both the construction and residential development phases of the development.
	<i>n. the guidelines in the Tasmanian Coastal Works Manual.</i>	

	<p><i>P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</i></p> <ul style="list-style-type: none"> <i>a. the need to access a specific resource in a coastal location;</i> <i>b. the need to operate a marine farming shore facility;</i> <i>c. the need to access infrastructure available in a coastal location;</i> <i>d. the need to service a marine or coastal related activity;</i> <i>e. provision of essential utility or marine infrastructure; or</i> <i>f. provisions of open space or for marine-related educational, research, or recreational facilities.”</i> 	<p>The site is not within the spatial extent of tidal waters, meaning that P1.2 does not apply.</p>
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Natural Assets Code

- **Clause C7.7.1 (A1) Subdivision within a waterway and coastal protection area or a future coastal refugia area** – the proposal is not for the purposes of a subdivision of the nature identified by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C7.7.1 as follows:

Clause	Performance Criteria	Assessment
C7.7.1 P1	<p><i>“Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</i></p> <p><i>a. the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and</i></p>	<p>See below assessment.</p> <p>A natural values assessment and addendum (NVA) were submitted as part of the application. The assessment identifies there being three vegetation communities within the site boundaries, being <i>Eucalyptus viminalis</i> coastal forest and woodland, lowland grassland complex and <i>Bursaria-Acacia</i> woodland. The assessment concludes that the condition of these communities is moderate with there being evidence of past disturbance and encroachment of invasive weeds. On this basis, the NVA concludes that it is not necessary to site the development outside the waterway and coastal protection area to minimise impacts on the vegetation, which can be appropriately protected where required by the proposed building/development exclusion areas.</p> <p>Of significance is the location of the saltmarsh migration area located to the west of the site. The bushfire hazard management area proposed for the site would be adjacent to this area, with building areas proposed to the east of each of the subject lots.</p>

	<p><i>b. future development likely to be facilitated by the subdivision.”</i></p>	<p>Specific recommendations are made by the NVA in relation to the management of the saltmarsh migration area, which include there being no structures or landscaping associated with the future residential development of the proposed lots. As the lots that include the saltmarsh mitigation area would be in excess of 800m² in area and building areas would be sited to the eastern part of the lots, the NVA concludes that there would be only minimal impact upon natural values. It is concluded that there is no demonstrated “need” to site the building areas and bushfire hazard management areas outside the waterway and coastal protection area.</p> <p>Permit conditions are recommended in relation to the exclusion of development within the identified saltmarsh migration area, and associated building exclusion areas, and the preparation of an environmental management plan for the ongoing management and maintenance of this area, consistent with the recommendations of the NVA. A Part 5 agreement to require the ongoing management and maintenance of the area in accordance with the required environmental management plan is also recommended. The Part 5 agreement is the appropriate mechanism to inform the future lot owners (upon completion of the subdivision, and sale of the lots) of their obligations for such maintenance.</p>
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Coastal Inundation Hazard Code

- **Clause C11.6.1 (A1) Buildings and works, excluding coastal protection works, within a coastal inundation hazard area** – in that there is no associated acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1.1) and (P1.2) of Clause C11.6.1 as follows:

Clause	Performance Criteria	Assessment
C11.6.1	<p><i>“P1.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area must have a tolerable risk, having regard to:</i></p> <p><i>a. whether any increase in the level of risk from coastal inundation requires any specific hazard reduction or protection measures;</i></p> <p><i>b. any advice from a State authority, regulated entity or a council; and</i></p> <p><i>c. the advice contained in a coastal inundation hazard report.</i></p>	<p>See below assessment.</p> <p>A coastal inundation hazard report was submitted as part of the development application, which included detailed assessment of the proposed finished surface and future floor levels of the developed site. It concludes that the road would act as an overland flow path, conveying water towards Bayview Road. Being that the surface levels of the building area are proposed to be raised above the road, it is concluded that stormwater would flow to the road and ultimately to the existing infrastructure to the north-west of the site.</p> <p>Council’s development engineers are satisfied that the conclusions of the inundation hazard report are accepted, and the proposed works would have a tolerable risk. This would be reflected in the engineering designs required for the development, which must be provided to the filling and construction work being undertaken. The recommended conditions also require that a filling plan be provided upon completion.</p>

	<p><i>P1.2 A coastal inundation hazard report also demonstrates that the building or works:</i></p> <p><i>a. do not cause or contribute to coastal inundation on the site, on adjacent land or public infrastructure; and</i></p> <p><i>b. can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific coastal inundation protection works.”</i></p>	<p>See below assessment.</p> <p>The inundation hazard report concludes that there would be no increase in reliance upon public infrastructure, in that an upgrade is proposed as part of the development for the existing stormwater infrastructure to the northwest of the site. This work is to be undertaken by the developer and reflected by the required engineering designs. Council’s development engineers support this view.</p> <p>The inundation hazard report concludes that the constructed road is above the 1% AEP level, together with the proposed building areas on each of the proposed lots.</p>
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Coastal Inundation Hazard Code

- **Clause C11.7.1 (A1) Subdivision within a coastal inundation hazard area** – the proposal does not show that all lots can contain a building area outside the coastal inundation hazard area, as prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C11.7.1 as follows:

Clause	Performance Criteria	Assessment
C11.7.1 P1	<p><i>“Each lot, or a lot proposed in a plan of subdivision within a coastal inundation hazard area must not create an opportunity for use or development that cannot achieve and maintain a tolerable risk from coastal inundation, having regard to:</i></p> <p><i>a. any increase in risk from coastal inundation for adjacent land;</i></p> <p><i>b. the level of risk to use or development arising from an increased reliance on public infrastructure;</i></p> <p><i>c. the need to minimise future remediation works;</i></p> <p><i>d. any loss or substantial compromise, by coastal inundation, of access to the lot on or off site;</i></p> <p><i>e. the need to locate building areas outside the coastal inundation hazard area;</i></p> <p><i>f. any advice from a State authority, regulated entity or a council; and</i></p> <p><i>g. the advice contained in a coastal inundation hazard report.</i></p>	<p>See below assessment.</p> <p>A coastal inundation hazard report has been provided as part of the development application, which included detailed assessment of the proposed finished surface and future floor levels of the developed site. It concludes that the road would act as an overland flow path, conveying water towards Bayview Road. Being that the surface levels of the building area are proposed to be raised above the road, it is concluded that stormwater would flow to the road and ultimately to the existing infrastructure to the north-west of the site.</p> <p>Council’s development engineers are satisfied that the conclusions of the inundation hazard report are accepted, and the proposed works would have a tolerable risk. This would be reflected in the engineering designs required for the development, and the filling plan required upon completion.</p>

Bushfire-Prone Areas Code

- **Clause C13.6.1 (A1) Provision of hazard management areas** – the proposal included the submission of a bushfire report and hazard management plan, required to address the provisions of the Code.

During the advertising period, correspondence was received from the author advising that the Tasmania Fire Service (TFS) had requested that minor amendments were made to the BHMP. An amended report was subsequently received, which the TFS subsequently confirmed addressed the issues raised. On the basis that the amended BHMP was not included with the advertised plans, it is appropriate to require an amended BHMP as a condition of approval to ensure compliance with the above-mentioned acceptable solution. Such a condition has therefore been included at Condition 3 of the recommended conditions.

5. REPRESENTATION ISSUES

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

5.1. Environmental Impact

Concern is raised by the representors that there would be an unreasonable loss of bushland. The concerns are that the bushland is valuable habitat for a number of bird species within proximity of the site, and that removal of vegetation (including a number of dead trees) would be a significant loss of habitat in the area. The volume of the proposed fill is also identified as an environmental concern because it would destroy existing habitat, which further justifies refusal.

- **Comment**

The site is not identified as a priority vegetation area by the Natural Assets Code, and therefore there is no ability to require the retention of the vegetation on the site. On this basis, the issue cannot have determining weight.

5.2. Traffic Impact

The representations raise the impact on traffic and pedestrian safety within proximity of the site as a concern, together with an anticipated increase in vehicular movements to be compounded by the development of 52 Richardsons Road.

Further concerns are that there would be a safety impact on Bayview Road where vehicles are able to park on both sides of the road, allowing only one vehicle to pass.

- **Comment**

As discussed in the report, the TIA claims 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, or safety for pedestrians in the vicinity of the site.

The concerns of the representations are acknowledged, however, in that Bayview Road is a no-through road and the proposal would add traffic volume to the existing road network and further exacerbate issues associated with the intersection of Bayview Road with South Arm Road. The subject land has, however, historically been zoned General Residential and therefore it is recognised that it is appropriate and expected that the land would be developed for residential purposes. The cumulative impact of a possible future development at 52 Richardsons Road cannot be considered at this time, as there has been no planning permit granted. This issue is therefore not of determining weight.

5.3. Noise

Concerns are raised by the representations that there would be an unreasonable impact upon nearby residential land use as a result of the construction of the subdivision and future dwellings on the site, together with ongoing noise impacts as a result of the increased traffic to be generated from the development.

- **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 hours of construction for subdivision works.

5.4. Impact on Residential Amenity

The representations raise concern that the residential amenity of the area would be compromised, in terms of broadly created issues associated with increased residential density and including loss of view.

- **Comment**

Loss of views associated with the future residential development of the site if the subdivision is approved, is not a consideration relevant at subdivision stage. Those concerns raised in relation to noise and traffic movements are addressed above and not of determining weight.

5.5. Impact on Character

Concerns are raised that the proposal would have a detrimental impact upon the character of the area. It is submitted that the area has a beachside character that would be lost as part of the proposal, which would result in a change of character to that comparable to an inner-city suburb.

- **Comment**

The site is within the General Residential zone, the purpose of which includes the provision of land *for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided*. The proposal is consistent with the zone purpose, and with the minimum lot sizes for the zone. This issue is therefore not of determining weight.

5.6. Inappropriate Subdivision Design

The representors have raised the design of the subdivision as a concern, specifically in relation to the small size of the lots. It is submitted by the representors that the subdivision should be amended to provide fewer, larger lots to provide for retention of vegetation and to be more consistent with the character of the area.

- **Comment**

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

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant Council policy. Developer contributions are required to comply with Council's Public Open Space Policy.

The subject site is zoned General Residential and will be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

A POS lot of 2399m² is proposed to be provided to council as part of this application and it is considered desirable to require it on this occasion. Section 117 of the *Local Government Building and Miscellaneous Provision Act 1993* (LGBMP) provides for a maximum of up to 5% of the value of the entire site to be taken as cash-in-lieu of POS. The POS lot proposed represents 9.6% of the lot area, which is in excess of the required amount.

The lot proposed would, in the form proposed, create an area to the west of Lots 21 and 22 that would be isolated from the adjacent open space to the west. It is therefore reasonable to require that amended plans are provided to show a taper from the southern boundary of Lot 21 to the north-western corner of the site. Such a condition has been included in the recommended conditions above.

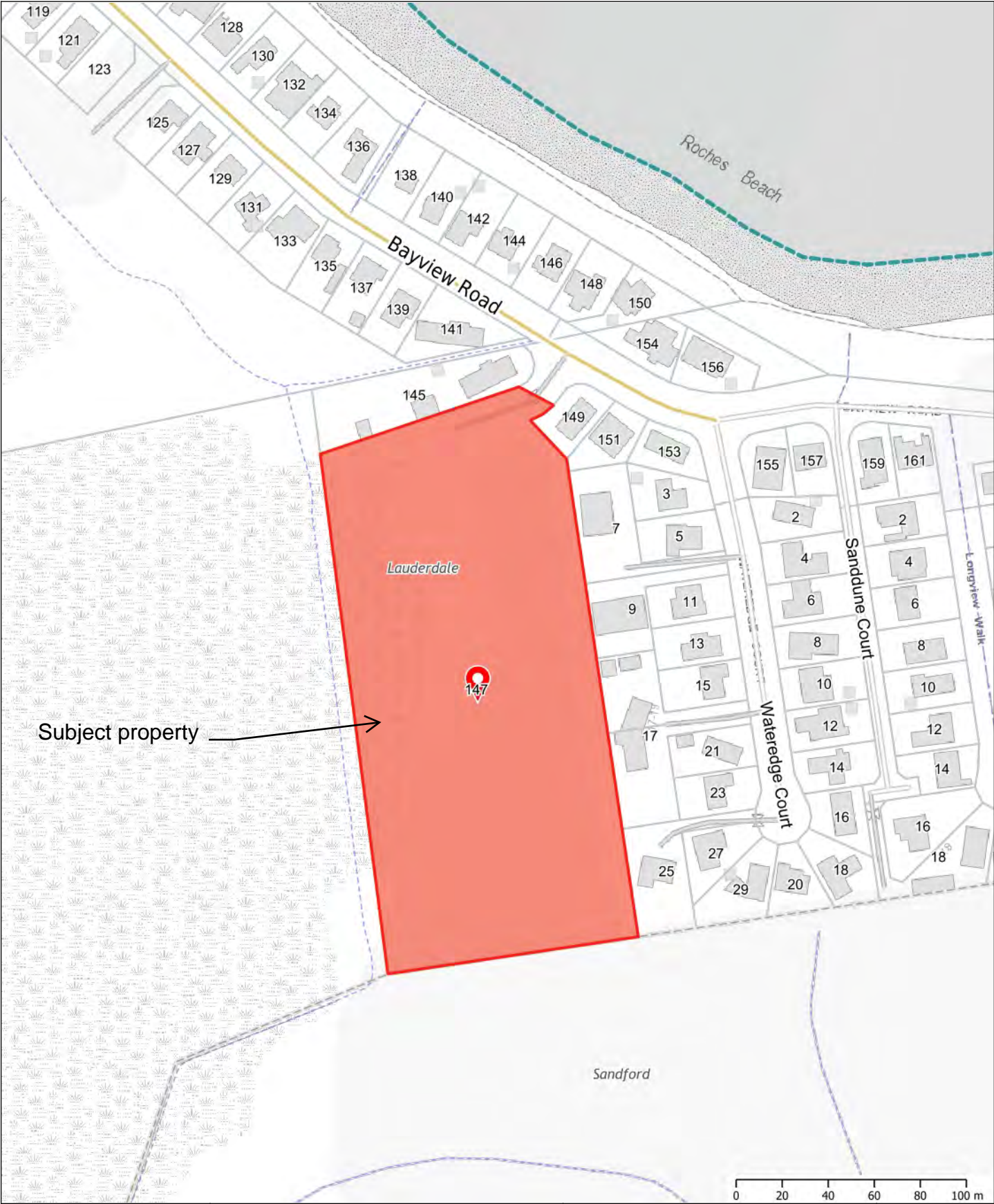
9. CONCLUSION



The proposal is for a 22-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 (4)
3. Site Photo (3)

Ross Lovell
MANAGER CITY PLANNING

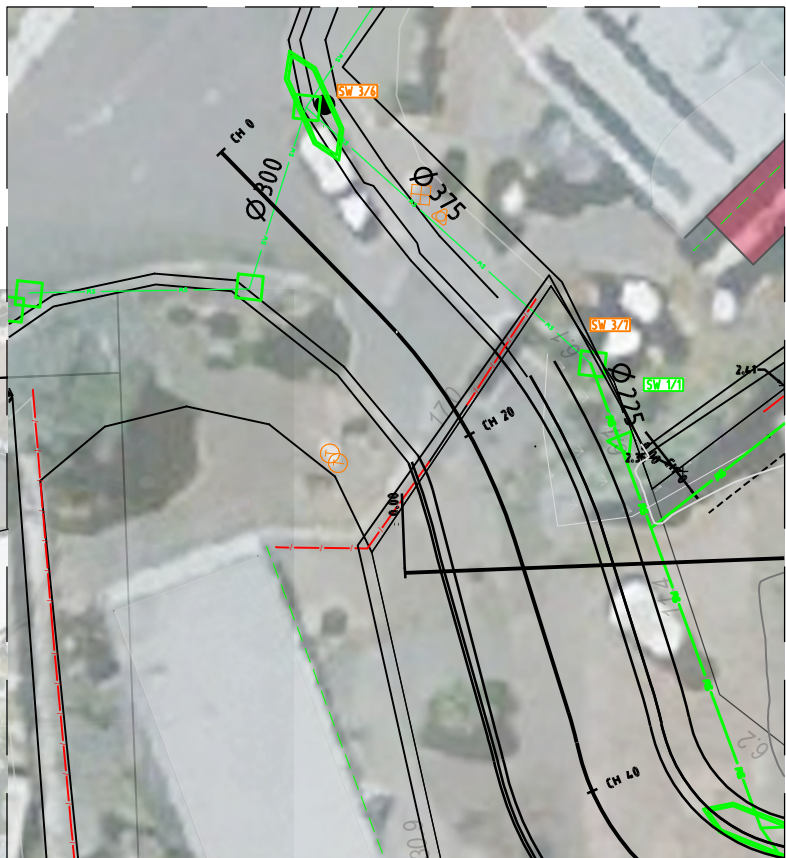
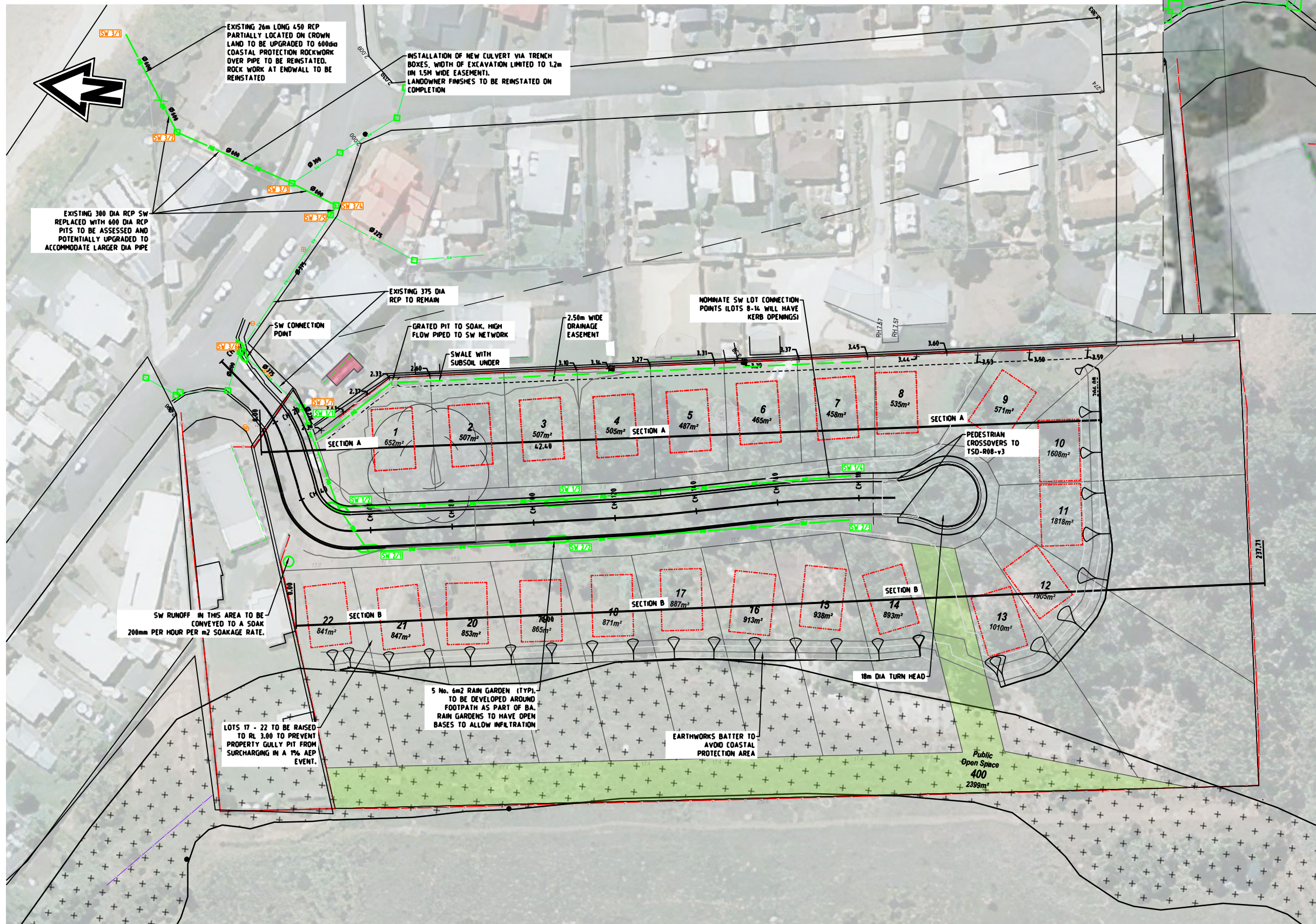
LOCATION PLAN - 147 BAYVIEW ROAD



 <p>Clarence... a brighter place</p>	<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>25/03/2022</p> <p>1:2257</p>	
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					 ROGERSON & BIRCH SURVEYORS	UNIT 1, 2 KENNEDY DRIVE CAMBRIDGE 7170 PHONE: (03)6248 5898 EMAIL: admin@rbsurveyors.com WEB: www.rbsurveyors.com	OWNER: Graham Alexander Dick TITLE REFERENCE: C.T.239380/1 LOCATION: 147 Bayview Road LAUDERDALE	Proposed Subdivision	
C	new layout - p.o.s change	AB	12-7-21	AB				Date: 12-7-2021	Reference: DIGRA01 13003-08
B	new layout - road change	AB	15-6-21	AB					
A	boundary changes, planning rectangles/offsets added	AB	17-5-21	AB					
REV	AMENDMENTS	DRAWN	DATE	APPR				Scale: 1:400 (A1)	Municipality CLARENCE



REV	DATE	REMARK
GA1	1/12/2021	Caliber is being updated

SAFETY IN DESIGN REPORT
In accordance with the Workplace Health & Safety Acts and Regulations JMG have considered the potential hazards and risks that are specific to this design.

The following risks which are unique to this design have been identified:	NIL
---	-----



Johnstone McGee & Gandy Pty. Ltd

ACN 009 547 139 ABN 76 473 834 852

117 Harrington Street, Hobart, Tas (03) 6231 2555

PROJECT

144 BAYVIEW ROAD

LAUDERDALE

TITLE
GENERAL ARRANGEMENT
AND STORMWATER

Accepted Chris Males (Discipline Head)	Date
Accepted Bass Gamlin (Team Leader)	Date
Approved Grant Atherton	Date

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SCALES @ A1	DESIGNED BY	DRAWN BY
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1:500 and 1:200	CJM	CAG
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	PLOT DATE	06/12/2021
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Architects & other project drawings for co-ordination between structure, fabric fixtures, fittings, services etc. CONTRACTOR to site check all dimensions and exact locations of all items. IMG accepts no responsibility for dimensions.

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PLOT DETAILS	CIVIL3D BASE.DWG
PROJECT NO.	100010001

PROJECT NO. J203192PH

DWG NO.	REVISION
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C01	DA 1
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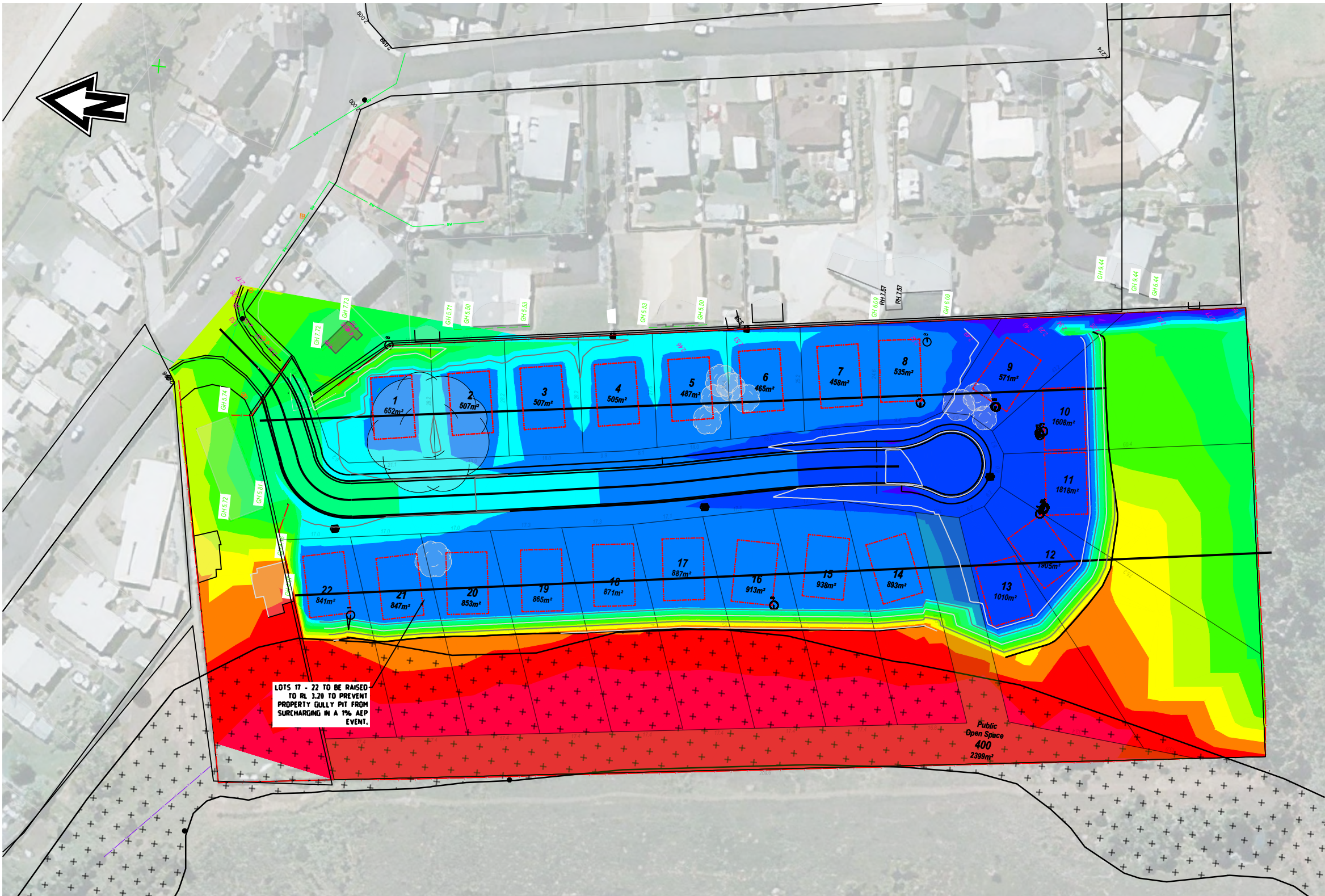
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Louderdale Page 3 of 8

NOT FOR CONSTRUCTION

SAFETY IN DESIGN REPORT
In accordance with the Workplace Health & Safety Acts and Regulations JMG
have considered the potential hazards and risks that are specific to this design.
The following table shows the results of the design team's assessment.
This report does not release contractors from their responsibilities under the Act to identify, assess, manage and control all aspects of risk and safety.

SURFACE LEVEL COMPARISON DATA			
NUMBER	MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOR
1	1.0	1.2	Red
2	1.2	1.4	Red
3	1.4	1.7	Orange
4	1.7	1.9	Yellow
5	1.9	2.2	Light Green
6	2.2	2.4	Green
7	2.4	2.7	Green
8	2.7	2.9	Green
9	2.9	3.2	Cyan
10	3.2	3.4	Blue
11	3.4	3.6	Blue
12	3.6	3.9	Blue
13	3.9	3.9	Purple



DA1 18/12/2021
REV DATE REMARK

SAFETY IN DESIGN REPORT
In accordance with the Workplace Health & Safety Acts and Regulations JMG
have considered the potential hazards and risks that are specific to this design.
The following table shows the results of the design team's assessment.
This report does not release contractors from their responsibilities under the Act to identify, assess, manage and control all aspects of risk and safety.

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PROJECT
144 BAYVIEW ROAD
LAUDERDALE

TITLE
EARTHWORKS MODEL

Accepted Chris Males Date
(Discipline Head)
Accepted Bass Gannin Date
(Team Leader)
Approved Grant Attenhorn Date
(Group Manager)

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SCALES @ A1 DESIGNED BY DRAWN BY
1:500 CJM CAG
PLOT DATE 06/12/2021

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exact locations of all items. JMG accepts no responsibility for dimensional
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PLOT DETAILS CIVIL3D BASE.DWG

PROJECT NO. J203192PH

DWG NO. C03 REVISION DA1

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NOT FOR CONSTRUCTION

Assessed by: Philip Barker (BFP147 - 1, 2, 3A, 3B, 3C)
Assessment date: 30/08/2021



Agenda Attachments - 147 Bayview Road, Lauderdale Page 5 of 8

147 BAYVIEW ROAD, LAUDERDALE



Photo 1: *Western part of the site, viewed looking south.*



Photo 2: *Western part of the site, viewed looking north.*



Photo 3: Site viewed from adjacent the western boundary, looking southeast.



Photo 4: Eastern part of the site, viewed looking north.



Photo 5: Access to the site from Bayview Road, viewed looking southwest.

7.3 AMENDMENT APPLICATION PDPSAMEND-2019/001707- 18 DOWNHAMS ROAD, RISDON VALE – ARAN ECO-DEVELOPMENT SPECIFIC AREA PLAN AND SITE-SPECIFIC DEPARTURE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review council's decision of 10 May 2021 in response to the representations received during the public exhibition period in accordance with the requirements of Section 40K of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to an application made for a Section 37 planning scheme amendment at 18 Downhams Road, Risdon Vale.

RELATION TO PLANNING PROVISIONS

The land is zoned Landscape Conservation and subject to the following Codes under the Tasmanian Planning Scheme - Clarence (the Scheme):

- Landslip Hazard;
- Natural Assets;
- Potentially Contaminated;
- Safeguarding of Airports;
- Bushfire-prone Areas;
- Flood-prone Hazard Areas;
- Electricity Transmission Infrastructure Protection.

LEGISLATIVE REQUIREMENTS

The proposal was submitted to council in accordance with Section 37 of LUPAA for a planning scheme amendment. The certified amendment was advertised in accordance with the statutory requirements and pursuant to Section 40K of LUPAA; council is required to consider the merits of any representation received.

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

CONSULTATION

The proposal was advertised in accordance with the statutory requirements and six representations were received including submissions from:

- neighbouring property owners and interested parties;
- the applicant;
- the Department of State Growth; and
- the Tasmania Fire Service.

The matters raised by the representors relate to:

- support for the proposed amendment and modifications reflected in the certified SAP;
- the excluded portion of the site;
- property address/description;
- passive surveillance and potential for a gated community;
- maintenance of Downhams Road;
- bushfire risk, hazard management and vegetation clearance;
- proximity to the quarry at 415 Flagstaff Gully Road, Lindisfarne; and
- proximity to the private timber reserve at 429 Flagstaff Gully Road, Lindisfarne.

These issues are discussed within the body of the report.

RECOMMENDATION:

- A. That Council resolves, under Sections 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations relating to the draft amendment PDPSPAMEND-2019/001707 warrant the following modifications:
1. The draft Aran Eco–Development Specific Area Plan be modified to meet the drafting standards of the Tasmanian Planning Scheme and that additional acceptable solutions and performance criteria be included to satisfy the matters raised by the representations made by the Tasmania Fire Service, as noted in the Associated Report.
 2. A Site-Specific Qualification be added to the Clarence Local Provisions Schedule to enable the minimum lot size to be 15ha at 18 Downhams Road, Risdon Vale and that this be limited to the 15ha located outside the draft Aran Eco–Development Specific Area Plan.
- 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 relevant background was documented in the report considered by council at its meeting on 10 May 2021.

2. STATUTORY IMPLICATIONS

Pursuant to Section 40k of LUPAA, council is required to consider the merits of any representation and provide the Tasmanian Planning Commission (TPC) with:

- a copy of each representation received;
- a statement of its opinion as to the merits of each representation;
- its view as to whether any modification to the Amendments (as exhibited) should be made in light of the representations;
- the impact that the representations have on the draft amendment as a whole;
- a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and
- such recommendations in relation to the draft amendment as the authority considers appropriate.

3. PROPOSAL IN DETAIL

3.1. The Site

The subject site is 18 Downhams Road, 102.9ha lot located on the north-eastern side of Sugarloaf Hill to the south-east of the established residential area of Risdon Vale. The northern boundary has an 850m frontage to Downhams Road and the southern side abuts a 440m long unmade section of Hyden Road.

The site is currently developed with a single dwelling and associated outbuildings accessed from Downhams Road.

A ridgeline extends through the site and while cleared in some areas the site is predominantly covered by native vegetation. The property is bisected by TasNetworks high voltage overhead electrical powerlines and a cleared portion at the top of the ridge provides extensive panoramic views over the Derwent River to the south, Mt Wellington to the west and Risdon Vale to the north-west.

3.2. The Amendment

On 10 May 2021, council resolved to initiate and certify a modified planning scheme amendment to:

- introduce a new Specific Area Plan called the Aran Eco–Development Specific Area Plan (the SAP); and

- modify the minimum lot size in the Environmental Living Zone (down to 15ha on the subject land).

A copy of the certified amendment is included in Attachment 1.

Since this SAP was drafted, the Clarence Interim Planning Scheme has changed to the Tasmanian Planning Scheme – Clarence, with this land now having an underlying zoning of Landscape Conservation. The applicant's intention remains to utilise an SAP to achieve the development requirements, and this has been amended to meet the TPS drafting standards (Attachment 2).

Consideration has been given to the zone standards within the Landscape Conservation zone, and in some instances, standards have been removed where it was considered to duplicate what was already provided for. In addition, within the Landscape Conservation zone, provision must be made for subdivision of the northern section of the site, allowing for a minimum lot size of 15ha. The applicant has elected to do this through a Site-Specific Qualification (Attachment 3).

4. CONSULTATION

The proposal was advertised in accordance with the statutory requirements and six representations were received including submissions from:

- neighbouring property owners and interested parties;
- the applicant;
- the Department of State Growth (DSG); and
- the Tasmania Fire Service (TFS).

Copies of the DSG and TFS representations are included in Attachments 4 and 5 (respectively). Following the closing of the exhibition period the applicant was provided with a copy of the DSG and TFS representations and afforded the opportunity to respond. The matters raised by the representors and, where relevant, the applicant's response is identified below.

4.1. Modified Amendment

In response to council's modifications to reduce the scale and intensity of the development in the acceptable solutions of the SAP, the applicant advises that their client's investment opportunities have been significantly impacted by the Covid 19 pandemic, and to that end, the modifications to the SAP proposed by council are acceptable. While the proponent is still committed to the project, and keen to see the site activated, they accept that the floor area and height limitations will limit what they can achieve but that this fits within their business model. To that end, the proponent accepts the changes to the SAP.

- **Comment**

The applicant's support for the certified amendment is noted and does not warrant further modification to the draft amendment.

4.2. Area Subject to the SAP

Two representors submitted support for the proposal but were concerned that the entire site was not subject to the SAP. In their view, the whole of the site, including the area adjacent to Downhams Road, should be subject to the SAP. They submit that sole access from Hyden Road would not benefit Risdon Vale.

- **Comment**

While the application area of the SAP could be expanded to encompass the entire site, it is not considered necessary as the applicant's Masterplan indicates that there is no intention to develop the subject area as part the future Visitor accommodation proposal. On this basis, expanding the application area of the SAP would not ensure that the subject portion of the land would be developed with the Visitor accommodation and nor would it ensure that it would be accessed from Downhams Road.

This portion of the site would continue to be regulated by the provisions of the underlying Landscape Conservation zone.

For these reasons it is considered that representor concerns do not warrant modification to the draft amendment.

4.3. Site Access

One representor submitted if it was possible to activate the Downhams Road frontage and that it be managed and maintained to at least council standards for Landscape Conservation zoning.

- **Comment**

Downhams Road is a rural unsealed road and Council's Development Engineer advises that it is maintained at an acceptable level of service, typically regraded twice a year or as required.

For these reasons it is considered that the representor's concern does not warrant modification to the draft amendment.

4.4. Property Address

One representor queried why the property and proposal is referred to as 18 Downhams Road as the proposed access is off Hyden Road.

- **Comment**

The subject property is a large lot with frontage to both Downhams Road and an unmade section of Hyden Road. The property is formally known as 18 Downhams Road, Risdon Vale. The representor's query does not warrant modification to the draft amendment.

4.5. Residential Development

One representor requested clarification on the use of the excluded portion of the site and referenced housing along the excluded section of 18 Downhams Road.

- **Comment**

As detailed in the background section of council's initiation report dated 10 May 2021, the "residential area" identified on page 304 is excluded from the proposed SAP and is the subject of an unrelated application PDPSPAMEND-2019/001820 for a rezoning amendment and associated residential subdivision. That application is being pursued by a different applicant and is currently on hold pending further information.

The representor's query does not warrant modification to the draft amendment.

4.6. Surveillance

The representor's concern is about passive surveillance (including CCTV) and possibly a gated community.

- **Comment**

Section 4.7 of the applicant's planning report addresses land use conflict that could potentially be introduced by the proposed amendment and associated future development. The section identifies how the amendment would facilitate future development and will improve passive surveillance. There is no reference to CCTV and the proposed SAP does not provide for residential development beyond a single dwelling and/or a caretaker's residence in precinct B or C. On that basis it would not be possible to develop a residential community, gated or otherwise.

The representor's concern does not warrant modification to the draft amendment.

4.7. Proximity to the Flagstaff Gully Quarry

The representor submits that the Flagstaff Gully quarry supplies construction material for vital infrastructure and is of State and regional significance. The representor expressed concern the subject site is approximately 1.5km from the quarry and that the amenity expectations of the future Eco Development operators has the potential to compromise the sustainability of the quarry. For this reason, the representor seeks "*a permit condition that clearly states the requirement for the developer to take into account the existence of the quarry*".

- **Comment**

No development is proposed as part of this proposal, and it is therefore not possible to condition a permit as requested. Notwithstanding, the site is partially subject to the Scheme's Attenuation Area overlay and any future development within this area would be subject to the Code provisions.

A proposal for a sensitive use (including Visitor Accommodation) within a mapped Attenuation Area requires the submission of a discretionary application. This process requires public exhibition and will afford the operators of the quarry the opportunity to engage with the process at that time.

The representor's concern does not warrant modification to the draft amendment.

4.8. SAP Modifications to Recognise Quarrying and Forestry Activities

The DSG submit that the certified SAP requires modification to reduce potential conflict between the future Eco Development and the nearby Quarrying and Forestry activities. A copy of the DSG representation is included in the attachments (Attachment 4).

DSG advise that the quarry is a strategic resource with a life span beyond 100 years under the existing lease and that there is currently an application before the EPA to increase the annual production rate to 375,000m³ (an increase of 43%). The concern is that quarry blasting is directed towards the subject site and, according to the applicant's masterplan, the hotel site would be the closest and most impacted.

The subject site is adjacent to the Private Timber Reserve (PTR#376) at 429 Flagstaff Gully Road. The concern is that under the SAP sensitive uses could be approved within 60m of the shared boundary and is likely to introduce conflict between the uses.

To address each of these issues DSG propose several amendments to the SAP that essentially splits Precinct C into two by creating a new Precinct D that precludes sensitive uses (Residential and Visitor Accommodation).

- **Comment**

The applicant was provided with a copy of the DSG representation for their consideration but notes that the Scheme currently provides for protections for mining and forestry uses through the underlying zoning standards and codes. This includes the requirement for separation distances of at least 200m for sensitive uses to land zoned Rural or Agriculture. The applicant further notes that the Attenuation Code specifies separation distances from a quarry. Depending on the type of works being undertaken, these distances vary from 300m for non-blasting, crushing or vibratory screening activities, through to 1km for blasting works. The separation between the mining lease and the boundary of Precinct C in the SAP (where visitor accommodation uses can occur) is 850m. The proposed siting of the sensitive visitor accommodation uses is in fact 1,030m from the quarry area. As such, the proposal meets the requirements of the Attenuation Code (being the appropriate regulatory tool to manage impacts between uses of this nature).

The representor's concern does not warrant modification to the draft amendment.

4.9. Traffic and Public Transport

The DSG submit the applicant's TIA does not address impacts on the operation of the East Derwent Highway / Sugarloaf Road or Grass Tree Hill / Sugarloaf Road junctions. Despite this they advise the TIA is sufficient for the assessment of the proposed amendment, but council should note that any future proposed amendment for residential zoning of this land and/or the Risdon Vale area more generally, will require detailed traffic analysis regarding impacts on the State Road network including these intersections.

The DSG note that the proposal does not rely on public transport. However, they advise that the public transport services in the area are limited and may be relevant to future development.

- **Comment**

The representor's concern is noted but does not warrant modification to the draft amendment.

4.10. Bushfire, Hazard Management and Vegetation Clearance

The Tasmania Fire Service submission raises concerns related to hazard management, use and permissibility associated with vegetation clearance, and emergency access and egress. A copy of the TFS representation is included in the attachments and is summarised as follows.

- i. Precinct B – buffers for detached cabins for visitor accommodation are shown outside precinct boundaries and require planning approval to remove additional vegetation which would be prohibited by application of the Visitor accommodation use required by Cl. 6.2.6 of the Scheme.
- ii. Precinct C – hotel buffers are not sufficient for BAL 12.5 and therefore recommend locating the hotel further back.
- iii. Emergency access is only via an upgraded Hyden Road which is not best practice as there are no other viable alternatives. Provision should be made for perimeter access around the future hotel facility and each cluster of cabins. This could be incorporated into the draft SAP by modifying the clause for road and access design for all precincts as follows:
 1. Broadening the objective to refer to provision for emergency intervention; and
 2. Insertion of a second Acceptable Solution requiring provision for perimeter fire trail access for the future hotel facility in Precinct C and each cluster of cabins in Precinct B.

- **Comment**

The applicant was provided with a copy of the TFS representation for their consideration and advised that the technical content is not disputed. In response the applicant notes that the reduction in scale of the proposal lessens the requirement for clearing. The applicant's accredited bushfire practitioner recommends the amendment of the precinct boundaries to enable the necessary clearance to be contained within the precinct boundaries entirely. This is supported and further reflected in the amended Precinct Plan by PDA and the amended MasterPlan. This amendment has since been discussed with the TFS who broadly agree with the approach but maintains that an acceptable solution requiring provision for perimeter fire trail access for the future hotel facility in Precinct C and each cluster of cabins in Precinct B. It is recommended that council accepts the recommendation of the TFS and supports the modification in the form it proposes.

The TFS has made recommendations in relation to road construction and emergency access. The road access is Discretionary by application of cl.7.6.1 of the Scheme (Access and Provision of Infrastructure Across Land in Another Zone). As such, there is the ability to provide for the access to the site to meet bushfire requirements.

The applicant agrees that the visitor accommodation use should utilise an emergency access route through the northern part of the site to Downhams Road but does not agree with formalising it in the amendment. The TFS representations conclude that this matter is not so significant that it warrants modification of the amendment.

The TFS later commented on the applicant's intention to upgrade Hyden Road to conform to the minimum standards for public roads provided in the Bushfire-Prone Areas Code. The TFS supports this recommendation, however noted it is outside the scope of the proposed draft amendment to require this and recommends a roadside fuel break with a minimum width of 15m and to be managed in a minimum fuel condition.

