

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.

CLARENCE CITY COUNCIL SPECIAL MEETING
MONDAY 19 DECEMBER 2016

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

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

1. APOLOGIES

Nil.

2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

(File No)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005 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.

3. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2005 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

4 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:

4.1 DEVELOPMENT APPLICATION D-2016/440 - 8 BLAKE STREET, OPOSSUM BAY - OUTBUILDING (STORAGE)
(File No D-2016/440)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an Outbuilding (Storage) at 8 Blake Street, Opossum Bay.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 21 December 2016.

CONSULTATION

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

- the scale of the outbuilding; and
- loss of views.

RECOMMENDATION:

- A. That the Development Application for Outbuilding (Storage) at 8 Blake Street, Opossum Bay (CI Ref D-2016/440) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M9 – NONHABITABLE PURPOSES.
 3. ADVICE - Careful consideration must be given to the potential area required for any future wastewater system for a dwelling.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2016/440 - 8 BLAKE STREET, OPOSSUM BAY
- OUTBUILDING (STORAGE) /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village under the Scheme.

2.2. The proposal is discretionary by virtue of use.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 16.0 – Village Zone;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

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

The site is a level rectangular parcel of land of 1,001m². Access is provided via a gravel access from Blake Street to the south. The site is not serviced with reticulated sewer or water, however, a stormwater connection is provided allowing for stormwater to discharge into a table drain lining the northern side of Blake Street. No significant vegetation occurs on-site.

The title includes a range of restrictive covenants binding the property owners of Sealed Plan 157126 and the vendor. The covenants generally relate to the quality of future development to encourage a higher standard of streetscape appeal. Restrictive Covenant 7 also imposes a building line requirement from Blake Street being 6m. Whilst Council is not a party to the covenants, there is no obvious breach as a result of the current proposal.

3.2. The Proposal

It is proposed to construct a 10m x 10m outbuilding in the rear north-eastern corner of the lot. The outbuilding would maintain a 2m setback from the eastern side property boundary and a 2.5m setback from the northern rear boundary increasing to 3.57m. The outbuilding would have an “American Barn” style with an overall height of 4.76m above natural ground level. The outbuilding would be clad with “Colorbond” wall and roof sheeting and 3 roller doors would be incorporated within the southern elevation.

The outbuilding is intended to be used for domestic storage purposes including the storage of a boat and caravan. The owner intends to construct a dwelling on the property at a later date with the specific location unknown at this stage.

Stormwater generated by the development would be collected into a new water tank with overflow directed into a new absorption trench.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposed outbuilding meets all relevant Acceptable Solutions of the Village Zone, Parking and Access Code and Stormwater Management Code.

The proposal is discretionary as the use of land for the purposes of “Storage” is a Discretionary use in the Village Zone. The “Storage” use class has been applied in this case as opposed to the “Residential” (Single Dwelling) use class, as the definition of a “Single Dwelling” does not provide for the development of a domestic outbuilding without the proposal incorporating the residential development itself.

In determining an application for a permit for a discretionary use, the Scheme specifies under Section 8.10.2 that the planning authority must have regard to the following:

- “(a) The purpose of the applicable zone;*
 - (b) Any relevant local area objective or desired future character statement for the applicable zone;*
 - (c) The purpose of any applicable code; and*
 - (d) The purpose of any applicable specific area plan;*
- but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised”.*

No Local Area Objectives or Desired Future Character Statements have been developed for the Village Zone. The Zone Purpose Statements for the Village Zone state:

- “16.1.1.1 To provide for small rural centres with a mix of residential, commercial, community services and commercial activities.*
- 16.1.1.2 To provide for residential and associated development in small communities.*
- 16.1.1.3 To ensure development is accessible by walking and cycling.*

- 16.1.1.4 To allow for a small shopping precinct that may include supermarket, tourism related business and a range of shops and rural services.*
- 16.1.1.5 To allow for office based employment provided that it supports the viability of the centre and the surrounding area and maintains an active street frontage.*
- 16.1.1.6 To provide for the efficient utilisation of existing reticulated services in serviced villages”.*

The proposed outbuilding would be utilised for general domestic storage purposes and would be located so as to not preclude a future dwelling development. In the interests of maintaining the residential character of the area, it is recommended that a condition be imposed on the planning permit limiting the use of the outbuilding to domestic storage only.

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. The Scale of the Building

The representor has raised concern that the proposed outbuilding is too large for the size of the block and that a shed of this size would be more suited to an industrial or rural zone as opposed to a Village Zone.

- **Comment**

The proposed outbuilding complies with the Acceptable Solutions relating to height and front, rear and side boundary setbacks. The proposed outbuilding would be located to the rear of the property so as to not hinder a future residential development and is consistent with the location, size and scale of the outbuilding located on number 12 Blake Street (14m long by 7m wide outbuilding). The outbuilding would be used for storing a boat and caravan and to enable the property owner to utilise the land and surrounding area for recreational purposes until such time a residence is constructed. The passive use of the building would not introduce nuisance impact such as those experienced in an industrial/rural type zone.

5.2. Loss of Views

The representor has raised concern that the location and height of the proposed outbuilding will result in a loss of views towards Mount Wellington.

- **Comment**

The impact of a development upon views is not a matter capable of consideration under the Scheme, however, visual impacts arising from visual bulk are a relevant consideration. In this case the proposed outbuilding satisfies the Acceptable Solutions relating to height and siting for the Village Zone, therefore it is considered to be of a suitable scale. As a result of compliance with these standards, there is no scope to consider the scale of the proposed building.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

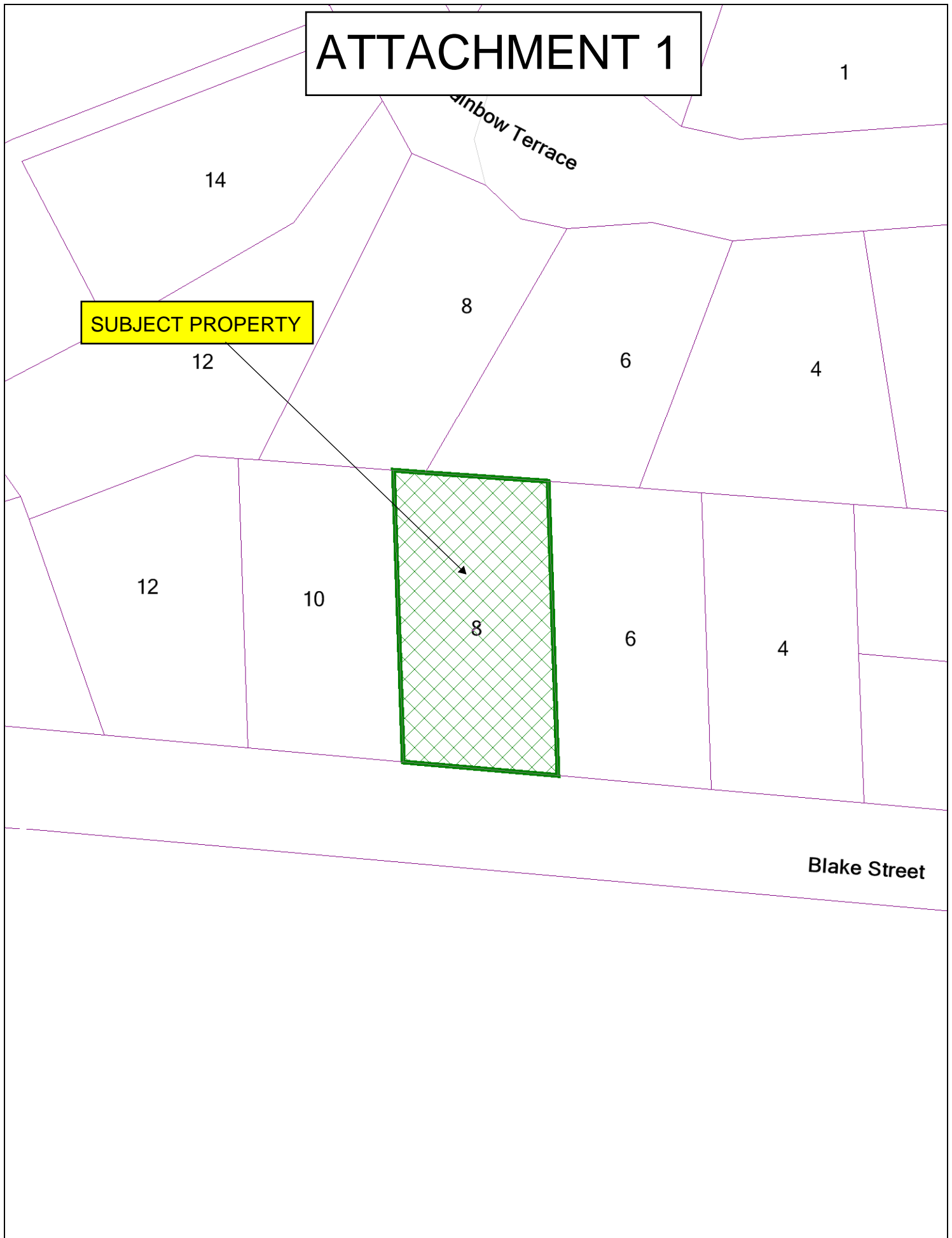
The proposal is for an Outbuilding (Storage) at 8 Blake Street, Opossum Bay. The proposal satisfies all relevant Acceptable Solutions of the Scheme and with the inclusion of appropriate conditions is recommended for approval.

