



CITY OF HOBART

MINUTES ATTACHMENTS

PARKS AND RECREATION COMMITTEE MEETING

OPEN PORTION OF THE MEETING

THURSDAY, 9 AUGUST 2018

AT 5:00 PM

VENUE: LADY OSBORNE ROOM, TOWN HALL

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Immaculate Heart of Mary Catholic School
Thursday 9th August 2018
Hobart City Council – Parks and Recreation Committee Meeting

Information/Response from the School in regard to Edge Avenue Licence Agreement

- The School has 231 students: 59 families and 8 business owners living and working within Hobart municipality
- The School commenced on the site in 1961. We have used Edge Avenue Park for several decades without the need for any agreement.
- The School and Tasmanian Catholic Education Office agree in principle to a new licence agreement for Edge Avenue Park and we thoroughly enjoy the experience of using this Park. I thank the Hobart City Council for this.
- However, we do not agree that the renewal of the Licence should be subject to community consultation, especially if the Licence is for such a short timeframe and is to be renewed on an annual basis, unless there is a framework and timeframe for this consultation that all stakeholders are aware of. We would prefer 3 to 5 year term.
- Licence Agreement was initiated by Council not requested by the school. It was a response to local community "concern", including unrelated aspects relating to the School not the park.
- The previous Licence Agreement was subject to several conditions, all of which were met by the School.
- Council did not follow up with the School upon expiry of the 12-month trial of the licence (October 2015 – October 2016) regarding renewal. As the Agreement was initiated by the Council, the School did not feel it was their responsibility.
- Over the past 5 years the school has used the park on average 30 minutes a day (on dry days). We do not access the park after recent rains or wet days. Around 30 students visit the park at one time.
- No complaints about the park from neighbours to Council between October 2015 and June 2018, even though the Licence Agreement expired in October 2016. The complaint coincided with the construction of new concrete stairs leading down to the oval from the school, and the use of the Park by the contractor undertaking the work. (Photo 1)
- The School has apologised for the behaviour of the contractor, who was strictly instructed not to access or use the Park in relation to the works.



- The stairs were installed from the advice of the Tasmanian Catholic Education Office because the number of injuries that had occurred on our steep driveway due to the slipperiness. The aim is to slow the children down. The driveway will only be for disabled, service or pram traffic only. (Photo 2)
- During the later months of 2018, we will be resurfacing the entire driveway to make it safer for the entire local community.
- The School grounds are used after hours by local residents and sometimes this can lead to excess noise in the vicinity of the school. The school has organised for signage to be installed asking the community not to use the school grounds, and to be respectful to neighbours of the school. (Photo 3)
- The School also use our newsletter and internet app to remind parents to park in approved areas and to display appropriate behaviour. It should be noted that there is a driveway off Edge Avenue which is on the School's title, which leads to the rear of the site.
- It should also be noted that Council employees use the driveway to access the Park with vehicles and equipment to undertake lawn mowing and maintenance. This "informal" arrangement has never been questioned by the School. (Photo 4)
- A resident has door knocked and letter dropped around the area to complain about the school. Several residents have contacted the school to inform us.
- A meeting is being organised for several residents and the school to discuss issues.
- A large part of the community has expressed that they don't have any problems with the school but unfortunately it seems to be the minority that are being listened to. These people complain to us about people parking outside their house or opposite their driveway, leaves falling into their back yards and have even suggested we install soundproof fences.



Photo 2



Photo 3

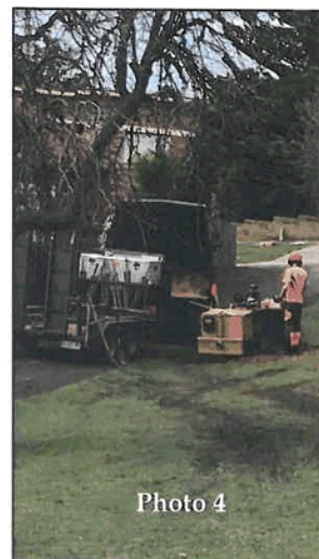


Photo 4

Kind regards

Mr Nicholas McGann
Principal

Submission regarding the 'Mount Wellington Cableway Company - Request for Permission to Undertake Investigative Surveys'.

