

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 3 DECEMBER 2018

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ATTENDANCE AND APOLOGIES	5
2.	CONFIRMATION OF MINUTES.....	5
3.	MAYOR’S COMMUNICATION	5
4.	COUNCIL WORKSHOPS.....	6
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE.....	7
6.	TABLING OF PETITIONS	8
7.	PUBLIC QUESTION TIME.....	9
7.1	PUBLIC QUESTIONS ON NOTICE.....	9
7.2	ANSWERS TO QUESTIONS ON NOTICE	9
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	9
7.4	QUESTIONS WITHOUT NOTICE	10
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	11
9.	MOTIONS ON NOTICE	12
9.1	MOTION ON NOTICE – ALD BLOMELEY	12
	SUPPORT FOR A VIBRANT AND SUCCESSFUL TOURISM INDUSTRY	12
9.2	MOTION ON NOTICE – ALD MULDER.....	14
	KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL DEVELOPMENT	14
9.3	NOTICE OF MOTION – ALD JAMES	15
	SOUTH EASTERN REGIONAL PARK.....	15
9.4	MOTION ON NOTICE – ALD JAMES	16
	SEATING ARRANGEMENTS – COUNCIL CHAMBER	16

10.	REPORTS FROM OUTSIDE BODIES	17
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES	17
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES.....	17
11.	REPORTS OF OFFICERS	18
11.1	WEEKLY BRIEFING REPORTS	18
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS	19
11.3	PLANNING AUTHORITY MATTERS.....	20
11.3.1	DEVELOPMENT APPLICATION D-2018/600 - 170 MOCKRIDGE ROAD, ROKEBY - WORKSHOP BUILDING.....	21
11.3.2	DEVELOPMENT APPLICATION D-2017/339 - 32 SPITFARM ROAD, OPOSSUM BAY - DWELLING.....	35
11.3.3	DEVELOPMENT APPLICATION D-2018/610 - 15 HILL STREET, BELLERIVE - ALTERATIONS AND ADDITIONS.....	67
11.3.4	DEVELOPMENT APPLICATION D-2018/584 - 6 COVENTRY RISE, HOWRAH - 2 MULTIPLE DWELLINGS	90
11.3.5	DEVELOPMENT APPLICATION D-2018/488 - 102, 102A & 104 SPITFARM ROAD, OPOSSUM BAY - DWELLING	118
11.3.6	DEVELOPMENT APPLICATION D-2018/579 - 36 AND 38 FREDERICK HENRY PARADE, CREMORNE - 4 MULTIPLE DWELLINGS	137
11.4	CUSTOMER SERVICE	174
11.5	ASSET MANAGEMENT - <u>NIL</u> ITEMS	
11.6	FINANCIAL MANAGEMENT.....	176
11.6.1	PUBLIC ARTWORK - TRANSFER OF FUNDS.....	176
11.7	GOVERNANCE	179
11.7.1	REVISED PARTNERSHIP GRANTS ASSESSMENT PANEL CONSTITUTION	179
11.7.2	NEW SPECIAL COMMITTEE OF COUNCIL – YOUTH ADVISORY COMMITTEE	189
11.7.3	COUNCIL POLICY – ALDERMAN ALLOWANCES AND ENTITLEMENTS.....	199
11.7.4	APPOINTMENT TO COMMITTEES BOARDS AND AUTHORITIES	217

12.	ALDERMEN'S QUESTION TIME	224
12.1	QUESTIONS ON NOTICE	224
12.2	ANSWERS TO QUESTIONS ON NOTICE	224
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	224
12.4	QUESTIONS WITHOUT NOTICE	224
13.	CLOSED MEETING.....	225
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	LEGAL MATTER	
13.3	PROPERTY MATTER – GEILSTON BAY	

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

1. ATTENDANCE AND APOLOGIES

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 12 November 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
Planning Scheme Process Appointment to Committees Property Matter	19 November
Code of Conduct Review Review of Alderman Allowances and Entitlements Policy Property Matter Legal Issue Briefing Ten Year Financial Plan Appointment to Committees	26 November

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 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.

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 petition which complies with the Act requirements:

- received from 28 signatories requesting that the proposed traffic calming yellow line between 37 and 47 Norma Street, Howrah not go ahead

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

DRAINAGE ISSUES - LAUDERDALE

Mr Figg of Lauderdale asked the following question:

What will be done to remedy the situation with the drains in Mannata and Ringwood Roads in Lauderdale which still contain water.

ANSWER

The road side drains in Mannata Street were installed in accordance with the engineering consultant design drawings. Drains in Lauderdale are predominantly of low slope, consistent with the lie of the land and it is not uncommon for water to pond following persistent rain. When the drains are dry in the coming summer months, Council's crew will clean out the debris and grass accumulated in the drains between 21-45 Mannata Street.

Council Officers will also review the Ringwood Road and Mannata Street drains and assess whether concrete lining the drains will provide a longer term benefit, for Council to consider in future budget deliberations.

PUBLIC QUESTION TIME /contd...**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.

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.

Questions without notice and their answers will not be recorded.

8. 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)

9. MOTIONS ON NOTICE**9.1 MOTION ON NOTICE – ALD BLOMELEY
SUPPORT FOR A VIBRANT AND SUCCESSFUL TOURISM INDUSTRY**

File No

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

- “1. Council acknowledges the positive contribution the tourism industry makes to Southern Tasmania, and more broadly, the whole State.
2. Council congratulates the tourism operators in Clarence and thanks them for their positive contribution to our city.
3. Council acknowledges that we have an important role to play in supporting all small business operators in our city, including, but not limited to, the key areas of:
 - i. Planning;
 - ii Infrastructure; and
 - iii Marketing and promotion.
4. Council acknowledges that a vibrant and successful tourism industry in our state delivers a range of cultural, social and economic benefits for Clarence residents”.

EXPLANATORY NOTES

The Tasmanian tourism industry is one of the State’s stand-out success stories and has been the driving force behind the State’s economic turn-around.

This industry contributes over \$3 billion to gross state product and generates employment across the state, with 37,200 Tasmanians, or 15.6 per cent of total employment across Tasmania, employed by the industry.

More than 1.26 million people visited Tasmania last year and this figure, along with visitor spending, continues to grow.

The visitor economy benefits all Tasmanians. It generates employment, stimulates investment and infrastructure development and enhances trade and education opportunities.

MOTION ON NOTICE – ALD BLOMELEY /contd...

A growing visitor economy in Clarence with more services and better infrastructure enhancing the desirability and opportunity to visit our city provides a range of cultural, social and economic benefits for our community.

B A Blomeley
ALDERMAN

GENERAL MANAGER'S COMMENTS

A matter for Council.

9.2 MOTION ON NOTICE – ALD MULDER KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL DEVELOPMENT File No

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

“That Council request the proponents of the Kangaroo Bay Hotel and Hospitality School complex to consider revising their plans for the development to provide for a smaller scale development that is more in accordance with community expectations”.

