

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 28 MAY 2018

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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

Ald Thurley (Leave of Absence)

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 7 May 2018, 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
Capital Works Program	
Budget	14 May
Budget	
List of Fees and Charges	
Blundstone Smoke Free Area	
Review of Investment Policy	21 May

RECOMMENDATION:

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE (File No)

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

6. TABLING OF PETITIONS

(File No 10/03/12)

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

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

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

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION- ALD JAMES
SPEED LIMIT – EAST DERWENT HIGHWAY**
(File No 10-03-05)

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

“That Council writes to the Department of State Growth (DSG) and recommend the current speed limit on the East Derwent Highway between Geilston Bay and the Clarence Lifestyle Village be reduced from 100km/h to 80km/h”.

EXPLANATORY NOTES

I attended a meeting on Thursday, 10 May 2018 at the Clarence Lifestyle Village, Geilston Bay and approximately 90 residents from the village were present.

Concerns were expressed regarding the 100km/h speed on the section on the East Derwent Highway, both directions from Geilston Creek Road to Clarence Lifestyle Village and that the current speed limit is excessive in an area where substantial residential development is on-going.

Also, a number of the residents mentioned the dangerous situation for motorists entering and leaving Pipers Road at the busy intersection on the corner of Pipers Road/East Derwent Highway.

It is interesting to note that this section of the East Derwent Highway has 100km/h speed indicator whereas other sections of the East Derwent Highway have a limit of 80km/h.

It is requested Council write to DSG and recommend the DSG reduce the speed on the East Derwent Highway from 100 to 80km/h

RH James
ALDERMAN

GENERAL MANAGER’S COMMENTS

At this time, Council has made no assessment or undertaken any investigation of a changed speed limit on this section of State Highway. It is likely that DSG would undertake a detailed analysis of any speed limit change requested by Council.

A matter for Council.

**9.2 NOTICE OF MOTION- ALD JAMES
PUBLIC MEETING - ROSNY HILL DEVELOPMENT**
(File No 10-03-05)

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

“That Council holds a public meeting about the proposed Rosny Hill development within 7 or 14 days or earlier of the decision of Council for the purposes of community consultation and information sharing”.

EXPLANATORY NOTES

A large number of residents/ratepayers have requested a public meeting and waiting for Clarence Council to convene community consultation and information sharing process regarding the Rosny Hill Development.

It is understood the petitioners regard the Rosny Hill Development a very important development that will have a strategic direction for the city and years ahead.

A public meeting on this matter will be seen by the community as a Council “acting of Council in good faith”, a process of community participation prior to the lodgement of a Development Application.

RH James
ALDERMAN

GENERAL MANAGER’S COMMENTS

Subject to advice, this is a matter for Council determination.

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

Not required.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

March 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 7, 14 and 21 May 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 7, 14 and 21 May 2018 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2017/416 - 170 MOCKRIDGE ROAD, ROKEBY - SIGNAGE
(File No D-2017/416)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a signage at 170 Mockridge Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose and subject to the Signs Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 28 May 2018.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for signage at 170 Mockridge Road, Rokeby (CI Ref D-2017/416) be refused for the following reasons.
1. The proposal does not meet the Performance Criteria in Clause E17.7.1 P1 for the following reasons:
 - as the size and design of the signs are not integrated into the streetscape;
 - the signs will dominate the streetscape;
 - the signs will exacerbate visual clutter in the streetscape;
 - the signs involve repetition of messages on the same street frontage;

- the size and illumination of the signs will result in a loss of amenity for the adjacent residential properties; and
 - the signs will cause a safety hazard for road users.
2. The proposal does not meet the Performance Criteria in Clause E17.7.1 P2 for the following reasons:
- it will result in an increase in the level of visual clutter in the streetscape; and
 - the signs involve repetition of messages.
- 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 Community Purpose under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Community Purpose Zone; and
- Section E6.0 – Signs Codes.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site consists of 3 titles (CT 150141/1, CT 150205/1 and CT 7309/557) and contains the buildings and grounds associated with Bayview Secondary College. The site has frontage to the South Arm Highway, Hawthorne Place and Mockridge Road and has its main entrance from Mockridge Road.

The site contains an existing pole sign which contains interchangeable message boards on the corner of the South Arm Highway and Hawthorne Place, which has an approximate height of 3.6m in height and a sign face of 2.9m². A small pole sign is also located at the main entrance to the school off Mockridge Place.

3.2. The Proposal

The proposal is for signage consisting of 3, three-sided signs, 4.1m high x 2.09m wide. Each sign face contains 4 signs, 2m x 1m in size with each side having a total area of signage 8m². Each will have a total of 12 signs with a total area of 24m².

One sign on each face contains the name of the school and the 3 other signs advertise organisations that run partnership programs with the school which include Mission Australia, One Community Together, Clarendon Vale Child and Family Centre and Collective Ed.

Collective Ed is a program run by the Beacon Foundation that works with school to help more students finish Year 12. The programs will use office space, classrooms and staff that are available at the school 5 days a week. The other organisations do not have office space at the school but use school facilities to run programs for the students benefit.

One sign (Sign A) will be located on the corner of the South Arm Highway and Hawthorne Place, a second one at the corner of Hawthorne Place and Mockridge Road (Sign B) and a third on Mockridge Road (Sign C) at the entrance to the school carpark.

Flood lights mounted on top of the signs are proposed which are proposed to operate during all days from dusk til dawn.

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

Clause E17.6.1 A1 of the Scheme provides that signage: *“associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed”*. The applicant has provided sufficient information to demonstrate that the organisations are directly related to the school use as they use school facilities to run programs that benefit the school community. If the application was approved, it should be conditional on the signs only being used for those organisations that are running educational and support programs from the school.

The proposal meets the Scheme’s relevant Acceptable Solutions of the Community Purpose Zone and Signs Code with the exception of the following.

Signs Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.6.1 A4	Use of signs	An illuminated sign must not be located within 30m of a residential use, except if a Statutory Sign	Does not comply as follows: Sign 1 is located approximately 20m from the Low Density Residential land located on the western side of the South Arm Highway; Signs B and C are located within 30m of the General Residential land located opposite the site in Hawthorne Place and Mockridge Road.

The proposed variation must be considered pursuant to the Performance Criteria P4 of the Clause E17.7.1 as follows.

Performance Criteria	Proposal
<i>“An illuminated sign within 30m of a residential use must not have an unreasonable impact upon the residential amenity of that use caused by light shining into windows of habitable rooms”.</i>	<p>It is considered that illuminated signage for a school is unnecessary as the school operates only during daylight school hours. Teachers, students and parents would not benefit from the signage being illuminated during school hours.</p> <p>It is considered that although illuminated advertising signage at a school is neither expected or appropriate for this use, it is possible that the lighting could be baffled to minimise impact upon the adjacent residential properties, and if approved, a condition could be included to ensure that the lights do not shine into windows of habitable rooms.</p>

Signs Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.7.1 A1	Standards for signs	<p>A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.</p> <p>Table E17.2 provides that a “Pole Sign” must comply with the following standards:</p> <p>(a) height to the highest point of the sign above ground no more than 5000mm;</p> <p>(b) clearance from ground to sign no less than 2400mm;</p> <p>(c) projects no more than 1200mm beyond the boundary with the footpath or road reservation;</p> <p>(d) area of each face no more than 2m².</p>	<p>The proposal does not comply as the signs are defined as a “Pole Sign” which is discretionary in the zone.</p> <p>Additionally, the sign does not meet the standards in Table E17.2 as the clearance from the ground is 100mm and the area of each face is 8m².</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E17.7.1 as follows.

Performance Criteria	Proposal
<p><i>“A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</i></p> <p><i>(a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;</i></p>	<p>The signs are considered to be unnecessarily large and inappropriate for the site and are not integrated into the design of the buildings or the streetscape. The surrounding area consists of low building forms associated with the residential development along Hawthorne Place and Mockridge Road.</p>

	<p>The school buildings are single storey and are set amongst large open space areas, which include playing fields and a public open space area located adjacent to the South Arm Highway. Given the size and illumination of the signs, they will be dominant in the streetscape and incompatible with character of the surrounding area.</p> <p>Additionally, it is considered that there is no identified need to face one side of the advertising signs towards the school grounds as the users of the site are clearly aware of these organisations.</p>
<p><i>(b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</i></p>	<p>As above, the scale of the signs is inappropriate to the use of the site as a school and would typically be of a scale and design seen in a shopping complex where a range of businesses operate from the site and businesses expect a higher degree of visibility in the streetscape.</p> <p>The design of the signs which have sign faces extending to 100mm from the ground offers no visual permeability under or through the sign and exacerbates the visual bulk of the signs.</p> <p>The school is highly visible and accessible and signage of this scale is unnecessary to inform users of the site as they would all be aware and be, in many cases, recipients of the programs offered by the organisations operating from the school.</p> <p>It is suggested that an alternative design, which does not include signage facing into the school, would be more appropriate on the site. The option to discuss alternatives with the applicant has been made during the assessment process.</p>
<p><i>(c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;</i></p>	<p>The proposal complies as the signs will be constructed out of steel and fixed so that it cannot be climbed.</p>

<i>(d) not result in loss of amenity to neighbouring properties;</i>	It is considered that the size of the sign and the advertising material on the sign is inappropriate and unnecessary for a school and that is more akin to a shopping complex sign where it is typical for this type of sign type and size. Therefore, the proposal will result in a loss of visual amenity to the neighbouring residential properties.
<i>(e) not involve the repetition of messages or information on the same street frontage;</i>	The proposal is for 3 signs, however, as they are 3 sided, there are 2 sign faces on both Hawthorne Place and Mockridge Road. It is considered that the proposal will result in repetition of the same message on both street frontages and therefore does not meet this criteria. The signs also repeat the same messages for no apparent benefit.
<i>(f) not contribute to or exacerbate visual clutter;</i>	It is considered that the number of individual signs, sign faces and size is such that it will contribute to visual clutter which at present has the appearance of.
<i>(g) not cause a safety hazard”.</i>	<p>The existing sign, although around 3.6m high is 2 dimensional and the sign face is 1.9m above ground level which allows views through the sign to the road beyond. The proposed sign, being 3 sided and solid for 4m in height, reduces visibility of the road when entering the South Arm Road from Hawthorne Place.</p> <p>Further, Council’s Engineer considers that the illumination of the signs and their size, particularly on the South Arm Highway, will be a distraction to motorists and cause a safety hazard to road users.</p> <p>Accordingly, the proposal is considered not to meet the Performance Criteria and is recommended for refusal.</p>

Signs Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.7.1 A2	Standards for signs	<p>The number of signs per business per street frontage must comply with all of the following:</p> <p>(a) maximum of 1 of each sign type;</p> <p>(b) maximum of 1 window sign per window;</p> <p>(c) if the street frontage is less than 20m in length, the maximum number of signs on that frontage is 3;</p> <p>(d) if the street frontage is 20m in length or greater, the maximum number of signs on that frontage is 6;</p> <p>except for the following sign types, for which there is no limit;</p> <p>(i) building site;</p> <p>(ii) name plate;</p> <p>(iii) newspaper day bill;</p> <p>(iv) open/closed;</p> <p>(v) Real Estate;</p> <p>(vi) street number; and</p> <p>(vii) temporary sign.</p>	<p>Does not comply as there are 2 pole signs per street frontage.</p> <p>complies</p> <p>complies</p> <p>complies</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E17.7.1 as follows.

Performance Criteria	Proposal
<p><i>“The number of signs per business per street frontage must:</i></p> <p><i>(a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;</i></p>	<p>The site contains existing signage located at the corner of the South Arm Highway and Hawthorne Place, which will be replaced with Sign A and a pole sign at the main entrance to the carpark from Mockridge Place.</p> <p>It is considered that the proposal will increase visual clutter in the streetscape by replacing the existing signs with 3 illuminated signs which are significantly larger than the existing signs and each containing 24m² of signage.</p>
<p><i>(b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;</i></p>	<p>as above</p>
<p><i>(c) not involve the repetition of messages or information”.</i></p>	<p>The proposal is considered to contain repetition of messages as each sign contains 3 sign faces with a total of 12 message boards for each sign.</p>

5. REPRESENTATION ISSUES

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

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

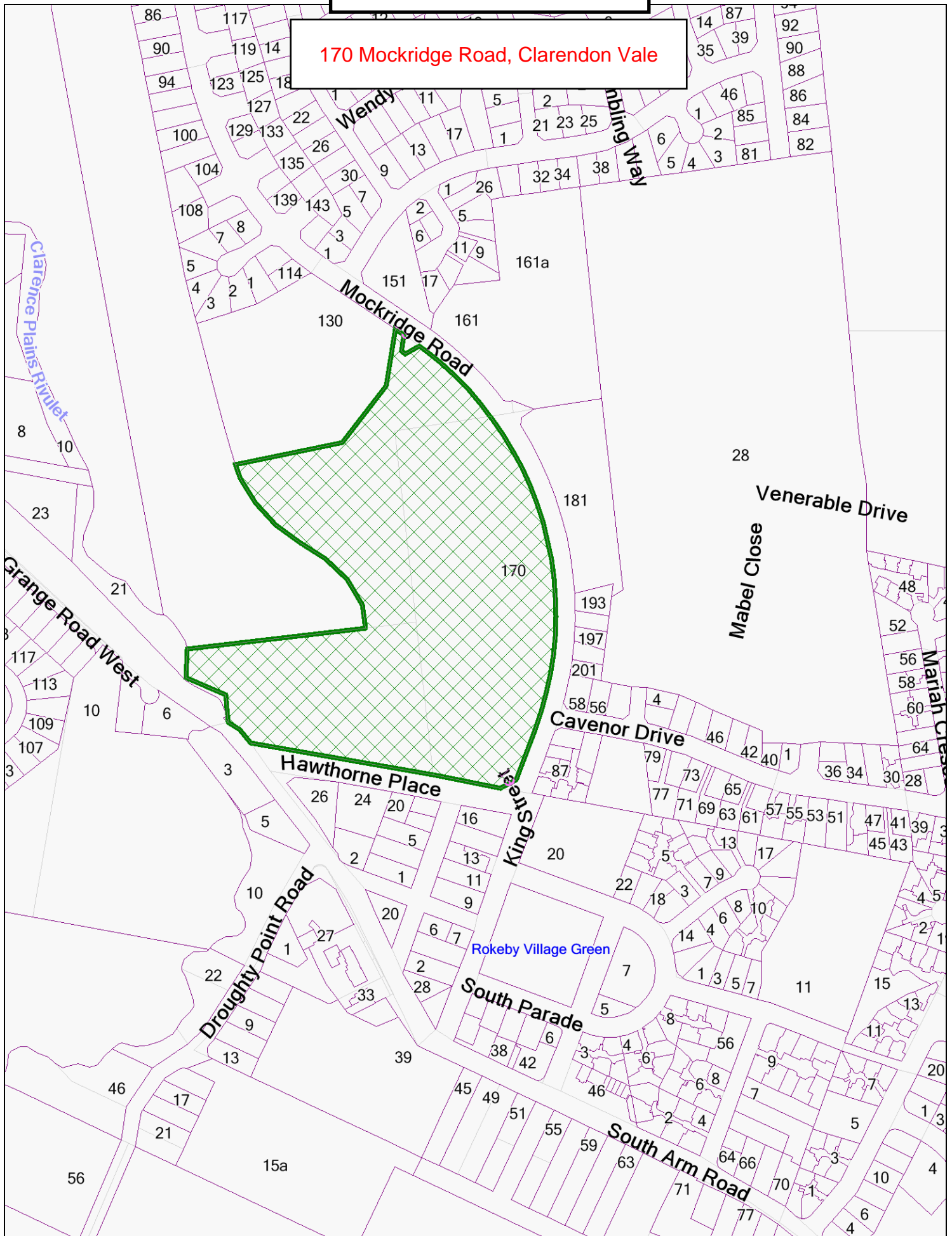
The proposal for signage on the site of the Bayview Secondary College is not considered to meet the relevant standards in the Scheme and is recommended for refusal.

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

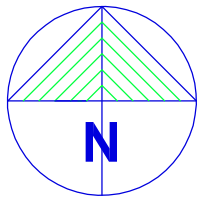
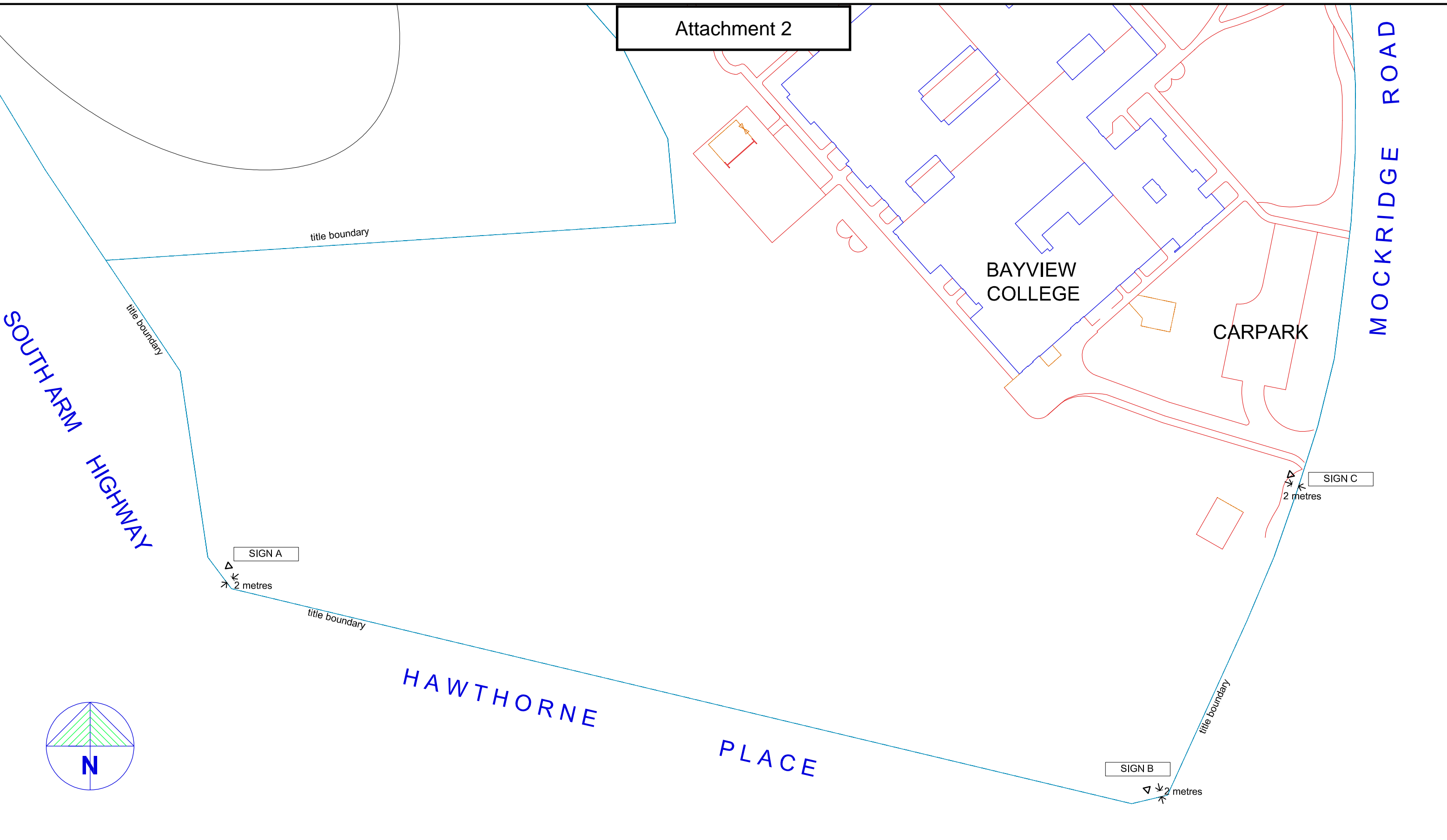
Ross Lovell
MANAGER CITY PLANNING

Attachment 1

170 Mockridge Road, Clarendon Vale



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 17 May 2018 **Scale:** 1:4,864 @A4



Amend No	Date	Amendments

DO NOT SCALE OFF DRAWINGS. FIGURED DIMENSIONS TAKE PRECEDENCE. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND NOTIFY ARCHITECT OF DISCREPANCIES BEFORE COMMENCING WORKS. DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATION AND OTHER CONTRACT DRAWINGS.



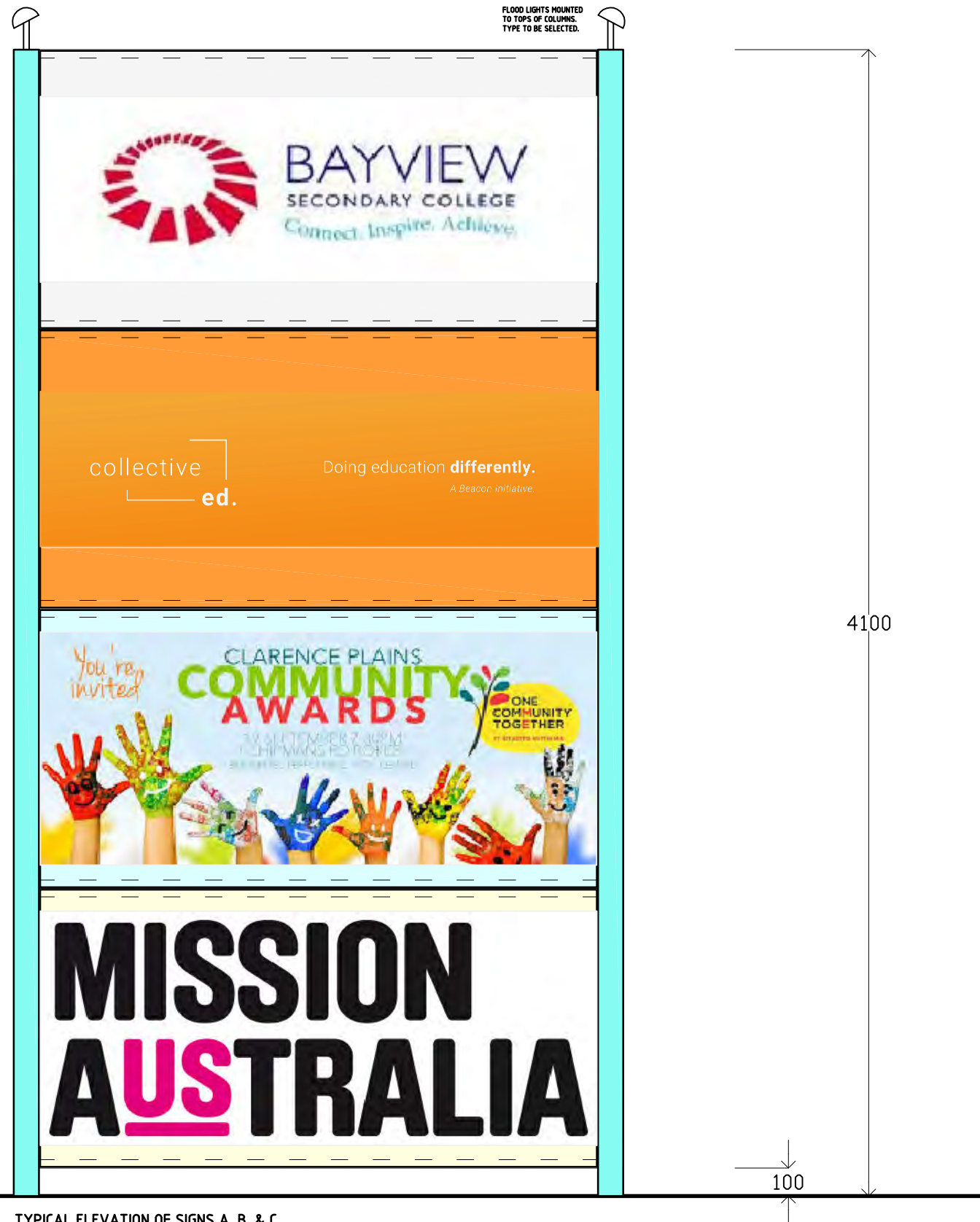
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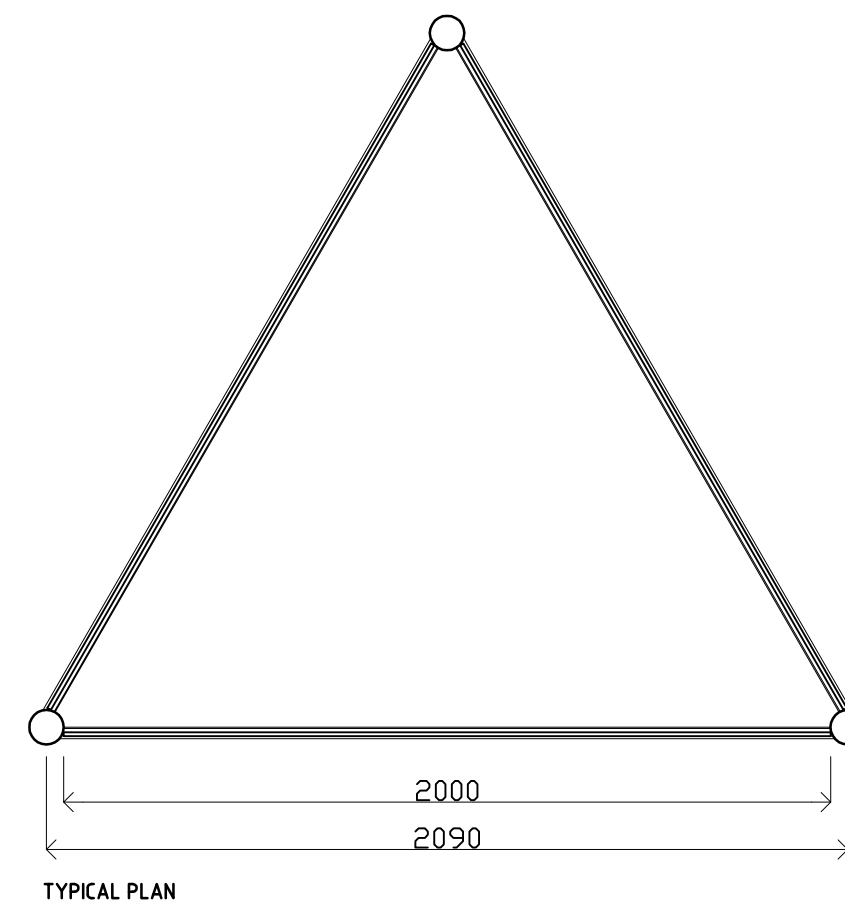
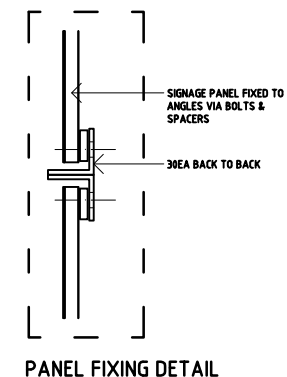
Job
BAYVIEW COLLEGE - SIGNAGE
DEPARTMENT OF EDUCATION
MOCKRIDGE ROAD
ROKEBY

Drawing Name
**DEVELOPMENT APPLICATION
SITE PLAN**

Date	Paper Size	Drawn	Checked
26-3-18	A3	MR	
Scale	Job No	Dwg No	Amend No
1:2000	1711	DA-01	A



TYPICAL ELEVATION OF SIGNS A, B, & C
(ONE OF THREE SIDES SHOWN)



Amend No	Date	Amendments

DO NOT SCALE OFF DRAWINGS. FIGURED DIMENSIONS TAKE PRECEDENCE. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND NOTIFY ARCHITECT OF DISCREPANCIES BEFORE COMMENCING WORKS. DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATION AND OTHER CONTRACT DRAWINGS.



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Job

BAYVIEW COLLEGE - SIGNAGE
DEPARTMENT OF EDUCATION
MOCKRIDGE ROAD
ROKEBY

Drawing Name

DEVELOPMENT APPLICATION
ELEVATION, PLAN
FIXING DETAIL

Date	Paper Size	Drawn	Checked
26-3-18	A3	MR	
Scale	Job No	Dwg No	Amend No
1:20	1711	DA-02	A

170 Mockridge Road, ROKEBY



Site of Sign A viewed from South Arm Highway looking north.



Site of Sign B viewed from King Street looking across the school playing fields to the school buildings in the background.



Site of Sign C taken looking north along Mockridge Road

11.3.2 SUBDIVISION APPLICATION SD-2017/24 - 4 YORK STREET AND 55 CAMBRIDGE ROAD, BELLERIVE - 4 LOT SUBDIVISION (2 ADDITIONAL LOTS) INCLUDING WORKS WITHIN THE ROAD RESERVATION

(File No Sd-2017/24)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a 4 lot subdivision (2 additional lots) including works within the road reservation at 4 York Street and 55 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on the 1 June 2018.

CONSULTATION

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

- stormwater drainage impacts; and
- design of road upgrade.

RECOMMENDATION:

A. That the application for a 4 lot subdivision (2 additional lots) including works within the road reservation at 4 York Street and 55 Cambridge Road, Bellerive (CI Ref SD-2017/24) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS1 – POS CONTRIBUTION [5% OF LOTS 2 AND 3].

3. PROP 3 – TRANSFER.
 4. Two car parking spaces must be provided on-site for 55 Cambridge Road prior to the sealing of the Final Plan of Survey. Each space, including disabled parking, must be clearly marked and used solely for parking purposes. Plans showing the layout of the car parking area, designed with suitable manoeuvring areas to facilitate the forward egress of vehicles from the site onto Cambridge Road in accordance with Clarence Interim Planning Scheme 2015, must be submitted to and approved by Council's Group Manager Engineering Services prior to the sealing of the Final Plan of Survey.
 5. ENG A1 – NEW CROSSOVER [3.6M].
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. ENG S2 – SERVICES.
 8. ENG S4 – STORMWATER CONNECTION.
 9. ENG S10 – UNDERGROUND SERVICES.
 10. ENG M2 – DESIGNS SD.
 11. ENG M8 – EASEMENTS.
 12. ENG R2 – URBAN ROAD.
 13. ENG R5 – ROAD EXTENSION
 14. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 April 2018 (TWDA 2017/01169-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

An outbuilding accessed via the gravel laneway located to the rear of 55 Cambridge Road was approved under planning permit D-2002/151.

An ancillary dwelling was approved under planning permit D-2000/90 for the conversion of an existing outbuilding to an ancillary dwelling at 4 York Street, Bellerive. The building is now proposed to be removed as part of the subdivision application.

The property at 4 York Street was listed on the Tasmanian Heritage Register until recently when the Tasmanian Heritage Council determined to de-list the property from the register. Whilst the property is not listed on the State register, the property retains a local listing under the Historic Heritage Code under the Scheme.

2. STATUTORY IMPLICATIONS

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

2.2. The proposal is discretionary by virtue of Clause 9.7.2 and because it does not meet the Acceptable Solutions under the Scheme relating to lot design, public open space, building envelope and local heritage.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.4 – General Residential Zone;
- Section 10.6 – General Residential Zone;
- Section E5.0 – Road and Rail Assets Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section 13.0 – Historic Heritage Code.

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

- 2.5.** The application has been assessed against the requirements of Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, which requires a subdivision to be provided with a suitable road in the interests of providing for public convenience.

The applicant proposes to upgrade a section of the existing gravel laneway to provide for a suitable standard of road access to service Lots 2 and 3 (2 additional lots). Preliminary engineering designs have been provided with the application for the proposed laneway upgrade. It is proposed to enforce the upgrades through permit conditions imposed under Clause 8.11.2 (a) of the Scheme.

3. PROPOSAL IN DETAIL

3.1. The Site

The property known as 4 York Street is described in Certificate of Title 76155/25 and forms a 973m² regular shaped lot located on the northern side of York Street and immediately to the west of the Telstra exchange building. To the west of the site is a Council owned and maintained gravel laneway providing a secondary access to the rear of 53 and 55 Cambridge Road and properties linking the northern side of York Street from the Uniting Church to the Bellerive Primary School carpark located adjacent to Leslie Street. The site is developed with single storey Victorian weatherboard dwelling which retains a local heritage listing under the Historic Heritage Code of the Scheme. The site is level and fully serviced.

The property known as 55 Cambridge Road is described in Certificate of Title 200060/1 and contains a land area of 1,869m². The site is level and obtains frontage onto Cambridge Road and vehicular access from the laneway to the rear. The site is developed with a single storey Federation style dwelling fronting Cambridge Road. This building is not heritage listed.

The proposed subdivision also involves Council owned land comprising of a laneway extending beside the Uniting Church, along the rear of properties lining York Street to the Bellerive Primary School carpark.

The application will require the developer to upgrade the western end of the existing laneway for an overall length of 85m by widening and sealing the road surface to provide an acceptable level of service to the proposed new lots, which would rely on sole access from this laneway.

3.2. The Proposal

Application is made for the subdivision of 55 Cambridge Road and 4 York Street to provide for 2 new lots to the rear of the existing dwellings.

The subdivision of 4 York Street would involve the creation of a 410m² squarely configured lot (Lot 3) to the rear of the existing dwelling. The front lot containing the existing dwelling would retain a land area of 557m² (Lot 4). Vehicular access to Lot 3 would be provided via the laneway located along the western boundary of both lots.

The existing dwelling is presently accessed via this laneway, however, a new vehicular access is proposed from York Street to service the existing dwelling at 4 York Street (Lot 4).

The subdivision of 55 Cambridge Road would involve the creation of a 1,031m² irregular shaped lot (Lot 2) located to the rear of the existing dwelling. The applicant has indicated that this lot is to be designated for a future multiple dwelling development for the purposes of satisfying the maximum lot size requirement of Clause 10.6.1 A1 of the Scheme. Access to Lot 2 would be via the existing driveway servicing the existing dwelling on 55 Cambridge Road (Lot 1).

A new vehicular access is proposed from Cambridge Road to service the existing dwelling located at 55 Cambridge Road (Lot 1). A Traffic Impact Statement has been provided with the application demonstrating that the new access point onto Cambridge Road achieves the necessary sight distance of 105m in either direction. The Traffic Impact Statement recommends that all entry and exit manoeuvres at the proposed access are undertaken in a forward direction.

In order for this to occur, vehicular turning must therefore be provided on-site. The preliminary engineering design drawings demonstrate that vehicles will be capable of exiting the site in a forward direction as required by Clause E6.7.4 of the Parking and Access Code.

The existing outbuildings located on Lot 3 are proposed to be demolished to provide a vacant lot. Two existing outbuildings located on Lot 2 are also proposed to be removed although the existing garage would be retained.

Engineering design drawings have been provided with the application proposing to upgrade the laneway for the full frontage of proposed Lot 2. The upgrade will involve the widening, kerb and channelling and sealing of the existing pavement. In order to achieve the necessary turning radius for the 90 degree bend around Lot 3, it is proposed to transfer 12m² of land associated with 4 York Street to Council's road reservation to provide a splay.

The proposed subdivision would not involve any works to the existing dwellings located on either property.

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 Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Historic Heritage Code with the exception of the following.

General Residential Zone – Subdivision Standards

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.1 A5	Lot Design	Subdivision is for no more than 3 lots.	The subdivision would result in the creation of 4 lots.

The proposed variation must be considered pursuant to the Performance Criteria (P5) of the Clause 10.4.6 as follows.

Performance Criteria	Proposal
<i>“P5 - Arrangement and provision of lots must satisfy all of the following:</i>	see below assessment
<i>(a) have regard to providing a higher net density of dwellings along:</i> <i>(i) public transport corridors;</i> <i>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</i> <i>(iii) within 200m of business zones and local shops;</i>	<p>The proposed subdivision will involve the creation of 2 new lots from 2 existing properties located within 100m to the major transport corridors of Cambridge Road and Clarence Street.</p> <p>The subdivision will provide the opportunity for the creation of a higher net density of residential dwellings adjacent to and nearby a major public transport corridor.</p>
<i>(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;</i>	<p>The subdivision layout forms a reasonable way to increase residential densities as the creation of Lot 3 will be capable of supporting a Single Dwelling development and Lot 2 will be capable of supporting up to 3 Multiple Dwellings.</p> <p>The configuration of Lot 2 being of a linear arrangement with the longer boundary located parallel with the Council laneway could allow for further subdivision potential as an alternative development.</p>

	The design of the subdivision will therefore not compromise the future development or subdivision potential of the parent lots involved with the subdivision application as envisaged by the General Residential Zone. The upgraded road design will also ensure future occupants are provided with a level of service expected for an urban environment.
<i>(c) staging, if any, provides for the efficient and ordered provision of new infrastructure;</i>	The proposed subdivision is not proposed to be staged due to the small scale.
<i>(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</i>	The additional lots, Lots 2 and 3, would be oriented directly onto a Council maintained road therefore will be provided with a high level of opportunity for passive surveillance.
<i>(e) is consistent with any applicable Local Area Objectives or Desired Future”.</i>	There are no applicable Local Area Objectives or Desired Future Character Statements for the General Residential Zone in which to have a regard to.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.3 A2	Ways and Public Open Space	No Acceptable Solution.	Given there is no Acceptable Solution, consideration is required under the corresponding Performance Criteria.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.6.3 as follows.

Performance Criteria	Comment
<i>“P2 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	see below assessment
<i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	The provision of physical open space is not proposed, meaning that (a) to (g) inclusive and (i) below are not relevant.
<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable

<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	not applicable
<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	not applicable
<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	not applicable
<i>(f) provides for a legible movement network;</i>	not applicable
<i>(g) the route of new ways has regard to any pedestrian and cycle way or public open space plan adopted by the Planning Authority;</i>	not applicable
<i>(h) Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council Policy.</i>	In this case, the creation of 2 additional residential lots will increase the demand for public open space on a local and regional scale. A condition has been included, requiring the payment of cash-in-lieu for 5 percent of the value of the additional lots, Lots 2 and 3.
<i>(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i> <i>(i) the width of the way;</i> <i>(ii) the length of the way;</i> <i>(iii) landscaping within the way;</i> <i>(iv) lighting;</i> <i>(v) provision of opportunities for 'loitering';</i> <i>(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i>	not applicable

Historic Heritage Code

The property at 4 York Street, Bellerive is listed as a place of local heritage significance under Table E13.1 of the Historic Heritage Code. The site was formerly listed on the Tasmanian Heritage Register as a place of heritage significance; however, it was delisted in 2006 as part of a review undertaken by the Tasmanian Heritage Council.

The Tasmanian Heritage Register Datasheet for the property indicates that the existing dwelling formed a significant element in the urban streetscape and demonstrated the principal characteristics of a single storey weatherboard Victorian domestic building.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.1 A1	Development Standards for Heritage Places – Demolition	No Acceptable Solution	Given there is no Acceptable Solution, consideration is required under the corresponding Performance Criteria.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E13.7.1 as follows.

Performance Criteria	Comment
<i>“P1 - Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;</i>	see below assessment
<i>(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</i>	<p>Council’s Heritage Advisor has advised that the smaller outbuildings located to the rear of the existing dwelling do not contribute to the local heritage significance of the place as they were constructed at a later date. These buildings are also not visible from York Street.</p> <p>The removal of the small outbuildings to the rear of the existing dwelling would therefore not result in the loss of heritage fabric that contributes to the local heritage significance of the place.</p>

<i>(b) there are no prudent and feasible alternatives;</i>	The alternative to a subdivision would be a multiple dwelling development. One additional dwelling could be accommodated to the rear of the existing dwelling at 4 York Street, which would have the same effect as a subdivision in terms of density. Subdivision of the site will provide for the necessary road and servicing upgrades to the Council maintained laneway and is considered an appropriate way of creating further infill development opportunities without compromising the heritage significance of the existing dwelling.
<i>(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;</i>	Council's Heritage Advisor has advised that the historic heritage significance of the building is attributed to the presentation of the building to York Street. The presentation of the building to the urban streetscape would remain unaffected by the subdivision and the creation of a lot to the rear of the existing dwelling will ensure future development of Lot 3 does not impose upon or obscure the heritage listed building when viewed from York Street.
<i>(d) significant fabric is documented before demolition".</i>	No significant fabric would be disturbed as a result of the subdivision therefore there is no requirement to document the significant fabric of the existing heritage listed building.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.3 A1	Development Standards for Heritage Places – Subdivision	No Acceptable Solution	Given there is no Acceptable Solution, consideration is required under the corresponding Performance Criteria.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E13.7.3 as follows.

Performance Criteria	Comment
<i>“P1 - A proposed plan of subdivision must show that historic cultural heritage significance is adequately protected by complying with all of the following:</i>	see below assessment
<i>(a) ensuring that sufficient curtilage and contributory heritage items (such as outbuildings or significant plantings) are retained as part of any title containing heritage values;</i>	<p>The creation of a new lot to the rear of the existing dwelling will not cause any loss of local historic cultural heritage significance as the local character is derived from the presentation of the existing Victorian weatherboard dwelling to the street.</p> <p>The additional lot will not be visible from York Street and would not impact upon the landscaped curtilage which contributes to its townscape associations.</p>
<i>(b) ensuring a sympathetic pattern of subdivision;</i>	The subdivision layout for 4 York Street would provide for a sympathetic lot layout in that the vacant lot would be located entirely to the rear of Lot 4 containing the existing dwelling and would be accessed independently.
<i>(c) providing a lot size, pattern and configuration with building areas or other development controls that will prevent unsympathetic development on lots adjoining any titles containing heritage values, if required”.</i>	The size of Lot 4 (vacant lot to the rear of the existing dwelling) will limit the development potential of this lot to a single dwelling. The subdivision configuration will also contain the vacant lot entirely to the rear of the existing dwelling which will prevent future development from impacting upon the presentation of the existing dwelling to the street.

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. Stormwater Drainage Issues

Concern is raised that the properties located at the eastern end of the laneway will continue to experience drainage problems as a result of a blocked drain.

- **Comment**

There are known stormwater problems from surface water run-off from the Bellerive Primary School oval draining across the Council laneway to the backyards of the adjacent properties lining York Street. As a result of historical traffic issues in the area and as a result of the subdivision, Council would seal the remainder of the laneway. The sealing of the laneway will include the installation of new open drains which will assist in minimising future run-off issues into the adjacent properties.

5.2. Design of Road Upgrade

Concern is raised over the one way design of the laneway access. It is suggested that a traffic management plan and associated infrastructure be in place to manage traffic.

- **Comment**

Council Engineers are aware of traffic issues arising from the informal use of the laneway, particularly at school drop-off and pick-up times. The developer proposes to upgrade the laneway adjoining 4 York Street and 55 Cambridge Road to provide for a suitable road standard. Council's Transport Engineer has advised that Council would then investigate the suitability of upgrading the remainder of the laneway and that such works would be considered in the 2020 Capital Works budget.

The western end of the laneway is proposed to form one way entry and the eastern end exit only to provide for improved traffic flow within the area given the proximity to the school carpark.

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

The subject site is zoned General Residential, is within an established residential area within Bellerive and will be afforded the highest level of access to both local and regional recreational opportunities including the Clarence Foreshore Trail, Kangaroo Bay parklands and Bellerive Beach located a short walking distance from the property. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion as a walking track is provided nearby along the foreshore. Notwithstanding, it is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the LGMBP Act provides for a maximum of up to 5% of the value of the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created (Lots 2 and 3), representing the increased demand for POS generated by the proposal and not the entire site the subject of the application.

9. CONCLUSION

The proposal for a 4 lot subdivision (2 additional lots) including works within the road reservation at 4 York Street and 55 Cambridge Road, Bellerive is considered to comply with all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for conditional approval.

