

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 23 MAY 2016

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

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 2 May 2016, as circulated, be taken as read and confirmed.

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

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

PURPOSE

Auditor-General Presentation
Draft Recurrent Budget

DATE

9 May

Pindos Park
Bellerive Bluff
Fees and Charges
Draft Cat Management Plan

16 May

RECOMMENDATION:

That Council notes the workshops conducted.

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.

Questions on notice and their answers will be included in the minutes.

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

Nil

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

March Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

September and March Quarterly Reports 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 2, 9 and 16 May 2016 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 2, 9 and 16 May 2016 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – CARELLA/TOORITTYA BUSHLAND RESERVE WALKWAY**
(File No 10-03-12)**EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at Council's Meeting of 2 May 2016, requesting Council support the immediate restoration of the public access walkway through the Carella and Toorittya Bushland Reserve from Oceana Drive to Carella Street.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

Consultation has been undertaken with the local community in regards to Carella, Toorittya and Kunyah Bushland Reserve Activity Plan.

FINANCIAL IMPLICATIONS

Funds are available within the 2015/2016 Annual Plan to construct an access way between Carella Street and Oceana Drive through Carella Bushland Reserve.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That the petitioners be advised that Council will consider the recommendation to construct the steps and walkway through Carella Bushland Reserve linking Carella Street to Oceana Drive as part of the adoption of the Carella and Toorittya Bushland Reserve Activity Plan, which is scheduled for Council's consideration in June or July 2016.

ASSOCIATED REPORT**1. BACKGROUND**

A petition containing 73 signatories was tabled at Council's Meeting held on Monday, 2 May 2016 requesting:

“We, the undersigned local residents ASK and SUPPORT the Clarence City Council in the immediate restoration of the public access walkway through the Carella/Toorritya Bushland Reserve from Oceana Drive to Carella Street which lies between numbers 154 and 156 Carella Street, in the area known as Howrah South.

There was formerly such a public access through the Anulka Bushland Reserve which appears to have been inadvertently blocked when Malwood developed Oceana Drive.

Local residents, from school children to adults and older adults, need the path/walkway to (1) access the closest available bus stops on Oceana, and for (2) public/walking/jogging/recreation access for all peoples of all ages and abilities”.

2. REPORT IN DETAIL

- 2.1.** As part of the 2011/2012 Annual Plan \$30,000 was allocated to construct steps and a walkway between Carella Street and Oceana Drive through Carella Bushland Reserve. Due to the strong objection and advocacy by the adjacent landowner, this project has been carried forward for a number of years.
- 2.2.** As part of a Roads to Recovery project in the early 2000s the missing section of Oceana Drive between Fairisle Terrace and Glamorgan Street was constructed. At the time a steep gravel walkway existed between Carella Street and Oceana Drive through Carella Bushland Reserve. As part of the works associated with the project a high paling fence separating the road reserve from the Carella Bushland Reserve was constructed.
- 2.3.** Users found the new walkway difficult to access and as a result Council closed the walkway through Carella Bushland Reserve and reinstated and revegetated the area.
- 2.4.** Over a period of time since, development has occurred and an adjacent landowner has strongly objected to any reinstatement of steps and a walkway between Carella Street to Oceana Drive through Carella Bushland Reserve.

- 2.5.** This current issue has arisen as a result of a new bus stop being located at the Oceana Drive end of Carella Bushland Reserve, which means local users of public transport who previously walked to Tranmere Road to catch public transport now wish to access the closer bus stop on Oceana Drive.
- 2.6.** As part of Council's program of creating/reviewing Reserve Activity Plans for its Bushland Reserves, community consultation has been underway in relation to Carella, Toorritya and Kunyah Bushland Reserves. Letters have been mailed to local residents dated 11 March 2016, with a closing date for feedback of 26 April 2016. The results of the consultation are to be presented to Council for consideration at a future Council Meeting in June or July 2016.
- 2.7.** The Reserve Activity Plan, currently being developed, recommends a walking track connection between Carella Street and Oceana Drive through Carella Bushland Reserve. During the community consultation there is strong support for this walking track. The final Reserve Activity Plan is just weeks away from completion and being presented to Council for consideration.
- 2.8.** With the on-going development of Rokeby Hills and the planned network of tracks and trails throughout the Rokeby Hills this connection has become an important link between Council's premier track networks, the Clarence Foreshore Trail and the Rokeby Hills Skyline Trail.

3. CONSULTATION

3.1. Community Consultation

Consultation has been undertaken with the local community in regards to the Carella, Toorritya and Kunyah Bushland Reserve Activity Plan.

3.2 State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2010/2015 within the Goal Area Social Inclusion contains the following Community Safety and Well-being Strategy to: *"Provide essential infrastructure to support, sustain and enhance community safety and social well-being"*.

4.2. Council's Strategic Plan 2010-2015 under the Goal Area Environment has the following Natural Areas Management Strategy to: *"Develop bush land and coastal management plans"*.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of receipt, which expires at this meeting.

7. FINANCE

Funds are available within the 2015/2016 Annual Plan to construct steps and access between Carella Street and Oceana Drive.

8. ANY OTHER UNIQUE ISSUES

An Agenda Item which recommends the adoption of the Carella, Toorritya and Kunyah Bushland Reserve Activity Plan will be presented to Council sometime in June or early July 2016.

9. CONCLUSION

9.1 Council allocated funds for the construction of steps and access walkway connecting Carella Street and Oceana Drive through Carella Bushland Reserve as part of the 2011/2012 Annual Plan.

9.2 Carella, Toorritya and Kunyah Bushland Reserve Activity Plan community consultation has identified the walkway and steps as a high priority. The Reserve Activity Plan is scheduled to be presented to Council in June or July 2016 for consideration.

9.3 Design of the steps and walkway need to be completed in order to obtain quotations for the work to proceed.

Attachments: Nil.

John Stevens

GROUP MANAGER ASSET MANAGEMENT

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-2016/134 - 2/5 CLARENCE STREET, BELLERIVE - CHANGE OF USE TO BUSINESS AND PROFESSIONAL SERVICES (MEDICAL CENTRE – DENTAL SURGERY)

(File No D-2016/134)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider an application made for a Change of Use to Business and Professional Services (Medical Centre – Dental Surgery) at 2/5 Clarence Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and is subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the Acceptable Solutions relating to on-site car parking provision.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 25 May 2016 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

A. That the Development Application for Change of Use to Business and Professional Services (Medical Centre – Dental Surgery) at 2/5 Clarence Street, Bellerive (CI Ref D-2016/134) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Not more than 1 full time equivalent dental practitioner may receive patients on-site at any one time.
3. Trading hours, including deliveries, must be within the following hours:

Monday - Friday	8.30am to 6.00pm
Saturday	8.30am to 1.00pm
Sunday and Public Holidays	CLOSED

4. The proposed name plate sign must comply with the following:
 - (a) be attached flush to the wall of the building;
 - (b) horizontal dimension no more than 600mm;
 - (c) vertical dimension no more than 400mm;
 - (d) made of brass or similar traditional finish; and
 - (e) total area of name plate no more than 0.5m².
 5. GEN C2 – CASH-IN-LIEU [\$30, 000] [3].
 6. ADVICE – The applicant be advised that a payment plan for the payment of the cash-in-lieu contribution would be considered, on the basis of payment in suitable installations not exceeding 2½ years.
- 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

Planning permit D-2011/73 was granted on 11 November 2011 for a mixed use development comprising 28 residential apartments and 5 commercial tenancies approved for use as either a Shop or Office, following a decision of the Resource Management and Planning Appeal Tribunal (RMPAT) to overturn Council’s earlier refusal. The tenancy, which is the subject of this application, is one of the ground level commercial tenancies known as Unit 2.

Council initially refused to grant planning permit D-2011/73 for several reasons including the lack of on-site parking for vehicles. The application proposed 39 car parking spaces, which was 15 spaces short of the 54 spaces required under Section 8.1 of the Clarence Planning Scheme 2007 (2007 Scheme). Council’s decision was subsequently appealed by the applicant. The decision of RMPAT, dated 23 September 2011 was that a permit be issued for the proposal with a requirement that only 39 car parking spaces be provided. The RMPAT decision made the following comments in relation to the assessment of the car parking requirement that applied at the time which are contextually relevant to the assessment of the application currently before Council:

- “16.the shortfall in proposed car parking spaces is, in the context of this proposal, very modest indeed; in the order of some 15 or so spaces...”

- ...18. *It is clear from that evidence (as well as even the most cursory examination of the surrounding area) that there is an abundance of on-street parking and a very large Council car park (138 spaces) immediately adjacent the development site. In addition, there is a large amount of car parking available in the foreshore area between the Bellerive Yacht Club car park and Rosny College and, further afield, in Eastlands - all of which persuades the Tribunal that there is more than adequate car parking in the area and that any shortfall would be easily accommodated by that available car parking.*
19. *Mr Bickerstaff said, ‘Given the site characteristics, including the availability of high frequency public transport, availability of parking in the adjacent Council car park and on-street, and the mix of commercial and residential land uses which would allow shared use of some spaces...the number of spaces considered adequate to service the residential component of the site is 30. The remaining 9 spaces could be allocated to commercial land uses which is 3 short of the Planning Scheme requirements but considered an appropriate provision in this situation. ‘This view is one which the Tribunal accepts and endorses’.*
21. *Each of the requirements in 8.1.4(h) stands alone. Each alone provides a basis (if satisfied) to relax the scheme requirements. In the Tribunal’s view, given the evidence referred to above, the large amount of parking in the surrounding area, the fact that the proposal is for a multi-use development and thus will generate differing car parking demands at different times of the day, and the stated intention of the Developer to encourage car sharing, a very strong case is made out to exercise the discretion.*
22. *The Tribunal is satisfied that the exercise of the discretion sought is warranted for these reasons”.*

Planning Permit D-2014/126 was also granted by full Council on 28 July 2014 to incorporate a Take-Away Food Shop and Restaurant within the ground level tenancy at 1/5 Clarence Street, Bellerive (known as “Abundance Café”). The approval allows for the use of 45m² of the floor area to be used as a Take-Away Food Shop and Restaurant and for the remainder to be used as a shop. The partial change of use generated a parking shortfall of 2 spaces. The applicant requested that the requirement to provide the additional on-site car parking be waived.

Council resolved to waive the additional on-site parking in accordance with the officer's recommendation which was based on the reasons provided within the previous RMPAT decision. However, there have been significant changes since the Abundance Café approval in relation to the supply of car parking in the area. The details of this are discussed below.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Business under the Scheme.

2.2. The proposal is discretionary because it does not meet the Acceptable Solutions prescribed within the Car Parking and Access Code relating to on-site car parking provision.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Part D – General Business Zone;
- Part E6.0 – Parking and Access 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 consists of Unit 2/5 Clarence Street which is located on the ground level of a mixed use development comprising 28 apartments and 5 commercial tenancies. Unit 2 currently has a planning permit for use as a Shop/Office. Car parking for the existing mixed use development is located at the rear of the existing building. The car park contains 39 car parking spaces.

The surrounding area includes a mixture of residential and commercial developments. On the opposite side of Clarence Street are a number of existing dwellings. The area to the west and south of the site contains a range of commercial uses including shops, offices, restaurants, take-away food shops, gymnasium and an indoor sports venue.

3.2. The Proposal

The proposal is for a Change of Use to Business and Professional Services (Medical Centre – Dental Surgery) within Unit 2/5 Clarence Street, which has an existing approval for a “Shop/Office” under the 2007 Scheme. Whilst the proposed “medical centre” use and the approved “Office” use fall under the same “Business and Professional Services” use class within the Interim Scheme, Clause 8.4.2 of the Scheme states that a change from an individual use to another individual use, whether within the same use class or not, requires a permit.

The full 86m² of available floor area is proposed for conversion to a dental surgery. The dental surgery would employ 1 dental surgeon, a dental assistant and 3 receptionists. Appointments would be based on 30 minute intervals with no high volume short appointments, meaning relatively small numbers of patients. Hours of operation would be 8.30am – 6.00pm Monday to Friday and 8.30am – 1.00pm on Saturdays. No truck deliveries would be required for the use. All waste (including biohazards) would be removed by a licenced contractor. The dental surgery will require the use of 1 suction motor and 1 compressor which would be located within the surgery in a sound proof cabinet to protect above residential tenancies.

Internal alterations required to facilitate the change of use will involve the creation of a waiting room, 2 consultation rooms, a sterilization room and storage/staff room.

The proposal also includes the erection of a name plate (brass plaque with an overall area not exceeding 0.5m²) beside the rear entry (southern elevation) to the premises. The sign satisfies the exemption criteria within the Signs Code.

No additional on-site car parking can be provided on the site and the applicant seeks Council's discretion to waive the 3 additional parking spaces generated by the change of use, along with any requirement for the application of the cash-in-lieu under the Car Parking and Access Code.

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 Business Zone and the Parking and Access Code with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
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><u>Except if:</u></p> <p>(i) <u>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.</u></p>	No additional on-site car parking is proposed for the use. A variation for 3 on-site car parking spaces is requested.

Clause E6.6.1 A1 of the Scheme allows for the on-site car parking requirements of Table E6.1 to be relaxed and consideration reverted to the requirements of a parking plan adopted by Council. Given the site is zoned General Business, the Clarence Interim Car Parking Plan (CICPP) applies to the site.

The CICPP states that the number of car parking spaces provided shall be no more than would have been required for that use under the 2007 Scheme. The parking rate under the 2007 Scheme is outlined in the following table.

Use	Car Parking Space Measure	Rate	Proposed
Consulting Rooms or Health Care	Car spaces to each practitioner	5	No on-site car parking is proposed.

Therefore, the resultant number of spaces required for the proposed use is 5, which in this instance is identical to the requirement generated under the Interim Planning Scheme. In order to determine whether a parking shortfall applies, it is necessary to consider the demand for car parking generated by the previous approved use as a “Shop” and “Office”.

The 2007 Scheme states that the car parking requirement for a “Shop” is 1 space per 35m² while the requirement for an “Office” is 1 space per 45m². The existing use generates a car parking requirement of 2 spaces, which have been allocated. The proposed use generates a car parking requirement of 5 spaces (based on 1 practitioner). Taking into consideration the car parking requirements for the former use, it can be determined that there is a shortfall of 3 spaces for the change of use.

The proposed variation can be supported pursuant to the following Performance Criteria (in consultation with Council's Engineer).

Performance Criterion	Comment
<p><i>"P1 - 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 previous Tribunal decision allowing for a significant car parking shortfall for the mixed-use development found the following with regard to supply of car parking within the immediate Bellerive area:</p> <ul style="list-style-type: none"> • there is ample on-street parking and a very large Council car park accommodating 138 spaces immediately adjacent to the site; • there is a large amount of car parking available in the foreshore area between the Bellerive Yacht Club car park and Rosny College and, further afield, at Eastlands; and • there is high frequency public transport available in the area. <p>The Tribunal decision was issued in 2011 and is now considered outdated and indeed its logic is flawed in terms of its consideration of distant and private car parks. In September 2011, Council adopted the "City of Clarence Strategic Management and Car Parking in Activity Centres: Policy, Strategy and Action Plan 2011-2015 (Car Parking Strategy)".</p> <p>The data sourced to inform the Car Parking Strategy indicates that at the time the overall supply (public and private) of parking was more than adequate for current demand, except for during shopper peaks such as Christmas. From the date, it can be concluded that there was a notional spare capacity across Bellerive and Rosny sufficient to accommodate new demand for many years (15+). However, when the make-up of the existing spare capacity is examined more closely, this conclusion cannot be justified as much of the spare capacity is an accumulation of spare capacity across existing private parking stock (eg Eastlands, Bellerive Yacht Club and Rosny College). The spare capacity provided within these areas was referred to by the Tribunal as contributing to a general oversupply. The Car Parking Strategy indicates that this is a flawed approach as new demand for on-street/public car parking cannot necessarily be absorbed within the capacity of the existing private parking supply.</p>

	<p>Council is also considering a proposal to redevelop the Kangaroo Bay foreshore area which may also result in a net loss of car parking in this area.</p> <p>The Car Parking Strategy suggests that there is an adequate supply of Council public parking within Bellerive/Rosny Park to cater for short-term demand (3-5 years) provided that these areas are appropriately managed. Council's latest parking survey was carried out in early January 2015. The survey found that the off-street car parking adjacent to the subject site has reached 75-78% occupancy with peak hour occupancy at 100%. Council's acceptable service level on a carpark close to a commercial area is generally 85%. All the on-street parking restrictions are 1 hour parking or less, which may not necessarily be suitable for the applicant's business. As such, Council's Traffic Engineer advises that demand for car parking in the locality is at capacity.</p>
<i>(b) the availability of on-street and public car parking in the locality;</i>	As per above.
<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	Whilst the site is generally considered accessible to high frequency public transport and walking and cycling networks, the demand for public car parking in the area is resulting in limited availability. No evidence has been provided by the applicant demonstrating a reduction in car parking demand due to the sharing of car spaces by multiple uses because of variation of car parking demand over time. There is no evidence to support waiving the requirement for on-site car parking in this regard.
<i>(d) the availability and likely use of other modes of transport;</i>	As per above.
<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	No other options are practical.
<i>(f) 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>	Not applicable.
<i>(g) any car parking deficiency or surplus associated with the existing use of the land;</i>	As per above.

(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 Performance Criteria allows Council to consider the appropriateness of a financial contribution in-lieu of parking towards the costs of parking towards the costs of parking facilities where such facilities are planned.</p> <p>Council has previously sought to apply its cash-in-lieu policy over a number of years under the 2007 Scheme. However, this was tested in the case of the residential and commercial tenancies at 3 Clarence Street. Council applied a cash-in-lieu requirement for 8 car parking spaces for a residential and commercial development (D-2013/418) at 14-18 Cambridge Road. In 2012 (D-2012/240) Council also approved an expansion to general practitioners surgery at 48 Cambridge Road with a cash-in-lieu requirement for a deficit of 15 on-site car parking spaces. The proponent appealed Council's decision and the matter was eventually settled through mediation. It was agreed that part of the cash-in-lieu contribution be paid with the balance of spaces provided by private arrangement (details to be submitted to Council annually). Council deviated from previous approaches for the partial change of use to a take-away (D-2014/126) at 5 Clarence Street as the take-away would be incorporated within the overarching use of the tenancy as a shop. This decision from the 2015 survey, was made with regard to the previous RMPAT decision on the site and the parking conclusions made at that time. However, the critical difference now is that the latest car parking data shows significant changes in supply for the area.</p> <p>Given the empirical evidence that the supply of car parking in the local area is at capacity, it is considered appropriate for Council to apply a cash-in-lieu requirement in order to facilitate further public car parking in the future. This issue is further considered under the assessment relating to E6.6.1 A2.</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>	This issue is further considered under the assessment relating to E6.6.1 A2.
(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 (Extract)	Proposed
E6.6.1 A2	Number of Car Parking Spaces	No Acceptable Solution.	Given there is no Acceptable Solution, consideration is automatically required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the following Performance Criteria.

Performance Criterion	Comment
<i>“P2 - Use and Development on land within the Activity Centres specified in Table E6.3 must make a cash-in-lieu payment for any deficient spaces at the rate specified in Table E6.3. Alternative arrangements may be made in accordance with any parking plan adopted by Council”.</i>	<p>The Performance Criteria only allows for alternative car parking arrangements (ie in this case the waiver of the cash-in-lieu payment) as per the requirements stipulated within a Council adopted parking plan. The applicant has requested that the requirement to provide additional car parking and a cash-in-lieu payment for any deficient car parking be waived by Council.</p> <p>The CICPP provides that despite the car parking rate specified for a particular use within Table E6.1 of the Parking and Access Code, the maximum number of car spaces required shall be no more than would have been required for that use under the 2007 Scheme. The 2007 Scheme generates an identical demand for car parking (5 spaces per practitioner) as the Interim Planning Scheme for the proposed use.</p> <p>Given the applicant has not provided any supporting evidence to justify the variation, it is considered appropriate to request a cash-in-lieu payment for the parking deficit at the rate specified in Table E6.3 which amounts to \$10,000 per deficient space totalling \$30,000.</p> <p>This is generally consistent with recent decisions</p>

	in respect of recent developments over a long period of time and is now most appropriate given the recent parking survey data for the Bellerive area. In this case, cash-in-lieu payment can contribute to the Car Parking Reserve to assist in financing the development of car parking facilities in the area. Council has shown its commitment already by its previous redevelopment of the Percy Street carpark.
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5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and no representations were received.

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

8.1. There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8.2. Developer contributions are required to comply with Council's Cash-in-Lieu for Car Parking Policy. The Scheme requires \$10,000 per deficient space for the Bellerive Activity Centre. The applicant has requested this amount to be waived, however, as discussed above, it is considered appropriate for Council to seek cash-in-lieu for the deficit of 3 additional car parking spaces which are generated by the development but which cannot be provided on-site.

9. CONCLUSION

The proposal seeks approval for a Change of Use to Business and Professional Services (Medical Centre – Dental Surgery) at 2/5 Clarence Street, Bellerive. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme including those relating to consideration of the car parking variation.

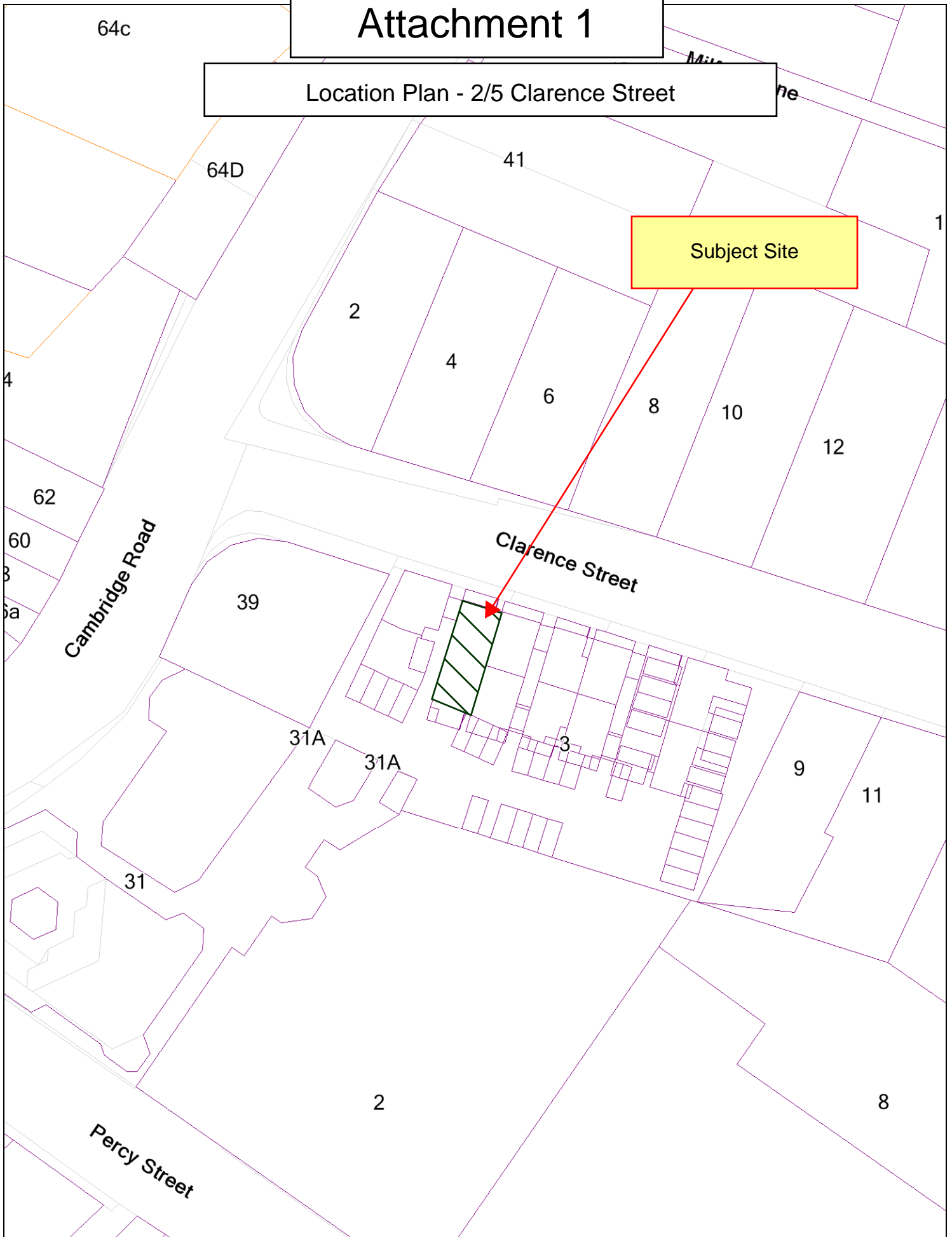
The applicant requests that all deficit parking be waived and consequently no cash-in-lieu parking contribution should be required. For the reasons set out in the report, this is not considered appropriate and accordingly it is recommended that the resulting deficiency of on-site car parking be dealt with by condition imposing a cash-in-lieu payment of \$30,000.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 2/5 Clarence Street



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:** Monday, 9 May 2016 **Scale:** 1:738.1 @A4

Attachment 2

-5-2

Ms Amanda Beyer
Planner
Clarence City Council
38 Bligh St Rosny Park
TAS 7018.

RECEIVED
11 APR 2016
BY: RECON

Dr Catherine Kesby
825 Acton Rd Acton Park
TAS 7170.
cathkes@bigpond.com
0419606948.

Re: Application for Development Suite 2, 5 Clarence St Bellerive TAS 7018.

The Preliminary Planning Assessment for this development listed the address as Suite 2, 3 Clarence St as supplied by Harcourts Property. This was corrected after title check by our solicitor. My sincere apologies for this error. As required a copy of the certificate of title and folio plan are attached.

A full description of the proposed development is a dental surgery with full Australian Dental Association accreditation. It will have an operatory, sterilization bay, stock room, plant room and staff room. Full toilet facilities, including disabled, are already on site.

Proposed operation would be described as follows:

Staff numbers- Dental Surgeon, Dental Assistant and Receptionist (3)

Appointments work on minimum 30 minute intervals meaning usually 2 patients per hour- no high volume short appointments meaning relatively small numbers of people for parking purposes.

Operating hours within usual business times- normally 8.30am-6pm Mon-Fri and 8.30am-1pm Sat.

No truck deliveries required- only courier van for small items.

Waste generation and disposal- as per legal requirements sharps and biohazard are stored in specialized secure containers which are removed by licensed contractors (Veolia). Our suction equipment has amalgam separation device and eco waste company collects as required. No hazardous materials will be released to sewerage system or general rubbish. Small oxygen bottle as part of emergency resuscitation kit only. We will also provide a defibrillator on site.

Plant and equipment (being one suction motor and one compressor) will be located within the surgery in a sound proof cabinet. No noise or vibration will disturb other tenants/residents.

Signage will be minimal (no neon/lights)- propose simple frosted band on glass front for privacy and with sign incorporated as cut-out and small sign/brass plate at rear entry.

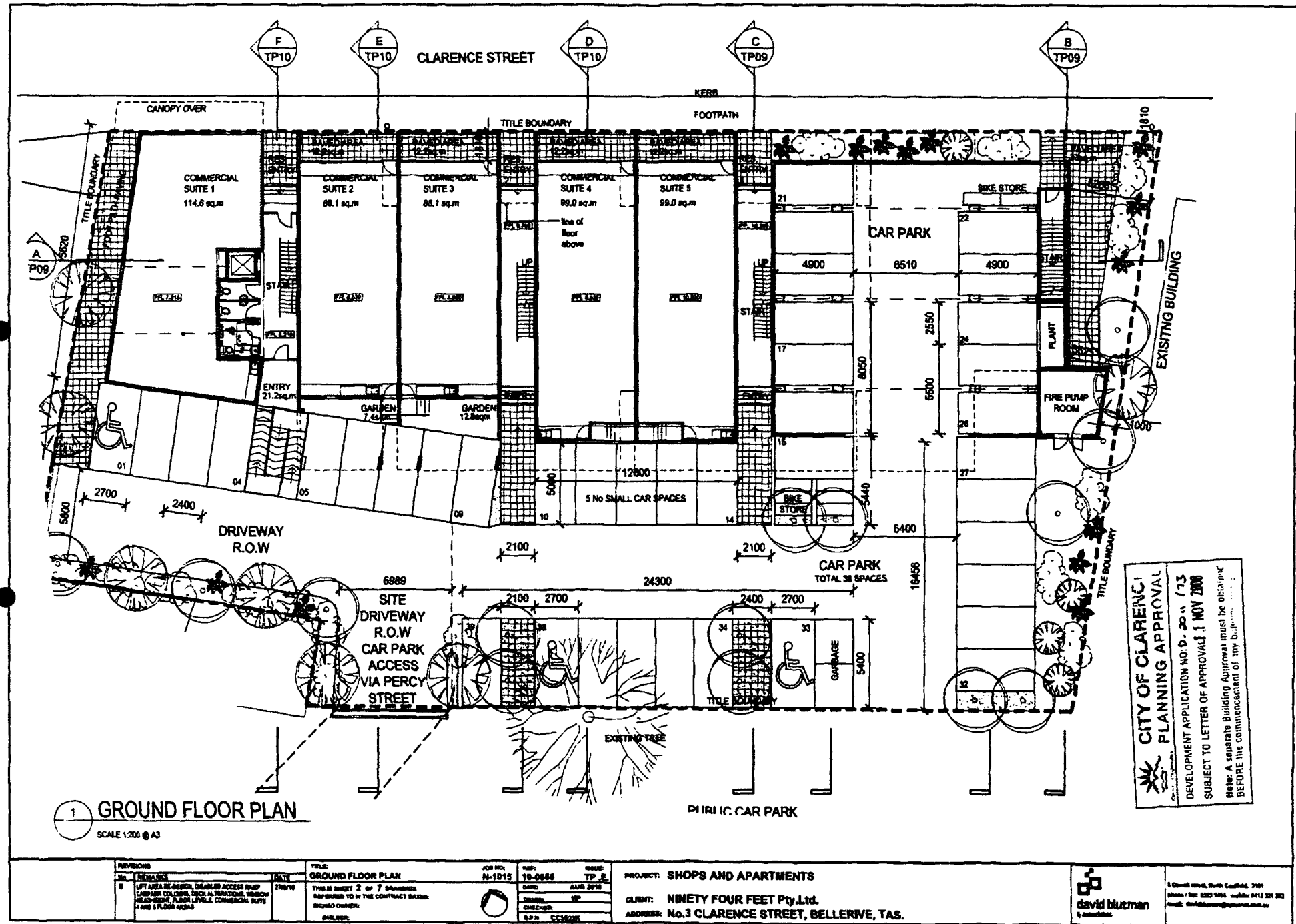
As the premises are leased, a declaration that the owner has been informed is attached.

I will pay fees as required. I would like to apply for some reduction of the fees associated with 3 additional car parking spaces. \$30,000 is a large outlay for a small practice which has low staff levels and relatively low patient volume, averaging two or less per hour. Your consideration in this matter would be greatly appreciated.

Kind regards,

A handwritten signature in black ink, appearing to be 'Dr Catherine KESBY', written in a cursive style.

Dr Catherine KESBY.



Attachment 3

2/5 Clarence Street, BELLERIVE



Site viewed from the entrance to the private car park adjoining the Council owned Percy Street car park.



Site viewed from Clarence Street (Source: Google Earth, 2016)

11.3.2 DEVELOPMENT APPLICATION D-2016/104 - 6 EAST DERWENT HIGHWAY, ROSE BAY - 2 MULTIPLE DWELLINGS (1 EXISTING AND 1 NEW)

(File No D-2016/104)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing and 1 new) at 6 East Derwent Highway, Rose Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the Parking and Access Code and Stormwater Management 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.

Council is required to exercise a discretion within the statutory 42 day period which expires on 31 May 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- overshadowing;
- privacy;
- excessive height; and
- loss of views.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings (1 existing and 1 new) at 6 East Derwent Highway, Rose Bay (CI Ref D-2016/104) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Amended plans showing the following must be submitted to and approved by Council's Manager City Planning prior to the issue of a Building Permit:
 - a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level of the northern elevation of the proposed deck with a uniform transparency of no more than 25%; and

- fixed obscure glazing extending to a height of at least 1.7m above the floor level of the east facing kitchen window associated with the existing dwelling (Unit 1).

When approved, the plans will form part of the permit.

3. GEN C1 – ON-SITE CAR PARKING [5 spaces].
4. ENG A2 – CROSSOVER CHANGE [5.5M].
5. ENG A4 – DSG ACCESS.
6. ENG A5 – SEALED CAR PARKING.
7. ENG S1 – INFRASTRUCTURE REPAIR.
8. ENG M1 – DESIGNS.
9. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 March 2016 (TWDA 2016/00298-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

A planning permit was granted under D-1995/280 for a garage sited upslope from the dwelling towards the rear property boundary.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned General Residential under the Scheme and is not affected by any spatial Codes.
- 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;
 - Part D – General Residential Zone;

- Part E – Parking and Access Code; and
- Part E – 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 an 840m² rectangular configured allotment located on the eastern side of the East Derwent Highway approximately 45m to the north of the Highway overpass linking Cyrus Drive and Yolla Street. The site is accessed via the southbound lane of the East Derwent Highway, which is a Category 3 State controlled road. The site has a gentle west facing slope and is developed with a single storey weatherboard dwelling and outbuilding to the rear. The existing outbuilding is proposed to be demolished in order to facilitate the development. The site is fully serviced.

3.2. The Proposal

The proposal is for the construction of a 2 storey dwelling to the rear of the existing. The dwelling would maintain a 13.8m separation from the existing dwelling and a 4m setback from the rear (eastern) boundary. The existing and proposed dwellings would be separated by the private open space allocated to the existing dwelling, a car parking space and a turning area.

The additional dwelling would have a total floor area of 143m² over 2 levels and would contain a double car garage, rumpus room, laundry and bathroom on the lower level and 2 bedrooms, bathroom and open plan kitchen and dining/living room on the upper level. The construction materials would comprise blockwork walls and timber cladding on the lower level and fibre cement sheeting and timber cladding on the upper level. A low pitched skillion roof following the contour of the land would complete the building.

A 1.5 – 3m wide upper level timber deck is proposed to extend part way along the western elevation of the dwelling and returning the full length of the northern elevation to provide access to the backyard.

Private open space for the existing dwelling would be located directly to the rear and would have an overall area of 60m². The private open space for the proposed dwelling would be located to the rear of this building and would have an overall area of 60m².

A total of 5 car parking spaces would be provided on the site.

A copy of the proposal is included in the attachments.

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 A3	Setbacks to building envelope for all dwellings	<p>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> <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 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>...</p>	<p>The following building envelope encroachments have been identified for the additional dwelling:</p> <p>a) 1.6m roof space encroachment on the northern elevation of the dwelling;</p> <p>b) 1.9m roof space encroachment on the southern elevation of the dwelling; and</p> <p>c) 2.3m roof space and wall encroachment on the eastern (rear) elevation of the dwelling.</p>

The proposed variation can be supported pursuant to the following Performance Criteria.

“P3 - The siting and scale of a dwelling must:

Performance Criterion	Comment
<p>(a) <i>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 encroachment associated with the roof, roof space and eaves on the northern elevation of the additional dwelling would be sited to the south of the adjoining vacant parcel of land to the north therefore would not cause any sunlight loss to habitable rooms as they do not presently exist.</p> <p>The building envelope encroachment associated with the roof, roof space, eaves and walls on the eastern elevation would be located downslope from the adjoining dwelling to the east and would provide a separation distance over 11m therefore would result in minimal sunlight loss.</p> <p>The encroachment associated with the roof, roof space, eaves and wall on the southern elevation of the additional dwelling would abut the existing dwelling located to the south at 4 East Derwent Highway. The encroachment only affects the south-western corner of the dwelling where the greatest vertical separation above natural ground level exists. The dwelling on the adjoining property is sited 2.5m from the boundary with the subject site and is occupies a similar wall length to that of the proposed dwelling. The adjoining dwelling contains 1 bedroom window, 2 living room windows and a sunroom window on the elevation facing the proposed dwelling. One of the living room windows is fairly small in that it would not contribute greatly to the thermal efficiency of the existing dwelling. The remaining living room window would have the potential to be affected by overshadowing from the new dwelling, however, this impact would not be significant on the basis that it the encroachment on the southern elevation is sufficiently minor that there would be negligible discernible impact when compared with a compliant dwelling location. The sunroom windows located on the northern elevation are also sufficiently off-set to the west of the proposed dwelling to maintain access to a reasonable amount of northerly sunlight. The sunroom is also linked to the living area which will assist in maintaining thermal efficiency.</p>

<p><i>(ii) (overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The private open space associated with the adjoining dwelling to the south is located to the south of the existing dwelling on this lot. The private open space is therefore already overshadowed by the dwelling associated with the adjoining lot and the new dwelling would not result in any increased impact. The adjoining property to the east is sufficiently elevated and the adjoining property to the north is located wholly to the north of the proposed dwelling therefore private open space associated with these properties would not be unreasonably affected by sunlight loss incurred by the siting of the new dwelling.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>There would be no potential for overshadowing the adjoining vacant lot located to the north due to the siting of the proposed dwelling entirely to the south of this property.</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 minor encroachment associated with the southern and northern elevations of the dwelling would be unlikely to appear excessively bulky or overbearing when viewed from adjoining properties as the adjoining dwellings are oriented to the west to take advantage of the river/city views. The adjoining property to the east is located upslope from the proposed dwelling with sufficient vertical separation remaining to maintain views over the dwelling to the river /city which is a critical part of ensuring the perception of minimal bulk.</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 adjoining lots to the north and south comprise internal lots which have been subdivided to support single dwellings. The subdivision and built layout within the immediate area is therefore one characterised by rear lot development rising up the hill from the East Derwent Highway. It is therefore characteristic for dwellings to be sited close to rear property boundaries and the proposal would maintain this uniformity by offering a 4m setback from the rear and 2 or so metres from the sides.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and ...	The northern elevation of the upper level deck would have a finished surface level of 1.3 - 2.8m above natural ground level and would be sited 1m from the northern side property boundary. A 1m high obscure glass balustrade is proposed along the northern elevation of the deck which does not satisfy the height requirement within the Acceptable Solution.

The proposed variation can be supported pursuant to the following Performance Criteria.

“P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

Performance Criterion	Comment
<i>(a) a dwelling on an adjoining lot or its private open space; or</i>	The adjoining lot to the north is presently vacant therefore the proposed deck would have no capacity to overlook an existing dwelling or associated private open space.
<i>(b) another dwelling on the same site or its private open space; or</i>	The separation of the proposed deck from the habitable room windows and private open space associated with the existing dwelling would be a minimum of 10m therefore maintaining compliance with the Acceptable Solution.

(c) <i>an adjoining vacant residential lot</i> ”.	The deck would be elevated above the side boundary separating the subject site from the adjoining vacant internal lot to the north. The Performance Criteria requires a deck to be screened or otherwise treated to minimise overlooking of this adjoining vacant lot. Reliance on the boundary fence and a one metre tall transparent balustrade offers the adjoining property with inadequate protection from overlooking. It is therefore considered reasonable to require screening treatment in accordance with the Acceptable Solution for the full length of the northern elevation of the proposed deck in the interests of minimising overlooking and subsequent loss of privacy.
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General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A2	Privacy for all dwellings	A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (a) the window or glazed door: (i) Is to have a setback of at least 3m from a side boundary; and ...	The north facing upper level “living” room window would have a floor level of 2.8m above natural ground level and is sited 2.5m from the northern side property boundary.

The proposed variation can be supported pursuant to the following Performance Criteria.

“P2 - A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

Performance Criterion	Comment
<i>(a) window or glazed door, to a habitable room of another dwelling; and</i>	This is not a relevant consideration in this instance as the internal lot to the north is presently vacant.
<i>(b) the private open space of another dwelling; and</i>	This is not a relevant consideration in this instance as the internal lot to the north is presently vacant.

<i>(c) an adjoining vacant residential lot”.</i>	The Performance Criteria requires this window to demonstrate screening treatment or be otherwise designed or located to minimise direct views into the adjoining vacant residential lot to the north. The living room window would be obscured to a height of 1.7m by the obscured glazing required along the northern elevation of the upper level deck. This is considered an appropriate conditional design response to ensure direct views into the adjoining vacant lot are avoided so as to protect the future amenity of this vacant lot and the occupants of the proposed dwelling.
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General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A3	Privacy for all dwellings	A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separate from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of at least 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.	The kitchen window located on the northern and eastern elevations of the existing dwelling would directly adjoin the shared driveway and maintains a sill height of 1.3m above natural ground level.

The proposed variation can be supported pursuant to the following Performance Criteria.

Performance Criterion	Comment
<i>P3- A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</i>	<p>The nature of the use of the kitchen window is that it could be occupied for extended periods of time therefore has the potential to be adversely impacted by vehicle movements associated with the new dwelling to the rear. The kitchen is unlikely to be affected by vehicle noise (as opposed to a bedroom), however, the east facing window may be affected by direct headlight glare due to the alignment of the car parking and manoeuvring areas associated with the proposed dwelling. The north facing window would not be affected by direct headlight glare due to the east/west orientation of the shared driveway. It is noted that no consideration is given to privacy loss as a result of vehicle and pedestrian movements throughout a shared driveway.</p> <p>In the interests of ensuring the kitchen associated with the existing dwelling is not affected by vehicle light intrusion, it is recommended that fixed obscure glazing be installed to a height of at least 1.7m above the floor level on the east facing kitchen window.</p>

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 2 representations were received. It is noted that 1 representation included 3 signatories. The following issues were raised by the representors.

5.1. Overshadowing

The representor is concerned that the proposed dwelling will cause an unreasonable amount loss of sunlight to the adjacent dwelling and associated habitable room windows to the south of the site (4 East Derwent Highway).

- **Comment**

The potential impacts arising from overshadowing have been addressed previously within this report. It has been determined that no significant loss of amenity is expected to occur to the adjoining dwelling to the south as a result of a reduction in sunlight.

5.2. Privacy

The representor is concerned that the deck located on the western elevation of the proposed dwelling will overlook the living room window located on the northern elevation of the adjacent dwelling to the south (4 East Derwent Highway).

- **Comment**

The proposed east facing deck would be separated from the living room window associated with the adjacent dwelling to the south by “Bedroom 1” associated with the new dwelling. There would therefore be no opportunity for direct viewing between the deck and the living room window associated with the adjacent dwelling.

There may be some potential for direct viewing between the sunroom windows (far western end of the adjacent dwelling) and the new deck, however, there is no requirement for screening under the Scheme as the deck would be located over 3m from the boundary with the property to the south.

5.3. Loss of Views

The representor is concerned that the location of the new dwelling will obstruct views from the living room of the adjacent dwelling to the south (4 East Derwent Highway) to the north-west over Lindisfarne Bay.

- **Comment**

While visual impact in terms of bulk and scale are relevant Scheme considerations, the impact on view is not. However, it is noted that over a 10m separation will remain between the 2 dwellings which is the area in which views are directed to Lindisfarne Bay from the north facing windows associated with the adjoining dwelling to the south.

5.4. Impact of Solar Panels

The representor is concerned that the solar panels proposed on the new dwelling will further reduce sunlight access to the living area of the adjacent dwelling to the south (4 East Derwent Highway).

- **Comment**

Solar collector panels and photovoltaic cells on a roof are exempt structures in accordance with Clause 6.1.3 of the Scheme. Council therefore has no control over any overshadowing impacts resulting from the installation of renewable energies.

5.5. Private Open Space for the Proposed Dwelling

The representor is concerned that the private open space allocated to the rear of the proposed dwelling would not remain “private” as it would be overlooked by the dwellings associated with Unit 1/7, Unit 2/7 and 8 Cyrus Court (located upslope to the east).

- **Comment**

The private open space requirements are outlined under Clause 10.4.3 of the Scheme and have been satisfied in respect of the proposal.

Private open space is defined under Clause 4.1 of the Scheme as meaning “*an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling*”. The definition does not require the private open space to be screened from view from other properties but rather refers to the allocation of outdoor space only accessible to the occupants of the dwelling.

5.6. Rear Building Envelope Encroachment

The representor is concerned that the rear building envelope encroachment will result in a loss of sunlight to the private open space associated with the adjoining properties at Unit 1, 7 Cyrus Court and will create adverse visual impacts by apparent scale and bulk when viewed from the adjoining properties at Unit 1, 7 Cyrus Court, Unit 2, 7 Cyrus Court and 8 Cyrus Court. The representor suggests that the roof height associated with the rear elevation of the proposed dwelling be reduced to 3m as opposed to the proposed 4.2m.

- **Comment**

The property at 8 Cyrus Court does not adjoin the subject site therefore the Performance Criteria addressing the building envelope encroachment provides no scope to assess the potential impact upon this property.

The rear building envelope encroachment would be located downslope from the private open space associated with Unit 1, 7 Cyrus Court. A large deck also extends to the rear of the adjoining dwelling which has a finished floor level greater than that of the proposed dwelling. The deck serves as an extension to the private open space associated with the adjoining dwelling and would not be impacted by the location of the proposed dwelling.

A large proportion of the private open space associated with Unit 2, 7 Cyrus Court adjoins the existing dwelling located at 4 East Derwent Highway as opposed to the proposed dwelling. The potential for afternoon sunlight loss to the private open space associated with this adjoining property is therefore most likely the result of the existing dwelling at 4 East Derwent Highway.

When viewed from the rear, the proposed dwelling falls within the building envelope as the dwelling is cut into the slope of the land at this point.

The maximum height of the rear elevation of the dwelling would be 4.2m above natural ground with 1.6m of building height extending above the fence height separating the property from the adjoining dwellings at Unit 1, 7 Cyrus Court and Unit 2, 7 Cyrus Court. The single storey form, together with the elevated nature of the adjoining properties, will ensure these adjoining properties to the east are not affected by any unreasonable visual impact attributed to scale, bulk and proportions of the proposed dwelling.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater whom have 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, 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

8.1. There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8.2. Developer contributions are not required to comply with any Council policies.

9. CONCLUSION

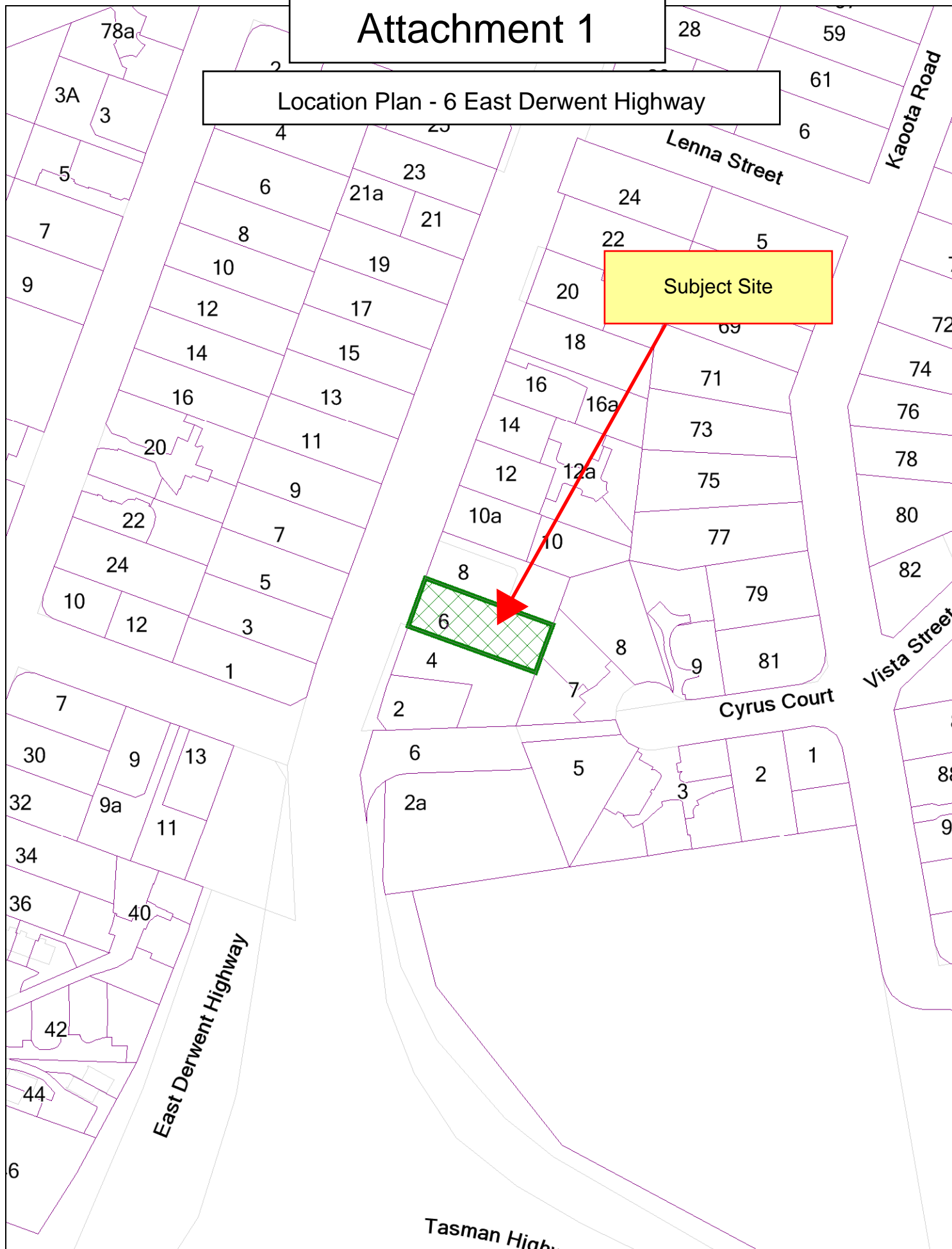
The proposal is for the construction of 2 Multiple Dwellings (1 existing, 1 proposed) at 6 East Derwent Highway, Rose Bay. The dwelling meets the Acceptable Solutions and Performance Criteria of the Scheme and is therefore recommended for conditional approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 6 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:** Monday, 9 May 2016 **Scale:** 1:1,698 @A4

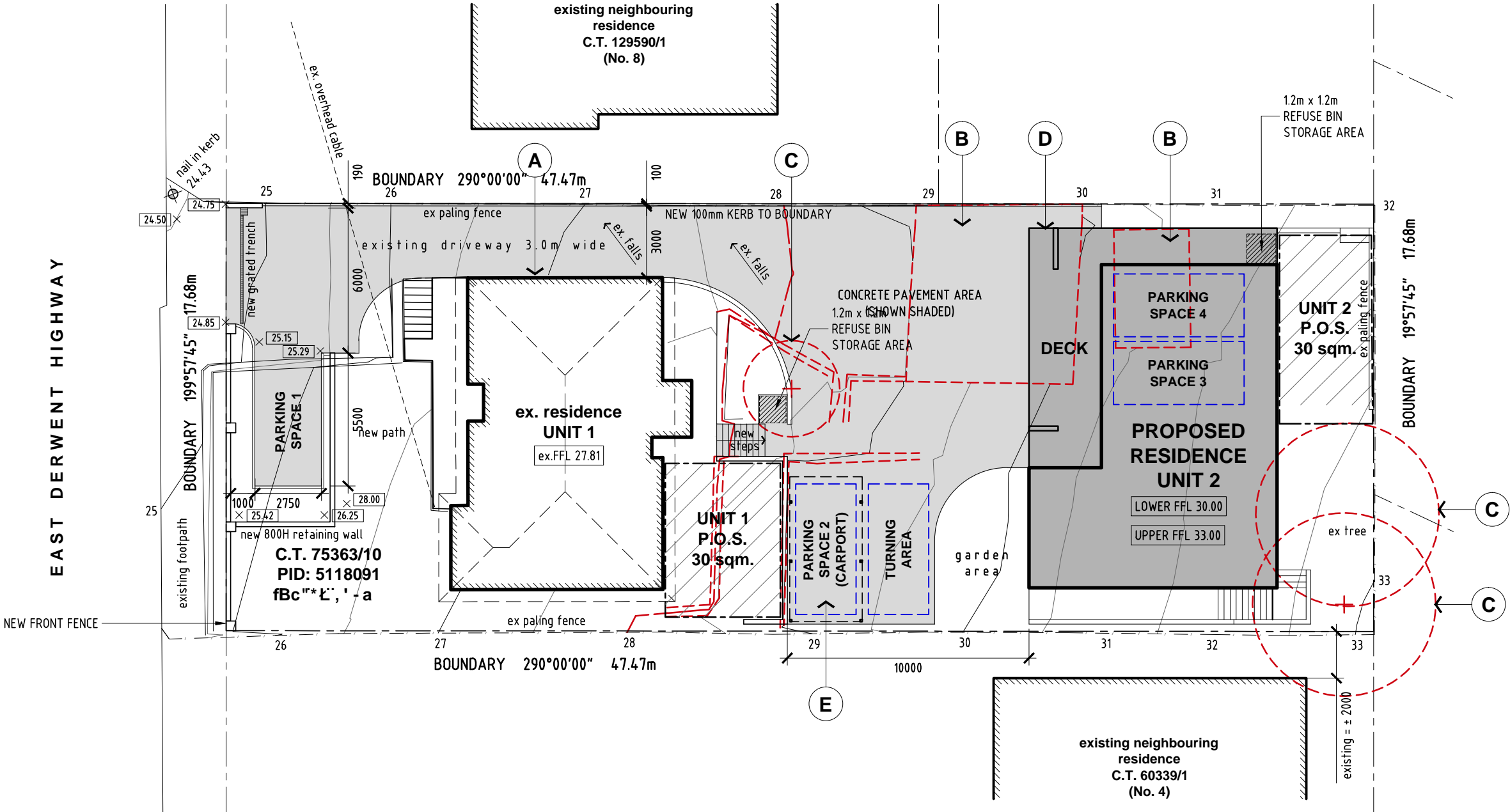
SITE KEY	SITE COVERAGE	
<div>A</div> OUTLINE OF EXISTING RESIDENCE (UNIT 1).	EXISTING RESIDENCE (UNIT 1) FLOOR AREA = 101.2 sqm. EXISTING RESIDENCE (UNIT 1) FOOTPRINT AREA = 107.8 sqm.	Attachment 2
<div>B</div> OUTLINE OF EXISTING SHEDS TO BE DEMOLISHED (SHOWN RED DASHED).	PROPOSED RESIDENCE (UNIT 2) FLOOR AREA = 202.6 PROPOSED RESIDENCE (UNIT 2) DECK AREA = 40.6 sqm. PROPOSED RESIDENCE (UNIT 2) FOOTPRINT AREA= 112 sqm.	
<div>C</div> OUTLINE OF EXISTING TREES TO BE REMOVED (SHOWN RED DASHED).		PRIVATE OPEN SPACE
<div>D</div> OUTLINE OF PROPOSED RESIDENCE (UNIT 2).		UNIT 1 = 70 sqm (DUE NORTH & WEST ORIENTATION). UNIT 2 = 63 sqm (DUE EAST ORIENTATION).
<div>E</div> 6.0 x 3.0m STEEL CARPORT SHOWN DASHED OVER CAR PARKING SPACE 2.	SITE AREA = 839 sqm. PROPOSED SITE COVERAGE = 26.2 %.	THIS DRAWING HAS BEEN CONSTRUCTED USING SURVEY INFORMATION FROM LEARY & COX, LAND & ENGINEERING SURVEYORS FILE No. 8915. CONTOUR INTERVAL = 0.5m.




REV.	DESCRIPTION	DATE

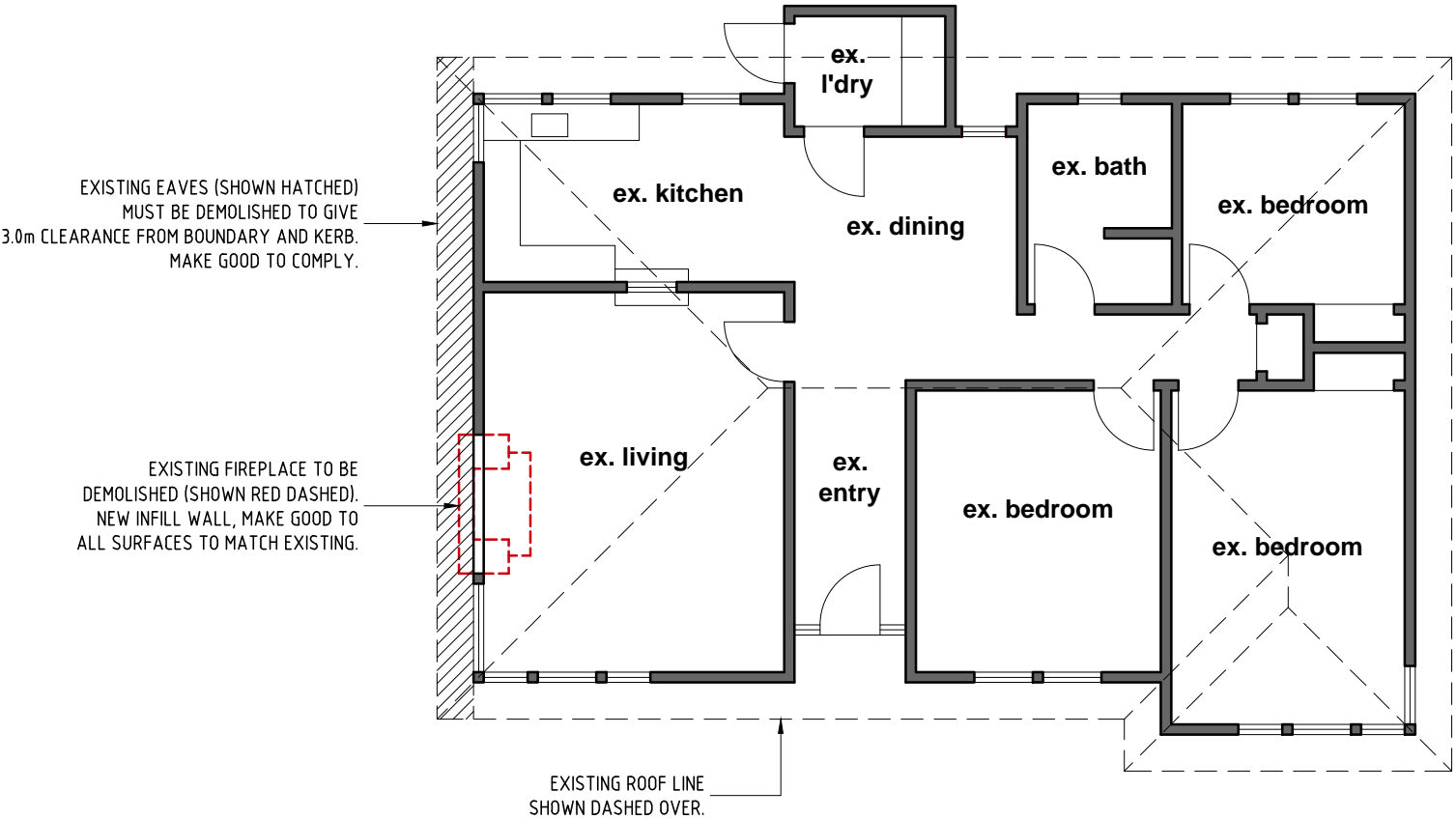
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Drawing:	SITE PLAN

SCALE:	DWG. No.:	DATE:
1:200 @ A3	4967 A01	23.10.15
DRAWN:		
S.Bowling		

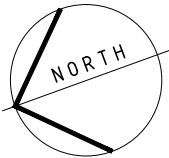
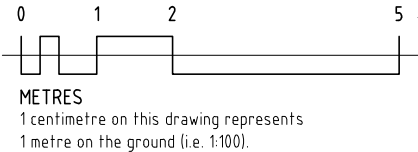
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WALL LEGEND	
MARK	DESCRIPTION
	EXISTING WALLS TO BE RETAINED.
	EXISTING WALLS TO BE DEMOLISHED.
	NEW 90mm STUDWORK (INFILL) WALL.
EXISTING FLOOR AREAS	
EXISTING HOUSE FLOOR AREA = 94.3 sqm. EXISTING HOUSE FOOTPRINT AREA = 100.9 sqm.	



A02. UNIT 1: EXISTING FLOOR PLAN



design 




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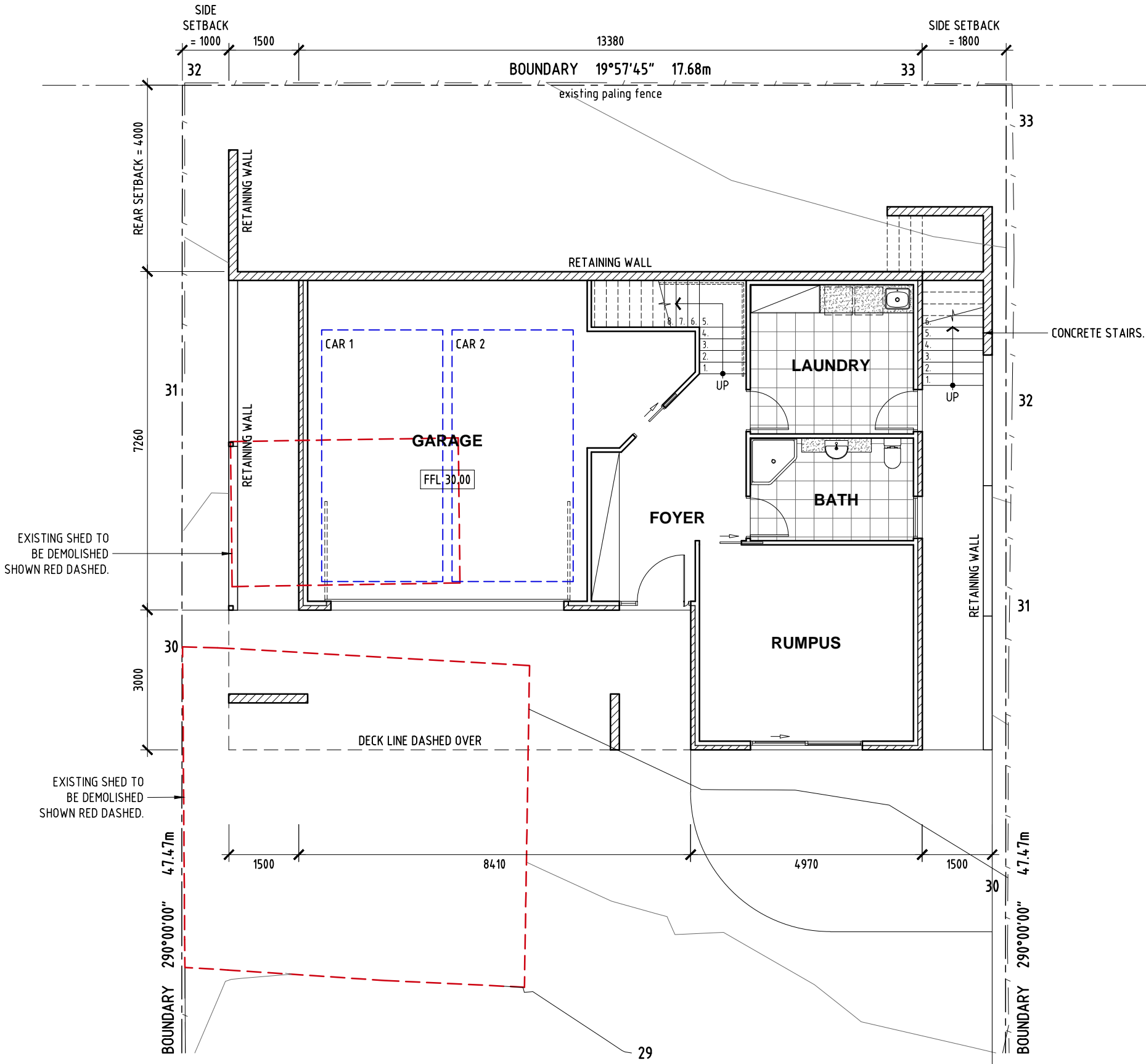
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1:100 @ A3	4967 A02
DRAWN:	DATE:
S.Bowling	23.10.15

Project:	PROPOSED RESIDENCE at No. 6 East Derwent Highway, LINDISFARNE for Lisa Windsor	
Drawing:	UNIT 1: EXISTING FLOOR PLAN	

design.EAST registered trading name for design.EAST Pty. Ltd.

