

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 26 SEPTEMBER 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 5 September 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****DATE**

Commercial Land at Glebe Hill

Bellerive Oval Traffic Plan

Council's Strategic Buildings – Bellerive Precinct

Tenure of Alderman Appointments

Voluntary Mergers

12 September

Mission Australia Draft Master Plan

Voluntary Mergers

19 September

**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**

September Quarterly Report pending.

**Representative Reporting**

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

**Quarterly Reports**

September Quarterly Report pending.

**Representative Reporting**

- **SOUTHERN WASTE STRATEGY AUTHORITY**

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

**Quarterly Reports**

September Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

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

## **11. REPORTS OF OFFICERS**

### **11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 5, 12 and 19 September 2016 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 5, 12 and 19 September 2016 be noted.



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

Nil.

### **11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION D-2016/326 - 141 DERWENT AVENUE, LINDISFARNE - DWELLING ADDITIONS**  
(File No D-2016/326)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Dwelling additions at 141 Derwent Avenue, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and 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.

**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 consent of the applicant and now expires on 29 September 2016.

**CONSULTATION**

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

- impact upon solar access;
- privacy;
- visual impact;
- noise; and
- accuracy of plans.

**RECOMMENDATION:**

- A. That the Development Application for Dwelling additions at 141 Derwent Avenue, Lindisfarne (CI Ref D-2016/326) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [the screening of the deck to a height of 1.7m above the finished surface level and with a uniform transparency of no more than 25 percent along the side of the deck facing the western boundary].
- 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-2016/326 - 141 DERWENT AVENUE, LINDISFARNE - DWELLING ADDITIONS /contd...**

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

No relevant background.

**2. STATUTORY IMPLICATIONS**

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

**2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions in respect of frontage setback and building envelope, private open space, sunlight and privacy under the Scheme.

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

- Section 8.10 – Determining Applications;
- Section 10.0 – 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 subject site is a 795m<sup>2</sup> lot with 21.63m frontage to Derwent Avenue, within an established residential area at Lindisfarne. The lot slopes down to the south towards the river, supports an existing single dwelling and associated landscaped gardens and has views to the south towards the river, city and mountain.

### **3.2. The Proposal**

The proposal is for alterations and additions to an existing dwelling on the subject property. The proposal would result in the an increase to the overall footprint of the dwelling by 142.4m<sup>2</sup>, an increase to the overall height of the dwelling above natural ground level to 8.21m, an increase in size of an existing deck on the southern elevation of the dwelling by 44.6m<sup>2</sup> and the extension of the dwelling on the second level by 87.4m<sup>2</sup>, for an additional bedroom and double-car garage between the existing dwelling and the front boundary.

The building would be clad using a combination of rendered block, timber for the decking and Colorbond. The site has and would retain vehicular access from Derwent Avenue.

## **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**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.2 A1	Setbacks and building envelope for all dwellings	<p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	<p>Does not comply as at its closest point, a 497mm front setback is proposed for the garage.</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>

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

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“A dwelling must:</i></p> <p><i>(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and</i></p>	<p>The proposed garage addition would be setback at a distance comparable to nearby residential development in Derwent Street, noting that nearby properties 131 and 133 Derwent Avenue and 6 Short Street to the east support development with a comparable setback to the front boundary.</p> <p>This comparison, in conjunction with the slope of the site down to the south away from Derwent Street limits the visual impact of the reduced setback upon the streetscape, in that the garage would only be partially visible from the road. On this basis, it is considered that the performance criterion is satisfied.</p>
<p><i>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road”.</i></p>	Not applicable

### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.2 A2	Setbacks and building envelope for all dwellings	<p>A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>Does not comply as at its closest point, a 497mm front setback is proposed for the garage.</p> <p>Not applicable</p> <p>Not applicable</p>

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

<b>Performance Criterion</b>	<b>Comment</b>
<i>“A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints”.</i>	As discussed above in respect of Clause 10.4.2 P1, it is considered that the proposed garage addition satisfies this performance criterion also, in that the development would be compatible with nearby residential development in Derwent Street and that the slope of the site down to the south away from Derwent Street would limit the visual impact of the reduced setback upon the streetscape.

### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and 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 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;</p>	<p>Does not comply as at its closest point, a 497mm front setback is proposed for the garage.</p> <p>Does not comply, as 400mm protrusion at south-eastern corner of dwelling outside building envelope, as illustrated by the attachments.</p>



		(b) only have a setback within 1.5m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) (does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	Not applicable  Does not comply as proposed wall length of 11.4m at 184mm setback from side (eastern) boundary.
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The proposed variation can be supported pursuant to the following Performance Criteria for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<i>“The siting and scale of a dwelling must:</i> <i>(a) not cause unreasonable loss of amenity by:</i> <i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i> <i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i> <i>(iii) overshadowing of an adjoining vacant lot; or</i> <i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>Shadow diagrams were submitted in support of the application which satisfactorily demonstrates that there would not be an unreasonable loss of amenity to the habitable rooms of adjoining residences, or to associated private open spaces. Specifically, the diagrams show there would be in excess of 3 hours of sunlight available at Winter Solstice.</p> <p>The visual impact of the proposed wall adjacent the eastern boundary is considered reasonable, in that the wall would range from 2.6m to 3.6m in height, where adjacent to the boundary. This wall would be finished using rendered block, which would be consistent with more recently developed sites nearby.</p>
<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	<p>The surrounding area is characterised by a range of separation distances between dwellings, noting further that the proposed dwelling would not be clearly visible from Derwent Avenue, given the slope of the site.</p>

## General Residential Zone

[illegible]

	(f) has a gradient not steeper than 1 in 10; and	Complies
	(g) is not used for vehicle access or parking.	Complies

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

Performance Criterion	Comment
<p><i>“A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p> <p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p> <p><i>(ii) orientated to take advantage of sunlight”.</i></p>	<p>The proposed development involves 2 principal areas of private open space. The first is the deck on the upper level and the second, the outdoor area accessed from the lower level living area. Both are conveniently accessed from living areas. Whilst both areas face south and are limited in sunlight at Winter Solstice, it is considered that both are capable of providing for convenient relaxation, entertainment and play areas as required by this performance criterion, with adequate solar access.</p>

### General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least 1 habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Does not comply, as windows of living area face at 162 degrees west of north.

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

Performance Criterion	Comment
<p><i>“P1 A dwelling must be sited and designed so as to allow sunlight to enter at least 1 habitable room (other than a bedroom)”.</i></p>	<p>The orientation of the proposed dwelling would enable reasonable solar access to the deck and kitchen/dining areas, noting that the proposed deck and lounge areas in particular would experience reasonable levels of natural sunlight.</p>

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
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>(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</p> <p>(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</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	<p>Does not comply, as screening of deck area is not proposed.</p> <p>Does not comply, as proposed deck setback from side boundary of 2.34m.</p> <p>Complies</p> <p>Not applicable</p>

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

<b>Performance Criterion</b>	<b>Comment</b>
<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 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i> <i>(a) a dwelling on an adjoining lot or its private open space; or</i>	The adjacent properties to the west are 139 and 139a Derwent Avenue and it is considered that the proposed deck does not comply with this performance criterion, in that no screening has been proposed to minimise overlooking of the outdoor living areas of both neighbouring properties. However, the applicant is agreeable to a condition requiring the provision of screening to a height of 1.7m above the finished surface level of the deck, with a uniform transparency of no more than 25% to meet the acceptable solution.
<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>	Not applicable

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

### **5.1. Impact Upon Solar Access**

The representations raised concerns in respect of the impact of the proposal upon solar access to outdoor living areas associated within adjacent properties.

- **Comment**

The application relies upon only minor variations to the relevant acceptable solutions, in respect of the prescribed building envelope. The shadow diagrams submitted satisfactorily demonstrate that there would be in excess of 3 hours sunlight available to the adjacent outdoor living areas, as a result of the proposed development. This is illustrated by the attachments. On this basis and as discussed above in Section 4.0 of this report, the relevant performance criteria of the Scheme are met.

**5.2. Privacy**

Concerns were raised by the representor that privacy of neighbouring properties and specifically outdoor living areas would be unreasonably compromised by the proposed development.

- **Comment**

It is considered reasonable to include a condition requiring amended plans to require that privacy screening be included in accordance with the acceptable solution to Clause 10.4.6 A1 of the Scheme. The applicant is agreeable to this condition and it will address the concern.

**5.3. Visual Impact**

The appearance and visual impact of the proposed development was raised as a concern by the representors, specifically in terms of view of trees and a neighbourhood characterised by vegetation between buildings and as part of outdoor living areas. The concern is that views to the north, up the slope, would be adversely impacted by the proposal in terms of the scale of the development.

- **Comment**

The concerns raised by the representors are not relevant under the Scheme. The vegetation on the site and surrounds is not protected by the Natural Assets Code under the Scheme and is landscaping associated with residential development.

That said, the applicant has proposed a combination of lighter tones (with only 2 dark coloured walls) which will minimise the impacts.

**5.4. Noise**

The representors raised concern that noise generated by the construction of the dwelling additions/modifications and in terms of the use of the outdoor deck proposed on the southern side of the dwelling.

- **Comment**

Noise generation by construction works in conjunction with residential development is not a relevant consideration under the Scheme, but a matter addressed and controlled by the Environmental Management and Pollution Control Act, 1994 in respect of excessive noise and hours of construction works.

#### **5.5. Accuracy of Plans**

One representor raised concern in relation to the accuracy of the plans and the building envelope as described by the submitted plans. Specific concern is expressed in respect of the wall height adjacent the property boundary, in respect of it being “above the required regulations”.

- **Comment**

The plans have been assessed in detail as part of the assessment of this application and it is considered that the plans accurately represent the proposed development at a scale clearly illustrated.

In respect of the second point, it is noted that the proposed development does propose a variation to the building envelope standards as discussed in Section 4.0 above. It is concluded that the proposal satisfactorily addresses the relevant performance criteria.

### **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**

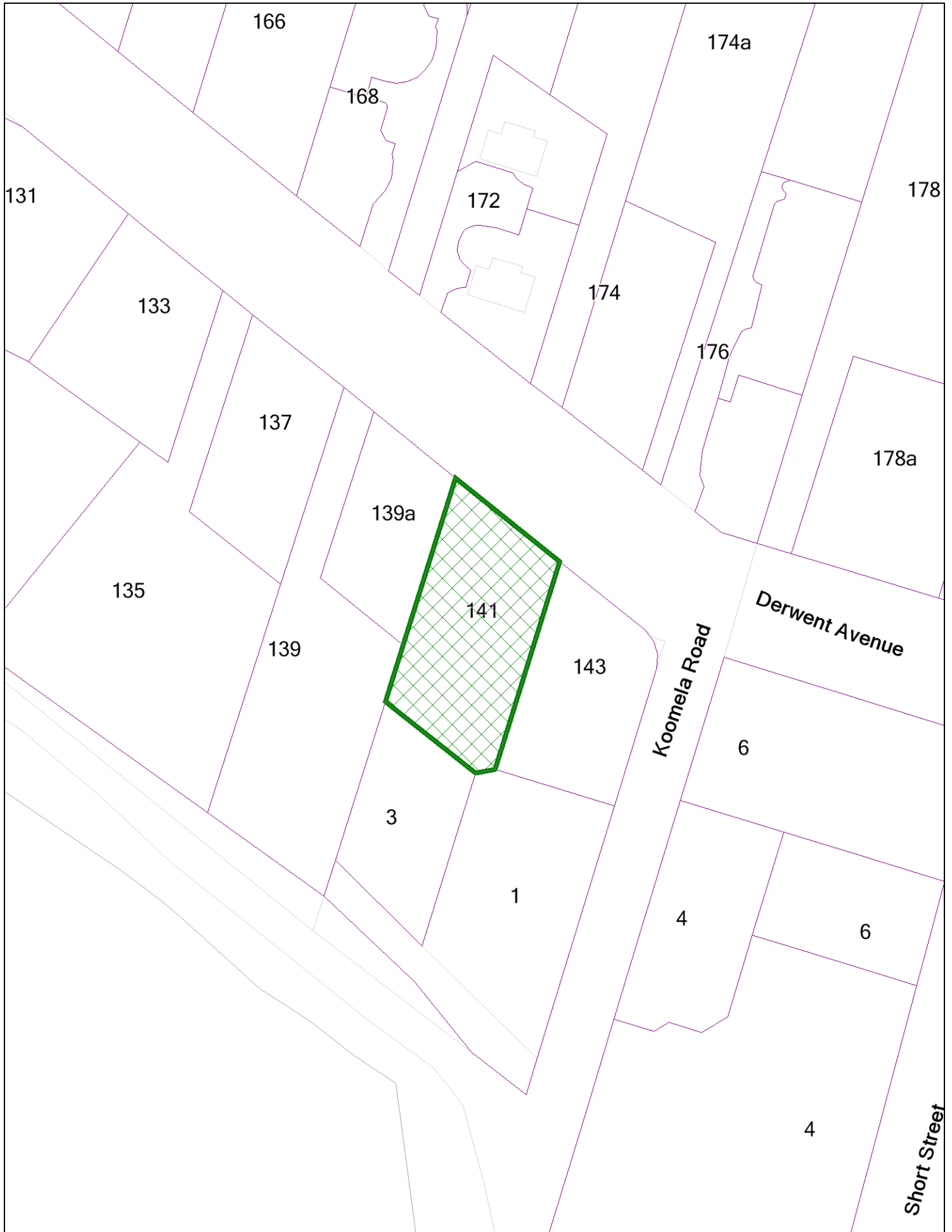
The proposal is for alterations and additions to an existing Single Dwelling at 141 Derwent Avenue, Lindisfarne. The development satisfies the relevant requirements of the Scheme and is therefore recommended for approval subject to conditions.

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

Ross Lovell  
**MANAGER CITY PLANNING**



# Clarence City Council



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ABN: 18 220 805 704  
Compliance No: CC 1159 Q  
p: 6243 1182  
m: 0409 432 670  
e: clint.draftone@bigpond.com

**Client**  
Nick & Yvette Longden  
**Job**  
Renovation & Extension  
**Job address**  
141 Derwent Avenue,  
Lindisfarne  
**Drawing**  
Scale: 1:200  
DWG: 2 of 10  
Date: 17 August 2016

**Site Plan**



Amendments	
Date	By
17-8-2016	CW

Builders, Tradesmen, Sub-contractors and Prefabricators to verify all dimensions and levels prior to commencing any building works. Use written dimensions only. Do not scale from drawings.

ABN: 18 220 805 704  
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**Client**

Nick & Yvette Longden

**Job**

Renovation & Extension

**Job address**

141 Derwent Avenue,  
Lindisfarne

**Drawing**

Scale: 1:100  
DWG: 3 of 10  
Date: 17 August 2016

**Floor Plan Level 1**



**Plumbing**

Final internal sizes & layout to be determined by the plumber to be determined by the plumber to council approval. See specifications for other details.

- Downpipes
- DP Spreader
- Onto Lower Roof
- Sewer Line
- Stormwater Line
- Agg Pipe
- 450x450 Pit

- |   |             |         |
|---|-------------|---------|
| 1 | Toilet      | 100 dia |
| 2 | Bath        | 40 dia  |
| 3 | Basin       | 40 dia  |
| 4 | Trough      | 50 dia  |
| 5 | Kit sink    | 50 dia  |
| 6 | Shower      | 50 dia  |
| 7 | Floor waste | 50 dia  |

**Walls**

- Existing Walls
- New Walls
- Walls to be removed

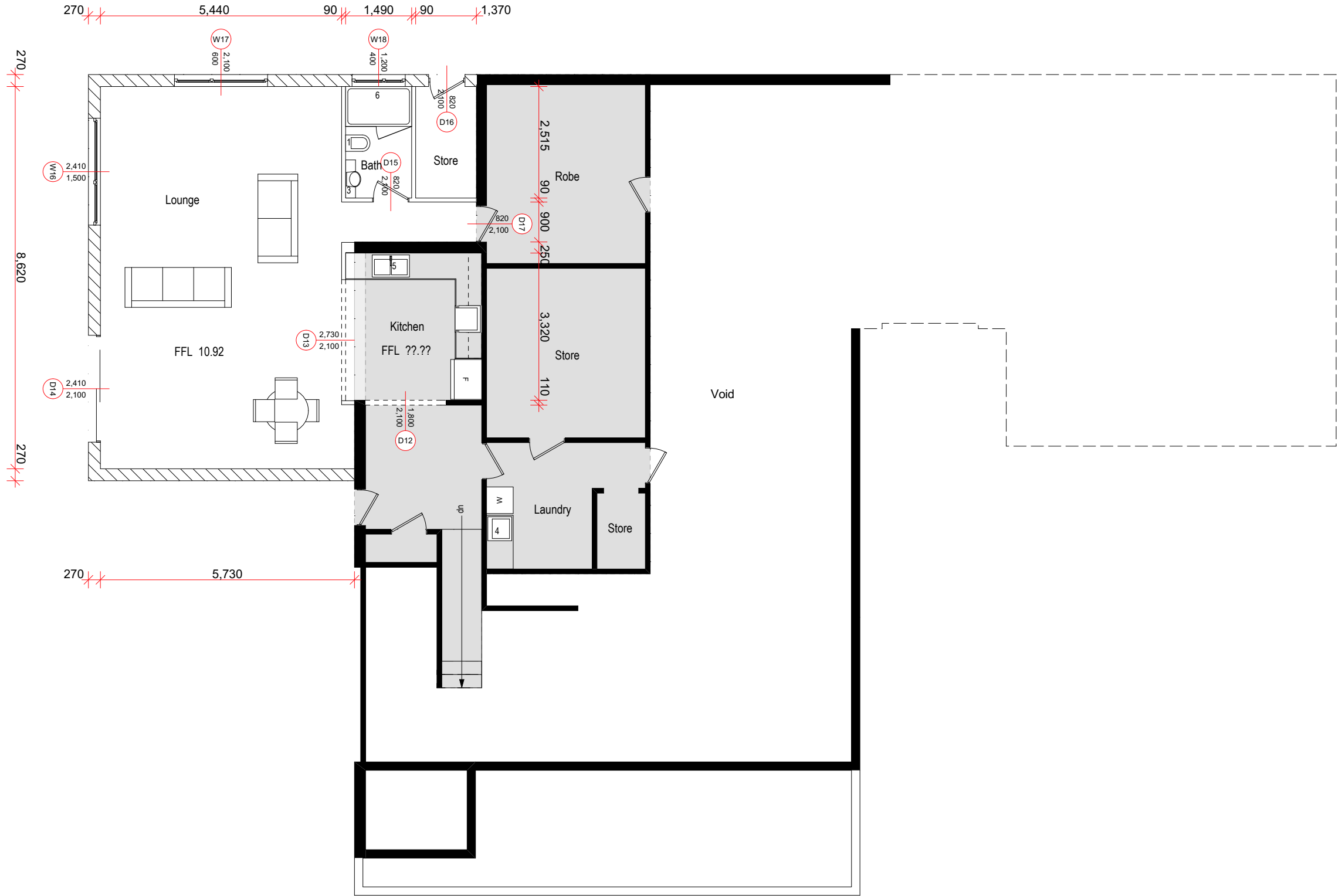
**Windows**

- |                   |       |        |     |
|-------------------|-------|--------|-----|
| Width             | 1,210 | Height | 900 |
| W05 Window number |       |        |     |

**Amendments**

Date	By

Builders, Tradesmen, Sub-contractors and Prefabricators to verify all dimensions and levels prior to commencing any building works. Use written dimensions only. Do not scale from drawings.



ABN: 18 220 805 704  
Compliance No: CC 1159 Q  
p: 6243 1182  
m: 0409 432 670  
e: clint.draftone@bigpond.com

**Client**  
Nick & Yvette Longden  
**Job**  
Renovation & Extension  
**Job address**  
141 Derwent Avenue,  
Lindisfarne  
**Drawing**  
Scale: 1:100  
DWG: 4 of 10  
Date: 17 August 2016

**Floor Plan Level 2**



**Plumbing**

Final internal sizes & layout to be determined by the plumber to council approval. See specifications for other details.

- Downpipes
- DP Spreader
- Onto Lower Roof
- Sewer Line
- Stormwater Line
- Agg Pipe
- 450x450 Pit

- |   |             |         |
|---|-------------|---------|
| 1 | Toilet      | 100 dia |
| 2 | Bath        | 40 dia  |
| 3 | Basin       | 40 dia  |
| 4 | Trough      | 50 dia  |
| 5 | Kit sink    | 50 dia  |
| 6 | Shower      | 50 dia  |
| 7 | Floor waste | 50 dia  |

**Walls**

- Existing Walls
- New Walls
- Walls to be removed

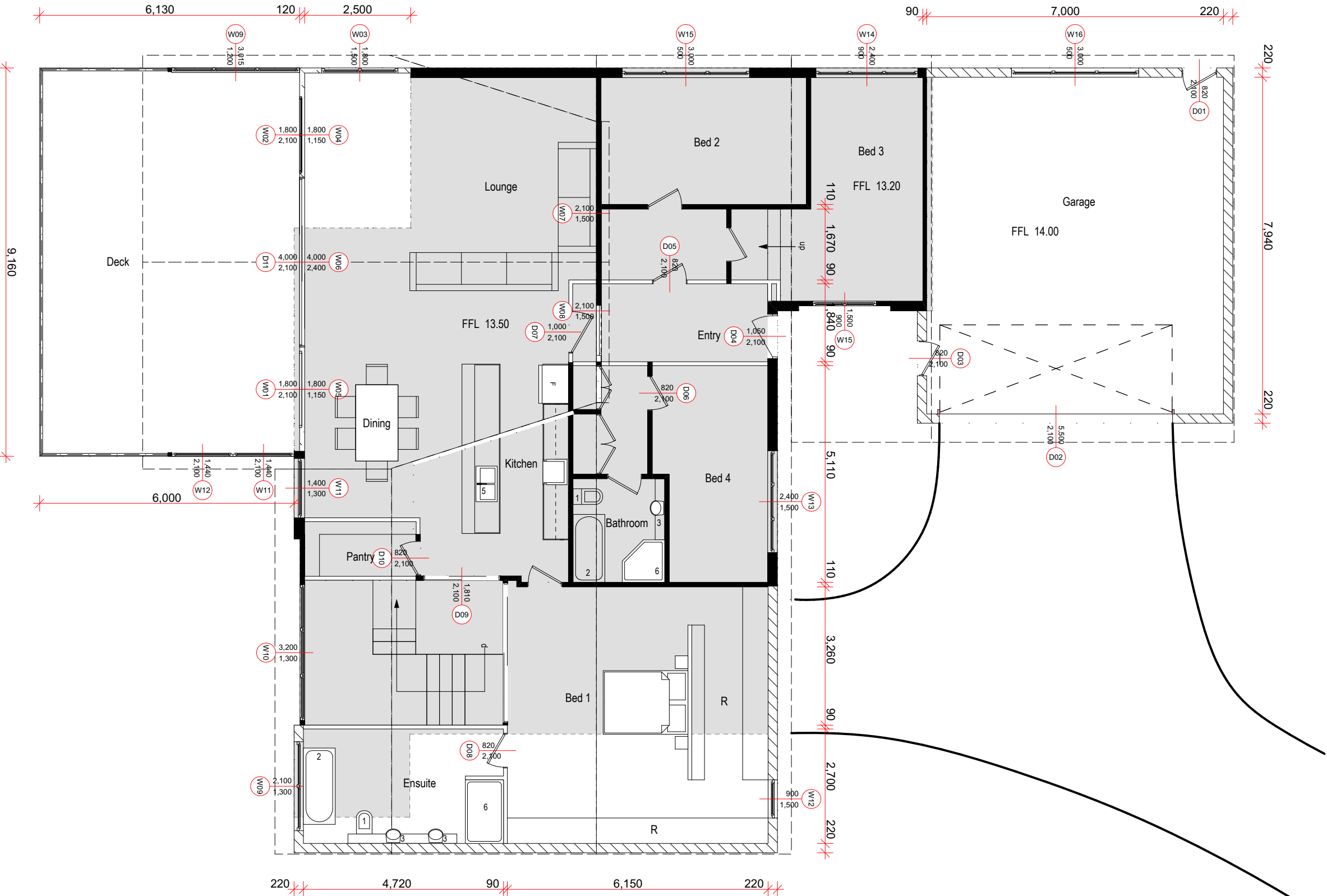
**Windows**

- |       |               |
|-------|---------------|
| Width | Height        |
| 1000  | 1200          |
| 900   | 1200          |
| W05   | Window number |

**Amendments**

Date	By

Builders, Tradesmen, Sub-contractors and Prefabricators to verify all dimensions and levels prior to commencing any building works. Use written dimensions only. Do not rely on drawings.

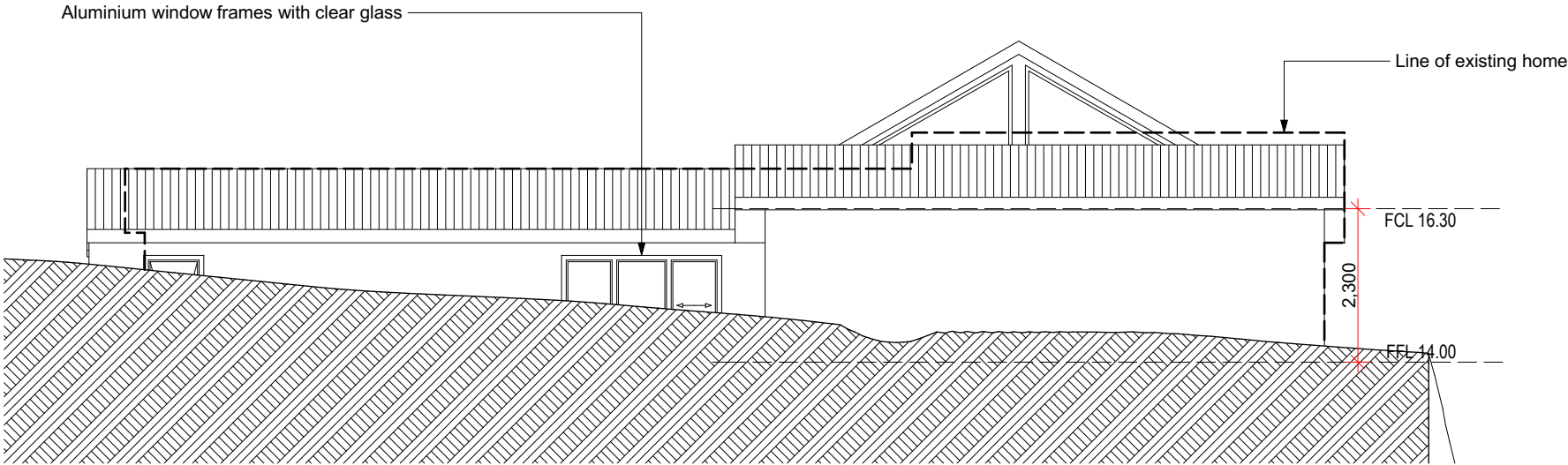




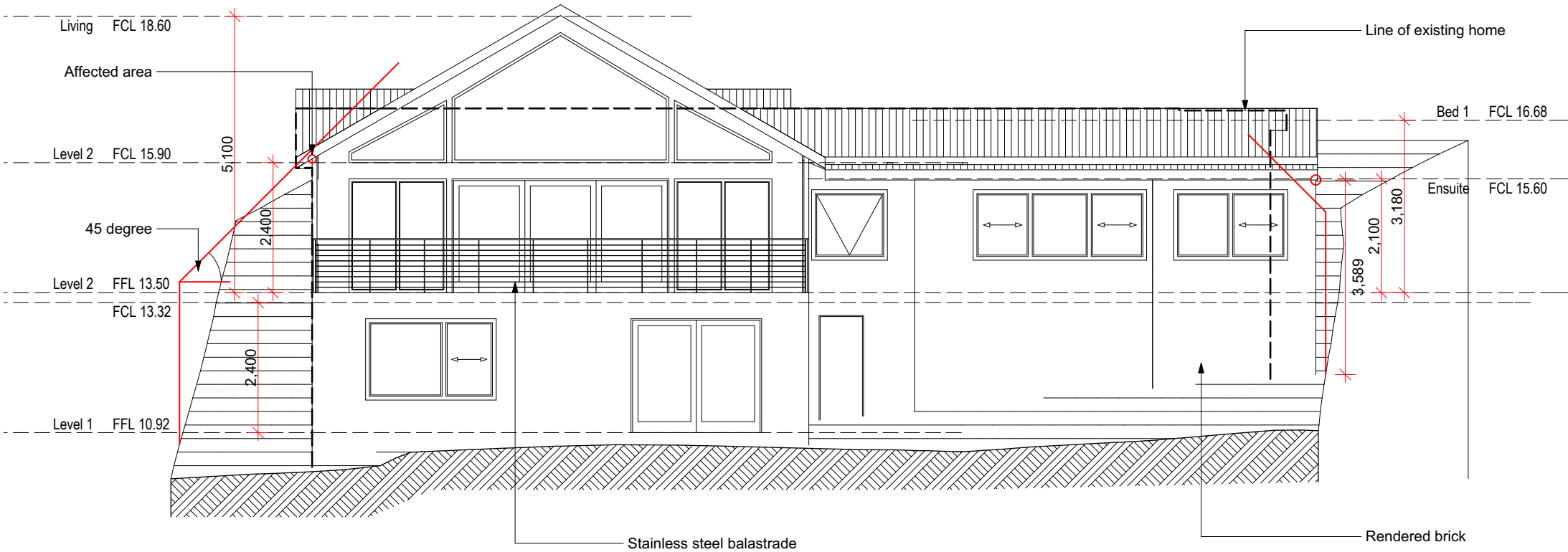
ABN: 18 220 805 704  
Compliance No: CC 1159 Q  
p: 6243 1182  
m: 0409 432 670  
e: clint.draftone@bigpond.com

**Client**  
Nick & Yvette Longden  
**Job**  
Renovation & Extension  
**Job address**  
141 Derwent Avenue,  
Lindisfarne  
**Drawing**  
Scale: 1:100  
DWG: 5 of 10  
Date: 17 August 2016

Elevations



North



South

Material & Colour Schedule

Element	Material	Colour
Walls	Rendered block	Sandbank
Walls	Rendered block	Ironstone
Downpipes	uPVC	To match wall
Gutter	Colourbond Steel	Monument
Facia	Colourbond steel	Monument
Roof	CGI Colourbond steel	Monument
Posts	Steel	Monument
Windows & Doors	Aluminium	Monument
Decking	Treated pine	Stain TBA
Deck	Tiles	TBA

The colours indicated for non pre-finished elements (eg timber posts, weatherboard claddings) in the schedule are to be verified on site by the client. If there are any changes made to paint colours, the owner shall obtain approval from the certifying authority before putting work in hand

Amendments

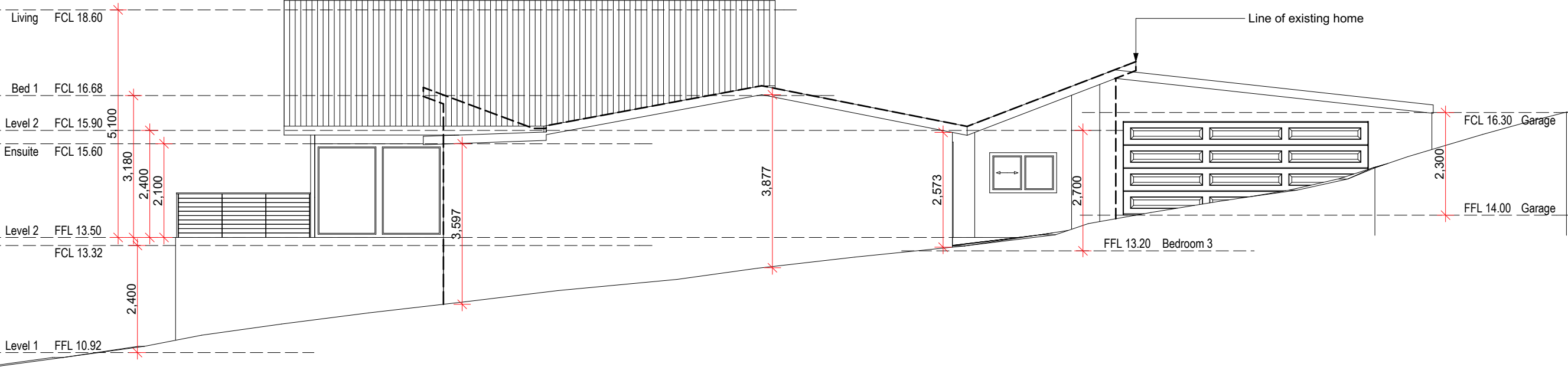
Date	By

Builders, Tradesmen, Sub-contractors and Prefabricators to verify all dimensions and levels prior to commencing any building works. Use written dimensions only. Do not rely on drawings.

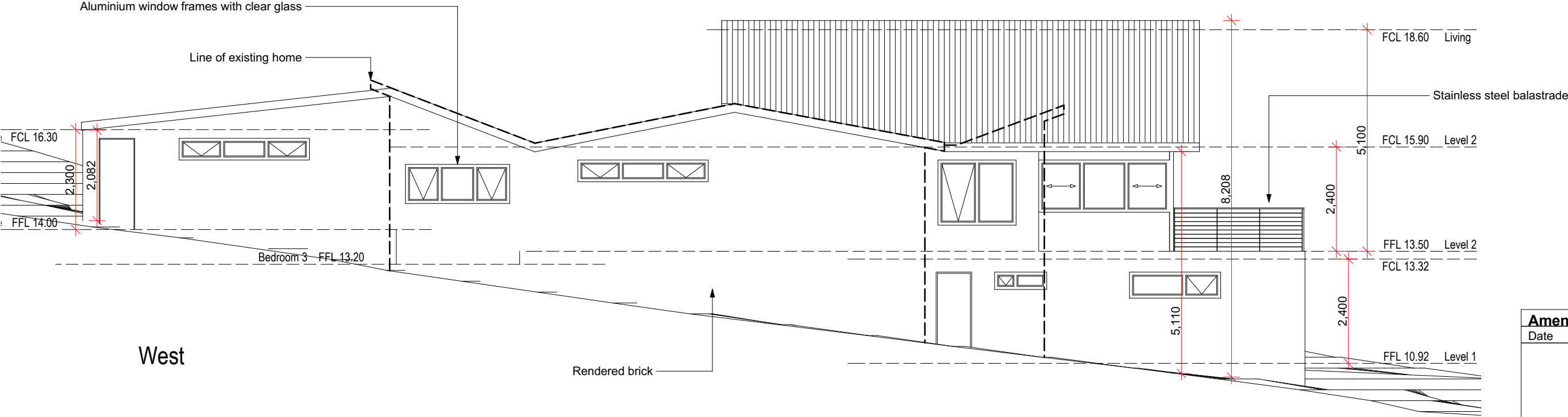
ABN: 18 220 805 704  
Compliance No: CC 1159 Q  
p: 6243 1182  
m: 0409 432 670  
e: clint.draftone@bigpond.com

**Client**  
Nick & Yvette Longden  
**Job**  
Renovation & Extension  
**Job address**  
141 Derwent Avenue,  
Lindisfarne  
**Drawing**  
Scale: 1:100  
DWG: 6 of 10  
Date: 17 August 2016

**Elevations**



East



West

Amendments	
Date	By

Builders, Tradesmen, Sub-contractors and Prefabricators to verify all dimensions and levels prior to commencing any building works. Use written dimensions only. Do not rely on drawings.





ABN: 18 220 805 704  
Compliance No: CC 1159 Q  
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**Client**  
Nick & Yvette Longden  
**Job**  
Renovation & Extension  
**Job address**  
141 Derwent Avenue,  
Lindisfarne  
**Drawing**  
Scale: 1:200  
DWG: 10 of 10  
Date: 17 August 2016

**Shadow Diagram**



Amendments	
Date	By

Builders, Tradesmen, Sub-contractors and Prefabricators to verify all dimensions and levels prior to commencing any building works. Use written dimensions only. Do not scale from drawings.

**141 Derwent Avenue, LINDISFARNE**



**Site viewed from Derwent Avenue, looking south**



**Site viewed from rear of subject property, looking west**



# Clarence City Council



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**11.3.2 DEVELOPMENT APPLICATION D-2016/325 - 6A LENNA STREET, ROSE BAY (CT 171609/2) - DWELLING**  
(File No D-2016/325)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 6A Lenna Street, Rose Bay (CT 171609/2).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential Zone and 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 with the consent of the applicant on the 28 September 2016.

**CONSULTATION**

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

- excessive height;
- loss of privacy;
- loss of sunlight;
- visual impacts and loss of views; and
- inadequate on-site car parking.

**RECOMMENDATION:**

- A. That the Development Application for Dwelling at 6A Lenna Street, Rose Bay (CT 171609/2) (CI Ref D-2016/325) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 August 2016 (TWDA 2016/01115-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-2016/325 - 6A LENNA STREET, ROSE BAY (CT 171609/2) – DWELLING /contd...**

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

The lot was created by recent subdivision approval SD-2015/61.

**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 10.4 – General Residential Zone;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code.

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

**3. PROPOSAL IN DETAIL****3.1. The Site**

The site is a 450m<sup>2</sup> allotment located mid-way along the northern side of Lenna Street within Rose Bay. The lot has a regular square configuration with the exception of the eastern boundary which has a staggered alignment to wrap around the existing dwelling located on 6 Lenna Street.

The lot originally formed the backyard space associated with 6 Lenna Street. The site has a gentle west facing slope. Access is provided via an existing crossover from Lenna Street.

### **3.2. The Proposal**

Application is made to construct a 2 storey dwelling on a newly created lot as shown within Attachment 2.

The lower level of the dwelling would occupy a floor area of 114.2m<sup>2</sup> with the upper level occupying a floor area of 95.72m<sup>2</sup>.

Two decks are proposed to extend from the western elevation of the lower and upper level of the dwelling. The dwelling would be clad with “Easylap cladding” and “Colorbond” roofing in a low pitched skillion profile.

## **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**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.2 A2	Setbacks and building envelopes for all dwellings	<p>A garage and carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	The proposed garage is integrated into the eastern elevation of the lower level of the dwelling and would be sited 4.5m from Lenna Street.

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause 10.4.2 for the following reasons.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P2 – A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints”.</i>	The Performance Criteria requires the siting of garages and carports to be compatible with the location of existing garages or carports in the street. The building setback along the northern side of Lenna Street varies between 1.3m to 4.6m with a noticeable increase in building setback further upslope (eastern end of the street). The southern side of Lenna Street displays similar characteristics with building setbacks ranging between 1.7m and 3.7m. There is therefore an evident non-compliance with current front setback standards within the street. This appears to be the result of Lenna Street being short in length and is abutted by side property boundaries associated with properties accessed via Kaoota Road and the East Derwent Highway.

	<p>It is noted that the property directly across the street at 5 Lenna Street maintains a setback of 3m and incorporates a ground level single car garage within the front setback. It is also observed that a standalone double car garage was located on 24 East Derwent Highway and offered a 1.7m setback from Lenna Street; however, this structure has since been removed to make way for a Multiple Dwelling development (planning approval reference D-2015/398). The 2 units fronting Lenna Street would maintain a 3m setback which is significantly less than the Acceptable Solution.</p> <p>Given the garage would be integrated into the design of the existing dwelling and maintains a greater setback than other dwellings in the street, it is considered that the garage would be compatible with the location of other garages in the street which are notably integrated into the lower level of dwellings.</p>
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**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and building envelopes 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>	The external stairs associated with the dwelling would retain a 3.2m setback from the rear (northern) property boundary. The upper level of the dwelling also protrudes beyond the prescribed building envelope (Refer to Attachment 2).

		<ul style="list-style-type: none"> <li>(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</li> <li>(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</li> </ul>	
--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

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

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P3 - The siting and scale of a dwelling must:</i>	See below.
<i>(a) Not cause unreasonable loss of amenity by:</i> <ul style="list-style-type: none"> <li><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></li> </ul>	The rear (northern elevation) of the dwelling would be located entirely to the south of the existing dwelling located on the property to the north and would be significantly off-set from this dwelling so as to ensure negligible loss of sunlight to the habitable room windows associated with this neighbouring dwelling.
<ul style="list-style-type: none"> <li><i>(ii) overshadowing of the private open space of a dwelling on an adjoining lot; or</i></li> </ul>	The proposed dwelling would directly abut the private open space associated with the adjoining residence to the north; however, no overshadowing effects would result given the southerly location of the proposed dwelling.
<ul style="list-style-type: none"> <li><i>(iii) overshadowing of an adjoining vacant lot; or</i></li> </ul>	The site does not adjoin any vacant lots.

<i>(iv) 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 maintain a 4.38m (excluding the back steps) setback from the rear property boundary and would have a wall length of 8.3m. The setback is greater than the adjoining residences to the east and west at 4a and 6 Lenna Street and the wall length is proportionally less than these adjoining residences therefore is unlikely to appear proportionally large in the context of the surrounding dwelling developments.
<i>(b) Provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The proposed dwelling would maintain a comparable setback from the side, rear and front property boundaries to the setback offered by adjoining dwellings.

**General Residential Zone**

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 1 location and is at least:</p> <p>(i) 24m<sup>2</sup></p> <p>(ii) 12m<sup>2</sup> if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a Multiple Dwelling with a finished floor level that it entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	The private open space to the rear of the dwelling would be accessible from the nearest habitable room (other than a bedroom) being the upper level living area by a hallway passage and internal stairs. The location of the private open space therefore does not comply with Clause (c).



		<ul style="list-style-type: none"><li>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</li><li>(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</li><li>(e) is located between the dwelling and the frontage, only if the frontage is oriented between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</li><li>(f) has a gradient not steeper than 1 in 10; and</li><li>(g) is not used for vehicle access or parking.</li></ul>	
--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause 10.4.3 for the following reasons.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P2 – A dwelling must have private open space that:</i>	See below.
<i>(a) Includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertainment and children’s play and that is:</i> <i>(i) conveniently located in relation to a living area of the dwelling; and</i>	The dwelling design has made provision for a lower level and upper level uncovered deck on the western elevation of the dwelling, which would be directly accessible from a bedroom. The upper level deck would be reasonably sized to accommodate outdoor dining and entertainment for the occupants. The upper level deck would also be supplemented by a large grassed area to the north (rear) and west of the dwelling which would be accessible from the hallway passage. The ground level outdoor areas are adequately sized and conveniently located to accommodate landscaping and children’s play. The proposed outdoor areas are therefore considered suitably designed to facilitate outdoor recreation whilst also optimising solar access.
<i>(ii) oriented to take advantage of sunlight”.</i>	The private open space is positioned to the north of the proposed dwelling therefore will be capable of receiving sunlight throughout the day which will enhance the usability and enjoyment of this space.

## **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. Excessive Height**

The representor has raised concern that the 2 storey dwelling is too high for a lot of this size and this will have negative impacts upon the neighbouring dwelling to the north at 61 Kaoota Road in terms of overbearing appearance, loss of sunlight and overlooking.

- **Comment**

The development standards for the General Residential Zone allow for a maximum building height of 8.5m which is the equivalent of a 2 storey dwelling with a moderate roof pitch. The plans submitted with the application (refer to Attachment 2) demonstrate that the proposed dwelling sits well within the building envelope in terms of height as the maximum height of the building would be 6.8m above natural ground level. The dwelling design does encroach the building envelope towards the northern (rear) property boundary as a result of the height relative to the proximity to this rear boundary; however, the majority of the dwelling is compliant with the required height standard. The impact of the building envelope encroachment has been considered previously within Section 4 (discussing Clause 10.4.2 P3) of this report.

## **5.2. Loss of Privacy**

The representor has raised concern that the proposed dwelling and associated lower and upper level decks would result in a loss of privacy to the private open space of adjoining dwellings and particularly in relation to the private open space associated with 61 Kaoota Road directly to the north. The representor has requested privacy screening to minimise this impact.

- **Comment**

The dwelling would contain an upper and lower level deck and kitchen and dining room window facing the private open space of the adjoining dwelling to the north at 61 Kaoota Road. The location of the deck and the habitable room windows in relation to the northern (rear) property boundary comply with the 4m setback standard required under the privacy standards within Clause 10.4.6 A1 and A2 of the Scheme. Given the proposal complies with privacy standards for the zone, there is no mechanism to require screening treatment as requested by the representor.

In terms of the adjoining property to the east and west at numbers 4a and 6 Lenna Street, the proposed upper level windows and lower and upper level decks also comply with the boundary off-set requirements stipulated under the privacy standards of Clause 10.4.6 A1 and A2 of the Scheme.

It is further added that whilst the rear elevation of the dwelling would encroach the prescribed building envelope, the standards associated with a building envelope encroachment do not give consideration to overlooking impacts, as this issue is dealt with separately under Clause 10.4.6 A1 and A2. As discussed above, the proposed design complies with the Clause.

### **5.3. Loss of Sunlight**

The representor has raised concern that the proposed dwelling will overshadow the units and associated private open space located directly to the west at 4A Lenna Street.

- **Comment**

The western elevation of the dwelling sits within the building envelope therefore is not considered capable of resulting in any adverse shading impacts upon the units and associated private open space to the west at 4A Lenna Street.

### **5.4. Visual Impacts and Loss of Views**

The representor has raised concern that the dwelling design will cause negative visual impacts when viewed from the adjoining dwelling at 61 Kaoota Road, as it is perceived to be too imposing in terms of height. The representor has also raised concern that visual bulk associated with the dwelling will also interfere with currently unhindered views towards the Tasman Bridge.

- **Comment**

The 2 storey dwelling would be visible from the adjoining residence resulting in an altered outlook given this adjoining dwelling is presently afforded with the privilege of adjoining a vacant residential allotment.

Whilst the impact of the development upon views is not a relevant planning consideration, the visual impacts caused by apparent scale, bulk or proportions are.

The majority of the dwelling is contained within the building envelope and it is considered that the minor building encroachment associated with the rear elevation of the dwelling would be less detrimental in a visual bulk sense than a compliant dwelling location with an overall building height of 8.5m. The proposed dwelling would be staggered down the hillside in a manner which maintains an even height profile with neighbouring developments. Existing tall trees also line the boundary between 6A Lenna Street and 61 Kaoota Road which bear a suitable relationship to the height of the proposed dwelling. This will result in continuity with the proportions of dwellings to the south of the dwelling located at 61 Kaoota Road.

#### **5.5. Inadequate On-site Car Parking**

The representor has raised concern that there is insufficient on-site car parking accommodated within the design to cater for the demand generated by a 4 bedroom dwelling.

- **Comment**

The Parking and Access Code of the Scheme requires a Single Dwelling containing 2 or more bedrooms to be provided with a minimum of 2 on-site car parking spaces. The proposal includes provision for 2 car parking spaces in the form of a garage and car parking hardstand directly adjacent. The proposal therefore provides adequate on-site car parking to meet the standard.

### **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 seeks approval for a dwelling at 6A Lenna Street, Rose Bay. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme. The proposal is recommended for conditional approval.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# LOCATION PLAN – 6A LENNA STREET ROSE BAY



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All figured dimensions are to be used as a guide only. It is imperative that all dimension, setouts and levels be confirmed on site by the Builder / surveyor / or sub-contractor prior to the commencement of work, manufacture and installation.

It is imperative that the Builder / sub-contractor and/or manufacturer ensures a full set of plans are on hand and reference has made to the general notes.

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**Longview Design & Drafting**

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Tasmania 7030

PH: 0362 633 516

MOB: 0407 876 711

[pasakrause@hotmail.com](mailto:pasakrause@hotmail.com)

Accreditation No: cc371s

[www.longviewdesign.com.au](http://www.longviewdesign.com.au)

CLIENT NAME:

**PLATINUM HOMES  
FOR JOHN PLAYLE**

PROJECT ADDRESS:

**6 LENNA STREET  
ROSEBAY CLARENCE  
TAS**

DATE:

**12/08/2016**

REVISION No:

**R:4**

DRAWN BY:

**PH**

SCALE:

**1:100**

PROJECT:

**PROPOSED NEW  
DWELLING**

DRAWING TITLE:

**SITE PLAN- taswater  
sewer location**

SHEET SIZE:

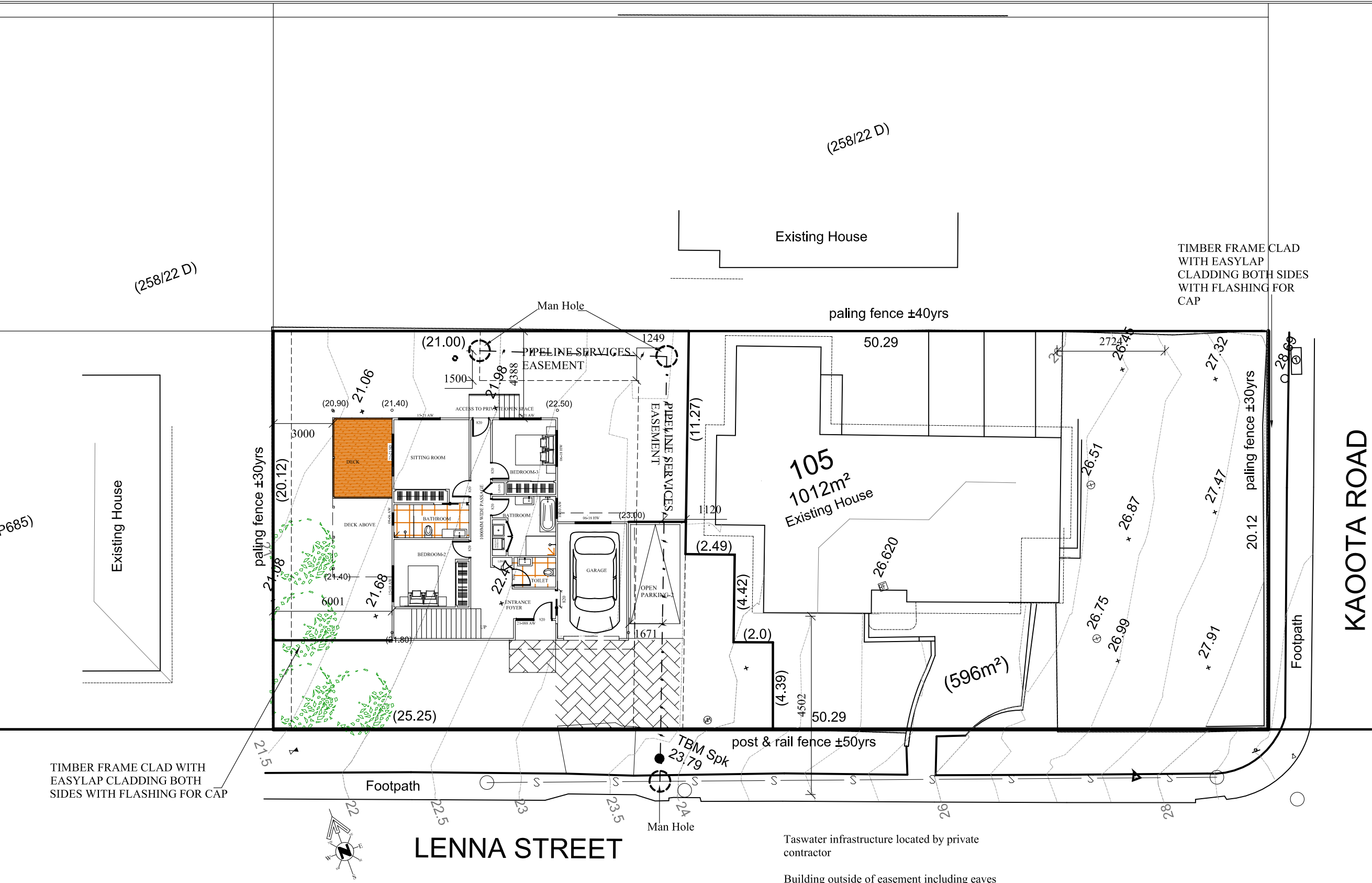
**A3**

JOB No:

**16-038**

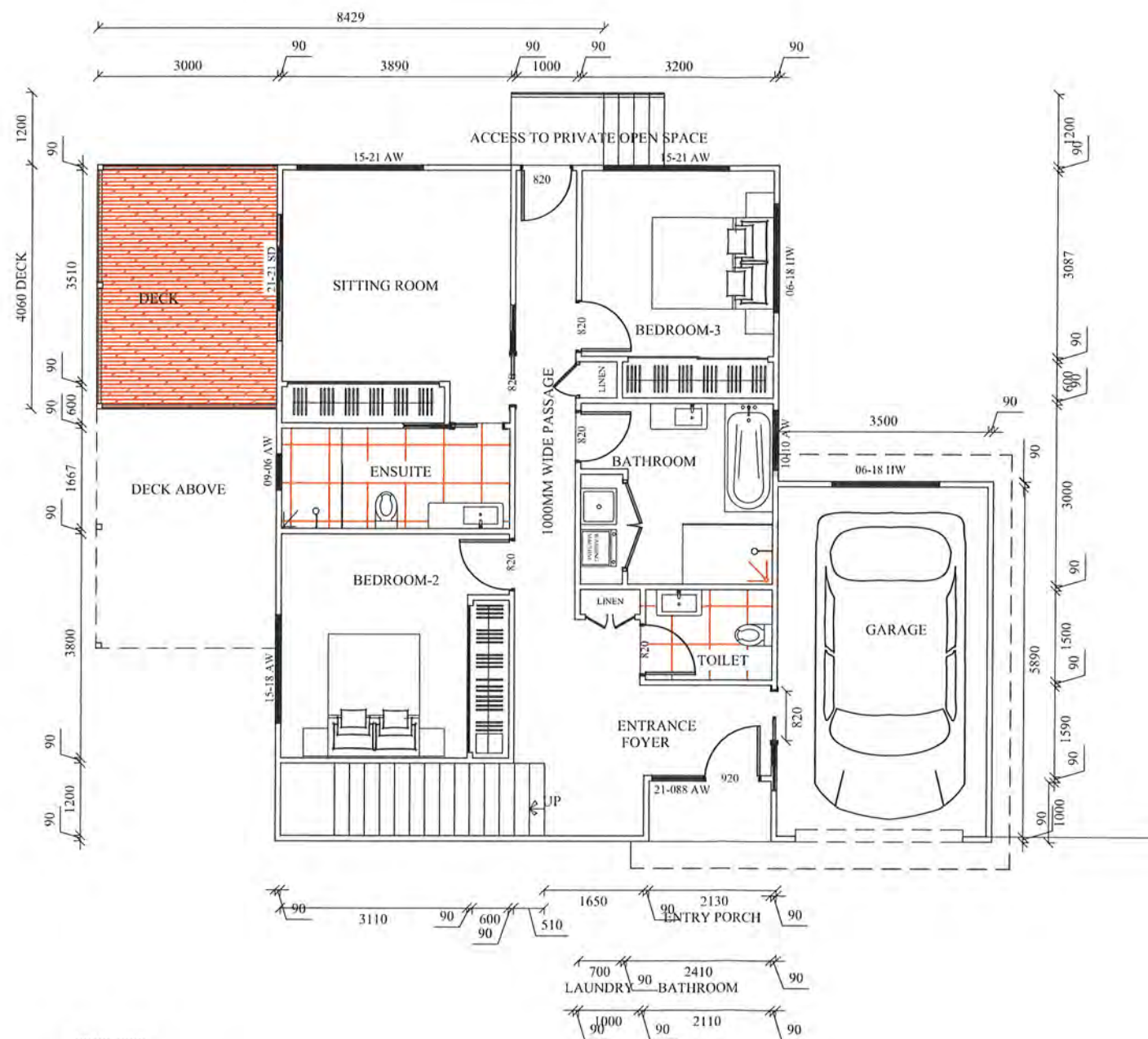
SHEET No:

**A-02**



SITE= 450M²  
STRUCTURE FOOTPRINT = 139M²- 30.8%  
IMPERVIOUS AREA 47.2M² = 10.48%  
TOTAL IMPERVIOUS FREE AREA= 263.8M²- 58.6%



**DRAFT**

PROPOSED  
LOWER LEVEL PLAN  
AREA=114.24 SQMTS

**DIMENSION NOTE:**  
Use written dimensions only.  
Do not scale from drawings.  
All figured dimensions are to be used as a guide only. It is imperative that all dimension, setouts and levels be confirmed on site by the Builder / surveyor / or sub-contractor prior to the commencement of work, manufacture and installation.

