

COUNCIL MEETING
MONDAY 15 APRIL 2024

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11.1 APPLICATIONS FOR LEAVE OF ABSENCE

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

The Mayor will:

- make the following statement:

“Before proceeding, I pay my respects to the Mumirimina people as the traditional and original custodians of the lands on which we meet, and I acknowledge the continuing connection of the Tasmanian Aboriginal people to the skies, land and waterways.

I pay respect to Elders past and present.”

- invite those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

2. APOLOGIES

Cr Mulder (Leave of Absence)

3. DECLARATIONS OF INTERESTS OF COUNCILLORS 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 Councillors 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 18 March 2024, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION

4.3 COUNCIL WORKSHOPS

In addition to the Councillors' 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
Presentation Southern Tasmania Regional Waste Authority	
Draft Bushfire Mitigation Strategy	
Draft Waste Policy	
Safe Workplace Requirements	25 March
Draft Fee Schedule	
Master Plan Update	8 April

RECOMMENDATION:

That Council notes the workshops conducted.

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer 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.

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**
Representative: Cr James Walker

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **SOUTHERN TASMANIAN REGIONAL WASTE AUTHORITY**
Representative: Cr Warren (Mayor's nominee)
Cr Hunter (Proxy)
- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 18 and 25 March and 1 and 8 April 2024 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 18 and 25 March and 1 and 8 April 2024 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 a Councillor 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 Chief Executive Officer of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Questions on notice and their answers will be included in the minutes.

Ms Ruth Mollison of Rosny has given notice of the following question:

NATURAL VALUES OF THE ROSNY HILL NATURE RECREATION RESERVE

What is the council doing to protect the natural values of the Rosny Hill Nature recreation reserve? The natural values include the area of lowland themeda grassland on the north-east slope, and presence of the threatened plant species *Dianella amoena* and the leafy sun-orchid *Thelymitra bracteata*.

Ms Janice Overett of Rokeby has given notice of the following question:

PETITION – YES STADIUM

Were the signatures that were collected by the Yes Stadium group for the petition in support of the HPC and introduced by the Mayor at the Clarence City Council meeting held on March 18, collected from all over Australia or just Clarence residents as inquiries show and Facebook posts clearly state that anyone in Australia could sign the petition. In the past Yes group petitions have been Australia and Worldwide, as is their group membership, was this the case in the tabled petition?

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The Chief Executive Officer provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 18 March Mrs Joanne Marsh asked the following question.

KANGAROO BAY PEDESTRIAN CROSSING

One of the goals for our city is to provide a well-planned liveable city. The Strategic Plan – 2.5 purports to provide for and prioritise a safe, reliable and accessible pedestrian network. In my deputation on 26.2.24 I stated that I believed that signalisation and signage at the Kangaroo Bay pedestrian crossing does not meet adequate safety standards. My question is has this urgent matter been prioritised and if not, why not?

ANSWER

The traffic signal timings (particularly for the pedestrian crossings) at the Kangaroo Bay Drive / Rosny Hill Road / Bligh Street intersection has been reviewed and confirmed to comply with the relevant Australian Standards and Austroads Guides.

In response to the objectives of the Clarence Network Operating Framework, Council officers continue to work with the Department of State Growth to review the operating plans for traffic signal locations within the Rosny Park commercial centre to review the priorities and timings, especially in relation to improving access for people walking and cycling within this busy area.

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.

Council's Public Question Time Policy can be found on Council's website at [Public Question Time - City of Clarence : City of Clarence \(ccc.tas.gov.au\)](https://www.ccc.tas.gov.au)

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

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-2023/040966 – 7 BUCHANAN STREET, BELLERIVE - ADDITIONS AND ALTERATIONS (SINGLE DWELLING)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for an extension at the rear of a single dwelling at 7 Buchanan Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Tasmanian Planning Scheme – Clarence and is subject to the Parking and Sustainable Transport Code and Safeguarding of Airports Code under the Tasmanian Planning Scheme - Clarence (the Scheme). The property is also subject to the Bellerive Bluff Specific Area Plan – River Face Precinct. 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, extended with the agreement of the applicant, which now expires on 18 April 2024.

CONSULTATION

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

- Inadequate side setbacks;
- Visual impacts when viewed from neighbouring properties;
- Overshadowing of adjoining properties; and
- Privacy.

RECOMMENDATION:

A. That the Development Application for additions and alterations (Single Dwelling) at 7 Buchanan Street, Bellerive (Cl Ref PDPLANPMTD-2023/040966) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN M5 – ADHESION [the completion of the development]. A, insert “, or suitable alternative arrangements to legally link the relevant parking and access arrangements on Lot 2 (Certificate of Title Ref 106104/2) to Lot 1 (Certificate of Title Ref 106104/1),” after “one title”.

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-2023/040966 – 7 BUCHANAN STREET, BELLERIVE - ADDITIONS AND ALTERATIONS (SINGLE DWELLING)
/contd...

ASSOCIATED REPORT**1. BACKGROUND**

A previous application for an extension to the existing dwelling was made under the *Clarence Interim Planning Scheme 2015*. That proposal was larger in scale and scope to the current proposal and was approved by Council on Monday 26 September 2022 subject to amended plans reducing the scale of the development.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential under the Tasmanian Planning Scheme – Clarence (the Scheme).

2.2. The proposal is discretionary because it does not meet all the Acceptable Solutions under the Scheme and relies upon meeting Performance Standards.

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 C2.0 – Parking and Sustainable Transport Code;
- Section C16.0 – Safeguarding of Airports Code; and
- Section CLA – S21.0 Bellerive Bluff Specific Area Plan.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is comprised of two rectangular lots (one large and one small) that together form 7 Buchanan Street, Bellerive. The lots have a combined total area of 935m² with a 20.52m frontage to Buchanan Street on a north-eastern orientation and are located within an established residential area of Bellerive. The smaller lot, Lot 1 (CT 106104-1) is located to the south-east with a 5.28m frontage and contains a studio and the access and parking for the site, while Lot 2 (CT 106104-1) is to the north-west and contains the dwelling.

The site contains an existing three-bedroom dwelling of 134m², associated outbuildings and landscaped gardens. It slopes downward from north-east to south-west at a moderate gradient. The existing parking area is paved and has access onto Buchanan Street. The location of the site is shown in Attachment 1.

3.2. The Proposal

The proposal is for an extension to the living areas at the rear of the dwelling – creating a larger internal living, dining and kitchen space and expanding the existing exterior decking across the width of the dwelling, incorporating the addition of a spa. Approximately two-thirds of the deck will be un-roofed. The interior alterations would also create an internal laundry and pantry area, as well as an ensuite off one of the existing bedrooms. The existing studio space along the south-eastern boundary of the property would also receive an upgrade of the existing deck at its rear and a small landing and stairs would replace the existing side entry.

Overall, the dwelling would be extended approximately 5.5m toward the rear of the lot, increasing total site coverage from 17.5% to 22.5%.

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.

As this proposal involves the demolition of an existing outbuilding and the existing deck structures at the rear of the site, General Provision 7. *Demolition* applies. Accordingly, while other aspects of the development may be discretionary, the demolition component is permitted.

4.4. Compliance with Zone and Codes

The proposal does not require an assessment against the Safeguarding of Airports Code as the proposed development height is below the Obstacle Surface Layer (OSL) height of 147m, and it is located outside the airport noise attenuation area.

The proposal meets the relevant applicable Acceptable Solutions of the General Residential Zone, Parking and Sustainable Transport Code, and Bellerive Bluff Specific Area Plan with the exception of the following.

Bellerive Bluff Specific Area Plan

- **Clause CLA-S21.7.1 Setbacks and building height (A2)** – the proposal includes a wall height of 4.4m and a maximum building height of 7.3m (measured on the north-western elevation), which exceeds the 3.5m standard prescribed for wall heights and 5.5m standard for building heights respectively, at Acceptable Solution A2.

Accordingly, the application must be assessed against the corresponding Performance Criteria P2 as follows.

Clause	Performance Criteria	Assessment
CLA-S21.7.1 P2	<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i></p>	<p>The proposal is deemed as satisfying the Performance Criteria P2 at CLA-S21.7.1 of the Scheme, as set out below.</p> <p>The proposal will not cause an unreasonable loss of amenity to adjoining properties due to the following reasons.</p> <p>Five properties adjoin the lot at 7 Buchanan Street: 9 Buchanan Street to the south-east, 12 Dillon Street and 6 Westbrook Street to the south-west, 5 Thomas Street and 5 Buchanan Street to the north-west.</p> <p>Shadow diagrams prepared by the applicant were submitted with the application and were deemed suitable for assessment.</p> <p>With the long axis of the lot running north-east to south-west there will be no overshadowing to habitable rooms of the properties at 5 and 9 Buchanan Street, 5 Thomas Street and 6 Westbrook Street at 9am mid-winter.</p> <p>The north-eastern elevation of the dwelling at 12 Dillon Street would experience some overshadowing at 9am mid-winter.</p>

		<p>The rear setback of the proposed extension to the south-west boundary is 16m. However, council records show that portion of the adjoining dwelling is used as a garage and workshop, not a habitable room.</p> <p>During the afternoon of mid-winter, the properties at 12 Dillon Street, 6 Westbrook Street, 5 Thomas Street and 5 Buchanan Street will not be overshadowed by the proposed development.</p> <p>Supplied modelling shows that the north-western side of the dwelling at 9 Buchanan Street will be overshadowed by the proposed dwelling between 12pm and 3pm.</p> <p>Although specific modelling of a pre-development scenario was not provided by the applicant, the shadow diagrams show the proposed extension, the existing studio and the majority of the north-western elevation of the dwelling at 9 Buchanan Street are aligned. Accordingly, all windows on the north-western elevation of the dwelling at 9 Buchanan Street will not experience any further reduction in sunlight as a result of the proposed extension at 7 Buchanan Street – as these are already overshadowed by the existing development at 7 Buchanan Street.</p>
	<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i></p>	<p>Supplied shadow diagrams show that there will be a slight increase in overshadowing of the private open space at the rear of the dwelling at 9 Buchanan Street at 12pm mid-winter. This slightly exceeds the overshadowing already created by the boundary fence.</p>

		<p>The extent of this increase represents a negligible change to existing conditions and would not result in the private open space of the adjoining dwelling being overshadowed for more than three hours at mid-winter.</p> <p>The private open space of all other adjoining properties will generally be unaffected by the proposed development.</p>
	<i>(iii) overshadowing of an adjoining vacant property; or</i>	There are no adjoining vacant properties.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	<p>The proposed extension would be visible from the side or rear of each of the adjoining properties, thereby resulting in a degree of visual impact upon each.</p> <p>The proposed extension would result in a maximum building height of 7.34m with a maximum wall height of 4.36m, measured at the south-western elevation. It is observed that the relative height of the building will not increase as a result of the extension, with the ridge line of the new gable extending toward the rear at a lower height than that already existing.</p> <p>The increase in height and therefore apparent bulk when viewed from other properties stems from the gradient of the site, which slopes downward from the existing dwelling. The actual extension toward the rear is 5.8m in length, leaving a rear setback of 16m, which is much more than most other adjoining properties.</p> <p>With this in mind, detriment to the amenity of adjoining properties associated with the siting and scale of the proposed must be considered as within the limits of reasonable within a residentially zoned area.</p>

	<p><i>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area;</i></p>	<p>Existing and proposed setbacks are therefore considered entirely consistent with that existing on adjoining properties in the area, for the following reasons.</p> <p>The proposed extension continues the existing volume toward the rear boundary only; no extension toward either side boundary is proposed.</p> <p>However, as the alignment of the existing dwelling is not parallel to the boundary, the extension of the building line will result in the new development being approximately 5cm closer to the north-west boundary than the existing dwelling – which is negligible.</p>
	<p><i>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i></p> <p><i>(i) an adjoining property; or</i></p> <p><i>(ii) another dwelling on the same site; and</i></p>	<p>From a site visit and satellite imagery, there are no existing solar energy installations on any adjoining property.</p>
	<p><i>(d) have regard to:</i></p> <p><i>(i) the relevant established precinct characteristics and the objectives identified in the local area objectives;</i></p>	<p>Changes to the frontage setback and façade of the property are not proposed.</p> <p>The relevant precinct characteristics and objectives of the River Face Precinct (at CLA-S21.3.3) are the:</p> <ul style="list-style-type: none"> • Generally single level dwellings with verandas providing a transition in scale. • Strongly expressed sub-floor foundation walls accommodating site grade (avoiding site cutting). • Generous lots with walls generously setback from side boundaries.

	<ul style="list-style-type: none"> • Additions to existing properties that reflect the characteristic pattern of consolidation and consequent impact of existing viewscales, which comprise continued visual connectivity to the water, Hobart and the Wellington Range. • Additions that acknowledge the initial primary structure through a stepping down of scale. <p>The proposal is considered as consistent with the established precinct characteristics and objectives identified in the Local Area Objectives, due to the following reasons.</p> <p>The proposal maintains a single level continuity between the fabric of the existing and new parts of the dwelling, with a roof height that extends toward the rear of the property lower than that of the initial roof structure, maintaining the integrity of the initial structure when viewed from the street.</p> <p>Much of the extended portion of the dwelling is associated with an unroofed decking space, which accommodates the transition in scale described in the development objectives.</p> <p>The setback to the north-western boundary is generally consistent with the setback of the existing development.</p> <p>The increase in bulk resulting from the proposal is due to a build up to existing floor level, rather than a cut into the site, which accommodates the site grade.</p>
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		The side boundaries of the property are aligned directly to the Derwent River, preserving existing dominant viewscales.
	<i>(ii) any topographical constraints;</i>	The proposal is topographically constrained by the gradient of the site, which means that the foundational walls toward the rear of the extension are more pronounced than where it abuts the existing dwelling (and more so at the top of the slope).
	<i>(iii) any existing development on-site;</i>	Other components of existing development on the site such as the studio, are not affected by the proposal.
	<i>(iv) development built up to the boundary should avoid the appearance of conjoined terraces or side by side town houses; and</i>	This criterion is considered not applicable.
	<i>(v) the extent to which the variation visually impacts an immediately adjoining property identified in the Local Historic Heritage Code within its streetscape setting.”</i>	There are no immediately adjoining properties that are identified within the Local Historic Heritage Code, or which are listed on the Tasmanian Heritage Register.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and three representations were received. Two of these were submitted by the same inhabitants of the same adjoining properties. The following issues were raised by the representors.

5.1. Siting and Scale of the Dwelling – Overshadowing, Visual Impact and Inadequate Side Setbacks

Concern is raised by the representors that the proposal is too high, too bulky and has an inadequate setback, resulting in overshadowing and negative visual impacts upon the adjoining residential properties. These concerns stem from the scale of the development, in terms of an overall bulk and maximum building height.

- **Comment**

Overshadowing, visual impacts, and side setbacks are addressed in the assessment above. Due to the orientation of the site and those of adjoining properties, additional overshadowing created by the proposed extension is considered minimal, with the majority of overshadowing attributed to the existing studio on the south-eastern boundary.

The scale of the proposed extension is also considered reasonable in a residentially zoned area. Although there will be some visual impact on adjoining properties, this will be minor and will not affect the dominant views of adjoining properties.

It is also noted that there is a negligible change to existing side setbacks resulting from the proposal – and this is considered well within the limits of the Scheme and the Bellerive Bluff Specific Area Plan.

5.2. Loss of Privacy

Concern was raised by the representors that privacy may be compromised as result of the proposed decking and outdoor living areas proposed.

- **Comment**

The proposal meets the privacy requirements of the Scheme in relation to privacy, as set out by the Acceptable Solutions, A1 and A2, of Clause 8.4.6. The proposal also incorporates a privacy screening along the decking facing the north-western boundary. As the applicable standards relating to privacy within the Scheme are met, this issue has no discretion.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

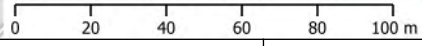
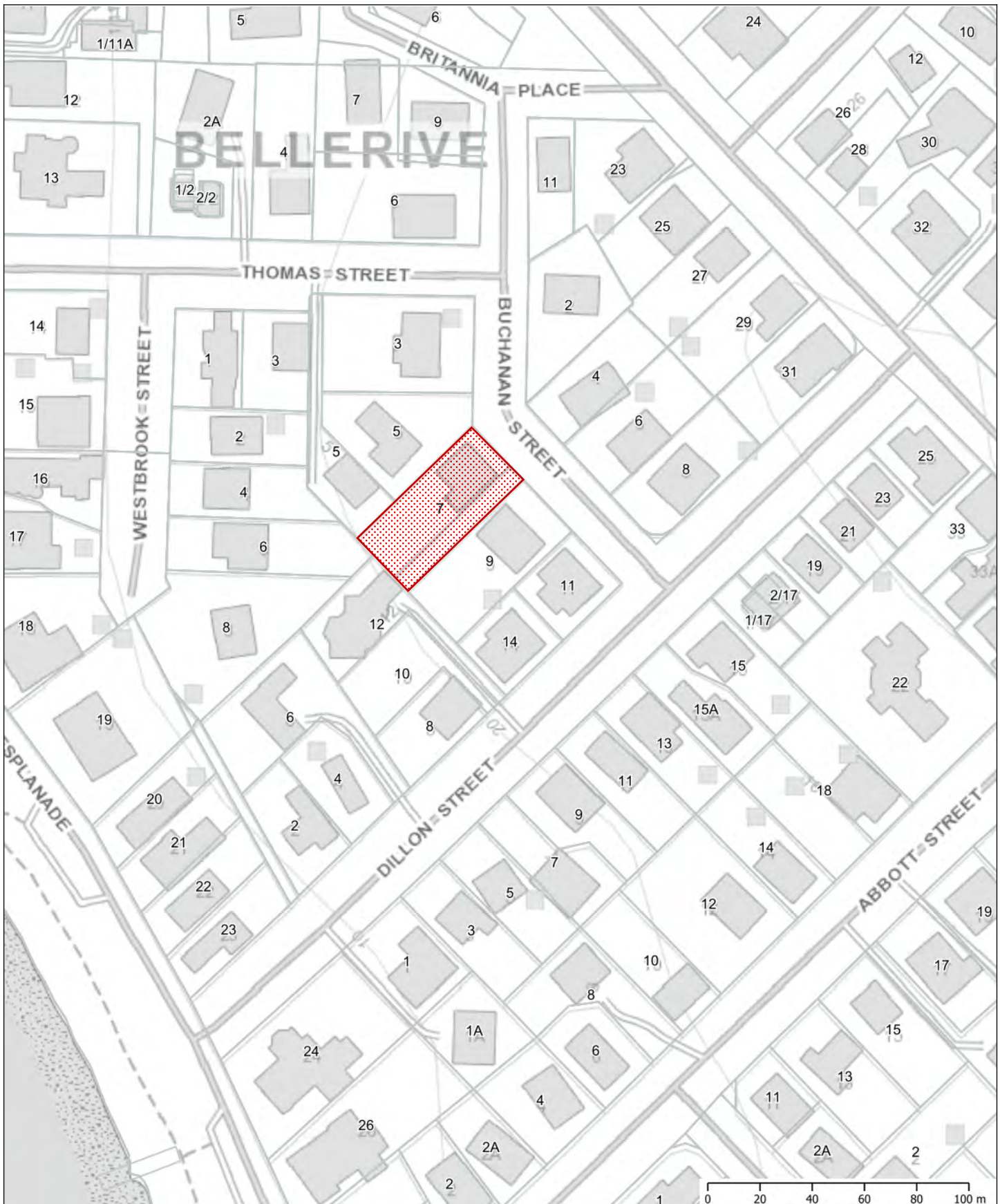
There are no inconsistencies with Council’s adopted Strategic Plan or any other relevant Council policy.

9. CONCLUSION

The proposal is recommended for approval as it has met the Acceptable Solutions, or demonstrated compliance with relevant Performance Standards, of all applicable standards of the Scheme.

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

Daniel Marr
HEAD OF CITY PLANNING



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

03/04/2024
1:2000



PINNACLE













7 Buchanan St, Bellerive 7018

Owner(s) or Clients	David & Kim Miller	Title Reference	106104/2, 106104/1
Building Classification	1a	Zoning	General Residential
Designer	Jason Nickerson CC6073Y	Land Size	923m ²
Total Floor Area (Combined)	182.84m ² Deck 114.25m ²	Design Wind Speed	TBA
Alpine Area	N/A	Soil Classification	TBA
Other Hazards	Bellerive Bluff Specific Area Plan, Airport obstacle limitation area	Climate Zone	7
		Corrosion Environment	Severe
		Bushfire Attack Level (BAL)	TBA

ID	Sheet Name	Issue
A.01	Site Plan	DA - 03
A.02	Floor Plan	DA - 03
A.03	Elevations	DA - 03
A.04	Elevations	DA - 03
A.05	Roof Plan	DA - 03
A.06	Electrical Plan	DA - 03
A.07	Shadow Diagrams on June 21st	DA - 03

Legend

-  - Electrical Connection
-  - Electrical Turret
-  - Sewer Connection
-  - Stormwater Connection
-  - Telstra Connection
-  - Telstra Pit
-  - Water Meter
-  - Water Stop Valve
-  - Solar Bollard Light
-  - Spotlight with sensor

Surface Water Drainage

Ground to fall away from building in all directions in compliance with AS2870 & N.C.C 2022 3.3.3.

Surface water must be diverted away from a Class 1 building as follows:

- (a) Slab-on-ground - finished ground level adjacent to a building: the external finished surface surrounding the slab must be drained to move surface water away from the building and graded to give a slope of not less than
 - (i) 25mm over the first 1m from the building
 - (A) in low rainfall intensity areas for surfaces that are reasonably impermeable (such as concrete or claypaving); or
 - (B) for any reasonably impermeable surface that forms part of an access path or ramp provided for the purposes of Clauses 1.1 (2) or (4)(c) of the ABCB Standard for Livable Housing Design; or
 - (ii) 50 mm over the first 1 m from the building in any other case.
- (b) Slab-on-ground - finished slab heights: the height of the slab-on-ground above external finished surfaces must be not less than
 - (i) 100 mm above the finished ground level in low rainfall intensity areas or sandy, well-drained areas; or
 - (ii) 50 mm above impermeable (paved or concrete) areas that slope away from the building in accordance with (a); or
 - (iii) 150 mm in any other case.
- (c) The ground beneath suspended floors must be graded so that the area beneath the building is above the adjacent external finished ground level and surface water is prevented from ponding under the building.

Subsoil Drainage

is to comply with AS2870, AS3500 & N.C.C 2022 3.3.4.

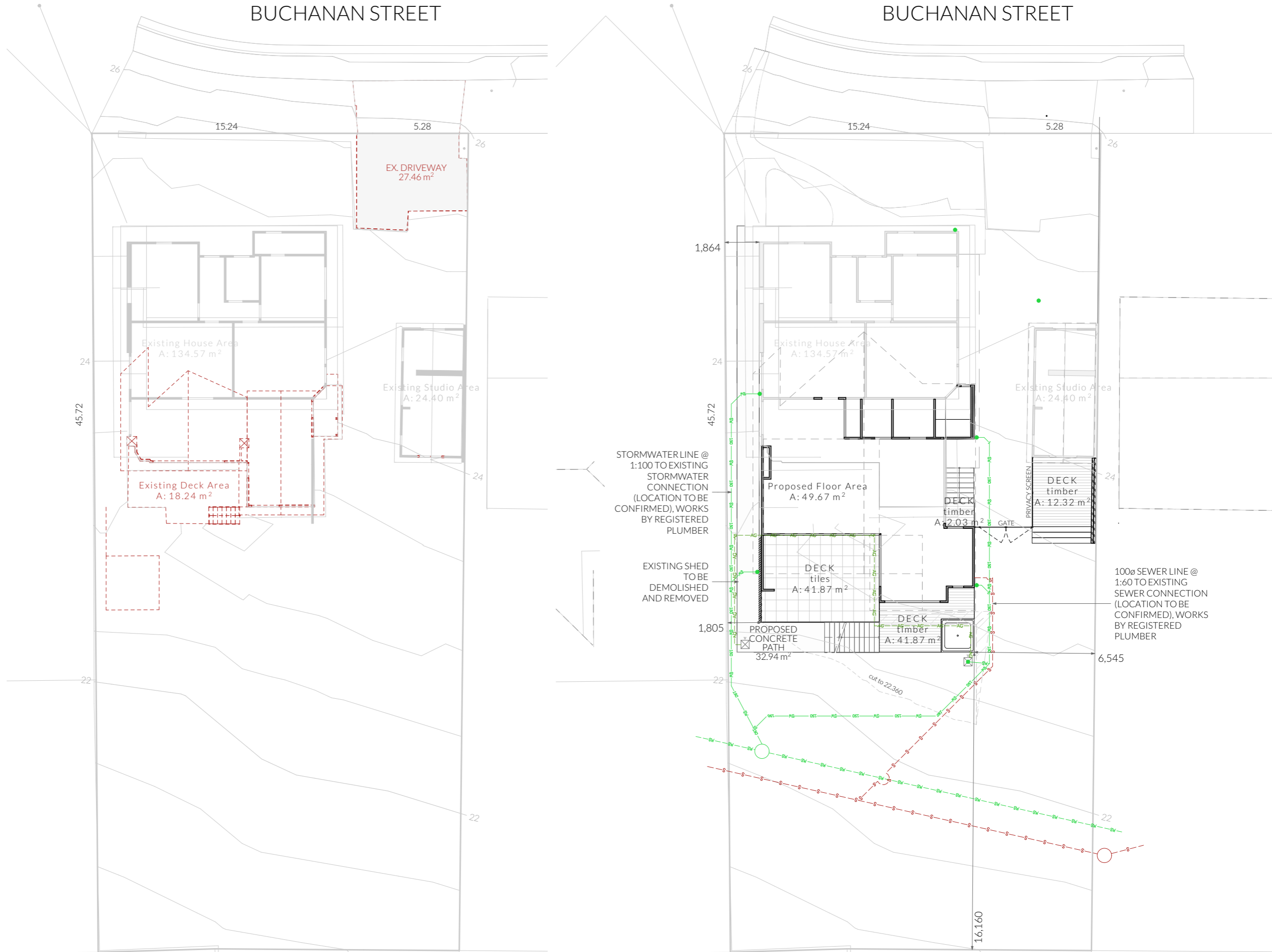
Where a subsoil drainage system is installed to divert subsurface water away from the area beneath a building, the subsoil drain must-




- (a) be graded with a uniform fall of not less than 1:300; and
- (b) discharge into an external silt pit or sump with-
 - (i) the level of discharge from the silt pit or sump into an impervious drainage line not less than 50 mm below the invert level of the inlet; and provision for cleaning and maintenance.

Note

All driveway pits and grate drains to be **Class B**.

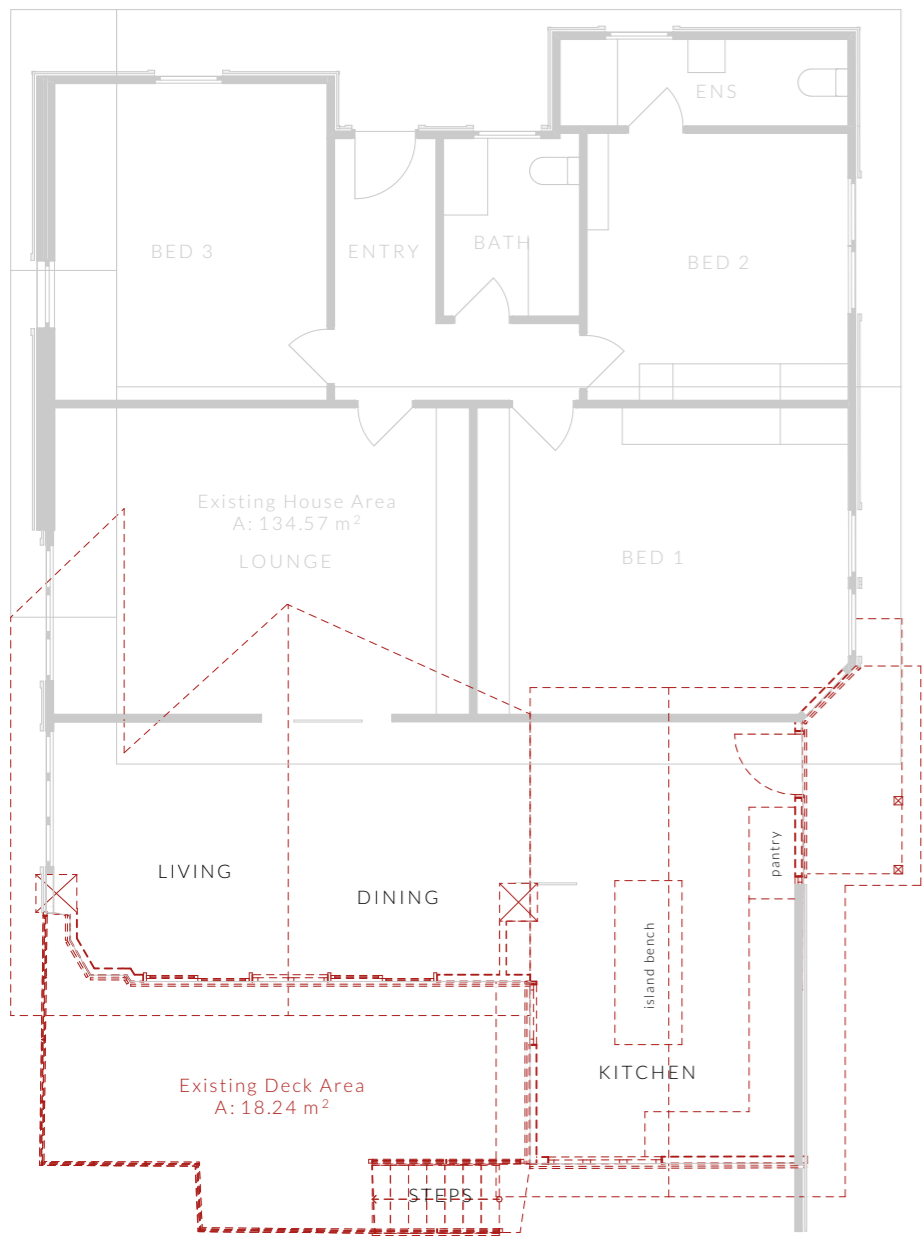
Stormwater pits are indicative. Location may vary depending on site conditions.