REV.	DESCRIPTION	DATE

WALL LEGEND	
MARK	DESCRIPTION
	NEW 90mm STUDWORK WALL. 90mm BLOCKWORK VENEER.
	90mm STUDWORK WALL.
	190mm BLOCKWORK WALL.
UNIT 2: LOWER FLOOR AREAS	
LOWER FLOOR AREA = 99.2 sqm.	



A03. UNIT 2: LOWER FLOOR PLAN 1:100

REV.	DESCRIPTION	DATE

Project:

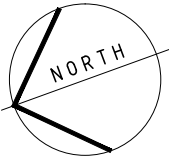
PROPOSED RESIDENCE
at No. 6 East Derwent Highway,
LINDISFARNE
for Lisa Windsor

Drawing:


UNIT 2: LOWER FLOOR PLAN
design.EAST registered trading name for design.EAST Pty. Ltd.

SCALE:	DWG. No.:	DATE:
1:100 @ A3	4967 A03	23.10.15
DRAWN:		
S.Bowling		


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NORTH





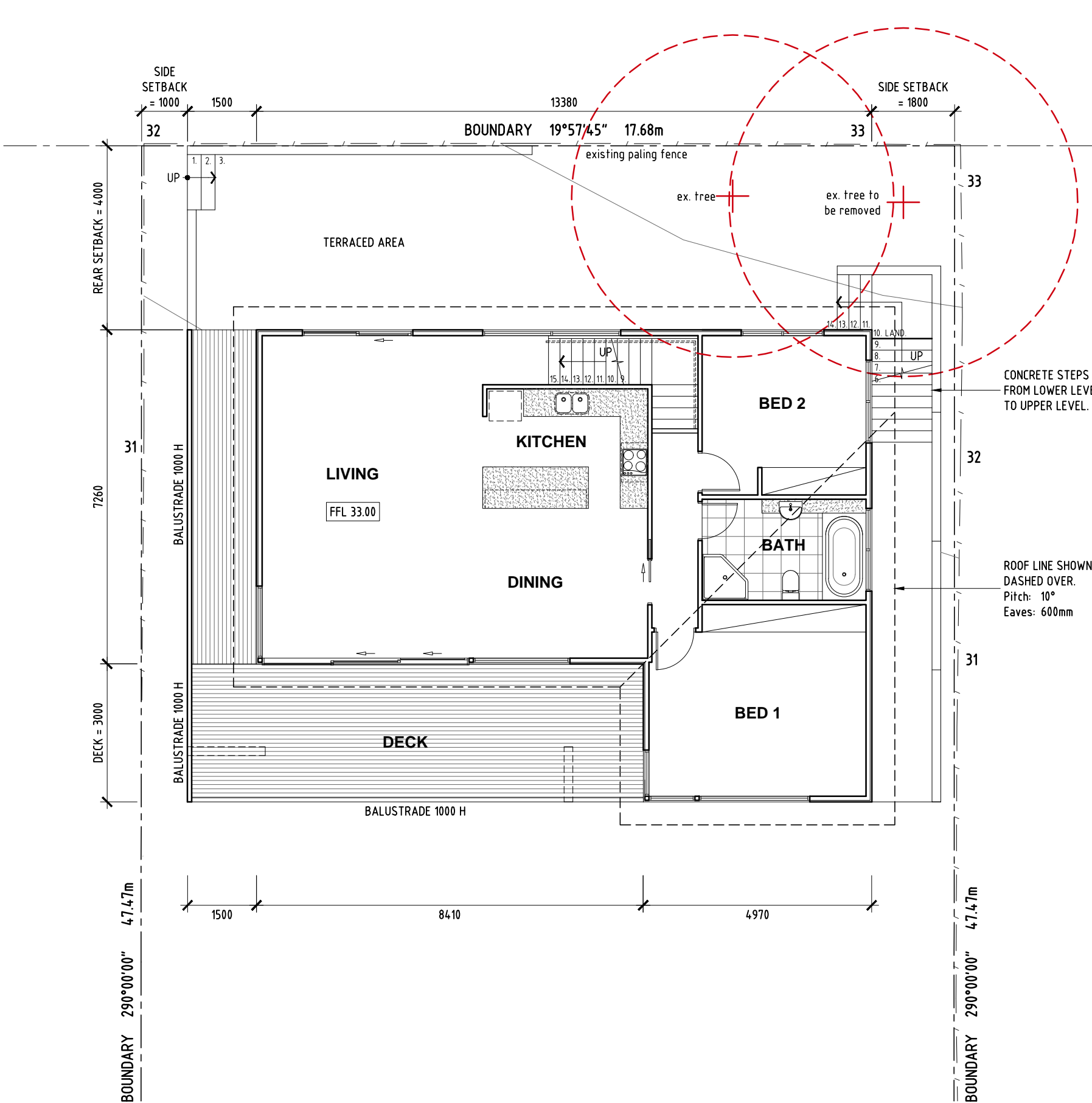
METRES
1 centimetre on this drawing represents
1 metre on the ground (i.e. 1:100).



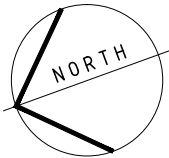
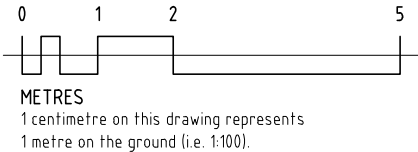
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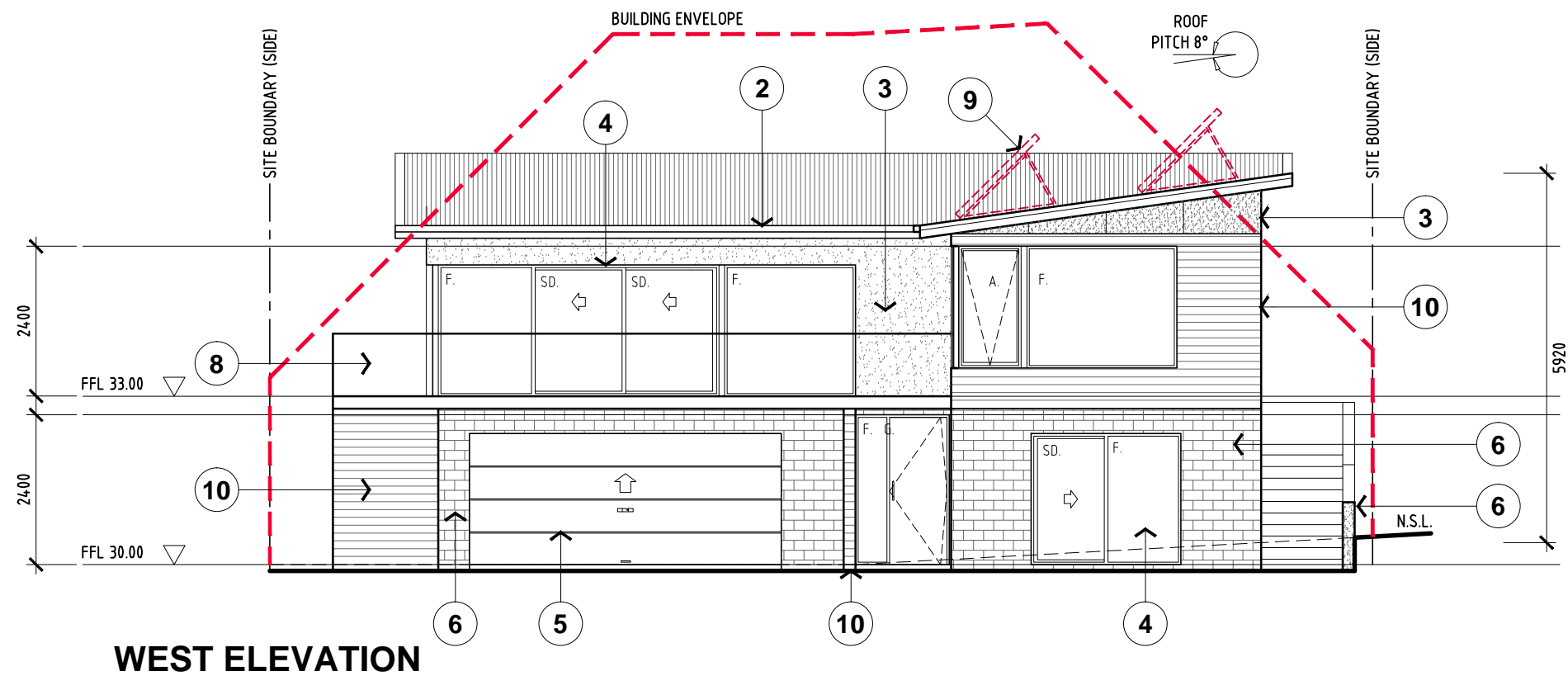
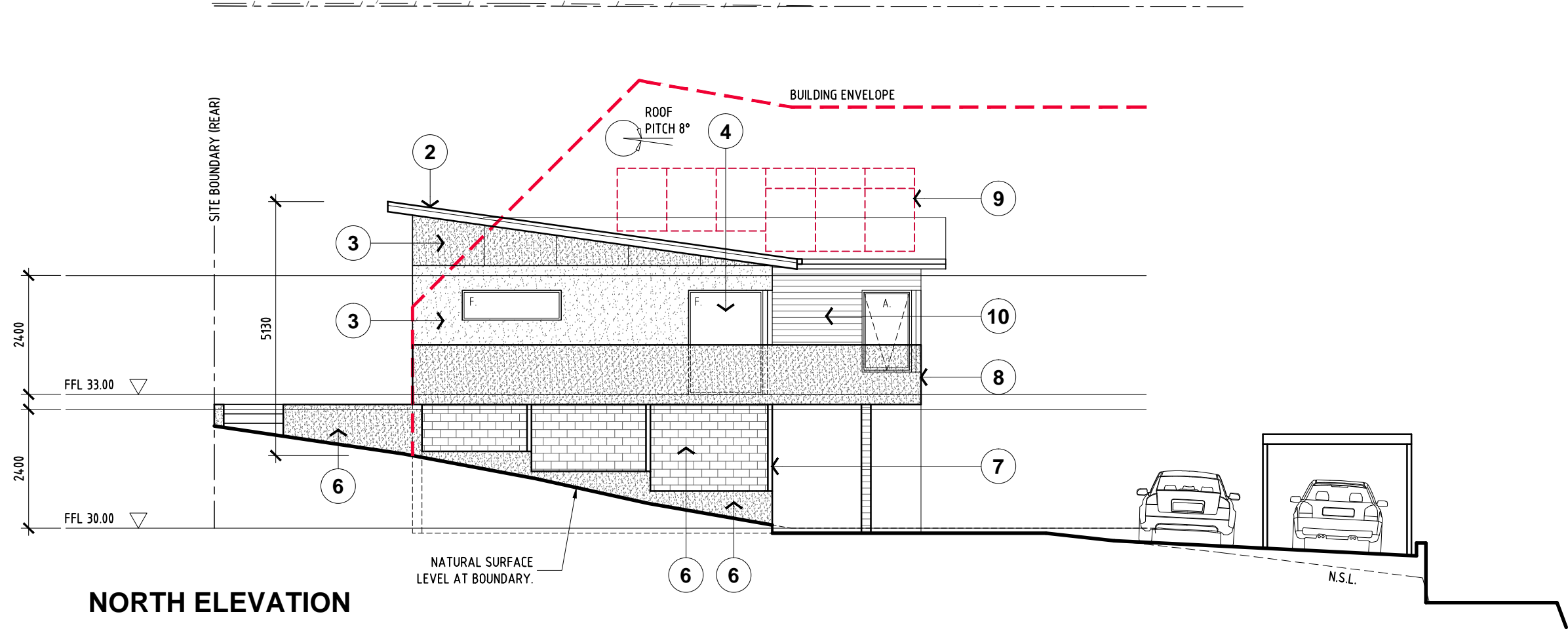
WALL LEGEND	
MARK	DESCRIPTION
	NEW 90mm STUDWORK WALL. FIBRE CEMENT SHEET CLADDING.
	90mm STUDWORK WALL.
UNIT 2: UPPER FLOOR AREAS	
UPPER FLOOR AREA = 103.4 sqm. DECK AREA = 40.6 sqm.	



A04. UNIT 2: UPPER FLOOR PLAN 1:100



REV.	DESCRIPTION	DATE



EXTERNAL MATERIALS & FINISHES

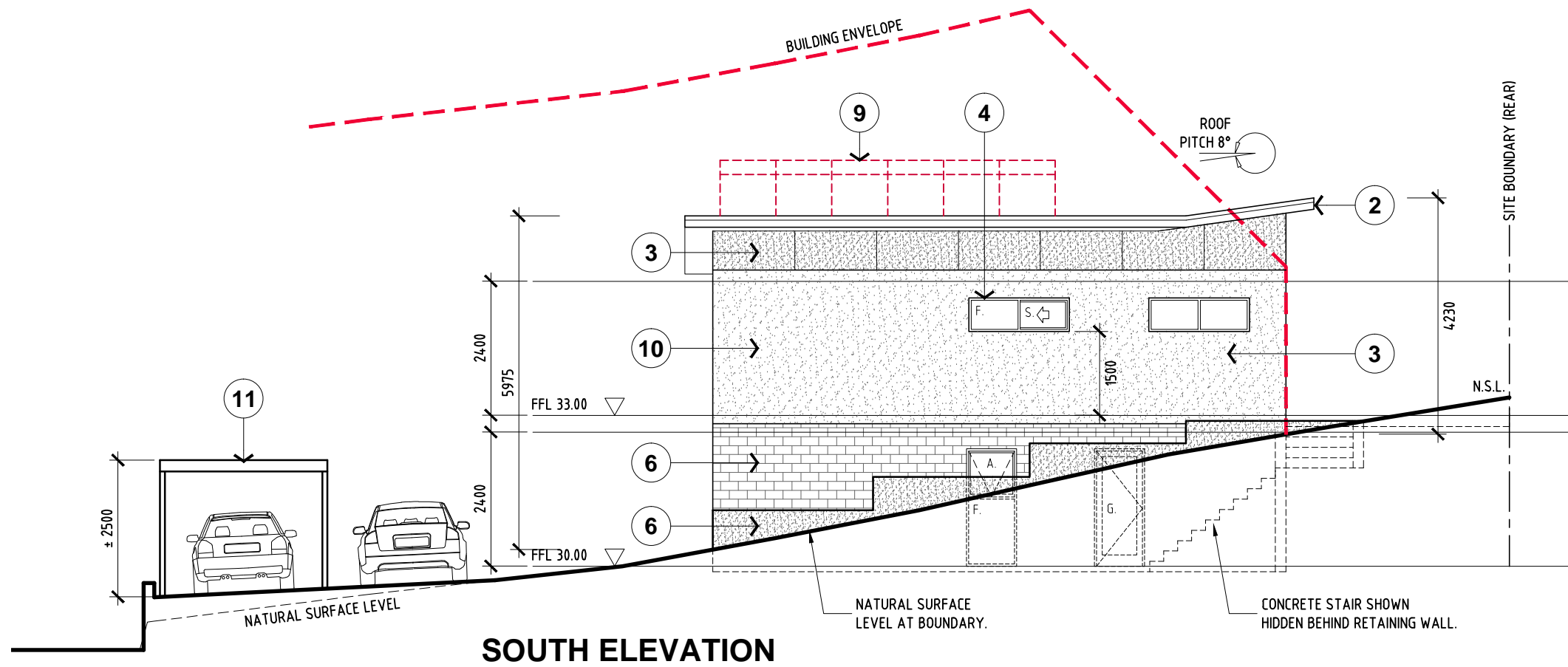
- 1 CUSTOM ORB ROOF SHEETING (Pitch: 8°). COLORBOND FINISH, COLOUR AS SELECTED.
- 2 COLORBOND GUTTERING, FASCIA, CAPPINGS & FLASHINGS. COLOUR AS SELECTED.
- 3 FIBRE CEMENT SHEETING PAINT FINISH. COLOUR AS SELECTED.
- 4 ALUMINIUM WINDOW & DOOR FRAMES. POWDER COAT FINISH AS SELECTED.
- 5 COLORBOND 'PANELIFT' GARAGE DOOR AS SELECTED.
- 6 BLOCKWORK WALL. NATURAL FINISH.
- 7 PAINT FINISH TO EXPOSED STEELWORK. COLOUR AS SELECTED.
- 8 BALUSTRADE (Min. 1000mm HIGH). PERFORATED METAL H/FOIL 30% NORTH ELEVATION - 40% WEST ELEVATION
- 9 ROOF MOUNTED SOLAR PV SYSTEM AS SELECTED. (SHOWN RED DASHED - NOM. 4.0kW SYSTEM).
- 10 VERTICAL/HORIZONTAL TIMBER CLADDING. STAIN FINISH.
- 11 6.0 x 3.0m STEEL CARPORT SHOWN DASHED OVER CAR PARKING SPACE 2.

REV.	DESCRIPTION	DATE

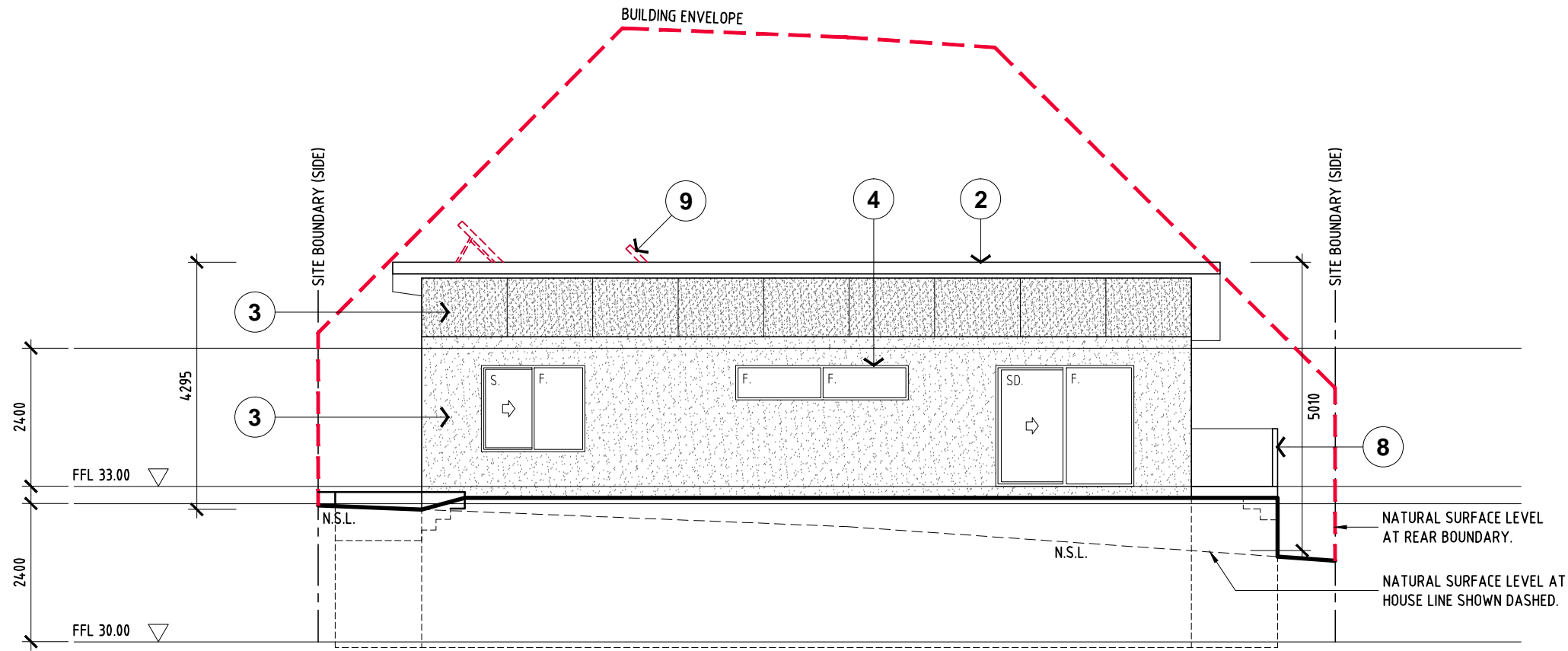
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DWG. No.:	4967
SCALE:	1:100 @ A3
DATE:	23.10.15
DRAWN:	S.Bowling
UNIT 2: ELEVATIONS 01	design.EAST registered trading name for design.EAST Pty. Ltd.

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SOUTH ELEVATION



EAST ELEVATION

EXTERNAL MATERIALS & FINISHES

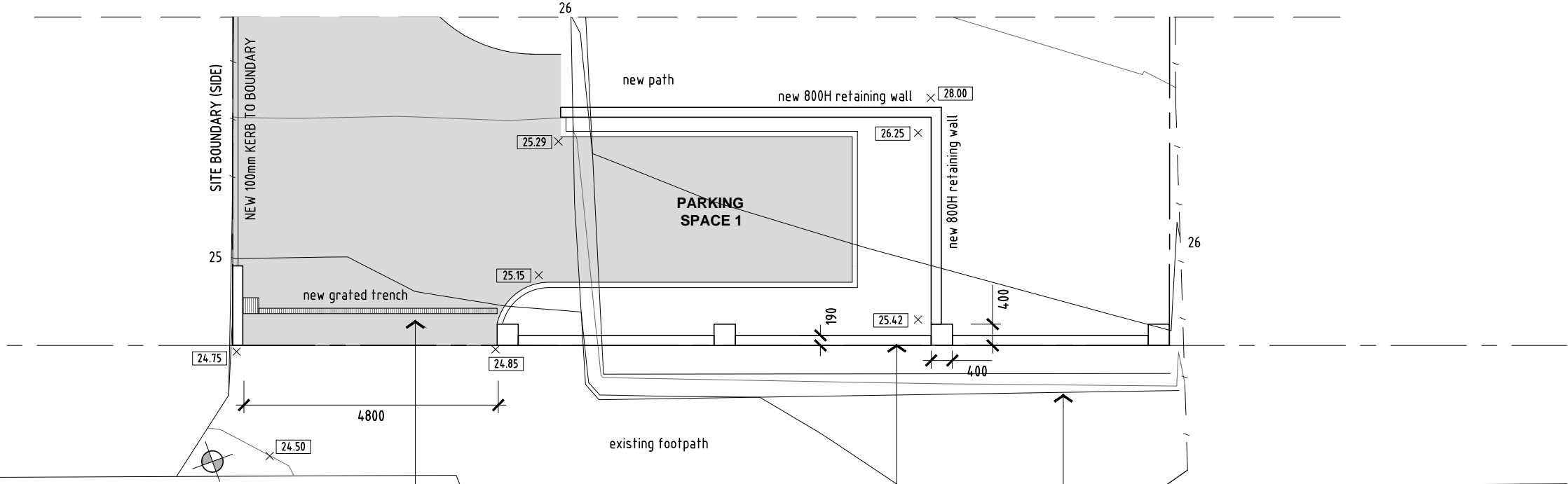
- 1 CUSTOM ORB ROOF SHEETING (Pitch: 8°). COLORBOND FINISH, COLOUR AS SELECTED.
- 2 COLORBOND GUTTERING, FASCIA, CAPPINGS & FLASHINGS. COLOUR AS SELECTED.
- 3 FIBRE CEMENT SHEETING PAINT FINISH. COLOUR AS SELECTED.
- 4 ALUMINIUM WINDOW & DOOR FRAMES. POWDER COAT FINISH AS SELECTED.
- 5 COLORBOND 'PANELIFT' GARAGE DOOR AS SELECTED.
- 6 BLOCKWORK WALL. NATURAL FINISH.
- 7 PAINT FINISH TO EXPOSED STEELWORK. COLOUR AS SELECTED.
- 8 BALUSTRADE (Min. 1000mm HIGH). PERFORATED METAL H/FOIL 30% NORTH ELEVATION - 40% WEST ELEVATION
- 9 ROOF MOUNTED SOLAR PV SYSTEM AS SELECTED. (SHOWN RED DASHED - NOM. 4.0kW SYSTEM).
- 10 VERTICAL/HORIZONTAL TIMBER CLADDING. STAIN FINISH.
- 11 6.0 x 3.0m STEEL CARPORT SHOWN DASHED OVER CAR PARKING SPACE 2.

REV.	DESCRIPTION	DATE

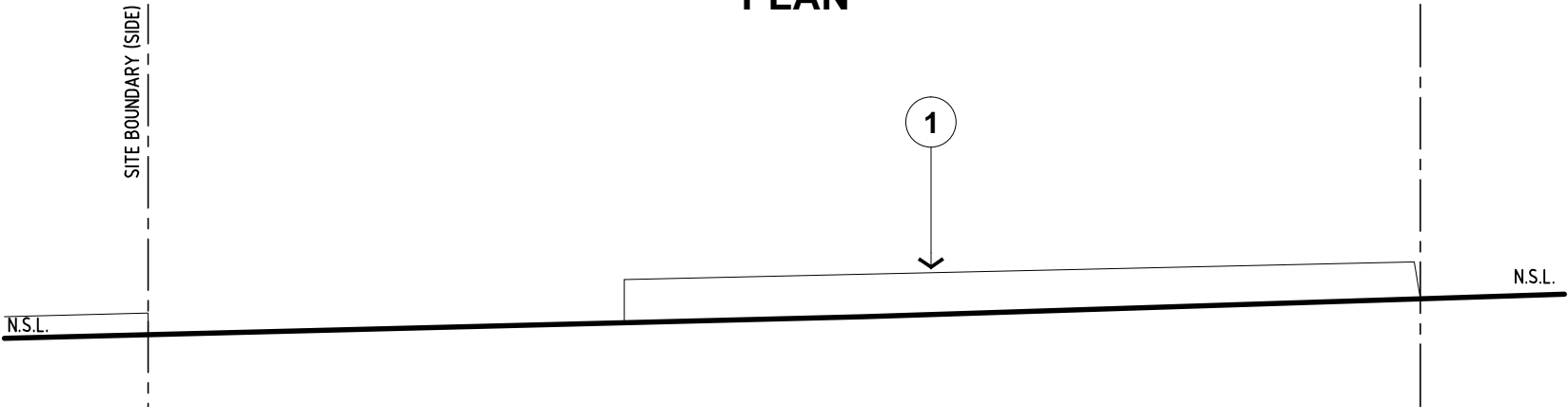
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DWG. No.:	4967
SCALE:	1:100 @ A3
DRAWN:	S.Bowling
DATE:	23.10.15
Drawing:	UNIT 2: ELEVATIONS 02

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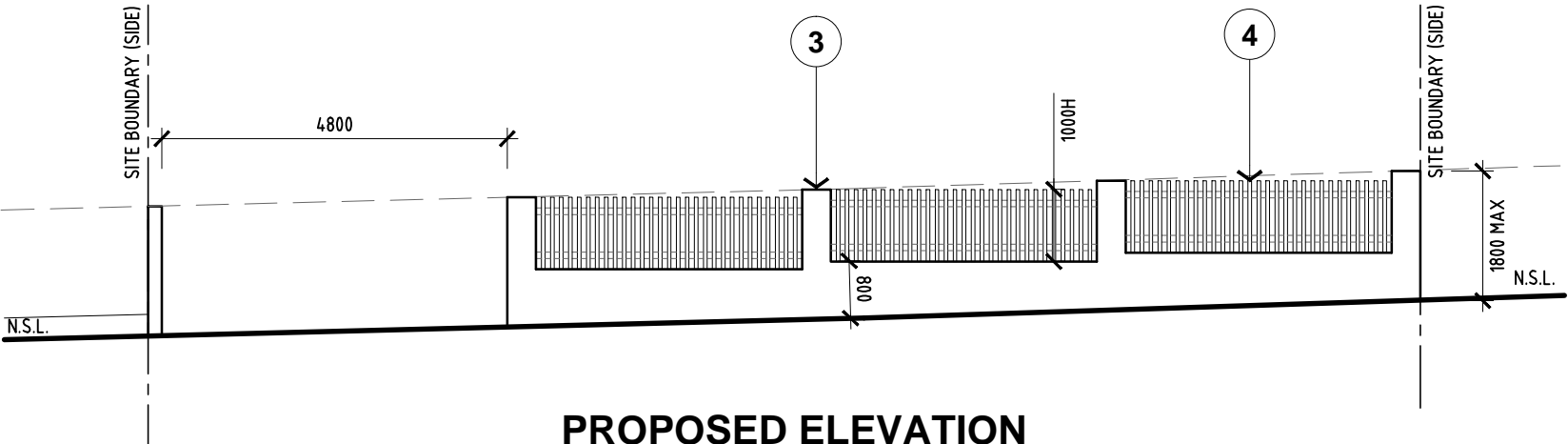
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PLAN



EXISTING ELEVATION



PROPOSED ELEVATION

EXTERNAL MATERIALS & FINISHES

- 1 EXISTING FRONT FENCE TO BE DEMOLISHED. CONCRETE RETAINING WALL.
- 2 NEW FRONT SLIDING GATE. 50mm PICKET, 70mm SPACING (30%) PAINT FINISH. COLOUR TO BE SELECTED.
- 3 BLOCKWORK FRONT FENCE. RENDERED FINISH. COLOUR AS SELECTED.
- 4 50mm PICKET, 70mm SPACING (30%) PAINT FINISH. COLOUR TO BE SELECTED.

REV.	DESCRIPTION	DATE

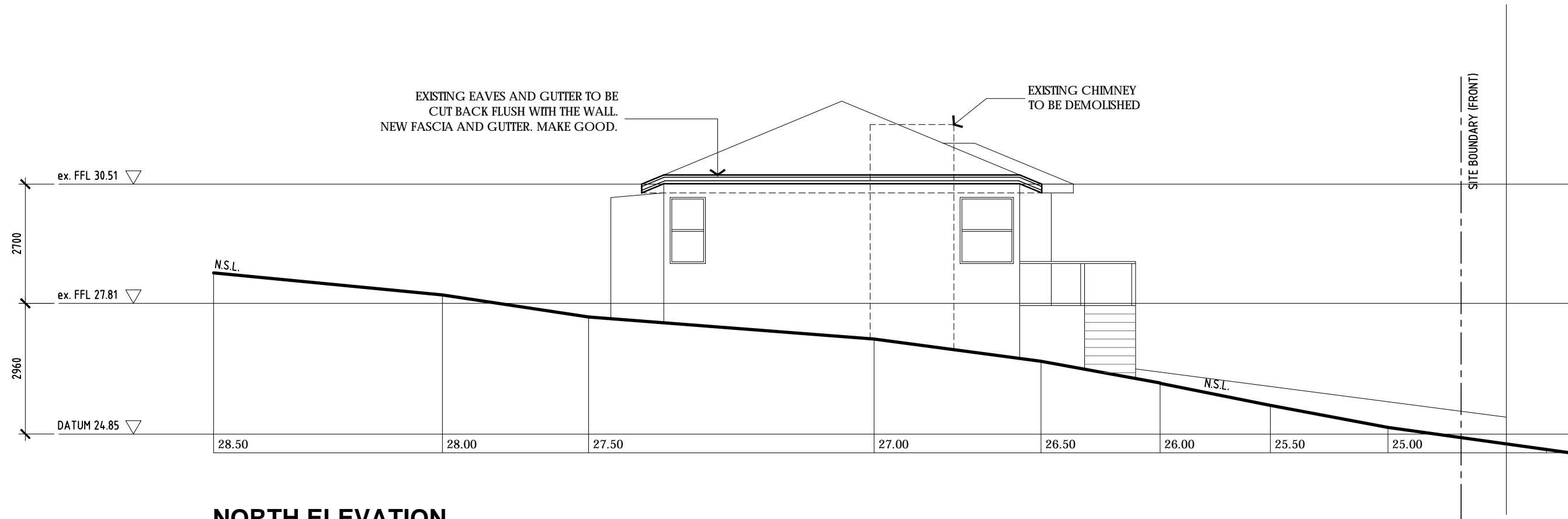
Project: PROPOSED RESIDENCE at No. 6 East Derwent Highway, LINDISFARNE for Lisa Windsor	Drawing: FRONT FENCE PLAN & ELEVATION
design.EAST registered trading name for design.EAST Pty. Ltd.	

SCALE: 1:100 @ A3	DWG. No.: 4967 A07	DATE: 23.10.15
DRAWN: S.Bowling		

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NORTH ELEVATION

REV.	DESCRIPTION	DATE

Project:
PROPOSED RESIDENCE
at No. 6 East Derwent Highway,
LINDISFARNE
for Lisa Windsor

Drawing:
EX. RESIDENCE UNIT 1: NORTH ELEVATION

design.EAST registered trading name for design.EAST Pty. Ltd.

SCALE:	DWG. No.:	DATE:
1:100 @ A3	4967 A08	23.10.15
DRAWN:	S.Bowling	

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Attachment 3

6 East Derwent Highway, ROSE BAY



The existing dwelling when from the East Derwent Highway.



The backyard area currently associated with the exiting dwelling.



The neighboring property at 4 East Derwent Highway when viewed from the East Derwent Highway. Mature landscaping lines the northern property boundary with the subject site.

11.3.3 DEVELOPMENT APPLICATION D-2016/114 - 3 WELLINGTON ROAD, LINDISFARNE - DEMOLITION OF EXISTING NURSING HOME AND CONSTRUCTION OF NEW RESIDENTIAL RETIREMENT UNITS

(File No D-2016/114)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for the demolition of existing nursing home and construction of new Residential Retirement Units at 3 Wellington Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Waterway and Coastal Protection Code under the Clarence Interim Planning Scheme 2015 (the Scheme). The proposal is a Discretionary development as the proposal requires variations to a number of the development standards in the General Residential zone.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 25 May 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 5 representations were received raising the following issues:

- loss of privacy and sunlight in relation to existing Unit 1;
- loss of sunlight into existing Unit 2;
- inconsistencies with plans in relation to Unit 2;
- drawing inaccurate relating to Unit 3;
- impact on amenity to dwelling at 8 Ford Parade and inaccuracies in floor levels;
- impact on streetscape; and
- suggestion for trees along the footpath on Wellington Road.

RECOMMENDATION:

A. That the Development Application for the demolition of existing nursing home and construction of new Residential Retirement Units at 3 Wellington Road, Lindisfarne (Cl Ref D-2016/114) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – [the following details]
 - an amended eastern elevation for Unit 7;

- removal of the privacy screening on the stairs for Unit 3;
 - a 1.7m high privacy screen on the northern end of the balcony for proposed Unit 3;
 - a 1.7m high privacy screen along the walkway to Unit 3;
 - the removal of the area of Unit 2 overhanging the courtyard below;
 - the reduction of a minimum of 1m of the length of the balcony on the eastern elevation of Unit 3; and
 - the sill height of the corner window on the west and south elevation for Unit 2 be increased to 900mm in height from floor level.
3. The “communal area” is approved as part of the retirement village use of the site and must be available for use by residents at all times.
 4. ENG A5 – SEALED CAR PARKING.
 5. ENG A7 – REDUNDANT CROSSOVER.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. ENG M1 – DESIGNS DA.
 8. 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 Asset Management 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.
 9. 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.
 10. The development must meet all required Conditions of Approval specified by TasWater notice dated 23 March 2016 (TWDA 2016/00341).
- 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.

DEVELOPMENT APPLICATION D-2016/114 - 3 WELLINGTON ROAD, LINDISFARNE - DEMOLITION OF EXISTING NURSING HOME AND CONSTRUCTION OF NEW RESIDENTIAL RETIREMENT UNITS /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The site has been used as an aged care facility for many years which incorporates a nursing home and independent living units. A number of permits have been issued for the site with the most recent being in 2008 for alterations and additions (D-2008/46).

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential under the Scheme.

2.2. The site is partially covered by the Waterway and Coastal Protection Code, however, the development site is not located within the area covered by this code and therefore is not relevant to the assessment of this application.

2.3. The proposal is discretionary because it does not meet all the Acceptable Solutions for the General Residential zone under the Scheme.

2.4. 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 Code.

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 located on the corner of Wellington Road and Ford Parade and contains an aged care facility which consists of 12 independent living units and a nursing home. The buildings are 2 storey fronting Ford Parade and the majority of Wellington Road and single storey at the northern part of the site fronting Ford Parade.

The site is bound to the north, east and west by residential dwellings and to the south by Ford Parade which separates the site from Lindisfarne Bay.

The site has vehicular access from 2 points along Wellington Road.

3.2. The Proposal

The proposal is for redevelopment of the site for residential retirement units which includes the demolition of the existing nursing home and the majority of the units.

The proposal is defined as a “Retirement Village” as follows:

“means use of land to provide permanent accommodation for retired people or the aged and includes communal recreational or medical facilities for residents of the village”.

It is considered that the proposal is consistent with the above definition as the proposal is providing residential living for retirees and includes the provision of a communal, covered, outdoor/BBQ area.

It is proposed to demolish the majority of the buildings on-site, leaving 3 existing units located on the lower floor fronting Ford Parade and a parapet wall in the northern corner of the site. An additional 12 units are proposed to be constructed which will be clad with a combination of rendered block and stone cladding walls and cream Colorbond roofs.

Units 1, 2 and 3 will contain 3 bedrooms and the remaining Units will contain 2 bedrooms.

The 4 units located adjacent to the northern boundary are single storey and will reflect the form of the existing building, incorporating the existing sloping parapet walls into the design of the proposed units. Units 1 and 2 located along Wellington Road are single storey and Unit 3 will be located above the exiting 2 units facing Ford Parade.

Units 3 – 7 include decks that face Lindisfarne Bay and an area of private open space at the northern end of each unit, accessible from living areas. The remaining units all provide a north facing area for private open space accessible through a living area.

The proposal is generally consistent with the height of the existing development. The area of site covered by buildings is reduced with the development and includes the removal of buildings in the north-eastern corner of the site to provide for an outdoor/BBQ communal area.

The development includes the provision of a covered car parking spaces for each new unit and covered, level walkways which link each carport to the entry of each unit.

Twenty four new car parking spaces are provided and 3 existing spaces for the 3 existing units on the lower level are retained. The number of car parking spaces exceeds the number required under the Scheme for a Retirement Village and therefore complies with the provisions of the Parking and Access Code. Each of the 12 proposed dwellings has a carport linked to the dwelling by a covered walkway.

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 proposed use is defined as a Retirement Village as the dwellings are only for retired people and the development includes a communal outdoor area for residents. As such, the development standards in 10.4.4 A2 and A3 of the Scheme relating to sunlight and overshadowing between Multiple Dwellings on the same site and in 10.4.6 A2 which relate to privacy for Multiple Dwellings, do not apply to this proposal.

The proposal meets the Scheme's relevant Acceptable Solutions of the General Residential zone with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A1	Setbacks and building envelopes	Setback to the secondary frontage on Wellington Road to be a minimum of 3m.	The roof covering the walkway proposed for Units 1 and 2 extends within 200mm from the boundary to Wellington Road requiring a variation of 2.8m.

The proposed variation can be supported pursuant to the Performance Criteria (10.4.2) of the Clause A1 for the following reason.

Performance Criterion	Comment
<p>A dwelling must:</p> <p>(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints</p>	<p>The walls of Units 1 are setback a minimum of 3m from the boundary to Wellington Street. However, a 17m long awning covering the walkway to Units 1 and 2 is located within the setback and extends 200mm to the boundary on Wellington Road.</p> <p>The awning is a lightweight structure providing shelter to the entrances of Units 1 and 2 which is necessary for the intended use. In addition, the awning will not have a detrimental impact on the views towards Lindisfarne Bay when viewed from Wellington Street.</p> <p>It is considered that the awning is not a significant protrusion into the setback which is compatible with the existing dwellings with the street and therefore meets the performance criteria.</p>

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelopes	A dwelling to be contained within the building envelope for a corner lot as shown in Diagram 10.4.2C.	<p>The proposal requires the following variations to the building envelope (see Attachment 4):</p> <ul style="list-style-type: none"> • Part of the wall and roof for Unit 7 in proximity to the eastern boundary. • A corner of the wall for Unit 8 extends 1.6m out of the building envelope in proximity to the northern boundary; • A corner of the wall for Unit 9 extends 1.3m out of the building envelope in proximity to the northern boundary. • A corner of the wall for Unit 10 extends 1.1m out of the building envelope in proximity to the northern boundary. • The roof of Unit 5 extends 0.7m out of the building envelope on the southern elevation; • The roof for Unit 6 extends 1.5m out of the building envelope on the southern elevation. • The roof of Unit 7 extends 1.7m out of the building envelope on the southern elevation.

The proposed variation can be supported pursuant to the Performance Criteria (10.4.2) of the Clause A3 for the following reason.

Performance Criterion	Comment
<p>(a) not cause unreasonable loss of amenity by:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</p>	<p>Units 8 - 11 are replacing existing dwellings with a similar setback to the northern boundary and their location to the south of the existing dwellings at 7 Beltana Street will not result in a decrease in sunlight to habitable rooms or the private open space for these dwellings;</p> <p>The only dwelling that could potentially be affected by the development would be at 8 Ford Parade. The dwelling on the adjoining lot at 8 Ford Parade has been granted planning and building permits for additions (D-2014/24) which have been commenced and involved the construction of a new living, dining and kitchen area to the east of the existing dwelling which have substantial north and east facing windows and will not be affected by the proposal.</p> <p>It appears from the approved plans that the rooms along the western part of the dwelling on 8 Ford Parade consist of an existing kitchen which is to be converted to a bedroom, a bedroom and an existing lounge room, which could potentially also be used as a bedroom, once the additions have been completed. A rumpus roof is also located on the northern end of the dwelling.</p> <p>Due to their location in close proximity to the nursing home, the existing lounge and rumpus room would already be subject to overshadowing during the afternoon in winter. Additionally, a high boundary wall has been constructed along the boundary between 8 Ford Parade and the subject site which would also cause overshadowing, regardless of the development, to both the existing lounge room and the rumpus room.</p> <p>The existing nursing home runs adjacent to the western boundary of 8 Ford Parade. The proposal removes a part of the building located adjacent to the rear of the dwelling at 8 Ford Parade. Due to the reduction of the bulk along this boundary, the similar setback to what is existing and the overall reduction in height of the development along the eastern boundary, the proposal is not considered to have a detrimental impact from overshadowing to the adjoining residential properties.</p>

(ii) overshadowing the private open space of a dwelling on an adjoining lot;	The applicant has provided overshadowing diagrams to demonstrate that there is no increase in overshadowing to private open space on adjoining lots.
(iii) overshadowing of an adjoining vacant lot; or	Not relevant as adjoining lots all contain dwellings.
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot;	The proposed units along the northern elevation reflect the existing building design, height and boundary setbacks and therefore will not have a detrimental impact when viewed from adjoining lots. The proposal generally reduces the overall height of the development along the eastern boundary of the site, and removes part of the nursing home adjacent to the eastern boundary which reduces the bulk of the development. On this basis, the proposal will not have detrimental visual impact.
(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.	The proposed buildings are maintaining a similar setback to the northern and western boundary as what is currently proposed and therefore is compatible with the existing development on the site.

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) 24 m²; or</p> <p>(ii) 12 m², 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>The proposal requires the following variations:</p> <ul style="list-style-type: none"> private open space area for Unit 1 has an area of 20m²; private open space for Unit 3 does not have a minimum horizontal dimension of 4m; and the private open space for Unit 12 does not have a minimum dimension of 4m.

		<p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <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</p> <p>(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</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	
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The proposed variation can be supported pursuant to the Performance Criteria (10.4.3) of the Clause A2 for the following reasons.

Performance Criterion	Comment
<p>A dwelling must have private open space that:</p> <p>(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</p> <p>(i) conveniently located in relation to a living area of the dwelling; and:</p>	<p>Unit 1: Unit 1 has 31m² of private open space which is directly accessible from the living area of the dwelling.</p> <p>Unit 3: Unit 3 has an area of private open space, 41m² in area, which is directly accessible from the living and dining rooms of the dwelling.</p> <p>Unit 12: Unit 12 has a courtyard, 41m² in area which is accessed from an open plan living room/study area which provides convenient access for the residents of this dwelling.</p>
<p>(ii) orientated to take advantage of sunlight</p>	<p>The private open space for Units 1 and 12 are both oriented northward and therefore will obtain a reasonable level of sunlight.</p> <p>Unit 3 incorporates a large deck orientated to take advantage of the views to the south but is extended eastwards so that a portion of the deck will obtain a reasonable level of sunlight.</p>

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	<p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site. 	<p>The deck for proposed Unit 3 is located 4.8m from the deck to Unit 4.</p> <p>Screening is not proposed from the northern end of the deck which overlooks the private open space to the courtyard below for existing Unit 2.</p> <p>The walkway linking the carport for Unit 3 does not have screening to the courtyard for the existing unit below.</p>

The proposed variation can be supported pursuant to the Performance Criteria (10.4.6) of the Clause A1 for the following reasons.

Performance Criterion	Comment
<p>A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining lot or its private open space; or</p>	<p>The proposal complies with this criteria.</p>
<p>(b) another dwelling on the same site or its private open space; or</p>	<p>Unit 3 stairs and a deck that is located above the private open space for Unit 2 below. The applicant has proposed screening on the stairs to prevent overlooking from proposed Unit 4. However, there is no screening on the northern end of the deck where it overlooks the private open space for the existing Unit 2.</p> <p>It is recommended that a condition be included that requires screening of the northern end of the deck to a minimum height of 1.7m above finished floor level to prevent overlooking of the courtyard below.</p> <p>The proposal includes stairs from proposed Unit 3 to provide for emergency egress. Unit 3 also has covered level access from the northern car parking area on the site and it is envisaged by the applicant that residents of this unit will not use the stairs regularly. The applicant proposed screening on the stairs to meet the Acceptable Solution; however, they also indicated that it would be preferable to not include it in the design. It is considered that due to its limited use, the removal of the screening would not result in a loss of privacy for the occupiers of the units. A permit condition to this effect should be included on the permit.</p> <p>The walkway to Unit 3 is located partially over the courtyard for the existing unit below. It is considered that the loss of privacy would be minimal due to its main function as a entry path, rather than an area used a private open space, and therefore would not result in a significant loss of privacy for the resident of the unit below.</p>

	Notwithstanding the above, this issue was raised by a representor and was subsequently discussed with the applicant who has agreed to provide privacy screening along the walkway.
(c) an adjoining vacant residential lot.	Not relevant as all adjoining lots contain dwellings.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 5 representations were received. The following issues were raised by the representors.

5.1. Loss of Privacy and Sunlight in Relation to Existing Unit 1

The representor was concerned that the proposal will result in a loss of sunlight and privacy to the existing unit (Unit 1) located beneath proposed Unit 3. Specifically, a window on proposed Unit 2 will overlook the courtyard below. The representor has also asked for clarification on the size of the proposed balcony in regards to potential impact on sunlight.

- **Comment**

As the proposal is for a retirement village and not a Multiple Dwelling development, there are no relevant standards that require the applicant to provide screening from the window of proposed Unit 2 to the courtyard below.

Clauses 10.4.4 A1 and A2 provide development standards for sunlight and overshadowing that relate only to Multiple Dwellings. As the proposal is for a retirement village these standards do not apply to the proposal. Therefore the issue raised regarding the loss of sunlight into the existing unit cannot be considered.

Notwithstanding the above, due to the southwards orientation of the windows and doors, it is considered that there will be no impact on the amount of sunlight received into existing Unit 1.

In response to the issues raised in the representations, the applicant has advised that the small area of proposed Unit 2 that was proposed to overhang the courtyard below would be removed to ensure that the development will not result in a reduction of sunlight into the courtyard and door below. A condition requiring amended plans to show the removal of the overhang is recommended. It is also advised that the proposed balcony follows the building line of the existing balcony.

5.2. Loss of Sunlight and Privacy into Existing Unit 2

The representor was concerned that proposed Unit 3 would result in a loss of sunlight to the unit below (existing Unit 2) through the increase in area of the balcony above and the location of Unit 4 and a loss of privacy from the proposed walkway to Unit 3 which is partially located over the courtyard for this unit.

- **Comment**

Clauses 10.4.4 A1 and A2 provide development standards for sunlight and overshadowing that relate only to Multiple Dwellings. As the proposal is for a retirement village these standards do not apply to the proposal and the concern relating to the location of Unit 4 on overshadowing cannot be considered.

Notwithstanding the above, as assessment of the proposal shows that the existing Unit 2 has windows and a door facing south, with the door located under the existing balcony. As with the existing Unit 1, due to its orientation, the doors and windows would currently receive minimal sunlight only in the summer months and the extension of the balcony towards the east would not result in a loss of sunlight to unit.

The existing Unit 2 also has glazed doors located on its eastern elevation which access the courtyard. Following the representations received, the applicant has advised that the northern end of the balcony can be reduced in size to maximise sunlight into the private open space and windows for the unit below.

Additionally, the removal of an existing linkway located to the north of this unit will also increase the solar access to the courtyard.

The proposal includes a covered, level walkway to Unit 3 which is located partially over the courtyard below. The Scheme requires screening to balconies and decks to prevent overlooking. It is considered that the proposed walkway is a thoroughfare and its location directly over the courtyard will not result in a significant loss of privacy for the occupier of the unit below. However, this issue has been discussed with the applicant who has agreed to provide screening along the walkway to alleviate the concerns of the representor.

5.3. Inconsistencies with Plans in Relation to Unit 2 and Clarification of Finishes

The representor is concerned that the plans do not accurately show the elevations in relation to natural ground level and that the building will be higher than shown. The representor has also requested clarification on the finish of the facia.

- **Comment**

The proposed plans include sufficient detail to enable assessment against the provisions of the Scheme and it is the responsibility of the applicant to ensure that the proposal plans are correct. The Scheme does not provide standards relating to materials or colours. Notwithstanding the above, the applicant has advised that the facia wall will be rendered blockwork.

5.4. Drawings Inaccurate Regarding Existing Unit 3

The representor was concerned that the plans incorrectly depict the walls relating to existing Unit 3 as a section of the existing carport for Unit 3 has been converted into a small workshop.

- **Comment**

The plans appear to be correct in relation to the existing Unit 3 and therefore this issue is not a relevant consideration.

5.5. Impact on Amenity to Dwelling at 8 Ford Parade and Inaccuracies in Floor Levels

Concern has been raised regarding the impact on the amenity of the adjoining property at 8 Ford Parade due to overshadowing of habitable rooms and private open space, increase in visual bulk and loss of privacy. The representor is also concerned that the proposal plans did not accurately show the proposed floor levels of the proposal and also showed a high boundary wall on the 3D image along the eastern boundary of the development site and was unclear as to what was being shown on the eastern elevation.

- **Comment**

As has been discussed previously in this report, the proposal is not considered to have a detrimental impact on the amenity of the property at 8 Ford Parade by overshadowing or visual bulk, as the proposal retains a similar boundary setback of the existing nursing home and the overall height is decreasing. The proposal also shows that the part of the nursing home building located adjacent to private open space for 8 Ford Parade is being removed, thereby reducing the visual bulk of the proposed development when viewed from 8 Ford Parade.

The removal of this section of the nursing home to the west of the private open space for 8 Ford Parade will also increase solar access to this area of the site.

The windows on the eastern elevation meet the Acceptable Standard for Clause under the Scheme as they have obscure glazing which will prevent overlooking.

In addition, the owner of 8 Ford Parade has constructed a high boundary wall along the northern and western boundaries which would cause overshadowing of the private open space, regardless of the proposed development.

An issue was raised with the eastern elevation as the advertised plans appeared to show a boundary wall in front of the windows for Unit 7 and the levels in relation to the representor's property appeared to be incorrect. This issue was raised with the applicant who provided an amended elevation which correctly showed the location of windows on this elevation. This elevation was forwarded to the representor for their information.

In relation to the levels, the applicant has provided sufficient information regarding the proposed levels to assess the development against the development standards of the Scheme.

No additional boundary walls are proposed as part of the development.

5.6. Impact on Streetscape

Concern was raised that the proposal would have a negative impact on the streetscape of Wellington Road in relation to the "heritage" homes on Wellington Street opposite the site, particularly if the approved heights of the buildings along Wellington Road are not enforced.

- **Comment**

The proposed units fronting Wellington Road are replacing the existing dwellings with dwellings similar in height and design. These dwellings are compatible with the existing site development and will not have a detrimental impact on views from Wellington Road towards Lindisfarne Bay.

The development must be built in accordance with the approved plans and are not able to be changed without prior approval from Council.

The dwellings on Wellington Street, opposite the site, are not covered by the Heritage Code and therefore the issue relating to the heritage nature of the dwellings is not relevant to the assessment of the application.

5.7. Suggestion for Trees along the Footpath on Wellington Road

The representor suggested that Council plant trees along the footpath to improve the streetscape of the area.

- **Comment**

This issue is not relevant to the consideration of the application.

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, 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 2010-2015 or any other relevant Council Policy

9. CONCLUSION

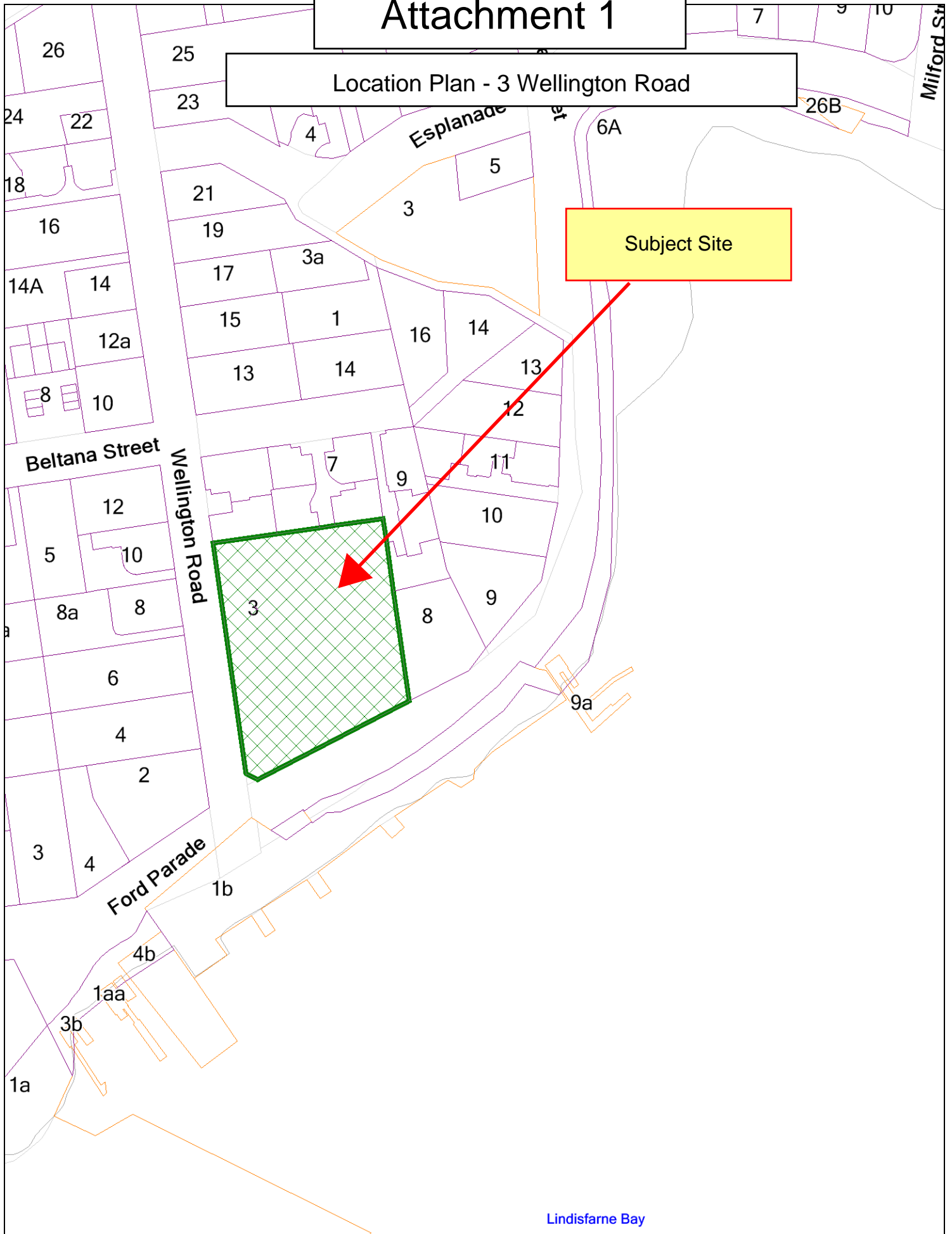
The proposal for demolition of existing nursing home and construction of new residential retirement units at 3 Wellington Road, Lindisfarne is recommended for approval subject to conditions requiring some minor modifications to the plans to resolve some of the concerns of the representors, as discussed in the body of this report.

