

Prior to the commencement of the meeting, the Mayor will make the following declaration:

*“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.*

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

**COUNCIL MEETING**  
**MONDAY 15 JANUARY**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
1.	APOLOGIES .....	4
2.	CONFIRMATION OF MINUTES .....	4
3.	MAYOR’S COMMUNICATION.....	4
4.	COUNCIL WORKSHOPS.....	4
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE .....	4
6.	TABLING OF PETITIONS .....	5
7.	PUBLIC QUESTION TIME .....	6
7.1	PUBLIC QUESTIONS ON NOTICE .....	6
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	6
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	6
7.4	QUESTIONS WITHOUT NOTICE.....	6
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC.....	7
9.	MOTIONS ON NOTICE .....	8
9.1	NOTICE OF MOTION- ALD MCFARLANE STRATEGIC OPTIONS – CYCLE INFRASTRUCTURE .....	8
10.	REPORTS FROM OUTSIDE BODIES .....	19
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	19
	• SOUTHERN TASMANIAN COUNCILS AUTHORITY	
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES ..	19
11.	REPORTS OF OFFICERS .....	20
11.1	WEEKLY BRIEFING REPORTS .....	20
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS .....	21

**11.3 PLANNING AUTHORITY MATTERS**

11.3.1	DEVELOPMENT APPLICATION D-2017/528 - 25 KIRRA ROAD, ROCHES BEACH - OUTBUILDING	.23
11.3.2	DEVELOPMENT APPLICATION D-2017/512 - 221 OTAGO BAY ROAD, OTAGO - OUTBUILDING....	41
11.3.3	DEVELOPMENT APPLICATION D-2017/497 – 1/121 EAST DERWENT HIGHWAY, LINDISFARNE - CHANGE OF USE TO BOTTLESHOP .....	55
11.3.4	DEVELOPMENT APPLICATION D-2017/454 - 2 BALIA ROAD, HOWRAH - DWELLING .....	76
11.3.5	DEVELOPMENT APPLICATION D-2016/452 - 151 EAST DERWENT HIGHWAY, LINDISFARNE - GROCERY AND CONVENIENCE STORE .....	95

**11.4 CUSTOMER SERVICE - NIL ITEMS****11.5 ASSET MANAGEMENT - NIL ITEMS****11.6 FINANCIAL MANAGEMENT - NIL ITEMS****11.7 GOVERNANCE - NIL ITEMS**

12.	ALDERMEN'S QUESTION TIME .....	139
12.1	QUESTIONS ON NOTICE .....	139
12.2	ANSWERS TO QUESTIONS ON NOTICE .....	139
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	139
12.4	QUESTIONS WITHOUT NOTICE.....	139
13.	CLOSED MEETING.....	140
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	QUOTATION Q1197-17 – LINDISFARNE OVAL LIGHTING CONSTRUCTION	

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

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

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES**

(File No. 10/03/01)

**RECOMMENDATION:**

That the Minutes of the Council Meeting held on 18 December 2017 and the Special Council (Planning Authority) Meeting held on 18 December 2017, as circulated, be taken as read and confirmed.

**3. MAYOR'S COMMUNICATION****4. COUNCIL WORKSHOPS**

No workshops were conducted by Council since its last ordinary Council Meeting.

**5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**

(File No)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.



**6. TABLING OF PETITIONS**  
(File No. 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) days after receiving the petition.

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager will table the following petitions which comply with the Act requirements:

**7. PUBLIC QUESTION TIME**

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

**7.1 PUBLIC QUESTIONS ON NOTICE**

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Nil.

**7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

Nil.

**7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**7.4 QUESTIONS WITHOUT NOTICE**

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION- ALD MCFARLANE  
STRATEGIC OPTIONS – CYCLE INFRASTRUCTURE**  
(File No 10-03-05)

In accordance with Notice given Ald McFarlane intends to move the following Motion:

“That Council seek a report from the Head Engineer on Strategic Options to connect cycle infrastructure from Clarence Street along Cambridge Road”.

**EXPLANATORY NOTES**

1. Current on-going discussions with the Crown on future use of the vacant Lot 9 and lies between BYC and the Hotel development have the capacity to retain the current commuter use over the BYC's licence area. Future plans indicate that BYC will have storage shed (similar area to current fenced area for boats) adjacent to the HYDRO sub-station and access has been assured by the Crown along Lot 9 to access a new shed.
2. The last DA for the Chambroad Hotel/Hospitality building; has road reserve with a footpath running short (by 6m) to create a shared pathway along Cambridge Road.

Currently discussions are still occurring that could align other needs and Council has an opportunity to raise these 2 concerns through current negotiations.

Council is also implementing a reconstruction of the intersection of Clarence and Cambridge Road and this may alleviate some current and future risks for pedestrians and cyclists.

Council needs to consider the long term, strategic approach with its cycle linkages to minimise safety issues for pedestrians and cyclists.

K McFarlane  
**ALDERMAN**

**GENERAL MANAGER'S COMMENTS**  
*A matter for Council determination*

## ATTACHMENT 1



38 Bligh Street Rosny Park  
Tasmania Australia  
Address correspondence to:  
General Manager  
PO Box 96 Rosny Park 7018  
Telephone (03) 6217 9500  
Facsimile (03) 6245 8700  
Dx: 70402  
Email [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au)  
Website [www.ccc.tas.gov.au](http://www.ccc.tas.gov.au)

Enquiries: Bruce Gibbs - (03) 6217 9548

Your ref:

D-2017/444

In reply please quote:

20 December 2017

Cycling South  
[info@cyclingsouth.org](mailto:info@cyclingsouth.org)

Dear Sir/Madam

**DEVELOPMENT APPLICATION D-2017/444 - 40 & 40A KANGAROO BAY DRIVE,  
ROSNY PARK AND 64C, 76 & 78 CAMBRIDGE ROAD, BELLERIVE**

I refer to my recent letter in response to your representation to the above development proposal. Your representation was taken into account when the application was considered by Council at the meeting of 18 December 2017. Council decided that conditional approval be granted and a copy is attached for your information.

Council feels that the imposition of these conditions will ensure that the Development will be of a satisfactory standard.

Please be aware that a right of appeal to the Resource Management and Planning Appeal Tribunal is available in respect of Council's decision. Any appeal must be lodged within fourteen (14) days of service of this notice.

If you have any queries regarding appeal procedures, please contact the Resource Management and Planning Appeal Tribunal (ph: 6165 6794). Please note that the Resource Management and Planning Appeal Tribunal will not notify you if an appeal is lodged and therefore you will need to either ring the Tribunal or watch the Public Notices section of the Mercury to see if an appeal has been lodged by any other party. If an appeal has been lodged you may then wish to join that appeal.

Yours sincerely

Ross Lovell  
**MANAGER CITY PLANNING**



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Clarence City Council

## PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

**Development No:** D-2017/444

**Approval Date:** 18 December 2017

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**Description:** Hotel and Hospitality Training School (Hotel Industry, Visitor Accommodation, Educational, General Retail and Food Services)

**Address:** 40 & 40a Kangaroo Bay Drive, Rosny Park And 64C, 76 & 78 Cambridge Road, Bellerive

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This permit is granted, subject to the following conditions:

**General Conditions:**

1. The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.
2. Prior to the commencement of the use 14 employee (Class 1 or 2) and 14 visitor (Class 3) bicycle spaces must be provided on the site. The design of bicycle parking facilities must provide safe, obvious and easy access for cyclists, having regard to all of the following:
  - (a) minimising the distance from the street to the bicycle parking area;
  - (b) providing clear sightlines from the building or the public road to provide adequate passive surveillance of the parking facility and the route from the parking facility to the building;
  - (c) avoiding creation of concealment points to minimise the risk.

The design of bicycle parking spaces must be to the class specified in Table 1.1 of AS2890.3-1993 Parking Facilities Part 3: Bicycle parking facilities in compliance with Section 2 "Design of Parking Facilities" and Clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard. In addition, shower and change room facilities must be provided for employees of the hotel and the educational facility.

All bicycle facilities must be provided prior to the commencement of the use.

3. The use hereby approved must not exceed the following seating capacities without the further consent of Council:
  - restaurants and bar combined must not exceed 180 seats;
  - function centre must not exceed 120 seats; and

- educational facility must not exceed 105 students on the premises at any one time.
4. 70 car parking spaces must be provided on-site prior to the commencement of the use. Each space, including disabled parking, must be clearly marked and used solely for parking purposes. 1 additional motorcycle space must be provided on-site prior to the commencement of the use.
  5. A cash contribution totalling \$730,000 must be provided in lieu of the 73 car parking spaces which cannot be provided onsite. This contribution must be paid prior to the commencement of the use.
  6. The approved bar, restaurants and function centre must not be open to the public outside the hours of 6am-12am midnight.
  7. Noise emissions measured at the boundary of the Cambridge Road General Residential zone within 50m of the application site must not exceed the following:
    - (a) 55dB(A) (LAeq) between the hours of 7am to 7pm;
    - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7pm to 7am; and
    - (c) 65dB(A) (LAmix) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.

Within 60 days after any approved use has commenced, a report from a suitably qualified acoustic engineer must be submitted in a form acceptable to Council's Senior Environmental Health Officer. Should the above parameters be exceeded, suitable mitigation and/or management measures must be undertaken within an agreed timeframe to the satisfaction of Council's Senior Environmental Health Officer.

8. External amplified loud speakers or music must not be used.
9. External lighting must comply with all of the following:
  - (a) be turned off between 11pm and 6am, except for security lighting; and
  - (b) security lighting must be baffled to ensure it does not cause emission of light outside the site.
10. Commercial vehicle movements, (including load and unloading and garbage removal) to or from any area of the site within 50m of a Residential zone must be within the hours of:
  - (a) 7am to 6pm Mondays to Fridays inclusive;
  - (b) 9am to 5pm Saturdays; and
  - (c) 10am to 12 noon Sundays and Public Holidays.
11. Public art works valued at not less than \$20,000 must be provided in a form and location in accordance with Council's documented guidelines, procedure and criteria to the satisfaction

of Council's Manager City Planning. The form and location must be agreed prior to the issue of a Building Permit and installation of the art works must occur prior to the commencement of any uses hereby approved.

12. A plan for the management of construction must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building or Plumbing Permit.

The plan must outline the proposed demolition and construction practices in relation to:

- proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on- site);
  - proposed hours of construction not exceeding accepted guidelines;
  - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
  - spread of pathogens which may include noxious weeds;
  - a Construction Environmental Management Plan in accordance with the recommendations of Marine Solutions, Marine Environmental Assessment dated October 2017 which addresses the following points:
    - translocation of marine pests by machinery working on- site;
    - management of silt disturbance during construction;
    - methodology to prevent debris from entering the bay during construction;
    - piling (if required), and appropriate cetacean/pinniped management; and
    - seasonality of construction timing to minimise risk to spotted handfish breeding;
  - control of dust and emissions during working hours;
  - construction parking;
  - proposed screening of the site and vehicular access points during work;
  - alternative arrangements for pedestrian, cycling and Bellerive Yacht Club access; and
  - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.
13. Signs must not to be displayed on the site without further approval from Council.
  14. Lots 7, 8 and 11 on SP173171 must be consolidated into one title prior to the commencement of any of the uses hereby approved. Provision must be made for appropriate rights-of-way for the public and access for Bellerive Yacht Club.
  15. The building must make provision for a 4m wide public walk way and cycle way within the area shown on the endorsed plan as "Public Walkway". The Public Walkway is to be:
    - designed and constructed to the satisfaction of Council's Group Manager Engineering Services;
    - maintained at all times in a useable condition at the owner's cost;
    - identify and satisfactorily resolve potential conflict points (for example, building ingress and egress and the potential for conflict with cyclists);
    - kept open and unobstructed at all times for use by the public; and
    - built so as to link with the existing or proposed foreshore public walkway immediately to the south and north of the application site.



16. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs, accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model), must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
17. Prior to commencement of use or the issuing of a completion certificate, a Part 5 Agreement is to be included on the sealed plan. This Part 5 Agreement is to incorporate the Maintenance Management Schedule/Regime obligations for the stormwater treatment facility and a requirement to report to Council on an annual basis stating that all maintenance requirements for the facility have been met.
18. Special provisions are to be made for the cycleway/multi-user paths that travel around and through the site. The detailed designs must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building permit and must include:
  - a public multi-user path with a clear width of 4m (unencumbered with street furniture) around the water side of the development with an appropriate surface and no sharp bends;
  - a clearly defined cycle path/multi-user path across the forecourt and through the access lane, with a smooth horizontal and vertical geometry, utilising appropriate smooth surface materials with contrasting colour to the forecourt and other pedestrian surface areas with the use of symbolic inlays within the pavement being encouraged;
  - special provisions within the access laneway/public thoroughfare are to be made which may include surface treatments and channelization techniques to make provision for the interaction of cyclist, pedestrian and vehicle movements;
  - additional cycle parking hoops are to be provided adjacent to the cycleway and in the vicinity of the forecourt and eating areas; and
  - the works must be completed prior to the commencement of any of the uses hereby approved.
19. Prior to the issue of a Building Permit, a schedule of materials for the northern most building (visitor apartment building) along Cambridge Road must be submitted and approved by Councils Manager City Planning. The materials used must ensure that there is no direct overlooking from the apartments of 25 Kangaroo Bay Drive and may be a translucent cladding.

#### **Engineering Conditions:**

20. Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete or concrete, providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Group Manager Asset Management prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
21. All redundant crossovers must be removed and kerb and guttering with footpath reinstated to match with the existing in a smooth and continuous fashion.

22. The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.

23. Engineering designs, prepared by a suitably qualified person, are required for:

- access arrangements;
- carpark and driveways construction;
- service upgrades or relocations

and must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council's Group Manager Asset Management the issue of a building permit or a certificate of likely compliance (CLC) for building works.

The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with Section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with Clause 5.3 "Headroom" of the same Standard.

Parking and vehicle circulation roadways and pedestrian paths must be provided with lighting in accordance with Clause 3.1 "Basis of Design" and Clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

The design of motorcycle parking areas must be located, designed and constructed to comply with Section 2.4.7 "Provision for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.

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

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

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

24. An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Asset Management prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
25. The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all Council infrastructure required to service the lots in a form to the satisfaction of Council's relevant / delegated officer.

### **Landscaping Conditions:**

26. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must be to scale and show:
- a north point;
  - existing trees and those to be removed;
  - proposed driveways, paths, buildings, carparking, retaining walls and fencing;
  - any proposed rearrangement of ground levels;
  - details of proposed planting's including botanical names, and the height and spread of canopy at maturity;
  - details of hard landscaping to provide a seamless transition from existing public to private areas; and
  - estimated cost of the landscaping works.

The landscaping works must be completed prior to the commencement of the use.

27. A bond of 1.5 times the estimated cost of landscape works must be submitted with the landscape plan. The bond will be held as security to ensure both development and maintenance of the landscape work is undertaken in accordance with the approved plan.

The bond may be a cash deposit or a bank guarantee. The work is to be completed prior to commencement of the use. If the works are not completed within this time, Council may have the landscaping work undertaken and may recover those costs incurred from the bonded amount.

### **TasWater Conditions:**

28. The development must meet all required Conditions of Approval specified by TasWater notice, dated 24 October 2017 (TWDA2017/01567-CCC).

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The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993 Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- b. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- c. Detailed plans and specifications for all food handling areas, showing all internal surfaces, fittings and fixtures, must form part of a request for report from an Environmental Health

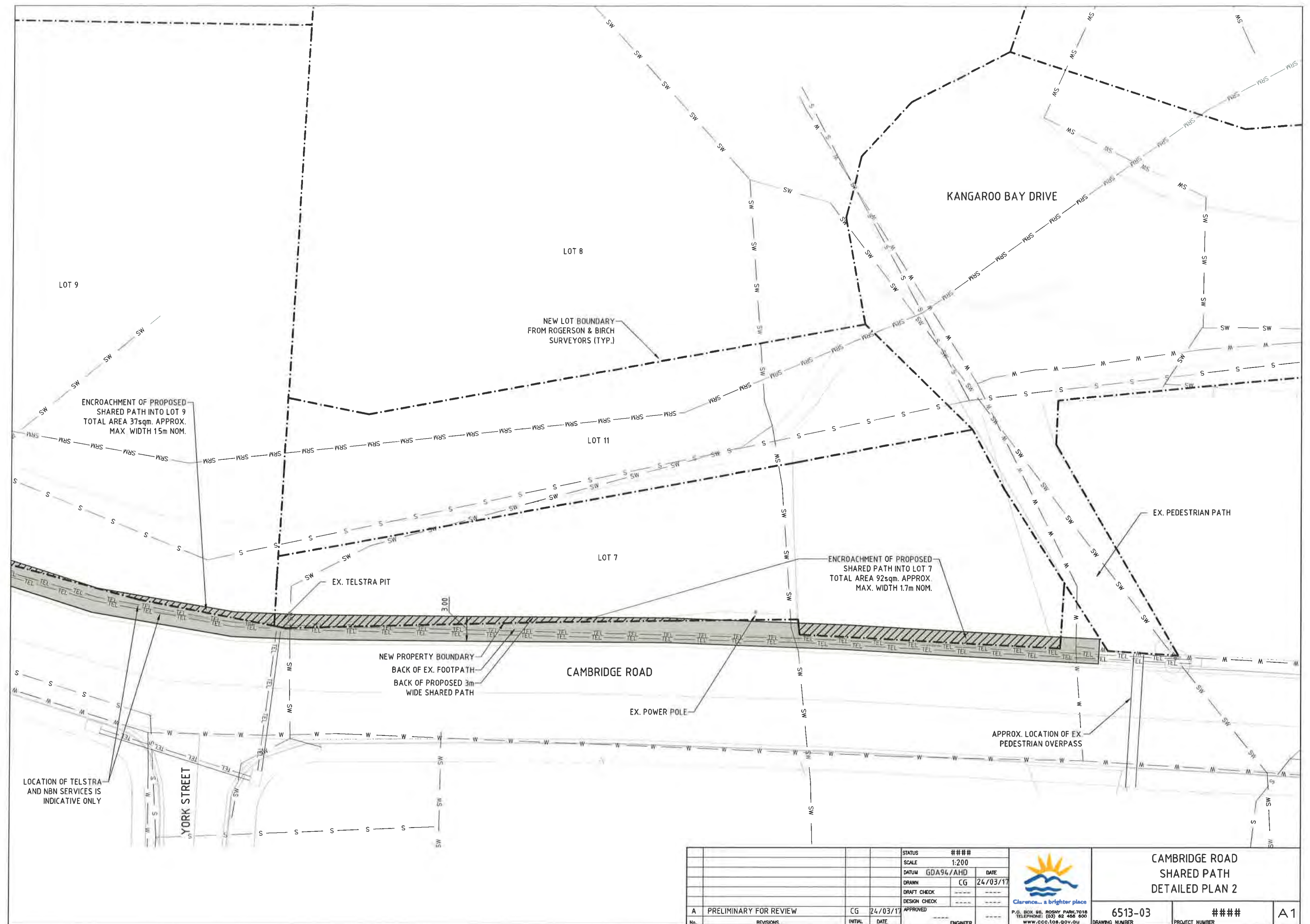
Officer in accordance with Regulation 28 of the Building Regulations 2016. The plans must comply with the *Food Act 2003*, the *Tasmanian Appendix Part H102 Food Premises of Volume 1 of the National Construction Code* and the *Food Standards Code*.

- d. The site must be registered as a business in accordance with the *Food Act 2003* prior to the commencement of the use.
- e. The proponent is advised to contact MAST in respect of the "buffer" zone under the roof of Building 1 and walkway as a no navigation zone. Confirmation is required of the distance from the buffer zone to the existing Bellerive Yacht Club marina to ensure existing BYC marina tenants are provided with a safe distance to be able to manoeuvre their vessels in and out of their pens and also to other berths to the south (shore side) of the marina.
- f. Whilst a significant impact to the spotted handfish is considered unlikely by the Policy and Conservation Assessment Branch of DPIPWE, appropriate construction management actions must be developed and adhered to. Given the status of this species under the Commonwealth legislation the proponent should make themselves aware of their obligations under the EPBCA.

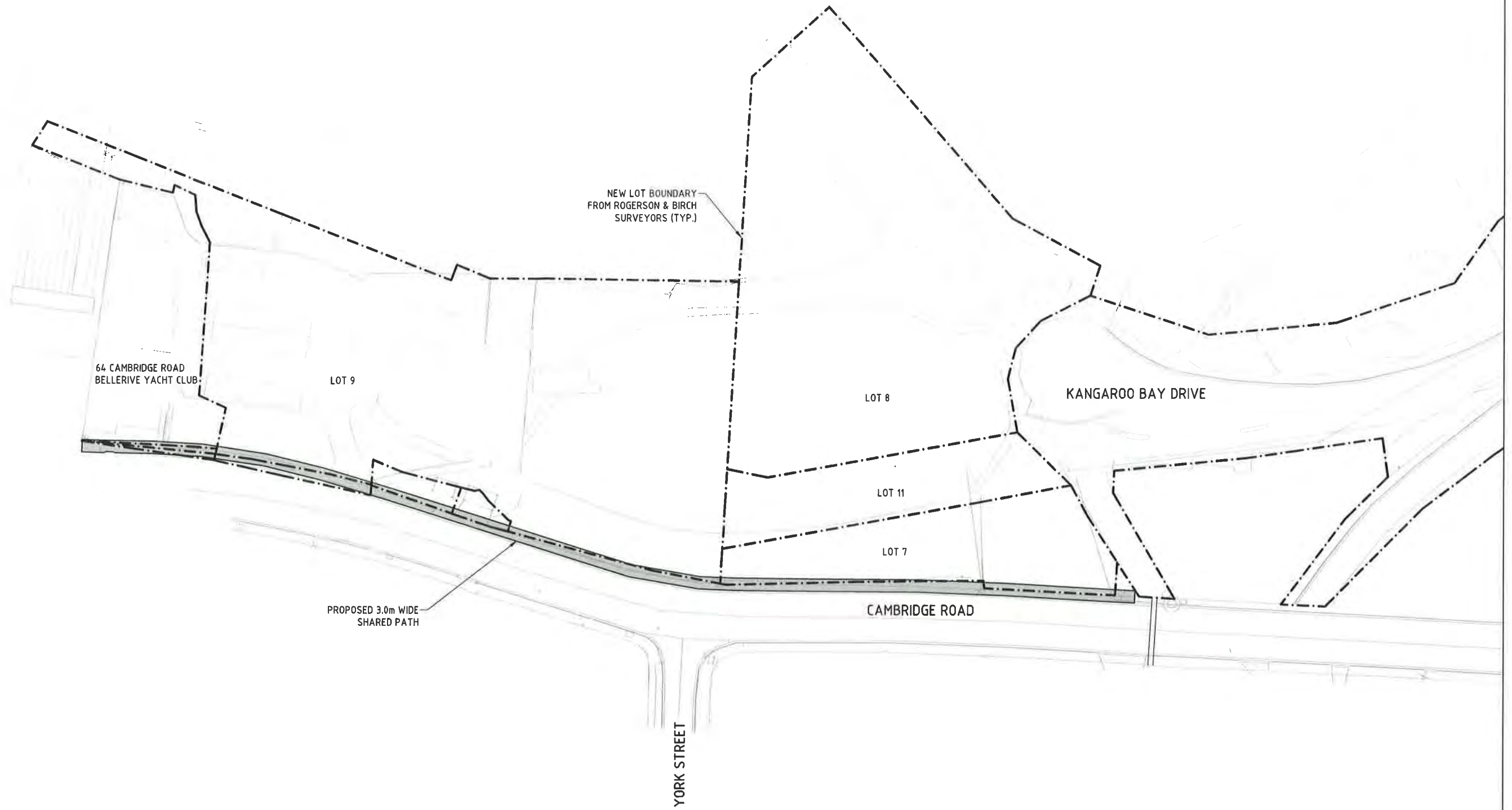


Dan Ford  
**ACTING MANAGER CITY PLANNING**

## ATTACHMENT 2







				STATUS		####
				SCALE		1:500
				DATUM		GDA94/AHD
				DATE		24/03/17
				DRAWN		CG
				DRAFT CHECK		----
				DESIGN CHECK		----
				APPROVED		----
				ENGINEER		----
A	PRELIMINARY FOR REVIEW		CG	24/03/17		
No.	REVISIONS		INITIAL	DATE		



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P.O. BOX 88, ROSSNY PARK 7018  
TELEPHONE (08) 95 450 600  
www.clar.council.nsw.gov.au

CAMBRIDGE ROAD SHARED PATH GENERAL ARRANGEMENT			
6513-01		####	A1
DRAWING NUMBER		PROJECT NUMBER	

**10. REPORTS FROM OUTSIDE BODIES**

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

**10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES**

Provision is made for reports from Single and Joint Authorities if required

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

**Quarterly Reports**

December Quarterly Report pending.

**Representative Reporting**

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell  
(Ald James Walker, Deputy Representative)

**Quarterly Reports**

December Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

**10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**

## **11. REPORTS OF OFFICERS**

### **11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 18 December 2017 and 1 and 8 January 2018 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 18 December 2017 and 1 and 8 January 2018 be noted.



**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**

Nil.

### **11.3 PLANNING AUTHORITY MATTERS**

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

**11.3.1 DEVELOPMENT APPLICATION D-2017/528 - 25 KIRRA ROAD, ROCHES BEACH - OUTBUILDING**  
(File No D-2017/528)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application for an outbuilding at 25 Kirra Road, Roches Beach.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Landslide, Waterway and Coastal Protection, Parking and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 17 January 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- inconsistency with intent of the zone;
- visual impact;
- uncertainty of plans; and
- stormwater run-off.

**RECOMMENDATION:**

A. That the Development Application for an outbuilding at 25 Kirra Road, Roches Beach (CI Ref D-2017/528) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. LAND 1A – LANDSCAPE PLAN [Details of proposed plantings including botanical names, and the height and spread at maturity with particular attention paid to the planting of screening plants along the southern elevation of the outbuilding and associated batter to screen the development from the residential property to the south].
  3. LAND 2 – LANDSCAPE BOND (RESIDENTIAL).
  4. GEN M1 – TREE REMOVAL.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The dwelling on the subject property was approved by Council by B-2001/683.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned Rural Living under the Scheme.
- 2.2. The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 13.0 – Rural Living Zone;
  - Section E6.0 – Parking and Access Code; and
  - Section E7.0 – Stormwater Management Code.
- 2.4. Both the Landslide and Waterway and Coastal Protection Codes are applicable to part of the site. The site of the proposed development is, however, not within the parts of lot affected by both codes. The proposal therefore does not require assessment against the detailed provisions of both codes.

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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a 1.022ha lot with 66.54m frontage to Kirra Road. It supports an existing dwelling, is located within an established rural living area at Roches Beach and slopes down to the east with an average gradient of 1 in 5. Vehicular access to the site is from an existing driveway from Kirra Road and a 10m wide drainage easement burdens the subject property where adjacent the northern boundary but does not impact the proposal.