EXPLANATORY NOTES

- The Kangaroo Bay Master Plan achieved a social licence through widespread consultation with the community.
- The scale and height of buildings in the planning permit that was approved by Clarence Council far exceeds those envisaged in the Kangaroo Bay Area Plan.
- The approved buildings constitute an over-development that will negatively impact on the amenity of and character of the area as envisaged in the Kangaroo Bay area plan.

T Mulder
ALDERMAN

GENERAL MANAGER’S COMMENTS

A valid Development Approval has been issued for the development. A first stage Building Permit has also been issued for the preliminary stage of the development. As such, Council has no statutory authority to require the proponents to amend or revise the proposal outside of the existing permits. Council is able to request the proponent to consider further redesign of the proposal at any time. The consideration of such a request is at the discretion of the proponent. Any redesign of the proposal would require the submission of a new Development Application.

**9.3 NOTICE OF MOTION – ALD JAMES
SOUTH EASTERN REGIONAL PARK**
File No

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

- “A. That Council seek an officer’s report and estimate of costs for the establishment of a Regional Park in the south eastern region of the city.

The report to include the following:

1. Availability of Council land south of Rokeby and include areas of Lauderdale, Cremorne and Sandford, and
 2. South East Regional Park be commensurate with size, scale and scope of other Regional Parks already established in the City at Simmons Park and Bellerive Beach
- B. The officers’ report and recommendations on the benefits or otherwise of a Regional Park in the SE region of the City be available for consideration in the first round of 2019/20 budget workshops set down for March 2019”.

EXPLANATORY NOTES

It is becoming evident with rapid development in the South East region of the City particularly population growth more families with young children moving in therefore most appropriate to plan and develop a Regional park and playground for the area.

The South East region of our municipality will continue to grow and at a point of time in the future this area will benefit from its own Regional park and playground.

Over recent years Council has received appreciation from the community for the regional playgrounds and facilities at Simmons Park, Kangaroo Bay and Bellerive Beach Park.

Therefore it is important to undertake planning work now, identify suitable land for a future facility and allocate an equitable share of Council’s resources to the region.

R H James
ALDERMAN

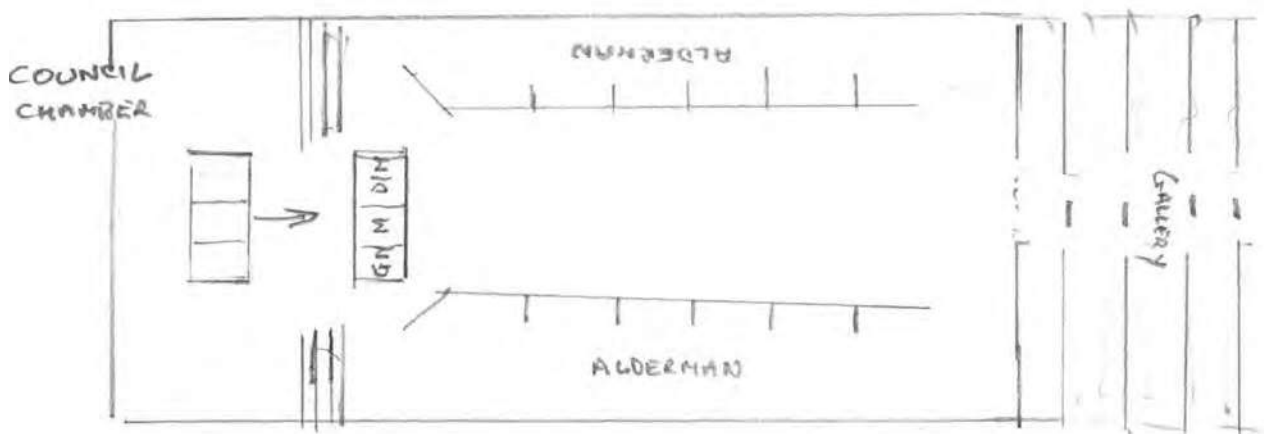
GENERAL MANAGER’S COMMENTS
A matter for Council consideration

9.4 MOTION ON NOTICE – ALD JAMES SEATING ARRANGEMENTS – COUNCIL CHAMBER

File No

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

- “A. That Council consider changes to the current seating arrangements and table layout in the Council Chambers so that all Alderman are facing in the direction of the public gallery.
- B. Also consideration is given to a reconfigured seating arrangement in accordance with following plan”.



EXPLANATORY NOTES

Alderman seating in the Council Chambers, in its current form, has been in existence well before the time I was first elected to Council in 1984.

It seems to me a much better arrangement is along the lines of attached plan with positives for all especially none of the elected representatives having their backs to the public Gallery.

R H James
ALDERMAN

GENERAL MANAGER'S COMMENTS

The proposed arrangements would necessitate the acquisition of new furniture for the Council Chamber. The relocation or removal of the "head" table would require removal of the concrete plinth to enable sufficient space for the proposed seating arrangement to be implemented

Parallel seating is adopted in many Council Chambers. It is appropriate that under all seating scenarios that Aldermen are able to observe the Chairman of the meeting.

A matter for Council.

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

September Quarterly Report pending

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representative: (Ald James Walker, Proxy Representative)

Quarterly Reports

September Quarterly Report pending

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS**11.1 WEEKLY BRIEFING REPORTS**

(File No. 10/02/02)

The Weekly Briefing Reports of 12, 19 and 26 November 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 12, 19 and 26 November 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 2005, 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-2018/600 - 170 MOCKRIDGE ROAD, ROKEBY - WORKSHOP BUILDING
(File No. D-2018/600)**EXECUTIVE SUMMARY****PURPOSE**

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

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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 5 December 2018 as agreed with the applicant.

CONSULTATION

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

- Noise impacts.

RECOMMENDATION:

A. That the Development Application for Workshop Building at 170 Mockridge Road, Rokeby (CI Ref D-2018/600) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM1 – NUISANCE.

3. The development must meet all required Conditions of Approval specified by TasWater notice, dated 16 October 2018 (TWDA 2018/01636-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

The use of the school's existing metal and wood work classroom has generated a past noise complaint due to worn bearings within the extraction unit and lack of maintenance. Council's Environmental Health Department investigated the matter with the Department of Education agreeing to replace all bearings, direct the top of the extraction unit back over the school roof and implementation of a strict on-going maintenance program. During this time, the school conducted a noise diary for Council's records which stated the date, time and duration of the extraction fan usage. Noise readings have been conducted with a background average reading at 95m away from the school at 47dB(A) and at 115m at 49dB(A). Further readings were taken while the extraction unit was in use being at 95m at 52dB(A) and at 115m was 51 dB(A). Council's Environmental Health Department are satisfied the noise complaint has been resolved. It is noted that an extraction unit is not proposed to be incorporated into the new building.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned Community Purpose Zone under the Scheme.
- 2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to noise, design and passive surveillance.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Community Purpose Zones;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site consists of three titles comprising the Bayview Secondary College grounds with a land area of 4.558ha. The site is level and has frontage to Mockridge Road and Hawthorn Place. The main entrance to the school is provided from Mockridge Road.

3.2. The Proposal

Application is made to construct a 20m long by 10m wide workshop and classroom building to the south-east of the main school building.