Attachments: 1. Location Plan (1)
2. Proposal Plan (19)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 3 Wellington Road



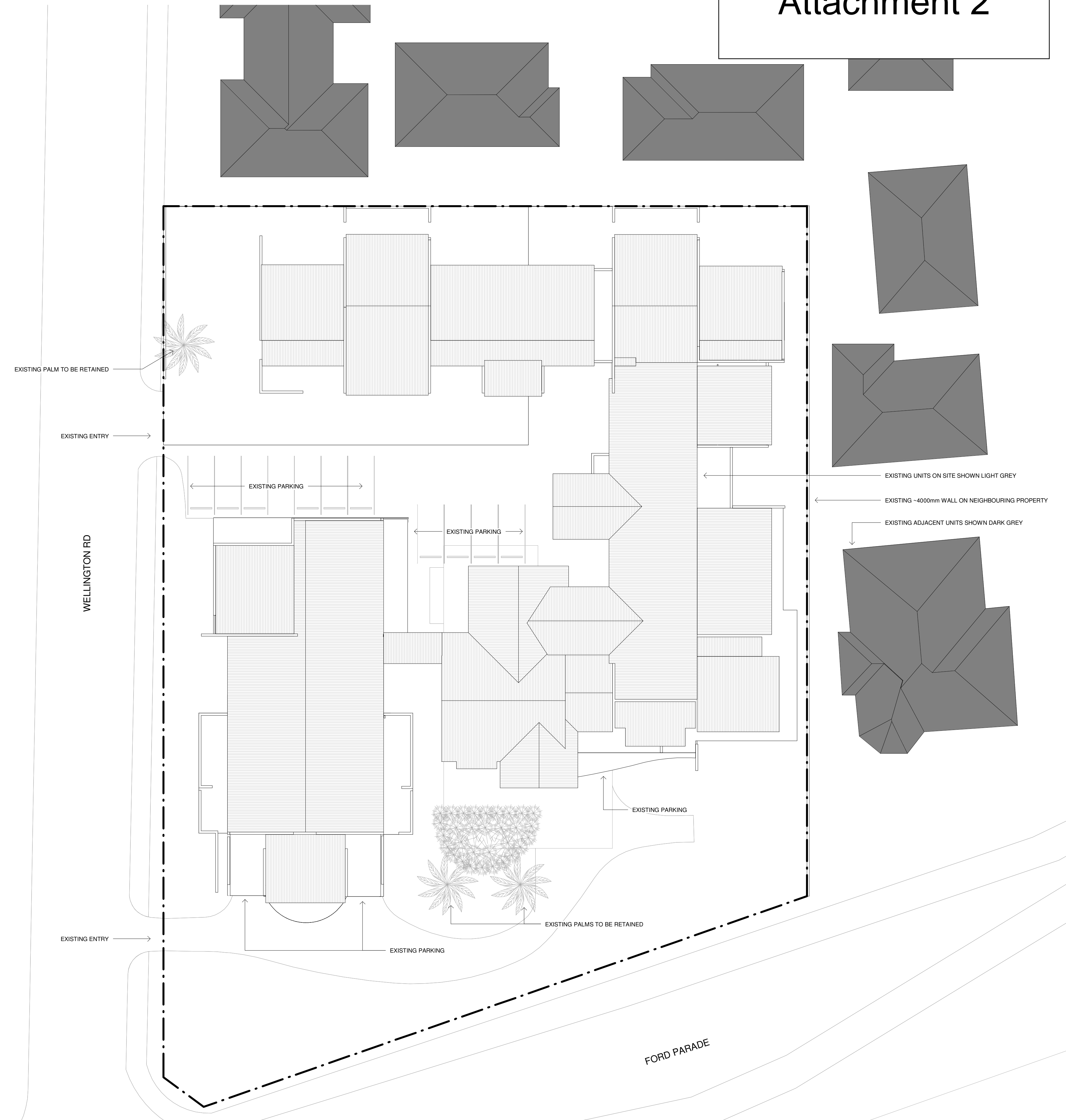
Lindisfarne Bay



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Attachment 2

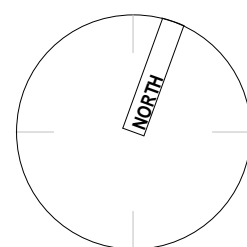
REV DATE DETAILS CHECKED
A 15.03.2016 Development Application



BPSM architects
Bush Parkes Shugg & Moon

PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**
ADDRESS Wellington Road, Lindsiearne.
CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA
SHEET NAME **SITE PLAN - EXISTING**

PROJECT NUMBER H1504
SCALE AT A1 1 : 200
DRAWN BY DD
DATE 15.03.2016
SHEET **A002** REV **A**



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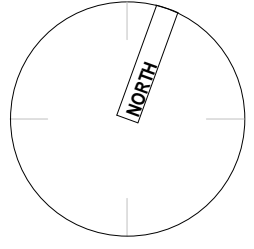
STAIRS



BPSM architects
Bush Parkes Shugg & Moon

PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**
ADDRESS Wellington Road, Lindsfarne.
CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA
SHEET NAME **SITE PLAN - PROPOSED**

PROJECT NUMBER H1504
SCALE AT A1 1 : 200
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DATE 15.03.2016
SHEET **A003** REV **A**



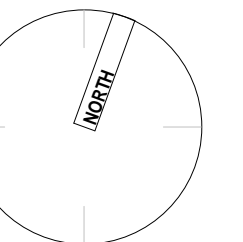
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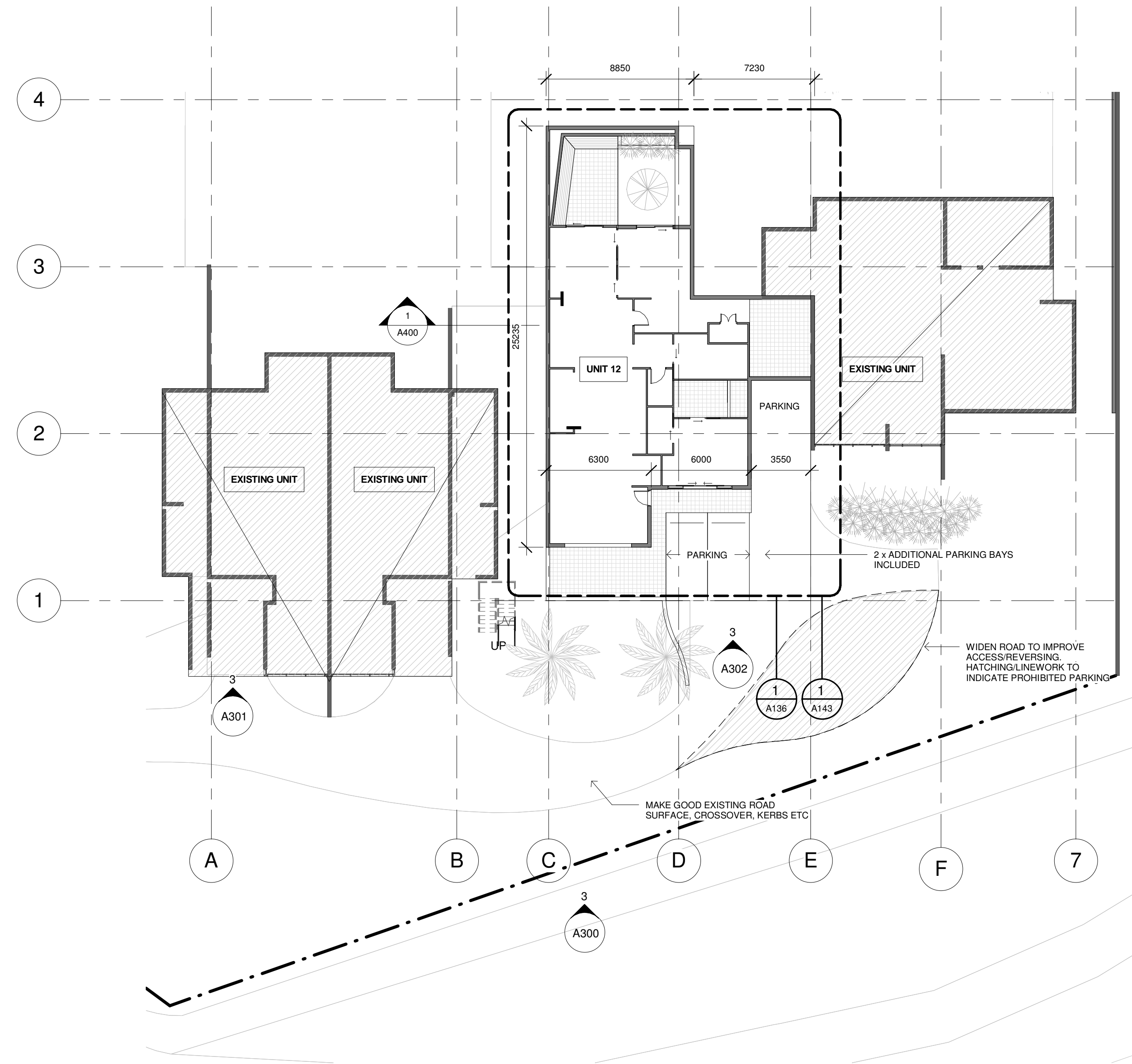
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PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**
ADDRESS Wellington Road, Lindisfarne.
CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA
SHEET NAME **GROUND FLOOR PLAN - EXISTING**

PROJECT NUMBER H1504
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PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA

SHEET NAME **LG FLOOR PLAN - PROPOSED**

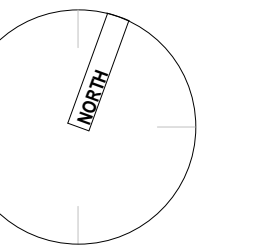
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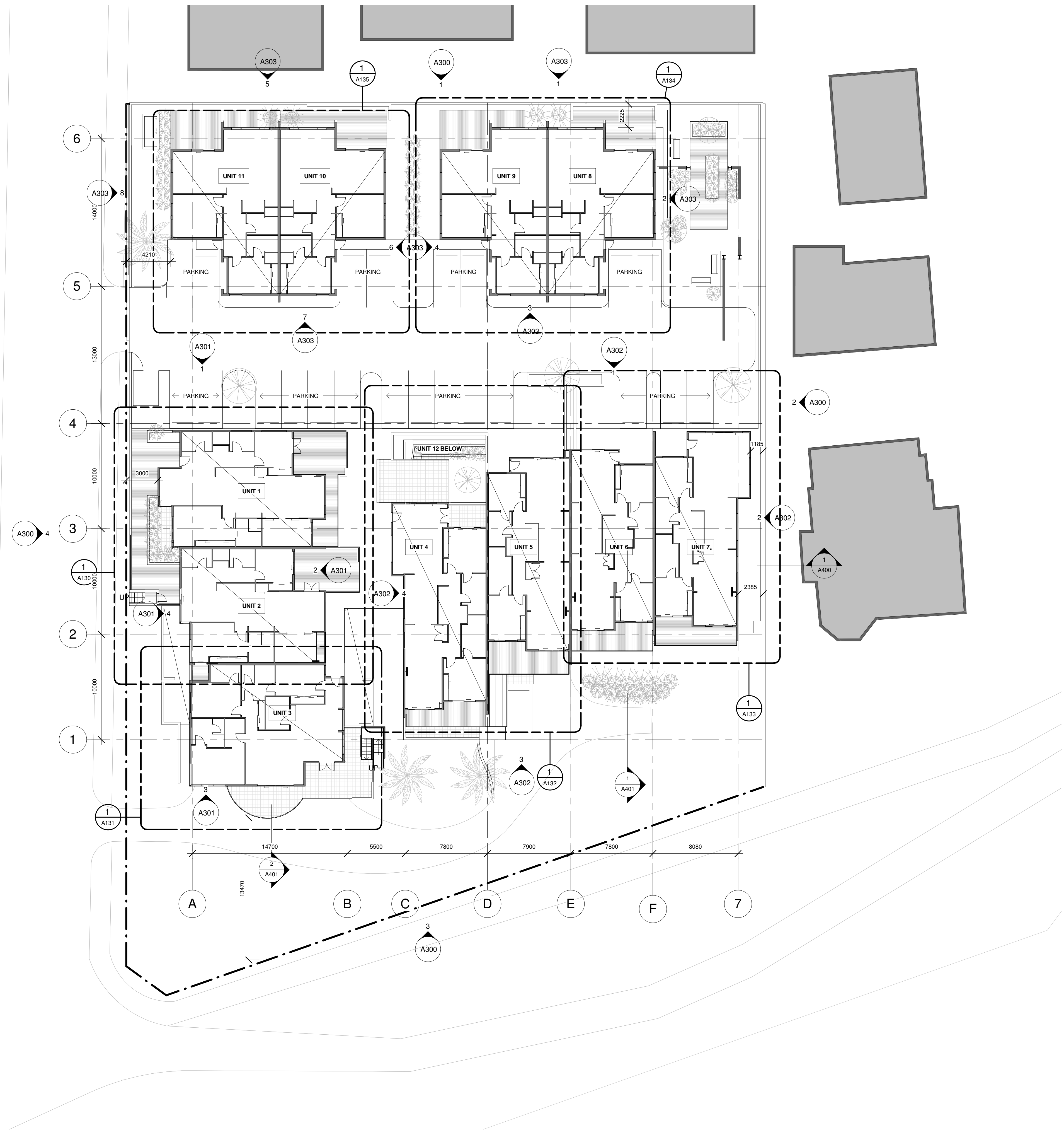
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PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA

SHEET NAME **GROUND FLOOR PLAN - PROPOSED**

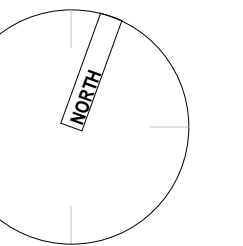
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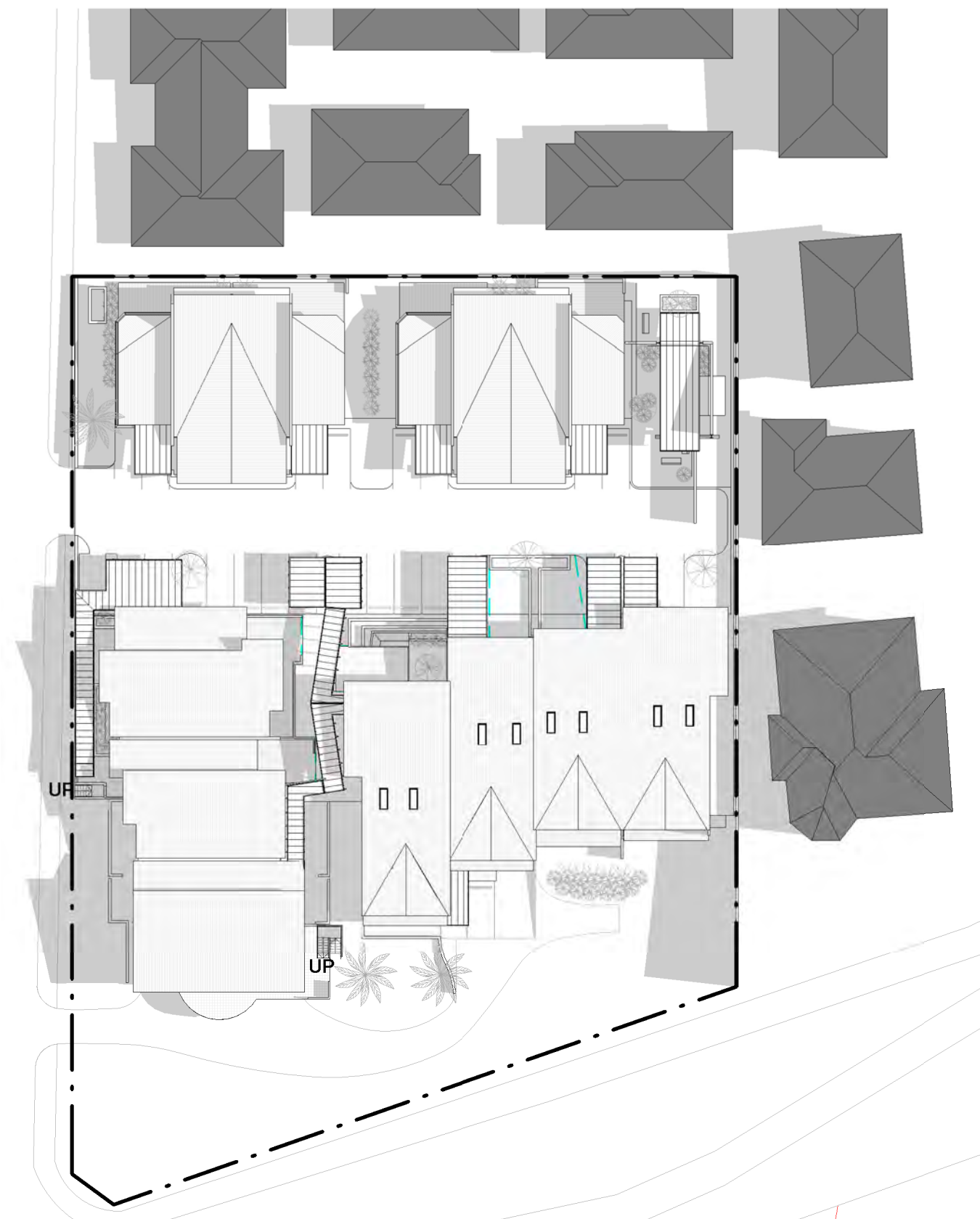
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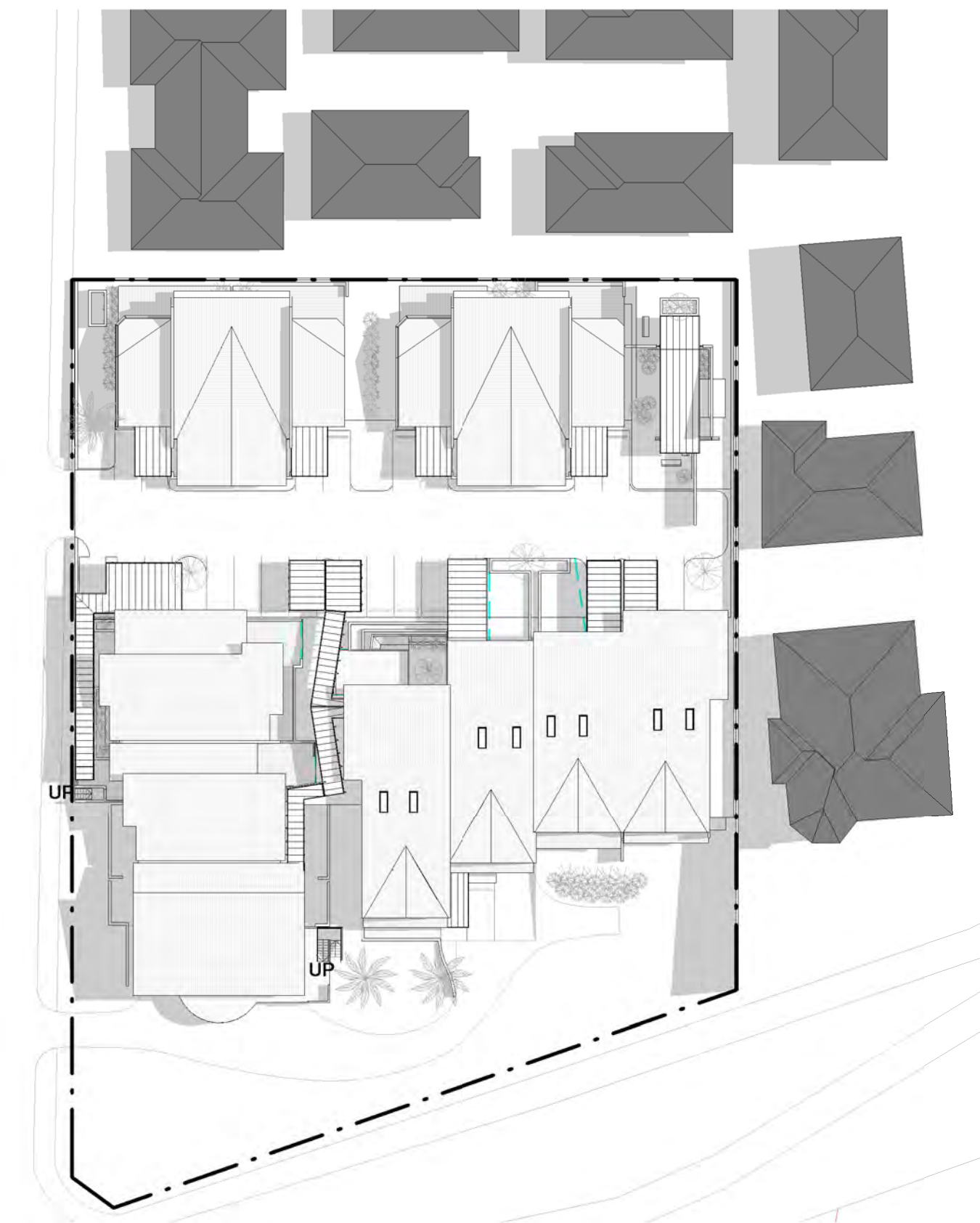
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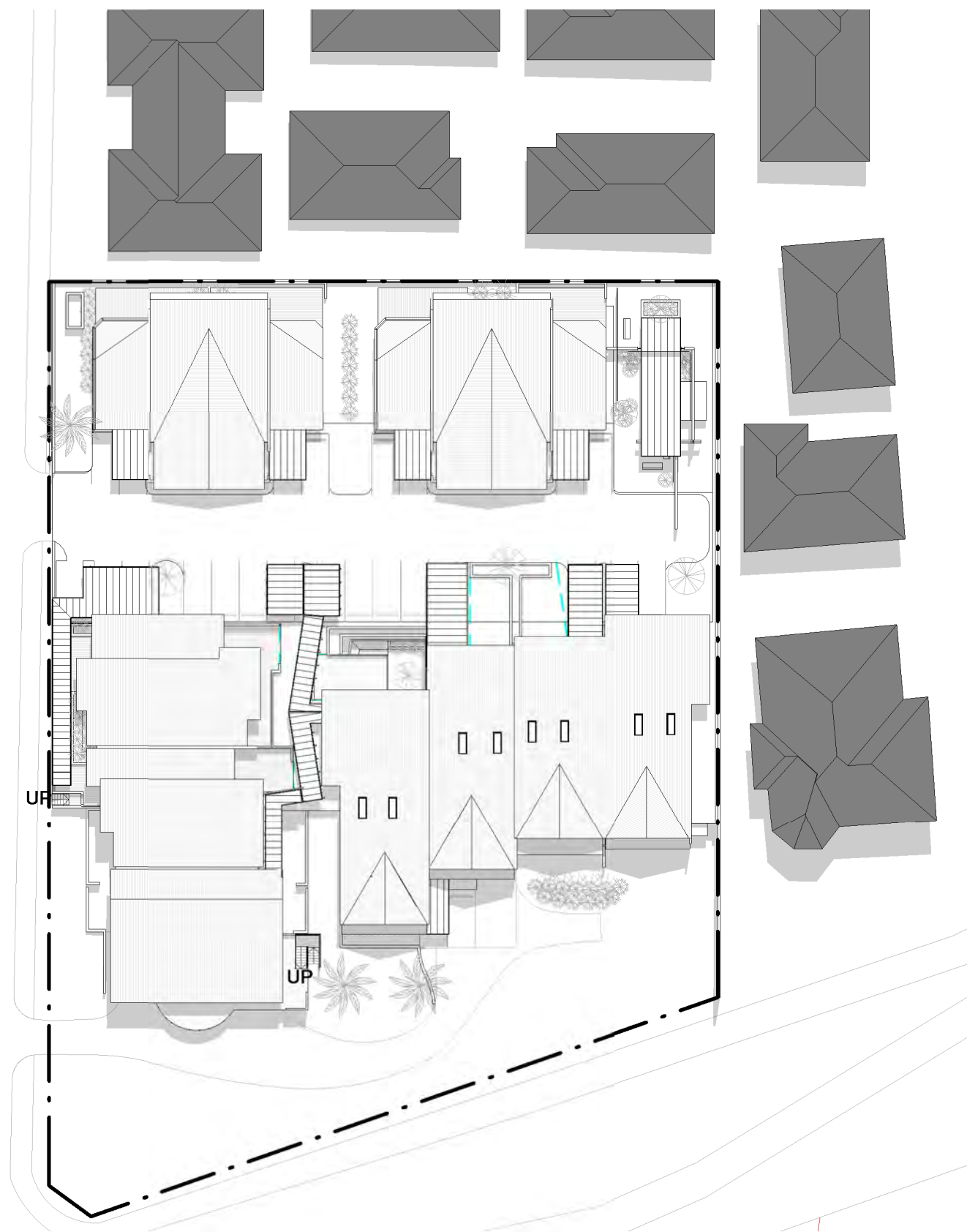
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1 SHADOW PLAN - WINTER 3pm
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4 SHADOW PLAN - SUMMER 9am
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5 SHADOW PLAN - SUMMER 12pm
1 : 500

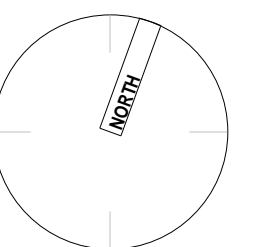


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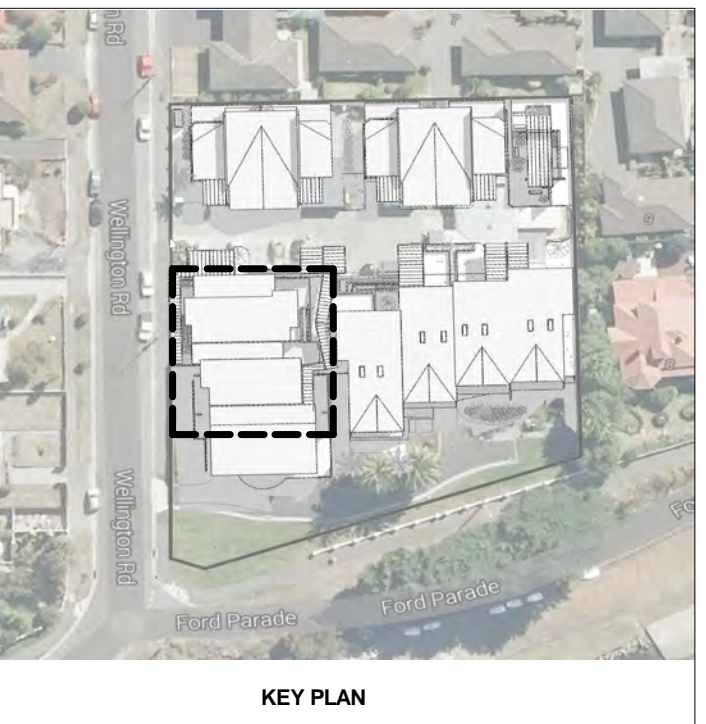
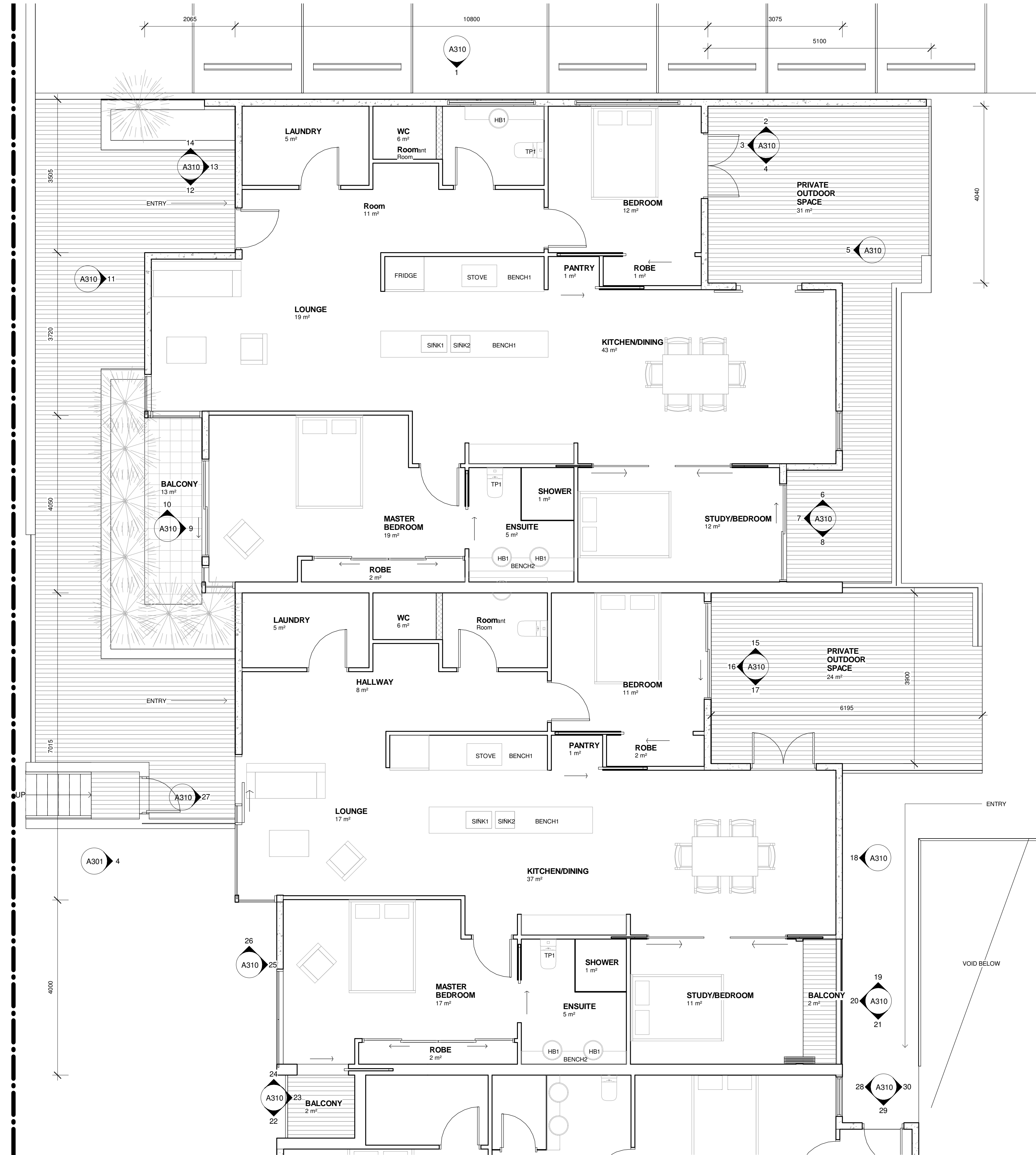
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PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**
ADDRESS Wellington Road, Lindsiearne.
CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA
SHEET NAME **SHADOW PLANS**

PROJECT NUMBER H1504
SCALE AT A1 1 : 500
DRAWN BY DD
DATE 15.03.2016
SHEET **A105** REV **A**



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KEY PLAN

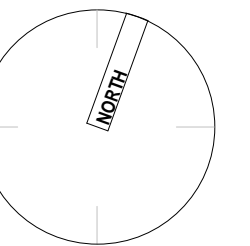
LAYOUT LEGEND

BENCH1	KITCHEN BENCHTOP - REFER FINISHES SCHEDULE
BENCH2	BATHROOM BENCHTOP - REFER FINISHES
HB1	HAND BASIN
SINK1	SINK - REFER FIXTURES SCHEDULE
SINK2	SINK - REFER FIXTURES SCHEDULE
TP1	TOILET PAN

BPSM architects
Bush Parkes Shugg & Moon

PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**
ADDRESS Wellington Road, Lindsfarne.
CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA
SHEET NAME **PLAN - LAYOUT UNITS 1-2**

PROJECT NUMBER H1504
SCALE AT A1 As indicated
DRAWN BY DD
DATE 15.03.2016
SHEET **A130** REV **A**



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KEY PLAIN

LAYOUT LEGEND

BENCH1	KITCHEN BENCHTOP - REFER FINISHES SCHEDULE
BENCH2	BATHROOM BENCHTOP - REFER FINISHES
HBx	HAND BASIN
SINK1	SINK - REFER FIXTURES SCHEDULE
SINK2	SINK - REFER FIXTURES SCHEDULE
TPx	TOILET PAN

PROJECT **FREEMASONS BOWDITCH HOSTEL**
SCHEMATIC PLANNING

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN TASMANIA

SHEET NAME **PLAN - LAYOUT UNIT 3**

PROJECT NUMBER H1504

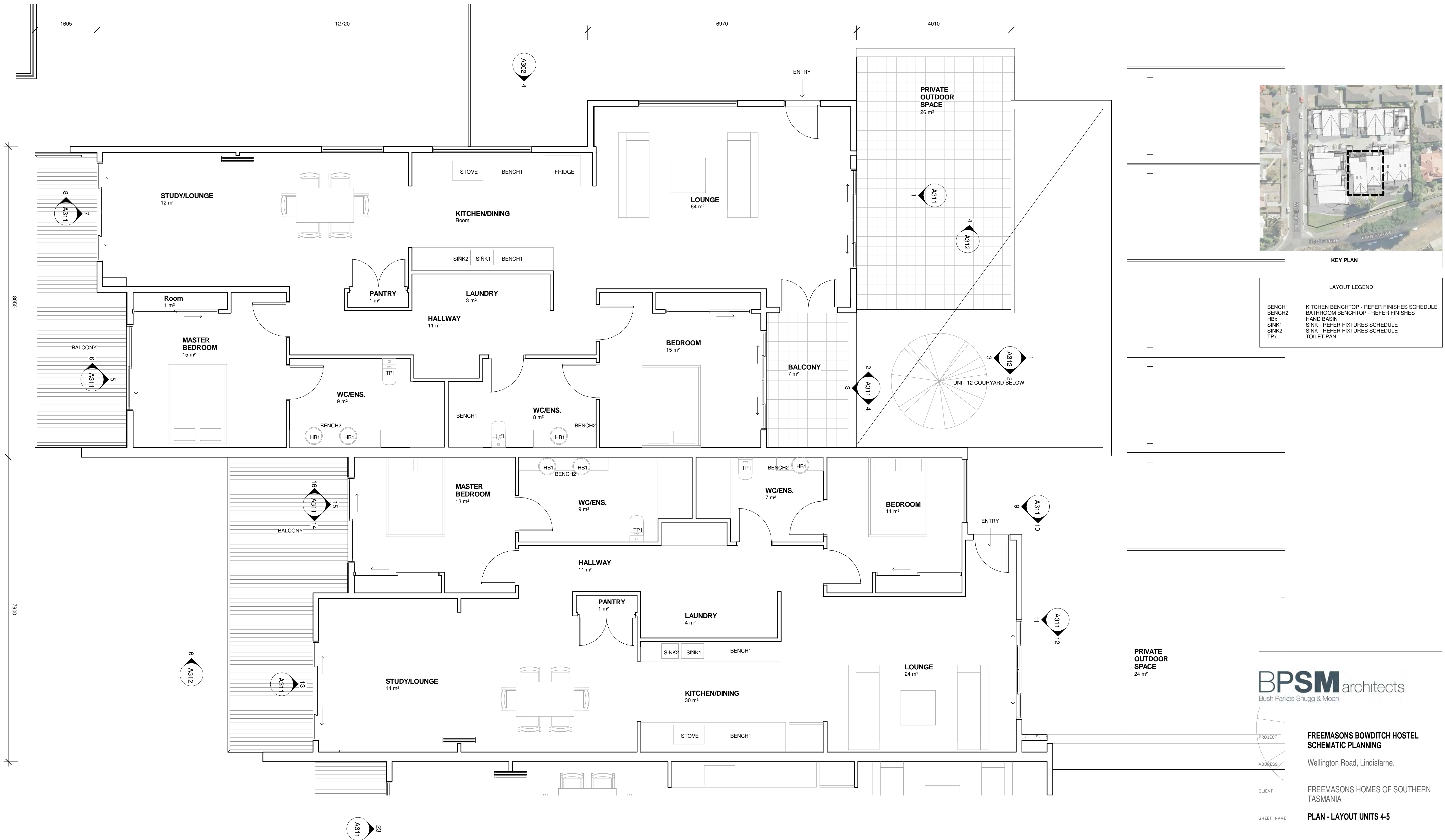
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PROJECT NUMBER H1504

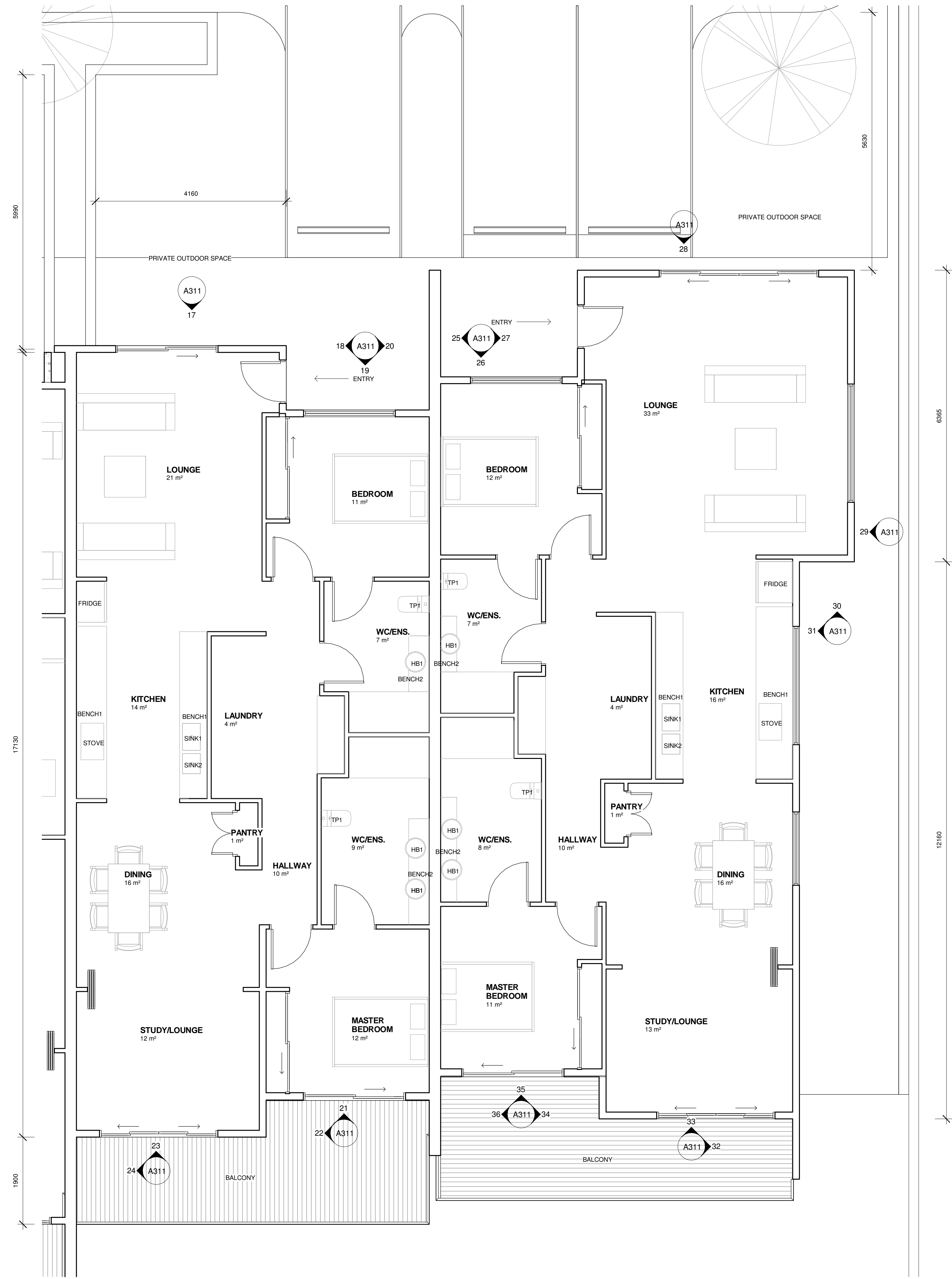
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REV	DATE	DETAILS	CHECKED
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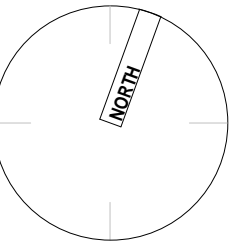


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SINK1	SINK - REFER FIXTURES SCHEDULE
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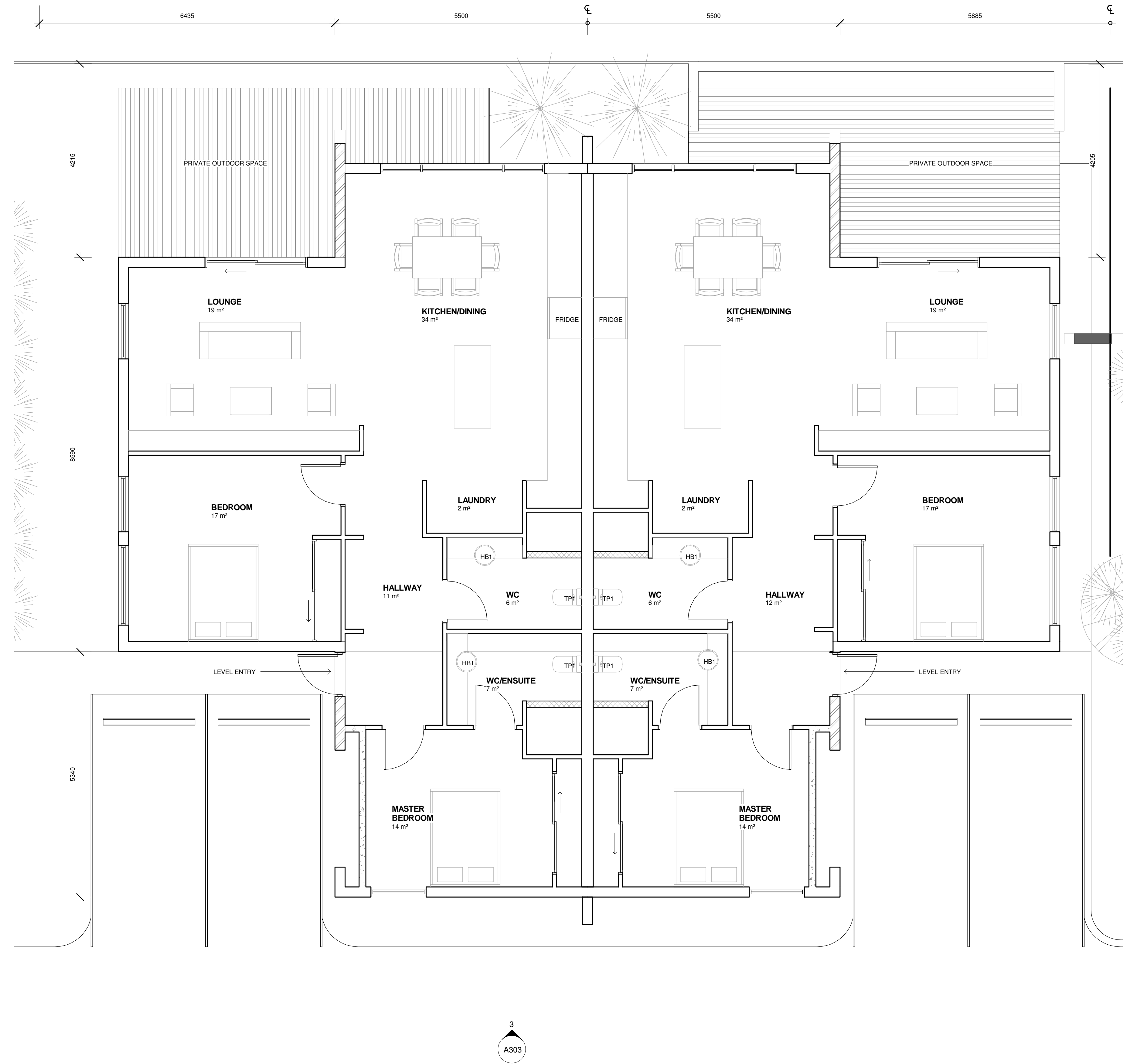
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PROJECT	FREEMASONS BOWDITCH HOSTEL SCHEMATIC PLANNING
ADDRESS	Wellington Road, Lindisfarne.
CLIENT	FREEMASONS HOMES OF SOUTHERN TASMANIA
SHEET NAME	PLAN - LAYOUT UNITS 6-7

PROJECT NUMBER	H1504
SCALE AT A1	As indicated
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DATE	15.03.2016
SHEET	A133
REV	A



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KEY PLAN

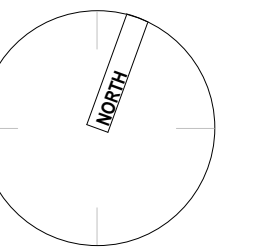
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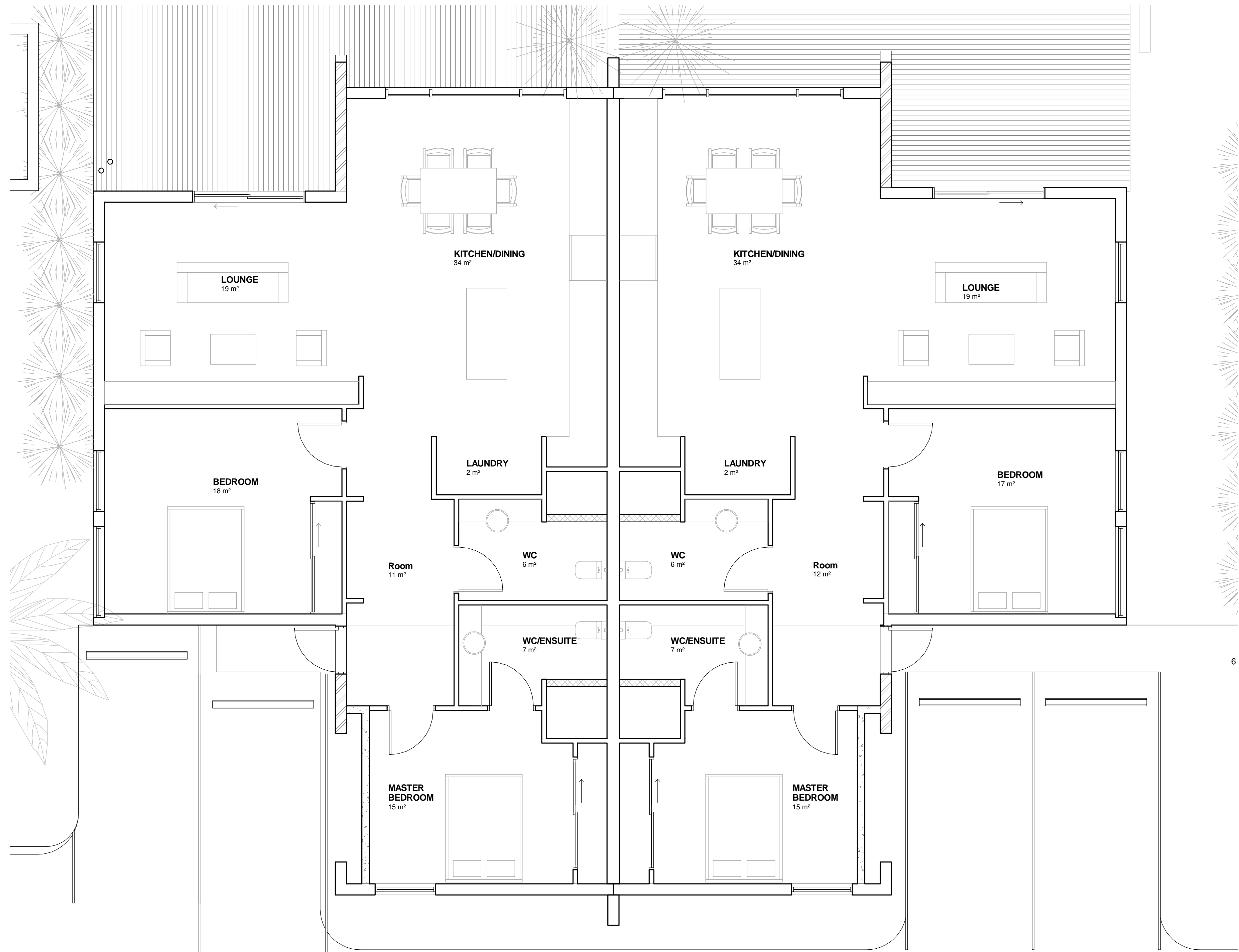
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Bush Parkes Shugg & Moon

PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**
ADDRESS Wellington Road, Lindsfame.
CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA
SHEET NAME **PLAN - LAYOUT UNITS 8-9**

PROJECT NUMBER H1504
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KEY PLAN

LAYOUT LEGEND

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SINK1	SINK - REFER FIXTURES SCHEDULE
SINK2	SINK - REFER FIXTURES SCHEDULE
TPx	TOILET PAN

BPSMarchitects
Bush Parkes Shugg & Moon

PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA

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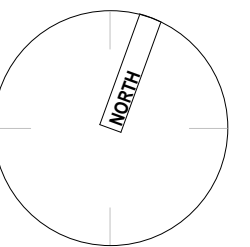
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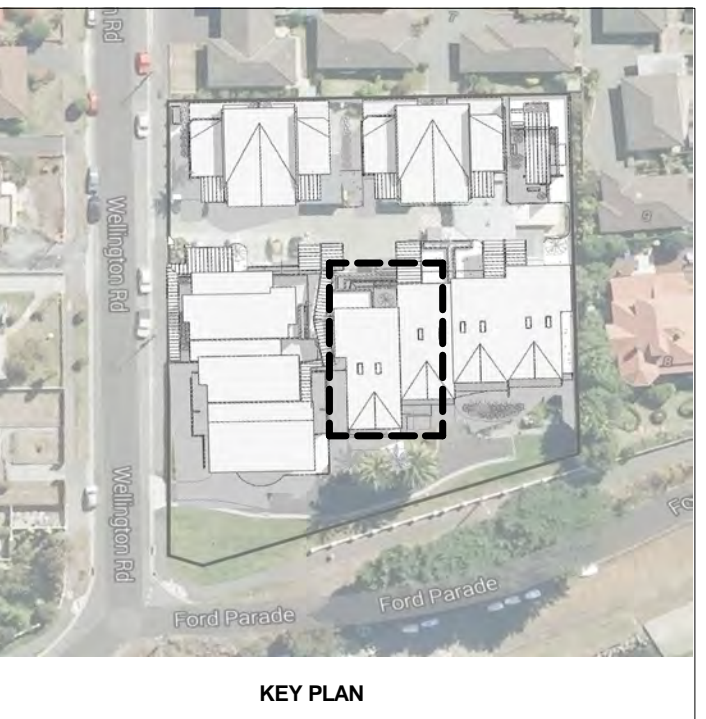
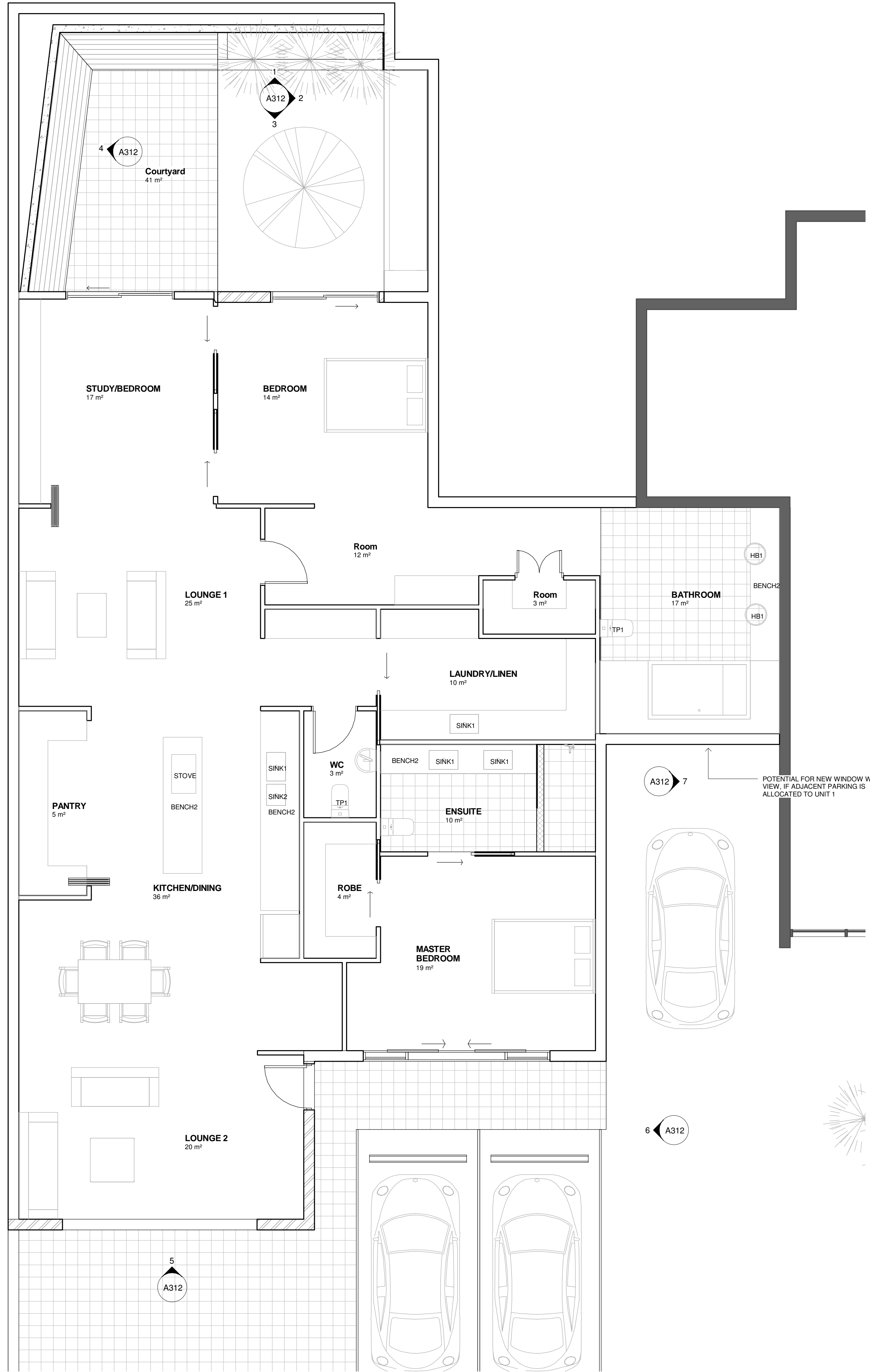
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LAYOUT LEGEND	
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HBx	HAND BASIN
SINK1	SINK - REFER FIXTURES SCHEDULE
SINK2	SINK - REFER FIXTURES SCHEDULE
TPx	TOILET PAN

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PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA

SHEET NAME **PLAN - LAYOUT UNIT 12**

PROJECT NUMBER H1504

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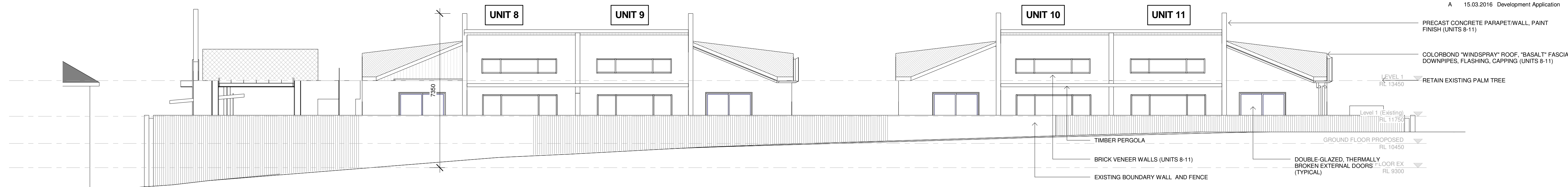
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DATE 15.03.2016

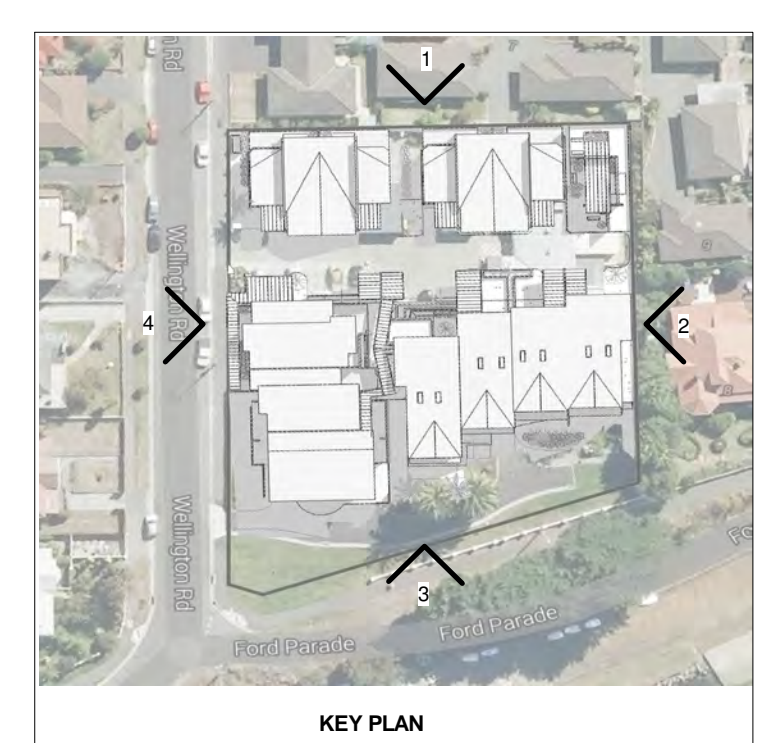
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REV	DATE	DETAILS	CHECKED
A	15.03.2016	Development Application	

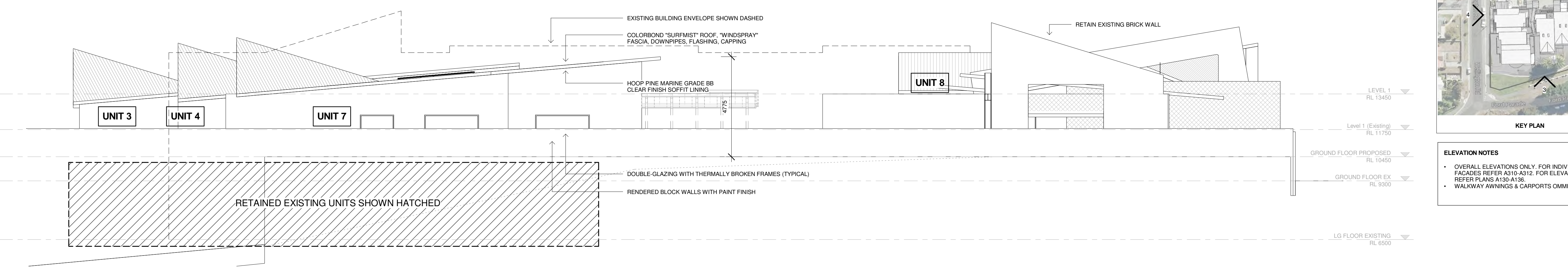


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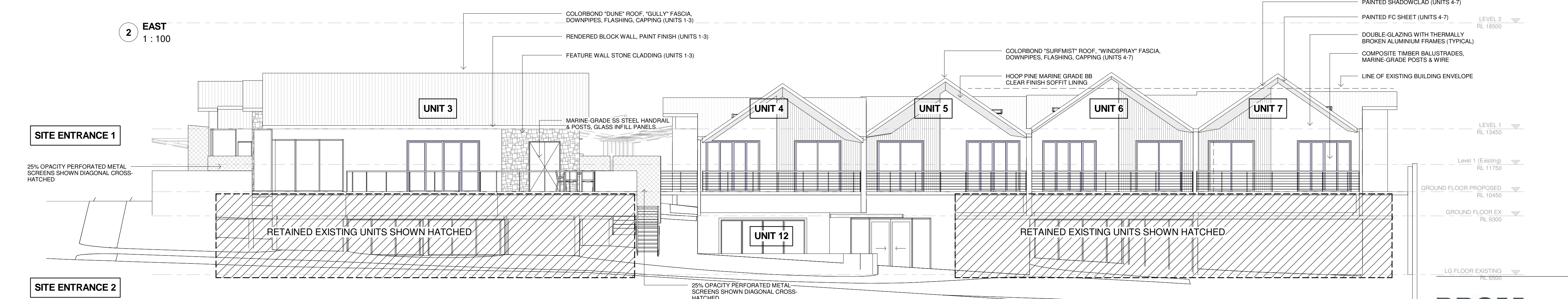


ELEVATION NOTES

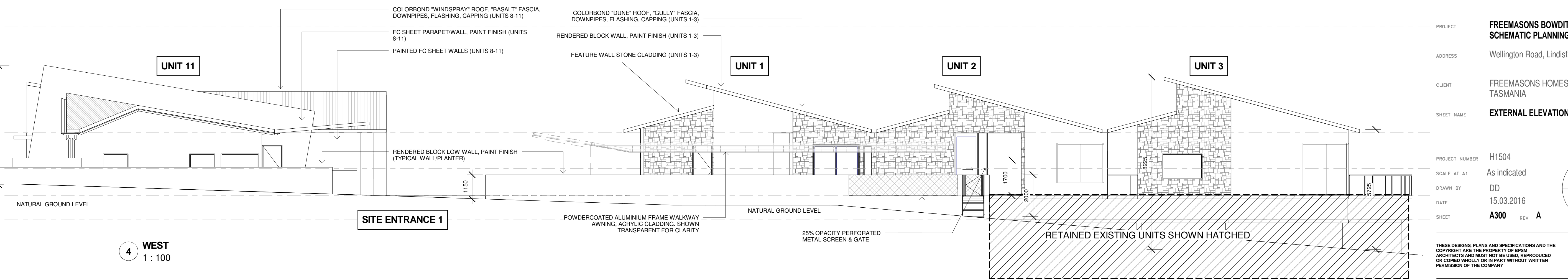
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- WALKWAY AWNINGS & CARPORTS OMITTED FOR CLARITY



2 EAST
1 : 100



3 SOUTH
1 : 100



4 WEST
1 : 100

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PROJECT **FREEMASONS BOWDITCH HOSTEL SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN TASMANIA

SHEET NAME **EXTERNAL ELEVATIONS - SITE**

PROJECT NUMBER H1504

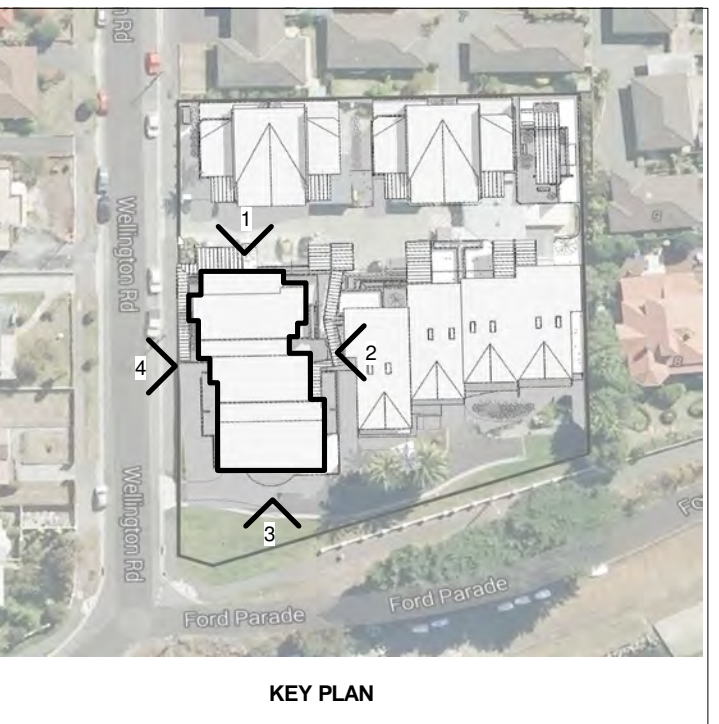
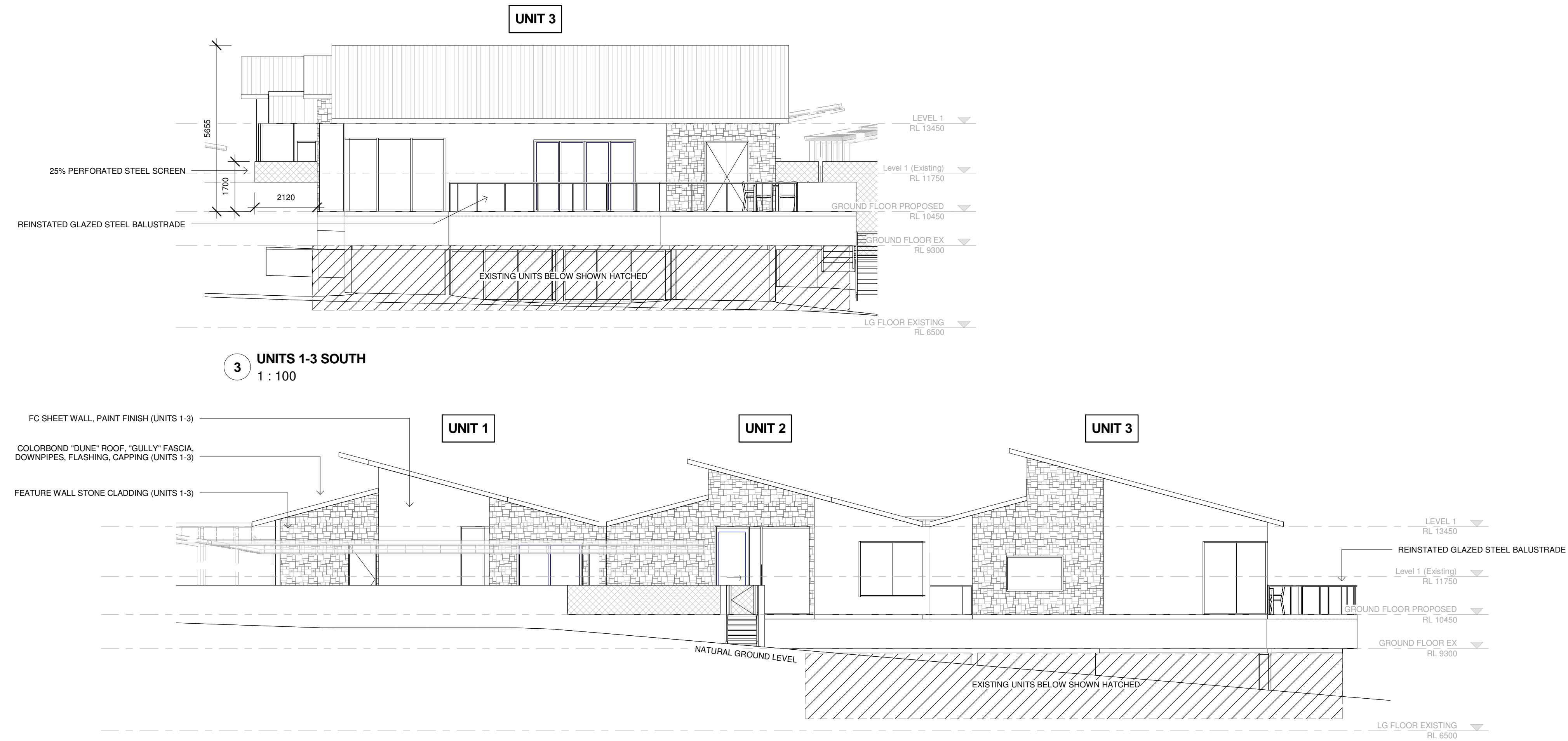
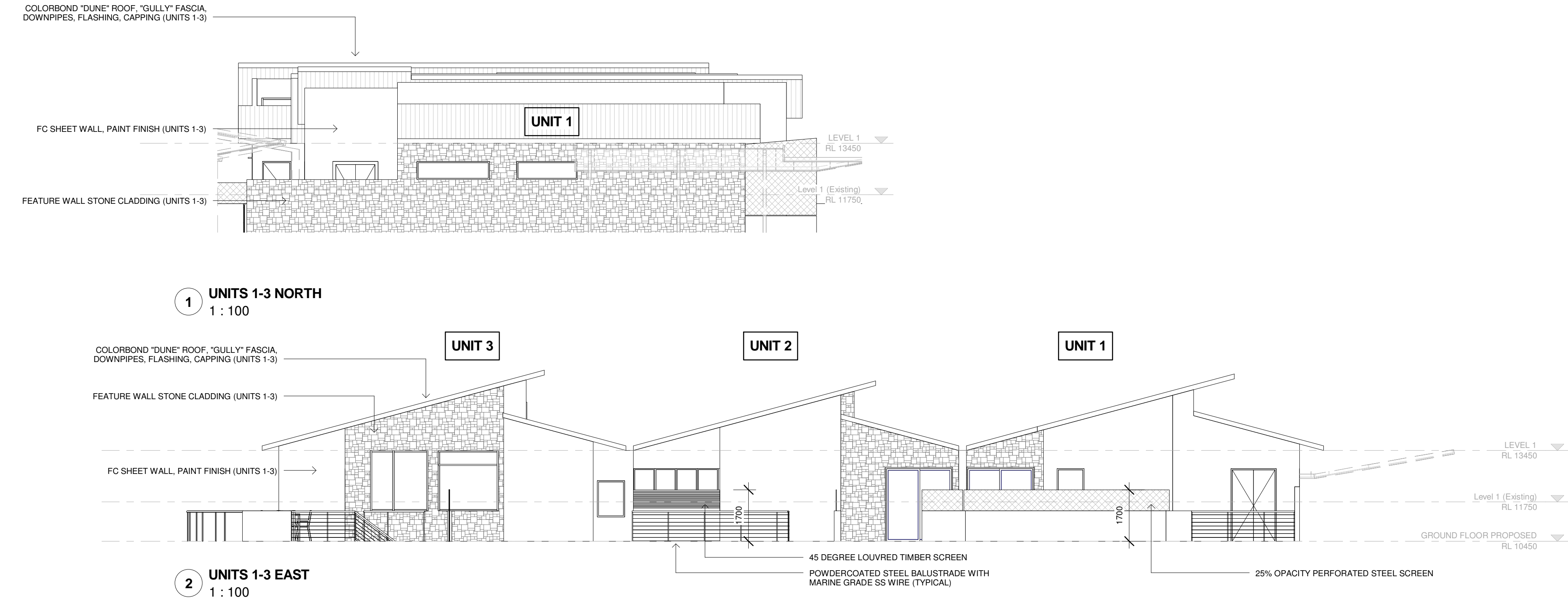
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PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA

SHEET NAME **EXTERNAL ELEVATIONS - UNITS 1-3**

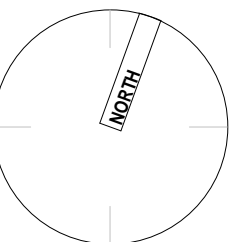
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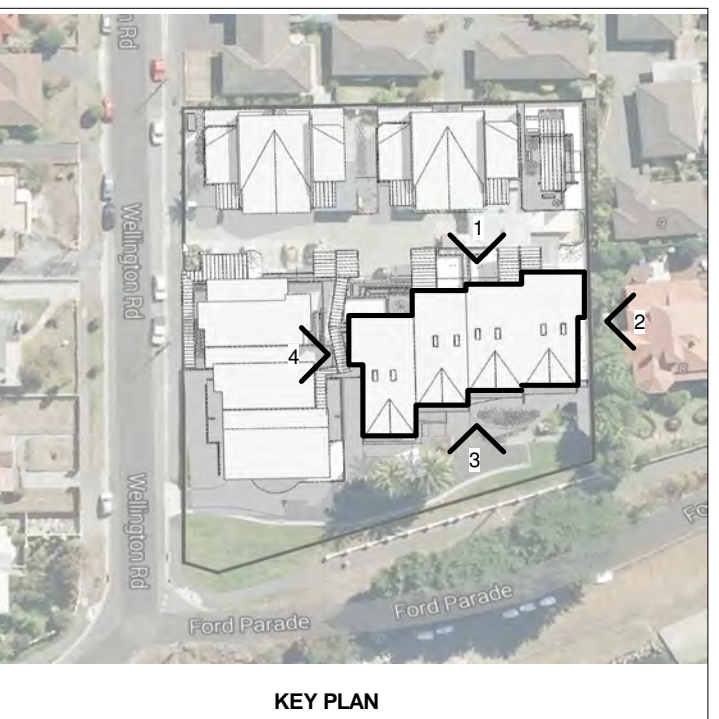
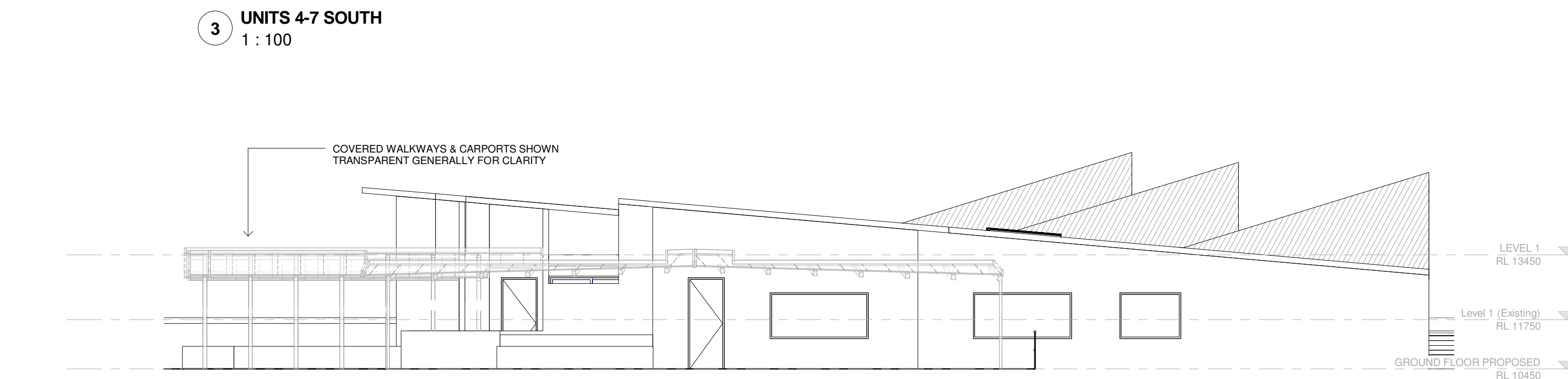
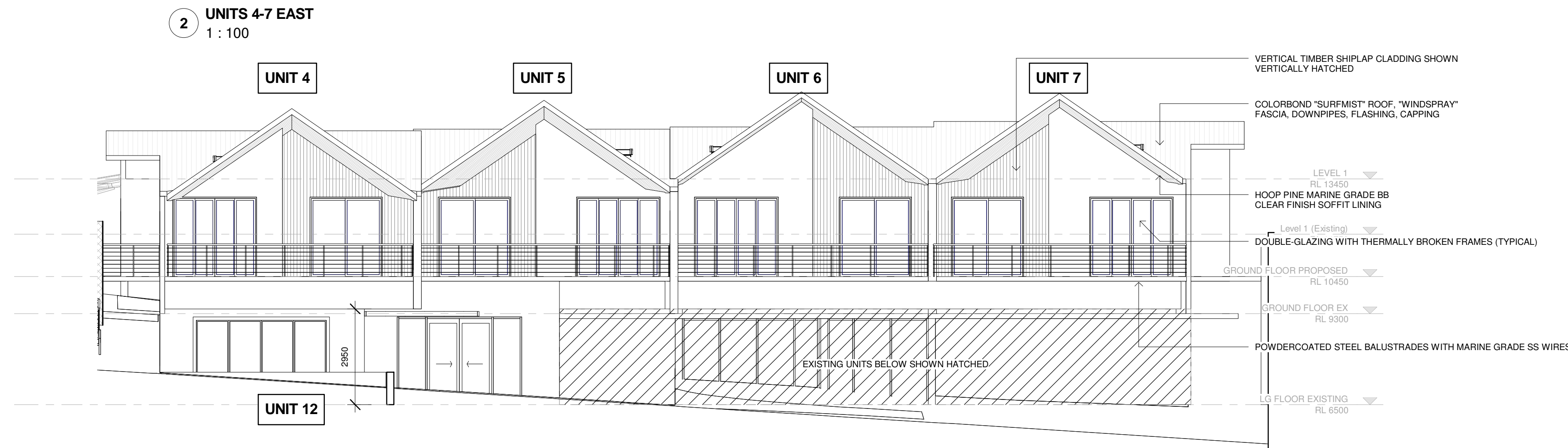
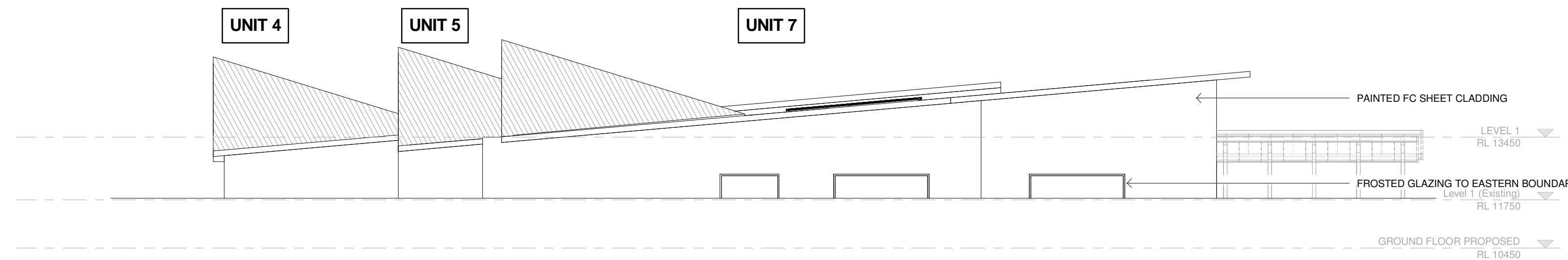
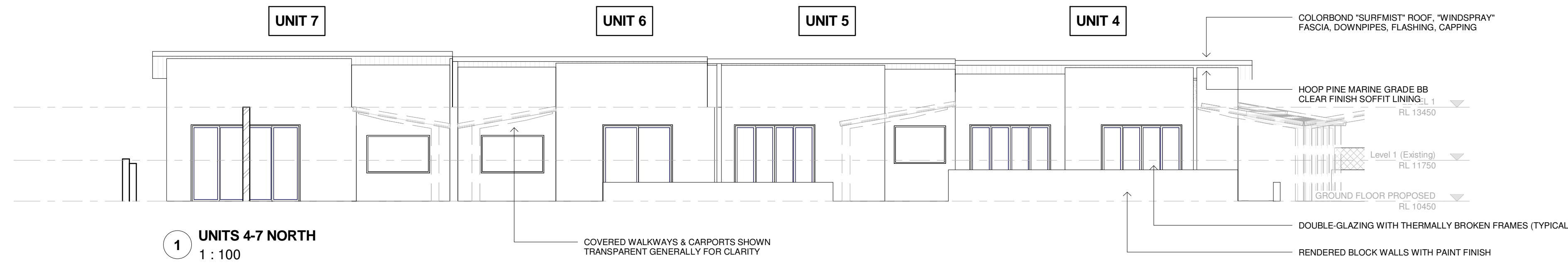
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PROJECT **FREEMASONS BOWDITCH HOSTEL SCHEMATIC PLANNING**

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SHEET NAME **EXTERNAL ELEVATIONS - UNITS 4-7**

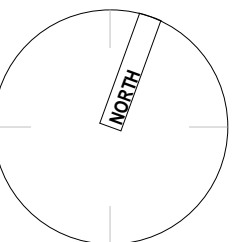
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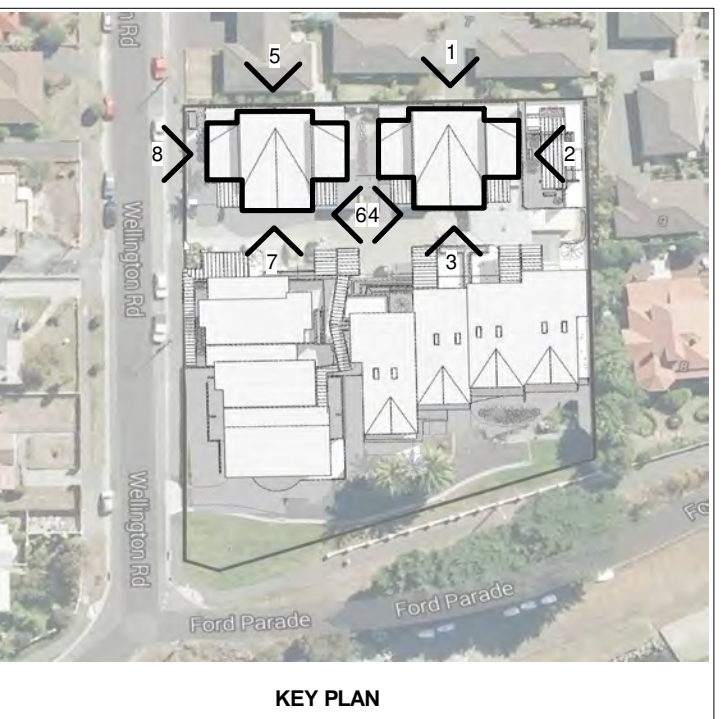
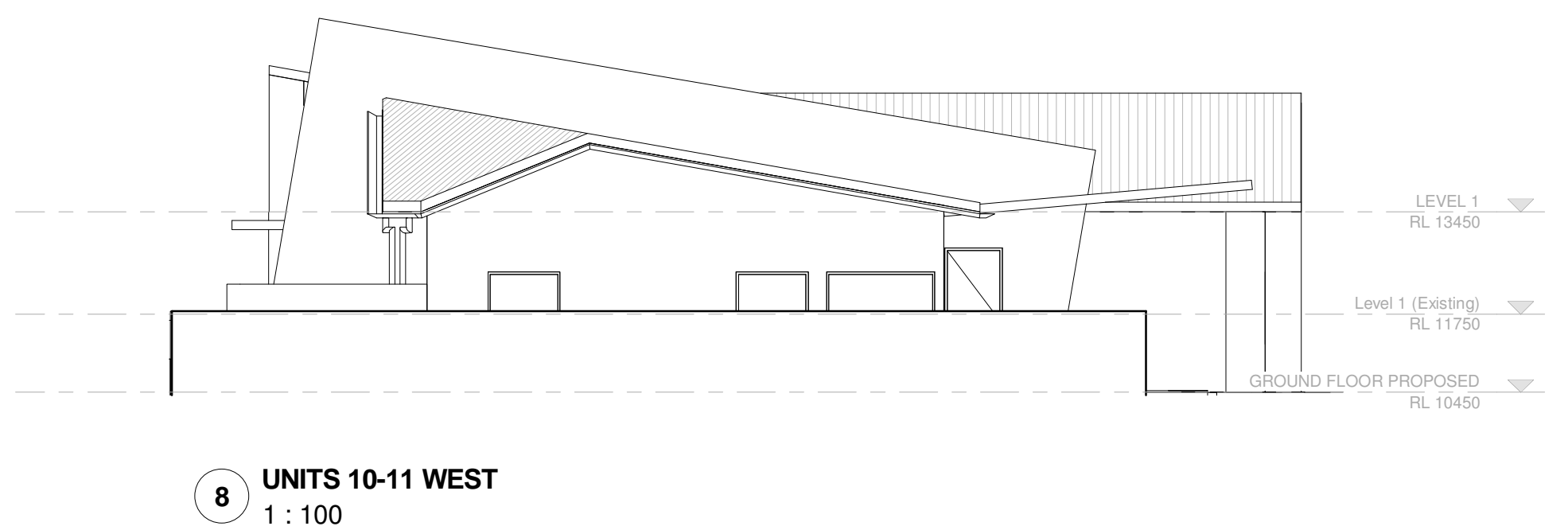
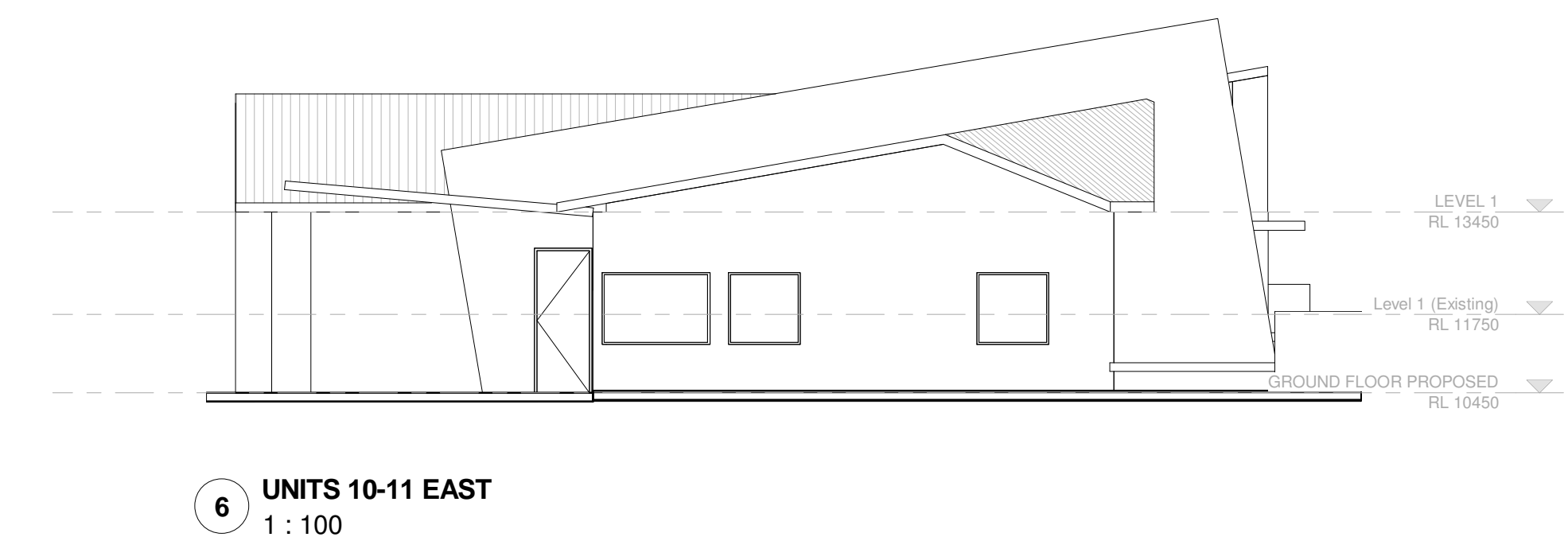
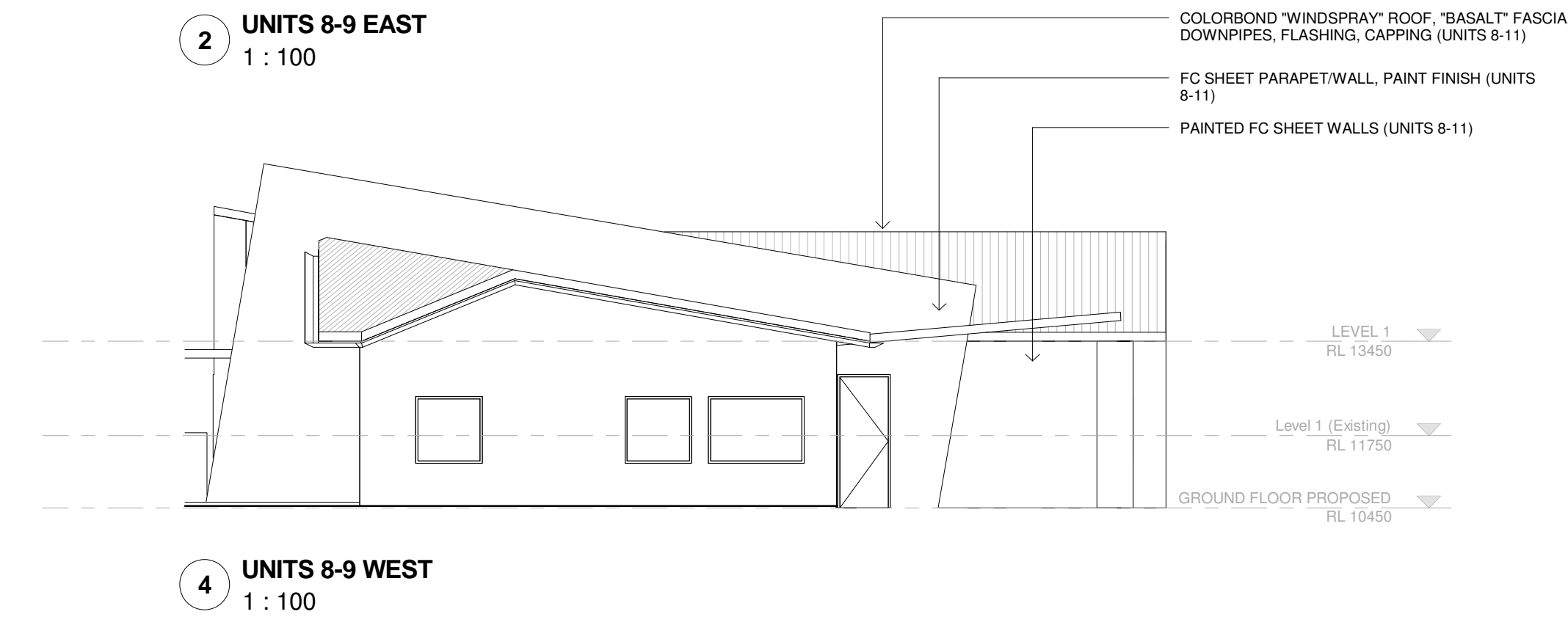
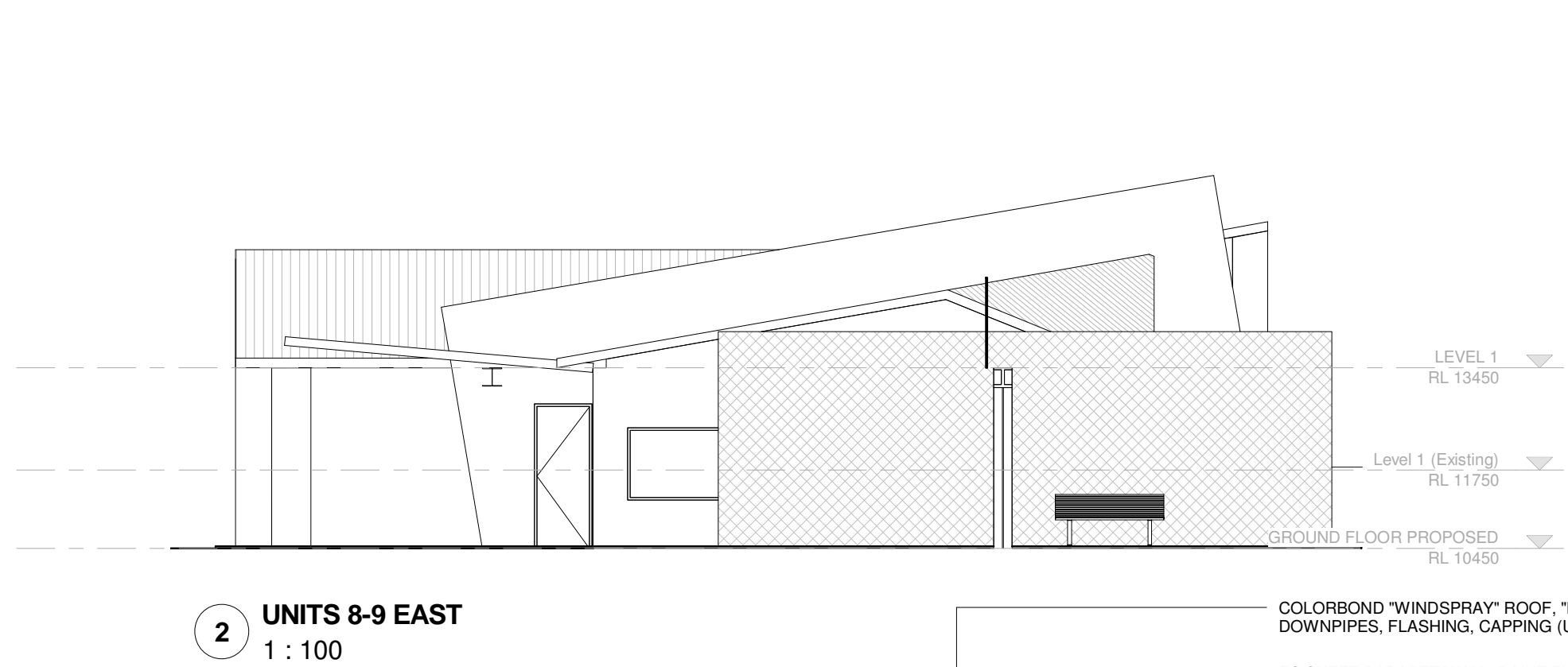
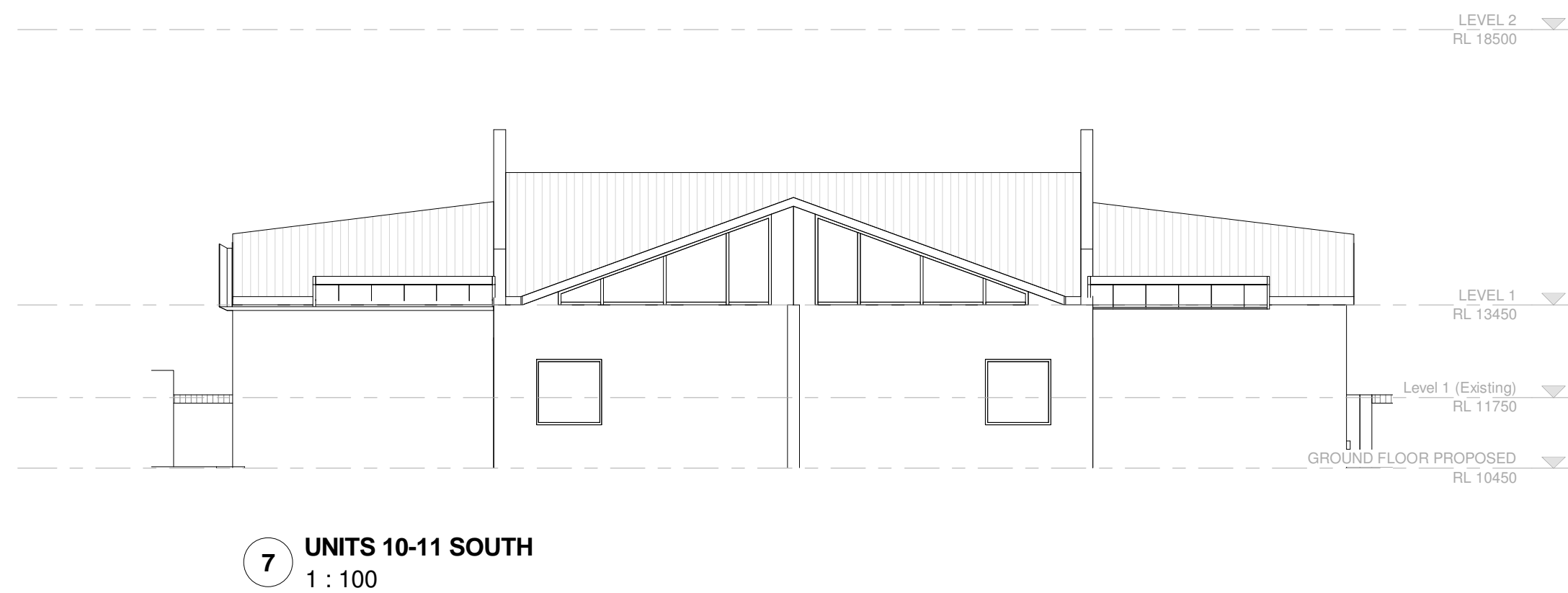
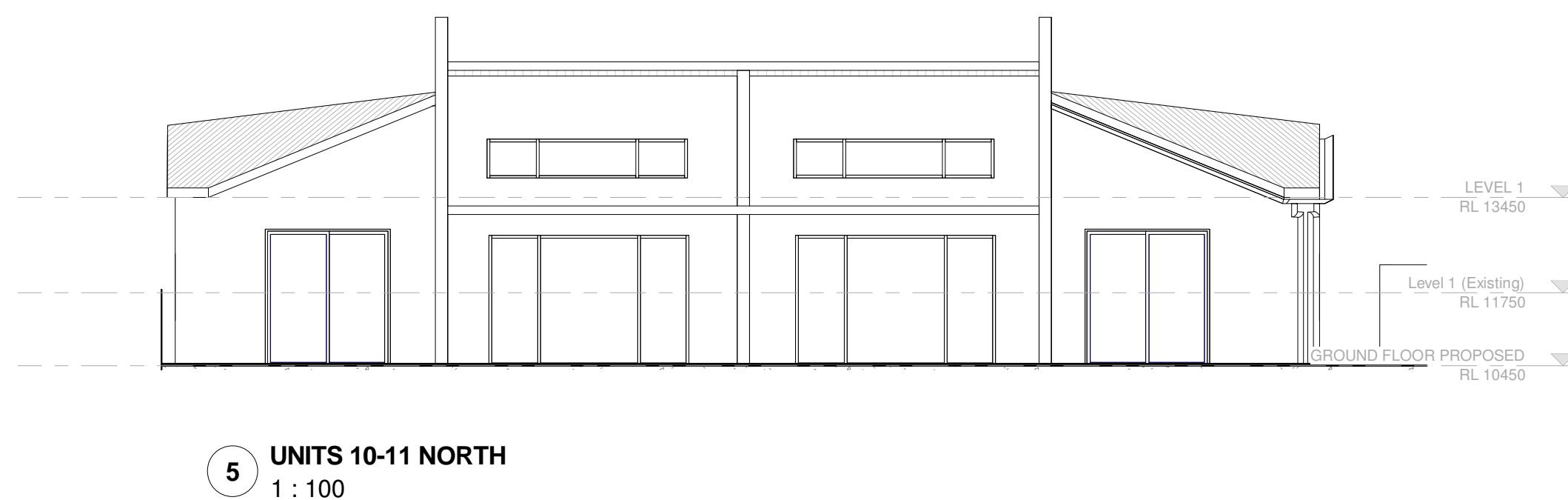
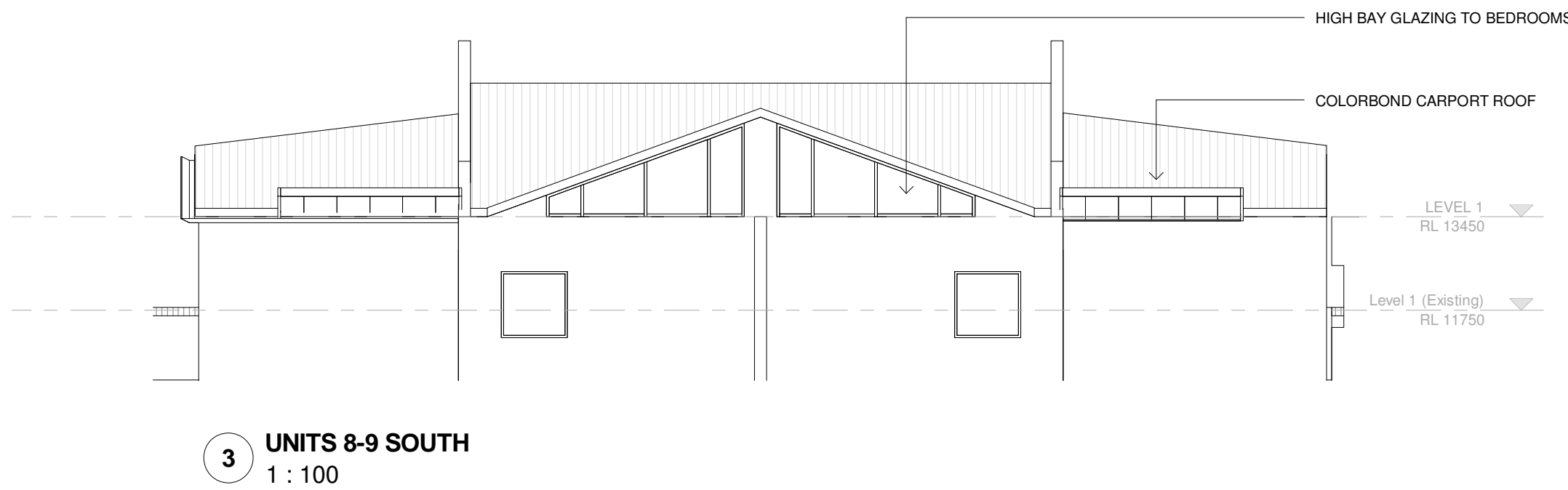
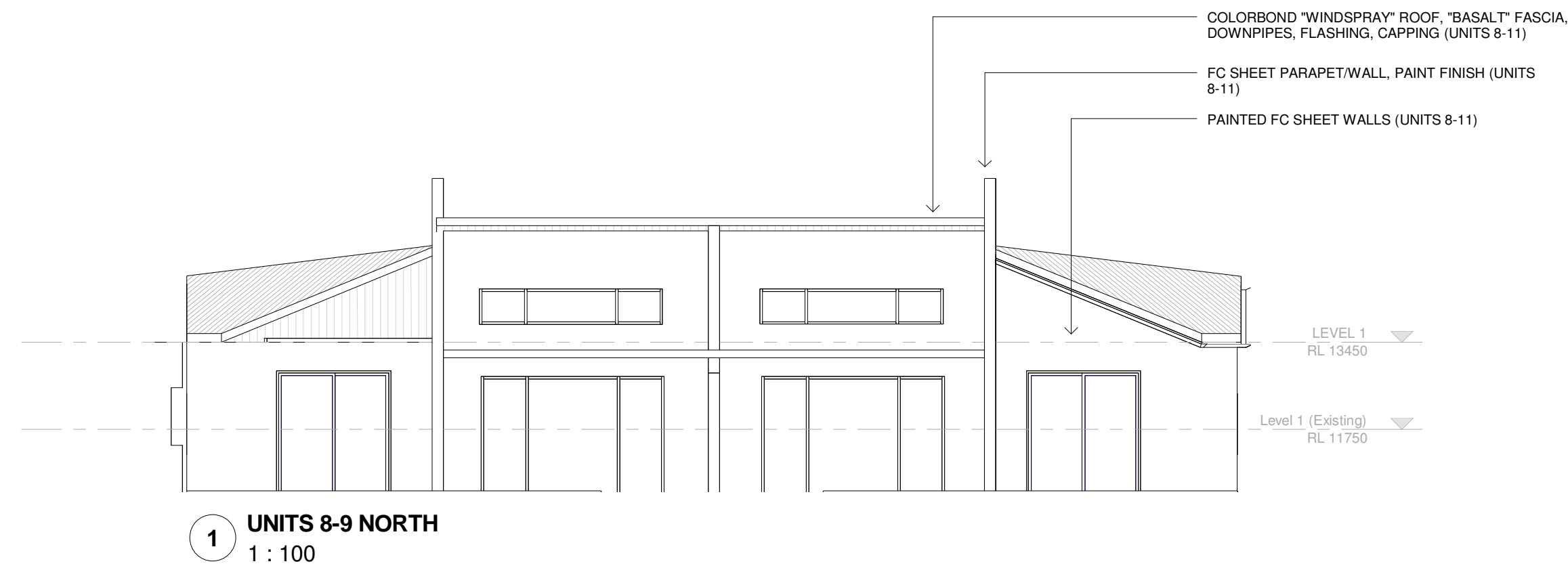
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PROJECT **FREEMASONS BOWDITCH HOSTEL SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN TASMANIA

SHEET NAME **EXTERNAL ELEVATIONS - UNITS 8-11**

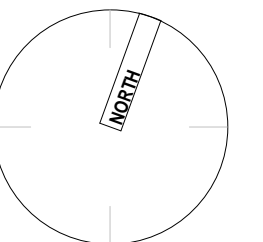
PROJECT NUMBER H1504

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PROJECT **FREEMASONS BOWDITCH HOSTEL
SCHEMATIC PLANNING**

ADDRESS Wellington Road, Lindisfarne.

CLIENT FREEMASONS HOMES OF SOUTHERN
TASMANIA

SHEET NAME **LANDSCAPE/PARKING PLAN**

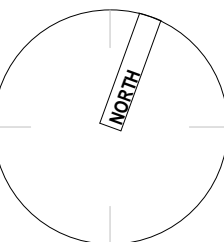
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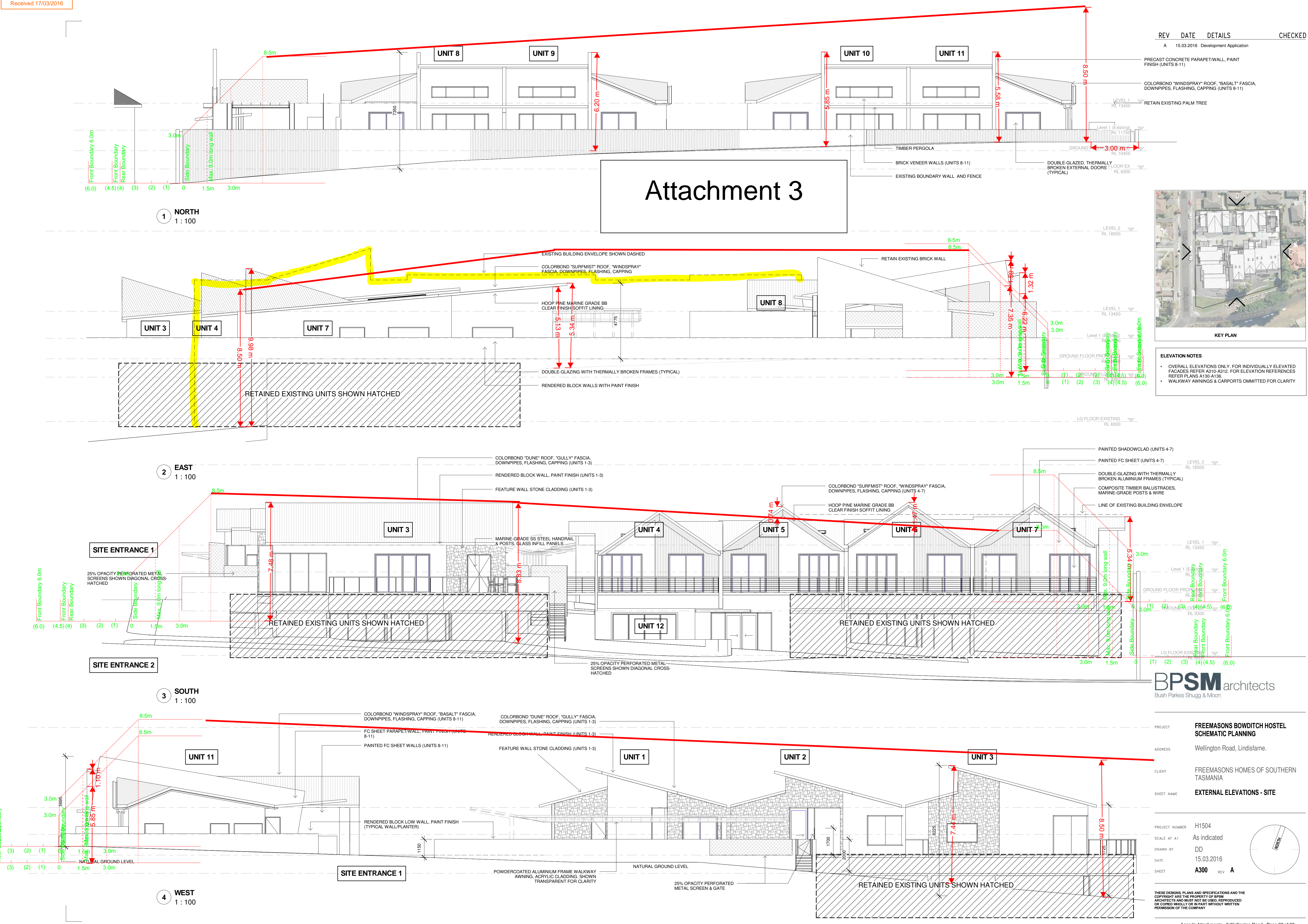
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SHEET L001 REV A



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Attachment 4

3 Wellington Road, LINDISFARNE



Site viewed from the Wellington Road.



View of site looking towards Lindisfarne Bay.



View of site looking towards Lindisfarne Bay.



View of site from Ford Parade.

11.3.4 DEVELOPMENT APPLICATION D-2014/104 - 39 SOUTH ARM ROAD, ROKEBY - NEW WAREHOUSE
(File No D-2014/104)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a new Warehouse at 39 South Arm Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Light Industry, Particular Purpose and is subject to the Waterway and Coastal Protection, the Stormwater Management and the Parking and 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.

Council is required to exercise a discretion within the statutory 42 day period, which has been extended to expire on 25 May 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 5 representations were received raising the following issues:

- fencing;
- stormwater run-off;
- solar access;
- filling of ground level;
- BCA non-compliance;
- similarity to previous approval;
- colour, height, bulk and setback of western wall;
- heritage values;
- proposed plantings;
- access over 3 Droughty Point Road;
- car parking;
- security lighting; and
- property values.

RECOMMENDATION:

- A. That the Development Application for a new warehouse at 39 South Arm Road, Rokeby (CI Ref D-2014/104) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AM3 – EXTERNAL COLOURS.
3. Hours of operation for the use of the warehouse are to be within the following hours:
Monday – Friday: 7.00am – 6.00pm.
Saturday: 8.00am – 6.00pm.
4. GEN AM7 – OUTDOOR LIGHTING.
5. GEN AP3 – AMENDED PLAN
[• the deciduous trees on the site plan replaced by evergreen varieties.
• 5 additional car parking spaces to the south of the new warehouse.
• lighting of areas between external doors and parking areas.]
6. GEN C1 – ON-SITE CAR PARKING [63] Delete last sentence.
7. GEN C4 – LOADING/UNLOADING.
8. GEN M14 – STORAGE AREAS.
9. GEN S1 – SIGN CONSENT.
10. Any servicing for the building is to be located on the rooftop and suitably screened so as to prevent its visibility from adjacent properties.
11. A plan for the management of construction must be submitted and approved by Council's Manager City Planning prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:
 - identification and disposal of any potential contaminated waste and asbestos;
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site and works undertaken on site);
 - proposed hours of construction;
 - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers and proposed means to minimise impact on the amenity of neighbouring buildings;
 - control of dust and emissions during working hours;
 - construction parking;
 - proposed screening of the site and vehicular access points during work; and
 - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.
12. ENG A5 – SEALED CAR PARKING.
13. ENG M1 – DESIGNS DA.

14. ENG S5 – STORMWATER PRINCIPLES.
 15. The development must meet all required Conditions of Approval specified by TasWater notice dated 08 April 2016 (TWDA 2014/00232-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

In 1999 a warehouse development was approved through D-1998/235 for 39 South Arm Highway.

Additions to the warehouse have subsequently been approved through planning permits D-2004/448, D-2005/49, D-2005/207 and D-2007/360.

Approval was also granted for a fence under D-2008/110.

Although works have been completed on the warehouse additions applied for under D-2007/360, the car park has never been fully constructed as per the approved plans and associated permit conditions.

An application was lodged for a carpark under D-2009/275 across 3 Droughty Point and 39 South Arm Roads. This was approved by Council on 3 May 2010. An appeal was subsequently lodged against this decision with the Resource Management and Planning Appeals Tribunal (RMPAT). The RMPAT subsequently overturned Council’s decision on the grounds that Council had no capacity to approve the use as they defined it as part of the warehouse, which is a prohibited use within the Local Business zone.

An application was made for a warehouse in this same location early in 2010 under D-2010/109. This application was refused at Council’s Meeting of 5 July 2010 on grounds of adjoining residential amenity and as a result of representations received.

A further application for a warehouse on this site was made under D-2010/275 with amended designs (which were similar to the current proposal). This application was approved, appealed to the RMPAT and subsequently approved by the RMPAT with revised conditions on 2 September 2011. This approval included consideration of a similar car parking deficit to the current application and the RMPAT determined that it was appropriate for the site. The developer did not commence works and the application has now lapsed.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Light Industry, Particular Purpose (road) and is subject to the Waterway and Coastal Protection, the Stormwater Management and the Parking and Access Codes 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 – Light Industry Zone; and
 - Section E6.0 – Stormwater Management and Parking and Access Codes.
- 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 1.973ha, relatively flat lot located on the southern side of South Arm Road. The site is adjacent to undeveloped industrial land to the east and south and residential properties to the west and north.

The site contains 4 co-joined warehouses with a total floor area of 10,466m² with a maximum height of 11.9m above ground level.

The proposed additional warehouse is to be located in the currently undeveloped western section of the site. This is currently a gravel area used for storage, with the northern end approved, but not formally constructed, as car parking for the current site development.

3.2. The Proposal

The proposal is for the construction of an additional warehouse adjacent to those existing on-site at 39 South Arm Road, Rokeby as shown in the attachments. The new warehouse is proposed to be located on the northern and western property boundaries. The building has a gross floor area of 1574m² and will have a maximum height of 8.97m. The northern and western walls are setback 3m from these boundaries. The western wall is 68.5m long parallel to this boundary. There is a covered loading dock located on the north-eastern corner of the building, amenities and office at the northern end of the building and the remainder of the warehouse is open. There are 2 fire doors proposed on the western wall, with 4 roller doors and 3 access doors on the eastern side of the warehouse. The proposal seeks to use the existing access to South Arm Road without modification or upgrade.

The proposal seeks a variation to the number of car parking spaces required for the site. The application is accompanied by a Traffic Impact Assessment (TIA) justifying this variation, which will be discussed later.

The applicant originally proposed operating hours of 7.00am – 6.00pm Monday to Friday and 8.00am – 6.00pm Saturday. However, through discussion of the Acceptable Solutions, the applicant has agreed to amend the application so that the operating hours for Saturday are 9.00am – 5.00pm.

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 Light Industry and Particular Purpose zones and the Waterway and Coastal Protection and the Parking and Access Codes with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1	Number of Car Parking Spaces	The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1 1 space per 100m ² of floor area + 1 per 40m ² associated office.	Total of 58 spaces for whole of site.

The existing warehouse development was approved with a total of 60 parking spaces on-site.

The additional warehouse requires an additional 17 parking spaces to meet the Acceptable Solutions.

This means that a total of 77 spaces are required for the combined warehouse development of the site.

There are a total of 58 spaces proposed to be provided on the site (with 20 of the existing approved spaces being removed by the proposed new development).

There is capacity for 5 additional formalised car parking spaces to be provided at the southern end of the new warehouse. This can be required via permit condition, bringing the total number of spaces on-site up to 63, resulting in a deficit of 14 spaces.

The proposed variation can be supported pursuant to the Performance Criteria P1 of the Clause E6.6.1 for the following reason.

“P1 - 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:”

(a) car parking demand;	The applicant has submitted a TIA to accompany the proposal which indicates that the existing use of the site does not utilise all of the existing car parking and that as the proposed use is similar, the parking demand will also be similar, so there will be sufficient car parking provided through the development. Council engineers have assessed this TIA and accepted the findings of the Traffic Engineer.
(b) the availability of on-street and public car parking in the locality;	There is limited opportunity for on-street and public car parking in the area. However, this is not considered necessary given (a) above.
(c) the availability and frequency of public transport within a 400m walking distance of the site;	The site is on a bus route, with a regular daily service.
(d) the availability and likely use of other modes of transport;	As for (c) above, there is public transport readily available. Also, the surrounds are generally quite flat, so local workers could ride bicycles to and from the site.
(e) the availability and suitability of alternative arrangements for car parking provision;	There is capacity for an additional 5 car parking spaces to be provided at the rear of the new building. As such a condition should be included in the permit requiring this increase in the car parking provided on-site. There is no other suitable alternative car parking arrangement for the site which could increase the car parking on-site.

(f) 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;	Not relevant to this assessment.
(g) any car parking deficiency or surplus associated with the existing use of the land;	The existing use of the site is approved with 60 car parking spaces. Under the current provisions 105 spaces would be required to meet the prescribed Acceptable Solutions. As such, the existing development is technically deficient, which causes no detriment to the surrounding area by way of car parking difficulties currently.
(h) 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;	See (g) above.
(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;	There is no demand for a public car parking facility in the area. There is also not sufficient commercial usage to generate a car parking demand for such. As such, Council has no immediate plans to investigate or undertake such a development. Therefore it is not considered appropriate to require a cash contribution in-lieu of the car parking shortfall.
(j) any verified prior payment of a financial contribution in-lieu of parking for the land;	For the reasons cited at (i) above, there have been no prior payments to consider for this proposal.
(k) any relevant parking plan for the area adopted by Council;	There is no car parking plan for the area.
(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code.	Not relevant to this assessment.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 5 representations were received. The following issues were raised by the representors.

5.1. Fencing

One representor has indicated a desire that if this development proceeds the developer be required to upgrade the entire western boundary fence.

- **Comment**

No fencing is proposed as part of this application.

Attribution of cost for fencing is a civil matter which is governed by the Boundary Fences Act 1908. As such, this is a civil matter, not a Council matter and cannot be dealt with under this process.

5.2. Stormwater Run-off

Several representors are concerned that there is (in their opinion) an existing issue with stormwater run-off from the development site onto adjacent properties which is said to cause flooding and damage. They are concerned that there is no intention to fix this in the new building design and that the increased built area will exacerbate the issue.

- **Comment**

Council Engineers have assessed the proposal and are satisfied that it will be possible to design a water sensitive stormwater management system for the site which will also address any run-off and resolve any drainage issues which may result from the development. A condition to this effect should be included in any approval granted.

5.3. Solar Access

One representor is concerned that the new warehouse will result in a loss of morning sunlight to the adjacent dwellings to the west. Accordingly, the representor has requested that the overall building height be reduced to reduce this impact.

- **Comment**

The property, as well as all of the adjacent dwellings to the west, is zoned Light Industry. This zone does not provide for residential amenity within the zone. As such, it is not a matter that can be considered in determining this proposal.

In any event, the orientation of the property boundaries means that it will only be a loss of very early morning sunlight to the adjacent properties, and as such, this impact is considered acceptable.

5.4. Filling of Ground Level

Several representors are concerned that the site of this development has been filled and are concerned that this will increase the impact of the development beyond what is shown on the plans.

- **Comment**

The ground level for the site was modified under previous approvals. As such, the existing ground level at the date of the application is considered to be the natural ground level. Accordingly, this is not a relevant matter for consideration in determining this proposal.

5.5. National Construction Code Non-compliance

One representor is concerned that there is not sufficient separation between the buildings on the site to allow for vehicle circulation. In particular, they are concerned that there is not sufficient space for fire vehicles to circulate and deploy equipment (such as ladders), as may be necessary in accordance with the National Construction Code (NCC).

- **Comment**

Council engineering and Building staff have assessed the proposal and are confident that the traffic circulation can work and that the Building Surveyor will be able to achieve adequate fire safety in accordance with the Performance Criteria of the NCC. As access and vehicle manoeuvring are adequate for the proposal. Additionally, fire safety is not a consideration under the Scheme; this is not a matter that can form part of the determination of this proposal.

5.6. Colour, Height, Bulk and Setback of Western Wall

Several representors are concerned that the proposed colour, setback, length and height of the proposed western wall will cause undue loss of amenity to the adjacent residential development.

- **Comment**

The proposed building meets the Acceptable Solutions for the Light Industry zone. As such, it is not appropriate to modify the building to ameliorate representor concerns.

5.7. Heritage Values

Several representors are concerned that the proposed warehouse is not in keeping with the heritage values of the Rokeby Village. They have asked that consideration be given to the proposed colours of the warehouse to reduce the perceived detriment to these heritage values.

- **Comment**

The property is not, nor is it directly adjacent to any heritage places or precincts as defined by the Historic Heritage Code of the Planning Scheme. As such, no consideration of such perceived values can be given for the assessment of this proposal.

5.8. Proposed Plantings

Several representors are concerned that the proposed plantings are deciduous and as such will shed leaves into the adjoining residential yards during the winter months, causing unwanted “litter” in these yards.

- **Comment**

The plantings are not a consideration under the Scheme as landscaping is only required to the frontage of a development site.

Notwithstanding this, the concerns have been discussed with the applicant, who has confirmed that substitution of evergreen trees would be acceptable for the site. Accordingly, a condition requiring alternative plantings should be included in any approval granted.

5.9. Access over 3 Droughty Point Road

Several representors are concerned that the developer will utilise 3 Droughty Point Road for access and material and equipment storage during the construction of the new warehouse and potentially once the warehouse is completed. As 3 Droughty Point Road has residences either side, the representors have requested that this does not occur.

- **Comment**

No 3 Droughty Point Road does not form part of this application and as such any permit issued cannot purport to impose conditions for the use of this land. However, it is noted that the use of the land as described by the representors cannot occur without further Council approval. As such this matter is not relevant for to the determination of this proposal.

Notwithstanding this, the requirement for a construction management plan will further confirm for the applicant that the use of 3 Droughty Point Road for any component of the works for this approval are not acceptable.

5.10. Car Parking

One representor is concerned that the car parking shown on the plan does not all exist and that the number of spaces proposed does not meet the requirements of the Scheme.

- **Comment**

The car parking is the only discretion sought in the application. It has been fully discussed above. In summary, the number of spaces proposed to be provided is considered appropriate for the existing and proposed use and development of the site.

5.11. Security Lighting

One representor is concerned that there is no detail provided for what lighting and security measures may be installed. They are concerned that the development may result in a loss of amenity to adjacent properties through light spill from the site.

- **Comment**

No lighting is proposed as part of the application. However, a certain amount of security lighting is required by the Scheme. As such, it is considered appropriate to condition that suitable lighting adjacent to building entrances and car parking areas be provided.

This lighting should further be required to be baffled to ensure that there is no direct light spill onto adjacent properties.

5.12. Property Values

One representor is concerned that the proposed warehouse development will devalue their property due to the scale and proximity to the adjacent residential development.

- **Comment**

This concern is unsubstantiated and is not a relevant planning consideration and as such cannot form part of the assessment of this proposal.

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, 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 2010-2015 or any other relevant Council Policy. Developer contributions are not required to comply with any Council policies.

9. CONCLUSION

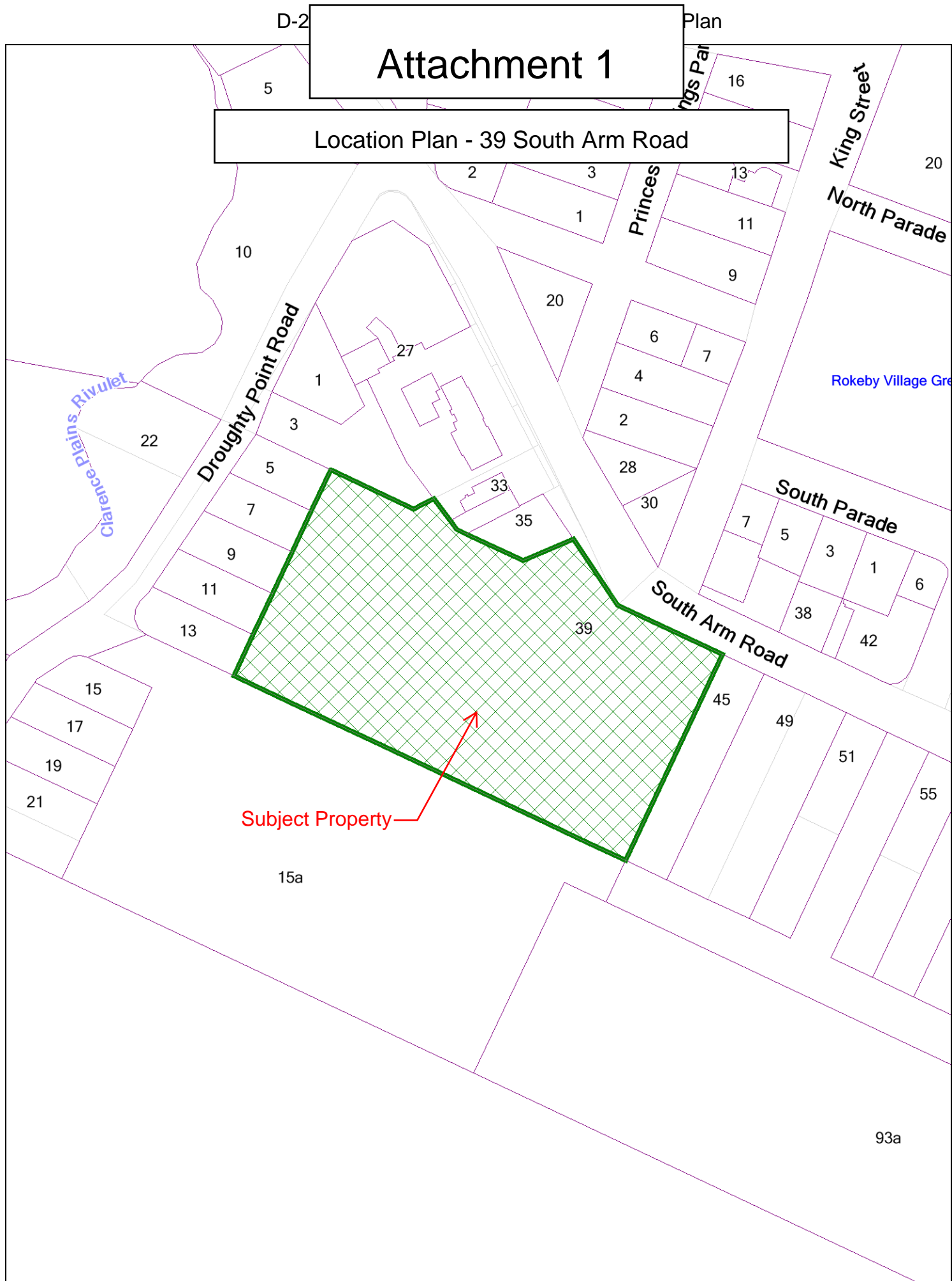
The proposal is for the construction of an additional warehouse at 39 South Arm Road, Rokeby. The proposal meets all of the Acceptable Solutions of the Scheme with the exception of the number of car parking spaces provided on-site, which has been discussed above and is considered to meet the relevant Performance Criteria. As such, the proposal is recommended for conditional approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

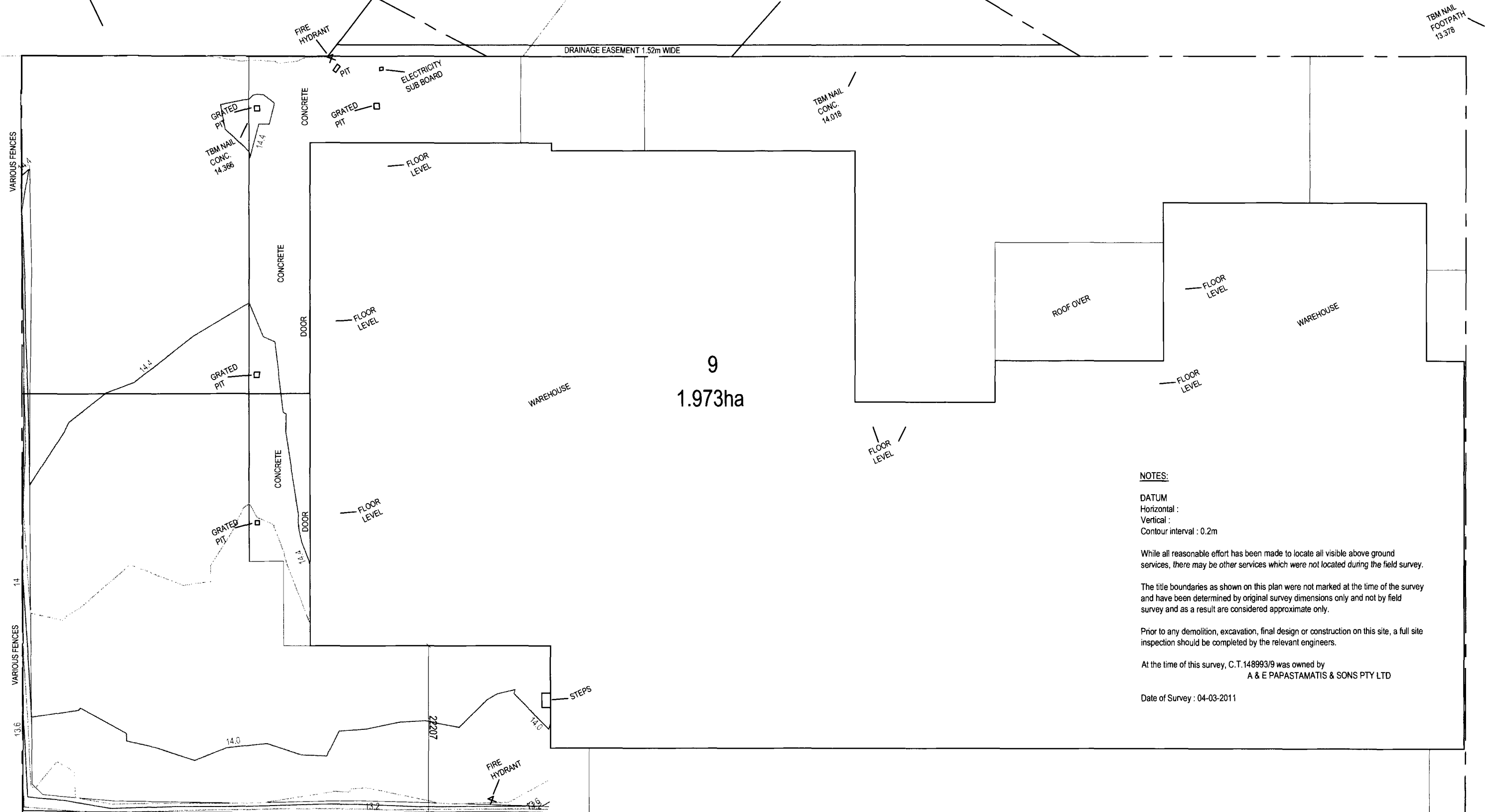
Location Plan - 39 South Arm Road



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:** Friday, 13 May 2016 **Scale:** 1:2,131 @A4

Attachment 2

SOUTH ARM ROAD



NOTES:

DATUM

Horizontal :

Vertical :

Contour interval : 0.2m

While all reasonable effort has been made to locate all visible above ground services, there may be other services which were not located during the field survey.

The title boundaries as shown on this plan were not marked at the time of the survey and have been determined by original survey dimensions only and not by field survey and as a result are considered approximate only.

Prior to any demolition, excavation, final design or construction on this site, a full site inspection should be completed by the relevant engineers.

At the time of this survey, C.T.148993/9 was owned by
A & E PAPASTAMATIS & SONS PTY LTD

Date of Survey : 04-03-2011

EXISTING SITE PLAN

1:500

TURNER

DESIGN DEVELOPMENT PTY LTD

DEVELOPMENT APPLICATION - REV A

MARCH 2016



PROPOSED WAREHOUSE DEVELOPMENT

AT: 39-41 SOUTH ARM HIGHWAY, ROKEBY

FOR: A. AND E. PAPASTAMATIS & SONS PTY LTD

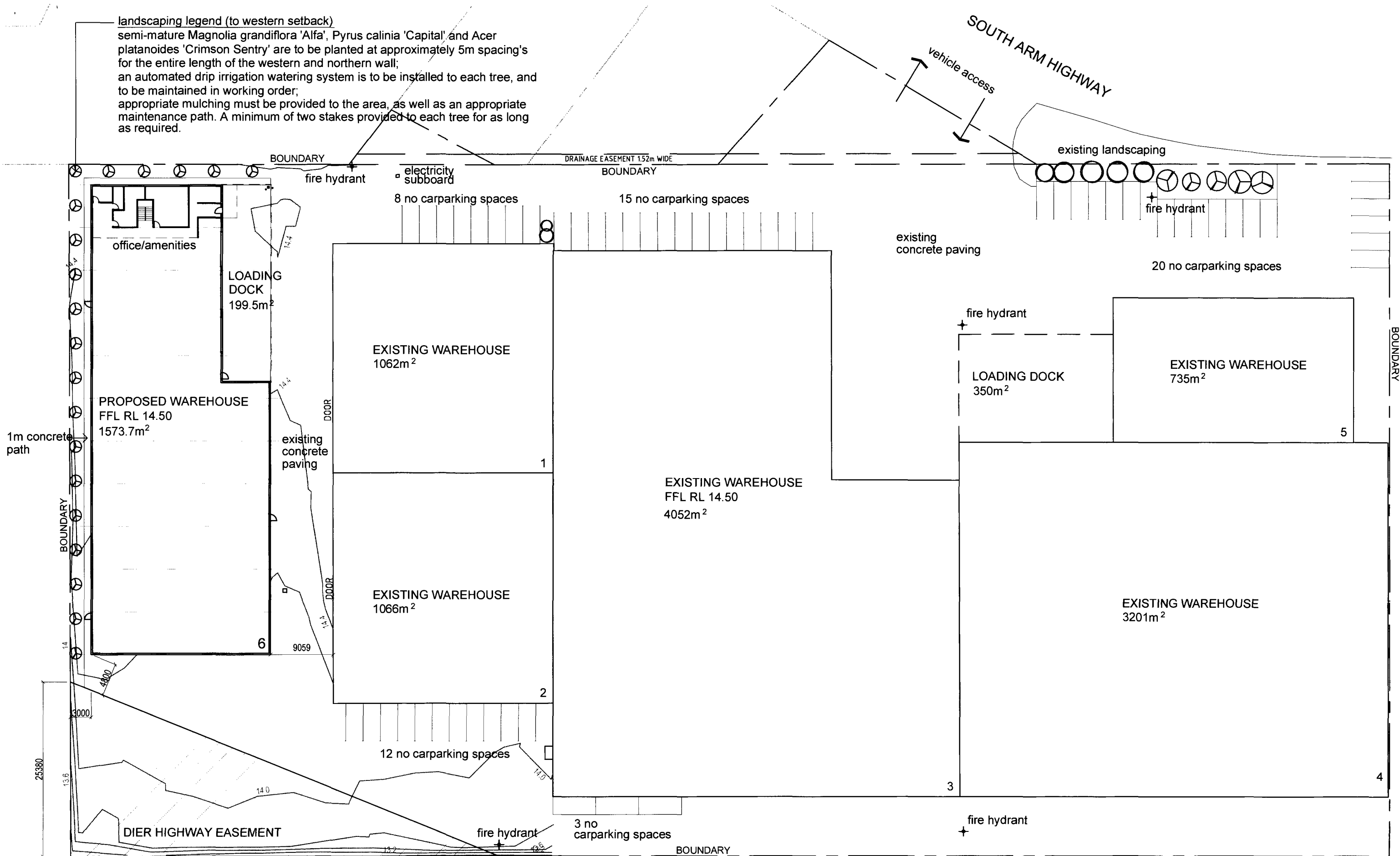
Agenda Attachments - 39 South Arm Road - Page 2 of 8

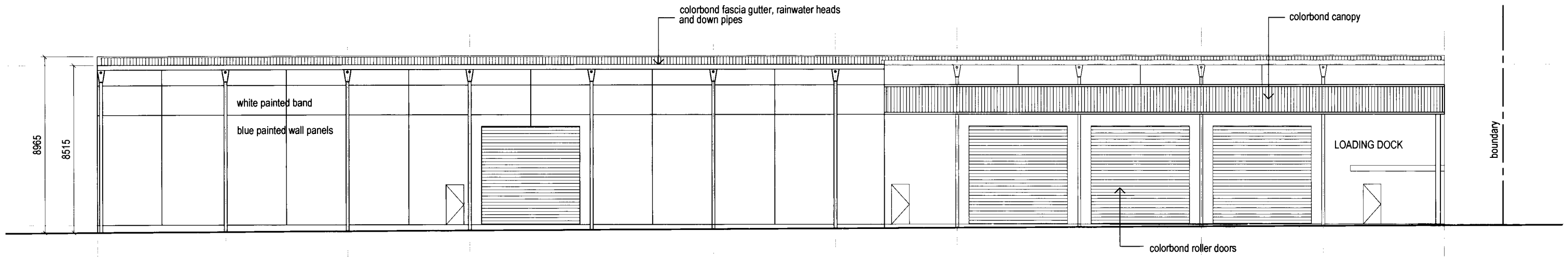
01

/06

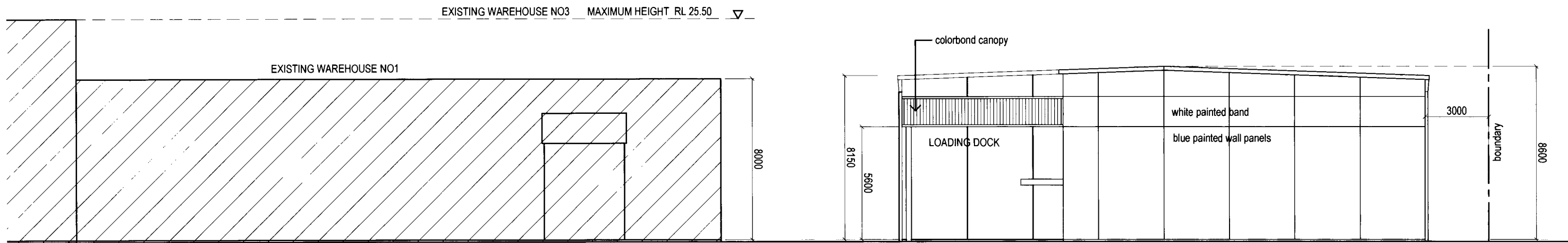
landscaping legend (to western setback)

semi-mature *Magnolia grandiflora* 'Alfa', *Pyrus calinia* 'Capital' and *Acer platanoides* 'Crimson Sentry' are to be planted at approximately 5m spacing's for the entire length of the western and northern wall; an automated drip irrigation watering system is to be installed to each tree, and to be maintained in working order; appropriate mulching must be provided to the area, as well as an appropriate maintenance path. A minimum of two stakes provided to each tree for as long as required.