#### **3.2. The Proposal**

The proposal is to construct a 48m<sup>2</sup> domestic outbuilding. The proposed building would be a maximum of 4.73m in height above natural ground level at its highest point would be accessed via a single roller door on the western elevation of the building and would be clad using off-white Colorbond wall cladding, and a mid-grey Colorbond roof and roller door.

The proposed outbuilding would be sited 5.0m from the southern (side) property boundary and 43.57m from the eastern (rear) boundary. The structure would be accessed from the existing driveway and turning area to the south of the dwelling and to achieve a level surface for the outbuilding, fill to a height of 1.9m at its highest point is proposed.

### **4. PLANNING ASSESSMENT**

#### **4.1. Determining Applications [Section 8.10]**

*“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

#### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone and Parking and Access Codes with the exception of the following.

##### **Rural Living Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
13.4.2 A2	Setback	Building setback from side and rear boundaries must be no less than: <ul style="list-style-type: none"> <li>• 20m.</li> </ul>	does not comply – 5.0m side setback proposed

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 13.4.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</i>	see below
<i>(a) the topography of the site;</i>	The site slopes down to the south-east and it is proposed to site the outbuilding to the south of the existing dwelling to be accessed from the driveway and turning areas associated with the dwelling. Some limited fill is proposed and is a necessary response to the gradient of the site.
<i>(b) the size and shape of the site;</i>	The site is one in a series of similarly sized and regularly shaped lots in Kirra Road, used for rural living purposes and typically supporting a Single Dwelling and associated domestic outbuildings.

<i>(c) the location of existing buildings on the site;</i>	The proposed outbuilding would be located 3.3m to the south of the existing dwelling. There are no other outbuildings on the subject property.
<i>(d) the proposed colours and external materials of the building;</i>	The outbuilding would be clad using a combination of off-white wall cladding and mid grey roof cladding, consistent with the range of styles and colours within proximity of the site.
<i>(e) visual impact on skylines and prominent ridgelines;</i>	The proposed building would not be located on a skyline or ridgeline.
<i>(f) impact on native vegetation;</i>	The only vegetation clearance would be removing of some landscaping including several large pines where adjacent the site of the outbuilding, required to facilitate the proposal.
<p><i>(g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <ul style="list-style-type: none"> <li><i>i. overlooking and loss of privacy;</i></li> <li><i>ii. visual impact, when viewed from adjoining lots, through building bulk and massing;</i></li> </ul>	<p>The proposed outbuilding would not compromise residential amenity in that there would be no windows that would create an impact in relation to overlooking, therefore addressing (i) of (g).</p> <p>In relation to (g)(ii), the proposed building would be visible from the adjoining lot at 23 Kirra Road, given that clearance of some landscaping adjacent the boundary is necessary.</p> <p>Substantial landscaping surrounding the existing dwelling at 23 Kirra Road does exist, and would limit the visual impact of the proposed outbuilding, which itself would be comparable to other development in the area. In excess of 32m would separate the proposed outbuilding from the neighbouring dwelling to the south.</p> <p>The proposed outbuilding would, however, be 4.73m above natural ground level (including fill) and would have a wall length of 8.0m where adjacent the southern boundary.</p>

	<p>The toe of the bank created by the batter would be approximately 1.0m from the side boundary, and as such, it is considered reasonable to require landscaping be established within the area between the outbuilding and the side boundary as a mechanism for minimising visual impact and to achieve consistency with this standard. It is noted that the applicant has proposed, as part of the assessment of this application, to undertake landscaping in this area to minimise any conflict with neighbouring residential land use.</p> <p>With the inclusion of a landscaping condition, it is considered that the visual impact of the development would not be unreasonable.</p>
<p>(h) <i>be no less than:</i></p> <ul style="list-style-type: none"> <li><i>i. 10m; or</i></li> <li><i>ii. 5m for lots below the minimum lot size specified in the acceptable solution; or</i></li> <li><i>iii. the setback of an existing roofed building (other than an exempt building) from that boundary;</i></li> </ul> <p><i>unless the lot is narrower than 40m at the location of the proposed building site”.</i></p>	<p>The site is less than the minimum lot size for the zone, meaning that the proposed 5.0m setback is consistent with the minimum 5m allowed by (ii) of the criterion.</p>

**Rural Living Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
13.4.3 A3	Design	<p>The combined gross floor area of buildings must be no more than:</p> <ul style="list-style-type: none"> <li>• 375m<sup>2</sup>.</li> </ul>	<p>does not comply – combined gross floor area of the existing dwelling and proposed outbuilding of 406m<sup>2</sup></p>



The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 13.4.3 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“The combined gross floor area of buildings must satisfy all of the following:</i>	see below
<i>(a) there is no unreasonable adverse impact on the landscape;</i>	The proposed outbuilding would be within the cluster of existing residential development on the site, at a distance of 3.3m from the dwelling. The proposed outbuilding would not be clearly visible from Kirra Road and with the inclusion of a condition requiring landscaping, the view from the neighbouring property at 23 Kirra Road it is considered that the landscape values would not be unreasonably affected. It is further noted that there would be minimal visual impact caused by the outbuilding, when viewed from Frederick Henry Bay due to the modest size of the structure.
<i>(b) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity;</i>	The proposed outbuilding would be consistent in terms of scale with existing development both on the subject property and nearby.
<i>(c) be consistent with any Desired Future Character Statements provided for the area”.</i>	not applicable

### **Rural Living Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
13.4.3 A4	Design	<p>Fill and excavation must comply with all of the following:</p> <p>(a) height of fill and depth of excavation is no more than 1m from natural ground level, except where required for building foundations;</p>	Does not comply – height of fill 1.9m at its highest point, at the south-eastern corner of the proposed level area for outbuilding. Fill to be battered down away to east/south-east.

		(b) extent is limited to the area required for the construction of buildings and vehicular access.	complies
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The proposed variation must be considered pursuant to the Performance Criteria P4 of the Clause 13.4.3 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Fill and excavation must satisfy all of the following:</i>	see below
<i>(a) does not detract from the landscape character of the area;</i>	<p>The proposed fill required for the development would not be noticeable when viewed from either Kirra Road or (with the landscaping to be required by an appropriate condition) from the neighbouring property to the south.</p> <p>The proposed outbuilding would be modest in scale, would be consistent with the nature of surrounding development and on the basis of landscaping being provided, would not compromise the landscape character of the area.</p>
<i>(b) does not unreasonably impact upon the privacy for adjoining properties;</i>	The proposed outbuilding would be consistent in terms of scale with existing development both on the subject property, and nearby. It would have no windows facing the adjoining property to the south, and is nonetheless a non-habitable structure.
<i>(c) does not affect land stability on the lot or adjoining land”.</i>	The proposed fill would be battered as shown by the proposal plans to support the proposed outbuilding. This is satisfactory and would ensure that stability is not compromised.

### **Stormwater Management Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E7.7.1 A1	Stormwater drainage and disposal	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	does not comply – stormwater run-off from the proposed outbuilding to be contained within lot boundaries

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E7.7.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Stormwater from new impervious surfaces must be managed by any of the following:</i>	see below
<i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i>	The proposal is that stormwater run-off would be retained on-site, by directing to the existing connection point for the dwelling and largely contained within existing tanks on-site. This approach is consistent with the relevant water sensitive urban design principles.
<i>(b) collected for re-use on the site;</i>	The stormwater retained by tank storage would be available for use within the existing garden on-site, as required.
<i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council”.</i>	not applicable

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

### **5.1. Inconsistency with Intent of Zone**

The representation raises concern that the proposed outbuilding would be inconsistent with the intent of the Rural Living Zone, in that the zone is intended to provide for residential use on larger lots in a rural setting, and providing for passive recreation and privacy. It is also submitted that the removal of trees would be inconsistent with the zone intent.

- **Comment**

The proposed development is for a domestic outbuilding associated with the residential use of the subject property. A Single Dwelling is a use that does not require a permit within the zone, and therefore a use envisaged as appropriate for the area – subject to a development meeting the appropriate development standards.

It is noted in relation to the removal of pines required as part of the proposal that there are no controls within the Scheme to prevent their removal. The landscaping condition would, however, ensure appropriate screening is provided in the future.

The detailed assessment, above, concludes that the proposed development satisfies the acceptable solutions and relevant performance criteria with the inclusion of appropriate conditions, for development within the Rural Living Zone.

## **5.2. Visual Impact**

Concerns were raised that the proposed development would have a significant and adverse visual impact on nearby residential development, given the reduced setback proposed. The concerns are that the fill and batter proposed would create an imposing “battered bank” and that it would detract from the landscape character of the area.

- **Comment**

The proposed building would be 5.0m from the side boundary and involve fill, resulting in a battered bank sloping down to the south-east to a point 1m from the boundary.

As discussed above in the detailed assessment, the proposed outbuilding would be modest in scale, would be consistent with the nature of surrounding development and would not be readily seen or noticed from much of the neighbouring property, due to both the existing and proposed landscaping on both properties and separation distance. As such and with the inclusion of a condition requiring landscaping it is considered that it would not compromise the landscape character of the area.

**5.3. Uncertainty of Plans**

The representation submits that there is uncertainty created by the advertised plans in relation to the finished floor level in that a note on the plans references “consult with owner on final FFL”. The concern is that this leads to uncertainty regarding the overall finished height of the outbuilding, and it is requested that the resultant outbuilding height be confirmed at this time.

- **Comment**

The submitted (advertised) plans propose a maximum building height above natural ground level of 4.73m. Should a planning permit be granted for this development, any plans lodged for the subsequently required building approval must be consistent with the planning permit. Whilst the finished floor level is less relevant under the Scheme, the overall height of the outbuilding must not exceed 4.73m as shown.

**5.4. Stormwater Run-off**

Concern is raised that the proposed fill would have an impact on stormwater run-off and potentially create an impact for adjacent land.

- **Comment**

Should a planning permit be granted, a building permit would also be required for the development and detailed engineering designs would be required as part of the building permit process to ensure that stormwater drainage has been appropriately designed to ensure no compromise to neighbouring properties, and existing buildings.

The proposal meets the relevant tests of the performance criteria of the Stormwater Management Code, in that stormwater from the outbuilding would be directed to the existing stormwater drainage system associated with the dwelling.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

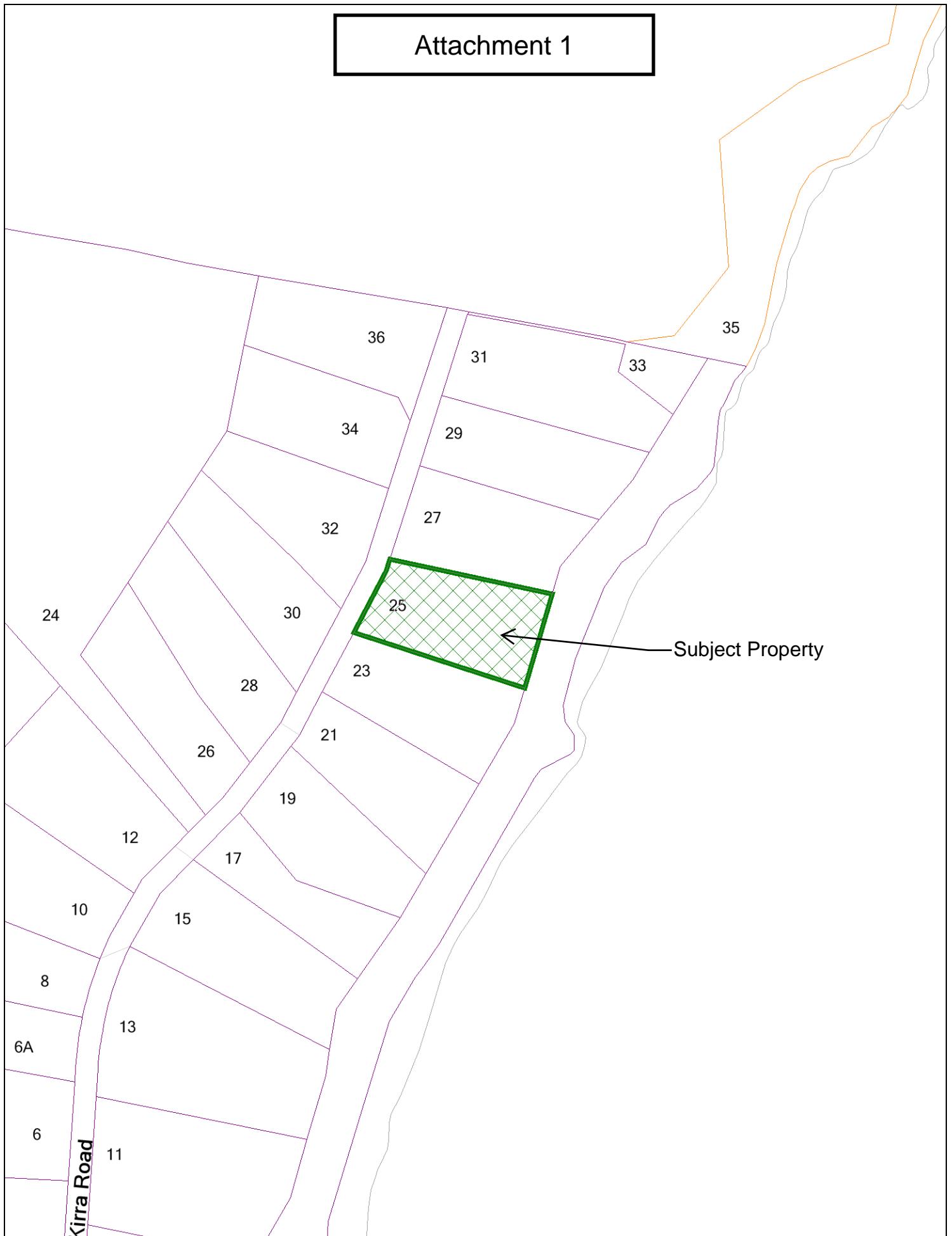
**9. CONCLUSION**

The proposal is for the development of an outbuilding on the subject property at 25 Kirra Road, Roches Beach. The development proposed satisfies the relevant requirements of the Scheme and is recommended for approval, subject to the inclusion of appropriate permit conditions.

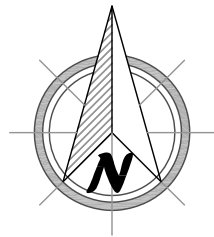
Attachments: 1. Location Plan (1)  
2. Proposal Plan (4)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

Attachment 1

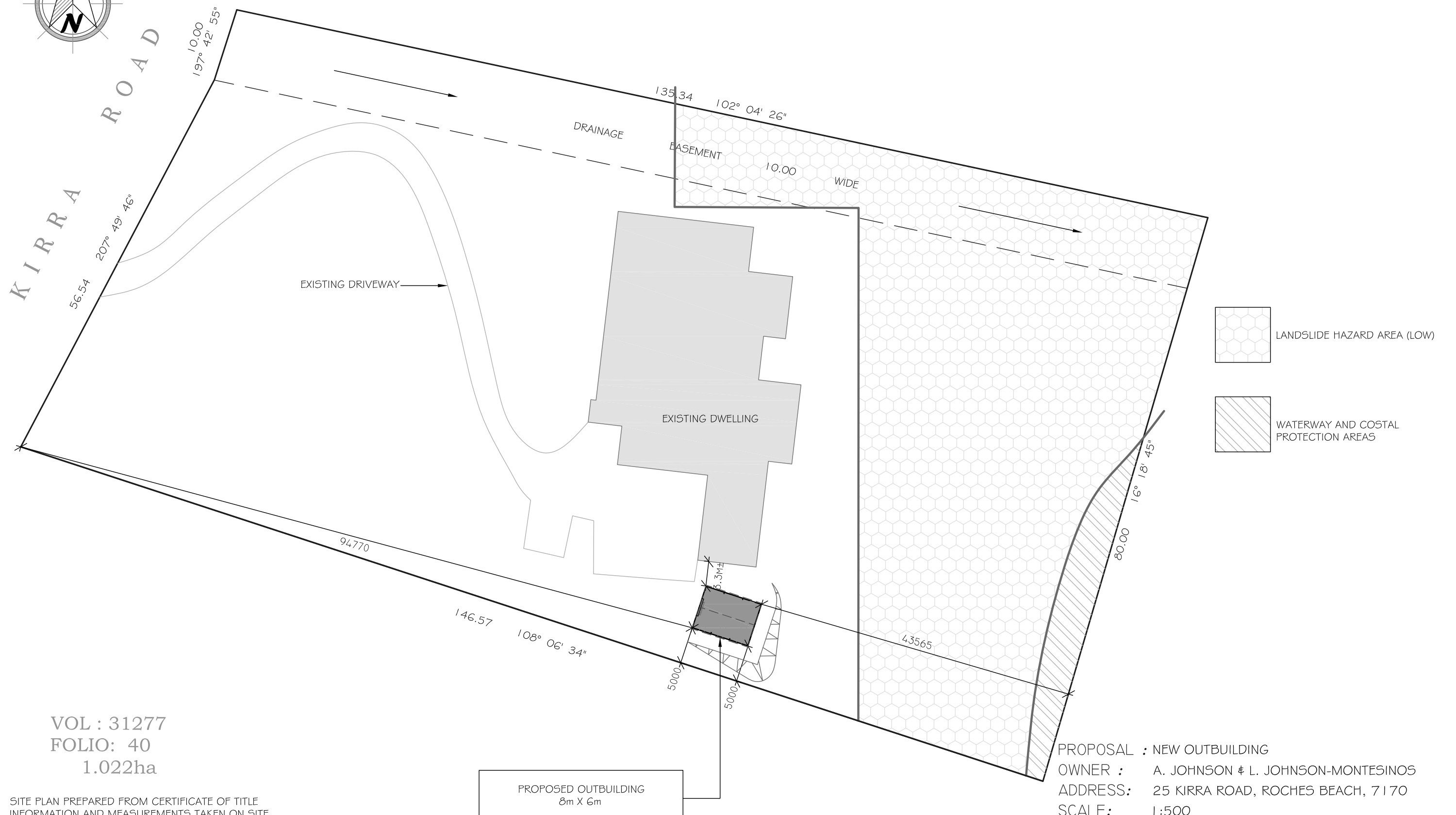


**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 3 January 2018 **Scale:** 1:3,915 @A4



LOT AREA: 1.022ha

PROPOSED OUTBUILDING AREA: 48m<sup>2</sup>



VOL : 31277  
FOLIO: 40  
1.022ha

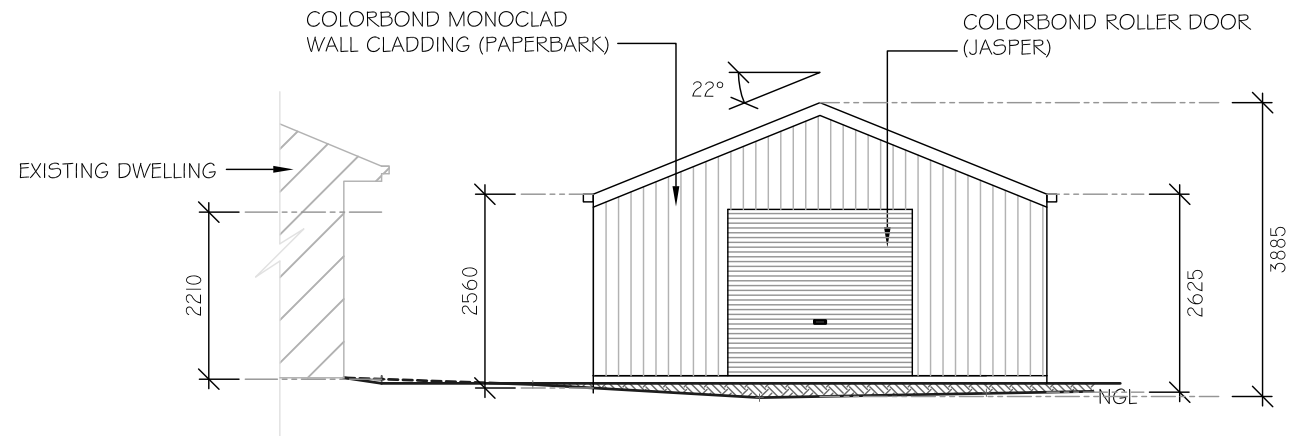
SITE PLAN PREPARED FROM CERTIFICATE OF TITLE  
INFORMATION AND MEASUREMENTS TAKEN ON SITE.  
CONFIRMATION OF BOUNDARY LOCATION BY  
REGISTERED SURVEYOR IS ALWAYS RECOMMENDED  
PRIOR TO CONSTRUCTION AND IS THE RESPONSIBILITY  
OF THE PROPERTY OWNER.

SITE PLAN 1:500

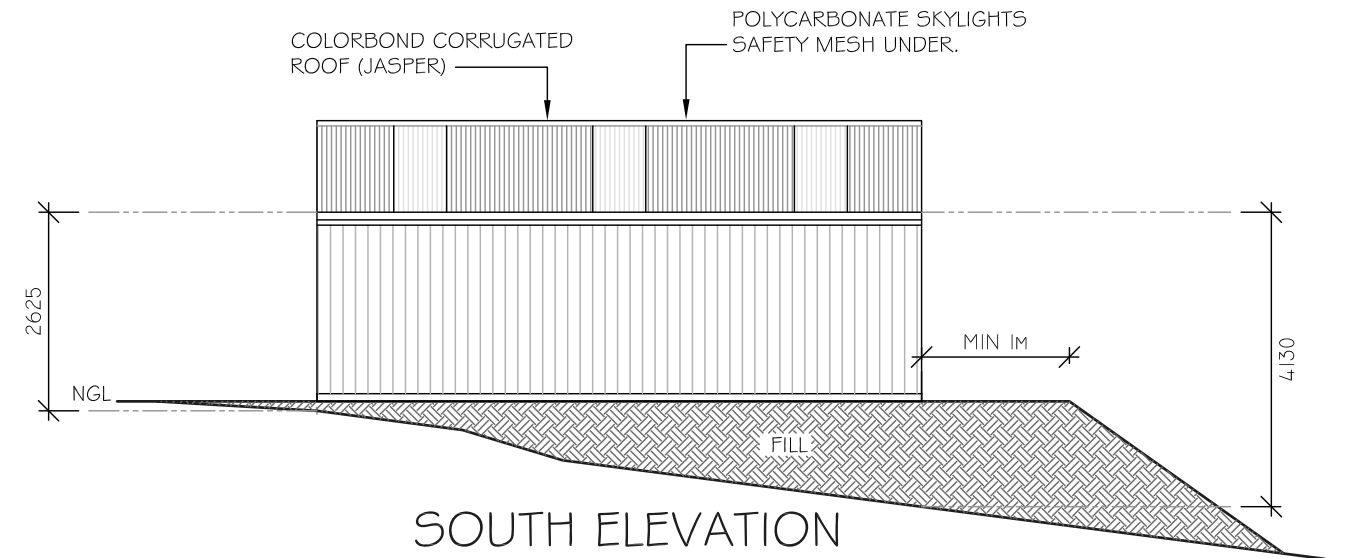
PROPOSAL : NEW OUTBUILDING  
OWNER : A. JOHNSON & L. JOHNSON-MONTESINOS  
ADDRESS: 25 KIRRA ROAD, ROCHES BEACH, 7170  
SCALE: 1:500  
DATE: 13th NOVEMBER 2017  
AMENDED:  
DRAWN BY: ADRIAN BROWN CC6003R  
PAGE: 01/04  
JOB NO : 45863





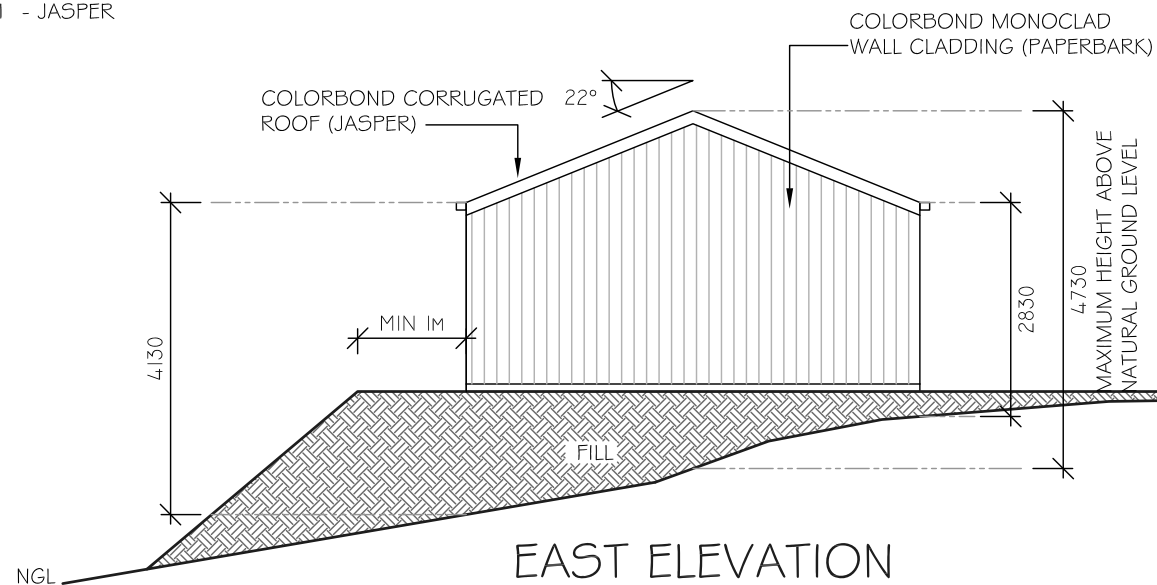


WEST ELEVATION

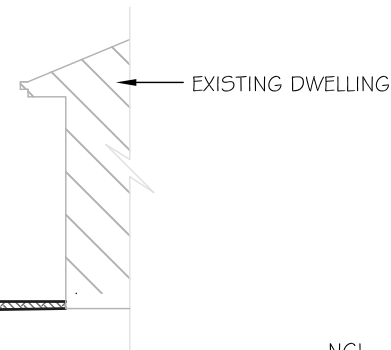


SOUTH ELEVATION

COLOURS (COLORBOND®):  
 EXT. WALLS - PAPERBARK  
 ROOF - JASPER  
 ROLLER DOOR - JASPER  
 PA DOOR - PAPERBARK  
 GUTTER - JASPER  
 CORNER FLASH - JASPER  
 BARGE FLASHING - JASPER  
 OPENING FLASH - JASPER



EAST ELEVATION



NORTH ELEVATION

UNPROTECTED EMBANKMENT SLOPES (FILL)  
 TO BE IN ACCORDANCE WITH TABLE 3.1.1.1  
 OF BCA 2016

ALL EARTHWORKS & EXCAVATION  
 TO BE IN ACCORDANCE WITH  
 PART 3.1.1 BCA 2016.