It is imperative that the Builder / sub-contractor and/or manufacturer ensures a full set of plans are on hand and reference has made to the general notes.

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Accreditation No: cc371s

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CLIENT NAME:

### PLATINUM HOMES FOR JOHN PLAYLE

PROJECT ADDRESS:

**6 LENA STREET  
ROSEBAY CLARENCE  
TAS**

DATE:

**11/07/2016**

REVISION No:

**R:1**

DRAWN BY:

**PH**

SCALE:

**1:100**

PROJECT:

**PROPOSED NEW  
DWELLING**

DRAWING TITLE:

**LOWER LEVEL  
FLOOR PLAN**

SHEET SIZE:

**A3**

JOB No:

**16-038**

SHEET No:

**A-03**

**PLATINUM  
HOMES**  
the builders that actually give a damn





**DRAFT**

**DIMENSION NOTE:**  
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CLIENT NAME:  
**PLATINUM HOMES FOR JOHN PLAYLE**

PROJECT ADDRESS:  
**6 LENNA STREET ROSEBAY CLARENCE TAS**

DATE:  
**11/07/2016**

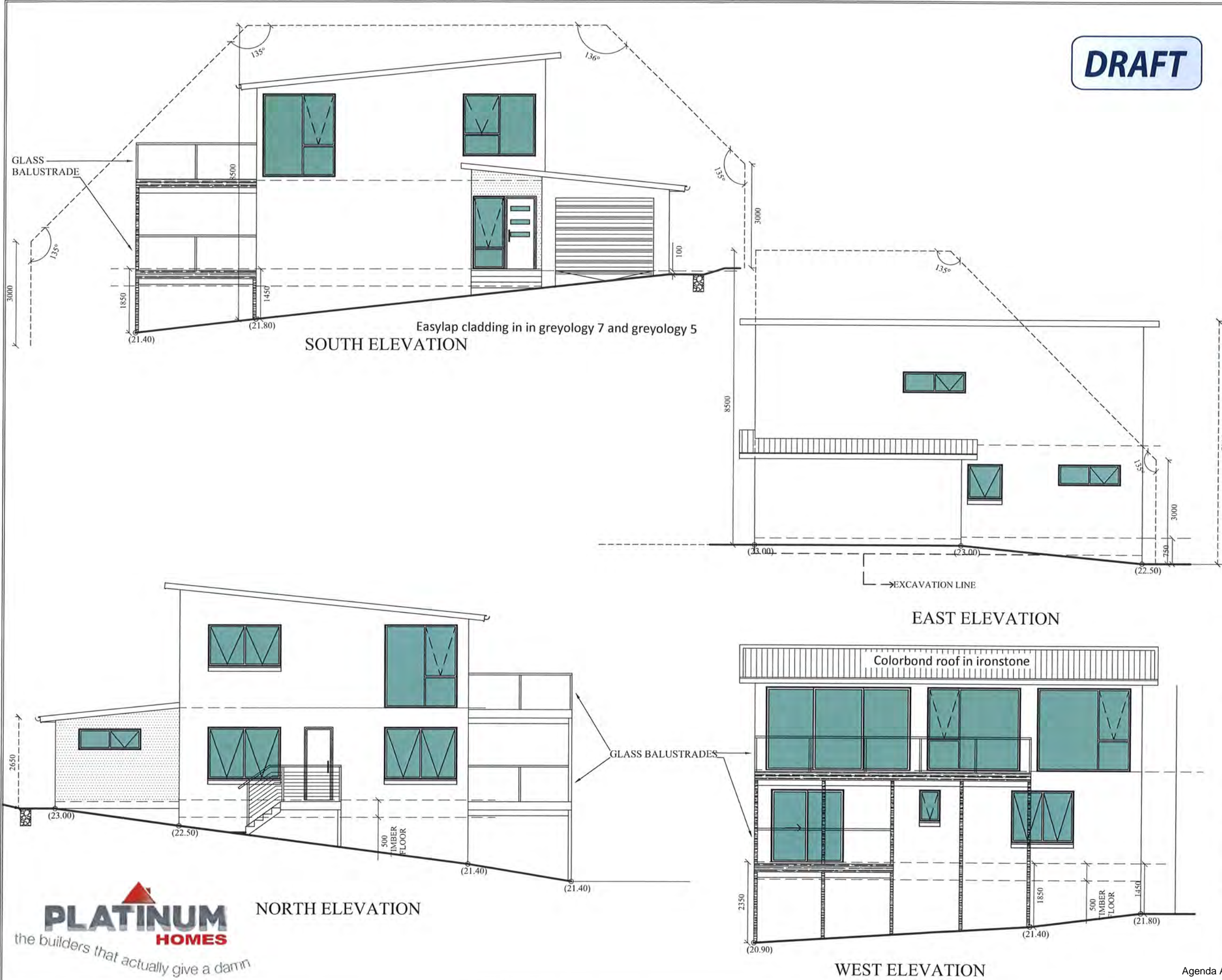
REVISION No:  
**R:1**

DRAWN BY: **PH** SCALE: **N/A**

PROJECT:  
**PROPOSED NEW DWELLING**

DRAWING TITLE:  
**ELEVATIONS**

SHEET SIZE: **A3** JOB No: **16-038** SHEET No: **A-05**





**6a Lenna Street, ROSE BAY (CT 171609/2)**



***Figure 1: The subject site when viewed from the southern side of Lenna Street.***



***Figure 2: The Lenna Street streetscape when viewed in an easterly direction near the junction with the East Derwent Highway.***

**11.3.3 DEVELOPMENT APPLICATION D-2016/233 - 56 ESPLANADE, LINDISFARNE - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 2 MULTIPLE DWELLINGS**  
(File No D-2016/233)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the demolition of the existing dwelling and construction of 2 Multiple Dwellings at 56 Esplanade, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access Code, Stormwater Management Code, Inundation Prone Areas Code and Coastal Erosion Hazard 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 has been extended to 28 September 2016 with the written agreement of the applicant.

**CONSULTATION**

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

- overshadowing; and
- identification of correct side and rear boundaries.

**RECOMMENDATION:**

A. That the Development Application for the demolition of existing dwelling and construction of 2 Multiple Dwellings at 56 Esplanade, Lindisfarne (CI Ref D-2016/233) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A2 – CROSSOVER CHANGE [5.5m].
3. ENG A5 – SEALED CAR PARKING.
4. ENG A7 – REDUNDANT CROSSOVER.
5. ENG S1 – INFRASTRUCTURE REPAIR.
6. ENG S11 – SEALING OF SERVICES.

7. ENG M1 – DESIGNS DA [Access, carpark and driveways and service upgrades or relocations].
  8. ENG M5 – EROSION CONTROL.
  9. The footings for this development are to be designed by a certified engineer with suitable experience in coastal, civil and/or hydraulic engineering, in order to ensure that the footings extend to a stable foundation layer and will not be affected by coastal erosion or inundation. Engineering certification must be provided to the satisfaction of Council's Group Manager Asset Management prior to the issue of a Building Permit.
  10. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 June 2016 (TWDA 2016 00814-CCC).
  11. ADVICE – It is advised that a legal agreement is in place which binds the property owner with the owner of 81 and 83-85 East Derwent Highway, Lindisfarne to reconstruct the existing side and rear boundary fencing separating these 2 properties as a result of any redevelopment of the site. It is advised that you seek legal advice concerning this agreement.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

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

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

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

- Section 8.10 – Determining Applications;
- Part 10.4 – General Residential Zone;

- Part E6.0 – Parking and Access Code;
- Part E7.0 – Stormwater Management Code;
- Part E15.0 – Inundation Prone Areas Code;
- Part E16.0 – Coastal Erosion Hazard Code.

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

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

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

The site is a 685m<sup>2</sup> rectangular shaped allotment located on the eastern side of the Esplanade above Lindisfarne Bay. The site is currently developed with a 2 storey weatherboard and masonry dwelling and garage. The site has a gentle slope towards Lindisfarne Bay and is located along a section of the Esplanade offering no on-street parking due to the inadequate width in the road formation. The site has a sealed access from the north-eastern corner of the frontage with the Esplanade with a wider crossover also serving the adjoining dwelling to the east. The site is located within an established urban environment.

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

It is proposed to demolish the existing 2 storey dwelling and shed to the rear in order to construct 2 split level conjoined Multiple Dwellings. The Multiple Dwellings would have a contemporary aesthetic and would be mirrored in form. Each dwelling would be 35.9m long by 6.1m and would be conjoined via a fire rated solid wall. The dwellings would be constructed from brick walls, extensive glazed areas fronting the street and hardwood screening across the north and south facing windows and courtyards to enhance the level of privacy.

The upper level of the dwelling incorporating the habitable rooms would have a finished floor level of 5.7m AHD (to comply with the minimum floor level requirements under the Inundation Prone Areas Code).

Private open space would be provided in the form of a north and south facing courtyard for each unit located between the living area and bedrooms. Decks located on the upper level façade would also complement the private open space.

Access would be provided to both dwellings via a central driveway from the Esplanade. Undercover car parking and splayed parking bays would provide parking for the occupants and visitors. The existing access crossover will require relocation and reinstatement to facilitate the new access arrangements.

To aid readability, the northern-most dwelling will be referred to as Unit 1 and the southern-most dwelling will be referred to as Unit 2 throughout the remainder of this report.

## **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, Stormwater Management Code, Inundation Prone Areas Code and Coastal Erosion Hazard Code with the exception of the following.

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and 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> <ul style="list-style-type: none"> <li>(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: <ul style="list-style-type: none"> <li>(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 road frontage; and</li> <li>(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</li> </ul> </li> </ul>	The north-eastern and south-western elevations of Units 1 and 2 located at the façade end would be located 1m and 0.7m beyond the prescribed building envelope, respectively. The encroachment is associated mostly with the parapet roof extending around the façade and a small section of wall.

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

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P3 – The siting and scale of a dwelling must:</i>	See below
<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 building envelope encroachment associated with the south-western elevation of Unit 2 would be concentrated at the façade end of the building. The front end of Unit 2 would be located generally to the north of the single storey dwelling located to the south at 57 Esplanade. It is therefore necessary to consider the impact of the building encroachment upon solar access to the habitable room windows associated with the adjoining dwelling to the south.</p> <p>Shadow diagrams have been submitted with the application for 22 June (Winter Solstice), 22 September and 22 December. A corner living/sitting room window is located on the north-eastern elevation of the adjoining dwelling to the south at 57 Esplanade which would be the only habitable room window potentially affected by the building encroachment.</p> <p>The shadow diagrams demonstrate that the greatest shading impact would occur on the shortest day at 9.00am. The shadowing effect will be limited to early morning with full sun reaching the north-eastern elevation of the adjoining dwelling by 10.00am. The shadow diagrams demonstrate that the north-western elevation of the corner window (façade) would remain unaffected by sunlight loss at 9.00am. This will ensure sunlight can enter the room whilst the north-eastern side elevation may be overshadowed for a small portion of the morning by the proposed dwelling. It is also observed that the building envelope encroachment is sufficiently minor that there would be no perceivable increased impact when compared with a compliant dwelling location.</p>

	The minor encroachment associated with the north-eastern elevation of Unit 1 would be located entirely to the south of the adjoining property to the north-east at 83 East Derwent Highway and would be significantly off-set from the associated dwelling. No amenity impacts are expected to occur upon this adjoining property.
(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i>	The shadow diagrams accompanying the application demonstrate that the private open space associated with the dwelling to the south at 57 Esplanade would receive direct sunlight from mid-morning through to late afternoon.
(iii) <i>overshadowing of an adjoining vacant lot; or</i>	The site does not adjoin any vacant lots.
(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 units are unlikely to cause any unreasonable visual impacts by way of apparent scale, bulk or proportions when viewed from adjoining residential properties as the degree of encroachment would be significantly less than the encroachment associated with the existing 2 storey dwelling.
(b) <i>Provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The proposed unit development would result in greater consistency with the siting of dwellings within the immediate area, relative to side property boundaries, as the existing boundary abutment would be removed and replaced with a development capable of offering several metres of separation to the side boundaries.

**General Residential Zone**

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A1	Site coverage and private open space for all dwellings	<p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for Multiple Dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	<p>The proposed unit development would have a total roofed area of 392m<sup>2</sup>. Given the land area of 685m<sup>2</sup>, this equates to a site coverage of 57%.</p> <p>Complies</p> <p>Complies</p>

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause 10.4.3 for the following reasons.

Performance Criteria	Comment
<p><i>“P1 – Dwellings must have:</i></p> <p><i>(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:</i></p> <p><i>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and</i></p>	<p>The building coverage would not impact upon the ability to provide multiple areas of private open space for each unit which is capable of serving the recreational and service needs of the occupants of each dwelling. Multiple private open space areas have been integrated into the design of each dwelling to maximise solar access and to support landscaped surrounds.</p>

<p>(ii) <i>operational needs, such as clothes drying and storage; and</i></p>	<p>Adequate area has been allocated to the side of each unit to accommodate a clothes line to assist with meeting the operational needs of the occupants.</p>
<p>(b) <i>reasonable space for the planting of gardens and landscaping”.</i></p>	<p>Landscaped areas have been integrated into the private open space areas allocated to both units and would occupy a reasonable percentage of the site to improve the overall aesthetics.</p>

## General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A2	Site coverage and private open space for all dwellings	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p>	<p>Complies</p> <p>Complies</p> <p>Complies</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	The main courtyard allocated to Unit 2 would be south facing.
		(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	Complies
		(f) has a gradient not steeper than 1 in 10; and	Complies
		(g) is not used for vehicle access or parking.	Complies

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause 10.4.3 for the following reasons.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P2 – A dwelling must have private open space that:</i>	See below
<i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i> <i>(i) conveniently located in relation to a living area of the dwelling; and</i>	Unit 2 would be provided with 3 main areas of private open space being a north facing upper level deck directly accessible from the living room, a south facing courtyard also accessible from the living room and a deck and grassed area to the rear of the dwelling. The private open space has been designed to facilitate different forms of outdoor recreating and act to supplement one another.
<i>(ii) orientated to take advantage of sunlight”.</i>	The south facing courtyard would remain partially unroofed allowing light to filter directly into this space.

**General Residential Zone**

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least 1 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.	Unit 1 would contain a living room window with an orientation of 39 degrees east of north. In addition, Unit 2 would contain a living room window with an orientation of 50 degrees west of north.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause 10.4.4 for the following reasons.

Performance Criteria	Comment
<i>“P1- A dwelling must be sited and designed so as to allow sunlight to enter at least 1 habitable room (other than a bedroom)”.</i>	Both units would contain living room windows which are capable of receiving direct northerly sunlight throughout the year given the general northern orientation. Sun diagrams have been provided with the application demonstrating that sunlight can directly access the living room on the shortest day (21 June) from 12.00pm onwards.

**General Residential Zone**

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A3	Sunlight and overshadowing for all dwellings	<p>A Multiple Dwelling that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):</p> <p>(a) the Multiple Dwelling is contained within a line projecting (Diagram 10.4.4.C):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p>	The private open space allocated to the rear of Unit 2 would be located entirely to the south of Unit 1.

		<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 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) that part, of a Multiple Dwelling, consisting of:</p> <p>(i) an outbuilding with a building height no more than 2.4m; or</p> <p>(ii) protrusion (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple.</p>	
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The proposed variation can be supported pursuant to the Performance Criteria (P3) of the Clause 10.4.4 for the following reasons.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P3 - A Multiple Dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3”.</i>	The private open space allocated to Unit 2 would be south facing, however, an open roof design will allow light and sunlight to enter this space. The private open space is also supplemented with an upper level deck located on the northern elevation (façade) and a backyard which would be capable of receiving morning and afternoon sunlight.



**Coastal Erosion Hazard Code**

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.7.1 A1	Buildings and Works	No Acceptable Solution.	The Coastal Erosion Hazard High Risk Area extends across the frontage of the site for a distance of 17m. Approximately 1/3 of each of the dwellings would be located within the erosion hazard band.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E16.7.1 for the following reasons.

Performance Criteria	Comment
<i>“P1 – Buildings and works must satisfy all of the following:</i>	
<i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i>	A Coastal Vulnerability Assessment Report has accompanied the application which concludes that erosion is not expected to have any negative impact upon the development, as the property is setback from the existing coastline by the road, path, rock embankment and small beach with all of these features offering a level of protection against erosion within the property. Council’s Engineers are satisfied that the proposed building works would not increase the level of risk to either users of the site or to adjoining or nearby properties, or public infrastructure.
<i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i>	The risk associated with wave run-up has been considered by the design and Council’s Engineers are satisfied that the level is acceptable. However, certification from a suitably qualified geological engineer would need to be provided with an application for a building permit demonstrating that the dwelling footings are founded within the stable foundation zone. A permit condition is recommended to this effect.

<i>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i>	As per above
<i>(d) need for future remediation works is minimised;</i>	Council's Development Engineer has advised that subject to the required engineering design, future remediation works are unlikely to be required.
<i>(e) health and safety of people is not placed at risk;</i>	Council's Development Engineer has advised that subject to engineering design, the proposed development within the Code would not place the health and safety of people at risk.
<i>(f) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	Public access to the foreshore area would not be compromised.
<i>(g) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	No mitigation works in accordance with any adopted Council Policy are required.
<i>(h) not be located on an actively mobile landform".</i>	The property is not located on an actively mobile landform.

## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

### **5.1. Overshadowing**

The representor has expressed concern that the proposed dwelling will overshadow a corner window associated with the adjacent dwelling to the south at 57 Esplanade, as this window faces the proposed development.

- **Comment**

As discussed previously within this report, shadow diagrams have been submitted with the application demonstrating that the corner window associated with the adjoining dwelling to the south-west may be impacted through a loss of early morning sunlight; however, this is not considered unreasonable given the window would receive sunlight for the remainder of the day given its general northerly orientations.

## **5.2. Correct Boundary Locations**

The representor has indicated that they have no objection to the proposal; however, they wish to raise an issue in relation to a discrepancy between the fence lines and actual property boundary between 56 Esplanade, 81 and 83-85 East Derwent Highway, Lindisfarne. The representor seeks to alert Council (and the applicant) to a legal agreement which binds the property owner of the subject site to reconstruct the boundary fencing in the correct location as part of any redevelopment of the site.

- **Comment**

Whilst this is not strictly a planning consideration, the plans provided are based on a recent survey to determine the siting of the proposed building in relation to the true property boundaries. Given the status of the legal agreement in place, the current property owner will be obligated under this agreement to reconstruct the boundary fencing in the correct location. Advice is recommended on the granting of any permit to the existence of this agreement and its obligations.

## **6. EXTERNAL REFERRALS**

The proposal was referred to TasWater, who 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**

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

**9. CONCLUSION**

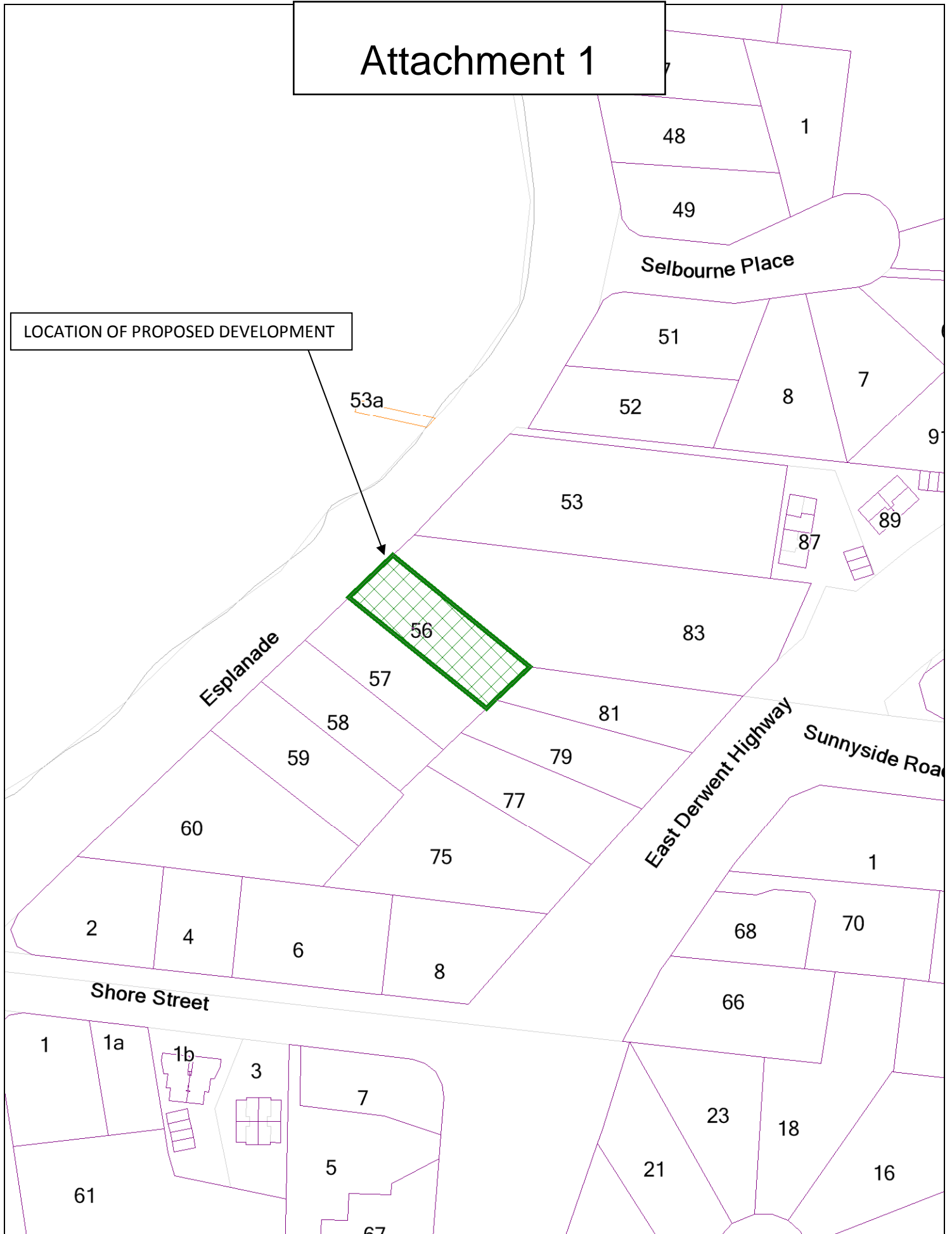
The proposal seeks approval for demolition of existing dwelling and construction of 2 Multiple Dwellings at 56 Esplanade, Lindisfarne. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme. The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (16)  
3. Site Photo (1)

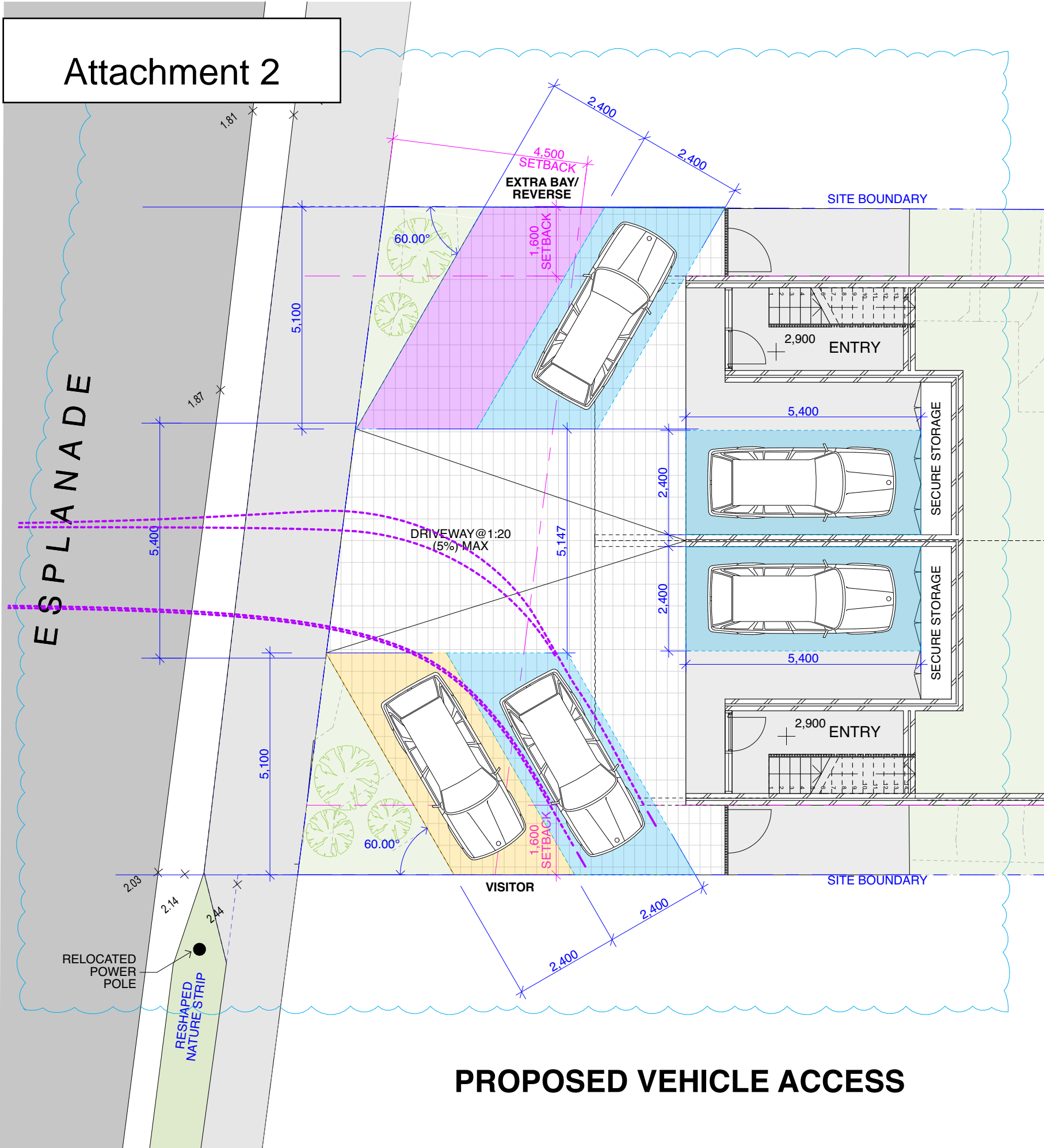
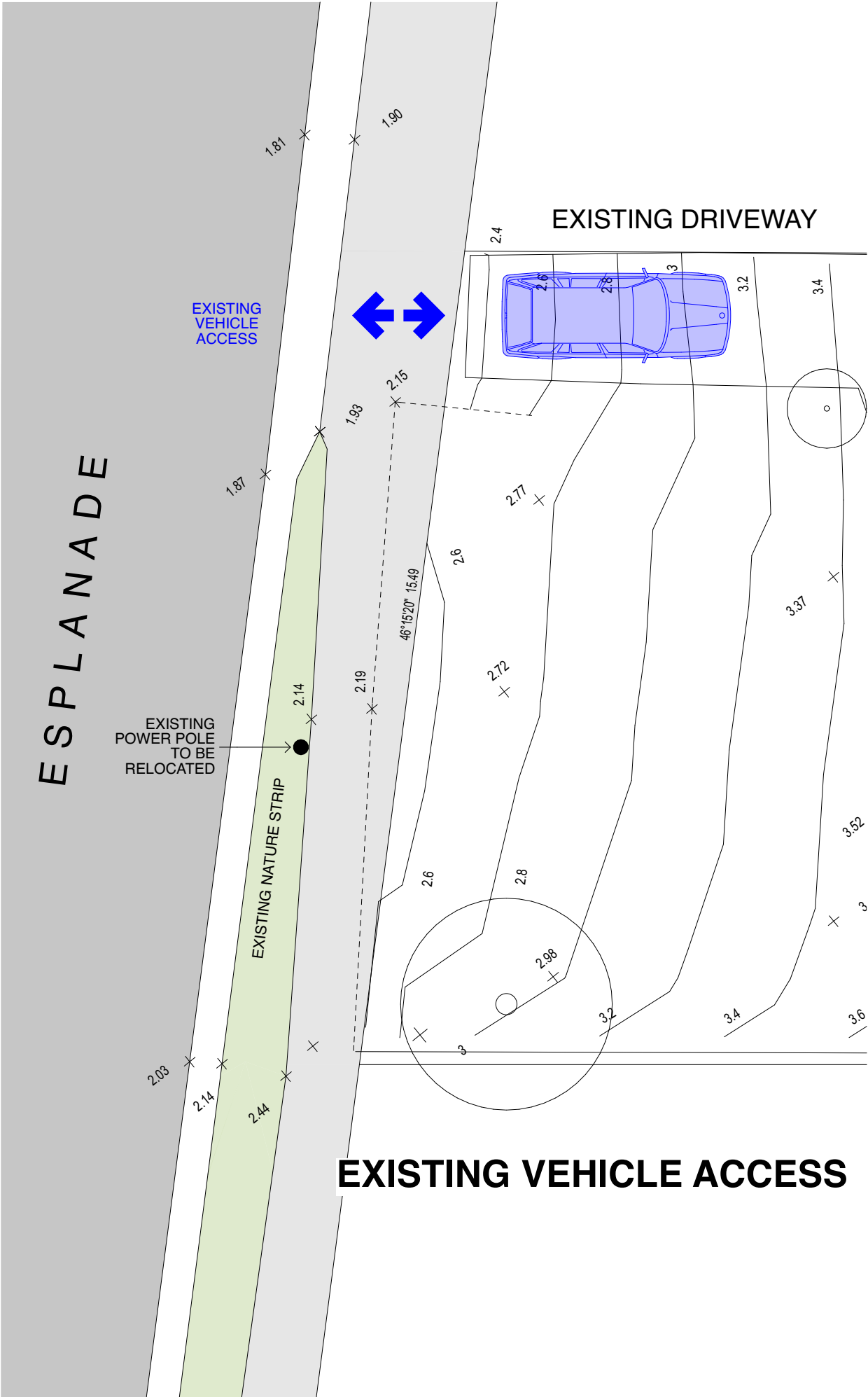
Ross Lovell  
**MANAGER CITY PLANNING**

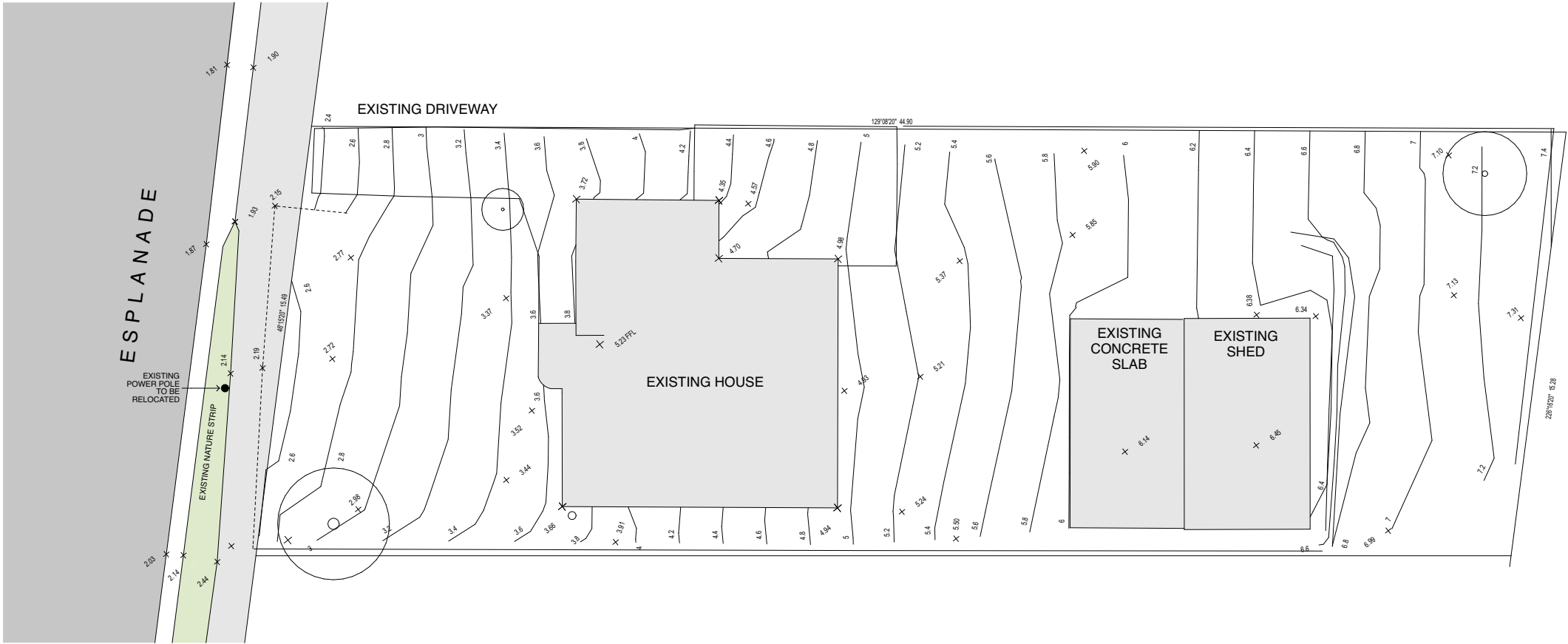
# LOCATION PLAN – 56 ESPLANADE, LINDISFARNE

## Attachment 1

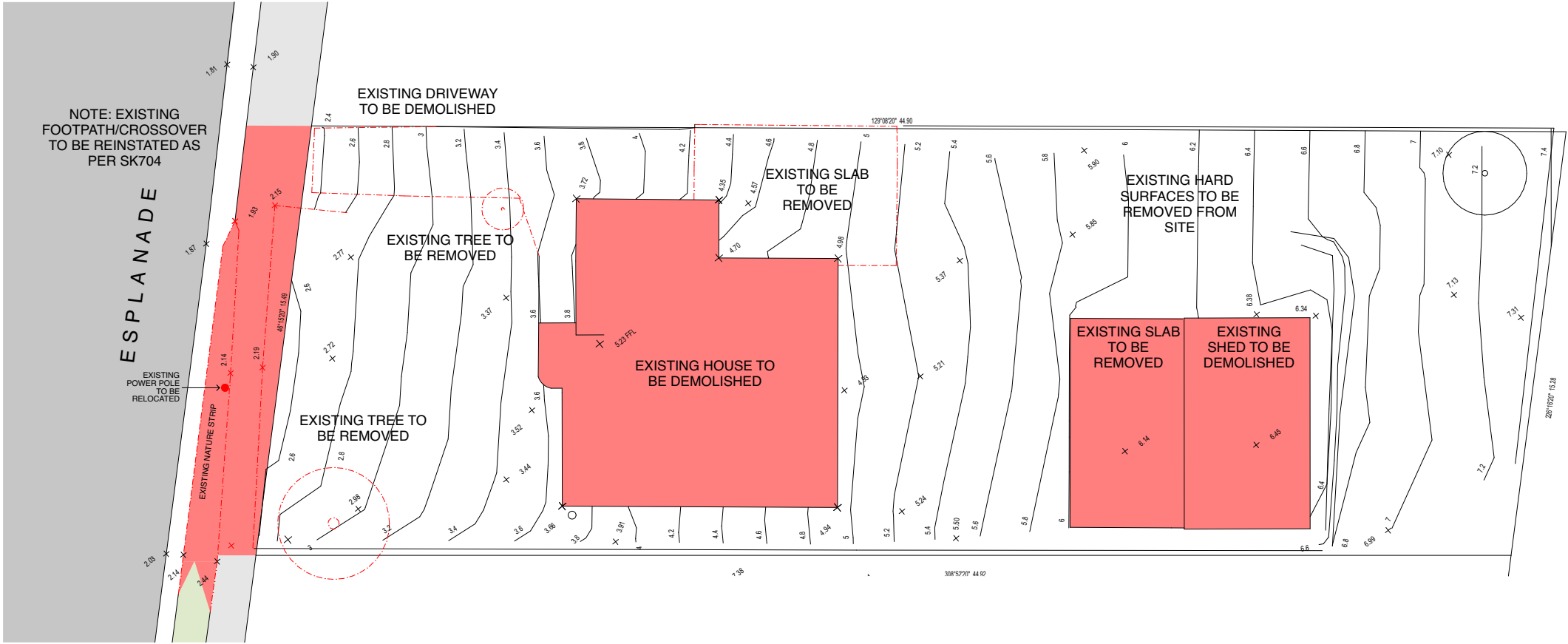


**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 12 September 2016 **Scale:** 1:1,223 @A4





1:200 EXISTING SITE

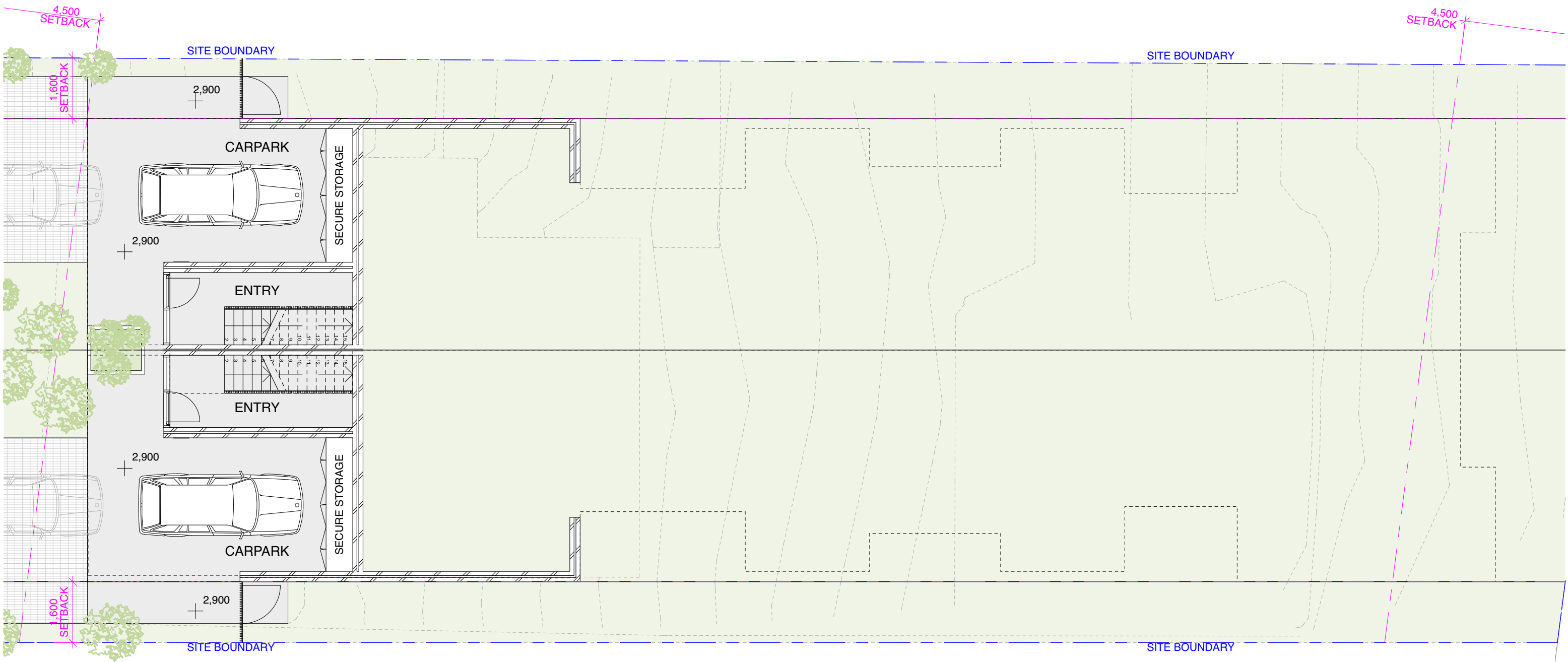


1:200 PROPOSED DEMOLITION



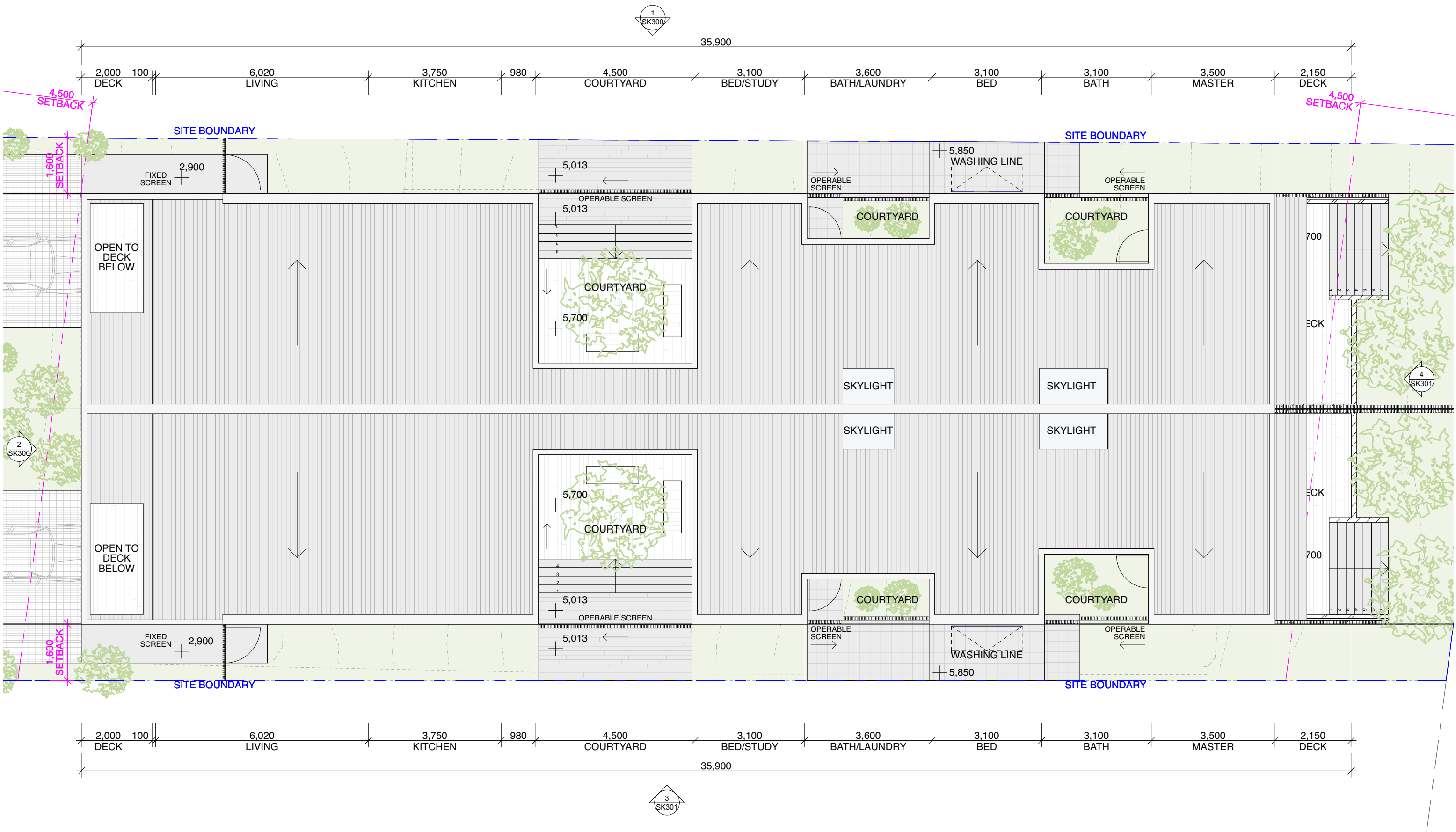




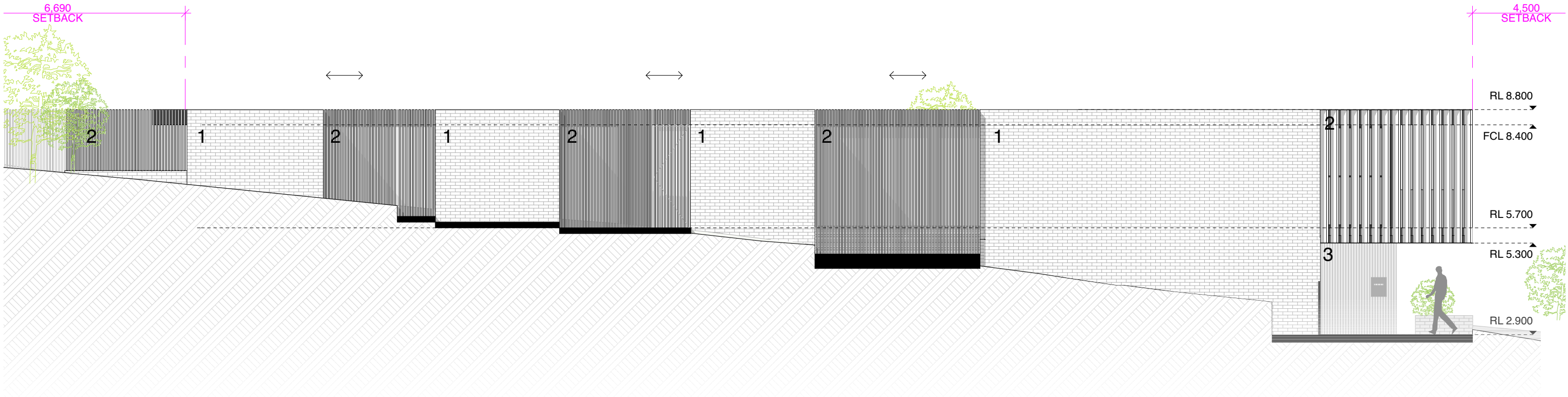


1:100 | BASEMENT/LOWER





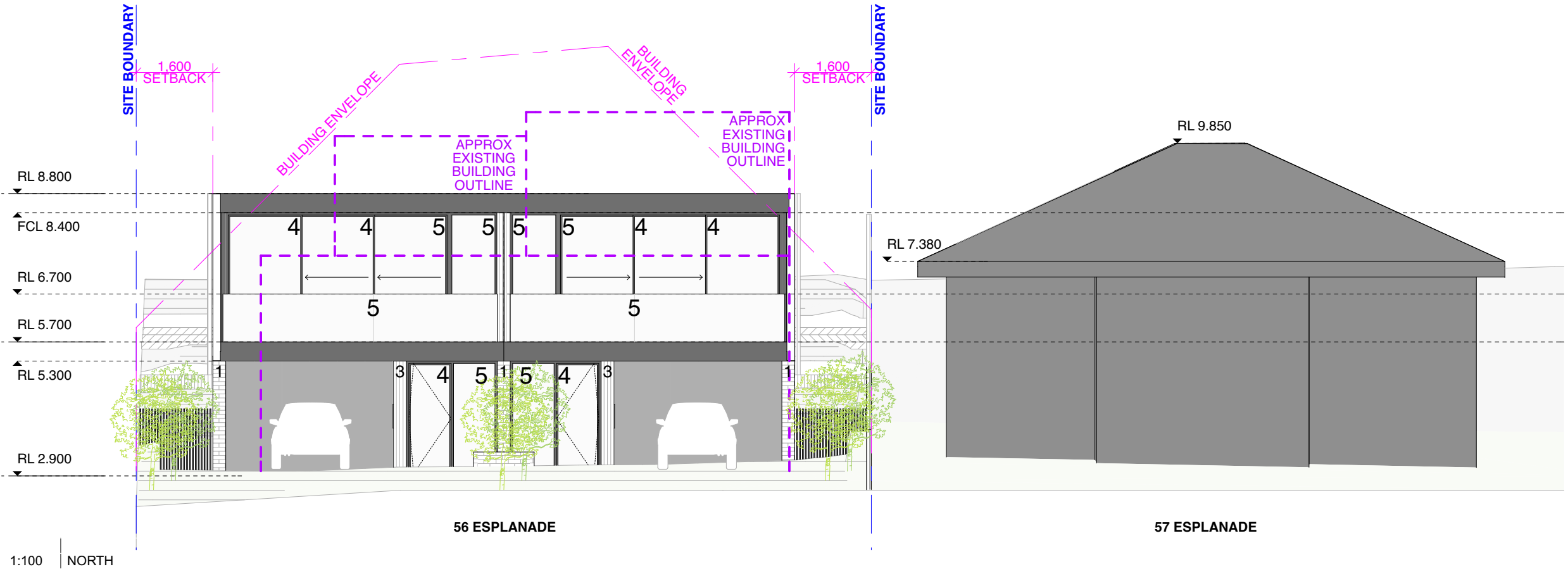
1:100 | ROOF



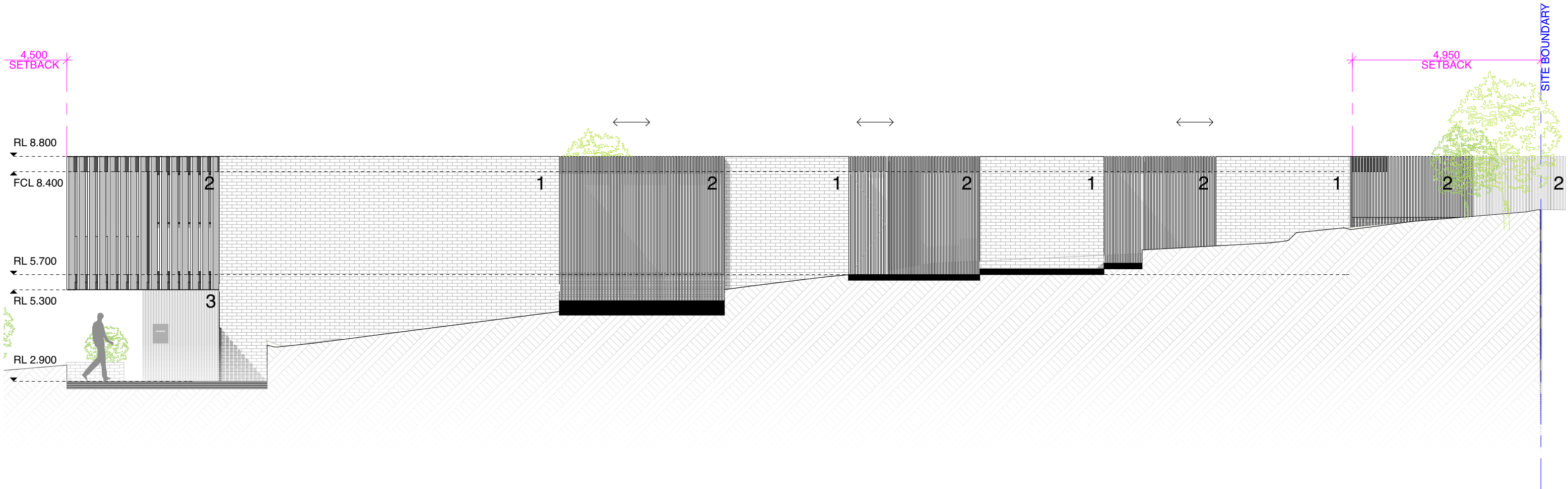
1:100 | EAST

**EXTERIOR FINISHES**

- 1. STANDARD BRICK PAINTED WHITE.
- 2. HARDWOOD SCREENING (SPECIES TBC).
- 3. HARDWOOD (SPECIES TBC).
- 4. OPERABLE CLEAR GLASS.
- 5. FIXED CLEAR GLASS.