The building would be setback 43.8m from the Mockridge Road frontage and would be separated from the road by the cricket practice nets. The building would have a maximum height of 4.3m above natural ground level and would be constructed from ‘Colorbond’ wall and roof sheeting. A roller door, two pedestrian entrances and window would be located on the northern elevation of the building.

The building would provide a Vocational Training Facility for the Bayview Secondary College. Activities to be conducted within the building would include wood and metal work associated with entry level civil construction courses. The existing metal and wood working classrooms located within the main school building would be retained.

The building would be located adjacent to the existing internal driveway and car park with an additional 3 car parks proposed for staff. The applicant has confirmed that the new building would not result in an increase in staff or student numbers therefore there is no requirement for the provision of additional on-site car parking.

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.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Community Purpose Zone and Parking and Access Code and Stormwater Management Code with the exception of the following:

Community Purpose Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
17.3.2 A1	Noise	<p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am; (c) 65dB(A) (LMax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	Does not comply – Council's Environmental Health Officer has indicated that noise emissions associated with the use of power tools may exceed the noise limit set under clause (b) and (c).

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 17.3.2 as follows:

Performance Criteria	Proposal
<i>P1 - Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</i>	<p>The Performance Criteria provides that the noise emissions from the site must not cause environmental harm to the nearby residential zone.</p> <p>The proposed workshop building would cater for civil construction classes. Activities to be undertaken with the building include the teaching of scaffolding erection, form work and the use of power and hand tools.</p> <p>The class room would be separated 51m from the nearest residential zoned property to the east. The applicant has confirmed that the building would be used for educational purposes with most metal and wood working activities relying on hand tools as opposed to power tools.</p> <p>Council's Senior Environmental Health Officer considers that the proposed use would not cause an unreasonable loss of residential amenity to nearby residential zoned properties by way of the timing or duration of the noise emissions.</p> <p>However, to ensure that noise levels do not result in a loss of amenity to nearby residents, a condition should be included reiterating that no</p>

	unreasonable nuisance is to be created as a result of the proposed use. Council's Senior Environmental Health Officer has power to issue an Environmental Protection Notice (EPN) if necessary.
--	---

Community Purpose Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
17.4.3 A1	Design	<p>Building design must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; (g) not include security shutters over windows or doors with a frontage to a street or public place. 	Does not comply – The proposal does not comply with clause (b) in that the window and doorway components would amount to 24% of the overall area of the front façade of the building (north elevation).

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 17.4.3 as follows:

Performance Criteria	Proposal
<i>P1 - Building design must enhance the streetscape by satisfying all of the following:</i>	See below assessment.
<i>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</i>	<p>The proposed building is sited oblique to the main school building due to the existing topography and adjacent oval. The north elevation of the building has been designed to form the front façade of the building although it is not as parallel to the Mockridge Road frontage as the east elevation.</p> <p>The northern elevation of the building has been designed to include windows and door openings that face the internal car park and Mockridge Road so that the main access to the building is easily identifiable.</p>
<i>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</i>	The size and number of windows and doorways located within the front façade is appropriate for the proportions of the front façade and will therefore act to enhance the streetscape and will enable mutual passive surveillance of the school grounds.
<i>(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</i>	The northern elevation of the building has been designed to include various windows and door openings to treat an otherwise large expanse of blank wall. Limited architectural form has been included in the design however this is overcome through the inclusion of a variety of window and door openings. The building would also maintain a comparable setback from the street to the main school building and would be partially screened by native vegetation. The design response will therefore provide a positive contribution to the streetscape.
<i>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</i>	The air conditioning unit is proposed to be located to the rear (southern elevation) of the workshop building and at ground floor level therefore would be obscured from view of the street. As the building would be partially screened from view of the street by a row of mature eucalyptus trees lining Mockridge Road. The visual impact would therefore be insignificant.
<i>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</i>	Not applicable - No roof top servicing infrastructure is proposed.
<i>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;</i>	Not applicable – No awnings proposed.
<i>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</i>	Not applicable - No shutters proposed.

<i>(h) be consistent with any Desired Future Character Statements provided for the area.</i>	Not applicable - There are no Desired Future Character Statements applied to the Community Purpose Zone.
--	--

Community Purpose Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
17.4.4 A1	Passive surveillance	<p>Buildings design must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40% of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park. 	Does not comply – The proposal does not comply with clause (b) in that the window and doorway components would amount to 24% of the overall area of the front façade of the building (north elevation).

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause 17.4.4 as follows:

Performance Criteria	Proposal
<i>P1- Buildings design must provide for passive surveillance of public spaces by satisfying all of the following:</i>	See below assessment.
<i>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</i>	The main pedestrian entrance to the building has been incorporated into the northern elevation of the building so that it is clearly visible from the main school building and associated school grounds. The main entrance has therefore been appropriately located to enhance user visibility.
<i>(b) locate windows to adequately overlook the street and adjoining public spaces;</i>	The northern elevation (front façade) includes a window to the classroom which will allow for passive surveillance of Mockridge Road and the school grounds by students and staff.
<i>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</i>	Not applicable – the proposal is for an educational facility.
<i>(d) locate external lighting to illuminate any entrapment spaces around the building site;</i>	No new lighting is proposed nor considered necessary given the existing school access and car park is currently adequately lit. The building would be located within an open area between the main school building and Mockridge Road. The siting of the building would therefore not create entrapment opportunity.
<i>(e) provide external lighting to illuminate car parking areas and pathways;</i>	As per above.
<i>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;</i>	The location and separation of the proposed building from the main school building will ensure sight lines are maintained throughout the school grounds.
<i>(g) provide for sight lines to other buildings and public spaces.</i>	As per above.

5. REPRESENTATION ISSUES

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

5.1. Noise impacts

Concern is raised that the use of the proposed workshop building will impact upon nearby residential amenity.

- **Comment**

Although the building would be used for wood and metal work, the proposed development has been assessed above as complying with the Acceptable Solutions and Performance Criteria for noise at 17.3.2 of the Scheme.

Noise outputs associated with the educational use are expected to be minimal as most metal and wood working activities would be confined to school hours and would rely mostly on hand tools as opposed to power tools. However, should noise associated with the use of the workshop cause an unreasonable impact upon residential amenity, Council's Environmental Health Department are required to investigate the matter having regard to the requirements of Section 53 of the *Environmental Management and Pollution Control Act 1994*.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan or any other relevant Council policy.

9. CONCLUSION

The proposal for a workshop building at 170 Mockridge Road, Clarendon Vale is considered to meet the relevant standards in the Scheme and is accordingly recommended for approval.