REFER TO DRAWINGS BY NORTHERN CONSULTING FOR ALL  
 MEMBER AND MATERIAL DETAILS AS WELL AS FOOTING DESIGN  
 AND SPECIFICATIONS.

NOTE: MINIMUM FOUNDATION DEPTH SHOULD BE 100mm INTO NATURAL GROUND.  
 IF FILL IS TO BE USED UNDER SLAB COMPACT IN 150mm LAYERS TO A  
 MAXIMUM DEPTH OF 900mm.

ALL HEIGHTS SHOWN ARE ABOVE NATURAL GROUND LEVEL.

ACTUAL HEIGHTS OF WALLS ABOVE CONCRETE SLAB ARE:  
 SIDE WALL HEIGHT - 2400mm  
 END WALL HEIGHT TO PEAK - 3612mm

## ELEVATIONS 1:100

PROPOSAL : NEW OUTBUILDING

OWNER : A. JOHNSON & L. JOHNSON-MONTESINOS

ADDRESS: 25 KIRRA ROAD, ROCHE'S BEACH, 7170

SCALE: 1:100

DATE: 13th NOVEMBER 2017

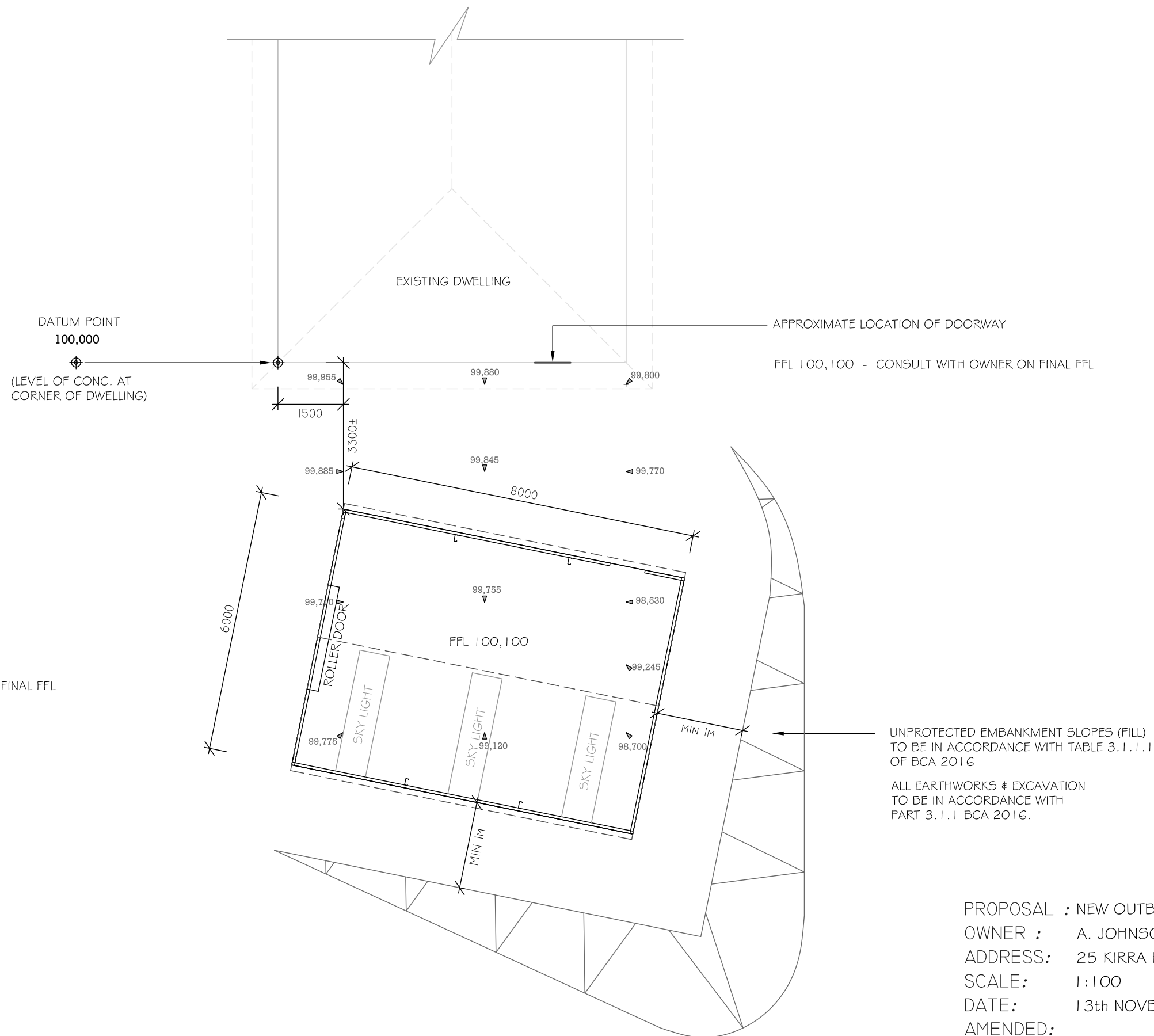
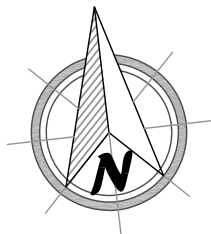
AMENDED:

DRAWN BY: ADRIAN BROWN CC6003R

PAGE: 02/04

JOB NO : 45863

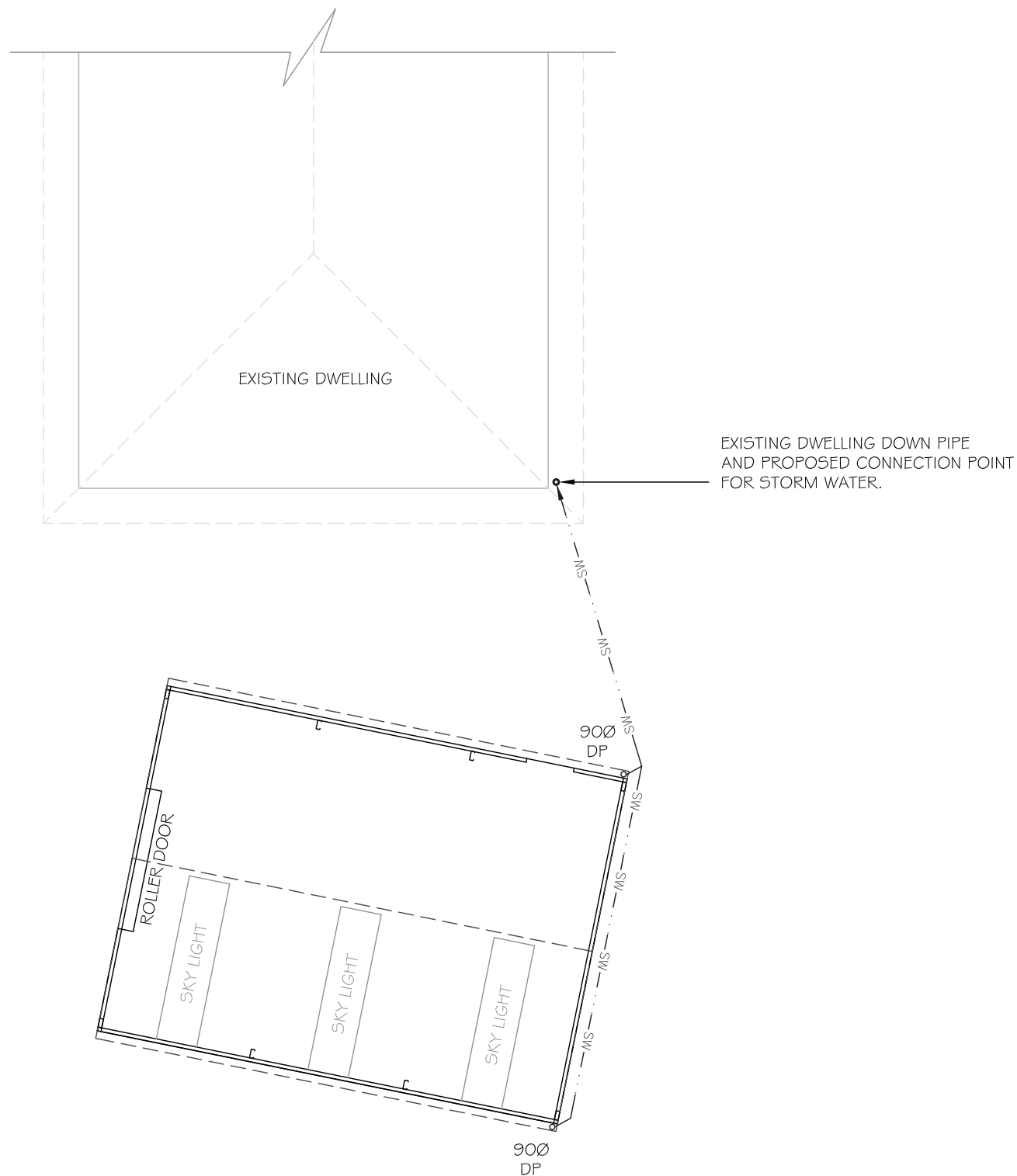




## FLOOR PLAN 1:100

PROPOSAL : NEW OUTBUILDING  
OWNER : A. JOHNSON & L. JOHNSON-MONTESINOS  
ADDRESS: 25 KIRRA ROAD, ROCHEs BEACH, 7170  
SCALE: 1:100  
DATE: 13th NOVEMBER 2017  
AMENDED:  
DRAWN BY: ADRIAN BROWN CC6003R  
PAGE: 03/04  
JOB NO : 45863





**CONSTRUCTION GENERALLY:**  
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS, BUILDING CODE OF AUSTRALIA (B.C.A.), RELEVANT AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS.

SITE PREPARATION AND EXCAVATION TO COUNCIL AND B.C.A REQUIREMENTS.

CONCRETE FOOTINGS TO AS 2870.1 AND ENGINEER SPECIFICATIONS.  
UNLESS OTHERWISE SPECIFIED, FOOTINGS 20MPA / SLAB 25MPA.

GARAGE STRUCTURAL; DETAILS AND CERTIFICATION AS PER 'FAIR DINKUM SHEDS' DOCUMENTATION.

BUILDER TO VERIFY ALL DIMENSIONS AND DETAILS ON THIS SET OF PLANS PRIOR TO COMMENCEMENT OF WORK ON SITE.

USE WRITTEN DIMENSIONS IN PREFERENCE TO MEASURING OFF THE PLAN.

COUNCIL / CONTRACTOR TO CONTACT P&J SHEDS IF NECESSARY INFORMATION IS NOT PROVIDED ON THIS SET OF PLANS.

**PLUMBING GENERALLY:**  
ALL PLUMBING TO BE IN ACCORDANCE WITH AS 3500.  
TAS PLUMBING CODE AND LOCAL AUTHORITY REQUIREMENTS.

90dia PVC STORM WATER TO EXISTING STORM WATER CONNECTION.  
PLUMBER TO VERIFY CONNECTION LOCATION WITH OWNER.

FIRST INSPECTION OPENING TO BE RAISED TO FINISHED GROUND LEVEL.

## PLUMBING PLAN 1:100

PROPOSAL : NEW OUTBUILDING

OWNER : A. JOHNSON & L. JOHNSON-MONTESINOS

ADDRESS: 25 KIRRA ROAD, ROCHES BEACH, 7170

SCALE: 1:100

DATE: 13th NOVEMBER 2017

AMENDED:

DRAWN BY: ADRIAN BROWN CC6003R

PAGE: 04/04

JOB NO : 45863



## Attachment 3

### **25 Kirra Road, ROCHEs BEACH**



**Site viewed from Kirra Road.**



**View of the shed location.**

**11.3.2 DEVELOPMENT APPLICATION D-2017/512 - 221 OTAGO BAY ROAD, OTAGO - OUTBUILDING**  
(File No D-2017/512)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 221 Otago Bay Road, Otago.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and is subject to the Parking and Access, Road and Railway Assets, Stormwater Management, Waterway and Coastal Protection, and On-site Wastewater Management codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 11 January 2018, but which has been extended until 17 January 2018 with the consent of the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of the proposed building appears to be over an existing water course.

**RECOMMENDATION:**

- A. That the Development Application for an outbuilding at 221 Otago Bay Road, Otago (C1 Ref D-2017/512) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN M9 – NONHABITABLE PURPOSES.

3. ENG M1 – DESIGNS DA [Formalisation of drainage channel including erosion and foundation protection measures around the outbuilding].
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned Rural Living under the Scheme.
- 2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to setbacks and building coverage.
- 2.3. The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 10 – Rural Living Zone;
  - Section E6.0 – Parking and Access Code;
  - Section E7.0 – Stormwater Management Code; and
  - Section E11.0 – Waterway and Coastal Protection Code.
- 2.4. The Waterway and Coastal Protection Code applies to a 10m wide portion of the site fronting the River Derwent. The proposed outbuilding would not be located within the Waterway and Coastal Protection Area therefore the Code does not apply to the assessment of this application.
- 2.5. Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a long and narrow property, 8611m<sup>2</sup> in size and extends from Otago Bay Road to the River Derwent. The property contains an existing two storey dwelling and garage located in the western portion of the site. Access is provided via an internal driveway extending from the northern end of Otago Bay Road with an overall length of greater than 250m.

#### **3.2. The Proposal**

The proposal is for a 12m x 8m “Colorbond” outbuilding to be located to the east of the existing garage and with a setback of 3.5m from the southern boundary, in line with the existing garage. The outbuilding would contain 4 roller doors on the north elevation and would reach a maximum height of 4.4m above natural ground level.

### **4. PLANNING ASSESSMENT**

#### **4.1. Determining Applications [Section 8.10]**

*“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*  
*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

#### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone, Parking and Access Code, Road and Railway Assets Code, Waterway and Coastal Protection Code, Stormwater Management Code and the On-site Wastewater Management Code with the exception of the following.



**Rural Living**

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.2 A2	Setbacks	Building setback from side and rear boundaries must be no less than 20m.	does not comply – the proposed outbuilding would be located 7.6m from the northern side property boundary and 3.5m from the southern side property boundary

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 13.4.2 as follows.

Performance Criteria	Proposal
<i>“P2 - Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</i>	see assessment below
<i>(a) the topography of the site;</i>	<p>The proposed outbuilding is located within a low point on the site with the adjoining properties perched above the site. The siting of the outbuilding seeks to utilise an existing levelled area within close proximity to the existing outbuilding without interference with existing orchard and native vegetation cover across the site.</p> <p>The internal nature of the lot and location downslope from Otago Bay Road beside the river will ensure the outbuilding is not visible from the road.</p> <p>The outbuilding would be visible from the adjoining dwelling at 217 Otago Bay Road (property to the south) however; the elevated and significantly off-set position of the adjoining property will ensure no significant visual impact.</p> <p>The outbuilding would be visible from the tennis court located on the adjoining property at 223 Otago Bay Road.</p>



	<p>The tennis court is located in an elevated position above the subject site with the outbuilding located way from the river view.</p> <p>The proposal therefore represents a reasonable response to the topographic characteristics of the site and adjoining properties.</p>
<i>(b) the size and shape of the site;</i>	The lot forms a narrow internal lot with the lot being 20m wide at the location of the proposed building site. On this basis, it is therefore not possible to achieve a compliant setback location at any point on the site. In light of the size and shape of the lot, together with the topographical characteristics of the site, the location of the proposed outbuilding is considered reasonable.
<i>(c) the location of existing buildings on the site;</i>	The proposed outbuilding would be located near to the existing garage located in front of the existing dwelling. The siting of the outbuilding is intended to cluster non-habitable buildings on the site for ease of access and continuity in the visual elements across the site. The location of the building at the low point of the site, amongst the existing developed footprint will ensure minimal visual impact.
<i>(d) the proposed colours and external materials of the building;</i>	The walls of the dwelling addition, pool house and outbuilding are proposed to be coloured “Basalt” (Black). The existing dwelling and garage are coloured cream with a black roof. The use of a dark, recessive external colour will encourage the building to form a recessive visual element in the landscape and consequently will therefore lessen the visual impact upon the adjoining residential property at 217 Otago Bay Road, which looks down upon the site.
<i>(e) visual impact on skylines and prominent ridgelines;</i>	The proposed outbuilding would not be associated with a skyline or ridgeline location.

(f) <i>impact on native vegetation;</i>	The site does not contain any native vegetation therefore the proposal will not impact upon such vegetation. A number of fruit trees will be required to be removed; however, the boundary vegetation will be retained.
<p>(g) <i>be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p>(i) <i>overlooking and loss of privacy;</i></p> <p>(ii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p>	<p>The proposed outbuilding, being a non-habitable building, would not cause any overlooking or loss of privacy concerns.</p> <p>The proposed outbuilding would not be visible from Otago Bay Road due to the internal nature of the lot, topography and tree lined driveway.</p> <p>The outbuilding would be located at the low point on the site and at a significantly reduced elevation to the adjoining residence at 217 Otago Bay Road. An extensive vineyard has been developed on 217 Otago Bay Road which separates the proposed outbuilding from the dwelling located on the adjoining property and provides an effective visual buffer. The same characteristics apply to the adjoining tennis court site at 223 Otago Bay Road which will act to prevent any unreasonable alteration to the outlook presently enjoyed from the tennis court location.</p> <p>The design and siting of the outbuilding will therefore ensure minimal visual bulk.</p>
<p>(h) <i>be no less than:</i></p> <p>(i) <i>10m; or</i></p> <p>(ii) <i>5m for lots below the minimum lot size specified in the acceptable solution; or</i></p> <p>(iii) <i>the setback of an existing roofed building (other than an exempt building) from that boundary;</i></p> <p><i>unless the lot is narrower than 40m at the location of the proposed building site”.</i></p>	<p>The proposed setback of 3.5m from the southern side property boundary matches that of the existing garage. The proposed outbuilding would be located marginally closer to the northern side property boundary than the existing garage.</p> <p>The subject site is narrower than 40m at the location of the proposed building site (20m) therefore the absolute minimum setback provision does not apply.</p>

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.4 A1	Outbuildings	<p>Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) have a combined gross floor area no more than 100m<sup>2</sup>;</li> <li>(b) have a wall height no more than 6.5m and a building height not more than 7.5m;</li> <li>(c) have setback from frontage no less than that of the existing or proposed dwelling.</li> </ul>	does not comply - the proposed outbuilding would increase the total floor area of outbuildings on the site to 138m <sup>2</sup> therefore does not comply with Clause (a)

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 14.4.4 as follows.

Performance Criteria	Proposal
<i>“P1 - Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:</i>	see assessment below
<i>(a) be less visually prominent than the existing or proposed dwelling on the site;</i>	<p>The subject site is not visible from Otago Bay Road due to the internal nature of the lot. The location of the building between the dwelling and the street is therefore of no concern from a streetscape perspective.</p> <p>The existing dwelling is a 2 storey building therefore the single storey outbuilding and linear arrangement alongside the southern and northern side property boundary will ensure the existing dwelling remains the dominant visual element when viewed side on from the adjoining dwelling at 217 Otago Bay Road and the tennis court located on 223 Otago Bay Road.</p>

	The outbuilding is relatively large in floor area, however, its dark recessive colour and location at the low point of the site will ensure minimal visual interference with the surrounding landscape values.
<i>(b) be consistent with the scale of outbuildings on the site or in close visual proximity;</i>	The proposed outbuilding would be domestic in scale which is consistent with the scale of other outbuildings within the area.
<i>(c) be consistent with any Desired Future Character Statements provided for in the area or, if no such statements are provided, have regard to the landscape”.</i>	There is no Statement of Desired Future Character Statements incorporated. However, as discussed previously, subject to suitable colour treatment, the proposed outbuilding would remain sufficiently recessive in appearance within the surrounding landscape.

### Stormwater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Buildings and works	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Stormwater would be retained on-site in the absence of Council stormwater services in the area.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E7.7.1 as follows.

Performance Criteria	Proposal
<p><i>“P1 - Stormwater from new impervious surfaces must be managed by any of the following:</i></p> <p><i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i></p> <p><i>(b) collected for re-use on the site;</i></p> <p><i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council”.</i></p>	<p>Council’s Development Engineer has advised that the land area of the property is sufficient to enable all stormwater to be retained and/or reused on the site.</p> <p>Details of the stormwater disposal system, such as trenches and/or rainwater tanks, would need to be submitted with applications for building and plumbing permits as normally required.</p>

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

### **5.1. Proximity of Building to Ephemeral Watercourse**

The representor has raised concern that the proposed outbuilding would be located partly over an ephemeral drainage line. The representor is concerned that obstruction of the drainage line may cause periodic flooding on the adjoining property at 217 Otago Bay Road during high rainfall events. The representor has suggested that an engineer be engaged to devise a diversion arrangement around the building.

- **Comment**

The drainage line consists of a small, shallow depression located at the base of a relatively level valley. Council's Development Engineer undertook a site inspection whereby the presence of the natural drainage line was detected in the location of the proposed outbuilding. Given the natural drainage line would be impacted and potentially altered by the proposed outbuilding and footings, it is considered necessary to impose a condition requiring the production of engineering design drawings dealing with the relocation and formalisation of the natural drainage line around the corner of the proposed outbuilding. The formalisation of the drainage channel by way of deepening and implementing erosion and scour protection will minimise periodic flooding due to enhanced water concentration. This will also be able to occur without impacting upon adjoining properties.

## **6. EXTERNAL REFERRALS**

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

## **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

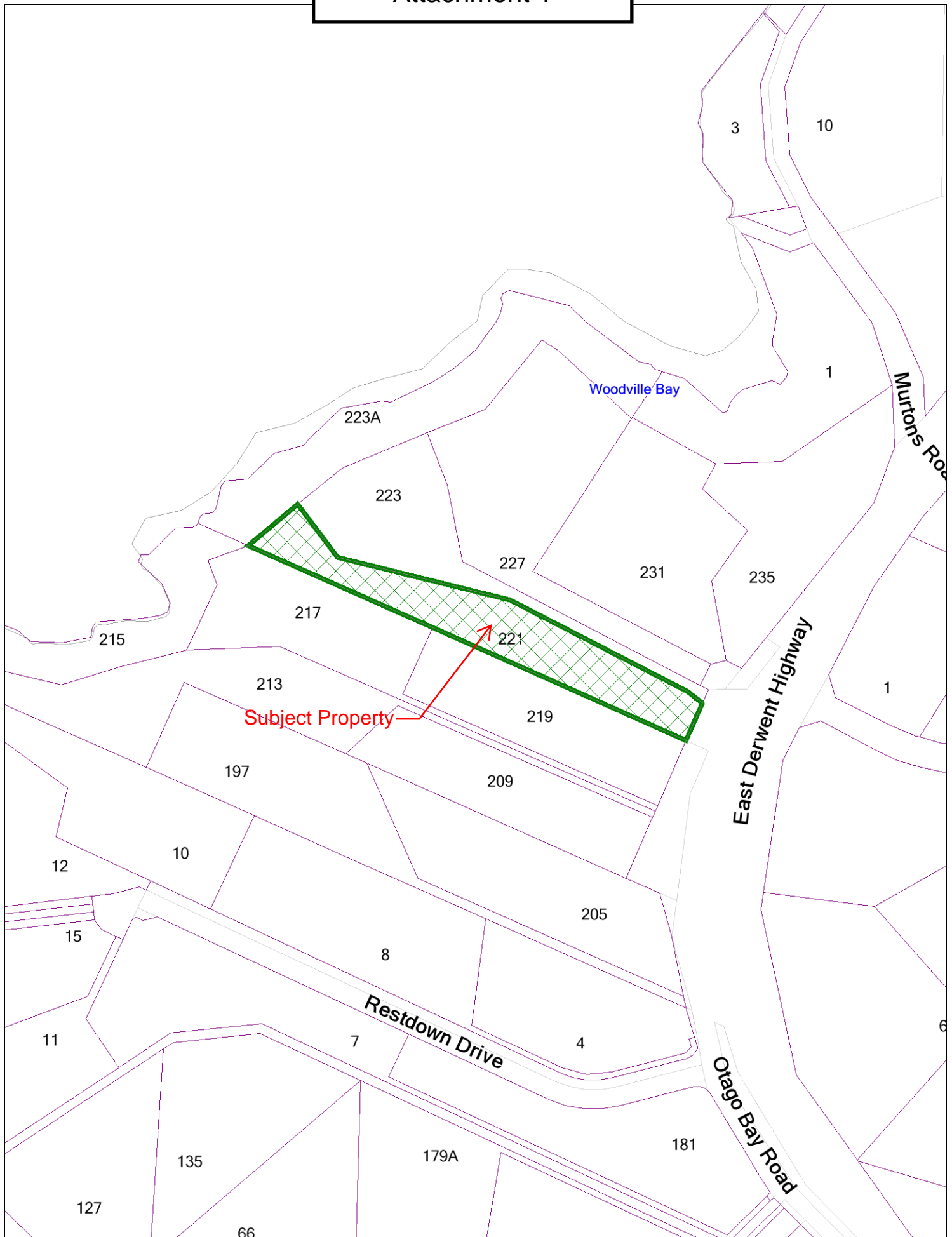
**9. CONCLUSION**

The proposal is for an outbuilding at 221 Otago Bay Road, Otago. The proposal has been assessed as complying with all relevant Acceptable Solutions and Performance Criteria and is accordingly recommended for conditional approval.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 4 January 2018 **Scale:** 1:3,046 @A4