	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au Licence: CC6073Y	Site Plan Revision: DA - 01 Approved by: JRN	Scale: 1:200 @ A3 Pg. No: A.01	Proposal: Alterations & Additions Client: David & Kim Miller Address: 7 Buchanan St, Bellerive 7018	Date: 11/12/2023 Drawn by: JRN Job No: 046-2023 Engineer: TBA Building Surveyor: TBA	Issue Date: DA02 28.02.24 Description: Council RFI <p style="text-align: center; color: red; font-weight: bold;">PRELIMINARY ONLY NOT FOR CONSTRUCTION</p>		These drawings are the property of Pinnacle Drafting & Design Pty Ltd. reproduction in whole or part is strictly forbidden without written consent. © 2023. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS. All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.		
	Document Set ID: 5200289 Version: 2, Version Date: 08/03/2024									

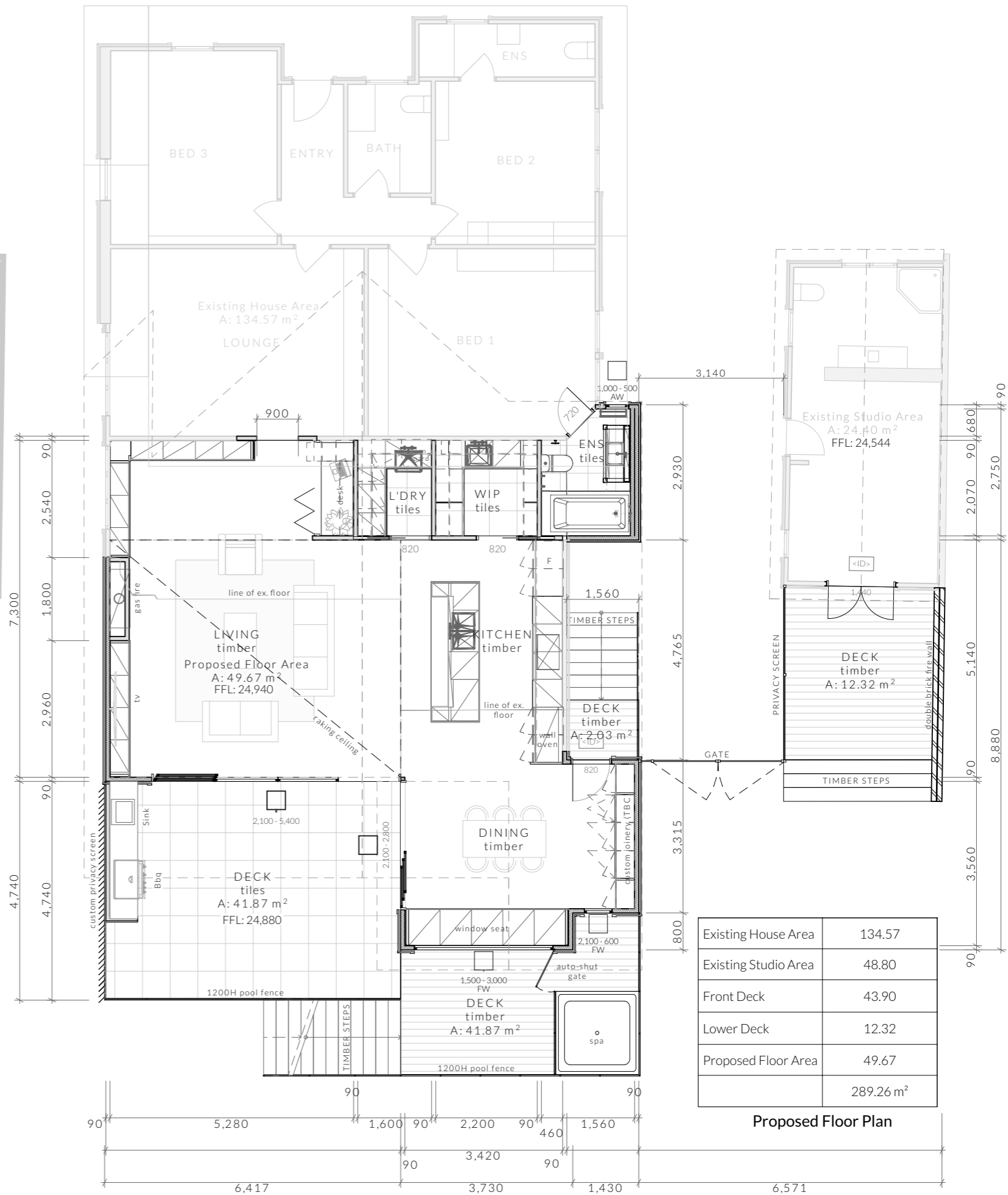
RENOVATION LEGEND

- EXISTING
- DEMOLITION
- NEW CONSTRUCTION



Existing Deck Area	18.24
Existing House Area	134.57
Existing Studio Area	48.80
	201.61 m ²

Existing Floor Plan



Existing House Area	134.57
Existing Studio Area	48.80
Front Deck	43.90
Lower Deck	12.32
Proposed Floor Area	49.67
	289.26 m ²

Proposed Floor Plan

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Floor Plan

Revision: **DA - 01**
Approved by: **JRN**

Scale: **1:100** @ A3
Pg. No: **A.02**

Proposal: Alterations & Additions
Client: David & Kim Miller
Address: 7 Buchanan St, Bellerive 7018

Date: 11/12/2023
Drawn by: JRN
Job No: 046-2023
Engineer: TBA
Building Surveyor: TBA

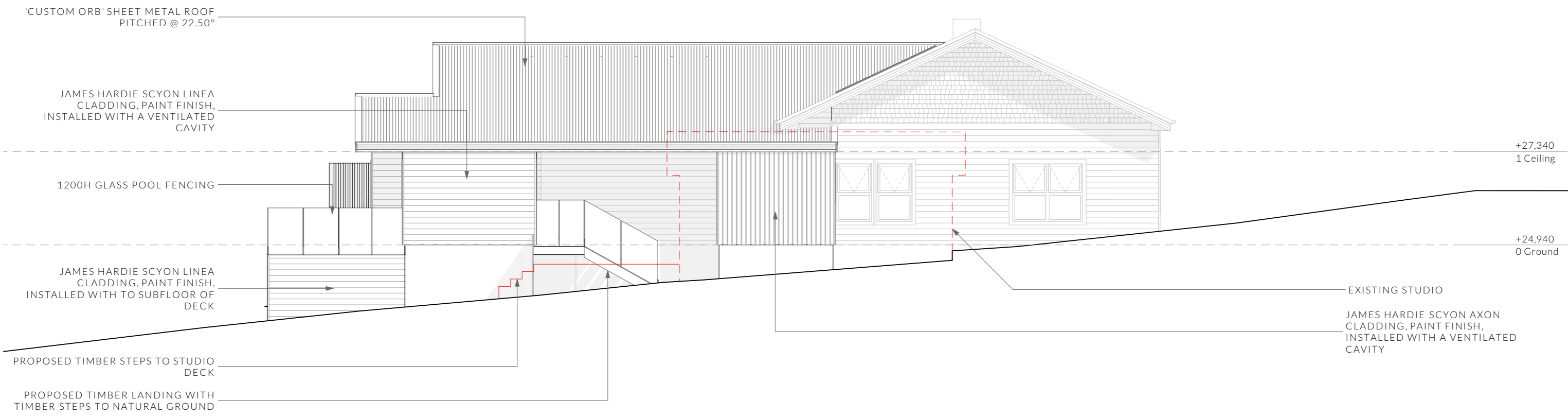
Issue Date: DA02 28.02.24
Description: Council RFI

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South East Elevation

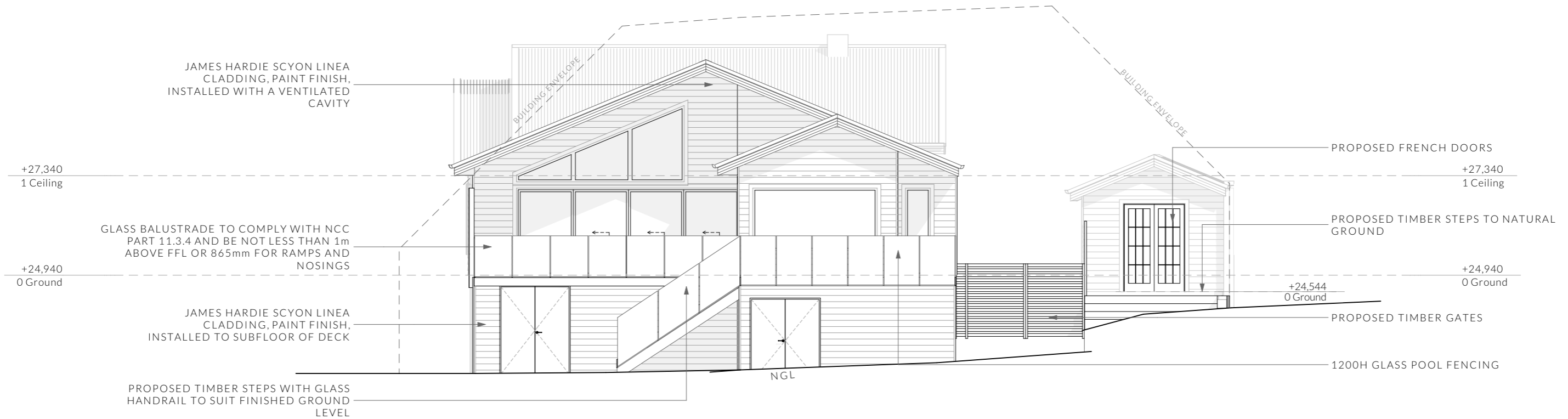
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North East Elevation

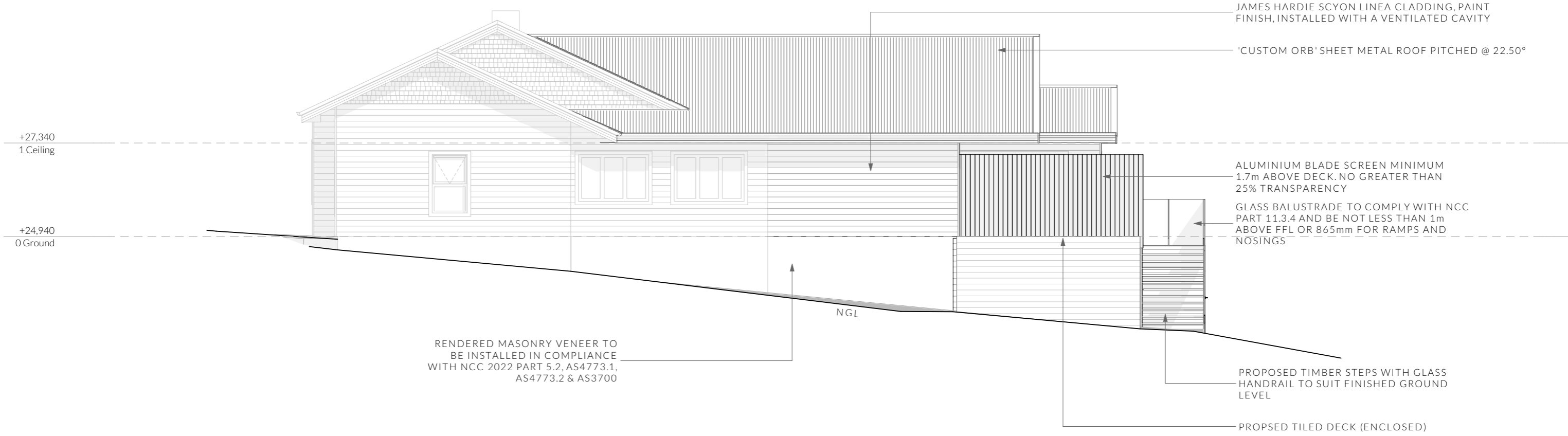
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	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au Licence: CC6073Y	Elevations Revision: DA - 01 Approved by: JRN	Scale: 1:100 @ A3 Pg. No: A.03	Proposal: Alterations & Additions Client: David & Kim Miller Address: 7 Buchanan St, Bellerive 7018	Date: 11/12/2023 Drawn by: JRN Job No: 046-2023 Engineer: TBA Building Surveyor: TBA	Issue Date: DA02 28.02.24 Description: Council RF1	<p style="text-align: center; color: red; font-weight: bold;">PRELIMINARY ONLY NOT FOR CONSTRUCTION</p>	<small>These drawings are the property of Pinnacle Drafting & Design Pty Ltd. reproduction in whole or part is strictly forbidden without written consent. © 2023. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS. All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.</small>	
	Document Set ID: 5200289 Version: 2, Version Date: 08/03/2024	Agenda Attachments - 7 Buchanan Street, Bellerive Page 5 of 10							



South West Elevation

1:100



North West Elevation

1:100

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Ventilation of roof spaces NCC 2022

Part 10.8.3

A roof must have a roof space that-

- (a) is located-
 - (i) immediately above the primary insulation layer; or
 - (ii) immediately above sarking with a vapour permeance of not less than 1.14 µg/N.s, which is immediately above the primary insulation layer; or
 - (iii) immediately above ceiling insulation; and
- (b) has a height of not less than 20 mm; and
- (c) is either-
 - (i) ventilated to outdoor air through evenly distributed openings in accordance with Table 10.8.3; or
 - (ii) located immediately underneath the roof tiles of an unsarked tiled roof.

Stormwater Notes

All gutters, downpipes and rain heads to be designed and installed in compliance with AS3500.3 & NCC 2022 Volume II Part 7.4.

Roofing Cladding

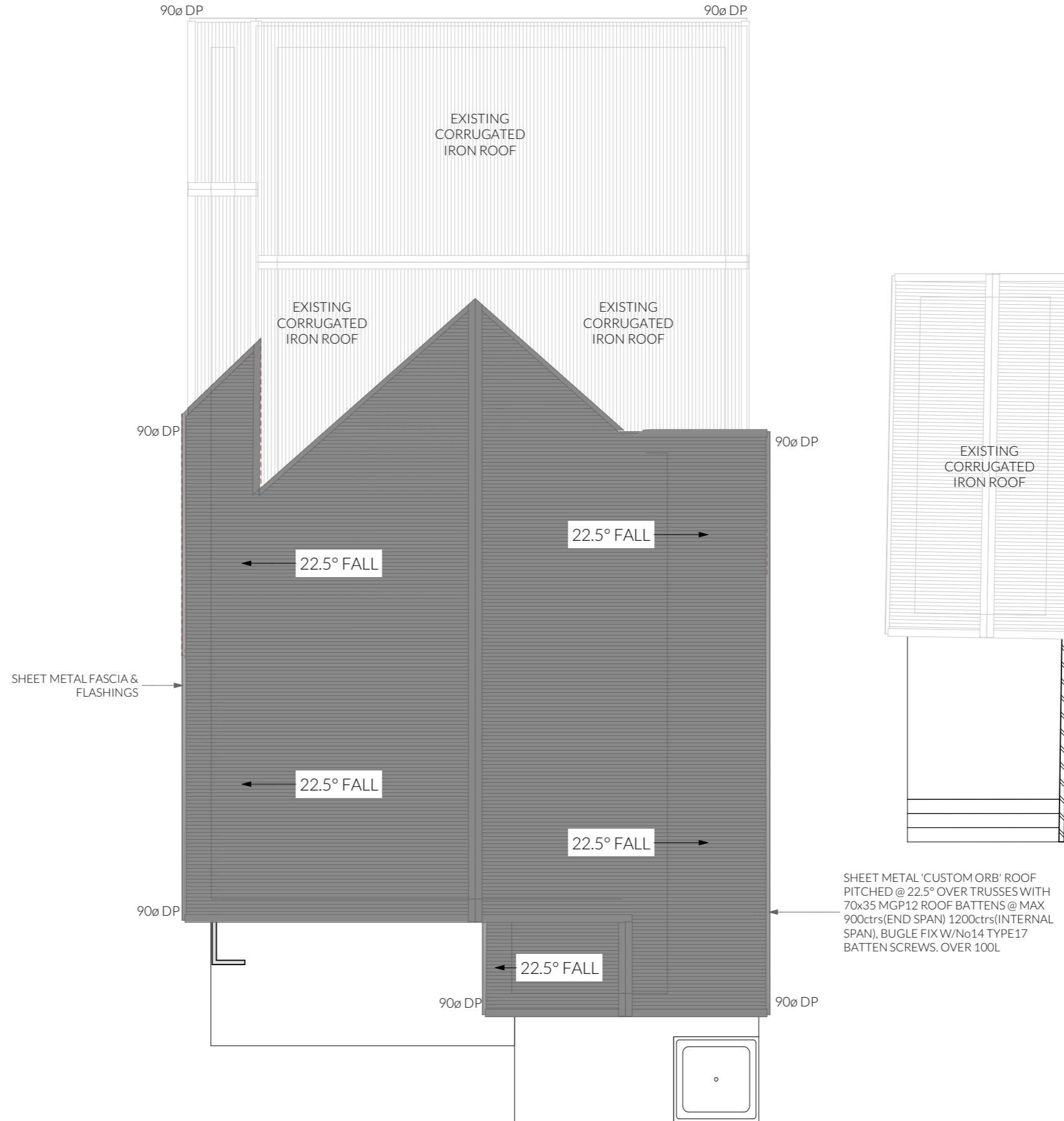
Roof cladding, flashings, cappings, roof sheeting and fixings are to be installed in accordance with NCC 2022 Volume II Part 7.2 for sheet roofing and Part 7.3 for tiled and shingle roofing.

Eaves & Soffit Linings

To comply with NCC 2022 Vol II Part 7.5.5 and where provided, external fibre-cement sheets and linings used as eaves and soffit linings must-

- (a) comply with AS/NZS 2908.2 or ISO 8336; and
- (b) be fixed in accordance with Table 7.5.5 and Figure 7.5.5 using-
 - (i) 2.8 x 30 mm fibre-cement nails; or
 - (ii) No. 8 wafer head screws (for 4.5 mm and 6 mm sheets only); or
 - (iii) No. 8 self embedding head screws (for 6 mm sheets only).

Refer to table 7.5.5 for trimmer and fastener spacings.



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Roof Plan

Revision: **DA - 01**
 Approved by: **JRN**

Scale: **@ A3**
 Pg. No: **A.05**

Proposal: Alterations & Additions
 Client: David & Kim Miller
 Address: 7 Buchanan St, Bellerive 7018

Date: 11/12/2023
 Drawn by: JRN
 Job No: 046-2023
 Engineer: TBA
 Building Surveyor: TBA

Issue Date: **DA02 28.02.24**
 Description: **Council RF1**
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0900

1:250



1200

1:250



1500

1:250

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Shadow Diagrams on June 21st Scale: 1:250 @ A3
 Revision: DA - 01
 Approved by: JRN
 Pg. No: A.07

Proposal: Alterations & Additions
 Client: David & Kim Miller
 Address: 7 Buchanan St, Bellerive 7018

Date: 11/12/2023
 Drawn by: JRN
 Job No: 046-2023
 Engineer: TBA
 Building Surveyor: TBA

Issue Date	Description
DA02 28.02.24	Council RFI

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ATTACHMENT 3



Figure 1. Showing the separation between the outbuilding at 7 Buchanan Street and dwelling at 9 Buchanan King Street.



Figure 2. Showing the southeastern elevation of the existing dwelling at 7 Buchanan Street.



Figure 3. Showing the separation between the dwellings at 7 Buchanan Street and 5 Buchanan Street.

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2024/042035 – 7 TALUNE STREET, LINDISFARNE - DEMOLITION AND THREE MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Demolition and Three Multiple Dwellings at 7 Talune Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General residential Zone and subject to the Car Parking and Sustainable Transport Code, the Road and Railway Assets Code and the Safeguarding of Airports 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 expired on 3 April 2024. However, an extension of time was granted until 17 April 2024.

CONSULTATION

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

- Privacy;
- Visual Bulk;
- Overshadowing; and
- Existing Garage and Brick Wall.

RECOMMENDATION:

A. That the Development Application for Demolition and Three New Dwellings at 7 Talune Street, Lindisfarne (CI Ref PDPLANPMTD-2024/042035) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG M1 – DESIGNS DA (Replace “Council’s Head of Infrastructure and Natural Assets” with “Council’s Chief Executive Officer or Delegate”).
3. ENG A5 – SEALED CAR PARKING (Replace “Council’s Head of Infrastructure and Natural Assets” with “Council’s Chief Executive Officer or Delegate”).

4. ENG S1 – INFRASTRUCTURE REPAIR.
5. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 February 2024 (TWDA 2024/00159-CCC).

ADVICE

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

Please ensure the electrician submits an Electrical Works Request to abolish the power supply and then submits an application via the TasNetworks Connections Portal to upgrade the electricity supply connection to support this development.
- e. A Building Surveyor is required to certify the demolition of the existing buildings and to ensure the foundations to Townhouse 3 are not compromised by the existing pool to be removed.
- f. Council, as a Stormwater authority, formed a view that the proposed development will intensify the stormwater discharge from the property and hence requires approval under the *Urban Drainage Act 2013* and the stormwater is to be designed as per Council's Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New-Development (1).pdf). This requirement will be assessed as part of engineering plans assessment if the proposed DA is approved.

If you would like to discuss what is required to meet Council's requirements in regard to stormwater, please contact Council Development Engineers on (03) 6217 9500.

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

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential Zone 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:
- Clause 5.6 – Compliance with Applicable Standards;
 - Clause 6.10 – Determining Applications;
 - Clause 8 – General Residential Zone;
 - Clause C2.0 – Parking and Sustainable Transport Code;
 - Clause C3.0 – Road and Railway Assets Code; and
 - Clause C.16 – Safeguarding of Airports Code.
- 2.4.** Council's assessment of this proposal must consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The subject site is a large 1113m², deep rectangular shaped lot. The site is oriented north to south with a frontage length of approximately 19m. The site has an existing crossover, providing access to Talune Street. The site is flat and is fully serviced by TasWater potable water and reticulated sewerage and Council Stormwater infrastructure.

The site is within an established residential area. The River Derwent is located within 100m to the south-east and 300m to the east is ANZAC Park, a large community sporting facility, with tennis courts, a bowls club and cricket grounds.

3.2. The Proposal

The proposal is for demolition and three multiple dwellings with associated infrastructure.

All three multiple dwellings are designed as double storey, each providing three bedrooms.

Access to the dwellings is via an existing crossover and driveway along the eastern boundary of the site. The crossover is proposed to be widened. Each dwelling has a double garage built into the ground floor of the dwellings. A visitor car parking space is proposed in between Townhouse 1 and 2.

Proposed on-site facilities include a sealed driveway and vehicle manoeuvring areas, independent bin storage areas for each dwelling and fencing.

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.

General Provision 7.9 relates to demolition and states:

“7.9.1 Unless approved as part of another development or Prohibited by another provision in this planning scheme, or the Local Historic Heritage Code applies, an application for demolition is Permitted and a permit must be granted subject to any conditions and restrictions specified in clause 6.11.2 of this planning scheme.”

The existing dwellings, pool area and outbuildings are proposed to be demolished, which is to be approved in conjunction with the present development application.

4.4. Compliance with Zone and Codes

The proposal does not require an assessment against the Safeguarding of Airports Code because the proposed development height is below the Obstacle Surface Layer (OSL) height of 147m, and it is located outside the airport noise attenuation area.

The proposal meets the Scheme’s applicable Acceptable Solutions of the General Residential Zone, the Car Parking and Sustainable Transport Code and the Road and Railway Assets Code with the exception of the following.

General Residential Code

- **Clause 8.4.3 Site coverage and private open space for all dwellings – P2** – Townhouse 3 has an area of 24m² of private open space. However, the minimum horizontal dimension is 3.85m, which is below the 4m minimum required to meet the acceptable solution.

The application requires assessment against Performance Criteria P2 of 8.4.3 *Site coverage and private open space for all dwellings* as follows.

Clause	Performance Criteria	Assessment
8.4.3 – P2	<p><i>“A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and is:</i></p>	<p>Each dwelling is assessed as having private open space areas which are capable of serving as extensions of the dwelling for outdoor relaxation, dining and entertaining. The plans demonstrate that the areas of useable private open space for each dwelling are significantly more than the required 24m² area, including a large terrace area on the upper floor of each dwelling.</p>
	<p><i>(a) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>Each unit is provided with an area of private open space that is conveniently located, and immediately accessed from the living area of the dwelling.</p>
	<p><i>(b) orientated to take advantage of sunlight.”</i></p>	<p>The site is oriented on the long axis from north to south. The private open space is located directly west of the dwellings, adjacent to the western boundary. Shadow diagrams were not provided by the applicant or required because the site orientation and siting of the dwellings is such that the private open space for each dwelling is expected to receive full access to sunlight from 12pm onwards on 21 June.</p> <p>The application is assessed as meeting the performance criteria and the objectives of the standard.</p>

5. REPRESENTATION ISSUES

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

5.1. Privacy

Representors have raised concerns regarding a loss of privacy due to the development. Specific concerns have been raised regarding the impacts of overlooking from the upper floor terrace of Townhouse 3 to the adjoining eastern properties and the upper floor terraces of Townhouses 1 and 2 to the adjoining western properties.

- **Comment**

The proposal meets all acceptable solutions under *clause 8.4.6 Privacy for all dwellings* because the setback from the boundary to the terrace is not less than 3m to a side boundary and not less than 4m to the rear boundary. By virtue of this, the privacy outcome is reasonable.

5.2. Visual Bulk

Representors are concerned that the proposed multiple dwelling development constitutes an over development of the site. Specific concerns raised suggest the visual bulk of the development causes an unreasonable loss of amenity through the loss of river and mountain views. Representors additionally assert that the development siting and scale is not in keeping with the character of the area.

- **Comment**

The proposal met all acceptable solutions under *clause 8.4.2 Setbacks and building envelope for all dwellings*. By virtue of this, any visual impacts caused by apparent scale, bulk or proportions are reasonable. As such, no shadow diagrams were required for assessment.

Additionally, the proposal allows for the minimum 325m² site area per dwelling as required by *clause 8.4.1 Residential density for multiple dwellings*.

As such, the development is therefore providing a reasonable level of density compatible with and expected of such a site in the General Residential Zone.

5.3. Overshadowing

Representors have raised concerns regarding the overshadowing impact of the proposed development to adjoining properties.

- **Comment**

The proposal met all acceptable solutions under *clause 8.4.2 Setbacks and building envelope for all dwellings*. By virtue of this, the impacts of overshadowing caused from height, bulk and scale are reasonable. As such, no shadow diagrams were required for assessment.

5.4. Existing Garage and Brick Wall

One representor raised concerns around demolition, stating that the plans do not specify correctly what is to be demolished. The representor asserts that the garage and Besser block wall along the eastern boundary appear likely to be demolished and they are not happy with this outcome.

- **Comment**

Supporting documentation states the application is for the demolition of the existing dwelling. Given the outbuildings and pool area are in association to the existing dwelling it is expected that demolition of these structures will occur to enable the future development. Demolition of boundary walls is regulated under the *Building Act 2016* and NCC. Landowners with shared boundary structures will be made aware of such demolition details through that process and agreements between parties would be made at that time.

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 proposal was referred to TasNetworks, who have provided advice 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 or any other relevant Council policy.

9. CONCLUSION

The proposal is recommended for approval, subject to conditions.