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

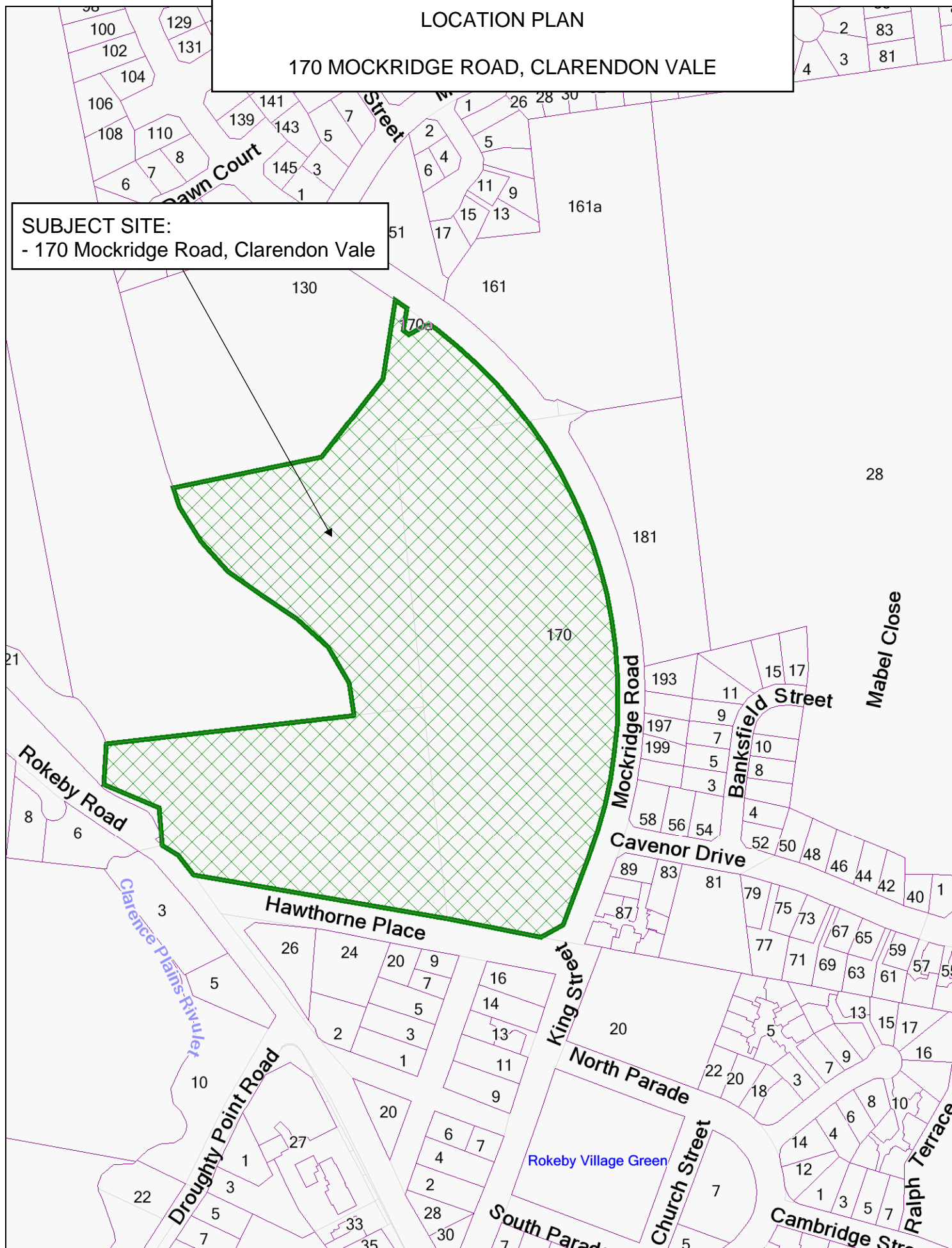
Ross Lovell
MANAGER CITY PLANNING

ATTACHMENT 1

LOCATION PLAN

170 MOCKRIDGE ROAD, CLARENDON VALE

SUBJECT SITE:
- 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, 22 November 2018 **Scale:** 1:3,525 @A4

170 Mockridge Road, Rokeby



Photo 1: The location of the new building when viewed from the Mockridge Road property boundary.



Photo 2: The location of the new building when viewed from the Mockridge Road property boundary. The building would be located to the south of the main school car parking area.

11.3.2 DEVELOPMENT APPLICATION D-2017/339 - 32 SPITFARM ROAD, OPOSSUM BAY - DWELLING
(File No. D-2017/339)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 32 Spitfarm Road, Opossum Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and is subject to the Parking and Access Code, Stormwater Management Code, Waterway and Coastal Protection Code, Inundation Prone Areas Code, Coastal Erosion Hazard Code and On-Site Wastewater 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*.

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 5 December 2018 as agreed with the applicant.

CONSULTATION

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

- Height;
- Loss of privacy;
- Car parking;
- Asbestos;
- Fence of adjoining walkways;
- Inaccurate plans;
- Site coverage;
- Wastewater disposal;
- Stormwater management; and
- Location of water tanks.

RECOMMENDATION:

- A. That the Development Application for Dwelling at 32 Spitfarm Road, Opossum Bay (CI Ref D-2017/339) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [showing the inclusion of a screen with a maximum transparency of 25% extending 5m from the western length of the southern elevation of the rear deck to a height of 1.7m above the finished floor level of the balcony; and an increase in the sill height of the dining room window located on the northern elevation of the dwelling to no less than 1.7m].
 3. A plan for the management of demolition and construction works must be submitted and approved by Council’s Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must outline the proposed demolition and construction practices in relation to:
 - weed hygiene methods to prevent the spread of weeds and soil based pathogens to and from the property during construction;
 - procedures to prevent soil and debris being carried onto Opossum Bay Beach;
 - methods for the storage and removal of materials handled on-site;
 - parking for employees involved in demolition and construction;
 - car parking, traffic flow and circulation arrangements for workers and large vehicles required to access the site during the demolition and construction stages; and
 - how works would be undertaken generally in accordance with ‘Wetlands and Waterways Works Manual’ (DPIWE, 2003) and “Tasmanian Coastal Works Manual” (DPIPWE, Page and Thorp, 2010).
 4. All design and construction works associated with the dwelling and associated water tanks must be undertaken in accordance with the recommendations made within Section 9 of the *Coastal Vulnerability Assessment* prepared by GES, dated November 2017. Plans demonstrating compliance with this condition must be submitted to and approved by Council’s Group Manager Engineering Services prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.

ADVICE:

- It is advised that the existing dwelling may contain asbestos. All reasonable precautions are to be undertaken to control and minimise dust, noise and any other environmental nuisance prior to and during demolition.
- As part of a Building Application, a report will be required to be provided to Council, prior to demolition, to identify any hazardous materials eg asbestos, should they be found to be present on-site. (Contact Workplace Standards, for further information in relation to asbestos).
- All relevant requirements and procedures to be undertaken to manage, handle and dispose of, any hazardous materials should they be found to be present on-site.
- It is advised that the developer is to ensure no water from paved areas is to be discharged into adjoining properties. This may require modifications to the existing car parking areas to comply with relevant legislation.

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 Village under the Scheme.

2.2. The proposal is Discretionary because it does not meet the Acceptable Solutions under the Scheme relating to setbacks, coastal erosion hazard, waterway and coastal protection area and on-site wastewater management.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Village Zone;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection Code;
- Section E16.0 – Coastal Erosion Hazard Code; and
- Section E23.0 – On-Site Wastewater 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 has an area of 438m² and is located on the western side of Spitfarm Road with the rear boundary having frontage to the high water mark of Opossum Bay. The site has a level bench alongside the road with the remainder of the site falling steeply to the beach.