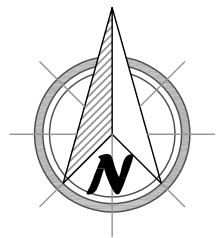
Attachments: 1. Location Plan (1)
2. Proposal Plan (3)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

LOCATION PLAN – 8 BLAKE STREET, OPOSSUM BAY

ATTACHMENT 1





ATTACHMENT 2

LOT AREA: 1001m²
PROPOSED OUTBUILDING AREA: 100m²



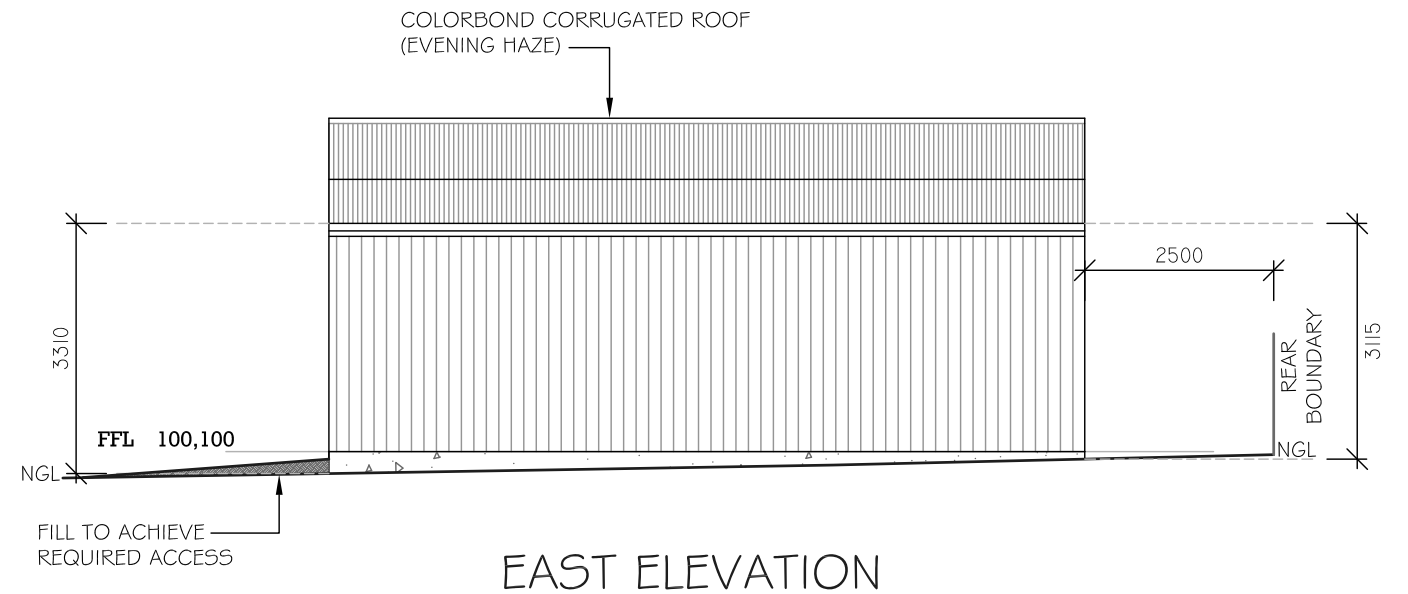
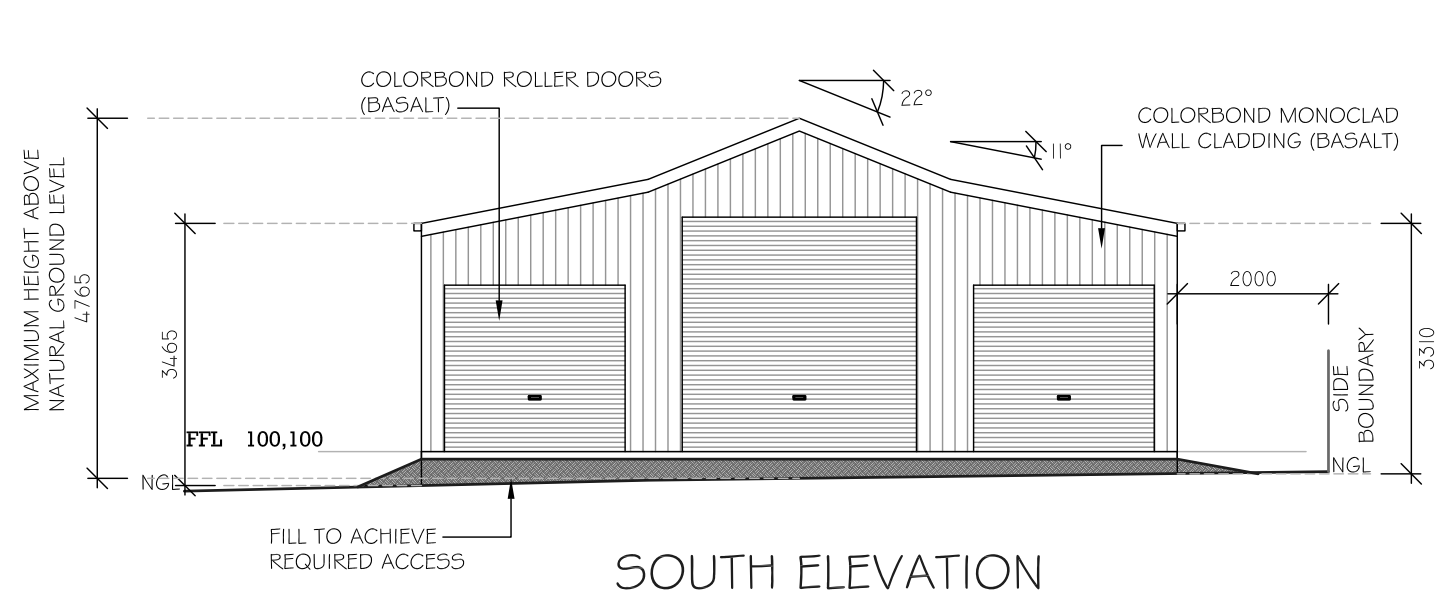
VOL : 157126
FOLIO: 5
1001m²