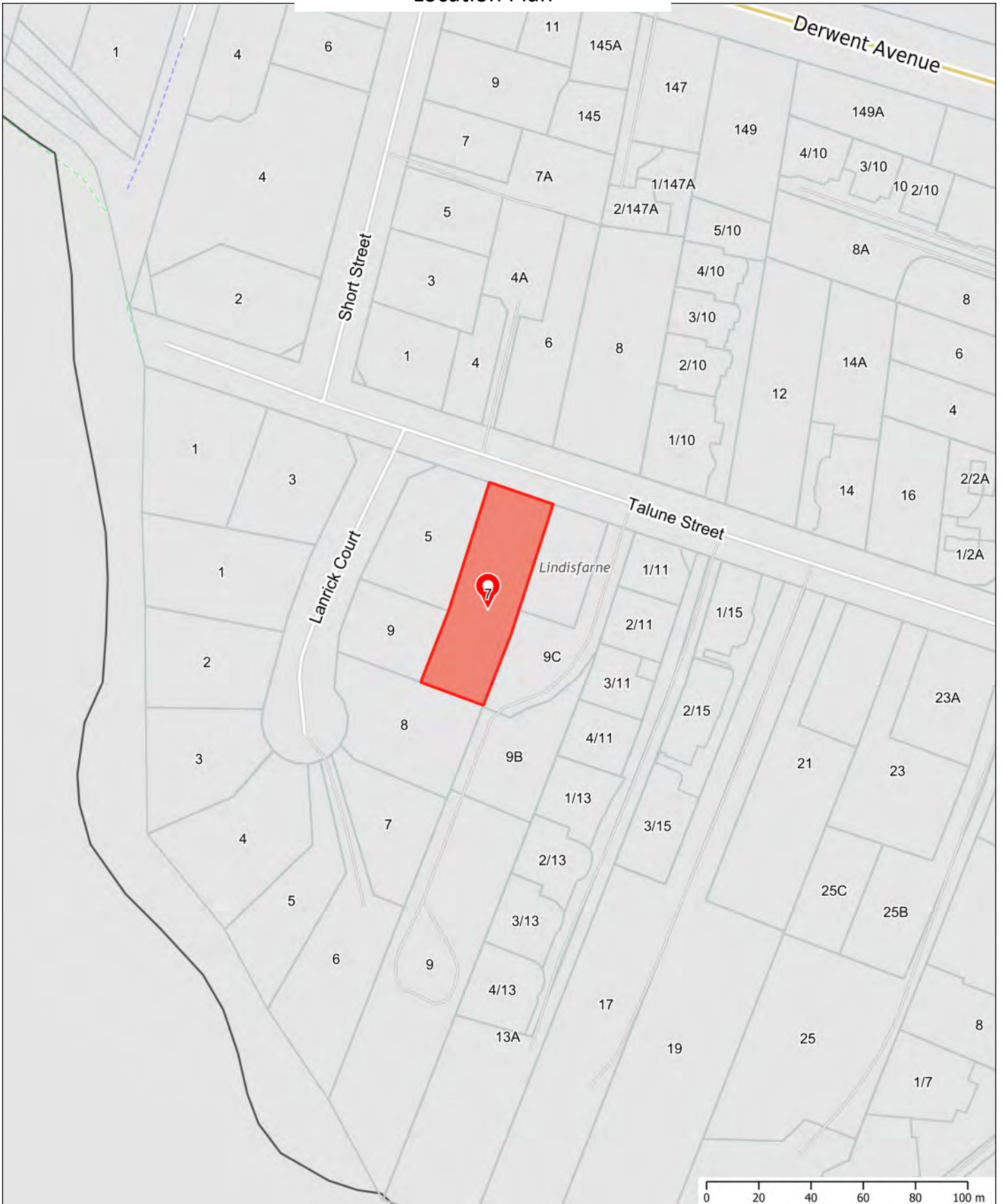
- Attachments:
1. Location Plan (1)
 2. Proposal Plan (9)
 3. Site Photo (1)

Daniel Marr
HEAD OF CITY PLANNING

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

Attachment 1

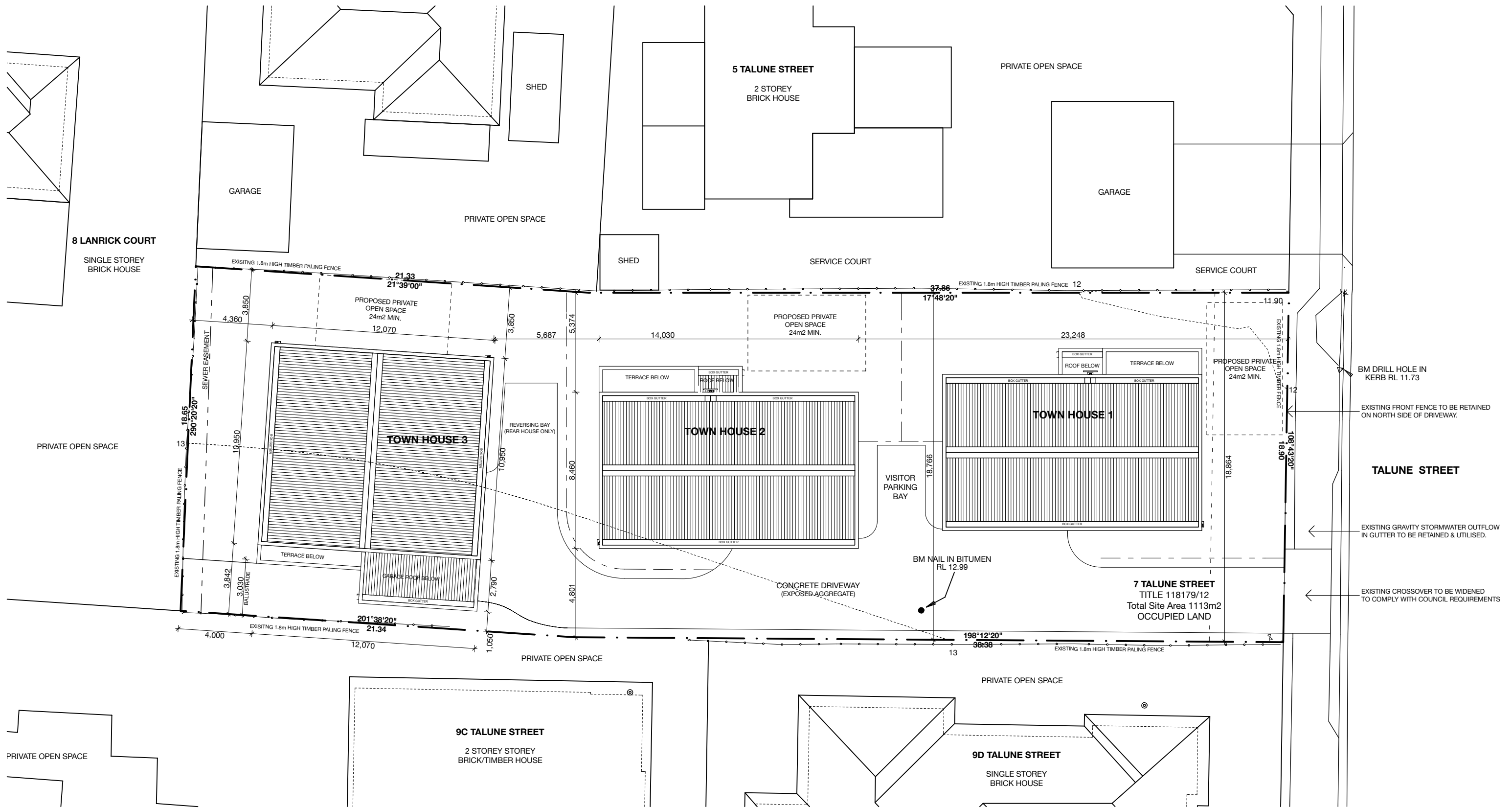
Location Plan



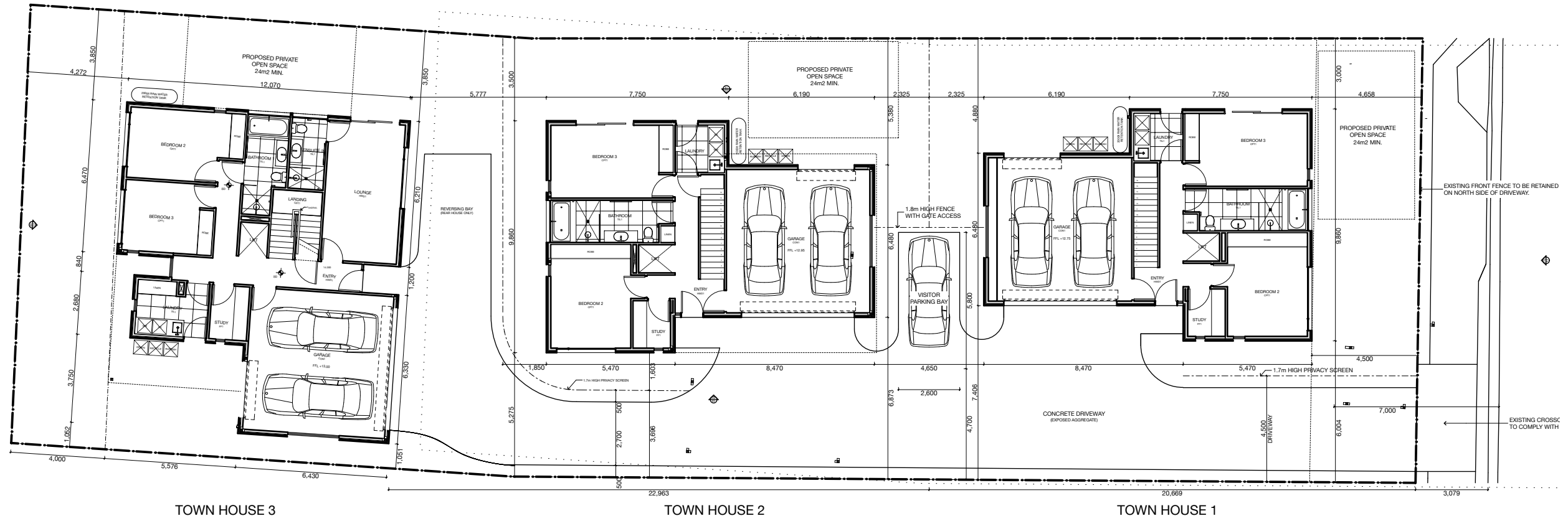
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

25/03/2024
1:2000

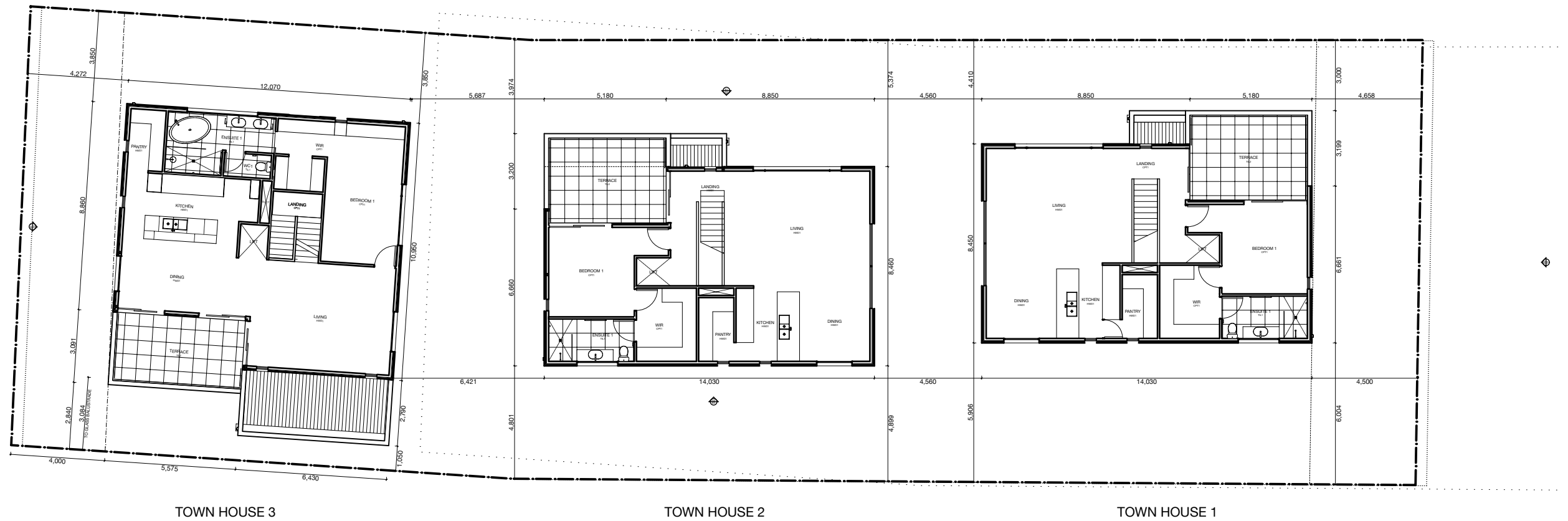


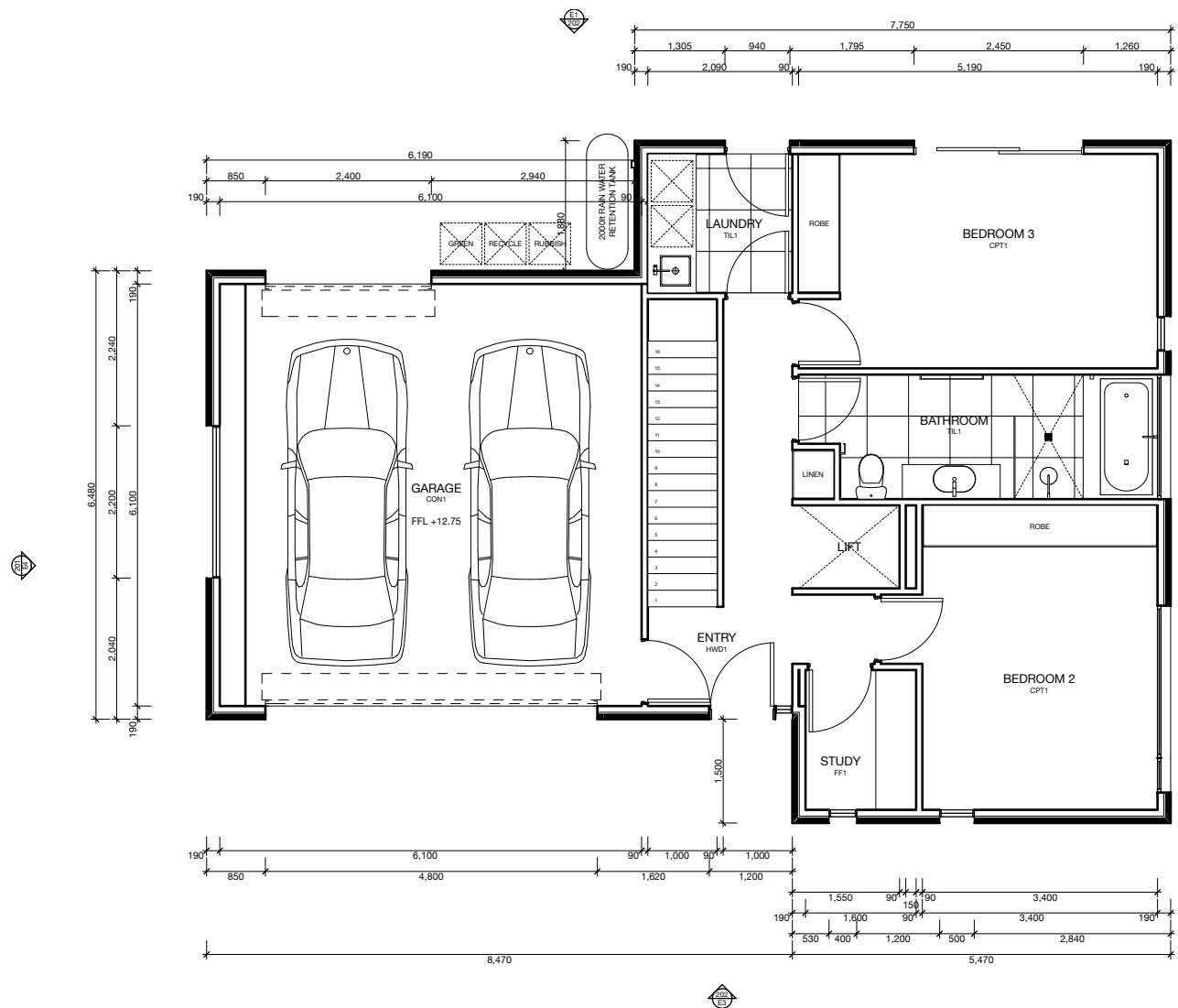


GROUND FLOOR

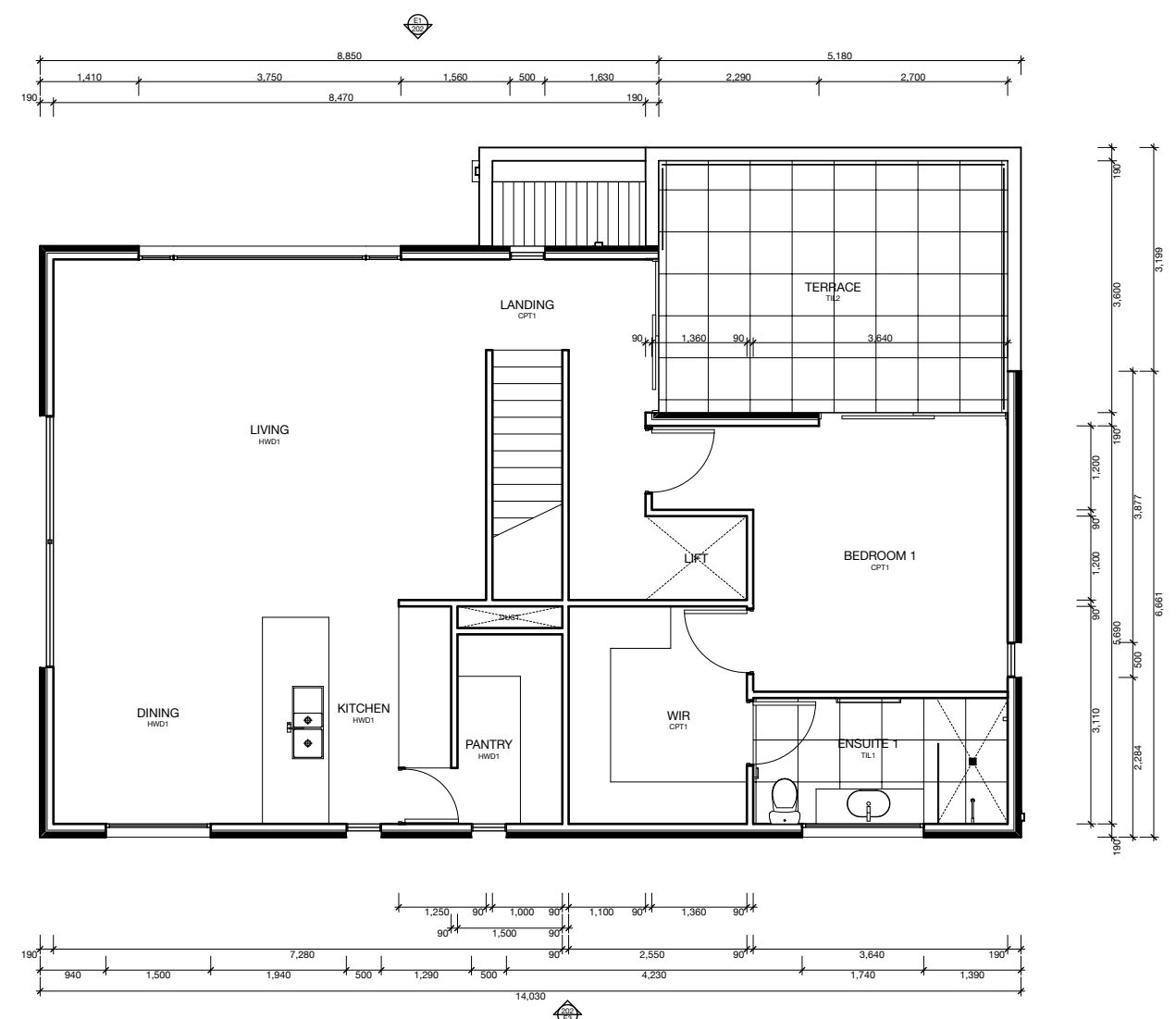


FIRST FLOOR





GROUND FLOOR



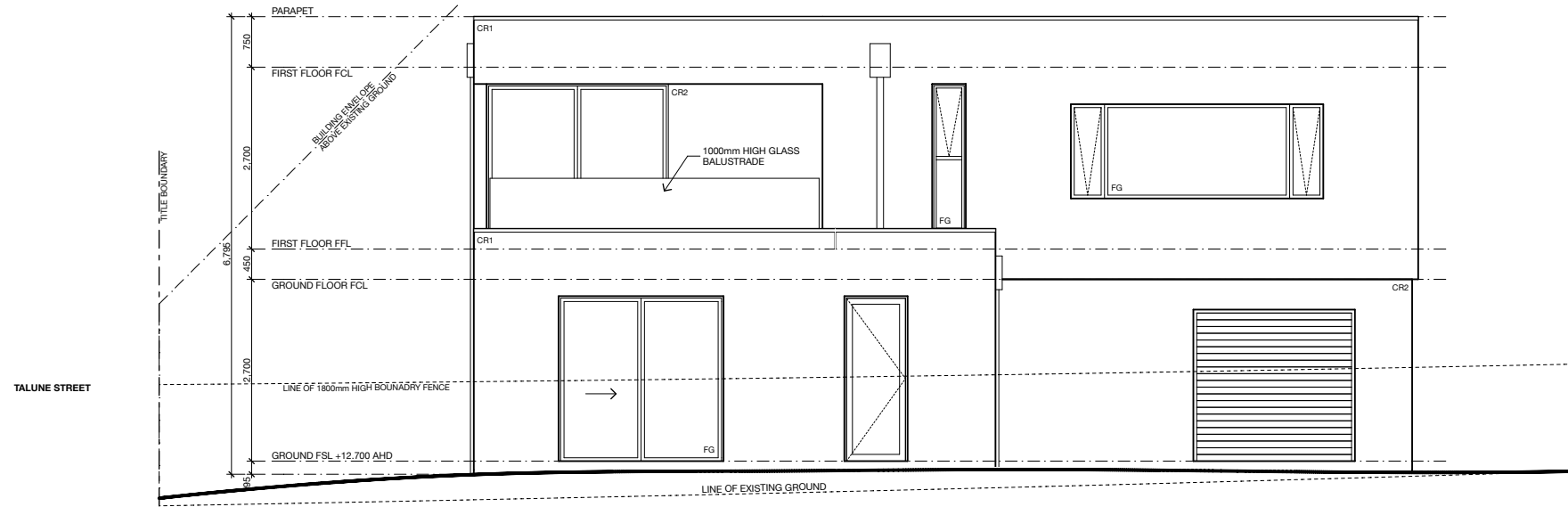
FIRST FLOOR



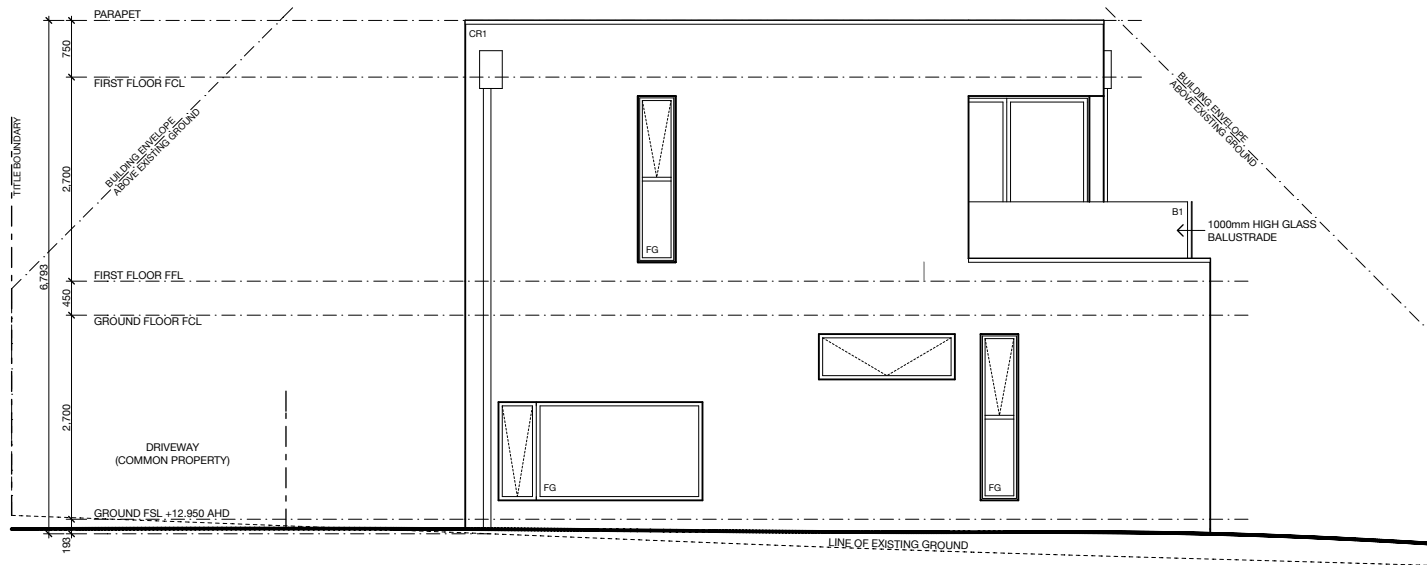
LEGEND EXTERIOR FINISHES

- CR1 CEMENT RENDER.
PURE WHITE FINISH.
- CR2 CEMENT RENDER.
MONUMENT COLOUR FINISH.
- B1 CLEAR GLASS BALUSTRADE.

