



CITY OF HOBART

MINUTES ATTACHMENTS

CITY INFRASTRUCTURE COMMITTEE MEETING

OPEN PORTION OF THE MEETING

WEDNESDAY, 23 OCTOBER 2019

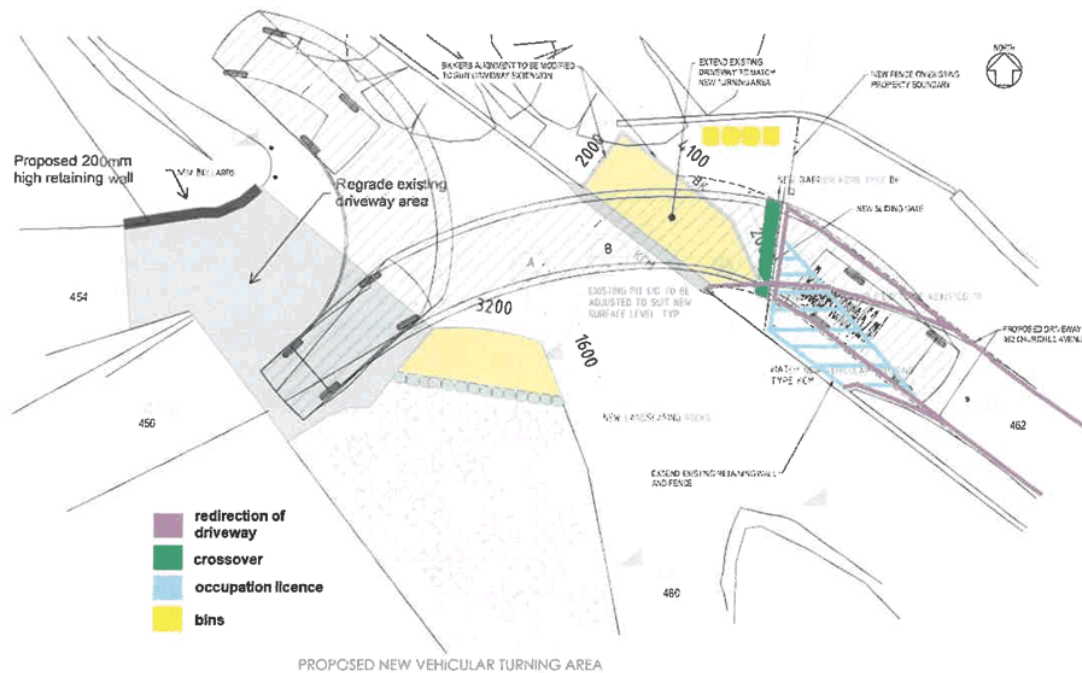
AT 4:00 PM

VENUE: LADY OSBORNE ROOM, TOWN HALL

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| 6.1 | 454-462 Churchill Avenue, Sandy Bay - Shared Access | |
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The Revised Plan (with the 2 revisions highlighted)

**The 2 revisions:**

1. slight redirection of 462 driveway so that our crossover connects with the manoeuvring hardstand
2. occupation licence to allow 462 to fence and gate their backyard

Key points:

- The 2 revisions have no negative impact on any of the neighbours.
- The 2 revisions are critical to enabling children to play in their backyard safely.

The problem - Children's safety is not provided for in the Council Report

- We are the only property with children, and this brings a need that may not be understood by other neighbours.
- This is a critical need for our family.
- The current proposal does not allow us to fence and gate our backyard.
- Council report recognises that there are safety issues for children but have not made any provision for these.

Vehicular safety issues include:

- There is a risk of children running onto the road during play in this 8-13yr age range.
- Increased risk to children being hit by vehicles playing their backyard. Council plans aim to facilitate increased vehicular traffic in the areas adjacent to their backyard, facilitate increased size of vehicle, and put manoeuvring areas in close proximity to the backyard.
- Therefore, Council have a duty to mitigate these risks by allowing fencing and gating to keep them safe.
- Trespassers:
 - The backyard is an exposed site with easy access from Churchill Ave (our backyard looks like a park).
 - Trespassers are a chronic problem. They frequent our backyard (and sometimes continue on to our kitchen window), and on two occasions have become aggressive in the children's presence.
 - Our children are now scared to use the backyard because of past trespasser behaviour.

The 2-revision solution - slight driveway redirect and occupation licence

1. Slight redirection of 462 driveway so that our crossover connects with the manoeuvring hardstand.
2. Occupation licence to allow 462 to fence and gate their backyard.

Details:

- These 2 revisions are very modest changes.
- The manoeuvring hardstand area **would remain communal** and NOT part of our driveway.
- **An expectation has been created over multiple meetings involving Mark Painter and other Council Officers that an occupation license covering a minimal amount of land would be granted in order to fence and gate our property.** This puts us in the same position as 454 with regard to Report 8.4. This report is the first time the occupation license has been off the table.
- This concept of a driveway coming off a manoeuvring area has already been used as a solution in West Hobart (see pictures on p.3).
- The fencing and gating will be at our cost (not a cost to Council).
- We would contribute \$5,000 toward the Council works.