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

Ross Lovell
MANAGER CITY PLANNING

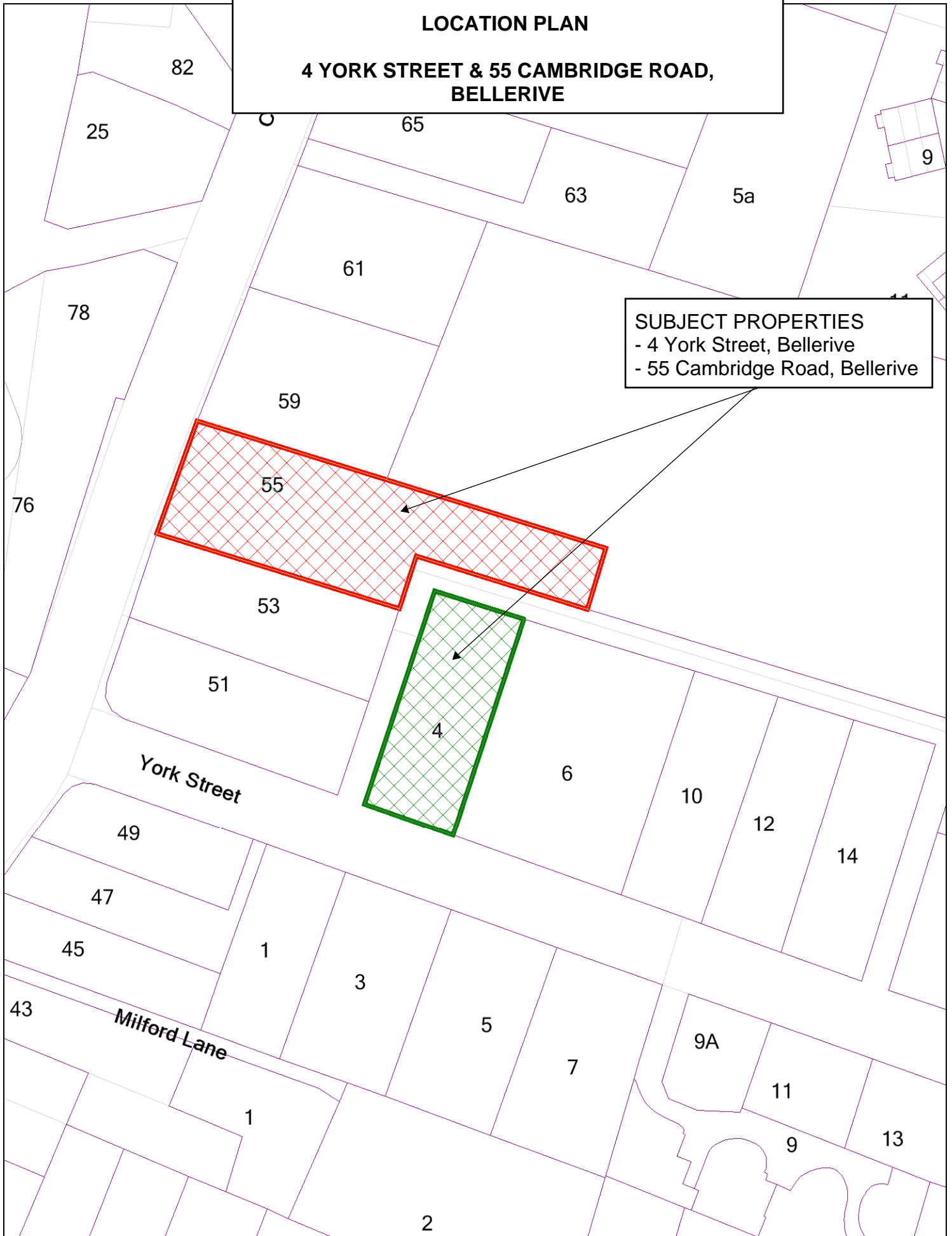
ATTACHMENT 1

LOCATION PLAN

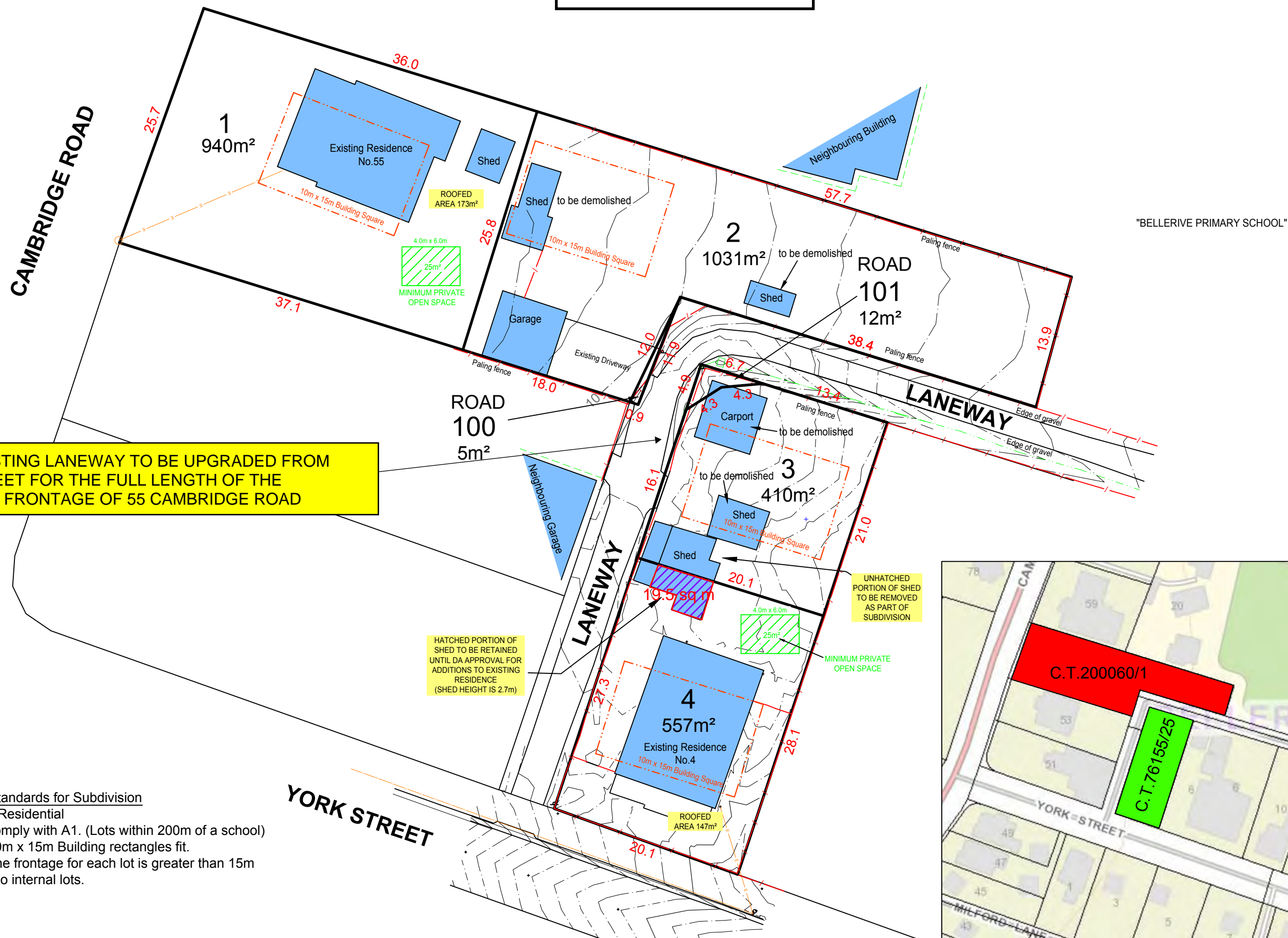
4 YORK STREET & 55 CAMBRIDGE ROAD,
BELLERIVE

SUBJECT PROPERTIES

- 4 York Street, Bellerive
- 55 Cambridge Road, Bellerive



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 17 May 2018 **Scale:** 1:1,037 @A4



This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.
All measurements and areas are subject to the final survey.
Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

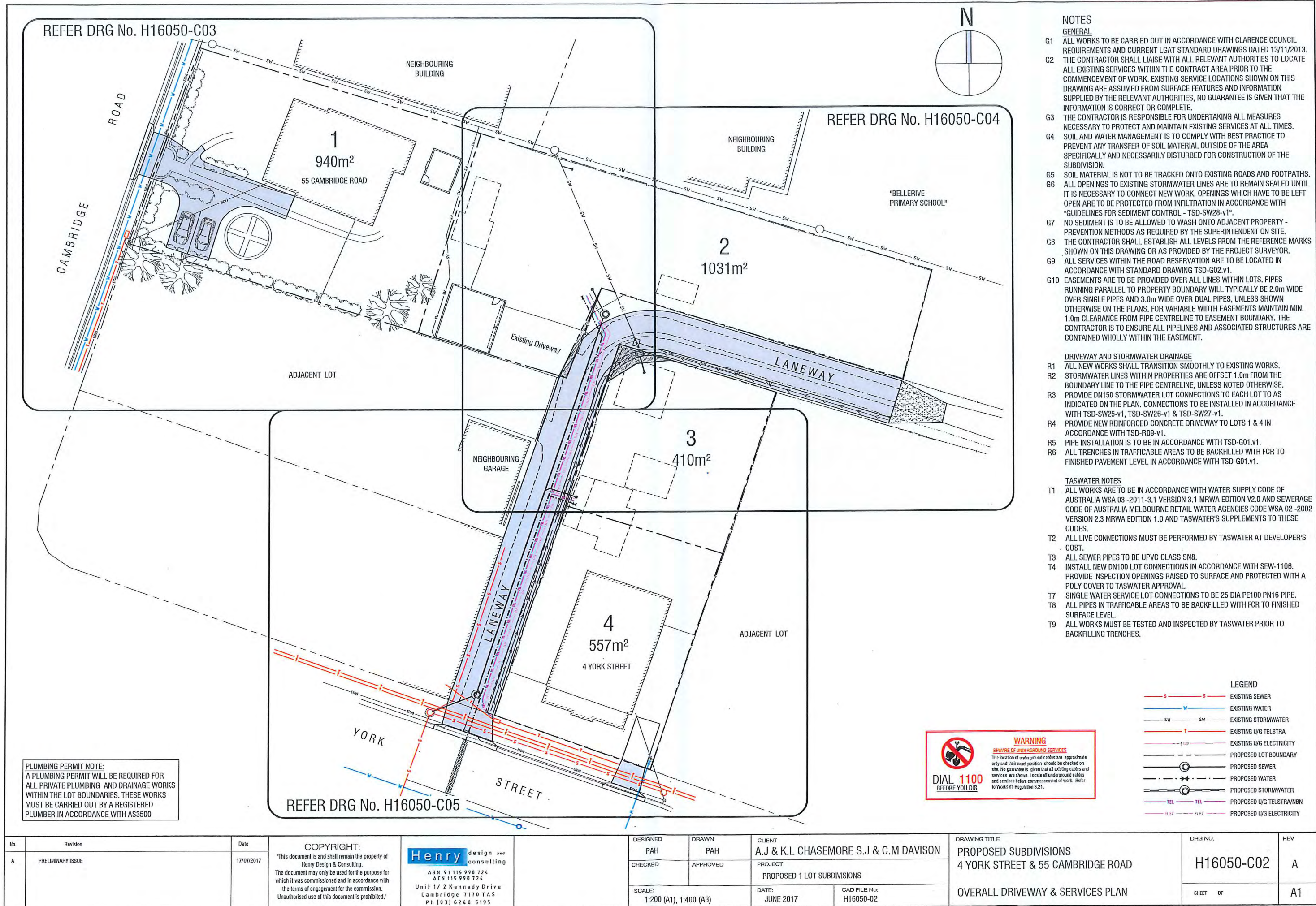


UNIT 1, 2 KENNEDY DRIVE
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OWNER: A.J & K.L CHASEMORE
S.J & C.M DAVISON
TITLE REFERENCE: C.T.76155/25 & C.T.200060/1
LOCATION: 4 YORK STREET & 55 CAMBRIDGE ROAD
BELLERIVE

Proposed Subdivision

Date: 9-8-2017	Reference: 9897-02 CHASA01 DAVST01
Scale: 1:400 (A3)	Municipality: CLARENCE



4 York Street & 55 Cambridge Road, Bellerive



Photo 1: The existing dwelling located at 4 York Street, Bellerive when viewed from York Street.



Photo 2: The existing gravel laneway proposed to be upgraded when viewed from the York Street entrance.

11.3.3 DEVELOPMENT APPLICATION D-2018/190 - 27 KING STREET, BELLERIVE – PARTIAL DEMOLITION, ALTERATIONS AND ADDITIONS TO DWELLING

(File No D-2018/190)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for partial demolition, alterations and additions to the existing dwelling at 27 King Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on the 30 May 2018 as agreed with applicant.

CONSULTATION

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

- overshadowing;
- visual impact;
- streetscape impact;
- heritage impact;
- loss of privacy;
- noise impact;
- location of wood heater chimney; and
- alternative uses for building.

RECOMMENDATION:

- A. That the Development Application for partial demolition, alterations and additions to dwelling at 27 King Street, Bellerive (CI Ref D-2018/190) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
 2. All external surfaces must be finished in non-reflective, muted colours and complement the colour scheme of the existing dwelling to the satisfaction of Council’s Manager City Planning. Details of the colour scheme must be submitted and approved prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
 3. The development must meet all conditions specified by the Tasmanian Heritage Council notice dated 16 May 2018 (THC ref 5564).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

Planning approval was granted under permit D-1991/165 for an extension to the rear elevation of the dwelling and to include a new upper floor level contained predominantly within the roof space of the existing dwelling.

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 relating to building envelope, solar access, privacy and heritage.

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;
- Section E11.0 – Waterway and Coastal Protection Code; and
- Section E13.0 – Historic Heritage Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The subject site has an area of 784m² and is located on the southern side of King Street and a short distance to the east of the intersection with Crown Street and Britannia Place. The site is level and has frontage and vehicle access to King Street. Access to the site is provided along the south-eastern side property boundary.

The site contains a 2 storey weatherboard dwelling and garage to the rear. The dwelling was constructed in 1900 and is listed on the Tasmanian Heritage Register as a place of heritage significance. The Heritage Tasmania Data Sheet for the property indicates that the historic significance of the site is attributed to the site's ability to demonstrate the principle characteristics of a single storey weatherboard Victorian domestic building. An addition to the rear occurred in the early 1990's. The dwelling is surrounded by a mature garden with a mixture of exotic trees.

The area surrounding the site is similarly zoned General Residential and is characterised exclusively by single dwelling developments. The 2 properties located uphill to the east of the subject site are 2 storeys along with the adjoining property to the west (although the second storey is contained within the roof space as is the arrangement for the subject dwelling).

Two properties located across the road at 26 and 32 King Street, Bellerive are listed on the Tasmanian Heritage Register as places of heritage significance.

3.2. The Proposal

Application is sought for the demolition of the rear of the existing dwelling at 27 King Street, Bellerive to facilitate a new rear extension.

Specifically, works to the ground level would involve the removal of the existing living room contained to the rear of the existing dwelling to make way for a larger open plan living room addition. The existing bathroom located centrally on the ground level, and without access to natural light, is proposed to be removed to provide an extended hallway access to the open plan living area. A bathroom and laundry are proposed either side of the hallway within the existing footprint of the dwelling. The addition to the rear would extend 2.3m to the rear of the existing dwelling.

The upper level of the existing dwelling is also proposed to be extended to provide a new bedroom, living room and deck. The rear addition would be visually separated from the main structure by a void on both the eastern and western elevation (serving as a courtyard on the ground level). The upper level of the dwelling is currently contained within the roof space and includes a dormer window fronting King Street. The dormer window does not include part of the original fabric of the building and is intended to be retained, along with the 2 chimneys. Internal alterations to the existing upper level are also proposed to provide for a new staircase.

The dwelling addition is proposed to be clad primarily with weatherboards to match the existing. The extension will feature a lower level flat roof link structure separating the bulk of the main gabled roof form component of the proposal from the existing dwelling. Further visual transition between the existing built fabric and the new components would be achieved through the inclusion of glazing along linking structure.

The addition would match the height of the existing dwelling being 7.187m above natural ground level. The north-western elevation of the addition would maintain a slightly greater setback from the respective side boundary than the existing dwelling being 1.413m. This is to reduce the visibility of the addition when approaching the site from the west along King Street.

The lower and upper level decks would be constructed from timber with glass balustrading.

An upper level bedroom window is proposed on the north-western elevation of the addition which maintains a 1.5m offset on the horizontal plane from an existing window associated with the adjoining property, therefore complying with the privacy requirements of the Scheme with respect to privacy.

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 and Historic Heritage Code with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
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; and</p>	<p>complies</p>
		<p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>Does not comply - the north-western elevation of the addition would extend beyond the prescribed building envelope by 3m. The south-western and south-eastern elevations of the dwelling addition comply.</p> <p>not applicable</p> <p>Does not comply – the addition will increase the wall length along the north-western boundary to 19.5m.</p> <p>It is noted that the existing dwelling has a wall length of 17.2m.</p>

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

Performance Criteria	Comment
<p><i>“P3 – The siting of a dwelling must:</i> <i>(a) not cause any unreasonable loss of amenity by:</i></p>	<p>see below assessment</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 Acceptable Solution requires development to fit within the shape required by the defined acceptable building envelope. The proposal includes upper level side elements of the rear extension that extend beyond the 45 degree tangents of the building envelope as applied from the north-western side boundary. The encroachment is continuous along the north-western elevation moving towards the connection with this existing dwelling. The linking structure separating the existing from the proposed is contained within the building envelope. The addition is entirely within the building envelope in relation to maximum height.</p> <p>Shadow diagrams have been supplied demonstrating that the shadows cast by the proposed additions are reasonable when taking into account the shading impact caused by the existing dwelling. The shadow diagrams can be viewed in Attachment 2 to this report.</p> <p>The diagrams demonstrate that no overshadowing impacts would occur to the property to the north-west at 25 King Street. This is due to the northerly orientation of this adjoining property in relation to the subject site. It is noted that this property directly adjoins the north-western elevation of the proposed addition which is subject to the building envelope variation.</p> <p>The diagrams indicate the adjoining property to the south-east at 29 King Street would not be affected by overshadowing caused by the building envelope encroachment as the encroachment relates to the opposite side of the addition (ie north-western elevation).</p>
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<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	see above assessment
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	Not relevant – the subject site does not adjoin a vacant property.
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>It is considered that the north-western element of the dwelling addition extending outside of the building envelope would not add significantly to the visual bulk of the extension when viewed from the adjoining property at 25 King Street. This is because no significant windows (2 bedrooms and a study) are located on the side elevation of the adjoining dwelling facing the subject site as it has been designed to take advantage of the panoramic views offered in the opposite direction to the west. Views of the dwelling addition from the backyard of 25 King Street would also be limited due to the construction of various outbuildings, shade structures and a leafy garden designed to provide for enhanced privacy.</p> <p>The reduced setback, wall length and height will result in a bulky addition; however, the location of outbuildings and landscaping provided within the private open space of the adjoining property at 25 King Street will reduce the visibility of the addition. The inclusion of variation in form and external materials and finishes will also reduce the additions apparent scale and bulk.</p> <p>The majority of the addition's bulk is associated with that part which is in a compliant location. Reducing the height or increasing the setback of the north-eastern elevation of the dwelling addition is unlikely to result in any significant reduction in visual bulk when compared with the bulk attributed to the addition in a compliant location. The bulk is also comparable to that of adjoining dwellings which both display similarly bulky rear additions.</p>

	For the above reasons, it is therefore considered that the proposal would not cause a loss of amenity to the adjoining property at 25 King Street through visual bulk and scale of the development.
<i>(b) provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i>	<p>The dwelling addition has been designed to maintain the same roofline, height and setback of the existing dwelling primarily to reduce the visibility of the addition when viewed from King Street.</p> <p>The proposed addition will increase the wall length along the north-eastern side boundary by 2.3m beyond the existing. This is considerably less than the 31m of wall length associated with the adjoining property.</p> <p>The proposed additions would provide for a comparable dwelling separation to those existing on adjoining properties.</p>

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 (see Diagram 10.4.4.A).	Does not comply – the ground floor living room of the dwelling addition would contain windows which are oriented 43 degrees west of north and 43 degrees east of north.

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

Performance Criteria	Proposal
<i>“P1 – A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom)”.</i>	<p>The proposed addition to the rear of the existing dwelling will not alter the orientation of the windows when compared with the existing arrangement. The living space has been designed to extend in line with the existing dwelling in the interests of maintaining the heritage values of the original fabric of the dwelling and to minimise the visibility of the addition when viewed from the street.</p> <p>The 13 degree variance beyond the permitted bearing and inclusion of windows on both the eastern and western elevations of the dwelling will ensure the living room receives both morning and afternoon sunlight during the winter months. The window design and orientation will therefore achieve reasonable passive solar design and will ensure high levels of access to sunlight throughout the year.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:	<p>Does not comply – a 0.5m section of the north-western elevation of the upper level deck would be located within 3m of the side property boundary.</p> <p>A 1m high glass balustrade is proposed along the side elevation of the deck with the remainder of the deck being concealed behind a wall extending from the upper level bedroom.</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>	
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 as follows.

Performance Criteria	Proposal
<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>	see below assessment

<p>(a) <i>a dwelling on an adjoining lot or its private open space; or</i></p>	<p>The western edge of first floor deck facing the side boundary shared with 25 King Street includes a solid wall to a height of 2.1m above FFL. Beyond the wall, the north-western elevation of the deck is angled away from the north-western side boundary to face the southern rear boundary. However, a 0.5m² portion of the deck would be located within 3m of the side boundary with a 1m glass balustrade proposed along the southern elevation of the deck.</p> <p>The property adjacent to the north-western side boundary of the site at 25 King Street has an outbuilding directly adjacent to the boundary. However, the elevated position of the subject site and location of the deck to the upper level of the dwelling means the deck would have the potential to view beyond the outbuilding into the private open space of this adjoining property.</p> <p>The majority of the deck either maintains the required 3m side setback or is screened to comply with the Acceptable Solution through the inclusion of an extended wall.</p> <p>With respect to the small section of unscreened deck within 3m of the boundary, it is considered that the narrow, angled design of this section of the deck will limit the usability of this section of the deck. Requiring a screen to wrap around the angled section of the deck to include the 0.5m² of deck encroaching within 3m of the side boundary would offer no benefit when the larger, usable portion of the deck located greater than 3m from the boundary will have the greatest overlooking impact.</p> <p>It is therefore considered that the minor nature of the encroachment will not cause any unreasonable overlooking effect and the deck has been designed to minimise overlooking.</p>
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	Accordingly, no modifications to the deck design are deemed warranted.
<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

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.1 A1	Demolition	No Acceptable Solution	There is no acceptable solution for demolition works involving a heritage place.

The proposed variation can be supported pursuant to the Performance Criteria A1 of the Clause E13.7.1 for the following reason.

Performance Criteria	Proposal
<i>“P1 - Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;</i>	see below assessment.
<i>(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</i>	Council’s Heritage Advisor has reviewed the proposal and has advised that the portions of the existing fabric to be removed (at the rear of the dwelling) appear to be of questionable provenance, in that these occurred in the early 1990’s and do not significantly contribute to the streetscape.
<i>(b) there are no prudent and feasible alternatives;</i>	The demolition related to the rear of the existing building which forms a later addition and will not cause any loss of significant fabric.
<i>(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;</i>	Council’s Heritage Advisor has advised that the more significant portions of the subject building (ie facade elements and bulk of building form viewed from King Street) shall remain largely unaffected.
<i>(d) significant fabric is documented before demolition”.</i>	Extant recordings of the existing building conditions have been submitted with this proposal.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.2 A1	Buildings and Works other than Demolition	No Acceptable Solution	For works to a heritage place other than demolition, there is no Acceptable Solution therefore consideration must be had to the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria A1 of the Clause E13.7.2 for the following reason.

Performance Criteria	Proposal
<i>“P1 - Development must not result in any of the following:</i>	see below assessment
<i>(a) 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>Council’s Heritage Advisor has indicated that because the proposed additions are located to the rear of the property, the works would not significantly impose upon the visual perception of the façade elements when viewed from King Street.</p> <p>Although unambiguously modern in appearance, the proposed addition would be relatively compatible with the prescribed elements on adjoining properties and are considered preferable to reproductive heritage elements.</p>
<i>(b) 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>	Council’s Heritage Advisor has advised that the streetscape elements do not appear to be adversely affected by this proposal and will therefore not substantially diminish the historic cultural heritage of the place.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.2 A2	Buildings and Works other than Demolition	No Acceptable Solution	For works to a heritage place other than demolition, there is no Acceptable Solution therefore consideration must be had to the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria A1 of the Clause E13.7.2 for the following reason.

Performance Criteria	Proposal
<i>“P2 - Development must be designed to be subservient and complementary to the place through characteristics including:</i>	see below assessment
<i>(a) scale and bulk, materials, built form and fenestration;</i>	When taking into account the scale, bulk, form and materials associated with adjoining properties, the proposal appears of a comparable scale. Council’s Heritage Advisor has advised that although the overall scale of the additions are significant, they are appropriately articulated from the existing building forms and are from compatible materials.
<i>(b) setback from frontage;</i>	This proposal is located to the rear, and separated from the existing dwelling therefore being generally concealed when viewed from the street frontage.
<i>(c) siting with respect to buildings, structures and listed elements;</i>	The proposed alterations and additions are located at the rear of the subject premises and are visually separated from the existing building form. The siting of the design of the addition is therefore considered respectful to the listed elements which generate relate to the presentation of the building to the street.

<i>(d) using less dominant materials and colours”.</i>	This proposal appears to adopt similar materials to that of the existing building which will assist with diminished appearance. However, it is considered colour choice should provide further assistance in reducing the prominence of the addition. A condition requiring the production of a colour schedule which provides for colours which are similar to the existing dwelling is recommended.
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Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.2 A3	Buildings and Works other than Demolition	No Acceptable Solution	For works to a heritage place other than demolition, there is no Acceptable Solution therefore consideration must be had to the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria A3 of the Clause E13.7.2 for the following reason.

Performance Criteria	Proposal
<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>	Council’s Heritage Advisor has advised that the proposal is considered to be an appropriate complementary response to the dominant heritage characteristics of the place whilst also appearing to be clearly identified as a modern interpretation of the same.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.2 A4	Buildings and Works other than Demolition	No Acceptable Solution	For works to a heritage place other than demolition, there is no Acceptable Solution therefore consideration must be had to the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria A4 of the Clause E13.7.2 for the following reason.

Performance Criteria	Proposal
<i>“P4 - Extensions to existing buildings must not detract from the historic cultural heritage significance of the place”.</i>	Council’s Heritage Advisor has assessed the proposal and has advised that whilst unambiguously modern in overall appearance, the proposed additions appear to adopt and complement most of the significant historic elements of the existing premises without significant impost upon the predominant streetscape character. The proposal is therefore unlikely to detract from the historic cultural heritage significance of the place.

5. REPRESENTATION ISSUES

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

5.1. Overshadowing

Concern is raised that the proposed addition will cause loss of afternoon sunlight to the main living space of the adjoining dwelling to the south-east at 29 King Street, Bellerive.

- **Comment**

The south-eastern elevation of the proposed dwelling addition would maintain a 6.5m setback from the side boundary shared with 29 King Street, Bellerive. The south-eastern elevation of the dwelling addition is contained wholly within the building envelope. The shadow impact extending across the property at 29 King Street would therefore be caused by the addition maintaining a compliant building envelope location.

For the purposes of clarification of the shadowing impact, the shadow diagrams indicate that the property at 29 King Street would be affected by overshadowing from 2pm onwards during the Winter Solstice.

The diagrams show that by 12pm on the Winter Solstice this adjoining property is subject to shadowing caused by the existing fence line shared with the subject property. By 3pm, the majority of the backyard is shaded. No overshadowing impact would occur to the dwelling.

The shadow diagrams distinguish the existing shadowing impact against the additional shadow cast by the proposed addition. Shadowing additional to that caused by the existing dwelling is concentrated from 2pm onwards on the Winter Solstice with this shading caused by the south-eastern elevation of the proposed addition, which is contained well within the building envelope on this side elevation.

5.2. Visual Impact

Concern is raised that a substantial contemporary addition to the rear of the existing dwelling will cause a bulky visual impact when viewed from neighbouring properties.

- **Comment**

The proposed dwelling addition will appear large and will likely interrupt a proportion of the relatively open westerly outlook when viewed from the deck and rear of the adjoining dwelling to the south-east at 29 King Street, despite this adjoining property being slightly elevated above the subject site. However, the elements of the dwelling addition visible from this neighbouring property relate to parts of the addition contained well within the building envelope (see south-eastern and south-western elevations of Attachment 2). The parts of the dwelling addition extending outside of the building envelope will not be visible from this adjoining property. The proposal will therefore not cause any unreasonable visual impacts by way of apparent scale, bulk or proportions.

5.3. Streetscape Impacts

Concern is raised that a large contemporary addition behind the heritage house will have a significant visual streetscape impact on the existing heritage house on both sides as seen from the public footpath and street, particularly at the intersection of Crown and King Street.

- **Comment**

Council's Heritage Advisor has advised that the proposed additions would be located to the rear of the existing dwelling and as such will not appear to significantly impose upon the visual perception of the façade elements when viewed from King Street. It is noted that the presentation of the building has been modified over time through the inclusion of an upper storey and dormer window. The existing façade would remain unaltered therefore would not be adversely affected by the proposal.

5.4. Heritage Impacts

Concern is raised that the scale and nature of the proposed development is inappropriately bulky and lacks compatibility and sympathy with the existing heritage building.

The representor is concerned that the variety of rooflines and angles and featureless walls of the proposed addition will detract from the existing heritage structure. Concern is also raised that the internal works involving the removal of an internal wall to bedroom 4 and internal doors and stairs will irreversibly alter the internal heritage values of the building.

The representor has suggested that the dwelling addition be reduced in scale and re-designed to imitate the historic elements of the existing building.

- **Comment**

Council is required to assess the application currently before it and cannot suggest modifications to the design. Council's Heritage Advisor has advised that the more significant heritage portions of the building including the façade elements and bulk of the building form viewed from King Street would remain largely unaffected.

Although unambiguously modern in appearance, the proposed additions are considered to be relatively compatible with the existing building and are considered preferable to reproductive heritage elements. This is reinforced by the Tasmanian Heritage Council decision to consent to the proposal.

5.5. Loss of Privacy

Concern is raised that the north-western elevation of the upper level windows and deck proposed will overlook the private open space and master bedroom window of the adjoining property to the north-west.

Specifically, the representor is concerned that the positioning of the glass windows located on the upper level hallway (entrance to the lounge room) will view directly into the master bedroom of the adjoining dwelling and the proximity of the north-western elevation of the upper level deck will overlook the private open space of the adjoining property.

- **Comment**

The upper level hallway windows maintain in excess of a 3m setback from the respective side property boundaries therefore comply with Clause 10.4.6 A2 of the Scheme and there is no requirement for these windows to be treated in some form to protect the privacy of the adjoining properties.

The north-western elevation of the upper level deck is proposed to be screened with an extended wall. A small portion of the deck within 3m of the north-western side property boundary would remain unscreened; however, as discussed under Section 4 of this report, no unreasonable overlooking effect would result.

5.6. Noise Impacts

Concern is raised that the inclusion of outdoor decks will increase the noise impacts upon adjoining properties.

- **Comment**

Given the building would be used for single residential purposes; no loss of amenity is expected to occur through the use of the building as a single dwelling. Nevertheless, this is not a relevant planning consideration.

5.7. Location of Wood Heater Chimney

Concern is raised that the wood heater flue will impact upon the air quality of adjoining/nearby residences due to the low height of the flue.

- **Comment**

This is not a relevant planning consideration; however, the chimney flue will be required to comply with the requirements of Section 3.7.3 of the National Construction Code and the design of the wood heater will be required to comply with Australian Standards. Compliance with such standards will be addressed as part of the submission of a future Building Permit Application.

5.8. Alternative Uses for Building

Concern is raised that the increased floor area may result in the building being more amenable for conversion to visitor accommodation which will impact upon the residential neighbourhood community.

- **Comment**

Council is required to assess the application before it which in this case is for an addition to an existing single dwelling. Council is not able to speculate as to possible future uses. It is not proposed to convert the use to visitor accommodation. Any future plans to convert the building to visitor accommodation would be subject to the requirements of the Interim Planning Directive Number 2 – Exemption Standards for Visitor Accommodation (if applicable) and the Scheme.

6. EXTERNAL REFERRALS

The proposal was referred to Heritage Tasmania in accordance with the requirements of the Historic Cultural Heritage Act 1995, which have 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 2016-2026 or any other relevant Council Policy.

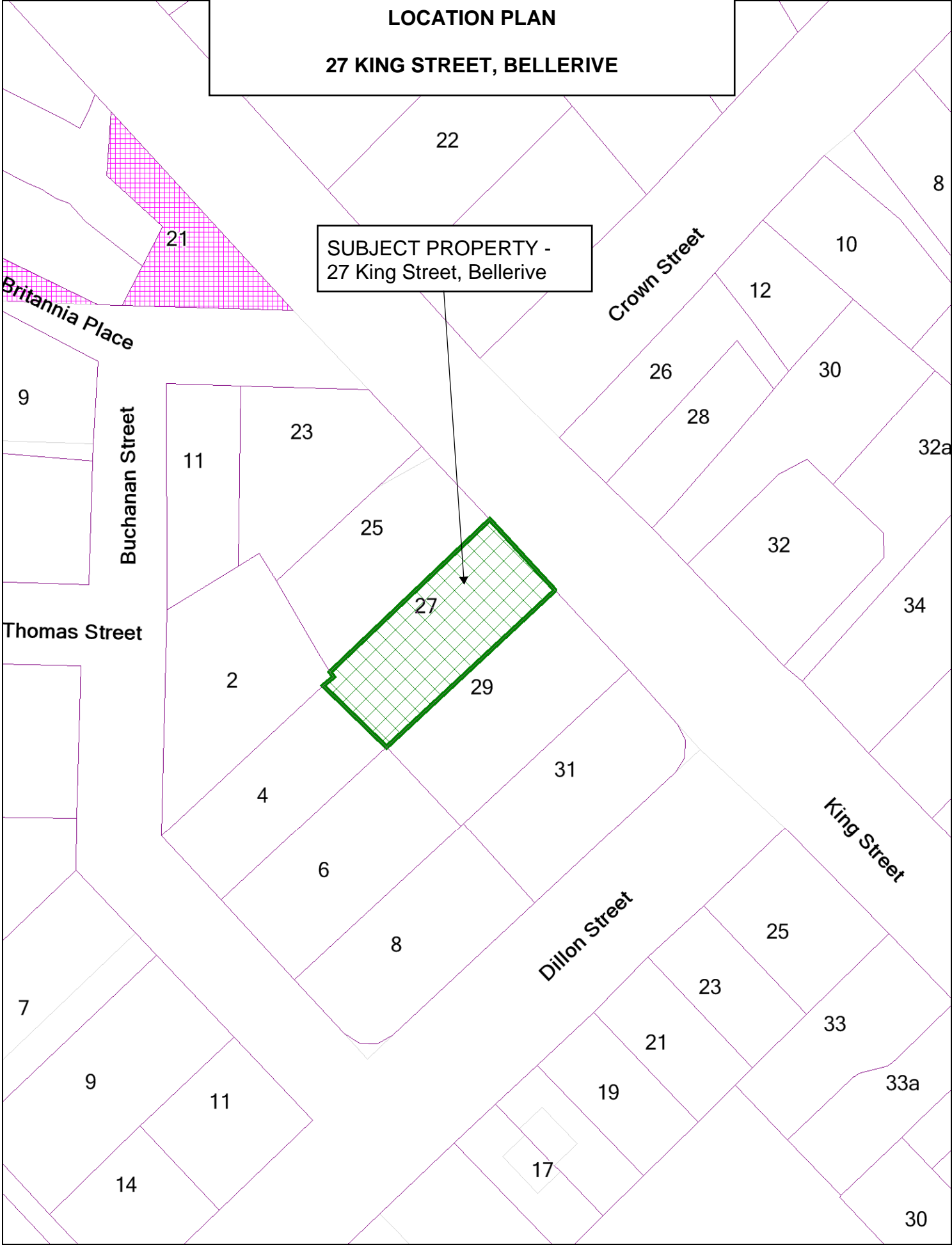
9. CONCLUSION

The proposal for partial demolition, alterations and additions to the existing dwelling at 27 King Street, Bellerive is considered to satisfy all relevant Acceptable Solutions and Performance Criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (20)
3. Site Photo (1)
4. Tasmanian Heritage Council Decision (1)

Ross Lovell
MANAGER CITY PLANNING

ATTACHMENT 1
LOCATION PLAN
27 KING STREET, BELLERIVE



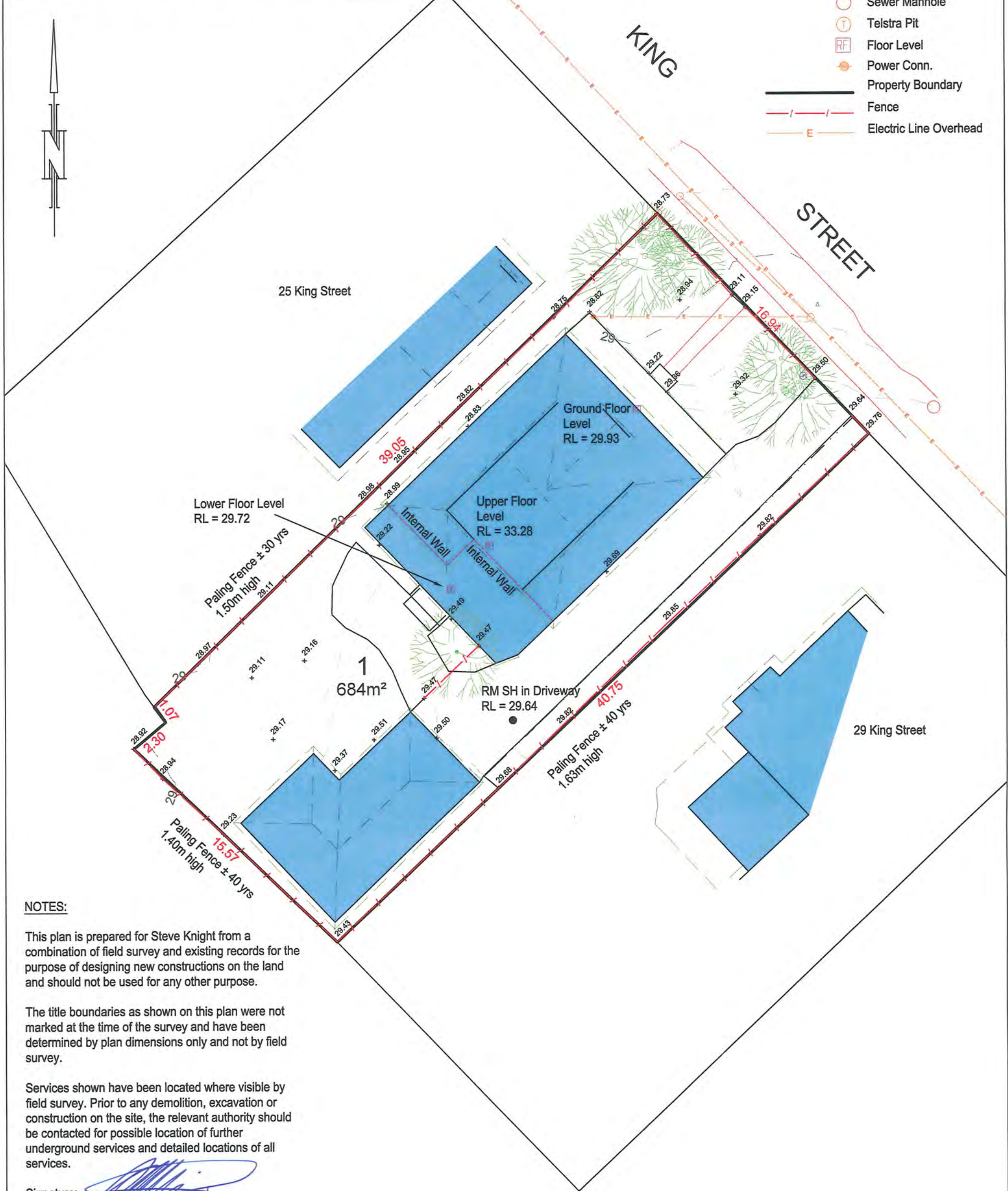
Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 4 May 2018 **Scale:** 1:856 @A4



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
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EMAIL: admin@rbsurveyors.com
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LEGEND

- Water meter
- Water Stop Valve
- Power Pole
- Sewer Manhole
- Telstra Pit
- Floor Level
- Power Conn.
- Property Boundary
- Fence
- Electric Line Overhead



NOTES:

This plan is prepared for Steve Knight from a combination of field survey and existing records for the purpose of designing new constructions on the land and should not be used for any other purpose.

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

Services shown have been located where visible by field survey. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

Signature:

E				
D				
C				
B				
A	RELEASED TO CLIENT	AH	04-05-16	AB
REV	AMENDMENTS	DRAWN	DATE	APPR.

Contour & Detail Plan

FOR: STEVE KNIGHT

LOCATION: 27 KING STREET
BELLERIVE

Contour interval: 0.250m	Reference: KNIGS01 954601
Date: 04-05-2016	Horizontal Datum: M.G.A.
Scale: 1:200 (A3)	Vertical Datum: A.H.D. per SPM1412

27 KING STREET, BELLERIVE

DEVELOPMENT APPLICATION

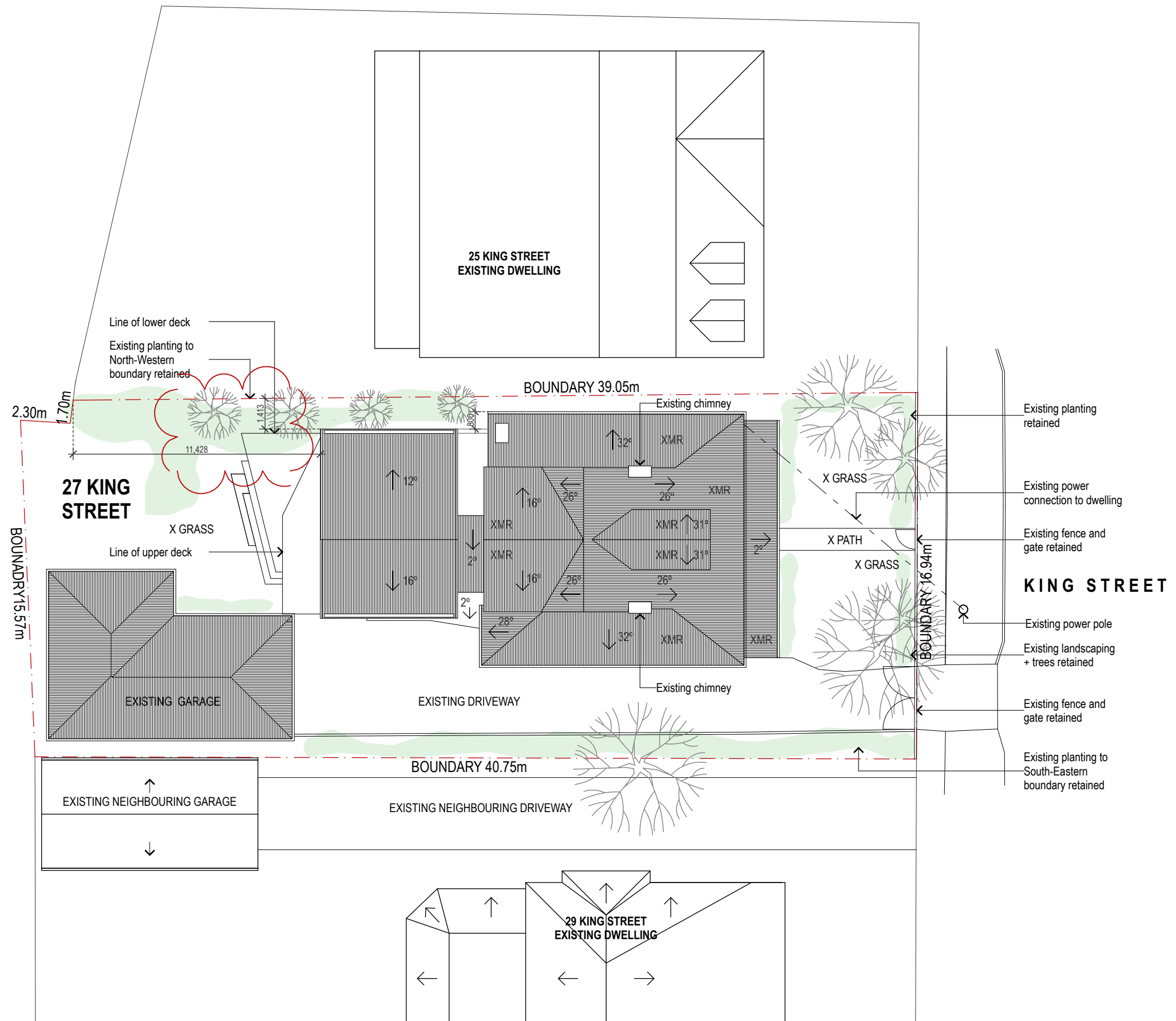
APRIL 2018

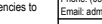
DRAWING No.	DRAWING TITLE	SCALE @ A3
DA.00	COVER PAGE	
DA.01	EXISTING SITE PLAN + SITE ANALYSIS	1:200
DA.02	EXISTING GROUND FLOOR PLAN	1:100
DA.03	EXISTING FIRST FLOOR PLAN	1:100
DA.04	EXISTING ROOF PLAN	1:100
DA.05	EXISTING NORTH EAST + SOUTH WEST ELEVATIONS	1:100
DA.06	EXISTING NORTH WEST + SOUTH EAST ELEVATIONS	1:100
DA.07	PROPOSED SITE PLAN	1:200
DA.08	PROPOSED GROUND FLOOR PLAN	1:100
DA.09	PROPOSED FIRST FLOOR PLAN	1:100
DA.10	PROPOSED ROOF PLAN	1:100
DA.11	PROPOSED NORTH EAST + SOUTH WEST ELEVATIONS	1:100
DA.12	PROPOSED NORTH WEST + SOUTH EAST ELEVATIONS	1:100
DA.13	PROPOSED SECTIONS 1	1:100
DA.14	PROPOSED SECTIONS 2	1:100
DA.15	SHADOW DIAGRAMS 1	1:200
DA.16	SHADOW DIAGRAMS 2	1:200
DA.17	SHADOW DIAGRAMS 3	1:200
DA.18	BUILDING FOOTPRINT	1:200

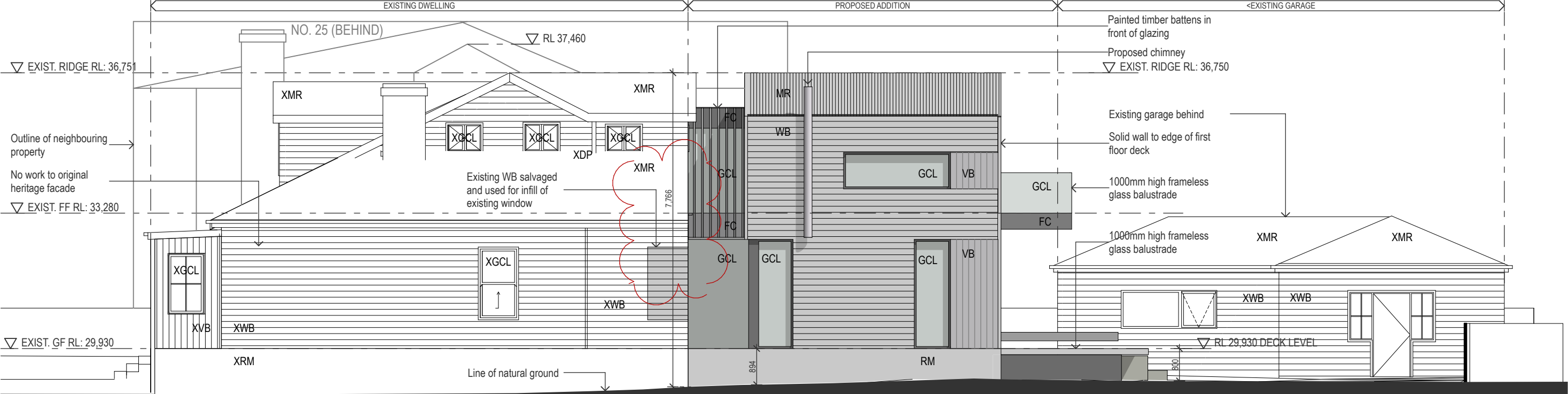


LOCATION PLAN

DATE 04/04/2018	REV A	NOTES: ISSUED FOR DA	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	SURVEYOR Roberson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	LEGEND	DESCRIPTION			CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au	PROJECT : KING STREET ALTERATIONS + ADDITIONS	DRAWING TITLE COVER PAGE		DRAWN BY JH			
						BP	Brick Paver	SD			Glazed Sliding Door	DRAWN BY: JARROD HUGHES Email: hughes.p.jarrod@gmail.com NSW Registration #9718	SCALES	PHASE DA	DRAWING NO DA.00	REV A
						CHF	Concrete Honed Finish	SKY			Skylight					
						CPT	Carpet	TC			Tile Ceramic					
						DP	Downpipe	TD			Timber Decking					
						FC	Set Fibre Cement Sheet	TF			Timber Flooring					
						GCL	Glazing Clear	VB			Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA					
						MR	Metal Roof, new roof to be Colourbond - Shale Grey	WB			Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA					
						RM	Rendered Masonary	X			Existing					



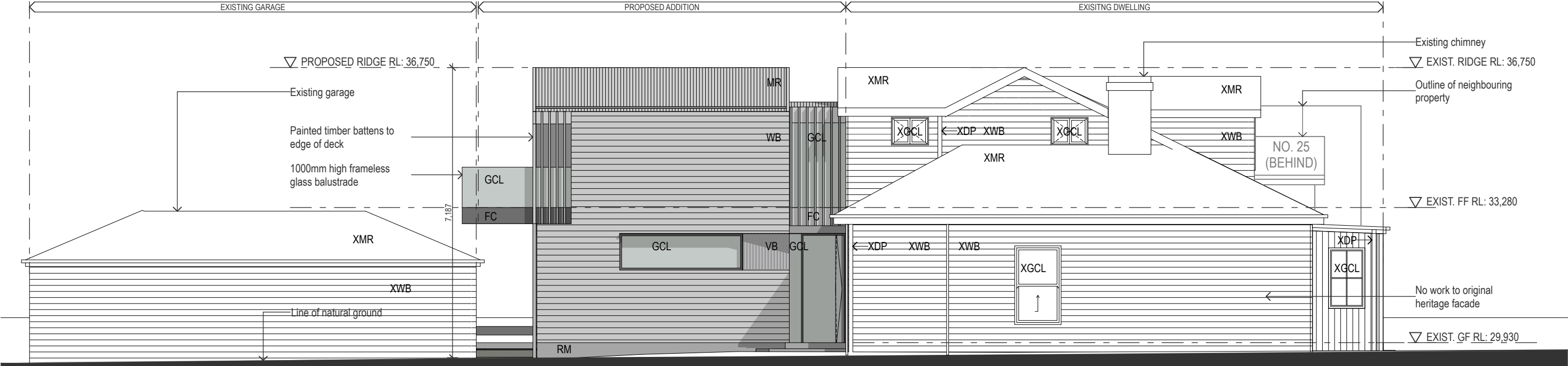
DATE	REV	NOTES:	<div>NOTES:</div> <div>Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.</div> <div></div>	<div>SURVEYOR</div> <div>Robertson + Birch Surveyors</div> <div>Phone: (03) 6248 5898</div> <div>Email: admin@rbsurveyors.com</div>	<div>LEGEND</div> <div>DESCRIPTION</div> <div>BP Brick Paver</div> <div>CHF Concrete Honed Finish</div> <div>CPT Carpet</div> <div>DP Downpipe</div> <div>FC Set Fibre Cement Sheet</div> <div>GCL Glazing Clear</div> <div>MR Metal Roof, new roof to be Colourbond - Shale Grey</div> <div>RM Rendered Masonary</div> <div>SD Glazed Sliding Door</div> <div>SKY Skylight</div> <div>TC Tile Ceramic</div> <div>TD Timber Decking</div> <div>TF Timber Flooring</div> <div>VB Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA</div> <div>WB Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA</div> <div>X Existing</div>	<div>CLIENT:</div> <div>STEVE + LEE KNIGHT</div> <div>Email: Steve.Knight@doma.com.au</div> <div>DRAWN BY:</div> <div>JARROD HUGHES</div> <div>Email: hughes.p.jarrod@gmail.com</div> <div>NSW Registration #9718</div>	<div>PROJECT :</div> <div>KING STREET</div> <div>ALTERATIONS + ADDITIONS</div> <div>PROJECT NO : 1701</div>	<div>DRAWING TITLE</div> <div>PROPOSED SITE PLAN</div>		<div>DRAWN BY</div> <div>JH</div>
<div>CHECKED</div> <div>JH</div>										
<div>SCALES</div> <div>1:200</div>		<div>DATE</div>								
<div>PHASE</div> <div>DA</div>	<div>DRAWING NO</div> <div>DA.07</div>	<div>REV</div> <div>B</div>								
04/04/2018		A						ISSUED FOR DA		
16/04/2018		B						DIMS ADDED		