The site is developed with a single storey dwelling (fibro cement sheet shack) located 2.3m from the road frontage. A boat shed is located on the south-eastern part of the site. Provision is made for one on-site car parking space along the northern side boundary.

The southern boundary of the site adjoins a narrow privately owned walkway connecting Spitfarm Road and Opossum Bay.

The site is located within an area used primarily for residential purposes occupied on a temporary (“shacks”) and permanent basis.

3.2. The Proposal

The proposal is for the demolition of the existing dwelling and the construction of a new single storey dwelling. The dwelling would be located 2.16m from Spitfarm Road and would be setback 6.8m from the rear boundary fronting Opossum Bay.

The dwelling would occupy a floor area of 126m² and would contain three bedrooms, bathroom, laundry and open plan living space. The dwelling would be clad with 'James Hardie Scyon Linea' cement sheeting and 'Colorbond' steel. The roof profile would form a low pitched skillion constructed from 'Colorbond'. The dwelling would have a maximum height of 3.9m at the eastern end increasing to 7.9m at the western end.

A 37.83m² deck with associated balustrading is proposed to extend from the rear (western) elevation of the dwelling. The deck would be constructed from timber and would have a maximum finished surface level of 4.9m above natural ground level.

Two 10,000 litre water tanks would be stored beneath the deck.

The existing single off-street car park would be retained in its current location.

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.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

Section 8.11.3 of the Scheme provides that the planning authority may impose conditions on a permit to minimise impact from construction works on the environment and infrastructure and to ensure that works will be undertaken in accordance with best practice management that limits the potential for significant impacts to arise from the following:

...

- (d) *unsatisfactorily managed waste; and*
- (e) *carparking, traffic flow and circulation during construction.*

The proposal will involve the demolition of an existing dwelling with the removal of material having the potential to impact on traffic and neighbouring residential amenity. It is considered appropriate in this instance to include a condition requiring the production of a Construction Management Plan including management arrangements for the storage, removal or handling of materials, on-site parking and traffic management.

The proposal meets the Scheme's relevant Acceptable Solutions of the Village Zone and Parking and Access Code, Stormwater Management Code, Waterway and Coastal Protection Code, Inundation Prone Areas Code, Coastal Erosion Hazard Code and On-Site Wastewater Management Code with the exception of the following:

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A1	Frontage setback	Building setback from frontage must be parallel to the frontage and must be: no less than 4.5 m, if fronting any other road.	Does not comply – The proposed dwelling would be setback 2.165m from Spitfarm Road.

The proposed variation must be considered pursuant to Performance Criteria (P1) of Clause 16.4.2 as follows:

Performance Criteria	Proposal
<i>P1 - Building setback from frontage must satisfy all of the following:</i>	See below assessment.
(a) <i>be consistent with any Desired Future Character Statements provided for the area;</i>	Not applicable – There are no Desired Future Character Statements for the Village Zone.
(b) <i>be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</i>	<p>Investigations have revealed that the proposed 2.165m setback would be consistent with the zero setback offered by the adjoining dwelling to the south and the 2m setback offered by the adjoining dwelling to the north.</p> <p>The prevailing setback on the western side of Spitfarm Road ranges from zero to 9.4m. Taking into account the small lot sizes and steep embankment falling from the road towards Opossum Bay Beach, the majority of dwellings are located near to, or directly upon the front boundary. The setback of the proposed dwelling would therefore be consistent with the prevailing building line.</p> <p>For the above reasons, it is therefore evident that the setback of the proposed dwelling from Spitfarm Road would be compatible with the setback of adjoining buildings and would maintain continuity with the established building line evident within the street.</p>
(c) <i>enhance the characteristics of the site, adjoining lots and the streetscape,</i>	Due to the reduced setbacks, many properties lining Opossum Bay Beach, there is limited opportunity for parking vehicles and landscaping on-site. The proposed setback of 2.1m would allow opportunity for the planting of gardens along with the retention of the existing single car park. The setback will therefore enhance the desirable streetscape characteristics.

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A2	Setbacks	<p>Building setback from side and rear boundaries must be no less than:</p> <p>(a) 2 m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>Does not comply – The north-western corner of the dwelling requires a 3.5m setback from the northern side boundary. A 2.9m setback is proposed.</p> <p>The south-western corner of the dwelling requires a 3.5m setback from the southern side boundary. A 3.3m setback is proposed.</p>

The proposed variation must be considered pursuant to Performance Criteria (P2) of Clause 16.4.2 as follows:

Performance Criteria	Proposal
<i>P2 - Building setback from side and rear boundaries must satisfy all of the following:</i>	See below assessment.
<p>(a) <i>be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p>(i) <i>overlooking and loss of privacy;</i></p>	<p>The adjoining property to the north at 34 Spitfarm Road contains two living room windows on the lower level with a sill height of 1m and a bedroom window on the upper level with a sill height of 1.3m which face the proposed dwelling. A lower level deck is also located on the lower level of this adjoining dwelling.</p> <p>The dining room window located on the northern elevation of the proposed dwelling would be located within the acceptable setback. The northern elevation of the proposed deck complies with the acceptable side setback. The orientation of the proposed dining room window in relation to the habitable room windows and deck at 34 Spitfarm Road would be such that privacy would be compromised.</p> <p>This issue has been discussed with the applicant and they have agreed to increase the sill height of the dining room window to 1.7m to maintain the privacy of the adjoining dwelling.</p> <p>The western end (5m length) of the southern elevation of the proposed deck would be located within the acceptable setback. The deck is elevated above the private open space of the adjoining property to the south at 30 Spitfarm Road. It is considered appropriate for the southern elevation of the deck to include a privacy screen to minimise overlooking of this adjoining property. This issue has been discussed with the applicant and they have agreed to install a privacy screen to a height of 1.7m above natural ground level.</p> <p>A condition has been included requiring amended plans to be provided reflecting the above mentioned modifications to enhance the privacy of adjoining properties.</p>
<p>(ii) <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 June 21 or further decrease sunlight hours if already less than 3 hours;</i></p>	<p>The proposed dwelling would be located entirely to the south of the adjoining dwelling at 34 Spitfarm Road and therefore would not cause any overshadowing impact upon this adjoining dwelling.</p> <p>In relation to the property to the south at 30 Spitfarm Road, the shadow diagrams demonstrate that the habitable room windows located on the northern elevation of this dwelling would retain full sun between 9am and 2pm (5</p>

	hours of continuous sunlight) on 21 June. The proposal would therefore not cause any unreasonable overshadowing impact upon this dwelling.
<p>(iii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p> <p><i>taking account aspect and slope.</i></p>	<p>The proposed dwelling would form a modest single storey structure with a large undercroft resulting from the extension of the dwelling over the steep embankment. The dwelling would appear as a single storey dwelling when viewed from the road. The extension of the dwelling above the steep embankment will result in a requirement for piles to support the dwelling and associated deck.</p> <p>The adjoining properties, along with many properties lining the western side of Spitfarm Road, present as single storey buildings from the street and increase to multiple levels at the western elevation. Unlike the adjoining dwellings, the dwelling design omits multiple levels and includes an open, light support structure for the deck which will act to reduce the visual bulk of the dwelling when viewed from the adjoining properties at 30 and 34 Spitfarm Road.</p> <p>Given the dwellings on adjoining lots are multi-level buildings with similar maximum heights, it is considered that the proposed dwelling will be consistent with the surrounding built form.</p> <p>The adjoining dwellings are designed to take advantage of the westerly outlook over Opossum Bay Beach. These important view lines are not compromised, as the dwellings' access to these view lines are from their rear decks and west facing windows, which would not be obstructed by the proposed dwelling.</p>

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of Car Parking Space	2 spaces required for a single dwelling	Does not comply – One on-site car park is proposed.

