

5.6. Permit cancellations and mechanism for appeal

5.6.1. Cancelling permits

The Secretary has the authority to cancel a fireworks display permit at any time, if:

- a total fire ban has been declared;
- the relevant event is cancelled or postponed;
- cancellation is necessary in the interests of State security or public safety;
- the permit holder is found not to be a fit and proper person to hold a permit; or
- there are other compelling reasons for the cancellation.

If a person's display permit is cancelled, they will receive written notice explaining the reason for the cancellation, specifying when the cancellation takes effect and advising the person's right to appeal the decision (see 5.6.2 'Appeal mechanism').

5.6.2. Appeal mechanism

If a person believes that a decision to issue, refuse to issue, or cancel a fireworks display permit is wrong, the only option available to appeal the decision is to apply to the Magistrate's Court (Administrative Appeals Division) for the decision to be reviewed.

Given the processes involved in appealing to the Magistrate's Court, the length of time required to see the results of an appeal prior to the intended date of a fireworks display can deter potential appellants. Further discussion on this issue is provided in section 7.5.1 'Timeframes for processing and appeal'.

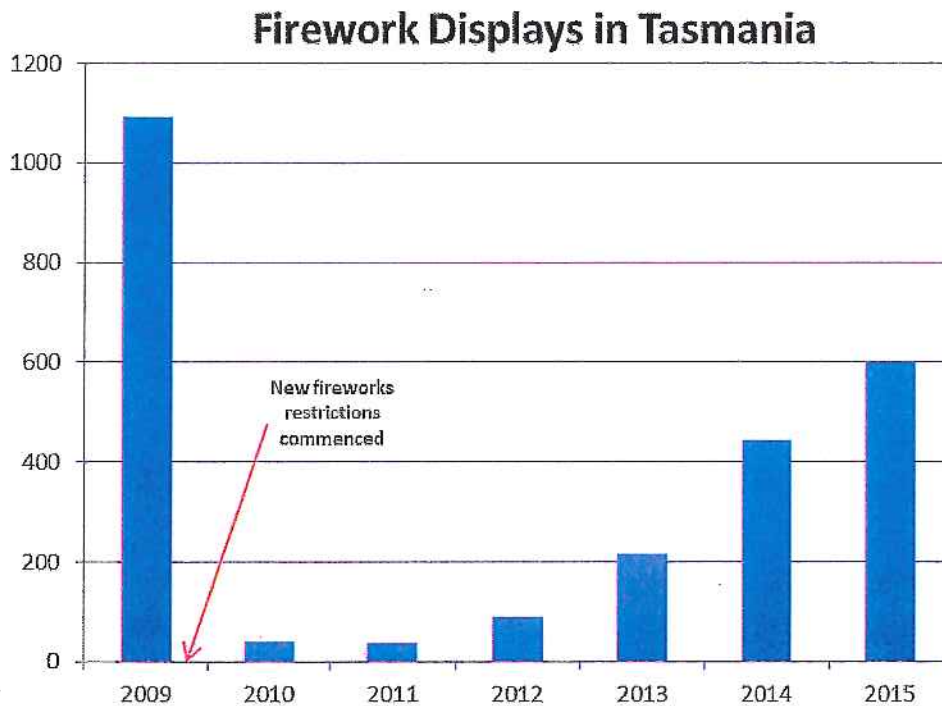
Question 14: *Have you ever been involved with a fireworks-related appeal process? If yes, do you have any comments about your experience or suggestions for how this process may be improved?*

6. Pattern of fireworks use

The following graph shows the number of fireworks displays held in Tasmania from 2009 to 2015 (using year to date figures).

The number of fireworks displays in Tasmania reduced significantly after the current restrictions were introduced – from well over 1,000 displays in 2009 to just 40 displays in 2010. However, it is clear that the popularity of fireworks is steadily returning.

If the current pattern of fireworks use continues, it is estimated that the number of fireworks displays in 2016 may compare with pre-2010 figures.



7. Issues arising from the use of fireworks

The current fireworks management regime was developed with a focus on establishing a robust regulatory framework that promotes safety and reduces harm. However, this current review was initiated in response to a number of ongoing issues arising from the use of Type 2 fireworks. Each of these issues will be addressed individually, below.

7.1. Danger to people, property and the environment

At every stage of their production, handling and use, fireworks are hazardous. If proper safety management practices are not followed, they present significant risk to people, property and the environment.

Although there are conditions upon the granting of a display permit, there is no certainty that people who buy and use Type 2 fireworks have the knowledge, skills or experience to do so safely. Even when all reasonable precautions are taken, injuries still occur. Common injuries from fireworks include burns, lacerations, injuries to eyes, face and limbs, deafness, and in severe cases, even death.

Incidents associated with property are not commonly reported to WorkSafe Tasmania; however, the potential for damage of public and private property is significant. Similarly, even if fireworks are appropriately used and handled with care, there is considerable potential for livestock and other animals to be injured, either from accidental fires, or as a

result of their natural response to being frightened. A fleeing horse, for example, can destroy and be injured by fences and other property. A horse running on to a road may cause serious car accidents, and may itself be injured or killed. Other enclosed animals, either on private properties or in animal shelters, can also be severely injured if they try to escape when frightened.

These potential dangers exist for any fireworks display, including large professional displays. However, when compared to professional (Type 3) displays, Type 2 displays are more likely to be held by people who are inexperienced and unqualified. And, on nights such as Cracker Night and New Year's Eve, Type 2 displays are held in more locations than professional displays, and are spread throughout communities, hence there is the potential to affect more people and animals.

The context of a Type 2 display is more likely to be a private celebration and, as is the case for social activities and parties more generally, there is the potential for unsafe or rowdy behaviour to occur at a small number of these events. Although such behaviour is no more likely to occur at a fireworks display than any other celebration (and may be less likely, due to a heightened awareness of the safety considerations), the presence of fireworks nevertheless adds a hazardous element, should such behaviour occur.

In circumstances where fireworks are being used within close vicinity to private property, livestock and other animals, Type 2 displays carry a heightened potential risk of serious damage, injury or death to animals when compared with professional displays.

Question 15: *What is the best way to protect domestic and native animals during fireworks displays?*

Question 16: *How can the safety of fireworks displays be improved?*

7.2. Public disturbance

WorkSafe Tasmania, Tasmania Police and local government authorities commonly receive complaints from members of the public regarding fireworks. These complaints often reflect concerns about noise, and the disturbance of pets, livestock and people.

Any one display may only be 30 minutes in duration, which helps to limit the disturbance caused by a display. However, horses and other animals can have a flight response to even a very short burst of noise. Particular issues of public disturbance can also arise when multiple fireworks permits are issued for a single area or location; if the fireworks display is associated with a loud party or social event; or where behaviour becomes unruly.

Further, with an increasing number of displays being held on the same evening in multiple areas (in particular, on Cracker Night or New Year's Eve), responding to the numerous complaints puts a strain on resources and diminishes the capacity of emergency services to respond to other priorities and incidents within the community.

Question 17: *What is the best way to prevent and manage public disturbance that is caused or contributed to by fireworks?*

7.3. Fire hazard

Fireworks displays present a particular challenge for the Tasmania Fire Service. Generally, fireworks displays are more popular in dry, warm weather, or at events that are held during spring or summer, such as school fairs and community events. However, it is during these warmer months that the risk of a fire becoming out of control is greatest.

When the danger of bushfire is considered to be high, the Tasmania Fire Service may declare a Fire Permit Period in specific – or all – municipal areas. If a Fire Permit Period has been declared, a permit is required by anyone seeking to burn vegetation, which allows the Tasmania Fire Service to coordinate and monitor controlled burning, and minimise the risks involved by imposing certain conditions to increase the safety of the fire. While there is currently no formal interaction between the fire permit system and the fireworks display permit regime, this review provides the opportunity to consider whether aligning the two permits would be beneficial and, if so, potential ways that this may be achieved.

One method of aligning Fire Permit Periods with fireworks display permits would be to ban fireworks displays during declared Fire Permit Periods. This would prevent private (Type 2) fireworks displays from being held when the danger of bushfire is considered high, thereby significantly reducing the risk of fireworks igniting a bushfire. However, direct alignment in this way also creates uncertainty and inconsistency, as Fire Permit Periods are declared only when conditions warrant it. This means that the declared Fire Permit Period varies from one year to the next and, potentially, between one municipality and another.

If such alignment is desired, the varying nature of Fire Permit Periods could be moderated by applying a ban on private fireworks displays each year during a fixed high risk period; for example, over summer months, during day light savings time, or for another period to be determined. This approach would provide certainty for people seeking to plan a fireworks display and reduce the risk of bushfire during high risk periods.

It would also address challenges that are currently experienced in responding to the declaration of a total fire ban. While a total fire ban may be declared on any day of the year, it is most common during the warmer months. The current permitting regime

prohibits any fireworks display from proceeding on a day on which a total fire ban has been declared. However, a fire ban may be declared with very short notice, making it difficult for event organisers to make alternative entertainment arrangements, or reschedule the event as necessary.

Question 18: *Do you have any suggestions on how the risk of fireworks causing bushfires during high risk periods could be addressed? If yes, please provide details.*

Question 19: *Would you support a ban on private fireworks displays during certain months in each year; for example, during summer (1 December to the end of February) or during day light savings (first Sunday in October to the first Sunday in April)?*

7.4. Misuse of fireworks

Fireworks contain explosives. Given this, fireworks – and the explosive materials within them – can be dangerous if misused.

Tasmania's current fireworks regime limits the total gross weight of Type 2 fireworks that may be purchased or used in a display (refer to 5.5.1, Display limitations). It also requires a person to be regarded as fit and proper to hold a display, before the permit will be issued (refer to 5.3.1, Eligibility for a fireworks display permit). However, the permit application process does not currently include a police records check or any other background search to confirm an individual's suitability to handle fireworks. This means that, unless the applicant is specifically known to WorkSafe Tasmania as having a relevant conviction or some other reason not to be regarded 'fit and proper', this necessary information may be unavailable when the decision on a display permit application is made.

Allowing unlicensed members of the public to access Type 2 fireworks increases the quantity of uncontrolled fireworks within the community. Although most people who obtain these fireworks handle them responsibly and lawfully, there is nevertheless a risk of harmful misuse, whether unintended or deliberate. The stockpiling of unused fireworks, for instance, can lead to accidental explosion or provide a source of fireworks for unlawful, perhaps criminal, use. While it would not be possible (or desirable) to monitor each individual firework sold, it is important to recognise potential opportunities for misuse of fireworks, and consider options to mitigate them.

Question 20: *Have you ever been the victim of, or witness to, the misuse of fireworks? If yes, please describe your experiences.*

Question 21: *To what extent are you concerned about the potential for fireworks to be illegally used?*

7.5. Inherent weaknesses of the regime

In addition to the general issues identified above, the current fireworks permit regime holds some inherent weaknesses arising through administrative requirements and the particular nature of fireworks.

7.5.1. Timeframes for processing and appeal

The permit application process (detailed on page 16) specifies two timeframe requirements for any person seeking to hold a fireworks display: the applicant must lodge their display permit application at least 21 days before the proposed date of the display; and, once a display permit is issued, the relevant neighbours and authorities must be given at least seven days' notice of the display. These timeframes work well when the details of the application are easily established, and the neighbours are happy for the display to proceed.

However, for complex permit applications requiring substantial investigation, or in the lead up to Cracker Night – during which time WorkSafe Tasmania can have hundreds of applications to process – the available processing 'window' can make it difficult for all the necessary information to be identified and properly considered.

Particular difficulties also arise if a person wishes to appeal a decision to issue, refuse or cancel a display permit. A neighbour, for example, may only become aware of the permit a week before the display. If they wish to appeal, it may not always be possible to apply to the Magistrate's Court, attend a hearing and receive the outcome of the review before the display takes place, after which time the review is redundant. If a display permit is cancelled close to the date of the event, the affected parties may have even less time to appeal, making it virtually impossible for the decision to be reviewed before the event.

A potential remedy for these issues is to extend the 'lead time' on applications for a display permit. For example, if applications were required to be lodged 60 days before the intended date of the display, more time would be available during the processing of the application, and decisions could be made earlier. If notification requirements were also invoked earlier, more time would be available for any appeals to be finalised.

Question 22: *Currently, permit applications must be lodged at least 21 days before the proposed date of the fireworks display. If this 21 day 'lead time' were to be extended, what is the longest timeframe that you would consider reasonable?*

7.5.2. Possession of uncontrolled fireworks

As described in section 5.5.2, Storage and disposal, when a person owns Type 2 fireworks but has no permit to use them, such as when fireworks purchased for a permitted display are not used, the owner needs to decide how they will be stored or disposed.