1

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PROPOSED NORTH WEST ELEVATION
1:100

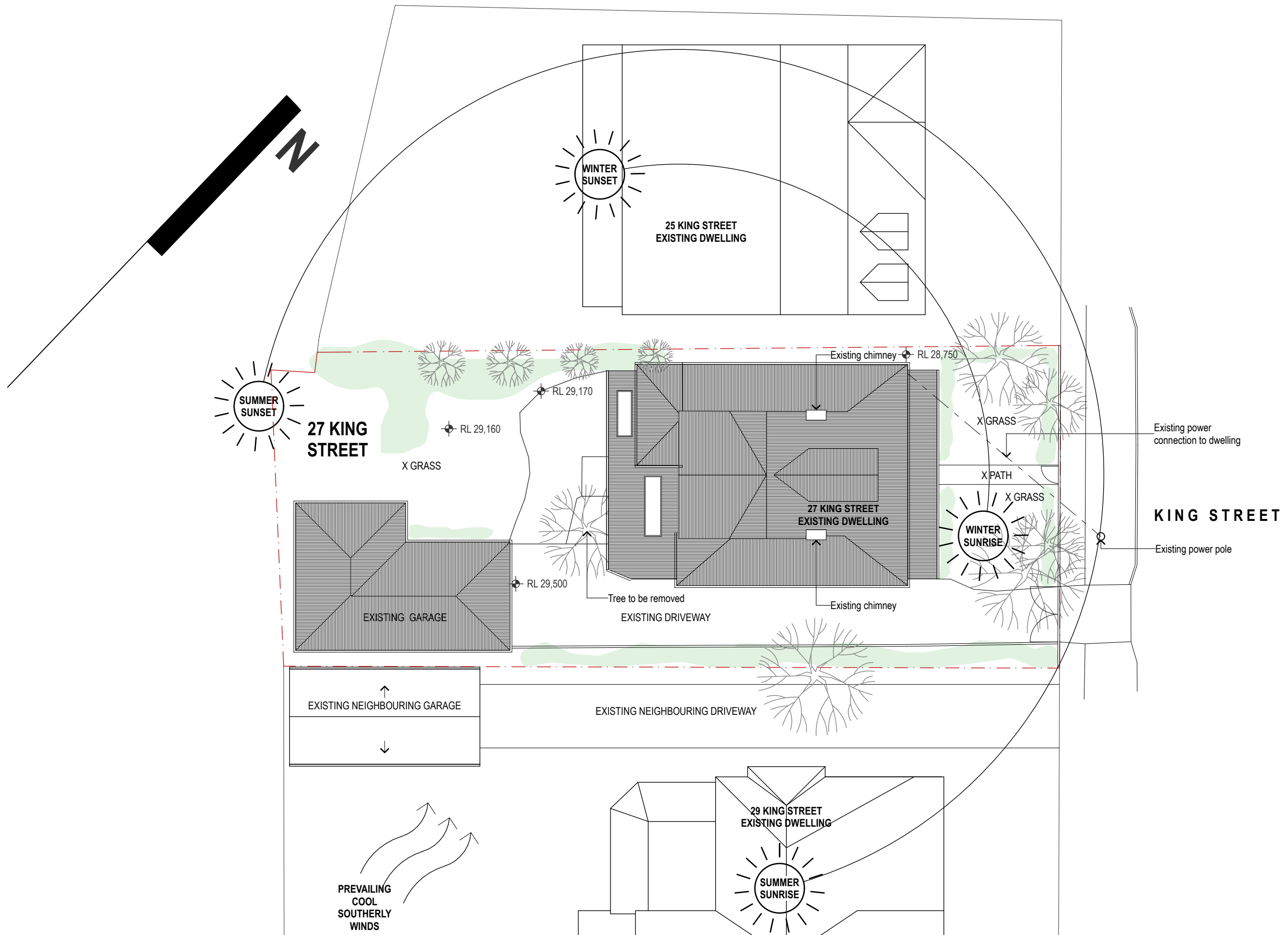



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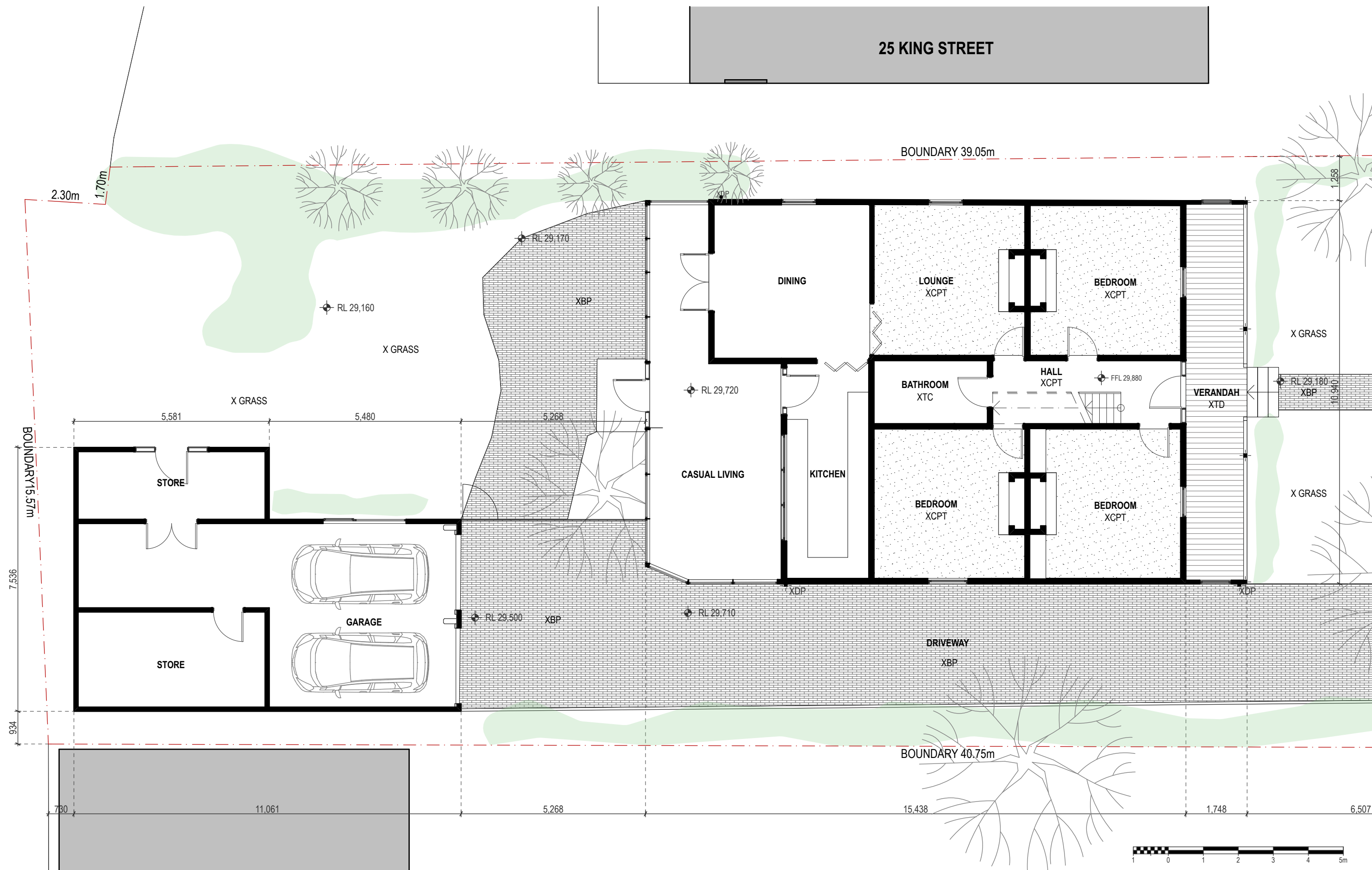
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PROPOSED SOUTH EAST ELEVATION
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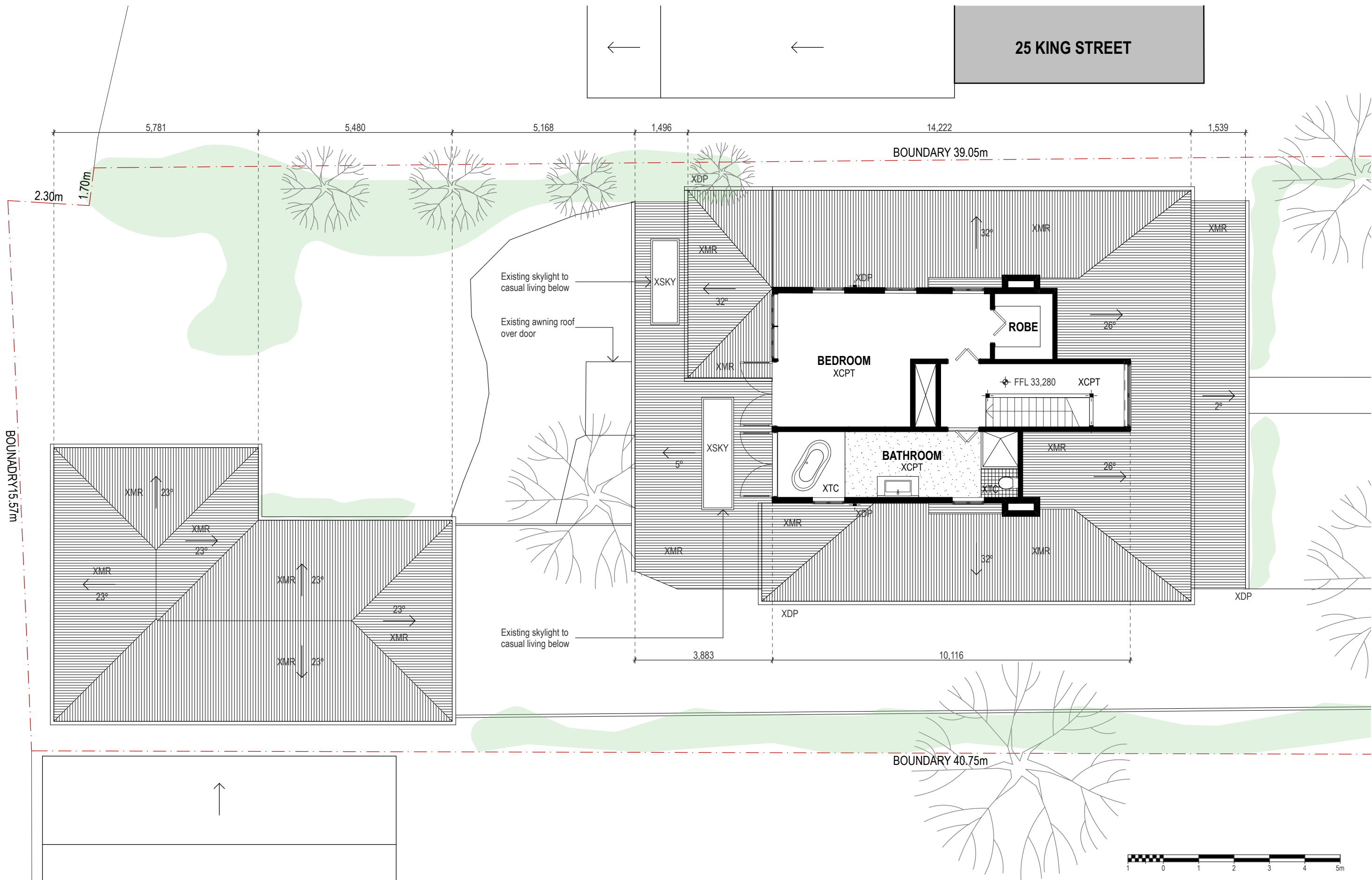
DATE 04/04/2018 16/04/2018	REV A B	NOTES: ISSUED FOR DA DIMS ADDED	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	SURVEYOR Robertson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	LEGEND	DESCRIPTION	SD SKY TC TD TF VB GCL MR RM	Glazed Sliding Door Skylight Tile Ceramic Timber Decking Timber Flooring Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA Set Fibre Cement Sheet Glazing Clear Metal Roof, new roof to be Colourbond - Shale Grey Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA Existing	CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au DRAWN BY: JARROD HUGHES Email: hughes.p.jarrod@gmail.com NSW Registration #9718	PROJECT: KING STREET ALTERATIONS + ADDITIONS PROJECT NO: 1701	DRAWING TITLE PROPOSED NORTH WEST + SOUTH EAST ELEVATIONS SCALES 1:100 PHASE DA	DRAWING NO DA.12	DRAWN BY JH CHECKED JH DATE REV B
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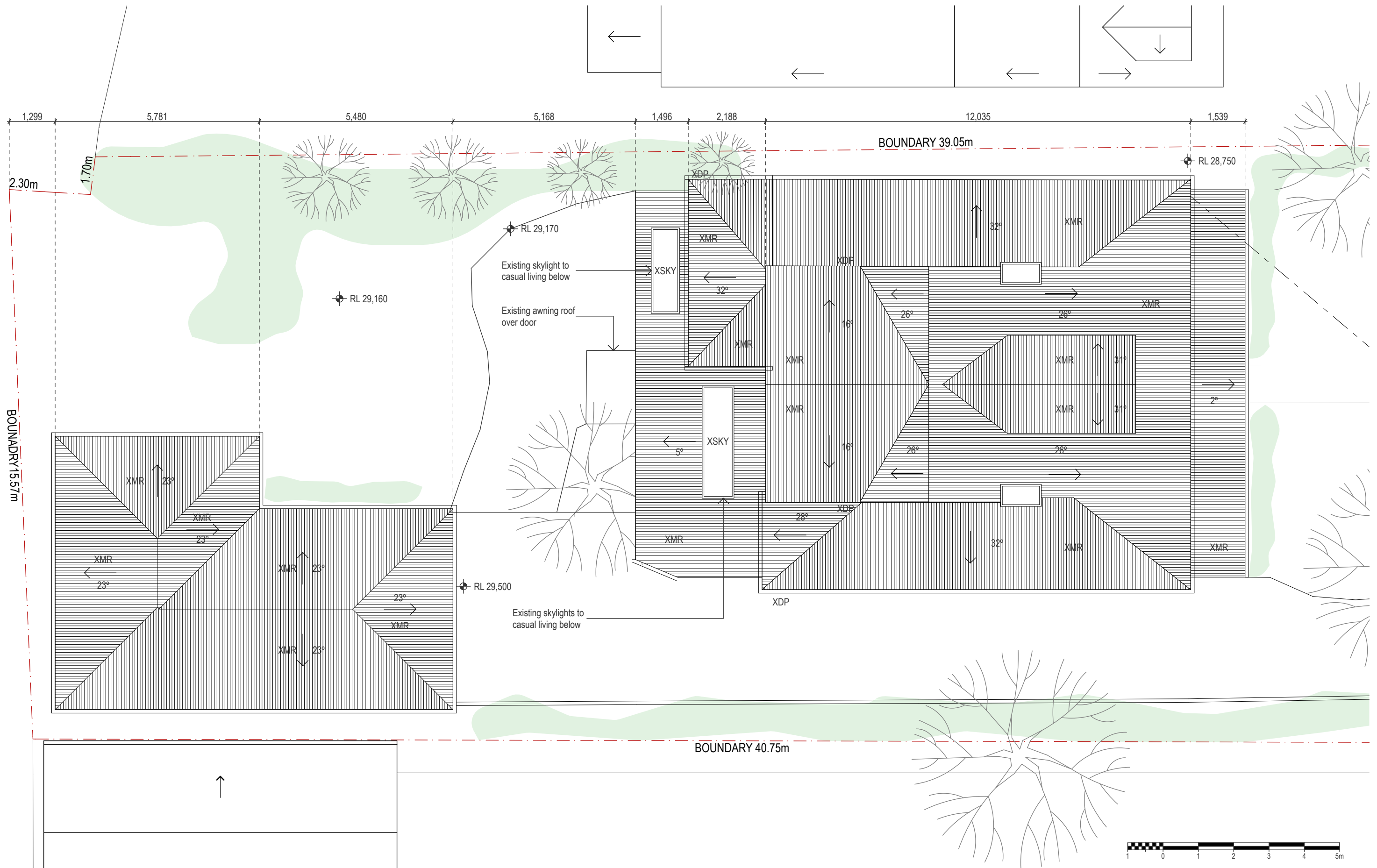
DATE	REV	NOTES:	<div>NOTES:</div> <div>Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.</div> <div></div>	<div>SURVEYOR</div> <div>Robertson + Birch Surveyors</div> <div>Phone: (03) 6248 5898</div> <div>Email: admin@rbsurveyors.com</div>					<div>CLIENT:</div> <div>STEVE + LEE KNIGHT</div> <div>Email: Steve.Knight@doma.com.au</div>	<div>PROJECT :</div> <div>KING STREET</div> <div>ALTERATIONS + ADDITIONS</div>	<div>DRAWING TITLE</div> <div>EXISTING SITE PLAN + SITE ANALYSIS</div>		<div>DRAWN BY</div> <div>JH</div>	
04/04/2018	A	ISSUED FOR DA												
					<div>LEGEND</div> <div>BP Brick Paver</div> <div>CHF Concrete Honed Finish</div> <div>CPT Carpet</div> <div>DP Downpipe</div> <div>FC Set Fibre Cement Sheet</div> <div>GCL Glazing Clear</div> <div>MR Metal Roof, new roof to be Colourbond - Shale Grey</div> <div>RM Rendered Masonary</div>		<div>DESCRIPTION</div> <div>SD Glazed Sliding Door</div> <div>SKY Skylight</div> <div>TC Tile Ceramic</div> <div>TD Timber Decking</div> <div>TF Timber Flooring</div> <div>VB Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA</div> <div>WB Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA</div> <div>X Existing</div>		<div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> 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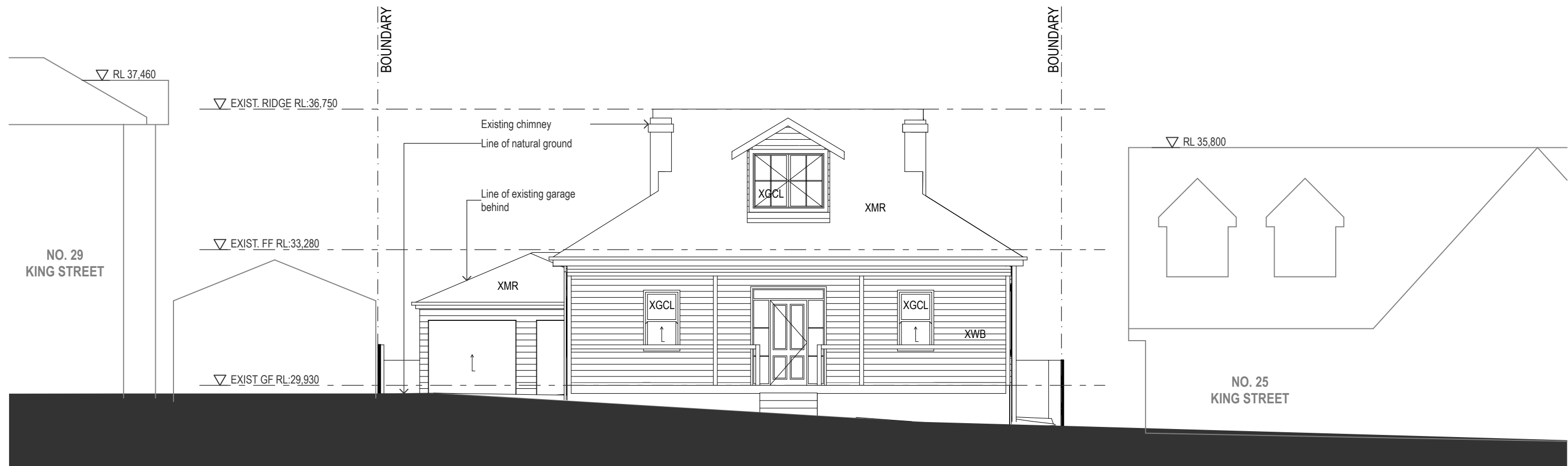
DATE 04/04/2018	REV A	NOTES: ISSUED FOR DA	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	SURVEYOR Robertson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	LEGEND	DESCRIPTION		CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au	PROJECT: KING STREET ALTERATIONS + ADDITIONS	DRAWING TITLE EXISTING GROUND FLOOR PLAN	DRAWN BY JH
					BP	Brick Paver	SD	Glazed Sliding Door			CHECKED JH
					CHF	Concrete Honed Finish	SKY	Skylight			DATE
					CPT	Carpet	TC	Tile Ceramic		SCALES	
					DP	Downpipe	TD	Timber Decking		1:100	
					FC	Set Fibre Cement Sheet	TF	Timber Flooring		PHASE	REV
					GCL	Glazing Clear	VB	Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA		DA	A
					MR	Metal Roof, new roof to be Colourbond - Shale Grey	WB	Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA		DRAWING NO	
					RM	Rendered Masonary	X	Existing		DA.02	
								NSW Registration #9718	PROJECT NO : 1701		



DATE 04/04/2018	REV A	NOTES: ISSUED FOR DA	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	SURVEYOR Robertson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	LEGEND	DESCRIPTION	CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au	PROJECT: KING STREET ALTERATIONS + ADDITIONS	DRAWING TITLE EXISTING FIRST FLOOR PLAN	DRAWN BY JH
					BP	Brick Paver	SD	Glazed Sliding Door	SCALES	CHECKED JH
					CHF	Concrete Honed Finish	SKY	Skylight	1:100	DATE
					CPT	Carpet	TC	Tile Ceramic	PHASE	REV
					DP	Downpipe	TD	Timber Decking	DA	A
					FC	Set Fibre Cement Sheet	TF	Timber Flooring	DRAWING NO	
					GCL	Glazing Clear	VB	Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA	DA.03	
					MR	Metal Roof, new roof to be Colourbond - Shale Grey	WB	Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA		
					RM	Rendered Masonary	X	Existing		
								NSW Registration #9718		
								PROJECT NO : 1701		



DATE 04/04/2018	REV A	NOTES: ISSUED FOR DA	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	SURVEYOR Robertson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	LEGEND	DESCRIPTION	CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au	PROJECT: KING STREET ALTERATIONS + ADDITIONS	DRAWING TITLE EXISTING ROOF PLAN	DRAWN BY JARROD HUGHES Email: hughes.j.jarrod@gmail.com NSW Registration #9718	DRAWN BY JH
					BP	Brick Paver	SD	Glazed Sliding Door	SCALES	1:100	CHECKED JH
					CHF	Concrete Honed Finish	SKY	Skylight	DATE		
					CPT	Carpet	TC	Tile Ceramic	PHASE	DA	REV A
					DP	Downpipe	TD	Timber Decking	DRAWING NO	DA.04	
					FC	Set Fibre Cement Sheet	TF	Timber Flooring			
					GCL	Glazing Clear	VB	Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA			
					MR	Metal Roof, new roof to be Colourbond - Shale Grey	WB	Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA			
					RM	Rendered Masonary	X	Existing			

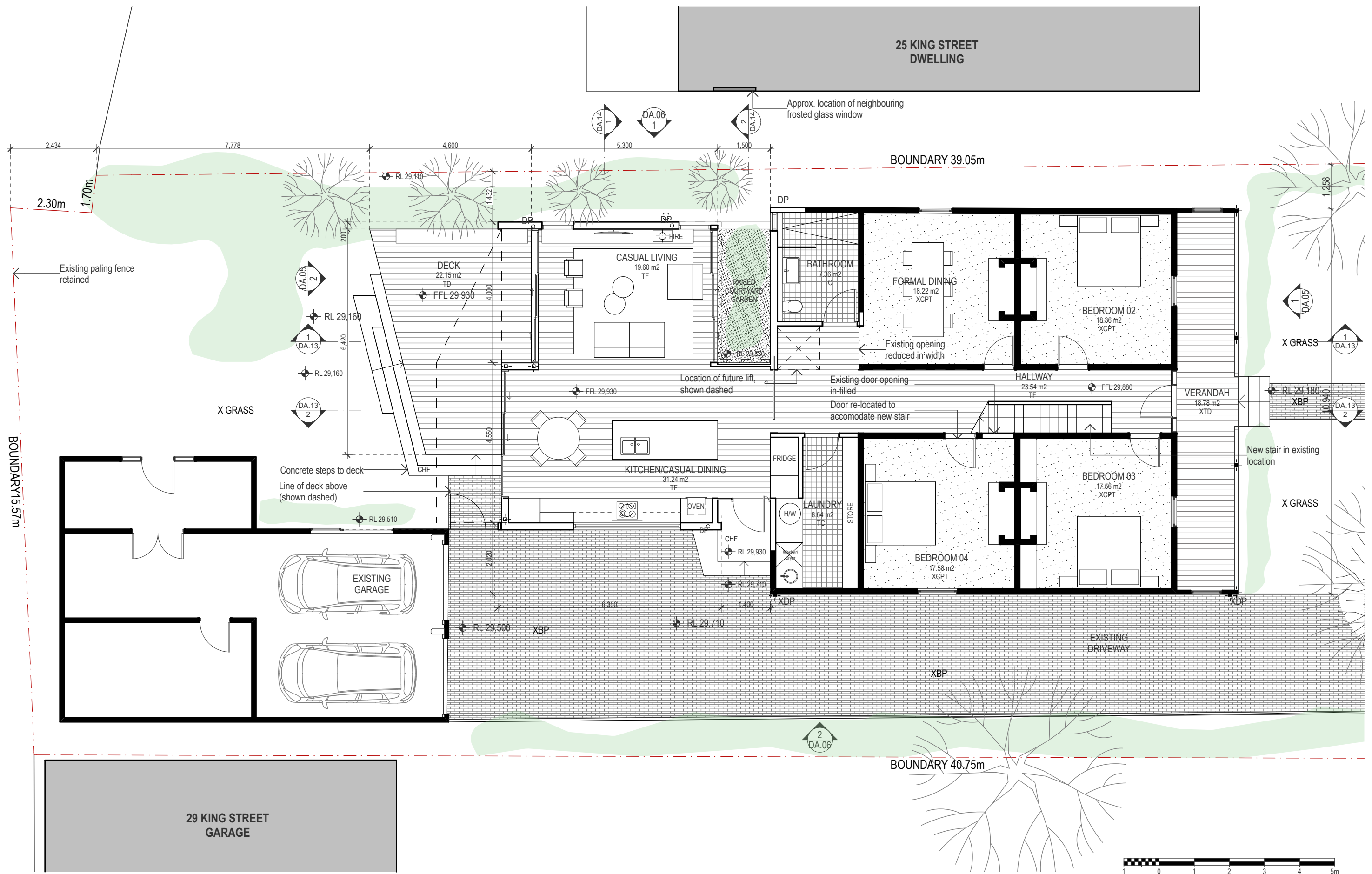



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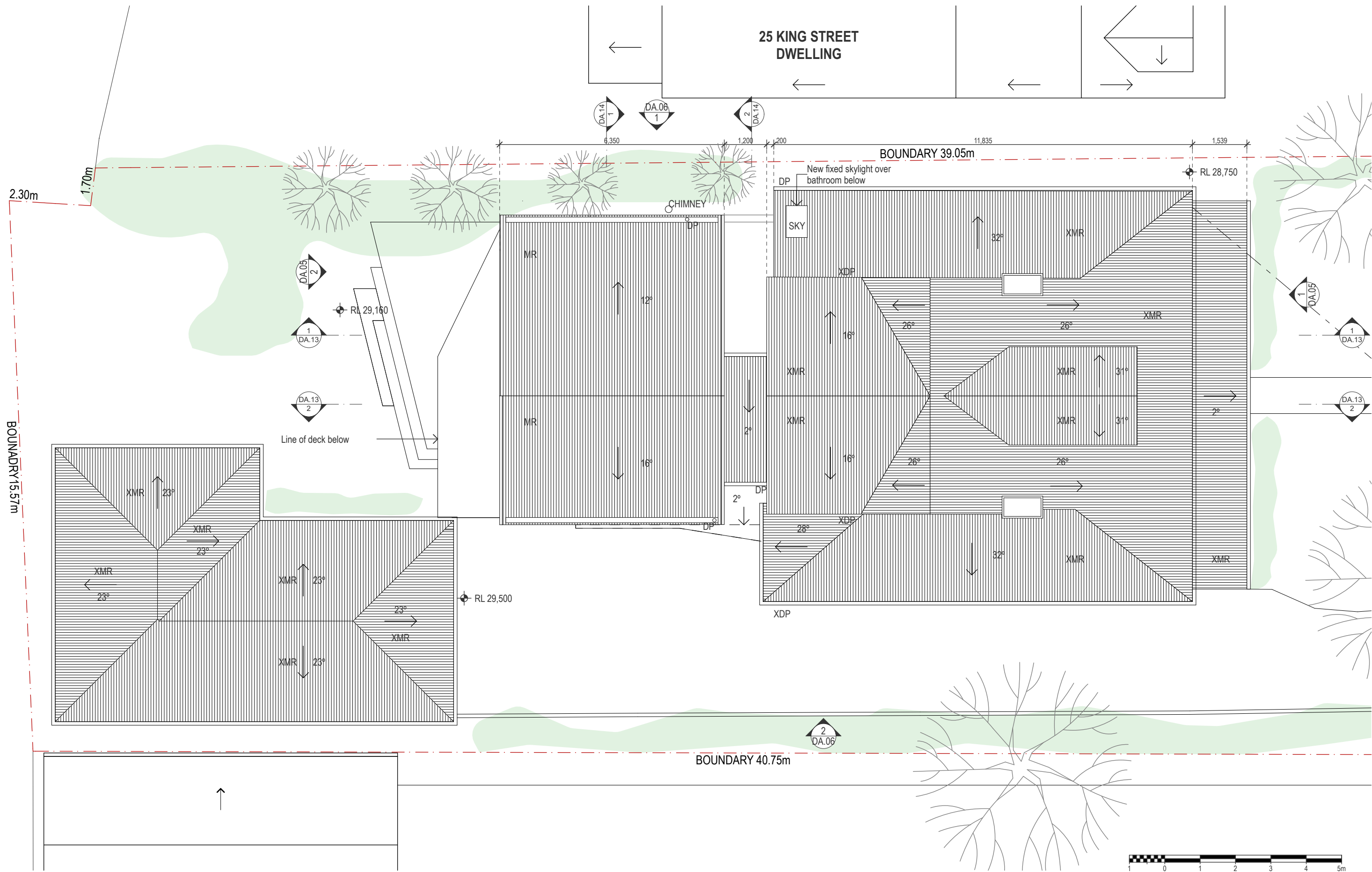


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EXISTING SOUTH WEST ELEVATION
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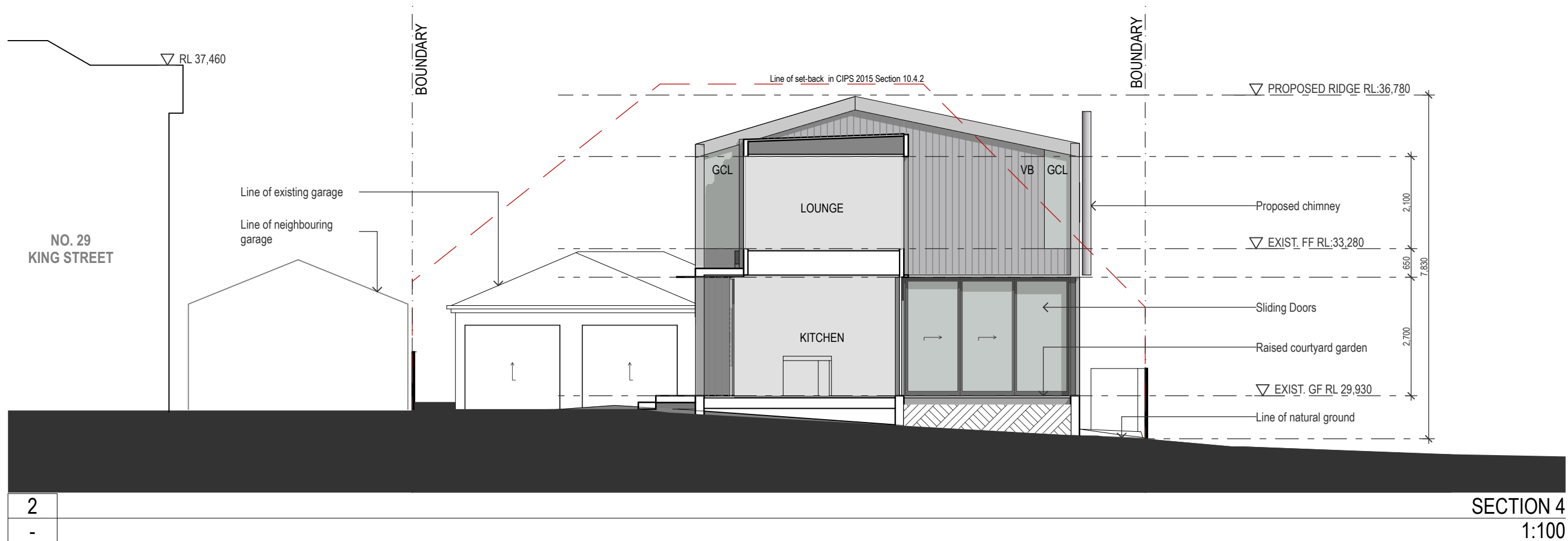
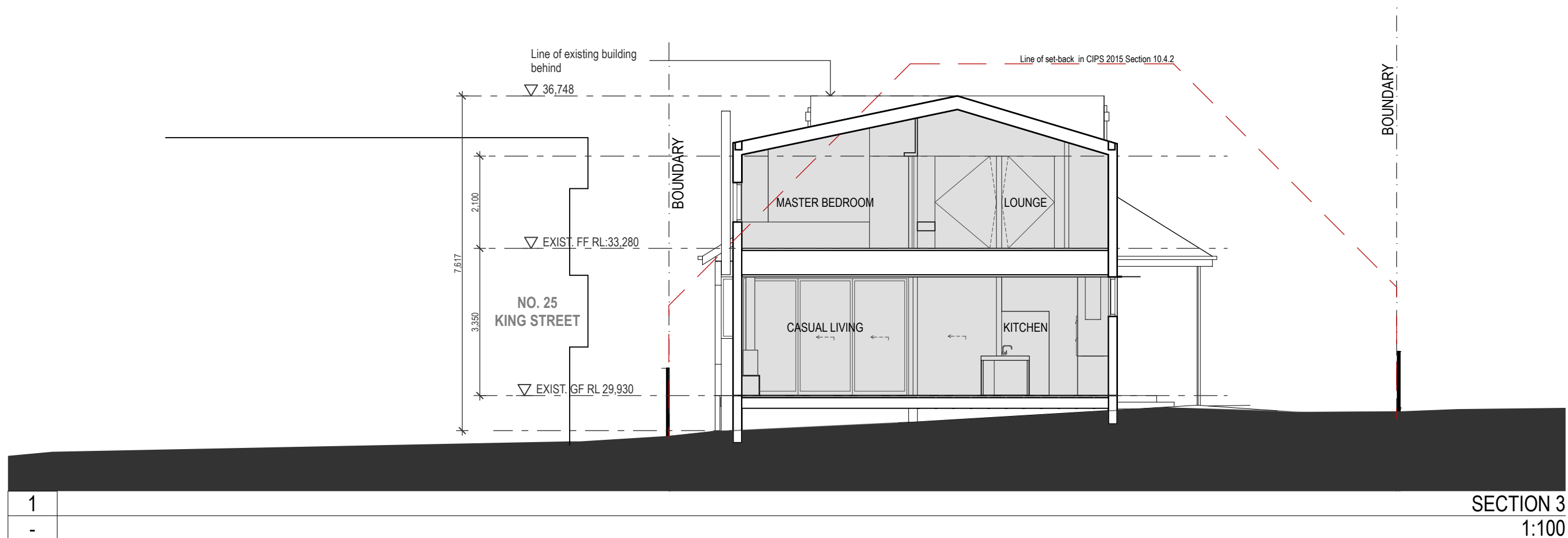
DATE 04/04/2018	REV A	NOTES: ISSUED FOR DA	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	SURVEYOR Robertson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	LEGEND	DESCRIPTION	SD Glazed Sliding Door	CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au	PROJECT: KING STREET ALTERATIONS + ADDITIONS	DRAWING TITLE EXISTING NORTH EAST + SOUTH WEST ELEVATIONS	DRAWN BY JARROD HUGHES Email: hughes.p.jarrod@gmail.com NSW Registration #9718	PHASE DA	DRAWING NO DA.05	REV A
					BP Brick Paver	SKY Skylight								
					CHF Concrete Honed Finish	TC Tile Ceramic								
					CPT Carpet	TD Timber Decking								
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					FC Set Fibre Cement Sheet	VB Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA								
					GCL Glazing Clear	WB Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA								
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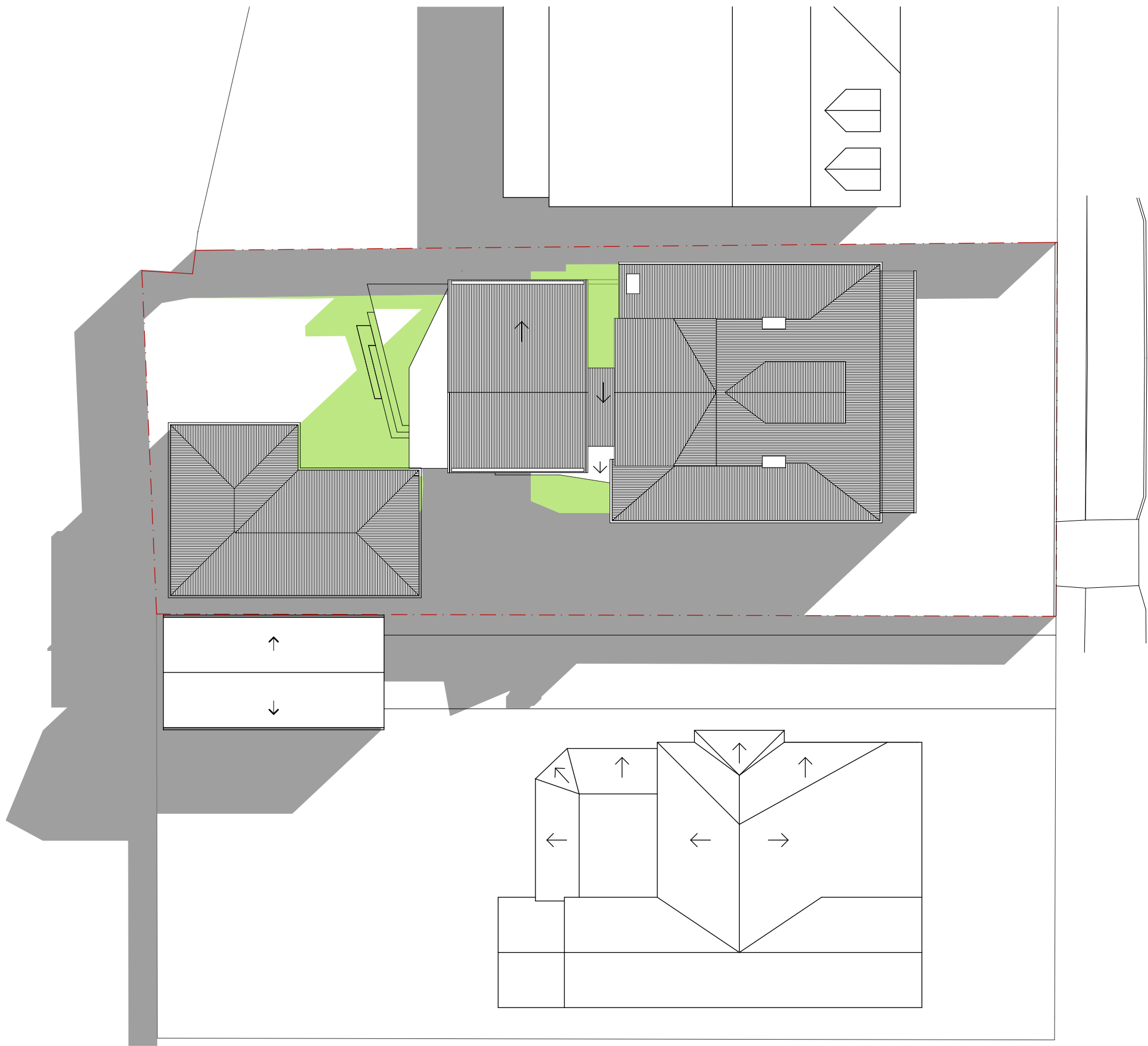
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								PROJECT NO : 1701			




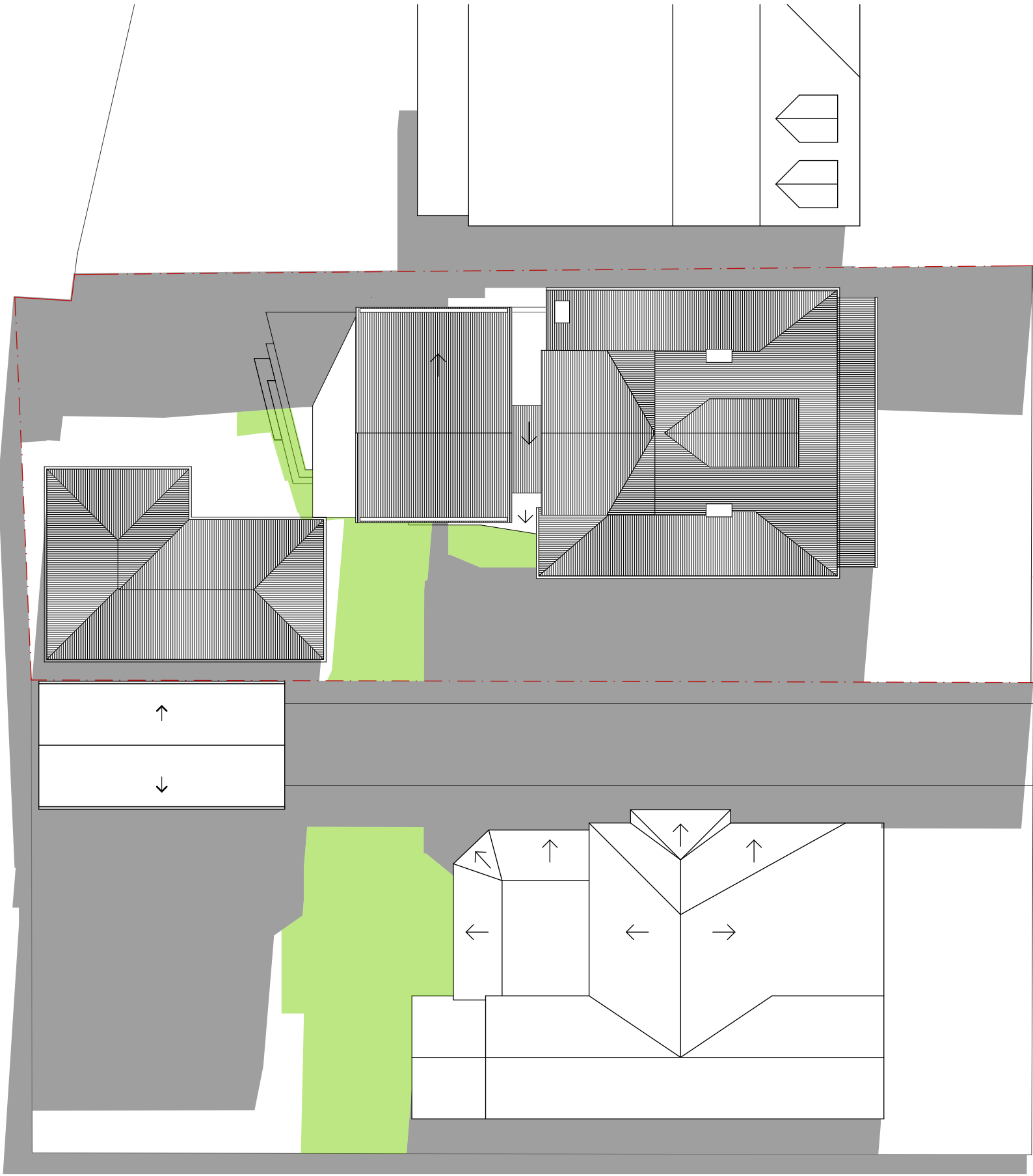
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					CPT	Carpet	TC	Tile Ceramic						
					DP	Downpipe	TD	Timber Decking						
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					RM	Rendered Masonary	X	Existing						



JUNE 21, 12pm


- EXISTING SHADOWS
- PROPOSED SHADOWS

DATE 04/04/2018	REV A	NOTES: ISSUED FOR DA	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. 	SURVEYOR Roberson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	LEGEND		DESCRIPTION				CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au	PROJECT : KING STREET ALTERATIONS + ADDITIONS	DRAWING TITLE SHADOW DIAGRAMS 2	DRAWN BY JH	
							BP	Brick Paver	SD	Glazed Sliding Door					
					CHF	Concrete Honed Finish	SKY	Skylight			PROJECT NO : 1701				
					CPT	Carpet	TC	Tile Ceramic							
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JUNE 21, 3pm

- EXISTING SHADOWS
- PROPOSED SHADOWS

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DWELLING FOOTPRINT	202.07m2
GARAGE FOOTPRINT	72.11m2
TOTAL BUILT FOOTPRINT	274.18m2
SITE AREA	684.40m2
TOTAL SITE COVERAGE	40.06%



DATE 04/04/2018	REV A	NOTES: ISSUED FOR DA	<div>NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.</div> <div></div>	SURVEYOR Roberson + Birch Surveyors Phone: (03) 6248 5898 Email: admin@rbsurveyors.com	<table><tr><th>LEGEND</th><th>DESCRIPTION</th><th></th></tr><tr><td>BP</td><td>Brick Paver</td><td>SD</td><td>Glazed Sliding Door</td></tr><tr><td>CHF</td><td>Concrete Honed Finish</td><td>SKY</td><td>Skylight</td></tr><tr><td>CPT</td><td>Carpet</td><td>TC</td><td>Tile Ceramic</td></tr><tr><td>DP</td><td>Downpipe</td><td>TD</td><td>Timber Decking</td></tr><tr><td>FC</td><td>Set Fibre Cement Sheet</td><td>TF</td><td>Timber Flooring</td></tr><tr><td>GCL</td><td>Glazing Clear</td><td>VB</td><td>Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA</td></tr><tr><td>MR</td><td>Metal Roof, new roof to be Colourbond - Shale Grey</td><td>WB</td><td>Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA</td></tr><tr><td>RM</td><td>Rendered Masonary</td><td>X</td><td>Existing</td></tr></table>	LEGEND	DESCRIPTION		BP	Brick Paver	SD	Glazed Sliding Door	CHF	Concrete Honed Finish	SKY	Skylight	CPT	Carpet	TC	Tile Ceramic	DP	Downpipe	TD	Timber Decking	FC	Set Fibre Cement Sheet	TF	Timber Flooring	GCL	Glazing Clear	VB	Vertical Board Cladding, paint colour for new boards - Dulux Antique White USA	MR	Metal Roof, new roof to be Colourbond - Shale Grey	WB	Weatherboard Cladding, paint colour for new boards - Dulux Antique White USA	RM	Rendered Masonary	X	Existing	<div>CLIENT: STEVE + LEE KNIGHT Email: Steve.Knight@doma.com.au</div> <div>DRAWN BY: JARROD HUGHES Email: hughes.p.jarrod@gmail.com NSW Registration #9718</div>	<div>PROJECT : KING STREET ALTERATIONS + ADDITIONS</div> <div>PROJECT NO : 1701</div>	DRAWING TITLE BUILDING FOOTPRINT		DRAWN BY JH
LEGEND	DESCRIPTION																																												
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27 King Street, Bellerive



Photo1: The subject site when viewed from King Street, Bellerive.