Proposed Storage Shed  
at 221 Otago Bay Road Otago Bay

Attachment 2



River Derwent

Existing Residence

223

Proposed Storage  
Shed 96m<sup>2</sup>

Existing Garage  
42m<sup>2</sup>

Pipeline & cable easement

126.79m

Ex gravel driveway

Lot 2  
8611m<sup>2</sup>

112.86m

303.93m

222620

219

217

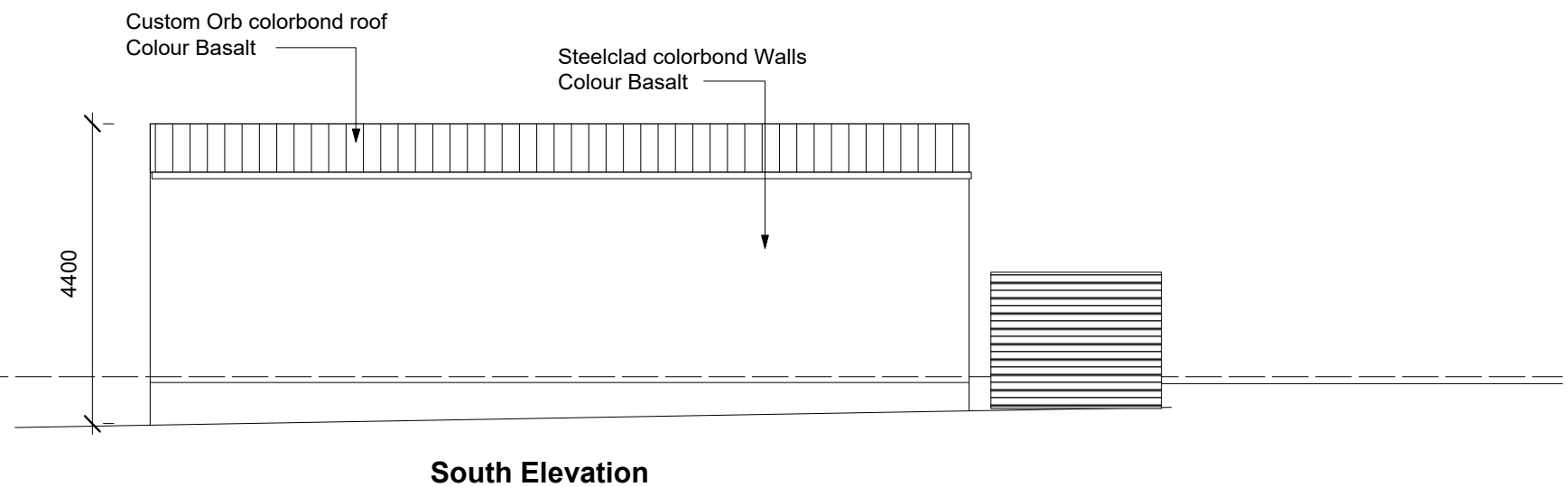
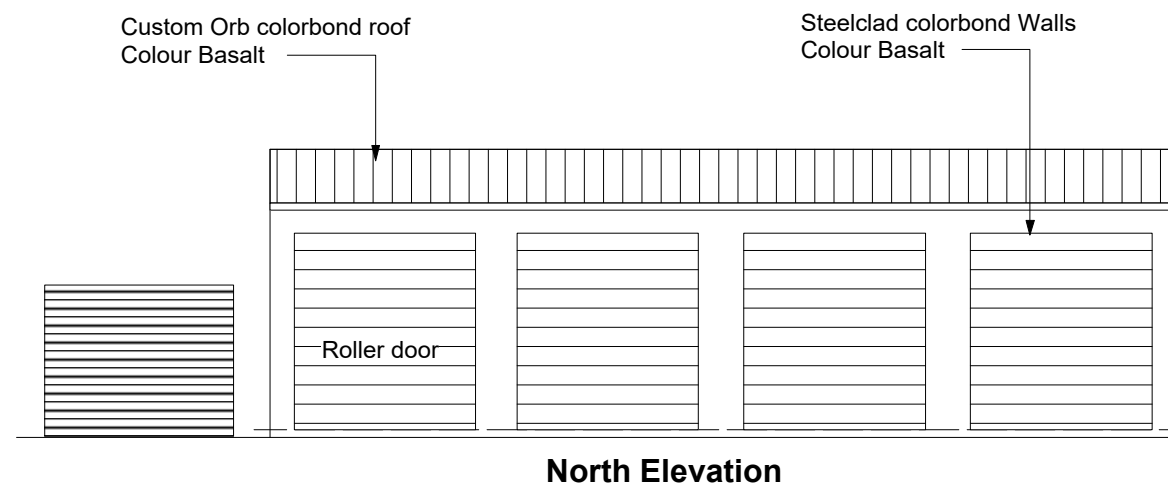
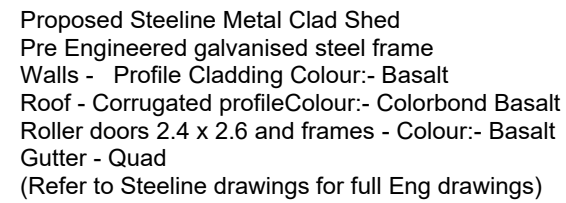
Otago Bay Road



						P H I L L I P M U S K E T T A R C H I T E C T	Project Title	Proposed Storage Shed at 221 Otago Bay Rd Otago Bay	Project Manager	Project ID
										172496
										1:1000@ A3
						176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett @bigpond.com				
						Accreditation No CC1034X	Drawing Title	Site Plan	Reviewed By	Drawing No.
									Date	DA02
									7/11/2017	of
									CAD File Name	3
No.	Date	Issue Notes								

Agenda Attachments - 221 Otago Bay Road, Otago - Page 2 of 4





					<div>P H I L L I P M U S K E T T A R C H I T E C T</div> <div>176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett @bigpond.com</div> <div>Accreditation No CC1034X</div>	<div>Project Title</div> <div>Proposed Storage Shed at 221 Otago Bay Rd Otago Bay</div>	<div>Project Manager</div>	<div>Project ID</div> <div>172496</div>
						<div>Drawn By</div>	<div>Scale</div> <div>1:100 @ A3</div>	
						<div>Reviewed By</div>	<div>Drawing No.</div> <div>DA03</div>	
						<div>Date</div> <div>7/11/2017</div>	<div>_____ of _____</div>	
						<div>CAD File Name</div>	<div>3</div>	
No.	Date	Issue Notes				Agenda Attachments - 221 Otago Bay Road, Otago - Page 3 of 4		

## Attachment 3

**221 Otago Bay Road, OTAGO**



**Proposed location of outbuilding, looking south-east from the existing garage**

**11.3.3 DEVELOPMENT APPLICATION D-2017/497 – 1/121 EAST DERWENT HIGHWAY, LINDISFARNE - CHANGE OF USE TO BOTTLESHOP**  
(File No D-2017/497)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to bottleshop at 1/121 East Derwent Highway, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Local Business and subject to the Road and Railway Assets, Hotel Industries, Signs, Stormwater Management and Parking & Access codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 19 January 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 15 representations (2 were against and 13 were in support) were received raising the following issues:

- excessive number of alcohol outlets;
- traffic impacts;
- proximity to school;
- non-compliance with Scheme requirements; and
- community best interest.

**RECOMMENDATION:**

A. That the Development Application for Change of Use to bottleshop at 1/121 East Derwent Highway, Lindisfarne (CI Ref D-2017/497) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

- |    |   |
|----|---|
| 2. | Trading hours must be within the following hours:         |
|    | Sunday to Thursday                      10.00am to 8.00pm |
|    | Friday to Saturday                      10.00am to 9.00pm |
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The proposal site has not undergone any significant development changes since construction. The site contains a commercial building and has been subject to tenancy changes over the years but has always contained a supermarket.

### **2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned Local Business under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
  - Section 10 – Local Business Zone; and
  - Section E5.0 – Road & Railway Assets Code, E.6 Parking & Access Code, E17.0 Signs Code and E26.0 Hotel Industries Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is at 1/121 East Derwent Highway and has an area of 1217m<sup>2</sup> and contains an existing commercial building including a supermarket, vacated gift shop and vacated hairdresser.

The site has direct access off Ballawinnie Road adjacent the East Derwent Highway and Ballawinnie Road intersection which leads to a 26 space carpark. Car parking spaces are located both at the front of the commercial building and alongside the northern boundary of the site and are shared between the tenancies.

The main exit from the site is onto outbound lanes of the East Derwent Highway. An additional exit onto Ballawinnie Road is located around the back of the commercial building.

#### **3.2. The Proposal**

The proposal is for a change of use from the former hairdresser (general retail and hire) to bottle shop (hotel industries). The size of the bottle shop would be small at approximately 50m<sup>2</sup>.

The proposed hours of operation would be as follows:

- Sunday – Thursday: 10.00am to 8.00pm
- Friday – Saturday: 10.00am to 9.00pm

Deliveries are proposed for Tuesday and Friday at 8.30am to coincide with grocery order deliveries for the supermarket.

Signage would be replacement signage and is therefore exempt from requiring a permit. Signage would include an awning sign and wall sign in the location of the hairdresser's signage. The wall sign would be located on the Ballawinnie Road side of the building.

The parking requirements for a hairdresser and bottle shop are both 1 park per 30m<sup>2</sup> under the Scheme. Accordingly, no additional car parking spaces are required as a result of the proposal.

#### **4. PLANNING ASSESSMENT**

##### **4.1. Determining Applications [Section 8.10]**

*“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
  - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*
- but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Local Business Zone and relevant Codes with the exception of the following.

##### **Local Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
20.3.1 Hours of Operation	A1	Hours of operation of a use within 50m of a residential zone must be within: (a) 7.00am to 9.00pm Mondays to Saturdays inclusive;	complies
		(b) 9.00am to 5.00pm Sundays and Public Holidays;  except for office and administrative tasks.	does not comply  The proposed bottle shop is located within 50m of a residential zone and would be open 10.00am to 8.00pm on Sunday.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 20.3.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i>	<p>The proposed hours additional 3 hours on Sunday (from 5.00pm to 8.00pm) is unlikely to cause noise through customers attending the site, given that the bottle shop entrance faces the East Derwent Highway rather than the adjacent residential area.</p> <p>The supermarket is open 7 days a week from 8.30am to 7.30pm. Accordingly, the bottle shop would only be open an extra 30 minutes on Sunday and this is unlikely to be an unreasonable impact upon nearby residential amenity.</p>

#### **Hotel Industries Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
E26.5 All development	A1	The <b>Hotel industry</b> must: (a) use existing floor space within a shopping centre complex; and	complies
		(b) be at least 100m from a <b>residential</b> or Community Purpose zone, as measured from the premises to be occupied.	<p>does not comply</p> <p>The proposed bottle shop would be located approximately 6m from the residential zone.</p>



The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E26.5 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“The operation of Hotel industry uses must:</i></p> <p>(a) <i>not have an unreasonable impact on the amenity and safety of the surrounding uses, having regard to the following:</i></p> <p>(i) <i>the hours of operation and intensity of the proposed use;</i></p>	<p>The proposed bottle shop would be open for 3 hours longer on a Sunday evening than what is allowed under the Acceptable Solution. This additional 3 hours is only 30mins longer than the opening hours of the supermarket and is therefore unlikely to result in noticeable impact to the amenity and safety of the surrounding residential use.</p>
<p>(ii) <i>the location of the proposed use and the nature of surrounding uses and zones;</i></p>	<p>The proposed bottle shop is complimentary to the existing supermarket located at the site in that it would function as a retail outlet and is a use often found within close proximity to supermarkets.</p>
<p>(iii) <i>the impact of the proposed use on the mix of uses in the immediate area;</i></p>	<p>Despite the close proximity of the General Residential Zone, the site has historically contained a mix of retail outlets which have serviced the local community with daily provisions. Given the size of the proposed shop, the bottle shop is unlikely to have a significant impact on the mix of uses in the immediate area.</p>



(iv) <i>the cumulative impact of any existing hotel industry uses and the proposed hotel industry on the amenity of the surrounding area;</i>	As mentioned above, given the small size of the proposed bottle shop, it is unlikely to have a noticeable impact on uses and amenity of the surrounding area. The nearest hotel industry, the Beltana Hotel is located within an approximate 500m radius from the site and Steve's Liquor is located within an approximate 700m radius.
(v) <i>methods to be employed to avoid conflict with nearby sensitive uses, including houses, schools, community facilities and the like;</i>	The proposed bottle shop would be a small low level liquor outlet. Accordingly, no behavioural issues can be anticipated.
(vi) <i>the impacts of light spill on adjacent properties;</i>	not applicable – no additional lighting is proposed
(vii) <i>possible noise impacts and proposed noise attenuation measures, including no amplified music audible outside the property;</i>	not applicable
(viii) <i>impacts on traffic and parking in the vicinity;</i>	not applicable – no additional car parking spaces are required as a result of the change of use
(ix) <i>any other measures to be undertaken to ensure minimal amenity impacts from the licensed premises during and after opening hours;</i>	not applicable
(x) <i>the need for security personnel to control behaviour around the site;</i>	not applicable
(xi) <i>the use of landscaping to enhance the appearance of the site used for hotel industry; and</i>	not applicable
(xii) <i>demonstration that the outcomes of the Hotel Industry Impact Assessment have been satisfied.</i>	A thorough written submission has been provided which demonstrates that the outcomes of the Hotel Industry Impact Assessment have been satisfied.

	The written submission includes information on the proposed hours, car parking, staffing, potential customer base, stock deliveries and unloading, Liquor Licensing requirements, public nuisance mitigation measures and proposed signage.
<i>(b) ensure that signage is limited in order to avoid clutter and reduced streetscape qualities, especially where shared with a residential zone.</i>	Signage will be limited to replacement signage.
<i>(c) not provide outdoor seating on a free standing bottle shop site.</i>	not applicable – none proposed
<i>(d) not provide a drive through facility on a free standing bottle shop site.</i>	not applicable – not proposed
<i>(e) be designed and operated in accordance with the principles of Crime Prevention Through Environmental Design, including:</i> <i>(i) reducing opportunities for crime to occur;</i> <i>(ii) providing safe, well designed buildings with appropriate opportunities for surveillance of the surroundings;</i> <i>(iii) minimising the potential for vandalism and anti-social behaviour; and</i> <i>(iv) promoting safety on neighbouring public and private land”.</i>	<p>The proposed bottle shop is to be located within the existing commercial building and will be managed and operated in a manner that provides for an appropriate level of security and site management.</p> <p>As the site is located along a major well-lit arterial route, there will be significant passive surveillance of the site.</p> <p>The potential for vandalism and anti-social behaviour and risk to safety is not anticipated to be increased as a result of the bottle shop due to its size and location in a mixed use area.</p>

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 15 representations (2 against and 13 for the proposal) were received. The following issues were raised by the representors.

**5.1. Existing Number of Bottle Shops**

One representor raised concern that there are an excessive number of existing alcohol outlets in the area; namely the Beltana Hotel, Steve's Liquor and the Risdon Brook Hotel.

- **Comment**

There are 2 existing bottle shops in Lindisfarne, the Beltana Hotel and Steve's Liquor, however, the Risdon Brook Hotel is located some kilometres away in Risdon. Whilst the proposal is seeking to serve a wider area including Rose Bay, Montagu Bay or Rosny Point/Rosny Hill which is currently without a bottle shop, the number of existing bottle shops in an area is not a valid planning consideration.

The number of existing bottle shops in the area is a consideration for the Department of Treasury as part of the Liquor Licensing approvals process.

**5.2. Traffic Impacts**

One representor raised concern in relation to potential traffic impacts resulting from proposed change of use to bottle shop. Potential impacts identified include increase in traffic entering the site from the East Derwent Highway and Ballawinnie Road with danger to pedestrians from the Freemason's Home, school and metro bus stop and delays to afternoon peak hour traffic.

- **Comment**

The proposal has been assessed against requirements in the Scheme relating to traffic impacts and number of car parking spaces required and following on from the assessment, no significant traffic impacts are anticipated.

In addition, the proposal was referred to the Department of State Growth for comment and no concern was expressed.

**5.3. Proximity to School**

One representor raised concern in relation to the proximity of the bottle shop to Lindisfarne Primary School, as the school oval is located at 90 East Derwent Highway which is almost opposite the proposal site.

- **Comment**

The 4 lane 70km/per hour East Derwent Highway is situated between the primary school and the proposed bottle shop. Based on this, along with the fact that the school is for 4 – 12 year olds and the main school site occurs at 17 Loatta Road, the proposed bottle shop is not considered to pose an increased safety risk to students attending the school.

Furthermore, there are other bottle shops in the Clarence Municipality located along arterial roads and near schools, including Clarence High School and the Big Bargain bottle shop at 172 Clarence Street, Bellerive and Rosny College and the BWS bottle shop at Eastlands adjacent Rosny Hill Road.

**5.4. Non-Compliance with Scheme Requirements**

One representor expressed concern that the proposal did not comply with Scheme requirements under the Parking & Access Code and Road and Railway Assets Codes. The concern raised was in terms of the existing parking layout, access design, traffic impact assessment and risk and facilities for commercial vehicles.

- **Comment**

Given that the proposal is for a small shop (50m<sup>2</sup>) with no associated works and there is no discrepancy in the car parking requirement, the existing layout and access design of the site was not assessed as part of the proposal.

In addition, whilst a traffic impact assessment has not been prepared, given that the parking requirement for a hairdresser is the same as that for a bottle shop, this was used as grounds for justification that there is no intensification of vehicle movements resulting from the proposed change of use.

Furthermore, Council's Engineers reviewed the proposal and did not identify any traffic related risks and no concerns were identified by Department of State Growth during the referral process.

### **5.5. Community Best Interest**

The majority of representors felt that the proposed bottle shop would be an asset to Rose Bay, Montagu Bay and Rosny Point in terms of it being a convenient and safer alternative to crossing multiple lanes across the East Derwent Highway to access the existing Beltana Hotel bottle shop.

- **Comment**

The vast majority of representations received were in support of the proposal with representors identifying a number of benefits that would result, should the proposed bottle shop be approved.

## **6. EXTERNAL REFERRALS**

The proposal was referred to Department of State Growth, however, no comments in relation to the proposal were received.

## **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

The proposal seeks approval for a change of use (general retail and hire to hotel industries) at 1/121 East Derwent Highway, Lindisfarne. The application meets the relevant acceptable solutions and performance criteria of the Scheme and is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (5)  
3. Site Photo (3)

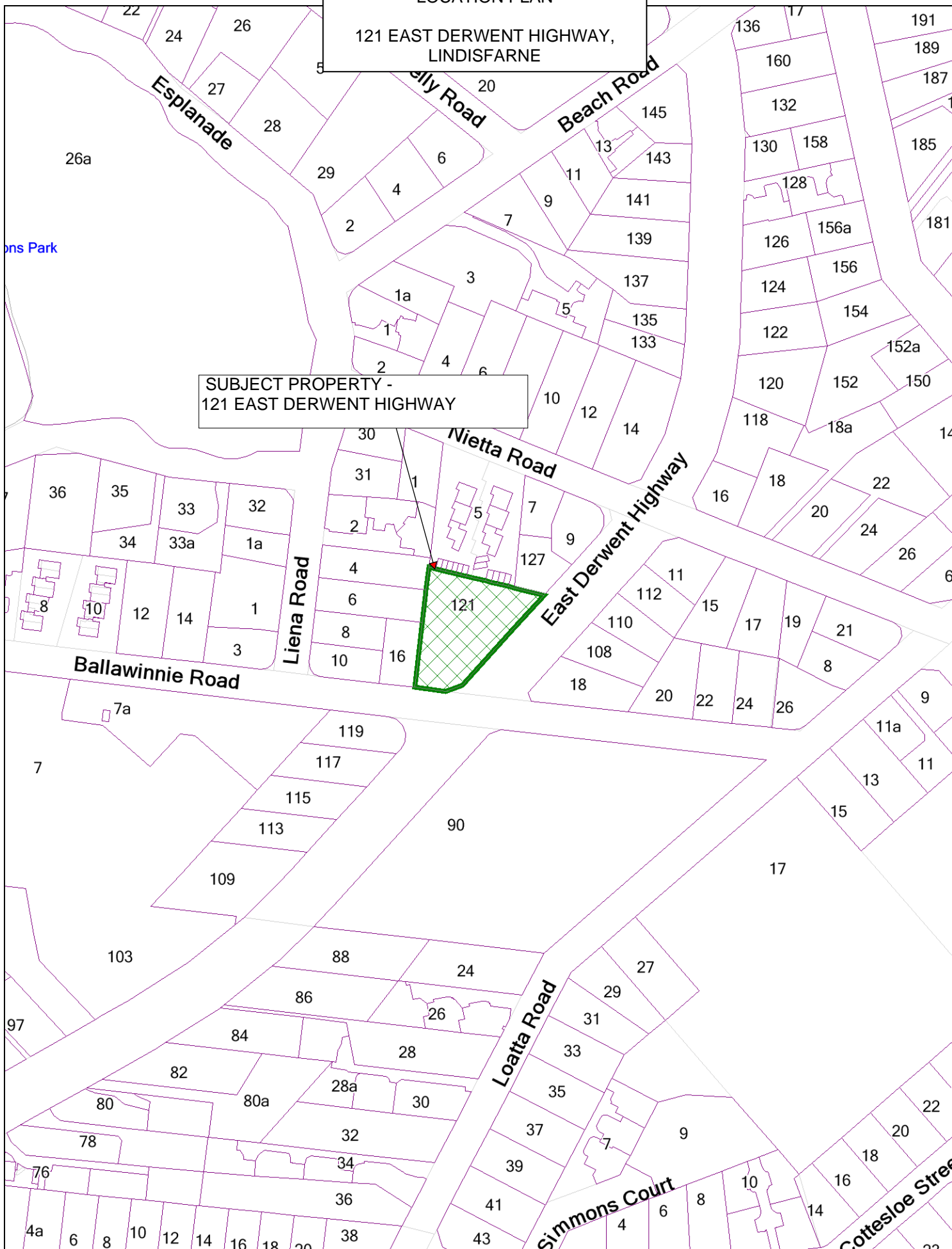
Ross Lovell  
**MANAGER CITY PLANNING**

# ATTACHMENT 1

## LOCATION PLAN

121 EAST DERWENT HIGHWAY,  
LINDISFARNE

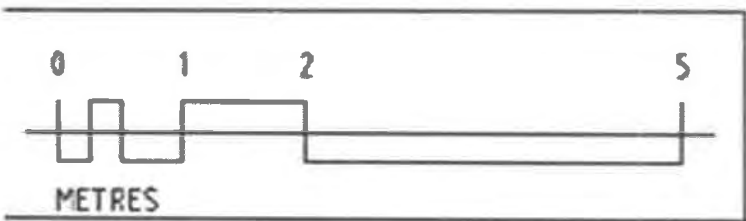
SUBJECT PROPERTY -  
121 EAST DERWENT HIGHWAY



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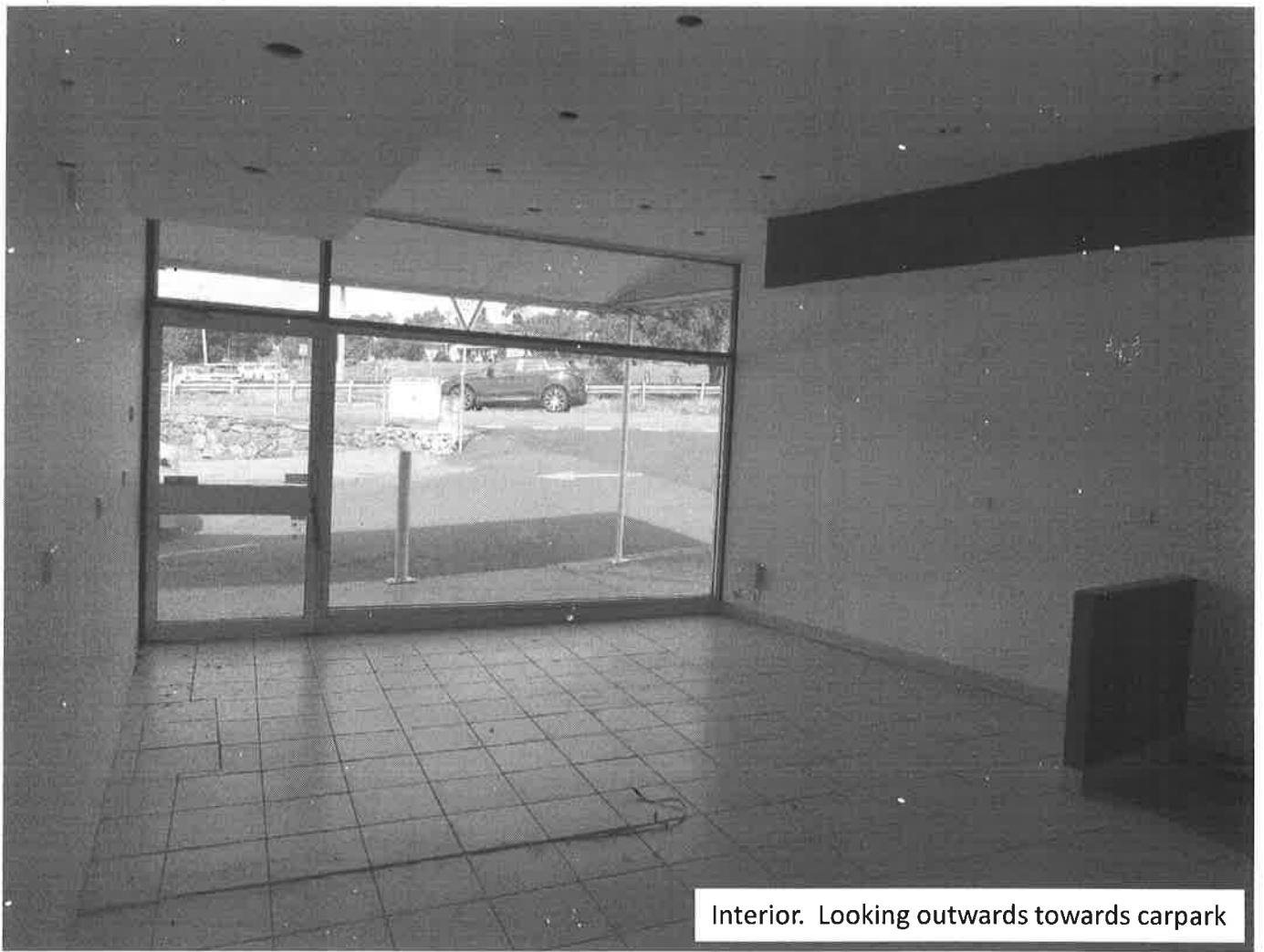
ATTACHMENT 2

Proposed Off Licence At 1/121 East  
Derwent Highway



Area=  
48.6 Square  
Metres






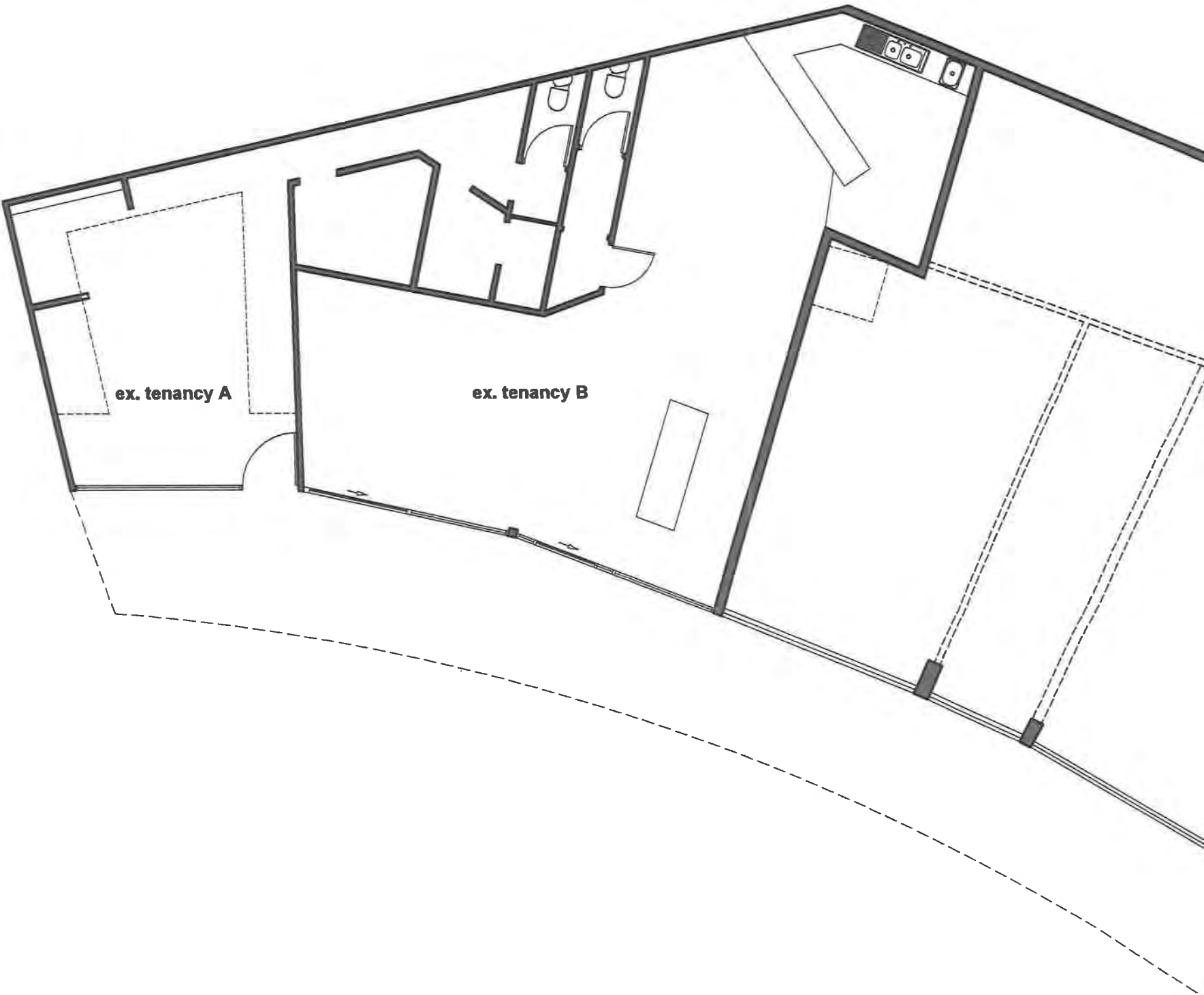
Interior. Looking outwards towards carpark



Exterior. Proposed location circled

WALL LEGEND	
MARK	DESCRIPTION
	EXISTING WALLS TO BE RETAINED.