Rubbish Bin Collection

- Two Council By-laws prevent rubbish bins from being collected from a manoeuvring area (Hobart City Council Waste Management By-law (No.3 of 2018) Part 3, Division 3, 16(b); 2018, Division 5 (Miscellaneous), Rule 27).
- Council Officer Wei Ting in her email of 27 March 2018: "construction of the proposed turning area/hardstand adjacent to your property will ... restrict placement of rubbish bins in this area as it will become part of the road pavement and therefore the bins cannot be placed in this area".
- **Easy solution: rubbish bins collected from the flat grassed area adjacent the manoeuvring area.**

Strategic Planning and Policy Considerations

- Without providing fencing and gating, the report contravenes the Strategic Plan.
- Capital City Strategic Plan 2019-2029 Outcome 7.3 and Strategy 7.3.1 in preventing 'healthy living' for children, and negatively impacting their 'wellbeing' in prevention of a safe environment.
- Providing for the safety of our children is consistent with 20(1)(a) Local Government Act 1993 which states a Council has the function to "provide for the health, safety and welfare of the community".

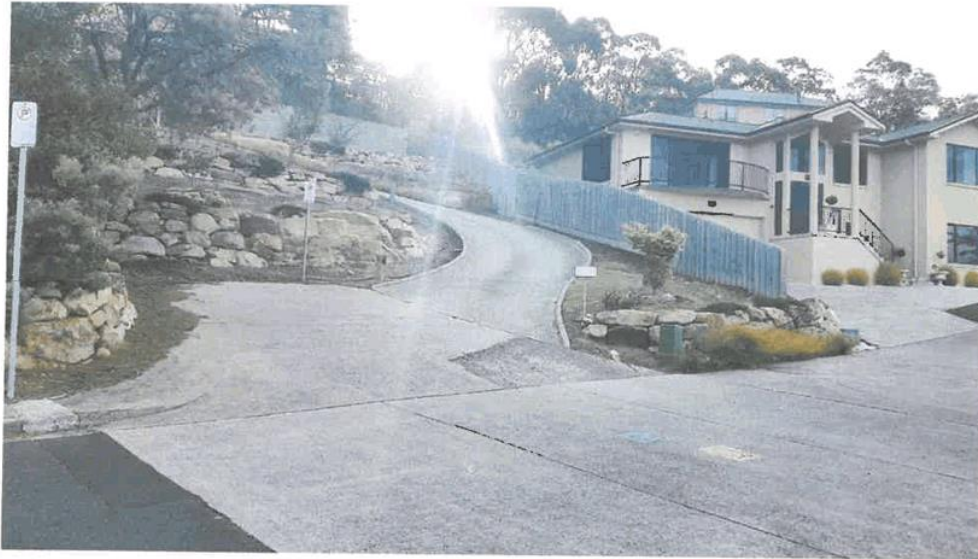
Other considerations:

- Two revisions have **no negative impact on neighbours** as we are the only property to use land requested for occupational licence, and the **communal manoeuvring area continues to serve all neighbours.**
- We and the owners of 462 before us have used the upper driveway heavily and regularly. It is a key design element for this property.
- The 462 property is a large family home (4 bedrooms/3 bathrooms) but without a secure backyard is unsuitable for children.
- If the current proposal went ahead, the consequences for us are that our children wouldn't be able to use their backyard because it would be unsafe from vehicles and trespassers.



Revised Plan

Photos below show the revised plan is essentially the **same solution** as that implemented at 34-36 Fielding Drive, West Hobart.



MINUTESRESIDENTS' MEETING 18th November, 2016

Held at residence No. [REDACTED] Churchill Avenue, Sandy Bay

PRESENT: [REDACTED] (458-460 Churchill Avenue), Ms [REDACTED] (454 Churchill Avenue), [REDACTED] (excused during meeting), Mrs. [REDACTED] and Mr. [REDACTED] (456 Churchill Avenue), Dr. Peter Sexton (invited by [REDACTED]).

Absent:- Mrs [REDACTED] (462 Churchill Avenue) did not attend the meeting. [REDACTED] reported he had earlier consulted with Mrs [REDACTED] regarding negotiations with HCC for improvements to the shared council-owned area, and that Mrs [REDACTED] was agreeable to residents' proposals.

MEETING COMMENCED: The meeting commenced at 9.10 a.m.

Alderman Dr Sexton was apprised of the long history of safety issues occasioned by the deteriorated and poorly engineered access road servicing the abovementioned residences. Dr Sexton was also advised of regular dangerous incidents when unwitting vehicles attempt sharp turns on the access road, particularly during wet weather.

Ms [REDACTED] comprehensively outlined her access difficulties and how, to no avail, she has attempted to negotiate remedial measures with Hobart City Council for several years.

Ald. Dr Sexton suggested that residents, particularly elderly, should not be required to haul bins to and from property boundaries to the Churchill Avenue footpath and that Council be requested to collect bins from the first available council-owned land nearest our boundaries.

Ald. Dr Sexton suggested that if any pedestrian is injured on the access road in its present condition, such individual should sue the Hobart City Council.

