

COUNCIL MEETING
MONDAY 27 MAY 2024

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

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

1. 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 Chong (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 6 May 2024, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION

4.3 COUNCIL WORKSHOPS

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

PURPOSE	DATE
Budget	
Rates Policy	
Confidential Property Matters	
Clarence Plains Master Plan	
Public Meeting Briefing	13 May

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

- **TASWASTE SOUTH**

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 6, 13 and 20 May 2024 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 6, 13 and 20 May 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.

Mrs Joanne Marsh of Bellerive has given notice of the following questions:

1. **CONCEPT OF A SOCIAL LICENCE TO OPERATE**
How would Council leaders describe their understanding of the concept of a Social Licence to Operate and how it relates to the current matter of the location of the HPTC in Rosny's Parks in the City of Clarence?
2. **STEPS IN CONSULTATION PROCESS FLOW CHART**
When will Council consider designing a flow chart to show graphically the steps Council take in the consultation process about a development proposal from the germ of an idea to the commencement of works to help explain this aspect of the Community Consultation Policy?

Mr Victor Marsh of Bellerive has given notice of the question:

CONSULTATION PROCESS – HIGH PERFORMANCE TRAINING CENTRE

My wife and I have been questioning the Clarence City Council for over 15 years about consultation processes in various developments leading up to the Rosny parks HPTC proposal.

My question is: When is the Clarence City Council going to start consulting with the community in the initial stages of a development proposal before any plans are drawn up?

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 6 May Mr Victor Marsh asked the following question.

CHARLES HAND MEMORIAL PARK

Were the Hand family consulted in the initial stages of the discussions about the destruction of Charles Hand Memorial Park?

ANSWER

During the initial stages of consultation in respect to possible High Performance Centre sites, there was no discussion with the Hand family.

By way of background, the Charles Hand Memorial Park land was purchased from the Crown by Council in 1963. Mr Hand was the first Commissioner of Clarence and was involved in the land transfer negotiations. Subsequently, a portion of the land was transferred back to the Crown for construction of Rosny College. Charles Hand Memorial Park was named after Charles Hand who died not long after the agreement to sell the land to Council and who had advocated for council to purchase it.

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/public-question-time)

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 PLANNING APPLICATION PDPLANPMTD-2024/043092 – 16 DOUGLAS STREET, BELLERIVE - ADDITIONS AND ALTERATIONS (SINGLE DWELLING)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Additions and Alterations (Single Dwelling) at 16 Douglas Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code and 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 period which was extended to 30 May 2024.

CONSULTATION

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

- The siting and scale of the proposed dwelling resulting in:
 - impacts on visual amenity;
 - overshadowing of adjoining properties and private open space;
 - inconsistent pattern of development;
- Inadequacy of private open space;
- Loss of privacy;
- Proposed access arrangements; and
- Nuisance during construction.

RECOMMENDATION:

A. That the Planning Application for Additions and Alterations (Single Dwelling) at 16 Douglas Street, Bellerive (C1 Ref PDPLANPMTD-2024/043092) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER.
3. ENG A7 – REDUNDANT CROSSOVER.
4. ENG S1 – INFRASTRUCTURE REPAIR.

ADVICE

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 regards to stormwater, please contact Council’s Development Engineers on 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 under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet all Acceptable Solutions under the Scheme and relies on satisfying Performance Criteria.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 5.6 – Compliance with Applicable Standards;
 - Section 6.10 – Determining Applications;
 - Section 8 – General Residential Zone;
 - Section C2.0 – Parking and Sustainable Transport Code; and
 - Section C16.0 – 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 site is a south-facing, moderate sized lot 559m² in area with an 18.4m frontage onto Douglas Street. It has a gentle slope, running north-south toward the frontage. It currently contains a small three-bedroom home of approximately 96m², which appears to have been constructed in the 1910s. The site also includes a carport on the western boundary of the lot and a workshop at the rear of the dwelling.

The lots to the north and east of the site contain double-storey multiple dwellings, while the lot to the west contains a single-storey single dwelling. It is noted that the property to the west is very close to the property boundary (approximately 280mm) and does not contain any windows on this façade.

The site is one block away from Bellerive Oval to the south and beyond that Bellerive Beach.

3.2. The Proposal

The proposal is to demolish the existing outbuildings and extend the dwelling toward the rear of the property by constructing a double storey structure. The existing dwelling will be converted into four bedrooms and a bathroom, while the rear structure will contain the main living and dining spaces on the lower level, and the main bedroom and parents' retreat on the upper level. The proposal includes the addition of a single-car garage, small shed and outdoor living areas. The re-modelled dwelling would contain five bedrooms and two bathrooms.

There are several large trees at the rear of the site which would be removed to facilitate the development.

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.

In this instance, while the proposal involves demolition of existing outbuildings and the existing deck structures at the rear of the site, *General Provision 7.9 Demolition* does not apply as the demolition is considered part of the proposed development, not as a separate application. However, demolition does not trigger a discretion in this instance.

4.4. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, the Parking and Sustainable Transport Code and the Safeguarding of Airports Code with the exception of the following.

General Residential Zone

- **Clause 8.4.2 A3** – the proposal entails protrusions outside the prescribed building envelope. As shown in the proposal plans supplied by the applicant, the majority of this occurs at the north-western corner of the proposed addition, which shares a boundary with 14 Douglas Street.

The application requires discretionary consideration against Performance Criterion P3 of Clause 8.4.2 as follows.

Clause	Performance Criteria	Assessment
8.4.2 P3	<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 assessed as satisfying the Performance Criterion, based on the following:</p> <p>The applicant submitted shadow diagrams in support of the proposal, which were considered adequate for the purposes of the assessment.</p> <p>Shadow diagrams show there would be some reduction in sunlight along the eastern elevation of 14 Douglas Street on 21 June, between 9am and 12 noon. There are no windows along this elevation.</p> <p>Shadow diagrams show there is some potential reduction in sunlight to the western elevations of the multiple dwellings at 1/18 and 2/18 Douglas Street on 21 June, from 2pm onwards. The proposed addition protrudes the building envelope only slightly at this side. Hence the actual protrusion is unlikely to cause any reduction in sunlight to a habitable room within the dwellings. Given the duration of possible overshadowing, it is assessed as being within the limits of reasonableness for a residentially zoned area.</p> <p>The proposal is not expected to cause overshadowing of habitable rooms to any other adjoining properties.</p> <p>In addition, while not shown on the diagrams, it is expected that the existing double-storey building to the north of the site would contribute to the current compromised solar access and thus mitigate, to some degree, any reduction of current amenity.</p>

	<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i></p>	<p>Shadow diagrams show the private open space at the rear of 14 Douglas Street will be overshadowed on 21 June within a few metres of the side boundary between 9am and 11am. The private open space at 14 Douglas Street is north orientated and will be unaffected by the proposal from 11am onwards.</p> <p>Supplied shadow diagrams show that on 21 June some of the private open space at the rear of 2/18 Douglas Street starts to be overshadowed by 1pm and by 3pm, roughly half is overshadowed.</p> <p>Similarly, the private open space at the rear of 1/18 Douglas Street starts to be overshadowed by 1pm and by 3pm almost all the private open space at the rear is overshadowed.</p> <p>The modelling supplied by the applicant also shows how much of the overshadowing of the private open space already occurs as a result of the existing dwelling: at 1pm, most is due to the proposed addition, but by 3pm more than half of the overshadowing is due to the existing dwelling.</p> <p>It is also relevant to consider the extent to which the overshadowing of the private open space at the rear of 1/18 Douglas Street is attributable to protrusions beyond the prescribed building envelope. At that side of the boundary, the protrusions are slight, approximately 600mm at the peak of the gable and part of an eave.</p> <p>This part of the proposal is likely to have minimal, if any, effect on the private open space at the rear of 1/18 Douglas Street.</p>
	<p><i>(iii) overshadowing of an adjoining vacant property; or</i></p>	<p>There are no vacant properties adjoining 16 Douglas Street.</p>

	<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i></p>	<p>In terms of bulk and scale, the proposed addition comprises two volumes linked by a courtyard and enclosed hallway. This divides the bulk of the proposed dwelling into two and spreads it over the site. The addition at the rear is over two levels and does protrude the building envelope at the western and easternmost extremities of the gable. The maximum height of the proposed addition is 7.6m and is below the maximum height of the building envelope at 8.5m. The proposed double storey addition is in keeping with the existing multiple dwellings on the northern and eastern boundaries, both of which are double storey.</p> <p>It appears that the majority of the addition would not be visible from the rear of the dwelling at 14 Douglas Street, given the nature of its construction and existing vegetation.</p> <p>Site photos also suggest that the existing trees at the rear of 16 Douglas Street are of a similar height to the proposed addition. The site photos also show that when viewed from the frontage, the fall of the land away from the dwelling means that the addition will be generally obscured behind the roof of the existing dwelling but will be visible from some viewpoints when travelling along the street.</p>
	<p><i>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i></p>	<p>The main bulk of the proposal has setbacks that are within the 1.5m setback prescribed in the Acceptable Solution of the Clause. The proposed retaining wall set near the side and rear boundaries will encroach into this setback. The retaining wall is a result of cutting and levelling into the site, which decreases the portion of the volume above natural ground level.</p>

		<p>As noted above, the dwelling at 14 Douglas Street is separated from the boundary adjoining 16 Douglas Street by 280mm. The two lots of multiple dwellings adjoining the northern (rear) and eastern (side) boundaries are setback between 3m and 6m. This variety of separation is common in the surrounding area with a variety of lot sizes and dwelling typologies.</p> <p>Therefore, the proposed separation between dwellings is assessed as being consistent with that existing on established properties in the area.</p>
	<p><i>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i> <i>(i) an adjoining property;</i> <i>or</i> <i>(ii) another dwelling on the same site.”</i></p>	<p>Based on satellite imagery, and observation from the public streets, there are no extant solar energy installations on adjoining properties.</p>

- Clause 8.4.3 A2** – the proposal entails an outdoor private open space with a minimum horizontal dimension of 3.5m, which is less than the 4m required by the acceptable solution. The proposal requires assessment against Performance Criterion P2 of Clause 8.4.3 as follows.

Clause	Performance Criteria	Assessment
8.4.3 A2	<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><i>(a) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The main private open space area associated with the dwelling is located at the north-eastern end of the site, directly off an open plan kitchen/living/dining area. This is accessed through bi-folding doors spanning a 4.6m opening – the majority of the width of the living space. This also contains an area for a built-in barbeque and an outdoor shower.</p>

		<p>The enclosed hallway also separates an additional private open space area on the western side of the dwelling, which connects the living space at the rear and a laundry.</p> <p>The quality of outdoor space provided within the proposal far exceeds that prescribed within the Scheme and what is typically expected of new development within a residential zone.</p>
	<p><i>(b) orientated to take advantage of sunlight.”</i></p>	<p>The pattern of weaving private open space from east to west throughout the design and orientating it toward the northern end of the proposal, means the sum of private open space is orientated to take advantage of sunlight.</p>

- Clause 8.4.7 A1** – the proposal entails a frontage fence design of timber palings to a maximum of 1.5m high, with 75mm palings spaced at 10mm (11.7% transparency). This does not meet the requirements of the relevant exemption within the Scheme [Clause 4.6.3(a)], which exempts fences within 4.5m of a frontage that are solid up to 1.2m, and at least 30% transparent up to 1.8m. The proposal requires assessment against Performance Criterion P1 of Clause 8.4.7 as follows.

Clause	Performance Criteria	Assessment
8.4.7 P1	<p><i>“A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</i></p> <p><i>(a) provide for security and privacy while allowing for passive surveillance of the road; and</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The ability of the site to provide passive surveillance of the road is relatively minor, given that the primary living spaces would be at the rear of the dwelling facing north. However, there is an element of transparency which would assist in this regard.</p>

	<p><i>(b) be compatible with the height and transparency of fences in the street, having regard to:</i></p> <p><i>(i) the topography of the site; and</i></p> <p><i>(ii) traffic volumes on the adjoining road.”</i></p>	<p>The topography of the site, in combination with the sill heights and finished floor level of the existing dwelling, offsets the additional 300mm of non-exempt fence height and assists in passive surveillance opportunities.</p> <p>While there are a number of lower fences along Douglas Street, there is not an established consistent character with a variety of types and styles present. While there are a number of low picket fences, there are some fences extending to approximately 1.8m in height, and some properties without front fences at all. The proximity of the street to Bellerive Oval and Beach means a far heavier pedestrian and car traffic load is likely to that in the past, increasing the desire for security and privacy. As such, the proposed frontage fence is considered a compatible design to other frontage fences in the street.</p>
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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. Siting and Scale of the Proposed Dwelling

Representors expressed concern that the siting and scale of the proposed addition was too large for the site and too close to the side boundaries (to 14 Douglas Street, 1/18 Douglas Street, and 2/18 Douglas Street). This would lead to issues relating to impacts on visual amenity (when viewed from 14 Douglas Street, 1/18 Douglas Street, and 2/18 Douglas Street), overshadowing (for adjoining habitable rooms and private open space of 14 Douglas Street, 1/18 Douglas Street, and 2/18 Douglas Street) and a site coverage that is inconsistent with pattern of development on existing properties.

- **Comment**

In general, redevelopment of existing properties is an expected occurrence over time in residential areas, particularly within areas with desirable levels of connectivity and access to services. The variety of housing types and styles in the area is evidence of this as housing stock is modernised and renewed. Each of the issues that have been raised have been assessed in relation to the Performance Criterion at Clause 8.4.2 P3 above. Impacts on visual amenity would be mitigated by on-site factors and are assessed as being within the limits of reasonable within the General Residential Zone. Overshadowing that might be considered unreasonable is created by portions of the proposal that are within the building envelope and hence could be accepted under an Acceptable Solution of the Clause. The site coverage associated with the proposal was assessed as complying with the relevant acceptable solution under a different Clause of the General Residential Zone, and therefore cannot have any weight in determining the application.

5.2. Inadequacy of Private Open Space for Occupants

Representors expressed concern that the private open space provided for the occupants will be inadequate to meet their needs.

- **Comment**

The perceived inadequacy of the available private open space for the occupants was one of the discretions assessed above. This was based on a minimum horizontal dimension of 3.5m rather than the required 4m. This component of the acceptable solution is not a prerequisite for private open space meeting the needs of occupants. Private open space is woven through the entire site in a thoughtful manner, and the quality of private open space provided far exceeds that which would ordinarily be the minimum expected standard within the General Residential Zone.

5.3. Privacy of Adjoining Properties

Representors expressed concern that the proposal would decrease the privacy of adjoining properties, particularly of the private open space at the rear of 14 Douglas Street.

- **Comment**

The privacy of adjoining properties was not assessed above because the proposal complies with all acceptable solutions relevant to privacy. Hence, privacy concerns cannot have any weight in determining the application. That being said, the windows that are likely the greatest cause for concern – the upper-level windows to the west of the new structure – face a stairwell and landing, which are unlikely to be occupied for extended periods of time.

5.4. Proposed Access Arrangements

Representors expressed concern that the proposal would effectively result in a second driveway and cross-over to the property, creating the appearance of a double frontage.

- **Comment**

this concern is not supported as the proposal is to remove the existing access on the western side of the property, reinstating the kerb and channel, and constructing a new access on the eastern side. The recommended conditions require the redundant cross-over be removed and the footpath and gutter to be re-instated at the developer's expense.

5.5. Nuisance during Construction

Representors expressed concern that the proposal would create a nuisance during construction, in terms of dust and noise.

- **Comment**

Environmental nuisance caused by construction is controlled by the *Environmental Management and Pollution Control Regulations (2016)* and the *Building Act 2016*. It therefore cannot have any weight in determining the application.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who did not require any conditions 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.

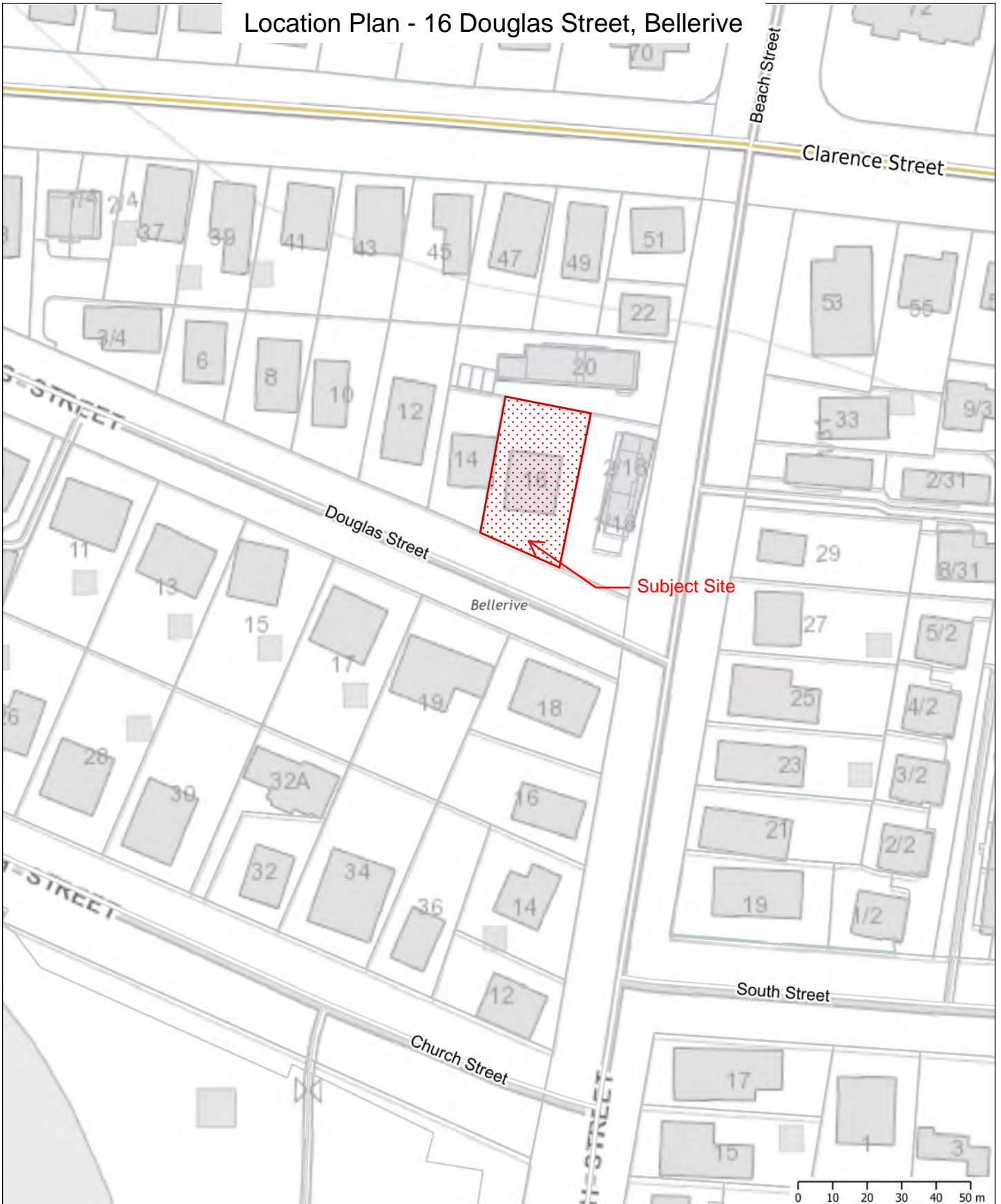
9. CONCLUSION

The proposal is recommended for approval.

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

Daniel Marr
HEAD OF CITY PLANNING

Location Plan - 16 Douglas Street, Bellerive



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14/05/2024

1:1500



PINNACLE











16 Douglas St, Bellerive TAS 7018

Owner(s) or Clients	Jess & Michael Whelan
Building Classification	1a & 10a
Designer	Jason Nickerson CC6073Y
Total Floor Area (Combined)	322.37m ²
Alpine Area	N/A
Other Hazards <small>(e.g., High wind, earthquake, flooding, landslip, dispersive soils, sand dunes, mine subsidence, landfill, snow & ice, or other relevant factors)</small>	Airport obstacle limitation area

Title Reference	223871/1
Zoning	General Residential
Land Size	557m ²
Design Wind Speed	TBA
Soil Classification	TBA
Climate Zone	7
Corrosion Environment	High
Bushfire Attack Level (BAL)	N/A

ID	Sheet Name	Issue
A.01	Location Plan	DA - 02
A.02	Site Plan - Existing	DA - 02
A.03	Site Plan - Demo	DA - 02
A.04	Site Plan - Proposed	DA - 02
A.05	Building Envelope	DA - 02
A.06	Shadow Diagrams 21st June 0900	DA - 02
A.07	Shadow Diagrams 21st June 1000	DA - 02
A.08	Shadow Diagrams 21st June 1100	DA - 02
A.09	Shadow Diagrams 21st June 1200	DA - 02
A.10	Shadow Diagrams 21st June 1300	DA - 02
A.11	Shadow Diagrams 21st June 1400	DA - 02
A.12	Shadow Diagrams 21st June 1500	DA - 02
A.13	Existing / Demolition Plan	DA - 02
A.14	Floor Plan - Lower	DA - 02
A.15	Floor Plan - Upper	DA - 02
A.16	Elevations	DA - 02
A.17	Elevations	DA - 02
A.18	Elevations	DA - 02
A.19	Roof Plan	DA - 02

Legend

-  - Electrical Connection
-  - Electrical Turret
-  - Sewer Connection
-  - Stormwater Connection
-  - Telstra Connection
-  - Telstra Pit
-  - Water Meter
-  - Water Stop Valve

Survey Notes from Surveyor

This drawing has been prepared for Jess & Michael Whelan by Peter Binny Surveys. It has been created to assist with site design. The information on this plan should not be used for any other purpose.


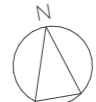

Peter Binny Surveys can supply drawings for other purposes upon request. Boundaries shown for Identification purposes only and have not been re-established or re-marked.

Visible services located only. Other services may exist. Locations for underground infrastructure including sewer, water, stormwater and telstra has been informed by paint markings onsite by unknown contractor.









This disclaimer forms an integral part of the plan.



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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	Location Plan Revision: DA - 02 Approved by: JRN	Scale: 1:250 @ A3 Pg. No: A.01	Proposal: Renovation & Extension Client: Jess & Michael Whelan Address: 16 Douglas St, Bellerive TAS 7018	Date: 07/02/2024 Drawn by: JSM Job No: 049-2023 Engineer: TBA Building Surveyor: TBA	Issue Date: DA - 02 08/04/2024 Description: Council RFI		These drawing 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: 5230762 Version: 1, Version Date: 08/04/2024									

Legend

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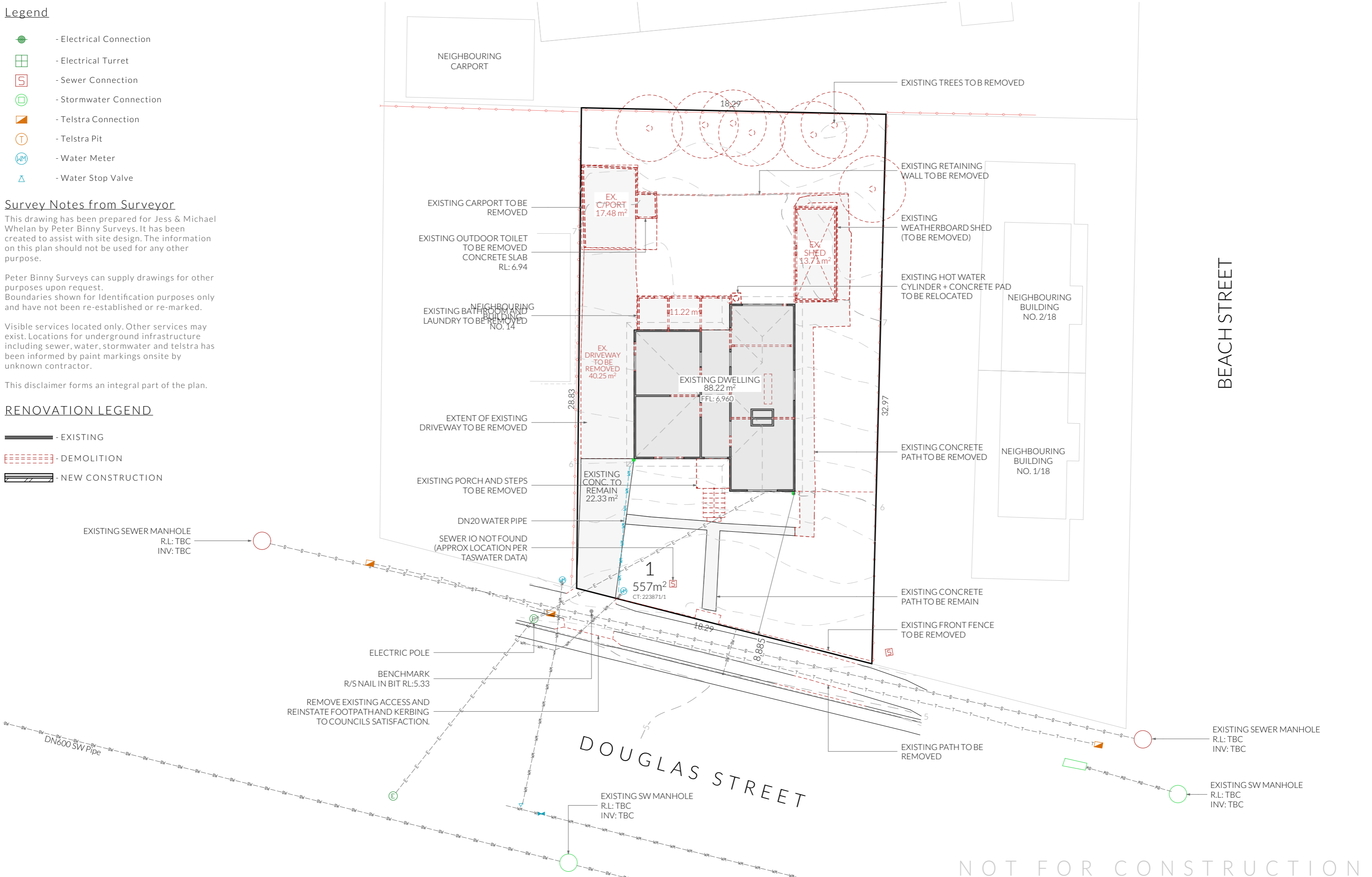
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RENOVATION LEGEND

-  - EXISTING
-  - DEMOLITION
-  - NEW CONSTRUCTION



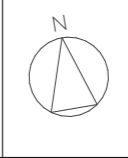
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Site Plan - Demo
 Scale: @A3
 Pg. No: A.03
 Revision: DA - 02
 Approved by: JRN

Proposal: Renovation & Extension
 Client: Jess & Michael Whelan
 Address: 16 Douglas St, Bellerive TAS 7018

Date: 07/02/2024
 Drawn by: JSM
 Job No: 049-2023
 Engineer: TBA
 Building Surveyor: TBA

Issue Date: 08/04/2024
 Description: Council RFI



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Legend

- Electrical Connection
- Electrical Turret
- Sewer Connection
- Stormwater Connection
- Telstra Connection
- Telstra Pit
- Water Meter
- Water Stop Valve

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.

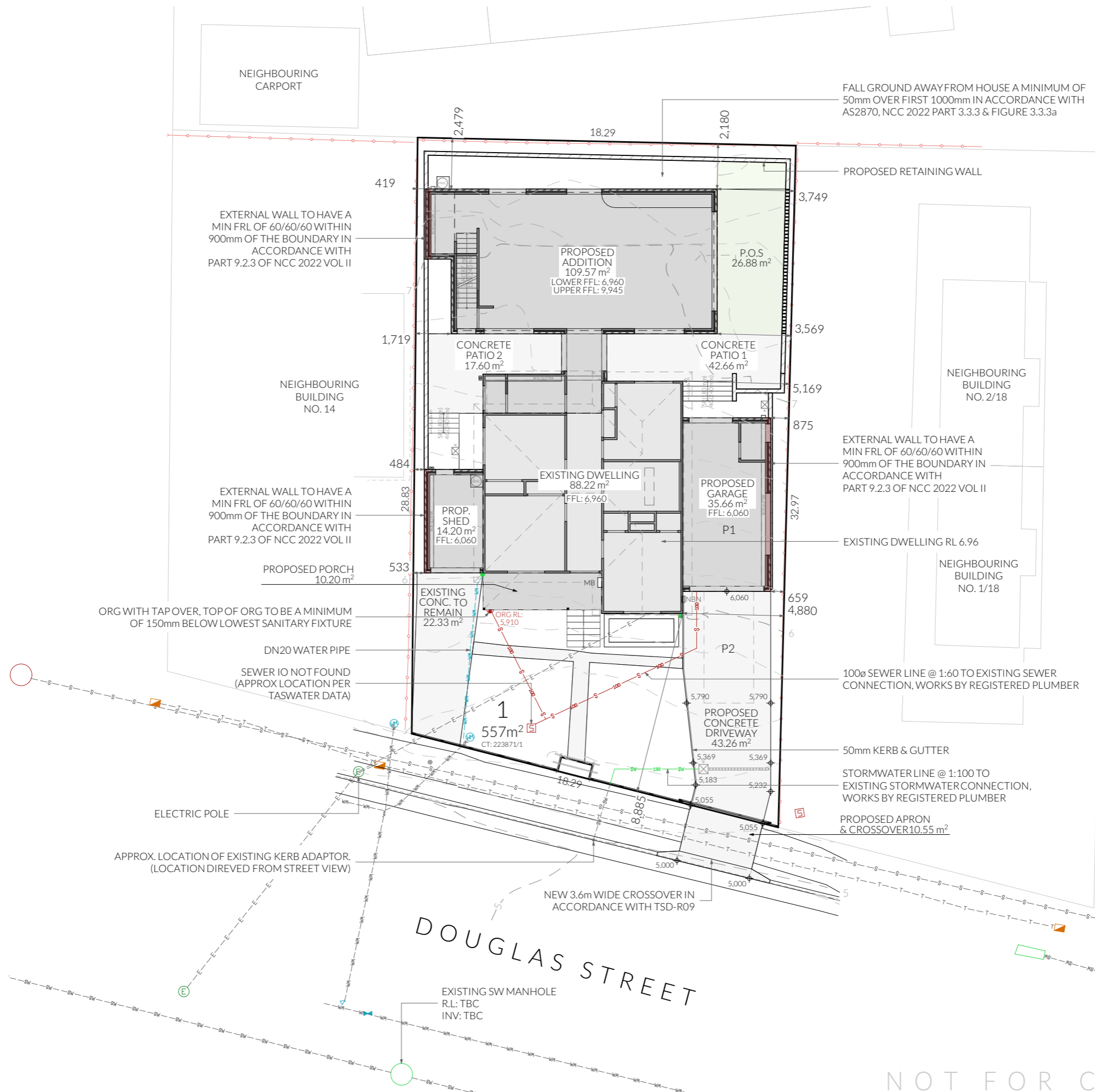
Where a subsoil drainage system is installed to divert subsurface water away from the area beneath a building, the subsoil drain must-

- (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.



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Legend

- Ag Drain
- Sewer Line
- Stormwater Line
- Class A 300mm Stormwater Pit
- Class B 450mm Stormwater Pit
- 100mm wide Trafficable Grate Drain

Site Areas

Site Area	557 m ²
Existing Building Footprint	88.22 m ²
Proposed Building Footprint	159.43 m ²
Total Building Footprint	247.65 m ²
Total Site Coverage	44.46%

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	Document Set ID: 5230762 Version: 1, Version Date: 08/04/2024	Agenda Attachments - 16 Douglas Street, Bellerive Page 5 of 20							

Construction of sanitary compartments 10.4.2 of NCC 2022

The door to a fully enclosed sanitary compartment must -

- open outwards; or
- slide; or
- be readily removable from the outside of the compartment.

unless there is a clear space of at least 1.2 m, measured in accordance with Figure 10.4.2 of NCC 2022 Vol II, between the closet pan within the sanitary compartment and the doorway.

Note: Safe Movement & Egress

Openable windows greater than 4m above the surface below are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m. Refer to clauses 11.3.7 and 11.3.8 of NCC 2022 for further information on suitable protective devices.

Note: Paved Areas

All paths and patios to fall away from dwelling.

Note: Stair Construction

All stairs to be constructed in accordance with NCC Vol II 2022 Part 11.2.2:

Riser: Min 115mm - Max 190mm
Going: Min 240mm - Max 355mm
Slope (2R+G): Max 550 - Min 700
For stairways serving non-habitable room used infrequently, refer to table 11.2.2(b).

Landings to comply with Clause 11.2.5 and be a minimum of 750mm deep measured 500mm from the inside edge of the landing.

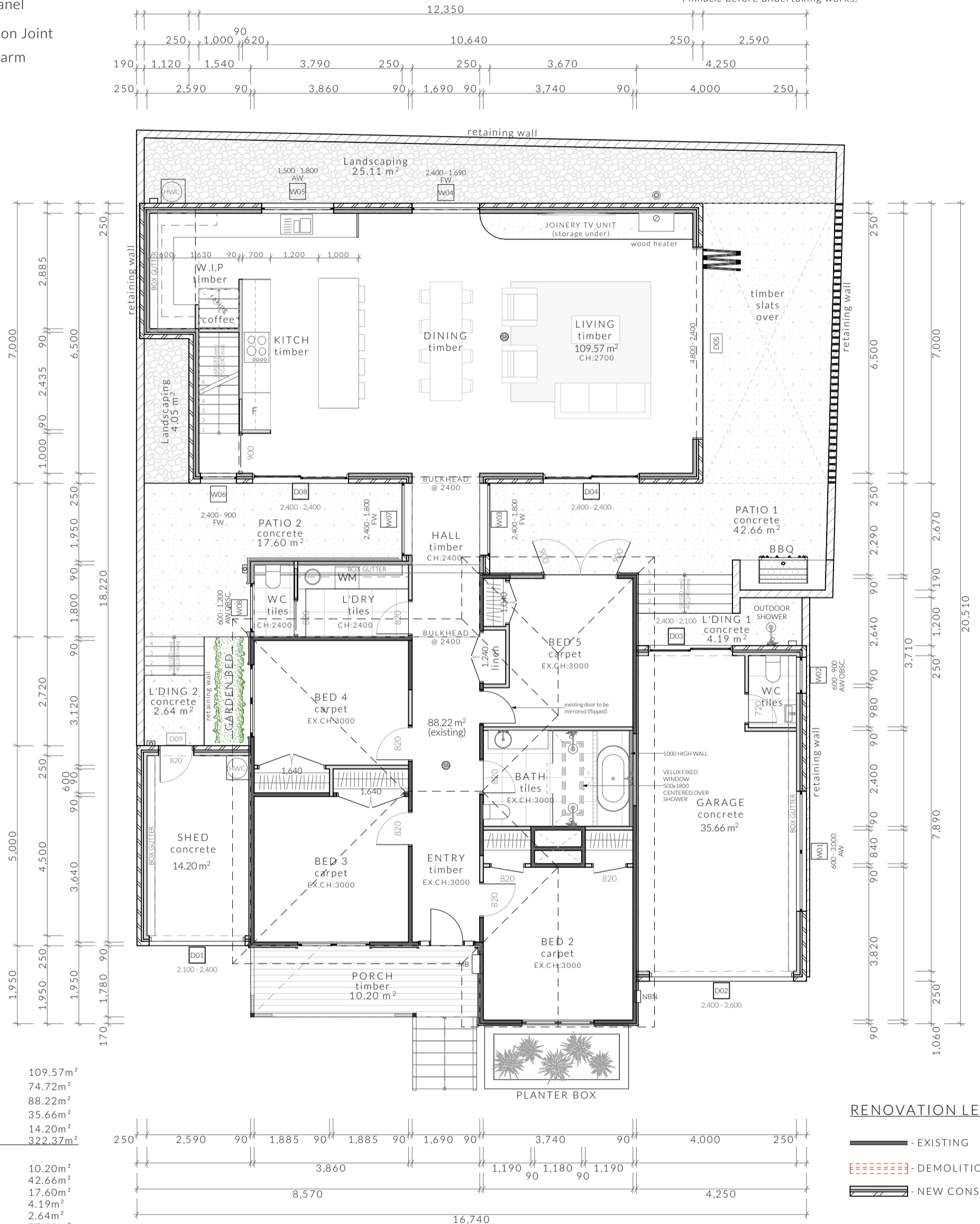
Slip resistance of treads, nosings and ramps to comply with Clause 11.2.4.

Heights of rooms & other spaces 10.3.1 of NCC 2022

Heights of rooms and other spaces must not be less than:
(a) in a habitable room excluding a kitchen - 2.4 m; and
(b) in a kitchen - 2.1 m; and
(c) in a corridor, passageway or the like - 2.1 m; and
(d) in a bathroom, shower room, laundry, sanitary compartment, airlock, pantry, storeroom, garage, car parking area or the like - 2.1 m; and
(e) in a room or space with a sloping ceiling or projections below the ceiling line within - See NCC directly for these items
(f) in a stairway, ramp, landing, or the like - 2.0 m measured vertically above the nosing line of stairway treads or the floor surface of a ramp, landing or the like.

If required onsite, the builder may work within the tolerances of the above as specified within the NCC 2022 Vol II. Builder to contact Pinnacle before undertaking works.

- Access Panel
- Articulation Joint
- Smoke Alarm



Floor Areas

Lower Floor	109.57m ²
Upper Floor	74.72m ²
Existing Floor	88.22m ²
Garage	35.66m ²
Storage Shed	14.20m ²
Total Floor Area	322.37m²
Porch	10.20m ²
Patio 1	42.66m ²
Patio 2	17.60m ²
Landing 1	4.19m ²
Landing 2	2.64m ²
Total Deck Area	77.29m²

RENOVATION LEGEND

- EXISTING
- DEMOLITION
- NEW CONSTRUCTION

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	Floor Plan - Lower Scale: 1:100 @ A3 Revision: DA-02 Approved by: JRN Pg. No: A.14	Proposal: Renovation & Extension Client: Jess & Michael Whelan Address: 16 Douglas St, Bellerive TAS 7018	Date: 07/02/2024 Drawn by: JSM Job No: 049-2023 Engineer: TBA Building Surveyor: TBA

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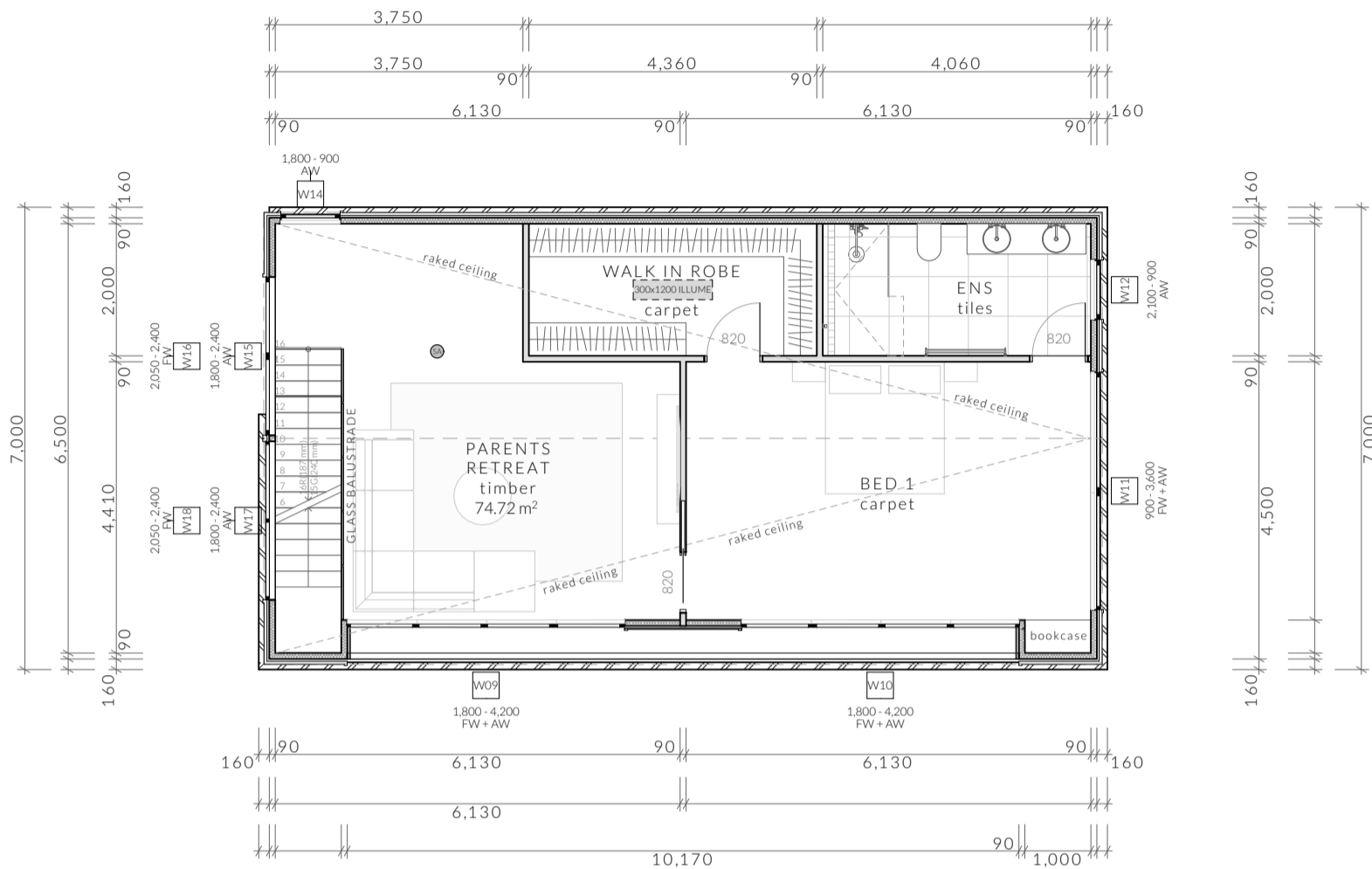
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- Access Panel
- Articulation Joint
- Smoke Alarm



Floor Areas

Lower Floor	109.57m ²
Upper Floor	74.72m ²
Existing Floor	88.22m ²
Garage	35.66m ²
Storage Shed	14.20m ²
Total Floor Area	322.37m²
Porch	10.20m ²
Patio 1	43.49m ²
Patio 2	17.60m ²
Landing 1	3.35m ²
Landing 2	2.64m ²
Total Deck Area	77.29m²

RENOVATION LEGEND

- EXISTING
- DEMOLITION
- NEW CONSTRUCTION

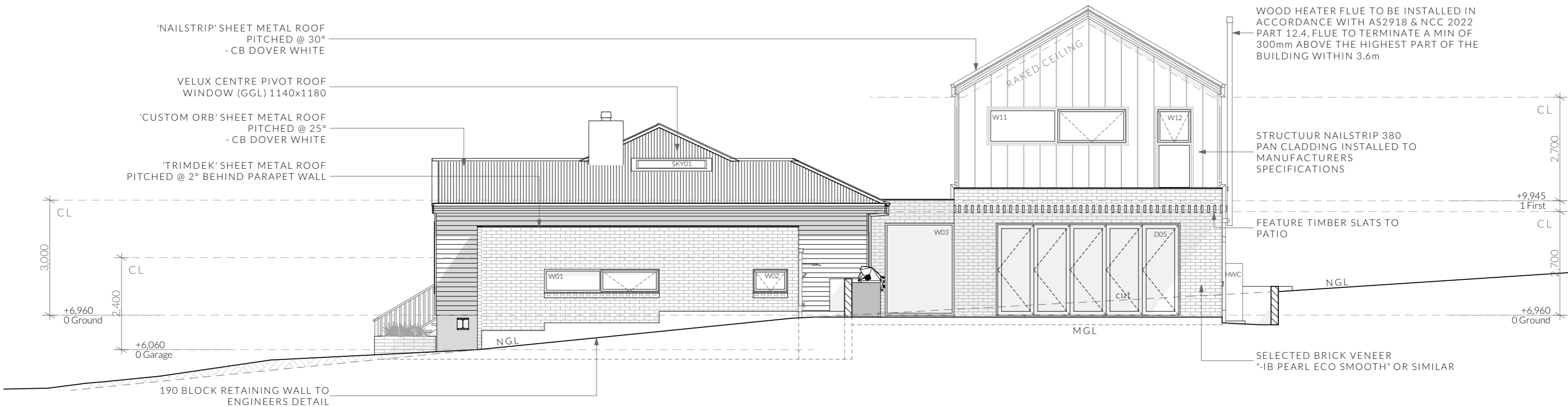
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	Floor Plan - Upper Scale: 1:100 @ A3 Revision: DA-02 Approved by: JRN	Proposal: Renovation & Extension Client: Jess & Michael Whelan Address: 16 Douglas St, Bellerive TAS 7018



South Elevation

1:100



East Elevation

1:100

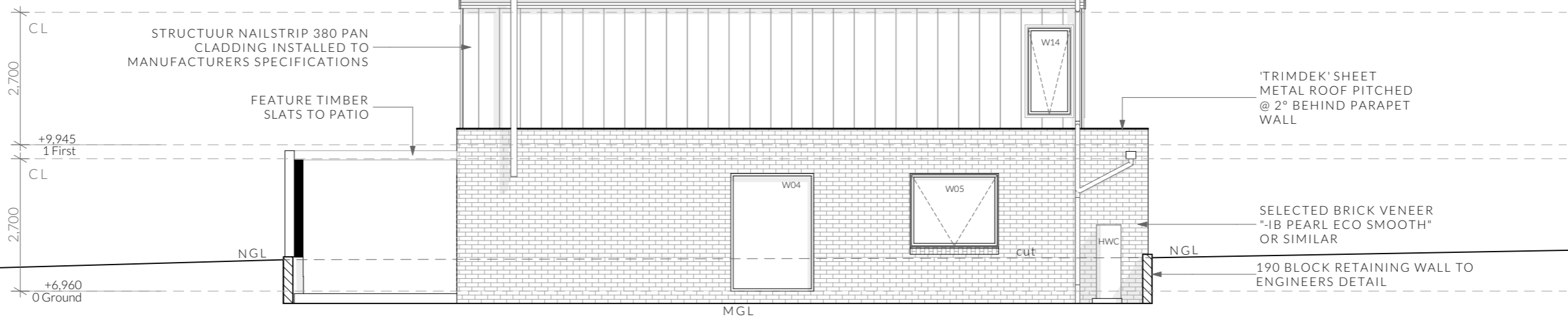
NOTE
Clearances between cladding and ground shall comply with Clause 7.5.7 of the NCC 2022 and shall be a minimum clearance of:
100mm in low rainfall intensity areas or sandy, well-drained areas; or 50mm above impermeable areas that slope away from the building; or 150mm in any other case.
Wall cladding must extend a minimum of 50 mm below the bearer or lowest horizontal part of the suspended floor framing.
U.N.O in builders specifications or located in saline environments or if using a glazed finish brick, brickwork is to be installed in stretcher bond pattern with raked joints.
As per NCC parts 11.3.7 and 11.3.8,
Openable windows greater than 4m above ground level are to be fitted with a device to limit the opening or a suitable screen so a 125mm sphere cannot pass through, and
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	<p>Document Set ID: 5230762 Version: 1, Version Date: 08/04/2024</p>						

'NAILSTRIP' SHEET METAL ROOF
PITCHED @ 30°
- CB DOVER WHITE

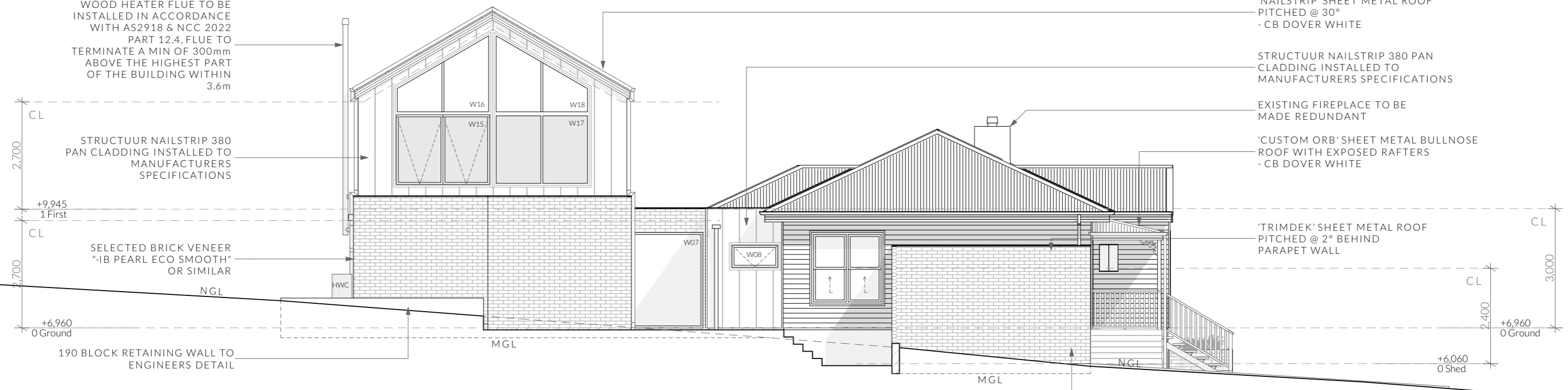
WOOD HEATER FLUE TO BE INSTALLED IN
ACCORDANCE WITH AS2918 & NCC 2022
PART 12.4, FLUE TO TERMINATE A MIN OF
300mm ABOVE THE HIGHEST PART OF THE
BUILDING WITHIN 3.6m



North Elevation

1:100

WOOD HEATER FLUE TO BE
INSTALLED IN ACCORDANCE
WITH AS2918 & NCC 2022
PART 12.4, FLUE TO
TERMINATE A MIN OF 300mm
ABOVE THE HIGHEST
PART OF THE BUILDING
WITHIN 3.6m



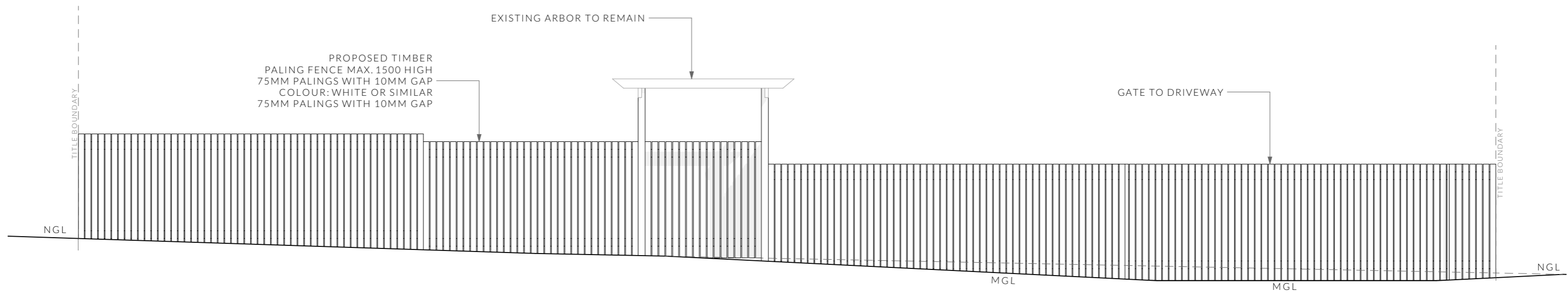
West Elevation

1:100

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Riser: Min 115mm - Max 190mm
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Slope (2R+G): Max 550 - Min 700

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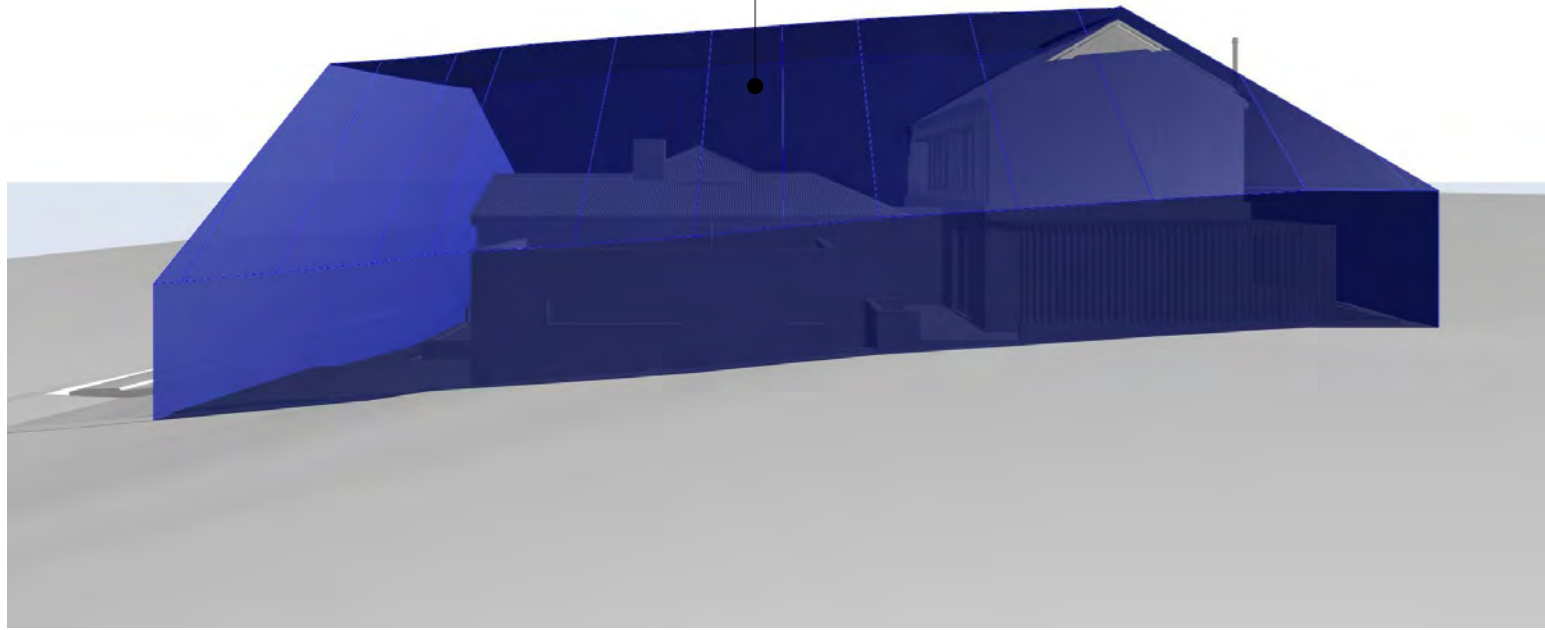
Fence Elevation

1:50

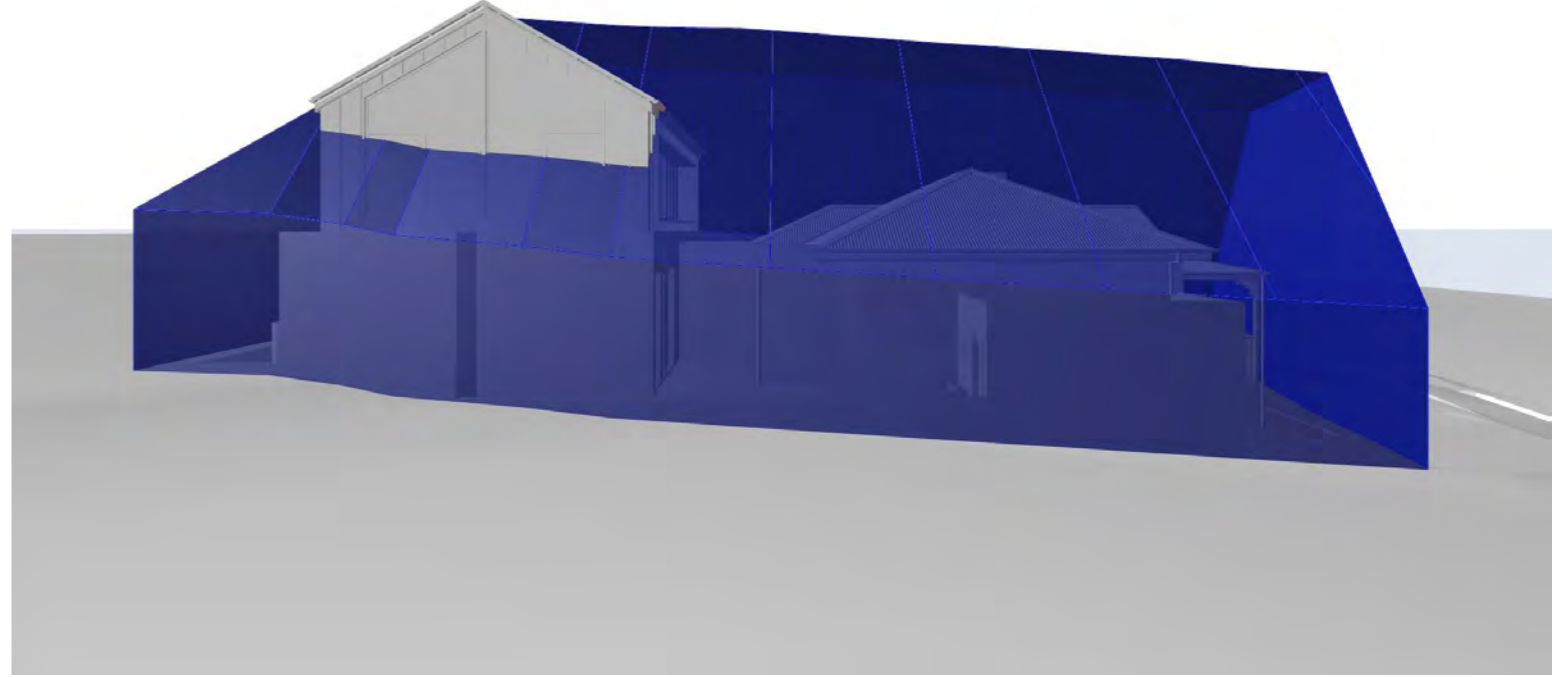
NOT FOR CONSTRUCTION

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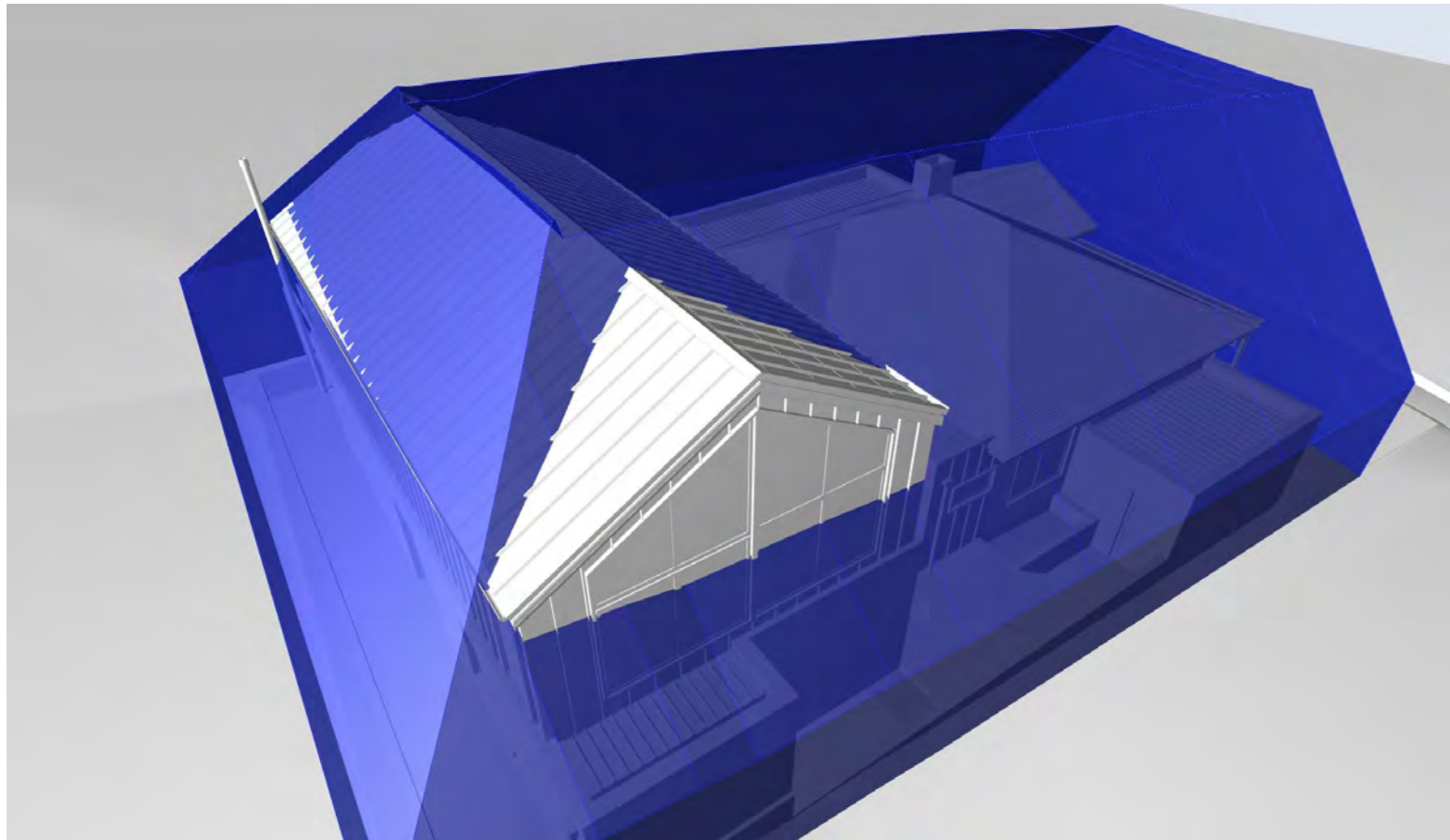
BUILDING ENVELOPE AS PER PLANNING SCHEME 8.4.2



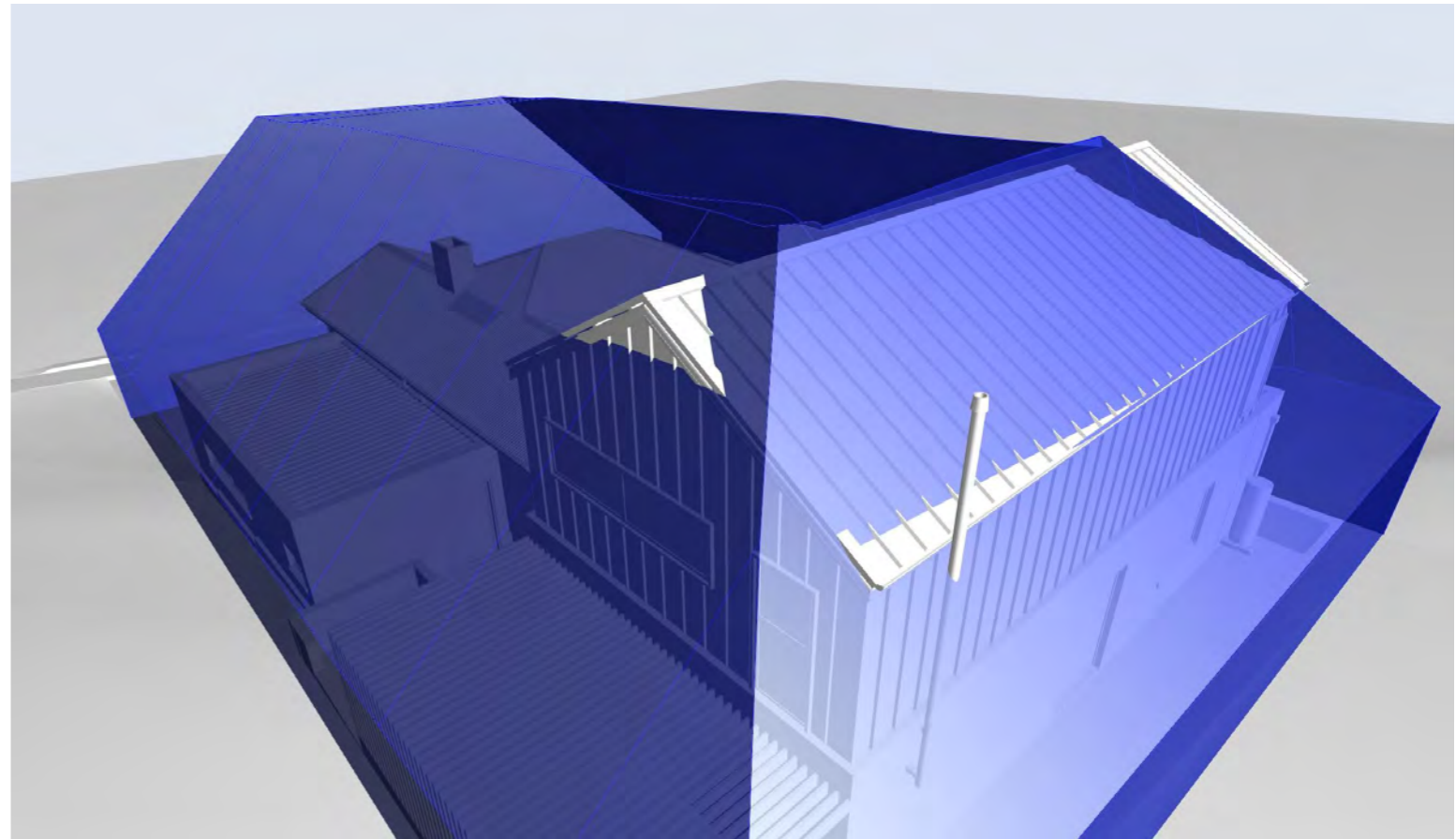
Perspective 01



Perspective 02



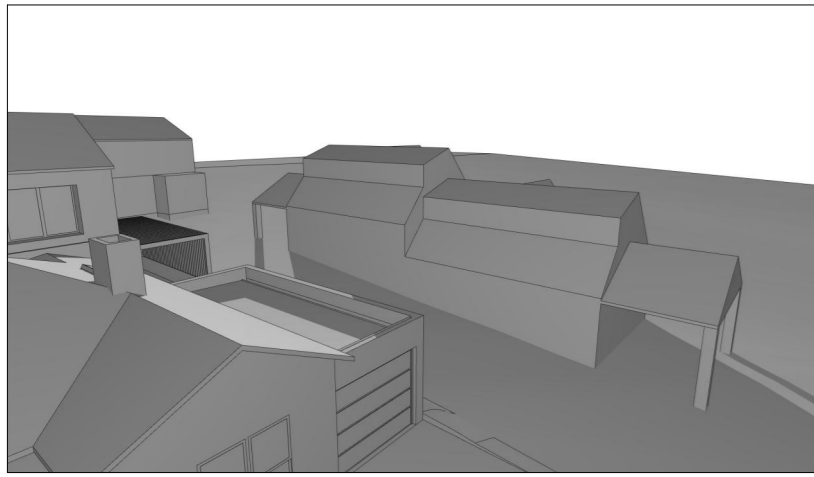
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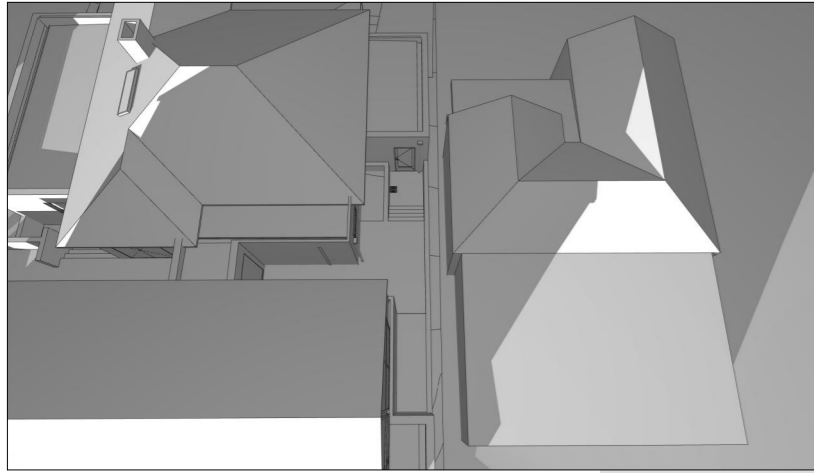
Perspective 04

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	Document Set ID: 5230762 Version: 1, Version Date: 08/04/2024	Agenda Attachments - 16 Douglas Street, Bellerive Page 11 of 20						



0900 - No. 18

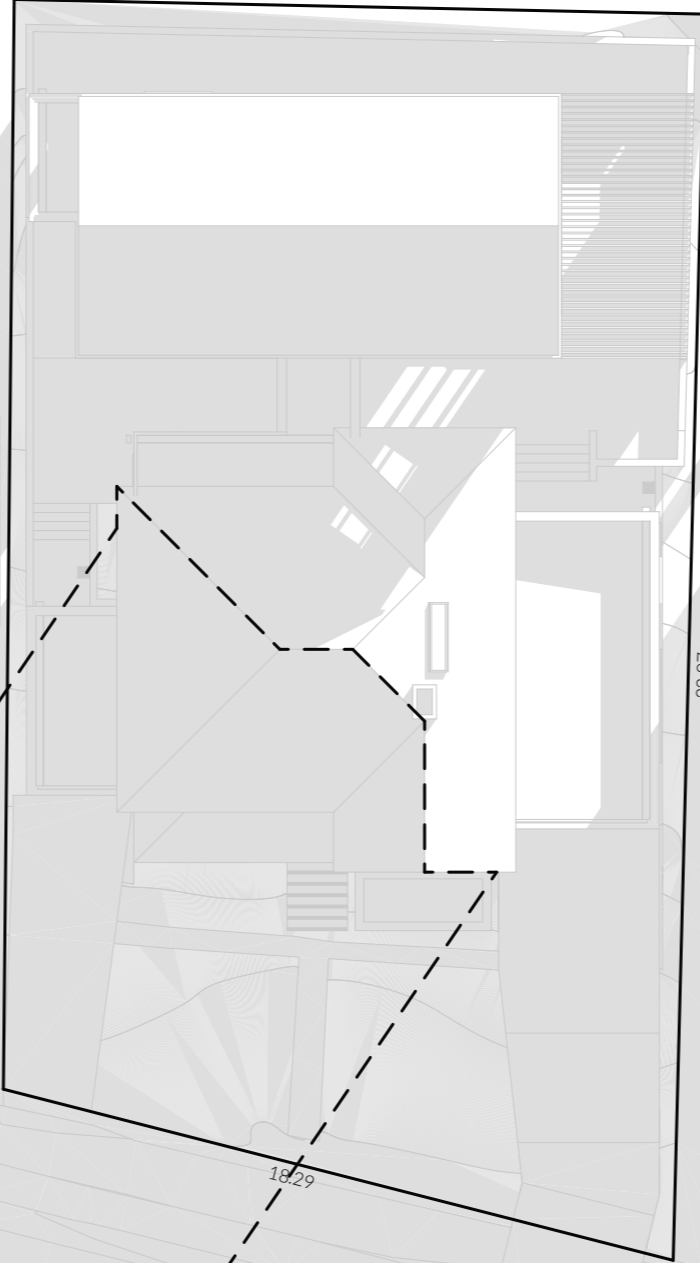


0900 - No. 14

DASHED LINE REPRESENTS THE SHADOW CAST FROM THE EXISTING BUILDING (PRE-DEVELOPMENT)

NEIGHBOURING CARPORT

NEIGHBOURING BUILDING NO. 14



NEIGHBOURING BUILDING NO. 2/18
NEIGHBOURING BUILDING NO. 1/18

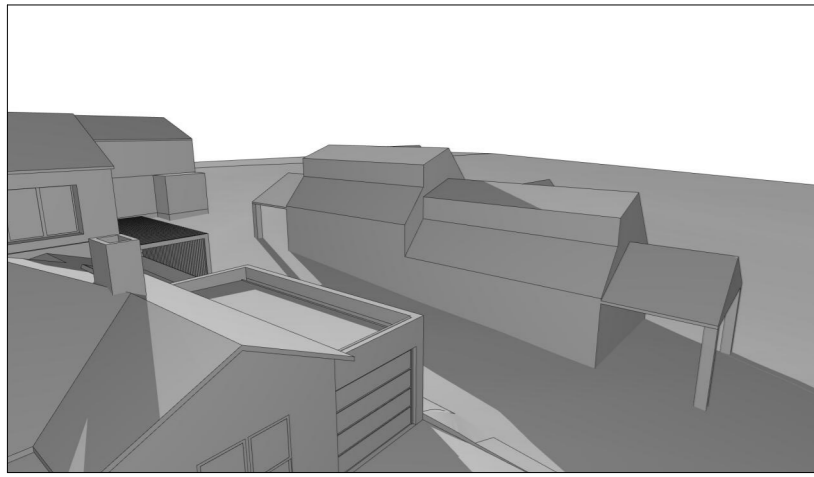
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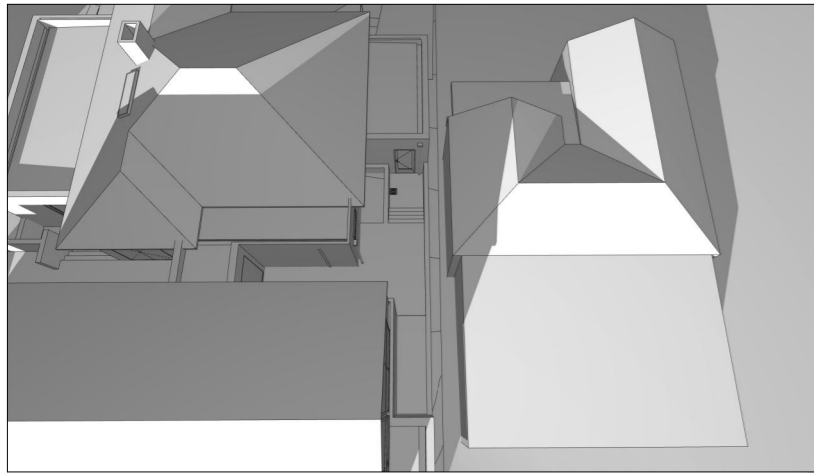
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Important Note
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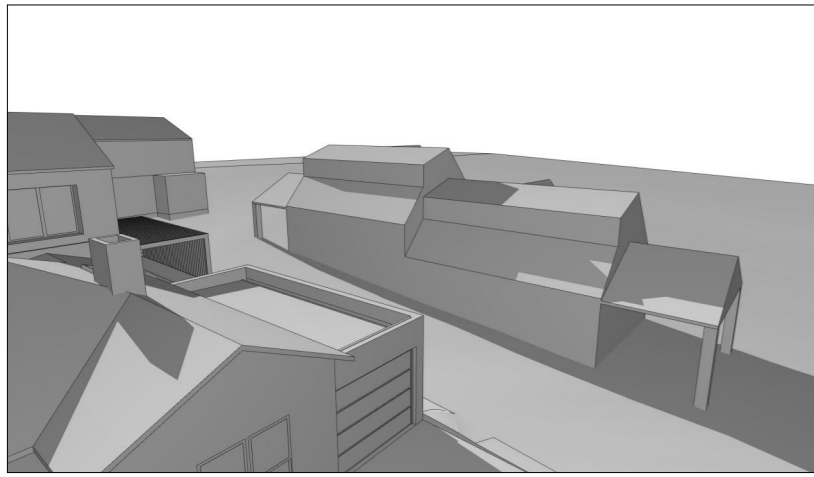
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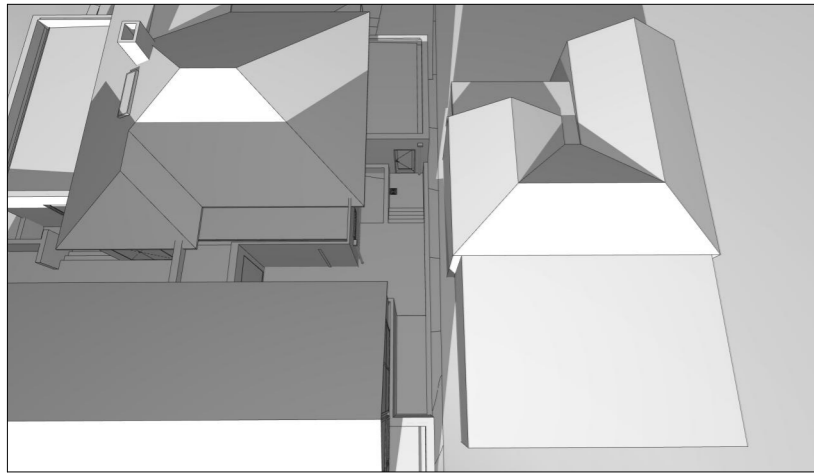
Important Note

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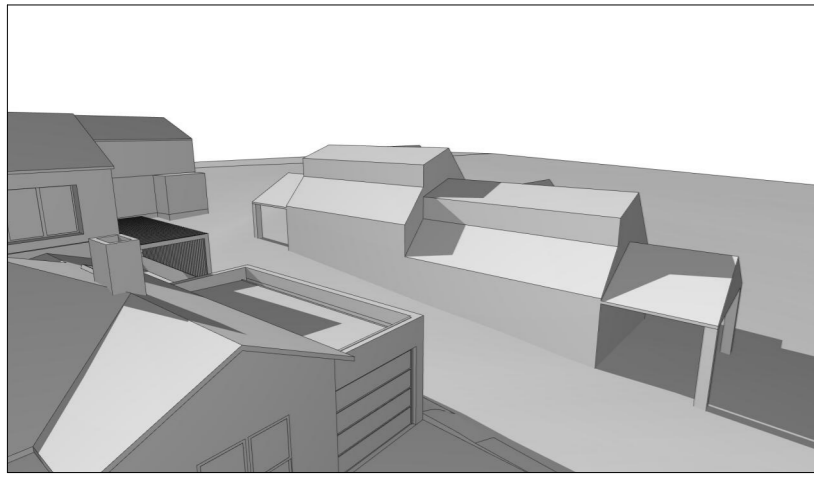


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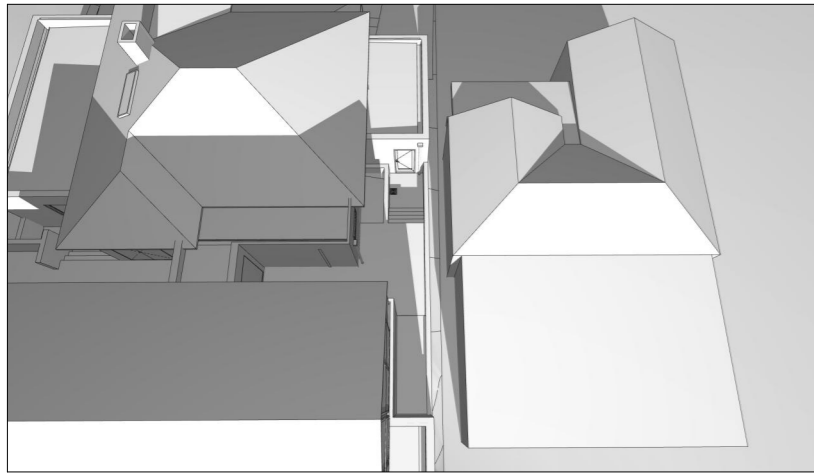
Important Note

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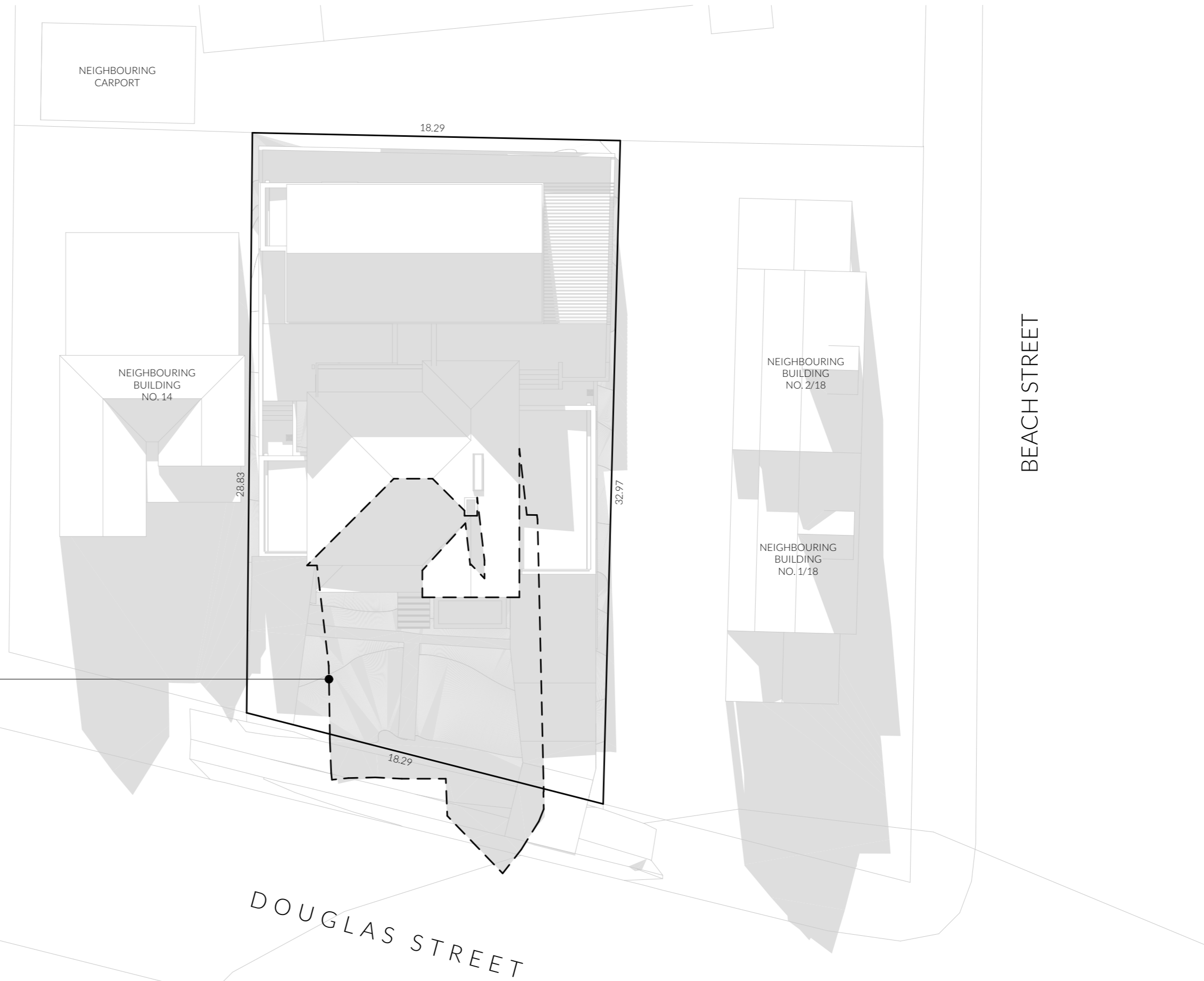
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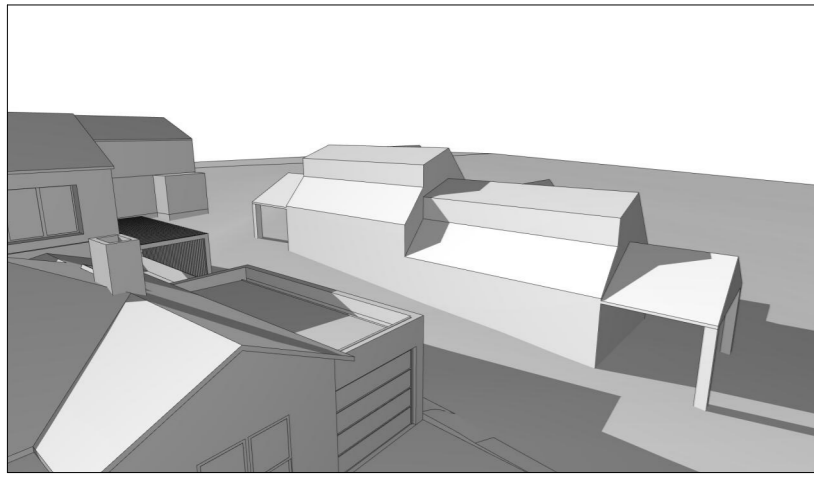
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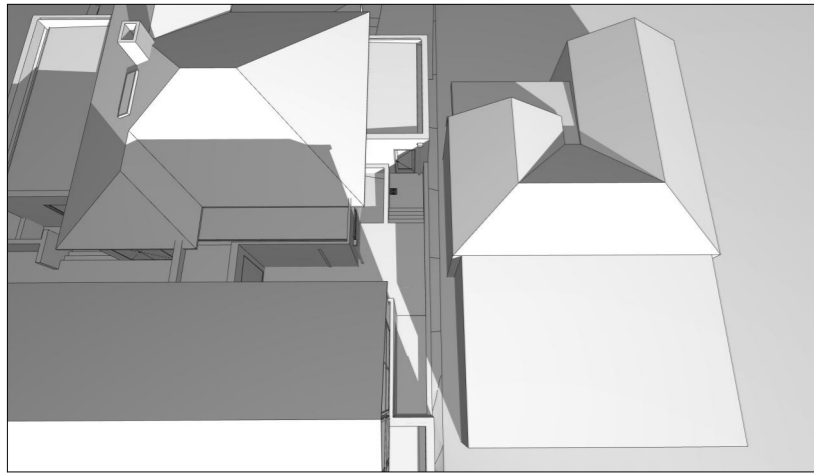
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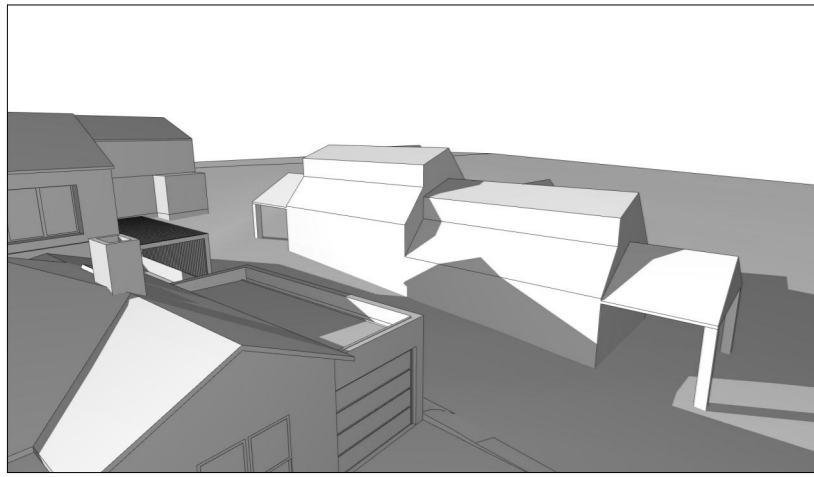
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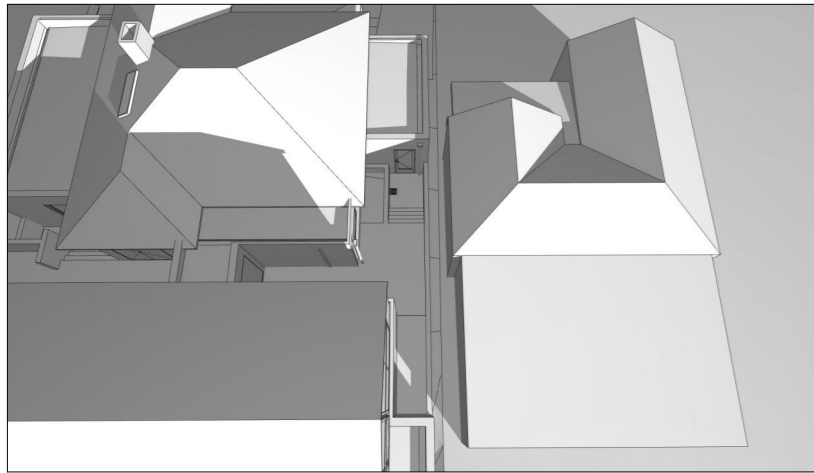
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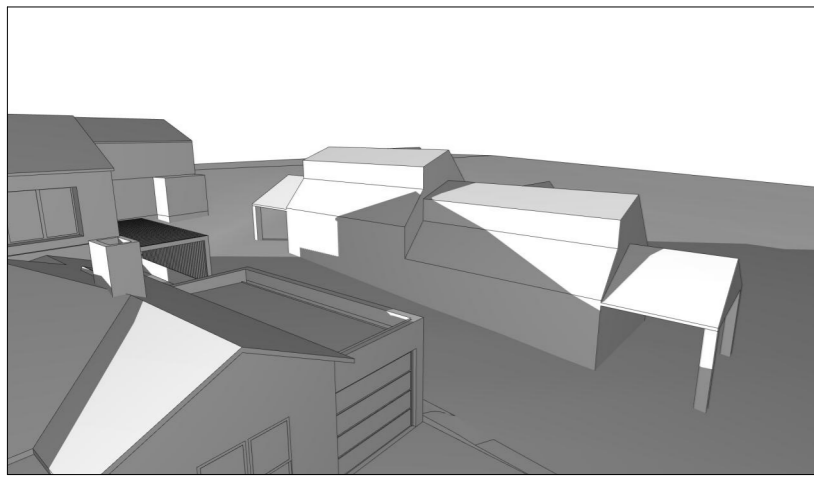
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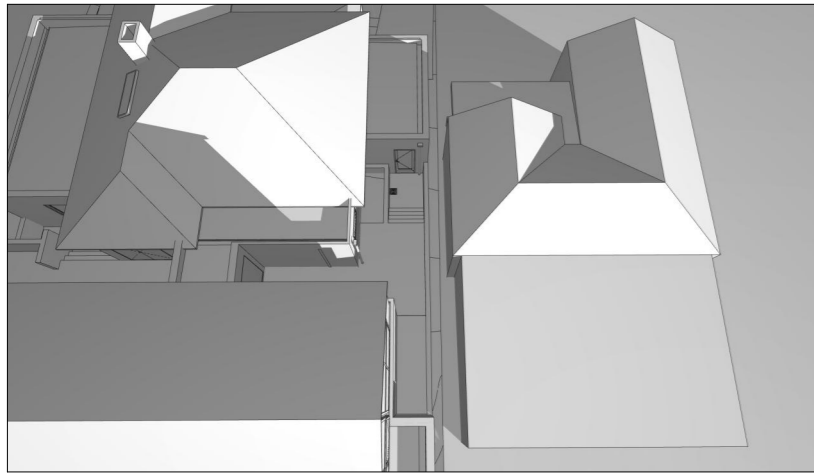
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DASHED LINE REPRESENTS THE SHADOW CAST FROM THE EXISTING BUILDING (PRE-DEVELOPMENT)

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Attachment 3



Figure 1. Showing the rear of the proposed site viewed from Beach Street through 2/18 Douglas Street.



Figure 2. View toward the rear of 16 Douglas from exterior of 1/18 Douglas.



Figure 3. View toward the rear of 16 Douglas viewed from the frontage.



Figure 4. Existing frontage of 16 Douglas Street.

7.2 PLANNING APPLICATION PDPLANPMTD-2024/043046 – 8 OPUS DRIVE, ACTON PARK - CARAVAN AND CAMPING PARK, TWO ON-SITE SPACES (VISITOR ACCOMMODATION)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Caravan and Camping Park, comprised of two on-site spaces (visitor accommodation) at 8 Opus Drive, Acton Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Parking and Sustainable Transport, Road and Railway Assets, Natural Assets and Safeguarding of Airports Codes under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory period which expires on 29 May 2024.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 18 representations were received raising the following issues:

- Inaccuracy of site plan;
- Unapproved use;
- Insurance;
- Hipcamp regulations;
- Visual impact;
- Traffic;
- Noise;
- Inconsistency with character of area;
- Increase in housing density;
- Privacy;
- Guarantee of length of stay;
- Commercial viability and infrastructure charges;
- Health and safety; and
- Loss of land value.

RECOMMENDATION:

- A. That the Planning Application for Caravan and Camping Park, two on-site spaces (Visitor Accommodation) at 8 Opus Drive, Acton Park (Cl Ref PDPLANPMTD-2024/043046) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. This permit is for two camping sites only.
 3. This permit is for short or medium-term visitor accommodation for persons away from their normal place of residence only and is not for permanent or long term accommodation.
 4. A landscape plan must be submitted to and approved by Council’s Head of City Planning prior to the commencement of the use. The plan must be to a standard scale, provide the designer’s contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- confirm that mature species are to be used where separating the camp sites from the eastern and western boundaries respectively;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

ADVICE

The use must not cause an environmental nuisance or harm including, but not limited to noise, odour, dust, and fumes within the meaning of the *Environmental Management and Pollution Control Act 1994*. The use must at all times comply with the relevant requirements of the *Environmental Management and Pollution Control (Noise) Regulations 2016*, which are available on Council's website for reference at: <https://www.ccc.tas.gov.au/living/home-property/noise/>.

- 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

Two recent planning permits have been granted for the site, being PDPLANPMTD-2022/030409 for secondary residence and swimming pool, and D-2013/275 for an outbuilding.

Concerns regarding the unapproved use of the site as a camping facility were raised with Council in February 2024. The use then ceased on the basis that the owners were not aware that a planning permit was required, and this application was subsequently lodged and is the subject of this report.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Living under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 5.6 – Compliance with Applicable Standards;
- Section 6.10 – Determining Applications;
- Section 11.0 – Rural Living Zone;
- Section C2.0 – Parking and Sustainable Transport Code;
- Section C3.0 – Road and Railway Assets Code;
- Section C7.0 – Natural Assets Code; and
- Section C16.0 – 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 site has an area of 1.98ha and is irregularly shaped, with two frontages to both Acton Road and Opus Drive. The existing access is from Opus Drive, and the site is located within an established rural residential area at Acton Park.

The land slopes gradually at an average gradient of 1 in 12. The existing dwelling, pool and outbuilding are located in a south-west part of the lot. A dam is located centrally towards the eastern boundary, with the balance of the lot to the north of the dam grassed and clear of shrubs and trees, which are concentrated in the southern half of the lot around the dwelling.

3.2. The Proposal

The proposal is for a caravan and camping park, comprising of two on-site spaces (Visitor Accommodation) at 8 Opus Drive, Acton Park.

The two proposed sites would be located to the north of the existing dwelling, sited 10m from the western boundary and 15m from the eastern boundary, as shown by the site plan provided in the Attachments.

The proposal would share the existing access with the dwelling and would include landscaping in the form of mature trees between each of the proposed sites and the eastern and western boundaries respectively.

The proposal is for short stay, self-contained, off-grid camping only. There would be no wastewater, power or water facilities provided. The proposal is to operate the visitor accommodation in accordance with the platform Hipcamp, which is a short stay platform of a style similar to AirBnB.

The Attachments include a written submission of how the applicants intend the use would operate. If a planning permit is granted, the site plan is the only part of the Attachments that would be endorsed.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 5.6]

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

4.2. Determining Applications [Section 6.10]

“6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with section 57(5) of the Act, but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”*

References to these principles are contained in the discussion below.

4.3. General Provisions

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

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

4.4. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone and Parking and Sustainable Transport, Road and Railway Assets, Natural Assets and Safeguarding of Airports Codes with the exception of the following.

Rural Living Zone

- **Clause 11.3.2 (A1)**– the proposal relates to visitor accommodation for guests that would not be accommodated within existing buildings, as required by the acceptable solution.

The application must be assessed against Performance Criteria (P1) of Clause 11.3.2 as follows.

Clause	Performance Criteria	Assessment
11.3.2 P1	<i>“Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</i>	<p>The application is assessed as satisfying the performance criteria, for the following reasons:</p> <p>The proposed development is for the provision of two on-site camping spaces. These have been sited in excess of 50m from the neighbouring dwellings to both the east and west of the subject property, and the applicant has proposed landscaping using mature trees between both sites and the respective adjacent boundaries.</p>

	<p>(a) <i>the privacy of adjoining properties;</i></p> <p>(b) <i>any likely increase in noise to adjoining properties;</i></p>	<p>Firstly, and in respect of privacy, it is considered that the landscaping proposed would assist in mitigating visual impact, together with providing a screen to both neighbouring properties and dwellings. A condition requiring the provision of a landscaping plan has been included in the recommended conditions to require a detailed plan, which must include mature trees and ensure the landscaping is maintained in perpetuity.</p> <p>It is possible that the use would generate noise associated with visitors to and from the site, from traffic movements, from the use of generators to power campers and from general social interactions. Such noise is; however, not considered dissimilar to the type and nature of noise likely to be generated by activities within the surrounding rural residential area, and from a land use perspective this is taken to not cause an unreasonable impact to the residential amenity.</p> <p>Unexpected noise nuisances are regulated under the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA) and the <i>Environmental Management and Pollution Control (Noise) Regulations 2016</i>, which include permitted hours for various equipment use. It is therefore reasonable to include advice as part of a planning permit, if granted, advising of the requirements of the above-mentioned Regulations, to ensure the applicant is aware of their obligations under EMPCA.</p>
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	<p>(c) <i>the scale of the use and its compatibility with the surrounding character and uses within the area;</i></p> <p>(d) <i>retaining the primary residential function of an area;</i></p> <p>(e) <i>the impact on the safety and efficiency of the local road network; and</i></p> <p>(f) <i>any impact on the owners and users rights-of-way.”</i></p>	<p>The proposal is for the development of two on-site camping spaces. It is considered that a development of this modest scale, if managed in accordance with those relevant noise regulations described, would be both consistent and compatible with the rural residential character established in the area, comprised primarily of single dwellings of allotments of a similar size.</p> <p>The site is the primary place of residence of the applicant and at the scale proposed with two camping sites only, it is considered that the primary residential function of both the site and surrounds is retained.</p> <p>Council’s engineers are satisfied that the existing access to the site from Opus Drive is appropriate for the proposed use, both in terms of the number and nature of vehicular movements anticipated and in terms of the suitability and width of the existing access. On this basis, it is considered that the safety and efficiency of both Opus Drive itself and the broader local road network would not be compromised.</p> <p>The proposal is for access over the subject site only, meaning that no adjacent owners or rights-of-way would be impacted for the purposes of access.</p> <p>With appropriate conditions and advice, it is considered that the relevant tests of the performance criteria are met.</p>
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5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 18 representations were received. The following issues were raised by the representors:

5.1. Inaccuracy of Site Plan

The representations raise the inaccuracy of the site plan as a concern, specifically in that the site plan does not show the constructed swimming pool or the secondary residence approved for the site.

- **Comment**

A planning permit was granted in 2022 for the development of a pool and secondary residence on the site, of which only the swimming pool has been constructed to date. The location of the pool is of no relevance to this proposal.

The approved secondary residence has not been constructed and was to be located in the same place as proposed Camping Site 1. If this proposal proceeds, the secondary residence will not be able to proceed without amendment. In any event, the site plan provided is accurate for the purposes of this application.

5.2. Unapproved Use

Concerns are raised by the representations about the site previously being used for the proposed purpose without the required approvals having been obtained.

- **Comment**

It is acknowledged that the site was used for a period as a camping facility in late 2023 and early 2024. Upon Council being advised of this in February 2024, the owners were contacted, and the use then ceased on the basis that the requirement for a planning permit to first be obtained was not known. This application was subsequently lodged for determination.

5.3. Insurance

The representations submit that details of the public liability insurance required and proposed for the site should have been included in the application and made available publicly as part of the advertised plans.

- **Comment**

Details of insurance required for a site and associated use are not relevant considerations under the Scheme and have no bearing on the assessment and determination of the planning application.

5.4. Hipcamp Regulation

The representations raise the regulation of the site as a concern, in that the Hipcamp regulations appear difficult to enforce. It is suggested that there would be no management of noise and other issues, and that this would have a resultant (negative) impact upon residential amenity.

- **Comment**

The booking platform for the proposed caravan and camping use is not a land use planning consideration. However, the Hipcamp platform has rules and guidelines for its subscribers. Such rules and guidelines would not be enforced or regulated by Council.

The planning assessment is limited to the applicable standards of the planning scheme. The planning scheme does not try to regulate matters that are dealt with under other Acts. However, the Scheme allows for the use of the site as visitor accommodation and with appropriate conditions relevant to landscaping, the number of camping spaces and advice in relation to noise, there is appropriate oversight of the use in the context of it being a land use.

5.5. Visual Impact

Concern is raised by the representations that the proposal would have a significant visual impact on the area, which would not be mitigated by the limited landscaping proposed.

- **Comment**

Clause 11.3.2 (P1) of the Scheme requires consideration of possible impacts upon amenity. Landscaping, in particular, is proposed in this instance to manage visual separation and to assist in the protection of privacy for adjoining landowners. Those relevant Scheme tests have been discussed in Section 4.4 above and are considered to be met by the proposed development. This issue is therefore not of determining weight.

5.6. Traffic

It is submitted by the representations that there would be a traffic impact as a result of the proposed development, where there would be more than one movement (in and out) per day, and that such an impact is unreasonable.

- **Comment**

This matter was referred to Council's development engineering team who advised that the existing access to the site from Opus Drive is appropriate for the proposed use, both in terms of the number and nature of vehicular movements anticipated and in terms of the suitability and width of the existing access. The relevant acceptable solutions of both the Parking and Sustainable Transport Code and the Road and Railway Assets Codes are met by the proposal.

On this basis, it is considered that the safety and efficiency of both Opus Drive itself and the broader local road network would not be compromised. This issue does not justify the refusal of the proposal.

5.7. Noise

Noise generated by the proposed use is raised as a concern by the representations. Specific concerns relate to noise by generators, and partying groups of campers.

- **Comment**

It is acknowledged that the use may generate noise associated with visitors to and from the site, from traffic movements, and from the use of generators to power campers and general social interactions on the site. As discussed in Section 4.4 above, such noise is not considered to be unreasonable given the type and nature of noise likely to be generated by activities within the surrounding rural residential area, such as lawn mowing, chainsaw use and possible recreational vehicle use.

Unexpected noise nuisances are not a matter regulated by the Scheme, but rather by the *Environmental Management and Pollution Control Act 1994* (EMPCA) and the *Environmental Management and Pollution Control (Noise) Regulations 2016*, which include permitted hours for various equipment use. It is therefore reasonable to include advice as part of a planning permit, if granted, advising of the requirements of the above-mentioned Regulations, to ensure the applicant is aware of their obligations under EMPCA and to address this issue.

5.8. Inconsistency with Character of Area

Concern is raised by the representations that there would be an impact upon the residential amenity and character of the area, given the scale of the proposal and the temporary nature of the accommodation. The establishment of a precedent in terms of the proposed caravan park use is also raised as a concern, leading to multiple caravan parks potentially being developed in the Acton Park area.

It is also highlighted by the representations that the use of a “granny flat” as visitor accommodation would be more appropriate than a caravan park.

- **Comment**

Visitor accommodation is a permitted use in the Rural Living zone. Should a proposal meet the applicable acceptable solutions, Council would have no discretion to refuse that visitor accommodation application. For this application it is considered to meet the tests of Performance Criteria P1 of Clause 11.3.2 for the reasons discussed above.

The proposal if approved, would be limited to two camping sites only and whilst described as a “caravan park” within the visitor accommodation use class under the Scheme, the site would be restricted to these two sites only. With such limitations on scale, it is considered that the proposal would not detract from the established rural residential character of the area. Extension beyond this restriction would require a new planning application.

The use of the granny flat as visitor accommodation is not proposed and is therefore not a consideration relevant to this proposal.

5.9. Increase in Housing Density

The representations raise an increase in housing density as a concern, together with an associated increase in lighting sources having a further impact upon residential amenity.

- **Comment**

The proposal is not for new dwellings, and therefore does not form the basis for any precedent relating to increased housing density as claimed by the representations. It is noted that multiple dwellings are prohibited in this zone.

Light spill is a matter also regulated by the *Environmental Management and Pollution Control Act 1994* (EMPCA) should this become an issue for nearby residential development.

5.10. Privacy

Concerns are raised that the privacy of nearby residential properties would be compromised by the proposal, and that no landscaping would be sufficient to mitigate such impact.

- **Comment**

The landscaping proposed, together with the recommended landscaping condition, would assist in mitigating both visual impact and privacy by requiring a screen to both neighbouring properties and associated dwellings. Such a condition is reasonable in the context of the requirement of Clause 11.3.2 (P1) and must include mature trees and ensure the landscaping is maintained.

5.11. Guarantee of Length of Stay

Concern is raised by the representations that the maximum five-night stay proposed for the site would be difficult to enforce and would create an issue for Council compliance officers by way of enforcement. It is also submitted that there is a risk that those without permanent places of residence would choose to stay on-site and exceed the maximum length of stay.

- **Comment**

The Scheme defines visitor accommodation as:

“Use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex.”

The Scheme does not define “short or medium-term” accommodation in terms of a number of days, though it is clear that such use does not represent permanent accommodation. It is reasonable on the basis of the Scheme definition to limit the length of stay to short to medium-term, in accordance with the Scheme definition. Such a condition has been included in the recommended conditions. Any enforcement is a matter for Council at the appropriate time, should concerns arise.

5.12. Commercial Viability and Infrastructure Charges

The representations raise concerns that the proponent describes the use as a non-commercial use which, it is submitted, is false given that the purpose would be to generate income. It follows in the opinion of the representors that infrastructure charges should be levied by Council on a per site basis.

- **Comment**

Commercial viability is not a relevant consideration under the Scheme. Similarly, there are no headworks or other infrastructure type charges applicable to or appropriate for the proposed use. Rates are levied in accordance with Council's adopted Rates Policy. This issue is therefore of no determining weight in relation to the proposal.

5.13. Health and Safety

Concerns are raised that there would be no toilet or washing facilities proposed for the site, and there is a proposed open fire pit which may be used during high fire danger periods, which creates a risk to the adjacent users of the Tangara Trail. It is submitted that no details of a fire management or evacuation plan have been provided as part of the proposal.

- **Comment**

The proposal facilitates fully self-contained campervans and caravans only. However, given the Scheme does not regulate wastewater management it is not appropriate to include a condition that restricts on-site camping to self-contained facilities only.

Environmental nuisances are regulated through the *Environmental Management and Pollution Control Act 1994* or the *Local Government Act 1993*. There is a general obligation on all persons to avoid environmental harm.

In relation to bushfire risk, the Bushfire Prone Areas Code of the Scheme does not apply to the site, meaning that there are no relevant Scheme requirements to consideration of bushfire risk.

It is the responsibility of the owner to prepare the required risk management and evacuation plans, consistent with any relevant requirement of the Tasmania Fire Service.

5.14. Loss of Land Value

The representations raise loss of land value as a concern, should the proposal be approved.

- **Comment**

Loss of land value is not a relevant consideration under the Scheme, and therefore of no relevance to the determination of this application.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

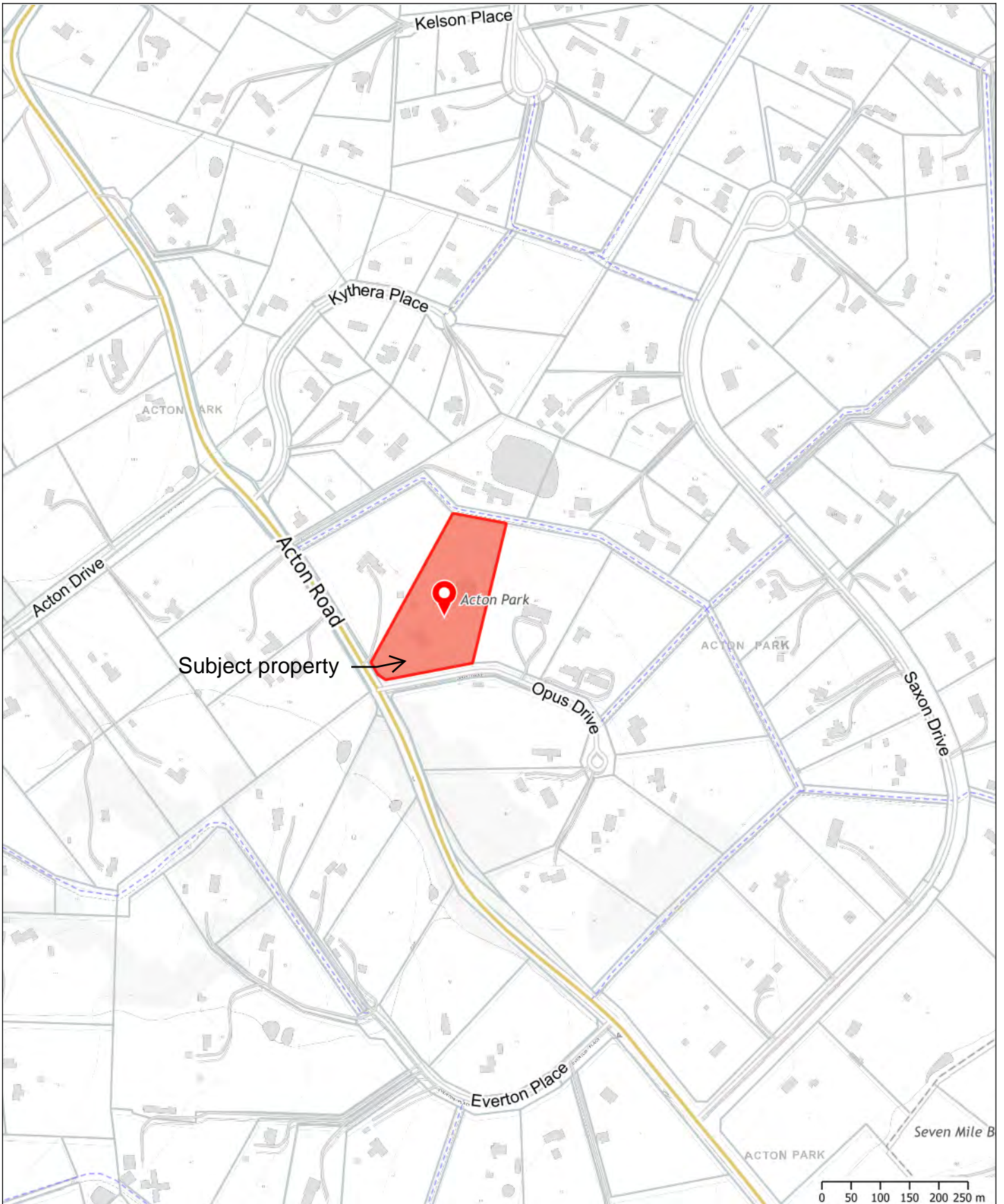
The proposal is for the development of a caravan and camping park, comprised of two on-site spaces (Visitor Accommodation) at 8 Opus Drive, Acton Park. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

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

Daniel Marr
HEAD OF CITY PLANNING

Attachment 1

LOCATION PLAN - 8 OPUS DRIVE, ACTON PARK



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.

14/05/2024
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Attachment 2

Written submission – proposed development for off-grid, self-contained, short stay accommodation at 8 Opus Drive, Acton Park TAS

Proposal summary & key features:

Consideration	Proposed development response
Type of visitor accommodation proposed	Off-grid, self-contained, short stay accommodation: Guests provide their own self-contained, off-grid caravan or RV
Booking platform proposed	HIPCAMP (Global share economy booking platform consistent with short stay legislation)
No. of camp sites proposed	2 sites
Maximum no. night's stay per guest booking	5 nights
Provision of power, wastewater and other services to sites	Nil. Guests must be completely self-contained and off-grid
Boundary offsets	Side boundary offsets: Minimum 10m (<i>Site 1 proposed to be 15m from 22 Opus Drive Boundary</i>) <i>Front boundary offsets: Both sites exceed Minimum 75m (Site 1) and 100m + (site 2)</i>
Privacy considerations and mitigations	Minimum boundary offsets, proposal to plant mature trees min. height 2m tall to preserve privacy
Noise considerations and mitigations	Managed via bookings platform and property policies in accordance with EPA Tasmania 'Permissible Hours of use' Guidelines and Requirements. Mitigated via additional siting considerations: Minimum boundary offsets 10m, planting of mature trees in boundaries as screen and living noise barrier
Traffic movements	Expected to be 1 movement per day per site, when in use.
Access	Central access from Opus Drive, separate gravel driveway to each site
Parking	Maximum 1 vehicle per site, collocated on that site, in allocated located.
Consistency with short stay visitor accommodation legislation and principals	Maximum of 2 sites, strictly short term, using a reputable global bookings platform, on our primary residence, in keeping with primary residence in residential area

Summary context

The proposed development relates to provision of 'hobby farm stay' style short term visitor accommodation consistent with short stay legislation, and emerging farm stay legislation both in other states and Tasmania.

The proposal is for 2 strictly self-contained, off-grid camp sites made available only through the global platform Hipcamp. Hipcamp has some 50,000 property hosts in Australia and around 500+ in Tasmania and continues to grow. Some have called it the Air BnB for camp sites on private property.

All sites proposed are strictly low impact, self-contained and off grid. There is no provision of wastewater services, power or grey water disposal proposed. This means that guests must have a suitable caravan/ RV vehicle before being able to book. Their suitability to our property and its requirements is governed through the HIPCAMP platform, to ensure only suitable guests can book the property.