PROPOSED SOUTH EAST ELEVATION
1:200



PROPOSED NORTH EAST ELEVATION
1:200

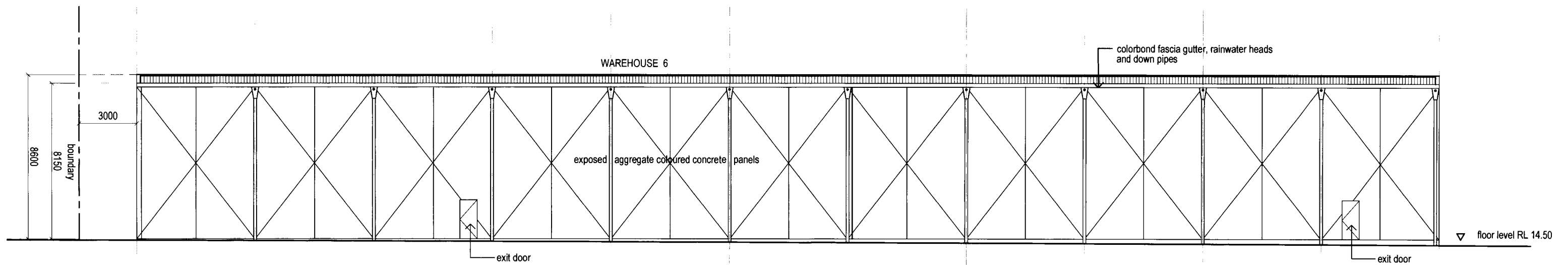
TURNER | DESIGN DEVELOPMENT PTY LTD

DEVELOPMENT APPLICATION - REV A

MARCH 2016

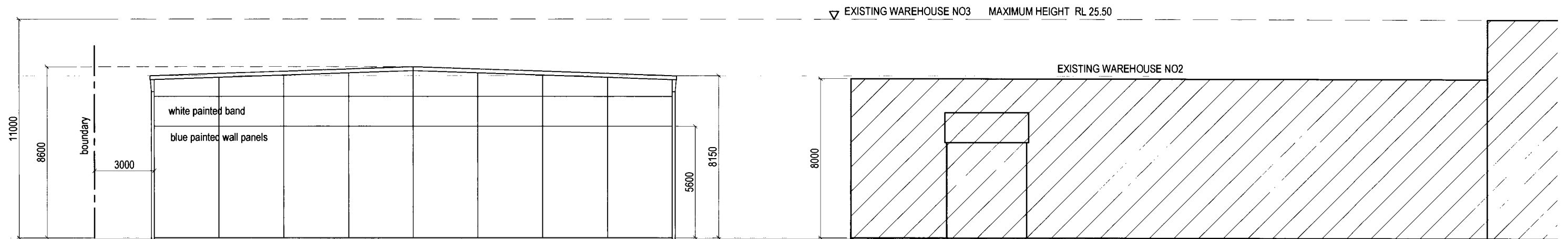


PROPOSED WAREHOUSE DEVELOPMENT
AT: 39-41 SOUTH ARM HIGHWAY, ROKEBY
FOR: A. AND E. PAPASTAMATIS & SONS PTY LTD



PROPOSED NORTH WEST ELEVATION

1:200



PROPOSED NORTH EAST ELEVATION

1:200

TURNER | DESIGN DEVELOPMENT PTY LTD

DEVELOPMENT APPLICATION - REV A

MARCH 2016



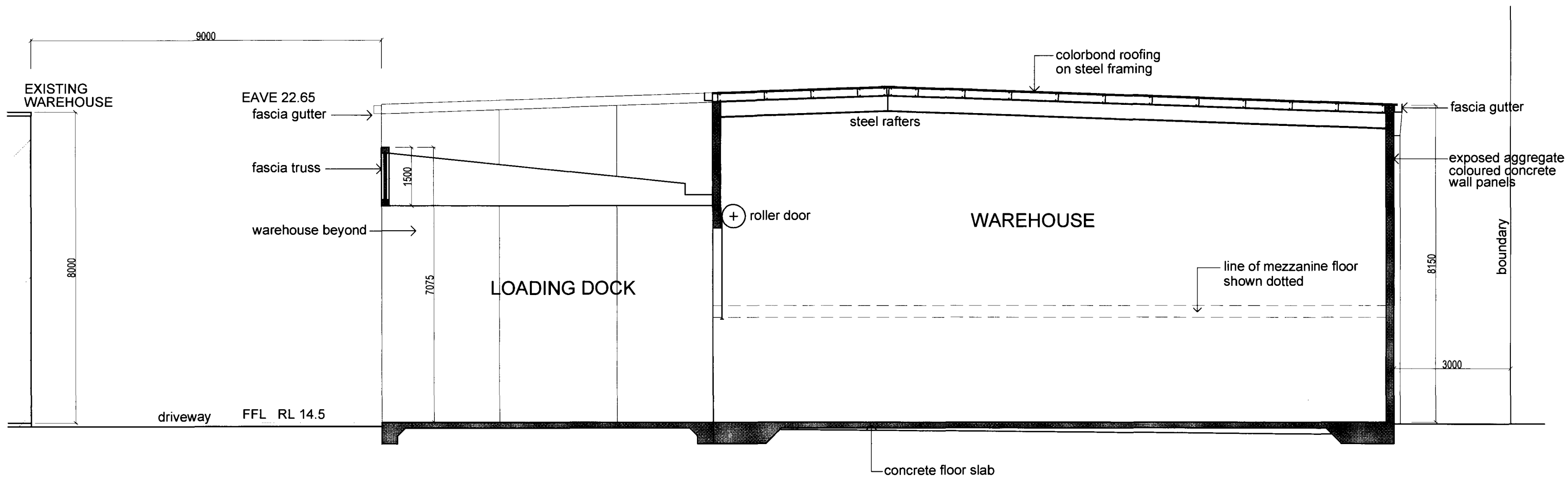
PROPOSED WAREHOUSE DEVELOPMENT

AT: 39-41 SOUTH ARM HIGHWAY, ROKEBY

FOR: A. AND E. PAPASTAMATIS & SONS PTY LTD

Agenda Attachments - 39 South Arm Road - Page 6 of 8

05
/06



SCHEMATIC SECTION

1:100

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DEVELOPMENT APPLICATION - REV A

MARCH 2016



PROPOSED WAREHOUSE DEVELOPMENT

AT: 39-41 SOUTH ARM HIGHWAY, ROKEBY

FOR: A. AND E. PAPASTAMATIS & SONS PTY LTD

Agenda Attachments - 39 South Arm Road - Page 7 of 8

06
/06

Attachment 3

39 South Arm Road, ROKEBY



Site viewed from South Arm Road (from Google Street View)



Location of Proposed new Warehouse

11.3.5 DEVELOPMENT APPLICATION D-2016/133 - 10 CAVENOR DRIVE, OAKDOWNS - OUTBUILDING
(File No D-2016/133)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 10 Cavenor Drive, Oakdowns.

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.

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the applicant's consent until 25 May 2016.

CONSULTATION

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

- loss of views;
- reduction in property values;
- visual impacts when viewed from adjoining properties;
- loss of privacy; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for an outbuilding at 10 Cavenor Drive, Oakdowns (Cl Ref D-2016/133) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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.

**DEVELOPMENT APPLICATION D-2016/133 - 10 CAVENOR DRIVE, OAKDOWNS
– OUTBUILDING /contd...**

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 under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zones;
- 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 an 835m² internal lot on the northern side of Cavenor Drive, Oakdowns. The site contains an existing Single Dwelling.

3.2. The Proposal

The proposal is for a 9m x 6m colorbond outbuilding to be located in the north-western corner of the lot, with a setback of 1.9m to the rear boundary at its closest point. The outbuilding will have double roller doors facing to the south and a maximum height of 3.42m above natural ground level. A copy of the proposal is included in the attachments.

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 and Parking and Access and Stormwater Management Codes with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2	A3	<p>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> <ul style="list-style-type: none"> (a) be contained within a building envelope determined by: <ul style="list-style-type: none"> (i) ... (ii) ... a distance of 4m from the rear boundary ...; 	Rear setback – 1.9m

The proposed variation can be supported pursuant to the Performance Criteria for the following reasons.

Performance Criteria	Comment
The siting and scale of a dwelling must:	The only property to be affected by overshadowing is located to the west. The neighbouring dwelling is located approximately 5.4m away and as the habitable rooms are located on the upper level, there will be no reduction in sunlight to these rooms.
(a) not cause unreasonable loss of amenity by:	
(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or	
(ii) overshadowing the private open space of a dwelling on an adjoining lot; or	There will be some overshadowing to a portion of the private open space to the west at 2/16 Cavenor Drive during the morning, however, this is not considered unreasonable as the property has a large upper storey deck which will receive sun during this time of the day and the yard will receive adequate sunlight for the remainder of the day (from midday on). Additionally, it is noted there is no setback variation sought to this side boundary.
(iii) overshadowing of an adjoining vacant lot; or	There are no adjoining vacant lots in this instance.
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and	The outbuilding has a maximum height of 3.4m which is well within the maximum building height allowable under the Scheme of 8.5m. The outbuilding is of domestic scale and consistent with other outbuildings in the surrounding area, and is considered an appropriate building within the zone.
(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.	The separation between the outbuilding and neighbouring dwellings is consistent with that of the surrounding properties.

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. Loss of Views and Reduction in Property Values

The representor is concerned that the size and height of the outbuilding will impede views from their property and result in a loss of market value.

- **Comment**

Views from adjacent properties are not a matter which is addressed by the Scheme. In any event, the rear setback variation sought is not considered to increase the impact on the views from the adjacent dwellings. The reference to property values is unsubstantiated and they are not considered under the Planning Scheme. As such property values are not relevant to the assessment of this proposal.

5.2. Visual Impacts when Viewed from Adjoining Properties

The representor has concerns the large size and height of the shed will “not be nice to look at”.

- **Comment**

The outbuilding is of domestic scale and has a maximum height of 3.4m above natural ground level at the roof pitch. The rear setback variation sought will not increase the visual impact of the building when viewed from adjoining lots and it is considered the building is appropriate in scale for a residential setting.

5.3. Loss of Privacy

Due to the setback variations, the representor is concerned they will lose privacy due to the closeness of the shed to their property.

- **Comment**

The outbuilding proposes a rear setback of 1.9m at its closest point, increasing to 4.1m. There are no windows proposed on the rear or side elevations and it is therefore considered there will be no unreasonable impacts to privacy of adjoining properties.

5.4. Overshadowing

The representor is concerned the outbuilding will give a “shadowed and closed in feeling” to their property.

- **Comment**

The proposal seeks a variation to the rear boundary setback, which is proposed to be 1.9m at its nearest point. As the property adjacent to this boundary is to the north of the proposal there will be no impacts through overshadowing and the setback is considered reasonable to provide adequate separation between the 2 sites.

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 2010-2015 or any other relevant Council Policy.

9. CONCLUSION

The proposal is for an outbuilding at 10 Cavenor Drive, Oakdowns. The application either meets the relevant acceptable solutions or applicable performance criteria and is therefore recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

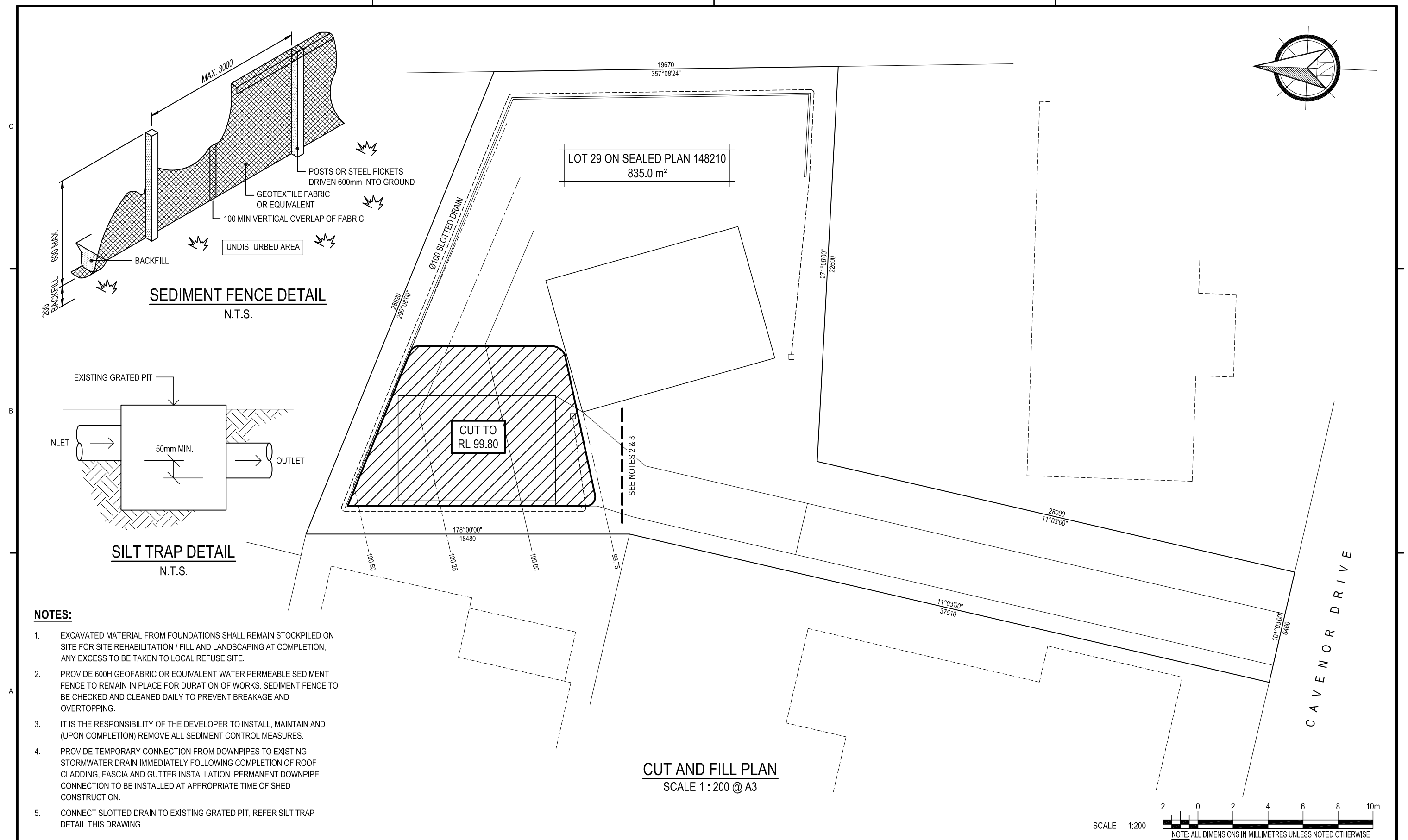
Attachment 1

Location Plan - D-2016/133 - 10 Cavenor Drive, Oakdowns



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Agenda Attachments - 10 Cavenor Drive, Oakdowns - D-2016/133 - Page 2 of 5



REV.	DESCRIPTION	REFERENCE	DRN / DES	CLIENT
0	ISSUED FOR CLIENT REVIEW, 2-4-2016	SITE PLAN STANFORD-001 CUT AND FILL PLAN STANFORD-002 ELEVATIONS STANFORD-003	SMEEKES DRAFTING PTY LTD	C. STANFORD
				TITLE
				PROPOSED SHED
				10 CAVENOR DRIVE, OAKDOWNS, TAS 7019
				CUT AND FILL PLAN
				DRG No. STANFORD
				SHT. 002
				SCALE 1:200
				A3

SMEEKES DRAFTING PTY LTD

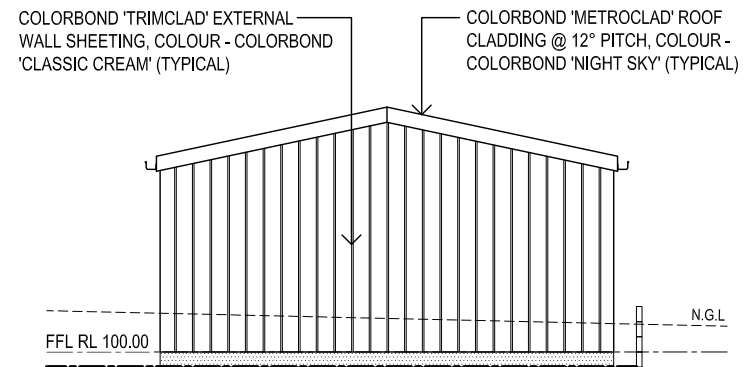


ABN 89 056 706 640
12 Warwick St. Hobart Tas 7000
Ph. (03) 6234 6185 Mob. 0418 352 503
Email roland.smeekes@smeekesdrafting.com
Website www.smeekesdrafting.com

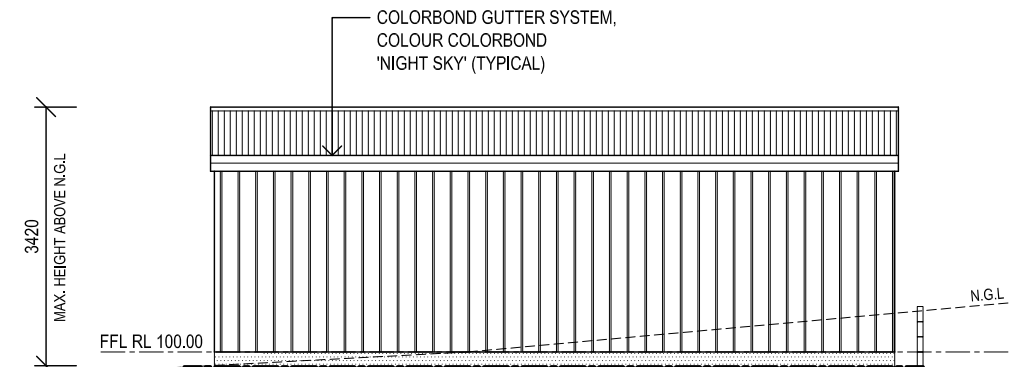
Accreditation No's CC4900 A & CC6621

**SHEDS
HOMES**

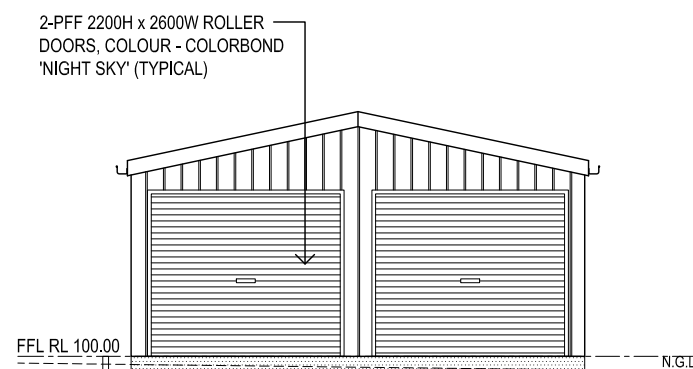
Agenda Attachments - 10 Cavenor Drive, Oakdowns - D-2016/133 - Page 3 of 5



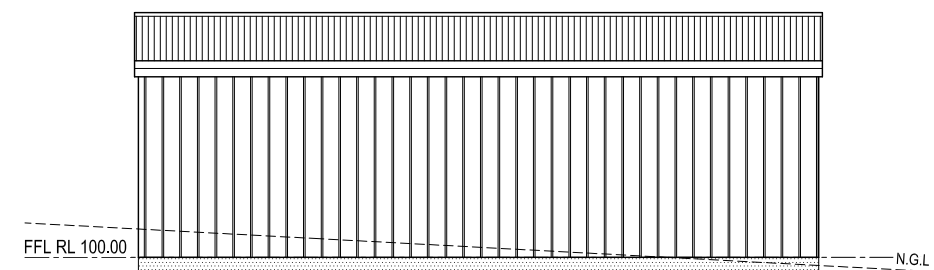
NORTH ELEVATION
SCALE 1 : 100 @ A3



EAST ELEVATION
SCALE 1 : 100 @ A3



SOUTH ELEVATION
SCALE 1 : 100 @ A3



WEST ELEVATION
SCALE 1 : 100 @ A3



REV.	DESCRIPTION	REFERENCE	DRN / DES	CLIENT
0	ISSUED FOR CLIENT REVIEW, 2-4-2016	SITE PLAN STANFORD-001 CUT AND FILL PLAN STANFORD-002 ELEVATIONS STANFORD-003	SMEEKES DRAFTING PTY LTD	C. STANFORD
			SMEEKES DRAFTING PTY LTD ABN 89 056 706 640 12 Warwick St. Hobart Tas 7000 Ph. (03) 6234 6185 Mob. 0418 352 503 Email roland.smeekes@smeekesdrafting.com Website www.smeekesdrafting.com Accreditation No's CC4900 A & CC6621	PROPOSED SHED 10 CAVENOR DRIVE, OAKDOWNS, TAS 7019
			SHEDS HOMES	ELEVATIONS
			DRG No. STANFORD	SHT. 003
			SCALE 1 : 100	A3

Attachment 3

10 Cavenor Drive, OAKDOWNS



Site viewed from Cavenor Drive.

11.3.6 DEVELOPMENT APPLICATION D-2016/11 - 633A OCEANA DRIVE, TRANMERE - DWELLING
(File No D-2016/11)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 633A Oceana Drive, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Landslide and Parking and 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 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 25 May 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising privacy as an issue.

RECOMMENDATION:

- A. That the Development Application for a Dwelling at 633A Oceana Drive, Tranmere (CI Ref D-2016/11) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [privacy screening of the full length of the north-western elevation of the deck to a minimum height of 1.7m above the finished floor level, using a uniform transparency of no more than 25%].
 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 March 2016 (TWDA 2016/00038-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.

**DEVELOPMENT APPLICATION D-2016/11 - 633A OCEANA DRIVE, TRANMERE
– DWELLING /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

The land is zoned General Residential under the Scheme.

The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme in respect of the building envelope.

The Landslide Code is relevant to the subject property by identifying part of the site as a Low Risk Landslide Hazard Area. Clause E3.4 of the Scheme exempts the development of a new building within this area from consideration under the Landslide Code.

The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone; and
- Section E6.0 – Parking and Access Code.

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 subject site is a 464m² lot with 18.46m frontage to Oceana Drive, within an established residential area at Tranmere. The lot slopes down to the south-west, is clear of significant vegetation and has views to the west towards the river, city and mountain.

There are no existing buildings within the property boundaries and a drainage easement of 3.0m in width is adjacent the south-western property boundary.

3.2. The Proposal

The proposal is for the development of a double-storey, Single Dwelling on the subject property. The dwelling would have 3 bedrooms, would incorporate a double-car garage and the typical shared kitchen/living/dining areas on the upper level. It would have a floor area of 204m², would be sited approximately in the centre of the lot and would be 7.34m at its highest point above natural ground level.

The building would be clad using a lightweight manufactured cladding (likely cement sheet) and a rendered finish. It would incorporate a timber deck on the south-western elevation and would have vehicular access from Oceana Drive.

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 and Parking and Access Code with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Building Envelope	<p>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> <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>(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>	Dwelling height of 7.34m, the south-western corner of dwelling is outside building envelope by 1.8m, as illustrated in the attachments.

The proposed variation can be supported (with the inclusion of a condition) pursuant to the following Performance Criteria for the following reasons.

Performance Criterion	Comment
<p><i>"P3 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 applicant has demonstrated by solar exposure diagrams submitted as part of the application documentation that there would not be a reduction of sunlight to the habitable rooms of a dwelling of an adjoining lot, caused by the proposed dwelling.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>Similarly to (a)(i) above, the solar exposure diagrams confirm that there would not be an unreasonable loss of amenity by overshadowing of neighbouring open space areas.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>There are no vacant lots adjacent the site that require specific consideration.</p>

(iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The proposed dwelling would be of a similar height to the neighbouring dwellings, when viewed from adjoining lots, and being clad using similar materials to other dwellings in the vicinity of the site, it is considered that the appearance of bulk as considered by this criterion would be limited.
(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The proposed dwelling would be setback 1.5m from the north-western property boundary and in excess of 3.0m from the southeastern boundary. These setback distances are consistent with that of neighbouring dwellings from property boundaries, both in terms of distances, ranging from 4m to 6m and the nature of separation.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	A deck that has a finished floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25% along the sides facing a side boundary, unless a setback of 3m is proposed.	2.3m setback to the north-western (side) boundary. No privacy screening is proposed.

The proposed variation can be supported pursuant to the following Performance Criteria.

Performance Criterion	Comment
<p><i>“P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i></p> <p><i>(a) a dwelling on an adjoining lot or its private open space; or</i></p>	<p>The proposed deck would have a finished floor level of 3.5m above natural ground level and no screening has been proposed.</p> <p>Whilst the significant views from the proposed deck are likely to be oriented towards the river/mountain, it is reasonable and appropriate in terms of this performance criterion to require as a permit condition that a privacy screen be provided for the full length of the north-western elevation of the deck to a minimum height of 1.7m above the finished floor level, using a uniform transparency of no more than 25%. This is consistent with the requirements of the clause, would still provide for unobstructed views towards the river, and would enable the development to then meet the relevant acceptable solution and has been included above.</p>

<i>(b) another dwelling on the same site or its private open space; or</i>	The proposal is for a Single Dwelling, meaning that there is not another dwelling on the same site.
<i>(c) an adjoining vacant residential lot”.</i>	There are no vacant lots adjacent the site that require specific consideration.

5. REPRESENTATION ISSUES

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

5.1. Privacy

The representor expressed concern that the proposed dwelling would unreasonably compromise privacy associated with the living spaces of adjacent dwellings, in terms of direct overlooking.

- **Comment**

The proposed dwelling relies upon 2 performance criteria only, being building envelope and privacy in respect of the proposed deck.

The development meets the relevant acceptable solution in respect of privacy for the living spaces of the proposed dwelling in that where a side boundary setback of less than 3.0m is proposed; any windows must have a sill height of at least 1.7m above the floor level of the dwelling.

The living space of the proposed dwelling would be setback 1.5m from the north-western (side) property boundary and would have a highlight window with a sill height of 2.0m, thus satisfying the relevant requirements of Clause 10.4.6 (A2) of the Scheme.

The issue raised by the representor does not relate specifically to the discretion sought and therefore justifies neither the refusal of the proposal nor the requirement for any amendments to the plans.

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, 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 2010-2015 or any other relevant Council Policy.

9. CONCLUSION

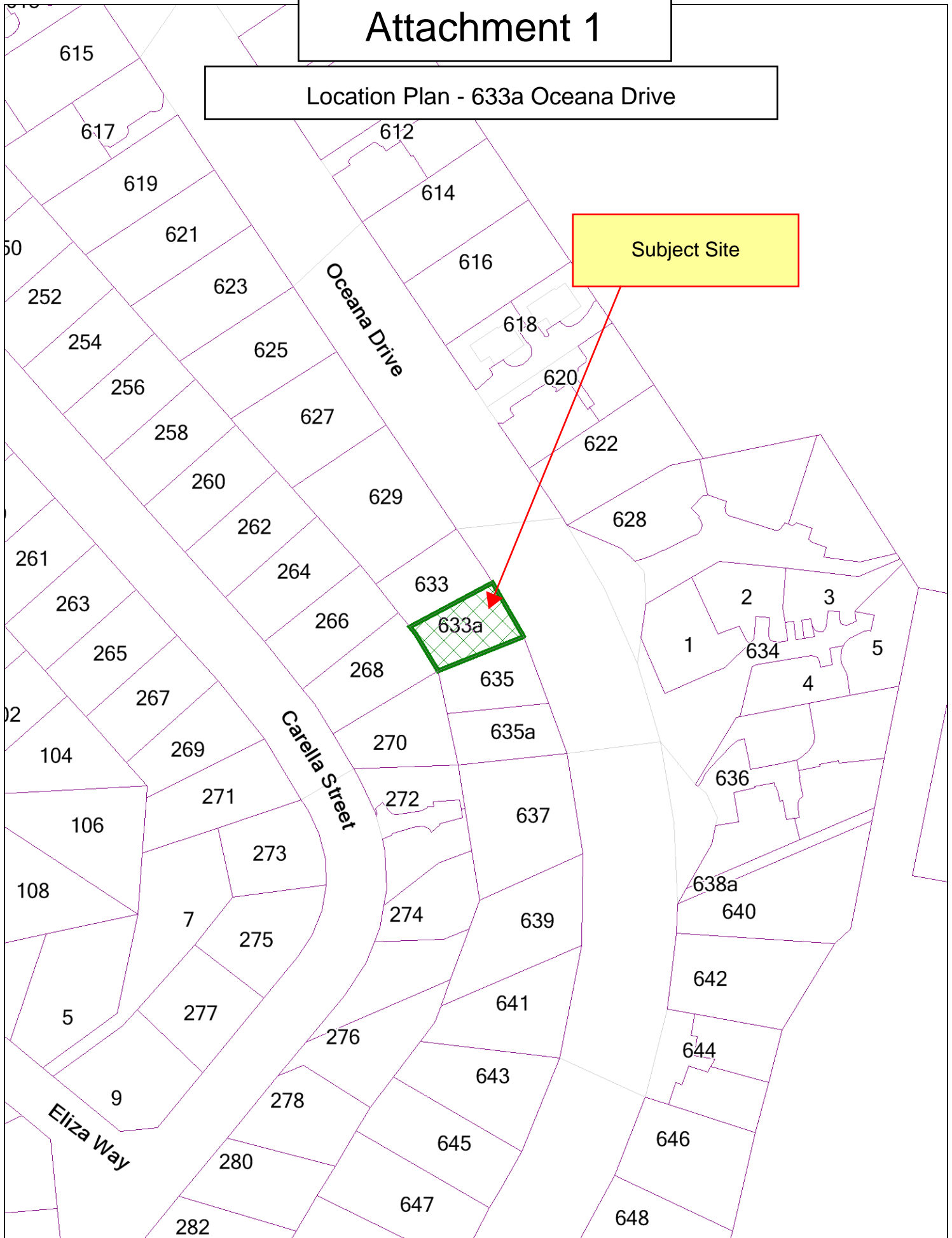
The proposal is for the development of a Single Dwelling at 633A Oceana Drive, Tranmere. The development satisfies the relevant requirements of the Scheme and is therefore recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

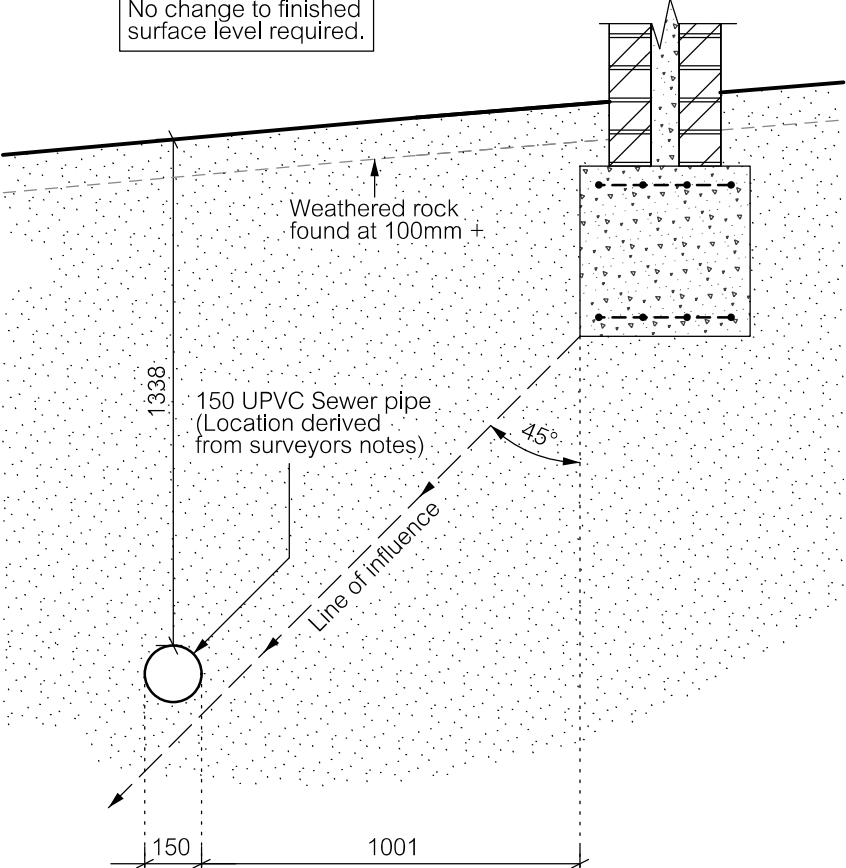
Location Plan - 633a Oceana Drive



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:** Monday, 9 May 2016 **Scale:** 1:1,438 @A4

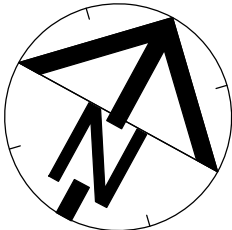
Attachment 2

Note:
No change to finished
surface level required.



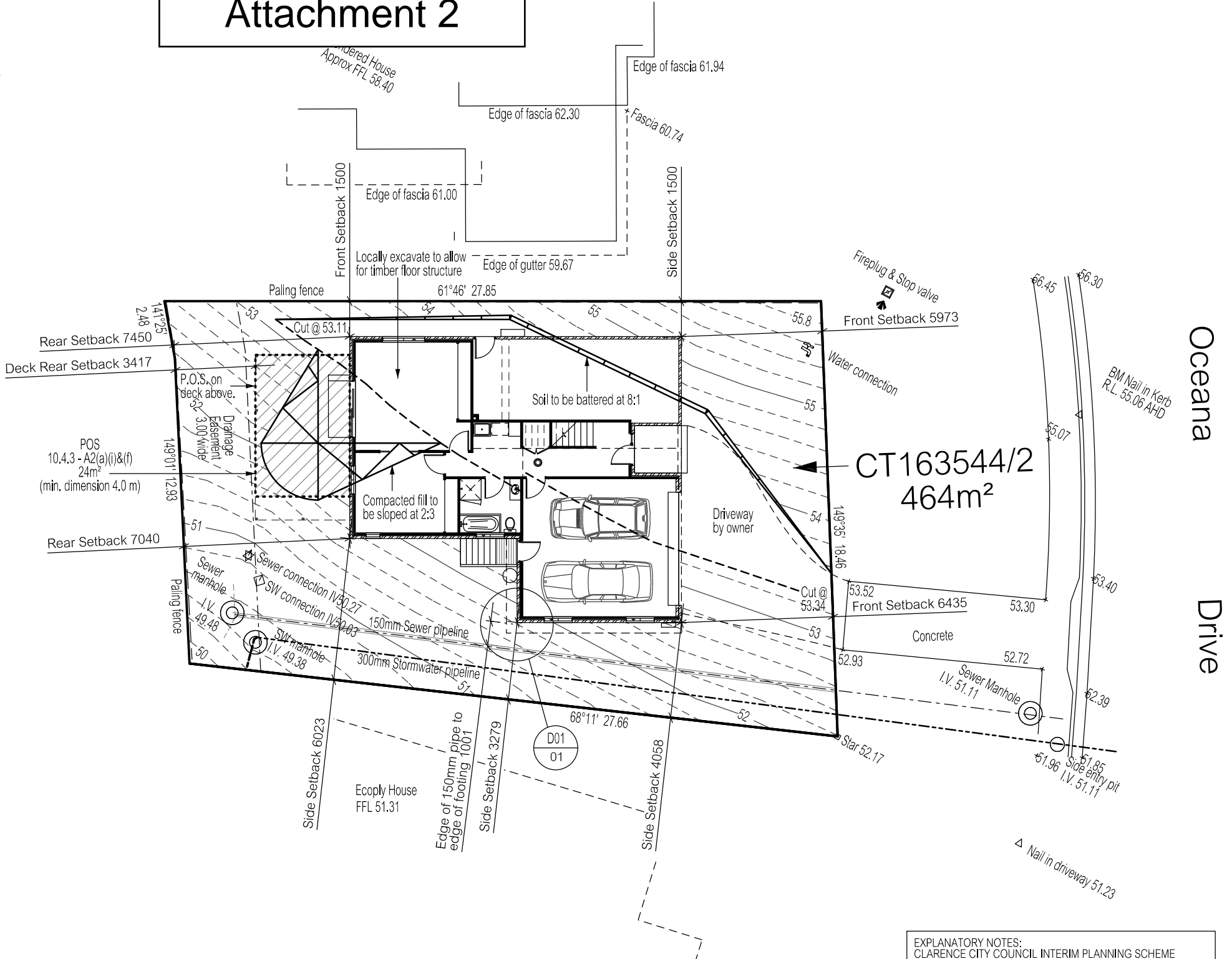
DETAIL: 01

SCALE 1:20



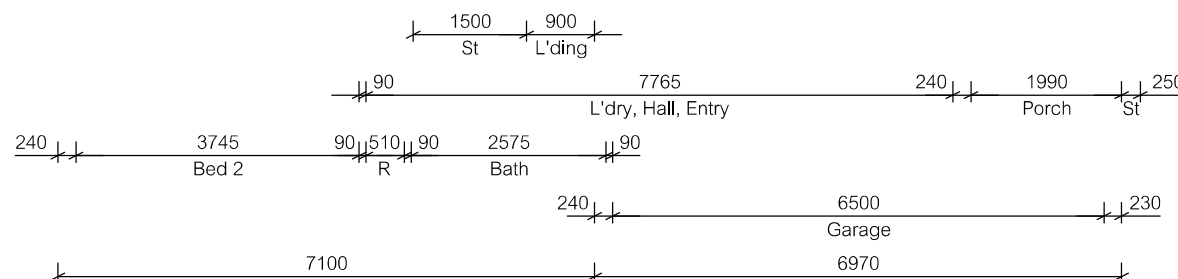
PROPOSED NEW RESIDENCE

GROUND FLOOR FFL: 53.49
FIRST FLOOR FFL: 56.255



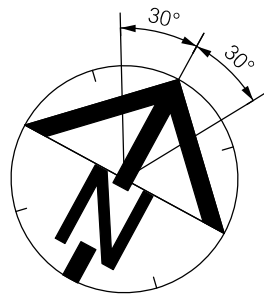
EXPLANATORY NOTES: CLARENCE CITY COUNCIL INTERIM PLANNING SCHEME		
10.4.3 - Site coverage and private open space for all dwellings		
A1	(a)	<p>Site Coverage: Max. 50% of Site = 232.00m² Proposed site coverage: 150.66m² (32.46%)</p>
	(c)	<p>Impervious Surfaces: Min. 25% of Site to be free of impervious surfaces = 116.00m² Proposed area free of impervious surfaces: 279.03m² (60.13%)</p>

<div>NOTES</div> <ul style="list-style-type: none">Builder to verify all dimensions and levels on site prior to commencement of workAll work to be carried out in accordance with the current National Construction Code.Dimensions to take precedence over scale.Do not scale from these drawings.		B	Changes as per cover sheet	22 Feb. 16	LP	Designer:	Client / Project info:	<div><div><div>WILSON HOMES</div><div>MULTI AWARD WINNING BUILDERS</div><div>A Division of Wilson Homes Tasmania Pty Ltd</div><div>ABN 76 126 626 877</div></div></div> <div>Agenda Attachments - 633a Oceana Drive Page 2 of 9</div>	SITE PLAN				
						ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED KANIZAY & MCKENDRICK RESIDENCE 633a Oceana Drive, TRANMERE		Drawn	LP	WH9695		
									Date	15 December 2015	Sheet		
						A	Changes as per cover sheet		08 Jan. 16	MM	Scale	1:20 / 1:200	01/03
						No.	Amendment		Date	Init.			

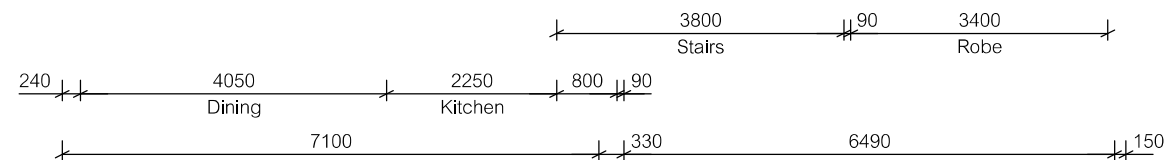
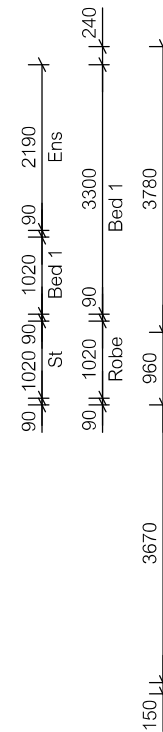
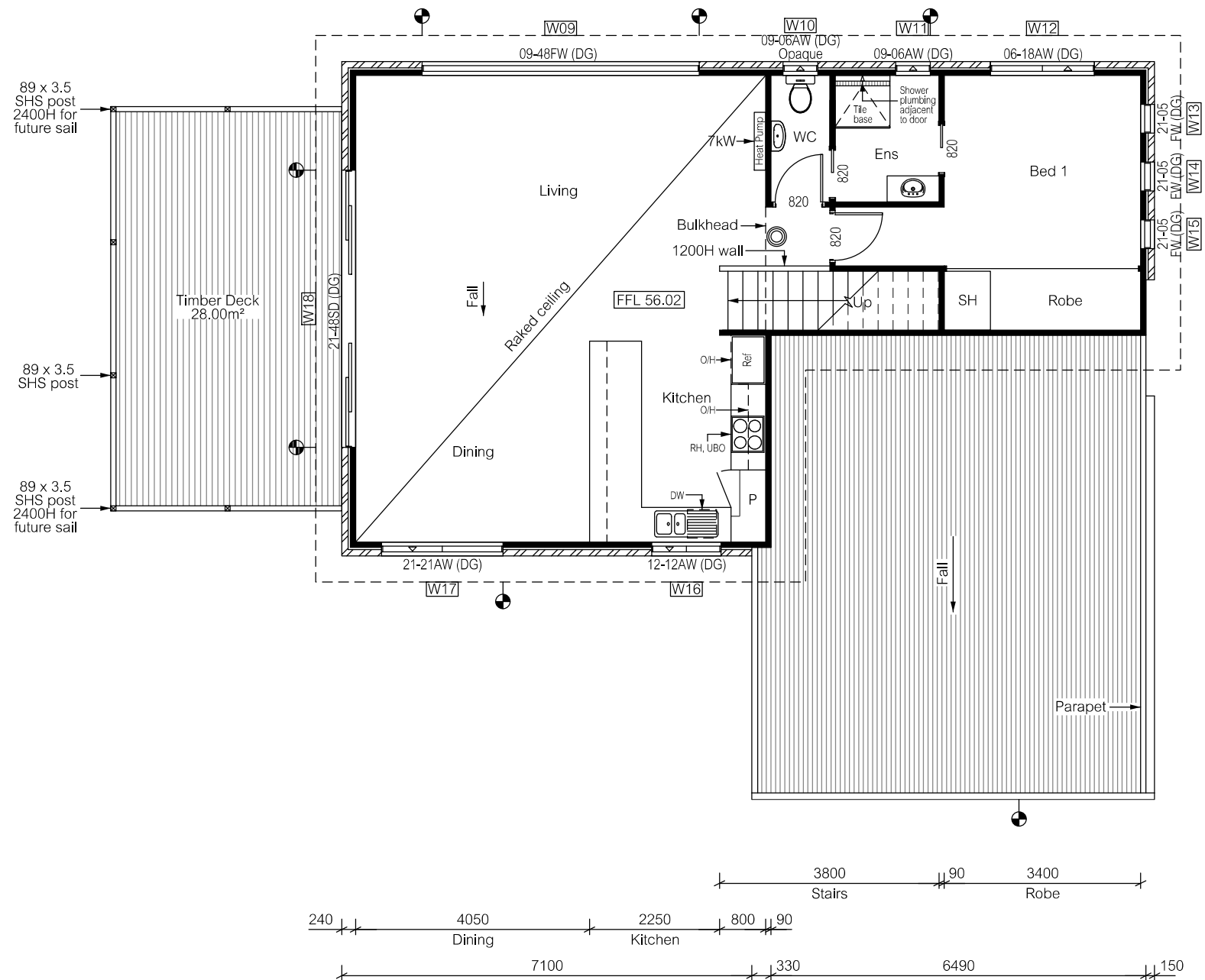
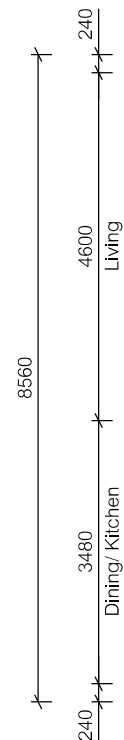


Agenda Attachments - 633a Oceana Drive Page 3 of 9

02/03



PD4.1 clause 10.4.4
W09 satisfy A1.



NOTES

- Builder to verify all dimensions and levels on site prior to commencement of work
- All work to be carried out in accordance with the current National Construction Code.
- Dimensions to take precedence over scale.
- Do not scale from these drawings.

FLOOR AREA = 94.88 sqm



Articulation joints



Smoke Alarm (interconnected where more than 1)

ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

Designer:

ANOTHER PERSPECTIVE PTY LTD
PO BOX 21
NEW TOWN
ACC. NO. CC2204H
Ph: (03) 6231 4122
Fx: (03) 6231 4166
Email:
info@anotherperspective.com.au

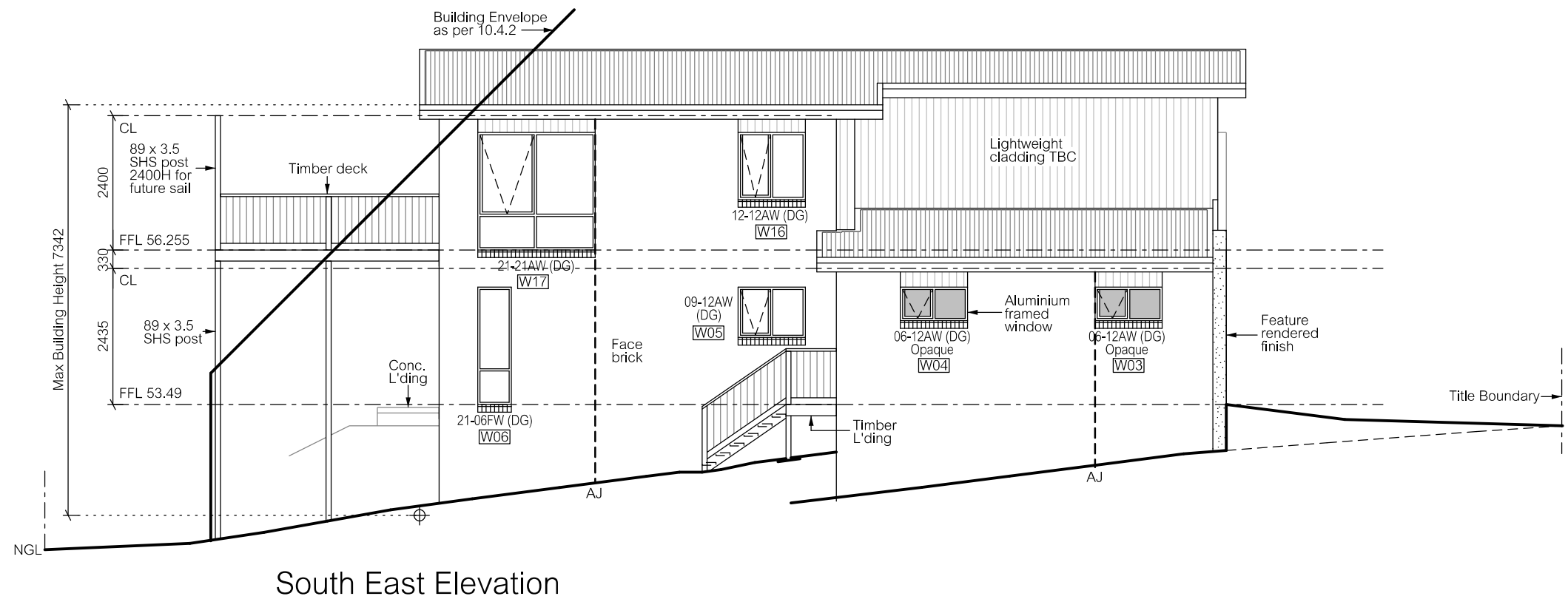
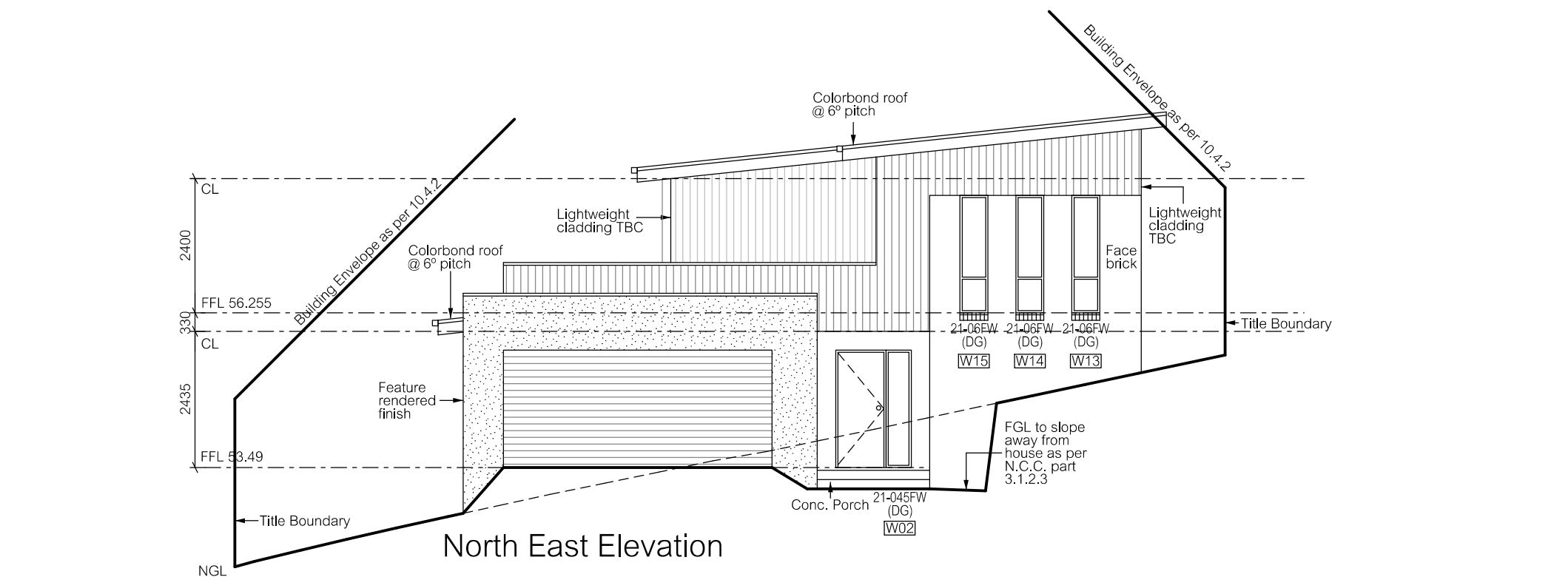
Client / Project info:

PROPOSED KANIZAY & MCKENDRICK RESIDENCE
633a Oceana Drive,
TRANMERE

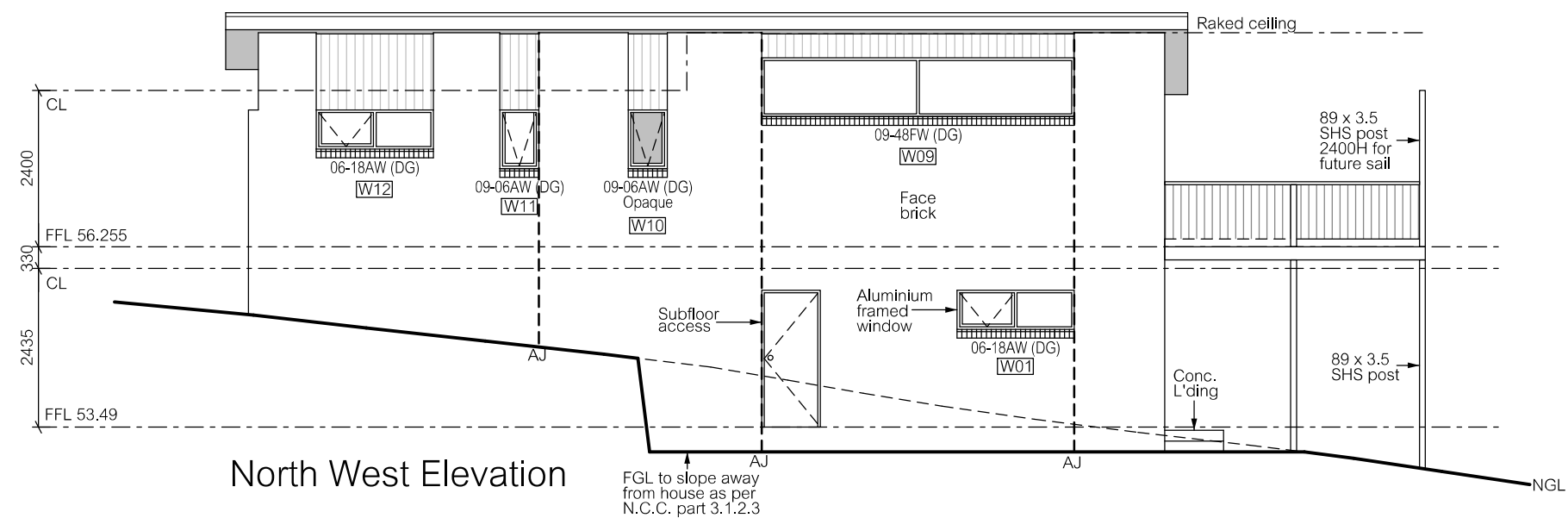
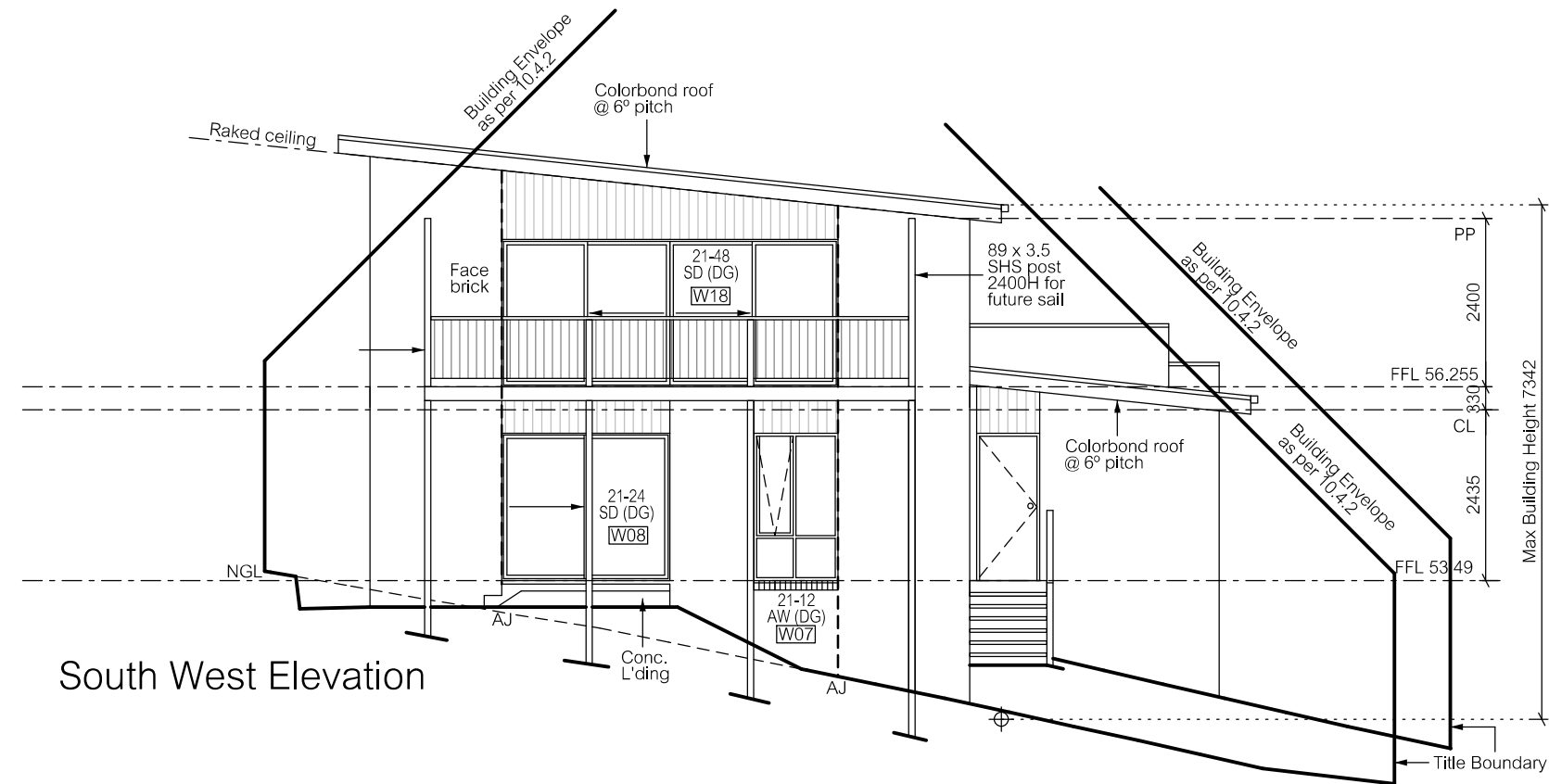


FIRST FLOOR PLAN

Drawn	LP	WH9695
Date	15 December 2015	Sheet
Scale	1:100	



<div>NOTES</div> <ul style="list-style-type: none">Builder to verify all dimensions and levels on site prior to commencement of workAll work to be carried out in accordance with the current National Construction Code.Dimensions to take precedence over scale.Do not scale from these drawings.	<div>ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.</div>				Designer:	Client / Project info:	<div><div><div>WILSON HOMES</div><div>MULTI AWARD WINNING BUILDERS</div><div>A Division of Wilson Homes Tasmania Pty Ltd</div><div>ABN 76 126 636 897</div></div></div>	ELEVATIONS 1 OF 2			
					ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN ACC. NO. CC2204H Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED KANIZAY & MCKENDRICK RESIDENCE 633a Oceana Drive, TRANMERE		Drawn	LP	WH9695	
		B	Changes as per cover sheet	22 Feb. 16	LP				Date	15 December 2015	Sheet
		A	Changes as per cover sheet	08 Jan. 16	MM				Scale	1:100	03/03
		No.	Amendment	Date	Init.				WILSON HOMES 633a Oceana Drive	Agenda Attachments - 633a Oceana Drive - Page 5 of 9	



- NOTES
- Builder to verify all dimensions and levels on site prior to commencement of work
 - All work to be carried out in accordance with the current National Construction Code.
 - Dimensions to take precedence over scale.
 - Do not scale from these drawings.