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

SITE PLAN 1:200

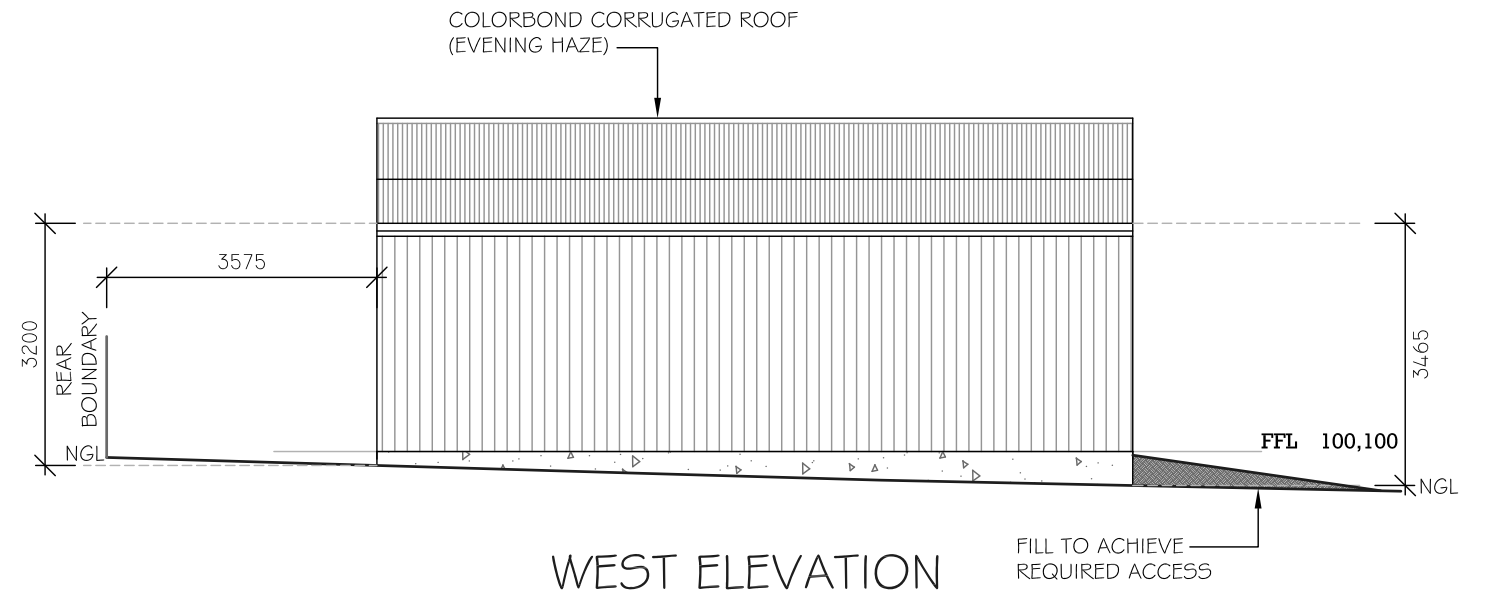
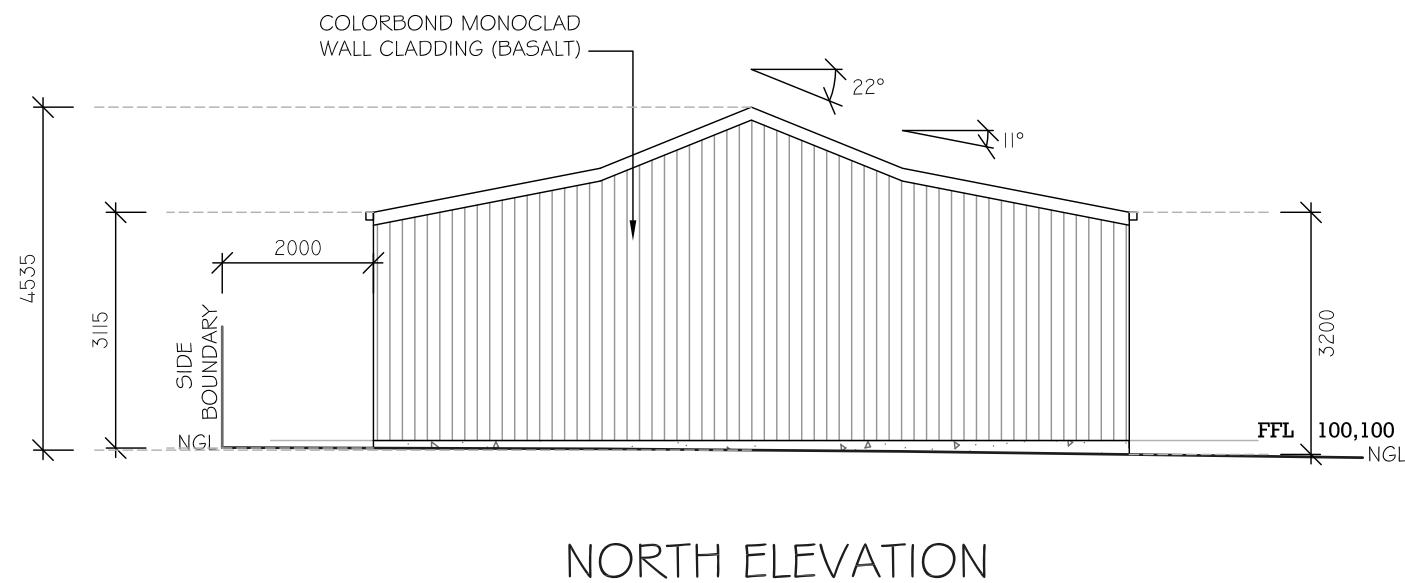
PROPOSAL : NEW OUTBUILDING (STORAGE)
OWNER : J. & S. BUCKPITT
ADDRESS: 8 BLAKE STREET, OPOSSUM BAY, 7023
SCALE: 1:200
DATE: 19th OCTOBER 2016
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 01/04
JOB NO : 80373





COLOUR'S (COLORBOND®):

- EXT. WALLS - BASALT
- ROOF - EVENING HAZE
- ROLLER DOOR - BASALT
- GUTTER - EVENING HAZE
- CORNER FLASH - EVENING HAZE
- BARGE FLASHING - EVENING HAZE
- OPENING FLASH - EVENING HAZE



ALL HEIGHTS SHOWN ARE ABOVE NATURAL GROUND LEVEL.

ACTUAL HEIGHTS OF WALLS ABOVE CONCRETE SLAB ARE:

- SIDE WALL HEIGHT - 3017mm
- END WALL HEIGHT TO APEX - 4408mm

ELEVATIONS 1:100

PROPOSAL : NEW OUTBUILDING (STORAGE)

OWNER : J. & S. BUCKPITT

ADDRESS: 8 BLAKE STREET, OPOSSUM BAY, 7023

SCALE: 1:100

DATE: 19th OCTOBER 2016

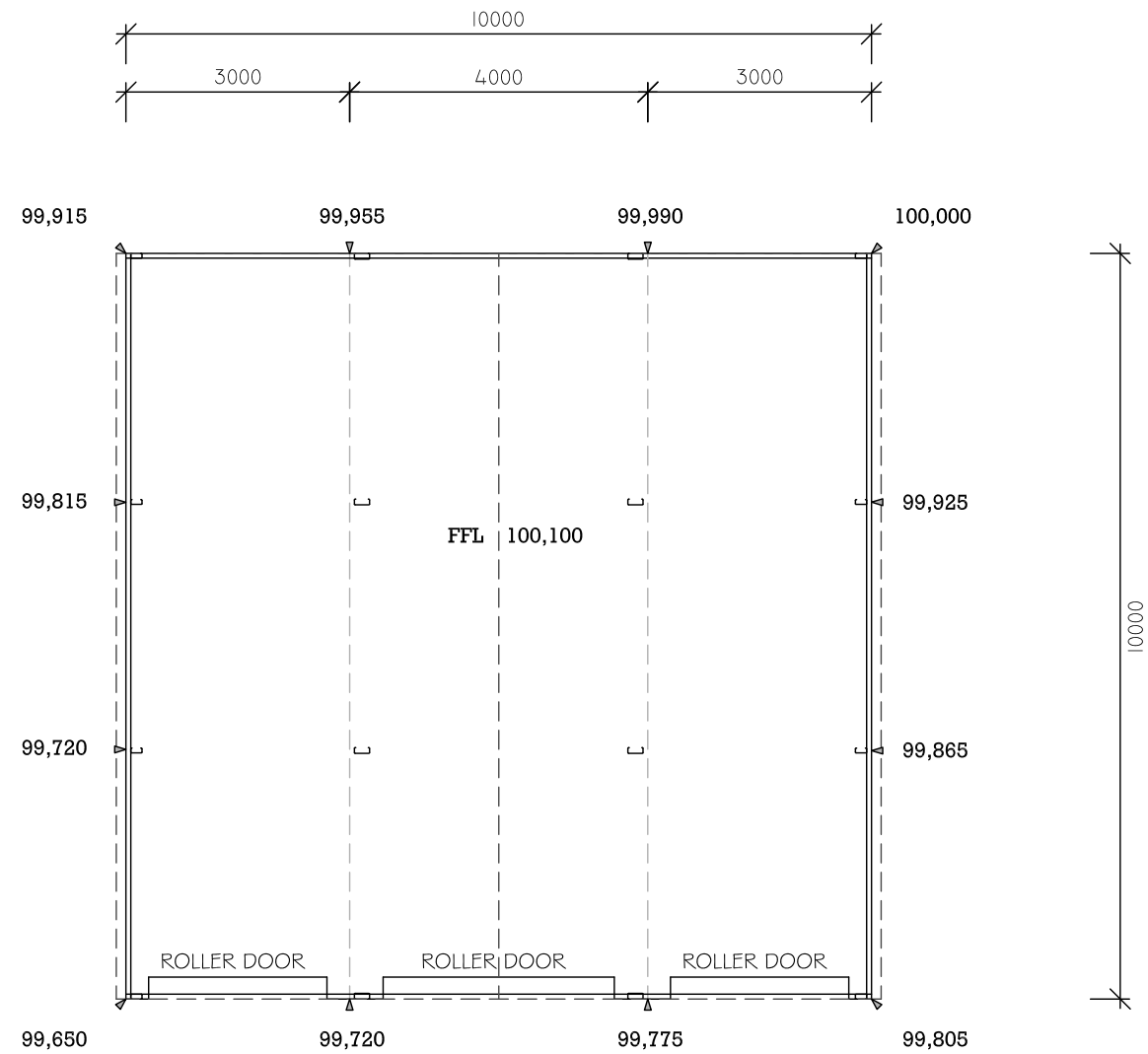
AMENDED:

DRAWN BY: ADRIAN BROWN CC6003R

PAGE: 02/04

JOB NO : 80373





FLOOR PLAN 1:100

PROPOSAL : NEW OUTBUILDING (STORAGE)
 OWNER : J. & S. BUCKPITT
 ADDRESS: 8 BLAKE STREET, OPOSSUM BAY, 7023
 SCALE: 1:100
 DATE: 19th OCTOBER 2016
 AMENDED:
 DRAWN BY: ADRIAN BROWN CC6003R
 PAGE: 03/04
 JOB NO : 80373



Attachment 3

8 Blake Street, OPOSSUM BAY



Site viewed from Blake Street.

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

The purpose of this report is to review Council's decision of 26 September 2016, in light of the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to a planning scheme amendment initiated by Council in response to its own motion under Section 34(b) of LUPAA. The draft Amendment involves the introduction of a Bellerive Bluff Specific Area Plan following Council's adoption of the Bellerive Bluff Precinct Neighbourhood Character and Urban Design Framework Study by Leigh Woolley dated April 2016 (the Study).

RELATION TO PLANNING PROVISIONS

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

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

LEGISLATIVE REQUIREMENTS

The proposal was submitted to Council in accordance with Section 33 of LUPAA seeking a rezoning amendment. The certified Amendment was advertised in accordance with the statutory requirements and pursuant to Section 39 of LUPAA; Council is required to consider the merits of any representation received.

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

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 11 representations were received relating to both the draft Amendment and the Study.

The representors raised the following issues:

- opposition to additional planning controls;
- support for the Study and the draft Amendment;

- additional elements that ought to be considered by the Study and the draft Amendment including: views and view corridors, period architecture/detail, visual impact of municipal and domestic service infrastructure, visual impact on adjoining properties, partial demolition, value of smaller working class dwellings, colours and materials;
- emphasis on pitched roofs;
- street planting in Queen Street;
- underground power;
- management of Planning assessment and Council representation; and
- detailed technical suggestions relating to numbering and expression.

These issues are discussed within the body of the Associated Report.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Commission that it considers the merits of the representations received warrant the following modifications to draft Amendment A-2016/1.
1. In clauses F17.8.1P1(i), F17.8.1P2(i), F17.8.1P3(iii) and F17.8.3P1(i) replace the references to “S.17.2” with “F17.2” and the references to “S.17.3” with “F17.3”.
 2. In clause F17.8.1P2(iv), insert the word “boundary” after “....up to the...” to read “Development built up to the boundary should avoid...”.
 3. Delete clause F17.8.2P3(viii) and replace with the following: “The extent that the structure will impact the neighbourhood sociability of the streetscape.”
 4. In clause F17.8.1P1, renumber the second Roman numeral “(i)” to “(ii)” and renumber subsequent clauses accordingly.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The relevant background to this proposal was documented in the report considered by Council at its Meeting on 26 September 2016.

2. STATUTORY IMPLICATIONS

Pursuant to Section 39 of LUPAA, Council is required to consider the merits of any representation received and provide the Tasmanian Planning Commission (TPC) with:

- a copy of each representation received;
- a statement of its opinion as to the merits of each representation;
- its view as to whether any modification to the amendments (as exhibited) should be made in light of the representations; and
- such recommendations in relation to the draft Amendment as the authority considers necessary.

3. PROPOSAL IN DETAIL

The proposal was detailed in the report considered by Council at its Meeting on 26 September 2016 and briefly outlined below.

3.1. The Proposed Amendment

The proposed Amendment is limited to the introduction of a new Bellerive Bluff Specific Area Plan (SAP). The proposed SAP implements the Study through the introduction of development standards relating to:

- Setback and Building Height;
- Design;
- Excavation and Retaining; and
- Subdivision.

A key component of the SAP is the identification of Desired Future Character Statements (DFCS) for each of the 7 precincts. To seek consistency with the precinct DFCS, the Acceptable Solutions constrain development beyond the underlying zone. However, each of the standards can be varied through the exercise of discretion via an assessment against the associated Performance Criterion, which again, involves assessment of the relevant precinct DFCS.

3.2. Planning Purposes Notice

It is intended that the proposed SAP would over-ride State or “common” provisions resulting in the approval of Planning Directive Number 4 (PD4) and its successor Planning Directive Number 4.1 (PD4.1). In these circumstances approval is only possible should the Minister issue a Planning Purposes Notices to the TPC pursuant to Section 30EA(2), or amend an existing one pursuant to Section 30EA(9) of LUPAA.

Accordingly, the proposal is contingent on the TPC preparing a suitable Planning Purposes Notice specifying that the SAP controls over-ride the relevant provisions in the underlying General Residential Zone.

4. CONSULTATION

The proposal was advertised in accordance with statutory requirements and 11 representations were received relating to both the draft Amendment and the Study. The following issues were raised by the representors.

4.1. Opposition to Additional Planning Controls

Representor 1 opposed the amendment on the basis that it is unnecessary. The representor submits that the Bluff is no different in character, landscape setting, settlement pattern and built form than other older areas of Bellerive such as York Street, Second Bluff or Cambridge Road.

- **Comment**

On review of this matter it is considered that the amendment reflects the key elements and recommendations of the Study. The Study identifies those characteristics that give rise to the distinctiveness of the Bluff within both its broader setting and also between each of the identified precincts.

It is considered that the representor’s concern does not warrant refusal or modification of the certified Amendment.

4.2. Support Study and Draft Amendments

With the exception of Representor 1 (discussed at Section 4.1 above) all representors supported the need to introduce new planning controls for the Bluff. Several specifically supported the Study while others supported the draft Amendments. However, the majority of representors submitted that additional considerations or modifications were required, each of which is identified in more detail below.

- **Comment**

The suggested additional considerations or modifications are considered below. However, in general terms the representor's support does not in itself warrant refusal or modification of the certified Amendment.

4.3. Additional Considerations - Connectivity, Views, Building Period Sensitivity and Infrastructure Impacts

Representor 2, while supportive of Council's commitment to develop the SAP, submits that the proposed planning controls should address the following:

1. improved connectivity to the village, Kangaroo Bay Public Open spaces and Bellerive Beach;
2. improved views and visual connectivity with increased elevation;
3. visual connectivity to the water from each precinct;
4. planning controls to regulate development impacts on views;
5. the positive contribution made by private gardens and management of street verges;
6. effort residents have made to restore period/sensitive details visible from the street;
7. preservation of period detail;
8. visual impacts associated with domestic infrastructure projecting above roof lines;
9. the proliferation of unnecessary and unsightly road signs and unused poles; and

10. the visual impact of overhead powerlines and the gradual move toward underground services.

The submission was accompanied by a collage of photographs depicting a range of Bellerive Bluff characteristics.

- **Comment**

Most of the issues raised are matters that are generally beyond the scope of the SAP. However, the representation raises a number of matters which identify 4 principal concerns relating to:

1. “precinct connectivity”;
2. “views”;
3. “building period sensitivity”; and
4. “Infrastructure impacts”.

The desire to recognise (and presumably improve) connectivity to and from the Bluff to its environs is an issue lying outside of the subject area and more readily addressed through other strategic initiatives outside the planning scheme such as the Tracks and Trails Strategy, the Bicycle Committee and the Asset Management maintenance program.