Photo 2: The north-western elevation of the existing dwelling and adjoining dwelling when viewed from King Street. The proposed rear addition would cause a building envelope discretion in relation to this elevation of the building.



Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
Level 3, 200 Collins St, Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: DA2018/190
THC WORKS REF: 5564
REGISTERED PLACE NO: 979
FILE NO: 10-02-00THC
APPLICANT: Steven Knight
DATE: 16 May 2018

NOTICE OF HERITAGE DECISION

(Historic Cultural Heritage Act 1995)

The Place: 27 King Street, Bellerive
Proposed Works: Partial demolition, additions and alterations.

Under section 39(6)(a) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with DA2018/190 advertised on 26 April 2018.

Please ensure the details of this notice 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 Ian Boersma on 1300 850 332 if you require clarification of any matters contained in this notice.

A handwritten signature in purple ink, appearing to read 'Ian Boersma'.

Ian Boersma
Works Manager – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council

11.3.4 DEVELOPMENT APPLICATION D-2018/153 - 21 HARMONY LANE, SOUTH ARM - SKATE PARK AND RECREATIONAL FACILITIES
(File No D-2018/153)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made by the Clarence City Council for a multi-use hardstand area (skate park, basketball court and tennis wall) at 21 Harmony Lane, South Arm (South Arm Recreation Grounds).

RELATION TO PLANNING PROVISIONS

The site is subject to a split zoning with 37.5% zoned Community Purpose and the remaining 62.5% zoned Recreation under the Clarence Interim Planning Scheme 2015 (the Scheme). The site is not subject to any spatial Codes. In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on the 30 May 2018 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 137 representations were received within the statutory timeframe. Out of the 137 representations received, 72 were against the proposed development and 65 were in support. It is also acknowledged that 2 representations were received outside of the statutory timeframe in support of the proposal.

Of those representations received within the statutory timeframe, the following issues were raised:

- lack of recognised need for the skate park;
- consideration of alternative sites;
- impacts on the amenity and privacy of local residents;
- antisocial behaviour as a result of the proposed development, including drinking, litter and graffiti;

- noise impacts from the use of the skate park;
- safety concerns; and
- lack of community consultation.

RECOMMENDATION:

A. That the Development Application for multi-use hardstand area (skate park, basketball court and tennis wall) at 21 Harmony Lane, South Arm (CI Ref D-2018/153) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM6 – PA SYSTEM.
3. GEN S1 – SIGN CONSENT.
4. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the issue of a certificate of likely compliance (CLC) for building works. The plan must be to a standard scale, provide the designers contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred). Particular attention is to be paid to landscaping providing for noise reduction (with a minimum maturity height of 3m and suitable density) along the boundaries with 43a, and 67 Harmony Lane and 15, 17, 19 and 21 Calverton Place, South Arm;
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or which was removed.

5. Noise monitoring by a suitably qualified person is to be undertaken within 30 days of the commencement of the use. The exact noise monitoring location is to be determined by a suitably qualified person and agreed with by Council's Senior Environmental Health Officer. A report, from a suitably qualified person verifying the noise levels is to be submitted to Council within 14 days of having undertaken noise monitoring.

If this noise level cannot be achieved to a satisfactory level, noise attenuation measures to be determined by a suitably qualified person must be implemented to the satisfaction of Council's Senior Environmental Health Officer.

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

- 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

Local youths approached Council's elected members to consider the funding and construction of a skate park in South Arm in 2015. The South Arm Oval was selected as a suitable site as it is central to the township of South Arm and is accessible to passing residents from Opossum Bay. The only recreational spaces in South Arm are the South Arm Oval and a playground along Blessington Street.

In accordance with Council's Open Space Strategy Principles, it was decided to develop a Master Plan for the South Arm Oval that would cater for the short and long term goals for the provision of community and recreational facilities at the Oval.

Council officers developed a draft Master Plan concept and met with key parties on-site to discuss the draft Plan. They included representatives of the South Arm Calverton Hall Inc, South Arm Peninsula Residents Association (SAPRA), local youths and elected members.

Public consultation was conducted in relation to the draft South Arm Oval Master Plan over the period from 14 March to 8 April 2015. The consultation included:

- completing the feedback form available at the South Arm shop and placing in the feedback box; or
- completing the feedback form on Council's website; or
- emailing to Council's general email address; or
- mailing the feedback form to the Council offices.

Council received 198 submissions from the local community. Council considered all the submissions received and at its Meeting of the 1 June 2015, resolved to adopt the South Arm Oval Master Plan which included the provision of a skate park.

Council sought to develop the skate park and subsequently lodged a development application. Council issued a permit (D-2016/204) on 21 June 2016 for the construction of a multi-use hardstand area on the site to the south of the existing tennis court to provide for a skate/bike park, half basketball court and tennis wall to facilitate the next stage of the South Arm Oval Master Plan. The multi-use facility was approved to occupy a footprint of approximately 46m long x 15.1m wide and the highest platform associated with the skate ramp would reach a maximum height of 1.6m above natural ground level (NGL).

The skate park was sited 9m to the south of the existing tennis court (and boundary with 43a Harmony Lane) and was oriented parallel with the rear boundary of 43a Harmony Lane. The application was permitted therefore was not subject to a statutory public consultation process.

Following the approval of the skate park, Council received representations from the public raising concern over the impact of the skate park. The concerns related mainly to potential noise and anti-social behaviour generated by the skate park and how Council intended to manage such impacts.

In response to these concerns, a new design for the skate park was prepared. The proposed skate park location was moved further away from the adjacent property boundaries within the limited space available at the site and the height was reduced from 1.6m to 1.2m above natural ground level. The skate park was also reduced in size/area.

The revised master plan was presented to Council and at its Meeting held on 27 November 2017, resolved to authorise the General Manager to undertake community consultation with residents and key groups at South Arm to provide feedback on the revised South Arm Oval Master Plan and following the community consultation, to provide this feedback to Council so that a final Master Plan and skate park design can be considered for adoption. In response to the concerns, the Master Plan was revised to relocate the skate park further away from the boundary with 43A Harmony Lane and to separate the skate park with the basketball half court and tennis wall to offer further sound attenuation. The relocation of the skate park and basketball half court was also considered to improve the visibility of the site and reduces the creation of potential entrapment space between the tennis wall and existing tennis court.

The revised South Arm Oval Master Plan was publicly exhibited from 30 November 2017 to 21 December 2017. Public consultation was conducted in relation to the Revised Master Plan over the period from 30 November 2017 to 21 December 2017. At the conclusion of the consultation there were 190 responses received by Council in relation to the Revised Master Plan. The following points are noted:

- Responses were received from the broader South Arm area, including Lauderdale and Sandford. Further responses came from Glenorchy, Sandy Bay and Moonah. One respondent provided a Queensland address.
- Approximately 100 photocopied forms were submitted with the “No” response and no address on the form. It appeared these forms were completed by the same person, due to their definite similarity. These forms were excluded from the final count.
- The SAPRA were in full support of the skate park.
- A high proportion of the responses stated that the development is needed in the community.

The table below shows the proportion of respondents for and against the skate park and compares local and non-local responses. The results show that non-local respondents did not affect the overall result.

	Responses	Total number of “Yes” responses	Percentage of “Yes” responses	Total number of “No” responses	Percentage of “No” responses	Feedback only
All responses	190	143	75.3%	41	21.6%	6
Local responses	112	83	74.1%	25	22.3%	4

Table 1: Summary of Responses

With respect to the above Table, “Local” is defined as a response which has provided an address of being either South Arm or Opossum Bay. A large proportion of the respondents provided comments, specifically about the skate park.

The revised South Arm Oval Master Plan, inclusive of the skate park, was approved by Council on 5 February 2018.

The original planning approval for the skate park was permitted on the basis the use of the skate park would be within the hours specified under Acceptable Solution 17.3.1 A1 and 18.3.1 A1 of the Recreation and Community Purpose Zone. Condition 2 of the planning permit specified the hours of operation as follows:

“The use of the skate park facility must be within the following hours:

- (a) 8.00am to 8.00pm Monday to Fridays inclusive;*
- (b) 9.00am to 6.00pm Saturdays;*
- (c) 10.00am to 5.00pm Sundays and Public Holidays”.*

Council has subsequently determined that it is not possible to restrict the use of the skate park within the hours specified under the Acceptable Solution. Therefore, Council decided to submit a new discretionary development application along with the submission of a noise report prepared by a suitably qualified person and revised plans.

2. STATUTORY IMPLICATIONS

2.1. The site is subject to a dual zoning being the Community Purpose Zone and the Recreation Zone under the Scheme. The use of the land for the purposes of “Sport and recreation” is a permitted use in both zones in accordance with the respective Use Tables.

2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to hours of operation, setbacks, on-site car parking.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 17.0 – Community Purpose Zone;
- Section 18.0 – Recreation Zone;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The subject site involves 2 properties identified as CT29684/1 and CT1192423/1. The site collectively includes both parcels which provide a combined land area of 2.268ha. The site is owned by Council and forms the South Arm recreation grounds. The recreation grounds consist of a sports oval, tennis court, community hall and community centre. The area to the south of the tennis court is undeveloped and forms the only viable space for the construction of a skate park due to the location of other recreation ground improvements envisaged by the South Arm Oval Master Plan. The components of the Master Plan which have been completed to date include the outdoor fitness station along the western fringe of the sports oval. There are a number of mature trees located to the east of the proposed skate park facility.

The site is level and is developed with the South Arm Community Centre, Community Hall and recreation grounds including a sports oval, tennis court and BBQ shelters. Primary access to the site is via Calverton Place.

The existing public toilet adjacent to the Calverton Hall is scheduled to be demolished and replaced on the existing footprint this year. Concept plans have been received for this from Philp Lighton.

3.2. The Proposal

Application is made to construct a concrete multi-use hardstand area on Council land to the south of the existing tennis court to provide for a skate/bike park, ½ basketball court and tennis wall to facilitate the next stage of the South Arm Oval Master Plan.

The following amendments have been incorporated into the current proposal which differ from the original planning approval granted under D-2016/204.

- Relocation of the skate park to the south-west of the boundary with 43a Harmony Lane and reorientation of the skate park so the long axis extends in a north-west/south-east axis as opposed to an east/west axis. The setback from the boundary with 43a Harmony Lane has been increased from 9m to 15m.
- Re-design of the skate park ramps and bowls so that the platforms are located on the southern side as opposed to the northern side. The height of the skate park has also been reduced from 1.6m to 1.2m above NGL.
- Relocation of the basketball court and tennis wall to the northern end of the skate park to offer noise attenuation from the skate park and property at 43 Harmony Lane.

The skate ramp component would occupy a footprint of approximately 31.7m long x 15.45m wide and the highest platform associated with the skate ramp would reach a maximum height of 1.2m above NGL. The skate park would have grassed earth mounds rising to the edges of the facility to minimise its visual impact and provide access to various entry points.

The skate park design consists of ramps and bowls and would be constructed from concrete. At the western edge of the facility there would be a further area of hardstand providing a ramp and bars/rails, which skateboards can slide. Minor fill works are proposed to provide the platform for the hardstand.

An 18m long x 8.7m wide concrete slab is proposed to directly adjoin the northern elevation of the skate park to provide a basketball hard court and tennis wall. The tennis wall would be constructed from blockwork and be 18m long with a uniform height of 2.4m.

The wall would be located 2.7m at its closest point from the boundary with 43a Harmony Lane. A basketball stand with a maximum height of 3.79m would be located at the eastern end of the hardstand.

No signage, public address system, outdoor lighting or flood lighting are proposed as part of this application.

No limitations on proposed hours of operation are proposed.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

(a) all applicable standards and requirements in this planning scheme; and

(b) any representations received pursuant to and in conformity with ss57(5) of the Act;

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

In relation to Clause 17.3.1 A1 and Clause 18.3.1 A1 of the Community Purpose Zone and Recreation Zone relating to noise emissions, a Noise Report was submitted with the original planning application to ascertain the noise impacts arising from the use of the proposed skate park, which is considered likely to create the greatest impact noise. The report indicated that the mean L_{Amax} (averaged maximum noise output over a 15m time interval) would be 69.4dB(A) based on noise monitoring undertaken at the North Hobart skate park which has a ramp and bowl height of 1.8m, which exceeded the 65dB(A) limit set under Clause 17.3.2 A1 (c) and Clause 18.3.2 A1 (c) of the Scheme.

Additional clarification was sought as to the expected noise output based on noise emanating from skate board impact with a ramp and bowl to more accurately replicate the expected noise output from the proposed skate park. In order to estimate the likely LA_{max} levels the noise specialist undertook additional noise testing on concrete from a height of 1.2m. Analysis of the skateboard test drops from 1.2m indicates that the LA_{max} would be 64.6dB(A). The report therefore indicates that compliance with the Acceptable Solutions for noise emissions can be achieved.

The proposal satisfies all relevant use and development standards for the Community Purpose Zone, Recreation Zone, Parking and Access Code and Stormwater Management Code with the exception of the following.

Community Purpose Zone/Recreation Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
17.3.1 A1	Community Purpose Zone - Hours of Operation	<p>Hours of operation of a use within 50m of a residential zone must be within:</p> <p>(a) 8.00am to 8.00pm Mondays to Fridays inclusive;</p> <p>(b) 9.00am to 6.00pm Saturdays;</p> <p>(c) 10.00am to 5.00pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks.</p>	<p>The proposed skate park would be located within 50m of Village zoned land to the north and east.</p> <p>The use of the skate park is not proposed to be regulated to the hours specified under the Acceptable Solution.</p>

Clause	Standard	Acceptable Solution (Extract)	Proposed
18.3.1 A1	Recreation Zone - Hours of Operation	<p>Hours of operation of a use within 50m of a residential zone must be within:</p> <p>(a) 7.00am to 8.00pm Mondays to Fridays inclusive;</p> <p>(b) 8.00am to 6.0 pm Saturdays;</p> <p>(c) 10.00am to 5.00pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks.</p>	<p>The proposed skate park would be located within 50m of Village zoned land to the north and east. Specifically, the properties located within 50m of the proposed facility include 43, 43a (vacant), 45, 55, 67 (vacant) Harmony Lane and 13, 15, 17, 19 and 21 Calverton Place, South Arm.</p> <p>The use of the skate park is not proposed to be regulated to the hours specified under the Acceptable Solution.</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause 17.3.1 and Clause 18.3.1 as follows.

Performance Criteria	Proposal
<i>“P1 - Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i>	<p>In terms of hours of operation beyond that stipulated by the Acceptable Solution, external lighting or floodlights is not proposed with the application therefore the use of the facility is intended to be informally restricted to daylight hours only.</p> <p>Extended daylight hours during the summer months may result in longer usage of the facility; however, by nightfall the facility is likely to be less utilised or even abandoned given the deliberate design response to omit lighting.</p> <p>Early morning use of the facility is likely to be limited given the target users of the facility.</p>

	<p>The use of the skate park, tennis wall and basketball court beyond 8pm through to nightfall is not likely to cause environmental harm as people tend to be indoors at this time of the day and use of an evening is likely to be lesser than during the day. Noise emissions are therefore likely to be less in terms of timing, duration and extent so as to ensure no unreasonable loss of amenity.</p> <p>The use of the facility is intended to be self-regulating therefore limiting the hours of operation through a permit condition is not considered necessary.</p> <p>Residential amenity would not be impacted by commercial vehicle movements, as commercial vehicles are not required to support the proposed use.</p> <p>The main concern relating to the use of the skate park is the impact noise caused by skateboards and scooters falling when performing flips, jumps and drops as opposed to rolling. The applicant has submitted a Noise Report confirming that noise emissions would be within the limits set under the Acceptable Solutions dealing specifically with noise. On this basis, noise is not considered to have an unreasonable impact upon residential amenity.</p> <p>However, to ensure that noise emissions remain within the limits of the Acceptable Solution, Council's Senior Environmental Health Officer has recommended a condition requiring noise monitoring 30 days after the commencement of the use to determine whether any noise ameliorating measures are required to be undertaken.</p>
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	<p>The Noise Report suggests that should noise exceed the limits set under the Acceptable Solution as a result of a greater intensity of use (ie starting to reach an intensity of use seen at busier skate parks including North Hobart and Tolosa Street) may warrant consideration of noise ameliorating measures. Such measures have not been indicated as being necessary at this point in time as compliance with the noise emission standards is achieved.</p> <p>Design measures aimed at reducing noise have been incorporated into the design of the skate park and include the creation of an earth bund around the elevations of the skate park facing residential properties and inclusion of sound reducing vegetation, which is known to reduce high frequency sound (such as skate board impact on concrete). The noise testing undertaken by the noise specialist does not take into account the presence these noise mitigating features meaning noise outputs may be even less than predicted.</p> <p>It is further noted that noise testing was based on a skateboard dropping every 30 seconds over a 20 minute time period. The proposed skate park is likely to have far less intensity of use therefore resulting in less skate board impact noise events. This is subsequently likely to further reduce the mean noise.</p> <p>Whilst it is recognised that some amenity loss may result from the use of the skate park beyond permitted hours, regard needs to be had to the fact that the residential properties adjoin a public recreation ground and that the provision of sporting facilities is important in creating sustainable and healthy communities.</p>
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	<p>The provision of a new skate park will improve the facilities in the recreation grounds as envisaged by South Arm Oval Master Plan. The recreation grounds cater for a range of recreation pursuits including markets, cricket, tennis and passive recreation.</p> <p>It is considered that the design and siting of the facility will prevent detriment upon nearby residential properties to such a degree that it would constitute “environmental harm”.</p>
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Community Purpose Zone/Recreation Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
17.4.2 A2	Community Purpose Zone - Setbacks	<p>Building setback from a residential zone must be no less than:</p> <p>(a) 3m; (b) half the height of the wall,</p> <p>whichever is the greater.</p>	The north-eastern corner of the basketball court/tennis wall would be located 2.7m from the boundary with 43a Harmony Lane which is zoned Village.

Clause	Standard	Acceptable Solution (Extract)	Proposed
18.4.2 A2	Recreation Zone - Setbacks	<p>Building setback from a residential zone must be no less than:</p> <p>(a) 3m; (b) half the height of the wall,</p> <p>whichever is the greater.</p>	The north-eastern corner of the basketball court/tennis wall would be located 2.7m from the boundary with 43a Harmony Lane which is zoned Village.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause 17.4.2 and Clause 18.4.2 as follows.

Performance Criteria	Proposal
<i>“P2 – Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:</i>	see below assessment

(a) <i>overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i>	The proposed tennis wall and basketball half court would be located to the south of the adjoining residential property at 43a Harmony Lane therefore would not cause any overshadowing impact upon this adjoining residential property.
(b) <i>overlooking and loss of privacy;</i>	The proposed tennis wall and basketball half court would be located at ground level therefore would not result in any overlooking or loss of privacy impact upon the adjoining residential property.
(c) <i>visual impact when viewed from adjoining lots, taking into account aspect and slope”.</i>	The proposed tennis wall would have a maximum height of 2.4m high and only 0.3m of the eastern end of the wall would be located within the required setback. The wall is similar in height to an exempt outbuilding (2.4m) and would be comparable to the height of the fencing surrounding the tennis court. The wall is proposed to be constructed from blockwork in a light beige (oatmeal) colour. The wall treatment, setback and orientation will provide for a new visual element which would not cause any unreasonable visual impact.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of car parking spaces	Table E6.1 requires a parking impact assessment to be provided to determine an appropriate car parking allocation for an unlisted “Sport and recreation” use.	No formal on-site car parking is proposed to be designated for the proposed skate park.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause E6.6.1 as follows.

Performance Criteria	Comment
<i>“P1 - The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i>	Council’s Development Engineer has made the following comments.

(a) <i>car parking demand;</i>	Council's Asset Management Department has advised that there is no record of parking issues in the locale.
(b) <i>the availability of on-street and public car parking in the locality;</i>	<p>There is an availability of on-street within Calverton Place and South Arm Road and informal parking is provided on-site to cater for recreation and sporting events. Council's Asset Management Department have advised that there is sufficient informal on-site car parking to cater for demand generated by sporting and recreation events.</p> <p>The Skate Park and multi-use hardstand has been designed as a public space and recreation facility for local youth. The major user of the facility being younger persons will significantly lessen the demand for car parking. It is considered that the greatest car parking demand would arise from parent drop-off and collection to and from the site. Parent drop-off and collection can readily be accommodated within existing informal on-site car parking provided near Calverton Hall, South Arm Road and Harmony Lane. The demand for drop-off and collection would be short in duration and frequency given the skate park is located centrally within the town.</p> <p>It is therefore accepted that there is adequate on-street car parking to satisfy overflow and visitor parking demand.</p>
(c) <i>the availability and frequency of public transport within a 400m walking distance of the site;</i>	The recreation ground is located in the town centre and is accessible by sustainable transport modes, including foot and bicycle, which is anticipated to be how most participants would access the skate park. The potential for the facility to attract users from further afield is considered unlikely.
(d) <i>the availability and likely use of other modes of transport;</i>	The site is within an urban environment, where occupants would have options to use bicycles and motorcycles, which could easily be parked on the site.

	Given the majority of users would be younger persons, there may also be the opportunity for parents/guardians to offer lifts for their children's friends at the same time as dropping off/collecting their children.
<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	There are no alternative options.
<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>	Car parking spaces are not proposed to be shared in this instance.
<i>(g) any car parking deficiency or surplus associated with the existing use of the land;</i>	The current use of the property contains a compliant number of informal car parking spaces.
<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>	As discussed above, current use contains a compliant number of car parking spaces.
<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>	As the site is not located within a commercial activity centre, it would be inappropriate to require a financial contribution in-lieu of parking. There are no plans for public parking facilities in the vicinity of the site.
<i>(j) any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	No previous financial contributions in-lieu of parking have been provided for the land.
<i>(k) any relevant parking plan for the area adopted by Council;</i>	The site is not located within an area affected by a parking plan.
<i>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	The site is not subject to the Historic Heritage Code.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 137 representations were received during the statutory timeframe. Out of the 137 representations received, 72 were against the proposed development and 65 were in support. It is further noted that 2 representations were received outside of the statutory timeframe in support of the application.

The following issues were raised by the representors.

5.1. Lack of Recognised need for the Skate Park

Concern has been raised by some residents that the proposed skate park facility is not needed in a small community and that Council has not undertaken a proper recreational needs analysis to determine the need for the proposal against other recreational facilities in the town.

- **Comment**

The inclusion of a skate park facility within the South Arm Oval Master Plan stemmed from community pressure and support for the development of a broader range of recreational facilities for younger South Arm locals.

Of the responses received during the consultation undertaken as part of the assessment of the development application, the majority of representors are against the proposed skate park. However, the 2 former public consultation processes (which involved writing to all individual property owners) undertaken as part of the development of the South Arm Oval Master Plan, indicated the majority of respondents were in favour of the proposed skate park on the South Arm oval site. In any event, this is not a relevant consideration under the Scheme.

5.2. Lack of Consideration of Alternative Sites

Concern was raised that Council has had lack of consideration of other possible alternative sites for the siting of a skate park in South Arm. It has been suggested that the RSL site at 2972 South Arm Road would form a more suitable site.

- **Comment**

Firstly, Council acting as a planning authority has a duty to consider the planning application as submitted and it follows that an assessment has to be made on the skate park in the location proposed. It is a matter of determining whether the skate park in the proposed location is appropriate.

As part of the community consultation conducted as part of the preparation of the South Arm Oval Master Plan, various other sites were suggested by the community for the siting of a new skate park. These sites included the northern end of the South Arm Oval, the car park at 2 and 3 Jetty Road, Council car park at 169 Blessington Street and the South Arm Primary School. These sites were considered and dismissed due to inadequate space and impacts upon existing users of the site.

The RSL site was not considered by Council nor raised as a suitable alternative site during the public consultation that occurred as part of the development of the South Arm Oval Master Plan due to its remote location, land tenure and inappropriate expectation for younger persons to walk from the town along South Arm Road to access the site.

5.3. Impacts on the Amenity and Privacy of Local Residents

A major concern of local residents is the impacts of the proposed skate park on amenity and privacy through the general use of the facility.

- **Comment**

The potential for overlooking impact has been considered by Council through the various design iterations and resulted in the relocation of the facility away from residential properties and a reduction in the size and height.

When a person is standing on the earth bunds or the top of the skate ramps there may still be the potential to view into the backyards of several properties lining Calverton Place and the currently vacant properties at 43a Harmony Lane and 67 Harmony Lane. Viewing towards the backyards associated with the properties lining the northern side of Calverton Place is less likely given the orientation of the ramps in the opposite direction.

It is noted that there is no scope to limit the hours of operation for the skate park between the hours stipulated under Clause 17.3.1 A1 and Clause 18.3.1 A1 of the Scheme (i.e. daytime hours). The use of the skate park outside of the hours stipulated under the Acceptable Solutions would generally be confined to evening hours when the lack of daylight will essentially regulate the use of the skate park. Evening use of the skate park during the summer months when there is daylight available is unlikely to cause any significant overlooking issues given the orientation of the facility, reduced height, separation from boundaries adjoining residential properties and proposed landscaping improvements.

The South Arm Oval Master Plan includes the establishment of a native landscape buffer along the boundaries of the site adjoining the Village zoned properties along Harmony Lane and Calverton Place. The planting of tall, dense, native species will effectively screen the skate park from the adjoining residential properties, thereby maintaining the privacy and outlook of these adjoining properties.

In the interests of screening the skate park facility and preventing overlooking of adjoining residential properties, it is considered reasonable to require the production of a landscaping plan for implementation prior to the commencement of the use of the skate park.

Concern has also been raised that the proposal will be visually unappealing when viewed from the backyards of the directly adjoining residential zoned properties. The level terrain, proposed landscaping and low height profile for the skate park will reduce the visibility of the structure from the backyards of adjoining residential properties. Visual impacts are more likely to arise when users are standing on top of the earth mounds to enter the skate bowls/ramps or to watch other users. The implementation of a landscaping plan to achieve screening along the boundaries shared with adjoining residential properties will effectively screen users of the skate park from view.

5.4. Isolated Positioning of the Skate Park will result in Antisocial Behaviour including Drinking, Litter and Graffiti

Concern has been raised that the inclusion of a skate park may create the potential for crime and anti-social behaviour including drinking and drug abuse. Concern is also raised that the oval will be subject to increased littering due to the isolated location and lack of public surveillance.

- **Comment**

In preparing the South Arm Oval Master Plan and skate park design, Council has considered opportunities to provide a safer living environment. Given the role of the South Arm Recreation Ground in providing a number of recreational and leisure pursuits, including a sports oval, hall, children's play equipment and exercise equipment, it is considered that the proposed skate park could make a positive contribution to the recreation grounds sense of place and help to provide a safe, inclusive and healthy environment, particularly for teenagers and young adults.

It is recognised that a lack of formal organised activities for teenagers and young adults can often lead to anti-social behaviour. The facility would provide an organised formal outlet for recreation and may assist in reducing anti-social behaviour in the town through providing a quality recreation facility. The facility has been well designed to ensure visibility by all users of the park. In contrary to some concerns raised, the proposal may in fact act to deter anti-social behaviour that may exist in the area at present.

It is further noted that skate parks are located in other areas in similarly remote locations within Clarence with no known issues.

5.5. Noise Impacts from the use of the Skate Park

A significant number of representations against the proposal have expressed concern over the noise impacts associated with the use of the skate park on nearby residential amenity.

- **Comment**

It is acknowledged that the main residential amenity impact likely to be caused by the use of the skate park is with respect to noise. Noise impacts have been assessed under Section 4.2 of this report.

The proposed South Arm skate park is not expected to reach the intensity of use seen at the North Hobart skate park. It is more likely to reach the intensity of use seen at other skate facilities within Clarence such as Geilston Bay, Seven Mile Beach and Risdon Vale. These facilities are located a similar distance from residences and Council has no records of complaints in respect of noise. It is also noted that the sports oval is located close by and is likely to generate a source of noise, albeit on a less frequent basis. The propose skate park would therefore not introduce a level of noise which has not been generated in this location in the past given its longstanding use as a recreation ground.

Attempts to reduce noise impacts have been undertaken and include the relocation and rotation of the skate facility, inclusion of a 1m high earth bund on all sides and noise reducing landscaping.

With conditions in place dealing with noise monitoring and suitable landscaping, it is considered that the proposed skate park would not have a detrimental noise impact upon residential amenity. The noise monitoring requirement will also make recommendations as to whether it is necessary to implement sound attenuation devices.

5.6. Promotion of High Risk Activities in areas remotely accessible to Emergency Services

Concern is raised that the remote location of South Arm will prevent those who are injured from using the skate park to obtain timely access to emergency services.

- **Comment**

Whilst this is not a relevant planning consideration, it is not uncommon for skate park facilities to be located in remote locations. Skate parks have been long established in towns such as Dunalley, Nubeena, Dover, Tolosa Street and Orford. The potential for delayed access to emergency services is a matter which is the responsibility of users to take into account when using such a facility.

5.7. Lack of Community Consultation

Council consulted with the community on 2 occasions as part of the development of the South Arm Oval Master Plan.

- **Comment**

The nature of the community consultation is discussed in extensive detail in Section 1 of this report. Community consultation has been conducted in accordance with Council's Community Participation Policy. In addition, the development application has been advertised in accordance with the Land Use Planning and Approvals Act 1993.

It is therefore considered that there has been ample opportunity for the community to participate in the development of the South Arm Oval Master Plan and the development application assessment process.

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

Council's Strategic Plan 2016-2026 under the Liveability section provides the following Strategy to: *"Enhance the liveability of activity centres, community hubs and villages through streetscape and urban design projects and local area master plans"*.

Further, Council's Strategic Plan 2016-2026 under the Promoting Health section offers the following Strategy to: *"Promote active and healthy lifestyles through provision and support for active and passive recreation programs and activities"*.

Lastly, Council's Strategic Plan 2016-2026 under Parks and Recreation Facility's section offers the following Strategy: *"Planning for and providing new sporting and recreation facilities to meet community demand"*.

9. CONCLUSION

The proposal for a multi-use hardstand area (skate park, basketball court and tennis wall) at 21 Harmony Lane, South Arm is considered to satisfy all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for approval subject to conditions relating to landscaping requirements and noise monitoring.

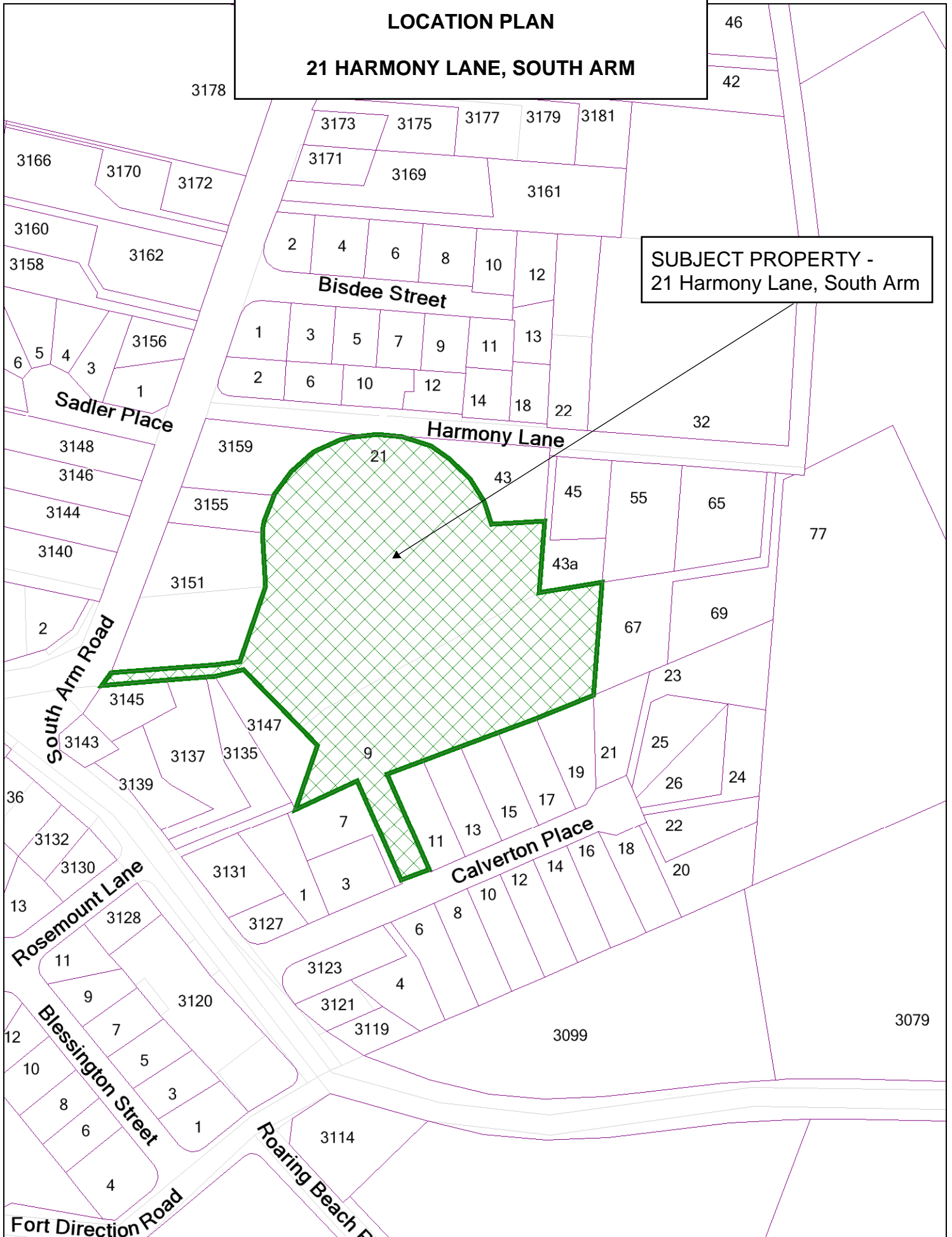
Attachments: 1. Location Plan (1)
2. Proposal Plan (7)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

ATTACHMENT 1

LOCATION PLAN

21 HARMONY LANE, SOUTH ARM



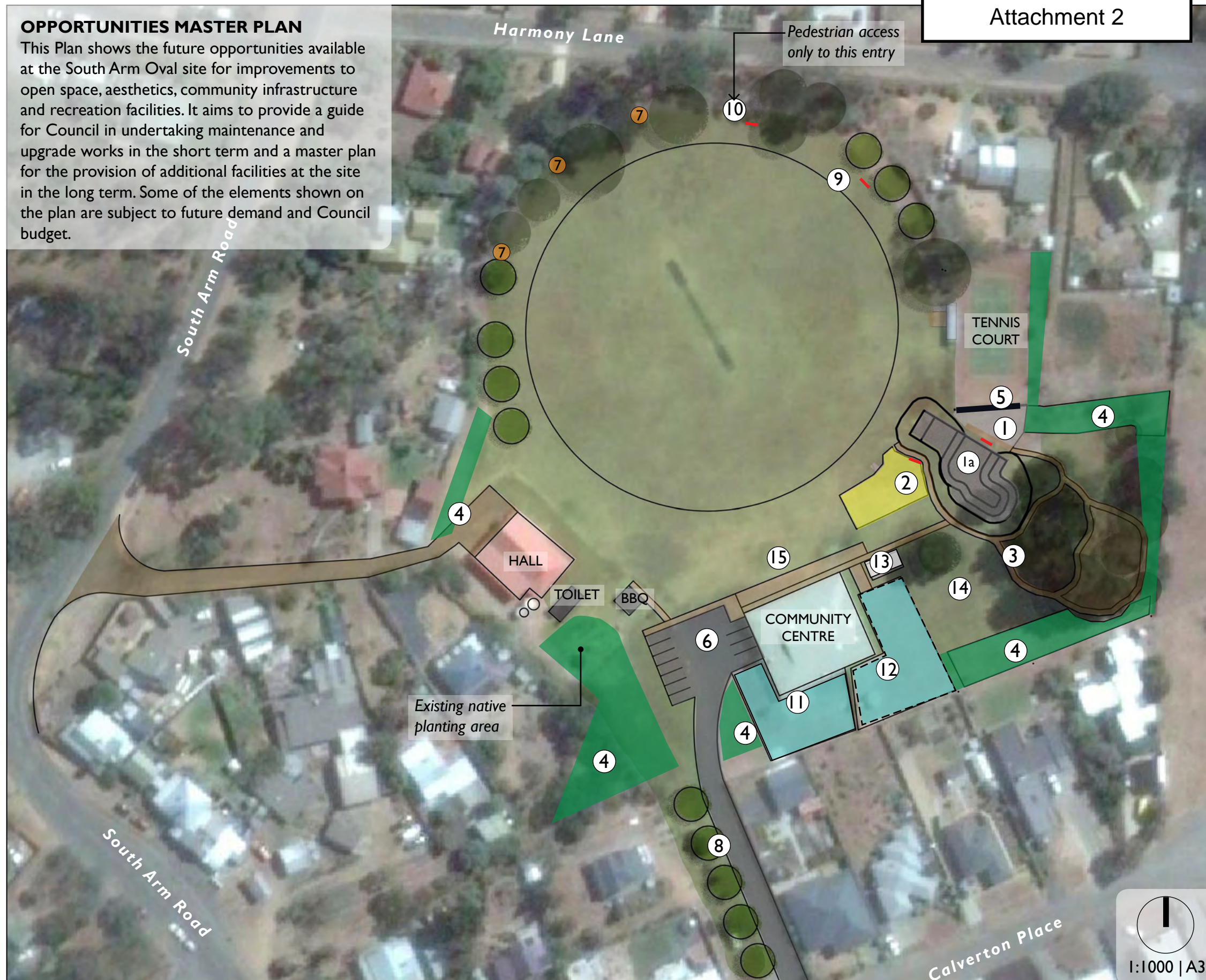
SUBJECT PROPERTY -
21 Harmony Lane, South Arm



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, 2 May 2018 **Scale:** 1:2,398 @A4

OPPORTUNITIES MASTER PLAN
This Plan shows the future opportunities available at the South Arm Oval site for improvements to open space, aesthetics, community infrastructure and recreation facilities. It aims to provide a guide for Council in undertaking maintenance and upgrade works in the short term and a master plan for the provision of additional facilities at the site in the long term. Some of the elements shown on the plan are subject to future demand and Council budget.

Attachment 2



- 1 MULTI-USE HARDSTAND
Provide a multi-purpose hardstand. Area may include facilities for kids games such as basketball, handball.
 - 1a SKATE PARK
Overall design to consider passive surveillance, noise attenuation for adjacent properties.
 - 2 PLAY SPACE
Provide small play space including equipment for all ages and nature based play items.
 - 3 EXPLORE TRACK
Opportunity for path through vegetation utilising the existing trees and sandy topography. Suitable for bikes and walking. Opportunity to integrate seating, art and play elements.
 - 4 NATIVE PLANTING
Native planting along property boundaries to filter views into oval, improve park aesthetics and provide buffer to play spaces (in consultation with property owners).
 - 5 HITTING WALL
Opportunity to provide masonry hitting wall to separate tennis court from skate and scoot space. Provides visual and noise separation and can be multi-use. Opportunity to integrate basketball hoop or various ball game line markings on wall to be used from either side.
 - 6 CARPARK
Formalise existing gravel carpark. Surrounding land remains available for future carpark extension (when required).
 - 7 OUTDOOR FITNESS STATION
Opportunity to provide separated exercise stations along fitness path that focus on various strength and stretching activities. Each station to include under-surfacing and multiple equipment items.
 - 8 LANDSCAPE ENTRY
Install trees and low landscaping to formalise main entry driveway. Maintain open area adjacent carpark for informal parking.
 - 9 FEATURE TREES
Opportunity to provide feature trees to surrounds of oval to provide sense of space and define edge (tree locations indicative.)
 - 10 HARMONY LANE PEDESTRIAN ENTRY
Upgrade native plantings, traffic control bollards and footpaths to improve street frontage and pedestrian access to oval.
 - 11 EXISTING COMMUNITY GARDEN AREA
 - 12 FUTURE COMMUNITY GARDEN EXPANSION AREA
 - 13 PROPOSED MENS SHED - FUTURE (Shown indicative only)
 - 14 PASSIVE GAMES AREA
Opportunity to provide facilities for games such as outdoor chess or bocce.
 - 15 COMMUNITY MARKET SPACE + GRAVEL ACCESS ROAD
Open area in forecourt for community market space.
- SEATING
Additional bench seating to oval and surrounds.



Multi-use play wall



Explore track with art



Multi-use hardstand for skating, scooting and ball games



Fitness path distance markers



Outdoor fitness stations

SITE PLAN

SOUTH ARM - TASMANIA

① proposed new concrete skate park

8.50 RL of Finished Levels

SOUTH ARM
CRICKET OVAL

Title Reference CT:29684/1
Property Owner: CLARENCE CITY COUNCIL

NS52
E=534128.200
N=5236097.989
RL=8.129

Title Reference CT:112105/1
Property Owner: GLENN WILLIAM DICKSON

EXISTING TENNIS COURT

PALING FENCE (under construction)

PALING FENCE

EXISTING SEWER ABSORPTION TRENCH

trees to be removed

35m to boundary

Title Reference CT: 119243/1
Property Owner: CLARENCE CITY COUNCIL

EXISTING TREE

NS51
E=534109.045
N=5236040.751
RL=8.071

SEPTEMBER 2017



SITE PLAN

PROJECT
SOUTH ARM SKATEPARK
LOCATION: SOUTH ARM - TASMANIA

ISSUE: **DRAFT DA**

CLIENT: _____ Clarence City Council

ENGINEER: _____

BUILDING SURVEYOR: _____

SCALE: 1:200 @ A2 PAGE **01**

IMAGE PLAN

PROPOSED NEW CONCRETE SKATE PARK
SOUTH ARM - TASMANIA

LEGEND

- 1000

height of ramp or feature (not RL)
- 8.50

RL of Finished Levels
- ①

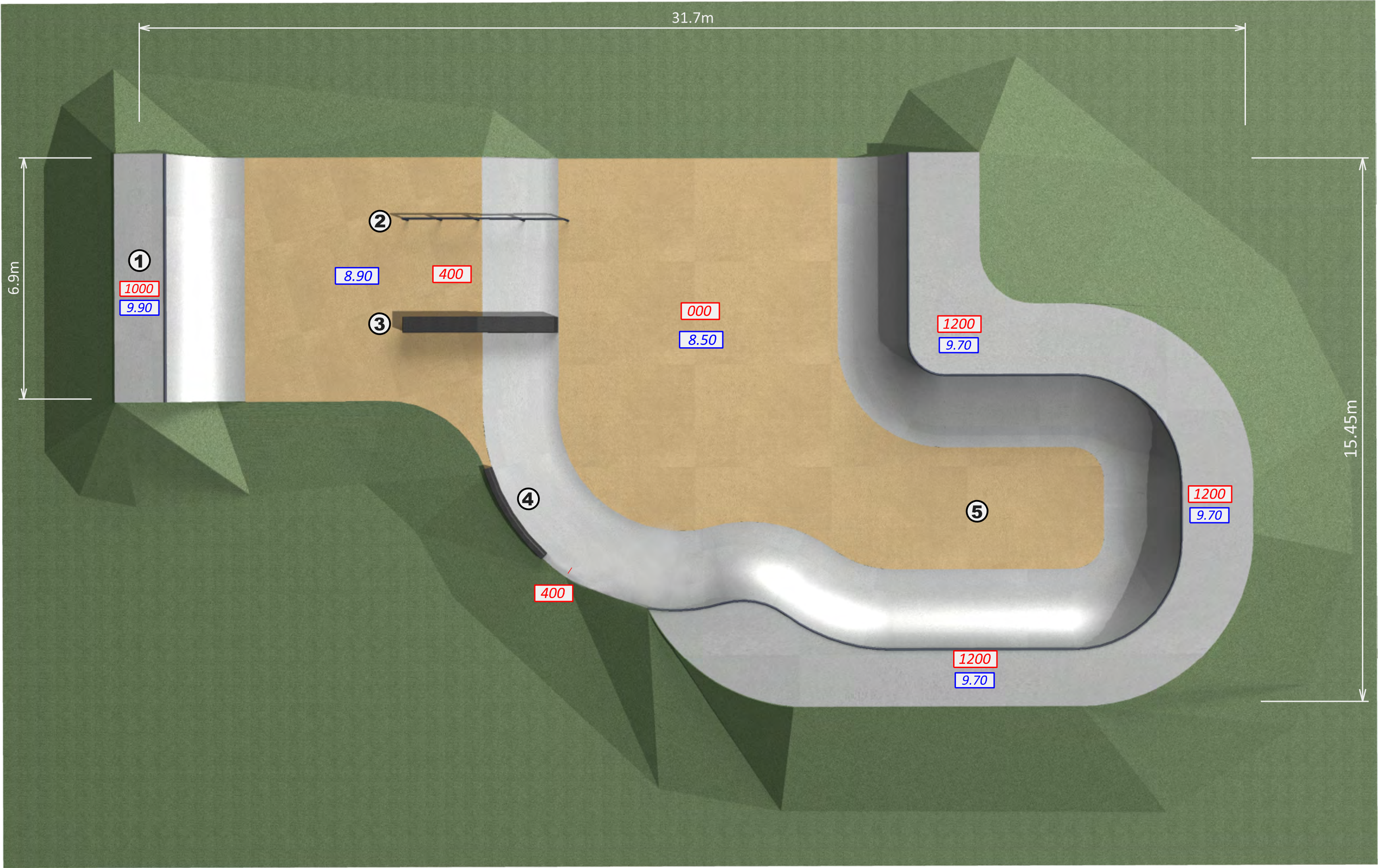
Quater-pipe 1000 high
- ②

CHS post and rail @ 500 high
- ③

Hubba ledge @ 500 high
- ④

Feature concrete Kerb 200 high
- ⑤

Open Bowl 1200 high



SEPTEMBER 2017

PLAN

PROJECT
SOUTH ARM SKATEPARK
LOCATION: SOUTH ARM - TASMANIA

ISSUE: **DRAFT DA**

CLIENT: _____ Clarence City Council

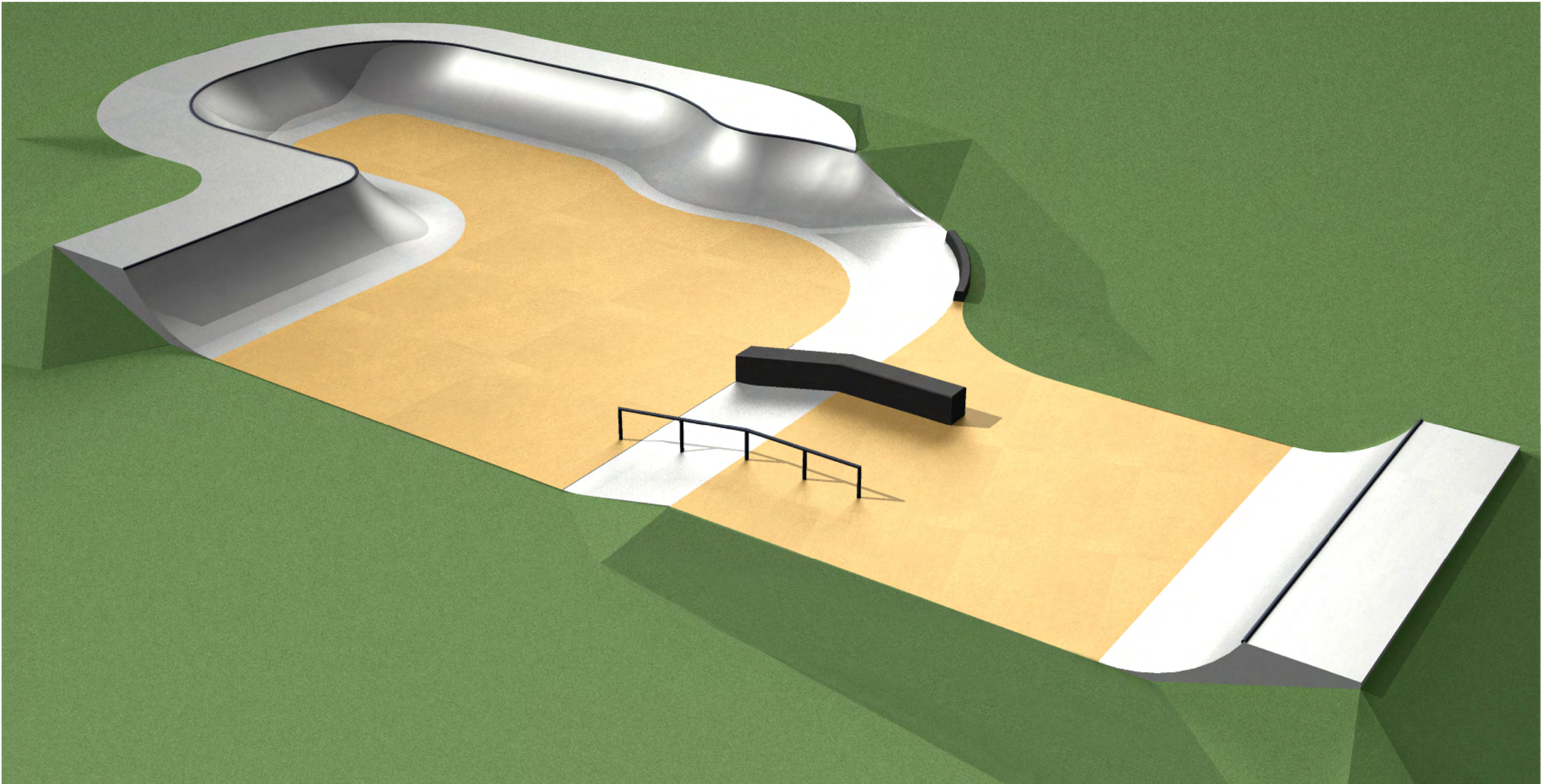
ENGINEER: _____

BUILDING SURVEYOR: _____

SCALE: 1:100 @ A2 PAGE **03**

PERSPECTIVE IMAGE

PROPOSED NEW CONCRETE SKATE PARK
SOUTH ARM - TASMANIA



SEPTEMBER 2017



PERSPECTIVE IMAGE

PROJECT
SOUTH ARM SKATEPARK
LOCATION: SOUTH ARM - TASMANIA

ISSUE: **DRAFT DA**

CLIENT: _____ Clarence City Council

ENGINEER: _____

BUILDING SURVEYOR: _____

SCALE: N/A

PAGE **02**

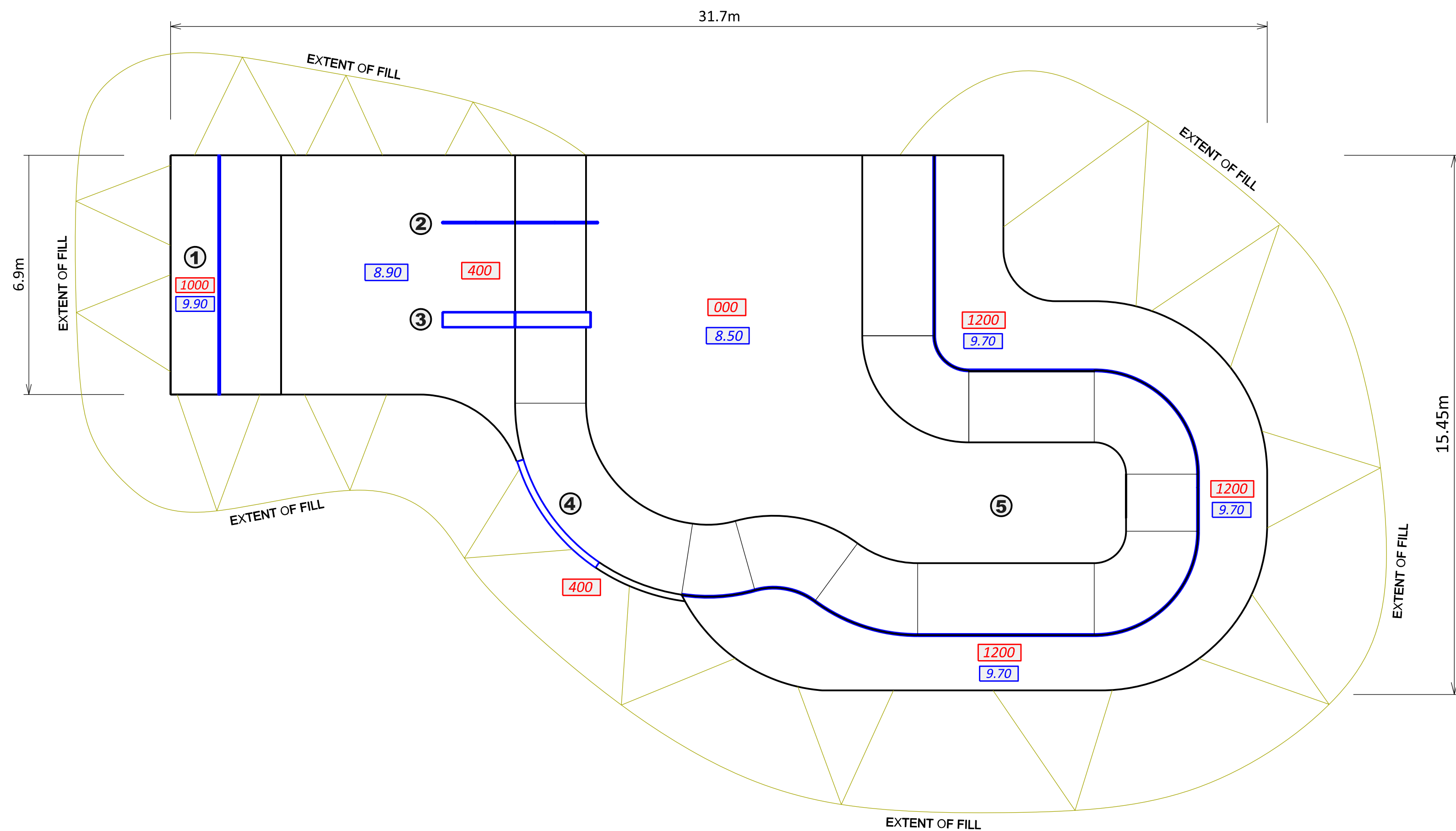
PROPOSED NEW CONCRETE SKATE PARK SOUTH ARM - TASMANIA