Ideally, the owners would either store the fireworks responsibly until they are issued a permit for another display; or destroy the fireworks in a safe and responsible way. However, without clear guidance, some owners can inadvertently store or dispose of their fireworks inappropriately, thereby putting their family or property at risk. Others may decide to use the fireworks on another day without a display permit. When this happens, neighbours and authorities might not be notified and safety requirements, which are specified when a permit is issued, might not be met. Again, family, friends and property may be put at risk.

7.5.3. Anomalies within the fireworks regulations

A small number of anomalies have been identified (within the fireworks regulations) that may lead to ambiguity or confusion. These are referred to as 'technical' issues because they concern the way the requirements are drafted, rather than the policy underpinning the relevant provisions.

By way of example, the treatment of theatrical fireworks under the regulations is confusing. A person requires a shot-firer's permit endorsed for pyrotechnics in order to fire theatrical fireworks (because there is no exception in regulation 44, which is about the requirement for a shot-firer's permit, from this requirement for this category of fireworks). (Regulation 44 overrides the fireworks provisions of the Regulations and there is a clear exception in regulation 44 that allows a person to fire Type 2 fireworks under the auspices of a fireworks display permit.)

Despite the lack of a similar exception for theatrical fireworks, in some regulations theatrical fireworks are grouped with Type 2 fireworks, for example in regulation 86(1), which could lead to an erroneous conclusion that a fireworks display permit alone is sufficient authority to use theatrical fireworks, when in fact a category 4 shot-firer's permit is required.

Some other regulations are silent on theatrical fireworks and only deal with Type 2 and Type 3 fireworks (for example, regulations 88 and 89, 97, 98), again leading to a lack of clarity.

It is proposed in section 10.2 of this paper that anomalies in the laws be rectified, to deliver clarity. Such clarifications are not expected to have any significant impact on the community. For example, because use of theatrical fireworks is a small sector, applicants for fireworks display permits for the use of theatrical fireworks are usually aware of the need for a pyrotechnician for the event.

7.5.4. Limited ability to enforce regime

When issuing a fireworks permit, WorkSafe Tasmania will attach to the permit an outline of the conditions and requirements for holding a fireworks display, as well as any additional conditions that WorkSafe Tasmania specifies. If a person chooses to disregard fireworks legislation – either by contravening the conditions and requirements of a display permit, or by holding a display without a permit – WorkSafe Tasmania often has limited ability to enforce the laws, or penalise those responsible.

For example, WorkSafe Tasmania has received complaints about fireworks being illegally displayed without a permit. At the time that the complaint is received, the fireworks display is often completed, or is near completion, and any evidence has been cleared away. It is therefore very difficult for a subsequent investigation to find sufficient evidence to impose a penalty, and any harm caused by the illegal display has already occurred.

Question 23: *Do you have any other concerns or comments about the inherent weaknesses of the fireworks regime in Tasmania? If yes, please provide details.*

7.6. Costs to the Tasmanian public

The prescribed fee for lodging a Type 2 fireworks permit application is currently \$74.00. This fee contributes to the cost of processing the permit application, but does not cover all of the expenses involved.

The specific cost of each application varies, depending on the amount of research required; the extent of any negotiations with the applicant on any details of the display; whether an appeal is lodged, and the nature of any complaints that may be received. However, it is estimated that to receive, scrutinise, process and follow up a single permit application it can cost WorkSafe Tasmania an average of up to \$260.00, based on 2015 year-to-date figures. This means that, on average, the figures indicate an average net loss of approximately \$186.00 for each Type 2 application received. As at 31 July, 600 Type 2 fireworks permit applications had been received during 2015, reflecting a total year-to-date loss of \$111,600.00. This is a significant cost for the Tasmanian Government – and therefore the Tasmanian public – to absorb for the celebration and amusement of a relatively small proportion of the Tasmanian population.

This calculation does not consider the expenses incurred by other authorities, such as Tasmania Police and Tasmania Fire Service. Neither do the estimates take into account the cost of any medical expenses or property repair costs that may be incurred as a result of fireworks, nor the social cost of personal injury, animal welfare concerns or other environmental impacts.

Question 24: *What is the highest fee that you would be prepared to pay to apply for a Type 2 fireworks permit?*

Question 25: *Do you consider it to be acceptable for the Tasmanian Government to make a financial loss on the administration and management of the Type 2 fireworks regime? If yes, what should the limit of this loss be?*

8. Approaches in other Australian jurisdictions

All Australian jurisdictions allow the unrestricted sale and purchase of Type 1 fireworks (or equivalent).

In relation to the use of Type 2 fireworks (or equivalent), Tasmania's fireworks regime is one of the most liberal within Australia. Western Australia was the first to introduce prohibition, with public access to Type 2 fireworks having been banned for almost 50 years. The Australian Capital Territory introduced restrictions in 2009 'in the interests of public safety and animal welfare',¹ making it the most recent jurisdiction to restrict access. The Northern Territory remains the only jurisdiction in which the access to Type 2 fireworks is unrestricted; however, this freedom only exists on Territory Day, held on 1 July each year.

Information about fireworks management in each jurisdiction is provided below.

Jurisdiction	Public access to Type 2 fireworks (or equivalent)
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Australian Capital Territory	<p><i>Restricted since 2009</i></p> <p>A fireworks display may only be held by someone with a display permit. When applying for a display permit, an applicant must provide a detailed safety management system, proof of appropriate insurance, an inventory list of the fireworks that will be used, permission from the land owner and information about how the fireworks will be stored.</p>
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Generally, a display operator licence is required to operate fireworks displays; however, an unlicensed person may apply for a display permit to use up to 100 items. A display permit will only be granted to a person that is regarded to be a 'suitable person' to hold a permit (which includes whether the person has demonstrated adequate knowledge and experience in safety in the use of the relevant fireworks and the requirements of the regulation dealing with fireworks).

¹ <http://www.worksafe.act.gov.au/news/view/1000/title/fireworks-ban-this-queens-birthday> Retrieved 30 June 2015.

New South
Wales***Restricted since 1987***

Fireworks may only be used by a person with either a pyrotechnician's licence, or a fireworks (single use) licence.

A pyrotechnician's licence will specify the particular types of fireworks the licence holder is authorised to use, from ground displays and Chinese strings through to aerial shells and aerial salutes. The applicant's level of training and experience will determine the types of fireworks that will be authorised by their licence.

A fireworks (single use) licence will only be issued for an organised public event, with permission from the local authority. Single use licences can authorise the use of ground display, Chinese string or theatrical/indoor fireworks and will only be issued to applicants that have successfully completed instruction/training from a person with a pyrotechnician's licence or pyrotechnician's permit in the safe use of the fireworks to be used for the event

Northern
Territory***Unrestricted on 1 July of each year (Territory Day)***

The Northern Territory remains the only jurisdiction in Australia where it is legal for any member of the public 18 years and older to purchase and use fireworks without any form of permit or licence. However, fireworks may only be purchased or used by members of the public on 1 July of each year. To possess or use fireworks on any other day, a fireworks permit is required.

A fireworks permit will only be issued to a person who holds a Northern Territory shot-firer's licence endorsed with the class 'to conduct firework display' or 'special effects'. To gain a shot-firer's licence, a person must be over the age of 18; have the necessary training and experience; provide a satisfactory criminal history check; understand sufficient English to understand directions relating to the use of blasting explosives; and be not found to suffer from defective hearing, defective vision or a physical infirmity likely to interfere with the efficient and safe discharge of their duties as a shot-firer.

Queensland

Banned since 1972

Only licensed professionals may use fireworks. Event organisers must have evidence to demonstrate that they have met all legal responsibilities as an event organiser, including emergency planning, notifying authorities and neighbours, gaining approval from land owners and securing appropriate insurance coverage. No event permits are required.

- South Australia ***Restricted since 2001***
Only a licensed pyrotechnician, or someone under the direct supervision of a licensed pyrotechnician may use fireworks.
- Exempt display permits are available in some circumstances if the fireworks display is for public or community purposes; and is conducted by, or on behalf of, a prescribed body such as a charitable, religious, sporting, social, community or educational organisation. While the applicant of an exempt display permit need not be a licensed pyrotechnician, they must provide comprehensive documentation, including evidence of age (21 years or older), a National Police (Clearance) Certificate, an inventory list of the fireworks that will be used, and, during the fire danger season, a relevant permit under the Country Fires Act.
- Tasmania ***Restricted since 1998***
Under the current restrictions, a fireworks display may only be held by someone with a display permit. A person may apply for a permit to hold a fireworks display on any day of the year, so long as the purpose of the display aligns with one of the 'approved purposes'. Any adult who is fit and proper to hold a fireworks display may apply for a display permit. Type 3 or theatrical fireworks may only be used by a pyrotechnician (a person with a shot-firer's permit endorsed for pyrotechnics).
- Victoria ***Banned since 1985***
Only a licensed pyrotechnician, or someone under the supervision of a licensed pyrotechnician, may use fireworks.
- A pyrotechnician's licence specifies the types of fireworks that may be used and the types of activities that may be carried out, depending on the applicant's qualifications or experience.
- Western Australia ***Banned since 1967***
A fireworks event permit is required for every fireworks event. Permits will only be issued to a person who is a licensed fireworks contractor, who is then responsible for ensuring compliance with all relevant standards and regulations. Insurance details and arrangements for fireworks storage must also be provided and approval for the event must be gained from WA Police, fire services and the local council.
- To set up and initiate fireworks at the event, a person must be a licensed fireworks operator, or someone working in the presence of a licensed operator.

9. Developments at the national level

Each Australian state and territory has its own regulatory system for explosives (including fireworks), and there is considerable variation between systems. There have been a number of national developments over the last decade, leading to increased momentum for consistency between explosives laws across Australia.

The most significant developments, from the perspective of regulating fireworks in Tasmania, have been relevant decisions of the Council of Australian Governments (COAG) in recent years. In particular, COAG agreed in 2012 for harmonisation of explosives regulation to be progressed where doing so would achieve clear benefits. More recently, in March 2015, COAG agreed that work health and safety ministers would continue this work, through Safe Work Australia.²

The scope of this work is broader than the issue of fireworks alone, and it is likely that any proposed regulatory change, ultimately arising as a result of the national process, will take some years to finalise and result in change to Tasmania's laws.

The review into Tasmania's fireworks laws is not linked to the national process. Nevertheless, it is logical that the question of aligning the Tasmanian regime more closely with those in other jurisdictions would arise during the course of this review. The option discussed at section 10.6 of this paper would result in closer alignment with most other jurisdictions.

10. Options for moving forward

Six main options for the management of fireworks in Tasmania have been considered, and are presented here to stimulate thought and elicit feedback:

1. no change;
2. minor changes to improve clarity and efficiency;
3. refine the current regime with increased regulation;
4. maintain public access with a focus on community benefit;

² Safe Work Australia, July 2015, *Explosives Regulation in Australia: Discussion Paper and Consultation Regulation Impact Statement*, p 5. <https://submissions.swa.gov.au/SWAforms/explosives/Documents/cris-document-explosives.pdf>

5. retain the permit system, but limit the use of fireworks by members of the public to one day a year; and
6. introduce a total ban on the use of Type 2 fireworks by unlicensed members of the public.

Each approach has both advantages and disadvantages: for business/industry, for Government, for the community and for the environment. A summary of the advantages and disadvantages that have been identified follows.

10.1. No change

Under this option, there would be no change to the current fireworks regulations.

This option is not a preferred approach because it does not address any of the identified problems with the current system.

	Advantages	Disadvantages
Business/ Industry	<ul style="list-style-type: none"> • Industry can continue to import and supply Type 2 products. • Demand for fireworks would likely continue to increase. 	<ul style="list-style-type: none"> • Ambiguities in the legislation will remain unaddressed, potentially leading to confusion.
Government		<ul style="list-style-type: none"> • Risk of increased accountability if significant injury or damage from fireworks occurs in the future. • Continued diversion of resources to the permitting regime and firework incident response. • Some increases to administration costs as demand increases. • Adverse comments from members of the community that support a ban. • Would maintain disparity between the Tasmanian regime and momentum at the national level.
Community	<ul style="list-style-type: none"> • Community members that wish to use Type 2 fireworks will be able to continue to do so. 	<ul style="list-style-type: none"> • Community members who are concerned about the noise, potential harm to animals or fire and safety risks, will not have their concerns addressed.
Environment		<ul style="list-style-type: none"> • Issues related to noise, fire risk and animal welfare will continue.

10.2. Minor changes to improve clarity and efficiency

Under this option, any changes to the fireworks regulations would be minor. Changes would focus primarily on streamlining the administration of the current regime and clarifying any aspects of the regime that are ambiguous or may be confusing.

Potential amendments may include:

- requiring applications to be lodged earlier, providing time for appeals to be sought and finalised by the Magistrate's Court prior to the date of the display;
- identifying and removing ambiguities or other technical issues (concerns about the drafting of the provisions that may lead to confusion); and
- increasing the cost of applying for a display permit to better reflect administration costs.