Resolved unanimously that when the access road is re-surfaced, Council be asked to empty residents' bins from council-owned land nearest residents' properties.

Resolved unanimously that Council officers be again approached by residents with the request that remedial measures to the access road be undertaken as a matter of importance preferably before the 2017 winter period.

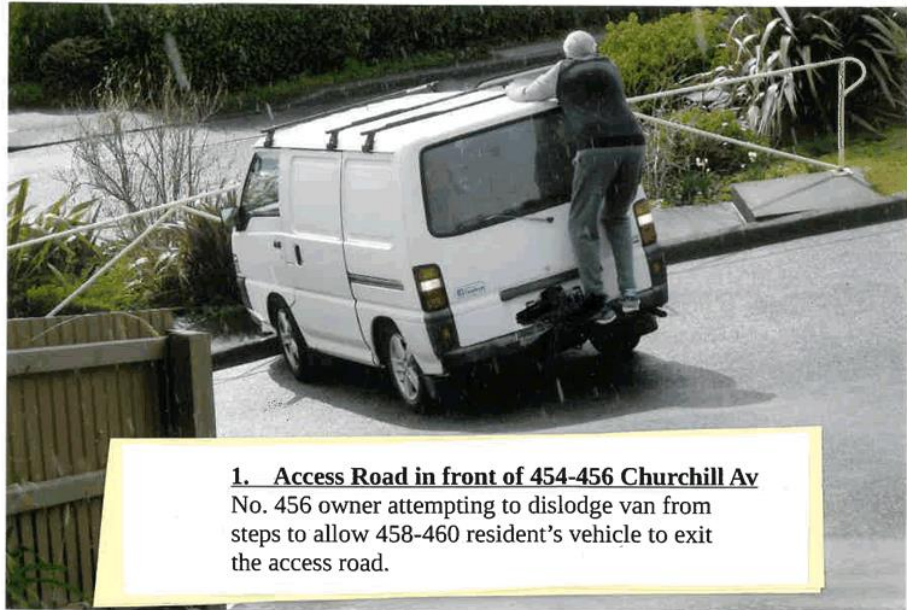
Residents thanked Ald. Dr. Sexton for attending the meeting.

MEETING CLOSED: 10.05 a.m.

INFORMAL RESIDENT DISCUSSIONS: Following the meeting at [REDACTED]'s residence, all attending carried out a joint inspection of the area, discussing driveway entrances and the Hobart City Council-owned grassed area. Residents unanimously concluded the following:

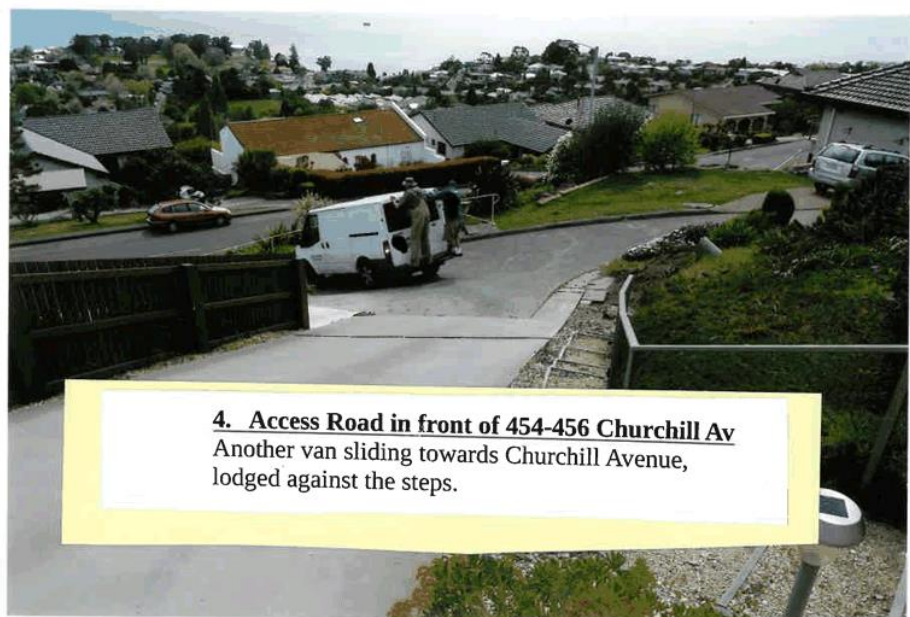
- (a) The area nearest to all residents' boundaries and convenient for everyone, is the flat Council-owned grassed area south of the pedestrian steps/handrail.
- (b) The area is a safe location for wheelie bins.
- (c) The Council truck's mechanical arm is set up to lift bins from its left-hand side so the grassed area is the safest and most appropriate place to park residents' bins for collection.

[REDACTED]
[REDACTED] (Note-taker) 19/11/2016





3. Access Road in front of 454-456 Churchill Av
Driver having abandoned capsizing van -
attempting to prevent van sliding further towards
Churchill Avenue.



4. Access Road in front of 454-456 Churchill Av
Another van sliding towards Churchill Avenue,
lodged against the steps.