LEGEND

1000 height of ramp or feature (not RL)

8.50 *RL of Finished Levels*

- ① *Quater-pipe 1000 high*
- ② *CHS post and rail @ 500 high*
- ③ *Hubba ledge @ 500 high*
- ④ *Feature concrete Kerb 200 high*
- ⑤ *Open Bowl 1200 high*



SEPTEMBER 2017



PLAN

PROJECT
SOUTH ARM SKATEPARK
LOCATION : SOUTH ARM - TASMANIA

ISSUE : **DRAFT DA**

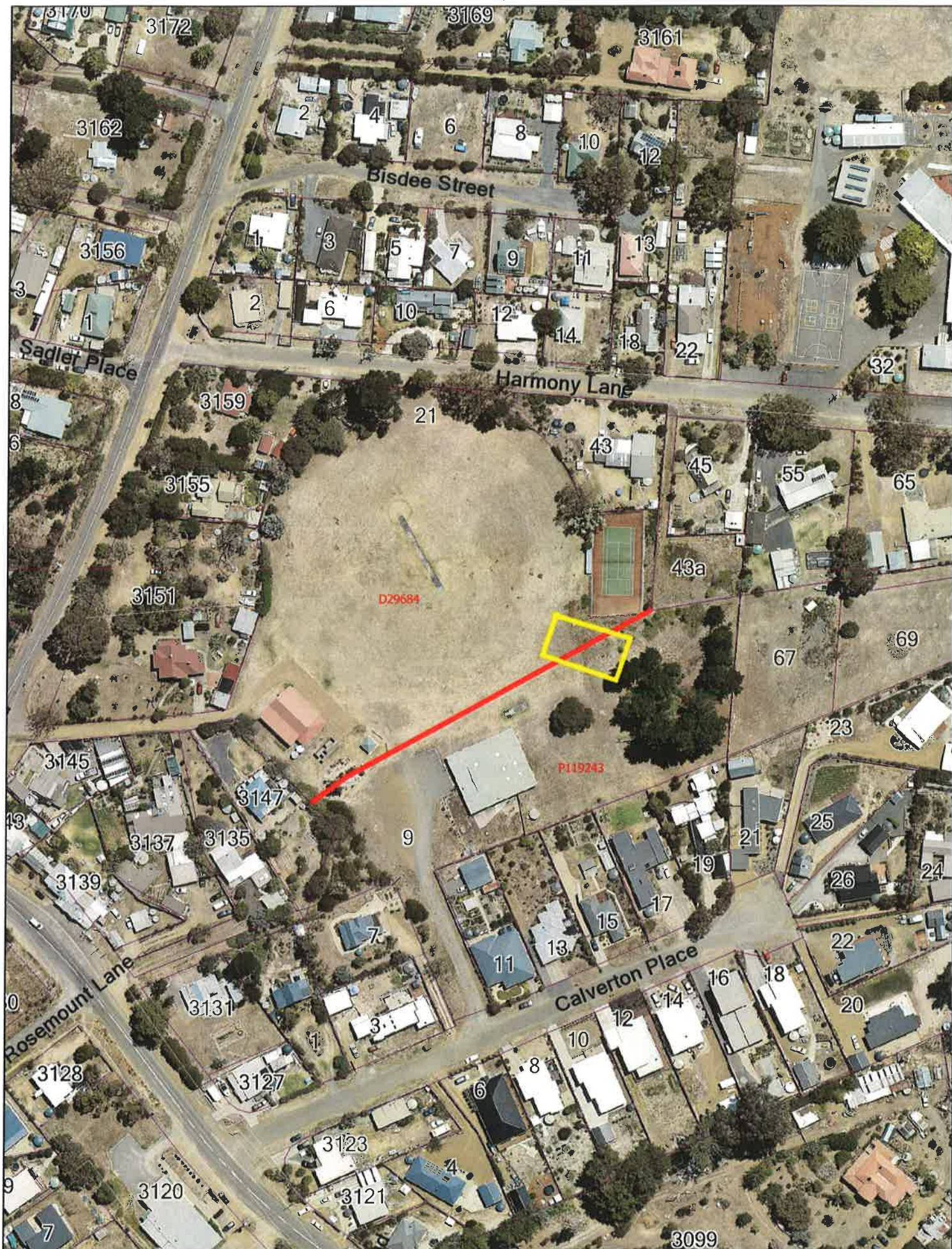
CLIENT : _____ Clarence City Council

ENGINEER : _____

BUILDING SURVEYOR: _ _ _ _ _

SCALE: 1:100 @ A2 PAGE 04

Clarence City Council



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21 Harmony Lane, South Arm



Photo 1: The location of the proposed multi-use hardstand area when viewed east of the community hall. The multi-use hardstand would be located adjacent to the existing tennis court.



Photo 2: The view from the proposed multi-use hardstand area looking to the west back towards the community hall.



Photo 3: *The view from the proposed multi-use hardstand area looking south.*

11.3.5 DEVELOPMENT APPLICATION D-2018/106 - 314 AND 318 EAST DERWENT HIGHWAY, GEILSTON BAY - FOOD SERVICES (AMENDMENTS TO ACCESS AND CAR PARKING ARRANGEMENTS)
(File No D-2018/106)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Food Services (amendments to access and car parking arrangements) at 314 and 318 East Derwent Highway, Geilston Bay.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 31 May 2018.

CONSULTATION

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

- staff car parking;
- commercial deliveries;
- Parking and Access code assessment.

RECOMMENDATION:

- A. That the Development Application for Food Services (amendments to access and car parking arrangements) at 314 and 318 East Derwent Highway, Geilston Bay (CI Ref D-2018/106) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AM5 – TRADING HOURS - Monday to Saturday 3am to 5pm, excluding Public Holidays.
 3. To minimise noise levels caused by commercial vehicle movements, no delivery vehicles are to leave the carpark and exit onto Araluen Street before 7.00am Monday to Friday or before 9.00am on Saturday.
- 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

Previous Permits (314 and 318 East Derwent Highway)

The site has a long history and originally a house, workshop and hardware and joinery shop. Planning approval for a restaurant was granted under D-1980/3. More recent approvals are as follows:

D-2010/124 - (314 and 318 East Derwent Highway) Change of Use to restaurant requiring a variation to car parking of 12 spaces.

D-2016/43 – (318 East Derwent Highway) Change of Use to takeaway shop and signage on 314 East Derwent Highway requiring a variation to parking of 3 spaces.

D-2017/463 - was granted for a variation to trading hours for food services at 318 East Derwent Highway. The approved hours of operation were: Monday to Saturday 3am to 5pm. The approval included a condition that no vehicles are to access or park at 314 East Derwent Highway without the prior consent of Council, as this property did not form part of the application.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 20 – Local Business Zone; and
- Section E1.0 – Bushfire Prone Areas Code, Section E5.0 Road and Railway Assets Code, Section E6.0 Parking & Access Code and E17.0 Signs Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site at 314 East Derwent Highway abuts 318 East Derwent Highway on the eastern side of the East Derwent Highway.

No 314 East Derwent Highway is an “L shaped” lot located on the corner of Araluen Street and the East Derwent Highway; 314 East Derwent Highway contains 4 commercial businesses, a carpark and a dwelling.

No 318 East Derwent Highway is a regular shaped lot containing 3 commercial tenancies, all with frontage to the East Derwent Highway. The applicant is currently occupying a tenancy at 318 East Derwent Highway and operating a food production (sushi manufacturing) business.

Both properties are located within 50m of the General Residential Zone.

3.2. The Proposal

The proposal relates to planning approval D-2017/463 but would expand it to include access and parking arrangements at the rear of 318 East Derwent Highway.

In particular the proposal would enable use of the carpark by employees, customers and suppliers; 318 East Derwent Highway has a parking credit of 6.54 spaces available as part of previous approval D-2016/43 so no assessment is required under the Parking & Access Code.

The proposal seeks discretion for access arrangements under the Local Business Zone Use Standards for hours of operation and commercial vehicle movements.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

Local Business Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
20.3.1 A1	Hours of operation	Hours of operation of a use within 50m of a residential zone must be within: (a) 7.00am to 9.00pm Mondays to Saturdays inclusive;	does not comply The proposed hours of operation would be 3am to 5pm Monday to Saturday. Therefore the business would operate 4 hours earlier than under the Acceptable Solution.

		(b) 9.00am to 5.00pm Sundays and Public Holidays. except for office and administrative tasks.	not applicable
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The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 20.3.1 as follows.

Performance Criteria	Proposal
<i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i>	<p>The hours of operation would potentially cause noise through commercial vehicle movements as it was proposed that one work van would leave the carpark and turn onto Araluen Street around 6am to undertake stock deliveries.</p> <p>Whilst it is not anticipated that one vehicle leaving the carpark will have an unreasonable impact upon the residential amenity of the nearby dwellings in Araluen Street, a condition is recommended to ensure that delivery vehicles do not exit the carpark onto Araluen Street before the 7am Monday to Friday and 9am on Saturday and the applicant has agreed in writing to this.</p>

Local Business Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
20.3.4 A1	Commercial Vehicle Movements	<p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50m of a residential zone must be within the hours of:</p> <p>(a) 7.00am to 5.00pm Mondays to Fridays inclusive;</p> <p>(b) 9.00am to 5.00pm Saturdays;</p>	<p>does not comply</p> <p>As discussed above, proposed commercial vehicle movements would be 3am to 5pm Monday to Saturday.</p>

	(c) 10.00am to 12 noon Sundays and public holidays.	not applicable
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The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 20.3.4 as follows.

Performance Criteria	Proposal
<p><i>“Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</i></p> <p><i>(a) the time and duration of commercial vehicle movements;</i></p>	<p>As stated above, to prevent unreasonable adverse impacts upon residential amenity, the applicant has agreed that an approval be conditioned to ensure that delivery vehicles are not able to exit the carpark and onto Araluen Street before 7am Monday to Friday and before 9am on Saturdays.</p> <p>Other commercial vehicle movements fall within prescribed times allowable under the Acceptable Solution.</p>
<p><i>(b) the number and frequency of commercial vehicle movements;</i></p>	see above
<p><i>(c) the size of commercial vehicles involved;</i></p>	The commercial vehicles include a VW Caddy and a Hyundai iLoad. These are light delivery vans and do not exceed 2.5-tonne GVM.
<p><i>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</i></p>	<p>As the site contains existing commercial tenancies and carpark, the work vehicles can be accommodated on-site.</p> <p>Furthermore, as a result of the layout of the carpark including the signed traffic arrangement and separate entry and egress, the need for vehicles to reverse is reduced and may not be necessary.</p>
<p><i>(e) noise reducing structures between vehicle movement areas and dwellings;</i></p>	<p>No noise reducing structures are proposed.</p> <p>Impacts from commercial vehicles will be mitigated if there is no exit from the carpark onto Araluen Street outside the hours of operation set out under the Acceptable Solution.</p>
<p><i>(f) the level of traffic on the road;</i></p>	The level of movement through the carpark will have no impact on traffic safety with the abutting roads.

(g) <i>the potential for conflicts with other traffic</i> ”.	The proposed use of the carpark will not increase the potential for conflict with other traffic, as 318 East Derwent Highway has previously contained a food services uses with associated car parking on 314 East Derwent Highway.
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5. REPRESENTATION ISSUES

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

5.1. Staff Car Parking

The representor has raised concern that in contravention of previous planning approval D-2017/463, staff are parking in Araluen Street and not opposite 318 East Derwent Highway as indicated in the advertised documentation.

The representor is subsequently concerned that access to the properties on the other side of the road is being inhibited and residential amenity impacted further by cars idling in the street before shift work commences. The representor has requested Council condition any future approvals to ensure staff parking in Araluen Street ceases, or alternatively impose parking restrictions in the area.

- **Comment**

The concern relating to the location of staff parking was previously raised with the applicant who has reminded staff to avoid parking outside the residential zone along the East Derwent Highway opposite the commercial tenancies at 314 and 318 East Derwent Highway, in order to avoid disrupting neighbours. That being said, staff are lawfully able to park in Araluen Street as there are no parking restrictions.

Whilst inhibiting access to a property is not a matter requiring assessment under the Scheme, Council’s Rangers can be contacted during office hours and issue infringements on any offending vehicles. Outside office hours is a matter for Tas Police.

5.2. Commercial Deliveries

The representor is concerned that due to deliveries, commercial vehicles are currently unloading goods, blocking roads and creating significant traffic hazards for vehicles entering and leaving Araluen Street. The representor has requested that any approval is conditioned to ensure there is no unloading of goods in Araluen Street.

- **Comment**

It is not clear from the representation whether the issue raised here is related to the applicant's previous planning approval or is general in nature and relating to the operation of other businesses or residential use in the area.

With regard to the current proposal including use of the carpark at 314 East Derwent Highway, this would allow deliveries to occur on-site and therefore alleviate traffic hazards in Araluen Street, where associated with the premises at 314 East Derwent Highway.

Whilst delivery vehicles would ordinarily exit the carpark onto Araluen Street, a condition should be added to ensure that delivery vehicles do not exit onto Araluen Street prior to the hours of operation and commercial vehicle movement times set out under the Acceptable Solution. The applicant has agreed to such a condition.

5.3. Parking and Access Code Assessment

The representor has requested Council carefully examine elements of the driveways and access at 314 and 318 East Derwent Highway for compliance with the Parking and Access Code.

- **Comment**

As the carpark is existing, no works are proposed and there is already an available credit of car parking spaces, it is not subject to an assessment as part of this application in terms of design or use.

The carpark and access design was subject to engineering conditions included on planning approval D-2010/124 dated 5 July 2010. As part of this approval compliance with the relevant standards at the time was required. Council's Engineers have assessed the current proposal and have raised no issues in terms of the access and car parking arrangement requested.

As mentioned earlier, 318 East Derwent Highway has a parking credit of 6.54 spaces available as part of previous approval D-2016/43 so no further assessment is currently required under the Parking & Access Code, since there is no addition to the commercial floor space being proposed.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

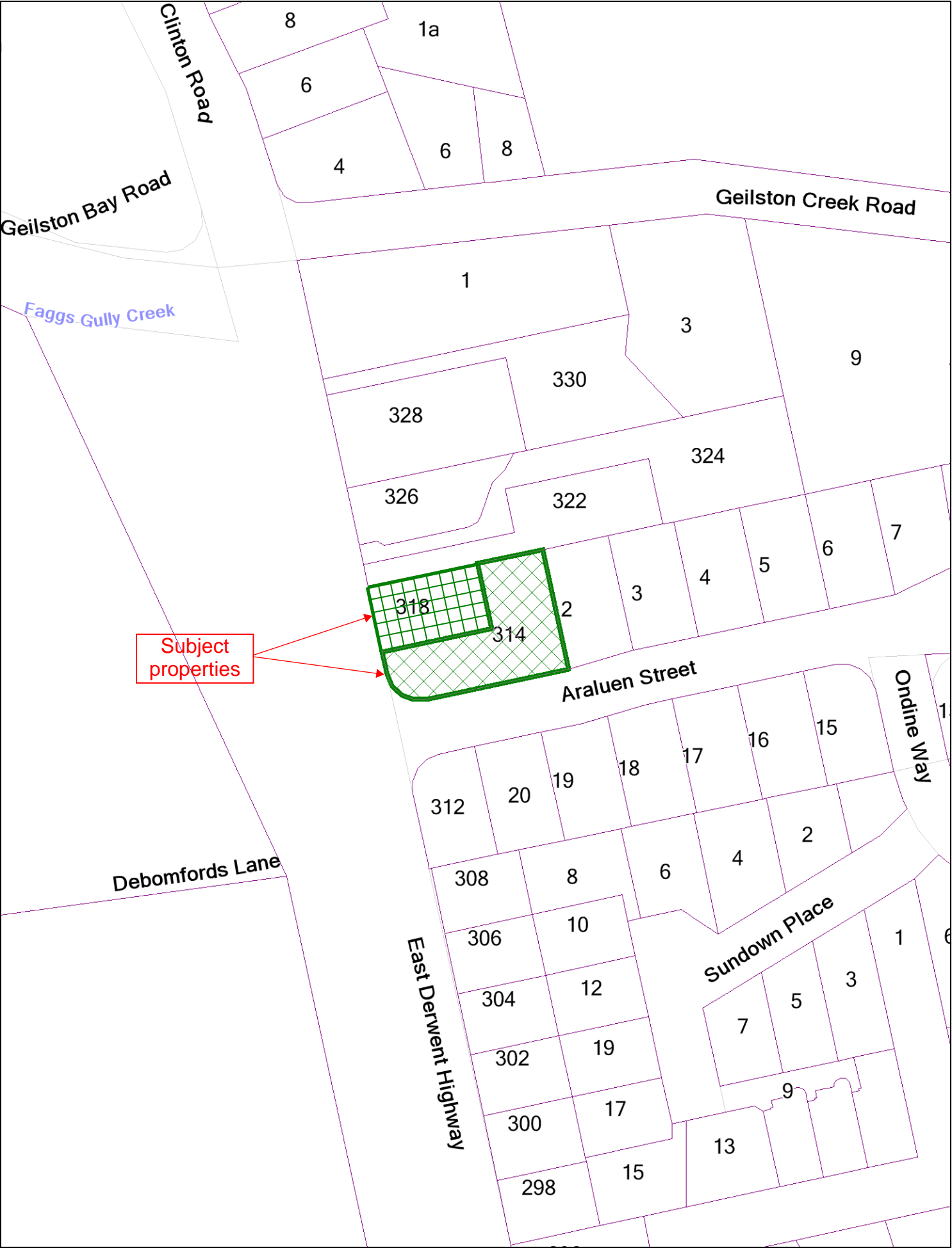
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal seeks approval for inclusion of the adjoining property at 314 East Derwent Highway, Geilston Bay to amend the previously approved car parking arrangements. The proposal is recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING



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Sush Holdings Pty Ltd
ABN 16 109 023 396
Shop 2A Bank Arcade
64-68 Liverpool Street
Hobart TAS 7000
Ph 03 6234 6650
Email sushi@sush.com.au

8 March 2018

To Clarence City Council Planning Department

**RE: Change of Use Application, 314 and 318 East Derwent Highway,
Geilston Bay 7015**

This letter should be read as an attachment providing further information to the Application for Use of Car Park on 314 East Derwent Highway, Geilston Bay TAS 7015 and 318 East Derwent Highway

Relevant Information:

- A Change of Use and a Food Licence has already been approved for the kitchen at 318 East Derwent Highway, Geilston Bay for Sush Holdings Pty Ltd, number D-2017/463 on 18/12/17
- This new application relates to the use of the carpark and driveway at the above address to be used by the employees, customers, suppliers and associates of Sush Holdings Pty Ltd
- The hours of operation start from 3am through to 5pm Monday to Saturday. Currently closed Sundays
- The number of staff to start as early as 3am would not exceed 6.
- Vehicle movements on site between 3am and 7am would be our two work vans (VW Caddy and Hyundai iLoad) arriving and parking on site and the Hyundai iLoad leaving again around 6am for stock deliveries.
- Staff will park offsite, across the East Derwent Highway adjacent to an oval (opposite Araluen St)
- No suppliers deliver before 7am
- No customers collect before 7am
- After 7am senior staff, customers or suppliers of Sush Holdings Pty Ltd may drive in the driveway from East Derwent Highway, park in the



Sush Holdings Pty Ltd
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64-68 Liverpool Street
Hobart TAS 7000
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Email sushi@sush.com.au

carpark at the back of the building and then exit using the driveway to Araluen Street. Most staff members will not be using this carpark however occasionally the business owner and other senior staff may use it.

- The Landlord has given verbal permission for this use of the carpark

If you have any further questions please contact Emma Robertson at the Sush Office on 6234 6650.

Yours Sincerely



David Painter
Director
Sush Holdings Pty Ltd



Shop 2, 314 & 318 East Derwent Highway, Geilston Bay
PO Box 1169, Geilston Bay 5159
P 6234 6650
E sush.com.au
M 08 8531 4000

Attachment 3



View from carpark looking towards East Derwent Highway entry to the carpark and workshop at 318 East Derwent Highway.



View from carpark looking towards egress onto Araluen Street and existing dwelling on 314 East Derwent Highway.

11.3.6 DEVELOPMENT APPLICATION D-2018/61 - 509 GELLIBRAND DRIVE, SANDFORD - ANCILLARY DWELLING AND OUTBUILDING
(File No. D-2018/61)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an ancillary dwelling and outbuilding at 509 Gellibrand Drive, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire Prone Areas, Landslide (Low), Natural Assets (High), On-site Wastewater Management, Stormwater Management and Parking & Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 31 May 2018.

CONSULTATION

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

- title covenants;
- tree removal; and
- animal management.

RECOMMENDATION:

A. That the Development Application for an ancillary dwelling and outbuilding at 509 Gellibrand Drive, Sandford (CI Ref D-2018/61) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN (showing a 12m setback of the outbuilding to the frontage).

3. LANDSCAPE PLAN - A landscape plan prepared by a suitably qualified person must be submitted to show replacement vegetation as an offset for the vegetation removed from the development site, to the satisfaction of Council's Manager City Planning. The plan must be implemented in accordance with a planting schedule to be incorporated in the plan.
4. No vegetation shall be removed for construction of the outbuilding and ancillary dwelling without the prior consent of Council.
5. The ancillary dwelling is an additional dwelling and must comply with the following:
 - (a) have a floor area not greater than 60m²;
 - (b) be appurtenant to a single dwelling; and
 - (c) share with the single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications and meters.

ADVICE

- (a) As the property is within a Bushfire Prone Area and garage is closer than 6.0m from the dwelling, a Bushfire Risk Assessment prepared by a certified Bushfire Hazard Practitioner must be provided as part of your Building Application.
 - (b) Please note that complying with covenants on the property is your legal responsibility. These may prevent or alter your ability to proceed with the development. In the circumstances you should seek your own legal advice before proceeding.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

In October 2017, it was brought to Council's attention that a large amount of tree removal was taking place. After contact from the Planning Enforcement Officer, the works concluded and shortly after this application was lodged.

In the circumstances, the decision on whether to take action in relation to the vegetation removal was suspended, in order to wait on the outcome of the application given it concerns the area which had been cleared.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Rural Living under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 13.0 – Rural Living Zone;
 - Section E1.0 – Bushfire- Prone Area Code;
 - Section E3.0 – Landslide (Low) Code;
 - Section E6.0 – Parking & Access Code;
 - Section E7.0 – Stormwater Management Code;
 - Section E23.0 – On-site Wastewater Management Code; and
 - Section E27.0 – Natural Assets Code (High).
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an irregular shaped internal lot (CT Ref 43698/90) located on the eastern side of Gellibrand Drive. The site contains an existing single dwelling.

To the north, south and west, the site is adjoined by 4 residential properties whilst a 10m wide road reservation adjoins the rear boundary, separating rural living and rural resource zoned land.

The site has been cut in, cleared and levelled in the area of the proposed outbuilding and ancillary dwelling. This area is rectangular in shape and appears to be approximately 45m x 25m. A review of records shows the area previously contained well established dry sclerophyll forest consistent with what appears to be on the adjacent properties.

3.2. The Proposal

The proposal is for a new 36m² outbuilding and a single storey 2 bedroom 60m² ancillary dwelling to be located south of the existing dwelling. The ancillary dwelling would be for use by family and contain a deck on both the eastern and western sides.

A 0.5m cut into the previously levelled area would facilitate the construction of the shed.

The proposal seeks discretion in relation to the setback of the outbuilding and ancillary dwelling to frontage, proximity of both buildings to the Rural Resource Zone and the setback of the outbuilding being less than that of the existing dwelling.

The applicant has advised that no additional native vegetation removal is required for the construction of either building or for bushfire hazard management. This is because the area was cleared and levelled without approval, as discussed above.

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

A proposed ancillary dwelling must satisfy the Scheme definition, which means an additional dwelling as follows:

- “(a) with a floor area not greater than 60m²;*
- (b) that is appurtenant to a single dwelling; and*
- (c) that shares with that single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications connections and meters”.*

The ancillary dwelling would be 60m² and be approximately 40m from the single dwelling, with the single in the site’s frontage.

The ancillary dwelling will share access and parking, gas, electricity and telecommunication connections. However, as a new on-site wastewater system is currently proposed and sewerage would not be shared, any approval can be conditioned to ensure that the above definition is met.

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

Rural Living

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.2 A1	Setback	Building setback from frontage must be no less than: <ul style="list-style-type: none"> • 20m. 	does not comply The outbuilding would be 10m from the frontage for the internal lot. The ancillary dwelling would be located behind the outbuilding and setback of 16.4m from the frontage.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 13.4.2 as follows.

Performance Criteria	Proposal
<p><i>“Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</i></p> <p><i>(a) the topography of the site;</i></p>	<p>The property slopes downward from Gellibrand Drive towards the rear boundary.</p> <p>Dwellings on adjoining properties to the north, west and south are at least 100m from the proposed ancillary dwelling and outbuilding and owing to this are not likely to be visible from the adjoining lots.</p> <p>To the east is the Rural Resource zoned land. Existing development at the property is around 400m from the proposal.</p>
<p><i>(b) the prevailing setbacks of existing buildings on nearby lots;</i></p>	<p>The existing dwelling at 509 Gellibrand Drive is setback 12m from the internal lots frontage. Owing to this the proposed setback of the outbuilding and ancillary dwelling is consistent with established building setback to frontage.</p> <p>Whilst the adjoining properties 487 and 531 Gellibrand Drive have direct frontage to Gellibrand Drive with dwellings setback 30-40m from Gellibrand Drive, there will be no impact upon streetscape as a result of a reduced setback to frontage for the proposal at 509 Gellibrand Drive due to the shape of the lot.</p>
<p><i>(c) the size and shape of the site;</i></p>	<p>The lot is an irregular shaped 2.09ha internal lot.</p>

<p>(d) <i>the location of existing buildings on the site;</i></p>	<p>The existing dwelling is located towards the lot frontage and approximately 40m north of the proposed buildings.</p> <p>Given the property is zoned Rural Living and the adjoining lots within the Zone are all above the current minimum lot size of 2ha, the location of the existing and proposed buildings at 509 Gellibrand Drive will not impact the amenity of adjoining lots or the desirable characteristics of the surrounding landscape.</p>
<p>(e) <i>the proposed colours and external materials of the building;</i></p>	<p>The ancillary dwelling would be constructed of 230mm hardiblack smooth external wall cladding and a Colorbond custom roof.</p> <p>The colour for the roof of the ancillary dwelling and outbuilding will be deep charcoal “Monument” whilst the walls of each building would be a warm pale grey “Dune”.</p> <p>As these colours are muted tones, the buildings will blend in with the surrounding landscape.</p>
<p>(f) <i>the visual impact of the building when viewed from an adjoining road;</i></p>	<p>As the lot is internal and accessed via an approximate 160m driveway, there will be no visual impact from the proposal when viewed from an adjoining road.</p>
<p>(g) <i>retention of vegetation;</i></p>	<p>Whilst the applicant has advised that no vegetation removal is required and the existing vegetation will be retained, it is noted that the site is covered by the Natural Assets Code and vegetation has previously been cleared without approval.</p>
<p>(h) <i>be no less than:</i></p> <ul style="list-style-type: none"> (i) <i>15m; or</i> (ii) <i>5m for lots below the minimum lot size specified in the acceptable solution; or</i> (iii) <i>the setback of an existing roofed building (other than an exempt building) from that boundary.</i> 	<p>Whilst the outbuilding is shown to be setback 10m from frontage, as the lot is 2.09ha and therefore not below the minimum lot size, the setback of the outbuilding must be either 15m or no less than the setback of an existing roofed building from the boundary.</p>

	<p>As the existing dwelling achieves a minimum setback of 12m to the frontage, an amended plans condition would ensure the outbuilding is setback 12m and therefore compliant with the Performance Criteria. The applicant has agreed in writing to this condition.</p> <p>The ancillary dwelling would be 15m from frontage as required by the Performance Criteria.</p>
--	---

Rural Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.2 A3	Setback	Building setback for buildings for sensitive use (including residential use) must comply with all of the following:	does not comply
		<p>(i) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100m;</p> <p>(ii) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200m.</p>	<p>The ancillary dwelling (excluding the 1.8m wide deck) would be located 98m from the Rural Resource Zone.</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 13.4.2 as follows.

Performance Criteria	Proposal
<p><i>“Building setback for buildings for sensitive use (including residential use) must prevent conflict or fettering of primary industry uses on adjoining land, having regard to all of the following:</i></p> <p><i>(a) the topography of the site;</i></p> <p><i>(b) the prevailing setbacks of existing buildings on nearby lots;</i></p>	<p>The proposed setback for the ancillary dwelling of 98m to land zoned Rural Resource will not cause conflict or fetter primary industry uses on the land as the use of the land currently is residential.</p> <p>Not applicable, see above.</p>

<i>(c) the size of the site;</i>	The property is large enough to contain the development and the proposed ancillary dwelling is located as far away as possible from the land zoned Rural Resource as the current Scheme allows.
<i>(d) the location of existing buildings on the site;</i>	The existing dwelling is located as far away as possible from the Rural Resource Zone as they are located towards the property's internal frontage.
<i>(e) retention of vegetation;</i>	as above No additional vegetation removal is required, accordingly the remaining vegetation will be retained. This represents a significant area of the site.
<i>(f) the zoning of adjoining and immediately opposite land;</i>	As discussed above, the land to the north, south and west is zoned Rural Living. The adjoining land to the east, the public road is also zoned Rural Living. On the opposite side of the road, the land is Rural Resource.
<i>(g) the existing use on adjoining and immediately opposite sites;</i>	The existing uses on adjoining land apart from the public road, is residential.
<i>(h) the nature, frequency and intensity of emissions produced by primary industry uses on adjoining and immediately opposite lots;</i>	not applicable The use of the Rural Resource zoned property to the east contains a dwelling and is rural residential.
<i>(i) any proposed attenuation measures;</i>	not applicable. The ancillary dwelling would be around 400m from the dwelling located on the Rural Resource Zoned property. The area between is covered by the Natural Assets Code (High) and contains a well-established tree canopy.
<i>(j) any buffers created by natural or other features”.</i>	A 10m public road provides a buffer between the rear boundary of 509 Gellibrand Drive and Rural Resource Zoned property located to the east, on the other side of the public road.

Rural Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.4 A1	Outbuildings	Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:	complies The outbuilding floor area would be 36m ² .
		(a) have a combined gross floor area no more than 100m ² ;	
		(b) have a wall height no more than 6.5m and a building height not more than 7.5m;	complies The outbuilding height is 3.3m.
		(c) have setback from frontage no less than that of the existing or proposed dwelling on the site.	does not comply. As discussed above, it is proposed that the outbuilding be located 10m from the frontage. The existing dwelling is located approximately 12m from the frontage.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 13.4.4 as follows.

Performance Criteria	Proposal
<i>“Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:</i>	Due to the shape of the lot, the location of the driveway and siting of the existing dwelling, the proposed outbuilding would be less visually prominent than the existing dwelling, as the dwelling is the first building visible at the end of the driveway.
<i>(a) be less visually prominent than the existing or proposed dwelling on the site;</i>	
<i>(b) be consistent with the scale of outbuildings on the site or in close visual proximity;</i>	There are no other outbuildings at the property. The adjoining property to the north at 2 Kainlani Way contains an approximate 9m x 9m outbuilding setback around 17m from the rear boundary. An approximate 6m x 6m outbuilding is also located on the property.

	<p>Whilst not technically adjoining, a review of aerial photography shows the nearby property at 465 Gellibrand Drive contains a 3m x 4m outbuilding located approximately 9m from the property side boundary.</p> <p>Owing to the above, the scale and proposed location of the outbuilding is consistent with outbuildings located nearby.</p>
<i>(c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape”.</i>	<p>not applicable.</p> <p>There are no Desired Future Character Statements for the Zone.</p>

Natural Assets Code (High)

No assessment against the Natural Assets Code has been included in this report as the applicant has advised that no additional vegetation will be removed.

Notwithstanding the above, the approximate 1125m² area that has been previously cleared is subject to assessment under the Code. A Natural Values Assessment prepared by a suitably qualified person, generally consistent with the Guidelines for Natural Values Assessment (DPIPWE July 2009) would have been required. The Natural Values Assessment findings would inform the type of planning approval required.

In the absence of an assessment and planning approval, it is appropriate that offset planting is undertaken to replace the values lost as a result of the unapproved vegetation removal.

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. Covenants on Title

The representor raised the issue of tree removal and an ancillary dwelling in the context of covenants in the Schedule of Easements and believes that the proposal contravenes these requirements.

- **Comment**

There is a covenant on the Title between the owner of 509 Gellibrand Drive and the subdivider - stating that any tree, shrub or growth should not be cut down, lopped or destroyed without the consent of Council. However, it is also stated that the covenant does not apply if the removal is for the purposes of obtaining access to such lot, building thereon, installation of services or by reason of consideration of safety.

Nevertheless it is a private covenant and enforcement is a civil matter. It is therefore appropriate to advise the applicants of their responsibilities.

The other covenant raised by the representor in relation to a single dwelling is not contained on the sealed plan relevant to the subject site and is therefore also not applicable.

5.2. Tree Removal

As discussed above, the representor is concerned about vegetation removal in the context of Covenants on the Title for the subject site. The representor fears the removal of more vegetation, burning off of green vegetation and subsequent degradation of residential amenity.

- **Comment**

Council has previously inspected following a complaint received by the representor in relation to vegetation removal.

The applicant has advised that there will be no additional vegetation removal for bushfire management or construction of the outbuilding and ancillary dwelling. However as discussed, offset planting should be required.

Whilst Council has no responsibility for covenants that they are not a party due to these being a civil matter, as the covenant mentions Council and the property is covered by the Natural Assets Code – High, the permit can be conditioned to ensure there is no further vegetation removal without Council consent and the replacement vegetation is introduced.

5.3. Animal Management

The representor reports that there are 4 noisy dogs at the property which are impacting the residential amenity. The representor has stated that there is no kennel licence applicable to the property.

They are also concerned that the proposed ancillary dwelling may allow additional pets to live on the property or that the ancillary dwelling may be used for visitor accommodation.

- **Comment**

Council's Animal Management Officers have visited the property and are in the process of taking compliance action with regards to the number of dogs on-site.

The proposed ancillary dwelling has not been assessed as visitor accommodation as it is not stated that this will form part of the proposal.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy. Developer contributions are not required to comply with any Council Policies.

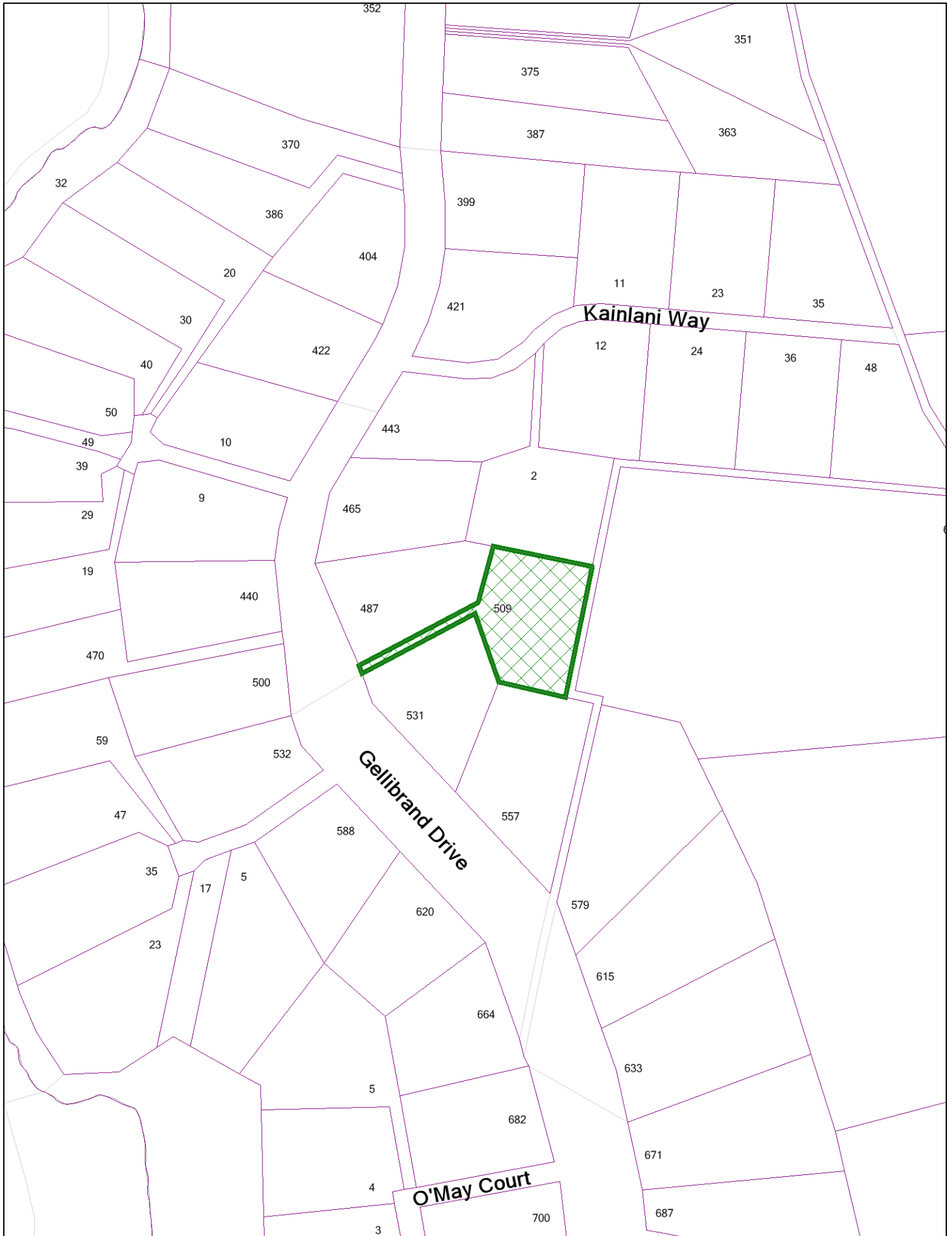
9. CONCLUSION

The proposal is for construction of an ancillary dwelling and outbuilding at 509 Gellibrand Road, Sandford. The proposal satisfies the requirements of the Scheme and is recommended for conditional approval.

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

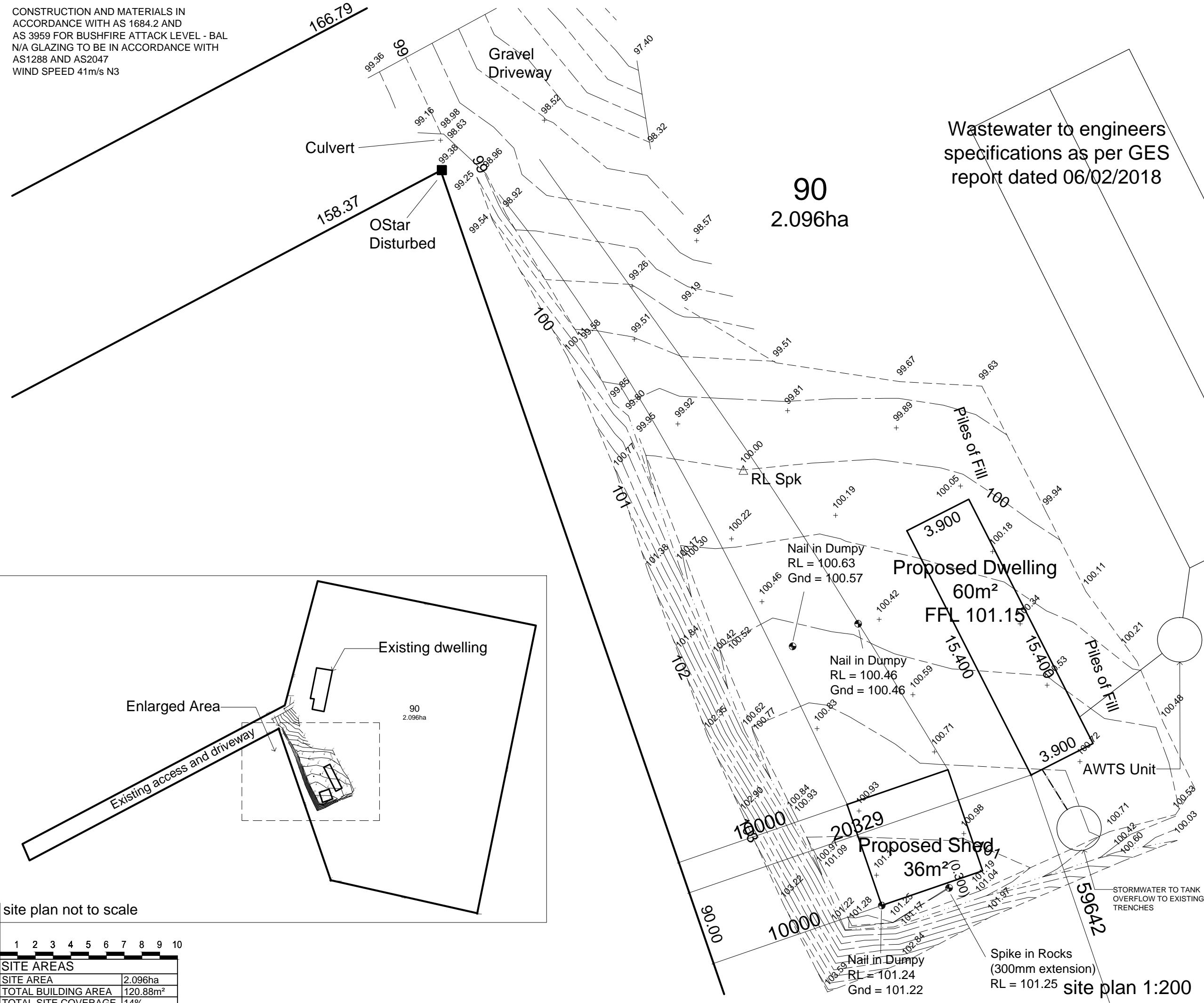
Ross Lovell
MANAGER CITY PLANNING

Clarence City Council



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 18 May 2018 **Scale:** 1:5,949 @A4

CONSTRUCTION AND MATERIALS IN ACCORDANCE WITH AS 1684.2 AND AS 3959 FOR BUSHFIRE ATTACK LEVEL - BAL N/A GLAZING TO BE IN ACCORDANCE WITH AS1288 AND AS2047 WIND SPEED 41m/s N3



ALL SITE WORKS SHALL BE IN ACCORDANCE WITH N.C.C., CSIRO BTF 18,19,22 AND AS2870 MINIMAL SITE DISTURBANCE IS TO BE CARRIED OUT. SEDIMENT CONTROL; 'GEOLAB' SILT FENCE 1000 OR SIMILAR. TOPSOIL STOCKPILES REMAINING ON THE SITE TO BE COVERED WITH PLASTIC, ADEQUATELY RETAINED ALONG ALL EDGES.UNUSED STOCKPILES TO BE REMOVED FROM SITE OR USED FOR FUTURE LANDSCAPING.