	Advantages	Disadvantages
Business/ Industry	<ul style="list-style-type: none"> • Industry can continue to import and supply Type 2 products. • Demand for fireworks would likely continue to increase. 	
Government	<ul style="list-style-type: none"> • Responding to community concerns. • More time for permit applications to be considered and processed. 	<ul style="list-style-type: none"> • Risk of increased accountability if significant injury or damage from fireworks occurs in the future. • Some increases to administration costs as demand increases (unless fees are increased as part of this option). • Continued diversion of resources to the permitting regime and firework incident response. • Adverse comments from members of the community that support a ban. • Would maintain disparity between the Tasmanian regime and momentum at the national level.
Community	<ul style="list-style-type: none"> • Requirements will be made clearer, assisting compliance. • Community members that wish to use Type 2 fireworks will be able to continue to do so. • Some improvement to safety, transparency and accountability. 	<ul style="list-style-type: none"> • May not be fully effective in addressing the issues raised, in particular fire and safety risks. • Those that are adversely affected by fireworks use in their area will continue to be affected. • Increased efficiencies may reduce

	<ul style="list-style-type: none"> • Additional time to appeal. 	the responsiveness of the regime to individual circumstances.
Environment		<ul style="list-style-type: none"> • Issues related to noise, fire risk and animal welfare will continue.

10.3. Refine the current regime with increased regulation

Under this option, the current permit system would remain and amendments would be introduced to specifically address the main issues identified.

This approach would focus on trying to find a balance that allows community concerns to be addressed while continuing to allow unlicensed members of the public to hold some fireworks displays. The approach could include earlier notification of neighbours and relevant authorities. Effective mechanisms would be required for handling complaints and appeals.

Potential amendments may include:

- requiring applicants to provide a recent national police records check;
- issuing permits only in situations where applicants can show that neighbours and relevant authorities agree;
- prohibiting the use of Type 2 fireworks during a declared Fire Permit Period;
- requiring applicants to advertise the fireworks display once a fireworks display permit has been granted; and
- including some of the suggestions from section 10.2, such as clarifying ambiguities and requiring applications to be lodged earlier.

	Advantages	Disadvantages
Business/ Industry	<ul style="list-style-type: none"> • Industry can continue to import and supply Type 2 products. • Demand for fireworks would likely remain strong or increase (although potentially at a slower rate than has occurred over recent years). 	<ul style="list-style-type: none"> • New requirements likely to have some impact on the growth in demand for Type 2 fireworks.
Government	<ul style="list-style-type: none"> • Responding to community concerns. • Increasing the onus on applicants to consult with neighbours and relevant authorities prior to lodging an application. 	<ul style="list-style-type: none"> • Risk of increased accountability if significant injury or damage from fireworks occurs in the future. • May result in substantially increased administrative costs for relevant authorities. • Increased complaints from

	<p>applicants who are unable to obtain the agreement of neighbours.</p> <ul style="list-style-type: none"> Continued, and potentially increasing, diversion of resources to the permitting regime and firework incident response. Adverse comments from members of the community that support a ban.
<p>Community</p> <ul style="list-style-type: none"> Potential for clearer laws. Community members that wish to use Type 2 fireworks will be able to continue to do so. Some improvement to safety, transparency and accountability. Additional time to appeal. 	<ul style="list-style-type: none"> More requirements to comply with. May not be fully effective in addressing the issues raised, in particular fire and safety risks. Those that are adversely affected by fireworks use in their area may continue to be affected.
<p>Environment</p> <ul style="list-style-type: none"> Substantially reduced fire risk if bans are introduced during part or all of the fire season. May provide greater opportunity for those who are concerned about animal welfare and fire risk to object to the granting of a permit. 	<ul style="list-style-type: none"> Issues related to noise, animal welfare and, potentially, fire risk (depending on to the extent that fire risk is addressed) may continue.

10.4. Maintain public access with a focus on community benefit

Under this option, the Type 2 fireworks regime would be reoriented with a community focus, facilitating fireworks displays that benefit communities, rather than private individuals. Potential amendments may include:

- amending the eligibility requirements for permit applications so that only people representing a recognised organisation or community group may apply;
- requiring applicants to gain permission from their local council before a display permit application may be lodged; and
- issuing permits only for community events (within the scope of either the existing, or a refined list, of approved purposes).

	Advantages	Disadvantages
Business/ Industry	<ul style="list-style-type: none"> • Some demand for Type 2 products would continue. • With fewer members of the public conducting displays, some new opportunities may arise for pyrotechnicians. 	<ul style="list-style-type: none"> • Loss of business income and opportunities for suppliers of Type 2 fireworks.
Government	<ul style="list-style-type: none"> • Achieve closer alignment to other jurisdictions. • Reduced administration costs due to anticipated decrease in displays. • Local governments may have greater involvement with displays in their local area. • Responds to community concerns without implementing a total ban use of fireworks by members of the public. 	<ul style="list-style-type: none"> • Increased administration for local governments. • Some costs associated with processing permit applications would remain. • Adverse comments from sections of the community who support access to fireworks for personal use.
Community	<ul style="list-style-type: none"> • The community focus of fireworks displays will encourage a broader level of engagement within the local community, potentially resulting in less complaints. • Reduced incidence of disturbance. • Regime would be responsive to community needs. 	<ul style="list-style-type: none"> • Would not fully eliminate the problems associated with fireworks. • Would abolish the experience of private Cracker Night displays (although it would not preclude community Cracker Night displays). • A small number of people may turn to illegal purchase and use of Type 2 fireworks, if current lawful

		avenues are no longer available.
Environment	<ul style="list-style-type: none"> • Reduce the impact of fireworks on livestock and other domestic or native animals. • Reduced risk of fires. 	<ul style="list-style-type: none"> • Potential remains for some issues relating to noise and animal welfare. • Fire risk will not be totally eliminated.

10.5. Retain the permit system, but limit the use of fireworks by members of the public to one day per year

Under this option, a permit system for holding fireworks displays would be retained (with or without modification). However, the exception to the requirement to hold a shot-firers permit (regulation 44) would be limited to one night a year, say Cracker Night. Members of the public would only be allowed to use Type 2 fireworks on the specified night, and would require a fireworks display permit.

Use of fireworks (except Type 1) by unlicensed members of the public would be banned at all other times of the year. Fireworks displays by pyrotechnicians would continue, subject to the issuance of a fireworks display permit (for an approved purpose).

	Advantages	Disadvantages
Business/ Industry	<ul style="list-style-type: none"> • Industry can continue to import and supply Type 2 products. • There may be some potential for pyrotechnicians to undertake more work due to the increased restrictions on use of Type 2 fireworks by members of the public. 	<ul style="list-style-type: none"> • New requirements likely to restrict growth in demand for Type 2 fireworks.
Government	<ul style="list-style-type: none"> • Provides a limited response to community concerns. • Could be combined with other options, such as increasing the onus on applicants to consult with neighbours and relevant authorities prior to lodging an application to hold Cracker Night displays. 	<ul style="list-style-type: none"> • All the risks of the current system apply to the specified night when members of the public are permitted to use fireworks under the auspices of a fireworks display permit. • Administrative costs and diversion of government resources will remain, and may increase, with respect to processing of applications and attending to complaints arising from displays on the specified night. • Adverse comments from

		<ul style="list-style-type: none"> members of the community that support a ban. Adverse comments from sections of the community who seek to use fireworks at other times of the year.
Community	<ul style="list-style-type: none"> Community members that wish to use Type 2 fireworks will be able to continue to do so, once a year. 	<ul style="list-style-type: none"> May not be fully effective in addressing the issues raised, and may merely concentrate many of those concerns to the one night. Those that are adversely affected by fireworks use in their area may continue to be affected.
Environment	<ul style="list-style-type: none"> Substantially reduced fire risk due to the fact that only professional displays (by pyrotechnicians) will be permitted for most of the year. 	<ul style="list-style-type: none"> Issues related to noise and animal welfare will continue and may potentially increase for the specified night. Fire risk will not be totally eliminated.

10.6. Introduce a total ban use of fireworks by unlicensed members of the public

Under this option, only pyrotechnicians would be able to purchase or use Type 2 fireworks, and public access to fireworks would be banned in all circumstances.

This option would bring Tasmania's fireworks regime in general alignment with the regimes currently in place in Queensland, Victoria and Western Australia.

	Advantages	Disadvantages
Business/ Industry	<ul style="list-style-type: none"> Clear and consistent regulation for all fireworks (other than Type 1 which will remain exempt). Some potential for pyrotechnicians to undertake more work due to the prohibition of use of Type 2 fireworks by unlicensed members of the public. 	<ul style="list-style-type: none"> Loss of business income and opportunities for suppliers of Type 2 fireworks.
Government	<ul style="list-style-type: none"> Reduced applications for fireworks displays resulting in significant reduction in the diversion of resources away from other priorities to administer the fireworks regime. 	<ul style="list-style-type: none"> Adverse comments from sections of the community who support public access to fireworks.

	<ul style="list-style-type: none"> • Significant cost savings. • Achieve consistency with other jurisdictions and ease transition to nationally consistent regulation.
Community	<ul style="list-style-type: none"> • Improved safety; only qualified/trained people will be using fireworks. • Minimise risk of property damage. • Minimise the problems associated with fireworks use, due to fewer displays across a broad geographical area.
Environment	<ul style="list-style-type: none"> • Minimise the impact of fireworks on livestock and other domestic or native animals, due to reduced number of displays. • Minimise risk of fires.

Apart from no change, there are numerous potential variations to, and combinations of, the above options that may represent a balanced approach to the regulation of Type 2 fireworks in Tasmania. Although they are not listed here, they are not precluded from consideration if public comment points to some combination or variation of the above options.

Question 26: *For any of the proposed options, are there other advantages or disadvantages you can identify? If yes, please provide details.*

Question 27: *What is your preferred option for changing the management of fireworks in Tasmania?*

10.7. Other potential changes

In addition to the six main options above, there are a number of other potential changes that could be implemented. However, these changes would not address the issues identified under the current firework regime, and are therefore not preferred approaches.

Allow unrestricted access on a single day:

This approach would bring Tasmania in close alignment to the Northern Territory. Mirroring the arrangements in place for Territory Day would allow adults to have unrestricted access to Type 2 fireworks, thereby effectively abolishing the permitting regime. While unrestricted access eases the administrative burden, it would exacerbate rather than mitigate the other issues that have been identified; in particular, issues of personal safety, animal welfare and public disturbance. It would also be inconsistent with developments at the national level, and it would be contrary to WorkSafe Tasmania's focus on reducing safety risks.

This is therefore not a preferred approach. (A variation of this approach, allowing restricted access on a single day, is discussed in section 10.5 of this paper.)

Limit the number of permits available to be issued:

This approach would reduce and effectively limit the administrative burden associated with the regime by placing a cap on the number of permit applications issued. However, depending on how many permits would constitute the cap, this arrangement would fail to address many of the issues that have been identified with the current regime. Further, it would introduce other issues, such as fair and equal access to the use of fireworks, with significant community dissatisfaction anticipated when the demand for permits exceeds the total number available to be issued.

This is also therefore not a preferred approach.

11. Consultation process and invitation for submissions

WorkSafe Tasmania has prepared this paper to facilitate public consultation on the management of Type 2 fireworks in Tasmania, and ways the current fireworks regime may be improved.

A series of questions have been provided throughout the paper to promote thought and discussion on the key points of the review. These questions have been consolidated into a single list, provided at Appendix A. It is not necessary to address every question in your submission; however, you are welcome to do so.

If you would prefer to answer some general questions rather than address specific questions, please refer to the Stakeholder Questionnaire provided at Appendix B.

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Fireworks in Tasmania Discussion and Options Paper

Completed questionnaires and written submissions may be emailed to wstinfo@justice.tas.gov.au or sent by post to:

Fireworks Consultation
WorkSafe Tasmania
PO Box 56
ROSNY PARK TAS 7018

All completed questionnaires and submissions must be received by WorkSafe Tasmania by 5pm on Friday, 1 April 2016.

When making a submission, please ensure that your name, address and telephone number are included so that we may contact you to clarify any of your comments, if necessary.

Any personal information collected from you will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by you on request to this Department. You may be charged a fee for this service.

If you have any questions about the review process, please contact WorkSafe Tasmania by email at wstinfo@justice.tas.gov.au or by telephoning the WorkSafe Tasmania Helpline on 1300 366 322 (inside Tasmania) or (03) 6166 4600 (outside Tasmania).

Appendix A: Summary of questions

For ease of reference, a consolidated list of all of the questions raised in this paper is provided below. Written submissions do not need to address every question.

Please include your full name and contact details with your response, so we may contact you to confirm or clarify our understanding of your views, if necessary.