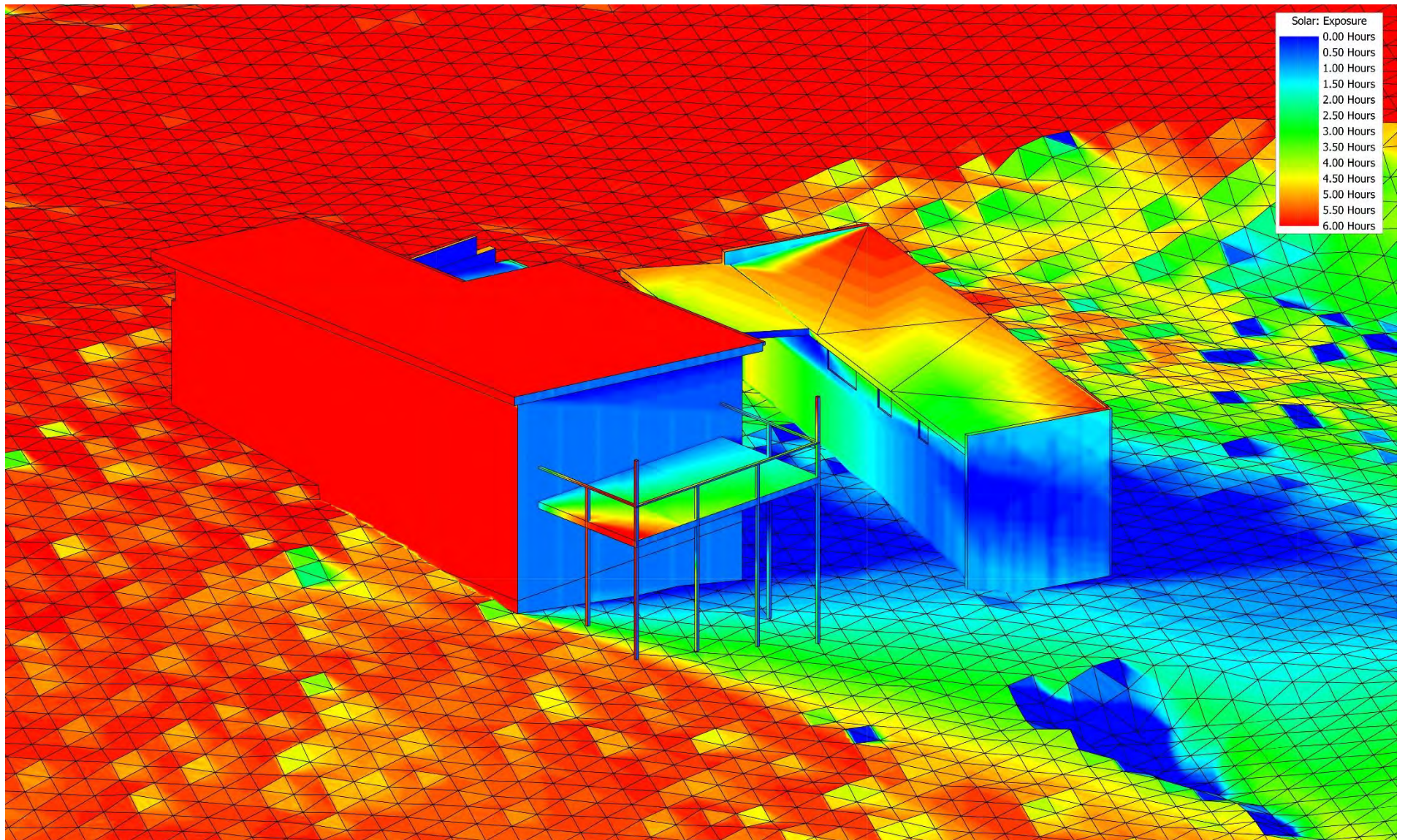
ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

				Designer:
				ANOTHER PERSPECTIVE PTY LTD
				PO BOX 21
				NEW TOWN
				ACC. NO. CC2204H
				Ph: (03) 6231 4122
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				Email:
				info@anotherperspective.com.au
No.	Amendment	Date	Init.	
B	Changes as per cover sheet	22 Feb. 16	LP	

Client / Project info:
PROPOSED KANIZAY & McKENDRICK RESIDENCE
633a Oceana Drive,
TRANMERE



ELEVATIONS 2 OF 2		
Drawn	LP	WH9695
Date	15 December 2015	Sheet
Scale	1:100	o3a/o3

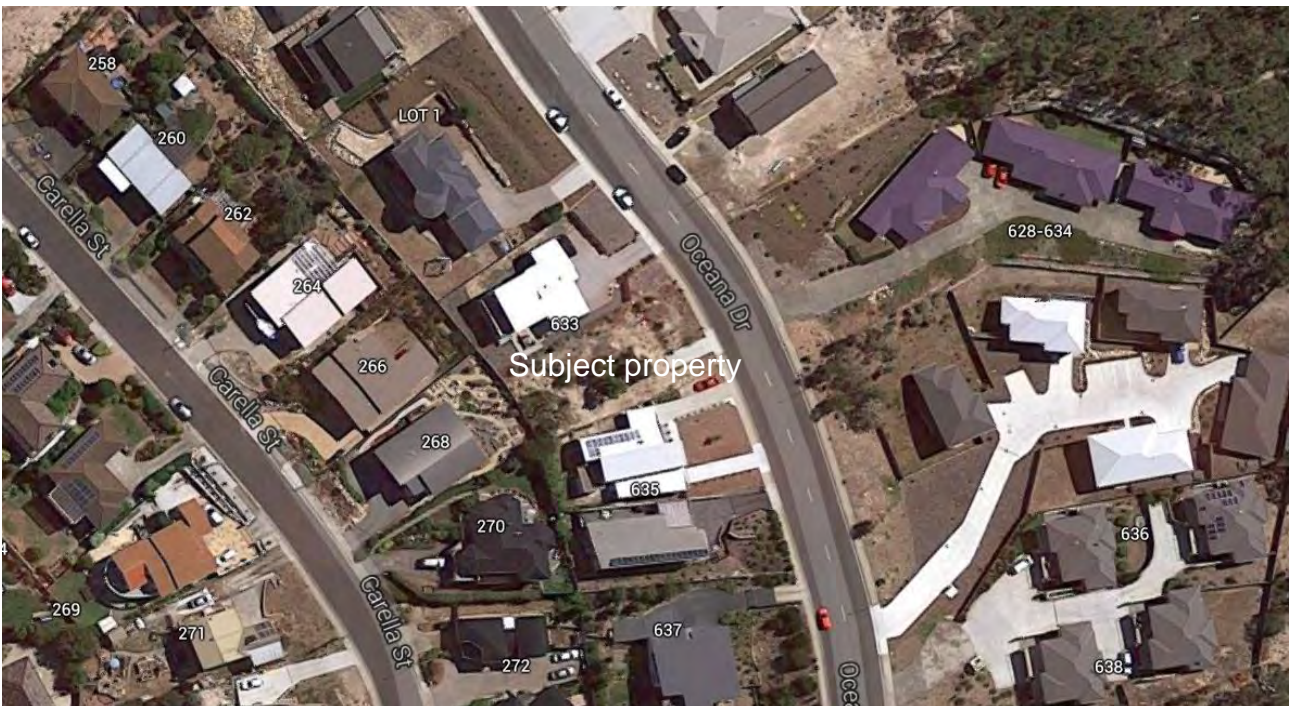


Attachment 3

633A Oceana Drive, TRANMERE



Site viewed from Oceana Drive, looking southwest



Site viewed from Oceana Drive, looking southwest

11.3.7 DEVELOPMENT APPLICATION D-2015/124 - 191 GEORGE STREET, DULCOT - LAND FILL (NEW AND EXISTING)
(File No. D-2015/124)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Landfill (new and existing) at 191 George Street, Dulcot.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire Prone Areas, Landslide Hazard Areas, Natural Assets, and the Attenuation 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.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 25 May 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- application documentation;
- composition of fill;
- stability of the fill;
- flora and fauna;
- change to “feel” of the area;
- setback requirements;
- purpose for fill;
- dust pollution during filling;
- privacy; and
- property values.

RECOMMENDATION:

- A. That the Development Application for Landfill (new and existing) at 191 George Street, Dulcot (CI Ref D-2015/124) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS. After “...endorsed plans” add “, the GES Geotechnical Site Investigation report dated November 2015”.

2. All filling must occur in accordance with the further recommendations of the GES Geotechnical Site Investigation report dated November 2015, being:
 - the area of concern not be utilised as a location for building works;
 - consideration should be given to ensuring drainage of the fill pad, with surface water to be directed away from the fill to prevent surface ponding;
 - any loose boulders be removed and placed on a footing keyed onto the slope at the base of the fill;
 - any future fill placement ensure that fill is keyed into the slope and fill is graded where possible to remove any organic materials or other debris which may decay and form voids over time;
 - no types of waste material should be placed into fill on the site;
 - any additional fill must be adequately compacted to enable further trafficking and management (ie to minimum bearing of 50kPa);
 - the batter slope of the existing and any future fill must not exceed an angle of 30% to ensure long term stability of the slope;
 - where possible the fill batter slopes should be revegetated with grass or other ground cover species, and additional topsoil may be required to ensure adequate plant growth.
 3. For the remainder of the works on-site, the nature of the material utilised must comply with the definition of “clean fill” as defined under the Environmental Management and Pollution Control Act 1994. No disposal of putrescibles waste, controlled waste and inert waste is permissible.

For clarity, this means that no further tyres can be buried and that the existing stockpile must be removed from the site.
 4. The importation, spreading, grading and compacting of all fill for the site must be completed within 6 months of the date of this permit. All landscaping and revegetation must then be completed within a further 6 months of the date of this permit.
 5. ENG M5 – EROSION CONTROL.
 6. ENG M9 – FILLING OF LAND. After “...hazardous/controlled substances” add “, excluding the tyres shown on the approved plan”.
- 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.

DEVELOPMENT APPLICATION D-2015/124 - 191 GEORGE STREET, DULCOT - LAND FILL (NEW AND EXISTING) /contd...

ASSOCIATED REPORT**1. BACKGROUND**

Council have been in discussion with the landowners over unapproved filling of the site for some months. The result of these discussions was the lodgement of an application for approval of the works, as well as for further works to complete the intended creation of level areas on the site.

Through this process it has been identified that there are a number of tyres buried in one section of the site and a number of tyres stockpiled on the surface in another section.

The applicant has been advised that the exposed tyres will require removal from the site and may not form a part of the fill material for the remainder of the works.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Living and is subject to the Bushfire Prone Areas, Landslide Hazard Areas, Natural Assets and the Attenuation Codes under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Rural Living Zone; and
- Section E6.0 – Landslide Hazard Areas and Attenuation Codes.

- 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 relatively disturbed rural living property on the northern side of George Street, Dulcot.

There is an existing dwelling and associated outbuilding located in the north-eastern corner of the site.

The southern portion of the site is largely undisturbed and retains the limited native vegetation present, as is consistent with the surrounding properties.

The north-western corner of the site is significantly disturbed, with no native vegetation remaining and significant amounts of fill present. The fill occupies the area subject to this application.

3.2. The Proposal

The proposal is twofold. Firstly, the application seeks to bring the existing filling that has occurred on the site into approval. Secondly, the application seeks approval to complete the additional intended works.

The results of the works will provide more useable, tiered outdoor space for utilisation by the occupants of the existing dwelling on the site.

A geotechnical site investigation was prepared by GES in support of the application and confirms that the fill deposits are generally stable in the existing state and with on-going management do not pose an unacceptable risk of instability.

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, Bushfire Prone Areas, Landslide Hazard Areas, Natural Assets and the Attenuation Codes with the exception of the following.

Rural Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.3 A4	Design	Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access.	Fill with a maximum depth of 6.5m above the natural ground line.

The proposed variation can be supported pursuant to the Performance Criteria P4 of the Clause 13.4.3 for the following reason.

“P4 - Fill and excavation must satisfy all of the following:

(a) does not detract from the landscape character of the area;	Given the proximity to the quarry at 77 Malcolms Hut Road and the design of the proposed works, it is considered that once re-vegetated the area will not detract from the landscape character of the area.
--	---

(b) does not unreasonably impact upon the privacy for adjoining properties;	The existing dwelling to the east is elevated above the fill that is adjacent to their boundary and the dwellings to the north are sufficiently removed and screened by vegetation that there will not be an unreasonable impact upon their privacy.
(c) does not affect land stability on the lot or adjoining land.	A report has been provided by the applicant confirming that the fill will be stable and therefore not affect adjoining properties. Council engineers have assessed this report and are satisfied with the findings.

Landslide Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E3.7.1 A1	Buildings and works other than minor extensions	No Acceptable Solution.	Fill with a maximum depth of 6.5m above the natural ground line.

The proposed variation can be supported pursuant to the Performance Criteria P1 of the Clause E3.7.1 for the following reason.

P1 – Buildings and works must satisfy all of the following:

(a) no part of the buildings and works is in a High Landslide Hazard Area;	A small portion of the works are located in the Low Hazard area, none are in the Medium or High Hazard areas.
(b) the landslide risk associated with the buildings and works is either: (i) acceptable risk; or (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk	A report was provided by the applicant confirming the stability of the works. As such, there is no risk associated with the works.

Attenuation Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E9.7.2 A1	Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm	No Acceptable Solution.	Fill with a maximum depth of 6.5m above the natural ground line.

The proposed variation can be supported pursuant to the Performance Criteria P1 of the Clause E9.7.2 for the following reason.

“P1 - Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following”:

(a) the nature of the use with potential to cause environmental harm; including: (i) operational characteristics; (ii) scale and intensity (iii) degree of hazard or pollution that may emitted from the activity.	The quarry at 77 Malcolms Hut Road is intermittently used and the extraction rates are very low. In any event, the dwelling and therefore residential use of the site, already exists and as such it is not considered that the occupants of the site beyond will be impacted by the operation of the quarry beyond what is already experienced.
(b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance.	The proposed works are further removed from the quarry than the existing dwelling on the site and as such do not encroach on the sensitive use more than the existing use and development of the site. In any event, records indicate that the quarry has not been operational for some time, so it is unlikely that the surrounding residential land use will be encroaching or fettering the use of the site for extraction.
(c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions.	The area of the works is located over the crest of the hill and down the other side from the quarry. As such, it is considered to be located in an area of the site which will be minimally impacted by the operation of the quarry.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations were received. The following issues were raised by the representors.

5.1. Application Documentation

The representors were unsatisfied with the information submitted because they were not convinced that there was sufficient information regarding the nature of the fill material and therefore the stability of the works.

- **Comment**

A geotechnical report has been submitted which confirms, through test holes, the nature of the existing fill which then goes onto determine the stability of the fill based on the existing site conditions. It then confirms that the future works will also be stable and with on-going management will remain so.

5.2. Composition of Fill

Representors were concerned that the inclusion of tyres in the fill material will result in leaching of harmful chemicals into the soil and therefore into their land.

They were further concerned that the tyres may pose a fire risk, behaving in a similar manner to peat and potentially re-igniting a bushfire that had been thought to have been extinguished should one occur.

- **Comment**

Council Building, Engineering and Environmental Health officers have considered the application documentation and are satisfied that the fill present will not cause harm to adjacent properties through leaching and will not pose a fire risk. As an alert for future use of the site, it will be classified as a contaminated site and potential future use or development of the site will have to factor this into the design and assessment of the proposal.

5.3. Stability of the Fill

Representors were concerned that the fill might not be stable and would therefore slip down onto adjacent properties.

- **Comment**

Council Engineers have assessed the application documentation, including the GES report and are satisfied that the fill will be stable and will not pose a risk to adjacent properties.

5.4. Flora and Fauna

Representors are concerned that there is the potential for vegetation of conservation significance to be present on the site. They are further concerned that the changes to the topography will result in difficulties for native fauna navigating and crossing the site.

- **Comment**

The existing site is already heavily disturbed, with no significant vegetation remaining in the area of the proposed and existing works. It is considered that the finished batter will facilitate movement of fauna across the site, improving on the existing situation.

5.5. Change to “Feel” of the Area

One representor was concerned that the change in the topography will result in a change to the rural “feel” of the area.

- **Comment**

The rehabilitation of the site (required under the proposed conditions of approval) once fill works have been completed will include re-vegetation of the filled area. Over time, this will blend into the surrounding rural environment.

5.6. Setback Requirements

One representor is unclear how the extent of the landfill proposed is not considered a structure and therefore subject to the setback requirements of the zone.

- **Comment**

The fill is not classified as a structure under the Scheme. As such there is no applicable setback provision. Accordingly, there is nothing to preclude the works in the proposed location.

5.7. Purpose for Fill

Representors are concerned that there is no indication in the permit of the purpose of the fill. They are of the opinion that the site is being used as a dumping ground for trade waste and other business waste and that this application is not entirely forthcoming regarding the actual intended use.

- **Comment**

When presented with an application, Council must assess what is proposed. Accordingly, any approval granted is only for the works proposed. As an application was made for a finite amount of fill, with the end result being a benched site associated with the existing residential use of the site, this is what must be considered and ultimately approved or refused.

5.8. Dust Pollution During Filling

Representors are concerned that whilst material is being deposited there will be dust blown onto adjacent properties causing detriment to both the houses and the quality of the rainwater collected.

- **Comment**

The standard filling condition adopted by Council should be utilised for this permit and will endeavour to control this concern.

5.9. Privacy

One representor was concerned that the increase in the ground line will increase the opportunity for overlooking of adjacent properties and therefore result in a loss of privacy for adjacent properties.

- **Comment**

Privacy is addressed more fully above, but due to the topography and physical separation of the area of the proposed works from the surrounding dwellings it is considered that the impact on privacy is minimal and therefore reasonable.

5.10. Property Values

One representor is concerned that the changes to the landscape will result in devaluing of their property.

- **Comment**

Property values are not a matter for consideration under the Scheme and as such cannot influence the determination of this proposal.

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 2010-2015 or any other relevant Council Policy. Developer contributions are not required to comply with any Council policies.

9. CONCLUSION

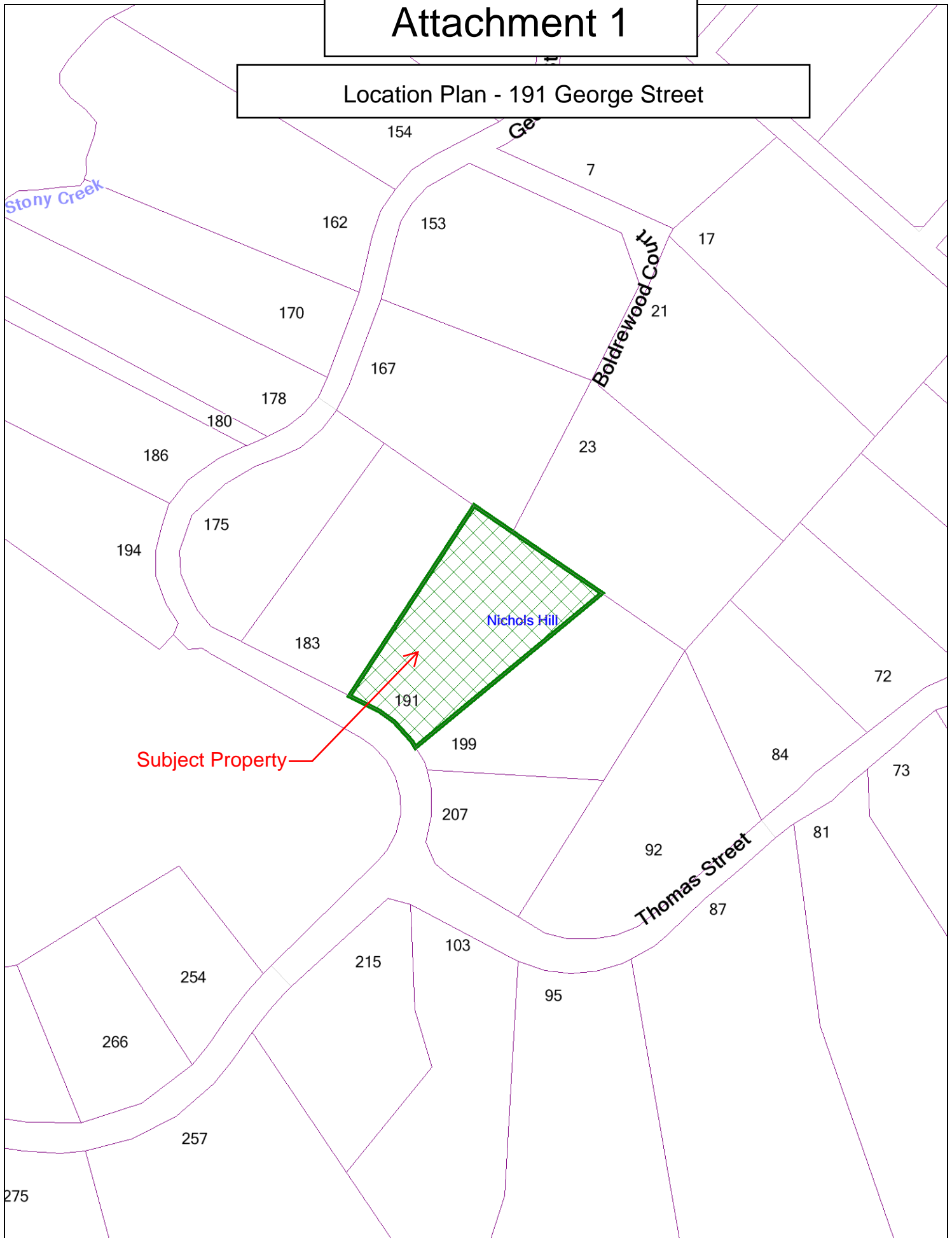
The proposal is for filling of a portion of the site at 191 George Street, Dulcot to provide benched areas for the use of the occupants. The proposal meets the acceptable solutions and performance criteria for the zone and relevant codes and as such is recommended for conditional approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 191 George Street



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:** Friday, 13 May 2016 **Scale:** 1:4,189 @A4



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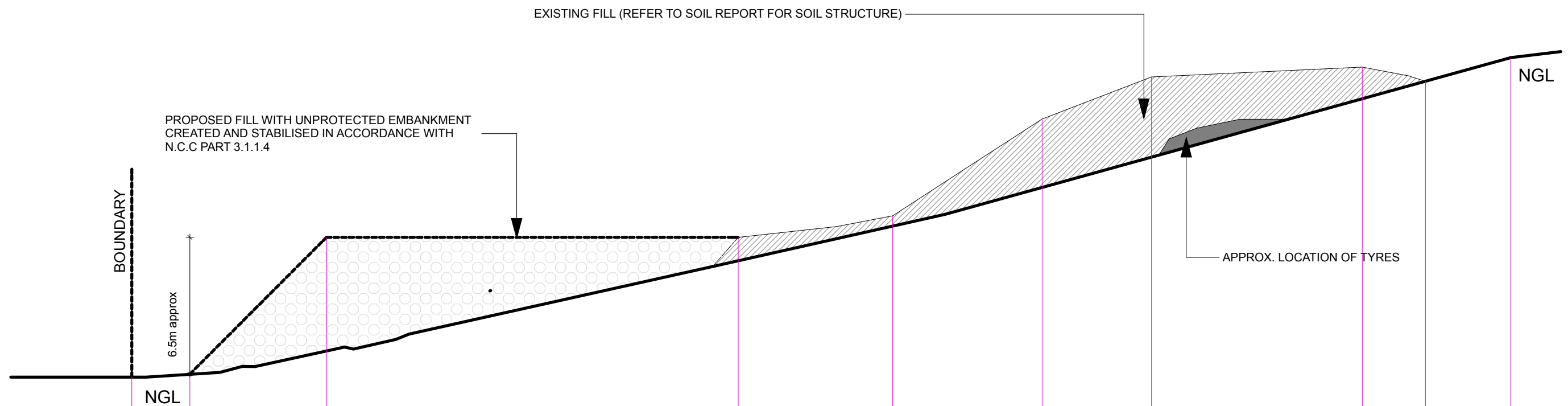
Site Plan (Prior to Fill)

Proposal:	Existing & Proposed Fill	Scale: 1:500	Job No: 29-2015	Pg No: 2/4
Client:	Steve & Lisa Cattaruzza	Date: 30/03/15	Engineer:	
Address:	191 George Street Dulcot 7025	Drawn: Jason	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Amendments	
Date	Description
22/12/15	Planning Revisions
18/04/16	Planning Revisions





NEW SURFACE		238.640	245.000	245.000	246.000	250.500	252.450	252.910	252.250	253.350
EX. SURFACE		238.640	239.720	243.900	245.500	247.500	248.725	251.500	252.250	239.720
CHAINAGE	BOUNDARY	2.700	9.065	28.225	35.420	42.620	47.460	57.270	60.215	64.185

Amendments	
Date	Description
22/12/15	Planning Revisions
18/04/16	Planning Revisions



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Proposal:	Existing & Proposed Fill	Scale: 1:200	Job No: 29-2015	Pg No: 4/4
Client:	Steve & Lisa Cattaruzza	Date: 30/03/15	Engineer:	
Address:	191 George Street Dulcot 7025	Drawn: Jason	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Proposed fill - section

Attachment 3

191 George Street, DULCOT



Site viewed from George Street, Dulcote



Location of works on site

11.3.8 DEVELOPMENT APPLICATION D-2015/570 - 50 BRIDGE STREET, RICHMOND - PARTIAL CHANGE OF USE TO TAKEAWAY AND EXTERNAL ALTERATIONS

(File No D-2015/570)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a partial Change of Use to Takeaway and External Alterations at 50 Bridge Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Historic Heritage and Parking and 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.

Council is required to exercise a discretion within the statutory 42 day period which expires on 25 May 2016.

CONSULTATION

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

- nature of use; and
- internal building requirements.

RECOMMENDATION:

- A. That the Development Application for a partial Change of Use to Takeaway and External Alterations at 50 Bridge Street, Richmond (CI Ref D-2015/570) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN C2 – CASH-IN-LIEU [\$22,000.00] and [4].
 3. The development must be in accordance with any requirements of the attached approval of the Tasmanian Heritage Council dated 11 May 2016.
- 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.

**DEVELOPMENT APPLICATION D-2015/570 - 50 BRIDGE STREET, RICHMOND -
PARTIAL CHANGE OF USE TO TAKEAWAY AND EXTERNAL ALTERATIONS
/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

This matter relates to a site developed historically into 8 shops, Shop 2 being “Sweets and Treats” and Shop 1 to the east, both being the subject of this application. Each of the tenancies has previous approval as a shop, highlighted by previous building permits granted for the site. The original building was constructed in 1840.

A permit application was approved by Council on 28 July 2015 under D-2015/234 for a series of minor alterations to the existing building to facilitate the expansion of the subject business, Sweets and Treats, into an adjacent vacant shop.

The permit was granted by Council on the basis that Sweets and Treats have previously been defined under relevant planning schemes as a “Shop” and that the adjacent tenancy into which the business expanded had also been used as a “Shop”. A planning permit for the change of use itself was not required, but the internal works did require the approval of Council and the Tasmanian Heritage Council given the heritage listing of the site.

It has since become apparent to Council that the nature of the use has departed from that originally approved as part of the recent expansion under D-2015/234, to now involve the sale of hot and cold food and drink for consumption both on and off the premises. Such use is defined as “Food Services” under the Scheme and at the request of Council this application was made.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General 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 21.0 – General Business Zone;
- Section E6.0 – Parking and Access Code; and
- Section E13.0 – Historic Heritage 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 property is a 2372m² parcel that supports a heritage-listed building, constructed in 1840 and modified on many occasions since. The building supports 8 shops (several now combined), associated landscaping and limited parking and is located within the established commercial precinct at Richmond.

3.2. The Proposal

The proposal is for:

- (1) the partial change of use to the site to a takeaway;
- (2) paving of an additional outdoor area of 45m² to the south of the existing building; and
- (3) repainting of the external verandahs/trim/gutters/window frames.

The proposed colour treatments for the works are a combination of cream and dark grey and the paving would be similarly colour to match the existing gravel surface to the south and rear of the existing building.

The proposed partial change of use is to change the use of what is known as Shop 1 to take away food shop which has a floor area of 102m², to enable (in addition to the existing sales of confectionery, nuts and icecream) the sale of coffee, waffles and other associated food stuffs. The area relevant to the proposed change of use is illustrated by the attachments as the hatched area.

The operating hours and nature of the business would not change beyond those elements described.

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 Business Zone and Historic Heritage Codes under the Scheme. A brief summary of the requirements of each of the relevant sections of the Scheme is provided as follows.

- **Exemptions**

Clause 5.5.1 of the Scheme provides an exemption for approval for the proposed repainting. Similarly, the proposed paving is exempt from the approval requirements of the Historic Heritage Code by Clause E13.4(f) of the Scheme. It is noted that approval for these works is, however, required under the Historic Cultural Heritage Act 1995, under which the proposal has been advertised and a decision granted by the Tasmanian Heritage Council.

- **General Business Zone**

The proposal relates to the Use Class Food Services under the Scheme, which is a permitted use within the General Business Zone and the relevant acceptable solutions of the zone are met.

- **Historic Heritage Code**

The provisions of this code do not apply to the proposal, in that the Heritage Place is not listed in relation to its use.

- **Parking and Access Code**

The proposal meets the Scheme's relevant Acceptable Solutions of the Parking and Access Code with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of parking spaces	No acceptable solution.	Cash-in-lieu payment of \$22,000 proposed for the 4 deficient parking spaces.

The proposed variation can be supported pursuant to the following Performance Criteria.

Performance Criterion	Comment
<p><i>"P1 - Use and Development on land within the Activity Centres specified in Table E6.3 must make a cash-in-lieu payment for any deficient spaces at the rate specified in Table E6.3. Alternative arrangements may be made in accordance with any parking plan adopted by Council".</i></p>	<p>Clause E6.6.1 A1 of the Scheme requires the provision of an addition 4 parking spaces for the proposed change of use from a Shop to Take Away Food Shop for the part of the building the subject of this application.</p> <p>The additional area of the building now occupied by the business is 102m, which equates to a requirement for 4 spaces on the basis that Council's adopted Interim car Parking Plan allows developments to provide car parking at the rate prescribed in the Clarence Planning Scheme 2007 if less than the current Scheme.</p>

	<p>The current use of that floor area as a Shop requires 1 space per 35m² which equates to 3 spaces (for the additional 102m² floor area). The use of a Take Away Food Shop requires 1 space per 15m which equates to 7 spaces. The net difference between the 2 uses is therefore 4 spaces, which are to be provided on site or cash paid in-lieu at a rate of \$5,500.00 per space – so a total of \$22,000.00. A condition has therefore been included requiring this.</p>
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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. Nature of Use

The representor raised concern that Council must be consistent in its treatment of changes of use at Richmond, by imposing similar requirements to the proposed change of use as other nearby businesses.

- **Comment**

As discussed above, it became apparent to Council that the nature of the use had departed significantly from that originally approved. Such a change of use required a new permit, being the subject of this application.

5.2. Internal Building Requirements

The representor raised concern that the internal fittings and fixtures required of their business were in excess of the standard of the internal improvements required in respect of Sweets and Treats.

- **Comment**

This is not a relevant planning consideration. The requirement for appropriate food handling areas (including all internal surfaces, fittings and fixtures) must accord with the requirements of the Food Act 2003 and the Food Premises Standards of the National Construction Code (Building Code of Australia).

6. EXTERNAL REFERRALS

The proposal was referred to Heritage Tasmania, which has provided a decision on 11 May 2016 with an advice note relating to the treatment of any historic timbers exposed internally as part of the development. The decision of Heritage Tasmania is to be appended to any permit granted by Council.

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 2010-2015 or any other relevant Council Policy.

9. CONCLUSION

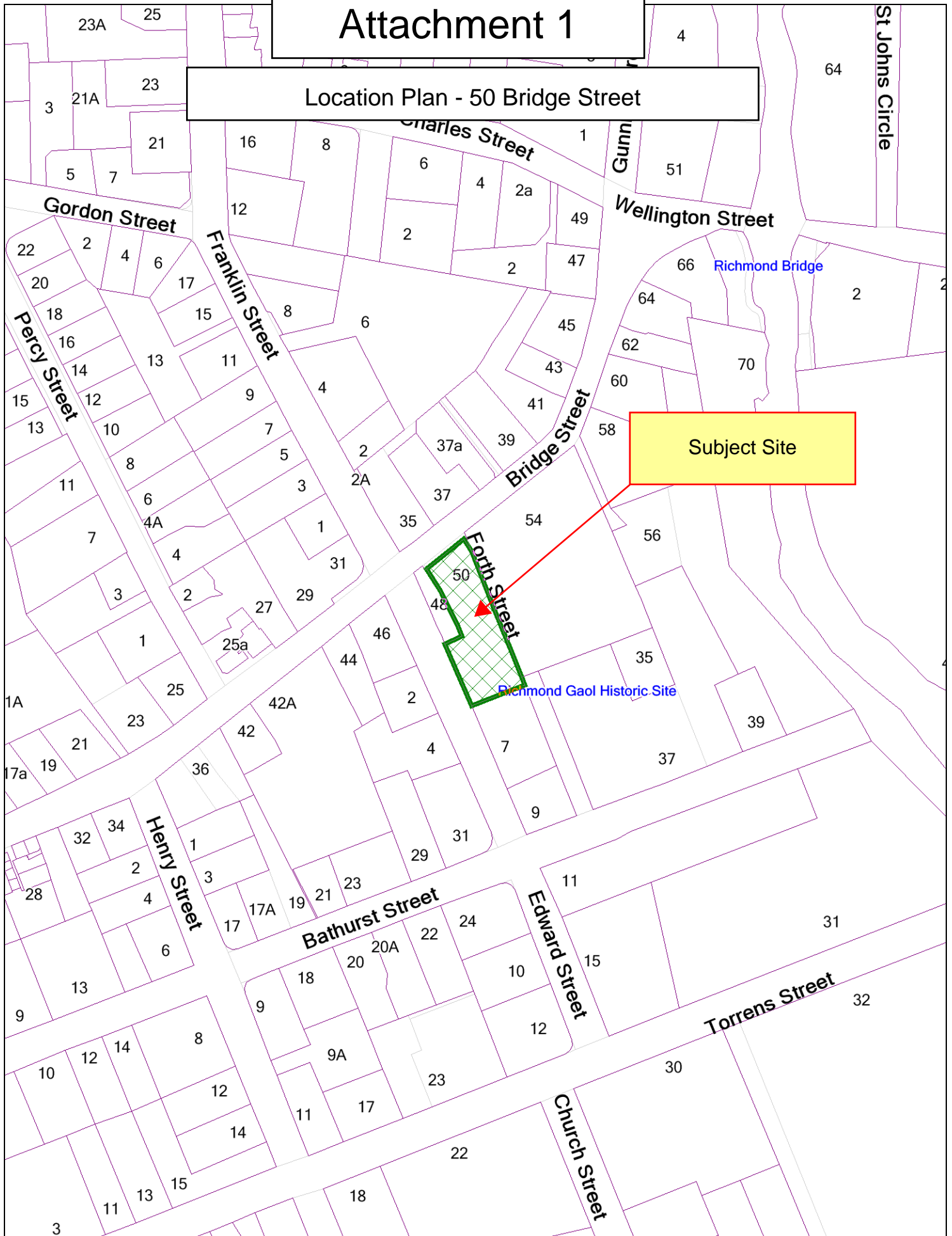
The proposal is for the partial Change of Use to Takeaway and External Alterations at 50 Bridge Street, Richmond. The proposed development satisfies the relevant

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 50 Bridge Street



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, 12 May 2016 **Scale:** 1:2,698 @A4

Attachment 2

EISW Custodian Pty Ltd

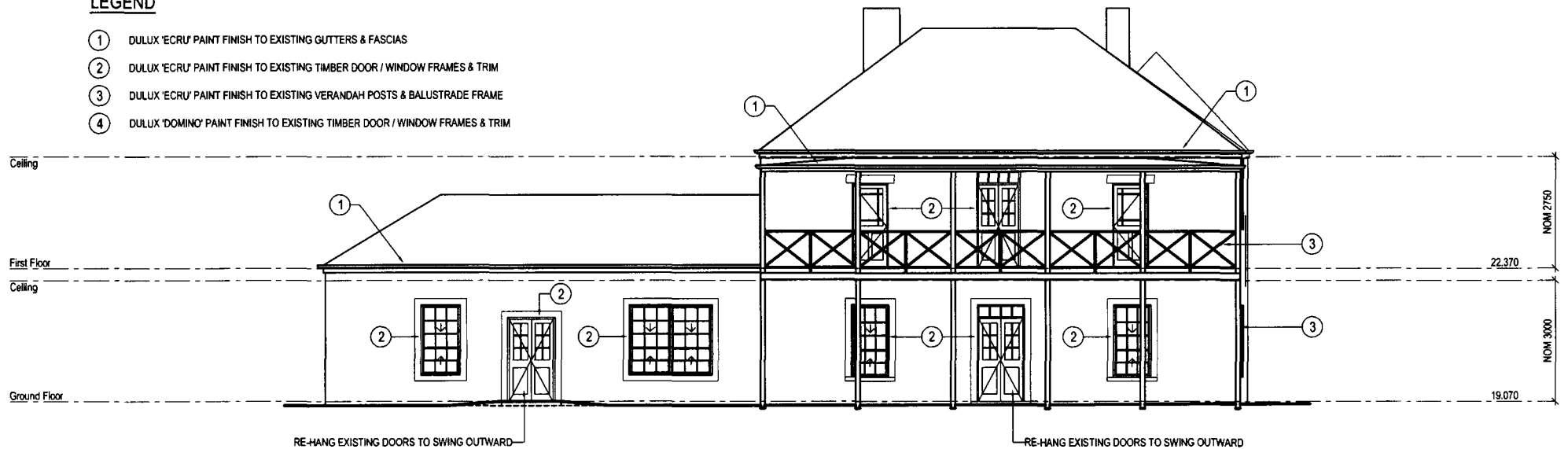
EISW Custodian Pty Ltd request a change of use of the area marked on drawing 2 attached, from 'shop' to 'take away food shop'. This requested change is to facilitate the change of use of this area due to the recently completed expansion of the adjacent business Sweets and Treats Pty Ltd into this area.

The use of the area is for the sale of icecream, confectionery, coffee, nuts, waffles and other associated food stuffs.

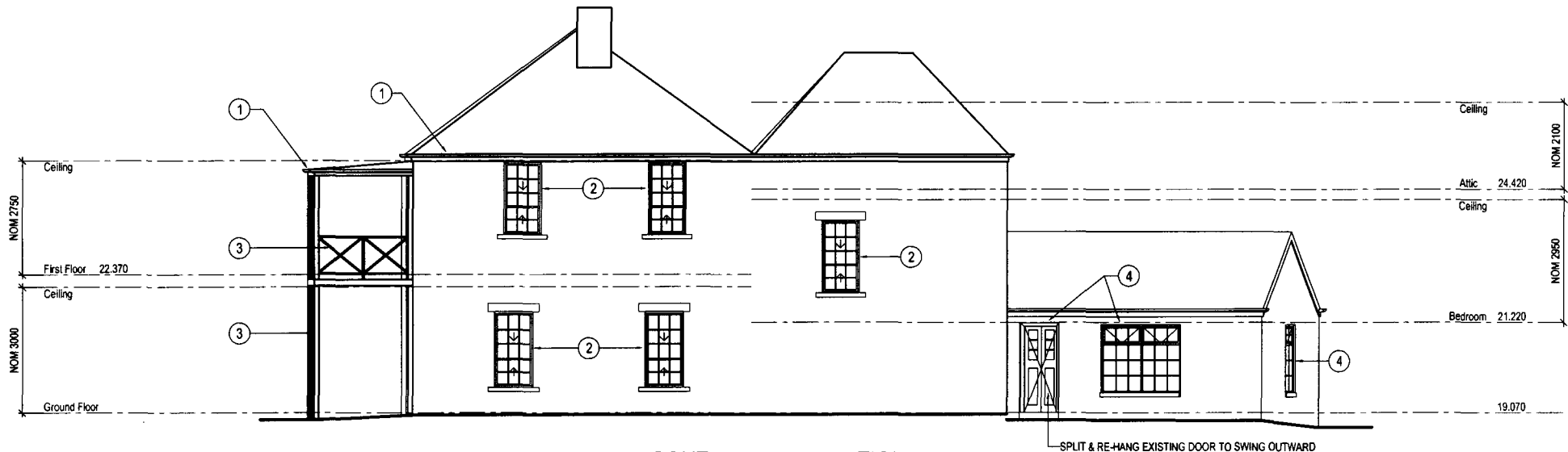
It has been agreed with Clarence City Council Planning that this change shall result in an additional 4 car parks being required under the scheme. These are to be provided for in a cash in lieu basis due to no further area being available on the Bridge Inn site for car parking.

LEGEND

- ① DULUX 'ECRU' PAINT FINISH TO EXISTING GUTTERS & FASCIAS
- ② DULUX 'ECRU' PAINT FINISH TO EXISTING TIMBER DOOR / WINDOW FRAMES & TRIM
- ③ DULUX 'ECRU' PAINT FINISH TO EXISTING VERANDAH POSTS & BALUSTRADE FRAME
- ④ DULUX 'DOMINGO' PAINT FINISH TO EXISTING TIMBER DOOR / WINDOW FRAMES & TRIM



NORTHWEST ELEVATION



SOUTHWEST ELEVATION

AMENDMENT SCHEDULE		
DATE	REV No	DETAILS
04.04.16	00	Development Application

DWA David Wakefield And Associates
122 MURRAY STREET
PO BOX 43564 SOUTHBRIDGE STREET, HOBART 7800
Tel : 03 62 348777

PROPOSED ALTERATIONS & CHANGE OF USE
J. & S. WURF
50 BRIDGE STREET, RICHMOND

Drawing Title:
ELEVATIONS

Revision No.: 00
Date: 04.04.16

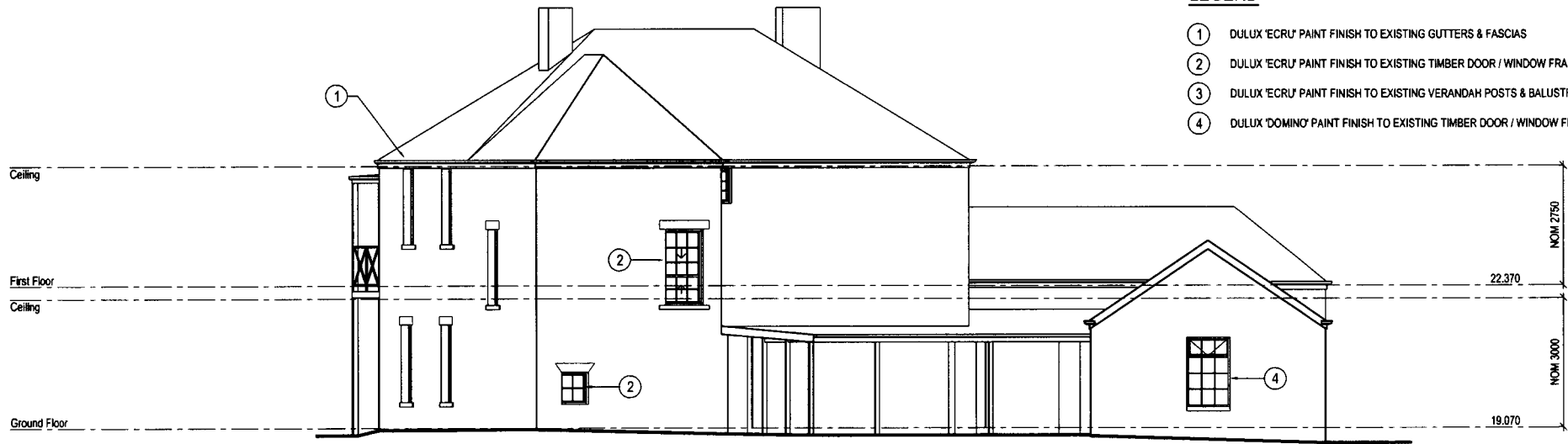
Designer:
X. Wakefield CC1660

Scale:
1:100 (A3)

Drawing No.: 03
Dwgs in Set: 05

LEGEND

- ① DULUX 'ECRU' PAINT FINISH TO EXISTING GUTTERS & FASCIAS
- ② DULUX 'ECRU' PAINT FINISH TO EXISTING TIMBER DOOR / WINDOW FRAMES & TRIM
- ③ DULUX 'ECRU' PAINT FINISH TO EXISTING VERANDAH POSTS & BALUSTRADE FRAME
- ④ DULUX 'DOMINO' PAINT FINISH TO EXISTING TIMBER DOOR / WINDOW FRAMES & TRIM



SOUTH ELEVATION



SOUTHEAST ELEVATION

AMENDMENT SCHEDULE

DATE	REV No	DETAILS
04.04.16	00	Development Application

DWA

David Wakefield And Associates
122 murray street
po box 4564 bathurst street, hobart 7800
tel : 03 62 348777

PROPOSED ALTERATIONS & CHANGE OF USE
J. & S. WURF
50 BRIDGE STREET, RICHMOND

Drawing Title:
ELEVATIONS

Revision No.: 00
Date: 04.04.16

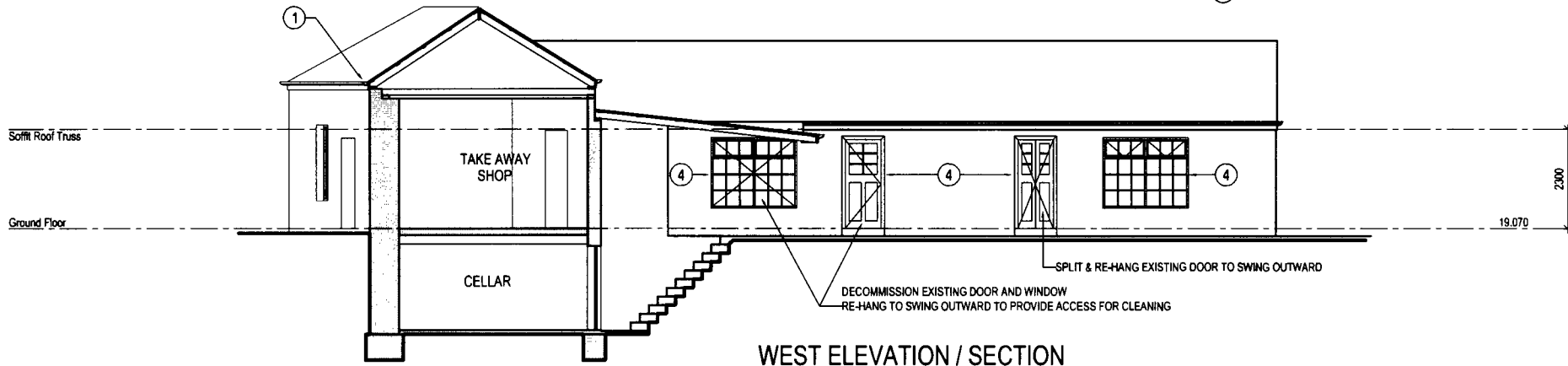
Designer:
X. Wakefield CC1660, 1:100 (A3)

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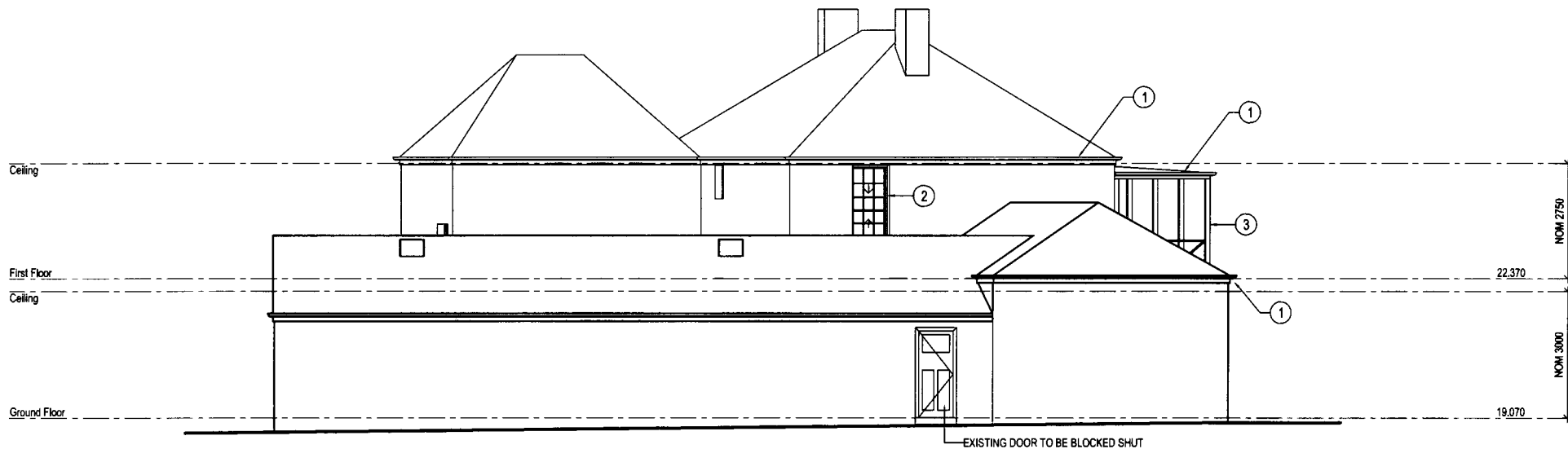
Drawing No.: 04
Dwgs in Set: 05

LEGEND

- ① DULUX 'ECRU' PAINT FINISH TO EXISTING GUTTERS & FASCIAS
- ② DULUX 'ECRU' PAINT FINISH TO EXISTING TIMBER DOOR / WINDOW FRAMES & TRIM
- ③ DULUX 'ECRU' PAINT FINISH TO EXISTING VERANDAH POSTS & BALUSTRADE FRAME
- ④ DULUX 'DOMINO' PAINT FINISH TO EXISTING TIMBER DOOR / WINDOW FRAMES & TRIM



WEST ELEVATION / SECTION



EAST ELEVATION

AMENDMENT SCHEDULE		
DATE	REV No	DETAILS
04.04.16	00	Development Application

DWA

David Wakefield And Associates
122 murray street
po box 4564 bothurst street, hobart 7800
tel : 03 62 348777

PROPOSED ALTERATIONS & CHANGE OF USE
J. & S. WURF
50 BRIDGE STREET, RICHMOND

Drawing Title:
ELEVATIONS

Revision No.: 00
Date: 04.04.16

Designer:
X. Wakefield CC1660
Scale: 1:100 (A3)

Drawing No.: 05
Dwgs in Set: 05

Attachment 3

50 Bridge Street, RICHMOND



Site viewed from Bridge Street, looking southwest



Site viewed from Bridge Street, looking east

11.3.9 DEVELOPMENT APPLICATION D-2015/324 - 67 MALUNNA ROAD, LINDISFARNE - MULTIPLE DWELLINGS (1 EXISTING AND 1 NEW)
(File No D-2015/324)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider Council's position on amended plans submitted in relation to a planning appeal made through the Resource Management and Planning Appeal Tribunal (RMPAT) against Council's refusal of an application made for Multiple Dwellings (1 existing and 1 new) at 67 Malunna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential 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.

CONSULTATION

Six representations were received following the exhibition of D-2015/324. Three of those representors have joined as parties to the appeal. Mediation has been undertaken as part of the appeal process; however, agreement between the parties has not been reached.

RECOMMENDATION:

- A. That Council advises the Resource Management and Planning Appeal Tribunal that it no longer opposes the proposal for Multiple Dwellings (1 existing and 1 new) at 67 Malunna Road, Lindisfarne (CI Ref D-2015/324) and will support the granting of a permit subject to suitable conditions.
- 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**

Application D-2015/324 sought approval for an additional dwelling sited at the rear of the existing dwelling at 67 Malunna Road, Lindisfarne. The additional dwelling would be provided with its own vehicle access to Boatta Road. Council refused the application at its Meeting of 1 February 2016 for the following reasons.

- “1. The proposal does not meet the Performance Criteria of 10.4.2 P3 in that it will cause an unreasonable loss of amenity to the adjoining property.*
- 2. The proposal does not meet the Performance Criteria of E6.6.1 P1 and E6.7.1 P1 in that the shortfall of on-site car parking and the provision of an additional driveway resulting in the loss of one car space in the street, is inappropriate having regard to car parking demand and the availability of on-street and public car parking in the area”.*

The reason for Council’s decision was recorded as follows.

“The proposal will cause a loss of privacy to the adjoining house and the lack of parking in the area will be compounded by the proposal, making the level of safety and convenient resident parking inadequate”.

2. STATUTORY IMPLICATIONS

The applicant has exercised their statutory right to appeal against Council’s decision under Section 61 of the Land Use Planning and Approvals Act 1993.

3. PROPOSAL IN DETAIL

3.1. The Site

The site is described in Attachment 2.

3.2. The Proposal

A preliminary hearing and mediation session was held by RMPAT on 18 February and 8 March 2016 respectively. To date, no agreement has been reached between the parties through the mediation process. The appellant has now submitted amended proposal plans under Section 22 of the Resource Management and Planning Appeal Tribunal Act. Should RMPAT accept the modified plans (and it is anticipated that it would), the originally refused plans subject to appeal, would be replaced and the amended ones considered for the remainder of the appeal. A hearing date has been set for 5 July 2016; however, there is still some prospect of mediation should RMPAT accept the amended plans.

The amended plans are included in the attachments and propose the following:

- modification to the roof line, which would reduce the maximum height of the building by 0.7m (6.242m to 5.542m);
- shortening of the overall width of the dwelling, which would increase the setback from the western side boundary by 0.7m (0.9m to 1.582m);
- minor modification to driveway parking area for the proposed dwelling;
- opaque glazing replacing the clear glazing in the upper-storey living room window shown on the north-west elevation;
- opaque glazing removed from the south-west facing living room window; and
- opaque glazing in the south-west facing bedroom 1 window altered to achieve compliance with the privacy standard (Clause 10.4.6 A2) of the Scheme.

The effect of the amended plans is that the proposal now achieves compliance with the building envelope requirement (Clause 10.4.2 A3) of the Scheme. In addition, the amended design would result in the proposal achieving a higher level of compliance with the Sunlight and Overshadowing standard of the Scheme (Clause 10.4.4 P2), in that the lower height of the roof would marginally increase the amount of direct sunlight available to the north facing wall of the existing dwelling. The planning consultant engaged by Council has advised that, in their opinion, the proposal still does not comply with Clause 10.4.4 P2 (overshadowing of a dwelling on the same site), Clause 10.4.4 P3 (overshadowing of the private open space of a dwelling on the same site) and Clause 10.4.6 P2 (overlooking of windows of habitable rooms and private outdoor space of a dwelling on the same site).

Although the appellant has attempted to provide an additional car parking space (car space 3) on-site, Council's Development Engineer has advised that the space (5.2m in length) does not achieve the length required by the Australian Standard (5.5m). Accordingly, the development does not move closer to compliance with the Parking and Access Code of the Scheme.

No new discretions are invoked by the amended plans.

The modified design is considered to address one of the core reasons for refusal, being the impact on the amenity of surrounding properties caused by the building envelope variation. While the amended plans do not move the proposed development any closer to meeting the parking and access requirements of the Scheme, Council's appointed solicitor has provided an opinion (refer Attachment 4) stating that the chances of successfully defending Council's refusal of the application appear to be low. Council's solicitor has made the following recommendations.

"The issues of concern to the Council and the residents are no longer enlivened by the remaining discretions.

The principal matters that are relevant are the extent to which the proposed dwelling provides suitable amenity for the existing dwelling on the site. The extent to which it does so only is in relation to the living room of the existing dwelling and its access to sunlight and privacy issues, if the acceptable solution in clause 10.4.6 A2(b) is not met.

In my view, these concerns are not of such great weight that they will result in the refusal of the development application.

In short, my view is that there are limited grounds of refusal that have merit. The likely result is that the Tribunal will determine to issue a permit.

In those circumstances, my recommendation to the Council is that it resolves to consent to a permit being granted subject to conditions.

There may be some remaining concerns of the residents that can be appropriately dealt with through conditions on the permit. It is my recommendation that you instruct me to work with the residents on those conditions, if the residents will also consent to a permit being issued".

It is therefore recommended that Council advises RMPAT that it supports the amended proposal and is now in favour of conditional approval.

It is noted that the 3 representors who joined as parties to the appeal were contacted by telephone to canvas their views on the amended plans. All 3 parties advised that they are still opposed to the proposal for the reasons stated in their original representations.

4. STATE POLICIES AND ACT OBJECTIVES

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

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

5. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

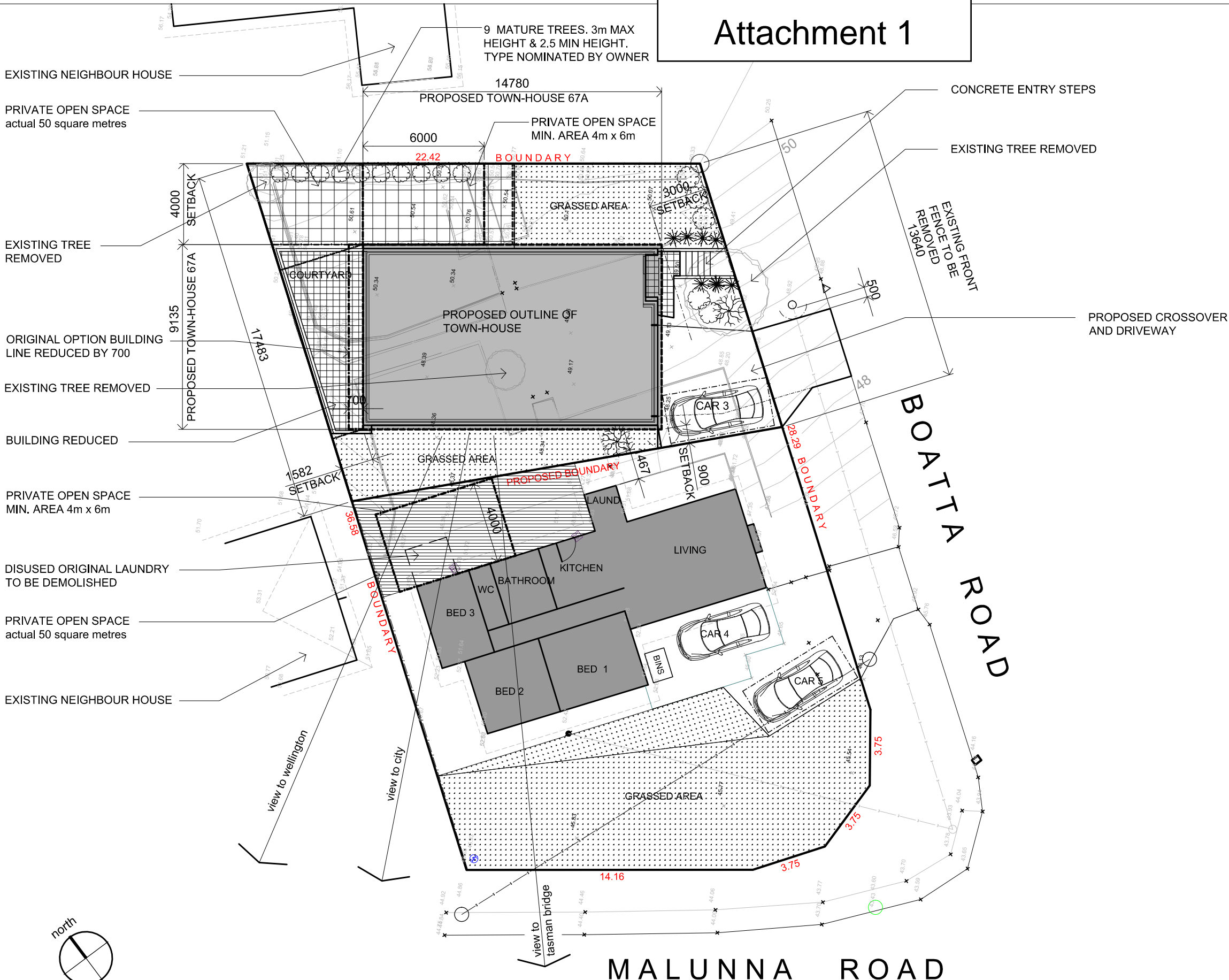
6. CONCLUSION

It is recommended that Council advises the Resource Management and Planning Appeal Tribunal that it no longer opposes the proposal for Multiple Dwellings at 67 Malunna Road, Lindisfarne and will now support conditional approval.

Attachments: 1. Amended Proposal Plans (8)
2. Previous Agenda Report and Minutes (17)
3. Revised Grounds of Appeal (3)
4. Written Advice from Legal Representative (3)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



SITE PLAN

SCALE 1:200

REV C 30.4.2016 ALTERATIONS FOR RE-ISSUE.

Project

67 MALUNNA ROAD, LINDISFARNE
NEW TOWN-HOUSE

Drawing SITE PLAN

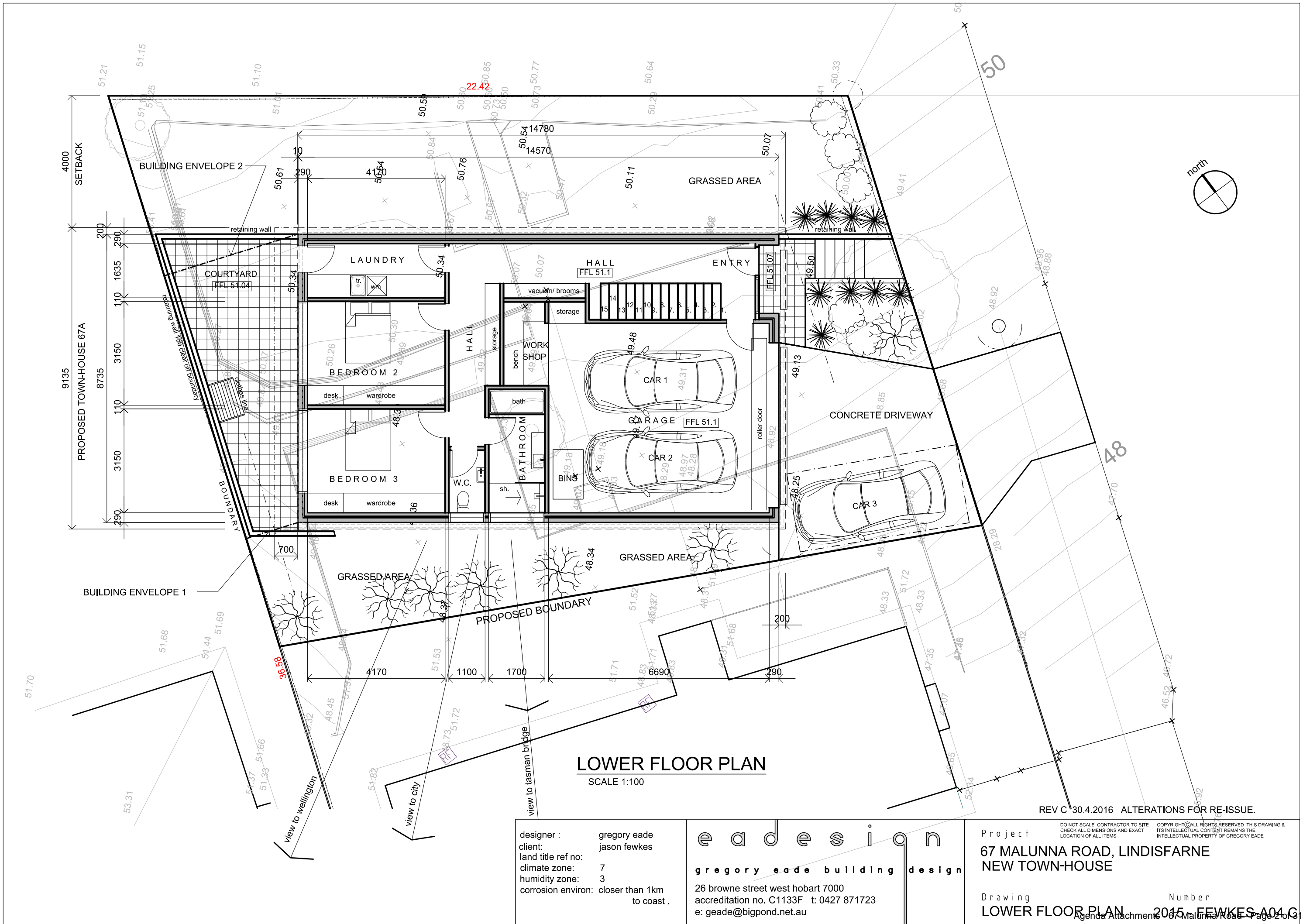
Number

2015 - FEWKES-A03 C

Agenda Attachments 67 Malunna Road - Page 1 of 31

designer : gregory eade
client: jason fewkes
land title ref no:
climate zone: 7
humidity zone: 3
corrosion environ: closer than 1km
to coast .

e a d e s i o n
g r e g o r y e a d e b u i l d i n g d e s i g n
26 browne street west hobart 7000
accreditation no. C1133F t: 0427 871723
e: geade@bigpond.net.au

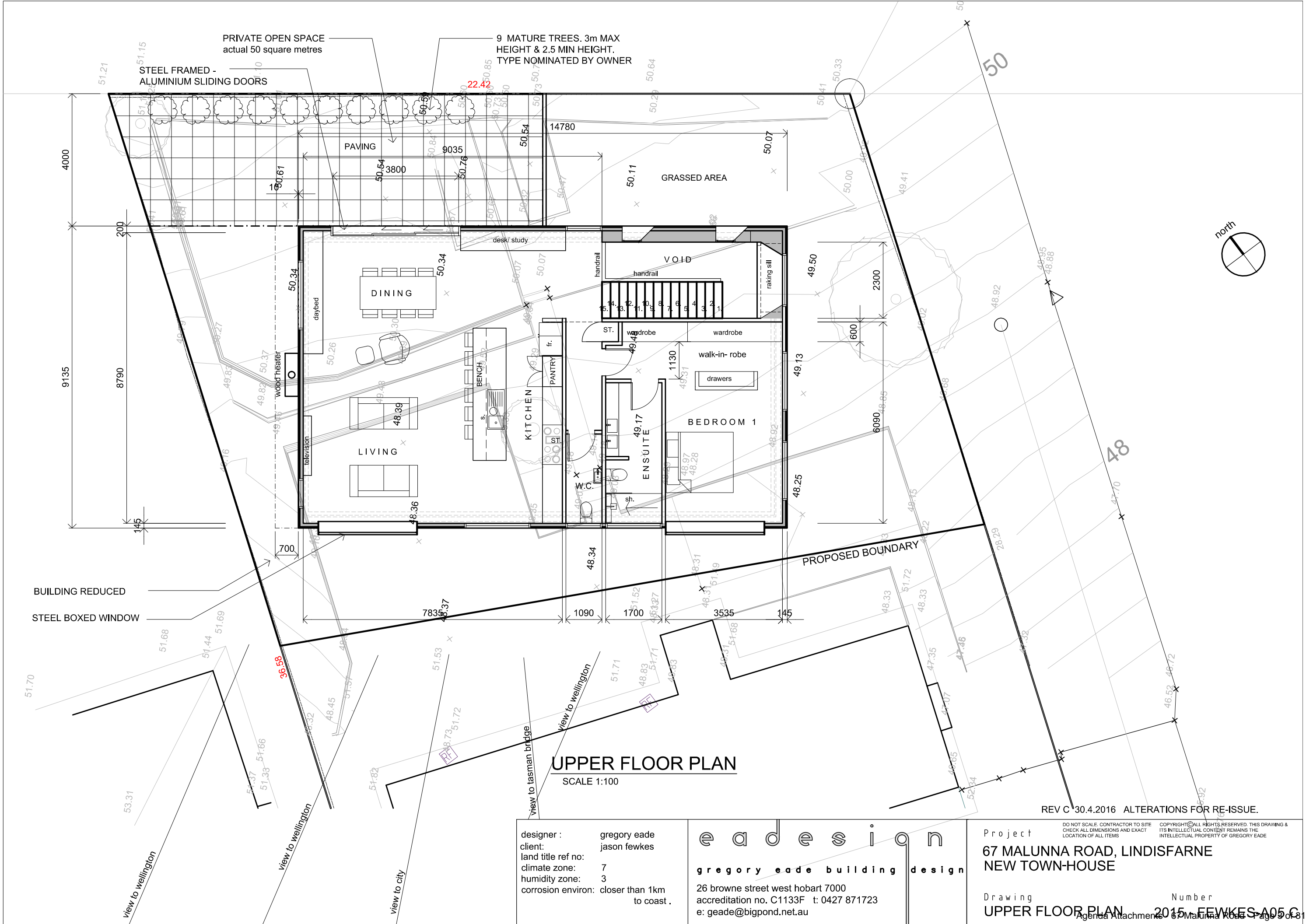


LOWER FLOOR PLAN

SCALE 1:100

REV C 30.4.2016 ALTERATIONS FOR RE-ISSUE.