The two proposed sites are to be carefully located with reference to generous boundary offsets of 10-15m+ to facilitate mitigation of visual, noise and other potential concerns from adjacent landowners and uses to preserve the character of the area and its primary use as a residential setting. The sites will largely not be visible from 8 Opus Drive and we propose significant landscaping to screen visibility (along with generous offsets) to preserve the privacy of our neighbours.

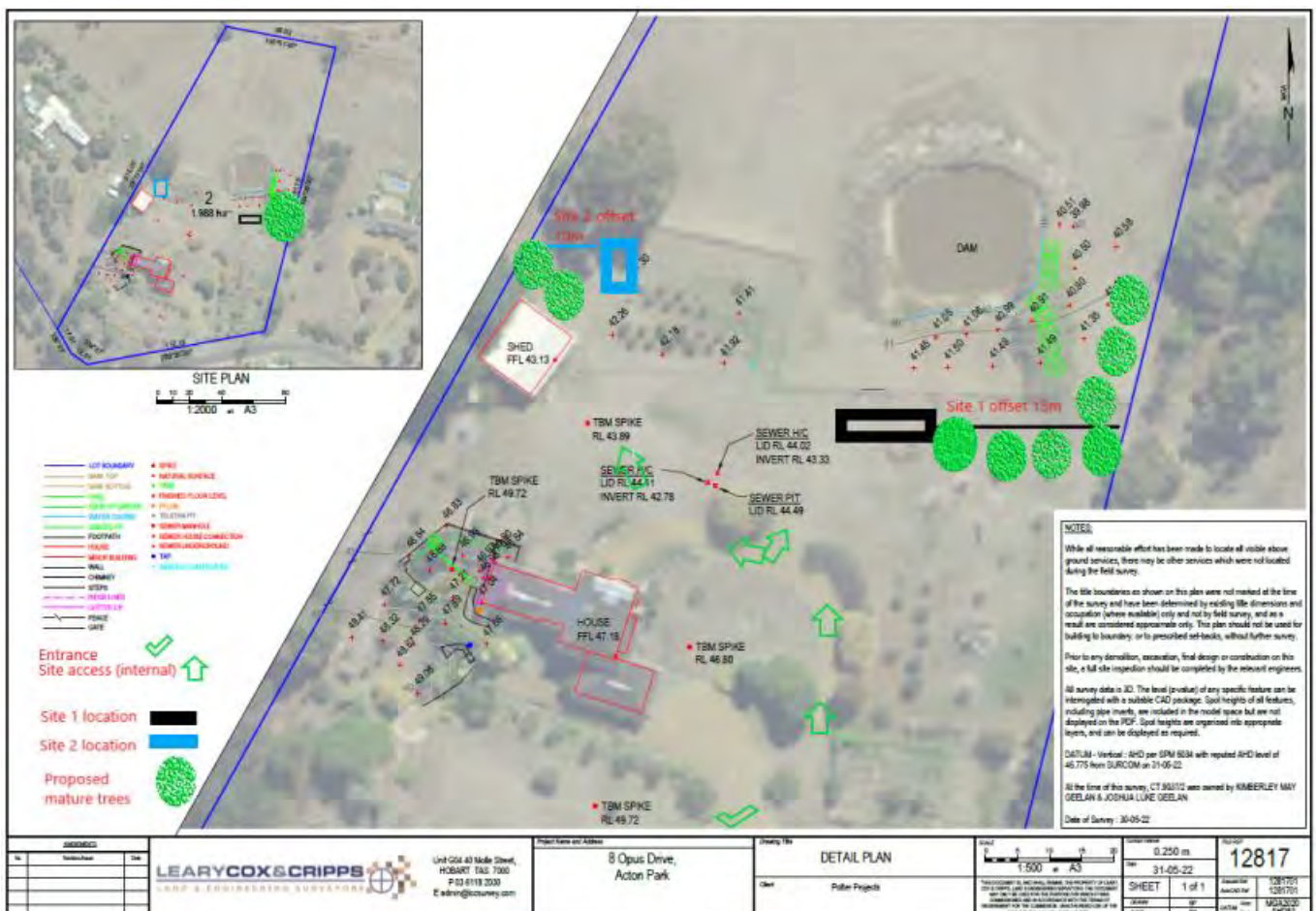
The Hipcamp platform enforces strict property management rules for eligible properties only. Similar in this regard to AirBnB. All guests are vetted by the platform and left reviews after previous stays, enabling us to select guests, review their past stays and ratings, and leave a rating. Properties must be 2 acres in size or greater, and adhere to quality, control, and ethical standards.

Hipcamp provides insurance which covers the risk of damage from guest to both our own property, and adjacent properties (i.e damage to shared fences)

In summary, the proposal is for provision of 2 camp sites for off grid, self-contained guests on a strictly short term stay basis as visitor accommodation only.

Proposal detail:

Proposed site plan



Proposed mitigations to visual amenity – landscaping proposed.

- **Planting of mature trees and shrubs – site 1**

With reference to the site plan we propose and commit to planting no fewer than 6 mature trees of a minimum height 2m tall when planted, followed by low-medium height shrubs to provide suitable visual amenity and preservation of privacy. We have already planted several native shrubs to begin this process.

- **Planting of mature trees and shrubs – site 2**

Site 2 has existing mature native shrubs with a height of between 1 meter and 2.5 meters which provide an effective privacy screen to the East and North. Our existing shed (refer site plan) and house block and sight to the West. The sight to the South is currently more open. With reference to the site plan we propose and commit to planting no fewer than 3 mature trees of a minimum height 2m tall when planted, followed by low-medium height shrubs to provide suitable visual amenity and preservation of privacy to the South of site 2. We have already planted several native shrubs to begin this process.

- Additional planting within the orchard (refer site plan) is proposed to occur over winter 2024 to provide incremental screening for site 1 from the Southerly perspective of 22 Opus Drive.

- **Physical site offsets from boundary**

All sites will be a minimum 10m offset from the nearest boundary fence. Site 1 (closest to 22 Opus Drive) will be an additional 5m offset for a total of 15m offset from boundary to ensure privacy for the residents. This, combined with the proposed landscaping works and planting of mature trees will provide a high level of privacy and consideration for this property and maintain the character of the area.

About the short stay platform – Hipcamp

Hipcamp is a global bookings platform that provides self-contained, off-grid outdoor and camping stay experiences. Essentially it is the 'Air BnB' of camping in a shared economy construct similar to Uber, AirBnB, Stayz etc.

Hipcamp was founded in 2013 and has since grown to become the market leader. In Australia alone there are around 50,000 hosts providing their properties for campers, and some 500+ in Tasmania.

The platform itself provides eligibility criteria for hosts and their properties and upholds strict standards of performance, ethics and operating policies and rules to ensure guest experience and a low impact philosophy is maintained.

Whilst AirBnB as a platform also allows and facilitates camping on private property. This proposal is to use Hipcamp due to its more robust standards around low impact, self-contained camping that we believe is more in line with the proposal and the area.

Operational summary and plan

Proposed property operating plan

Hipcamp hosts determine an operating plan and property rules. These are accompanied by Hipcamp policies and standards as listed below. As Hipcamp hosts we are bound by these policies. Likewise, Hipcampers (guests) are required to comply with their corresponding policies. Failure to do so can result in Hipcampers being removed from the platform and unable to make further bookings.

All guests can be rated by hosts after their stay. We have the ability to review guest booking requests and the guests' previous ratings before the guest arrives. We have the ability to deny bookings or cancel bookings accordingly in advance of their arrival date.

Hipcamp platform policies and expected standards:

1. Hosting Standards

All Hosts should review and adhere to these standards around providing a positive Hipcamp experience, being a thoughtful neighbour, and serving as a responsible citizen

Hipcamp's Host standards exist to set expectations and serve as guidance for their host community. All hosts should review and adhere to these standards not just providing a positive Hipcamper experience, but also being a thoughtful neighbour, a responsible citizen and an environmental standard.

A summary of the standards and policies is listed below. A full listing and accompanying detail of these same policies and standards can be found at the Hipcamp website: www.hipcamp.com

1.1 Stay safe

Ensure your land is safe for Hipcamper and your community:

- Be fire safe.
- Prepare guests with safety warnings.
- Limit occupancy as needed.
- Communicate emergency procedures.
- Minimalize hazards.

1.2 Be a good neighbour.

- Let your community know and seek Council approval.
- Dispose of garbage, recycling, and compost responsibly.
- Be considerate when it comes to driving and parking.
- Dispose of human waste responsibly (Campers must have their own self-contained toilet and use public dump points only)
- Be clear with Hipcamper about noise requirements.
- Limit off-property signage. Provide signs on property to allow easy access and location of site for campers to restrict unnecessary traffic movements.

1.3 Be a good citizen

- Pay all relevant taxes
- Follow the law

1.4 Be a respectful host

- Be responsive
- Comminate with your Hipcampers
- Accept booking requests
- Maintain positive ratings
- Maintain accurate property listing
- Be inclusive
- Leave the Hipcamp community better
- Only cancel bookings when necessary

1.5 Hipcamp listing policies.

- Homes in residential areas are not for our platform (our purpose is to get people outdoors)
- One-time hosting events (cannot list or host events on our platform)
- Suitable property size (minimum 2 acres) – Hipcampers like privacy and space outdoors

2. Hipcamper (Guest) Standards

Hipcamper standards exist to set expectations and serve as guidance for our community. All Hipcampers should review and adhere to these standards for safety, preparation and respect.

2.1 Be prepared

- Review your hosts listing details, rules and welcome nfo
- Communicate with your host
- Keep directions handy

2.2 Stay safe

- Be fire safe
- Verify your group size
- Review and safety warnings or emergency procedures
- Know your vehicles limits

2.3 Be a respectful guest

- Read and follow the rules
- Limit noise
- Be mindful of the local community
- Dispose of garbage, recycling and compost responsibly
- Dispose of human waste responsibly (we specifically only allow self contained campers)
- Keep control of your pets (we specifically don't allow pets)
- Be inclusive
- Leave it better

3. Inclusion Policy

Hipcamp has a zero-tolerance policy against discrimination and are committed to helping their Host and Hipcamper community be inclusive

4. Safety partners

- Recreate Responsibly
- Leave No Trace
- National Weather Service

For full detail on all Hipcamp policy and standards please refer to the Hipcamp website:
www.Hipcamp.com

Hipcamp host rules and operational control:

We propose the following rules for guests staying at our property. These rules are governed through the Hipcamp platform, are enforceable through the same (including financial penalty for guests) and ensure strict operational control and caretaking ability of the sites and their operation.

Guests review the property rules when booking and agree contractually to comply with them. Our proposed rules are as follows to facilitate the caretaking of the property:

Hipcamp Platform Rules

- Sites are accessible through property main entrance ONLY
- No pets
- Quiet hours
- Check in hours
- Check out hours
- Adherence of site location
- Strict walking pace speed limit
- Generators are only to be used between 10am – 5 pm
- Fire Bans must be adhered to
- No campfires other than communal firepit
- Must be self-contained (including toilet and greywater)
- Dispose of waste responsibly – please take your waste with you
- Fencing is not to be used as a clothesline.
- Do not feed the animals scraps, if you would like to feed them please ask the host for food
- Do not feed the wildlife

Through the Hipcamp platform we have the ability to review and reject guests who wish to stay with us in advance. Likewise, we can report ‘bad stays and gusts’ through the platform, request refunds and leave reviews of their stay.

Consistency with short stay visitor accommodation principals and intent

We propose to maintain consistency with short stay visitor accommodation legislative requirements for the purpose of intent and 'fit' with community and adjacent land use.

We believe this is achieved through the following proposed provision:

- Strictly short stay
- Only at our current main residential address (i.e not vacant land or investment property)
- Not a business (i.e sharing economy such as Air BnB is rent not a commercial property business)
- Limited to 2 sites (we have a 5 bedroom house and could rent up to 4 bedrooms at anytime under the current Tasmanian legislation, which could be an higher visitor traffic and access demand)

Contribution to local tourism economy

Tasmania is known for its clean green image and tourism based economy. Whilst being immaterially small with only 2 sites, we accept that off-grid camping availability in Tasmania is extremely limited. The provision of sites means high wealth individuals are able to visit the Clarence municipality in a low impact, sensitive way whilst contributing to the local economy.

Examples of approved off grid Hipcamp sites across Australia in semi rural areas

1. Rustic Gardens - Hipcamp in Torrumbarry, Victoria
2. Warning View Campground - Hipcamp in Murwillumbah, New South Wales
3. Ghostwood - Hipcamp in Moonbah, New South Wales
4. Valleydew Paddock Camp - Hipcamp in Ranelagh, Tasmania
5. Clifton Beach Coastal Escape - Hipcamp in Clifton Beach, Tasmania
6. Fickle Break Farm - Hipcamp in Sandford, Tasmania

Attachment 3

8 OPUS DRIVE, ACTON PARK



Photo 1: Site access viewed from Opus Drive, looking north.



Photo 2: Site of gravel driveway access to camping areas, viewed looking northeast.



Photo 3: Proposed camping Site 1, viewed looking east.



Photo 4: Proposed camping Site 2, viewed looking west.

7.3 PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13 COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Service Station and associated convenience store, two drive-through takeaway restaurants with 24-hour operation and consolidation of three lots into one lot at 9, 11 and 13 Commerce Drive, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Glebe Hill Neighbourhood Centre Specific Area Plan, Flood-Prone Areas Hazard Code, Road and Railway Assets Code, Safeguarding of Airports Code, Signs Code, Parking and Sustainable Transport Code and Road and Railway Assets 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 period which expires on 29 May 2024 as agreed with the applicant.

CONSULTATION

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

- Increase in traffic and pedestrian safety;
- Insufficient on-site car parking;
- Loss of amenity on nearby residential, community and commercial uses;
- Operating hours; and
- Community Health.

RECOMMENDATION:

A. That the Development Application for a Service Station and associated convenience store (Vehicle fuel sales and service), two drive-through takeaway restaurants (24-hour operation) (Food services) and consolidation of three lots into one lot at 9, 11 and 13 Commerce Drive, Howrah (Cl Ref PDPLANPMTD-2023/041074) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN S1 – SIGN CONSENT.
3. Hours of operation of the service station and drive-through takeaway restaurants must be within the following hours:
Monday to Saturday: 24 hours
Sunday and public holidays: 7am to 9pm
4. Commercial vehicle movements and the unloading and loading of commercial vehicles for the service station and drive-through takeaway restaurants (including waste collection vehicles) must be within the hours of:
Monday to Sunday and public holidays: 7am to 2pm
5. An external lighting plan must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works demonstrating external lighting will be baffled to ensure direct light does not extend into the adjoining properties in the General Residential Zone.
6. The development must be constructed in accordance with the recommendations made within Section 6 of the NVC Noise Impact Assessment dated 25 January 2024 provided with the application. These measures are to be certified by a suitably qualified Acoustic Engineer or other appropriately qualified person and submitted prior to the issue of a certificate of likely compliance (CLC) for building works, to the satisfaction of Council’s Chief Executive Officer or Delegate. The Noise Report must be implemented prior to the commencement of the use of each tenancy.
7. A Noise Verification Report must be submitted to the satisfaction of Council’s Chief Executive Officer or Delegate within six weeks of the occupancy of the drive-through takeaway restaurant tenancy (Building 1), to verify the modelled scenarios in the NVC Noise Impact Assessment, dated 25 January 2024 relating to the roof top mechanical plant equipment.

If predicted noise levels in the NVC Noise Impact Assessment, dated 25 January 2024 are not met, namely 40dBA Leq between 10pm and 6am when measured 1m from residential facades (as required by the Environmental Protection Policy (Noise) 2009, Department of Environment, Parks, Heritage and the Arts, Tasmania for night time criteria relating to fixed mechanical plant), the Noise Verification Report must provide recommendations to mitigate the noise to achieve satisfactory levels.

These recommendations must be implemented, and further verification undertaken until the predicted noise levels are met to the satisfaction of Council’s Chief Executive Officer or Delegate.

8. A plan showing the location and detailed design of public art elements, prepared in accordance with Council’s Public Art Policy (2013), must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the commencement of the works, or the issue of a building permit, whichever comes first. When approved, the plans will form part of the permit.

The approved public art elements must be completed and installed to the satisfaction of Council’s Chief Executive Officer or Delegate prior to the issue of a Certificate of Completion.

9. A landscape plan must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The landscape plan must be to a standard scale, provide the designer’s contact details and be legible when reproduced at A3 size. The landscape plan must clearly document the following:

- a north point/arrow;
- existing property information such as building footprints, location of underground and overhead services, boundary lines, outdoor structures, garden beds and fences;
- existing trees identified, marked clearly as “retained” or “for removal”. An outline of tree protection measures – inclusive of calculated Tree Protection Zones in line with AS 4970-2009 – is required for all “retained” trees;
- existing contours, relevant finished floor levels and any proposed alterations to ground levels;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, carparks, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species’ botanical names, mature height, mature width, pot size and total quantities;
- continuous avenue of lemon lime willow myrtle (*Agonis flexuosa*) plantings adjacent to the Rokeby Road boundary;
- avenue type plantings adjacent to the Commerce Road boundary with the inclusion of Ornamental pear species;
- provision of Ornamental pear species within the carpark to provide shade;
- details of proposed ongoing maintenance schedule (e.g. watering, weeding); and
- estimated cost for the installation of landscape works.

Note: Refer to “Preparing Landscape Plans for Development Applications” pamphlet for further information.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released, the works must be deemed satisfactory by Council’s Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

10. All landscape works must be maintained:
- in perpetuity by the existing and future owners/occupiers of the property;
 - in a healthy state; and
 - in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or which was removed.

11. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

12. A minimum of 35 car parking spaces must be provided on-site prior to the commencement of the approved service station and the two drive-through takeaway restaurants. Each space, including disabled parking, must be clearly marked and used solely for parking purposes.

13. The proposed wide kerb and gutter crossing must be provided to the lot and must be constructed in accordance with Standard Drawing TSD-R09. A sealed access is required to be constructed from the road carriageway to the property boundary to accord with Standard Drawing TSD-R09 (copy available from Council) and must then continue over the remaining length of the driveway. This access must be inspected by Council prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner’s expense in accordance with any directions given by Council to the owner.

14. Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete or concrete, providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the commencement of any works.

15. ENG A7 – REDUNDANT CROSSOVER.

16. ENG M1 – DESIGNS DA - Engineering designs, prepared by a suitably qualified person, are required for:
- access arrangements;
 - carpark and driveways construction;
 - service upgrades or relocations;

- all works recommended within Section 7 of the Flood Hazard Report prepared by Flussig Engineers and dated 8 February 2024 for the efficient conveyance of the flood water from the neighbouring property/road reserve to the receiving road; and
- verification that the exit ramp is an appropriate gradient to ensure headlight glare would be contained within the parameters of the residential fencing associated with the residential properties located on the southern side of Hance Road;
and must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council’s Chief Executive Officer or Delegate.

A “start of works” permit must be obtained prior to the commencement of any works.

A Works in Road Reservation Permit must also be obtained if any proposed works are to be conducted within the road reservation or Council land.

Works for all stages shown on the design plans must be commenced within two years of the date of their approval or the engineering designs will be required to be resubmitted.

17. ENG M5 – EROSION CONTROL.
18. ENG S1 – INFRASTRUCTURE REPAIR.
19. ENG S11 – SEALING OF SERVICES.
20. A plan for the management of construction must be submitted and approved by Council’s Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The plan must outline the proposed demolition and construction practices in relation to:
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - proposed hours of construction;
 - identification of potentially noisy construction phases, such as operation of rock breakers if any;
 - control of dust and emissions during working hours;
 - access and Parking during construction;
 - proposed screening of the site and vehicular access points during work; and
 - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

21. A detailed lighting plan demonstrating that lighting will be positioned, orientated and specified to avoid light spill and glare off the site, and particularly to the residential properties on the northern side of Commerce Drive, must be submitted and approved by Council's Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). All approved lighting recommendations must be implemented and maintained to the satisfaction of Council's Chief Executive Officer or Delegate.
22. ENG M8 – EASEMENTS.
23. Bicycle parking facilities for a minimum of four bicycles must be provided on-site. A plan showing the location and design in accordance with Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking must be submitted to and approved by Council's Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works. The approved bicycle parking facilities must be constructed and be available at all times prior to the commencement of the use.
24. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 January 2024 (TWDA 2023/01736-CCC).

ADVICE

- a. Council, as a Stormwater authority, has formed the view that the proposed development will intensify the stormwater discharge from the property and 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 the engineering plan assessment if the proposed DA is approved.

Please contact Council's Development Engineers on 6217 9500 to discuss what is required to meet Council's requirements in regard to stormwater.

- b. A Building Surveyor is required to be engaged, to create and certify an Application for Building Approval.
- c. TasNetworks has advised the development is likely to adversely affect TasNetworks' operations, as the driveway widening on each side of the development appears to impact the location of cabinets and consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development.

It is recommended an application be made via the TasNetworks portal found at Connections Hub - TasNetworks to establish an electricity supply connection to support this development. Alternatively, TasNetworks Early Engagement team can be contacted at early.engagement@tasnetworks.com.au.

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

ASSOCIATED REPORT

1. BACKGROUND

The subject site has an extensive planning history with the following information considered relevant to the planning application.

Amendment A-2013/3 was approved by the Tasmanian Planning Commission (TPC) on 4 February 2014 for modification to the provisions of the Site Development Plan DPO 5 under the former Clarence Planning Scheme 2007, undertaken in response to a modification of the road alignment for the Pass Road and South Arm Highway Bypass, and the simplification of the controls associated with Glebe Hill Estate.

In response to the previous TPC decision and following a review and update of the Clarence Retail Activity Strategy, the area, including the land subject of this application, was identified for future commercial development. Accordingly, the commercial zoning and Glebe Hill Neighbourhood Centre Specific Area Plan (SAP) was inserted as part of the Clarence Interim Planning Scheme 2015.

A six-lot commercial subdivision, SD-2016/12, was approved on 24 May 2016 resulting in the creation of the commercial lots now encompassing the Glebe Hill shopping centre precinct.

Modifications to the SAP were approved by the TPC and Minister through an Urgent Amendment process. The effect of the modification provided for more flexibility for the types of supporting uses to the supermarket (primarily food services), staging and floor areas.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Business under the Scheme.
- 2.2.** The proposal is discretionary because the proposed uses are listed as discretionary under the provisions of the scheme and the application does not meet some applicable Acceptable Solutions under the Scheme and relies instead on satisfying the relevant Performance Criteria.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 5.6 – Compliance with Applicable Standards;
 - Section 6.10 – Determining Applications;
 - Section 115.0 – General Business Zone;
 - Section S13.0 – Glebe Hill Neighbourhood Centre Specific Area Plan;
 - Section C1.0 – Signs Code;
 - Section C2.0 – Parking and Sustainable Transport Code;
 - Section 3.0 – Road and Railway Assets Code;
 - Section C12.0 – Flood-Prone Area Hazard Code; and
 - Section C16.0 – Safeguarding of Airports Code.
- 2.4.** The proposal is exempt from the Safeguarding of Airports Code in accordance with clause C16.4.1(a) of the Code as the height of the development would be below the prescribed obstacle limitation surface height of 147m AHD.
- 2.5.** 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 comprises three vacant titles including CT181634/701, CT181634/702 and CT181634/703 with a combined site area of 5,475m². The site is a square configuration with frontage to Commerce Drive to the north and Rokeby Road to the south. The land slopes gradually down from the south to the north-eastern corner of the site, it is clear of significant vegetation and is fully serviced. The site is not encumbered by easements or title restrictions. Access is currently provided via three vehicle crossings to Commerce Drive.

The site adjoins the Glebe Hill Shopping Centre to the east, undeveloped General Business zoned land to the west and developed General Residential zoned land to the north.

3.2. The Proposal

The proposal is for the consolidation of the three titles to create a single lot to facilitate the development of a service station (Caltex) and two drive-through take away food restaurants (Hungry Jacks and KFC).

Hungry Jacks (Referred to as Building 1 on the proposal plans) will have a floor area of 295m² and the KFC (Referred to as Building 2 on the proposal plans) 275m², with each store operating a drive-through facility. Building 1 would front Commerce Drive with the drive-through, retaining walls and landscaping separating the building from the street. Building 2 would be located at the rear (southern boundary) of the site and adjacent to the service station and would be separated from the Rokeby Road frontage by a drive-through facility.

The service station is expected to be operated by Caltex, with fuel sales forming the primary function, and a small convenience store with takeaway food services being subservient to the primary use as a service station. Fuel sales will consist of four blocks of fuel dispensers, with four dispensers in each block, with the ability to accommodate a maximum of 16 vehicles. No provision for mechanical servicing of vehicles is proposed.

All tenancies are proposed to operate on 24-hour basis six days a week and from 7am to 9pm Sunday and public holidays. Deliveries would occur between 7am and 2pm, seven days a week.

The development proposes a total of 35 on-site parking spaces (excluding those associated with fuel refuelling), including three accessible spaces for the shared use of all three tenancies.

The development will be accessed via a single vehicular access that incorporates a separate entry and exit onto Commerce Drive located at the eastern and western ends of the property frontage.

No signage is proposed as part of this development. Any future signage will be subject to further planning approval as required.

In addition to the proposal plans (included in Attachment A), the application is supported by the following reports:

- Public Art Concept Plans;
- Flood Hazard Report prepared by Flussig Engineers;
- Traffic Impact Assessment prepared by Hubble Traffic;
- Stormwater Management Strategy prepared by KD Engineers; and
- Noise Impact Assessment prepared by Noise Vibration Consulting.

4. PLANNING ASSESSMENT

4.1. Determining Applications and Applicable Standards

Clause 6.10.1 of the Scheme requires the planning authority, in addition to the matters required by section 51(2) of the Act, to 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.”*

Clause 5.6.1 requires a use or development to comply with each applicable standard in the Scheme and clause 5.6.2 details that a standard is applicable if the site is within the relevant zone, specific area plan or an area where a site-specific qualification applies and the standard deals with a matter that could affect or be affected by the proposed development.

A standard is defined to mean the objective for a particular planning issue and the means for satisfying that objective through either an acceptable solution or corresponding performance criterion. Clause 5.6.3 provides compliance with a standard is achieved by complying with either the acceptable solution or corresponding performance criterion.

4.2. General Provisions

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

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

4.3. Compliance with Zone and Codes

The site is zoned General Business and the proposed uses are defined as Food services and Vehicle fuel sales and service which are both listed as Discretionary uses under Clause S13.5 Use Table of the Glebe Hill Neighbourhood Centre Specific Area Plan (the SAP), which overrides the General Business Zone Use Table.

The site extends across precinct boundaries defined in the SAP with 9 Commerce Drive being within Precinct 2, and 11 and 13 Commerce Drive being within Precinct 3, as shown in Figure S13.1 of the SAP. Accordingly, requirements for both precincts, if applicable, must be met. Food services and Vehicle fuel sales and service are discretionary uses which do not differ between precincts.

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Business Zone, Glebe Hill Neighbourhood Centre Specific Area Plan, Road and Railway Assets Code, Parking and Sustainable Transport Code and Flood-Prone Areas Hazard Code, with the exception of the following.

General Business Zone

- **Clause 15.3.1 (A1)** - in relation to hours of operation.
Specifically, the proposed uses are located within 50m of General Residential zoned land to the north and are proposed to operate 24 hours, six days a week and 7am to 9pm on Sunday which exceeds the operating hours prescribed under the acceptable solution (7am to 9pm).

This zone standard is an applicable standard in addition to the use standards of the SAP.

Therefore, the application must be assessed against Performance Criteria (P1) of Clause 15.3.1 as follows.

Clause	Performance Criteria	Assessment
15.3.1 P1	<p><i>“Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must not cause an unreasonable loss of amenity to the residential zones having regard to:</i></p> <p><i>(a) the timing, duration or extent of vehicle movements; and</i></p> <p><i>(b) noise, lighting or other emissions.”</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>In relation to clause (b), the proposal is accompanied by noise assessment indicating the main noise sources include fixed mechanical plant, vehicle movements and patrons / amplified speech within the drive-through facility.</p> <p>The report concludes noise emissions from mechanical plant equipment atop Building 1 will exceed night-time noise criteria without noise control.</p> <p>This exceedance is the result of rooftop plant comprising AHUs and chillers located on the top of the building.</p>

		<p>Mitigation is recommended to satisfy relevant noise criteria with conceptual mitigation measures outlined in section 6 of the noise report. In addition, it is recommended silencers be fitted to the rooftop fans which will result in noise levels being below the existing nighttime background levels, rendering this equipment generally inaudible to the residential receivers. Subject to the implementation of the mitigation measures outlined in the noise assessment, noise emissions from mechanical plant are expected to satisfy day and nighttime noise criteria.</p> <p>In relation to amplified speech ordering systems at the Building 1 drive-through, worst case noise modelling has been undertaken and indicates noise emissions are on the limit of acceptability and would exceed the nighttime 45dBA by 1Db, which is generally an imperceptible difference. No noise mitigation measures are therefore recommended specific to noise arising from the use of amplified speech ordering systems.</p> <p>The noise assessment indicates noise levels from vehicle noise emissions during a peak-hour period are below nighttime criteria and therefore, satisfy nighttime noise criteria during all periods.</p> <p>Subject to implementation of the recommendations included in Section 6 of the noise report, the proposed use is predicted to produce noise emissions which do not result in an unreasonable loss of amenity to surrounding residents during the day and nighttime periods, and for this reason, the proposal satisfies both (a) and (b) of the performance criteria.</p>
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		<p>External lighting, excluding such required for security purposes, is proposed to correspond with the operating hours for each tenancy to ensure safety of users within the site. External lighting is proposed to be designed in accordance with relevant Australian Standards to ensure appropriate baffling, angling and strength such that light spillage onto adjoining sites will not occur. The street lighting within Commerce Drive separates the subject site from the residential zoned properties to the north and will have a greater impact upon residential amenity than the lighting proposed within the development site. To ensure external lighting does not impact upon nearby residential amenity, a condition is recommended requiring all external lighting to be designed to comply with the relevant Australian Standard.</p> <p>The impact of vehicle headlights leaving the site has been considered in the Traffic Impact Assessment. All vehicles will leave the site using the western access, intersecting Commerce Drive at ninety degrees, resulting in vehicle headlights being directed towards the residential properties located on the northern side of Commerce Drive. The Traffic Impact Assessment has considered this impact and concludes the reasonably flat exit ramp will be on a similar vertical elevation with Commerce Drive, with headlights of vehicles generally positioned 0.6m above the ground level, which is well below the top of the rear boundary fences associated with the residential properties.</p>
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		<p>To ensure vehicle headlight glare is contained within the parameters of the existing residential fencing, it is recommended the engineering design drawings condition includes verification of headlight glare being contained within the parameters outlined in the TIA, by ensuring the design and construction of the exit ramp has an appropriate gradient to achieve the intended outcome.</p> <p>In relation to impacts arising from odour emissions, the proposed drive-through takeaway restaurants will use kitchen canopy filtration systems that comply with relevant standards (BCA 2022, AS1668.1:2015 and AS1668.2:2012). The applicant submits that the proposal would incorporate use of specialised kitchen extraction fans combined with a grease / water separator, which has been specifically designed to manage impacts associated with odour from cooking. Should there be issues arising from odours, these can be appropriately addressed by Council's environmental health officers under the relevant provisions of the <i>Environmental Management and Pollution Control Act 1994</i> as part of the operation of the site.</p> <p>Based on the above assessment and recommended conditions of approval, the proposal would not cause an unreasonable loss of residential amenity and the performance criteria is met in this regard.</p>
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- Clause 15.3.1 (A2)** - in relation to external lighting.

Specifically, external lighting associated with the proposed uses would be located within 50m of General Residential zoned land to the north of the site, and would operate 24 hours, six days a week and 7am to 9pm on Sunday, which exceeds the operating hours prescribed in the acceptable solution (external lighting is not to operate between 11pm and 6am, excluding security lighting).

This zone standard is an applicable standard in addition to the use standards of the SAP.

The application must be assessed against Performance Criteria (P2) of Clause 15.3.1 as follows.

Clause	Performance Criteria	Assessment
15.3.1 P2	<p><i>“External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</i></p> <p><i>(a) the level of illumination and duration of lighting; and</i></p> <p><i>(b) the distance to habitable rooms of an adjacent dwelling.”</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The planning report accompanying the application indicates all external lighting would be positioned, oriented, and specified to avoid light spill and glare off the site and particularly for the residential properties on the northern side of Commerce Drive.</p> <p>External lighting can be managed to avoid off-site impacts and a condition is recommended requiring a lighting plan to be submitted for approval, requiring all external lighting to be baffled to ensure direct light does not extend into the adjoining properties in the General Residential Zone. On this basis, the performance criteria is met.</p>

- Clause 15.3.1 (A2)** - in relation to commercial vehicle movements. Specifically, commercial vehicle movements associated with the proposed uses would occur within 50m of General Residential zoned land to the north between the hours of 7am to 2pm Monday to Sunday, which exceeds the commercial vehicle movement hours prescribed in the acceptable solution (7am to 9pm Monday to Saturday and 8am to 9pm Sunday and public holidays).

This zone standard is an applicable standard in addition to the use standards of the SAP.

The application must be assessed against Performance Criteria (P3) of Clause 15.3.1 as follows.

Clause	Performance Criteria	Assessment
15.3.1 P3	<p><i>“Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone or Inner Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to:</i></p> <p><i>(a) the time and duration of commercial vehicle movements;</i></p> <p><i>(b) the number and frequency of commercial vehicle movements;”</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The Noise Report indicates noise emissions associated with all vehicle movements on the site, including light and heavy vehicle movements, satisfy the nighttime criterion at all predicted locations and for this reason would not cause an unreasonable loss of residential amenity. The performance criteria is satisfied.</p>

- Clause 15.3.2 (A1)** - in relation to discretionary uses. Specifically, the proposed uses, including Food services and Vehicle fuel sales and service, are listed as Discretionary uses in both the General Business Zone and the Glebe Hill Neighbourhood Centre Specific Area Plan (SAP). This zone standard is an applicable standard in addition to the use standards of the SAP.

The application must be assessed against Performance Criteria (P1) of Clause 15.3.2 as follows.

Clause	Performance Criteria	Assessment
15.3.2 P1	<p><i>“A use listed as Discretionary must:</i></p> <p><i>(a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and</i></p> <p><i>(b) be of an intensity that respects the character of the area.”</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The key emissions arising from the proposed uses which may impact residential amenity include noise, odours, headlight glare and external lighting emissions. For reasons discussed above under the assessment relating to clause 15.3.1 P1, it has been established the proposal would not cause an unreasonable loss of amenity to properties in adjoining residential zones, subject to the implementation of conditions relating to external lighting and noise attenuation and monitoring requirements.</p> <p>Given the General Business zoning of the property and commercial, community and health care uses established on adjoining and nearby properties, it is reasonable for nearby residents to expect a level of impact arising from the development of the site. Similarly, given the siting of the subject site adjacent to residential uses, it is reasonable to constrain the impacts arising from development of the site.</p> <p>In this context, it has been established the operation of the use on a 24-hour basis is reasonable and the proposal would be commensurate with the scale of existing commercial uses and would provide a service directed at meeting the needs of the local area.</p>

		In aiming to meet this need, the proposal would not compromise or distort the activity centre hierarchy and the performance criteria is met in this regard.
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- Clause 15.3.2 (A2)** - in relation to discretionary uses.

Specifically, the proposed uses, including Food services and Vehicle fuel sales and service, are listed as Discretionary uses in both the General Business Zone and the Glebe Hill Neighbourhood Centre Specific Area Plan. This zone standard is an applicable standard in addition to the use standards of the SAP.

The application must be assessed against Performance Criteria (P2) of Clause 15.3.2 as follows.

Clause	Performance Criteria	Assessment
15.3.2 P2	<p><i>“A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to:</i></p> <p><i>(a) the characteristics of the site;</i></p> <p><i>(b) the need to encourage activity at pedestrian levels;</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The site is located within General Business zoned land comprising the Glebe Hill Neighbourhood Centre. The proposal would provide for business and retailing uses within a suburban centre consistent with the purpose of the zone.</p> <p>Given the nature of the proposed uses, it is likely that the drive-through takeaway restaurants and service station will mostly be used by motorists. However, the facility would also be accessible for pedestrians and cyclists utilising the adjacent shopping centre.</p> <p>The proposed building design contains an active street frontage with windows and pedestrian entrances facing Commerce Drive.</p>

	<p>(c) <i>the size and scale of the proposed use;</i></p> <p>(d) <i>the functions of the activity centre and the surrounding activity centres; and</i></p> <p>(e) <i>the extent that the proposed use impacts on other activity centres.”</i></p>	<p>The buildings will be appropriately lit and will provide for footpath connections to the surrounding street network. Overall, the building has been designed to provide a safe and attractive environment for pedestrians.</p> <p>The built form outcome is of a contemporary, low-profile design and suitable for an arterial road location in an area designated to service the convenience needs of the local community.</p> <p>The scale of the buildings and the size and siting of the proposed buildings on the site are consistent with developments occurring on other General Business zoned properties within the Glebe Hill Neighbourhood Centre which includes a supermarket, food services and specialty retail.</p> <p>The proposed uses will serve the local area and those passing through the area.</p> <p>In these respects, the proposed uses are not considered to compromise or distort the activity centre hierarchy for Clarence, including the Principal Activity Centre of Rosny Park and other Minor or Neighbourhood Centres at Howrah (Shoreline) and Lauderdale.</p> <p>The proposed use would not diminish the overall function and operation of the activity centres within Clarence because the use would provide a complementary use to the existing neighbourhood centre, rather than creating unnecessary competition between centres.</p>
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Glebe Hill Neighbourhood Centre Specific Area Plan (SAP)

- **Clause S13.6.1 (A1)** in relation to precinct objectives.

Specifically, the proposed uses are listed as a Discretionary use under Table S13.5 of the SAP as opposed to a permitted use as required by the acceptable solution.

The application must be assessed against Performance Criteria (P1) of Clause S13.6.1 as follows.

Clause	Performance Criteria	Assessment
S13.6.1 P1	<i>“Use must demonstrate it is consistent with the specific area plan Purpose Statements.”</i>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The Purpose of the Glebe Hill Neighbourhood Centre Specific Area Plan is:</p> <p><i>“CLA-S13.1.1 To provide for the staged development of a Neighbourhood Centre at Glebe Hill that will serve the residential development in the Glebe Hill Estate and the adjoining Rokeby/Droughty Point growth corridor.</i></p> <p><i>CLA-S13.1.2 To ensure that the Neighbourhood Centre comprises a supermarket and supporting retail and food services, and complementary commercial and community development.</i></p> <p><i>CLA-S13.1.3 To provide for Neighbourhood Centre that is of a scale consistent with surrounding residential development that does not adversely impact the visual and general amenity.</i></p>

		<p><i>CLA-S13.1.4 To ensure that function of the Glebe Hill Neighbourhood Activity Centre serves local food retailing needs supported by additional uses providing community or public benefit to the residents in the Glebe Hill Estate and the adjoining Rokeby/Droughty Point growth corridor.”</i></p> <p>The proposed Food services and Vehicle fuel sales and service uses further SAP purpose statement S13.1.1 because the uses would serve the residential needs of the local community in a logical, sequenced manner that complements the adjacent supermarket and specialty retail uses.</p> <p>The proposed uses would further SAP purpose statement S13.1.2 in that the uses would provide complementary development to the adjacent supermarket.</p> <p>The proposed uses would further SAP purpose statement S13.1.3 given the uses would be of a scale and height commensurate with nearby dwelling scale. The uses would not adversely impact residential amenity when considering the proposed building setback, landscaping and built form.</p> <p>The proposed uses would further SAP purpose statement S13.1.4 by supporting the activity centre and would provide services that are of community and public benefit given the developing nature of the surrounding residential settlement areas.</p> <p>Based on the above assessment, the proposed uses are considered to be consistent with the specific area plan purpose statements.</p>
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- **Clause S13.7.1 (A1)** - in relation to materials and design.
Specifically, the proposal would involve the construction of a new building and for this reason the acceptable solution is unable to be met.

The application must be assessed against Performance Criteria (P1) of Clause S13.7.1 as follows.

Clause	Performance Criteria	Assessment
S13.7.1 P1	<p><i>“(a) external finishes of buildings (walls, roofing and windows) are to be compatible with existing residential development within the vicinity;</i></p> <p><i>(b) walls constructed of face brick, rendered masonry or similar, should borrow texture and colours from existing residential development in the vicinity;</i></p> <p><i>(c) tilt-up concrete slabs and similar large scale wall construction must include sufficient detail and relief to enable a scale of structure that is compatible with residential development in the vicinity;</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>Residential development adjoining Commerce Drive consists predominantly of single storey brick and rendered simplistic and contemporary houses with hipped, skillion and gabled roof forms (Hance Road and Norfolk Drive).</p> <p>The external finishes and colour scheme for the proposed development include a combination of cement sheeting, vertical cladding and painted feature walls to articulate the buildings, and flat parapet roofing. The external finishes would be compatible with existing residential development within the vicinity.</p> <p>The external elevations of the proposed buildings include varied finishes, textures and colours which serve to provide visual relief and interest. The external material selection and colour scheme provide a high-quality appearance that is of a domestic scale.</p> <p>The proposal does not propose tilt-up concrete slabs or similar large scale wall construction, rather it incorporates traditional external materials including cement sheeting and vertical cladding.</p>

	<p>(d) <i>to provide for domestic scale elements within its residential setting, roof form must:</i></p> <p>(i) <i>be low pitched gable, hipped, skillion or a combination of such forms; and</i></p> <p>(ii) <i>large expanses of planar roof forms in view from adjacent residential areas must be mitigated through suitable architectural design and building elements, building orientation, or landscaping; and</i></p> <p>(e) <i>roof top infrastructure is to be suitably screened, details of which are to be included on the relevant elevations.”</i></p>	<p>The materials are commensurate with the material selection evident within nearby residential developments and will retain a domestic scale.</p> <p>The proposed single storey, flat roof forms would achieve an overall appearance of a domestic scale. The buildings are architectural designed and would omit large expanse of planar roof forms visible from adjacent residential areas. The proposal also includes substantial landscaping and building articulation to further reduce the overall impression of bulk.</p> <p>All roof top infrastructure would be suitably screened and is clearly shown on the relevant elevations.</p>
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- Clause S13.7.1 (A2)** - in relation to landscaping.

Specifically, a landscape strip, ranging in width from 1.9m to 23.0m, is proposed adjacent to the Rokeby Road frontage (rear boundary of the site) to provide for the planting of evergreen tree species and understorey as opposed to the 15.0m wide landscape strip required by the acceptable solution. Furthermore, the shade trees provided within the parking areas do not detail protection by metal guards.

The application must be assessed against Performance Criteria (P2) of Clause S13.7.1 as follows.

Clause	Performance Criteria	Assessment
S13.7.1 P2	<p data-bbox="464 241 900 349"><i>“For new development a landscaping treatment must be provided that:</i></p> <p data-bbox="464 573 900 824"><i>(a) enhances the appearance of development and provide for a high quality streetscape and visual amenity within the Glebe Hill Neighbourhood Centre;</i></p>	<p data-bbox="922 241 1391 349">The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p data-bbox="922 389 1391 533">Landscaping treatment is proposed along the Rokeby Road frontage, car parking areas and Commerce Drive frontage to satisfy criteria (a)-(d).</p> <p data-bbox="922 573 1391 900">Following consultation with Council’s Landscape Officer and in consideration of the avenue plantings establishing on the Glebe Hill Shopping Centre site, a row of lemon willow myrtle trees (<i>Agonis flexuosa</i>) is proposed along the full length of the boundary adjoining Rokeby Road.</p> <p data-bbox="922 940 1391 1191">The species selection and density will achieve the desired avenue plantings along the Rokeby Road frontage, with the landscape strip providing sufficient opportunity for these species to successfully reach maturity.</p> <p data-bbox="922 1232 1391 1523">Three deciduous Ornamental pear trees are proposed within the central car parking area and along the property frontage to Commerce Drive, together with low native shrubs to provide a diversity of species, plant height, form, and density.</p> <p data-bbox="922 1563 1391 1998">The proposed landscaping will serve to integrate with the surrounding Glebe Hill Neighbourhood Centre and other approved uses within Commerce Drive (including the childcare centre at 21 Commerce Drive) and provide an effective, consistent, and coordinated landscape treatment that will enhance the appearance of the development and contribute to a high-quality streetscape.</p>

	<p>(b) <i>enhances amenity and interest having regard to species, diversity, a range of plant height, forms, density and maintenance requirements;</i></p> <p>(c) <i>seeks to establish avenue type plantings adjacent to the road boundaries; and</i></p> <p>(d) <i>does not create concealed entrapment spaces.”</i></p>	<p>The planting selection provides diversity through plant height, forms and density and will serve to enhance the amenity and visual interest of the site.</p> <p>Council’s Landscape Officer has reviewed the proposed landscape plan and is of the view the willow myrtle trees proposed along the Rokeby Road frontage will provide a 5m tall, treed avenue effect as required by criteria (c).</p> <p>The avenue plantings will combine with similar landscaping arrangements on nearby sites to contribute to a broader avenue planting effect along the Rokeby Road corridor, to improve the presentation of the neighbourhood centre to Rokeby Road.</p> <p>The proposed landscaping within the internal carpark and Commerce Drive frontage would consist of Ornamental pears and native shrubs which are sufficiently spaced to reduce the opportunity for concealment spaces within the frontage.</p> <p>It is recommended a condition be included on the permit requiring the formal endorsement and implementation of the landscape plan.</p>
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- Clause S13.7.2 (A1)** - in relation to siting and scale.

Specifically, a 6.07m to 10.94m setback is proposed to the Rokeby Road frontage for Buildings 2 and 3 as opposed to a 15.0m setback required by the acceptable solution.

The application must be assessed against Performance Criteria (P1) of Clause S13.7.2 as follows.

Clause	Performance Criteria	Assessment
S13.7.2 P1	<i>“Development is set back sufficiently to provide and maintain a continuous avenue of trees and screen plantings between Rokeby Road/South Arm Highway and development.”</i>	The proposal is assessed as satisfying the Performance Criterion, based on the following: The proposed building setback from Rokeby Road will allow for a continuous avenue of lemon lime willow myrtle trees to be planted adjacent to the road reserve for Rokeby Road. The trees are expected to achieve a mature growth height of 5m with a width of 4m therefore the proposed setback and overall landscaping arrangements will allow for these trees to reach full maturity. Accordingly, the performance criteria is satisfied.

- **Clause S13.7.4 (A1)** - in relation to public art.
Specifically, the acceptable solution is not met because the development is for a major development (development cost exceeds one million dollars).

The application must be assessed against Performance Criteria (P1) of Clause S13.7.4, as follows.

Clause	Performance Criteria	Assessment
S13.7.4 P1	<i>“That a major development contributes to the amenity of the site and nearby public places by the installation of public art works having regard to:</i> <i>(a) the proximity of the proposed public art works to the major development and a public place;</i> <i>(b) the size, scale and design of the proposed major development;</i>	The proposal is assessed as satisfying the Performance Criterion, based on the following: The proposal is a major development, and the proponent has indicated they are willing to provide public artwork on internal retaining walls on the site in consultation with Council and/or the community as required.

	<p>(c) <i>the design of the proposed public art works, including their intended enhancement of the streetscape, or the cultural, environmental or built values of the location;</i></p> <p>(d) <i>the visibility and accessibility of the proposed public art works to the public; and</i></p> <p>(e) <i>the need for public art and any existing public art on or near the site.”</i></p>	<p>A condition requiring provision in a form and location in accordance with Council’s documented guidelines, procedure and criteria is recommended to ensure the public artwork responds to criteria (a)-(e) and the performance criteria will be met in this regard.</p>
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- **Clause S13.8.1 (A1)** - in relation to lot configuration. Specifically, there is no acceptable solution.

The application must be assessed against Performance Criteria (P1) of Clause S13.8.1 as follows.

Clause	Performance Criteria	Assessment
S13.8.1 P1	<p><i>“Lot sizes and configuration of Precincts 1 and 2 must be broadly consistent with Figure CLA-S13.1. Lots in Precinct 3 may vary the number and/or respective lots provided that:</i></p> <p>(a) <i>it can be demonstrated that the proposal will not compromise the Purpose of this Specific Area Plan; and</i></p> <p>(b) <i>no internal lots are created.”</i></p>	<p>The consolidation of the three lots contained within Precincts 2 and 3 would remain broadly consistent with the lot layout shown on Figure S13.1, in that the number of lots will not increase and will facilitate a development which furthers the purpose of the SAP, which is to provide for use and development which complements the adjacent supermarket and speciality retail uses.</p>

Flood-Prone Areas Hazard Code

- **Clause C12.6.1 (A1)** - in relation to buildings and works within a flood-prone hazard area.

Specifically, the three buildings would be located partially within the flood-prone hazard areas overlay.

The application must be assessed against Performance Criteria (P1) of Clause C12.6.1 as follows.

Clause	Performance Criteria	Assessment
C12.6.1 P1.1	<p><i>“Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</i></p> <p><i>(a) the type, form, scale and intended duration of the development;</i></p> <p><i>(b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;</i></p> <p><i>(c) any advice from a State authority, regulated entity or a council; and</i></p> <p><i>(d) the advice contained in a flood hazard report.”</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>Based on the below assessment and inclusion of a condition requiring the recommendations of the Flood Hazard Report to be implemented, the performance criteria is satisfied.</p> <p>The proposal was referred to Council’s assets and infrastructure team who have advised that the proposed buildings and works within the flood hazard area would achieve and maintain a tolerable risk from flooding, on the basis that:</p> <p>a) following recent stormwater and road construction along Rokeby Road and Commerce Drive, it is evident that only a portion of the entire catchment area flows directly towards the subject site;</p> <p>b) the modelling provided within the submitted Flood Hazard Report identifies there is minimal change in the depth of overland flow paths post-development and the pre-existing maximum hazard rating on the site remains largely unaffected, with the post-development depth within the site increasing marginally to 0.1m;</p>

		<p>c) the post-development assessment demonstrated the flow dynamics and reveals localised effects of flooding within the site would be dewatered through the designated overland flow path and proposed stormwater infrastructure, thereby mitigating potential risks associated with flooding;</p> <p>d) the Flood Hazard Report has been read in conjunction with the Stormwater Management Strategy which complements the findings and recommendations outlined in the Flood Hazard Report. Together these reports offer a comprehensive understanding of flood risk assessment and management strategies; and</p> <p>e) the engineering design recommendations made in section 7 of the Flood Hazard Report are to be adopted.</p>
<p>C12.5.1 P1.2</p>	<p><i>“A flood hazard report also demonstrates that the building and works:</i></p> <p><i>(a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and</i></p> <p><i>(b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.”</i></p>	<p>Council’s development engineers are satisfied that the proposed development satisfies the performance criteria and would not cause or contribute to flooding on the site, adjacent land, or nearby public infrastructure. This is achieved through the siting of the building that would not adversely impede the modelled 1 AEP flood path.</p> <p>Consistency with (b) of this standard is demonstrated by the assessment to the satisfaction of Council’s engineers, thus satisfying this test of the Scheme.</p>

		<p>It is also considered reasonable to include a condition in the recommended conditions requiring that the development be undertaken in accordance with the recommendations made within the Flood Hazard Report and Council’s stormwater management procedure for new development.</p>
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Road and Railway Assets Code

- **Clause C3.5.1 (A1.4)** - in relation to traffic generation.

Specifically, the proposal will increase vehicle movements at a vehicle crossing by more than 20% and therefore cannot meet the acceptable solution.

The application must be assessed against Performance Criteria (P1) of Clause C3.5.1 as follows.

Clause	Performance Criteria	Assessment
<p>C3.5.1 P1</p>	<p><i>“Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</i></p> <p>(a) <i>any increase in traffic caused by the use;</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>Vehicular traffic to and from the site is assessed by Council’s development engineers as minimising any adverse effects on the safety of the junction, having regard to:</p> <p>The Traffic Impact Assessment provided with the application predicts the development to generate a maximum parking demand of 35 car parking spaces, allowing the individual uses to operate at 70% capacity at the same time. The proposed car parking numbers are expected to meet the projected demand.</p>

	<p>(b) <i>the nature of the traffic generated by the use;</i></p> <p>(c) <i>the nature of the road;</i></p>	<p>In relation to traffic generation, the Traffic Impact Assessment anticipates that the development site would generate approximately 120 trips during the morning peak and 290 during the evening peak period.</p> <p>Traffic generated by the proposed use, mostly from customers and staff is likely to be mostly standard vehicles under 5.5m in length. The type of generated traffic movements associated with the proposal is compatible with the current vehicles using the surrounding residential and commercial road network.</p> <p>Commercial vehicles are expected to generate heavy vehicles, but this will be limited to the specific times in accordance with the permit conditions.</p> <p>Commerce Drive is a low volume collector road with Pass Road and Rokeby Road absorbing far greater traffic volumes. The road network is considered capable of absorbing the increase in traffic movements generated by the proposed development.</p> <p>The Traffic Impact Assessment further notes that a recent inspection found there is a high demand for on-street parking. The site exit can be designed to ensure motorists has sufficient sight distance, enabling vehicles to leave the site in a safe and efficient manner, without impacting other users.</p>
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	<p>(d) <i>the speed limit and traffic flow of the road;</i></p> <p>(e) <i>any alternative access to a road;</i></p> <p>(f) <i>the need for the use;</i></p> <p>(g) <i>any traffic impact assessment; and</i></p>	<p>Commerce Drive is subject to a speed limit of 50km/h. Information contained within the Traffic Impact Assessment indicates that the expected increase in vehicular movement due to the proposed development can be readily absorbed into the road network without any loss of efficiency. Council’s development engineers also reviewed the information provided and are satisfied that the development is not likely to impede traffic flow in the road network for the same reasons as mentioned above.</p> <p>The access arrangements to the site will be upgraded as the current driveway grades are considered inappropriate for the new use. The access will be widened to accommodate the swept path for both heavy and light vehicles ensuring safe egress and entry onto the site. This design will also provide for two accesses from Commerce Drive, each providing for one-way vehicular movement in and out of the site.</p> <p>Council’s development engineer has advised the upgrade of the access arrangements is appropriate and will enhance the overall safety and operation of the car parking areas and surrounding road network.</p> <p>The proposed use would not compete with or distort the current residential/commercial character of the area and will complement the range of allowable uses listed within the Glebe Hill Neighbourhood Centre SAP.</p> <p>The Traffic Impact Assessment concludes the traffic movements are not unreasonable.</p>
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	<p>(h) <i>any advice received from the rail or road authority.</i>”</p>	<p>The Traffic Impact Assessment does not identify any reasons as to why the proposal should not proceed from a traffic safety and operational point of view, with this finding supported by Council’s development engineers.</p> <p>Council’s development engineer has reviewed the proposal and Traffic Impact Assessment and is satisfied that the access will provide for ease of access and egress to the site, given the low-speed environment and the network’s capacity to cater for development of this nature.</p> <p>For the above reasons, the proposal is considered to satisfy the performance criteria.</p>
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Parking and Sustainable Transport Code

- **Clause C2.5.1 (A1)** - in relation to car parking numbers.

The acceptable solutions requires a total of 50 parking spaces for the proposed development, however the proposal provides 35 on-site car parking spaces.

The application must be assessed against Performance Criteria (P1) of Clause C2.5.1 as follows:

Clause	Performance Criteria	Assessment
C2.5.1 P1.1	<p><i>“The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</i></p>	<p>The proposal is assessed as satisfying the Performance Criterion, based on the following:</p> <p>The Traffic Impact Assessment (TIA) concluded that the proposal provides sufficient off-street car parking to meet the reasonable demand and therefore minimising overflow parking.</p>

	<p>(a) <i>the availability of off-street public car parking spaces within reasonable walking distance of the site;</i></p> <p>(b) <i>the ability of multiple users to share spaces because of:</i></p> <p style="padding-left: 20px;">(i) <i>variations in car parking demand over time;</i></p> <p style="padding-left: 20px;"><i>or</i></p> <p style="padding-left: 20px;">(ii) <i>efficiencies gained by consolidation of car parking spaces;</i></p> <p>(c) <i>the availability and frequency of public transport within reasonable walking distance of the site;</i></p> <p>(d) <i>the availability and frequency of other transport alternatives;</i></p> <p>(e) <i>any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</i></p>	<p>There is no public off-street car parking within reasonable walking distance of the site. However, the site is adjacent to the Glebe Hill Shopping centre, and it is likely that there will be cross sharing of customers, and this generates potential for users to walk to the development site without generating additional parking demand as observed in other shopping centres.</p> <p>The proposal is for a mixed-use development and essentially contains a drive-thru facility for each use. The Traffic Impact Assessment confirms that the car parking spaces provided are considered adequate, taking into consideration the variations in consumer flows to the proposed uses on-site, it is also considered that the efficiencies gained from shared car parking between uses will ensure that the car parking demand generated by the proposed uses is absorbed on-site within the proposed car parking areas.</p> <p>There is an established metro bus route along South Arm Road.</p> <p>The site is within a relatively flat residential community which promotes the use of cycling and walking as a form of transport.</p> <p>There are no existing site constraints which could affect provision of parking on-site.</p>
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	<p>(f) <i>the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</i></p> <p>(g) <i>the effect on streetscape; and</i></p> <p>(h) <i>any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.”</i></p>	<p>As mentioned in the TIA, the car parking spaces provided are considered adequate for the proposed uses, therefore, the development is not expected to generate overflow parking.</p> <p>The site provides for adequate off-street parking for the proposed use and therefore would not have an effect on the streetscape, traffic management or other uses within proximity.</p> <p>As mentioned above, a TIA was provided as part of the application documentation. It concludes that the consolidation of uses on-site will allow for sharing of available parking spaces due to the different operating regimes, which will mean that business operations will peak at different times. This fluctuation in parking demand will allow for effective utilisation of car parking space by more than one use. Council Engineers reviewed the information provided and concur with the findings and are satisfied that the proposal complies with the relevant performance criteria.</p>
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5. REPRESENTATION ISSUES

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

5.1. Increase in Traffic and Pedestrian Safety

Representors raised concerns that the proposal would create unreasonable additional traffic movements posing safety risks to road users. Concern is also raised about parking of vehicles within Commerce Drive reducing the visibility for vehicles exiting other commercial sites.

- **Comment**

In relation to traffic management and pedestrian safety considerations, Section 9.2 of the Traffic Impact Assessment concludes, and Council’s Development Engineers concur that the proposal complies with the relevant planning scheme standard for traffic generation under Clause C3.5.1 P1 and will not cause adverse effects on the safety of the surrounding road network. The Traffic Impact Assessment concludes:

“traffic generated by this multi-use development is not expected to cause any deterioration in the current level of service motorists are receiving, with sufficient capacity within the current local road network to absorb the extra traffic movements.”

In relation to pedestrian access and safety from within the site to Commerce Drive, the Traffic Impact Assessment concludes in response to Clause C2.6.5 A1 of the planning scheme that:

“A minimum one metre wide pedestrian pathway will be provided to connect the businesses with each other and the existing footpath along Commerce Drive. The pathway will be separated from the driveway by kerbing where possible and a pedestrian link will be provided down the middle of the site, connecting Hungry Jacks with KFC and Caltex. A 10 km/h shared speed limit will be installed at the beginning of the site, to moderate the operating speed of vehicles.”

In relation to pedestrian safety more broadly, Council’s development engineers are satisfied that there is capacity within the existing Commerce Drive road layout to cater for a development of the nature proposed, and currently provides for reasonable on-street parking arrangements. Commerce Drive was designed to service the commercial developments expected to occur within the General Business zoned properties. Furthermore, sight distances for the development comply with the relevant Australian Standards, and as such the safety of pedestrians utilising the Commerce Drive footpaths would not be compromised.

5.2. Insufficient On-site Car Parking

Concerns were raised that the proposal would further exacerbate parking issues within Commerce Drive creating a safety risk to users of the road. This concern stems from the current parking of vehicles along Commerce Drive and extending onto the currently undeveloped lots, resulting in the perception there is insufficient parking for the available uses within proximity to the subject site.

The representors also raised concerns that the drive-thru will result in significant queuing along Commerce Drive at peak times, causing significant impediments to traffic flow along Commerce Drive.

- **Comment**

The application is supported by a comprehensive Traffic Impact Assessment (TIA) prepared by a qualified traffic engineer and Council's Development engineers concur with the finding of the TIA, which was that, although the Scheme requires parking for individual uses within a multiple use development to be individually accounted, it is acceptable in practice for developments with multiple uses to share the on-site parking supply, to more effectively use the parking spaces and reduce an undersupply of parking.

The number of parking spaces proposed is expected to meet the reasonable demand generated by this multiple use development and minimise parking overflow.

Furthermore, sharing the parking supply complies with the objective of the performance criteria in clause C2.5.1, where parking efficiencies can be gained by consolidating and sharing the parking spaces within multiple use developments.

In relation to impacts arising from drive-thru queuing, Section 8.6 of the TIA specifically deals with this issue and concludes that:

“Both the drive-thru lanes for Hungry Jacks and KFC will have dedicated queuing lanes to accommodate six vehicles prior to the ordering booth, complying with the planning scheme requirements. In addition, the drive-thru lanes have been positioned so any queuing overflow will occur within the development site, eliminating the risk of queuing overflow forming outside of the site. Both drive-thru lanes incorporated dedicated waiting bays to ensure the traffic flow within the drive-thru lanes is efficient.”

This finding is supported by Council’s development engineer and for this reason traffic flows along Commerce Drive will not be impacted by the proposal. It is also noted that the current ad hoc parking on street and the surrounding vacant land is less regulated and controlled, and as development progresses on the currently vacant commercial land, some behavioural changes are expected as well as a higher level of enforcement from the relevant road authority to discourage non-compliance.

5.3. Loss of Amenity on nearby Residential, Community and Commercial Uses

Representors raised concerns that the proposal would result in loss of amenity due to odours, anti-social behaviour, and littering given the nature of the proposed uses.

- **Comment**

The proposed uses are considered to further the purpose of the Glebe Hill Neighbourhood Specific Area Plan to provide for food businesses and uses that provide for the convenience needs of the area and the Rokeby/Droughty Point corridor (as per clause CLA-S3.6.1).

In relation to impacts arising from odour emissions, the proposed drive-thru takeaway restaurants will use kitchen canopy filtration systems that comply with BCA 2022, AS1668.1:2015 and AS1668.2:2012.

The applicant submits that the proposal would incorporate use of specialised kitchen extraction fans combined with a grease / water separator, which has been specifically designed to manage impacts associated with odour from cooking. The issues regarding likely odour have been addressed in the assessment. Unexpected environmental impacts are adequately managed through the operation of the *Environmental Management and Pollution Control Act 1994*.

The behaviour of individuals, including littering, is not a relevant consideration under the Scheme and is therefore not of determining weight.

5.4. Operating Hours

Representors raised concerns that the proposed operating hours will have an unreasonable impact on residential amenity due to noise and light intrusion from the increased vehicular movements at night.

- **Comment**

This matter has been addressed in detail under the assessment section of this report relating to clause 15.3.1 P1. The proposal is accompanied by noise assessment which includes recommendations under Section 6 relating to noise mitigation. It is recommended that a condition of approval require noise verification on the commencement of the use to ensure that compliance with the relevant noise standards is achieved. Should this not be the case, the proponent must undertake further mitigation to achieve compliance.

The accompanying plans note that external lighting of buildings, car parking and pedestrian ways will be included and subject to further detailed design. This lighting will be positioned, orientated and specified to avoid light spill and glare off the site and particularly to the residential properties on the northern side of the road opposite the site.

It is considered that a detailed lighting plan demonstrating the above will be required for the approval of Council prior to commencement of construction of the buildings. Associated conditions have been included in relation to the management of lighting associated with the proposal in the recommended conditions.

5.5. Community Health

Concern has been raised in relation to the impact of the introduction of fast-food outlets upon the health and wellbeing of the community and the approval will place increased pressure on government health care services.

- **Comment**

The proposed development proposal is a permissible use, being within the Food services use class within the Glebe Hill Neighbourhood Centre Specific Area Plan for the site. The nature of a specific provider and associated impacts upon community health is not a consideration relevant under the Scheme.

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 the Department of State Growth who advised they do not have any concerns regarding the development impacts on the state road network (Rokeby Road).

The proposal was referred to TasNetworks who advised the development is likely to adversely affect TasNetworks' operations, as the widening on each side of the development appears to impact on the location of cabinets. TasNetworks have advised the developer to consider the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development and it is the developer who must apply to TasNetworks to establish an electricity supply connection to support the development.

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 for a Service Station and associated convenience store (Vehicle Fuel Sales and Service), two drive-through takeaway restaurants (24-hour operation) (Food Services) and consolidation of three lots into one lot is assessed as complying with all applicable standards and is accordingly recommended for approval subject to recommended conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plans (18)
3. Site Photos (2)

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



Subject site includes 9, 11 and 13 Commerce Drive



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.

08/05/2024

1:2257



DA-0000
TITLE SHEET

DEVELOPMENT APPLICATION DRAWING LIST			
SHEET NUMBER	SHEET NAME	REVISION	REVISION DATE
DA-1000	OVERALL FLOOR PLAN	P	21.03.2024
DA-1100	BUILDING 01 FLOOR PLAN	J	21.03.2024
DA-1200	BUILDING 02 FLOOR PLAN	K	21.03.2024
DA-2000	OVERALL SITE SECTIONS	J	21.03.2024
DA-3000	BUILDING 01 ELEVATIONS	J	21.03.2024
DA-3001	BUILDING 02 ELEVATIONS	K	21.03.2024
DA-3002	SERVICE STATION CANOPY DRAWINGS	D	21.03.2024
DA-5000	DETAIL SECTIONS	D	21.03.2024
DA-5001	ISOMETRIC VIEWS	C	21.03.2024
DA-5002	LOT CONSOLIDATION PLAN	A	21.03.2024

NOTE:

1. LANDSCAPING SHOWN INDICATIVELY ONLY. REFER RELEVANT CONSULTANT REPORTS
2. ALL REFERENCES TO SIGNAGE ARE SUBJECT TO A SEPARATE SIGNAGE APPLICATION AND APPROVAL BY LOCAL AUTHORITY
3. ALL MATERIALS/ FINISHES SHOWN INDICATIVELY ONLY. SUBJECT TO TENANT STANDARDS

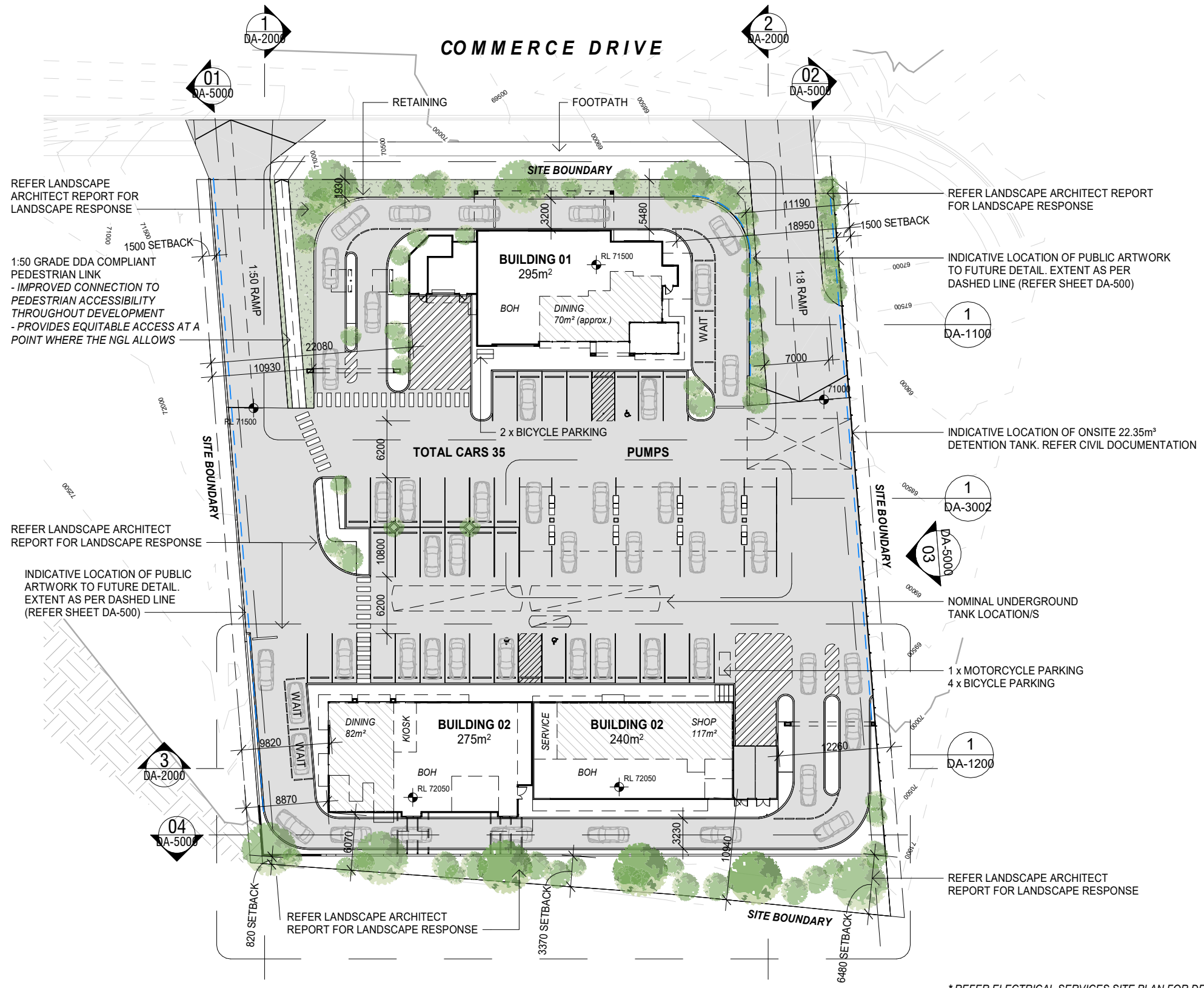
ALL DRAWINGS ARE FOR THE PURPOSES OF DEVELOPMENT APPLICATION ONLY AND NO OTHER PURPOSE.

NOT FOR CONSTRUCTION/ PRICING



ISSUE K
Date of Issue | 21.03.2024
| 9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

DA-1000
OVERALL FLOOR PLAN



REFER LANDSCAPE ARCHITECT REPORT FOR LANDSCAPE RESPONSE

1:50 GRADE DDA COMPLIANT PEDESTRIAN LINK
- IMPROVED CONNECTION TO PEDESTRIAN ACCESSIBILITY THROUGHOUT DEVELOPMENT
- PROVIDES EQUITABLE ACCESS AT A POINT WHERE THE NGL ALLOWS

REFER LANDSCAPE ARCHITECT REPORT FOR LANDSCAPE RESPONSE

INDICATIVE LOCATION OF PUBLIC ARTWORK TO FUTURE DETAIL. EXTENT AS PER DASHED LINE (REFER SHEET DA-500)

1
DA-1100

INDICATIVE LOCATION OF ONSITE 22.35m³ DETENTION TANK. REFER CIVIL DOCUMENTATION

1
DA-3002

REFER LANDSCAPE ARCHITECT REPORT FOR LANDSCAPE RESPONSE

INDICATIVE LOCATION OF PUBLIC ARTWORK TO FUTURE DETAIL. EXTENT AS PER DASHED LINE (REFER SHEET DA-500)

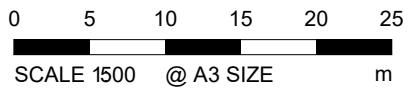
NOMINAL UNDERGROUND TANK LOCATION/S

1 x MOTORCYCLE PARKING
4 x BICYCLE PARKING

1
DA-1200

REFER LANDSCAPE ARCHITECT REPORT FOR LANDSCAPE RESPONSE

REFER LANDSCAPE ARCHITECT REPORT FOR LANDSCAPE RESPONSE



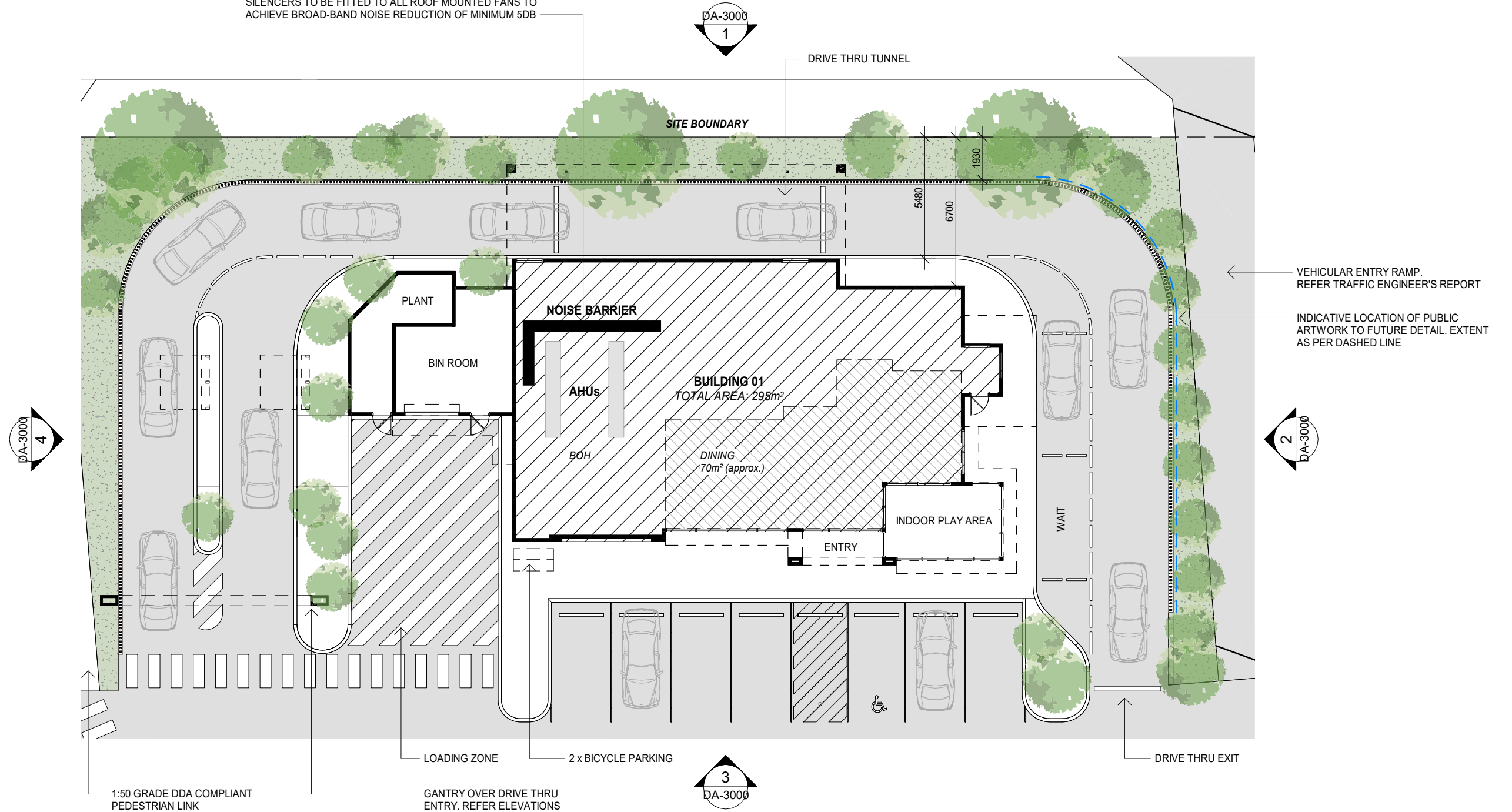
ISSUE P
Date of Issue | 21.03.2024
| 9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

* REFER ELECTRICAL SERVICES SITE PLAN FOR DEVELOPMENT LIGHTING ALLOCATIONS. SUBJECT TO FURTHER CONSULTANT INPUT/DESIGN

**DA-1100
BUILDING 01 FLOOR PLAN**

- ROOFTOP NOISE BARRIER**
- MINIMUM SURFACE MASS OF 15gk/m²
 - BARRIER TO EXTEND A MINIMUM OF 0.5m ABOVE TALLEST PART OF MECHANICAL PLANT
 - BARRIER TO HAVE NO GAPS BETWEEN THE BARRIER AND THE ROOFTOP

NOTE:
SILENCERS TO BE FITTED TO ALL ROOF MOUNTED FANS TO ACHIEVE BROAD-BAND NOISE REDUCTION OF MINIMUM 5DB

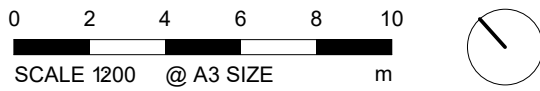
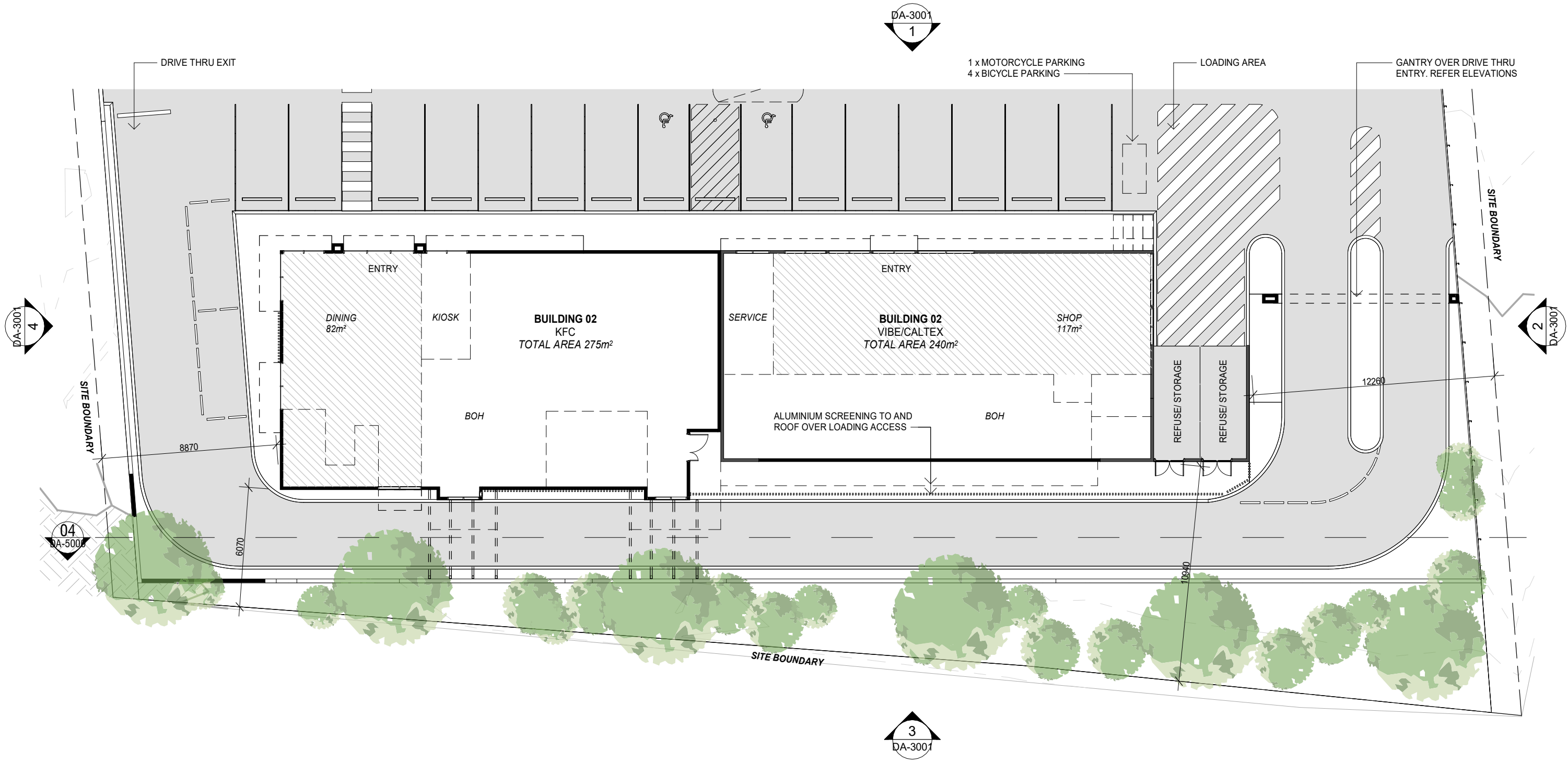


0 2 4 6 8 10
SCALE 1200 @ A3 SIZE m



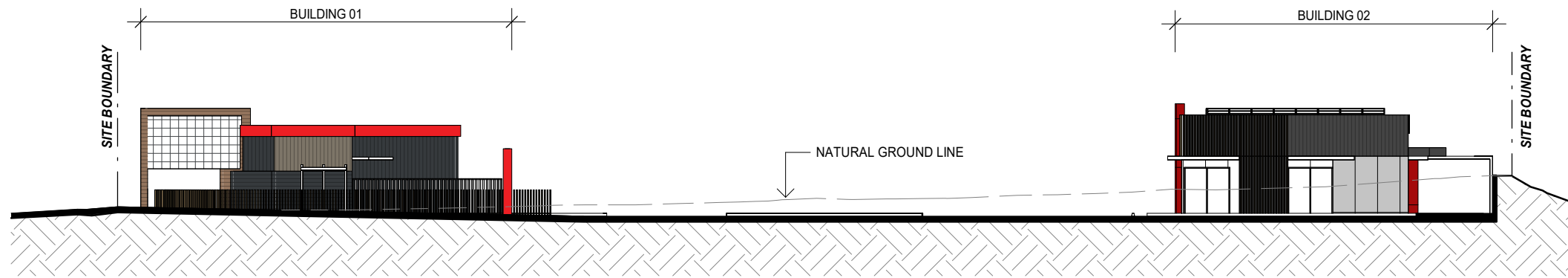
ISSUE J
Date of Issue | 21.03.2024
| 9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

DA-1200
BUILDING 02 FLOOR PLAN

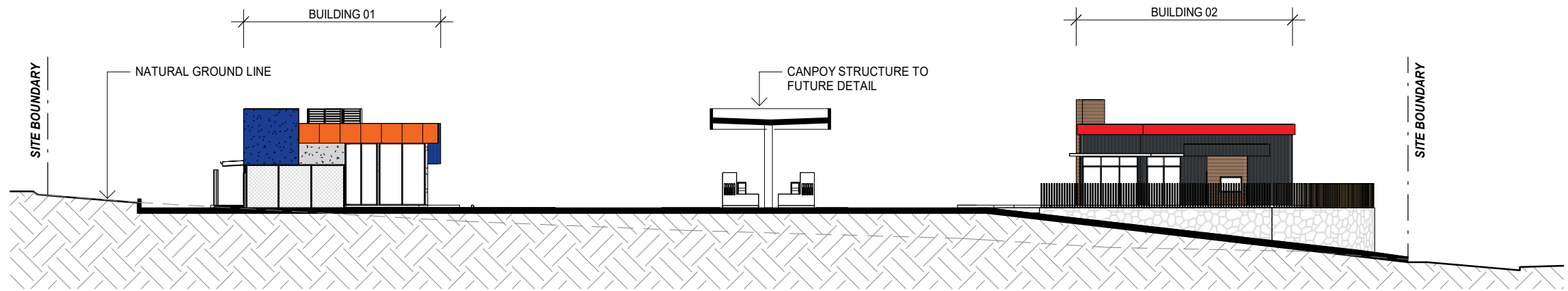


ISSUE K
 Date of Issue | 21.03.2024
 | 9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

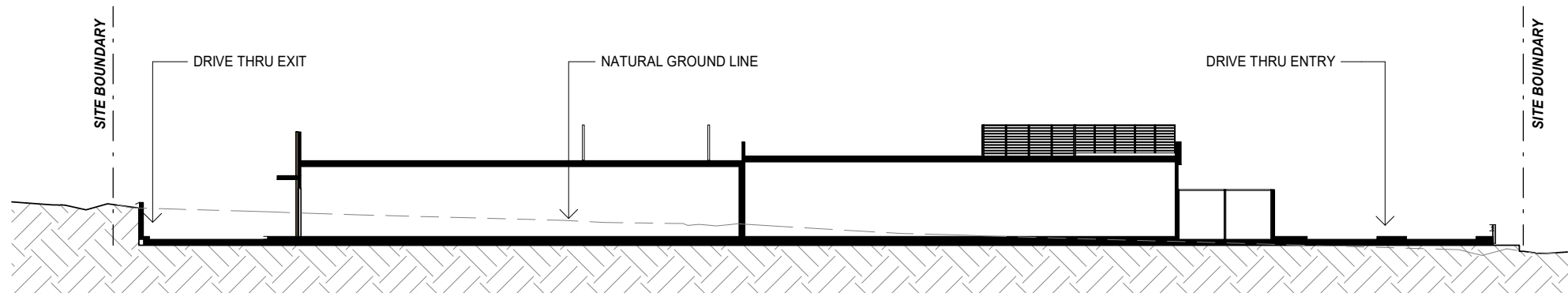
DA-2000
OVERALL SITE SECTIONS



1 OVERALL SITE SECTION 01
 DA-1000 1:300



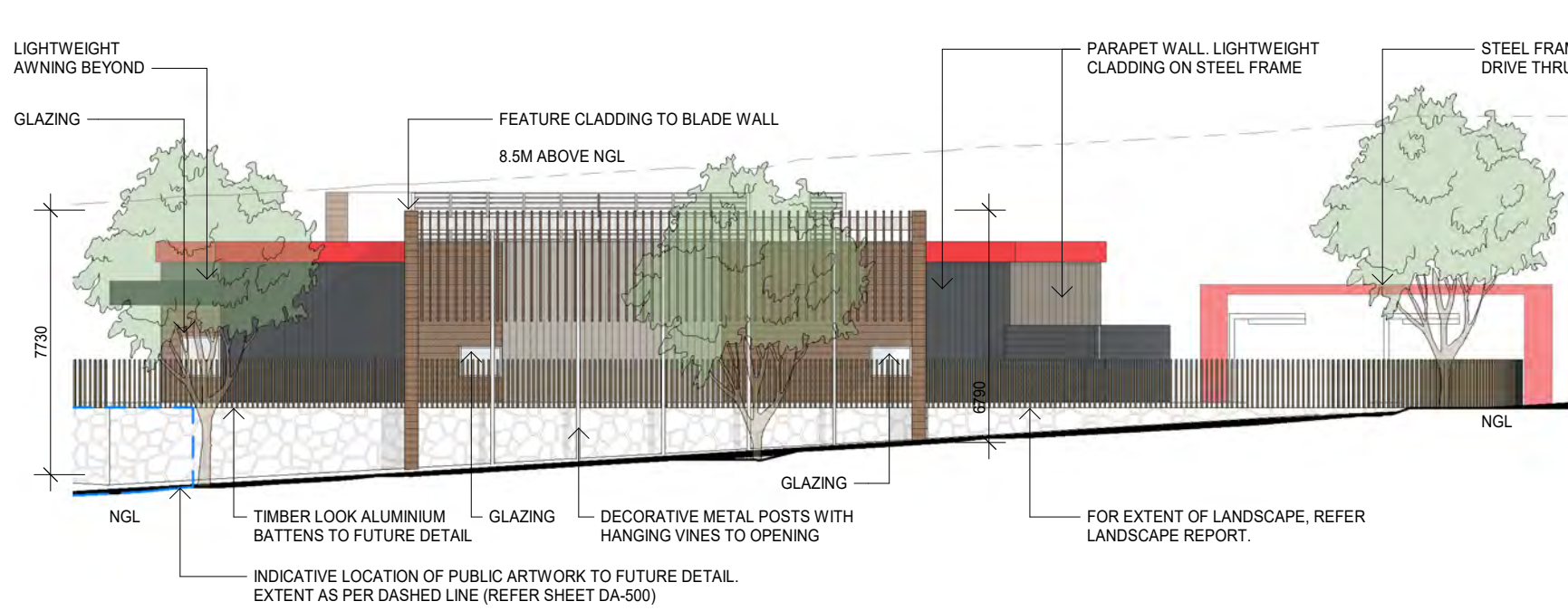
2 OVERALL SITE SECTION 02
 DA-1000 1:300



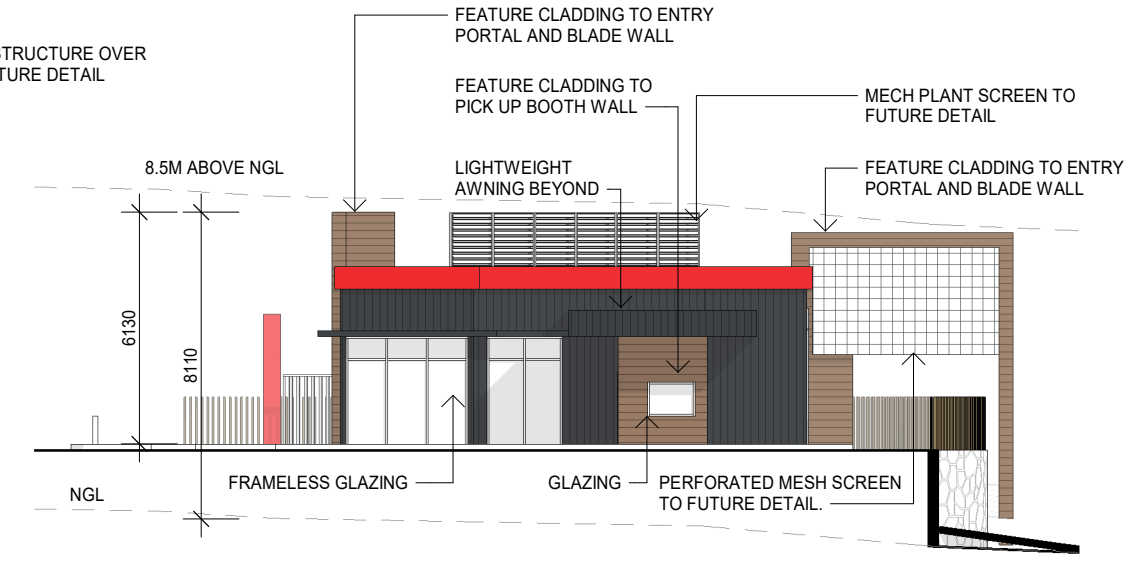
3 OVERALL SITE SECTION 03
 DA-1000 1:300

DA-3000 BUILDING 01 ELEVATIONS

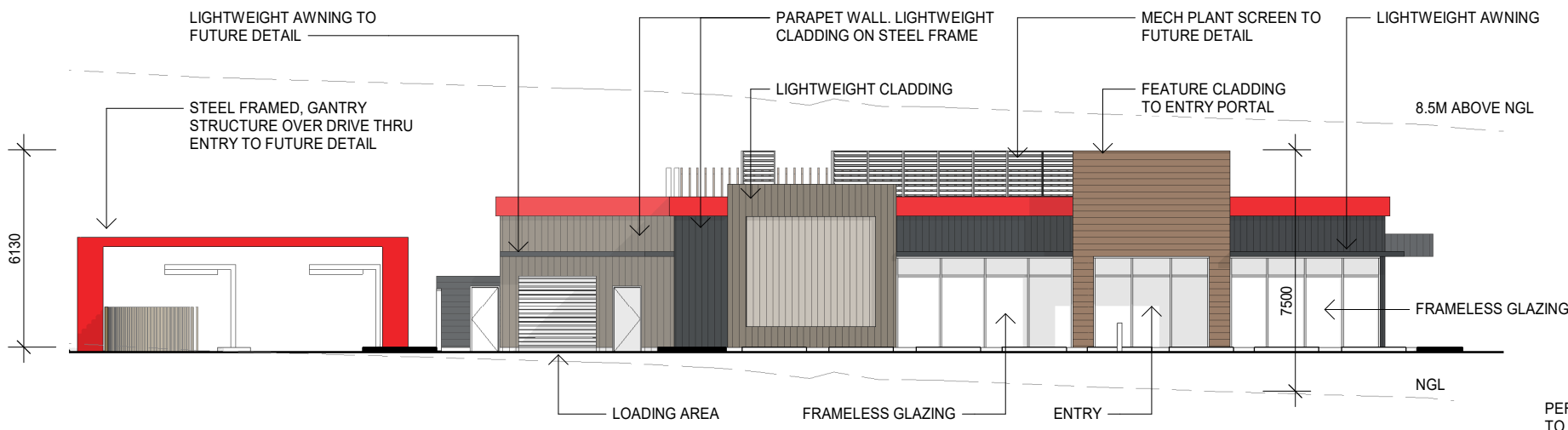
* PLEASE NOTE ALL SIGNAGE -RELATED ELEMENTS ARE SUBJECT TO ADDITIONAL APPROVAL AND FUTURE DETAIL



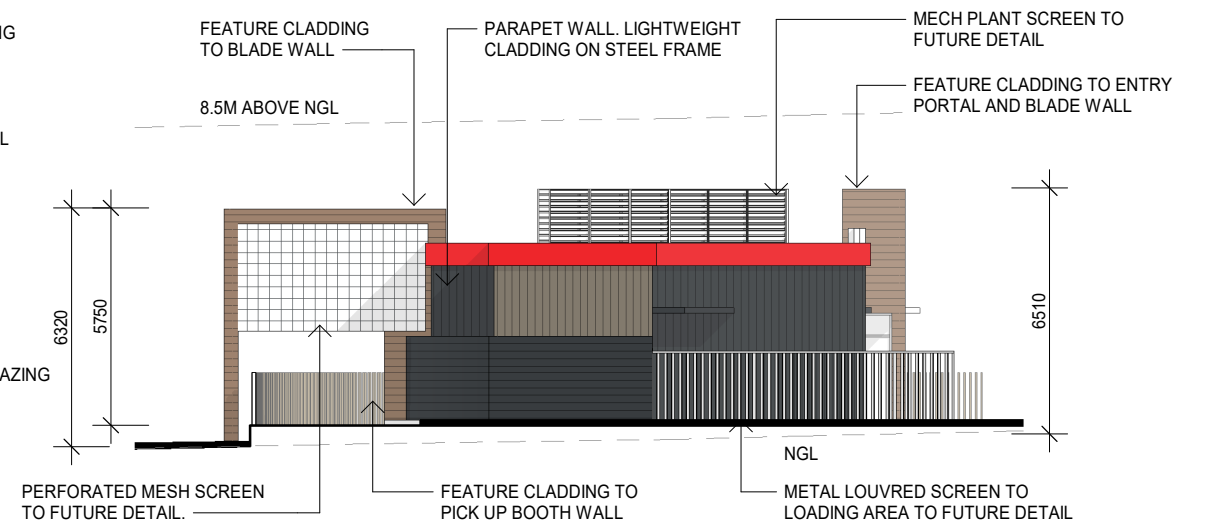
1 BUILDING 01 - ELEVATION 01
DA-1100 1:200



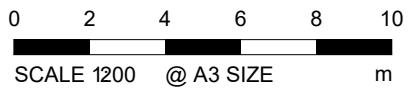
2 BUILDING 01 - ELEVATION 02
DA-1100 1:200



3 BUILDING 01 - ELEVATION 03
DA-1100 1:200



4 BUILDING 01 - ELEVATION 04
DA-1100 1:200

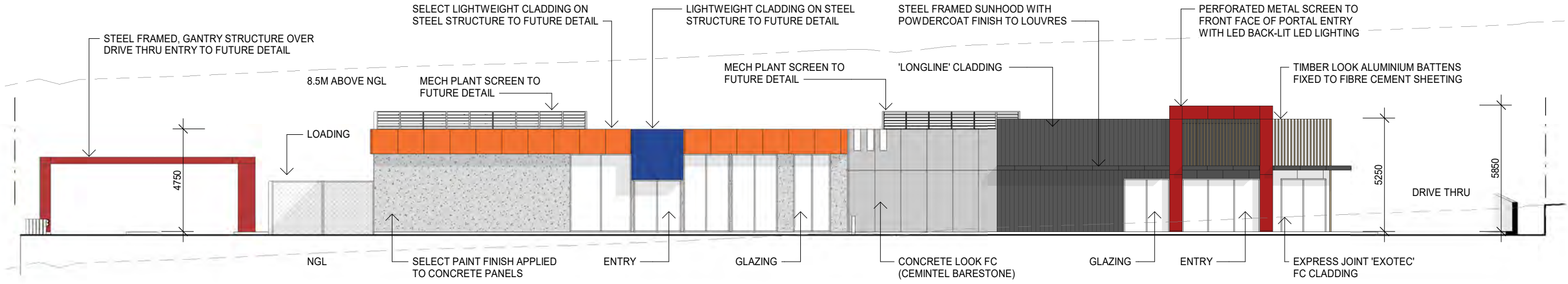


ISSUE J
Date of Issue | 21.03.2024

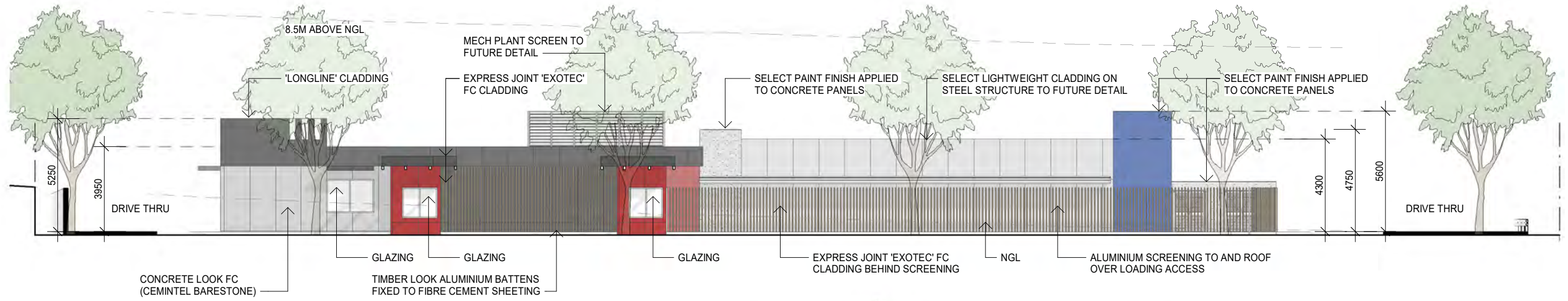
| 9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

DA-3001 BUILDING 02 ELEVATIONS

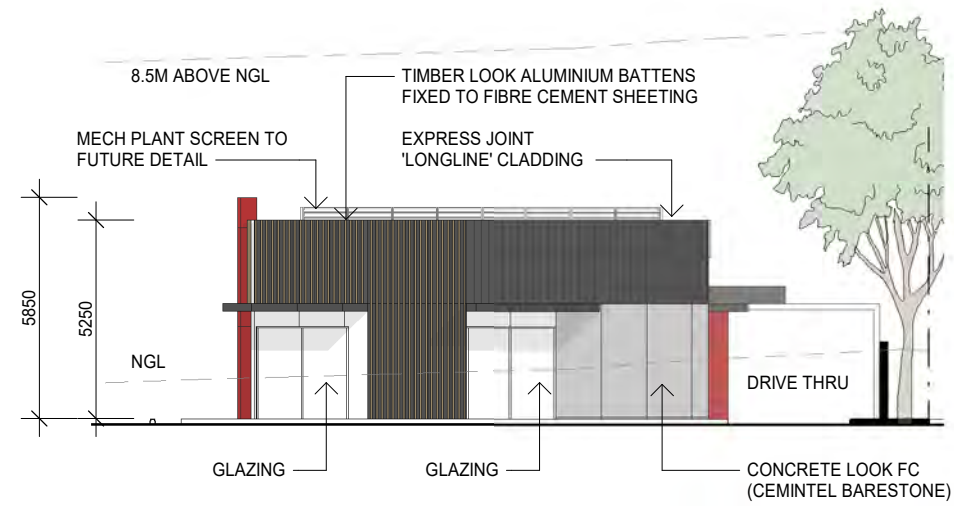
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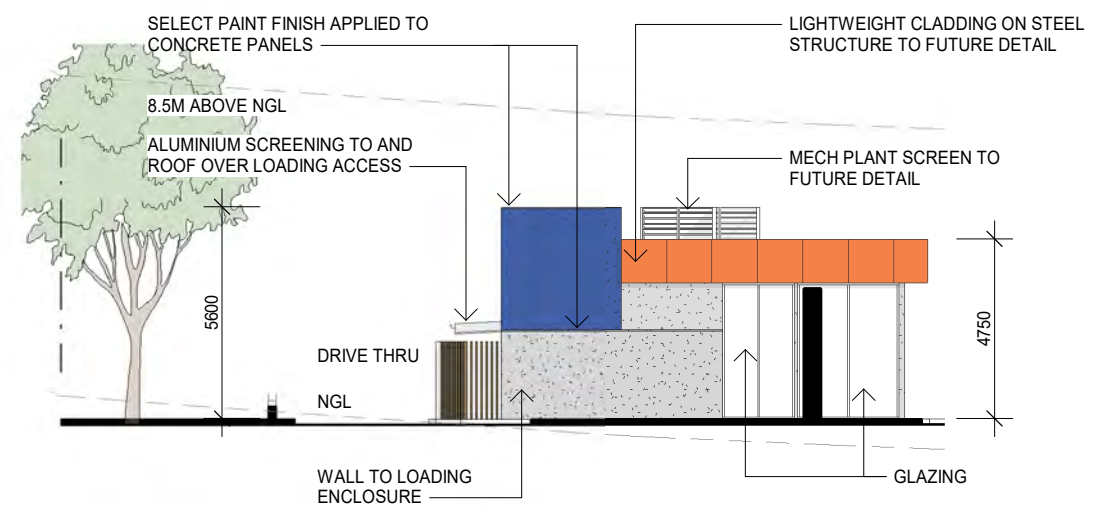
1 BUILDING 02 - ELEVATION 01
DA-1200 1:200



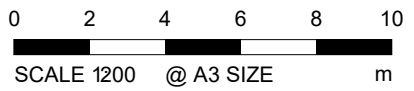
3 BUILDING 02 - ELEVATION 03
DA-1200 1:200



4 BUILDING 02 - ELEVATION 04
DA-1200 1:200



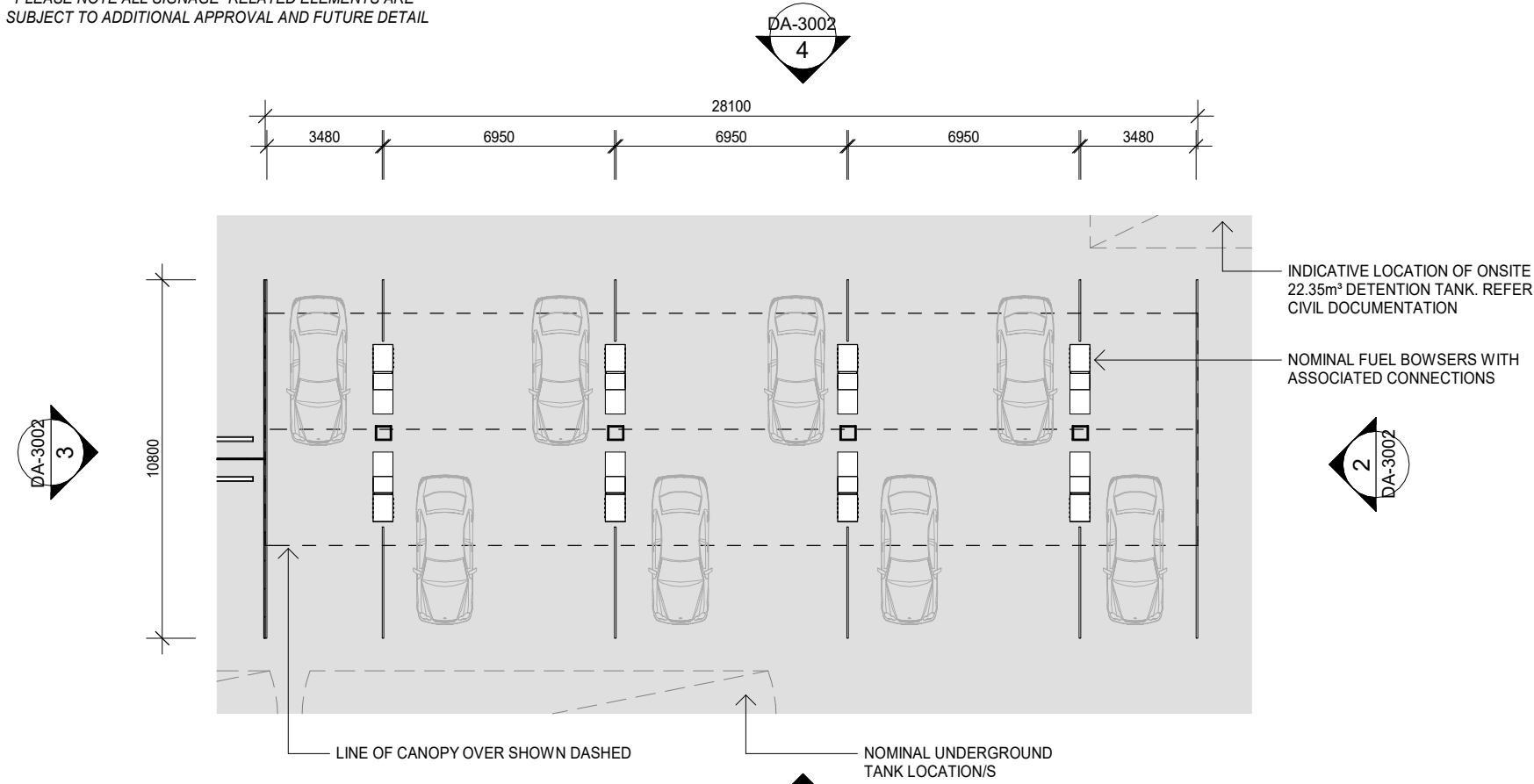
2 BUILDING 02 - ELEVATION 02
DA-1200 1:200



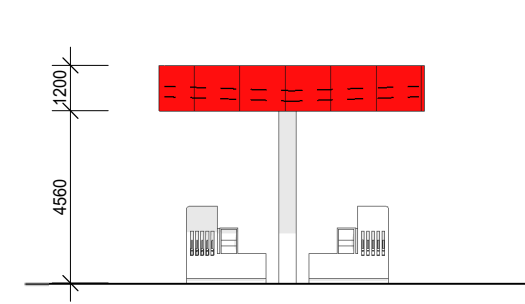
ISSUE K
Date of Issue | 21.03.2024
| 9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

DA-3002 SERVICE STATION CANOPY DRAWINGS

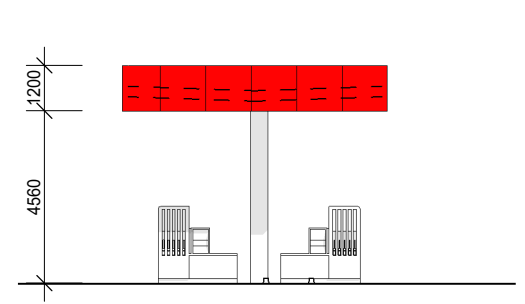
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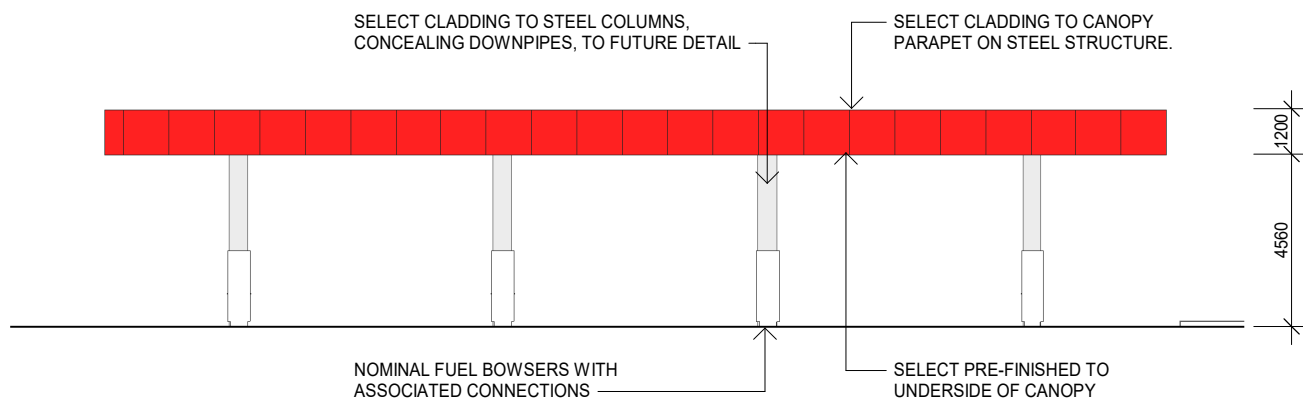
1 SERVICE STATION CANOPY PLAN
DA-1000 1:200



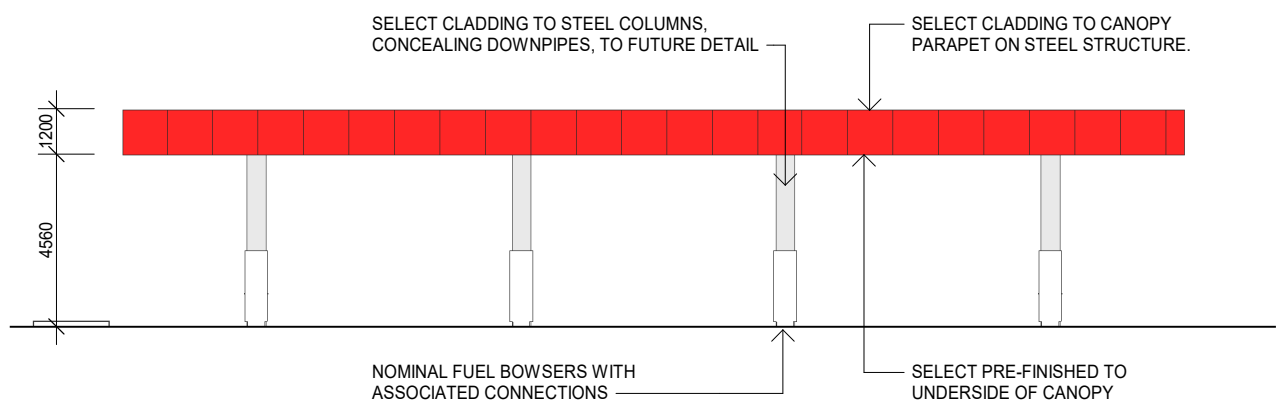
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DA-3002 1:200



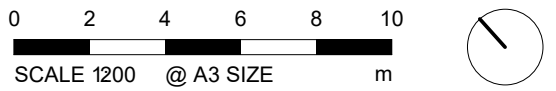
3 ELEVATION 02
DA-3002 1:200



4 ELEVATION 03
DA-3002 1:200



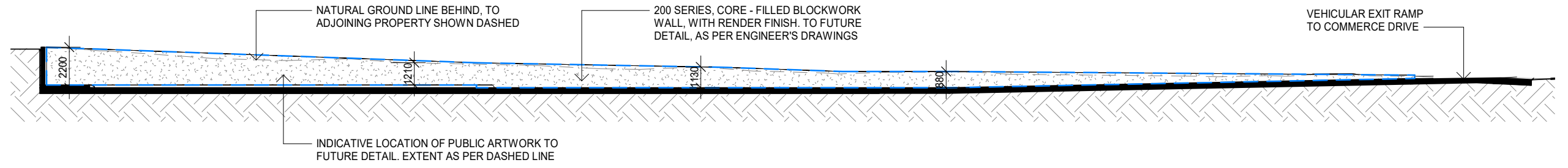
5 ELEVATION 04
DA-3002 1:200



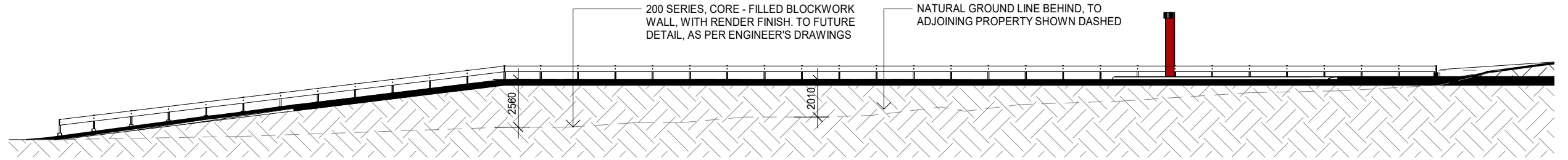
ISSUE D
Date of Issue | 21.03.2024
| 9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