Section 5: Current regulatory environment

1. Should additional eligibility requirements be introduced for people applying for a fireworks display permit; for example, should:
 - a shot-firing permit be required for all displays (using Type 2, Type 3 or theatrical fireworks); or
 - a police check be required? If yes, please provide details.
2. Should applications be limited to groups, such as a community or sporting groups, rather than people applying as individuals? If yes, please provide details.
3. For what purposes should Type 2 fireworks be used by members of the public?
4. Should the approved purposes for members of the public to hold Type 2 displays be identical to the purposes for displays by pyrotechnicians (usually, but not always, Type 3 fireworks displays)? If no, in what ways should they differ?
5. On what days should Type 2 fireworks be able to be used by members of the public? Should their use be limited to a particular day of the year, or for certain events? If yes, please provide details.
6. Should there be more limitations on the days on which members of the public are allowed to use fireworks compared with pyrotechnicians? If yes, please provide details.
7. Should the safety requirements be changed to improve the protection of people, property and the environment? If yes, please outline any suggestions you have. If your answer is based on a personal experience, please provide details.
8. Before a decision is made on whether to issue a display permit, should people who may potentially be affected by a fireworks display be given the opportunity to provide comments? If yes, what would be the appropriate mechanism to request these comments, and what criteria should be applied to determine which people 'may potentially be affected'; for example, should comment be sought from all people within a certain distance from the display?

9. Is there any way in which the permit application process should be changed? If yes, please provide details.
10. Based on your experiences, would you suggest changing the limitations for fireworks displays? If so, how?
11. At what time of the day and for what duration should Type 2 fireworks displays be allowed?
12. Should the location for Type 2 fireworks displays be more limited so they can only be held in specific areas or particular types of locations, such as only on sporting ovals or not within a certain distance from livestock? Should certain localities be identified as 'no fireworks' zones? If yes, please provide details.
13. Have you experienced a situation in which unused fireworks needed to be stored or disposed? If yes, did you encounter any difficulties?
14. Have you ever been involved with a fireworks-related appeal process? If yes, do you have any comments about your experience or suggestions for how this process may be improved?

Section 7: Issues arising from the use of fireworks

15. What is the best way to protect domestic and native animals during fireworks displays?
16. How can the safety of fireworks displays be improved?
17. What is the best way to prevent and manage public disturbance that is caused or contributed to by fireworks?
18. Do you have any suggestions on how the risk of fireworks causing bushfires during high risk periods could be addressed? If yes, please provide details.
19. Would you support a ban on private fireworks displays during certain months in each year; for example, during summer (1 December to the end of February) or during day light savings (first Sunday in October to the first Sunday in April)?
20. Have you ever been the victim of, or witness to, the misuse of fireworks? If yes, please describe your experiences.
21. To what extent are you concerned about the potential for fireworks to be illegally used?
22. Currently, permit applications must be lodged at least 21 days before the proposed date of the fireworks display. If this 21 day 'lead time' were to be extended, what is the longest timeframe that you would consider reasonable?

23. Do you have any other concerns or comments about the inherent weaknesses of the fireworks regime in Tasmania? If yes, please provide details.
24. What is the highest fee that you would be prepared to pay to apply for a Type 2 fireworks permit?
25. Do you consider it to be acceptable for the Tasmanian Government to make a financial loss on the administration and management of the Type 2 fireworks regime? If yes, what should the limit of this loss be? Do you have any other concerns or comments about the inherent weaknesses of the fireworks regime in Tasmania? If yes, please provide details.

Section 10: Options for moving forward

26. For any of the proposed options, are there other advantages or disadvantages you can identify? If yes, please provide details.
27. What is your preferred option for changing the management of fireworks in Tasmania?

Appendix B: Stakeholder questionnaire

Your views are important to us. If you would prefer to answer some general questions rather than address the specific questions raised throughout this paper, please complete and return the below questionnaire to WorkSafe Tasmania by **5pm on Friday 1 April 2016**.

Completed questionnaires and written submissions may be emailed to wstinfo@justice.tas.gov.au or sent by post to:

Fireworks Consultation
WorkSafe Tasmania
PO Box 56
ROSNY PARK TAS 7018

1. Have you applied for a fireworks display permit in the past?

(please select)

No Yes

- a. *If yes*, what was your overall experience of applying for a display permit?

Positive Negative Neutral

What contributed to this experience?

- b. What changes would you make to the fireworks display permit regime?

2. If the Tasmanian fireworks laws were to be changed, what change would you prefer?

- Minor changes only to make the regime clearer and more efficient
- Improve the current system by adding to the regulations
- Retain the fireworks display permit system, but restrict use of Type 2 fireworks by members of the public to one day per year
- Introduce a total ban on use of Type 2 fireworks by members of the public, so only qualified people (pyrotechnicians) can use this type of fireworks
- Only allow use of Type 2 fireworks by unlicensed members of the public for community events (rather than for private use)

Fireworks in Tasmania
Discussion and Options Paper

3. Please share with us any positive or negative experiences you have from using fireworks, being a spectator of a Type 2 fireworks display, or if you have been affected by a fireworks display that was held in your local area.

4. Is there any other information you would like to provide to help us to review the fireworks laws?

5. Please provide your name and contact details so we may confirm or clarify our understanding of your views, if necessary:

NAME

PHONE MOBILE

POSTAL ADDRESS

SUBURB POSTCODE EMAIL

Thank you for your contribution

Personal Information Protection Act 2004 : Personal information we collect from you will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by you on request to this Department. You may be charged a fee for this service.



NORTHERN
MIDLANDS
COUNCIL

Instrument of Delegation

File: 12/035
Version: 1.0
Document Date: 21 March 2016
Authorised By: Planning Authority

Delegation

Land Use Planning & Approvals Act 1993

Pursuant to section 6 of the *Land Use Planning and Approvals Act 1993*:

- (3) A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority.
- (4) A delegation may be made either generally or as otherwise provided by the instrument of delegation.
- (5) Notwithstanding any delegation, a planning authority may continue to perform or exercise all or any of the functions or powers delegated.
- (6) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by a planning authority.

Each delegation or authorisation is subject to:

- a) the conditions or restrictions (if any) referred to above;
- b) such policies, policy guidelines and directions as the Council may from time to time approve; and
- c) the Council's By-laws or the provisions of any Act.

Signed by Mayor David Downie

David Downie
MAYOR
Date: 21 March 2016

PLAN 1

PLANNING APPLICATION P16-036

11 RUSSELL STREET, EVANDALE

ATTACHMENTS

- A Application & plans

- B Report from Peter Spratt/JMG in June 2013

- C Heritage design statement

- D Responses from referral agencies
- THC

- E Representations

PLANNING APPLICATION

Proposal

ATTACHMENT A

Description of proposal: LOWER ALL WALLS TO 1800MM HEIGHT,
PUSH WALLS BACK TO VERTICAL, REPAIR CRACKS AND
DEFECTIVE MORTAR WITH QUICKLIME MORTAR, REPLACE MISSING BLOCKS,
RECAP WALLS, FILL CAVITY OF WALL (RUSSELL ST ONLY)
(attach additional sheets if necessary)

Site address: 11 RUSSELL ST

ID no: and/or Council's property no:

AND/OR

Area of land: ha/m² and/or CT no:

Estimated cost of project \$11,000 (include cost of landscaping,
car parks etc for commercial/industrial uses)

Are there any existing buildings on this property? Yes / No

If yes - main building is used as HOTEL

If variation to Planning Scheme provisions requested, justification to be provided:

(attach additional sheets if necessary)

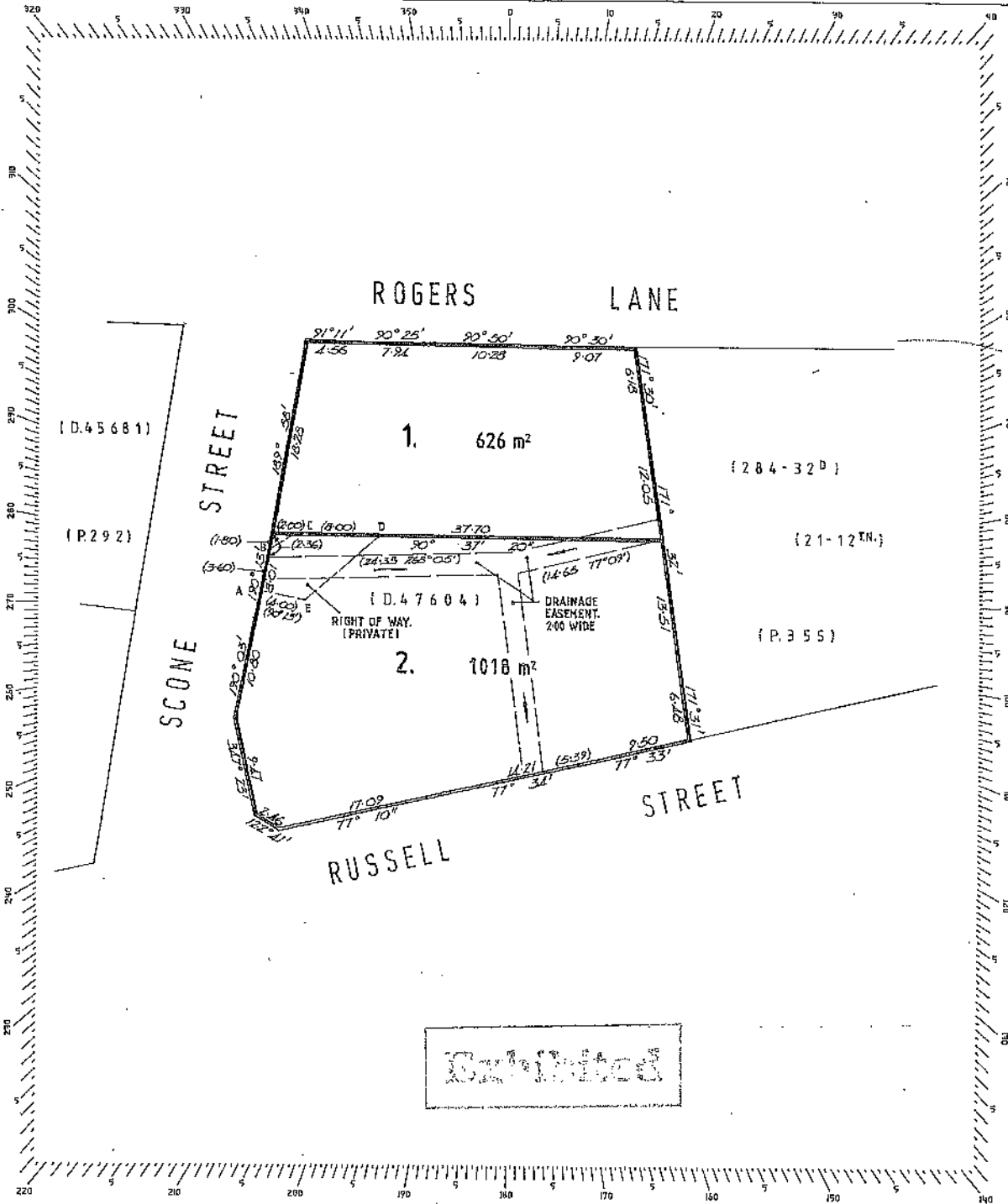
If outbuilding has a floor area of over 56m², or there will be over 56m² of outbuildings on the lot,
or is over 3m at apex in residential zone, details of the use of the outbuilding to be provided:

External colours: TO MATCH EXISTING
(attach additional sheets if necessary)

Is any signage required? NO
(if yes, provide details)

Exhibited

OWNER <i>Maracorn Pty. Ltd.</i>		PLAN OF SURVEY	REGISTERED NUMBER
FOLIO REFERENCE <i>CT.47604-1.</i>			BY SURVEYOR D.J.MCCULLOCH-G.J.WALKEM & CO.P/L LAUNCESTON.
GRANTEE <i>Part of 8°5'19" Gtd. to Robert Russell.</i>		LOCATION	APPROVED
		TOWN OF EVANDALE.	EFFECTIVE FROM 17 MAY 1995
		SCALE 1:400.	<i>M. McCulloch</i> Recorder of Titles
STATE MUNICIPAL CODE No. 47	LAST UPI No. 737	LAST SURVEY PLAN No. D.47604	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN

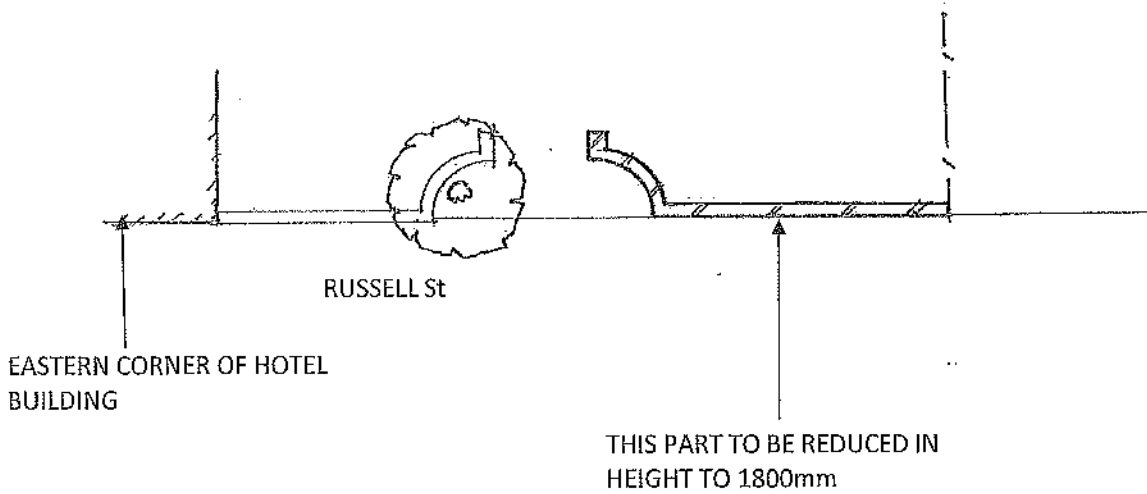


Exhibited

Project NORTHERN MIDLAND COUNCIL - HERITAGE WALLS

Subject 11 RUSSELL St - EVANDALE

Made by DPL Date Sep-15 Project No. J131081CH Sheet No. 1



NEW MORTAR CAP TO MATCH EXISTING

FULL CORE WITH WEAKMIX CONCRETE FULL HEIGHT. ENSURE BOTH LEAVES OF WALL PROPERLY BRACED DURING THIS PROCESS

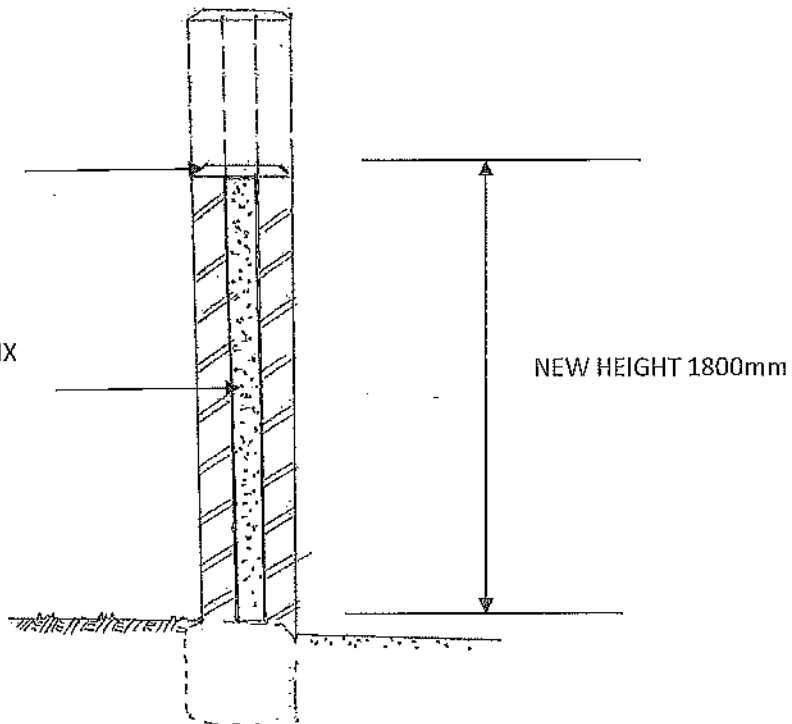
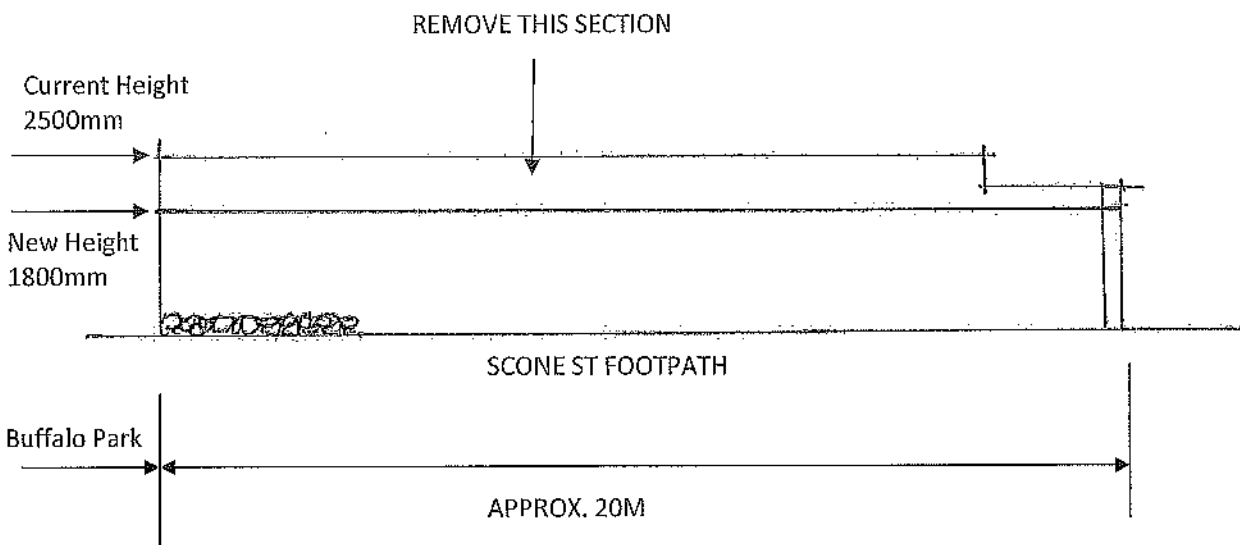


EXHIBIT 10

Project NORTHERN MIDLAND COUNCIL - HERITAGE WALLS

Subject SCONE St - EVANDALE

Made by DPL Date Sep-15 Project No. J131081CH Sheet No. 2

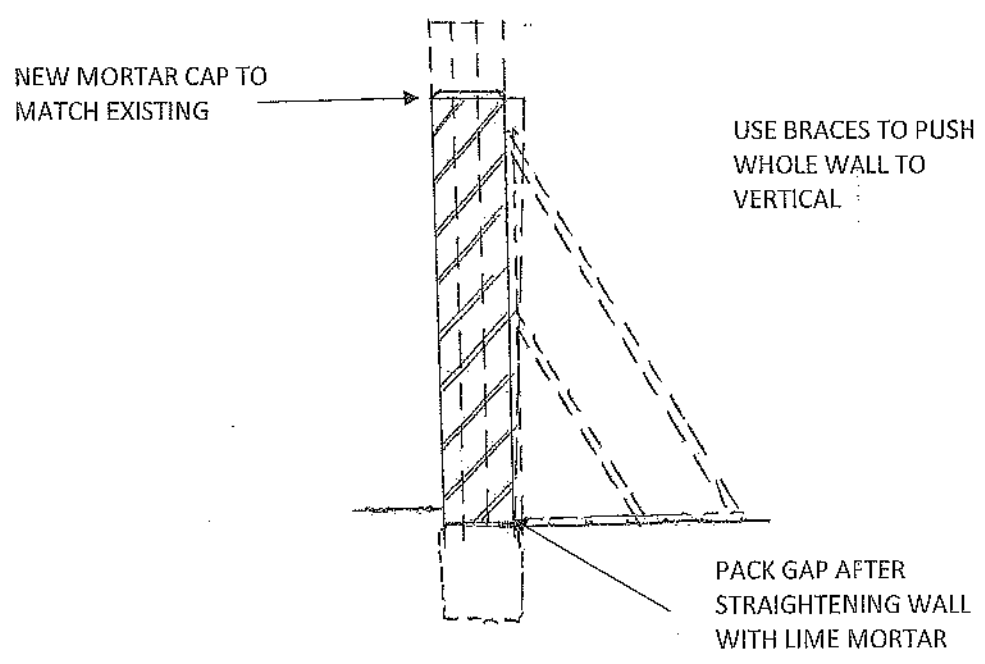
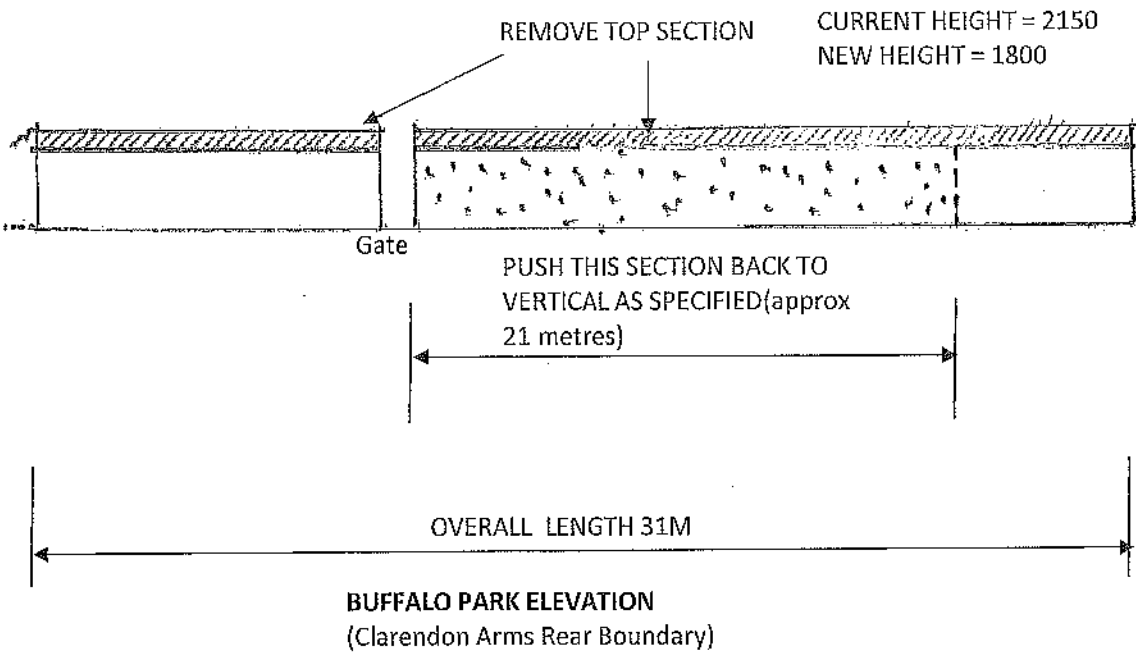


ELEVATION FROM SCONE ST

Project: **NORTHERN MIDLAND COUNCIL - HERITAGE WALLS**

Subject: **BUFFALO PARK - Clarendon Arms - EVANDALE**

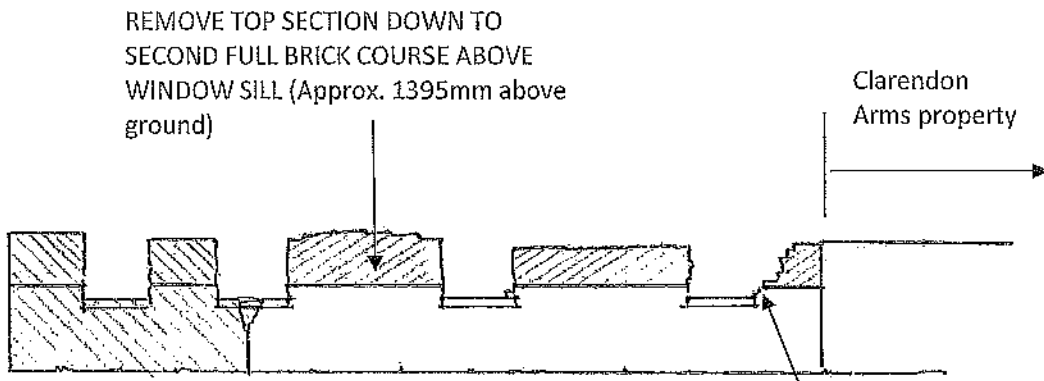
Made by: **DPL** Date: **Sep-15** Project No.: **J131081CH** Sheet No.: **3**



Project: **NORTHERN MIDLAND COUNCIL - HERITAGE WALLS**

Subject: **BUFFALO PARK - Rear 13-15 Russell St -EVANDALE**

Made by: **DPL** Date: **Sep-15** Project No.: **J131081CH** Sheet No.: **4**



REMOVE TOP SECTION DOWN TO
SECOND FULL BRICK COURSE ABOVE
WINDOW SILL (Approx. 1395mm above
ground)

Clarendon
Arms property

REMOVE AND REBUILD EASTERN 4
METRE PART OF WALL TO MATCH
1395 mm HIGH SECTION TO WEST.
MAINTAIN WINDOW OPENING AND
SILL

REPAIR WINDOW
OPENINGS TO SQUARE UP
JAMBS AFTER REMOVAL OF
TOP SECTION (Typical)

**VIEW OF WALL AT REAR OF 13 - 15
RUSSELL St FROM BUFFALO PARK**

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Walls to be altered as per JMG plans

Rev	Revision note	Date	Chd

CHANGESTATION/ARCHITECTURE/SCALE/DATE

Scale: 1:250 @ A3
 Drawn: JG
 Checked:
 Date: Feb 16
 Approved:

RESTORATION OF
 HERITAGE BRICK WALLS
 RUSSELL ST, EVANDALE

DRAWING NUMBER	
Rev	

EXHIBITED

1-237

ATTACHMENT B

REPORT

RISK CONCERNS WITH HERITAGE WALLS CONSTRUCTED NEAR FOOTPATHS AND PUBLIC OPEN SPACES

Report prepared for Northern Midlands Council



Peter Spratt Consulting Engineer in conjunction with JMG Engineers

JUNE 2013

Peter Spratt
25 Gourlay Street
Blackmans Bay Tas
6229 7280

JMG
inc Dale P Luck & Associates
Engineers & Planners

1. Background

The Northern Midlands Council undertook a survey of tall old heritage brick walls constructed along footpaths and public open spaces in the townships of Longford and Evandale in order to determine their potential to fall.