SITE PREPARATION AND EXCAVATION IN ACCORDANCE WITH PART 3.1 OF CURRENT N.C.C., AND TO LOCAL COUNCIL REQUIREMENTS.

INTERNAL FINISHED FLOOR LEVEL (FFL) TO BE MIN. 150MM ABOVE FINISHED EXTERNAL GROUND AREAS (FLOWER BEDS OR GRASSED AREAS) AND MIN. 50 MM ABOVE FINISHED EXTERNAL SEALED SURFACES (PAVED AREAS). PROVIDE 50 MM MIN. FALL FOR THE FIRST METRE AWAY FROM BUILDING TOWARDS LOWER GROUND OR ALTERNATIVELY SUFFICIENT DRAINAGE PROVISIONS (AG DRAINS, SUMPS OR SIMILAR).

FOOTINGS CONCRETE FOOTINGS AND SLABS IN ACCORDANCE WITH PART 3.2 OF CURRENT N.C.C. AND AS 2870.1 AND ENGINEERS SPECIFICATIONS.

UNLESS OTHERWISE SPECIFIED, FOOTINGS 25MPA / SLAB 25MPA. STRIP FOOTINGS TO BE PLACED WITH A MECHANICAL VIBRATOR. CONCRETE SLABS TO BE MOISTURE CURED FOR MIN. OF 7 DAYS OR APPLY APPROVED CURING COMPOUND.

PROVIDE WALL CAVITY DRAINAGE WITH WEEPHOLES AT 960 MAX CENTRES ALONG LINE ABOVE FINISHED GROUND LEVEL. (SLAB AREA).

Gary & Jenny McCarthy
509 Gellibrand Road, Sandford
Job No: 5022 Model: Ancillary

systembuilt
designed for living

1063 CAMBRIDGE ROAD
CAMBRIDGE, TASMANIA 7170
PH:03 6214 8888 EMAIL:admin@systembuilt.com.au
Accredited Designer: Daniel Bastin CC6836

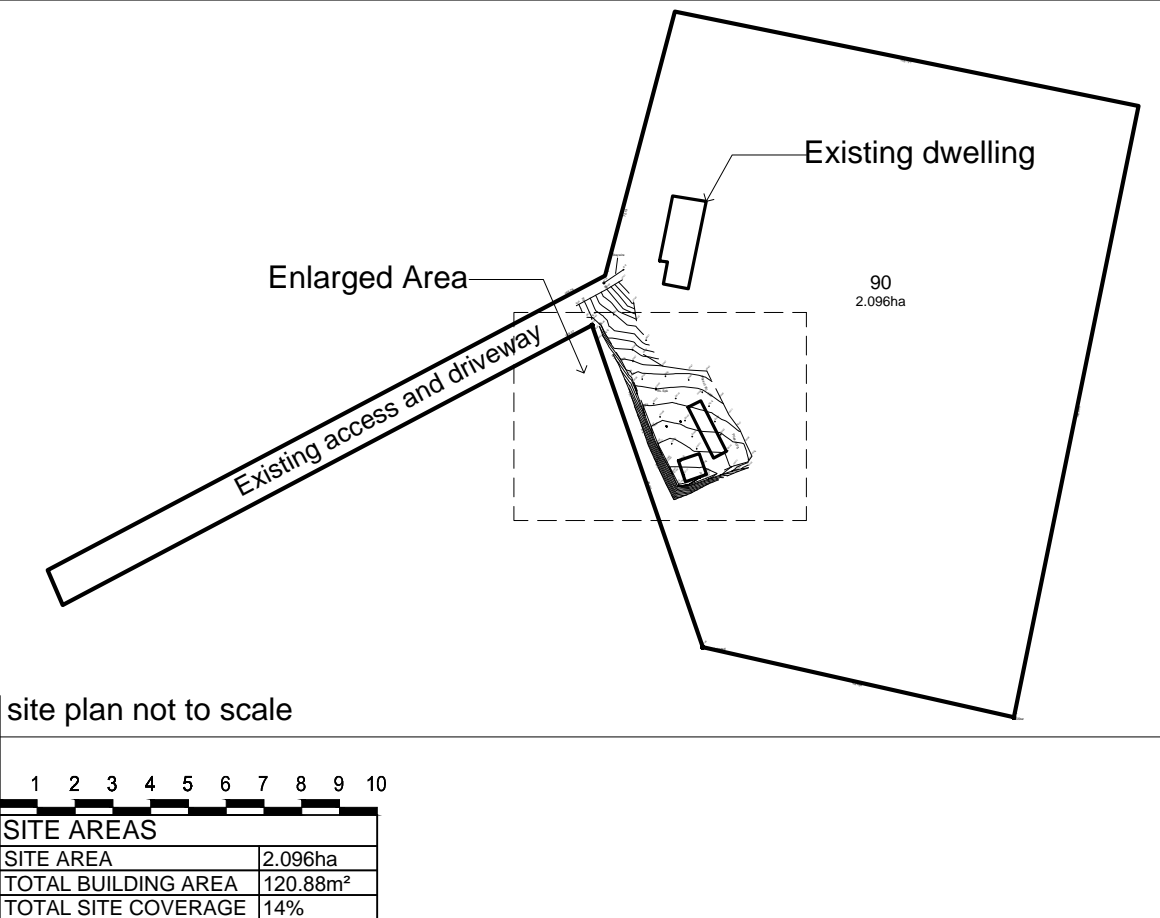
PLEASE READ CAREFULLY
THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN THE BUILDING CONTRACT AND I UNDERSTAND CHANGES HEREFTER MAY NOT BE POSSIBLE.

FINAL PLAN: ANY REQUESTED VARIATIONS TO YOUR HOUSE PLAN WILL INCUR AN AMENDMENT / ADMINISTRATION MINIMUM FEE OF \$500.00

SIGNATURES

CLIENT: DATE:
CLIENT: DATE:
BUILDER:..... DATE:

DWG NO: 5022		SHEET: 01	
SCALE AT A3: 1:200		DATE: 20/10/2017	
DRAWN: DL	CHECK: DB	REV	0



1	2	3	4	5	6	7	8	9	10
SITE AREAS									
SITE AREA		2.096ha							
TOTAL BUILDING AREA		120.88m²							
TOTAL SITE COVERAGE		14%							

CONSTRUCTION AND MATERIALS IN ACCORDANCE
WITH AS 1684.2 AND
AS 3959 FOR BUSHFIRE ATTACK LEVEL - BAL N/A
GLAZING TO BE IN ACCORDANCE WITH AS1288
AND AS2047
WIND SPEED 41m/s N3

ENERGY EFFICIENCY PROVISIONS
IN ACCORDANCE WITH PART 3.12 OF CURRENT N.C.C.

BUILDING FABRIC
CEILING INSULATION
FLAT CEILING/PITCHED METAL ROOF W/SARKING

	R 0.4
FIBREGLASS CEILING BATTS	R 4.0
TOTAL	R 4.4

WALL INSULATION	
W/SINGLE SIDED SISALATION	R 0.54
FIBREGLASS WALL BATTS	R 2.0
TOTAL	R 2.54

FLOOR INSULATION	
(ENCLOSED PERIMETER	
TIMBER FLOOR	R 0.9
MIN. ADDITIONAL FLOOR INSULATION	R 3.5
TOTAL	R 4.4

<u>BUILDING SEALING</u>	
CHIMNEYS AND FLUES	N/A
ROOF LIGHTS	N/A

EXTERNAL WINDOWS AND DOORS
COMPRESSIBLE STRIP, FOAM, RUBBER OR FIBROUS
SEAL TO ALL EXTERNAL WINDOW SASHES AND
EXTERNAL DOORS.


EXTERNAL FANS
SELF CLOSING DAMPER OR FILTER TO BE FITTED.

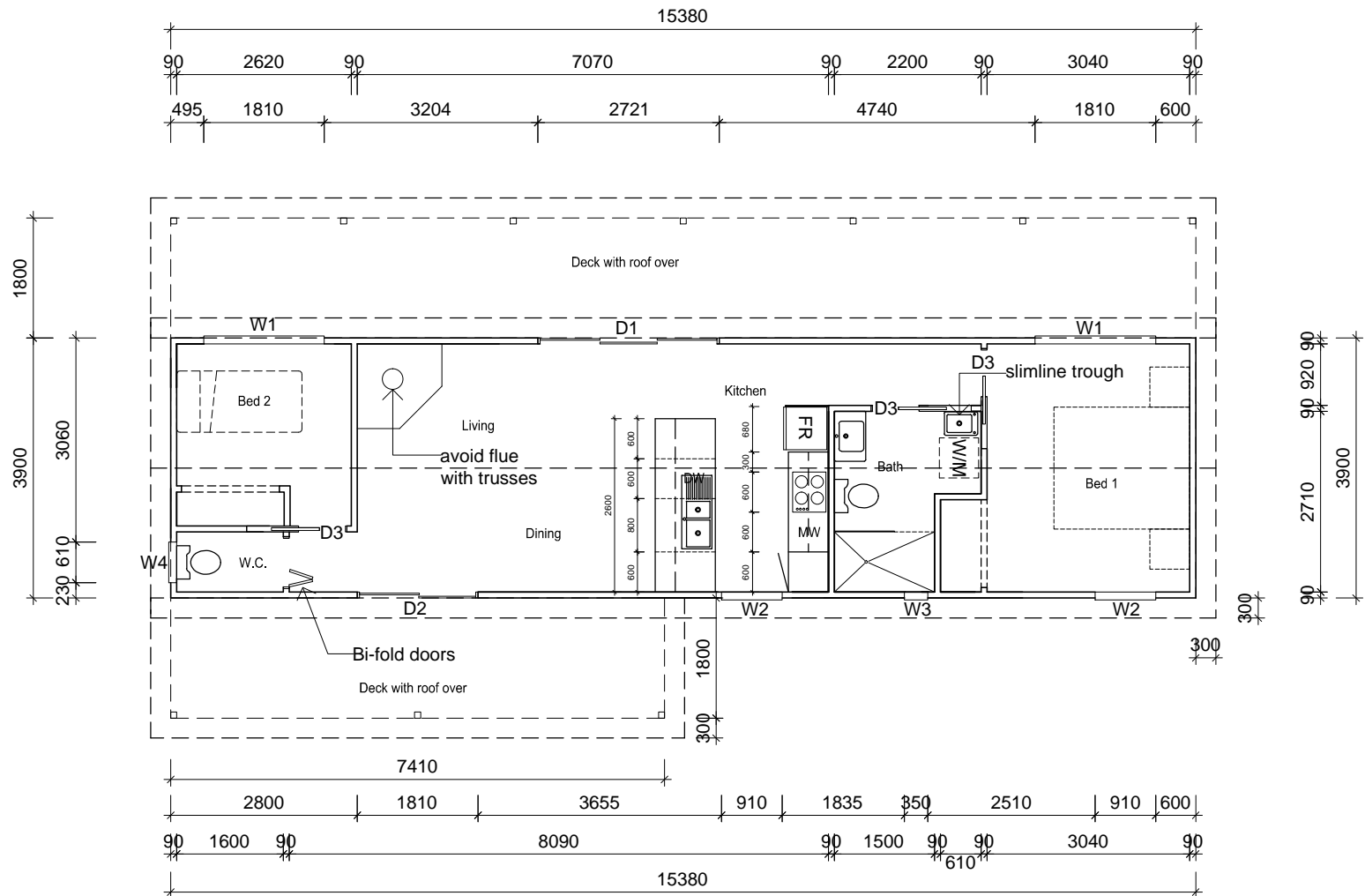
CONSTRUCTION OF ROOFS, WALLS AND FLOORS.
ALL JUNCTIONS INSIDE OF EXTERNAL SKIN TO BE
FULLY SEALED WITH CAULKING, SKIRTING,
ARCHITRAVES, CORNICES OR SQUARE STOP.

AIR MOVEMENT
REFER WINDOW & DOOR LOCATIONS FOR AIR
MOVEMENT & VENTILATION PROVISIONS.

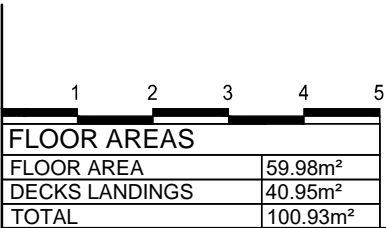
SERVICES
IF HOT WATER CYLINDER IS TO BE INSTALLED IN
CONDITIONED SPACE INSULATION OF PIPE WORK IS
NOT REQUIRED. IF HOT WATER CYLINDER IS TO BE
INSTALLED EXTERNALLY, INSULATION OF PIPE WORK
MIN 1 METRE FROM HOTWATER OUTLET.

GLAZING
REFER TO ATTACHED ENERGY EFFICIENCY REPORT.

Gary & Jenny McCarthy 509 Gellibrand Road, Sandford Job No: 5022 Model: Ancillary		
<h1 style="margin: 0;">systembuilt</h1> <h2 style="margin: 0;">designed for living</h2>		
1063 CAMBRIDGE ROAD CAMBRIDGE, TASMANIA 7170 PH:03 6214 8888 EMAIL:admin@systembuilt.com.au Accredited Designer: Daniel Bastin CC6836		
<u>PLEASE READ CAREFULLY</u> THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN THE BUILDING CONTRACT AND I UNDERSTAND CHANGES HEREAFTER MAY NOT BE POSSIBLE. <u>FINAL PLAN:</u> ANY REQUESTED VARIATIONS TO YOUR HOUSE PLAN WILL INCUR AN AMENDMENT / ADMINISTRATION MINIMUM FEE OF \$500.00		
<h3 style="margin: 0;">SIGNATURES</h3>		
CLIENT:		DATE:
CLIENT:		DATE:
BUILDER:.....		DATE:
DWG NO: 5022	SHEET: 02	
SCALE AT A3: 1:100	DATE: 20/10/2017	
DRAWN: DL	CHECK: DB	REV 0

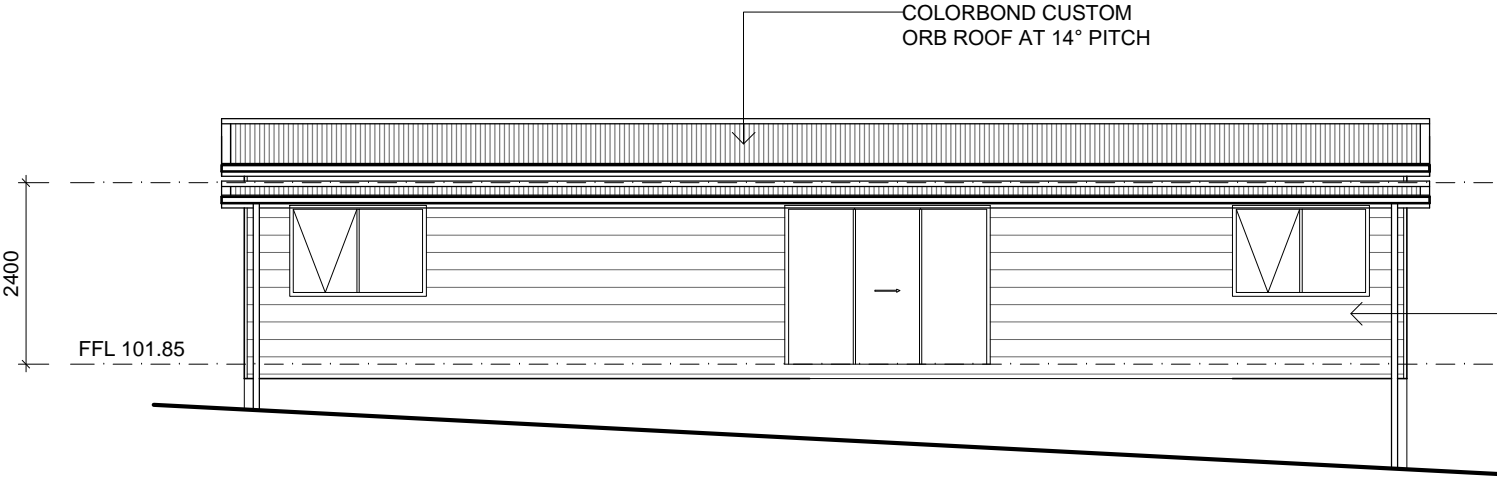


DOOR SCHEDULE				WINDOW SCHEDULE			
ITEM: SIZE (h x w):		DESCRIPTION:	QTY:	ITEM: SIZE (h x w):		DESCRIPTION:	QTY:
D1	2100X2721	GLASS SLIDING DOOR DOUBLE GLAZED	1	W1	1200X1810	ALUMINIUM AWNING DOUBLE GLAZED	2
D2	2100X1810	GLASS SLIDING DOOR DOUBLE GLAZED	1	W2	1500x910	ALUMINIUM AWNING DOUBLE GLAZED	2
D3	2100X720	CAVITY SLIDING UNIT	1	W3	1800X350	ALUMINIUM AWNING DOUBLE GLAZED	1
				W4	900X610	ALUMINIUM AWNING DOUBLE GLAZED	1

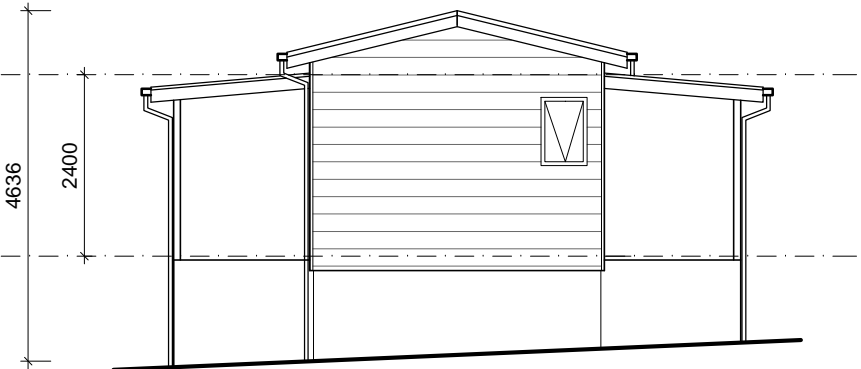


floor plan 1:100

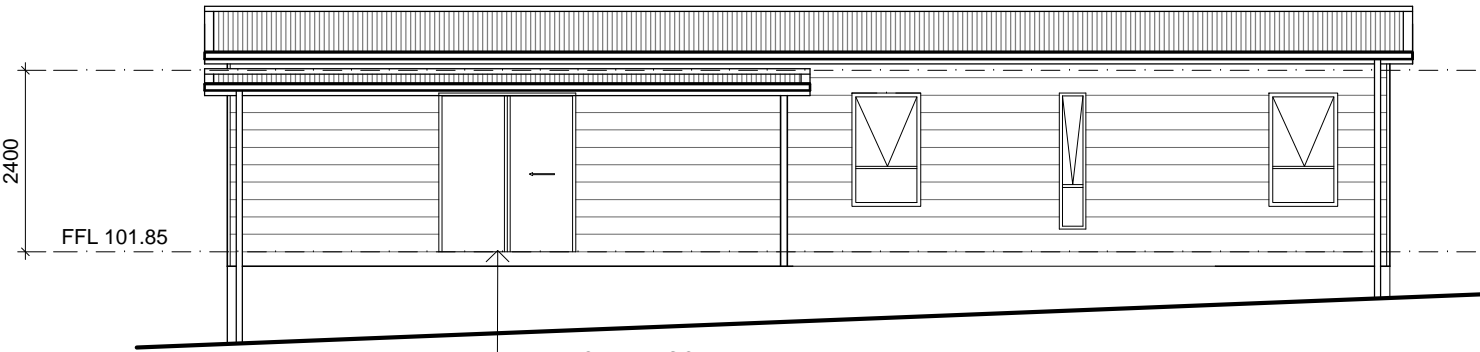
CONSTRUCTION AND MATERIALS IN ACCORDANCE
WITH AS 1684.2 AND
AS 3959 FOR BUSHFIRE ATTACK LEVEL - BAL N/A
GLAZING TO BE IN ACCORDANCE WITH AS1288
AND AS2047
WIND SPEED 41m/s N3



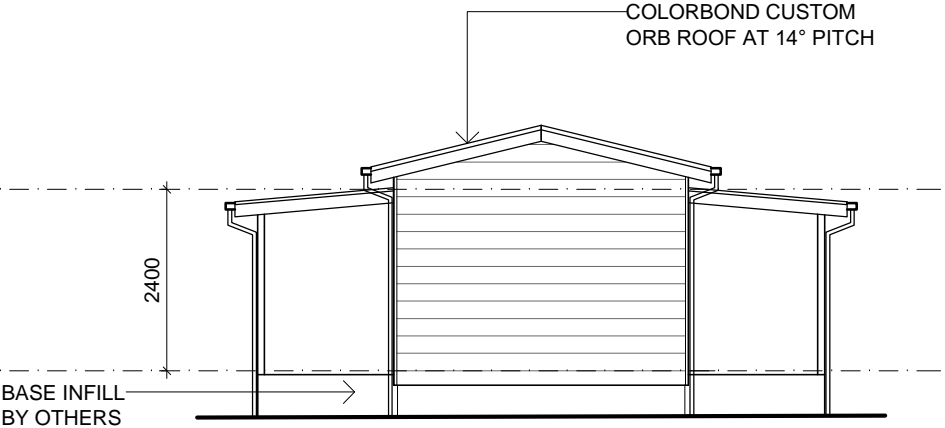
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

1	2	3	4	5
FLOOR AREAS				
FLOOR AREA	59.98m ²			
DECKS LANDINGS	40.95m ²			
TOTAL	100.93m ²			

elevations 1:100

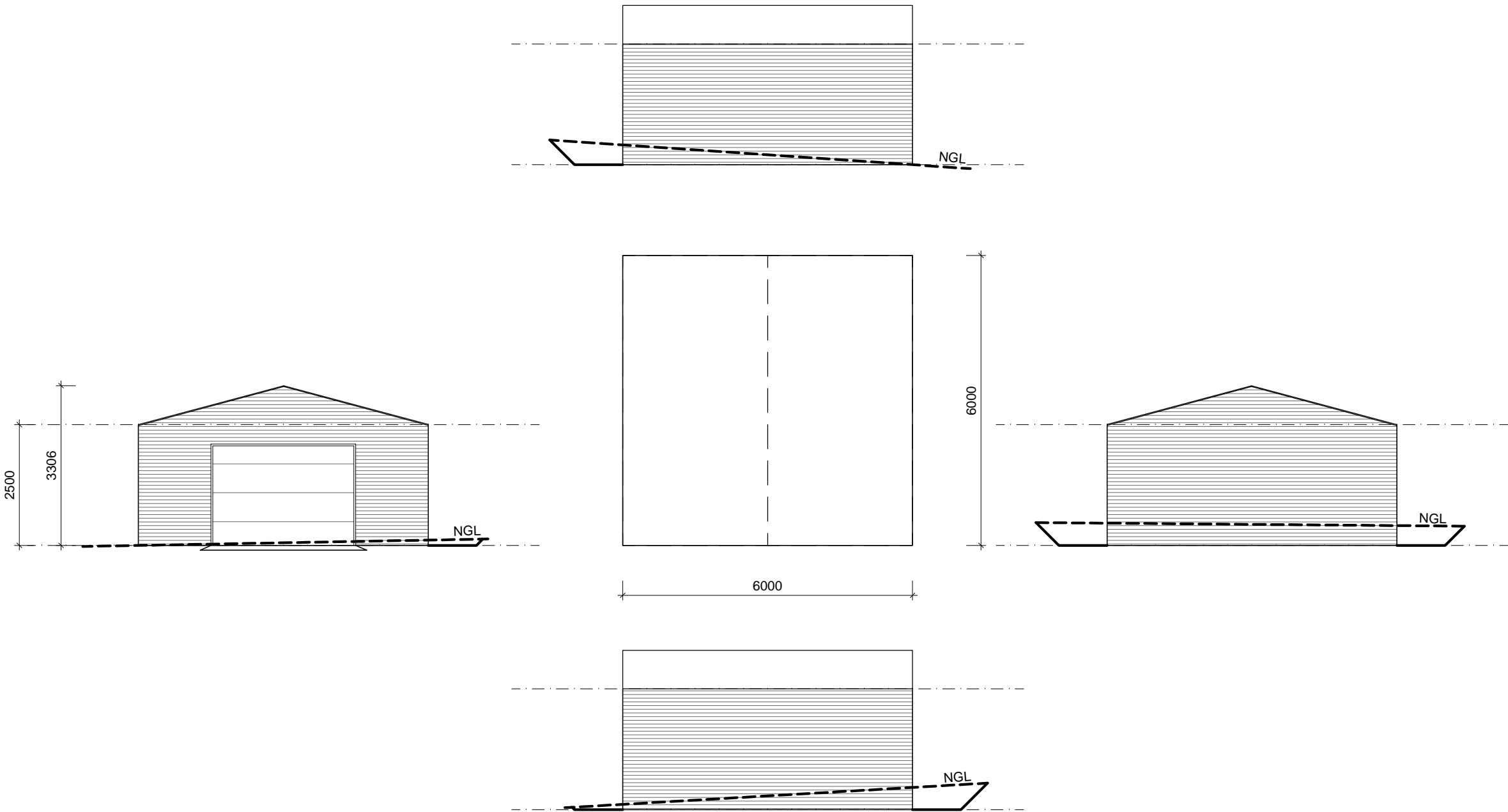
WALL CLADDING
IN ACCORDANCE WITH PART 3.5 OF CURRENT
N.C.C. AND MANUFACTURER'S SPECIFICATIONS.

ROOF CLADDING, GUTTERING AND DOWNPIPES
IN ACCORDANCE WITH 3.5.1 AND PARTS 3.5.2 OF
CURRENT N.C.C. AND AS/NZS 3500.5.
INSTALLATION TO BE IN ACCORDANCE WITH
MANUFACTURER'S SPECIFICATIONS AND
RECOMMENDATIONS.

WINDOWS & GLAZING
ALL WINDOWS AND GLAZING TO AS 2047 AND AS
1288 AND PART 3.6 OF CURRENT N.C.C.
MANUFACTURER TO PROVIDE CERTIFICATION
OF COMPLIANCE.
ALL WINDOW MEASUREMENT SHOWN ARE
NOMINAL ONLY AND ARE TO BE VERIFIED ON
SITE, PRIOR TO ORDERING.

Gary & Jenny McCarthy - 509 Gellibrand Rd Sandford, Tas 7020			Job No: 5022 Model: Ancillary
SIGNATURES			systembuilt designed for living
CLIENT:	DATE:		
CLIENT:	DATE:		1063 CAMBRIDGE ROAD CAMBRIDGE, TASMANIA 7170 PH:03 6214 8888 EMAIL:admin@systembuiltthomes.com.au Accredited Designer: Daniel Bastin CC6836
BUILDER:	DATE:		
DWG NO: 5022	SHEET: 03		PLEASE READ CAREFULLY THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN THE BUILDING CONTRACT AND I UNDERSTAND CHANGES HEREAFTER MAY NOT BE POSSIBLE.
SCALE AT A3: 1:100	DATE: 20/10/2017		
DRAWN: DL	CHECK: DB	REV 0	FINAL PLAN: ANY REQUESTED VARIATIONS TO YOUR HOUSE PLAN WILL INCUR AN AMENDMENT / ADMINISTRATION MINIMUM FEE OF \$500.00

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AND AS2047
WIND SPEED 41m/s N3



1	2	3	4	5
FLOOR AREAS				
FLOOR AREA		36m²		
DECKS LANDINGS		0m²		
TOTAL		36m²		

shed plan 1:100

DOOR SCHEDULE				WINDOW SCHEDULE					
ITEM: SIZE (h x w):		DESCRIPTION:		QTY	ITEM: SIZE (h x w):		DESCRIPTION:		QTY

ENERGY EFFICIENCY PROVISIONS
IN ACCORDANCE WITH PART 3.12 OF CURRENT N.C.C.

BUILDING FABRIC
CEILING INSULATION
FLAT CEILING/PITCHED METAL ROOF W/SARKING
R 0.4
FIBREGLASS CEILING BATTS
R 4.0
TOTAL
R 4.4

WALL INSULATION
W/SINGLE SIDED SISALATION
R 0.54
FIBREGLASS WALL BATTS
R 2.0
TOTAL
R 2.54

FLOOR INSULATION
(ENCLOSED PERIMETER)
TIMBER FLOOR
R 0.9
MIN. ADDITIONAL FLOOR INSULATION
R 3.5
TOTAL
R 4.4

BUILDING SEALING
CHIMNEYS AND FLUES
N/A
ROOF LIGHTS
N/A

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COMPRESSIBLE STRIP, FOAM, RUBBER OR FIBROUS
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GLAZING
REFER TO ATTACHED ENERGY EFFICIENCY REPORT.

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Job No: 5022 Model: Ancillary

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PLAN WILL INCUR AN AMENDMENT / ADMINISTRATION MINIMUM
FEE OF \$500.00

SIGNATURES

CLIENT: DATE:

CLIENT: DATE:

BUILDER:..... DATE:

DWG NO: 5022

SHEET: 02

SCALE AT A3: 1:100

DATE: 20/10/2017

DRAWN: DL

CHECK: DB

REV 0

HAZARD MANAGEMENT AREAS - HMA

Hazard Management Area includes the area to protect the Building as well as the access and water supplies.
Vegetation in the Hazard Management area (as dimensioned and shown) is to be managed and maintained in a minimum fuel condition.
The HMA is determined from a combination of two vegetation types on this allotment, and should the level of the grassland vegetation increase the BHMP and HMA should be reviewed to determine the ongoing suitability of the BHMP and HMA associated with the development.

MAINTENANCE SCHEDULE

- Removal of fallen limbs, leaf and bark litter;
- Cut lawns short (less than 100mm) and maintain;
- Remove pine bark and other garden mulch;
- Complete under-brushing and thin out the under storey;
- Prune low hanging trees to ensure separation from ground litter;
- Prune larger trees to establish and maintain horizontal and vertical canopy separation;
- Maintain storage of petroleum fuels;
- Maintain access to the dwelling and water storage area in accordance with Table E2: Standards for property access in Planning Directive No. 5.1;
- Remove fallen limbs, leaf and bark litter from roofs, gutters and around the building;
- Ensure that 10,000 litres of dedicated water supply for fire fighting purposes is available at all times.

BUSHFIRE PROTECTION MEASURES

To reduce the risk of bushfire attack, continual maintenance of bushfire protection measures including building maintenance, managed vegetation areas, water supply and road construction are to be undertaken by successive owners for perpetuity.

WATER SUPPLY

Fittings and pipework associated with a water connection point for a static water supply must:-

- Have a minimum nominal internal diameter of 50mm
- Be fitted with a valve with a minimum nominal internal diameter of 50mm
- Be metal or lagged by non-combustable materials if above ground
- Where buried, have a minimum depth of 300mm (compliant with AS/NZS 3500.1-2003 Clause 5.23)
- Provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment
- Ensure the coupling is accessible and available for connection at all times
- Ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length)
- Ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this table; and
- Where a remote offtake is installed, ensure the offtake is in a position that is:
 - a. Visible
 - b. Accessible to allow connection to by fire fighting equipment
 - c. At a working height of 450-600mm above ground level; and
 - d. Protected from possible damage, including damage by vehicles

SIGNAGE FOR STATIC WATER CONNECTIONS

The water connection points for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with:-

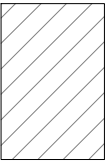
- Water tank signage requirements within AS2304-2011 Water storage tanks for fire protection systems; or
- The following requirements:
 - a. Be marked with the letter "W" contained within a circle with the letter in upper case of not less than 100mm in height;
 - b. Be in fade-resistant material with white reflective lettering and circle on a red background;
 - c. Be located within one metre of the water connection point in a situation which will not impede access or operation; and
 - d. Be no less than 400mm above ground.

HARDSTANDS

Hardstand and fire fighting water tank/connection position indicative only - however it is required that the hardstand be no closer than 6m to the dwelling. The tank connection point must be within 3m of the hardstand.

Private access on pre-existing lots

- allows safe access to and from the road network for occupants, fire fighters, and emergency personnel;
- provides access to ensure that fire fighting equipment can reach all parts of habitable buildings;
- is designed and constructed to allow for fire fighting vehicles to be manoeuvred; and
- provides access to water supply points, including hardstand areas for fire fighting vehicles.



HAZARD MANAGMENT AREA

Low threat, maintained vegetation in accordance with AS 3959 - Clause 22.3.2 (e) & (f). Building is to be constructed to meet BAL-19 requirements

PLAN TO BE READ IN CONJUNCTION WITH BUSHFIRE ATTACK LEVEL (BAL) REPORT

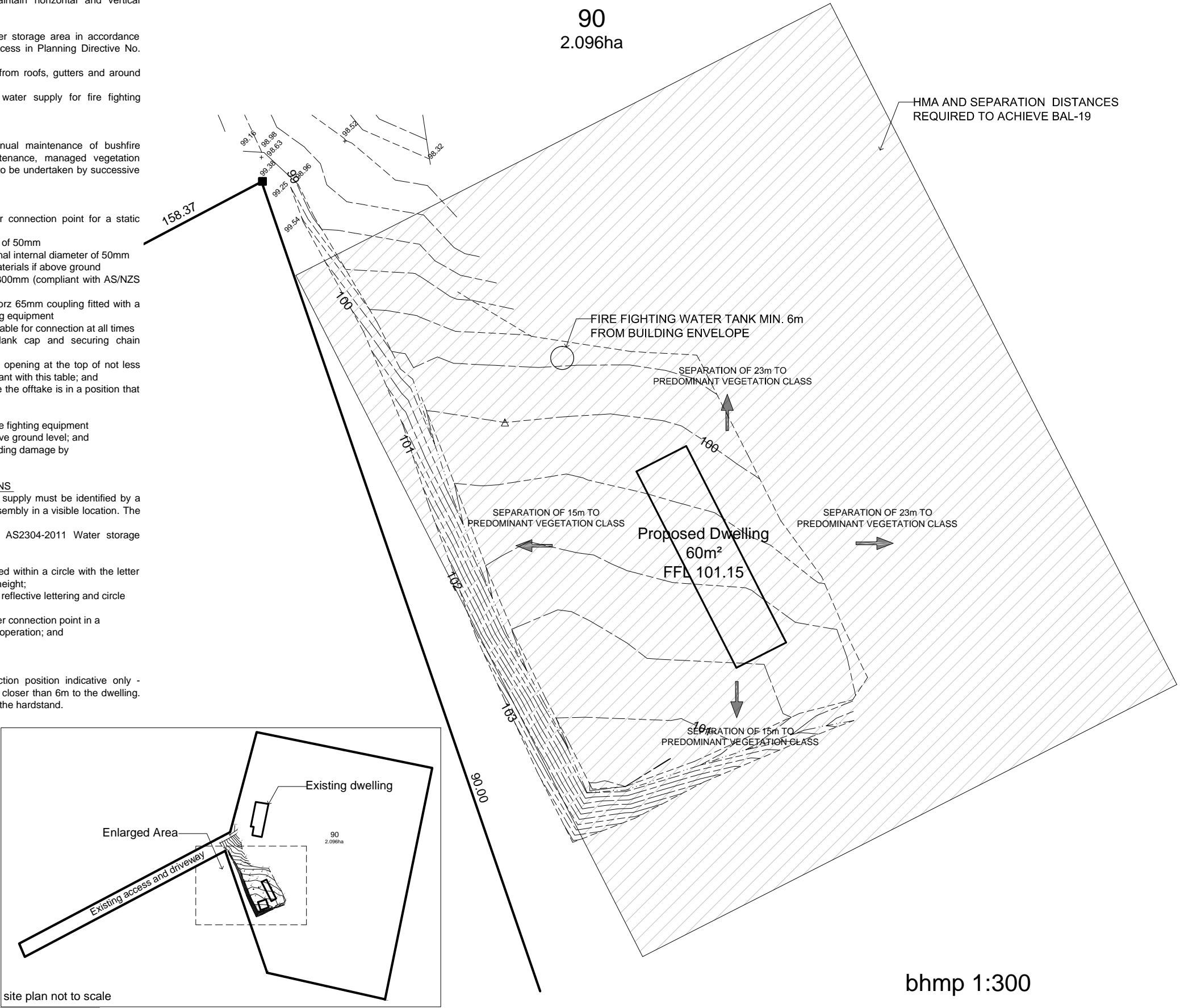
NOTIFY COUNCIL AND CERTIFYING BUSHFIRE PRACTITIONER IF ANY VARIATION IN BUILDING SETOUT OR VEGETATION HAZARDS OCCUR

ENSURE THIS PLAN AND ACCOMPANYING REPORT DO NOT CONFLICT WITH OTHER RELEVANT REPORTS AND ASSESSMENTS

Private access roads for vehicles - requirements for design and construction

Vehicle access roads of a length (or part thereof) as specified in Column A is satisfied by the design and construction requirements specified in Column B.

Column A	Column B
A. Property access length is less than 30 metres; or access is not required for a fire appliance to access a water connection point	There is no design and construction requirements if TFS access to the water supply is not required
B. Property access length is 30 metres or greater; or access for a fire appliance to a water connection point	The following design and construction requirements apply: <ul style="list-style-type: none">• All-weather construction• a load limit of at least 20 tonnes, including for bridges and culverts• minimum carriageway width of 4 metres• minimum vertical clearance of 4 metres• minimum horizontal clearance of 0.5 metres from the edge of the carriageway• cross falls of less than 3° (1:20 or 5%)• dips less than 7° (1:8 or 12.5%) entry and exit angle• Curves with a minimum inner radius of 10 metres• maximum gradient of 15° (1:3.5 or 28%) for sealed roads, and 10° (1:5.5 or 18%) for unsealed roads• terminate with a turning area for fire appliances provided by one of the following<ul style="list-style-type: none">(a) a turning circle with a minimum inner radius of 10m(b) a property access encircling the building(c) a hammerhead "T" or "Y" turning head 4m wide and 8m long
C. Property access length is 200 metres or greater	The following design and construction requirements apply to property access <ul style="list-style-type: none">(1) The requirements for B above; and(2) Passing bays of 2m additional carriageway width and 20m length provided every 200m
D. Property access length is greater than 30 metres, and access is provided to 3 or more properties	The following design and construction requirements apply to property access: <ul style="list-style-type: none">(1) Complies with requirements for B above; and(2) Passing bays of 2m additional carriageway width and 20m length must be provided every 100m



1	2	3	4	5	6	7	8	9	10
SITE AREAS									
SITE AREA					2.096ha				
TOTAL BUILDING AREA					120.88m²				
TOTAL SITE COVERAGE					14%				

site plan not to scale

bhmp 1:300

Prepared By David Lyne - BFP 144

Gary & Jenny McCarthy
509 Gellibrand Road, Sandford
Job No: 5022 Model: Ancillary



systembuilt
designed for living

1063 CAMBRIDGE ROAD
CAMBRIDGE, TASMANIA 7170
PH:03 6214 8888 EMAIL:admin@systembuilt.com.au
Accredited Designer: Daniel Bastin CC6836

PLEASE READ CAREFULLY

THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN THE BUILDING CONTRACT AND I UNDERSTAND CHANGES HEREFTER MAY NOT BE POSSIBLE.

FINAL PLAN: ANY REQUESTED VARIATIONS TO YOUR HOUSE PLAN WILL INCUR AN AMENDMENT / ADMINISTRATION MINIMUM FEE OF \$500.00

SIGNATURES

CLIENT: DATE:
CLIENT: DATE:
BUILDER:..... DATE:

DWG NO: 5022	SHEET: 15
SCALE AT A3: 1:300	DATE: 05/05/2017
DRAWN: ?	CHECK: ?
REV	0

Attachment 3



Site of proposed outbuilding and ancillary dwelling.



The neighbouring property between the internal lot and Gellibrand Drive, (531 Gellibrand Drive) when viewed from the area of the proposed outbuilding and ancillary dwelling.



View towards the neighbouring property between the internal lot and Gellibrand Drive, (487 Gellibrand Drive) on the other side of the driveway.



View looking from the area of the proposed ancillary dwelling looking east (towards the Rural Resource zoned land).



View from towards the neighbouring property from the proposal area, which shows the existing dwelling.



The existing dwelling viewed from the gates near the end of the driveway.

**11.3.7 DEVELOPMENT APPLICATION D-2016/439 - 14A VICTORIA
ESPLANADE, BELLERIVE - PUBLIC PIER**
(File No D-2016/439)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Public Pier at 14A Victoria Esplanade, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Open Space and subject to the Waterway and Coastal Protection, Inundation Prone Areas, Public Art, Parking & Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the consent of the applicant on 30 May 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 7 representations (including responses from MAST and DPIPWE Policy and Conservation Assessment Branch) were received raising the following issues:

- the proposal is a breakwater;
- navigation hazard and narrowing of entrance;
- increase in sedimentation;
- ferry wharf;
- widen the pier;
- silt disturbance;
- detract from the natural beauty of the bay;
- fishing;
- funding;
- community benefits; and
- MAST issues.

RECOMMENDATION:

- A. That the Development Application for Public Pier at 14A Victoria Esplanade, Bellerive (CI Ref D-2016/439) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. All exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.
 3. ENG S1 – INFRASTRUCTURE REPAIR.
 4. The structure is to be designed and constructed in accordance with MAST requirements and maintained in accordance with the recommendations of the Engineering Assessment prepared by Burbury Consulting, dated 18 October 2016 and submitted with the proposal. Upon completion, the facility is to be inspected every 3 years by a suitably qualified and experienced engineer with maintenance undertaken in accordance with any recommendations.
 5. A plan for the management of construction must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building Permit. The plan must outline the proposed demolition and construction practices in relation to:
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - proposed hours of construction not exceeding accepted guidelines;
 - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
 - construction parking and temporary displacement of public carpark;
 - alternative arrangements for pedestrian and cycling along the Boardwalk; and
 - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.
 6. In addition to the requirements of Condition 5, a Construction Environmental Management Plan in accordance with the recommendations of Marine Solutions, Marine Environmental Assessment dated October 2017 and the comments of the Policy and Conservation Advice Branch of DPIPWE is required to address the following points relevant to the marine environment:
 - translocation of marine pests by machinery working on-site;
 - management of silt and acid sulphate soil disturbance during construction;

- survey of the development site below the high-water mark and up to and including the proposed location of any silt curtain to be performed prior to the installation of the silt curtain to identify any handfish [spotted handfish (*Brachionichthys hirsutus*)] or red handfish (*Thymichthys politus*) or sea stars (*Pateriella vivipara*, *Smilasterias tasmaniae* and *Marginaster littoralis*) and process for relocating any species if found;
- methodology to prevent debris from entering the bay during construction;
- water quality monitoring to be undertaken during piling or other construction within the water beyond the area of the silt curtain directed to monitor any resuspension of sediments;
- marine spill kit and methodology to employ it;
- piling (if required), and appropriate cetacean/pinniped management;
- seasonality of construction timing to minimise risk to spotted handfish breeding. Reclamation works, piling or other construction within the water must not occur between September to January inclusive;
- construction must be confined to calm weather conditions to minimise sediment plume dispersion;
- a slow start up of construction must be practised if underwater noise is expected during construction in order to allow any marine mammals within the vicinity to leave the area. Should any construction activities generate impulse shock marine noise, they should be ceased if any marine mammals are seen within 300m, until such a time that no marine mammals have been sighted for 30 minutes;
- prior to each day of pile installation activities, the immediate area should be scanned for the presence of cetaceans, pinnipeds, turtles, and/or penguins;
- construction activities must not occur, or must cease, if any listed cetacean and pinniped/turtle/penguin species are known to be present within 500m of construction activities;
- the Wildlife Management Branch within DPIPWE is to be consulted immediately prior to construction activities, to determine whether there has been any recent marine mammal sightings in the proposed work area [24hr Whale Hotline on 0427 WHALES (0427 942 537)];
- occurrences of cetaceans, pinnipeds, turtles, and/or penguins should be reported to DPIPWE within 90 days of collection. Reference data should include species name, location-GPS (grid reference GDA94), observer name, date, number of individuals and area.

7. Public art works must be provided at a value ratio of at least 1% of the cost of the development (up to a maximum of \$20,000). Such contribution must be provided in a form and location in accordance with Council's documented guidelines, procedure and criteria to the satisfaction of Council's Manager City Planning. The form and location must be agreed prior to the issue of a Building Permit and installation of the art works must occur prior to the commencement of any uses hereby approved.
8. The development must meet all required Conditions of Approval specified by TasWater notice dated 18 October 2016 (TWDA 2016/01555-CCC).

ADVICE

- (a) MAST notes the following moorings will be affected.
 - 8567 is approximately 38m away with a 12.5m approved vessel length and is in approximately 5m water giving total scope of 27.5m. This will give around 10.5m on the wall;
 - 8566 is 25m away from the end of the wall; and
 - 4212 is 50m away from the end of the wall.

These moorings would need to be relocated to an area to which the owners are satisfied and MAST approves. This cost would be met by the developer.

There would also need to be a starboard hand light on the end of the structure. This would be needed to be provided by the developer and would also need to be maintained by the developer.

- 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

At its Meeting of 11 May 2015, Council resolved:

"That Council agrees to lodge a development application for the proposed breakwater/pier proposal for Kangaroo Bay noting the following:

- *that the development application be based on the technical reports prepared by the Bellerive Yacht Club (BYC);*
- *that the development application is for the breakwater/pier only;*

- *that the development application make provisions for the breakwater/pier to provide a high standard of public facility and access; and*
- *that in lodging the development application Council is not committing to the funding of the infrastructure beyond the extent of funding already approved”.*

The proposal is similar to a previous proposal (D-2016/141) which was advertised but withdrawn prior to determination at a Council Meeting. It differs in that there is no longer a proposal for a ferry facility. A public ferry terminal has been identified by the State Government to be built by TasPorts at the Kangaroo Bay hotel site.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Open Space under the Scheme.

2.2. The proposal is discretionary because of the proposed uses and 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 – Open Space Zone; and
- Section E6.0 – Waterway and Coastal Protection, Inundation Prone Areas, Public Art, Parking & Access and Stormwater Management Codes.

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

2.5. Unless excluded by s.20 of the Act, use or development of an existing or proposed accretion of land from the sea, whether natural or unnatural, located either partially or wholly outside the planning scheme area and including structures and use and development of the type referred to in s.7 (c) and s.7 (d) of the Act may be approved at the discretion of the planning authority having regard to all of the following:

- (a) the provisions of the Environmental Management Zone;
- (b) the purpose and any relevant standards of all Codes;
- (c) the compliance with the planning scheme standards of any related use or development wholly contained within the planning scheme area; and
- (d) the provisions of the Open Space Zone.