The TFS therefore recommends that a requirement for a roadside fuel break be incorporated into the draft SAP and provided suitable wording (refer to Attachment 5). It is recommended that council support this addition as it furthers the Schedule 1 Objectives of LUPAA, to provide for the *orderly and sustainable use* and development of land.

5. STATE POLICIES AND ACT OBJECTIVES

- 5.1.** The Strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA was detailed in the Council Meeting Agenda report dated 10 May 2021.
- 5.2.** The proposal is consistent with the outcomes of the relevant State Policies.
- 5.3.** There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant Council policy.

6. CONCLUSION

In accordance with the requirements of Section 40K of LUPAA, council is required to review its decision of 10 May 2021 in response to the representations received during the public exhibition period. Six representations were received including those made by DSG and the TFS.

The site-specific departure has been amended with the agreement of the applicant to specifically limit the subdivision of the site to one minimum 15ha lot which sits between Downhams Road and the site area which sits outside the SAP.

For the reasons provided above, the report provides the basis of opinion as to the merits of each representation. Modifications to the amendment are proposed in consideration of the representations made by the TFS, which have a negligible impact on the draft amendment as a whole. The draft amendment of the Local Planning Schedule (LPS) meets the LPS criteria, having been transitioned to this format from the originally advertised format under the Clarence Interim Planning Scheme 2015, and no other recommendations in relation to the draft amendment are considered necessary.

- Attachments:
1. Certified Amendment (12)
 2. Amended Draft Aran Eco-Development Special Area Plan (1)
 3. Amended Draft Site-Specific Qualification (13)
 4. Department of state Growth Representation (17)
 5. Tasmania Fire Service Representation (11)
 6. Applicant's Response to TFS and DSG Representations (12)

Ross Lovell
MANAGER CITY PLANNING

INSTRUMENT OF CERTIFICATION



Clarence City Council

The Clarence City Council resolved at its meeting of 10 May 2021 that, Draft Amendment PDPSPAMEND-2019/001707 of the Clarence Interim Planning Scheme 2015, at 18 Downhams Road, Risdon Vale, meets the requirements specified in Section 32 of the *Land Use Planning and Approvals Act 1993*.

Date 14 May 2021;

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

.....C. Mea.....

Corporate Secretary



Clarence City Council

CLARENCE INTERIM PLANNING SCHEME 2015

AMENDMENT – PDPSAMEND – 2019/001707

AMENDMENT TO PLANNING SCHEME ORDINANCE

To amend the Clarence Interim Planning Scheme 2015 as follows.

- (1) Insert a new row in Table 14.1 Minimum Lot Size as follows:

Environmental Living Zone Area	Minimum Lot Size	Area defined by Map overlay?
18 Downhams Road, Risdon Vale (CT 127474/2)	15ha	No

- (2) Insert a new F17.0 Aran Eco-Development Specific Area Plan as follows:

F17.0 Aran Eco-Development Specific Area Plan

F17.1 Purpose of the Specific Area Plan

The purpose of the Specific Area Plan is:

- F17.1.1 To facilitate appropriately scaled tourism development in a bushland setting.
- F17.1.2 To provide for associated supporting uses.
- F17.1.3 In Precinct A, to promote the retention of natural and cultural values limit uses to those that have minimal impact upon these values.
- F17.1.4 In Precinct B, to allow for residential scale visitor accommodation and associate visitor services that take advantage of the bushland setting.
- F17.1.5 In Precinct C, to allow for hotel style visitor accommodation that takes advantage of the natural outlook of the site and the associated vegetation values.
- F17.1.6 To minimise visual impacts of any works from off site.

F17.2 Application of the Specific Area Plan

- F17.2.1 The specific area plan applies to the area of land designated as the Aran Eco Development site on the Planning Scheme maps and as shown in Figure 1.
- F17.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for or in addition to the provision of the Environmental Living Zone as specified in the relevant provision.

F17.3 Definition of Terms

- F17.3.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Precinct A – Natural areas precinct	means the area shown in F17.8.1 Figure 1 as Precinct A.
Precinct B – Visitor Centre Precinct	means the area shown in F17.8.1 Figure 1 as Precinct B.
Precinct C – Hotel Accommodation Precinct	means the area shown in F17.8.1 Figure 1 as Precinct C.

F17.4 Application requirements of the Specific Area Plan

- F17.4.1 In addition to any other application requirements, the planning authority may require, an application for use or development be accompanied by information demonstrating how the proposal meets any applicable performance criteria including:
- (a) A visual impact analysis prepared by a suitably qualified expert where variations to height or siting standards are proposed;
 - (b) Details of colours and materials;
 - (c) A Natural Values Assessment as defined under the Natural Assets Code, where construction requires the removal of vegetation within Precinct A.

F17.5 Use Table

This clause is a substitution for Clause 14.2 in the Environmental Living Zone.

Use Class	Qualification
No Permit Required	
Natural and cultural values management	
Passive recreation	

Utilities	If for minor utilities or transmission lines located within the burdening wayleave easement as shown on Certificate of title 2/127474 .
Permitted	
Residential	Only if: (a) In Precinct B or Precinct C; and (b) a single dwelling; (c) a caretaker's residence; or (d) a home-based business.
Food services	Only if: (a) in Precinct B or Precinct C; and (b) not a take-away food premises with a drive through facility.
General retail and hire	Only if: (a) in Precinct B or Precinct C; and (b) only if a local shop, beauty salon, tourist shop or commercial art gallery.
Resource development	Only if: (a) in Precinct A or Precinct C; and (b) kitchen or community garden; or (c) for crop production or controlled environmental agriculture.
Visitor accommodation	Only if in Precinct B or Precinct C
Discretionary	
Community meeting and entertainment	(a) Only if in Precinct B or Precinct C; and (b) only if a church, art and craft centre, function centre, public hall or theatre.
Resource processing	Only if: (a) in Precinct C; and (b) only if for a winery.
Sports and recreation	Only if: (a) in Precinct A or Precinct B; and (b) only if for an outdoor recreation facility
Utilities	
Prohibited	
All other uses	

F17.6 Use Standards

F17.6.1 All uses

This clause is a substitution for Clause 14.3.1 and 14.3.2 of the Environmental Living Zone

Objective:	Uses do not cause an unreasonable loss of amenity to the adjoining residential zones.	
Acceptable Solutions		Performance Criteria
A1 Hours of operation of a use, excluding Residential, Visitor accommodation, Utilities or office or administrative tasks, on a site within 50m of a General Residential zone must be within the hours of: <ul style="list-style-type: none"> (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and Public Holidays. 		P1 Hours of operation of a use, excluding Residential, Visitor Accommodation, Emergency Services, Utilities or office or administrative tasks, on a site within 50m of a General Residential Zone must not cause an unreasonable loss of amenity to the adjoining residential zones through the timing, duration or extent of vehicle movements, or through noise, lighting or other emissions.
A2 External lighting for a use, excluding for a Residential or Visitor accommodation Use, on a site within 50m of a General Residential Zone, must: <ul style="list-style-type: none"> (a) not operate within the hours of 9.30pm to 6.30am, excluding any security lighting; and (b) if for security lighting, be baffled to ensure direct light does not extend into the adjoining property. 		P2 External lighting for a use, excluding for Residential or Visitor Accommodation use, on a site within 50m of a General Residential Zone, must not cause an unreasonable loss of amenity to the adjoining residential Zones, having regard to: <ul style="list-style-type: none"> (a) the level of illumination and duration of lighting; (b) the distance to habitable rooms of an adjoining dwelling.
A3 Commercial vehicle movements and the unloading and loading of commercial vehicles, excluding for residential, Visitor Accommodation use, on a site within 50m of a General Residential Zone, must be within the hours of: <ul style="list-style-type: none"> (a) 9.00am to 6.00pm Monday to Saturday; and (b) 9.00am to 5.00pm Sunday and Public Holidays. 		P3 Commercial vehicle movements and the unloading and loading of commercial vehicles, excluding those for residential and Visitor Accommodation uses, within 50m of the General Residential Zone, must not cause an unreasonable loss of amenity to the adjoining residential Zones, having regard to: <ul style="list-style-type: none"> (a) the time and duration of commercial vehicle movements; (b) the number and frequency of commercial vehicle movements; (c) the size of commercial vehicles involved;

	<ul style="list-style-type: none"> (d) manoeuvring required by commercial vehicles, including the amount of reversing and associated warning noise; (e) any noise mitigation measures between the vehicle movement areas and the adjoining residential area; and (f) potential conflicts with other traffic.
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F 17.6.2 Visitor accommodation use within Precinct B

This clause is a substitution for Clause 14.3.2 of the Environmental Living Zone.

Objective:	<p>Visitor accommodation within Precinct B:</p> <ul style="list-style-type: none"> (a) is compatible with the character and use of the area; and (b) does not cause an unreasonable loss of residential amenity;
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Visitor accommodation in Precinct B must:</p> <ul style="list-style-type: none"> (a) be located individually identifiable buildings each with a maximum floor area of no more than 200m²; and (b) have a combined maximum gross floor area of not more 5,000m². 	<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the bushland characteristics of the area; and (e) the impact on the safety and efficiency of the local road network.,

F17.6.3 Non-Visitor accommodation use within Precinct B

This clause is a substitution for Clause 14.3.2 of the Environmental Living Zone

Objective:	<p>Non-visitor accommodation uses:</p> <ul style="list-style-type: none"> (a) are of a scale and intensity compatible with the bushland character of the surrounding area; and (b) do not adversely affect residential amenity.
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Non-visitor accommodation uses in Precinct B must:</p> <p>(a) be located individually identifiable buildings each with a maximum floor area of no more than 200m²; and</p> <p>(b) have a combined maximum gross floor area of 1,000m².</p>	<p>P1</p> <p>Non-visitor accommodation uses must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the bushland characteristics of the area; and</p> <p>(e) the impact on the safety and efficiency of the local road network.,</p>
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F 17.6.4 Visitor accommodation use within Precinct C

This clause is a substitution for Clause 14.3.2 of the Environmental Living Zone,

Objective:	Visitor accommodation within Precinct C is of a scale and intensity compatible with the bushland character of the area.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Visitor Accommodation in Precinct C must:</p> <p>(a) be contained within an existing building; or</p> <p>(b) be contained within an extension to an existing building that does not increase the gross floor area of that building by more than 10%.</p>		<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the bushland characteristics of the area; and</p> <p>(e) the impact on the safety and efficiency of the local road network.</p>

F17.7 Development standards for building and works

F17.7.1 Building setbacks in Precinct C

This clause is in addition to the setback requirements at Clause 14.4.1 of the Environmental Living Zone.

Objective:	The siting of Visitor Accommodation buildings in Precinct C does not conflict or constrain Resource Development uses on the site and adjoining lots.	
Acceptable Solutions		Performance Criteria
A2 Visitor accommodation buildings in Precinct C must be setback at least 40m from an existing Resource Development use.		P2 Visitor accommodation building setbacks must not cause conflict with or constrain a Resource Development use, having regard to all of the following: <ul style="list-style-type: none"> (a) the topography of the site; (b) retention of vegetation; (c) the nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots; and (d) any proposed attenuation measures; (e) any buffers created by natural or other features.

F17.7.2 Building height within all Precincts

This clause is a substitution for Clause 14.4.1 in the Environmental Living Zone.

Objective:	Building height: <ul style="list-style-type: none"> (a) is compatible with the bushland landscape; and (b) does not cause an unreasonable impact on residential amenity. 	
Acceptable Solutions		Performance Criteria
A1 Buildings height must be no more than: <ul style="list-style-type: none"> (a) 7.5m in Precinct A; (b) 8.5m in Precinct B; and (c) 7.5m in Precinct C. 		P1 Building height must be compatible with the bushland landscape of the site and not cause an unreasonable impact on the amenity of any adjoining residential lots, having regard to: <ul style="list-style-type: none"> (a) the height, bulk and form of proposed buildings; (b) the topography of the site; (c) visual impact of buildings when viewed from roads and public places or adjoining residential lots; (d) any existing or proposed visual buffers created by vegetation, natural or other features;

	<p>(e) the landscape values of the surrounding area; and</p> <p>(f) any visual landscape analysis.</p>
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F17.7.3 Building Design in all Precincts

This clause is a substitution for Clause 14.4.3 A3 and P3 in the Environmental Living Zone

Objective:	The footprint of the buildings is of a scale that is appropriate for the proposed use and is compatible with the landscape values of the site and surrounding area.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>The combined gross footprint of buildings must be no more than:</p> <p>(a) 1000m² within Precinct A;</p> <p>(b) 5000m² within Precinct B;</p> <p>(c) 2000m² within Precinct Cor extension to an existing building that does not increase the footprint of that building by more than 10% (whichever is the greater).</p>		<p>P1</p> <p>The combined gross footprint of buildings must be compatible with the landscape values of the site and surrounding area, having regard to</p> <p>(a) the topography of the site;</p> <p>(b) the capacity of the site to absorb run-off;</p> <p>(c) the extent of the site retained for landscape purposes;</p> <p>(d) the need to remove vegetation;</p> <p>(e) the location of development in relation to cleared areas;</p> <p>(f) the landscape values of the surrounding area; and</p> <p>(g) any visual landscape analysis.</p>
<p>A2</p> <p>Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>		<p>P2</p> <p>Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.</p>

F17.7.4 Sustainable Design in all Precincts

This clause is in addition to requirements of the Environmental Living Zone and the Stormwater Management Code.

Objective:	<p>The design of all buildings within all Precincts:</p> <p>(a) promotes environmentally sustainable building design;</p> <p>(b) supports good solar access; and</p>
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	(c) minimises the impact on natural values on the site.
Acceptable Solutions	Performance Criteria
A1 Buildings with habitable rooms (other than a bedroom) must have a window that faces between 30 degrees west of north and 30 degrees east of north.	P1 Buildings must be sited and designed so to allow sunlight to enter at least one habitable room (other than bedrooms).
A2 Buildings and structures are designed and managed to minimise bird strike by: <ul style="list-style-type: none"> (a) eliminating or obscuring transparent or highly reflective obstacles that are not readily perceptible by birds in flight, such as uncovered corner or opposing windows that allow sightlines through buildings; (b) using low reflective glass on external surfaces; or (c) angling glass surfaces to reflect the ground or built fabric rather than the sky or habitat. 	P2 Buildings and structures may be approved where it is demonstrated by a suitably qualified expert that the design is acceptable in terms of its impact on the local Swift Parrot (<i>Lathamus discolor</i>) community.

F17.7.6 Road and access design for all precincts

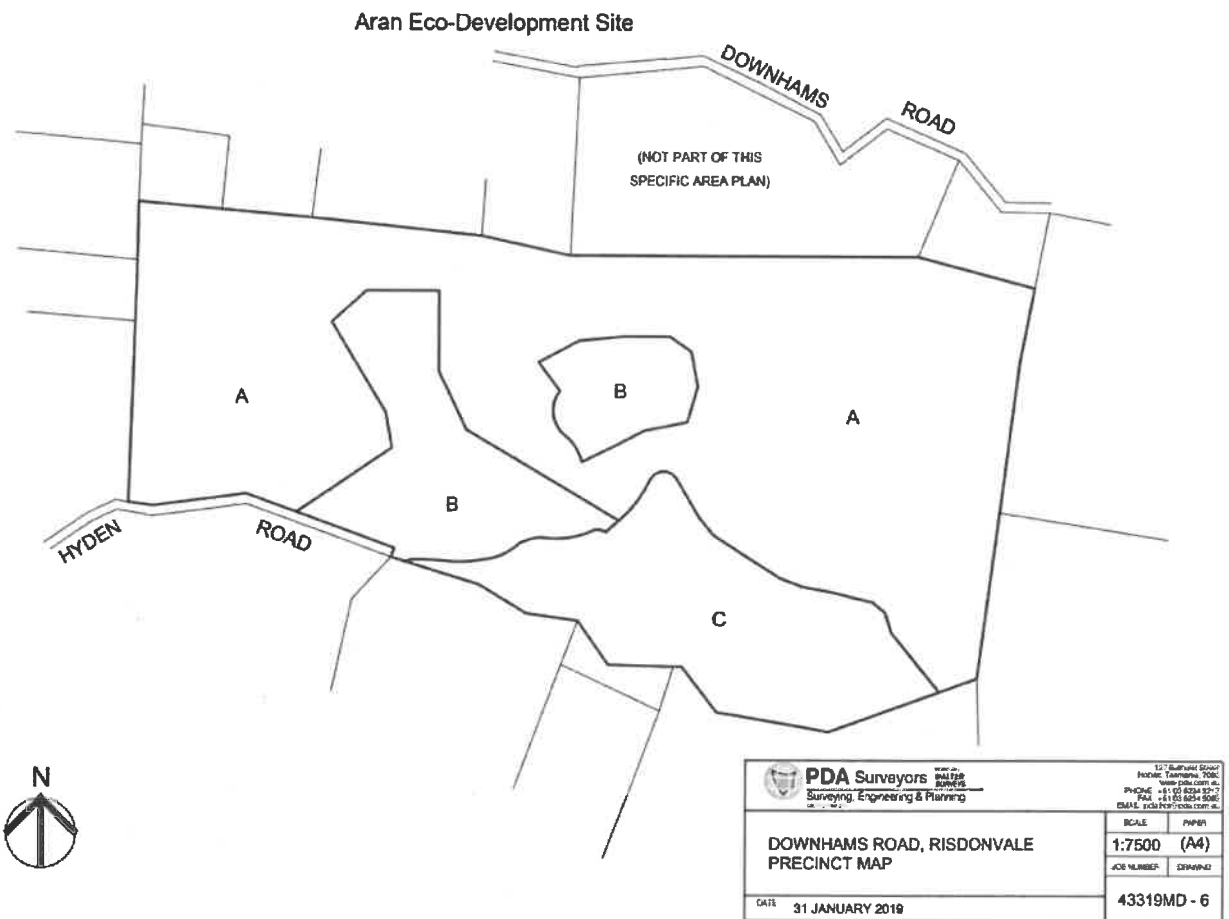
This clause is in addition to the requirements of the Road and Railway Assets Code and Parking and Access Code.

Objective:	To maintain, protect and improve the natural and landscape values on the site.
Acceptable Solutions	Performance Criteria
A1 All new roads or accesses must incorporate water sensitive urban design principles consistent with <i>Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania</i> .	P1 Roads and accesses must incorporate a stormwater disposal system that maintains, protects and improves the water quality of nearby rivulets and dams on the site having regard to: <ul style="list-style-type: none"> (a) water sensitive urban design principles; and (b) The topography of the land and its natural pattern of drainage.

<p>A2</p> <p>Parking spaces and vehicle circulation roadways must be paved or treated with dark coloured finishes with a light reflectance value no more than 40 per cent.</p>	<p>P2</p> <p>Roads must be surfaced with materials that:</p> <ul style="list-style-type: none"> (a) do not result in an unreasonable visual impact when viewed from offsite; (b) Have an external surface finish that is coloured to blend in with the surrounding landscape; (c) Be located to take advantage of any existing native vegetation for visual screening.
<p>A3</p> <ul style="list-style-type: none"> (a) Hyden Road has been constructed and is maintained by Council; and (b) The annual average daily traffic (AADT) of vehicle movements, to and from a site, using Hyden Road, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. 	<p>P3</p> <p>Hyden Road must be constructed, or sufficiently upgraded, in accordance with the requirements of the relevant Road Authority, having regard to:</p> <ul style="list-style-type: none"> (a) the volume and nature of the traffic generated by the use; (b) the nature and efficiency of the road, accesses and junctions; (c) the speed limit and traffic flow of the road; (d) any alternative access to the site; and (e) any traffic impact assessment.

F17.8 Aran Eco-Development Specific Area Plan - Figures

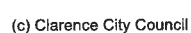
F17.8.1 Figure 1 – Precinct Plan



**THE COMMON SEAL OF THE CLARENCE CITY COUNCIL
 HAS BEEN HERE UNTO AFFIXED THIS 14 MAY 2021,
 PURSUANT TO A RESOLUTION OF THE COUNCIL
 PASSED THE 10 MAY 2021, IN THE PRESENCE OF:**

CORPORATE SECRETARY

Amendment PDPSAMEND-2019/001707



110

Aran Eco-Development Specific Area Plan

Chia
CORPORATE SECRETARY

CLA - S23.0 Aran Eco-Development Specific Area Plan

CLA - S23.1 Purpose of the Specific Area Plan

The purpose of the Specific Area Plan is:

CLA - S23.1.1	To facilitate appropriately scaled tourism development in a bushland setting.
CLA – S23.1.2	To provide for associated supporting uses.
CLA – S23.1.3	In Precinct A, to promote the retention of natural and cultural values, limit uses to those that have minimal impact upon these values.
CLA – S23.1.4	In Precinct B, to allow for residential scale visitor accommodation and associate visitor services that take advantage of the bushland setting.
CLA – S23.1.5	In Precinct C, to allow for hotel style visitor accommodation that takes advantage of the natural outlook of the site and the associated vegetation values.
CLA – S23.1.6	To minimise visual impacts of any works from off site.

CLA - S23.2 Application of the Specific Area Plan

CLA – S23.2.1	The specific area plan applies to the area of land designated as the Aran Eco Development site on the Planning Scheme maps and as shown in Figure CLA - S2.1.
CLA – S23.2.2	In the area of land this plan applies to, the provisions of the specific area plan are in substitution for or in addition to the provision of the Landscape Conservation Zone as specified in the relevant provision.

CLA - S23.3 Definition of Terms

CLA - S23.3.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Precinct A – Natural areas precinct	means the area shown in Figure CLA – S2.1 as Precinct A.
Precinct B – Visitor Centre Precinct	means the area shown in Figure CLA – S2.1 as Precinct B.
Precinct C – Hotel Accommodation Precinct	means the area shown in Figure CLA – S2.1 as Precinct C.

CLA - S23.4 Application requirements of the Specific Area Plan

CLA – S23.4.1	In addition to any other application requirements, the planning authority may require, an application for use or development be accompanied by information
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	<p>demonstrating how the proposal meets any applicable performance criteria including:</p> <p>(a) A visual impact analysis prepared by a suitably qualified expert where variations to height or siting standards are proposed;</p> <p>(b) Details of colours and materials;</p> <p>(c) A Natural Values Assessment as defined under the Natural Assets Code, where construction requires the removal of vegetation within Precinct A.</p>
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CLA – S23.5 Use Table

This clause is a substitution for Clause 22.2 in the Landscape Conservation Zone

Use Class	Qualification
No Permit Required	
Natural and cultural values management	
Passive recreation	
Utilities	If for minor utilities or transmission lines located within the burdening wayleave easement as shown on Certificate of title 2/127474 .
Permitted	
Residential	<p>If:</p> <p>(a) In Precinct B or Precinct C; and</p> <p>(b) a single dwelling;</p> <p>(c) a caretaker's residence; or</p> <p>(d) a home based business.</p>
Food services	<p>If:</p> <p>(a) in Precinct B or Precinct C; and</p> <p>(b) not a take-away food premises with a drive through facility.</p>
General retail and hire	<p>If:</p> <p>(a) in Precinct B or Precinct C; and</p> <p>(b) only if a local shop, beauty salon, tourist shop or commercial art gallery.</p>
Resource development	<p>If:</p> <p>(a) in Precinct A or Precinct C; and</p> <p>(b) kitchen or community garden; or</p> <p>(c) for crop production or controlled environmental agriculture.</p>

Visitor accommodation	If in Precinct B or Precinct C
Discretionary	
Community meeting and entertainment	If: (a) in Precinct B or Precinct C; and (b) for a church, art and craft centre, function centre, public hall or theatre.
Resource processing	If: (a) in Precinct C; and (b) for a winery.
Sports and recreation	If: (a) in Precinct A or Precinct B; and (b) for an outdoor recreation facility
Utilities	
Prohibited	
All other uses	

CLA – S23.6 Use Standards

CLA – S23.6.1 All uses

This clause is a substitution for Clause 22.3.1 and 22.3.2 and 22.3.3 in the Landscape Conservation Zone.

Objective:	Uses do not cause an unreasonable loss of amenity to the adjoining residential zones.	
Acceptable Solutions		Performance Criteria
A1 Hours of operation of a use, excluding Residential, Visitor Accommodation, Utilities and office or administrative tasks, on a site within 50m of a General Residential zone must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and Public Holidays.		P1 Hours of operation of a use, excluding Residential, Visitor Accommodation, Emergency Services, Utilities and office or administrative tasks, on a site within 50m of a General Residential Zone must not cause an unreasonable loss of amenity to the adjoining residential zones through the timing, duration or extent of vehicle movements, or through noise, lighting or other emissions.

<p>A2</p> <p>External lighting for a use, excluding for a Residential and Visitor accommodation use, on a site within 50m of a General Residential Zone, must:</p> <ul style="list-style-type: none"> (a) not operate within the hours of 9.30pm to 6.30am, excluding any security lighting; and (b) if for security lighting, be baffled to ensure direct light does not extend into the adjoining property. 	<p>P2</p> <p>External lighting for a use, excluding for Residential and Visitor Accommodation use, on a site within 50m of a General Residential Zone, must not cause an unreasonable loss of amenity to the adjoining residential zones, having regard to:</p> <ul style="list-style-type: none"> (a) the level of illumination and duration of lighting; (b) the distance to habitable rooms of an adjoining dwelling.
<p>A3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles, excluding for Residential and Visitor Accommodation use, on a site within 50m of a General Residential Zone, must be within the hours of:</p> <ul style="list-style-type: none"> (a) 9.00am to 6.00pm Monday to Saturday; and (b) 9.00am to 5.00pm Sunday and Public Holidays. 	<p>P3</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles, excluding those for Residential and Visitor Accommodation use, within 50m of the General Residential Zone, must not cause an unreasonable loss of amenity to the adjoining residential Zones, having regard to:</p> <ul style="list-style-type: none"> (a) the time and duration of commercial vehicle movements; (b) the number and frequency of commercial vehicle movements; (c) the size of commercial vehicles involved; (d) manoeuvring required by commercial vehicles, including the amount of reversing and associated warning noise; (e) any noise mitigation measures between the vehicle movement areas and the adjoining residential area; and (f) potential conflicts with other traffic.

CLA - S23.6.2 Visitor accommodation use within Precinct B

This clause is a substitution for Clause 22.3.2 of the Landscape Conservation Zone.

Objective:	<p>Visitor Accommodation within Precinct B:</p> <ul style="list-style-type: none"> (a) is compatible with the character and use of the area; and (b) does not cause an unreasonable loss of residential amenity;
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Visitor Accommodation in Precinct B must:</p> <ul style="list-style-type: none"> (a) be individually identifiable buildings each with a maximum floor area of no more than 200m²; and (b) have a combined maximum gross floor area of not more 5,000m². 	<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the bushland characteristics of the area; and (e) the impact on the safety and efficiency of the local road network.,
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CLA – S23.6.3 Uses other than Visitor Accommodation within Precinct B

This clause is a substitution for Clause 22.4.1 of the Landscape Conservation Zone.

Objective:	<p>Uses other than Visitor Accommodation:</p> <ul style="list-style-type: none"> (a) are of a scale and intensity compatible with the bushland character of the surrounding area; and (b) do not adversely affect residential amenity.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Non-Visitor Accommodation uses in Precinct B must:</p> <ul style="list-style-type: none"> (a) be located individually identifiable buildings each with a maximum floor area of no more than 200m²; and (b) have a combined maximum gross floor area of 1,000m². 	<p>P1</p> <p>Non-Visitor Accommodation uses must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the bushland characteristics of the area; and (e) the impact on the safety and efficiency of the local road network.,

CLA - S23.6.4 Visitor accommodation use within Precinct C

This clause is a substitution for Clause 22.3.2 and 22.4.1 of the Landscape Conservation Zone,

Objective:	Visitor accommodation within Precinct C is of a scale and intensity compatible with the bushland character of the area.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Visitor Accommodation in Precinct C must:</p> <ul style="list-style-type: none"> (a) be contained within an existing building; or (b) be contained within an extension to an existing building that does not increase the gross floor area of that building by more than 10%. 	<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the bushland characteristics of the area; and (e) the impact on the safety and efficiency of the local road network.,

CLA – S23.7 Development standards for building and works

CLA – S23.7.1 Building setbacks - Precinct C

This clause is in addition to the setback requirements at Clause 22.4.2 of the Landscape Conservation Zone.

Objective:	The siting of Visitor Accommodation buildings in Precinct C does not conflict or constrain Resource Development uses on the site and adjoining lots.
Acceptable Solutions	Performance Criteria
<p>A2</p> <p>Visitor Accommodation buildings in Precinct C must be setback at least 40m from an existing Resource Development use.</p>	<p>P2</p> <p>Visitor Accommodation building setbacks must not cause conflict with or constrain a Resource Development use, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) retention of vegetation; (c) the nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots; and (d) any proposed attenuation measures;

	(e) any buffers created by natural or other features.
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CLA - S23.7.2 Building height within all Precincts

This clause is a substitution for Clause 22.4.2 A1 and P1 in the Landscape Conservation Zone.

Objective:	Building height: (a) is compatible with the bushland landscape; and (b) does not cause an unreasonable impact on residential amenity.
Acceptable Solutions	Performance Criteria
A1 Buildings height must be no more than: (a) 7.5m in Precinct A; (b) 8.5m in Precinct B; and (c) 7.5m in Precinct C.	P1 Building height must be compatible with the bushland landscape of the site and not cause an unreasonable impact on the amenity of any adjoining residential lots, having regard to: (a) the height, bulk and form of proposed buildings; (b) the topography of the site; (c) visual impact of buildings when viewed from roads and public places or adjoining residential lots; (d) any existing or proposed visual buffers created by vegetation, natural or other features; (e) the landscape values of the surrounding area; and (f) any visual landscape analysis.

CLA - S23.7.3 Site Coverage in all Precincts

This clause is a substitution for Clause 22.4.1 in the Landscape Conservation Zone

Objective:	The footprint of the buildings is of a scale that is appropriate for the proposed use and is compatible with the landscape values of the site and surrounding area.
Acceptable Solutions	Performance Criteria
A1 The combined gross footprint of buildings must be no more than: <ul style="list-style-type: none"> (a) 1000m² within Precinct A; (b) 5000m² within Precinct B; (c) 2000m² within Precinct C, or an extension to an existing building that does not increase the footprint of that building by more than 10% (whichever is the greater). 	P1 The combined gross footprint of buildings must be compatible with the landscape values of the site and surrounding area, having regard to <ul style="list-style-type: none"> (a) the topography of the site; (b) the capacity of the site to absorb run-off; (c) the extent of the site retained for landscape purposes; (d) the need to remove vegetation; (e) the location of development in relation to cleared areas; (f) the landscape values of the surrounding area; and (g) any visual landscape analysis.

CLA - S23.7.4 Sustainable Design in all Precincts

This clause is in addition to requirements of the Landscape Conservation Zone.

Objective:	The design of all buildings within all Precincts: <ul style="list-style-type: none"> (a) promotes environmentally sustainable building design; (b) supports good solar access; and (c) minimises the impact on natural values on the site.
Acceptable Solutions	Performance Criteria
A1 Buildings with habitable rooms (other than a bedroom) must have a window that faces between 30 degrees west of north and 30 degrees east of north.	P1 Buildings must be sited and designed so to allow sunlight to enter at least one habitable room (other than bedrooms).

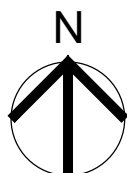
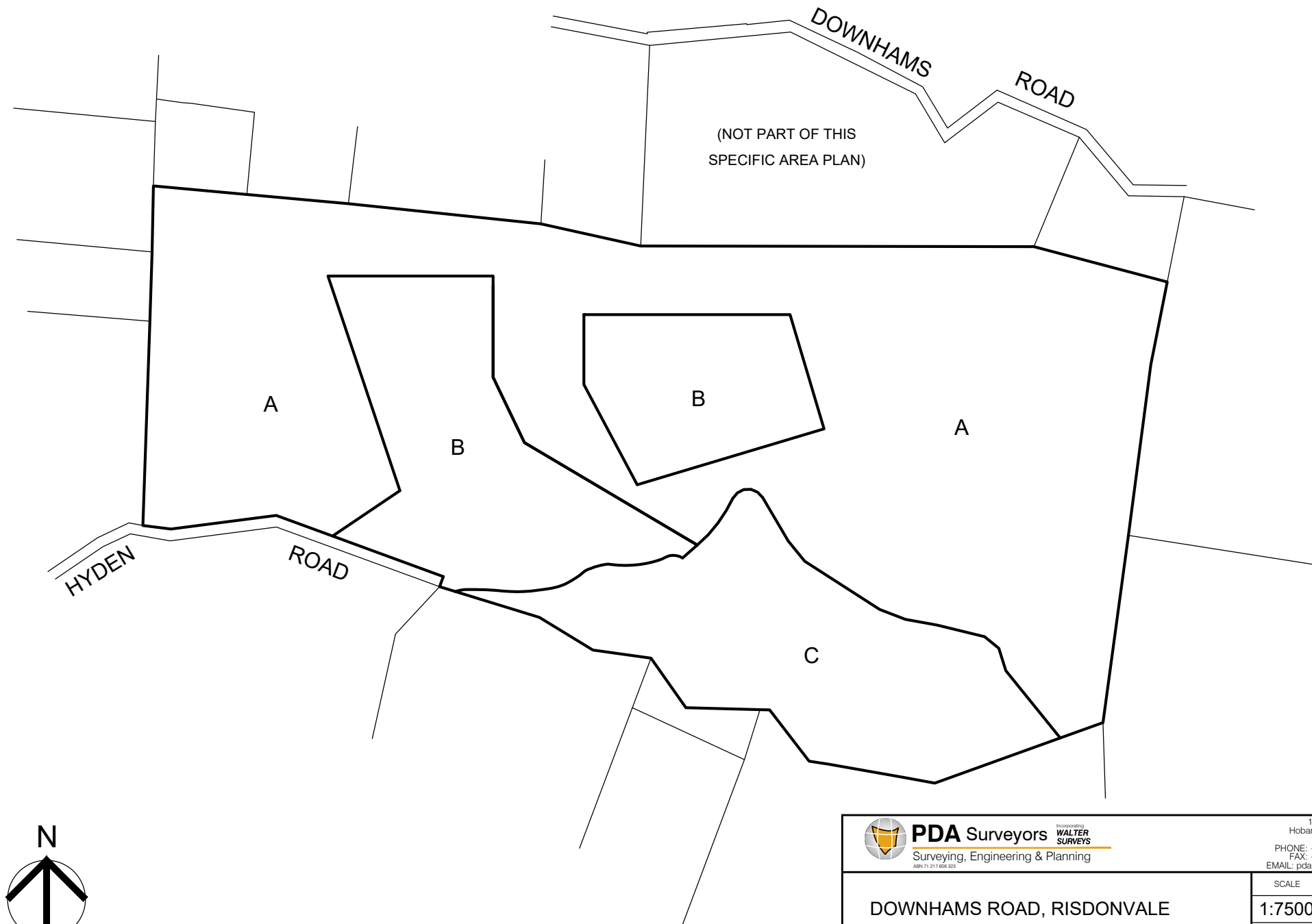
<p>A2</p> <p>Buildings and structures are designed and managed to minimise bird strike by:</p> <ul style="list-style-type: none"> (a) eliminating or obscuring transparent or highly reflective obstacles that are not readily perceptible by birds in flight, such as uncovered corner or opposing windows that allow sightlines through buildings; (b) using low reflective glass on external surfaces; or (c) angling glass surfaces to reflect the ground or built fabric rather than the sky or habitat. 	<p>P2</p> <p>Buildings and structures may be approved where it is demonstrated by a suitably qualified expert that the design is acceptable in terms of its impact on the local Swift Parrot (<i>Lathamus discolor</i>) community.</p>
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CLA - S23.7.6 Road and access design for all precincts

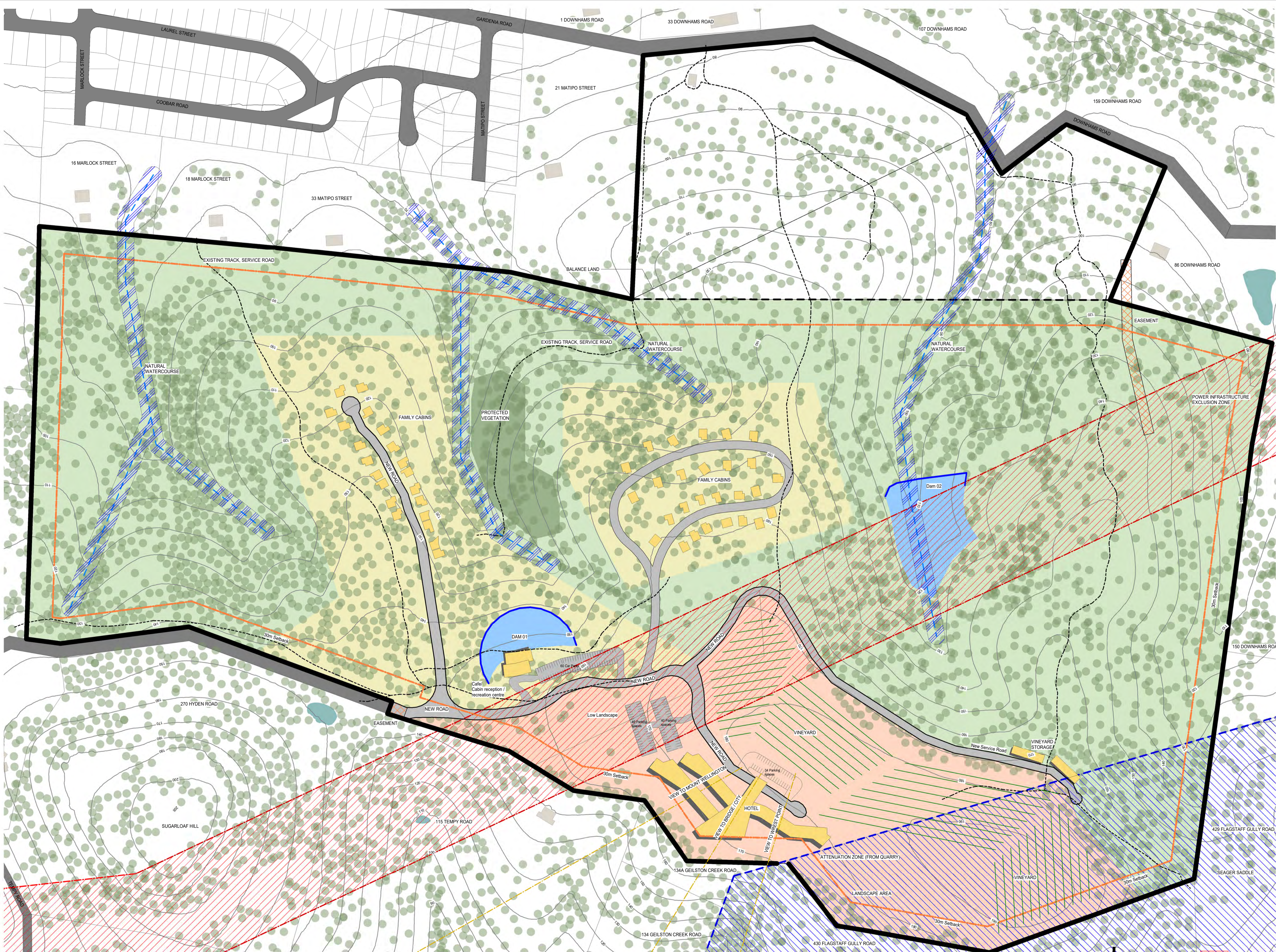
This clause is in addition to the requirements of the C2.0 Parking and Access Code and C3.0 Road and Railway Assets Code.

Objective:	<p>The design of roads and accesses will:</p> <ul style="list-style-type: none"> • Maintain, protect and improve the natural and landscape values on the site; and • Facilitate safe and efficient access and egress in bushfire emergencies.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>All new roads or accesses must incorporate water sensitive urban design principles consistent with <i>Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania</i>.</p>	<p>P1</p> <p>Roads and accesses must incorporate a stormwater disposal system that maintains, protects and improves the water quality of nearby rivulets and dams on the site having regard to:</p> <ul style="list-style-type: none"> (a) water sensitive urban design principles; and (b) The topography of the land and its natural pattern of drainage.

<p>A2</p> <p>Parking spaces and vehicle circulation roadways must be paved or treated with dark coloured finishes with a light reflectance value no more than 40 per cent.</p>	<p>P2</p> <p>Roads must be surfaced with materials that:</p> <ul style="list-style-type: none"> (a) do not result in an unreasonable visual impact when viewed from offsite; (b) Have an external surface finish that is coloured to blend in with the surrounding landscape; (c) Be located to take advantage of any existing native vegetation for visual screening.
<p>A3</p> <ul style="list-style-type: none"> (a) Hyden Road has been constructed and is maintained by Council; and (b) The annual average daily traffic (AADT) of vehicle movements, to and from a site, using Hyden Road, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. 	<p>P3</p> <p>Hyden Road must be constructed, or sufficiently upgraded, in accordance with the requirements of the relevant Road Authority, having regard to:</p> <ul style="list-style-type: none"> (a) the volume and nature of the traffic generated by the use; (b) the nature and efficiency of the road, accesses and junctions; (c) the speed limit and traffic flow of the road; (d) any alternative access to the site; and (e) any traffic impact assessment.
<p>A4</p> <ul style="list-style-type: none"> (a) Perimeter fire trail access must be incorporated into the design of Precincts B and C; and (b) Perimeter fire trail access must be designed and constructed in accordance with Table C13.3. 	<p>P4</p> <p>A development proposal must provide for safe and efficient firefighter access to habitable buildings and surrounding bushfire-prone vegetation to facilitate protection from bushfires.</p>
<p>A5</p> <p>A roadside fuel break must be implemented along the interface with Hyden Road to reduce risk to road users in a bushfire emergency. The roadside fuel break must:</p> <ul style="list-style-type: none"> (a) Have a minimum width of 15m; and (b) Be maintained in a minimum fuel condition; and (c) Be implemented prior to occupation of habitable buildings in Precincts B and C. 	<p>P5</p> <p>Risk to road users in a bushfire emergency must be mitigated through bushfire protection measures appropriate to potential bushfire scenarios.</p>



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DATE 26 NOVEMBER 2021		43319MD - 6A	



- Precinct C - Hotel Accommodation Precinct
- Precinct B - Visitor Centre Precinct
- Precinct A - Natural areas precinct
- Water Way Protector Area

Table 1: Site Specific Qualification

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions.
CLA 22.3	18 Downhams Road, Risdon Vale	127474/2	<p>A substitution for the Acceptable Solution for this site is:</p> <p>A1</p> <p>Each lot, or a proposed lot in a plan of subdivision, must:</p> <p>(a) have an area of not less than 15ha and:</p> <p style="padding-left: 40px;">(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of:</p> <p style="padding-left: 80px;">a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</p> <p style="padding-left: 80px;">b. easements or other title restrictions that limit or restrict development; and</p> <p style="padding-left: 40px;">(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone;</p> <p>(e) Subdivide land wholly outside of the CLA – S23.0 Aran Eco-Development Specific Area Plan.</p>	Landscape Conservation Zone, Clause 22.5.1, Lot Design, A1

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Mr Ian Nelson
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Clarence City Council
38 Bligh Street
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Via email: clarence@ccc.tas.gov.au

PDPSAMEND-2019/001707 – 18 Downhams Road, Risdon Vale Aran Eco-Development Specific Area Plan

Dear Mr Nelson,

Thank you for the opportunity to comment on Draft Amendment PDPSAMEND-2019/001707 to the *Clarence Interim Planning Scheme 2015* (Interim Scheme) for the proposed Aran Eco-Development at 18 Downhams Road, Risdon Vale.