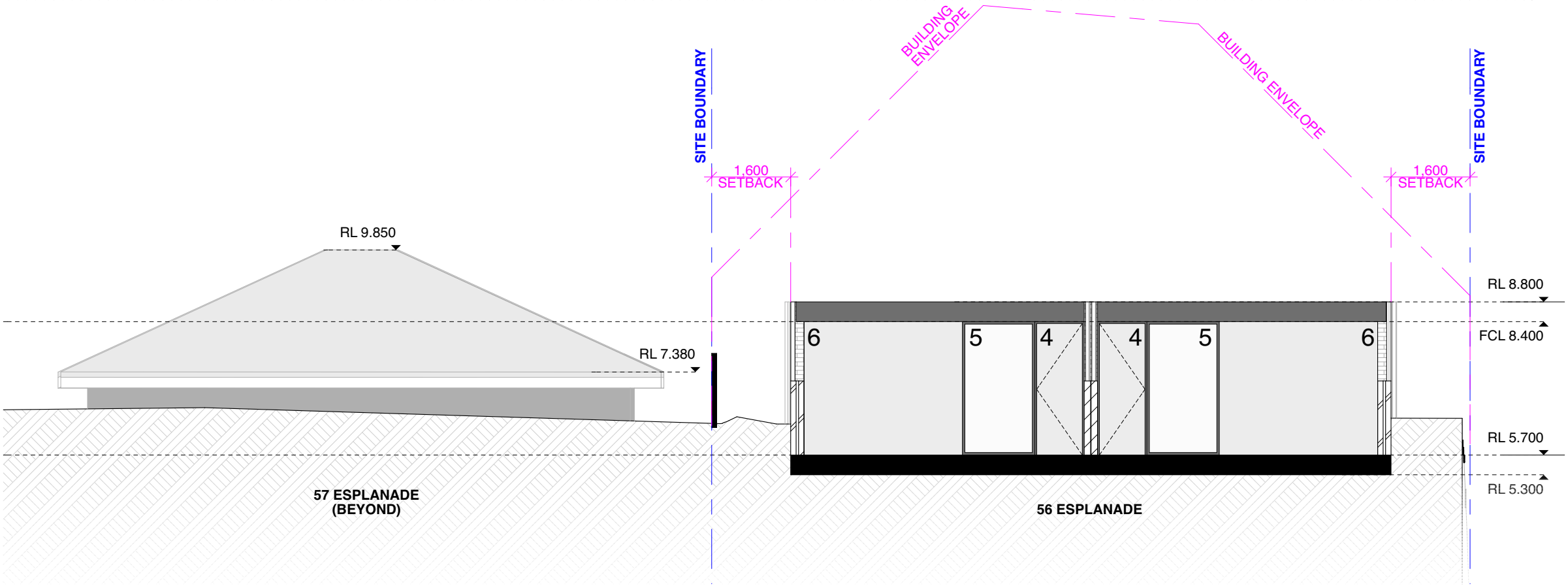


1:100 WEST

EXTERIOR FINISHES

- 1. STANDARD BRICK PAINTED WHITE.
- 2. HARDWOOD SCREENING (SPECIES TBC).
- 3. HARDWOOD (SPECIES TBC).
- 4. OPERABLE CLEAR GLASS.
- 5. FIXED CLEAR GLASS.
- 6. WHITE EXTERIOR CLADDING

1:100 SOUTH





JUNE 22 9AM



JUNE 22 12PM



JUNE 22 3PM



SEPT 22 9AM



SEPT 22 12PM



SEPT 22 3PM



DEC 22 9AM



DEC 22 12PM



DEC 22 3PM





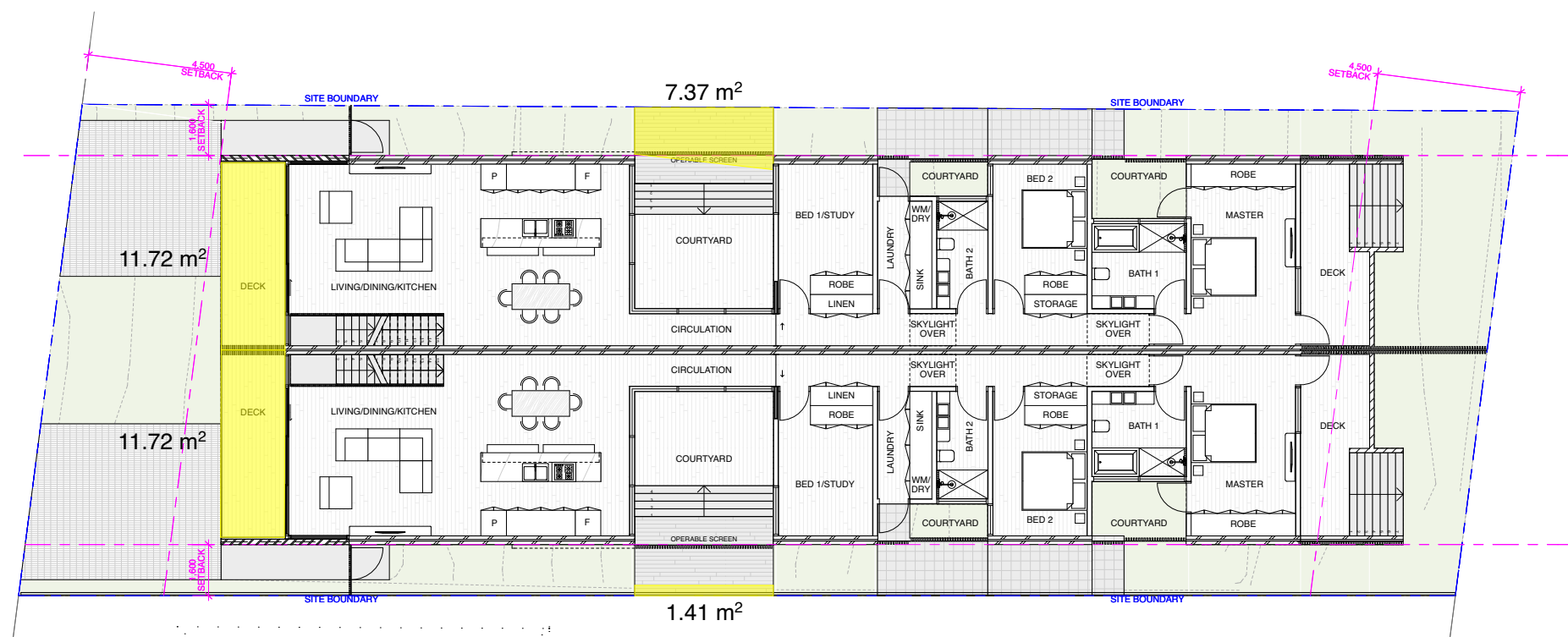
Issue ID	Issue Name	Issue Date	Issue ID	Issue Name	Issue Date
REV A	FOR DEVELOPMENT APPLICATION	9/06/2016			







ESPLANADE



**TOTAL UNIT A  
PRIVATE OPEN SPACE SOLAR  
ACCESS JUNE 21 9AM - 3PM  
(% POS) = 75%**

**TOTAL UNIT B  
PRIVATE OPEN SPACE SOLAR  
ACCESS JUNE 21 9AM - 3PM  
(% POS) = 22%  
(REFER TO CLAUSE 10.4.3 P1/P2  
TO SATISFY CRITERIA)**





UNIT A RECIEVING SUNLIGHT - YES

UNIT B RECIEVING SUNLIGHT - NO

JUNE 21 9AM

UNIT A RECIEIVING SUNLIGHT - YES

UNIT B RECIEIVING SUNLIGHT - NO

JUNE 21 10AM

UNIT A RECIEVING SUNLIGHT - YES

UNIT B RECIEVING SUNLIGHT - NO

JUNE 21 11AM

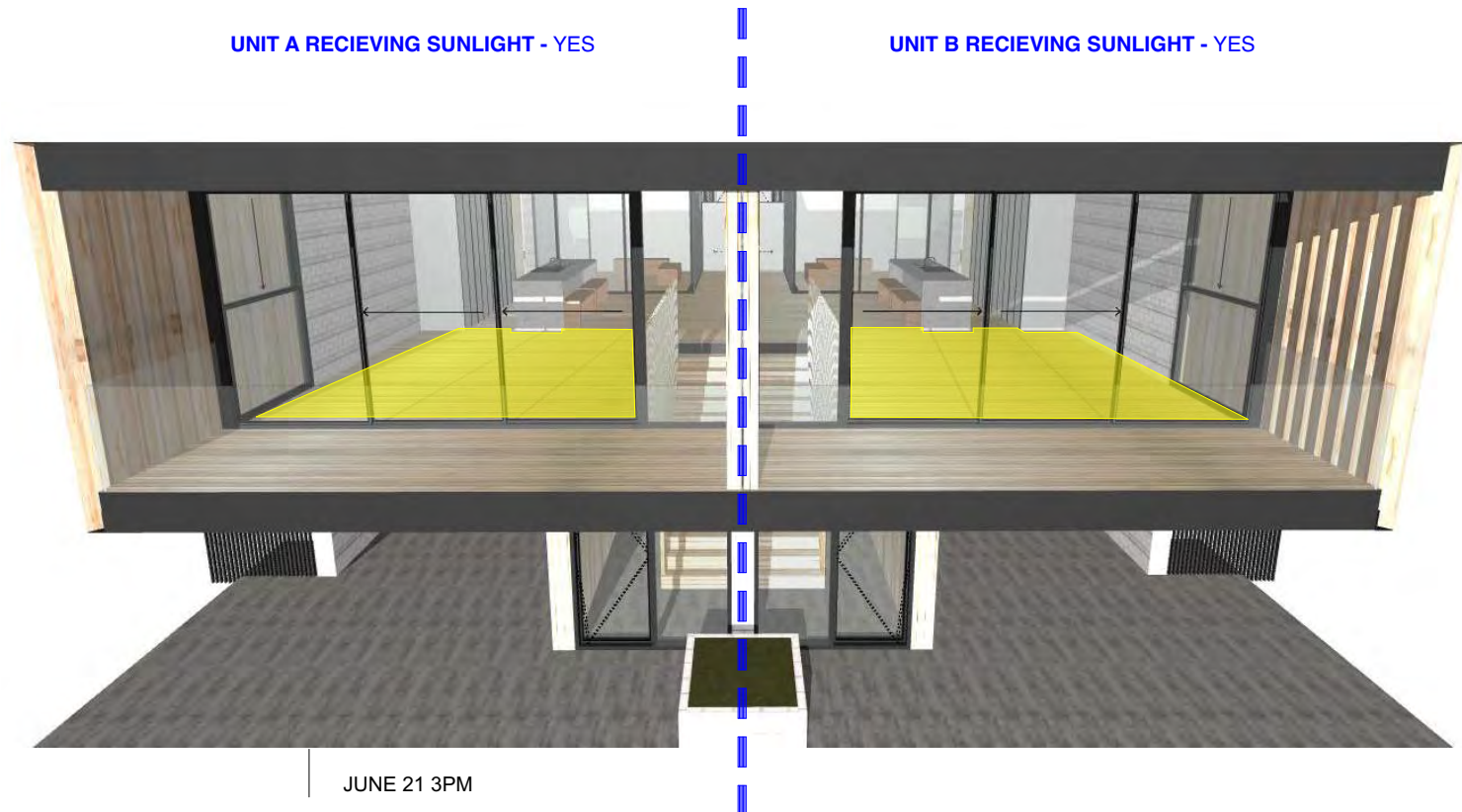
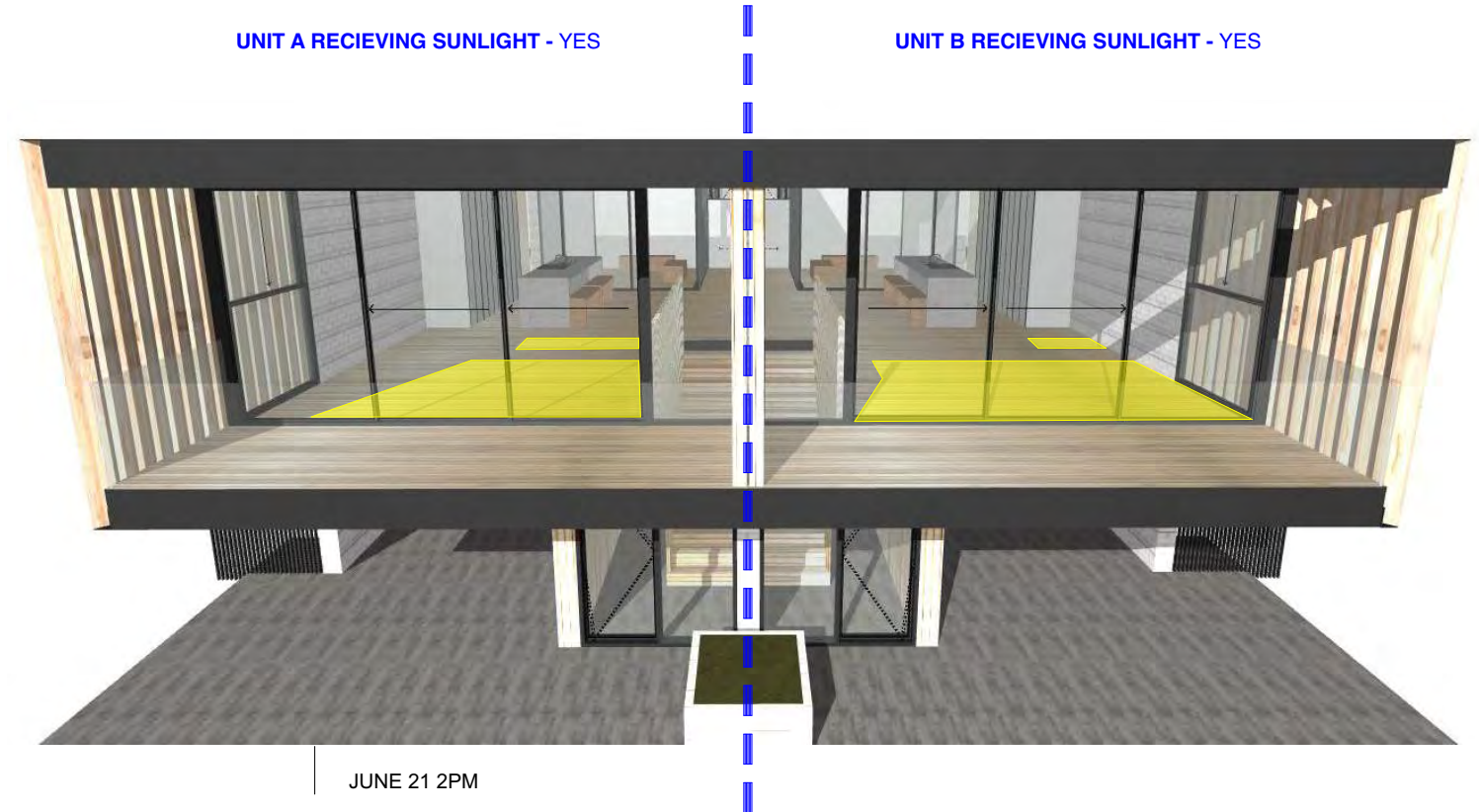
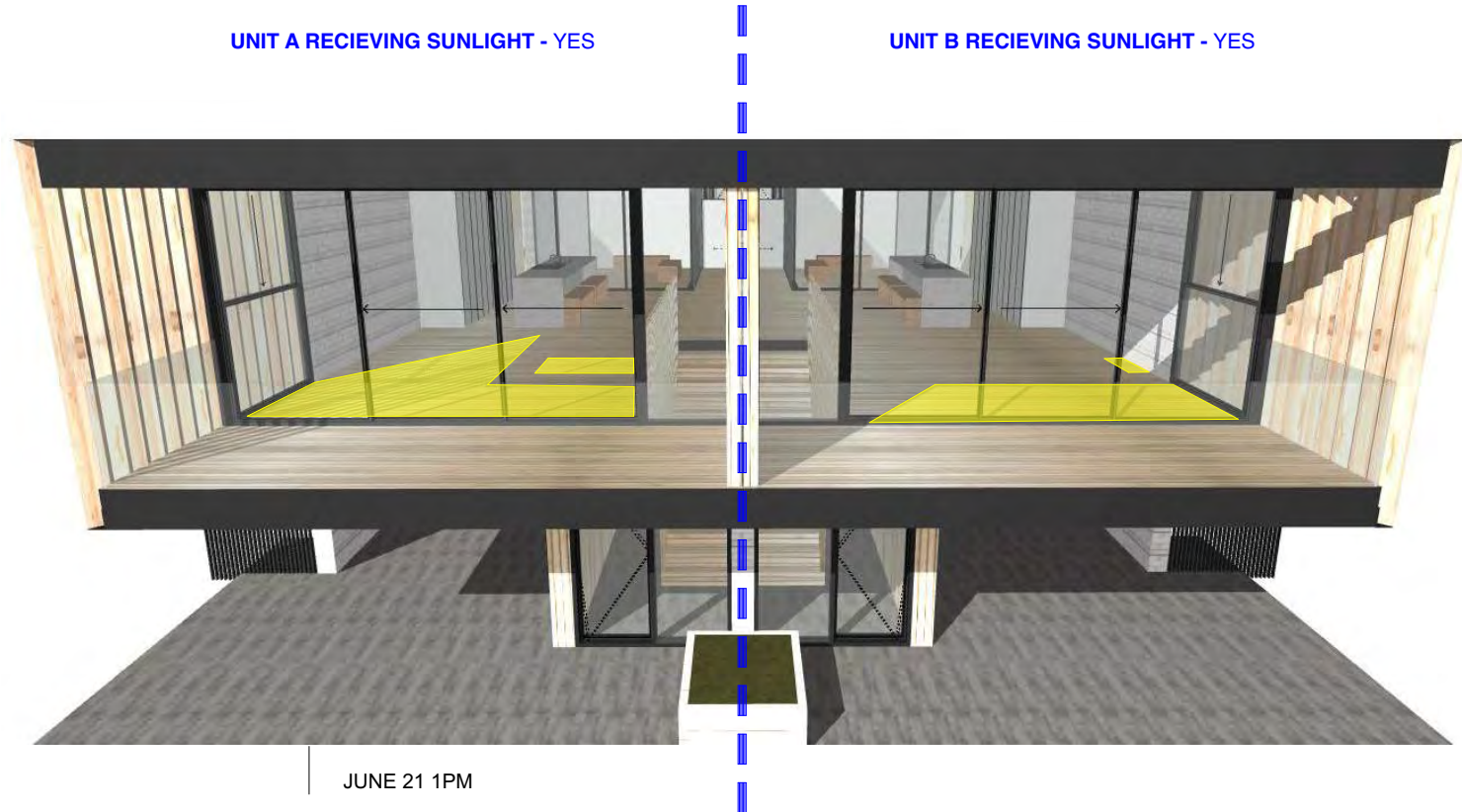
UNIT A RECIEIVING SUNLIGHT - YES

UNIT B RECIEIVING SUNLIGHT - YES

JUNE 21 12PM

JUNE 21 12PM



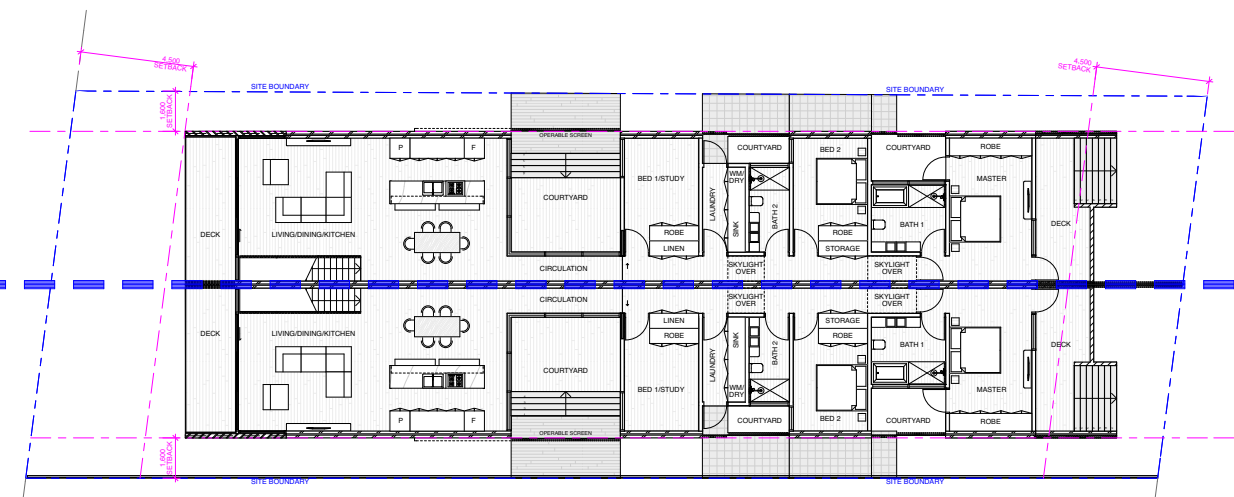


UNIT A DIRECT SUNLIGHT BETWEEN  
9AM AND 3PM 21 JUNE = 6HRS

UNIT B DIRECT SUNLIGHT BETWEEN  
9AM AND 3PM 21 JUNE = 3HRS

UNIT A

UNIT B



Issue ID	Issue Name	Issue Date	Issue ID	Issue Name	Issue Date
REV A	FOR DEVELOPMENT APPLICATION	9/06/2016			

## Attachment 3

### **56 Esplanade, LINDISFARNE**



**Photo 1:** The existing dwelling located at 56 Esplanade, Lindisfarne when viewed from the Esplanade.

**11.3.4 DEVELOPMENT APPLICATION D-2016/292 - 25 BRIDGE STREET, RICHMOND - CHANGE OF USE TO VISITOR ACCOMMODATION AND GENERAL RETAIL AND HIRE AND FUNCTION CENTRE**

(File No D-2016/292)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Visitor Accommodation and General Retail and Hire at 25 Bridge Street, Richmond and includes the use of the retail component for occasional functions.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Community Purpose and subject to the Historic Heritage 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 was extended with the consent of the applicant until 28 September 2016.

**CONSULTATION**

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

- noise from parties/functions at night;
- impact of internal alterations on heritage value of the church; and
- use of building not consistent with zoning of site.

**RECOMMENDATION:**

A. That the Development Application for Change of Use to Visitor Accommodation and General Retail and Hire at 25 Bridge Street, Richmond (CI Ref D-2016/292) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.
3. GEN AM5 – TRADING HOURS  
[8.00am to 8.00pm]  
[9.00am to 6.00pm]  
[10.00am to 5.00pm]  
[10.00am to 5.00pm].

4. ENG A1 – NEW CROSSOVER [TSD – R03V1] Replace the first word “Each” with “The”. Add “and the Richmond Townscape Study” after “(copy available from Council)”.
  5. ENG A6 – GRAVELLED CAR PARKING.
  6. ENG M1 – DESIGNS DA.
  7. LAND 1A – LANDSCAPE PLAN add additional dot point “materials used in the car parking space to have regard to the Richmond Townscape Study”.
  8. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
  9. The development must meet all conditions specified by the Tasmanian Heritage Council notice dated 1 September 2016 (THC ref 5073).
  10. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 July 2016 (TWDA 2016/01012-CCC).
  11. ADVICE – An application for works in the Council road reserve must be submitted and approved by Council’s Group Manager Asset Management prior to the commencement of any works and must have regard to the Richmond Townscape Study.
  12. ADVICE 6 – FOOD REGISTRATION ADVICE.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Community Purpose under the Scheme. The use of General Retail and Hire is a discretionary use in the zone. The use of Visitor Accommodation is a prohibited use in the zone but is applied for under Clause 9.5 of the Scheme, which allows Council to consider applications on heritage listed properties if they can meet certain criteria relating to the preservation and conservation of the heritage significance of the site.



The use of the retail space for functions would be defined as Community meeting and entertainment which is a permitted use in the zone which is within the same Use class as the church.

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

- Section 8.10 – Determining Applications;
- Section 17 – Community Purpose Zone;
- Section E6.0 – Parking and Access Codes;
- Section E13.0 – Historic Heritage Code; and
- Section E17.0 – Signs Code.

**2.3.** 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 746m<sup>2</sup> lot which contains the previous Richmond Congregational Church. The building is sited within a grassed area which contains large trees located along the Bridge Street and Percy Street boundaries.

The site contains a park bench and rubbish bin on the Bridge Street frontage which was placed on the site by the Richmond Council around 1996. Following the sale of the site to private ownership, Council intend to relocate the park bench and rubbish bin elsewhere in Richmond.

**3.2. The Proposal**

The proposal is for a Change of Use from a church to Visitor Accommodation with an area of 86m<sup>2</sup> and part General Retail and Hire with an area of 55m<sup>2</sup>. The proposal also includes the use of the retail component of the proposal for functions such as weddings, birthday parties and art exhibitions.

The existing kitchen and amenities area and the northern part of the church will be converted to a unit for Visitor Accommodation. Internal alterations, including the construction of an additional floor and internal walls, are proposed to create a living area on the ground floor and bedroom on the upper level.

The proposal includes a new courtyard area with screens and the construction of a disabled toilet at the rear of the existing amenities building. Landscaping is also proposed in the form of new paths, a paved area adjacent to the entrance and stone wall sections which border the paved area and paths.

One car parking space is proposed to be constructed, accessed from Percy Street, for the visitor accommodation which will require the removal of 1 tree.

A 1.4m<sup>2</sup> illuminated sign is proposed to be located approximately 7m from the property boundary to Bridge Street. However, this sign is defined as a “Ground Based Design” which is a prohibited sign in the zone and cannot be considered. The applicant has subsequently agreed that the sign cannot be considered and has agreed that a separate application will need to be submitted for signage.

#### **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. Clause 9.5 - Change of Use of Heritage Place**

The application for a Change of Use to Visitor Accommodation has been applied for under Clause 9.5 of the Scheme which allows Council to consider development on heritage listed properties which would otherwise be prohibited in the zone.

The applicant has provided a heritage impact statement and a conservation plan to demonstrate that the development will facilitate the restoration, conservation and future maintenance of the historic cultural heritage significance of the place.

The development has been assessed by the Tasmanian Heritage Council who has granted consent for the development providing that it meets certain conditions regarding specific design of the proposed works and signage.

Council's Heritage Officer has assessed the proposal and considers that the application is reasonable, providing that the applicant provides further details of the internal construction works which is also a requirement of the Tasmanian Heritage Council.

**4.3. Compliance with Zone and Codes**

- **Parking and Access Code**

Based on the floor area of 112m<sup>2</sup> the church has a "credit" of 7.4 car parking spaces. The proposal requires 1 space for the Visitor Accommodation and 2 spaces for the retail space and therefore the proposal requires less spaces than that was previously required under the Code. In addition, the use of the retail space for functions requires the same number of car parking spaces as the existing use of the church and therefore does not generate a requirement for additional spaces.

On this basis, the proposal complies with the relevant Acceptable Solutions of the Parking and Access Code. It is appropriate, however, to require the materials used for the crossover to be in accordance with the Richmond Townscape Study.

- **Hours of Operation**

The applicant confirmed that the hours of operation of the retail component of the development would operate 9.00am – 5.00pm, 7 days a week, which meets the Acceptable Solution.

The functions that are proposed to use this space on occasions do not have specified times. Discussions with the applicants have confirmed that the functions would be in accordance with the Acceptable Solution. It is recommended that a condition be included on the permit restricting the hours of operation to those prescribed in the Acceptable Solution. This has been discussed with the applicant who is agreeable to the imposition of this condition on the permit.

The proposal meets the Scheme's relevant Acceptable Solutions of the Community Purpose Zone and Historic Heritage Codes with the exception of the following.

#### **Community Purpose Zone**

17.3.1 A1	Noise	Noise emissions measured at the boundary of a residential zone must not exceed the following:  (a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;  (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm and 7.00am;	Noise emissions not provided.
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		<p>(c) 65dB(A) (LA<sub>max</sub>) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
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The proposed variation can be supported pursuant to the Performance Criteria P1 of the Clause 17.3.1 for the following reason.

Performance Criterion	Comment
<p><i>“P1: Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone”.</i></p>	<p>Both the retail component of the shop and the proposed functions will operate in accordance with the hours specified in the Acceptable Solution of the zone and therefore will not have a detrimental amenity of the adjoining residential lots.</p> <p>The Visitor Accommodation will have only domestic noise emissions and therefore would not cause environmental harm.</p>

### Community Purpose Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
17.4.2 A2	Setback	<p>Building setback from a residential zone must be no less than:</p> <p>(a) 3m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	The building addition is located 1.3m from the western boundary.

The proposed variation can be supported pursuant to the Performance Criteria P2 of the Clause 17.4.2 for the following reason.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</i></p> <p>(a) <i>overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p>	<p>The building addition has an area of 5.4m<sup>2</sup> and a maximum height of 2.6m and is located approximately 16m from the dwelling on the adjacent site at 23 Bridge Street. Accordingly, the development will not cause overshadowing to habitable rooms of the dwelling on the adjoining lot.</p>
<p>(b) <i>overlooking and loss of privacy;</i></p>	<p>Due to the minor nature of the development described above and the large amount of vegetation located along the eastern boundary of the adjoining site, the proposal will not result in overlooking and loss of privacy.</p>
<p>(c) <i>visual impact when viewed from adjoining lots, taking into account aspect and slope”.</i></p>	<p>The building addition is located at the rear of the church and therefore will have minimal impact when viewed from adjoining lots.</p>

### **Historic Heritage Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
E13.7.2 A1	Buildings and Works other than demolition	No Acceptable Solution	As described previously

The proposed variation can be supported pursuant to the Performance Criteria A2 of the Clause E13.7.2 for the following reason.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“Development must not result in any of the following:</i></p> <p>(a) <i>loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</i></p>	<p>The Tasmanian Heritage Council has assessed the proposal and has granted consent for the permit to be granted subject to a number of conditions (See Attachment 4).</p> <p>Council’s Heritage Officer has also assessed the application and considers that the proposed works will not result in a loss of the historic cultural significance of the place.</p>

<p>(b) <i>substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place”.</i></p>	<p>The applicant is proposing to remove 1 Robina tree along the Percy Street frontage to provide for an additional car parking space. The removal of the tree and the proposed landscaping are not considered to result in a loss of the historic cultural significance of the place and has been supported by the Tasmanian Heritage Council and Council’s Heritage Officer. It is recommended that a landscape plan be submitted showing details of the proposed landscaping details.</p> <p>It is also recommended that the hard landscape treatments be consistent with the Richmond Townscape Study which provides guidelines for materials used in hard landscaping, including which gravel should be used for the car parking space.</p>
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### Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.2 A2	Buildings and Works other than demolition	No Acceptable Solution.	As described previously

The proposed variation can be supported pursuant to the Performance Criteria P2 of the Clause E13.7.2 for the following reason.

Performance Criterion	Comment
<p>“P2 <i>Development must be designed to be subservient and complementary to the place through characteristics including:</i></p> <p>(a) <i>scale and bulk, materials, built form and fenestration;</i></p>	<p>The building addition is considered to be complimentary to the place through its use of corten cladding on the building addition, which is clearly new material and does not confuse the heritage values or appreciation of the place.</p>
<p>(b) <i>setback from frontage;</i></p>	<p>Not applicable as the development is located at the rear of the building.</p>
<p>(c) <i>siting with respect to buildings, structures and listed elements;</i></p>	<p>As above</p>
<p>(d) <i>using less dominant materials and colours”.</i></p>	<p>As above</p>

**Historic Heritage Code**

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.2 A3	Buildings and Works other than demolition	No Acceptable Solution	As described above

The proposed variation can be supported pursuant to the Performance Criteria P3 of the Clause E13.7.2 for the following reason.

Performance Criterion	Comment
<i>“P3 Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such”.</i>	The building addition and landscaping elements are constructed with corten cladding, which is easily identifiable as being a new addition to the place.

**Historic Heritage Code**

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.2 A4	Buildings and Works other than demolition	No Acceptable Solution	As described previously

The proposed variation can be supported pursuant to the Performance Criteria P4 of the Clause E13.7.2 for the following reason.

Performance Criterion	Comment
<i>Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.</i>	As discussed previously, the development is not considered to detract from the historic cultural significance of the place and consent has been granted by the Tasmanian Heritage Council for the works.

**5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.



**5.1. Noise from Parties/Functions at Night**

Concern was raised that the noise from parties and functions at night will have a detrimental impact on the amenity of the adjoining property.

- **Comment**

As discussed previously in the report, the use of the proposed retail component for functions is a permitted use in the zone provided that it meets all relevant Acceptable Solutions, including hours of operation. A condition is recommended to be included in the permit which restricts hours of operation to those specified in the Acceptable Solution and which do not exceed 8.00pm weekdays and 6.00pm on Saturdays and Public Holidays. Whilst the inclusion of this condition would appear to resolve the representors concerns, this is all that the Scheme allows, as the hours of operation are in accordance with the Acceptable Solution.

**5.2. Impact of Internal Alterations on Heritage Value of the Church**

Concern was raised that the proposal will result in a loss of heritage value of a significant Tasmanian church through changing its internal proportions with the addition of a permanent dividing wall.

- **Comment**

Clause E13.4.1(a) of the Scheme exempts internal alterations to a heritage place unless the interior is identified as part of the specific extent of the Local Heritage Place.

The Tasmanian Heritage Council Datasheet lists the building as having significance as it has a strong or special association with the particular community or cultural group for social or spiritual reasons and describes the building as “*simple in design and modest in fitout*”. On this basis, the internal modifications would be exempt from requiring planning approval.

Notwithstanding this, the Tasmanian Heritage Council has assessed the development and granted consent for the proposal with conditions which include requiring further construction details of the modifications to the interior to ensure that the heritage significance of the building is retained. It is noted that some of the furniture used in the church will be reused in the development.

**5.3. Use of Building not Consistent with Zoning of Site**

Concern was raised that the proposal is inconsistent with the zoning of Community Purpose.

- **Comment**

As discussed in Part 4.2 of this report, the application has been lodged under Clause 9.5 of the Scheme which allows uses otherwise prohibited in the zone to be considered.

**6. EXTERNAL REFERRALS**

The proposal was referred to Heritage Tasmania, which has granted consent to the development subject to a number of conditions (refer Attachment 4).

**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 a Change of Use to Visitor Accommodation and General Retail and Hire is recommended for approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (5)  
3. Site Photo (1)  
4. Tasmanian Heritage Council Decision (2)

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 14 September 2016 **Scale:** 1:834.1 @A4



Attachment 2



**LEGEND:**

Scale: 1:200 @ A3



Scale: NTS

FOR: MIRELLA BYWATERS

**SITE:** 25 BRIDGE ST,  
RICHMOND, TAS

**LAND TITLE:** 135478/1

**SITE AREA:** 746 m<sup>2</sup>

**AREAS:**

**EXIST. GROUND:** 112.7 m<sup>2</sup>

PROP. GROUND: 118.2 m<sup>2</sup>

PROP. MEZZANINE:



**A+**

M  
A  
In  
A

Member  
Australian  
Institute of  
Architects

## DEVELOPMENT APPLICATION

## Architecture & Interior Design

ABN: 98 375 524 257

85 Elizabeth Street, Hobart, Tasmania 7000

Phone: (03) 6231 6999      Fax: (03) 6231 6988

Mobile: 0419 993 163

E-mail: [smann@smarchitects.net.au](mailto:smann@smarchitects.net.au)



PROJECT  
FOR MIRELLA BYWATER  
25 BRIDGE STREET  
RICHMOND, TAS

DRAWING TITLE

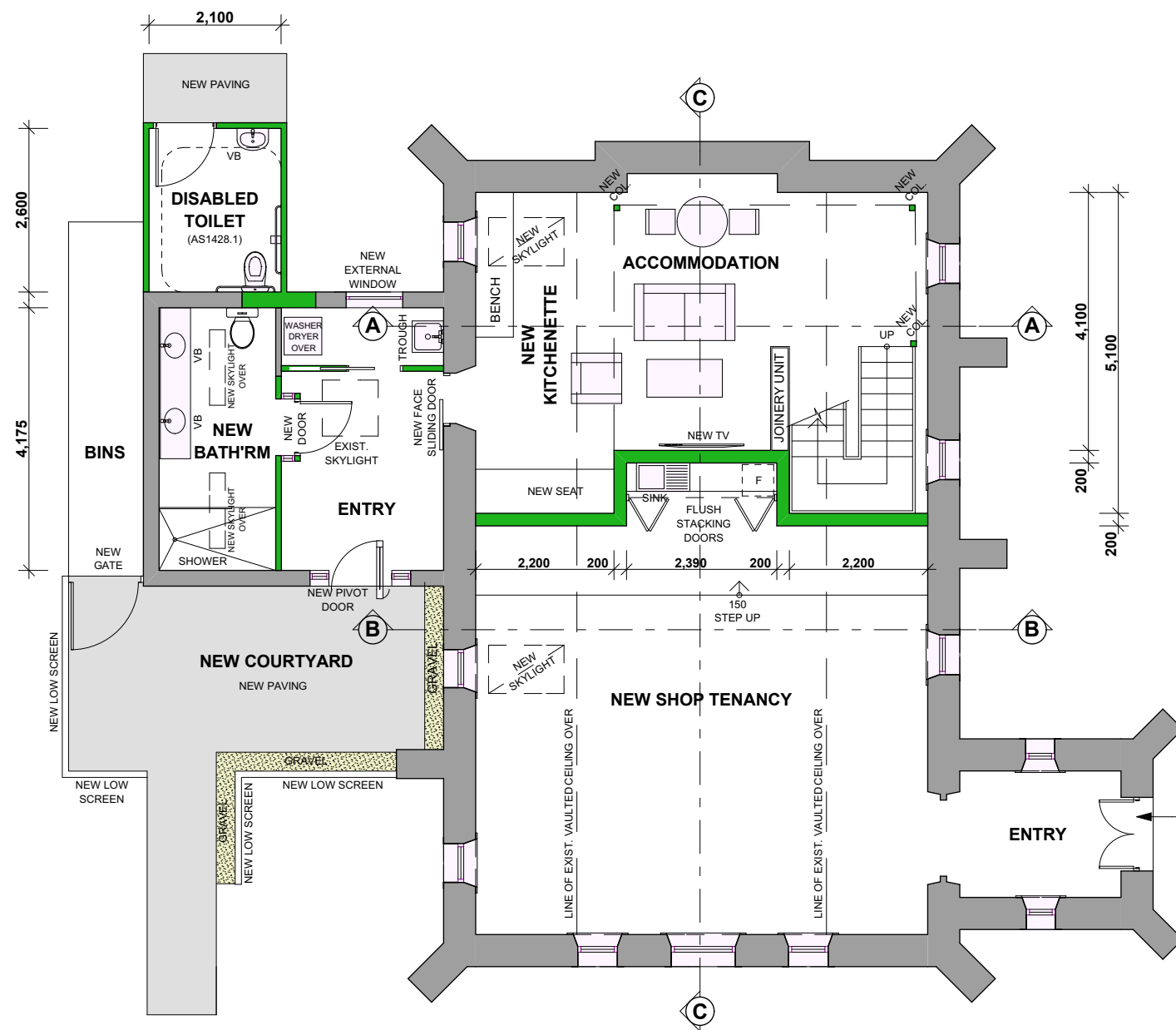
**PROPOSED SITE / LOCALITY PLAN**

DRAWN <b>T.L</b>	DATE <b>27.07.2016</b>	DRAWING No  <b>32.16 / DA.01B</b>
SCALE <b>AS SHOWN</b>	PROJECT No <b>32.16</b>	

ACCREDITED DESIGNER:

SHANE MANN - GC1045V  
Agenda Attachments - 25 Bridge Street - Page 2 of 9



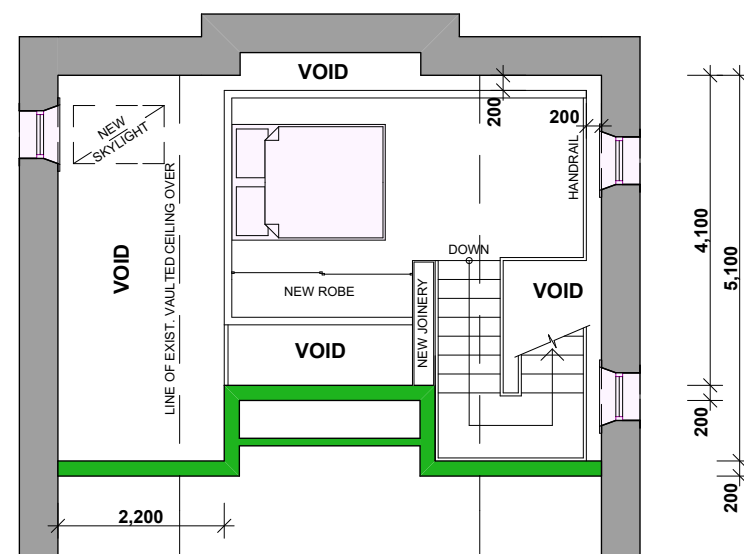


**PROP. GROUND FLOOR**

Scale: 1:100 @ A3

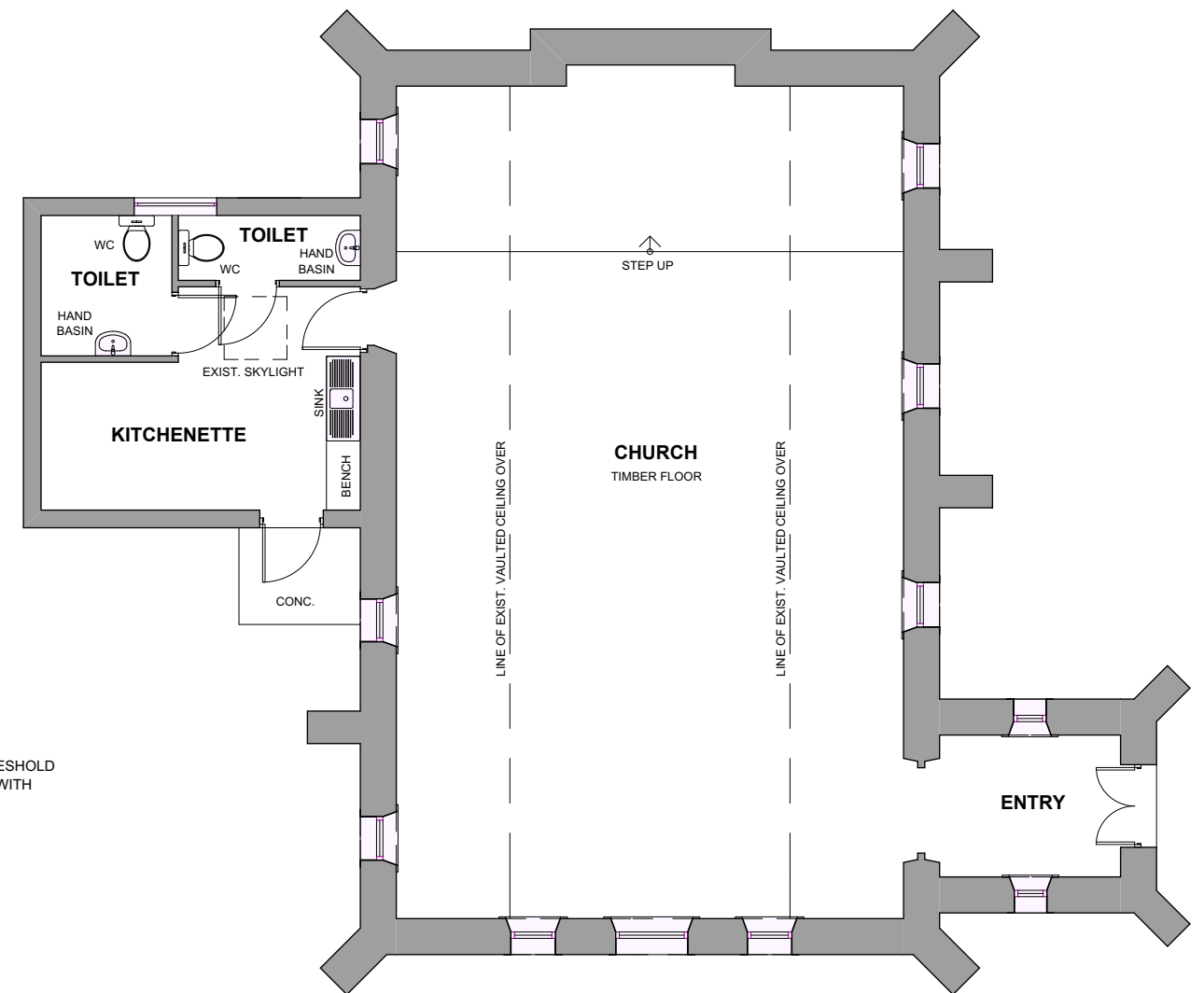
**LEGEND:**

 EXISTING WALLS

 NEW WALLS

**PROP. MEZZANINE**

Scale: 1:100 @ A3



## EXISTING FLOOR PLAN

Scale: 1:50 @ A2



## DEVELOPMENT APPLICATION

SHANE MANN &amp; ASSOCIATES

## Architecture & Interior Design

ABN: 98 375 524 257

85 Elizabeth Street, Hobart, Tasmania 7000

Phone: (03) 6231 6999    Fax: (03) 6231 6988

Mobile: 0419 993 163

E-mail: [smann@smarchitects.net.au](mailto:smann@smarchitects.net.au)



PROJECT  
FOR MIRELLA BYWATER  
25 BRIDGE STREET  
RICHMOND, TAS

DRAWING TITLE

FLOOR PLANS

DRAWN T I

DATE	1.08.2016
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DRAWING No.