Council staff identified six walls as needing a structural assessment as a result of the survey.

The walls are at the following addresses -

- 46 Wellington Street, Longford
- 48 Wellington Street, Longford
- Smith Street, Longford
- Council Chambers, Longford
- 11 Russell Street, Evandale
- 16 High Street, Evandale

Council engaged Peter Spratt Consulting Engineer, in conjunction with JMG Engineers, to carry out the structural assessment of the walls as – site inspection, computer analysis of stability under wind load, recommendations for making stable where needed and cost estimates of needed works.

2. Site Inspection

The walls were inspected on the 17th May last and measurements were made of their geometry and verticality. Construction details, site conditions and structural influences were recorded with photographs taken.

3. Structural Analysis

The Australian Standard Wind Code, AS 1170.2.2011, was used to determine whether or not each wall is stable.

All of the walls, excepting for the Smith Street wall in Longford and the Russell Street wall of the Clarendon Hotel in Evandale, are out of the vertical.

A computer analysis for each wall was undertaken to determine the stability of each wall in its present condition and with the wall in a vertical condition.

All of the walls were found to have site conditions imposing overturning loads which were additional to the wind loads. These loads were small in comparison with the wind loads but, whilst they cannot be quantified, they warrant the application of a factor of safety against overturning. The additional loads are inclusive of ground levels higher on the inside of a wall and with gardens which will be watered giving water pressure on the inside of the wall. It is unknown as to whether garden activity will lead to more soil or other material placed against a wall as has been shown to have already occurred. Trees and plantings inside a wall may also impose a load. Failure of a wall then is most likely to occur with extra soil or other load combined with saturated ground inside the wall together with simultaneous high wind.

A safety factor of 1.5 was used to allow for this and applied to determine compliance with the Standard.

The criteria of the Australian Standard of Rural Town, low hazard and 100 year return period require the walls to cope with a wind of 148 km/hr.

The computer calculations were carried out for each wall with conditions as:-

- Wall in present condition.
- Wall in vertical condition.
- Wall in upright condition with strengthening.

The wind load capacities were calculated for each of these conditions.

The wall in High Street Evandale has wind load movement of an attached carport causing wall movement. This wall was analysed for the same conditions of the other walls with no car port.

Findings

- **46 Wellington Street, Longford.**
 Wind Capacity in present condition 75km/hr.
 Does not comply.
 Requires strengthening to comply.
- **48 Wellington Street, Longford.**
 Wind Capacity in present condition 75km/hr.
 Does not comply.
 Requires strengthening to comply.
- **Smith Street, Longford.**
 Wind Capacity in present condition 129km/hr.
 Does not comply.
 Capable of wind speed of 180 km/hr if pushed back to vertical.
 Complies if vertical but query on settlement movement. Monitoring recommended.
- **Council Chambers, Longford**
 Wind capacity in present condition 154km/hr.
 Complies.
 Wind capacity 187 km/hr. if pushed back to vertical. Not warranted.
 No action needed.
- **11 Russell Street Evandale. Clarendon Arms Hotel**
Russell Street Wall
 Wind Capacity in present condition 126km/hr.
 Does not comply.
 Requires strengthening to comply.
- **11 Russell Street Evandale. Clarendon Arms Hotel**
Buffalo Park Wall
 Wind Capacity in present condition 72km/hr.
 Does not comply.
 Requires strengthening to comply.
- **11 Russell Street Evandale. Clarendon Arms Hotel**
Scone Street Wall
 Wind Capacity in present condition 82km/hr.
 Does not comply.
 Requires strengthening to comply.
- **16 High Street, Evandale**
 Wind Capacity in present condition 82km/hr.
 Does not comply.
 Requires strengthening to comply.
 Present defective carport under wind load is pushing the wall over.

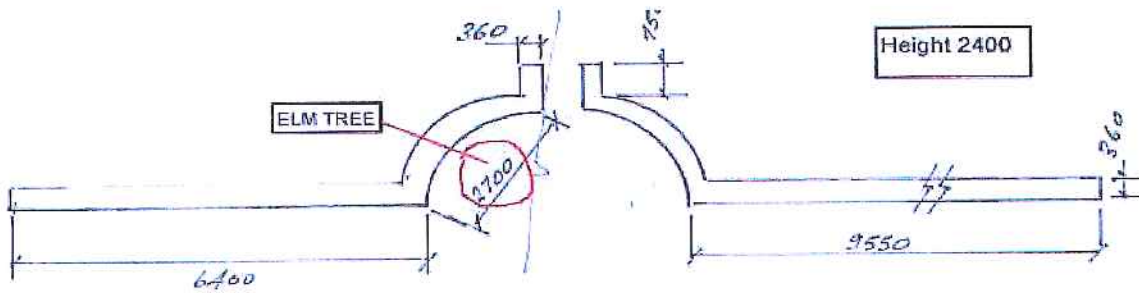
Each wall is separately listed and may be extracted as a self-contained item.

The estimates are preliminary subject to alteration on detail design. The new Building Act requires a Building Application for any work on a building on the Tasmanian Heritage Register. Strengthening options all involve the installation of columns and footings. The option adopted is hidden columns set into existing walls so as to retain the original appearance.

11 Russell Street Evandale. Clarendon Arms Hotel
Russell Street Wall



**11 Russell Street Evandale. Clarendon Arms Hotel
Russell Street Wall**



Cavity wall construction
 Headers are false- 100 deep
 Light chicken wire meshx100 wide ties at 600x600

Site Observations

- Wall height outside 2400
- Wall width 360
- The wall is not original and is a late cavity brick construction.
- The wall is vertical with large cracks each side of the elm tree.
- The original bedding and pointing is quicklime mortar compatible with the water absorbent bricks.
- The wall is cement mortar bedded and pointed.
- The wall has cavity ties of galv. steel mesh at 600x600 centres both ways.

Computer Structural Analysis

The wall is required, in accordance with the current Australian Wind Code, to be capable of resisting a wind speed of 148km/hr.

A safety factor against overturning of 1.5 has been used to allow for these extra loads plus unknowns.

The wall may fail at the calculated wind speeds.

Wall Condition	Compliance with AS 1170.2.2011	Wind Speed
Present Wall, safety factor of 1.5	DOES NOT Comply	126km/hr
Wall strengthened, safety factor of 1.5	Complies	148km/hr

Required Strengthening

Concrete fill the wall cavity.

Other Remedial works

Works are needed as :-

1. Repair the cracks.	
2. Concrete fill wall cavity	\$2000
Contingency	\$500
Fees	\$400
GST	\$290
Building Application	\$1200
Total	\$4390

The estimates are preliminary subject to alteration on detail design. The new Building Act requires a Building Application for any work on a building on the Tasmanian Heritage Register.

**11 Russell Street Evandale. Clarendon Arms Hotel
Buffalo Park Wall**



**11 Russell Street Evandale. Clarendon Arms Hotel
Buffalo Park Wall**

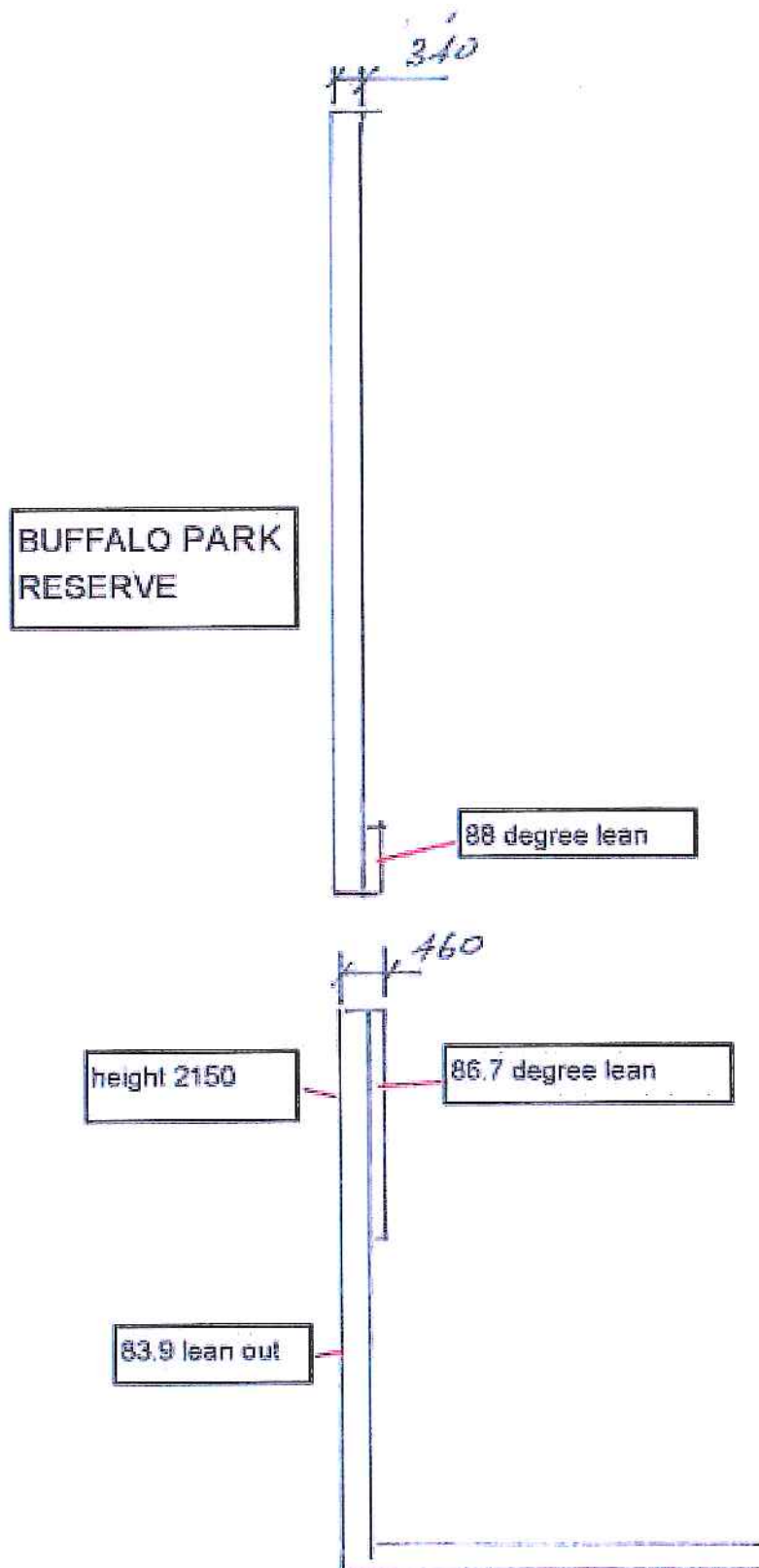


11 Russell Street Evandale, Clarendon Arms Hotel

Buffalo Park Wall

Site Observations

- Wall height outside 2150
- Wall height inside 2000
- Wall width 340
- Wall length 45m overall with 10m as building wall.
- There is a 150mm earth load on the wall in addition to wind load plus water pressure from wet soil inside.
- The wall bricks are underfired.
- There is major fretting of the underfired bricks where most exposed to weathering effects of sun and evaporation.
- The bedding and pointing is quicklime mortar compatible with the water absorbent bricks.
- The bedding is not good quality quicklime and is eroding where pointings are defective.
- There are major internal cavities in sections of the wall and some brickwork around holes is loose.
- Repairs using impermeable cement mortars have been poorly done. They are very visually obtrusive and have exacerbated the fretting due to water retention.
- Missing bricks have left holes through the wall in locations and in other locations are around half the wall thickness, making the wall structurally unstable in these locations.