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

Performance Criteria	Proposal
<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>	See below assessment.
<i>(a) car parking demand;</i>	Considering the existing parking legacy and that there would be no increased demand, the existing car parking allocation is considered a reasonable reflection of the current parking demand.
<i>(b) the availability of on-street and public car parking in the locality;</i>	<p>The section of Spitfarm Road lining Opossum Bay Beach is narrow with no designated footpaths or on-street parking. Due to the topographical constraints of the properties located between Spitfarm Road and Opossum Bay Beach, many of the dwellings are provided with only one on-site car park or rely solely on on-street car parking. In this case, there is space between the frontage and the carriageway to park two cars. This should be adequate to supplement the car park provided on-site.</p> <p>Council's Development Engineer has advised that there is adequate parking opportunity within the road verge to cater for overflow parking demand.</p>
<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	The site is serviced with a daily bus service however it is an irregular service. It is therefore considered unlikely that residents would forego car ownership in preference for public transport options.
<i>(d) the availability and likely use of other modes of transport;</i>	The site is within a coastal hamlet with limited services and facilities. The closest employment centres are located at Rosny Park and Cambridge. It is therefore not considered practical to rely on other modes of transport such as walking and cycling.
<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>	The car parking provided on-site will be designated for the exclusive use of the single dwelling. There is therefore no practical opportunity for the new car parks to be shared between residential and commercial users.
<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 non-compliant number of car parking spaces (1).
<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>	A one space credit applies as a result of the former use as a single dwelling.
<i>(i) the appropriateness of a financial</i>	Given the adequacy of parking, it would be

	<i>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>	inappropriate to require a financial contribution in lieu of parking. Given the adequacy of parking as there are no plans for public parking facilities in the vicinity of the site.
(j)	<i>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.
(k)	<i>any relevant parking plan for the area adopted by Council;</i>	The site is not located within an area affected by a parking plan.
(l)	<i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</i>	Not applicable as the site is not listed as a place of heritage significance under the Historic Heritage Code.

Stormwater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Stormwater drainage and disposal	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Does not comply - No Council stormwater infrastructure is available in this location.

The proposed variation must be considered pursuant to Performance Criteria P2 of Clause E7.7.1 as follows:

Performance Criteria	Proposal
<i>P2 - A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.</i>	Council's Development Engineer has advised that the property is of sufficient size to detain all stormwater on-site. Detailed designs of the stormwater drainage will be required as part of the engineering drawings submitted as part of an application for a Plumbing Permit and approved as part of the Building Application, to ensure compliance with the <i>State Stormwater Strategy 2010</i> .

Waterway and Coastal Protection Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1 A1	Buildings and 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 dwelling and water tanks would be located within a Waterway and Coastal Protection Area.

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause 11.7.1 for the following reasons:

Performance Criteria	Comment
<i>P1 - Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</i>	See below.
(a) <i>avoid or mitigate impact on natural values.</i>	To avoid further impact on natural values during construction activities, a condition is recommended that would require works to be undertaken in accordance with the 'Wetlands and

	Waterways Works' and 'Tasmanian Coastal Work's manuals.
(b) <i>mitigate and manage adverse erosion, sedimentation and run-off impacts on natural values.</i>	A condition is recommended that would require a construction management plan detailing procedures to prevent soil and debris being carried onto the river in order to mitigate impacts on natural values.
(c) <i>avoid or mitigate impacts on riparian or littoral vegetation;</i>	As discussed, the proposal does not involve the removal of native vegetation and would otherwise not cause significant disturbance of vegetation.
(d) <i>maintain natural streambank and streambed condition, (where it exists);</i>	Not applicable - the subject property does not contain any watercourses.
(e) <i>maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	Not applicable.
(f) <i>avoid significantly impeding natural flow and drainage;</i>	Not applicable.
(g) <i>maintain fish passage (where applicable);</i>	Not applicable.
(h) <i>avoid landfilling of wetlands;</i>	The proposal does not include landfilling.
(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>	As discussed, a condition is recommended that would require works to be undertaken in accordance with the manuals.

Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.7.1 A1	Buildings and works	No Acceptable Solution.	Does not comply – Proposal is for a dwelling in the low and medium risk hazard area.

The proposed variation must be considered pursuant to Performance Criteria (P1) of Clause E16.7.1 as follows:

Performance Criteria	Proposal
<i>P1 - Buildings and works must satisfy all of the following:</i>	See below assessment.
(a) <i>not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i>	Council's Development Engineer has advised that the proposal is consistent with the performance criteria of the Coastal Erosion Hazard Code. The proposed building would not increase the level of risk to the life of the users of the site or cause a hazard for adjoining or nearby properties or public infrastructure as the part of the building located within the erosion hazard area would be the piles supporting the deck.
(b) <i>erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in</i>	A Coastal Vulnerability Assessment has recommended that all structures on the coastal side of the property be founded below the zone of reduced foundation capacity and therefore ideally into bedrock so that they are stabilised

<i>coastal, civil and/or hydraulic engineering;</i>	and resist lateral earth pressures. This is particularly relevant for the water tanks which may have considerable load bearing. Council's Development Engineer has advised that subject to the implementation of the building and engineering design recommendations made within the Coastal Vulnerability Assessment, the proposal presents an acceptable solution to managing potential site risks.
<i>(c) need for future remediation works is minimised;</i>	The location of the majority of the building outside of the erosion hazard areas will ensure the need for future remediation work is minimised.
<i>(d) health and safety of people is not placed at risk;</i>	The existing AWTS and absorption trenches located on the lower slopes of the site are proposed to be retained to service the proposed replacement dwelling. The proposal would not intensify the use of the site nor would it require modification to the existing wastewater arrangements. The health and safety of occupants, adjoining property owners or users of the foreshore would therefore not be placed at increased risk as a result of the proposal.
<i>(e) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	Access to the site is provided from Spitfarm Road which is entirely outside of the erosion hazard area. Access to the site is therefore not expected to be substantially compromised by expected future erosion.
<i>(f) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	Given the low level of risk posed by the development, Council's Development Engineer has advised that the provision of a developer contribution is not warranted in this case.
<i>(g) not be located on an actively mobile landform.</i>	The property is not located on an actively mobile landform.

On-Site Wastewater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E23.10.1 A1	Land Application Areas	Horizontal separation distance from a building to a land application area must comply with one of the following: (a) be no less than 6m; (b) be no less than; (i) 2m from an upslope or level building; (ii) if primary treated effluent be no less than 4m plus 1m for every degree of average gradient from a downslope building; (iii) if secondary treated effluent and subsurface application, no less than 2m plus 0.25m for every degree of average gradient from a down slope building.	Does not comply – The submitted wastewater report indicates that the horizontal separation distance from the dwelling to the land application area would be less than 6m therefore does not comply with Clause (a).