The Study recognises the need to manage public domain view alignments and landscape connections but does not identify private view corridors as an established characteristic that ought to be managed. Impacts on public domain view alignments are reflected in the Purpose Statement at 17.1.2(i), several of the Established Precinct Characteristics (EPC) and DFCS. While less explicit, opportunities for visual connectivity with the water and surrounding landscapes will be assisted through the prescribed height and setback Acceptable Solutions. They are also managed through Performance Criteria as any variation must be considered taking into account the EPC and DFCS.

The study confirmed that the Bluff is not characterised with homogenous building design. The concerns relating to individual building period sensitivity would need to be backed up by appropriate conservation guidelines which were beyond the scope of the Study and ultimately the SAP. However, it is noted that buildings of sufficient integrity to warrant special consideration are already afforded an additional level of protection under the Scheme's Historic Heritage Code.

With respect to the visual impact associated with “unsightly” or insensitive infrastructure, the Scheme provides for a range of Exemptions at Section 5.0 and Limited Exemptions at Section 6.0. The provisions are part of the Planning Directive Number 1 template (or PD1 as it is often referred) that sit above the proposed SAP and any amendment to them is beyond the scope of this amendment. Notwithstanding this, and outside the scope of this amendment, public domain improvements may be considered through Council's maintenance and asset renewal budget based on identified needs for the area.

For the reasons outlined above it is considered that the representor's concern does not warrant refusal or modification of the certified Amendment.

4.4. Statutory Implementation

Representor 3 supports the Study and the need for special planning controls on the Bluff. It is submitted that the draft Amendment should contain planning controls reflecting Study but does not indicate whether it does so.

- **Comment**

It is considered that the submission does not warrant refusal or modification of the certified Amendment.

4.5. Colours, Materials and Sustainability

Representor 4, while supportive of Council's commitment to develop the SAP submits that: *"there is no reference to harmonious and preferred colours to external building materials. Nor is there any encouragement or even mention of sustainability in material, service systems or conservation of energy"*.

- **Comment**

The proposed controls regulate building form but do not control materials or colours. The Scheme provides for a range of Exemptions at Section 5.0 and Limited Exemptions at Section 6.0 that covers the nature of the developments described. Specifically, Section 5.5 Maintenance and Repair of Buildings provides for repainting and recladding whether using similar or different materials. The exemptions are part of the PD1 and sit above the proposed SAP. For this reason attempting to over-ride/amend the PD1 provisions to regulate colour/building materials is beyond the scope of this amendment and Council's capacity.

Notwithstanding this, the author of the Study, Mr Woolley, advises that regulating colour/building materials would likely necessitate conservation management guidelines for each precinct which have not been developed at this time. A simple statement that may assist (but not regulate) could be generated to the effect that lighter tones have over the years proliferated, consistent with periods of development. It may further identify for example that dark framed (especially black aluminium) windows are not inherent to the dominant periods of development. However, with no statutory backing it is considered that these modifications would provide no benefit and may frustrate the planning process.

With respect to the concerns relating to sustainability in material, service systems and energy conservation, the Bluff is no different than any other residential suburb in Clarence. These matters are potentially higher order Municipal Development objectives but are beyond the scope of the Study and this amendment.

For the reasons outlined above it is considered that the representor's concerns do not warrant refusal or modification of the certified Amendment.

4.6. Single Storey Presentation and Fencing

Representor 4 submits that: *"I do not agree with the requirements on Page 40 (of 52) that the façade of new buildings should contain a single story element, typically with recessive upper levels. I understand and agree with the probable intent but the clause needs to be reworded as it currently is too restrictive in the design process. A client and architect may not need an upper level. There should be enough design freedom that allows for multiple levels stepped to follow the building site levels (ie NOT just a single story level). The requirement that excludes high walls is understandable but the word "high" should be repeated when referring to fences and gates as we do not need to exclude lower height fences and gates. We also need to qualify what is "high". Is it 2 or 3m, even 1m can be considered as high when compared with a 600m high dwarf wall and what about 3m high dense, clipped hedges?"*

- **Comment**

The representor's concern was referred to Mr Woolley who advises that: *"the representor has possibly misunderstood the intent, which is to try to avoid street level under-croft/parking with living above, ie to ensure a connection between the sociability of the street edge and the living space of the dwelling. It also sought to avoid multi-level frontages without recourse to the dominant pattern of domestic scaled entry at street level. It was not suggesting reducing development to a single level, but seeking to ensure a stepping back with the grade.*

The further comment from the representor seems (at least in part) to be in support of that: ‘multiple levels stepped to follow the building site levels’.

With respect to the reference to “high” fencing, *“high in this context is a fence or wall (assumed to be on level grade) that an average height adult (eye height nominally 1500mm) cannot comfortably converse over”*. This has been translated into the proposed SAP Design standards F17.8.2 (A2 and P2 respectively) which specifies a 1.2m Acceptable Solution and any variation above this is to demonstrate how the proposal contributes to the sociability of the street.

It is considered that the representor’s concerns do not warrant refusal or modification of the certified Amendment.

4.7. Issue

Representor 4 submits that:

1. The boarder of the Bluff boundaries are “odd”, particularly near the Hotel around Cambridge Road/Victoria Esplanade.
2. There is no statutory link between Study and planning controls.
3. That the SAP planning controls are too vague and should be more specific.
4. They agree with the comments in the Study relating to roof suitability but are concerned that the Scheme Amendment would not prevent undesirable outcomes; \\\.
5. It would be desirable to plant (European) trees down the centre of Queen Street.
6. It would be desirable to flag further undergrounding of services.

- **Comment**

Addressing each of the above in turn.

1. The extent of the Study area was limited to the residential and foreshore areas which reflect the Scheme zone Residential /Business Zone delineations. The irregularities in Study area Study/precinct boundaries reflect the existing cadastre.
2. The representor is correct, with the exception of a reference in the proposed SAP purpose statements there is no statutory link to the Study and the planning controls. While this could be achieved through alternative drafting, the relevant elements of the Study have been picked up through the SAP's EPC and DFCS. The SAP implements the Study though the respective Acceptable Solutions and any variation being required to be accessed having regard to the relevant EPC and DFCS.
3. The SAP Acceptable Solutions are specific and provide a permitted pathway for development. With respect to variations to the proposed Acceptable Solutions it is impossible to prescribe a suitable standard to assess every possible variant. Instead an assessment against the corresponding Performance Criteria must be made having regard to the relevant EPC and DFCS. This is consistent with the structure of all PD1 based planning schemes and designed to satisfy the TPC drafting guidelines.
4. While individual roof forms may represent local anomalies the study shows there are a variety of established roof forms on the Bluff. Recognition of existing roof forms are reflected in the relevant EPC and the DFCS outline the assessment considerations for new proposals requiring discretion under the Performance Criteria.

5. The suggested street tree planting down the centre of Queen Street is outside of the scope of the Study and this amendment. The purpose of which was to develop a case for distinctiveness not a checklist of enhancements. However, the width of Queen Street and the fact that the vegetation canopy in the precinct is essentially on private land is mentioned in the Study. Should Council wish to do so, public domain improvements such as tree planting could be considered/implemented outside of this project.
6. As per above, public domain improvements such as the potential undergrounding of services is outside the scope of this project.

For the reasons outlined above it is considered that the representor's concerns do not warrant refusal or modification of the certified Amendment.

4.8. Previous Statutory Considerations

Representor 6 supports Council's attempt to reintroduce specific controls for Bellerive Bluff but submits that:

1. Planning officers "*do not have enough sympathy, respect or knowledge of community history and culture*" and there should be more input by "locals";
2. Council does not adequately represent itself at appeals and needs better legal representation as there are "*many instances of applications being opposed by council [that] are easily defeated by the most expensive lawyers.*"; and

3. With specific reference to 1 Victoria Esplanade, it is submitted that Council poorly manages partial demolition and that mechanisms should be put in place to ensure remaining building elements are protected and not accidentally or deliberately knocked down.

- **Comment**

All of the above representor's concerns are outside the scope of the Study and this amendment and do not warrant refusal or modification of the certified Amendment.

However, it is anticipated that the proposed amendment (based on the Study) will assist to deliver outcomes consistent with community expectations.

4.9. Development on Cambridge Road

Representor 7 supports Council's attempt to reintroduce specific controls and outlines many characteristics that they believe contribute to the amenity of the Bluff. They outline that a good example of an unsuitable design response is the development currently under construction, the "very high block of units" on Cambridge Road.