DA-5000
DETAIL SECTIONS

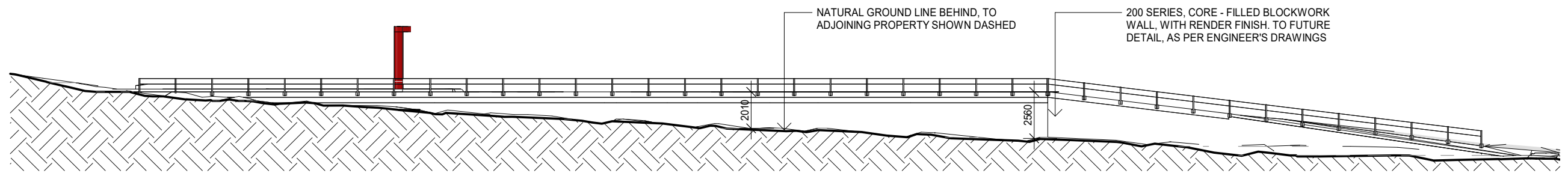
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DA-1000 1: 250



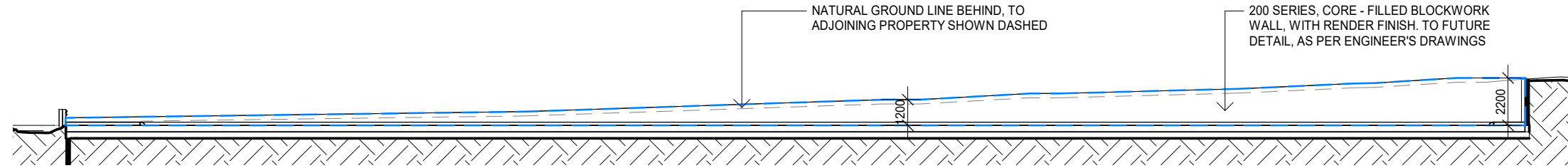
02 **DETAIL SECTION 02**
DA-1000 1: 250



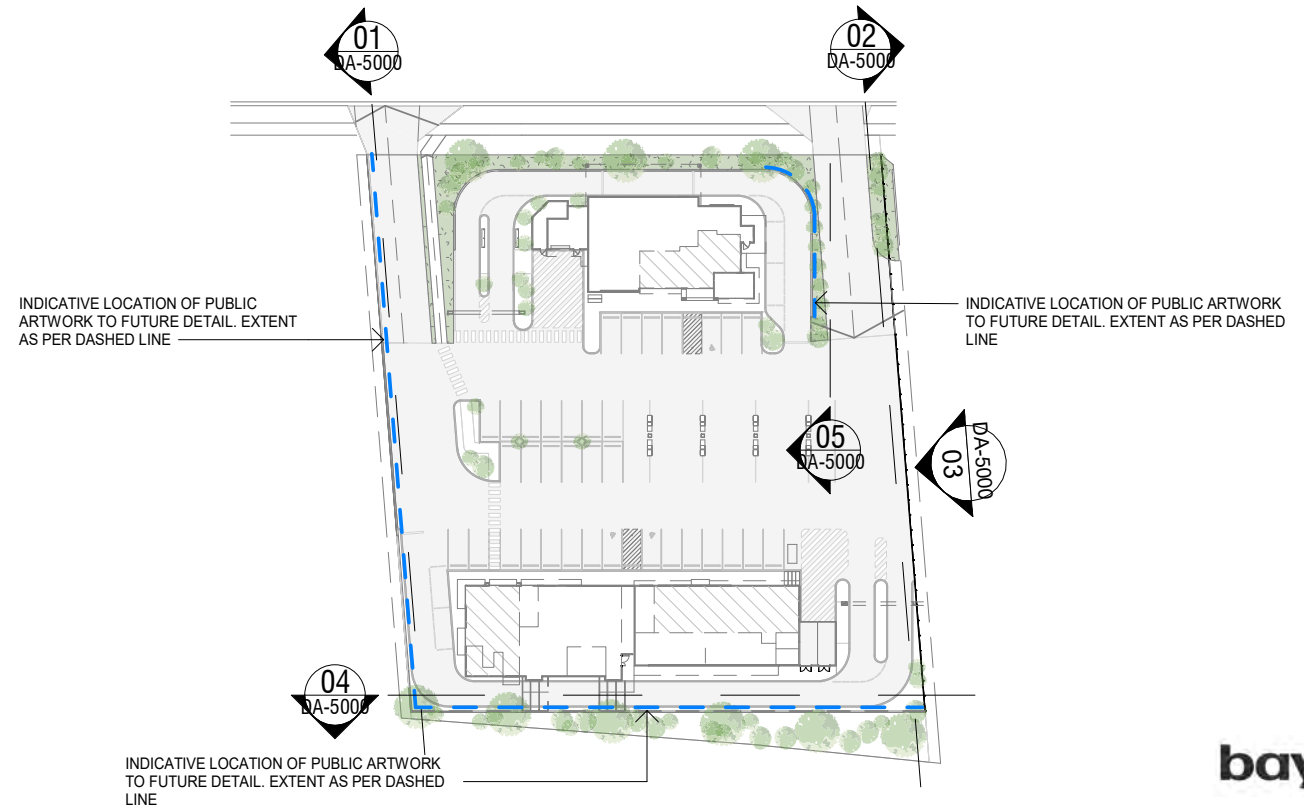
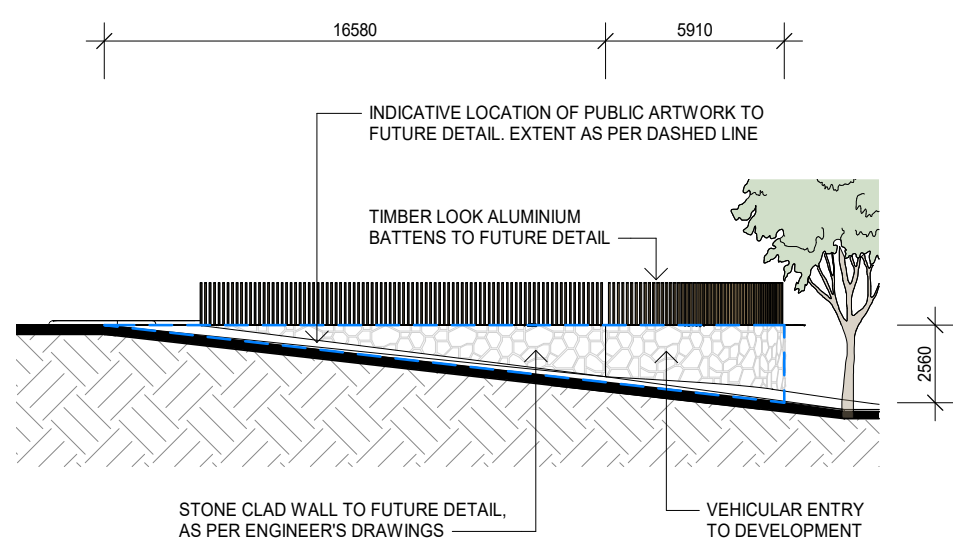
03 **DETAIL SECTION 03**
DA-1000 1: 250



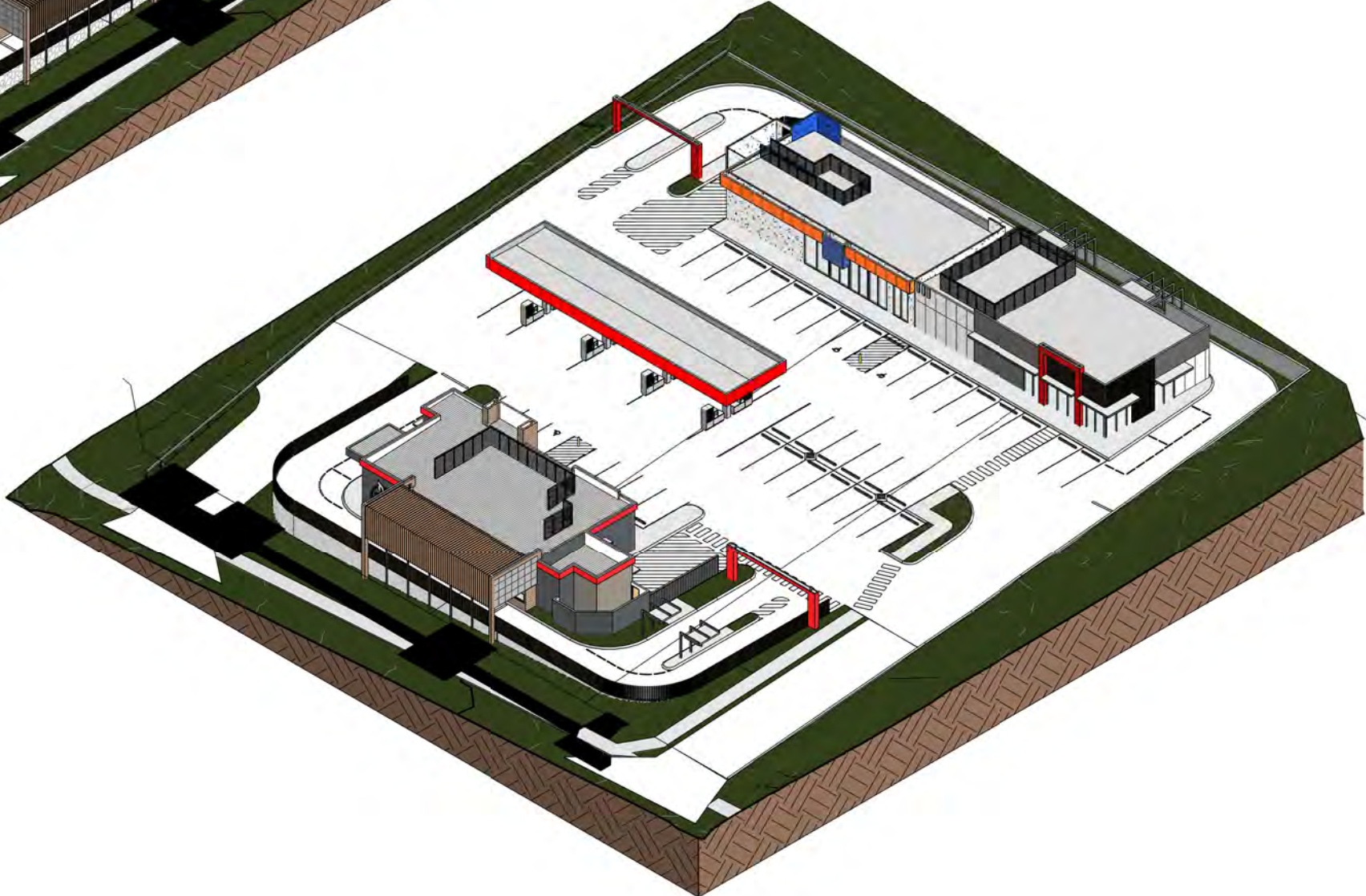
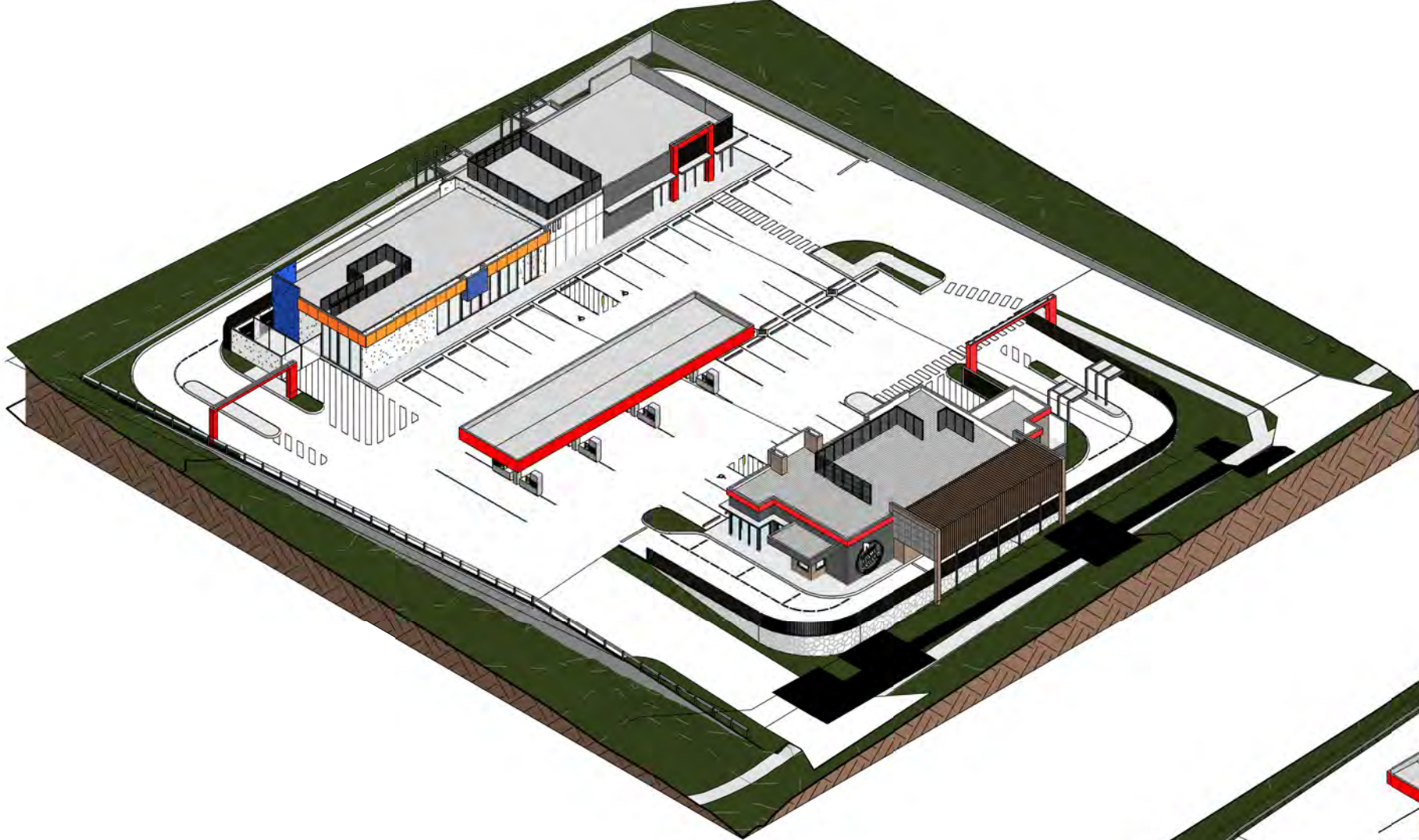
04 **DETAIL SECTION 04**
DA-1000 1: 250



05 **DETAIL SECTION 05**
1: 250



DA-5001
ISOMETRIC VIEWS



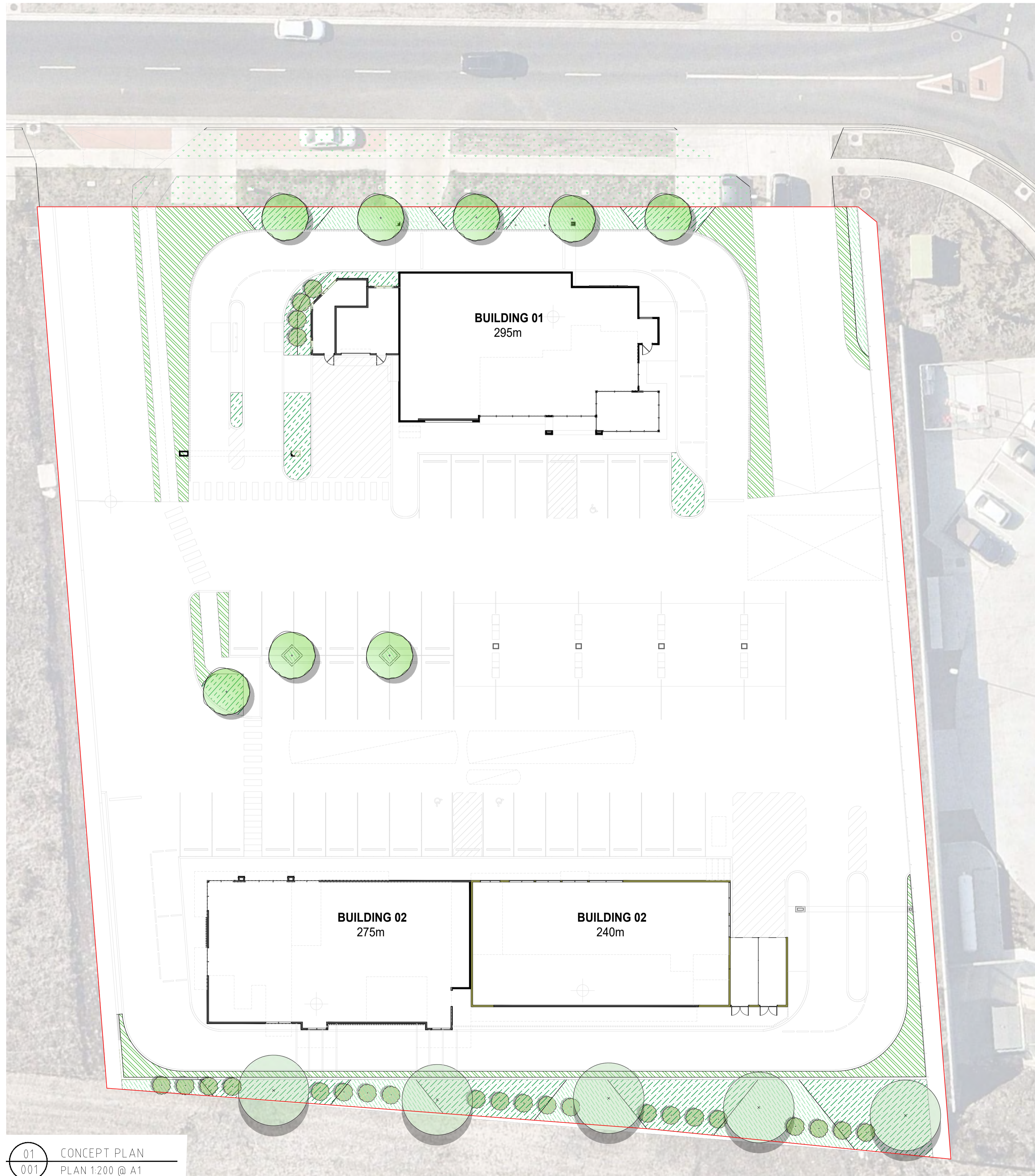


 Brighton Block Party 2022 (~5m²)
Paint by numbers mural with community members



Beeski Welcome mural Brighton Council Chambers 2023 (~8m²)
Paint by number team building exercise





LEGEND

PROPOSED TREE
E.G SYZYGIUM "STRAIGHT AND NARROW"
5-8 METERS TALL 1.5 METER CANOPY

PROPOSED TREE
E.G AGONIS FLEXUOSA FLAMINGO
6 METERS TALL 6 METER CANOPY

PROPOSED TREE
E.G PYURUS USSURIENSIS "MANCHURIAN PEAR"
5-7 METERS TALL 3-5 METER CANOPY

SURFACE FINISHES

- HEDGE PLANTING
E.G. CALLISTEMON PALLIDUS
- LOW HEDGE PLANTING
E.G. CALLISTEMON BETTER JOHN
- STRAPPY PLANTING
E.G. ANIGOZANTHOS ORANGE CROSS
- LOW STRAPPY PLANTING
E.G. LOMANDRA LIME TUFF
- SHRUB PLANTING
E.G. WESTRINGIA JERVIS GEM
- SHRUB PLANTING
E.G. ACACIA LIMELIGHT
- ROLL ON TURF



PLANTING SELECTION

Trees					
Key	Species	Common Name	Planting Centres	Pot Size	Mature size
Af	Agonis flexuosa	Peppermint	As shown	90lt	6m high x 6m wide
Pc	Pyrus calleryana	Capital Pear	As shown	90lt	10m high x 2m wide
Groundcover / Shrub Mix					
Key	Species	Common Name	Planting Density	Pot Size	Mature size
Ac	Acacia cognata	Acacia limelight	3/m2	140mm	50cm high x 1m wide
Aoc	Anigozanthos 'Orange Cross'	Kangaroo Paw	3/m2	140mm	2m high & 1m wide
Lt	Lomandra 'Lime Tuff'	Matt Rush	3/m2	140mm	50cm high x 50cm wide
Wjg	Westringia Jervis Gem	Coastal Rosemary	3/m2	140mm	1.5m high x 1.5m wide
Hedging					
Cbj	Callistemon 'Better John'	Bottlebrush	3/m2	140mm	1m high x 75cm wide
Cp	Callistemon pallidus	Lemon Bottlebrush	2/m2	200mm	3m high x 2m wide
Ssn	Syzygium 'Straight and Narrow'	Lilly Pilly	As shown	30lt	8m high x 1.5m wide

LANDSCAPE & IRRIGATION NOTES

- All planting beds are to be fully irrigated and operated off a timed controller with rain sensor shut-off.
- Garden beds will be kept in a neat, clean and tidy condition, free of garden refuse and rubbish to a good horticultural practice and maximum presentation at all times. Pruning, fertilising and spraying will be carried out to maintain garden beds with healthy growth, portraying a constant neat appearance free of weeds.
- Garden beds be topped up with mulch on an annual basis or as needed to maintain a high standard of appearance and suppress any weed growth. Maintain mulch to a depth of 75mm by periodic applications.

01 CONCEPT PLAN
001 PLAN 1:200 @ A1

GLEBE HILL
9-13 COMMERCE DRIVE, GLEBE HILL, TASMANIA

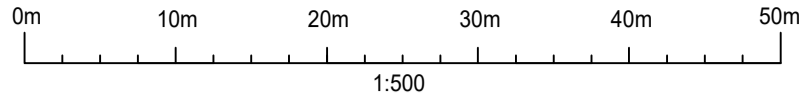
REVISION	DESCRIPTION	BY	DATE
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2	LANDSCAPE CONCEPT DESIGN	MC	22.02.24
3	LANDSCAPE CONCEPT DESIGN	MC	18.03.24
4	LANDSCAPE CONCEPT DESIGN	MC	21.03.24



TIM DAVIES LANDSCAPING
three prince court hobart park
warren avenue hobart
t: +61 8 9443 0200
f: +61 8 9443 0201
e: info@tdl.com.au

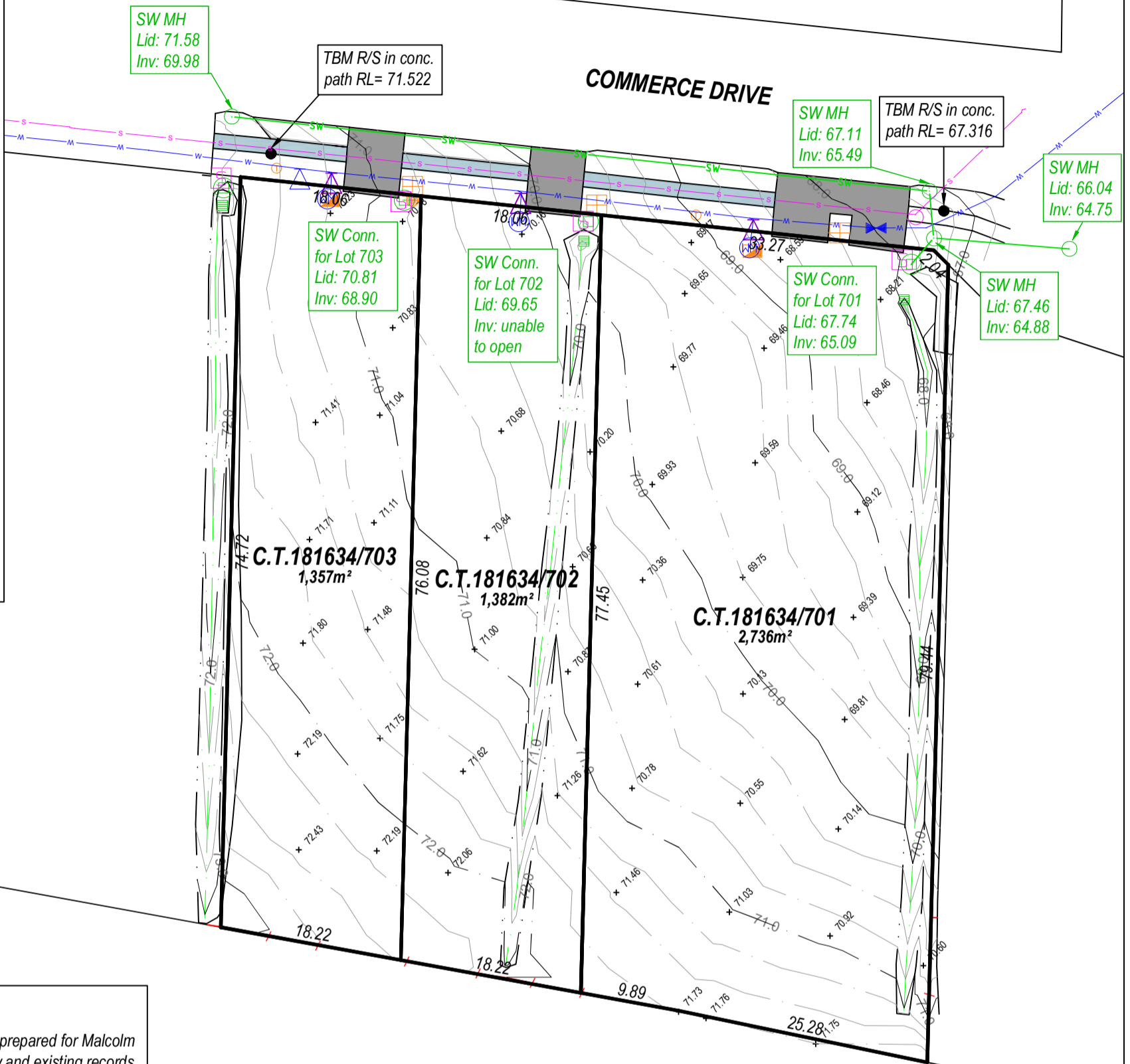
CLIENT	BAYERSTEVENS
DESIGNED	MC
DRAWN	MC
APPROVED	QV
SCALE	1:200@A1

LANDSCAPE CONCEPT PLAN
16155-LS-001



LEGEND

- Water Meter
- Stop Valve
- Fire Hydrant
- Property Valve
- Sewer Manhole
- Sewer House Conn.
- Stormwater Manhole
- Stormwater House Conn.
- Grated Pit
- Electrical Turret
- Power Conn.
- Telstra/NBN Pit
- Telstra Conn.
- Temporary Bench Mark
- Table Drain
- Property Boundary
- Fence
- Water Main
- Stormwater
- Sewer Main
- Driveway
- Footpath



NOTES:

This plan and associated digital model is prepared for Malcolm Purcell from a combination of field survey and existing records for the purpose of designing new constructions on the land and should not be used for any other purpose.

The title boundaries as shown on this plan were not marked at the time of the survey and have been determined by plan dimensions only and not by field survey. No measurements or offsets are to be derived between the features on this plan and the boundary layer. The relationship between the features in this model and the boundary layers cannot be used for any set out purposes or to confirm the position of the title boundaries on site.

Due to the nature of the title boundary information, if any structures are designed on or near a boundary we would recommend a re-mark survey be completed and lodged with the Land Titles Office to support the boundary definition.

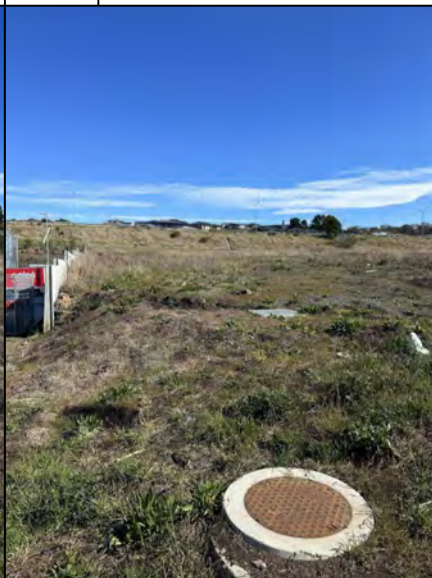
Services shown have been located where visible by field survey. Services denoted as being "Per DBYD only" are approximate and for illustrative purposes only. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

This note forms an integral part of the Plan/Data. Any reproduction of this plan/model without this note attached will render the information shown invalid.

Photo 1



Photo 2



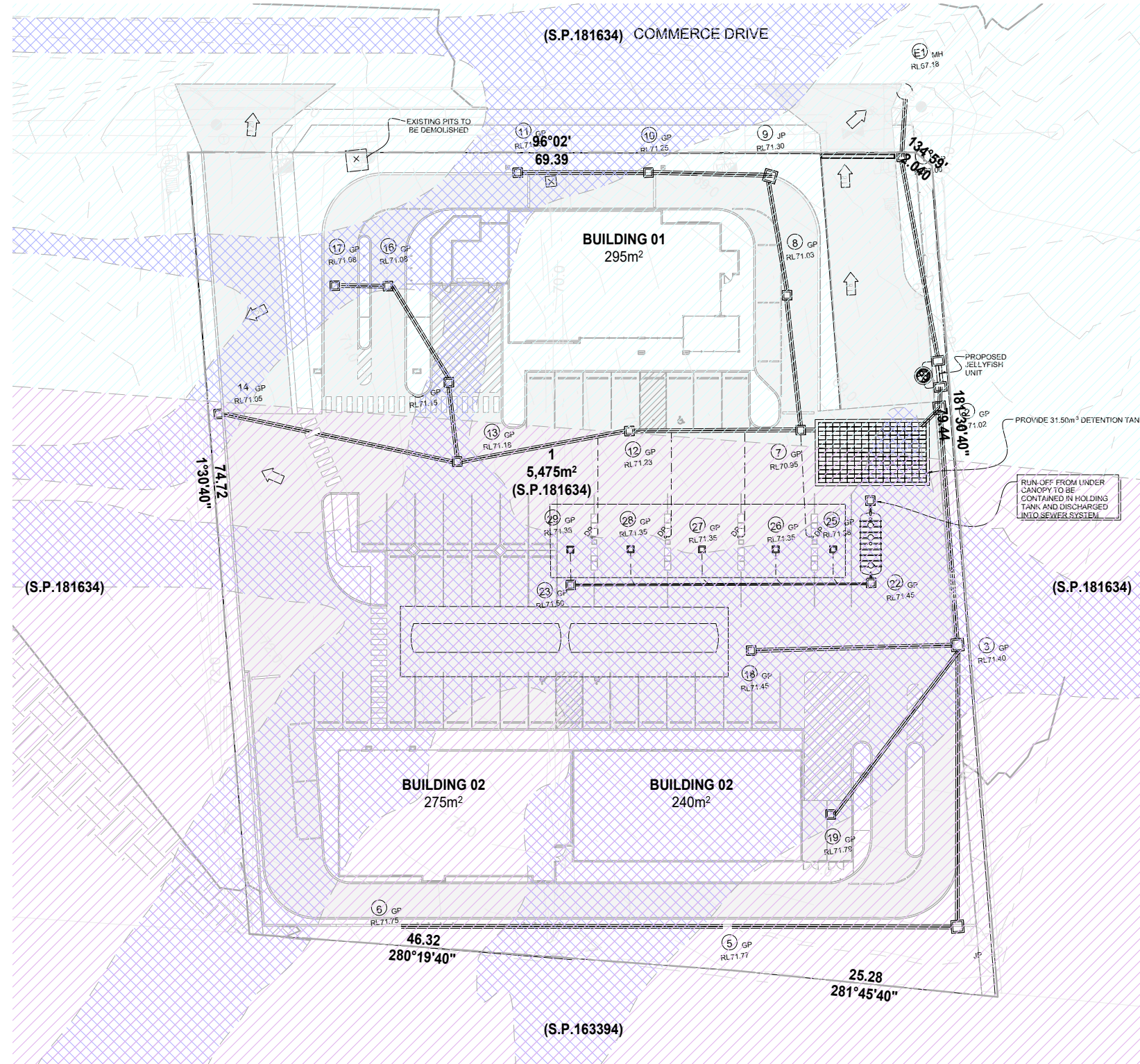
E				
D				
C				
B				
A	stormwater inverts added	HYC	15-11-23	HYC
REV	AMENDMENTS	DRAWN	DATE	APPR.

Contour & Detail Plan
FOR: MALCOLM PURCELL
LOCATION: 9, 11 & 13 COMMERCE DRIVE, HOWRAH

HORIZONTAL DATUM is GDA2020, Coordinates are Plane
Coordinate Origin: SPM10990
E 534620.592 N 5251441.250 PER SURCOM

Date:	Contour interval:	
13/11/2023	0.250m	PURCM01 15251-01
Drawn:	Scale:	Bearing Datum:
LH	1:500 (A3)	PER SP181864/15
Approved:	C.T. Reference:	Vertical Datum:
LH	SEE ABOVE	SPM10990

DA-5002
LOT CONSOLIDATION PLAN



- PLANNING OVERLAYS**
- 107.3.3 - Road And Railway Assets
 - C12.0 - Flood-Prone Hazard Areas Code
 - C16.0 - Safeguarding Of Airports Code

OWNER HIGHCLERE HOLDINGS PTY LTD

FOLIO REFERENCE C.T.181634/701,
C.T.181634/702 &
C.T.181634/703

GRANTEE Part of 390 Acres Gtd. to William
Stanley Sharland, William Tarleton and
William Lovett.

PLAN OF SURVEY

BY SURVEYOR CRAIG BRADLEY ROGERSON
ROGERSON AND BIRCH SURVEYORS
UNIT 1 - 2 KENNEDY DRIVE, CAMBRIDGE PARK
PH 6248-5898 MOB. 0418-120-796

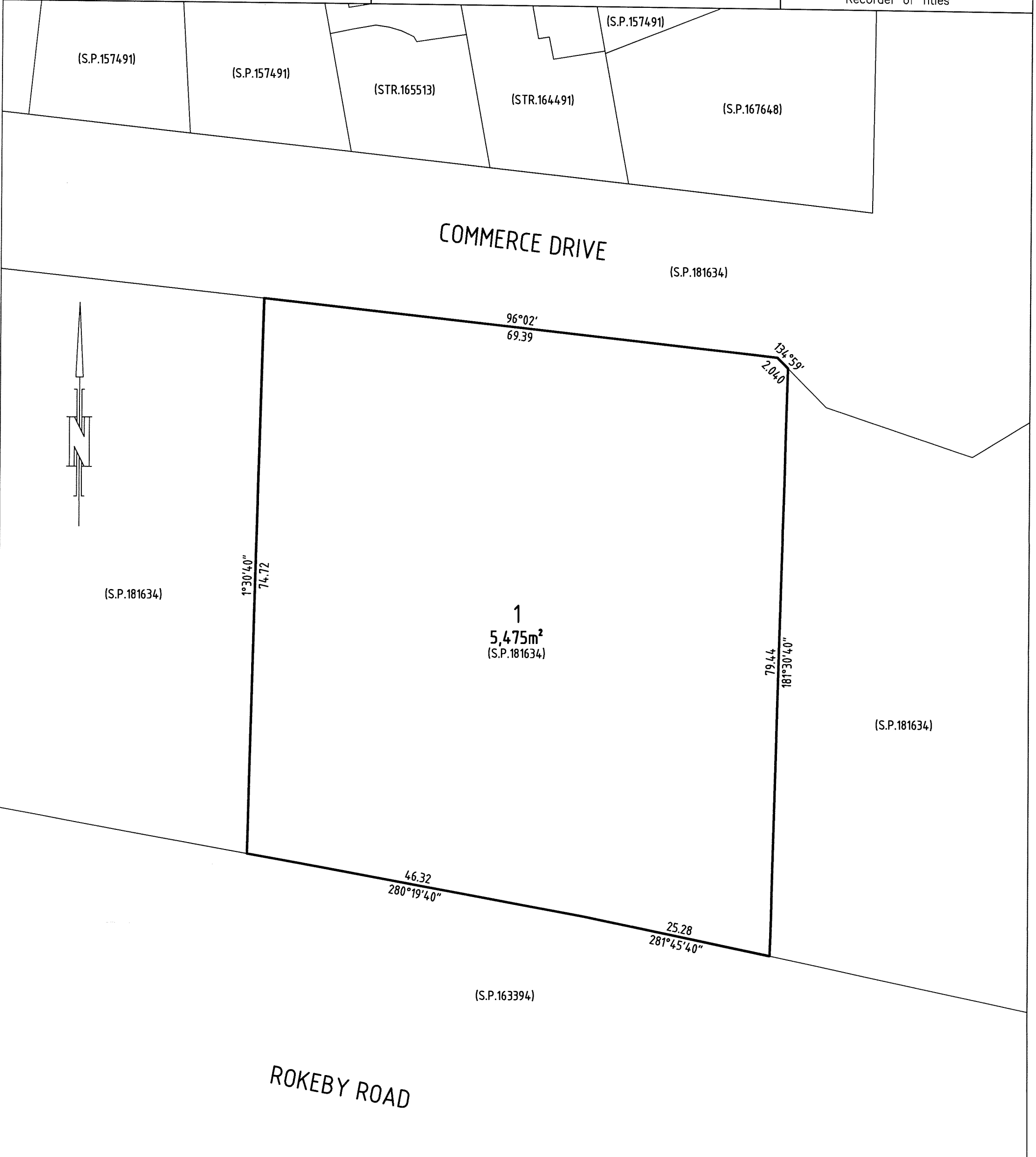
CITY OF CLARENCE

SCALE 1: 500 LENGTHS IN METRES

Registered Number

APPROVED
EFFECTIVE FROM

Recorder of Titles



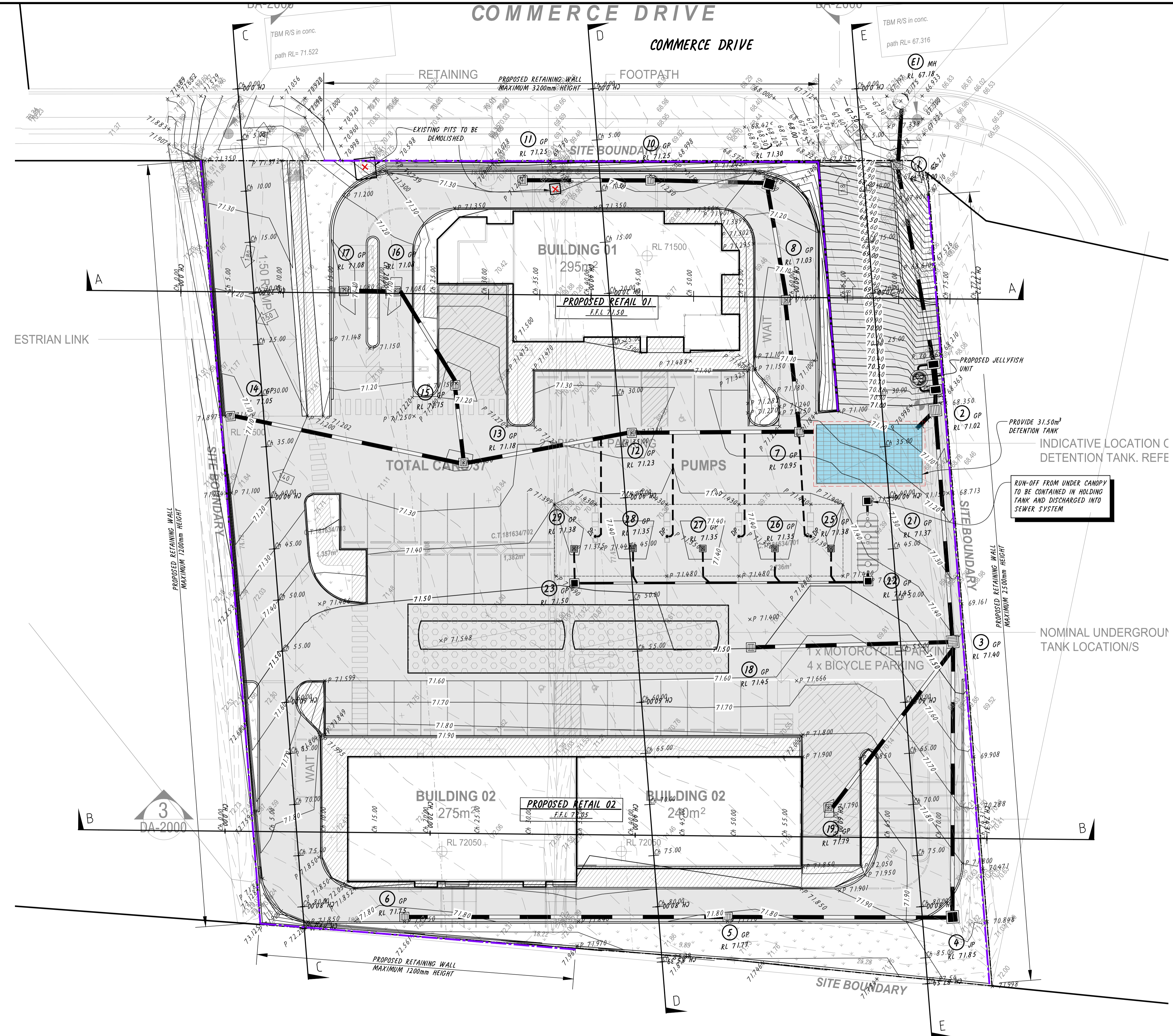
PRIORITY FINAL PLAN

.....
Registered Land Surveyor

.....
Date

.....
Council Delegate

.....
Date



EXISTING CONDITIONS :
 THE BUILDER IS TO CHECK & CONFIRM THAT THE EXISTING DRAINAGE SYSTEM, INCLUDING BUT NOT LIMITED TO PIPE SIZE, GRADE, INVERT LEVELS & DIRECTION OF FLOW, MATCHES THE ASSUMPTIONS MADE ON OUR DRAWINGS. SHOULD THE EXISTING DRAINAGE SYSTEM BE DIFFERENT IN ANY WAY, THE ENGINEER IS TO BE NOTIFIED FOR INSPECTION AND/OR APPROVAL OF ALTERNATIVE DESIGN.

EXISTING UNDERGROUND SERVICES:
 THE LOCATIONS OF EXISTING UNDERGROUND SERVICES ARE APPROXIMATE ONLY AND THEIR EXACT DEPTH AND LOCATION SHOULD BE VERIFIED AND PROVEN ON SITE BY THE APPROPRIATE SERVICE PROVIDERS PRIOR TO ANY SITE EXCAVATION. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN. CONTRACTOR TO TAKE PRECAUTIONS TO AVOID CONFLICTS.

SPOT LEVELS :
 ALL SPOT LEVELS SHOWN ARE TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION TO ENSURE THE EXISTING LEVELS INTERACT WITH PROPOSED SPOT LEVELS AND THAT OVERLAND FLOW CAN ACHIEVED AS DESIGNED DURING FLOODS. IF PROPOSED SPOT LEVELS DON'T MATCH THE EXISTING CONDITIONS, NOTIFY THIS OFFICE FOR ALTERNATE DESIGN.

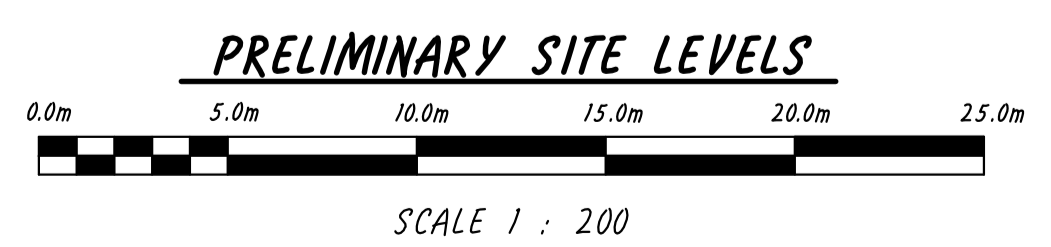
EXISTING LEVELS:
 THE BUILDER IS TO CONFIRM ALL EXISTING LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF WORKS AT THEIR OWN COST & ADVISE THIS OFFICE IF ANY LEVELS DIFFER TO THOSE SHOWN ON THE PLANS.

THE BUILDER MUST CHECK THE EXACT SIZE, LOCATION AND DEPTH OF EXISTING SERVICES PRIOR TO COMMENCING WORKS BY HAND EXCAVATION OR ANY OTHER APPROPRIATE METHOD. THE BUILDER SHALL INCLUDE IN HIS TENDERED PRICE ALL COSTS INCLUDING FEES ASSOCIATED WITH THE RE-DIRECTION OR LOWERING OF EXISTING SERVICES INCLUDING NECESSARY APPROVALS TO ALLOW FOR THE CONSTRUCTION OF THE OUTFALL DRAIN.

LEGEND :

169.00	EXISTING SURFACE CONTOUR (0.20m INTERVAL)
169.00	FINISHED SURFACE CONTOUR (0.10m INTERVAL)
x 169.00	EXISTING SURFACE LEVEL
xP 169.00	PROPOSED PAVEMENT LEVEL
xFS 169.00	PROPOSED FINISHED SURFACE LEVEL
[Symbol]	PROPOSED GRATED/JUNCTION PIT
[Symbol]	EXISTING DRAINAGE PIT
[Symbol]	PIT No. / PIT TYPE / REDUCED LEVEL
[Symbol]	PROPOSED GRATED TRENCH
[Symbol]	PROPOSED DRAINAGE PIPE
[Symbol]	EXISTING DRAINAGE PIPE
[Symbol]	RETAINING WALL
[Symbol]	PROPOSED DOWN PIPE
[Symbol]	PROPOSED INSPECTION OPENING
[Symbol]	PROPOSED AG DRAIN
[Symbol]	PROPOSED SAW CUT
[Symbol]	PROPOSED CONSTRUCTION JOINT
[Symbol]	PROPOSED CONSTRUCTION JOINT
[Symbol]	PROPOSED HEAVY/MEDIUM DUTY PAVEMENT
[Symbol]	PROPOSED HEAVY DUTY PAVEMENT
[Symbol]	PROPOSED CONCRETE FOOTPATH PAVEMENT
[Symbol]	PROPOSED LANDSCAPING

PRELIMINARY
 THIS DRAWING IS FOR INFORMATION ONLY
 NOT FOR CONSTRUCTION PURPOSES
 22 February 2024



DATE	DESCRIPTION	BY
22.02.24	P3 ISSUED FOR INFORMATION	S.Y.
18.12.23	P2 ISSUED FOR INFORMATION	S.Y.
28.11.23	P1 ISSUED FOR INFORMATION	S.Y.

revision history

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 All shop detail drawings (and/or subsequent construction) must be prepared using the most recent construction issue structural and/or civil drawings. It is the contractor's responsibility to make certain that all drawings are the current issue.



architect/designer
BAYER STEVENS
 TEL: (03)
 drawing title
PRELIMINARY SITE LEVELS
 project details
 CIVIL ENGINEERING PLANS FOR:
PROPOSED COMMERCIAL DEVELOPMENT
9, 11 & 13 COMMERCE DRIVE
HOWRAH, TAS.
 job/sheet number
19336-D1
 1 OF 4

designer
SAM YANG
 drawn
SAM YANG
 scale
 1:200 AT A1
 date
 NOVEMBER 2023
 revision
P2

Attachment 3

Site Photos – 9, 11 and 13 Commerce Drive, Howrah



Photo 1: The view of the lots when viewed from Commerce Drive. The Glebe Hill Shopping Centre is located in the background and would be adjacent to the development.



Photo 2: View across the development site from Commerce Drive to Rokeby Road. Rokeby Road is elevated above the subject site.



Photo 3: View across the rear of the site towards Commerce Drive and the residential properties located on the northern side of Commerce Drive.



Photo 4: Westward view along Commerce Drive demonstrating the fencing and landscaping in place along the northern side of Commerce Drive.

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil Items.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 QUARTERLY REPORT TO 31 MARCH 2024****EXECUTIVE SUMMARY****PURPOSE**

To consider the Chief Executive Officer's Quarterly Report covering the period 1 January to 31 March 2024.

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's adopted Strategic Plan 2021-2031.

LEGISLATIVE REQUIREMENTS

There is no specific legislative requirement associated with regular internal reporting.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

The Quarterly Report provides details of Council's financial performance for the period.

RECOMMENDATION

That the Quarterly Report to 31 March 2024 be received.

ASSOCIATED REPORT

The Quarterly Report to 31 March 2024 has been provided under separate cover.

Ian Nelson

CHIEF EXECUTIVE OFFICER

8.4.2 GENERAL GRANTS PROGRAM**EXECUTIVE SUMMARY****PURPOSE**

To consider the General Grants Assessment Panel’s recommendations for the allocation of financial assistance in respect of the February/March 2024 round of the General Grants Program.

RELATION TO EXISTING POLICY/PLANS

- Consistent with Council’s Strategic Plan 2021-2031;
- Grants and Sponsorship policy 2023, social strategies and plans including the Active Living Strategy 2022-2032;
- City Future Strategy 2022-2032;
- Community Infrastructure Strategy 2021-2031;
- Community Wellbeing Strategy 2021-2031;
- Cultural Creative Strategy 2022-2032;
- Digital Strategy 2022-2032; and
- Sustainability Strategy 2022-2032 or other relevant Reserve Activity Plans and Master Plans.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is an annual budget of \$65,000 for the bi-annual Community Grants which includes the Community and Cultural and Creative Grants streams.

There is an annual budget of \$20,000 for the nominated Access and Inclusion Activation Grants program.

There is an annual budget of \$40,000 for the annual Environment and Biodiversity Grants.

RECOMMENDATION:

That Council approves the distribution of financial grants totalling \$97,992.86 (that being \$74,864.00 recommended in support to applications to the Community and Cultural and Creative streams, and \$23,128.86 to applications to the Environment and Biodiversity stream) to community groups and organisations, as detailed in the Associated Report and its attachments.

GENERAL GRANTS PROGRAM /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** In June 2023, Council approved a revised Grants and Sponsorship Policy, which includes five grant streams.

- 1.2.** A funding round for the General Grants Program opened on 9 February 2024 and closed on 8 April 2024. Thirty-six applications were received (refer Attachments 1, and 2) covering four of the five grant streams.

- 1.3.** A General Grants Assessment Panel consisting of council officers across relevant business areas reviewed all applications and has recommended 19 projects (13 from the Community and Cultural and Creative streams and six from the Natural Resource Management stream) to be funded for varying amounts.

2. REPORT IN DETAIL

- 2.1.** The General Grants program round was advertised in the Council Rates News, the Eastern Shore Sun, on council's website and via the Clarence Arts and Events website. Email notification and reminders were sent to known contacts of non-profit groups, and targeted social media posts were placed across council's social media channels.

- 2.2.** Two General Grants Information sessions were held at Rosny Library on 15 and 21 February 2024, after the round had opened, with council officers on hand to answer questions from potential applicants. These sessions were attended by 13 community members.

- 2.3.** Applications for this round of the General Grants Program closed on 8 April 2024, after having been extended to accommodate the Easter holidays. Thirty-six applications were received totalling over \$219,000 in requests. The Community Development and Wellbeing Grant stream received 18 applications with a total request value of \$106,207. The Access and Inclusion Grant stream received one application totalling \$5,000, and a total of nine applications were received for the Cultural and Creative Grant stream for \$71,570 in requests. The Natural Resource Management Grant stream received eight applications totalling \$36,916.86.
- 2.4.** All applications were assessed in accordance with Council’s Grants and Sponsorship Policy 2023.
- 2.5.** Nineteen applications from council’s General Grants Program have been recommended for approval as they meet the eligibility criteria with recommended applications as follows:

Level 1 Requests (up to \$5,000) - Recommended for Support				
File Ref	Applicant Name	Project Title	Amount requested	Stream
CG00007 REQ2024-094112	Dragons Abreast Tasmania Hobart Inc	Marquees	\$1,984.00	Community
CG00008 REQ2024-094115	The Rotary Club of Hobart	Mental Health First Aid Young and Well	\$4,950.00	Community
CG00010 REQ2024-094116	Dominoes Basketball Club	Junior Skills Sessions	\$3,985.00 (recommended for partial funding of \$580.00)	Community
CG00011 / REQ2024-094074	The Hobart Malayali Association / Lijin Raghavan	Hobart Malayali Association- Onam Celebration 2024	\$5,000.00	Community

CG00014 / REQ2024-094072	South Arm Peninsula Residents Association	Sharing stories of the South Arm Peninsula	\$3,250.00	Community
CG00022 / REQ2024-094063	Eastside Repair Café auspiced through WMNC	Eastside Repair Cafe 2.0	\$1,606.00	Community
CCG0012Feb28 / REQ2024-094006	Benjamin Paul auspiced via Good Grief Studios	Sole Reflections: Future Day Spa	\$5,000.00	Cultural and Creative
CCG0006Feb24 / REQ2024-094019	Salsita Events	Tour of Colombia Festival	\$5,000.00	Cultural and Creative
EB00001/REQ2024-096565	Birdlife Tasmania	Clarence Bird Walks Brochure	\$4,700.00	Natural Resource Management
EB00003 / REQ2024-096575	Tranmere and Clarence Plains Landcare	Birdnesting Boxes in Tranmere	\$1,253.00	Natural Resource Management
EB00002 / REQ2024-096568	Howrah Primary auspiced via Glebe Hill Landcare	HPS Howrah Beach Dune Rehabilitation Project	\$2,275.86	Natural Resource Management
EB00004 / REQ2024-096580	Mount Rumney Landcare	All about wildlife	\$1,500.00	Natural Resource Management
EB00007 / REQ2024-096586	Pipe Clay Coastcare	Cremorne – greening up our coastal area	\$3,600 - \$5,000.00 (partial funding pending resubmitted budget)	Natural Resource Management
Level 2 Requests (\$5,000 to \$10,000) - Recommended for Support				
File Ref	Applicant Name	Project Title	Amount requested	Stream
CG00003 REQ2024-094106	Clarendon Vale Neighbourhood Centre	House audio replacement	\$7,938.00	Community
CCG0001Feb24 / REQ2024-094030	Susan Hayes auspiced via Auspicious Arts Projects Incorporated	Wallpaper Bandit Creative Script Development	\$9,8560.00	Cultural and Creative
CCG0010Feb26 / REQ2024-094009	Tas Pride Incorporated	2024 Artfully Queer: Digital Edition Exhibition and Arts Program	\$10,000.00	Cultural and Creative

CCG0011Feb27 / REQ2024-094007	Richard Cyngler	Ambient Monitoring Station East (working title)	\$9,700.00	Cultural and Creative
CCG0014Feb30 / REQ2024-094001	Shadow Ground Pty Ltd	Rattle Ground at Rosny	\$10,000.00	Cultural and Creative
EB00008 / REQ2024-096588	Conservation Volunteers Australia	Signage at Lauderdale Saltmarsh	\$8,400.00	Natural Resource Management

Refer to Attachments 1 and 2 for detailed information.

2.6. Seventeen applications have not been recommended for approval as follows:

Level 1 Requests (up to \$5,000) - NOT SUPPORTED				
File Ref	Applicant Name	Project Title	Amount requested	Stream
CG00004 REQ2024-094108	Motor Yacht Club of Tasmania	Access to Derwent River Cruises	\$5,000.00	Community
CG00020 / REQ2024-094066	Hobart Model Aero Club Inc.	Provision of field cameras, on-site weather station and standalone power system	\$4,500.00	Community
CG00023 / REQ2024-094059	Choral Productions Tasmania	New Printer and Resources	\$1,144.00	Community
CG00024 / REQ2024-094058	Rosny Park Tennis Club	RPTC seating/bench addition/renewal project 2024	\$4,750.00	Community
AIA0001Feb24 / REQ2024-094055	AUSTSWIM Ltd	Creating an Inclusive Aquatic Environment	\$5,000.00	Access and Inclusion
CCG0004Feb25 / REQ2024-094021	Amber Koroluk Stevenson auspiced through Contemporary Art Tasmania	Between Buildings as Between Stars	\$4,997.00	Cultural and Creative
CCG0013Feb29 / REQ2024-094003	Edith Perrenot auspiced through DRILL performance	Wildlife Crossings	\$4,917.00	Cultural and Creative

EB00005 / REQ2024-096583	Limekiln Point Landcare	Removal of Agapanthus and other non-native species	\$5,000.00	Natural Resource Management
EB00006 / REQ2024-096585	Rokeby Hills Landcare Group	Reveg/ Visual enhancement of Rokeby Hills main access points	\$4,853.00	Natural Resource Management

Level 2 Requests (\$5,000 - \$10,000) - NOT SUPPORTED				
File Ref	Applicant Name	Project Title	Amount requested	Stream
CG00002 REQ2024-093987	Rokeby Neighbourhood Centre	Cooking Up A Storm	\$8,300.00	Community
CG00005 REQ2024-094109	Nepalese Football Club of Tasmania	3rd NFCT Cup	\$10,000.00	Community
CG00006 REQ2024-094110	Tasmanian Irish Sporting and Cultural Association	Regional Gaelic Football Games 2024	\$8,850.00	Community
CG00012 / REQ2024-094073	The Shepherd Centre for Deaf Children	First Steps to First Sounds: Starting the journey for children with hearing loss to learn to listen and speak	\$7,950.00	Community
CG00016 / REQ2024-094071	Citywide Baptist Church	Renewal and improvement of Signage	\$7,000.00	Community
CG00017 / REQ2024-094067	Hobart Bangladesh Community Inc	Squad Bangladesh Tasmania	\$10,000.00	Community
CG00025 / REQ2024-094056	Compass Inclusion and Sustainability	Improving Inclusion and Accessibility of Election Processes	\$10,000.00	Community
CCG0007Feb25 / REQ2024-094011	Kelly Nefer	Nothing Sounds As Good As The Truth Feels	\$7,100.00	Cultural and Creative

Refer to Attachments 1 and 2 for detailed information.

3. CONSULTATION

3.1. Community Consultation

Community consultation was undertaken as set out in paragraphs 2.1 and 2.2 above.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Further information was sought from several applicants before preparing this report to council.

3.4. Further Community Consultation

Applicants will be advised in writing of the success or otherwise of their grant application. No other community consultation is planned.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The General Grants Program is underpinned by council's Grants and Sponsorship Policy 2023, which was developed to support initiatives and projects, in partnership with our community, that strengthen and respond to objectives outlined in council's key strategies. The Program aims to support projects that promote:

- Connected, resilient and inclusive communities
- Community engagement and participation
- Healthy and active living
- Cultural and creative activities
- A prosperous and innovative economy, and
- Sustainable practices

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Natural Resource Management Grant Projects may include works on council owned or managed land, in which case a Risk Assessment is required to be submitted to the satisfaction of council.

7. FINANCIAL IMPLICATIONS

7.1. A budget of \$85,000.00 (being \$65,000 for Community Grants and \$20,000 for Access and Inclusion grants) has been approved for the 2023/24 financial year for the Community Grants, Cultural and Creative and Access and Inclusion Activation Grants. Thirteen applications are recommended for funding totalling \$74,864.00. If the recommendation is accepted, this will leave \$10,136.00 remaining in the fund for this financial year. The remaining budget funds will be carried forward to the next financial year.

7.2. A budget of \$40,000 has been approved for the 2023/24 financial year for the Natural Resource Management Grants. Six applications are recommended for funding totalling up to \$23,128.86. If the recommendation is accepted, this will leave \$16,871.14 remaining in the fund for this financial year. The remaining budget funds will be carried forward to the next financial year.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The General Grants Assessment Panel has assessed the 36 applications and 19 have been recommended for approval for the amounts indicated as per Attachments 1 and 2.

Attachments: 1. Community, Cultural and Creative and Access and Inclusion Activation Grants - Assessment Schedule - April 2024 (16)
2. Environment and Biodiversity Grants Individual Assessment (4)

Ian Nelson
CHIEF EXECUTIVE OFFICER

**Attachment: 1. General Grants Program –
Community, Cultural and Creative and Access and Inclusion Activation Grants -
Assessment Schedule - April 2024**

Twenty-eight applications were submitted to Council in the February/March 2024 round of the General Grants Program:

Level 1 Requests (up to \$5,000)	
Applicant Name:	Motor Yacht Club of Tasmania (CG00004 / REQ2024-094108)
Grant Stream:	Community
Project Title:	Access to Derwent River Cruises
Project Description:	We feel we are in a unique situation of having an asset we can share through the commitment of our own volunteers. We would be proposing to provide ten, two-hour cruises including morning or afternoon tea (valued at \$400 each plus catering \$100) for other Community Volunteers, 26 persons each trip. Our aim is to provide recognition to these volunteers for their contribution to our Community. Our identified target groups for participation in this recognition include such bodies as the Cancer Council and Red Cross volunteer drivers, members of our local CWA who work tirelessly to raise funds for charitable cause and Carers Tasmania whose members provide unpaid care and support to family members or friends. If successful in this grant application, we would also invite your Council to nominate any community organisation that Council feels would benefit from such a cruise for its members.
Amount requested:	\$5,000
Panel comments:	When assessing this application, the selection panel felt that the project didn't align as strongly with the community grant criteria, and council's adopted plans and strategies in comparison with other applications. The panel acknowledged that volunteers deserve recognition for their contribution to our community but felt that the project didn't strongly address how the catered cruises would enhance wellbeing, resilience and build capacity in our community. This application was not supported for funding by the Grants Assessment Panel.
Recommendation	Not recommended

Applicant Name:	Dragons Abreast Tasmania Hobart Inc (CG00007 / REQ2024-094112)
Grant Stream:	Community
Project Title:	Marquees
Project Description:	Purchase of two custom printed shade marquees. The benefits of these marquees will be two-fold. Firstly, they will provide portable shade and protection for members when attending events. Secondly the custom printing and bright colours on the covers will serve to promote the club and to raise breast cancer awareness.
Amount requested:	\$1,984

Panel comments:	This project demonstrates sound alignment with priority areas of the Community Health and Wellbeing Strategy, as well as demonstrating strong alignment with the community grant criteria. The panel commented that they are supportive of this application subject to the group purchasing appropriate weights to safely secure the marquees to the ground. Represents a good investment for council funds with broad impact across community.
Recommendation	Recommended for funding - subject to appropriate weights and safety restraints being sourced.

Applicant Name:	The Rotary Club of Hobart (CG00008 / REQ2024-094115)
Grant Stream:	Community
Project Title:	Mental Health First Aid Young and Well
Project Description:	The 2-day standard mental health first aid training course will be offered to a group of young people aged 18 to 25 years, living in the Clarence City Council area. This training will be offered to young community leaders, students and young carers. In addition to the training, the participants will have the opportunity for creative immersion in what mental health means for them. We have several facilitators trained as professional art teachers who will be working with our Mental Health First Aid trainers.
Amount requested:	\$4,950
Panel comments:	This project demonstrated strong alignment to key Priority Areas of the Community Wellbeing Strategy, specifically Priority One and Three - Opportunities for health and Wellbeing - relating to Mental Health/Building resilience/Health awareness in Wellbeing Strategy. Hosting sessions in lower socio economic status areas which is positive. Potential for community partnerships identified, as well as engagement. Aligns with Access and Inclusion Plan priority areas also.
Recommendation	Recommended

Applicant Name:	Dominoes Basketball Club (CG00010 / REQ2024-094116)
Grant Stream:	Community
Project Title:	Junior Skills Sessions
Project Description:	Dominoes has a plan to provide targeted skills session to our most junior participants, from the age of 3 to 6. While we plan to conduct these sessions for both boys and girls, we are determined to grow our female demographic by engaging the youngest participants possible. We have found female participant numbers are not strong and feedback suggest many young girls are more comfortable in these environments at this age, when they are with groups of girls only. We therefore plan to run male/female joint sessions, but also female only sessions. To run these sessions we require basketballs, IT equipment on-site at our office/stadium.
Amount requested:	\$3985 (however the amount the panel recommends funding is for the basketball workshop component - approximately \$585.00).

Panel comments:	Funds requested support the purchase of equipment which the panel felt were operating costs of the organisation, not project related. The panel recommended partial funding for the purchase of basketballs relating to the Junior Skills Sessions, given the multiple flow-on effects such as further skill development (with participants being able to take the balls home with them), positive impact on family and friends outside of the skills sessions, and contributing to good physical and mental health.
Recommendation	Recommended for partial funding to support the purchase of basketballs for the Junior skills program.

Applicant Name:	The Hobart Malayali Association (CG00011 / REQ2024-094074)
Grant Stream:	Community
Project Title:	Hobart Malayali Association-Onam Celebration 2024
Project Description:	Onam is an enchanting annual Indian harvest festival cherished by all inhabitants of Kerala. As the official festival of the state, it holds significant cultural and traditional importance. This vibrant celebration transcends geographical boundaries, uniting Keralites around the world in joyful festivities.
Amount requested:	\$5,000.00
Panel comments:	Panel supports this program in alignment with the priority areas of the Cultural Creative Strategy, and Community Wellbeing Strategy, but recommends the organisation seeks to diversify its funding model and reliance on council funding year on year, noting that we have provided funding support through the Sponsorship program in years past.
Recommendation	Recommended

Level 1 Requests (up to \$5,000)	
Applicant Name:	South Arm Peninsula Residents Association (CG00014 / REQ2024-094072)
Grant Stream:	Community
Project Title:	Sharing stories of the South Arm Peninsula
Project Description:	<p>This project will share stories and images of the South Arm Peninsula – its people, places and events, from First Nations to today – through a range of pull up banners for use in the Maurice Potter South Arm Peninsula History Room at the South Arm Community Centre and other locations.</p> <p>Working collaboratively with various organisations, groups and individuals, (eg RSL Sub-Branch and Primary School) will enable the research and design to be presented in an authentic and engaging manner. A fundamental aspect is to engage with the Tasmanian Aboriginal community for them to tell their stories, sharing their unique perspective and deep connection to this place.</p>
Amount requested:	\$3,250.00

Panel comments:	Strong alignment with priority areas of the Cultural Creative Strategy. The panel recommended that members from the Tasmanian Aboriginal community are engaged from beginning to delivery of the project, to ensure that the resulting display is culturally sensitive and accessible to Tasmanian Aboriginal community members.
Recommendation	Recommended

Level 1 Requests (up to \$5,000)	
Applicant Name:	Hobart Model Aero Club Inc. (CG00020 / REQ2024-094066)
Grant Stream:	Community
Project Title:	Provision of field cameras, on-site weather station and standalone power system
Project Description:	<p>Many of our members live within a 10-20 minute drive from the site of our club in Richmond and are in the Clarence Council zone. A significant number of our members, however, are required to travel a large distance to attend our club. Flying model aircraft is very weather-dependent and is especially influenced by the wind direction and speed at the site. Currently members rely on the weather information provided from the nearest Bureau of Meteorology weather station, which almost always does not reflect the local weather conditions at the flying field.</p> <p>The proposed project will assist the club in purchasing equipment (cameras, weather station, computer and off-grid power system) to enable members to view the live conditions at the flying field prior to embarking on their journey to the club to fly. Additionally, the off-grid power system will be a welcome benefit to the members in the clubhouse as currently we are not connected to the grid supply and therefore rely on 240V power via a generator which is cumbersome and heavy to move into position.</p>
Amount requested:	\$4,500.00
Panel comments:	General support for this project from the perspective of improving social connection and promoting active lifestyles. However, the panel felt that this application wasn't able to adequately demonstrate how the broader community of Clarence would benefit.
Recommendation	Not recommended

Level 1 Requests (up to \$5,000)	
Applicant Name:	Eastside Repair Café auspiced through Warrane Mornington Neighbourhood Centre (CG00022 / REQ2024-094063)
Grant Stream:	Community
Project Title:	Eastside Repair Café 2.0
Project Description:	Responding to community need, Eastside Repair Café now also provides a valuable drop off point for hard-to-recycle items such as plastic bottle lids, oral care items and blister packs. These have been extremely popular with visitors to the Café and the Centre, as there are very limited alternative collection points in Clarence.
Amount requested:	\$1,606.00

Panel comments:	This program has filled a gap in the market for the processing of hard-to-recycle items. The panel supports this request in 2024-25 as it aligns with priority areas of the Community Wellbeing Strategy and strategically with council's goal area An Environmentally Responsible City. The panel, however, encourages the organisation to liaise with council's Waste Management team for ongoing support, particularly if the program seeks an extension in 2025-26.
Recommendation	Recommended

Applicant Name:	Choral Productions Tasmania Inc. (CG00023 / REQ2024-094059)
Grant Stream:	Community
Project Title:	New Printer and Resources
Project Description:	The aim is to purchase the Epson Eco Tank Printer and resources that will provide Choral Productions Tasmania to print materials that will have a professional look and also used to print brochures to advertise the Concerts following a time of rehearsals. The resources purchased with this grant will be used with this printer.
Amount requested:	\$1,144.00
Panel comments:	When assessed competitively against other applications, the panel felt that this request didn't satisfy the community benefit criteria, nor that it was outside the scope of an operational item (which is ineligible), rather than aligning to a specific project.
Recommendation	Not recommended

Applicant Name:	Rosny Park Tennis Club (CG00024 / REQ2024-094058)
Grant Stream:	Community
Project Title:	RPTC seating/bench addition/renewal project 2024
Project Description:	The aim of the project is to seek funding for the purchase (and fitting) of new tables/seats to be placed (strategically) around the perimeter of the Rosny Park Tennis Club (RPTC) tennis court complex and to replace existing internal "players benches" on all courts. The reason for this project is (i) safety: most of the existing tables/seats/benches have exceeded their "use-by" date and are deemed to be unsafe and (ii) lack of permanent spectator seating: at recent major tennis events that RPTC hosted, it became abundantly apparent that the existing tables/seats (two of which were new - 100% funded by RPTC) were not sufficient to cater for the large influx of spectators and temporary seating was not really a viable long term solution. Seating (temporary) that was erected (was in part) placed on sloping land and was not really a satisfactory (nor safe solution). A more permanent (and safer) solution is deemed to be required.
Amount requested:	\$4,750.00
Panel comments:	Because the request is for the upgrade of furniture and equipment of a council-owned property, it was recommended that this request be assessed through the Active Program/Assets Funding.
Recommendation	Not recommended for funding through this program.

Applicant Name:	AUSTSWIM (AIA0001Feb24 / REQ2024-094055)
Grant Stream:	Access and Inclusion Activation Grants
Project Title:	Creating an Inclusive Aquatic Environment
Project Description:	AUSTSWIM will continue with the provision of specialised training in Teaching of Access and Inclusion for Teachers of Swimming and Water Safety. We will enhance the training with professional development opportunities with not only our own assets, but those of our aquatic industry partners who support both physical and intellectual disabilities. We would also work with the AUSTSWIM recognised swim schools in the council district, including Clarence Aquatic Centre and Steve's Swim School to open opportunities for engagement and programming by providing mentoring and facility assessment by our Diversity and Inclusion team.
Amount requested:	\$5,000
Panel comments:	From an access and inclusion perspective, this had alignment with some of our council's strategies, however, the panel were concerned that the proposed locations may not have accessible infrastructure to support the programs, noting that the project didn't provide evidence of community support, nor include locations or swim providers that have known accessible infrastructure. There was also concern from the panel that the program didn't demonstrate adequately how it sat outside of the scope of AUSTSWIM's normal programs. Overall, the panel felt the application didn't address how the benefit would stay in Clarence, as there is little control around retention of trainers.
Recommendation	Not recommended

Applicant Name:	Amber Koroluk-Stevenson auspiced through Contemporary Art Tasmania (CCG0004Feb25 / REQ2024-094021)
Grant Stream:	Cultural and Creative
Project Title:	Between Buildings as Between Stars
Project Description:	A curated group exhibition and public program of creative workshops, floor talk and professional development sessions.
Amount requested:	\$4,997
Panel comments:	The panel commended the quality of the application, and the calibre of the proposed concept and participating artists, however, had difficulties in recommending this project, as the core component of the project which aligned best with the Cultural and Creative grant stream was documented as in-kind, rather than as a monetary request. In competition with the other applications to this stream, the panel assessed this project as lower priority given the confirmed support it has received from Rosny Barn, through its exhibition program this year.
Recommendation	Not recommended

Applicant Name:	Benjamin Paul auspiced via Good Grief Studios (CCG0012Feb28 / REQ2024-094006)
Grant Stream:	Cultural and Creative
Project Title:	Sole Reflections: Future Day Spa
Project Description:	<p>Sole Reflections is a participatory day spa event, led and facilitated by children. This project unfolds in two phases: a training workshop for young participants to become spa hosts and an open spa event for the wider community.</p> <p>In the workshop, children aged 7-12 years old are invited to explore their hopes, aspirations and fears for the future. Human qualities that support a shared positive future like ‘trust’ and ‘empathy’ are explored through discussions and creative activities. Participants then develop a series of ‘healing potions’ from local foraged materials (plants, minerals) that help to encourage these human qualities through sensorial experience. The participants practice hosting each other and testing the ‘healing potions’ in preparation for the spa event.</p> <p>The open spa event invites community members to engage in an intergenerational dialogue about our collective future. Upon arrival, guests remove their shoes and immerse their feet in warm foot baths created by the artists and participants. During this time, they engage in conversations with their young hosts, supported by Ben and Caitlin, about hopes and fears for the world 20 years from now. Young hosts select ‘healing potions’ to prescribe to spa attendees that support their future aspirations.</p>
Amount requested:	\$5,000.00
Panel comments:	This application demonstrated strong alignment with the Cultural and Creative Strategy, and it complemented some of council’s existing programs such as Our Shared Space and programs run through Youth Services. This application also addressed key strategic objectives of A People Friendly City. The panel was interested to ascertain plans for the work after the activities are completed, but were very supportive of this project, and recommend it for funding.
Recommendation	Recommended

Applicant Name:	Edith Perrenot auspiced through DRILL performance (CCG0013Feb29 / REQ2024-094003)
Grant Stream:	Cultural and Creative
Project Title:	Wildlife Crossings
Project Description:	<p>This exhibition has been selected by Clarence City Council and will be presented this year at the Rosny School House Gallery.</p> <p>Wildlife Crossings aims to explore folkloric stories and rituals linked to Fauna and Flora, reviving them in the form of artworks and installations. The intention is to look at some of our relationships to nature, animality and beliefs.</p> <p>Why did we crawl under the Blackberry arches? Who hid the shoes inside the walls? Where did the bird in us go? Does the poison have an antidote or is the antidote worse than the poison? Can we ever return the stolen rocks? What are some of the pagan stories and practices to be examined in lutruwita?</p>

Amount requested:	\$4,917
Panel comments:	The panel commended the artist on the excellent standard of work and strong visual concepts, however, as the applicant is already confirmed for support through the Clarence Arts and Events Gallery Exhibition Program, and given the request was to support artist wages for a work that is already confirmed in the schedule, this application was assessed by the panel as lower priority and not recommended for funding.
Recommendation	Not recommended

Level 2 Requests (\$5,000 - \$10,000)

Level 2 Requests (up to \$10,000)	
Applicant Name:	Rokeby Neighbourhood Centre
Grant Stream:	Community
Project Title:	Cooking Up A Storm
Project Description:	<p>Cooking up a storm is a food and nutrition program designed to improve the health and well-being of participants. The program consists of a series of group workshops and cooking lessons using food and produce that is healthy, tasty, and low cost. Whenever possible, fresh food grown in the community garden will be used.</p> <p>Working as a group, participants will learn how to plan and prepare a meal, share recipes, make informed choices about ingredients, and learn about food safety. Participants will be given the opportunity to cook a meal for the community, working with our existing kitchen staff to plan the meal and prepare the food.</p> <p>As part of the project, the participants will be creating a cookbook, and each participant will be given a free copy. Funds raised from the sale of the book will help to ensure that this project is funded into the future.</p>
Amount requested:	\$8,300.00
Panel comments:	The panel was encouraging of the cooking workshops and noted the incorporation of the food safety certificate into the program was a strong positive from the perspective of resilience and capacity building. However, the panel felt that the application was weighted more towards the production of a cookbook, and it wasn't able to demonstrate (outside of the cooking workshop participants), who the cookbook was intended for, and evidence around the influence of cookbooks to improving health and education outcomes. The panel felt this project might align better with existing council programs such as council's food connections/food security program, and suggested the applicant raise this program for consideration of the Healthy Together grant administered by Mission Australia, to avoid program duplications.
Recommendation	Not recommended

Applicant Name:	Clarendon Vale Neighbourhood Centre (CG00003 / REQ2024-094106)
Grant Stream:	Community
Project Title:	House audio replacement
Project Description:	<p>We are incredibly enthusiastic about improving our movie and evening events for the children and our community. In order to elevate these experiences even further, we are seeking a new TV and Laptop connection. Having this equipment will enable us to hold productive business meetings and expand the offerings of our Afternoon Delights program.</p> <p>Regrettably, we have encountered a setback. Our current projector is no longer functional and requires replacement. This is disappointing since certain programs will be unable to proceed without it.</p>
Amount requested:	\$7,938.00
Panel comments:	The panel felt that this request demonstrated strong strategic long-term community benefit, and provided evidence for how the new equipment would extend and complement multiple programs that are run out of the centre, outside of the Centre's funded remit. There were additional opportunities for social connection and improved wellbeing, and the option to provide programming after hours will benefit young people and the broader community within the local area during recurrent bad weather.
Recommendation	Recommended

Applicant Name:	Nepalese Football Club of Tasmania (CG00005 / REQ2024-094109)
Grant Stream:	Community
Project Title:	3rd NFCT Cup
Project Description:	The two-day football tournament will be held in September, comprising eight football teams from the Nepali and Bhutanese communities. The tournament will be divided into two stages i.e. league and knockout. Each team involved in the tournament is divided into groups for the league games. After playing leagues, the top two teams from the group will be advanced to the semi-finals. There will be other fun activities during the break to encourage the active participation of kids and women. This event will be managed by Women from our community giving them equal opportunities in leadership. This is a pilot event for a large-scale Inter-State football event we plan to hold in Clarence with 20+ teams and more than 10 teams traveling from inter-state. The Inter-state event is aimed to bring 200+ visitors in Tasmania promoting tourism in Tasmania.
Amount requested:	\$10,000

Panel comments:	The panel was broadly supportive of this application and acknowledged its significance to the Nepali and Bhutanese communities locally and interstate. While the application aligned with council's adopted strategies, promoting social cohesion, connection and active living, the panel felt that the application didn't sufficiently address how the project would provide a long-term benefit to the community, and return on investment for council funds. The panel also highlighted that a portion of the request was for the purchase of trophies, and prize money which isn't eligible through the General Grants and Sponsorship program. The panel would have liked to have seen evidence of how this project would support the up-skilling and participation of women and young girls through the tournament and ongoing. The panel suggested that in-kind support could be explored through council providing a ground for the event, as the proposed ground requires council approval before sub-letting. The selection panel will work through components and determine possible support avenues, potentially as a separate request through the council's sponsorship program. However, the panel doesn't recommend this application for support through the General Grants Program.
Recommendation	Not recommended

Applicant Name:	Tasmanian Irish Sporting and Cultural Association (CG00006 REQ2024-094110)
Grant Stream:	Community
Project Title:	Regional Gaelic Football Games 2024
Project Description:	<p>We are hosting the annual Australasian Regional Gaelic Football Championship in Howrah in November. The Regional Games is a seven-a-side Gaelic football tournament, which caters for teams in regional areas as well as teams with predominantly non-Irish-born players (i.e. areas that do not have a high-density population of Irish players). This aim is to showcase and promote the wonderful game of Gaelic football in these regions and to promote new Australian born players. Teams generally attend this competition from Geelong, Gold Coast, Darwin, Ballarat, and other regional locations. There will be a men's football championship as well as a ladies' football championship. There will be a showcase of men's hurling (Ireland's other national sport) before the grand final of the mens' football. There will also be a pipe band playing Irish music, including the national anthem, as well as Irish dancer showcasing traditional dance throughout the day as additional entertainment.</p> <p>This aim is to showcase and promote the wonderful game of Gaelic football in these regions and to promote new Australian born players.</p>
Amount requested:	\$8,850
Panel comments:	From a risk insurance point of view the assessment panel raised ongoing concerns in relation to mobile goals. Given council is yet to determine a safe outcome for the application/use of mobile goals, this application wasn't supported by the panel.
Recommendation	Not recommended

Applicant Name:	The Shepherd Centre for Deaf Children (CG00012 / REQ2024-094073)
Grant Stream:	Community
Project Title:	First Steps to First Sounds: Starting the journey for children with hearing loss to learn to listen and speak
Project Description:	<p>First Steps to First Sounds provides life-changing support to children with hearing loss through education and support to their parents.</p> <p>It supports them through the grief and distress of learning their child's diagnosis and empowers them with strategies to support their child's development of spoken language, communication skills, and emotional resilience.</p> <p>Children build a firm foundation of skills needed to overcome the challenges of their hearing loss and reach their full potential.</p>
Amount requested:	\$7,950
Panel comments:	The panel was supportive of the program's aims, however felt that the application didn't demonstrate sufficiently how the project sat outside the ordinary scope of what the organisation is already funded to deliver, and National Disability Insurance Scheme funding received.
Recommendation	Not recommended

Applicant Name:	Citywide Baptist Church (CG00016 / REQ2024-094071)
Grant Stream:	Community
Project Title:	Renewal and improvement of Signage
Project Description:	<p>Citywide's Mornington facility is increasingly used as a community hub with 1200 children participating in gymnastics weekly, 80-115 people participating in "Time Out" craft groups, and numerous one-off events such as Tabletop Sales, Funerals, School concerts and election polling places.</p> <p>The signage out the front of the building has become so faded that it is impacting people's ability to find the location.</p>
Amount requested:	\$7,000
Panel comments:	The panel commented that while the applicant delivers services that broadly benefit the local Clarence community, this specific activity, that being new signage, does not adequately demonstrate community impact or need, as aligned to council's adopted strategies, when assessed competitively against other candidates.
Recommendation	Not recommended

Applicant Name:	Hobart Bangladesh Community Inc. (CG00017 / REQ2024-094067)
Grant Stream:	Community
Project Title:	Squad Bangladesh Tasmania
Project Description:	Intra Community Cricket Tournament organised Squad Bangladesh Australia and supported by International Cricket Council (ICC). This community cricket tournament is organized every two years in collaboration with ICC. This time it will be organised by the Squad Bangladesh Queensland in Brisbane.
Amount requested:	\$10,000
Panel comments:	The panel commented that while this proposed project benefits a few members of the Clarence community who have been selected in the team, the event takes place in Brisbane, not in Clarence, and therefore is not eligible through this program. In addition, the funding request includes items such as uniforms/jerseys which are not funded through the program, and the panel felt that the long-term community investment or impact wasn't clearly evidenced in the application.
Recommendation	Not recommended

Applicant Name:	Compass Inclusion and Sustainability (CG00025 / REQ2024-094056)
Grant Stream:	Community
Project Title:	Improving Inclusion and Accessibility of Election Processes
Project Description:	<p>In each election cycle there are some constituents who, for reasons of diversity, age or other impacts to accessibility, are unable to access the democratic election process.</p> <p>People with disabilities, older people and those with low-levels of literacy raise concerns over lack of access to both election information and the voting process.</p> <p>Over recent years there have been significant steps taken by individuals, councils and the TEC to improve accessibility; however, the steps so far taken are still insufficient to bridge the gap of accidental exclusion of some people, from their democratic right to full participation.</p> <p>There are numerous examples of challenges to inclusion in the political process, challenges faced by both voters and candidates. Many of these challenges might have an easy remedy, where the challenges are examined by government and other stakeholders.</p> <p>Challenges of lack-of-accessibility vary greatly across the population with one consistent - lack of access is damaging to participation, to a sense of belonging, to being valued and to having your voice heard.</p> <p>This project would offer a politically neutral, professional and thorough approach to engage with community; to identify, document and offer solutions to stakeholders in addressing accidental exclusion of some members of community from election processes. It is vital that there is engagement with the community to document and begin a process to address these community concerns.</p>

Amount requested:	\$10,000
Panel comments:	The panel commented that the proposed program would have better alignment with the Australian/Tasmanian Electoral Commission, rather than at a local government level, and should be undertaken in collaboration with the TEC. However, there was no evidence of partnership or commitment from the AEC in this application, or a justification for why it might sit outside of their remit.
Recommendation	Not recommended

Applicant Name:	Susan Hayes auspiced via Auspicious Arts Projects Incorporated (CCG0001Feb24 / REQ2024-094030)
Grant Stream:	Cultural and Creative
Project Title:	Wallpaper Bandit Creative Script Development
Project Description:	A one-week creative development on a new cabaret script called 'Wallpaper Bandit' inspired by the life and times of Australia's unsung artist and pioneer in design, Florence Broadhurst. The funds will employ seven local Tasmanian creatives to assist in the development of the script from page to stage. The project will have a free public showcase for the Clarence community to come and see this work in development and unpack the theatre making process. There will also be two workshops in digital mapping for the community to participate in.
Amount requested:	\$9,856
Panel comments:	The panel felt the proposed project would offer multiple opportunities for community engagement and had potential for ongoing opportunities, with the next phase of development potentially being delivered through a future Clarence Jazz Festival, and options to tour the eventuating work interstate. It was also noted by the panel that the artist will acknowledge council's support in all future developments of the project. This proposed project aligns strongly with the Cultural and Creative Strategy and the panel was unanimous in its support.
Recommendation	Recommended

Applicant Name:	Salsita Events (CCG0006Feb24 / REQ2024-094019)
Grant Stream:	Cultural and Creative
Project Title:	Tour of Colombia Festival
Project Description:	<p>Tour of Colombia will be a day festival for the whole family at the Rosny Barn and surrounds showcasing local Latino artists and performers, dance workshops for adults and children, food vendors and an arts and craft kids' corner. The festival will celebrate the vibrancy, colour, dynamism and joy of Colombian culture for all Australians.</p> <p>The tour of Colombia Fest is a colourful journey through the most representative traditions of the country, music; Latin rhythms have transcended all borders in the case of cumbia, salsa, bachata, which make even the most inexperienced spectator dance. The gastronomic diversity that goes from ancestral to the most exquisite fusion; such as the famous empanadas or arepas, and the aroma and flavour of a good Colombian coffee.</p>

Amount requested:	\$5,000
Panel comments:	The proposed event aligns strongly with the Cultural and Creative strategy and priority goals of the Strategic Plan, such as A People Friendly City. The panel recommends this application for funding as it encourages social cohesion, connection and capacity building, and demonstrates a good return on investment of council funds.
Recommendation	Recommended

Applicant Name:	Kelly Nefer (CCG0007Feb25 / REQ2024-094011)
Grant Stream:	Cultural and Creative
Project Title:	Nothing Sounds As Good As The Truth Feels
Project Description:	‘Nothing Sounds As Good As The Truth Feels’ seeks to interrogate current power structures within society, and specifically calls into question the rampant use of propaganda and mass media as a means of manipulating collective belief, controlling the public mind, and ultimately serving elite social, political and corporate agendas. Alongside this, the project prompts the viewer to consider the role of action in generating change, the place of the individual within collective action, what factors inspire people to act, what factors hold people back, and the powerful influence of this personal choice.
Amount requested:	\$7,100
Panel comments:	The panel agreed that the artist’s proposed program demonstrated a benefit for the community through the proposed public programs and workshops, however, the application didn’t sufficiently address the long-term strategic community benefit this project would provide, as a level two request. The panel also noted that the applicant was confirmed for support through the Clarence Arts and Events Gallery Exhibition Program, and so this project was assessed by the panel as a lower priority in competition with other applications.
Recommendation	Not recommended

Applicant Name:	Tas Pride Incorporated (CCG0010Feb26 / REQ2024-094009)
Grant Stream:	Cultural and Creative
Project Title:	2024 Artfully Queer: Digital Edition Exhibition and Arts Program
Project Description:	<p>This year we are proposing to hold this exhibition in The Barn at Rosny Farm during September and run a range of community capacity building workshops in the City of Clarence for LGBTQ+ folx from July to September. We have received warm support from Steve Harris (Arts and Events, Clarence City Council) about sponsorship for this venue.</p> <p>Each year LGBTQ+ artists submit work that explores a theme and this year Artfully Queer is exploring the theme of TIME.</p> <p>TasPride's Annual Artfully Queer Exhibition and Arts Program is going digital for 2024 and will focus solely on digital and time-based media.</p>

	Traditionally Artfully Queer is open to all forms of visual and performance art, but digital and time-based mediums have been under-represented so this year we're encouraging LGBTQ+ artists to explore forms of digital expression such as short film, animation, graphic design, digital installation, sound, digital illustration, and digital art. Therefore, the purpose of many of the activities suggested for this grant focus on community capacity building in preparation for the September Art Exhibition.
Amount requested:	\$10,000
Panel comments:	This project demonstrates strong community benefit and alignment with council's adopted strategies, and the proposal has potential for longer-term community benefit. The panel fully supports this project subject to a revision in their budget which reflects council's in-kind support component.
Recommendation	Recommended, but subject to the applicant submitting a revised budget detailing Clarence City Council in-kind support.

Applicant Name:	Richard Cyngler (CCG0011Feb27 /REQ2024-094007)
Grant Stream:	Cultural and Creative
Project Title:	Ambient Monitoring Station East (working title)
Project Description:	<p>We will design, build, and install two new solar powered interactive sound installation works for this project, to be installed at sites to be finalised in discussion with the Clarence Arts team within the City of Clarence. Possible sites we are considering at this stage are the Rosny Barn and Schoolhouse grounds, The Rivulet track, She Oak Point, or other walking trails.</p> <p>We will design and host a website specifically for the project which will deliver more information about the work to the community. Using QR code stickers people interacting with the works will be able to scan the QR codes launching our website on their phones.</p> <p>We will offer a workshop for locals interested in art using technology, embedded computing, solar power, and audio electronics. We will create and host two public performance events in response to the artworks. These performances will act as another form of interface between us as artists, our artworks, and the community.</p> <p>This project is for the community. Our aim is to make art that is fully accessible to anyone interested, regardless of age, cultural background, language, or ability. A strength of our sound works is that they encourage interactivity and play. We have had a great deal of positive feedback from people of all walks of life experiencing our public installations in the past.</p> <p>We have built and installed public art installations previously. "Nipaluna Ambient Monitoring Stations I and II", also "Airplay", an acoustic temporary public sound work.</p>
Amount requested:	\$9,700
Panel comments:	The panel noted the high calibre of participating artists and the applicant's demonstrated credentials in delivering works of a similar scope and scale. The project further demonstrates strong alignment with council's adopted strategies, and complements council's associated programs.
Recommendation	Recommended

Applicant Name:	Shadow Ground Pty Ltd (CCG0014Feb30 / REQ2024-094001)
Grant Stream:	Cultural and Creative
Project Title:	Rattle Ground at Rosny
Project Description:	<p>The creation of extraordinary, original garments using the seed of idea of Tasmanian puffer jackets and then, through riffing off this style, create costumes that are haute couture.</p> <p>The Tasmanian artist and designer, Sabio will design and create the original garments. They will be a part of the broader Dark Fringe Festival to be held in greater Hobart in the off-season, from 14 June through to early July.</p> <p>Sabio intends to have an exhibition at Rosny Barn from Thursday 27 June for four days, although the dates can also be flexible based on availability of the Barn. Sabio will open the exhibition with a public talk. Vogue magazine will be invited down to document the collection.</p>
Amount requested:	\$10,000
Panel comments:	The panel supports the applicant's proposed request for funds to contribute towards artist fees and material costs to develop a body of new work and a public program to be exhibited during Dark Fringe. The program demonstrates strong alignment with council's adopted strategies and programs and is recommended for funding, subject to the exhibition and artist talks being mounted between 17-23 June, in line with the availability of the Rosny Barn.
Recommendation	Recommended

Attachment 2: Environment and Biodiversity Grants Individual Assessment

Eight applications were received through this grant stream and assessed as below:

Applicant:	BirdLife Tasmania
Project:	Clarence Bird Walks Brochure
Funding Requested:	\$4,700
Project Description:	<i>Development, production, launch and distribution of a coloured A6 folded brochure showing 8 – 10 walks in the CCC municipality suitable for observing birds. The brochure will include a map of walk locations and a brief description of each walk; images of key birds; and a general description of the Clarence area birds and their habitats. It will showcase Clarence's bushland reserves, and highlight opportunities for birdwatching by people of diverse ages, experience and levels of mobility</i>
Comments:	The group provided proof of recent similar projects and the grant application met all criteria.
Recommendation:	Support

Applicant:	Tranmere and Clarence Plains Land and Coastcare Incorporated
Project:	Birdnesting Boxes in Tranmere
Funding Requested:	\$1,253
Project Description:	<i>To install bird nesting boxes in the Toorittya Bushland reserve, thereby creating additional habitat options for native birds and other native wildlife.</i>
Comments:	Concerns raised regarding the benefit of nesting boxes and associated risk. WHS officers can meet with the group to ensure they are satisfied with risk management.
Recommendation:	Support conditional to regular monitoring and reporting to council on a) risk measures to the satisfaction of council WHS officers and b) usage by desired and undesired species.

Applicant:	Howrah Primary School/ Glebe Hill Landcare
Project:	Beach Dune Rehabilitation Project
Funding Requested:	\$2,275.86
Project Description:	<i>The Howrah Beach dune area adjacent to the bike path next to Howrah Primary School will be cleaned up, weeded, revegetated with endemic plant species and signage over several stages. This application is for the first stage involving rehabilitation of approximately half of the section adjacent to Howrah Primary. The second stage will involve the rehabilitation of rest of the section, and the addition of one educational sign consistent with the new signage already existing on the bike path. The third stage will be to expand the rehabilitation site towards Wentworth and to add a second educational sign consistent with the new signage already existing on the bike path.</i>
Comments:	This is complementary to previous work and meets the criteria.
Recommendation:	Support

Applicant:	Mount Rumney Landcare Group
Project:	All about Wildlife
Funding Requested:	\$1,500
Project Description:	<i>This is a community event to raise awareness of our precious wildlife and the challenges they face in our urban environment. It is an opportunity to educate and inspire others to reduce wildlife deaths on our roads. A special guest, Lara Van Ray, will present her documentary called Roadkill Warriors. We want to showcase our valuable wildlife rescuers and carers who work with the outcomes of road trauma, the work that they do for our community is vital. This event is suitable for residents of the Eastern Shore including Mt Rumney and surrounds (Cambridge, Howrah, Clarendon vale, Mornington, Bellerive).</i>
Comments:	Meets the criteria, however, the group are yet to acquit their last grant. It would be beneficial to include a speaker from the peri-urban deer program.
Recommendation:	Support, conditional to inclusion of the peri-urban deer program.

Applicant:	Limekiln Point Landcare Group
Project:	Removal of Agapanthus and non-native species
Funding Requested:	\$5,000
Project Description:	<i>Remove Agapanthus and non-native species from foreshore at the end of Paloona Street Lindisfarne</i>
Comments:	There is other funding available for these activities through councils' general support of Landcare groups. The project is ineligible as outlined in the guidelines as "Activities or programs that are already delivered by the City of Clarence or are our core business"
Recommendation:	Do not support and encourage group to undertake the works through councils' regular Landcare support program.

Applicant:	Pipe Clay Coastcare
Project:	Cremorne – greening up our coastal area
Funding Requested:	\$9,145
Project Description:	<ol style="list-style-type: none"> 1) <i>Training in sharpening tools - secateurs, saws etc – one of our members attended a hands-on session on this topic at the 2023 Tas Landcare Conference and determined this would be a fantastic skill for all our group members, particularly youth.</i> 2) <i>Plant Give Away – we have not had a give-away for a couple of years as we had had a few in a row and decided a break necessary (as gardens/ nature strips) saturated with plants. Now given the dry period we have had, and a number of plants have died off, we have determined that this would be well received once again. We would provide native plants suitable to the Cremorne Coastal environment. We would seek to make this a community gathering as in the past and look at having morning tea provided as well.</i> 3) <i>Increase habitat for wildlife on nature strips – areas yet to be determined but most likely along the Spit Track which is one of our well received projects from the past (through a Tas Community Fund grant and CCC assistance).</i>

	<p><i>The aim would be to add to the existing vegetation and replace any that has died off in this last year of extreme dry. Mulch may be required around some plantings. We would include a community BBQ for volunteers which in the past has proved popular and a great way for people to get to know one another and hopefully become more involved in the group.</i></p> <p>4) <i>Contractors – watering of existing plantings and weeding. With particular focus along The Spit Track (which requires good yearly maintenance) and plantings along the Beach Reserve.</i></p> <p>5) <i>Tool sharpening services - have a professional (same one who will deliver training) sharpen our group tools - they have not been done since purchased (there are too many to have done on the day with the training and it would make it difficult to manage both).</i></p>
Comments:	<p>The application does not meet the criteria for grants \$5,000-\$10,000 of demonstrating significant community benefit and strategic direction. Some aspects of the grant are ineligible as outlined in the guidelines as “normal operational costs of the group including but not limited to: consumables, membership or insurance, and other administrative expenses.”</p> <p>Specifically:</p> <ol style="list-style-type: none"> 1) Support this aspect of project. 2) Support this aspect of project, provided that education is provided on councils Nature Strip Guidelines. 3) There is other funding available for these activities through councils’ general support of Landcare groups. This aspect of the project is not eligible for grant funding under the grant guidelines. 4) As per point 3. 5) As per point 1. <p>Council is unable to support costs associated with trailer registration, group incorporation, printing and posting, vouchers and prizes, and contractor works for regular maintenance.</p>
Recommendation:	<p>Support some aspects of the grant being the tool sharpening and plant give away to an <u>estimated</u> cost of \$3,600, pending an amended budget provided to the satisfaction of council officers. Encourage the group to undertake other works through councils’ regular Landcare support program.</p>

Applicant:	Conservation Volunteers Australia
Project:	Signage at Lauderdale Saltmarsh
Funding Requested:	\$8,400
Project Description:	<i>The project proposes to erect signage at the saltmarsh in Lauderdale to inform the community of its significance, its unique species, and what they can do to help protect this important habitat. The signs will also include a citizen science activity that will engage the community in an activity on-site.</i>
Comments:	Application meets all criteria and shows significant community benefit and strategic direction. The project works with various organisations such as council, Derwent Estuary Program, Coastcare and UTAS.
Recommendation:	Support

Applicant:	Rokeby Hills Landcare Group
Project:	Reveg/Visual enhancement of Rokeby Hills main access points
Funding Requested:	\$4,853
Project Description:	<p><i>Our group is proposing mulching and planting native and drought tolerant vegetation to enhance several of the most used entrances to the Rokeby Hills Reserve, along with general maintenance and weeding of declared weeds around these sites. To enhance and ultimately encouraging users into the reserve.</i></p> <p><i>All works are in accordance with the Rokeby Hills Reserve Activity Plan 2016-2020</i></p>
Comments:	Council has operational funding to undertake Reserve entrance landscaping each financial year, which includes Toorittya entrance for this year. The projects is ineligible as outlined in the guidelines as “activities or programs that are already delivered by the City of Clarence or are our core business”.
Recommendation:	Do not support

8.4.3 AFL HIGH PERFORMANCE CENTRE PUBLIC MEETING – SUMMARY REPORT**EXECUTIVE SUMMARY****PURPOSE**

To provide a summary of submissions received in respect to the AFL/AFLW High Performance Centre public meeting held on 15 May 2024 and to record the decisions (motions passed) at that meeting.

RELATION TO EXISTING POLICY/PLANS

The Council's Strategic Plan 2021 – 2031 is relevant, as is the draft City Heart Plan (yet to be approved by Council).

LEGISLATIVE REQUIREMENTS

The public meeting was held in accordance with the requirements of Division 1 of Part 6 of the *Local Government Act 1993* (Tas). This report is provided in compliance with s.60A(5) of that Act.

CONSULTATION

This report summarises the submissions and motions arising from the public meeting held on 15 May 2024.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes:

- the summary of submissions and motions passed arising from the AFL High Performance Centre public meeting held on 15 May 2024; and
- meeting notes as attached to the Associated Report for inclusion on Council's website.

ASSOCIATED REPORT**1. BACKGROUND**

Council conducted a public meeting in accordance with Division 1 of Part 6 of the *Local Government Act 1993* (Tas) (Act). This report provides a summary of submissions received and of motions passed at the meeting.

2. REPORT IN DETAIL

- 2.1.** At its meeting on 15 April 2024, Council considered a petition seeking a public meeting in relation to the AFL High Performance Centre consultation and site selection. The petition complied with the requirements of the Act.
- 2.2.** The public meeting was advertised in accordance with the Act requirements and was held at 7.00pm on 15 May 2024 at the Citywide Baptist Church facility in Mornington.
- 2.3.** Public submissions were sought in accordance with the Act requirements. The submissions were summarised and provided to people who attended the meeting and also publicly available on council's website. In accordance with s.60A(5) of the Act, the summary of submissions received is attached (**Attachment 1**).
- 2.4.** The public meeting passed, by simple majority, six motions. The motions were:
- 1 That the level of consultation undertaken by Clarence Council with residents does not constitute comprehensive community consultation and was insufficient for such a significant issue.
 - 2 That this meeting opposes the use of Charles Hand Memorial Park and Rosny Parklands for an AFL High Performance Training Centre, as approved in principle by Clarence City Council.
 - 3 That Clarence City Council starts a new, comprehensive and widely publicised consultation within the Clarence community on alternative sites for an AFL High Performance Training Centre.
 - 4 That Charles Hand Memorial Park and Rosny Parklands are sympathetically developed according to the City Heart Plan in continued consultation with the community.

5 That until it is confirmed by Parliament that an AFL stadium will exist in Hobart, no site works in preparation for the High- Performance Training Centre is to commence at any selected location in Clarence.

6 That council rescinds its vote of 11th of December authorising the CEO to submit a proposal for two site options and to negotiate terms for a Heads of Agreement with State Growth.

2.5. In respect to Motions 1 and 2 above, other than noting the motions, there is no further action for Council to consider.

2.6. In respect to Motion 3, any further consultation is a matter for Council to note and consider.

2.7. In respect to Motion 4 above, other than noting the motion, there is no further action Council to consider.

2.8. In respect to Motions 5 and 6, these are both matters for Council to note and consider.

3. CONSULTATION

3.1. Community Consultation

The public meeting was held in accordance with Division 1 of Part 6 of the Act. This report concludes that process.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Nil.

3.4. Further Consultation

Any further consultation regarding the AFL High Performance Centre will be considered within the context of further decisions of Council.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The motions arising from the meeting, and the feedback received, indicate that a section of the community considers the proposed AFL High Performance Centre located at Rosny Parklands / Charles Hand Memorial Park to be inconsistent with the City Heart Plan and community wishes. Noting that there is also a section of the community that is supportive of the AFL High Performance Centre being developed in this location.

5. EXTERNAL IMPACTS

The Department of State Growth has approved the Rosny Parklands / Charles Hand Memorial Park sites as the preferred location for the AFL High Performance Centre. A Heads of Agreement is currently being developed but is yet to be finalised.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

The cost of the public meeting has not yet been determined but is expected to be in the vicinity of \$15,000 – 20,000, plus the cost of staff time related to meeting preparation. Any actions arising from the public meeting, if determined by council, may incur further costs.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The public meeting has been held in accordance with the Act requirements. It is a matter for Council to determine what action to take as a consequence of the public meeting.

Attachments: 1. Summary of Submissions (9)
2. Notes of Meeting (3)

Ian Nelson
CHIEF EXECUTIVE OFFICER



Clarence... a brighter place

Submissions Summary

AFL/AFLW HIGH PERFORMANCE CENTRE
CLARENCE CITY COUNCIL

PUBLIC MEETING: SITE SUITABILITY AND COMMUNITY CONSULTATION REGARDING AFL/AFLW HIGH PERFORMANCE CENTRE AT ROSNY

At Clarence City Council's meeting on 18 March 2024, a petition was received citing concerns over the proposed AFL/AFLW High Performance Centre in Rosny and requesting a public meeting.

The petition states:

- *We, the undersigned residents of Clarence City Council are 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. We do not believe that the proposed site is appropriate for the AFL High Performance Centre.*

In accordance with Section 59 of the Local Government Act 1993, we require the Clarence City Council to hold a public meeting with electors to discuss this matter so that all voices can be heard.

A public meeting is organised for 7:00pm, Wednesday, 15 May 2024 at Citywide Baptist Church, 400 Cambridge Road, Mornington.

Council advertised the public meeting three times in the Mercury newspaper (twice in public notices and once in early general news), as well as sharing detailed information about the meeting on our website and social media pages.

Written submissions from the public relating to the issues outlined in the petition were called for, with submissions closing at 5:15pm, Wednesday 8 May 2024.

A total of 362 submissions were received. 151 were in favour the High Performance Centre on the proposed site and/or the community consultation process, and 211 objected to the proposed site being used and/or raised concerns over the consultation process.

The Local Government Act requires that submissions are summarised, and the summary is provided at the meeting. This summary will also be uploaded to council's website.

SUMMARY OF SUBMISSIONS

THE FOLLOWING TOPICS AND ISSUES WERE RAISED IN SUBMISSIONS OPPOSED TO THE SELECTED SITE AND/OR COMMUNITY CONSULTATION PROCESS.

LACK OF CONSULTATION WITH RESIDENTS

Submissions noted:

- The consultation was rushed as council tried to meet the timeframes set by the State Government. The community consultation was a 'token effort' with 'a glaring absence of meaningful consultation'. Several local groups and residents were not directly consulted and felt blindsided by Council's decision.
- There is a need for all residents to be consulted, and the 759 Clarence residents who responded to the survey was not high enough to be considered an adequate representation of the whole Clarence community and not a fair representation of the public interest in the matter.
- The survey lacked sufficient detail for respondents to make an informed decision.
- There was a need for greater advertising of consultations and a more diverse range of mediums is required to be used to increase awareness and engagement. A mailout or email to all residents was requested.
- The consultation was not sufficient for scale of the development and significance of the decision that was made.
- The Rosny Parklands/Charles Hand Park option was not the preferred location according to survey respondents, yet it was the site chosen by Council.

LOSS OF PUBLIC AMENITY

Submissions noted:

- The parks belong to the people of Clarence, council is the trustee.
- Green space for people to exercise and relax, providing valuable respite from the private and commercial development in the Rosny Park area.

- Public open space does not have to be occupied by the public to be of value to the public.
- As two dog exercise areas of significant size, there are concerns over the loss of these amenities. Charles Hand Park is one of the few areas not coming under pressure from other groups, for example mountain bike riders, environmental groups, horse riders, and parents with children.
- Open green spaces are crucial for mental and physical health.
- The High Performance Centre could see the removal of the Rosny Skate Park.

DISREGARD OF CITY HEART PLAN

Submissions noted:

- There are concerns regarding consultations and designs relating to the City Heart Plan being disregarded in favour of the High Performance Centre.
- There were extensive consultations conducted and community support for the City Heart Plan.
- Rate payers' money and council's time has been wasted in developing the City Heart Plan if it is not enacted.

LOSS OF MATURE TREES AND HABITAT

Submissions noted:

- There are concerns regarding the loss of a significant number of trees and the habitat those trees provide local wildlife.
- Green spaces and tree canopies mitigate urban heat islands and the effects of climate change.

TRAFFIC CONGESTION AROUND ROSNY HILL ROAD

Submissions noted:

- The increase in traffic on Rosny Hill Road will put further stress on a road that is already struggling to cope and cause more delays.

CONCERN REGARDING ZONING AND TITLE CHANGE REQUIRED TO BUILD FACILITY

Submissions noted:

- The proposed HPC does not meet the planning scheme requirements.
- There are concerns regarding the zoning of Rosny Parklands and whether the High Performance Centre would meet the level of community use required without the land title reverting to State Government ownership.

PHYSICAL CONSTRAINTS OF THE SITE

Submissions noted:

- The building of the High Performance Centre on the proposed sites will require significant earthworks, with high retaining walls required to achieve a flat surface.
- The use of heavy machinery and construction will be a disturbance to Rosny College students and surrounding residents.
- Development in Rosny Parklands is likely to exacerbate flooding issues up and down stream.

THE FOLLOWING TOPICS AND ISSUES WERE RAISED IN SUBMISSIONS SUPPORTING THE SITE SELECTION AND/OR COMMUNITY CONSULTATION PROCESS.

CONSULTATION WAS CLEAR AND ACCESSIBLE

Submissions noted:

- Council followed the required community consultation procedure and the High Performance Centre consultation received the second highest number of respondents to any council survey.
- The online survey was adequately advertised, reasonable, fair, and the community was provided ample time to provide feedback.
- The outcome of the survey was clear and there was distinct support for the High Performance Centre.

ACCESSIBLE BY PRIVATE AND PUBLIC TRANSPORT

Submissions noted:

- The current site is appropriate due to its accessibility by private vehicle, as well as being located near a bus exchange and a Derwent Ferry terminal.
- The current location is important due to the need to facilitate underage players or people without a driver's licence using public transport to train at, or visit, the High Performance Centre.

PROXIMITY TO BUSINESSES AND SERVICES

Submissions noted:

- The proximity of the centre to the Rosny CBD means players and staff will have access to shops and amenities, providing a more desirable work location. The increased patronage of nearby shops derived from those employed by and using the centre, as well as visitors will stimulate economic activity in the area.

- The central location is crucial because it offers the easiest access to the largest portion of the population of the community, as well as access to the Hobart CBD, the proposed stadium location and the airport.
- Locating the centre near Rosny College offers education and work placement opportunities for students studying subject related to professions associated with professional football administration.

BETTER UTILISATION OF A UNDER USED SITE AND INCREASED SAFETY

Submissions noted:

- Locating the centre in the Rosny Parklands and Charles Hand Park is a better utilisation of an underutilised area. Through urban renewal and activating green spaces it will unlock the land for a wider range of uses.
- Through the construction of the two ovals, the surrounding area will be better landscaped making the area more accessible and useable to more people.
- The increased usage of the Rosny Parklands and Charles Hand Park will provide passive surveillance of the parks and skate park, increasing the sense of safety with using the area.
- Locating the High Performance Centre in the Rosny Parklands and Charles Hand Park fits well with the City Heart Plan for the area and aligns with Clarence's vision of creating a vibrant city.
- Maintaining the site as parkland would not be the highest or best usage given its strategic location.
- A change in traffic conditions will also provide a traffic calming for people coming down Rosny Hill, increasing safety.

ATTRACT ATTENTION AND INVESTMENT

Submissions noted:

- Locating the Centre in Rosny provides an incentivise for investment in the Kangaroo Bay Boulevard, transforming Kangaroo Bay one of the best places in Clarence and breathing new life into the area.

- The increased tourism and an influx of visitors to area will benefit local businesses and attract other business and services to the area.

BENEFIT TO THE COMMUNITY (SPECIFIC TO THE LOCATION)

Submissions noted:

- The social benefits the High Performance Centre could deliver will be better realised through its placement in a central location.
- Council will be able to generate income from the development, increasing its ability to deliver essential services to the community.
- The central location provides the best opportunity for the public to access the centre and use the parts of the facility open to the public.

TOPIC RAISED OUTSIDE THE SCOPE OF THE MEETING

Numerous submissions contained topics and raised issues outside the scope of the meeting. In the interests of summarising, repeated topics are listed below, and it is acknowledged other topics may have been raised in individual submissions and not listing every topic does not dismiss its importance.

THE FOLLOWING TOPICS AND ISSUES WERE RAISED IN SUBMISSIONS AGAINST THE HIGH PERFORMANCE CENTRE, BUT OUTSIDE THE SCOPE OF THE MEETING.

- Exclusive use by select individuals.
- The golf course should be returned to a golf course.
- Players should train at their home ground.
- Alternative sites need to be explored.
- We already have Blundstone Arena.
- Green spaces should be retained for future generations.
- The High Performance Centre was not part of the City Heart consultations.

- Council has failed to communicate the reasoning for the selection of Rosny Parklands and Charles Hand Park as its preferred option.
- A number of community areas have been lost to development in recent years.
- Current AFL games in Clarence attract less than 6000 attendees per match.

THE FOLLOWING TOPICS AND ISSUES WERE RAISED IN SUBMISSIONS SUPPORTING HIGH PERFORMANCE CENTRE, BUT OUTSIDE THE SCOPE OF THE MEETING.

- Economic growth and job creation.
- Valued edition at Clarence's sporting facilities.
- Asset for future generations.
- Fantastic opportunity for Clarence.
- Inspiration for, and opportunity to support, young people.
- Employment pathways and opportunities.
- Aligns with council's goals of fostering a vibrant and thriving community.
- Foster sense of pride and community ownership.
- Benefit to Greater Hobart.
- Something the rest of Tasmania would love to have.



Clarence City Council Public Meeting 15 May 2024 Citywide Baptist Church, Mornington

Notes of Meeting

1. Acknowledgement of Country

2. Declare meeting open

Facilitator, Mr Michael Stedman from Timmins Ray opened the meeting at 7.04pm and:

- welcomed those present, acknowledging Councillors in attendance;
- introduced the panel of presenters for the meeting; and
- outlined the meeting procedures and how the meeting would proceed.

Introduction

Mr Stedman introduced himself and his colleague Ms Jaquie Ray from Timmins Ray and advised that in the interest of transparency Timmins Ray had previously been engaged by Clarence City Council as part of the consultation on the City Heart Plan.

Mr Stedman provided an overview of the topic of the meeting and advised that a summary of submissions received had been provided to those present and was also available on Council's website.