2.6. In line with previous legal advice and Tribunal decisions the pier is considered to be an accretion that extends outside Council's Municipal boundary. In *M&R Loughhead v Hobart City Council* and *Hobart City Council (Applicant)(101/14P)* s98, the Tribunal held on this issue:

“The relevant considerations must be determined by reference to any statutory provisions within and under the LUPA Act which deal with that issue and general planning principles applicable to the assessment of any development”.

As such, the proposal should be considered under the relevant Objectives of the LUPAA Act where it protrudes from the Municipal boundary.

3. PROPOSAL IN DETAIL

3.1. The Site

The site is described as 14a Victoria Esplanade, is owned by the Crown and does not have a registered certificate of title. The property is a long, thin area of foreshore which stretches from the junction of Cambridge Road with Victoria Esplanade all the way down to Queen Street and beyond to include the most westerly part of Bellerive Beach.

The subject site is located at the northerly tip of the property in proximity to the Waterfront Hotel and Bellerive Village. In this location the proposal is attached to a walled section of the Bellerive boardwalk adjacent to the multi-user footway and cycle path.

The site further extends past the high watermark into Kangaroo Bay which is also owned by the Crown, from which consent to lodge the application has been received.

3.2. The Proposal

The proposal is for a public pier and breakwater which will allow full public access for viewing and fishing.

The proposal extends 105m into the mouth of Kangaroo Bay and is situated in proximity to the former Wharf located adjacent to the public carpark at the junction of Cambridge Road and Victoria Esplanade. The pier will take level access directly from the Boardwalk and have a minimum walkway width of 2.5m (total structure width of 3.05m). The proposal includes seating and a navigation beacon. The height of the structure is approximately 2.3m above mean sea level (top of wave panels). The handrails protrude a further 300mm above this height and the light poles 16m. The structure will be piled and constructed predominantly from precast concrete. Along the south-west elevation precast wave panels are proposed which will sit below the surface and 2.3m above mean sea level. The design will allow for the circulation of water underneath the structure. It will be a significant intrusion into the Bay and a highly visible piece of infrastructure.

An Engineering Assessment was submitted as part of the application stating that the pier has been designed with a partial depth wave screen on the southern face that will provide wave protection of the Kangaroo Bay area including public moorings, public boat ramp, Bellerive Yacht Club marina, the existing boardwalk infrastructure. The proposed structure will be constructed from steel circular hollow piles with concrete headstock and precast concrete vertical wave panels.

An Ecological Assessment was prepared by Marine Solutions and is dated March 2018. The survey area covers the subject breakwater pier and the future marina expansion proposals of the BYC. It concludes that no protected species were found near the proposed development site and that it was highly impacted by anthropogenic sources of pollution including tyres, bottles, and general debris, as well as outfalls at various points around the Kangaroo Bay coastline. It notes that the development poses some risk of disturbance to fine sediments, which are known to contaminate the Derwent Estuary. Sedimentary disturbance could result in leaching of contaminants into the surrounding environment, sedimentation and/or depletion of dissolved oxygen, particularly in bottom waters.

Mitigation measures are proposed to include:

- Constructing the public pier in calm weather conditions to minimize sediment plume dispersion.
- Although no handfish were found, they are known to occur nearby, therefore any marine-based construction that directly impacts the seabed and/or causes impulse shock marine noise generation (eg hammering, piling) should be avoided in the handfish breeding season (September to January inclusive; NCH 2015).
- Slow start up of construction should also occur if underwater noise is expected during construction, in order to allow any marine mammals within the vicinity to leave the area. Should any construction activities generate impulse shock marine noise, they should be ceased if any marine mammals are seen within 300m, until such a time that no marine mammals have been sighted for 30 minutes.

A Coastal Impact Assessment prepared by Burbury Consulting dated 17 October 2016 for the breakwater pier identifies that the development, which has been designed by coastal and marine engineers meets the Inundation Prone Areas code requirements in its design form and proposed usage.

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 Open Space and Environmental Management Zones and Waterway and Coastal Protection, Inundation Prone Areas, Public Art, Parking & Access and Stormwater Management Codes with the exception of the following:

Open Space Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
19.3.1 A1	Hours of Operation	Hours of operation of a use within 50m of a residential zone must be within: (a) 8.00am to 6.00pm Mondays to Saturdays inclusive; (b) 10.00am to 4.00pm Sundays and Public Holidays; except for office and administrative tasks.	There will be unrestricted public access to the pier.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 19.3.1 as follows.

Performance Criteria	Proposal
<i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i>	The passive use of the structure will not give rise to any significant detriment to amenity and therefore satisfies the performance criterion.

Open Space Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
19.3.3 A1	External Lighting	External lighting within 50m of a residential zone must comply with all of the following: (a) be turned off between 6.00pm and 8.00am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.	Unrestricted lighting is proposed.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 19.3.3 as follows:

Performance Criteria	Proposal
<i>“External lighting within 50m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following: (a) level of illumination and duration of lighting; (b) distance to habitable rooms in an adjacent dwellings”.</i>	The lights will be present and have similar luminosity to municipal street lighting; as such, there is no unreasonable imposition on residential amenity and will meet the performance criteria

Open Space Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
19.3.5 A1	Discretionary Use	No Acceptable Solution.	The discretionary use refers to the functionality of the structure in respect of a breakwater.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 19.3.5 as follows.

Performance Criteria	Proposal
<i>“Discretionary use must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use”.</i>	The breakwater will complement passive recreational activities in the bay, particularly the berthing and operation of recreational vessels.

Open Space Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
19.4.1 A1	Building Height	Building height must be no more than: <ul style="list-style-type: none"> • 6.5m. 	The pier structure extends 2.6m above mean sea level. The proposed lighting is on posts which extend a total of 18.3m above mean sea level.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 19.4.1 as follows.

Performance Criteria	Proposal
<i>“Building height must satisfy all of the following:</i> <i>(a) be consistent with any Desired Future Character Statements provided for the area;</i> <i>(b) be compatible with the scale of nearby buildings;</i> <i>(c) not unreasonably overshadow adjacent public space”.</i>	<ul style="list-style-type: none"> • there are no desired future character statements for the area; • the height of the structure will be negligible as it will be at grade with the Boardwalk; • the lighting poles will not cause any overshadowing detriment.

Open Space Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
19.4.2 A1	Setback	Building setback from frontage must be no less than: 5m.	The structure will connect to the Victoria Esplanade road reserve land so will in theory have a zero setback.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 19.4.2 as follows.

Performance Criteria	Proposal
<p><i>“Building setback from frontage must satisfy all of the following:</i></p> <p><i>(a) be consistent with any Desired Future Character Statements provided for the area;</i></p> <p><i>(b) enhance the characteristics of the site, adjoining lots and the streetscape”.</i></p>	<ul style="list-style-type: none"> • there are no desired future character statements for the area; • the structure will enhance the functional characteristics of the site and will not impact on the spatial rhythm of setbacks to residential properties on the opposite side of the road.

Environmental Management Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
29.3.1 A1	Use Standards for Reserved Land	Use is undertaken in accordance with a reserve management plan.	There is no reserve management plan applicable.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 29.3.1 as follows.

Performance Criteria	Proposal
<p><i>“Use must satisfy all of the following:</i></p> <p><i>(a) be complementary to the use of the reserved land;</i></p> <p><i>(b) be consistent with any applicable objectives for management of reserved land provided by the National Parks and Reserves Management Act 2002;</i></p>	<ul style="list-style-type: none"> • the use is conducive to the passive recreation of the reserve; • is not subject to this legislation; and • as considered above, there is no detriment to the surrounding area.

<i>(c) not have an unreasonable impact upon the amenity of the surrounding area through commercial vehicle movements, noise, lighting or other emissions that are unreasonable in their timing, duration or extent”.</i>	
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Environmental Management Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
29.4.1 A1	Building Height	<p>Building height comply with any of the following:</p> <p>(a) as proscribed in an applicable reserve management plan;</p> <p>(b) be no more than 7.5m.</p>	There is no reserve management plan and the pier structure extends 2.6m above mean sea level. The proposed lighting is on posts which extend a total of 18.3m above mean sea level.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 29.4.1 as follows.

Performance Criteria	Proposal
<p><i>“Building height must satisfy all of the following:</i></p> <p><i>(a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area;</i></p> <p><i>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p><i>(i) overlooking and loss of privacy;</i></p> <p><i>(ii) visual impact when viewed from adjoining lots, due to bulk and height;</i></p> <p><i>(c) be reasonably necessary due to the slope of the site or for the functional requirements of infrastructure”.</i></p>	<ul style="list-style-type: none"> • there are no desired future characteristics; • the height is in keeping with the foreshore landscape of the area; • the height of the pier will not create overlooking of residential properties; • the lamp posts will result in minimal visual impact; • the posts are reasonably required for functionality.

Environmental Management Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
29.4.2 A1	Setback	Building setback from frontage must comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no less than 30m.	There is no reserve management plan and the setback abuts the reserve.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 29.4.2 as follows.

Performance Criteria	Proposal
<p><i>“Building setback from frontage must satisfy all of the following:</i></p> <p><i>(a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape;</i></p> <p><i>(b) minimise adverse impact on the landscape as viewed from the road;</i></p> <p><i>(c) be consistent with the prevailing setbacks of existing buildings on nearby lots;</i></p> <p><i>(d) minimise loss of native vegetation within the front setback where such vegetation makes a significant contribution to the landscape as viewed from the road”.</i></p>	<ul style="list-style-type: none"> • there are no desired future characteristics and is in keeping with the foreshore landscape of the area; • it will not impact on the spatial rhythm of setbacks to residential properties on the opposite side of the road. • there is no loss of significant native vegetation

Environmental Management Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
29.4.3 A1	Design	The location of buildings and works must comply with any of the following: (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline;	None of these design criteria are applicable. The proposal is not an addition or alteration to an existing building.

		(b) be located within a building area, if provided on the title; (c) be an addition or alteration to an existing building; (d) as prescribed in an applicable reserve management plan.	
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The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 29.4.3 as follows.

Performance Criteria	Proposal
<p><i>“The location of buildings and works must satisfy all of the following:</i></p> <p>(a) <i>be located in an area requiring the clearing of native vegetation only if:</i></p> <p>(i) <i>there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;</i></p> <p>(ii) <i>the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</i></p> <p>(iii) <i>the location of clearing has the least environmental impact;</i></p> <p>(b) <i>be located on a skyline or ridgeline only if:</i></p> <p>(i) <i>there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;</i></p> <p>(ii) <i>there is no significant impact on the rural landscape;</i></p> <p>(iii) <i>building height is minimised;</i></p> <p>(iv) <i>any screening vegetation is maintained.</i></p>	<p>The proposal neither requires the clearance of native vegetation nor is it on a ridgeline/skyline.</p>

(c) <i>be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape”.</i>	
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Waterway and Coastal Protection Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1 A1	Building & Works	Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	does not comply

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E11.7.1 as follows.

Performance Criteria	Proposal
<p><i>“Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</i></p> <p>(a) <i>avoid or mitigate impact on natural values;</i></p> <p>(b) <i>mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</i></p> <p>(c) <i>avoid or mitigate impacts on riparian or littoral vegetation;</i></p> <p>(d) <i>maintain natural streambank and streambed condition, (where it exists);</i></p> <p>(e) <i>maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i></p> <p>(f) <i>avoid significantly impeding natural flow and drainage;</i></p> <p>(g) <i>maintain fish passage (where applicable);</i></p>	<p>The ecological assessment conducted by Marine Solutions found no major contraventions and proposes appropriate risk management strategies.</p> <p>No threatened species were identified during field surveys, including the target species spotted handfish and Derwent River seastar. The survey area was reported to be highly impacted by anthropogenic sources of pollution including tyres, bottles, and general debris, as well as outfalls at various points around the bay.</p> <p>The proposed public pier development poses some risk of disturbance to fine sediments, which are known to be contaminated within the Derwent Estuary. Sedimentary disturbance could result in leaching of contaminants into the surrounding environment, sedimentation and/or depletion of dissolved oxygen, particularly in bottom waters.</p> <p>Environmental mitigation measures to minimize potential negative effects to sensitive receptors are required. Mitigation measures appropriate to this project include:</p>

<p>(h) <i>avoid landfilling of wetlands;</i></p> <p>(i) <i>works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and 'Tasmanian Coastal Works Manual' (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided".</i></p>	<ul style="list-style-type: none"> • Constructing the public pier in calm weather conditions to minimize sediment plume dispersion. • Although no handfish were found, they are known to occur nearby, therefore any marine-based construction that directly impacts the seabed and/or causes impulse shock marine noise generation (eg hammering, piling) should be avoided in the handfish breeding season (September to January inclusive; NCH 2015). • Slow start up of construction should also occur if underwater noise is expected during construction, in order to allow any marine mammals within the vicinity to leave the area. Should any construction activities generate impulse shock marine noise, they should be ceased if any marine mammals are seen within 300 m, until such a time that no marine mammals have been sighted for 30 minutes. <p>It is proposed that these issues can be appropriately managed by the Construction Environmental Management Plan which is required as a condition of approval.</p>
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Waterway & Coastal Protection Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.2 A1	Buildings and Works Dependant on a Coastal Location	An extension to an existing boat ramp, carpark, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.	The proposal is for a new facility.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E11.7.2 as follows.

Performance Criteria	Proposal
<p><i>“Buildings and works must satisfy all of the following:</i></p> <p><i>(a) need for a coastal location is demonstrated;</i></p> <p><i>(b) new facilities are grouped with existing facilities, where reasonably practical;</i></p> <p><i>(c) native vegetation is retained, replaced or re-established so that overall impact on native vegetation is negligible;</i></p> <p><i>(d) building design responds to the particular size, shape, contours or slope of the land and minimises the extent of cut and fill;</i></p> <p><i>(e) impacts to coastal processes, including sand movement and wave action, are minimised and any potential impacts are mitigated so that there are no significant long-term impacts;</i></p> <p><i>(f) waste, including waste from cleaning and repairs of vessels and other maritime equipment and facilities, is managed in accordance with current best practice so that significant impact on natural values is avoided”.</i></p>	<ul style="list-style-type: none"> • the proposal relies on a coastal location; • is situated appropriately at the mouth of the bay; • there is no native vegetation removal proposed; • the structure design is appropriate to the landscape; • whilst the structure is designed to reduce wave action through the bay, it is open beneath the surface of the water to allow circulate around the bay; and • there is no waste associated with the structure.

Public Art Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E24.6 A1	Use or Development Standards for the Public Art Code	Developments with development costs over \$1M must: (a) Provide a contribution to public art at a ratio of 1% of the cost of the development, up to a maximum of \$20,000. Such contribution must be made as a cash payment to the Clarence City Council Public Arts Fund to be allocated to public art on public land within the precinct containing the development site.	No proposal has been made with the application.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E24.6 as follows.

Performance Criteria	Proposal
<p><i>“Developments with development costs over \$1M must:</i></p> <p><i>(a) Provide public art works valued at a ratio of at least 1% of the cost of the development, up to a maximum of \$20,000. Such contribution must be provided in a form and location agreed to by Council”.</i></p>	<p>It is proposed that this outcome should be achieved by condition of the approval.</p>

4.4. Compliance with Schedule 1 of LUPAA

As discussed previously, the pier is located outside of the current Clarence Municipal boundaries and, as such, requires assessment under the LUPA Act. Notwithstanding the above assessment under the Scheme, which is itself a product of the LUPA Act and subject to rigorous examination under the provisions of the Act, a brief consideration is contained below under Part 1 - Objectives of the Resource Management and Planning System of Tasmania.

Standard	Objectives	Proposed
Objectives of the Resource Management and Planning System of Tasmania	<p>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</p> <p>(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and</p> <p>(c) to encourage public involvement in resource management and planning; and</p> <p>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) , (b) and (c); and</p> <p>(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.</p>	<ul style="list-style-type: none"> • the ecological assessment under the Scheme demonstrates that these principles of sustainable development have been considered; • the development is considered to provide for the fair, orderly and sustainable use and development of the water; • the application has been publically advertised and open to public comment; • the proposal will contribute to the continuing economic development and urban regeneration of the bay; and • the development and regeneration of the area is a process which has engaged the State, Council, stakeholders and the community.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 7 representations (including responses from MAST and DPIPWE Policy and Conservation Assessment Branch) were received raising the following issues.

5.1. The Proposal is a Breakwater

Two representors expressed concern that the proposal has been described as a pier but that it does not appear to be a pier (such as other tourists attractions, for example Brighton in England) and is instead a breakwater as it is intended to restrict wave action.

- **Comment**

The proposal has been described as a public pier which reflects its use as a public walkway. The proposal is also designed to act as a breakwater to reduce wave action in the bay. This was clearly noted in the application plans which identify the wave panels and the supporting reports which describe the wave screens. The Macquarie Concise Dictionary describes a pier variously and as both a breakwater and a pleasure promenade.

5.2. Navigation Hazard and Narrowing Entrance

Several representors commented that the proposal is located in an area believed to be where most vessels ingress and egress and is narrowing the bay. A full scale floating representation of the proposal is required.

- **Comment**

There would appear to be no impediment to vessels navigating both ingress and egress around the breakwater. Navigational lighting is proposed at the end of the pier along with general lighting along the full length of the structure. Full scale representations are neither necessary or required for any other development application and would serve no purpose in this instance.

5.3. Increase in Sedimentation

The reduction of wave action/energy will increase sediment in the bay and subsequent dredging will be required. A pier in proximity to the former “pavilion” building would be more appropriate.

- **Comment**

Whilst the structure is clearly intended to reduce wave action entering the bay, it remains open beneath the wave panels and there is no evidence to suggest that future dredging would be required. A pier in proximity to the former pavilion building would not be able to act as a wave break.

5.4. Ferry Wharf

A ferry wharf should be considered and ferry operators have not been consulted.

- **Comment**

The State Government has stated in “The Tasmanian Liberals’ Plan” its commitment to a public ferry terminal to be built by TasPorts at the Kangaroo Bay development. There is no proposal to build at the entrance of the bay.

5.5. Widen the Pier

Pier should be widened to allow access by emergency vehicles

- **Comment**

It is unclear why the pier would require access by emergency vehicles and none is proposed.

5.6. Silt Disturbance

Installation of the piles will cause disturbance of heavy metals.

- **Comment**

This issue has been considered by the applicant’s consultant marine ecologist and the Policy and Conservation Advice Branch (PCAB) of DPIWPE. It has been determined that this issue can be properly managed during construction and will form a condition of approval.

5.7. Detract from the Natural Beauty of the Bay

The proposal is a concrete monstrosity which is out of character with the area.

- **Comment**

The design and materials are appropriate to a marine structure with the purpose proposed. The visual appearance is not a primary consideration under the Scheme (ie there are few specific controls which consider design aesthetic).

5.8. Fishing

Recreational fishing will further deplete fish stocks.

- **Comment**

Any recreational fishing is on a small scale and would have negligible impact on fish stocks by comparison to commercial fishing. This is not deemed to be a valid planning consideration.

5.9. Funding

Inappropriate use of public (whether local, State or Federal) funds.

- **Comment**

This is not a valid planning consideration under the Scheme.

5.10. Community Benefits

Several representors expressed the perceived community benefit of the proposal, being a public open space area for local residents and visitors to undertake leisure activities such as walk, fish and enjoy the Kangaroo Bay views as well as protecting a congregation area for accessing marine craft either public or private. The pier will also support the focal area for future public events. It will protect the BYC which is currently planning to extend its aged marina infrastructure as it will provide a necessary wave and storm protection to berths. The Pier will assist in protecting future berthing facilities for ferries for the transportation of people to all sporting fixtures at Blundstone Arena including Test cricket and AFL fixtures.

- **Comment**

The representors' comments are noted.

5.11. MAST

MAST notes the following moorings will be affected.

- 8567 is approximately 38m away with a 12.5 approved vessel length and is in approximately 5m water giving total scope of 27.5m. This will give around 10.5m on the wall;

- 8566 is 25m away from the end of the wall;
- 4212 is 50m away from the end of the wall.

These moorings would need to be relocated to an area to which the owners are satisfied and MAST approves. This cost would be met by the developer.

There would also need to be a starboard hand light on the end of the structure. This would be needed to be provided by the developer and would also need to be maintained by the developer.

- **Comment**

It is appropriate that this information form an advice to any permit issued.

6. EXTERNAL REFERRALS

The application was referred to TasWater which provided conditions of approval.

The application was also referred to the Policy and Conservation Advice Branch (PCAB) of DPIPW. PCAB supports the mitigation measures recommended by Marine Solutions, including the following:

- Constructing the public pier in calm weather conditions to minimise sediment plume dispersion.
- Although no handfish were found, they are known to occur nearby, therefore any marine-based construction that directly impacts the seabed and/or causes impulse shock marine noise generation (eg hammering, piling) should be avoided in the handfish breeding season (September to January inclusive; NCH 2015).
- Slow start up of construction should also occur if underwater noise is expected during construction, in order to allow any marine mammals within the vicinity to leave the area. Should any construction activities generate impulse shock marine noise, they should be ceased if any marine mammals are seen within 300m, until such a time that no marine mammals have been sighted for 30 minutes.

- Prior to each day of pile installation activities, the immediate area should be scanned for the presence of cetaceans, pinnipeds, turtles, and/or penguins.
- Construction activities must not occur, or must cease, if any listed cetacean and pinniped/turtle/penguin species are known to be present within 500m of construction activities.
- It is also recommended that the Wildlife Management Branch within DPIPWE is consulted immediately prior to construction activities, to determine whether there has been any recent marine mammal sightings in the proposed work area (24hr Whale Hotline on 0427 WHALES (0427 942 537)).
- Occurrences of cetaceans, pinnipeds, turtles, and/or penguins should be reported to DPIPWE within 90 days of collection. Reference data should include species name, location-GPS (grid reference GDA94), observer name, date, number of individuals and area.

It is recommended that the dot points be included in the requirements of the Construction Environmental Management Plan.

Threatened Fauna

PCAB noted that the surveys did not observe any spotted handfish (*Brachionichthys hirsutus*) within the development footprint, however, there are records within 500m of the proposed development and *B. hirsutus* may occur within the development footprint. As such, PCAB recommends that all construction activities that involve contact with the seabed (pile-driving, mooring removal and installation) be conducted outside of the *B. hirsutus* breeding season (September to January inclusive). If it is not possible to restrict construction to outside the breeding season, PCAB recommended it be contacted for further advice.

It is also possible that marine mammals may occur within or nearby the area. Prior to and during any heavy marine activities that create significant acoustic disturbance (such as pile driving), PCAB recommends the above protocols be applied to minimise impacts to any marine mammals that may be within the area during construction.

Acid Sulphate Soils

PCAB notes that the marine and intertidal sediments in the area are mapped as high risk for Acid Sulphate Soils (ASS). The highest risk is considered to be in the intertidal zone, where sediment disturbance can result in oxidation leading to mobilisation of ASS and the potential to remobilise heavy metals with associated spikes in their biological availability. This is less of a risk for the sub-tidal sediment, provided it is not exposed to the air, although it is still recommended to minimise disturbance of sub-tidal sediment as much as possible.

From the information provided it appears that no or minimal marine sediment is being exposed to air and hence the risk is considered low. Based on the information provided it appears that most of the intertidal substrate in the area is hardened and that there will be little trenching or other activities that may expose intertidal ASS. It is concluded that the proposed activity is considered low risk for ASS and no further management actions are required.

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

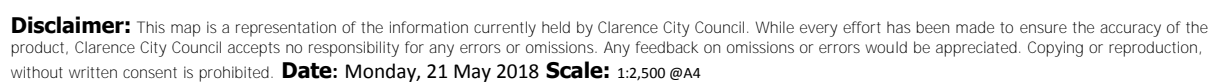
9. CONCLUSION

The proposal for a Public pier at 14A Victoria Esplanade, Bellerive is recommended for approval with reasonable and relevant conditions.

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

Ross Lovell
MANAGER CITY PLANNING

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



BELLERIVE PUBLIC PIER DEVELOPMENT



- DRAWING LIST:
- 1141-DA01 OVERALL GENERAL ARRANGEMENT PLAN
 - 1141-DA02 PROPOSED - BELLERIVE PUBLIC PIER - OUTER AERIAL
 - 1141-DA03 LEASE AND TITLE CONFIGURATIONS
 - 1141-DA04 PUBLIC PIER PLAN & SECTION
 - 1141-DA05 PROPOSED BELLERIVE PUBLIC PIER - ELEVATIONS

HOBART TIDE LEVELS		
	CD	AHD
HAT	+1.69	+0.86
MHHW	+1.51	+0.68
MLHW	+1.00	+0.17
MSL	+0.88	+0.05
MHLW	+0.76	-0.07
MLLW	+0.26	-0.57
LAT	0.00	-0.83

OVERALL GENERAL ARRANGEMENT PLAN
1:2000

FOR APPROVAL

REVISED	Rev No	Revision note	Date	Checked	Approved	REFERENCES	Dwg No	Reference	 BURBURYCONSULTING <small>Engineering & Project Management</small> <small>2000 F. Street - Hobart</small>	ABN 95 107889 9969 345 DAVEY STREET, SOUTH HOBART, TAS 7004 P: (03) 6223 8007 F: (03) 6223 1143 E: admin@burburyconsulting.com.au	COPYRIGHT © "This document is and shall remain the property of Burbury Consulting Pty Ltd. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission. Unauthorised use of this document if any way is prohibited"	Drawn By	Date	Client	Project	Scale	Sheet	Rev	
	H	UP-DATED, WIDTH NOW 2.5m WALKWAY	27/02/18	JB	JB							R. PARKER	JAN 2018	CLARENCE CITY COUNCIL	BELLERIVE PUBLIC PIER DEVELOPMENT	1:2000	A1	H	
												Designed By	Date						
												J. BURBURY	JAN 2018						
												Checked By	Date						
												Approved By	Date						



WIND/WAVE EXPOSURE PLAN
NTS



PROPOSED BELLERIVE PUBLIC PIER - OUTER AERIAL
1:4000

Imagery Date: 11/13/2017

FOR APPROVAL

Tour Guide

2003

REVISIONS	Rev No	Revision note	Date	Checked	Approved
	H	UP-DATED, WIDTH NOW 2.5m WALKWAY	27/02/18	JB	JB

REFERENCES	Dwg No	Reference

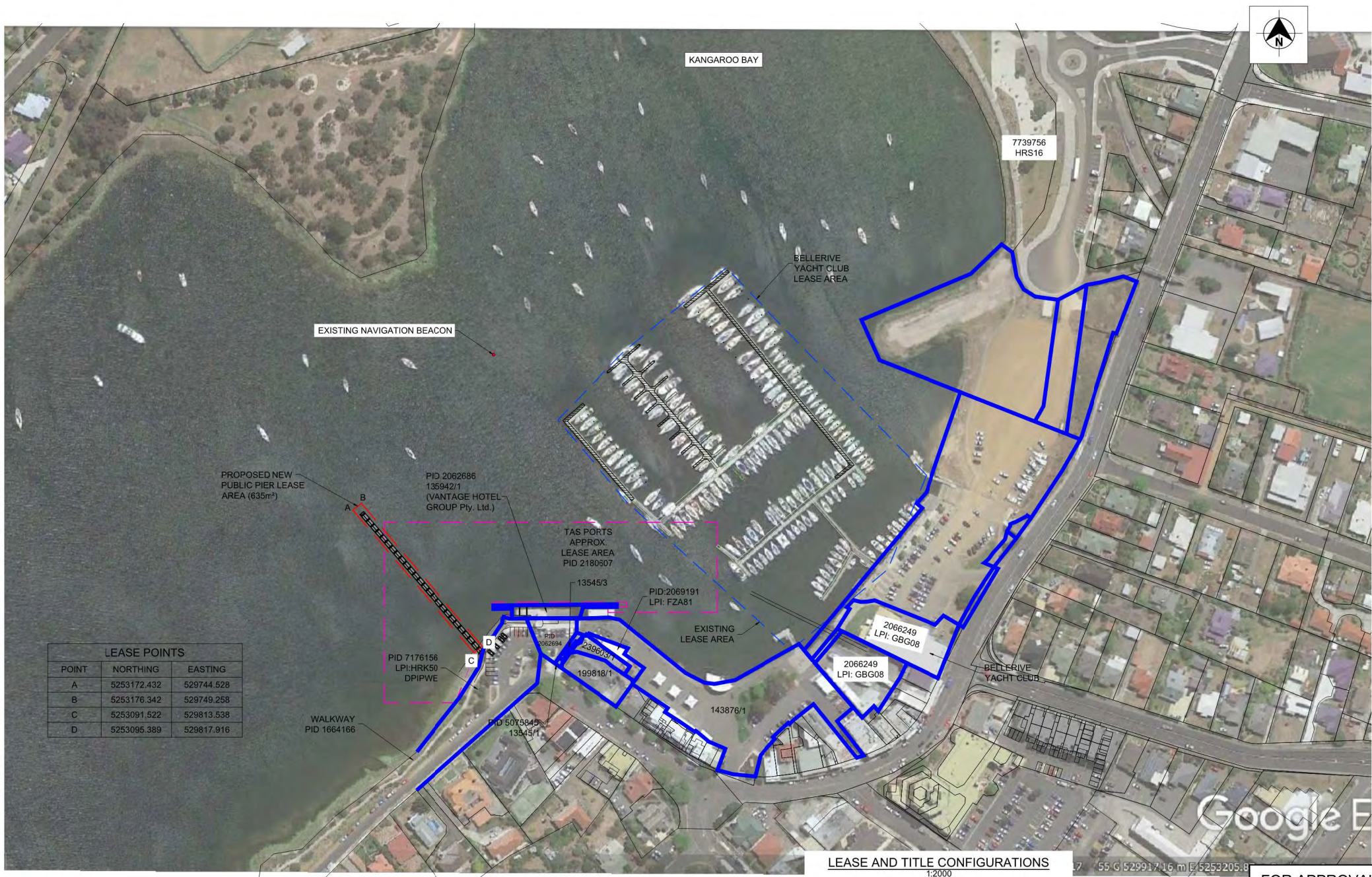


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Drawn By: R. PARKER	Date: JAN 2018
Designed By: J. BURBURY	Date: JAN 2018
Checked By:	Date:
Approved By:	Date:


Client: CLARENCE CITY COUNCIL	Scale: 1:4000	Rev: H
Project: BELLERIVE PUBLIC PIER DEVELOPMENT		
Title: PROPOSED BELLERIVE PUBLIC PIER - OUTER AERIAL		
Drawing No: 1141 - PIER - DA02		

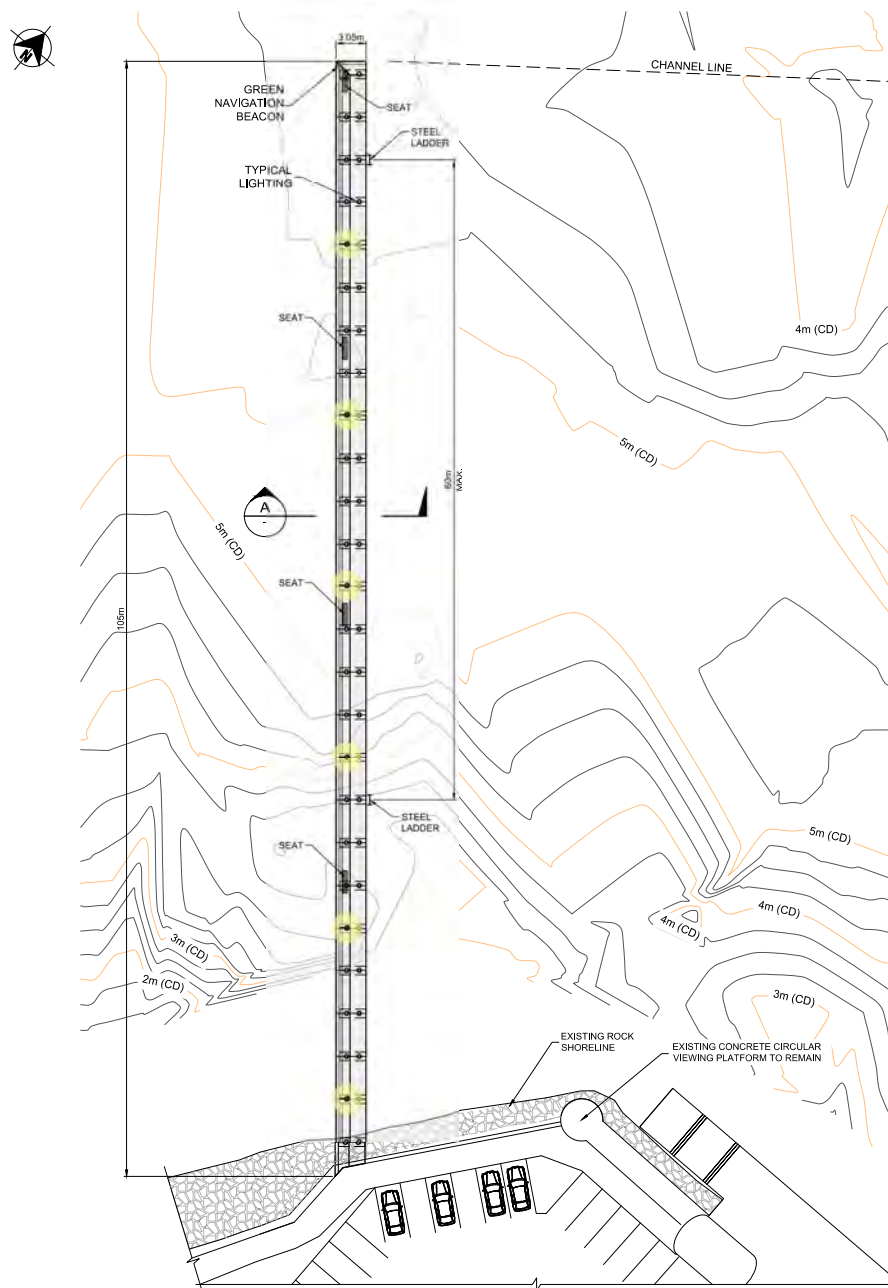


LEASE POINTS		
POINT	NORTHING	EASTING
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B	5253176.342	529749.258
C	5253091.522	529813.538
D	5253095.389	529817.916

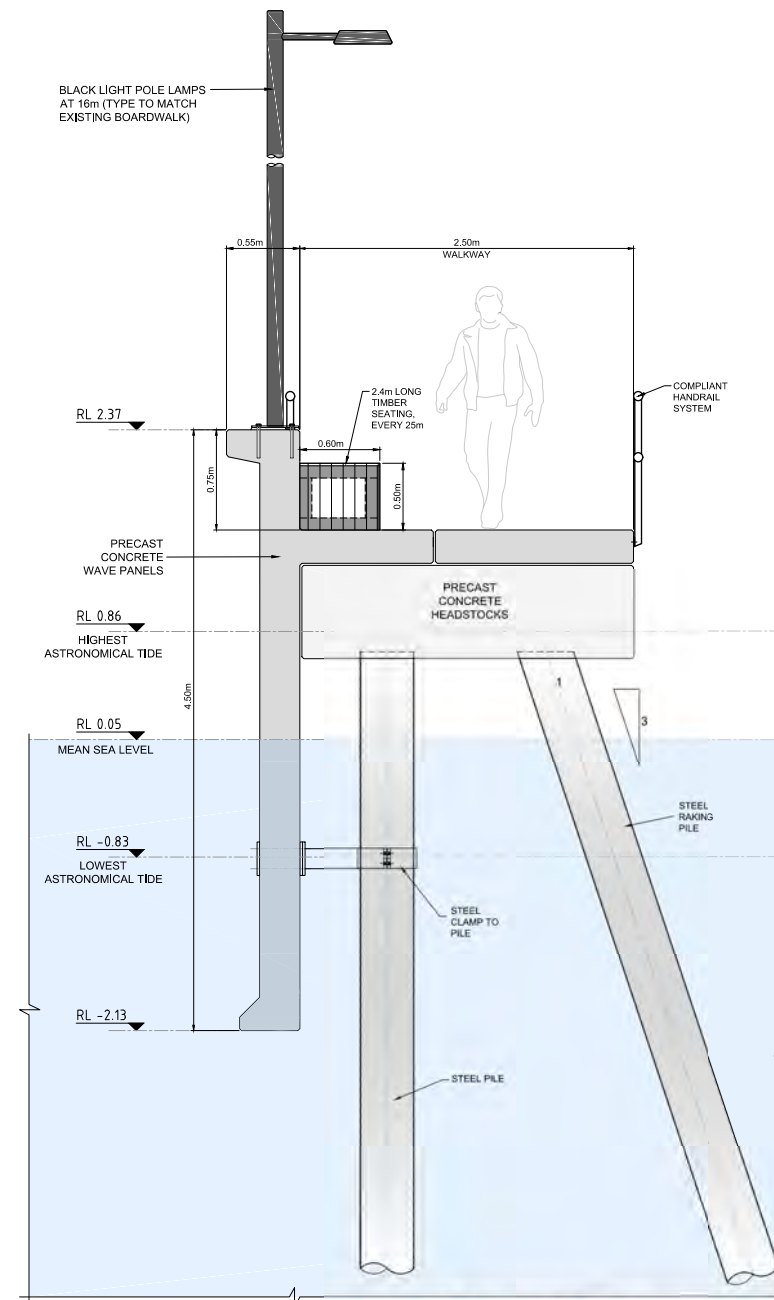
LEASE AND TITLE CONFIGURATIONS
1:2000

FOR APPROVAL

REVISIONS	Rev No	Revision note	Date	Checked	Approved	REFERENCES	Dwg No	Reference	 BURBURY CONSULTING Engineering & Project Management Survey & Mapping & Design	ABN 75 146 719 959 ABN 81 107 858 168 345 DAVEY STREET, SOUTH HOBART, TAS 7004 P: (03) 6223 8007 F: (03) 6223 1143 E: admin@burburyconsulting.com.au	COPYRIGHT © "This document is and shall remain the property of Burbury Consulting Pty Ltd. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission. Unauthorised use of this document if any way is prohibited"	Drawn By	Date	Client	CLARENCE CITY COUNCIL Project: BELLERIVE PUBLIC PIER DEVELOPMENT Title: LEASE AND TITLE CONFIGURATIONS Scale: 1:2000 A1 Drawing No: 1141 - PIER - DA03 Rev H				
	H	UP-DATED, WIDTH NOW 2.5m WALKWAY	27/02/18	JB	JB								R.PARKER	JAN 2018					
													Designed By	Date					
													J.BURBURY	JAN 2018					
													Checked By	Date					
												Approved By	Date						



PLAN OF PUBLIC PIER
1:500 (A3)



SECTION A-A HEIGHTS TO AUSTRALIAN
1:40 (A3) HEIGHT DATUM

FOR APPROVAL

REVISIONS	Rev No	Revision note	Date	Checked	Approved
	H	UP-DATED, WIDTH NOW 2.5m WALKWAY	27/02/18	JB	JB

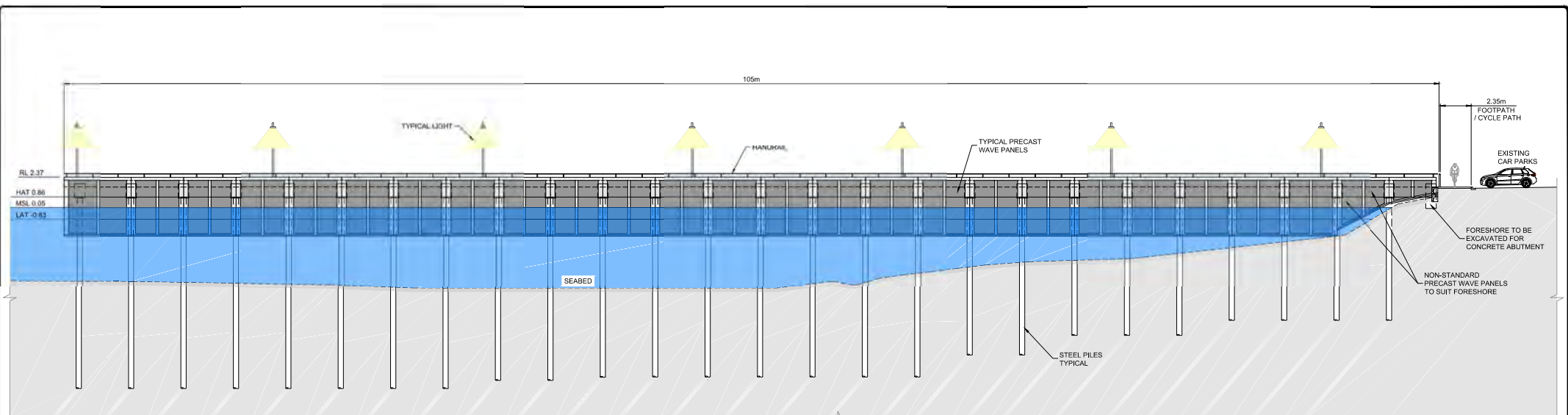
REFERENCES	Dwg No	Reference



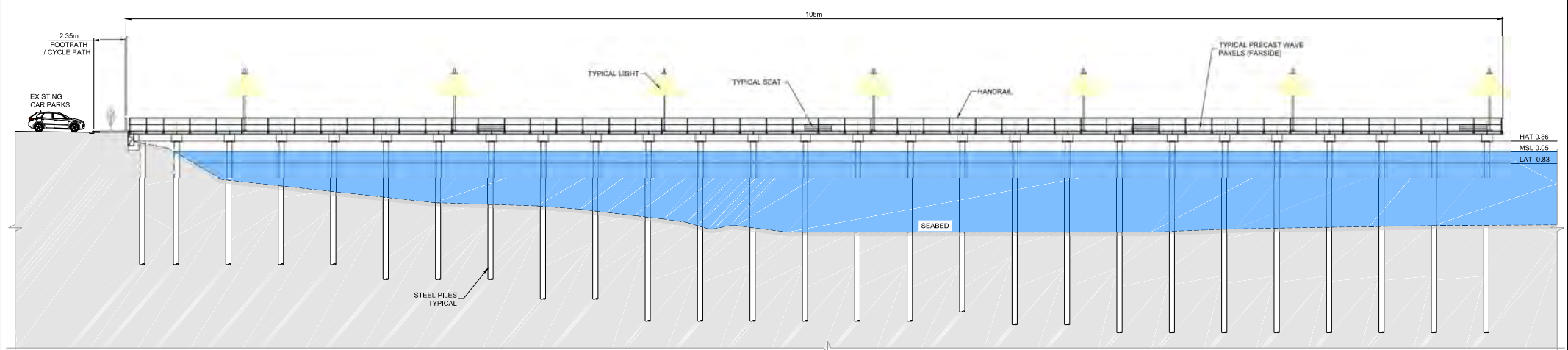
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Drawn By R.PARKER	Date JAN 2018	Client CLARENCE CITY COUNCIL
Designed By J.BURBURY	Date JAN 2018	Project BELLERIVE PUBLIC PIER DEVELOPMENT
Checked By	Date	TW PUBLIC PIER PLAN & SECTION
Approved By	Date	Scale AS SHOWN
		A1 Drawing No. 1141 - PIER - DA04 Rev H



SOUTH WEST ELEVATION
1:300 (A3)



NORTH EAST ELEVATION
1:300 (A3)

FOR APPROVAL

REVISIONS	Rev No	Revision note	Date	Checked	Approved	REFERENCES	Dwg No	Reference	 ALIN 81 107 858 168 441 DAVID STREET, SOUTH HOBART, TAS 7004 P: (03) 6223 8007 F: (03) 6223 1143 E: alin@burburyconsulting.com.au	COPYRIGHT © "This document is and shall remain the property of Burbury Consulting Pty Ltd. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited"	Drawn By	Date	Client	Scale: AS SHOWN A1 Drawing No: 1141-PIER-DA05 Rev H
	H	UP-DATED, WIDTH NOW 2.5m WALKWAY	27/02/18	JB	JB						R.PARKER	JAN 2018	CLARENCE CITY COUNCIL	
											Designed By	JAN 2018	BELLERIVE PUBLIC PIER DEVELOPMENT	
											Checked By		PROPOSED BELLERIVE PUBLIC PIER - ELEVATIONS	
											Approved By			

Figure 3 – Site Photo
14A Victoria Esplanade, BELLERIVE



11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 DEMOLITION OF 92 CAMBRIDGE ROAD, BELLERIVE**

(File No C004-92)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the demolition of 92 Cambridge Road, Bellerive.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 with the Strategy: "A prosperous city" is relevant.

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements.

CONSULTATION

Community and Stakeholder consultation led to the formal adoption of the Kangaroo Bay Urban Design Strategy and Concept Plan (Master Plan).

There has been no consultation in relation to the demolition of 92 Cambridge Road, Bellerive.

FINANCIAL IMPLICATIONS

Council's 2016/2017 Annual Plan provided funding of \$20,000 for the demolition of the house at 92 Cambridge Road, Bellerive.

RECOMMENDATION:

That Council authorises the General Manager to proceed with the demolition of the house at 92 Cambridge Road, Bellerive.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council commissioned an extensive process of community and stakeholder consultation leading to the formal adoption of the Kangaroo Bay Urban Design Strategy and Concept Plan (Masterplan) in 2008.

- 1.2.** In March 2015, Council and the Tasmania Government invited the submission of development proposals to activate the Kangaroo Bay development precinct. The area offered for private freehold development comprised of 2 parcels: the “Boulevard” site (13400m²) and the “Wharf” site (8900m²).
- 1.3.** In October 2016, following assessment of an updated submission by the joint assessment panel, preferred developer status for the Wharf site was awarded to Hunter Development Pty Ltd in relation to a proposal for a premium standard waterfront accommodation hotel and TasTAFE linked hospitality training school.
- 1.4.** At its 7 May 2018 Meeting, Council endorsed the preferred developer status for the Boulevard site to Hunter Developments P/L through the establishment of a development agreement between Council and Hunter Developments P/L.
- 1.5.** The house at 92 Cambridge Road is part of 6 Council owned properties which form the Boulevard site, being 4 house blocks and 2 vacant lots. Attachment 1 shows a Plan of 92 Cambridge Road, residential property of 785m² (Lot 13). This report is to consider whether the house at 92 Cambridge Road should be demolished in the short term.

2. REPORT IN DETAIL

- 2.1.** Council has recently received enquiries from the public as to why the house at 92 Cambridge Road, Bellerive is currently vacant, particularly given the current housing environment.
- 2.2.** The house has suffered serious neglect from previous tenants and will now take significant investment to bring it up to standard to let for another tenancy.
- 2.3.** The estimated cost of repairs is in the order of \$50,000 which would cover items such as:

 - hot water cylinder replacement;
 - internal plumbing repair and replacement;

- new taps throughout the property;
- total refit of bathroom;
- painting both internal and external;
- plaster repairs;
- carpet replacement;
- vinyl replacement;
- building repairs;
- wood heater and flue replacement; and
- replacement of curtains and blinds throughout the property.

2.4. Council is responsible for providing an unencumbered site to the preferred developer and given the house is part of the proposed development site; it will be demolished at some time in the near future. Council has budgeted \$20,000 for the demolition of the house at 92 Cambridge Road, Bellerive.

2.5. The return on the investment, if the house was improved for renting, would most likely not be recovered because the site is intended to be developed and the house demolished in any event. A likely rent return is \$10,000 per annum.

2.6. If the house remains in its current state it is likely to attract serious vandalism.

2.7. The house is not listed on the Tasmanian Heritage Register.

2.8. It is therefore recommended the house be demolished.

3. CONSULTATION

3.1. Community Consultation

Community and Stakeholder consultation led to the formal adoption of the Kangaroo Bay Urban Design Strategy and Concept Plan (Master Plan).

There has been no consultation in relation to the demolition of 92 Cambridge Road, Bellerive.

3.2. State/Local Government Protocol

The house is not heritage listed.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's 2016-2026 Strategic Plan is applicable, part of A Prosperous City Strategy to: *"Facilitate and/or directly invest in foundation project and infrastructure aimed at driving further investment and growth"*.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1. No 92 Cambridge Road is part of the Boulevard Site which has been endorsed as preferred developer status to Hunter Development P/L.

6.2. The house at 92 Cambridge Road is empty and requires in the order of \$50,000 in repairs to be in a suitable condition to re-let.