The proposed variation must be considered pursuant to Performance Criteria (P1) of Clause E23.10.1 as follows:

Performance Criteria	Proposal
<i>P1 - Horizontal separation distance from a building to a land application area must satisfy all of the following:</i>	See below assessment.
<i>(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;</i>	The wastewater report indicates that the existing AWTS system will ensure effluent is secondary treated.
<i>(b) be no less than 2m.</i>	The separation distance would be greater than 2m therefore complies with this performance criterion.

5. REPRESENTATION ISSUES

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

5.1. Height

Concern is raised in relation to the quality of the advertised plans in that the plans do not include a dimensioned height above natural ground level. The representor has queried the maximum height of the dwelling for the purposes of determining compliance with Clause 16.4.1 A1 of the Scheme.

- **Comment**

The plans include the levels for the roof, finished floor level and natural ground level which is adequate to extrapolate the maximum height of the dwelling above natural ground level. However, for the purposes of clarification, the dwelling would have a maximum height of 7.9m above natural ground level which is below the 8.5m maximum applied under Clause 16.4.1 A1 of the Scheme.

5.2. Loss of privacy

The representor indicates that the proposal does not comply with Clause 16.4.2 P2(a)(ii) of the Scheme in that the impact of the proposal upon the privacy of the adjoining dwelling to the north at 34 Spitfarm Road in terms of overlooking of the dining, living and external deck areas as a result of the proposed dwelling and deck.

- **Comment**

Overlooking and loss of privacy has been addressed above in terms of consideration of the side setback variation under Clause 10.4.2 A2 and P2(a)(ii) of the Scheme. A condition has been included requiring modifications to the proposed dwelling and deck in order to protect the privacy of the adjoining dwellings at 30 and 34 Spitfarm Road.

5.3. Visual impact

The representor has expressed concern that the design as a single floor protruding above the slope will have an unacceptable visual impact on the adjoining dwelling at 34 Spitfarm Road. The representor indicates that a stepped design would be more appropriate in terms of minimising visual bulk and scale.

- **Comment**

The proposed development relies upon a variation to the northern and southern side boundary setback which, as discussed in relation to Clause 16.4.2 (P2) above, is considered to satisfy the related performance criteria.

5.4. Car parking

The proposal does not provide the required 2 on-site car parking spaces with an additional space required given there is insufficient on-street parking capacity or alternative parking arrangements. The representor suggests the dwelling be redesigned to accommodate the required number of on-site car parking spaces.

- **Comment**

The proposed development relies upon a variation to the on-site car parking requirement which, as discussed in relation to Clause E6.6.1 P1 above, is considered to satisfy the related performance criteria.

With respect to the suggestion to redesign the dwelling to enable the parking of two vehicles on the property, Council is required to assess the application before it and whether there is adequate on-street car parking to cater for the parking demand not able to be provided on-site. It has been considered above that there is adequate on-street parking to cater for overflow parking demand and additional on-site car parking is not considered necessary.

5.5. Asbestos

The representor has raised concern in relation to the demolition of a dwelling which may contain asbestos.

- **Comment**

The existing dwelling forms a 1940's fibro cement sheet dwelling and is likely to contain asbestos. Council's Building group have recommended the inclusion of an advice clause within the planning permit alerting the property owner to this issue and their obligations with respect to its safe removal.

5.6. Fencing of adjoining walkway

The representor has raised concern in relation to the obstruction of the adjoining walkway at 30A Spitfarm Road, Opossum Bay with a fence.

- **Comment**

The walkway adjoining the southern boundary of the subject site is a privately owned parcel therefore Council has no responsibility to ensure unencumbered public access from Spitfarm Road to Opossum Bay in this location. This is a civil matter the representor would need to take up with the owner of the walkway.

5.7. Inaccurate plans

The representor has raised concern that the western boundary of the site has not been shown in the correct location on the Site Plan.

- **Comment**

The boundary dimensions provided on the Site Plan, location of the boat shed and Title documents appear to correspond therefore there is no identifiable inaccuracy.

5.8. Site coverage

The representor has raised concern that the site coverage exceeds 50% and that the proposed dwelling ought to be reduced in footprint.

- **Comment**

There is no site coverage standard within the Village Zone. The footprint of the dwelling would be 126m² which is consistent with the footprint of the adjoining dwellings.

5.9. Wastewater disposal

The representor has raised concern that seepage from the wastewater infrastructure will impact upon the environmental values of Opossum Bay Beach. The representor has also queried the adequacy of the existing system to cater for the expected increased hydraulic loadings and that the 'living room' shown on the floor plan could be used as a fourth bedroom.

- **Comment**

Council's Senior Environmental Health Officer has advised that the proposed wastewater system has been designed to incorporate secondary treatment which will improve effluent quality. Any seepage outside of the absorption trenches would occur vertically into the sandy soils below as opposed to horizontally meaning the adjoining Opossum Bay Beach would not be impacted by wastewater run-off.

In relation to the adequacy of the capacity of the existing wastewater system to service the proposed dwelling, the system was installed in 2017 and was designed to cater for a three bedroom dwelling. The existing wastewater system is therefore adequate to service the new dwelling.

The 'living room' has not been treated as a bedroom given it would form an open room located directly opposite the kitchen.

5.10. Stormwater management

The representor has raised concern in relation to run-off from the existing car park and impact upon the adjoining dwelling to the north at 34 Spitfarm Road, Opossum Bay.

- **Comment**

The proposed development will be required to ensure no water from paved areas would be discharged into adjoining properties. This may require modifications to the existing car parking areas to comply with relevant legislation. An advice clause has been included to this effect with the matter being addressed as part of a future building permit application.

5.11. Location of water tanks

The representor has raised concern over the visibility of the water tanks from Opossum Bay Beach and suggests that the tanks be dug into the ground or relocated under the dwelling.

- **Comment**

The provision of and siting of water tanks with a capacity of no greater than 45 kilolitres is exempt from requiring a permit in accordance with Section 6.1.2 of the Scheme.

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 or any other relevant Council policy.