3. Presentations

Presentations were provided as follows:

- Council's Mayor, Councillor Brendan Blomeley who provided an introduction and opening comments.
- Council's Chief Executive Officer Mr Ian Nelson who spoke regarding the consultation process and site proposals.
- Secretary to the Department of State Growth, Mr Craig Limkin who spoke regarding the site selection process.
- Mr Roger Curtis representing the Tassie Devils AFL Team, who spoke regarding the site selection process.
- Save Rosny's Parks Group Representatives Mr Terry Polglase and Ms Helen Tait who spoke regarding concerns over the consultation process and proposed siting of the High Performance Centre.

4. Questions

Questions were invited from the meeting and responses were provided by members of the Panel.

- Council's Chief Executive Officer took the following question on notice from Mr Thomas Chick:

"How much has been spent on the City Heart Plan to date?"

The response to Mr Chick's question is as follows.

Since the inception of the project (circa 2020) the project spend has been \$405,957.91.

5. Motions

Six motions were submitted by the Save Rosny's Parks Group

Resolutions were passed by a majority of those present voting in favour.

Motion 1

MOVED: T Polglase **SECONDED:** J Shugg

"That the level of consultation undertaken by Clarence Council with residents does not constitute comprehensive community consultation and was insufficient for such a significant issue".

The **Motion** was **put** and **CARRIED**.

Motion 2

MOVED: T Polglase **SECONDED:** B Chapman

"That this meeting opposes the use of Charles Hand Memorial Park and Rosny Parklands for an AFL High Performance Training Centre, as approved in principle by Clarence City Council".

The **Motion** was **put** and **CARRIED**.

Motion 3

MOVED: T Polglase **SECONDED:** J Overett

"That Clarence City Council starts a new, comprehensive and widely publicised consultation within the Clarence community on alternative sites for an AFL High Performance Training Centre".

The **Motion** was **put** and **CARRIED**.

Motion 4

MOVED: T Polglase **SECONDED:** B Chapman

“That Charles Hand Memorial Park and Rosny Parklands are sympathetically developed according to the City Hearts Plan in continued consultation with the community”.

The **Motion** was **put** and **CARRIED**.

Motion 5

MOVED: T Polglase **SECONDED:** J van Achteren

“That until it is confirmed by Parliament that an AFL stadium will exist in Hobart, no site works in preparation for the High- Performance Training Centre is to commence at any selected location in Clarence”.

The **Motion** was **put** and **CARRIED**.

MOTION 6

MOVED: T Polglase **SECONDED:** R Stewart

“That council rescinds its vote of 11th of December authorising the CEO to submit a proposal for two site options and to negotiate terms for a Heads of Agreement with State Growth”

The **Motion** was **put** and **CARRIED**.

6. Meeting close

There being no further business the meeting closed at 9.47pm

**8.4.4 REQUEST FOR LANDOWNER CONSENT – REZONING AND SUBDIVISION
- 34, 36 AND 46 MANNATA STREET, LAUDERDALE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a request for landowner consent to accompany an application for rezoning and subdivision at 34, 36 and 46 Mannata Street, Lauderdale. Council is the registered proprietor of 36 Mannata Street (Certificate of Title Volume 23315 Folio 39) which is designated “set apart for public recreation space”.

RELATION TO EXISTING POLICY/PLANS

The major portions of all three properties are currently zoned Rural Living Zone B under the Tasmanian Planning Scheme – Clarence. The front section of the access strips is zoned General Residential. The site is included in the Lauderdale Structure Plan 2011.

LEGISLATIVE REQUIREMENTS

An application for rezoning under section 37 of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires the consent of all landowners. Similarly, a concurrent permit application under section 40T of LUPAA also requires the consent of all landowners.

CONSULTATION

This request has been the subject of a number of discussions between the applicants’ representative and council officers.

FINANCIAL IMPLICATIONS

The consideration of this report has no direct financial implications but, if the application for which consent is requested, is approved through a subsequent process, it will contribute to an increased need to commit funds to improve and manage stormwater service provision in the area.

RECOMMENDATION:

That Council:

- A. As the registered proprietor of 36 Mannata Street, Lauderdale (Certificate of Title Volume 23315 Folio 39), does not provide landowner consent for the inclusion of the lot in a request, under section 37 of the *Land Use Planning and Approvals Act 1993*, to rezone 34, 36 and 46 Mannata Street, Lauderdale from Rural Living Zone B to General Residential.
- B. As the registered owner of 36 Mannata Street, Lauderdale (Certificate of Title Volume 23315 Folio 39), does not provide landowner consent for the inclusion of the lot in an application for a permit, under section 40T of the *Land Use Planning and Approvals Act 1993*, of subdivision of 34, 36 and 46 Mannata Street, Lauderdale.

- C. That any fees paid as part of this application for rezoning and permit, which is reliant upon the above, be refunded in their entirety.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** Council is the owner of 36 Mannata Street (Certificate of Title Volume 23315 Folio 39). This lot is 2.086ha in size and has a 6m wide access strip from the public road, in between the access strips of 34 Mannata Street and 46 Mannata Street. The lot contains the notation “set apart for public recreation space” but is not developed specific for recreation and also contains a sewer pump station, and associated infrastructure, managed by TasWater. The land is public land in accordance with section s177A of the *Local Government Act*.
- 1.2.** 36 Mannata Street was formed as part of an older rural residential subdivision (with lots in excess of 2ha) that created the majority of Ringwood Road and Mannata Street, approved through the provisions of the then *Local Government Act 1962* with titles being issued by the Recorder of Titles in 1984.
- 1.3.** On 16 May 2023, Dourias MGH Pty Ltd and ATF Dourias Family Trust, through their representative, submitted a request for landowner consent to accompany an application under section 37 and section 40T of the *Land Use Planning and Approvals Act 1993* (“LUPAA”) to rezone and subdivide the land at 34, 36 and 46 Mannata Street, Lauderdale.
- 1.4.** The application includes the following parcels of land:
- 46 Mannata Street (Certificate of Title Volume 178697 Folio 1) – a 1.677ha lot, owned by Dourias MGH Pty Ltd, which is accessed via a 7m wide access strip from the public road. The lot contains a single dwelling.

- 34 Mannata Street (Certificate of Title Volume 181743 Folio 8) – a 1.655ha lot, owned by Dourias MGH Pty Ltd, which is accessed via a 7m wide access strip from the public road. The lot is subject to two significant drainage easements extending from a strip of land, owned by council, at 28A Mannata Street. The lot is vacant.
- the access strip (approximately 767m²) of 36 Mannata Street (Certificate of Title Volume 23315 Folio 39) – part of a 2.086ha lot owned by Clarence City Council which has a 6m wide access strip from the public road, in between the access strips of the above two lots. The lot also extends the drainage easement which is located on 34 Mannata Street and adjoining properties.

1.5. The proposed rezoning Rural Living B to General Residential would apply to the body of the lots at 34 and 46 Mannata Street (as their access strips are already zoned General Residential) and the rear portion of the access strip of 36 Mannata Street (approximately 545m²).

1.6. The proposed subdivision would utilise the three access strips to provide a public road extending to a T-junction then branching to cul-de-sacs either side for a 45-lot subdivision, with blocks ranging from 450m² and 740m² in size.

1.7. The request for consent, along with the original supporting documentation, is attached for council's information (Attachment 1). Following discussion with council officers, additional information was also provided on behalf of the applicant which is also attached (Attachment 2).

2. STATUTORY IMPLICATIONS

2.1. Section 37(3) of LUPAA requires that a request for rezoning includes the consent of all landowners. Section 40T(6) of LUPAA requires that a permit application, concurrent with a rezoning request, includes the consent of all landowners. As the power of consent for these processes has not been delegated by council to an officer, it is a matter for council, as the landowner, to determine whether it wishes to provide landowner consent.

2.2. Council sought external legal advice in relation to providing landowner consent under section 40T of the Act and, in particular, what considerations council may have regard to in making a decision on landowner consent. The discretion available to council under section 37 and section 40T is “unconfined”, in that the legislation does not list the considerations which are to be taken into account when determining whether or not to provide landowner consent. The advice also provides that it is reasonable to have regard to previous council decisions and any adopted strategic plans and reports.

2.3. The only limitation to this discretion is whether the decision is so unreasonable that another decision maker, acting reasonably, could not have made such a decision. To aid council in making its decision, consideration should be given to guiding principles associated with discretionary decision making, including to:

- act in good faith for a proper purpose;
- only take into account relevant considerations and to ignore irrelevant considerations;
- act reasonably on reasonable grounds;
- make a decision based on supporting evidence; and
- give appropriate weight to matters of importance but not give disproportionate weight to matters of less importance.

2.4. In this regard, while it is an unrestricted power of decision-making, council’s consideration should be that of a landowner or the public land manager, not as a planning authority. Accordingly, it is considered appropriate for council to confine its considerations to:

- the likely impact of the development on the current and future use of the public land and/or infrastructure, or council’s ability to use or maintain the public land or infrastructure in the future;
- whether the provision of consent will further the objectives set out in Schedule 1 of LUPAA;

- whether there is a public benefit for the proposed use of the land and/or the public interest is protected;
 - any relevant previous council decisions, plans or reports; and
 - any other matter council reasonably determines is relevant.
- 2.5.** It is not agreed, as submitted by the applicant, that “*Council ought to grant consent for the lodgement of an application under the Act and deal with any specific land issues separately ... thus providing for the orderly development of land as required by the Act*”. Council has a clear obligation to consider the impact of its decision in terms of future ramifications, the public interest and, as set out in section 5 of LUPAA, “[i]t is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in Schedule 1”.
- 2.6.** It is noted that the planning merits of the rezoning and subdivision application, which would normally be assessed as part of the formal application through council (in its role as the planning authority) and the Tasmanian Planning Commission, are only as relevant at this time as much as necessary, as some considerations may be both relevant to council acting as a landowner and as the planning authority.
- 2.7.** Accordingly, this request for consent is the first step in a multi-stage process which, subject to approval, would include:
- Landowner consent (Council as landowner).
 - Rezoning and subdivision permit (Council as planning authority and the Tasmanian Planning Commission).
 - Removal of public recreation notation from the council land (Council as a landowner and the Recorder of Titles).
 - Consent for disposal of public land (Council as public land manager).
 - Construction and transfer of public road by the applicant to council as the road authority.

- 2.8.** The applicant has argued that the request for landowner consent will not require council to consider disposal of public land under section 178 of the *Local Government Act 1993*. However, as the proposal will require that land dedicated for a particular public purpose will need to be dedicated for a different public purpose, and subject to different legislation and obligations, such a disposal process is necessary. The process to dispose of public land is provided for under the *Local Government Act 1993* and is a separate process.

3. REPORT IN DETAIL

3.1. Current Planning Context

While this report does not assess the planning merits of the application, it is relevant to consider the planning context of the site, and what the application seeks to facilitate.



Aerial photo of lots (highlighted) with current zoning and Urban Growth Boundary (red hatching) shown (source: www.thelist.tas.gov.au)

As shown in the above photo, the three lots comprising the application, including the council lot, are “battle-axe” shaped lots with the body of the lot located behind other lots and narrow access strips of land to Mannata Street. Under the Tasmanian Planning Scheme – Clarence (“the Planning Scheme”), the front portion of these lots (in red) are designated General Residential Zone with the rear portion and majority of the lots Rural Living Zone B.

The minimum lot size specified in the applicable Acceptable Solution for subdivision in the Rural Living Zone B is 2ha, which can be potentially reduced to 1.6ha through meeting the Performance Criteria. Accordingly, given the existing size of 34 Mannata Street and 46 Mannata Street, subdivision is not possible under the provisions of the current zone. Accordingly, the application seeks to rezone the land to facilitate further subdivision.

The sites, wholly or partially, are also subject to the following codes through overlays under the Planning Scheme:

- Natural Assets Code
- Safeguarding of Airports Code
- Coastal Inundation Hazard Code
- Flood-Prone Areas Hazard Code

The operation of these codes does not prohibit subdivision in themselves but have applicable provisions that are required to be met. However, these codes will also apply to current and future development of lots.

Relevantly, 34 Mannata Street is a vacant lot and is predominately located within the medium coastal inundation hazard band, with small portions of the site within the high coastal inundation hazard band and the north-eastern corner of the site within the low coastal inundation hazard band. Under the provisions of *Clause 11.5.2 Uses located within a non-urban zone and within a medium coastal inundation hazard band*, new uses for Residential, Visitor Accommodation or other uses that are not reliant on a coastal location, are prohibited.

In addition, the proposed subdivision contains several lots that have significant portions within the high coastal inundation hazard band, which would prohibit new uses for Residential, Visitor Accommodation or other uses that are not reliant on a coastal location, on these lots.

3.2. Purpose of Council-owned Land

36 Mannata Street was transferred to council as open space through subdivision and dedicated “set apart for public recreation space” and is included in council’s public land register. Neither 34 nor 46 Mannata Street appear to have any legal right of access to council’s land, apart from the general right conveyed as public open space.

However, any change to the notation on the council’s title will require the removal of the notation on title through the provisions of Section 84C of the *Conveyancing and Law of Property Act 1884*. In addition, the requirements of the disposal of public land in accordance with section 178 of the *Local Government Act 1993* will apply. Successful achievement of either of these processes is not a precondition to the current request for landowner consent, but either may prevent the achievement of the subdivision.

3.3. The Public Interest

The general term “public interest” is taken as a test for a consideration of interest of the public, or community of the wider area or even of Clarence as a whole, as distinct from the interest of an individual or individuals. A “public benefit” is considered to be one that, on a balance of outcomes, provides a significant opportunity for benefit post-development, for the wider community, to that which existed prior to the development.

The public interest in general planning outcomes is already protected by the operation of the Planning Scheme and the functions of Council acting as planning authority. Accordingly, this test should consider matters outside of “good planning” outcomes.

There is also the consideration of the utilisation of public land to directly enable private development of such a degree of private benefit is unreasonable without some form of public benefit. In this case, there will be no increased services or facilities arising from this application, other than a general increase in housing in the area (which may be considered detrimental without the infrastructure being suitably addressed). From a private perspective, the benefits are significant with the development and sale of 45 lots and consequential profit.

4. MATTERS FOR CONSIDERATION

4.1. Future use of Council-owned Land

The council owned land at 36 Mannata Steet is undeveloped recreation space with a long access strip. In a practical sense, the reconfiguration of the access strip through the provision of a new public road will not be detrimental to the lot being able to continue to provide passive open space to the area, or to facilitate the pump station operated by TasWater.

To some degree, alteration to the access strip would reduce the maintenance requirements of this access, as well as potentially enable a higher usage of the site. On the other hand, increased patronage may warrant capital investment in the site and a consequential increased maintenance cost.

It is considered that this public open space has significant value as, together with 88 Bangalee Street, is the only public land in the local area. The potential of this land will depend on how the wider Lauderdale area develops over time. However, it is considered that this application will not provide significant detriment to the continued or future public use of the site.

4.2. Strategic Consideration of the Area

In a strategic planning context, this area of Lauderdale which contains the site was mainly zoned Reserved-Urban under the Eastern Shore (Area 2) Planning Scheme 1986. At the time, the Principles of Development Control for the area (“District 17 – Lauderdale”) also stated that the: “...release of the Lauderdale area in the future for urban residential expansion will be dependent upon the provision of sewerage and stormwater services and investigation of effects of possible rises in sea level”.

Under CPS 2007, the area was zoned Rural Residential and subject to a number of environmental overlays. The Clarence Residential Strategy was finalised in 2008, which established an urban growth boundary for Lauderdale, noting that there was little land available in this area which did not have significant environmental or servicing constraints.

In 2009, council commissioned the *Climate Change Impacts on Clarence Coastal Areas* report to identify the issues around climate change. Council also participated in the Tasmanian Coastal Adaptation Pathways Project which concluded in 2013 and provided a number of reports covering methods to respond to climate change impacts in coastal communities.

In 2011, Council undertook the *Lauderdale Structure Plan* to provide a long-term planning framework for Lauderdale. While it identified many actions requiring implementation over time, it provided the basis for successful planning scheme amendments for a new supermarket site and the residential corridor along Ringwood Road and Mannata Street.

In 2012, the Lauderdale Stormwater Drainage Assessment Report was prepared for council by Johnstone McGee and Gandy (JMG) engineers to set out a drainage design concept for the above rezoned areas.

The “Clarence Activity Centre Strategy” was undertaken in 2013 and included the case for retail growth – in particular a supermarket – at Lauderdale.

The above reports then provided a basis for the consideration of this land to be zoned General Residential through the development of the Clarence Interim Planning Scheme 2015, which was subsequently rejected by the Tasmanian Planning Commission.

In 2017, council and the State Government co-funded the Lauderdale Urban Expansion Feasibility Study. The Study identified concerns with the legal, physical, and financial ability of council to reasonably achieve a consistent, coordinated and timely solution across multiple properties.

Following consultation where it was clear that not all residents supported the expansion, at its meeting of 1 May 2017, council resolved:

- Not to proceed with the Lauderdale Urban Expansion Feasibility Study.
- Not to undertake an amendment to the Lauderdale Structure Plan.
- Not to seek an amendment to the Southern Tasmanian Regional Strategy Plan.

The basis of this decision was:

- It would not be financially feasible to undertake the development.
- The development of the area would unreasonably impact on the amenity of the area.
- There are significant constraints to the development of the area, including the availability of suitable fill, as well as long term regional traffic management implications.
- There are high risk and complex engineering solutions required to enable development to occur with Council liable for significant costs, in the order of \$11M (calculated as at 2017).
- There is no strategic justification for modifying the Lauderdale Structure Plan or the Southern Tasmanian Regional Land Use Strategy.

Of these matters, it is noted that nothing has changed in the intervening time to warrant reconsideration of the first three reasons. With regard to the order of costs, as the study was done in 2017, it recognised that there is likely to have been a significant cost increase since that time. With regard to the final point, the Lauderdale Structure Plan has not changed, however, there have been some changes to STRLUS which provide opportunity for some minor rezonings adjacent to the UGB to now be considered (discussed below.)

In 2020, GHD Pty Ltd, on behalf of council, undertook the Roches Beach to Opossum Bay Stormwater System Management Plan. The purpose of the report was to meet council's responsibilities of the Urban Drainage Act 2013 to provide stormwater system management plans (SSMPs) for the urban areas of the municipality. The SSMPs serve the purpose of identifying the level of risk from flooding in the catchments, possible mitigation measures and form a basis of prioritising stormwater improvements. This report specifically considered the urban catchments between Roches Beach to Opossum Bay.

In 2020, council resolved to further investigate an additional stormwater discharge option proposed by a nearby developer at 526 and 514 South Arm Road, Lauderdale. The purpose of this report was to summarise the potential hydraulic impact of a proposed development comparing two alternate stormwater drainage configurations, being stormwater discharge at Ralph's Bay (as per the SSMP) or into Lauderdale canal, based on the private development proposal. The outcome of the report was that modelling results indicated discharging stormwater into Lauderdale canal did have some hydraulic benefit for current climate conditions, however, some adverse issues occur under Year 2100 future climate conditions (increased rainfall intensity of 16.3% and 900mm sea level rise).

The report also assessed the mitigation proposal indicated in the SSMP of two stormwater detention basins in council's Roscommon property, in order for revised downstream stormwater channels to accept the design flows. The risk assessment identified the potential of 38 houses, mostly in the Roches Beach Living facility experiencing flooding events should the detention basins suffer a breach. Further modelling and risk assessment work is required on this, as well as future public consultation on the mitigation proposal.

In addition, the proposal of discharging stormwater into the canal will deposit more sediment into the canal. Council has received consultant advice on the water quality of the Lauderdale canal, with results to be released to council after officer assessment.

In line with council's priority of addressing higher risk scenarios in the Clarence Stormwater System Management Plans, officers have proposed funds in the draft 24/25 Annual Operating Plan to assess the feasibility mitigation proposals in the Lauderdale SSMP. This will provide further evidence on the complex stormwater engineering issues with the low-lying area of Lauderdale, to form a coordinated approach of managing the local area, rather than trying to manage individual developments.]

In October 2021, the Tasmanian Planning Commission directed the implementation of the Tasmanian Planning Scheme – Clarence. As part of this process, specific representations on the conversion of the area to a denser urban form were received, including from the applicant.

In the section 35F report, the planning authority considered that the representations did not warrant modifications to the draft LPS. The reasons included:

- A study has previously been undertaken to consider the feasibility of developing the area and based on the study report, the council in May 2017, resolved not to pursue the expansion of the area.
- The feasibility study was exhibited, and a significant majority of respondents were opposed to the expansion.
- It would be premature to apply the Future Urban Zone, as it has not yet been demonstrated that the land should be converted to urban land; and the land is not within the Urban Growth Boundary, and even if it was determined that the Urban Growth Boundary should be expanded, it is not accepted that the subject area would necessarily be the most suitable land within the region to service increased demand.

The Commission found that modification to this area, outside of the UGB was inconsistent with STRLUS and therefore not supported. The Commission noted that should the UGB be modified to include the subject land in the future, applications for amendments to the relevant planning scheme could be made at that time.

From the above discussion and timeline, it is clear that this matter has been revisited in the context of the wider area a number of times. There is a consistent position of council that expansion of the Lauderdale area, beyond that identified through the Lauderdale Structure Plan, is not supported. It is considered that there are more suitable areas within the UGB to prioritise for residential expansion and/or densification to service the increased housing demand.

It is considered that, given that the infrastructure issues are complex and interconnected, that a revised Structure Plan would be necessary to enable their consideration in a wholistic way.

Accordingly, it is unreasonable to continue to pursue investing in this matter, at the expense of the wider ratepayer base, without a strategic basis – provided through a revised Structure Plan, particularly when council has significant other priorities for future residential development in Clarence.

It follows that, through the outcomes identified in a revision and update to the Structure Plan, changes to the planning scheme may be warranted. Equally, any such revision of the Structure Plan may conclude that further changes are unwarranted. It is noted that there are no plans to undertake this review, given the history of studies into this area, nor is this within the current budget. Such work would need to be the subject of a future budget allocation.

It is considered that, until there is a clear strategic reconsideration of development in the area generally, piecemeal rezonings should not be supported as they do not demonstrate sound and coordinated strategic land-use planning. Accordingly, it is considered that it is not in the public interest to support this application.

4.3. Southern Tasmanian Regional Land Use Strategy

In 2011, the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS) was adopted with which all planning scheme amendments and new planning scheme must be consistent. STRLUS also has set an Urban Growth Boundary (UGB) which limits the expansion of urban development.

On 22 September 2021, the Minister for Planning adopted amendments to STRLUS which included the addition of SRD2.12 which enabled, where land outside of the UGB shares a boundary with land in the UGB, a request for rezoning for urban development can be sought for lots less than 2ha. This also includes multiple lots of less than 2ha each.

On 17 May 2023, the Minister for Planning further amended SRD2.12 in STRLUS as follows:

“SRD2.12 Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:

- (a) shares a common boundary with land zoned for urban development within the Urban Growth Boundary and:
 - i. only provides for a small and logical extension, in the context of the immediate area, to land zoned for urban development beyond the Urban Growth Boundary; or*
 - ii. does not constitute a significant increase in land zoned for urban development in the context of the suburb, or the major or minor satellite as identified in Table 3, and is identified in a contemporary settlement strategy or structure plan produced or endorsed by the relevant planning authority; and**
- (b) can be supplied with reticulated water, sewerage and stormwater services; and*
- (c) can be accommodated by the existing transport system, does not reduce the level of service of the existing road network, and would provide for an efficient and connected extension of existing passenger and active transport services and networks; and*
- (d) results in minimal potential for land use conflicts with adjoining uses.”*

It is the applicant’s position that the introduction, and amendment to SRD2.12 enable the proposed application to be made. It is noted that this provision was amended by the Minister at approximately the same time as the current request was lodged.

Accordingly, the submitted documentation references the previous version of SRD2.12. A further submission on behalf of the application has now been submitted and is attached for council's consideration. In summary, it is the applicant's position that this consideration is not relevant to council's consideration at this stage.

By way of response, it is considered that this issue is fundamental to council's consideration at this stage, as it is at the very heart of why the application has been able to be made. Until the insertion (and later modification) of SRD2.12 this proposal was contrary to STRLUS and could not be approved. When considering an application for an amendment to the planning scheme, it is the role of the planning authority to, firstly, determine if an application complies with this regional policy, and then assess the application for rezoning in accordance with the provisions of Section 34 – LPS criteria of LUPAA, including its consistency with STRLUS as a whole.

In this case, while it is agreed that the land within the proposal is adjacent to, and shares a common boundary with, urban land within the UGB, it is considered that the proposal does not represent a logical extension to the land – evidenced by the need to include land set aside for public recreation to facilitate the development. It is also considered that a 45-lot subdivision is not “small”, in the context of the immediate area, particularly evidenced by the fact that such a development will warrant upgrading of Mannata Street for the new intersection or will further increase traffic on substandard intersections (discussed later). Furthermore, the proposal is clearly contrary to the adopted Lauderdale Structure Plan.

Accordingly, it is considered that the development does not meet the requisite test under STRLUS for residential development outside the UGB. While this is generally a planning matter, it is relevant in the context that it is considered not to be reasonable, and therefore not in the public interest to provide support for a proposal for which council, as a planning authority, could not reasonably assess through a subsequent process.

This is also relevant in that the subdivision application proposes to create residential lots, upon some of which, a residential use would be unable to be approved.

4.4. Impact on Land or Infrastructure

There is significant background history to this site and the wider Lauderdale area with regard to its appropriateness for more dense development. The area is within a high-water table area and is low-lying, which contributes to existing stormwater infrastructure being limited and difficult to maintain. During periods of high rainfall, the current stormwater system relies upon the storage of water within the lower area of the catchment. Development within the area generally requires fill placement which reduces storage capacity.

It is a significant relevant matter that stormwater management, through the implementation of the Tasmanian Planning Scheme – Clarence is now not regulated through the planning system (other than water quality), but through council's obligations as the stormwater service provider under the *Urban Drainage Act 2013*. Accordingly, the implications of stormwater management arising from the proposed application, and the wider area as a consequence, are relevant matters to consider in providing landowner consent.

It is noted that the proposal provides supporting evidence that stormwater can be adequately managed on-site to mitigate flow to pre-existing levels. However, council has not undertaken the detailed design work to test-proof the strategic mitigation proposal in the Lauderdale SSMP for the wider lower lying area. This needs significant further analysis, providing council with all the risk assessments and engaging with the community for their support. For example, while the Lauderdale SSMP proposes a 15m wide stormwater easement immediately south of 26 Mannata Street, partially through private land, it is unknown at this stage if the final design would necessitate wider easements within the area subject to this application, or require alterations to the height of Mannata Street road and any public roads, including that servicing this application.

The flood modelling shows Mannata Street as subject to inundation, so the relative height of Mannata Street and any new public road is a significant consideration.

From a traffic perspective, while the ultimate development of the subdivision and consequential residential development will increase traffic on the Mannata Street and Ringwood Road network, evidence from a Traffic Impact Assessment (TIA) provided by the applicant is that the new intersection at Mannata Street will require a basic right-turn and basic left-turn treatment, and that the eastbound Safe Intersection Sight Distance from the new road intersection would be approximately 20m less than that required by the *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections*, and would need to reduce the speed limit from 60kmh to 50kmh to comply.

Furthermore, the TIA identifies that the treatment of the intersection of Ringwood Road and South Arm Highway is substandard for the current traffic volumes which will increase with the new development.

While some of these matters, such as the immediate infrastructure upgrades would be normally undertaken by the developer as a condition of the approval, the implications of stormwater management in the wider area, and any consequential upgrading of intersections to South Arm Highway, would need to be levied by way of infrastructure contributions to enable a wider solution. However, these generally are only related to capital costs and do not address operation or maintenance costs.

This solution would need to understand the nexus of cause and effect and the cost and capacity of the network to accept change. A structure plan is the appropriate vehicle to consider these aspects from a whole of life perspective and provide an equitable solution to ensure orderly development and that such matters could be included in any relevant permit conditions.

However, levying contributions is generally done on the basis that this is contributing to the cost of a project, which will require public funds to be undertaken. Outside of the works identified in Section 3.3 above, council has not resolved to undertake this work, nor is council aware of any commitment by the Department of State Growth to undertake upgrades to the South Arm Highway in this area.

Accordingly, it is considered that this application has significant potential to impact on council's wider infrastructure servicing requirements and the wider traffic network and require disproportional funding to mitigate, which is not in the public interest to fund at this stage.

4.5. Objectives of Schedule 1 of LUPAA

As identified above, all decision-making under the provisions of LUPAA is required to further the objectives of Schedule 1 of the Act. An assessment is provided in the following table.

Objective	Response
<i>“Part 1</i>	
<i>The objectives of the resource management and planning system of Tasmania are -</i>	
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The provision of consent is not inconsistent with this objective.
<i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	It is considered that the provision of consent does not further this objective as it would support development that, having regard to the strategic context of the site, does not represent fair, orderly or sustainable development.
<i>(c) to encourage public involvement in resource management and planning; and</i>	It is considered that the provision of consent does not further this objective as it would pre-empt a reconsideration of the strategic context of the area which should be development through consultation and engagement.

Objective	Response
<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	The provision of consent is not inconsistent with this objective.
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	The provision of consent is not inconsistent with this objective.
Part 2	
<i>The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –</i>	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	It is considered that the provision of consent does not further this objective as it would pre-empt a reconsideration of the strategic context of the area.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	The provision of consent is not inconsistent with this objective.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	The provision of consent is not inconsistent with this objective.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	It is considered that the provision of consent does not further this objective as the development is inconsistent with the outcomes of the Southern Regional Land Use Strategy.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The provision of consent is not inconsistent with this objective.

<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i>	The provision of consent is not inconsistent with this objective.
<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The provision of consent is not inconsistent with this objective.
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	It is considered that the provision of consent does not further this objective as it would lead to an increased impact on stormwater infrastructure in the area without a coordinated and considered approach to appropriate management.
<i>(i) to provide a planning framework which fully considers land capability.”</i>	It is considered that the provision of consent does not further this objective as the development is inconsistent with the outcomes of the Southern Regional Land Use Strategy.

5. CONSULTATION

5.1. Community Consultation Undertaken

No community consultation has taken place with regard to this proposal.

5.2. State/Local Government Protocol

Nil.

5.3. Further Community Consultation

Should council provide consent for the application to be lodged, and it then be supported by the planning authority, the application would be referred to the relevant service authorities and subject a period of public exhibition, prior to being considered by the Tasmanian Planning Commission.

It is also noted that other relevant legislative processes, such as the consideration of the disposal of public land, also requires a period of public consultation.

6. STRATEGIC PLAN/POLICY IMPLICATIONS

The Clarence City Council Strategic Plan 2021–2031 identifies the following objective:

“Objective 2.12: Undertaking best practice land use policy development and active participation in regional planning processes.”

It is considered that to support the lodgement and consideration of an application that is contrary to the adopted Lauderdale Structure Plan and does not meet the requirements of the Southern Tasmania Regional Land Use Strategy, is directly contrary to this objective.

7. CONCLUSION

7.1. In consideration of the matters set out in this report, it is recommended that the request for landowner consent to facilitate a rezoning and subdivision application at 34, 36 and 46 Mannata Street, Lauderdale be refused.

7.2. As consent is a prerequisite of such applications, until this is provided, the application is considered not to be valid. Accordingly, any fees paid so far in relation to this application, in accordance with Council’s fee schedule, should be refunded in full.

Attachments: 1. Request for Consent and Supporting Documentation (206)
2. Further Submissions (45)

Ian Nelson
CHIEF EXECUTIVE OFFICER

Form No. 1

Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

Tony Dourias - Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust

John Dourias - Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust

Email address

douriasgroup Holdings@gmail.com

Contact number:

0413590488

2. Site address:

Address:

34 MANNATA ST LAUDERDALE TAS 7021

36 MANNATA ST LAUDERDALE TAS 7021

46 MANNATA ST LAUDERDALE TAS 7021

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Property ID 9981308 - Title Reference 181743/8

Property ID 9493309 - Title Reference 178697/1

Property ID 5218893 - Title Reference 23315/39

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Clarence City Council

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Property ID 5218893 - Title Reference 23315/39 -36 MANNATA ST LAUDERDALE TAS 7021

Position
(if applicable):

Signature:

Date:

Registered owner
(please print):

Tony Dourias

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Property ID 9981308 - Title Reference 181743/8 Property ID 9493309 - Title Reference 178697/1

Position
(if applicable):

Director

Signature:

Date:

11th May 2023

Registered owner
(please print):

John Dourias

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Property ID 9981308 - Title Reference 181743/8 Property ID 9493309 - Title Reference 178697/1

Position
(if applicable):

Director

Signature:

Date:

11th May 2023

NOTES:

a. When is owners' consent required?

Owners' consent is required for:

- amendments to an interim planning scheme or to a Local Provisions Schedule¹; or
- combined permits and amendments².

Owners' consent must be provided before the planning authority determines to initiate, certify or prepare the amendment.

b. Who can sign as owner?

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

c. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- i. a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- ii. the consent of each owner of each lot on the strata plan.

d. Companies

If the land is owned by a company the form is to be signed by a person with authority in accordance with the *Corporations Act 2001 (Cwth)*.

e. Associations

If the land is owned by an incorporated association the form is to be signed by a person with authority in accordance with the rules of the association.

f. Council or the Crown

If the land is owned by a council or the Crown then form is to be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: September 2021

¹ under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* or section 37 of the current provisions.

² under section 43A of the former provisions or section 40T of the current provisions of the Act



34, 36 and 46 Mannata Street, Lauderdale

**40T Combined Planning Scheme Amendment and
Development Application Report**

The Trustee for MGH Dourias Family Trust

14 December 2022

→ The Power of Commitment

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Executive summary

The Trustee for MGH Dourias Family Trust has engaged the services of GHD Pty Ltd to prepare this report to support an application to rezone land at 34, 36 and 46 Mannata Street, Lauderdale to enable the subdivision of the land.

In order to undertake this subdivision an application under Section 40T of the *Land Use Planning and Approvals Act 1993* must be lodged with the Clarence City Council. The application is a permit and scheme amendment application.

Council must then consider the application and decide whether to initiate the amendment to the *Tasmanian Planning Scheme – Clarence* to allow for the subdivision permit to be granted.

The report has demonstrated the application for the subdivision and rezoning of the land ought to be approved, subject to further advice and conditions of Council.

The proposal will, on the whole, provide additional residential lots within an urban infill area that is adjacent (and within) the Greater Hobart Urban Growth Boundary. The application demonstrates how the subdivision (and the additional General Residential Zone area) provides connectivity with adjoining Bangalee Street and will activate the 'green belt' from Mannata Street through to Council's public open space at 36 Mannata Street. The infill development will help to sustainably grow the Lauderdale neighbourhood.

The report demonstrates the proposed development and scheme amendment are compliant with the *Land Use Planning and Approvals Act 1993* and the broader Resource Management and Planning System of Tasmania.

This report and the supporting documents form the basis of the application lodged with the Clarence City Council for initiation, exhibition and referral to the Tasmanian Planning Commission for determination.

We consider that the requirements of the *Land Use Planning and Approvals Act 1993* and the standards of the *Tasmanian Planning Scheme – Clarence* would be satisfied and that following the appropriate process, can be approved by the Council and the Commission.

This report is subject to, and must be read in conjunction with, the limitations set out in section 1.2 and the assumptions and qualifications contained throughout the report.

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Appendix B	34-46 Mannata Street, Lauderdale Layout Concept prepared by GHD Woodhead
Appendix C	Mannata Street, Lauderdale Layout Plan prepared by D.G.J. Potter Authorised Surveyors
Appendix D	Design Memo to Development Engineer Clarence City Council 34-46 Mannata Street prepared by AD Design + Consulting
Appendix E	34, 36 and 46 Mannata Street Traffic Impact Assessment-Dourias MGH PTY LTD, prepared by GHD Pty Ltd
Appendix F	Natural Values Atlas Report, Mannata Street Rezoning, Natural Values Atlas Tasmania, 8th December 2022
Appendix G	Aboriginal Heritage Search Record, Aboriginal Heritage Tasmania

1. Introduction

1.1 Purpose of this report

This report has been prepared by GHD Pty Ltd (GHD) on behalf of the Trustee for MGH Dourias Family Trust, to support an application for an amendment to the *Tasmanian Planning Scheme – Clarence* (Planning Scheme) for the land at 34, 36 and 46 Mannata Street, Lauderdale (the site).

This report and supporting documents form the basis of an application to the Planning Authority, City of Clarence (Council), and the Tasmanian Planning Commission (the Commission).

The application is requesting both an amendment to the planning scheme and a permit to subdivide the land pursuant to Section 40T of the *Land Use Planning and Approvals Act 1993* (the Act).

Accompanying reports and plans that have been referenced in the preparation of this application include the following:

- Appendix A Mannata Street 44 Lot Subdivision 26-46 Mannata Street prepared by AD Design + Consulting
- Appendix B 34-46 Mannata Street, Lauderdale Layout Concept prepared by GHD Woodhead
- Appendix C Mannata Street, Lauderdale Layout Plan prepared by D.G.J. Potter Authorised Surveyors
- Appendix D Design Memo to Development Engineer Clarence City Council 34-46 Mannata Street prepared by AD Design + Consulting
- Appendix E 34, 36 and 46 Mannata Street Traffic Impact Assessment-Dourias MGH PTY LTD, prepared by GHD Pty Ltd
- Appendix F Natural Values Atlas Report, Mannata Street Rezoning, Natural Values Atlas Tasmania, 8th December 2022
- Appendix G Aboriginal Heritage Search Record, Aboriginal Heritage Tasmania

Data, reports and documents otherwise referenced in the body of this report.

1.2 Report structure

This report is generally structured so that sections 1 and 2 provide introductory information regarding the proposal, the site and surrounding area and the applicable planning controls relating to the site. This provides the context for the remainder of the report.

Sections 3 and 4 contain the Planning Scheme amendment proposal and an assessment of the amendment proposal against the required provisions of the Act.

Then, based on an assumption that the proposed Planning Scheme amendment is approved, sections 5 and 6 contain an assessment of the proposed a subdivision against the relevant requirements of the Planning Scheme. This is the process for a scheme amendment and application for a permit as provided by Section 40T of the Act.

1.3 Scope and limitations

This report has been prepared by GHD for The Trustee for MGH Dourias Family Trust and may only be used and relied on by The Trustee for MGH Dourias Family Trust for the purpose agreed between GHD and The Trustee for MGH Dourias Family Trust as set out in section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than The Trustee for MGH Dourias Family Trust arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

2. Proposal

The proposal is for the rezoning of the land from the Rural Living Zone to the General Residential Zone under the *Tasmanian Planning Scheme – Clarence* (the Scheme). This requires only a modification to the zoning map and does not require any modification to the written ordinance or the mapped overlays.

The rezoning of the land to the General Residential zone, enables the land to be subdivided and developed per the standards of the General Residential Zone. This zone allows for a minimum lot size of 450m² under the Acceptable Solution and allows for multiple dwellings.

The proposal is for:

- 44 new lots ranging in size between 450m² and 740m²
- Single lot for existing dwelling (creating a total of 45 lots)
- Lot 101 and Lot 102 for a new road
- A new road from Mannata Street described as Salim Drive
- Each proposed lot will have a frontage to Salim Drive. The existing gravel access from Mannata Street that currently serves the land will be upgraded to Salim Drive. The lots will be serviced by sewer, water, power and stormwater and the National Broadband Network. Stormwater will be drained to the large open channel drain that currently intersects the land.
- Connections to the adjoining public open space and a walkway to Bangalee Street

2.1 Background to proposal

There are three (3) titles involved in this proposal. These are 34 Mannata Street (CT 181743/8), 36 Mannata Street (CT 23315/39) and 46 Mannata Street (CT 178697/1), Lauderdale (the site). The site is shown in Figure 1.

The adjoining land, fronting Mannata Street, was previously part of this site and was subdivided under previous permits issued by the Council. The previously subdivided part of the site was entirely within the General Residential Zone and within the Urban Growth Boundary (UGB) under the *Southern Tasmanian Regional Land Use Strategy* (STRLUS). There are currently 11 lots that front Mannata Street that were formerly part of the parent titles. These lots are currently in various forms of residential development. This is shown in Figure 1 of this report.

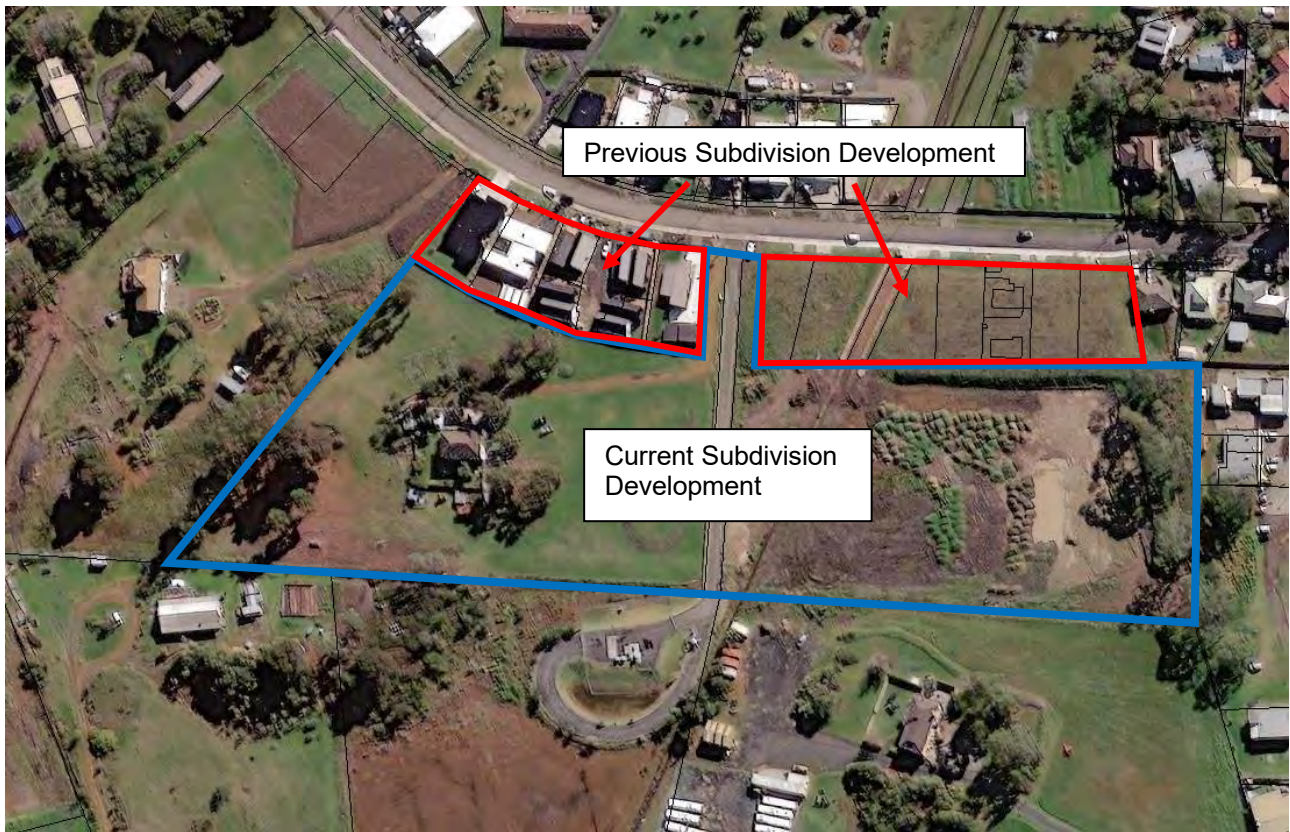


Figure 1 Current and previous subdivision development at and adjoining the Mannata Street site.

The proposed rezoning and subdivision forms the logical 'next stage' of the residential development of Mannata Street and the prior approvals that apply to this land have facilitated this stage of development.

2.1.1 Prior subdivision approvals

The previous subdivision, of the former part of the site, is significant to this application. These lots are currently addressed as 20-54 Mannata Street. The previous permit for (reference SD-2014/33) was granted on 18 September 2015 for '7 lots plus balance subdivision and associated fill'. The permit approved the following development (and associated works):

- Subdivision of 7 residential lots and balance land (this subject site)
- Clear existing vegetation and fill the site between 1.2m and 1.5m to a consistent level of 2.7m AHD
- Associated subdivision works and infrastructure including provision of water, sewer, stormwater drainage and road access

The provision of fill is an ongoing process to achieve a consistent level of 2.7m AHD on the balance land. This was a height identified and recommended in the *Lauderdale Structure Plan 2011* and supported by engineering certification. The purpose of the fill is to provide a ground level that enables dwellings to better achieve a finished floor level of 3.2m AHD. This was a requirement of the Inundation Code under the previous *Clarence Interim Planning Scheme 2015*.

The fill also provides drainage from the lots to the existing road and sewer and stormwater system.

This 2.7m AHD level for the site is significant in the consideration of the proposed subdivision works and future works under the C11.0 Coast Inundation Hazard Code of the Planning Scheme.

The assessment of the prior subdivision by Council Officers gave consideration of the future use and development of the site. This is captured in the Officers report to the Planning Authority that recommended the approval of the permit for the subdivision and the fill (*Minutes of Clarence Council Meeting, Monday 2nd February 2015*). Further expansion of the 'green belt' was encouraged per the recommendations of the *Lauderdale Structure Plan (2011)*. The 'green belt' is to follow the drainage reserve was considered by Council. This was supported by the Council

Tracks and Trails Committee. The Tracks and Trails Committee also supported connectivity from Mannata Street through to Bangalee which can now be achieved.

Council Engineers supported the fill of the site and described the development as follows:

Like the bulk of Lauderdale, there are physical constraints, but the key issues of inundation and drainage can be resolved with appropriate engineering designs.

Condition 12 of the permit (SD-2014/33) – provided the following relevant condition to this new proposal:

12. Prior to commencing any works on-site, a filling plan shall be prepared by a suitably qualified person and submitted to and approved by Council’s Group Manager Asset Management. The plan is to conform with principles outlined in AS3798-2007 – Guidelines on Earthworks for Commercial and Residential Developments and is to include start and end dates, a staging plan (if applicable) and a rehabilitation plan.

Filling of the land shall be fit for the purposes of those future uses reasonably expected on the land and must be undertaken in a manner which does not create nuisance by way of dust, noise, traffic movements or weed dispersal, either during the filling operation or after completion.

Upon completion of filling operations, the works shall be certified by a suitably qualified person as being carried out in accordance with the approved filling plan and rehabilitation plan and is fit for purpose and free of deleterious matter or hazardous/controlled substances.

An as constructed topographical survey plan at a suitable scale is to be provided to Council upon completion of the works.

The approved subdivision proposal plan for the permit SD-2014/33 is provided in Figure 2 below:



Figure 2 Approved subdivision plan for 7 lots on Mannata Street and approved fill area

The fill works have commenced but are not yet complete (as of the date of this report). Photo 1 below, was taken on 8 December 2021 to show the rear of the 34 Mannata Street site. The site photo shows mounds of earth that are yet to be used as controlled fill (engineered fill) for subdivision.



Photo 1 34 Mannata Street, Lauderdale (site photo taken 8th December 2021)

The fill works were a strategic plan by the landowner to help facilitate future residential development of the land. The previous subdivision and fill works can therefore be considered a precursor to this '40T application'.

2.1.2 STRLUS and UGB

The site is partly outside the Urban Growth Boundary (UGB). Until the recent amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS), on 22 September 2021, the site was unable to be considered for a residential rezoning without first amending the UGB.

The entire site was originally included within the UGB at the time of the STRLUS declaration in 2010. However, the Council Officers pursued an amendment to the STRLUS in 2013 to remove the UGB from the Rural Living Zone portion of the site (and adjoining sites). Since the UGB was removed it has not been possible to make an application to Council to rezone the land without first having to amend the UGB via an amendment to the STRLUS. As Council is aware an amendment to the STRLUS is a challenging process requiring endorsement from all 12 Southern Councils.

It is further noted that the Minister for Planning, the Honourable Michael Ferguson, has recently (May 2022) provided advice to the Council General Manager that amendments to the UGB prior to the finalisation of the Greater Hobart Plan, and completion of other associated studies would be both premature and potentially undermine the Greater Hobart Plan and its implementation. Accordingly, decisions to expand the UGB are to be set aside until further work is completed¹.

This proposal does not seek or require an amendment to the STRLUS or the UGB due to the introduction of the September 2021 amendment to the STRLUS. The September 2021 amendment to STRLUS has effectively

¹ Source: <https://www.ccc.tas.gov.au/update-52-richardsons-road-urban-growth-boundary-amendment/>, accessed 12th October 2022

allowed the Council and the Tasmanian Planning Commission to consider the rezonings of land (for residential purposes) that are outside of the UGB through the ordinary scheme amendment process, that is as per Section 40T of the Act

The amendment to the STRLUS, made by the Minister, provides the insertion of a new policy clause in Policy 19 'Settlement and Residential Development'.

The Clause 'SRD 2.12' reads:

Notwithstanding SRD 2.2 and SRD 2.8, land outside the Urban Growth Boundary shown in Map 10 may be considered for rezoning for urban development if it:

(a) shares a common boundary with land in the Urban Growth Boundary which is zoned for urban development;

(b) comprises:

(i) a lot that is outside the Urban Growth Boundary with an area not more than 2ha; or

(ii) the residual area of a lot that is partially outside the Urban Growth Boundary, with the area of the lot outside the Urban Growth Boundary not more than 2ha;

(c) does not constitute a significant increase in land zoned for urban development outside the Urban Growth Boundary in that locality;

and

(d) results in minimal potential for land use conflicts with adjoining land uses.

[Extract from p A-26, STRLUS]

The amended STRLUS and policy clause specifically enables the Council and the Planning Commission to consider a rezoning proposal for a lot area of up to 2ha that is outside, but adjoining the UGB, provided it meets the necessary criteria and other relevant regional policies in the STRLUS. The policy clause is intended to provide a more efficient approach for managing anomalies in the UGB without the need to make incremental adjustments to the UGB through the STRLUS amendment process.

The 40T application to Council for the proposed Mannata Street rezoning is therefore possible without a formal amendment to the STRLUS (UGB specifically). This is further assessed in this report.

3. The Site

3.1 Site summary

This section of the report will provide an overview of the site location.

3.1.1 Certificate of title

The certificate of title and street address for each of the three subject titles is provided as follows:

- 34 Mannata Street - 181743/8
- 36 Mannata Street - 23315/39
- 46 Mannata Street - 178697/1

3.1.2 Location

Mannata Street is accessed from either Ringwood Road to the west or Bangalee Street to the east. The proposed junction is approximately 220m from Bangalee Street and approximately 900m from the Ringwood Road junction with the South Arm Road. Mannata Street is an ordinary residential area with houses fronting the road. There are several new houses opposite the proposed entrance and several houses in various stages of construction to the west of the entrance. The lots that were recently created per the aforementioned 2015 permit SD-2014/33 are now in various stages of residential development.

There is a concrete footpath along the southern side of Mannata Street which services the newly created lots.

The large open stormwater channel identified in Figure 3 is a prominent feature in the streetscape as the channel is flanked by large sandstone blocks. The channel runs under Mannata Street and through the subject site. The channel starts at Balook Street and runs south towards Mannata Street and then to Ralphs Bay. The channel is fed by the southern side of the Tasmanian Equestrian Centre and also the lands adjacent to the channel. The channel provides a means of drainage for the area and a means of diverting and draining the flood waters.



Figure 3 Drainage Channel from Balook Street to Ralphs Bay (rear of lots fronting North Terrace)

The drainage channel from Balook Street to Mannata Street also provides part of the public open space network and a pleasant walking track between the areas. Photo 2 below shows the walking track and drainage channel on the southern side of Mannata Street, between 28 and 30 Mannata Street through the subject site. The stormwater channel is described as a 'green belt' in the *Lauderdale Structure Plan (2011)* and provides a logical access to the public open space land at 36 Mannata Street.



Photo 2 *Drainage Channel and walking track on the southern side of Mannata Street. Photo take after a high rainfall event*

There is a row of shops and businesses fronting Bangalee Road which adjoin 34 Mannata Street. The row of shops is in the Local Business Zone. There are also two titles south of the shops that are in the Community Purpose Zone. The Local Business Zone and Community Purpose Zone are all within 400m and therefore within walking distance of the proposed subdivision.

There is also a larger General Business and Local Business Zone area to the west of the site fronting the South Arm. This area provides a larger supermarket, chemist, food services and garden centre. This area is within an 800m radius of the subdivision land.

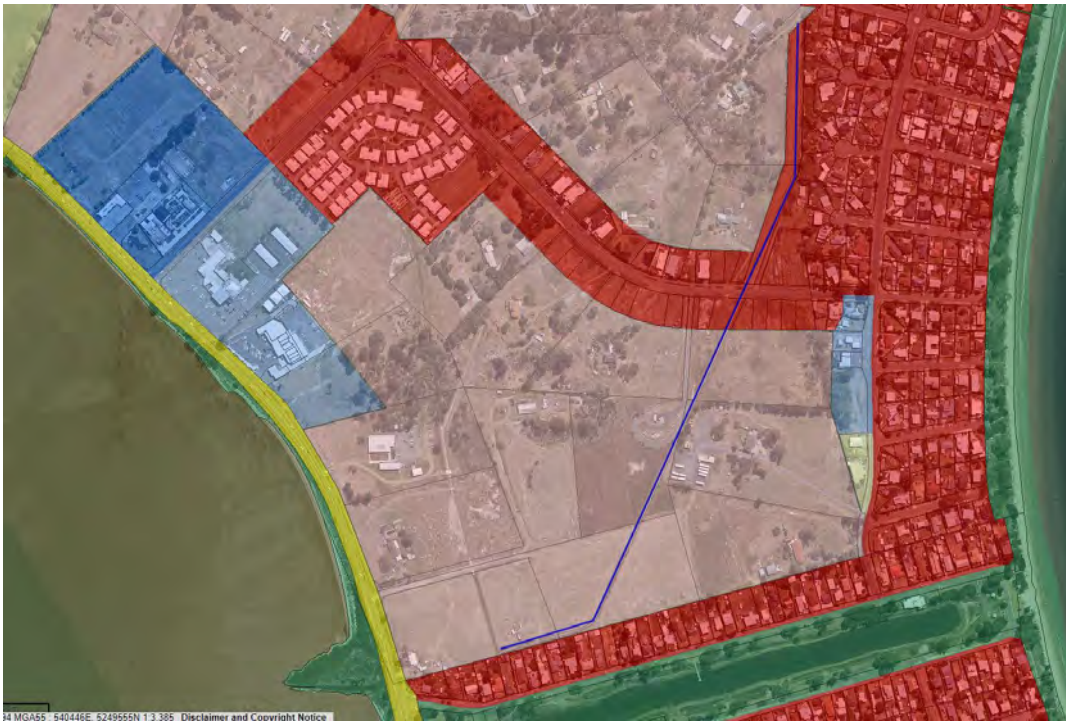


Figure 4 The zoning for the site and the surrounding land. The red is the General Residential Zone. The blue is the Local Business Zone, the light yellow is the community purpose zone, the pink is the Rural Living Zone, the green is Environmental Management Zone

3.1.3 Surrounding Area

Lauderdale has a distinct identity characterised by:

- An established residential area
- Popular Lauderdale beach for swimming and recreation
- Lauderdale Canal which provides bird watching, walking and restaurants
- Ralphs Bay known for its shallow flats and rich diversity in birdlife
- Local shops and food services
- Access to a wider walking and riding trails through Lauderdale, Roches Beach and Acton Park (and to Seven Mile Beach)
- Lauderdale is also a gateway to South Arm

The immediate lots fronting Mannata Street (that were formally part of the parent titles) are characterised by modern residential housing placed on large volumes of fill. The land slopes towards the street, due to the fill, with each property serviced by a concrete crossover.

This area can be described as a desirable place to live that offers dining, shops, services, beaches, equestrian tracks, walking tracks in a very pleasant coastal environment. This is reflected in the ever-increasing price of land and housing in this area.

The median sales price of housing for 2021 in Lauderdale, per the Real Estate Institute of Tasmania, was \$900,000.00² and for land was \$472,500³. Lauderdale was also the 4th highest median house price in the State. This is a strong indication of the desirability of the area and the high price of property.

The rear of the site is partly filled and has the character of infill development between the residential land south of the canal and the residential land to the north of the canal and flanked between Lauderdale beach to the east and the South Arm Road (and general business area) to the west.

² Source: <https://reit.com.au/Market-Facts/Market-Reports>, accessed 12/10/2022

³ Source: <https://reit.com.au/Portals/24/resources/suburb-reports/web-lauderdale-land.pdf>, accessed 12/10/2022

There are a number of notable nearby facilities, attractions, and businesses that make Lauderdale a functioning suburb. These are all nearby to the proposed subdivision site and provide below with their respective distance from the site (direct):

- Lauderdale Primary School (900m)
- Lauderdale Child Care (900m)
- Lauderdale Doctors Surgery (720m)
- Garden Centre/Nursery (700m)
- Tavern (540m)
- Shopping Complex (500m)
- Shops, cafes, grocer, service station etc south of the Canal (600-800m)
- Lauderdale Beach (380m)
- Lauderdale church and community services (500m)
- Bangalee Street shops (200m)
- Bangalee Street childcare and fire station in the community purpose zone (300m)

Given the service level, Lauderdale, can accommodate the day-to-day needs of the residents. The zoning of the land in the area also affords further services and growth.

3.2 Site characteristics

3.2.1 Topography

The three (3) title are each described below:

- 46 Mannata Street has been filled around the existing dwelling. This can be clearly demonstrated on the List map services in Figure 5 below. The dwelling is located within the depression in the middle of the site.

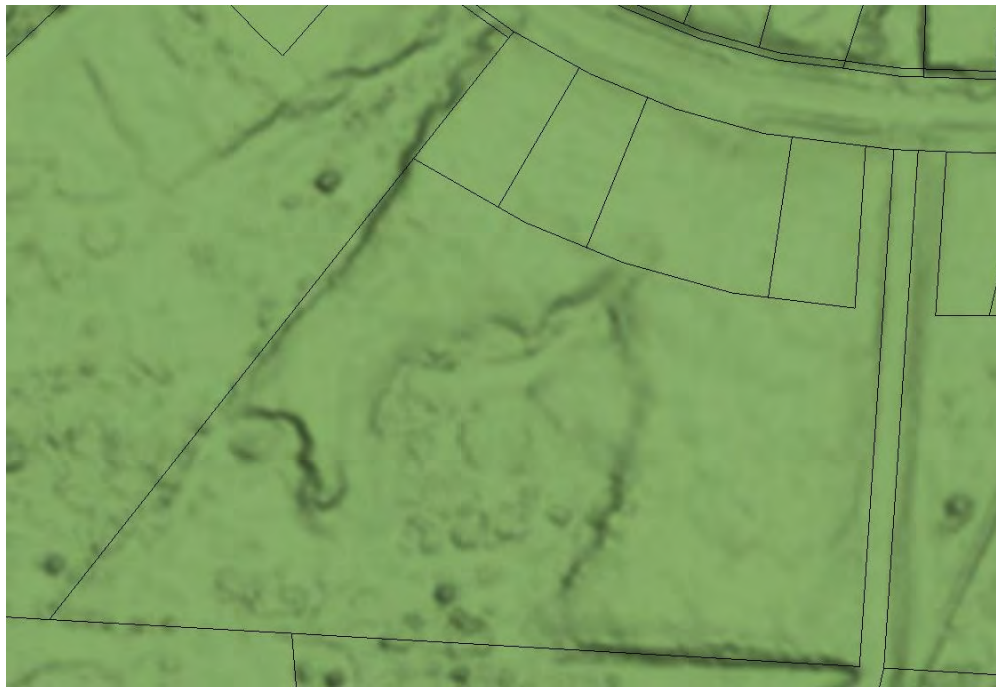


Figure 5 46 Mannata Street contour coloured map (thelist.tas.gov.au)

The filled area provides for a flat surface above the flood level. Further fill is proposed for the rear and south west corner of the lot.

- 36 Mannata Street has been partly filled around the sewerage pump station. This includes the access and parking area. The balance of the site is coastal flats. The stormwater channel also runs through this land.

- 34 Mannata Street has been partly filled on the western side of the stormwater channel and approximately 15-20m of land the rear of the Mannata Street residential lots. The balance of the site is comprised of mounds of earth and heavily modified coastal flats.

3.2.2 Geotechnical conditions

The site is identified on the 1:25,000 Geology polygons layer as Qii Cenozoic cover sequences – Inferred undifferentiated marine and coastal barrier complex deposits (source: thelist.tas.gov.au).

The proposed development will require placement of fill up to a depth of 2.0 m over the site.

3.2.3 Vegetation and natural values

The entirety of 34 Mannata Street, and part of 36 and 46 Mannata Street is identified as a ‘priority vegetation area’ under the Natural Assets Code of the Planning Scheme. This, however, appears to be an anomaly and a legacy of previous mapping, as a desktop survey and site visit has demonstrated that the land is both highly modified due to earth works, drainage works and road work. Also part of the land has been approved for filling by the Council.

There are small stands of *Eucalyptus* along the eastern boundary of the subject site and around the existing dwelling.

Appendix F of this report provides a natural values assessment report. The report shows there are no identified threatened fauna or flora species on the site. However, a number of declared weed species have been identified on the site in the past 20 years. These are provided as follows:

Verified Records

Species	Common Name	Observation Count	Last Recorded
<i>Asparagus asparagoides</i>	bridal creeper	2	03-Oct-2008
<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	70	05-Nov-2019
<i>Cortaderia</i> sp.	pampas grass	1	01-Jan-1900
<i>Eragrostis curvula</i>	african lovegrass	2	01-Jan-2021
<i>Erica lusitanica</i>	spanish heath	1	08-Jan-1995
<i>Foeniculum vulgare</i>	fennel	19	05-Nov-2019
<i>Genista monspessulana</i>	montpellier broom or canary broom	2	05-Nov-2019
<i>Lycium ferocissimum</i>	african boxthorn	2	30-Sep-2009
<i>Rubus fruticosus</i>	blackberry	43	05-Nov-2019
<i>Urospermum dalechampii</i>	false dandelion	1	30-Nov-2001

Most of the site is simply pastures, various weeds and compromised coastal wetland species. Further details of the natural values is provided in the planning scheme assessment of this report.

3.2.4 Land capability

The majority of the site is mapped as Land Capability 5 as shown in Figure 6, and described as unsuitable for cropping with moderate to slight limitations to agricultural use. The remainder of the site is mapped as water body with no agricultural potential. There is no agricultural use of land within the immediate area.

The closest agricultural land to the subject site is around 1.5km on the southern side of the isthmus.



Figure 6 Land Capability map. The yellow coloured area is Land Capability 5, the unmapped portion to the east is the 'water body' (thelist.tas.gov.au)

3.2.5 European Heritage

The site does not appear on the Tasmanian Heritage Register and is not subject to the *Historic Cultural Heritage Act 1985*.

3.2.6 Aboriginal Heritage

A search with the Department of Primary Industries Parks Water & Environment (DPIPWE) did not identify any registered Aboriginal relics on the site or apparent risk of impacting Aboriginal relics. An Aboriginal Heritage Search record is provided for 34 Mannata Street and 46 Mannata Street as Appendix G of this report. The recommendation that accompanies the Aboriginal Heritage Tasmania search record is that works are undertaken in accordance with an unanticipated discovery plan (in the event that aboriginal heritage is discovered in the course of such works) and per the requirements of the *Aboriginal Heritage Act 1975*.

3.3 Land value

The Clarence City Council commissioned the report *Lauderdale Urban Expansion*, JMG (October 2016) to examine the site characteristics, constraints and opportunities for expanding the residential zone in a 56ha study area in Lauderdale; which includes the subject land. The report found that the value of a new residential lot in the study area had a likely median value of \$150,000. This was based on the 2016 real estate sales prices and the Real Estate Institute of Tasmania (REI) suburb profiles.

The 2016 report used a methodology to determine the likely market value of a new serviced residential lot and a determination of the cost to create such a lot (including the cost of the land purchase).

As identified in part 2.2 of this report, the current median sales price for a residential lot in Lauderdale is \$472,500. This represents a 215% increase in land value from the 2016 JMG report (\$150,000).

A March 2020 financial model for Lauderdale (specifically Mannata Street) further reinforces this change. The report found that the average expected sale price for a standard residential lot in the General Residential Zone was \$300,000.00⁴. The value of land, in 2022, is now higher again.

⁴ Review of Financial Model prepared by JMG – Lauderdale Feasibility Study October 2016, TCW Consulting and Actuaries, 15th March 2020

3.4 Existing Planning Standards

3.4.1 Zoning

The three titles are all currently split zoned between the General Residential Zone and the Rural Living Zone under the Planning Scheme.

It is only the narrow access strips to the three titles that is currently within the General Residential Zone. The zoning map is shown in Figure 7. The majority of the land is currently in the Rural Living Zone.

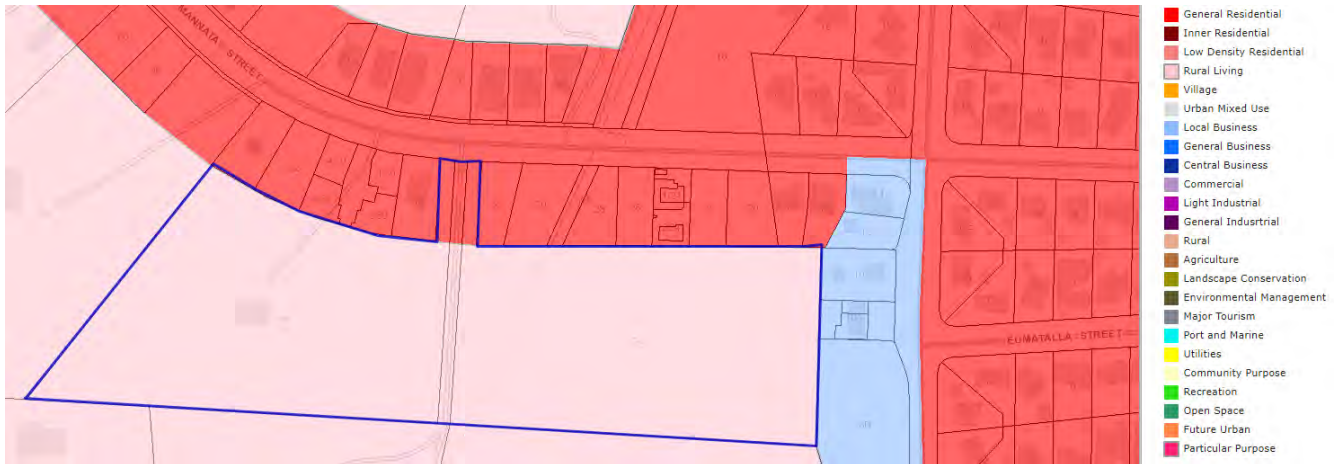


Figure 7 General Residential Zone in red and Rural Living Zone in pink (source: thelist.tas.gov.au)

3.4.2 Codes and overlays

The following mapped overlays apply to the land.

3.4.2.1 Priority vegetation area overlay

The C7.0 Natural Assets Code is applied by the overlay.



Figure 8 Priority Vegetation Area Overlay in green hatching (source: thelist.tas.gov.au)

3.4.2.2 Coastal Inundation Hazard area overlay (high, medium and low)

The C11.0 Coastal Inundation Hazard Code is applied by the mapped overlay and through the application of CLA – Table C11.1 Coastal Inundation Hazard Bands AHD Levels.



Figure 9 Coastal Inundation Hazard Area Overlay in green hatching (High Medium and Low) (source: thelist.tas.gov.au)

3.4.2.3 Flood-prone area overlay

The C12.0 Flood-Prone Area Code is applied by both the mapped area overlay and also the textual descriptions provided in C12.2.4.



Figure 10 Flood-Prone Area Overlay in blue hatching (source: thelist.tas.gov.au)

3.4.2.4 Airport obstacle limitation area overlay

The C16.0 Safeguarding of Airports Code is applied by the mapped Airport Obstacle Limitation Area Overlay.



Figure 11 Airport Obstacle Limitation Area Overlay in blue hatching (source: thelist.tas.gov.au)

3.4.2.5 Potentially contaminated land overlay (adjacent land only)

The C14.0 Potentially Contaminated Land Code is applied to the land adjacent to the development site. The Planning Authority may request further information on the potentially contaminated sites if the Planning Authority reasonably believes, based on information in its possession, that contamination may have migrated onto the subject land.

GHD Pty Ltd is not in possession of any evidence that the material used on the site is potentially contaminated.

There is no evidence as of the date of this report that contamination has migrated to the subject land.

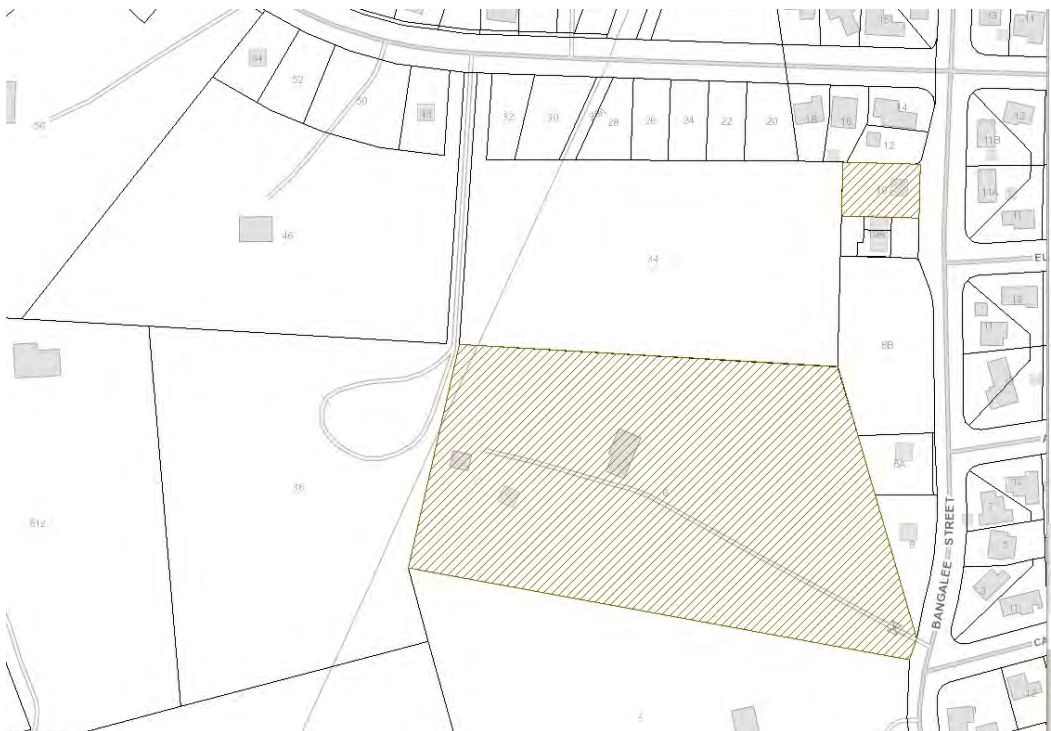


Figure 12 Potentially Contaminated Land Overlay on adjoining land (source: thelist.tas.gov.au)

3.4.3 Applicable Codes

The following codes apply to the land through the textual descriptions in the Scheme:

- Parking and Sustainable Transport Code
- Road and Railway Assets Code
- Potentially Contaminated Land Code

3.5 Infrastructure

3.5.1 Road frontage and access

Each title currently has a frontage to Mannata Street. The current frontages are provided as follows:

- 46 Mannata Street is 7.01m wide
- 36 Mannata Street is 6.04m wide
- 34 Mannata Street is 7.00m wide

A formed access is provided to each title. The proposal is to “combine” the entire three (3) frontages as a new road junction with Mannata Street. There is then 20.05m of frontage to allow for the junction.

The site is within walking distance of public transport as outlined in the *Traffic Impact Assessment*, prepared by GHD Pty Ltd (October 2022). There are two bus stops on Bangalee Street (stop 85 and stop 89). These are less than 110m from the site (and are 65m if using the proposed laneway to Bangalee Street). These bus stops provide a bus at regular intervals (less than 30 minutes).

There are at least 16 other bus stops within an 800m radius of the site. These are shown in Figure 13 below.

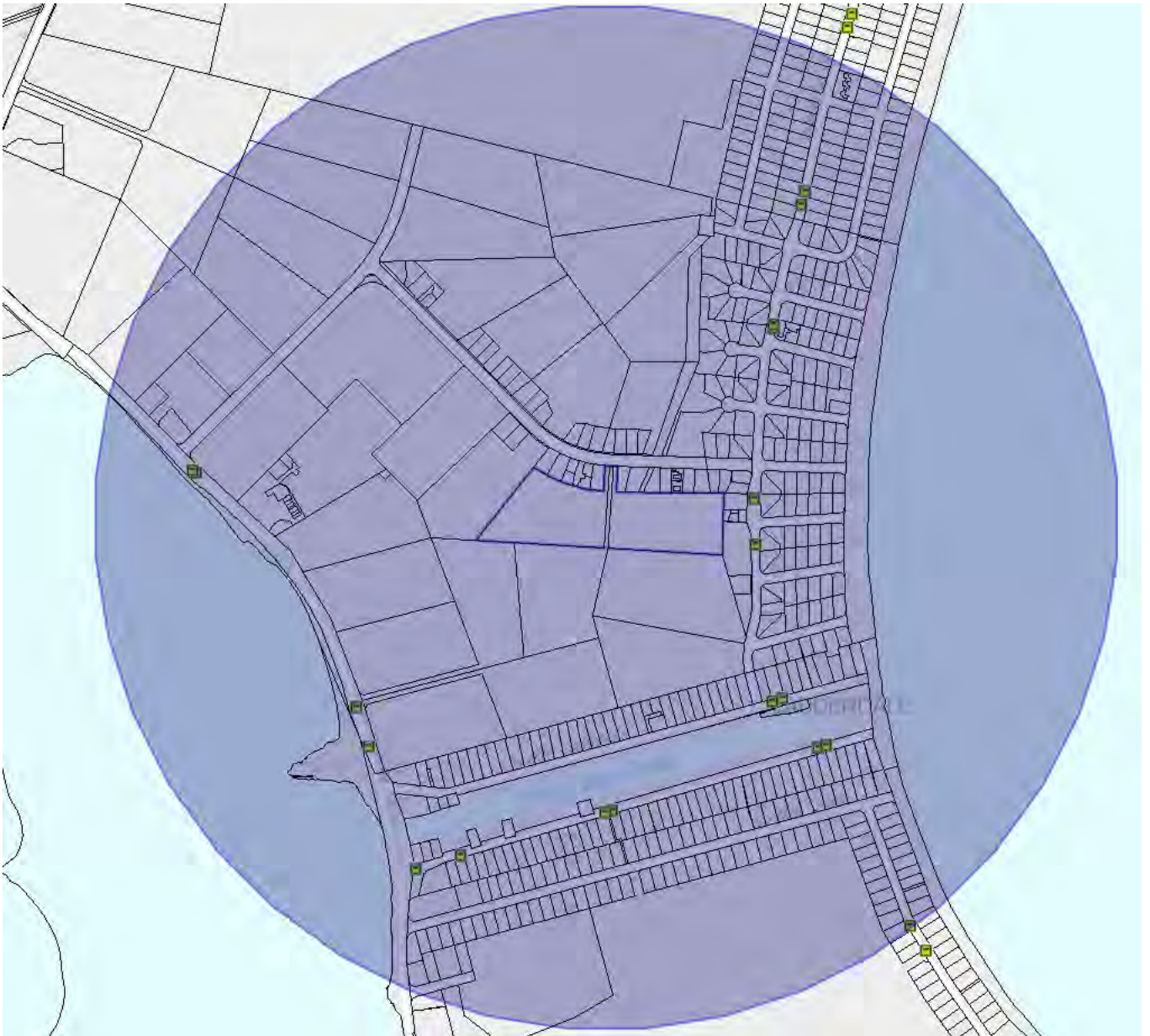


Figure 13 Bus stops within 800m radius of centre of the site (thelist.tas.gov.au)

3.5.2 Stormwater

A large open stormwater channel crosses the subject site as described in Sections 3.1.1 and 3.2.1 of this report.

Cut and fill of the site will remove some local high points (cut) and fill to raise levels generally across the site. The finished surface level (FSL) around the site boundary (rear boundaries of the proposed lots) will vary from around FSL 2.9 m to FSL 3.25 m grading down to the road. The road centreline grades from around FSL 2.85 m at the western cul-de-sac and FSL 2.53 m at the eastern cul-de-sac to FSL 1.94 m at the drainage channel.

The proposed development includes the following stormwater infrastructure:

- Two reinforced concrete box culverts (RCBC), 1200 mm wide x 450 mm high, to pipe the existing open drain under Salim Drive
- Piped drainage network of the road consisting of DN300 reinforced concrete pipes (RCP), 1050 diameter manholes and side-entry pits in Salim Drive
 - East of the entrance road – both sides of the road
 - West of the entrance road – on the northern side and partially on the southern side
- Property stormwater connections connected into the drainage network

- The drainage network discharges to the RCBCs and the open drainage channel to the south

3.5.3 Sewer

A pressure sewerage system is proposed. Each lot can be provided with a connection to the proposed DN63 PE100 sewer pressure main. The existing pressure main that traverses the site north to south is proposed to be relocated to suit the proposed road alignment and to avoid the retaining wall between Salim Drive and the public open space.

3.5.4 Water

The development can be supplied with potable water from the TasWater system.

A connection will be made to the existing water main in Mannata Street and DN125 PE pipes laid within the subdivision. Loops of DN63 PE are proposed at the cul-de-sacs and to serve the southern side of Salim Drive.

3.5.5 Power

Power can be supplied via the TasNetworks mains located on Mannata Street.

3.5.6 Telecommunications

The land can be serviced by Fixed Line National Broad Band (NBN).

3.5.7 Gas

There is no gas service in the vicinity of the development area and this service is not considered as part of the development proposal.

4. Planning Scheme Amendment Assessment

This application under Section 40T of the Act is to both apply for a permit to subdivide the subject land and to rezone the subject land to the General Residential Zone under the *Tasmanian Planning Scheme - Clarence*. Assessment against the necessary requirements of the Act is provided in Part 4 of this report. Assessment of the proposed development is provided in Part 5 of this report.

4.1 Intent of the Amendment

As shown in Figure 7 of this report, the majority of the subject land is in the Rural Living Zone. Only the access strip to the land is in the General Residential Zone.

The proposal is thus to:

- Rezone the entirety of 34 and 46 Mannata Street to the General Residential Zone; and
- Rezone only part of the access strip to the lot proper for 36 Mannata Street to the General Residential Zone.

to allow a subdivision and residential development of the land.

- Change the zone to an ‘urban zone’ for the purposes of enabling residential development within a coastal inundation hazard band; and
- Allow opportunity for the Planning Authority to review the coastal inundation hazard overlay for the land (subsequent to rezoning and the subdivision works).
- Provide land for additional housing in Lauderdale.
- Provide a link to the public open space (36 Mannata Street) to the south of the site either through the site or along the stormwater ‘green belt’
- Provide opportunity to develop and activate the public open space (36 Mannata Street)
- Provide a link between the public open space, Mannata Street and Bangalee Street
- Allow opportunity for the Planning Authority to review the priority vegetation overlay for the land (subsequent to rezoning and the subdivision works)

4.2 Proposed Amendment

No amendment is proposed to the ordinance.

The proposed amendment to the mapping is to rezone the land on titles 178697/1, 23315/39 (part only), and 181743/8 to the General Residential Zone as illustrated in Figure 14.

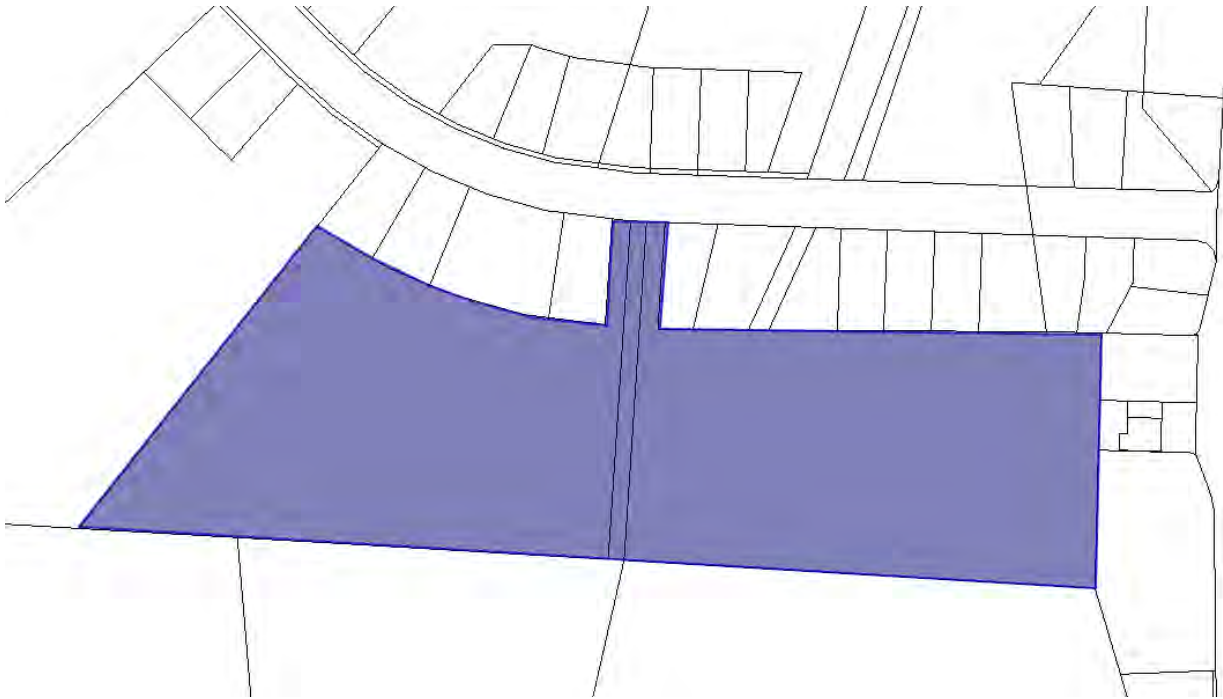


Figure 14 Land Subject to rezoning, highlighted in purple, including the access strip to 33 Mannata Street

5. Statutory Assessment for Scheme Amendment

The assessment criteria for a request to amend the LPSs at section 34(2) of the Act provide as follows:

- (2) *The LPS criteria to be met by a relevant planning instrument are that the instrument*
- (a) *contains all the provisions that the SPPs specify must be contained in an LPS*
 - (b) *is in accordance with section 32*
 - (c) *furtheres the objectives set out in Schedule 1*
 - (d) *is consistent with each State policy*
 - (da) *Satisfies the relevant criteria in relation to the TPP's (Tasmanian Planning Policies)*
 - (e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates*
 - (f) *has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 that applies in relation to the land to which the relevant planning instrument relates*
 - (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates*
 - (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

Each of the criteria is considered in turn per the following sub-headings.

5.1 34(2)(a)

The instrument - contains all the provisions that the SPPs specify must be contained in an LPS.

The proposed LPS amendment is consistent with the presently operational LPS in the Planning Scheme. It is considered that there would be no inconsistency with the SPPs and therefore, it is considered that the instrument contains all the provisions that the SPPs specify must be contained in an LPS.

5.2 34(2)(b)

The instrument - is in accordance with Section 32.

The proposal involves changes to the LPS zone mapping only. No particular purpose zone, specific area plan or site-specific qualification is proposed or considered to be necessary. The proposed mapping conforms with the TPC practice notes and guidelines⁵. It is considered that the instrument is in accordance with section 32.

5.3 34(2)(c)

The instrument - furtheres the objectives set out in Schedule 1.

5.3.1 Objectives of Part 1, Schedule 1

Each of the Objectives of Part 1, Schedule 1 of the Act are considered below in Table 1.

⁵ https://www.planning.tas.gov.au/__data/assets/pdf_file/0005/582233/Practice-Note-7-Draft-LPS-mapping-technical-advice-revised-October-2020.PDF

Table 1 Assessment of Objectives of Part 1, Schedule 1

Objectives of Part 1, Schedule 1	Comment
(a) promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.	<p>The land is surrounded, and considered 'contained', by the existing Lauderdale residential area. As outlined in this report, the subdivision works are, in part, a continuation of the works allowed under the permit SD-2014/33 previously granted by the Council. The proposal is a form of infill development within an existing residential area.</p> <p>In terms of sustainable development, the rezoning and subdivision is a logical next stage for land as it is already partially developed for such purposes and does not otherwise impact land dedicated or used for other natural and physical resources.</p> <p>The land is currently zoned Rural Living. This zone allows for a dwelling as a permitted use and by virtue of such zoning allows for modification to the land, vegetation and services (as the capacity and planning scheme allows). The current zoning and overlays do not specifically protect the land as a natural or physical resource. The land is heavily modified through earth works, drainage works and landfill. Such works have been conducted to allow for further development of the land.</p> <p>The proposal to rezone the land as General Residential is a progression of the allowable uses and development of the Rural Living Zone and a continuance of the development of the land as previously allowed under previous permits, that is the landfill and drainage works help to facilitate this further development.</p> <p>The proposal allows for residential lots in an established residential (and otherwise developed area) without having to impact on more fragile landscapes (or land that is dedicated to natural or physical resources).</p>
(b) To provide for the fair, orderly and sustainable use and development of air, land and water.	<p>The test as to whether the proposal furthers this objective is provided primarily by the standards of the planning scheme and compliance with the construction standards of the service providers. The site is currently serviced and requires only the ordinary works and upgrades that form a part of most residential developments.</p> <p>The new policy statement provided in the STRLUS (SRD 2.12) to allow the Council and Planning Commission to consider land adjoining or partly within the UGB for rezoning to the General Residential Zone is clearly a means to provide for the orderly and sustainable expansion of the General Residential Zone where appropriate.</p>
(c) To encourage public involvement in resource management and planning.	<p>Public involvement in the rezoning and subdivision application is implemented through the statutory notification/exhibition period for the application. Adjoining owners and interested parties or persons may lodge a representation on the proposal.</p> <p>The land in question has already been subject to the RMPS and that has included public involvement through the past subdivision of this land and the associated landfill and future works to facilitate further development.</p> <p>It would be fair and reasonable to assume that many of the adjoining and nearby landowners and occupants would be cognisant of the subdivision works and potential for further works of this land.</p>
(d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).	<p>The residential zone will increase the economic activity and further development of the Lauderdale suburb through significant construction, increased population and activation of public open space and community building.</p>
(e) To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	<p>This will be achieved through the application process.</p>

5.3.2 Part 2, Schedule 1

Each of the Objectives of Part 2, Schedule 1 of the Act are considered below in turn.

Table 2 Assessment of Schedule 1

Objectives of Part 2, Schedule 1	Comment
(a) to require sound strategic planning and co-ordinated action by state and local Government.	<p>The State policies, the Regional Strategy and the Council's Strategic Plan are discussed in detail at 5.4 of this report. It is considered that each of the strategic planning outcomes would be adequately met.</p> <p>The assessment process for a 40T application represents a co-ordinated action with sound strategic planning merit.</p> <p>Other relevant strategies of Council include:</p> <ul style="list-style-type: none"> – <i>Lauderdale Structure Plan</i>, Clarence City Council (2011) – <i>Clarence City Council – Strategic Plan 2021 – 2031</i> – <i>Clarence City Council – Strategic Plan 2016-2026</i> – <i>Lauderdale Stormwater Drainage Assessment Report, 2012 (JMG)</i> – <i>Lauderdale Urban Expansion, JMG (October 2016)</i> <p>These documents have been considered in the preparation of this amendment application (and report) and are referenced as part of the assessment.</p>
b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land	<p>The existing system of planning instruments is capable of adequately addressing the issues involved within this proposal.</p>
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The effects on the environment are considered through the applicable standards of the Planning Scheme and the STRLUS policies.</p> <p>The Council have undertaken extensive studies and reports on the flood and coastal inundation. Council should consider the resources at their disposal to assist the assessment of this Application.</p>
(d) To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional, and municipal levels.	<p>The environmental, social, economic, conservation and resource management policies at State, regional, and local government levels have each been considered in this proposal. It is considered that the integration would be achieved and therefore the Objective would be appropriately met.</p>
(e) To provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.	<p>The proposed amendment will proceed in accordance with the established mechanisms of the Act.</p>
(f) To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.	<p>The rezoning and subdivision of this land provides for further housing options in a well-established residential area. Residents will be within walking distance of established shops, beaches, walking trails and other community infrastructure.</p> <p>Site works (mostly drainage and fill) will be required to make the site safer from flooding and coastal inundation.</p>
(g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.	<p>There are no buildings or related places that are considered to be of special cultural value on the site under the planning scheme or any other legislation considered as part of this report under the Resource Management Planning System (RMPS).</p> <p>An Aboriginal Heritage Desktop assessment has been undertaken and no places or items of significance were identified on the land. Similarly no places of European heritage were identified on the land.</p> <p>The land has been cleared extensively and has been approved to be completely filled for further development and management of storm and flood waters.</p>
(h) To protect public infrastructure and other assets and enable the orderly provision and	<p><i>Traffic</i></p> <p>As demonstrated in the subdivision application that forms part of this request a Traffic Impact Assessment was prepared by GHD Pty Ltd (by a</p>

Objectives of Part 2, Schedule 1	Comment
co-ordination of public utilities and other facilities for the benefit of the community.	<p>suitably qualified Traffic Engineer) to assess the impact on the surrounding traffic network.</p> <p>The TIA concludes that the proposed development is supported on traffic grounds and is otherwise found to be compliant with the relevant standards of the Planning Scheme.</p> <p><i>Water</i></p> <p>The site can be supplied with potable water from the existing TasWater system.</p> <p><i>Sewer</i></p> <p>The site sewerage can connect to the existing TasWater system.</p> <p><i>Stormwater</i></p> <p>The site levels and pipe network are designed to drain the site to the existing drainage channel that runs north-south through the site.</p> <p><i>Electricity</i></p> <p>The subdivision will be serviced by the existing network and connected to the infrastructure located on Mannata Street.</p>
(i) To provide a planning framework which fully considers land capability.	The proposed rezoning and permit application are provided within the allowable parameters of the RMPS.

5.4 34(2)(d)

The instrument - is consistent with each State policy.

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

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

Each is considered in turn.

5.4.1 State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* (PAL) aims to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

Agricultural land is defined under the policy as:

“Agricultural land” means all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

The land is mapped as ‘Land Capability 5’ and as a ‘Water Body’ as shown in Figure 6 Land Capability map. The yellow coloured area is Land Capability 5, the unmapped portion to the east is the ‘water body’ (thelist.tas.gov.au) of this report. The land is not considered agricultural land as it does not possess the qualities of agricultural land and is largely fettered by surrounding land use and development.

The proposed rezoning and subdivision works is consistent with the Policy.

5.4.2 State Policy on Water Quality Management 1997

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

It is considered that effective administration of the standard powers conferred to the Council as a planning, road and stormwater authority would ensure that these processes are undertaken in a manner that would be

appropriately sensitive to water quality. It is noted that clause 6.11.2 (g) of the TPS Clarence enables the making of planning permit conditions dealing with erosion, and stormwater volume and quality controls.

The application to Council includes the report *Design Memo to Development Engineer, Clarence City Council – 34-46 Mannata Street, Lauderdale*, 21st September 2022, prepared by AD Design + Consulting.

The report/design memo provides the following conclusion (on page 12):

It is concluded that the inclusion of on-site detention on every lot in the form of rainwater tanks is sufficient to mitigate flow to pre-existing levels. Though the results show a peak flow runoff for the 10 min critical storm duration, above pre-existing levels, the timings of this peak do not coincide with the greater catchment and therefore is not appropriate to assess the impacts of the development on stormwater runoff for this duration. The 60 min and 120 min duration were also analysed which show peak runoff similar to the existing with coinciding peaks, which is a better measure, in this scenario, as to the impacts on stormwater resulting from the development. It is therefore concluded, that the development can be developed in accordance with the planning scheme.

A SPEL Ecoceptor 1500 series and a SPEL Hydrosystem HS1500/5 have been found to be effective at reducing pollutant levels to required values, and the cost of each unit has been provided to enable the Council to determine a stormwater quality contribution amount appropriate for the development.

The management of stormwater and floodwater on the land will be informed by reporting required under the C11.0 Coastal Inundation Hazard Code and the C12.0 Flood-Prone Areas Hazard code.

The proposal is consistent with the policy.

5.4.3 Tasmanian State Coastal Policy 1996

The *Tasmanian State Coastal Policy 1996* is applicable to the proposal as the land is within a 'Coastal Zone' as identified in the Policy as:

Coastal Zone

Under the State Coastal Policy Validation Act 2003, a reference in the State Coastal Policy 1996 to the coastal zone is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the high-water mark.

The Act states that "State waters" has the same meaning as in the Living Marine Resources Management Act 1995.

Figure 15 below shows the site in dark blue, the extent of State waters in light blue and an approximately 1km radius around the site. The land is less than 400m from Lauderdale Beach. Accordingly, the Tasmanian State Coastal Policy 1996 (TSCP) applies.

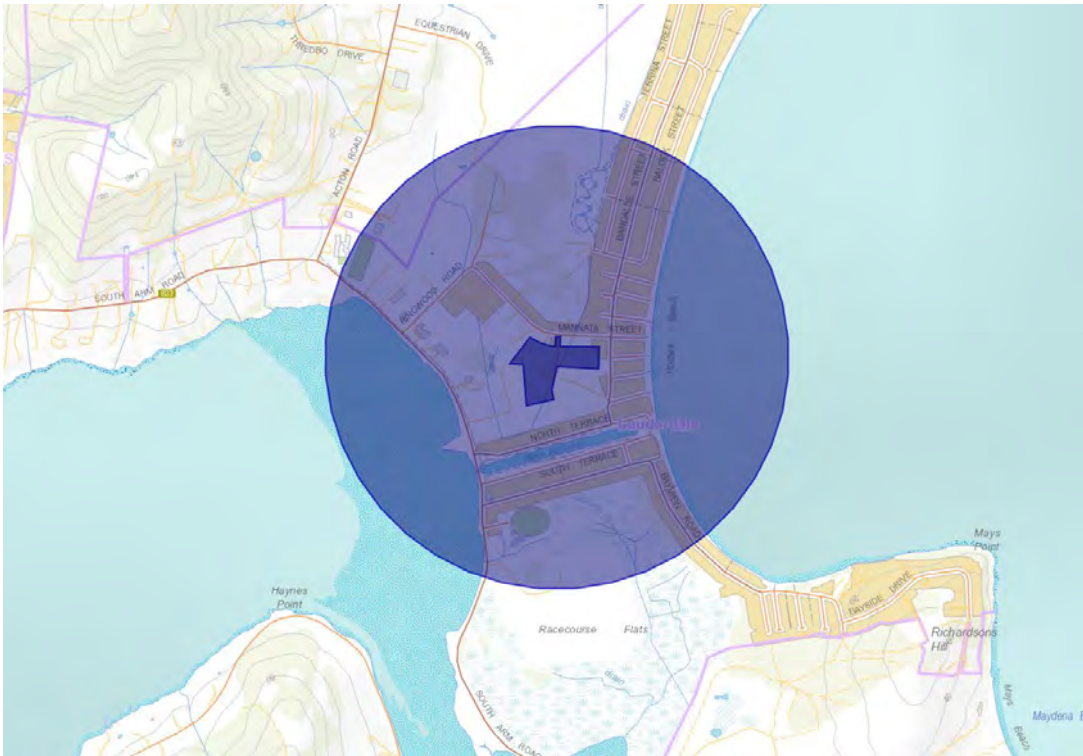


Figure 15 1km radius of development site (source: thelist.tas.gov.au)

Policy Outcomes	Comment
1. Protection of Natural and Cultural Values of the Coastal Zone	
1.1 NATURAL RESOURCES AND ECOSYSTEMS	
1.1.1 <i>The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.</i>	The area of land proposed for the rezoning is part of the broader and highly modified urban landscape. The land is adjoining well-established business and residential development and the land has been modified and approved for further development through the import and rolling of significant volumes of fill. The role the land has played as part of the ecosystem including the natural processes associated with the former coastal flats has been largely lost to the fill and allowance for future development of the land.
1.1.2 <i>The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.</i>	No geomorphological and geological coastal features of significance are identified on the site.
1.1.3. <i>The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.</i>	Provided the available Planning Scheme and <i>Urban Drainage Act 2013</i> controls are appropriately administered in relation to stormwater drainage, it is considered that the impacts would be appropriately minimised in accordance with this Outcome.
1.1.4. <i>Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.</i>	The proposed rezoning does not change standards related to management of weeds or native flora. It is anticipated that a weed management plan will be required in any approval granted by the Council in association with the subdivision works.
1.1.5. <i>Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to</i>	Standards of the planning scheme and <i>Urban Drainage Act 2013</i> have been developed with respect to the policy and controls are appropriately

Policy Outcomes	Comment
<i>support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.</i>	administered in relation to stormwater drainage. It is considered that the impacts would be appropriately minimised in accordance with this Outcome.
<i>1.1.6. Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.</i>	The rezoning is not considered to be significant enough to warrant monitoring programs and ongoing environmental studies. The proposal is consistent with this Outcome.
<i>1.1.7. Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.</i>	The subject site is a highly modified landscape that is approved for further landfill to facilitate further development. The land is not considered to be of special conservation value or special aesthetic quality. The proposal is consistent with this Outcome.
<i>1.1.8. An effective system of marine reserves will continue to be established to protect marine ecosystems and fish nursery areas.</i>	Not applicable no marine reserve is proposed.
<i>1.1.9. Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.</i>	The land is not considered an important wetland. Provided the available Planning Scheme and <i>Urban Drainage Act 2013</i> controls are appropriately administered in relation to stormwater drainage, it is considered that the impacts would be appropriately minimised in accordance with this Outcome.
<i>1.1.10. The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.</i>	The proposed engineering and infrastructure works will be subject to planning controls relevant to the coastal environment.
<i>1.1.11. Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone</i>	The land is not within a mapped bushfire prone area.
1.2 CULTURAL AND HISTORIC RESOURCES	
<i>1.2.1. Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.</i>	A desktop survey was undertaken for the proposal site. Advice from Aboriginal Heritage Tasmania was that it had not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics at this site. Given the non-intrusive nature of the proposal, it is considered that the risk to Aboriginal sites and relics is minimal. The proposal would not contravene this Outcome.
<i>1.2.2. All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.</i>	A desktop survey was undertaken for the proposal site. Advice from DPIPW was that it had not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics at this site. Given the non-intrusive nature of the proposal, it is considered that the risk to Aboriginal sites and relics is minimal. The proposal would not contravene this Outcome.
1.3 CULTURAL HERITAGE	
<i>1.3.1. Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.</i>	There are no sites listed on the Tasmanian Heritage Register or known or listed sites of Aboriginal Heritage in the affected area. The proposal would not contravene this Outcome.
1.4 COASTAL HAZARD	
<i>1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will be identified and</i>	The land is subject to the C11.0 Coastal Inundation Hazard Code and the C12.0 Flood-Prone Areas Hazard code. The codes, which are consistent with

Policy Outcomes	Comment
<i>managed to minimise the need for engineering or remediation works to protect land, property and human life.</i>	this policy, has been used to guide the proposed subdivision works and development.
<i>1.4.2. Development on actively mobile landforms such as frontal dunes will not be permitted except for works consistent with Outcome 1.4.1.</i>	The land is not identified as an actively mobile landform.
<i>1.4.3. Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.</i>	The land is subject to the C11.0 Coastal Inundation Hazard Code and the C12.0 Flood-Prone Areas Hazard Code. The codes, which are consistent with this policy, have been considered in the approach to the rezoning application.
2. Sustainable Development of Coastal Areas and Resources	
2.1 COASTAL USES AND DEVELOPMENT	
<i>2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.</i>	The proposal avoids any important conservation reserves and other areas within the coastal zone which are not available or suitable for development. The proposal is consistent with this Outcome. The proposal is making suitable use of a highly modified and developed land for a residential subdivision.
<i>2.1.2. Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.</i>	The proposal is not a development that requires specific assessment under the <i>Environmental Management and Pollution Control Act 1994</i> .
<i>2.1.3. Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.</i>	The land is subject to the C11.0 Coastal Inundation Hazard Code and the C12.0 Flood-Prone Areas Hazard code. The codes, which are consistent with this policy, would be used to guide the proposed subdivision works and residential development. Residential development will not be at the detriment of existing natural and aesthetic qualities of the coastal environment. The land is a highly modified urban type environment that is currently in the Rural Living Zone (which allows development with or without a permit).
<i>2.1.4. Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.</i>	The proposal will be assessed by Council and the Tasmanian Planning Commission. The proposal does not contravene this Outcome.
<i>2.1.5. The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.</i>	The proposed subdivision of the land is not considered a development (or ongoing residential use) that may pose serious or irreversible environmental damage. Strategies to minimise stormwater flows through onsite detention are proposed together with increased fill to avoid coastal and flood inundation.
<i>2.1.6. In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.</i>	The proposal would have no impact on this Outcome.
<i>2.1.7. New industrial developments will be encouraged to locate in specified industrial zones.</i>	The proposal would have no impact on this Outcome.
<i>2.1.8. Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the Mining Act 1929.</i>	The proposal would have no impact on this Outcome.

Policy Outcomes	Comment
<i>2.1.9 Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral Exploration Code of Practice. Adequate rehabilitation shall be carried out.</i>	The proposal would have no impact on this Outcome.
<i>2.1.10. Extraction will be subject to the Quarry Code of Practice and environmental assessment as required By State legislation including the Environmental Management and Pollution Control Act 1994. Adequate rehabilitation shall be carried out.</i>	The proposal would have no impact on this Outcome.
<i>2.1.11. Extraction of sand will be provided for by zoning of appropriate areas in planning schemes</i>	The proposal would have no impact on this Outcome.
<i>2.1.12. Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.</i>	The proposal would have no impact on this Outcome.
<i>2.1.13. Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.</i>	The proposal would have no impact on this Outcome.
<i>2.1.14. Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and promote economic efficiency under the Living Marine Resources Management Act 1995.</i>	The proposal would have no impact on this Outcome.
<i>2.1.15. Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.</i>	The proposal would have no impact on this Outcome.
<i>2.1.16. Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.</i>	Provided the available Planning Scheme and Urban Drainage Act 2013 controls are appropriately administered in relation to stormwater drainage, it is considered that the impacts would be appropriately minimised in accordance with this Outcome.
<i>2.1.17. Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.</i>	Provided the available Planning Scheme and Urban Drainage Act 2013 controls are appropriately administered in relation to stormwater drainage, it is considered that the impacts would be appropriately minimised in accordance with this Outcome.
<i>2.1.18. Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.</i>	The proposal would have no impact on this Outcome.
<i>2.1.19. Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.</i>	The proposal would have no impact on this Outcome.
2.2 MARINE FARMING	The proposal would have no impact on these Outcomes.
2.3 TOURISM	The proposal would have no impact on these Outcomes.
2.4 URBAN AND RESIDENTIAL DEVELOPMENT	
<i>2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the</i>	The site is already in the Rural Living Zone and the land has been highly modified to allow for further development.

Policy Outcomes	Comment
<i>expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.</i>	The land is not considered to be an environmentally sensitive area. All care has been otherwise taken in preparing the proposal to ensure that both the construction works and ongoing management of the land is unlikely to cause negative impacts on the local environment. This is particularly around the management of flood waters and stormwater.
<i>2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.</i>	The proposal involves consolidation of the existing established urban area. No ribbon or unrelated cluster development would arise and therefore the proposal would be in accordance with this Outcome.
<i>2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.</i>	The proposal is to rezone land from Rural Living to General Residential. The land is already, in effect, identified as area designated for residential development (as a rural living area that allows a dwelling as no permit required). Furthermore, the recent amendment to the STLUS (introduction of Policy Clause SRD 2.12) has identified land adjacent or partially within the UGB maybe rezoned to residential where otherwise deemed appropriate under the RMPS.
2.5 TRANSPORT	
<i>2.5.1. All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.</i>	The proposal would have no impact on this outcome.
<i>2.5.2. Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.</i>	The proposal is not considered to compromise any coastal transport routes. The proposal does not contravene this Outcome.
<i>2.5.3. New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.</i>	The proposal would have no impact on this Outcome.
<i>2.5.4. Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.</i>	The proposal would have no impact on this Outcome.
<i>2.5.5. The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.</i>	The proposal would have no impact on this Outcome.
2.6 PUBLIC ACCESS AND SAFETY	
2.7 PUBLIC LAND	
<i>2.7.1. All future use and development of public land in the coastal zone will be consistent with this Policy, and subject to planning controls unless otherwise provided by statute.</i>	Land at 36 Mannata Street is a Council owned and is used by TasWater for the sewer pump station and associated infrastructure. The proposal will have limited impact on the future use and development of this land.
<i>2.7.2. Future development of camping areas on public land in the coastal zone will only be permitted where such development does not conflict with the protection of natural features and cultural values, but not within 30 metres above high water mark.</i>	The proposal would have no impact on this Outcome.
<i>2.7.3. Expansion of shack sites on public land in the coastal zone will not be permitted.</i>	The proposal would have no impact on this Outcome.
<i>2.7.4. Shacks currently located on public land in the coastal zone will continue to be subject to review under the Shack Site</i>	The proposal would have no impact on this Outcome.

Policy Outcomes	Comment
<i>Categorisation Program of the Tasmanian Property Services Group.</i>	
2.8 RECREATION	
<i>2.8.1. Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.</i>	The rezoned land will facilitate the movement of vehicles and people to the wider Lauderdale recreation and open space network and can be immediately integrated into the surrounding neighbourhood. The proposal will likely facilitate and activate the use and development of the public open space within 36 Mannata Street. A financial, 'cash in lieu of public open space' can be made as part of the future subdivision development which can be used to further develop the adjoining reserve.
<i>2.8.2. Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.</i>	The proposed rezoning has factored the existing public open space at 36 Mannata Street and the stormwater channel that can provide a pedestrian linkage through the land. A future road and associated footpath would facilitate the movement of vehicles and people to the wider Lauderdale recreation and open space network.
<i>2.8.3. Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.</i>	The proposal would have no impact on this Outcome.
3.1 SHARED RESPONSIBILITY FOR MANAGEMENT	The proposal would have no impact on these Outcomes.
3.2 INSTITUTIONAL ARRANGEMENTS	The proposal would have no impact on these Outcomes.

5.4.4 National Environmental Protection Measures

The National Environmental Protection Measures (NEPMs), which have been adopted as State Policies, relate to:

- Ambient air quality
- Diesel vehicle emissions
- Assessment of site contamination
- Used packaging material
- Movement of controlled waste between States and Territories
- National pollutant inventory

GHD Pty Ltd is not in possession, or has any knowledge, of the site having been used for an activity likely to cause contamination. This includes the placement of fill on the site. The proposed amendment would involve civil infrastructure activity, for drainage, fill and provision of a road and services. Such development is managed and assessed in accordance with standards by the relevant authorities through existing legislation.

The amendment does not result in any change to standards that apply to the management of waste, emissions and potential for contamination.

The proposal would be consistent with the NEPMs.

5.5 34(2)(da)

The instrument – satisfies the relevant criteria in relation to the TPP's (Tasmanian Planning Policies).

This provision of the act is not currently applicable – as there are no TPPs as of the date of this report.

5.6 34(2)(e)

The instrument – as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates.

As instructed by section 34(2)(e) of the LUPA Act, a draft amendment of an LPS must be consistent as far as practicable with the relevant regional strategy (that is the Southern Tasmanian Regional Land Use Strategy).

Written assessment against each of the relevant policies of the Southern Tasmanian Regional Land Use Strategy (2022) is provided in Table 3 of this report. Each relevant policy consideration is considered in turn.

The assessment demonstrates that each of the relevant policies was considered in the preparation of the application and that the application is, as far as practicable, consistent with the strategy.