6.3. At an estimated rent return of \$10,000 per annum it is unlikely Council will obtain a positive return on the investment.

6.4. If the house remains unoccupied it is likely to suffer continual vandalism.

7. FINANCIAL IMPLICATIONS

Council's 2016/2017 Annual Plan provided funding of \$20,000 for the demolition of the house at 92 Cambridge Road, Bellerive.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The house at 92 Cambridge Road is unoccupied. As the property is part of the Kangaroo Bay Boulevard Site, which has been endorsed to Hunter Developments P/L as preferred developer status, it is unlikely Council will receive a return on investing in the house to make it suitable for tenanting. If the house remains unoccupied, it is likely to be vandalised. Therefore it is recommended approval be provided to demolish the house.

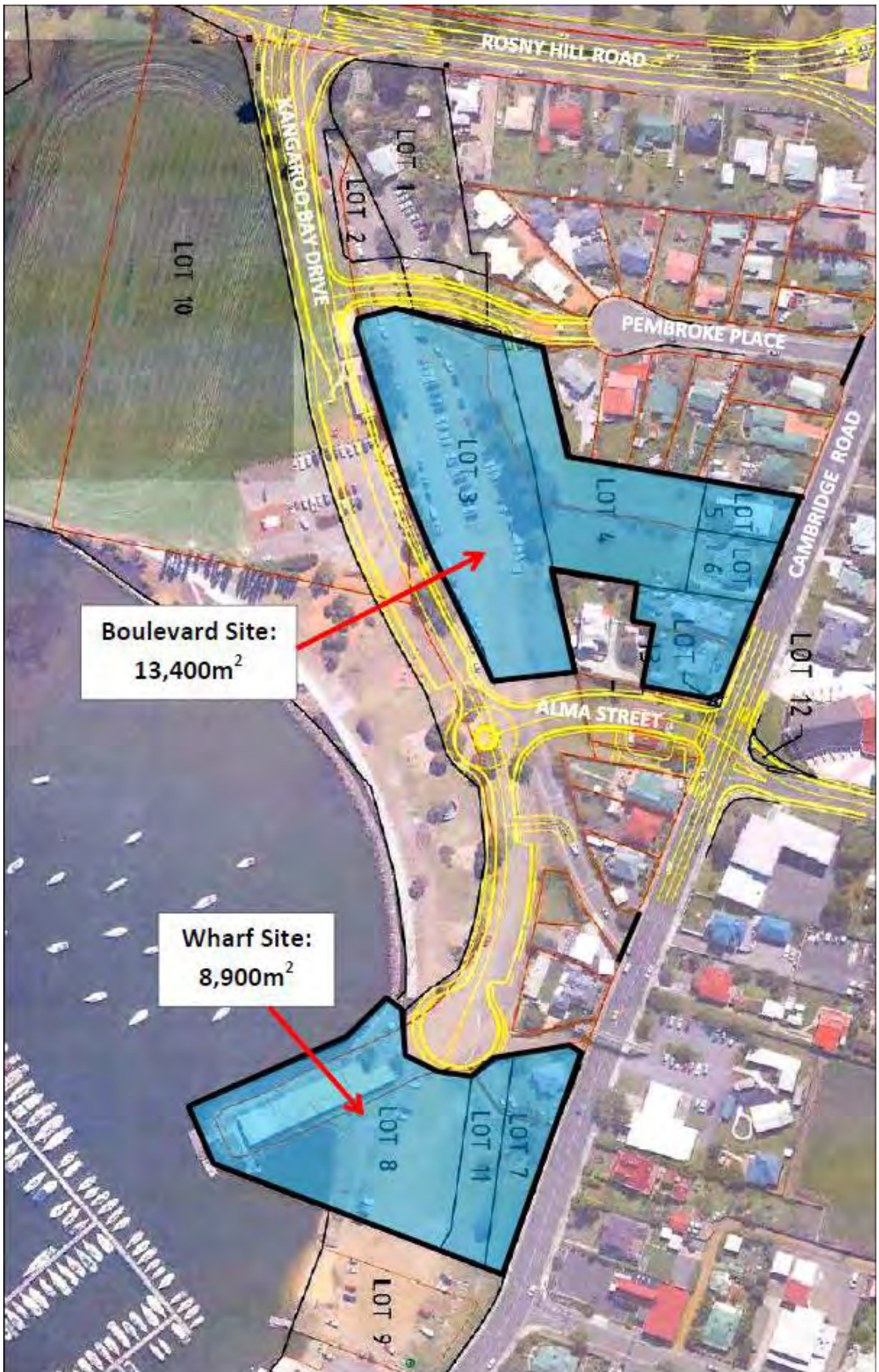
Attachments: 1. Plan showing 92 Cambridge Road (2)

Ross Graham

GROUP MANAGER ENGINEERING SERVICES

Attachment 1





11.5.2 CYCLE STRATEGY – CLARENCE STREET TO KANGAROO BAY

(File No 04-03-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider strategic options to connect cycle infrastructure from Clarence Street along Cambridge Road to Kangaroo Bay Drive, Kangaroo Bay.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements.

CONSULTATION

There has been consultation with the immediate property interests being the Department of State Growth, Bellerive Yacht Club and circa morris nunn architects as consultants for the Hotel and Hospitality School site. No broader consultation has been undertaken.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for Council adopting the strategic options for cycle infrastructure. Implementing the strategy will be subject to funding approval in future Annual Plans.

RECOMMENDATION:

That Council continues to pursue Strategic Option 3 as reported for the connection of cycling infrastructure between Clarence Street and Kangaroo Bay Drive, Kangaroo Bay.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** At its Meeting of 14 January 2008, Council adopted the Clarence Bicycle Action Plan – 2007, in which Clarence Street was identified as a key commuter cyclist route.
- 1.2.** At its Meeting of 30 November 2009, Council endorsed the Hobart Regional Arterial Bicycle Network Plan – 2009 which identifies a future cycling linkage from Clarence Street to the Kangaroo Bay foreshore promenade.

- 1.3.** A review was undertaken of the Clarence Bicycle Action Plan – 2007 during late 2012 and early 2013. The Clarence Bicycle Strategy and Action Plan – 2013-2017 was endorsed by Council at its Meeting held 29 July 2013. One recommendation of the Action Plan is:

“Liaise with project manager of Kangaroo Bay Urban Design Strategy and Concept Plan to ensure when detailed design is carried out that a cycleway connection between Cambridge Road and the Clarence Foreshore Trail is provided through the carpark and include a permanent counter”.

- 1.4.** On 19 August 2013, Council adopted the Kangaroo Bay Master Plan. This plan outlined the layout for a playground parkland, Kangaroo Bay Drive road realignment and the provision for new pathway/cycleways.

- 1.5.** In November 2015, Council completed the staged roadworks component of the Kangaroo Bay Development as approved on the Masterplan. The stages included:

- Stage 1: Kangaroo Bay Drive realignment;
- Stage 2: Rosny Hill Road/Kangaroo Bay Drive/Bligh Street Intersection; and
- Stage 3: Alma Street/Cambridge Road Intersection.

Stage 2 included cycle lanes on the Kangaroo Bay Drive/Bligh Street approaches to Rosny Hill Road.

- 1.6.** In late December 2017, Council opened Stage 2 of the Kangaroo Bay Foreshore Promenade. This project facilitated an improved pathway for pedestrians and cycle movements along the Clarence Foreshore Trail in the Kangaroo Bay Parkland.

- 1.7.** A Notice of Motion was raised on 15 January 2018 by Alderman McFarlane where Council adopted:

“That Council seek a report from Council’s Group Manager Engineering Services on Strategic Options to connect cycle infrastructure from the intersection of Clarence Street along Cambridge Road and including the current Kangaroo Bay linkage and its future use”.

- 1.8.** This report addresses the 15 January 2018 Notice of Motion.

2. REPORT IN DETAIL

- 2.1.** On 15 February 2018, Council approved an amended D-2017/444 for the Hotel and Hospitality Training School at 40 Kangaroo Bay Drive, Kangaroo Bay. Within the amended permit are provisions for:

- 28 bicycle spaces to be provided on-site. The design of these spaces:

“must provide safe, obvious and easy access for cyclists, having regard to all of the following:

- (a) minimising the distance from the street to the bicycle parking area;*
- (b) providing clear sightlines from the building or the public road to provide adequate passive surveillance of the parking facility and the route from the parking facility to the building;*
- (c) avoiding creation of concealment points to minimise the risk”.*

This design is to comply with all contemporary Australian Standards.

- The building must make provision for a 4m wide public walk way and cycle way. This walkway is to be:

- “(a) maintained at all times in a usable condition at the owner’s cost;*
- (b) identify and satisfactorily resolve potential conflict points (for example, building ingress and egress and the potential for conflict with cyclists);*
- (c) be kept open and unobstructed at all times for use by the public; and*

(d) built so as to link with the existing or proposed foreshores public walkway immediately to the south and north of the application site”.

- Special provisions are also to be made for the cycleway/multi-user paths that travel around the site.

“(a) a public multi-user path with a clear width of 4m (unencumbered with street furniture) around the water side of the development with an appropriate surface and no sharp bends;

(b) a clearly defined cycle path/multi-user path across the forecourt and through the access lane, with a smooth horizontal and vertical geometry, utilising appropriate smooth surface materials with contrasting colour to the forecourt and other pedestrian surface areas with the use of symbolic inlays within the pavement being encouraged;

(c) special provisions within the access laneway/public thoroughfare are to be made within may include surface treatments and channelisation techniques to make provision for the interaction of cyclist, pedestrian and vehicle movements;

(d) additional cycle parking hoops are to be provided adjacent to the cycleway and in the vicinity of the forecourt and eating areas; and

(e) the works must be completed prior to the commencement of any of the uses hereby approved”.

It is important to note these provisions in order to understand where cycle infrastructure will be located within the proposed Hotel and Hospitality School development and linkages to the existing cycleway network.

2.2. A Workshop was presented to Council on 19 February 2018 to discuss Strategic Options for Cyclists along Clarence Street to Kangaroo Bay Drive.

Four options were presented, being:

- Option 1: 3m Access Multi-shared pathway along Cambridge Road (Refer to Attachment 2);
- Option 2: Close one lane of Cambridge Road (Refer to Attachment 3);

- Option 3: Ramp from Cambridge Road through to the foreshore carpark (Refer to Attachment 4); and;
- Option 4: No specific cycling provision provided.

At the Workshop the Aldermen noted a preference for Option 3 and for Officers to consult with the immediate property interests/owners.

2.3. An evaluation of strategic options needs to consider vehicle, pedestrian and cyclists movements through this area. Attachment 1 shows provisions understood at this time, as a Development Application is yet to be lodged for the proposed Bellerive Yacht Club Development. The attached plan indicates:

- commuter cyclists from Clarence Street need a linkage to either Kangaroo Bay Drive or the foreshore pathway for their travel towards the Tasman Bridge;
- recreational foreshore travellers can link around the Hotel development;
- higher intensity foreshore cyclists can travel through a multi-use pathway in the carpark area towards Kangaroo Bay Drive or the foreshore pathway;
- pedestrians have similar linkages for their preference. However, if the moveable bridge over the Bellerive Yacht Club slip is closed, pedestrians are required to walk along Cambridge Road to eventually re-join the foreshore trail;
- the area contains a low speed car park available to the public but also will become busy with boats and trailers during yacht club events;
- the car park area will become the main vehicle entrance for the Bellerive Yacht Club and so traffic from Kangaroo Bay Drive turning head will increase from its current demand;

- the proposed plan at present shows the removal of the existing ramp which links the Bellerive Yacht Club carpark to Cambridge Road, as Council officers have received indications this is the intent for the proposed site development;
- the Kangaroo Bay Drive turning head is likely to provide several uses being entry for the Hospitality and School site, entry for Bellerive Yacht Club and a visitor/taxi drop off zone.

2.4. Option 1

Option 1 (Attachment 2) is to construct a 3m wide multi-user footpath along Cambridge Road. This path will commence at the Clarence Street/Cambridge Road intersection and conclude adjacent to the pedestrian overpass. Part of this footpath may be on State Government, private property and Bellerive Yacht Club land. At the pedestrian overpass there is a footpath linkage west to join to the turning head at Kangaroo Bay Drive.

Positives of Option 1 include:

- provides wider footpath amenity for future usage (use of this path is likely to increase when the Kangaroo Bay development is complete); and
- removes commuter cyclists from the lower precinct carpark, thus reducing conflict points in this region.

Negatives of Option 1 include:

- potential conflict with commuter cyclists being on a multi-user pathway leading to a retail precinct;
- relatively steep and sharp turn pathway from Cambridge Road to the Kangaroo Bay Drive turning head;
- possible conflict with commuter cyclists travelling across the Kangaroo Bay Drive turning head.

2.5. Option 2

Close one lane of Cambridge Road to form a dedicated cycle lane (Attachment 3). Similar to Option 1, it will terminate at the pedestrian overpass with a multi-user pathway to the west to join to the turning head at Kangaroo Bay Drive.

Positives of Option 2 include:

- opportunity to provide future streetscape along Cambridge Road;
- provides a dedicated Cambridge Road bike lane to remove conflict with pedestrians;
- capacity to cater for future cycling growth; and
- removes commuter cyclists from the lower precinct carpark, thus reducing conflict points in this region.

Negatives of Option 2 include:

- Cambridge Road has 15,000 vehicles per day. Removing a lane will increase vehicle queuing up Clarence Street from the signalised intersection. Traffic modelling is required to understand the likely affect;
- potentially still need to provide an indented bus stop for south bound lane of Cambridge Road; and
- relatively steep and sharp turn pathway from Cambridge Road to the Kangaroo Bay Drive turning head.

2.6. Option 3

Construct a 2.5m wide ramp at the Clarence Street/Cambridge Road intersection to run adjacent to Cambridge Road (Attachment 4) and allow for cyclists to travel through the lower precinct carpark onto the turning head at Kangaroo Bay Drive.

Positives of Option 3 include:

- this is a similar route to what cyclists already experience;
- this aligns with the Clarence Bicycle Strategy and Action Plan 2013-2017;
- pathway users will enter a slow speed environment; and
- detailed investigations may find this ramp can achieve DDA compliance.

Negatives of Option 3 include:

- potential conflict between commuter cyclists and pedestrians/vehicles travelling in the lower precinct;
- this will require Crown approval and therefore requires further negotiations to achieve final agreement.

2.7. Option 4

Do nothing and maintain the existing on-road cycle access on Cambridge Road.

This Option provides no allowance for future growth of commuter cyclists and pedestrians along this route. Also it is likely future installation costs will be higher if infrastructure planning is not undertaken now while adjacent developments are being planned for construction.

- 2.8.** Following the 19 February 2018 Workshop, a letter to the key stakeholders was forwarded seeking comment on Council's preferred options. The stakeholders being, the Department of State Growth (DSG), the Bellerive Yacht Club (BYC) and circa morris nunn architects (cmna) being designers of the Hotel and Hospitality site. Their feedback is summarised as follows.

- DSG: On balance of the considerations, DSG is in favour of Option 1 as it provides a satisfactory level of permeability through the precinct and provides a high degree of separation between the commuter cyclists and the general public using the lower part of the precinct. However, DSG also note Option 3 could be considered subject to satisfactory treatment of conflict points with the various users in the lower precinct area.
- BYC: BYC is supportive of Option 1 and opposes Option 3 as they have concerns with likely incidents of commuter cyclists through the only vehicle entry area to their premises. They advised of incidents with the existing ramp.
- cmna: cmna preference is Option 1 as they have safety concerns with commuter cyclists through the main entrance to the Hotel and Hospitality school.

- 2.9.** Council's Bike Committee consider Option 3 as essential to provide passage for commuter cyclists to Kangaroo Bay Drive and the foreshore promenade, as presently exists.
- 2.10.** Cycling South advised of similar infrastructure to Option 3 exists at the bottom of the Hobart Rivulet track through the carpark behind 40 Molle Street. Also the proposed Option 3 DDA ramp will provide a longer line of sight than the existing ramp, which will improve visibility.
- 2.11.** All options have some possible conflict points between the various users. Most of the stakeholders note a preference for Option 1 (Cambridge Road multi-use pathway) as it has a higher permeability. However, this does bring commuter cyclists onto a multiuser path with pedestrians leading to a retail precinct and has less line of sight where cyclists meet Kangaroo Bay Drive turning head. There has been no interest in Options 2 and 4. Option 3 has received mixed comments due to the possible conflict of commuter cyclists travelling through a low speed carpark environment.

This option is in alignment with Council’s Bicycle Strategy and Action Plan, it links onto a proposed multi-use pathway within the Hotel Development site and there appears to be adequate line of sight in a slow speed precinct.

With any option, signage will be essential to clearly identify the linkages and pathways for all users.

- 2.12.** Should Council adopt Option 3 as a strategic preference for the cycle connection, Council Officers will need to commence negotiations with the Stage Government for the ramp to be included in the forthcoming BYC Development Application, as the proposed ramp is located on Crown land.

3. CONSULTATION

3.1. Community Consultation

No community consultation has been undertaken with this report.

3.2. State/Local Government Protocol

The Department of State Growth are working with the Bellerive Yacht Club on the lower precinct carpark development. They have advised of a preference for Option 1 but also noting Option 3 could be considered subject to Council satisfactorily addressing conflict points.

3.3. Other

Bellerive Yacht Club has advised of their preference of Option 1 and opposes option 3. Circa morris nunn architects being designers of the Hotel and Hospitality site advised of preference for Option 1. Council’s Bike Committee considers the Option 3 ramp as being essential.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council’s Strategic Plan 2016-2026 under the Strategy of A well-planned Liveable City has: *“Enhance the attractiveness, vibrancy, and accessibility of activity centres and community hubs through urban design and liveability projects and local area plans, including improvements to pedestrian orientated access”*.

5. EXTERNAL IMPACTS

Options 1 and 3 are within State Government and private land and their agreement will be required for the installation of cycling infrastructure on their property.

6. RISK AND LEGAL IMPLICATIONS

6.1. A road safety traffic audit has not been undertaken on the options.

6.2. All options have possible conflict points between the various users being vehicles, pedestrians and cyclists.

6.3. The lower precinct is intended to be a low speed environment. Clear Signage will be essential to identify the multi-use/dedicated pathways.

7. FINANCIAL IMPLICATIONS

7.1. There are no immediate financial implications for Council adopting strategic options for cycling infrastructure between Clarence Street and Kangaroo Bay Drive.

7.2. Implementing the strategy will be subject to Council approval of funds in future Annual Plans.

7.3. Budget costs for implementing the Strategic Options have not been assessed.

8. ANY OTHER UNIQUE ISSUES

Implementing Options 1 or 3 require approval from the State Government to build infrastructure on their land.

9. CONCLUSION

9.1. As the Kangaroo Bay Region approaches the final approval and construction phase of the substantive development, it is appropriate for Council to consider a strategic preference for pedestrian and cycling linkages through the area.

- 9.2.** Following a review of all feedback, the current provisions for cycle infrastructure in D-2017/444 and Council key strategic documents, Option 3 is deemed a valid bicycle connectivity solution from Clarence Street to Kangaroo Bay, Drive.

Attachments: 1. Bicycle Connectivity (1)
2. Bicycle Connectivity Option 1 – 3m access along Cambridge Road (1)
3. Bicycle Connectivity Option 2 – Cambridge Road land reduction (1)
4. Bicycle Connectivity Option 3 – Access from Cambridge Road to carpark (1)

Ross Graham

GROUP MANAGER ENGINEERING SERVICES

Bicycle Connectivity: No Additional Provisions

1:500@A2_FEB 2018_V1



Attachment 2

Bicycle Connectivity Option 1: 3m access along Cambridge Rd

1:500@A2_FEB 2018_V1



Attachment 3

Bicycle Connectivity Option 2: Cambridge Rd lane reduction

1:500@A2_FEB 2018_V1



Attachment 4

Bicycle Connectivity Option 3: Access from Cambridge Rd to carpark

1:500@A2_FEB 2018_V1



11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 HOWRAH MENS SHED AND HOWRAH BOWLS CLUB - VARIATION OF LEASE AGREEMENTS**

(File Nos H023-11; 11B)

EXECUTIVE SUMMARY**PURPOSE**

To consider a request from the Howrah Men's Shed Inc to extend its lease area to accommodate a new enclosed shed to house equipment that produce a high level of noise when in use.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy is applicable.

LEGISLATIVE REQUIREMENTS

Section 177 of the Local Government Act, 1993 is applicable.

CONSULTATION

Consultation has occurred between Howrah Community Centre Committee, Howrah Bowls Club, Howrah Men's Shed and Council officers.

FINANCIAL IMPLICATIONS

The Recommendation has no direct implications on Council's Annual Plan.

RECOMMENDATION:

- A. That, should a Development Application be required, and subject to the Howrah Men's Shed lodging an Development Application for the proposed shed and Council approving that application, Council approves the variation of the lease agreements with the Howrah Men's Shed Inc and Howrah Bowls Club Inc to amend the boundaries.
- B. That the lease variation agreement for the Howrah Men's Shed Inc include a condition consistent with the Howrah Community Centre Constitution that the Howrah Men's Shed Inc is an affiliated Organisation and its members are to be members of the Howrah Community Centre.

NB: An absolute Majority is required for a decision on this matter.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Howrah Men's Shed Inc lease Council land at 11 Howrah Road, Howrah that has been developed as a men's shed site.

- 1.2.** The Howrah Bowls Club Inc lease the existing facilities from Council at 11 Howrah Road that include an indoor bowls centre, bowling green and equipment shed.
- 1.3.** The Men's Shed has negotiated with the Bowls Club to vary the lease boundaries to accommodate a new separate shed (as shown on Attachment 3) to house equipment that produces a high level of noise when in use.

2. REPORT IN DETAIL

- 2.1.** The Howrah Men's Shed Inc currently holds a lease agreement for its site at 11 Howrah Road, Howrah for a term of 10 years from 1 September 2014. The lease area was varied in 2015 to provide vehicle access and hard-standing area for projects. Attachment 1 shows the current lease area.
- 2.2.** The Howrah Bowls Club Inc currently holds a lease agreement for its site at 11 Howrah Road, Howrah for a term of 10 years from 1 July 2009 with an option for a further 10 years. The lease agreement was varied on 13 September 2016 to include the Indoor Bowls Centre. Attachment 2 shows the current lease area.
- 2.3.** Membership of the Men's Shed has grown and currently there are over 80 members.
- 2.4.** Some of the woodworking machinery creates a high level of noise when in use and can be disruptive to other activities being undertaken in the shed.
- 2.5.** The Men's Shed propose to construct a new separate shed which will be suitably lined to reduce noise pollution and also provide more space for handling longer lengths of timber.
- 2.6.** The Men's Shed has negotiated and reached agreement with the Howrah Bowls Club to vary the lease boundaries to allow the construction of the new shed.

- 2.7.** The Howrah Community Centre Committee has endorsed the boundary variation.
- 2.8.** The new shed is likely to require a Development Application (DA). If DA is required, the lease amendment must be subject to two conditions precedent:
- That the Howrah Men's Shed apply of a DA; and
 - That Council (acting as a Planning Authority) approves the DA.
- 2.9.** When Council approved the lease to the Howrah Men's Shed it was a condition of approval that the Howrah Recreation Centre's Constitution be amended to include the Howrah Men's Shed Inc as an affiliated organisation and that they be invited to nominate a representative to attend Committee meetings and liaise with the Committee regarding development of the site. The same situation exists for the Howrah Bowls Club Inc, Sunshine Tennis Club Inc and Tasmania Guides.
- 2.10.** The Constitution requires Affiliated Organisations to be members of the Howrah Community Centre and, additionally, that individual members of each organisation also be members of the Centre.
- 2.11.** The Howrah Men's Shed have been reluctant to become members of the Howrah Community Centre which is inconsistent with the Centre Constitution.
- 2.12.** To formalise the boundary amendment, Deeds of variation to the lease agreements will be required. It is intended to include a condition that requires the Howrah Men's Shed Inc to become an Affiliated Organisation of the Howrah Community Centre and for its members to also become members of the Howrah Community Centre, consistent with the Centre's Constitution.

3. CONSULTATION

3.1. Community Consultation

Not applicable as it is a variation of existing lease areas.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Consultation has occurred between the Howrah Men's Shed, Howrah Bowl's Club, Howrah Community Centre Committee and Council officers.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The variation to the lease boundaries will not have any implications on Council's Strategic Plan 2016-2026 or any adopted policies and the general public's use of the land.

5. EXTERNAL IMPACTS

None identified.

6. RISK AND LEGAL IMPLICATIONS

The Howrah Men's Shed Inc and the Howrah Bowls Club Inc will be required to sign a variation to the existing lease agreements to vary the lease boundaries.

The existing leases have been advertised in accordance with Section 177a of the Local Government Act, 1993. The lease variation does not involve land outside of the existing leases, therefore it is not necessary to re-advertise.

7. FINANCIAL IMPLICATIONS

The variation to the lease boundaries will not result in a change to the current rentals paid.

8. ANY OTHER UNIQUE ISSUES

8.1. The Howrah Men's Shed Inc is a non for profit organisation that provides a safe environment for men of all ages to connect with each other, share skills and participate in many activities.

- 8.2.** The operations of the Men's Shed enhance the existing diverse range of activities already offered at the Howrah Community Centre.

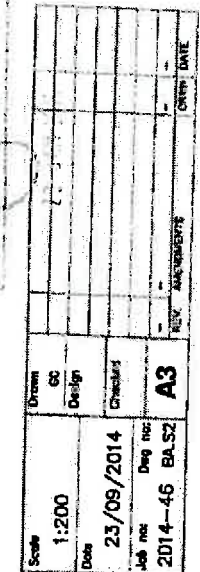
9. CONCLUSION

- 9.1.** The Howrah Men's Shed membership has grown and to accommodate the programmes offered it is proposed to construct a separate shed, suitably lined, to eliminate noise from machinery used for woodworking and to allow more floor space for safety purposes.
- 9.2.** The new shed requires an additional area of land which currently forms part of an area leased to the Howrah Bowls Club.
- 9.3.** The Men's Shed and Howrah Bowls Club have negotiated new lease boundaries.
- 9.4.** The Howrah Community Centre Committee has endorsed the boundary variation.
- 9.5.** The new shed may require a Development Application (DA). Should a DA be required, any lease variation will be subject to a Development Application being submitted by the Howrah Men's Shed and Council approval of that application.
- 9.6.** The lease variations, as agreed by the parties involved, are endorsed.

Attachments: 1. Howrah Men's Shed Inc – Current Lease Area (1)
2. Howrah Bowls Club – Current Lease Area (1)
3. New Lease Boundaries (1)

Andrew Paul
GENERAL MANAGER

Flourish Men's
shed lease



BUILDING PERMIT DOCUMENT
 This document is one of the documents required to the permit issued by the building authority as required to permit the
 27/02/2015
 BPA-201517
 Planning Authority: BPA

LAWN BOWLS GREEN

CLIENT	Howrah Men's Shed Incorporated
PROJECT	Howrah Men's Shed 9 Howrah Rd HOWRAH
DRAWING	SITE PLAN Proposed New Building

Engineering Consultants
Civil & Environmental & Surveying
Floor 1, 178 Macquarie St
MACQUARIE TAS 7000
p 03 6224 4869
f 03 6224 4907
e gc Consultants@tp.com.au

Engineering 2
Construction

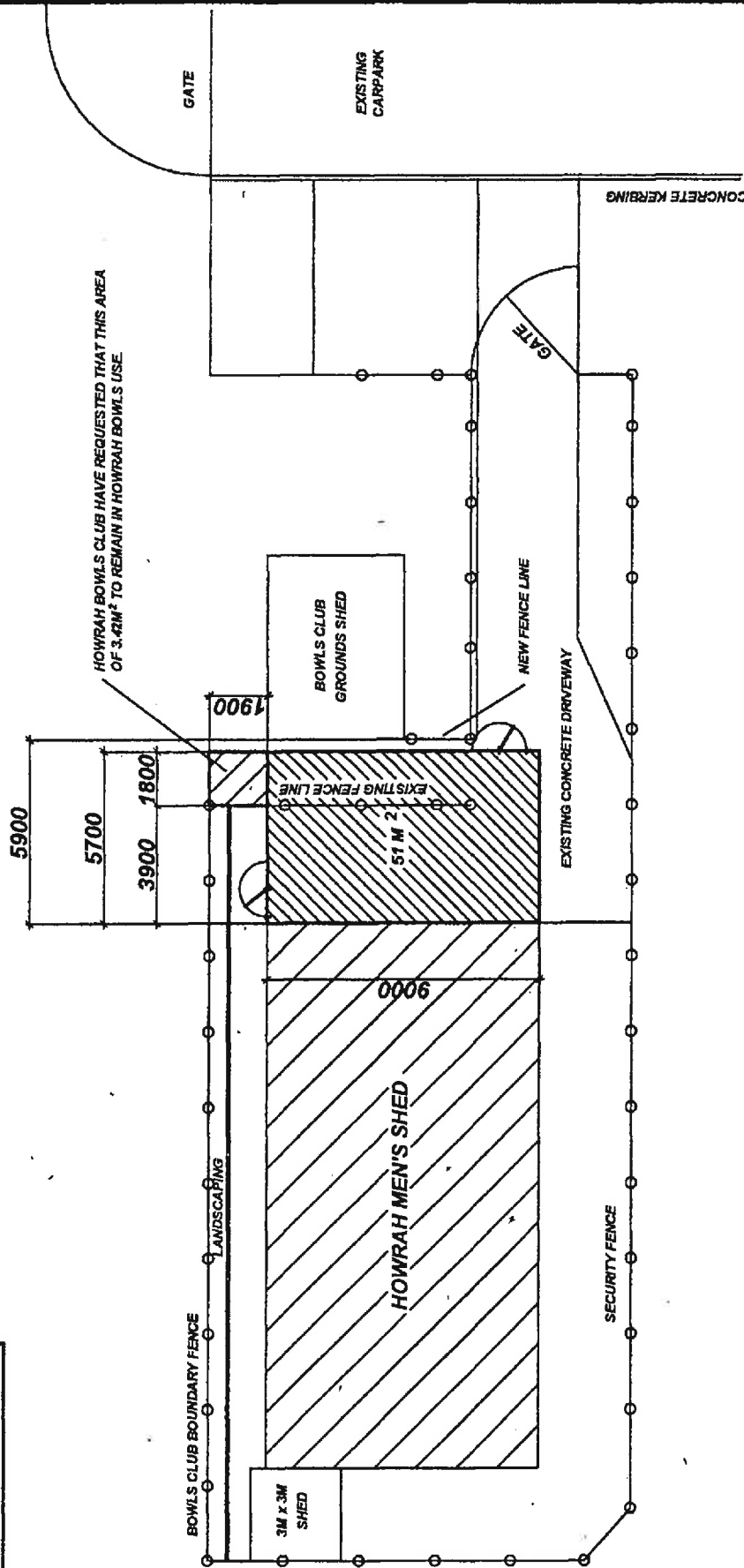
ATTACHMENT 2

Howrah Bowls
club lease Area



ATTACHMENT 3

IF IN DOUBT-ASK



NOTES:

REV	DATE	DRAWN	DESCRIPTION
2	26.03.2018	BWRIGHT	REQUEST FOR AREA CHANGE
1	20.12.2017	BWRIGHT	REDESIGN

**HOWRAH MEN'S SHED
PROPOSED SHED ADDITION
ELEVATIONS**

DRAWN	CHECKED	APPROVED	SCALE
	CS	COMMITTEE	NTS

HOWRAH MEN'S SHED INC.
11 HOWRAH ROAD
HOWRAH TAS 7018

REFERENCE DRAWINGS

ALL DIMENSIONS IN MILLIMETRES
UNLESS OTHERWISE SPECIFIED



DO NOT SCALE

DRAWING No.

HMS231

A4

REV

2

11.7.2 TASWATER CREATION OF EASEMENT – 54A TOLLARD DRIVE

(File Nos SD-2010-44; T14-85)

EXECUTIVE SUMMARY**PURPOSE**

To consider the creation of an additional easement in favour of TasWater over Council owned land at 54a Tollard Drive, Rokeby.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the Local Government Act 1993 (Tas) and requires an Absolute Majority decision of Council.

CONSULTATION

Council officers have worked closely with TasWater representatives and the developer's Surveyor.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by the beneficiary and will not impact on Council's Annual Plan.

RECOMMENDATION:

- A. That Council endorses the creation of a pipeline and service easement in favour of Tasmanian Water and Sewerage Corporation over the Council land at 54a Tollard Drive, Rokeby.
- B. All costs associated with the creation of the easement, including Council's legal costs, are to be borne by the developer.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council has approved the subdivision of land at 473, 503 and 525 Rokeby Road, Rokeby.
- 1.2.** The approval is subject to the development meeting the Conditions of Approval as specified by Southern Water (TasWater) notice dated 15 November 2011 (SWSA 2010/00282-CCC).

- 1.3.** For the subdivision to have adequate sewer to service 11 lots within the subdivision, it requires installation of a new sewer main adjoining existing infrastructure (a water main) over Council owned land at 54a Tollard Drive, Rokeby.
- 1.4.** The Council land at 54a Tollard Drive, Rokeby is vacant land that is zoned public open space, however, has not been developed for that use.
- 1.5.** To formalise the existence and future maintenance of the sewer main a pipeline and services easement in favour of TasWater is required to be registered on the title to 54a Tollard Drive, Rokeby.

2. REPORT IN DETAIL

- 2.1.** Council, on 22 February 2013 approved the subdivision application SD-2014/44 involving land at 473 Rokeby Road, Howrah and 503 and 525 Rokeby Road, Rokeby. The subdivision has been proceeding in stages.
- 2.2.** TasWater approved the subdivision in accordance with a Notice dated 15 November 2011 (SWSA 2010/00282-CCC) subject to the developer installing a sewer main adjacent to existing infrastructure within Council land at 54a Tollard Drive, Rokeby to service 11 lots being Stage T1 of the subdivision.
- 2.3.** The Council land at 54a Tollard Drive, Rokeby is vacant land and has not been developed or identified for development for public use.
- 2.4.** Once the sewer main is installed and approved by TasWater it is necessary for a pipeline and services easement 3m wide to be created on the title to the Council land to formalise the existence and future maintenance of the sewer main.
- 2.5.** The title for 54a Tollard Drive, Rokeby is already burdened by a pipeline easement 6m wide for an existing water main that passes through the entire length of the property.

- 2.6.** All costs associated with the creation of the easement on title are to be borne by the developer.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Council officers have worked closely with TasWater representatives and the developer's Surveyor.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the Local Government Act 1993 (Tas) and requires an Absolute Majority decision of Council.

7. FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by the developer and will not impact on Council's Annual Plan.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

- 9.1.** To meet the TasWater development conditions a sewer main will be installed within the Council land at 54a Tollard Drive, Rokeby to service 11 lots being stage T1 of the subdivision.
- 9.2.** An easement in favour of TasWater will be registered on title to formalise the existence and future servicing of the sewer main.
- 9.3.** The title for 54a Tollard Drive is already burdened by an existing 6m pipeline easement for a water main.
- 9.4.** The creation of the easement is supported.

Attachments: 1. Plan Showing Proposed Easement (1)

Andrew Paul
GENERAL MANAGER

11.7.3 ROSNY HILL NATURE RECREATION AREA EXPRESSION OF INTEREST PROCESS

(File No A008-12A)

EXECUTIVE SUMMARY**PURPOSE**

To waive the requirement contained in Council's Preferred Developer Agreement with Hunter Developments Pty Ltd that a development application be lodged with Council within 60 days of Council approving the developer's proposal and to waive the requirement that Council and Hunter Developments enter into a "Stage 4 Agreement" for the proposed development at the Rosny Hill Nature Recreation Area.

RELATION TO EXISTING POLICY/PLANS

Council is the declared Managing Authority of the Rosny Hill Nature Recreation Area (RHNRA). Council has prepared and adopted a Rosny Hill Nature Recreation Area Management Strategy. Council has previously resolved to explore the market potential for new development or activities at the site which could complement and enhance the public's use of the area.

The land use zoning of the RHNRA under the Clarence Interim Planning Scheme provides for a range of tourism, hospitality and recreational activities as Discretionary uses.

LEGISLATIVE REQUIREMENTS

Any development and lease of RHNRA land must be in accordance with the requirements of the Local Government Act 1993 (Tas), the National Parks and Reserves Management Act 2002 (Tas) and the Crown Lands Act 1976 (Tas). The EOI and Preferred Developer process was developed and implemented to meet these requirements.

CONSULTATION

As this is an internal procedural matter, community consultation is not required.

FINANCIAL IMPLICATIONS

There are no cost implications.

RECOMMENDATION:

- A. That Council waive the requirement contained in its Preferred Developer Agreement with Hunter Developments Pty Ltd for a development application to be submitted within 60 days of Council approving the developer's proposal, on the basis that the requirement was not practically achievable within that timeframe.
- B. That Council acknowledges that it has received a Development Application from Hunter Developments Pty Ltd that is currently being assessed in accordance with Council's usual processes and statutory requirements under the Land Use Planning and Approvals Act 1993 (Tas).

- C. That Council waives the requirement for Hunter Developments Pty Ltd to enter into a “Stage 4 Agreement” with Council and authorises the General Manager to progress Stage 4 of the EOI as described in the Preferred Developer Agreement, to provide periodic progress reports to Council and other parties, and to do all other things necessary to progress the project within relevant statutory requirements.

ASSOCIATED REPORT

1. BACKGROUND

1.1. Hunter Developments Pty Ltd (“Hunter Developments”) entered into a “Preferred Developer Agreement” (“Agreement”) with Council on 22 April 2015 to progress their proposal for the development within the RHNRA. The Agreement required, amongst other things:

- that Hunter Developments submit a development proposal (“Proposal”) for the RHNRA within 60 days of completion of consultation regarding the proposed development; and
- that within 60 days of Council approving the Proposal, Hunter Developments lodge a Development Application (DA) with Council.

1.2. Hunter Developments submitted the Proposal on 30 September 2015 and Council considered the Proposal at its Meeting on 16 November 2015. Council endorsed the Proposal and, via its resolution, directed the General Manager to establish a “Stage 4 Agreement” with Hunter Developments. The resolution was:

- “A. That a Stage 4 agreement be established with Hunter Developments in relation to progression of consideration of the development concept submitted on 30 September 2015.*
- B. That the agreement provide for the granting of permission to lodge a development application and the proposed site lease terms and conditions, Ministerial approvals, and development timeframes that will apply in the event that the proposal obtains the required statutory approvals.*
- C. That the General Manager be authorised to negotiate and execute the agreement on Council’s behalf.*

- D. That Council authorises the Mayor and General Manager to brief the Minister for Environment, Parks and Heritage, his delegate and his senior Departmental officers, and the Co-ordinator General regarding the progress of the Rosny Hill Nature Recreation Area EOI process”.*

2. REPORT IN DETAIL

2.1. The Expression of Interest Process (EOI Process) development within the RHNRA comprised of 4 stages:

- Stage 1: EOI concept assessment, short-listing and consideration of a development strategy.
- Stage 2: Lodgement and assessment of detailed proposals with a view to assigning preferred developer status.
- Stage 3: Establishment of development agreements incorporating conditions and timeframes.
- Stage 4: Statutory approvals, site leases and project implementation.

60 Day Requirement

2.2. The Agreement arose from Stage 3 of the EOI Process. The Agreement required Hunter Developments, amongst other things, to:

- submit a Proposal for development of the RHNRA within 60 days of completion of consultation regarding the proposed development’; and
- within 60 days of Council approving the Proposal, lodge a DA with Council.

2.3. Hunter Developments satisfied the requirement to submit a Proposal on 30 September 2015 and Council approved that Proposal on 16 November 2015. In accordance with the Preferred Developer Agreement, Council’s decision triggered a requirement that Hunter Developments submit its DA within 60 days of 16 November 2015. Hunter Developments lodged its DA on 24 April 2018.

- 2.4.** Lodgement of the DA within the 60 days of the Proposal being approved by Council was not possible given the complexity of the development. Prior to lodgement the developer was required to engage consultants, prepare specific reports in support of the DA and make amendments to relevant plans and/or submissions. It is considered reasonable that Hunter Developments took additional time and was able to submit a well-considered DA.
- 2.5.** It is important to note that other significant projects have been subject to different processes. For example, The Kangaroo Bay Wharf development involved a Preferred Developer Agreement that was signed after the DA was approved and set out essential requirements relevant to project commencement and the land upon which the project would be built (covering substantially the same subject matter as the Stage 4 Agreement referred to below). In contrast, the recent Kangaroo Bay Boulevard development included a letter awarding Preferred Developer status with no mention of critical timeframes or required agreements. In 2010, the Southern Cross Care development followed a similar path to that of the Kangaroo Bay Boulevard development.
- 2.6.** The RHNRA process was the first of the significant projects and the requirements approved by Council at that time reflect the considerations thought appropriate at that time. Council's approach to significant developments has evolved since that time to become more streamlined and practical.

Stage 4 Agreement

- 2.7.** Council's decision on 16 November 2015 required negotiation and establishment of a "Stage 4 Agreement" with Hunter Developments. The Stage 4 Agreement was to:

"... provide for the granting of permission to lodge a development application and the proposed site lease terms and conditions, Ministerial approvals, and development timeframes that will apply in the event that the proposal obtains the required statutory approvals".

- 2.8.** The EOI Process did not specifically contemplate a “Stage 4 Agreement”. On reviewing the recommendations contained in Council’s decision of 16 November 2015 and the terms contained in the Expression of Interest (EOI) it is evident that a Stage 4 Agreement is of little practical value other than to describe the work required to complete the project. The majority of that work was not legally or practically possible to complete until the DA is approved. For example, it is not possible to finalise the lease without the DA either significantly advanced or approved. In a practical sense, the process to be followed was DA consideration and, if the DA was approved, settlement of the lease terms and a project implementation plan including critical timeframes.
- 2.9.** A careful review of the EOI documentation makes it clear that there was no intention or requirement to enter into a formal agreement that covered the components of Stage 4. The matters contemplated by Stage 4 can be resolved by further negotiation between the parties should a DA ultimately be issued for the site. To date, a “Stage 4 Agreement” has not been agreed because of the issues outlined above and because the primary focus has been on submission of a DA.

Option to Amend

- 2.10.** In order to rectify the issues related to the 60 day timeframe for submission of a DA and the structure of the Stage 4 process, it is recommended that Council waive the 60 day submission requirement, acknowledge that it has now received a DA and reframe the requirement for a Stage 4 Agreement. The recommendation provided includes a Stage 4 process that aligns with the EOI and Preferred Developer Agreement, with additional progress reporting to Council.

3. CONSULTATION

3.1. Community Consultation

As this is a procedural matter, community consultation is not required.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. In 2011, Council adopted the Rosny Hill Nature Recreation Area Management Strategy (a non-statutory document).

4.2. The current EOI process supports the strategy within Council's Strategic Plan 2016-2026.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

There are no apparent rights or obligations breached by waiving the 60 day DA submission requirement in the Preferred Developer Agreement or Council's decision of 16 November 2015 and replacing those requirements/decisions as recommended. The aim of this report and recommendation is to ensure that the remaining stage of the EOI process properly reflects the EOI process and the achievable expectations of the parties.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Council and the developer, Hunter Developments, have signed a Preferred Developer Agreement and have proceeded in accordance with that agreement other than the requirement to submit a DA within 60 days of Council's approval of the developer's Proposal. The developer has now lodged a DA in accordance with that agreement, albeit outside the 60 day timeframe. Submission of a DA within 60 days of approval of the Proposal was not practically achievable.

- 9.2.** Council's decision of 16 November 2015 regarding a "Stage 4 Agreement" is very difficult to achieve within the confines of planning and legal requirements. Should a DA be issued it will then be possible to conclude the lease and associated arrangements to address all required terms and conditions for the development.
- 9.3.** It is recommended that Council waive the identified requirements and endorse the revised recommendations.
- 9.4.** The recommendations will not impact on the EOI process or the DAs progress as this is substantively a procedural matter.

Attachments: Nil

Andrew Paul
GENERAL MANAGER

11.7.4 C CELL UNIT TRUST – SALE OF UNITS

(File No 30-05-00)

EXECUTIVE SUMMARY**PURPOSE**

To confirm the sale of Clarence City Council C Cell Units to Kingborough Council.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

Not applicable.

CONSULTATION

No public consultation is required in relation to this matter because it is commercial in nature.

FINANCIAL IMPLICATIONS

Council has previously agreed in-principle to sell 20% of its Units in the C Cell Unit Trust to Kingborough Council. Twenty percent of Council's Units is 320,008 Units. Each Unit has a value of \$1.00. The Units may be transferred only in accordance with the Unitholders Agreement. The Unitholders Agreement requires the Authority to waive its right to purchase the Units and support the sale.

RECOMMENDATION:

- A. That, subject to the Copping Refuse Disposal Site Joint Authority providing advice that it has no interest in purchasing the relevant Units and supports the sale of the Units to Kingborough Council, Council approves the sale of 320,008 Units in the C Cell Unit Trust to Kingborough Council at a total price of \$320,008.
- B. That Council authorises the General Manager to do all things necessary to complete the sale of the Units to Kingborough Council.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. At its Meeting on 14 June 2016, Council agreed to purchase a 40% equity share in the C Cell Unit Trust ("Trust"). The Copping Refuse Disposal Site Joint Authority ("Authority") holds the remaining 60% of Units.

- 1.2.** At the above meeting, Council also invited Kingborough, Sorell and Tasman Councils to take a share of Council's 40% investment in the Trust. In October 2016, Kingborough Council indicated that it wished to purchase 20% of Council's Units (an 8% share of the total Units).
- 1.3.** At its Meeting on 19 March 2018, Council agreed to the issuing of additional Units in the Trust, bringing Council's total holding to 1,600,040 Units at a total value of \$1,600,040.
- 1.4.** The sale of Units must be completed in accordance with the C Cell Unit Trust Deed ("Deed").

2. REPORT IN DETAIL

- 2.1.** The Deed sets out, at Clause 6, the requirements to transfer Units.
- 2.2.** C Cell Pty Ltd is appointed as Trustee in accordance with the terms of the Deed.
- 2.3.** The Deed requires, amongst other things, that current Unit Holders be offered Units ahead of any other party. The Authority is the only Unit Holder other than Clarence City Council.
- 2.4.** The Deed sets out several other requirements related to sale price and allocation depending on circumstances. These considerations are not relevant to this proposed transfer.
- 2.5.** Clause 6.3(m) of the Deed permits the Trustee, with the consent of all Unit Holders, to vary the procedure for transfer set out in Clause 6.3.
- 2.6.** The Authority has been asked to confirm (at its next meeting scheduled for 24 May 2018) that:
 - it has no interest in purchasing the Units to be transferred by Clarence City Council to Kingborough Council; and

- the Authority supports the transfer of 320,008 Units to Kingborough Council.

2.7. Subject to the Authority confirming its agreement as set out above, Council is able to complete the sale of Units to Kingborough Council as previously agreed in-principle.

3. CONSULTATION

3.1. Community Consultation

No community consultation has been undertaken in this matter. This is a commercial agreement.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no strategic or policy implications.

5. EXTERNAL IMPACTS

There are no identifiable external impacts.

6. RISK AND LEGAL IMPLICATIONS

There are no identifiable risk and legal implications.

7. FINANCIAL IMPLICATIONS

7.1. Should Council approve the recommendation, Council will receive \$320,008 for the sale of 20% of its Units to Kingborough Council.

- 7.2.** Funds received by Council for this transaction do not represent a “windfall” gain to Council. The amount arises from Council reducing its investment in the Trust and simply replaces funds previously applied to that purpose from Council’s cash holdings.

8. ANY OTHER UNIQUE ISSUES

There are no other unique issues.

9. CONCLUSION

The sale of Units in the C Cell Unit Trust has previously been agreed in-principle. The recommendation, if approved, will complete the sale process.

Attachments: Nil

Ian Nelson

MANAGER CORPORATE SUPPORT | LEGAL COUNSEL

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 JOINT AUTHORITY MATTER

13.3 CONTRACT FOR SERVICES – STATUTORY VALUATION SERVICES

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;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- 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”.