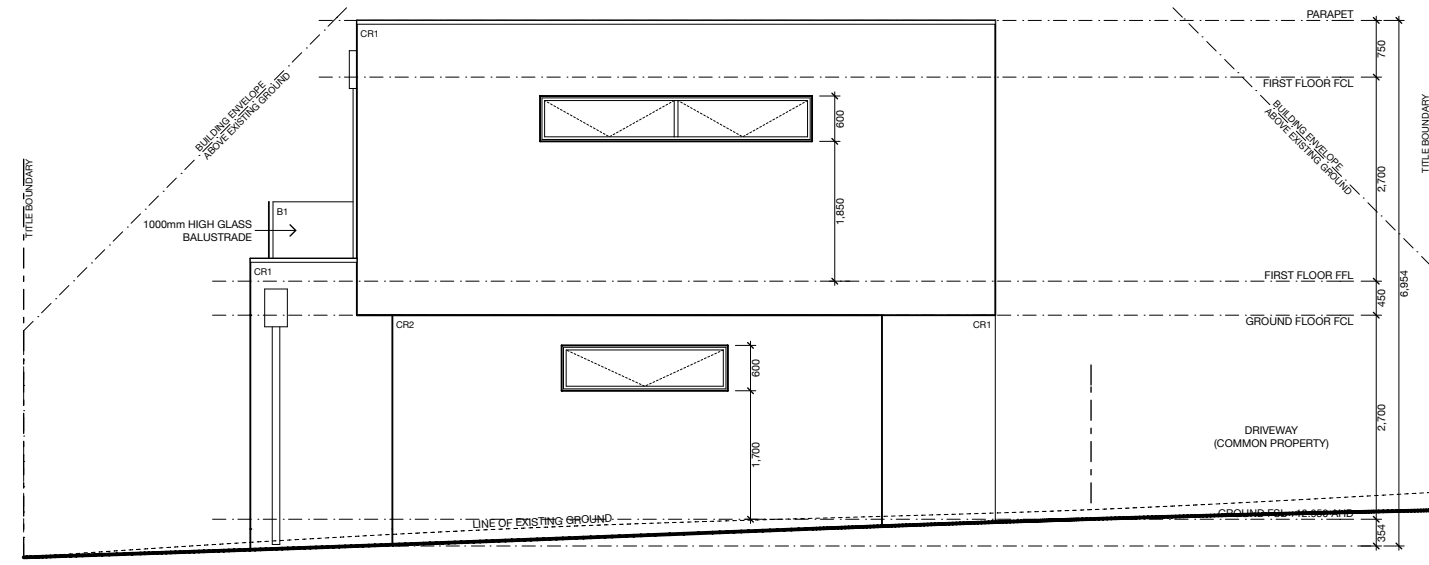
HOUSE 1 ELEVATION E1 WEST



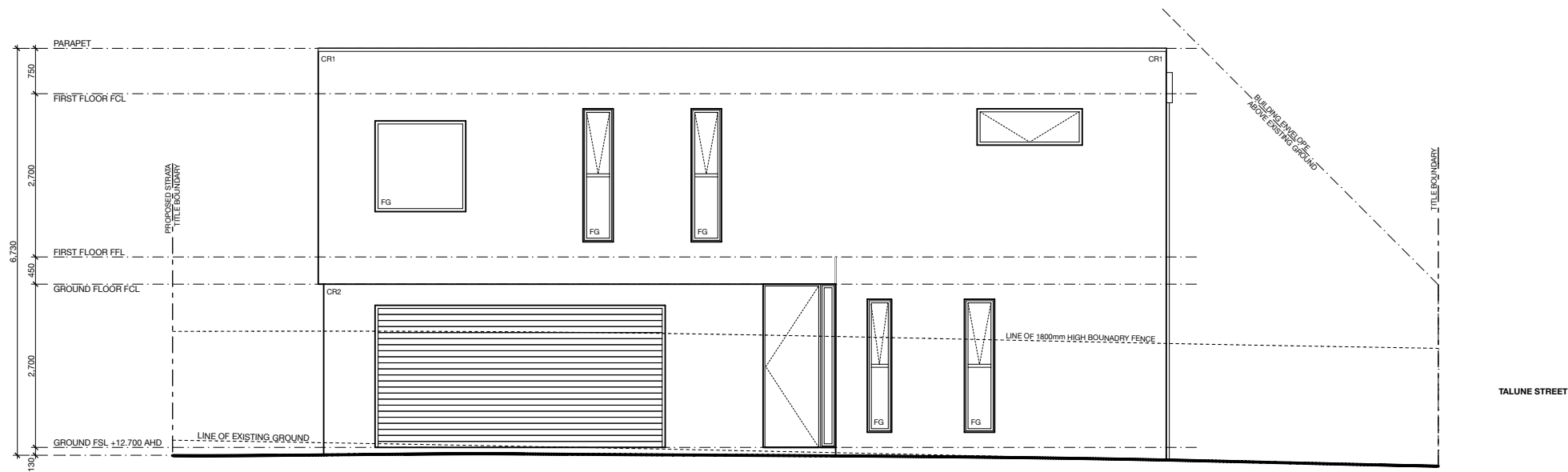
HOUSE 1 ELEVATION E2 NORTH

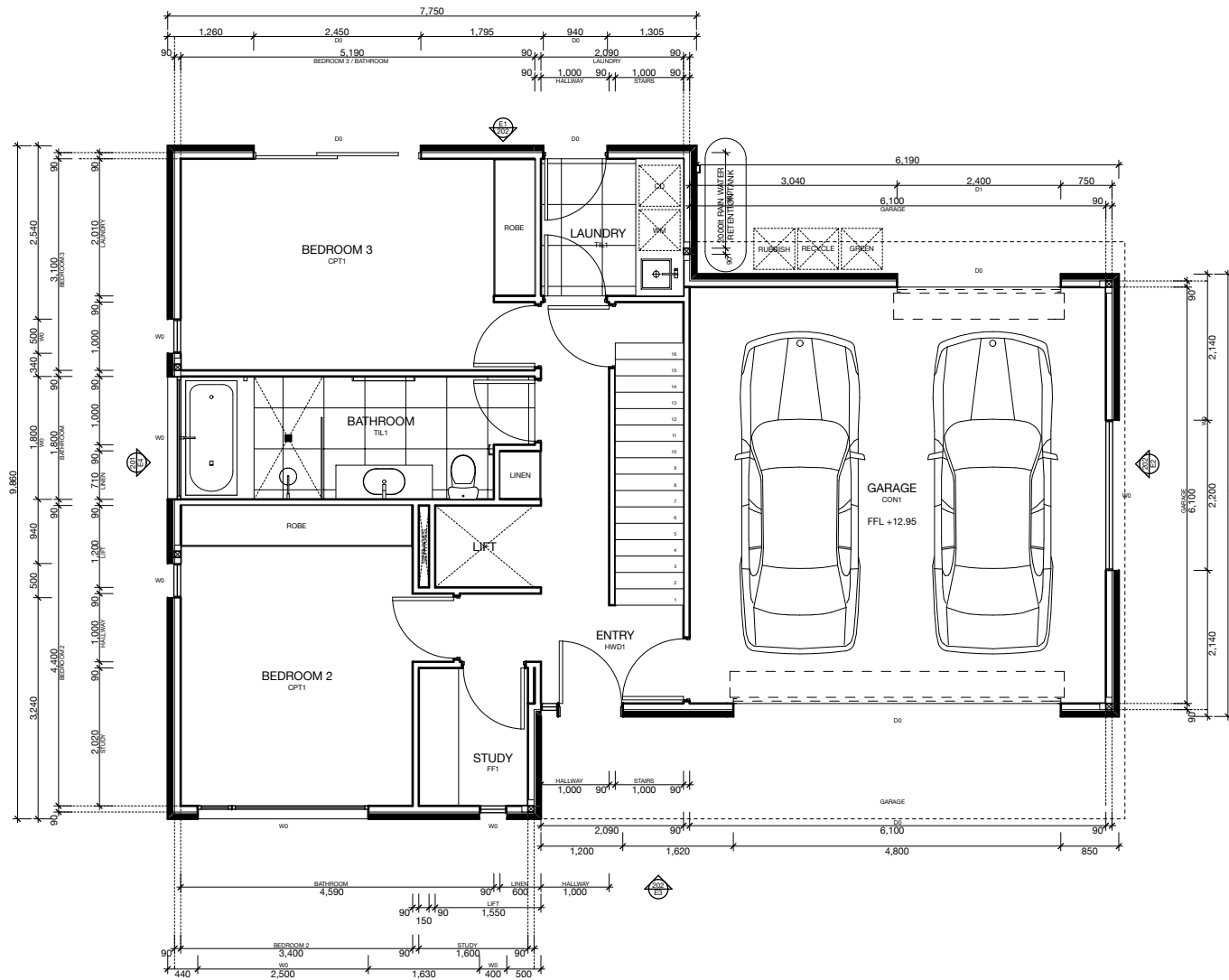


HOUSE 1 ELEVATION E4 SOUTH

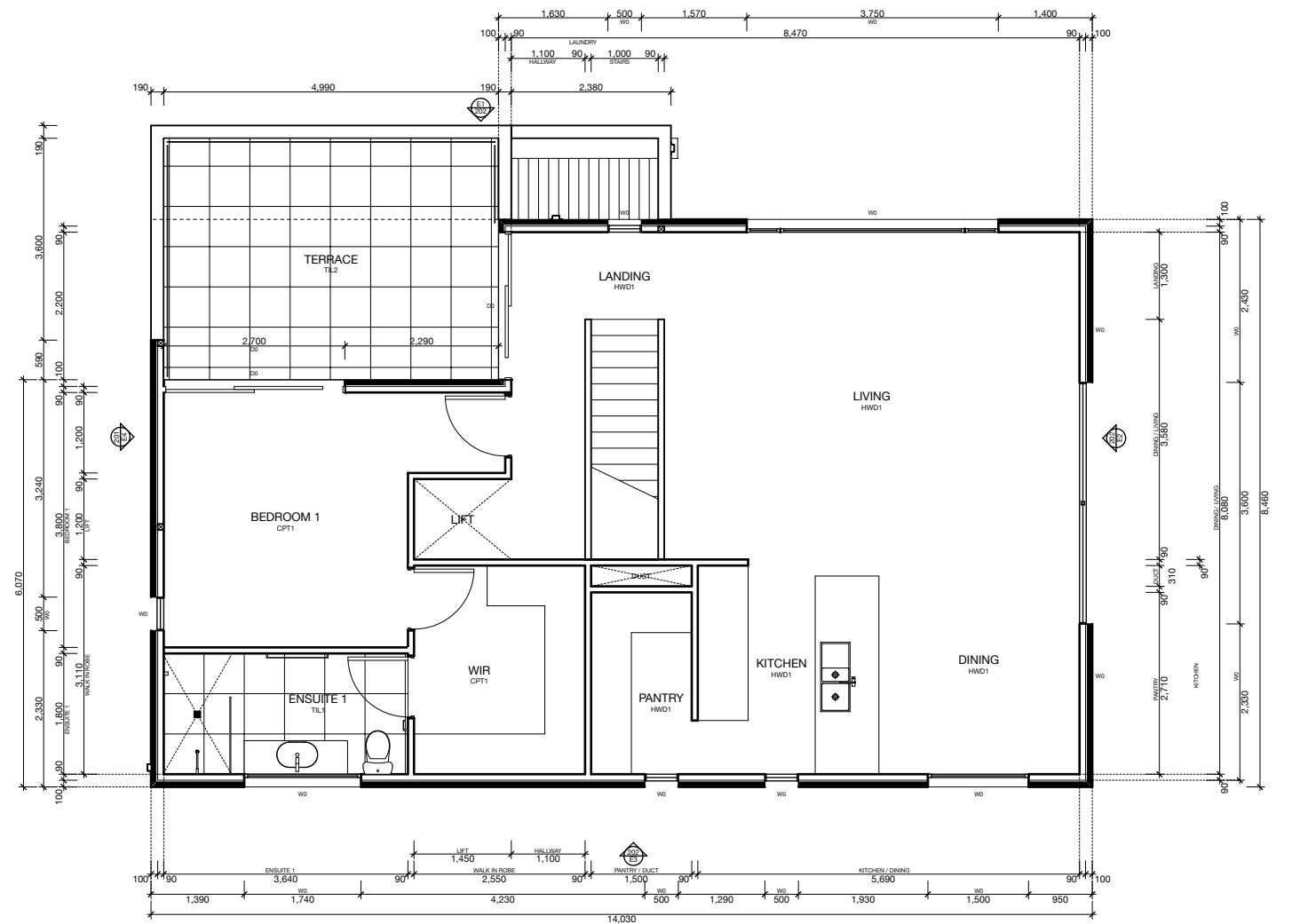


HOUSE 1 ELEVATION E3 EAST





GROUND FLOOR



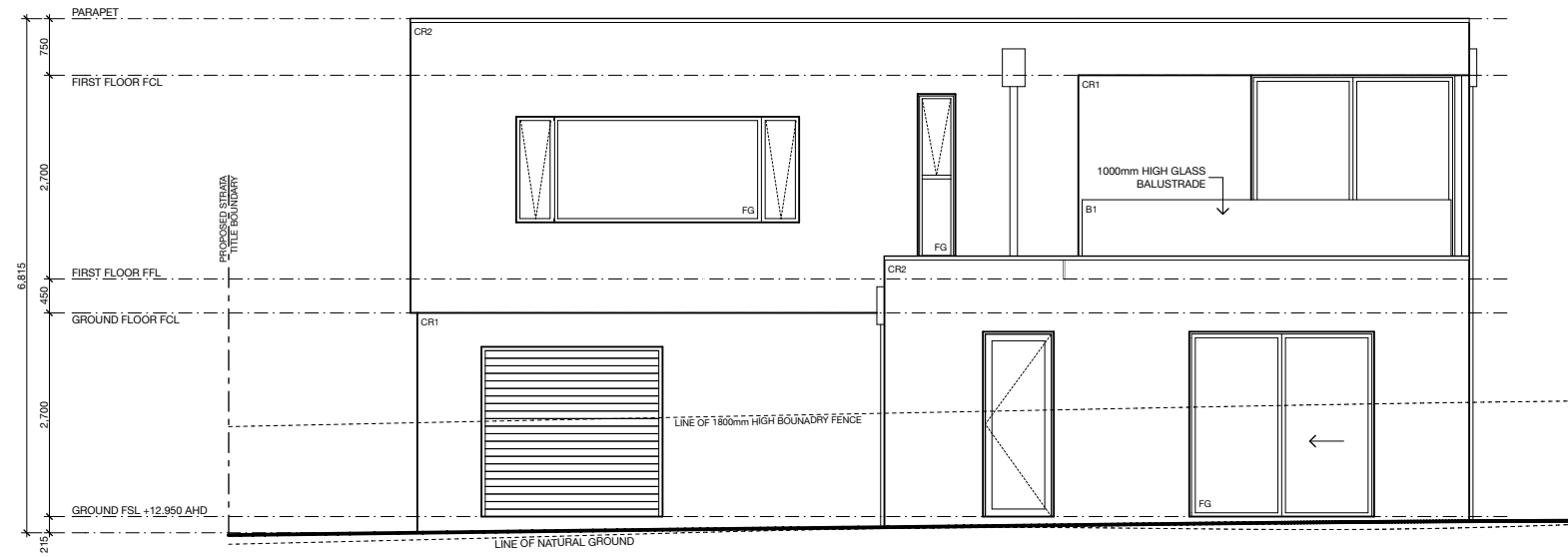
FIRST FLOOR



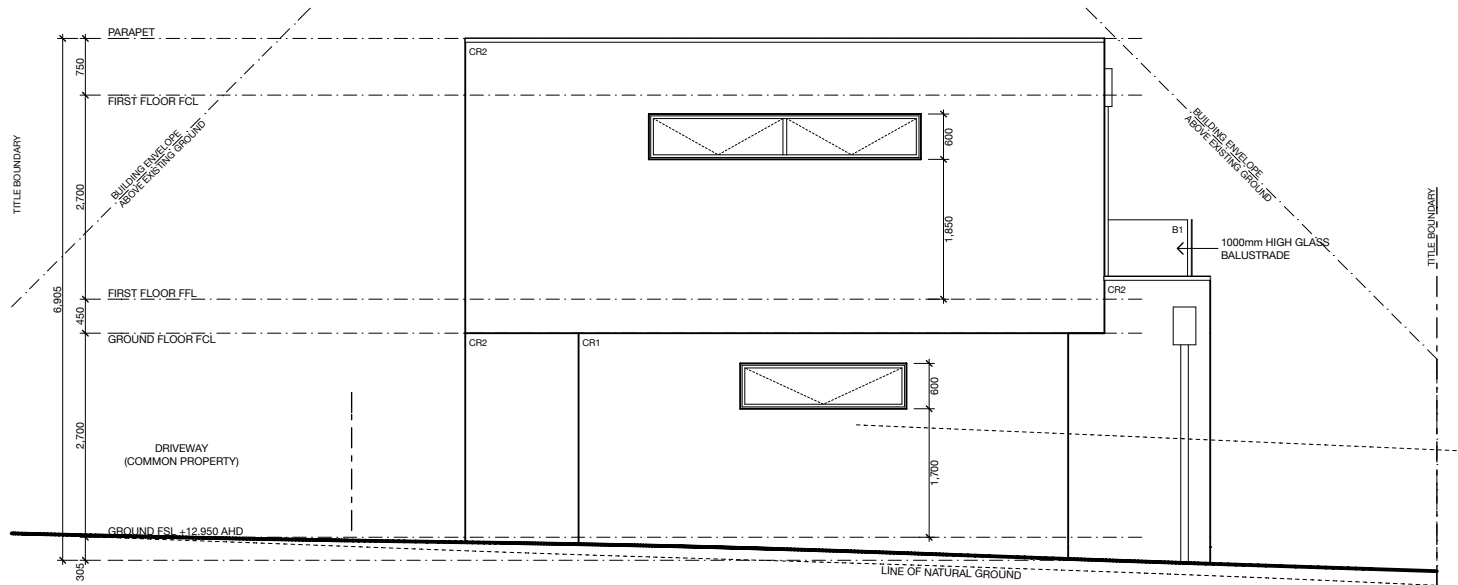
LEGEND EXTERIOR FINISHES

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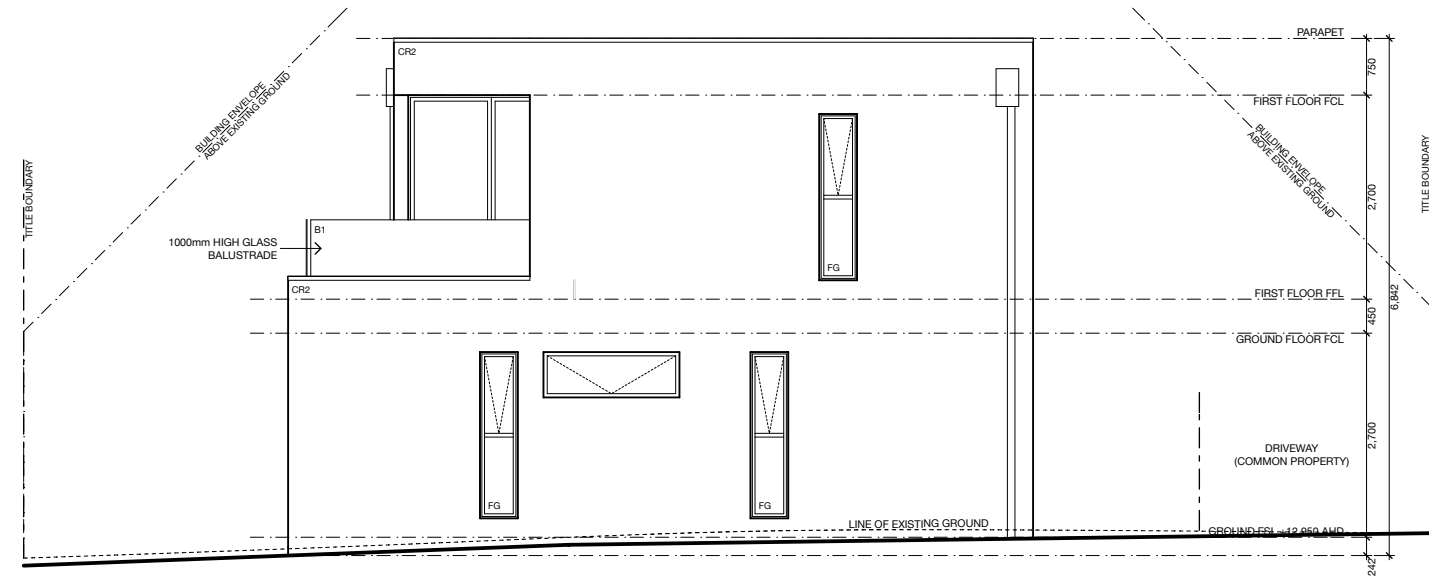
HOUSE 2 ELEVATION E1_WEST