<p>designer : gregory eade client: jason fewkes land title ref no: climate zone: 7 humidity zone: 3 corrosion environ: closer than 1km to coast .</p>	<p>e a d e s i o n g r e g o r y e a d e b u i l d i n g d e s i g n 26 browne street west hobart 7000 accreditation no. C1133F t: 0427 871723 e: geade@bigpond.net.au</p>	<p>Project 67 MALUNNA ROAD, LINDISFARNE NEW TOWN-HOUSE Drawing LOWER FLOOR PLAN Agenda Attachments</p> <p>Number 2015 - FEWKES-A04-G Page 2 of 3</p>
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UPPER FLOOR PLAN

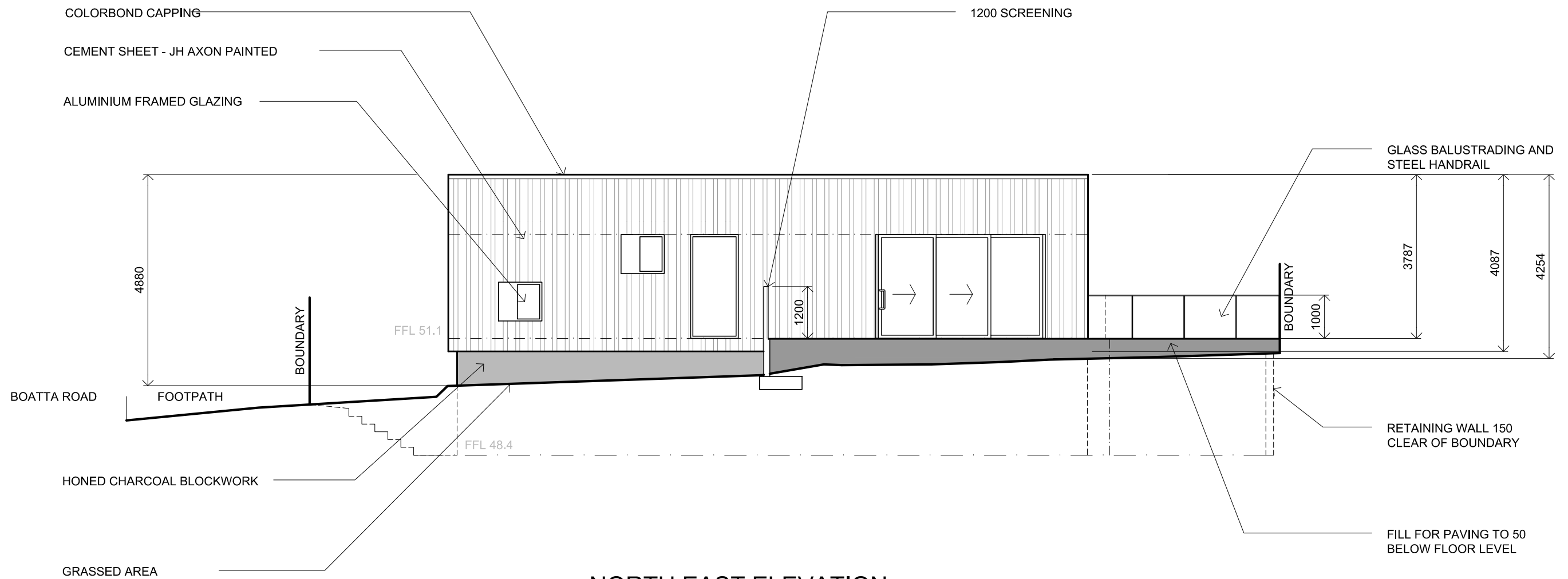
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REV C 30.4.2016 ALTERATIONS FOR RE-ISSUE.

designer : gregory eade
client: jason fewkes
land title ref no:
climate zone: 7
humidity zone: 3
corrosion environ: closer than 1km
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Project
67 MALUNNA ROAD, LINDISFARNE
NEW TOWN-HOUSE
Drawing
UPPER FLOOR PLAN
Number
2015 - FEWKES-A05.C
Agenda Attachments 67 Malunna Road Page 9 of 81



NORTH EAST ELEVATION

SCALE 1:100

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client: jason fewkes
land title ref no:
climate zone: 7
humidity zone: 3
corrosion environ: closer than 1km
to coast .

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gregory eade building design
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accreditation no. C1133F t: 0427 871723
e: geade@bigpond.net.au

Project
67 MALUNNA ROAD, LINDISFARNE
NEW TOWN-HOUSE

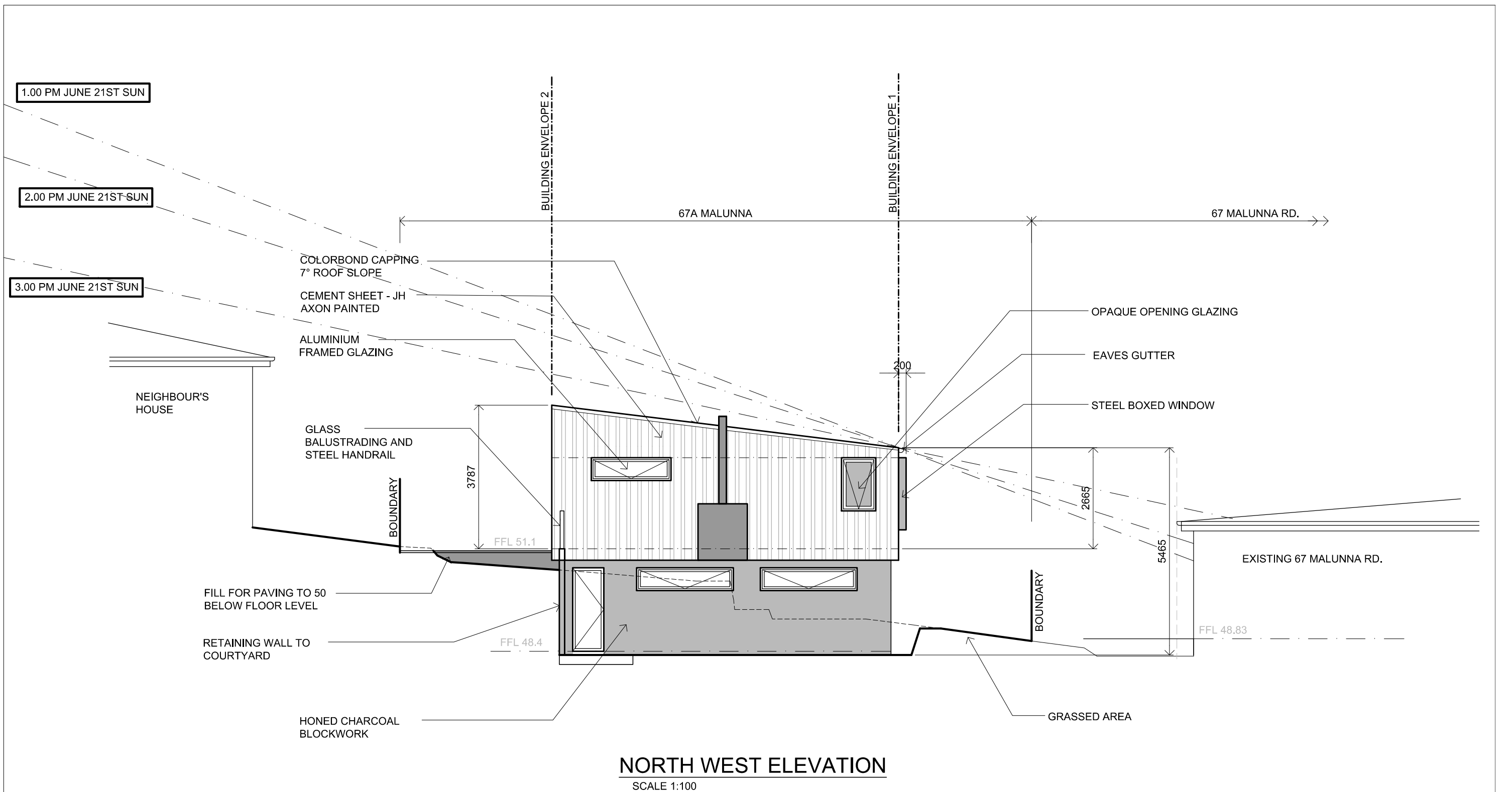
Drawing
N.E. ELEVATION

Number

2015-FEWKES-A07-G

DO NOT SCALE. CONTRACTOR TO SITE
CHECK ALL DIMENSIONS AND EXACT
LOCATION OF ALL ITEMS

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humidity zone: 3
corrosion environ: closer than 1km
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e: geade@bigpond.net.au

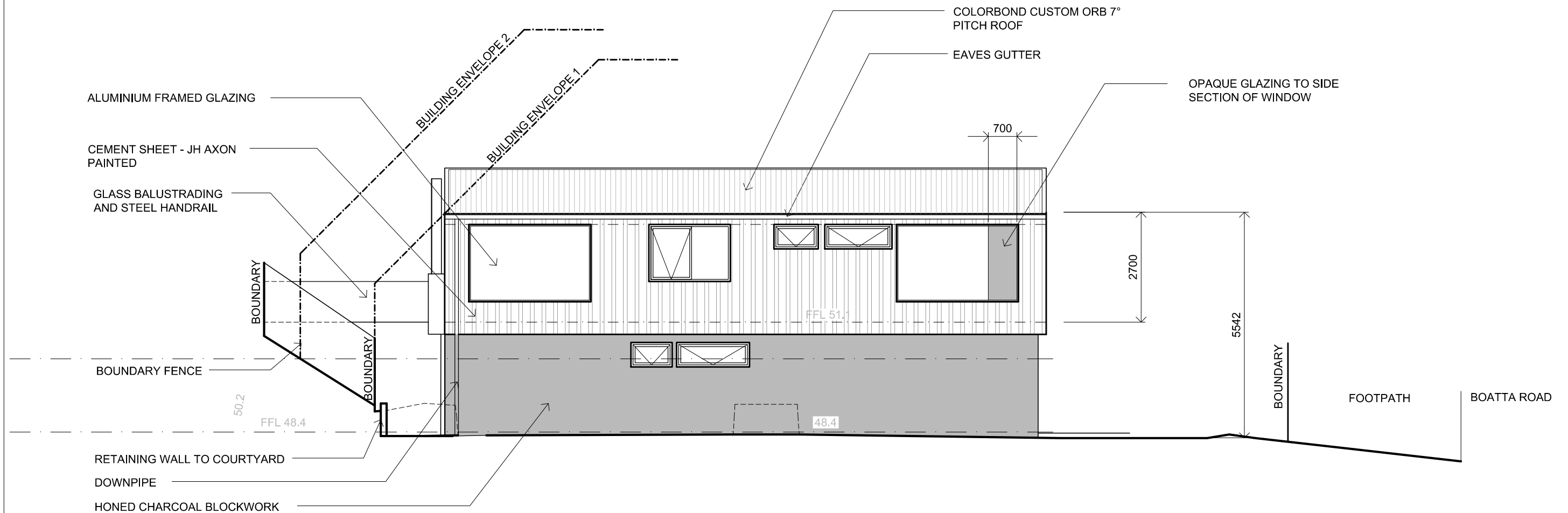
Project
67 MALUNNA ROAD, LINDISFARNE
NEW TOWN-HOUSE

Drawing
N.W. ELEVATION

Number
2015-FEWKES-A08C

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SOUTH WEST ELEVATION

SCALE 1:100

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client: jason fewkes
land title ref no:
climate zone: 7
humidity zone: 3
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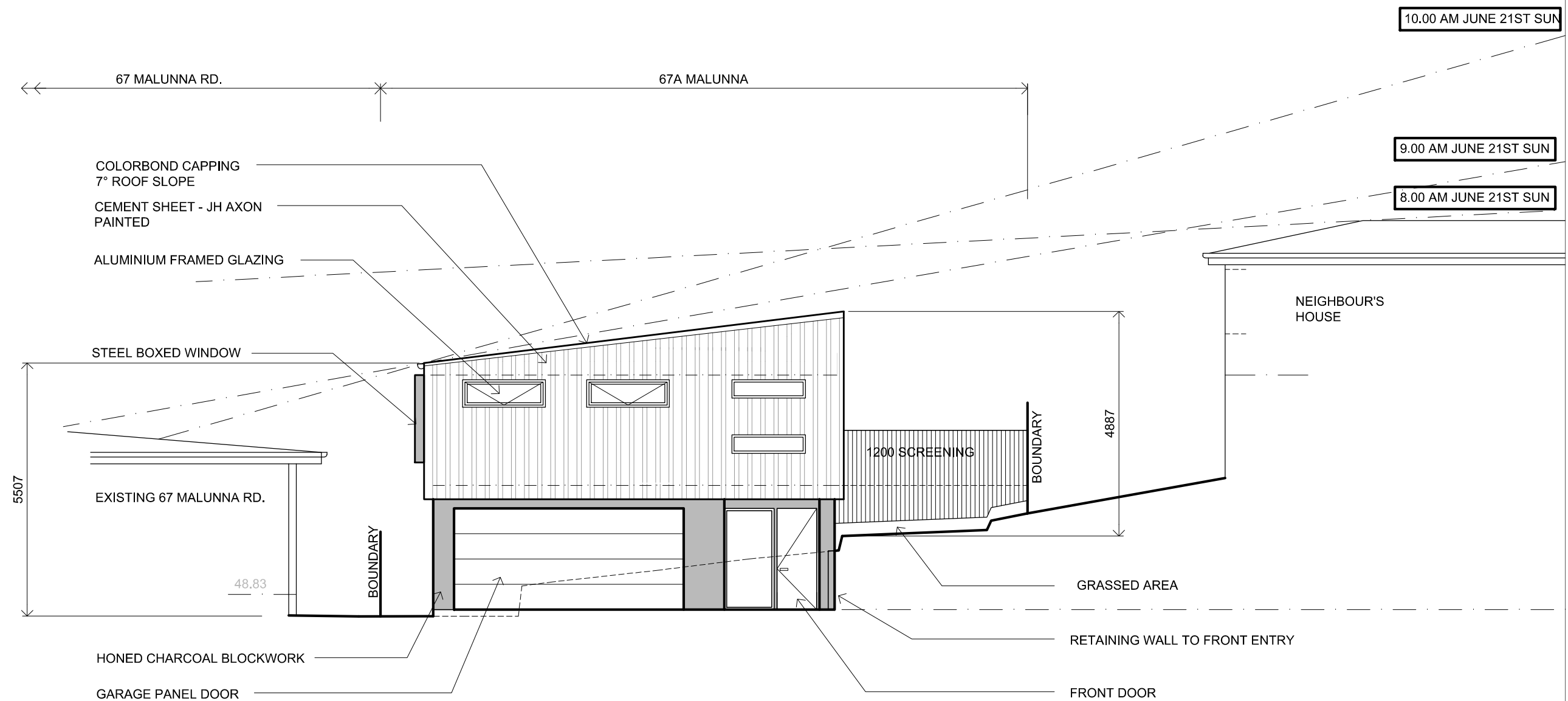
Project
67 MALUNNA ROAD, LINDISFARNE
NEW TOWN-HOUSE

Drawing
S.W. ELEVATION

Number
2015-FEWKES-A09-C

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SOUTH EAST ELEVATION

SCALE 1:100

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designer : gregory eade
client: jason fewkes
land title ref no:
climate zone: 7
humidity zone: 3
corrosion environ: closer than 1km
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e: geade@bigpond.net.au

Project
67 MALUNNA ROAD, LINDISFARNE
NEW TOWN-HOUSE

Drawing
S.E. ELEVATION

Number

2015-FEWKES-A10-C

DO NOT SCALE. CONTRACTOR TO SITE
CHECK ALL DIMENSIONS AND EXACT
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Attachment 2

11.3.7 DEVELOPMENT APPLICATION D-2015/324 - 67 MALUNNA ROAD, LINDISFARNE - MULTIPLE DWELLINGS (1 EXISTING AND 1 NEW) (File No D-2015/324)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for Multiple Dwellings (1 existing + 1 new) at 67 Malunna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for building envelope, sunlight and overshadowing and privacy under the zone. The proposal also requires a variation to the vehicle access requirements of the Parking and Access Code.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 3 February 2016 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 6 representations (1 submitted on behalf of 2 separate property owners) were received raising the following issues:

- discrepancies in proposal plans;
- traffic impact;
- on-site car parking;
- privacy;
- location of watercourse and geology of the site;
- density of housing;
- colour of roof material;
- visual impact/architectural design;
- overshadowing;
- loss of views;
- removal of vegetation;
- Owner-Builder requirements and asbestos removal;
- use of property as a business;
- noise; and
- impact on property values.

RECOMMENDATION:

- A. That the Development Application for Multiple Dwellings (1 existing and 1 new) at 67 Malunna Road, Lindisfarne (CI Ref D-2015/324) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN
[- Gradient of the private open space (minimum dimensions of 6m x 4m) not steeper than 1 in 10;
- Car parking space 5 relocated to achieve compliance with AS/NZS 2890.1:2004;
- The south-facing bedroom 1 windows containing opaque glass to a minimum height of 1.7m above finished floor level in order to achieve an off-set on a horizontal plane to the living room window of the living room window of the existing dwelling].
 3. ENG A1 – NEW CROSSOVER [TSD-R09] Replace “3.0m” with “3.6m”.
 4. ENG A5 – SEALED CAR PARKING.
 5. ENG M1 – DESIGNS DA.
 6. The development must meet all required Conditions of Approval specified by TasWater notice dated 23 December 2015 (TWDA 2015/01262-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.

Decision:	MOVED Ald Chong SECONDED Ald James
	“A. That the Development Application for Multiple Dwellings (1 existing and 1 new) at 67 Malunna Road, Lindisfarne (CI Ref D-2015/324) be refused for the following reasons.
	1. The proposal does not meet the Performance Criteria of 10.4.2 P3 in that it will cause an unreasonable loss of amenity to the adjoining property.

**DEVELOPMENT APPLICATION D-2015/324 - 67 MALUNNA ROAD,
LINDISFARNE - MULTIPLE DWELLINGS (1 EXISTING AND 1 NEW) Decision
contd...**

2. The proposal does not meet the Performance Criteria of E6.6.1 P1 and E6.7.1 P1 in that the shortfall of on-site car parking and the provision of an additional driveway resulting in the loss of one car space in the street, is inappropriate having regard to car parking demand and the availability of on-street and public car parking in the area.

B. That the reasons for Council's decision in respect of this matter be recorded as follows.

- The proposal will cause a loss of privacy to the adjoining house and the lack of parking in the area will be compounded by the proposal, making the level of safety and convenient resident parking inadequate”.

CARRIED

FOR

Ald Campbell
Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald James
Ald McFarlane

AGAINST

Ald Hulme
Ald Peers
Ald Thurley
Ald von Bertouch
Ald Walker

11.3.7 DEVELOPMENT APPLICATION D-2015/324 - 67 MALUNNA ROAD, LINDISFARNE - MULTIPLE DWELLINGS (1 EXISTING AND 1 NEW) (File No D-2015/324)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for Multiple Dwellings (1 existing + 1 new) at 67 Malunna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for building envelope, sunlight and overshadowing and privacy under the zone. The proposal also requires a variation to the vehicle access requirements of the Parking and Access Code.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 3 February 2016 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 6 representations (1 submitted on behalf of 2 separate property owners) were received raising the following issues:

- discrepancies in proposal plans;
- traffic impact;
- on-site car parking;
- privacy;
- location of watercourse and geology of the site;
- density of housing;
- colour of roof material;
- visual impact/architectural design;
- overshadowing;
- loss of views;
- removal of vegetation;
- Owner-Builder requirements and asbestos removal;
- use of property as a business;
- noise; and
- impact on property values.

RECOMMENDATION:

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[- Gradient of the private open space (minimum dimensions of 6m x 4m) not steeper than 1 in 10;
- Car parking space 5 relocated to achieve compliance with AS/NZS 2890.1:2004;
- The south-facing bedroom 1 windows containing opaque glass to a minimum height of 1.7m above finished floor level in order to achieve an off-set on a horizontal plane to the living room window of the living room window of the existing dwelling].
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 4. ENG A5 – SEALED CAR PARKING.
 5. ENG M1 – DESIGNS DA.
 6. The development must meet all required Conditions of Approval specified by TasWater notice dated 23 December 2015 (TWDA 2015/01262-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 a Discretionary development because it does not meet certain Acceptable Solutions prescribed in the General Residential Zone and Parking and Access Code.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone; and
- Section E6.0 – Parking and Access 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 has an area of 766m² and is a corner lot with frontage to Malunna Road and Boatta Road. The property currently has a single vehicle access to Boatta Road. The land has a slope of approximately 1 in 5.5. The site contains an existing weatherboard dwelling.

The surrounding area is similarly zoned General Residential containing a number of Single and Multiple Dwelling developments. The East Derwent Highway and Beltana Hotel are located approximately 100m to the south of the site.

3.2. The Proposal

The proposal is for an additional dwelling sited at the rear of the existing dwelling with its own vehicle access to Boatta Road. The proposed unit would be 2 storey and feature 3 bedrooms, 2 bathrooms and an open-plan living area. The lower-storey of the unit would contain a garage with 2 car parking spaces.

The building would have a maximum height of 6.242m above natural ground level and a minimum setback of 0.9m from the western side boundary and 4m from the northern side boundary.

Part of the existing dwelling containing a laundry would be demolished to provide an outdoor space area.

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 ss51(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 also contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions (zone and codes) with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Building Envelope	Buildings/structures within 1.5m of a side boundary must have a total length adjoining the boundary not exceeding 9m and must be located within the prescribed building envelope (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 to a building height of not more than 8.5 m above natural ground level .)	0.9m setback from the western boundary – south-west corner of building would require a setback of 2.5m (Variation of 1.6m) – see attached diagrams showing area of building outside envelope

The proposed variation to the western boundary can be supported pursuant to the Performance Criteria (P3) of Clause 10.4.2 for the following reasons:

- the proposed building would not overshadow the north-facing wall or outdoor space areas of the adjacent dwelling at 65 Malunna Road;

- the proposed building is of a scale, which is commensurate with other residential buildings in the area; and
- a level of separation would be provided between the building and buildings on adjacent lots, which is compatible with that prevailing in the surrounding area.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A1	Sunlight	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.	The proposed building would feature living area windows orientated 33 degrees east of north

The proposed variation can be supported pursuant to the Performance Criteria (1) of Clause 10.4.4 for the following reasons:

- the proposed dwelling would contain living area windows on the north-east and north-west elevations, which would have excellent access to direct sunlight; and
- the proposal plans demonstrate that sunlight to the north-east and north-west elevations would be relatively unobstructed.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A2	Sunlight and Overshadowing	A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site , which window faces between 30 degrees west of north and 30 degrees east of north must be in accordance with the following:	An area of the building (approximately 7m ²) on the south-eastern corner of the proposed building would be located within the required setback (approximately 6m) from the existing dwelling on the same land.

		<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <p>(i) at a distance of 3m from the window; and</p> <p>(ii) vertically to a height of 3m above natural ground level and then at an angle of 45 degrees from the horizontal.</p> <p>(b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.</p>	
--	--	---	--

The proposed variation can be supported pursuant to the Performance Criteria (P2) of Clause 10.4.4 for the following reasons:

- Shadow diagrams submitted by the applicant show that the kitchen window would receive approximately 60 minutes of direct sunlight. The sun angles depicted on the north-west elevation plan (showing part of the building which complies with the acceptable solution) indicate that due to the topography of the land and the angle of the sun on 21 June, a building compliant with the acceptable solution would shadow the windows of the existing dwelling to the same extent as the one proposed. In the circumstances, the loss of direct sunlight to the existing dwelling on the same site is not considered unreasonable.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A2	Privacy	A window to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling.	The south-facing bedroom 1 window would not achieve an offset in the horizontal plane of at least 1.5m from the edge of the living room window of the existing dwelling on the same site

The proposed variation can be supported pursuant to the Performance Criteria (P2) of Clause 10.4.6 for the following reasons:

- The applicant has advised that they are willing to use opaque glass in the south-facing bedroom 1 window to ensure an off-set of 1.5m to the living room window of the existing dwelling on the same site. It is therefore considered that the window glass would be sufficiently screened to minimise direct views into the living room window of the existing dwelling on the same site. A suitable condition requiring amended plans showing the screening is recommended.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of Car Parking Spaces	2 for each dwelling and 1 dedicated visitor parking space	4 - no visitor parking space (it is also noted that car parking space 5 as shown on the plan does not comply with the Australian Standard

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause E7.7.1 for the following reasons:

- the Development Engineer has advised that there is an availability of on-street and public car parking in the locality, both in Boatta Road, Malunna Road and the surrounding road network;
- although the number of visits would increase with 2 dwellings, the current situation would be maintained as visitors for the existing dwelling would currently park on the street and on this basis Council's Development Engineer has advised that the development would not cause a significant increase for on-street car parking demand;
- site inspections were undertaken during the assessment of the application, which indicated that ample space exists for parking additional vehicles;
- the Development Engineer has advised that there is no record of parking or traffic safety problems in the area;

- the site is within 400m of public transport routes;
- the applicant has advised that the space labelled “5” can be re-orientated to ensure compliance with the Australian Standard. A suitable condition is recommended requiring same.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.1 A1	Number of Vehicular Accesses	The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	2 Vehicular Accesses onto Boatta Road

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause E7.7.1 for the following reasons:

- Council’s Development Engineer has advised that the access has been positioned to minimise the loss of on-street parking to 1 space;
- the access would not compromise pedestrian safety, amenity and convenience, or traffic safety; and
- it is considered that the residential amenity on adjoining land and the streetscape would not be compromised.

4.3. External Referrals

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

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 6 representations were received. The following issues were raised by the representors.

5.1. Discrepancies in Proposal Plans

A representor has raised concern regarding the scaling of the proposal plans, in particular that the lower floor plan references a finished floor level of 51.1AHD, which is the finished floor level of the upper floor as referenced on the elevation plans. This error is simply a drafting mistake caused by the use of the same base plan for both levels.

- **Comment**

The proposal plans have been drawn to scale and are considered to accurately represent the proposed development. The finished floor level shown on the lower floorplan appears to have been shown in error. Notwithstanding this, the elevation plans correctly identify the finished floor levels and contain dimensions showing the maximum height of the building above natural ground level.

5.2. Traffic Impact

Representors are concerned that the proposed development would exacerbate current on-street car parking issues, including a lack of on-street car parking spaces in the area cause by overflow parking from the Beltana Hotel. Representors are also concerned that the current Malunna Road/Boatta Road intersection would be adversely impacted and could become unsafe. Concern is also raised that cars are often parked on the nature strip along Boatta Road and that motorists ignore road rules at the intersection between Malunna Road/Boatta Road.

- **Comment**

As discussed, Council's Development Engineer has advised that there is an availability of on-street and public car parking in the locality, both in Boatta Road, Malunna Road and the surrounding road network and that there has previously been no records of accidents or complaints regarding parking availability in the area. Site inspections were undertaken during the assessment of the application, which indicated that ample space exists for on-street vehicle parking. Although there may occasionally be some congestion resulting from overflow car parking from the Beltana Hotel, this is periodic only. Driver behaviour and compliance with road laws is a matter for Tasmania Police and is not relevant to the assessment of this application.

5.3. On-site Car Parking

One representor has raised concern that Car Parking Space 5 adjacent to the existing dwelling and Car Parking Space 3 adjacent to the proposed dwelling, do not comply with the with the Australian Standard due to insufficient length.

- **Comment**

Council's Development Engineer has confirmed that Car Parking Space 3 and 5 do not comply with the Australian Standard. As discussed, it is considered that the 1 space for visitor car parking can be waived and that Car Parking Space 3 can be re-orientated to achieve a satisfactory outcome.

5.4. Location of Watercourse and Geology of the Site

Representors have raised concern that a geological assessment of the site has not been submitted and that the site contains a watercourse running through the site for the proposed dwelling.

- **Comment**

Geotechnical and drainage details would need to be submitted with applications for building and plumbing permits should a planning permit for the proposal be granted. The Scheme does not require such details to be lodged with a development application. In any event, Council's Development Engineer has advised that any such Geotechnical and drainage can be dealt with through appropriate building design.

5.5. Privacy

Representors are concerned that the proposed unit would have a negative impact on the privacy of surrounding properties, in particular 12 Boatta Road to the north and 65 Malunna Road to the south.

- **Comment**

As discussed, the proposal satisfies the relevant acceptable solutions/performance criteria of the privacy standard.

5.6. Density of Housing

Representors have raised concern that the density of the proposed development would not be sympathetic with the prevailing density of the surrounding area.

- **Comment**

The proposal satisfies the relevant acceptable solution for dwelling density under the Scheme.

5.7. Colour of Roof Material

One representor has requested that a planning permit granted for the proposal to require the roof colour be changed from the proposed light cream to a darker colour to avoid reflection.

- **Comment**

The applicant has advised that they would be willing to change the colour of the roof sheeting to dark grey; however, there is no power under the Scheme to control the use of materials/colours on the subject site.

5.8. Architectural Design

Representors have raised concern that the architecture of the proposed building is not sympathetic to the surrounding area.

- **Comment**

Council has some scope to consider building design where variations to Scheme standards are proposed – for example, impact on streetscape values where a frontage setback variation is proposed. As discussed above, the proposal satisfies the relevant Performance Criteria of the Scheme and none provide for consideration of the architectural merit/style of development.

5.9. Overshadowing

A representor has raised concern that the proposed building would overshadow the existing dwelling and the dwelling at 65 Malunna Road.

- **Comment**

As discussed, the proposal satisfies the relevant standards relating to shadowing of other buildings/properties.

5.10. Loss of Views

One representor has raised concern that the building would obstruct views of the surrounding area from the dwelling at 9 Boatta Road.

- **Comment**

As discussed, the proposal meets the performance criteria for assessment of the requested building envelope variation, which requires an assessment of the visual impact of the building on surrounding properties. The area of the building located outside the envelope is located on the western side of the property and would not be visible from 9 Boatta Road.

5.11. Removal of Vegetation

A representor has raised concern that vegetation would be removed from the subject site.

- **Comment**

The site is not located within the Natural Assets Code of the Scheme meaning vegetation can be removed at the owner's discretion at any time.

5.12. Owner-Builder Requirements and Asbestos Removal

A representor has questioned the controls placed on owner-builders. Another representor has sought clarification on the safe removal of asbestos during demolition of the existing laundry.

- **Comment**

These issues are not relevant to the assessment of this application. Such matters, including the safe removal of asbestos are dealt with under the Building Act.

5.13. Use of Property as a Business

One representor has raised concern that the property is currently being used as a business.

- **Comment**

This issue is not relevant to the assessment of this application; however, the applicant has advised that they have a part time plumbing business based at their current home on the site. The applicant advised that they comply with the criteria for “home occupation”, which is exempt under Clause 5.2 of the Scheme.

5.14. Noise

One representor has raised concern that the property is used for noisy activities, including the use of power tools.

- **Comment**

This issue is not relevant to the assessment of this application. Noise limits are controlled under the Environmental Management and Pollution Control Act, 1994 (EMPCA).

5.15. Impact on Property Values

Representors have raised concern that the proposed development would cause a reduction in value of the surrounding properties.

- **Comment**

The Scheme does not provide for Council to consider the impact of use or development on property values.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8. CONCLUSION

The proposal seeks approval for 2 Multiple Dwellings (1 existing + 1 new) at 67 Malunna Road, Lindisfarne. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (11)
3. Diagrams Showing Building Envelope (2)
4. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 3

IN THE RESOURCE MANAGEMENT & PLANNING APPEAL TRIBUNAL

Appeal No. 12/16P

J FEWKES

Appellant

CLARENCE CITY COUNCIL

Respondent

REVISED GROUNDS OF REFUSAL

Clarence City Council's revised and expanded grounds of refusal are as follows:

1. The proposal does not meet the acceptable solution in clause 10.4.2 A3 (a) of the *Clarence Planning Scheme 2007* (**Scheme**) in that the building proposed is not contained within the prescribed building envelope as per diagram 10.4.2C. The Performance Criteria in 10.4.2 P3 must therefore be met.

The proposal does not comply with Performance Criteria 10.4.2 P3 in that:

- a) The proposed development will cause unreasonable loss of amenity contrary to clause 10.4.2 P3(a) of the Scheme by:
 - i. Reducing sunlight to a habitable room of the dwelling at 65 Malunna Road;
 - ii. Overshadowing the private open space of 65 Malunna Road;
 - iii. Creating an unreasonable visual impact caused by the apparent scale, bulk and proportions of the proposed dwelling when viewed from 65 Malunna Road and 12 Boatta Road;
- b) The proposed development will not provide for a comparable separation between dwellings on adjacent lots similar to that prevailing in the area, contrary to clause 10.4.2 P3(b) of the Scheme.

2. The proposal does not meet the acceptable solution in clause 10.4.4 A2 by reason that:

- a) the multiple dwelling is not contained within the line as shown in diagram 10.4.4B; and
- b) the multiple dwelling causes the habitable room of the existing dwelling on 67 Malunna Road to receive less than 3 hours of sunlight between 9am and 3pm on 21 June.

T-T0400870-1

Filed on behalf of **Clarence City Council**

DOBSON MITCHELL ALLPORT
Lawyers
59 Harrington Street
HOBART TAS 7000

DX 112 HOBART
Tel: (03) 6210 0000
Fax: (03) 6210 0099
Ref: Nicole Sommer

Therefore the Performance Criteria in clause 10.4.2 P2 must be met.

The proposal is contrary to Performance Criteria 10.4.4 P2 in that the dwelling has not been designed and sited to not cause an unreasonable loss of amenity and will overshadow a window of a habitable room of the existing dwelling on the site, being a window which faces between 30 degrees west of north and 30 degrees east of north.

3. The proposal does not meet the acceptable solution in clause 10.4.4 A3 in that:

- a) The multiple dwelling is not contained within the line described in 10.4.4C; and
- b) The multiple dwelling causes more than 50% of the private space of the existing dwelling to receive less than 3 hours of sunlight between 9am and 3pm.

The Performance Criteria in 10.4.2 P3 must be met.

The proposal is contrary to Performance Criteria 10.4.4 P3 (b) in that the dwelling has not been designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space of another dwelling on the same site (that is, the existing dwelling at 67 Malunna Road).

4. The proposal does not meet the acceptable solution in clause 10.4.6 A2 in that the south facing bedroom window would not achieve an offset in the horizontal plane of at least 1.5 m from the edge of the living room window of the existing dwelling on the same site. The Performance Criteria in 10.4.6 P2 must therefore be met.

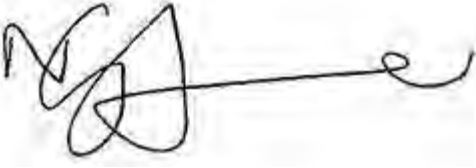
The proposal is contrary to Performance Criteria 10.4.6 P2 in that direct views into windows and private open space of adjoining dwellings are provided by the proposal and no screening or relocation is proposed.

5. The proposal does not meet the Performance Criteria of E6.6.1 P1 and E6.7.1 P1 in that the shortfall of on-site car parking, in that 2 of the spaces proposed do not comply with the Australian Standard and no visitor park is provided, and the provision of an additional driveway resulting in the loss of one car space in the street, is inappropriate having regard to car parking demand and the availability of on-street and public car parking in the area.

Dated 29th February 2016

DOBSON MITCHELL ALLPORT

Per:

A handwritten signature in black ink, appearing to be 'M. Allport', with a long horizontal stroke extending to the right.

Practitioner for the Respondent

Attachment 4

Samuel McCrossen
Clarence City Council
DX 70402
ROSNY PARK
via email: smccrossen@ccc.tas.gov.au

12 May 2016

Dear Samuel

RMPAT Appeal 12/16P - 67 Malunna Road, Lindisfarne

On 2 May 2016 the Appellant in this proceeding made an application to amend the development application the subject of the Appeal.

In accordance with your instructions I have consented to the application being made on behalf of Council. We are awaiting confirmation from the Tribunal that the application is to be amended.

This advice is given on the basis that the Tribunal is likely to grant leave to amend the application in accordance with the amended plans.

If the amendment is made, and is likely that it will be, Council then needs to consider its position in relation to the Appeal. This amendment removes the ability to rely on Revised Ground 1, which relates to the impacts to neighbouring properties.

In summary, if the amendment is made, the Tribunal has little discretion remaining of sufficient weight to support refusal of the application.

Remaining grounds of refusal

Ground 2 – overshadowing the existing dwelling on the site

The application does not meet the Acceptable Solution in A2(b) in clause 10.4.4 relating to access to sunlight for the existing dwelling on the same site.

The proposed dwelling blocks sunlight to a habitable room of the existing dwelling on the same site in that it only provides something approximating to two hours of sunlight from 8.00 am to 10.00 am at the winter equinox. This is only 1 hour of sunlight within the hours required by the standard.

Performance criteria P2 is therefore enlivened and the Tribunal must be satisfied that the

proposed dwelling is “*designed and sighted to not cause unreasonable loss of amenity by overshadowing a window of a habitable room of another dwelling on the same site*”. This is a matter for evidence.

Ground 3 – overshadowing the private open space of the existing dwelling on the site

My reading of the shadow diagrams submitted with the original application is that the Acceptable Solution A3 in clause 10.4.4 may be met by the amendments. Sunlight is provided to private open space of the existing dwelling from 12pm, and bringing back the western edge of the proposed building by 700mm may result in more sunlight being provided.

This ground may therefore no longer relevant.

Ground 4 – privacy to the existing dwelling on the site

There is a discretion enlivened under clause 10.4.6 relating to privacy between multiple dwellings on the same site.

The distance between the existing and proposed dwelling at its closest point is less than 6 metres. This is between the window of the main habitable area of the existing dwelling and the window of Bedroom 1. It does not comply with Acceptable Solution A2(a) of Clause 10.4.6.

Specifically, the south-west facing window of the upper bedroom window in the proposed dwelling (Bedroom 1) overlooks the private open space and the main habitable room of the existing dwelling. The amended application plans show 700 millimetres of opaque glazing to the side section of that upper bedroom window, presumably to mitigate this privacy issue.

However, the amended application plans do appear to show the window of Bedroom 1 to be offset in a horizontal plane by at least 1.5 metres from the edge of the window to the habitable room of the existing dwelling. The new building sits above the old existing dwelling on the site and there is slope down to the existing dwelling. I have not had the opportunity to scale off the drawings to confirm that this is correct (as my plans are not to scale) and recommend that this be done.

If the Bedroom 1 window is off-set in accordance with Acceptable Solution A2(b), the Acceptable solution is met and no discretion enlivened under Clause 10.4.6.

Mr Boardman is of the view that there is limited privacy provided to the existing dwelling on the site from the proposed dwelling. This, along with Ground 2, are the strongest two grounds.

Ground 5 – carparking and access

There remains a discretion enlivened under the Parking and Access Code, as the development does meet acceptable solution A2 in Clause E6.7.1 as there is more than one access point on a lot. It also appears that the visitor car-parking requirement is not met but I am not able to confirm this. In any case, these are not strong grounds. If it is to be maintained it requires traffic engineering evidence to show that the second access creates safety issues in Malunna Road, and that the loss of one on-street car parking space (and failure to provide 1 visitor car parking space) is unacceptable. It is not likely that we will be able to obtain such expert opinion in the current circumstances.

That being the case, there is very little discretion left in the appeal.

Recommendation

The issues of concern to the Council and the residents are no longer enlivened by the remaining discretions.

The principal matters that are relevant are the extent to which the proposed dwelling provides suitable amenity for the existing dwelling on the site. The extent to which it does so only is in relation to the living room of the existing dwelling and its access to sunlight and privacy issues, if the acceptable solution in clause 10.4.6 A2(b) is not met.

In my view, these concerns are not of such great weight that they will result in the refusal of the development application.

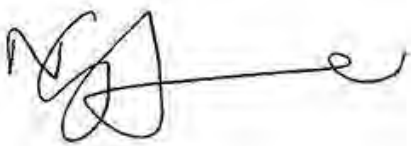
In short, my view is that there are limited grounds of refusal that have merit. The likely result is that the Tribunal will determine to issue a permit.

In those circumstances, my recommendation to the Council is that it resolve to consent to a permit being granted subject to conditions.

There may be some remaining concerns of the residents that can be appropriately dealt with through conditions on the permit. It is my recommendation that you instruct me to work with the residents on those conditions, if the residents will also consent to a permit being issued.

In that respect, I have been in contact with Ms Burgess' solicitor on Tuesday 10 May 2016. On a without prejudice basis, he indicated that it may be appropriate for the parties to come to a consent agreement given the limited discretions remaining. He is seeking instructions from Ms Burgess and has indicated that he will contact me by 13 May 2016.

Yours faithfully



Dobson Mitchell Allport

Nicole Sommer

SENIOR ASSOCIATE

T. +61 3 6210 0054

nicole.sommer@doma.com.au

11.3.10 SUBDIVISION APPLICATION SD-2016/12 - 30 PASS ROAD, HOWRAH - 6 LOT SUBDIVISION
(File No SD-2016/12)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 6 lot Subdivision at 30 Pass Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Glebe Hill Neighbourhood Area Specific Area Plan. The Landslide, Road and Railway Assets, Parking and Access and Stormwater Management Codes are also relevant to the site, 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.

Council is required to exercise a discretion within the statutory 42 day period which expires on 25 May 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 8 representations (1 outside the advertising period) were received raising the following issues:

- noise and loss of amenity;
- safety;
- acoustic screening;
- location of future service station; and
- alternative road alignment.

RECOMMENDATION:

A. That the application for a 6 lot Subdivision at 30 Pass Road, Howrah (CI Ref SD-2016/12) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP2 – STAGING.
 - [• Stage 1 – Lot 700;
 - Stage 2 – Lot 701; and
 - Stage 3 – Lots 702 to 706 inclusive].

3. GEN F2 – COVENANTS [The requirement that all lots and associated future development within the sealed plan, must discharge of stormwater in a manner consistent with the State Stormwater Strategy 2010 (or its successor)].
 4. ENG A1 – NEW CROSSOVER [TSD-R09] Delete 3.0m and replace with 3.6m.
 5. ENG A4 – DSG ACCESS.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. ENG S4 – STORMWATER CONNECTION.
 8. ENG S5 – STORMWATER PRINCIPLES.
 9. ENG S6 – GROSS POLLUTANT TRAP.
 10. ENG S10 – UNDERGROUND SERVICES.
 11. ENG M2 – DESIGNS SD.
 12. ENG M5 – EROSION CONTROL.
 13. ENG M7 – WEED MANAGEMENT PLAN.
 14. ENG M8 – EASEMENTS.
 15. ENG R1 – ROAD NAMES.
 16. ENG R2 – URBAN ROAD.
 17. ENG R5 – ROAD EXTENSION.
 18. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 May 2016 (TWDA 2016/00406-CCC).
 19. ADVICE – It is the responsibility of the developer to demonstrate that any future sensitive development will be protected from highway traffic noise, if sensitive development is to be located within the 50m buffer zone taken from the boundary with the State highway.
- 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.

SUBDIVISION APPLICATION SD-2016/12 - 30 PASS ROAD, HOWRAH - 6 LOT SUBDIVISION /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The area of land has been the subject of a number of planning scheme amendments, subdivisions and subsequent developments in recent years. The most recent include:

- 1.1.** On 24 October 2003, an application was received to rezone the area accompanied by a site development plan for the staged subdivision of 300 lots (SD-2003/95). On 10 February 2006, the previous Resource Planning and Development Commission (RPDC) conditionally approved the Scheme amendment, associated Development Plan and issued a Subdivision Permit.
- 1.2.** Council, at its Meeting on 17 March 2008 conditionally approved an application for a staged 183 lot residential subdivision (SD-2007/109) on the eastern side of Pass Road (part of 40 Pass Road).
- 1.3.** On 1 March 2010, the Tasmanian Planning Commission (TPC) advised that it had approved a Section 43A application for a Planning Scheme Amendment (A-2007/11) and associated 36 lot subdivision (SD-2007/93 - reduced to 32 lots by permit conditions). The amendment rezoned the lower portion of the site below the 70m contour accessed by Merindah Street and involved a land swap with Council to enable vehicular access and additional Public Open Space.
- 1.4.** On 21 May 2012, Council at its Special Planning Meeting approved the application for the proposed Rokeby Road and Pass Road upgrade. Since that time however, there have been revisions proposed by DSG to the configuration of the upgrade works, which have resulted in the transfer of the former road reservation to Lynmore Holdings in exchange for land owned by Lynmore for the development of the proposed upgrade.

- 1.5.** On 14 May 2012, Council resolved to initiate and certify a Section 43A Amendment (A-2011/14) and associated subdivision (SD-2011/41) that spanned either side of Pass Road and provided for a new commercial precinct and residential reconfiguration and expansion.

In a letter dated 22 February 2013, the TPC advised that it had handed down its final decision on A-2011/14 and the associated subdivision SD-2011/41.

The commercial component was not accepted by the TPC as being consistent with either the Scheme or Council's adopted Retail Analysis prepared by MacroPlan and e3 Planning. It was on this basis that the TPC resolved to reject DPO 5 and the associated zoning changes on the western side of Pass Road, being the area the subject of this report. The proposed amendments on the eastern side of Pass Road were supported. However, given that the modifications to DPO 5 were rejected, the TPC Panel determined that the proposed subdivision (straddling both sides of Pass Road) was prohibited and must be refused. As part of its decision the TPC outlined the modifications that it required and directed that Council make the changes before the amendment was approved (as modified).

Upon receipt of the requested documentation the TPC approved the modified amendment which became effective on 24 September 2013.

- 1.6.** Amendment A-2013/3 was approved by the TPC on 4 February 2014 for modification to the provisions of the Site Development Plan DPO 5 under the Clarence Planning Scheme 2007, undertaken in response to a modification of the road alignment for the Pass Road and Rokeby Road By-pass and the simplification of the controls associated with Glebe Hill Estate.
- 1.7.** In response to the previous TPC decision and following a review and update of the Clarence Activity Strategy, the lot, the subject of this application, was identified for future commercial development. Accordingly, the commercial zoning and Glebe Hill Neighbourhood Centre Specific Area Plan was inserted as part of the Clarence Interim Planning Scheme 2015.

2. STATUTORY IMPLICATIONS

The land is zoned General Business under the Scheme and is subject to the Glebe Hill Neighbourhood Centre Specific Area Plan.

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

The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 21.0 – General Business Zone;
- Section E3.0 – Landslide Code;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section F13.0 – Glebe Hill Neighbourhood Centre Specific Area Plan.

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 a single lot with an area of 6.407ha and frontage to both Pass Road and Rokeby Road. The land is generally clear of significant vegetation and is adjoined by residential development to the north, being Norfolk Drive and Hance Road, Glebe Hill. A location plan is included in the attachments showing the location of the relevant title.

3.2. The Proposal

The proposal is for the subdivision into 7 lots, plus a road lot. The largest of the proposed lots would be at the intersection of Pass Road and Rokeby Road and would be 2.35ha. The remaining lots would be accessed from the proposed road and would range in size from 1370m² to 8079m².

The subdivision would be staged as follows:

- Stage 1 – Lot 700;
- Stage 2 – Lot 701; and
- Stage 3 – Lots 702 to 706 inclusive.

The proposed road arrangement would involve the construction of a one-way slip lane from Rokeby Road to the boundary of Lots 705/706, where a new roundabout will be constructed. From this point the round would become a two-way access road servicing the proposed commercial lots.

A link to Hance Road would then be provided and a dual carriageway access to Pass Road, to include a slip lane to access the future car parking area on Lot 700.

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 Business Zone, the Glebe Hill Neighbourhood Centre Specific Area Plan and the Parking and Access Code with the exception of the following.

General Business Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
21.5.1 A4	Subdivision	No acceptable solution.	New road proposed.

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

Performance Criterion	Comment
<i>"The arrangement of roads within a subdivision must satisfy all of the following: (a) the subdivision will not compromise appropriate and reasonable future subdivision of the entirety of the parent lot;</i>	The proposed subdivision and road layout is consistent with the design concept provided in the Specific Area Plan and has been derived as a result of extensive consultation with Council and the Department of State Growth (DSG). The design response is, on this basis, appropriate in that it facilitates the commercial development of the parent lot.
<i>(b) accords with any relevant road network plan adopted by the Planning Authority;</i>	The proposal facilitates the development of the subject property in accordance with the road configuration described by the Specific Area Plan.
<i>(c) facilitates the subdivision of neighbouring land with subdivision potential through the provision of connector roads, where appropriate, to the common boundary;</i>	The subdivision provides the appropriate connections to Rokeby and Pass Roads, enabling connectivity as required.
<i>(d) provides for acceptable levels of access, safety, convenience and legibility through a consistent road function hierarchy".</i>	Both Council's engineers and the DSG are satisfied that the proposed configuration is an appropriate design response.

General Business Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
21.5.1 A6	Public open space	No Acceptable Solution.	Nil contribution.

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

Performance Criterion	Comment
<i>“P6 - Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy”.</i>	<p>Section 117 of the Local Government Building and Miscellaneous Provision Act 1993 (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as either POS land or cash-in-lieu of POS.</p> <p>The development of the Glebe Hill Estate has included a large amount of open space in terms of parks, playgrounds, recreational areas and extends to the Glebe Hill conservation area – in the order of 26% of the whole of the Glebe Hill site. This amount is well in excess of the minimum requirement described above. These areas provide for a high level of residential amenity and additionally, this proposal will enable avenue plantings for the road reserve of the slip road from Rokeby Road. A plan illustrating the design concept for this is included in the attachments.</p> <p>On this basis, it is considered that the performance criteria are met in that the land forms part of the previously approved master planned development of Glebe Hill, and sufficient POS land has already been transferred to Council as part of earlier subdivision. For this reason, it is appropriate that the proposal be approved with no additional requirement for either POS land or a cash contribution in lieu of it.</p>

Glebe Hill Neighbourhood Centre Specific Area Plan

Clause	Standard	Acceptable Solution (Extract)	Proposed
F13.8.1 A1	Subdivision	Subdivision and minor boundary adjustments must be consistent with Figure 1 - Subdivision and Staging Plan.	Stage 3 of the proposed subdivision varies from those shown in Figure 1.

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

Performance Criterion	Comment
<i>“Lot sizes and configuration of Stages 1 and 2 must be broadly consistent with Figure 1 - Subdivision and Staging Plan. Lots in Stage 3 may vary the number and/or respective lots provided that: (a) it can be demonstrated that the proposal will not compromise the Purpose or Desired Future Character Statements of this Specific Area Plan; and (b) does not result in the creation on any internal lots”.</i>	The proposed configuration of the subdivision and the staging of the development would be consistent with the Purpose of the SAP, in that it would enable staged commercial development in a manner consistent with the objectives for the area, enabling improved road access for residents and visitors to the area and aligning with the intended future commercial site development. No internal lots are proposed as part of the development.

Road and Railway Assets Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E5.6.1 A1	Road accesses and junctions	No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	New junction to Rokeby Road (speed limit of 80km/h).

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

Performance Criterion	Comment
<i>“For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access (e) the need for the access or junction;</i>	Council’s Engineers have considered the proposal and are satisfied, with conditions of approval, that the development is capable of achieving consistency with the requirements of this performance criterion. The proposal has been designed in accordance with the requirements of both Council and the DSG and gives appropriate consideration to the likely future use. As noted, both Council and the DSG have given appropriate consideration to the likely future use, speed limit and flow of traffic as required. The proposal accords with the Specific Area Plan and road hierarchy at this location. As noted, the access is necessary and an integral part of the commercial component of the development of Glebe Hill Estate.

(f) <i>any traffic impact assessment; and</i>	An infrastructure assessment submitted in support of the proposal provides consideration of the proposed junction, in conjunction with the feedback of DSG and Council.
(g) <i>any written advice received from the road authority”.</i>	As above, the proposal has been developed in consultation with both DSG and Council.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.1 A1	Number of vehicular accesses	The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.	Access to Lot 700 (being the future supermarket and specialty shop site) is proposed at 3 points, to be provided from the new internal road. Lot 706 would also have 2 access points.

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

Performance Criterion	Comment
<p><i>“The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:</i></p> <p><i>(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;</i></p>	<p>Council’s Engineers have considered the proposal and are satisfied with conditions of approval that the development is capable of achieving consistency with the requirements of this performance criterion.</p> <p>Given the nature of the envisaged commercial development for the site (in that on-street parking will be prohibited as part of the road design), Council’s Engineers are satisfied that this requirement is met.</p>
<p><i>(b) whether the additional access points can be provided without compromising any of the following:</i></p> <p><i>(i) pedestrian safety, amenity and convenience;</i></p> <p><i>(ii) traffic safety;</i></p> <p><i>(iii) residential amenity on adjoining land;</i></p> <p><i>(iv) streetscape;</i></p> <p><i>(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;</i></p> <p><i>(vi) the enjoyment of any ‘al fresco’ dining or other outdoor activity in the vicinity”.</i></p>	<p>Whilst it is noted that future development of each of the lots will be subject to further development approval of Council, the access locations and numbers may change, at which point Council will be in a position to reassess against the relevant performance criteria.</p> <p>Nonetheless, Council’s Engineers are satisfied that number of access points would be provided in a manner that would not compromise pedestrian, safety, amenity or convenience and that traffic safety/flow would not be adversely affected. The site is not affected by the Local Historic Heritage Code, and any future outdoor activities would be considered as part of future development proposals for each of the lots.</p>

The Landslide Code identifies 4.9% of the subject lot as being at low risk. Clause E3.4 of the Scheme exempts the proposed subdivision from the requirements of the code on the basis that no more than 2 lots would be created within the Low Landslide Hazard Area.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 7 representations were received. A further representation was received following the conclusion of the advertising period. The following issues were raised by the representors.

5.1. Noise and Loss of Amenity

Concerns were raised by the representors in respect of noise to be generated by the proposed road and associated future commercial development of the proposed lots.

- **Comment**

The land the subject of this application has, since the creation of the Glebe Hill Estate, been earmarked for commercial development. The proponents of the development have been clear through the development and sale of the lots nearest the subject land that this development will proceed. This is reflected by the Glebe Hill Specific Area Plan in the current Scheme.

That said, the performance criteria relied upon by the proposal as discussed above, relate to the provision of public open space, the layout and configuration of the proposed road and the number of access points to the proposed lots. The considerations of each of the performance criterion do not relate specifically to noise generated by the proposed road.

It is further noted that noise generation associated with the proposed access road is not likely to be significant, when compared to noise generated by existing vehicular traffic within the Rokeby Road corridor.

Whilst the concerns of the representors are noted, the discretions relied upon by the proposal are not relevant to noise generation associated with the development.

5.2. Safety

Several of the representations raised concerns that the proposed road and associated pedestrian access would compromise the safety of the adjacent properties and of residents of Glebe Hill more broadly. The specific concerns included the speed of vehicles travelling from Howrah into Glebe Hill Estate using the new road (without appropriate traffic calming measures) and access to and from the commercial lots to Hance Road.

- **Comment**

The proposed road and connections have been designed in accordance with the requirements of the DSG and Council, to ensure that the addition to the road network will be in accordance with the relevant State standards. The proposed new slip road from Rokeby Road and the new southern roundabout at Pass Road (including the new internal roundabouts) have been endorsed by DSG and Council and are reflected in the Scheme's Specific Area Plan.

A detailed infrastructure assessment submitted as part of the application documentation supports the proposal and addresses the relevant requirements of the performance criteria relied upon by the Scheme.

5.3. Acoustic Screening

One of the representations raised the necessity for an acoustic screen at the rear of the residential properties adjoining the proposed road and highlighted the impact on views that such a screen would create.

- **Comment**

Acoustic screening is neither proposed nor required as part of the proposed development to mitigate noise impacts, which as discussed above, exist in terms of the proximity of the site to Rokeby Road.

Extensive landscaping is proposed along the slip road from Rokeby Road, as part of the development. This would be comprised of a combination of small to medium native trees and shrubs including banksias and casuarinas. The attachments include the landscaping concept plans for reference.

5.4. Location of Future Service Station

One of the issues raised by the representations was to express concern that the service station component of the future commercial development of the land is inappropriate.

- **Comment**

This is not an application for commercial use. Future land use proposals will be subject to a separate approval process by Council.

5.5. Alternative Road Alignment

Several of the representors proposed by submission that an alternative road alignment would be more appropriate, to create either a dead-end service road from Hance Road or a change to the location of the slip lane to more closely follow the existing Rokeby Road alignment.

- **Comment**

The proposed road and connections to both Rokeby Road and Pass Road is in accordance with the Specific Area Plan (SAP) within the Scheme, has been endorsed by the DSG and Council as part of the amendment to create the SAP, which was formalised by the TPC as part of the current Scheme. A change to the layout or configuration of the road is therefore not justified.

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 DSG which responded by confirming that the proposal accords with its requirements and that the necessary permit must be obtained from DSG prior to the commencement of works.

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 2010-2015 or any other relevant Council Policy, including the Public Open Space Policy.