**11 Russell Street Evandale. Clarendon Arms Hotel
 Buffalo Park Wall**
Computer Structural Analysis

The wall is required, in accordance with the current Australian Wind Code, to be capable of resisting a wind speed of 148km/hr.

The wall may not be solid and is likely to have internal cavities. There is an earth load on it as the ground inside is higher than the outside and garden watering will likely give water pressure on the wall.

A safety factor against overturning of 1.5 has been used to allow for these extra loads plus unknowns.

The wall may fail at the calculated wind speeds.

Wall Condition	Compliance with AS 1170.2.2011	Wind Speed
Present Wall, safety factor of 1.5	DOES NOT Comply	72km/hr
Wall upright , safety factor of 1.5	DOES NOT Comply	129km/hr
Wall upright, strengthened, safety factor of 1.5	Complies	148km/hr

Required Strengthening

New piers at 3m centres with reinforced concrete columns 300 wide x 210 thick set inside the wall thickness and not visible. Footings excavated to suit.

Cost Estimate

1. Push wall to vertical.
2. Construct new reinforced hidden piers and footings for 35m length.
3. Make good defective pointings with quicklime mortar.
4. Repair wall, replace missing bricks. Work to full length of 45m.
5. Spike loose wall sections to tie together.
6. Grout wall to solid with quicklime grout.

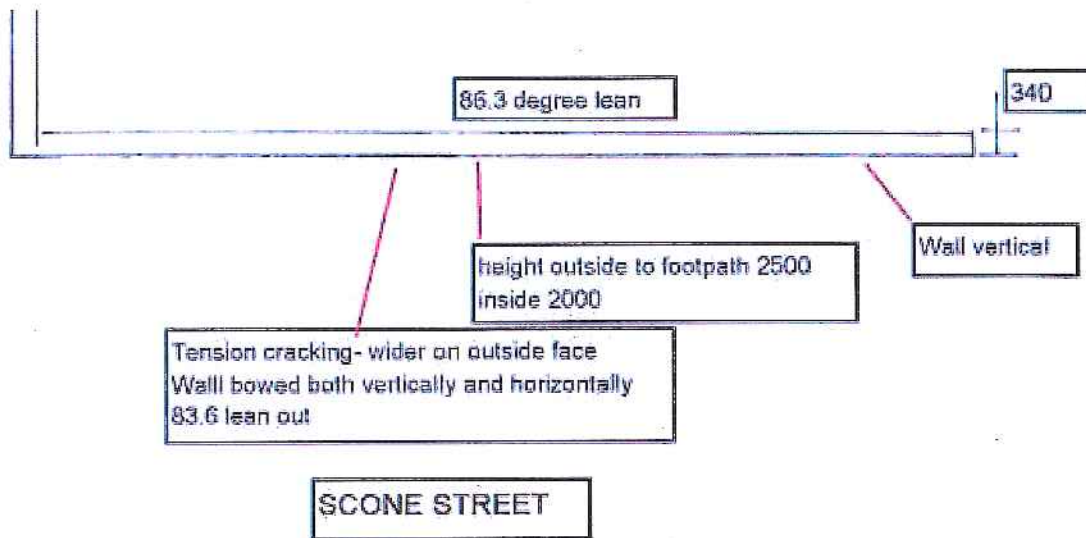
	\$28,000
Contingency	\$3000
Fees	\$2500
GST	\$3350
Building Application	\$1200
Total	\$38,050

The estimates are preliminary subject to alteration on detail design. The new Building Act requires a Building Application for any work on a building on the Tasmanian Heritage Register.

**11 Russell Street Evandale. Clarendon Arms Hotel
Scone Street Wall**



11 Russell Street Evandale, Clarendon Arms Hotel Scone Street Wall



Site Observations

- Wall height outside 2500
- Wall height inside 2000
- Wall width 340\Wall length 24m.
- There is a 500mm earth load on the wall in addition to wind load plus water pressure from wet soil inside.
- The wall bricks are underfired.
- There is moderate fretting of the underfired bricks where most exposed to weathering effects of sun and evaporation.
- The bedding and pointing is quicklime mortar compatible with the water absorbent bricks.
- The bedding is not good quality quicklime and is eroding where pointings are defective.
- There are cavities in sections of the inside face of the wall where bricks are missing.
- The wall has been given a cement wash on both faces and minor cement render repair on the inside face. These works have been detrimental causing brick fretting.
- The wall has bowed horizontally as well as having a vertical lean giving vertical cracking near the wall centre.

Computer Structural Analysis

The wall is required, in accordance with the current Australian Wind Code, to be capable of resisting a wind speed of 148km/hr.

The wall may not be solid and is likely to have internal cavities. There is an earth load on it as the ground inside is higher than the outside and garden watering will likely give water pressure on the wall.

A safety factor against overturning of 1.5 has been used to allow for these extra loads plus unknowns.

The wall may fail at the calculated wind speeds.

11 Russell Street Evandale. Clarendon Arms Hotel
Scone Street Wall

Wall Condition	Compliance with AS 1170.2.2011	Wind Speed
Present Wall, safety factor of 1.5	DOES NOT Comply	82km/hr
Wall upright , safety factor of 1.5	DOES NOT Comply	115km/hr
Wall upright, strengthened, safety factor of 1.5	Complies	148km/hr

Required Strengthening

New piers at 3m centres with reinforced concrete columns 300 wide x 210 thick set inside the wall thickness and not visible. Footings excavated to suit.

Cost Estimate

1. Push wall to vertical.	
2. Construct new reinforced hidden piers and footings.	
3. Make good defective pointings with quicklime mortar.	
4. Repair wall, replace missing bricks.	\$16,000
Contingency	\$1500
Fees	\$1500
GST	\$1900
Building Application	\$1200
Total	\$20,900

The estimates are preliminary subject to alteration on detail design. The new Building Act requires a Building Application for any work on a building on the Tasmanian Heritage Register.

ATTACHMENT C.

16TH Feb 2016

DAVID DENMAN
+associates

'old customs house'
7/59 williams st.
launceston 7250
t: 03 6334 4899
f: 03 6334 6899

e: denmanarchitects@bigpond.com

Heritage Design Statement

Heritage wall stabilisation

Buffalo Park – Clarendon Arms - Evandale

This project has been necessary predominately for health and safety reasons.

The old heritage brick screen walls have been neglected for many years. The result of this neglect has been that the walls have deteriorated over the years, due to the constant exposure to strong winds and rain.

The old lime mortar has eroded out of the brick joints as well as being subject to rising damp in many places.

There has also been some tree root damage.

The walls make an important contribution to the historic cultural streetscape value of Evandale.

This project involves reducing the height the stabilisation (making plumb) and the recapping of the wall to match the existing detailing.

The work has been kept to the least possible demolition of original fabric.

The works will not impact on the neighbouring properties.

The work will retain the historic integrity of the walls and safely contribute to the historic streetscape character of Evandale.

David Denman AIA
Architect & Heritage Adviser.



ATTACHMENT

1-250

D



Heritage Council

Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
103 Macquarie St, Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: P16-036
THC WORKS REF: #4968
REGISTERED PLACE NO: #5044
FILE NO: 15-19-67THC
APPLICANT: Northern Midlands Council
DATE THC RECEIVED: 15 February 2016
DATE OF THIS NOTICE: 17 February 2016

NOTICE OF INTEREST

(Historic Cultural Heritage Act 1995)

The Place: Clarendon Arms Hotel, 11 Russell Street, Evandale.

Under s36(3)(b) of the *Historic Cultural Heritage Act 1995* (the Act) the Tasmanian Heritage Council provides notice that it wishes to be involved in determining the discretionary permit application.

We confirm that we do not require any additional information to assess this application. We note that the application was advertised today (17/02/2016).

Please contact Chris Bonner on 1300 850 332 if you require further information.

A handwritten signature in black ink, appearing to read 'Chris Bonner', written over a horizontal line.

Chris Bonner
Regional Heritage Advisor – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council

Submission

Feb 23rd 2016

To General Manager
PO Box 156, Longford 7301

Planning@nmc.tas.gov.au

With Reference To Planning Application P16-036

Interest: We, *Yvonne Thompson* and *Louis Sauer*, are residential owners and occupants of the building at 1 Scone St Evandale 7212 Tasmania.

RESIDENCE AND BNB at 1 SCONE STREET EVANDALE

Our building and garden are directly across the street from the beer garden of the Clarendon Arms Hotel and brick wall. We also operate a single B&B cottage on our property with permits.

1 SUMMARY

- 1.1 We object to the proposed height reduction (to 1.8M) of the existing brick walls on Russel St, Scone Street and Rogers Lane . The walls should be renovated and/or rebuilt to their existing height of 2.15 Metres.
- 1.2 We believe that the existing height and thickness of the 2.15m height brick wall is entirely appropriate for the associated commercial uses of the hotel, large beer garden and parking lot, situated close to neighbours in residential dwellings.
- 1.3 Rebuilding / repair should take into account input from specialists in the rebuilding and preservation of heritage walls.

2 PROCESS

- 2.1 The decision by Council to go to Tender appears premature, as there has been no apparent consultation. The posting of a single notice for the Planning Application on Scone Street is poorly visible and there is also no Notice on Russell Street.

2.2 Heritage has been poorly addressed in the Planning Application and the Council appears to be in the process of rushing through a Planning Permit for the lowest cost proposal. There has been a lack of transparency and prior neighbourhood consultation on the context, including heritage, built form and urban design considerations.

2.3 The 2.15 Metre wall height contributes to improved environmental performance and outcomes and contributes to the character and heritage significance of the area.

2.4 NOISE and AMENITY

2.4.1 It is well documented in acoustic principles of noise wall design that the height and density of the wall have significant impact on reducing noise. The 2.15 Metre wall height provides important **noise mitigation** for the activities of the hotel, a commercial venue hosting outdoor functions, music and activities in close proximity to our home, to other residences and to several adjacent B&B facilities.

2.5 The wall surrounds a large beer garden and a parking lot with noisy activities associated with the Hotel, Beer Garden and Parking lot.

2.5.1 Large groups, including for example motorcycle groups, visit the venue. Those arriving and departing create considerable noise revving their motors in the parking lot.

2.5.2 There is at times live music till late at night and buses bring in groups for "bucks night" parties.

2.5.3 Garbage removal, commercial gas supply and other large delivery trucks, with hydraulic sounds and running engines for refrigeration enter and sit idling in the hotel parking area at all hours.

2.6 It would be unacceptable for council to reduce the wall height or thickness and consequently create to an increased exposure to the noise hazards for the neighbourhood.

2.7 There is a direct impact on our own home at 1 Scone Street, which has two windows in a wall, built directly on the property line of Scone Street. This façade and our façade facing Russell Street are exposed to the noise, with windows a short distance from the hotel wall. Our outdoor dining area in the rear garden is also directly on Scone Street.

2.8 Lowering the wall to 1.8 Metres will diminish quality of life and amenity for ourselves, as well as for other neighbouring residences, in our house and outside in our garden.

2.9 The increased noise will adversely impact on our B&B and, I believe, on neighbouring B&B business.

2.0 VISUAL / HERITAGE

2.1 The walls are a remarkable, attractive and historic feature. The wall height is in harmony with the surrounding open spaces including its substantial hotel building.

2.2 The visual impact or appeal of the wall as seen from the street is important. The wall at its current height is a distinctive 1840s heritage feature built of Brickendon Bricks. It creates an attractive streetscape that enhances the value of the hotel and the Evandale Heritage District.

2.3 The high walls create a distinctive edge along Russell, Scone St and Rogers Lane. This creates an important sense of enclosure on Scone Street.

2.4 The walls are also a distinctly Georgian feature of the streetscape. The typical Georgian typology has exterior walls built on the street edge of the property line, without a setback. The walls are an extension of that characteristic, the effect of which would be lost if reduced in height.

3 VISUAL

3.1 The reduction in height to 1.8M will visually change the urban aspect of this important corner. It alters the visual scale relationship between the walls, the streetscape, the hotel and surrounds.

3.2 The wall is an integral historic component of the building and an important visual element. It is the Georgian typology with the scaling elements of the buildings and other constructed elements that attract many visitors to enjoy the walkability of Evandale.

4 CULTURAL

4.1 The lowered wall will have an adverse effect on the amenity, setting and cultural significance of Evandale and the hotel building, sited on an important and highly visible intersection.