Table 3 Assessment of Southern Tasmanian Regional Land Use Strategy Policy

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
BNV 1	Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.	See sub-clauses below
BNV 1.1	Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.	The land, although mapped as within the Priority Vegetation Overlay is largely devoid of natural values (that are typically listed within such overlay). This is due to the significant volumes of fill and land clearance that has occurred on the site over the years. The overlay is considered to be an anomaly. Assessment against the standards of the Natural Assets Code is provided in this report.
BNV 1.2	Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme: <ul style="list-style-type: none"> – specify the spatial area in which biodiversity values are to be recognised and protected; and – implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values. 	The land, although mapped as within the Priority Vegetation Overlay is largely devoid of natural values (that are typically listed within such overlay). This is due to the significant volumes of fill and land clearance that has occurred on the site over the years. The overlay is considered to be an anomaly. Assessment against the standards of the Natural Assets Code is provided in this report. The Natural Values Atlas report, provided with this planning report, demonstrates that no threatened flora or fauna has been identified on the land.
BNV 1.3	Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated. Biodiversity offsets: <ul style="list-style-type: none"> – are to be used only as a 'last resort'; – should provide for a net conservation benefit and security of the offset in perpetuity; – are to be based upon 'like for like' wherever possible 	The Natural Assets Code provides for biodiversity offsets. This however is not applicable as the land has not been mapped as having listed threatened species.
BNV 1.4	Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.	The clearance of the native vegetation on the land is consistent with vegetation clearance in an urban setting. The current permit in place for the land already allows for the clearance of the vegetation in order to provide the fill.
BNV 1.5	Where vegetation clearance and/or soil disturbance is undertaken, provide for construction management	All works will be undertaken in accordance with a Soil and Water Management Plan (SWMP) which will be provided prior to the construction works

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
	plans that minimise further loss of values and encourages rehabilitation of native vegetation.	being undertaken. The SWMP will address erosion control and sediment run-off during construction. Existing vegetation and coverage will be retained where-ever possible to maintain soil stability and contain dust etc.
BNV 1.6	Include in the planning scheme, preserving climate refugia where there is scientifically accepted spatial data.	The rezoning and subdivision does not introduce any climate refugia or controls beyond those currently existing.
BNV 2	Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places important for building resilience and adaptation to climate change for these.	See sub-clauses below
BNV 2.1	Avoid the clearance of threatened native vegetation communities except: where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and where the clearance will not significantly detract from the conservation of that threatened native vegetation community.	The land, although mapped as within the Priority Vegetation Overlay is largely devoid of natural values (that are typically listed within such overlay). This is due to the significant volumes of fill and land clearance that has occurred on the site over the years. The overlay is considered to be an anomaly. Assessment against the standards of the Natural Assets Code is provided in this report. The site does not contain biodiversity values that are typically protected by a planning scheme.
BNV 2.2	Minimise clearance of native vegetation communities that provide habitat for threatened species.	The land, although mapped as within the Priority Vegetation Overlay is largely devoid of natural values (that are typically listed within such overlay). This is due to the significant volumes of fill and land clearance that has occurred on the site over the years. The overlay is considered to be an anomaly. Assessment against the standards of the Natural Assets Code is provided in this report. The site does not contain biodiversity values that are typically protected by a planning scheme.
BNV 2.3	Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999.	The Natural Values Atlas report, provided with this planning report, provides that no threatened species have been identified on the land. There does not appear to be any requirement to undertake further survey work prior to
BNV 3	Protect the biodiversity and conservation values of the Reserve Estate.	This policy clause is not applicable.
BNV 4	Recognise the importance of non land use planning based organisations and their strategies and policies in managing, protecting and enhancing natural values.	Any commentary or representation from interest groups with regard to natural values on the site are enabled through the statutory public notification period.
BNV 4.1	Consult NRM-based organisations as part of the review and monitoring of the Regional Land Use Strategy.	This policy clause is not applicable.
BNV 5	Restrict the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.	A weed management plan may be implemented to control the spread of environmental weeds. This will be determined at the completion of the landfill works.
BNV 5.1	Provide for construction management plans where vegetation clearance or soil disturbance is undertaken	A weed management plan may be implemented to control the spread of environmental weeds. This

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
	that include weed management actions where the site is known, or suspected, to contain declared weeds.	will be determined at the completion of the landfill works.
BNV 6	Geodiversity:	See sub-clauses below:
BNV 6.1	Improve knowledge of sites and landscapes with geological, geomorphological, soil or karst features and the value they hold at state or local level.	This policy clause is not applicable.
BNV 6.2	Progress appropriate actions to recognise and protect those values, through means commensurate with their level of significance (state or local).	See above.
Water Resources		
WR 1	Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries	See sub-clauses below
WR 1.1	Use and development is to be undertaken in accordance with the State Policy on Water Quality Management.	See the assessment under the <i>State Policy on Water Quality Management</i> in this report.
WR 1.2 I	Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers.	<p>Clause 6.11.2 (g) of the SPPs allow the Planning Authority to put conditions on permits regarding stormwater and volume controls, but there are no tangible standards provided in the SPPs.</p> <p>In order to demonstrate compliance with the policy, consideration of the accompanying development application for the permit is provided as follows:</p> <ul style="list-style-type: none"> – The proposed flood and stormwater management in the design plans are, in principle, compliant with the water sensitive urban design principles. The proposed piped street drainage will discharge to the existing drainage channel, and onsite detention for each lot is proposed to manage stormwater flows and provide onsite water usage. – Regard to Council's <i>Stormwater Management Procedure for New Development</i>, 31st August 2021 was given in the preparation of the plans and the amendment.
WR 1.3	Include buffer requirements in the planning scheme to protect riparian areas relevant to their classification under the Forest Practices System.	This policy clause is not applicable.
WR 1.4	Where development that includes vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.	Once the land is rezoned, then subdivision works will need to be undertaken in accordance with a Soil and Water Management Plan (SWMP) which will need to be provided prior to the construction works being undertaken. The SWMP will address erosion control and sediment run-off during construction. Existing vegetation and coverage will be retained where-ever possible to maintain soil stability and contain dust etc.
WR 2	Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.	See sub-clauses below
WR 2.1	Manage use and development adjacent to Hydro Lakes in accordance with their classification: Remote Wilderness Lake, Recreational Activity Lake or Multiple Use Lakes.	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
WR 2.2	Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels.	This policy clause is not applicable.
WR 2.3	Minimise clearance of native riparian vegetation.	This policy clause is not applicable.
WR 2.4	Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels.	The rezoning provides a connection from Mannata Street through to the public open space at 36 Mannata Street and a connection through to Bangalee Street. This includes the activation of the 'green belt' as identified in the Lauderdale Structure Plan (2011). This provides further recreation opportunities in the area without having to impact areas of high environmental sensitivity.
WR 3	Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision	The design plans, that accompany this request for a rezoning, demonstrate how onsite detention of water for each lot which can be achieved.
WR 3.1	Reduce barriers in the planning system for the use of rainwater tanks in residential areas.	
The Coast		
C 1	Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.	See sub-clauses below
C 1.1	Use and development is to avoid or minimise clearance of coastal native vegetation.	The rezoning is limited to the highly modified urban type environment.
C 1.2	Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.	The <i>Lauderdale Structure Plan 2011</i> , has identified Ringwood Road and Mannata Roads has having good potential for residential development. The physical constraints of the site are acknowledged in the Structure Plan, however, the plan also notes that such constraints can be "overcome through engineering design in this area." (p7, <i>Lauderdale Structure Plan, 2011</i>)
C 1.3	Prevent development on coastal mudflats, unless for the purposes of public access or facilities or for minor infrastructure that requires access to the coast. Prevent development on actively mobile landforms in accordance with the State Coastal Policy 1996.	This policy clause is not applicable.
C 1.4	Zone existing undeveloped land within the coastal area, Environmental Management, Recreation or Open Space unless: a. The land is utilised for rural resource purposes; or b. It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.	The land is currently zoned Rural Living Zone and is partly within the UGB. The proposed amendment is consistent with the STLRUS Policy clause SRD2.12 that has identified this land as suitable for urban expansion, notwithstanding the other relevant policy clauses of the STLRUS.
C 2	Use and development in coastal areas is to be responsive to the effects of climate change including sea level rise, coastal inundation and shoreline recession.	This has been addressed in the report as part of the C11.0 Coastal Inundation Hazard Code. The application that accompanies the request to rezone the land demonstrates how the land can be filled to raise the levels. The rear of each lot is proposed to be filled to FSL2.9 m to FSL3.00 m. The front of each lot, allowing for front setback, ensures that the building envelope is above RL2.7 m.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
C 2.1	Include provisions in the planning scheme relating to minimising risk from sea level rise, storm surge inundation and shoreline recession and identify those areas at high risk through the use of overlays.	These provisions are included in the Planning Scheme and are applicable to the land per the C11.0 Coastal Inundation Hazard Code.
C 2.2	Growth is to be located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart.	The STLRUS Policy clause SRD2.12 has identified this land as suitable for urban expansion notwithstanding the other relevant policy clauses of the STLRUS.
C 2.3	Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.	This policy clause is not applicable.
Managing Risks And Hazards		
MRH 1	Minimise the risk of loss of life and property from bushfires.	The land is not mapped as a Bushfire prone area.
MRH 1.1	Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.	This policy clause is not applicable.
MRH 1.2	Subdivision road layout designs are to provide for safe exit points in areas subject to bushfire hazard.	This policy clause is not applicable.
MRH 1.3	Allow clearance of vegetation in areas adjacent to dwellings existing at the time that the planning scheme based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to vegetation management provisions, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.	This policy clause is not applicable.
MRH 1.4	Include provisions in the planning scheme for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.	This policy clause is not applicable.
MRH 1.5	Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.	This policy clause is not applicable.
MRH 1.6	Develop and fund a program for regular compliance checks on the maintenance of bushfire management plans by individual landowners.	This policy clause is not applicable.
MRH 2	Minimise the risk of loss of life and property from flooding.	See sub-clauses below
MRH 2.1	Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.	The application for subdivision that accompanies this request for a rezoning demonstrates the use of fill to raise the levels of the land and to avoid flooding risk and better manage stormwater.
MRH 2.2	Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.	This policy is implemented through the Flood-Prone Hazard Areas Code and is addressed in both the design and the assessment in this report.
MRH 3	Protect life and property from possible effects of land instability.	See sub-clauses below

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
MRH 3.1	Prevent further development in declared landslip zones.	This policy clause is not applicable.
MRH 3.2	Require the design and layout of development to be responsive to the underlying risk of land instability.	This policy clause is not applicable.
MRH 3.3	Allow use and development in areas at risk of land instability only where risk is managed so that it does not cause an undue risk to occupants or users of the site, their property or to the public.	This policy clause is not applicable.
MRH 4	Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.	The rezoning does not introduce activities or works that would cause contamination of groundwaters or the site generally.
MRH 4.1	Include provisions in the planning scheme requiring the consideration of site contamination issues.	This policy clause is not applicable.
MRH 5	Respond to the risk of soil erosion and dispersive and acid sulfate soils.	Soil erosion will be managed through the construction phase of the subdivision. Ongoing management of erosion is the responsibility of the future landowners.
MRH 5.1	Prevent further subdivision or development in areas containing sodic soils unless it does not create undue risk to the occupants or users of the site, their property or to the public.	This policy clause is not applicable.
MRH 5.2	Wherever possible, development is to avoid disturbance of soils identified as containing acid sulfate soils. If disturbance is unavoidable then require management to be undertaken in accordance with the Acid Sulfate Soils Management Guidelines prepared by the Department of Primary Industries, Parks, Water and the Environment.	<p>The Natural Values Atlas report, that accompanies this planning report demonstrates that the land has been identified as containing acid sulfate soils.</p> <p>Works will need to be undertaken in accordance with the Acid Sulfate Soils Management Guidelines.</p> <p>The mapped area extends beyond the site and into the recently developed lots fronting Mannata Street.</p> <p>The soils can be managed through existing practices and is therefore consistent with the policy statement.</p>
Cultural Values		
CV 1	Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.	A desktop survey of the land was undertaken on the 21 st December 2021. The search record provided by Aboriginal Heritage Tasmania "...has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics" (Aboriginal Heritage, Search Record 21 December 2021)
CV 1.1	Support the completion of the review of the Aboriginal Relics Act 1975 including the assimilation of new Aboriginal heritage legislation with the RMPS.	This policy clause is not applicable.
CV 1.2	Improve our knowledge of Aboriginal heritage places to a level equal to that for European cultural heritage, in partnership with the Aboriginal community.	This policy clause is not applicable.
CV 1.3	Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.	A desktop survey of the land was undertaken on 21 December 2021. The search record provided by Aboriginal Heritage Tasmania "...has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics" (Aboriginal Heritage, Search Record 21 st

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
		December 2021). The proposed rezoning is compliant with the policy clause.
CV 1.4	Support the use of predictive modelling to assist in identifying the likely presence of Aboriginal heritage values that can then be taken into account in specific strategic land use planning processes.	A desktop survey of the land was undertaken on 21 December 2021. The search record provided by Aboriginal Heritage Tasmania "...has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics" (Aboriginal Heritage, Search Record 21 st December 2021). The proposed rezoning is compliant with the policy clause.
CV 2	Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.	This policy clause is not applicable.
CV 2.1	Support the completion of the review of the Historic Cultural Heritage Act 1995.	This policy clause is not applicable.
CV 2.2	Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows: a. places of local significance are to be listed within the Local Historic Heritage Code, as determined by the local Council. b. places of state significance are to be listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council. c. places of national or international significance are listed through national mechanisms as determined by the Australian Government.	This policy clause is not applicable.
CV 2.3	Provide for a system wherein the assessment and determination of applications for development affecting places of significance is undertaken at the level of government appropriate to the level of significance: a. Heritage places of local significance: by the local Council acting as a Planning Authority. b. Heritage places of state significance: by the Tasmanian Heritage Council on behalf of the State Government with respect to heritage values, and by the local Council with respect to other land use planning considerations, with coordination and integration between the two.	This policy clause is not applicable.
CV 2.4	Recognise and list heritage precincts within the Local Historic Heritage Code and spatially define them by associated overlays.	This policy clause is not applicable.
CV 2.5	Base heritage management upon the Burra Charter and the HERCON Criteria, with the Local Historic Heritage Code provisions in the planning scheme drafted to be consistent with relevant principles therein.	This policy clause is not applicable.
CV 2.6	Standardise statutory heritage management. a. Listings in the planning scheme should be based on a common inventory template, (recognising that not all listings will include all details due to knowledge gaps). b. The Local Historic Heritage Code provisions in the planning scheme should be consistent in structure and expression, whilst providing for individual statements in	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
	regard to heritage values and associated tailored development control.	
CV 2.7	Provide a degree of flexibility to enable consideration of development applications involving the adaptive reuse of heritage buildings that might otherwise be prohibited.	This policy clause is not applicable.
CV 3	Undertake the statutory recognition (listing) and management of heritage values in an open and transparent fashion in which the views of the community are taken into consideration.	This policy clause is not applicable.
CV 3.1	Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.	This policy clause is not applicable.
CV 4	Recognise and manage significant local historic and scenic landscapes throughout the region to protect their key values.	This policy clause is not applicable.
CV 4.1	State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values.	This policy clause is not applicable.
CV 4.2	The key values of regionally significant landscapes are not to be significantly compromised by new development through appropriate provisions within the planning scheme.	This policy clause is not applicable.
CV 4.3	Protect existing identified key skylines and ridgelines around Greater Hobart by limited development potential and therefore clearance through the zones in the planning scheme.	This policy clause is not applicable.
CV 5	Recognise and manage archaeological values throughout the region to preserve their key values.	This policy clause is not applicable.
CV 5.1	Known sites of archaeological potential to be considered for listing as places of either local or state significance within the Local Historic Heritage Code or on the State Heritage Register respectively, as appropriate.	This policy clause is not applicable.
CV 5.2	Development that includes soil disturbance within an area of archaeological potential is to be undertaken in accordance with archaeological management plans to avoid values being lost, or provide for the values to be recorded, conserved and appropriately stored if no reasonable alternative to their removal exists.	This policy clause is not applicable.
Recreation and Open Space		
ROS 1	Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.	The application for subdivision that accompanies this request for a rezoning demonstrates how the stormwater easement that runs through the land provides opportunity for further connectivity and recreation in the Lauderdale area. It is consistent with the 'green belt' identified in the <i>Lauderdale Structure Plan</i> .
ROS 1.1	Adopt an open space hierarchy consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows: a. Local b. District	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
	<ul style="list-style-type: none"> c. Sub-regional d. Regional e. State f. National 	
ROS 1.2	<p>Adopt an open space classification system consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows;</p> <ul style="list-style-type: none"> a. Parks; b. Outdoor Sports Venues; c. Landscape and Amenity; d. Linear and Linkage; e. Foreshore and waterway; f. Conservation and Heritage; g. Utilities and Services; and h. Proposed Open Space. 	This policy clause is not applicable.
ROS 1.3	Undertake a regional open space study, including a gap analysis, to establish a regional hierarchy within a classification system for open space in accordance with the Tasmanian Open Space Policy and Planning Framework 2010.	This policy clause is not applicable.
ROS 1.4	Undertake local open space planning projects through processes consistent with those outlined in the Tasmanian Open Space Policy and Planning Framework 2010 (Appendix 3).	It is expected that the Planning Authority will require a cash in lieu of public open space contribution for the subdivided land. The funds will then be used for improvements to public open space and related assets in the area.
ROS 1.5	Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	<p>The proposed rezoning provides connectivity with both Mannata Street and Bangalee Street (and local business area).</p> <p>Also further connectivity along the proposed stormwater channel to link with the access trail to the north of the site. This is consistent with the <i>Lauderdale Structure Plan, 2011</i>.</p>
ROS 1.6	Subdivision and development is to have regard to the principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.	See above.
ROS 2	Maintain a regional approach to the planning, construction, management, and maintenance of major sporting facilities to protect the viability of existing and future facilities and minimise overall costs to the community.	This policy clause is not applicable.
ROS 2.1	Avoid unnecessary duplication of recreational facilities across the region.	There are no zones or further dedicated areas of public open space proposed. The mechanism under the <i>Local Government (Building and Miscellaneous) Provisions Act 1993</i> allow Council/Planning Authority to condition for 'cash in lieu' of the provision of public open space. This would appear to be the most appropriate means for the community to get maximum value from the proposed subdivision.
Social Infrastructure		
SI 1	Provide high quality social and community facilities to meet the education, health and care needs of the	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
	community and facilitate healthy, happy and productive lives.	
SI 1.1	Recognise the significance of the Royal Hobart Hospital and support, through planning scheme provisions, its ongoing function and redevelopment in its current location.	This policy clause is not applicable.
SI 1.2	Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.	This policy clause is not applicable.
SI 1.3	Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.	The proposal provides further residential land that is located in an area with good access to social infrastructure such as public transport, schools, pharmacy, shops and open space.
SI 1.4	Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.	This policy clause is not applicable.
SI 1.5	Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.	This policy clause is not applicable.
SI 1.6	Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.	This policy clause is not applicable.
SI 1.7	Provide flexibility in the planning scheme for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.	This policy clause is not specific to this proposal.
SI 1.8	Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.	The proposed lot layout and site is suitable for all ages and abilities. Residents and visitors can access the area via foot, vehicle or assisted means of transport. There is also potential for immediate connectivity through to the Bangalee Street shops and community facilities.
SI 1.9	Provide for the inclusion of Crime Prevention through Environmental Design principles in the planning scheme.	Not specifically a matter for this proposal as the provisions of the Planning Scheme for the General Residential Zone should be consistent with the policy clause.
SI 1.10	Recognise the role of the building approvals processes in providing access for people with disabilities.	Not specifically a planning consideration.
SI 2	Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.	This policy clause is not specific to this proposal.
SI 2.1	Provide flexibility in the planning scheme for a variety of housing types (including alternative housing models) in residential areas.	Not specifically a matter for this proposal as the provisions of the Planning Scheme for the General Residential Zone should be consistent with the policy clause.
SI 2.2	The planning scheme is not to prevent the establishment of social housing in residential areas.	This policy clause is not applicable.
Physical Infrastructure		
PI 1	Maximise the efficiency of existing physical infrastructure.	See sub-clauses below.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
PI 1.1	Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.	The proposal will be serviced by the existing services in Lauderdale.
PI 1.2	Provide for small residential scale energy generation facilities in the planning scheme.	Not specifically a matter for this proposal as the provisions of the Planning Scheme should be consistent with the policy clause.
PI 2	Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	See sub-clauses below
PI 2.1	Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.	The proposal includes consolidation in existing established and serviced urban areas and is capable of connecting to existing infrastructure in the Lauderdale area.
PI 2.2	Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.	Not specifically a matter for this proposal.
PI 2.3	Identify, protect and manage existing and future infrastructure corridors and sites.	The proposal is consistent with the <i>Lauderdale Structure Plan</i> and will improve and use the existing stormwater channel.
PI 2.4	Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies, to inform infrastructure planning and service delivery.	The STLRUS Policy clause SRD2.12 has identified this land as suitable for urban expansion notwithstanding the other relevant policy clauses of the STLRUS.
PI 2.5	Develop a regionally consistent framework(s) for developer charges associated with infrastructure provision, with pricing signals associated with the provision of physical infrastructure (particularly water and sewerage) consistent with the Regional Land Use Strategy.	This policy clause is not applicable.
PI 2.6	Recognise and protect electricity generation and major transmission assets within the planning scheme to provide for continued electricity supply.	This policy clause is not applicable.
Land Use and Transport Integration		
LUTI 1	Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.	See sub-clauses below
LUTI 1.1	Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.	Lauderdale is a Minor Satellite of Greater Hobart and the land is adjoining (and partly within) the Urban Growth Boundary. The rezoning site is in close proximity to existing public transport corridors (within 100m) and also within 2000m (by car) to a category 4 state road (South Arm Road).
LUTI 1.2	Allow higher density residential and mixed use developments within 400 metres, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.	The proposal is to apply the General Residential Zone and not the Inner Residential Zone. This is consistent with the surrounding area.
LUTI 1.3	Encourage residential development above ground floor level in the Primary, Principal and Major Activity Centres.	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
LUTI 1.4	Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met.	The proposed subdivision and rezoning is within the Greater Hobart area and is adjoining (and partly within) the Urban Growth Boundary.
LUTI 1.5	Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.	The provided Traffic Impact Assessment has identified the nearby public transport bus stops and routes and that these sites are accessible on foot or with assistance. The nearest higher order activity centre is Rosny which is categorised as a Principal Activity Centre. Rosny is approximately 13km away and is accessible via bus or vehicle.
LUTI 1.6	Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.	The proposed rezoning has direct frontage to the existing public road, Mannata Street. This is the only opportunity for a junction and road. The road connection is therefore maximised and compliant with the policy. A secondary pedestrian access to Bangalee Street is demonstrated in the accompanying subdivision plan.
LUTI 1.7	Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.	This policy clause is not applicable.
LUTI 1.8	Apply buffer distances for new development to regional transport corridors identified in Map 4 in accordance with the Road and Railway Assets Code to minimise further land use conflict.	This policy clause is not applicable.
LUTI 1.9	Car parking requirements in the planning scheme and provision of public car parking is to be consistent with achieving increased usage of public transport.	This policy clause is not applicable.
LUTI 1.10	Identify and protect ferry infrastructure points on the Derwent River (Sullivans Cove, Kangaroo Bay and Wilkinson Point) for their potential use into the future and encourage increased densities and activity around these nodes.	This policy clause is not applicable.
LUTI 1.11	Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.	The subdivision layout plan submitted with the application for the rezoning demonstrates how the General Residential Zone can be developed for connectivity with the surrounding neighbourhood and public open space network. The standard for roads (clause 8.6.2) of the General Residential Zone largely enables the implementation of this policy clause.
LUTI 1.12	Encourage end-of-trip facilities in employment generating developments that support active transport modes.	This policy clause is not applicable.
Tourism		
T 1	Provide for innovative and sustainable tourism for the region	See sub-clauses below
T 1.1	Protect and enhance authentic and distinctive local features and landscapes throughout the region.	This policy clause is not applicable.
T 1.2	Identify and protect regional landscapes, which contribute to the region's sense of place, through the planning scheme.	This policy clause is not applicable.
T 1.3	Allow for tourism use in the Rural Zone and Agriculture Zone where it supports the use of the land for primary production.	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
T 1.4	Provide flexibility for the use of holiday homes (a residential use) for occasional short-term accommodation.	This policy clause is not applicable.
T 1.5	Provide flexibility within commercial and business zones for mixed use developments incorporating tourism related use and development.	This policy clause is not applicable.
T 1.6	Recognise, that the planning scheme may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.	This policy clause is not applicable.
T 1.7	Allow for objective site suitability assessment of proposed tourism use and development through existing planning scheme amendment processes (section 40T application).	This policy clause is not applicable.
Strategic Economic Opportunities		
SEO 1	Support and protect strategic economic opportunities for Southern Tasmania.	See sub-clauses below
SEO 1.1	Protect the following key sites and areas from use and development which would compromise their strategic economic potential through the planning scheme provisions: a. Hobart Port (including Macquarie and Princes Wharves); b. Macquarie Point rail yards; and c. Princes of Wales Bay marine industry precinct.	This policy clause is not applicable.
SEO 1.2	Include place specific provisions for the Sullivans Cove area in the planning scheme.	This policy clause is not applicable.
Productive Resources		
PR 1	Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.	
PR 1.1	Utilise the Agriculture Zone to identify land significant for agricultural production in the planning scheme and manage that land consistently across the region.	This policy clause is not applicable.
PR 1.2	Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.	This policy clause is not applicable.
PR 1.3	Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production.	This policy clause is not applicable.
PR 1.4	Prevent further land fragmentation in the Agriculture Zone by restricting subdivision unless necessary to facilitate the use of the land for agriculture.	This policy clause is not applicable.
PR 1.5	Minimise the use of prime agricultural land for plantation forestry.	This policy clause is not applicable.
PR 2	Manage and protect the value of non-significant agricultural land in a manner that recognises the potential and characteristics of the land.	See sub-clause below.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
PR 2.1	Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.	This policy clause is not applicable.
PR 2.2	Support opportunities for down-stream processing of agricultural products in appropriate locations or 'on-farm' where appropriate supporting infrastructure exists and the use does not create off-site impacts.	This policy clause is not applicable.
PR 2.3	Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land.	This policy clause is not applicable.
PR 2.4	The introduction of sensitive uses not related to agricultural use, such as dwellings, are only to be allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.	This policy clause is not applicable.
PR 3	Support and protect regionally significant extractive industries.	See sub-clause below.
PR 3.1	Existing regionally significant extractive industry sites are to be appropriately zoned, such as the Rural Zone, and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.	This policy clause is not applicable.
PR 4	Support the aquaculture industry.	See sub-clause below.
PR 4.1	Provide appropriately zoned land on the coast in strategic locations, and in accordance with The Coast Regional Polices, for shore based aquaculture facilities necessary to support marine farming.	This policy clause is not applicable.
PR 4.2	Identify key marine farming areas to assist in reducing potential land use conflicts from an increasingly industrialised industry.	This policy clause is not applicable.
PR 5	Support the forest industry.	See sub-clause below.
PR 5.1	Working forests, including State Forests and Private Timber Reserves (for commercial forestry), are to be appropriately zoned, such as the Rural Zone.	This policy clause is not applicable.
PR 5.2	Recognise the Forest Practices System as appropriate to evaluate the clearance and conversion of native vegetation for commercial forestry purposes.	This policy clause is not applicable.
PR 5.3	Control the establishment of new dwellings in proximity to State Forests, Private Timber Reserves or plantations so as to eliminate the potential for land use conflict.	This policy clause is not applicable.
Industrial Activity		
IA 1	Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.	This policy clause is not applicable.
IA 1.1	Industrial land is to be relatively flat and enable easy access to major transport routes, and other physical infrastructure such as water, wastewater, electricity and telecommunications	This policy clause is not applicable.
IA 1.2	Locate new industrial areas away from sensitive land uses such as residentially zoned land.	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
IA 1.3	Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	This policy clause is not applicable.
IA 1.4	Provide a 15-year supply of industrial land, zoned for industrial purposes within the planning scheme – in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.	This policy clause is not applicable.
IA 1.5	Aim to provide a minimum 5-year supply of subdivided and fully serviced industrial land.	This policy clause is not applicable.
IA 1.6	Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to nonindustrial purposes.	This policy clause is not applicable.
IA 2	Protect and manage existing strategically located export orientated industries.	This policy clause is not applicable.
IA 2.1	Identify significant industrial sites through zoning and avoid other industrial uses not related to its existing function from diminishing its strategic importance.	This policy clause is not applicable.
IA 3	Industrial development is to occur in a manner that minimises regional environmental impacts and protects environmental values.	This policy clause is not applicable.
IA 3.1	Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.	This policy clause is not applicable.
Activity Centres		
AC 1	Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.	Lauderdale is categorised as a minor or neighbourhood centre per Table 1. The rezoning is not for the purposes of expanding the Lauderdale business area as such, however it is positioned next to the adjacent retail and community area on Bangalee Street and will strengthen the integrated neighbourhood. This will naturally further business and community development. Future residents of the proposed zone have access to beaches, shops, cultural centres, walking tracks and public open space either on foot, bicycle, vehicle and/or other means of transport. Public transport is available within walking distance of the proposed subdivision.
AC 1.1	Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.	See above.
AC 1.2	Utilise the Central Business, General Business, Local Business Zones as the main zones to deliver the activity centre network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.	See above.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
AC 1.3	Discourage out-of-centre development by only providing for in-centre development within the planning scheme.	See above.
AC 1.4	Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.	See above.
AC 1.5	Encourage high quality urban design and pedestrian amenity through the respective development standards.	The proposal is to rezone the land to the General Residential Zone. The standards of the zone together with the standards of the applicable codes will be used to guide (and assess) the quality of the urban design and pedestrian amenity. No further or additional standards are proposed as part of the scheme amendment.
AC 1.6	Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.	The additional General Residential Zoned land will further contribute and compliment the Activity Centre Hierarchy.
AC 1.7	Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.	This policy clause is not applicable.
AC 1.8	Encourage new development and redevelopment in established urban areas to reinforce the strengths and individual character of the urban area in which the development occurs.	The proposal is consistent with this clause. Lauderdale and particularly the subject land is an established urban area. The proposed subdivision allows connectivity to Mannata Street and Bangalee Street. The proposed development also utilises existing infrastructure and provides land for people to live in a highly desirable urban area.
AC 1.9	Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.	This policy clause is not applicable.
AC 1.10	Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.	This policy clause is not applicable.
AC 1.11	Consolidate the Cambridge Park Specialist Activity Centre by restricting commercial land to all that land bound by Tasman Highway and Kennedy Drive, and provide for a wide range of allowable uses, including, but not limited to, service industry, campus-style office complexes and bulky goods retailing.	This policy clause is not applicable.
AC 1.12	Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within the planning scheme.	This proposal is consistent with this clause as the proposal will increase the local population the Lauderdale shopping area (identified as minor or neighbourhood centre in the Table 1: Activity Centre Network).
AC 2	Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.	See AC1 response. The proposal does not introduce new business type zones or settlements that would disrupt or compete with the Activity Centre hierarchy. The proposed rezoning will reinforce and compliment the existing Activity Centre hierarchy by providing more residential development to support local activities. .
AC 2.1	Encourage the consolidation of cultural, political and tourism activity within the Primary Activity Centre.	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
AC 2.2	Encourage high quality design for all new prominent buildings and public spaces in the Primary and Principal Activity Centres.	This policy clause is not applicable.
AC 2.3	Undertake master planning for the Primary and Principal Activity Centres taking into account this Strategy. These should examine issues of urban amenity, economic development, accessibility, urban design and pedestrian movement.	This policy clause is not applicable.
AC 2.4	Encourage structure and economic development planning for lower level Activity Centres by local planning authorities.	The proposal is consistent with the <i>Lauderdale Structure Plan, 2011</i> insofar as residential growth along the Mannata Road is described as having good potential where the physical and environmental constraints of the land can be addressed through engineered design and solutions for stormwater/drainage treatments (Part 3.2 Residential Land Use, <i>Lauderdale Structure Plan 2011</i>). The proposal is therefore a part of the structured approach to the growth of Lauderdale. This is supported by the 2015 permit SD-2014/33 which allows for the filling of the subject land which in effect facilitates and guides future urban development.
AC 3	Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.	See sub clauses below.
AC 3.1	Actively encourage people to walk, cycle and use public transport to access Activity Centres.	This is largely provided through the existing transport framework in Lauderdale.
AC 3.2	Support high frequency public transport options into Principal and Primary Activity Centres.	This policy clause is not applicable.
AC 3.3	The minimum car parking requirements and associated 'discretion' in the planning scheme for use and development in the Principal and Primary Activity Centres are to encourage the use of alternative modes of transport other than private cars.	This policy clause is not applicable.
AC 3.4	Provide for coordinated and consistent car parking approaches across the Principal and Primary Activity Centres that support improved use of public transport and alternative modes of transports, pedestrian amenity and urban environment.	This policy clause is not applicable.
AC 3.5	Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity.	This policy clause is not applicable.
Settlement and Residential Development		
SRD 1	Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.	See sub-clauses below.
SRD 1.1	Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.	Lauderdale is defined in Table 3: Growth Management Strategies for Settlements of STRLUS (pg 89) as a 'Minor Satellite of Greater Hobart' and within the Urban Growth Boundary (UGB). The recently introduced policy SRD 2.12 allows for land that shares a boundary with the UGB to be considered (and compliant with the scope of SRD 2.12) as though it were within the UGB.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
		The subject land is within the scope of the SRD 2.12 clause. The clause is assessed and addressed in this table.
SRD 1.2	<p>Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:</p> <ol style="list-style-type: none"> 1. Strategy (regional function & growth scenario); 2. Settlement Structure Plans (including identification of settlement boundaries); 3. Subdivision Permit; 4. Use and Development Permit. 	This policy clause is not applicable.
SRD 1.3	<p>Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:</p> <ol style="list-style-type: none"> 1. to existing rural living communities; or 2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone. <p>Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:</p> <p>a Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:</p> <p>the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and</p> <p>only limited subdivision potential is created by rezoning.</p> <p>b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:</p> <ol style="list-style-type: none"> (i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use; (ii) the land rezoned to rural living use is adjacent to an existing rural living community; (iii) the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy; (iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and (v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy. <p>c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:</p> <ol style="list-style-type: none"> (i) the land must predominantly share common boundaries with: <ul style="list-style-type: none"> • existing Rural Living zoned land; or 	This policy clause is not applicable.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
	<ul style="list-style-type: none"> • rural living communities which comply with SRD 1.3(a); (ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality; (iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses; (iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area; (v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy; (vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and (vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy. 	
SRD 1.4	Allow for increased densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.	This policy clause is not applicable.
SRD 1.5	Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).	<p>This is largely provided by the standards of the proposed General Residential Zone.</p> <p>In particular clause 8.6.1 provides an acceptable solution for a minimum 450m² lot size.</p> <p>The subdivision application that accompanies this rezoning application demonstrates how 15 dwellings per hectare can be achieved, as follows:</p> <ul style="list-style-type: none"> – The subject site is 3.4ha in area which is proposed to accommodate 45 lots (including the existing dwelling). – 4,600m² of this area is dedicated to a road. This allows 2.94ha (29,400m²) of land to be developed for dwellings. – At net density this equates to 653m² per dwelling which is 15 dwellings per hectare.
SRD 2	Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.	See sub clauses below.
SRD 2.1	Residential growth for Greater Hobart is to occur through 50% infill development and 50% greenfield development.	<p>The site is a heavily modified area of land that does not strictly meet the STRLUS definition of a “greenfield site” i.e. the site is not a former agricultural or undeveloped natural land area.</p> <p>The site is more akin to “Infill Development” per the STRLUS Glossary definition on page 103 as defined as:</p> <p style="padding-left: 40px;"><i>Development within existing urban areas through:</i></p> <ul style="list-style-type: none"> • <i>Small scale subdivision or unit development on existing residential lots; or</i>

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
		<ul style="list-style-type: none"> • <i>Redevelopment of brownfield or greyfield sites.</i> • <i>May involve increases in density.</i> <p>The area is, per the STRLUS, better described as a greyfield site.</p> <p>The proposed rezoning is consistent with this policy by virtue of the land being a modified site that has been partly developed for future residential development through fill and is also within an established urban area.</p>
SRD 2.2	Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.	See subclauses below.
SRD 2.3	<p>SRD 2.3 Provide greenfield land for residential purposes across the following Greenfield Development Precincts:</p> <ul style="list-style-type: none"> – Bridgewater North – Brighton South – Droughty Point Corridor – Gagebrook/Old Beach – Granton (Upper Hilton Road up to and including Black Snake Village) – Midway Point North – Risdon Vale to Geilston Bay – Sorell Township East – Spring Farm/Huntingfield South 	This policy clause is not applicable.
SRD 2.4	Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc.	This matter is more appropriately addressed in Clause SRD2.12.
SRD 2.5	<p>Implement a Residential Land Release Program that follows a land release hierarchy planning processes as follows:</p> <ol style="list-style-type: none"> 1. Strategy (greenfield targets within urban growth boundary); 2. Conceptual Sequencing Plan; 3. Precinct Structure Plans (for each Greenfield Development Precinct); 4. Subdivision Permit; and 5. Use and Development Permit. 	The Policy clause is not applicable to a small infill type site.
SRD 2.6	Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.	<p>The Policy clause is not applicable.</p> <p>The subject land is not within 400 -800m of an Integrated Transport Corridor (as shown in Map 4 of the STRLUS) or Principal or Primary Activity Centre.</p>
SRD 2.7	Distribute residential infill growth across the existing urban areas for the 25-year planning period as follows: Glenorchy LGA 40% (5300 dwellings) Hobart LGA 25% (3312 dwellings) Clarence LGA 15% (1987 dwelling)	The proposed rezoning is reliant on the expansion allowable per Clause SRD 2.12 and is a step towards meeting the infill targets within an established and well serviced neighbourhood.

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
	Brighton LGA 15% (1987 dwellings) Kingborough LGA 5% (662 dwellings)	
SRD 2.8	Aim for the residential zones in the planning scheme to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.	The Policy clause is not applicable. The policy Clause SRD 2.12 effectively sets aside this matter.
SRD 2.9	Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.	The proposed lot layout (and zoning) allows for a range of dwelling types on flat and accessible land. There are multiple transport options and public open space and nearby facilities that will lead to a healthy lifestyle consistent with the principles of <i>Healthy Urban Design</i> and otherwise suitable for an ageing population.
SRD 2.10	Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.	The proposal is consistent with the clause. The proposal together with this report demonstrates that the land is suitable for higher density living within the Greater Hobart Area.
SRD 2.11	Increase the supply of affordable housing.	The larger lots provide an opportunity for multiple dwellings which can be a more affordable option for persons seeking to live in a desirable beachside suburb.
SRD 2.12	Notwithstanding SRD 2.2 and SRD 2.8, land outside the Urban Growth Boundary shown in Map 10 may be considered for rezoning for urban development if it: (a) shares a common boundary with land in the Urban Growth Boundary which is zoned for urban development; (b) comprises: (i) a lot that is outside the Urban Growth Boundary with an area not more than 2ha; or (ii) the residual area of a lot that is partially outside the Urban Growth Boundary, with the area of the lot outside the Urban Growth Boundary not more than 2ha; (c) does not constitute a significant increase in land zoned for urban development outside the Urban Growth Boundary in that locality; and (d) results in minimal potential for land use conflicts with adjoining land uses.	<p>The subject land can be considered for rezoning for urban development.</p> <p>Each sub clause heading is addressed in the table rows below.</p> <p>(a) The subject land shares a boundary with the UGB and can be considered under this Clause. A diagram showing the extent of the UGB is provided in Figure 16.</p> <p>(b) (i) As the access strip to each of the three (3) lots is within the UGB the proposal must be considered under the clause (b) (ii) below.</p> <p>(b) (ii) The residual area of each lot, outside the UGB, is not more than 2ha. 46 Mannata Street is 1.677ha and 34 Mannata Street is 1.655ha. The subject area of 36 Mannata Street (the access strip) is 645m².</p> <p>(c) In order to determine whether the proposal complies with this part of the clause it is necessary to determine the 'locality' and whether the proposed rezoning would result in a 'significant increase' in land zoned for urban development in that locality.</p> <p>Neither 'locality' or 'significant increase' are terms defined in the STRLUS. However they are terms that have been tested before the Planning Commission for numerous rezonings (scheme amendments) since the STRLUS came into effect in October 2011*.</p> <p>The locality is Lauderdale and the area proposed to be rezoned is 3.77ha. This represents a 2.9% increase in the 137ha of land designated for urban growth (per the Urban Growth Boundary) that is within the Lauderdale locality.</p> <p>The proposal does not constitute a 'significant increase' in land zoned for urban development</p>

Biodiversity and Geodiversity Policy		
Policy Reference	Policy	Comments
		<p>outside the Urban Growth Boundary in that locality.</p> <p><i>*See Table foot notes for further detail</i></p> <p>(d) An assessment and description of each adjoining area of land is provided as follows:</p> <p>The land to the north along Mannata Street is in the General Residential Zone and therefore in residential use or likely residential use (for the vacant lots).</p> <p>The land to the east along Bangalee Street is in the Local Business Zone and used for local services</p> <p>The land to the south is in the Rural Living Zone and contains single dwellings, a bus depot and a sewerage pump station. Future dwellings are likely to be around 40m from the pump and around 70m from the bus depot. The setback distance are likely sufficient for buffering of noise or vibration activities associated with these two (2) uses.</p> <p>The land to the west is in the Rural Living Zone and used for residential purposes.</p> <p>It is considered very unlikely that a land use conflict would result from the proposed rezoning.</p>

*For the purposes of demonstrating compliance with SRD 2.12 (c) it is necessary to determine the 'locality' of Lauderdale and whether the proposed rezoning of the subject land constitutes a 'significant increase' in land zoned for 'urban development' in that locality.

The 'locality' of Lauderdale is shown in Figure 15. It is an area of land 462ha in size. Of this area 197ha is zoned Landscape Conservation Zone and Public Open Space Zone. These two (2) zones are not considered to be land zoned for urban development; these are zones liken to greenfield sites. The remainder of the area is zoned Rural Living Zone, General Residential Zone, Community Purpose Zone, General Business Zone, Local Business Zone, Utilities Zone and Recreation Zone. These are all zones that are suitable for urban development as they are not greenfield sites. This is an area of 265ha. The area of land within the Urban Growth Boundary, only, is 137ha. This is the figure that will be used to determine the area of land zoned for Urban Development for the purposes of determining compliance with SRD 2.12 (c).

The area of land proposed to be rezoned to the General Residential Zone is 3.977ha. This represents a 2.9% increase in the 137ha of land designated for urban growth (per the Urban Growth Boundary).

This is not a 'significant increase'.

A 'significant increase' is a term that has been tested before the Tasmanian Planning Commission. Largely in applications for the rezoning of Rural Living Zone land. In such decisions an area of land less than 25% of the locality (or similarly defined area) is not regarded to be a significant area.

An example is the decision of the TPC (*Brighton Interim Planning Scheme 2015* amendment RZ 2016-07 [2017] TASPComm 28 (1 August 2017)) that specifically considered an increase in excess of 25% to be a significant increase in the land in the immediate locality.

The Tasmanian Planning Commission also use the Census data to determine the significance and increase in dwellings as a result of a proposed rezoning. At the October 2011 date, Lauderdale had 957 dwellings and a population of 2,282 people. The current Census data (2016) determines the population of Lauderdale to be 2,411 people and 1003 dwellings.

As the rezoning application is combined with the subdivision application for 44 lots it conveniently allows for a calculated assumption of the number of potential dwellings which the rezoning could yield. This is up to 65 dwellings through a mixture of single and multiple dwellings. This would be the typical blend of dwelling types found in the Greater Hobart urban area. This figure is a reasonable guide to determine the number of potential dwellings on the land. In using the current 2016 Census data, 65 additional dwellings in Lauderdale would constitute a 6.4% increase in the number of dwellings in the overall area. Again, this does not constitute a significant increase.

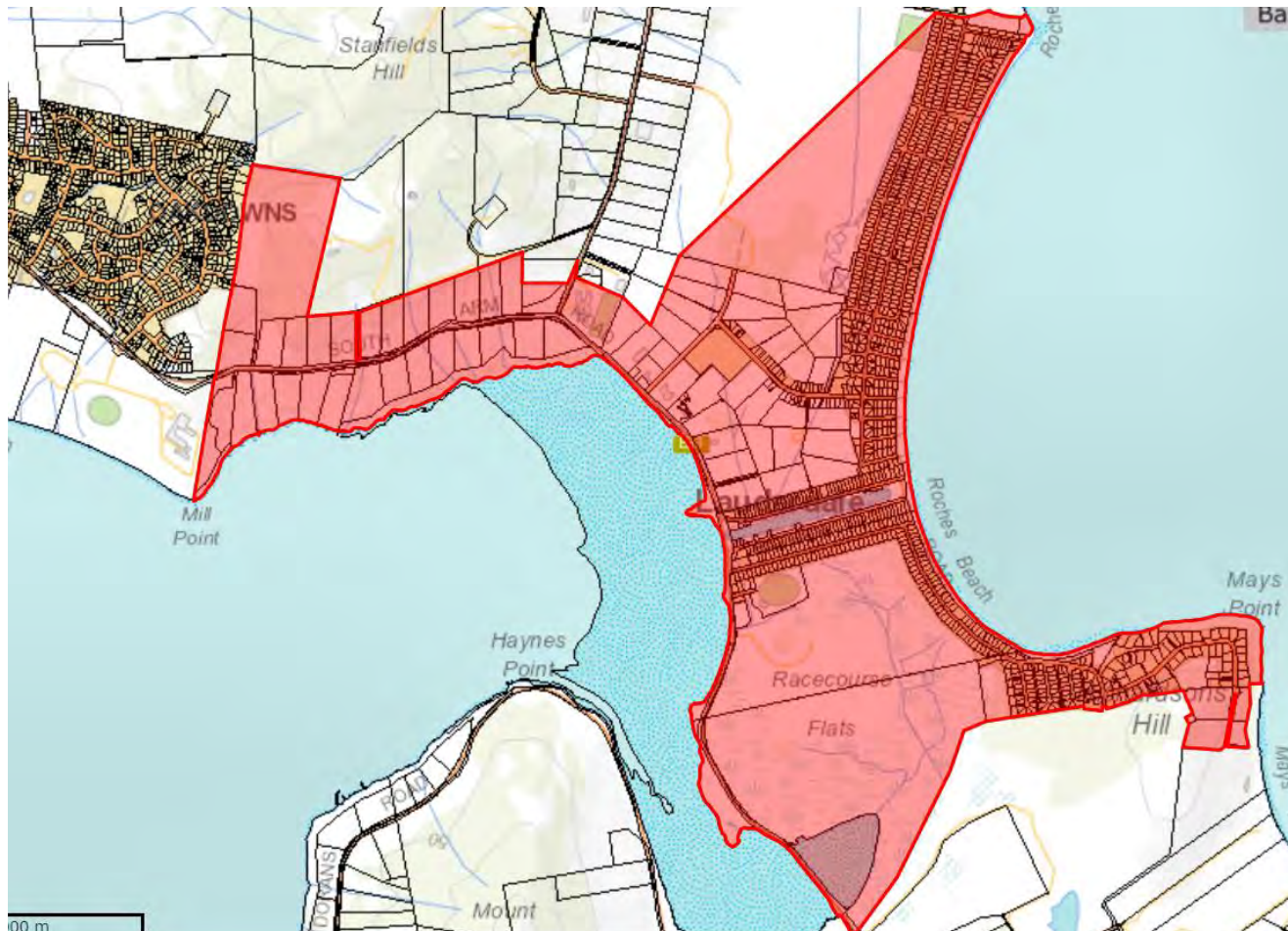


Figure 16 Locality boundaries, Lauderdale (thelist.tas.gov.au)



Figure 17 Urban Growth Boundary in pink hatching (thelist.tas.gov.au)

5.7 34(2)(f)

The instrument - has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 that applies in relation to the land to which the relevant planning instrument relates.

The Clarence City Council Strategic Plan 2021 - 2031 (the Strategic Plan) provides a strategic framework which outlines how Council will achieve its vision for Clarence to become a thriving and welcoming regional City, living lightly by river and sea. The framework contemplated by the Strategic Plan sets out a series of objectives with corresponding outcomes and strategies.

The proposed rezoning has had regard to Council's *Strategic Plan*. The following objectives (in particular) are furthered by the rezoning of the land:

- 2.13 *Enhancing natural and built amenities to create vibrant, accessible activity centres and community hubs through quality urban design.*
- 2.14 *Planning for a diverse range of housing to meet the needs of a wide demographic.*
- 2.15 *Ensuring neighbourhoods have pleasant streetscapes and access to recreational spaces and appropriate neighbourhood facilities.*

Provision of land for residential development and the growth and connectivity of the Lauderdale community overall aligns with Clarence's growth and development aspirations.

5.8 34(2)(g)

The instrument - as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.

The site is located 10km from the nearest adjacent municipal area (Sorell Local Government Area). Due to the substantial separation distance, the proposed development is unlikely to impact on land use planning within the Sorell Local Government Area.

5.9 34(2)(h)

The instrument - has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.

The site is not in the vicinity of the Tasmanian Gas Pipeline, this is not relevant to the assessment.

6. Planning Scheme Assessment

The following is an assessment of the Proposed Development in accordance with the standards of the *Tasmanian Planning Scheme – Clarence* (The Scheme) as amended in accordance with the detail of section 4 of this report. The Proposed Development involves subdivision for the reconciliation of existing and potential future occupation with zone boundaries, as amended. It provides a rational division of space that is responsive to buildings, topography, site features, access requirements, easements and servicing.

6.1 8.0 General Residential Zone

This application seeks approval for subdivision and associated works within the subject site.

Pursuant to part 6.2.6 of the Planning Scheme a subdivision is not required to be categorised into a use class. Therefore, the use standards at Part 8.3 are not applicable and by extension the Zone Purpose Statements at Part 8.1 are not applicable either.

The proposal involves the creation of service connections and the division of interests in land. No dwellings or buildings are proposed or involved with the land in the General Residential Zone. Therefore, the development standards for dwellings and non-dwellings in Part 8.4 and 8.5 are not applicable. The development standards for subdivision in Part 8.6 cover the applicable Standards of the Zone and are considered below.

6.1.1 Applicable Standards

8.6.1 Lot design

Objective	
<p>That each lot:</p> <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 450m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; (b) be required for public use by the Crown, a council or a state authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area.
<p>Comments:</p> <p>The proposal relies on Performance Criteria P1.</p> <p>Lot 21 cannot accommodate a minimum area of 10m x 15m clear of the existing sewer easement. Though the easement will likely be removed once the sewer main is relocated to the access strip for 36 Mannata Street it is still subject to</p>	

Objective

TasWater Approval. Which has not yet been given. A precautionary approach is therefore taken in the assessment and preparation of the plan and assessment against the P1 criteria is provided.

The proposal will create 45 lots in total with an area of at least 450m². All lots except Lot 21 on the Plan are capable of containing a building area 10m x 15m, on level ground in accordance with the Acceptable Solution for all boundary setbacks required in the Zone.

Lots 101, 102 and will be dedicated road and 103 dedicated as footway and all three will be adopted by the Council.

Two lots (unnumbered) will be created to contain the existing open drain and adopted by the Council.

All residential lots have sufficient useable area and dimensions suitable for its intended use (residential use) having regard to the following:

- (a) All lots, except for Lot 21 can contain a minimum building area (10m x 15m) that is compliant with the relevant requirements for a dwelling in the General Residential Zone. Lot 21 still has a useable area of 366m² outside of the easement that can contain a dwelling.
- (b) The intended location of dwellings, except for Lot 21, is shown on the plan prepared by D.G.J Potter, dated 25th September 2022 and shows a useable area with dimensions suitable for a dwelling.
- (c) The site will be levelled and drained with fall towards the road which is considered a suitable for residential development.
- (d) There are areas of land covered by the overlays for the Coastal Inundation and Flood Prone Hazard Codes, these issues are addressed in the Code Assessments later in this report. Essentially, the approved fill on the site will mitigate these risks.
- (e) All lots are provided with adequate area for private open space as the lots are level and exceed the lot size requirements under A1.
- (f) The pattern of lots, factoring layout, lot shape and size is consistent with other lots in the immediate area.

The proposal is compliant with the P1 performance criteria.

Acceptable Solutions	Performance Criteria
A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.	P2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to: (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.

Comment:

The proposal relies on Performance Criteria. There are three (3) internal lots, and at each cul-de-sac head a number of lots have frontages which fall short of 12m. In addition, four (4) other lots do not meet the Acceptable Solution.

Each lot (4, 8-14, 20, 28-35 and 38-39) meets the standards of P2 as they are considered to be suitable for the future residential use as follows:

- (a) Each lot is provided with unique frontage of at least 3.6m, sufficient for appropriate access to the carriageway;
- (b) No rights of carriageway are proposed. Number 36 Mannata Street will retain access via the existing title area;
- (c) The site is flat and topography plays no role in site design;
- (d) The frontage will be appropriate for foreseeable use and function;
- (e) Each lot contains sufficient area for the likely requirements under C2 the Parking and Sustainable Transport Code;
- (f) While the proposal introduces a new pattern of development it is not out of step in this small community and is appropriate for the site.

The proposal is compliant with the P1 performance criteria.

Acceptable Solutions	Performance Criteria
A3	P3

Objective	
Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.	Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
Comment: The proposal complies with the Acceptable Solution: crossovers to the proposed new road are shown for every lot.	
Acceptable Solutions	Performance Criteria
A4 Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.	P4 Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to: <ul style="list-style-type: none"> (a) the size, shape and orientation of the lots; (b) the topography of the site; (c) the extent of overshadowing from adjoining properties; (d) any development on the site; (e) the location of roads and access to lots; and (f) the existing pattern of subdivision in the area.
Comment: The proposal relies on the Performance Criteria, as the street is oriented east-west and therefore the majority of lots have the long axis 90 degrees from north. Each lot will have sufficient solar access with regard to: <ul style="list-style-type: none"> (a) The lots are largely of generous size with ample ability to take advantage of sunlight. The mix of smaller and larger lots adjacent to each other means that without being prescriptive there remains scope for future occupants to design in a way which optimises solar access. (b) The site is flat. The fill will make the new natural ground level higher than existing dwellings to the north which will further enable solar access by preventing any overshadowing from neighbouring lots; (c) As noted above, adjoining properties to the north will not overshadow the site. There is little development on the east, south or western boundaries of the site and negligible overshadowing; (d) The existing dwelling will be on a lot with the long access oriented to the north which will ensure continued solar access; (e) Due to the shape of the settlement and development constraints, the proposal matches the existing pattern of subdivision in the area. The proposal is compliant with the P1 performance criteria.	

8.6.2 Roads

Objective	
That the arrangement of new roads within a subdivision provides for: <ul style="list-style-type: none"> (a) safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land. 	
Acceptable Solutions	Performance Criteria
A1 The subdivision includes no new roads.	P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to: <ul style="list-style-type: none"> (a) any road network plan adopted by the council;

Objective	
	<ul style="list-style-type: none"> (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.
The proposal is assessed against the Performance Criteria per the comments provided in the <i>Traffic Impact Assessment</i> provided in Appendix E):	
(a) <i>any road network plan adopted by the council;</i>	GHD has not been made aware of any road network plan adopted by Council and therefore this is not applicable.
(b) <i>the existing and proposed road hierarchy;</i>	The hierarchy of roads within the existing network will not be altered by the arrangement and construction of Salim Drive. Salim Drive will act as a local road within the road hierarchy.
(c) <i>the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</i>	The proposed Salim Drive connects with the existing network at Mannata Street at the north of the site. A proposed walkway, Dougs Lane, connects with Bangalee Street at the east of the site. The subdivision layout provides both pedestrian and vehicular access to the public open space land owned by the Clarence Council at the rear of the lot (36 Mannata Street). The adjoining land to the west and south is not currently zoned for further subdivision. The residential lots to the north (fronting Mannata Street) do not have the size to accommodate a new road or further lot development.
(d) <i>maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</i>	Maximum possible connectivity with the surrounding road network is achieved given the location of the site through the connection of Salim Drive with Mannata Street. Pedestrian and cycling connection with the surrounding network is provided via Salim Drive's intersection with Mannata Street and via Dougs Lane. There is also the connectivity with the public open space at the rear of the site. Therefore, connectivity with the surrounding road, pedestrian, cycling and public transport networks is considered to be reasonably maximised.
(e) <i>minimising the travel distance between key destinations such as shops and services and public transport routes;</i>	Given the location of the site the connection of Salim Drive with Mannata Street and the proposed Dougs Lane with Bangalee Street, travel distance between key destinations is considered to be reasonably minimised.
(f) <i>access to public transport;</i>	Public transport routes are not proposed to be modified to traverse Salim Drive. Appropriate access to various public transport routes is available within walking distance of the site (as discussed in Section Error! Referer source not found.).
(g) <i>the efficient and safe movement of pedestrians, cyclists and public transport;</i>	The proposed arrangement of Salim Drive is of significant width and includes footpaths along its entire length. Its geometry and the residential nature of the majority of traffic expected to use Salim Drive is unlikely to encourage high vehicle speeds. It is therefore expected to allow the efficient and safe movement of pedestrians and cyclists, assuming that its intersections are appropriately signed to clearly show priority. No public transport is expected to use Salim Drive.

Objective		
(h)	<i>the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;</i>	Salim Drive is proposed to be a local road and therefore this is not applicable.
(i)	<i>the topography of the site; and</i>	It is assumed that the topography of the site will be approximately level.
(j)	<i>the future subdivision potential of any balance lots on adjoining or adjacent land.”</i>	A balance lot is not created as part of the subdivision design. The potential for subdivision of the adjoining land is limited due to the zoning and as otherwise described in (c).
On this basis, the proposed development is considered to comply with the Performance Criteria.		

8.6.3 Services

Objective	
That the subdivision of land provides services for the future use and development of the land.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.	P1 A lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a limited water supply service, having regard to: (a) flow rates; (b) the quality of potable water; (c) any existing or proposed infrastructure to provide the water service and its location; (d) the topography of the site; and (e) any advice from a regulated entity.
Comments: The proposal meets the Acceptable Solution: all lots can be provided a connection to the water supply service.	
Acceptable Solutions	Performance Criteria
A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.	P2 No Performance Criterion.
Comments: The proposal meets the Acceptable Solution: all lots can be provided a connection to the reticulated sewerage system.	
Acceptable Solutions	Performance Criteria
A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	P3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: (a) the size of the lot; (b) topography of the site; (c) soil conditions; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) any watercourse on the land.
Comments: The proposal meets the Acceptable Solution: all lots can be provided a connection to a public stormwater system.	

6.2 C2.0 Parking and Sustainable Transport Code

The applicable standards of the Code are considered below.

There are no applicable use standards for subdivision of land.

6.2.1 Applicable Standards

C2.6.3 Number of accesses for vehicles

Objective	
<p>That:</p> <ul style="list-style-type: none"> (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses; (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and (c) the number of accesses minimise impacts on the streetscape. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <ul style="list-style-type: none"> (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater. 	<p>P1</p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <ul style="list-style-type: none"> (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.
<p>Comments:</p> <p>The proposal complies with the Acceptable Solution. Every lot is provided with one (1) access offering entry and exit.</p>	
<p>A1</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p>P1</p> <p>Within the Central Business Zone or in a pedestrian priority street, any new accesses must:</p> <ul style="list-style-type: none"> (a) not have an adverse impact on: <ul style="list-style-type: none"> (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.
<p>Comments:</p> <p>This Clause is not applicable. The land is in the General Residential zone and not proposed to be a nominated pedestrian priority street.</p>	

6.3 C3.0 Road and Rail Code

The proposal involves a new vehicle crossing and a junction with Mannata Street. In accordance with C3.2.1(b) the Code applies. The applicable standards are considered below:

6.3.1 Applicable Standards

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective	
<p>To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.</p>	
Acceptable Solutions	Performance Criteria
A1.1	P1

Objective		
<p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <p>(a) a new junction;</p> <p>(b) a new vehicle crossing; or</p> <p>(c) a new level crossing.</p> <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>	
<p>The proposal is assessed against the Performance Criteria per the comments provided in the <i>Traffic Impact Assessment</i> provided in Appendix E):</p>		
(a)	<i>any increase in traffic caused by the use;</i>	The proposed use is expected to increase traffic on Mannata Street by approximately 14% in 2022 (refer Section). This increase is within the Acceptable Solution requirements for increases in traffic at existing junctions (Planning Scheme Table C3.1) and is not expected to have significant adverse effects on the junction's safety or the safety and efficiency of the road network.
(b)	<i>the nature of the traffic generated by the use;</i>	The traffic generated by the proposed use is expected to be primarily residential in nature. Some service vehicles such as those for waste collection may access the proposed use occasionally. This is not expected to have significant adverse effects on the junction's safety or the safety and efficiency of the road network.
(c)	<i>the nature of the road;</i>	Mannata Street is a local road providing access to residential and rural properties, and Roaches Beach Living retirement community. As the proposed use is residential, the nature of the road is not expected to change.
(d)	<i>the speed limit and traffic flow of the road;</i>	At the location of the proposed junction, Mannata Street has a speed limit of 60 km/h and an estimated 2022 AADT of 2,059 (refer Section Error! Reference source not found.).
(e)	<i>any alternative access to a road;</i>	There are no alternative accesses from the proposed development to the local road network.
(f)	<i>the need for the use;</i>	The junction is required to facilitate access to the proposed residential lots.
(g)	<i>any traffic impact assessment; and</i>	This TIA is the only traffic impact assessment that has been conducted for the use.
(h)	<i>any advice received from the rail or road authority."</i>	No advice has been received by the road authority (Council) at this stage.
<p>On this basis, the proposed development is considered to align with the Performance Criteria.</p>		

6.4 C7.0 Natural Assets Code

A priority vegetation area overlay covers parts of 46 Mannata Street, part of the access strip to 36 Mannata Street and most of 34 Mannata Street. In accordance with C7.2.1(c)(xii), the Code applies. The mapped area is reproduced below in Figure 18.

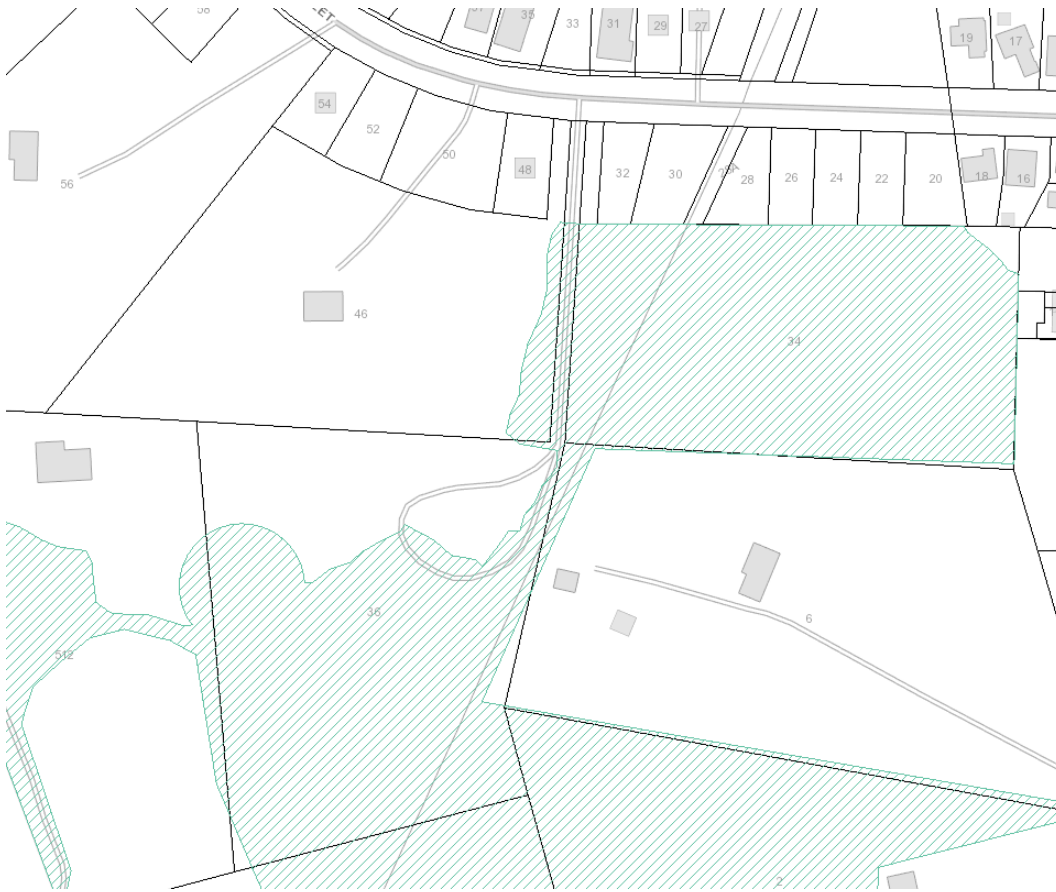


Figure 18 The Priority Vegetation Area Overlay (green hatching) applies to all three (3) lots

No buildings or works are proposed and no development is proposed within a waterway or coastal protection area therefore, C7.6.1 contains no applicable standards.

6.4.1 Applicable Standards

C7.6.2 Clearance within a priority vegetation area

Objective:

That clearance of native vegetation within a priority vegetation area:

- (a) Does not result in unreasonable loss of priority vegetation;
- (b) Is appropriately managed to adequately protect identified priority vegetation; and
- (c) Minimises and appropriately manages impacts from construction and development activities.

Acceptable Solutions

A1
Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.

Performance Criteria

- P1.1**
Clearance of native vegetation within a priority vegetation area must be for:
- (a) An existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;
 - (b) Construction of a single dwelling or an associated outbuilding;
 - (c) Subdivision in the General Residential Zone or Low Density Residential Zone;
 - (d) Use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;

Objective:

- (e) Clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- (f) The clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

P1.2

Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) The design and location of buildings and works and any constraints such as topography or land hazards;
- (b) Any particular requirements for the buildings and works;
- (c) Minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;
- (d) Any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) Any on-site biodiversity offsets; and
- (f) Any existing cleared areas on the site.

The proposal relies on the Performance Criteria as there is no building area identified on a sealed plan approved under this planning scheme.

The proposal complies with the requirements of P1.1 (c) because the proposal is for subdivision in the General Residential zone.

The proposal complies with P1.2 (a) – (f) as the proposal minimises adverse impacts on priority vegetation having regard to the following:

- (a) The design incorporates the previously approved filling of the land to create an even topography, which will in turn have essentially negated any priority vegetation on the land;
- (b) The works have no particular requirements which need to be taken into consideration;
- (c) The site is not in the bushfire prone area;
- (d) No mitigation measures are required as despite the code overlay there is no substantial priority vegetation remaining after the previously approved fill has been completed;
- (e) No on-site biodiversity offsets are proposed or considered necessary. The applicant would welcome advice about desired street trees and future residents will be able to use the blocks to create gardens which will contribute more to biodiversity than the existing semi-agricultural use. The council's regular advice to residents about choice of garden plants will apply.
- (f) The site is considered cleared as a result of the previously approved fill and existing access road (to 36 Mannata Street) therefore although the Code applies, in practice there is no priority vegetation to be preserved.

The proposal meets the requirements of P1.2.

C7.7.2 Subdivision within a priority vegetation area**Objective:**

That:

- (a) Works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and
- (b) Future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.

Acceptable Solutions**Performance Criteria**

A1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:

- (a) Be for the purposes of creating separate lots for existing buildings;

P1.1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

- (a) Subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;

Objective:

- | | |
|--|--|
| <ul style="list-style-type: none"> (b) Be required for public use by the Crown, a council, or a state authority; (c) Be required for the provision of Utilities; (d) Be for the consolidation of a lot; or (e) Not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area. | <ul style="list-style-type: none"> (b) Subdivision for the construction of a single dwelling or an associated outbuilding; (c) Subdivision in the General Residential Zone or Low Density Residential Zone; (d) Use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (e) Subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or (f) Subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. |
|--|--|

P1.2

Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) The design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;
- (b) Any particular requirements for the works and future development likely to be facilitated by the subdivision;
- (c) The need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;
- (d) Any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) Any on-site biodiversity offsets; and
- (f) Any existing cleared areas on the site.

Comments:

The proposal relies on Performance Criteria as it creates new lots for the construction of new buildings inside the area covered by the Code.

The proposal complies with P1.1 (c) because it is for subdivision within the General Residential zone.

The proposal minimises adverse impacts on priority vegetation having regard to the following:

- (a) The design incorporates the previously approved filling of the land to create an even topography, which will in turn have essentially negated any priority vegetation on the land;
- (b) The works have no particular requirements which need to be taken into consideration;
- (c) The site is not in the bushfire prone area;
- (d) No mitigation measures are required as despite the code overlay there is no substantial priority vegetation remaining after the previously approved fill has been completed (Permit SD-2014/33);
- (e) No on-site biodiversity offsets are proposed or considered necessary. The applicant would welcome advice about desired street trees and future residents will be able to use the blocks to create gardens which will contribute more to biodiversity than the existing semi-agricultural use. The council's regular advice to residents about choice of garden plants will apply.
- (f) The site is considered cleared as a result of the previously approved fill and therefore although the Code applies, in practice there is no priority vegetation to be preserved.

The proposal meets the requirements of P1.2.

6.5 C11.0 Coastal Inundation Code

The overlay for the code covers entirety of the subject land. The code applies to both the proposed works and the subdivision of the land. The area is shown in figure 9 of this report.

C11.6.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area

Objective:	
<p>That:</p> <p>a) Building and works, excluding coastal protection works, within a coastal inundation hazard area, can achieve and maintain a tolerable risk from coastal inundation; and</p> <p>b) Buildings and works do not increase the risk from coastal inundation to adjacent land and public infrastructure.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 No Acceptable Solution.</p>	<p>P1.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area must have a tolerable risk, having regard to:</p> <p>(a) whether any increase in the level of risk from coastal inundation requires any specific hazard reduction or protection measures;</p> <p>(b) any advice from a State authority, regulated entity or a council; and</p> <p>(c) the advice contained in a coastal inundation hazard report.</p> <p>P1.2 A coastal inundation hazard report also demonstrates that the building or works:</p> <p>(a) do not cause or contribute to coastal inundation on the site, on adjacent land or public infrastructure; and</p> <p>(b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific coastal inundation protection works.</p>
<p>Complies with P1</p> <p>The proposal includes the continued fill of the site.</p> <p>As previously outlined in this report, the fill is considered to be a continuation of the works previously approved by Council for the site in the Permit SD-2014/33. The Permit SD-2014/33 allows for the filling of 34 Mannata Street to a minimum 2.7m AHD. Significant fill has also been allowed on 46 Mannata Street. This is evident from the topography of the land.</p> <p>The amount of fill used on the land is supported by engineering certification and is consistent with the <i>Lauderdale Structure Plan 2011</i> (per pg 7):</p> <p style="padding-left: 40px;"><i>Like the bulk of Lauderdale, there are physical constraints. However, the key issue of future inundation potential can be overcome through engineering design in this area. There are no other limiting natural constraints, such as native vegetation or habitat. This is not necessarily the case for other Greenfields situations, where new growth represents an unnecessary risk to property and any new infrastructure.</i></p> <p>The purpose of the fill is to provide a ground level that enables dwellings to better achieve a finished floor level of 3.2m AHD. This was a requirement of the Inundation Code under the previous <i>Clarence Interim Planning Scheme 2015</i>.</p> <p>The proposed Cut and fill of the site will remove some local high points (cut) and fill to raise levels generally across the site. The finished surface level (FSL) around the site boundary (rear boundaries of the proposed lots) will vary from around FSL 2.9 m to FSL 3.25 m grading down to the road. The Road centreline grades from around FSL 2.85 m at the western cul-de-sac and FSL 2.53 m at the eastern cul-de-sac to FSL 1.94 m at the drainage channel.</p> <p>This is significant in terms of the consideration of this standard. Per the <i>Clarence Council LPS Supporting Report, 18th October 2019</i>, the Coastal Inundation mapping was "...derived through two separate modelling projects. The first, delineated by the University of New South Wales Water and Research Laboratories (WRL) while the second was produced by the Department of Premier and Cabinet and policy development project for dealing with hazards in the planning system."</p> <p>The Clarence Council used the WRL mapping in preference to the DPAC model mapping. The WRL mapping provided the following AHD heights:</p> <ul style="list-style-type: none"> - High Hazard Band (m AHD) – 0.9 (mAHD) - Medium Hazard Band (m AHD) – 2.4 (mAHD) - Low Hazard Band (m AHD) - 3.0 (mAHD) - Defined Flood Level (m AHD) – 2.7 (mAHD) 	

Objective:

The proposed cut and fill of the site brings the site out of the medium hazard band (0.9m AHD to 2.4m AHD) and into the Low Hazard Band (2.4m AHD - 3.0m AHD) and or outside of the Inundation area entirely.

The fill is to be retained by concrete mass blocks or similar and will then support a boundary fence with the adjoining land. Similar to this example from a property in Brighton (photo taken 10 October 2022, David Cundall)



Future Residential development of the land is exempt from the code owing to being development that requires authorisation under the *Building Act 2016*. Council may however modify the Coastal Inundation Overlay mapping once the works are completed to factor in the fill.

It is accepted that Council will likely require further reporting together with advice on the modification of the land and the risk of flood impact on adjoining titles.

C11.7.1 Subdivision within a coastal inundation hazard area

Objective:

That subdivision within a coastal inundation hazard area does not create an opportunity for use or development that cannot achieve and maintain a tolerable risk from coastal inundation.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a coastal inundation hazard area, must:</p> <ul style="list-style-type: none">(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a coastal inundation hazard area;(b) be for the creation of separate lots for existing buildings;(c) be required for public use by the Crown, a council or a State authority; or	<p>P1.1</p> <p>Each lot, or a lot proposed in a plan of subdivision within a coastal inundation hazard area must not create an opportunity for use or development that cannot achieve and maintain a tolerable risk from coastal inundation, having regard to:</p> <ul style="list-style-type: none">(a) any increase in risk from coastal inundation for adjacent land;(b) the level of risk to use or development arising from an increased reliance on public infrastructure;(c) the need to minimise future remediation works;(d) any loss or substantial compromise, by coastal inundation, of access to the lot on or off site;

Objective:

(d) be required for the provision of Utilities.

(e) the need to locate building areas outside the coastal inundation hazard area;

(f) any advice from a State authority, regulated entity or a council; and

(g) the advice contained in a coastal inundation hazard report.

The plans prepared by AD Design have relied upon publicly available Flood Hazard and Coastal Inundation mapping and reporting in the preparation of the provided plan (Appendix A).

As previously outlined in this report, the fill is considered to be a continuation of the works previously approved by Council for the site in the Permit SD-2014/33. The Permit SD-2014/33 allows for the filling of 34 Mannata Street to a minimum 2.7m AHD. Significant fill has also been allowed on 46 Mannata Street. This is evident from the topography of the land.

The amount of fill used on the land is supported by engineering certification and is consistent with the *Lauderdale Structure Plan 2011* (per pg 7):

Like the bulk of Lauderdale, there are physical constraints. However, the key issue of future inundation potential can be overcome through engineering design in this area. There are no other limiting natural constraints, such as native vegetation or habitat. This is not necessarily the case for other Greenfields situations, where new growth represents an unnecessary risk to property and any new infrastructure.

The purpose of the fill is to provide a ground level that enables dwellings to better achieve a finished floor level of 3.2m AHD. This was a requirement of the Inundation Code under the previous *Clarence Interim Planning Scheme 2015*.

The proposed Cut and fill of the site will remove some local high points (cut) and fill to raise levels generally across the site. The finished surface level (FSL) around the site boundary (rear boundaries of the proposed lots) will vary from around FSL 2.9 m to FSL 3.25 m grading down to the road. The Road centreline grades from around FSL 2.85 m at the western cul-de-sac and FSL 2.53 m at the eastern cul-de-sac to FSL 1.94 m at the drainage channel.

This is significant in terms of the consideration of this standard. Per the *Clarence Council LPS Supporting Report, 18th October 2019*, the Coastal Inundation mapping was "...derived through two separate modelling projects. The first, delineated by the University of New South Wales Water and Research Laboratories (WRL) while the second was produced by the Department of Premier and Cabinet policy development project for dealing with hazards in the planning system."

It is noted that the Clarence Council used the WRL mapping in preference to the DPAC model mapping. The WRL mapping provided the following AHD heights:

- High Hazard Band (m AHD) – 0.9 (mAHD)
- Medium Hazard Band (m AHD) – 2.4 (mAHD)
- Low Hazard Band (m AHD) - 3.0 (mAHD)
- Defined Flood Level (m AHD) – 2.7 (mAHD)

The proposed cut and fill of the site brings the site out of the medium hazard band (0.9m AHD to 2.4mAHD) and into the Low Hazard Band (2.4m AHD - 3.0m AHD) and is outside of the Inundation area entirely.

The fill is to be retained by concrete mass blocks or similar and will then support a boundary fence with the adjoining land. Similar to this example from a property in Brighton (photo taken 10th October 2022, David Cundall)

Objective:



Future Residential development of the land is exempt from the code owing to being development that requires authorisation under the *Building Act 2016*.

It is accepted that Council will likely require further reporting together with advice on the modification of the land and the risk of flood impact on adjoining titles.

6.6 C12.0 Flood Prone Areas Code

The overlay for the code covers some low lying areas on the site (as shown below in figure 19). The code applies to both the proposed works and the subdivision of the land.



Figure 19 Flood Prone Area Code Overlay (Source: theList Mapping services)

C12.6.1 Buildings and works within a flood-prone hazard area

Objective	
That:	
<ul style="list-style-type: none"> (a) Building and works within a flood-prone hazard area can achieve and maintain a tolerable risk from flood; and (b) Buildings and works do not increase the risk from flood to adjacent land and public infrastructure. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</p> <ul style="list-style-type: none"> (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures; (c) any advice from a State authority, regulated entity or a council; and (d) the advice contained in a flood hazard report. <p>P1.2</p> <p>A flood hazard report also demonstrates that the building and works:</p> <ul style="list-style-type: none"> (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.
<p>The plans prepared by AD Design have relied upon publicly available Flood Hazard and Coastal Inundation mapping and reporting in the preparation of the provided plan (Appendix A).</p> <p>All building areas for dwellings will be built upon the proposed fill. Subsequently the building areas will not be within the flood prone area overlay. Council may consider initiating an amendment to the Planning Scheme to further remove the flood prone area overlay from the land once the fill is complete.</p> <p>The fill is to be retained by concrete mass blocks or similar and will then support a boundary fence with the adjoining land. Similar to this example from a property in Brighton (photo taken 10th October 2022, David Cundall)</p>	



It is accepted that Council will likely require further reporting together with advice on the modification of the land and the risk of flood impact on adjoining titles.

C12.7.1 Subdivision within a flood-prone hazard area

Objective:

That subdivision within a flood-prone hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from flood.

Acceptable Solutions

A1

- Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must:
- (a) be able to contain a building area, vehicle access, and services, that are wholly located outside a flood-prone hazard area;
 - (b) be for the creation of separate lots for existing buildings;
 - (c) be required for public use by the Crown, a council or a State authority; or
 - (d) be required for the provision of Utilities.

Performance Criteria

P1.1

- Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:
- (a) any increase in risk from flood for adjacent land;
 - (b) the level of risk to use or development arising from an increased reliance on public infrastructure;
 - (c) the need to minimise future remediation works;
 - (d) any loss or substantial compromise by flood of access to the lot, on or off site;
 - (e) the need to locate building areas outside the flood-prone hazard area;
 - (f) any advice from a State authority, regulated entity or a council; and
 - (g) the advice contained in a flood hazard report.

The proposed fill on the land will be able to contain a building area, vehicle access and services that are wholly located outside of the flood-prone hazard area.

6.7 C14.0 Potentially Contaminated Land Code

The subject land is not identified as potentially contaminated.

However, part of the site (34 Mannata Street) adjoins two (2) properties that are identified in the code overlay maps as 'Potentially Contaminated Land'. The two (2) titles are:

- Service Station at 10 Bangalee Street, Lauderdale (CT 45138/1); and
- Bus and Transport Depot (with fuel storage) at 6 Bangalee Street, Lauderdale (CT 23315/26)

Further, neither the report author nor landowner possesses any information or material that would lead the Planning Authority to reasonably believe that the subject land may also be subject to the code by way of migration of the contaminating activity. Therefore the code is not considered to apply and no further assessment has been conducted.

6.8 C16.0 Safeguarding of Airports Code

The code applies to development within the airport obstacle limitation area per Part C16.2.1 (b).

However, per part C16.4.1 (a) the proposed development is no more than the AHD height specified in the code overlay and accordingly the development is entirely exempt from the code.

The code overlay specifies an AHD of 147m. There is no development proposed or likely that is to be of a height greater than AHD 147m on this land (or as a direct result of this proposal).

There is no further assessment warranted for this code.

7. Conclusion

This report has provided a detailed assessment of both the proposed rezoning of the land from the Rural Living Zone to the General Residential Zone and the assessment of the subdivision of the land for a 45 lot subdivision (including a lot for the existing residence at 46 Mannata Street).

The report and design plans have relied upon a significant number of documents to inform the application and the proposed design. However, it is accepted that further advice and reporting as required by Council and TasWater will be required in the ordinary course of the application assessment. This is largely around the modification of TasWater assets and infrastructure and the risk levels associated with the additional fill placed on the land. GHD Pty Ltd anticipates that Council will provide a request for additional information within 28 days from the day it receives the application (as valid) before it considers the application per Section 40U (1) of the Act.

The report has otherwise found the proposed rezoning to be compliant with the LPS Criteria and has, at times, referred to the proposed application for the subdivision of the land to demonstrate how compliance with the criteria will be achieved.

The report has also demonstrated the application for the subdivision of the land ought to be approved, subject to further advice and conditions of Council.

The proposal will, on the whole, provide additional residential lots within an urban infill area and adjacent (and within) the Greater Hobart Urban Growth Boundary. The application demonstrates how the subdivision (and the additional General Residential Zone area) provides connectivity with adjoining Bangalee Street and will activate the 'green belt' from Mannata Street through to Council's public open space at 36 Mannata Street.

Council ought to initiate the amendment subject to further advice and information, as required, to consider the application.

Appendices

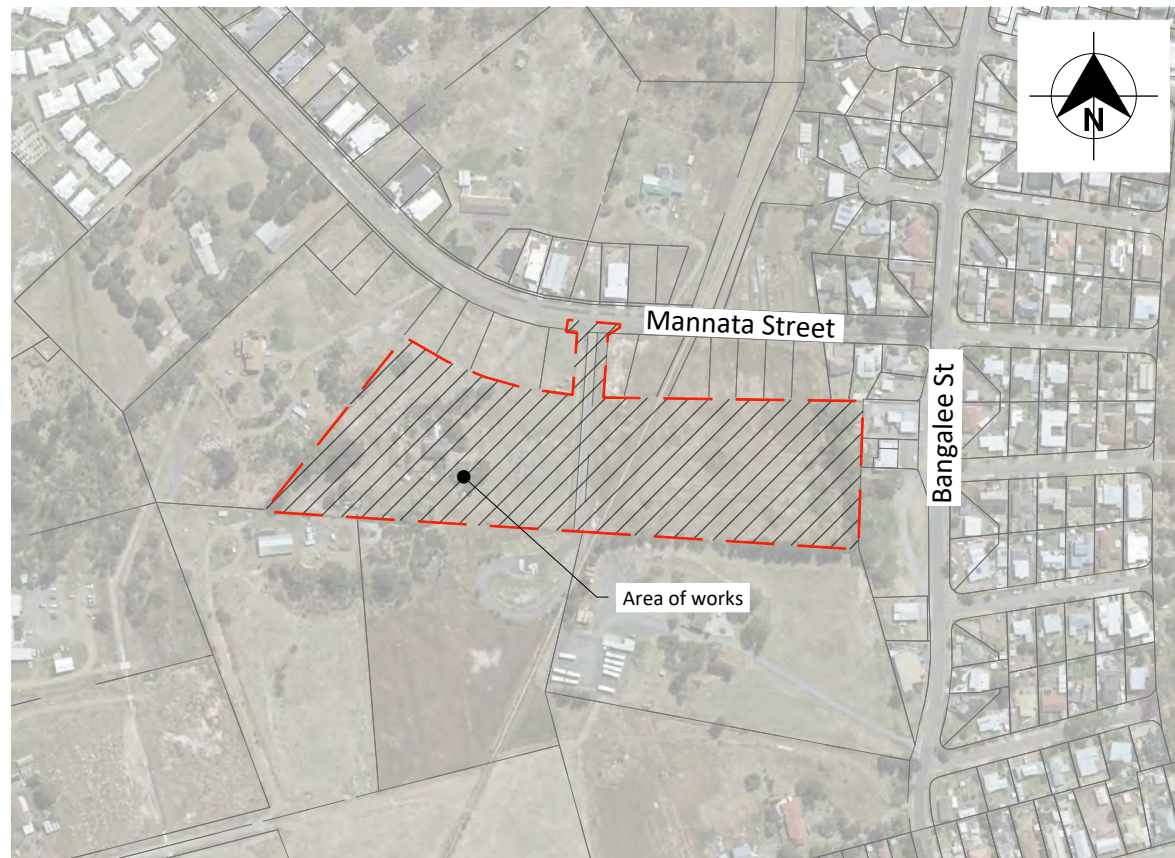
Appendix A

**Mannata Street 44 Lot Subdivision 26-46
Mannata Street prepared by AD Design +
Consulting**

Mannata Street 45 Lot Subdivision

34-46 Mannata Street, Lauderdale, Tasmania

For Development Approval



Locality Plan
scale NTS

DRAWING LIST	
NUMBER	DESCRIPTION
D-1-00-01	Cover Sheet
D-1-00-02	Legend
D-1-00-03	Project Notes
D-1-01-00	Stage Plan
D-1-03-00	Bulk Earthworks
D-1-06-00	Roadworks and Drainage - General Arrangement
D-1-08-01	Typical Sections - Sheet 1
D-1-08-02	Typical Sections - Sheet 2
D-1-10-00	Water and Sewerage - General Arrangement
D-1-12-01	Drainage Longitudinal Sections - Sheet 1
D-1-12-02	Drainage Longitudinal Sections - Sheet 2
D-1-12-03	Drainage Longitudinal Sections - Sheet 3
D-1-12-04	Drainage Longitudinal Sections - Sheet 4
D-1-12-05	Drainage Longitudinal Sections - Sheet 5
D-1-15-01	Road Longitudinal Sections - MC01
D-1-15-02	Road Longitudinal Sections - MC02

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Rev No	Date	Revision Note	Drn	Ver.	App.
A	21/11/22	For Approval	BW	CC	AD

AD DESIGN + CONSULTING
Engineering / Infrastructure Services / Project Management

Client Dourias MGH Pty Ltd	Project 34-46 Mannata Street, Lauderdale 45 Lot Subdivision
-------------------------------	---

Drawn BW	Signed	Date 21/11/22
Designed CC	Signed	Date 21/11/22
Checked CC	Signed	Date 21/11/22
Approved AD	Signed	Date 21/11/22

Drawing Title Cover Sheet	
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FOR APPROVAL <small>NOT FOR CONSTRUCTION</small>	
Project No. 21084	
Scale NTS	Sheet Size A3
Drawing No. D-1-00-01	Rev A

SUBJECT TO FINAL VERIFICATION AND APPROVAL

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Legend

Design

12.5	Design Contours Labels		Retaining wall
	Design Contours Major		Design Fence
	Design Contours Minor		Design Comms
	Design Boundaries Easement		Design Comms Optical Fiber
	Design Boundaries Property		Design Comms Tele Conc Pit
	Design Crossovers		Design Comms Tele Conc Pit Twin
	Design Road Edge of Concrete		Design Gas main
	Design Road Kerb Back		Design Gas Manhole
	Design Road Kerb Invert		Design Power Underground
	Design Road Kerb Lib		Design Power Overhead
	Design Road Kerb Top		Design Power Junction Box
	Design Road Control Line		Design Power Light Outreach
	Design Road Edge Of Lane		Design Power Pole Light
	Design Road Shoulder		Design Power Pole Power
	Design Road Edge Of Median		Design Flow Path Arrow
	Design Road Verge		Section Design Surface
	Design Road Footpath		Section EX Surface
	Design Road Table Drain		Section Nominal Stripping
	Design Road Barrier W-Beam		
	Design Road Barrier Wire Rope		
	Design Road Sawcut		
	Design Line Marking		
	Design Earthworks Batter		
	Design Sewer Pipe		
	Design Sewer Pressure Main		
	Design Sewer Internal		
	Design Sewer Structures Internal		
	Design Sewer Structures		
	Design Water Main		
	Design Water Internal		
	Design Water Fittings		
	Design Water Fittings		
	Design Drainage Pipe		
	Design Drainage Internal		
	Design Drainage Structure Internal		
	Design Drainage Subsoil		
	Design Drainage GVP		
	Design Drainage SEP Type 1		
	Design Drainage SEP Type 2		
	Design Drainage SEP Type 3		
	Design Drainage SEP Type 4		
	Design Drainage SEP Type 5		
	Design Drainage SEP Type 6		
	Design Drainage Field Inlet		
	Design Drainage Manhole		

Existing

	Ex Drainage Dish Drain	12	Ex Boundary Lot Numbers
	Ex Drainage Open Drain		Ex Boundary Property Line
	Ex Drainage Pipe		Ex Building Outline
	Ex Drainage Spoon Drain		Ex Building Retaining Wall
	Ex Drainage Table Drain		Ex Building Roof Cover
	Ex Drainage Water Course		Ex Building Stairs
	Ex Services Comms		Ex Building Wall
	Ex Services Elec OH		Ex Misc Demolish
	Ex Services Elec UG		Ex Road CL
	Ex Sewer Main		Ex Road Footpath
	Ex Sewer Pressure Main		Ex Road Kerb
	Ex Sewer Rising Main		Ex Services Gas
	Ex Sewer Trunk Main		Ex Services Gas High Pressure
	Ex Water Pipe		Ex Services Optic Fibre
	Ex Water Recycled		Ex Services Elec Tel OH
	Ex Water Trunk Main		
	Ex Water Fittings		
	Ex Boundary Cadastral		
	Ex Boundary Fence		
12.5	EX Contours Labels		
	EX Contours Major		
	EX Contours Minor		
	EX Power Junction Box		
	EX Power Light Outreach		
	EX Power Pole Light		
	EX Power Pole Power		
	EX Comms Tele Conc Pit		
	EX Comms Tele Conc Pit Twin		
	EX Sewer Structures		
	EX Water Fittings		

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Rev No	Date	Revision Note	Drn	Ver.	App.
A	21/11/22	For Approval	BW	CC	AD

AD DESIGN + CONSULTING
Engineering / Infrastructure Services / Project Management

Client: Dourias MGH Pty Ltd

Project: 34-46 Mannata Street, Lauderdale
45 Lot Subdivision

Drawn	Signed	Date
BW		21/11/22
Designed	Signed	Date
CC		21/11/22
Checked	Signed	Date
CC		21/11/22
Approved	Signed	Date
AD		21/11/22

Drawing Title: Legend

FOR APPROVAL NOT FOR CONSTRUCTION	
Project No. 21084	Sheet Size A3
Scale NTS	Rev A
Drawing No. D-1-00-02	

SUBJECT TO FINAL VERIFICATION AND APPROVAL

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PROJECT NOTES

General

- These notes have been prepared as a guide to relevant codes, regulations and standards for use by the contractor during the construction process.
- Council & LGAT current specifications and drawings are to be read in conjunction with these drawings. Works to be carried out to the satisfaction of the manager, engineering services of Council and in accordance with relevant permits.
- The Council and all service authorities shall be notified, in writing, seven days prior to commencement of the works. All existing services in the vicinity of the works are to be located prior to commencement.
- Workmanship and materials to comply with requirements of S.A.A codes, building code of Australia and by-laws and ordinances of relevant building authorities. All codes referred to are those current (as amended) at commencement of contract.
- Prior to commencement of the works, the contractor shall provide the superintendent the following information.
 - Source of quarry material.
 - Optimum moisture content and maximum modified dry density of the fine crushed rock (FCR), to be used from NATA approved laboratory.
 - If the source of the quarry material is changed during the course of the works, new test results shall be provided.
- On completion, the contractor is responsible for the removal of all rubbish and spoil from the site.
- All services are to be located prior to commencement of works.
- All levels are to be confirmed prior to commencement of works.
- All levels are to Australian height datum (A.H.D).

Approvals

- The Contractor is responsible for ensuring that start work notices are in placed for all works.
- The Contractor shall not commence construction within a road reserve until the following requirements are met:
 - The 'Permit to carry out works within a council road reservation' has been issued by Council; and
 - All traffic management has been prepared in accordance with DSG traffic control code of practice.
- Refer to Council permit for full disclosure of permit conditions.

Safety in Design

- The 'safety in design' risk mitigation measures for this project do not necessarily account for all design, construction, operation, maintenance and demolition assessments. It does not reduce or limit the obligations of the constructor, user, operator, maintainer and demolisher to perform their own safety in design risk assessment.
- Construction and installation safe work method statements, to eliminate and minimise installation risks, to be reviewed by a suitably qualified person.

Soil and Water Management

- Implement soil and water management procedures to avoid erosion, contamination and sedimentation of site, surrounding areas and drainage systems.
- All works are to be carried out in accordance with 'Soil and Water Management on building and construction site. All guidelines are available from the Derwent Estuary Program website.

www.derwentestuary.org.au/stormwater-factsheets

Earthworks

- All general earthworks, material and workmanship shall comply with the current edition of the S.A.A code for earthworks, AS3798 where applicable.
 - The Contractor is to engage an approved Geotechnical Engineer to carry out level 1 inspection and testing of all earthworks to AS3798, including but not limited to:
 - Subgrade;
 - Fills;
 - Pavements; and
 - Backfilling of service trenches.
- Certification of these elements are to be provided to the superintendent prior to practical completion.
- All earthwork filling is to be constructed in accordance with section 6 of AS3798. Minimum 95% standard dry density (SMDD).
 - Pavement subgrade is to be compacted to a minimum 98% standard dry density (SMDD).
 - The contractor shall erect and maintain all shoring, planking and strutting, dewatering devices, barricades, signs, lights etc necessary to keep works in a safe and stable condition and for the protection of the public.
 - The Contractor must take the utmost care to protect all existing vegetation, unless identified on the civil works plans for removal. Should any tree be removed without the Council - open space teams written authority, or damaged due to negligence by the Contractor, then the Contractor shall pay compensation for the tree.
 - All areas shown on the drawings to be cut or filled are to be stripped of topsoil to a depth of 100mm. Upon completion of the bulk earthworks, the topsoil is to be spread to a depth of 100mm over the area and graded to finished levels shown on the drawings with a minimum slope of 1 in 150.

Services

- All conduit trenches under road pavement and kerb and channel shall be backfilled with 20 mm class 4 FCR.
- Connections to existing stormwater and sewer to Council & Taswater standards and approvals.
- Telstra conduits and cable ducts will be laid in trenches excavated and backfilled by the Contractor. The Contractor shall give Telstra Area Engineer 7 days notice prior to commencing work.
- 100 mm diameter agricultural drains to be constructed behind or under kerb and channel, kerb only and edge strips where directed by the Superintendent or as shown on the plans and to be connected to underground SW drains.
- The reinstatement and compaction of public authority service trenches shall be the Contractors responsibility, and to the satisfaction of of the manager, technical services of Council.

Signage

- Contractor to install all signage.
- Contractor to install "end of road" barricade/sign at end of works in accordance with staging plans.

Roads

- All works are to be carried out in accordance with Local Council and DSG standards. Any departures from the standards requires the prior approval of the Superintendent and Council Municipal Engineer.
- The Contractor must supply to the Superintendent a schedule and plan of testing to be carried out on pavement & backfill material and this is to be approved by the Superintendent before any works can commence.
- All batters shall be 1 in 4 unless otherwise stated.

- All footpaths to be 100 thick, N25 concrete in accordance with TSD-R11-v1. thickening at vehicle crossovers in accordance with TSD-R09-v1.
- All kerb and channel, kerb only, edge strips, and concrete inverts to be constructed in accordance with TSD-R14-v1. All concrete to be 25MPa and have a minimum cement content to be 280 kg/m³.
- For all filling and backfilling requirements, refer to Earthworks section.

Drainage

- All works to be carried out in accordance with Council Municipal Standards, LGAT standard drawings, AS3500 and project specification where required and to the satisfactory of Councils Municipal Engineer.
- All fill material is to be placed and compacted prior to excavation of trenches.
- All trench excavations over 1.5m in depth must be carried out in accordance with workplace standard code of practice for excavation works. Contractor to notify Superintendent 48 hours prior to commencing excavations.
- All stormwater drains shall be as specified on drawings, if not specified all pipes are to be Iplex Blackmax or approved equivalent.
- All stormwater pits in allotments shall be 1.0m offset from building lines unless otherwise shown.
- All pits constructed on steep terrain, the finished surface profile of the structure is to match the existing or finished slope of the ground.
- All house drains for allotments shall be at a sufficient depth to control drainage at a minimum of 1 in 100 fall from all points within the building area, and shall be connected to underground drains in road reserves where possible, with 600mm minimum cover at building line. House drains to be placed 2.0m from the low corner of the lot unless otherwise shown.
- All pipes, located beneath existing or proposed road pavement, driveways, footpaths and drains must be completely backfilled with 20mm, class 4 FCR, watered, compacted & tested to the satisfaction of Council.
- All pipe work in stormwater drainage pits are to be well aligned ensuring incoming flows are jetted directly to the outlet pipe, that is, the centre line of the inlet pipe is to intersect the centre line of the outlet pipe at the outlet pit wall.
- All stormwater pits unless otherwise specified are to be constructed with a minimum concrete strength of 25MPa provide 2 No. 65 dia weep holes for stormwater side entry pits and manholes.
- All stormwater lot connections to be 150 dia class SN8, pipes under roads to be class SN8. Seal off all unused connections.
- All anchor blocks (concrete bulkheads) are to be keyed into undisturbed, competent material to ensure movement of bedding and backfill material is reduced and the integrity of the pipe is maintained.

Water

- All water works are to be constructed in accordance with WSAA water code of Australia (MRWA) - WSA 03-2011 VER 3.1 and Taswater's supplement to the code.
- All property connections are to be DN25 PE100 PN16 and in accordance with TW-SD-W-0002 with meter with integral dual check valve, gate valve and PVC box as specified by Taswater.
- All thrust blocks to be in accordance with WSA03-2011-3.1 MRWA VER 2.0 MRWA-W-204 AND 205.
- Detector tape is to be installed over all non-metallic water mains.
- All conduits for poly water road crossings are to be uPVC SN4 100mm.

- All dual service road crossings are to be DN63 PE100 PN16 pipe.
- All single service road crossings are to be DN32 PE100 PN16 pipe.
- All hydrant road marking indicators shall be in accordance with section 8 of the Institute of Municipal Engineering Australia's Tasmanian Division document titled 'Fire Hydrant Guidelines' and TasWater's supplement to WSA 03-2011-3.1 MRWA.
- All water works must be tested and inspected by TasWater prior to backfill.
- The allowable deflections shall be in accordance with MRWA-W-212.

Sewerage

- All sewerage works are to be in accordance with WSAA Pressure Sewerage Code of Australia WSA 07-2007-1.1 and Taswater's supplement to the code, AS3500.2.
- All property connections are to be constructed in accordance with WSAA PSS-1102.
- All pipework under trafficable areas, including driveways are to be backfilled with 20mm, Class 4 FCR.
- All sewer works must be tested and inspected by TasWater prior to backfill.

Schedule of works by TasWater

- All live connections water and sewer infrastructure are to be performed by the an approved TasWater contractor at the Developers cost.

Services Constructed in Embankment Fill

Where the location of water or sewer requiring fill or construction in an embankment, along the route of the type shown in the design drawings. Note that all earthworks are to be constructed in accordance with AS3798.

Proceed as follows:

- Prepare the foundation for the fill by cleaning away all debris, vegetation, organic material and topsoil for the full width of the fill area.
- compact the cleared soil surface to not less than 95% of it's standard maximum dry density (AS3798).
- Place the fill in layers not exceeding 200mm thickness and compact each layer to not less than 95% of it's standard maximum dry density (AS3798). Bring the compacted fill level up to a height of at least 300mm above the design level of the top of the pipe.
- Place the remainder of the fill in layers not exceeding 300mm thickness and compact each layer to not less than 95% of it's standard maximum dry density (AS3798).

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AD DESIGN + CONSULTING
Engineering / Infrastructure Services / Project Management

Client	Dourias MGH Pty Ltd
Project	34-46 Mannata Street, Lauderdale 45 Lot Subdivision

Drawn	Signed	Date
BW		21/11/22
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Project Title	Project Notes
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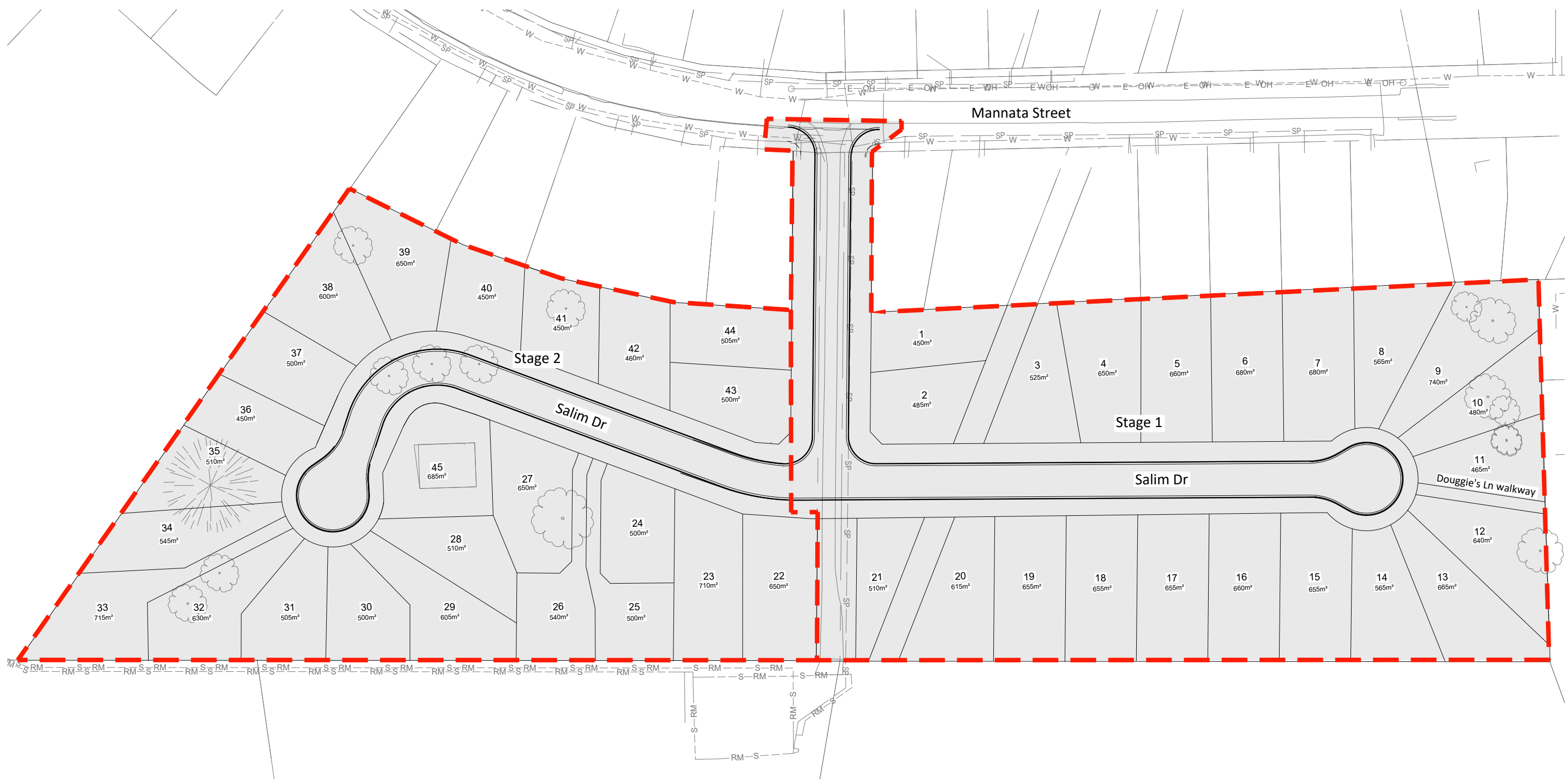
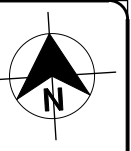
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Project No.	21084
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Drawing No.	D-1-00-03
Sheet Size	A3
Rev	A

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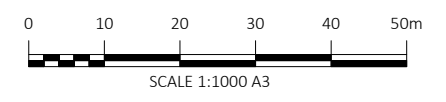


Legend:

Stage Boundary

Notes:

- Stage 1: lots 1 - 21
- Stage 2: lots 22 - 45
- Total 45 lots



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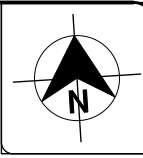
Client
Dourias MGH Pty Ltd

Project
34-46 Mannata Street, Lauderdale
45 Lot Subdivision

Drawn	Signed	Date
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Approved	Signed	21/11/22

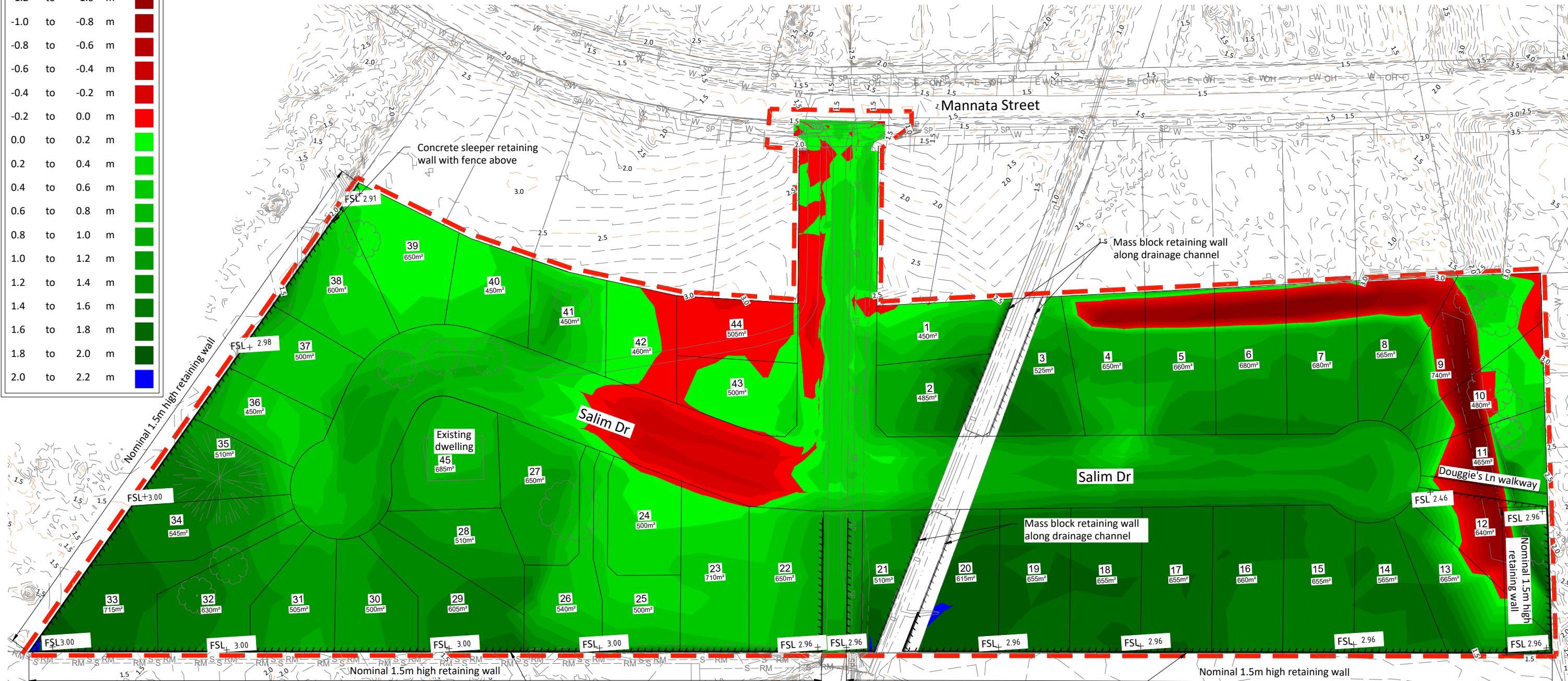
Drawing Title
Stage Plan

Project No. 21084	Sheet Size A3
Scale 1:1000	Rev A
Drawing No. D-1-01-01	



CUT/FILL DEPTH RANGE
Lower Value of Upper Value

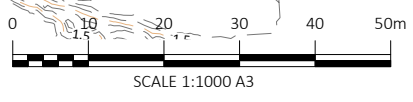
-2.4 to -2.2 m	Dark Orange
-2.2 to -2.0 m	Orange
-2.0 to -1.8 m	Dark Red
-1.8 to -1.6 m	Red
-1.6 to -1.4 m	Dark Red
-1.4 to -1.2 m	Red
-1.2 to -1.0 m	Dark Red
-1.0 to -0.8 m	Red
-0.8 to -0.6 m	Dark Red
-0.6 to -0.4 m	Red
-0.4 to -0.2 m	Dark Red
-0.2 to 0.0 m	Red
0.0 to 0.2 m	Light Green
0.2 to 0.4 m	Green
0.4 to 0.6 m	Light Green
0.6 to 0.8 m	Green
0.8 to 1.0 m	Light Green
1.0 to 1.2 m	Green
1.2 to 1.4 m	Light Green
1.4 to 1.6 m	Green
1.6 to 1.8 m	Light Green
1.8 to 2.0 m	Green
2.0 to 2.2 m	Light Green



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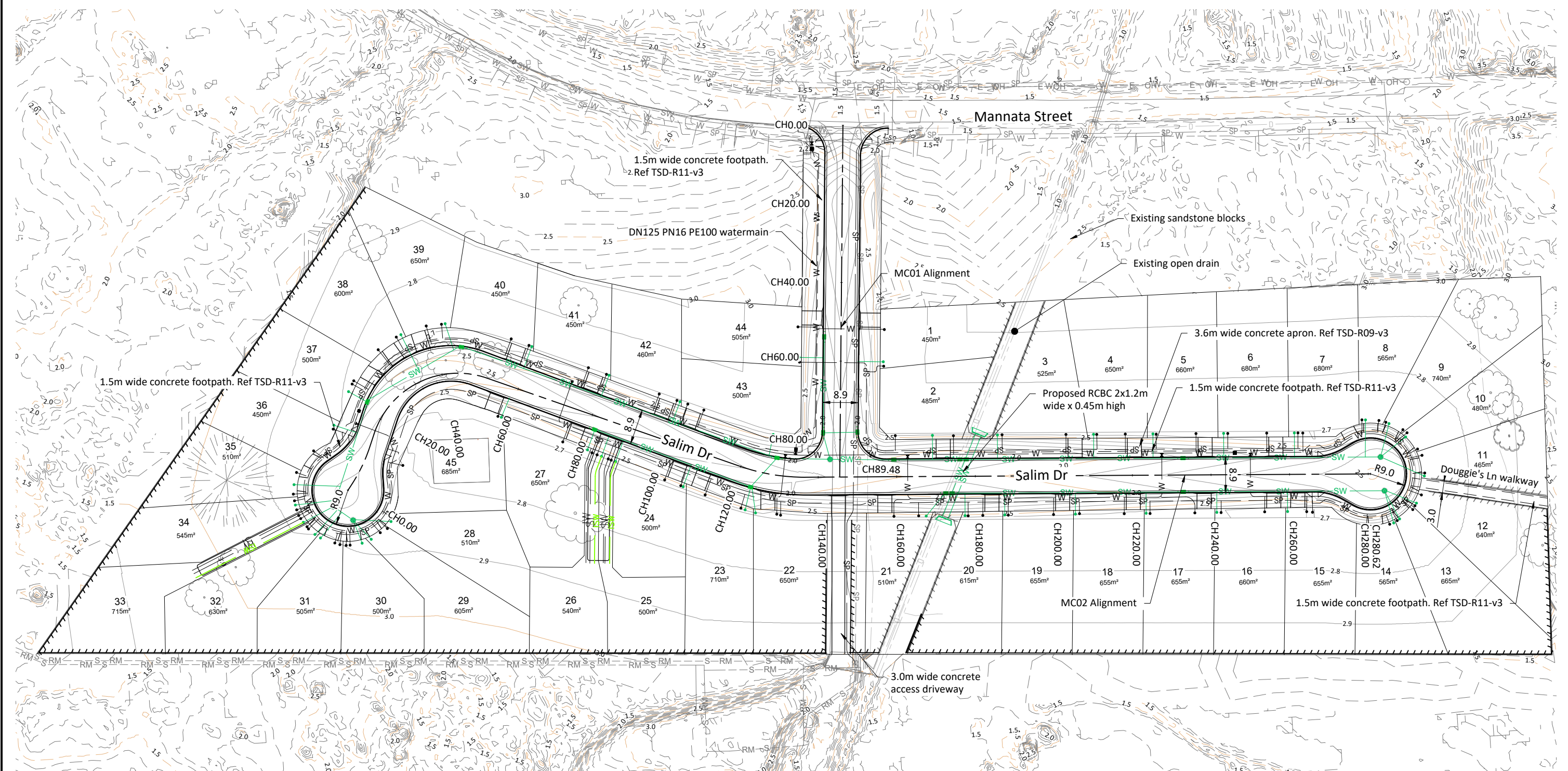
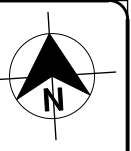


Bulk Earthwork Cut/Fill
Cut - 1905m3
Fill - 29500m3



AD DESIGN + CONSULTING Engineering / Infrastructure Services / Project Management			Client Dourias MGH Pty Ltd	Project 34-46 Mannata Street, Lauderdale 45 Lot Subdivision	Drawn BW Signed Date 21/11/22	Drawing Title Bulk Earthworks	Project No. 21084	Scale 1:1000	Sheet Size A3
Rev No A	Date 21/11/22	Revision Note For Approval	Drn BW	Ver. CC	App. AD	Checked CC Signed Date 21/11/22	Approved AD Signed Date 21/11/22	Drawing No. D-1-03-00	Rev A

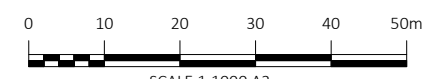
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NOTE:
 Provide 3.6m wide driveway in all lots as per LGAT-TSD-R09 unless otherwise noted.