FLOOR AREAS	
TENANCY A FLOOR AREA:	± 48.6 sqm.
TENANCY B FLOOR AREA:	± 77.9 sqm.
SUPERMARKET FLOOR AREA:	± 339 sqm.



Brett Mackay  
22 Nottingham Court  
Lindisfarne 7015

Clarence City Council  
Bligh Street  
Rosny Park 7018  
31/10/17

APPLICATION TO CHANGE PERMITTED USE OF PREMISES AT 1/121 EAST DERWENT HWY,  
LINDISFARNE TO AN OFF-LICENCE BOTTLE SHOP (Discretionary Use)

In support of my application to change the use of the PREMISES AT 1/121 East Derwent Hwy, Lindisfarne to a Bottle Shop (Discretionary Use) I wish to submit the following:

The premises at 1/121 East Derwent Hwy, Lindisfarne is presently a vacant shop. The premises are approximately 50m2 in size. The premises has use of the carpark at the East Derwent Shopping Centre which has 26 carparking spaces.

It is intended that the premises be converted into an off-licence bottle shop. It is not intended for alcohol to be consumed on the premises.

I have submitted an application with the Liquor Licensing Commission which is presently being considered for approval. This application was submitted on 30/10/17.

It is intended to operate the proposed Bottle Shop at 1/121 East Derwent Hwy Lindisfarne between the hours of 10am til 8pm Sunday to Thursday and 10am til 9pm Friday and Saturday. It is intended that there will be two staff members staffing the Bottle Shop at all times. Such staff members will be local adult persons.

The owners of the premises are my parents in law Nick and Iris Saramaskos of 71 Rosny Esplanade, Rosny Point. I declare the owner of the premises has been informed of the intended development.

The size of the Bottle Shop is small with the intention of providing a service to the 2500 people who reside in the Rose Bay, Montagu Bay, Rosny Point area. These persons do not have a Bottle Shop in their area. Many of the persons who reside in this area are older persons and presently have to drive across major highways or considerably out of their way to access a Bottle Shop.

Because the site is small it is proposed that stock will be hand unloaded from a van or light truck via the front door of the Bottle Shop. There is no rear entrance to the shop and there is no loading bay for larger truck movements.

The applicant, who is a former police officer, intends to be a hands on manager of the Bottle Shop and will strictly enforce all of the relevant Liquor Licensing laws and also ensure strict adherence to public nuisance laws.

The proposed Bottle Shop will have minimal sign writing and will be fully compliant with the sign writing and advertising council bylaws for the premises at 121 East Derwent Hwy.

I ask for favourable consideration to be given to this application to change the Discretionary Use if the premises at 1/121 East Derwent Hwy, Lindisfarne.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Brett Mackay', written in a cursive style.

Brett Mackay

(Applicant)

ATTACHMENT 3



Current photo of the commercial building at 121 East Derwent Highway when viewed from Ballawinnie Road.



Proposed location for the bottle shop and location of the replacement awning sign, facing East Derwent Highway.



**Location of replacement 2m x 1m wall sign along the side of the building facing Ballawinnie Road.**



**Additional exit from the site, located behind the commercial building and on to Ballawinnie Road.**





**Main exit from the site, on to the East Derwent Highway**

**11.3.4 DEVELOPMENT APPLICATION D-2017/454 - 2 BALIA ROAD, HOWRAH - DWELLING**  
(File No D-2017/454)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 2 Balia Road, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the applicant's consent until 17 January 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of deck overlooking neighbours backyard.

**RECOMMENDATION:**

- A. That the Development Application for a dwelling at 2 Balia Road, Howrah (CI Ref D-2017/454) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 October 2017 (TWDA 2017/01596-CCC).



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

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions in respect of building envelope under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
  - Section 10 – General Residential Zone;
  - Section E6.0 – Parking and Access Code; and
  - Section E7.0 – Stormwater Management Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a 629m<sup>2</sup> allotment, surrounded by 6 individual dwellings, located at 2 Balia Road, Howrah. The site is mildly sloping and predominantly cleared of vegetation. It is facing a public open space area consisting of a children's playground. Access would be provided through Balia Road.

The property is zoned General Residential and is surrounded by a suburban living setting.

### **3.2. The Proposal**

Application is made to construct a 3 bedroom single storey dwelling. External finishes and elements include light to mid brown brick veneer walls, light to mid grey gable roof, roller door garage and lightweight cladding features. The dwelling would have access to Balia Road via concrete driveway and existing crossover.

The dwelling would have a 9m front setback, 4m rear setback, 2.9m north side setback and 3m south side setback. The garage would be 6.5m wide x 6.5m long with a 3.5m high north facing brick veneer structure integrated to the dwelling. It would have a 2.9m front setback flush with the south side setback.

## **4. PLANNING ASSESSMENT**

### **4.1. Determining Applications [Section 8.10]**

*“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
  - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*
- but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Parking and Access Code and Stormwater Management Code with the exception of the following.

**General Residential Zone**

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A2	Setbacks and building envelope for all dwellings.	<p>A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>does not comply - the proposed setback for the garage is 2.9m from the primary frontage</p> <p>not applicable</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 10.4.2 as follows.

Performance Criteria	Comment
<i>“P2 – A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints”.</i>	The existing front setback for abutting property is 0.8m from the primary frontage. Roller doors, similar to the proposal, are existing elements in the streetscape (124 Carella Street; 6 Balia Road). The proposed dwelling meets the Performance Criteria.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings.	A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:	

		<p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>not applicable</p> <p>does not comply – rear corner of garage and south-western corner of dwelling cuts through building envelope</p> <p>not applicable</p> <p>not applicable</p>
--	--	--	--

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 10.4.2 as follows.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The siting and scale of the dwelling will not cause an unreasonable reduction of sunlight to the habitable room of a dwelling on an adjoining lot of more than 2 - 2.5 hours in between 9.00am and 3.00pm in June. The rooms impacted by overshadowing are 2 bedrooms of 124 Carella Street and a living room and bedroom of 122 Carella Street. The living room in 122 Carella Street is only impacted by overshadowing for 1.5 hours between 9.00am and 10.30am in June. The proposed dwelling meets the Performance Criteria.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The siting and scale of the dwelling causes overshadowing for the private open space of dwellings on adjoining lots (122 Carella Street; 124 Carella Street) in varying degrees: 1.5 - 2.5 hours in between 9.00am and 3.00pm in June. The proposed dwelling meets the Performance Criteria, for example elsewhere in the zone, the acceptable solution considers anything less than 3 hours to be satisfactory.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>not relevant</p>
<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The siting and scale of the dwelling has a minor visual impact in scale, bulk or proportions of the dwelling when viewed from an adjoining lot. The setbacks of the existing dwellings in the street vary from 1m to 8m. The existing dwellings are 1 to 2 storey buildings on a slightly northwards sloping hill. The proposed dwelling meets the Performance Criteria.</p>

<p><i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>The siting and scale of the dwelling is creating separation between dwellings on adjoining lots that is compatible with the prevailing character of the surrounding area. The existing front, rear and side setbacks between the dwellings in the street vary from 1m to 8m. The existing setbacks are compatible with the setbacks of the proposed dwelling and therefore the proposed dwelling meets the Performance Criteria.</p>
--	---

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A2	Site coverage and private open space for all dwellings	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p>	<p>does not comply – the deck provides the private open space and is 20m<sup>2</sup></p> <p>does not comply- the minimum horizontal dimension is 3.5m</p> <p>complies – accessible from the open plan dining/living room</p>

		(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and	complies – located to the north-west
		(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and	not applicable
		(f) has a gradient not steeper than 1 in 10; and	complies- the deck is levelled
		(g) is not used for vehicle access or parking.	complies- deck cannot be used for vehicle parking

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 10.4.3 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P2 – A dwelling must have private open space that:</i>	
<i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i> <i>(i) conveniently located in relation to a living area of the dwelling; and</i> <i>(ii) orientated to take advantage of sunlight”.</i>	The proposed private open space is accessed via the living room area through sliding doors and connected to a larger open space area of the dwelling, therefore extending the open space area of the dwelling and serving as an extension of the dwelling. The minimum horizontal dimension of the deck is 3.5m, which is 0.5m short of the Acceptable Solution. As the other side of the deck is 4.5m long, the average horizontal dimension of the deck would be 4m.

	The private open space is partly oriented towards the north-west and partly towards the west. In addition, the deck is supplemented by a larger back garden that has the potential to be utilised as an additional private open space in the future. The proposed dwelling meets the Performance Criteria.
--	--

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	does not comply- only bedroom windows face between 30 degrees west of north and 30 degrees east of north

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 10.4.4 as follows.

Performance Criteria	Comment
<i>“P1 – A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom)”.</i>	The dwelling, especially deck and living room, are sited and designed to allow sunlight to enter the living/dining room area. In addition, the internal design layout of the bedrooms and bedroom windows will enable sunlight to enter the living/dining room area. The proposed dwelling meets the Performance Criteria.

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

### **5.1. Privacy**

The Representor raised concerns about the deck will overlook their backyard with an uninterrupted view to their swimming pool and bbq area.



In relation to the Clause 10.4.6 A1 - Privacy for all dwellings the proposed dwelling complies with the Acceptable Solution in relation to having setback of at least 4m from the rear boundary and meets the objective to provide reasonable opportunity for privacy for dwellings and therefore this concern does not have any determining weight.

## **6. EXTERNAL REFERRALS**

The proposal was referred to TasWater, which has provided a number of conditions to be included on the planning permit if granted.

## **7. STATE POLICIES AND ACT OBJECTIVES**

**7.1.** The proposal is consistent with the outcomes of the State Policies.

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

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

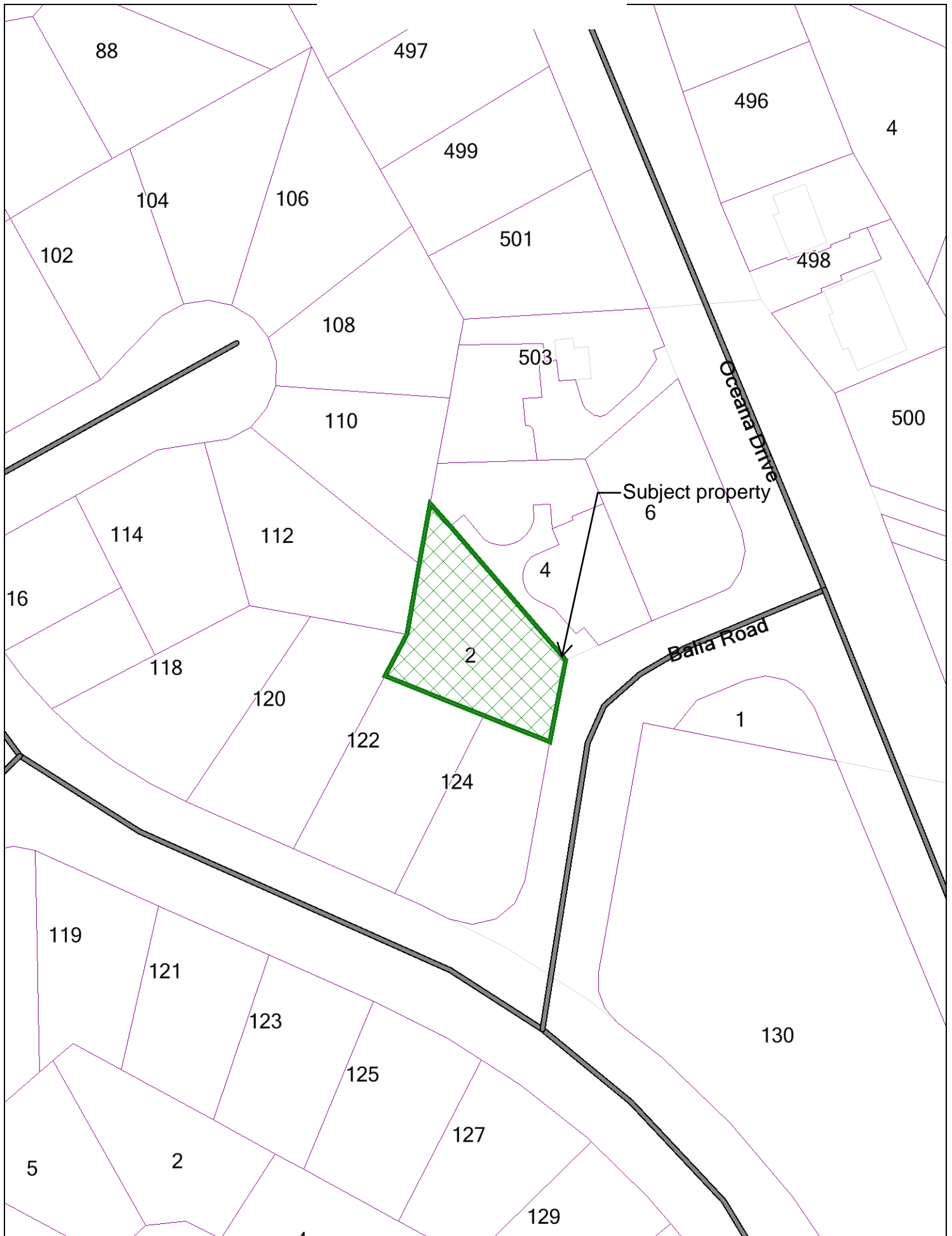
## **9. CONCLUSION**

The proposal for a Single Dwelling at 2 Balia Road is recommended for approval with conditions.

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

Ross Lovell  
**MANAGER CITY PLANNING**

Attachment 1: Location Plan  
2 Balia Road, Howrah



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Site Areas	
Site area	633 sqm
Total Building Area	241.39 sqm
Total Site Coverage	38.13 %

Site Plan

Proposal:	New Dwelling	Scale: 1:150	Job No: 114-2016	Pg No: 1
Client:		Date: 03/10/17		
Address:	2 Balia Road, Howrah 7018	Drawn: Jason/KM		

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
09/10/17	CCC revise deck
24/10/17	CCC shadows





Floor Areas	
Floor Area	221.05 sqm
Deck	20.35 sqm
Total	241.39 sqm

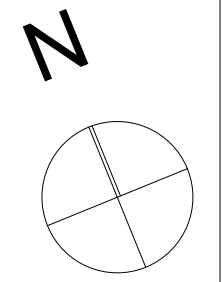
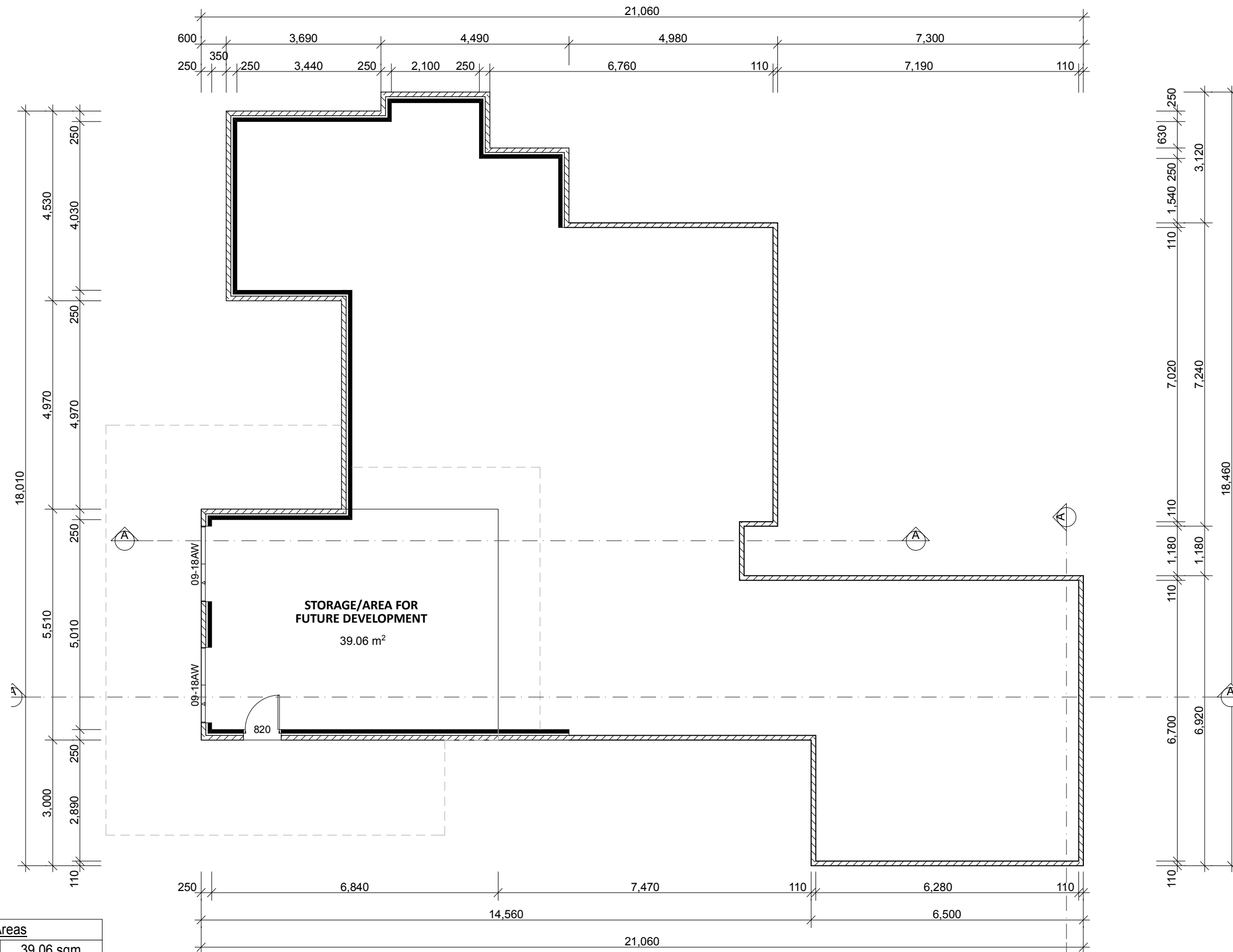
Floor Plan

Proposal:	New Dwelling	Scale: 1:100	Job No: 114-2016	Pg No: 2
Client:		Date: 03/10/17		
Address:	2 Balia Road, Howrah 7018	Drawn: Jason/KM		
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
09/10/17	CCC revise deck
24/10/17	CCC shadows

  
**Lydenbuilders**  
connecting futures





Floor Areas	
Lower Floor Area	39.06 sqm

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Proposal:	New Dwelling	Scale: 1:100	Job No: 114-2016	Pg No: 3
Client:		Date: 03/10/17		
Address:	2 Balia Road, Howrah 7018	Drawn: Jason/KM		

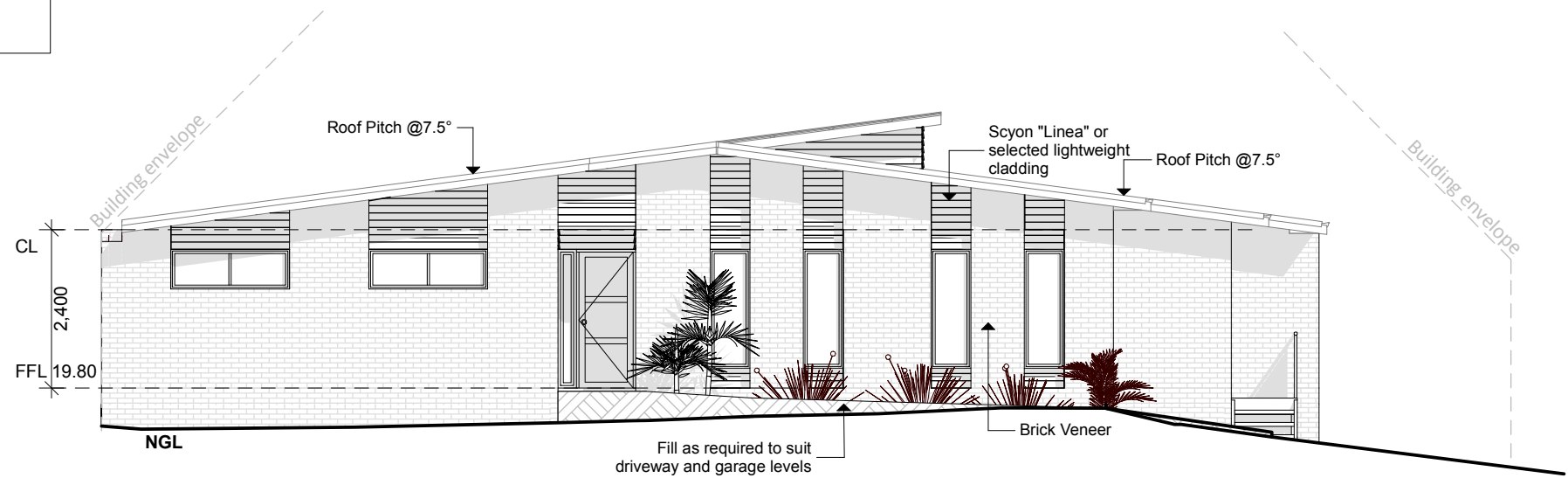
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
09/10/17	CCC revise deck
24/10/17	CCC shadows