SCALE AS SHOWN

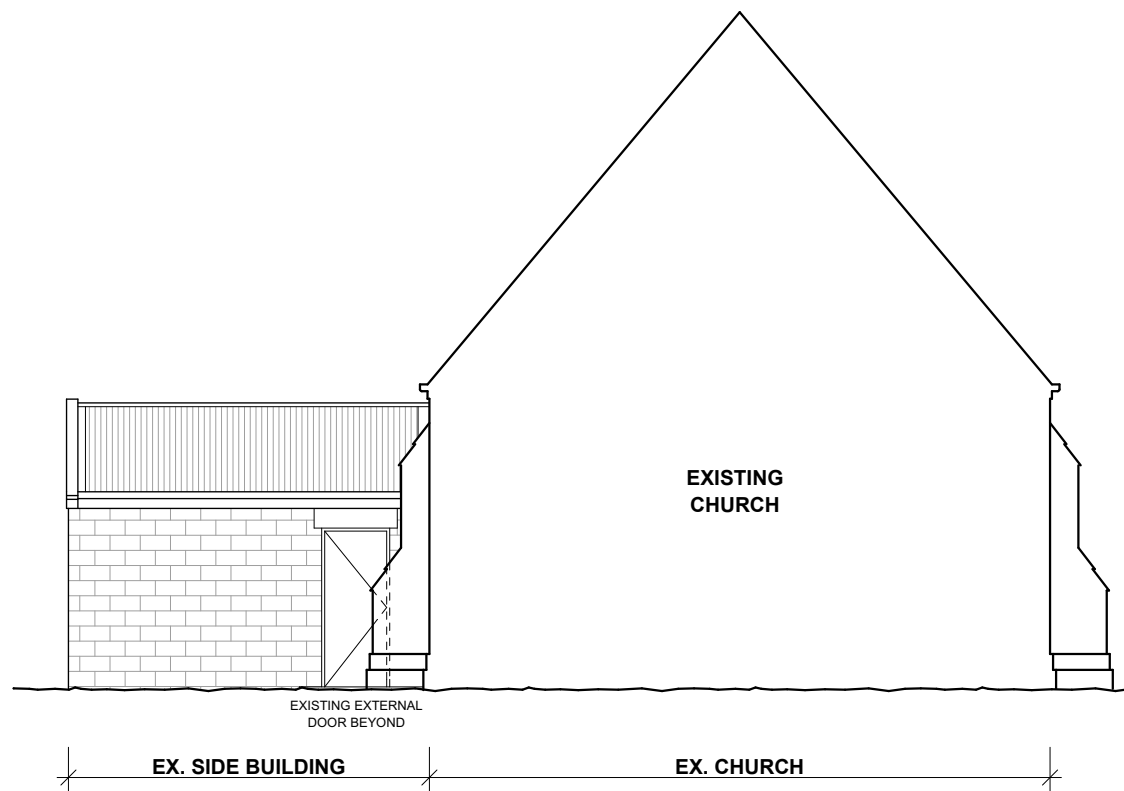
PROJECT No.	32.16
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32.16 / DA.02C

ACCREDITED DESIGNER:

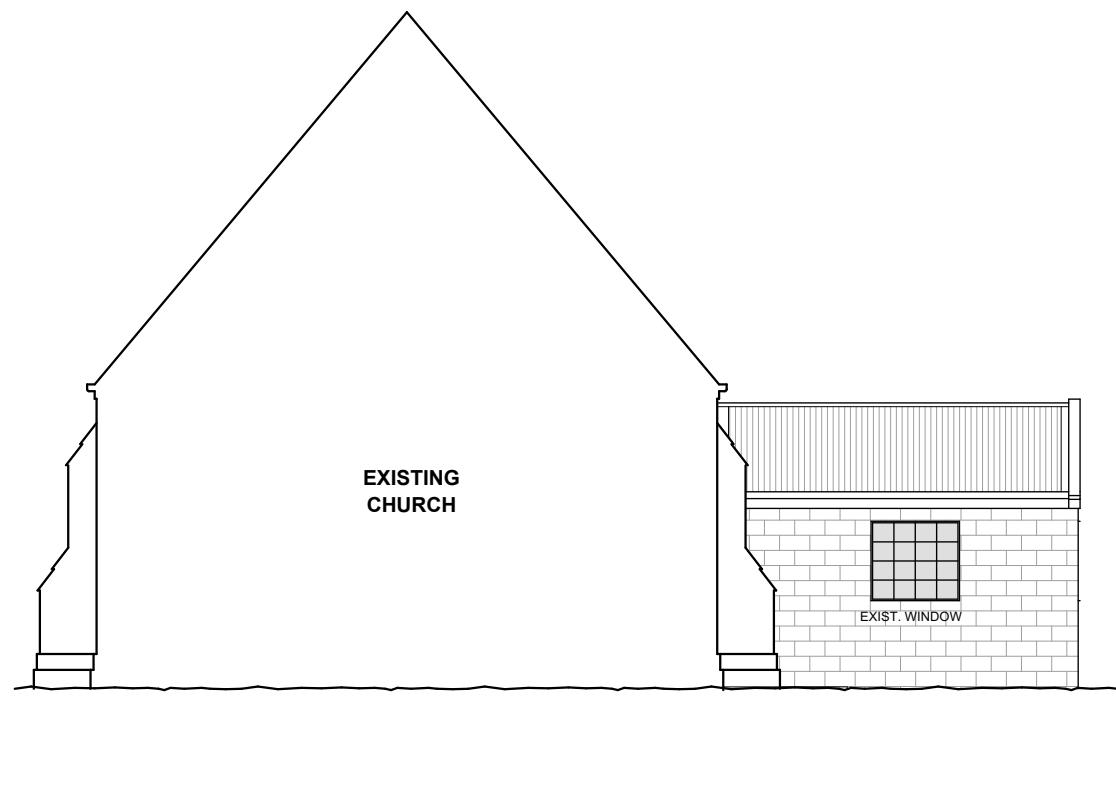
SHANE MANN - CC1045V  
Agenda Attachments - 2

Agenda Attachments - 25 Bridge Street - Page 3 of 9



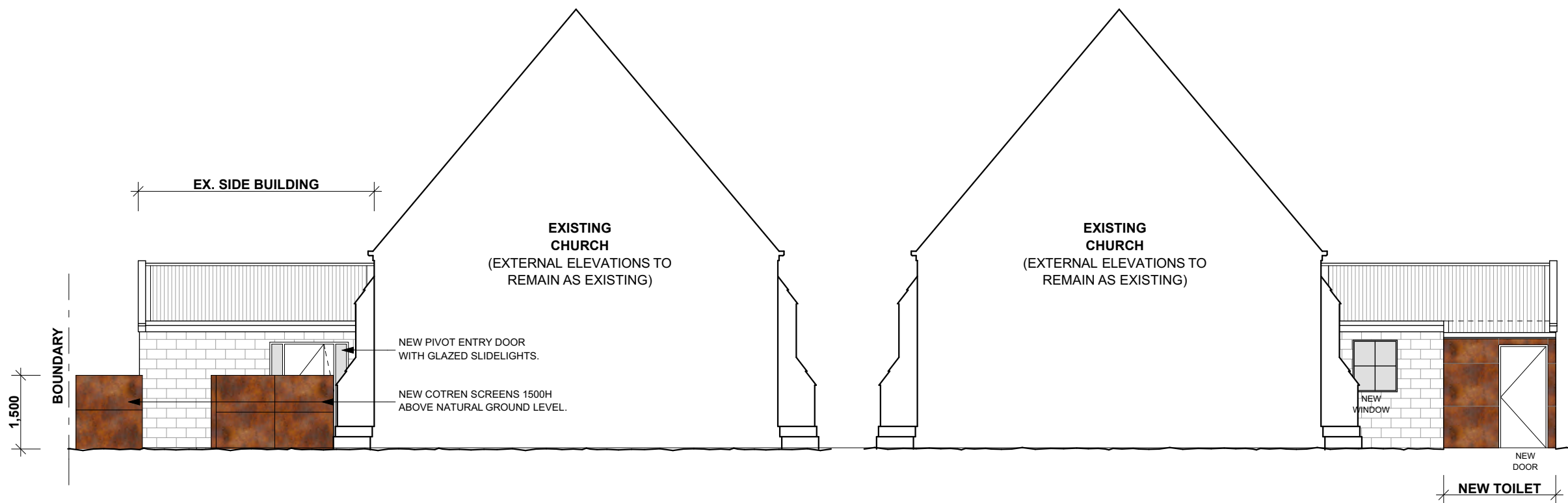
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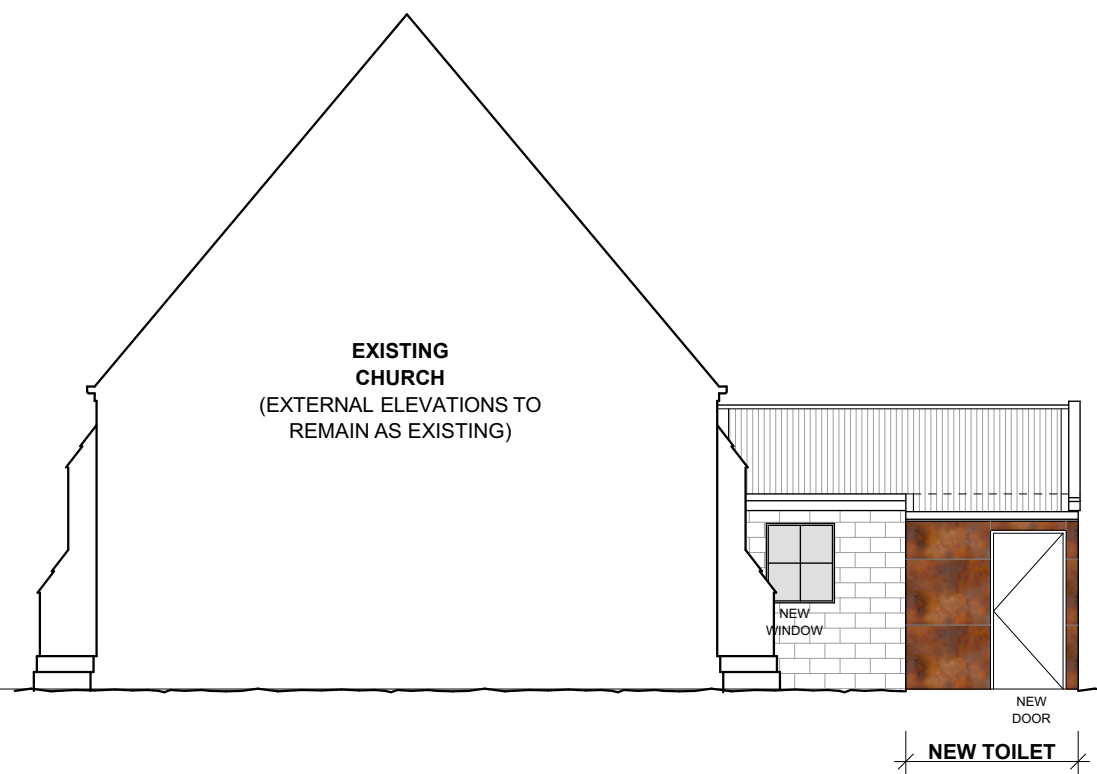
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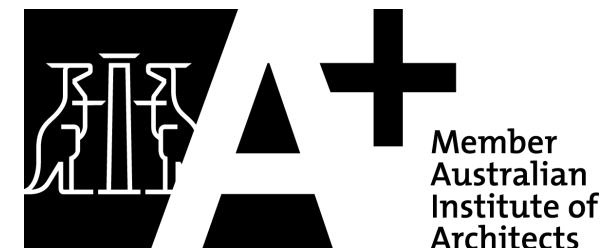
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(SIDE BUILDING)  
Scale: 1:100 @ A3



## PROP. NORTH-WEST ELEVATION

(SIDE BUILDING)  
Scale: 1:100 @ A3



DEVELOPMENT APPLICATION

**SHANE MANN & ASSOCIATES**

Architecture & Interior Design

ABN: 98 375 524 257

85 Elizabeth Street, Hobart, Tasmania 7000

Phone: (03) 6231 6999 Fax: (03) 6231 6988

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E-mail: smann@smarchitects.net.au



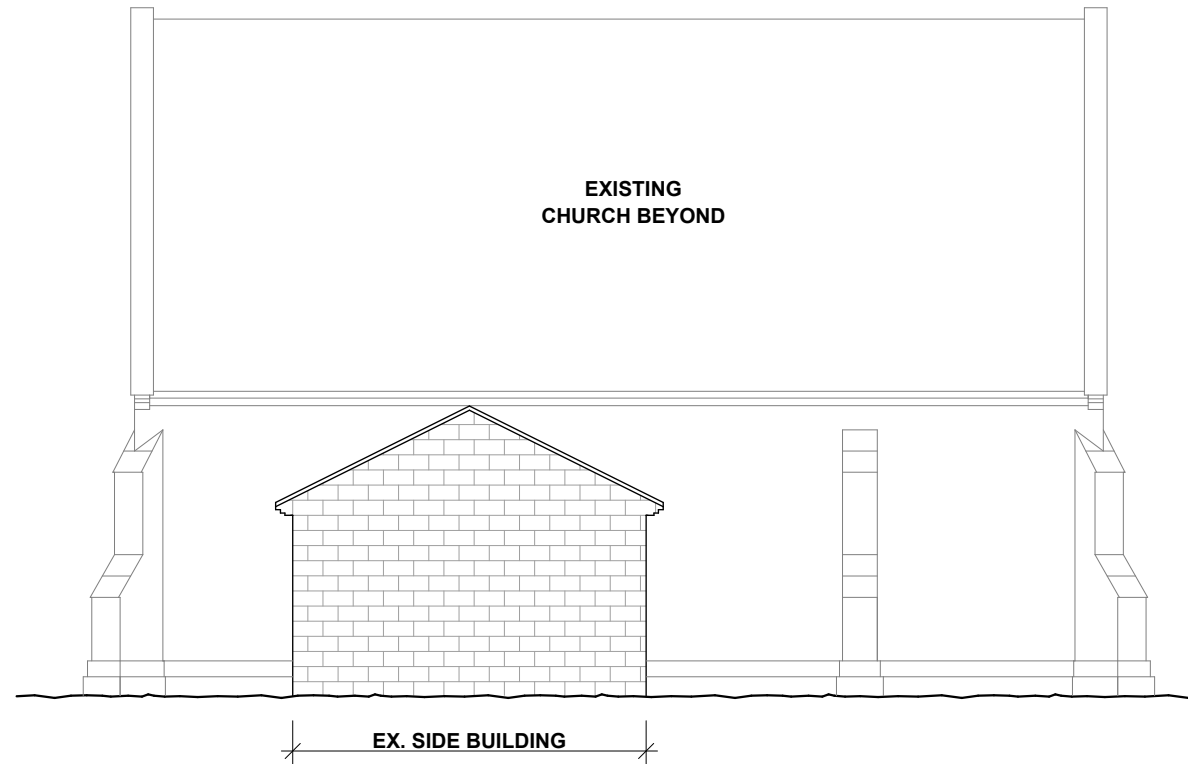
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FOR MIRELLA BYWATER  
25 BRIDGE STREET  
RICHMOND, TAS

DRAWING TITLE:  
ELEVATIONS

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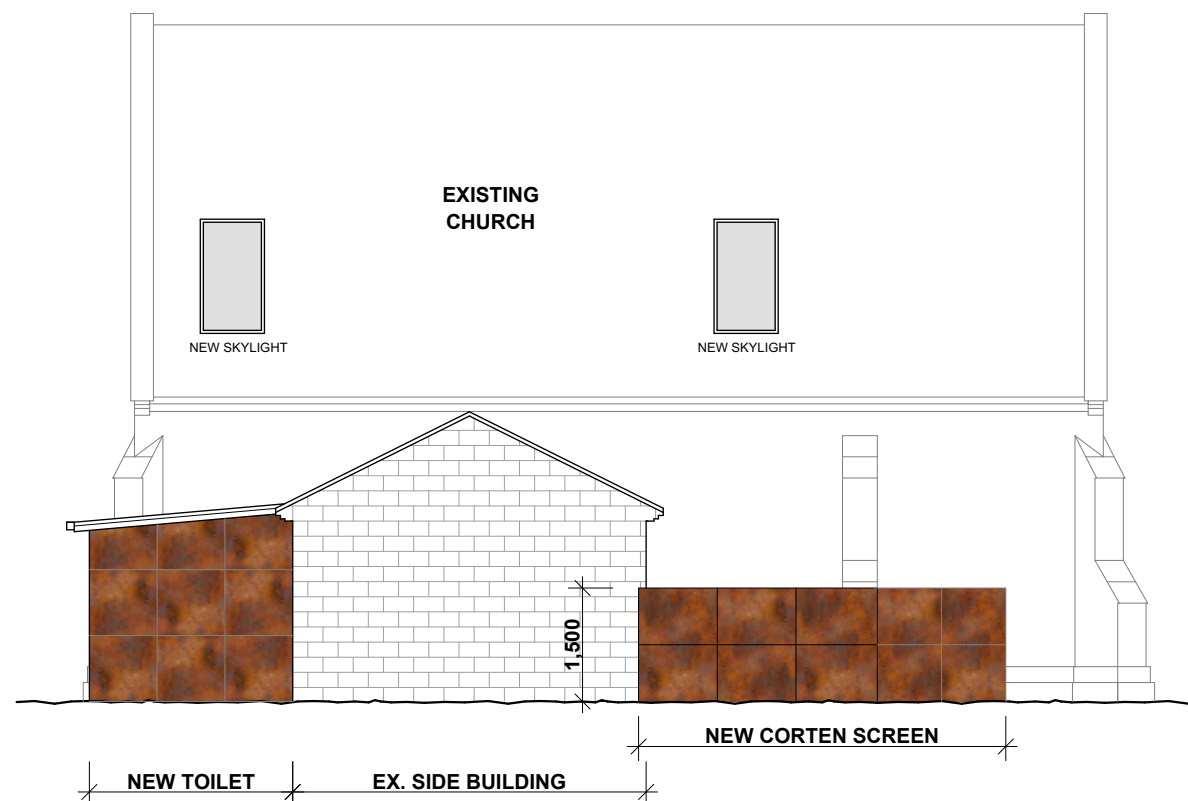
ACCREDITED DESIGNER:

SHANE MANN - CC1045V  
Agenda Attachments - 25 Bridge Street - Page 4 of 9



## EXIST. SOUTH-WEST ELEVATION

(SIDE BUILDING)  
Scale: 1:100 @ A3



## PROP. SOUTH-WEST ELEVATION

(SIDE BUILDING)  
Scale: 1:100 @ A3



DEVELOPMENT APPLICATION

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PROJECT  
FOR MIRELLA BYWATER  
25 BRIDGE STREET  
RICHMOND, TAS

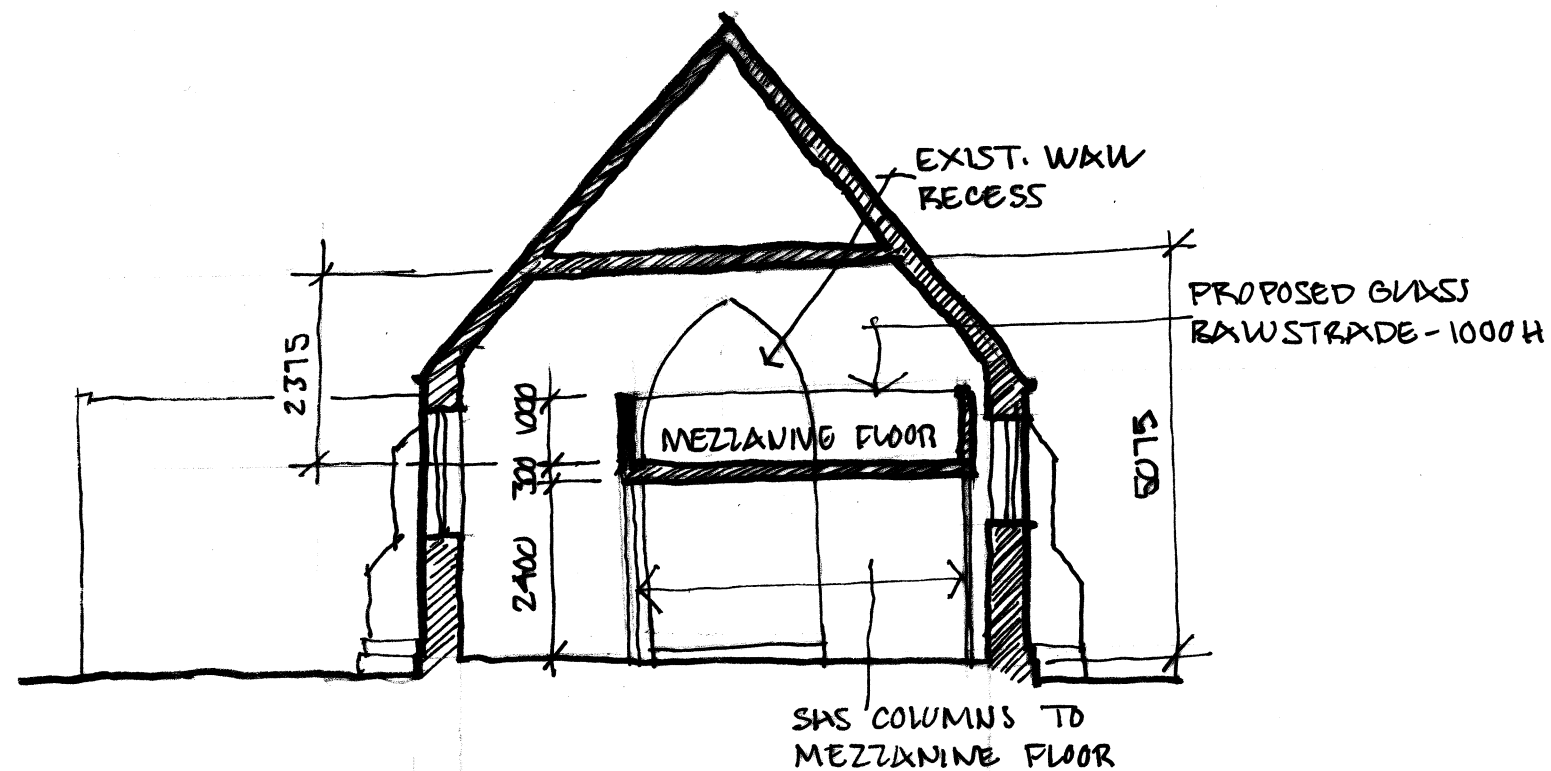
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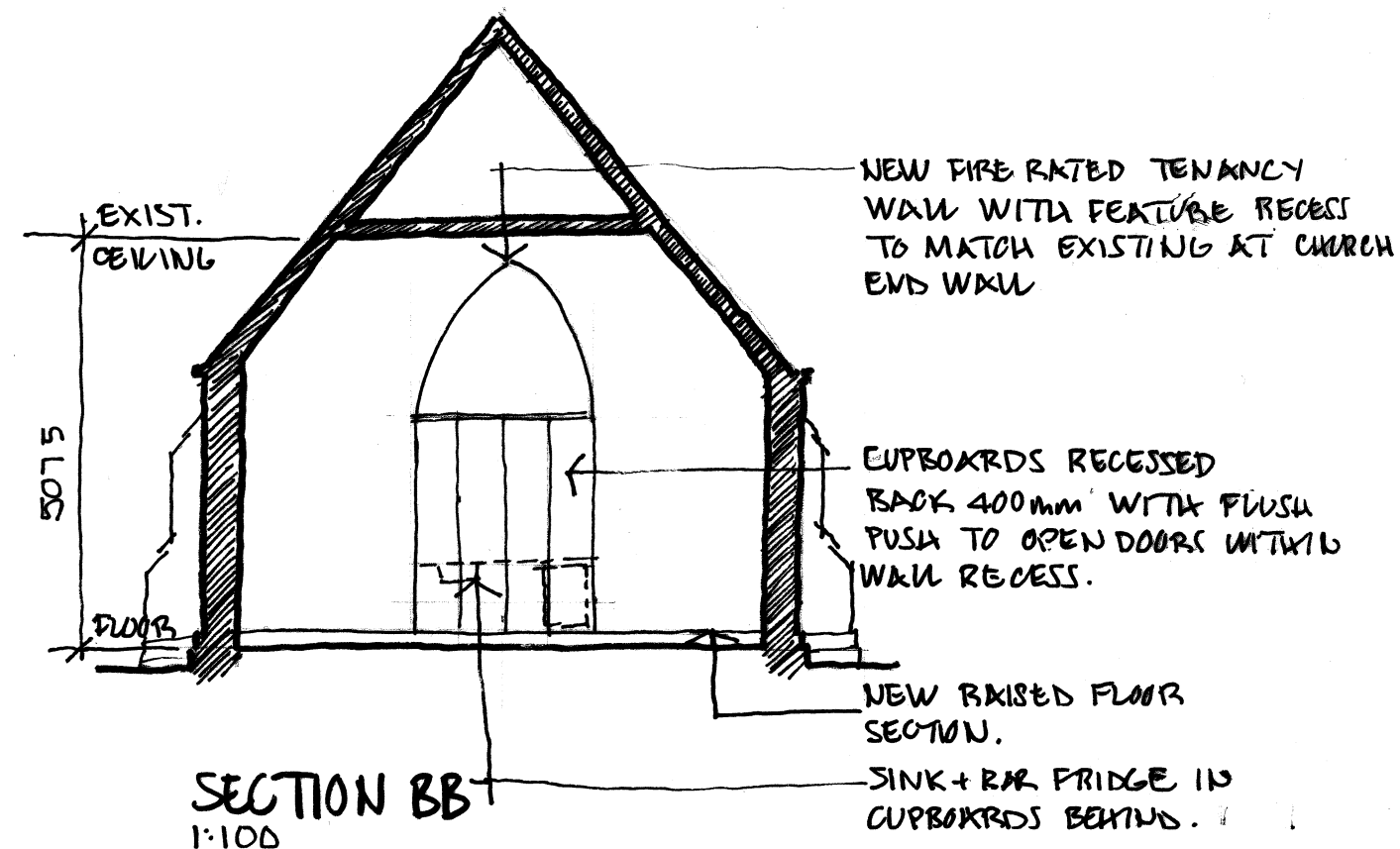
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SHANE MANN - CC1045V  
Agenda Attachments - 25 Bridge Street - Page 5 of 9

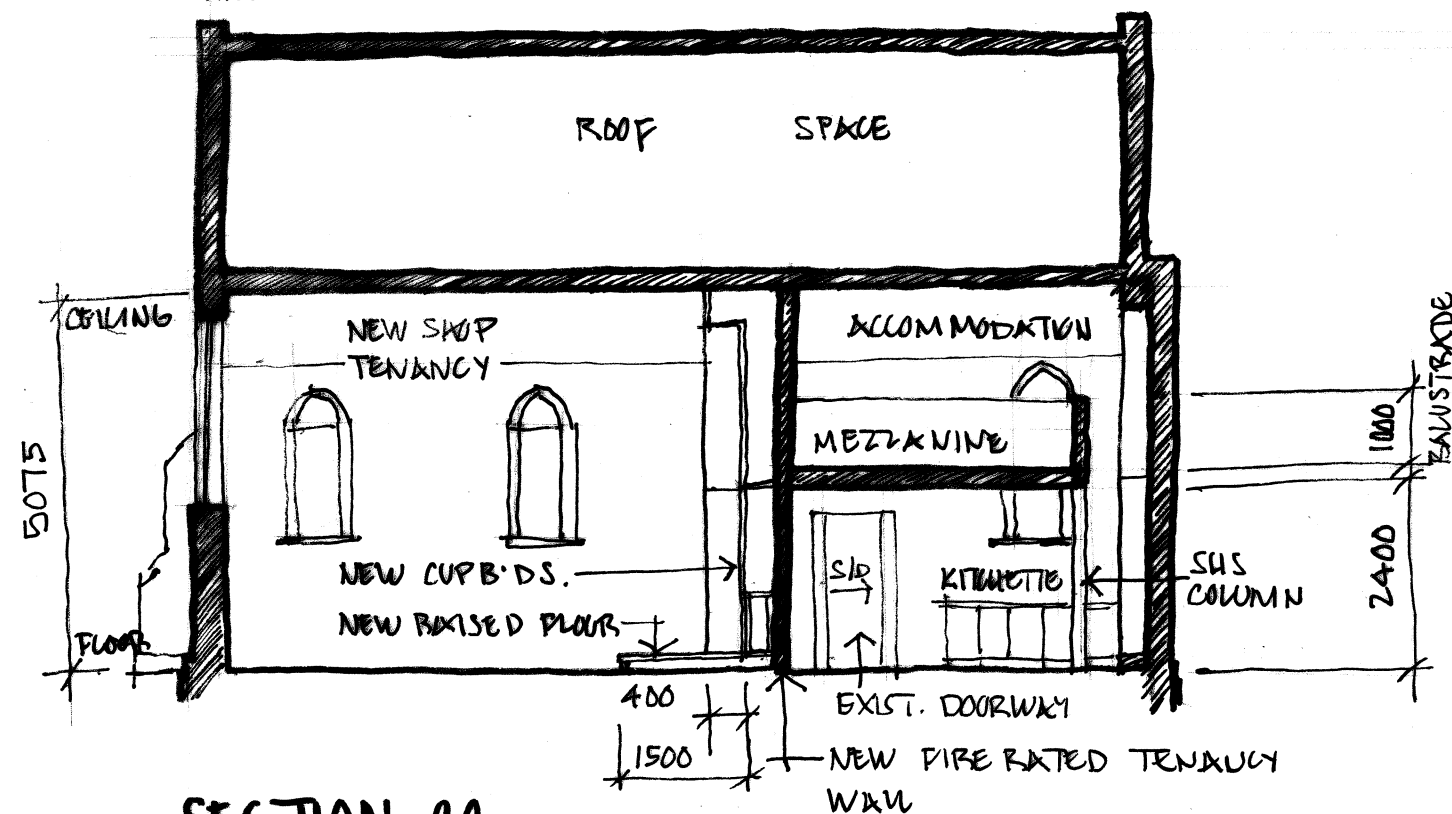




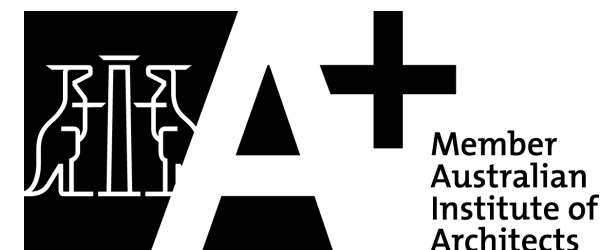
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SECTION CC  
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DEVELOPMENT APPLICATION

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PROJECT  
FOR MIRELLA BYWATER  
25 BRIDGE STREET  
RICHMOND, TAS

DRAWING TITLE  
SECTIONS

DRAWN T.L.	DATE 1.08.2016	DRAWING No. 32.16 / DA.05
SCALE AS SHOWN	PROJECT No. 32.16	

ACCREDITED DESIGNER:

SHANE MANN - CC1045V  
Agenda Attachments - 25 Bridge Street - Page 6 of 9

# Attachment 3

**25 Bridge Street, RICHMOND**



**Site viewed from Bridge Street, looking northwest**



**Site viewed from Percy Street, looking west**



# Attachment 4

Tasmanian Heritage Council

Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
[enquiries@heritage.tas.gov.au](mailto:enquiries@heritage.tas.gov.au)  
[www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

PLANNING REF: DA2016-292  
THC WORKS REF: 5073  
REGISTERED PLACE NO: 1082  
FILE NO: 15-00-67THC  
APPLICANT: Scott Brownell + Mirella Bywaters  
DATE: 01 September 2016

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: Congregational Church (former), 25 Bridge Street, Richmond.  
Proposed Works: Change of use, internal alterations including new partition and mezzanine floor in nave, minor addition, tree removal (x1), landscaping and externally illuminated sign (x1).

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995* (the Act), the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with Development Application D-2016/292, advertised on 17/08/2016 subject to the following conditions:

- 1. Historic furniture and fittings of the heritage place, including the pulpit, the collection box and at least two representative pews, must be retained within the nave and not removed from the site without the written consent of Heritage Tasmania's Works Manager.**

Reason for condition

To ensure that significant heritage elements are retained as part of the place.

- 2. The new partition walls and mezzanine must be designed and constructed to minimise impacts to the heritage character and fabric of the building.**

Reason for condition

To ensure the new work will be designed and constructed in a way that will minimise damage to the heritage fabric of the place.

- 3. The new skylights must be designed and constructed to minimise impacts to the heritage character and fabric of the building. The skylights must be located within the existing rafters.**

Reason for condition

To ensure the new work will be designed and constructed in a way that will minimise damage to the heritage fabric of the place.

- 4. The new external sign must be designed to be sympathetic to the heritage character of the place.**

Reason for condition

To ensure the new sign is appropriate for the heritage site.

- 5. Any proposed alterations to the front entry, including modifications to the front door and threshold, must be designed to be sympathetic to the heritage fabric and character of the place.**

Reason for condition

To ensure that potential impacts to the heritage values of the place are properly considered.

- 6. Revised drawings to satisfy Conditions 1 to 5 must be submitted to Heritage Tasmania and must be to the satisfaction of the Works Manager, before works commence.**

Reason for condition

To ensure that potential impacts to the heritage values of the place are properly considered.

- 7. A copy of all plans and specifications submitted in making application for a building permit must also be provided to Heritage Tasmania, and any substantial variance from the works covered by this permit must be identified by the applicant.**

Reason for condition

To ensure that works documented at the building permit stage will have an acceptable impact on the place's heritage values.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Please contact Deirdre Macdonald on 1300 850 332 if you require clarification of any matters contained in this notice.



Dr Kathryn Evans

**Chair**

*Under delegation of the Tasmanian Heritage Council*

**11.3.5 DEVELOPMENT APPLICATION D-2016/291 - 65 RIAWENA ROAD, MONTAGU BAY - 3 MULTIPLE DWELLINGS (1 EXISTING AND 2 NEW)**  
(File No D-2016/291)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 existing and 2 new) at 65 Riawena Road, Montagu Bay.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and 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.

**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 28 September 2016.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation with 15 signatures was received raising the following issues:

- density;
- lack of on-street car parking;
- increased risk to cyclists due to additional dwellings; and
- impact on buses and pedestrians from the additional traffic generated by development.

**RECOMMENDATION:**

A. That the Development Application for 3 Multiple Dwellings (1 existing and 2 new) at 65 Riawena Road, Montagu Bay (Cl Ref D-2016/291) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN
  - [ • a screen with a minimum height of 1.7m located on the southern side of Parking space 2;
  - a storage area, for waste and recycling bins in accordance with Clause 10.4.8 of the Scheme].
3. ENG A1 – NEW CROSSOVER [TSD-R09] Replace 3m with 3.6m.
4. ENG A5 – SEALED CAR PARKING.

5. ENG S1 – INFRASTRUCTURE REPAIR.
  6. ENG S4 – STORMWATER CONNECTION.
  7. ENG M1 – DESIGNS DA.
  8. The development must meet all required Conditions of Approval specified by TasWater notice dated 21 July 2016 (TWDA 2016/01006).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned General Residential under the Scheme.
- 2.2. The proposal requires a discretionary application because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 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 is a 1012m<sup>2</sup> residential lot containing a Single Dwelling with vehicular access from Riawena Road. The surrounding area is residential in nature with the property to the north and east containing 5 and 11 Multiple Dwellings retrospectively. The property has a gentle slope from the west down to the east.

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

The proposal is to construct an additional 2 conjoined dwellings in the rear of the site. The dwellings will be 2 storeys and each contain 3 bedrooms.

The development proposes a second crossover to provide access to 4 car parking spaces for the additional dwellings. Car spaces 1 and 4 will be associated with Unit 1 and car parking spaces 2 and 3 will be associated with Unit 2. The existing dwelling will retain the existing crossover and 2 tandem car parking spaces.

### **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**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
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) 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.</p>	The proposed development has a rear boundary setback of 4.43m which results in Unit 1 protruding out of the building envelope on the northern elevation (see attachment).



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

<b>Performance Criterion</b>	<b>Comment</b>
<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;</i></p>	<p>Units 1 and 2 meet the Acceptable Solutions for the building setbacks to the side (east) boundary.</p> <p>Units 1 and 2 are located to the north-west of a lot containing 11 dwellings, 4 of which are located along the boundary adjoining the subject site. The living areas of these dwellings face westwards towards the subject site.</p> <p>The applicant has provided sun shadow diagrams which demonstrate that the living rooms of 3 of the 4 units adjoining the site will lose sunlight between 2.00pm and 3.00pm on 21 June, however, they will not be affected by the development between 9.00am and 2.00pm. As the units will still receive a minimum of 4 hours sunlight during the winter months, it is considered that the loss of sunlight caused by the development is reasonable and meets the performance criteria.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The sun shadow diagrams provided by the applicant demonstrate that the private open space for 3 of the 4 units adjoining the site will lose sunlight between 2.00pm and 3.00pm on 21 June, however, is not affected between 9.00am and 2.00pm. On this basis, it is considered that the loss of sunlight to the private open space caused by the development satisfies the performance criteria.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>Not applicable</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 majority of the lots to the north and east contain 2 storey dwellings. The development will have similar bulk and proportions as the existing 2 storey dwelling on the site and the dwellings in the surrounding area. Therefore the development is not considered to result in an unreasonable visual impact when viewed from an adjoining lot.</p>

<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The lots to the west, north and east contain Multiple Dwellings and Single Dwellings with similar separations as to what is proposed.
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**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.3 A2	Site coverage and private open space for all dwellings	A dwelling must have an area of private open space that: (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and	The private open space for both Unit 1 and 2 is accessed from the laundry.

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

<b>Performance Criterion</b>	<b>Comment</b>
<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>(ii) orientated to take advantage of sunlight”.</p>	Both Unit 1 and 2 have adjacent areas of private open space which are capable of being used as an extension to the dwelling and are conveniently located and orientated to obtain sunlight.

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
10.4.4	Sunlight and overshadowing for all dwellings	A dwelling must have at least 1 habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Unit 2 has east and west facing windows.

The proposed variation can be supported pursuant to the following Performance Criteria P1.

Performance Criterion	Comment
<i>“A dwelling must be sited and designed so as to allow sunlight to enter at least 1 habitable room (other than a bedroom)”.</i>	Unit 2 will receive sunlight into both living areas from east and west facing windows and therefore meets the Performance Criteria.

### General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A3	Privacy for all dwellings	<p>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:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(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.</p>	The bedroom window on the northern elevation of the existing dwelling is located 1m from car parking space 2 and screening has not been proposed.

The proposed variation can be supported pursuant to the following Performance Criteria P3.

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>	The location of the car parking space 2 adjacent to the bedroom window of the existing dwelling may result in a detrimental loss of amenity from vehicle headlights and therefore screening should be provided to minimise any impact. It is recommended that a condition be included requiring amended plans showing a screen on the southern side of car parking space 2.

### General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.8	Waste storage for Multiple Dwellings	<p>A Multiple Dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m<sup>2</sup> per dwelling and is within 1 of the following locations:</p> <ul style="list-style-type: none"> <li>(a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of at least 4.5m from a frontage; and</li> <li>(ii) is at least 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>	None proposed

The proposed variation can be supported pursuant to the following Performance Criteria P1.

Performance Criterion	Comment
<p><i>“A Multiple Dwelling development must provide storage, for waste and recycling bins, that is:</i></p> <p><i>(a) capable of storing the number of bins required for the site; and</i></p> <p><i>(b) screened from the frontage and dwellings; and</i></p> <p><i>(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise”.</i></p>	<p>As the proposal did not include details of waste storage the performance criteria cannot be met and therefore a condition requiring waste storage in accordance with the Acceptable Solution is recommended.</p>

### Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of car parking spaces	Two spaces per dwelling and 1 visitor car parking space.	Two spaces for the existing dwelling and 4 spaces for the 2 additional dwellings are proposed on-site. A visitor space is not provided.

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

Performance Criterion	Comment
<p><i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i></p> <p><i>(a) car parking demand;</i></p>	<p>The 2 car parking spaces provided for the 2 additional dwellings are considered to meet the car parking demand of the development and is consistent with the number of spaces previously approved for Multiple Dwellings under the previous Clarence Planning Scheme 2007, where experiences indicated this was an adequate number to meet demand.</p>
<p><i>(b) the availability of on-street and public car parking in the locality;</i></p>	<p>On-street parking is retained between the existing and proposed driveway and there is on-street car parking available along both sides of Riawena Road.</p>
<p><i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i></p>	<p>Riawena Road is located on a Metro bus route.</p>

<i>(d) the availability and likely use of other modes of transport;</i>	The site is within walking distance of Montagu Bay Primary School and is located in proximity to the bike track to Hobart and Geilston Bay.
<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	Additional car parking cannot be provided on-site, however, it is considered that the 2 car parking spaces provided on-site and the available on-street car parking is appropriate for the use.
<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>	Not applicable
<i>(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;</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>	Not applicable
<i>(j) any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	Not applicable
<i>(k) any relevant parking plan for the area adopted by Council; and</i>	Not applicable
<i>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	Not applicable

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.	An additional access for Units 1 and 2 is proposed from Riawena Road.

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

Performance Criterion	Comment
<i>“The number of vehicle access points for each road frontage must be minimised, having regard to all of the following: (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>	The additional access will allow sufficient room to accommodate a car parking space between the existing and proposed access points.
<i>(b) whether the additional access points can be provided without compromising any of the following: (i) pedestrian safety, amenity and convenience;</i>	The access will be constructed in accordance with the relevant standards and Council’s Development Engineer has advised that pedestrian safety, amenity and convenience would not be compromised by an additional access.
<i>(ii) traffic safety;</i>	Council’s Development Engineer advised that Riawena Road is capable of accommodating an additional access in accordance with the relevant standards and therefore traffic safety would not be compromised.
<i>(iii) residential amenity on adjoining land;</i>	It is considered that the additional access will not compromise the residential amenity of the adjoining land for the reasons above.
<i>(iv) streetscape;</i>	It is considered that the additional access will not have a detrimental impact on the streetscape of the surrounding area as adequate space for on-site parking and footpaths will be retained between the 2 accesses.
<i>(v) cultural heritage values if the site is subject to the Local Historic Heritage Code; and</i>	Not applicable
<i>(vi) the enjoyment of any ‘al fresco’ dining or other outdoor activity in the vicinity”.</i>	Not applicable



## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 1 representation with 15 signatures was received. The following issues were raised by the representors.

### **5.1. Density**

Concern was raised that the density of dwellings in the immediate area is too high.

- **Comment**

The proposal complies with the Acceptable Solution in Clause 10.4.1 of the Scheme which relates to density and therefore this issue does not have determining weight.

### **5.2. Lack of On-street Car Parking**

Concern was raised that the development will reduce the on-street parking on Riawena Road which is restricted by bus stops, a bike lane and no parking lines. The representor was also concerned that there is a lack of on-street parking in the area caused by commuters parking in the street, school drop off/pick-ups and when the school fair/athletic carnivals are being held.

- **Comment**

As discussed previously in this report, an on-street parking space will be retained between the existing and proposed accesses and it is considered that the parking provided on-site and the available on-street parking is satisfactory for the demand expected to be generated by the development.

As the site is located in close proximity to Montagu Bay Primary School, it is to be expected at some times in the year, on-street parking in the surrounding area will be utilised by visitors to the school, however, as this is only occasional, this issue is not considered to have determining weight for this application.

**5.3. Increased Risk to Cyclists due to Additional Dwellings**

Concern was raised that the risk of vehicle/cyclist related accidents will be increased by the additional access.

- **Comment**

Council's Development Engineer has advised that the additional access will meet all relevant standards for sight distance and therefore will not result in an increased risk to motorists or cyclists.

**5.4. Impact on Buses and Pedestrians from the additional Traffic Generated by Development**

Concern was raised that the development will increase difficulties when Metro buses are trying to pass vehicles parked on either side of the road.

- **Comment**

Council's Development Engineers have advised that Riawena Road is of a suitable standard to be able to contain an additional access without resulting in a detrimental impact on the pedestrian/vehicle users of the road and will not affect the ability of Metro buses in using the road.

**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.

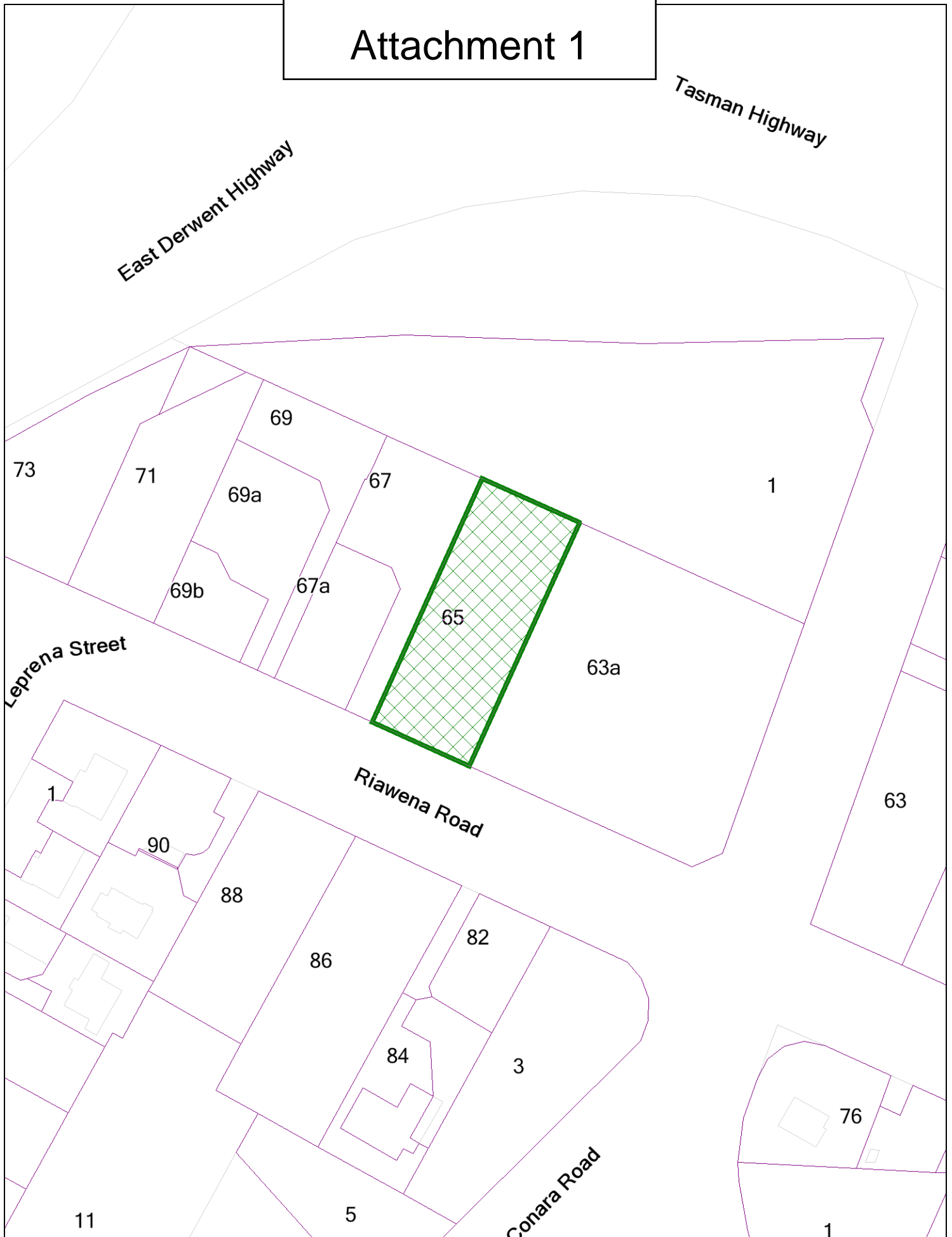
**9. CONCLUSION**

The proposal for 3 Multiple Dwellings (1 existing and 2 additional) at 65 Riawena Road, Montagu Bay is recommended for approval.

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

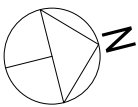
Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1

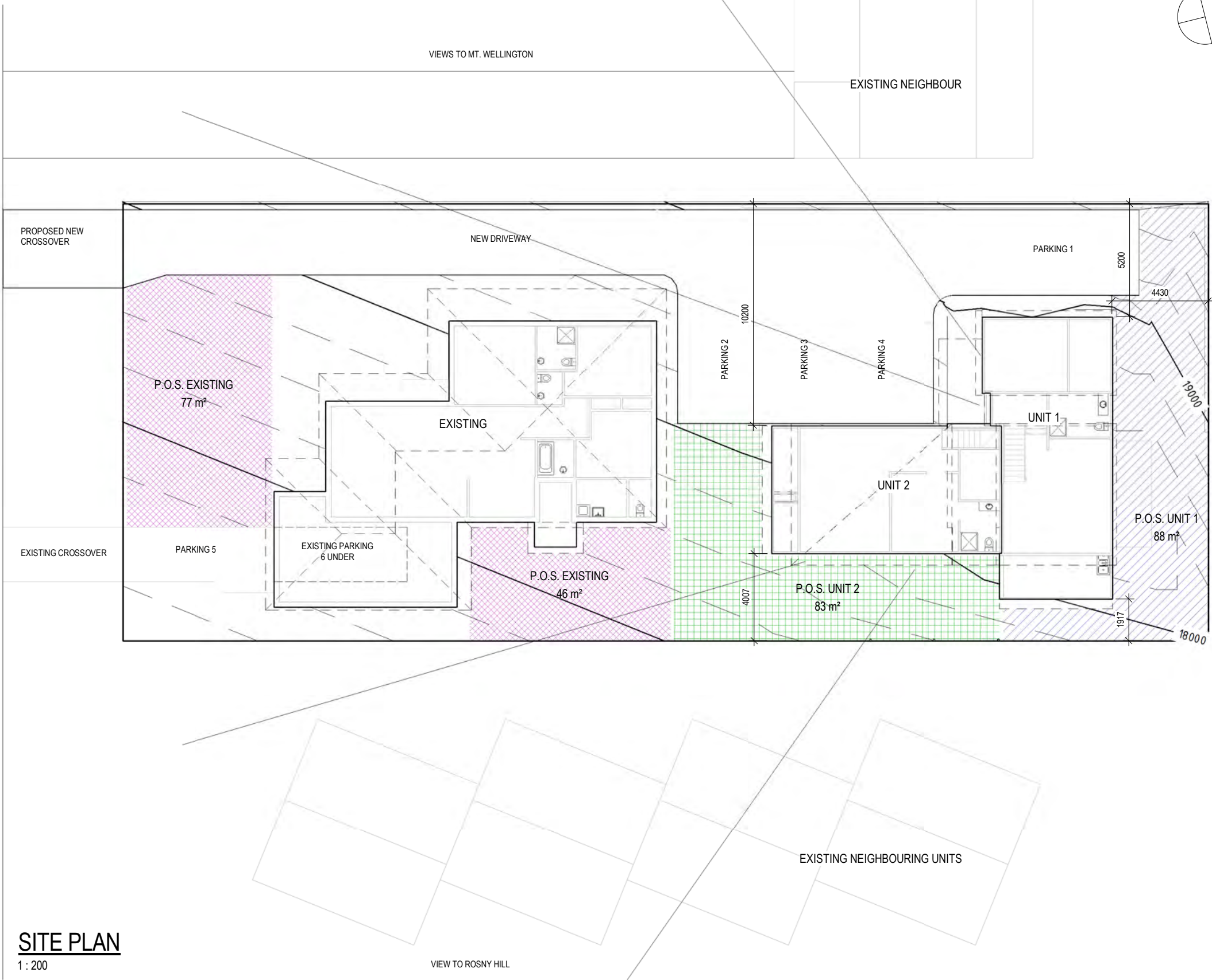


**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 14 September 2016 **Scale:** 1:903.5 @A4

Attachment 2



RIAWENA ROAD



SITE PLAN

1 : 200

AREA OF HARDSTAND	
DRIVEWAY NEW	231m <sup>2</sup>
DRIVEWAY EX.	18.8m <sup>2</sup>
BUILDING FOOTPRINT	
UNIT 1	70.9m <sup>2</sup>
UNIT 2	62.6m <sup>2</sup>
EXISTING	159.2m <sup>2</sup>
COMBINED SITE TOTAL	542.5m <sup>2</sup>
FLOOR AREA	
UNIT1:	
GROUND FLOOR	69.1m <sup>2</sup>
LEVEL 1	56.9m <sup>2</sup>
TOTAL:	126m <sup>2</sup>
UNIT 2:	
GROUND FLOOR	61.6m <sup>2</sup>
LEVEL 1	52.1m <sup>2</sup>
P.O.S.	83m <sup>2</sup>
TOTAL:	113.7m <sup>2</sup>
PRIVATE OPEN SPACE	
UNIT 1	88m <sup>2</sup>
UNIT 2	83m <sup>2</sup>
EXISTING	123m <sup>2</sup>

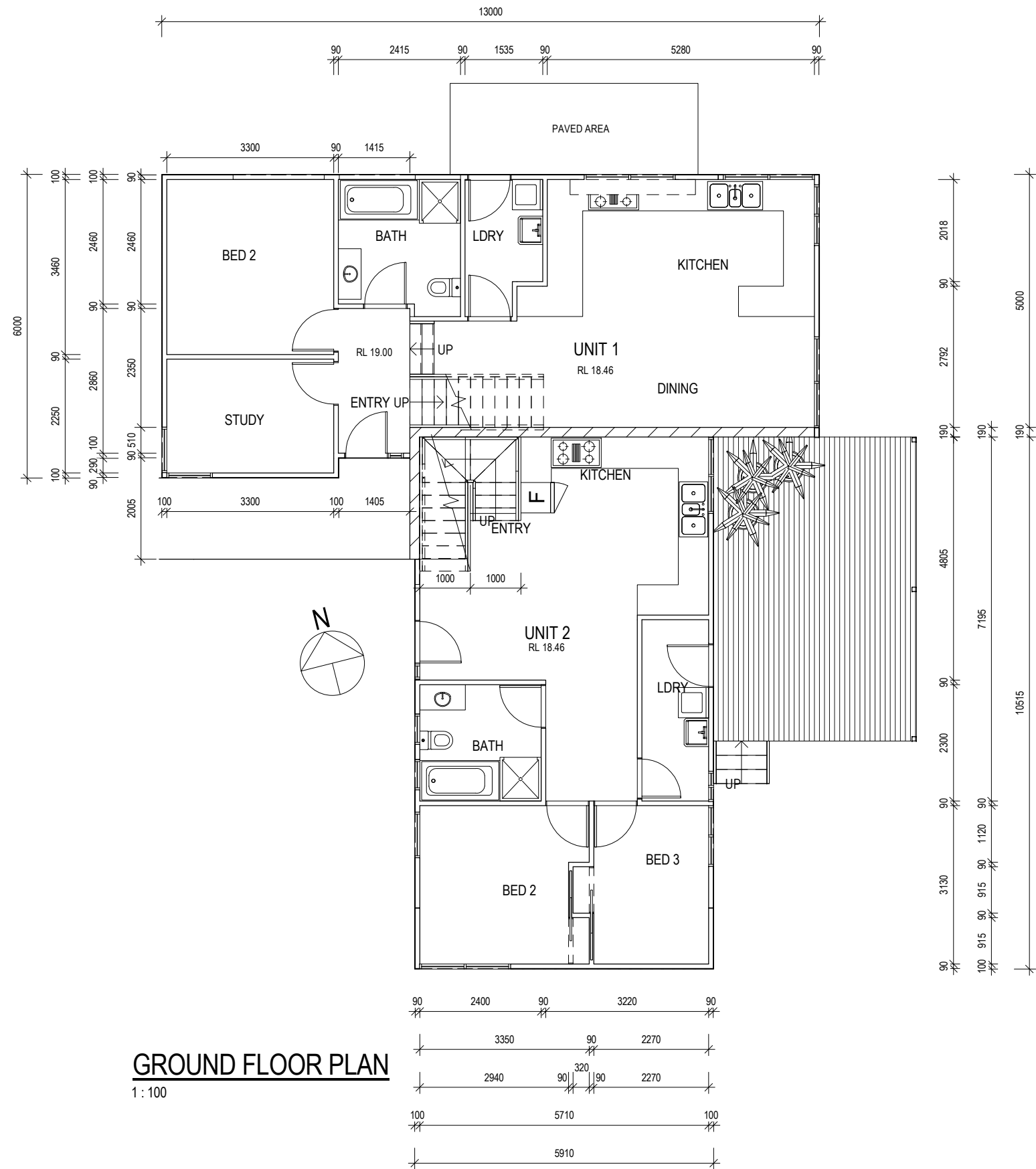
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A	DEVELOPMENT APPROVAL	01/08/2016
REV.	DESCRIPTION	DATE



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CLIENT: HOOPER	SHEET: SITE PLAN	DRAWN: WB	APPROVED: MG
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ISSUE: DEVELOPMENT APPROVAL		PROJECT No. 16E99-163	SHEET No. 2 OF 13
		Agenda Attachment 2 - 65 Riawena Road	Page 2 of 2



**GROUND FLOOR PLAN**  
1 : 100

REV.	DESCRIPTION	DATE
B	DEVELOPMENT APPROVAL	05/08/2016
A	DEVELOPMENT APPROVAL	01/08/2016



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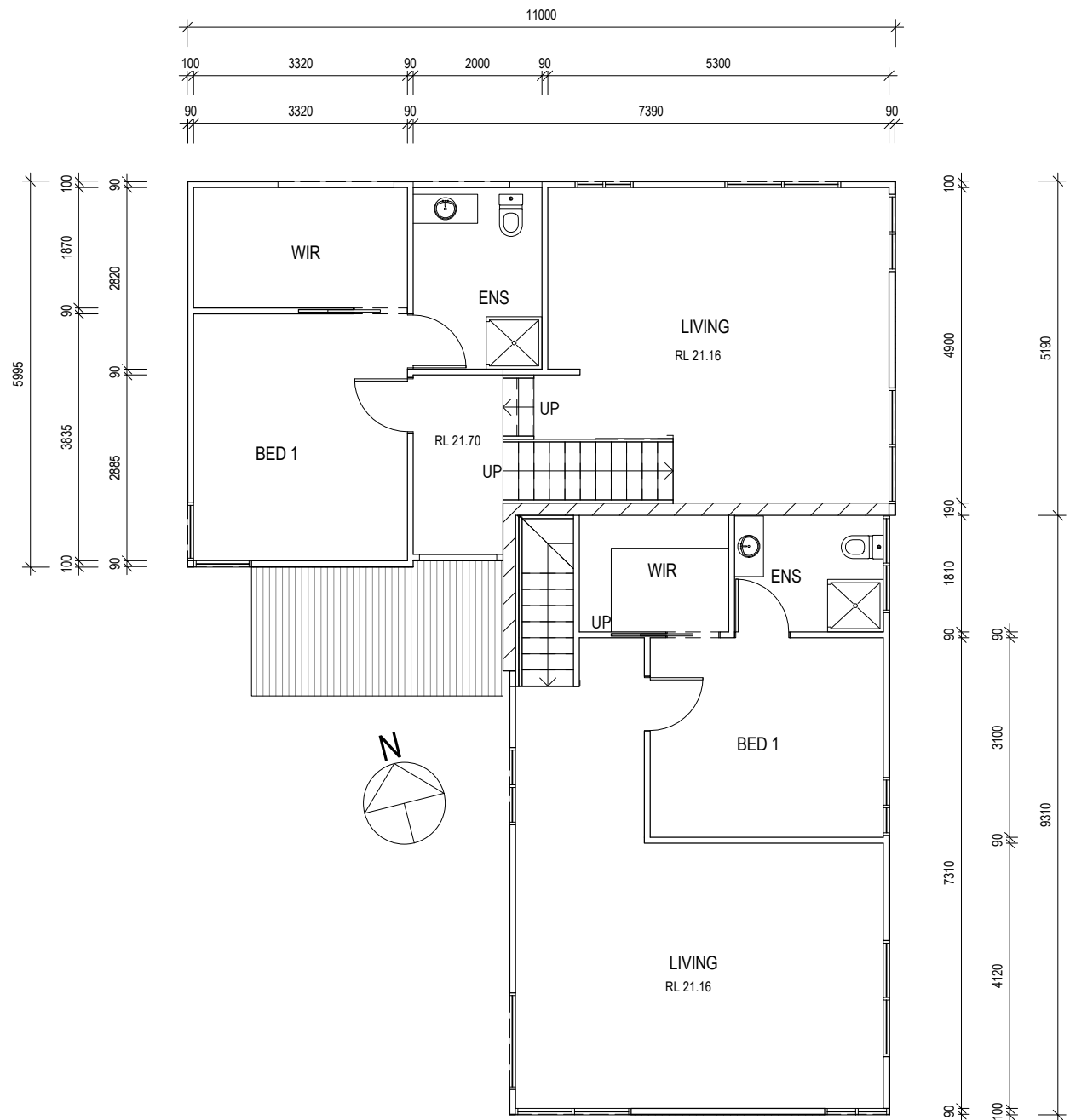
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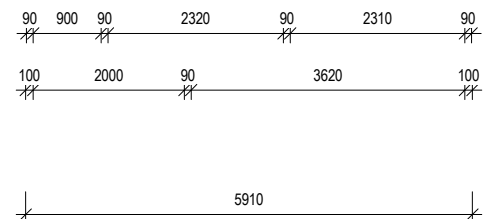
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ISSUE:	DEVELOPMENT APPROVAL