We ask that the Hobart City Council consider the following information regarding the proposal.

1. Landowner consent

The applicant has stated that *'One of the final tasks to do before we can submit our Development Application is to conduct an ecology assessment of this corridor'*. They also state on their website that 'the Plans are all but ready to lodge for Planning Approval'.

Given that the applicant's plans are 'all but ready to lodge', it would be proper process for the current application to be made after the applicant has obtained landowner consent from the Hobart City Council.

It is our understanding that no such request has been made.

I will talk on this fundamental point more at the end of my presentation.

2. Urgency?

The application is essentially to undertake a survey for a road to nowhere. There is no existing road within the proposed alignment and there is no 'base station' or any development application for any development on kunanyi / Mt Wellington.

Why does the Hobart City Council consider the request by the Mt Wellington Cable Way Company to be 'urgent' 8(6)?

3. Landowner consent

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It is our understanding that no such request has been made.

4. Public land

The Council are being asked to facilitate a private developer to construct a private road to a private development through public land.

The land that the applicant is seeking to access, survey and ultimately construct a new road through contains the following relevant considerations;

- Environmental management zone, the purpose of which is

To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

- The land is entirely within a 'biodiversity protection area' overlay
 - The land is almost entirely subject to a 'landslip hazard area' overlay
-

- Part of the proposed alignment is within a high voltage Electricity Transmission Infrastructure Protection overlay
- The site contains existing records of threatened species including those listed under the Commonwealth EPBC Act and contains threatened vegetation communities listed under *the Tasmanian Nature Conservation Act 2002*. This is all publicly available information.
- The alignment sought by the proponent also cuts across two popular public recreation trails that the HCC has invested significant time and money into over many years and are highly used by the public.

Nothing that the proponent may or may not locate during their proposed 'investigative surveys' will change any of the above points.

Therefore, why would the Hobart City Council facilitate in any way a development in a location that is so comprehensively inappropriate?

5. Not clear where the work is being proposed;

Recommendation 1 of the HCC report states;

"Approval be granted to the Mount Wellington Cableway Company and its nominated representatives to undertake non-invasive preliminary investigative works limited to a land survey and flora and fauna survey within a 50 metre wide corridor following the fire trail on the southern slope of McRobies Gully".

The applicant themselves in reference to their proposed road through public land state;

"This link road will be an S4 class sealed rural road and is designed to follow existing 4WD/fire trails"¹

The map that the proponent provided to the HCC and forms part of the permit that you are being asked to approve does not show a corridor following a fire trail. The proposed road alignment does not follow any existing 4wd/fire trails at all.

It is almost entirely through forest that contains no road. Either way, given the level of public interest and the inappropriateness of what is being proposed, the HCC must be 100% satisfied on the exact area of land that they are providing to the proponent to facilitate their proposed new road (see image 1 below).

Valid Application?

It is not clear whether MWCCC has provided evidence of its public liability insurance and other relevant insurances in relation to the works it proposes to conduct.

Such evidence is a requirement for a valid application under the By-Law (see clause 85(c)(iv)).

The committee must be satisfied that the proponent has provided such evidence and if not the proponents application is not valid and should be rejected.

My submission will finish with a summary of the issues regarding proper process and the need for the applicant to first apply for landowner consent as the first step. The Council may then ask for a flora and fauna study and indeed better maps and many other details to aid it in making a determination.

I believe that the MWCC are setting the agenda to their own liking and it is for the Council to determine and enforce the proper process.

¹ <https://mtwellingtoncablecar.com/2018/design-reveal/#traffic-impact>



Figure 1 Proponents alignment (red line Tip Top Mtb Trail)