4.2 Changing the height of the wall will disturb its importance in terms of its place, setting and cultural significance as a Heritage Item within a designated Heritage District

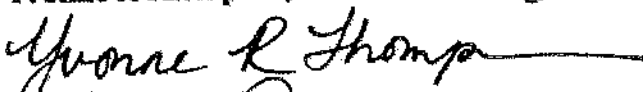
- 4.3 The proposed changes to the walls on Russell Street and on Rogers Lane will also impact on the appearance of the rear or the side of the existing building when viewed from street frontages.
- 4.4 Lower walls surrounding the hotel would be a major change and does not maintain the balance in overall form of the existing building when viewed from the street.

5 PRECEDENT and the HISTORIC DISTRICT

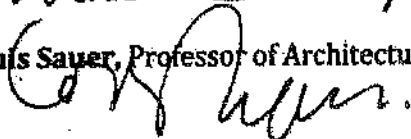
- 5.1 The area is a Historic District. In this situation Council has allowed the neglect of the (long obvious) condition of the wall, an element of a historic property, to become a safety issue. The walls on Rodgers Lane abut a park maintained by council, so there is no excuse for this oversight.
- 5.2 This abrogation of council responsibility does not justify using the cost as an excuse to justify the proposed replacement with an inferior and unsuitable structure. The proposed replacement represents a huge loss to the community and is detrimental to the heritage values and amenity.
- 5.3 Historic property carries with it associated responsibilities for Council and owners to ensure due diligence in enforcement and protection to properly maintain and preserve property
- 5.4 The proposed remedy is counter-productive in terms of a precedent for future management of the Evandale Heritage District. This proposal is a direct affront to the owners of heritage properties who have made every effort and often born additional costs to maintain and preserve their heritage properties.
- 5.5 The downgrading of historic values is mystifying when considering that even owners of new build within the District are required to comply with stringent heritage requirements. This proposal reduces confidence in Council in that it chips away at the values of preservation and of the Historic District.

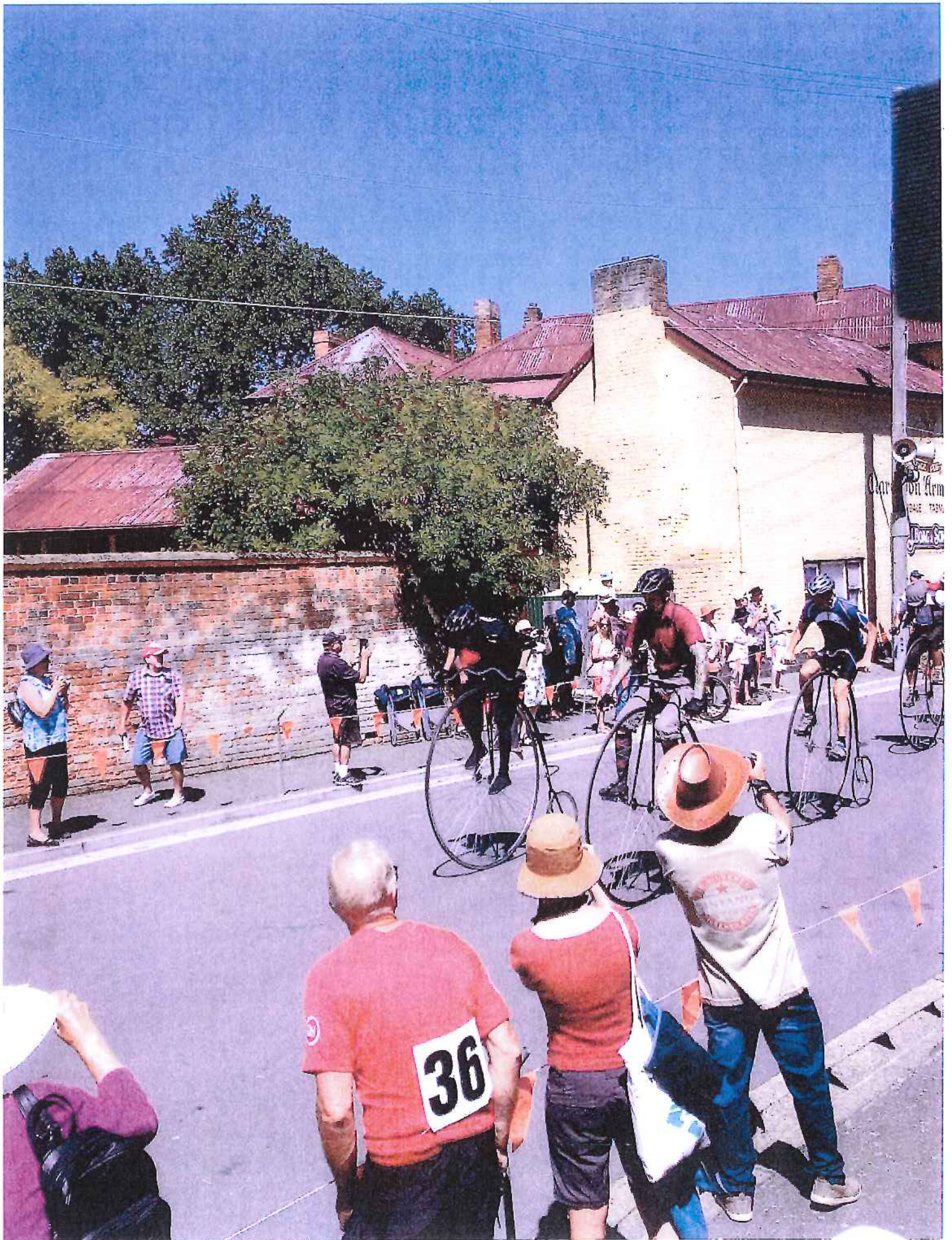
Signatures:

Yvonne R Thompson, MA Urban Planning, MA Public Policy

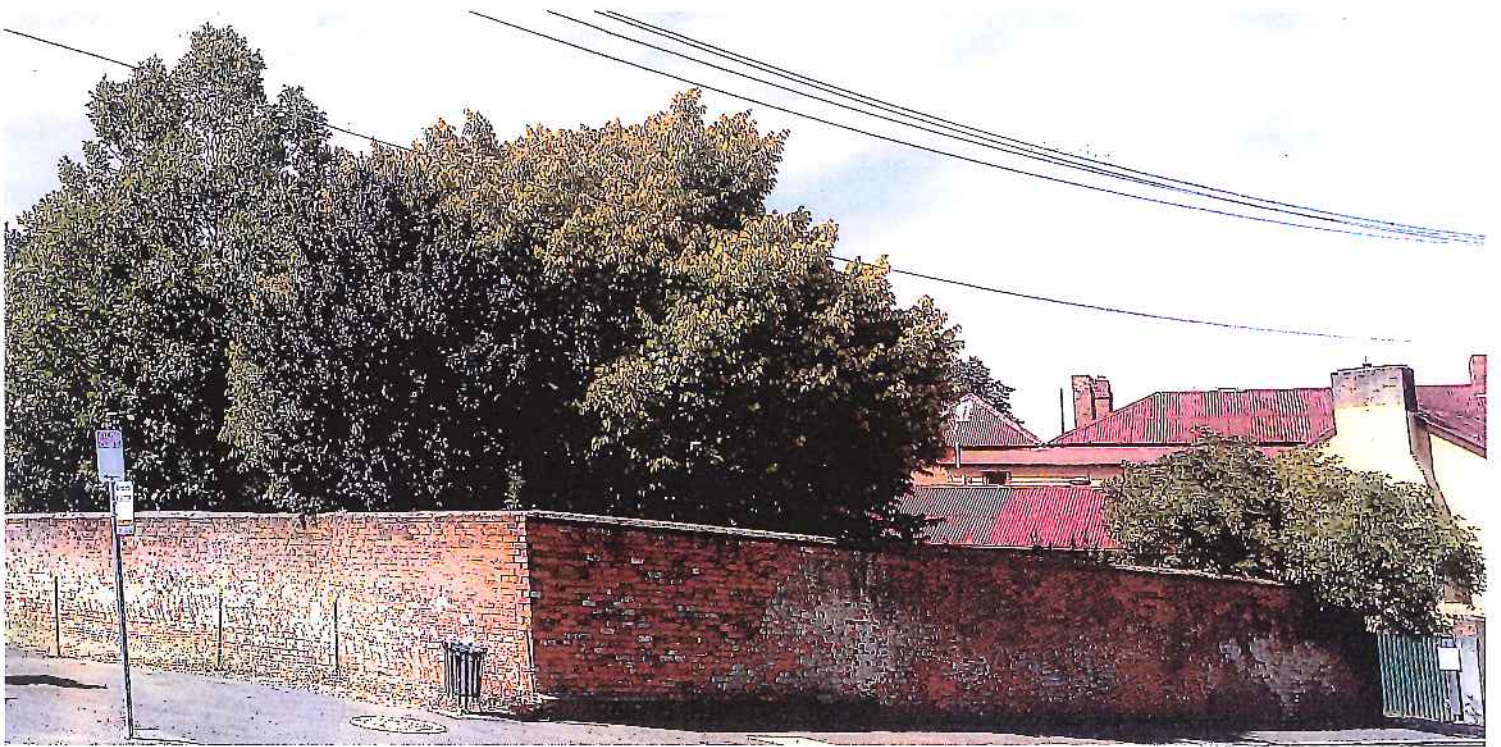


Louis Sauer, Professor of Architecture, Hon. Fellow of RAIA, FAIA (US)











1-259







27th February 2016

To General Manage (and my suggested changes)
PO Box 156, Longford 7301

Planning@nmc.tas.gov.au

With Reference To Planning Application P16-036.

Interest: I, Louis Sauer, am an owner and resident of the property at 1 Scone St
Evandale 7217 Tasmania

The cause for this submission (and my suggested changes) is my concern about the drawings exhibited by JMG Engineers and Planners to achieve the required level of health and safety and, the stated desire for the walls to make "an important contribution to the historic cultural streetscape value of Evandale"

Sheet 1 details (I assume) the existing structure showing a "cavity" wall to be reduced in height and core filled with "weak mix" concrete. However, these details bear no relation to the actual existing wall.

The existing wall structure is not a cavity wall, but is constructed with "English bond" brickwork that is 3 bricks thick. This type of construction is impossible to core fill from top to bottom of the wall since in English bond brickwork there are bricks laid across the cavity every 4th course, resulting with a closed cavity every 4th course.

To construct the wall as detailed in the engineer's drawings, the existing walls would have to be demolished for their complete lengths. Sheet 3 of JMG's details the method of pushing the existing wall to vertical, but since the type of the existing foundation (if any exists) is not documented and given the parlous state of the existing bricks and mortar (as stated by David Denman in his letter of 16 Feb 2016), it is doubtful that the existing wall could accept the proposed engineered solution. To ensure that a suitable standard of safety is achieved, there should be new concrete reinforced foundations.

Therefore, and at a minimum, some form of indemnity should be offered by JMG for the success of their proposed alterations. Better still, Council is advised to seek alternative solutions in conjunction with the owner of the Clarendon Arms Hotel.

Given these suggested problems in the solution offered by JMG in the application, (and their fancifully low cost estimate) for the walls' repair, we advise Council to revisit these works with a more thorough analysis so as to be prepared for any costing "shocks" at a later stage. We believe this should include the walls' complete demolition, the cleaning for re-use of existing bricks and a suitably designed new foundation laid to allow the wall to be reconstructed **at the existing height.**

Sincerely,



Louis Sauer, Professor of Architecture, Hon. FRAIA, FAIA (US)

PO Box 56,
EVANDALE Tas. 7212

The General Manager,
Northern Midlands Council,
PO 156,
LONGFORD Tas. 7301.

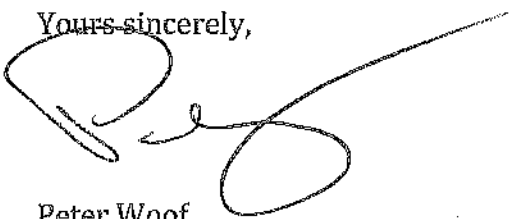
NORTHERN MIDLANDS COUNCIL					
Location					
File No.					
Property					
Attachments					
REC'D 2 MAR 2016					
	L	A		L	A
GM			MYR		
P&DM			CRS		
CSM			PLAN		
E&DM			BLD		
WM			PLT		
CR					

RE: REFERENCE P16-036

I oppose this planning application on the following grounds:

1. The application states only 11 Russell Street, where the proposed works are also at 13 Russell St.
2. The historic importance of the two walls adjoining Buffalo Park has not been properly researched and documented, particularly the remains of the convict barracks facing the park.
3. The wall of the Clarendon Arms facing Buffalo Park has a lean due to earthworks being undertaken by Evandale Council in the past. Lowering the wall will not necessarily fix the problem. A full engineer's report testing soil compaction of this area should be undertaken.
4. Both walls facing Buffalo Park need to be preserved at their present height, to maintain the ambience of the area.
5. The wall facing Scone Street does not appear to need any work at all.

Yours sincerely,



Peter Woof.