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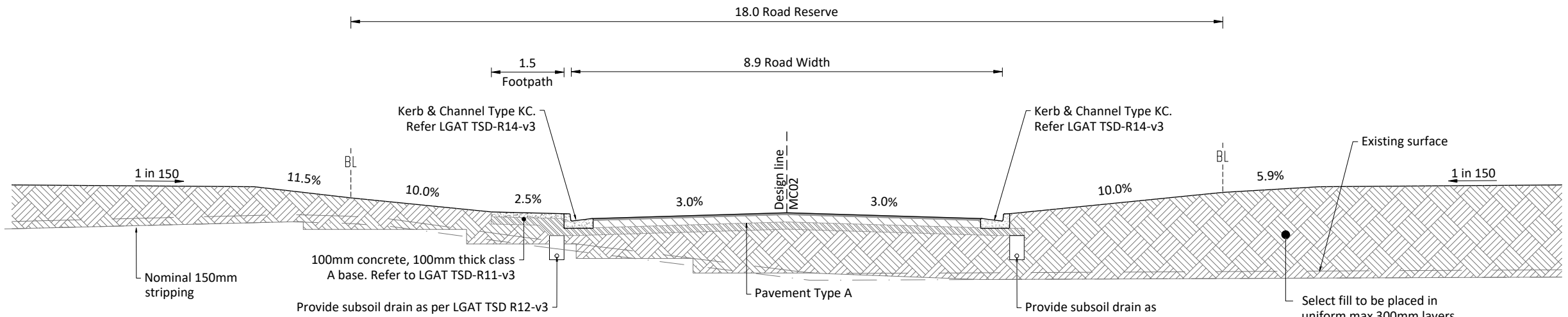
Project
 34-46 Mannata Street, Lauderdale
 45 Lot Subdivision

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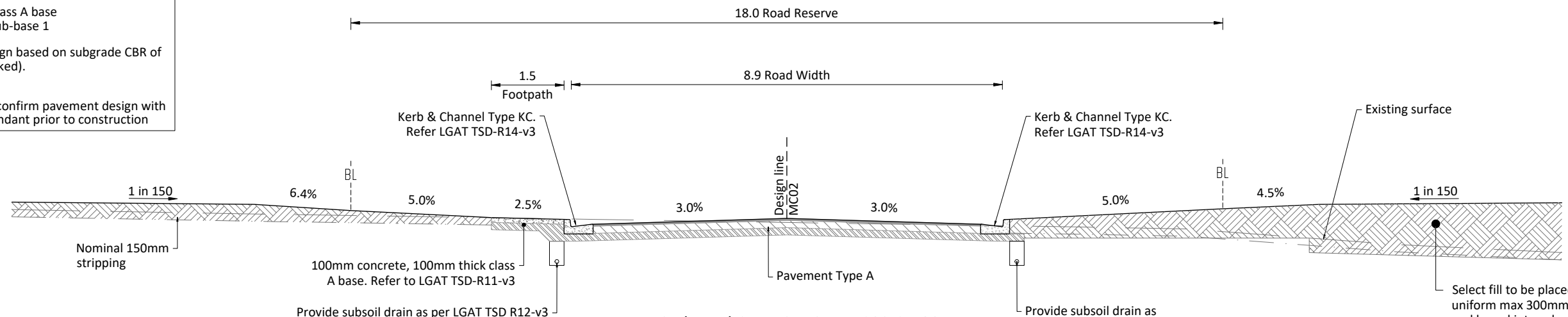
Drawing Title
 Roadworks and Drainage
 General Arrangement

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Project No. 21084	Sheet Size A3
Scale 1:1000	Rev A
Drawing No. D-1-06-00	

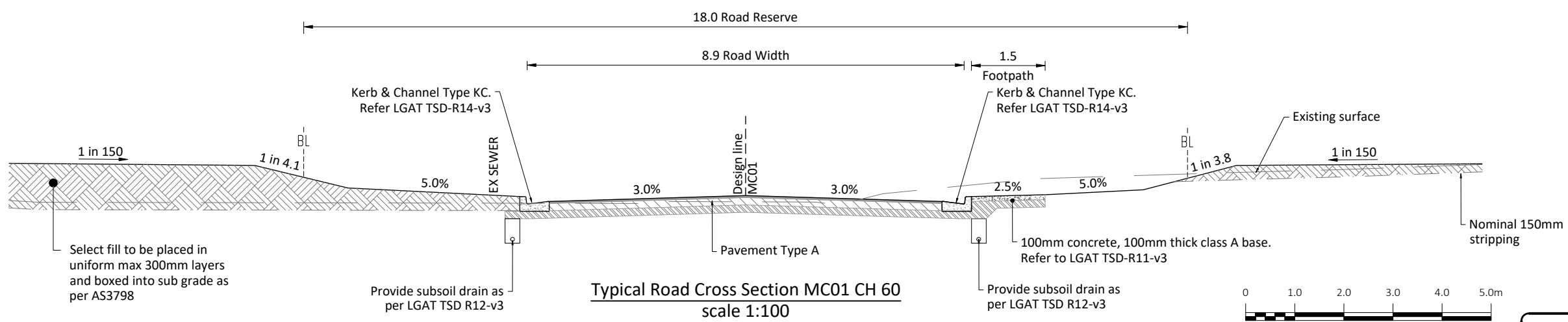
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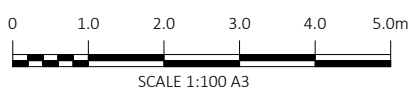
Typical Road Cross Section MC02 CH 220
scale 1:100



Typical Road Cross Section MC02 CH 80
scale 1:100



Typical Road Cross Section MC01 CH 60
scale 1:100



Pavement Type A
Wearing course:
35mm Dense Graded AC14 C170 binder
with Prime
Pavement:
150mm Class A base
150mm sub-base 1
Pavement design based on subgrade CBR of
4.0% (soaked).
Contractor to confirm pavement design with
superintendent prior to construction

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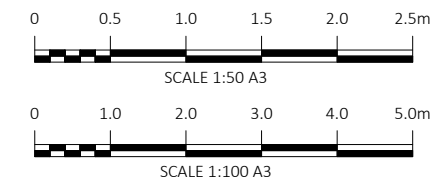
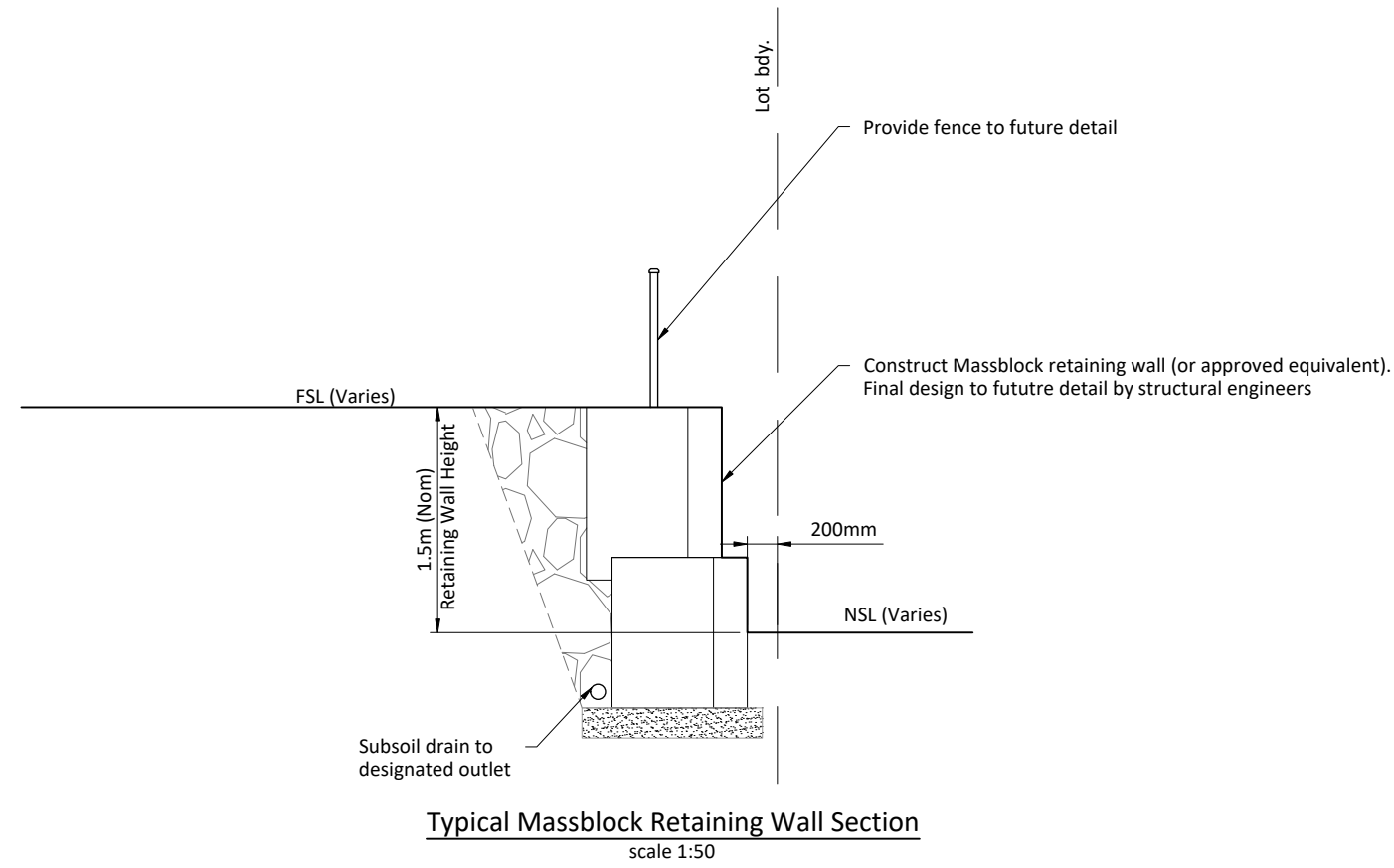
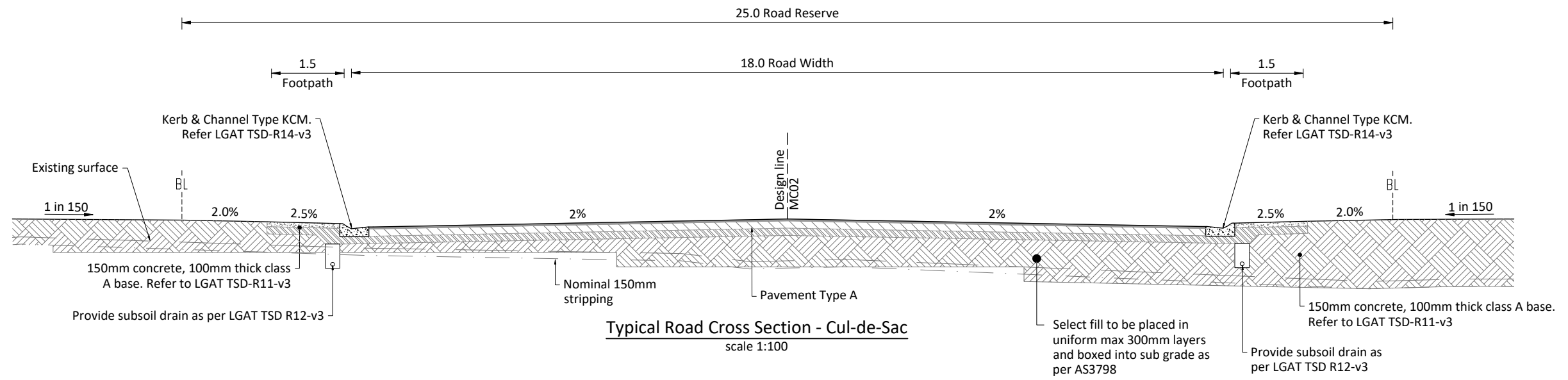
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Project: 34-46 Mannata Street, Lauderdale
45 Lot Subdivision

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Checked	Signed	Date
CC		21/11/22
Approved	Signed	Date
AD		21/11/22

Drawing Title: Typical Sections Sheet 1
Project No: 21084
Scale: As Shown
Drawing No: D-1-08-01

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Sheet Size: A3
Rev: A



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Client	Dourias MGH Pty Ltd
Project	34-46 Mannata Street, Lauderdale 45 Lot Subdivision

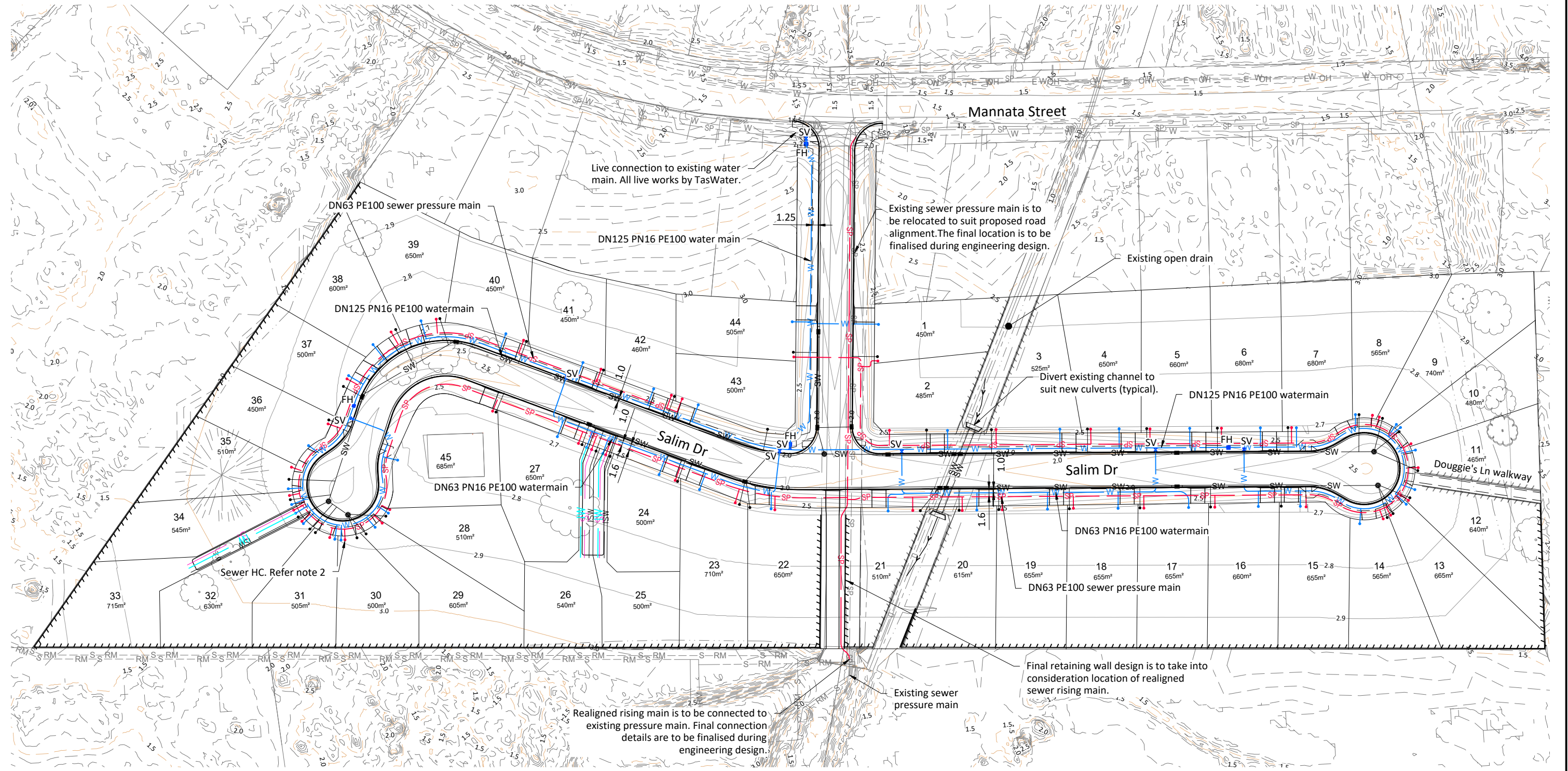
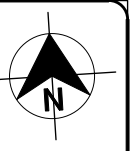
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Designed	CC	Signed		Date	21/11/22
Checked	CC	Signed		Date	21/11/22
Approved	AD	Signed		Date	21/11/22

Project No.	21084
Scale	As Shown
Drawing No.	D-1-08-02

Drawing Title	Typical Sections Sheet 2
Sheet Size	A3
Rev	A

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Project No.	21084
Scale	As Shown
Drawing No.	D-1-08-02
Sheet Size	A3
Rev	A



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NOTES:

1. Service layouts and HC locations subject to change during detailed design phase.
2. Sewer property connections constructed according to WSAA PSS-1102. All live works by TasWater.



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Project No.	21084
Scale	1:1000
Drawing No.	D-1-10-00
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Client	Dourias MGH Pty Ltd
Project	34-46 Mannata Street, Lauderdale 45 Lot Subdivision
Drawn	BW
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Date	21/11/22
Approved	AD
Signed	Signed
Date	21/11/22

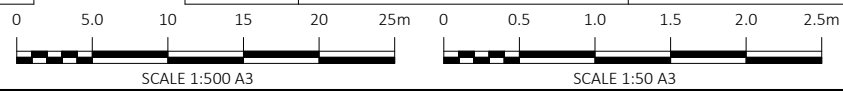
Client	Dourias MGH Pty Ltd
Project	34-46 Mannata Street, Lauderdale 45 Lot Subdivision
Drawn	BW
Signed	Signed
Date	21/11/22
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Signed	Signed
Date	21/11/22
Checked	CC
Signed	Signed
Date	21/11/22
Approved	AD
Signed	Signed
Date	21/11/22

Project Title	Water and Sewerage General Arrangement
Project No.	21084
Scale	1:1000
Drawing No.	D-1-10-00
Sheet Size	A3
Rev	A

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STRUCTURE NAME	0.4	0.3	0.2	0.1	1.10	1.9	1.8	1.6	1.5							
STRUCTURE DESCRIPTION	HEADWALL	SIDE ENTRY PIT - TYPE 3 REFER TSD-SW09-v1	SIDE ENTRY PIT - TYPE 3 REFER TSD-SW09-v1	HEADWALL	1050mm DIA MANHOLE CLASS 'D' COVER REFER TSD-SW02-v1	1050mm DIA MANHOLE CLASS 'D' COVER REFER TSD-SW02-v1	SIDE ENTRY PIT - TYPE 3 REFER TSD-SW09-v1	SIDE ENTRY PIT - TYPE 3 REFER TSD-SW09-v1	SIDE ENTRY PIT - TYPE 3 REFER TSD-SW09-v1							
PIPE SIZE (mm)	(2x)1200x450	(2x)1200x450	(2x)1200x450		300	300	375	375	375							
PIPE CLASS/MATERIAL	BC	BC	BC		CL4 RCP	CL4 RCP	CL4 RCP	CL4 RCP	CL4 RCP							
PIPE GRADE (%)	0.00%	0.00%	0.00%		0.50%	0.50%	0.58%	0.58%	0.50%							
PIPE SLOPE (1 in X)	1000000.0	1000000.0	1000000.0		200.0	200.0	171.0	171.0	200.0							
PIPE FLOW (cumecs)	-0.015	0.082	0.355		0.028	0.057	0.087	0.087	0.105							
CAPACITY RATIO (Q/Qcap)	-0.070	0.440	1.840		0.410	0.840	0.650	0.650	0.850							
PIPE VELOCITY (m/s)	0.09	0.18	0.91		0.46	0.86	1.04	1.04	0.97							
NORMAL DEPTH (m)	0.07	0.21	0.45		0.14	0.21	0.22	0.22	0.27							
DATUM RL	-3.000				-3.000											
HGL ELEVATION	0.965	0.964	0.963	0.962	2.432	2.410	2.377	2.368	2.253	2.231	2.110	2.106	1.797			
DEPTH TO INVERT	1.939	1.027	1.027	1.027	0.916	0.937	0.957	0.855	0.875	0.886	0.906	0.901				
INVERT LEVEL OF DRAIN	0.766	0.766	0.766	0.766	1.845	1.814	1.794	1.689	1.669	1.505	1.485	1.155				
DESIGN (& EXISTING) SURFACE LEVEL	2.705 (0.768)	1.793 (0.765)	1.793 (0.765)	1.793 (0.769)	2.762 (2.182)	2.751 (2.186)	2.544 (1.585)	2.544 (1.585)	2.391 (1.726)	2.391 (1.726)	2.056 (2.527)	2.056 (2.527)				
CHAINAGE	0.000	7.705	8.080	8.708	17.388	8.361	26.124	0.000	6.228	7.278	21.069	29.321	32.764	62.985	66.013	129.898

Pipe hydraulics for 5% AEP are preliminary and subject to detailed engineering design



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Engineering / Infrastructure Services / Project Management

Client: Dourias MGH Pty Ltd
Project: 34-46 Mannata Street, Lauderdale
45 Lot Subdivision

Drawn	Signed	Date	Drawing Title
BW	Signed	21/11/22	Drainage Longitudinal Sections
CC	Signed	21/11/22	Sheet 1
CC	Signed	21/11/22	
AD	Signed	21/11/22	

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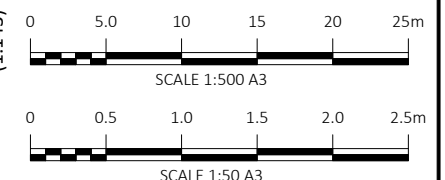
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Rev	A

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STRUCTURE NAME	1.5	1.4	1.3	1.2	1.1	0.2
STRUCTURE DESCRIPTION	SIDE ENTRY PIT - TYPE 3 REFER TSD-SW09-V1					
PIPE SIZE (mm)	375	450	450	450	450	
PIPE CLASS/MATERIAL	CL4 RCP	CL4 RCP	CL4 RCP	CL4 RCP	CL4 RCP	
PIPE GRADE (%)	0.50%	0.50%	0.50%	0.50%	0.50%	
PIPE SLOPE (1 in X)	200.0	200.0	200.0	200.0	200.0	
PIPE FLOW (cumecs)	0.110	0.168	0.172	0.192	0.204	
CAPACITY RATIO (Q/Qcap)	0.890	0.830	0.850	0.950	1.010	
PIPE VELOCITY (m/s)	1.00	1.05	1.08	1.34	1.68	
NORMAL DEPTH (m)	0.28	0.31	0.32	0.36	0.45	
DATUM RL	-3.000					
HGL ELEVATION	1.797 1.781	1.708 1.638	1.567 1.481	1.420 1.274	1.172 1.169 1.161	1.084 0.962 0.918
DEPTH TO INVERT	0.901 0.921	0.911 0.941	0.844 0.864	0.905 0.925	0.997 1.017	1.027 1.027
INVERT LEVEL OF DRAIN	1.155 1.135	1.078 1.048	0.999 0.979	0.939 0.919	0.863 0.843	0.766 0.766
DESIGN (& EXISTING) SURFACE LEVEL	2.056 (2.527)	1.989 (2.225)	1.844 (1.910)	1.845 (1.724)	1.860 (1.745)	1.793 (0.769)
CHAINAGE	129.898	11.287 142.085	9.839 152.823	8.004 161.427	11.211 173.538	15.434 189.872

Pipe hydraulics for 5% AEP are preliminary and subject to detailed engineering design

STRUCTURE NAME	2.2	2.1
STRUCTURE DESCRIPTION	1050mm DIA MANHOLE CLASS 'D' COVER REFER TSD-SW02-V1	
PIPE SIZE (mm)	300	
PIPE CLASS/MATERIAL	CL4 RCP	
PIPE GRADE (%)	0.50%	
PIPE SLOPE (1 in X)	200.0	
PIPE FLOW (cumecs)	0.041	
CAPACITY RATIO (Q/Qcap)	0.600	
PIPE VELOCITY (m/s)	0.71	
NORMAL DEPTH (m)	0.17	
DATUM RL	-3.000	
HGL ELEVATION	1.578 1.553	1.357
DEPTH TO INVERT	1.126 1.126	1.008
INVERT LEVEL OF DRAIN	1.312 1.312	1.066
DESIGN (& EXISTING) SURFACE LEVEL	2.438 (1.329)	2.074 (1.143)
CHAINAGE	0.000 49.336	50.311



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Client	Dourias MGH Pty Ltd
Project	34-46 Mannata Street, Lauderdale 45 Lot Subdivision

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Checked	Signed	Date	21/11/22
CC			
Approved	Signed	Date	21/11/22
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Drawing Title	Drainage Longitudinal Sections Sheet 2
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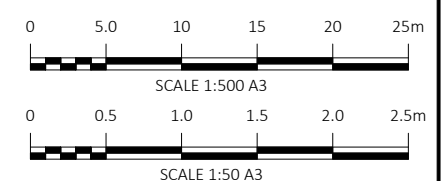
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Scale	As Shown	Rev	A
Drawing No.	D-1-12-02		

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PIPE CLASS/MATERIAL	CL4 RCP	
PIPE GRADE (%)	0.50%	
PIPE SLOPE (1 in X)	200.0	
PIPE FLOW (cumecs)	0.067	
CAPACITY RATIO (Q/Qcap)	0.970	
PIPE VELOCITY (m/s)	1.09	
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HGL ELEVATION	1.357 1.330	0.968 0.964
DEPTH TO INVERT	1.008 1.028	1.025 1.027
INVERT LEVEL OF DRAIN	1.066 1.046	0.768 0.766
DESIGN (& EXISTING) SURFACE LEVEL	2.074 (1.143)	1.793 (0.765)
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PIPE GRADE (%)	0.50%	
PIPE SLOPE (1 in X)	200.0	
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CAPACITY RATIO (Q/Qcap)	0.570	
PIPE VELOCITY (m/s)	0.67	
NORMAL DEPTH (m)	0.16	
DATUM RL	-3.000	
HGL ELEVATION	1.577 1.563	1.426
DEPTH TO INVERT	1.095 1.095	0.989
INVERT LEVEL OF DRAIN	1.337 1.337	1.085
DESIGN (& EXISTING) SURFACE LEVEL	2.432 (1.355)	2.074 (0.996)
CHAINAGE	50.000	51.257
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Client
Dourias MGH Pty Ltd

Project
34-46 Mannata Street, Lauderdale
45 Lot Subdivision

Drawn	Signed	Date
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Designed	Signed	Date
CC		21/11/22
Checked	Signed	Date
CC		21/11/22
Approved	Signed	Date
AD		21/11/22

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Drawing Title
Drainage Longitudinal Sections
Sheet 3

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21084

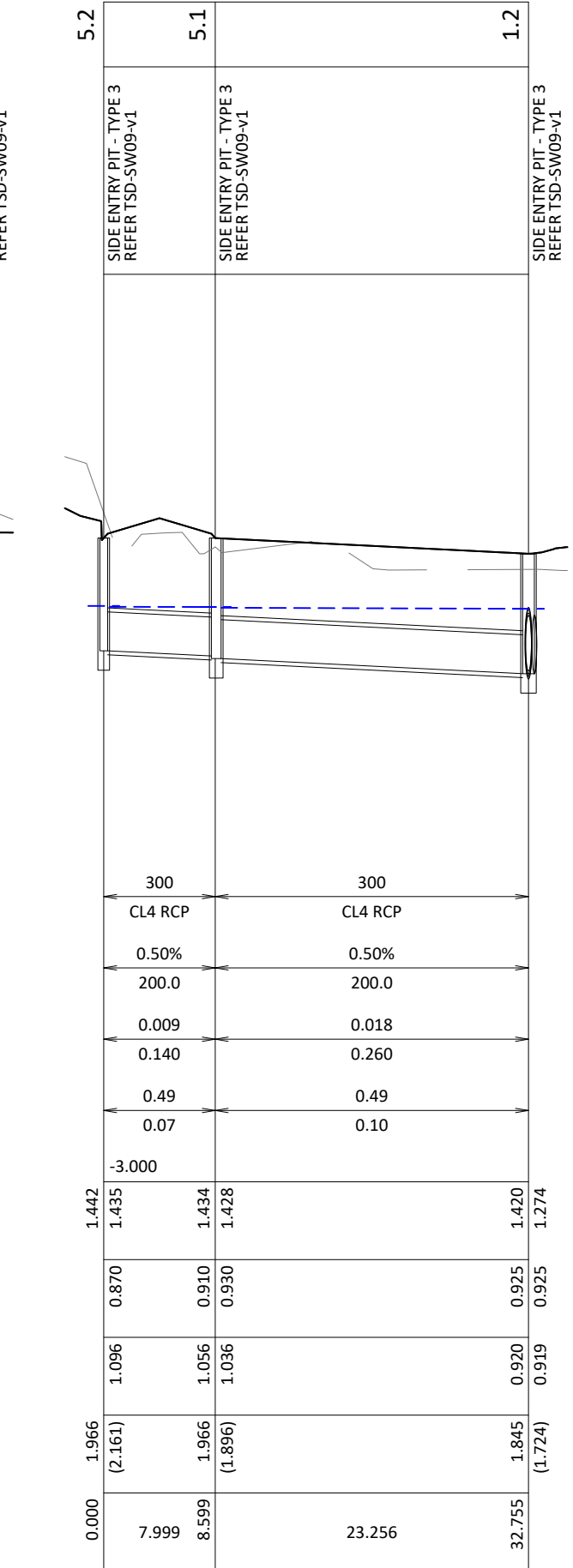
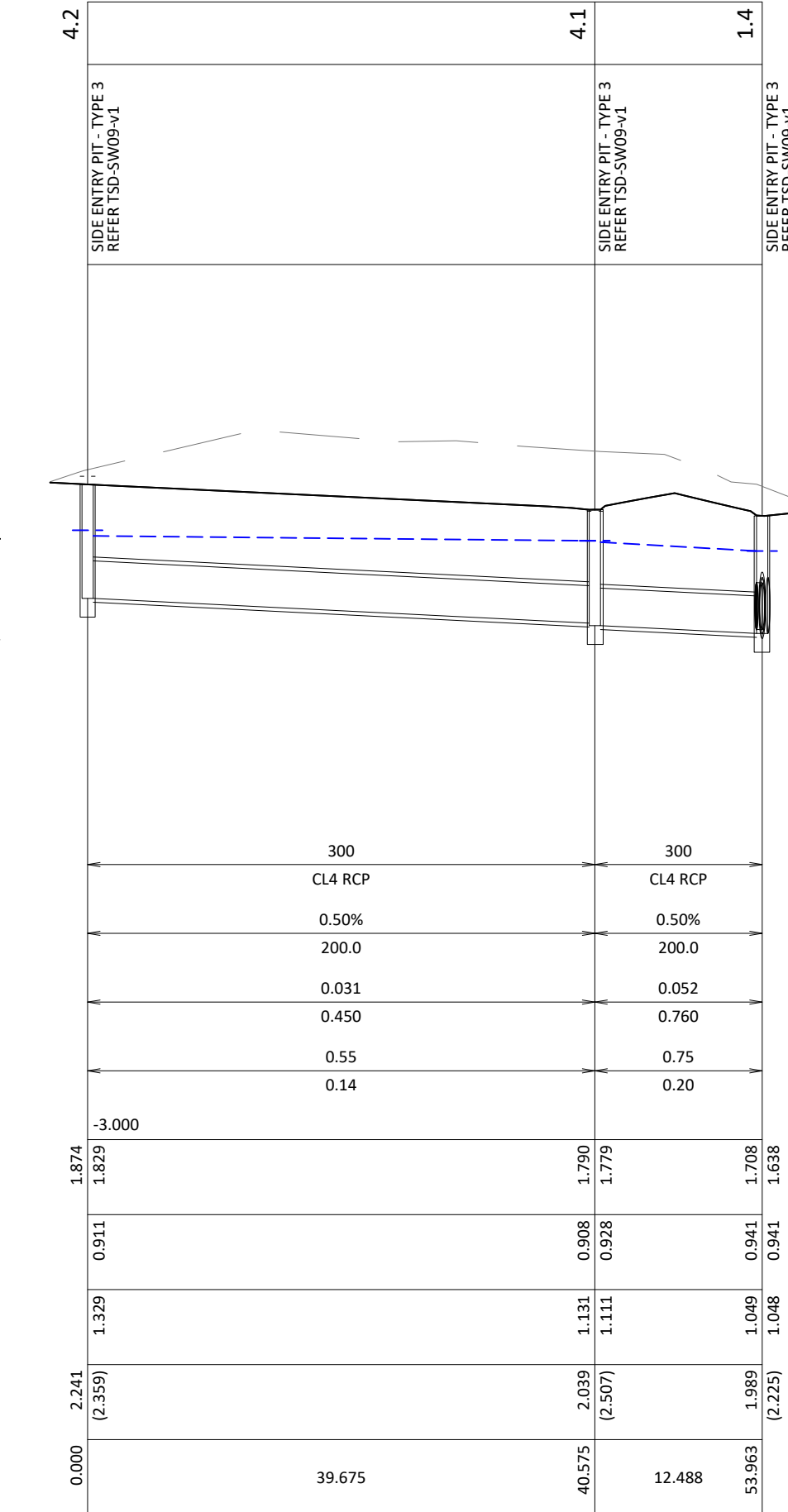
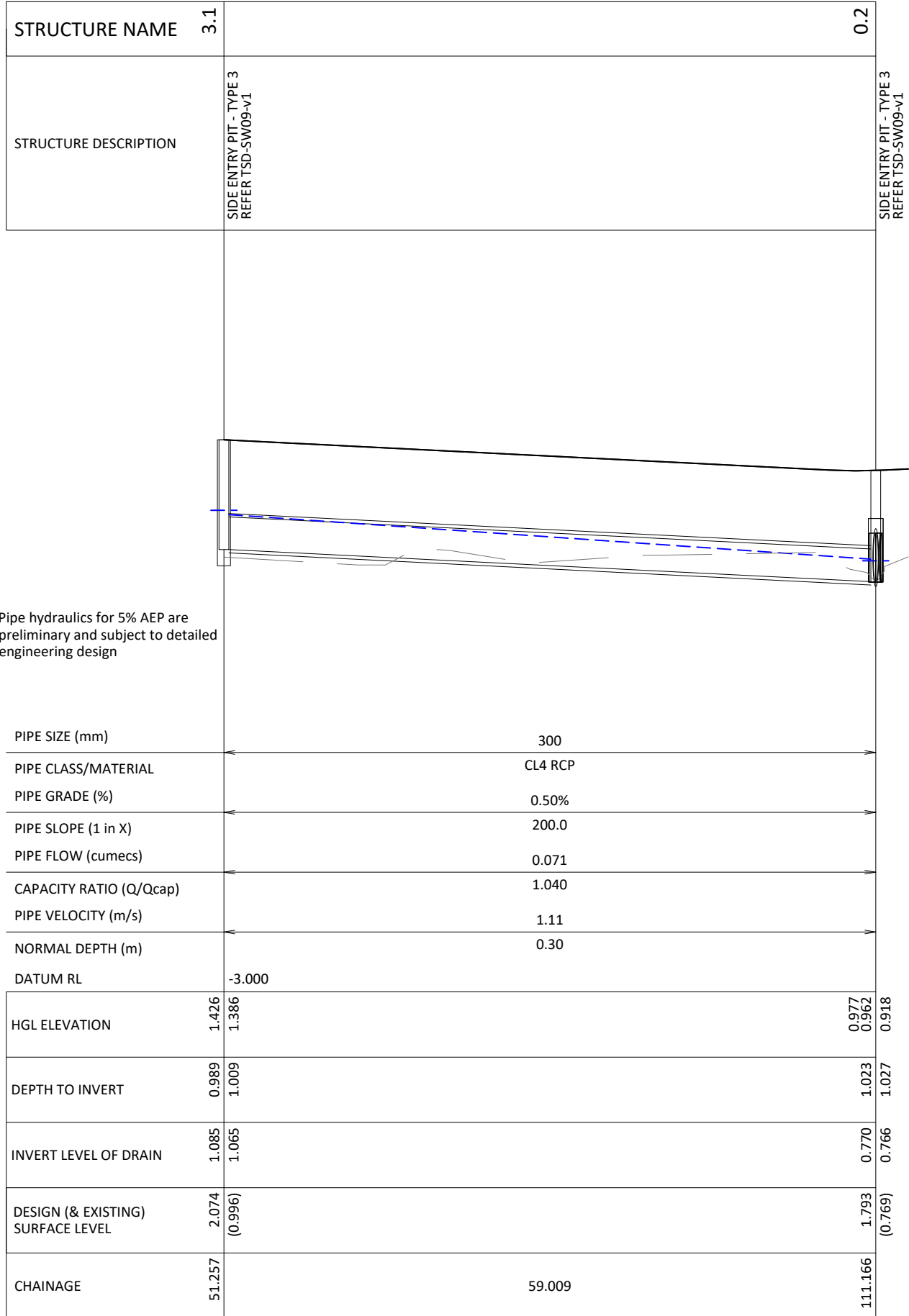
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Drawing No.
D-1-12-03

Sheet Size
A3

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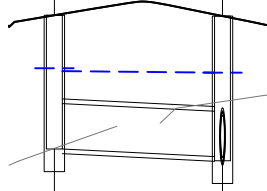


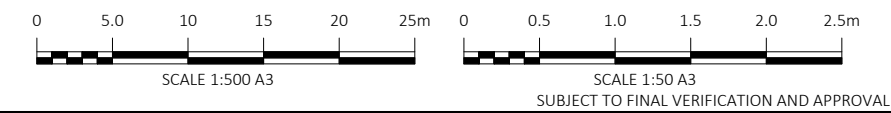
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AD DESIGN + CONSULTING Engineering / Infrastructure Services / Project Management		Client: Dourias MGH Pty Ltd Project: 34-46 Mannata Street, Lauderdale 45 Lot Subdivision	Drawn: BW Designed: CC Checked: CC Approved: AD	Signed: [Signature] Signed: [Signature] Signed: [Signature] Signed: [Signature]	Date: 21/11/22 Date: 21/11/22 Date: 21/11/22 Date: 21/11/22	Drawing Title: Drainage Longitudinal Sections Sheet 4	Project No: 21084 Scale: As Shown Drawing No: D-1-12-04	Sheet Size: A3 Rev: A
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PIPE FLOW (cumecs)	0.019	
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LINE	6	



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Drawing No.	D-1-12-05
Sheet Size	A3
Rev	A

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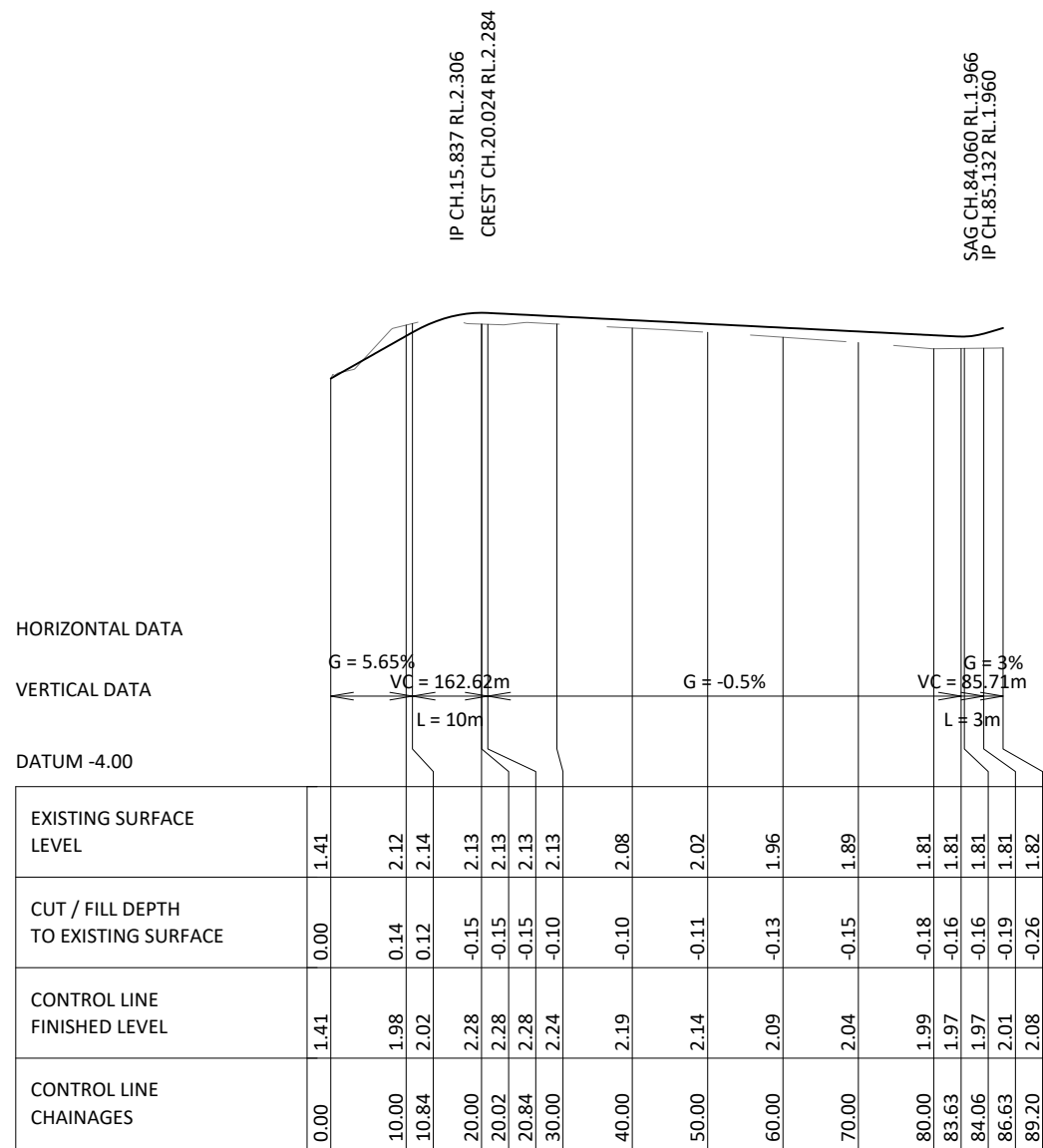
Client: Dourias MGH Pty Ltd

Project: 34-46 Mannata Street, Lauderdale
45 Lot Subdivision

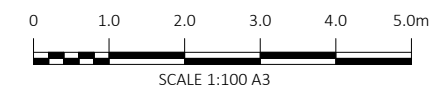
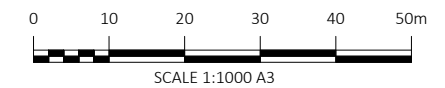
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AD		21/11/22

Drawing Title: Drainage Longitudinal Sections
Sheet 5

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MC01 LONGITUDINAL SECTION
 HORIZONTAL 1:1000
 VERTICAL 1:100



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Project	34-46 Mannata Street, Lauderdale 45 Lot Subdivision

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Drawing Title	Road Longitudinal Sections MC01
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Drawing No.	D-1-15-01		

IP CH.9.000 RL.2.764

IP CH.174.692 RL.1.936
SAG CH.174.691 RL.1.942

IP CH.268.206 RL.2.404

HORIZONTAL DATA

VERTICAL DATA

DATUM -5.00

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30.00	1.68	-0.98	2.66
40.00	1.79	-0.82	2.61
50.00	1.72	-0.84	2.56
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R = 22.50m

R = -50.00m

G = -1%

G = -0.5%

VC = 499.91m
L = 5m

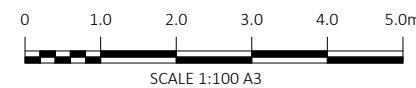
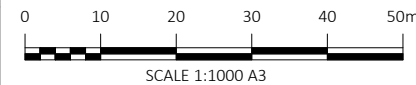
G = 0.5%

G = 1%

MC02 LONGITUDINAL SECTION

HORIZONTAL 1:1000

VERTICAL 1:100



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Project	34-46 Mannata Street, Lauderdale 45 Lot Subdivision

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Designed	CC	Signed		Date	21/11/22
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Approved	AD	Signed		Date	21/11/22

Drawing Title	Road Longitudinal Sections MC02
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Appendix B

**34-46 Mannata Street, Lauderdale Layout
Concept prepared by GHD Woodhead**



Existing residence

Existing residences

Potential to continue path connection along drain easement to link open space & Roscommon Reserve

property boundary

property boundary

Salim Drive

Retail

Existing pump station and security fence

Provide road access link to open space

Concrete sleeper retaining wall edge

Pedestrian connection to local shops and onto Lauderdale Beach

Existing residence

- Potential open space layout with:
- parking
 - picnic shelter & open lawn
 - circuit paths
 - small playground, and
 - BMX/mountain bike circuit track



34-46 MANNATA STREET, LAUDERDALE

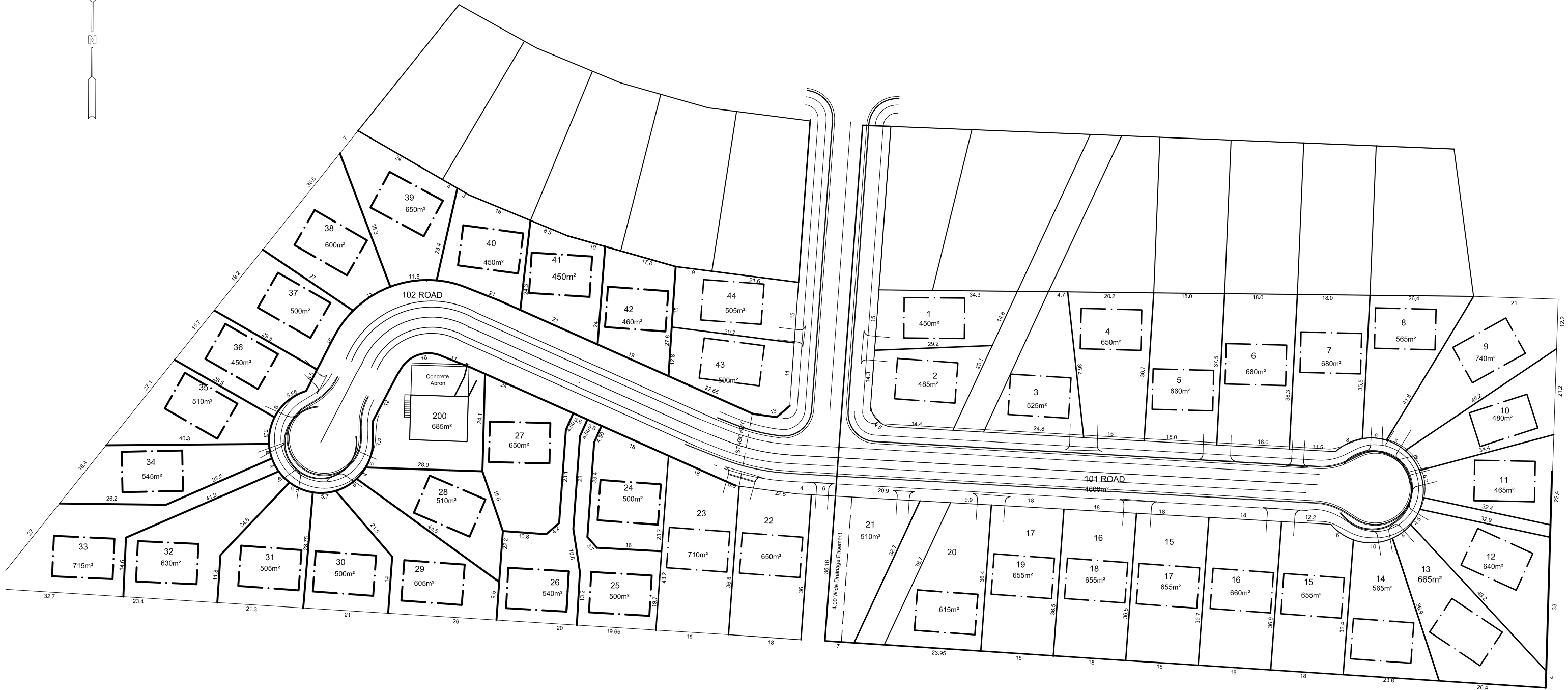
Document Set ID: 5036047
Version: 1.0
Date: 13/08/2023

REV A AUGUST 2022




Appendix C

**Mannata Street, Lauderdale Layout Plan
prepared by D.G.J. Potter Authorised
Surveyors**



CLIENT Dourias MGH Pty Ltd PROJECT 46 & 48 Manatta Street, Lauderdale DRAWING Layout Plan

D.G.J. POTTER
 Authorised Surveyors

 1/2 Kennedy Drive, Cambridge TASMANIA, 7170
 Ph: (03) 62 343 082 Fax: (03) 62 343 360
 Email: djpotter@inet.net.au

SCALE: 1:1000 DATE: 25/09/2020
 Note: Road location indicative only, Subject to engineering

Rev.	Amendments	Drwn	Date
		JP	16/8/22
Design		Drawn TP	Checked
A3	Sheet No 1.		Job No. 200965

Appendix D

**Design Memo to Development Engineer
Clarence City Council 34-46 Mannata
Street prepared by AD Design +
Consulting**

**DESIGN MEMO**

TO: Development Engineer, Clarence City Council
FROM: Tom Norman
DATE: 21/09/2022
PROJECT: 34-46 Mannata Street, Lauderdale – 44 Lot Subdivision
RE: Design Memorandum – Stormwater Quality and Quantity

AD Design & Consulting has been engaged to provide advice on the stormwater management requirements for a proposed 44-lot + balance residential subdivision at 34-46 Mannata Street, Lauderdale.

This document aims to satisfy the requirements of Clarence City Council through:

- assessment of the stormwater discharges from the site and providing mitigation solutions if required; and
- determining the requirements and cost for stormwater quality treatment devices to satisfy pollutant reduction targets.

Key site details are tabulated in Table 1.

Table 1: Site details

Location	34-46 Mannata Street, Lauderdale
Municipality	Clarence City Council
Property Area	Approximately 3.4 ha



Figure 1: 34-46 Mannata Street, Lauderdale (LIST, 2021)

1 Stormwater Quantity

A hydrological and hydraulic study has been undertaken for the site to determine the impacts of the development on stormwater discharge. The pre-developed scenario was modelled to obtain the existing runoff rates from the site. This was then compared to the post-development model, which accounted for the construction of roads, housing, and new drainage infrastructure. To attenuate the flows from the site, stormwater detention on each lot was included.

Pre-development Hydrology

Hydrology was undertaken in accordance with the Australian Rainfall and Runoff 2019, utilising the Laurenson Method for runoff routing. The pre-developed scenario uses a lumped catchment approach to determine site runoff, the properties are given below:

Table 2: catchment properties for the predevelopment catchment

Area	3.4 ha
Slope	1
Manning's	0.05
Fraction impervious	10% (existing dwelling and road)
Losses	14mm IL and 2mm CL

This resulted in a maximum mean site discharge of 102 L/s and a critical storm duration of 3 hours. The ensemble box plot of the hydrology is shown below.

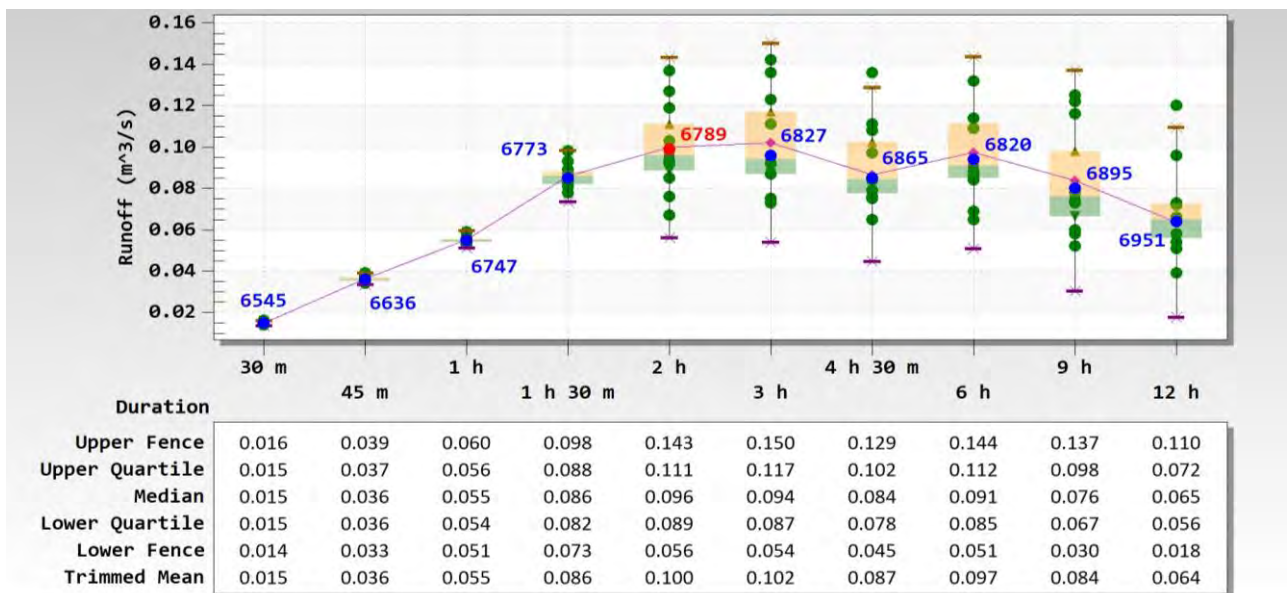


Figure 2: Pre-development catchment, runoff ensemble box plot

Post-Development Hydrology and Hydraulics

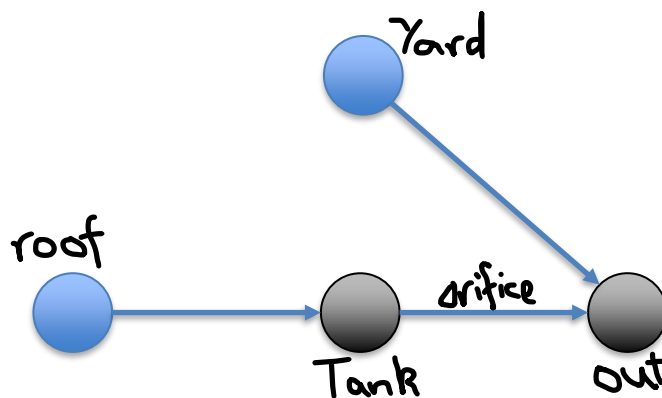
To determine post development site runoff, it was necessary to undertake a coupled hydrological – hydraulic model which accounted for the on-site detention on each lot.

1.1.1 On site detention

To mitigate stormwater to the pre-development level, on-site detention is proposed for each lot. This detention volume will be implemented as rainwater tanks with a DN25 orifice which will attenuate stormwater from the roof. The roof area of modern houses is typically in the range of 200m² – 300m² with an average of 250m² taken for this model.

To account for the rainwater tanks in the model, a single arrangement was modelled. The hydrograph of this arrangement was produced and then distributed to each lot. This simulates the effects of a rainwater tank on each lot (45 total) without needing to model them, as this would be too complex. The accumulation of these hydrographs results in the total runoff from all of the lots.

A schematic of the lot and rainwater model is given below. The roof drains to the tank which includes a DN25 Orifice. The yard cannot be drained to the rainwater tank, so it bypasses the detention and drains to the main in the street.



The hydrology parameters applied to the roof and yard catchment are given below. To determine the area of the yard the average area of the lots was determined, and the roof area was subtracted from that.

Table 3: catchment properties for the lot

	Roof	Yard
Area	250m ²	340m ²
Slope	1	1
Manning's	0.01	0.1
Fraction impervious	100%	0%
Losses	0mm IL and 0mm CL	14mm IL and 2mm CL

The hydrograph for a single lot model is given below. This shows the maximum runoff for each lot as 1.6L/s and a critical storm duration of 60min. Note, the hydrograph is at the property connection, into the main.

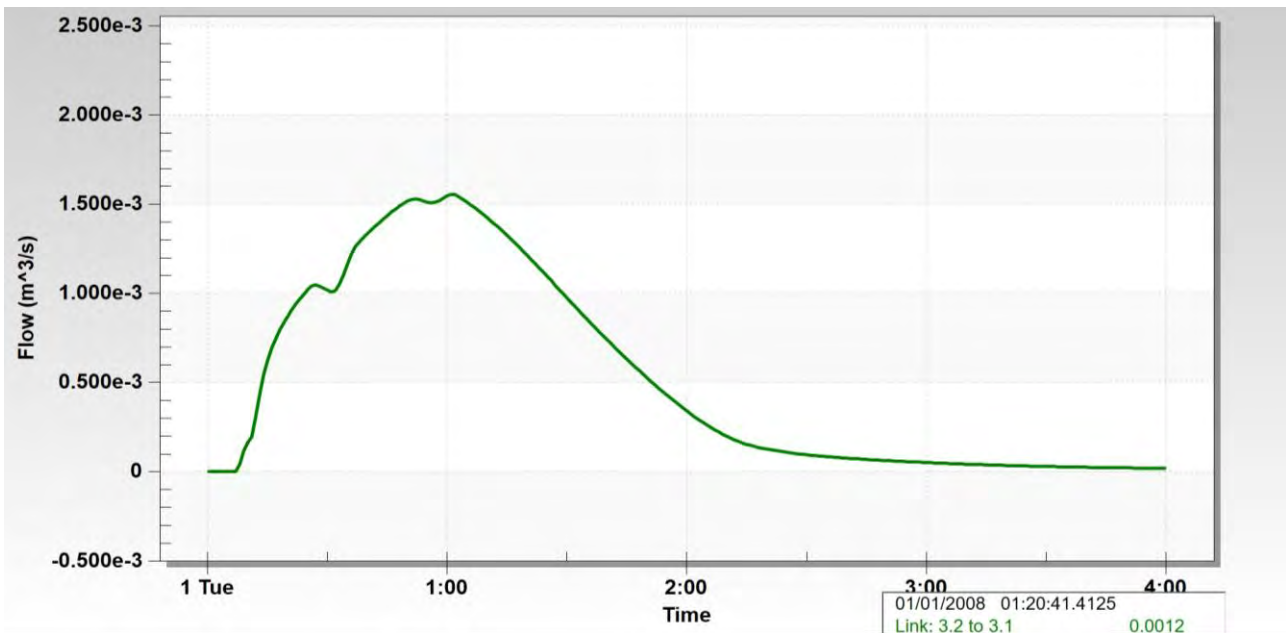


Figure 3: Single lot hydrograph with detention at the property boundary

The total volume of the storage is shown in the figure below for the 60 min critical storm duration. It shows that to effectively attenuate stormwater from the lots, a minimum of 2.53 m³ is required. It is recommended that each lot be installed with a 3kL stormwater tank with a DN25 orifice located at the base.

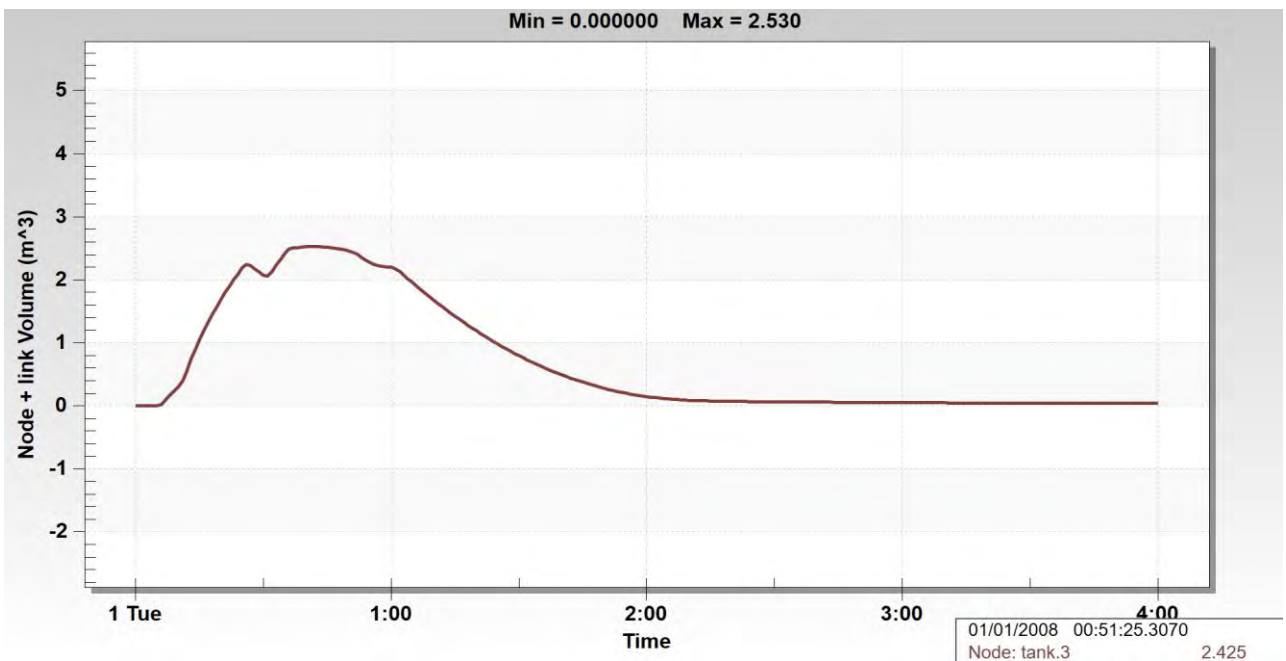


Figure 4: Single lot detention volume

1.1.2 Road and Road Reserve

It is not possible to detain stormwater from the road and road reserve, therefore the road and verges were included in the model without mitigation. The catchment properties for the road reserve (including the road, footpath, and grassed verge) are given below.

Area	0.72 ha
Slope	1
Manning's	0.015
Fraction impervious	70% (accounts for grassed verge)
Losses	Impervious: 0mm IL and 0mm CL Pervious: 14mm IL and 2mm CL

The hydrograph for the road reserve is shown below. It shows that the maximum runoff is 94 L/s with a critical duration of 10mins.

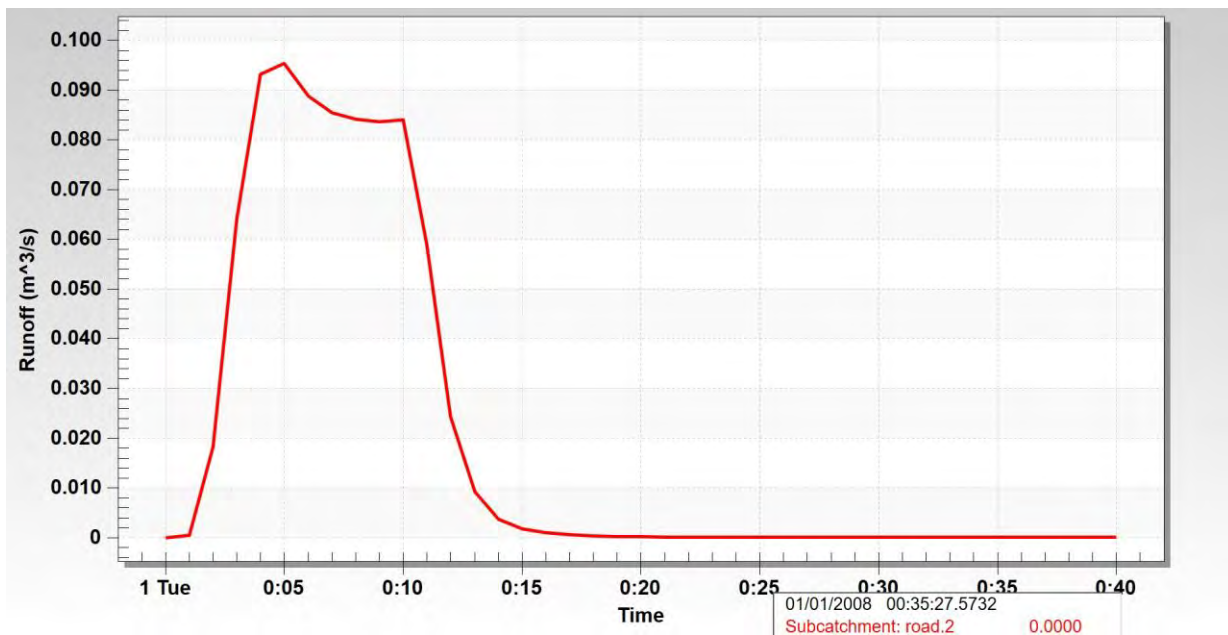


Figure 5: Road reserve hydrograph, no detention

1.1.3 Total Site Discharge

To determine total site discharge for the subdivision, it is necessary to superpose the lot and road reserve hydrographs into a single hydrograph for the site, representing the total stormwater runoff. When superposing hydrographs, the critical durations must be the same, therefore the lots and road reserve hydrographs was re-calculated for the 10min, 60 min, and 120 min storm events. The results of this are shown below. The hydrograph denoted as "lots" is the combined hydrograph for all lots. This was achieved by scaling the single lot hydrograph by 45 (number of lots), this is acceptable, as it is likely to overestimate (very slightly) the peak flow of the total lots, as peak flows from each lot are not temporally separated as they would be if each individual tank was modelled.

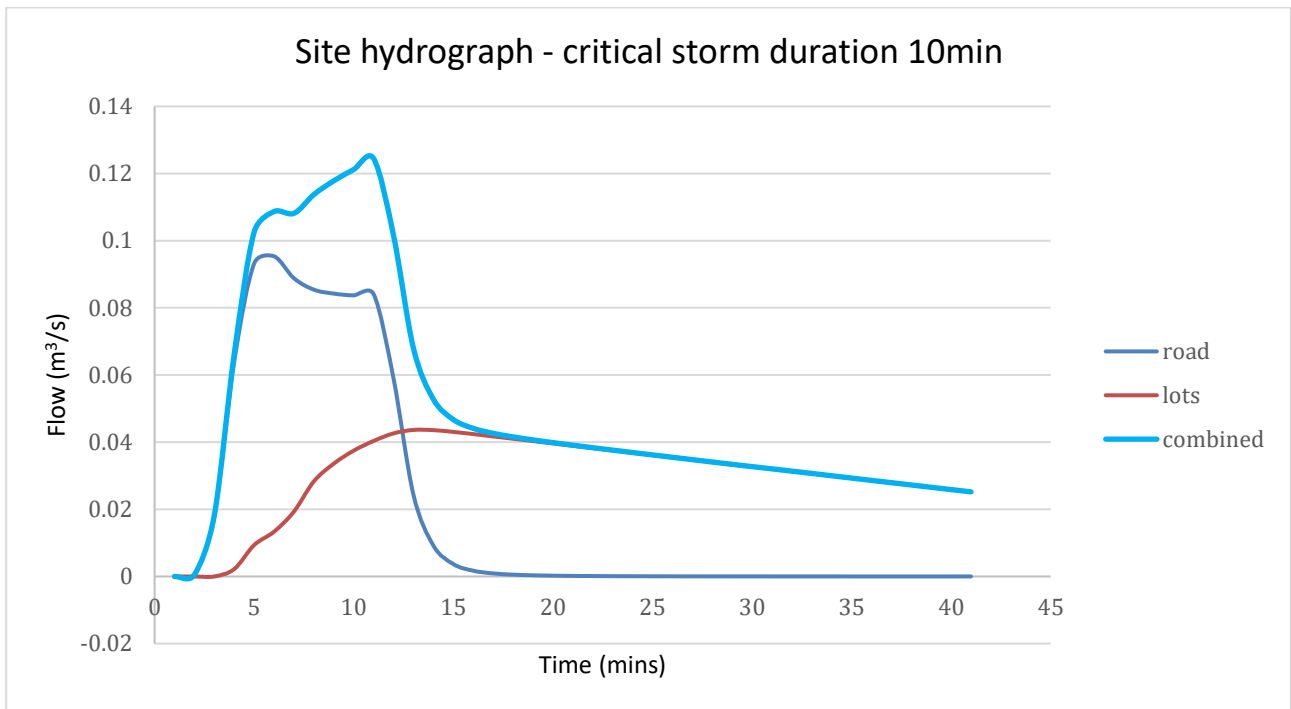


Figure 6: Hydrograph of total site runoff for the 10min duration storm event

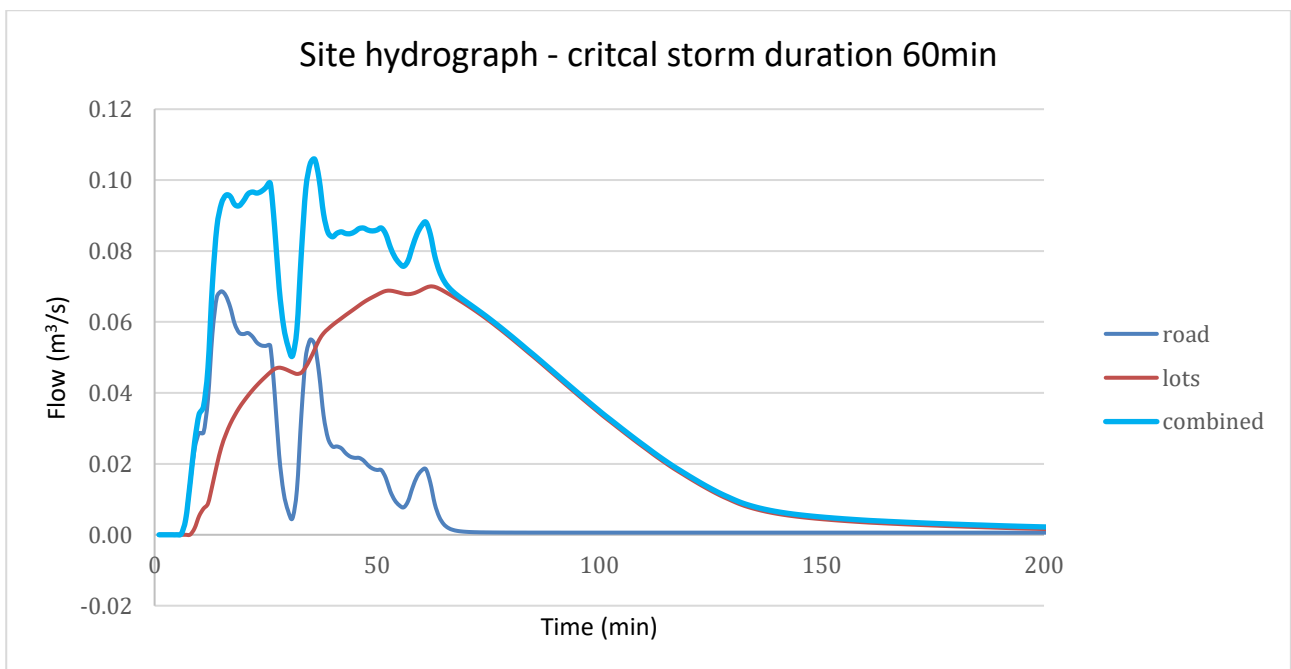


Figure 7: Hydrograph of total site runoff for the 60min duration storm event

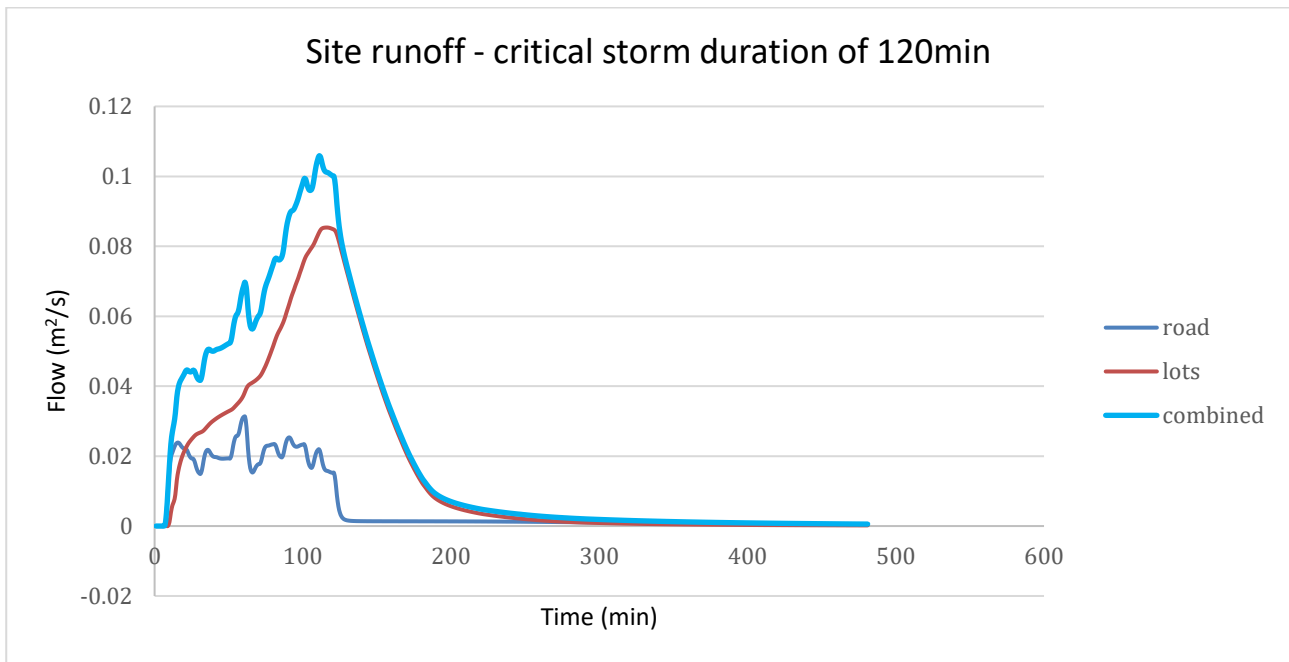


Figure 8: Hydrograph of total site runoff for the 120min duration storm event

Summary of results:

Critical duration	Pre-development	10 min	60 min	120 min
Maximum site runoff	102 L/s	124 L/s	104 L/s	103 L/s

1.1.4 Discussion

The results show that the on-site detention on each lot is effective at mitigating peak site runoff close to pre-development levels. The largest difference is for the 10min storm duration with a difference in site runoff of 22 L/s above existing. It is shown when adopting the critical duration of 60min which corresponds to the lot drainage, the peak flow is 104 L/s which is 2 L/s above existing (negligible when assessing stormwater and therefore considered equal).

Looking only at peak site runoff, while convenient, is not a complete assessment when determining the impacts of the development on stormwater runoff. Another important factor is the time when the peak runoff occurs and how the difference in timings between the existing and upstream catchments compares against the post-development. The plots above show that while the peak runoff for the 10 min duration is the largest, this is also the fastest response time, with flows subsiding very quickly (within 20 min). This timing is outside the pre-development and upstream duration of 120 mins, and therefore these two catchments would have minimal interaction. More appropriately, the 60 min and 120 min durations of the developed scenario should be assessed to prove that the interaction with the upstream catchment does not impact the existing infrastructure. It is shown above that peak runoff for the 60 min and 120 min developed catchment durations are not greater than the existing catchment, with a similar hydrograph shape.

It can therefore be concluded that there is no impact on stormwater runoff due to the development and that the existing infrastructure is sufficient to drain the site.

2 Stormwater Quality

The Tasmania State Government outlines the requirements for water quality objectives for new developments. These reduction targets are to be met under the requirements of Clarence City Council. Due to the high water table within the Lauderdale area, along with the shallow drainage outfall for the site, installing water treatment infrastructure would be problematic. For this reason, it is instead proposed to pay the Council a cash contribution based on the value of conceptual water treatment infrastructure.

Methodology

Water quality modelling has been undertaken in accordance with Water by Design guidelines. MUSIC software has been used to estimate the reduction targets for the given development.

Model Parameters

Modelling parameters used within MUSIC modelling software are shown in Table 4, Table 5, Table 6 and Table 7.

Table 4: Catchment areas

Land Use Category	Treatable Area (m ²)
Lots	27000
Roads	7200

Table 5: Rainfall data

Parameter	Value
Rain Station	Hobart - 094145
Time Step	6 min
Modelling Period	2021
Mean Annual Rainfall	620
Evapotranspiration	903

Table 6: Rainfall parameters

Parameter	Value
Rainfall threshold	1
Soil Storage Capacity	120
Initial Storage Capacity	25
Field Capacity	50
Infiltration Capacity coeff. A	200
Infiltration Capacity exp. B	1
Initial Depth	10

Daily Recharge Rate	25.00
Daily Base Flow Rate	5.00
Daily Deep Seepage Rate	0

Table 7: Pollutant sources - urban

Pollutant	Surface Type	Storm Flow		Base Flow	
		Mean (log mg/l)	SD (log mg/L)	Mean (log mg/l)	SD (log mg/L)
TSS	Roof	1.301	0.333	-	-
	Hardstand/ Road	2.431	0.333	-	-
	Ground	1.900	0.333	0.96	0.401
TP	Roof	-0.886	0.242	-	-
	Hardstand/ Road	-0.301	0.242	-	-
	Ground	-0.700	0.242	-0.731	0.360
TN	Roof	0.301	0.205	-	-
	Hardstand/ Road	0.342	0.205	-	-
	Ground	0.243	0.182	0.455	0.363

Treatment Train

A treatment train consisting of a 1500 Series SPEL Ecoceptor, and a SPEL Hydrosystem HS1500/5 was sufficient to reduce the relevant parameters to below the acceptable stormwater quality targets. Figure 9 displays a schematic of the treatment train as modelled within MUSIC.

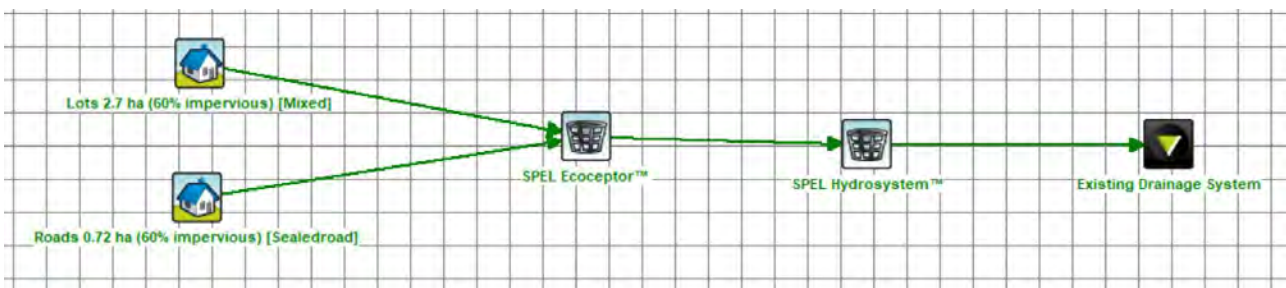


Figure 9: Proposed treatment train

Table 8: Treatment nodes

Node	Quantity	Description
SPEL 1500 Series Ecoceptor	1	Vertically configured pollutant trap, sediment and light liquids separator
SPEL Hydrosystem HS1500/5	1	Proprietary stormwater filter that uses sedimentation, filtration, adsorption and precipitation to treat stormwater.

Results

The results of the pollution reduction are summarised in Table 9. It is shown that the proposed treatment train is effective at reducing the target pollutants to required levels.

Table 9: Pollution reduction results

Pollutant	Source	Residual Load	Reduction (%)
Total Suspended Solids	2160	379	82.4
Total Phosphorus	4.17	0.954	77.1
Total Nitrogen	20.9	8.16	60.9
Gross Pollutants	364	17.6	95.2

Cost

A quotation for a 1500 Series Ecoceptor and a Hydrosystem HS1500/5 was sought from SPEL; the estimated cost for the Ecoceptor is \$10,000 + GST, and the estimated cost of the Hydrosystem is \$40,000 + GST giving a total of \$50,000 + GST. The quotations are appended to the end of this memorandum.

3 Conclusion

It is concluded that the inclusion of on-site detention on every lot in the form of rainwater tanks is sufficient to mitigate flow to pre-existing levels. Though the results show a peak flow runoff for the 10 min critical storm duration, above pre-existing levels, the timings of this peak do not coincide with the greater catchment and therefore is not appropriate to assess the impacts of the development on stormwater runoff for this duration. The 60 min and 120 min duration were also analysed which show peak runoff similar to the existing with coinciding peaks, which is a better measure, in this scenario, as to the impacts on stormwater resulting from the development. It is therefore concluded, that the development can be developed in accordance with the planning scheme.

A SPEL Ecoceptor 1500 series and a SPEL Hydrosystem HS1500/5 have been found to be effective at reducing pollutant levels to required values, and the cost of each unit has been provided to enable the Council to determine a stormwater quality contribution amount appropriate for the development.

Kind regards,



Tom Norman
Senior Engineer

AD DESIGN + CONSULTING

Appendix E

**34, 36 and 46 Mannata Street Traffic
Impact Assessment-Dourias MGH PTY
LTD, prepared by GHD Pty Ltd**



34, 36 and 46 Mannata Street

Traffic Impact Assessment

The Trustee for MGH Dourias Family Trust

17 October 2022

→ **The Power of Commitment**



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1. Introduction

1.1 Background

GHD Pty Ltd (GHD) was engaged by Dourias MGH Pty Ltd to provide consultancy services for the rezoning and subdivision of land into 45 residential lots located off Mannata Street, Lauderdale. Part of the scope of works for this project is the preparation of the Traffic Impact Assessment (TIA) for the proposed development.

1.2 Study area

The subject site is located to the south of Mannata Street, Lauderdale in Tasmania. It comprises a number of smaller titles including 34, 36 and 46 Mannata Street.

The subject site is made up of 34 Mannata Street, 46 Mannata Street, and a portion of 36 Mannata Street which includes part of an unnamed access road currently providing access to a TasWater sewer pump station. This is shown in Figure 1.1. There is an existing residential dwelling on 46 Mannata Street, which is currently accessed by a driveway from Mannata Street (western side of the unnamed access road).

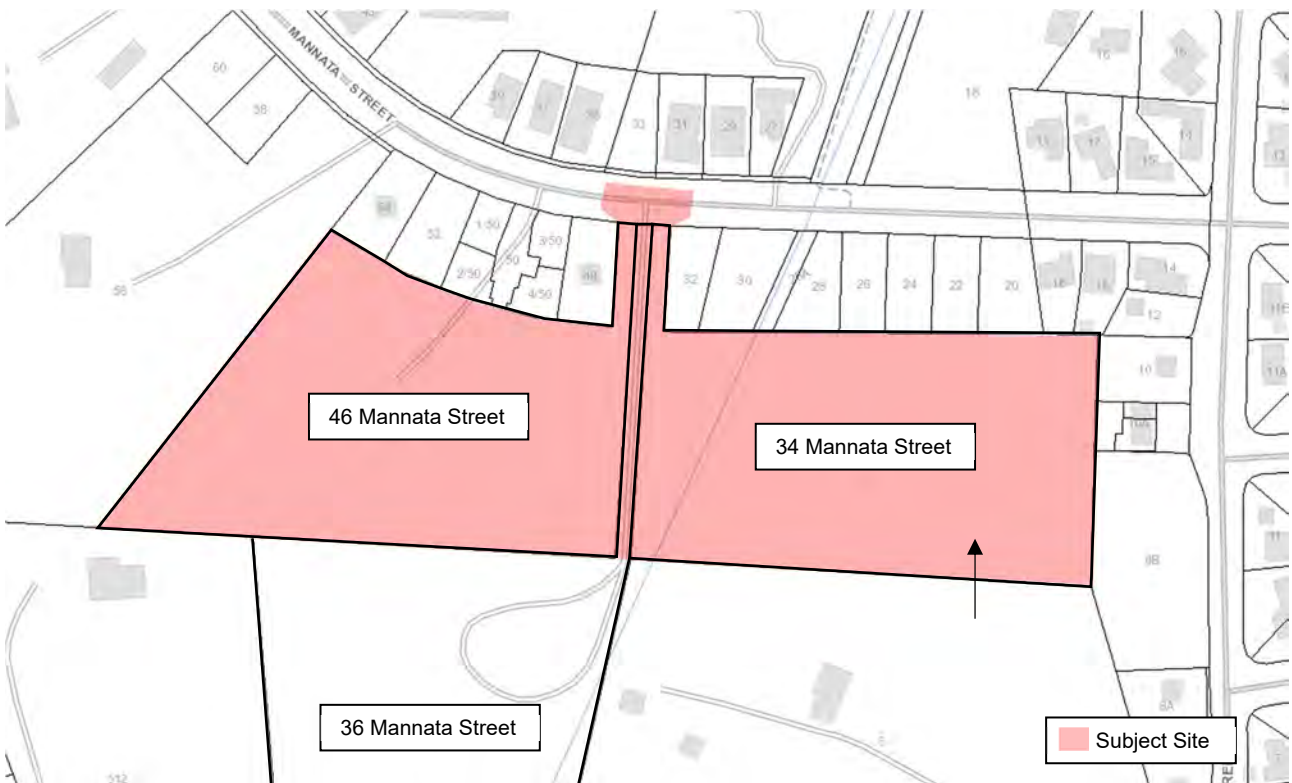


Figure 1.1 Subject site of 34, 36 and 46 Mannata Street

Base imagery obtained from TheLIST, State of Tasmania, accessed December 2021

1.3 Purpose of this report

The purpose of this report is to assess and document the transport-related impacts of the project and to address the relevant provisions of the *Tasmanian Planning Scheme – Clarence* (the Planning Scheme).

1.4 Scope and limitations

This report: has been prepared by GHD for The Trustee for MGH Dourias Family Trust and may only be used and relied on by The Trustee for MGH Dourias Family Trust for the purpose agreed between GHD and The Trustee for MGH Dourias Family Trust as set out in section 1.3 of this report.

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1.5 Assumptions

The following assumptions have been made during the assessment of potential traffic impacts:

- The assessment is based on *Mannata Street 44 Lot Subdivision 26-46 Mannata Street, Lauderdale, Tasmania For Development Approval, 13th September 2022*, prepared by AD Design + Consulting.
- Traffic data (refer to Section 2.2) provided by the Department of State Growth and Clarence City Council accurately represent the traffic conditions of the local road network.
- Crash data (refer to Section 2.5) sourced from the Department of State Growth in December 2021 provides an accurate record of incidents in the existing local road network.
- It is anticipated that trips generated by the development will travel to and from the site using South Arm Road, either via Ringwood Road and Mannata Street or via North Terrace, Bangalee Street and Mannata Street.

1.6 Referenced materials

The following documents and information sources have been referred to in this report:

- *Tasmanian Planning Scheme* – Clarence (the Planning Scheme)
- Traffic data, provided by the Department of State Growth and Clarence City Council (2002-2021)
- Crash data, sourced from the Department of State Growth (2016-2021)
- *Mannata Street 44 Lot Subdivision 26-46 Mannata Street, Lauderdale, Tasmania For Development Approval*, (AD Design + Consulting, 2022)
- *RTA Guide to Traffic Generating Developments* (RMS, 2002)
- *Austrroads Guide to Road Design Part 3: Geometric Design* (Austrroads, 2021)
- *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* (Austrroads, 2021)
- *Austrroads Guide to Traffic Management Part 3: Transport Study and Analysis Methods* (Austrroads, 2020)
- *Austrroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings Management* (Austrroads, 2020)
- *Highway Capacity Manual* (Transportation Research Board, 2016)
- *Tasmanian Speed Zoning Guidelines* (Department of State Growth, 2020).

1.7 Planning Scheme

A summary of the clauses of the Planning Scheme addressed within this report is provided in Table 1.1.

Table 1.1 Planning Scheme references

Clause	Heading	Reference
<i>8.0 General Residential Zone</i>		
8.6.2	Roads	7.1.1
<i>C2.0 Parking and Sustainable Transport Code</i>		
C2.5.1	Car parking numbers	7.2.1
C2.5.2	Bicycle parking numbers	7.2.2
C2.5.3	Motorcycle parking numbers	7.2.3
C2.5.4	Loading Bays	7.2.4
C2.6.1	Construction of parking areas	7.2.5
C2.6.2	Design and layout of parking areas	7.2.6
C2.6.3	Number of accesses for vehicles	7.2.7
<i>C3.0 Road and Railway Assets Code</i>		
C3.5.1	Traffic generation at a vehicle crossing, level crossing or new junction.	7.3.1

2. Existing conditions

2.1 Study area

The subject site location and study area for the assessment is shown in Figure 2.1 **Error! Reference source not found.** The subject site is located at 34, 36 and 46 Mannata Street, Lauderdale within the Clarence City Council local government area.



Figure 2.1 Site location and key road network in Lauderdale, Tasmania
Base imagery obtained from TheLIST, State of Tasmania, accessed December 2021

Within the subject site there is an existing residential dwelling and an unnamed access road providing access from Mannata Street to a TasWater sewer pump station.

2.2 Road network

For the purpose of this assessment the transport network comprises of the following roads:

- Mannata Street
- Ringwood Road
- Bangalee Street
- North Terrace
- South Arm Road
- Unnamed access road.

Each of these roads are shown in Figure 2.1 **Error! Reference source not found.** and examined in detail in the following sections.

2.2.1 Mannata Street

Mannata Street is an approximately 850 m long local road between Ringwood Road in the northwest and Roaches Beach in the east. It is a sealed two-lane two-way road with posted speed limits of 60 km/h west of 24 Mannata Street and 50 km/h east of 24 Mannata Street. It provides access to residential and rural properties, and Roaches Beach Living retirement community. A footpath is provided along the northern side of the road between Ringwood Road and Bangalee Street, and for a short section of the southern side of the road extending west from Bangalee Street.

At its north-western end Mannata Street continues to the south as the sealed section of Ringwood Road at a T-junction where the gravel section of Ringwood Road does not have priority. At its eastern end, Mannata Street provides pedestrian access to Roaches Beach.

Figure 2.2 shows photos of different views of Mannata Street captured during a site inspection on 23 December 2021.



Figure 2.2 Mannata Street, west of site access at 36 Mannata Street (left) and east of site access at 36 Mannata Street (right)

Approximately 200 m southeast of Ringwood Road, Mannata Street carried approximately 1,795 vehicles per day two-way in 2015. The 85th percentile speed on Mannata Street was approximately 63 km/h in 2015. On weekdays, the average directional split of traffic on Mannata Street was 50.7% eastbound and 49.3% westbound. During weekdays the average morning (AM) peak occurred between 8 AM and 9 AM, and the average afternoon (PM) peak occurred between 5 PM and 6 PM. The traffic profile on Mannata Street during an average weekday in 2015 is shown in Figure 2.3.

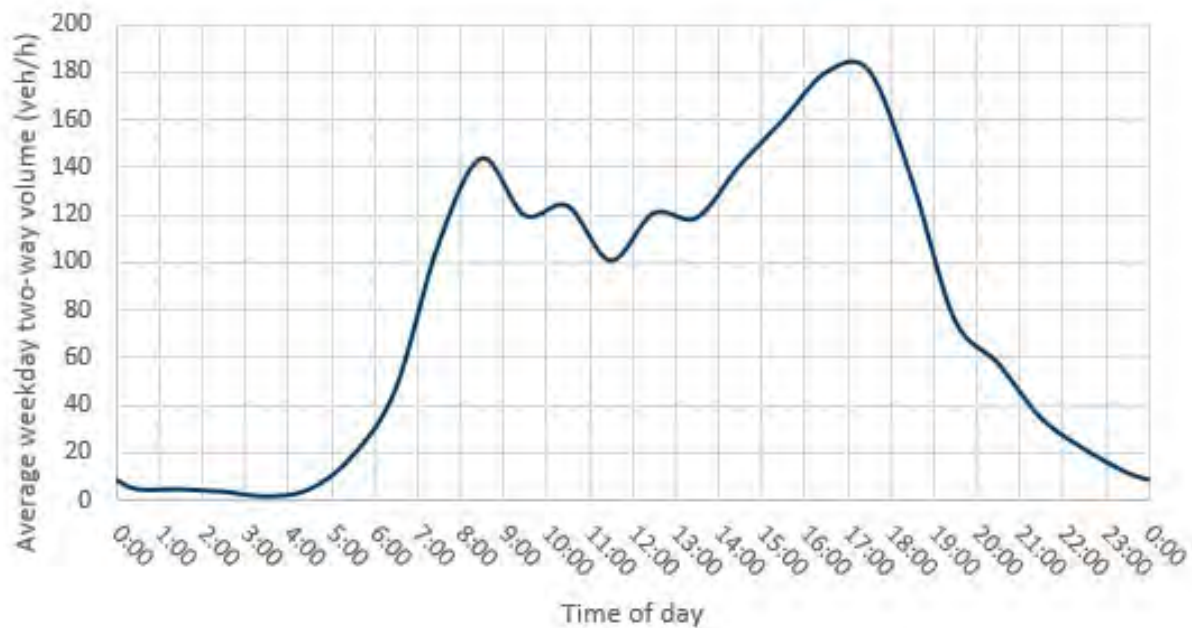


Figure 2.3 Mannata Street average weekday traffic profile in 2015
Data obtained from Clarence City Council, accessed December 2021

2.2.2 Ringwood Road

Ringwood Road is a local road providing access to the Foreshore Tavern, Roaches Beach Living retirement community and several rural properties from South Arm Road. It is a two-lane two-way road, sealed between South Arm Road and Mannata Street, beyond which it is an unsealed gravel road. It has a posted speed limit of 60 km/h. A footpath is provided along the western side of the sealed section of Ringwood Road.

At its southern end Ringwood Road intersects with South Arm Road at a T-junction where South Arm Road has priority. There is a right turn lane for traffic turning from South Arm Road into Ringwood Road, and a median island on the South Arm Road northwest approach to the intersection to allow pedestrians to cross South Arm Road in stages. At its intersection with Mannata Street, the sealed section of Ringwood Road continues as Mannata Street to the east, and the gravel section continues to the north at a T-junction where the gravel section of Ringwood Road does not have priority.

2.2.3 Bangalee Street

Bangalee Street is a collector road between North Terrace in the south and Roaches Beach Road in the north. It is a sealed two-lane two-way road with a default speed limit of 50 km/h. It provides access to residential properties and local roads including Cabarita Street, Aragoon Street, Eumatalla Street, Mannata Street, Coolahra Street, Balanada Street, Merang Street, Balook Street, Epping Street, Grafton Road, Hadlow Road and Bambra Street. Kerb and guttering and footpaths are provided on both sides of Bangalee Street along the majority of its length.

At its southern end, Bangalee Street intersects with North Terrace at a T-junction where North Terrace has priority. At its northern end, Bangalee Street continues as Roaches Beach Road, a collector road which connects Roaches Beach with Acton Road.

Between Hadlow Road and Bambra Street, Bangalee Street carried approximately 1,008 vehicles per day two-way in 2002. The 85th percentile speed on Bangalee Street was approximately 58 km/h in 2002, at which time the posted speed limit was 60 km/h. On weekdays, the average directional split of traffic on Bangalee Street was 48% southbound and 52% northbound. During weekdays the average AM peak occurred between 8 AM and 9 AM, and the average PM peak occurred between 5 PM and 6 PM. The traffic profile on Bangalee Street during an average weekday in 2002 is shown in Figure 2.4.

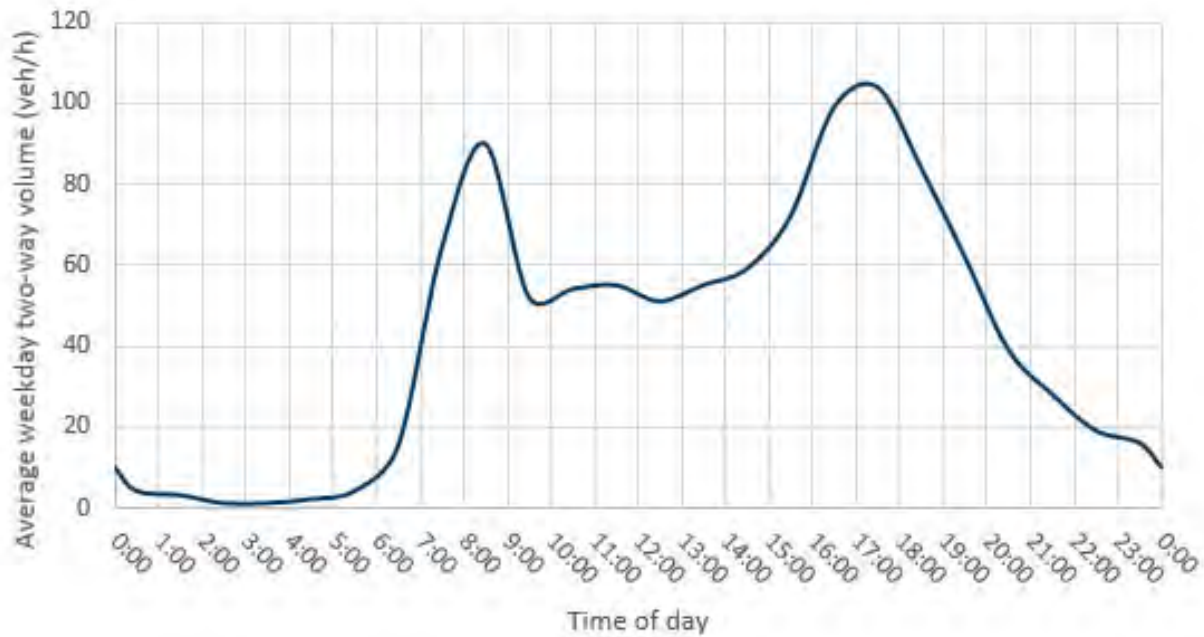


Figure 2.4 Bangalee Street average weekday traffic profile in 2002
 Data obtained from Clarence City Council, accessed December 2021

2.2.4 North Terrace

North Terrace is a collector road between South Arm Road in the west and South Terrace in the east. It is a sealed two-lane two-way road with a default speed limit of 50 km/h. It provides access to residential properties, Ralphs Bay Canal and Roaches Beach. Kerb and channel, a footpath and street lighting are provided along the north side of the road. Along its southern side, gravel parking areas and a walking track provide access to Ralphs Bay Canal, and at its eastern end provide access to Roaches Beach.

At its western end, North Terrace intersects with South Arm Road at a T-junction where South Arm Road has priority. There is a right turn lane for traffic turning from South Arm Road into North Terrace, and a median island on the North Terrace approach to the intersection to allow pedestrians to cross North Terrace in stages. At its eastern end, North Terrace continues as South Terrace, a local road providing access to residential properties between South Arm Road and Roaches Beach on the southern side of Ralphs Bay Canal.

Approximately 150 m west of Bangalee Street, North Terrace carried approximately 888 vehicles per day two-way in 2017. The 85th percentile speed on North Terrace was approximately 55 km/h in 2017. On weekdays, the average directional split of traffic on North Terrace was 50.3% eastbound and 49.7% westbound. During weekdays the average AM peak occurred between 10 AM and 11 AM, and the average PM peak occurred between 4 PM and 5 PM. The traffic profile on North Terrace during an average weekday in 2017 is shown in Figure 2.5

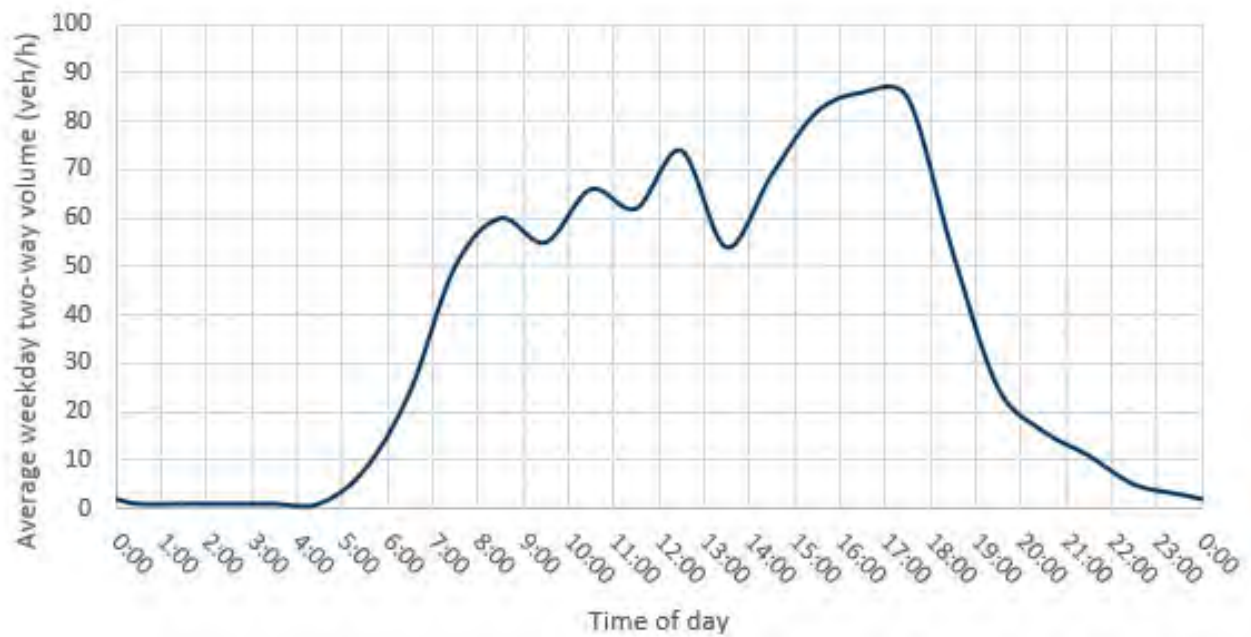


Figure 2.5 North Terrace average weekday traffic profile in 2017

Data obtained from Clarence City Council, accessed December 2021

2.2.5 South Arm Road

South Arm Road is an arterial road connecting Rokeby in the north with Opossum Bay in the South via Lauderdale, Sandford and South Arm. Within the study area South Arm Road is a Category 4 sealed two-lane two-way road. It has posted speed limits of 70 km/h through Lauderdale and 80 km/h either side of Lauderdale, at the extents of the study area. Street lighting is provided along the north-eastern / eastern side of the road. There is a shared path between Acton Road and Bayview Road, and a footpath between Bayview Road and Dona Road.

Approximately 290 m south of Dona Road, South Arm Road carried approximately 8,038 vehicles per day two-way in 2021. During weekdays the average AM peak occurred between 7 AM and 8 AM, and the average PM peak occurred between 4 PM and 5 PM. The traffic profile on South Arm Road during an average weekday in 2021 is shown in Figure 2.6.

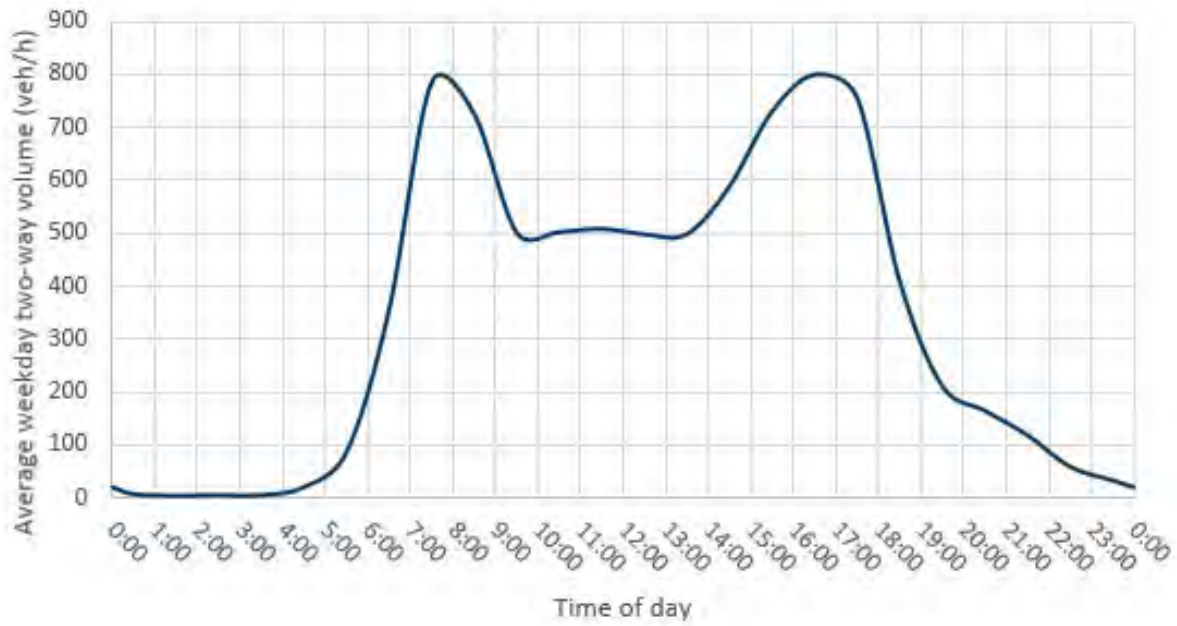


Figure 2.6 South Arm Road average weekday traffic profile in 2021
 Data obtained from GeoCounts, Department of State Growth, accessed December 2021

2.2.6 Unnamed access road

There is an unnamed access road providing access from Mannata Street to the TasWater sewer pump station located at 36 Mannata Street. It is a two-way predominantly sealed road with a short gravel section on approach to Mannata Street. No street lighting, kerb and channel, parking, or footpaths are provided along its length. The access road is not open to the public, as it is gated with a sign that limits access to authorised vehicles only.

2.3 Active transport network

The active transport network in the study area is reasonably extensive, comprising of sealed footpaths, unsealed tracks and a shared path. The major roads in Lauderdale have footpaths on one or both sides, and there are numerous unsealed tracks providing beach access from local roads. There is a shared path along South Arm Road catering for pedestrians and cyclists. Additionally, there are several unsealed off-road tracks in the area suitable for walking, mountain biking and horse riding, some of which form part of the Tangara Trail which is a network of tracks between Five Mile Beach and South Arm.

The extents of the active transport network in the study area is shown in Figure 2.7. Currently, there is no existing active transport infrastructure along the unnamed access road to the TasWater sewer pump station.

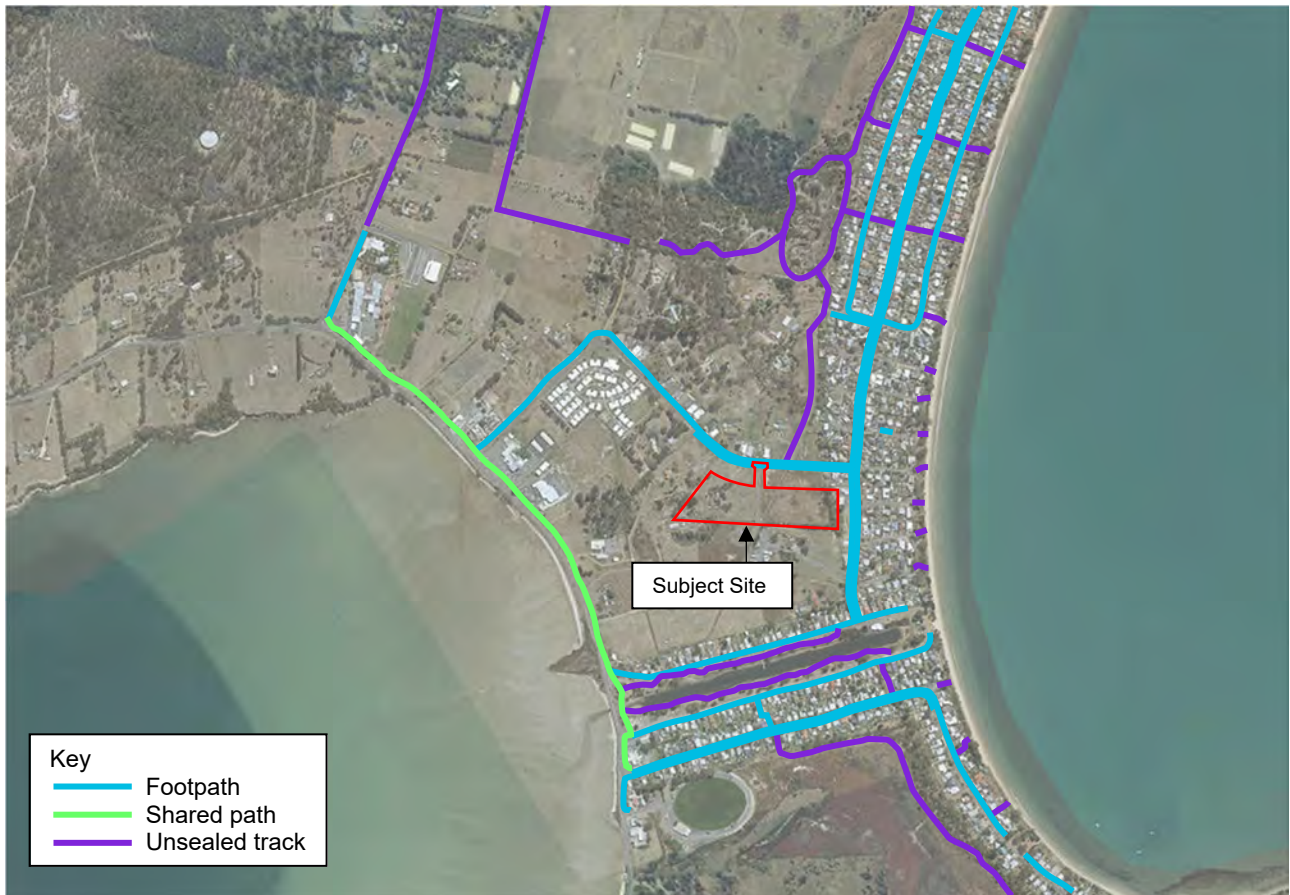


Figure 2.7 Active transport network surrounding the subject site
Base imagery obtained from TheLIST, State of Tasmania, accessed December 2021

2.4 Public transport network

Public transport in the study area is limited to bus services. Bus routes 634, 635, and X34 provide services into the Hobart CBD via either Rosny Park (X34) or Bellerive (634 and 635) along South Arm Road and the Tasman Highway. Bus routes 646 and X44 provide services from South Arm Road south to Opossum Bay. Details of bus stops nearest to the subject site for each route and associated route information are summarised in Table 2.1. The bus network in the study area is shown in Figure 2.8.

Table 2.1 Bus route services in the study area

Bus stop	Distance from site	Features	Route no.	Direction	Frequency (peak)
Stop 89, No.11A Bangalee St	110 metres	Sign	634, 635, X34	Inbound	Every 15 to 30 minutes (morning)
Stop 85, Opp.No.11 Bangalee St	100 metres	Flag	634, 635, X34	Outbound	Every 20 to 30 minutes (evening)
Stop 79, South Arm Rd opp. Ringwood Rd	950 metres	Flag	634, 635, 646, X34, X44	Inbound	Every 10 to 30 minutes (morning)
Stop 79, South Arm Rd outside Foreshore Hotel	950 metres	Flag	634, 635, X34	Outbound (Lauderdale/ Seven Mile Beach)	Every 20 to 30 minutes (evening)
			646, X44	Outbound (Opossum Bay)	One morning service Every 60 minutes (evening)

Data obtained from Metro Tasmania and Google Maps, accessed December 2021



Figure 2.8 Bus network in the study area

Base imagery obtained from TheLIST, State of Tasmania, accessed December 2021

2.5 Road safety

Crash data for the five-year period between 01 August 2016 to 31 July 2021 has been obtained from the Department of State Growth for key roads in the study area. A summary of the crash data is provided in Table 2.2 and a map showing the locations and severities of the crashes is provided in Figure 2.9.

The majority of the crashes occurred on and at intersections with South Arm Road (72%), which is consistent with the function of the road as a highway serving significantly higher volumes of traffic operating at higher speeds than other key roads in the study area. The majority of these crashes were 'rear end / lane change' type crashes (30%), and 65% of these crashes resulted in property damage only. There were two serious crashes on South Arm Road, both of which were 'head on' type crashes and occurred between Ringwood Road and North Terrace.

Concentrations of crashes on South Arm Road, as shown in Figure 2.9, are present at the intersection of Ringwood Road and South Arm Road, and surrounding the intersection of Acton Road and South Arm Road. Of particular relevance is the concentration at the intersection of Ringwood Road and South Arm Road, where two 'intersection cross traffic' type crashes occurred, one of which resulted in minor injury. This suggests the potential trend of drivers attempting to complete turning movements when there are insufficient gaps in the traffic flow.

Table 2.2 Crash data summary

Location	Number of crashes		Crash type(s)
	Total	Casualty	
Midblock			
Bangalee Street	3	0	On path (2), off path on straight (1)
North Terrace	4	2	Manoeuvring (2), pedestrian (1), off path on curve (1)
South Arm Road	17	5	Rear end / lane change (6), head on (3), on path (3), off path on straight (3), overtaking (1), off path on curve (1)
Intersection			
Bangalee Street / Eumatalla Street	1	0	Intersection cross traffic (1)
Mannata Street / Ringwood Road	1	1	Intersection cross traffic (1)
South Arm Road / Acton Road	1	0	Intersection cross traffic (1)
South Arm Road / Dona Road	1	1	Intersection cross traffic (1)
South Arm Road / North Terrace	1	0	Rear end / lane change (1)
South Arm Road / Ringwood Road	2	1	Intersection cross traffic (2)
South Arm Road / South Terrace	1	1	Pedestrian (1)
TOTAL	32	11	

Data obtained from Spatial Data Selector, Department of State Growth, accessed December 2021

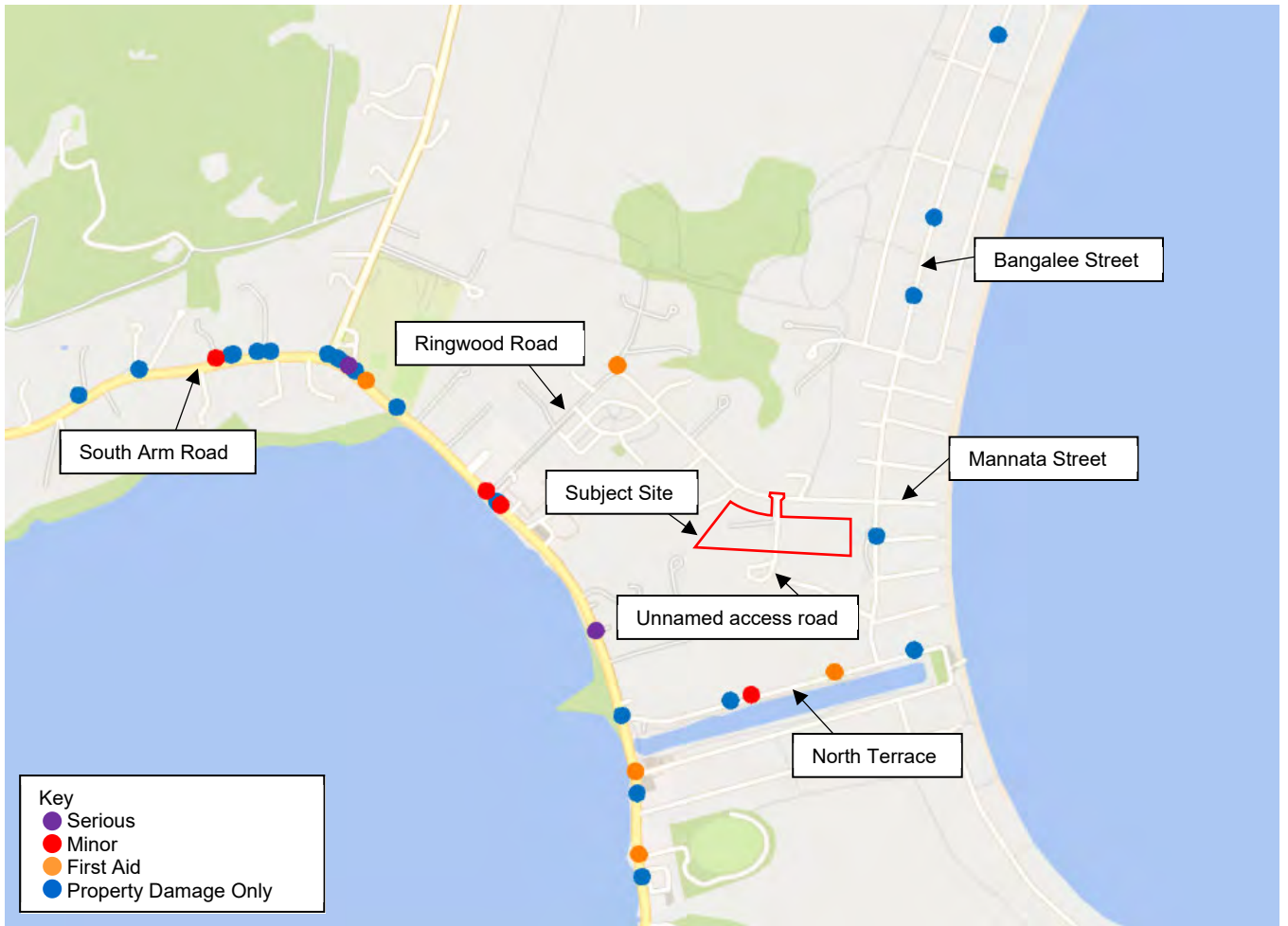


Figure 2.9 Crash locations and severities

Data obtained from Spatial Data Selector, Department of State Growth, accessed December 2021

3. Proposal

The project proposal is the rezoning and subdivision of land at 34, 36 and 46 Mannata Street, Lauderdale to create a total of 45 residential lots and a new local access road (Salim Drive), which is proposed to be partially a completely new road and partially a formalisation of the northern section of the existing unnamed access. The development is in an area containing one existing rural residential dwelling, and currently generates vehicular traffic associated only with that dwelling. The proposal comprises the features summarised in Table 3.1.