State Growth has reviewed the exhibited documentation, together with Council's Section 35 report on the proposed amendment. This review has highlighted matters for further consideration by Council, as outlined in the attached documentation.

Please do not hesitate to contact Patrick Carroll, Principal Land Use Planning Analyst at Patrick.Carroll@stategrowth.tas.gov.au or on 03 6166 4472 who can arrange for relevant officers to respond to the matters raised in this submission.

Yours sincerely

Martin Blake
CEO Infrastructure Tasmania

16 July 2021

Attachment 1: State Growth Comments – 18 Downhams Road, Risdon Vale
Attachment 2: Draft Planning Scheme Ordinance incorporating State Growth amendments
Attachment 3: State Growth amendments to Figure F17.8.1

Department of State Growth

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Attachment I. State Growth comments – 18 Downhams Road, Risdon Vale

Quarrying and Forestry Activities

The proposed amendment seeks to insert a Specific Area Plan into the *Clarence Interim Planning Scheme 2015* to allow development of a tourism venture on the site. The site is partially located within the attenuation area of a large quarry and is adjacent to a private timber reserve.

In this context, State Growth considers that the proposed Specific Area Plan ('SAP'), as drafted, should be amended to ensure any future land use conflict between the proposal and these existing activities can be appropriately managed.

Quarry Attenuation Area

As noted in the application, part of the site is impacted by an Attenuation Area for the nearby dolerite quarry at 415 Flagstaff Gully Road. This Attenuation Area forms part of the statutory mapping included in the Attenuation Code of the Interim Scheme.

Figure I shows the subject site in blue, the Flagstaff Gully quarry in red, and the Attenuation Area is denoted by hatching. At its closest point, Precinct C of the subject site and the Mining Lease have a separation of approximately 820m.

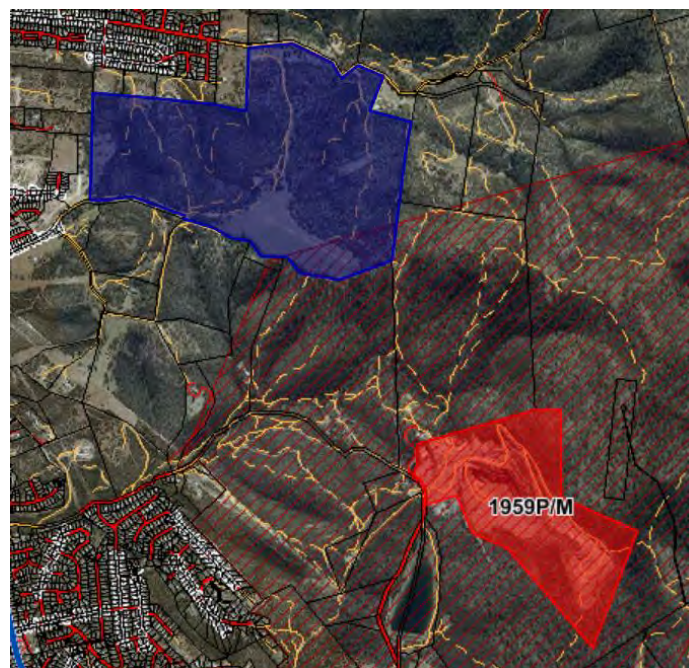


Figure I. Map showing proximity of Flagstaff Gully Road quarry (red) to subject site (blue). Red hatching denotes the statutory Attenuation Area.

The quarry is operated by Hanson Construction Materials Pty Ltd, and is subject to Mining Lease 1959P/M. The overall lease area measures 50ha. The operation is Tasmania's fourth largest hard rock production quarry and has been operating for 55 years. A 2019 study assessed the quarry as having a potential lifespan of greater than 100 years¹.

Production is approved at 262 500m³ per annum, however the quarry operator has a current application with the EPA to increase production to 375 000m³ per annum. If the production limit is approved, the quarry would become the third largest quarry operation in the state.

Blasting is required to extract the dolerite. The quarry's mining direction is progressing westwards above the historic pit. As such, blast direction has the potential to detonate towards the subject site. Based on the development indicated on the masterplan, the hotel would be closest to the quarry operations, and most likely to be impacted by blasting.

Private Timber Reserve

Adjacent land at 429 Flagstaff Gully Road, Lindisfarne (CT 202945/1) is subject to a Private Timber Reserve (PTR #376).

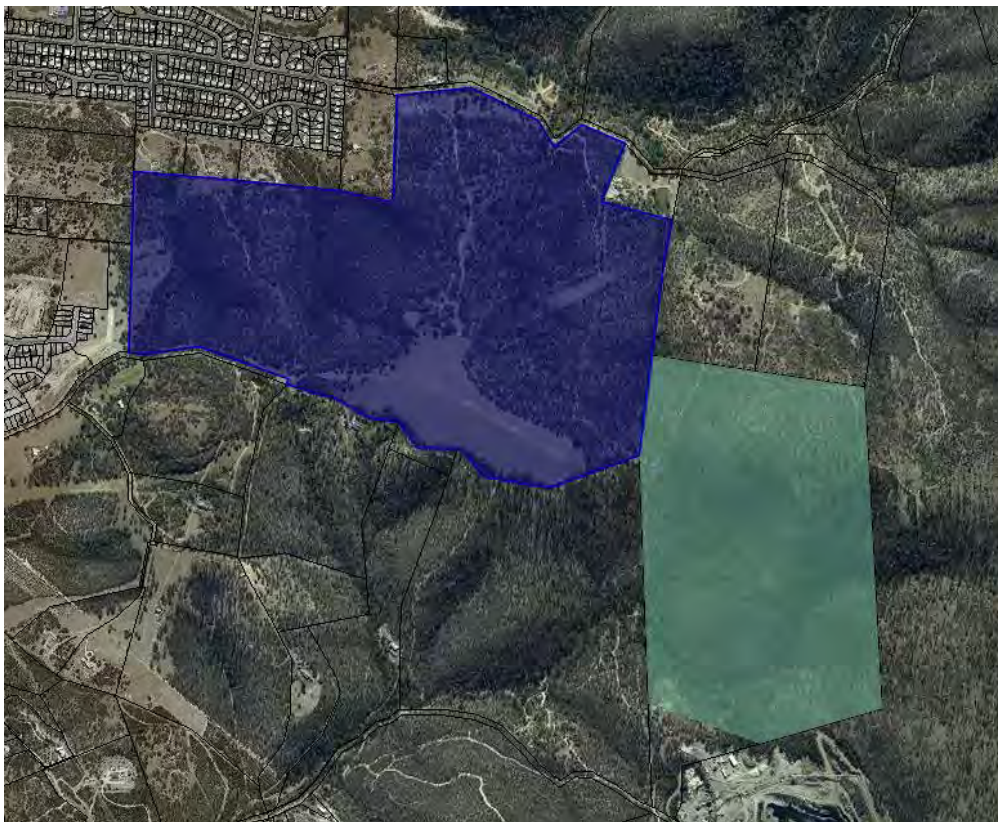


Figure 2. Map showing the proximity of the subject site (blue) and Private Timber Reserve #376 at 429 Flagstaff Gully Road, Lindisfarne (green).

¹ Miedecke (2019) Hanson Construction Materials Flagstaff Gully Quarry Extension EMP. Revised John Miedecke and Partners, 2019.

The commencement of forestry operations has the potential to impact the development at the site, including through noise and particles.

The submitted masterplan indicates that future Visitor Accommodation use will be located approximately 350m to the west of the private timber reserve. At this distance, land use conflict is not considered to be an issue. However, if the draft SAP is approved in its current form, Residential or Visitor Accommodation use could occur as little as 60m from the boundary shared with 429 Flagstaff Gully Road – a separation that is likely to create conflict between land uses.

It is acknowledged that, should buildings be sited as shown on the masterplan, the potential for impacts from the private timber reserve will be minimal.

Proposed Amendments to Specific Area Plan

To mitigate against any potential future land use conflicts between the proposed development, the adjacent quarry and private timber reserve, and consistent with the requirements of s32(1)(e) of LUPAA, State Growth is proposing amendments to the SAP (see Attachments 2 and 3). These amendments are to -

- Amend the ordinance of the draft Specific Area Plan (Attachment 2), including amendments to:
 - F17.1 – Purpose of the Specific Area Plan
 - F17.3 – Definition of Terms
 - F17.5 – Use Table
 - F17.7.2 – Building Height within all Precincts
 - F17.7.3 – Building Design in all Precincts
- Amend Figure 17.8.1 of the draft Specific Area Plan to create Precinct D (Attachment 3)

The proposed amendments will increase the separation between Visitor Accommodation and Residential uses at the site and the adjacent private timber reserve. It will also keep those uses outside the Attenuation Area for the Flagstaff Gully Road quarry.

While the amendments will effectively prohibit residential and visitor accommodation from an area of approximately 5ha in the southern part of the site, State Growth believes the amendments do not conflict with or detract from the masterplan prepared by the applicant. With the exception of Residential and Visitor Accommodation uses, all uses that have a pathway to be approved in Precinct C have the same pathway provided in Precinct D.

State Growth also notes that there is precedent in providing additional planning controls to restrict sensitive uses, in addition to those provided by the Attenuation Code. An example is the provisions contained in the Bridgewater Quarry SAP of Brighton Council's Local Provisions Schedule.

State Roads

The Traffic Impact Assessment (TIA) submitted by the applicant in support of the amendment does not address impacts on the operation of the East Derwent Highway / Sugarloaf Road or Grass Tree Hill / Sugarloaf Road junctions. State Roads does not consider it necessary to request further traffic

analysis be undertaken at this time, given any additional traffic generated by the allowable uses is unlikely to coincide with commuter peak hour.

However, it is noted the masterplan shows an area of land proposed for future residential development, which is not part of the current draft amendment.

Council should note that any future proposed amendment for residential zoning of this land and/or the Risdon Vale area more generally, will require detailed traffic analysis regarding impacts on the State Road network, including at the East Derwent Highway / Sugarloaf Road, and Grass Tree Hill / Sugarloaf Road junctions.

Public Transport

The supporting report prepared by ERA Planning Pty Ltd notes the site is around 500m from a public transport route in Risdon Vale (page 3).

Public transport services run along Gardenia Road, with Metro Stop 29 being closest to the subject site. Based on the draft SAP and master plan, this stop is over 1km from the nearest development precinct able to support residential or visitor accommodation. The masterplan does show a new road network in the future, which will provide better connectivity.

Alternative public transport services available via Clinton Road (Metro Stop 17) are located over 2 km from the site and accessed via a largely unsuitable network of roads.

The application does not place any emphasis on guests or visitors using or being reliant on public transport. However, any future development applications should note the existing limited public transport services near the site.

Attachment 2 – State Growth Amendments to SAP



Clarence City Council

CLARENCE INTERIM PLANNING SCHEME 2015

AMENDMENT – PDPSAMEND – 2019/001707

AMENDMENT TO PLANNING SCHEME ORDINANCE

To amend the Clarence Interim Planning Scheme 2015 as follows.

- (1) Insert a new row in Table 14.1 Minimum Lot Size as follows:

Environmental Living Zone Area	Minimum Lot Size	Area defined by Map overlay?
18 Downhams Road, Risdon Vale (CT 127474/2)	15ha	No

- (2) Insert a new F17.0 Aran Eco-Development Specific Area Plan as follows:

F17.0 Aran Eco-Development Specific Area Plan

F17.1 Purpose of the Specific Area Plan

The purpose of the Specific Area Plan is:

- F17.1.1 To facilitate appropriately scaled tourism development in a bushland setting.
- F17.1.2 To provide for associated supporting uses.
- F17.1.3 In Precinct A, to promote the retention of natural and cultural values limit uses to those that have minimal impact upon these values.
- F17.1.4 In Precinct B, to allow for residential scale visitor accommodation and associate visitor services that take advantage of the bushland setting.
- F17.1.5 In Precinct C, to allow for hotel style visitor accommodation that takes advantage of the natural outlook of the site and the associated vegetation values.
- F17.1.6 In Precinct D, to allow for uses that limit land use conflicts with nearby sites.
- F17.1.7 To minimise visual impacts of any works from off site.

F17.2 Application of the Specific Area Plan

- F17.2.1 The specific area plan applies to the area of land designated as the Aran Eco Development site on the Planning Scheme maps and as shown in Figure 1.
- F17.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for or in addition to the provision of the Environmental Living Zone as specified in the relevant provision.

F17.3 Definition of Terms

- F17.3.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definition
Precinct A – Natural areas precinct	means the area shown in F17.8.1 Figure 1 as Precinct A.
Precinct B – Visitor Centre Precinct	means the area shown in F17.8.1 Figure 1 as Precinct B.
Precinct C – Hotel Accommodation Precinct	means the area shown in F17.8.1 Figure 1 as Precinct C.
Precinct D – Attenuation Area Precinct	means the area shown in F17.8.1 Figure 1 as Precinct D.

F17.4 Application requirements of the Specific Area Plan

- F17.4.1 In addition to any other application requirements, the planning authority may require, an application for use or development be accompanied by information demonstrating how the proposal meets any applicable performance criteria including:
- (a) A visual impact analysis prepared by a suitably qualified expert where variations to height or siting standards are proposed;
 - (b) Details of colours and materials;
 - (c) A Natural Values Assessment as defined under the Natural Assets Code, where construction requires the removal of vegetation within Precinct A.

F17.5 Use Table

This clause is a substitution for Clause 14.2 in the Environmental Living Zone.

Use Class	Qualification
No Permit Required	
Natural and cultural values management	

Passive recreation	
Utilities	If for minor utilities or transmission lines located within the burdening wayleave easement as shown on Certificate of title 2/127474 .
Permitted	
Residential	Only if: (a) In Precinct B or Precinct C; and (b) a single dwelling; (c) a caretaker's residence; or (d) a home-based business.
Food services	Only if: (a) in Precinct B, Precinct C or Precinct D; and (b) not a take-away food premises with a drive through facility.
General retail and hire	Only if: (a) in Precinct B, Precinct C or Precinct D; and (b) only if a local shop, beauty salon, tourist shop or commercial art gallery.
Resource development	Only if: (a) in Precinct A, Precinct C or Precinct D; and (b) kitchen or community garden; or (c) for crop production or controlled environmental agriculture.
Visitor accommodation	Only if in Precinct B or Precinct C
Discretionary	
Community meeting and entertainment	(a) Only if in Precinct B, Precinct C or Precinct D; and (b) only if a church, art and craft centre, function centre, public hall or theatre.
Resource processing	Only if: (a) in Precinct C or Precinct D; and (b) only if for a winery.
Sports and recreation	Only if: (a) in Precinct A or Precinct B; and (b) only if for an outdoor recreation facility
Utilities	
Prohibited	

All other uses	
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F17.6 Use Standards

F17.6.1 All uses

This clause is a substitution for Clause 14.3.1 and 14.3.2 of the Environmental Living Zone

Objective:	Uses do not cause an unreasonable loss of amenity to the adjoining residential zones.	
Acceptable Solutions		Performance Criteria
A1 Hours of operation of a use, excluding Residential, Visitor accommodation, Utilities or office or administrative tasks, on a site within 50m of a General Residential zone must be within the hours of: <ul style="list-style-type: none"> (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and Public Holidays. 		P1 Hours of operation of a use, excluding Residential, Visitor Accommodation, Emergency Services, Utilities or office or administrative tasks, on a site within 50m of a General Residential Zone must not cause an unreasonable loss of amenity to the adjoining residential zones through the timing, duration or extent of vehicle movements, or through noise, lighting or other emissions.
A2 External lighting for a use, excluding for a Residential or Visitor accommodation Use, on a site within 50m of a General Residential Zone, must: <ul style="list-style-type: none"> (a) not operate within the hours of 9.30pm to 6.30am, excluding any security lighting; and (b) if for security lighting, be baffled to ensure direct light does not extend into the adjoining property. 		P2 External lighting for a use, excluding for Residential or Visitor Accommodation use, on a site within 50m of a General Residential Zone, must not cause an unreasonable loss of amenity to the adjoining residential Zones, having regard to: <ul style="list-style-type: none"> (a) the level of illumination and duration of lighting; (b) the distance to habitable rooms of an adjoining dwelling.
A3 Commercial vehicle movements and the unloading and loading of commercial vehicles, excluding for residential, Visitor Accommodation use, on a site within 50m of a General Residential Zone, must be within the hours of: <ul style="list-style-type: none"> (a) 9.00am to 6.00pm Monday to Saturday; and (b) 9.00am to 5.00pm Sunday and Public Holidays. 		P3 Commercial vehicle movements and the unloading and loading of commercial vehicles, excluding those for residential and Visitor Accommodation uses, within 50m of the General Residential Zone, must not cause an unreasonable loss of amenity to the adjoining residential Zones, having regard to: <ul style="list-style-type: none"> (a) the time and duration of commercial vehicle movements; (b) the number and frequency of commercial vehicle movements;

	<ul style="list-style-type: none"> (c) the size of commercial vehicles involved; (d) manoeuvring required by commercial vehicles, including the amount of reversing and associated warning noise; (e) any noise mitigation measures between the vehicle movement areas and the adjoining residential area; and (f) potential conflicts with other traffic.
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F 17.6.2 Visitor accommodation use within Precinct B

This clause is a substitution for Clause 14.3.2 of the Environmental Living Zone.

Objective:	<p>Visitor accommodation within Precinct B:</p> <ul style="list-style-type: none"> (a) is compatible with the character and use of the area; and (b) does not cause an unreasonable loss of residential amenity;
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Visitor accommodation in Precinct B must:</p> <ul style="list-style-type: none"> (a) be located individually identifiable buildings each with a maximum floor area of no more than 200m²; and (b) have a combined maximum gross floor area of not more 5,000m². 	<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <ul style="list-style-type: none"> (a) the privacy of adjoining properties; (b) any likely increase in noise to adjoining properties; (c) the scale of the use and its compatibility with the surrounding character and uses within the area; (d) retaining the bushland characteristics of the area; and (e) the impact on the safety and efficiency of the local road network.,

F17.6.3 Non-Visitor accommodation use within Precinct B

This clause is a substitution for Clause 14.3.2 of the Environmental Living Zone

Objective:	<p>Non-visitor accommodation uses:</p> <ul style="list-style-type: none"> (a) are of a scale and intensity compatible with the bushland character of the surrounding area; and (b) do not adversely affect residential amenity.
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>Non-visitor accommodation uses in Precinct B must:</p> <p>(a) be located individually identifiable buildings each with a maximum floor area of no more than 200m²; and</p> <p>(b) have a combined maximum gross floor area of 1,000m².</p>	<p>P1</p> <p>Non-visitor accommodation uses must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the bushland characteristics of the area; and</p> <p>(e) the impact on the safety and efficiency of the local road network.,</p>
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F 17.6.4 Visitor accommodation use within Precinct C

This clause is a substitution for Clause 14.3.2 of the Environmental Living Zone,

Objective:	Visitor accommodation within Precinct C is of a scale and intensity compatible with the bushland character of the area.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>Visitor Accommodation in Precinct C must:</p> <p>(a) be contained within an existing building; or</p> <p>(b) be contained within an extension to an existing building that does not increase the gross floor area of that building by more than 10%.</p>		<p>P1</p> <p>Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) the privacy of adjoining properties;</p> <p>(b) any likely increase in noise to adjoining properties;</p> <p>(c) the scale of the use and its compatibility with the surrounding character and uses within the area;</p> <p>(d) retaining the bushland characteristics of the area; and</p> <p>(e) the impact on the safety and efficiency of the local road network.</p>

F17.7 Development standards for building and works

F17.7.1 Building setbacks in Precinct C

This clause is in addition to the setback requirements at Clause 14.4.1 of the Environmental Living Zone.

Objective:	The siting of Visitor Accommodation buildings in Precinct C does not conflict or constrain Resource Development uses on the site and adjoining lots.	
Acceptable Solutions		Performance Criteria
A2 Visitor accommodation buildings in Precinct C must be setback at least 40m from an existing Resource Development use.		P2 Visitor accommodation building setbacks must not cause conflict with or constrain a Resource Development use, having regard to all of the following: <ul style="list-style-type: none"> (a) the topography of the site; (b) retention of vegetation; (c) the nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots; and (d) any proposed attenuation measures; (e) any buffers created by natural or other features.

F17.7.2 Building height within all Precincts

This clause is a substitution for Clause 14.4.1 in the Environmental Living Zone.

Objective:	Building height: <ul style="list-style-type: none"> (a) is compatible with the bushland landscape; and (b) does not cause an unreasonable impact on residential amenity. 	
Acceptable Solutions		Performance Criteria
A1 Buildings height must be no more than: <ul style="list-style-type: none"> (a) 7.5m in Precinct A; (b) 8.5m in Precinct B; (c) 7.5m in Precinct C; and (d) 7.5m in Precinct D. 		P1 Building height must be compatible with the bushland landscape of the site and not cause an unreasonable impact on the amenity of any adjoining residential lots, having regard to: <ul style="list-style-type: none"> (a) the height, bulk and form of proposed buildings; (b) the topography of the site; (c) visual impact of buildings when viewed from roads and public places or adjoining residential lots; (d) any existing or proposed visual buffers created by vegetation, natural or other features;

	<p>(e) the landscape values of the surrounding area; and</p> <p>(f) any visual landscape analysis.</p>
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F17.7.3 Building Design in all Precincts

This clause is a substitution for Clause 14.4.3 A3 and P3 in the Environmental Living Zone

Objective:	The footprint of the buildings is of a scale that is appropriate for the proposed use and is compatible with the landscape values of the site and surrounding area.	
Acceptable Solutions		Performance Criteria
<p>A1</p> <p>The combined gross footprint of buildings must be no more than:</p> <p>(a) 1000m² within Precinct A;</p> <p>(b) 5000m² within Precinct B;</p> <p>(c) 2000m² across Precinct C & Precinct D (combined) or extension to an existing building that does not increase the footprint of that building by more than 10% (whichever is the greater).</p>		<p>P1</p> <p>The combined gross footprint of buildings must be compatible with the landscape values of the site and surrounding area, having regard to</p> <p>(a) the topography of the site;</p> <p>(b) the capacity of the site to absorb run-off;</p> <p>(c) the extent of the site retained for landscape purposes;</p> <p>(d) the need to remove vegetation;</p> <p>(e) the location of development in relation to cleared areas;</p> <p>(f) the landscape values of the surrounding area; and</p> <p>(g) any visual landscape analysis.</p>
<p>A2</p> <p>Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>		<p>P2</p> <p>Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.</p>

F17.7.4 Sustainable Design in all Precincts

This clause is in addition to requirements of the Environmental Living Zone and the Stormwater Management Code.

Objective:	<p>The design of all buildings within all Precincts:</p> <p>(a) promotes environmentally sustainable building design;</p> <p>(b) supports good solar access; and</p>
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	(c) minimises the impact on natural values on the site.
Acceptable Solutions	Performance Criteria
A1 Buildings with habitable rooms (other than a bedroom) must have a window that faces between 30 degrees west of north and 30 degrees east of north.	P1 Buildings must be sited and designed so to allow sunlight to enter at least one habitable room (other than bedrooms).
A2 Buildings and structures are designed and managed to minimise bird strike by: <ul style="list-style-type: none"> (a) eliminating or obscuring transparent or highly reflective obstacles that are not readily perceptible by birds in flight, such as uncovered corner or opposing windows that allow sightlines through buildings; (b) using low reflective glass on external surfaces; or (c) angling glass surfaces to reflect the ground or built fabric rather than the sky or habitat. 	P2 Buildings and structures may be approved where it is demonstrated by a suitably qualified expert that the design is acceptable in terms of its impact on the local Swift Parrot (<i>Lathamus discolor</i>) community.

F17.7.6 Road and access design for all precincts

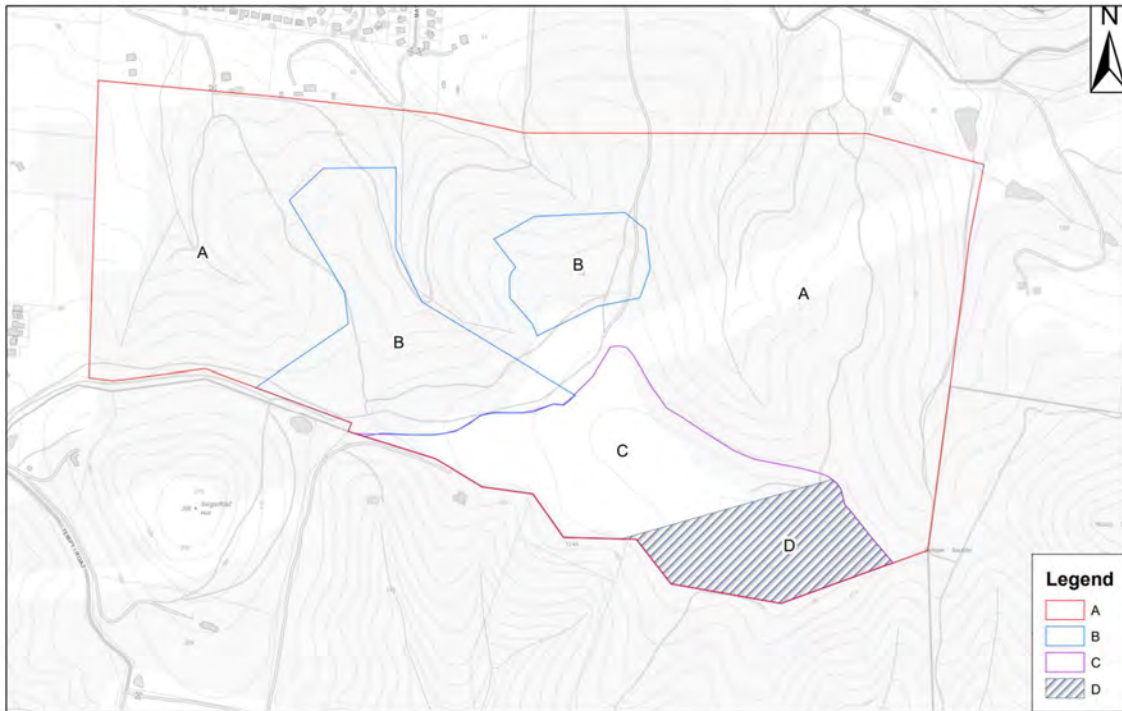
This clause is in addition to the requirements of the Road and Railway Assets Code and Parking and Access Code.

Objective:	To maintain, protect and improve the natural and landscape values on the site.
Acceptable Solutions	Performance Criteria
A1 All new roads or accesses must incorporate water sensitive urban design principles consistent with <i>Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania</i> .	P1 Roads and accesses must incorporate a stormwater disposal system that maintains, protects and improves the water quality of nearby rivulets and dams on the site having regard to: <ul style="list-style-type: none"> (a) water sensitive urban design principles; and (b) The topography of the land and its natural pattern of drainage.

<p>A2</p> <p>Parking spaces and vehicle circulation roadways must be paved or treated with dark coloured finishes with a light reflectance value no more than 40 per cent.</p>	<p>P2</p> <p>Roads must be surfaced with materials that:</p> <ul style="list-style-type: none"> (a) do not result in an unreasonable visual impact when viewed from offsite; (b) Have an external surface finish that is coloured to blend in with the surrounding landscape; (c) Be located to take advantage of any existing native vegetation for visual screening.
<p>A3</p> <ul style="list-style-type: none"> (a) Hyden Road has been constructed and is maintained by Council; and (b) The annual average daily traffic (AADT) of vehicle movements, to and from a site, using Hyden Road, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. 	<p>P3</p> <p>Hyden Road must be constructed, or sufficiently upgraded, in accordance with the requirements of the relevant Road Authority, having regard to:</p> <ul style="list-style-type: none"> (a) the volume and nature of the traffic generated by the use; (b) the nature and efficiency of the road, accesses and junctions; (c) the speed limit and traffic flow of the road; (d) any alternative access to the site; and (e) any traffic impact assessment.

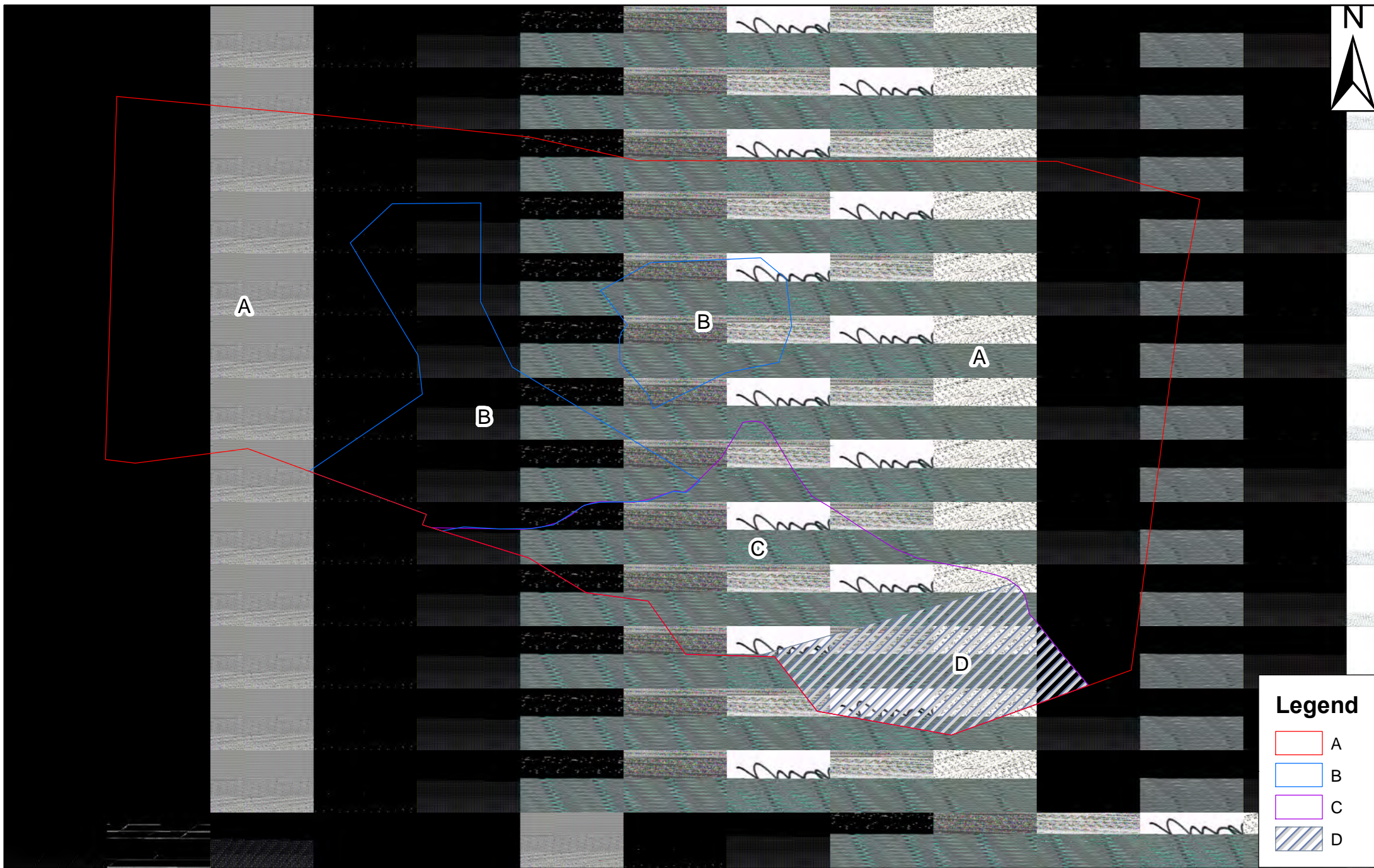
F17.8 Aran Eco-Development Specific Area Plan - Figures

F17.8.1 Figure 1 – Precinct Plan



**THE COMMON SEAL OF THE CLARENCE CITY COUNCIL
HAS BEEN HERE UNTO AFFIXED THIS 14 MAY 2021,
PURSUANT TO A RESOLUTION OF THE COUNCIL
PASSED THE 10 MAY 2021, IN THE PRESENCE OF:**

CORPORATE SECRETARY



Downhams Road Development



Tasmania Fire Service

Bushfire Risk Unit

File No: AD3696

Mr Bruce Gibbs
Principal Planner
Clarence City Council
bgibbs@ccc.tas.gov.au

Dear Bruce,

RE: 18 DOWNHAMS ROAD, RISDON VALE – DRAFT AMENDMENT PDPSAMEND 2019/001707 – REVISED PROPOSAL

Thank you for the opportunity to provide comment on the applicant's response to the issues raised in TFS's representation of the 10th June 2021.

The applicant's response included the following documents:

- Letter to Council titled 'Response to Representations' (ERA, 22 December 2021);
- Appendix A – Bushfire advice letter (ERA, 22 December 2021);
- Appendix B – Revised Precinct Plan (PDA, 26 November 2021); and
- Appendix C – Revised Master Plan, Revision F (X-Squared Architects, undated).

We provide the following comments on the abovementioned documents, in the context of the issues identified in TFS's representation.

- **Precinct B cabins hazard management area**

We are pleased to see that the precinct boundaries have been amended with a view to ensuring future building work can be provided with deemed-to-satisfy compliant hazard management areas that will be contained within Precinct B.

Scaling from the revised Master Plan, it appears that the majority of the conceptual buildings shown in Precinct B have BAL-12.5 setbacks from the boundaries of Precinct B. The only exception observed is the cabins on the eastern side of the dead-end road in Precinct B, which do not appear to be sited to achieve the minimum 67m eastern setback. Notwithstanding this, it appears likely that future building work will be able to achieve the minimum separation by shifting the access and cabins to the west. It appears that this could be achieved without compromising the required 56m western precinct boundary setback.

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The revised precinct boundaries are a significant improvement on the original proposal as they will now facilitate future development that can comply with the deemed-to-satisfy requirements of the *Director's Determination – Bushfire Hazard Areas v1.1*.

- **Precinct C hotel hazard management area**

The ERA response states that the hotel in Precinct C has been revised, will likely occupy a smaller building footprint and will be sited with a minimum 67m setback from the southern boundary (as would be required in order to achieve BAL-12.5). However, the Master Plan (Rev F) has not been updated and the concept hotel location retains the original 30m southern setback.

It is unclear why the revised hotel concept has not been included in the revised Master Plan. Notwithstanding this – and as stated in TFS's representation – it does appear likely that a future hotel proposal could ultimately be repositioned and revised to accommodate a 67m southern setback. While it is preferable that the Master Plan shows how a compliant outcome could be developed, ultimately the Master Plan has no statutory implications for the assessment of future development applications. Whether further modifications are necessary to support the draft amendment is a matter for Council to consider.

- **Emergency access and egress**

As outlined in our representation, the Southern Tasmania Regional Land Use Strategy 2010-2035 requires that planning scheme provisions be based on *best practice* bushfire risk mitigation and management.

'Best practice' should not be confused with compliance with minimum development standards. TFS maintains the view that 'best practice' in this context means planning for efficient and safe occupant egress to safer locations and for emergency service intervention. What is appropriate for a specific site depends on the intended land use and development, its location and the resultant risk exposures.

TFS maintains its view that perimeter fire trail access for habitable buildings in Precincts B and C would be consistent with 'best practice'. This would logically be provided around the edge of the future hazard management areas, where it would support firefighter access to the bushland interface and provide a useful control line for backburning, should this strategy be deployed to protect the property from an approaching fire front. In ERA's response this concept is supported but has not been integrated into the proposed SAP as a *requirement*, meaning there is little certainty with respect to the eventual outcome. We accordingly also maintain our view clause CLA-S23.7.6 (formerly clause F17.7.6) ought to *require* the provision of perimeter fire trail access. Suggested amendments to draft clause CLA-S23.7.6 are provided in Appendix A for consideration.

There are several existing informal vehicular tracks that cross the site and link Downhams Road to the SAP area. The ERA submission recommends that a fire trail connection to Downhams Road be formalised (i.e. made compliant with the relevant Code specifications for fire trails). However, again there are no controls proposed to secure this outcome and it is possible that the future subdivision of the northern

balance part of the site would obstruct the future use of these fire trails (e.g. due to new boundary fencing). Whilst retaining unobstructed fire trail access is always preferable, our view is that this is not so significant that it should warrant modification of the draft SAP.

Site access and egress remains a potential point of vulnerability for occupants and firefighters in a bushfire emergency context. Historically, many fatalities in bushfire emergencies have resulted from poorly timed evacuation and the use of roads in unsafe conditions. As discussed in TFS's representation, the draft amendment seeks to allow for a potentially large number of vulnerable occupants to be located whereby they will be reliant on a single access/egress route through the bush. Given the limited options for egress, occupants may choose to attempt evacuation when it is unsafe to do so. There is also potential for the route to be obstructed in a bushfire, for example as a result of wind-blown debris and trees, or as a result of a vehicle accident at a time when a large volume of occupants may be evacuating within a short timeframe, with poor visibility and in stressful conditions. As the carriageway sits above forest fuels on a northern aspect, road users who are unable to escape would be particularly exposed to a bushfire attack from the north. The absence of alternative options increases the importance of Hyden Road remaining tenable in an emergency context.

Fortunately, risks to occupants and firefighters associated with site access and egress can be reduced through appropriate design and construction, by reducing the potential exposure and through appropriate emergency planning procedures.

ERA has recommended that the future Hyden Road upgrade conform to the minimum standards for public roads provided in the Bushfire-Prone Areas Code. TFS supports this recommendation, however it is noted it is outside the scope of the proposed draft amendment to require this. It is anticipated that Clarence City Council will require the future road be designed appropriately.

There is scope to improve the safety of the Hyden Road access/egress route by incorporating roadside vegetation management along the northern/downslope edge of the road reserve (refer to Figure 1). The purpose of this fuel break would be twofold:

- To reduce the potential exposure of road users to radiant heat and flame contact associated with a front approaching from the north; and
- To reduce the potential for obstruction caused by mature trees falling across the carriageway in windy conditions.

TFS recommends the roadside fuel break should have a minimum width of 15m and be managed in a minimum fuel condition. This would mean slashing grass fuels, removing shrub fuels and reducing the density of mature trees.

A 15m wide fuel break would significantly reduce the opportunity for trees to fall across the road under strong northerly wind conditions (existing mature trees immediately north of Hyden Road are estimated to have a height of appropriately 5-8m, based on a recent field inspection by TFS). It would also reduce the risk to road users of being exposed to direct flame contact, if trapped on the carriageway in an emergency.

TFS inspected the existing condition of Hyden Road and vegetation on its northern edge on 5th January 2022. There were no obvious impediments to implementing a

roadside vegetation management area detected and the land had evidently been disturbed previously (existing cleared areas and an existing vehicle access track).

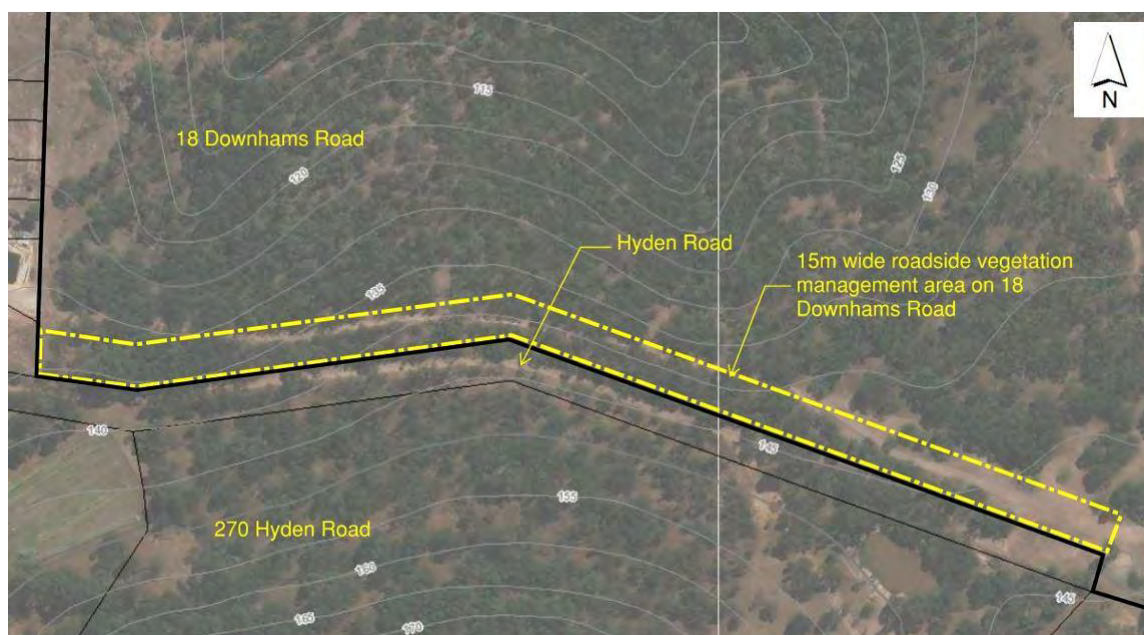


Figure 1 – Location of recommended roadside fuel break

It is recommended that a requirement for a roadside fuel break be incorporated into the draft SAP. Suggested amendments to draft clause CLA-S23.7.6 are provided in Appendix A for Council's consideration.

By incorporating the recommended best practice measures into the SAP, the draft amendment will be more consistent with the Southern Tasmanian Regional Land Use Strategy 2010-2035 (specifically MRH1.4) and the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993*.

If TFS can provide Council or the Tasmanian Planning Commission with any further advice on this matter, please contact me on 0438 101 367 or at tom.oconnor@fire.tas.gov.au.

Yours sincerely,

Tom O'Connor
SENIOR PLANNING & ASSESSMENT OFFICER

11 January 2020

Cc

APPENDIX A – RECOMMENDED MODIFICATIONS TO DRAFT CLAUSE CLA-S23.7.6

CLA - S23.7.6 Road and access design for all precincts

This clause is in addition to the requirements of the C2.0 Parking and Access Code and C3.0 Road and Railway Assets Code.