9. CONCLUSION

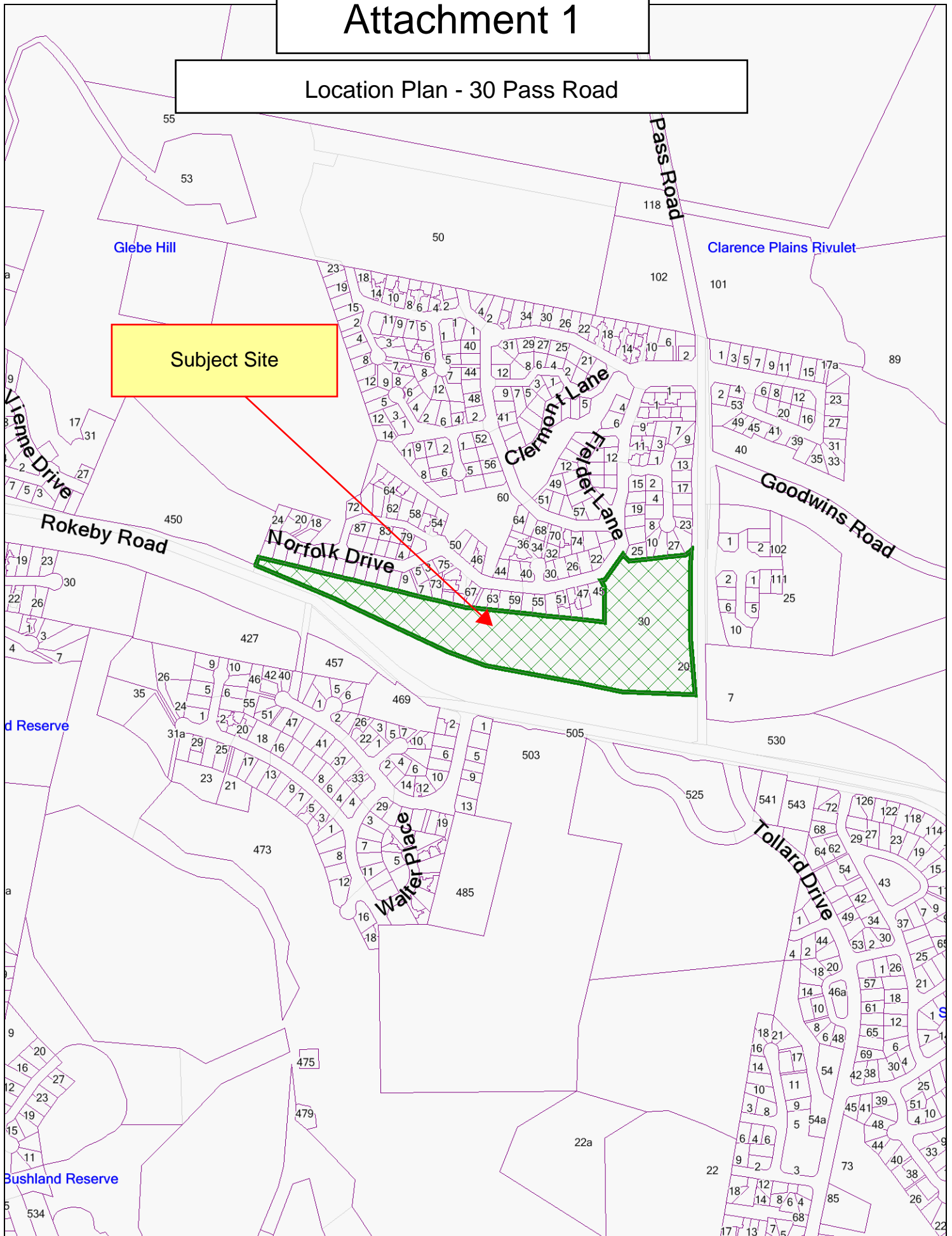
The proposal is for the subdivision of CT 167648/802 at 30 Pass Road, Rokeby into 6 lots and road. The proposal satisfies the relevant requirements of the zone, the Glebe Hill Neighbourhood Centre Specific Area Plan in terms of the road hierarchy and the relevant codes. On that basis the proposal is therefore recommended for approval, subject to the attached permit conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

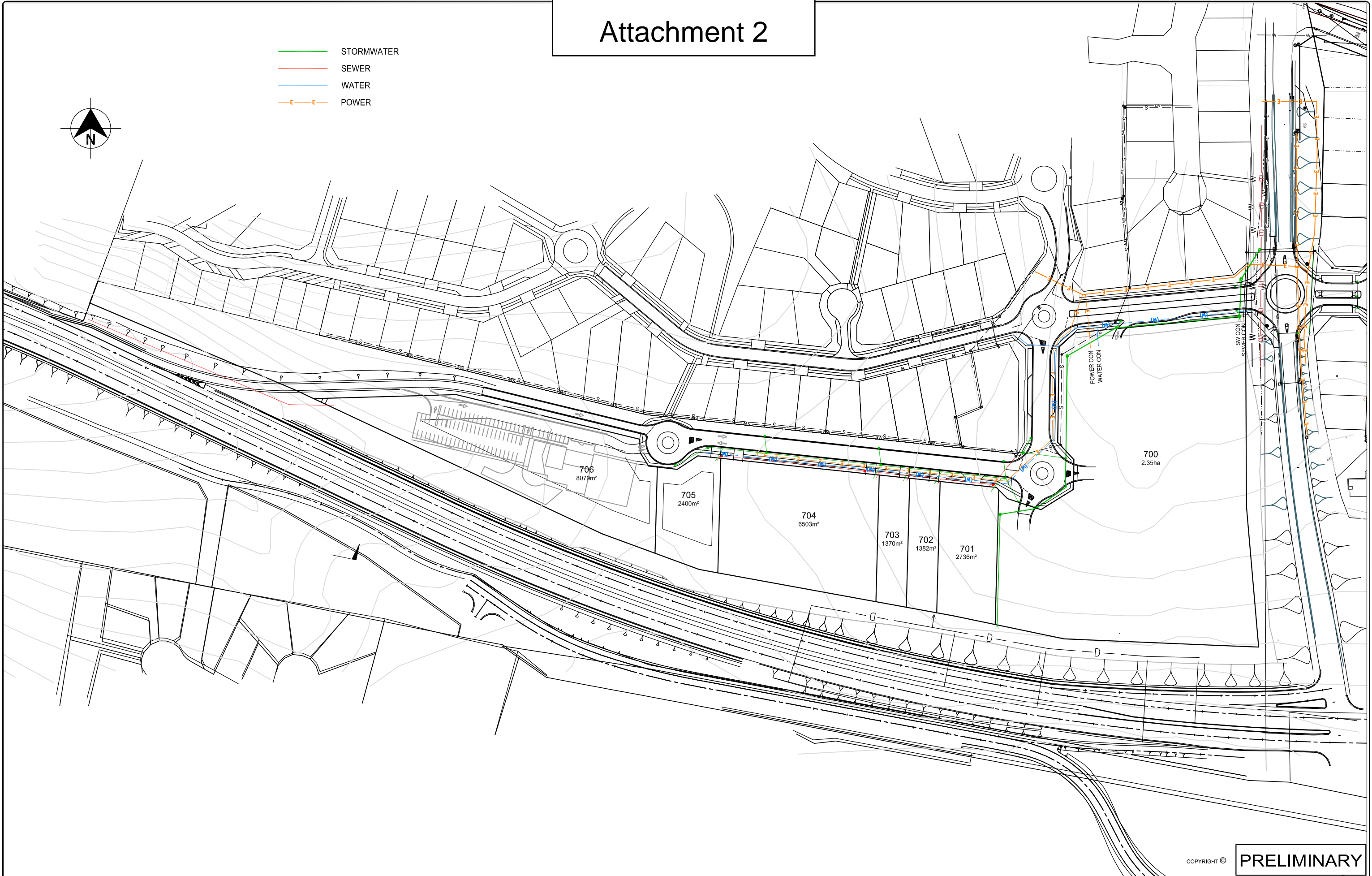
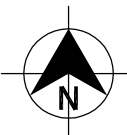
Location Plan - 30 Pass Road



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, 11 May 2016 **Scale:** 1:7,541 @A4

Attachment 2

- STORMWATER
- SEWER
- WATER
- POWER



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Rev No	Revision note	Date	Approved
A	FOR INFORMATION	FEB16	HJP

POORTENAAAR CONSULTING
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heln@poortenaarconsulting.com.au

Client	LYNMORE HOLDINGS
Project	GLEBE HILL NEIGHBORHOOD CENTRE
Title	SERVICES CONCEPT
Scale	1:2000 A3
Designed By	Agenda Attachments - 30 Pass Road, Page 2 of 7



UNIT 1 - 2 KENNEDY DRIVE
CAMBRIDGE PARK 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEBSITE: www.rbsurveyors.com.au

This plan has been prepared only for the purpose
of obtaining preliminary subdivisional approval from
the local authority and is subject to that approval

All measurements and areas are subject to the
final survey

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania

SCALE 1:2000(A3) 1:1000(A1)

DATE 24-2-2016

MUNICIPALITY CLARENCE

REF. NO. LYNM034
9188-01

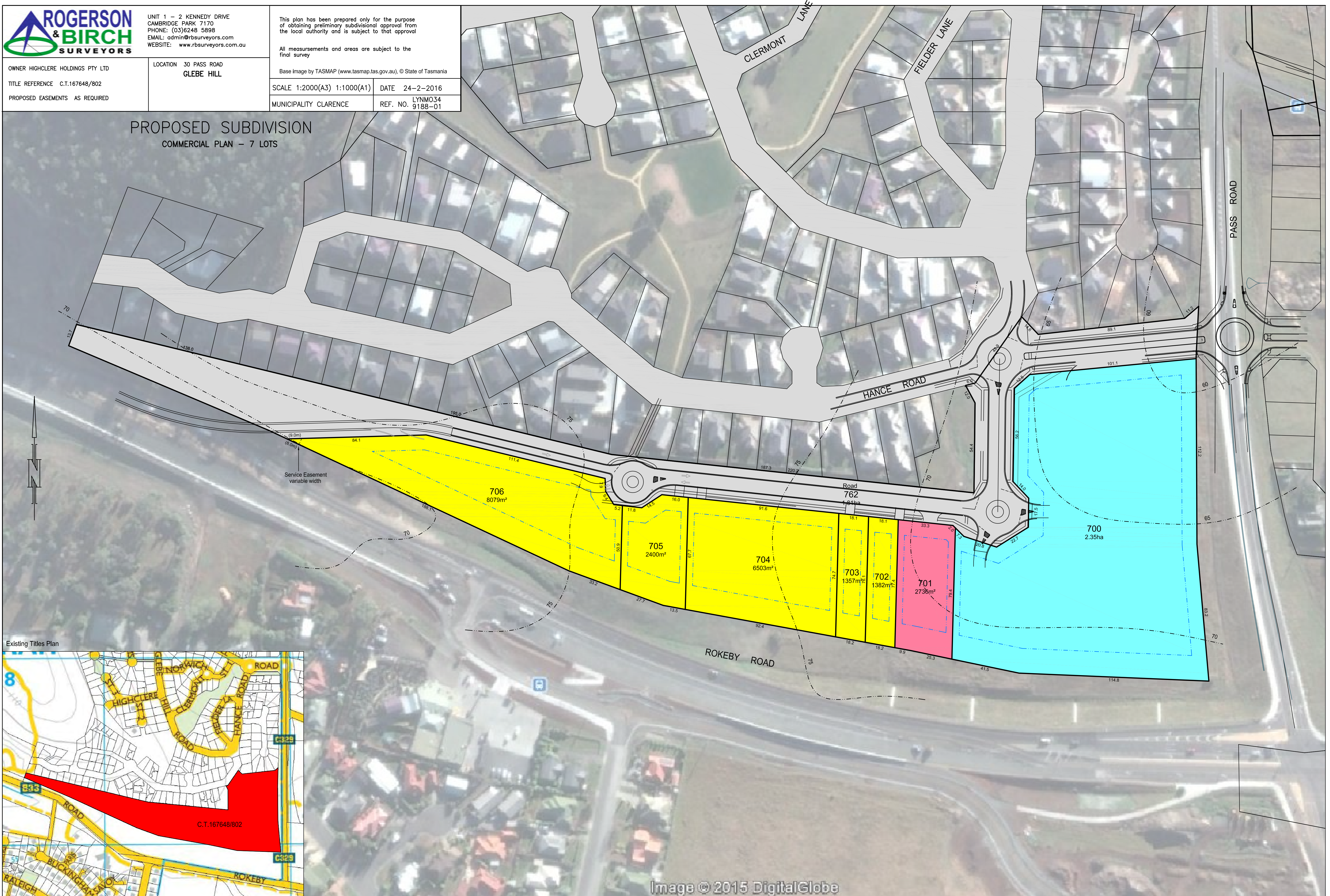
OWNER HIGHCLERE HOLDINGS PTY LTD

LOCATION 30 PASS ROAD
GLEBE HILL

TITLE REFERENCE C.T.167648/802

PROPOSED EASEMENTS AS REQUIRED

PROPOSED SUBDIVISION COMMERCIAL PLAN - 7 LOTS



Attachment 3

30 Pass Road, HOWRAH



Aerial view of the site (Image courtesy of www.googlemaps.com)

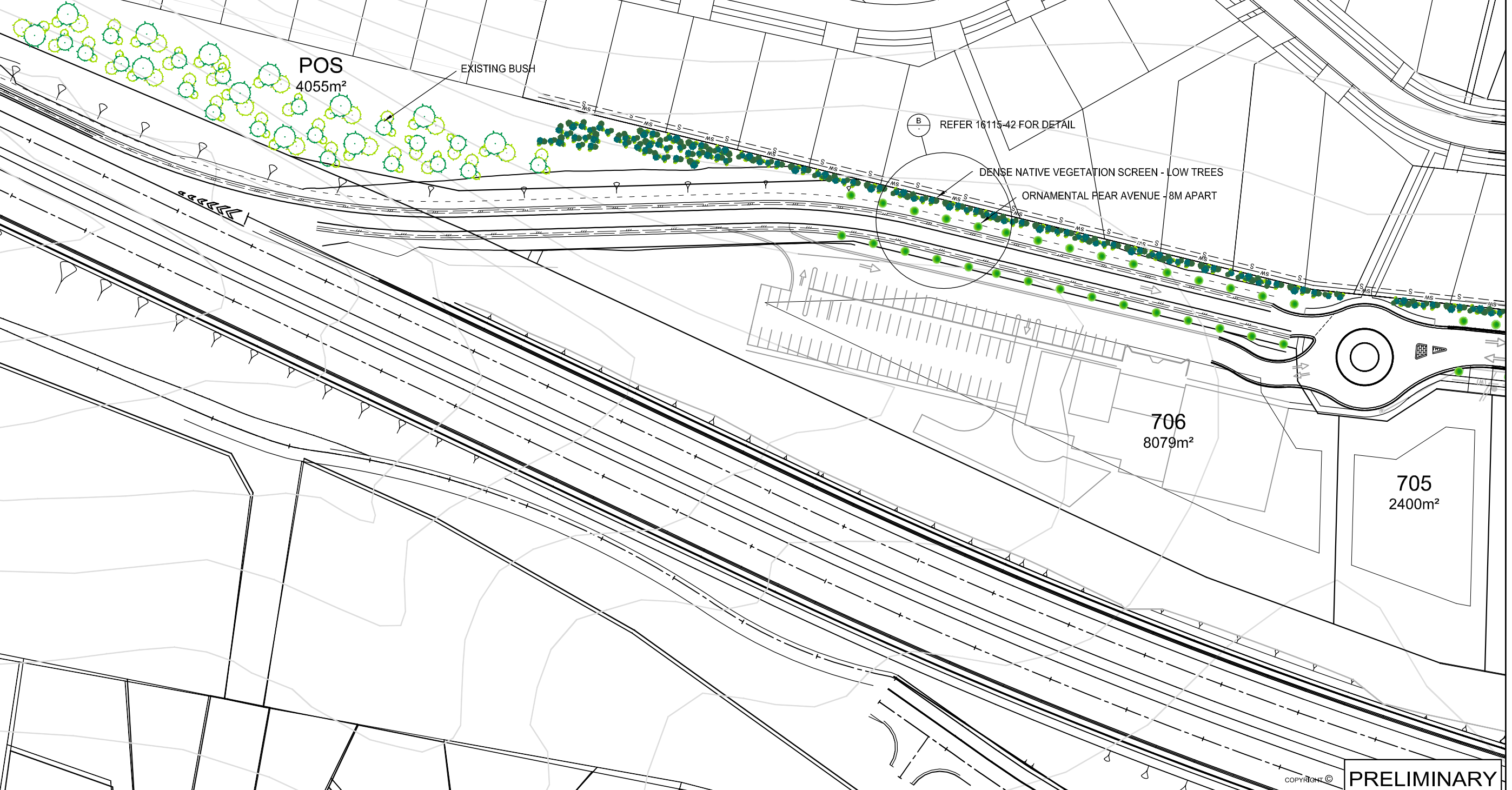


Subject property, viewed from Pass Road looking southwest towards Rokeby Road



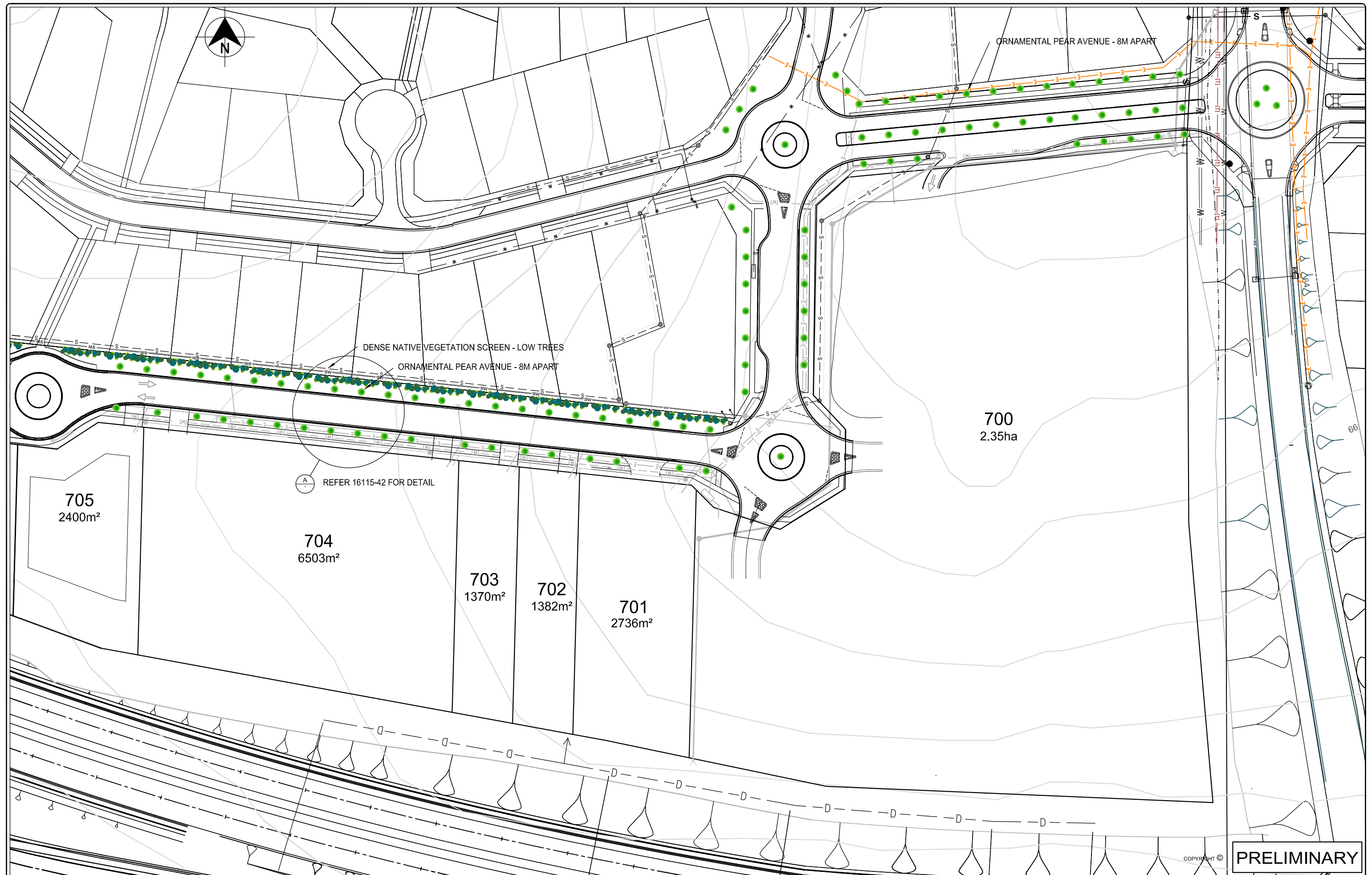
Subject property viewed from Rokeby Road, looking northeast towards Pass Road

Attachment 4



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Rev No	Revision note	Date	Approved	 POORTENAAR CONSULTING ABN 40 672 032 737 PH 62664708 heln@poortenaarconsulting.com.au		Client	Project	Title	Scale	Designed By	Drawn By	Checked By	Approved By	Page	of
A	FOR INFORMATION	MAY16	HJP			LYNMORE HOLDINGS	GLEBE HILL NEIGHBORHOOD CENTRE	LANDSCAPE PLAN	1:1000 A3	MAJOR	MAJOR	MAJOR	MAJOR	30	5
								1 of 2							



Rev No	Revision note	Date	Approved
A	FOR INFORMATION	MAY16	HJP

POORTENAAAR CONSULTING
ABN 40 672 032 737
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Client	LYNMORE HOLDINGS
Project	GLEBE HILL NEIGHBORHOOD CENTRE
Title	LANDSCAPE PLAN 2 of 2
Scale	1:1000 A3
Designed By	Agenda Attachments - 30 Pass Road, Page 6 of 7

**11.3.11 SUBDIVISION APPLICATION SD-2016/10 - 20 TIANNA ROAD,
LINDISFARNE - 1 LOT SUBDIVISION**
(File No SD-2016/10)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a one lot subdivision at 20 Tianna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas Code, Stormwater Management Code and Parking and Access 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.

Council is required to exercise a discretion within the statutory 42 day period which expires on 31 May 2016.

CONSULTATION

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

- loss of privacy resulting from future development on the new lot;
- noise associated with future residential development; and
- increased density of development.

RECOMMENDATION:

A. That the application for a 1 lot subdivision at 20 Tianna Road, Lindisfarne (Cl Ref SD-2016/10) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS4 – POS CONTRIBUTION [5%] [Lot 2].
3. Prior to the sealing of the Final Plan of Survey the landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:
 - Council will not construct the road or associated access driveway to Lot 2;
 - the landowner is to be responsible for the construction and on-going maintenance requirements of the access driveway to Lot 2;
 - the drainage requirements of the access driveway;

- that Council maintain the right to access, upgrade and maintain its stormwater infrastructure within the road reservation; and
- any reinstatement of the driveway resulting from the above is the responsibility of the owner of Lot 2.

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

4. ENG A1 – NEW CROSSOVER [TSD-R09] Delete “3.3m wide” and replace with “3.6m wide for the length of driveway contained within Wellington Road”.
5. ENG S1 – INFRASTRUCTURE REPAIR.
6. ENG S2 – SERVICES.
7. ENG S4 – STORMWATER CONNECTION.
8. ENG M2 – DESIGNS SD Add “• service upgrades and relocations”.
9. ENG M8 – EASEMENTS.
10. ENG S10 – UNDERGROUND SERVICES.
11. The new access to Lot 2 from Tianna Road must be constructed in accordance with Council’s Municipal Standard Drawing TSDR-09 (Urban).
12. Drainage from the driveway formation must be connected to Council’s stormwater system.
13. The development must meet all required Conditions of Approval specified by TasWater notice dated 30 March 2016 (TWDA 2016/00371-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.

**SUBDIVISION APPLICATION SD-2016/10 - 20 TIANNA ROAD, LINDISFARNE - 1
LOT SUBDIVISION/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

In 2010, permission was granted by Council to the owner of the subject site to build a crossover and driveway from Tianna Road within an unformed section of Wellington Road adjacent to the subject property to enable backyard access. Public access has been retained over this access. There is currently no licence arrangement over this driveway.

Council's Asset Management Department has advised that there are no plans at this stage to construct a new road within the unformed section of Wellington Road between Tianna Road and Moirunna Road.

2. STATUTORY IMPLICATIONS

2.1 The land is zoned General Residential under the Scheme and affected by the Bushfire Prone Areas Code, Parking and Access Code and Stormwater Management Code.

2.2 The proposal is discretionary by virtue of Clause 9.7.2 of the Scheme and because it does not meet Acceptable Solutions under the Scheme.

2.3 The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- 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, 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 936m² rectangular shaped allotment located downslope from Tianna Road and abutting an unformed section of Wellington Street to the west. The site contains a single storey dwelling fronting Tianna Road which is accessed via a separate entry/exit arrangement. The site has an average gradient of 14 percent and slopes to the south. The site is surrounded by single detached dwellings and the Queen Victoria aged care facility to the south-west. To the north of the site lies Natone Hill Reserve.

3.2 The Proposal

The proposal is for the subdivision of the subject property into 2 resultant lots.

Lot 1 would contain the existing dwelling and would utilise Tianna Road as the primary frontage. Lot 1 would retain a land area of 477m² and the new boundary to the rear of the dwelling would retain a 3m setback from the boundary with proposed Lot 2.

Lot 2 would be sited downslope from Lot 1 and would be accessed via an unconstructed section of Wellington Road accessed from Tianna Road. Lot 2 would be provided with 22.6m of frontage onto Wellington Road and would utilise the existing access and driveway contained within the unconstructed road reserve, constructed initially to provide access to the rear of the existing dwelling. The subdivision plan shows a 15m x 10m building area clear of the required front, side and rear setback standards for this zone.

A new sewer, water and stormwater connection are proposed to service Lot 2.

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, Bushfire Prone Areas Code, Parking and Access Code and Stormwater Management Code, with the exception of the following clauses.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	<p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(b) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and</p> <p>(c) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and</p>	The deck associated with the existing dwelling would retain a 3m setback from the southern rear property boundary.

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

“P1- A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

Performance Criterion	Comment
<i>(a) A dwelling on an adjoining lot or its private open space; or</i>	The property to the south of the existing deck would be the newly formed vacant lot as opposed to an existing dwelling and associated private open space.
<i>(b) another dwelling on the same site or its private open space; or</i>	Not applicable.
<i>(c) an adjoining vacant residential lot”.</i>	Proposed Lot 2 would be located downslope from the deck therefore the potential for overlooking from this deck into the proposed vacant lot would be likely. However, the undeveloped nature of the lot means that a future residence is capable of being designed to factor in the location of the new deck. It is therefore not considered necessary to require any privacy treatment along the southern elevation of the existing deck.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.1 A2	Subdivision - Lot design	The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if public open space, a riparian or littoral reserve or utilities: ... (e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north; ...	A 15 m x 10 m building area clear of the frontage, side and rear boundary setback is capable of being accommodated within Lot 2 (vacant lot). However, the long axis of the building area is oriented 41 degrees west of north.

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

“P2 – The design of each lot must contain a building area able to satisfy all of the following:

Performance Criterion	Comment
<i>(a) Be reasonably capable of accommodating residential use and development;</i>	Given a building area of 15m x 10m can be accommodated within Lot 2 which is clear of the required front, side and rear boundary setbacks, it can be reasonably assumed that the lot is of sufficient area and configuration to accommodate future residential use and development which is capable of complying with the zone standards.
<i>(b) Meets any applicable standards in codes in this planning scheme;</i>	A Bushfire Management Planning Report and Plan has been provided with the application to determine the required width of hazard management areas to yield a building area of not greater than BAL-19 in Table 2.4.4 of AS3959-2009. The building area for Lot 2 has been assessed as being compliant with the requirements of BAL12.5 of AS3959-2009 thus complying with the requirements of E1.0 Bushfire Prone Areas Code. The compliance with the lot size and building area requirement will also ensure the likelihood of a permissible future use or development being allocated the required number of on-site car parking spaces specified under E6.0 Parking and Access Code.
<i>(c) Enables future development to achieve maximum solar access, given the slope and aspect of the land;</i>	The building area allocated to Lot 2 would be positioned to the south between 20 and 18 Tianna Road on a south facing slope with an average gradient of 10%. The Natone Hill Recreation Reserve is located upslope of Lot 2 which has a considerable bearing upon sunlight levels during the winter months. The majority of lots located along Tianna Road are affected by overshadowing from Natone Hill therefore the proposed lot will be predisposed to overshadowing from natural sources. The Performance Criteria requires solar access to future development within the building area to be maximised in the context of slope and aspect constraints. The building area would be offset from the two dwellings to the north and the gentle grade will ensure maximum solar access to future development. Whilst the lot, together with surrounding lots, are somewhat disadvantaged by their southerly aspect, the lot design has demonstrated an adequate attempt to maximise available solar access.
<i>(d) Minimise the need for earth works, retaining walls, and fill and excavation associated with future development;</i>	The gradient of the land is sufficiently minor to preclude the need for significant excavation, earthworks, retaining walls and fill associated with future development.

<p>(e) <i>Provides for sufficient usable area on the lot for both of the following:</i></p> <ul style="list-style-type: none"> i. <i>on-site parking and manoeuvring;</i> ii. <i>adequate private open space”.</i> 	<p>Lot 2 has been designed to comply with the minimum lot size and frontage requirements together with the building area dimensional requirement. It is therefore reasonable to assume that a future dwelling development would be able to be complemented with adequate private open space and on-site car parking and access arrangements. It is also possible for the private open space to be located generally to the north/north-east of a future residence to maximise solar access. The compliance with the lot size and building area dimension requirement will also ensure the likelihood of a permissible future use or development being allocated the required number of on-site car parking spaces specified under E6.0 Parking and Access Code.</p>
--	---

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.3 A1	Subdivision - Public open space	No Acceptable Solution.	Payment of cash-in-lieu of the provision of physical open space is proposed.

The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

“P1 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:

Performance Criterion	Comment
(a) <i>connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	The provision of physical open space is not proposed, meaning that (a) to (g) inclusive and (i) are not relevant; and
(b) <i>connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	As per above.
(c) <i>connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	As per above.
(d) <i>convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	As per above.

<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	As per above.
<i>(f) provides for a legible movement network;</i>	As per above.
<i>(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</i>	As per above.
<i>(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</i>	A condition has been included above, requiring the payment of cash-in-lieu for 5 percent of the value of the proposed lot, Lot 2.
<i>(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i> <ul style="list-style-type: none"> <i>i. the width of the way;</i> <i>ii. the length of the way;</i> <i>iii. landscaping within the way;</i> <i>iv. lighting;</i> <i>v. provision of opportunities for 'loitering';</i> <i>vi. the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i> 	As per above.

5 WELLINGTON ROAD ACCESS

Access to the rear lot is proposed from Wellington Road. The section of Wellington Road between Tianna Road and Moirunna Road is an unmade street and does not currently provide exclusive frontage to any properties. This situation would change through the approval of this proposal.

It is not proposed to construct a road to Lot 2 as part of this application and Council not does intend to construct a road way over this road reservation.

Notwithstanding this, Council under the provisions of the Local Government Highways Act can provide licence arrangements for the use of the land. Indeed, an adjoining property at 4 Moirunna Road has a similar arrangement subject to a Council Licence and a Part 5 Agreement.

In the circumstances it is recommended that any approval contain conditions relating to:

- the upgrade of the access driveway to Lot 2 to Council standards;
- the requirement to enter a Council Licence; and
- the requirement to enter a Part 5 Agreement specifying:
 - Council will not construct the road or associated access driveway to Lot 2;
 - the construction and on-going maintenance requirements of the access driveway to Lot 2;
 - the drainage requirements of the access driveway;
 - that Council maintain the right to access, upgrade and maintain its stormwater infrastructure within the road reservation; and
 - any reinstatement of the driveway resulting from the above is the responsibility of the owner of Lot 2.

6 REPRESENTATION ISSUES

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

6.1 Privacy

The representor raised concerns that the existing level of privacy of the property to the south would be compromised by future development of Lot 2, in terms of overlooking and privacy.

- **Comment**

This application is for subdivision only. Any future dwelling on Lot 2 would need to comply with the relevant Acceptable Solutions and Performance Criteria of the Scheme, which relate to this issue. This issue is therefore not a relevant consideration in respect of this particular application.

It is, however, noted that the adjoining property to the south is already overlooked by the existing dwelling on 20 Tianna Road and a future dwelling would block the existing dwelling from view. The proposal would therefore not increase the number of residences which have the potential to overlook the adjoining property and may improve the situation as a new dwelling will be required to provide for a design response which satisfies current privacy standards.

6.2 Noise Associated with Future Residential Development

The representor raised concerns in respect of the proximity of the future development on Lot 2 to the property boundaries and specifically in relation to the likely privacy and noise impacts of such development upon the existing residential amenity of the surrounding properties.

- **Comment**

As noted, this application is for subdivision only. Any future dwelling on Lot 2 will be required to satisfy the relevant zone standards for height and setbacks. That said, noise associated with outdoor living in a residential area is not a relevant consideration under the Scheme and any specific issues/activities are regulated by noise limits established and controlled under the Environmental Management and Pollution Control Act 1994 (EMPCA).

6.3 Density of Development

The representor raised concerns in respect of the density of development that would result from future development and that it would generate a sense of “over-crowding” within the area.

- **Comment**

The Scheme provides for lot design requirements which aim to achieve an average net density of no less than 15 dwellings per hectare in the interests of encouraging more efficient utilisation of residential land and infrastructure.

Whilst it is acknowledged that the subdivision pattern of the street is largely determined by the parallel positioning of Tianna Road and Moirunna Road, which results in uniform rectangular lots with a similar size, the proposed lot design satisfies the density standards for subdivision specified under the Scheme. It is also possible for a permitted Multiple Dwelling development to be constructed on the site (ie an additional dwelling to the rear of the existing) which would have a comparable impact to that of the proposed subdivision and subsequent development.

7 EXTERNAL REFERRALS

The proposal was referred to TasWater whom have provided conditions to be imposed on any permit granted by the planning authority.

8 STATE POLICIES AND ACT OBJECTIVES

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

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

9 COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

In respect of Council's Public Open Space Policy 2013, the subject site is zoned General Residential within an established urban area and is afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion given the site adjoins public recreating facilities. Notwithstanding this, it is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the Local Government Building and Miscellaneous Provision Act 1993 (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to the additional lot created, representing the increased demand for POS generated by the proposal and not the entire site the subject of the application. An appropriate condition has been included to reflect the above.

10 CONCLUSION

The proposal is for the subdivision of 20 Tianna Road, Lindisfarne into 2 resultant lots. The proposal satisfies the relevant requirements of the Scheme and with the inclusion of appropriate conditions is recommended for approval.

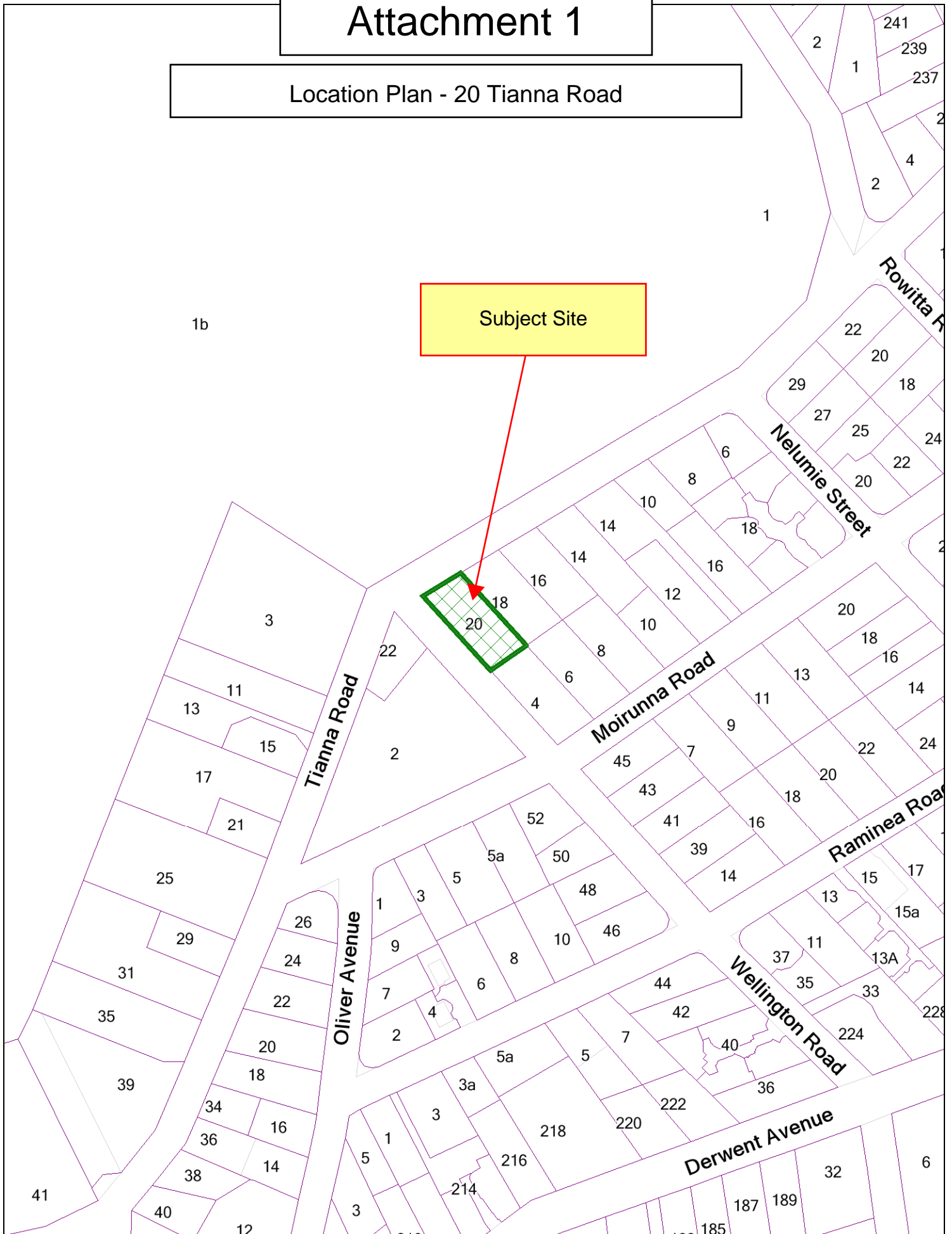
Attachments: 1. Location Plan (1)
2. Proposal Plan (1)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1

Location Plan - 20 Tianna Road



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:** Monday, 9 May 2016 **Scale:** 1:2,229 @A4

Attachment 2

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval

All measurements and areas are subject to the final survey

OWNER: KELVIN WAYNE LAWLER

TITLE REFERENCE C.T. 91769/1

PROPOSED EASEMENTS AS REQUIRED

LOCATION 20 TIANNA ROAD
LINDISFARNE

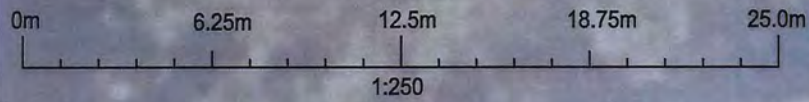
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DATE 18-04-2016

MUNICIPALITY CLARENCE

REF. NO. LAWLK01
9517-01



Attachment 3

20 Tianna Road, LINDISFARNE



Site viewed from Tianna Road.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 PINDOS PARK MANAGEMENT PLAN**

(File No P028-20)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council endorsement to release the draft Pindos Park Management Plan for public consultation in order to obtain feedback on the Pindos Park Management Plan from the broader community.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015, Council's Open Space Strategy Principles and Community Participation Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

The adoption of the Pindos Park Management Plan has no direct financial impact. The implementation of the Pindos Park Management Plan is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

RECOMMENDATION:

- A. That Council authorises the General Manager to undertake community consultation for the draft Pindos Park Management Plan.
- B. That the results of the community consultation be reported back to Council.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** As part of the 2013/2014 Annual Plan Council allocated funds for the construction of a public toilet facility at Pindos Park.
- 1.2.** Council at its Meeting of 17 June 2013, in response to a petition against the construction of a public toilet in Pindos Park, resolved the following: *“That Council notes the intent of the petition”*.

- 1.3.** A Development Application for the construction of the public toilet facility was considered by Council at its Meeting held 29 July 2013 and resolved: *“That Council further consider facilities at 20 Pindos Drive, Tranmere at a future Council Workshop”*.
- 1.4.** At its Workshop held on 2 September 2013, Council advised that the further consideration of facilities at Pindos Park was dependant on the completion of the Public Open Space Asset Plan.
- 1.5.** In response to a petition requesting fencing of the playground at Pindos Park, Council at its Meeting of 29 September 2014 resolved: *“Council is to develop a Management Plan for Pindos Park, Tranmere which will consider the inclusion of fencing the play equipment and other facilities within the park”*.

2. REPORT IN DETAIL

- 2.1.** As a direct result of the petitions and the Development Application process Council officers undertook to review existing strategies and develop Open Space Strategy Principles.
- 2.2.** Council, at its Meeting of 24 February 2014 considered the Open Space Strategy Principles and resolved to adopt a new system of classification which combines:
- a category that defines the function of the Public Open Space; and
 - a rating which describes the significance of each reserve in terms of providing facilities.
- 2.3.** Council considered 4 categories of Public Open Space:
- **Linear Park** – a park whose prime function is to serve as a link between areas of Public Open Space eg Clarence Foreshore Trail;
 - **Sportsground** – a park with a formal sports function eg Wentworth Park;

- **Natural Area** – a park whose prime function is the protection of habitat for flora and fauna eg Waverley Flora Park; and
- **Community Park** – a park that provides informal recreation space opportunities, generally a “green space” in urban areas eg Bellerive Beach Park.

2.4. A significance rating was developed which gives priority in terms of planning and the Levels of Service the Public Open Space is to provide. This rating is based on the level of facilities a particular Public Open Space provides and the size of the catchment of users of those facilities. The 3 levels are:

- **Regional** – Public Open Space with major conservation, cultural or sport/recreation/leisure values and/or high visitor numbers or strategic location. Typically people will travel to these Public Open Spaces from within and outside the City eg Clarence Foreshore Trail, Simmons Park, Wentworth Park;
- **District** – Public Open Space with a lower level of the Regional Park features. People would travel more than walking distance to visit the Public Open Space eg North Warrane Oval, Geilston Bay Park, Natone Hill Reserve; and
- **Local** – Public Open Space where visitors primarily are from the local area, walking distance to the Public Open Space eg Glebe Hill linear park, Clarendon Vale Oval, Coobar Park.

2.5. The following Levels of Service have been developed:

- **Regional** – given the high visitor numbers or strategic location that people will travel to the Public Open Space from within and outside the City, the Public Open Space will contain a high level of facility to encourage sustained visit duration eg multiple BBQ’s and shelters, car parks, considerable landscaping, significant play equipment and public toilets;

- **District** – meets the needs of several suburbs where people would travel more than walking distance to visit the Public Open Space. The Level of Service would be lower level/concentration of facilities than a Regional Public Open Space eg BBQ's, shelters, play equipment and public toilets; and
- **Local** – primarily visitors are from the local area and within walking distance of the Public Open Space. Facilities would include scattered vegetation, grassed areas, seating, minor play equipment such as a swing set and slide.

2.6. As part of the 2013/2014 Capital Works Program Council approved funding of \$29,000 for BBQ's and shelter for Pindos Park. This work has been put on hold until the adoption of the Pindos Park Management Plan. Also included in the 2013/2014 Capital Works Program was funding for the construction of a public toilet at Pindos Park. Since the decision on the petition, funds have been redirected to other public toilet facilities until the Management Plan has been considered by Council.

2.7. Pindos Park is located at the southern end of the existing Clarence Foreshore Trail and includes the following facilities:

- toddlers combination play unit which is fenced;
- older children combination play unit;
- 2 swings;
- shelter with picnic table;
- landscaping;
- timber bollards defining the boundary; and
- path connection from Clarence Foreshore Trail.

The existing facilities at Pindos Park provide a level of service as defined by a District Park, apart from BBQ and toilet facilities.

2.8. There are 6 existing Public Open Space areas within a 3.5km radius of Pindos Park with none including picnic, BBQ or toilet facilities. The nearest park which provides all these facilities is Wentworth Play Park, Salacia Street, Howrah. The nearest public toilet facility in Tranmere is at the bus terminus opposite Rotuma Park.

2.9. To meet the attributes of a District Park the draft Pindos Park Management Plan proposes the following:

- upgrade/replace existing play equipment;
- consolidate the play equipment into one, fenced area;
- extend existing concrete slab to include a BBQ and shelter to complement the existing picnic table;
- include wind protection in new shelter;
- allow space for a possible future public toilet facility;
- bottle filling point, bike racks and eating;
- landscape along boundary lines to soften the view, but maintain passive view lines; and
- seating area on existing mound to capture the views.

A sketch of the proposed concept Management Plan layout incorporating these items is Attachment 1.

2.10. An Aboriginal Heritage assessment was recently undertaken as part of the Clarence Foreshore Trail extension to Pindos Park. The assessment found numerous sites of aboriginal significance and when considering the Pindos Park Management Plan these matters will need to be considered as part of the final detailed design. The implications are that the exact location of the various built items may vary but the concept will remain essentially the same.

3. CONSULTATION

3.1. Community Consultation

The draft Pindos Park Management Plan has been developed and now requires a broader community consultation process to be carried out in order to obtain feedback on the draft Pindos Park Management Plan.

Community consultation will be undertaken through the following options:

- copy of the draft Pindos Park Management Plan and associated feedback forms will be on display at Council Offices;
- copy of the draft Pindos Park Management Plan and associated feedback forms will be on Council's web site;
- a letter to local residents of Tranmere asking them to comment on the draft Pindos Park Management Plan by either:
 - completing the feedback form enclosed;
 - completing the feedback form available at the Council Offices and placing in the feedback box; or
 - completing the feedback form on Council's website;
- advertisement in "The Mercury" newspaper advising of the display at the Council office and the Council website and the seeking comment on the draft Pindos Management Plan by either:
 - completing the feedback form available at the Council Offices and placing in the feedback box; or
 - completing the feedback form on Council's website.

The community consultation will extend for a 4 week period.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2010/2015 under the Goal Area Social Inclusion has the following Community Safety and Well-being Strategy to: *“Provide essential infrastructure to support, sustain and enhance community safety and social well-being”*.

4.2. Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion has the following Public Spaces and Amenity Strategy to:

“Develop Plans to improve the amenity of public spaces, including: Future needs for public open space and recreation facilities.”

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

There are no risk and legal implications from carrying out public consultation.

7. FINANCIAL IMPLICATIONS

7.1. There are specific funds available in the Annual Plan for the provision of BBQ and shelter at Pindos Park, which has been placed on hold until the Pindos Park Management Plan is adopted.

7.2. The adoption of the Pindos Park Management Plan has no direct financial impact. The implementation of the Pindos Park Management Plan is planned to be staged over a number of financial years, subject to Council approval in future Annual Plans.

8. ANY OTHER UNIQUE ISSUES

The Clarence Foreshore Trail is a Regional Linear Park which extends from Geilston Bay to Tranmere Point covering a length of approximately 17km. The Clarence Foreshore Trail is linked to the parks along the route and users of the trail can utilise all the facilities provided at regular distances to make their activity pleasurable and as comfortable as possible.

9. CONCLUSION

- 9.1.** The draft Pindos Park Management Plan has been developed in partnership with Council officers and responses to past public contributions.
- 9.2.** Following the conclusion of the community consultation the results will be presented at a future Council Workshop at which further consideration will occur in relation to the adoption of the Pindos Park Management Plan.

Attachments: 1. Draft Pindos Park Management Plan (1)

John Stevens

GROUP MANAGER ASSET MANAGEMENT

Attachment 1



11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 RICHMOND ADVISORY COMMITTEE – CONSTITUTION REVIEW**

(File No 07-03-02)

EXECUTIVE SUMMARY**PURPOSE**

A revised constitution has been prepared for the Richmond Advisory Committee. The purpose of this report is to consider the re-drafted constitution.

RELATION TO EXISTING POLICY/PLANS

The review of the Richmond Advisory Committee's constitution has been carried out consistent with Council's Strategic Plan 2010-2015 Community Leadership Strategy to Foster Communication and Participation through Council Committees.

LEGISLATIVE REQUIREMENTS

The Richmond Advisory Committee has been formed under the provisions of the Local Government Act, 1993 as a Council "special committee". The Act enables Council to establish such committees on such terms and for such purposes as it thinks fit and may determine the processes associated with such committees.

CONSULTATION

Consultation occurred with the Richmond Advisory Committee in the preparation of the revised constitution.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the proposed changes to the Constitution.

RECOMMENDATION:

That Council endorses the revised Constitution of the Richmond Advisory Committee.

ASSOCIATED REPORT**1. BACKGROUND**

The Richmond Advisory Committee has been in operation since 1993 when part of the former Richmond Municipality joined the City of Clarence.

2. REPORT IN DETAIL

2.1. The change to the Constitution relates to make up of the Committee, particularly as it relates to community members. The Committee has requested that the list of community members and groups no longer form part of the core Constitution so that entities that cease to be active in the Richmond community can be removed from the list of representatives and that such removal no longer requires formal endorsement of an amendment to the Constitution. To this end it is proposed to list the community members and groups in a Schedule to be attached to the Constitution and include a mechanism to enable changes in relation to the removal of inactive groups to be made at a Committee level.

2.2. This change will not affect the objects and powers of the Committee.

2.3. A re-drafted constitution marked up with the proposed changes is attached for information (refer Attachment 1).

3. CONSULTATION**3.1. Community Consultation**

No direct community consultation on the revised constitution was undertaken.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

The Richmond Advisory Committee has requested a minor change to the Constitution to enable the list of community members and groups to be altered at a Committee level.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The review of the Richmond Advisory Committee constitution has been carried out consistent with Council's Strategic Plan 2010-2015 Community Leadership Strategy to Foster Communication and Participation through Council Committees.

5. EXTERNAL IMPACTS

None identified.

6. RISK AND LEGAL IMPLICATIONS

The Richmond Advisory Committee has been formed under the provisions of the Local Government Act, 1993 as a Council "special committee". The Act enables Council to establish such committees on such terms and for such purposes as it thinks fit and may determine the processes associated with such committees.

7. FINANCIAL IMPLICATIONS

There are no financial implications resulting from the proposed changes to the Constitution.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

The Committee requested a minor change to the Constitution to enable changes to be made to the list of community representatives when entities are no longer active in the Richmond community. It is proposed to remove the list of community representatives from the Constitution and create it as a schedule which can be amended at a committee level. This is proposed for consideration by Council.

Attachments: 1. Draft Richmond Advisory Committee Constitution (8)

Andrew Paul
GENERAL MANAGER



CLARENCE CITY COUNCIL SPECIAL COMMITTEE - RICHMOND ADVISORY COMMITTEE CONSTITUTION

1. CONSTITUTIONAL FRAMEWORK

1.1. Background:

The Richmond Advisory Committee was established as a Special Committee of Council in 1993 as part of the transitional arrangements between the former Richmond Municipality and the City of Clarence.

1.1.1. Interpretation:

In this constitution the following words:

"Richmond Community" means the Richmond Township and its local community.

1.1.2. Objects:

The principal aim of the Richmond Advisory Committee is:

- to foster and develop the well-being of the Richmond Community; and
- to make representations and provide feedback and advice to the Clarence City Council.

The deliberations of the Committee are advisory in nature and the Committee does not perform any formal functions on behalf of the Council.

1.2. Powers and Obligations:

The responsibilities of the Committee are as follows: -

- to provide an input into the annual budget process of the Council, setting out the works and services required in the Richmond Community in order of priority.
- to provide liaison with community organisations and special interest groups to assist in preparing the list of works and services, and order of priority.
- to draw the attention of the Council to any matters of concern to the Richmond Community.
- to consider and report on any matter which may be referred to it by the Council.

- generally to provide input and feedback on the implementation of key initiatives and services which Council undertakes within the Richmond Community.
- to act as the key focus group in the Richmond Community. Through active dialogue with the community, to be aware of community views and expectations and to represent these views on an impartial basis when providing input and advice to the Council in order to provide leadership and co-ordination at the local Richmond Community level.

1.3. Review of Constitution

The Committee will conduct a review of the Committee's responsibilities (Powers and Obligations) and constitutional framework as required and report to the Council on the outcome of this review.

2. MEMBERSHIP/MAKEUP OF COMMITTEE:

2.1. Committee Make-up

The Committee is made up of the following:

2.1.1. Council

Council appoints an Alderman as its representative member on the Committee together with a proxy appointee. The appointed Alderman, or in their absence, the proxy appointee is to take the position of Chair for the Committee.

2.1.2. General Manager's Representative

General Manager appoints an officer to the Committee to provide executive support and advice.

2.1.3. Clubs and Organisations

Membership of the Committee is primarily based on an appointee/representative from each of the community clubs and organisations established in the Richmond Community.

[The clubs and organisations recognised by the Council under this representative category at the time of its adoption of this constitution are as stated in the Schedule to this constitution.](#)

Additional representative groups within the Richmond Community may seek representative inclusion on the Committee. The Committee, provided that it is satisfied that the objects of the group seeking membership are to provide a genuine positive benefit to the Richmond Community, is to endorse the inclusion of such groups on request.

Representative groups are encouraged to appoint proxy/alternative representatives to the Committee to ensure that a continuity of dialogue is

maintained between the committee and the representative groups and its membership on the Committee is maintained.

Representative Groups are to advise the Chairperson of details of the nominated representative and proxy including any changes that may occur from time to time.

2.1.4. Community

There is to be appointed 2 community representatives to the Committee on the following basis:-

- the Committee may endorse the inclusion of two (2) individual persons at any one time;
- appointment of members of the Committee under this category are based on the following understandings:-
- the appointments are to be regarded as being independent of any membership that the appointees may have in any group already represented on the Committee; and
- Appointees have as their primary obligation a responsibility to gauge, communicate and represent the interests of the broader Richmond Community;
- the ~~term of such~~ appointment of community representatives s is for a period of four (4) years and may be renewed provided that other parties have not sought inclusion on the Committee; and
- a new request for inclusion on the Committee is to take precedence and over-rides any renewed term.

Additionally, the Committee may co-opt individual persons who are resident within the Richmond Community to the Committee based on the skills and needs of the Committee.

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2.2. Terms of Office

2.2.1. Council

Aldermen appointments are made immediately following the conduct of ordinary Council elections and the appointments are for a term of four (4) years.

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2.2.2. Clubs and Organisations

There is no set term of office for those members appointed to the Committee by the individual clubs or organisations ~~community groups~~ recognised under this constitution.

The manner in which community ~~group~~ club and organisation members are appointed to the Committee and the term of these appointments is at the discretion of the individual ~~community groups~~ clubs or organisations that are represented on the Committee.

The recognition of a club's or organisation's membership on the Richmond Advisory Committee is based on its continued existence and active

participation through its representative on the Committee. The Committee, provided that it is satisfied that a club or organisation recognised under the constitution, in no longer active or has ceased to demonstrate an active involvement on the Committee, may endorse the removal of that club's or organisation's Committee appointments.

A club's or organisation's membership on the Committee automatically lapses if its representative has not attended 3 consecutive meeting of the Committee.

2.2.3. Community

The term of community representative appointments is for a period of four (4) years.

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3. OFFICE BEARERS

3.1. Determination of Office Bearers

The office bearers required for the Committee are as follows:-

- role of Chairperson (Council Alderman Appointee);
- role of Secretary (Committee Appointee).

The Committee may appoint a Chairperson in the event that the Chairperson or proxy appointee is unavailable.

In the absence from any meeting of the Secretary, the Committee is to appoint a member present to take the minutes of that meeting.

3.2. Role of Chairperson

3.2.1. Meetings

The role of the Chairperson will be to facilitate the timely completion of the listed agenda items through:

- listening, guiding and ensuring that all Committee members have the opportunity to participate and contribute to discussions and provide advice;
- summarising actions associated with the outcomes of the discussions;
- providing reports on behalf of the committee to the Council.

3.2.2. Public communication

To ensure that the committee actively engages in dialogue with the Richmond Community to gauge community views and expectations on community matters.

The Chairperson is the responsible spokesperson for the Committee. The Chairperson in the role of spokesperson:-

- is limited to the Committee's Objects, Powers and Obligations; and

- is to be conducted in accordance with the Council's "Media Communication By Council Special Committees - Policy and Operational Framework".

3.3. Role of Secretary

The role of Secretary for the Committee is performed as follows:

- the Secretary is to take the minutes of each meeting not attended by the Council appointed Secretary;
- assist in the preparation of Committee agendas including the provision of draft agendas for compilation;
- to attend to all written communications/correspondence on behalf of the Committee;
- provide advice of Pecuniary Interest declarations together with a copy of the minutes of meeting to the Council's Corporate Secretary so that these details can be included in the General Manager's register of declared interests;
- assist the Committee and Chairperson in the facilitation of active dialogue with the Richmond Community to gauge community views and expectations on community matters; and
- to ensure that all documentation generated on behalf of the Committee is captured in Council records.

4. MEETINGS

4.1. Procedures

The procedures to be followed in respect to meetings of the committee shall be as determined by the Committee, taking account of the following requirements:-

- there will be a set standard agenda for each meeting;
- any additional topics for the agenda should be forwarded to the General Manager's appointee no later than 7 working days prior to the next meeting date;
- a copy of the agenda will be distributed to all group members one week prior to the next meeting;
- minutes will be distributed to all group members, Aldermen, and relevant Council officers.

The Committee can form sub committees (made up of members of the Committee and, if required members of the community), as necessary, to address specific issues or initiatives. Sub committees are to report back to each meeting.

4.2. Meeting Conduct

All members of the Committee must act in accordance with all Council policies and applicable legislation when carrying out the role of the Committee.

In the performance of their role, Committee members are to exercise impartiality and provide non partisan input into the Committee deliberations.

4.3. Pecuniary Interests

The Act requires the disclosure of pecuniary interests by Committee members concerning any matter that is being considered at any meetings of the Committee. These disclosures are to be dealt with in the following manner:-

- whenever an interest is declared, it should be recorded in the minutes of meeting;
- the person declaring such an interest is to absent themselves from the meeting room whilst the matter is being discussed; and
- the person making the declaration is also required to advise the General Manager in writing (standard form) of the details of the interest within 7 days of the declaration.

The General Manager is obliged to maintain a record of the declarations of interest made by Committee members.

4.4. Frequency of Meetings

Meetings of the Committee are conducted on a monthly basis.

4.5. Time/Venue/Duration

To be determined from time to time by the Committee.

4.6. Quorum

The quorum for meetings of the Committee is at least 5 members.

In the event that a quorum is not present at a scheduled meeting the Chairperson may postpone and reschedule the meeting and is to ensure that members are notified accordingly.

4.7. Public attendance

All meetings of the Committee are open to the public.

The Committee may invite deputations to address the Committee on any matter of interest to the Richmond Community.

5. REPORTING REQUIREMENTS AND ARRANGEMENTS

5.1. Specific Areas of Reporting

The Committee is to provide reporting to the Council in the context of the Committee's role on the following basis:-

5.1.1. Powers and Obligations

the Committee is to report on the outcomes of any review of the constitutional framework to the Council.

5.1.2. Strategies or Initiatives (including Strategic Plan elements)

the Committee is to provide reports as required on specific strategies and initiatives assigned to it from time to time by the Council.

5.2. General Reporting to Council

The Committee may, at its discretion, provide reporting to the Council on the following basis:-

5.2.1. Council Meetings

the Chairperson of the Committee may provide a report on behalf of the Committee to the Council on matters (non operational) that the Committee has considered based on the following:-

- reports are to be presented to the General Manager for inclusion in the “Reports From Council And Special Committees And Other Representative Bodies” section of the Council’s meeting agenda;
- the report for the committee may include recommendations to the Council on matters that have been considered by the Committee.

5.2.2. Quarterly Report

not required, however may be provided at the discretion of the Committee.

5.2.3. Annual Reporting

The Chairperson of the Committee is to provide an Annual Report (in the June quarter) of the Committees activities to the Council.

5.3. Communication on Budget matters

As provided for under Powers and Obligations the Committee is to provide input into the Council budget process. This input is facilitated by a specific item being listed for this purpose on the November meeting agenda providing opportunity for possible budget items being listed and for the Committee to indicate the priority of the items identified.

RESOURCING

5.4. Budget support

The Council supports the Committee through the provision of appropriate consumables, administrative resources and facilities in order for the Committee to conduct meetings.

Further, Council will provide a sum to be determined on an annual basis as an honorarium to the Committee appointed Secretary.

5.5. Council/officer Support

The General Manager’s appointee provides executive support to the Committee.

5.6. Council Officer Key Contact

All contact from the Committee to the Council and Council’s administration is to be directed through the General Managers appointee.

SCHEDULE

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The following clubs and organisations are represented at the time of adoption of this constitution by the Council:-

Coal River Products Association
Coal River Valley Garden Club
Coal River Valley Historical Society
Coal River Valley Sustainable Living Group
Richmond & Coal River Valley Promotions Group
Richmond Fire Brigade
Richmond Football Club
Richmond Primary School
Richmond Red Cross
Richmond Tennis Club
Richmond Village Fair Committee
St John's School

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1.7.2 DISCUSSION PAPER FOR “TOWARDS ZERO - TASMANIAN ROAD SAFETY STRATEGY 2017-2026”

(File No 28-01-00)

EXECUTIVE SUMMARY**PURPOSE**

To consider a response to the Road Safety Advisory Council’s Discussion Paper on “Towards Zero - Tasmanian Road Safety Strategy 2017-2026”.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

If the recommended action on the Discussion Paper is adopted then legislation, regulation and standards will be needed to support some new directions to improve the safety net for road users in Tasmania. However, this is likely to be some time away.

CONSULTATION

The Road Safety Advisory Council of Tasmania is currently consulting state-wide to form a new “Towards Zero - Tasmanian Road Safety Strategy 2017-2026”.

FINANCIAL IMPLICATIONS

There are no direct financial implications to Council in making a submission on the Discussion Paper.

RECOMMENDATION:

- A. That Council supports the recommendations of the Discussion Paper on Towards Zero - Tasmanian Road Safety Strategy 2017-2026.
- B. That Council authorises the General Manager to prepare a response on the discussion paper which provides, in principle, support as well as recommending that any actions arising out of the proposed Towards Zero - Tasmanian Road Safety Strategy 2017-2026 strategies are introduced on strict evidence based protocols as part of the community consultation.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. The current Tasmanian Road Safety Strategy is nearing the end of its life and the Road Safety Advisory Council is preparing a new strategy for the next 10 years. Over the past 10 years nearly 3,500 people have been killed or seriously injured on Tasmania Roads.

The long term vision of the new strategy will set a direction to achieve zero deaths and serious injuries on Tasmanian Roads. The discussion paper is not a strategy but the summary of the finding from the community and stakeholders with recommendations from experts.

- 1.2. A briefing report was sent out under separate cover which contained a copy of the Towards Zero - Tasmanian Road Safety Strategy discussion paper as well as a summary of the document. This document is the base document for consultation. The closing date for submissions is 31 May 2016.

2. **REPORT IN DETAIL**

- 2.1. The Towards Zero - Road Safety Strategy is based on a Safe System Approach and reflects the National Road Safety Strategy that Council supported in 2011.

The guiding principles to the Safe System approach are as follows.

- **People Make Mistakes**
Humans will continue to make mistakes and the transport system must accommodate these. The transport system should not result in death or serious injury as a consequence of errors on the roads.
- **Human Physical Frailty**
There are known physical limits to the amount of force our bodies can take before we are injured.
- **A “Forgiving” Road Transport System**
A Safe System ensures that the forces in collisions do not exceed the limits of human tolerance. Speeds must be managed so that humans are not exposed to impact forces beyond their physical tolerance. System designers and operators need to take into account the limits of the human body in designing and maintaining roads, vehicles and speeds.
- **A Shared Responsibility**
Everybody should feel the responsibility for road safety.

- 2.2.** Achieving the casualty reduction targets, and building a platform for the Strategy's longer-term aspirations, will require a range of specific road safety actions or interventions.

The Strategy is based on 4 “cornerstone” areas of intervention:

- **Safe roads and roadsides** - designing and maintaining the roads to reduce the risk and severity of crashes;
- **Safe speeds** - setting appropriate speed limits that complement the road environment;
- **Safe vehicles** - designing vehicles that protect occupants, lessen the likelihood of crash and simplify the driving task; and
- **Safe road user s-** encouraging safe and compliant behaviour through education, enforcement and regulation.

- 2.3.** Various community and stakeholder forums were held to gain the road safety view from the community and the key messages were collected and assessed against the 4 essential elements.

- 2.4.** The Centre of Automotive Safety Research (CASR) at the University of Adelaide was engaged to provide in-depth research and recommended the best practice initiatives in the Tasmanian context. The document presents the results of various data related to fatality and serious crash rates, spatial distributions, accident types and data on vulnerable users. The research has also outlined the expected benefit and associated cost with the changes in a broader context.

- 2.5.** As a result of the community consultation and the research, the document makes a number of observations about what could be done and includes such options as a lower blood alcohol content, protective clothing for motorcyclists, increasing enforcement, development of more overtaking lines and many more.

- 2.6.** In order to reduce serious harm to the community safety initiatives should be introduced that have the greatest effect and delaying new initiatives or implementing options with low effectiveness may lead to poorer outcomes for the community. On that basis, Council should support the document as it is a reasonable and pragmatic approach to this very complex issue and further any actions undertaken out of the strategy should be evidence based to ensure the community achieves the best outcome from its resources.

3. CONSULTATION

3.1. Community Consultation

Various community and stakeholder forums were held to gain the road safety view from the community and the key messages were collected and assessed against the 4 essential elements.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2010-2015 – Community Leadership has as 2 of its Strategies:

- Provide advocacy on behalf of the community and actively engage government and other organisations in the pursuit of community priorities.
- Engage in on-going dialogue with State and Federal representatives and governments.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

If the Strategy is adopted then legislation, regulation and standards will be needed to support some new directions to improve the safety net for road users.

7. FINANCIAL IMPLICATIONS

There are no direct financial implications to Council in making a submission on the Discussion Paper on Towards Zero - Tasmanian Road Safety Strategy.

8. ANY OTHER UNIQUE ISSUES

The strategy is in line with the National Road Safety Strategy.

9. CONCLUSION

The Strategy appears to be a practical and evidenced based approach to tackling the road safety issues in Tasmania based on the Safe System approach and it is recommended that the document and approach is supported by Council.

Attachments: Nil.

John Stevens

GROUP MANAGER ASSET MANAGEMENT

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 POSSIBLE ENFORCEMENT ACTION

13.3 TENDER T1098-16 – SEVEN MILE BEACH ROAD, ROAD AND DRAINAGE WORKS

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;
- matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.

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”.