Table 3.1 Proposal schedule

Use	Unit
Site area	~3.4 ha
Number of lots	45

A site plan showing the proposed residential lots and Salim Drive is provided in Figure 3.1.

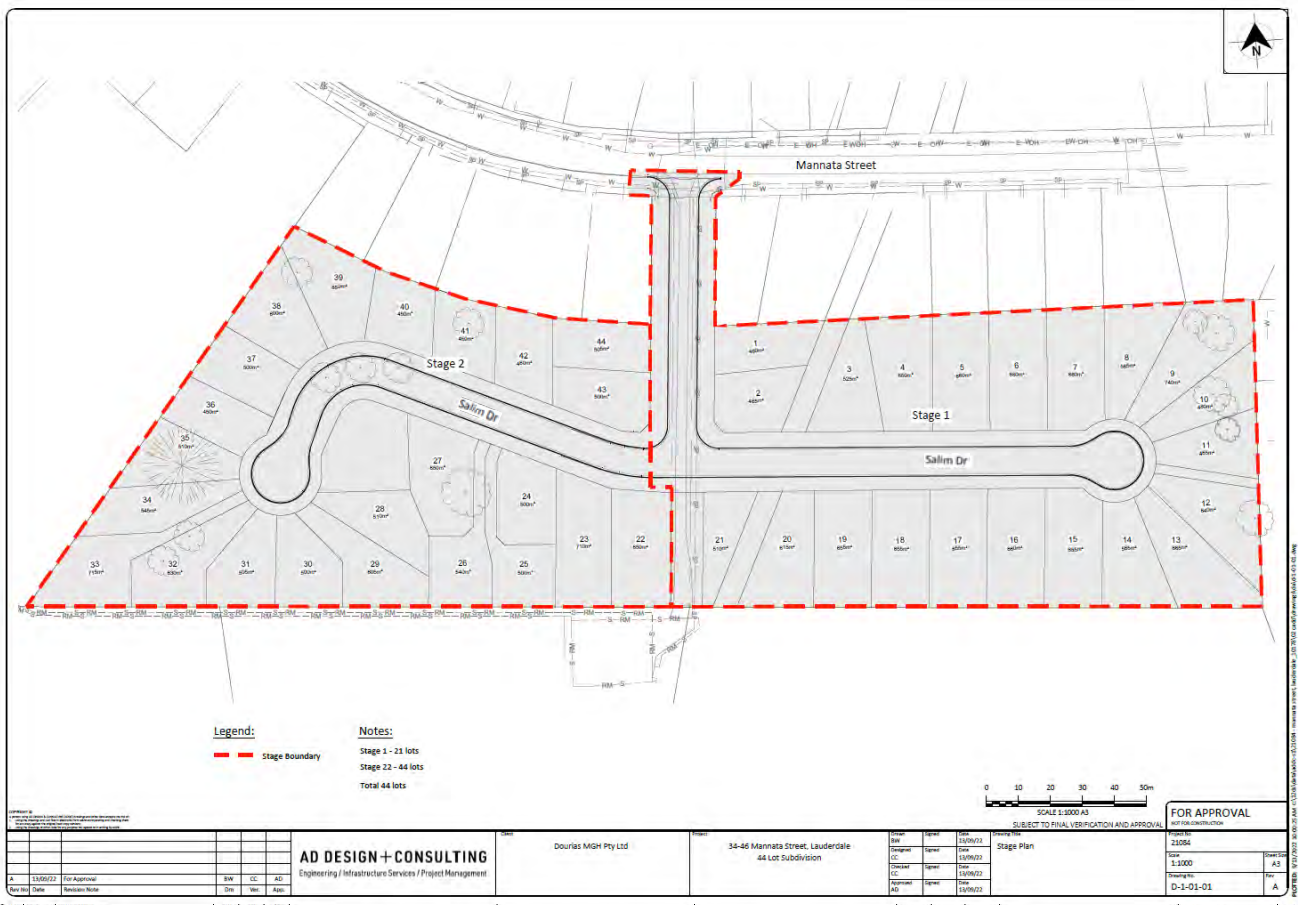


Figure 3.1 Proposed site plan
Base imagery obtained from AD DESIGN + CONSULTING, Dwg No. D-1-01-01, 44 Lot Subdivision, Stage Plan, Rev A, 13/09/2022

As part of the development, it is proposed to upgrade the existing unnamed access road to a two-way local road providing access to the residential lots called Salim Drive. It is proposed to be constructed as a no-through road with a minor T-junction allowing access to a number of properties through the use of two cul-de-sac arrangements. Access to the TasWater sewer pump station and Clarence City Council (Council) owned land will be partly upgraded as part of Salim Drive.

As the internal road network consists of a single road, there is no internal road hierarchy.

Salim Drive is proposed to be wide enough to accommodate on-street parking on one side of the road and bidirectional flow of traffic. Kerb and channel, a 1.5 m wide footpath and a nature strip is proposed on both sides of Salim Drive. A footpath (Dougs Lane) will be provided between the eastern end of Salim Drive and Bangalee Street. A typical pavement cross section of Salim Drive is provided in Figure 3.2.

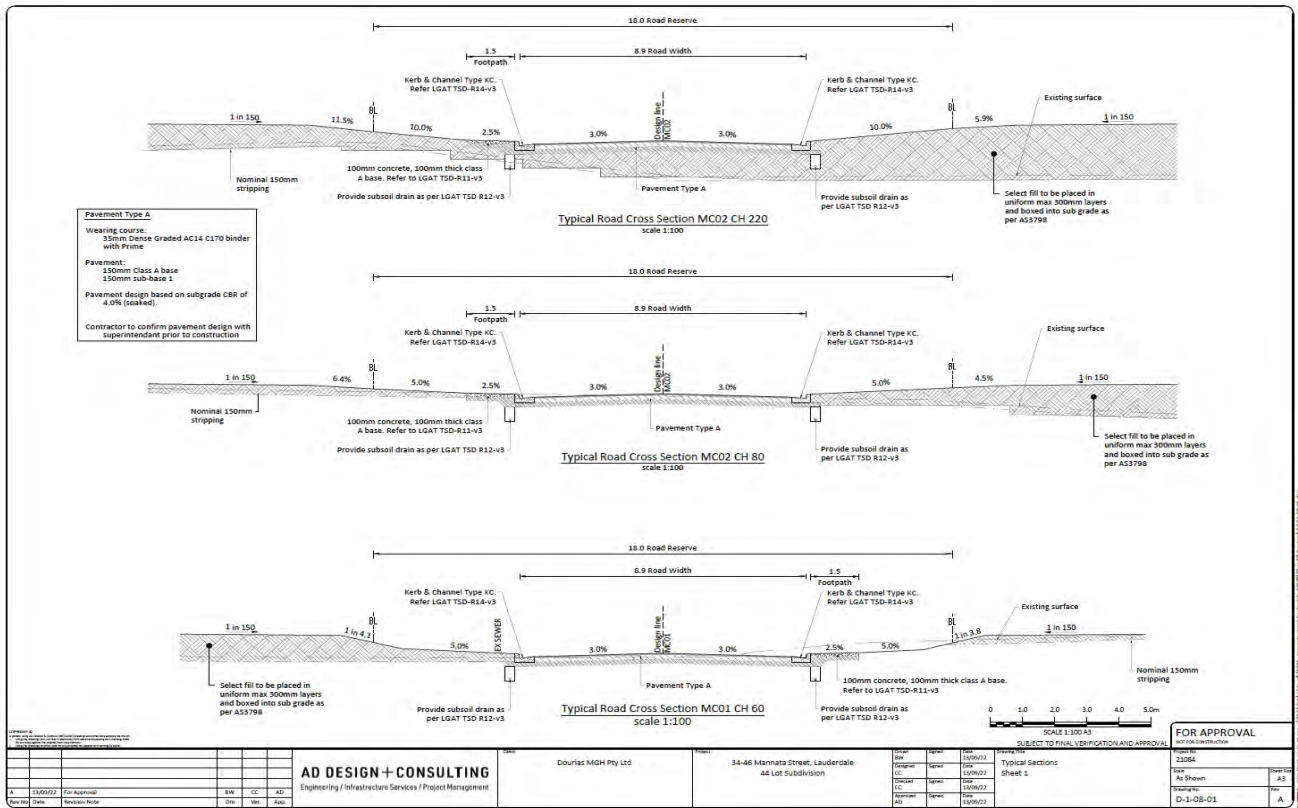


Figure 3.2 Salim Drive typical pavement cross-section

Image obtained from AD DESIGN + CONSULTING, Dwg No. D-1-08-01, 44 Lot Subdivision, Typical Sections, Rev A, 13/09/2022

3.1 Trip generation

An analysis of the trip generating potential of the residential lots was undertaken based on the RMS publication *Guide to Traffic Generating Developments* (2002). The trip generation rates for residential dwelling houses and anticipated trip generation for the proposed 45 residential lots are summarised in Table 3.2.

Table 3.2 Residential development trip generation

Time period	Vehicle trips per dwelling rate	Total vehicle trips
Daily	9.0	405
Weekday AM peak hour	0.85	39
Weekday PM peak hour	0.85	39

3.2 Trip distribution

It is anticipated that trips generated by the development will travel to and from the site using South Arm Road, either via Ringwood Road and Mannata Street or via North Terrace, Bangalee Street and Mannata Street. The proportions of these movements have been estimated based on the average weekday directional splits of traffic on Mannata Street in 2015; 50.7% eastbound and 49.3% westbound (refer to Section 2.2.1). Therefore, it is assumed that 50% of development trips will travel to and from the site via South Arm Road, North Terrace, Bangalee Street and Mannata Street east of the development, and 50% will travel to and from the site via South Arm Road, Ringwood Road and Mannata Street west of the development.

The traffic volumes on the surrounding network were extrapolated for 2022 and 2032. Data for multiple years was only available for South Arm Road. Southeast of the subject site average annual linear growth on South Arm Road between 2002 and 2019 was 2.2%. Northwest of the subject site average annual linear growth on South Arm Road between 2003 and 2019 was 1.9%. In the absence of specific traffic growth data on local roads, the average of these growth rates, 2.1%, has been conservatively adopted for all of the key roads in the study area.

The proportions of the development trips were then added to the 2022 volumes to estimate the future volumes on each road, as summarised in Table 3.3. Though the AM and PM peak hours for the development trips are not expected to align exactly with the peak hours on each road, a conservative approach of applying the peak development volumes to the peak road volumes was taken.

Table 3.3 Trip distribution

Road	Time period	Estimated 2022 volume	2022 volume with development trips	Estimated 2032 volume	2032 volume with development trips
Mannata Street	Daily	2,054	2,459 (+405)	2,423	2,828 (+405)
	Weekday AM peak	165	204 (+39)	195	234 (+39)
	Weekday PM peak	208	247 (+39)	245	284 (+39)
Ringwood Road *	Daily	2,054	2,257 (+203)	2,423	2,626 (+203)
	Weekday AM peak	165	185 (+20)	195	215 (+20)
	Weekday PM peak	208	228 (+20)	245	265 (+20)
Bangalee Street	Daily	1,423	1,626 (+203)	1,631	1,834 (+203)
	Weekday AM peak	128	148 (+20)	146	166 (+20)
	Weekday PM peak	147	167 (+20)	169	189 (+20)
North Terrace	Daily	980	1,183 (+203)	1,163	1,366 (+203)
	Weekday AM peak	73	93 (+20)	87	107 (+20)
	Weekday PM peak	95	115 (+20)	113	133 (+20)
South Arm Road	Daily	8,204	8,609 (+405)	9,858	10,263 (+405)
	Weekday AM peak	803	842 (+39)	964	1,003 (+39)
	Weekday PM peak	818	857 (+39)	983	1,022 (+39)

* No traffic data was available for Ringwood Road. As Mannata Street continues as Ringwood Road at its western end, for the purposes of this assessment it has been assumed that the traffic volumes (without the development) on Ringwood Road are the same as the volumes on Mannata Street.

4. Internal road network

The development's internal road network is comprised solely of one local road, Salim Drive. A qualitative assessment of the internal road network has been undertaken, and is detailed as follows:

- The width of Salim Drive is 8.9 m (refer to Section 3), and it is proposed to be constructed with pavement as specified by the Design Engineer following geotechnical investigation. Assuming that the design and construction of the pavement is in alignment with relevant standards, Salim Drive is considered sufficient to cater for the residential traffic, occasional waste collection vehicles and TasWater service vehicles expected.
- As there is only one road making up the internal road network, there is no internal road hierarchy. At the interface of the internal and surrounding road network, the intersection of Salim Drive and Mannata Street is proposed to be a T-junction where Mannata Street will have priority. This is considered appropriate given the nature of traffic and volumes expected on each of these roads.
- Pedestrian connectivity of the internal road network is facilitated by footpaths provided on both sides of Salim Drive along its entire length. Additionally, there is a footpath proposed between the eastern end of Salim Drive and Bangalee Street. This provides good east-west connectivity through the site, as well as connection to the external active transport network to the north and east of the site.
- It is anticipated that occasional access will be required to the proposed development by service vehicles, such as waste collection vehicles and TasWater service vehicles accessing the sewer pump station. As discussed, based on qualitative assessment of Salim Drive and assuming that detailed design and construction occurs in line with relevant standards, Salim Drive is considered sufficient to cater for service vehicle traffic. Swept path analysis should be undertaken to confirm that the geometry of Salim Drive affords sufficient space to accommodate the required service vehicle movements.
- The amenity of the proposed internal road network is considered reasonable, given the provision of footpaths and nature strips. Nature strips are proposed between the footpaths and the property boundaries for the full extent of Salim Drive. These areas provide opportunity for streetscaping including tree planting, landscaping and street lighting.
- It is noted that there is no public transport access planned for the internal road network.
- The layout of the internal road network is considered sufficient to support the efficient movement of expected light vehicle, heavy vehicle and active transport trips.

5. Access site distance requirements

As part of the development, it is proposed that a section of the existing unnamed access road to the TasWater sewer pump station at 36 Mannata Street will be upgraded, including its intersection with Mannata Street to facilitate the expected vehicle trips. The area to be upgraded is shown in Figure 5.1.



Figure 5.1 Proposed area of upgrade to the existing unnamed access road
Base imagery obtained from MetroMap, Aerometrex, accessed October 2022

5.1 Approach Sight Distance (ASD)

Approach Sight Distance (ASD) for cars is the minimum sight distance that must be available on minor road approaches to all intersections. This distance is measured from the driver's eye height (1.1 metres) to the pavement level at the holding line. ASD for trucks is the distance required for trucks approaching the intersection at 85th percentile operating speed to stop safely. It is measured from the truck driver's eye height (2.4 metres) to the pavement level at the holding line and is numerically equal to truck stopping sight distance (SSD). Trucks, including service vehicles (e.g. waste collection) that may use Salim Drive, require a longer distance to stop than light vehicles, therefore the minimum requirements are assessed for trucks.

The required ASD for trucks for the Salim Drive intersection with Mannata Street was calculated in accordance with Table 5.6 in the Austroads *Guide to Road Design Part 3: Geometric Design* (AGRD03-16, 2021). The operating speed on the Salim Drive was assumed to be 50 km/h, the reaction time was taken as the desirable value of 2.5 seconds in accordance with AGRD03-16, and a flat grade of 0% was assumed. Therefore, the required ASD on Salim Drive was estimated to be 69 metres on approach to Mannata Street. The site plan (shown in Figure 3.1) indicates that this minimum ASD will be achieved with the proposed layout. Detailed design and construction of Salim Drive should ensure that the required ASD is met.

5.2 Safe Intersection Sight Distance (SISD)

Safe Intersection Sight Distance (SISD) is the minimum sight distance that should be provided on major road approaches to all intersections. This distance is measured along the carriageway from the conflict point to the approaching vehicle. It is measured from the driver's eye height (1.1 metres) to a point 1.25 metres above the road (representing the driver seeing the upper part of a car), assuming the driver on the minor approach is 7 metres from the conflict point, as per the Austroads *Guide to Road Design Part 4A: Unsignalised and Signalised Intersections* (AGRD04A-17, 2021).

The SISD for the Mannata Street / Salim Drive intersection was calculated in accordance with Equation 2 in AGRD04A-17. The operating speed (V) on Mannata Street was assumed to be 63 km/h based on 2015 traffic data obtained from Council (refer to Section 2.2.1). The reaction time was taken as the desirable value of 2.5 seconds in accordance with AGRD03-16, which was combined with an observation time of 3 seconds to produce a decision time (D_T) of 5.5 seconds. The coefficient of deceleration (d) for trucks was taken as 0.29 in accordance with AGRD03-16. On the eastbound approach, a downhill grade of 0.7% was calculated based on measurements taken onsite. Therefore, the required SISD on the eastbound approach of Mannata Street was calculated to be 151.5 metres.

$$SISD = \frac{D_T \times V}{3.6} + \frac{V^2}{254 \times (d + 0.01 \times a)} = \frac{5.5 \times 63}{3.6} + \frac{63^2}{254 \times (0.29 + 0.01 \times -0.7)} = 151.5 \text{ metres}$$

Sight distances measured onsite determined that the eastbound sight distance is approximately 132 metres with the intersection in its currently proposed location, which is approximately 20 metres less than the required SISD. It is noted that if the speed limit on Mannata Street was decreased from 60 km/h to 50 km/h, the required SISD would be 111.2 metres, which would be satisfied onsite. Due to recent and ongoing development, the function of Mannata Street is changing from providing access to primarily rural residential properties to providing access to primarily general urban properties. Therefore, it is recommended that the speed limit on this section of Mannata Street be lowered to 50 km/h to achieve the required SISD. This speed limit reduction is appropriate as it is consistent with Table 1 of the *Tasmanian Speed Zoning Guidelines* (Department of State Growth, 2020).

On the westbound approach of Mannata Street, a flat grade of 0% was calculated based on measurements taken onsite. Therefore, the required SISD on the westbound approach was calculated to be 150.1 metres.

$$SISD = \frac{D_T \times V}{3.6} + \frac{V^2}{254 \times (d + 0.01 \times a)} = \frac{5.5 \times 63}{3.6} + \frac{63^2}{254 \times (0.29 + 0.01 \times 0)} = 150.1 \text{ metres}$$

Sight distances measured onsite determined that the westbound sight distance is approximately 220 metres with the intersection in its currently proposed location, which is in excess of the calculated SISD requirement.

The required and available SISDs at the intersection of Mannata Street and the unnamed access road to be upgraded to Salim Drive are summarised in **Error! Reference source not found.**

Table 5.1 Required and available SISD measurements

Measurement	Eastbound	Westbound
Required	151.5 metres	150.1 metres
Available	132 metres	220 metres

6. Intersection treatments

The Austroads *Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings Management* (AGTM06-20, 2020) provides guidance on the selection of turn treatments on a major road at unsignalised intersections. The major road volume parameter, Q_M , is calculated according to Figure 6.1.

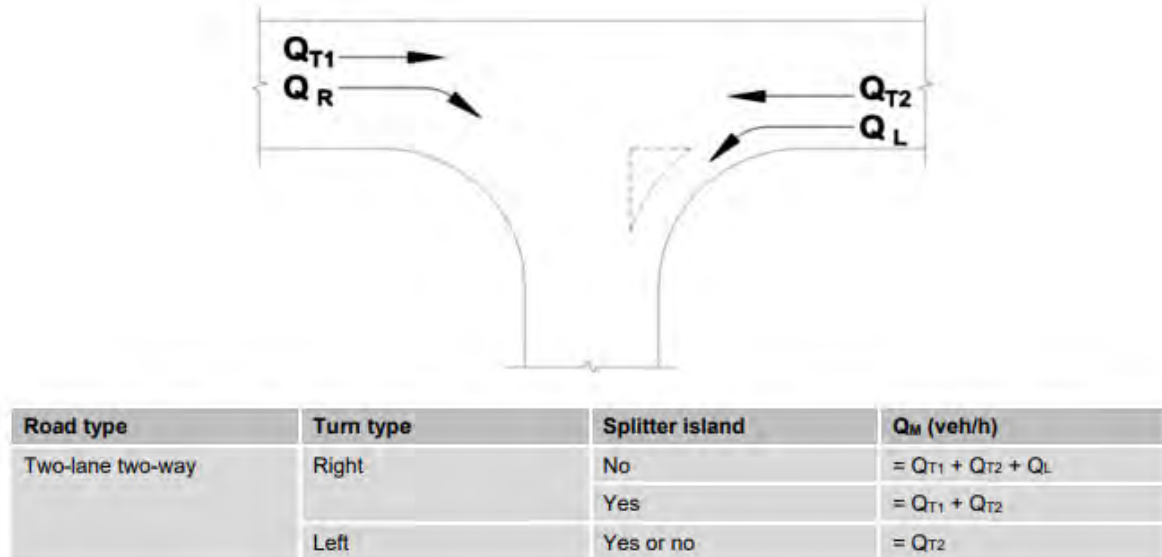


Figure 6.1 Calculation of the major road traffic volume parameter

Image obtained from Figure 3.26, *Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020*, accessed October 2022

The maximum peak hour of access movements to the site is anticipated to occur during the PM peak given the residential nature of the proposed development. Therefore, turning and through movements at the following intersections were estimated based on traffic data Q obtained from Council and the Department of State Growth for the PM peak:

- Mannata Street / Salim Drive
- South Arm Road / Ringwood Road
- Bangalee Street / Mannata Street
- North Terrace / Bangalee Street
- South Arm Road / North Terrace.

6.1 Mannata Street / Salim Drive

On Mannata Street the estimated 2032 two-way through movement volume during the PM peak is 245 vehicles per hour (refer to Table 3.3), with an anticipated volume of 39 vehicles per hour entering Salim Drive. The directional split of the through traffic on Mannata Street is approximately 50% eastbound (Q_{T1}) and 50% westbound (Q_{T2}). To obtain a conservative value of Q_M for the right turn, it has been assumed that there will be no splitter island at the intersection. The assumed turning volumes and major road traffic volume parameters for each turn movement are summarised in Table 6.1.

Table 6.1 Mannata Street / Salim Drive intersection volume parameters

Movement	Q_{T1}	Q_{T2}	Q_L	Q_R	Q_M
Left turn	123	123	20	-	123
Right turn	123	123	-	20	266

Figure 6.2 provides guidance for turn treatments for design speeds less than or equal to 70 km/h. As the proposed posted speed limit on Mannata Street is 60 km/h, this guidance has been applied. The estimated turn movements have been used to determine the appropriate turn treatments as per Figure 6.2.

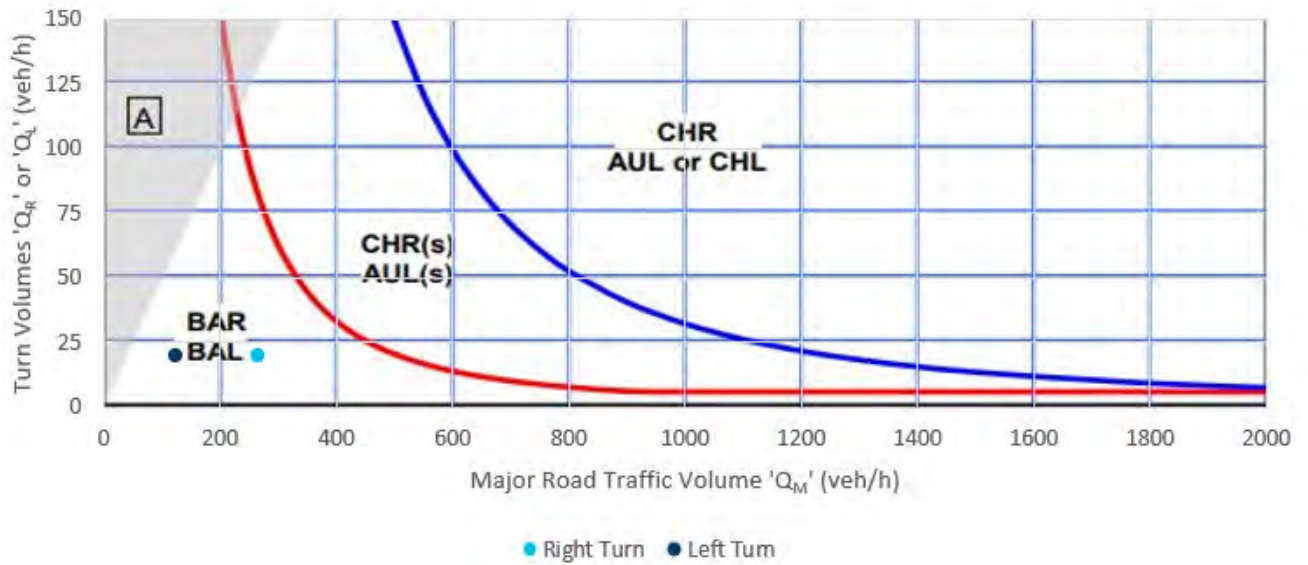


Figure 6.2 Warrants for turn treatments on Mannata Street at Salim Drive

Base imagery obtained from Figure 3.25, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020, accessed October 2022

As shown in Figure 6.2, the traffic volumes warrant turn treatments for the right turn from Mannata Street to Salim Drive as a basic right-turn (BAR) treatment, and for the left turn as a basic left-turn (BAL) treatment. An example of these turn treatments is shown in Figure 6.3.

It is recommended that BAR and BAL treatments be provided at this intersection to accommodate anticipated demand.

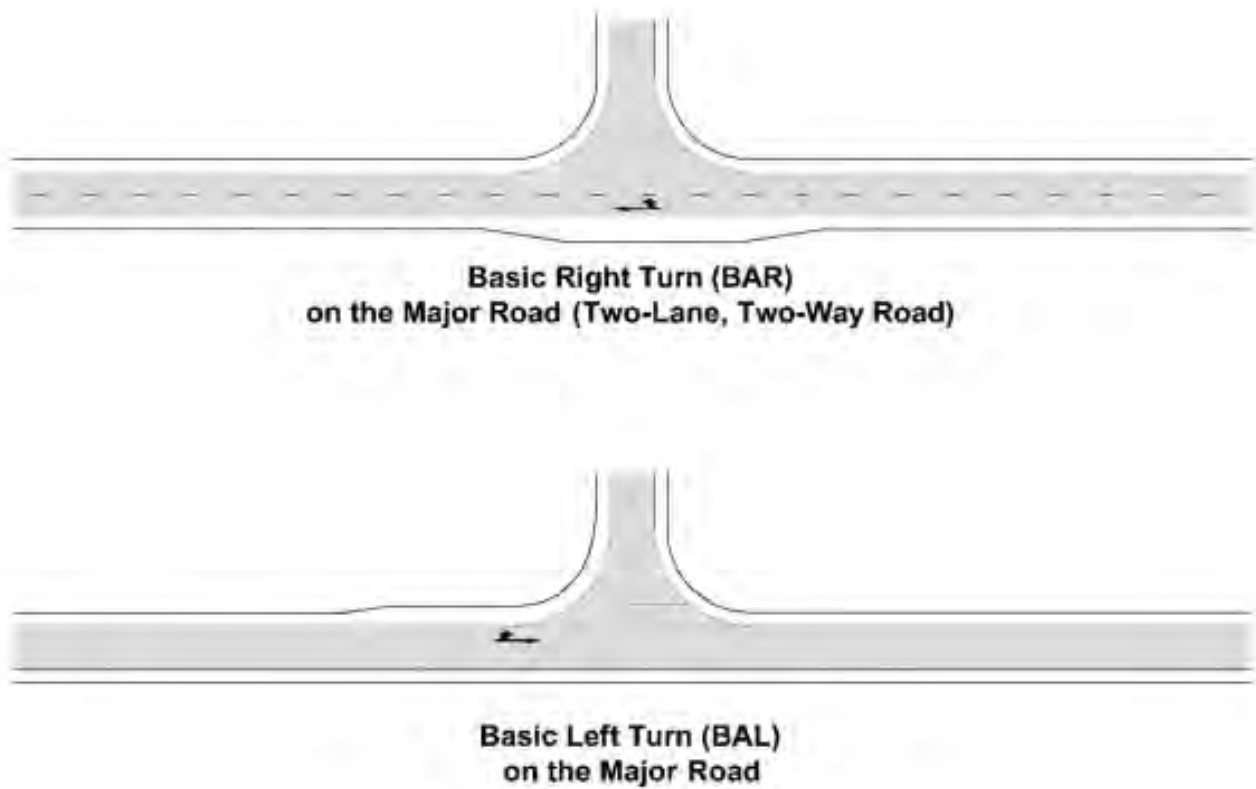


Figure 6.3 Basic right-turn (BAR) and basic left-turn (BAL) treatments on a two-lane rural road

Image obtained from Figure 3.1, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020, accessed October 2022

6.2 South Arm Road / Ringwood Road

On South Arm Road the estimated 2032 two-way through movement volume during the PM peak is 983 vehicles per hour (refer to Table 3.3), with an anticipated volume of 123 vehicles per hour entering Ringwood Road without the proposed development, and 143 vehicles per hour with the proposed development. The directional split of the through traffic on South Arm Road is approximately 29% north-westbound (Q_{T1}) and 71% south-eastbound (Q_{T2}). There is no splitter island at the intersection. The assumed turning volumes and major road traffic volume parameters for each turn movement are summarised in Table 6.2.

Table 6.2 South Arm Road / Ringwood Road intersection volume parameters

Movement		Q_{T1}	Q_{T2}	Q_L	Q_R	Q_M
Without Proposed Development	Left turn	285	699	35	-	699
	Right turn	285	699	-	88	1,019
With Proposed Development	Left turn	285	699	41	-	699
	Right turn	285	699	-	102	1,025

Figure 6.4 provides guidance for turn treatments for design speeds less than or equal to 70 km/h. As the speed limit on South Arm Road is 70 km/h, this guidance has been applied. The estimated turn movements have been used to determine the appropriate turn treatments as per Figure 6.4.

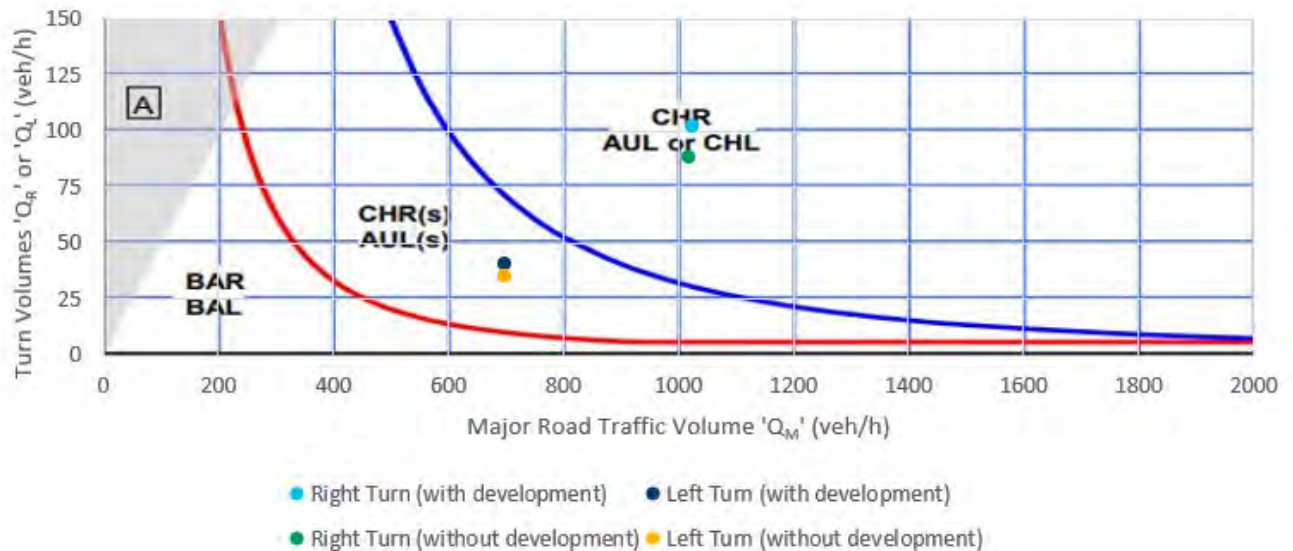


Figure 6.4 Warrants for turn treatments on South Arm Road at Ringwood Road

Base imagery obtained from Figure 3.25, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020, accessed October 2022

As shown in Figure 6.4, the traffic volumes warrant turn treatments for the right turn from South Arm Road to Ringwood Road as a channelised right-turn (CHR), and for the left turn as an auxiliary left-turn (short lane) (AUL(S)). An example of a CHR turn treatment is shown in Figure 6.5, and an example of an AUL(S) turn treatment is shown in Figure 6.6.

Currently a CHR is provided at this intersection, however an AUL(S) is not. It is recommended that an AUL(S) treatment be provided at this intersection to accommodate anticipated future demand. It is noted that the proposed development trips do not change which turn treatments are warranted at this intersection, because the volumes without the development trips are enough to warrant this treatment.



Figure 6.5 Channelised right turn (CHR) treatment on a two-lane rural road

Image obtained from Figure 3.7, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020, accessed October 2022

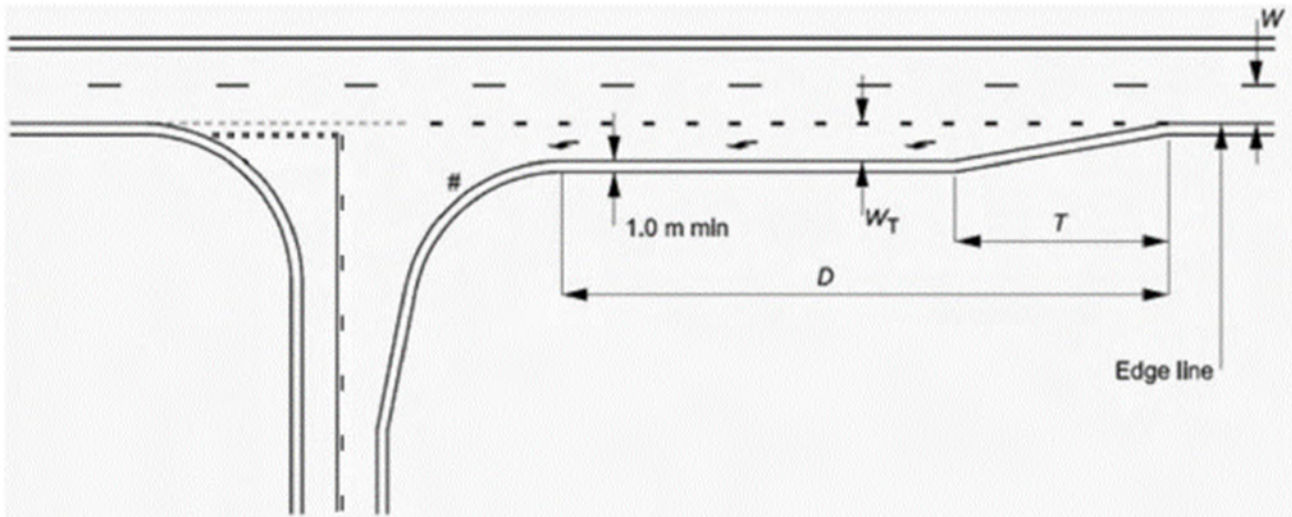


Figure 6.6 Auxiliary left-turn (short lane) (AUL(S)) treatment on a two-lane rural road

Image obtained from Figure 8.3, *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections 2021*, accessed October 2022

6.3 Bangalee Street / Mannata Street

On Bangalee Street the estimated 2032 two-way through movement volume during the PM peak is 169 vehicles per hour (refer to Table 3.3), with an anticipated volume of 123 vehicles per hour entering Mannata Street without the proposed development, and 143 vehicles per hour with the proposed development. The proposed development trips are assumed to turn left from Bangalee Street into Mannata Street (refer Section 3.2). The directional split of the through traffic on Bangalee Street is approximately 48% southbound (Q_{T1}) and 52% northbound (Q_{T2}). There is no splitter island at the intersection. The assumed turning volumes and major road traffic volume parameters for each turn movement are summarised in Table 6.3.

Table 6.3 Bangalee Street / Mannata Street intersection volume parameters

Movement		Q_{T1}	Q_{T2}	Q_L	Q_R	Q_M
Without Proposed Development	Left turn	82	88	59	-	88
	Right turn	82	88	-	64	229
With Proposed Development	Left turn	82	88	79	-	88
	Right turn	82	88	-	64	249

Figure 6.7 provides guidance for turn treatments for design speeds less than or equal to 70 km/h. As the speed limit on Bangalee Street is 50 km/h, this guidance has been applied. The estimated turn movements have been used to determine the appropriate turn treatments as per Figure 6.7.

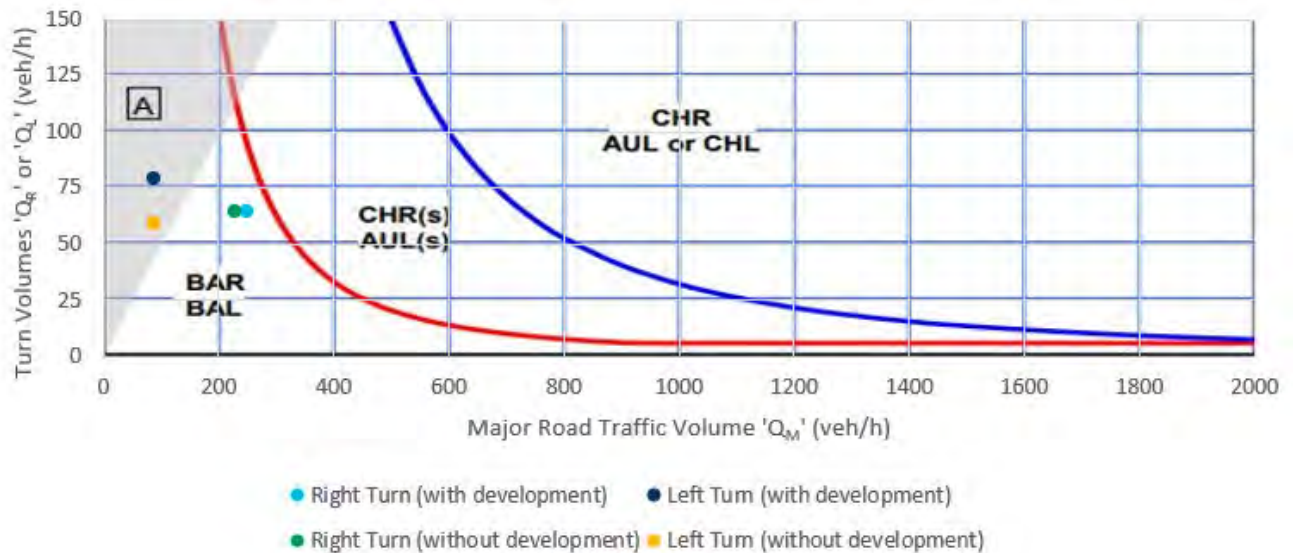


Figure 6.7 Warrants for turn treatments on Bangalee Street at Mannata Street

Base imagery obtained from Figure 3.25, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020, accessed October 2022

As shown in Figure 6.7, the traffic volumes warrant turn treatments for the right turn from Bangalee to Ringwood Road as a BAR, and for the left turn as a BAL. An example of these turn treatments is shown in Figure 6.3.

The Bangalee Street / Mannata Street intersection is currently unchannelised and unflared (type BA), which is considered adequate in accordance with the warranted turn treatments. It is noted that the proposed development trips do not change which turn treatments are warranted at this intersection, because the volumes without the development trips are enough to warrant this treatment.

6.4 North Terrace / Bangalee Street

On North Terrace the estimated 2032 two-way through movement volume during the PM peak is 113 vehicles per hour (refer to Table 3.3), with an anticipated volume of 88 vehicles per hour entering Bangalee Street without the proposed development, and 108 vehicles per hour with the proposed development. The proposed development trips are assumed to turn left from North Terrace into Bangalee Street (refer Section 3.2). The directional split of the through traffic on North Terrace is approximately 50% westbound (Q_{T1}) and 50% eastbound (Q_{T2}). There is no splitter island at the intersection. The assumed turning volumes and major road traffic volume parameters for each turn movement are summarised in Table 6.4.

Table 6.4 North Terrace / Bangalee Street intersection volume parameters

Movement		Q_{T1}	Q_{T2}	Q_L	Q_R	Q_M
Without Proposed Development	Left turn	57	57	44	-	57
	Right turn	57	57	-	44	158
With Proposed Development	Left turn	57	57	64	-	57
	Right turn	57	57	-	44	178

Figure 6.8 provides guidance for turn treatments for design speeds less than or equal to 70 km/h. As the speed limit on North Terrace is 50 km/h, this guidance has been applied. The estimated turn movements have been used to determine the appropriate turn treatments as per Figure 6.8.

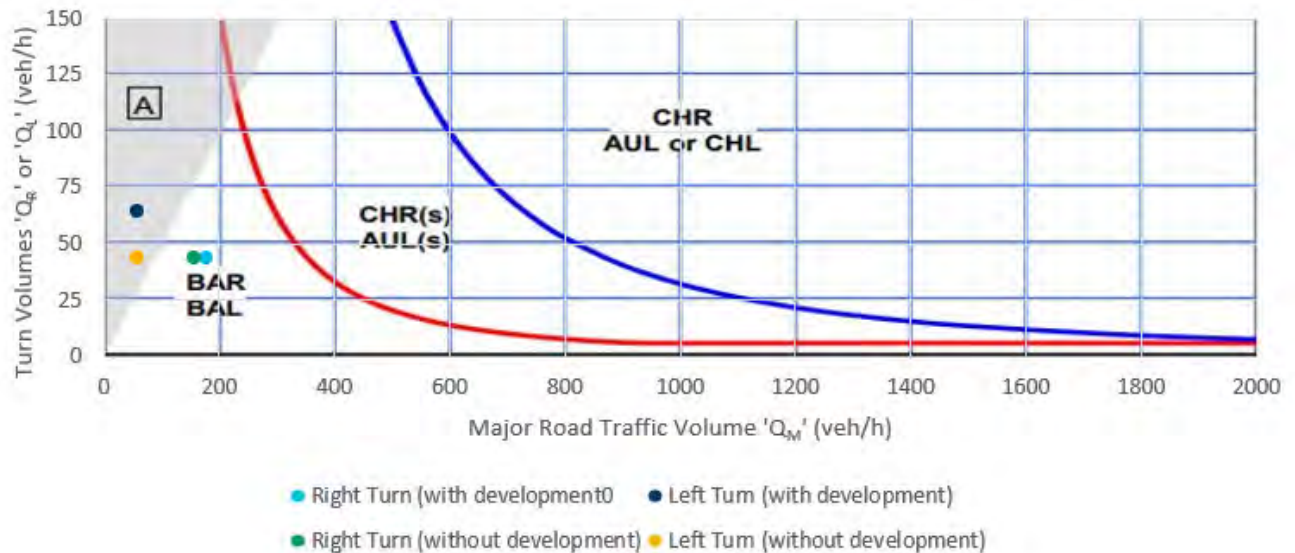


Figure 6.8 Warrants for turn treatments on North Terrace at Bangalee Street

Base imagery obtained from Figure 3.25, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020, accessed October 2022

As shown in Figure 6.8, the traffic volumes warrant turn treatments for the right turn from Bangalee to Ringwood Road as a BAR, and for the left turn as a BAL. An example of these turn treatments is shown in Figure 6.3.

The North Terrace / Bangalee Street intersection is currently unchannelised and unflared (type BA), which is considered adequate in accordance with the warranted turn treatments. It is noted that the proposed development trips do not change which turn treatments are warranted at this intersection, because the volumes without the development trips are enough to warrant this treatment.

6.5 South Arm Road / North Terrace

On South Arm Road the estimated 2032 two-way through movement volume during the PM peak is 983 vehicles per hour (refer to Table 3.3), with an anticipated volume of 57 vehicles per hour entering North Terrace without the proposed development, and 77 vehicles per hour with the proposed development. The directional split of the through traffic on South Arm Road is approximately 29% northbound (Q_{T1}) and 71% southbound (Q_{T2}). There is no splitter island at the intersection. The assumed turning volumes and major road traffic volume parameters for each turn movement are summarised in Table 6.5.

Table 6.5 South Arm Road / North Terrace intersection volume parameters

Movement		Q_{T1}	Q_{T2}	Q_L	Q_R	Q_M
Without Proposed Development	Left turn	285	699	16	-	699
	Right turn	285	699	-	41	1,000
With Proposed Development	Left turn	285	699	22	-	699
	Right turn	285	699	-	55	1,006

Figure 6.9 provides guidance for turn treatments for design speeds less than or equal to 70 km/h. As the speed limit on South Arm Road is 70 km/h, this guidance has been applied. The estimated turn movements have been used to determine the appropriate turn treatments as per Figure 6.9.

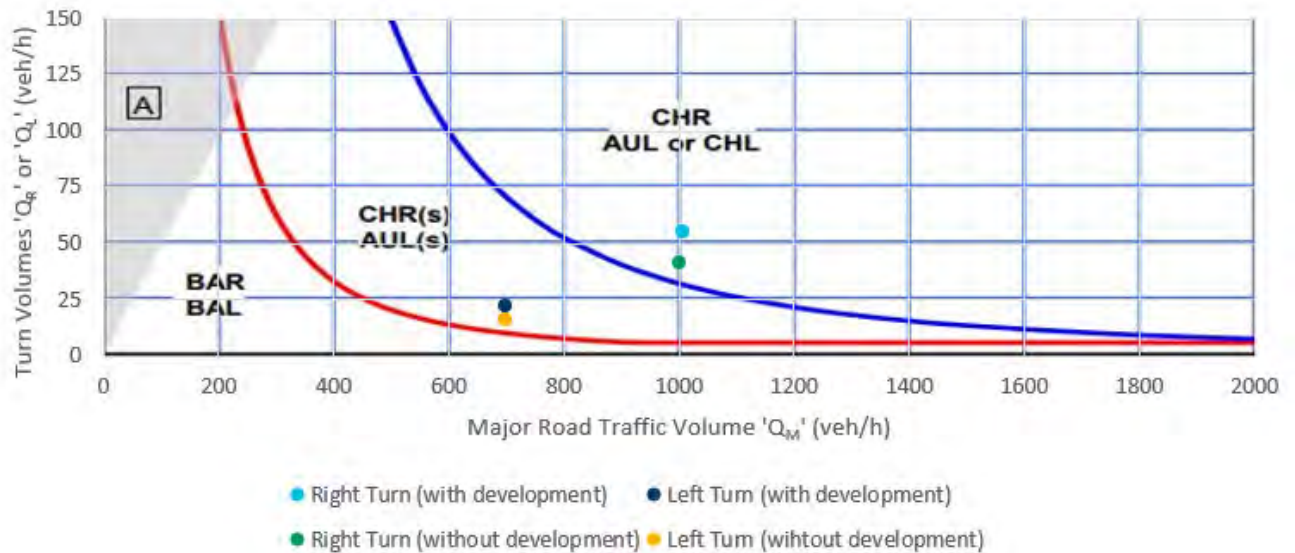


Figure 6.9 Warrants for turn treatments on South Arm Road at North Terrace

Base imagery obtained from Figure 3.25, Austroads Guide to Traffic Management Part 6: Intersections, Interchanges and Crossing Management 2020, accessed October 2022

As shown in Figure 6.9, the traffic volumes warrant turn treatments for the right turn from South Arm Road to North Terrace as a CHR, and for the left turn as an AUL(S). An example of a CHR turn treatment is shown in Figure 6.5, and an example of an AUL(S) turn treatment is shown in Figure 6.6.

Currently a CHR is provided at this intersection, however an AUL(S) is not. It is recommended that an AUL(S) treatment be provided at this intersection to accommodate anticipated future demand. It is noted that the proposed development trips do not change which turn treatments are warranted at this intersection, because the volumes without the development trips are enough to warrant this treatment.

7. Planning Scheme assessment

An assessment of the proposed development against the relevant requirements of the Planning Scheme was conducted and is summarised in Table 7.1. Assessment of the relevant clauses is provided in the following sections.

Table 7.1 Planning Scheme assessment overview

Clause	Heading	Response	Reference
<i>8.0 General Residential Zone</i>			
8.6.2	Roads	Consistent with P1.	7.1.1
<i>C2.0 Parking and Sustainable Transport Code</i>			
C2.5.1	Car parking numbers	To be provided in development of each lot.	7.2.1
C2.5.2	Bicycle parking numbers	Complies with A1.	7.2.2
C2.5.3	Motorcycle parking numbers	Complies with A1.	7.2.3
C2.5.4	Loading Bays	Complies with A1.	7.2.4
C2.5.5	Number of car parking spaces	Not applicable.	-
C2.6.1	Construction of parking areas	Salim Drive complies with A1. To be provided in development of each lot.	7.2.5
C2.6.2	Design and layout of parking areas	To be provided in development of each lot. A1.2 is not applicable.	7.2.6
C2.6.3	Number of accesses for vehicles	Complies with A1. A2 is not applicable.	7.2.7
C2.6.4	Lighting of parking areas within the General Business Zone and Central Business Zone	Not applicable.	-
C2.6.5	Pedestrian access	Not applicable.	-
C2.6.6	Loading bays	Not applicable.	-
C2.6.7	Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	Not applicable.	-
C2.6.8	Siting of parking and turning areas	Not applicable.	-
C2.7.1	Parking Precinct Plan	Not applicable.	-
<i>C3.0 Road and Railway Assets Code</i>			
C3.5.1	Traffic generation at a vehicle crossing, level crossing or new junction.	Consistent with P1. A1.1, A1.3, A1.4 and A1.5 are not applicable.	7.3.1
C3.6.1	Habitable buildings for sensitive uses within a road or railway attenuation area.	Not applicable.	-
C3.7.1	Subdivision for sensitive uses within a road or railway attenuation area.	Not applicable.	-

7.1 8.0 General Residential Zone

7.1.1 8.6.2 Roads

7.1.1.1 Acceptable Solution A1

Clause 8.6.2 Acceptable Solution, A1, on the Planning Scheme states:

“The subdivision includes no new roads.”

As the proposal includes the construction of Salim Drive, which is a new road, the Acceptable Solution A1 is not met, and the proposed development is therefore subject to the Performance Criteria, P1, an assessment of which is provided in Section 7.1.1.27.3.1.2.

7.1.1.2 Performance Criteria P1

Clause 8.6.2 Performance Criteria, P1, of the Planning Scheme states:

“The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicle, pedestrians and cyclists, having regard to:

Table 7.2 Planning Scheme Clause 8.6.2 Performance Criteria P1 assessment

Performance Criteria		Assessment
(a)	<i>any road network plan adopted by the council;</i>	GHD has not been made aware of any road network plan adopted by Council and therefore this is not applicable.
(b)	<i>the existing and proposed road hierarchy;</i>	The hierarchy of roads within the existing network will not be altered by the arrangement and construction of Salim Drive. Salim Drive will act as a local road within the road hierarchy.
(c)	<i>the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</i>	The proposed Salim Drive connects with the existing network at Mannata Street at the north of the site. A proposed walkway, Dougs Lane, connects with Bangalee Street at the east of the site. The subdivision layout provides both pedestrian and vehicular access to the public open space land owned by Council at the rear of the lots (36 Mannata Street). The adjoining land to the west and south is not currently zoned for further subdivision. The residential lots to the north (fronting Mannata Street) do not have the size to accommodate a new road or further lot development.
(d)	<i>maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</i>	Maximum possible connectivity with the surrounding road network is achieved given the location of the site through the connection of Salim Drive with Mannata Street. Pedestrian and cycling connection with the surrounding network is provided via Salim Drive’s intersection with Mannata Street and via Dougs Lane. There is also the connectivity with the public open space at the rear of the site. Therefore, connectivity with the surrounding road, pedestrian, cycling and public transport networks is considered to be reasonably maximised.
(e)	<i>minimising the travel distance between key destinations such as shops and services and public transport routes;</i>	Given the location of the site the connection of Salim Drive with Mannata Street and the proposed Dougs Lane with Bangalee Street, travel distance between key destinations is considered to be reasonably minimised.
(f)	<i>access to public transport;</i>	Public transport routes are not proposed to be modified to traverse Salim Drive. Appropriate access to various public transport routes is available within walking distance of the site (as discussed in Section 2.4).
(g)	<i>the efficient and safe movement of pedestrians, cyclists and public transport;</i>	The proposed arrangement of Salim Drive is of significant width and includes footpaths along its entire length. Its geometry and the residential nature of the majority of traffic expected to use Salim Drive is unlikely to encourage high vehicle speeds. It is therefore expected to allow the efficient and safe movement of pedestrians and cyclists, assuming that its intersections are appropriately signed to clearly show priority. No public transport is expected to use Salim Drive.

(h)	<i>the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;</i>	Salim Drive is proposed to be a local road and therefore this is not applicable.
(i)	<i>the topography of the site; and</i>	It is assumed that the topography of the site will be approximately level.
(j)	<i>the future subdivision potential of any balance lots on adjoining or adjacent land."</i>	A balance lot is not created as part of the subdivision design. The potential for subdivision of the adjoining land is limited due to the zoning and as otherwise described in (c).
Conclusion		On this basis, the proposed development is considered to align with the Performance Criteria.

7.2 C2.0 Parking and Sustainable Transport Code

7.2.1 C2.5.1 Car parking numbers

Clause C2.5.1 Acceptable Solution, A1, of the Planning Scheme states:

"The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:

- (a) *the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;*
- (b) *the site is contained within a parking precinct plan and subject to Clause C2.7;*
- (c) *the site is subject to Clause C2.5.5; or*
- (d) *it relates to an intensification of an existing use or development or a change of use where:*
 - (i) *the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or*
 - (ii) *the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:*

$$N = A + (C - B)$$

N = Number of on-site car parking spaces required

A = Number of existing on site car parking spaces

B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1

C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1."

The site is not subject to a parking plan for the area adopted by Council. It is not contained within a parking precinct plan and subject to Clause C2.7, which applies exclusively to areas defined by parking precinct plans. The site is not subject to Clause C2.5.5, which applies to existing non-residential buildings in the General Residential Zone and Inner Residential Zone. The number of on-site car parking spaces for the existing use is less than for the proposed use. As such, to meet the requirements of Acceptable Solution A1, the number of on-site car parking spaces must be no less than the number specified in Table C2.1 of the Planning Scheme.

The land use of the proposed development is 1, 2, or more bedroom dwellings. The car parking requirements from Table C2.1 of the Planning Scheme relevant to such development are provided in Table 7.3.

Table 7.3 Planning Scheme Table C2.1 car parking space requirements

Land use	Car parking space requirements
If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	1 space per dwelling
If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	2 spaces per dwelling

As the proposed subdivision does not include details of the residential dwellings anticipated to be developed on each lot, it is expected that these requirements will be addressed for each of the lots when they are developed. It is also noted that the proposed cross section of Salim Drive provides enough width to accommodate on-street parking.

7.2.2 C2.5.2 Bicycle parking numbers

Clause C2.5.2 Acceptable Solution, A1, of the Planning Scheme states:

“Bicycle parking spaces must:

- (a) be provided on the site or within 50m of the site; and*
- (b) be no less than the number specified in Table C2.1.”*

The land use of the proposed development is 1, 2, or more bedroom dwellings. The bicycle parking requirements from Table C2.1 of the Planning Scheme relevant to such development are provided in Table 7.4.

Table 7.4 Planning Scheme Table C2.1 bicycle parking space requirements

Land use	Bicycle parking space requirements
If a 1 bedroom or studio dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	No requirement
If a 2 or more bedroom dwelling in the General Residential Zone (including all rooms capable of being used as a bedroom)	No requirement

As there is no requirement for any bicycle parking spaces on site, the proposed development complies with Acceptable Solution A1.

7.2.3 C2.5.3 Motorcycle parking numbers

Clause C2.5.3 Acceptable Solution, A1, on the Planning Scheme states:

“The number of on-site motorcycle parking spaces for all uses must:

- (a) be no less than the number specified in Table C2.4; and*
- (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.”*

The motorcycle parking requirements from Table C2.4 of the Planning Scheme are provided in Table 7.5.

Table 7.5 Planning Scheme Table C2.4 motorcycle parking space requirements

Number of Car parking spaces requires for a use	Number of motorcycle parking spaces required for a use
0-20	No requirement
21-40	1 space
41 or more	1 space for every additional 20 car parking spaces required

The land use of the proposed development is 1, 2, or more bedroom dwellings. The car parking space requirements for such developments do not exceed 2 spaces per dwelling (refer Section 7.2.17.2.1). As this is between zero and 20, there is no requirement for any motorcycle parking spaces on site, therefore the proposed development complies with Acceptable Solution A1.

7.2.4 C2.5.4 Loading Bays

Clause C2.5.4 Acceptable Solution, A1, on the Planning Scheme states:

“A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.”

None of the proposed lots has an area greater than 1000 m², and therefore the development does not involve any single occupancies with floor areas greater than 1000 m². As such, no loading bays are required, therefore the proposed development complies with Acceptable Solution A1.

7.2.5 C2.6.1 Construction of parking areas

Clause C2.6.1 Acceptable Solution, A1, on the Planning Scheme states:

“All parking, access ways, manoeuvring and circulation spaces must:

- (a) be constructed with a durable all weather pavement;*
- (b) be drained to the public stormwater system, or contain stormwater on the site; and*
- (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.”*

Salim Drive is proposed to be constructed with kerb and channel and subsoil drainage on each side of the road (refer Section 3). The pavement is to be designed following geotechnical investigation (refer Section 3) and is expected to be durable and all weather. Therefore, on-street parking areas on Salim Drive comply with the Acceptable Solution, A1.

As the proposed subdivision does not include details of the parking, access ways, manoeuvring and circulation spaces anticipated to be developed on each lot, it is expected that these requirements will be addressed for each of the lots when they are developed.

7.2.6 C2.6.2 Design and layout of parking areas

Clause C2.6.2 Acceptable Solution, A1.1, on the Planning Scheme states:

“Parking, access ways, manoeuvring and circulation spaces must either:

- (a) comply with the following:*
 - (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;*
 - (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;*
 - (iii) have an access width not less than the requirements in Table C2.2;*
 - (iv) have car parking space dimensions which satisfy the requirements in Table C2.3;*
 - (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;*
 - (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and*
 - (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or*
- (b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.”*

The required internal access way widths for vehicles specified in Table C2.2 of the Planning Scheme are provided in Table 7.6.

Table 7.6 Planning Scheme Table C2.2 internal access way widths requirements for vehicles

Number of parking spaces served	Internal access way widths	Passing bay dimensions for two-way traffic in addition to the access way width
1 to 5	A width not less than 3m.	2m wide by 5m long, plus entry and exit tapers, every 30m, unless on land within the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone or Open Space Zone.
6 to 20	A width not less than 4.5m for the first 7m from the road carriageway and 3m thereafter, and At changes of direction or intersections have: an internal radius of not less than 4m, or a width more than 4.2m	2m wide by 5m long, plus entry and exit tapers, every 30m.
21 and over	A width not less than 5.5m.	Not applicable.

The required internal access way widths for vehicles specified in Table C2.2 of the Planning Scheme are provided in Table 7.7Table 7.7.

Table 7.7 Planning Scheme Table C2.3 dimensions of car parking spaces and combined access and manoeuvring space adjacent to parking spaces requirements

Angle of car spaces to manoeuvring space	Combined access and manoeuvring width	Car park widths	Car park length
Parallel	3.6m	2.3m	6.7m
45 degrees	3.5m	2.6m	5.4m
60 degrees	4.9m	2.6m	5.4m
90 degrees	6.4m	2.6m	5.4m
90 degrees	5.8m	2.8m	5.4m
90 degrees	5.2m	3.0m	5.4m
90 degrees	4.8m	3.2m	5.4m

While Salim Drive has sufficient width to allow on street parking, no formal on-street parking is proposed. As the proposed subdivision does not include details of the parking, access ways, and manoeuvring spaces anticipated to be developed on each lot, it is expected that these requirements will be addressed for each of the lots when they are developed.

7.2.7 C2.6.3 Number of Accesses for Vehicles

Clause C2.6.3 Acceptable Solution, A1, of the Planning Scheme states:

“The number of accesses provided for each frontage must:

- (a) be no more than 1; or*
 - (b) no more than the existing number of accesses,*
- whichever is the greater.”*

Each frontage has only one access provided, and therefore the development complies with the Acceptable Solution, A1.

7.3 C3.0 Road and Railway Assets Code

7.3.1 C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

7.3.1.1 Acceptable Solution A1.2

Clause C3.5.1 Acceptable Solution, A1.2, on the Planning Scheme states:

“For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.”

As Mannata Street is not a category 1 or limited access road, written consent for the Salim Drive / Mannata Street junction is required from Council. As no written consent has been obtained, the Acceptable Solution A1.2 is not met, and the proposed development is therefore subject to the Performance Criteria, P1, an assessment of which is provided in Section 7.3.1.2.

7.3.1.2 Performance Criteria P1

Clause C3.5.1 Performance Criteria, P1, of the Planning Scheme states:

“Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

Table 7.8 Planning Scheme Clause C3.5.1 Performance Criteria P1 assessment

Performance Criteria	Assessment
(a) any increase in traffic caused by the use;	The proposed use is expected to increase traffic on Mannata Street by approximately 19.7% in 2022 (refer Section 3.2). This increase is within the Acceptable Solution requirements for increases in traffic at existing junctions (Planning Scheme Table C3.1) and is not expected to have significant adverse effects on the junction’s safety or the safety and efficiency of the road network.
(b) the nature of the traffic generated by the use;	The traffic generated by the proposed use is expected to be primarily residential in nature. Some service vehicles such as those for waste collection may access the proposed use occasionally. This is not expected to have significant adverse effects on the junction’s safety or the safety and efficiency of the road network.
(c) the nature of the road;	Mannata Street is a local road providing access to residential and rural properties, and Roaches Beach Living retirement community. As the proposed use is residential, the nature of the road is not expected to change.
(d) the speed limit and traffic flow of the road;	At the location of the proposed junction, Mannata Street has a speed limit of 60 km/h and an estimated 2022 AADT of 2,059 (refer Section 3.2).
(e) any alternative access to a road;	There are no alternative accesses from the proposed development to the local road network.
(f) the need for the use;	The junction is required to facilitate access to the proposed residential lots.
(g) any traffic impact assessment; and	This TIA is the only traffic impact assessment that has been conducted for the use.
(h) any advice received from the rail or road authority.”	No advice has been received by the road authority (Council) at this stage.
Conclusion	On this basis, the proposed development is considered to align with the Performance Criteria.

8. Traffic impacts

8.1 Impacts to traffic efficiency

Impacts of the proposed development to traffic efficiency were assessed based on a capacity assessment.

According to Austroads *Guide to Traffic Management Part 3: Transport Study and Analysis Methods* (AGTM03-20, 2020) the typical mid-block capacity for two-lane two-way urban roads with interrupted flow and occasional parked vehicles is 600 passenger cars per hour per direction of travel. As shown in Table 3.3, the maximum expected peak two-way volumes on Mannata Street, Ringwood Road, Bangalee Street and North Terrace are well within the typical capacity per direction.

According to the Transportation Research Board's *Highway Capacity Manual* (2016), the typical lane capacity of two-lane two-way rural roads and highways is 1,700 passenger cars per hour per direction of travel. This is nearly independent of the directional distribution of traffic. That is, the capacity of two-lane two-way rural roads and highways per direction is almost unaffected by the proportion of vehicles travelling in each direction. As shown in Table 3.3, the peak traffic volumes on South Arm Road are expected to be a maximum of 1,022 vehicles per hour (occurring during the PM peak in 2032), which is well within the typical capacity per direction, regardless of the directional distribution of traffic.

As the expected traffic volumes associated with the proposed development are expected to be well within the capacity of the local network, the proposed development is expected to have minimal impact on traffic efficiency of the local network.

8.2 Impacts to road safety

As discussed in Section 2.5, the crash history in the vicinity of the site indicated a possible trend of 'intersection cross traffic' type crashes at the intersection of Ringwood Road and South Arm Road. Increased vehicle movements turning in and out of Ringwood Road to access the development via Mannata Street may increase the potential for 'intersection cross traffic' type crashes, particularly as South Arm Road is a high-speed road. The safety of this intersection may be improved by the provision of the warranted AUL(S) turn treatment (refer to Section 6.2). Elsewhere on the local network the small increase in traffic anticipated to be generated by the development is not expected to significantly impact road safety.

8.3 Impacts to active transport

Active transport is not expected to be significantly impacted by the proposed development. The footpaths on Salim Drive and the walkway (Dougs Lane) between the eastern end of Salim Drive and Bangalee Street will slightly impact the existing extensive active transport network in the area by improving formal connectivity through the site. Dedicated cycling infrastructure is not provided as part of the proposed development.

8.4 Impacts to public transport

Public transport is not expected to be significantly impacted by the proposed development. As discussed in Section 8.1, the traffic volumes generated by the proposed development are expected to have minimal impact on traffic efficiency of the local network, and therefore the efficiency of existing bus routes are unlikely to be affected. Bus services in the area may experience minor increased patronage as a result of the proposed development.

8.5 Summary

A summary of responses to the relevant clauses of the Planning Scheme is provided in Table 8.1.

Table 8.1 Planning Scheme assessment summary

Clause	Heading	Response
<i>8.0 General Residential Zone</i>		
8.6.2	Roads	Consistent with P1.
<i>C2.0 Parking and Sustainable Transport Code</i>		
C2.5.1	Car parking numbers	To be provided in development of each lot.
C2.5.2	Bicycle parking numbers	Complies with A1.
C2.5.3	Motorcycle parking numbers	Complies with A1.
C2.5.4	Loading Bays	Complies with A1.
C2.5.5	Number of car parking spaces	Not applicable.
C2.6.1	Construction of parking areas	Salim Drive complies with A1. To be provided in development of each lot.
C2.6.2	Design and layout of parking areas	To be provided in development of each lot. A1.2 is not applicable.
C2.6.3	Number of accesses for vehicles	Complies with A1. A2 is not applicable.
C2.6.4	Lighting of parking areas within the General Business Zone and Central Business Zone	Not applicable.
C2.6.5	Pedestrian access	Not applicable.
C2.6.6	Loading bays	Not applicable.
C2.6.7	Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	Not applicable.
C2.6.8	Siting of parking and turning areas	Not applicable.
C2.7.1	Parking Precinct Plan	Not applicable.
<i>C3.0 Road and Railway Assets Code</i>		
C3.5.1	Traffic generation at a vehicle crossing, level crossing or new junction.	Consistent with P1. A1.1, A1.3, A1.4 and A1.5 are not applicable.
C3.6.1	Habitable buildings for sensitive uses within a road or railway attenuation area.	Not applicable.
C3.7.1	Subdivision for sensitive uses within a road or railway attenuation area.	Not applicable.

9. Conclusion and recommendations

This Traffic Impact Assessment report investigated the proposed rezoning and subdivision of 34, 36 and 46 Mannata Street, Lauderdale.

The key findings are as follows:

- The traffic movements estimated to be generated by the proposed development are 405 trips per day and 39 vehicles per hour in the AM and PM peaks.
- The estimated traffic volumes warrant BAR and BAL treatments at the Mannata Street / Salim Drive intersection. It is recommended these treatments be provided.
- The traffic volumes warrant unchannelised and unflared (type BA) turn treatments at the Bangalee Street / Mannata Street and North Terrace / Bangalee Street intersections, with or without the anticipated development traffic. These intersections are already unchannelised and unflared and are considered adequate in this context.
- The traffic volumes warrant CHR and AUL(S) turn treatments for the turns from South Arm Road at the South Arm Road / Ringwood Road and South Arm Road / North Terrace intersections, with or without the anticipated development traffic. These intersections already have CHR treatments, and it is recommended that both treatments are provided.
- Increased vehicle movements turning in and out of Ringwood Road to access the development via Mannata Street may increase the potential for 'intersection cross traffic' type crashes, particularly as South Arm Road is a high-speed road. The safety of this intersection may be improved by the provision of the recommended AUL(S) treatment for traffic turning left from South Arm Road.
- The proposed development is anticipated to have minimal impact on the midblock traffic efficiency, active transport and public transport of the local network.
- The proposed development is anticipated to have a small impact on the traffic efficiency at the South Arm Road / Ringwood Road and South Arm Road / North Terrace intersections, and a small impact on road safety at the South Arm Road / Ringwood Road intersection. These impacts may be mitigated by providing the recommended AUL(S) turn treatments at these locations. The proposed development is anticipated to have minimal impact on traffic efficiency and road safety at other locations in the local network.
- The proposed internal road network is considered adequate in terms of catering for predicted traffic growth, its internal road hierarchy, pedestrian connectivity, service access, amenity and efficiency.
- The development was found to be compliant with the relevant Acceptable Solutions of Clauses C2.5.2, C2.5.3, C2.5.4, and C2.6.3 of the Planning Scheme.
- It is recommended that compliance with the relevant Acceptable Solutions of Clauses C2.5.1, C2.6.1 and C2.6.2 of the Planning Scheme is ensured during the detailed development phase.
- The development was found to be consistent with the Performance Criteria Clauses 8.6.2 and C3.5.1 of the Planning Scheme. Written consent for the Salim Drive / Mannata Street junction should be sought from Council to comply with the Acceptable Solution A1.2 of Clause C3.5.1.
- The site plan indicates that the required ASD of 69 metres will be achieved with the proposed layout. Detailed design and construction of Salim Drive should ensure that this ASD is achieved.
- The eastbound sight distance on Mannata Street is less than the required SISD. It is recommended that the speed limit on the section of Mannata Street adjacent to the site be lowered to 50 km/h, which is consistent with Table 1 of the *Tasmanian Speed Zoning Guidelines* (Department of State Growth, 2020) in accordance with the increasingly general urban nature of the area due to recent and ongoing development.
- The westbound sight distance on Mannata Street exceeds the SISD requirement.
- It is recommended that the swept paths of the proposed service vehicles are considered in the design of the Salim Drive / Mannata Street intersection.

Based on the findings of this report, and subject to the recommendations outlined above, the proposed development is supported on traffic grounds.



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Appendix F

**Natural Values Atlas Report, Mannata
Street Rezoning, Natural Values Atlas
Tasmania, 8th December 2022**

Natural Values Atlas Report

Authoritative, comprehensive information on Tasmania's natural values.

Reference: Mannata Street Rezoning

Requested For: David Cundall

Report Type: Summary Report

Timestamp: 09:44:50 AM Thursday 08 December 2022

Threatened Flora: buffers Min: 500m Max: 200m

Threatened Fauna: buffers Min: 500m Max: 200m

Raptors: buffers Min: 500m Max: 200m

Tasmanian Weed Management Act Weeds: buffers Min: 500m Max: 200m

Priority Weeds: buffers Min: 500m Max: 200m

Geoconservation: buffer 200m

Acid Sulfate Soils: buffer 200m

TASVEG: buffer 200m

Threatened Communities: buffer 200m

Fire History: buffer 200m

Tasmanian Reserve Estate: buffer 200m

Biosecurity Risks: buffer 200m

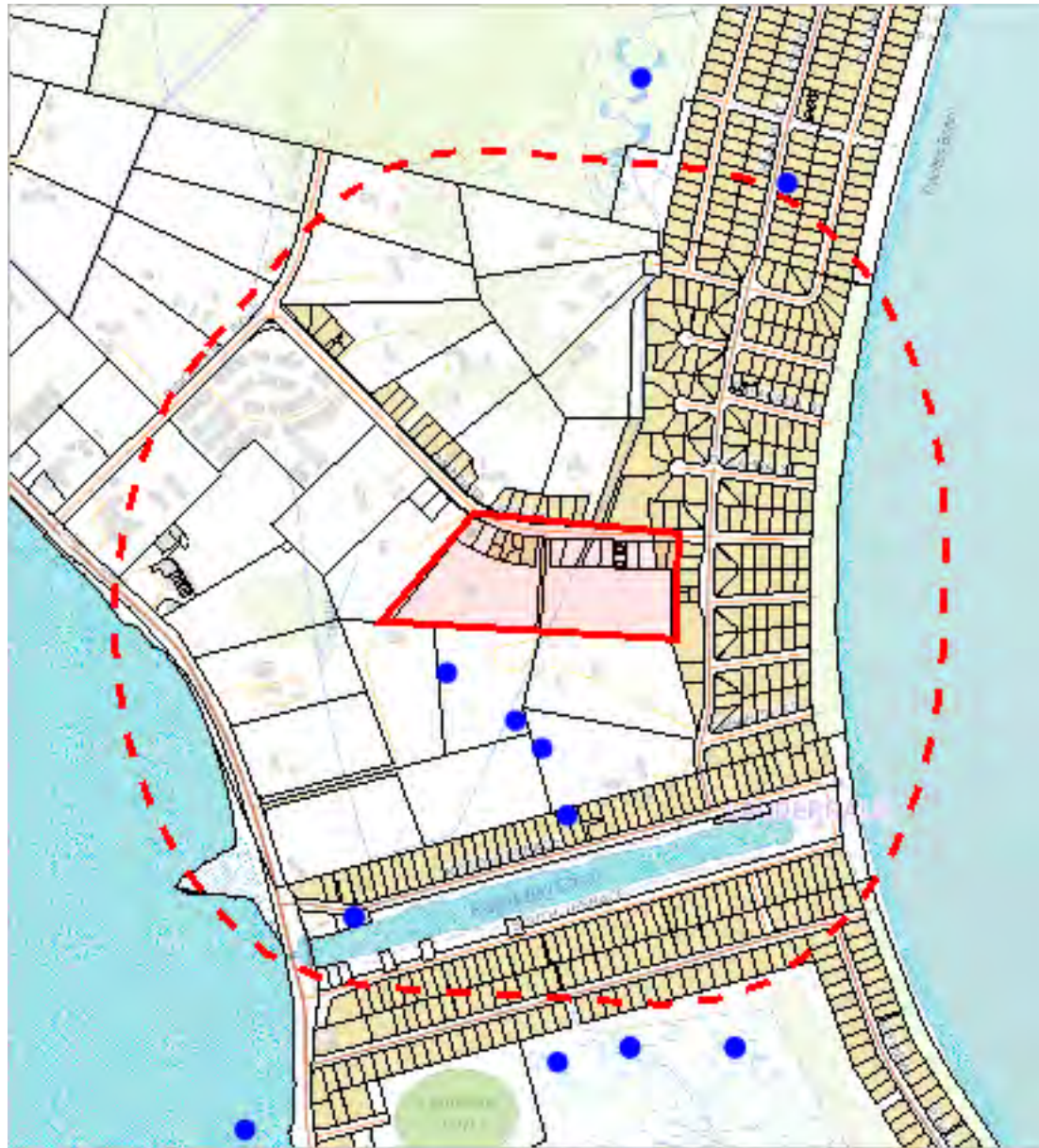


The centroid for this query GDA94: 539983.0, 5249242.0 falls within:

Property: 9981308

Threatened flora within 500 metres

540678, 5250035



539235, 5248459

Please note that some layers may not display at all requested map scales

Threatened flora within 500 metres

Legend: Verified and Unverified observations

● Point Verified

● Point Unverified

▬ Line Verified

▬ Line Unverified

□ Polygon Verified

□ Polygon Unverified

Legend: Cadastral Parcels



Threatened flora within 500 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Lachnagrostis robusta</i>	tall blowgrass	r		n	5	29-Feb-2016
<i>Limonium australe</i> var. <i>australe</i>	yellow sea-lavender	r		n	1	14-Feb-1966

Unverified Records

No unverified records were found!

For more information about threatened species, please contact Threatened Species Enquiries.

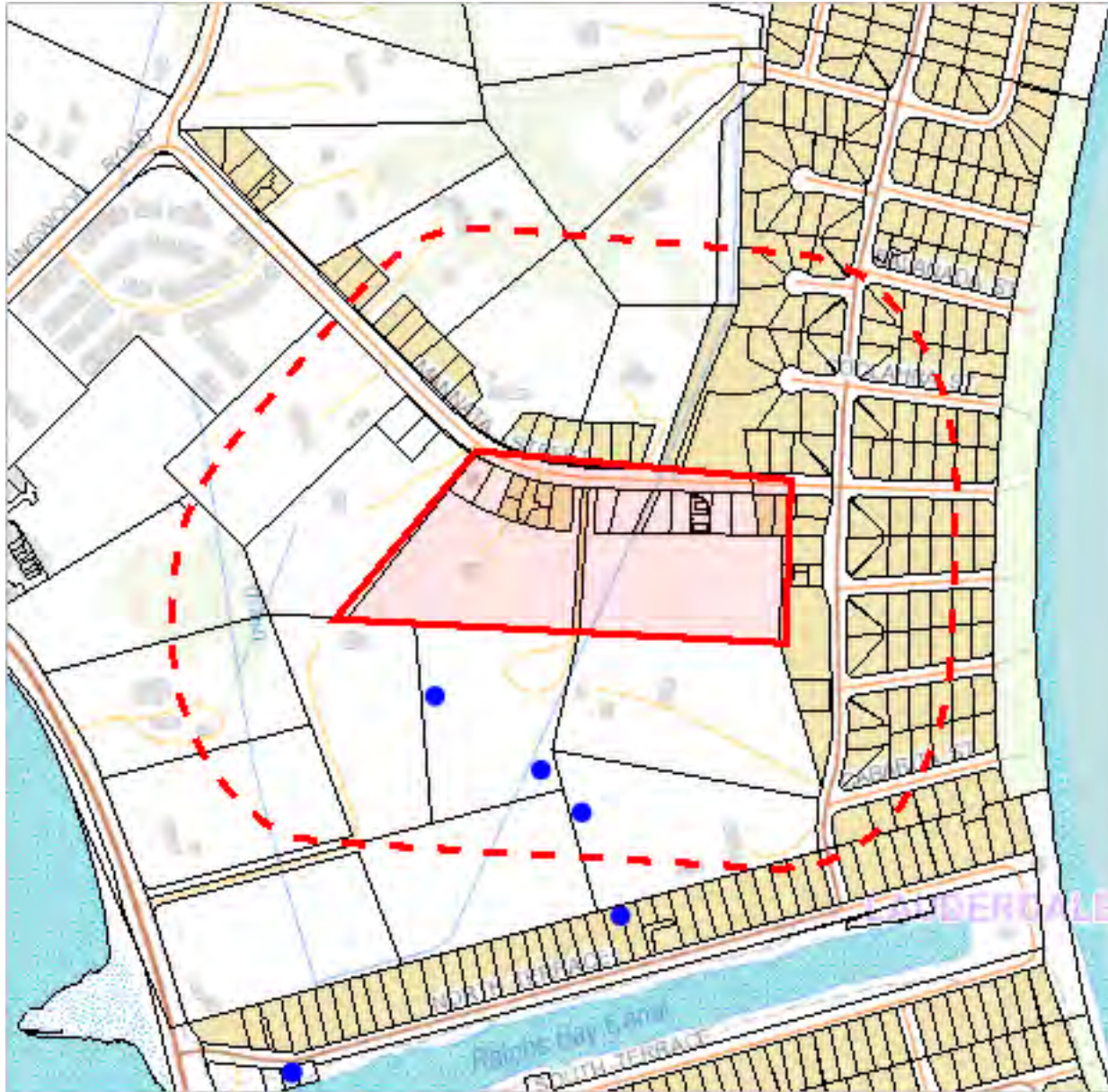
Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Threatened flora within 200 metres

540456, 5249734



539456, 5248760

Please note that some layers may not display at all requested map scales

Threatened flora within 200 metres

Legend: Verified and Unverified observations

● Point Verified

● Point Unverified

▬ Line Verified

▬ Line Unverified

▭ Polygon Verified

▭ Polygon Unverified

Legend: Cadastral Parcels



Threatened flora within 200 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Lachnagrostis robusta</i>	tall blowgrass	r		n	3	29-Feb-2016

Unverified Records

No unverified records were found!

For more information about threatened species, please contact Threatened Species Enquiries.

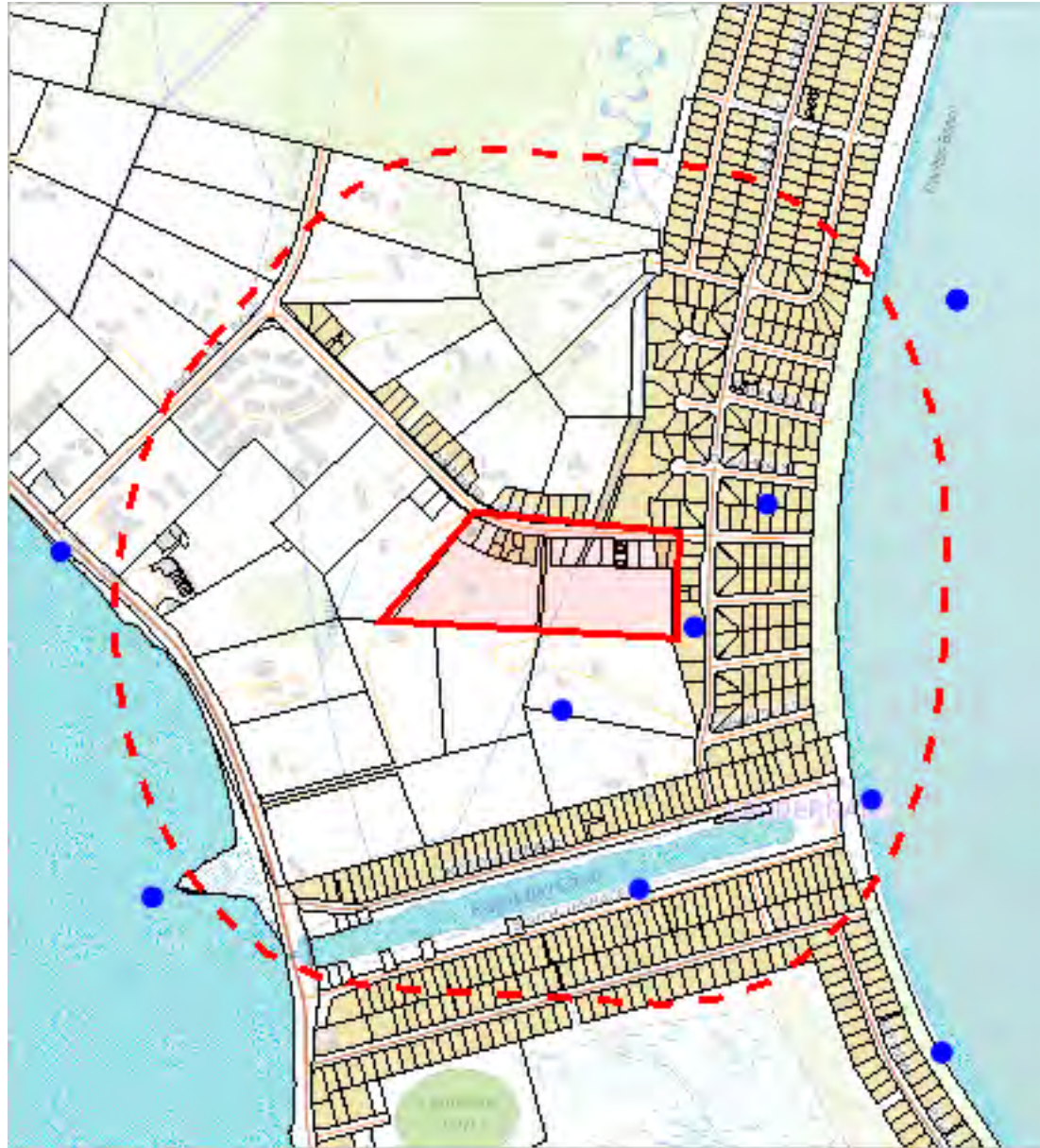
Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Threatened fauna within 500 metres

540678, 5250035



539235, 5248459

Please note that some layers may not display at all requested map scales

Threatened fauna within 500 metres

Legend: Verified and Unverified observations

● Point Verified

● Point Unverified

▬ Line Verified

▬ Line Unverified

▭ Polygon Verified

▭ Polygon Unverified

Legend: Cadastral Parcels



Threatened fauna within 500 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Accipiter novaehollandiae</i>	grey goshawk	e		n	1	03-Mar-2018
<i>Calidris ferruginea</i>	curlew sandpiper		CR	n	3	09-Oct-1963
<i>Gazameda gunnii</i>	Gunn's screw shell	v		ae	1	17-Feb-1985
<i>Litoria raniformis</i>	green and gold frog	v	VU	n	1	27-Apr-1971
<i>Numenius madagascariensis</i>	eastern curlew	e	CR	n	3	20-Feb-1999
<i>Parvulastra vivipara</i>	live-bearing seastar	v	VU	e	4	02-Dec-1974
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	1	27-Sep-1993

Unverified Records

No unverified records were found!

Threatened fauna within 500 metres

(based on Range Boundaries)

Species	Common Name	SS	NS	BO	Potential	Known	Core
<i>Litoria raniformis</i>	green and gold frog	v	VU	n	1	0	0
<i>Lathamus discolor</i>	swift parrot	e	CR	mbe	1	0	1
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i>	spotted-tail quoll	r	VU	n	1	0	0
<i>Antipodia chaostola</i>	chaostola skipper	e	EN	ae	1	0	0
<i>Pseudemoia pagenstecheri</i>	tussock skink	v		n	1	0	0
<i>Dasybela achroa</i>	saltmarsh looper moth	v		ae	1	1	0
<i>Tyto novaehollandiae</i> subsp. <i>castanops</i>	masked owl (Tasmanian)	e	VU	e	1	0	1
<i>Haliaeetus leucogaster</i>	white-bellied sea-eagle	v		n	2	0	0
<i>Amelora acontistica</i>	chevron looper moth	v			1	0	2
<i>Chrysolarentia decisaria</i>	tunbridge looper moth	e		ae	1	0	1
<i>Sarcophilus harrisi</i>	tasmanian devil	e	EN	e	1	0	0
<i>Accipiter novaehollandiae</i>	grey goshawk	e		n	1	0	0
<i>Pardalotus quadragintus</i>	forty-spotted pardalote	e	EN	e	1	0	0
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	1	0	1
<i>Aquila audax</i> subsp. <i>fleayi</i>	tasmanian wedge-tailed eagle	e	EN	e	1	0	0
<i>Brachionichthys hirsutus</i>	spotted handfish	e	CR	e	1	0	0
<i>Dasyurus viverrinus</i>	eastern quoll		EN	n	0	0	1

For more information about threatened species, please contact Threatened Species Enquiries.

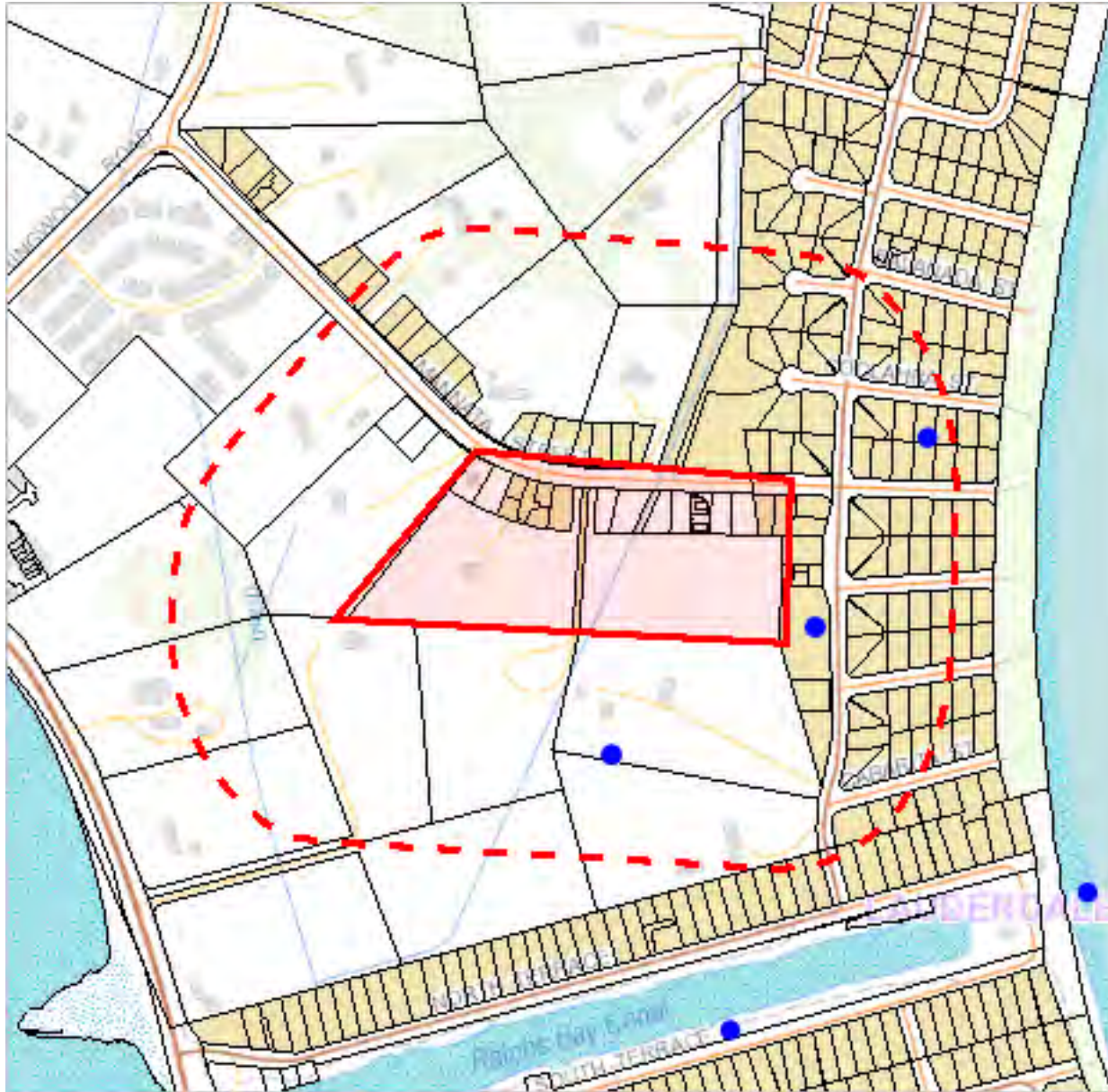
Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Threatened fauna within 200 metres

540456, 5249734



539456, 5248760

Please note that some layers may not display at all requested map scales

Threatened fauna within 200 metres

Legend: Verified and Unverified observations

● Point Verified

● Point Unverified

▬ Line Verified

▬ Line Unverified

□ Polygon Verified

□ Polygon Unverified

Legend: Cadastral Parcels



Threatened fauna within 200 metres

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Accipiter novaehollandiae</i>	grey goshawk	e		n	1	03-Mar-2018
<i>Calidris ferruginea</i>	curlew sandpiper		CR	n	3	09-Oct-1963
<i>Litoria raniformis</i>	green and gold frog	v	VU	n	1	27-Apr-1971

Unverified Records

No unverified records were found!

Threatened fauna within 200 metres

(based on Range Boundaries)

Species	Common Name	SS	NS	BO	Potential	Known	Core
<i>Litoria raniformis</i>	green and gold frog	v	VU	n	1	0	0
<i>Lathamus discolor</i>	swift parrot	e	CR	mbe	1	0	1
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i>	spotted-tail quoll	r	VU	n	1	0	0
<i>Antipodia chaostola</i>	chaostola skipper	e	EN	ae	1	0	0
<i>Pseudemoia pagenstecheri</i>	tussock skink	v		n	1	0	0
<i>Dasybela achroa</i>	saltmarsh looper moth	v		ae	1	1	0
<i>Tyto novaehollandiae</i> subsp. <i>castanops</i>	masked owl (Tasmanian)	e	VU	e	1	0	1
<i>Haliaeetus leucogaster</i>	white-bellied sea-eagle	v		n	2	0	0
<i>Amelora acontistica</i>	chevron looper moth	v			1	0	1
<i>Chrysolarentia decisaria</i>	tunbridge looper moth	e		ae	1	0	0
<i>Sarcophilus harrisi</i>	tasmanian devil	e	EN	e	1	0	0
<i>Accipiter novaehollandiae</i>	grey goshawk	e		n	1	0	0
<i>Pardalotus quadragintus</i>	forty-spotted pardalote	e	EN	e	1	0	0
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	1	0	1
<i>Aquila audax</i> subsp. <i>fleayi</i>	tasmanian wedge-tailed eagle	e	EN	e	1	0	0
<i>Dasyurus viverrinus</i>	eastern quoll		EN	n	0	0	1

For more information about threatened species, please contact Threatened Species Enquiries.

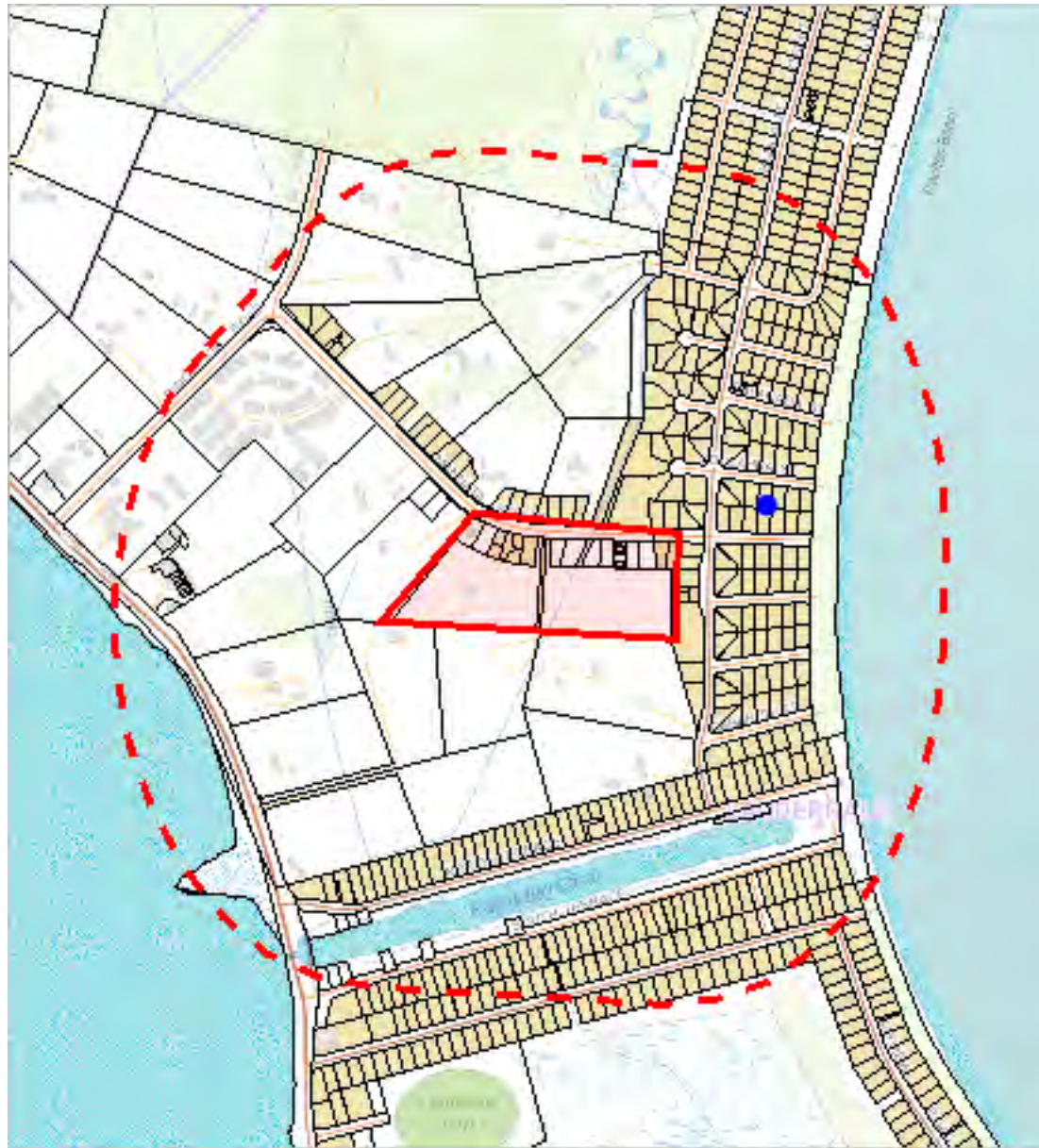
Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Raptor nests and sightings within 500 metres

540678, 5250035



539235, 5248459

Please note that some layers may not display at all requested map scales

Raptor nests and sightings within 500 metres

Legend: Verified and Unverified observations

● Point Verified

● Point Unverified

▬ Line Verified

▬ Line Unverified

▭ Polygon Verified

▭ Polygon Unverified

Legend: Cadastral Parcels



Raptor nests and sightings within 500 metres

Verified Records

Nest Id/Location Foreign Id	Species	Common Name	Obs Type	Observation Count	Last Recorded
	Accipiter novaehollandiae	grey goshawk	Not Recorded	1	03-Mar-2018

Unverified Records

No unverified records were found!

Raptor nests and sightings within 500 metres (based on Range Boundaries)

Species	Common Name	SS	NS	Potential	Known	Core
Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	e	EN	1	0	0
Accipiter novaehollandiae	grey goshawk	e		1	0	0
Haliaeetus leucogaster	white-bellied sea-eagle	v		2	0	0

For more information about raptor nests, please contact Threatened Species Enquiries.

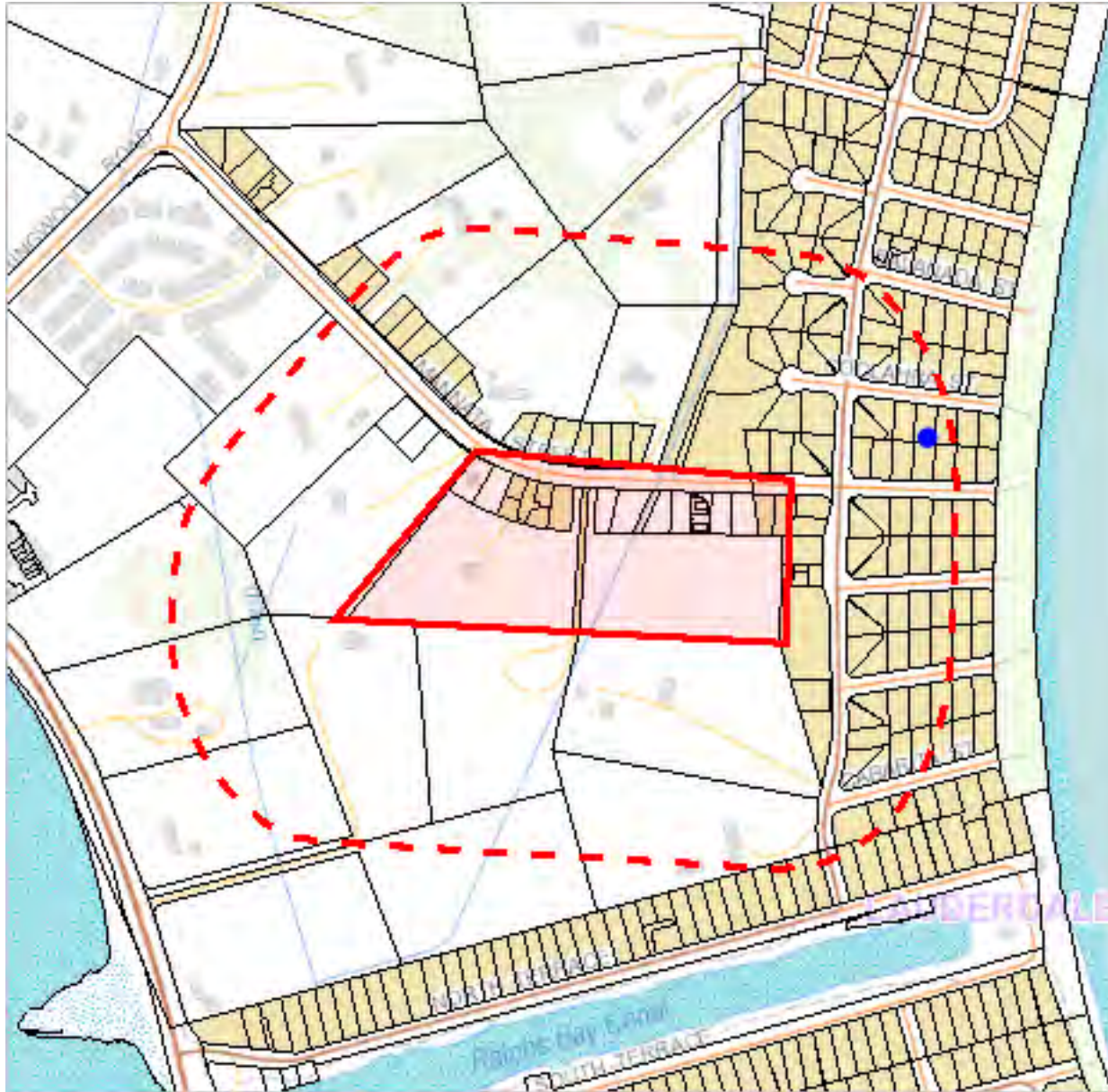
Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

Raptor nests and sightings within 200 metres

540456, 5249734



539456, 5248760

Please note that some layers may not display at all requested map scales

Raptor nests and sightings within 200 metres

Legend: Verified and Unverified observations

● Point Verified

● Point Unverified

▬ Line Verified

▬ Line Unverified

▭ Polygon Verified

▭ Polygon Unverified

Legend: Cadastral Parcels



Raptor nests and sightings within 200 metres

Verified Records

Nest Id/Location Foreign Id	Species	Common Name	Obs Type	Observation Count	Last Recorded
	Accipiter novaehollandiae	grey goshawk	Not Recorded	1	03-Mar-2018

Unverified Records

No unverified records were found!

Raptor nests and sightings within 200 metres (based on Range Boundaries)

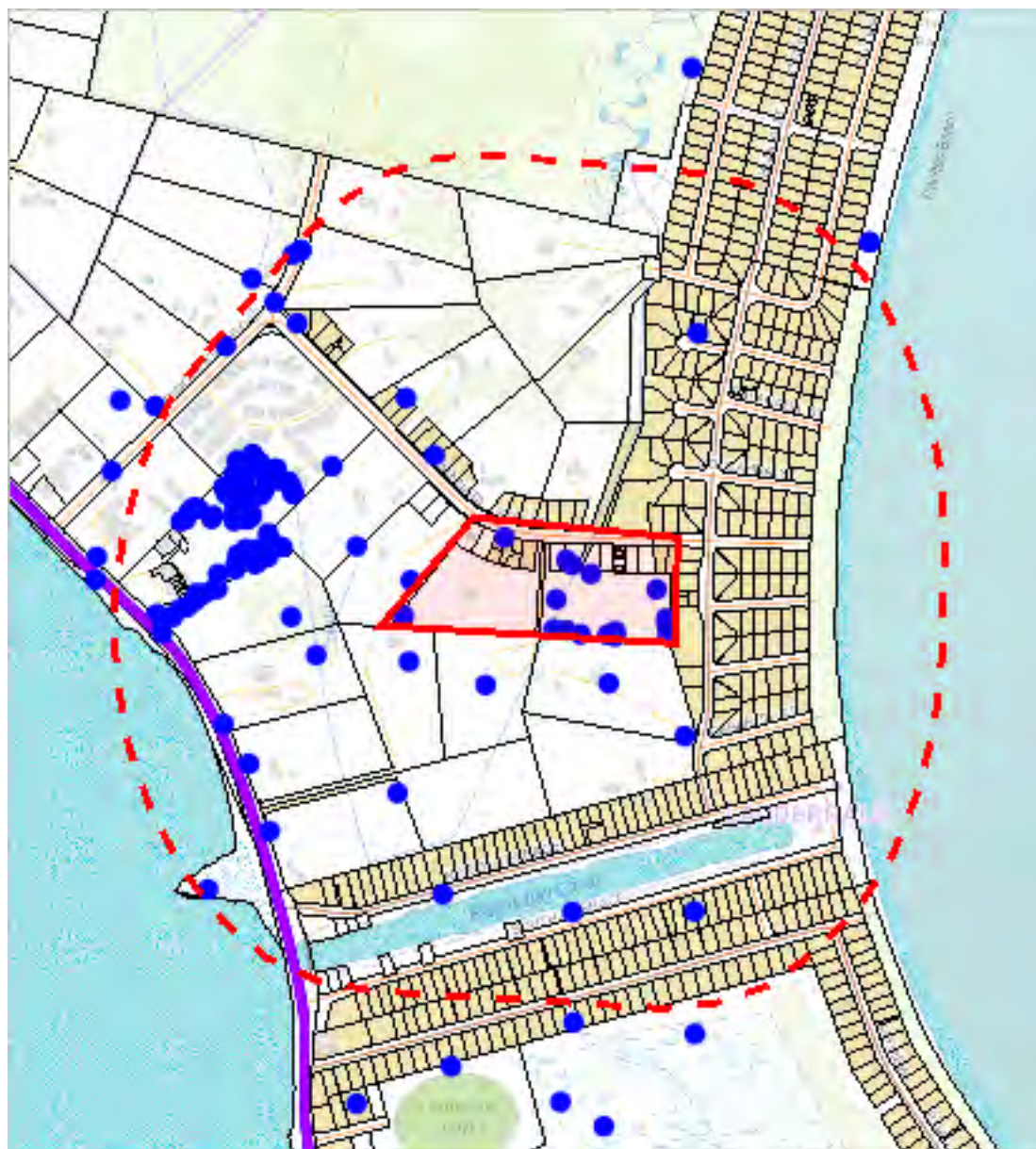
Species	Common Name	SS	NS	Potential	Known	Core
Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	e	EN	1	0	0
Accipiter novaehollandiae	grey goshawk	e		1	0	0
Haliaeetus leucogaster	white-bellied sea-eagle	v		2	0	0

For more information about raptor nests, please contact Threatened Species Enquiries.