Objective:	<p><u>The design of roads and accesses will:</u></p> <ul style="list-style-type: none"> • Maintain, protect and improve the natural and landscape values on the site; <u>and</u> • <u>Facilitate safe and efficient access and egress in bushfire emergencies.</u>
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>All new roads or accesses must incorporate water sensitive urban design principles consistent with <i>Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania</i>.</p>	<p>P1</p> <p>Roads and accesses must incorporate a stormwater disposal system that maintains, protects and improves the water quality of nearby rivulets and dams on the site having regard to:</p> <ul style="list-style-type: none"> (a) water sensitive urban design principles; and (b) The topography of the land and its natural pattern of drainage.
<p>A2</p> <p>Parking spaces and vehicle circulation roadways must be paved or treated with dark coloured finishes with a light reflectance value no more than 40 per cent.</p>	<p>P2</p> <p>Roads must be surfaced with materials that:</p> <ul style="list-style-type: none"> (a) do not result in an unreasonable visual impact when viewed from offsite; (b) Have an external surface finish that is coloured to blend in with the surrounding landscape; (c) Be located to take advantage of any existing native vegetation for visual screening.
<p>A3</p> <ul style="list-style-type: none"> (a) Hyden Road has been constructed and is maintained by Council; and (b) The annual average daily traffic (AADT) of vehicle movements, to and from a site, using Hyden Road, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. 	<p>P3</p> <p>Hyden Road must be constructed, or sufficiently upgraded, in accordance with the requirements of the relevant Road Authority, having regard to:</p> <ul style="list-style-type: none"> (a) the volume and nature of the traffic generated by the use; (b) the nature and efficiency of the road, accesses and junctions;

	<p>(c) the speed limit and traffic flow of the road;</p> <p>(d) any alternative access to the site; and</p> <p>(e) any traffic impact assessment.</p>
<p><u>A4</u></p> <p>(a) <u>Perimeter fire trail access must be incorporated into the design of Precincts B and C; and</u></p> <p>(b) <u>Perimeter fire trail access must be designed and constructed in accordance with Table C13.3.</u></p>	<p><u>P4</u></p> <p><u>A development proposal must provide for safe and efficient firefighter access to habitable buildings and surrounding bushfire-prone vegetation to facilitate protection from bushfires.</u></p>
<p><u>A5</u></p> <p><u>A roadside fuel break must be implemented along the interface with Hyden Road to reduce risk to road users in a bushfire emergency. The roadside fuel break must:</u></p> <p>(a) <u>Have a minimum width of 15m; and</u></p> <p>(b) <u>Be maintained in a minimum fuel condition; and</u></p> <p>(c) <u>Be implemented prior to occupation of habitable buildings in Precincts B and C.</u></p>	<p><u>P5</u></p> <p><u>Risk to road users in a bushfire emergency must be mitigated through bushfire protection measures appropriate to potential bushfire scenarios.</u></p>



Tasmania Fire Service

Bushfire Risk Unit

File No: AD3696

General Manager
Clarence City Council
clarence@ccc.tas.gov.au

Attn: Planning

Dear Sir/Madam,

NO. 18 DOWNHAMS ROAD, RISDON VALE - DRAFT AMENDMENT PDPSAMEND 2019/001707

I write in relation to the abovementioned draft amendment that is currently on public exhibition. Please consider this submission as a representation on behalf of the Tasmania Fire Service (TFS).

The draft amendment seeks to amend the Clarence Interim Planning Scheme 2015 by inserting a new minimum lot size requirement into Table 14.1 and inserting a new Specific Area Plan (SAP) as section F17.0. The Aram Eco-Development SAP has been designed to facilitate the future development of the site for tourism development and associated supporting uses. It includes use and development controls that apply to three spatially defined precincts.

A concept master plan is included in the proponent's submission that outlines the intended future use and development of the site. The master plan includes a 150-room hotel and detached cabins for visitor accommodation, a café, a recreation centre and a vineyard. The final siting and design of these developments will be subject to future council approval however it is clear that the SAP precinct boundaries have been designed to facilitate a particular site layout.

Tasmania Fire Service would like to raise the following matters for consideration.

1. Precinct B cabins hazard management area

Precinct B is intended to be developed with detached cabins for visitor accommodation (class 1b buildings as defined in the National Construction Code). For these types of buildings, the deemed-to-satisfy solution for building compliance requires hazard management areas with minimum dimensions to limit exposure to BAL-12.5 under Australian Standard 3959:2018.

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It is unclear from the documentation supporting the draft amendment whether the intention is to contain future hazard management areas within Precinct B or allow them to encroach into Precinct A. If the intention is to contain hazard management areas within the precinct boundaries, no analysis has been provided to demonstrate that this is achievable. Figure 1 shows the potential extent of future hazard management areas required for the cabins shown on the master plan relative to the proposed precinct boundaries (the boundaries shown are indicative and based on a desktop assessment only).

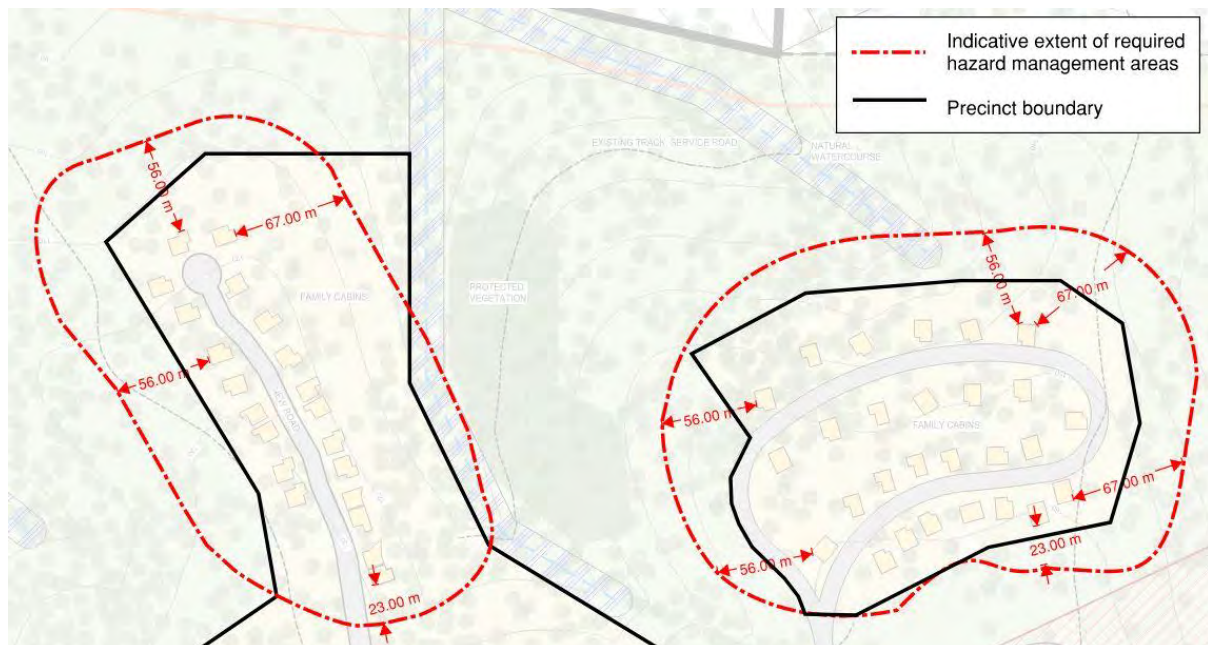


Figure 1 - Indicative extent of required hazard management areas for future visitor accommodation in Precinct B to achieve BAL 12.5 separation under AS 3959:2018

How the future vegetation removal would be assessed as part of a future development application needs to be considered. From our reading of the Planning Scheme:

- Clause 8.2.1 of requires that use and development be categorised into one of the use classes provided in Table 8.2;
- Clause 8.2.2 requires a use or development that is 'directly associated with and a subservient part of another use to be categorised into the same use class;
- Vegetation removal for the purposes of developing buildings and associated hazard management areas is 'development' as defined in the Planning Scheme;
- There are no exemptions in section 5 that would apply;
- It is therefore likely that the vegetation removal required to establish hazard management areas for the cabins would be classified as part of the future 'Visitor accommodation' use and development.

If the above interpretation is correct, it appears the draft SAP Use Table would prevent future hazard management areas from extending into Precinct A. If it were necessary to contain the required hazard management areas within the proposed boundaries of Precinct B in order to comply with Tasmanian building regulations, the number of cabins shown on the concept master plan would likely need to be drastically reduced.

This may undermine the overall feasibility of the project and therefore the strategic merit of the draft amendment.

To resolve this problem it is suggested that the precinct boundaries could be revised to expand Precinct B or the proposed Use Table could be revised to allow for limited encroachment into Precinct A.

2. Precinct C hotel hazard management area

Precinct C is intended to be developed with a hotel and associated supporting uses. The intended siting of the future hotel has a minimum 30m setback from the southern property boundary, as shown on the concept master plan.

This part of the development would likely include a number of building classifications under the National Construction Code including class 3. The deemed-to-satisfy solution for building compliance requires hazard management areas with minimum dimensions to limit exposure to BAL-12.5 under Australian Standard 3959:2018. Based on a preliminary assessment it appears that to achieve this a minimum setback of 67m would be required from the southern boundary, which is more than double that shown on the master plan (refer to Figure 2).

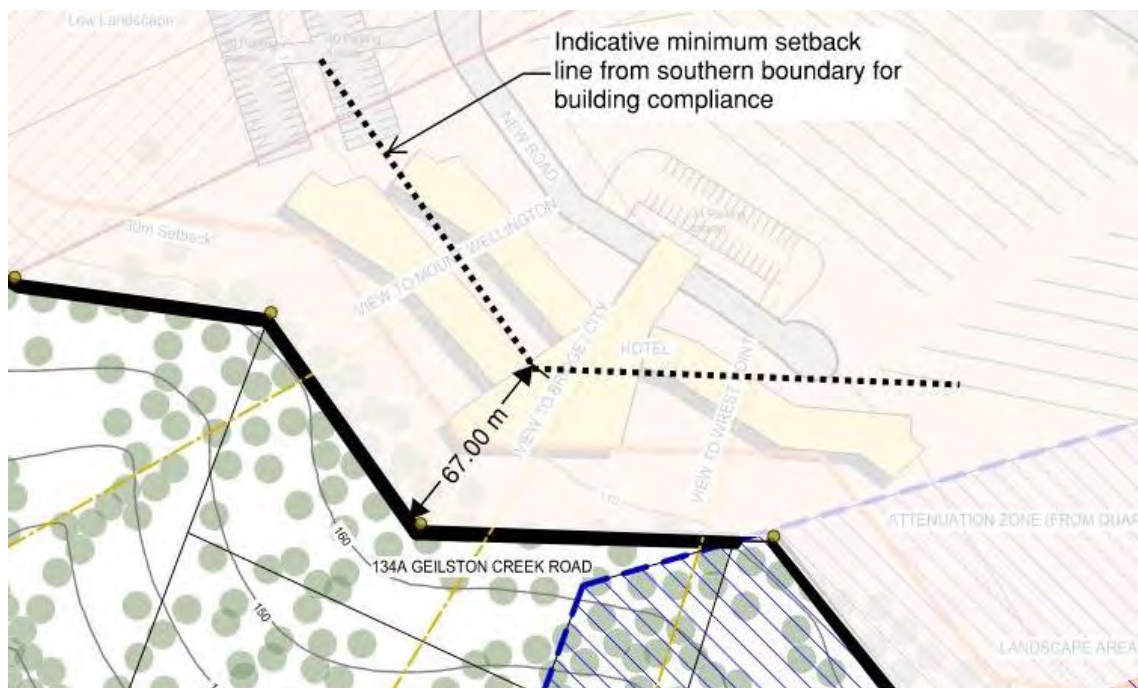


Figure 2 – Indicative minimum setback required from southern boundary for hotel to achieve BAL-12.5 separation under AS 3959:2018

It is likely that the future development could be repositioned to accommodate compliant separation although it would require some reconfiguration of the site layout and a reduction to the size of the vineyard.

It is recommended that the implications of repositioning the hotel facility to comply with bushfire requirements be considered insofar as it would impact the concept master plan and therefore the suitability of the draft SAP.

3. Emergency access and egress

Emergency access and egress is an important element of planning for bushfire protection. This is especially true for visitor accommodation land uses, the occupants of which are particularly vulnerable in bushfire emergencies.

Access in bushfire-prone areas is an important planning consideration and this is recognised in the Southern Tasmania Regional Land Use Strategy 2010-2035. Policy MRH1.2 refers to subdivision access so may not be directly applicable however the principle is equally relevant to a development of the proposed nature and scale. Policy MRH1.4 requires that planning scheme provisions are based upon “...*best practice bushfire risk mitigation and management*”.

Best practice planning in this context means making provision for efficient and safe occupant egress to safer locations and for emergency services intervention. In a practical sense this normally can be achieved by planning for alternative access/egress routes, increasing the safety of access/egress routes, providing safe and efficient access to water points and making provision for perimeter fire trail access between buildings and the hazard.

The draft amendment is supported by a Traffic Impact Assessment (TIA) that estimates the future development will generate up to 671 vehicle movements per day (75 during afternoon peak hour). For context, based on the RTA Guide to Traffic Generating Developments (v2.2) this volume of traffic is comparable to a 75-lot residential subdivision.

Future development within the Aram Eco-Development SAP is proposed to be served by a single access and egress route from Hyden Road (which would be upgraded). Approximately 700m of this route will run along the top of a ridgeline, which is a particularly vulnerable point in the landscape in a bushfire scenario. The future internal road network provides one loop road and but also three cul-de-sacs and no provision for perimeter fire trails. The concept master plan indicates that there may eventually be an alternate access to Downhams Road however this is subject to approval of a future application.

The concept master plan and draft SAP has not attempted to incorporate ‘best practice’ provision for accessibility. Unfortunately, given the current limited scope of the Bushfire-Prone Areas Code future development applications would not trigger the Code and the only bushfire controls would be applied through the building approvals process. This means that there would be no applicable requirements that would trigger consideration of access in a strategic sense.

In our view, at a minimum there ought to be provision made for perimeter access around the future hotel facility and each cluster of family cabins. This could be incorporated into the draft SAP by modifying clause F17.7.6 Road and access design for all precincts as follows:

- Broadening the objective to refer to provision for emergency intervention; and
- Insertion of a second Acceptable Solution requiring provision for perimeter fire trail access for the future hotel facility in Precinct C and each cluster of cabins in Precinct B.

If Council or the Tasmanian Planning Commission would like to discuss any aspect of this submission further, please contact me on 0438 101 367 or at bfp@fire.tas.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Tom O'Connor', written in a cursive style.

Tom O'Connor
SENIOR PLANNING & ASSESSMENT OFFICER

10 June 2021

Cc

22 December 2021

Bruce Gibbs
Senior Planner
Clarence City Council
PO Box 96
ROSNY PARK TAS 7018

By email: clarence@ccc.tas.gov.au
bgibbs@ccc.tas.gov.au

Dear Bruce,

**ARAN ECO-DEVELOPMENT
RESPONSE TO REPRESENTATIONS**

Thank you for your correspondence dated 20 July 2021 regarding the representations received to the Aran Eco-Development at 18 Downhams Road. We apologise for the delay in providing this response and associated documentation.

In providing this further clarification, it is noted that the global tourism market has changed significantly in the last 2 years. This has resulted in a level of acceptance from our clients that the Specific Area Plan (SAP) will result in a lower level of development than previously anticipated. To that end, the recommendations of Clarence City Council related to reducing the intensity of development on the site, are accepted.

1. BUSHFIRE HAZARD MANAGEMENT PLANNING

ERA acknowledges the representation from Tasmania Fire Service and does not quibble with the technical content of the response. It is of note that the proposed development will be scaled back from what was initially applied for in response to the changing tourism and finance market. To that end, there is flexibility within the precinct boundaries to provide for the cabin accommodation and still achieve BAL 12.5 clearance requirements within precinct B in its entirety.

Frances Beasley, an accredited bushfire practitioner with ERA, has provided further advice to assist in determining compliance with the *Tasmanian Planning Scheme – Clarence Local Provisions Schedule* (the Scheme). This can be found in *Appendix A*. In summary, there are recommendations around the amendment of the precinct boundaries to enable the necessary clearance to be contained within the precinct boundaries entirely. This is supported and further reflected in the amended Precinct Plan provided in *Appendix B* by PDA and the amended MasterPlan provided in *Appendix C*.

It is further noted that recommendations have been made in relation to road construction and emergency access. For the most part, the road access will be ancillary to the visitor accommodation use and, therefore, will be permitted in the zone. It is noted, however, that the road access could be associated with resource development use (such as the vineyard) which would further be permitted within Precinct A. As such, at the point of implementing the visitor

accommodation development, there is the ability to provide further detail as required on the access to the site to meet with bushfire requirements.

It is noted that the visitor accommodation use should utilise an emergency access route, through the northern part of the site to Downhams Road. This northern area of the site is not included within the SAP. The Scheme amendment includes a change to the minimum lot size within the Landscape Conservation Zone to enable the land to the north of the site to be subdivided to a minimum lot size of 15ha. There has been further consideration of the transitioning from the *Clarence Interim Planning Scheme 2015*, to the Clarence LPS within section 3. However, in terms of the provision of an emergency exit for the visitor accommodation use through the north of the site to Downhams Road, this can continue to occur if the subdivision was not to be undertaken. If the subdivision was to be progressed, a bushfire hazard management plan will be required which can address any emergency management plan, accesses and associated easements at that time. It is not considered necessary to incorporate standards to address that at this time.

2. ATTENUATION REQUIREMENTS FROM A QUARRY AND PRIVATE TIMBER RESERVE

A submission was received from State Growth highlighting the site of the Hansen Quarry in relation to the development site, as well as the location of a Private Timber Reserve adjacent to the development site.

It is noted that within our proposed MasterPlan the attenuation code overlay still applies. There is no suggestion that this should be removed in the SAP as proposed.

We note that State Growth requests that the SAP, and precinct plans in particular, be modified to incorporate an additional precinct which prohibits residential and visitor accommodation development in a 5ha southern portion of the site. This approach is suggested to minimise conflicts between the residential and visitor accommodation uses and the private timber reserves and quarry.

In our view this is problematic. The Scheme currently provides for protections for mining and forestry uses through the underlying zoning standards and codes. This includes the need to have separation distances of at least 200m for sensitive uses to land zoned Rural or Agriculture. Furthermore, the Attenuation Code specifies separation distances from a quarry. Depending on the type of works being undertaken, these distances vary from 300m for non blasting, crushing or vibratory screening activities, through to 1km for blasting works. The separation between the mining lease and the boundary of Precinct C in the SAP (where visitor accommodation uses can occur) is 850m. Furthermore, as shown in the MasterPlan, the area of the site inside the attenuation distances described above is to be used for vineyards; a resource processing agricultural use not requiring consideration under the Attenuation Code. The actual location of the sensitive visitor accommodation uses is in fact 1030m from the quarry area. To that end, the proposal meets the requirements of the Attenuation Code, and in our view, this Code is the appropriate regulatory tool to manage impacts between uses of this nature. Additional provisions are not required within the SAP to address this.

3. TRANSITION TO THE CLARENCE LPS

It is noted that since this SAP was drafted, the *Clarence Interim Planning Scheme* has changed to the *Tasmanian Planning Scheme – Clarence Local Provisions Schedule*, with this land now having an underlying zoning of Landscape Conservation. Our intention remains to utilise a SAP to achieve the development requirements. *Appendix D* provides an amended SAP which has been redrafted to meet the TPS drafting standards.

Through this process, consideration was given to the zone standards within the Landscape Conservation Zone, and in some instances, standards have been removed where it was considered to duplicate what was already provided for.

In addition, within the Landscape Conservation Zone, provision must be made for subdivision of the northern section of the site, allowing for a minimum lot size of 15ha. This must be provided through a Site Specific Qualification. It is proposed to draft this in the following manner:

Table 1: Site Specific Qualification

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions.
CLA 22.3	18 Downhams Road, Risdon Vale	127474/2	<p>A substitution for the Acceptable Solution for this site is:</p> <p>A1</p> <p>Each lot, or a proposed lot in a plan of subdivision, must:</p> <p>(a) have an area of not less than 15ha and:</p> <p style="padding-left: 40px;">(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of:</p> <p style="padding-left: 80px;">a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</p> <p style="padding-left: 80px;">b. easements or other title restrictions that limit or restrict development; and</p> <p style="padding-left: 40px;">(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone;</p>	Landscape Conservation Zone, Clause 22.5.1, Lot Design, A1

We trust this adequately responds to the queries of Council and the issues raised within the representations. If you require any further information, do not hesitate to get in touch by emailing caroline@eraplanning.com.au or calling 0417 246 474.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lindus', is set against a light pink rectangular background.

Caroline Lindus

Principal Planner

Attachments Appendix A – Bushfire Advice
Appendix B – Amended Precinct Plan
Appendix C – Amended MasterPlan
Appendix D – Amended SAP

22 December 2021

Bruce Gibbs
Strategic Planner – Clarence City Council
PO Box 96, Rosny Park, TAS 7018

By email: bgibbs@ccc.tas.gov.au

Dear Bruce,

**ARAN ECO-DEVELOPMENT SPECIFIC AREA PLAN
DRAFT AMENDMENT PDPSAMEND 2019/001707**

ERA Planning and Environment (ERA) have been engaged by Aran Development Pty Ltd. to provide a response to the representation received from the Tasmania Fire Service (TFS) regarding the draft amendment PDPSAMEND 2019/001707; as well as provide advice on the requirements for the project relating to bushfire. It is noted that the following is based on a desktop assessment only, and a full bushfire assessment, bushfire hazard management plan (BHMP) and emergency management strategy (EMS) prepared by a suitably qualified person will be required at either planning stage or building stage depending on whether subdivision is proposed or not.

1. TFS representation dated 10 June 2021

A response to each item raised by the TFS is provided below.

Item 1: Precinct B cabins hazard management area

Based on a desktop assessment, it is likely that bushfire-prone vegetation on the site would be classified as Group A – Forest in accordance with table 2.3 of AS3959:2018. The extent of hazard management areas (HMA) required to achieve BAL-12.5 based on forest vegetation are identified in figures 1 and 2 of the representation from TFS and reiterated in Table 1 below.

It is confirmed that the intention is to contain the required hazard management areas wholly within the respective precincts for each visitor accommodation development. To achieve this, the boundaries for Precinct B have been adjusted to accommodate the required HMA distances. The specific requirements for the development of Precinct B relating to bushfire are outlined in section 2 of this letter.

Item 2: Precinct C hotel hazard management area

As identified in Table 1 below and figure 2 in the representation from TFS, the proposed hotel in Precinct C must be setback a minimum 67 m from the southern boundary to achieve adequate separation from bushfire-prone vegetation for BAL-12.5 construction under Australian Standard 3959:2018.

The overall scale of the hotel component has been revisited since the scheme amendment was submitted and consequently, it is likely that the building footprint will be considerably smaller than that shown on the concept master plan. It is confirmed that the intention is to position the hotel development so that the HMA required for BAL-12.5 construction can be contained wholly within the boundaries for Precinct C. The specific requirements for the development of Precinct C relating to bushfire are outlined in section 2 of this letter.

Item 3: Emergency access and egress

The comments raised in the representation from the TFS in relation to emergency access and egress are noted. The site is constrained from an access perspective due to topography, overall site area and the quality of existing access points however it is understood that the main access from Hyden Road would be upgraded should the site be developed.

The specific layout of buildings, access points and internal access roads will be resolved during detailed design. However, the proposed boundaries for precinct B have been adjusted so that a perimeter fire trail can be provided around each cluster of family cabins. It is also noted that the proposed hotel development is likely to be reduced in size and sufficient space will be provided so that a perimeter fire trail can be incorporated around the hotel building also.

In addition, a connection should be provided to the Downhams Road frontage, facilitating an alternate access and egress route in the event of an emergency. It is recommended that this be designed and constructed to the standard for a fire trail and only be accessible for firefighting appliances, rather than for general use by guests and employees of the visitor accommodation development. An easement for access benefitting the visitor accommodation development may be required should the northern part of the site be subdivided off. This will be considered once the project progresses to concept design and planning.

The design and construction requirements for roads, accesses and fire trails are outlined in section 2 of this letter.

2. Bushfire protection measures

A range of bushfire protection measures will be required to improve resilience of the proposed development during a bushfire event, and to achieve a tolerable level of residual risk to occupants. If the land is proposed to be subdivided in the future, then the provisions of the Bushfire-Prone Areas code (the code) will apply at planning stage. If no subdivision is proposed, then there will be no bushfire requirements at planning stage, but the requirements of the Directors Determination will be triggered at building stage.

The Clarence City Council (Council) will have transitioned to the Tasmanian Planning Scheme¹ once plans have been developed for planning and building approval, and as such the relevant legislation will be the C13.0 Bushfire-Prone Areas Code or the *Directors Determination – Bushfire Hazard Areas* (v1.1).

The specific protection measures under both the code and the Directors Determination are outlined in this section. These requirements, whether triggered at planning stage (for subdivision) or building stage (for development only) must be incorporated into a detailed bushfire assessment for the site and will be formalised under a Bushfire Hazard Management Plan (BHMP), Emergency Management Strategy (EMS) and Bushfire Emergency Plan (BEP).

The following design and construction requirements must be incorporated into the future design and layout of the visitor accommodation proposal, as well as subdivision (if proposed).

Hazard Management Areas

The Hazard Management Area (HMA) refers to land that is managed in a minimum fuel condition to reduce the potential exposure of habitable buildings and occupants to radiant heat and flames and to provide defendable space around the building. The effectiveness of HMA's is reliant on ongoing maintenance by landowners. HMA's must be

¹ The LPS was publicly exhibited in accordance with the statutory requirements closing on 17 March 2020 and was subsequently the subject of Tasmanian Planning Commission (the Commission) panel hearings during November 2020. On 28 July 2021 the Commission advised Council that it intends to publish its decision on the representations made on the Clarence draft LPS and issue a notice that will trigger the development application decision rules that were introduced by the amendments (made 14 July 2021) to the *Land Use Planning and Approvals Act 1993*. On 29 July 2021 the Commission advised that the notice would be issued on 1 September 2021. This means that the operation of the LPS will effectively commence in Clarence from the 8 September 2021, being 7 days after the Commission's direction.

appropriate to the risk posed to lots at any stage of a staged subdivision and as such, interim HMA's may also be required until a subdivision is completed.

As per Table 4 – *Requirements for Hazard Management Area* in the Directors Determination, HMA's with separation distances to achieve BAL-12.5 construction must be provided for new buildings and additions and alterations to buildings classified as an accommodation building Class 1b, Class 2 or Class 3, other than communal residence for persons with a disability, a respite centre, or a residential aged care facility or similar.

The minimum separation distances to achieve BAL-12.5 construction in accordance with Table 2.6 of AS 3959:2018 are detailed in Table 1 below, with requirements relating to the maintenance of HMA's listed under Table 2.

Table 1 – Required Hazard Management Area to achieve BAL-12.5

Hazard Management Area Prescriptions				
Development component	Minimum separation distances from bushfire-prone vegetation			
	North	East	South	West
Visitor accommodation in Precinct B	56 m	67 m	23 m	56 m
Visitor accommodation in Precinct C	67 m	56 m	67 m	32 m

Table 2 – Hazard Management Area prescriptions

Hazard Management Area Prescriptions	
<i>Within 10m of habitable buildings</i>	<ul style="list-style-type: none"> No storage of flammable materials (e.g. firewood); Avoid locating flammable garden materials near vulnerable building elements such as glazed windows/doors, decks and eaves (e.g. non-fire-retardant plants and combustible mulches); Non-flammable features such as paths, driveways and paved areas are encouraged around habitable buildings.
<i>Trees within HMA</i>	<ul style="list-style-type: none"> Maintain canopy separation of approximately 2.0m; Ensure no branches overhang habitable buildings; Remove tree branches within 2.0m of ground level below; Locate any new tree plantings 1.5 x their mature height from house; Avoid planting trees with loose, stringy or ribbon bark.
<i>Understory vegetation within HMA</i>	<ul style="list-style-type: none"> Maintain grass cover at <100mm; Maintain shrubs to <2.0m height; Shrubs to be maintained in clumps so as to not form contiguous vegetation (i.e. clumps up to 10sqm in area, separated from each other by at least 10m); Avoid locating shrubs directly underneath trees; Periodically remove dead leaves, bark and branches from underneath trees and around habitable buildings.

Property access

The site currently has two primary access points, Downhams Road to the north and Hyden Road to the east. The requirements for roads, private access and fire trails will either be triggered under the Bushfire-Prone Areas Code if

subdivision is proposed, or under the Directors Determination if development only. However, the design and construction requirements remain predominantly the same under both the code and the Directors Determination (v 1.1), excluding roads and fire trails where there are no construction requirements under the Directors Determination.

The future layout and design of the visitor accommodation development should be designed to provide multiple access and egress points (i.e. one access from Hyden Road and a second from Downhams Road), noting the main access is understood to be via an upgraded Hyden Road. Accesses internal to the site should be legible for users and provide easy access and egress through the site.

Upgrades to Hyden Road must be designed and constructed to meet the standards identified in Table 3 below unless the development standards in the zone require a higher standard. Internal access roads must be designed and constructed to meet the standards identified in Table 4 below.

Perimeter fire trails should also be incorporated into the layout of each family cabin cluster and the hotel development to facilitate easy access for firefighting appliances in the event of a bushfire emergency. The additional connection point from the visitor accommodation development to Downhams Road must also be designed and constructed to the standard for a fire trail which are detailed in Table 5 below.

Table 3 – Standards for roads

Table C13.1 Standards for roads	
A. Roads	<p>Unless the development standards in the zone require a higher standard, the following apply:</p> <ul style="list-style-type: none"> a) Two-wheel drive, all-weather construction; b) load capacity of at least 20 tonnes, including for bridges and culverts; c) minimum carriageway width is 7 m for a through-road, or 5.5 m for a dead-end or cul-de-sac road; d) minimum vertical clearance of 4 m; e) minimum horizontal clearance of 2 m from the edge of the carriageway; f) cross falls of less than 3 degrees (1:20 or 5%); g) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; h) curves have a minimum inner radius of 10m; i) dead-end or cul-de-sac roads are not more than 200 m in length unless the carriageway is 7m in width; j) dead-end or cul-de-sac roads have a turning circle with a minimum 12 m outer radius; and k) carriageway less than 7 m wide have 'No Parking' zones on one side, indicated by a road sign that complies with <i>Australian Standard, AS1743-2001 Road signs – Specifications</i>.

Table 4 – Standards for property access

Table C13.2 Standards for property access	
A. Property access <i>length is less than 30m, or access is not required for a fire appliance to</i>	There are no specified design and construction requirements.

Table C13.2 Standards for property access	
<i>access a fire fighting water point.</i>	
<i>B. Property access length is 30 m or greater; or access is required for a fire appliance to a firefighting water point.</i>	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> a) all-weather construction; b) load capacity of at least 20 tonnes, including for bridges and culverts; c) minimum carriageway width of 4 m; d) minimum vertical clearance of 4 m; e) minimum horizontal clearance of 0.5 m from the edge of the carriageway; f) cross falls of less than 3 degrees (1:20 or 5%); g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; h) curves with a minimum inner radius of 10 m; i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and j) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (i) a turning circle with a minimum outer radius of 10 m; (ii) a property access encircling the building; or (iii) a hammerhead "T" or "Y" turning head 4 m wide and 8 m long.
<i>C. Property access length is 200 m or greater.</i>	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> a) The requirements for B above; and b) Passing bays of 2 m additional carriageway width and 20 m length must be provided every 200 m.
<i>D. Property access length is greater than 30 m, and access is provided to 3 or more properties.</i>	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> a) The requirements for B above; and b) Passing bays of 2 m additional carriageway width and 20 m length must be provided every 100 m.

Table 5 – Standards for fire trails

Table C13.3 Standards for fire trails	
<i>A. All fire trails.</i>	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> a) All-weather, 4-wheel drive construction; b) Load capacity of at least 20t, including for bridges and culverts; c) Minimum carriageway width of 4 m; d) Minimum vertical clearance of 4 m; e) Minimum horizontal clearance of 2 m from the edge of the carriageway; f) Cross falls of less than 3 degrees (1:20 or 5%); g) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;

Table C13.3 Standards for fire trails	
	<ul style="list-style-type: none"> h) Curves with a minimum inner radius of 10m; i) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed fire trails, and 10 degrees (1:5.5 or 18%) for unsealed fire trails; j) Gates if installed at fire trail entry, have a minimum width of 3.6m, and if locked, keys are provided to TFS; and k) Terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (i) A turning circle with a minimum outer radius of 10 m; or (ii) A hammerhead "T" or "Y" turning head 4 m wide and 8 m long.
<i>B. Fire trail length is 200m or greater.</i>	<p>The following design and construction requirements apply:</p> <ul style="list-style-type: none"> (a) The requirements for A above; and (b) Passing bays of 2 m additional carriageway width and 20 m length provided every 200 m.

Water supply for firefighting

The site is not located in an area with a reticulated water service. As such, onsite static water supplies must be provided across the development solely for firefighting purposes. All parts of the buildings are to be within 90 m of the static water supply, measured as a hose lay, and the water supply must be directly accessible for firefighting appliances (i.e., located close to the access road).

It is noted that dams can also be used as a water source, provided that the specified minimum quantity of firefighting water is available for each building area at all times. A remote offtake close to the hardstand area for firefighting appliances would also be required if a dam is to be used as the water source; noting the remote offtake location would need to satisfy the 90 m distance from the static water supply.

Table 6 – Static Water Supply Specifications

Table C13.5 Static Water Supply for Fire fighting	
<i>A. Distance between building area to be protected and water supply.</i>	<p>The following requirements apply:</p> <ul style="list-style-type: none"> (a) The building area to be protected must be located within 90 m of the firefighting water point of a static water supply; and (b) The distance must be measured as a hose lay, between the firefighting water point and the furthest part of the building area.
<i>B. Static Water Supplies</i>	<p>A static water supply:</p> <ul style="list-style-type: none"> (a) May have a remotely located offtake connected to the static water supply; (b) May be a supply for combined use (firefighting and other uses) but the specified minimum quantity of firefighting water must be available at all times; (c) Must be a minimum of 10,000 L per building area to be protected. This volume of water must not be used for any other purpose including firefighting sprinkler or spray systems; (d) Must be metal, concrete or lagged by non-combustible materials if above ground; and

Table C13.5 Static Water Supply for Fire fighting	
	<p>(e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of <i>Australian Standard AS 3959:2009 Construction of buildings in bushfire-prone areas</i>, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by:</p> <ul style="list-style-type: none"> (i) Metal; (ii) Non-combustible material; or (iii) Fibre-cement a minimum of 6 mm thickness.
C. Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a firefighting water point for a static water supply must:</p> <ul style="list-style-type: none"> (a) Have a minimum nominal internal diameter of 50 mm; (b) Be fitted with a valve with a minimum nominal internal diameter of 50 mm; (c) Be metal or lagged by non-combustible materials if above ground; (d) If buried, have a minimum depth of 300 mm²; (e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to firefighting equipment; (f) Ensure the coupling is accessible and available for connection at all times; (g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length); (h) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and (i) If a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> (i) Visible; (ii) Accessible to allow connection by firefighting equipment; (iv) At a working height of 450 – 600 mm above ground level; and (v) Protected from possible damage, including damage by vehicles.
D. Signage for static water connections	<p>The firefighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with:</p> <ul style="list-style-type: none"> (a) water tank signage requirements within <i>Australian Standard AS 2304-2011 Water storage tanks for fire protection systems</i>; or (b) <i>Water Supply Signage Guideline, version 1.0</i>, Tasmanian Fire Service, February 2017.
E. Hardstand	<p>A hardstand area for fire appliances must be:</p> <ul style="list-style-type: none"> (a) No more than 3 m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) No closer than 6 m from the building area to be protected; (c) A minimum width of 3 m constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

² Compliant with *Australian/New Zealand Standard AS/NZS 3500.1-2003 Plumbing and drainage, Part 1: Water Services, Clause 5.23*

Requirements for Emergency Planning

The requirements relating to emergency planning would come under the Directors Determination (v1.1) rather than the code as visitor accommodation is not defined as a vulnerable use under the code.

In Table 5 – *Requirements for Emergency Planning* of the Directors Determine (v1.1), a bushfire emergency plan (EMP) must be consistent with the TFS Bushfire Emergency Planning Guideline (the guideline) and approved by the TFS or a person accredited by the TFS. Emergency plans are essential for the effective management of any emergency within facilities and other vulnerable sites. It is through appropriate emergency planning processes that site-specific procedures are identified and documented with the aim to prevent injuries and fatalities, reduce damage to assets, protect the environment and community, and maintain business continuity. The emergency planning process will identify potential threats and result in the development of emergency management strategies. It is considered essential for the planning process to adequately consider the context of the hazard, as not all emergency management procedures will be appropriate across all hazards.

Planning for a bushfire emergency must account for the complexity and variability of bushfire threat, and therefore requires a tailored planning approach that includes careful consideration of factors such as the nature of the hazard, building and occupant vulnerability, emergency options analysis, and contingency planning. This will result in plans that often identify more than one emergency management strategy, incorporate a scaled response, and include procedures that account for various bushfire scenarios.

The EMP must therefore consider occupancy characteristics, emergency management structure, capability and suitable responses, the building(s) and/or site vulnerability, complementary bushfire protection strategies, onsite refuges, possible bushfire scenarios, primary and contingency bushfire safety options, firefighting access, firefighting services, and firefighting protection.

A Bushfire Action Plan, which is a single sheet diagram that provides occupants with essential emergency information and is developed to complement the Bushfire Emergency Plan procedures will also be required at building stage.

It is considered that given the extent of hazard management areas allowed for, the use not being hazardous or vulnerable and the multiple access points to the site, the future development provided for under the proposed SAP could satisfy the requirements for an emergency plan.

3. Conclusion

Provided the changes to the proposed SAP identified in section 1 are made, and development of the site is designed in accordance with the requirements outlined in section 2, it is considered that the requirements for bushfire protection can be achieved.

Yours sincerely,



Frances Beasley

Planner and bushfire practitioner (BFP-156)

7.4 CLARENCE LOCAL PROVISION SCHEDULE - LINDISFARNE REZONING TO THE GENERAL RESIDENTIAL ZONE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review the representations received following the exhibition of the proposed amendment to the Clarence Local Provision Schedule (LPS) which was directed to be advertised by the Tasmanian Planning Commission (TPC).

RELATION TO PLANNING PROVISIONS

The LPS makes up the local component of the Tasmanian Planning Scheme (TPS).

LEGISLATIVE REQUIREMENTS

The proposed planning scheme modification was directed to be advertised by the TPC following the hearing into the Clarence LPS.

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 to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

The amendments were exhibited from Wednesday 17 November - Tuesday 14 December 2021 in accordance with statutory requirements and one representation in support of the proposed amendments was received, TasWater responded to the advertised amendment and did not raise any objections.

RECOMMENDATION:

- A. That council resolves, under Section 40K of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission regarding draft PDPSAMEND-2021/022801 that:
- The draft amendment not be modified to take account of any representation;
 - It is satisfied that the draft amendment meets the LPS criteria;
 - It recommends that draft amendment be modified, and that 22 Radiata Drive retain its open space zoning and it not be zoned General Residential.
- 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.

CLARENCE LOCAL PROVISION SCHEDULE - LINDISFARNE REZONING TO THE GENERAL RESIDENTIAL ZONE /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Clarence LPS and the representations received were considered at the Special Council Meeting of 26 August 2020.
- 1.2.** Following the TPC determination of the LPS, the TPC directed council as the planning authority to prepare amendments to the LPS.
- 1.3.** Council was required to notify the relevant agencies, such as TasWater and those State agencies and authorities that may have an interest in the draft amendment.

2. STATUTORY IMPLICATIONS

- 2.1.** Pursuant to Section 40K of the Land Use Planning and Approvals Act 1993 (LUPAA), council is required to consider the merits of any representation and provide the Tasmanian Planning Commission (TPC) with:

- “(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to:*
 - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*

- (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.”*

3. PROPOSAL IN DETAIL

3.1. The Amendment

The LPS is to be modified to rezone the properties in Section 3.2 (below) from Low Density Residential, Open Space and Rural Living to General Residential as shown in figure 1. TPC’s reasons for the change are noted below:

“The Commission therefore considers the existing developed areas within the Low Density Residential Zone at the Lindisfarne Ridge should be revised to the General Residential Zone. The land at 16 Kent Street should also be revised to the General Residential Zone as it is of a size consistent with the General Residential Zone, and is able to be connected to reticulated water and sewerage supply, consistent with GRZ 1 of Guideline No. 1.”

3.2. The Properties

The properties proposed to be rezoned and their existing zoning are listed in Table 1. The amendment only applies to the properties listed in the table and not to the entirety of Lindisfarne Ridge, the remainder of properties on the ridge will retain their current zoning under the LPS.

Address	Existing Zoning under LPS
19-28 Katrina Court	Low Density Residential
16 Kent Street	Rural Living
1, 2, 5, 6, 9, 10, 13, 14, 16, 17, 21, 23 Jove Court	Low Density Residential
2, 4, 6-16, 18-21 Radiata Drive	Low Density Residential
22 Radiata Drive	Open Space
Wassell Place various	Low Density Residential
Flagstaff Gully Road various	Low Density Residential

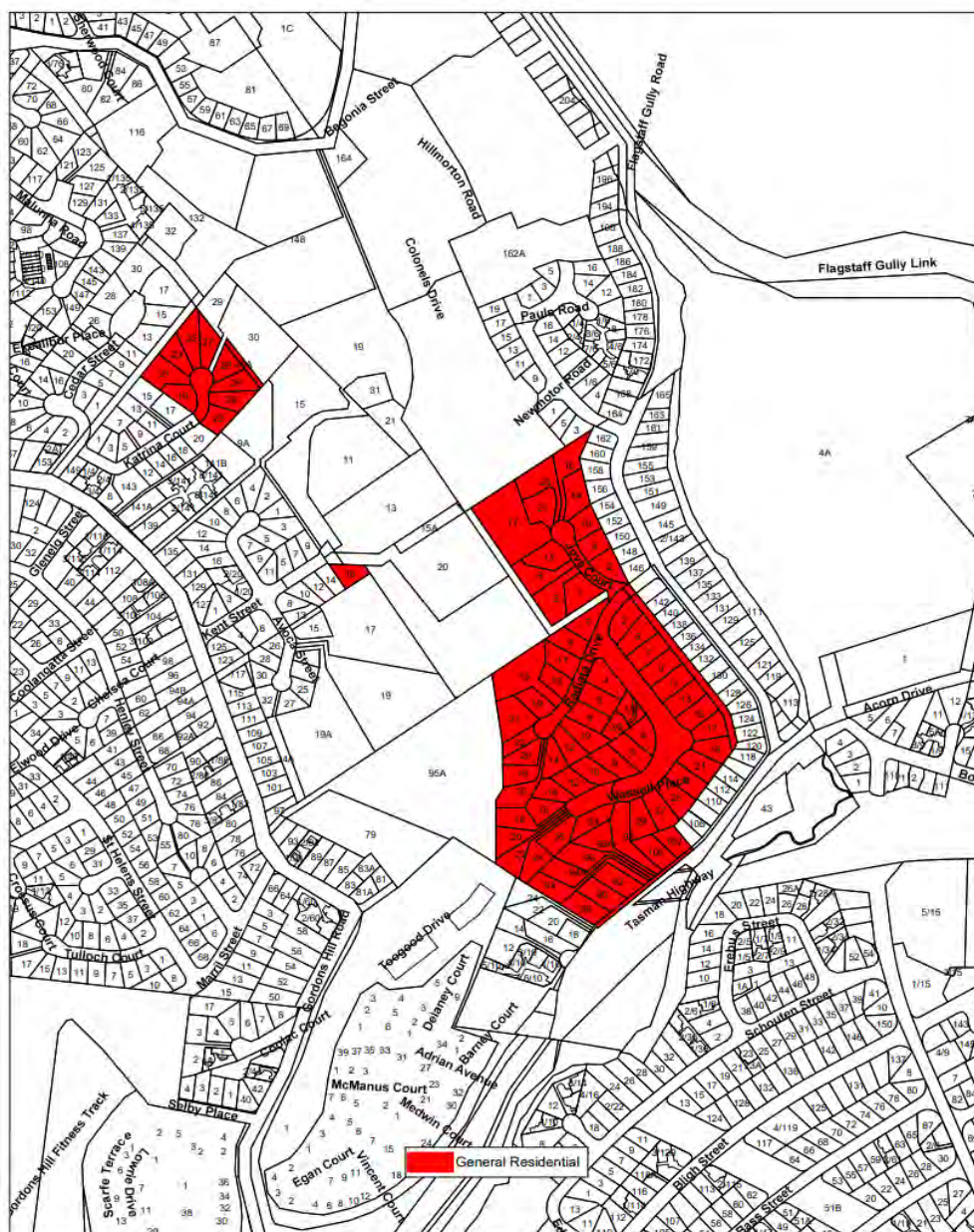


Figure 1: Properties to be rezoned from Low Density Residential and Rural Living to General Residential Zone – as advertised.