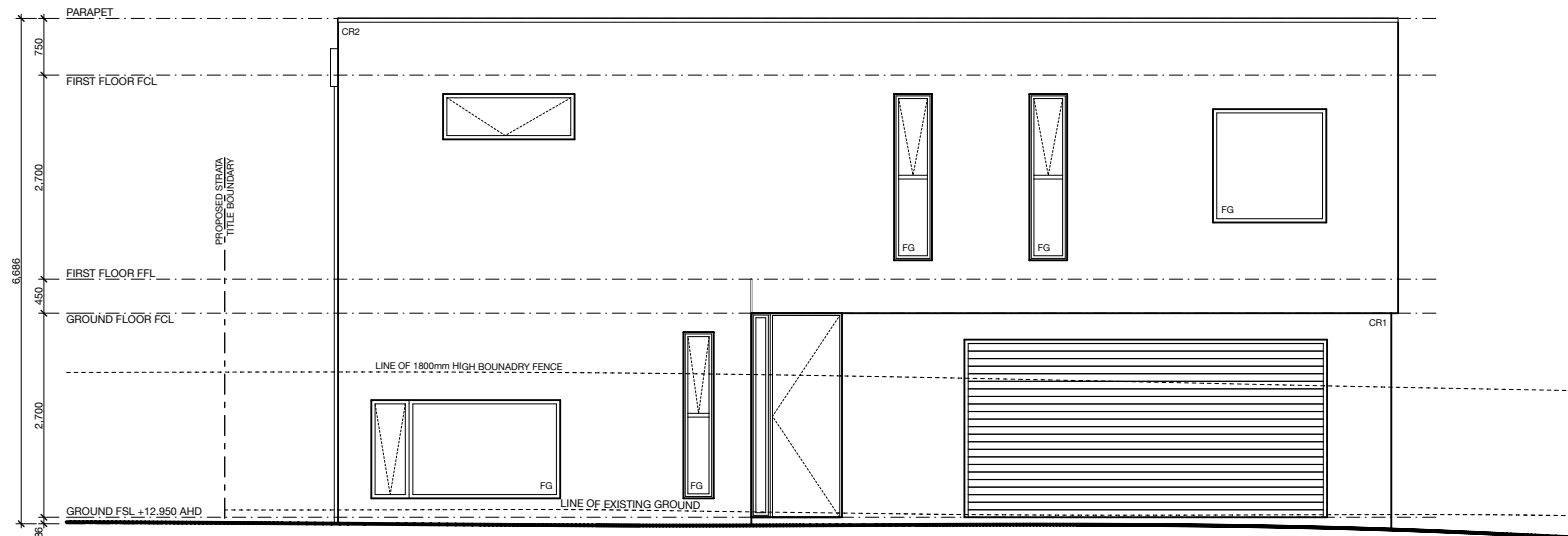
HOUSE 2 ELEVATION E2_NORTH

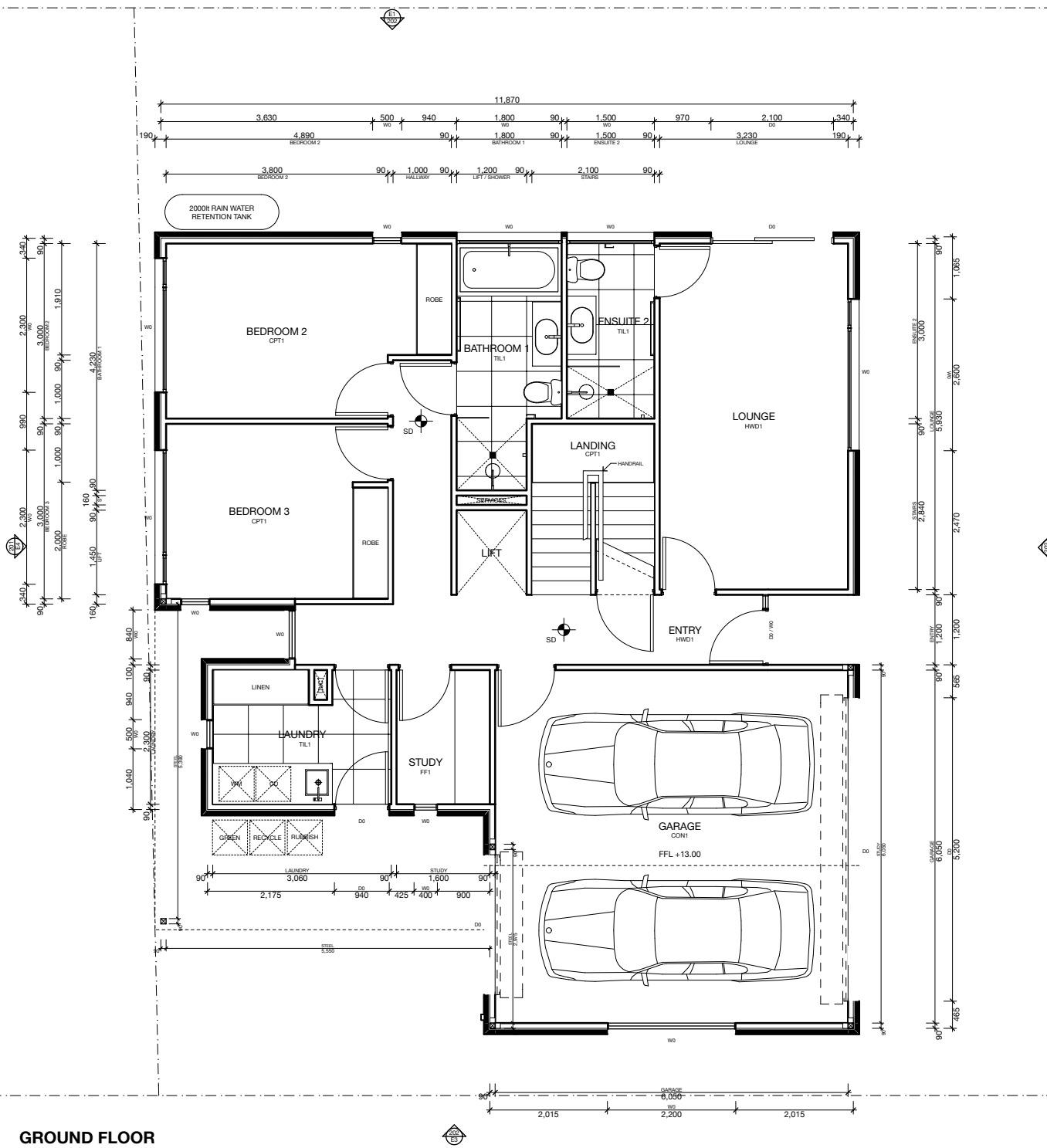


HOUSE 2 ELEVATION E4_SOUTH

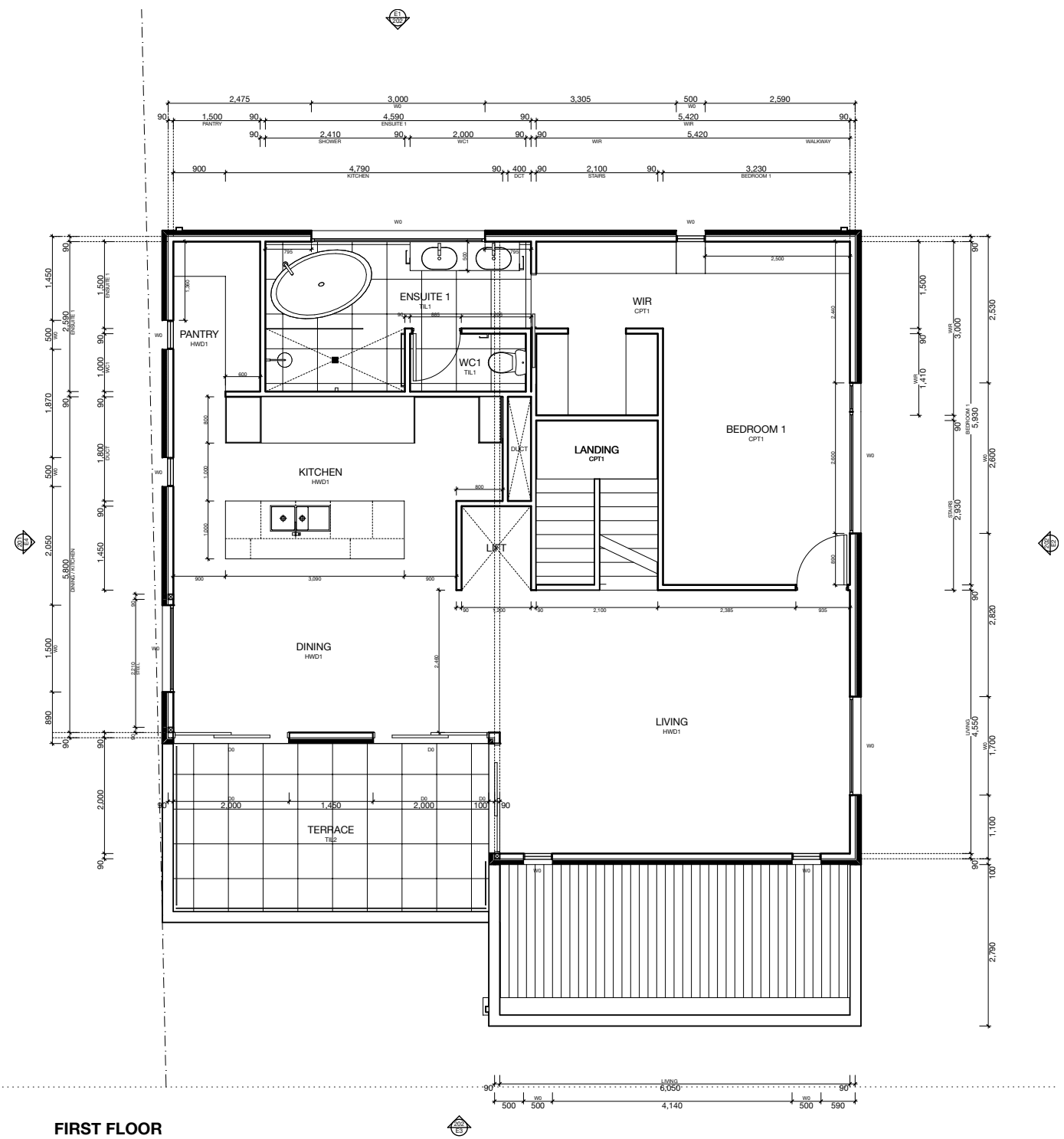


HOUSE 2 ELEVATION E3_EAST





GROUND FLOOR



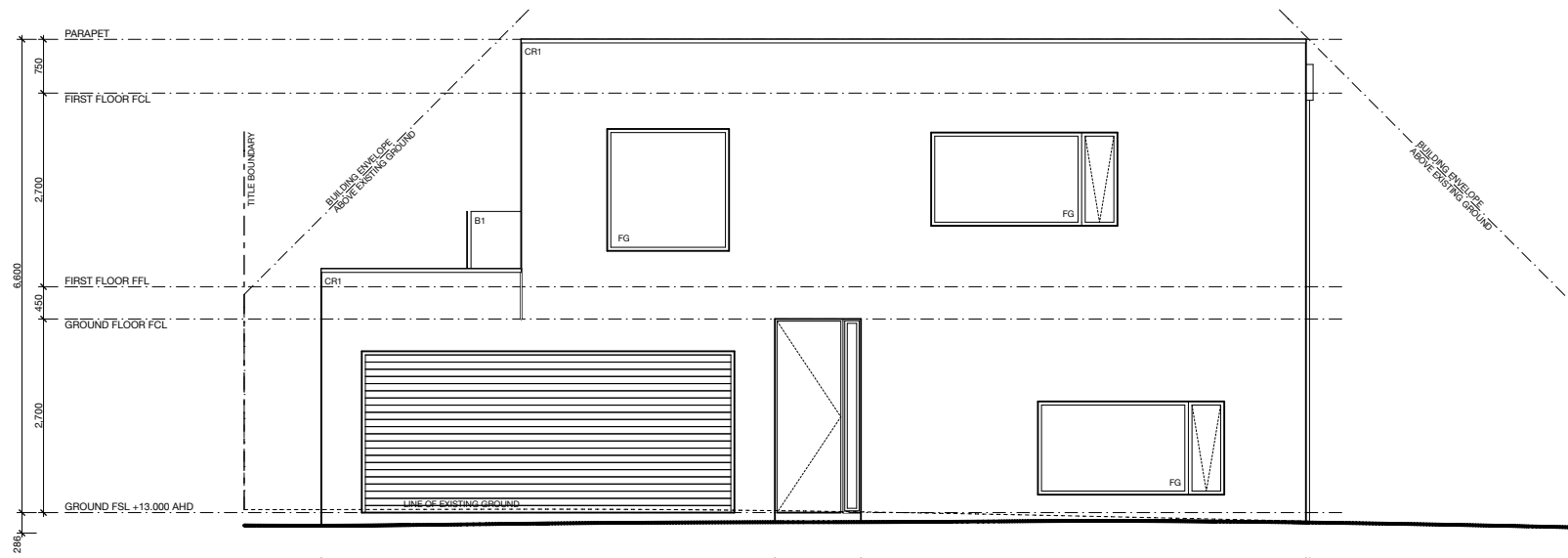
FIRST FLOOR



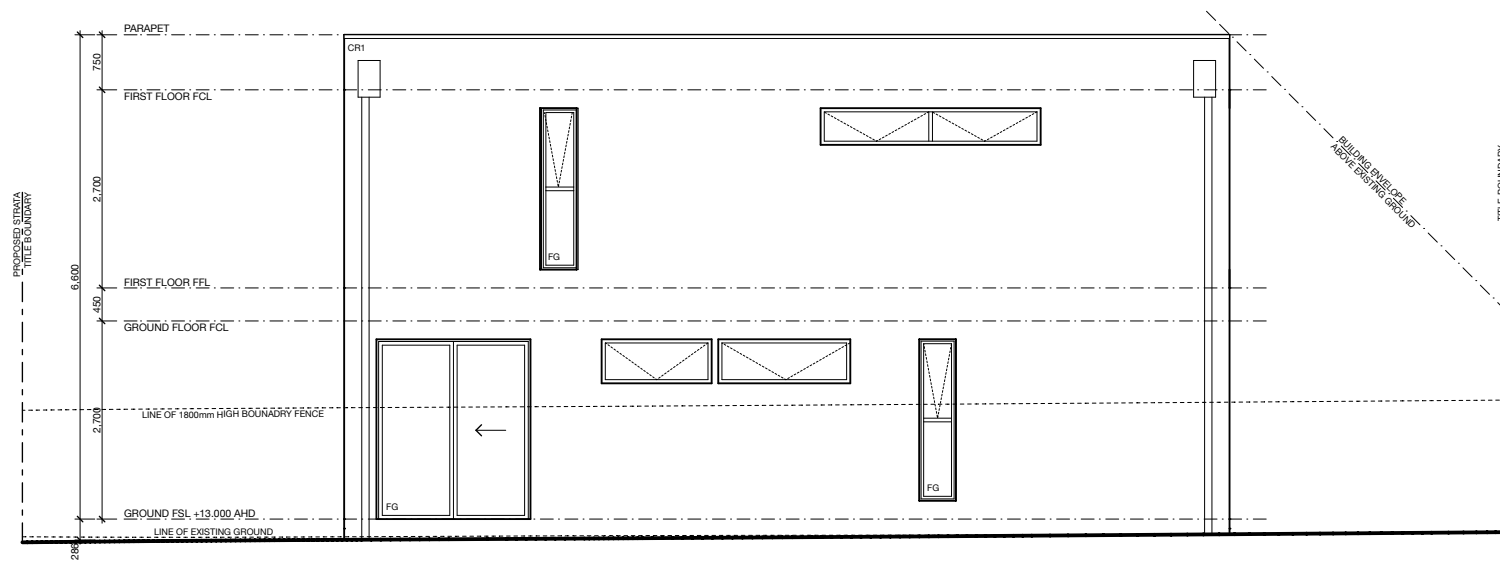
LEGEND EXTERIOR FINISHES

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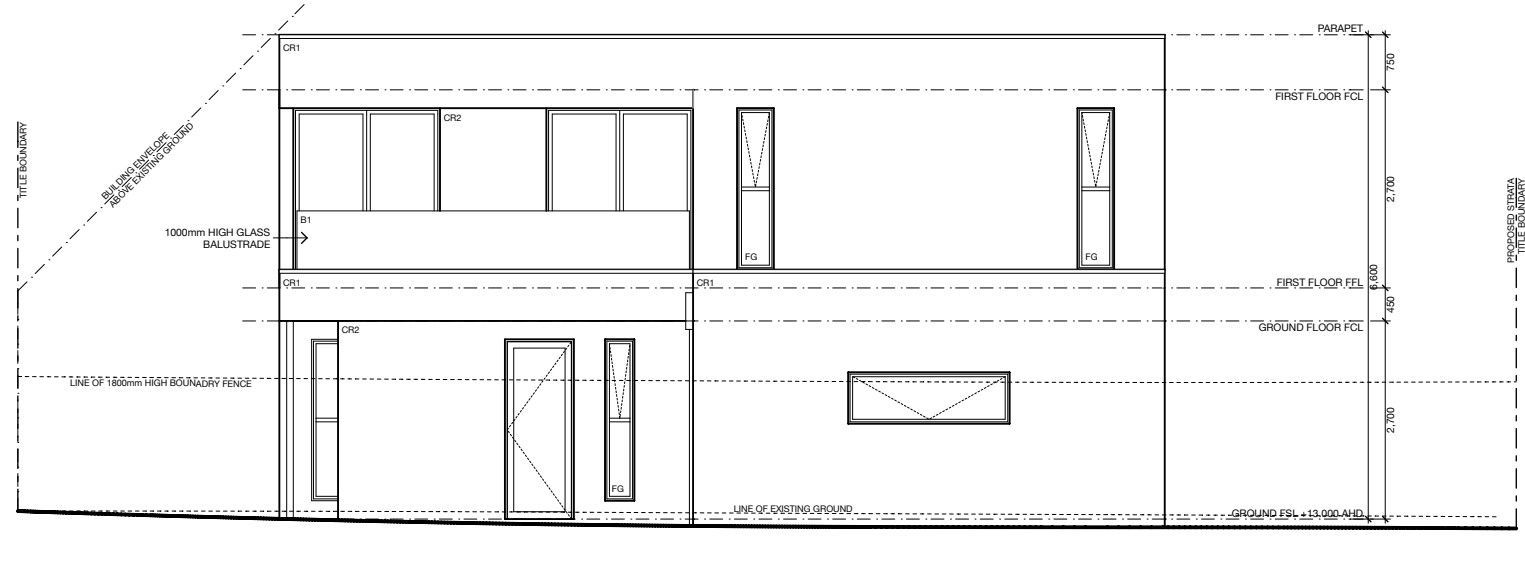
HOUSE 3 ELEVATION E2_NORTH



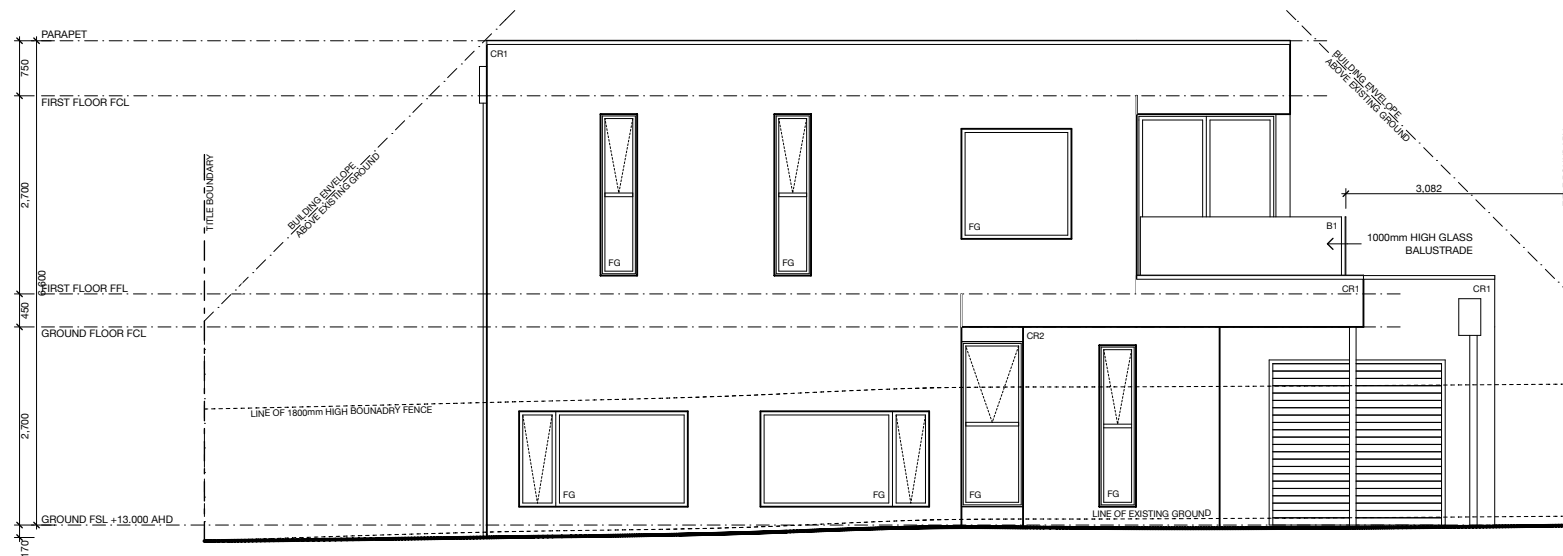
HOUSE 3 ELEVATION E1_WEST



HOUSE 3 ELEVATION E3_EAST



HOUSE 3 ELEVATION E4_SOUTH



Attachment 3



Image 1: 7 Talune Street, site frontage, northern elevation



Image 2: 7 Talune Street, site frontage, northern elevation

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

8.1.1 PETITION IN SUPPORT OF THE ROSNY HIGH PERFORMANCE CENTRE

EXECUTIVE SUMMARY

PURPOSE

To consider the petition tabled at the Council Meeting on 18 March 2024 supporting the location of the AFL Performance Centre in the Rosny area.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is 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 in regard to the petition however, community consultation regarding a High Performance Centre in Clarence was undertaken over a four-week period in 2023.

FINANCIAL IMPLICATIONS

The petition does not request that any action be taken, therefore it does not have any financial implications.

RECOMMENDATION:

- A. That Council notes the petition.
- B. That Council notes the Chief Executive Officer's advice that the petition complies with Section 59 of the *Local Government Act 1993* (Tas.).
- C. That Council authorises the Chief Executive Officer to write to the originator of the petition advising of Council's decision.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. An electronic petition from 2906 signatories in support of an AFL High Performance Centre in Rosny was tabled at the Council meeting held on Monday 18 March 2024.

- 1.2. The petition complies with the requirements of Section 57 of the *Local Government Act, 1993*.

2. REPORT IN DETAIL

- 2.1. Council, at its meeting of 11 December 2023 considered options for establishment of an AFL High Performance Centre site in Clarence. Council resolved as follows:

A. That Council:

- a) *Receives and notes the results of the recent consultation regarding the opportunity for Council to host an AFL High Performance Centre in Clarence;*
- b) *Provides in-principle support for Clarence to be the home of the AFL High Performance Centre located within the Rosny Park CBD area;*
- c) *Authorises the CEO to submit a proposal for two site options for consideration under the Department of State Growth's competitive selection process, those options being:*
 - i. *Preferred Option – Option (c) – Charles Hand Park accommodating the High Performance Centre's primary oval, training and administration buildings and associated infrastructure, with a second oval to be located in the Rosny Parklands; and*
 - ii. *Secondary Option - Option (b) - Rosny Parklands accommodating the High Performance Centre's primary oval, training and administration buildings and associated infrastructure, with a second oval to be located in Charles Hand Park*

- B. Should Clarence be the successful applicant under the AFL High Performance Centre Site Assessment Process, Council authorises the CEO to negotiate terms for inclusion in a Heads of Agreement with Department of State Growth, to be submitted to Council for approval, to ensure mutually beneficial outcomes are achieved for the Clarence community and the Tasmanian AFL team and provide further reports for Council's consideration as decisions are required”.*

- 2.2.** In late December 2023 the State Government announced that the preferred site for the AFL High Performance Centre was the Rosny parklands with a second oval to be constructed on Charles Hand Park (Council’s preferred Option b).
- 2.3.** Public opinion has been divided over the proposed location of the High Performance Centre in the Rosny Park area with a number of representations being made to council including the petition which is the subject of this report. A petition focussed on the location and community consultation undertaken regarding the siting of the High Performance Centre and requesting that Council hold a public meeting to discuss the matter has also been received and is reported in this Agenda.
- 2.4.** A total of 2906 signatories are contained in the electronic petition in support of the AFL High Performance Centre, tabled at Council’s meeting of 18 March 2024.
- 2.5.** A breakdown of the location of the signatories is detailed below.

Clarence	937
Other Southern Tasmanian areas	1348
Other locations in Tasmania	514
Mainland Australia	107

3. CONSULTATION

3.1. Community Consultation Undertaken

Community consultation on the general sentiment around having a High Performance Centre in Clarence was undertaken over a four-week period from 10 October to 7 November 2023 comprising an online survey on the Your Say Clarence website and other consultative activities.

The consultation results were presented to council at its meeting on 11 December 2023 as part of its consideration of the opportunity to have an AFL High Performance Centre in Clarence.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Nil.

3.4. Further Community Consultation

There were no plans or designs shared with the community during the original consultation, rather the survey focussed on general thoughts and impressions. It is anticipated that further consultation will occur at the appropriate stages in relation to any detailed proposal, particularly with individuals and organisations that would be directly impacted by any future development.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2021-2031 within the Strategic Goal Area *Governance and Leadership* contains the following Objective:

“5.6 Establishing strategic partnerships to facilitate greater opportunities.”

and within the Strategic Goal Area *A Well-Planned Liveable City*:

“2.11 In line with our Sport and Recreation Strategy, work with local clubs, state and regional organisations and other levels of government to meet the sport and recreation needs of our community”.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

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

7. FINANCIAL IMPLICATIONS

As the petition does not request any action to be taken, there are no financial implications.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

An electronic petition from 2906 signatories in support of the AFL High Performance Centre being located within the Rosny area was tabled at Council's meeting on 18 March 2024. The petition complies with section 57 of the Local Government Act 1993. As the petition does not request any action be taken, it is presented to Council for noting only.

Attachments: Nil.

Ian Nelson
CHIEF EXECUTIVE OFFICER

8.1.2 PETITION – PUBLIC MEETING – AFL HIGH PERFORMANCE CENTRE**EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at Council’s Meeting of 18 March 2024 requesting that Council hold a public meeting to discuss the proposed siting of the AFL High Performance Centre.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

Section 60 of the *Local Government Act, 1993* requires Council to formally consider petitions within 42 days of the petition being tabled at a Council Meeting. Where a petition seeks a public meeting, the Chief Executive Officer is to advise Council at a Council Meeting, whether the petition complies with the provisions of Section 59 of the Act. The Council, at that meeting, is to determine any action to be taken in respect to that petition.

The petition was checked against the Tasmanian Electoral Commission Electoral Roll as July 2023 and contains 1014 signatories who have been verified as electors in the Clarence Municipal area. The petition therefore complies with Section 59 of the Act.

CONSULTATION

If a petition seeks a public meeting the person lodging the petition is to be advised whether the petition complies with Section 59. The petition organiser was advised on 10 April 2024 that the petition complies with Section 59.

Before holding a public meeting in accordance with Section 59, Council in a notice publicly displayed, must state the date on which, and the time and place at which, the public meeting is to be held and state the details of the subject matter. Council must also advertise the public meeting in a local newspaper on at least two occasions and invite written submissions.

FINANCIAL IMPLICATIONS

There will be some costs incurred in hiring of a venue and engagement of an independent facilitator to conduct the public meeting. These costs will be accommodated within existing budget allocations.

RECOMMENDATION:

- A. That Council notes the petition.
- B. That Council notes the Chief Executive Officer’s advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).

- C. That Council resolves to hold a public meeting regarding the siting of the proposed AFL High Performance Centre within 30 days of this resolution in accordance with the following timeline:
- public notice displayed: 16 April 2024;
 - advertising in local newspaper: 17 and 20 April 2024;
 - written submissions close: 8 May 2024; and
 - public meeting to be held: 7.00 pm, 15 May 2024 at Rosny Bowls Club.
- D. That Council authorises the Chief Executive Officer to undertake the formal arrangements for conduct of the public meeting as set out above.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. A petition containing 1301 signatures was tabled at Council’s Meeting of 18 March 2024 “*concerned over the lack of community consultation undertaken regarding the siting of the proposed AFL High Performance Centre across the Charles Hand Park and the Rosny Parklands*” and requesting that Council hold a public meeting to discuss this matter.
- 1.2. In accordance with Section 59 of the Local Government Act, 1993, a petition seeking a public meeting must be signed by whichever is the lesser of the following:
- (a) 5% of the electors in the municipal area;
 - (b) 1,000 of those electors.
- 1.3. The Chief Executive Officer is to advise the Council at a Council Meeting whether the petition complies with Section 59. If the petition complies with Section 59, Council is to hold a public meeting to discuss the subject matter of the petition within 30 days after the meeting at which it considered the petition.

2. REPORT IN DETAIL

- 2.1.** In the case of petitions requesting Council hold a public meeting, the Chief Executive Officer is required to advise Council whether the petition complies with Section 59 of the Act. Prior to submitting the petition to the Chief Executive Officer, the petition organisers checked the signatories against the Tasmanian Electoral Roll, which was the most current at the time of checking (as at July 2023). Following receipt of the petition, Council officers checked the signatures to the petition against the same electoral roll (as at July 2023) identifying 1014 elector signatories from the Clarence Municipal area. The petition therefore complies with the requirement of Section 59.
- 2.2.** Council, at its meeting of 11 December 2023 considered options for establishment of an AFL High Performance Centre site in Clarence. Further background relevant to the Council decision is contained in the report to Council included at Item 8.1.1 of the Council Meeting Agenda for the 11 December 2023 meeting.

3. CONSULTATION

3.1. Community Consultation

- Before holding a public meeting under Section 59 Council:
 - “...in a notice publicly displayed, must:*
 - (a) state the date on which, and the time and place at which, the public meeting is to be held; and*
 - (b) state the details of the subject matter; and*
 - (c) invite written submissions in relation to the subject matter to be lodged with the general manager”.*

A copy of the notice is to be–

- “(a) published on at least 2 occasions in a daily newspaper circulating in the municipal area; and*
 - (b) sent to the person who lodged the petition”.*
- Any written submissions must be lodged within 21 days after the first publication of the notice.

- It is recommended that the following timeline for the meeting be adopted:
 - public notice displayed: 16 April 2024;
 - advertising in local newspaper: 17 and 20 April 2024;
 - written submissions close: 8 May 2024; and
 - public meeting to be held: 7.00 pm, 15 May 2024 at Rosny Bowls Club.
- It is proposed to engage an independent facilitator to conduct the meeting.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Not applicable.

3.4. Further Community Consultation

Following the public meeting, in accordance with section 60A(5) of the Act, the Chief Executive Officer is to provide a report to the next ordinary meeting of Council and the minutes of that meeting are to record:

- (a) a summary of any submission received; and
- (b) any decision made at a public meeting.

The agenda and minutes for that meeting will be publicly available.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Section 60 of the Local Government Act 1993 (Tas) requires Council to formally consider petitions within 42 days of receipt. Where a petition seeks a public meeting, the Chief Executive Officer is to advise Council whether the petition complies with the provisions of Section 59 of the Act.

7. FINANCIAL IMPLICATIONS

There will be some costs incurred in hiring of a venue and engagement of an independent facilitator to conduct the public meeting. These costs will be accommodated within existing budget allocations.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

9.1 A petition has been received under Section 59 of the Local Government Act, 1993 requesting that Council hold a public meeting to discuss the proposed siting of the AFL High Performance Centre.

9.2 The public meeting is recommended to be held as set out at paragraph 3.1 above.

Attachments: Nil.

Ian Nelson
CHIEF EXECUTIVE OFFICER

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 PROPOSED LOCAL HIGHWAYS STANDARD REQUIREMENTS BY-LAW****EXECUTIVE SUMMARY****PURPOSE**

To commence the process for the creation of a new Local Highways Standard Requirements By-Law upon the expiry of the existing By-Law in December 2024.

RELATION TO EXISTING POLICY/PLANS

The proposed By-Law is consistent with council's existing plans and policies.

LEGISLATIVE REQUIREMENTS

The procedures for creating the By-Law are set out in the *Local Government Act 1993* (Tas) ("the Act").

CONSULTATION

The requirements for consultation are set out in the Act and detailed further in the Report.

FINANCIAL IMPLICATIONS

There are future financial implications for council as it will take on more highway and associated infrastructure that will have a greater valuation and consequential depreciation expense. However, the proposed By-Law has the benefit of ensuring highways and associated assets built by developers (and eventually vested in council) are built to council standards.

RECOMMENDATION:

That Council:

- A. Authorises the commencement of the process for the creation of a new Local Highways Standard Requirements By-Law in the form of the proposed By-Law in Attachment 1 to the Associated Report to replace the existing Local Highways Standard Requirements By-Law, which is due to expire on 16 December 2024.
- B. Resolves to adopt the content of the existing By-Law as policy during the period from 16 December 2024 to the commencement of the new By-Law in the event that the proposed By-Law is not in place before the expiration of the existing By-Law.

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

PROPOSED LOCAL HIGHWAYS STANDARD REQUIREMENTS BY-LAW /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Council has an existing By-Law which prescribes the standard requirements for the construction of local highways and crossings in the municipality of Clarence. The By-Law also regulates works undertaken in highways in the municipality.
- 1.2.** The Local Highways Standard Requirements By-Law will expire in December 2024 and is required to be renewed or replaced with a new By-Law. An internal review of the By-Law indicates that the existing By-Law is still largely relevant but some areas of the By-Law need updating to reflect changes to standards. The By-Law has also been reviewed to correct formatting errors and to simplify the way the By-Law is written.
- 1.3.** It is recommended that the Local Highways Standard Requirements By-Law should be replaced with a new By-Law.
- 1.4.** A draft proposed By-Law has been prepared to replace the existing Local Highways Standard Requirements By-Law. A copy of the draft Local Highways Standard Requirements By-Law is included as **Attachment 1**.

2. REPORT IN DETAIL

- 2.1.** The existing Local Highways Standard Requirements By-Law covers requirements for the construction of local highways and crossings in the municipality. The By-Law also regulates the execution of highway works within the municipality.
- 2.2.** The existing Local Highways Standard Requirements By-Law has been reviewed by Infrastructure and Natural Assets and Governance staff to ensure that the proposed By-Law is relevant and reflects current standards.

- 2.3.** The proposed By-Law has removed clauses relating to the use and development of nature strips and awnings over highways:
- The use and development of nature strips is now managed under council policy and is no longer required to be regulated under the By-Law.
 - The regulation of awnings over highways is not required under the By-Law as there are other mechanisms, such as easements and licensing, to manage awnings.
- 2.4.** The proposed By-Law introduces a minimum road reservation width and amended minimum footpath requirements. This change reflects that current footpath widths are insufficient and, in some situations, footpaths are not currently required on both sides of the road. Wider road reserves can better accommodate street trees and utility services. Street trees will become more important following the adoption of the Street Tree Policy which is currently in draft form.
- 2.5.** The proposed change aligns with strategies and goals of Council and encourages walkable neighbourhoods. The increase in widths also allows for better accessibility and aligns with contemporary Austroads guidance for active transport networks. The proposed changes in the By-Law also deviates from the guidance set out in the Tasmanian Standard Drawings 2020 for Urban Road Typical Section and Pavement Widths, although the standards do allow for variations as approved by a delegated officer of council.
- 2.6.** The existing Local Highways Standard Requirements By-Law contains some minor formatting errors which have been corrected in the new By-Law. The By-Law has also been reworded slightly to make it easier to read and understand.
- 2.7.** A summary of the key changes between the existing Local Highways Standard Requirements and the proposed By-Law is included at **Attachment 2**.

- 2.8.** In addition to the proposed By-Law, a Regulatory Impact Statement detailing the objectives, the assessment of the impacts of the By-Law and the proposed consultation process has been drafted and is included at **Attachment 3**. The Regulatory Impact Statement is a statutory requirement under the Act and forms part of the consultation process.
- 2.9.** It is also necessary to implement a policy document based on the existing By-Law to be adopted by Council in the event that the existing By-Law expires before the new By-Law is made. It is difficult to predict how long each step in the By-Law making process will take. It is therefore prudent to have a policy in place to allow applications to still be determined while Council awaits the making of the new By-Law.

3. CONSULTATION

3.1. Community Consultation Undertaken

Nil.

3.2. State/Local Government Protocol

Council will directly consult with relevant state government bodies.

3.3. Other

Nil.

3.4. Further Community Consultation

Public consultation in relation to the proposed By-Law will occur after the proposed By-Law and Regulatory Impact Statement has been endorsed by Council and approved by the Director for Local Government. The proposed By-Law will be advertised and presented to the public for public consultation and submission.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no specific strategic policy implications that will arise as a result of the creation of the proposed By-Law.

5. EXTERNAL IMPACTS

External impacts are dealt with in detail as part of the Regulatory Impact Statement.

6. RISK AND LEGAL IMPLICATIONS

Upon an absolute majority decision of Council in relation to this proposed By-Law, the next steps in making the proposed By-Law, which are undertaken at officer level are:

- the Regulatory Impact Statement and proposed By-Law are referred to the Director of Local Government for consideration;
- if satisfied that the Regulatory Impact Statement meets all statutory requirements, the Director will issue a certificate of approval to Council;
- Council then gives notice of the proposed By-Law and carries out public consultation and invites submissions;
- any submission received must be considered by Council;
- if required, alterations to the proposed By-Law are to be made only by an absolute majority of Council. If the alteration substantially changes the purpose of the proposed By-Law, or its effect on the public, Council must provide public notice;
- Council then makes the By-Law under its common seal and has the By-Law certified by a legal practitioner and the Chief Executive Officer;
- the By-Law is published in the Tasmanian Government Gazette before being submitted to the Subordinate Legislation Committee and tabled in Parliament; and
- a sealed copy of the By-Law, certifications by the Chief Executive Officer and legal practitioner and a statement explaining the purpose and effect of the By-Law and the outcomes of public consultations in respect of the By-Law are sent to the Director of Local Government.

7. FINANCIAL IMPLICATIONS

- 7.1.** The proposed By-Law has the benefit of ensuring highways and associated assets built by developers (and eventually vested in council) are built to council standards.

7.2. However, there will be direct financial implications to Council in the form of increased depreciation expense resulting from the changes proposed in the proposed By-Law. For example, the proposal to increase the minimum footpath width from 1.5m to 1.8m will increase the corresponding replacement costs and depreciation expense by 20%. A review of the value of footpaths contributed to Council through subdivision over the last five financial years indicate the increase in depreciation expense is likely to be in the order of \$20,000 to \$25,000 each year.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

It is recommended that Council commences the process to make the new By-Law and if the new By-Law is not made by December 2024, to adopt the existing Local Highways Standard Requirements By-Law as policy until the new By-Law commences.

Attachments: 1. Proposed Local Highways Standard Requirements By-Law (28)
2. Summary of Key Changes (4)
3. Proposed Regulatory Impact Statement (7)

Ian Nelson
CHIEF EXECUTIVE OFFICER



CLARENCE CITY COUNCIL

**LOCAL HIGHWAYS STANDARD REQUIREMENTS
BY- LAW**

BY- LAW NO. 1 OF 2024

A By-Law made under section 145 of the *Local Government Act 1993* for the purpose of prescribing standard requirements for the construction of local highways and crossings and the regulation of works in highways in the City of Clarence.

PART I – PRELIMINARY

Short Title

1. This By-Law may be cited as the Local Highways Standard Requirements By-Law.
2. The Clarence City Council Local Highways Standard Requirements By-Law No. 2 of 2014 made on 16 December 2014 and notified in the Tasmanian Government Gazette on 6 October 2004 is repealed.

Commencement

3. This By-Law commences on the date it is published in the Tasmanian Government Gazette.

Application

4. This By-Law applies to the municipal area of the City of Clarence.

Interpretation

5. In this By-Law the following definitions apply:
 - ‘**AADT**’ means Annual Average Daily Traffic;
 - ‘**ASD**’ means approach sight distance as defined in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections;
 - ‘**Austroads**’ means the representative association of the Australian State Road Authorities;
 - ‘**authorised person**’ is a person appointed by the Chief Executive Officer for the purposes of this By-Law;
 - ‘**Authority**’ means a government body or agency having jurisdiction in relation to any matter referred to in this By-Law;
 - ‘**California Bearing Ratio**’ or “**CBR**” means a measure of the strength of the subgrade of a road or other paved area, and of the materials used in its construction.

‘Council’ means the Clarence City Council;

‘certified engineering drawings and specifications’ means drawings and specifications certified by an appropriately qualified engineer;

‘crossing’ means any footpath crossing, pavement or gutter crossing, footpath, culvert, drain or vehicular crossing or nature strip adjacent to any road, highway or way to land in the municipal area that is designed for or is used as a means of access by vehicles or bicycles from any road, highway or way to land in the municipal area;

‘design prime mover’ is as described in Austroads Publication – “Design Vehicles and Turning Path Templates”;

‘design service vehicle’ is as described in Austroads Publication – “Design Vehicles and Turning Path Templates”;

‘design single unit truck’ is as described in Austroads Publication – “Design Vehicles and Turning Path Templates”;

‘ESA’ means Equivalent Standard Axle as described in Austroads Publication - " Guide to Pavement Technology Part 2: Pavement Structural Design";

‘FOK’ means face of kerb;

‘footpath crossing’ means that part of a footpath or nature strip that is designed for or used as a means of entrance by vehicles from the pavement or gutter crossing to land;

‘Chief Executive Officer’ means the Chief Executive Officer appointed by the Council in accordance with section 61 of the *Local Government Act 1993 (Tas.)*;

‘gutter crossing’ means that part of a kerb and gutter designed for or used as a means of entrance by vehicles from the pavement to a footpath crossing;

‘highway’ means a road that is subject to the care, control or management of the Council and includes any street, road, way, mall, road reservation and cul-de-sac under the responsibility of the Council;

‘highway reservation’ is that portion of the land used, dedicated as, or to be dedicated, as highway;

‘industrial highway’ means a highway running through or adjacent to land that is zoned for industrial or commercial use or that services such areas;

‘infrastructure’ means any crossing, footpath, culvert, drain, pipe, underground or overhead services, park, reserve or nature strip adjacent to any road, highway or way to land;

‘land’ means land in the municipal area;

‘lot’ means a parcel of land consisting of one or more land titles;

‘municipal area’ means the City of Clarence as defined by Section 16 of the *Local Government Act 1993*;

‘nature strip’ means that area of land located between the pavement, including any adjacent kerb, gutter or shoulder, and the property boundary of a lot that has frontage adjoining any highway in the municipal area;

‘notice’ means a Council notice:

- (a) displayed or set up in a public place or adjacent to a public place in the municipal area; or
- (b) in a daily newspaper circulating in the municipal area; or
- (c) forwarded by Council, Chief Executive Officer or authorised person to a person to whom this By-Law applies;

‘pavement’ means the formed area of a highway or carriageway excluding the kerb, gutter and shoulder;

‘penalty unit’ means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*;

‘permit’ means a permit issued to a person pursuant to this By-Law;

‘permit holder’ means a person or incorporated body granted a permit pursuant to this By-Law;

‘planning permit’ means a permit issued by Council in accordance with the *Land Use Planning and Approvals Act 1993*

‘protected bike lane’ means a designated lane on the road that is physically separated from vehicle traffic by a barrier such as a curb or bollards;

‘public land’ means any land owned by or under the control of Council, and any public land in the municipal area,

‘public open space’ means land used for public recreation or public gardens or for similar purposes

‘subdivision’ means a subdivision as defined under the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

‘residential street’ means a local road as defined within this By-Law;

‘road’ means a highway and includes:

- a) a local highway within the meaning of the Local Government (Highways) Act 1982;
- b) highway reservation;
- c) any approved and constructed crossing, kerb, footpath, guttering, pavement or earth surface drain; and
- d) a mall;

‘road hierarchy’ means the Council’s classification system for local highways in the municipal area;

‘road width’ means the width of the roadway from face of kerb to face of kerb.