- **Comment**

The representor's support is noted and the development referred to on Cambridge Road is outside the subject area and not relevant to either the Study or this amendment. Accordingly the representor's concern does not warrant refusal or modification of the certified Amendment.

4.10. Westbrook Street

Representor 8 supports Council's attempt to reintroduce specific planning controls for the Bluff. The representor recommends adding "*the name Westbrook Street and deleting the property boundary which wrongly traverses same thereby connecting Victoria Esplanade addresses with Westbrook Street Addresses*".

- **Comment**

The representor's support is noted. The concern relating to Westbrook Street appears to relate to the amendment plan outlining the spatial extent of the proposed SAP. While the annotation "Westbrook Street" has been omitted from that plan and could be amended, doing so would be of no consequence. On this basis the representor's concern does not warrant refusal or modification of the certified Amendment.

4.11. Planning Directive No 4 (PD4)

Representor 9 is concerned about the generic PD4 planning controls currently applicable to the Bluff and submits that current provisions leave the Bluff vulnerable to spoiling its existing character. Specifically the representor is concerned with the current standards relating to height, private open space, lot size, building envelope and fencing. The representor supports the draft SAP.

- **Comment**

The representors support does not warrant refusal or modification of the certified Amendment.

However, it is noted that the proposed amendment does not address the concerns relating to private open space and lot size. These were not matters the Study identified that required additional regulation beyond that of the underlying zone and should the amendment be approved these standards would continue to apply.

4.12. Typo's/Anomalies

Representor 10 supports Council's attempt to reintroduce specific planning controls for the Bluff. However, for clarity and to address several typos the representor submitted that minor modifications were required.

- **Comment**

The representor's concerns ought to be corrected and are included in the recommendation.

In addition to the representor's concerns it is noted that the roman numerals in clause F17.8.1P1 require renumbering to remove duplication. Specifically the second Roman numeral "(i)" should be renumbered to "(ii)" and subsequent clauses renumbered accordingly.

4.13. Roof Form and Protrusions

Representor 10 submitted that the words "whether or not" ought to be inserted at F17.8.2P3(ix) relating to Design and F.17.8.3P1(vi) relating to Excavation to read: "...visually impacts on immediately adjoining property whether or not identified in the Historic Heritage Code".

The representor submits that this would give certainty and avoid "contestable vagaries of specific Heritage Listings".

- **Comment**

The proposed criterion was intended to provide an additional level of protection/consideration to heritage listed buildings. It is considered that the representor's submission would change the context of the draft criteria and is unjustified. In terms of streetscape contribution, "significant buildings" are recognised through their individual heritage listings while less significant buildings are recognised in general terms through their contribution to the streetscape, which is reflected in the EPC and DFCS. Accordingly, it is considered that the representor's concern does not warrant refusal or modification of the certified Amendment.

4.14. Roof Form and Protrusions

Representor 10 submits that the emphasis of “high pitched roofs” should be softened and there has been no consideration given to solar panels or antennas. To support this it is submitted that flat roofs can assist to provide/retain view corridors and solar access and panels should be restricted to roof pitches and frames barred together, except where visually apparent. Antennas should be obscured.

- **Comment**

It is agreed that flat roofs can assist to provide/retain view corridors. The Study does identify pitched roofs in several of the identified precincts. Roof pitch is an attribute referenced in several of the EPC’s and deemphasised in the DFCS, only being referred to in the Ridge precinct.

With respect to the visual impact associated with solar panels or antennas, as previously stated, the Scheme provides for a range of Exemptions at Section 5.0 and Limited Exemptions at Section 6.0 that sit above the proposed SAP and it is beyond the scope of this amendment to attempt to over-ride/amend them.

For these reasons it is considered that the representor’s concern does not warrant refusal or modification of the certified Amendment.

4.15. Recognition of Working Class Dwellings

Representor 11 submits that an omission from the Study is the: *“intrinsic value of the smaller working class dwellings that infill the spaces between the identified historic sites. Many of these buildings have a cottage nature and are built with greater quality of timbers and materials and workmanship compared with modern developments. Where these houses have been maintained, repaired or updated for improved living, in keeping with the existing materials and style generally, these buildings keep the historical ambience of Bellerive Bluff”*.

- **Comment**

The representation was referred to Mr Woolley who advises that the representor's concern is a key component reflected in the scale and "freestanding" character of the non-heritage listed fabric assisting to provide an historical ambience to the Bluff.

While smaller working class dwellings reinforce the "local character" within the relevant precincts they do not readily fit into the respective precinct characteristics. Further, recognising "smaller scaled dwellings" through statutory control may be appropriate where individual buildings are significant enough to warrant their own heritage listings. However, preserving lower order building stock is likely to result in unjustified restrictions on development/redevelopment opportunities.

Accordingly, it is considered that the representor's concern does not warrant refusal or modification of the certified Amendment.

4.16. Zone Verses SAP

Representor 11 submits that based on the detail contained within the General Residential Zone the proposed SAP requires Local Area Objectives, Local Desired Future Character Statements modification to the Use Table, inclusion of siting standards for garages and front fence standards.

- **Comment**

The proposed SAP is not a zone and on this basis is not required to be presented in the same format. The format of the proposed SAP appropriately is more consistent with the format of other SAP's than it is with the zones.

For this reason Local Area Objectives and Local Desired Future Character Statements are not required, it is however, noted that the proposed DFCS have essentially the same effect as Local Desired Future Character Statements in any event.

The proposed SAP does contain siting standards for garages and front fence standards. Uses are beyond the scope of the Study and associated draft Amendment.

Accordingly, it is considered that the representor's concern does not warrant refusal or modification of the certified Amendment.

5. STATE POLICIES AND ACT OBJECTIVES

The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy and the objectives of Schedule 1 of LUPAA as detailed on Council's Initiation Report of 26 September 2016.