4. **CONSULTATION**

The proposal was advertised in accordance with the statutory requirements and one representation was received in support of the proposed amendment and one from TasWater raising no objections to the amendments.

5. AMENDMENT

Although the TPC directed that 22 Radiata Drive be rezoned from Open Space to General Residential this is likely an administrative error. No 22 Radiata Drive is zoned Open Space under the LPS, is owned by council, is at the end of the cul-de-sac of Radiata Drive and provides access to 95A Gordons Hill Road which is similarly zoned Open Space and is also owned by council. It is therefore recommended that council requests the TPC that 22 Radiata Drive remain zoned Open Space.

6. STATE POLICIES AND PROJECTS ACT OBJECTIVES

6.1. The Strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA are considered below.

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and to provide for the fair, orderly and sustainable use and development of air, land, and water; and
- (b) to encourage public involvement in resource management and planning; and
- (c) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (d) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The area is within the STRLUS UGB and all properties can be connected to reticulated water and sewer and no objection was received from TasWater who were notified of the proposed amendment.

The amendment was advertised in accordance with statutory requirements and all relevant agencies notified. The amendment would have a limited impact on the implementation of the LPS and all landowners potentially affected by the modification have had two separate opportunities to lodge a representation and one responded in support of the amendment.

The natural and landscape values present on the properties are limited as they have already been developed for residential development and virtually all native vegetation has been cleared.

The amendment would free up additional lots quickly without the need to provide additional infrastructure.

The amendment has already been considered by council and the TPC. Council was directed to advertise the amendment as the TPC considered that the amendment was a substantial modification to the LPS.

6.2. The proposal is consistent with the outcomes of the relevant State Policies.

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

7. CONCLUSION

In accordance with the requirements of Section 40K of LUPAA council is required to provide a statement to the TPC which addresses the merits of the representations, the effect of the draft amendment, a statement as to whether it is satisfied that the draft amendment meets the LPS criteria and any recommendations in relation to the draft amendment which the council thinks fit.

It is considered that the issues raised in the representation do not warrant amendments to the Draft Amendment.

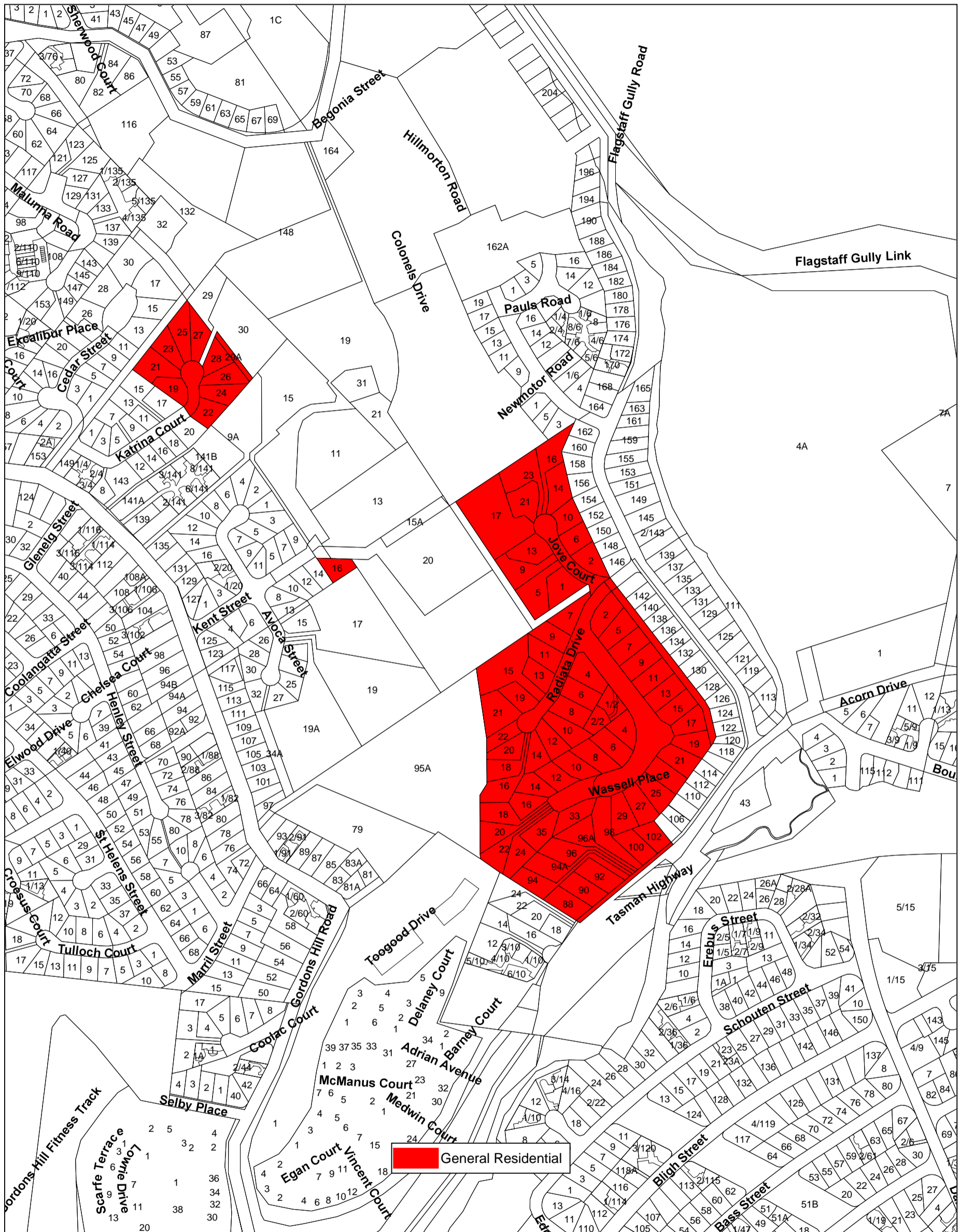
It is recommended that council requests that 22 Radiata Drive not be zoned General Residential and that it retains its current Open Space Zoning under the LPS, as it is part of a large public open space network.

Attachments: 1. Certified Amendment (1)

Ross Lovell
MANAGER CITY PLANNING

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022801



PDPSAMEND-2021/022801

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(C) Clarence City Council

Rezone the land at Lindisfarne from the Low Density Residential Zone and the Rural Living Zone to the General Residential Zone as shown.

7.5 CLARENCE LOCAL PROVISION SCHEDULE - ROSNY HILL NATURE RECREATION AREA: REZONING TO THE ENVIRONMENTAL MANAGEMENT ZONE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review the representations received following the exhibition of the proposed amendments to the Clarence Local Provision Schedule (LPS) which was directed to be advertised by the Tasmanian Planning Commission (TPC).

RELATION TO PLANNING PROVISIONS

The LPS makes up the local component of the future Tasmanian Planning Scheme (TPS).

LEGISLATIVE REQUIREMENTS

The proposed planning scheme amendment was directed to be advertised by the TPC following the hearing into the LPS.

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 to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

The amendments were exhibited from Wednesday 17 November - Tuesday 14 December 2021 in accordance with statutory requirements and 108 representations (106 in support and two against) were received. TasWater responded to the advertised amendment and did not raise any objections.

RECOMMENDATION:

- A. That council resolves, under Section 40K of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission regarding draft amendment PDPSAMEND-2021/022803 that:
- the draft amendment is not modified to take account of any representation;
 - it is satisfied that the draft amendment meets the LPS criteria; and
 - it does not recommend that any modifications be made to the amendment.
- 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.

CLARENCE LOCAL PROVISION SCHEDULE - ROSNY HILL NATURE RECREATION AREA: REZONING TO THE ENVIRONMENTAL MANAGEMENT ZONE /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The LPS and the representations received were considered at the Special Council Meeting of 26 August 2020.
- 1.2.** Following the TPC determination of the LPS, the TPC directed the council to prepare amendments to the LPS.
- 1.3.** Council was required to notify the relevant agencies, such as TasWater and those State agencies and authorities that may have an interest in the draft amendment.

2. STATUTORY IMPLICATIONS

- 2.1.** Pursuant to Section 40K of the Land Use Planning and Approvals Act 1993 (LUPAA), council is required to consider the merits of any representation and provide the TPC with:

- “(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*

- (i) *whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
- (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.”*

3. PROPOSAL IN DETAIL

The Amendment

The LPS is proposed to be amended to rezone 12a Akuna Street, Rosny from Recreation to Environmental Management as shown in Figure 1.



Figure 1: Rezone the Rosny Hill Nature Recreation Area (folios of the Register 12799/1 and 236367/1) from the Recreation Zone to the Environmental Management Zone.

TPC consideration

“The Commission agrees with the representors that the Recreation Zone is not the most suitable zone for the site under Guideline No. 1. However, the Commission agrees with the submission of the planning authority that the approval of the Visitor Accommodation development on the site represents a clear commitment that the site not be used purely for passive recreation.”

The Commission notes that the Rosny Hill site has been reserved as a nature recreation area under the Nature Conservation Act 2002. The Commission notes that EMZ1(a) of Guideline No. 1 sets out: The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as: (a) land reserved under the Nature Conservation Act 2002;

The Environmental Management Zone allows for Visitor Accommodation use as a permitted use if authority is granted by the Managing Authority under the National Parks and Reserved Land Regulations 2009. Otherwise the use is discretionary. The Commission therefore considers the Environmental Management Zone is consistent with the site's natural values, as well as the Council's vision for the use and development of the site.

The Commission notes that the site is also within the priority vegetation area overlay, and that the Natural Assets Code will also apply to any future use or development.

The Commission considers that the proposed zone change has a public interest due to the different allowable uses under the Environmental Management Zone. Clarence draft Local Provisions Schedule 13."

Commission decision

"Modification:

- revise the zoning of folio of the Register 12799/1 to the Environmental Management Zone.*

Reason:

- To apply the Environmental Management Zone consistent with the purpose of the zone and Guideline No. 1.*
- The Commission considers that the modifications are a substantial modification as there may be a public interest in the modifications."*

4. CONSULTATION

The proposal was advertised in accordance with the statutory requirements and 108 representations were received (106 in support of the proposed amendment and two against). The issues raised in the representations are considered below.

Issue	Response
<p>Strong objection to the changing of zoning of Rosny Hill to Environmental Management.</p> <p>Objection to the proposal to rezone the Rosny Hill Nature Recreation Area to an Environmental Management Zone if it in any way impacts the proposed development works currently approved for Rosny Hill. Our children need jobs, and the development will offer many employment opportunities along with the jobs created or maintained during the construction phase. I am not associated with the project in any way, just want to support and commend the council in standing up to the Rosny Hill Friends Network.</p> <p>Improved recognition of the natural beauty of the bush, wildlife and glorious publicly accessible views will hopefully result in better care and protection for the area. Rezoning would lead to area being better cared for.</p>	<p>No reason for the objection is provided.</p> <p>The rezoning would not alter the existing planning approval for the Public recreation facilities, Visitor accommodation and Food services.</p>
<p>Rezoning would protect the skyline from buildings and keep the tops of the hills clothed in trees.</p>	<p>Rezoning of the land will not directly lead to the area being better cared for. The LPS only regulates new proposals for use and development. The Environmental Management Zone does not control how the land must be managed, unless associated with a planning permit.</p> <p>Any future development application would have to be assessed against the relevant development standards within the Environmental Management Zone.</p>
<p>Improved management of the natural and scenic values of Rosny Hill.</p>	<p>As above.</p>
<p>Give greater recognition of the natural and cultural values of Rosny Hill in future management and decision making, leading to a better standard of ongoing care and protection planning.</p>	<p>As above.</p>
<p>Protection for future generations.</p>	<p>The rezoning will only apply to future development proposals.</p>
<p>Natural Assets Code appears to provide little comfort that the area will be well managed in the future.</p>	<p>The land is subject to the Natural Assets Code/Priority Vegetation Area under the LPS. This would not alter as a result of the rezoning.</p>
<p>Rezoning will prevent littering and hooning.</p>	<p>Rezoning would not prevent this type of unsocial behaviour from occurring.</p>
<p>Environmental Management Zone more accurately reflects its role and purpose, and the requirements for its ongoing care and management that are quite different from the needs of other recreation facilities like sports fields.</p>	<p>The Local Area Objectives of the Environmental Management Zone are considered to be appropriate.</p>

Support the rezoning of Rosny Hill to Environmental Management. The council has shown little regard for this valuable community area

The rezoning would not alter the management practices undertaken on the land. However, it should be noted that council actively manages the area as a bushland reserve, and this involves a range of land management practices including burning and weed management work.

Current zoning is not congruent with the classification under the Nature Conservation Act as a Nature Recreation Area and should be changed to Environment Management Zone which is far more consistent

Noted.

If rezoning had occurred before the DA for the proposed hotel had been submitted, it is likely that development would have been rejected in line with what our local community wants for the area. Object to the development of the reserve for commercial purposes and opposed to the proposal in any form from Hunter Developments to develop the site for a Hotel and Conference Centre.

The rezoning would not alter the existing planning approval for the Public recreation facilities, Visitor accommodation and Food services. As above.

Important to retain green spaces within the urban environment and to protect the suburban skyline from development.

Noted.

It is important to maintain natural habitat and preserve existing native plants and habitat for animals and birds. The proposed change to “Environment Management” would help achieve this.

The rezoning will only apply to future development proposals.

Consistent with the zoning applied to other reserves proclaimed under the Nature Conservation Act 2002.

Noted.

Caring for the environment is a concern popular in all groups of people and of overwhelming concern worldwide.

Noted.

It has significant natural values, including endangered species, *Thelymitra bracteata*, and threatened *Themeda* grassland, and it should be managed as a community nature reserve.

Ongoing management of the reserve is a separate matter to that of the zoning of the land.

Many of the nearby green and open spaces in our cities are vanishing. Many people are lamenting the loss of our low-rise city as pressure from developers is placed on councils. This makes green spaces more important than ever.

Noted.

As the city lights up, we are losing the view of the night sky, a privilege we have which many cities don't. We need dark spaces.

Noted.

The remnant themeda grassland and inter tussock species such as *Bulbine glauca* and *Kennedia prostrata*, along with the diverse range of orchids, needs to be managed with seasonal low intensity mosaic burning. It is heartening to see the council conduct burns, and hopefully if it is rezoned the burns can be extended and the hill looked after as it should be.

Rezoning of the land will not in itself lead to any changes or improvement to the land management activities undertaken on the land.

5. STATE POLICIES AND PROJECTS ACT OBJECTIVES

5.1. The Strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA are considered below.

“(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and to provide for the fair, orderly and sustainable use and development of air, land, and water; and

(b) to encourage public involvement in resource management and planning; and

(c) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

(d) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.”

The amendment was advertised in accordance with statutory requirements and all relevant agencies notified.

Any impact upon the natural and landscape values present on the land resulting from any future development proposals would be managed and regulated by the relevant provisions under the Environmental Management Zone.

The rezoning to Environmental Management would not prevent the approved Public recreation facilities, Visitor accommodation and Food services from proceeding.

The amendment has already been considered by council and the TPC which directed council to advertise the amendment.

5.2. The proposal is consistent with the outcomes of the relevant State Policies and the LPS Criteria.

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

6. CONCLUSION

In accordance with the requirements of Section 40K of LUPAA council is required to provide a statement to the TPC which addresses the merits of the representations, the effect of the draft amendment, a statement as to whether it is satisfied that the draft amendment meets the LPS criteria and any recommendations in relation to the draft amendment which the council thinks fit.

It is considered that the issues raised in the representations do not warrant amendments to the draft amendment.

Attachments: 1. Certified Amendment (1)

Ross Lovell
MANAGER CITY PLANNING

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022803



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(C) Clarence City Council

PDPSAMEND-2021/022803

Rezone the Rosny Hill Nature Recreation Area (folios of the Register 12799/1 and 236367/1) from the Recreation Zone to the Environmental Management Zone, as shown.

7.6 CLARENCE LOCAL PROVISIONS SCHEDULE - APPLICATION OF NATURAL ASSET CODE AND REZONING TO THE LANDSCAPE CONSERVATION ZONE, HOWRAH HILLS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review the representations received following the exhibition of the proposed amendments to the Clarence Local Provision Schedule (LPS) which was directed to be advertised by the Tasmanian Planning Commission (TPC).

RELATION TO PLANNING PROVISIONS

The LPS makes up the local component of the Tasmanian Planning Scheme (TPS).

LEGISLATIVE REQUIREMENTS

The proposed planning scheme amendment was directed to be advertised by the TPC following the hearing into the LPS.

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 to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

The amendments were exhibited from Wednesday 17 November - Tuesday 14 December 2021 in accordance with statutory requirements and three representations, all in support of the proposed planning scheme amendment, were received.

RECOMMENDATION:

- A. That Council resolves, under Section 40K of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission regarding draft amendment PDPSAMEND-2021/022804 that:
- the draft amendment is not modified to take account of any representation;
 - it is satisfied that the draft amendment meets the LPS criteria.
 - does not recommended that any modifications be made to the amendment.
- 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.

CLARENCE LOCAL PROVISIONS SCHEDULE - APPLICATION OF NATURAL ASSET CODE AND REZONING TO THE LANDSCAPE CONSERVATION ZONE, HOWRAH HILLS /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The LPS and the representations received were considered at the Special Council Meeting of 26 August 2020.
- 1.2.** Following the TPC determination of the LPS, the TPC directed council as the planning authority to prepare amendments to the LPS.
- 1.3.** Council was required to notify the relevant agencies, TasWater and those State agencies and authorities that may have an interest in the draft amendment.
- 1.4.** In their submission on the LPS the Howrah Hills Landcare Group provided a historical account of the planning controls and relevant past decisions of the RPDC, RMPAT and the Supreme Court in relation to the development potential for land at Howrah Hills and proposed that the land should be zoned Landscape Conservation and/or that a Specific Area Plan be introduced to manage use and development on the land shown in figure 1.

2. STATUTORY IMPLICATIONS

Pursuant to Section 40K of the Land Use Planning and Approvals Act 1993 (LUPAA), council is required to consider the merits of any representation and provide the TPC with:

- a copy of each representation received;
- a statement of its opinion as to the merits of each representation;
- its view as to whether any modification to the Amendments (as exhibited) should be made in light of the representations;
- the impact that the representations have on the draft amendment as a whole; and

- such recommendations in relation to the draft amendment as the authority considers necessary.

3. PROPOSAL IN DETAIL

The Amendment

The LPS is to be amended to rezone the properties in the list below and as shown in figure 1 from the Low-Density Residential zone to the Landscape Conservation zone and to apply the priority vegetation area overlay to these properties and the areas as shown in figure 2:

- (a) 125 Norma Street, Howrah (folio of the Register 26606/146);
- (b) 18 Newhaven Drive, Howrah (folio of the Register 26629/145);
- (c) 5 Zenith Court, Howrah (folio of the Register 26629/144);
- (d) 100 Skyline Drive, Howrah (folios of the Register 136183/1, 2, 3, 4, 5, 6, & 7);
- (e) 73 Skyline Drive, Howrah (folio of the Register 136183/8);
- (f) 46 Skyline Drive, Howrah (folio of the Register 48113/13);
- (g) 60A Skyline Drive, Howrah (folio of the Register 104949/6);
- (h) 60B Skyline Drive, Howrah (folio of the Register 104949/5); and
- (i) 60C Skyline Drive, Howrah (folio of the Register 13618).

The TPC decision found as follows:

“The Commission accepts the evidence of the representor that the Low Density Residential Zone is not the most appropriate zone for the land due to the high conservation natural values present, due to the potential visual impact of increased density, and because in this instance, the Low Density Residential Zone is not an equivalent translation from the Low Density Residential Zone under the interim planning scheme.

The Commission considers the application of the Landscape Conservation Zone to the land is consistent with LCZ1 of Guideline No. 1 in that the land contains threatened vegetation communities identified for protection and conservation.

The Commission notes that some parts of the land proposed for the Landscape Conservation Zone are not identified as containing natural vegetation; however, the Commission accepts the evidence of Mr Chetwynd that the land provides a transition to the vegetated slopes of the hillside which is an important visual backdrop to the suburb. This land is therefore also consistent with LCZ1 of Guideline No. 1 in that it is an area of important scenic values.

The Commission also agrees with the representor that the supplied Vegetation Communities Risk Map produced by Entura in 2011 is relatively consistent with the TASVEG mapping, except for the land within the General Residential Zone which has already been developed at a high density, and some areas of the Low Density Residential Zone lots on the eastern side of Skyline Drive.

The Commission notes that NAC12 of Guideline No. 1 states that the priority vegetation area overlay may include areas of native vegetation which have identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority. The Commission considers the Vegetation Communities Risk Map and associated Natural Assets Information Manual demonstrates the land predominantly contains vegetation of at least local importance, and accepts the evidence of Dr Wiltshire that the vegetation is likely to be of greater significance. The Commission therefore considers that the application of the priority vegetation area overlay is consistent with NAC12 of Guideline No. 1.”

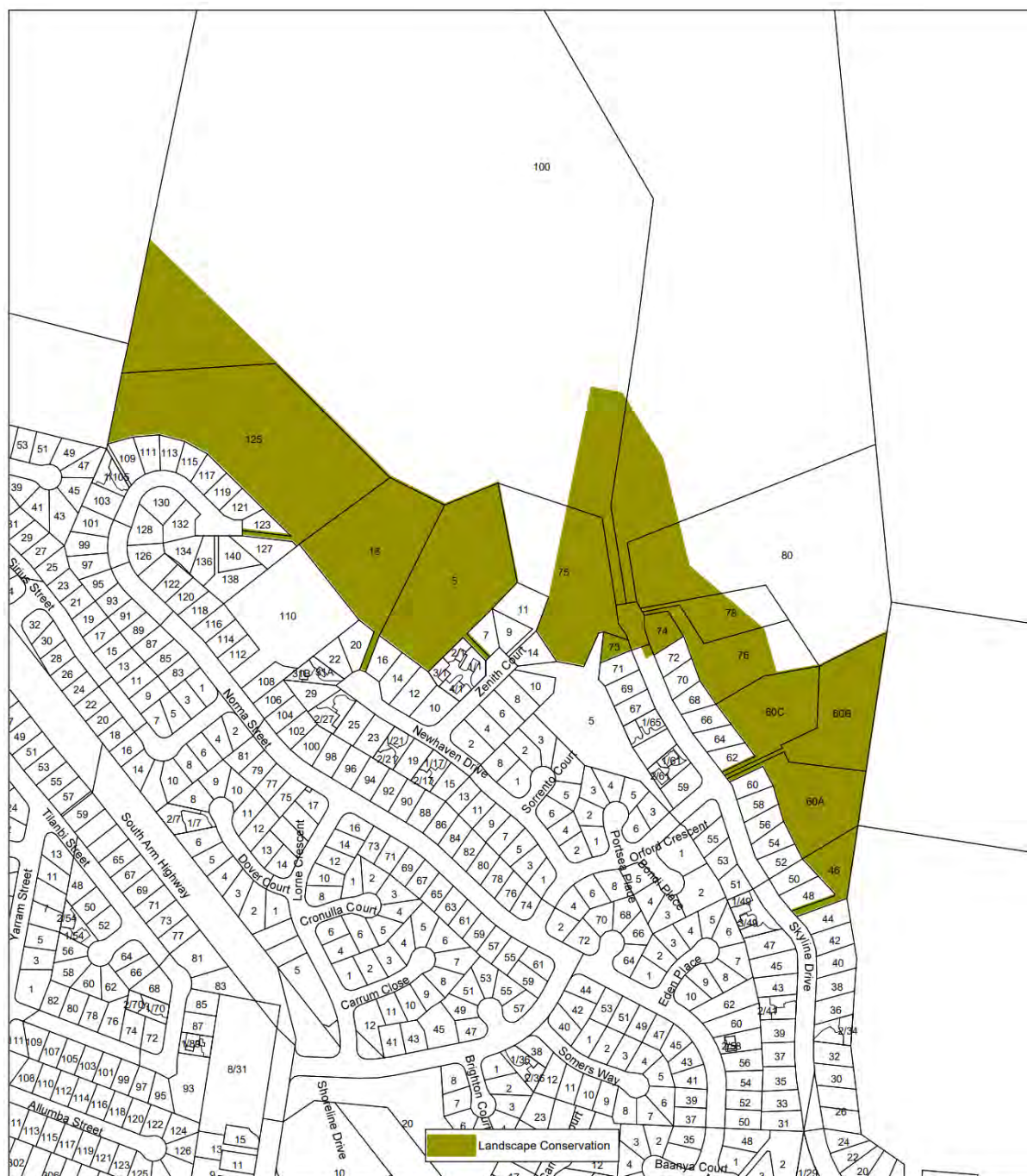


Figure 1: Properties to be rezoned from Low Density Residential to Landscape Conservation.

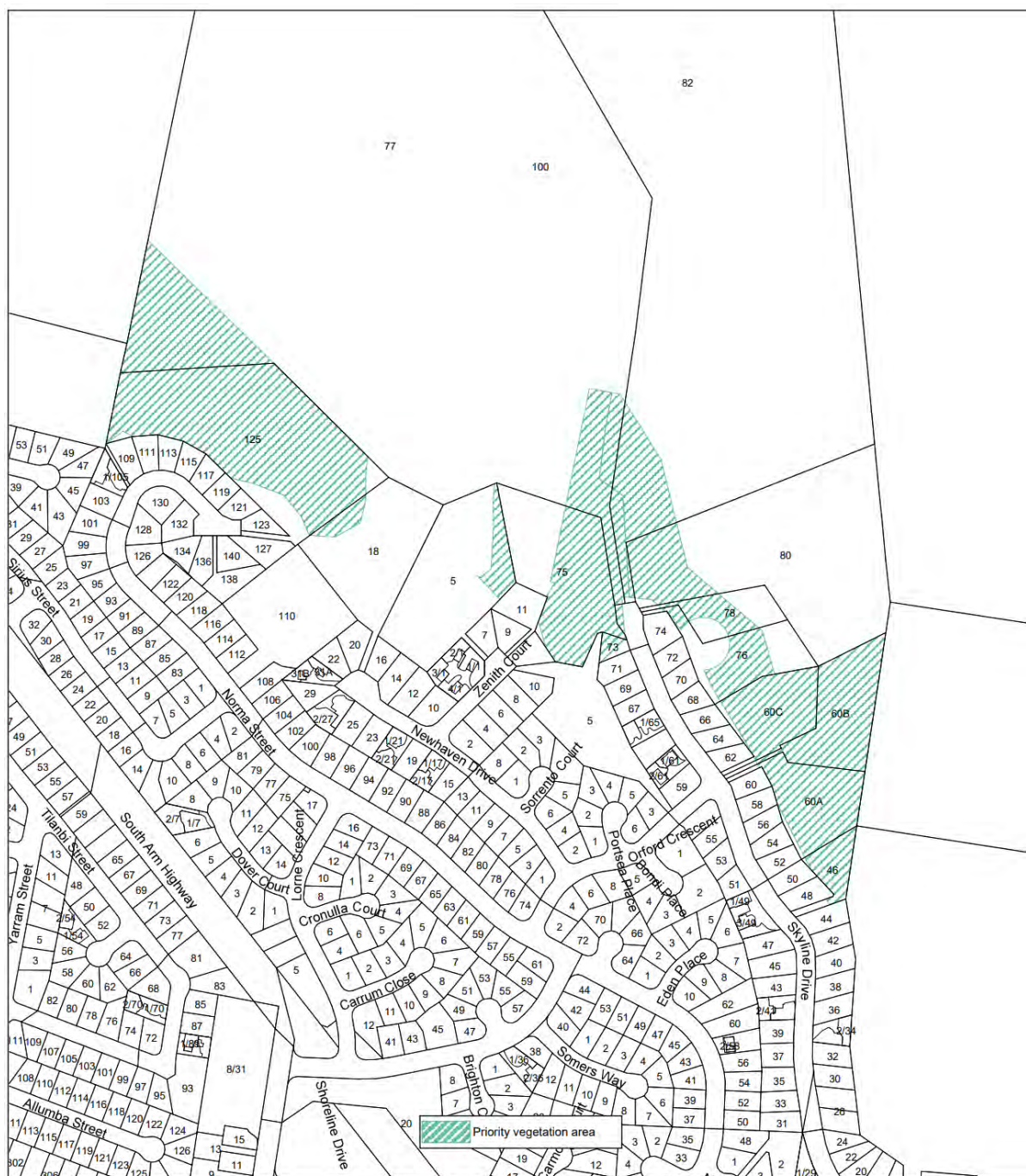


Figure 2: Area to which the priority vegetation overlay is proposed to apply

4. CONSULTATION

The proposal was advertised in accordance with the statutory requirements and two representations were received in support of the proposed amendment and one from TasWater raising no objections to the amendment.

5. STATE POLICIES AND PROJECTS ACT OBJECTIVES

5.1. The strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA are considered below.

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and to provide for the fair, orderly and sustainable use and development of air, land, and water; and
- (b) to encourage public involvement in resource management and planning; and
- (c) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (d) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The amendment would improve the management and protection of the natural values and the ecological processes on the properties as shown in Figure 1 as the properties would be subject to the priority vegetation overlay making vegetation removal more difficult.

The amendment was advertised in accordance with statutory requirements and all relevant agencies notified. Three representations were received.

The natural and landscape values present on the properties already limit their economic development. The amendment would not substantially alter existing development potential.

The amendment has already been considered by council and the TPC which directed council to advertise the amendment.

5.2. The proposal is consistent with the outcomes of the relevant State Policies.

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

6. CONCLUSION

In accordance with the requirements of Section 40K of LUPAA council is required to respond to the representations received during the public exhibition period. In this instance, three representations were received raising no concerns.

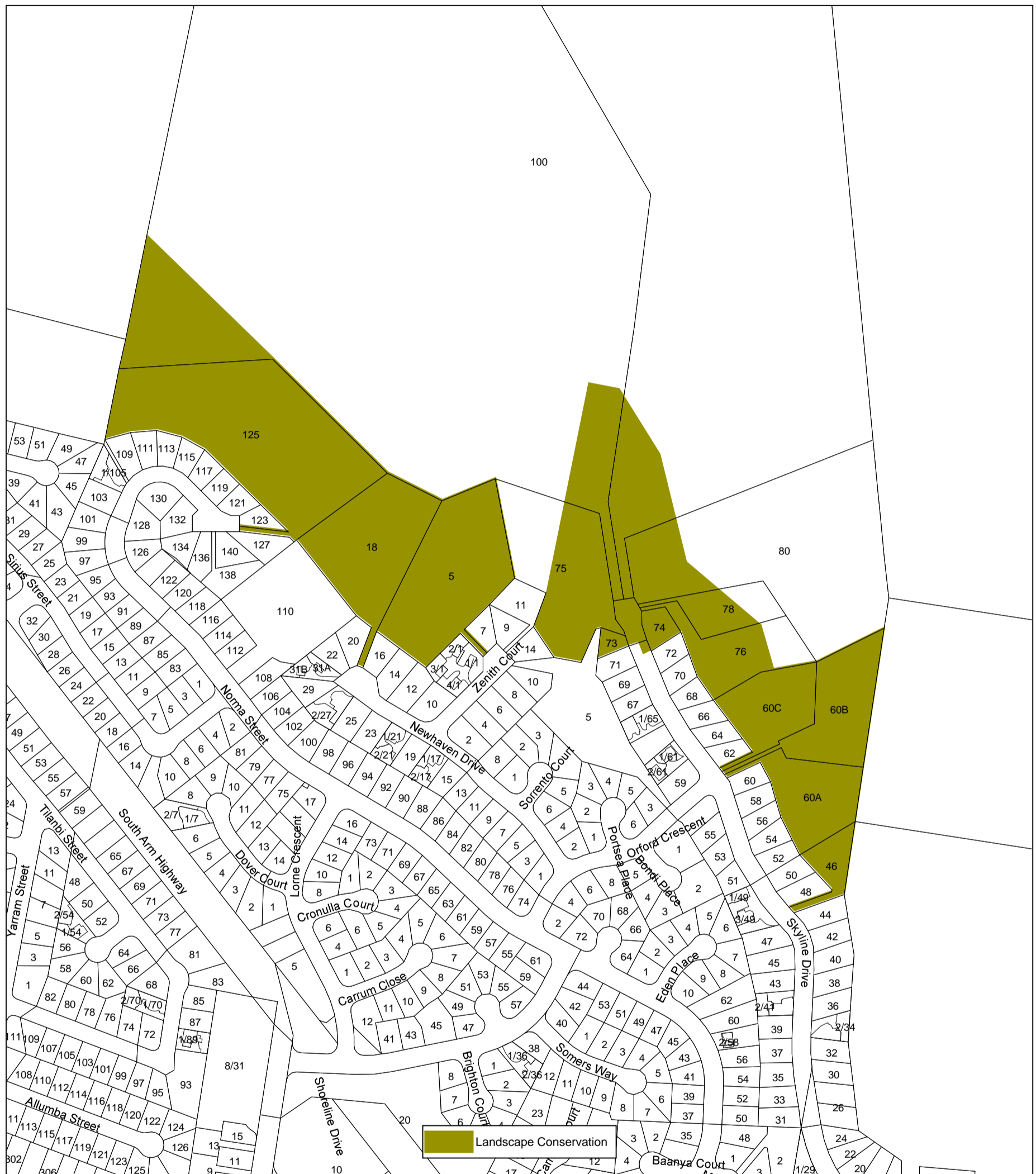
It is considered that the issues raised in the representations do not warrant modifications to the certified draft amendment.

Attachments: 1. Certified Amendment (2)

Ross Lovell
MANAGER CITY PLANNING

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022802



Printed 27/10/2021 @A3
(C) Clarence City Council

PDPSAMEND-2021/022802

Rezone the following properties from the Low Density Residential Zone to the Landscape Conservation Zone, as shown:

- (a) 125 Norma Street, Howrah (folio of the Register 26606/146);
- (b) 18 Newhaven Drive, Howrah (folio of the Register 26629/145);
- (c) 5 Zenith Court, Howrah (folio of the Register 26629/144);
- (d) 100 Skyline Drive, Howrah (folios of the Register 136183/1, 2, 3, 4, 5, 6, & 7);
- (e) 73 Skyline Drive, Howrah (folio of the Register 136183/8);
- (f) 46 Skyline Drive, Howrah (folio of the Register 48113/13);
- (g) 60A Skyline Drive, Howrah (folio of the Register 104949/6);
- (h) 60B Skyline Drive, Howrah (folio of the Register 104949/5); and
- (i) 60C Skyline Drive, Howrah (folio of the Register 136183/11)



7.7 CLARENCE LOCAL PROVISION SCHEDULE - REPLACEMENT OF THE ROAD AND RAILWAY ASSETS CODE ATTENUATION AREAS OVERLAY WITH REVISED MAPPING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review the representations received following the exhibition of the proposed amendments to the Clarence Local Provision Schedule (LPS) which was directed to be advertised by the Tasmanian Planning Commission (TPC).

RELATION TO PLANNING PROVISIONS

The LPS makes up the local component of the future Tasmanian Planning Scheme (TPS).

This amendment was considered by the TPC to be a substantial modification to the advertised LPS.

LEGISLATIVE REQUIREMENTS

The proposed planning scheme amendment was directed to be advertised by the TPC following the hearing into the LPS.

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 to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

The substantial modification was exhibited from Wednesday 17 November - Tuesday 14 December 2021 in accordance with statutory requirements and one representation was received.

RECOMMENDATION:

- A. That council resolves, under Section 40K of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission regarding draft amendment PDPSAMEND-2021/022804 that:
- the draft amendment is not modified to take account of any representation;
 - it is satisfied that the draft amendment meets the LPS criteria; and
 - it does not recommend that any modifications be made to the amendment.
- 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.

CLARENCE LOCAL PROVISION SCHEDULE - REPLACEMENT OF THE ROAD AND RAILWAY ASSETS CODE ATTENUATION AREAS OVERLAY WITH REVISED MAPPING /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The LPS and the representations received were considered at the Special Council Meeting of 26 August 2020.
- 1.2.** Following the TPC determination of the LPS, the TPC directed council to prepare amendments.
- 1.3.** Council was required to notify the relevant agencies, such as TasWater and those State agencies and authorities that may have an interest in the draft amendment.

2. STATUTORY IMPLICATIONS

Pursuant to Section 40K of the Land Use Planning and Approvals Act 1993 (LUPAA), council is required to consider the merits of any representation and provide the Tasmanian Planning Commission (TPC) with:

- “(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to—*
 - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*

- (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.”*

3. PROPOSAL IN DETAIL

The Amendment

It is proposed to replace the Road and Railway Assets Code Attenuation Areas Overlay with revised mapping. The amended overlay would apply to all State Growth Roads across the municipality. The change is described in the TPC decision , as follows:

*“Modification:
revise the extent of the road or railway attenuation area overlay so that it applies to:*

- (a) *land within 50 metres of the boundary of all major or future roads;*
- and*
- (b) *the Cambridge Link Road.*

*Reason:
To apply the road or railway attenuation area overlay consistent with Guideline No. 1.*

The Commission considers that the modifications are a substantial modification as there may be a public interest in the modifications.”

4. CONSULTATION

The proposal was advertised in accordance with the statutory requirements and one representation from the Department of State Growth (DSG) objecting to the draft amendment was received.

Issue

As an alternative to the statutory mapping proposed, DSG suggest it prepare and publish a non-statutory layer on the LISTmap that shows the extent of the attenuation area adjacent to the State Road Network.

Response

The DSG proposal would result in non-statutory mapping that is not located within the LPS and could therefore be easily missed. There would be no indication in the Scheme of its existence.

This is a particular issue for developers and the community who would be disadvantaged and potentially be unable to undertake properly informed due diligence assessments.

This would act as a visual cue to the public and may assist council's planning officers in assessing development applications. State Growth would regularly update this layer.

In its initial submission to the Clarence Draft LPS, the DSG noted the implications of applying the road or railway attenuation area to the State road network via a mapped overlay. A mapped overlay is required to be updated via a planning scheme amendment each time land is acquired or disposed of for road purposes, or to correct any errors in the mapping.

For similar reasons it would also be a risk to council in performing its statutory duty as a planning authority.

A non-statutory layer on LISTmap would not achieve the desired planning purpose of making land within the attenuation area subject to planning controls as contained in the overlay.

It is appreciated that an overlay would require updating via a planning scheme amendment when land is acquired or disposed. Notwithstanding, this is also the case for other Scheme overlays, such as those dealing with bushfire and potential contamination. As such, it is envisaged that there will be a necessity to regularly update the LPS overlays and this could take the form of consequential amendments that could be periodically undertaken to ensure the overlays are responsive to new information. The implications of this process are likely insignificant in comparison to the risk associated with non-statutory mapping.

This matter was already put to the TPC at the original hearing into the LPS and yet the TPC directed that the modifications be made and advertised.

5. STATE POLICIES AND PROJECTS ACT OBJECTIVES

5.1. The Strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA are considered below.

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and to provide for the fair, orderly and sustainable use and development of air, land, and water; and
- (b) to encourage public involvement in resource management and planning; and
- (c) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (d) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

Mapping the area of land subject to the Road and Railway Assets Code would provide certainty to landowners, developers, the community and stakeholders (such as road authorities) as to what land is affected and ensure that impacts are appropriately managed.

The amendment would have a limited impact on the implementation of the LPS and all landowners potentially affected had two separate opportunities to lodge a representation and one representation was received.

The amendment was advertised in accordance with statutory requirements and all relevant agencies notified.

The amendment has already been considered by Council and the TPC which directed Council to advertise the amendment.

5.2. The proposal is consistent with the outcomes of the relevant State Policies.

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

6. CONCLUSION

In accordance with the requirements of Section 40K of LUPAA, council is required to provide a statement to the TPC which addresses the merits of the representations, the effect of the draft amendment, a statement as to whether it is satisfied that the draft amendment meets the LPS criteria and any recommendations in relation to the draft amendment which the council thinks fit.

One representation was received.

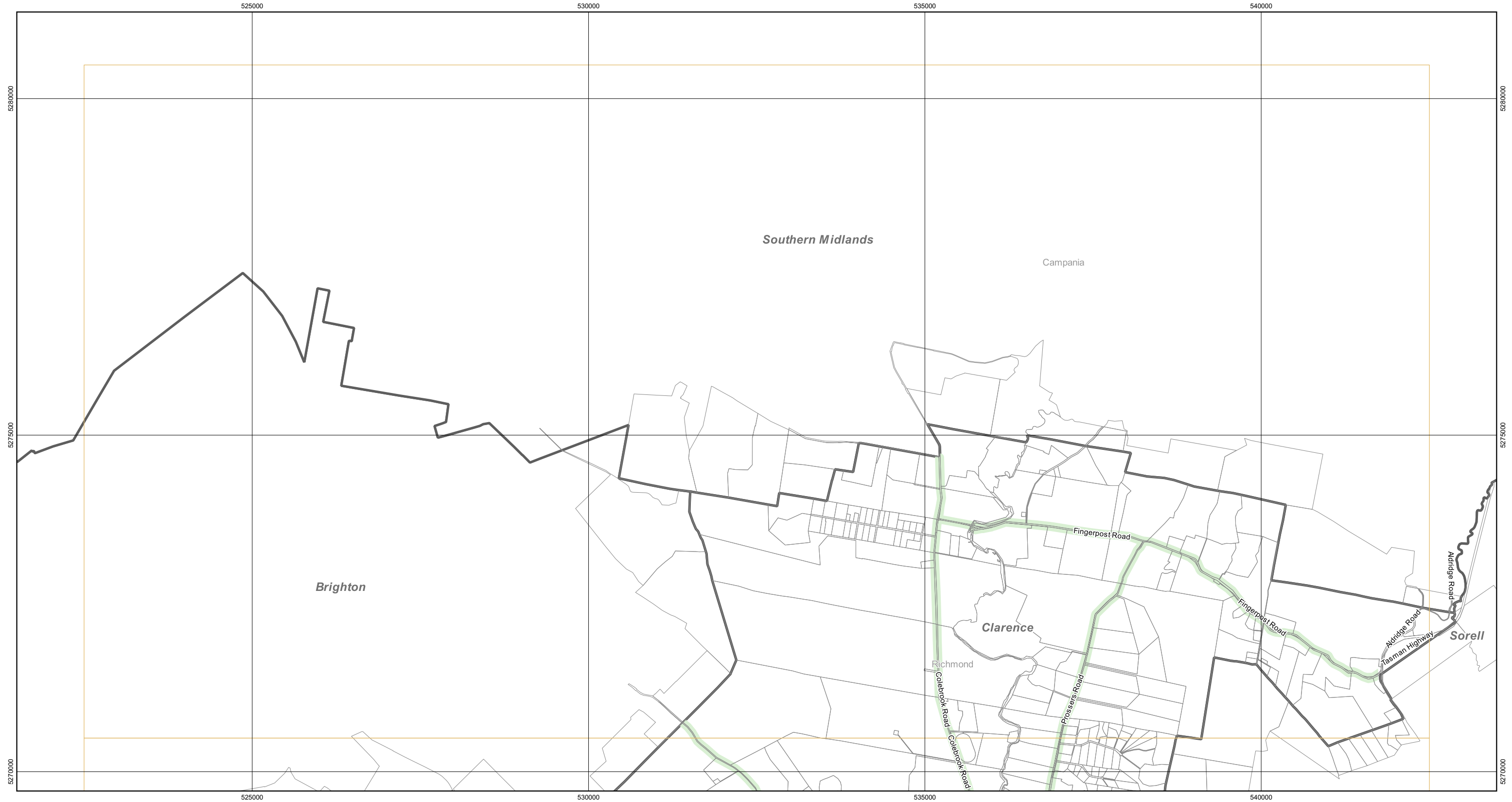
It is considered that the issues raised in the representation do not warrant modifications to the draft amendment.