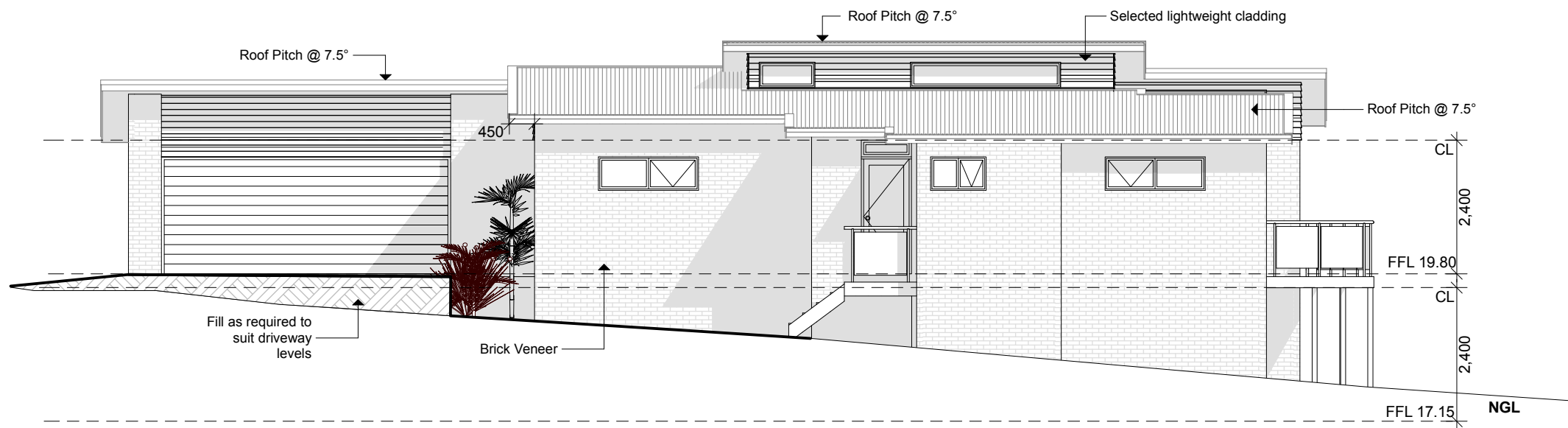


Lower Floor Plan

COLOUR SCHEME  
Brick : Light - mid brown  
Roof - Light - mid grey roof



East Elevation



North Elevation

Amendments	
Date	Description
09/10/17	CCC revise deck
24/10/17	CCC shadows

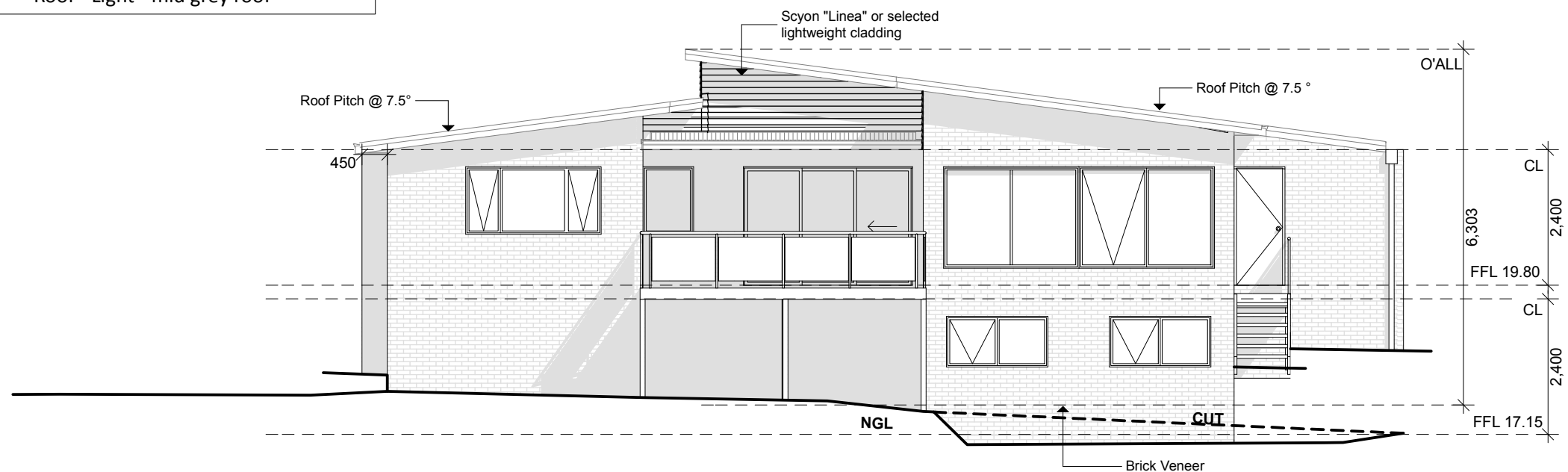


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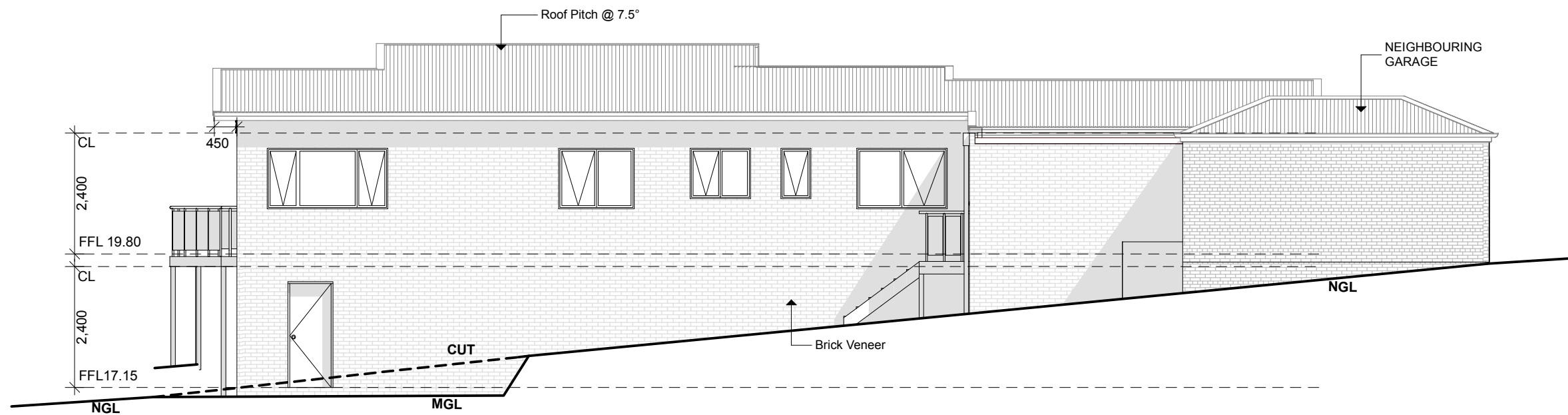
Proposal:	New Dwelling	Scale: 1:100	Job No: 114-2016	Pg No: 4
Client:		Date: 03/10/17		
Address:	2 Balia Road, Howrah 7018	Drawn: Jason/KM		
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au				



COLOUR SCHEME  
Brick : Light - mid brown  
Roof - Light - mid grey roof



West Elevation



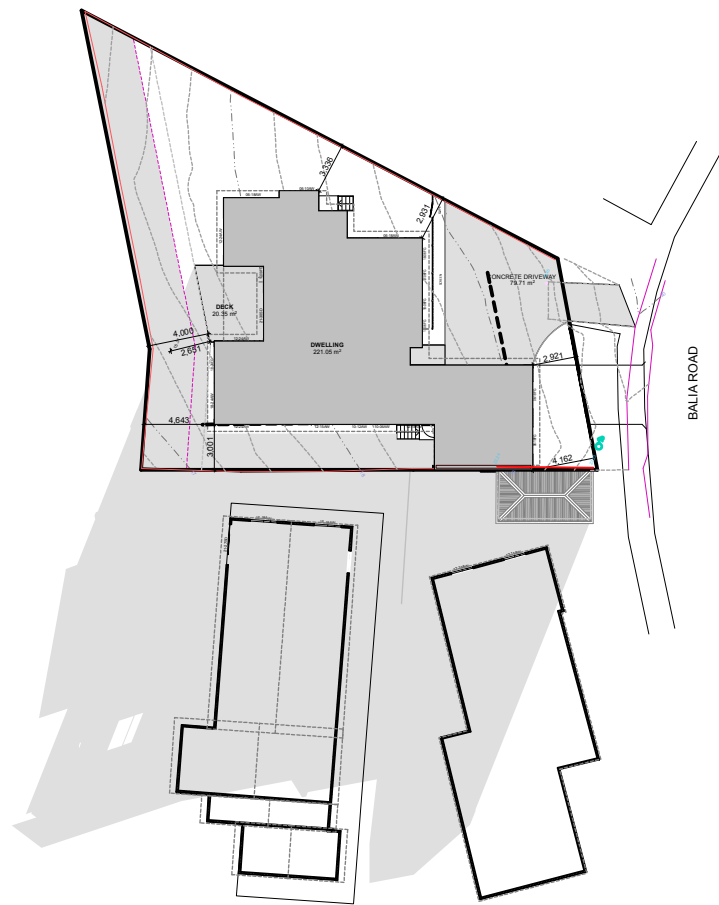
South Elevation (1)

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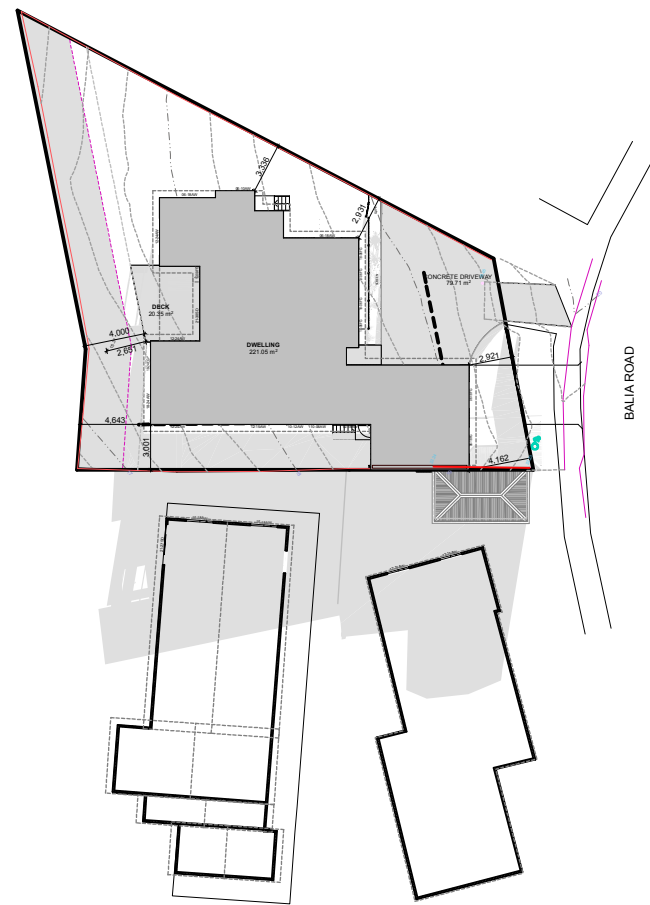
Proposal:	New Dwelling	Scale: 1:100	Job No: 114-2016	Pg No: 5
Client:		Date: 03/10/17		
Address:	2 Balia Road, Howrah 7018	Drawn: Jason/KM		
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
09/10/17	CCC revise deck
24/10/17	CCC shadows

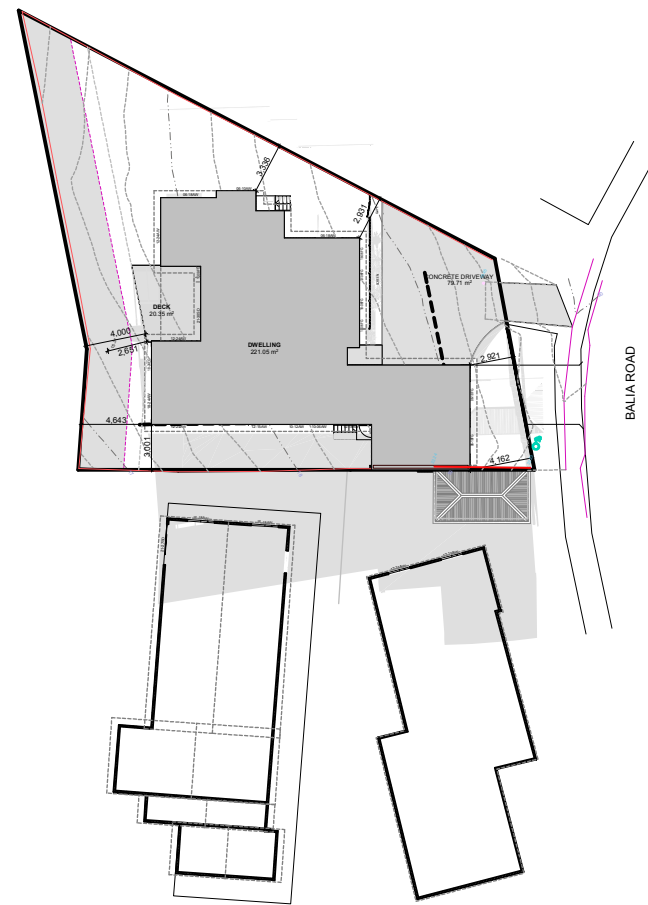




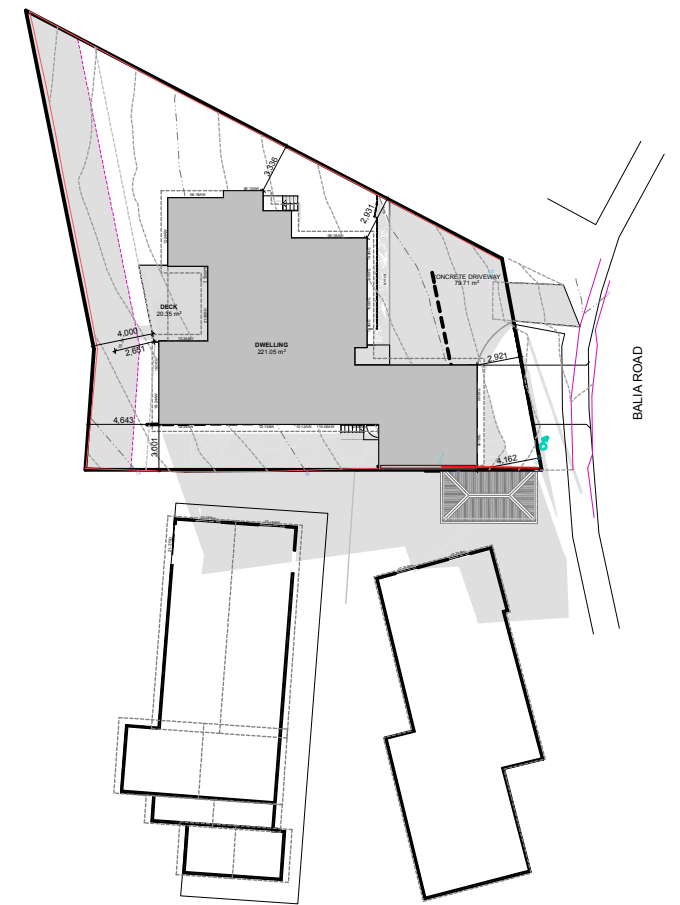
9 am



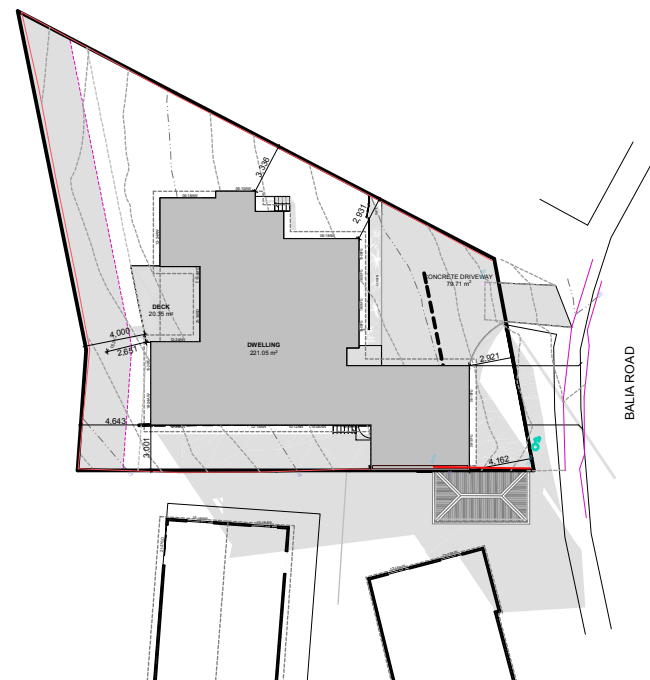
10 am



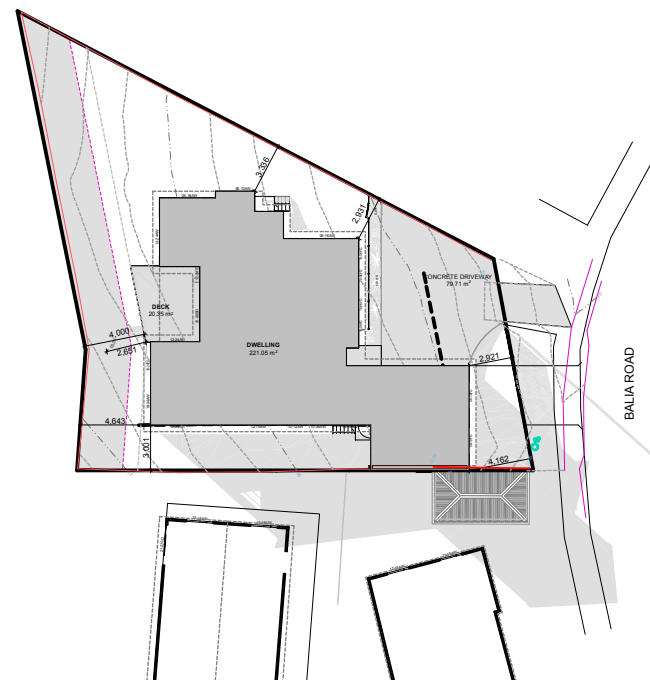
11 am



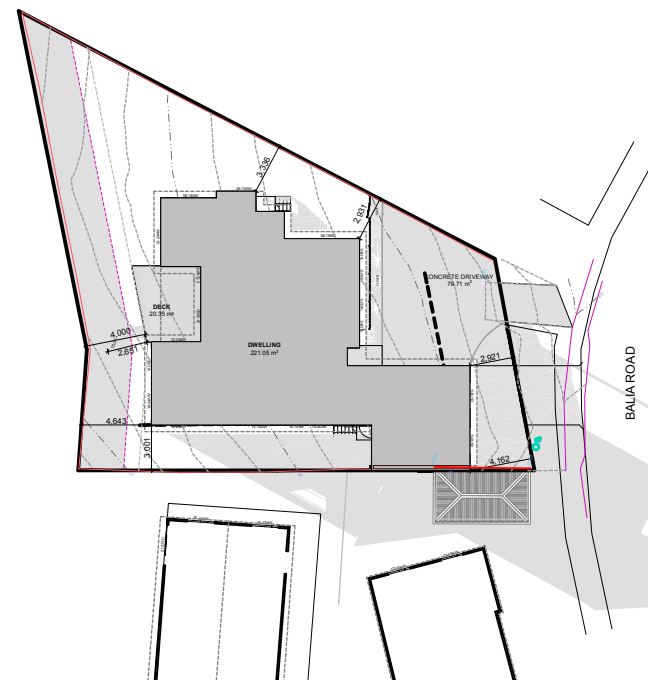
12 noon



1 pm



2 pm



3 pm

NOTE : Shadows of fences not shown for clarity

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Proposal:	New Dwelling	Scale: 1:500	Job No: 114-2016	Pg No: 6
Client:		Date: 03/10/17		
Address:	2 Balia Road, Howrah 7018	Drawn: Jason/KM		

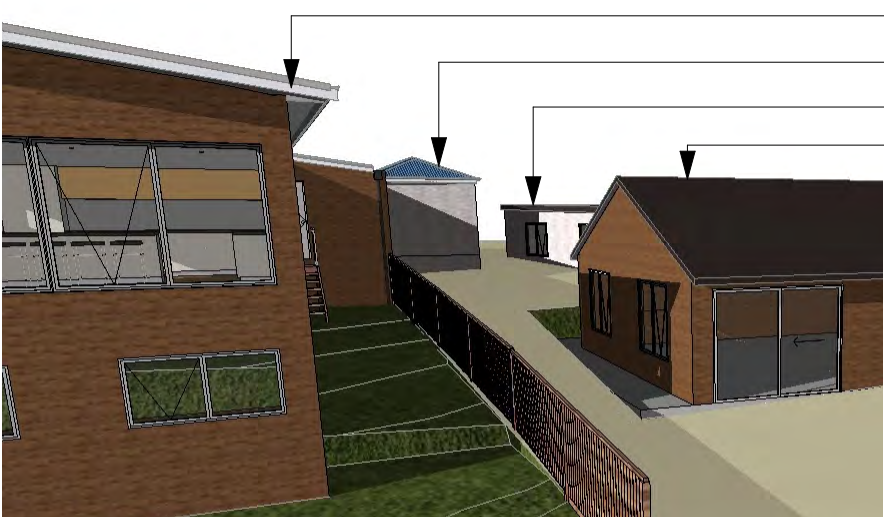
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
09/10/17	CCC revise deck
24/10/17	CCC shadows



Shadow Diagrams





12 noon



12.30 pm



1 pm



2 pm



3 pm

Shadow Diagrams

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Proposal:	New Dwelling	Scale: 1:266.68, 1:261.44, 1:260.04, 1:266.41, 1:266.67	
Client:		Date: 03/10/17	
Address:	2 Balia Road, Howrah 7018	Drawn: Jason/KM	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au			

Amendments	
Date	Description
09/10/17	CCC revise deck
24/10/17	CCC shadows





**2 Balia Road, HOWRAH**



**Site viewed from Balia Road**



**Site viewed from Balia Road**

**11.3.5 DEVELOPMENT APPLICATION D-2016/452 - 151 EAST DERWENT HIGHWAY, LINDISFARNE - GROCERY AND CONVENIENCE STORE**  
(File No D-2016/452)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Grocery and Convenience Store at 151 East Derwent Highway, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Local Business and subject to the Potentially Contaminated Land Code, the Road and Railway Assets Code, the Parking and Access Code, Stormwater Management Code and Signs Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 7 February 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 7 representations were received raising the following issues:

- traffic;
- loading and unloading of vehicles;
- reduction in speed limit;
- design of carpark;
- insufficient parking on-site;
- pedestrian safety;
- noise;
- inappropriateness of location;
- fence design; and
- site contamination.

**RECOMMENDATION:**

A. That the Development Application for a Grocery and Convenience Store at 151 East Derwent Highway, Lindisfarne (CI Ref D-2016/452) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM5 – TRADING HOURS [7am to 8pm, seven days per week].
3. Prior to the issue of a building permit, confirmation must be provided by the building surveyor to the satisfaction of Council's Senior Environmental Health Officer that both the development and use is to be undertaken in accordance with the detailed recommendations of the Noise Assessment prepared by Noise Vibration Consulting dated 24 October 2016.
4. GEN AM7 – OUTDOOR LIGHTING.
5. GEN M5 – ADHESION [commencement of use].
6. GEN S7 – SIGN MAINTENANCE.
7. LAND 1A – LANDSCAPE PLAN.
8. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
9. A cash contribution of \$32,000 must be provided in-lieu of the 4 car parking spaces which cannot be provided on-site. This contribution must be paid prior to the commencement of the use.

The amount of cash-in-lieu payment applicable to this development shall be indexed quarterly by CPI (All Groups Index) Hobart, effective from the Permit date until the date of payment of the headworks charge to Council.

10. ENG A1 – NEW CROSSOVER [TSD-R09].
11. The consent of the Minister under Section 16 of the Roads and Jetties Act 1935 must be obtained prior to the undertaking of works within the State road reservation
12. ENG A4 – DSG ACCESS.
13. Prior to use commencing on-site, a pedestrian fence with a minimum length of 60m is to be erected along the median of East Derwent Hwy to the extent and requirements of the Department State Growth, from the intersection of Gordons Hill Road and the East Derwent Highway to the south-east of the site.

14. ENG A7 – REDUNDANT CROSSOVER.
15. ENG S1 – INFRASTRUCTURE REPAIR.
16. ENG S11 – SEALING OF SERVICES.
17. ENG M1 – DESIGNS DA.
18. Prior to the issue of a building permit, a completed remediation report must be obtained and provided to the satisfaction of Council’s Senior Environmental Health Officer, to indicate that all fuel infrastructure has been removed and the site is safe for its intended purpose.
19. The development must meet all required Conditions of Approval specified by TasWater notice dated 7 November 2016 (TWDA 2016/01620-CCC).

**ADVICE**

- All new accesses must be sealed from the road to the property boundary.
  - Pursuant to Section 16AA of the Roads and Jetties Act 1935, where a vehicle access has been constructed from land to a State highway or subsidiary road, the owner of that land is responsible for the maintenance and repair of the whole of the vehicular access.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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**ASSOCIATED REPORT****1. BACKGROUND**

The site has is currently used as “Tyrepower” service centre and independent service station. The buildings associated with the business were first approved by Council under B-1955/4092, with various additions approved in 1959, 1961, 1965 and 1986.

**2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned Local Business under the Scheme.
- 2.2.** The proposal is a discretionary use and also does not meet the Acceptable Solutions under the Scheme.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Local Business Zone;
- Section E2.0 – Potentially Contaminated Land Code;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section 17.0 – Signs Code.

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

**3. PROPOSAL IN DETAIL**

**3.1. The Site**

The site is comprised of 2 lots with a combined total area of 1519m<sup>2</sup> and frontage to both Beach Road and the East Derwent Highway. The land slopes down gradually to the south, does not support any significant vegetation or landscaping. Residential development adjoins the site to the north-west and the Orana House bed and breakfast facility adjoins the site to the south-west.

As noted, the site is presently in use as a service centre and independent service station, with hardstand car parking between the building and both Beach Road and the East Derwent Highway. There are 3 vehicular access points to the site at present, 1 from Beach Road and 2 from the East Derwent Highway.

### **3.2. The Proposal**

The proposal is for the development of a grocery and convenience store on the site. The proposed store would have an area of 488m<sup>2</sup>, would be 5.6m above natural ground level at its highest point and would be clad using a combination of timber screening, stone, Colorbond (in “Hill Street” blue) and glazing for the entry area.

The development would include the demolition of the existing service station and removal of the underground storage tanks, bowzers and all associated infrastructure, and site remediation (to the standard required by the Environment Protection Authority) for the required commercial use. Adhesion of the 2 lots is also proposed.

The new building would be located in approximately the same location of the service station, on the north-western part of the site. A rear loading dock is proposed with a 3m high acoustic wall on the south-western (side) boundary, and site landscaping is proposed as illustrated by the attachments. The development would include the provision of 21 car parking spaces within the boundaries of the site and associated manoeuvring areas for vehicles and trucks. Provision of 2 motor bicycle parking spaces is also proposed.

The proposed operating hours of the store are 7.00am to 8.00pm, 7 days a week. The proposed delivery hours are 6.30am to 9.00am, 7 days a week.

Two wall signs advertising the business are also proposed, 1 on the East Derwent Highway elevation and 1 on the Beach Road elevation. The signs would each be 2.6m x 1.5m in area.

The documentation submitted in support of the proposal includes:

- planning report prepared by All Urban Planning;
- existing and proposed plans and elevations prepared by Maria Gigney Architects;

- landscaping plan prepared by Maria Gigney Architects;
- contaminated land assessment prepared by Peter Topliss;
- civil design and submission prepared by JSA Engineers;
- traffic impact assessment and supplementary assessment prepared by Midson Traffic; and
- noise assessment prepared by Noise Vibration Consulting.

#### **4. PLANNING ASSESSMENT**

##### **4.1. Determining Applications [Section 8.10]**

*“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*  
*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Local Business Zone and Potentially Contaminated Land, Road and Railway Assets, Parking and Access, Stormwater Management and Signs Codes with the exception of the following.