‘road reserve’ means the area of land located between the property boundary and includes pavement, kerb, gutter, footpath or shoulder, and the nature strip of a lot that has frontage adjoining any highway in the municipal area;

‘rural highway’ means all those highways that are not urban highways in the municipal area;

‘services’ includes all service infrastructure located in or above a highway or a road;

‘SISD’ means Safe Intersection Sight Distance as defined in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections;

‘site’ includes any land where building work or works are being carried out, or have been carried out, and includes any area of a highway beyond the title boundaries of privately owned land which involve or are affected by building work or works carried out on adjoining or adjacent privately owned land;

‘Standard Requirements’ means those standard requirements set out in Part II of this By-law;

‘Tasmanian Standard Drawings’ means the Tasmanian Standard Drawings issued by the Local Government Association of Tasmania in conjunction with the Institute of Public Works Engineering Australia dated 30 November 2013 as adopted by Council and as amended from time to time;

‘through traffic’ means vehicles that travel directly between highway nodes without diversion to abutting properties or adjoining highways;

‘urban highway’ means a highway located within any areas zoned for the purpose of urban type development under a planning scheme for the municipal area;

‘vehicle’ has the same meaning as in the *Road Rules 2009*;

‘Water Sensitive Urban Design’ is as defined within the State Stormwater Strategy issued by the Tasmanian Government;

‘works’ means:

- a) “highway works” as defined under section 3 of the *Local Government (Highways) Act 1982*;
- b) any works to be carried out or being carried out in accordance with a permit granted under the *Building Act 2016* or construction works to be carried out or being carried out at a site including subdivisional construction works in accordance with a permit granted pursuant to the *Land Use Planning and Approvals Act 1993*;
- c) works for the construction, alteration, opening up, repair or modification of a crossing, highway or road;
- d) excavations of the highway including for the installation, maintenance, repair or modification of services;
- e) the erection of scaffolding or hoardings;
- f) placing freight containers or rubbish skips on the road;
- g) depositing soil, rocks, and mud or building materials on the road;
- h) using tracked vehicles or construction equipment on the road;
- i) the use of the road by any form of crane, or mechanically or hydraulically operated elevated platforms whether self-propelled or mounted on road vehicles;
- j) works as defined under Part III of this By-Law; and
- k) any other activity that requires the use of the highway or part of the highway, for the purpose of carrying out works at a site.

Currency of documentation

6. In this By-Law a reference to an Act, regulation, standard, code, publication or document includes a reference to any amended, updated, superseded, or altered Act, regulation, standard, code, publication or document.

Delegations

7. Where under this By-Law a matter may be determined by the Chief Executive Officer, the Chief Executive Officer may, in accordance with the *Local Government Act 1993*, delegate to an employee of Council, performance of those functions.

PART II – STANDARD REQUIREMENTS FOR HIGHWAYS IN SUBDIVISIONS

Standard Requirements

8. The provisions of this Part are Standard Requirements, and this includes the Tasmanian Standard Drawings, with respect to the dimensions and configuration and mode of construction of highways and works.
9. The Chief Executive Officer, at their discretion, may dispense with compliance with any requirement of this By-law.

Road Hierarchy

- 10.1 Each proposed highway or part of a highway is to be classified according to the road hierarchy described in this clause and is to meet the requirements of the road hierarchy unless the Chief Executive Officer approves alternative requirements.
- 10.2 The Chief Executive Officer may require traffic and/or planning information to be provided for proposed and/or existing highways prior to determining a road's classification in the road hierarchy.
- 10.3 Roads servicing industrial or commercial zoned land may be subject to special requirements as determined by the Chief Executive Officer. These special requirements may include but are not limited to street trees, footpath surface finishes and footpath widths, traffic calming and pedestrian crossings.
- 10.4 The road hierarchy consists of the following highway classifications:

Urban Roads:

'arterial road':

- i. means an urban highway that collects vehicles from sub-arterial and collectors and provides links between major activities, local areas, regional areas, and/or the State road network;
- ii. are not normally to be directly connected to a residential street; and
- iii. the nodes of collector roads with arterial roads are to be staggered and separated by a distance of at least 150 metres unless the Chief Executive Officer permits otherwise.

'sub-arterial road':

- i. means an urban highway that collects vehicles from residential streets and collectors and directs vehicles to arterial roads or local activities; and
- ii. the nodes of residential streets or collectors are to be staggered and separated by a distance of at least 100 metres unless the Chief Executive Officer permits otherwise.

'collector road':

- i. means an urban highway that collects vehicles from adjoining residential streets and directs vehicles to sub-arterials or arterial roads.

'local road':

- i. means an urban highway primarily providing access to abutting properties and can either be subject to through traffic or not.

Rural Roads:

'rural arterial':

- i. means a rural highway with an AADT greater than 2000 that collects vehicles from abutting properties, rural collectors or urban highways and links local or regional areas; and
- ii. the nodes of rural collectors with rural arterials are to be staggered and separated by a distance of at least 150 metres unless the Chief Executive Officer permits otherwise.

‘rural collector’:

- i. means a rural highway Class S4 with an AADT of less than 2000 that services rural properties;
- ii. is subject to low volumes of through traffic; and
- iii. directs vehicles to rural arterials, urban highways or local points of destination.

‘rural local road’:

- i. means a rural highway primarily providing access to abutting properties and can either be subject to through traffic or not.

Industrial Roads:

‘commercial/industrial collector road’

- i. means an industrial highway that collects vehicles from abutting properties and industrial streets and links them to arterial roads or rural arterials; and
- ii. the nodes of industrial streets with industrial collectors are to be staggered and separated by a distance of at least 150 metres unless the Chief Executive Officer permits otherwise.

‘commercial/industrial local road’ means an industrial highway that primarily provides access to abutting properties and is generally not subject to through traffic.

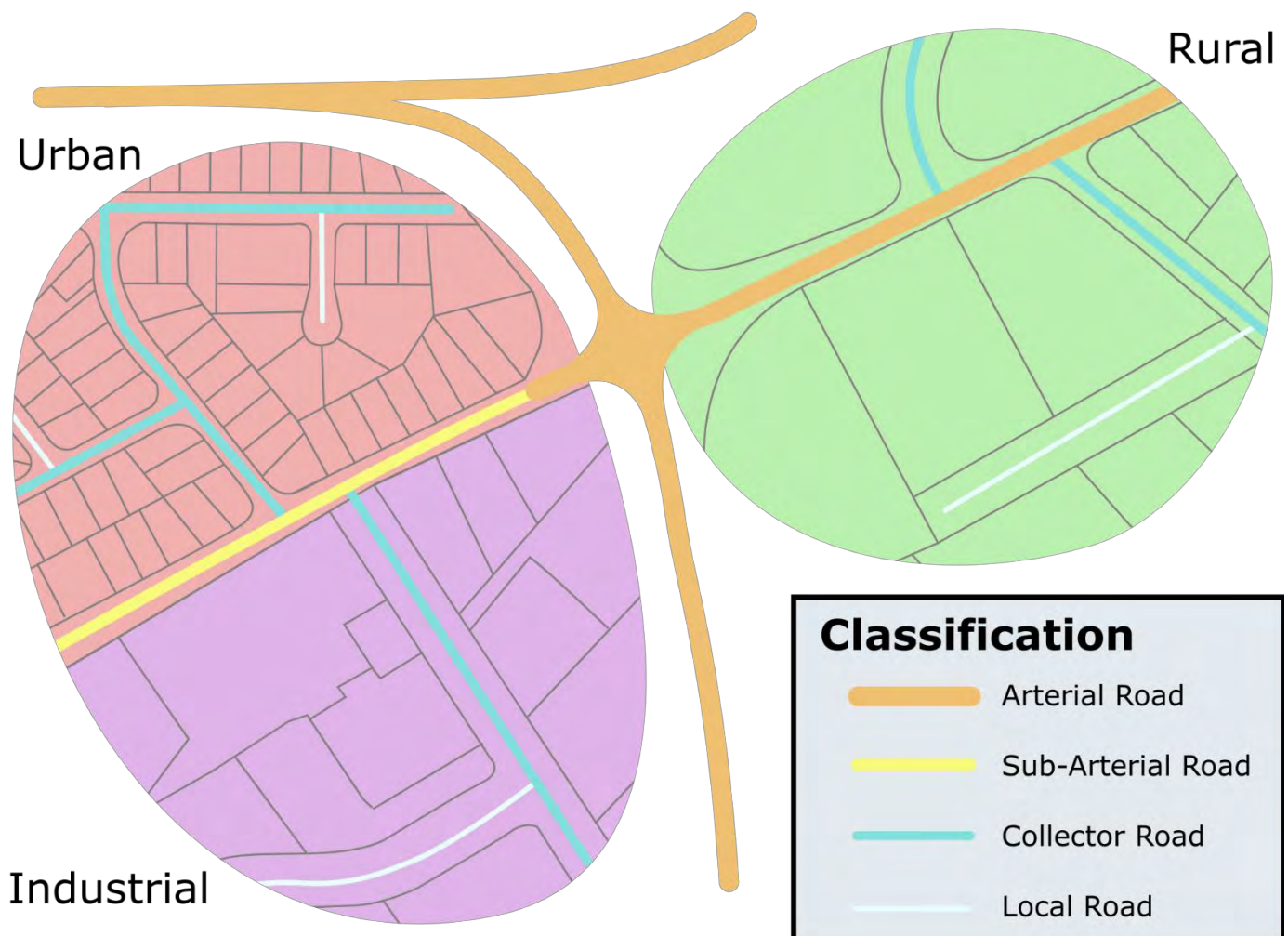


Figure 1 Typical road hierarchy (for illustrative purposes only)

General Geometric Design Requirements

- 11.1 The geometric lay out for all highways in the municipal area is to be in accordance with current geometric design and traffic-engineering practice as set out in the appropriate publications issued by Austroads, current Tasmanian Standard Drawings and in accordance with this By-Law.
- 11.2 The construction requirements for footpaths, crossings and kerb and gutter are to be in accordance with Part V of this By-Law.
- 11.3 The design vehicle speed is to be as determined by the Chief Executive Officer but generally is to be in accordance with the speed limits set by the Transport Commission.
- 11.4 The minimum requirements for horizontal and vertical alignments are to be determined by the stopping sight distance relative to the design vehicle speed adopted.
- 11.5 The Chief Executive Officer may require highway reservation widths to be increased in terrain requiring cut or fill embankments or where curves need to be widened to meet the requirements of this By-Law or to ensure that sight distance requirements can be met.
- 11.6 The junctions and intersections of highways are to be designed to provide SISD and ASD in accordance with Austroads' Guide to Traffic Engineering Practice, Part 4A – Unsignalised and Signalised Intersections.
- 11.7 Crossings to land adjacent to a highway are to be located and designed to provide SISD wherever possible. Where this is not possible, a crossing to a single dwelling may be designed to provide ASD as measured in Figure 3.2 of AS 2890.1, Parking Facilities – Off Street Car Parking.
- 11.8 Prior to approving or refusing any plans and specifications the Chief Executive Officer may require a traffic impact analysis including safety assessment of a design proposal and/or formal approval of the design from the Transport Commission or relevant State Government authority where appropriate.
- 11.9 The incorporation in a design of traffic management devices such as traffic signals and statutory speed limits, are to be approved by the Transport Commission or relevant State Government authority.
- 11.10 All other traffic management devices are to be approved by the Chief Executive Officer.
- 11.11 At intersections with two local roads, the radii of the kerb is to be 5 metres, unless there are extenuating topographical circumstances approved by the Chief Executive Officer.

Specific geometrical Design for Urban Highways

- 12.1 Unless otherwise approved by the Chief Executive Officer, and subject to clause 11, the sealed pavement widths, road reservation widths and footpath requirements of an urban highway are shown in Table 1 below.

- 12.2 Variations will be considered where the Chief Executive Officer deems on-road protected bike lane necessary. Where on road protected cycle infrastructure is installed, lanes must be 1.8 metres wide installed on both sides of the road with a 0.3 metre buffer to vehicular traffic.
- 12.3 Road reserve is to be assigned in such a way that all required street furniture and street trees can fit within the road reserve. The width of footpaths located within Public Open Space connecting to an urban highway is to be designed at the discretion of the Chief Executive Officer. Consideration will be given to the number of potential users, topography, origin and destination and the broader pedestrian network.
- 12.4 Road and reservation widths shown in Table 1 are minimum requirements and increased reservations widths may be required to accommodate any or all of the following:
- a) high numbers of commercial vehicles e.g. buses, semi-Trailers and B-Doubles;
 - b) high traffic volumes;
 - c) provision for protected on-road bike lanes;
 - d) management of drainage or stormwater using Water Sensitive Urban Design principles; or
 - e) street trees and roadside furniture.
- 12.5 The Chief Executive Officer may impose variations to any of the requirements in Table 1 to suit specific project outcomes and to meet any relevant changes in recognised standards.
- 12.6 Intermediate road widths between the following ranges are not permitted unless by the discretion of the Chief Executive Officer:
- a) 6.9 metres and 8.9 metres (FOK); or
 - b) 8.9 metres and 11.0 metres
- 12.7 The minimum diameter of a road for a turning circle in a cul-de-sac is to be 18.0 metres to the FOK and is to be incorporated in a highway reservation of a minimum width of 25.0 metres unless wider reservation is required for bushfire management plans. Tee, Wye or Offset Square turning heads are not allowed unless approved by the Chief Executive Officer.
- 12.8 Curves on local roads are to be designed so that a design service vehicle can completely negotiate each curve without encroaching onto the kerb and gutter or, in the case of a dual lane road, the right hand side of the road.
- 12.9 Curves on collector roads are to be designed so that a design single unit truck or bus can completely negotiate each curve without encroaching onto either the right-hand side of the road or the kerb and gutter.
- 12.10 Junctions and intersections of collector roads or of collector roads with sub-arterial roads are to be designed so that a design single unit truck or bus can negotiate each turning manoeuvre without encroaching onto the kerb and gutter or into the opposing travel lane, except to pass directly across it where that is necessary.
- 12.11 Curves on arterial roads are to be designed so that a design prime-mover and semi-trailer can completely negotiate each curve without encroaching onto either the right-hand side of the road or the kerb and gutter.

- 12.12 The form of traffic management devices and turning manoeuvres to be accommodated at junctions and intersections of sub-arterial roads and any junctions and intersections with arterial roads will be determined by the Chief Executive Officer.
- 12.13 The longitudinal gradient of the road and/or footpath is to have a longitudinal gradient not flatter than 0.5% and not steeper than 17%. The Chief Executive Officer may permit a grade maximum of 20% for lengths of highway up to 70 metres in special circumstances. The length of a highway at the steeper grade limit of 17% is not to exceed 200 metres. Footpaths located within any Public Open Space connecting to an urban highway and surfaced in concrete or other impervious material must incorporate handrails when grades are steeper than 1:14.
- 12.14 Footpaths which cross the road at intersections are to be convenient for the path user and must maintain the same longitudinal grade and a crossfall grade no greater than the adjacent road. Footpaths are not to be located where a path user must make an inconvenient detour either up or downhill to get to any access ramps to cross the road.
- 12.15 Street trees are to be planted in accordance with Council’s Trees on Council Owned or Managed Land Policy 2021. Street trees along newly constructed roads are to be planted in accordance with TSD-R36 – Tree/Shrub Planting as a minimum and must conform to AS2303:2018 ‘Tree stock for landscape use’.
- 12.16 Cul-de-sacs are required to have pedestrian pathways or provision for such pathways at the cul-de-sac heads to connect to public open space or to road reserves in future stages of works.

Table 1: Urban Road Design Widths

Road Type	Road length	Minimum Road Pavement Width (lip to lip)	Minimum Reservation Width	Minimum footpath requirements
1 – Arterial	Any length	14.3 metres	25.0 metres	3.0 metres one side, 1.8 metres other side
2 - Sub- Arterial	Any length	11.0 metres	24.0 metres	3.0 metres one side, 1.8 metres other side
3 – Collector	Any length	11.0 metres	22.0 metres	3.0 metres one side, 1.8 metres other side
4 - Local (through road)	Any length	8.9 metres	20.0 metres	1.8 metres both sides
Local (Cul-de-sac)	Length > 150 metres	8.9 metres	20.0 metres	1.8 metres both sides
Local (Cul-de-sac)	Length ≤ 150 metres	6.9 metres	17.0 metres	1.8 metres one side only

Specific Geometrical Design - Rural Highways

- 13.1 Subject to clause 14, the minimum pavement width of a rural highway is to be in accordance with Standard Drawing TSD-R02 Class S4 or Class S5.
- 13.2 The minimum diameters for any turning circle in any cul-de-sac of rural highways and its associated highway reservation width is 18.0 metres to the edge of seal and is to be incorporated in a highway reservation of a minimum width of 25.0 metres. Tee, Wye or Offset Square turning heads are not allowed.
- 13.3 Curve widening is to be provided on all rural roads in accordance with the relevant section of Austroads' Guide to Road Design Part 3: Geometric Design.
- 13.4 The longitudinal gradient of the road is to have a longitudinal gradient not flatter than 0.5% and not steeper than 17%. The Chief Executive Officer may permit a grade maximum of 20% for short lengths of highway up to 70 metres. The length of highway at the steeper grade limit of 17% is not to exceed 200 metres.
- 13.5 The longitudinal gradient of the pavement is to conform to the maximum and minimum grades as shown for kerb and gutter in clause 12(4), however, provided table drains are constructed at an appropriate grade to allow satisfactory flow, a flatter longitudinal gradient may be approved by the Chief Executive Officer.
- 13.6 Junctions and intersections of rural collector roads are to be designed so that a design service vehicle can negotiate each turning manoeuvre without encroaching onto the road shoulder or into the opposing travel lane, except to pass directly across it where that is necessary.
- 13.7 The form of vehicle control and turning manoeuvres to be accommodated at junctions and intersections with rural arterial roads will be determined by the Chief Executive Officer.
- 13.8 The Chief Executive Officer may require a rural highway to contain footpaths, dedicated cycle lanes, widened verges, and/or kerb and guttering on both sides of the pavement which may increase the road reserve width as defined in clause 12(1).

Specific Geometrical Design - Industrial Highways

- 14.1 Curves on industrial highways are to be designed so that a design prime mover and semi-trailer can completely negotiate each curve without encroaching onto either the right-hand side of the road or the kerb and gutter.
- 14.2 Gutter and footpath crossings and driveways to each lot are to be designed to accommodate the turning manoeuvres of a design single unit truck/bus vehicle, in particular to ensure that left turning vehicles do not need to encroach onto the opposing travel lane.
- 14.3 The minimum road pavement widths and minimum road reservation widths are to be in accordance with Table 2 below.
- 14.4 Junctions and intersections of industrial roads are to be designed so that a design prime mover and semi-trailer can negotiate each turning manoeuvre without encroaching onto the kerb and gutter/road shoulder or into the opposing travel lane, except to pass directly across it where that is necessary.

- 14.5 Cul de sacs are not accepted for the industrial highway other than the severely constrained location which may be approved by the Chief Executive Officer. Where a cul de sac is to be provided, the minimum diameter of the pavement for any turning circle in a cul-de-sac of an industrial highway is to be 24 metres and is to be incorporated in a highway reservation of a minimum diameter of 32 metres.
- 14.6 An industrial highway will also be either an urban or rural highway, and where this By-Law does not detail specific provisions for an industrial highway, the relevant Standard Requirements for an urban or rural highway are to be used.
- 14.7 Street trees are to be planted in accordance with council's Trees on Council Owned or Managed Land Policy 2021 and any future revisions of this policy and any documents associated with this policy. Street trees along newly constructed roads are to be planted in accordance with TSD-R36 – Tree/Shrub Planting as a minimum and should conform to AS2303:2018 'Tree stock for landscape use'.

Table 2

Road Type	Minimum Road Pavement Width	Minimum Reservation Width	Minimum footpath requirements
Industrial collector	14.3 metres	24 metres	1.8 metres each side
Industrial local road	As per TSD-R06	20 metres	1.8 metres each side

Provisions for Heavy Vehicles and Climbing Lanes

15. If the highway is considered to require additional pavement width for heavy vehicles, climbing lanes, parking lanes clear of travel lanes or because of the nature and projected volume of traffic, the Chief Executive Officer may determine the width to be constructed up to a maximum of 14.3 metres taking account of the terrain traversed, and the geometric design of the highway. Where the highway will become part of a bus route or may subject to regular use by heavy vehicles, the longitudinal gradient along the pavement centreline is not to exceed 10%.

Crossfall

- 16.1 The surface of the pavement is to have a crossfall of not less than 3% and not greater than 5%. The desired crossfall is 3%.
- 16.2 If required to suit super-elevation transitions, the Chief Executive Officer may approve crossfalls flatter than 3%. The maximum super-elevation crossfall is not to be greater than 8% and cross-slopes on turning heads are to be contained within the 3% to 8% range.

Pavement Design and Specification

- 17.1 The structural design of the pavement is to be determined by the investigation of the subgrade material encountered on each highway to be constructed and is to comply with the design criteria which the Chief Executive Officer considers relevant within the then current editions of:
- a) the Austroads Publication - "Guide to Pavement Technology" or
 - a) any other publication approved by the Chief Executive Officer for the purposes of this clause.

- 17.2 Pavements are to be designed for the minimum design traffic loading shown in Column 2 of Table 3 below for the appropriate highway type in Column 1:
- 17.3 All pavement materials used or intended to be used in the sub-base and base courses are to conform to the requirements of Council's standard specification for fine crushed rock.
- 17.4 Pavement designs are to be submitted to the Chief Executive Officer for approval as certified engineering drawings and specifications showing all relevant details of pavement and subgrade material's California Bearing Ratio (CBR).
- 17.5 The minimum pavement thickness is to be no less than 300 metres.

Table 3

Column 1	Column 2
Highway Type	Min. Design traffic loading (ESA 's)
Urban	
Arterial Road	4.0 x 10 ⁶ (to be justified by detailed design)
Sub-Arterial	1.0 x 10 ⁶ (to be justified by detailed design)
Collector	1.0 x 10 ⁶ (to be justified by detailed design)
Local Road (Dual Lane)	7.0 x 10 ⁴
Rural	
Rural Arterial	1.0 x 10 ⁶
Rural Collector	3.0 x 10 ⁵
Rural Local Road	3.0 x 10 ⁵
Industrial	
Industrial Collector	4.0 x 10 ⁶
Industrial local road	1.0 x 10 ⁶

Wearing Course and Pavement Markings

- 18.1 Subject to clause 18(4) the wearing course of pavements is:
- a) for urban highways to consist of bituminous concrete of a compacted thickness of at least 35 metres (AC 10);
 - b) for rural highways to be as required for urban highways or either of the following:
 - (i) an application of primer followed by one application of bituminous binder and one application of aggregate (single coat seal); or
 - (ii) an application of primer followed by one application of bituminous binder and one application of aggregate followed by a further application of bituminous binder covered in turn by smaller sized aggregate (two coat seal).
- 18.2 The rate of application of primer and binder and the rate of application and size of aggregates in each case is to be as approved by the Chief Executive Officer.
- 18.3 Wearing course for an industrial highway is to be minimum 40 mm Asphalt bituminous Concrete (AC14).

- 18.4 Subject to clause 18(1) all wearing courses are to comply in design and construction procedure to the requirements, as the Chief Executive Officer considers relevant of the then current edition of any of the following:
- a) Austroads Guide to Pavement Technology Part 3: Pavement Surfacings;
 - b) Austroads Guide to Pavement Technology Part 4E: Recycled Materials;
 - c) AS 2150 - 2020, Asphalt – A Guide to Good Practice;
 - d) AS 2008 – 1997, Residual Bitumen for Pavements;
 - e) AS 1160 – 1996, Bituminous Emulsions for the Construction and Maintenance of Pavements;
 - f) AS 2157 – 1997, Cutback Bitumen; and
 - g) AS 2758.2 – 2021, Aggregates and Rock for Engineering Purposes – Specification for sealing aggregate
- 18.5 The Chief Executive Officer may, subject to the provision of certified engineering drawings and specifications, allow the use of an alternative type of material in the pavement or wearing course provided it is not of a lesser standard than that provided in clauses 17 and 18, and with the standard required for construction being approved by the Chief Executive Officer.
- 18.6 Pavement markings such as linemarking, painted thresholds and any painted street art, are to be approved by the Chief Executive Officer. Painted thresholds are to clearly define the pedestrian priority at intersections.
- 18.7 All arterial, sub-arterial and industrial road pavement markings required for traffic devices are to be in thermoplastic.

Cuttings and Embankments

- 19.1 If a highway includes a nature strip or embankment, the nature strip or embankment is to:
- a) if the slope is not steeper than 1 in 4, be covered with a good quality top soil not less than 100 metres deep at any point, and be sown with grass or suitable native vegetation of a type and in a manner and location approved by the Chief Executive Officer;
 - b) if the slope is steeper than 1 in 4, be constructed in a manner as required by the Chief Executive Officer. Any treatment to maintain the bank slope must be low maintenance.
- 19.2 An appropriate flat area is to be allowed for services within the road reserve
- 19.3 A cutting or embankment is to have a slope no steeper and a height no higher than those specified in the following table 4:

Table 4

Material	Vertical	Horizontal
Solid Rock	1	in 0.5
Loose Rock	1	in 2.00
Soil	1	in 2.00
Sand	1	in 3.00

- 19.4 A fill embankment steeper than 1 in 4, requires engineering stabilisation works to the satisfaction of

the Chief Executive Officer.

- 19.5 If the Chief Executive Officer considers necessary, road construction and batters are to be fully contained in the highway reservation.
- 19.6 If the Chief Executive Officer determines that any highway, or land adjoining the highway, or crossing to that land, requires support, retaining walls, batters and/or other structures, then such supports, retaining walls, batters and other structures are to be certified by a suitably qualified engineer and constructed of such materials and to such design and standards as the Chief Executive Officer requires. This may include the owner of the land entering into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993 (Tas.)* with Council in relation to the on-going maintenance of the constructed support, retaining wall, batter and other structure to support the owner's land.
- 19.7 Where land adjoining or abutting a highway requires support, retaining walls, batters or other structures to support that land, the Chief Executive Officer may require the owner of that land to be responsible for providing the necessary certified engineering drawings and specifications for the design of the required support, retaining walls, batters or other structures to support the owner's land, building or structure which may be required to be carried out at the owner's expense.
- 19.8 Services are to be located a minimum of 1 metre away from the toe of any embankment, unless supported by a suitably qualified person and approved by the Chief Executive Officer.

Stormwater System

- 20.1 A public stormwater system must be designed in accordance and to comply with the requirements under the 'Stormwater Management Procedure for New Development' and comply with the requirements of the "Australian Rainfall and Runoff" produced by Engineers Australia;
- 20.2 Stormwater systems are also to be designed in accordance with the following:
- a) concrete entry (gully) pits conforming to the Tasmanian Standard Drawings for the collection of water from the kerb and gutter are to be constructed at each low point, tangent point and at other locations required for the satisfactory drainage of the highway;
 - b) the length of kerb and gutter draining to an entry pit is to not exceed 90 metres and the depth of entry pits is to not exceed 1.5 metres unless otherwise agreed by the Chief Executive Officer;
 - c) concrete junction pits conforming to the Tasmanian Standard Drawings are to be constructed at locations where pipelines intersect or change direction or change gradient;
 - d) similar type pits for access purposes are to be constructed on straight pipelines; and
 - e) the maximum distance between any two connected entry pits, junction pits or access pits is to be 90 metres unless otherwise agreed by the Chief Executive Officer.
- 20.3 The minimum internal diameter of pipes used for the drainage of stormwater within any highway is to be 300 mm.
- 20.4 Calculations upon which the stormwater system design is based including details of catchment areas are to be submitted with the certified engineering drawings and specifications. If practicable, systems

are to be designed so that all land served continues to drain to the catchment into which it naturally drains. An applicant must contact Council to determine if the development negatively impacts the downstream capacity of the network to the outfall.