Attachments: 1. Certified Amendment (6)
2. Representation (2)

Ross Lovell
MANAGER CITY PLANNING

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022804



Legend

- Land Parcel Boundary
- Road & Railway Assets**
- Future Major Road
- Road or Railway Attenuation Area

PDPSAMEND-2021/022804

Replace the road or railway attenuation area overlay maps with a new road or railway attenuation area overlay map series as shown.

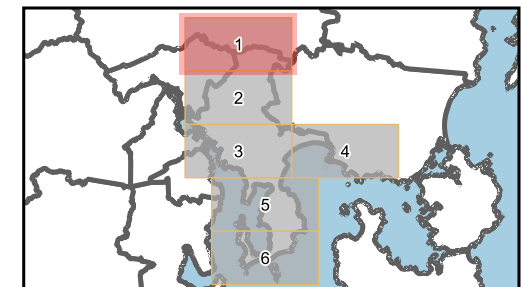
Map 1 of 6



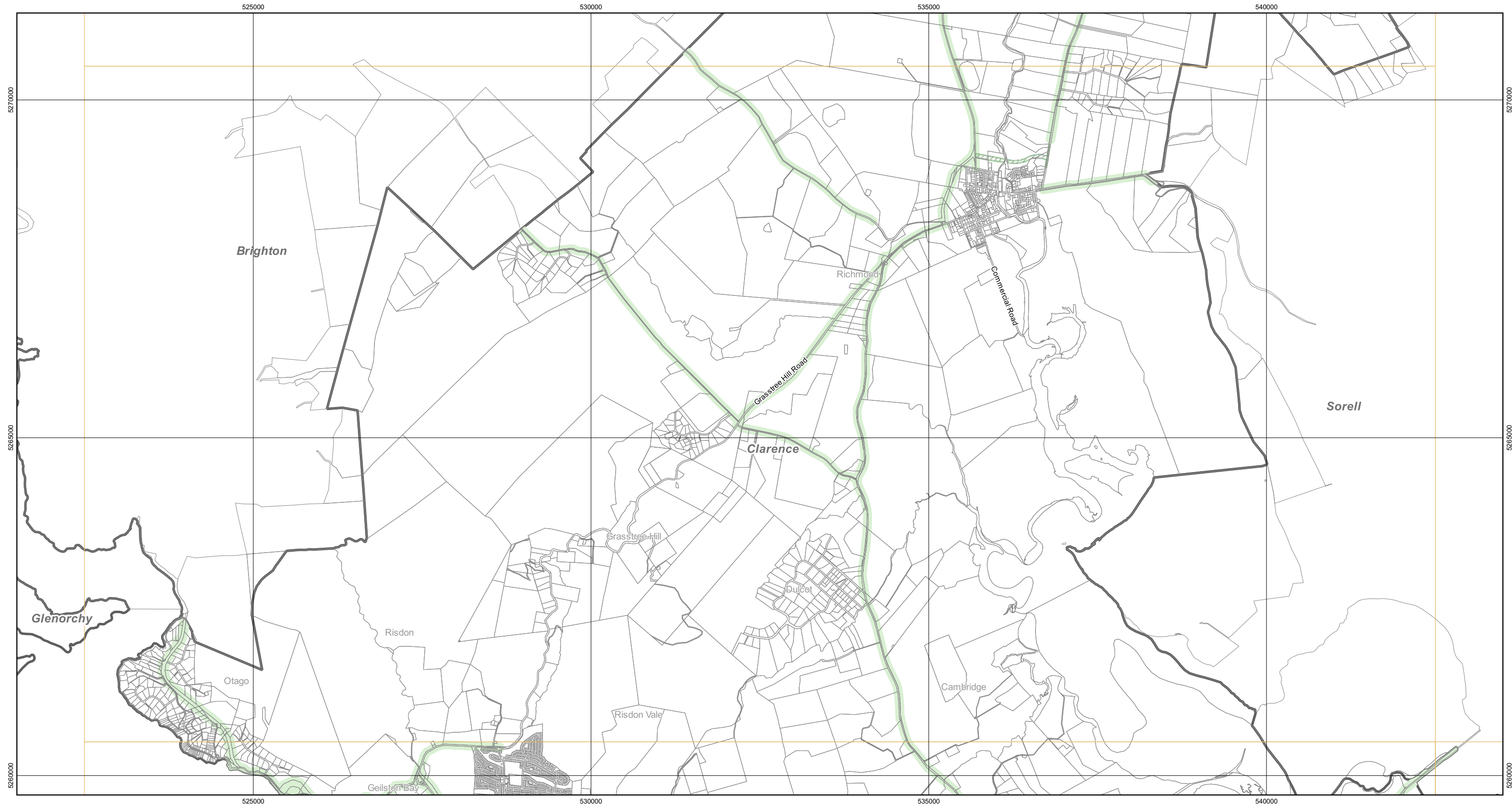
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Clarence City Council
Base topographic data from the LIST © State of Tasmania

Print Date: 27/10/2021



Tasmanian Planning Scheme - Clarence
Amendment: PDPSAMEND-2021/022804



Legend

- Land Parcel Boundary
- Road & Railway Assets
 - Future Major Road
 - Road or Railway Attenuation Area

PDPSAMEND-2021/022804

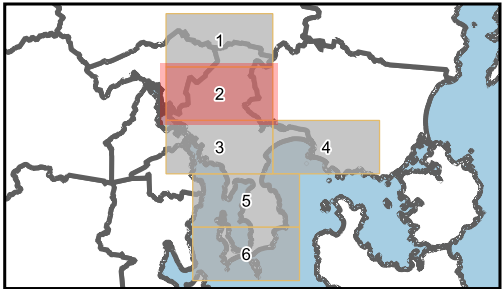
Replace the road or railway attenuation area overlay maps with a new road or railway attenuation area overlay map series as shown.

Map 2 of 6



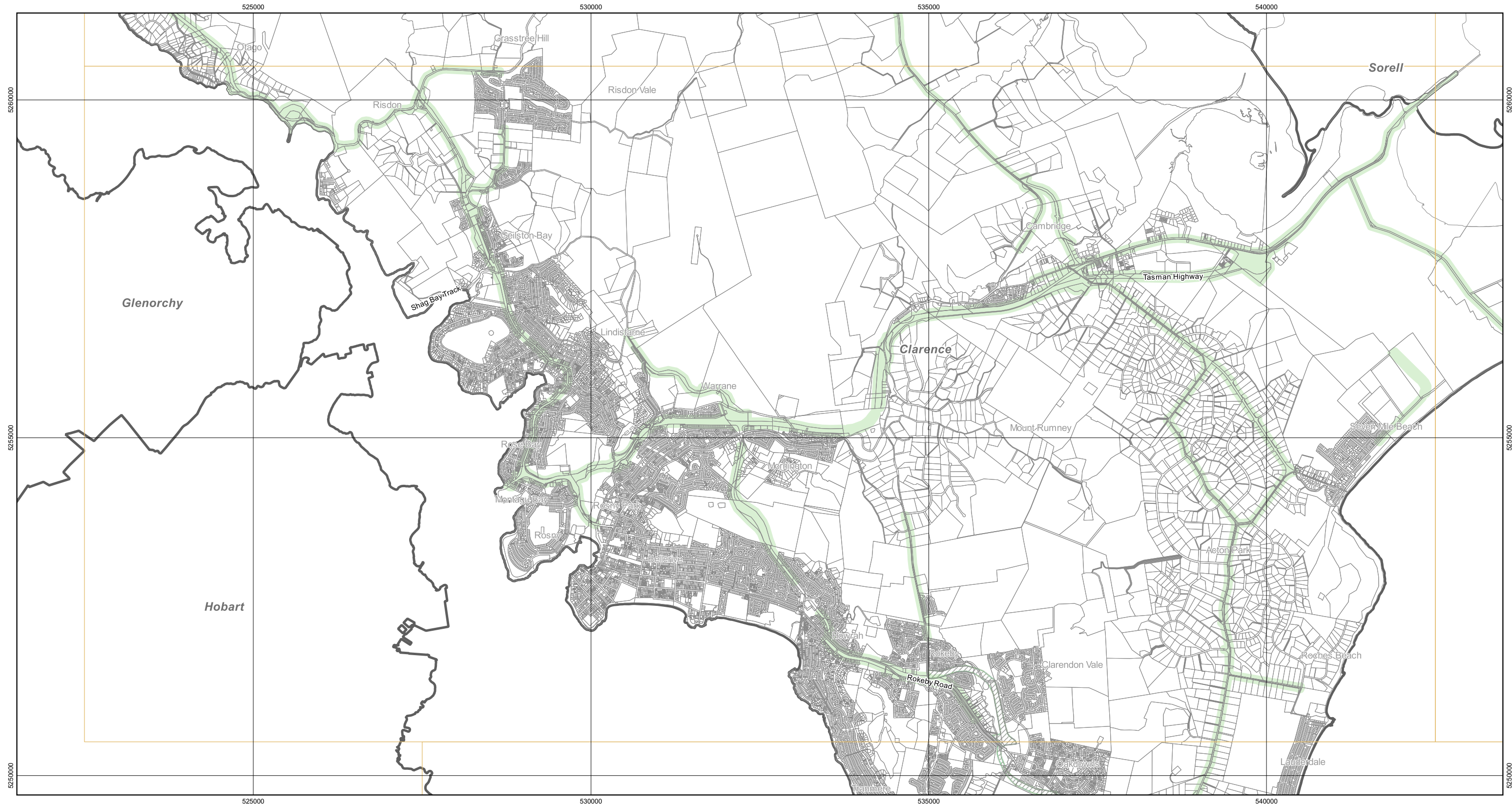
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Clarence City Council
Base topographic data from the LIST © State of Tasmania



Print Date: 27/10/2021

Tasmanian Planning Scheme - Clarence
Amendment: PDPSAMEND-2021/022804



Legend

- Land Parcel Boundary
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PDPSAMEND-2021/022804

Replace the road or railway attenuation area overlay maps with a new road or railway attenuation area overlay map series as shown.

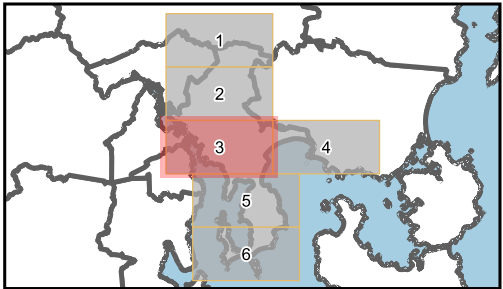
Map 3 of 6



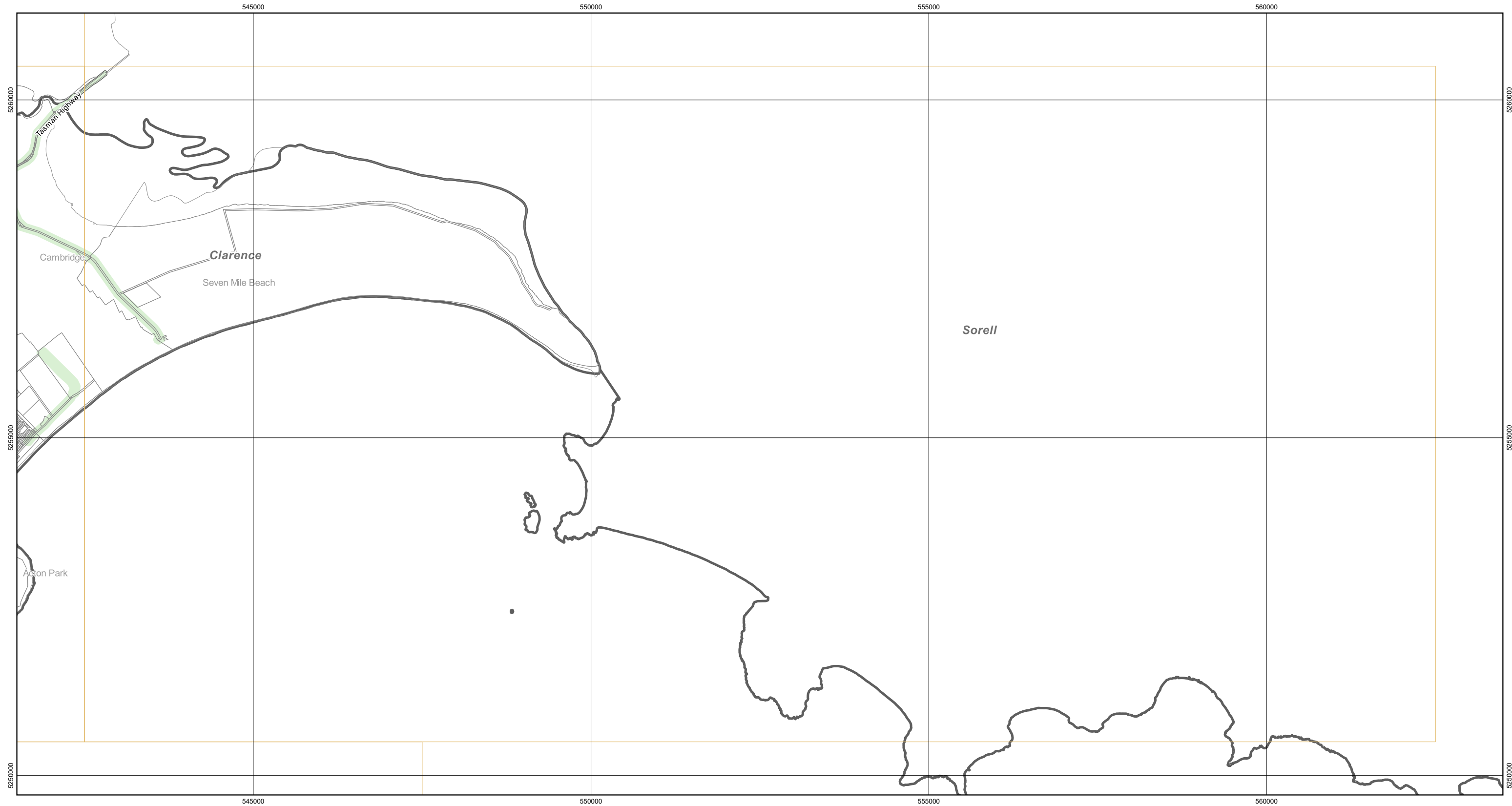
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Overlay data from Clarence City Council
Base topographic data from the LIST © State of Tasmania

Print Date: 27/10/2021



Tasmanian Planning Scheme - Clarence
Amendment: PDPSAMEND-2021/022804



Legend

Land Parcel Boundary

Road & Railway Assets

Future Major Road

Road or Railway Attenuation Area

PDPSAMEND-2021/022804

Replace the road or railway attenuation area overlay maps with a new road or railway attenuation area overlay map series as shown.

Map 4 of 6

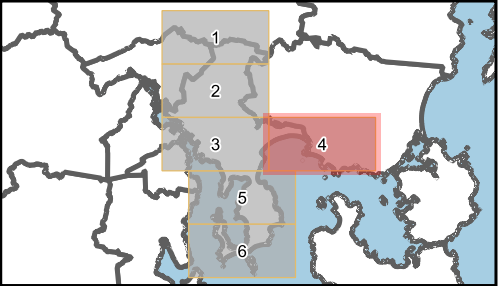
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Coordinate System: GDA 94 MGA Zone 55

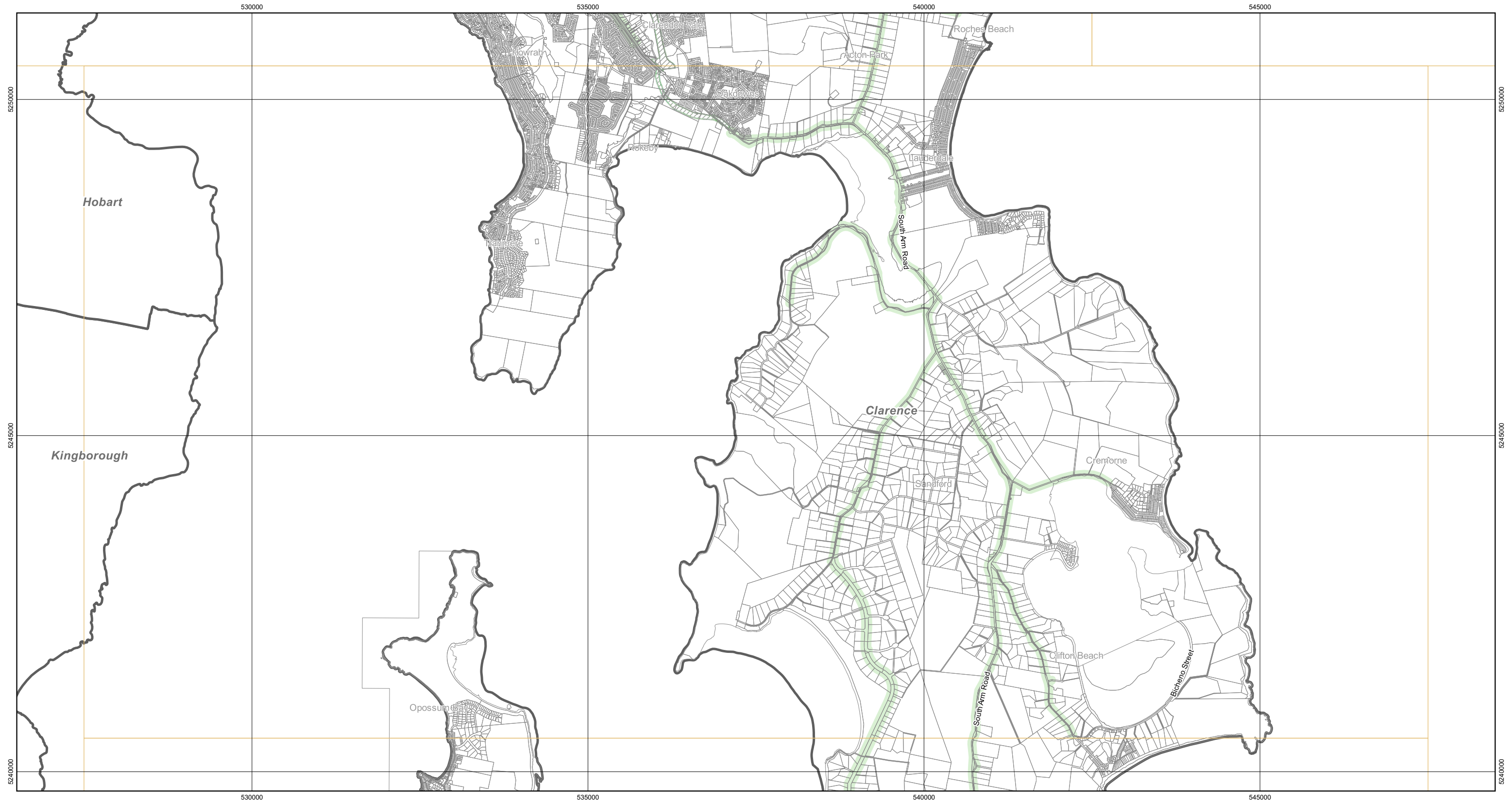
Overlay data from Clarence City Council

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Print Date: 27/10/2021



Tasmanian Planning Scheme - Clarence
Amendment: PDPSAMEND-2021/022804



Legend

- Land Parcel Boundary
- Road & Railway Assets
 - Future Major Road
 - Road or Railway Attenuation Area

PDPSAMEND-2021/022804

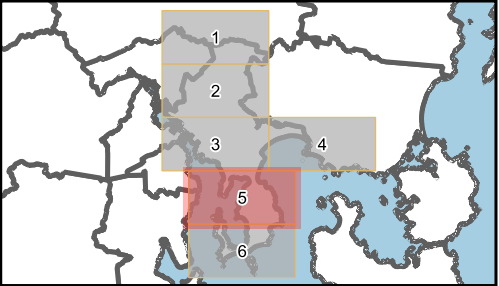
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Map 5 of 6



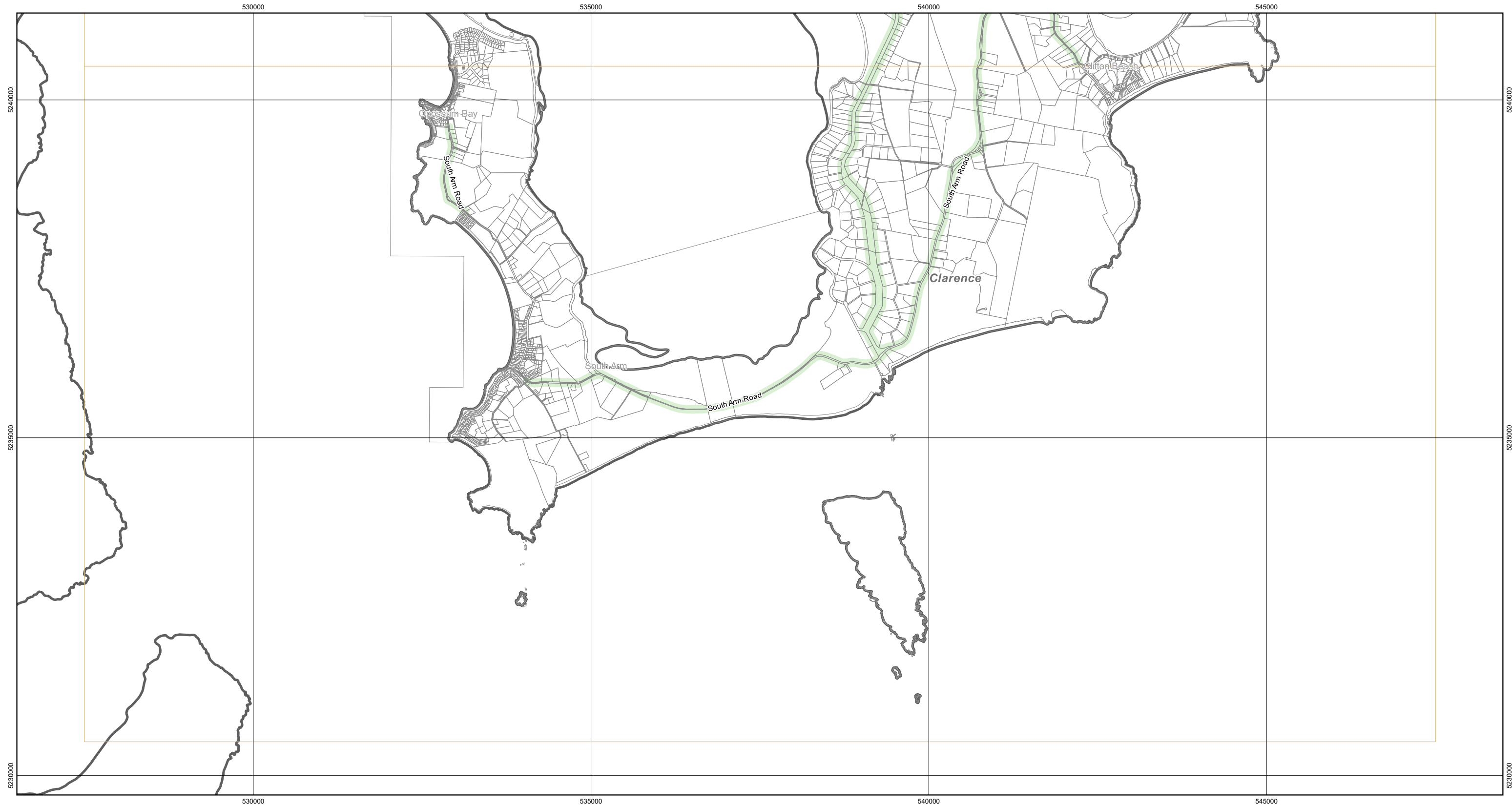
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Clarence City Council
Base topographic data from the LIST © State of Tasmania



Print Date: 27/10/2021

Tasmanian Planning Scheme - Clarence
Amendment: PDPSAMEND-2021/022804



Legend

- Land Parcel Boundary
- Road & Railway Assets
 - Future Major Road
 - Road or Railway Attenuation Area

PDPSAMEND-2021/022804

Replace the road or railway attenuation area overlay maps with a new road or railway attenuation area overlay map series as shown.

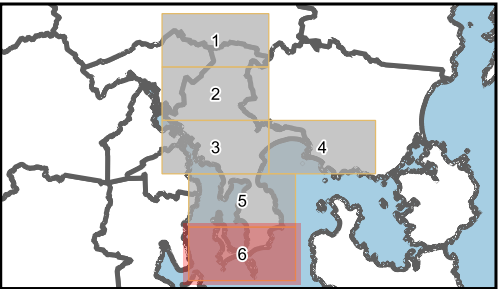
Map 6 of 6



Coordinate System: GDA 94 MGA Zone 55

Overlay data from Clarence City Council
Base topographic data from the LIST © State of Tasmania

Print Date: 27/10/2021



Department of State Growth

Salamanca Building, Parliament Square
4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Phone 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au
Our Ref: D21/325493 Your Ref: PDPSAMEND-2021/022804



Mr Ian Nelson
General Manager
Clarence City Council
PO Box 96
ROSNY TAS 7018

Via email: clarence@ccc.tas.gov.au

Dear Mr Nelson,

Replacement of the Road and Railway Assets Code Attenuation Areas Overlay with Revised Mapping

Thank you for the opportunity to comment on the exhibited amendment to the Clarence Local Provisions Schedule (LPS). The amendment seeks to apply updated mapping of the road attenuation area under the Road and Railway Assets Code (the 'Code') to apply a 50 metre attenuation area measured from the edge of the road corridor, as opposed to the road centreline.

Under *Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*, planning authorities have the option to apply the road and railway attenuation area via a mapped overlay or to rely on the written description contained in the Code. A mapped overlay prevails over the written description, even if there are errors in the overlay.

In its initial submission to the Clarence Draft LPS, the Department of State Growth noted the implications of applying the road or railway attenuation area to the State Road network via a mapped overlay. A mapped overlay is required to be updated via a planning scheme amendment each time land is acquired or disposed of for road purposes, or to correct any errors in the mapping.

State Growth undertakes land acquisition and disposal for road purposes on a regular basis. For example, in the past two years, more than 300 properties have been impacted by disposal or acquisition across the State. By mapping the attenuation area, each of these changes would require a planning scheme amendment to ensure the mapped overlay reflects the actual boundaries of the road corridor. This is a lengthy and costly exercise. In contrast, if relying on the written description under the Code, once land is acquired or disposed of for road purposes, the attenuation area would automatically adjust to account for any changes.

As an alternative to the statutory mapping proposed, State Growth is willing to prepare and publish a non-statutory layer on LISTmap that shows the extent of the attenuation area adjacent to the State Road Network. This would act as a visual cue to the public and may assist Council's planning officers in assessing development applications. State Growth would update this layer on a

regular basis. However, the written description of the attenuation area, as defined in the Code, would remain as the statutory control.

In its decision on the Tasman draft LPS, the Tasmanian Planning Commission noted State Growth's commitment to develop publicly accessible, non-statutory mapping that spatially represents the extent of the attenuation area for State roads. For the Tasman LPS, the Tasmanian Planning Commission decided to modify that LPS by removing the Road or Railway Attenuation Area overlay, so as to meet the technical requirements of Practice Note 7.

Please do not hesitate to contact Patrick Carroll, Principal Land Use Planning Analyst at Patrick.Carroll@stategrowth.tas.gov.au or on 03 6166 4472 who can arrange for relevant officers to respond to the matters raised in this submission.

Yours sincerely

A handwritten signature in black ink, consisting of stylized initials 'MB' followed by a large, sweeping flourish that loops back under the initials.

Martin Blake
CEO, Infrastructure Tasmania

13 December 2021

7.8 CLARENCE LOCAL PROVISION SCHEDULE – MODIFICATION OF THE POTENTIALLY CONTAMINATED LAND OVERLAY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review the representations received following the exhibition of the proposed amendments to the Clarence Local Provision Schedule (LPS) which was directed to be advertised by the Tasmanian Planning Commission (TPC).

RELATION TO PLANNING PROVISIONS

The LPS makes up the local component of the Tasmanian Planning Scheme (TPS).

LEGISLATIVE REQUIREMENTS

The proposed planning scheme amendment was directed to be advertised by the TPC following the hearing into the LPS.

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 to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

The substantial modifications were exhibited from Wednesday 17 November - Tuesday 14 December 2021 in accordance with statutory requirements and one representation was received.

RECOMMENDATION:

- A. That council resolves, under Section 40K of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission regarding draft amendment PDPSAMEND-2021/022807 that:
- the draft amendment is not modified to take account of any representation;
 - it is satisfied that the draft amendment meets the LPS criteria;
 - no modifications are made to the amendment.
- 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.

CLARENCE LOCAL PROVISION SCHEDULE – MODIFICATION OF THE POTENTIALLY CONTAMINATED LAND OVERLAY /CONTD...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The LPS and the representations received were considered at the Special Council Meeting of 26 August 2020.
- 1.2.** Following the TPC determination of the LPS, the TPC directed council as the planning authority to prepare amendments to the LPS.
- 1.3.** Council was required to notify the relevant agencies, such as TasWater and those State agencies and authorities that may have an interest in the draft amendment.

2. STATUTORY IMPLICATIONS

Pursuant to Section 40K of the Land Use Planning and Approvals Act 1993 (LUPAA), council is required to consider the merits of any representation and provide the TPC with:

- “(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
 - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
 - (ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation;*

- (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.”*

3. PROPOSAL IN DETAIL

The Amendment

It is proposed to add the following properties so that they are subject to the Potentially Contaminated Sites Code. This direction from the TPC was in response to a representor during the original hearings.

- 115 Droughty Point Road, Rokeby
- 1226 Richmond Road, Richmond
- 52 Richardsons Road, Sandford

The purpose of the Potentially Contaminated Sites Code is reproduced below.

C14.1.1 - To ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

TPC decision

The TPC directed the following modification:

- *revise the potentially contaminated land overlay to include parts of the following land as shown within the planning authority's submission of 26 November 2020:*
 - (a) *1226 Richmond Road, Richmond (folio of the Register 66106/1);*
 - (b) *52 Richardsons Road, Sandford (folio of the Register 158742/9); and*
 - (c) *115 Droughty Point Road, Rokeby (folio of the Register 150853/2).*

Reason:

- *To apply the potentially contaminated land overlay consistent with Guideline No. 1.*
- *The Commission considers that the modification is a substantial modification as there may be a public interest in the modification.”*

4. CONSULTATION

The proposal was advertised in accordance with the statutory requirements and one representation was received.

Issue	Response
Strongly object to the overlay being applied to 1226 Richmond Road, Richmond unless a thorough toxicity investigation is undertaken.	It is not necessary for a toxicity investigation to be undertaken, only that it be established that <i>potentially</i> contaminating activities have been undertaken on the property. Council has sufficient evidence to establish that potentially contaminating activities have been undertaken on the property.
Aware that there are four large eroding fuel tanks in the front yard and diesel leakage in the soil at the rear side of 1226 Richmond Road.	The property is proposed to be included in the potentially contaminated land overlay and subject to the provisions of the Potentially Contaminated Sites Code.
From 2014-2016 several toilet pots were dug into the ground for human bio waste.	Refer above
Arsenic was scattered over the property to control rats.	Refer above
Council has records of tyres, plastic and piles of paper being burnt on the property.	Refer above
Previous owner bulldozed 30-40m ² asbestos shed – some asbestos taken away the remainder was mixed with soil.	Refer above
Wish to make a formal complaint to council about noise and air quality made by neighbouring property owner at 1226 Richmond Road.	This matter is unable to be addressed through the planning scheme amendment process. Council's Environmental Health Officers have responded previously to the issues raised.

5. STATE POLICIES AND PROJECTS ACT OBJECTIVES

5.1. The Strategic implications and assessment of the proposal against the objectives of Schedule 1 of LUPAA are considered below.

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and to provide for the fair, orderly and sustainable use and development of air, land, and water; and
- (b) to encourage public involvement in resource management and planning; and

- (c) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (d) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

Adding the three properties to the Potentially Contaminated Land Code overlay would ensure that potential land contamination issues are considered during any future development applications submitted to council. The Potentially Contaminated Land Code does not prohibit development, only that the potential for contamination be assessed and addressed where present.

The amendment would have a limited impact on the implementation of the LPS and all landowners potentially affected had two separate opportunities to lodge a representation.

The amendment was advertised in accordance with statutory requirements and all relevant agencies notified.

The amendment has already been considered by council and the TPC directed council to advertise the amendment.

- 5.2.** The proposal is consistent with the outcomes of the relevant State Policies.
- 5.3.** There are no inconsistencies with council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

6. CONCLUSION

In accordance with the requirements of Section 40K of LUPAA, council is required to provide a statement to the TPC which addresses the merits of the representations, the effect of the draft amendment, a statement as to whether it is satisfied that the draft amendment meets the LPS criteria and any recommendations in relation to the draft amendment which the Council thinks fit.

It is considered that the issues raised in the representation do not warrant modification to the draft amendment.

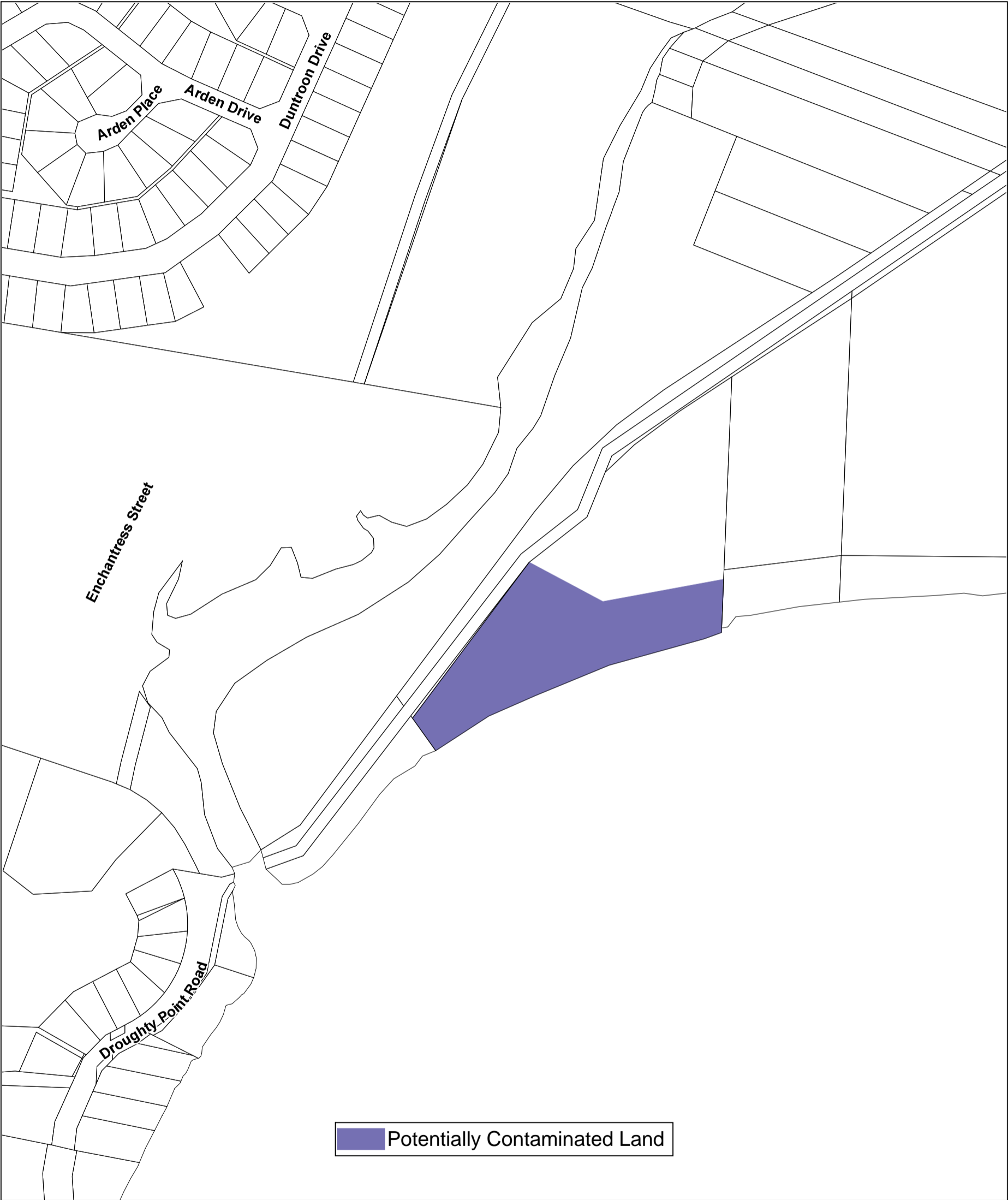
Attachments: 1. Certified Amendment (3)

Ross Lovell
MANAGER CITY PLANNING

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

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022807



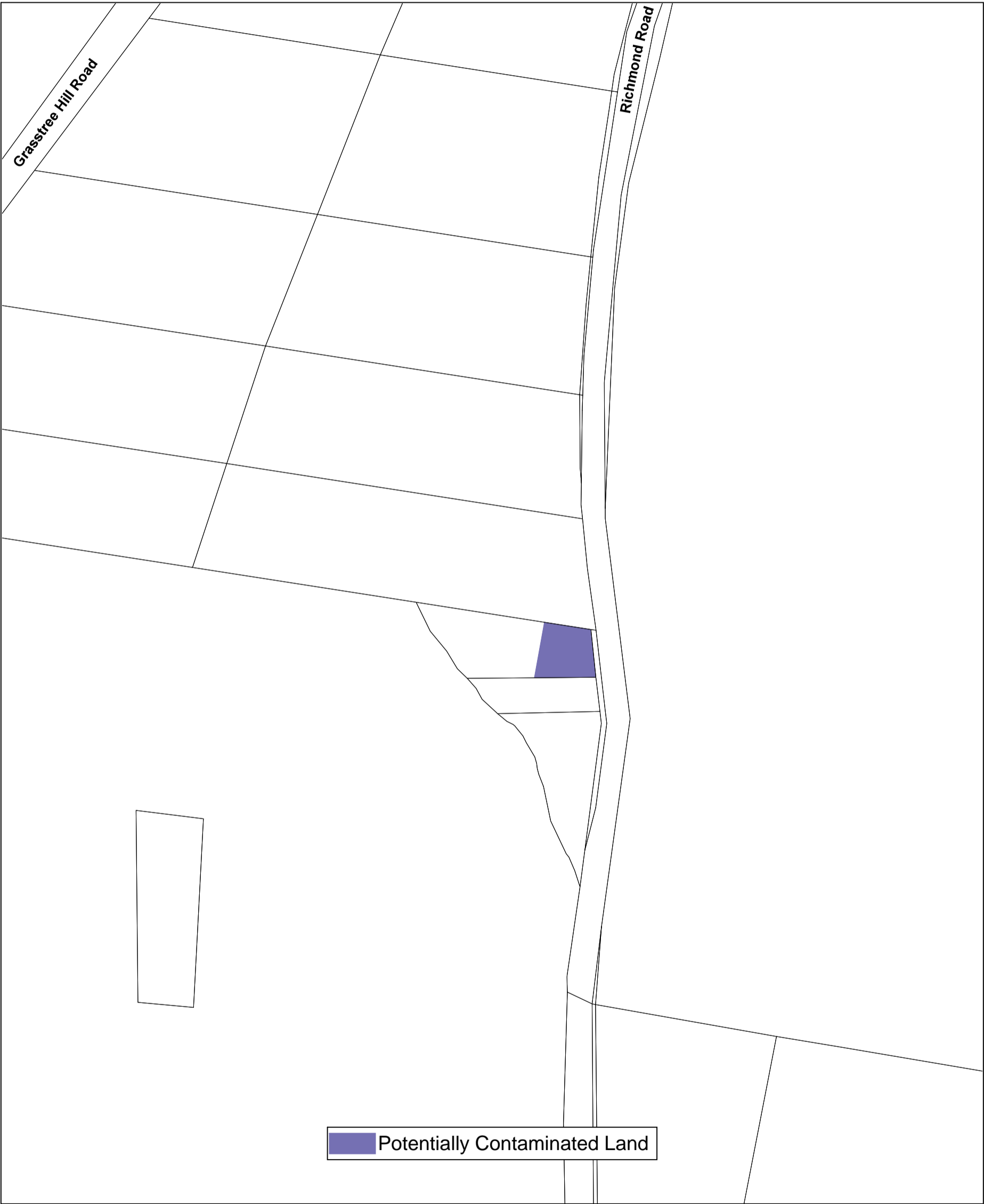
Printed 27/10/2021 @A3
(C) Clarence City Council

PDPSAMEND-2021/022807

Apply the potentially contaminated land overlay to parts of 115 Droughty Point Road, Rokeby (folio of the Register 150853/2) as shown

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022807



Printed 27/10/2021 @A3
(C) Clarence City Council

PDPSAMEND-2021/022807
Apply the potentially contaminated land overlay to parts of 1226 Richmond Road,
Richmond (folio of the Register 66106/1) as shown

Tasmanian Planning Scheme - Clarence

Amendment: PDPSAMEND-2021/022807



Printed 27/10/2021 @A3
(C) Clarence City Council

PDPSAMEND-2021/022807

Apply the potentially contaminated land overlay to parts of 52 Richardson's Road, Sandford (folio of the Register 158742/9) as shown

8. REPORTS OF OFFICERS**8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS****8.1.1 PETITION – FOOTPATH HOOKEY PLACE, ROKEBY****EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at the council's meeting on 21 March 2022 requesting council construct a footpath in Hookey Place, Rokeby.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031, Code for Tenders and Contracts and Procurement Policy are relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the *Local Government Act 1993* (Tas) requires council to formally consider petitions within 42 days of receipt.