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PROJECT No.	16E99-163	REV No.	B

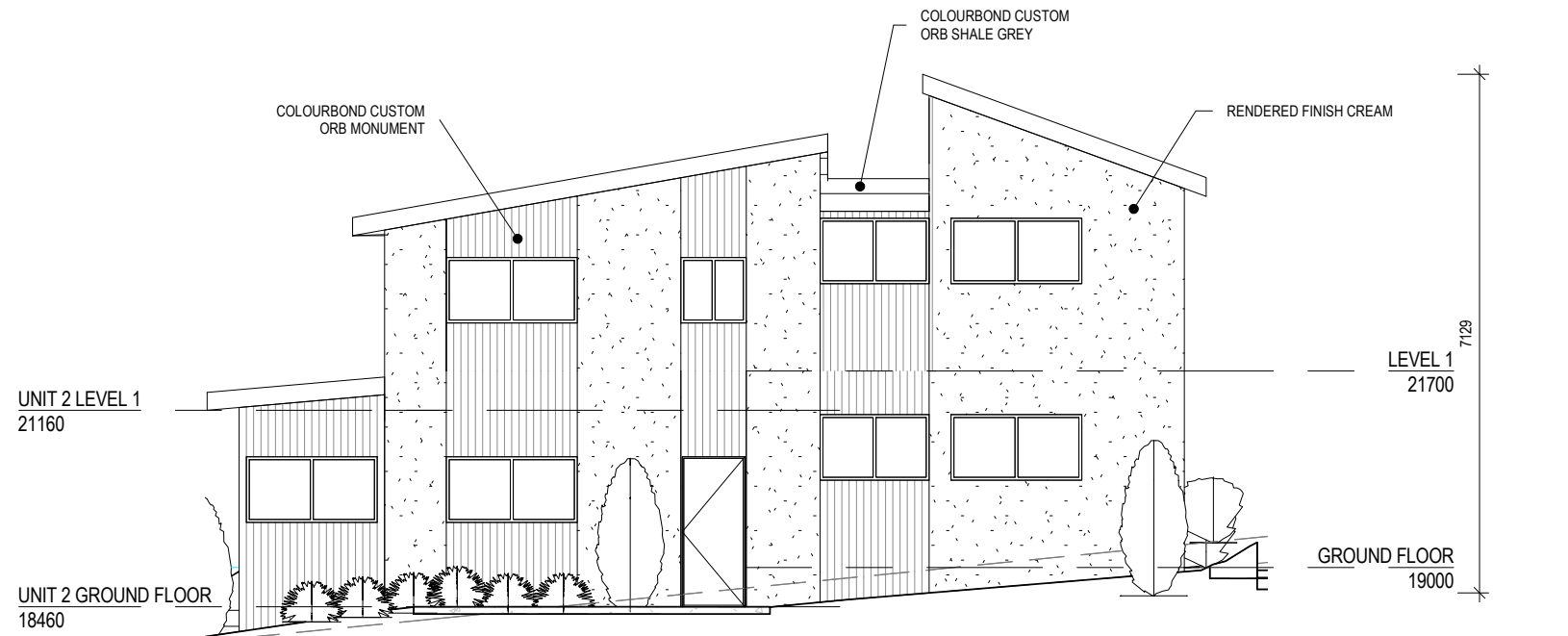




**FIRST FLOOR PLAN**  
1 : 100



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REV.	DESCRIPTION	DATE				Agenda Attachments - 65 Riawena Road - Page 4 of 10				



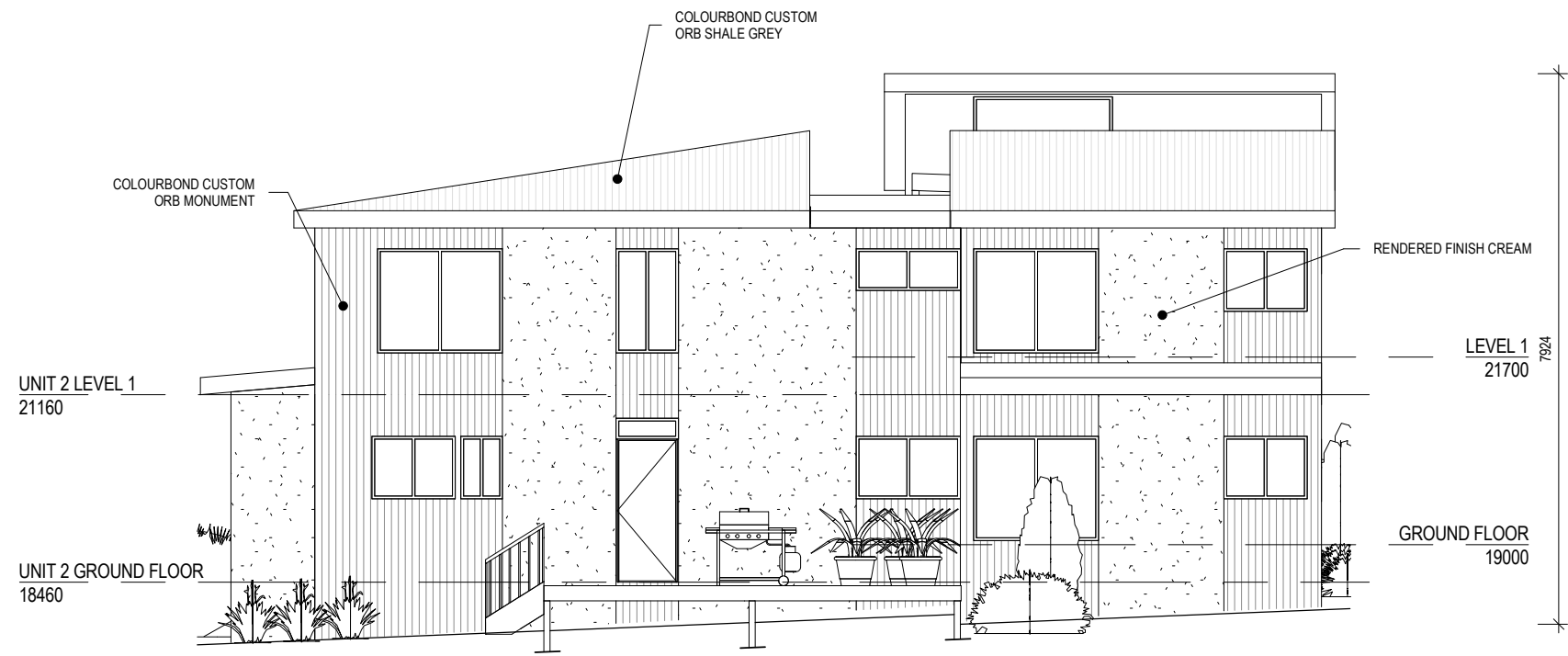
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**SOUTH ELEVATION**  
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REV.	DESCRIPTION	DATE							

Agenda Attachment 65 Riawena Road Page 5 of 5



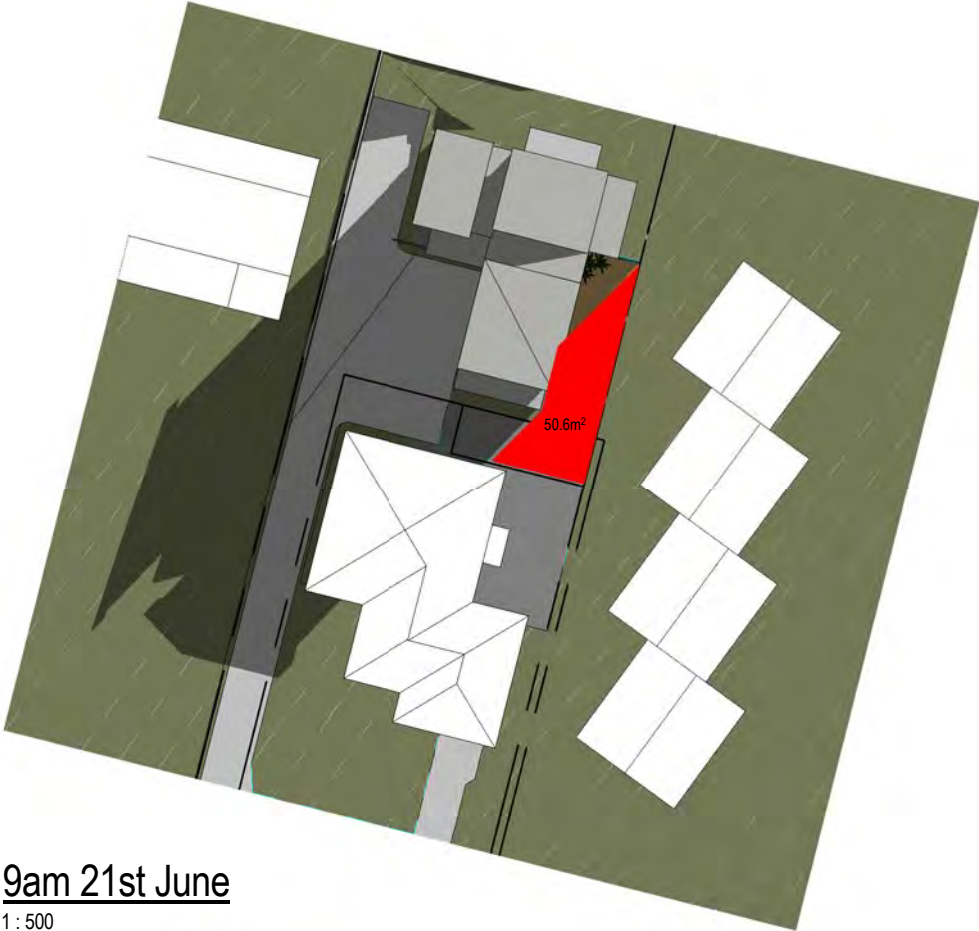
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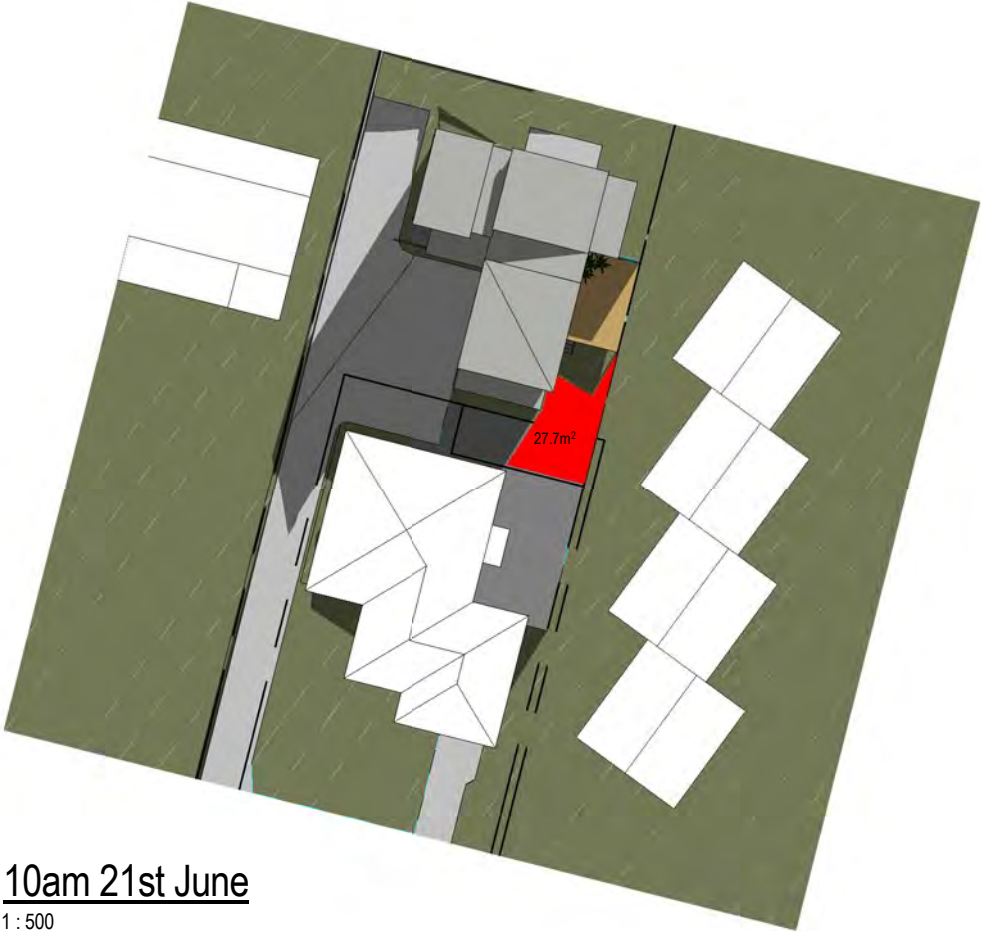
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REV.	DESCRIPTION	DATE							

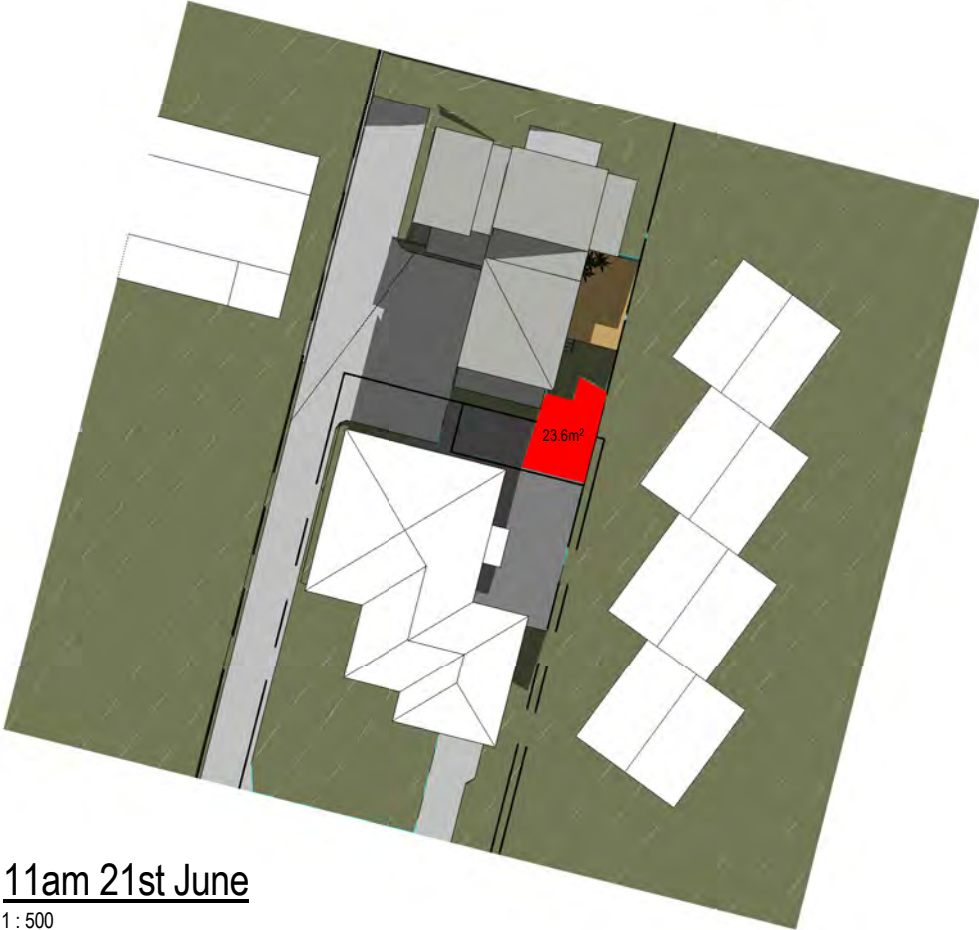
Agenda Attachment 65 Riawena Road Page 6 of B



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1 : 500



10am 21st June  
1 : 500



11am 21st June  
1 : 500

B	DEVELOPMENT APPROVAL	05/08/2016
A	DEVELOPMENT APPROVAL	01/08/2016
REV.	DESCRIPTION	DATE



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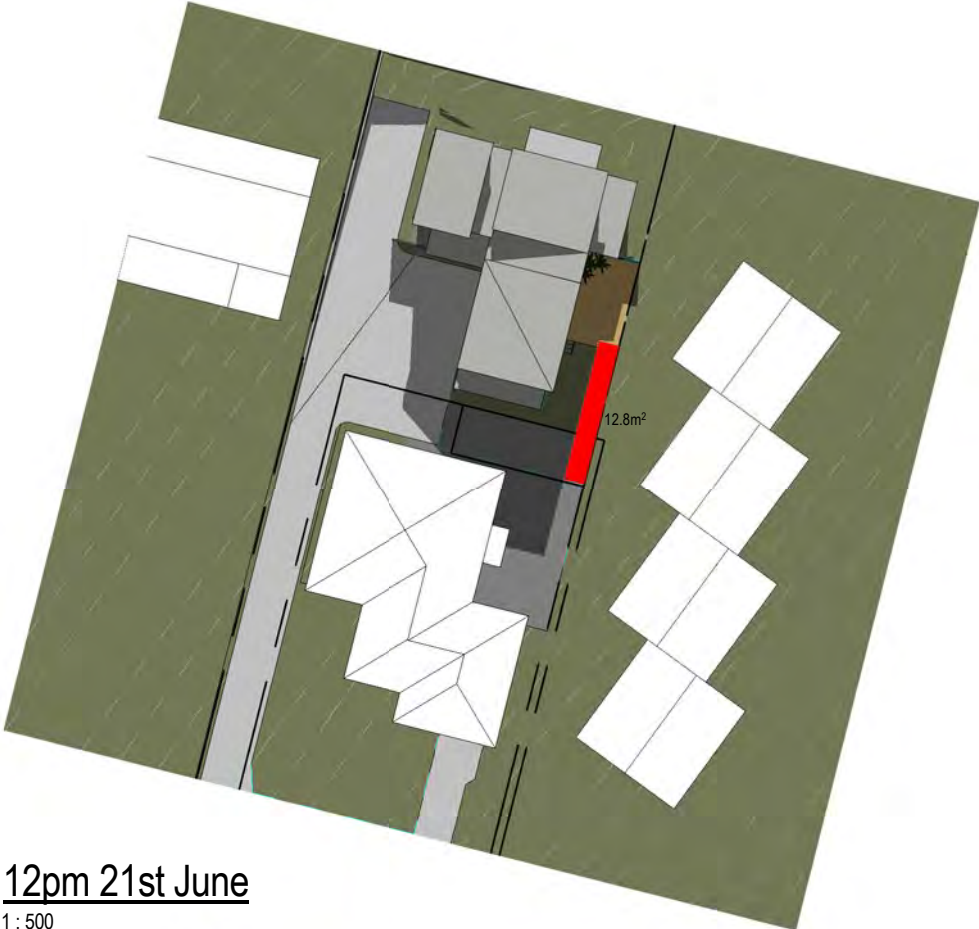
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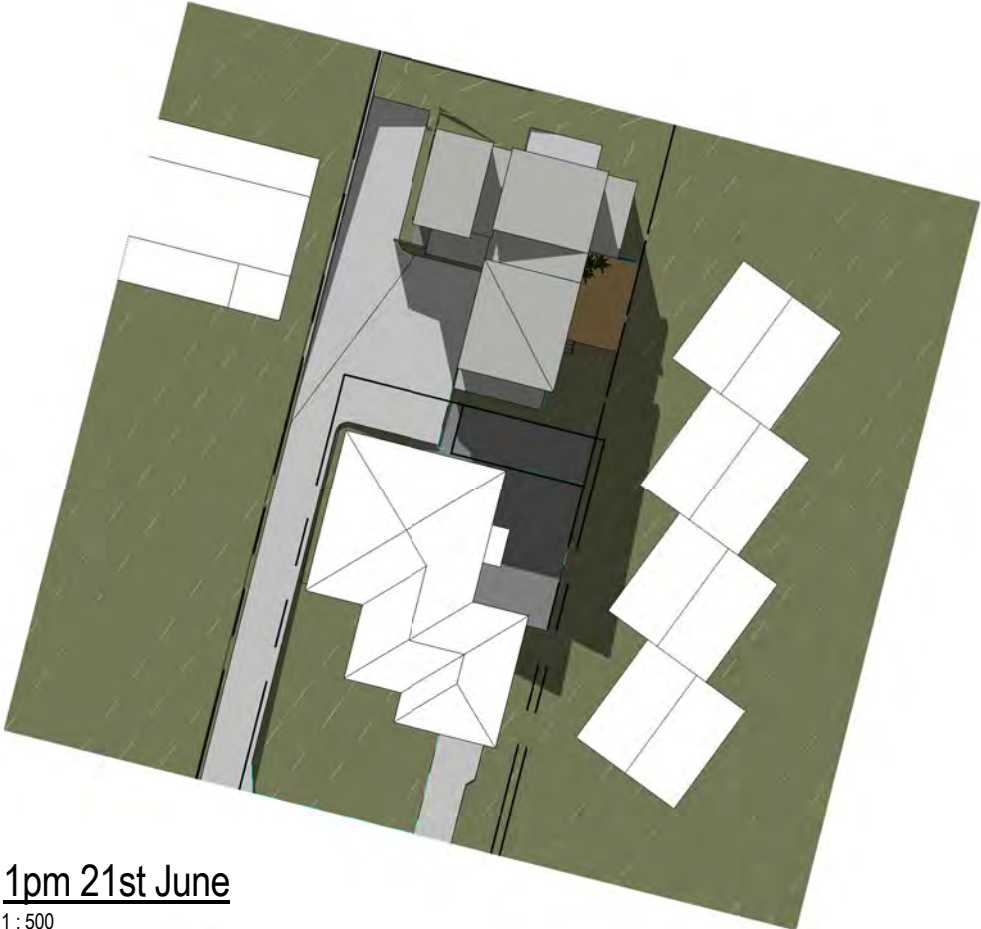
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PROJECT:	HOOPER UNIT
ISSUE:	DEVELOPMENT APPROVAL

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DATE:	05/08/2016		
PROJECT No.	16E99-163	SHEET No.	9 OF 13
REV No.	A4.03		





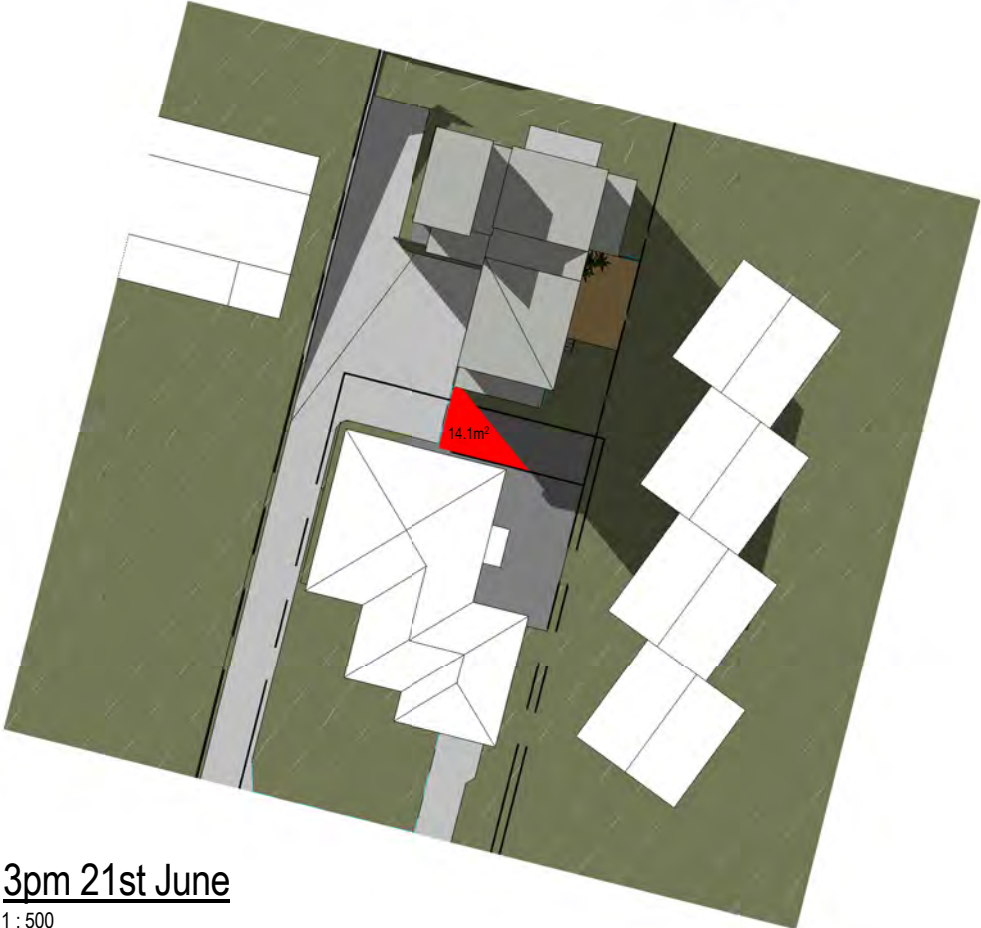
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1pm 21st June  
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2pm 21st June  
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3pm 21st June  
1 : 500

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REV.	DESCRIPTION	DATE



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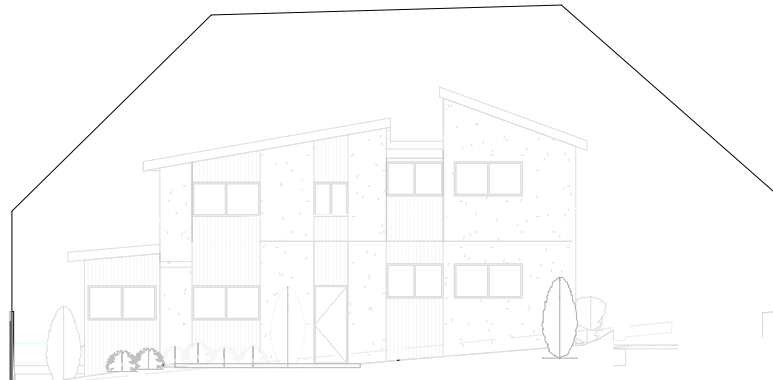
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W: [www.aldanmark.com.au](http://www.aldanmark.com.au)

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ADDRESS:	65 Riawena Road Montagu Bay 7018

SHEET:	SHADOW STUDY - WINTER SOLSTICE PM
PROJECT:	HOOPER UNIT
ISSUE:	DEVELOPMENT APPROVAL

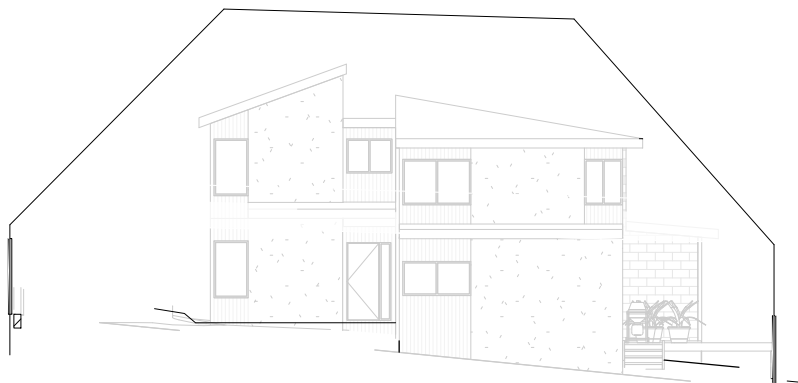
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DATE:	05/08/2016		
PROJECT No.	16E99-163	SHEET No.	10 OF 13
REV No.	A4.04		B



**BUILDING ENVELOPE - NORTH VIEW**  
1 : 200



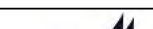
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1 : 200



**BUILDING ENVELOPE - SOUTH VIEW**  
1 : 200



**BUILDING ENVELOPE - WEST VIEW**  
1 : 200

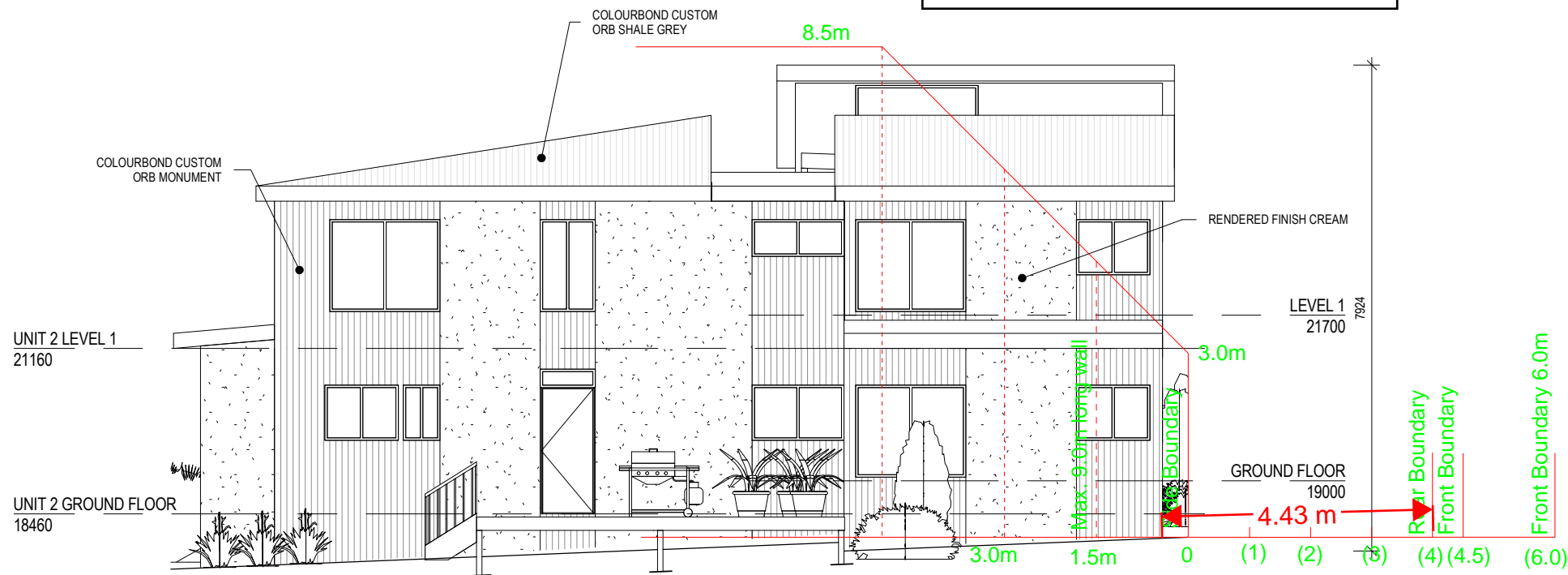
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B	DEVELOPMENT APPROVAL	05/08/2016				PROJECT No.		SHEET No. 13 OF 13	REV No.
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REV.	DESCRIPTION	DATE							

Agenda Attachment 65 Riawena Road Page 9 of 13



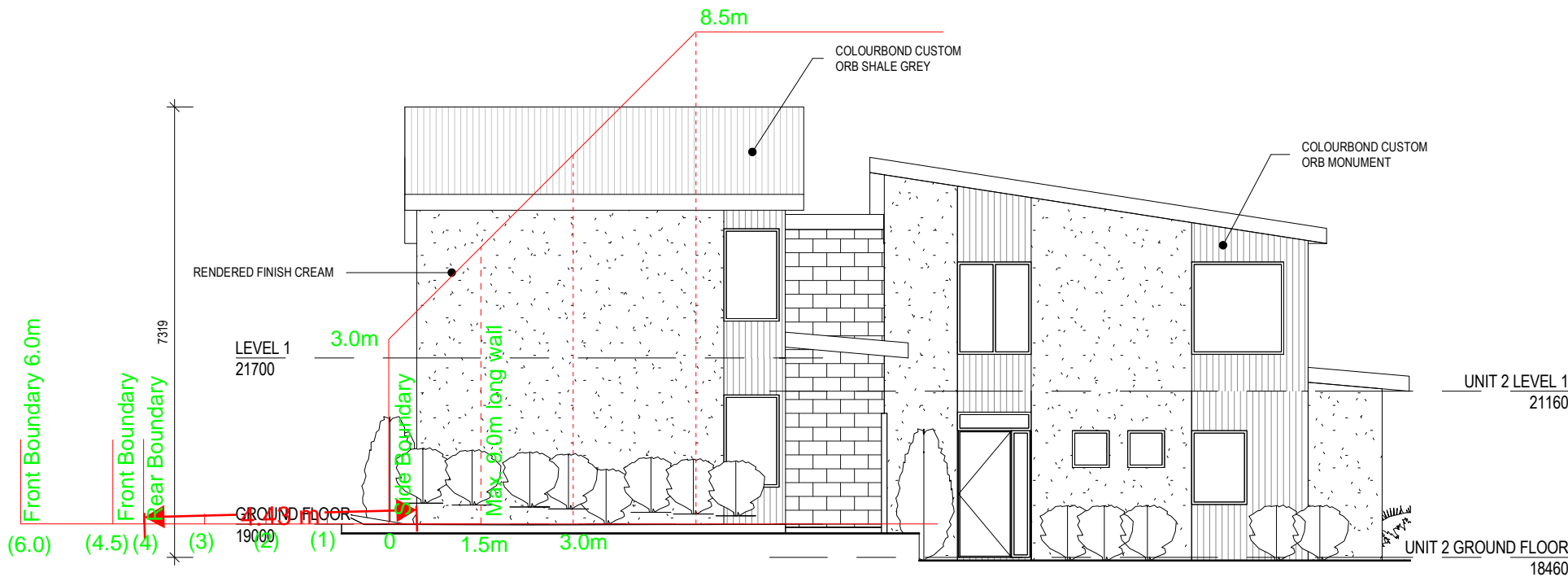
Building envelope

# Attachment 3



## EAST ELEVATION

1 : 100



## WEST ELEVATION

1 : 100

REV.	DESCRIPTION	DATE
B	DEVELOPMENT APPROVAL	05/08/2016
A	DEVELOPMENT APPROVAL	01/08/2016



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HOOPER  
ADDRESS:  
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Montagu Bay 7018

SHEET:  
ELEVATIONS  
PROJECT:  
HOOPER UNIT  
ISSUE:  
DEVELOPMENT APPROVAL

DRAWN:	WB	APPROVED:	MG
SCALE:	1 : 100	SIZE:	A3
DATE:	05/08/2016	SHEET No.	6 OF 13
PROJECT No.	16E99-163	REV No.	B

# Attachment 4

**65 Riawena Road, MONTAGU BAY**



**Site viewed from Riawena Road, looking north**



**Site viewed from Riawena Road, looking northeast**

**11.3.6 AMENDMENT APPLICATION A-2016/1 – INTRODUCTION OF THE  
BELLERIVE BLUFF SPECIFIC AREA PLAN**  
(File No A-2016/1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the adoption of the Bellerive Bluff precinct Neighbourhood Character and Urban Design Framework Study by Leigh Woolley dated April 2016 and the introduction of a Bellerive Bluff Specific Area Plan, as a planning scheme amendment.

**RELATION TO PLANNING PROVISIONS**

The land the subject of this application is Bellerive Bluff (the Bluff) and can broadly be described as containing the residential area development fronting and to the west of Queen Street and Battery as shown in the attachments.

The majority of the Bluff is zoned General Residential under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme), the Battery and foreshore environs are zoned Open Space and the remainder is zoned Community Purpose comprising of the Church at 8 Petchy Street and the Cottage School at 4 Queen Street. The Bluff contains 38 Properties identified in the Scheme's Historic Heritage Code and parts of the foreshore areas are subject to the Waterway and Protection, Inundation and Coastal Erosion Hazard Codes.

**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**

Applications for a planning scheme amendment are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised.

**RECOMMENDATION:**

- A. That Council adopt the Bellerive Bluff precinct Neighbourhood Character and Urban Design Framework Study by Leigh Woolley dated April 2016 (the Report), noting that the Report provides the foundation for a suitable planning scheme amendment that recognises and reinforces the setting and character of Bellerive Bluff.
- B. That Council resolves, under Section 30O (1) of the Land Use Planning and Approvals Act, 1993 that the draft Amendment A-2016/1 is practical and consistent with the Southern Tasmanian Regional Land Use Strategy 2010-2035.

- C. That Council resolves, under Section 34(1)(b) of the Land Use Planning and Approvals Act, 1993 to initiate draft Amendment A-2016/1.
- D. That Council resolves, under Section 35(1) of the Land Use Planning and Approvals Act, 1993 that draft Amendment A-2016/1 meets the requirements specified under Section 32.
- E. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify draft Amendment A-2016/1 and sign the instrument as required.
- F. That Council request the Tasmanian Planning Commission to prepare a Planning Purposes Notice pursuant to Section 30EA specifying that the Bellerive Bluff Specific Area Plan controls over-ride the relevant provisions in the underlying General Residential Zone, as detailed at Section 3.2 of the officer's report.
- G. That Council exhibit the Report concurrently with statutory exhibition of Draft Amendment A-2016/1.
- H. 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**

- 1.1** The Bellerive Bluff Overlay controls were originally introduced as an amendment to the Eastern Shore Planning Scheme 1963 in 1992 to protect what were seen as important characteristics at the time.

These characteristics and the controls to defend them arose from work undertaken between 1988 and 1992, including a study from urban designer/architect, Leigh Wooley.

- 1.2** The Clarence Planning Scheme 2007 (CPS2007) was approved on 1 April 2008 and incorporated the Bellerive Bluff Overlay and residential development controls unique to Clarence.

- 1.3** On 2 May 2012, the Minister for Planning approved Planning Directive Number 4 (PD4). PD4 prescribed a range of development controls applicable to the development of Single Dwellings in the Residential Zone. As required, the controls were subsequently incorporated into the previous CPS2007 expunging the majority of the residential development controls in both the Residential Zone and the Bellerive Bluff Overlay. The PD4 controls were amended on 19 September 2012, the details of which are not relevant to this report.
- 1.4** The successor to PD4 was Planning Directive Number 4.1 (PD4.1). The scope of PD4.1 was expanded beyond that of PD4 and prescribes residential development controls that apply to both Single Dwellings and Multiple Dwellings. PD4.1 provisions were incorporated into the current Scheme at the time of declaration (1 July 2015).
- 1.5** Council, at its Meeting on 20 April 2015 (prior to the declaration of the current Scheme) considered a Notice of Motion requesting a report exploring the reintroduction of suitable controls relating to the amenity and character of the Bluff. At that meeting Council resolved:
- “That the General Manager be requested to prepare a report on how to reintroduce the Bellerive Village Overlay controls for the Bellerive Bluff area and that the report then be presented to a Council workshop for discussion”.*
- 1.6** Council will recall that following the above resolution, in August 2015 Council workshopped the process required to reintroduce new controls that would effectively over-ride elements of PD4/PD4.1.

LUPAA provides mechanisms for local provisions to over-ride Planning Directive Number 1 (Template for Planning Schemes) provisions, however, the Tasmanian Planning Commission (TPC) advise that a compelling case needs to be made on a case by case basis. The TPC’s Planning Advisory Note 23 (PAN23) was “prepared to manage expectations” about such local provisions over-riding the State control.

PAN23 lists the circumstances for over-riding State controls which include provisions for controlling hazards or the protection of special values. Only in “exceptional circumstances” will other local provisions be allowed to over-ride the PD4/PD4.1 dwelling standards.

Councils seeking “over-riding local provisions” must be prepared to make a compelling case for the need to do so and expert evidence may be required to demonstrate:

- the significance of special values and potential or identified risks or hazards;
- why the mandatory standards are not acceptable; and
- whether the proposed standards are an appropriate planning response to manage the issues.

Any underpinning policy or strategy should be provided as supporting information. Public consultation of the policy or strategy and Council adoption will impact on the weight given to the proposal.

- 1.7** In December 2015, Council commissioned Architect and Urban Design Consultant Leigh Woolley to undertake the necessary analysis to support a suitable planning scheme amendment. The conclusion of this work resulted in the Bellerive Bluff precinct Neighbourhood Character and Urban Design Framework Study dated April 2016 (The Report). Should the draft Amendment be initiated, it is recommended that the Report (refer attached) be exhibited concurrently with the amendment.

## **2. STATUTORY IMPLICATIONS**

- 2.1.** The majority of the Bluff is zoned General Residential under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme), the Battery and foreshore environs are zoned Open Space and the remainder is zoned Community Purpose comprising of the Church at 8 Petchy Street and the Cottage School at 4 Queen Street.



The Bluff contains 38 properties identified in the Scheme's Historic Heritage Code. Additionally, parts of the foreshore areas are also subject to the Waterway and Protection, Inundation and Coastal Erosion Hazard Codes.

A Location plan, Zone map and Code plans relevant to the Bluff are included in the attachments.

- 2.2.** Under the Scheme Specific Area Plans apply in addition to the existing Zone, Code and general controls. Pursuant to Clause 7.4.2 where there is a conflict between a provision in a Specific Area Plan and a provision in a Zone or a Code, the Specific Area Plan provision prevails.
- 2.3.** Potentially several forms of Planning Scheme Amendments could be developed to introduce the desired controls, including rezoning to a Particular Purpose Zone or the introduction of a Specific Area Plan. In this instance the preferred response is to introduce a new Bellerive Bluff Specific Area Plan (described in further detail below).
- 2.4.** The Bellerive Bluff Specific Area Plan would over-ride several of the State or “common” provisions introduced through the approval of PD4/PD4.1. While the case will need to be made to the TPC, it is considered that the Bluff warrants special controls recognising its unique setting and precinct characteristics. On this basis it is recommended that Council request the TPC to prepare a Planning Purposes Notice pursuant to Section 30EA specifying that the Bellerive Bluff Specific Area Plan controls over-ride the relevant provisions in the underlying General Residential Zone.
- 2.5.** Should the TPC, or the Minister, not be prepared to issue Planning Purposes notice pursuant to Section 30EA, as an alternative to refusal, the TPC could consider modifying the amendment into a rezoning from General Residential to a new Particular Purpose Zone. While this approach is less desirable than a Specific Area Plan in terms of duplication of zone controls and transparency, the solution would be workable and no longer require local controls to over-ride common provisions.

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

#### **3.1. The Proposed Amendment**

The proposed Amendment is limited to the introduction of a new Bellerive Bluff Specific Area Plan (SAP). The proposed SAP is attached, as is a new Bellerive Bluff Specific Area Plan overlap map.

The proposed Amendment implements the Report through the introduction of a new SAP incorporating development standards relating to:

- setback and building height;
- design;
- excavation and retaining; and
- subdivision.

A key component of the SAP is the identification of Desired Future Character Statements for each of the 7 precincts. A permitted pathway is provided for through prescribed Acceptable Solutions relevant to each standard. Consistent with the precinct Desired Future Character Statements, the Acceptable Solutions constrain development beyond the underlying zone. However, each of the standards can be varied through the exercise of discretion via an assessment against the associated Performance Criterion, which again, involves assessment of the relevant precinct Desired Future Character Statements.

#### **3.2. Planning Purposes Notice**

As detailed at Section 2.4 of this report, it is intended that the proposed SAP would over-ride State or “common” provisions. In these circumstances approval is only possible should the Minister issue a Planning Purposes Notices to the TPC pursuant to Section 30EA(2) or amend an existing one pursuant to S.30EA(9) of LUPAA.

Accordingly, it is recommended that Council request the TPC to prepare a suitable Planning Purposes Notice specifying that the SAP controls over-ride the relevant provisions in the underlying General Residential Zone.

While the form of the Planning Purposes Notice is a matter for the TPC it is intended that:

- The proposed SAP Setbacks and Building Heights standards at F17.8.1 would over-ride Clauses 10.4.2 relating to Setbacks and Building Envelopes in the General Residential Zone.
- The proposed SAP Design standards at F17.8.2 A1 and P1 relating to façade presentation are new and would apply in addition to all other applicable standards.
- The proposed SAP Design standards at F17.8.2 A2 and P2 relating to front fencing would over-ride Clause 10.4.7 in the General Residential Zone.
- The proposed SAP Design standards at F17.8.2 A3 and P3 relating to siting parking structures and presentation of garage doors would over-ride Clauses 10.4.5 in the General Residential Zone.
- The proposed SAP Excavation and Retaining standards at F17.8.3 are new and apply in addition to all other applicable standards.
- The proposed SAP Subdivision standards at F17.9 are new and apply in addition to the subdivision standards specified at Clause 10.6 in the General Residential Zone, Clause 17.5 in the Community Purpose Zone and Clause 19.5 in the Open Space Zone.

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

As previously stated the majority of the Bluff is zoned General Residential, the Battery and foreshore environs are zoned Open Space and the land at 8 Petchy Street and the Cottage School at 4 Queen Street is zoned Community Purpose.

The Bluff contains 38 Properties identified in the Scheme's Historic Heritage Code and parts of the foreshore areas are subject to the Waterway and Protection, Inundation and Coastal Erosion Hazard Codes.

There is no development proposed as part of this proposal. Should the draft Amendment be approved, with the exception of over-riding zone provisions described at 3.2 above, future development would need to be assessed against the SAP standards in addition to the existing scheme controls.

#### **4.1. Section 30O - Amendment of Interim Planning Schemes**

Section 30O(1) of LUPAA provides that an amendment to an Interim Planning Scheme may only be made to a *“local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy”*.

In this instance the proposed Amendment proposes local provisions that will over-ride several PD4/PD4.1 common provisions which can be considered subject to Section 30EA as previously discussed. In terms of consistency with the regional land use strategy, the Bluff is entirely located within the Southern Tasmanian Regional Land Use Strategy 2010-2035's (STRLUS) Urban Growth Boundary. The proposed Amendment does not apply to use and provides alternative development standards to the common provisions that will not impact the densities envisaged by the STRLUS. For this reason it is considered that the proposed Amendment is consistent with the STRLUS and subject to the requested Planning Purposes Notice under Section 30EA, is consistent with Section 30O(1) above.

#### **4.2. Section 32 - Requirements for Preparation of Amendments**

Section 32(1) of LUPPA specifies that amendments to planning schemes must:

- “(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- (ea) must not conflict with the requirements of section 30O; and*

- (f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms”.*

In this context the proposed Amendment does not apply to use and will not result in any increased opportunity for land use conflict. The proposed development standards will not prevent the continued development of the Bluff but will ensure future development is appropriate within its setting reflecting the established built character of each precinct. For this reason it is considered the Amendment will benefit the community (potentially reducing conflict) and have no environmental or economic implications.

Section 32(2) of LUPPA specifies those elements of Section 20 – “*What can a planning scheme provide for*” also apply to amendments to planning schemes. In this instance it is considered that the proposed Amendment is consistent with the relevant requirements.

## **5. CONSULTATION**

Applications for planning scheme amendments are not formally open for public comment until after Council has resolved to initiate and certify the Amendment. Should this be the case, the draft Amendment will be publicly exhibited in accordance with the statutory requirements.

Given that the Report is integral to the draft Amendment, it is recommended that it be exhibited currently with it.

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

- 6.1.** The proposed Amendment would provide for the continued development of residential uses consistent with the STRULS. The applicability of State Policies can be summarised as follows.

<b>State Policy</b>	<b>Comment</b>
State Coastal Policy	The Bluff is an established residential area within the coastal zone. The Amendment will not result in any further impacts on the coast than the existing provisions.
Protection of Agricultural Land 2009	The Bluff does not contain any agricultural land.
The State Policy on Water Quality Management 1997	The Bluff is fully serviced with reticulated water, sewer and stormwater. The Amendment will not result in any further impacts on water quality than the existing provisions. Any potential impact on water quality could be managed through permit conditions associated with future development.

- 6.2.** An Amendment is to further the objectives of LUPAA. The objectives of Schedule 1 of LUPAA are:

**PART 1 - Objectives of the Resource Management and Planning System of Tasmania**

*“(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity”.*

Development is generally considered sustainable when there are no demonstrable adverse effects upon natural resources, ecological processes or genetic diversity.

The proposed SAP controls will ensure continued development, subdivision and servicing of the Bluff with no impact on ecological processes and genetic diversity of significance.



*“(b) to provide for the fair, orderly and sustainable use and development of air, land and water”.*

It is considered that the proposed SAP controls will provide the same development opportunities as the current provisions while prescribing development standards that more appropriately respond to the Bluff setting and established character.

*“(c) to encourage public involvement in resource management and planning”.*

Should Council resolve to initiate and certify the Amendment, it (along with the Report) will be advertised for public comment.

*“(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)”.*

If initiated by Council and ultimately approved by the TPC, the proposal could facilitate economic development in the same way that the current controls do, while ensuring that future development more appropriately responds to the Bluff setting and established character.

*“(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State”.*

Development achieved through the Amendment requires co-operative planning between the developers, Council and to a degree, the general community.

## **PART 2 - Objectives of the Planning Process Established by this Act**

*“(a) to require sound strategic planning and co-ordinated action by State and local government”.*

The most relevant strategic considerations applicable to this proposal are:

- the Bellerive Bluff precinct Neighbourhood Character and Urban Design Framework Study (which is attached and recommended for adoption);

- the State Coastal Policy;
- the STRLUS; and
- the appropriateness of providing for a Planning Purpose Notice that allows local controls (SAP) to over-ride common provisions (elements of PD4/PD4.1).

An assessment against each of the above has been previously detailed in this report and it is considered that the proposed SAP is supportable. Should Council resolve to initiate and certify the Amendment it would be subject to the TPC's assessment and final determination.

*“(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land”.*

As previously discussed it is considered that the proposal is consistent with the STRLUS and adopted State Policies.

*“(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land”.*

In terms of environmental, social and economic implications it is considered that the proposed SAP controls will ensure continued development, subdivision and servicing of the Bluff with no impact on the environment beyond the current controls.

The proposal does not impact use and will provide for development opportunities that respond to the Bluff setting and established character.

*“(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels”.*

The proposal provides for continued residential development in an established area that does not conflict with State Policies or the STRLUS.

*“(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals”.*

The proposal is limited to a planning scheme amendment and no development is proposed. The assessment of future development of land subject to the SAP will be consistent with this requirement.

*“(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania”.*

The proposal would provide continued development opportunities in an established settlement that is well serviced by the full range of urban infrastructure and facilities.

*“(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”.*

The proposed Amendment prescribes a range of new standards designed to reflect the setting and special character of the Bluff. The Performance Criterion include provisions to ensure that development of land adjoining lots identified in the Scheme’s Historic Heritage Code does not compromise the listed property’s contribution to the streetscape.

*“(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community”.*

The Bluff is an established settlement that is well serviced by the full range of urban facilities. The proposed SAP provides for development opportunities similar to the existing provisions and will not compromise the future provision or maintenance of utilities and community facilities.

*“(i) to provide a planning framework which fully considers land capability”.*

In terms of development assessment and overall development potential, the proposed SAP provides a similar framework to the existing provisions and is unlikely to increase demands beyond the established land capability.

## **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**

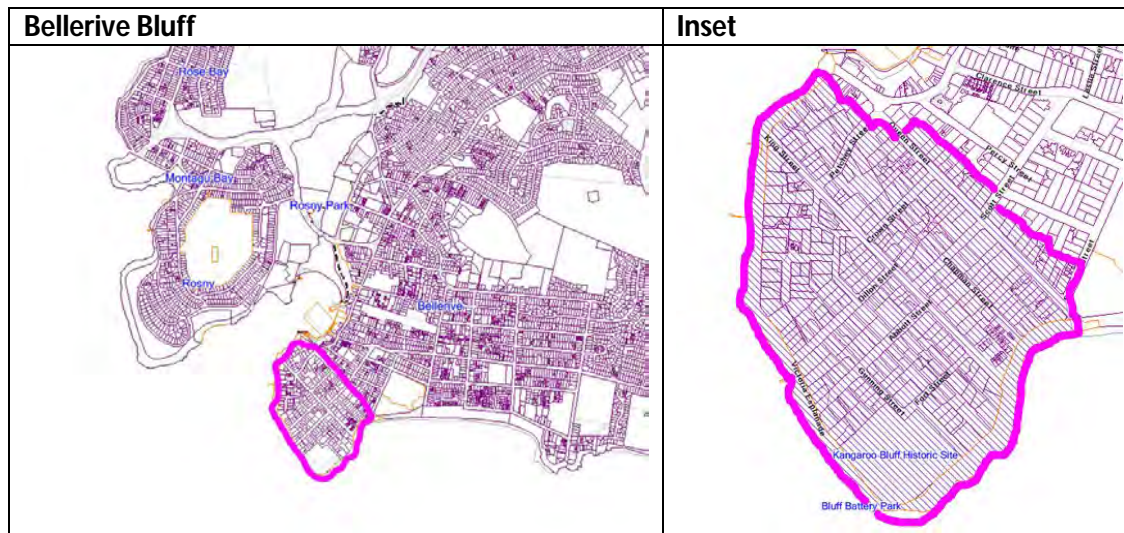
The Report establishes the Bluff as the natural focus of “Middle Harbour” and central to the “dwelling region”. It is this setting that has given rise to a unique urban morphology comprising of 7 precincts each with its own distinctive character and contribution to the Bluff setting.