- 20.5 Any pipeline constructed to carry off stormwater from a highway may also be used for the drainage of other land and for the piping of watercourses and is to be designed in accordance with this clause.
- 20.6 Each lot is to drain and connect with a pipe drainage system. Kerb outlet is not accepted unless authorised by the Chief Executive Officer.
- 20.7 If the kerb outlet is approved by the Chief Executive Officer in accordance with clause 20(6), the kerb outlet is to be constructed as per the Tasmanian Standard Drawing from a minimum 450 mm x 450 mm sump inside the lot boundary to the kerb, terminating through galvanised steel kerb adaptors for the full depth of the kerb.
- 20.8 Sub-surface drains as shown on the Tasmanian Standard Drawings are to be installed behind all kerbs. Sub-surface drains are to discharge to the nearest pits.
- 20.9 The Chief Executive Officer may require:
- a) cut-off drainage to be constructed to intercept surface or ground water;
 - b) sub-surface drainage is to be constructed to intercept sub-surface water; and/or
- 20.10 The Chief Executive Officer at their discretion may require the stormwater system to be connected to:
- a) the nearest watercourse, an intermittent drainage path or a groundwater recharge pit into which the stormwater runoff may be reasonably drained; or
 - b) to a point in the Council's stormwater system. This may involve crossing the road to access the system.
- 20.11 If footpaths, kerbs and/or gutters are not required on either or both sides of the pavement of a highway, table drains and shoulders are to be constructed of such dimensions and design criteria as the Chief Executive Officer requires.

PART III – DESIGN APPROVAL, CONSTRUCTION AND INSPECTION OF WORKS

Approval of Works

- 21.1 All works that are subject to this By-Law are to be detailed by certified engineering drawings and specifications prepared in accordance with this By-Law prior to commencement of any works.
- 21.2 The Chief Executive Officer may accept certified engineering drawings and specifications subject to any conditions considered necessary to satisfy the standard requirements.

- 21.3 The certified engineering drawings and specifications submitted for approval are to be accompanied by such pavement design calculations as are necessary to meet the requirements of those publications set out in this By-Law together with details of the California Bearing Ratio of the subgrade from tests carried out and certified by a laboratory accredited by the National Association of Testing Authority (NATA).
- 21.4 Prior to accepting certified engineering drawings and specifications or after accepting certified engineering drawings and specifications but prior to the commencement of works, the Chief Executive Officer may require test results from a laboratory accredited by the National Association of Testing Authority (NATA) with respect to any materials to be used in the works.
- 21.5 The Chief Executive Officer may refuse to accept the use of materials or methods of construction where the Chief Executive Officer is not satisfied that those materials and methods of construction will satisfy the standards required in this By-Law or where Council is likely to incur unreasonable additional costs in the ongoing operation & maintenance of the assets.
- 21.6 Services which are proposed to be located within the highway reservations in subdivisions, are to be located and constructed in accordance with the alignment nominated in the Tasmanian Standard Drawings and any other requirements of the Council.
- 21.7 The approval of the Chief Executive Officer is to be obtained where any variation to the Tasmanian Standard Drawings is proposed.

Non-approved works

22. The Chief Executive Officer may require works, which do not comply with the Standard Requirements and/or the certified engineering drawings and specifications, or works that have been carried out without prior approval or a permit to:
- a) be completed in accordance with the Standard Requirements by whatever reasonable means the Chief Executive Officer determines;
 - b) cease or be suspended; and/or
 - a) be removed and replaced at the expense of the person responsible for carrying out the works, or the person who has carried out the works.

Postponement of Works

23. The Chief Executive Officer may require postponement of any highway works to enable other works to be undertaken within the highway reservation by Council or by any person or statutory body authorised to undertake those works within the highway reservation.

Notification and Inspection of Works

- 24.1 For all works associated with Council's road reserves or subdivision works, a person must provide no less than two business days' notice means of a 'Start of Works Notice' to the Chief Executive Officer of the commencement of any of the following works:
- a) soil & erosion control in accordance with any approved soil and water management plan or similar;
 - b) weed management measures in accordance with any approved weed management plan or similar;
 - c) laying pipelines for stormwater drainage;

- d) preinstallation of all stormwater quantity and quality treatment devices;
- e) preparation of subgrade;
- f) construction of sub-base course;
- g) construction of base course;
- h) construction of kerb and gutter;
- i) construction of a crossing;
- j) application of wearing course;
- k) post installation of all stormwater quantity and quality treatment devices, and
- l) construction of footpaths, nature strips, crossings and accesses.

- 24.2 The Chief Executive Officer may fully inspect, monitor and call for tests of any of these works or any materials to be used in such works to determine compliance with the certified engineering drawings and specifications and the Standard Requirements.
- 24.3 The wearing course is to be completed within 3 working days from the date of approval of the base course by the Chief Executive Officer.
- 24.4 The surface of the base course is to be maintained in good condition until the application of the wearing course, however, should the above-mentioned period go beyond 3 working days, a further inspection may be required.
- 24.5 Subject to clauses 24.1 and 24.2, the designs, drawings, plans, specifications, materials, workmanship, method of construction and finish of all works are to be in accordance with the requirements of the Chief Executive Officer.
- 24.6 No work is to commence until the Chief Executive Officer has considered the certified engineering drawings and specifications and provided authority for the works to proceed Any works completed prior to the issue of certified drawings may require reconstruction in accordance with approved drawings or demonstrated for its acceptance.

Testing and Acceptance of Works

- 25.1 The Chief Executive Officer may require additional testing of the works to be undertaken at the owner's or applicant's expense to determine compliance with the certified engineering drawings and specifications and the Standard Requirements.
- 25.2 A certificate of completion will be issued by means of a certificate of completion in accordance with section 10 of the *Local Government (Highways) Act 1982 (Tas.)* upon satisfactory completion of the works in accordance with clause 25(3).
- 25.3 Works are to be completed in accordance with the certified engineering drawings and specifications and the Standard Requirements to the satisfaction of the Chief Executive Officer prior to acceptance under section 12 of the *Local Government (Highways) Act 1982 (Tas.)*.
- 25.4 The following documents outlined in Table 5 must be submitted prior to the issuing of the certificate of completion in accordance with clause 25(2).

Table 5

Document	Standards
As-constructed drawings	As per Council's requirements
CCTV report and footage	For all stormwater pipes greater than 300 mm diameter or as required for other reasons.
Operations & Maintenance Schedule for any devices or system	For all stormwater devices and proprietary devices including Play equipment if applicable
Any quality control checks that may be required	As nominated by the Chief Executive Officer

PART IV – ACCESS MAINTENANCE REQUIREMENTS

Responsibility of Owners

- 26.1 The owner of land who is the sole beneficiary of the access to that land, is responsible for the maintenance of the vehicular crossing from the edge or bitumen/kerb to the property boundary. The owner of land is also responsible for the damage caused to the crossing, part of footpath within the crossing or services, as a consequence of vehicles used by or on behalf of the owner/occupier for carrying out works adjoining that footpath, crossing, infrastructure, or adjacent area of the highway or road next to the owner's land.
- 26.2 The Chief Executive Officer may, by notice, direct an owner of land to make good any damage referred to in clause 26(1) if it deemed to be caused by the owner or working on behalf of the owner.
- 26.3 The Council may recover from the owner of land referred to in this clause, reasonable costs it has incurred as a consequence of not being repaired or reinstated on timely manner.

PART V – CROSSINGS, KERB AND GUTTER, FOOTPATHS

Construction of Crossings by Council

27. Council may construct, repair or remove a crossing that provides access to land in private ownership without cost to the landowner under following circumstances:
- a) the crossing is within an area where road reconstruction works are to be carried out by Council;
 - b) the crossing requires replacing under any other planned works including footpath or kerb & gutter works
 - c) Council has recently carried out reconstruction works that have caused damage to the crossing; or
 - d) the crossing is no longer in use.

Application to Construct Crossing

- 28.1 The owner of land is responsible for the costs associated with the construction, repair, maintenance and renewal of any crossing or culvert located under the crossing to that land. The crossing is to be constructed, repaired, maintained and renewed in a manner, and to a standard required by the Chief Executive Officer.

- 28.2 An application (Permit to works on or affecting a Highway or nature strip) for the construction or the alteration of a crossing is to be made in writing in an approved form and forwarded to the Chief Executive Officer by the owner of the land or a person on behalf of the owner with the owner's consent.
- 28.3 The Chief Executive Officer may issue a permit to construct or alter a crossing to a person on such conditions as the Chief Executive Officer may direct or require.
- 28.4 A person must not construct or alter existing crossing in the municipal area without a permit.
Penalty: Fine not exceeding ten (10) penalty units.

Provision and Location of Crossings

- 29.1 A crossing in the municipal area is not to be sited within the curved section of kerbing and guttering which joins intersecting streets or roads and is not to be sited within the area where such kerbing and guttering may be planned for future road or street construction.
- 29.2 A new building in the municipal area is to be built to make use of an existing crossing in a kerb and gutter where practicable.
- 29.3 If a new building is sited so that an existing crossing is redundant the existing crossing is to be reinstated as normal kerb, gutter/drain and path as part of the cost of providing the new crossing to the new building.
- 29.4 If a new crossing is required in an existing concrete footpath, the cost of the new crossing is to include the cost of such replacement, strengthening and regrading of the footpath as the Chief Executive Officer may direct.
- 29.5 Where a crossing replacement or upgrade is required, the entire length of the crossing must be replaced as well as the footpath as part of the apron.

Design and construction of Footpaths and Accesses

- 30.1 Footpaths are to be designed and constructed adjacent to the property boundary where topographically possible.
- 30.2 Footpaths are to have a minimum width as shown in Table 1 and Table 2 and a crossfall of 2.0% towards the kerb and gutter (can vary up to 4% for short lengths at the Chief Executive Officers discretion). Footpaths constructed on bus routes are to be constructed with a crossfall no more than 2%.
- 30.3 The centre line of multi user paths (paths 3.0 metres wider and greater) must have median linemarking.
- 30.4 Footpaths are to be constructed of:
- a) concrete having a minimum 28 day compressive strength of 25 MPA, minimum thickness 150 mm, reinforced with SL72 mesh placed centrally and dowelled to any contiguous kerb with 300 mm long R10 reinforcement placed at 1000 mm centres.
 - b) The footpath on the multiuser path, are to be constructed with saw cut joint and must not include tool joints.

- c) Foam is to be removed from any expansion joints and an approved sealant must be used to seal between the concrete panels; and
 - d) Alternative paving materials and methods of construction may be approved by the Chief Executive Officer.
- 30.5 Light poles and other major obstructions are to be set back 0.5 metres from all footpaths to provide clearance for all footpath users. Signs are to be located away from footpaths where possible.

Design and construction of Kerbs and Gutters

- 31.1 If kerbs and gutters are required then each are to conform to the minimum requirements set out in this clause.
- 31.2 Kerb and gutter is to be formed using a continuous forming machine with concrete having a 28 day compressive strength of 20 MPa in accordance with the dimensions shown on the relevant Tasmanian Standard Drawing.
- 31.3 If the Chief Executive Officer approves, kerb and gutter or kerb of an alternative shape and dimension may be used. Roll over kerbs are undesirable and project specific reasoning is to be supplied with the application for approval. Semi mountable kerbs require a formed crossover at any access point.
- 31.4 Prior to the construction of kerbs and gutters and kerbs, the pavement sub-base course is to be constructed and compacted to extend at least 150 mm behind such kerbs and gutters and kerbs, and the surface shaped and thoroughly compacted with fine crushed rock to provide a base upon which the kerbs and gutters and kerbs can be constructed.
- 31.5 Kerbs and gutters are to have a longitudinal gradient not flatter than 0.5% and not steeper than 17%. The Chief Executive Officer may permit a grade of 20% for short lengths of highway up to 70 metres in special circumstances. The length of highway at the steeper grade limit of 17% is not to exceed 200 metres.
- 31.6 All intersections to have an access ramp connecting footpaths in each direction.

Design and construction of Gutter Crossings and Footpath Crossings

- 32.1 If gutter crossings and footpath crossings are required then each is to be formed to the minimum requirements set out in this clause.
- 32.2 Sufficient work is to be undertaken between the edge of the pavement and the property boundary to provide reasonable vehicular access to the adjacent property.
- 32.3 If footpaths and/or kerbs and gutters are to be constructed, a footpath crossing and/or gutter crossing is to be constructed at the same time for each or any lot having access to or from that section of the highway.
- 32.4 Reasonable vehicular access is to be a paved area consisting of at least:
- a) in urban areas if concrete footpaths are constructed, 150 mm thick concrete having a 28 day compressive strength of 25 MPa and reinforced with SL72 mesh placed centrally;
 - b) in rural areas, fine crushed rock to a compacted depth of 200 mm with a wearing course either of 30 mm bituminous concrete or a one or two coat seal as required under this By-Law;

- c) in commercial and industrial subdivisions the minimum requirement is to be as determined by the Chief Executive Officer;
- d) single crossings are to have a minimum useable width of 3.6 metres and up to 5.50 metres unless otherwise approved by the Chief Executive Officer. In rural areas have 6.0 metres (minimum) radius on both sides to allow for the turning movement of vehicles. The crossing must be minimum of 8 metres wide in an industrial or commercial properties; and
- e) all vehicular movement is to be contained within the property and must not encroach into the road reserve.

32.5 The following requirements for gutter crossings to provide for vehicles apply:

- a) gutter crossings are to conform to the minimum dimensions shown on the relevant Tasmanian Standard Drawing and a maximum width of up to 5.50 metres wide for residential use and be in a location as shown on the approved plans;
- b) a gutter crossing in a concrete kerb and gutter in the municipal area is to be of the dish or open invert type unless otherwise approved by the Chief Executive Officer;
- c) all gutter crossings are to provide adequate width for all required vehicle movements at the crossing;
- d) if it is considered necessary by the Chief Executive Officer, gutter crossings are to be reinforced with SL72 mesh placed 30 mm from the bottom of the concrete.

32.6 For bituminous concrete footpaths, footpath crossings are to have the FCR base increased to a minimum of 250 mm compacted thickness for a width of 5.6 metres at all standard length vehicular crossings.

Use of Land Adjoining a Highway

33.1 The Chief Executive Officer may, by notice, require the owner of land or the person carrying out works on land to make appropriate provision for the protection of a crossing, footpath, services, road or highway.

33.2 A person must not deposit mud or other material on a road, or drive a vehicle which has excess mud or other material on its tyres or elsewhere so that that mud or other materials is left on the road.

Penalty: a fine not exceeding ten (10) penalty units.

33.3 The Chief Executive Officer may, by notice, require the owner of the site or the person carrying out works at the site to remove any mud or materials left on a road by vehicles that ingress or egress to a highway from that site.

PART VI – WORKS IN HIGHWAYS OR ADJACENT TO HIGHWAYS

Permit for Works

34.1 Where required, a person must obtain a permit from Council and all required permits and approvals from other Authorities before carrying out works in or on a highway, or road, or which affects a highway or road, or using or developing a road reservation.

Penalty: a fine not exceeding ten (10) penalty units.

- 34.2 The permit must be available onsite for all times for Council officers to review if required. [OBJ]
- 34.3 The Chief Executive Officer may issue a permit for works, on such reasonable conditions as the Chief Executive Officer may require.
- 34.4 A permit issued pursuant to this By-Law is not assignable or transferable to any person except with the written consent of the Chief Executive Officer.
- 34.5 Notwithstanding the issue by Council of a planning permit to undertake works associated with development, a permit is required to be obtained from Council to undertake those highway works under this By-Law. The submission of design drawings for approval to Council will not be recognised as an application for a permit under this clause. The approving of the design drawings for those highway works will not recognise Council's permit under this clause.

Works on Highways

- 35.1 A permit which provides for works on a highway may specify:
- a) the steps to be taken by the permit holder to protect the highway from damage;
 - b) the Standard Requirements and conditions applicable to any works to be permitted within the highway reservation;
 - c) the standard for reinstatement of any damage caused to a highway by works;
 - d) the details of any fees required by Council to cover the cost of inspections by an authorised person; or
 - e) any other matters which the authorised person requires the permit holder to satisfy in carrying out the works.
- 35.2 The Department of State Growth's Code of Practice for Traffic Control for Works on Roads or its successor is to form part of the permit.
- 35.3 Any referenced Tasmanian Standard Drawing or specification is to form part of a permit.
- 35.4 A person who has been granted a permit for works must comply with all conditions and requirements of that permit and relevant notices.
- Penalty: a fine not exceeding ten (10) penalty units and in the case of a continuing offence, a further fine not exceeding five (5) penalty units for each day during which the offence continues.
- 35.5 If a permit holder refuses or fails to carry out the works in accordance with a permit, the authorised person may, following written notice to the permit holder, suspend, cancel or terminate the permit.
- Penalty: a fine not exceeding ten (10) penalty units and in the case of a continuing offence, a further fine not exceeding five (5) penalty units for each day during which the offence continues.

- 35.6 The Council may arrange for the works referred to in clause 35(5) to be carried out and completed if the permit holder refuses or fails to carry out the works in accordance with the permit or in accordance with the requirements of a notice, and Council may recover any costs or expenses incurred by Council in completing those works from the permit holder.
- 35.7 All re-instatement works are to be completed to the satisfaction of the Chief Executive Officer.

Works carried out without approval

36. If works are being carried out by a person on a highway, road, or any land adjacent to that land without a permit or other approval from Council or an Authority, an authorised person may give notice to the person undertaking the works that within a required time:
- a) the works affecting the highway or road are to cease or be suspended;
 - b) the highway, road, site or land is to be made safe;
 - c) any obstruction of the highway is to be removed;
 - d) any works which are not approved are to be removed and the highway reinstated to the condition that it was in immediately prior to those works being carried out;
 - e) any damage caused by those works is to be made good to a standard acceptable to the Chief Executive Officer;
 - f) the person is to seek retrospective approval from Council.

Suspension or Cancellation of Permit

- 37.1 The Chief Executive Officer may suspend or cancel any permit under this By-Law if the permit holder fails to observe or comply with the terms and conditions of the permit or the provisions of this By-Law or the requirements of a notice.
- 37.2 If a permit issued under this By-Law is to be suspended or cancelled, then the Chief Executive Officer may serve a written notice upon the permit holder stating that the permit is suspended or cancelled and giving the reasons for the suspension or cancellation.
- 37.3 Service of a notice of suspension or cancellation of a permit under this By-Law is effected by serving a written notice:
- a) on the permit holder personally; or
 - b) by certified or ordinary mail.
- 37.4 The suspension or cancellation of any permit issued pursuant to this By-Law is to take effect from the time that the notice of such suspension or cancellation is served on the permit holder.
- 37.5 A permit granted by the Council under this By-Law is to lapse if the requirements of the permit are not carried out within the time required by the permit or a notice.

Execution of Works

- 38.1 The Chief Executive Officer may require a permit holder or person to whom this By-Law applies to execute such work and to use such materials as the Chief Executive Officer may direct.

- 38.2 The Chief Executive Officer may, by notice, require and direct that any work to be carried out under this clause is to be executed or carried out only by a person with appropriate qualifications.
- 38.3 The Chief Executive Officer may, by notice, require and direct that any work to be carried out under this clause is to be carried out by the Chief Executive Officer if the person to whom this clause refers fails or refuses to carry out that work and any expenses incurred by Council in carrying out that work are to be recoverable from that person by the Council in a manner considered appropriate by the Chief Executive Officer.

PART VII – SECURITY

Requirement for Bonds and Deposits

- 39.1 As security, the Chief Executive Officer may require a person to whom this By-Law applies to deposit with Council, or enter into a bond or guarantee with Council for payment to Council of such costs as the Chief Executive Officer requires:
- a) for the cost of any works to be carried out;
 - b) to remedy any damage which may occur or has occurred to any Council crossing, services, infrastructure, pavement, road or highway as a result of any works or non-approved works being carried out;
 - c) to provide security against any reasonable costs which the Council may incur as a result of the execution of any works; or
 - d) as a condition of a permit.
- 39.2 Council may require the security referred to in this clause to be reduced or increased if the Chief Executive Officer considers the amount of the security should be changed.
- 39.3 The security must be:
- a) in a form and substance wholly satisfactory to Council; and
 - b) in the case of a bank guarantee expressed to be payable unconditionally on demand by the Council without the permission of the permit holder or any other person and provided by a bank approved by the Council or authorised person.
- 39.4 The security may be drawn against or utilised by the Council for such amounts the Council requires for:
- a) the reimbursement to the Council for any cost, expense, liability, damage or loss incurred by the Council arising out of or in relation to any failure or refusal by a person to whom this By-Law applies to carry out, perform and fulfil any of that person's obligations under the By-Law or a permit to the satisfaction of the Council or authorised person in accordance with the requirements of a permit or other approval; and/or
 - b) payment to the Council of any amount due and owing to the Council by a person to whom this By-Law applies that arises out of any condition of a permit or other approval.

Retention of Bonds and Deposits

40. The Chief Executive Officer may determine that all or part of the security referred to in this Part is to be retained by Council as a result of the Council incurring any expense in relation to any failure or refusal by any person to whom this By-Law applies to carry out the works as directed or required or carry out those works in accordance with a permit.

Release of Bonds and Deposits

41. Security provided to the Council in accordance with this clause or available to the Council or the balance of the security after the deduction of the Council's expenses are to be forwarded to the person to whom this By-Law applies following final inspection and approval by the Chief Executive Officer of the works carried out.

PART VIII ENFORCEMENT

Enforcement

- 42.1 An authorised person may remove any person from a road, highway or crossing or other public land referred to in this By-Law if the authorised person reasonably believes that the person is offending against any provision of this By-Law or acting in contravention of a permit issued to a permit holder or acting without a permit or acting contrary to a notice.
- 42.2 The authorised person may also remove anything which has been placed on, made, constructed or left on that land by a person without the approval of the Chief Executive Officer.
- 42.3 A police officer may assist an authorised person to carry out any of the actions specified in this clause and may, in doing so, arrest any person who is on that land and whom the police officer reasonably believes is offending against any provision of this By-Law.

Issue of Notices for the Repair of Damage

43. If a road or any other property controlled or maintained by the Council has sustained damage that has been:
- a) caused by works at a site with or without a permit; or
 - b) by vehicles being driven between the pavement and privately owned land other than by means of a properly constructed crossing,

the Chief Executive Officer may give notice to the owner of the land abutting or adjoining a damaged footpath, crossing, pavement, infrastructure, road or other land owned or under the control of Council where that damage has in the reasonable opinion of the Chief Executive Officer occurred as a result of works carried out on the owner's land or by vehicles driven between the pavement and privately owned land other than by means of a properly constructed crossing, require that the damage be repaired within the time and in accordance with any specifications specified in the notice.

Compliance with Notice

44. A permit holder or a person to whom this By-Law applies must comply with any notice served on, or given to that person by an authorised person, a police officer, or the Chief Executive Officer.

Penalty: Fine not exceeding five (5) penalty units.

Offences

45. Any person who contravenes or fails to comply with any of the relevant provisions of this By-Law or notice is guilty of an offence under this By-Law and liable on conviction to the penalty set out in the relevant provision.

Infringement Notices

- 46.1 In this clause – "specified offence" means an offence against the clause specified in column 1 of Schedule 1.
- 46.2 An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
- 46.3 Payment of an infringement notice issued under this by-law must be made to the Chief Executive Officer within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.
- 46.4 An authorised person may –
- a) issue an infringement notice to a person who the authorised person has reason to believe is guilty of a specified offence; and
 - b) issue one infringement notice in respect of more than one specified offence.
- 46.5 The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-Law.
- 46.6 In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

Recovery of Expenses

47. In addition to any penalty imposed in relation to any failure by a person to comply with any of the provisions of this By-Law, any expenses incurred by the Council as a consequence of that contravention are to be recoverable by the Council as a debt payable by that person.

Provision of Name and Address

48. If required to do so by an authorised person, Chief Executive Officer or a police officer, in relation to a matter arising under this By-Law, a person must provide his or her name or address to the authorised person, Chief Executive Officer or a police officer when required to do so.

Penalty: a fine not exceeding five (5) penalty units.

SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCE

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY (Penalty Units)
28.4	Construct a crossing without a permit	4
33.2	Deposit or allow mud or other material to be left on a road	3
34.1	Carry out works on a road without a permit	5
35.4	Fail to comply with conditions of a permit and relevant notices	5
35.5	Refuse or fail to carry out works in accordance with a permit	5
44	Fail to comply with a notice issued under the By-Law	5
48	Fail to provide name	3

Certified as being in accordance with the law by:

Clare Amy Shea, Legal Practitioner

Dated this day of 2024 at Rosny Park

Certified as being in accordance with the *Local Government Act 1993* by:

Ian Nelson, Chief Executive Officer

Dated this day of 2024 at Rosny Park

The common seal of the Clarence City Council has been hereunto affixed pursuant to a resolution of the Council passed on the 2024 in the presence of:

Ian Nelson, Chief Executive Officer

Dated this day of 2024 at Rosny Park

ATTACHMENT 2

Change Log – Local Highways Standard Requirements By-Law

Clause	Change	Reason
General	Change from General Manager to Chief Executive Officer	Reflect change to title
5	Minor alterations to definitions	Updated references
9	Specific clause to provide CEO may dispense with any requirement of the By-law	By-law contains several references to discretion or decision making of CEO Included specific clause to make it clear CEO has discretion to dispense with any requirement
10.3	Inserted new clause for roads in industrial or commercial zoned areas	Introduction that CEO may require special requirements for industrial or commercial land
10.4	Updated road hierarchy	Fixing errors, including removing residential street and making urban/rural/industrial clearer
11.2	Added word 'construction'	Amendment required due to footpath width requirements in Table 1
11.8	Added requirement for safety assessment	To reflect best practice
11.9	Removed a list of vehicle management devices	Transport Commission do not approve these items any more
11.10	Traffic management devices to be approved by CEO	To be approved by CEO and not Transport Commission
11.11	Introduced a kerb radii requirement for local road intersections	Narrowing of the radii decreases speed in residential areas and reduces the crossing distance for pedestrians
12.1	Added minimum reservation widths and minimum footpath requirements	Current footpath widths are insufficient and footpaths are not required on both sides of the road. This change aligns with many goals of Council and encourages walkable neighbourhoods. Increasing widths allows for better accessibility and now aligns with Austroads. Wider road reserves can better accommodate street trees and services. Street trees will become more important following the adoption of the Street Tree Policy 2021

Clause	Change	Reason
12.2	Added protected on road mobility lanes	Better represent changes with e-scooters and personal mobility devices
12.5	Removed clause 11.5	This was an unclear clause which can be enforced with other clauses
12.7	Added requirement for Bushfire Management Plans to cul-de-sac design	Sometimes bushfire management plans seek wider cul-de-sacs for service vehicles
12	Changed road hierarchy	Aligns with updated road hierarchy
12	Removed clause 11.9	This can be enforced through other clauses
12	Added new clause	Removed uncontrolled cross intersections where possible as they introduce unnecessary safety risks into the network
12.13	Added new clause	Provided for a maximum longitudinal gradient for steep roads and footpaths
12.14	Added new clause	Requires footpaths at intersections to maintain the grade and crossfall of the road with the highest priority
12.16	Added new clause	To allow for pedestrian connection through the end of cul-de-sacs to council owned land or future road reserves
13.2	Included highway reservation width	Readability
13.4	Added new clause	Duplicated clause as there was no direction in this section to longitudinal road gradient
14.3	Included table 2, increased footpaths from 1.5m to 1.8m	For readability, footpaths to align to Austroads best practice, wide enough for two people with prams/wheelchairs to pass
14.5	Added detail around cul-de-sacs in industrial areas	Through roads limit antisocial behaviour and improve operation of industrial areas
14.7	Added new clause	Provides direction for planting street trees
16.1	Add in desired crossfall	Guidance on preferred grade
17.1	Updated references	Required
17.2	Updated table 3	Included justification by detailed design and some roads may need a longer design life
18.1	Added pavement markings to heading	Readability
18.3	Added new clause	Guidance for industrial highways

Clause	Change	Reason
18.4	Updated references	
18.6	Added detail about pavement markings	Allowing for upcoming trends in pavement marking noted Australia -wide
18.7	Added new clause	Requiring thermoplastic linemarking
19.2	Updated table	Clarified what is maintainable by work crews
19.8	Added new clause	Guidance on services to be set back from toe of embankments to improve maintainability and serviceability i.e. bank collapse if pipe needs replacement
20.1	Updated references and included stormwater quality and quantity	Quality and quantity is in accordance with the stormwater procedure Stormwater design is to consider the impervious area of multiple dwellings and industrial areas
20.4	Added clause regarding calculating whether upstream development can be accommodated downstream	Best practice
20.6	Removed requirement for kerb connections	The construction and retrofit of these have been problematic, all lots are provided with a stormwater connection, these are predominately to a pipe at the lowest point in the lot.
20.7	Updated requirement for kerb adaptors	For lots which must have a kerb connection, these are to be solely galvanised steel adaptors
20.8	Added minor wording	Water to flow to nearest pits
20.9	Added reference	To Council's stormwater management procedure
21	Added NATA	Readability
24.1	Added new requirements for inspections for new subdivisions	Capturing problematic documentation which council's development engineers have not had previous rights to ask for but require under planning scheme
24.6	Added minor wording	Added requirement that works not completed in accordance with any approved drawings may need reconstruction to an appropriate standard
25	Added in table of as constructed documentation required	All documentation is required for input into asset management systems
26.1	Clarifying land owner responsibility	Documenting existing practice from asset management officers
25	Removed clause	Removal of reference to nature strip – Nature Strip policy has been developed and by-law references no longer required
27.1	Added dot point	For crossing replacement under footpath or kerb and gutter works. Council's existing position
28.1	Included cleaning of culvert	Residents have been directed to clean culverts under driveways and this clarifies council's position

Clause	Change	Reason
28.2	Added references to permit to work on or affecting a highway permit	Clarity to assist discussion with ratepayers. Practice already occurs
28.4	Requirement of an infrastructure condition report	This assist Council officers in determining what is existing damage and what damage has been done under the permit
30	Re-drafted the requirements of the design and construction of kerbs and gutters	<p>Aligning the clause with either existing council practice or best practice as noted in documents such as Austroads. Increasing the thickness of footpaths to prevent cracking by construction trucks building dwellings in newly constructed subdivisions.</p> <p>Many examples of cracked concrete panels from private construction vehicles. 150mm is the thickness for industrial areas so this thickness should be sufficient. Removal of foam and sealing the expansion joints prevents weeds and other debris from replacing the aging foam and causing tripping hazards. Aligning with best practice</p> <p>As all footpaths are 150mm no need to specifically thicken at crossovers. Examples of asphalt footpaths cracking under turning movements and weight of vehicles (especially industrial areas)</p>
30.5	Added clause 30.5	Added clause to keep footpaths clear of power infrastructure and other obstructions
31.3	Roll over kerbs are undesirable and semi-mountable kerbs need formed crossover	Roll over kerbs do not have any stormwater capacity and as such should be discouraged. Semi mountable kerbs have been built previously without crossovers (eastern Glebe Hill) and this has been problematic.
31.6	New clause	Pedestrian ramps to be provided on all legs of the intersection to better meet accessibility guidelines
32 (4, 5)	Providing a maximum crossing width	
34.2	Added new clause	Permits are to be on site at all times for ease of compliance checks
34.7	Added new clause	Giving CEO authority to assess reinstatement works
36.1	Added dot point	Added guidance for retrospective works
Schedule 1	Penalties	Updated

ATTACHMENT 3

CLARENCE CITY COUNCIL

PROPOSED LOCAL HIGHWAYS STANDARD REQUIREMENTS

BY-LAW No. 1 OF 2024

REGULATORY IMPACT STATEMENT

1. BACKGROUND TO REGULATORY IMPACT STATEMENT

Under section 156A of the Local Government Act 1993 (Tas.) (**the Act**), Council is required to prepare a Regulatory Impact Statement (RIS) when seeking to make a new by-law or significantly amending an existing by-law.