CONSULTATION

No consultation has been undertaken with the local community in relation to the provision of a footpath.

FINANCIAL IMPLICATIONS

No funds have been allocated within the 2021/2022 Capital Budget to construct a footpath in Hookey Place, Rokeby.

RECOMMENDATION:

That Council:

- A. Notes the petition.
- B. Notes the General Manager's advice that the petition complies with Section 59 of the *Local Government Act 1993* (Tas.).
- C. Consider the installation of a footpath in Hookey Place, Rokeby in the 2022/2023 budget.
- D. Authorises the General Manager to write to petitioners acknowledging their concerns and advising of council's decision.

PETITION – FOOTPATH HOOKEY PLACE, ROKEBY /contd...**ASSOCIATED REPORT****1. BACKGROUND**

A petition signed by 17 signatures was tabled at the council's meeting held on Monday 21 March 2022, requesting council: *“Construct a footpath to service the elderly residents of Hookey Place Rokeby who are required to walk on the road or the un-even ground of the Hookey Place public open space.”*

2. REPORT IN DETAIL

2.1. Council first received correspondence from a Hookey Place resident on 24 September 2020 requesting the *“creation of a footpath around Hookey Place in Rokeby.”*

2.2. Hookey Place, Rokeby is a residential street which provides access to 12 properties. All houses are located on one side of the street. The lack of a footpath is a legacy issue from the time when the original subdivision was built. Other streets in the area have also been built without a footpath connection. Under council's current Local Highways Standard Requirements By-Law, council would require a footpath on one side of the street for a similar contemporary development.

2.3. A Response from the Mayor to the resident dated 21 October 2020 provided the following advice:

“Council staff will prepare a concept plan with preliminary cost estimates and further communicate with the residents to understand their position. If the proposal is broadly supported by residents, Council staff will then include the project as part of the project list for the 2021/2022 capital works budget for Council's consideration. The final funding is dependent on priority projects in the community.”

2.4. Council staff held initial verbal discussions with residents whose nature strips would be impacted from the proposed works and received no objections.

- 2.5.** Council was also contacted by Alison Standen MP, Labor Member for Franklin on 20 April 2021 on behalf of the resident. A response was provided advising that the matter had been listed for consideration as part of council's 2021/2022 capital works budget and that a further response would be provided in July 2021.
- 2.6.** A response was sent to the resident on 30 August 2021 advising that the project for the construction for a footpath along Hookey Place had not been successful in obtaining funding as part of the 2021/2022 capital works budget and that council staff will list the project for consideration as part of the 2022/2023 annual budget.
- 2.7.** Further correspondence was received on 15 and 17 January 2022 requesting council's decision on the construction of the footpath be reconsidered due to the safety of the elderly residents in Hookey Place, Rokeby. The resident was advised that council will notify her in July 2022 if the construction of the footpath is successful in obtaining funding as part of the 2022/2023 budget, once adopted.

3. CONSULTATION

3.1. Community Consultation Undertaken

Council staff had initial verbal discussions with residents whose nature strips would be impacted from the proposed works and received no objections. However, no further consultation has been undertaken with the local community in relation to the provision of a footpath in Hookey Place, Rokeby.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

No further consultation is planned at this stage. If the project receives budget approval further consultation will occur as a part of the project design process.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2021-2031 within the Strategic Goal Area *A Well-Planned Liveable City* contains the following Strategy to:

"2.5 Providing and prioritising a safe, reliable, and accessible pedestrian network."

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

No funds have been allocated in the 2021/2022 Capital Works Budget. This project has been listed for consideration in the 2022/2023 budget (at \$120,000) to be adopted by council in June 2022.

8. ANY OTHER UNIQUE ISSUES

There are currently several legacy subdivisions in the Rokeby area and other suburbs which do not have a footpath. Construction of a footpath in Hookey Place, Rokeby may set a precedent for requests for council to construct footpaths in many other streets which currently do not have a footpath.

9. CONCLUSION

The installation of a footpath in Hookey Place, Rokeby can be considered by council in the 2022/2023 budget.

Attachments: Nil.

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

8.1.2 PETITION – “NORTHERN PASS ROAD PRECINCT”**EXECUTIVE SUMMARY****PURPOSE**

To consider the petition presented at council’s meeting on 28 February 2022 with 46 signatories requesting council to undertake a planning study to reclassify land in the Precinct from Rural Living zone (minimum 2ha) to Rural Living A (minimum 1ha) and to submit the outcome to the Tasmanian Planning Commission.

RELATION TO EXISTING POLICY/PLANS

The Strategic Plan 2021-2031 and the Clarence Local Planning schedule are relevant to this matter.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Undertaking the requested planning study would have financial implications that are not provided for in the current budget.

RECOMMENDATION:

That the petitioners be advised that:

- Council may consider undertaking a planning study and subsequent planning scheme amendment in future budget considerations.
- In the event that council does not satisfy their wishes, they may choose to engage appropriate consultants to undertake the necessary study and to submit a planning scheme amendment application to council, for consideration in accordance with the relevant legislation.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** At council’s meeting of 28 February 2022, a petition with 46 signatories was received asking council to undertake a planning study and to make a planning scheme amendment application to reduce the minimum lot size from 2ha to 1ha, in the “Northern Pass Road Precinct”.

- 1.2.** The petitioners describe this precinct as including the area including approximately 85 properties located at:
- all addresses in Pass Road North of Clarence House
 - all addresses in Houston Drive
 - all addresses in Old Coach Road
 - all addressees in Connor Place
 - all addresses in Fitzgeralds Road
 - addresses in Cambridge Road which are zoned Rural Living and from No 540 to No 615 inclusive.
- 1.3.** Council supported a similar request following advertising of the then draft LPS at the meeting of 26 August 2020 and decided to recommend the draft LPS be altered accordingly.
- 1.4.** In support of this decision, council expended significant resources to undertake a planning study of the rural living areas covering this area as well as Acton Park and Sandford, in order to make a strong case to support reducing the minimum lot size in the Rural Living Zone from 2ha to 1ha.
- 1.5.** The TPC considered the draft LPS at its panel hearings and decided not to accept council's recommended changes. An extract of the panel report, including the TPC's decision is attached.

2. REPORT IN DETAIL

- 2.1.** Although council's recent attempt to make the case for reducing the Rural Living zone minimum lot size was not accepted by the TPC, the panel's report does indicate scope for revisiting the matter, based on further strategic justification. This is detailed in the attached report extract.
- 2.2.** The research and reporting envisaged by the TPC to determine whether there is a case for changing the minimum lot size, requires substantial effort. If successful, such work would be followed by a planning scheme amendment.

Both processes would require expert input and in total would require additional funding, which council would need to provide in a future budget.

- 2.3.** If the petitioners wish to seek a more urgent solution, or are unsatisfied by council's response, they are at liberty to make planning scheme amendment application, supported by an appropriate expert report. As the landowners would potentially stand to gain significant financial advantage through a successful rezoning, this may be an attractive solution for them, as the costs associated with such an application would be minimal when divided amongst those involved. It should also be noted that most planning scheme amendments for private parties are undertaken in this way, rather than initiated by the council, which normally would undertake scheme amendments only where there are broader strategic planning benefits for the city or its community.

3. CONSULTATION

Consultation should be envisaged as part of any planning study. Subsequently, the statutory advertising process associated with amendments would provide further opportunity for input from individuals and relevant agencies.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Consideration of appropriate planning controls is relevant to the Strategic Plan 2021-2031 – Objective 2.14 “Planning for a diverse range of housing to meet the needs of a wide demographic”.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

There are financial implications associated with undertaking the proposed planning study and planning scheme amendment. An estimate is not provided at this stage, however total costs would not be covered by council's current budget and an appropriate allocation would be required in the future.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The petition presented at council's meeting on 28 February 2022 requested council undertake a planning study and scheme amendment to reduce the minimum lot size from 2ha to 1ha in the Rural Living Zone in the "Northern Pass Road". Council may wish to allocate the necessary budget funding, or the petitioners may wish to make a scheme amendment application on their own volition.

Attachments: 1. Clarence LPS Panel Report Extract (3)

Ian Nelson
GENERAL MANAGER

Commission consideration

153. The Commission accepts the recommendations and reasons of the planning authority and considers no modification to the zoning of the land is required.

Commission decision

154. The Commission considers that no modification is required.

Rural Living Zone A – Acton Park/Cambridge corridor

Representations: E3 Planning for landholders in Acton Park (1), Jennifer and David Brown (46), Peter Kay (50), Robert Neil Ramsay (56), Norman Matthew Brown (63), Geoffrey Thorp (86), Jane and Chris Jamieson (87), and Phillip Bishop (95)

155. The representors requested that the land within the Rural Living Zone B in the Acton Park and Cambridge areas be revised to the Rural Living Zone A, thereby reducing the minimum lot size from 2 hectares to 1 hectare. The reasons include:

- an increase in density would maximise the use of existing services and infrastructure;
- the area is predominantly cleared, and therefore further subdivision would not impact threatened vegetation communities;
- one hectare parcels are more manageable for older residents, and would allow them to stay in their own homes for longer; and
- two hectare minimum lot sizes do not reflect the existing pattern and density of development within the corridor.

156. In the section 35F report, the planning authority recommended the Rural Living zoning within the 'Acton Park/Cambridge corridor' be revised to Rural Living Zone A as requested by the representations. The reasons include:

- the change is consistent with the regional strategy, particularly SRD 1.4 which allows for increased densities in existing rural living areas;
- 1 hectare minimum lot sizes will allow landowners to subdivide and maintain smaller holdings; and
- the application of Rural Living Zone A is consistent with Guideline No. 1 in that the existing settlement pattern and earlier planning schemes had a density of one lot per hectare.

157. Prior to and following the hearing the planning authority submitted:

- the Acton Park/Cambridge corridor comprises the Mt Rumney, Cambridge, Acton Park, Seven Mile Beach, and Roches Beach localities;
- there are 1129 existing lots in the corridor, the current lot yield in the corridor is 119 lots, with a maximum potential yield of 317 new lots should the corridor be changed to Rural Living Zone A;
- the calculation considered only those lots with sufficient area and frontage for subdivision; and
- matters such as servicing, easements, topography, vegetation, and natural or landscape values were not considered in calculating yield.

158. At the hearing, the planning authority agreed that each of the areas within the Acton Park/Cambridge corridor had significant differences, but had considered them collectively. The planning authority also noted that Council's development engineer had stated that both

the Mornington roundabout and the South Arm Highway/Acton Road junction have significant capacity.

159. At the hearing TasWater noted:

- there are no major bulk water supply constraints for the Acton Park, Seven Mile Beach and Roches Beach areas as well as the part of Cambridge that is south of the Tasman Highway;
- for the part of Cambridge north of the highway, capacity is generally sufficient but there could be pressure issues for higher-level lots;
- some parts of Cambridge are unserviced and extension of mains may be required;
- TasWater only services part of the Mount Rumney area, and of that serviced area the infrastructure is sufficient only for existing development and that upgrades to the pump station and reservoirs would be required for further development; and
- infill subdivision is difficult to plan for as it involves incremental upgrades to services, but that generally TasWater preferred infill development over greenfield.

160. At the hearing, representors submitted:

- the regional strategy specifically encourages an increase in density for rural living areas;
- rural living land is the most inefficient form of residential land, and should therefore be made as efficient as possible;
- it would be unlikely the land would achieve the maximum theoretical yield and it would take at least 10 or 15 years to see a noticeable increase; and
- the change to Rural Living Zone A would be unlikely to significantly change the characteristics of the corridor.

161. Following the hearing, the Department of State Growth submitted:

- densification of existing urban areas was generally preferred to growth in peri-urban areas;
- reductions in lot sizes would increase the pressure to 'duplicate South Arm Road in the next decade at a significant cost';
- the proposed increased density would place additional pressure on the Tasman Highway and South Arm Road intersections and would contribute to the existing school related delays and reduction of service issues at the Acton Road/South Arm Highway junction; and
- low density areas cannot be serviced with public transport due to low demand.

162. In response, the planning authority submitted that the proposed reduction in minimum lot size was not a densification 'but rather a correction to bring the minimum lot size in line with the recommendations of the regional strategy.' The planning authority further submitted:

- the maximum potential increase in the Acton Park/Cambridge corridor and Sandford would not add significantly to traffic volumes on the South Arm Road and the Tasman Highway; and
- any increase would be gradual and would depend on lot owners motivation to subdivide.

163. Following the hearing, the Tasmania Fire Service submitted in relation to Mount Rumney:

- the existing road infrastructure has severely limited access/egress options;
- no analysis has been provided of TasWater's reticulated system for firefighting water supply;

- the densification would likely result in dispersed small subdivisions, with potentially many internal lots with long and/or shared private accesses;
- increased lot yield would intensify the use of and reliance on existing sub-optimal infrastructure;
- the cumulative effects would exacerbate existing unsatisfactory risk exposures to residents and emergency personnel; and
- no consideration has been given to the potential cumulative impacts associated with additional vegetation clearance within the biodiversity protection overlay.

Commission consideration

164. The Commission agrees with the representors and planning authority that the change to the Rural Living Zone A is potentially consistent with SRD 1.4 of the Settlement and Residential Development policies of the regional strategy. However, the strategy should be read as a whole and include consideration of policies relating to matters such as physical and social infrastructure, management of risks and hazards, biodiversity, and land use and transport integration.
165. The evidence of the planning authority is that the proposed change would result in a potential additional supply of 198 lots. The Commission considers this is not an insignificant increase and could potentially impact on the efficiency of the road network, and the provision of services.
166. The Commission notes that the Tasmania Fire Service do not support a density increase at Mount Rumney due to bushfire risk, and that TasWater have identified significant servicing issues. The Commission therefore considers any change to the density area at Mount Rumney would be inappropriate.
167. The Commission notes that RLZ3(b) of Guideline No. 1 states that the differentiation between the areas A, B, C and D should be based on:
- further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.
168. The Commission considers that the planning authority has not considered in sufficient detail matters such as the impact on road networks, bushfire risks, access, natural assets and servicing to demonstrate that site conditions allow the increase, as required by RLZ 3(b) of Guideline No. 1. The Commission particularly notes the content of the submissions from the Department of State Growth and the Tasmania Fire Service.

Commission decision

169. The Commission considers that no modifications are required.

Rural Living Zone A – Kadina Road, Cambridge

Representations: Lynne Marie Sparrow and Jonathan Brett Warren (8), and Michael Ball for P McKay (54)

170. The representors requested that the land within the Kadina Road settlement in Cambridge be revised from the Rural Zone to the Rural Living Zone. The reasons include:
- the properties within the settlement range in size from 1 to 2 hectares, well below the minimum lot size allowed in the Rural Zone;

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 DRAFT COMMUNITY WELLBEING STRATEGY 2022-2032 - COMMUNITY CONSULTATION****EXECUTIVE SUMMARY****PURPOSE**

To seek approval to consult with the community on the draft Community Wellbeing Strategy 2022-2032.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031, is relevant.

LEGISLATIVE REQUIREMENTS

Section 20 of the *Local Government Act 1993* describes the role of councils:

- to provide for the health, safety and welfare of the community,
- to represent the interests of the community, and
- to provide for the peace, order and good government of the municipal area.

Section 27 of the Public Health Act 1997 requires councils to develop and implement strategies to promote and improve public health.

CONSULTATION

To date consultation has been provided from internal stakeholders, including via workshops with Aldermen, council's Health and Wellbeing Committee and with individual Aldermen in relation to particular subject matter. Extensive community consultation was also undertaken as part of strategy development. Further community consultation will be undertaken following endorsement by council of the draft strategy.

FINANCIAL IMPLICATIONS

Consultation costs will be accommodated within the current approved budget.

RECOMMENDATION:

That Council:

- A. Approve the draft Community Wellbeing Strategy 2022-2032 for community consultation.
- B. Authorise the General Manager to coordinate community consultation to obtain feedback on the draft Community Wellbeing Strategy 2022-2032 and to report the consultation outcomes to a future workshop.

DRAFT COMMUNITY WELLBEING STRATEGY 2022-2032 - COMMUNITY CONSULTATION /contd...**ASSOCIATED REPORT****1. BACKGROUND**

Council adopted the Clarence City Council Strategic Plan 2021-2031 at its meeting on 19 April 2021. The Strategic Plan provided for the development of seven key strategies to build upon the identified goals and outcomes and to provide direction in the development of implementation plans and annual plans to guide delivery of outcomes.

2. REPORT IN DETAIL

2.1. Section 20 of the *Local Government Act 1993* (the Act) describes the role of councils:

- to provide for the health, safety and welfare of the community,
- to represent the interests of the community, and
- to provide for the peace, order and good government of the municipal area.

Providing for the wellbeing of our community is a fundamental role of council.

2.2. Section 27 of the *Public Health Act 1997* also requires councils to develop and implement strategies to promote and improve public health.

2.3. The Draft Community Wellbeing Strategy 2022-2032 has been developed in close consultation with council's Health and Wellbeing Committee.

2.4. The purpose of the strategy is to identify objectives to support the wellbeing of our community. This purpose is outlined in the strategy's Vision statement:

"Clarence... a city that values wellbeing

Working with others to improve community wellbeing through providing and supporting access to services, programs and information, enhancing our natural and built environment and growing opportunities so everyone can enjoy our spaces and places and live well".

A copy of the draft Strategy is included at **Attachment 1**.

2.5. All levels of government have a key role in delivering and supporting well-being activities and initiatives. As the level of government best connected to the community, council plays an important role in delivering programs and facilitating partnerships to meet the wellbeing needs of our community

2.6. The State Government recently launched the Healthy Tasmania Five-Year Strategic Plan 2022-2026. The governance framework of the State's strategy identifies:

“The involvement of local government is critical to support future preventive health efforts at the community level. Local government has a high level of engagement with communities, knows their needs, and has responsibility for many factors that can impact on health and wellbeing.

Local government is already playing a key role in supporting community health and wellbeing. We will formally recognise the role of local government as a part of the preventive health system, and provide an authorising environment, strategic direction and resources to support local government to contribute to preventive health actions.”

2.7. Council improves community wellbeing by first understanding its local community and responding through creative actions in partnership with others. This includes reducing factors that put people at risk and increasing factors that protect people from poor health.

2.8. Council takes a life course approach to community wellbeing seeking to provide programs and services that are accessible and inclusive of all ages and all abilities.

2.9. In developing the draft strategy, three key priority areas have been identified as critical to achieving council's active lifestyle vision:

- Planning and partnership - Promoting wellbeing through planning and partnerships

- Spaces and places - Strengthening the capacity of places and spaces to support wellbeing
- Opportunities for wellbeing - Expanding opportunities for everyone to lead healthy and active lives.

Specific objectives that council will work toward are outlined for each of these three key priority areas.

2.10. The community is to be informed of the draft strategy and invited to share their feedback via council's "Your Say Clarence" page over a four week period. The results of the consultation will be reported to a future council workshop.

2.11. The intention is after the draft strategy is adopted, 3-year implementation plans and rolling annual plans will be developed. The implementation plans will outline how and when each objective will be delivered. Relevant activities from existing planning documents and other implementation plans will be mapped against the objectives of this strategy to ensure that our efforts are coordinated, rigorous, time-focussed and do not duplicate effort or resources across stakeholders engaged in delivery of community wellbeing services and activities. The rolling annual plans will provide for review of progress and inform budget discussions and decision-making.

3. CONSULTATION

3.1. Community Consultation Undertaken

The strategy development process involved contributions from a wide variety of community members, service providers, external stakeholders, internal staff, management and Aldermen. The feedback from the consultation, such as ongoing considerations of COVID-19, climate change, a focus on children, management of public open spaces and so on are reflected in the structure and content of the strategy.

Interviews were conducted with community and resident associations, hall management committees, neighbourhood houses, a local collective impact project, community organisations providing food and social support services, and community service peak bodies.

Feedback was also sought from the general community through the Clarence Keep Connected survey seeking feedback on the impacts that COVID-19 was having on community members.

A summary of the feedback from the consultation process is available in a supplementary Consultation Findings Report.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Aldermen were provided the first draft of the strategy in March 2021. A workshop was held with council on the draft Community Wellbeing Strategy on 29 November 2021 and aldermen were invited to provide feedback. Individual Aldermen provided comments as part of finalising the draft strategy. A further workshop was held with council on 28 March 2022. The current draft includes edits received from aldermen following both workshops and subsequent discussions.

Workshops were also conducted with council staff, and consultations held with representatives from Special Committees of Council. Special committees engaged in the development of the strategy included: Sport and Recreation; Natural Resource Management and Grants; Positive Aging; Disability Access; Bicycle Advisory; Cultural History; Events; Youth Network; and Tracks and Trails.

3.4. Further Community Consultation

Further community consultation will be undertaken following endorsement of the draft strategy by council. A consultation promotion plan will be developed in accordance with council's Community Engagement Policy 2020 and circulated to Aldermen prior to commencement.

- **Consultation Plan**

To be completed following council decision.

- **Consultation Aim**

To further engage the community on council's draft Community Wellbeing Strategy and obtain feedback.

- **Community Engagement Tools**

In accordance with Clause 8 of the Community Engagement Policy 2020, this consultation will be advertised in the Eastern Shore Sun, social media platforms and "Your Say Clarence".

- **Consultation Timing**

The consultation is anticipated to commence in May 2022 and be open for four weeks.

4. STRATEGIC PLAN/POLICY IMPLICATIONS**4.1.** Council's Strategic Plan 2021-2031 under the strategic goal area *A people friendly city*:

"1.1 Enhancing the liveability of activity centres, community hubs and villages through urban design projects."

"1.2 Building upon Clarence's status as a World Health Organisation 'Age Friendly City and Community'."

"1.3 Recognising our Tasmanian Aboriginal people and developing a Reconciliation Action Plan."

"1.5 Continuing to deliver and review a community Health and Wellbeing Strategy and associated supporting plans to strengthen and improve the physical, mental and social wellbeing of the community."

- “1.6 Finalising the development and implementation of the Clarence Community Planning and Development Structure to enable a consistent approach to working together when considering community needs and issues.”*
- “1.7 Supporting our community to build capacity and resilience.”*
- “1.8 Recognising the significant impact volunteer involvement has on achieving our strategic goals and the delivery of our services and initiatives. Promoting health.”*
- “1.9 Undertaking the development of a Sport and Recreation Strategy.”*
- “1.10 Promoting active and healthy lifestyles through provision and support of programs that improve physical and mental health.”*
- “1.11 Continuing to develop and maintain a quality open space network. Connectiveness.”*
- “1.12 Facilitating opportunities for community connections and growth through a range of programs, activities and events.”*
- “1.13 Recognising, celebrating, and supporting diversity by building on our connections through Welcoming Cities and Refugee Welcome Zone and developing supporting policies.”*

4.2. Also under the goal area *A well planned liveable city*:

- “2.5 Providing and prioritising a safe, reliable, and accessible pedestrian network.”*
- “2.13 Enhancing natural and built amenities to create vibrant, accessible activity centres and community hubs through quality urban design.”*
- “2.15 Ensuring neighbourhoods have pleasant streetscapes and access to recreational spaces and appropriate neighbourhood facilities.”*

4.3. Under the goal area *A prosperous and creative city*:

- “3.3 Developing and implementing initiatives aimed at addressing the areas of significant socio-economic disadvantage within the city.”*

5. EXTERNAL IMPACTS

The draft Community Wellbeing Strategy 2022-2032, if adopted by council, will have significant external community impacts in providing opportunity to support improved community wellbeing outcomes.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Community consultation costs will be met from the current approved budget.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The draft Community Wellbeing Strategy is ready for community consultation. The consultation is intended to be open for four weeks commencing in May 2022. A summary of results will be provided to a future council workshop.

Attachments: 1. Draft Community Wellbeing Strategy 2022-2032 (22)

Ian Nelson
GENERAL MANAGER



Clarence... a brighter place

2022-2032

Community Wellbeing Strategy

We acknowledge the Tasmanian Aboriginal People as the traditional custodians of the land and pay respect to Elders past and present and recognise their continuing spiritual connection to the land.

Relationship to our strategic plan

Our purpose

- To provide for the health, safety and welfare of the community
- To represent the interests of the community
- To provide for the peace, order and good governance of the municipal area

Our mission

To respond to the needs of the community through a commitment to excellence in leadership, advocacy, best practice governance and service delivery

Our vision

Clarence... a vibrant, prosperous, sustainable city

Our goals



Our strategies

This strategy is one of seven key strategies adopted by council to support achievement of the goals in our Strategic Plan.

While each strategy stands alone, many objectives overlap. In achieving the best outcomes for our community, we will take a whole of council approach to align planning, resources and delivery, particularly where objectives have connections with other key strategies.

This strategy establishes three priority areas:

1. **Planning and partnership** - Promoting wellbeing through planning and partnerships.
2. **Spaces and places** - Strengthening the capacity of places and spaces to support wellbeing.
3. **Opportunities for wellbeing** - Expanding opportunities for everyone to lead healthy and active lives.

Our role in wellbeing

Improving the wellbeing of communities is a responsibility that falls to all tiers of government. It also involves many other sectors: private enterprise, not-for-profit organisations, and communities themselves. As the level of government closest to the community, council is well placed to understand local issues and to coordinate or facilitate local responses.

The way in which council chooses to do this will depend on the urgency and impact of the issue, the wellbeing objective it relates to, who else has a key role and available resources. We will work respectfully with others and make sure we don't duplicate efforts.

Council will usually choose from one or more of the following roles: delivering, partnering, facilitating and advocating.

Delivering	direct provision of wellbeing services.
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Partnering	working collaboratively with other committees, agencies and organisations in the delivery of wellbeing services.
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Facilitating	providing key engagement, connections and planning to help progress wellbeing outcomes.
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Advocating	for stakeholders to be heard and promoting wellbeing opportunities in our community.
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State Government Strategic Plan

State Government has launched their Healthy Tasmania Five-Year Strategic Plan 2022-2026. The governance framework of the state's strategy identifies:

"The involvement of local government is critical to support future preventive health efforts at the community level. Local government has a high level of engagement with communities, knows their needs, and has responsibility for many factors that can impact on health and wellbeing."

Local government is already playing a key role in supporting community health and wellbeing. We will formally recognise the role of local government as a part of the preventive health system, and provide an authorising environment, strategic direction and resources to support local government to contribute to preventive health actions."

Guiding principles

To ensure the community wellbeing objectives succeed, council has adopted a set of principles that will inform and apply to all strategies. Council will take the lead role in delivering some objectives; however our role will vary depending upon our scope of responsibility and organisational capacity to affect change.

Figure 1 illustrates these principles set against council's role and key principles.

Figure 1: Health and wellbeing principles

Principle	Why is it important?	What we will do...
Community-focused	We understand that the health and wellbeing of our communities is at the heart of our business.	We will work with communities to ensure their voices are heard.
Evidence-informed	We appreciate the complexity of health and wellbeing and the need to draw upon the latest research into addressing health and wellbeing challenges.	We will research what is likely to work best for our circumstances and measure the results of our actions to find what works well and what needs improvement.
Place-based	We understand that local issues are best addressed locally drawing on local strengths and opportunities.	We will work locally to apply the combined efforts of local organisations and communities themselves.
Inclusive	We recognise that age, disability, gender, culture, sexuality, indigenous disadvantage, and low income can lead to health and wellbeing inequities.	We will make access and equity in health and wellbeing a priority.
Collaborative	We appreciate that the work of many organisations can overlap or inform health and wellbeing. Taking a broad view of these interacting systems increases the likelihood of success.	We will work with other organisations to understand needs and partner with them as a coherent system to achieve shared objectives.
Integrated	We recognise that many council policies and programs influence health and wellbeing and that a whole of council approach can improve our effectiveness.	We will work as a whole organisation to combine our expertise and direct our resources to achieve our objective.

Clarence... a city that values wellbeing

Working with others to improve community wellbeing through providing and supporting access to services, programs and information, enhancing our natural and built environment and growing opportunities so everyone can enjoy our spaces and places and live well

All levels of government have a key role in delivering and supporting wellbeing activities and initiatives. As the level of government best connected to the community, council plays an important role in delivering programs and facilitating partnerships to meet community wellbeing needs.

Council improves community wellbeing by first understanding its local community and responding through creative actions in partnership with others. This includes reducing factors that put people at risk and increasing factors that protect people from poor health.

Council is a key player in providing a natural and built environment that supports a healthy lifestyle. Improvements to walking and cycling infrastructure also make it easier for people to choose active travel. Improving parks, streetscapes and open spaces makes it more attractive for people to get outside and active. Building our infrastructure and spaces to meet universal design principles ensures that facilities are accessible and safe for everyone.

Council takes a life course approach to community wellbeing seeking to provide programs and services that are accessible and inclusive of all ages and all abilities.

It is also important to focus on the early years in a child's life to give them the best start possible. Improving everyone's access to physical activity, healthy eating and drinking, oral health information and services, and mental health supports are key components to this strategy. Also important in improving community wellbeing, is promoting opportunities for connection as a response to social isolation and building a more resilient community.

Council will also work to connect people of all ages and all abilities to services and opportunities for learning to help them, within their capacity, to address their own wellbeing needs.

We will also work collaboratively with other organisations and agencies to address social and lifestyle factors that place people's wellbeing at risk.

The overarching vision of the Community Wellbeing Strategy is that every person in Clarence can live well.

Overview

Consultation and feedback

Direct feedback and contributions from several sources have been considered in the development of this strategy, including the Community Health and Wellbeing Advisory Committee, our community, community organisations and government sectors. Workshops were conducted with aldermen, council staff and consultations held with representatives from Special Committees of Council.

Background

To date, council has adopted a number of community plans to support the improved wellbeing of our community, including:

- Health and Wellbeing Plan
- Access and Inclusion Plan
- Age Friendly Clarence Plan
- Community Safety Plan
- Youth Plan

Health and Wellbeing Plan

This plan was the first of its kind for Clarence and an innovative concept within Tasmania. The plan aims to tackle health and wellbeing challenges faced by our community and recognises that influencing health and wellbeing is not just about treating and preventing illness; it is also about the social, economic, built and natural environments in which we live.

Access and Inclusion Plan

Council has to date developed three access plans. Addressing the needs of people with disabilities has been the focus of each Plan. Council has placed critical importance on strengthening our capacity to respond and provide for infrastructure and services for people with disabilities in a coordinated and planned way.

Community Safety Plan

For people to feel and live well, it is vital that they can go about their activities free from fear or risk of injury or harm. The Clarence Community Safety Plan identifies actions that Council will take to improve safety in our communities.

Age Friendly Clarence Plan

Council was the first Tasmanian council to join the World Health Organisation Global Network of Age Friendly Cities and Communities. The Age Friendly Clarence Plan presents how council will provide leadership in partnership with older people, to plan for and provide services, programs, facilities and information, in a way that supports the importance of a life course approach to ageing that is strategic and realistic.

Youth Plan

Council has a long history of supporting and empowering young people. To build on this strong foundation the Youth Plan outlines current services for young people and identifies future services required to support the growth and development of young people across the city.

What do we mean by health and wellbeing?

We understand that health, safety and welfare are factors that work together to enable people to lead satisfying lives and contribute to the community. 'Health' is defined in the World Health Organisation (WHO) constitution as:

"A state of complete physical, social and mental wellbeing, and not merely the absence of disease or infirmity. Within the context of health promotion, health... can be expressed... as a resource which permits people to lead an individually, socially and economically productive life. Health is a resource for everyday life, not the object of living. It is a positive concept emphasising social and personal resources as well as physical capabilities." (WHO, 1986)

In a subsequent definition, WHO describes 'wellbeing' as:

"a state ... in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community." (WHO, 2013)

What factors influence community wellbeing?

Community wellbeing is influenced by a range of interrelated factors including:

- our genetic make-up
- the families and communities we grow up in
- our lifestyle choices
- our relationships and social connections
- the work we do, paid or voluntary
- our access to information
- the care and support we receive when we need it

Figure 2: The determinants of health and wellbeing



Adapted from World Health Organization 2008, City leadership for health. Summary evaluation of Phase IV of the WHO European Healthy Cities Network, WHO, Denmark

Risk and protective factors

The relationship between the determinants of health and the wellbeing of individuals and communities can also be understood by considering:

- the factors that jeopardise good wellbeing - ‘risk factors’
- the factors that contribute to good wellbeing – ‘protective factors’

Figure 3: Risk and protective factors



Adapted from Labonte, R 1998, A community development approach to health promotion: a background paper on practice, tensions, strategic models and accountability requirements for health authority work on the broad determinants of health, Health Education Board of Scotland, Research Unit on Health and Behaviour Change, University of Edinburgh, Edinburgh.

Table 1: Significant risk factors

Significant risk factors	2009		2019	
	Clarence	Tasmania	Clarence	Tasmania
Self-assess their health as fair/poor	22.5%	19.9%	20.9%	21.7%
Risky alcohol consumption ¹	19.6%*	20.8%*	18.8%	19.1%
Insufficient exercise levels	27.5%	27.5%	13%	11.1%
Obesity	20.1%	18.7%	26.3%	28.2%
Overweight/Obese ²	58.5%*	60.0%*	52.4%	58.5%
Insufficient fruit consumption (<2 serves daily)	60.0%*	49.2%	53.5%	53.1%
Insufficient vegetable consumption (less than 5 serves daily)	52.4%	88.1%	90.2%	91.2%
Current smokers ³	58.5%	19.8%	6.5%	12.1%
Daily smokers ³		16.1%	4.9%	9.3%

1. Risky alcohol consumption figures are taken from TPHS 2016, as the way this risk factor is measured changed from 2016 onwards.
2. Overweight / Obese figures are taken from TPHS 2016 - comparable data not available for 2009
3. Reliable smoking data for Clarence was not available in 2009 or 2016.

Table 2: Chronic conditions

The TPHS 2019 also shows that Clarence residents have some chronic health conditions at levels that are higher than the Tasmanian average, while other conditions are below the state average but still at concerning levels. See Table 2.

Chronic conditions (a) (b) (c)	2009		2019	
	Clarence	Tasmania	Clarence	Tasmania
Diabetes	8.7%	6.7%	7.5%	8.3%
Heart disease	9.3%	6.9%	7.9%	6.5%
Arthritis	27.8%	25.0%	23.9%	22.9%
Osteoporosis	9.1%	6.4%	5.9%	5.6%
Cancer	8.8%	7.8%	7.6%	8.4%
Stroke	3.6%*	3.4%	1.95%	2.3%
Depression/Anxiety	24.5%	21.8%	30.0%	33.6%
Asthma	25.5%	20.6%	23.1%	25.1%

- (a) Sources: Tasmanian Population Health Survey 2009 and Tasmanian Population Health Survey 2019
 (b) Age standardised to the 2009 and 2019 Tasmanian populations respectively
 (c) Defined as 'ever-diagnosed by a doctor'. This is as stated by the respondent; not independently validated.
 * Estimates should be used with caution - relative standard error above 25 percent

Community profile

The city of Clarence is a mix of urban, rural and coastal communities ranging from very low to very high socioeconomic status. The population of 56,945 people is the second highest of the municipal areas in Tasmania.

The median age in the city is 41, compared with the Australian median of 37. Four percent of people speak a language other than English (ABS Census 2016). 3.5 percent of Clarence residents identify as Indigenous Australians.

Wellbeing status

The University of Canberra Regional Wellbeing Survey, 2018, which measures the subjective wellbeing of people and communities living outside Australia's major cities, shows that in 2018 overall community wellbeing was higher in Clarence compared to Tasmania or Australia. However, results also showed that almost 30 percent of our population reported poor household finances and scored lower than the Australian average on access to health, education and childcare services.

The 2019 Tasmanian Population Health Survey (TPHS 2019) of self-assessed health shows that our residents exhibit several risk factors. Table 1 compares these risk factors over the past decade. The TPHS 2019 also shows that our residents have some higher chronic health conditions than the Tasmanian average, while some

are below the state's average but still at concerning levels (refer Table 2).

Health inequity

Some residents of Clarence are at greater risk of poorer wellbeing than the general population. This includes older people, people with a disability or mental health challenges, vulnerable children and young people, people who experience inequality arising from gender or sexual identity orientation, Aboriginal or Torres Strait Islanders, people from culturally and linguistically diverse backgrounds and people in low socio-economic groups.

The Tasmanian Population Health Survey 2016 reports that: Tasmanians in the most disadvantaged quintile of the Index of Relative Social Disadvantage¹, reported significantly worse health status than Tasmanians in the least disadvantaged quintile. *Within Clarence, over 12,500 of our residents are represented in the most disadvantaged quintile.*

¹ Socio-Economic Indexes for Areas (SEIFA) were developed by the Australian Bureau of Statistics (ABS) to rank areas in Australia by relative socio-economic advantage and disadvantage. These measures consider factors such as income, educational attainment and unemployment and are often used to divide populations into five equally sized groups known as quintiles, with a fifth (20 per cent) in each quintile.

Barriers to health services

The Anticipatory Care Project: Preliminary Findings Report (July 2019) prepared by the University of Tasmania Institute for the Study of Social Change identifies key barriers to health services as:

- geographical and physical - for example, distance coupled with lack of transport options
- emotional or psychological - for example, trusting and feeling safe in service or social settings
- resources - for example, lack of financial, educational (literacy) and technological resources (internet) to interact with or enter services
- social disconnection barriers - for example, isolation and lack of routine exposure to health services

Health literacy

Health literacy is the ability of a person to find, understand and use health information to make decisions about their health and healthcare. How health systems are set up and how information is communicated by healthcare providers can make it easier for people to find, use and understand information and services. Health literacy is important because people who have difficulty understanding health information and what they need to do to look after their health, such as the importance of good nutrition and physical activity, are more likely to experience poorer health.

Health literacy underpins all the principles of practice and is key to achieving improvement in the priority areas for action.

Table 3: Summary of social indicators displayed through the City of Clarence

There are significant differences across various parts of the city between median ages, employment rates, income levels, home ownership, and levels of relative advantage. The table compares ABS Census data captured in 2016 (in bold) with data captured in 2011.

Suburb	Median age of persons	Percent unemployed	Median household income (\$/weekly)	Percent of households rented	State SEIFA* ranking
Acton Park	43 (40)	3.3 (3)	2,195 (1,921)	3.4 (3.9)	677
Bellerive	47 (47)	4.3 (4.5)	1,175 (1,000)	28.1 (27.9)	616
Cambridge	43 (46)	3.4 (3.6)	1,784 (1,221)	8.7 (13)	645
Clarendon Vale	31 (30)	19.3 (19)	750 (641)	63.3 (62)	5
Clifton Beach	36 (34)	4.5 (1.7)	2,673 (1,916)	8.4 (12.4)	678
Cremorne	41 (39)	5.2 (3.3)	1,838 (1,422)	8.4 (11.1)	655
Geilston Bay	43 (42)	3.8 (3.6)	1,440 (1,237)	17.1 (15)	599
Howrah	45 (43)	4.2 (3.9)	1,388 (1,177)	18 (16.8)	628
Lauderdale	42 (39)	2.7 (3.3)	1,562 (1,340)	12.1 (12)	624
Lindisfarne	49 (46)	4.6 (3.7)	1,312 (1,185)	21.5 (18.7)	614
Montagu Bay	45 (44)	6.3 (5.9)	1,172 (1,034)	33.2 (27.3)	485
Mornington	36 (35)	6.6 (7.2)	1,125 (948)	33.6 (29.9)	148
Oakdowns	31 (31)	3.3 (2.7)	1,370 (1,257)	24.6 (17.1)	506
Opossum Bay	55 (50)	5 (10.7)	1,055 (883)	16.2 (15.8)	596
Otago	48 (48)	4.9 (1.9)	1,625 (1,625)	5.8 (5.2)	646
Richmond	50 (42)	4.9 (3.2)	1,223 (1,271)	19.8 (14.8)	617
Risdon Vale	34 (33)	9.5 (9.4)	960 (766)	31.2 (30.1)	31
Roakeby	32 (32)	10.8 (8.7)	888 (830)	40.6 (39.2)	33
Rose Bay	49 (48)	4.1 (3.8)	1,433 (1,297)	22.8 (22.4)	648
Rosny	50 (47)	5.8 (7.6)	1,447 (1,208)	17.3 (18.3)	660
Sandford	44 (40)	3.8 (3.1)	1,845 (1,607)	5.9 (5.6)	644
Seven Mile Beach	43 (41)	3.2 (3.2)	1,904 (1,561)	7.2 (12.1)	665
South Arm	47 (40)	6.2 (6.6)	1,200 (1,068)	16.2 (15.2)	571
Tranmere	44 (39)	3.8 (3.5)	1,966 (1,799)	10 (11.6)	674
Warrane	38 (37)	9.4 (10.1)	848 (736)	50.1 (46.5)	17

Sources: ABS 2016 Census data (ABS 2011 Census data)

What have we achieved to date?

Council's community development plans have influenced the way council works with others to address wellbeing issues in Clarence. Fostering new connections and working closely with partners and the community has enabled local people, community groups, all levels of government, services providers and organisations to solve problems together.

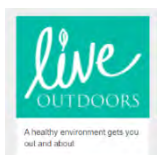
Making a difference to community wellbeing can take many years and therefore results might not be readily visible in the life of a single community wellbeing plan. Council is committed to continuing a planned and structured approach to supporting improved outcomes for all in our community.



Some of the programs, services and significant impacts delivered to date as part of council's community development plan framework are outlined below.

Access and Inclusion

An Access and Inclusion Assessment Toolkit was developed by council as a unique resource to assist council with



general design elements for buildings, facilities, streetscapes, and recreational spaces that deliver more accessible and inclusive facilities for our community.

Age Friendly Clarence

Live Well. Live Long. is a 12 week free, informative, interactive and educative program that provides a holistic approach to health and wellness.

Our Shared Space, a partnership between council's Youth Network Advisory Group and Clarence Positive Ageing Advisory Committee, focuses on inter-generational connections and tackling ageism.

Clarence community volunteer service

The Clarence Community Volunteer Service offer a range of services to residents aged 65 years and over, and to people 18 to 64 years old with a disability, who need support to live independently and connected to their local community. The program has consistently increased and maintained the number and diversity of volunteers providing support to well over 100 residents.

Community safety

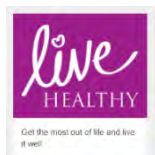
A Community Safety Plan was endorsed in 2016 with four safety themes: personal safety, resilient communities, safe streets and spaces and powerful partnerships. A Community Safety Office was appointed to support this implementation. *One Community Together* was also established to support the Clarence Plains community to create a welcoming, proud, safe and attractive community.

Fitness in the Park

A year-round program of mixed fitness-based activities in our parks attracting over 300 people a year, including 30-40 people during the cooler months.

Health Promotion Projects

Several health promotion projects have been successfully delivered across our community, including:



- Oral Health - including promotional resources, and water stations
- My Wellbeing Kit– addressing resilience and mental health
- Food films - filming of ten recipes to promote healthy eating
- Neighbour Day - Neighbourly Awards and Neighbour Connection Card
- Christmas Brunch – an event that attracts up to 110 diners

Help to Health

The Help to Health project is made up of five different initiatives that help the community get better access to health care and to take more control of their wellbeing needs.