**Local Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
20.3.1 A1	Hours of operation	<p>Hours of operation of a use within 50m of a residential zone must be within:</p> <p>(a) 7.00am to 9.00pm Mondays to Saturdays inclusive;</p> <p>(b) 9.00am to 5.00pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks.</p>	<p>complies</p> <p>does not comply – operating hours of 7.00am to 8.00pm seven days a week including Sundays.</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 20.3.1 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i>	<p>The subject property is located within an established commercial cluster of development, which has a long history of commercial use. The commercial nature of the subject and adjacent sites, including the former Aproneers site opposite have historically generated commercial activity. Whilst some noise associated with deliveries is possible, the inclusion of a 3.0m high acoustic fence as proposed for the south-western property boundary would mitigate the risk of adverse impact to the properties to the south-west. The number of traffic movements is further estimated at 4 deliveries per day, which (given the scale of the development) is relatively low.</p> <p>The site is adjacent an arterial road with relatively high ambient noise levels generated by traffic movements. The amenity expectation associated with the proposed use and development is therefore not likely to be as high as other locations. On this basis, it is considered that this performance criterion is satisfactorily addressed.</p>

**Local Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
20.3.4 A1	Commercial vehicle movements	Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50m of a residential zone must be within the hours of:  (a) 7.00am to 5.00pm Mondays to Fridays inclusive;  (b) 9.00am to 5.00pm Saturdays;  (c) 10.00am to 12 noon Sundays and public holidays.	does not comply – proposed delivery hours of 6.30am to 9.00am daily

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 20.3.4 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</i></p> <p><i>(a) the time and duration of commercial vehicle movements;</i></p>	<p>A noise assessment was submitted in support of this application, which analyses the likely noise generation associated with the delivery movements to and from the site.</p> <p>The timing and duration of movements has been considered by the assessment, and makes conclusions that the relevant criteria can be met by a series of recommendations, including minimisation of turning and reversing movements.</p> <p>A condition requiring that the development be undertaken in accordance with the recommendations of this assessment has been included, to ensure compliance with this clause and to limit any impact.</p>
<p><i>(b) the number and frequency of commercial vehicle movements;</i></p>	<p>The applicant submits that there would be a total of 4 delivery movements between 6.30am and 9.00am. It is considered that the proposed acoustic wall and ambient noise levels would limit the impact upon residential amenity.</p>

<i>(c) the size of commercial vehicles involved;</i>	The nature of vehicles to be used for deliveries is identified by the noise assessment, and appropriate noise management measures (including an acoustic fence) are to be in place to manage noise.
<i>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</i>	Reversing warning noise is considered in detail by the noise assessment, and it is recommended that no reversing movements be used prior to 7.00am. As noted, a condition has been included above requiring that the recommendations of the assessment be adhered to by the development.
<i>(e) noise reducing structures between vehicle movement areas and dwellings;</i>	An acoustic fence of 3.0m in height is proposed for the south-western boundary in order to minimise conflict arising from noise.
<i>(f) the level of traffic on the road;</i>	The proposed management measures identified by the noise assessment are considered sufficient to manage impacts associated with traffic to and from the site.
<i>(g) the potential for conflicts with other traffic”.</i>	

**Local Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
20.4.2 A1	Setback	<p>Building setback from frontage must be parallel to the frontage and must be no more than:</p> <ul style="list-style-type: none"> <li>• 9m to a State road.</li> <li>• 4.5m to any other road</li> </ul>	<p>complies</p> <p>does not comply – proposed setback of 25.8m to Beach Road, in excess of the maximum setback of 4.5m</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 20.4.2 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Building setback from frontage must satisfy all of the following:</i></p> <p><i>(a) be consistent with any Desired Future Character Statements provided for the area;</i></p>	not applicable

<i>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</i>	The proposed building would maintain the same setback as the existing service station building, and a similar car parking configuration and hardstand area.
<i>(c) enhance the characteristics of the site, adjoining lots and the streetscape;</i>	The proposal would provide for an improvement in the appearance of the streetscape at this point on the East Derwent Highway, in that it would provide for landscaping of the site and would use materials and finishes of a more modern style and presentation to Beach Road, thus having a positive impact upon the streetscape.
<i>(d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;</i>	The proposal would be consistent with the existing building setback to Beach Road.
<i>(e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance”.</i>	The proposal would not create concealed or entrapment spaces by the setback distance to Beach Road. The setback area would be used for parking and associated manoeuvring areas, thus enabling passive surveillance.

**Local Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
20.4.2 A2	Setback	Building setback from a residential zone must be no less than:  (a) 3m; (b) half the height of the wall,  whichever is the greater.	does not comply - to north-west and south-west a 0m setback is proposed

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 20.4.2 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</i></p> <p><i>(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p>	<p>The proposal plans clearly illustrate the height of the proposed building in comparison to the existing service station building, in that the new building would be 5.6m at its highest point above natural ground level, and compliant with the acceptable solutions for height at Clause 20.4.1 A1 and A2. The proposed building would be 700mm lower than the building it will replace.</p>
<p><i>(b) overlooking and loss of privacy;</i></p>	<p>The adjacent dwelling at 155 East Derwent Highway and bed and breakfast at 20 Lowelly Road are both oriented to the south-west towards the river and mountain, meaning that neither overlooking nor loss of privacy would occur. Similarly, there are no windows or openings oriented towards either property that would compromise privacy.</p>
<p><i>(c) visual impact when viewed from adjoining lots, taking into account aspect and slope”.</i></p>	<p>The visual impact of the proposal would be low, given the low profile design of the proposed building which is comparable to fence height from the neighbouring properties.</p>

### **Local Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
20.4.3 A1	Design	<p>Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p>	complies

		(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;	does not comply – the proposal would have a total of 6.2% of window and door openings at ground floor level
		(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;	complies
		(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;	complies
		(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;	complies
		(f) provide awnings over the public footpath if existing on the site or on adjoining lots;	not applicable
		(g) not include security shutters over windows or doors with a frontage to a street or public place.	complies

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 20.4.3 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Building design must enhance the streetscape by satisfying all of the following:</i></p> <p><i>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</i></p>	<p>The proposed pedestrian access would present to both the East Derwent Highway and Beach Road footpaths, as required.</p>
<p><i>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</i></p>	<p>Windows are proposed in a manner that would provide for and enhance the streetscape, and provide good passive surveillance. The use of the glazed entry and screening on the Beach Road façade would ensure appropriate surveillance of public spaces.</p>
<p><i>(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</i></p>	<p>The elevations of the proposed building have been designed in a manner consistent with other Hill Street developments, which feature battened screens, feature entry areas and integrated signage. It is considered that this style would be a significant improvement to the streetscape beyond that existing.</p>
<p><i>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</i></p>	<p>The proposed mechanical plan will incorporate battened screens, feature entry and integrated signage panels.</p>
<p><i>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</i></p>	<p>All rooftop infrastructures will be screened as required to minimise any visual impact, as shown by the elevations.</p>
<p><i>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity, or if not possible due to physical constraints;</i></p>	<p>No awnings are proposed in relation to the public footpath.</p>
<p><i>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</i></p>	<p>No shutters are proposed as part of the development.</p>

<i>(h) be consistent with any Desired Future Character Statements provided for the area”.</i>	not applicable
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**Local Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
20.4.4 A1	Passive surveillance	<p>Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade, which amount to no less than 40% of the surface area of the ground floor level facade ;</p> <p>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a carpark which amount to no less than 30% of the surface area of the ground floor level facade;</p> <p>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p>	<p>complies</p> <p>does not comply – the proposal would have a total of 6.2% of window and door openings at ground floor level</p> <p>complies</p> <p>complies</p>



	(e) provide external lighting to illuminate car parking areas and pathways;	complies
	(f) provide well-lit public access at the ground floor level from any external carpark.	complies

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 20.4.4 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<i>“Building design must provide for passive surveillance of public spaces by satisfying all of the following:</i>	
<i>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</i>	As discussed above, the proposed pedestrian access would present to both the East Derwent Highway and Beach Road footpaths.
<i>(b) locate windows to adequately overlook the street and adjoining public spaces;</i>	Windows are proposed in a manner that would provide for and enhance the streetscape, and provide good passive surveillance.
<i>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</i>	The elevations of the proposed building would enable some visibility into the building, with main access providing best interaction between pedestrians and visitors. Given the nature of the proposed development the proposed window configuration is an appropriate response to the interaction between those inside the building, and those accessing the site and surrounds.
<i>(d) locate external lighting to illuminate any entrainment spaces around the building site;</i>	An appropriate condition has been included in relation to site illumination.
<i>(e) provide external lighting to illuminate car parking areas and pathways;</i>	as above
<i>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;</i>	as above

(g) <i>provide for sight lines to other buildings and public spaces</i> ".	The proposed site layout would enable reasonable and appropriate interaction between buildings and nearby public pedestrian footpaths.
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**Local Business Zone**

Clause	Standard	Acceptable Solution	Proposed
20.4.5 A1	Landscaping	<p>Landscaping along the frontage of a site is not required if all of the following apply:</p> <p>(a) the building extends across the width of the frontage, (except for vehicular access ways);</p> <p>(b) the building has a setback from the frontage of no more than 1m.</p>	<p>does not comply – the building does not extend along the Beach Road frontage and landscaping of this frontage not proposed.</p> <p>complies – East Derwent Highway</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 20.4.5 for the following reasons.

Performance Criterion	Comment
<p><i>"Landscaping must be provided to satisfy all of the following:</i></p> <p>(a) <i>enhance the appearance of the development;</i></p>	<p>A landscaping plan was submitted in support of the proposal which proposes pair of pencil pines, a low planter and public seating on the East Derwent Highway frontage. A corner feature is proposed in addition to this.</p> <p>It is considered that this landscaping would be both an improvement from the existing situation, and would assist in the minimisation of the visual impact of the proposal from the 2 nearest roads.</p>
<p>(b) <i>provide a range of plant height and forms to create diversity, interest and amenity;</i></p>	<p>The landscaping proposed would incorporate a range of heights and styles, and would complement the adjacent landscaping at the boundary with 155 East Derwent Highway.</p>
<p>(c) <i>not create concealed entrapment spaces;</i></p>	<p>The proposed landscaping would not create any entrapment spaces.</p>
<p>(d) <i>be consistent with any Desired Future Character Statements provided for the area</i>".</p>	<p>not applicable</p>

**Potentially Contaminated Land Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E2.5 A1	Use Standards	<p>The Director, or a person approved by the Director for the purpose of this Code:</p> <p>(a) certifies that the land is suitable for the intended use; or</p> <p>(b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.</p>	does not comply – neither the certification of the Director nor an approved site management plan have been provided

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E2.5 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Land is suitable for the intended use, having regard to:</i></p> <p><i>(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or</i></p>	<p>A preliminary assessment of site contamination and remediation planning was submitted in support of the proposal, which concludes that a detailed site decontamination assessment will be required prior to works commencing, in accordance with the relevant requirements of the Environment Protection Authority (EPA). It concludes that it is reasonable to form the opinion that the site will be suitable for the commercial use proposed, and thus meet the requirements of these performance criteria of the Scheme.</p>
<p><i>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</i></p>	
<p><i>(c) a plan to manage contamination and associated risk to human health or the environment that includes:</i></p> <p><i>(i) an environmental site assessment;</i></p> <p><i>(ii) any specific remediation and protection measures required to be implemented before any use commences; and</i></p> <p><i>(iii) a statement that the land is suitable for the intended use”.</i></p>	
	<p>It is further noted that the specific requirements of such a report would allow opportunity to further assess (and possibly remediate) identified residual contamination near to the existing storage tanks and manage risk areas on the site.</p> <p>Appropriate conditions have been included above in respect of site remediation.</p>

**Potentially Contaminated Land Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E2.6.2 A1	Excavation	No acceptable solution.	Excavation proposed both in terms of decontamination of the site and in relation to the proposed site development.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E2.6.2 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Excavation does not adversely impact on health and the environment, having regard to:</i></p> <p><i>(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or</i></p> <p><i>(b) a plan to manage contamination and associated risk to human health and the environment that includes:</i></p> <p><i>(i) an environmental site assessment;</i></p> <p><i>(ii) any specific remediation and protection measures required to be implemented before excavation commences; and</i></p> <p><i>(iii) a statement that the excavation does not adversely impact on human health or the environment”.</i></p>	<p>As discussed above in relation to E2.5. Appropriate conditions have been included relating to site remediation and necessary processes.</p>

**Road and Railway Assets Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E5.5.1 A2	Existing road accesses and junctions	The annual average daily traffic (AADT) of vehicle movements, to and from the site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	does not comply - 592 vehicles per day are anticipated by the submitted Traffic Impact Assessment (TIA), which would be an increase beyond 10 movements per day

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E5.5.1 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<i>“Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use;</i>	The proposal involves exit only from the site onto the East Derwent Highway, and the supporting TIA concludes that the required sight distance is 65m minimum, which is met by the proposal. On this basis it is submitted that the relevant Australian Standard is met, and this part of the criterion satisfied.
<i>(b) the nature of the traffic generated by the use;</i>	The proposed layout restricts egress from the site to left turn only onto the East Derwent Highway, and Council Engineers are satisfied that the signalised intersection immediately to the north of the site would assist in reducing traffic speeds in the vicinity of the site. This would ensure that traffic exiting the site would not compromise flows on the East Derwent Highway.
<i>(c) the nature of the road;</i>	The East Derwent Highway is a divided carriageway at the access to the site, meaning that left-out movements only would be permitted. Beach Road provides alternative site access and egress, which is a low speed traffic environment capable of accommodating anticipated traffic movements.

<i>(d) the speed limit and traffic flow of the road;</i>	The previous use of the subject property has historically utilised dual access points onto the East Derwent Highway, and the proposed development would reduce the number of access points onto the highway by one. This has clear road safety benefits.
<i>(e) any alternative access to a road;</i>	Council's Engineers are satisfied that the submitted TIA satisfactorily addresses the proposed access arrangements and parking configuration, and supports the reduction in the number of access points to the highway.
<i>(f) the need for the use;</i>	The proposed use is permitted within the zone, and would provide for a new shopping opportunity within the subject area.
<i>(g) any traffic impact assessment; and</i>	The submission and application is supported by detailed consideration articulated by a TIA as required, the findings of which are to the satisfaction of Council's Asset Management Group.
<i>(h) any written advice received from the road authority".</i>	<p>The Department of State Growth has provided landowner consent to the development with the following consents to be obtained prior to undertaking the works:</p> <ul style="list-style-type: none"> <li>• the consent of the Minister under Section 16 of the Roads and Jetties Act 1935 to undertake works within the State road reservation;</li> <li>• prior to use commencing on-site, a pedestrian fence with a minimum length of 60m is to be erected along the median of East Derwent Hwy, to the extent and requirements of the Department State Growth, from the intersection of Gordons Hill Road and the East Derwent Highway, to the south-east of the site.</li> </ul> <p>That advice be provided on any permit that:</p> <ul style="list-style-type: none"> <li>• on sealed roads all new accesses must be sealed from the road to the property boundary; and</li> <li>• pursuant to Section 16AA of the Roads and Jetties Act 1935, where a vehicle access has been constructed from land to a State highway or subsidiary road, the owner of that land is responsible for the maintenance and repair of the whole of the vehicular access.</li> </ul>

	Appropriate conditions and advice reflecting these requirements have been included above.
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**Parking and Access Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E6.6.1 A1	Number of car parking spaces	<p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<p>does not comply – 25 car parking required and 21 proposed</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E6.6.1 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i></p> <p><i>(a) car parking demand;</i></p>	<p>The supporting documentation in relation to this application submits that the operational requirements of other Hill Street sites within Greater Hobart would be met by the proposed development, in that they are “representative of actual parking demands for the development”.</p>
<p><i>(b) the availability of on-street and public car parking in the locality;</i></p>	<p>Limited on-street parking is available in Beach Road and adjacent the East Derwent Highway, within proximity of the site. In addition, Council resolved at its Meeting of 27 February 2017 to purchase a parcel of land on the opposite side of the highway at 138 East Derwent Highway from the Crown for the purposes of developing a public carpark. The concept design for the proposed carpark at 18 East Derwent Highway would provide 16 spaces and would formalise and maximise the area already used for informal public parking for nearby commercial land use.</p>

(c) <i>the availability and frequency of public transport within a 400m walking distance of the site;</i>	The East Derwent Highway is serviced by a regular bus service, operated by Metro Tasmania – with limited walking distance only from the nearest stops to the proposed main shop entry.
(d) <i>the availability and likely use of other modes of transport;</i>	The subject property is located within an established residential catchment, meaning that many customers would walk and bicycle to and from the site.
(e) <i>the availability and suitability of alternative arrangements for car parking provision;</i>	The proposed development would not directly share parking spaces in relation to adjacent or nearby uses.
(f) <i>any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i>	That said, the proposed public parking area at 138 East Derwent Highway would be occupied by a range of customers of the existing (and proposed) businesses in the vicinity of the subject site. In conjunction with the construction of the discussed carpark at 138 East Derwent Highway, the DSG has advised that a fence would be required prior to the commencement of use, to ensure that customers are crossing the highway at the signalised intersection at the northernmost corner of the site. The DSG advises that the fence would be a pool-type fence with a height of between 1.2m and 1.6m, and would be in the order of 60m in length to join the existing barrier to the south-east of the site. This would ensure that the parking area to be provided at 138 East Derwent Highway would be a suitable alternative arrangement, as required by the Scheme.
(g) <i>any car parking deficiency or surplus associated with the existing use of the land;</i>	not applicable
(h) <i>any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i>	not applicable



(i) <i>the appropriateness of a financial contribution in-lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	<p>The applicant has submitted that it is appropriate and proposed a cash contribution to be made in-lieu of the shortfall of 4 car parking spaces, as a contribution to the construction of the proposed public carpark at 138 East Derwent Highway. As noted above, Council resolved on 27 February 2017 to accept a transfer of land at 138 East Derwent Highway on the basis that a 16 space public carpark be constructed by Council.</p> <p>The Code requires that for the Lindisfarne commercial area that a cash contribution of \$8,000 per space be provided where a parking shortfall exists. It is acknowledged that the site is not within the identified Lindisfarne commercial area, but the figure is a relevant guide to the parking for this area also. As such, an appropriate condition has therefore been included requiring a cash payment of \$32,000 on the basis of the shortfall of 4 spaces.</p>
(j) <i>any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	not applicable
(k) <i>any relevant parking plan for the area adopted by Council;</i>	not applicable
(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	not applicable

**Parking and Access Code**

Clause	Standard	Acceptable Solution	Proposed
E6.7.8 A1	Landscaping of parking areas	Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the carpark, except in the Central Business Zone where no landscaping is required.	does not comply - less than 1% of the total parking area would be landscaped

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E6.7.8 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Landscaping of parking and circulation areas accommodating more than 5 cars must satisfy all of the following:</i></p> <p><i>(a) relieve the visual impact on the streetscape of large expanses of hard surfaces;</i></p>	<p>The carpark proposed does not represent a large expanse of hard surface, and the proposed landscaping as illustrated by the landscaping plan in the attachments would include a feature tree adjacent the intersection of Beach Road and the East Derwent Highway, and 3 separate garden beds to include pairs of pencil pines. It is considered that these landscaped features would sufficiently mitigate any visual impact of the proposed carpark as required.</p>
<p><i>(b) soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape;</i></p>	<p>The landscaping as proposed would be a substantial improvement to the appearance of the site (with no landscaping) and would minimise visual impact of the parking areas and it is considered will appropriately reduce impact when viewed from neighbouring properties and the streetscape.</p>
<p><i>(c) reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings”.</i></p>	<p>The proposed landscaping would be adjacent both relevant road reserves, and would assist in maintenance of passive surveillance opportunities by limiting creation of entrapment spaces on the site, as a result of its sparse design.</p>

### **Stormwater Management Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E7.7.1 A2	Stormwater drainage and disposal	<p>A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600m<sup>2</sup>;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	<p>does not comply - the replacement of all parking areas and the proposed building would result in a new impervious area with nearly the total site area of 1519m<sup>2</sup>, with the exception of the landscaped areas</p>

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E7.7.1 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<i>“A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so”.</i>	The proposed stormwater system would be designed in accordance with the relevant requirements, as required by the engineering conditions of approval included above.

### **Signs Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E17.7.1 A1	Standards for signs	A sign must comply with the standards listed in Table E17.2 and be a permitted sign in Table E17.3.	does not comply – wall signage area of 3.9m <sup>2</sup>

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E17.7.1 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<i>“A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</i> (a) <i>be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;</i>	The proposed wall signage would be developed as a part of the north-eastern and south-eastern elevations of the building, and would thus be integrated into each elevation and not dominate either the building or streetscape. The signage would be of the blue colour associated with the Hill Street brand.
(b) <i>be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</i>	The proposed signs would each have an area of 3.9m <sup>2</sup> , on facades in excess of 29m and 17m respectively. On that basis it is considered that neither sign would dominate the streetscape or proposed premises.
(c) <i>be constructed of materials which are able to be maintained in a satisfactory manner at all times;</i>	The proposed signage would be constructed using blue coloured sheet panel in “Hill Street” blue, with white text. An appropriate condition regarding sign maintenance has been included above.

<i>(d) not result in loss of amenity to neighbouring properties;</i>	The proposed signage would be consistent with the scale and design of the proposed building, and with existing signage in the vicinity of the site meaning that a loss of residential amenity would not occur.
<i>(e) not involve the repetition of messages or information on the same street frontage;</i>	Two wall signs only (on different elevations) are proposed. There would therefore not be unreasonable repetition of the business name on the same frontage.
<i>(f) not contribute to or exacerbate visual clutter;</i>	The 2 walls are the only signs proposed as part of the development, which is a reduction in the number of signs on-site at present. Visual clutter would therefore not occur as a result.
<i>(g) not cause a safety hazard”.</i>	The proposed signs would be constructed as part of the building walls and would therefore not cause any form of safety hazard.

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements on 2 occasions. The proposal was first advertised in November 2016 and 4 representations were received in response, including 1 from the Department of State Growth (DSG).

The proposal was then substantially modified and advertised for a second time in October 2017 and 3 representations were received in response to the amended proposal. The issues raised by all representations are summarised as follows.

### **5.1. Traffic**

Concern was raised that the proposal will result in traffic congestion in Beach Street and on East Derwent Highway due to the location of the proposed entry and exit point being in proximity to the traffic lights on East Derwent Highway. The representors were also concerned about the traffic compromising Beach Road via the access/exit point, and increased traffic being directed down towards Simmons Park, which may increase the risk of danger to children using the playground and therefore be detrimental to the usability of the playground.

- **Comment**

As has been discussed previously in Section 4.2 of the report, above, the location of the proposed access points onto Beach Road and the East Derwent Highway have been assessed by both Council's Engineers and the Department of State Growth. It is considered that the proposed single access/exit point onto Beach Road would provide for safe and efficient access to the proposed development. Crash data provided as part of the TIA concludes that there is no recorded crash history in the vicinity of the Beach Road/East Derwent Highway intersection, and that no crashes involved vehicles emerging from adjacent property accesses.

The Department of State Growth has assessed the development in relation to the location of the access/exit point onto the East Derwent Highway and support the application, with landowner consent for the access works being provided as part of the amended application documentation.

## **5.2. Loading and Unloading of Vehicles**

Concern was raised that if there was more than one service truck entering the loading this may lead to trucks having to wait in Beach Road and causing congestion around the corner into the Highway.

- **Comment**

The loading bay is located 25m from the boundary of the site with Beach Road and Council's Engineers are satisfied with the findings of the TIA, in that there is adequate room on the site for more than one truck to enter the site without having to wait for access in Beach Road.

## **5.3. Reduction in Speed Limit**

Concern was raised that the TIA submitted suggests a reduction in speed limit on the East Derwent Highway in the vicinity of the site, from 70km/h to 60km/h.

- **Comment**

The TIA submitted concludes that the proposed access points meet the prescribed safe intersection sight distance requirements, for the design speed of the East Derwent Highway. A reduction in speed limit is not related to or required by the proposed development, in order to meet the safe intersection sight distances. This is therefore not a relevant consideration under the Scheme.

#### **5.4. Design of Carpark**

Concern was raised that the design of the proposed carpark is inadequate for the proposed use, both in relation to the lack of internal circulation and the gradient of the accessible parking space. Specific concerns are that if a driver is unable to find a park, then they must exit onto the East Derwent Highway and potentially cross 2 lanes of traffic to access a possible carpark at 138 East Derwent Highway and that this poses a safety risk.

- **Comment**

The detailed design of the carpark must comply with the relevant requirements of Australian Standard AS2890.1, which would be required as part of the detailed engineering designs for the proposed development. This would address the gradient of the accessible parking space, which is raised as a concern.

Circulation has not been provided within the proposed carpark and the impact of which would be detrimental to the business itself. The lack of circulation, however, is considered by Council's Engineers as unlikely to have a detrimental impact upon the efficiency of the adjoining road network.

#### **5.5. Insufficient Parking On-site**

Concern was raised that the shortfall in parking spaces provided as part of the development would result in customers parking along Beach Street which will result in congestion along Beach Street, which will impact on the residents in Beach Street.

- **Comment**

As discussed above, the applicant has submitted that it is appropriate and proposed for a cash contribution to be made in-lieu of the shortfall of 4 car parking spaces, as a contribution to the construction of the proposed public carpark at 138 East Derwent Highway. This is within close proximity of the development, and on this basis is considered a reasonable and appropriate response to the shortfall. Appropriate conditions have therefore been included.

### **5.6. Pedestrian Safety**

The representations raised concerns that there is a risk associated with the proposed parking layout, vehicles queuing to access the site and potentially compromising pedestrian safety for users of the Beach Road footpath where adjacent the site.

- **Comment**

The proposed development may result in some vehicle and pedestrian interaction, both within the carpark and externally, in relation to both the East Derwent Highway and Beach Road access/egress points. A condition has been required by the DSG that a pedestrian fence be constructed along the median of the East Derwent Highway for a length of 60m where adjacent the site, to ensure that pedestrians use the adjacent signalised intersection for crossing of the highway. The impact has been assessed and Council's Engineers and the DSG are both satisfied that the proposal would not unreasonably affect safety, given the low speed environment at Beach Road and with the inclusion of conditions described above.

### **5.7. Noise**

Concern was raised that the proposal will have a detrimental impact on the amenity of the area from increased noise from the operation of the business, loading/unloading of vehicles and waste removal early in the morning and late at night.

- **Comment**

The proposed delivery hours and the hours of operation have been assessed previously in this report and it is considered that the development meets the requirements of the Scheme provided that the development is undertaken in accordance with the recommendations of the Noise Assessment prepared by Noise Vibration Consulting dated 24 October 2016. It is noted that the site is adjacent the East Derwent Highway and has previously been used as a service station – both factors contributing to moderate to high levels of ambient noise.

### **5.8. Inappropriateness of Location**

Concern was raised that the location of the development in a primarily residential area is not appropriate.

- **Comment**

The subject property is located within an appropriately zoned and established commercial cluster of development, which has a long history of commercial use. The commercial nature of the subject and adjacent sites, including the former Aproneers site opposite have historically generated commercial activity. It is considered the site is appropriate for the development, subject to a number of conditions to limit the number of vehicle accesses from Beach Street and the recommendations of the noise report.

### **5.9. Fence Design**

Concern was raised that the fence height at 2.2m would be inadequate in terms of noise protection for neighbouring properties, specifically in relation to reversing commercial vehicles and refrigerated vehicles, and the close proximity to neighbouring bedrooms.



- **Comment**

The proposed acoustic fence has been designed to satisfy the relevant acceptable noise levels at the adjacent residential boundaries, as articulated by Clause 20.3.2 of the Scheme and the supporting noise assessment. The noise assessment concludes that the relevant performance criteria are met in relation to commercial vehicle movements by the acoustic fence, and proposed operational measures. Conditions relating to hours of trading and compliance of the development with the recommendations of the noise assessment have been included in the recommended conditions, to ensure that the proposed fence and site management measures appropriately address this issue.

#### **5.10. Site Contamination**

Concern was raised regarding the decontamination of the site.

- **Comment**

The issue of decontamination of the site has been discussed prior in this report and a condition is recommended to require a remediation report which will ensure that all fuel infrastructure has been removed and the site is safe for its intended purpose.

### **6. EXTERNAL REFERRALS**

The proposal was referred to TasWater, which has provided a number of conditions to be included on the planning permit if granted.

The proposal was also referred to the Department of State Growth (DSG) which supports the application subject to conditions and advice to be included on the permit.