The preparation of a RIS involves Council undertaking an analysis of the following:

- the objectives of the by-law and the means by which the by-law is intended to achieve them;
- the nature of any restriction on competition;
- an assessment of the costs and benefits of any restriction on competition;
- an assessment of the costs and benefits of any impact on the conduct of business;
- any alternative options considered by Council;
- an assessment of the greatest net benefit or least net cost to the community;
- an assessment of the direct and indirect economic, social and environmental impact of the by-law;

The RIS is to also provide details on the proposed public consultation process. After the RIS is endorsed by Council, the RIS and the proposed by-law are submitted to the Director of Local Government, Department of Premier and Cabinet for assessment. If the Director is satisfied that the RIS meets the statutory requirements, the Director will then issue a certificate and Council is then permitted to begin the public consultation process.

Pursuant to section 158 of the Act, copies of the By-law and the RIS are available by contacting Council by any of the following means:

Telephone: 62179500

Website: www.clarence.tas.gov.au

Email: governance@ccc.tas.gov.au

In person: 38 Bligh Street, Rosny Park, 7018 Monday to Friday 8.30am to 5.15pm

Copies of the documents are available upon request or may be viewed at the Council's office.

2. BACKGROUND TO THE BY-LAW

The proposed Local Highways Standard Requirements By-Law (No. 1 of 2024) has been drafted for the purpose of replacing the existing Local Highways Standard Requirements which is due to expire in December 2024.

In 2004, Council created a new Local Highways Standard By-Law which incorporated content from the Crossings By-Law No. 5 of 1995 and the Local Highways Standard Requirements By-Law No. 6 of 1995.

The By-Law was made to deal primarily with standard requirements for highways in subdivisions, to provide for the design, construction and inspection of works, and to deal with works in highways.

Under section 155 of the Act, the existing by-law will expire in December 2024 and is required to either be renewed or repealed and replaced with a new By-Law. Consequently, Council has resolved to make the proposed Local Highways Standard Requirements By-Law No. 1 of 2024 to replace the existing By-law.

The proposed by-law incorporates clauses from the existing by-law, amends definitions and inserts new definitions. The proposed by-law has removed nature strip maintenance and development in recognition that council has implemented a nature strip policy over the past decade. References to awnings have also been removed as there are more appropriate mechanisms, for example licencing and easements to manage awnings over a highway.

The by-law has introduced a minimum reservation width and amended minimum footpath widths for highways. This reflects that current footpath widths are insufficient and footpaths are not required on both sides of the road. This proposed change aligns with strategies and goals of Council and encourages walkable neighbourhoods. The increase in widths also allows for better accessibility and aligns with Austroads.

3. COUNCIL'S PRACTICES AND POLICIES

As the road authority for the municipality of Clarence, Council is responsible for the care, control and management of local highways. Council is therefore concerned with the standards required of subdivision highways and any works or development or use undertaken in highways which may affect Council's highways.

The proposed by-law continues the practice of relying upon the Tasmanian Standard Drawings to provide information on the minimum standards required by Council for the design and construction of roads and utilities.

The Tasmanian Standard Drawings offer guidance to engineers, designers and contractors in designing and constructing new roads and associated assets.

4. THE OBJECTIVES OF THE BY-LAW (section 156A(2)(a))

The primary objectives of the proposed By-law are to:

- define standards and requirements for works associated with the construction of new local highways arising from the subdivision of land;
- provide a regulatory framework for the opening and use of local highways;
- provide a regulatory framework for the use and further development of local highways,
- provide a regulatory framework for the construction and maintenance of crossings.

The objectives of the proposed by-law are intended to be achieved by:

- providing for infringement notices to be issued where an offence is committed under the by-law;
- prescribing standards by which local highways, footpaths, crossings are to be constructed;
- regulating the use and development of road reservations;
- ensuring a safe environment for the public's use of highways in the municipal area; and
- providing authorised officers with the power to provide direction or give notices in relation to matters arising under the by-law.

5. NATURE OF ANY RESTRICTION OF COMPETITION (Section 156A(2)(b)) AND COSTS AND BENEFITS OF ANY RESTRICTION ON COMPETITION (Section 156A(2)(c)(i))

The proposed by-law covers issues of regulation and enforcement in relation to the construction, design and use of local highways and associated assets. The proposed by-law does not result in any restriction on competition.

6. COST AND BENEFITS OF ANY IMPACT ON THE CONDUCT OF BUSINESS (Section 156A(2)(c)(ii))

Any possible impact from the proposed by-law would be a positive benefit. The requirement that subdividers are to meet standards on the construction of new local highways will have a positive benefit to the community. In meeting the requirements set out in the by-law, the local highway will be constructed in accordance with determined standards. This will lessen the probability of poorly constructed roads being constructed by subdividers before being vested into Council.

The making of the proposed by-law does not create any foreseeable restrictions on business or any extra costs in complying with any clauses of the proposed by-law.

7. ALTERNATIVE OPTIONS CONSIDERED BY COUNCIL (section 156A(2)(d))

The aim of the proposed by-law is to continue the relevant clauses of the existing by-law and to introduce new clauses to reflect Council's current policies and practices.

The objectives of the by-law are to standardise and control the construction and use of local highways and crossings. The residents of the Clarence municipality who use the local highways and the subdividers that construct local highways are both used to the control, regulations and consequential benefits of the existing by-law that are to be continued under the proposed by-law.

There are no other alternatives to the proposed by-law that have the same effect and benefit of a by-law. Without the by-law, Council would not be able to set out its standard requirements and control the use and development of highways and crossings.

8. GREATEST NET BENEFIT/LEAST NET COST ALTERNATIVE (section 156A(2)(e))

The greatest net benefit to the Clarence municipality in the making of the proposed by-law is to ensure that the local highways that will eventually vest in Council are constructed to the standard required by Council. Additionally, there is a benefit in Council being able to specify the use and development of highways, crossings and nature strips so that residents and subdividers are aware of their rights and obligations.

The failure to have such a by-law would place the Clarence municipality at risk of unregulated and unsafe use and development of local highways and crossings and the construction of local highways to no specific standard.

The By-law is intended to protect council's built assets and ensure that an appropriate regulatory framework is in place which protects those assets. Without this regulatory framework, council's highways are at increased risk of damage.

9. DIRECT/INDIRECT ECONOMIC, SOCIAL, ENVIRONMENTAL IMPACT (section 156A(2)(f))

Social

The proposed by-law essentially continues provisions already in place under the existing by-laws. The proposed by-law will have a positive social impact as it will continue to regulate local highways standards resulting in certainty for the community.

Without the by-law, construction, use and development of highways and crossings would not be regulated and controlled by Council which, in turn, could have a direct impact upon public health and safety and the environment.

Economic

As the proposed by-law continues provisions already provided for in the existing by-law without introducing any further onerous obligations on the community, there are no additional economic impacts as a result of the proposed by-law.

The benefits of the proposed By-law include:

- regulating the standards for the construction of local highways;
- regulating the works that may be undertaken in or adjacent to local highways;
- specifying that local highways are constructed to specific standards to ensure that local highways vested in Council are a sound asset.

Environmental

There are no direct or indirect environmental impacts arising from the proposed By-Law.

	Direct	Indirect
Social	<p><i>Benefit</i> Continued regulation of Council's highways and associated assets (consumers, community, Council)</p> <p>Enforcement of non-compliance</p> <p>Improved Council assets</p> <p>Improved public health and safety</p> <p>Provides guidance in how a permit may be granted</p> <p>Minimises potential safety hazards</p>	<p><i>Benefit</i> Ratepayer satisfaction that Council is taking over highways and associated assets that are built to a certain standard</p> <p>Increase the appeal of Clarence as an attractive place to live and work</p> <p>Community satisfaction that by-law is applied equally to all sectors of the community that use Council's highway infrastructure</p>

Environmental	Controls the undertaking of works by way of specific standard requirements and permits	Nil
Economic	<p><i>Benefit</i> Penalties imposed for non-compliance</p> <p><i>Costs</i> Continued administrative and enforcement costs in implementing and administering by-law</p>	<p><i>Benefit</i> Assists in minimising the financial burden on ratepayers;</p>

10. PUBLIC CONSULTATION PROCESS (section 156A(2)(g))

As part of the by-law making process, submissions will be invited from the public and external stakeholders upon Council receiving certification from the Director of Local Government under section 156A(6) of the Act.

Submissions on the proposed by-law may be made in writing to the Chief Executive Officer within 21 days from the date of publication of the initial notice in the Mercury newspaper.

Council will also undertake the following consultation process:

- Advertisement of the proposed by-law on Council's website at www.ccc.tas.gov.au;
- Direct consultation with the Department of State Growth and Tasmania Police and other stakeholders;
- Broad public consultation through the use of council's Have Your Say portal;
- Advertisement of the proposed by-law in council's foyer.

Council will consider all submissions made to it during the public consultation period and make amendments to the proposed by-law as necessary.

Copies of the proposed by-law and RIS are available from the Council Office at 38 Bligh Street, Rosny Park or on the Council website – www.ccc.tas.gov.au. Enquiries may be directed to Council's Head of Governance, Clare Shea on 6245 8695 or governance@ccc.tas.gov.au.

SIGNED

Ian Nelson

Chief Executive Officer

Dated this day of 2024

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION – COUNCILLOR JAMES
SAFETY – INTERSECTION BEACH ROAD, LINDISFARNE**

In accordance with Notice given, Cr James intends to move the following motion:

“That Council seeks an urgent officer’s report to identify options to improve safety at the intersection adjacent to 31 Beach Road, Lindisfarne, including whether a retaining wall at the back of the path or other options are suitable, including council’s capacity to fund and deliver those works urgently”.

EXPLANATORY NOTES

1. On 2 April 2024, councillors received correspondence expressing concerns following a fourth motor vehicle incident that occurred on 31 March 2024 outside 31 Beach Road, Lindisfarne that resulted in damage to that property. The incident involved a vehicle losing control and colliding with a TasNetworks pole adjacent the property (the pole is not within the intersection, but nearby). The power connection to the property was dislodged.
2. Reference is made to Item No. R21.0012 at page 53 of the Draft Capital Budget 2024/25 (circulated 25 March 2024). Proposed works for Malunna Road and Beach Road intersection upgrade are listed for consideration in 2025/26 Capital Works Programme.
3. Given that incident history involving vehicles outside the 31 Beach Street property, and that a major upgrade is not planned for construction until at least 2025/26, an interim solution (such as a retaining wall or barrier) should be considered.
4. An urgent report is sought that identifies options to improve safety at 31 Beach Road, Lindisfarne, including likely costs and delivery timeframes.

R James
COUNCILLOR

/ contd on Page 112...

**NOTICE OF MOTION – COUNCILLOR JAMES
SAFETY – INTERSECTION BEACH ROAD, LINDISFARNE /contd...**

CHIEF EXECUTIVE OFFICER’S COMMENT

Council has allocated \$80,000 for design in the 2023/24 budget. The design for upgrading this intersection is expected to occur in the coming financial year with tender and construction anticipated for the following year, FY2025/26.

The intersection is complex due to the hilly nature of the area and the physical constraints associated with the intersection (above and below ground). Installing barriers may give the appearance of improved safety for residents, but in fact result in increased risk for others.

Interim solutions can be investigated but it is equally important that the full redesign of this intersection be progressed in order to appropriately ensure the safety of all users of this intersection – adjacent property owners, vehicles and pedestrians.

**9.2 NOTICE OF MOTION – COUNCILLOR WALKER
HARD WASTE COLLECTION**

In accordance with Notice given, Cr Walker intends to move the following motion:

“That Council:

- A. Acknowledges that the hard waste collection was a highly valued service to many Clarence residents; and
- B. Requests the Chief Executive Officer investigate and report on contemporary alternative approaches to hard waste collection interstate to inform and assist councillors in how a hard waste collection service could best be reinstated.”

EXPLANATORY NOTES

- a) The cessation of hard waste collection services did not impact all Clarence residents uniformly. Not all residents have access to a motor vehicle and trailer to take hard waste to the Mornington Park Waste Transfer Station.
- b) Clarence was the first Tasmanian council to introduce Green Waste Wheelie Bins and this innovation was then taken up by others. Whilst council is not statutorily obliged to provide that service, it along with hard waste collection is a valued service.
- c) An enforced standardisation of waste collection services across Southern Tasmania would reduce Council’s ability to determine the waste service mix that best suits their community.
- d) Hard waste collection by resident request is provided by multiple mainland councils. In some circumstances this is undertaken by the same company contracted to collect general waste in Clarence. A ‘by request’ service addresses many of the concerns about the previous collection.
- e) The lack of a hard waste collection service increases the likelihood of illegal rubbish dumping.

J Walker
COUNCILLOR

/ contd on Page 114...

**NOTICE OF MOTION – COUNCILLOR WALKER
HARD WASTE COLLECTION /contd...****CHIEF EXECUTIVE OFFICER COMMENTS**

There are several issues that will underpin council's consideration on whether a hard waste collection service should be reinstated, including:

- a) Considering the relevant waste volumes involved and the nature of hard waste collections, is there a provider in southern Tasmania with the necessary infrastructure and resources that can provide a safe, efficient and compliant service?
- b) Can a hard waste service align with Council's Sustainability Strategy, or the targets set by the State and Federal governments, which aim to divert 80% of waste from landfills by 2030?
- c) What is the level of investment likely to be required by a provider in order to provide an ongoing service, and following from that consideration, what are the likely contractual terms and cost to council?

Many councils have ceased hard waste collection services because they do not promote sustainable waste practices, are an expensive impost on the community and present a range of difficult to manage safety risks.

If a hard waste service were to be re-considered, our preliminary view is that any service should be investigated as a regional service. From that perspective, it may be prudent to refer the matter to the Southern Tasmanian Regional Waste Authority (STRWA) for discussion with other regional councils (to gauge support for a regional investigation of this issue) with STRWA then leading any investigation if council support is forthcoming.

10. COUNCILLORS' QUESTION TIME

A Councillor 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, a Councillor may give written notice to the Chief Executive Officer of a question in respect of which the Councillor seeks an answer at the meeting).

Nil.

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Chong

1. Several weeks ago one of the trees on the green triangle by Richmond Bridge lost a very large limb. Luckily it didn't take out any houses or anything but the tree is cordoned off saying "dangerous tree". My question is, do we have an arborist's report on the tree and the other tree on that same triangle and are we expecting that either or both will have to be removed?

ANSWER

(Acting Head of Infrastructure and Natural Assets) We received an arborist's report at the end of last week and we are reviewing it at the moment. Thankfully the trees do not have to be removed, particularly the one that has had the damage however, it will need some scaffold reduction - reducing the crown. It is likely that we will have to increase our monitoring as we have some interesting images of what the decay is like. We are trying to retain those trees through the Richmond Master Plan which is in draft form at the moment and thankfully currently it looks like they can stay.

2. A recent media release from the Minister for Sport, Nic Street committed funding to the Tasmanian Football Umpires Association and the release congratulates the President of the Association on his efforts to bring this project to life; in particular his successful negotiation with Clarence City Council to provide a suitable ground at North Warrane Oval where the new home for umpires will be built. My question is, have the other users of the ground, Eastern Suburbs Rugby Union and MacKillop Cricket Club been consulted? My information is that they have not received any formal notification. Can we know what and when this is going to happen?

ANSWER

(Chief Executive Officer) As you will note the release talks about a promise of funding as part of the election campaign. I can advise council that there have been no commitments made by this council, whether staff or anyone else, in respect to a future home for the AFL umpires at North Warrane Oval. That will be subject to a future discussion if that funding is confirmed and obviously that future discussion would involve consultation with the other stakeholders. I will note that the AFL umpires have been training at North Warrane Oval and using the facilities that are there at the moment. Aside from any other commitment those have not been made by council.

Cr Warren

1. I have looked at the agenda report of 11 December 2023 regarding the High Performance Centre. The proposal that came before council which we voted on 7/5 was option A where the primary oval would be on Charles Hand Park and the secondary would be on Rosny parklands and option B which was the other way around. It said in the agenda report that “option B would require significant facility infrastructure to be built within the Rosny parklands for the exclusive use of the AFL High Performance Centre. The City Heart Plan envisages the Rosny parklands to have broad community access and utility. Assigning a large area of the parklands for exclusive use is inconsistent with the plan for the parklands which has been subject to significant community consultation. It is also likely that the exclusive use may present problems in terms of its cohesion with other planned uses for the parklands namely the proposed playpark, arts and events space and wild park”. I read that out because that is in contradiction with some of the correspondence going out to residents as recently as today. So, my question is, how did we get to the stage where our less preferred option of B with the primary oval for exclusive use being on the former Rosny golf course with the secondary oval being on Charles Hand Park instead of option A which was passed on the night? How did we get to that point, was there some negotiation because everything that I have seen in the media since has option B as the accepted proposal?

ANSWER

(Chief Executive Officer) When we framed the recommendation for the December meeting it was effectively to provide the Department of State Growth and the AFL a choice of two options which could flip one way or the other. It would be fair to say that the advice that we have in terms of preference from the Department of State Growth and the AFL is a preference towards the main site being on the Rosny parklands side however, that is not confirmed in any way, shape or form. It is simply their preference at this point in time and that will be subject to a lot of geology work and other pre-site testing that needs to be done in the next couple of months to determine whether that site is actually suitable for the primary site or in fact whether Charles Hand Park would make the better option. That is still very much an open question at this point in time.

2. When we discussed this last, we were told that the next step was to establish a Heads of Agreement. So my question is, what is the status of that and is that something that will come back to council for a decision?

ANSWER

(Chief Executive Officer) As recently as Friday last week we had another meeting with the Department of State Growth and today we have sent an updated draft Heads of Agreement to them to review. We are working throughout the caretaker period to try and get that to a point where, at officer level in council and in the Department, we are comfortable with that. Once the new government is elected I would anticipate bringing that Heads of Agreement to council to workshop while it also goes through a similar process at the Department of State Growth. The work is very well advanced, we are putting any finishing touches to that, resolving any outstanding issues at officer level but nothing is locked in at this point.

Cr Goyne

1. I believe from Friday there has been a fire burning and now smouldering at Scotts Road Risdon Vale. Are we aware if the appropriate permits were issued by Tasmania Fire Service for that fire?

ANSWER

(Chief Executive Officer) I can advise that it isn't a fire. It is steam coming from a compost heap as it is turned over. It is a mixture of wood chips and other compostable material so it is just internal heat generated by the decomposition process for making compost and as it is turned steam is released if the temperature conditions are right.

2. I believe that the aforementioned site has been operating without the appropriate permits since 2009 and that council itself has noted the potential risk to residents exposed to run off from the site. Do we have any action plan to be taken by council for the site and do we expect any upcoming legal processes from council or a retrospective permit to come to council in regard to the property?

ANSWER

(Head of City Planning) A current application has been lodged as a level 2 activity which requires the assessment of the proposal through the Environment Protection Agency. That matter is in hand with the EPA but I understand that they are seeking to modify that and relodge it. As yet I have not seen a modified proposal. With those matters which are subject to the EPA assessment, council is specifically prohibited from lodging an enforcement action process against because they are in the purview of the EPA. That said, when that application is finalised and assessed by the EPA, assuming that there are representations, which I am sure there will be, that will come to council at that time. In the meantime, we are undertaking an audit of any other activities on that site so that we are able to provide a more comprehensive consideration as part of the assessment of that proposal through the EPA.

Cr Walker

1. In 2022 I moved a motion in regard to graffiti eradication. That motion was to deal principally with other assets in particular the TasNetworks infrastructure, which tends to be the slowest to have graffiti removed. Could I have an update in the context of the multiple vile levels of racist graffiti in parts of Warrane and Mornington that residents are having to endure?

ANSWER

(Chief Executive Officer) We have been working in accordance with that motion from council some time ago. We made a number of enquiries with other service providers but to pick up your reference to TasNetworks, they have refused to allow any staff other than their own to respond to any of their infrastructure. So, speaking more broadly, I have been working with other councils to identify whether there is a possibility for a more regional approach to graffiti recognising the nature of that and those discussions have included Tas Police. The sticking point remains TasNetworks' infrastructure and the flat refusal to find a better way to deal with that more effectively, but we are continuing to work on a solution.

2. You may recall that I brought some water from the toilet facilities at the Geilston Bay recreation area to offer a drink in the absence of a water fountain. Noting as I went past there at the weekend a fabulous new installation that has been put there and operational, is it possible for your engineering staff to take a compliment?

ANSWER

(Acting Head of Infrastructure and Natural Assets) The team were fast acting to turn that around, so thank you.

Cr James

1. Some years ago there was a deed between the Howrah Hills Landcare Group, MFCas Pty Ltd and Clarence City Council which was in relation to Skyline Drive and a basic limitation on the amount of housing that could occur back in that time. I have been made aware that there may be coming to council a submission to be sent to the Tasmanian Planning Commission, some briefing or discussion paper about the change to that deed. So my question is, have there been any discussions at officer level as to a submission that may have been prepared and may not go through council – elected reps – to the TPC in relation to the changing of that zone on Skyline Drive?

ANSWER

(Head of City Planning) Council would be aware that an email was circulated to all councillors today generally asking the same question. I will provide a full answer however at this stage just to note that the matter is stemming from the substantial modification process that is hanging around from adoption of the Tasmanian Planning Scheme several years ago and it is one of those unresolved matters. I will take that on notice and provide a comprehensive response.

(Further information) In October 2021, the Tasmanian Planning Commission approved the adoption of the Tasmanian Planning Scheme – Clarence, which generally resulted in a translation of the provisions of the Clarence Interim Planning Scheme. When advertised, a large number of representations were received which were considered by council and subsequent public hearings were held before the Commission.

The Howrah Hills Landcare Group made a representation as part of this process with regard to several properties in the Howrah Hills area. The Commission determined that the LPS should be amended to rezone a number of properties in the Howrah Hills area from Low Density Residential Zone to the Landscape Conservation zone and to apply the priority vegetation area overlay to these properties. The Commission also determined that this amendment was significant and should be considered as a substantial modification directing that it, along with a number of similar matters, be advertised with a new opportunity for representations.

Following this process three representations were received in relation to this specific draft amendment, which council considered at its meeting of 11 April 2022.

The Commission has not yet determined the draft amendment. The Commission is now considering whether a Special Area Plan (SAP) is an appropriate mechanism to achieve their desired outcomes and has invited parties to provide comment. The development and appropriateness of the SAP is a matter for the Commission to determine in their assessment process – it is not a matter that Council has proposed. Council's position on the whole matter is well established.

Representatives of the Howrah Hills Landcare Group Inc. have also raised the relevance of a Deed of Agreement from 1999 in relation to the BW Series of Amendments to the Eastern Shore Planning Scheme 1963. This document is simply not relevant as it related to a specific amendment to a previous planning scheme which was completed. Any concerns by any party with regard to the process or merits of the draft amendment should be directed to the Commission.

2. In relation to the thousand signatures that were the result of a petition in this place this evening and concerns about the High Performance Centre in particular Charles Hand Park, it is my understanding that council is compelled to hold a public meeting and I cannot recall the section of the Local Government Act but it is very similar to what happened with UTAS in relation to their relocation and that petition was signed by over a thousand persons and that by the very nature went to a meeting and we know the result of that. So there is a timeline, Mr Mayor for that meeting to be convened and given that there was a very close decision on that motion my question is, if a decision of that meeting is for council to revoke its decision of December will council take that on board or will it be basically shelved and put into the too hard basket?

ANSWER

(Chief Executive Officer) Any motions passed by the public meeting will need to be presented to council and then council can determine how it wishes to treat those. There is no defined outcome per the imputation of your question. The process is once the public meeting has been held, at the next council meeting we will provide a report detailing any motions and any other material and then it will be a matter for council to determine how it wishes to respond to that.

Cr Hulme

1. Could I have an update on the progress of the City Development Plan?

ANSWER

Taken on notice.

(Further information) The working groups for the City Future and Community Infrastructure Strategies reconvened in February this year. Following identification and review of key priority areas for each strategy it was evident that there is significant alignment across these two strategies. While this can also be said for all strategies, it was considered that the inter-dependencies across these strategies in regard to objectives and delivery outcomes for the community would be best served by combining them into one strategy with a revised 'working' title of City Development Strategy.

The working group is making good progress on the draft and we anticipate an initial workshop to discuss and seek feedback from Councillors on key priority areas in April / May. At this time we will also engage with the City Development Advisory Committee.

2. Does the Local Government Act provide any guidance when a public meeting is required to be called in response to the petition, on how that public meeting is to be conducted?

ANSWER

(Chief Executive Officer) The Act does not provide particular advice on how the meeting is to be conducted but there is a process leading up to the public meeting regarding advertising, submissions, all of those sort of things and how those are dealt with. If you want to see all those details, it is Section 60A of the Local Government Act.

(Mayor) Could I add that on council's website there is a document regarding guidelines for submission of petitions which contains information about timing of such public meetings.

Cr Hunter

1. Could we have an update on the development of the Roches Beach Coastal Hazard Management Plan?

ANSWER

(Acting Head of Infrastructure and Natural Assets) Council has received a draft plan, we will provide council with a formal update via the Weekly Briefing Report.

2. Have any planning documents regarding 52 Richardsons Road been submitted to council recently?

ANSWER

(Head of City Planning) Council has received an application that is currently being assessed and further information has been requested. The process is that once it has been received we will write a report to council as to whether that should proceed to an advertising process or not.

Cr Ritchie

1. In February this year the Australian Road Research Board conducted a detailed road safety inspection program across the city. Could I be advised how this data is compiled and whether or not this results in any feedback that comes to council?

ANSWER

Taken on notice.

(Further information) The Australian Road Research Board (ARRB) surveyed the condition of Council's sealed road network. The survey, conducted at or near the posted speed limit, used sophisticated equipment to measure and quantify the typical signs of pavement distress (such as cracking, rutting and roughness). The data was collected at 10 metre intervals and aggregated to road segment level to provide a quantifiable estimate of the physical condition of each road segment in the network. Additionally, ARRB collected a photographic record of the road reserve, also at 10 metre intervals. The condition data will be combined with age and road hierarchy level to optimise Council's future road resealing, reconstruction and maintenance programs.

Council's Infrastructure & Natural Assets staff have received the first delivery of data and are currently reviewing it. Councillors will receive a briefing report which will include a summary of the condition data at a network level and comparison to previous surveys. This will demonstrate to Council the performance of council's road network over time and the effectiveness of its renewal programs over recent years. The summary will also be included in the Road and Transport Asset Management Plan.

2. Is council aware of any by-law or any other regulation in relation to the use of barbed wire as a fencing option in suburban areas?

ANSWER

Taken on notice.

(Further information) Council is not aware of any by-law or legislation which refers to the use of barbed wire as a fencing option in suburban areas. The Boundary Fences Act 1908 which regulates boundary fencing for most land in Tasmania does not prescribe types of fencing.

10.4 QUESTIONS WITHOUT NOTICE

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. 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, a Councillor or the Chief Executive Officer 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 matter has been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

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

- applications by Councillors 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”.