Live Clarence

Facilitating communication with the community including a website, social media and E-news on community wellbeing matters.

Liveability Projects

- Community Hubs – a mapping project to identify community hubs and services.
- Walkable Clarence Project - a case study assessing the ease of use of a Clarence streets and movement networks.



World Games Day

A biennial celebration of games, sport, food, music, arts and culture from around the world attracting up to 1000 people.



Youth Services

YNAG is a council committee for young people aged 12-24 who live, work, or go to school in the Clarence area and are interested in providing a stronger voice for young people in our city.

Our Youth Centre has a fully equipped workshop where we provide learning opportunities in project planning, wood and metal work and promotes general skills development. This program engages young people in an alternative education program during the school term, aiming to help young people develop skills which will guide them towards employment. The workshop is also open to young people from year five upwards to restore, reuse or make something new.

From plan to strategy

In reviewing the Health and Wellbeing Plan, council made the decision to lift the plan to a strategy level to recognise the importance of community wellbeing to the purpose of council.

Plans integral to achieving outcomes include the Access and Inclusion Plan, Age Friendly Clarence Plan, Community Safety Plan and Youth Plan.

Table 4: Summary of social indicators displayed through the City of Clarence

There are significant differences across various parts of the municipality between median ages, employment rates, income levels, home ownership, and levels of relative advantage. The table compares ABS Census data captured in 2016 (in bold) with data captured in 2011.

Suburb	Median age of persons	Percent unemployed	Median household income (\$/weekly)	Percent of households rented	State SEIFA* ranking
Acton Park	43 (40)	3.3 (3)	2,195 (1,921)	3.4 (3.9)	677
Bellerive	47 (47)	4.3 (4.5)	1,175 (1,000)	28.1 (27.9)	616
Cambridge	43 (46)	3.4 (3.6)	1,784 (1,221)	8.7 (13)	645
Clarendon Vale	31 (30)	19.3 (19)	750 (641)	63.3 (62)	5
Clifton Beach	36 (34)	4.5 (1.7)	2,673 (1,916)	8.4 (12.4)	678
Cremorne	41 (39)	5.2 (3.3)	1,838 (1,422)	8.4 (11.1)	655
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Sources: ABS 2016 Census data [ABS 2011 Census data]

Where do we want to be in 10 years?

Key performance indicators - by 2032

Planning and partnership

- Council has established internal policies and processes and criteria for improving community wellbeing and strives for equitable access and participation
- Council will work in partnership with others to change the way wellbeing services are delivered to remove barriers and improve access to services
- Council has programs and plans in place to support the life course approach to community wellbeing
- Council has well established internal and external partnerships directly aimed at improving the wellbeing of our communities
- Research and evaluation are embedded in council processes and learnings are shared

Opportunities for community wellbeing

- Council has a well-established program supporting childhood health
- Council has supported physical, mental, and social activities for the community
- Council has provided activities in response to targeted health risks
- Council has provided information about and connection to the health service system
- Council is implementing a Community Safety Plan

Spaces and places

- There are improvements in walkability and cycling infrastructure across the city
- Council is implementing an Open Space Plan
- Principles of 'healthy by design' and universal access underpin all facilities developed

Who will we engage with?

In delivering the objectives outlined in this strategy we will engage with:

- Our community✓
- Internal stakeholders.....✓
- Council special committees.....✓
- External providers and organisations.....✓
- State and Federal government.....✓

How will we get there?

Implementation plans will be developed that outline how and when each objective will be delivered. Relevant activities from existing planning documents and other implementation plans will be mapped against the objectives of this strategy to ensure that our efforts are coordinated, rigorous and do not duplicate effort or resources. Complementary objectives across council's strategies will be delivered in a collaborative manner.

Implementation plans will provide for a major review of progress every 3 years, and an annual minor review to inform budget and annual plan discussions and decision-making.

A 'systems' approach

Council understands that influencing change is complex and requires effort across many interrelated areas both within council and externally. Council will work to address issues that lead to wellbeing inequities by adopting a systems approach that examines underlying causes and applies tailored tools and opportunities to overcome them.

From inequality to inclusion

Inequality	Unequal access to services and opportunities
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Equality	Access to services and opportunities evenly distributed but results in those who need additional support to access services and opportunities being at a disadvantage
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Equity	Additional support provided where needed to ensure everyone is able to access services and opportunities
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Inclusion	Systems improved to ensure everyone has equal access to services and opportunities
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What will we do to improve community wellbeing over the next ten years?

The following pages set out the objectives we will pursue over the next ten years based on an analysis of the challenges facing the community and the factors that influence community wellbeing.

The nature and extent of our involvement will depend on the role council chooses to take.

Key principles

We will work with others to address issues that lead to wellbeing inequities.

We will work with other organisations to understand community needs and partner with them to achieve shared objectives.

We will work locally to combine the efforts of local organisations and communities, building capacity and resilience.

Why is this important

We recognise that many policies and programs influence community wellbeing and that a whole of council approach can improve our effectiveness.

The work of many organisations can overlap and influence community wellbeing. Taking a broad view of these interacting systems increases the likelihood of success and maximises available resources.

We understand that local issues can be best addressed locally drawing on local strengths and opportunities.

Objectives we will work towards

Policies and processes

- Support collaborative practices across council to integrate and consolidate council's efforts to achieve community wellbeing objectives
- Develop processes that consider the wellbeing impacts of policies and project proposals
- Adopt and support a healthy workplace policy to support staff to lead healthy lifestyles
- Address health inequities across the city to improve equity and inclusiveness in delivery of council services and advocate for equity in delivery of other provider services

Partnerships

- Increase community participation in identifying and responding to community wellbeing issues
- Identify opportunities to engage external organisations with common objectives to develop joint activities
- Implement policies to model healthy choices in events and interactions and encourage adoption by our community

Research and evaluation

- Undertake research and evaluation to build understanding of what works and what can be improved in our efforts to achieve our objectives

Internal wellbeing structures

- Share lessons learnt across council and with external partners

PRIORITY 2 Spaces and Places

Strengthen the capacity of spaces and places to support community wellbeing

Key principles

We will build environments that support community wellbeing considering all ages and abilities.

We will promote the connection between best-practice planning and design in achieving improved community wellbeing outcomes.

Why is this important

Providing areas for our community to readily meet, play and connect is important to facilitating physical, social and mental activity. It provides for a vibrant community and one with a sense of place.

A safe physical environment is one of the key protective factors in contributing to good community wellbeing which supports our quality of life and functional independence.

Objectives we will work towards

Movement networks

- Work with providers to improve accessibility to infrastructure and alternative active transport modes
- Increase walking and cycling options that are connected and fit for purpose

Open space

- Increase access to open space that can be used for leisure and recreation and that includes adequate amenities
- Enhance natural spaces to provide opportunities for people to enjoy nature
- Make suitable open space available for food growing, such as community gardens, edible street/park plantings

Built environments

- Collaborate to make attractive built spaces and streetscapes that bring people together
- Bring a wellbeing focus to developments and public facilities
- Engage developers in understanding and applying 'healthy by design' principles

Climate change

- Assist communities to understand, engage with and mitigate climate change risks
- Increase our capacity to live sustainably and reduce energy consumption

PRIORITY 3 Opportunities for community wellbeing

Expand opportunities for everyone to lead healthy and active lives

Key principles

We will make access and equity in wellbeing a focus for our community.

We will work with communities to ensure their voices are heard.

We will research what works well, what needs improvement and the best approach to deliver outcomes.

Why is this important

The wellbeing of our communities is at the heart of our business.

Wellbeing is complex and we need to draw upon the latest research in addressing community wellbeing challenges.

Age, disability, gender, culture, sexuality, indigenous disadvantage and low income can lead to wellbeing inequities. It is important to provide support and services on an equitable and inclusive basis to all ages and, where appropriate, to target groups to achieve improved outcomes.

Objectives we will work towards

Physical activity

- Increase opportunities for physical activity and active travel
- Increase opportunities for affordable active leisure and sport

Healthy eating and oral health

- Improve access to safe, healthy, affordable food through working with groups and stakeholders
- Promote water as a drink of first choice through our networks and spaces
- Promote improved oral health and hygiene practices through working with groups and stakeholders

Social connection

- Encourage community members to participate in the life of their community and form social connections
- Support communities to be resilient in response to major challenges such as pandemics
- Increase opportunities for lifelong learning

Community safety

- Improve community safety including perceptions of community safety
- Support communities to prepare for and recover from natural disasters

Mental health

- Work to improve mental health and reduce suicide

Health risks

- Work with other groups and stakeholders to reduce health risks associated with smoking and the harmful use of drugs and alcohol
- Work with relevant stakeholders and community groups to reduce the incidence of homelessness
- Identify and respond to the impacts and consequences of COVID-19

Health awareness and access

- Increase community member access to available services and relevant information about health issues affecting them through working with other agencies and advocating for our community members
- Support our communities to build the skills and knowledge to address their own health needs
- Use research and action learning to inform activity design and delivery

Children

- Supporting increased achievement of child development milestones through working with other groups and stakeholders to provide opportunities for children to develop physically, socially, intellectually, and emotionally
- Provide wellbeing information to families through schools, other children's services and children's programs and activities

Explanation of terms

Life course approach

A life course approach is a framework that considers the physical and social hazards during all stages of life from birth to older adulthood.

This strategy identifies various documents to be developed, revised, and implemented. Terms used seek to convey the strategic and/or operational objective of the content.

Strategy

Outlines the key issues in the strategic plan and identifies the key objectives and what needs to be done at a high level.

Procedure

Generally, relates to a policy. Mandates operational activities and assigns responsibilities through specific operational actions.

Framework

Provides guidance around strategies without being prescriptive. Allows for some flexibility in delivery to adapt to changing conditions.

Plan

A detailed outline for achieving outcomes from a strategy or framework. Identifies specific actions, what, who when and how.

Policy

Formal statement of principles. Primarily seeks to ensure compliance with legislation, standards, and community expectations

8.4.2 UPDATED CONSTITUTION – DISABILITY ACCESS ADVISORY COMMITTEE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for council to consider the revised changes to the current Disability Access Advisory Committee (DAAC) constitution and adopt the changes to this constitution under the new name of Clarence Disability Access and Inclusion Advisory Committee (CDAIAC).

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031, and Access and Inclusion Plan 2021-2025 are relevant.

LEGISLATIVE REQUIREMENTS

As an Advisory Committee of Council, Section 24 of the Local Government Act 1993 (Tas) is relevant.

CONSULTATION

As a function of an Advisory Committee, the review was undertaken by the current committee members consisting of seven community representatives with disability and seven council staff.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That council adopt the new constitution for the Clarence Disability Access and Inclusion Advisory Committee (CDAIAC).

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council's Disability Access Advisory Committee (DAAC) was established under the provisions of Section 24 of the Local Government Act 1993 (Tas) as an Advisory Committee of Council. The DAAC has been operating since 1998.
- 1.2.** A function and obligation of the committee is to periodically review Committee processes, including rule changes, if necessary.

- 1.3.** The Committee may also make recommendation to council on the review of the Committee’s responsibilities and the constitutional framework at any time, with a minimum timeframe for review every five years.

2. REPORT IN DETAIL

- 2.1.** The DAAC last reviewed its constitution in 2012, which was adopted by council on 14 January 2013.
- 2.2.** The DAAC previously held constitution review discussions in 2016 and 2018. These were not progressed due to council election; changes to bring about a more consistent approach to the format of Special Committee Constitutions; and the delayed endorsement of council’s current *Access and Inclusion Plan 2021-2025*.
- 2.3.** Constitutional review has remained on the agenda for the DAAC. At the committee meeting on 14 December 2021, it was resolved to hold a Special Committee Meeting on 16 February 2022 to progress discussions on the constitution review.
- 2.4.** Further discussions were held at the next DAAC meeting on 8 March 2022. All recommendations were then progressed and agreed on and are represented in the Draft Revised Constitution (Attachment 1).
- 2.5.** In summary, there are six key changes to the standard committee constitution that are being recommended:
- **Overall** - Change of name to Clarence Disability Access and Inclusion Advisory Committee (CDAIAC) to better reflect the intent of council’s new Access and Inclusion Plan.
 - **Interpretation** - Inclusion of the definition of “disability”.
 - **Objectives** - Inclusion of “work with” council (adding to the provision of advice and recommendations).

- **Appointment/Community Nominees** – Inclusion of people representing a diverse range of disabilities and equitable representation of gender where possible.
- **Frequency of meetings/venue** – Option to attend meetings online.
- **Conflict of Interest** – a new section taken from the existing Clarence City Council Code of Conduct 2019.

3. CONSULTATION

3.1. Community Consultation Undertaken

The current committee includes seven community representatives and seven council staff from Planning, Building, Asset Management (Public Open Space, Engineering) and Community Development. All were actively involved in the discussions and on providing recommended changes to the constitution.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

There is no requirement for further community consultation.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2021-2031 under the goal area *Governance and Leadership*:

- “5.1 *Responding to the changing needs of the community through leadership, advocacy and best practice governance.*
- 5.2 *Formulating and maintain a suite of policies to provide a framework for the establishment and implementation of council's plans, strategies, programs, and services.*
- 5.8 *Maintaining and continuously reviewing performance and monitoring frameworks to ensure identified strategic goals are achieved.”*

4.2. Also under the goal area *A People Friendly City*:

“1.5 Continuing to deliver and review a Community Health and Wellbeing Strategy and associated supporting plans to strengthen and improve the physical, mental, and social wellbeing of the community.”

4.3. Council’s Access and Inclusion Plan 2021-2025 under the theme *Lead, Strategy 2 - Engaging with the community*:

“Action 1 Continue to support a community governance approach to working together with the community through council’s Disability Access Advisory Committee (DAAC).

“Action 2 Review the DAAC name and terms of reference, expansion of membership, and filling any skills/experience gaps identified.”

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The DAAC has been operating as an Advisory Committee of council since 1998 and was established under the provisions of Section 24 of the Local Government Act 1993 (Tas).

9.2. The previous constitution was reviewed in 2012 and endorsed by council in 2013. Regular review and recommendations for any changes to the constitution are a role and function of the committee.

9.3. Six key recommendations have been put forward by the committee. They include a change of the committee's name to the Clarence Disability Access and Inclusion Advisory Committee (CDAIAC) to better reflect the intent of council's new Access and Inclusion Plan, the overall clarity on the committee definition and objectives, and the inclusion of a conflict of interest clause.

Attachments: 1. Constitution of the Clarence Disability Access and Inclusion Advisory Committee [CDAIAC], Revised March 2022 (12).

Ian Nelson
GENERAL MANAGER



DRAFT Revised: March 2022

CONSTITUTION OF THE CLARENCE DISABILITY ACCESS AND INCLUSION ADVISORY COMMITTEE

The Clarence Disability Access and Inclusion Advisory Committee (CDAIAC) has been established under the provisions of Section 24 of the *Local Government Act 1993* (Tas) as an Advisory Committee.

The Committee works with assists and advises the Council in relation to disability access and inclusion issues in Clarence; and implementing and reviewing the actions of the Access and Inclusion Plan 2021-2025, or any successor to that plan.

1. Interpretation

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

“Alderman” means an elected member of the Clarence City Council.

“Committee” means the Clarence Disability Access and Inclusion Advisory Committee.

“Committee Member” means a person duly appointed to CDAIAC under the provisions of this constitution.

“Council” means Clarence City Council.

“Disability” means any condition that restricts a persons’ mental, sensory or mobility functions. It may be caused by accident, trauma, genetics, or disease. A disability may be temporary or permanent, total or partial, lifelong or acquired, visible or invisible.¹

“General Manager” means the General Manager of the Clarence City Council.

“CDAIAC” means ‘Clarence Disability Access and Inclusion Advisory Committee’.

2. Objectives

The Committee is to:

¹Clarence City Council Access and Inclusion Plan 2021-2025, p16
<https://www.ccc.tas.gov.au/community/community-services/access-inclusion/>

1. To work with Council and provide advice and make recommendations, to assist Council with the implementation of the Access and Inclusion Plan.
2. To monitor and report on progress and work to address the actions of the plan according to their estimated year of completion.
3. To assist with information sharing and partnerships in relation to disability access and inclusion related matters within existing networks and among other Clarence residents, helping to provide additional opportunities for feedback to Council from the community.
4. To form working parties, if necessary, to address specific issues or activities and will be required to report back to each meeting.

3. Functions and Obligations

The Committee has the following functions and obligations:

1. To be actively involved in providing advice and recommendations on disability access and inclusion within both the Clarence Municipality; Tasmania; nationally and internationally.
2. To assist in facilitating communication between the Council and the wider community on the implementation of Council approved projects and initiatives;
3. Be actively involved in providing advice and recommendations to Council in respect of the Annual Operating Budget;
4. To form working parties, if necessary, to address specific issues or activities;
5. To work in partnership with other Council Special Committees, organisations and groups in the community, to enhance resources and capacity to implement plans and initiatives;
6. To work with council in the planning and review of Council's Access and Inclusion Plan; and
7. To periodically review Committee processes, including rule changes, if necessary.

4. Committee Membership and Roles

4.1 Membership

The Committee shall consist of:

Council

- A Council Alderman who will be the Chairperson of the Committee;

- Council Officers with expertise and a role in planning and delivering programs, amenities, and services to ensure access and inclusion; and
- A Council Officer to act as secretary.

Community

Representation from relevant stakeholders may include but not limited to up to:

- Twelve (12) members of the Clarence community; and
- Two (2) key service provider representatives

Proxy representatives may be appointed for each Committee position.

Co-opted

The Committee may co-opt members with suitable skills and/or qualifications to assist the Committee if specific skills or competencies are required.

4.2 Appointment

The method of appointment shall be as follows:

Council Appointees

- The Council will appoint its Alderman representation (including a proxy representative);
- Officer representation will be determined by the General Manager.

Community Nominees

Community nominations will be conducted as follows:

1. Vacancies will be advertised via online Networks, Committee Member networks and/or local newspapers;
2. Nominations by community members will be received in writing on a completed nomination form (**Attachment 1**) and must be approved by the Chairperson, other nominated Aldermen and Council Officers of the Committee;
3. To be considered, nominees will be required to meet the following criteria for nomination:
 - Preference will be given to residents of the Clarence Municipality with where possible equitable representation of gender, and the inclusion of people representing a diverse range of disabilities and/or their parents or carers;
 - Preference will also be given to residents from the diverse geographical suburb areas of the Clarence Municipality;

- Nominees must have knowledge of 'Council's Access and Inclusion Plan' and a capacity to contribute from their own knowledge and experiences in discussions, providing advice, and working together on implementing the plan.
- Nominees must have a commitment to assisting Council and other organisations to advise on the implementation of the 'Council's Access and Inclusion Plan' by being available to meet when required for a maximum of 2 hours at a time and be prepared to be involved in any additional meetings if necessary, during business hours.
- Priority will be given to people who are not already members of a special committee of Council.
- Registration with Council as a Volunteer, including undertaking the appropriate legislative, induction and Work Health and Safety requirements is a condition.

External Organisation Nominees

Ideally service provider members will include a representation of those organisations and services identified in the Access and Inclusion Plan and will be called upon by the committee as an outside resource when required to progress identified actions.

4.3 Terms of Office

Council Representatives

1. Council will appoint an Aldermen and a proxy as its representative member(s) on the Committee. Appointments are made immediately following the conducting of ordinary Council elections and the appointments are for the term of the Council or other period as determined by Council.
2. The duration of appointment for Council officer representatives is at the discretion of the General Manager.

Community Representatives

Community Representatives are appointed for the term of Council to coincide with the Council's current term of office. Existing committee members are welcome to re-nominate for further terms.

External Organisation Representatives

External Organisation Representatives are appointed at the discretion of the organisation they represent. The term of each appointment is to be determined by the relevant organisation.

4.4 Casual Vacancies

Should a Community Representative position become vacant before the expiration of that representative's term then the vacancy will be filled using the method of appointment described at clause 4.2 above for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

4.5 Office Bearers

1. There are two office bearers:
 - A Chairperson; and
 - A Secretary.
2. It is the established practice of the Council to appoint Aldermen as both its representative member(s) and as Chairperson of the committee.
3. The Chairperson's term of office is for the term of Council.
4. The Secretary is to provide the following support:
 - Issuing agendas; and
 - Taking minutes of meetings.

4.6 Role of Chairperson

1. The Chairperson is responsible for:
 - Conducting committee meetings in an efficient, effective and inclusive manner;
 - Public communication on matters arising from the Committee will be communicated by the Chairperson only and in accordance with Council Policy C1.60 – *"Policy and Operational Framework for Media Communications by Council "Special" Committees."*
2. If the Chairperson or proxy is not present at a meeting of the Committee then a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting, then the meeting is adjourned to the time and place of the next scheduled meeting as notified by the Secretary.

5. Meeting Procedures

5.1 Committee meetings

The following meeting procedures apply:

1. The Secretary will provide a set standard agenda for each meeting (**Attachment 2**);
2. Any additional topics for each agenda must be forwarded to the Secretary no later than 1 week prior to the scheduled meeting date;
3. A copy of each agenda will be distributed to all representatives at least one week prior to the next meeting;
4. Decisions of the Committee are to be made by a majority vote of members present at the meeting;
5. The Secretary will ensure that Minutes of each Committee and working party meeting are taken. Minutes are to be distributed to all Committee members, Aldermen, relevant Council officers and other relevant Council advisory Committees;
6. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee;
7. All members of the Committee must act in accordance with all Council policies and applicable legislation when carrying out their respective responsibilities on behalf of the Committee.

5.2 Working Parties

The Committee may establish working parties to address specific issues or undertake activities. Requirements for the conduct of working parties are:

1. The Committee will provide any working party it establishes with specific terms of reference, which may include relevant timeframes;
2. Activities undertaken by appointed working parties will report back to each Committee meeting; and
3. All members of a working party must act in accordance with all Council policies and applicable legislation when carrying out their respective responsibilities on behalf of the Committee.

5.3 Public Attendance

Public attendance at a Committee Meeting is by invitation only.

5.4 Frequency of meetings

Meetings will be held according to the following requirements:

Frequency

1. The Committee will meet at least six (6) times each year.
2. The Committee may meet on other occasions when required.
3. A working party will meet at date(s) and time(s) determined by its members and as required by the Committee.

Time/Duration/Venue

1. Meetings will be up to two hours in duration unless extended by agreement of Committee Members. The Committee will determine meeting start times.
2. Meetings will be held at the Council Offices, with the option to attend meetings online.

Quorum

1. A quorum of the Committee shall be 7 representatives.
2. At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.
3. Representatives who do not attend 3 consecutive meetings without tendering apologies will not be considered as a current representative (the Committee may vacate that Representative's position on the Committee and fill the vacancy as a Casual Vacancy in accordance with the requirements of this Constitution).

6. Conflict of interest

The Local Government code of conduct framework is prescribed under Part 3, Division 3A (code of conduct, complaints and complaint resolution) of the Local Government Act 1993.

Clarence City Council Code of Conduct (updated 15 Feb 2019)² clearly defines conflict of interest in Part 2. Of relevance to the CDAIAC is upholding the principles of transparency and honesty and declare actual, potential or perceived conflicts of interests e.g., a member of the Committee may not vote in relation to a grant application in which he/she has an interest.

² Clarence City Council Code of Conduct 2019 <https://www.ccc.tas.gov.au/your-council/laws-governance/code-of-conduct/>

7. Reporting Requirements and Arrangements

7.1 Areas of Reporting

The Committee will report against:

1. Priority projects identified in the 'Access and Inclusion Plan';
2. Key inputs and advice provided by the Committee into the delivery of the Council's Strategic Plan commitments in respect to the 'Access and Inclusion Plan'; and
3. Other matters which come before the Committee.

7.2 Nature of Reporting

1. Minutes will be distributed for all Committee and working party meetings to all Committee Representatives, the Council, relevant Council officers, other relevant Council advisory Committees and relevant organisations associated with the plan.
2. The Committee may, at its discretion, provide reporting to the Council through the Chairperson of the Committee on matters (non-operational) that the Committee has considered based on the following:
 - Reports are to be presented to the General Manager for inclusion in the 'Reports from Council and Special Committees And Other Representative Bodies' section of the Council's meeting agenda;
 - The Committee report may include recommendations to the Council on matters that have been considered by the Committee.
3. The activities of the Committee will also be highlighted in Council's quarterly reports and Annual Report.
4. Any other reports required will be on an as needed basis.

7.3 Provision of information to the community

Provision of information to the community shall occur via:

1. Quarterly Reports and Annual Report;
2. Other means as appropriate throughout the year (for example, via regular updates in the Council rates newsletter, via Council's website, etc).

7.4 Communication of budget matters

The Committee when forward planning and considering upcoming actions will communicate recommendations to Council on a timely basis prior to annual budget deliberations.

8. Resourcing

8.1 Budget

The Committee has a budget approved by Council and it will be supported by Council as follows:

1. Council administrative support;
2. Paper, postage and stationary requirements;
3. Reimbursement of reasonable out of pocket expenses for committee members (i.e. travel, refreshments);
4. Any additional committee expenses (i.e. conference fees); and
5. Any expenditure will be in accordance with Council's policies.

9. Review of Constitution

1. The Committee may make recommendations to Council on the review of the Committee's responsibilities (Powers and Obligations) and this constitutional framework.
2. Recommendations for amendments to the constitutional framework can be made at any time provided that suggested changes are noted on the agenda (as per the framework), a quorum is present at the meeting, and two-thirds of those present and entitled to vote support the recommendations.
3. Amendments to this constitution must be approved by Council.
4. As a minimum timeframe the Constitution is to be reviewed every 5 years by report to the Council.

Attachment 1

Clarence City Council Disability Access and Inclusion Advisory Committee (CDAIAC) NOMINATION FORM

General Information for applications

Thank you for your interest in nominating for the Clarence Disability Access and Inclusion Advisory Committee. As a voluntary position, registration with Council as a Volunteer will be required for community residents, which will involve obtaining a National Police Check and/or Working with Vulnerable People Card. The cost of obtaining these documents will be fully reimbursed by Council.

Reimbursement of reasonable out of pocket expenses for committee members (i.e. travel) will be in accordance with Council's policies.

Nominations to the committee involve addressing the following criteria:

- Preference will be given to residents of the Clarence Municipality with where possible equitable representation of gender, and the inclusion of people representing a diverse range of disabilities and/or their parents or carers;
- Preference will also be given to residents from the diverse geographical suburb areas of the Clarence Municipality;
- Priority will be given to applicants who are not already members of a special committee of Council, however current committee members of CDAIAC are encouraged to re-apply;
- Nominees must have knowledge of 'Council's Access and Inclusion Plan' and a capacity to contribute from their own knowledge and experiences in discussions and providing advice on implementing the plan;
- Nominees must have a commitment to working with Council and other organisations to advise and work on the implementation of the 'Council's Access and Inclusion Plan' by being available to meet when required for a maximum of 2 hours at a time and be prepared to be involved in any additional meetings if necessary. Volunteering usually occurs during business hours but depending on the project can be evenings or weekends;
- Nominees must be able to work constructively with other people in a group and community environment.

Nomination Details

Name:

Address:

Organisation: (if applicable)

Email:

Phone:

Please state why you would like to become a member of the Clarence Disability Access and Inclusion Advisory Committee. You may wish to include skills or knowledge you think you would be able to contribute to the group.

Please provide the names and contact details of 2 people (referees) that can support your nomination to the committee.

Do you have any access or dietary requirements?

Do you have a current National Police Check and/or Working with Vulnerable People Card?

Signature

Date:

Attachment 2 – Sample Standard Agenda

Clarence City Council

Clarence Disability Access and Inclusion Advisory Committee (CDAIAC) Agenda

Day/ Date/Time/Venue

- 1. Present**
- 2. Apologies**
- 3. Confirmation of Previous Minutes**
- 4. Business Arising from Previous Minutes**
- 5. Update and Discussion on Current Projects**
- 6. Budget**
- 7. Reports from other Special Committees**
- 8. Business Arising**
- 9. Next Meeting**

8.4.3 RENEWAL OF LEASE – SOUTH ARM PENINSULA RESIDENTS ASSOCIATION COMMUNITY CENTRE– 9 CALVERTON PLACE, SOUTH ARM**EXECUTIVE SUMMARY****PURPOSE**

To consider issuing a new lease agreement with the South Arm Peninsula Residents Association Inc. for the existing community centre and community garden on council land at 9 Calverton Place, South Arm.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy applies.

The Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

Section 178 of the Local Government Act, 1993 is applicable.

CONSULTATION

Section 178 of the Local Government Act, 1993 provides that council must advertise its intention to dispose of public land through public advertisement.

FINANCIAL IMPLICATIONS

Recommendation has no direct implications on council's Annual Operating Plan.

RECOMMENDATION:

- A. That in accordance with section 178 of the Local Government Act 1993, council gives notice of intention to enter into a new lease for the public land at 9 Calverton Place, South Arm for the existing community centre and adjacent community garden to the South Arm Peninsula Residents Association Inc.
- B. That once the notice of intention to lease process is finalised and no objections are received, council authorise the General Manager to enter into a new lease agreement with the South Arm Peninsula Residents Association Inc. for a term of 10 years from 1 January 2022 and that the annual rental for the lease is to be in accordance with Council's Leased Facilities Pricing and Term of Lease Policy.
- C. That, in the alternative to Recommendation B above, should objections be received, the matter be referred to a further meeting of council for consideration.

NB: A decision to lease public land requires an absolute majority of Council.

**RENEWAL OF LEASE – SOUTH ARM PENINSULA RESIDENTS ASSOCIATION
COMMUNITY CENTRE– 9 CALVERTON PLACE, SOUTH ARM /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Since 2005, council has leased the South Arm Community Centre at 9 Calverton Place, South Arm to the South Arm Peninsula Residents Association Inc. (SAPRA) to use as a community centre and associated purposes.
- 1.2.** The most recent lease expired on 31 December 2021 and the Association has requested a new lease for the centre and the adjacent community garden.

2. REPORT IN DETAIL

- 2.1.** SAPRA was incorporated in 1989 with its major project at the time being the construction of a community centre and gymnasium. The South Arm Community Centre was opened in May 1997, with support from all levels of government and the local community raising almost \$100,000 towards the build.
- 2.2.** The South Arm Community Centre has been managed for the community by SAPRA in accordance with a lease agreement with council since 2005.
- 2.3.** The most recent lease expired on 31 December 2021 and SAPRA has requested a new lease including the adjacent Iron Plot Community Garden which is currently managed by SAPRA.
- 2.4.** In addition to managing the centre, SAPRA have also completed numerous projects, hosted fun community events as well as assist and support other groups and organisations set up or complete projects for the benefit of the community.

- 2.5. SAPRA funding is from the community centre income, grants and volunteer work.
- 2.6. The Community Centre is not only a base for SAPRA but a home to the Maurice Potter History Room, Blissful Iron Plot Community Garden, South Arm Community Library, Pot Luck Op Shop, South Arm Songsters, South Arm Community Market, Pilates classes, Garden club meetings, Community Emergency Response Team and many other community groups and activities.
- 2.7. The land is classified as “public land” and it is a requirement to advertise council’s intention to enter into a new lease in accordance with the *Local Government Act, 1993*.

3. CONSULTATION

3.1. Community Consultation

Section 178 of the Local Government Act, 1993 provides that council must advertise its intention to dispose of public land through public advertisement. The notice of intention to lease public land will be publicly advertised and invite members of the public to lodge an objection within 21 days. Council is required to consider any objection received.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

The community will be notified of council’s intention to lease the public land via advertisements in “The Mercury”, a notice placed on the public land and a notice on the council website. The public will have the right to lodge an objection to the proposed lease. Any objections received will be referred to council for consideration as part of the process required by the *Local Government Act 1993*.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2021-2031 within the Strategic Goal Area "*A people Friendly City*" provides:

"1.12 Facilitating opportunities for community connections and growth through a range of programs, activities and events."

And the Strategic Goal Area "*Council's Assets and Resources*":

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

4.2. Council's Leased Facilities Pricing and Term of Lease Policy applies.

5. EXTERNAL IMPACTS

There are no external impacts identified.

6. RISK AND LEGAL IMPLICATIONS

Section 178 of the Local Government Act requires council to give notice of an intention to lease public land if the lease is for more than five years.

7. FINANCIAL IMPLICATIONS

Recommendation has no direct implications on Council's Annual Operating Plan.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The South Arm Peninsula Residents Association Inc. has leased the public land at 9 Calverton Place, South Arm since 2005. SAPRA manage the South Arm Community Centre and also provide a range of community projects and activities which are of benefit to the community. It is appropriate to enter into a new lease of 10 years with the Club.

Attachments: 1. Aerial Photograph (1)

Ian Nelson
GENERAL MANAGER

ATTACHMENT 1



9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD JAMES
PARKING ARRANGEMENTS IN THE VICINITY OF BELLERIVE VILLAGE**

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

“That this Council:

- A. Requests Council’s Traffic Working Group to review parking arrangements in the vicinity of Bellerive Village and Trans Derwent Ferry wharf facility and consider a parking time limit of 3 hours between 8am to 5pm Monday to Friday be implemented to replace all day parking on Victoria Esplanade and surrounding streets in the village; and
- B. That the findings of the parking review be presented to a council workshop as soon as practical after the review is completed.”

EXPLANATORY NOTES

In recent weeks some residents living in the vicinity of the ferry terminal in Bellerive Village have requested timed parking restrictions on Victoria Esplanade to enable normal business usages.

It has become apparent that patrons using the Trans Derwent Ferry, drive and park and leave their vehicles all day along the Esplanade and in the surrounding streets within walking distance to the ferry terminal.

It seems that tradesmen and builders working for the property owners along Victoria Esplanade have been unable to access the properties because of ferry patrons parking their vehicles there all day.

It is requested that parking restrictions in ferry affected areas in Bellerive be reviewed by Council’s Traffic Working Group and consider a parking time limit of 3 hours between 8am to 5pm Monday to Friday.

And that the findings of the parking review be presented to a council workshop as soon as practical after the review is completed.

R James
ALDERMAN

GENERAL MANAGER'S COMMENTS
A matter for council.

**9.2 NOTICE OF MOTION - ALD MULDER
YOUTH JUSTICE PROGRAMS**

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

“That Council:

1. Notes the work of the State Government in addressing youth offending, particularly through the Youth Justice framework and closing the Ashley Youth detention Centre.
2. Acknowledges the work of non-government organisations such as:
 - a. Clarence Council Youth Services programs which includes Youth Network Advisory Group
 - b. Mission Australia Youth Beat Hobart program
 - c. Salvation Army youth programs
 - d. JCP Youth programs
 - e. YMCA’s all aboard program
 - f. Karadi’s deadly choices program
 - g. Headspace’s mental health programs.
3. Requests staff to consider further work with State Government and Non-Government Organisations service providers in this space.
4. Rejects ‘harsher sentencing’ as the way forward for youth offending.
5. Calls on the State Government to consider an increase in the number and resourcing of Youth Justice workers to enable lower caseloads and better supervision.”

EXPLANATORY NOTES

Publicity surrounding anti-social behaviour in the Rosny Park Mall is not in line with reported crime but has created a heightened, and unjustified, fear of crime.

Programs that engage youth are best delivered by non-government agencies.

- Mission Australia’s Youth Beat Program supports young people to address anti-social behaviour, fosters positive relationships with police, community support groups, local support services and low-level case management.
- The Salvation Army is engaged in Community Centres including those in Clarence and the Redo Project that offers young people the opportunity to experience a working environment.
- JCP Youth ‘Beast Program for mentoring at-risk vulnerable young people.

Glenorchy City Council has engaged private security guards at an annual cost of \$250,000 despite staff advice that “behaviours had not actually stopped but moved to other areas”.

T Mulder
ALDERMAN

GENERAL MANAGER’S COMMENTS
A matter for council.

**9.3 NOTICE OF MOTION - ALD VON BERTOUCHE
NATURAL DISASTER/HUMANITARIAN CRISIS ASSISTANCE POLICY**

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

- “A. Requests the General Manager to develop a draft Natural Disaster/Humanitarian Crisis Assistance Policy to guide future council in-kind and/or financial support in relation to these types of events;
- B. Considers the draft policy, to be presented to a council workshop as soon as practical, preferably prior to the conclusion of the 2022/23 budget deliberations, and with the intention of then submitting the draft policy to Council for approval; and
- C. Considers allocating an amount in the 2022/23 budget to fund any support approved by Council in accordance with the policy.”

EXPLANATORY NOTES

- Council has previously both offered and provided in-kind and financial assistance in response to natural disasters which have occurred in Tasmania and other Australian states.
- Section 20 of the *Local Government Act 1993* details the functions and powers of Tasmanian councils, which include:
 - (e) to provide for the health, safety and welfare of the community;
 - (f) to represent and promote the interests of the community.
- These functions/powers are included in Council’s Strategic Plan 2021-2031.
- When resolving to support those in other areas of Tasmania and Australia in need of humanitarian assistance, Council appears to have interpreted these functions/powers in a wider sense than applying them only to the City of Clarence community.
- It appears that the maxim of “treat others as one would want to be treated” has been the primary reason for providing aid on past occasions.
- By adopting such a policy, Clarence City Council, as a major Tasmanian Council, can demonstrate best practice and compassion at times of large-scale disasters and/or crises further afield than the Clarence municipality.

- A policy similar to the Hobart City Council's Humanitarian Crisis Assistance Policy <https://www.hobartcity.com.au/files/assets/public/council-meetings-aldermen/policies/policies-as-of-09.19/community-services-and-events/humanitarian-crisis-assistance.pdf> would provide guidelines for Council when it is considering a response to such an event.
- A line item in Council's annual budget would provide a limit for any financial assistance to be provided.

S von Bertouch
ALDERMAN

GENERAL MANAGER'S COMMENTS
A matter for council.

10. 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.

10.1 QUESTIONS ON NOTICE

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

Ald Mulder has given notice of the following question:

ADDITIONAL FERRY SERVICES FOR THE ASHES TEST MATCH AT BELLERIVE OVAL

1. What was the cost to Clarence City Council for the additional crossings?
2. How many patrons were carried by these additional ferry crossings?
3. Has any assessment been made of the economic benefit to Kangaroo Bay businesses?

10.2 ANSWERS TO QUESTIONS ON NOTICE**10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

Ald James

1. When is it proposed to reactivate the Sport and Recreation Committee?

ANSWER

(Mayor) The next meeting of the working group that is in place at the moment is immediately after Easter and at that meeting, we will be considering a new constitution which we hope to bring back to council shortly after that and provided council approves it, we will be in a position to advertise for new members.

2. The open drain that actually abuts some private properties in Lauderdale which meanders at the rear of the properties in North Terrace and actually flows under the South Arm Highway into Ralphs Bay, who is responsible for cleaning of that drain and is there a requirement to have a permit for that?

ANSWER

The concrete drain is the responsibility of council to clean. We do not require a permit in order to clean the drain, but we may advise the owner if we have to go onto private property to undertake that work.

Ald von Bertouch

What was the total cost of the Edge Legal review into the Clarence City Council elected member work health and safety?

ANSWER

\$20,000.

Question contd

\$20,000 exactly?

ANSWER

That's right.

(Further information) The contracted amount for the Review was capped at \$20,000. An additional amount of \$970 was incurred in relation to the alderman debrief and associated preparation. Both amounts are ex-GST.

Ald Edmunds

My question relates to election signage, the eight weeks issue how do we deal with that with certain rogue people that are putting signs up which might be covered off with a retrospective 8 week thing and is there a punishment that they could have if their signs were up at 9 weeks before we inevitably go to the Federal poll?

ANSWER

In the initial phase we will write to the property owners and the person who owns the signs so the candidate and the property owner and advise them if they are in breach and asking them to take action. Our first port of call is always seeking voluntary compliance and then if that doesn't change things then we would look at our options from there which can be to issue a notice and then simply have the sign removed.

Question contd

These are signs that went up in February, so I guess it is the old better to seek forgiveness than ask permission?

ANSWER

I can confirm if those are the signs, I think you are referring to they are being dealt with.

Ald Blomeley.

1. Can you please provide an update on the current status of the Chambroad Development at Kangaroo Bay?

ANSWER

The status of the development is unchanged at this point. Officers have a meeting with Chambroad representatives on Thursday of this week after which they will provide a further update to aldermen.

2. Where is the Rosny Hill Development at? Is there an indication as to when works on this development will begin?

ANSWER

As mentioned in a workshop late last month, officers are working through the drafting of key sub-lease terms with the proponent. We will then bring the draft sub-lease to a workshop for review before progressing any further.

Council is also aware that the proponent referred themselves to the Department of Agriculture, Water and the Environment (DAWE) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) regarding the proposed development. On the 11th March 2022 council was advised by the proponents that they had received a response to the referral.

DAWE has advised them that “the proposed action is not a controlled action, provided it is taken in the manner described in the decision document. This means that, provided that the action is taken in that way, it does not require further assessment and approval under the EPBC Act before it can proceed.”

The full decision has been published on the DAWE website.

At this stage we do not have an indication of when works will begin given a sub-lease is yet to be agreed.

Ald Peers

1. With our Have Your Say page I am a bit worried that some people think that is the only way Aldermen get information on a topic. We know we can get information in many ways should something be said on that, this is not the only way that Aldermen receive news because some people seem to think that is the only way and I just get a bit worried on that?
2. Have we only got one street sweeper or two because a lot of people complain. What is the set time?

ANSWER

We have one street sweeper; it is on an eight to ten week cycle.

Ald Walker

When it comes to parks and playgrounds there are issues that we discuss from time to time. If we were ranking them at the apex would be the Bellerive Beach park it is in part the location, the infrastructure as well as the play equipment as well as the family destination. Given its status it is currently in a state where there are star pickets fencing off areas that are sitting in what is almost an artificial water feature. In relation to its status does council believe it is currently in an adequate state and if not are there extra resources that we are going to be looking at in the budget to help aid with keeping especially flagship destination playgrounds in top condition?

ANSWER

We are certainly looking at a budget consideration to improve the stormwater inundation in Bellerive Beach park following heavy rainfall.

Question contd

If that comes before us in budget considerations is that something we can look at tackling in the next financial year?

ANSWER

It is a decision of council if you want those works to be funded next financial year.

Question contd

Should we decide to fund such works next financial year is that something that is capable of being delivered?

ANSWER

Yes, we can give that a priority if that is what council wants.

Ald Ewington

I use Mornington Road quite regularly to visit various businesses and it is getting worse with the parking situation and I know I have raised this informally with some staff. Are we actually working on anything at the moment in relation to a parking plan that considers some of the issues that are quite obvious in relation to some of the safety issues and functionality issues in terms of getting access to businesses and is anything being done at the moment to address this?

ANSWER

I will take that to the next traffic working group and I will advise aldermen.

Ald Mulder

Apropos the public question on notice regarding consultation could you confirm for the public record that the results of neither elector polls or consultation is binding on council?

ANSWER

The short answer is neither are binding, the difference being an elector poll needs to come before council for consideration.

10.4 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.

11. 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.

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

11.2 TENDER T1391-20 – SPITFARM ROAD, OPOSSUM BAY – STORMWATER UPGRADE

11.3 TENDER T1410-21 – KERBSIDE WASTE COLLECTION SERVICE

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”.