### **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

The proposal is for the development of a grocery and convenience store at 151 East Derwent Highway, Lindisfarne. The proposal satisfies the relevant requirements of the Scheme and with the inclusion of appropriate conditions is recommended for approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (6)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

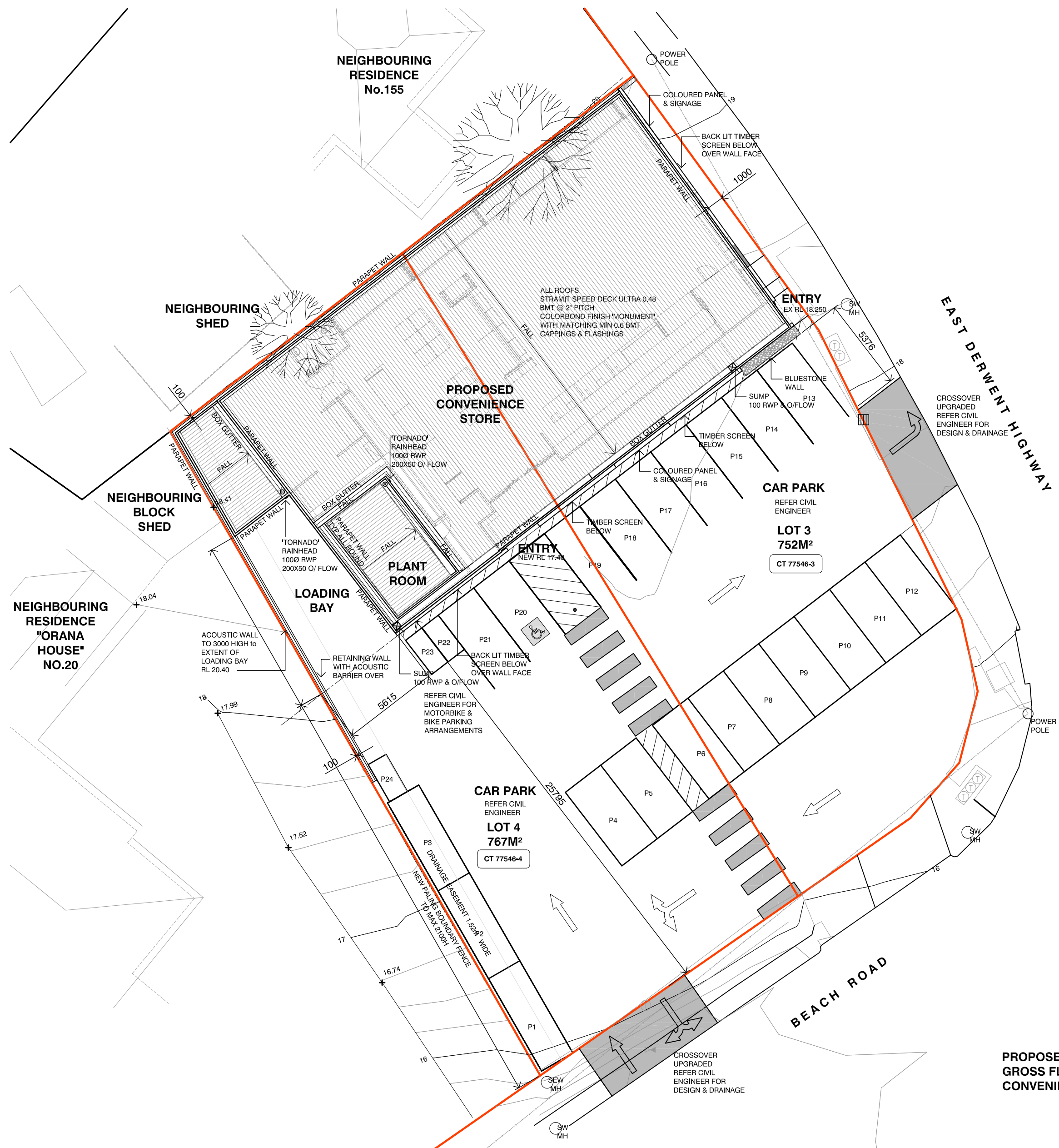
Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

# LOCATION PLAN - 151 EAST DERWENT HIGHWAY



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 4 January 2018 **Scale:** 1:1,224 @A4

## Attachment 2



**PROPOSED  
GROSS FLOOR AREA - M<sup>2</sup>  
CONVENIENCE STORE 488**



MGARCHITECTURE.INTERIORS

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TASMANIA AUSTRALIA 7000

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PROJECT

DEMOLITION & PROPOSED CONVENIENCE STORE  
149-154 EAST DERWENT HIGHWAY  
LINDISFARNE TAS 7015

PROPOSED SITE / ROOF PLAN 1:200 @ A2



27-09-2017  
3.00PM

### DRAWING

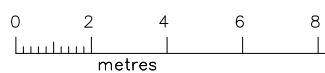
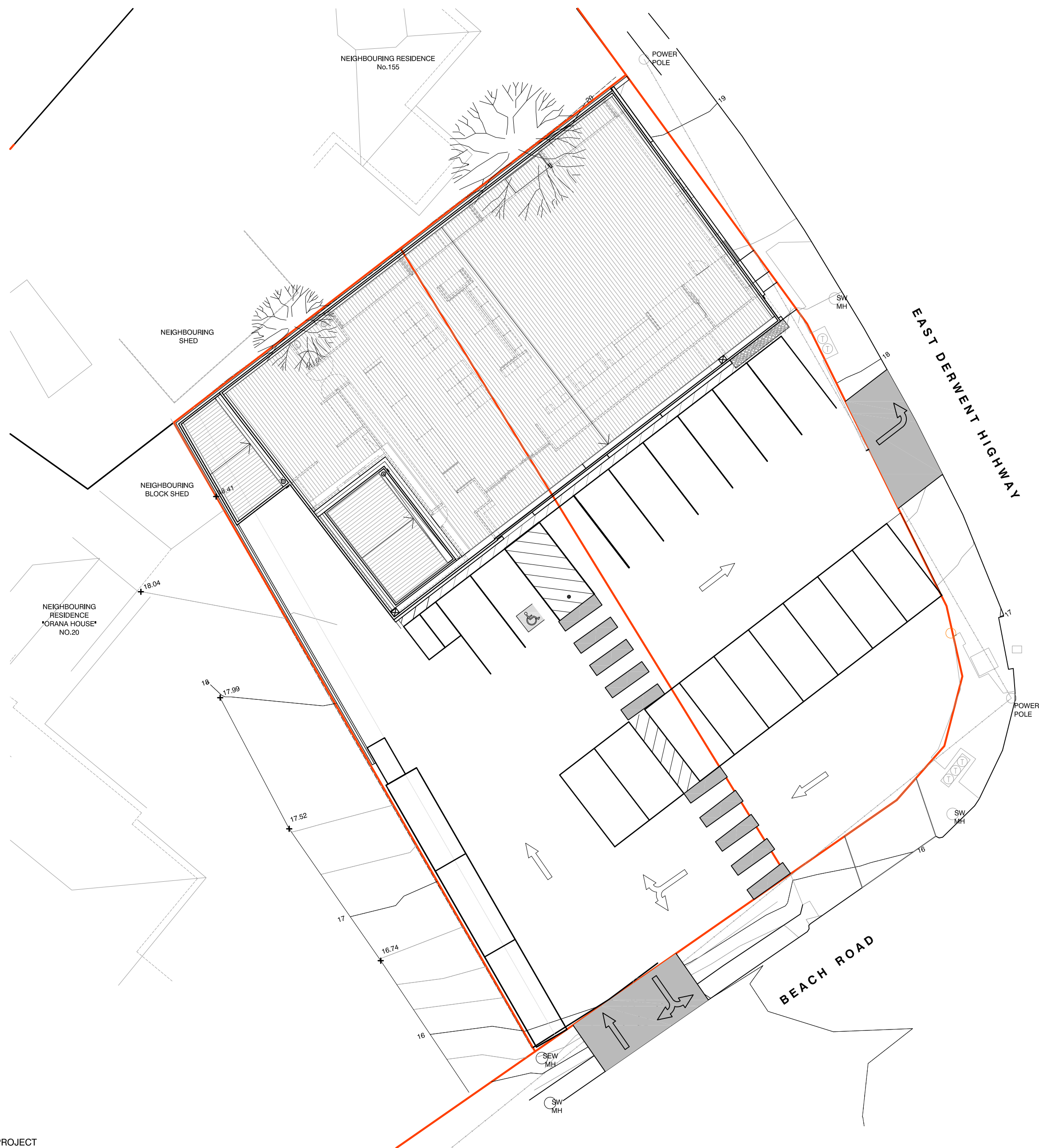
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Agenda Attachments - 151 East Derwent Highway, Linidsfarne - Page 2 of 8

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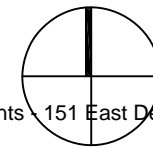
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PROJECT

DEMOLITION & PROPOSED CONVENIENCE STORE  
149-154 EAST DERWENT HIGHWAY  
LINDISFARNE TAS 7015

PROPOSED LANDSCAPING PLAN 1:200 @ A2



27-09-2017  
3.00PM

Agenda Attachments 151 East Derwent Highway, Linidsfame - Page 3 of 3

DRAWING

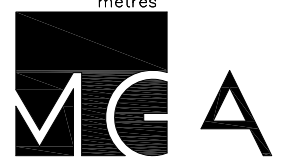
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149-154 EAST DERWENT HIGHWAY  
LINDISFARNE TAS 7015

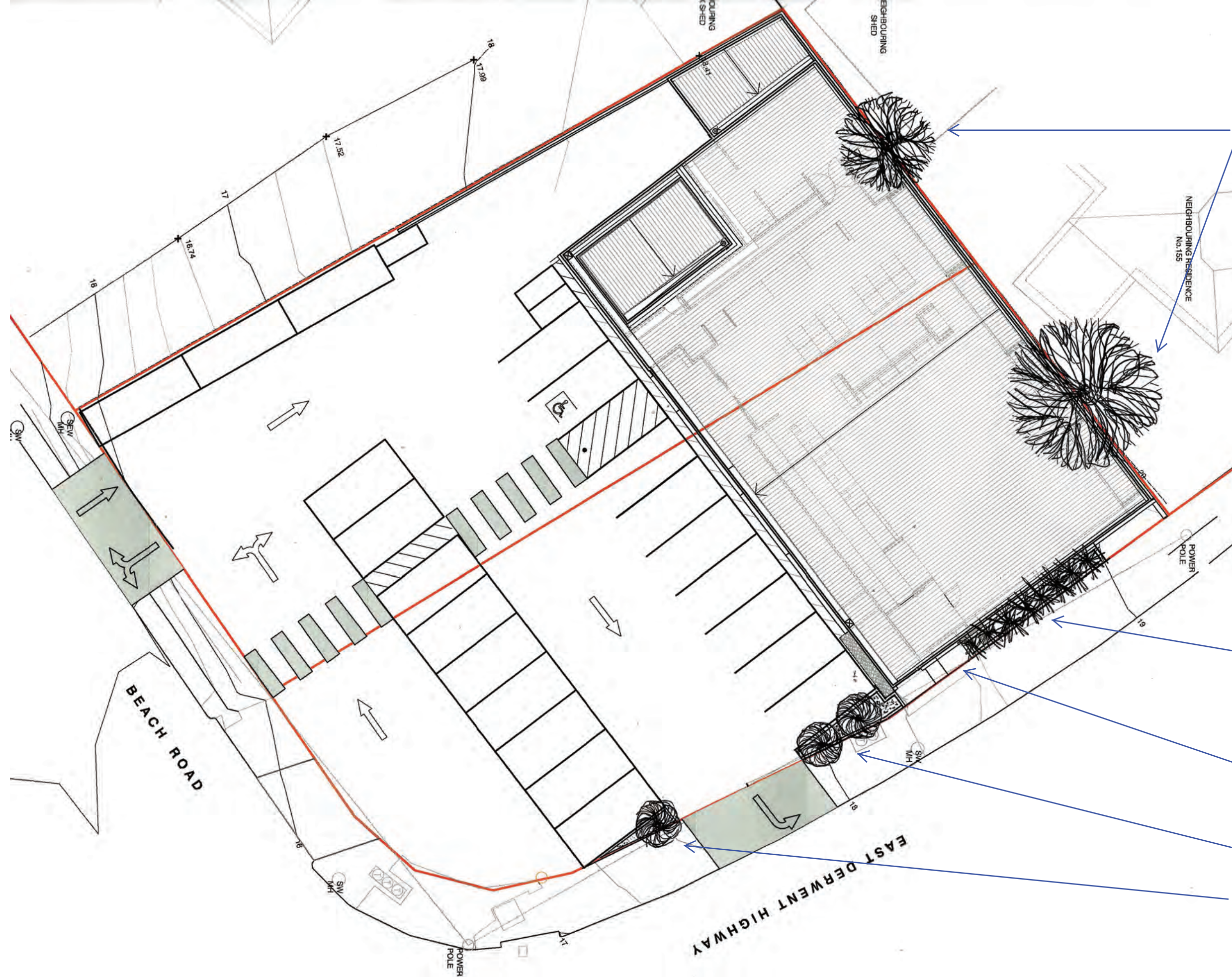
PROPOSED FLOOR PLAN 1:100 @ A2

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Agenda Attachments - 151 East Derwent Highway, Linidfarne - Page 4 of 4



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DEVELOPMENT  
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NOT FOR  
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EXISTING TREES ON NEIGHBOURING PROPERTY

LOW LEVEL HORIZONTAL PLANTER STARTS AT FOOTPATH LEVEL ON NORTHERN END AND EXTENDS ALONG FACADE - PLANTED WITH BOSTON IVY OR SIMILAR TO GROW UP INTO TIMBER SCREEN. INCLUDES IRRIGATION.

PUBLIC SEATING AREA SET INTO BUILDING FACADE

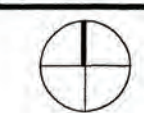
TALL NARROW PENCIL PINES OR SIMILAR GROUPED IN PAIRS EITHER SIDE OF EXIT. PINES SIT IN A BED OF FIXED NATURAL ROCK AND STONE AT LOW LEVEL



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LINDISFARNE TAS 7015

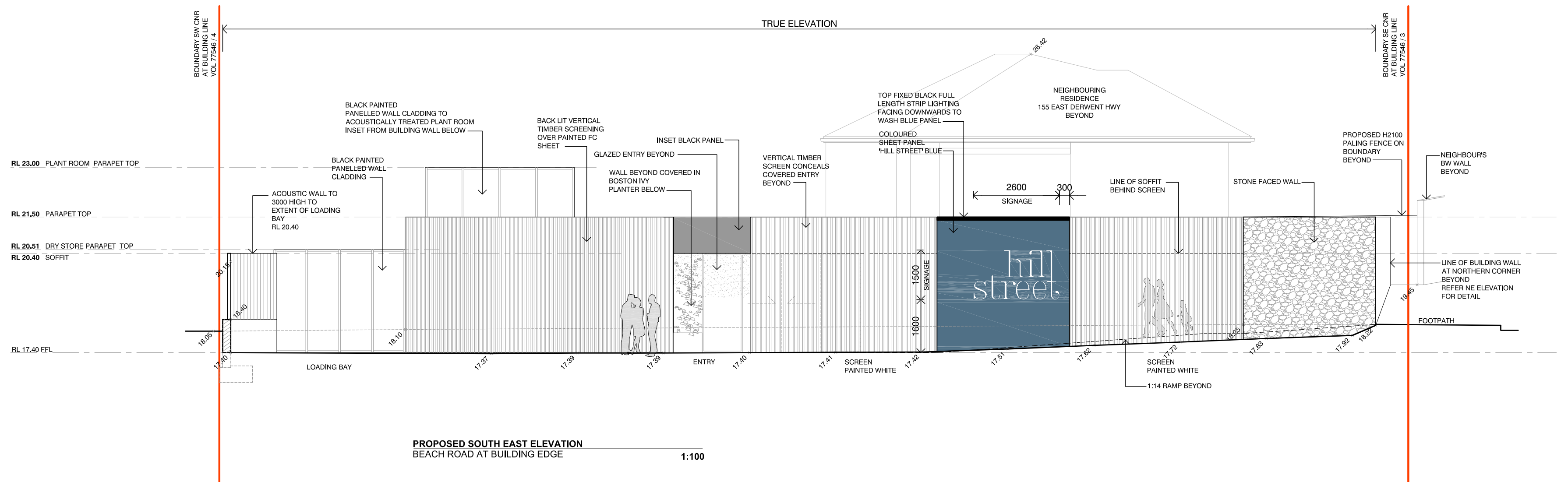
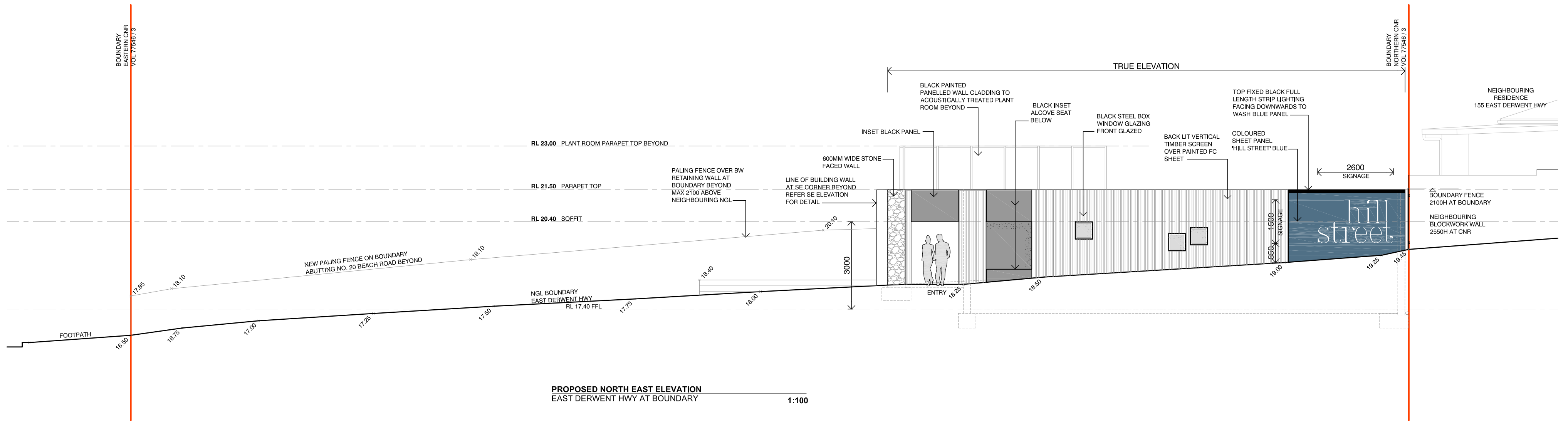
PROPOSED LANDSCAPING PLAN



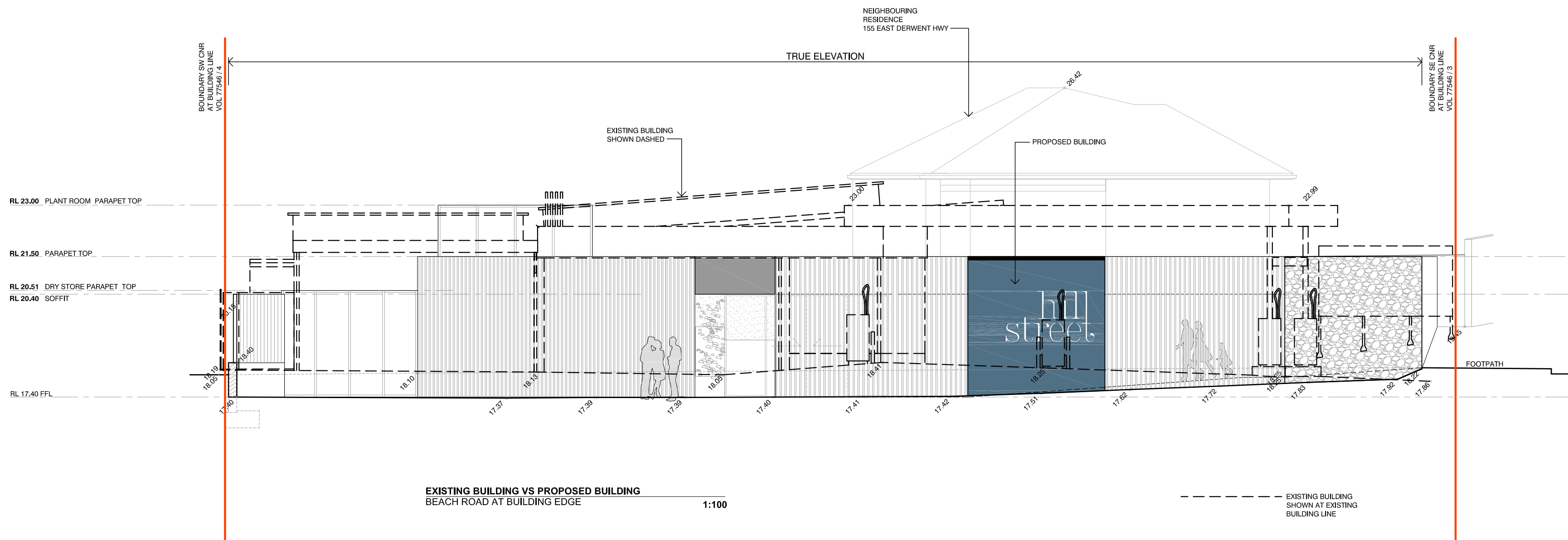
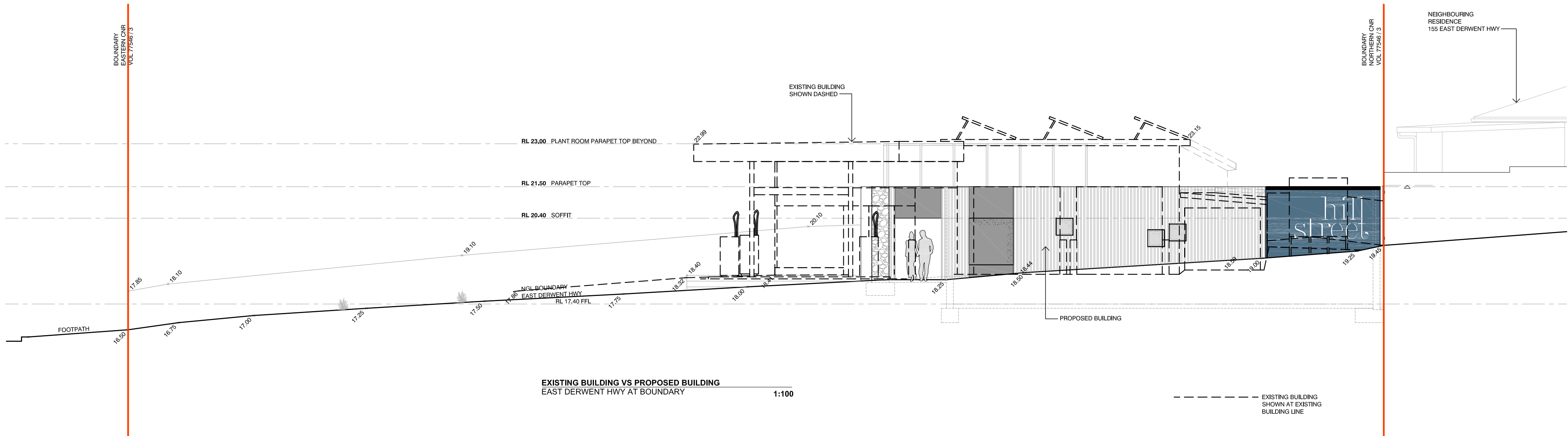
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PROJECT

DEMOLITION & PROPOSED CONVENIENCE STORE  
149-154 EAST DERWENT HIGHWAY  
LINDISFARNE TAS 7015

PROPOSED ELEVATIONS SHOWING EXISTING BUILDINGS TO BE DEMOLISHED 1:100 @ A2

18-10-2016  
11.00AM

DRAWING

DEVELOPMENT  
APPLICATION

NOT FOR  
CONSTRUCTION

## Attachment 3

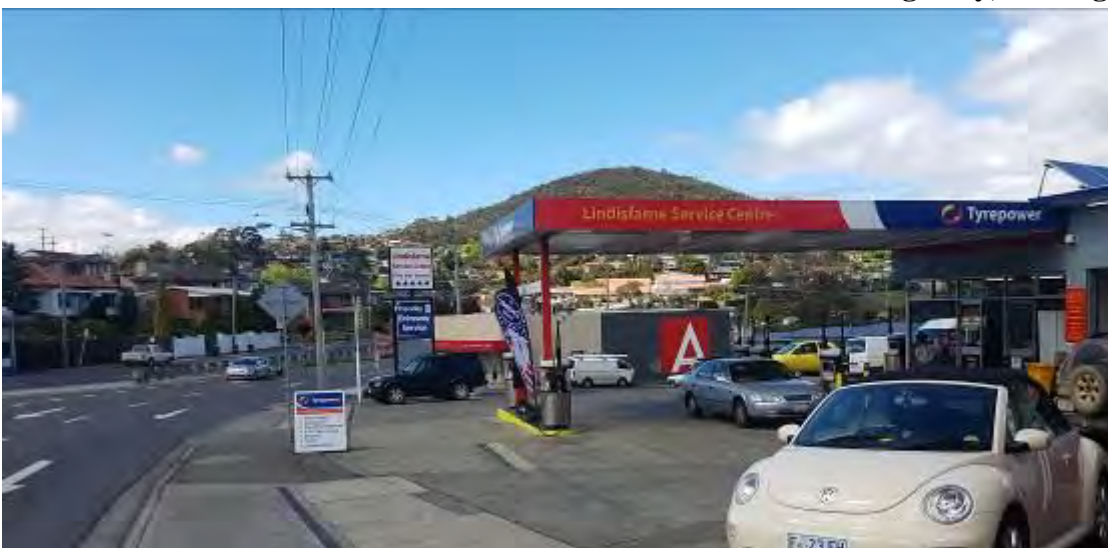
### 151 East Derwent Highway, LINDISFARNE



Site viewed from Beach Road, looking northwest



Site viewed from intersection of Beach Road and East Derwent Highway, looking west



Site viewed from East Derwent Highway, looking southeast

<b>11.4 CUSTOMER SERVICE</b>
------------------------------

Nil Items.

**11.5 ASSET MANAGEMENT**

Nil Items.

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE**

Nil Items.

**12. ALDERMEN'S QUESTION TIME**

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

**12.1 QUESTIONS ON NOTICE**

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil.

**12.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil.

**12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**12.4 QUESTIONS WITHOUT NOTICE**

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

**13. CLOSED MEETING**

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 QUOTATION Q1197-17 – LINDISFARNE OVAL LIGHTING CONSTRUCTION

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

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence.

**Note: The decision to move into Closed Meeting requires an absolute majority of Council.**

**The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.**

**PROCEDURAL MOTION**

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.