The State’s adoption of PD4 and its successor PD4.1 has resulted in generic residential planning controls that have been unable to respond to the Bluff’s unique setting and distinctive built form. To address this issue it is proposed to initiate an Amendment that incorporates a new Bellerive Bluff Specific Area Plan based on the Bellerive Bluff precinct Neighbourhood Character and Urban Design Framework Study.

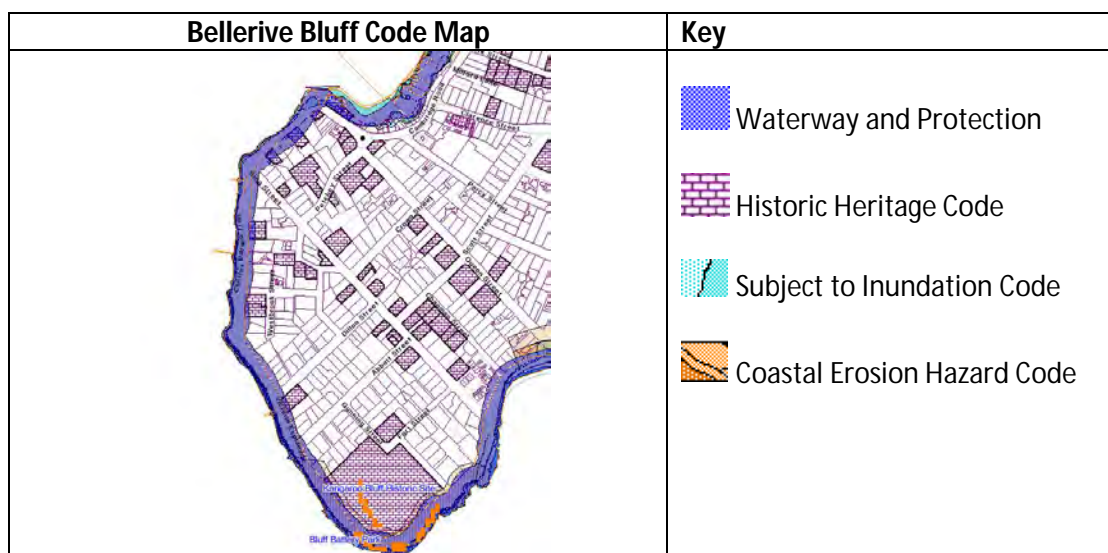
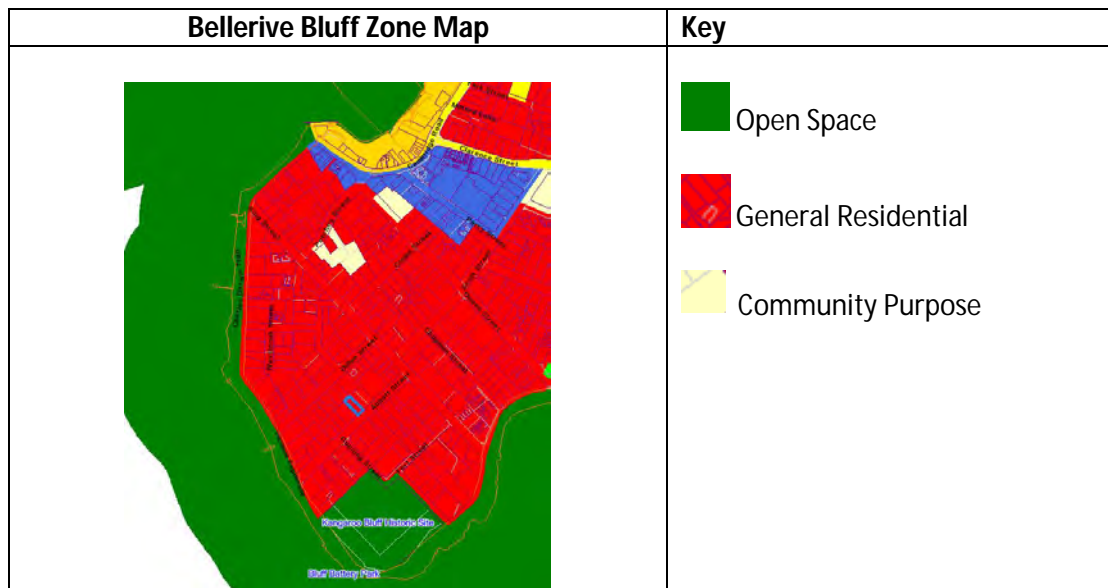
- Attachments:
1. Location Plan, Zoning Map and Code Map (1)
  2. Bellerive Bluff Precinct Neighbourhood Character and Urban Design Framework Study (40)
  3. Draft Bellerive Bluff Specific Area Plan - Ordinance (10)
  4. Draft Bellerive Bluff Specific Area Plan - Overlay (1)

Ross Lovell  
**MANAGER CITY PLANNING**

## Location plan



## Existing Planning Controls - Clarence Planning Scheme 2015





# Bellerive Bluff precinct

Neighbourhood Character and Urban Design Framework Study

Prepared for the City of Clarence  
April 2016

**Leigh Woolley**  
Architect  
Urban Design Consultant



# Bellerive Bluff

## Urban Design Framework + Neighbourhood character

Prepared for the City of Clarence  
April 2016

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leigh@leighwoolley.com.au  
03 62311711



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*Acknowledgements:  
Clarence City Council - Planning and GIS staff  
Tasmanian Archives and Heritage Office (TAHO)  
UTAS e-prints*

*Photography: Leigh Woolley ©*



## Background

### The project, its direction and intentions

Bellerive Bluff (previously identified as Kangaroo Point) has long been recognised as a special place within Southern Tasmania.

Previous planning schemes and heritage studies have recognised the special neighbourhood characteristics of heritage structures within the extended precinct. However local identity has much to do with location, not just built character. With the over-riding of the Bellerive Bluff overlay in the Clarence Interim Planning Scheme, and the introduction of Planning Directive 4 (PD4) and its 'universal' approach to the design of single dwellings, Council is concerned the characteristics that are special to the place will over time, be lost.

Accordingly and within this context, this study seeks to broaden appreciation of the distinctiveness of Bellerive Bluff.

### Bellerive Bluff precinct : Differentiating urban character

Every building, precinct and city is part of a landscape. The landforms of which they are a part, pre-date human settlement.

Buildings are usually the focus of attention when considering the character of a city or a city region. Human habitation and buildings are synonymous. Settlement inevitably develops in response to the form and character of the setting.

This study, in focussing on the character of Bellerive Bluff, initially therefore seeks to appreciate the setting of the dwelling region, in order to *locate* the bluff and identify its particular character, which includes its built inventory and settlement pattern.

It then moves to consider the role of the built pattern upon the Bluff, identifying how this experience is also locally characteristic.

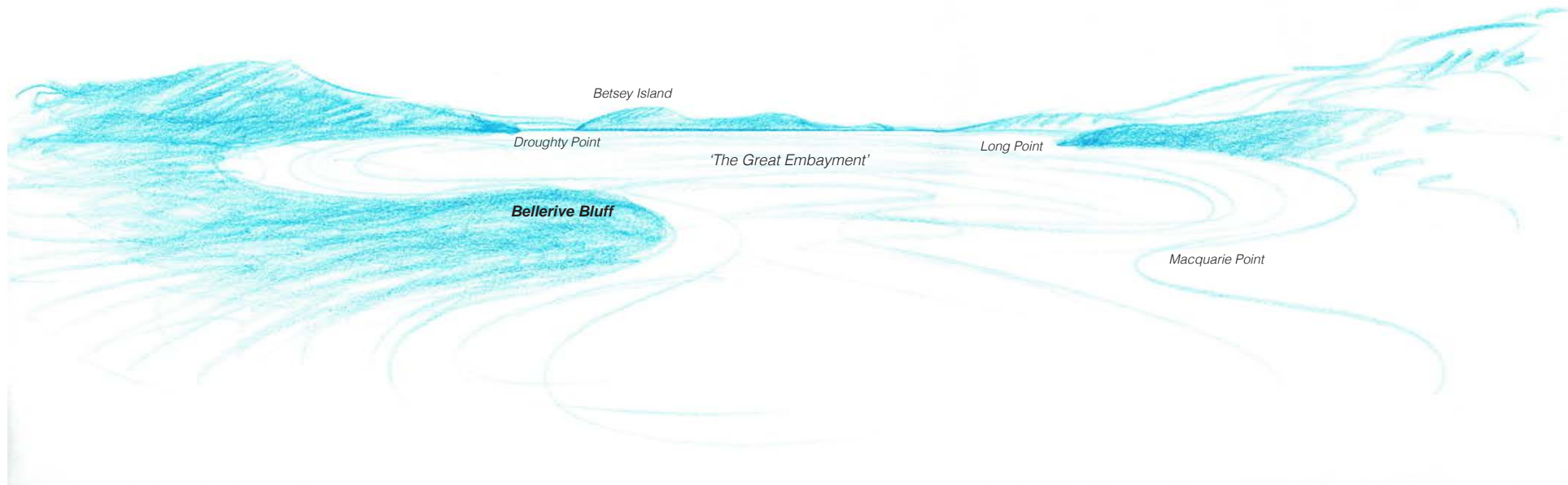




## 1.0 Placing: **Bellerive Bluff in its regional setting**

*The landform structure of the dwelling region  
The role of headlands/ bays and rising ground*

*Regional settlement character  
The place of Bellerive Bluff within the extended scale of the dwelling region*



# Establishing an Urban Design Framework

*Considering the location within the regional setting*



*The edge where land, water and people meet  
The Esplanade at Bellerive Bluff*





**Geological foundation : The River Derwent and its headlands**

*Large scale faulting has had a dramatic influence on drainage patterns in several areas of Tasmania, including the Derwent River. It is a graben confined stream, flowing over near horizontal Permian and Triassic sedimentary rocks and Jurassic dolerite. It owes its form to the faulting in the early Tertiary period (about 65 MYA), glaciation during the Pleistocene, and the down-throwing of the lower valley due to a rise in sea level after melting of the Pleistocene ice sheets between 18000 + 6000 years ago.*

*Sections across the Derwent near Bellerive Bluff show a modified channel cut in bedrock to a depth of about 53 m below present sea level. The physiography of the Lower Derwent is controlled by the drowning of the estuary since the Pleistocene. As a result the banks of the Derwent are extremely irregular. Hills in existence before the post-glacial increase in sea level are now headlands, and the small tributary valleys are now indentations in the coastline.*

*The building of spits to close bays, was part of the cycle of erosion following submergence of the coastline, such as Ralphs Bay and Pipe Clay lagoon at Cremorne.*

*Notes compiled from 'Behind the Scenery' (1990)*



## The Setting and the Landform

*Geology confirms the location as a prominent sandstone headland in contrast to adjacent dolerite promontories*

Jurassic dolerite is the most extensive, and the least resistant, rock type in the dwelling region. Accordingly it dominates the landscape - producing features such as the Wellington Range and most headlands. (1991 Mines Dept.) Adjacent to Kangaroo Bay dolerite is exposed.

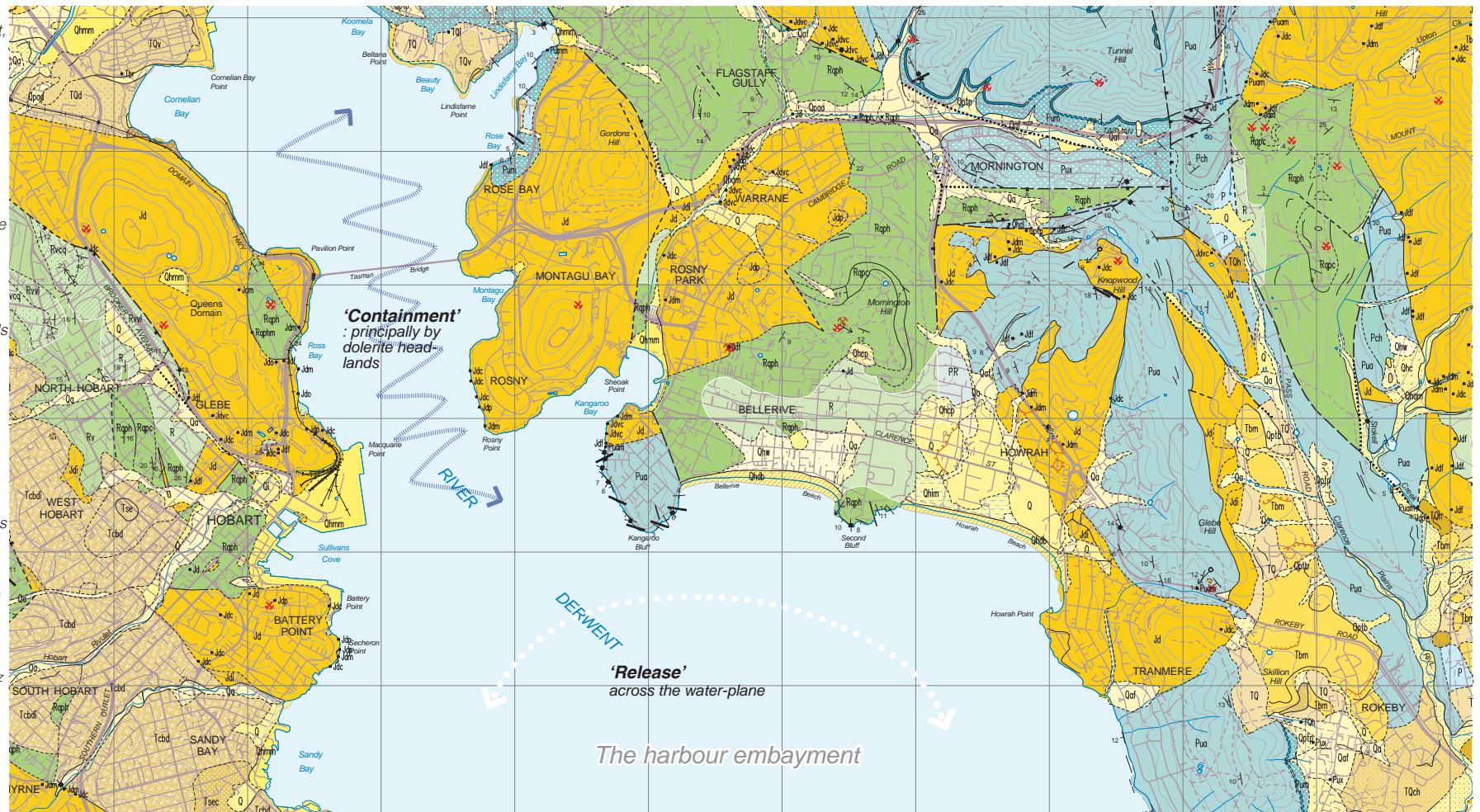
By contrast Permian siltstones are exposed around Kangaroo Bluff. The normal character of the 'massive beds of siltstone .... dip gently westward.' (Leaman p. 120)

The potential of the extensive deposits of sandstone was realised in the 1850's. Thousands of tons were removed and shipped to the 'mainland'; used to construct the Melbourne Post Office and Law Courts. (Spirit of Clarence 1989 p. 52)

The Bellerive and Howrah Beaches mark the great 'embayment' of the Derwent Estuary before its major change in form. Bellerive Bluff announces this significant transition.

Bluff; A steeply rising slope marking the outer margins of the floodplain of a river, (Clark p.49)

Pua	Unfossiliferous quartz siltstone, including Risdon sandstone
Raph	Thickly bedded medium to coarse sandstone
Jd	Jurassic dolerite



Dept. Infrastructure Energy and Resources.  
Mineral Resources Tas. Hobart Sheet 5225



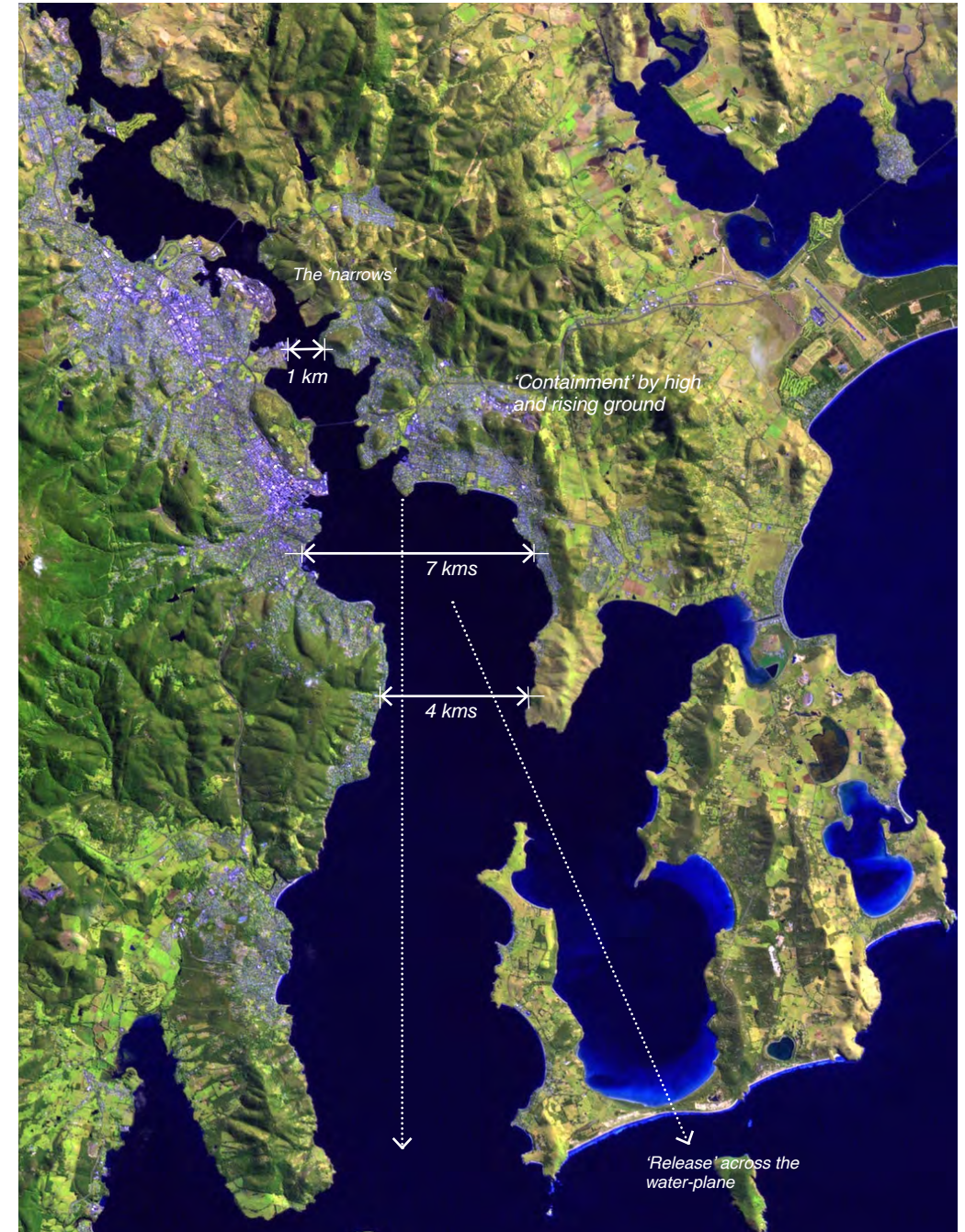
## ***The Setting and the Landform***

*The location connects the local and the regional*



## **Orientation**

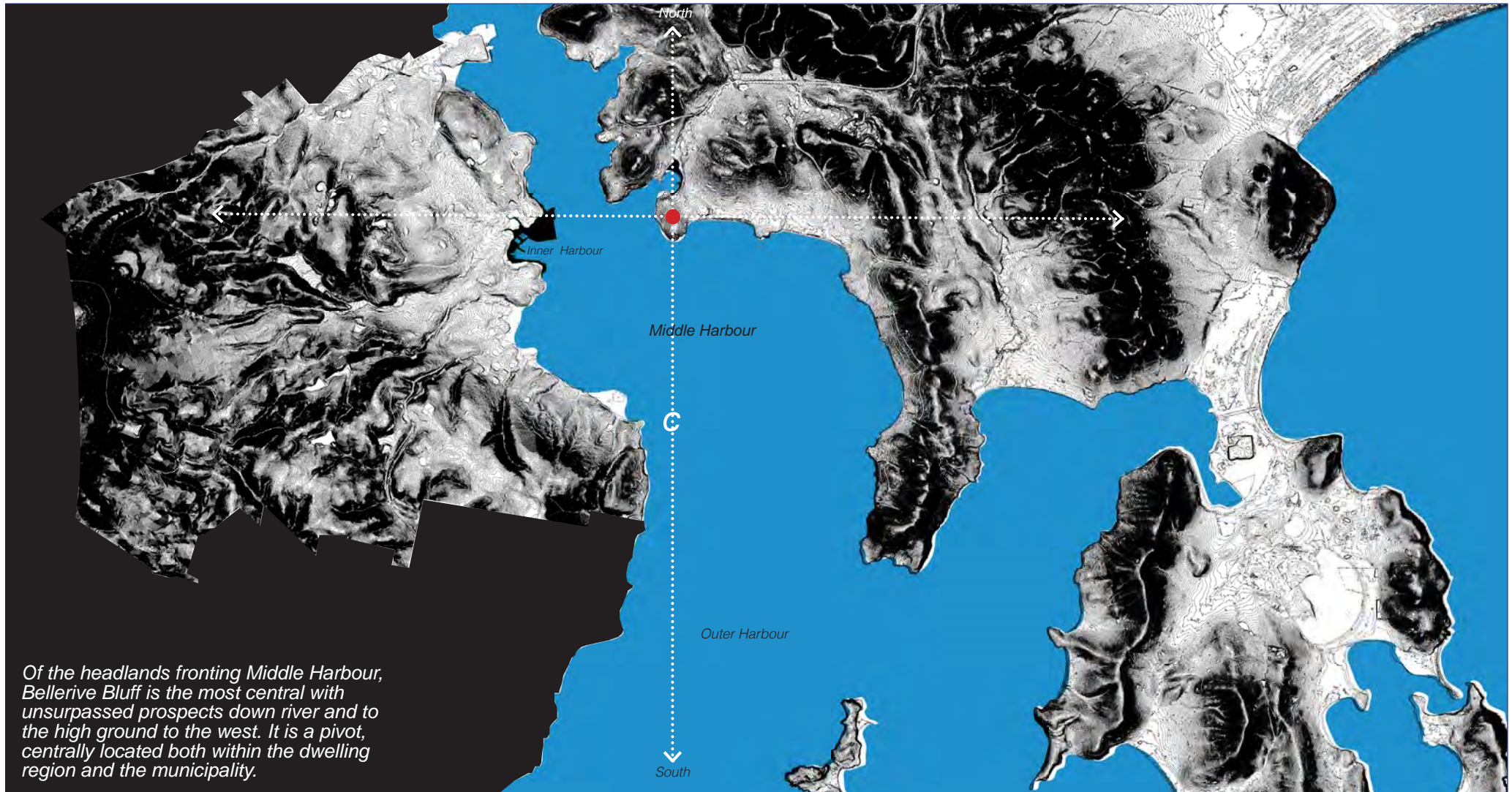
*As both a promontory and feature of the low ground of the city region, the bluff is a focal point from which to appreciate the extended scale of the urban setting, and the transition in character of the River Derwent.*





## ***The Setting and the Landform***

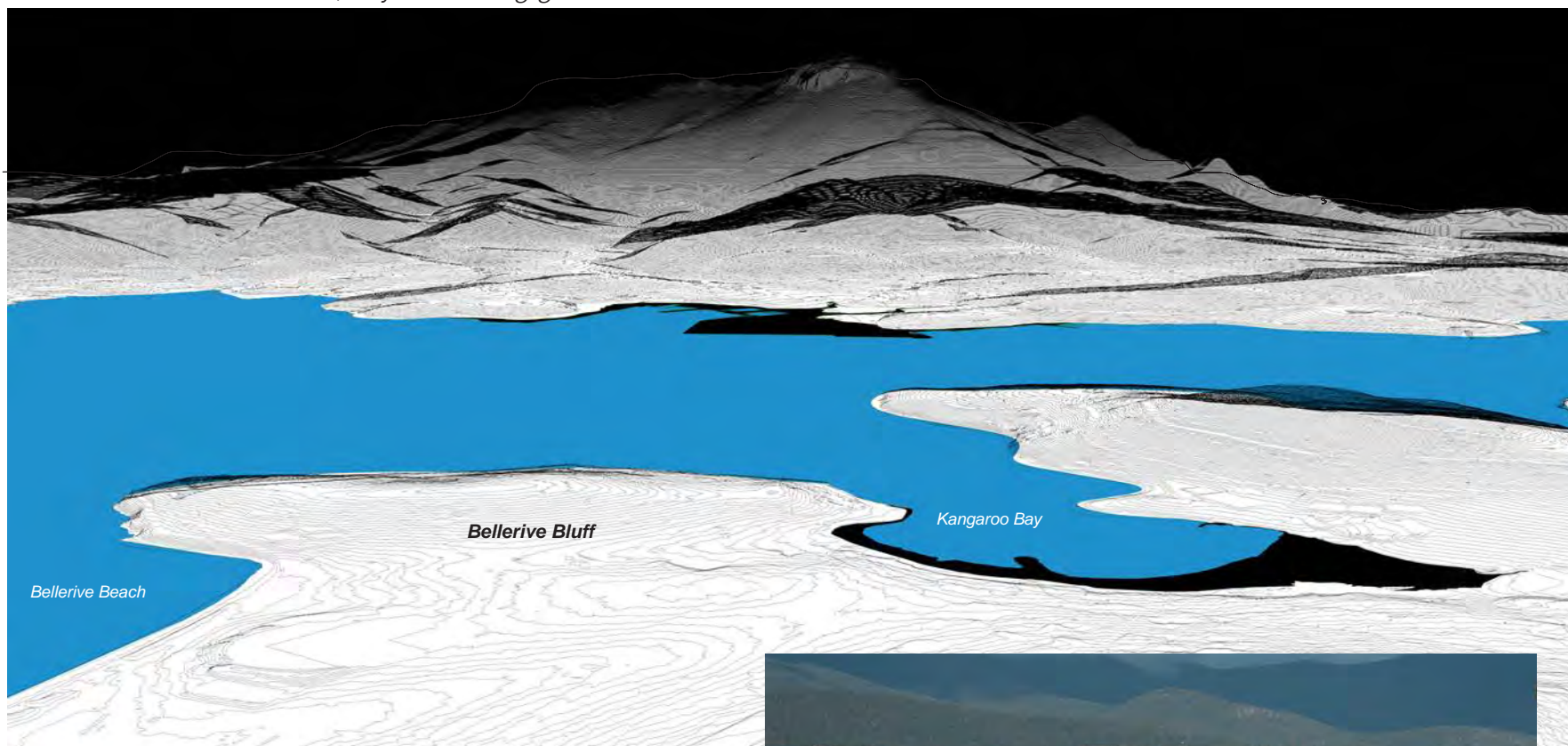
*The natural focus of 'Middle Harbour' - the Great Embayment - is central to the dwelling region*





## The Setting and the Landform

*The role of headlands, bays and rising ground*



*Headlands provide a natural focus of the urban landscape. They assist orientation and legibility, strengthening appreciation of scale and spatial depth, confirming the riverine and coastal edge as the place of the extended dwelling region. Counterposed by Kangaroo Bay and Bellerive Beach, Bellerive Bluff is central to the role of headlands intensifying the place of settlement in the region.*

*Terrain model viewing west across the harbour towards the Wellington Range.*



*Viewing north west across Middle Harbour - Bellerive Bluff centre of frame*





*The natural focus of the dwelling region*



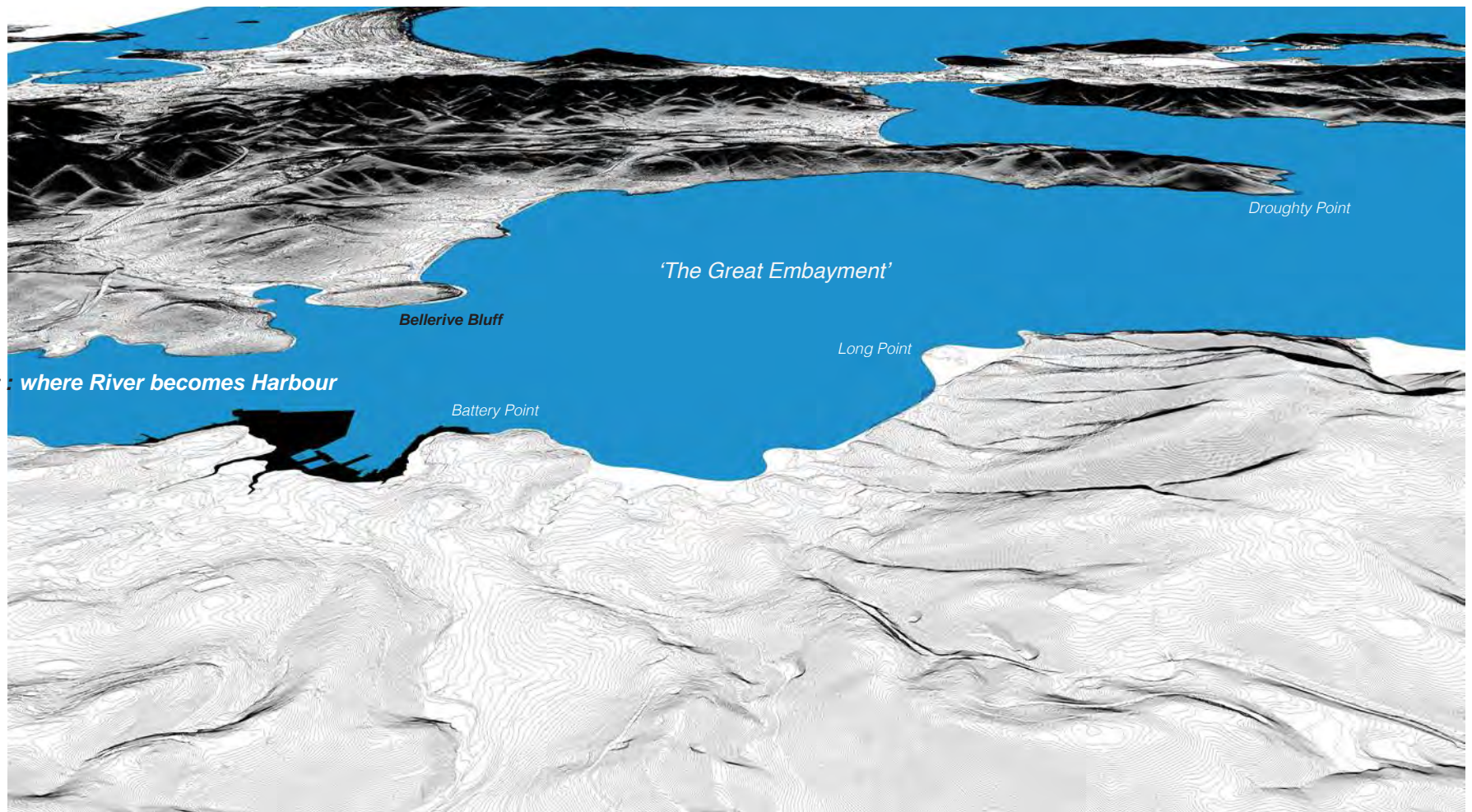
*The inner harbour is contained by rising and high ground to the west and Bellerive Bluff to the east*



*Middle Harbour :  
'The Great Embayment'*

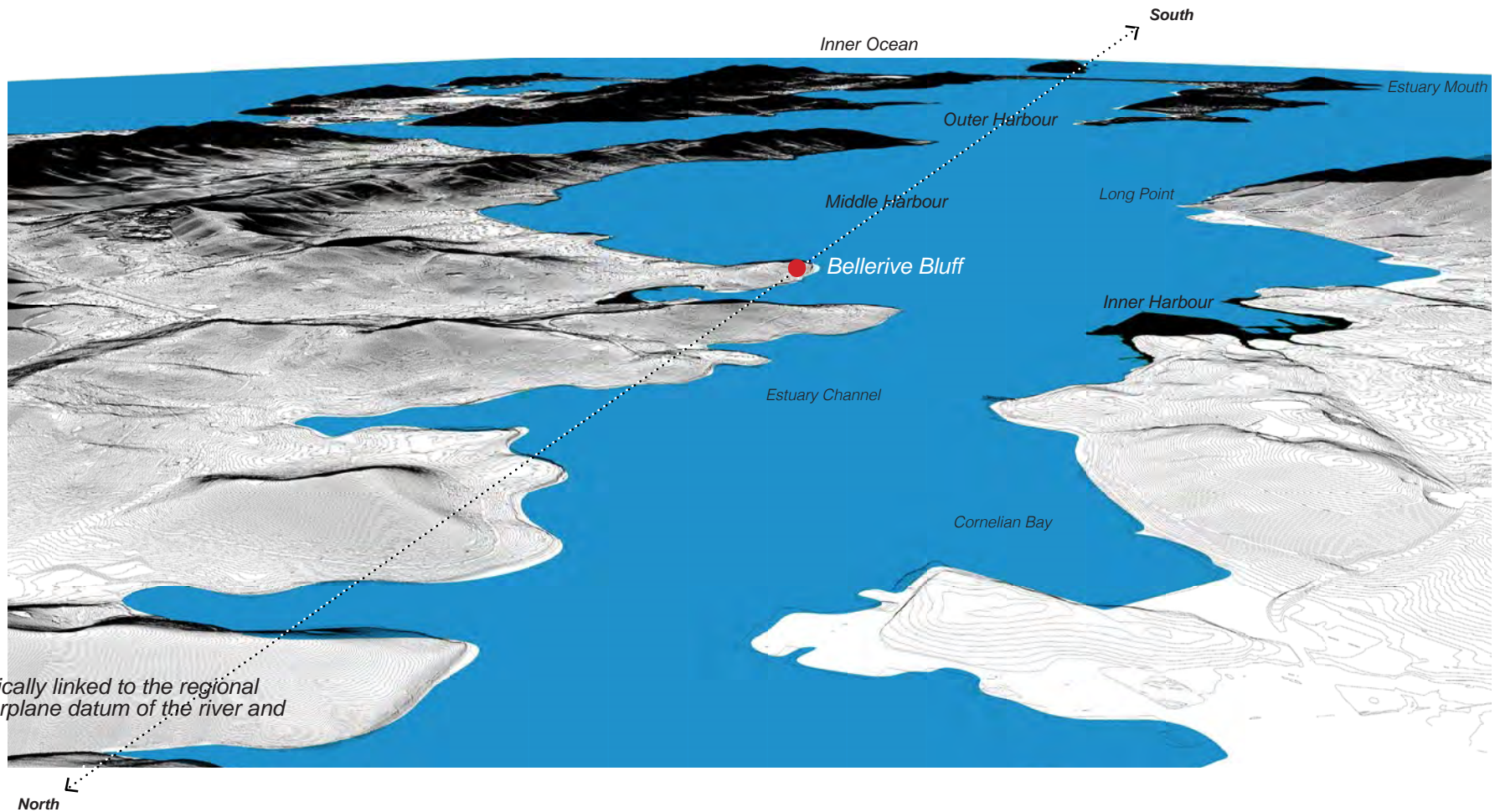


**The Great Embayment: where River becomes Harbour**



Viewing south east above Ferntree on the western shore across the harbour

*Terrain model viewing down river above Bedlam Walls*



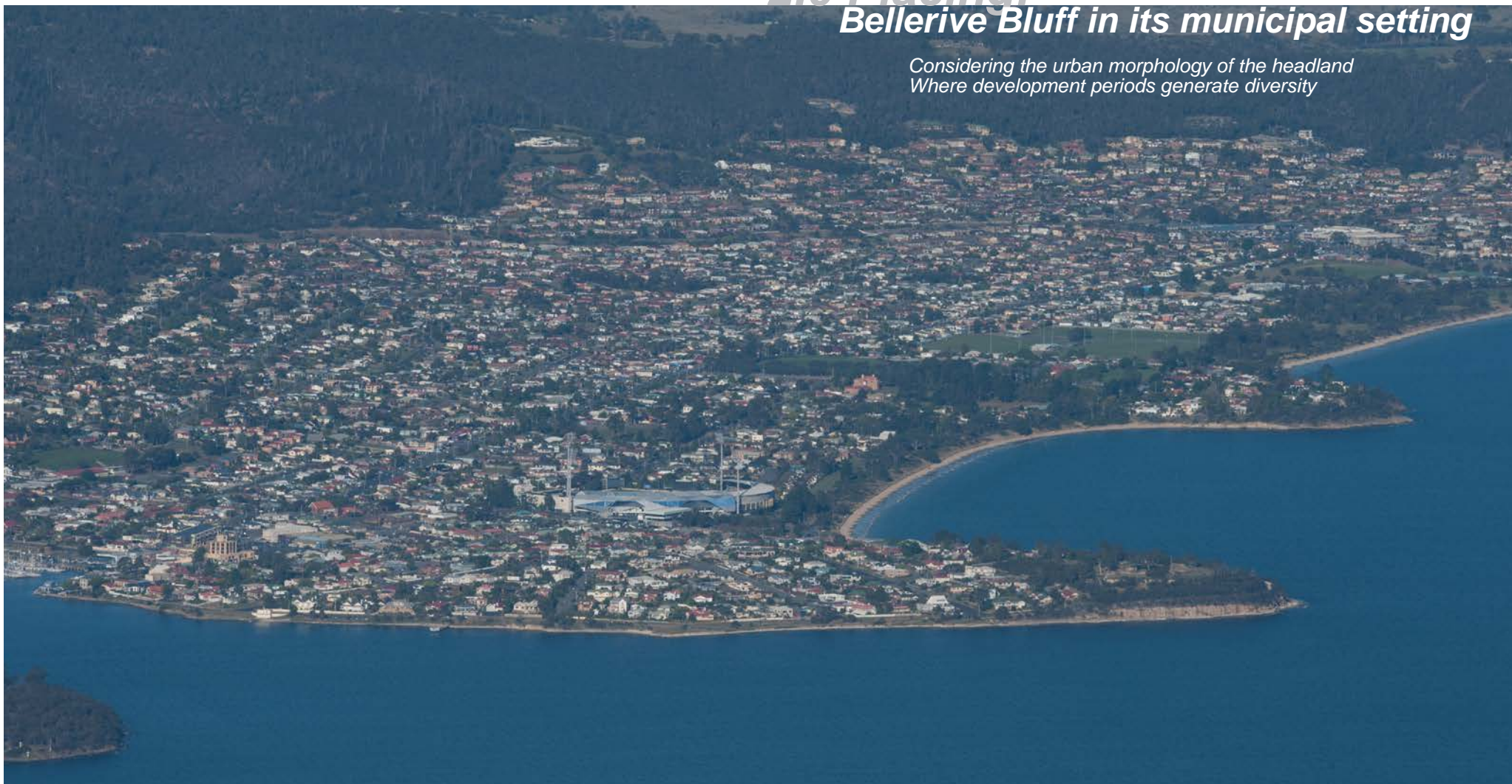
*Bellerive Bluff is intrinsically linked to the regional landform, and the waterplane datum of the river and harbour.*



## 2.0 Placing:

### ***Bellerive Bluff in its municipal setting***

*Considering the urban morphology of the headland  
Where development periods generate diversity*



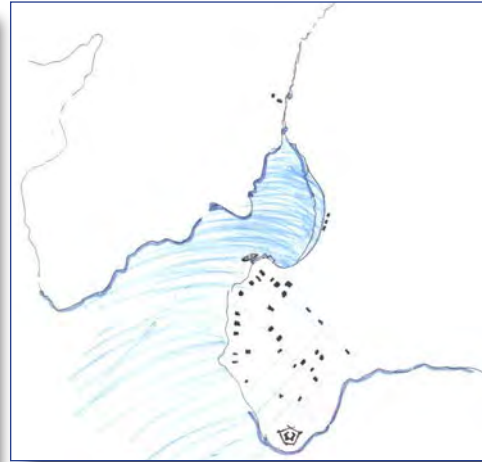
The Municipality of Clarence was once part of a territory of a group of Aboriginal people who called themselves the Moomairemener. They were closely allied with all aboriginal people who lived on the east coast between Tasman Peninsula and St Patricks Head. Together these people formed the Oyster Bay clan. Kangaroo Point at this time was known as Troumerner Pinene.  
(Felton in Spirit of Clarence p.12)

The outline Urban Morphology of the precinct identifies changes following their dispossession.

Drawings from : Woolley 2006



1803 - 1842



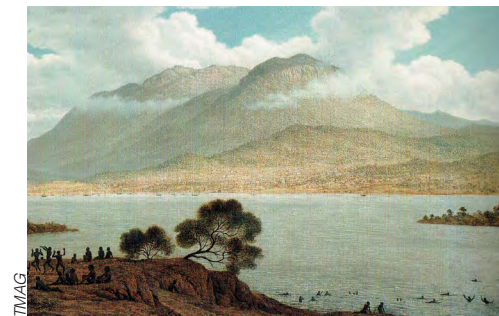
1842 - 1883



1884 - 1913



1914 - 1943



TMAG

The Ferrying Place



AOT

Farming, a compact village centre and an open headland with a defensive Battery at its southern edge



AOT

Ferries and rail consolidate the village and its growing residential neighbourhood



AOT

Village grows into a municipal centre



**Urban morphology (outline):**  
**The Civic focus of the City of Clarence**  
 Headland, bay and local stream



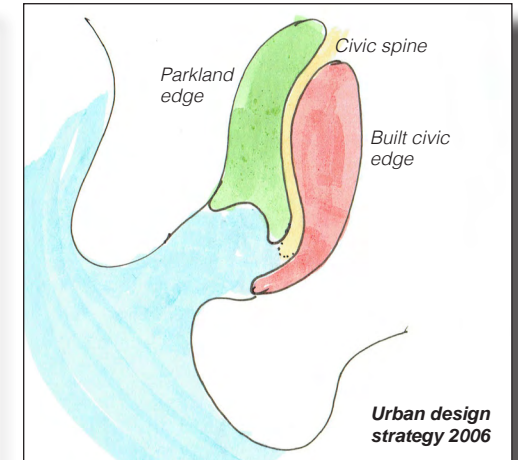
1944 - 1969



1970 - 1999



1991- 2005



2006 - 2016



Suburban growth as vehicular routes by-pass estuarine frontage, new bridge crossing and retail centre established



Increased vehicular useage consolidates suburban growth while shopping centre internalises commercial activity



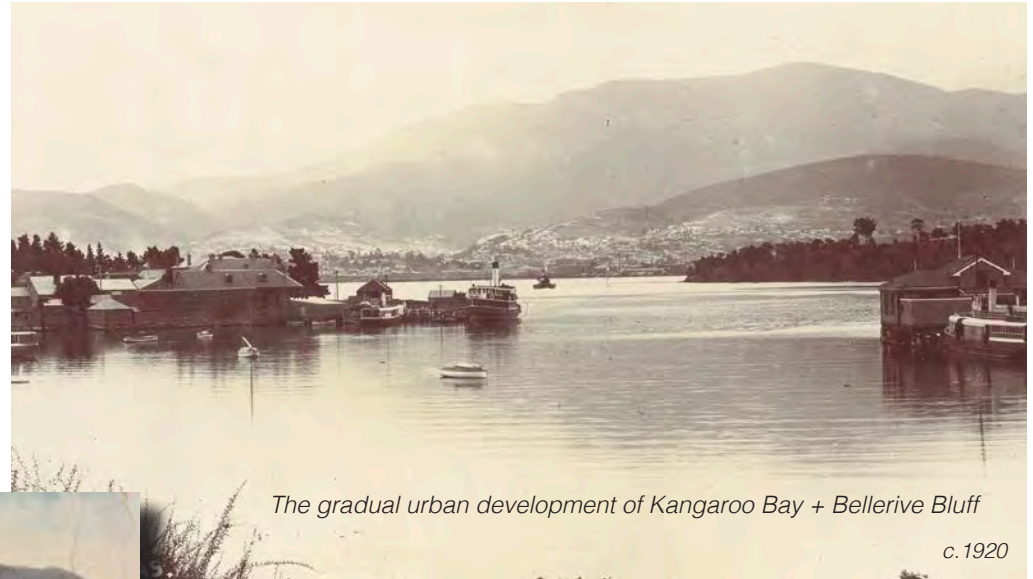
Conservation values identified. Poor connections to municipal centre remain



Enhanced 'civic spine' connections to assist urban consolidation and civic identity

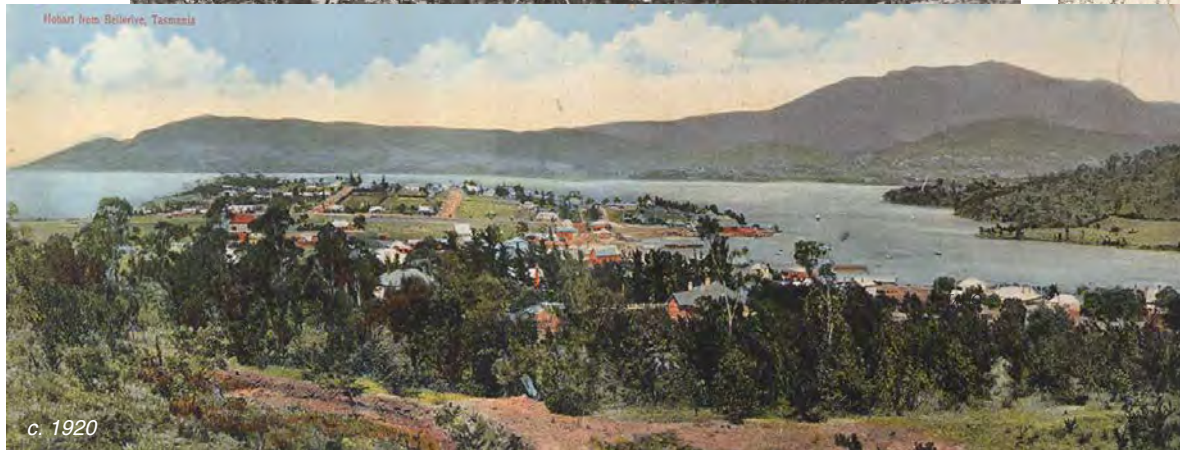


c. 1875

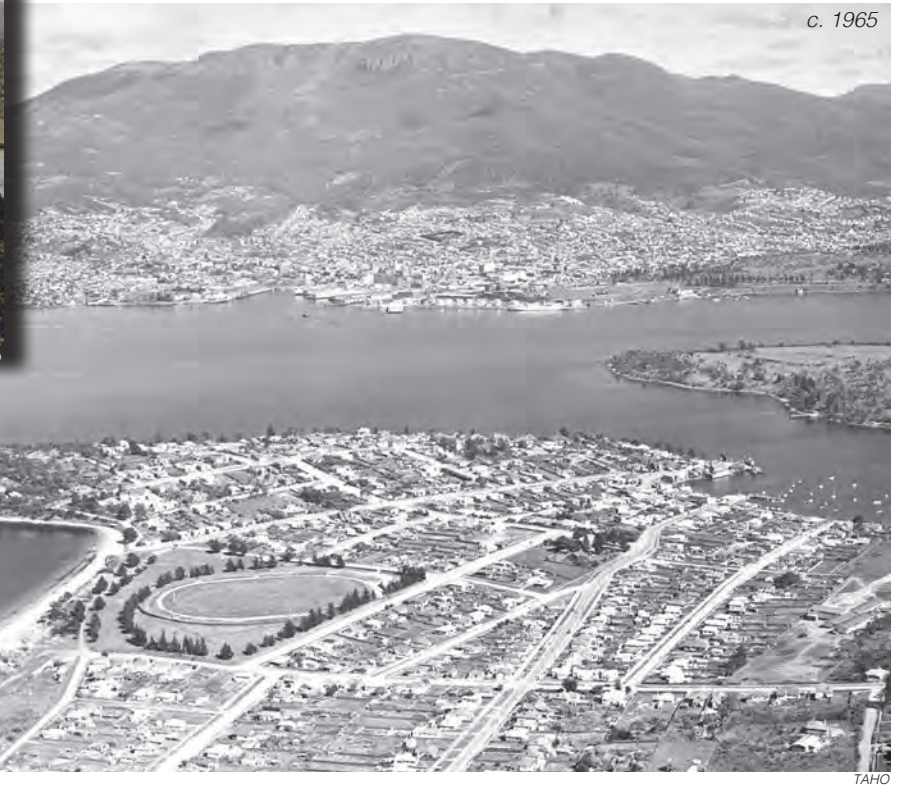


*The gradual urban development of Kangaroo Bay + Bellerive Bluff*

c. 1920



c. 1920



c. 1965



c. 1900

TAHO

TAHO

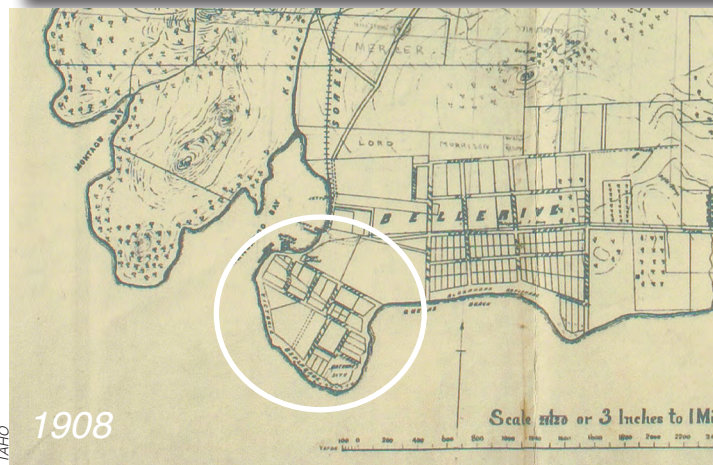


**Urban morphology:**  
The local focus of the City of Clarence  
Bluff/ Headland between bay and beach



1820

George William Evans (Surveyor General of the Colony) was responsible for surveys and 'topographical descriptions' of the Colony. A detail from a survey drawing of the region (right above) shows the Bellerive Bluff headland with an initial boundary alignment from Kangaroo Bay to Bellerive Beach. This was to become Queen Street.



1908

By 1820 the small village of Kangaroo Point had 'about six farms and on one there was an inn. They are well supplied with water and there was good grazing in surrounding areas.' (Spirit of Clarence p.50)

By the early 1830's development was well under way in and around Kangaroo Point. By contrast at the other end of the headland: 'Bluff Head is extremely barren and there are several farms in cultivation. In general land is low and flat but well covered in timber.' (op cit p.51)

The subdivision process evolved as a progressive layering of land grants, farming allotments, public reserves and residential lots. The residential subdivision pattern had emerged by the beginning of the twentieth century, (note detail from 1908 map) albeit with generally larger lots than is currently the case. By the mid 1950s the neighbourhood pattern of informal street-facing residences stepping with the grade of the headland was well established. (refer detail from 1954 street gazette above and photograph opposite) Consolidation of the precinct has continued apace (refer diagram p.35) with limited space available for further subdivision.