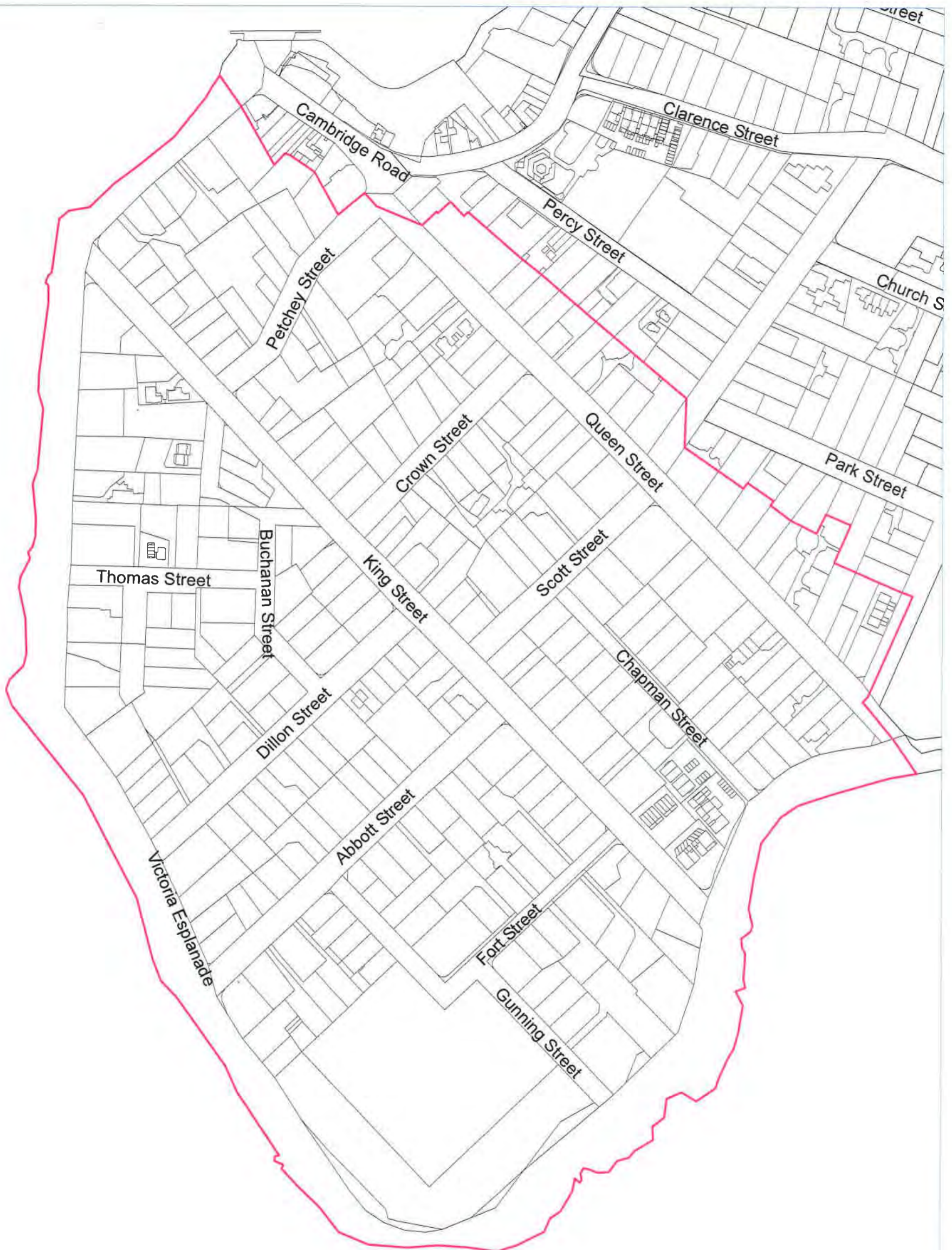
6. CONCLUSION

In accordance with the requirements of Section 39 of LUPAA, Council is required to review its decision of 26 September 2016 in light of the representations received during public exhibition period. The representations received have been reviewed and it is considered that the issues raised warrant minor modification to the draft Amendment as detailed in Section 4 in this report.

Attachments: 1. Certified Amendment (13)

Ross Lovell
MANAGER CITY PLANNING

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



Scale 1: 3200

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**AMENDMENTS TO PLANNING SCHEME PLAN
Amendment A-2016/1**

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

— F17.0 Bellerive Bluff Specific Area Plan

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS BEEN HERE UNTO AFFIXED THIS 30TH DAY OF SEPTEMBER 2016 PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE 26TH DAY OF SEPTEMBER 2016 IN THE PRESENCE OF:


CORPORATE SECRETARY



Clarence City Council

CLARENCE INTERIM PLANNING SCHEME 2015

AMENDMENT – A-2016/1

AMENDMENT TO PLANNING SCHEME ORDINANCE

To amend the Clarence Interim Planning Scheme 2015 by the insertion of the attached F17.0 Bellerive Bluff Specific Area Plan.

**THE COMMON SEAL OF THE CLARENCE CITY
COUNCIL HAS BEEN HERE UNTO AFFIXED
THIS 30 SEPTEMBER 2016, PURSUANT TO A
RESOLUTION OF THE COUNCIL PASSED THE
26 SEPTEMBER 2016, IN THE PRESENCE OF:**



CORPORATE SECRETARY

F17.0 Bellerive Bluff Specific Area Plan

F17.1 Purpose Statements

17.1.1

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

17.1.2

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

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

17.1.3

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

17.2 Precinct characteristics

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

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

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

	orientation, precinctual identity and local amenity. Its comparatively highly vegetated character contrasts with the rest of the public domain of the Bluff.
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17.3 Desired Future Character Statements

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

	<p>design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> • provide freestanding building identity consolidating in response to the natural rise of the headland location; • be set back from the street edge and step with the grade rather than cut into the site; • be located centrally on the site presenting single storey elements and entry to the street; • second storey development should not be individually dominant but present as 'rooms in the roof' accommodated through medium to strongly pitched roof forms; • ensure continued visual connectivity to the water and the landscape horizons of the city region and the Wellington Range beyond; and • not uniformly increase the bulk of existing housing stock, rather additions should provide a stepping of scale allowing an acknowledgment of the initial primary structure.
4. Ridge Precinct	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> • provide freestanding building identity consolidating in response to the highest contours of the headland; • be set back sufficiently from the street edge to maintain predominant built pattern as well as visual connectivity to the water as viewed from public places; • ensure two storey dwellings provide a transition in scale presenting strong single storey elements and entry to the street; • incorporate medium to strongly pitched roof forms; and • avoid substantial foundation walls fronting the street.
5. Beach Face Precinct	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> • ensure continued visual connectivity

	to the water as viewed from public places.
6. Back Beach Precinct	<p>Consistent with the existing precinct characteristics, siting, massing and design of new development and additions to existing housing stock should:</p> <ul style="list-style-type: none"> • provide freestanding building identity; • incorporate semi-public space and/or design elements fronting the street; and • incorporate hipped roof forms • respond to sloping sites through elevation rather than being cut into the site.
7. Battery Precinct	<p>Consistent with the existing precinct characteristics new development must ensure that the Kangaroo Bluff Battery remains central to local identity as a publicly accessible place characterised with open spaces and landscape amenity.</p>

F17.4 Application

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

F17.5 Development Exempt from this Specific Area Plan

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

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

F17.6 Application Requirements

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

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

F17.7 Use Standards

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

F17.8 Development Standards for Building and Works

F17.8.1 Setbacks & Building height

Objective:	
To ensure the development responds to its location, is appropriate within its setting and integrates within the relevant neighbourhood precinct.	
Acceptable Solutions	Performance Criteria
A1 Front setback greater than 4.5m ; and	P1 Development must have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account: <ul style="list-style-type: none"> (i) the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3; (i) any topographical constraints; (ii) any existing development on site; and (iii) the extent to which the variation visually impacts an immediately adjoining property identified in the Historic Heritage Code within its streetscape setting.
A2 (i) For wall heights of 3.5m and less, side & rear setbacks must be no greater than the setbacks to the existing	P2 In addition to the criteria outlined at 10.4.2 (P3) must take into account:

<p>dwelling on each respective boundary.</p> <p>(ii) For wall heights greater than 3.5m there is no acceptable solution.</p> <p>(iii) For new development on vacant lots there is no acceptable solution.</p> <p>(iv) Building height must not be more than 5.5m.</p>	<p>(i) the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3;</p> <p>(ii) any topographical constraints;</p> <p>(iii) any existing development on site;</p> <p>(iv) Development built up to the should avoid the appearance of conjoined terraces or side by side town houses; and</p> <p>(v) the extent to which the variation visually impacts an immediately adjoining property identified in the Historic Heritage Code within its streetscape setting.</p>
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F17.8.2 Design

Objective:	
To ensure that development contributes to the 'sociability' of the neighbourhood	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>(i) Alterations and additions behind, but not involving, the façade of an existing dwelling; or</p> <p>(ii) New buildings and alterations to the façade of existing buildings must incorporate internal living spaces at ground level with windows and/or doors that provide for overlooking of the street.</p>	<p>P1</p> <p>Design responses provide for:</p> <p>(i) Passive surveillance to and from the building to the street; and</p> <p>(ii) The incorporation of semi-public treatments such as landscaping, verandas and deck treatments visible from the street.</p>
<p>A2</p> <p>A fence (including a free-standing wall) within</p>	<p>P2</p> <p>A fence (including a free-standing wall) within</p>

<p>4.5 m of a frontage must have a height above natural ground level of not more than 1.2m.</p>	<p>4.5 m of a frontage must contribute to the neighbourhood sociability of the streetscape taking into account:</p> <ul style="list-style-type: none"> (i) The extent that the street is overviewed from the dwelling having regard to height, degree of transparency, materials and construction; and (ii) the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3;
<p>A3</p> <ul style="list-style-type: none"> (i) Car parking structures setback behind the dwelling. (ii) The aggregate maximum width of a garage door/s is 25% of the width of the lot or 6m whichever is the lessor. 	<p>P3</p> <p>Car parking structures (including ground level or basement garages) must not dominate the building façade or adversely impact the streetscape taking into account:</p> <ul style="list-style-type: none"> (i) The width of the structure/parking area in the context of both the lot and the dwelling façade; (ii) The degree of the structure's transparency as viewed from the street; (iii) the relevant Precinct Characteristics identified at S.17.2 and Desired Future Character Statements at S.17.3; (iv) Any topographical constraints; (v) Any existing development on site; (vi) Opportunities for landscaping in front of the dwelling; (vii) The prevalence of carparking

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

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

	(vi) the extent to which the variation visually impacts an immediately adjoining property identified in the Historic Heritage Code within its streetscape setting.
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F17.9 Development Standards for Subdivision

F17.9.1 Subdivision

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

F17.10 Bellerive Bluff Specific Area Plan Maps



Bellerive Bluff Precincts:

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

F17.10.1 Figure 1 Bellerive Bluff Precincts

Map F17 Bellerive Bluff Specific Area Plan LISTmap

Link to [interactive map](#)

5. GOVERNANCE**5.1 COUNCIL DELEGATION UNDER BUILDING ACT 2016, OCCUPATIONAL LICENCING ACT 2016 AND AMENDMENT 2016**

(File No 20-13-01)

EXECUTIVE SUMMARY**PURPOSE**

To consider the update of Council's delegations prior to the introduction of the Building Act 2016 on 1 January 2017.