Telephone: 1300 368 550

Email: ThreatenedSpecies.Enquiries@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000



539235, 5248459

Please note that some layers may not display at all requested map scales

Tas Management Act Weeds within 500 m

Legend: Verified and Unverified observations

● Point Verified

✎ Line Unverified

● Point Unverified

□ Polygon Verified

✎ Line Verified

□ Polygon Unverified

Legend: Cadastral Parcels



Tas Management Act Weeds within 500 m

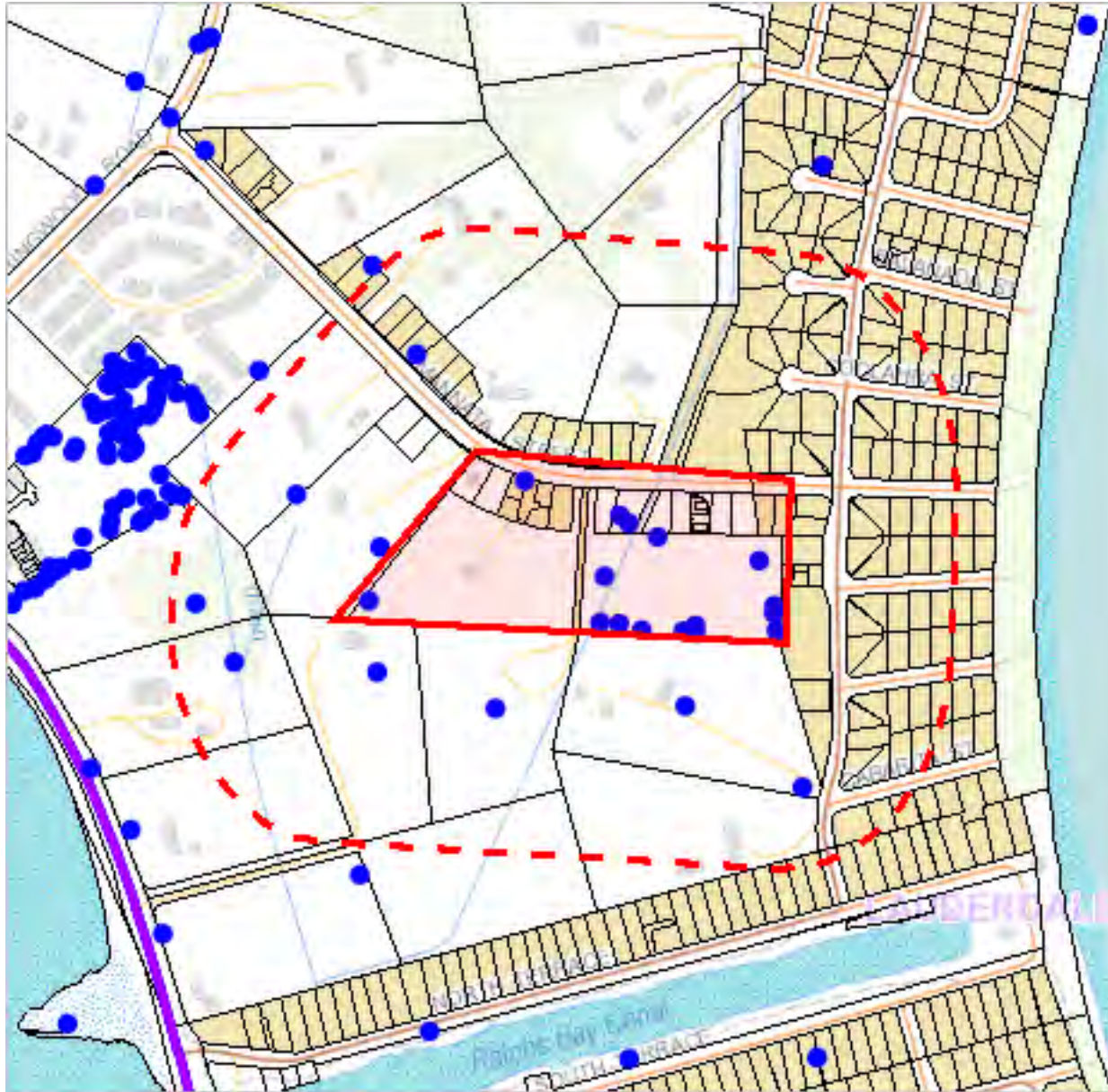
Verified Records

Species	Common Name	Observation Count	Last Recorded
<i>Asparagus asparagoides</i>	bridal creeper	2	03-Oct-2008
<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	70	05-Nov-2019
<i>Cortaderia</i> sp.	pampas grass	1	01-Jan-1900
<i>Eragrostis curvula</i>	african lovegrass	2	01-Jan-2021
<i>Erica lusitanica</i>	spanish heath	1	08-Jan-1995
<i>Foeniculum vulgare</i>	fennel	19	05-Nov-2019
<i>Genista monspessulana</i>	montpellier broom or canary broom	2	05-Nov-2019
<i>Lycium ferocissimum</i>	african boxthorn	2	30-Sep-2009
<i>Rubus fruticosus</i>	blackberry	43	05-Nov-2019
<i>Urospermum dalechampii</i>	false dandelion	1	30-Nov-2001

Unverified Records

For more information about introduced weed species, please visit the following URL for contact details in your area:

<https://www.nre.tas.gov.au/invasive-species/weeds>



539456, 5248760

Please note that some layers may not display at all requested map scales

Tas Management Act Weeds within 200 m

Legend: Verified and Unverified observations

● Point Verified

✎ Line Unverified

● Point Unverified

□ Polygon Verified

✎ Line Verified

□ Polygon Unverified

Legend: Cadastral Parcels



Tas Management Act Weeds within 200 m

Verified Records

Species	Common Name	Observation Count	Last Recorded
<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	21	05-Nov-2019
<i>Cortaderia</i> sp.	pampas grass	1	01-Jan-1900
<i>Foeniculum vulgare</i>	fennel	2	05-Nov-2019
<i>Genista monspessulana</i>	montpellier broom or canary broom	2	05-Nov-2019
<i>Rubus fruticosus</i>	blackberry	8	05-Nov-2019

Unverified Records

For more information about introduced weed species, please visit the following URL for contact details in your area:

<https://www.nre.tas.gov.au/invasive-species/weeds>

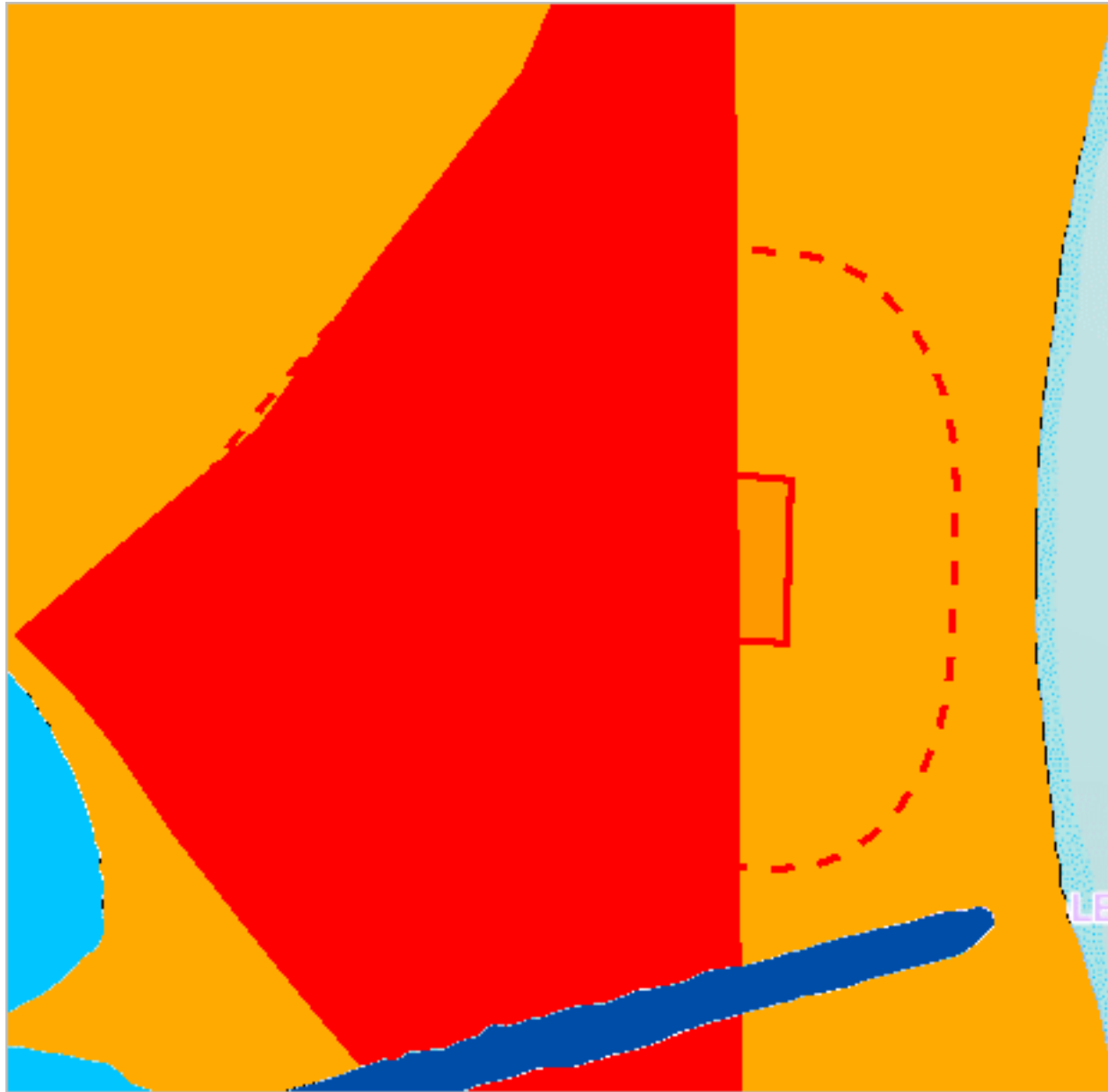
*** No Priority Weeds found within 500 metres ***

*** No Priority Weeds found within 200 metres ***

*** No Geoconservation sites found within 200 metres. ***

Acid Sulfate Soils within 200 metres

540456, 5249734



539456, 5248760


Please note that some layers may not display at all requested map scales

Acid Sulfate Soils within 200 metres

Legend: Coastal Acid Sulfate Soils (0 - 20m AHD)

 High


 Low

 Extremely Low


Legend: Inland Acid Sulfate Soils (>20m AHD)


 High

 Low

 Extremely Low

Legend: Marine Subaqueous/Intertidal Acid Sulfate Soil

 High (Intertidal)

 High (Subtidal)

Legend: Cadastral Parcels



Acid Sulfate Soils within 200 metres

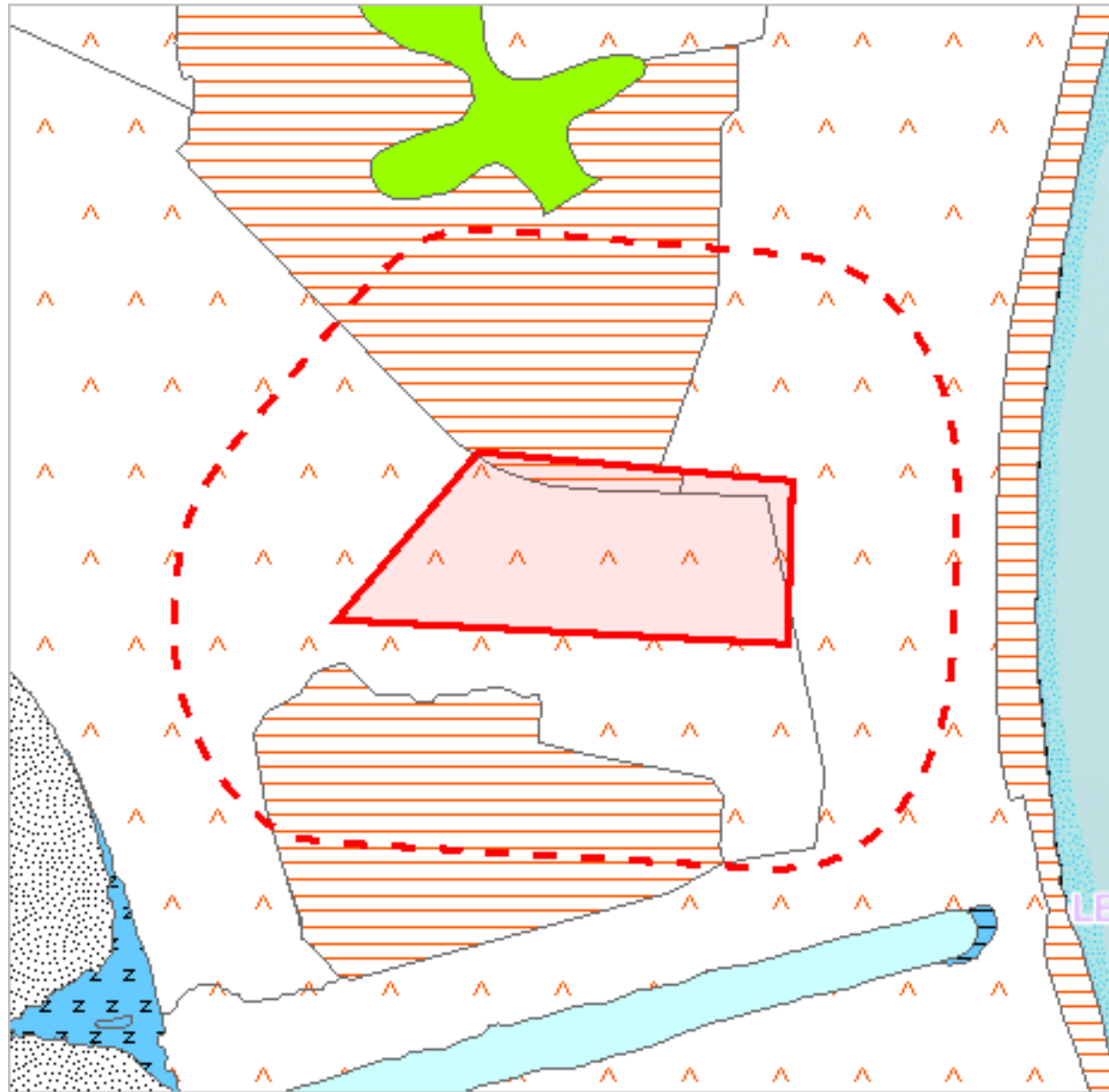
Dataset Name	Acid Sulfate Soil Probability	Acid Sulfate Soil Atlas	Description
Coastal Acid Sulfate Soils	High	Ah(p3)	High probability of occurrence (>70% chance of occurrence in mapping unit). Sandplains and dunes <2m AHD, ASS generally within 1m of the surface. Often wet heath. Holocene or Pleistocene. Potential acid sulfate soil (PASS) = sulfidic material (Isbell 1996 p.122). No necessary analytical data are available but confidence is fair, based on a knowledge of similar soils in similar environments.
Coastal Acid Sulfate Soils	Low	Bh(p3)	Low probability of occurrence (6-70% chance of occurrence in mapping unit). Sandplains and dunes <2m AHD, ASS generally within 1m of the surface. Often wet heath. Holocene or Pleistocene. Potential acid sulfate soil (PASS) = sulfidic material (Isbell 1996 p.122). No necessary analytical data are available but confidence is fair, based on a knowledge of similar soils in similar environments.
Coastal Acid Sulfate Soils	Low	Bu(p3)	Low probability of occurrence (6-70% chance of occurrence in mapping unit). Unclassified - Insufficient landscape information available to classify map unit. Potential acid sulfate soil (PASS) = sulfidic material (Isbell 1996 p.122). No necessary analytical data are available but confidence is fair, based on a knowledge of similar soils in similar environments.

For more information about Acid Sulfate Soils, please contact Land Management Enquiries.

Telephone: (03) 6777 2227

Email: LandManagement.Enquiries@nre.tas.gov.au

Address: 171 Westbury Road, Prospect, Tasmania, Australia, 7250






























































539456, 5248760



























































Please note that some layers may not display at all requested map scales

TASVEG 4.0 Communities within 200 metres






































Legend: TASVEG 4.0

	(AAP) Alkaline pans
	(AHF) Freshwater aquatic herbland
	(AHL) Lacustrine herbland
	(AHS) Saline aquatic herbland
	(ARS) Saline sedgeland / rushland
	(ASF) Fresh water aquatic sedgeland and rushland
	(ASP) Sphagnum peatland
	(ASS) Succulent saline herbland
	(AUS) Saltmarsh (undifferentiated)
	(AWU) Wetland (undifferentiated)
	(DAC) Eucalyptus amygdalina coastal forest and woodland
	(DAD) Eucalyptus amygdalina forest and woodland on dolerite
	(DAM) Eucalyptus amygdalina forest on mudstone
	(DAS) Eucalyptus amygdalina forest and woodland on sandstone
	(DAZ) Eucalyptus amygdalina inland forest and woodland on Cainozoic deposits
	(DBA) Eucalyptus barberi forest and woodland
	(DCO) Eucalyptus coccifera forest and woodland
	(DCR) Eucalyptus cordata forest
	(DDE) Eucalyptus delegatensis dry forest and woodland
	(DDP) Eucalyptus dalrympleana - Eucalyptus pauciflora forest and woodland
	(DGL) Eucalyptus globulus dry forest and woodland
	(DGW) Eucalyptus gunnii woodland
	(DKW) King Island Eucalypt woodland
	(DMO) Eucalyptus morrisbyi forest and woodland
	(DMW) Midlands woodland complex
	(DNF) Eucalyptus nitida Furneaux forest
	(DNI) Eucalyptus nitida dry forest and woodland
	(DOB) Eucalyptus obliqua dry forest
	(DOV) Eucalyptus ovata forest and woodland
	(DOW) Eucalyptus ovata heathy woodland
	(DPD) Eucalyptus pauciflora forest and woodland on dolerite
	(DPE) Eucalyptus perriniana forest and woodland
	(DPO) Eucalyptus pauciflora forest and woodland not on dolerite
	(DPU) Eucalyptus pulchella forest and woodland
	(DRI) Eucalyptus risdonii forest and woodland
	(DRO) Eucalyptus rodwayi forest and woodland
	(DSC) Eucalyptus amygdalina - Eucalyptus obliqua damp sclerophyll forest
	(DSG) Eucalyptus sieberi forest and woodland on granite
	(DSO) Eucalyptus sieberi forest and woodland not on granite
	(DTD) Eucalyptus tenuiramis forest and woodland on dolerite
	(DTG) Eucalyptus tenuiramis forest and woodland on granite
	(DTO) Eucalyptus tenuiramis forest and woodland on sediments
	(DVC) Eucalyptus viminalis - Eucalyptus globulus coastal forest and woodland
	(DVF) Eucalyptus viminalis Furneaux forest and woodland
	(DVG) Eucalyptus viminalis grassy forest and woodland
	(FAC) Improved pasture with native tree canopy
	(FAG) Agricultural land
	(FMG) Marram grassland
	(FPE) Permanent easements
	(FPF) Pteridium esculentum fernland
	(FPH) Plantations for silviculture - hardwood
	(FPS) Plantations for silviculture - softwood
	(FPU) Unverified plantations for silviculture
	(FRG) Regenerating cleared land
	(FSM) Spartina marshland
	(FUM) Extra-urban miscellaneous
	(FUR) Urban areas
	(FWU) Weed infestation
	(GCL) Lowland grassland complex

TASVEG 4.0 Communities within 200 metres

	(GHC) Coastal grass and herbfield
	(GPH) Highland Poa grassland
	(GPL) Lowland Poa labillardierei grassland
	(GRP) Rockplate grassland
	(GSL) Lowland grassy sedgeland
	(GTL) Lowland Themeda triandra grassland
	(HCH) Alpine coniferous heathland
	(HCM) Cushion moorland
	(HHE) Eastern alpine heathland
	(HHW) Western alpine heathland
	(HSE) Eastern alpine sedgeland
	(HSW) Western alpine sedgeland/herbland
	(HUE) Eastern alpine vegetation (undifferentiated)
	(MBE) Eastern buttongrass moorland
	(MBP) Pure buttongrass moorland
	(MBR) Sparse buttongrass moorland on slopes
	(MBS) Buttongrass moorland with emergent shrubs
	(MBU) Buttongrass moorland (undifferentiated)
	(MBW) Western buttongrass moorland
	(MDS) Subalpine Diplarrena latifolia rushland
	(MGH) Highland grassy sedgeland
	(MRR) Restionaceae rushland
	(MSW) Western lowland sedgeland
	(NAD) Acacia dealbata forest
	(NAF) Acacia melanoxylon swamp forest
	(NAL) Allocasuarina littoralis forest
	(NAR) Acacia melanoxylon forest on rises
	(NAV) Allocasuarina verticillata forest
	(NBA) Bursaria - Acacia woodland
	(NBS) Banksia serrata woodland
	(NCR) Callitris rhomboidea forest
	(NLA) Leptospermum scoparium - Acacia mucronata forest
	(NLE) Leptospermum forest
	(NLM) Leptospermum lanigerum - Melaleuca squarrosa swamp forest
	(NLN) Subalpine Leptospermum nitidum woodland
	(NME) Melaleuca ericifolia swamp forest
	(OAQ) Water, sea
	(ORO) Lichen lithosere
	(OSM) Sand, mud
	(RCO) Coastal rainforest
	(RFE) Rainforest fernland
	(RFS) Nothofagus gunnii rainforest scrub
	(RHP) Lagarostrobos franklinii rainforest and scrub
	(RKF) Athrotaxis selaginoides - Nothofagus gunnii short rainforest
	(RKP) Athrotaxis selaginoides rainforest
	(RKS) Athrotaxis selaginoides subalpine scrub
	(RKX) Highland rainforest scrub with dead Athrotaxis selaginoides
	(RML) Nothofagus - Leptospermum short rainforest
	(RMS) Nothofagus - Phyllocladus short rainforest
	(RMT) Nothofagus - Atherosperma rainforest
	(RMU) Nothofagus rainforest (undifferentiated)
	(RPF) Athrotaxis cupressoides - Nothofagus gunnii short rainforest
	(RPP) Athrotaxis cupressoides rainforest
	(RPW) Athrotaxis cupressoides open woodland
	(RSH) Highland low rainforest and scrub
	(SAL) Acacia longifolia coastal scrub
	(SBM) Banksia marginata wet scrub
	(SBR) Broad-leaf scrub
	(SCA) Coastal scrub on alkaline sands
	(SCH) Coastal heathland
	(SCL) Heathland on calcareous substrates

TASVEG 4.0 Communities within 200 metres

-  (SED) Eastern scrub on dolerite
-  (SHS) Subalpine heathland
-  (SHW) Wet heathland
-  (SKA) Kunzea ambigua regrowth scrub
-  (SLG) Leptospermum glaucescens heathland and scrub
-  (SLL) Leptospermum lanigerum scrub
-  (SLS) Leptospermum scoparium heathland and scrub
-  (SMM) Melaleuca squamea heathland
-  (SMP) Melaleuca pustulata scrub
-  (SMR) Melaleuca squarrosa scrub
-  (SRE) Eastern riparian scrub
-  (SRF) Leptospermum with rainforest scrub
-  (SRH) Rookery halophytic herbland
-  (SSC) Coastal scrub
-  (SSK) Scrub complex on King Island
-  (SSW) Western subalpine scrub
-  (SSZ) Spray zone coastal complex
-  (SWR) Western regrowth complex
-  (SWW) Western wet scrub
-  (WBR) Eucalyptus brookeriana wet forest
-  (WDA) Eucalyptus dalrympleana forest
-  (WDB) Eucalyptus delegatensis forest with broad-leaf shrubs
-  (WDL) Eucalyptus delegatensis forest over Leptospermum
-  (WDR) Eucalyptus delegatensis forest over rainforest
-  (WDU) Eucalyptus delegatensis wet forest (undifferentiated)
-  (W GK) Eucalyptus globulus King Island forest
-  (WGL) Eucalyptus globulus wet forest
-  (WNL) Eucalyptus nitida forest over Leptospermum
-  (WNR) Eucalyptus nitida forest over rainforest
-  (WNU) Eucalyptus nitida wet forest (undifferentiated)
-  (WOB) Eucalyptus obliqua forest with broad-leaf shrubs
-  (WOL) Eucalyptus obliqua forest over Leptospermum
-  (WOR) Eucalyptus obliqua forest over rainforest
-  (WOU) Eucalyptus obliqua wet forest (undifferentiated)
-  (WRE) Eucalyptus regnans forest
-  (WSU) Eucalyptus subcrenulata forest and woodland
-  (WVI) Eucalyptus viminalis wet forest

Legend: Cadastral Parcels



TASVEG 4.0 Communities within 200 metres

Code	Community	Canopy Tree
FUM	(FUM) Extra-urban miscellaneous	
FUR	(FUR) Urban areas	

For more information contact: Coordinator, Tasmanian Vegetation Monitoring and Mapping Program.

Telephone: (03) 6165 4320

Email: TVMMPsupport@nre.tas.gov.au

Address: GPO Box 44, Hobart, Tasmania, Australia, 7000

*** No threatened Communities (TNVC 2020) found within 200 metres ***

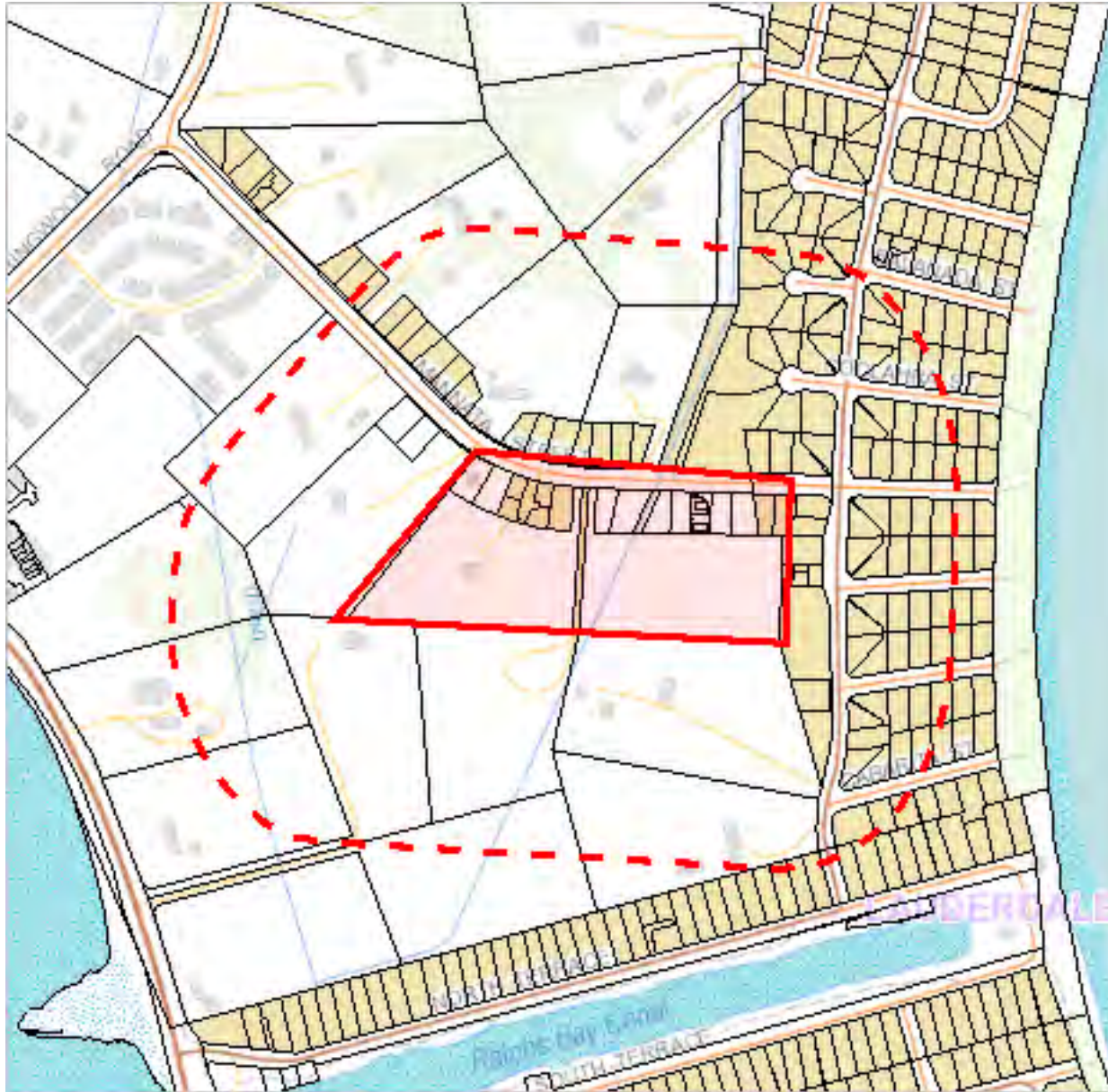
*** No Fire History (All) found within 200 metres ***

*** No Fire History (Last Burnt) found within 200 metres ***

*** No reserves found within 200 metres ***

Known biosecurity risks within 200 meters

540456, 5249734



539456, 5248760

Please note that some layers may not display at all requested map scales

Known biosecurity risks within 200 meters

Legend: Biosecurity Risk Species

● Point Verified

▬ Line Unverified

● Point Unverified

▭ Polygon Verified

▬ Line Verified

▭ Polygon Unverified

Legend: Hygiene infrastructure

● Location Point Verified

▬ Location Line Verified

▭ Location Polygon Verified

● Location Point Unverified

▬ Location Line Unverified

▭ Location Polygon Unverified

Legend: Cadastral Parcels



Known biosecurity risks within 200 meters

Verified Species of biosecurity risk

No verified species of biosecurity risk found within 200 metres

Unverified Species of biosecurity risk

No unverified species of biosecurity risk found within 200 metres

Generic Biosecurity Guidelines

The level and type of hygiene protocols required will vary depending on the tenure, activity and land use of the area. In all cases adhere to the land manager's biosecurity (hygiene) protocols. As a minimum always Check / Clean / Dry (Disinfect) clothing and equipment before trips and between sites within a trip as needed <https://www.nre.tas.gov.au/invasive-species/weeds/weed-hygiene/keeping-it-clean-a-tasmanian-field-hygiene-manual>

On Reserved land, the more remote, infrequently visited and undisturbed areas require tighter biosecurity measures.

In addition, where susceptible species and communities are known to occur, tighter biosecurity measures are required.

Apply controls relevant to the area / activity:

- Don't access sites infested with pathogen or weed species unless absolutely necessary. If it is necessary to visit, adopt high level hygiene protocols.
- Consider not accessing non-infested sites containing known susceptible species / communities. If it is necessary to visit, adopt high level hygiene protocols.
- Don't undertake activities that might spread pest / pathogen / weed species such as deliberately moving soil or water between areas.
- Modify / restrict activities to reduce the chance of spreading pest / pathogen / weed species e.g. avoid periods when weeds are seeding, avoid clothing/equipment that excessively collects soil and plant material e.g. Velcro, excessive tread on boots.
- Plan routes to visit clean (uninfested) sites prior to dirty (infested) sites. Do not travel through infested areas when moving between sites.
- Minimise the movement of soil, water, plant material and hitchhiking wildlife between areas by using the Check / Clean / Dry (Disinfect when drying is not possible) procedure for all clothing, footwear, equipment, hand tools and vehicles <https://www.nre.tas.gov.au/invasive-species/weeds/weed-hygiene>
- Neoprene and netting can take 48 hours to dry, use non-porous gear wherever possible.
- Use walking track boot wash stations where available.
- Keep a hygiene kit in the vehicle that includes a scrubbing brush, boot pick, and disinfectant <https://www.nre.tas.gov.au/invasive-species/weeds/weed-hygiene/keeping-it-clean-a-tasmanian-field-hygiene-manual>
- Dispose of all freshwater away from natural water bodies e.g. do not empty water into streams or ponds.
- Dispose of used disinfectant ideally in town through a treatment or septic system. Always keep disinfectant well away from natural water systems.
- Securely contain any high risk pest / pathogen / weed species that must be collected and moved e.g. biological samples.

Hygiene Infrastructure

No known hygiene infrastructure found within 200 metres

Appendix G

**Aboriginal Heritage Search Record,
Aboriginal Heritage Tasmania**

Aboriginal Heritage SEARCH RECORD

This search for

34 MANNATA ST LAUDERDALE TAS 7021 (PID 9981308)

has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics.

This Search Record has been requested for David Cundall at 10:55AM on 08 December 2022 and delivered to david.cundall@ghd.com.

This Search Record expires on 08 June 2023.

Your personal Search Identification Number is PS0247480.

Please be aware that the absence of records on the [Aboriginal Heritage Register](#) for the nominated area of land does not necessarily mean that the area is devoid of Aboriginal relics. If at any time during works you suspect the existence of Aboriginal relics, cease works immediately and contact Aboriginal Heritage Tasmania for advice.

It is also recommended that you have on hand during any ground disturbance or excavation activities the Unanticipated Discovery Plan, to aid you in meeting requirements under the *Aboriginal Heritage Act 1975* should Aboriginal relics be uncovered. There are requirements that apply under the [Aboriginal Heritage Act 1975](#). It is an offence to destroy, damage, deface, conceal or otherwise interfere with relics without a permit granted by the Minister. There is an obligation to report findings of relics as soon as practicable.

This Search Record is confirmation that you have checked the Aboriginal Heritage Property Search website for this property. This Search Record will expire in six months from the search date.

If you have any queries please do not hesitate to contact [Aboriginal Heritage Tasmania](#) on **1300 487 045** or at aboriginal@dpac.tas.gov.au.

Aboriginal Heritage SEARCH RECORD

This search for

46 MANNATA ST LAUDERDALE TAS 7021 (PID 9493309)

has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics.

This Search Record has been requested for David Cundall at 10:56AM on 08 December 2022 and delivered to david.cundall@ghd.com.

This Search Record expires on 08 June 2023.

Your personal Search Identification Number is PS0247482.

Please be aware that the absence of records on the [Aboriginal Heritage Register](#) for the nominated area of land does not necessarily mean that the area is devoid of Aboriginal relics. If at any time during works you suspect the existence of Aboriginal relics, cease works immediately and contact Aboriginal Heritage Tasmania for advice.

It is also recommended that you have on hand during any ground disturbance or excavation activities the Unanticipated Discovery Plan, to aid you in meeting requirements under the *Aboriginal Heritage Act 1975* should Aboriginal relics be uncovered. There are requirements that apply under the [Aboriginal Heritage Act 1975](#). It is an offence to destroy, damage, deface, conceal or otherwise interfere with relics without a permit granted by the Minister. There is an obligation to report findings of relics as soon as practicable.

This Search Record is confirmation that you have checked the Aboriginal Heritage Property Search website for this property. This Search Record will expire in six months from the search date.

If you have any queries please do not hesitate to contact [Aboriginal Heritage Tasmania](#) on **1300 487 045** or at aboriginal@dpac.tas.gov.au.



ghd.com

→ **The Power of Commitment**

ATTACHMENT 2

David Cundall
Planning and Project Management Services
PO BOX 291, Richmond, TAS 7025
D 0458 892 183
E david.cundall@outlook.com

14th May 2024

Ref: PDPSAMEND-2023/033272;
2023/ 036010- REQ2023- 077412

Dan Marr
Head of City Planning
Clarence City Council
PO Box 96
Rosny Park TAS 7018

Dear Dan,

**Submission - Council Owner Consent
Application for Rezoning and Subdivision
34, 36 and 46 Mannata Street, Lauderdale**

1. Introduction

Thank you for meeting with me on the 1st February 2024 to discuss the application for a rezoning and subdivision of land at 34, 36 and 46 Mannata Street, Lauderdale. 34 and 46 Mannata Street is owned by Dourias MGH Pty Ltd and 36 Mannata Street is owned by the Clarence City Council.

From that meeting I provide this submission for the following purposes:

1. To distil and provide an overview of the application and previous requests and submissions for the Council consent as landowner to commence assessment of the application to rezone and subdivide the land at 34, 36 and 46 Mannata Street per Section 40T of the *Land Use Planning and Approvals Act 1993* (the Act); and
2. Provide a request for consent from the Council per Section 40T (6) and Section 40T (1) of the Act for the lodgment of the application and for the ordinary planning assessment process to formally commence. Specifically, Council to either sign the provided application form or provide written permission to the making of the request.

This submission can then be used as part of a report to the Council on the granting of consent for the application to be assessed.

In summary, GHD Pty Ltd on behalf of Dourias MGH Pty Ltd prepared an application to rezone and subdivide a small area of land at 34, 36 and 46 Mannata Street, Lauderdale in December 2022. The application includes a small strip of land at 36 Mannata Street owned by the Clarence City Council that provides access to the TasWater sewage pump station. It is proposed to upgrade this small gravel access strip to a sealed public road to the Local Government standard. The strip of land is shown below in Figure A.



Figure A: Council Owned Access Strip to the Public Land and Sewage Pump Station at 36 Mannata Street.

As the application includes land owned by the Council, the signed permission of the Council, as the landowner is required in order for the application to become a valid application and for the ordinary planning assessment process by the Council Officers to commence. Without the Council's consent, the Application assessment process cannot formally commence.

This consent was refused by the General Manager in a short letter provided in March 2023.

After some minor changes to the application forms, Dourias MGH Pty Ltd together with GHD Pty Ltd resubmitted the application.

The owner of the land, Tony Dourias on behalf of Dourias MGH Pty Ltd and myself then met with the Chief Executive Officer Ian Nelson and Manager Engineering Services Ross Graham in June 2023 to better understand the requirements of the Council's consent to lodge the application and the reasons why Council had refused and otherwise withheld consent.

It was at this meeting that I was informed consent was withheld due to a previous decision of Council made on the 1st May 2017 regarding the *Lauderdale Urban Expansion Feasibility Study* and that by the General Manager (CEO) providing consent it may be contrary to a decision of Council.

As outlined in the enclosed submission (Appendix C), that decision related to an entirely different and arguably major project, by the Council, and is not relevant to the Section 40T application.

Per the submission, provided in Appendix C, the provision of the General Manager's consent for the subdivision and rezoning of land is not contrary to the decision of the 1st May 2017. This is supported by the advice provided by Billet Legal provided as Appendix B.

However, Consent for the lodgement of the application remains withheld.

I can understand that a Council General Manager (CEO) is bound by the functions and powers per Section 62 of the *Local Government Act* 1993 and that Council's General Manager (CEO) would ordinarily seek Council's input or direction if there was any doubt around a decision or policy of Council.

2. Discussion

As we discussed on the 1st February 2024 Section 40T(6) of the Act provides that the permission for the making of the request is to be provided by the owner of the land. The owner of the land at 36 Mannata Street, Lauderdale is the Clarence City Council. I understand that the Council has not, at this stage, provided delegation to the General Manager (CEO) to provide permission for an application lodged under Section 40T (6) of the Act.

The provisions of Section 40T differ from the provisions of the frequently used provisions of Section 52 of the Act whereby the General Manager of a Council would ordinarily provide the consent for the lodgement of an application under delegation. This has been the case for around 30 years. However, the requirements of Section 40T are relatively new. Though legislated in 2016, the requirements did not come into effect until the commencement of the Local Provisions Schedule under the current *Tasmanian Planning Scheme – Clarence* in October 2021.

The provisions of Section 40T (6) are provided as follows:

- (6) An application for a permit under [subsection \(1\)](#) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land and the relevant planning scheme does not provide otherwise –
 - (a) be signed by each owner of the land; or
 - (b) be accompanied by the written permission of each owner of the land to the making of the request.

As you had explained, the General Manager does not, at this point in time, have delegation to provide consent per Section 40T (6). It would then be the Clarence City Council as landowner that would need to make the decision and delegate authority to the General Manager (or other person) to sign the application. Conversely, Council could update the delegation register and delegate authority to the General Manager for the purposes of providing permission per Section 40T (6).

Without delegation, a report to the Council is required outlining that an application to both amend the planning scheme and subdivide the land at 34, 36 and 46 Mannata Street has been submitted to Council for assessment and that per Section 40T (6) a signature on the application form or written permission is required from the Council for the making of the application and for assessment to commence.

Assessment by the Planning Authority as to whether or not to proceed with the amendment and subdivision can then commence and a separate decision by the Planning Authority would be made.

As we discussed, there is no clear criteria that Council would use in determining if permission ought to be granted. The Hobart City Council has prepared guidelines for Section 52 consent which is enclosed as Appendix E. This together with the advice provided by Billet Legal (Appendix B) is useful to Council.

It is clearly problematic for Councils to make a determination as to whether or not to grant consent for the lodgment of an application per Section 52, or Section 37 or Section 40T of the Act outside of any clear application process or clear legislated criteria. There is no formal application process other than to provide a submission such as this together with a complete application for a permit. Per the advice from Shaun McElwaine, quoted in Appendix C the Council ought to grant consent for the lodgment of an application under the Act and deal with any specific land issues separately. Other landowner issues are then dealt with once the development is free and clear of planning and legal constraints, thus providing for the orderly development of land as required by the Act.

The discussion highlights a potential issue with the *Land Use Planning and Approvals Act 1993* that ought to be one day resolved.

My client will likely flag this matter with the Office of the Coordinator General as part of the Tasmanian Government's commitment to the reduction of red tape program (https://www.cg.tas.gov.au/supporting_business/red_tape_reduction). The Local Government Association of Tasmania may also be instrumental in addressing this issue as part of their ongoing engagement between the Tasmanian Government and Local Government and tranches of planning reform.

However, setting the above legislative issues aside, the concerns that have been previously raised with my client such as consistency with the *Lauderdale Structure Plan (2011)*, the strategic direction of the area, concerns regarding infrastructure and servicing are all matters that would be considered part of the ordinary application assessment process.

Council in determining whether or not to grant consent per Section 40T (6) is not sitting as a Planning Authority and ought not to be making a planning judgement on the application as reason not to provide consent. Per the advice provided in Appendix B from Billet Legal there is a clear distinction between the two roles of Council. Council as a landowner implementing the functions and powers of Council per Section 20 of the *Local Government Act 1993* and Council as a Planning Authority per the provisions of the *Land Use Planning and Approvals Act 1993*.

A matter for the Council in granting owner consent is firstly whether the proposed zoning and works are consistent with its land management powers under the *Local Government Act 1993*. The starting point is Section 20 of the *Local Government Act 1993* which provides that the functions of the Council as follows:

20. Functions and powers of councils

- (1) The council of a municipal area has the following functions:
 - (a) to formulate, implement and monitor policies, plans and programmes for the provision of appropriate services and facilities to meet the present and future needs of the community;
 - (b) to facilitate and encourage the proper planning and development of the municipal area in the best interests of the community;
 - (c) to manage, improve and develop efficiently and effectively the resources available to the municipal area;
 - (d) to develop, implement and monitor strategic plans for the development and management of the municipal area;
 - (e) to provide for the health, safety and welfare of the community;
 - (f) to represent and promote the interests of the community;
 - (g) to provide for the peace, order and good government of the municipal area.
- (2) In performing its functions, the council may do any one or more of the following either within or outside its municipal area:
 - (a) develop, implement and monitor programmes to ensure adequate levels of its accountability to the community;
 - (b) develop, implement and monitor effective management systems;
 - (c) develop, implement and monitor procedures for effective consultation between the council and the community;
 - (d) inform the community of its activities and provide reasonable opportunities for involvement in those activities;
 - (e) any other thing necessary or convenient.

Notably, the affected land is an access strip and would be developed as a public road with an access to the body of the land at 36 Mannata Street. It is difficult to envisage how the conversion of an access strip to a road is inconsistent with the reservation of the Council owned land for recreation and public purposes or indeed would be inconsistent with the use of the land to accommodate a sewerage pump station. The public would not be prejudiced by these works and would likely benefit from the road and footpath works as it would provide access to 36 Mannata Street which is currently prohibited. It would also improve access to the land for TasWater.

3. Public Land – Section 177, Local Government Act 1993

I had discussed a possible process for both the application assessment and landowner consent with Council Officers when I was working at GHD Pty Ltd in January 2022. It was agreed that in order for Council and Council Officers to understand the nature and details of an application to rezone and subdivide the land at 34, 36 and 46 Mannata Street then an application with sufficient details would need to be prepared. This seems logical given that a full copy of an application for a permit where landowner consent either under Section 52, Section 37 or Section 40T must be provided to the owner in order for them to have a full understanding of the details of the application. This is standard practice and supported by past decisions of the Tribunal.

Also, it is a complex site, with multiple planning overlays, unique infrastructure requirements and a past history of strategic plans and attempted rezonings. It is therefore reasonable, in my opinion, for the Clarence City Council to give Dourias MGH Pty Ltd the chance to address these complexities through the ordinary Application process under the *Land Use Planning and Approvals Act 1993*.

One matter which was discussed with Council Officers in January 2022, in the lead-up to preparing the application, was the nature of the land at 36 Mannata Street with regard to Section 177 and Section 178 of the *Local Government Act 1993*.

This was discussed in the context of how the application could be assessed by Council Officers and put through a process that would allow Council to have input into the handling of this land under its ownership and allow for an assessment process under the Act.

The land at 36 Mannata Street is “public land” for the purposes of Section 177A of the *Local Government Act 1993*. Meaning that if Council were to “sell, lease, donate, exchange or otherwise dispose of public land” per

Section 178 (4) that a separate process would need to be enacted. This is covered in detail in the submission provided by GHD Pty Ltd on the 9th May 2023 and provided in Appendix D.

To summarise, the development of the small access strip to 36 Mannata Street does not actually require Council to sell, lease, donate, exchange or otherwise dispose of public land as the land would not at any stage be in the possession of any party other than the Clarence City Council. This is simply because the area would form part of a public road lot that would be in the ownership of the Council and for public use. It would never come into the possession of Dourias MGH Pty Ltd or any other party. The process for the sale, lease, donate, exchange or otherwise dispose of the land is not relevant.

At the time, a process under Section 178 of the *Local Government Act 1993* seemed, in my opinion, a means of both enabling the Planning Authority to formerly assess the application and to provide a process for Council to make a decision on how to deal with land in its ownership. This process would have dealt with the consent matter in lieu of a lack of process or criteria for consent under Section 40T of the Act. Again, this highlights an issue in the legislation for Council and developers to deal with landowner consent without a clear policy, guidelines or some legislated criteria.

As, highlighted earlier in this submission, a decision of Council on the provision of consent would both deal with the Section 40T delegation matter and also alleviate any concern or doubt that Council Officers or the General Manager (CEO) may have with regard to implementing decisions or policies of Council i.e. per the functions and powers of a general manager per Section 62 of the *Local Government Act 1993*.

4. Previous Discussions and Decisions of Council

The application was prepared after previous discussion with the former Mayor Doug Chipman. At the time, my client was actively working with other landowners in the Lauderdale area, in the vicinity of Mannata Street, to look at future development plans for the area. A joint submission from multiple landowners was prepared by GHD Pty Ltd to look at potential options for rezoning and developing the land.

Council at that time did not support any further projects of that much larger scale for development in this part of Lauderdale. It was then suggested to my client that he engage his own consultants and prepare a Development Application for the 34 and 46 Mannata Street only. This was a logical move. The land at 34 and 46 Mannata Street had already been approved to be filled above the potential inundation.

This makes the land at 34, 36 and 46 Mannata Street very unique. It is not the same as the other low lying areas of Lauderdale.

Council removed the Flood Prone Area Overlay from most of the land at 34 and 46 Mannata Street by way of a Planning Scheme Amendment on the 20th June 2022. The amendment was made as part of changes to the Local Provisions Schedule for the *Tasmanian Planning Scheme - Clarence*.

Per the figure below (Figure B), only part of the land is now within the Flood Prone Area Overlay. This is largely due to the large amount of fill that is approved for the land. The small area of land, still within the Flood Prone Area Overlay, is a small and manageable area. This is not dissimilar to many other properties in the Clarence Local Government Area. The land, per Figure B, can be clearly distinguished from the surrounding land still subject to the Flood Prone Area Overlay.



Figure B: 34 and 46 Mannata Street highlighted in red border with area outside of flood prone are overlay (Source: theLIST Mapping services)

Fill is continuing to be brought to the land to raise the land higher than the surrounding land. Further photos of this can be supplied to Council, including aerial drone photographs.

Previous discussions and emails with Council Officers in the lead up to the preparation of the Section 40T Application did not at any stage raise or red flag the possibility of Council simply not giving consent for the lodgment of the application.

It is my opinion that the following circumstances led to an expectation or understanding, by my client, that consent would be given through the ordinary application process:

- The complexities of the site; and
- The need for a detailed application for Council Officers to understand how the site could be developed; and
- A full application is required in order for consent for the lodgment of the application to be given; and
- The discussions that a process under Section 178 of the *Local Government Act 1993* was a possibility to dealing with the landowner consent. This was outlined in an email exchange with Council Officers in early 2022.

Had consent been given, then planning assessment would commence and then Officers would further assess the complexities of the site under the Planning Scheme and as otherwise under the amendment provisions of the Act. This was particularly relevant to further flood and inundation studies and modelling whereby my client would need to obtain the right information for Council Officers that did not duplicate studies that had already been undertaken.

Overall, a decision by Council with regard to Section 40T (6) seems to be the only option. As there is no delegation to the General Manager (CEO) to give consent and I sense a reticence from Council Management to fast track a delegation process to deal with this matter and I assume a sense of relief that Council should make the decision in the interests of an open public process and avoid any doubt Council's general manager may have in performing the role an implementing the policies and decisions of Council per Section 62 of the *Local Government Act 1993*.

5. Urban Growth Boundary

Council may note that the land is outside of the Urban Growth Boundary (UGB) as shown in the *Southern Tasmanian Regional Land Use Strategy (STRLUS)*. Per Figure C below the land is adjoining the UGB. Land outside of the UGB can be considered for a rezoning to an urban zone where an application demonstrates the proposal is consistent with the policy statements of the STRLUS – in particular the policy statement under SRD 2.12 shown in Figure D.



Figure C: Urban Growth Boundary shown in hatched overlay and subject titles in blue outline (Source: theLIST Mapping Services)

Below are the policy statements under SRD 2.12. These were not specifically addressed in the Application

submitted to Council in December 2022 as the statements were added into the STRLUS on the 17th May 2023 after the application was submitted.

- SRD 2.12** *Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:*
- (a) shares a common boundary with land zoned for urban development within the Urban Growth Boundary and:
 - i. only provides for a small and logical extension, in the context of the immediate area, to land zoned for urban development beyond the Urban Growth Boundary; or*
 - ii. does not constitute a significant increase in land zoned for urban development in the context of the suburb, or the major or minor satellite as identified in Table 3, and is identified in a contemporary settlement strategy or structure plan produced or endorsed by the relevant planning authority; and**
 - (b) can be supplied with reticulated water, sewerage and stormwater services; and*
 - (c) can be accommodated by the existing transport system, does not reduce the level of service of the existing road network, and would provide for an efficient and connected extension of existing passenger and active transport services and networks; and*
 - (d) results in minimal potential for land use conflicts with adjoining uses.*

Figure D: Policy statements SRD 2.12 under the STRLUS

The policy statements replaced a previous policy statement that allowed an opportunity to rezone land that is outside of the UGB where the following applied:

- The lot shares a common boundary; and
- The lot is not more than 2ha; and
- The rezoning does not constitute a significant increase in land zoned for urban development in that locality; and
- The rezoning would create minimal potential for land use conflicts.

This is addressed in the application submitted to Council. However, the updated policy statement shown in Figure D has not yet been addressed in the submitted application, as it was introduced in May 2023. The application will need to be updated to reflect the new policy statement. This can occur through the ordinary and expected request for additional information from Council Officers per Section 40U of the Act.

Accordingly, the proposed rezoning needs to be consistent with SRD 2.12 (a) (i). That is the rezoning “only provides for a small and logical extension, in the context of the immediate area, to land zoned for urban development beyond the Urban Growth Boundary”. The Urban Growth Boundary does not require amendment or amendment to the STRLUS for this to occur.

As a reminder, the policy statement was introduced as part of a suite of amendments to the STRLUS in May 2023.

As Council would recall there were a number of changes to the UGB as part of these amendments. The State Planning Office exhibited the amendments to the UGB in March 2023 as being logical extensions to the UGB and to correct/fix anomalies in the UGB. The UGB was then updated under the LIST mapping services. These sites included 33.5ha at Sorell for a poultry farm, 62ha at Brighton for light industrial, roads and residential use, 74ha at Risdon Vale to include the Prison and the adjoining land. Some of these sites, are in my opinion, large sites which were considered to be a “logical extension”.

It will be necessary to show that the proposed rezoning at Mannata Street for an approximately 3.4ha area is also a small and logical extension in the context of the immediate area.

To summarise the new policy statement in Figure D does not prohibit the Planning Authority assessment of an application to subdivide and rezone the subject land at Mannata Street to commence. The Council Planning Authority will need to make a decision on whether they agree the rezoning complies with SRD 2.12 as part of the assessment process. This would be based on further content supplied by the Applicant. Council does not need to make this decision on SRD 2.12 at this landowner consent stage. Council are reminded there are many other relevant policy statements under the STRLUS which are documented in the Planning Report by GHD that the Planning Authority must also consider.

6. Conclusion

The application has, so far, cost my client in the vicinity of \$150,000.00 in consultancy fees. The fees contributed towards the planning application, environmental studies, traffic impact assessment, engineering assessment, legal advice, planning advice, design plans and master plan details. Further information, as outlined in this submission will also be required. My client has taken the necessary steps to resourcing their own application for developing the land and not relying on a complete review of the Lauderdale area. This is largely because the land is already approved for fill and the flood prone area overlay has been largely removed from the land. It is unique in that regard.

The legal advice, mentioned above, regarding the landowner consent process has been provided to the CEO Ian Nelson with a request that it be provided to Council in any further decision making regarding the landowner consent matters. This advice, prepared by Billett Legal is again provided per Appendix B.

I hope this submission, the attached submissions, and legal advice will assist both Council and Council Officers in progressing the application. I am sure with my client’s instruction that I could provide any further information you may need or address Council if that would be of any assistance. Aerial photography of the site, to show the development currently underway, can be provided.

The public is not, in my opinion, prejudiced by the lodgement of the application. Matters pertaining to liability and the suitability of the land for residential development would be addressed through the application process whereby the Planning Authority will make a separate decision based on the assessment of the Council Officers and the content of the application per the requirements of the *Land Use Planning and Approvals Act 1993*.

It is clear, from the written submission and the advice by Billett Legal, that consent for the lodgement of the application can be given without regard for the previous decision of Council on the 1st May 2017 and that the correct consideration of the planning issues surrounding the development of the land at 34, 36 and 46 Mannata Street be addressed through the ordinary assessment process under Section 40T of the *Land Use Planning and Approvals Act 1993*. This is central to my reason for why consent ought to be given.

Council's fee for lodging this application is \$25,085.00. This fee is significantly higher than most Councils and is intended to cover the Council assessment process. I understand the Clarence City Council created this special fee given the inherently complex nature and time taken to consider applications for Planning Scheme Amendments. This fee will be paid by Dourias MGH Pty Ltd to commence the assessment process.

The lodgement of this application is the culmination of many years of consultation with landowners and reports on flood and stormwater management options for the Lauderdale area. I have given due regard to the site history together with the site constraints and opportunities in preparing the application to Council. The relevant timeline of events leading to the preparation of this application is outlined in Appendix A – *Timeline of Events - Application to Rezone and Subdivide at 34, 36 and 46 Mannata Street Lauderdale*. I hope this is of some assistance.

The table provided in Appendix A primarily shows the history of the application and the various steps taken to prepare the application and highlights that Dourias MGH Pty Ltd has made all reasonable attempts to lodge the application and seek the consent of the General Manager.

Per the attached timeline, this submission and the attached submission(s) and advice, Council should have:

- A. A reasonable understanding of the events that have led to the preparation and lodgement of the Application;
- B. A better understanding of the role of Council and the role of the Planning Authority in assessing applications

I ask then, considering all these matters, for a degree of fairness in allowing the application to be considered through the ordinary assessment process afforded by Section 40T of the *Land Use Planning and Approvals Act 1993*. My client is otherwise committed to cooperating with the Planning Authority as Council works through the assessment process.

To that end I again request that consent for the lodgment of the application per Section 40T (6) be given and to allow for the Planning Authority to commence the assessment process.

Sincerely,

David Cundall

David Cundall

Planning Consultant
BA, GradDipEnvPlg, DipPM

Enclosed:

APPENDIX A – Timeline of Events - Application to Rezone and Subdivide at 34, 36 and 46 Mannata Street Lauderdale

APPENDIX B - PLANNING ADVICE – 34, 46 and part of 36 Mannata Street, Lauderdale (Consent to lodge application), prepared by Billett Legal, 8th September 2023;

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APPENDIX A –

Timeline of Events - Application to Rezone and Subdivide at 34, 36 and 46 Mannata Street Lauderdale

Table 1: Timeline of Events – Application to Rezone and Subdivide at 34, 36 and 46 Mannata Street Lauderdale		
Mannata Street, Lauderdale Subdivision and Rezoning for Dourias MGH Pty Ltd MGH PTY LTD		
March 2024		
Date	Event	Comment
2015	<p>Council decision to rezone approximately 55ha of land in the Lauderdale area from the Rural Residential Zone to the General Residential Zone is made as part of the Draft Interim Planning Scheme process. The area included the land fronting South Arm Road, extending north of Mannata Street and to the west of Ringwood Road. This includes the land at 34, 36 and 46 Mannata Street.</p> <p>The rezoning was included in the endorsed <i>Draft Clarence Interim Planning Scheme 2015</i>.</p>	<p>This proposal was however rejected by the Minister for Planning on the basis that rezoning the land was "... not consistent with regional policy SRD 1 and 2 of the STRLUS and particularly SRD 1.1 and implementation of the settlement growth scenario for Greater Hobart; and not consistent with regional policy MRH 2.1 of the STRLUS, to provide for the mitigation of flood risk at the earliest stage of the planning process" (Extract from Minister's Direction Notice on the <i>Clarence Interim Planning Scheme 2015</i>).</p> <p>The Minister for Planning, at the time, was sympathetic to Council and the landowners that had anticipated the land would be rezoned to the General Residential Zone under the <i>Clarence Interim Planning Scheme 2015</i>.</p>


The Minister then part funded and provided resources to the Clarence City Council to further investigate the issues and feasibility of rezoning this part of Lauderdale to the General Residential Zone.

The general area of land is shown below (for context) in Figure 1:




Figure 1: General location of the rezoning (Source: *Lauderdale Urban Expansion Feasibility Study 2016, JMG*)

December 2015	<p>Council commission JMG Engineers and Planners to prepare a three (3) staged project to:</p> <ul style="list-style-type: none"> • Stage 1 – Feasibility Report (includes various engineering, environmental and strategic studies); • Stage 2 – Statutory approval (includes developing new planning controls and changes to relevant strategic documents); and • Stage 3 - Representations and hearings (includes preparing the planning scheme amendment, reviewing representations and giving evidence to the TPC). 	<p>The project examined the feasibility of rezoning 55ha of land to eventually create over 500 residential lots.</p> <p>The project includes background studies, public and stakeholder consultation and assessment of the constraints and opportunities including environmental conditions, infrastructure requirements, strategic context and financial feasibility based on land values at the time.</p>
2016 - 2017	<p>JMG and Council commence Stage 1 of the project. This includes stakeholder and landowner consultation and workshops on the Lauderdale area.</p>	
18 th September 2017	<p>Clarence City Council grant permit SD-2014/33 for subdivision of “7 lots plus balance and associated fill” for land fronting Mannata Street– the approval allows for:</p> <ul style="list-style-type: none"> • Subdivision of 7 residential lots and balance land • Clear existing vegetation and fill the site between 1.2m and 1.5m to a consistent level of 2.7m AHD 	<p>The land along Mannata Street, in the vicinity of the proposed subdivision, has been progressively developed over the past 10 years. The developed lots along Mannata Street were created through the previous subdivision applications and being developed for housing.</p> <p>The rear of the lots is being progressively filled per the Permit SD – 2014/33. Most of the land at 46 Mannata Street has been previously filled. The progress of development and the fill area is shown below in Figure 2.</p>

	<ul style="list-style-type: none"> • Associated subdivision works and infrastructure including provision of water, sewer, stormwater drainage and • Road access for lots <p>The permit allowed for the creation of the current lots along Mannata Street and the fill that is being progressively placed at the rear of the lots. The</p>	 <p><i>Figure 2: Mannata Street Aerial Photo 2023 (Source: Jarrad Bevan, The Mercury 3rd September 2023)</i></p>
2017 – 2021	<p>Subdivision works for the lots fronting Mannata Street are completed and titles issued by the Lands Titles Office.</p> <p>The fill works at the rear of the lots continues today.</p>	

Mid 2021	The Local Provisions Schedule of the <i>Tasmanian Planning Scheme – Clarence</i> is amended to remove most of the Flood Prone Area Overlay from the subject land.	
22 nd September 2021	Minister amends the <i>Southern Tasmanian Regional Land Use Strategy</i> (STRLUS) to allow land under 2ha that adjoins the Urban Growth Boundary to be considered for rezoning to General Residential Zone. This includes land at Mannata Street.	<p>Prior to the amendment a person or Council would require the support and decision of all 12 Southern Councils to allow urban zones outside of the Urban Growth Boundary within the Greater Hobart Area.</p> <p>The amendment allows a person to apply to the Council to consider an application to rezone land where specific criteria can be met.</p>
4 th October 2021 – 20 th October 2021	<p>GHD Pty Ltd commence discussions with Dan Ford Strategic Planner at Council regarding lodgment of an application with Council to rezone 34, 36 and 46 Mannata Street owned by MGH Pty Ltd land.</p> <p>Dan Ford confirms application fees and some details around the STRLUS policy.</p> <p>Also, that GHD Pty Ltd and Dourias MGH Pty Ltd will need Council consent as the owner of 36 Mannata Street for the lodgment of the application. But that a detailed application is needed in order for consent to be provided. This is standard practice.</p>	<p>Dan Ford provided this comment in email 20th October 2021:</p> <p>“...any such proposal would require council’s consent for the lodging of the application. Given the complex history of investigations and council decisions in this part of Lauderdale it is recommended that any application be accompanied by a submission outlining why council’s consent should be provided.”</p> <p>At this stage there was no indication that Council would refuse to assess the application based on previous Council decisions or policy.</p>
2 nd November 2021	GHD Pty Ltd consult with the Tasmanian Planning Commission (TPC) regarding the new STRLUS policy.	The TPC create a new policy for interpretation of the STRLUS policy to clarify that multiple lots can be considered under the new STRLUS policy in a single application to Council and will not require separate applications for each lot. This is of assistance to the application as there are three (3) lots in total.

4 th November 2021	Dourias MGH Pty Ltd instructs GHD Pty Ltd to proceed with the Development Application documentation.	
November 2021	Clarence Engineers and GHD Pty Ltd Engineers discuss flood and stormwater modelling in the Lauderdale area.	
23 rd December 2021	GHD email Council's Asset and Property Division with subdivision plans and ask how to best progress the landowner consent matter and to confirm if TasWater have any tenure over the access for their pump station which is also located on 36 Mannata Street.	The purpose of the discussions were to establish what form of consent for the use and development of the Council Owned Land at 36 Mannata Street would be required in lodging a Development Application with Council and if the development of the Council owned land would require additional process under the <i>Local Government Act 1993</i> as "public land".
27 th January 2022	Council Officers confirm process around using this land for an access strip for the subdivision as needing to go through a disposal of public land process under Section 177 and 178 of the <i>Local Government Act 1993</i> .	At the time, this was an agreeable process for providing consent for the use and development of public land and for assessing the application. The advice was to submit the Development Application and the process for the disposal of public land would be undertaken separately under the Section 177 and 178 of the <i>Local Government Act 1993</i> .
1 st February 2022	Clarence Officers email the process for preparing a DA for the development and rezoning and to use the planning assessment process before determining if Council should dispose of public land. Council Officers confirm that the DA process will be first undertaken before Council determine whether or not to dispose of the land.	There is no indication that Council would likely refuse to outright accept the application. However, Officers needed a Development Application in order to form an understanding of the proposed works and development. This is understandable. This seemed reasonable at the time. However, in hindsight, was not correct as the land at 36 Mannata Street, owned by the Council would not actually be taken out of public ownership and therefore the process for the disposal of public land was not applicable. Only consent by the General Manager to enable assessment of the application would be required. Council Officers did not flag a possibility that the Council would simply refuse or withhold providing consent under Section 40T of the Act.

<p>February - October 2022</p>	<p>Dourias MGH Pty Ltd, together with the consultant team GHD Pty Ltd, DJ Potter, and AD Design + Consulting refine the layout plans for the land.</p> <p>The area of Council land, discussed earlier with Council Officers, remains unchanged.</p>	<p>A final layout plan is prepared for the land and is shown below in Figure 3.</p>  <p>Figure 3: Mannata Street Subdivision and Layout Plan showing aspirational park on the Council Owned Public Land at 36 Mannata Street (Source: GHD Pty Ltd)</p>
<p>December 2022</p>	<p>GHD email Ross Graham at the Clarence City Council and call to discuss process regarding technical information associated with stormwater and flood management. It was agreed this could be supplied through a request for additional information by the Planning Authority.</p>	

	<p>This was to confirm that GHD do not want a conflict of interest around stormwater and flood modelling studies which were previously undertaken for Clarence City Council in October 2021.</p> <p>The Clarence Council Planning Authority is best to request information from Dourias MGH Pty Ltd and for Dourias MGH Pty Ltd to use a different consultant for any flood modelling or inundation solutions.</p>	
23 rd December 2022	Application is lodged with the Council Planning department and General Manager for consent and for formal assessment to commence.	
3 rd January 2023	Invoice is issued by Council for the application.	
12 th January 2023	Indra Boss, Strategic Planner at the Clarence Council emails GHD to confirm that application is being considered for General Manager's consent, as landowner, for lodgment of application.	
13 th January 2023	GHD submit application in a different format as requested by Council Planners i.e., separate PDF documents for ease of assessment and record keeping.	
6 th March 2023	Clarence Council provide letter declining to consent to the lodgment of the DA and that the application will not be assessed.	
6 th March 2023	GHD speak with Indra Boss regarding why Council has not signed the DA – informed that the letter has explained the reasons.	

10 th March 2023	GHD again speak with Indra Boss and request a copy of the internal assessment undertaken that led to the refusal to sign the DA as landowner and that GHD will seek a meeting with the GM to discuss and better understand what further information is required and to explain the process to date.	
April 2023	GHD again request a copy of the internal assessment undertaken that led to the refusal of the General Manager's consent and were informed that a Right to Information (RTI) under the <i>Right to Information Act 2009</i> would need to be formally lodged and the application fee paid in order for Council Officers to consider an administer the request.	GHD do not make the request and instead Dourias MGH Pty Ltd decides to lodge the Development Application again.
May 2023	Dourias MGH Pty Ltd resubmit the Development Application and a new invoice and application number is created.	
June 2023	On behalf of Dourias MGH Pty Ltd together with Planning Consultant David Cundall I met with Council's CEO Ian Nelson and Manager Engineering Services to discuss reasons why consent was not provided.	The reason given was that Council had made a decision on the 1 st May 2017 regarding the <i>Lauderdale Urban Expansion Feasibility Project</i> and that it was the opinion of Council Officers that the provision of consent for the inclusion of the access strip at 36 Mannata Street, Lauderdale would be contrary to that decision. The use and development of a small gravel access strip per se was not the issue. It was more that the General Manager (CEO) was not convinced that the provision of consent for the lodgment of the application was possible without further advice and possibly the direction of the Clarence City Council.
July 2023	David Cundall on behalf of Dourias MGH Pty Ltd provides the detailed written submission outlining (enclosed with this document) outlining the decision of the 1 st May 2017 and	

	that provision of consent could not possibly be contrary to that decision.	
August 2023	Council responds to the submission and explain that further to a Council workshop held on the 24 th July 2023 that Council were seeking further advice on the consent matter.	
September 2023	David Cundall on behalf of Dourias MGH Pty Ltd seeks advice from Billet Legal seeking to clarify the role of the General Manager and the Planning Authority with regard to the provision of consent and the relevance to the decision made on the 1 st May 2017.	The advice from Billet Legal is provided to Council.
24 November 2023	A letter from the Mayor's Office to Dourias MGH Pty Ltd is sent.	The letter states that Council are seeking further advice with regard to the broader issue of rezoning land in the area and with regard to landowner consent and that Council would consider such advice and then address the landowner consent matter.
1 st December 2023	Tony Dourias of Dourias MGH Pty Ltd responds to letter from the Mayor's Office.	Mr Dourias puts forward that Dourias MGH Pty Ltd is not seeking a predetermination of the application to rezone and subdivide the land and that a determination ought to be made through the assessment process under Section 40T.
January 2024	David Cundall contacts Dan Marr the Head of City Planning and requests a meeting to give an overview of the history of the application and previous submissions to Council.	
1 st February 2024	David Cundall and Dan Marr discuss the application.	Dan requests an overview of past submissions and in particular how the matter of public land under Section 177 of the <i>Local Government Act 1993</i> may be addressed. Dan also flags that a decision by the Council would be required as to whether landowner consent is given as Council has not yet given delegation to the General Manager or other person for purposes of providing

		permission/consent under Section 40T of the Land Use Planning and Approvals Act 1993.
March 2024	Further submission is provided by David Cundall per the meeting held 1 st February 2024.	

8 September 2023

Mr David Cundall
Planning and Project Management Services

By email: david.cundall@outlook.com

Dear David

PLANNING ADVICE – 34, 46 and part of 36 Mannata Street, Lauderdale (Consent to lodge application)

Thank you for your instructions.

In summary, you seek to lodge a request under s.37 and s.40T of the *Land Use Planning and Approvals Act 1993 (LUPA Act)* which asks that the Clarence City Council (**Council**) acting in the capacity as the planning authority amend the applicable LPS. The amendment seeks to rezone land at 34 46, and part of 36 Mannata Street Lauderdale from the Rural Living Zone to the General Residential Zone under the *Tasmanian Planning Scheme – Clarence*. A concurrent application is sought to be made for a permit to subdivide the land into 44 lots with associated works.

The Council owns the land known as 36 Mannata Street which is more particularly described in Certificate of Title Volume 23315 Folio 39. The remaining land is owned by our client.

All 3 lots gain access to Mannata Street via adjoining access strips that are each approximately 6m wide.

As I expand upon below, I am not aware of any previous decision or policy of the Council that would prevent the General Manager, noting that it is assumed a relevant delegation exists, from granting consent to lodge the application. If there is any concern in this regard, the simplest approach would be for the matter to be put to the Council to determine. As I expand upon below, the Council would be acting in its capacity as the land owner when determining whether to grant consent to lodge the application and this is separate to their powers as the planning authority which would subsequently arise if consent was granted and the application consequently lodged. The granting of consent to lodge the application does not mean that the amendment will be initiated, simply that the assessment process may be commenced.

1 Council Acting as Land Owner

When a request to amend the planning scheme is ultimately lodged, it is the Council acting in its capacity as the planning authority which will need to determine whether or not to initiate the amendment in accordance with its powers under s.38 of the LUPA Act. If the amendment is initiated, the Council acting in its capacity as the planning authority would also determine the application for a permit under s.40Y of the LUPA Act.

To lodge the application, you first need to ensure that the request under s.37(1) for the amendment and under s.40T for the permit is signed by the owner of the land and accompanied by the written permission of the owner; s.37(3) and s.40T(6). The relevant owner is the Council.¹

Importantly, there is a distinction that is drawn between the functions and powers that are exercised by the Council as the relevant owner when consent to lodge the request is granted as compared to the functions and powers of the Council acting in its capacity as the planning authority when it assesses the application.

¹ I note that, unlike s.52 of the LUPA Act, it is the owner who must provide the requisite consent and that is the Council. S.52 expressly requires that the General Manager sign the consent. It may be that the General Manager/Chief Executive Officer holds the relevant power of delegation to grant consent on behalf of the Council under s.37 and s.40T, however, outside of that delegation the power remains with the Council.

The Council would fall into error if it were to confuse the two duties that it performs and the capacity in which it acts in each case.

While perhaps repetitive of previous advice, I draw your attention to the following authorities that confirm this approach.

In *P & M Gilding Pty Ltd v Huon Valley Council* [2018] TASRMPAT 17 the Tribunal was required to consider whether consent from the Crown had been validly given for use and development affecting a road, or whether consent from the Council was required. The consent in issue was that required under s.52 of the LUPA Act which requires owner consent in respect of land that is owned or administered by the Crown or planning authority or otherwise vested in the Crown.

The Tribunal reasoned as follows:

In this Tribunal's view, the purpose of s52(1B) is to ensure that the Crown or Council, to the extent that either own or administer the land have notice of development applications proposed over the land. The submission of Council is that as a relevant authority administering the land, it is entitled to properly consider any request for consent and decide not to provide such consent where it not be in the public interest to do so. Such an interpretation is consistent with the objectives of the Act. It was submitted that in the exercise of Council's duty pursuant to s21 of the LG Act, Council is required to consider the impact on public infrastructure vested in the Council and to protect the interests of the community by protecting that infrastructure if required.

While the present application sits within a modified context, the reasoning of the Tribunal supports the following approach:

- The Council is not acting as the planning authority when it determines whether or not to grant owner consent. It is acting as the landowner.
- The duties of the landowner arise by virtue of the nature of the land and the functions that the Council exercises in respect of that land.
- It is relevant for the Council, as landowner, to enquire as to what the impact of the amendment and application is upon the public infrastructure as relevant to the affected land when determining whether to grant consent as an affected landowner.

I refer further to the decision of the Tasmanian Planning Commission in *Glamorgan Spring Bay Interim Planning Scheme 2015 amendment AM 2018-03* [2019] TASPComm 34, where the Delegates were required to consider the validity of the relevant planning authority's decision to initiate an amendment to the planning scheme. In that case, the Delegates were required to consider the requirement for owner consent under s.33(2A) of the former provisions of the LUPA Act. The consequences of the amendment for the owner were relevant to their determination of the importance of owner consent and thus the validity of the proceedings.

Again, the decision reveals the focus to be upon the owner's rights and not the duties and functions of the planning authority.

It is plain that there is a distinction to be drawn between the functions of the planning authority and the functions of the Council when acting as a landowner. It is equally plain that the considerations that inform the grant of consent are vastly different to the considerations that inform the planning authority as to whether or not the amendment should be initiated.

2 Factors Informing the Decision

It is useful to consider foremost the land that triggers the requirement for consent and the relevant context of the proposal. The proposal is to rezone the land from Rural Living to General Residential and to subdivide the land for future residential development.

The Council's consent as landowner relates to a strip of land that is approximately 6m wide which is one of 3 strips of land that facilitate access to the lots located behind the first row of houses fronting Mannata Street in the area. It is proposed that this strip, which forms part of CT 23315/39 is rezoned consistent with the zoning that is sought to be applied to the applicant's land. The permit application then seeks that this land be constructed as a road, presumably to be taken over by the Council in its capacity as the road authority. No lots are proposed upon the Council-owned land.

You have instructed me that CT 23315/39 accommodates a sewerage pump station. The Council has however asserted that the land is public land within the meaning of s.177A of the *Local Government Act* 1993. They have said this is because the land "may be" used for public recreation purposes.

If the Council's contention is correct, this provides an additional frame of reference for the Council's determination as to whether or not to grant consent to the lodgment of the application.

The question for the Council in granting owner consent is firstly whether the proposed zoning is consistent with its land management powers under the *Local Government Act*.

While it is not for me to advise the Council on this point, it is difficult to envisage that the present proposal is in any way contrary to the existing or intended operation of the Council's access strip.

3 Past Decisions and Policy of the Council

I understand that it has been suggested that the principal consideration for the Council is that the grant of consent to lodge the application may be contrary to a past decision or policy of the Council. Absent a specific decision or policy being identified it is difficult to advise further on this point.

Insofar as a reference has been made to a 2017 decision concerning a larger development proposal that included 34, 36 and 46 Mannata Street, the age of that decision together with the fact that the two proposals are in no way comparable means that this decision is wholly irrelevant.

In any event, there is no material that I have been provided nor that I have located which suggests that in determining not to proceed with a strategic project for the area, the Council has in any way determined that the Council land in question could not be developed as a road or would be unsuited to this purpose.

I note for the sake of completeness that r.18 of the *Local Government (Meeting Procedures) Regulations* 2015 provides for motions to overturn past decisions and stipulates the process to be followed where it applies. The special process only applies where a motion is put to overturn a decision of the Council that was made at a meeting held since the last ordinary election.

4 Land Constraints

I understand that there are suggestions of concerns that 34, 36 and 46 Mannata Street are low lying as to be susceptible to flood flows arising from significant storm events. I note that parts of the land are mapped as Flood Prone Areas and the land in totality is mapped as within a Coastal Inundation Area under the current scheme.

Whether land is suitable for residential development, including whether the land is exposed to an unacceptable level of risk from flood or inundation hazard, will be a relevant consideration that informs whether the land should be zoned as General Residential. This will be an important consideration for the Council acting in its capacity as the planning authority when it determines whether to initiate the amendment. If the amendment is initiated, it would likely remain an important consideration for the ultimate adjudication by the Tasmanian Planning Commission (**Commission**).

However, I cannot see any basis upon which it might be thought that exposure to such hazards was relevant to the question of whether the Council as the owner of a 6m wide strip of road intended for future development as a road, should grant its consent to the lodging of the application.

5 Liability

Finally, I note that you have queried the liability that the Council might be exposed to if it were to grant owner consent to lodgement of the application. It is not for me to provide advice for the benefit of others on this point nor it is necessarily my area of expertise.

It should not however be overlooked that all that is currently sought is that Council consent to the lodgement of the application. The granting of that consent does not create nor imply any right for the applicant to proceed with the development if the land is rezoned and a permit is granted. The relevant strip of land remains Council land and a planning permit does not carry with it any propriety right as would be required to physically undertake the development.

Furthermore, the granting of owner consent simply enables the application to proceed to assessment. It does not imply that the Council when acting as a planning authority would initiate the amendment or grant the permit. Those powers can only be exercised by the Council when acting as a planning authority and then only upon satisfaction that the draft amendment will meet the LPS criteria; s.38 of the LUPA Act.

The LPS criteria are set out in s.34 of the LUPA Act and include a requirement that the amendment (here the rezoning of land) is to be consistent with the Southern Tasmania Regional Land Use Strategy (*Land Use Strategy*). The Land Use Strategy in turn requires consideration of the risk from hazards that include flooding and inundation. Given that this is a specific issue to be addressed by the application and, where not satisfied would prevent the amendment from being approved by the Commission, it is reasonable to proceed on the basis that statutory frameworks mitigate the risk of land being brought online for residential development where that risk is not or cannot be appropriately managed. This issue can only be tested by the planning authority, and more properly by the Commission if the draft amendment is first submitted.

Given these circumstances, the granting of owner consent could not reasonably be said to infer or impute liability to the Council concerning future development upon the land.

From the matters that you have raised with me, it appears that the Council is confusing the functions and duties it must perform as a landowner with those that it performs when acting as the planning authority. It would be a material error of law for the Council as a landowner to act in a de facto capacity of the planning authority when considering a request for owner consent.

There does not appear to be any policy or previous decisions that would preclude the General Manager from providing consent to lodgement of the application on behalf of the Council as landowner. If there is any concern in this regard, or indeed if the General Manager does not hold the relevant delegation, the request for owner consent could simply be put before the Council for their decision.

I trust that the above assists in advancing matters. If there remain any questions or concerns, I am happy to discuss them with you.

I note that this advice may be provided to the Council to assist in facilitating your discussions.

Yours faithfully


Naomi Billett

Principal | Billett Legal

Email: naomi@billettlegal.com.au

APPENDIX C - Supporting Submission –Council Landowner Consent for Lodgement of Section 40T Application, prepared by David Cundall, Planning and Project Management Services, dated 7th July 2023

David Cundall
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7th July 2023
Ref: PDPSAMEND-2023/033272;
2023/ 036010- REQ2023- 077412

Ian Nelson
CEO – Clarence City Council
Email: inelson@ccc.tas.gov.au; sgillon@ccc.tas.gov.au

Dear Ian,

**Supporting Submission –
Council Landowner Consent for Lodgement of Section 40T Application**

Thank you again for meeting with Tony Dourias and I at the Clarence City Council Chambers on Thursday the 8th June 2023.

From that meeting I write to you to provide this submission in support of the application submitted under Section 40T of the *Land Use Planning and Approvals Act 1993* to rezone and subdivide the land at 34, 36 and 46 Mannata Street. I again request that, you, the General Manager provide consent for the lodgement of the application as the landowner of the access strip for 36 Mannata Street and allow for the assessment of the application by the Planning Authority.

Below I provide a diagram (Figure 1) of the access strip, owned by Council, that requires the General Manager’s consent. This is a narrow access strip that services the TasWater sewerage pump station and land reserved for the public.



Figure 1: Council Owned Access Strip to the Public Land and Sewerage Pump Station at 36 Mannata Street.

I appreciate your frank and clear feedback on the reasons why the General Manager's consent for the lodgement of the 40T Application, Lauderdale (the land) has been withheld.

It is now my understanding, based on our meeting, that Council/General Manager has not withheld consent due to the proposed works/use of the existing gravel access road it is for reasons that:

- a) A decision to provide such consent may be against a previous decision of the Clarence City Council; and
- b) The General Manager, per Section 62 of the *Local Government Act 1993*, is to provide implement the decisions of the Council and to implement the plans, policies and programs of Council.

This decision of Council is that made on the 1st May 2017 in regard to the consideration of *Item 11.7.4 Lauderdale Urban Expansion Feasibility Study*.

The Council in its decision considered a report and major project for the urban expansion of Lauderdale. This was a staged project –to:

- A. Subject to further investigation and strategic changes, rezone 55ha of Lauderdale in 31 separate titles. Which would create an estimated 500 lots
- B. To potentially resource and facilitate an \$84 million dollar development project
- C. Consider land acquisition and possible demolition of homes
- D. Ongoing asset management costs and resourcing; and
- E. Decision on cost recovery for works through policy decisions
- F. Amendments to strategic planning documents and public consultation
- G. Initiate an amendment to the *Southern Tasmanian Regional Land Use Strategy (STRLUS)* to extend the Urban Growth Boundary to include the 55ha of land.

My client, however, has not submitted an application to recommence the Lauderdale Urban Expansion project, the application is to rezone and subdivide 3.4ha of partly developed land. Below is the concept layout for the land (Figure 2).



Figure 2: Proposed Subdivision Layout (future public park is indicative only)

This does not require an amendment to the STRLUS and does not request that Council commit to a 55ha rezoning, strategic policy change and the management of an \$84 million dollar project. This is only 3.4ha of land adjoining the Urban Growth Boundary and adjoining business and residentially zoned land.

I put to you, in this submission, that the decision previously made by Council does not prevent or prohibit the General Manger from providing the consent for the lodgement of an application which includes the small access strip owned by Council.

Accordingly, I hope this submission will assist in the consideration of the General Manager's consent to allow planning assessment of the 40T Application by Council as an objective and ordinary function of Council.

I understand from our meeting on the 8th June 2023 that you will table this submission with the Council for their information and confirmation of the decision made on the 1st May 2017 as it relates to the Section 40T application and General Manager's consent for lodgement of the application.

Functions and powers of the General Manager

I understand, and appreciate, that a General Manager takes a precautionary approach in exercising these functions, in particular, implementing the decisions of the elected Council.

Per Section 62 of the *Local Government Act 1993* the functions and powers are set forth as:

62. Functions and powers of general manager

- 1) *The general manager has the following functions:*
 - a) *to implement the policies, plans and programs of the council;*

- b) *to implement the decisions of the council;*
- c) *to be responsible for the day-to-day operations and affairs of the council;*
- d) *to provide advice and reports to the council on the exercise and performance of its powers and functions and any other matter requested by the council;*
- e) *to assist the council in the preparation of the strategic plan, annual plan, annual report and assessment of the council's performance against the plans;*
- f) *to coordinate proposals for the development of objectives, policies and programs for the consideration of the council;*
- g) *to liaise with the mayor on the affairs of the council and the performance of its functions;*
- h) *to manage the resources and assets of the council;*
- i) *to perform any other function the council decides.*

2) *The general manager may do anything necessary or convenient to perform his or her functions under this or any other Act.*

Landowner Consent

The General Manager's consent, as the landowner, for the lodgement of an application under Section 37 or Section 40T or Section 52 of the *Land Use Planning and Approvals Act 1993* allows for the ordinary planning assessment process to commence. There is not a set of criteria in which the General Manager must make this decision, however, those matters outlined in Section 62 of the *Local Government Act 1993* are reasonable considerations together with consideration for how land is already used and developed or intended to be used and developed.

A General Manager provides consent for Development Applications regularly, in the ordinary course of their duties. Most applications are not a contentious use or development of Council owned land and do not prejudice Council or the public.

The access strip in question is already an access road (gravel road) to the public open space. The proposal is to turn this access into a sealed public road. I put forward that the public and Council are not prejudiced by these works.

My client does not want to purchase or own this access strip but has the view that turning the gravel road into a public road with street trees, footpath etc is an improvement and would facilitate access to what Council deem to be "public land". The status quo, to a large part, is unchanged as the land will remain in public and Council ownership and used for public purposes.

The condition of the road, infrastructure, landscaping and other works can be assessed and conditioned through the planning application process. However, if the General Manager has any specific requirements for the use and development of Council owned land or conditions around access or other specifics then these matters can be dealt with through a separate agreement.

I have considered the City of Hobart's *Administrative Guidelines: General Manager consent to an application for a planning permit – section 52 Land Use Planning and Approvals Act 1993* (similar principles to Section 40T) and have attached these guidelines with this submission. I have also considered the advice given by Shaun McElwaine SC, that part informed these *guidelines* when it was given in Council's submission on the *Mount Wellington Cable Car Facilitation Act* - here is an excerpt from that submission:

The Council recently sought advice from Shaun McElwaine SC in relation to the issue of landowner consent under section 52 (1B) of the Land Use Planning and Approvals Act 1993. Mr McElwaine advised that this section confers on the general manager (or his/her delegate) the power to provide owner consent. The Council cannot direct or dictate to the general manager on this exercise of this statutory obligation, nor is the general manager bound by any council decision. In Mr McElwaine's view it was clearly a matter for the general manager to determine whether to provide consent pursuant to section 52(1B) of the Land Use Planning and Approvals Act 1993. Section 4 of the draft Bill presupposes that a general manager would not provide landowner consent to lodge a development application and on that basis the necessity of this section within the draft Bill is questionable. The practice has generally been to grant owner consent in order to allow developments to proceed through the planning process. Other landowner issues are then dealt with once the development is free and clear of planning and legal constraints, thus providing for the orderly development of land as required by LUPPA. The Council is well aware of its separate and distinct roles as planning authority and landowner. Indeed, given Mr McElwaine's advice, the publicly stated rationale of the need for this legislation has no weight.

The advice is relevant to an application under Section 40T as it, in practice, includes a development of the land that would ordinarily be considered under Section 52 of the *Land Use Planning and Approvals Act 1993*. The General Manger is in effect considering similar/same matters in granting landowner consent.

The General Manger is not to factor planning grounds for withholding or refusing to grant consent for the lodgement of an application as those matters are to be addressed through the planning assessment process provided under the *Land Use Planning and Approvals Act 1993* and related legislation considered under the Resource Management and Planning System (RMPS) for a rezoning and subdivision application.

If the General Manger does not have other landowner issues with the use and development of the gravel access road, then, per this submission consent ought to be granted and allow for the development to proceed through the planning process. This is now discussed below with regard to the previous decision of Council on the 1st May 2017.

Decision of Council 1st May 2017

The report to Council on the 1st May 2017 was "...to consider submissions arising from public exhibition of this project and then to determine whether to proceed to the next stage of the project."

The project was the *Lauderdale Urban Expansion Feasibility Study Project* ("the Project").

This project, again in summary, was to investigate the feasibility of rezoning 55 hectares of land in 31 titles in the Lauderdale area from the Rural Living Zone to the General Residential Zone under the former *Clarence Interim Planning Scheme 2015*.

The 55ha area is generally described as the land fronting South Arm Road, extending north of Mannata Street and to the west of Ringwood Road (Source: <https://www.ccc.tas.gov.au/urban-expansion-of-lauderdale-will-not-proceed/> accessed 15th June 2023).

The project was a three (3) staged project. It followed a previous decision and proposal of Council to rezone this area from the Rural Living Zone to the General Residential Zone under the *Draft Clarence Interim Planning Scheme 2015*.

This proposal was however rejected by the Minister for Planning on the basis that rezoning the land was "... not consistent with regional policy SRD 1 and 2 of the STRLUS and particularly SRD 1.1 and implementation of the settlement growth scenario for Greater Hobart; and not consistent with regional policy MRH 2.1 of the STRLUS, to provide for the mitigation of flood risk at the earliest stage of the planning process" (Extract from Minister's Direction Notice on the *Clarence Interim Planning Scheme 2015*).

The Minister for Planning, at the time, was sympathetic to Council and the landowners that had anticipated the land would be rezoned to the General Residential Zone under the *Clarence Interim Planning Scheme 2015*. The Minister then part funded and provided resources to the Clarence City Council to further investigate the issues and feasibility of rezoning this part of Lauderdale to the General Residential Zone.

The Council then commissioned JMG Engineers and Planners to prepare the three (3) staged project which commenced with a feasibility report and public and stakeholder consultation.

The three (3) stages of the project are outlined as follows:

- Stage 1 – Feasibility Report (includes various engineering, environmental and strategic studies);
- Stage 2 – Statutory approval (includes developing new planning controls and changes to relevant strategic documents); and
- Stage 3 - Representations and hearings (includes preparing the planning scheme amendment, reviewing representations and giving evidence to the TPC).

Council at its meeting of the 1st May 2017 considered "Stage 1" of the project and to determine whether to progress to the next stage of the project and whether to continue with the project.

The next stage would be "stage 2" to further develop planning controls, standards and changes to strategic documents such as the *Lauderdale Structure Plan 2011*, an amendment to the Urban Growth Boundary in the *Southern Tasmanian Regional Land Use Strategy* and identification and changes to other strategic documents or policies to support infrastructure contributions, land acquisition and the like.

However, at the 1st May 2017 meeting Council supported the recommendations of the Council Officers to not proceed with the overall project.

The recommendations and decision of Council is provided as follows from the Minutes of that meeting held 1st May 2017 (for Item 11.7.4):

RECOMMENDATION:

- A. That Council decides not to proceed with the Lauderdale Urban Expansion Feasibility Study and accordingly decides not to undertake an amendment to the Lauderdale Structure Plan nor to seek an amendment to the Southern Tasmanian Regional Strategy Plan, for the following reasons:
1. The Study shows it would not be financially feasible to undertake the development.
 2. The development of the area would unreasonably impact on the amenity of the area.
 3. There are significant constraints to the development of the area, including the availability of suitable fill as well as long term regional traffic management implications.
 4. There are high risk and complex engineering solutions required to enable development to occur and Council would be liable for significant and unredeemable costs, in the order of \$11,000,000, for infrastructure and management costs alone.
 5. There is no adequate strategic land use planning justification for modifying the Lauderdale Structure Plan or the Southern Tasmanian Regional Land Use Strategy.
- B. That Council advises the Minister for Planning of Council's decision and the reasons behind it.
- C. That Council thanks submitters for their contributions and advises them of the outcome.

Decision:	MOVED Ald von Bertouch SECONDED Ald Cusick
	"That the Recommendation be adopted".
	CARRIED
	FOR
	Ald Chipman
	Ald Chong
	Ald Cusick
	Ald Doust
	Ald Hulme
	Ald Peers
	Ald Thurley
	Ald von Bertouch
	Ald Walker
	AGAINST
	Ald Campbell
	Ald James

The decision of Council was, specifically, not to proceed with the *Lauderdale Urban Expansion Feasibility Study* and accordingly to not then commence the process of amending the *Lauderdale Structure Plan* or commence the process to amend the *Southern Tasmanian Regional Strategy* (STRLUS).

Consent is not contrary to the decision of Council

The decision of the General Manager to grant consent for the lodgement of the Section 40T application is not contrary to the decision of Council for the following reasons:

- A. That the 2017 decision of Council on the *Lauderdale Urban Expansion Feasibility Study* was a

decision on a 55ha area of land to eventually create 500 lots. An entirely separate project; and

- B. The decision was for Council not to proceed with the *Lauderdale Urban Expansion Feasibility Study* project. This, in my view, was a decision to not proceed with a major strategic project and planning scheme amendment process for a significant area of land.
- C. The decision of Council was to abandon the project to rezone and develop 55ha of largely flood and coastal inundation prone land, requiring at least \$11 million dollars of Council funding and additional resources to manage what was described in the officer report as an \$84 million dollar project.
- D. The decision was not to refuse or withhold the General Manager's consent for any future application to rezone or subdivide land within the Lauderdale area;
- E. The decision was based on the JMG report in which expansion of the Lauderdale area is based on a best-case scenario where the expansion is undertaken as a single project over a number years. This scenario included likely requirements to acquire and purchase private land and demolish homes in order to facilitate the rezoning of the land. This was highlighted in the 2016 consultation process.
- F. The 11.7.4 agenda report considered that a consortium of developers or a single developer (together with Council) to rezone and develop the entire 55ha area was not feasible. This was a significant consideration for Council and basis for its decision.
- G. The 40T application considers a significantly smaller area of land. This land is distinguished from the surrounding area by the large amount of fill already placed on the land.
- H. That the Flood Prone Area Overlay was largely removed from the land by Council in 2022. The Flood Prone Area Overlay had previously covered this site at the time of the 2017 decision of Council. The Flood Prone Area Overlay was modified and removed by Council of their own motion.
- I. This land is different and should be treated as such:
 - a. Most of 46 Mannata Street has been previously filled for future development.
 - b. 34 Mannata Street has a permit to fill. This is currently underway with engineered fill being brought onto the site. This will be certified suitable for construction per the conditions of the Permit.
 - c. The access to 36 Mannata Street is already filled. This provided a suitable area to fill for 34 Mannata Street. It was a logical extension of the filled are for "future residential development".
 - d. The land is adjoining the Local Business Zone and Bangalee Shops and Community Purpose Zone. Access to this area is provided through the proposed subdivision.
 - e. Considerable investment and engineering design and assessment was undertaken to provide the large sandstone stormwater drainage channel through the land in the previous subdivision application to Council. This is shown below in Figure 3. The channel is now owned by the Clarence City Council and is designed to accommodate

future development upstream and to allow ease of access for maintenance by Council; and

- f. The access and channel is similar to the public walkway on the opposite side of Mannata Street. This stormwater channel was described as the “green belt” in the *Lauderdale Structure Plan 2011*. The access has potential to become a public walkway.



Figure 3 – Existing Sandstone stormwater channel and gravel access during rainfall event (Source: David Cundall, taken December 2021)

- J. That Council does not need to consider or commence the process of amending the *Southern Tasmanian Regional Land Use Strategy* (STRLUS) in order to consider this application. At the time of the 2017 decision an amendment to the STRLUS was required. An amendment to the STRLUS in September 2021 has enabled applications such as this to be considered by the Council Planning Authority through the ordinary planning scheme amendment process. This, in my view, is a major change from the 2017 decision.
- K. That Section 37 and Section 40T of the *Land Use Planning and Approvals Act 1993* enables a person to request the Council Planning Authority to consider and initiate an amendment to the Planning Scheme; and
- L. That Council will make a separate decision on that matter per the requirements of the *Land Use Planning and Approvals Act 1993*;

- M. That Council may, prior to the General Manager taking any action, may give direction to the General Manager on matters pertaining to past decisions of Council and other operations of Council and give assurance that the General Manager is not acting contrary to a decision of Council.
- N. That Council's consideration of a request to rezone the land 34, 36 and 46 Mannata Street, only, does not automatically constitute a precedent in which all other land in the Lauderdale Rural Living Zone to be then likely approved for further rezoning. We strongly suggest that each application is considered on its merit and that significant cost and resources are put towards preparing such applications. This is covered in substantial detail in the 40T application Planning Report.
- O. I do not believe Council ought to be refusing to give consent for the lodgement of the application on what appear to be otherwise planning grounds without having formally assessed the application.
- P. Issues around stormwater, flooding, coastal inundation or other planning related matters ought to be addressed by Council Officers through a request for additional information per 40U of the *Land Use Planning and Approvals Act 1993*. This request for additional information is expected and is welcomed and was discussed with Council Officers prior to the lodgement of the application.

We are not asking Council or the General Manager to position Council to re-commence the *Lauderdale Expansion Feasibility Study* Project. Nor are we asking the General Manager or Council to make a pre-judgement of the application prior to assessment.

We appreciate you, the General Manager, taking a precautionary approach and will seek the position of Council, based on this submission, to confirm that giving consent for the lodgement of the Application (as landowner) is not contrary to the decision of Council made on the 1st May 2017.

I again thank you for your time and consideration of this matter.

I look forward to hearing from you soon. I would gladly elaborate on any matters raised in this submission and would be agreeable to an opportunity to address Council. If you or Council have any further questions then I would appreciate the opportunity to address those concerns or provide a further information.

Sincerely

David Cundall

David Cundall
Planning Consultant
BA, GradDipEnvPlg, DipP

Enclosed: *Administrative Guidelines: General Manager consent to an application for a planning permit – section 52 Land Use Planning and Approvals Act 1993*



Your ref: PDPSPAMEND-PDSP-2023-033272
Our ref: 12610085

09 May 2023

Ian Nelson
Chief Executive Officer
Clarence City Council
PO BOX 96
Rosny Park TAS 7018

Email to: inelson@ccc.tas.gov.au; clr_bblomeley@ccc.tas.gov.au; clr_aritchie@ccc.tas.gov.au

RE: Council Landowner Consent Application - PDPSPAMEND-PDSP-2023-033272 Mannata Street, Lauderdale

Dear Mr Nelson,

I write to you on behalf of our client, Mr Tony Dourias of Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust in response to your letter dated 18th April 2023 regarding the application for subdivision and rezoning at Mannata Street, Lauderdale.

Tony has asked that I review the process and timeline of events that have led to the recent communications and application to Council and provide a written response to your letter.

I hope this will assist in further communications with Council and provide further information on the particulars of the proposal before any meeting is held. This letter should also provide the basis of a submission to you in support of any request for Council's consent as the landowner in the lodgement of an application under Section 40T of the *Land Use Planning and Approvals Act 1993*.

Landowner Consent – Section 52 (1B), *Land Use Planning and Approvals Act 1993*

The application, submitted on the 23rd December 2022 was an application lodged under Section 40T of the *Land Use Planning and Approvals Act 1993* (the Act). This was an application to subdivide the land together with a request to rezone the land from the Rural Living Zone to the General Residential Zone.

GHD had prepared the Planning Report and Traffic Impact Assessment that formed the substantial part of the application under Section 40T for Dourias MGH Pty Ltd and ATF MGH Dourias.

An application form under Section 52 (1B) of the Act, from Council's website, was also submitted that requested Council consent to the lodgement of the application as the landowner of 36 Mannata Street, Lauderdale (CT 23315/39). This was the application form on Council's website used for such purposes and for the internal Council assessment process to follow.

To that end we provide the following for consideration:

1. **That** the Council accepted an application to Council's General Manager per Section 52 (1B) of the Act to consider land ownership consent for the lodgement of the 40T application.
2. **That** this application per Section 52 (1B) of the Act was intended to be the submission and form to accompany the 40T application for the purposes of seeking Council's consent as the landowner.

Together with the content of the Planning Report which addresses many of the matters Council's General Manager (and staff) would have regard to in considering the request for landowner consent to use, rezone and develop Council Owned Land.

3. **However** Section 52 does not actually apply to an application submitted to Council under Section 40T. That per Section 40Y (5) of the Act:

Sections 51 , 52 , 53 , 54 , 55 , 56 , 57 , 58 and 59 do not apply in relation to an application under section 40T(1) for a permit.

4. **That** there is a separate form "Form No.1" provided by the Tasmanian Planning Commission, enclosed with this letter, that ought to be the form used for an application to rezone and subdivide land per Section 40T (6) of the Act.
5. **That** the Section 52 (1B) form was lodged in good faith as the submission to Council's General Manager seeking consent for the lodgement of the application as it appeared to be the only form on Council's website for such purposes.
6. **That**, most importantly, if Council were to grant consent for the making of the application it is not also approval to undertake any works and does not authorise the owner, developer or their agents any right to enter, access or conduct works on any Council owned or administered land. If planning approval is granted by the planning authority, separate consent from the Council to undertake the proposed use and development on Council owned or administered land is required before any works commence. Permission to undertake works and the like could be through an exchange of letters based on the content of the planning application.

Pre-Lodgement Discussions

The following matters are also relevant to the application and how it was submitted to Council without a complete pre-lodgement assessment process by Council's Planning or Asset Management Team.

7. **That** I discussed with Gopal Neupane and Ross Graham that GHD engineers had previously provided stormwater and flood reporting for the Clarence City Council in October 2021 and that GHD have avoided a conflict of interest in the preparation of the Application documentation for Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust; and
8. **That** I had agreed with Ross that it was best that GHD exclude any expert reporting on the flood modelling or stormwater modelling by GHD Pty Ltd for the land and allow Council's Planners and Engineers to assess the application and formally request further information from Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust. This was:
 - a. To avoid any conflict of interest between GHD Pty Ltd and Clarence City Council.
 - b. To allow Council Officers to consider the application documentation and outline any deficiencies regarding impact on Council's land, assets or strategic direction for the area through the ordinary Section 40U assessment process.
 - c. To allow Council Officers to rely upon the information previously provided by GHD in the consideration of the application in relation to asset and stormwater management in the area.
 - d. To allow Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust could then seek that information from another consultancy regarding flooding or stormwater.
9. **That** in good faith GHD and Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust had submitted a complete application to Council under 40T where a fee of \$25, 085.00 would be paid to cover the costs of assessment and consideration of the application and avoid "doubling up" on pre-lodgement meetings and requests for further information where Council would likely consider and make similar requests through the ordinary application process.

Previous 2017 Decision of Council

10. **That** the 2017 decision of Council on the *Lauderdale Urban Expansion Feasibility Study* was a decision on the entire Lauderdale land area. This included the costs to undertake stormwater works and the costs to develop land based on the value of the land.
11. **That** has been partly addressed in the Section 40T application documentation regarding the value of land and the treatment of stormwater and fill on the site. Particularly that the value of the land has increased significantly since 2017.
12. **We** highlight that Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust are not requesting that the entire Lauderdale area which was the subject of *Lauderdale Urban Expansion Feasibility Study* be rezoned. Only those titles 34, 36 and 46 Mannata Street to be rezoned. This is a significantly smaller area which can be distinguished from the surrounding area by the amount of fill placed on the land and how the Flood Prone Area Overlay has been largely removed by Council in 2022.
13. **That** Council's consideration of a request to rezone the land 34, 36 and 46 Mannata Street, only, does not automatically constitute a precedent in which all other land in the Lauderdale Rural Living Zone to be then likely approved for further rezoning. We strongly suggest that each application is considered on its merit and that significant cost and resources are put towards preparing such applications. This is covered in substantial detail in the 40T application Planning Report.

Public Land – Section 177, *Local Government Act 1993*

14. **Finally**, I just want to be clear that Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust will only be requesting that Council consent to the application for the purposes of assessment under Section 40T of the Act and not for the purposes of acquiring the land from the public under Section 178 of the *Local Government Act 1993*.
15. **That** though the land is "public land" for the purposes of Section 177 of the *Local Government Act 1993*, Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust are not actually requesting Council "... sell, lease, donate, exchange or otherwise dispose of public land" per Section 178 (4); and
16. **That** should the application to rezone and subdivide be approved by the Planning Authority, and the works be completed for a new road and access to the TasWater pump station and public open space, that the land will still remain in Council's ownership as a public road and public access, per the proposed subdivision plan; and
17. **That** the land would never actually be in the ownership of any other party other than the Clarence City Council.
18. **We** hope that we can find an alternative way for this landowner matter to be addressed and ask that this be based on previous precedent for other development applications that have used Council owned land for works under the *Land Use Planning and Approvals Act 1993*.

Way Forward

19. **That:**
 - a. The application by Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust be resubmitted with under Section 40T of the Act, together with the correct "Form No.1" prepared by the Tasmanian Planning Commission; and
 - b. The content of this letter forms a separate submission to address those matters outlined in your letter dated the 6th March 2023 and 18th April 2023 seeking the General Manager's consent to the lodgement of the Application under Section 40T of the Act.
 - c. The full application fees will be paid by Dourias MGH Pty Ltd and ATF MGH Dourias Family Trust.
 - d. That we appreciate Council ought to undertake assessment of complex land use planning matters on a cost recovery basis through the payment of such fees.
 - e. That if further supporting information is required, as a submission to Council's General Manager as suggested by Dan Ford in October 2021, that Council Officers ask for such a submission be made and the particulars of that submission.

- f. That we would welcome a meeting if that would be of any further assistance.

The request for the General Manager's consent to the lodgement of the application under Section 40T of the Act was not intended to be presumptuous. It was based on those previous discussions with Council Officers and was to allow Officers to commence the assessment of the application through the ordinary planning assessment process provided under the Act. Opposed to seeking a separate assessment of the Application at Council's cost prior to any such application being submitted. The process, that was outlined through those early discussions in January 2022, to undertake the disposal of "public land" process under Section 178 of the *Local Government Act 1993* for the purposes of access and development is no longer required. Works to the land together with the rezoning can be considered through the ordinary planning process and any further exchange of letters with Council regarding terms of access or works.

We welcome any meeting or further pre-lodgement meeting with you or your team, if required, and hope this letter has been of assistance in explaining the nature of the application and the application particulars.

Regards



David Cundall
Planning Technical Leader
+61 3 62100679
david.cundall@ghd.com

Copy to:
Enclosed: *Form No.1, Tasmanian Planning Commission*

City of Hobart

Administrative Guidelines

Title: General Manager consent to an application for a planning permit – section 52 *Land Use Planning and Approvals Act 1993*

1. When is General Manager consent required?

The *Land Use Planning Approvals Act 1993* (the **Act**) requires the General Manager to consent to the lodgement of applications for a permit on land owned or administered by the City of Hobart.

Section 52(1B) of the Act is as follows:

(1B) If land in respect of which an application for a permit is required is Crown land, within the meaning of the Crown Lands Act 1976, is owned by a council or is administered or owned by the Crown or a council and a planning scheme does not provide otherwise, the application must –

(a) be signed by the Minister of the Crown responsible for the administration of the land or by the general manager of the council; and

(b) be accompanied by the written permission of that Minister or general manager to the making of the application.

Therefore, any application proposing development of land owned or administered by the City of Hobart will require the written permission of the General Manager in order for the application to be validly lodged with the Planning Authority.

The statutory power under section 52 of the Act is vested in the General Manager alone. While the General Manager is entitled to consult with others, including the Council, she cannot lawfully be dictated as to the grant or refusal to grant consent.

2. How do I seek General Manager consent?

Please make your application for General Manager consent through our online portal which can be accessed from the City of Hobart website.

3. What is required to seek General Manager consent?

Sufficient information must be provided to the General Manager to enable the General Manager to consider the impact of the proposed use and/or development on land owned or administered by the Council.

All relevant documentation must be provided including the development proposal, specifications, drawings and plans and any relevant supporting documents including specialist reports.

All applications for General Manager consent must include the following information:

- A detailed description of the proposed use and development which is proposed to occur on land owned or administered by the Council;
- A site plan which accurately details (a) the location of the land owned or administered by the Council and (b) the location of the proposed use and/or development;
- All information required by clause 8.1 of the *Hobart Interim Planning Scheme 2015* or clause 9 of the *Sullivans Cove Planning Scheme 1997*.

4. What will the General Manager consider?

The statutory scheme does not set out matters which the General Manager may take into account in his decision making. The range of relevant considerations is determined having regard to the particular circumstances of each application.

Examples of what the General Manager may take into consideration include, but is not limited to:

- Whether the type of development proposed is one which may be inconsistent with existing Council policies or strategies relevant to the land;
- Whether the type of development proposed is one which may result in the Council not being able to perform one or more of its statutory functions in relation to the land;
- Whether the type of development proposed is one which may result in the Council incurring expenditure in relation to the land (such as relocating assets or services);
- Whether the proposed occupation of Council land by the proposed development may reduce public access to the land;
- Whether the occupation of the land by the proposed developer is inconsistent with any right of occupation of that land held by another person;
- The type of occupation of Council land that is proposed;
- The significance or public importance of the land which is the subject of the development proposal;
- Whether the proposed use and development would be inconsistent with the proper discharge of Council's statutory function.

Consent under section 52 of the Act is limited to the giving of permission by the land owner or administering authority to the lodgement of an application. It does not imply anything about the eventual determination of the application nor constitute a right to access the land to carry out the use or development.

The General Manager cannot consider the merits of the proposed development and use. That power is vested in the planning authority who are required to determine the application in accordance with the relevant planning scheme.

5. Can the General Manager seek advice from third parties?

The General Manager is entitled to seek additional information and/or opinions from third parties. This will depend on the circumstances and will be largely determined by the nature of the development proposed.

Where a development proposal concerns the construction of infrastructure over Council land, the General Manager may seek an opinion or report from an expert body regarding the impact on Council assets, or Council's capacity to deliver services on that land.

Where the application is of significant public interest or relates to land of public importance, the General Manager may seek the opinion of the Aldermen as representatives of the public interest to better understand the proposal's impact.

The General Manager may also seek information from multiple sources on different elements of the proposal as required.

It is important to note that the information requested by the General Manager is advisory only and is not determinative of the General Manager's decision.

6. What if consent is granted?

If the General Manager grants permission pursuant to section 52 of Act for an application to be made, the applicant will receive a letter containing written permission and a copy of the application documents endorsed with the General Manager's consent. If an application is made for a permit, the written permission and endorsed plans must be submitted as part of the application.

7. What if a planning permit is granted?

The granting of consent under section 52 of the Act to the making of an application is not approval to undertake any works and does not authorise the owner, developer or their agents any right to enter, access or conduct works on any Council owned or administered land.

If planning approval is granted by the planning authority, separate and distinct consent from the Council to undertake the proposed use and development on Council owned or administered land is required before any works commence.

It is strongly recommended you contact the Council to discuss the works proposed on Council owned or administered land prior to requesting consent under section 52 of the Act. Council officers are able to provide preliminary advice on the matters relevant to the General Manager's consideration of the application. Early engagement is recommended for all applications.

8. How long will it take for the General Manager to make a decision?

The request for consent will be dealt with as expeditiously as possible however there is no statutory timeframe for the General Manager to make a decision.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION – COUNCILLOR WALKER
AFL TASMANIA HIGH PERFORMANCE CENTRE – BLUNDSTONE ARENA**

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

“That Council:

- A. Affirms its aspiration to be the home of a suitably located High Performance Centre for the Tasmania Devils AFL Team; and
- B. As a matter of urgency requests representatives from Cricket Tasmania, the Tasmania Devils AFL club and relevant state government stake holders to investigate opportunities for reuse of Blundstone Arena, including as a potential site for a future AFL High Performance Centre.”

EXPLANATORY NOTES

- a. There are a lot of upsides for a municipality being the home of an AFL High Performance Centre. These benefits go well beyond economic.
- b. Cricket Tasmania has made it clear that it sees its future elsewhere of Blundstone Arena and has been working on alternative locations.
- c. Council faces the risk that Blundstone Arena could become a stranded asset if Cricket Tasmania vacate the site.
- d. Blundstone Arena is situated just a few blocks from Bellerive Village and the ferry service to Hobart. It meets the proximity preferences considered desirable for an AFL High Performance Centre location.
- e. A change of use to an AFL High Performance Centre could allow for good utilisation of the facility and result in less disruption to the surrounding community than presently experienced during major events.

J Walker
COUNCILLOR

/ contd on Page 458

**NOTICE OF MOTION – COUNCILLOR WALKER
AFL TASMANIA HIGH PERFORMANCE CENTRE – BLUNDSTONE ARENA /contd...**

CHIEF EXECUTIVE OFFICER COMMENTS

Blundstone Arena is subject to a long-term lease between Council and Cricket Tasmania. The recently established Stadiums Tasmania has indicated in preliminary discussions that it may seek a transfer of ownership of the facility to itself in due course.

Any proposals for alternative uses of the facility, whether via Cricket Tasmania or Stadiums Tasmania, have not yet been explored. Council has not received any particular proposals.

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 Ritchie

My question is regarding Issuing of infringement notices. Of late I have received a large influx of complaints about infringement notices particularly dog registrations. Can officers confirm whether we issue reminder notices before we refer people to the Tasmanian Collection Service because apparently the lack of reminder notices has caused a lot of angst and concern from people being referred to Tasmanian Collection Service in a very short timeframe when they didn't even know that something was overdue?

ANSWER

(Head of Regulatory Services) The original dog registrations, there were just over 10,000 sent out. The reminder notices were sent out on 3 October 2023 and there were approximately 2,300 sent out. At that stage we had around 7,700 that had paid their registration. After they were sent out it was reduced to just over 800 - and it was about 800 that were sent to Tasmanian Collection Service.

Cr Hunter

My question is regarding line marking particularly in relation to Spitfarm Road. As I understand Council gives DSG a list of priorities because they undertake Council's line marking. My question is at what point will Council make an exception if something is really bad and engage a contractor to do something specific in regard to line marking?

ANSWER

Taken on notice.

(Further information) The Department of State Growth (DSG) is responsible for maintaining line marking, other than yellow "no stopping" lines and parking bays, on all Tasmanian roads. Given that council maintains approximately 450kms of roads across our city, taking on responsibility for line marking has risk, resource and financial implications.

In 2023 DSG commenced a review of Tasmania's road management legislation, including the allocation of responsibilities between authorities for road maintenance. The Local Government Association made extensive submissions to DSG on behalf of all Tasmanian Councils. Officers will continue to engage with DSG throughout the legislation review process and will update Councillors when further information is known.

Cr Hulme

1. Following on from the Deputy Mayor's question regarding dog registration I received an email from a resident and one of the things they said was that they paid a dog registration that was then found to be overdue and they have the proof in their records that it was paid. My question is, are there other instances of which council officers are aware of payments being made but not being received or not being recorded against the fees to which they relate?

ANSWER

(Head of Regulatory Services) I would also clarify in regard to my response to the Deputy Mayor, infringements were sent out in November and the matters were not referred to Tasmanian Collection Service until April.

In response to Cr Hulme's question we are working through all the responses that we have received. There seems to be a number of people who have paid the dog registration but not paid until December and the matters referred to Tasmanian Collection Service relate to the infringement notices not the payment of the dog registration.

2. Also in relation to the same correspondence I understand and this is something that not just this resident has raised, I have had others raise with me before, the issue of contacting Council; for a response to a query and not having any contact back. Some residents have told me this has happened on multiple occasions not just in relation to this issue but other issues as well. Is there work being done to ensure that when queries come to Council they are being tracked to ensure that they are being followed up and resolved?

ANSWER

(Head of Strategic Development, Communications and Engagement) We do have a customer service charter that we are currently reviewing which should come to Council in the next month or two, before the end of the financial year. This does hold all Council officers accountable and matters are tracked through the document management system and are also reported to the Chief Executive Officer.

Cr James

1. It is my understanding that the boulevard development has a sunset clause or there is a time that work has to commence and there is a timeframe. Is there a sunset clause or is there a timeline for the boulevard development to commence if not what is happening in regard to that?

ANSWER

Taken on Notice.

(Further information) The current planning permit, which was approved on 9 November 2021, has received an extension of time and now expires on 9 November 2025. The current Preferred Developer Agreement (PDA) does not contain a substantial commencement clause or sunset clause as it is not a sale and development agreement. The PDA contemplates Hunter lodging a Development Application and the parties then negotiating a separate Sale Agreement which would address requirements for substantial commencement by a specific date.

2. Could we be provided with the numbers that voted for and against in relation to Cr Mulder's motion dealt with tonight please?

ANSWER

(Mayor) Seven voted for and five voted against.

Cr Goyne

1. Does Council have any capacity to liaise with the community going forward about the possibility of another doctors' surgery in Lauderdale and are there any plans? I know there were possible plans in the TCM development for a doctors' surgery?

ANSWER

Taken on notice.

(Further information) An application for a commercial complex, including a medical centre, located at 488 South Arm Highway, was lodged in 2022. The application is currently on hold pending further information and has not yet been determined.

2. My question relates to roadworks on the side of the Tasman Highway going towards Hobart. It has been an 80km zone for a couple of months, do we know what the works are because there doesn't seem to be any active works there and how much longer until it is completed?

ANSWER

Taken on notice.

(Further information) As outlined in a weekly briefing report of 4 October 2023, the Department of State Growth is installing Overhead Traveller Information System (OTIS) boards at five locations across Clarence. The roadworks in question on the Tasman Highway westbound relate to this project. The speed limit is required to be lowered to 80km/h, regardless of whether active work is taking place, due to the temporary placement of bollards in the stopping lane on the lefthand side of the Highway. The Department's contractors advise they expect to have a guard rail installed and then be able to remove the temporary bollards and associated reduced speed limit by early June 2024.

Cr Darko

Could we have a summary of what Council has done in terms of the capacity for us to mitigate and avoid roadkill within the municipality and if we have any plans to improve on that going forward?

ANSWER

Taken on notice.

(Further information) The Tasmanian Department of Natural Resources & Environment (NRE) is taking the lead on investigating the issue of native roadkill on Tasmanian Roads. NRE has developed a roadkill reporting app to enable ongoing collection of roadkill data by members of the public and road managers. This data is helping to inform how significant the problem is and where to direct mitigation efforts. Instructions on how to download and use the app can be found on the NRE Tas website. Roadkill is a challenging issue to manage that relies on collective efforts. Council will continue to collaborate with NRE to take a proactive position on mitigating roadkill.

Cr Warren

My question is regarding the public meeting scheduled for 15 May and I have been liaising with the Chief Executive Officer and raising some concerns so that those are on the record. I understand that a facilitator has been appointed and I am confident that that person will operate in a professional way, but my question is, has any thought been given to avoiding the perception of a conflict of interest given that I understand that person is a former Chief of Staff to Premier Rockliff and has close ties to the AFL?

ANSWER

(Chief Executive Officer) I can update Council on events that have transpired today. The person that we had engaged as a facilitator has withdrawn due to her concerns over a perceived conflict of interest. We have engaged with other parties today and we hope to be in a position to announce facilitators tomorrow.

Cr Kennedy

Have we received anything as yet on the proposed Woolworths at Lauderdale?

ANSWER

Taken on Notice.

(Further information) An application for a supermarket and shopping complex at 438 South Arm Highway, Lauderdale (with access through 450 South Arm Highway onto Ringwood Road) was approved in 2013. This permit was extended until 2017 but has now lapsed. An application at 450 South Arm Highway and 2A Ringwood Road was recently approved for a combination of residential development, visitor accommodation, offices and commercial tenancies.

We are unaware of any subsequent application for a supermarket at Lauderdale.

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”.