UTAS e-prints



1954



1954

TAHO



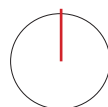
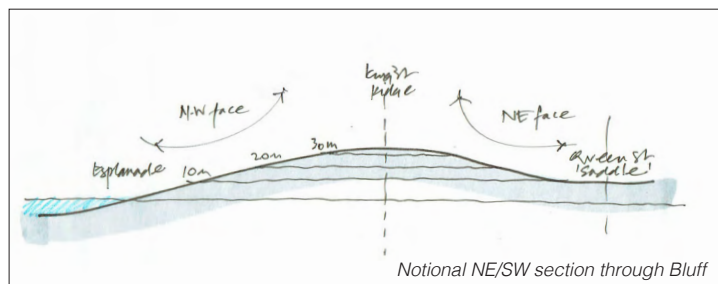




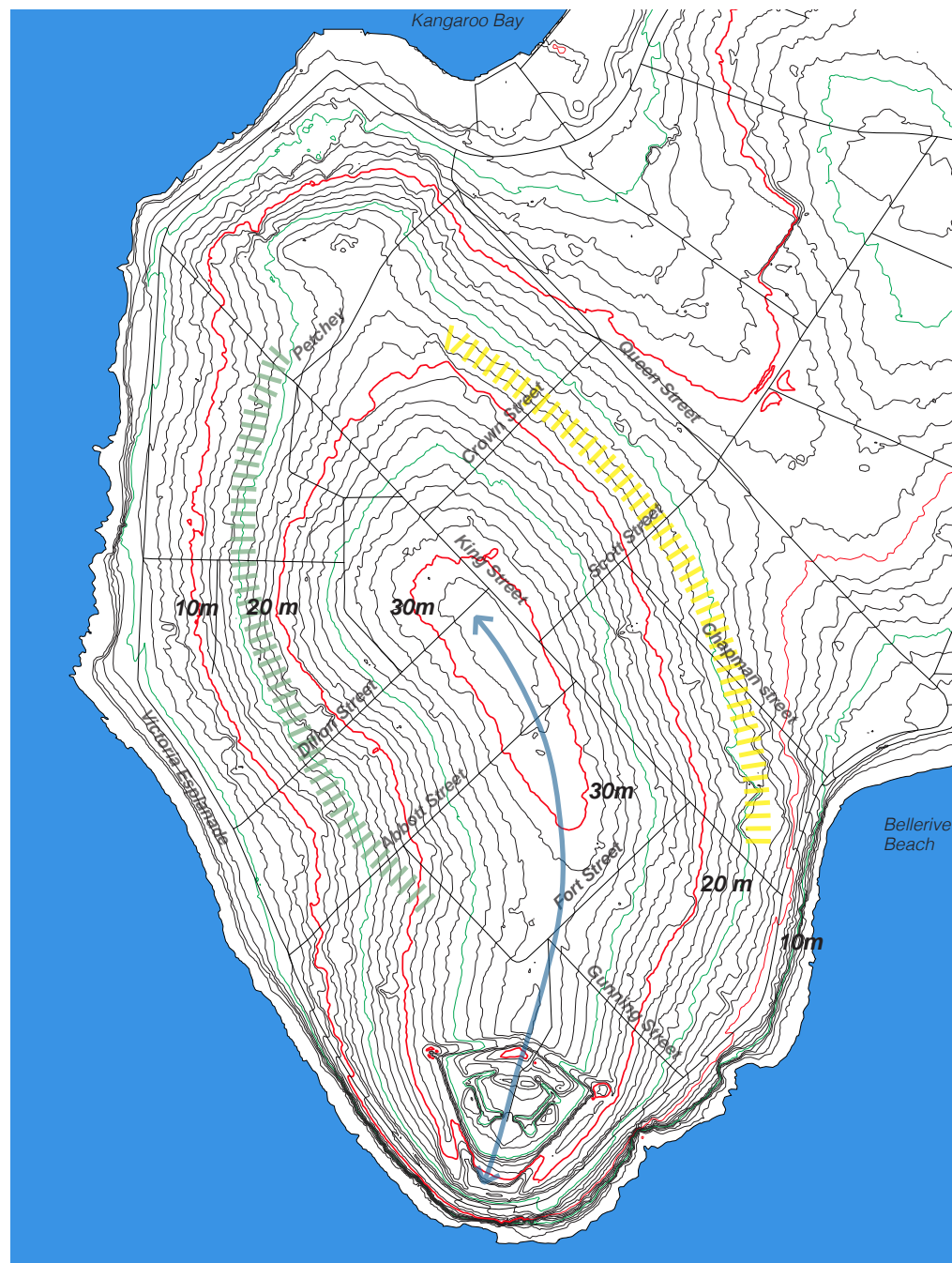
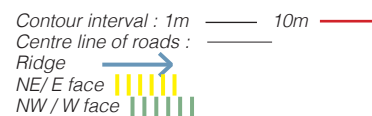
### 3.0 Placement: **Bellerive Bluff : the local setting**

*Living on the headland  
Alignment and orientation inform the built pattern*





The landform of the 'Bluff' suggests two primary 'faces' - a north-east face and a north-west face, rising to a crest or ridge. Apart from Queen Street, which is located along the 'saddle' between Kangaroo Bay and Bellerive Beach, and Victoria Esplanade which aligns with the water-edge, the rectilinear street pattern bears little response to the rising topography. As a result the streets (being generously scaled) provide specific view alignments, making the public domain of the 'Bluff' a place of orientation.



CCC base





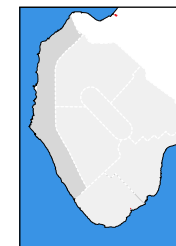
## Precincts and local character

In response to the topography, development period, subdivision pattern and infrastructure, the residential areas of Bellerive Bluff can be divided into distinct, inter-related precincts. There is no single period that identifies the built inventory of Bellerive Bluff. Identifying 'precincts' however allows consideration of potential implications from a change in planning process over time. It also allows the experience of 'living on the bluff' to be acknowledged, identifying the specific location with its own orientation and outlook.

It is noted that the Heritage Overlay has not been overridden by PD 4, and that heritage properties still remain subject to the existing, more specific heritage conservation standards. The purpose of this study is to consider potential implications on these heritage characteristics (and to neighbourhood character) from a change in the residual built fabric and its neighbourhood character.

Accordingly the following 'precincts' have been identified within the study area;

1. Esplanade
2. Bay Face
3. River Face
4. Ridge
5. Beach Face
6. Back Beach
7. Battery



### 1. Esplanade

*Contour: Nom. 5 - 10 m +/- AHD \_ Slope: 6.6 %*

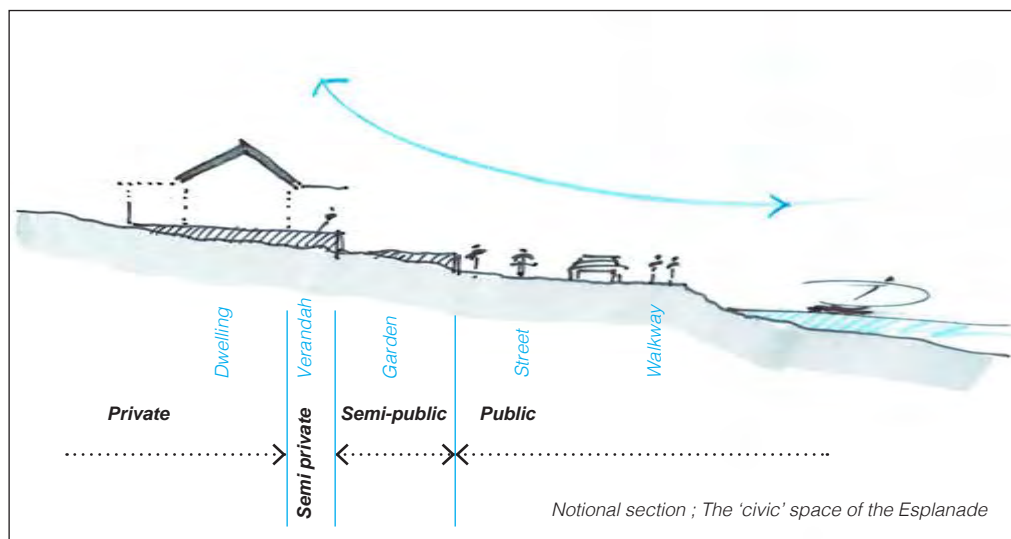
Development within the precinct predates construction of the road reservation. Extant Esplanade dwellings date from the 1880's although (until recently) a remnant 1820's building existed.

The precinct is characterised by freestanding dwellings set back from the street edge. Along the elongated precinct the building pattern is of frontal dwellings, generally single level with a living platform above a differentiated, and sometimes strongly expressed, foundation wall. Medium to strongly pitched roofs, with verandahs beneath, provide a transition in scale to the Esplanade. Individual taller buildings challenge the pattern and may be regarded as an anomaly. (eg. No 15 Victoria Esplanade.)

The sub-floor foundation wall beneath the verandah, accommodates the natural site grade and thus avoids site cutting. This is important to buildings along the Esplanade because it provides a stepped transition between street, front garden and living space. It also ensures the Esplanade has a transitional scale between the highly public street, the semi-public front yard, and the semi public verandah, before the privacy of the dwelling. (Refer Fig. following)



*The characteristic building form of generous single storey dwellings above pronounced foundation walls with front gardens providing a defined set back from the street .*



The combination of these built qualities (in concert with the expansive water-plane of the estuary) contributes to the particular character of the Esplanade.

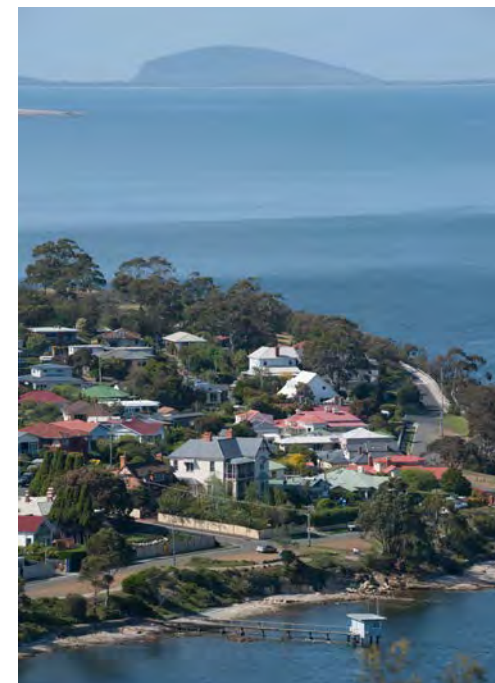
Strongly expressed roof forms, historically with brick chimneys provide scale and definition to many buildings, contributing a further defining period characteristic.

The layered scale and transition of these elements assist in defining the 'civic space' of the Esplanade. Buildings are typically centrally located on generous lots (often with skillion additions at the rear). The street pattern, although incrementally evolved, is one of individual buildings separated by generous side boundary offsets. This assists in maintaining a familiar residential scale, albeit with a civic presence along the Esplanade. It also allows waterfront view connections for those developments that have since been built to the rear of the lots.

It is noted that properties that are north and north east facing, and less exposed to the southerly wind and weather, are less likely to warrant hedges as wind breaks.

Components :

- Civic role of precinct - Esplanade frontage
- Foundation walls to dwellings
- Strongly expressed roof forms
- Building set backs- front and side typical
- Verandahs mediate between public and private
- Side boundary set backs assist views from rear lots to Esplanade

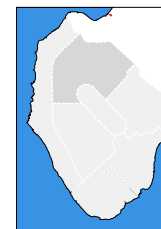






**Bellerive Bluff:**  
Contour aerial confirms a  
rectilinear distribution of  
generously scaled streets

Composite satellite aerial / contour : CCC



## 2. Bay Face precinct

Contour: Nom. 10 - 26 m +/- AHD \_Slope : 8.0%

The precinct is characterised by freestanding dwellings of varying age (including several from the colonial era), set back from the street edge, usually with strongly expressed foundation walls. Generally the pattern is of generous single storey buildings, slightly elevated above gently sloping sites.

The 200 yard offset between Queen and King Streets means the resulting urban blocks are deep, including between the corresponding perpendicular streets of Petchey, Crown and Scott. This ensures individual lots are also quite deep. This has given rise to infilling the



Viewing across Kangaroo Bay to the Queen Street 'saddle'

rear of most of these properties, especially over recent decades. Within the extended precinct the character is one of street facing dwellings, generally single level with a living platform above a differentiated foundation





*The generous width of Queen Street - typical of road reserves on Bellerive Bluff*

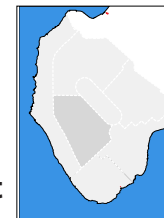


wall. Above this, medium to strongly pitched roofs, usually with verandahs beneath, provide a transition in scale between inside and outside. The sub-floor foundation wall accommodates the site grade, and thus avoids site cutting. Strongly expressed hipped roof forms, historically with brick chimneys typically provide scale and definition to each building, and contribute a further defining period characteristic.

Buildings are typically centrally located on generous lots (often with skillion additions at the rear). The street pattern, although incrementally evolved, is one of deep lots of sufficient width that individual buildings are separated by generous side boundary set backs. This assists in maintaining a familiar residential scale. It also allows water-plane view connections for those infill developments built subsequently to the rear of the lots.

The pronounced alignment of King Street, its axuality reinforced by its width, provides a distinctive route from 'enclosed bay' (Kangaroo Bay) to 'open embayment' (the Harbour of the Derwent). It reinforces the rising ground of the headland, allowing appreciation of the distinctive topography, while providing a strong public domain 'view-shed' to each side of the landform. It is the organising feature (likely based on earlier farm allotments) for the perpendicular street alignments that came later.

### 3. River face precinct



*Contour: Nom. 10 - 30 m +- AHD\_Slope : 10 %*

With rising contours offering views to the expanse of the river and the Wellington Range beyond, the precinct affords characteristic dwelling region amenity.

The precinct is characterised by freestanding dwellings set back from the street edge, usually with strongly expressed foundation walls. Buildings are generally single level, elevated above gently sloping sites. Above this medium to strongly pitched roofs, with verandahs beneath, provide a transition in scale. Within the extended precinct the building pattern is one of frontal dwellings,







generally single level with a living platform above a differentiated foundation wall. The sub-floor foundation wall accommodates the site grade, and thus avoids site cutting.

Consolidation of the precinct, with infilling of lots and extension of existing buildings, has been pronounced over recent decades. In some instances this has considerably altered the earlier pattern of street facing buildings (eg. no. 22 Abbott Street), and the scale of wall enclosure to the street. Extension to existing dwellings and / or redevelopment of additional dwellings on existing lots has densified the earlier pattern. In some instances redevelopment has included a more elevated primary living level located above a 'foundation' level garage. (eg. 11 -14 Dillon Street )

Buildings are typically centrally located on generous lots (often with skillion additions at the rear). The street pattern, although incrementally evolved, is one of individual buildings separated by generous side boundary offsets. This assists in maintaining a familiar residential scale. It also allows water-plane view connections for those developments that have since been built to the rear of the lots.

Additions to existing properties especially 'rooms in the roof', where whole floors are added, reflect the typical pattern of consolidation and consequent impact on existing view-scapes from adjacent properties.





*Right top: Deep prospects to the harbour 'embayment' are offered along the King Street ridge where heritage fabric provides intermittent intimacy to the adjacent pedestrian space. Below: Undeveloped footpath adjacent low heritage wall in Abbott street maintains an earlier pattern. Right below: The generous width of King Street reinforces the ridge.*

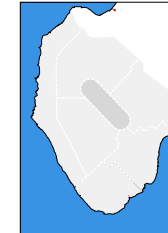


#### 4. Ridge precinct

*Contour: Nom. 26 - 30 m +- AHD \_Slope : 4.5%*

The higher contours of the headland form the Ridge Precinct. These are focussed around the generously scaled, NW - SE aligned, King Street.

The precinct is characterised by street facing, freestanding dwellings, generally set back from the street edge. Being on the higher, exposed, but more level contours, fewer buildings have been benched into their lots. The more even contours toward the crest also tend to alleviate the need for substantial foundation walls in providing a level datum.



Buildings are generally single level, although a number of two storey dwellings of differing age have been built on the level and / or gently sloping sites. Above this medium to strongly pitched roofs, with verandahs beneath, provide a transition in scale. In several instances (heritage) dwellings are located close to the street boundary providing an intimacy to the public street edge.

By contrast the width and alignment of King Street (noteable for its lack of street tree planting) gives rise to a public domain which is open and expansive. Accordingly orientation from within the precinct, especially within the street space of King Street, allows deep landscape and water-plane prospects.

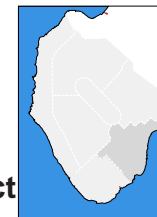




Right top: The breadth of view down King Street is assisted by corner building being set back at the Esplanade.  
 Middle bottom: Rear additions on adjacent properties impact previously unencumbered view scapes.  
 Far right bottom: Contour change ameliorates substantial monolithic scale of multi unit development.  
 Below: Skewed buildings that step with the grade help identify the precinct.



## 5. Beach Face precinct



Contour: Nom. 2 - 28 m +/- AHD\_Slope : 17.5 %

With some of the steepest contours on the Bluff, the Beach Face precinct was the last to be developed. Accordingly a number of buildings are contour aligned, rather than street facing. This gives rise to a distinctive precinctual built pattern where skewed and multi storied buildings stepping with the grade, are not uncommon.

Some of the largest dwellings and multi unit developments on the bluff are within the precinct. While development of the generous sized lots continues to occur, (the only remaining undeveloped lot on the bluff is

within the precinct), site coverage of individual lots is generally less than other precincts.

Accordingly dwellings are generally set well within their lots, and from the more elevated precinctual contours, some are readily viewed over, even disguising their true scale. From the adjacent street contours, especially where Gunning and King approach the Esplanade, there is a widening of the breadth of view in response to these set backs.

The individual bungalow character with the occasional larger dwelling, is however changing with substantive alterations, additions and redevelopments impacting the earlier unencumbered viewsapes.



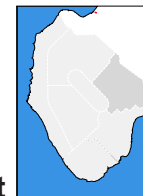




Below: Chapman Street is narrower than adjacent streets providing a more intimate scale. Elevated views with housing articulated by the terrain contributes to character.  
Below middle: The precinct is identified by a number of heritage properties including the former Chapel of Ease dating from 1852.



## 6. Back Beach precinct



Contour: Nom. 10 -28 m AHD \_Slope : 10 %

Incorporating much of the low lying land of the saddle between Queen and King Streets, the precinct is characterised by a number of heritage structures located on these primary streets. Elsewhere freestanding buildings of varying age, street facing but set back from the street edge identify the precinct. Generally the pattern is of single storey buildings, slightly elevated above gently sloping sites.

Chapman Street being parallel between Queen and King Streets gives rise to regularised lots, although less deep than in nearby urban blocks. Chapman Street is narrower than adjacent streets and as a result has a more intimate street space scale, especially along its higher contours.

Within the extended precinct the character is of street facing dwellings, generally single level with strongly expressed hipped roof forms, historically with brick chimneys. As the lots are less deep than elsewhere on the bluff, generally there is less infilling to the rear of the lots. Accordingly individual dwellings have often been enlarged, while others have been completely redeveloped. In some instances this creates a pattern more anticipated on low density rural residential sites than on the denser residential pattern of Kangaroo Bluff.

## 7. Battery



Contour: Nom. 12 -28m +- AHD

The Kangaroo Bluff Battery is a significant place providing regional orientation, precinctual identity and local amenity. Its highly vegetated character contrasts with the rest of the public domain of the Bluff.







Diagrammatic sketch of alterations and new development (identified red) on the Bluff since 1958.

## Issues to consider

Bellerive Bluff is a prominent regional landform with an eclectic mix of generally modestly scaled buildings on moderately sized lots. Consolidation of the built pattern has progressively given way to larger buildings on existing lots, and occasionally substantially larger buildings on amalgamated lots. This process is continuing.

The settlement pattern is recognised as a mix of (A) early farmhouses, churches and meeting halls, (B) buildings associated with and adjacent to the Bellerive Village, (C) residences accessing the panoramic harbour scale along the Esplanade, and (D) those associated with proximity to the nearby Bellerive Beach and a broad pattern of dwellings (E) taking advantage of the rising ground of the headland (not covered by the previous), but whose development contributes to a consolidated outcome.

An earlier study (Woolley 1991) suggested three distinct building typologies (loosely related to development periods) :

1. **Formal** - colonial and late 19c (includes A,B,C above)
2. **Informal** - the bungalow period (includes D, E above) and
3. **Uniformity** prevails - suburban infill (includes E above)

In the context of these and the preceding morphological considerations, issues likely to impact neighbourhood character are discussed.

### Character and sustainability

Australian residences are on average the largest in the world. The trend in both urban sustainability and resource terms is toward smaller footprint housing. This expectation is important to consider on Bellerive Bluff where the pattern of development has not been one of broad-acre estates but of incrementally developed precincts - based initially on open land grants and allotments, then subdivided into street-forming residential lots. The result is that a diverse range of development periods form the character of the Bluff.

The predominant character is of a place where a smattering of colonial buildings (sited initially on open paddocks) have been progressively built around with traditional street focussed neighbourhoods. The resulting precincts, in response to their topography and development period, generate low to medium density neighbourhoods. While building lots are not generally large they maintain a (suburban) character albeit in a location which is the densest in the municipality.

Although some buildings with larger footprints (typical of rural residential locations) have recently been built, the character of Bellerive Bluff does not reflect the lower density and more open scale of the suburban building stock of much of the rest of the municipality. In recent times however this character has been challenged.



*Abbott Street : No.10 is indicative of the pattern of buildings that step with the grade, address and engage with the street and as a result provide a dignified yet informal presence.*



*No. 52 King Street  
Wider lots or lot amalgamation can give rise to large single dwellings with elongated frontages such as this building along King Street. The addition of evacuated heating tubes above the ridge line does not assist the architecture nor neighbourly good manners.*



*Abbott Street : High pitched roof forms possibly with rooms in the roof (such as this dwelling on the corner of the Esplanade) will likely emerge from PD4 provisions.*



### Comparative regional identity

Battery Point is the other identifiable 'built' headland in the dwelling region. By contrast its headland contours are more pronounced with a curvilinear as well as rectilinear roading pattern. The pattern of settlement - from open allotments and then farmland and pasture, before a road network and building consolidation, is however not dissimilar to Bellerive Bluff. The density and spread of development in particular periods is however quite different. While both are prominent headlands they reflect different phases and intensities of settlement within the dwelling region.

### Considerations arising

The minimum subdivision lot size under current provisions is 325 m<sup>2</sup>. In recent decades substantive infilling of rear lots, and redevelopment and consolidation of existing dwellings has occurred. A cursory over-view of lots in the study area identifies that few are undeveloped lots (1) and there is only a small number of 'undeveloped' rear lots (ie. with potential to subdivide around 325 m<sup>2</sup>).

While demolition or redevelopment of existing dwellings will continue to occur, those with lot sizes in excess of 650 m<sup>2</sup> (nominally allowing subdivision into two (2 x 325 m<sup>2</sup>) lots) is not extensive. It is acknowledged that existing heritage provisions will not be impacted by PD4 provisions.

The pattern of consolidation over recent decades has been extensive (refer fig. p.35) and this will likely continue under PD4 provisions. The implication will likely be a further infilling, where lot sizes allow, and redevelopment of some existing dwellings.

In these instances the PD4 envelope will potentially generate steeply pitched roof spaces (up to 45 degrees) above 3m high walls to a maximum of 8.5m above natural ground. This will allow two primary levels with possibly a further 'room in the roof'. Although several existing examples ascribe to this form, this is not the prevailing character of Bellerive Bluff.

The existing character of primarily single storey dwellings with identifiable but more shallow roof pitch, (typically between 5 - 30 degrees) may progressively be altered to a building pattern of denser, more steeply pitched roof forms. While these forms will not in themselves be insignificant, the most likely impact will be a loss or diminution of the oblique views afforded by the rising ground. This may generate a 'domino effect' with dwellings progressively edging higher and higher to retain views and amenity.

Incremental impacts on neighbourhood character

As a popular location there will likely be continuing pressure for redevelopment of much of the 'unlisted' building stock. This is the fabric representing differing development



#### Abbott Street

A large footprint building set back from the street on an amalgamated lot with high masonry walls, high security gates and dual vehicular crossovers servicing extensive areas of on-site vehicular hardstand. These are characteristics of some low density residential areas within the municipality, but are not inherent to the neighbourhood character of Bellerive Bluff.

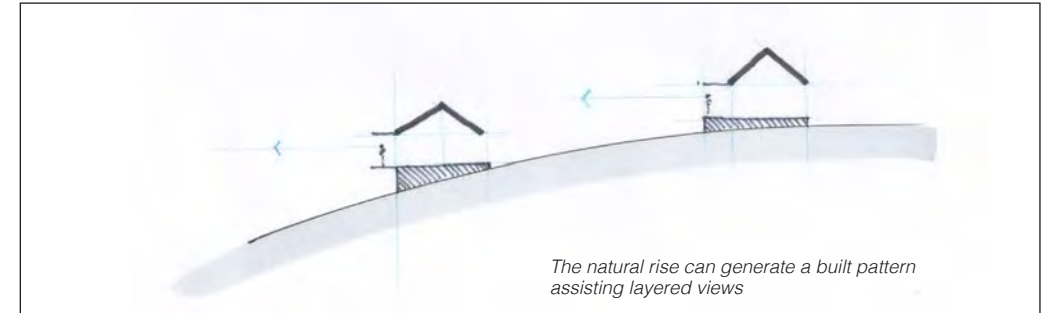


#### Abbott Street No. 22

The extensive vehicular crossover and 'defensive', rather than 'engaging' character of the street frontage.



Fort Street . The last remaining (?) undeveloped lot on Bellerive Bluff. Re-development and consolidation on the adjoining property also gestures to the potential scale and bulk of PD4 provisions.



periods that currently underpins precinctual character. In Bellerive Bluff these include, but are not limited to, the 'informality' that attaches to residential design especially from the 1940's, 50's, and 60's.

Typically building stock from these periods is not (yet) 'heritage' listed and will continue to be subject to redevelopment or loss. Each precinct has its own identifying qualities and locational character. Neighbourhood atmosphere and streetscape character attaches less to individually significant buildings than to the **integration of buildings, and their location** including qualities of the public realm that result.

In contrast to flat or level land, rising ground provides views with potentially deep locating prospects - connecting the local and the regional scale of the dwelling region. The hidden amenity of the 'bluff' is its topography. With an increase in elevation locational characteristics tend to strengthen, while the views that contribute to residing on the bluff are appreciated simultaneously as a local and a regional experience.

Implications (of PD4 provisions) on the distinctive character of Bellerive Bluff.

With waterfront on three sides, much of the character of the bluff comes from **sensing the landform as a promontory**. This is assisted by the topography, especially the rising ground, but moreso by views to the waterplane and the extended landscape. These are offered along street alignments and sometimes across existing properties eg. lower King Street to Bellerive Beach.(ref. p.33) They are also offered between and sometimes over adjacent dwellings. This has given rise to a built pattern where traditionally scaled buildings in particular precincts will offer, (all things being equal) access to, or glimpses of, the waterplane. This amenity will likely be subject to more pressure as the revised envelope provisions progressively emerge.

Other trends which should be carefully managed include those that impact on the informal neighbourhood character of pedestrian friendly streets and public edges typified by low boundary walls/ fences reinforcing a domestic scale. In several locations these are challenged by 'defensive'



### Maintaining local construction character

- *considerations for residential building on rising ground*

- Minimise retaining wall requirements.
- Minimise extent of batter cut to reduce planting problems and run off.
- Access from ends (along contour) eliminates requirements for steps / ramps.
- Provide terrace space at ends to minimise cut and fill and integrate to landscape.
- Build on flattest part of site to reduce site works cost and construction costs.
- Simple rectilinear forms along contour minimise cut and fill.
- Contour alignment equalises cut and fill and simplifies construction.

*The inner bay and the Queen Street 'saddle'*



high walls, large security gates, broad vehicular cross overs, extensive driveways, and buildings set back from, rather than engaging with the street edge.

Developments set deep within the urban blocks will continue, but should not be developed to the detriment of the street frontage and street edge formation. Equally inconsistent building typologies (eg. terrace housing, monolithic multi-storey housing)

should not be encouraged in residential precincts.

Maintaining neighbourhood character by recognising precinctual identity

With precincts clearly identified neighbourhood character can more precisely be managed. The layered views synonymous with the River Face and Back Beach precincts are for example less critical on the Ridge

precinct, where a moderate increase in scale and density would generally be less problematic due to the levelling of the rise.

Along the Esplanade Precinct, freestanding larger dwellings have provided 'viewing gaps' for those living behind and above. Subsequent Esplanade infill development, irrespective of height, needs to be mindful of this topographically derived built-form pattern.



*The Bay face and the rising contours of the Bluff*



The height of individual buildings (some of a non-conforming scale) in the steeper Beach Face precinct has been shown (cf. p.33) to have less neighbourhood impacts due to the more diverse topography along that edge.

Within the same precinct, waterplane views accessed from higher contours are being impacted by rear lot additions, a trend likely to generate higher buildings on adjacent lots.

*The Esplanade to the waterplane*



The relationship between dwelling and street frontage has in most precincts generated a public realm 'informality', characterised by wide streets (generally 15 -20 m) varying pedestrian edges, generally paved, sometimes grassed. This is amplified by the contour and the stepping of the built form in response. (cf. p.34, (Chapman St.) p. 36 (Abbott St))

These aspects of neighbourhood character are seen to be undermined by developments which dis-engage the 'sociability of the street' edge. (cf. p. 36, 37)

Although vegetation adds significantly to the character of the Bluff there is limited street tree planting. This strengthens the role of the Bluff Battery as both an historic site and a defined public park.

## Summary: Bellerive Bluff 'distinctiveness'

- The location is a central place within the dwelling region.
- As an edge to the 'Great Embayment', Bellerive Bluff is a focus at the heart of settlement for both the municipality and the region.
- As a promontory Bellerive Bluff is a natural focus of the urban landscape and fundamental to the role that headlands play in intensifying the place of settlement.
- Distinct from other headlands the layers of history evident in the formation of the Municipality are represented and focussed through the growth of Bellerive Bluff.
- The relationship between the periods of development on the bluff, rather than any single period or character, strengthens neighbourhood identity of Bellerive Bluff
- The layered views in response to the 30m landform rise between the Esplanade 'water-edge' and the King Street 'ridge', underpins appreciation of living on the Bluff
- Identifying individual precincts will assist in strengthening the character and consolidating the identity of Bellerive Bluff
- In the general absence of street trees, it is acknowledged that the vegetation canopy of the precinct is largely formed by individual garden settings
- As an exemplar of sustainable development within the municipality, Bellerive Bluff will accommodate further smaller footprint housing.

## Emerging 'design principles' :

The foundation to the historic character and built pattern of Bellerive Bluff is generated by free-standing, predominantly single storey, street-facing buildings (except the Beach Face precinct) reinforcing the natural rise. While encouraging denser, more sustainable housing typologies, developments that undermine this pattern should be avoided.

- Ensure that the 'borrowed landscape' of the regional setting remains accessible as a result of ongoing development – neighbourhoods typically comprise a layering of buildings that step with the grade, allowing a progressive viewing 'over, across and between'.
- Ensure the 'sociability' of the neighbourhood is maintained and strengthened by providing internal living spaces at ground level that overview the street.
- Ensure all dwellings provide an adequate transitional space between the (public) street and the internal privacy of the dwelling, typically offered by a front yard / verandah or semi enclosed patio.
- Ensure buildings are sufficiently set back from front and side boundaries to retain the dominant streetscape rhythm. The front set back should be no less than the average set back of the adjoining two dwellings.
- Ensure car parking structures (including ground level or basement garages) and space dedicated to vehicles, do not dominate the streetscape.
- Ensure the facade of new buildings contain a single storey element, typically with recessive upper levels.
- Ensure site coverage allows space for large trees

In addressing the lack of 'neighbourliness' of some recent developments (and in the context of potential implications of Planning Directive 4.1) the following guidelines are recommended:

- Avoid continuous high walls / fences / gates to front boundaries.
- Avoid clustering buildings around internal cul-de-sacs, especially where vehicular space dominates.
- Avoid amalgamating lots to generate a single, large development.
- Avoid bulky developments dominating the rear of properties.
- Avoid continuous terrace housing outcomes (or symmetrical presentation of side by side townhouses)
- Avoid reducing front and rear external open spaces to dimensions lacking amenity.
- Avoid building designs that deny the natural grade and the local typography by 'benching in', also generating extensive retaining walls.
- Avoid large, visually opaque, street-facing garages. (Locate garages and car ports behind the line of the dwelling. Where not possible or where existing, ensure no frontage has more than 25% of its length (or 6m max.) as an enclosed garage).
- Provide one vehicular cross over per typical site frontage.
- Use permeable driveway materials

## Reviewed documents:

*Behind the Scenery - Tasmania's landforms and geology*  
Ed's. Scanlon, Fish, Yaxley  
Dept Education and The Arts, Tasmania 1990

*Engineering Geology of the Hobart Area*  
Hofto, Sloane, Weldon  
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Alexander, Alison  
*The Eastern Shore - A history of Clarence*  
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Clark, Audrey N.  
*The Penguin Dictionary of Geography*  
Penguin Books 1998

MacFie, Peter  
*Stock Thieves and Golfers*  
*A History of Kangaroo Bay and Rosny Farm Tasmania*  
1803 - 1998  
Clarence City Council 2002

*Spirit of Clarence*  
*A Tasmanian Community*  
City of Clarence 1989

Site  
Tasmanian Museum and Art Gallery 2008

Solomon, R.J.  
*Urban isation : The evolution of an Australian Capital*  
Angus + Robertson Sydney 1976

Woolley , Leigh  
*Bellerive Bluff / Village Image study*  
*for the City of Clarence* 1990

Woolley, Leigh  
*Clarence Urban Design - considering the pattern of*  
*settlement - Kangaroo Bay and Rosny Park (2006)*  
*in: Kangaroo Bay Urban Design Strategy and Concept*  
*Plan : Inspiring Place 2006*



Report written and  
compiled between  
November 2015 and  
March 2016 by Leigh  
Woolley with assistance  
from Toby Woolley. ©



## **F17.0 Bellerive Specific Area Plan**

### **F17.1 Purpose Statements**

#### **17.1.1**

To Recognise the central role and distinctive character of Bellerive Bluff terms of its landscape setting, settlement pattern and built form.

#### **17.1.2**

To implement the Bellerive Bluff precinct – Neighbourhood Character and Urban Design Framework Study (April 2016) recognising the following;

- (i) Public domain view alignments and landscape connections;
- (ii) Generous width of road view corridors (resulting from reserve widths and building setbacks);
- (iii) The established precinct characteristics.

#### **17.1.3**

To provide for development consistent with the Bellerive Bluff precinct Desired Future Character Statements.

### **17.2 Precinct characteristics**

Each of the Bellerive Bluff established precinct characteristics are described below and spatially identified in Figure 1:

<b>Precinct</b>	<b>Established Precinct Characteristics</b>
<b>1. Esplanade Precinct</b>	Freestanding dwellings setback from the street (Esplanade) providing a transition from the public street, to the semi-public front yard, semi-public verandah to the private dwelling. Strongly expressed roof forms with brick chimneys. Generous side boundary setbacks provide view corridors to the development behind.
<b>2. Bay Face Precinct</b>	Freestanding dwellings of varying age (including several from the colonial era), set back from the street edge, usually with strongly expressed foundation walls. Generally the pattern is of generous single storey buildings, slightly elevated above gently sloping sites.  Medium to strongly pitched roofs, usually with verandah beneath, provide a transition in scale between inside and outside. The sub-floor foundation wall typically accommodates the site grade, and thus avoids site cutting.  The settlement pattern is of deep lots which have often given rise to rear infill development over recent decades.
<b>3. River Face Precinct</b>	Freestanding dwellings centrally located on generous lots (often with skillion additions at the rear) set back from the street edge, with strongly expressed foundation walls setback generously from side boundaries. Buildings are generally single level incorporating medium to strongly

	<p>pitched roofs, typically with verandahs, which provide a transition in scale. Sub-floor foundation walls accommodate site grade, and thus avoids site cutting.</p> <p>Additions to existing properties, especially 'rooms in the roof', where whole floors are added, reflect the characteristic pattern of consolidation and consequent impact on existing view-scapes from adjacent properties.</p>
<b>4. Ridge Precinct</b>	<p>Freestanding dwellings generally set back from the street edge typify the precinct. Being on the higher, exposed, but more level contours, fewer buildings have been benched into their lots.</p> <p>The more even contours, especially toward the crest, also tend to alleviate the need for substantial foundation walls.</p> <p>Buildings are generally single level, although a number of two storey dwellings of differing age have been built on the level and / or gently sloping sites. Above this medium to strongly pitched roofs, with verandahs beneath, provide a transition in scale. In several instances (heritage) dwellings predate subdivision and are located close to the street boundary, providing an intimacy to the public street edge.</p> <p>The width and alignment of King Street (notable for its lack of street tree planting) gives rise to a public domain which is open and expansive. Accordingly orientation from within the precinct, especially within the street space of King Street, allows deep landscape and water-plane prospects.</p>
<b>5. Beach Face Precinct</b>	<p>Comprising some of the steepest contours, a number of buildings are contour aligned, rather than street-facing. This gives rise to a distinctive built pattern where skewed and multi-storied buildings, stepping with the grade, are not uncommon.</p> <p>Some of the largest dwellings and multi-unit developments on the Bluff are within the precinct. While development of the generous sized lots continues to occur, site coverage of individual lots is generally less than other precincts.</p> <p>Dwellings are generally set well within their lots, and from the more elevated precinctual contours, some are readily viewed over, even disguising their true scale. From the adjacent street contours, especially where Gunning and King approach the Esplanade, there is a widening of the breadth of view in response to these setbacks. The individual bungalow character with the occasional larger dwelling, is however changing with substantive alterations, additions and redevelopments impacting the earlier unencumbered view-scapes.</p>
<b>6. Back Beach Precinct</b>	<p>Freestanding single storey dwellings of varying age set back from the street edge and slightly elevated above gently sloping sites. Buildings tend to have strongly expressed hipped roof forms, historically with brick chimneys. The precinct is characterised by a number of heritage structures located on Queen and King Streets.</p> <p>Chapman Street is narrower than adjacent streets and as a result has a more intimate street space scale, especially along its higher contours.</p>
<b>7. Battery Precinct</b>	<p>The Kangaroo Bluff Battery is a significant place providing regional orientation, precinctual identity and local amenity. Its comparatively highly</p>

	vegetated character contrasts with the rest of the public domain of the Bluff.
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### 17.3 Desired Future Character Statements

Precinct	Desired Future Character Statements
<b>1. Esplanade Precinct</b>	<p>Consistent with the existing precinct characteristics, siting and design of new development and additions to existing housing stock should provide massing, front setbacks and sufficient separation between buildings to ensure:</p> <ul style="list-style-type: none"> <li>• Freestanding building identity reinforcing the continuous water edge frontage;</li> <li>• Visual connectivity from Victoria Esplanade to the dwelling incorporating semi-public space and/or design elements;</li> <li>• continued visual connectivity to the water as viewed from public places; and</li> <li>• South of King Street, development should also ensure connectivity to the landscape horizons of the city region and the Wellington Range beyond.</li> </ul>
<b>2. Bay Face Precinct</b>	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> <li>• provide freestanding building identity consolidating in response to the natural rise of the headland location ;</li> <li>• be set back from the street edge and step with the grade rather than cut into the site;</li> <li>• present strong single storey elements and entry treatments to the street;</li> <li>• second storey development should not be individually dominant but present as 'rooms in the roof' accommodated through medium to strongly pitched roof forms; and</li> <li>• ensure continued visual connectivity to the water as viewed from public places.</li> </ul>
<b>3. River Face Precinct</b>	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> <li>• provide freestanding building identity consolidating in response to the natural rise of the headland location;</li> <li>• be set back from the street edge and step with the grade rather than cut into the site;</li> <li>• be located centrally on the site presenting single storey elements and entry to the street;</li> <li>• second storey development should not be individually dominant</li> </ul>

	<p>but present as 'rooms in the roof' accommodated through medium to strongly pitched roof forms;</p> <ul style="list-style-type: none"> <li>• ensure continued visual connectivity to the water and the landscape horizons of the city region and the Wellington Range beyond; and</li> <li>• not uniformly increase the bulk of existing housing stock, rather additions should provide a stepping of scale allowing an acknowledgment of the initial primary structure.</li> </ul>
<b>4. Ridge Precinct</b>	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> <li>• provide freestanding building identity consolidating in response to the highest contours of the headland;</li> <li>• be set back sufficiently from the street edge to maintain predominant built pattern as well as visual connectivity to the water as viewed from public places;</li> <li>• ensure two storey dwellings provide a transition in scale presenting strong single storey elements and entry to the street;</li> <li>• incorporate medium to strongly pitched roof forms; and</li> <li>• avoid substantial foundation walls fronting the street.</li> </ul>
<b>5. Beach Face Precinct</b>	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> <li>• ensure continued visual connectivity to the water as viewed from public places.</li> </ul>
<b>6. Back Beach Precinct</b>	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> <li>• provide freestanding building identity;</li> <li>• incorporate semi-public space and/or design elements fronting the street; and</li> <li>• incorporate hipped roof forms</li> <li>• respond to sloping sites through elevation rather than being cut into the site.</li> </ul>
<b>7. Battery Precinct</b>	<p>Consistent with the existing precinct characteristics new development must ensure that the Kangaroo Bluff Battery remains central to local identity as a publicly accessible place characterised with open spaces and landscape amenity.</p>

## F17.4 Application



This Plan applies to the area of land designated as F17.0 on the Planning Scheme Maps and shown in Figure 1.

### **F17.5 Development Exempt from this Specific Area Plan**

The following are exempt from requiring a permit under this Specific Area Plan:

- (a) Change of use.
- (b) The removal, destruction or lopping of vegetation.
- (c) Structures erected within a road reservation by a public authority or council including but not limited to street furniture, fire hydrants, traffic control devices and street lights.

### **F17.6 Application Requirements**

In addition to any other application requirements, if considered necessary to determine compliance with performance criteria, the planning authority may require the applicant to provide information that addresses, but is not restricted to, any or all of the following where such issues are considered to be impacted by the development:

- (i) impact on the identified values and character of the relevant precinct;
- (ii) impact on public domain view corridors and visual connectivity to the water, city region and/or Wellington Range;
- (iii) impact on pedestrian movement, permeability and amenity; and
- (iv) the visual impact on heritage buildings immediately adjoining the site.

### **F17.7 Use Standards**

There are no Use Standards applicable for this Specific Area Plan.

### **F17.8 Development Standards for Building and Works**

#### **F17.8.1 Setbacks & Building height**

<b>Objective:</b>	
To ensure the development responds to its location, is appropriate within its setting and integrates within the relevant neighbourhood precinct.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Front setback greater than 4.5m ; and	<b>P1</b> Development must have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account:

	<ul style="list-style-type: none"> <li>(i) the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3;</li> <li>(i) any topographical constraints;</li> <li>(ii) any existing development on site; and</li> <li>(iii) the extent to which the variation visually impacts an immediately adjoining property identified in the Historic Heritage Code within its streetscape setting.</li> </ul>
<b>A2</b> <ul style="list-style-type: none"> <li>(i) For wall heights of 3.5m and less, side &amp; rear setbacks must be no greater than the setbacks to the existing dwelling on each respective boundary.</li> <li>(ii) For wall heights greater than 3.5m there is no acceptable solution.</li> <li>(iii) For new development on vacant lots there is no acceptable solution.</li> <li>(iv) Building height must not be more than 5.5m.</li> </ul>	<b>P2</b> <p>In addition to the criteria outlined at 10.4.2 (P3) must take into account:</p> <ul style="list-style-type: none"> <li>(i) the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3;</li> <li>(ii) any topographical constraints;</li> <li>(iii) any existing development on site;</li> <li>(iv) Development built up to the should avoid the appearance of conjoined terraces or side by side town houses; and</li> <li>(v) the extent to which the variation visually impacts an immediately adjoining property identified in the Historic Heritage Code within its streetscape setting.</li> </ul>

### F17.8.2 Design

<b>Objective:</b>	
To ensure that development contributes to the 'sociability' of the neighbourhood	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> <ul style="list-style-type: none"> <li>(i) Alterations and additions behind, but not involving, the façade of an existing</li> </ul>	<b>P1</b> <p>Design responses provide for:</p> <ul style="list-style-type: none"> <li>(i) Passive surveillance to and from the</li> </ul>

<p>dwelling; or</p> <p><b>(ii)</b> New buildings and alterations to the façade of existing buildings must incorporate internal living spaces at ground level with windows and/or doors that provide for overlooking of the street.</p>	<p>building to the street; and</p> <p><b>(ii)</b> The incorporation of semi-public treatments such as landscaping, verandas and deck treatments visible from the street.</p>
<p><b>A2</b></p> <p>A fence (including a free-standing wall) within 4.5 m of a frontage must have a height above natural ground level of not more than 1.2m.</p>	<p><b>P2</b></p> <p>A fence (including a free-standing wall) within 4.5 m of a frontage must contribute to the neighbourhood sociability of the streetscape taking into account:</p> <ul style="list-style-type: none"> <li><b>(i)</b> The extent that the street is overviewed from the dwelling having regard to height, degree of transparency, materials and construction; and</li> <li><b>(ii)</b> the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3;</li> </ul>
<p><b>A3</b></p> <ul style="list-style-type: none"> <li><b>(i)</b> Car parking structures setback behind the dwelling.</li> <li><b>(ii)</b> The aggregate maximum width of a garage door/s is 25% of the width of the lot or 6m whichever is the lessor.</li> </ul>	<p><b>P3</b></p> <p>Car parking structures (including ground level or basement garages) must not dominate the building façade or adversely impact the streetscape taking into account:</p> <ul style="list-style-type: none"> <li><b>(i)</b> The width of the structure/parking area in the context of both the lot and the dwelling façade;</li> <li><b>(ii)</b> The degree of the structure's transparency as viewed from the street;</li> <li><b>(iii)</b> the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3;</li> <li><b>(iv)</b> Any topographical constraints;</li> <li><b>(v)</b> Any existing development on site;</li> <li><b>(vi)</b> Opportunities for landscaping in front</li> </ul>

	<p>of the dwelling;</p> <p>(vii) The prevalence of carparking structures within proximity of the site within the same street and same precinct;</p> <p>(viii) The extent that structure will impact that the neighbourhood sociability of the streetscape; and</p> <p>(ix) the extent to which the variation visually impacts an immediately adjoining property identified in the Historic Heritage Code within its streetscape setting.</p>
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### F17.8.3 Excavation & Retaining

<b>Objective:</b>	
To avoid design responses that relies on benching and/or extensive retaining walls.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>(i) Site excavation works limited to:</p> <ul style="list-style-type: none"> <li>(a) building or retaining wall footings; or</li> <li>(b) swimming pools; or</li> <li>(c) 1.0m</li> </ul> <p>(ii) For the construction of retaining walls greater than 1.0m in height there is no acceptable solution.</p>	<p><b>P1</b></p> <p>Design responses involving excavation and/or extensive retaining must take into account:</p> <ul style="list-style-type: none"> <li>(i) the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3;</li> <li>(ii) topographical constraints;</li> <li>(iii) any existing development on site;</li> <li>(iv) The extent of benching and/or retaining within proximity of the site within the same street and same precinct;</li> <li>(v) The visual impact on the streetscape; and</li> <li>(vi) the extent to which the variation visually impacts an immediately adjoining property identified in the Historic Heritage Code within its streetscape setting.</li> </ul>



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## F17.9 Development Standards for Subdivision

### F17.9.1 Subdivision

<b>Objective:</b>	
To provide for infill subdivision and subsequent development opportunities that reinforces the Bellerive Bluff's character and sense of place.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> The subdivision is boundary adjustment that: <ul style="list-style-type: none"> <li>(i) does not result in the creation of a vacant lot with increased subdivision potential based on the applicable minimum lots sizes specified in the relevant Acceptable Solution; or</li> <li>(ii) results in lots that each contain an existing dwelling.</li> </ul>	<b>P1</b> In addition to the subdivision requirements in the underlying zone, subdivision must demonstrate that the subsequent development of vacant lots is unlikely to: <ul style="list-style-type: none"> <li>(i) Compromise existing view alignments from public spaces;</li> <li>(ii) Significantly negatively impact view alignments from elevated levels of existing dwellings; and</li> <li>(iii) Require a front setback less than 4.5m or the average of the immediately adjoining lots whichever is the lessor.</li> </ul>

## F17.10 Bellerive Bluff Specific Area Plan Maps



### Bellerive Bluff Precincts:

1. Esplanade
2. Bay Face
3. River Face
4. Ridge
5. Beach Face
6. Back Beach
7. Battery

F17.10.1 Figure 1 Bellerive Bluff Precincts

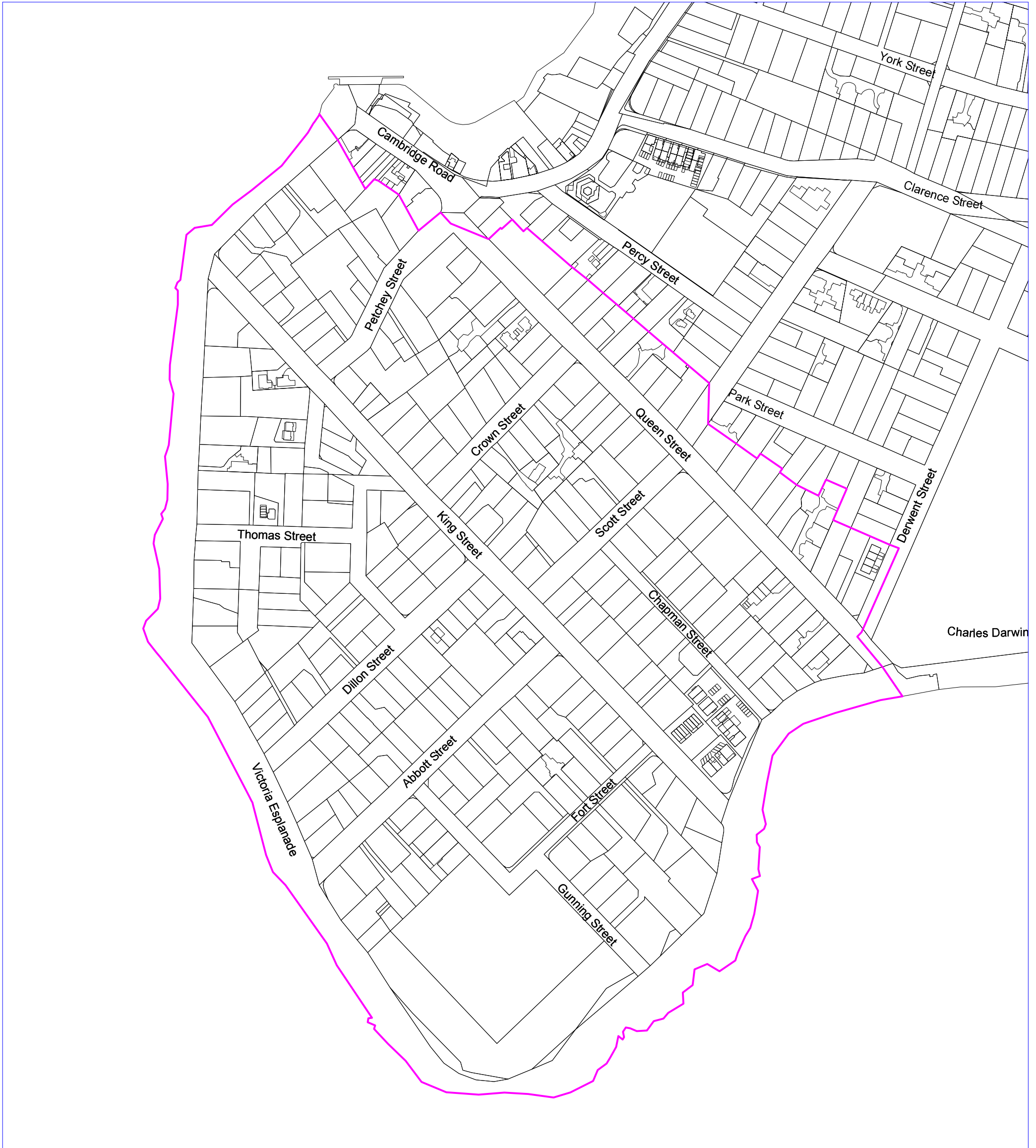
Map F17 Bellerive Bluff Specific Area Plan LISTmap

Link to [interactive map](#)

# CLARENCE CITY COUNCIL

## CLARENCE INTERIM PLANNING SCHEME 2015

### Amendment A-2016/1



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#### AMENDMENTS TO PLANNING SCHEME PLAN Amendment A-2016/1 SAP

To amend the Specific Area Plan Map to introduce the "Bellerive Bluff Specific Area Plan" over the Bellerive Bluff Precinct area.

 F17.0 Bellerive Bluff Specific Area Plan

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS BEEN HERE UNTO AFFIXED THIS XX DAY OF XX 2016 PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE XX DAY OF SEPTEMBER 2016 IN THE PRESENCE OF:

\_\_\_\_\_  
CORPORATE SECRETARY

**11.3.7 RICHMOND TOWNSCAPE STUDY REVIEW**

(File No 20-09-02)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review and update the materials schedule of the Richmond Townscape Study (RTS) 2014.

**RELATION TO PLANNING PROVISIONS**

The streetscape principles and materials proposed by the Study will provide a consistent basis for future works within the road reserve. Such works will include on-going maintenance and new projects.

**LEGISLATIVE REQUIREMENTS**

There are no legislative requirements which are applicable to the Study.

**CONSULTATION**

The Richmond Advisory Committee has previously been consulted and provided feedback when the Study was reviewed in 2014.

**FINANCIAL IMPLICATIONS**

The proposed changes identify uniformity of materials but do not set budgets or work schedules. Whilst there are resource implications in undertaking streetscape works the Study does not identify annual works and budgets.

**RECOMMENDATION:**

- A. That Council adopts the revised materials schedule.
- B. That the Richmond Townscape Study be revised to include the updated materials schedule.
- C. That the revised Richmond Townscape Study be displayed on Council's website and the Richmond Advisory Committee be notified.
- D. That Council delegate to the Group Manager Asset Management the decision to vary the materials schedule where necessary if materials cannot be reasonably sourced or where the desired outcomes (such as colour mixes) cannot be achieved within the specifications prescribed.
- E. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.



**RICHMOND TOWNSCAPE STUDY REVIEW /contd...**

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

Council adopted the Richmond Townscape Study in 1994 and subsequently an updated version in February 2014. The most recent version specifies materials to be used in streetscape and some off-street works. The material schedule has now been in operation for 2 years and some modification is required. The modifications comprise higher specification of materials, sourcing and colour mixes. Experience has also demonstrated the need for continued flexibility in circumstances where materials become difficult to source, where there is a change of supplier or where it becomes apparent that a particular product is not durable enough. As such it is considered appropriate that Council's Group Manager Asset Management, in conjunction with Council's Heritage Advisor, has the flexibility to source alternative materials where required.

**2. STATUTORY IMPLICATIONS**

Not applicable.