RELATION TO EXISTING POLICY/PLANS

The update is required to deal with daily operational matters and will not impact on any pre-existing policies or strategies of Council.

LEGISLATIVE REQUIREMENTS

The change is sought to deal with pending changes to the Building Act 2016 and new licencing requirements for the role of the Permit Authority under the Occupational Licencing Act 2005 as amended.

CONSULTATION

Appropriate in-house consultation and discussions has occurred in respect to this matter.

FINANCIAL IMPLICATIONS

An annual licence fee will be required for each person appointed to the role of Permit Authority.

RECOMMENDATION:

That the following delegations be added to Council's Authorisations Register.

ACT REFERENCE	DETAILS OF AUTHORISATION
Building Act 2016 and Occupational Licencing Act 2005	To appoint 3 authorised officers to act in the role of Permit Authority: <ul style="list-style-type: none"> • John Toohey; • Rudi Brennan; and • Ron Vanderwal.

COUNCIL DELEGATION UNDER BUILDING ACT 2016, OCCUPATIONAL LICENCING ACT 2016 AND AMENDMENT 2016 /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** With the introduction on 1 January 2017 of the Building Act 2016, amendments to the Occupational Licencing Act 2005 (OLA) will require officers that perform the role of a Council Permit Authority (for building and plumbing work) be required to be licenced, in the same way as other licenced building practitioners.
- 1.2.** Under the current legislation, the role of Permit Authority is authorised by Council. Under the new Act there is no provision for delegation. The role of permit authority can be delegated to Council officers eg plumbing inspectors and building compliance officers.
- 1.3.** Under the new legislation, the Permit Authority will be the licenced persons under the Occupational Licencing Act 2005. However, persons authorised prior to 1 January 2017 will be deemed under transitional provisions to be licenced under the Occupational Licencing Act 2005 for a period of 2 years from 1 January 2017.
- 1.4.** As the new legislation removes the provision for Council to be able to delegate the role, it is considered essential that to deal with daily operational matters, 3 additional officers be authorised to this role prior to the introduction date of the new legislation on 1 January 2017.

2. REPORT IN DETAIL

- 2.1.** **The** Building Act 2016 will be introduced on 1 January 2017 to replace the existing Building Act 2000.

- 2.2.** Currently the General Manager is the Permit Authority for Council and can delegate this authority to authorised officers.
- 2.3.** The new legislation and licencing requirements removes the provision for a permit authority to delegate the role of permit authority to authorised officers, which is the current arrangement.
- 2.4.** The licence of Permit Authority positions will be restricted to Council Officers performing the statutory roles under the Building Act 2016 (assessing and issuing permits, demolitions etc for building and plumbing).
- 2.5.** The new legislation provides transitional provisions that persons authorised under the current legislation, prior to the introduction date of the new legislation on 1 January 2017, are automatically deemed to meet the licencing requirements for the new legislation and may therefore continue to act in the role for a period of 2 years.
- 2.6.** If these authorisations requested from Council are not confirmed by 1 January 2017, then eligibility to be a licenced person will be limited to persons holding Certificate 4 in Government (Statutory Compliance). This will significantly impact on the daily operational matters for the Building and Plumbing group.
- 2.7.** Notification has been received that the annual licencing fee for each Licenced person will be \$367.20. The fee will be met by Council.
- 2.8.** The benefits of licencing provides greater consistency in the way that the role is to be carried out across municipalities and allows for an increased recognition of the professionalism required of the position of a permit authority.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Appropriate in-house consultation and discussions with Management Committees have occurred in respect to this matter.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Council is required under the legislation to appoint a Permit Authority. The removal of Council's ability to delegate other authorised officers to this role after 1 January 2017 is considered to present a significant risk to operational matters. It is therefore considered prudent to delegate 3 additional officers to this role prior to the introduction date to provide operational flexibility.

7. FINANCIAL IMPLICATIONS

Licencing fees under the Occupational Licencing Act 2005 will be applicable post 1 January 2017.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

It is considered best practice to delegate 3 additional officers to the role of Permit Authority prior to the introduction date of the new legislation on 1 January 2017 in order to maintain operational matters for the Building and Plumbing Group.

Attachments: Nil.

Andrew Paul
GENERAL MANAGER

5.2 SOUTH EAST COUNCILS – FEASIBILITY STUDY

(File No 10-13-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider whether or not to have the feasibility study undertaken into options for the formation of a regional South East Council, independently reviewed.

RELATION TO EXISTING POLICY/PLANS

Council, in conjunction with Sorell, Tasman and Glamorgan Spring Bay Councils has previously committed to the undertaking of a feasibility study into the formation of a regional South East Council.

Council, at their Meeting of 7 November 2016 resolved to:

- “A Receive the Report.*
- B. Request the General Manager to seek pricing for a potential independent review of the Feasibility Study, noting that such review focus on the appropriateness of the methodology of the study, a review of the assumptions made and a review of the analysis undertaken”.*

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

None at this time. It is, however, noted that Council has committed to public consultation prior to consideration of any merger proposal.

FINANCIAL IMPLICATIONS

The unallocated funds for this proposal are currently in the vicinity of \$20,000. Council could fund this proposal by way of currently unspent funds from the governance program.

RECOMMENDATION:

A matter for Council determination.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council has previously committed to participating in the undertaking of a feasibility study into the voluntary formation of a merged South East Council.

- 1.2. The study participants were Clarence, Sorell, Tasman and Glamorgan Spring Bay Councils.
- 1.3. KPMG was appointed to undertake the study.
- 1.4. Council, at their Meeting of 7 November 2016 received the feasibility study report and further resolved to:

“Request the General Manager to seek pricing for a potential independent review of the feasibility study, noting that such review focus on the appropriateness of the methodology of the study, a review of the assumptions made and a review of the analysis undertaken”.

2. REPORT IN DETAIL

- 2.1. Following Council’s resolution, quotations were sought from 2 independent reviewers with demonstrable experience in the Local Government sector and, in particular, the study of merged or amalgamated Councils.
- 2.2. The specific matters the respondents were requested to respond to were:
 1. to consider whether the methodology used in the study and the report is robust;
 2. to consider whether the assumptions and findings reached in the study are robust and reasonable;
 3. to consider whether the financial analysis is robust and reasonable;
 4. to consider whether any further analysis or information is required to reach an informed opinion; and
 5. to comment on whether or not the outcome proposed is adequate and reasonably concluded.
- 2.3. Responses to the invite to quote were received from:
 - UTS, Centre for Local Government; and
 - New England Education and Research P/L (Dollery).

- 2.4.** The proposals and quotations from both respondents have been circulated to Council under separate cover.
- 2.5.** Council needs to determine whether the undertaking of a review of the initial study will provide further information or understanding to assist them in determining whether any of the options detailed in the feasibility study will:
- be in the interest of ratepayers;
 - improve the level of services for communities;
 - preserve and maintain local representation; and
 - ensure that the financial status of the entities is strengthened.
- 2.6.** Council needs to also be cognisant that any peer review undertaken will be a finding of professional opinion only and should be considered accordingly.
- 2.7.** Both respondents are eminently qualified to undertake the review as outlined in the initial scope and report.

3. CONSULTATION

None at this stage.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council, in conjunction with Sorell, Tasman and Glamorgan Spring Bay Councils has previously committed to the undertaking of a feasibility study into the formation of a regional South East Council.

Council, at their Meeting of 7 November 2016 resolved to:

“A. Receive the Report; and

B. Request the General Manager to seek pricing for a potential independent review of the Feasibility Study, noting that such review focus on the appropriateness of the methodology of the study, a review of the assumptions made and a review of the analysis undertaken”.

5. EXTERNAL IMPACTS

None at this time.

6. RISK AND LEGAL IMPLICATIONS

None identified at this time.

7. FINANCIAL IMPLICATIONS

The unallocated funds for this proposal are currently in the vicinity of \$20,000. Council could fund this proposal by way of currently unspent funds from the governance program.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

A matter for Council determination.

Andrew Paul
GENERAL MANAGER

6. 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 matter has been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

6.1 Appointment of Acting General Manager

This report has 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:

- the personal affairs of any person.

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”.