**3. CONSULTATION**

The Richmond Advisory Committee has previously been consulted when the Study was last fully reviewed. Feedback was received on a diverse range of issues and has been favourable.

**4. PROPOSAL IN DETAIL**

The key amendments to the Schedule are set out in Attachment 1 and are required in relation to:

- upgrading materials to ensure durability and strength;
- enabling materials to be sourced from other suppliers where required; and
- colour variation to concrete batching.

**5. FINANCIAL IMPLICATIONS**

The Study identifies materials but does not set budgets or work schedules.

**6. CONCLUSION**

It is therefore recommended that Council receives the revised materials schedule and approves the material selections contained therein.

Attachments: 1. Richmond Townscape Study Revised Materials Schedule (4)

Ross Lovell

**MANAGER CITY PLANNING**

# Attachment 1

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## Surface Finishes / Street Furniture Schedule\*

Element	Material / Product	Colour
Footpath <del>—</del> Gravel	Barwick's Limestone Gravel	Approved limestone or equivalent from local source
Footpath – Segmental Paving	Random concrete paving pattern (to match new work in Bridge Street)	<b>Richmond Terra, ABRI (formerly Besser)</b> <b>Sample CC7</b> – Note: Minimum purchase quantities apply
Footpath <del>—</del> Monolithic	Hanson Decorative Aggregate or similar – selected standard mix	Medium exposed aggregate (to match current use in Bridge St) in <b>Colour Concrete Systems – ‘Canvas’ 3%</b>
<del>Domestic Crossover &amp; Driveway options</del> <del>Accessible Crossovers &amp; tactile surface indicators</del>	<del>b) Exposed Aggregate Concrete – Hanson Decorative Aggregate or equivalent – Medium exposed aggregate (to match current use in Bridge St) Coloured concrete with contrasting tactile surface indicators</del>	<del>Approved sandstone colour concrete mix with Dark Grey / Black TCI's</del> <b>Colour Concrete Systems – ‘Canvas’ 3% for hand mixing and 5% for plant mixing (maybe amended by Council's Group Manager Asset Management from time to time as required).</b>
	b) Approved limestone	

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	<u>compacted gravel from local source – Barwick's Limestone Gravel or equivalent</u>	
On-street Parking	<u>10mm Quartzite aggregate from North East Excavations (TAS) P/L from St Helens Quarry (Diana's Basin) with a twin coat seal</u> <u>Contrasting aggregate to spray / seal with compatible 'cats eye' styled indicators</u>	<del>50% contrast to regular bluestone road aggregate with s.s. / reflective indicators</del> <b>Boral Bridgewater – 15mm Calder Stone</b>
Off-street Parking	<u>Sealed areas – 14/7mm Quartzite aggregate from North East Excavations (TAS) P/L from St Helens Quarry (Diana's Basin) with a twin coat seal.</u> <u>Unsealed areas (i.e. recreation ground &amp; subsidiary parking areas) – Barwick's compacted 10mm Limestone gravel or equivalent. Regular bluestone spray / seal or compacted 10mm crushed limestone</u>	<del>Selection to be compatible with adjacent surfaces</del> <b>Boral Bridgewater – 20mm Bluestone</b> <b>Barwick's 10mm Limestone</b>
Underground Utilities	Concrete border, cast	Approved <del>sandstone</del>



	iron / poly lids	<del>concrete mixes</del> (above) with Dark Grey / Black components <b>Colour Concrete Systems – ‘Canvas’ 3%</b>
Above Ground Utilities	Fibreglass / Poly turrets	Progressive transfer to below ground delivery / Approved Dulux 2-pack Graffiti-proof finishes
Signage	Proprietary system to match existing	Complimentary colours based on use / information type
Litter Disposal 	‘Street & Park’ standard bin enclosure	‘Charcoal’ to match ex. Tree shrouds with s.s. top
Street Lighting 	Reproduction lamp post to match existing preferred model. <b>Vicpole – ‘Boulevard’ pole with ladder rest &amp; lamp to match existing</b>	Charcoal / Black to match existing 
Historic Interpretation	To be assessed upon application	To be assessed upon application
Fencing	Refer to RCRMP	To be assessed upon

		application
Tree Protection / Bollards  	<b>TAS Steel Supplies &amp; Fencing</b>  <b>REPLAS 125mm square bollard</b>	'Charcoal' to match ex. Tree shrouds  'Charcoal'
Park Benches	Furphy Foundry Council Seat	Charcoal frames with Jarrah coloured timber slats or synthetic equivalent

\* Council's Group Manager Asset Management, in conjunction with Council's Heritage Advisor, may source alternative materials where required

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**URGENT BUSINESS ITEM**

The **Procedural Motion** needs to be passed by an **Absolute Majority** decision for the matter to be considered by Council

*“That pursuant to the provisions of Regulation (8) of the Local Government (Meeting Procedures) Regulations 2015, the Council gives Leave of the Meeting to consider the late item, 11.3.8, regarding Clarence Interim Planning Scheme – Kangaroo Bay Urgent Amendment”.*

<b>11.3.8 URGENT ITEM - CLARENCE INTERIM PLANNING SCHEME - KANGAROO BAY URGENT AMENDMENT</b> (File No 20-10-23)
--------------------------------------------------------------------------------------------------------------------

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider requesting the Tasmanian Planning Commission to initiate an Urgent Amendment under Section 30IA of the Land Use Planning and Approvals Act, 1993 to the Clarence Interim Planning Scheme 2015 (CIPS2015).

**RELATION TO PLANNING PROVISIONS**

This report is limited to a potential Amendment to the Scheme’s Particular Purpose Zone 4 – Kangaroo Bay Use Table at Section 35.2.

**LEGISLATIVE REQUIREMENTS**

This item is presented to Council as an urgent matter of business in accordance with Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015. The nature and details of this matter were not known at the time of Agenda preparation of this meeting. The General Manager has certified under Section 65 of the Local Government Act, 1993 that the qualified advice required in this matter has been obtained and taken into account in the preparation of this report.

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**

If approved by the Minister, public notification of the amendment will be required to be published in “The Mercury” as prescribed under Section 30IA(f) of the Land Use Planning and Approvals Act, 1993.

**RECOMMENDATION:**

- A. That Council request the Tasmanian Planning Commission to initiate an Urgent Amendment under Section 30IA of the Land Use Planning and Approvals Act 1993 as detailed in Attachment 2 to this report.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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

- 1.1.** Council has committed significant resources to the development of Kangaroo Bay over recent years. The program has been a result of many years of collaboration between Council and the State Government as landowners, regulators and more recently in the development of new roads, street scaping and public amenities.

The installation of services, road realignment and other works associated with the subdivision are now nearing completion as are a range of community facilities.

- 1.2.** The redevelopment of Kangaroo Bay linking the Bellerive Village to Rosny Park follows the incorporation of special planning controls in each of the following planning Schemes:

- The Eastern Shore Planning Scheme 1963:
- The Clarence Planning Scheme 2007 (CPS2007); and
- The Clarence Interim Planning Scheme 2015 (CIPS2015).

While the format of the form and expression of the planning controls differed reflecting the mechanics of each respective scheme, the controls were effectively translated from one scheme to the next.

- 1.3.** Under the CIPS2015's Particular Purpose Zone 4 – Kangaroo Bay, the development of a carpark in the Marina precinct is currently prohibited unless associated with existing yacht club use. Included in the attachments is a letter from the Office of the Coordinator-General supporting the need for an amendment to address this issue, which is considered an anomaly as the area has been a carpark for decades.
- 1.4.** The proposed Amendment is an urgent matter and required to enable the consideration of the development application anticipated for the Wharf site, which is unable to provide sufficient car parking on the site itself.

## **2. STATUTORY IMPLICATIONS**

- 2.1.** Section 30IA of the Land Use Planning and Approvals Act, 1993 (LUPAA) provides that the Tasmanian Planning Commission (TPC) may issue a notice to the Minister they are of the opinion that an Urgent Amendment is required to a Planning Scheme.
- 2.2.** The Urgent Amendment process is confined to amendments that can demonstrate that the public interest will not be prejudiced. For this reason, public exhibition of urgent amendments is not required. However, if approved, public notification will be required as prescribed under Section 30IA(f) LUPAA.

## **3. PROPOSAL IN DETAIL**

### **3.1. The Proposed Amendment**

The translation from one scheme to the next has resulted in several subtle yet unintended changes. Additionally, the conversion from the CPS2007's Kangaroo Bay Development Plan DPO11 to the CIPS2015 Particular Purpose Zone 4 – Kangaroo Bay has introduced an anomaly.



The area of concern relates to the Use Table at Section 35.2 of the CIPS2015 and specifically the Precinct qualifications associated with several use classes. The proposed changes are limited to the qualifications associated with the Hotel industry, Vehicle parking and Visitor accommodation use classes, all of which are discretionary in the zone.

A Zoning Plan and Precinct Plan are included in the attachments as is a copy of the proposed Amendment. However, for clarity proposed changes are detailed below.

Use Class	Qualification (Amendments Shown in Red for Clarity)	Reason
Hotel industry	<del>Except if located in the Marina*</del> <u>If located in the Marina*, must be a carpark directly associated with and subservient to a Hotel industry in the Wharf *</u>  Except if including a drive-through facility	The land is currently utilised as a carpark (associated with the yacht club). The Amendment would allow the further development of the carpark to also support a Hotel industry on an adjoining site.
Vehicle parking	<del>Except if located in the Marina*</del> Except where Permitted	This Amendment would allow a carpark serving other “Marina” uses or the development of a public carpark that may be required to support any proposed parking variations on nearby sites that could not provide sufficient on-site parking.
Visitor accommodation	<del>Except if located in the Wharf* and not predominantly located above street level frontages</del> <u>If in the Wharf*, other than access and carparking, must be located predominantly above the ground floor</u>	This Amendment would improve drafting clarity and correct an error introduced during the conversion of the Kangaroo Bay Development Plan DPO11 under the previous Clarence Planning Scheme 2007. The Amendment reverts to essentially the same wording previously used in the CPS2007.

**4. PLANNING ASSESSMENT**

It is considered that the proposed Amendment is consistent with the requirements of Section 30IA. Specifically:

- the amendment will only apply to undeveloped land. Any future proposal that could benefit from the amendment will be subject to a discretionary advertised application;
- the amendment will allow the consideration of development consistent with the purpose of the zone and the intention of the controls to date;
- the amendment will improve drafting clarity and correct an error introduced during the conversion of the CPS2007; and
- the amendment is consistent with the letter of support from the Office of the Coordinator-General attached.

**5. CONSULTATION**

If approved by the Minister, public notification of the Amendment will be required to be published in “The Mercury” as prescribed under Section 30IA(f) of the Land Use Planning and Approvals Act, 1993.

**6. STATE POLICIES AND ACT OBJECTIVES**

The proposed Amendment would have no impact on any State Policy, as it merely seeks to redress drafting anomalies.

**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**

It is recommended that Council request the Tasmanian Planning Commission to initiate an Urgent Amendment under Section 30IA of the Land Use Planning and Approvals Act, 1993 as outlined in the attachment to this report

Attachments: 1. Zoning Map and Precinct Plan (1)  
2. Draft Amendment (1)  
3. Letter from the Office of the Coordinator-General supporting the Amendment (2)

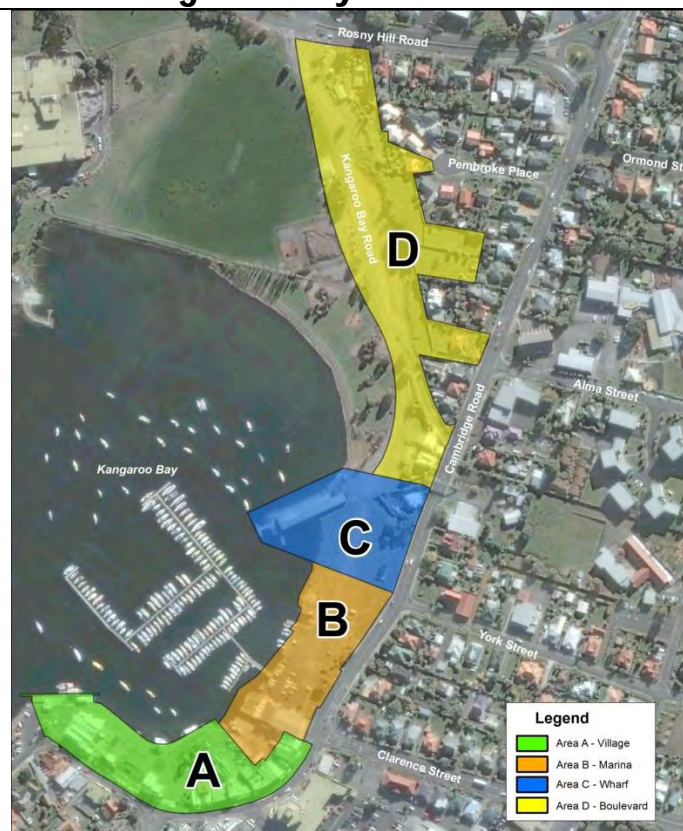
Ross Lovell  
**MANAGER CITY PLANNING**

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

## Kangaroo Bay Zone Plan



## Kangaroo Bay Precinct Plan





Clarence City Council

## **CLARENCE INTERIM PLANNING SCHEME 2015**

### **AMENDMENT TO PLANNING SCHEME ORDINANCE**

Amend the Clarence Interim Planning Scheme 2015 Particular Purpose Zone 4 – Kangaroo Bay 35.2 Use Table Discretionary Use Class section as follows:

1. Delete the qualification “Except if in the Marina\*\*” associated with the Hotel industry and replace with the following:

*If located in the Marina\*, must be a carpark directly associated with and subservient to a Hotel industry in the Wharf \**

2. Delete the Vehicle parking qualification “Except if in the Marina\*\*”
3. Delete the qualification associated with Visitor accommodation and replace with the following:

*If in the Wharf\*, other than access and carparking, must be located predominantly above the ground floor*



## Office of the Coordinator-General

Level 1 Cornwall Square  
12-16 St John Street, Launceston TAS 7250  
PO Box 1186, Launceston TAS 7250 Australia  
Phone (03) 6777 2786 Fax (03) 6334 1131  
Email [cg@cg.tas.gov.au](mailto:cg@cg.tas.gov.au) Web [www.cg.tas.gov.au](http://www.cg.tas.gov.au)



Mr Andrew Paul  
General Manager  
Clarence City Council

Dear Mr Andrew

I write in relation to the Kangaroo Bay redevelopment project and in particular Lot 9 on the attached plan.

As you are aware, Lot 9 is currently used by Bellerive Yacht Club (BYC) for marina related activities, predominantly car parking, under a longstanding arrangement with the Crown which will continue. The opportunity now exists however, to redevelop the site to provide car parking for not only the BYC, but a range of other car park users (see attached document for site map on a lot basis)

The development proposed for the "Ferry Wharf" site is expected to generate car parking demand which cannot be satisfied within the site itself, and any future public ferry services into Kangaroo Bay will place further pressure on parking within the precinct. The adjacent Crown-owned land (Lot 9) is being considered as a potential site to help meet this demand.

I understand that the Clarence Interim Planning Scheme 2015 currently prohibits car parking on Lot 9 other than for the purposes of marina related activities and that an amendment to the scheme would be required before any application for car parking on the site (other than for that purpose) could be considered.

As Crown land, it is important that Lot 9 provides the highest level of amenity for the broadest range of users.

I therefore urge Clarence City Council to consider an amendment to the planning scheme to enable this to happen.

Yours sincerely

John Perry  
**COORDINATOR-GENERAL**

22 September 2016

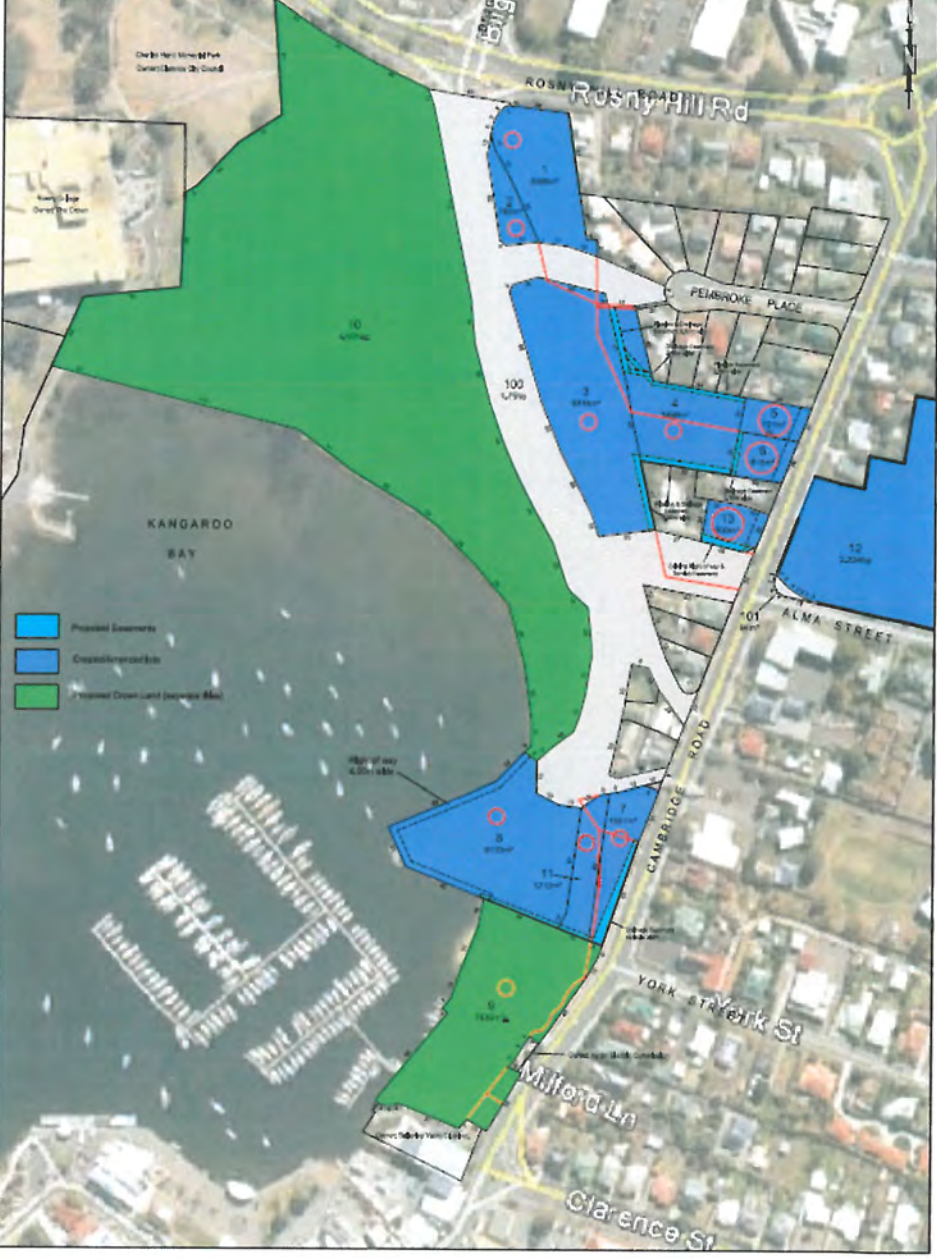


LOT 14 132 (unsubdivided)  
Project No. 10-1  
Project Name: BELLEME/ROSEY PARK  
Date: 10/20/2011  
Scale: 1:1000  
Sheet: 1 of 1

THESE ARE THE PROPOSED LOTS OF THE PROJECT  
AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE  
WITHOUT THE WRITTEN CONSENT OF THE ENGINEER  
AND ARCHITECT.  
NO PART OF THIS PLAN IS TO BE USED FOR ANY OTHER PURPOSE  
WITHOUT THE WRITTEN CONSENT OF THE ENGINEER  
AND ARCHITECT.  
SCALE: 1:1000 (A1) 1:2000 (A2) DATE: 10-20-2011  
MUNICIPALITY: CLARENCE REF. NO. 10-100-0

OWNER: THE TOWN OF CLARENCE  
PROJECT: BELLEME/ROSEY PARK  
DATE: 10/20/2011

RESULTANT TITLES



<b>11.4 CUSTOMER SERVICE</b>
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Nil Items.

**11.5 ASSET MANAGEMENT**

Nil Items.

**11.6 FINANCIAL MANAGEMENT**

The General Manager will table the Audit Report and Financial Statements for the year ended 30 June 2016.



**11.7 GOVERNANCE****11.7.1 COUNCIL REVIEW GIFTS AND BENEFITS POLICY UPDATE**

(File No 10-01-07)

**EXECUTIVE SUMMARY****PURPOSE**

To consider an update to Council's recently adopted Gifts and Benefits Policy.

**RELATION TO EXISTING POLICY/PLANS**

This policy relates to Council's Draft Strategic Plan Goal: *"To provide leadership and accessible, responsive, transparent and accountable governance of the City"*. This policy further relates to Council's adopted Code of Conduct and seeks to update Council's current Gifts and Benefits Policy.

**LEGISLATIVE REQUIREMENTS**

Council is required to adopt a Code of Conduct which recognises that the Council may also have in place policies that complement the Code.

**CONSULTATION**

A Workshop was held on 26 April 2016 to canvass whether Council wished to seek variation to the model Code to include aspects of its own Code or existing policies.

**FINANCIAL IMPLICATIONS**

There will be no financial implications as a result of adopting the proposed Policies.

**RECOMMENDATION:**

- A. That Council notes the advice received from the Acting Director of Local Government in response to the request for additional details in Council's Code of Conduct.
- B. That Council adopts the revised Gifts and Benefits Policy to effectively link the Policy to the content of the Code of Conduct.

---

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

**1.1.** Council, at its Meeting of 14 June 2016 adopted:

- a new Code of Conduct based on a State-wide model Code; and
- a new Policy to give guidance to the receipt of Gifts and Benefits.

**1.2.** In adopting the Code, Council also resolved that Ministerial Consent be sought to incorporate the Gifts and Benefits Policy into the Clarence City Council Code of Conduct.

**1.3.** Advice on Council's request has now been received.

## **2. REPORT IN DETAIL**

**2.1.** Advice has now been received from the Acting Director of Local Government in response to Council's request seeking Ministerial approval to vary the new Code to include additional provisions/guidelines on gifts and benefit matters. A copy of the advice is attached (Attachment 1).

**2.2.** In brief, the advice has recommended that Council holds off on this proposal until such time as the new "State-wide Model" Code has had time to be tested; indications are that this is likely to occur. The advice has also flagged that placing the policy within the Code could be a less flexible approach for Council to take, as any review and refinement that it would subsequently wish to consider would need to go through the formal ministerial process. A system whereby a Council is able to make such determinations within its own policies is preferable at this early stage of the "State-wide Model Code".

**2.3.** To give context to this matter, the following clause in the Model Code does provide scope in its wording to have regard for a Council adopted Gifts and Benefits Policy:

### ***"PART 6 - Gifts and benefits***

.....

7. *A councillor may accept an offer of a gift or benefit that is token in nature (valued at less than \$50) or meets the definition of a token gift or benefit (if the Council has a gifts and benefits policy)".*

The Code therefore anticipates that a Council can or is likely to have a policy covering this subject matter and that this would include a judgement on what is regarded as a “token gift or benefit”.

**2.4.** In itself, the Model Code deals with gifts and benefits simply in terms of what an Alderman can and cannot do and what an Alderman must consider. Gifts and Benefits remain a judgement call both by an Alderman and in the determination of any Code “proceeding”. With the exception of the direct overlaps in “Codified” prohibitions and permissions the remaining components of Council’s Policy are in the form of behaviour guidelines on how to manage responses to gift and benefit gestures and courtesy observations in the context of the likely scenarios that an Alderman may experience. The Policy also being designed to provide a working framework for the declaration requirements that underpin Council’s Gifts and Benefits Register.

**2.5.** The threshold value of token gifts is dealt with differently between the Model Code provisions and Council’s adopted Policy. This difference needs to be dealt with to remove any ambiguity. As currently worded, Council’s Policy does require a definition statement (as contemplated in Part 6 – Gifts and Benefits, Clause 7 of the Code) to ensure a clear link between the Policy and the Code requirements. To this end an additional paragraph (as highlighted in yellow) is recommended to be included in the Policy (refer Attachment 2).

### **3. CONSULTATION**

#### **3.1. Community Consultation**

Nil.

#### **3.2. State/Local Government Protocol**

Direct consultation has occurred in respect to this matter between the Mayor, General Manager and council officers and representatives of the Office of Local Government.

**3.3. Other**

A Workshop was held on 26 April 2016 to canvass whether Council wished to seek variation to the model Code to include aspects of its own Code or existing policies.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

**4.1.** This policy relates to Council's Draft Strategic Plan Goal: *"To provide leadership and accessible, responsive, transparent and accountable governance of the City"*.

**4.2.** This policy further relates to Council's adopted Code of Conduct and seeks to update Council's current Gifts and Benefits Policy.

**5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

Council was required and did adopt a Code of Conduct based on the model Code of Conduct prior to 12 July 2016 deadline. The legislation does enable Councils to seek Ministerial approval to include additions to their adopted Code of Conduct.

**7. FINANCIAL IMPLICATIONS**

There will be no financial implications as a result of adopting the proposed Policies.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

**9.1.** Council chose to seek Ministerial approval to vary the Council's adopted Code of Conduct to include additional guidelines concerning Gifts and Benefits and the Acting Director has provided further advice on this request.

- 9.2.** It is recommended that Council awaits the further testing of the new Code of Conduct provisions and supporting process before it further considers its Code content. In light of this it is further recommended that Council's adopted Gifts and Benefits Policy is amended with an additional paragraph that links its functions and provisions to the Code.

Attachments: 1. Acting Director of Local Government Advice on Proposed Variation of the Code of Conduct (1)  
2. Revised Gifts and Benefits Policy (5)

Andrew Paul  
**GENERAL MANAGER**



**Department of Premier and Cabinet**

Executive Building 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: 1300 135 513 Fax: (03) 6233 5685  
Web: www.dpac.tas.gov.au



10-01-07  
RECEIVED  
09 SEP 2016  
BY: RECD

Mr Andrew Paul  
General Manager  
Clarence City Council  
PO Box 96  
ROSNY PARK TAS 7018

Dear Mr Paul

I refer to the Clarence City Council's request to the Minister for Planning and Local Government, Peter Gutwein MP, to approve a variation to the model code of conduct adopted by the Council on 14 June 2016, as per section 28T(3) of the *Local Government Act 1993*.

The variation sought is to include the Council's Gifts and Benefits Policy (Policy) as part of the Council's Code of Conduct.

Thank you for meeting with myself and Carmen Kelly, Assistant Director Legislation, on Monday 29 August 2016 to discuss this request.

As discussed at this meeting, currently no other council has sought a variation to the model code of conduct. If the Minister approved the request to vary by incorporating the Policy into the Council's Code of Conduct, the Council would be the only council with a different code of conduct.

In addition, as also discussed, if the Minister did approve the requested variation, the Council would be required to seek approval from the Minister if the Council wished to vary the Policy at a later date. If the Policy remains a Council policy, the Council will have the flexibility to alter it at the council level.

Rather than consider the variation at this point in time, I am of the opinion that it would be practical for the Council to allow approximately 12 months for the model code of conduct to be in operation. This timeframe would allow an adequate period of time for the model code of conduct to be implemented, assessed and reviewed. Following this, the Council may wish to reapply for approval to vary its Code of Conduct if it is considered necessary.

Please confirm in writing that the Council agrees with this approach and I will inform the Minister that the Council has withdrawn its request to vary at this time.

Please contact Carmen Kelly on (03) 6232 7022 if you wish to discuss this matter further.

Yours sincerely

Greg Brown  
A/Director of Local Government

6 September 2016



<b>TITLE</b>	<b>CLARENCE CITY COUNCIL GIFTS &amp; BENEFITS – POLICY, GUIDELINES and PROCEDURES</b>
<b>APPROVAL DATE</b>	Council Meeting – 14 June 2016
<b>REVISION DATES</b>	New Policy - June 2016 (Source: former Code of Conduct provisions); revised September 2016 (to be confirmed)
<b>ASSOCIATED LEGISLATION</b>	<i>Local Government Act 1993</i> <i>Local Government (Model Code of Conduct) Order 2016</i> <i>Right to Information Act 2012</i>
<b>ASSOCIATED POLICIES</b>	Clarence City Council Code of Conduct
<b>POLICY RESPONSIBILITY</b>	Corporate Support Workgroup
<b>REVIEW</b>	To coincide with each post ordinary council election review of the Council's adopted Code of Conduct or on the request of the Council.

## 1. Definitions

**“Code of Conduct”** means the Clarence City Council Code of Conduct as adopted by the Council from time to time.

**“gifts and benefits”** has the same meaning as that provided for in the Clarence City Council Code of Conduct.

**“Gifts Register”** is the Register maintained by the General Manager for the purpose of recording the receipt of Gifts and Benefits as declared by an alderman.

## 2. Policy Statement

The purpose of Clarence City Council Gifts & Benefits – Policy, Guidelines and Procedures is to define the Council's policy and guidelines for Aldermen regarding the receipt of Gifts and Benefits.

### 3. Policy Objective

The policy and guidelines are intended to be read in addition and complimentary to the Council's adopted Code of conduct.

The objectives of the policy are to:-

- Establish clear articulation on what is regarded as “token” Gifts and Benefits and what may be regarded as “non-token”;
- Establishes the basis for the continuation of Council's use of a Gifts and Benefits Register and related protocols;
- Provide guidance to the Council and Aldermen on how to consider gestures of Gifts and Benefits based on the common scenarios that may arise;
- in how to respond Guide the conduct of the Council meetings;
- Give clarity to the protocols and requirements for conducting specific formal proceedings;
- Provide the public with an outline of how the Council and its aldermen intend to respond to and have regard for Gift and Benefit gestures presented through public and civic engagement.

### 4. Policy Guidelines

#### 4.1. General Principles to be Applied in the Acceptance of Gifts and Benefits

*Aldermen must avoid the receipt of gifts and benefits that would compromise their impartiality in the performance of their role.*

Council recognises that the Aldermen hold a position of trust in the community. Aldermen in the conduct of their role should not misuse or derive undue benefit from their position.

The Act prohibits an Alderman making a demand or request for any gift, or benefit for themselves or anyone else, in connection with Aldermen's functions.

The code provides the following guidelines on the acceptance of gifts and benefits.

An Alderman is to take great care when considering the acceptance of offers of gifts or benefits and consider the following:

- that they never accept a gift, benefit or money, whatever the value, if the apparent purpose is to influence the way in which he or she performs their Aldermanic functions;
- that although it is generally accepted that Aldermen are often extended hospitality in their civic capacity, such benefits are to be considered in the context of this policy;

- Any invitation, hospitality or gift is not able to be perceived to be for the purpose of influencing the decision making functions of the Council;
- the public perception that may be drawn or generated from the receiving of any gift even of nominal value;
- that they not seek (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit for themselves or for any other person or body; and
- that they not receive or seek (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit for immediate family members.

## **4.2. Courtesy and Public Interest Considerations**

An Alderman may accept a gift on behalf of the Council in the following circumstances

- Where the value of the gift is greater than \$300; and
- Where refusal of a gift could cause embarrassment or offence.

In such circumstances Aldermen are required to give explanation to the provider of the gift why the gift is unable to be accepted personally and further explain that the gift will become the property of the Council.

The gift and background details are to be communicated to the General Manager whenever this occurs and will be recorded in the Gifts and Benefits Register.

## **4.3. Category/Nature of Gift**

The following provides clear definition of the circumstances and nature of gifts which are declarable and non-declarable under Council's Code.

Gifts can only be accepted under Categories A and B provided that the gift was not intended as a bribe or expressly sought by the Alderman from the provider. Aldermen should take care in considering the underlying motive of multiple gifts from a single source.

Having regard to the above requirements and the provisions under Part 6 of the Council's Code of Conduct, an Alderman may regard gifts within Categories A and B to be defined as token gifts under this policy.

- **Category A**

Non-declarable gifts of nominal value and moderate acts of hospitality include:-

- gifts of a nominal value (less than \$50) that are infrequently offered;
- free meals of a modest nature provided when formally representing/attending Council at work related event such as training workshops or seminars;
- refreshments of a modest nature provided by a constituent (eg cup of tea);
- free or subsidised meal of a modest nature generally seen as one course (no alcohol) provided infrequently that has been arranged primarily for or in connection with discussion of official business; and
- marketing or corporate memento of limited value.

- **Category B**

Declarable gifts or benefits of value which include:-

- invitations to a corporate box at a sporting event or other entertainment;
- free or discounted tickets to major sporting events, corporate hospitality at a corporate facility at a major sporting event, frequent use of facilities, travel or vehicles; and
- gifts of value \$50 - \$300.

**Note:** Gifts received under this category must be declared in the gift register within 10 days of receipt by communication to the General Manager

- **Category C**

The following gifts are prohibited and must never be accepted:

- money;
- free or subsidised meals provided by a potential supplier; contractor or developer;
- gift vouchers;
- monetary discounts;
- cumulative value of gifts received from the same party in excess of \$300 in any 6 month period;
- preferential treatment including that which would result in a pecuniary benefit; and
- disposition of property or bequest.

#### **4.4. Civic and Public Role**

In recognition of an Alderman's civic and public role and the gestures of hospitality inherent in the performance of their role the following specific provisions and definitions are to be applied in respect to such hospitality:-

- Hospitality is not regarded as a gift:-
  - provided it is to attend a function in an official capacity and is not excessive;



- if involving invitation to an event in official capacity as Mayor or Councillor (eg, dignitary or on behalf of Council);
  - if it is refreshments provided whilst being a guest speaker at a conference seminar or meeting;
  - if it is refreshments or a modest meal offered during a meeting attendance/working group i.e a simple courtesy in recognition of time provided; and
  - it is an invitation to attend local cultural and sporting events (local football game, regatta, carnival) –i.e. regarded as token gift not requiring declaration.
- Hospitality is regarded as a declarable gift:-
    - where attendance at an event or function is from free tickets received where there are no official duties; or free membership; and
    - where the hospitality is generous and of declarable value.
  - Gifts offered as acknowledgement for giving a presentation provided whilst being a guest speaker at a conference seminar or meeting must be considered in the context of value thresholds for non-declarable and declarable gifts.

## **4.5. Political Donations**

Council recognises that from time to time an Alderman may receive donations or support towards the conduct of their election campaigns. Further, the monitoring and regulation of the appropriate conduct of candidates at council elections is administered by the Tasmanian Electoral Commissioner.

It is appropriate that the Council and its adopted practices and policies remain neutral and independent of any involvement or overview of any person (whether they are an incumbent alderman on the Clarence City Council or an independent party) who may be involved in the contesting of a Council election. Accordingly, the Code does not recognise political and election campaign donations as falling within the grants and benefits requirements of the Code.

## **4.6. Gift Register**

All notifications required by this code of gifts and benefits received by an Aldermen must be communicated to the General Manager within 10 days of the receipt of the gift by that Alderman.

The General Manager will maintain a register of declarations received to be known as the “Gifts and Benefits Register”. Access to the details held in the Register are to be administered in the same manner as the requirements associated with the declaration of pecuniary interests under the Local Government Act 1993, or, in accordance with the requirements and obligations of any other relevant legislation.

**11.7.2 REQUEST TO RELEASE RIGHT-OF-WAY EASEMENT AT SURF ROAD,  
SEVEN MILE BEACH**  
(File No S048)**EXECUTIVE SUMMARY****PURPOSE**

To consider a request from Hobart International Airport Pty Ltd for Council to release its benefit to a right-of-way situated at Surf Road, Seven Mile Beach to enable the development of the Hobart Airport runway extension.

**RELATION TO EXISTING POLICY/PLANS**

Council has indicated its support for the extension of road between Holyman Drive and Surf Road. The extension to Holyman Drive forms part of roadworks associated with Hobart International Airport Pty Ltd approved subdivision of its own (non-Commonwealth) land immediately adjacent to and south-west of the main Hobart Airport property. This also forms part of a strategic master plan for the whole of the Hobart Airport which includes the runway extension and the closing off of the right-of-way that passes over part of Surf Road (Commonwealth land).

**LEGISLATIVE REQUIREMENTS**

The Land Titles Act, 1980 requires a standard form to be lodged with the Recorder of Titles to release the benefit of a right-of-way as well as a lodgement fee of \$130.81.

**CONSULTATION**

Extensive consultation has occurred between Council officers and officers of HIAPL.

**FINANCIAL IMPLICATIONS**

Nil.

**RECOMMENDATION:**

- A. That Council notes the on-going difficulties associated with the on-going exercises of the titled right-of-way which would effectively impede the practical use of the right-of-way.
- B. That Council agrees to the release of the right-of-way over Certificate of Title Volume 161938 Folio 1 and authorises the General Manager to make application to the Recorder of Titles to release its benefit of the right-of-way on the understanding that all associated costs are to be borne by HIAPL.

---

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

- 1.1.** The Hobart International Airport, operated by Hobart International Airport Pty Ltd, (HIAPL) is undertaking a runway extension project.

- 1.2.** As part of the project, HIAPL has requested that a right-of-way over which Council has a benefit to be released or “closed”.
- 1.3.** As part of runway extension project, a new road between Seven Mile Beach and the Tasman Highway will be constructed. Requirements of regulations render the right-of-way impractical and therefore obsolete.

## **2. REPORT IN DETAIL**

- 2.1.** As part of the development of the runway extension at the Hobart Airport, the operator of the airport, HIAPL, has advised it wishes to “close” a right-of-way situated on its land that is colloquially known as Surf Road. This requires Council to agree to release its benefit of the right-of-way. An aerial photo showing the location of the right-of-way is provided in Attachment 1.
- 2.2.** The title upon which the Hobart Airport is situated is subject to a burdening right-of-way easement which allows 4 parties, including Council, to pass over the right-of-way.
- 2.3.** Whilst there is perhaps a public perception that the portion of Surf Road which the right-of-way is situated is a public road, it is a private right-of-way with no public rights.
- 2.4.** To ensure that members of the public and Council are not inconvenienced by the closure of the right-of-way, HIAPL are constructing a new road connecting Holyman Avenue to Surf Road.
- 2.5.** The process for Council to release its benefit to the right-of-way is for Council to make a resolution to agree to the release of the right-of-way and to then lodge the requisite standard form with the Recorder of Titles.
- 2.6.** The right-of-way would be released at the same time that the final plan of subdivision for the HIAPL land is sealed by Council and the transfer of the new road connecting Holyman Avenue to Surf Road to Council occurs.

- 2.7.** The other 3 parties which had a benefit of the right-of-way have already each released their benefit of the right-of-way in the same way that is being requested of Council.
- 2.8.** The CEO of HIAPL has written to Council providing further information on the necessity of closing the right-of-way for operational considerations. A copy of this correspondence is attached (Attachment 2).
- 2.9.** The advice contained in the correspondence is that due to operational considerations, it is necessary for HIAPL to request Council to release its benefit of the right-of-way due to the following reasons:
- the Obstacle Limitation Surface (OLS) will be lower at the Southern end of the airport due to the extended runway and there is a high likelihood larger vehicles will infringe the OLS and become a hazard to arriving and departing aircraft;
  - there is no fool proof method to facilitate controlled access such as traffic lights or automated gates;
  - due to safety requirements, each vehicle would require express formal approval and supervision to be granted from both the control tower and the facilities/operations section; and
  - due to security factors and the demands of normal operations of the Hobart Airport, the authorisation of such vehicles would be of lower priority and each vehicle authorisation would be a convoluted process that would result in the travel time across the easement far exceeding the travel time of using the alternative access.
- 2.10.** These factors render the easement of little value to Council.
- 2.11.** However, HIAPL are still willing and committed to facilitating controlled access in emergency situations. This would include escorted access for emergency vehicle such as police, fire and ambulances.

**2.12.** Hobart Airport is also committed to providing on-going access for pedestrians, cyclists and horse riders to the south of the airport over the shared user access.

**2.13.** The right-of-way is no longer required or necessary as the new road between Holyman Avenue and Surf Road will allow direct and safe access for the public to travel from Seven Mile Beach and the Tasman Highway.

**2.14.** The right-of-way would be released at the same time that the final plan of subdivision for the HIAPL land and the transfer of the Holyman Road to Surf Road extension

### **3. CONSULTATION**

#### **3.1. Community Consultation**

Nil.

#### **3.2. State/Local Government Protocol**

Nil.

#### **3.3. Other**

Close dialogue has been maintained between Council officers and HIAPL personnel over the past 2 years in the development of strategies and working through the processes required to achieve mutually beneficial outcomes.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Council has already given its strategic commitment to the new road from the extension of Holyman Drive to Surf Road. This road extension also forms part of a strategic master plan for the whole of the Hobart Airport.

### **5. EXTERNAL IMPACTS**

The release of the right-of-way will have no impact on members of the public as they will have access to the new road between Holyman Avenue and Surf Road.



**6. RISK AND LEGAL IMPLICATIONS**

The release of the right-of-way would not give rise to any risk or legal implications.

**7. FINANCIAL IMPLICATIONS**

Nil.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

**9.1.** The Hobart International Airport Pty Ltd, as part of its runway extension project has requested that a right-of-way over which Council has a benefit be released by Council.

**9.2.** Upon the construction of the new road between Holyman Avenue and Surf Road, linking Seven Mile Beach and the Tasman Highway, the right-of-way will be obsolete and of no value to Council or the public.

**9.3.** The public will enjoy direct access over the new road and will have no need to use the right-of-way. HIAPL have committed to allowing emergency vehicles to still use the right-of-way when required in emergency situations.

Attachments: 1. Aerial Plan (1)  
2. Correspondence from Hobart International Airport Pty Ltd (4)

Andrew Paul  
**GENERAL MANAGER**

ATTACHMENT 1

Location of right of way





**Hobart Airport**  
TASMANIA

548  
**RECEIVED**  
12 SEP 2016

5 September 2016

**BY: RECORDS**

Alex van der Hek  
Corporate Secretary  
Clarence City Council  
38 Blight St  
Rosny Park TAS 7018

Re: Release of Easement

Dear Alex,

The Runway Extension Project at Hobart Airport includes the construction of a new road between Seven Mile Beach and the Tasman Highway. The new road is required due to the need to close the easement known locally as Surf Rd for that section that crosses the Commonwealth title upon which Hobart Airport is situated. As a result, Hobart Airport respectfully request Clarence City Council to release the benefit of this easement from the affected land titles for which it is the holder.

The construction of the new road will provide the following benefits to the local community:

- Improved access between the Seven Mile Beach area and the Tasman Hwy for residents and local businesses;
- Future direct access to the proposed Clarence City council sports precinct;
- Improved access to Hobart Airport for those residents in Lauderdale and beyond; and
- Allowance for the Tangara Trail as proposed in the Tangara Trail Plan 2012

The easement known locally as Surf Rd will be closed to public vehicles due to the following operational considerations:

- The Obstacle Limitation Surface (OLS) will be lower at the Southern end of the airport due to the extended runway;
- There is a high likelihood larger vehicles will infringe the OLS and become a hazards to arriving and departing aircraft (refer to the attached community correspondence);
- There is no foolproof method to facilitate controlled access such as traffic lights or automated gates;
- Due to safety requirements, each vehicle would require express formal approval and supervision to be granted from both the control tower and the facilities/operations section;
- Due to security factors and the demands of normal operations of the Hobart Airport, the authorisation of such vehicles would be of lower priority;



- In a practical sense, each vehicle authorisation would be a convoluted process that would result in the travel time across the easement far exceeding the travel time of using the alternative access.

These factors render the easement of little value to Council.

As outlined in the Major Development Plan (MDP), Hobart Airport is very willing to facilitate controlled access in emergency situations. This would include escorted access for emergency vehicle such as police, fire and ambulances. Due to the operations procedures it is unlikely escorts could be provided for maintenance vehicles or ad-hoc access.

Hobart Airport is committed to providing on-going access for pedestrians, cyclists and horse riders to the south of the airport. This outcome is a great result for the community and the local residents. The ongoing benefits that the community will enjoy as a result of the new road and retaining the shared user access to the south of the airport would outweigh the perceived disruption.

Hobart Airport is a proud member of the City of Clarence and committed to being responsible member of the community. In addition, Hobart Airport values the strong relationship it enjoys with Clarence City Council and is grateful for the high level of engagement that exists.

Yours faithfully



Rod Parry  
**Chief Executive Officer**

Attachment A – HBA Roads





## New Road - Grueber Avenue.

### Building for the future.

The extension of Hobart Airport's runway is just one part of an exciting period of development and growth for Hobart Airport.

The runway's extension is being supported with funding assistance of \$38 million from the Australian Government. Hobart Airport is contributing a further \$2 million.

The runway will be extended:

- 150 metres to the north
- 350 metres to the south

The project will result in changes to the local road network around the airport. These are being designed to improve traffic and access for the local community and business.

### New roads for the airport

As part of the runway extension project a new road - Grueber Avenue - will be constructed.

Grueber Avenue will run from Surf Road through to the Tasman Highway along the western side of the Airport.

Grueber Avenue will provide Seven Mile Beach with continued access to the Tasman Highway. It will also provide access to the proposed Clarence City recreational grounds when developed, reducing additional traffic going through the Seven Mile Beach community.

#### Grueber Avenue

A new road will connect the suburb of Seven Mile Beach to the Tasman Highway.

The final design for Grueber Avenue is being developed with Clarence City Council. Two options are shown in the Major Development Plan.

The road was named in a contest with local school children, who chose the name based on a little piece of local aviation history.

Tasmanian Margurite Grueber was one of the first two Australian 'air hostesses', hired in 1936 by Holymans Airways, which then became Australian National Airways.

Grueber Avenue will be in operation prior to the closure of Surf Road.

#### SNAPSHOT



#### New infrastructure

Improved traffic flow.



#### New road

Grueber Avenue created.

#### We welcome your comments

If your community group would like to meet with us to discuss the runway project, please contact us on 03 6216 1600.

More information about the Airport Master Plan and Major Development Plan can be found at [hobartairport.com.au](http://hobartairport.com.au)



**Hobart Airport**  
TASMANIA





## A new road network.

### The plan for Surf Road

The runway extension brings the runway closer to Surf Road, which runs parallel to Seven Mile Beach at the southern end of the airport.

Unfortunately Surf Road must be closed to vehicles for safety reasons.

### Changes to Surf Road

The southern end of Surf Road adjacent to the runway will be permanently closed to vehicles. This section of roadway – which currently lies between two gates – is part of Hobart Airport. No other part of Surf Road will be affected. Pittwater Road will also be unaffected.

Pedestrian, cyclist and non-vehicle access will be maintained through the construction of a new path along the Airport's southern boundary.

## Why does Surf Road need to close?

It is essential that certain separation distances between aircraft and obstacles that could endanger their safe operation exist.

The extension of the runway will bring aircraft closer to Surf Road as they land and take off. A vehicle travelling on Surf Road would breach the required regulated separation distance between an aircraft and an obstacle; as such the section of Surf Road along the southern end of the runway will need to close.

Alternatives to closing part of Surf Road have been considered, but could not meet regulatory or safety requirements.

There will be no changes to the Tasman Highway or Pittwater Road.



**11.7.3 ANNUAL REVIEW – GENERAL MANAGER**

(File No 590)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to appoint 2 Aldermen, in addition to the Mayor, for the purpose of undertaking the Annual Review of the General Manager.

**RELATION TO EXISTING POLICY/PLANS**

In accordance with Council's General Manager Performance and Remuneration Review System Policy adopted at Council's Meeting on 5 September 2016.

The policy requires that the term of appointment for the 2 Alderman on the committee be staggered on a 2 yearly basis. To facilitate the staggered terms Council will need to appoint 1 Alderman for 2 years and 1 Alderman for 1 year.

**LEGISLATIVE REQUIREMENTS**

As part of the General Manager's Contract of Employment there is a requirement that Council undertakes an Annual Review of the General Manager's performance. The Contract of Employment requires that the review panel comprises the Mayor and 2 other Aldermen.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

That Council nominates 2 Aldermen, together with the Mayor, for the purpose of undertaking the Annual Performance Review of the General Manager on the following basis.

1. That Council nominates an Alderman for a 2 year term on the committee.
2. That Council nominates 1 Alderman from the 2015 review, namely Ald Thurley or Ald Cusick, for a 1 year term on the committee.

**ANNUAL REVIEW – GENERAL MANAGER /contd...**

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

Under the General Manager's Contract of Employment with Council, the General Manager's performance must be reviewed annually by a Committee of Council appointed for the purpose. The Committee must comprise the Mayor and 2 other Aldermen.

**2. REPORT IN DETAIL**

- 2.1.** The Annual Review of the General Manager falls due on 29 September 2016. In accordance with the Contract of Employment the Annual Performance Review is to be undertaken no later than 31 December following the anniversary date.
- 2.2.** For the purposes of the Review it is required that Council nominates 2 Aldermen, together with the Mayor, to form the Council Committee charged with undertaking the review.
- 2.3.** The panel appointed by Council to undertake the 2015 review comprised the Mayor Ald Chipman, Ald Cusick and Ald Thurley.
- 2.4.** As part of the 2015 review Council requested the Audit Panel to conduct a benchmarking review of the process for conducting the General Manager's performance and remuneration review and report back to Council by mid-2016.

- 2.5.** A policy outlining the procedures and system for conducting the General Manager's review was developed and adopted by Council on 5 September 2016. The policy requires that the term of appointment for the 2 Aldermen on the committee be staggered on a 2 yearly basis. To facilitate the staggered terms Council will need to appoint 1 Alderman for 2 years and 1 Alderman for 1 year. The 1 year appointment is to be 1 of the Alderman representatives on the committee for the 2015 review, namely Ald Thurley or Ald Cusick.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

Not applicable.

#### **3.2. State/Local Government Protocol**

Not applicable.

#### **3.3. Other**

Not applicable.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Council's adopted Policy sets out the basis and procedures for the conduct of the General Manager's performance and remuneration review.

### **5. EXTERNAL IMPACTS**

Not applicable.

### **6. RISK AND LEGAL IMPLICATIONS**

It is a requirement under the General Manager's Contract of Employment that a review be undertaken annually and that the panel comprise the Mayor and 2 other Aldermen.

### **7. FINANCIAL IMPLICATIONS**

Nil.

**8. ANY OTHER UNIQUE ISSUES**

Not applicable.

**9. CONCLUSION**

That Council nominates 2 Aldermen, together with the Mayor, to constitute the Council committee for the purpose of undertaking the Annual Review of the General Manager.

Attachments: Nil.

Alex van der Hek  
**CORPORATE SECRETARY**



**11.7.4 COUNCIL REPRESENTATIVE APPOINTMENT – COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

(File No 10/04/01)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the appointment of a Proxy Representative to the Copping Refuse Disposal Site Joint Authority.

**RELATION TO EXISTING POLICY/PLANS**

Council's adopted Governance Framework for the Establishment of and Appointment to Council Committees, Authorities and Boards is applicable to this entity.

**LEGISLATIVE REQUIREMENTS**

Not applicable.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

- A. That Alderman Cusick's resignation as Council's Proxy Representative on the Copping Refuse Disposal Site Joint Authority be received.
- B. That Council determines its new appointee as Proxy Representative to the Copping Refuse Disposal Site Joint Authority, for the term of the current Council.

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

- 1.1.** Following each Council election, Council nominates its representatives to outside organisations.
- 1.2.** Council, at its Meeting of 1 December 2014, appointed Ald Campbell as its Representative and Ald Cusick as Proxy Representative to the Copping Refuse Disposal Site Joint Authority.

- 1.3.** Ald Cusick has advised of his resignation as Council's Proxy Representative to the Copping Refuse Disposal Site Joint Authority in light of his appointment by Council on 5 September 2016 as one of the Directors of C Cell Pty Ltd.

## **2. REPORT IN DETAIL**

- 2.1.** As a consequence of Ald Cusick's resignation from the Copping Refuse Disposal Site Joint Authority, Council is now in a position where it needs to consider a new appointee Proxy Representative to this entity.
- 2.2.** In the event that there is a casual vacancy for a representative appointment made by Council then the Council's Meeting Procedures Policy provides that Council is to elect a replacement appointee to fill the vacancy at the earliest available meeting of the Council in accordance with its normal election process.

## **3. CONSULTATION**

### **3.1. Community Consultation**

Not applicable.

### **3.2. State/Local Government Protocol**

Not applicable.

### **3.3. Other**

Not applicable.

## **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

- 4.1.** Council's adopted Governance Framework for the Establishment of and Appointment to Council Committees, Authorities and Boards is applicable to the Committee of Management Business East.
- 4.2.** The Governance Framework outlines responsibilities and reporting requirements for appointees.

**5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

The Rules of the Copping Refuse Disposal Site Joint Authority make provision for the appointment of representatives.

**7. FINANCIAL IMPLICATIONS**

Not applicable.

**8. ANY OTHER UNIQUE ISSUES**

No other issues to be addressed.

**9. CONCLUSION**

**9.1.** It is a matter for Council to determine its appointments to various committees, authorities and boards in accordance with Council's Governance Framework. The matter is put to Council for its consideration.

**9.2.** Additionally, as has been provided for, the appointment of Proxy Representatives on Council's Joint Authorities is considered appropriate to ensure Council is adequately represented and knowledge continuity is maintained at all times.

Attachments: Nil

Andrew Paul  
**GENERAL MANAGER**

**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 TENDER T1116-16 ANNUAL HARDWASTE COLLECTION

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

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

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

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

**PROCEDURAL MOTION**

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