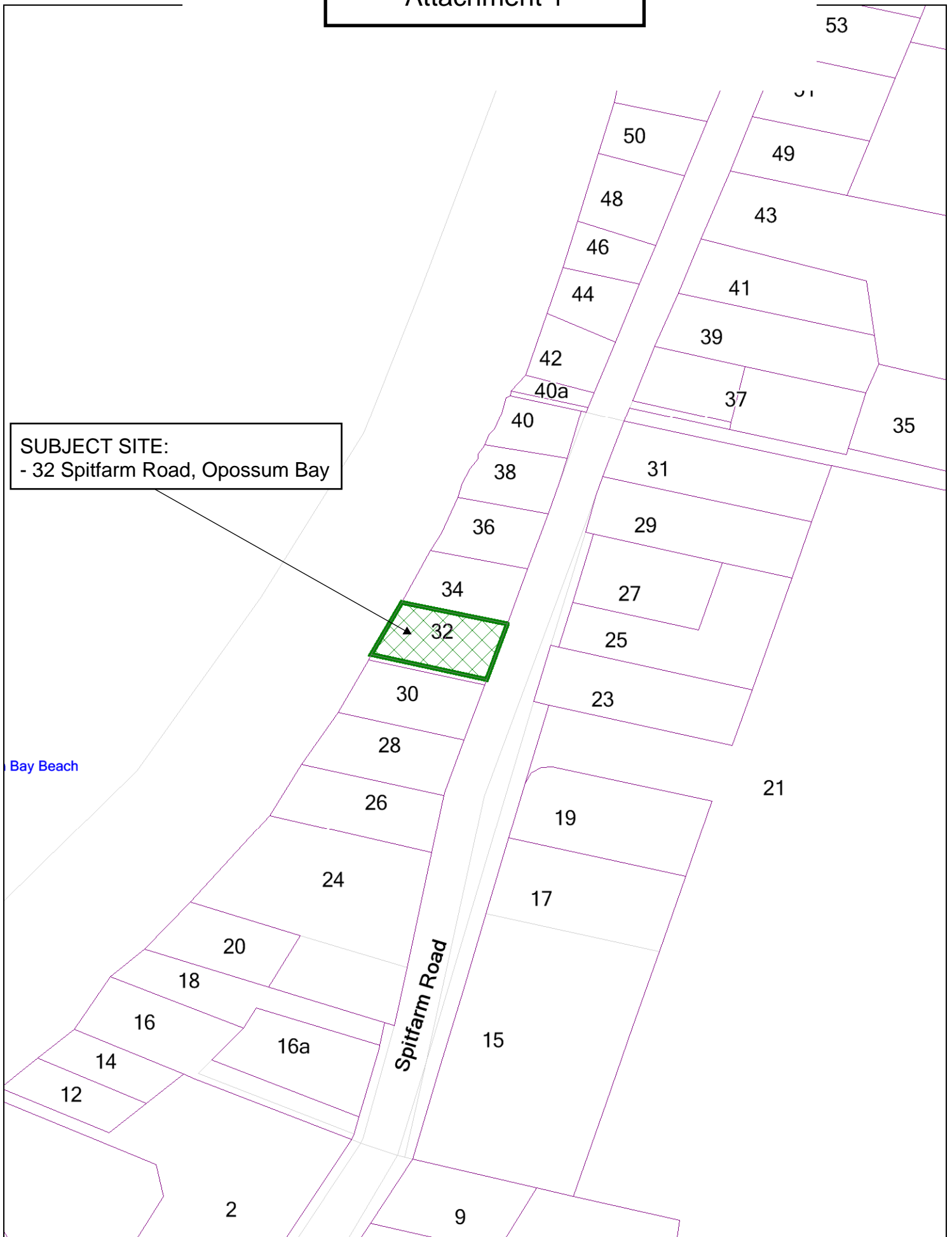
9. CONCLUSION

The proposal seeks approval for a dwelling at 32 Spitfarm Road, Opossum Bay. The application satisfies 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 (10)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



SUBJECT SITE:
- 32 Spitfarm Road, Opossum Bay

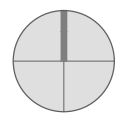
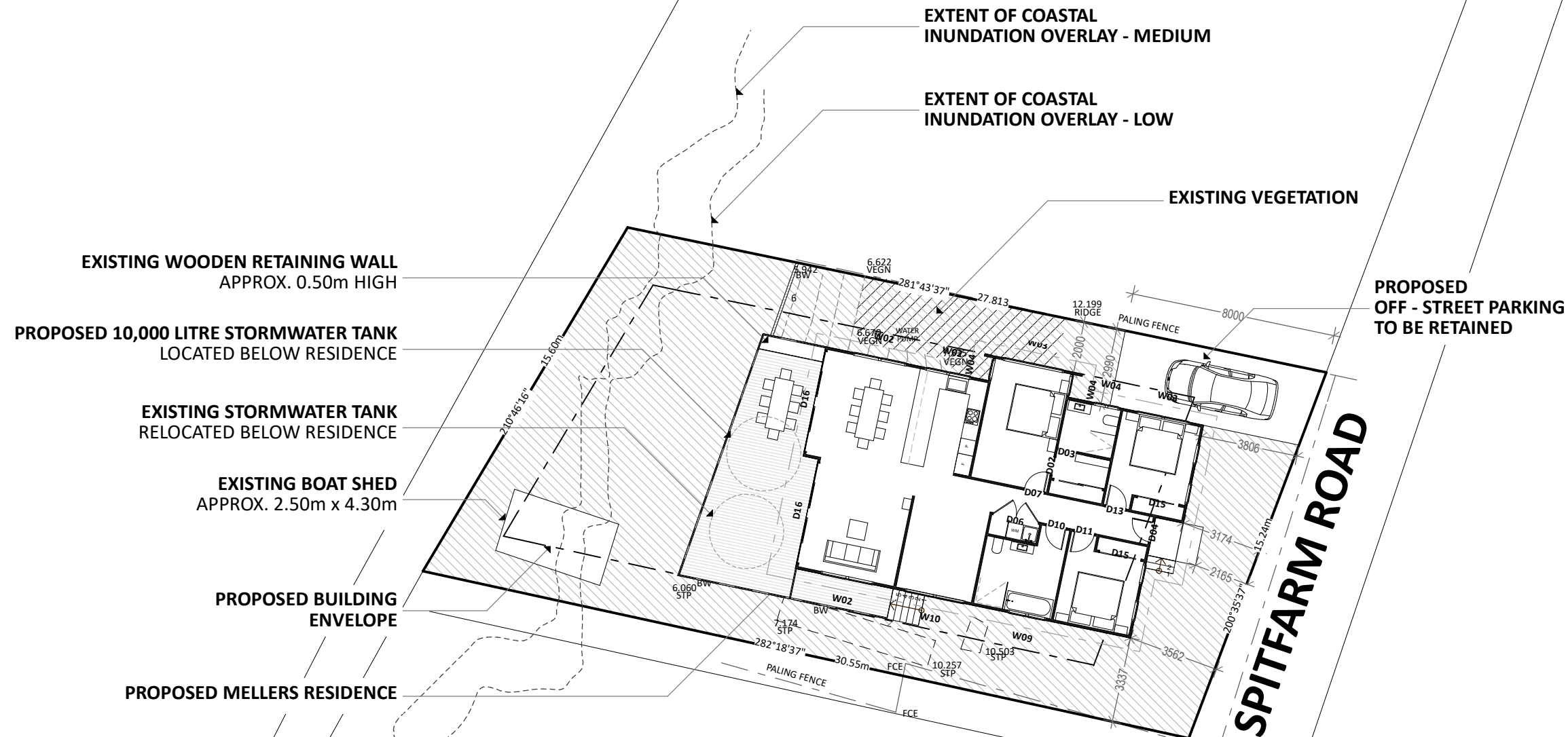
Bay Beach

Spitfarm Road



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 22 November 2018 **Scale:** 1:1,247 @A4

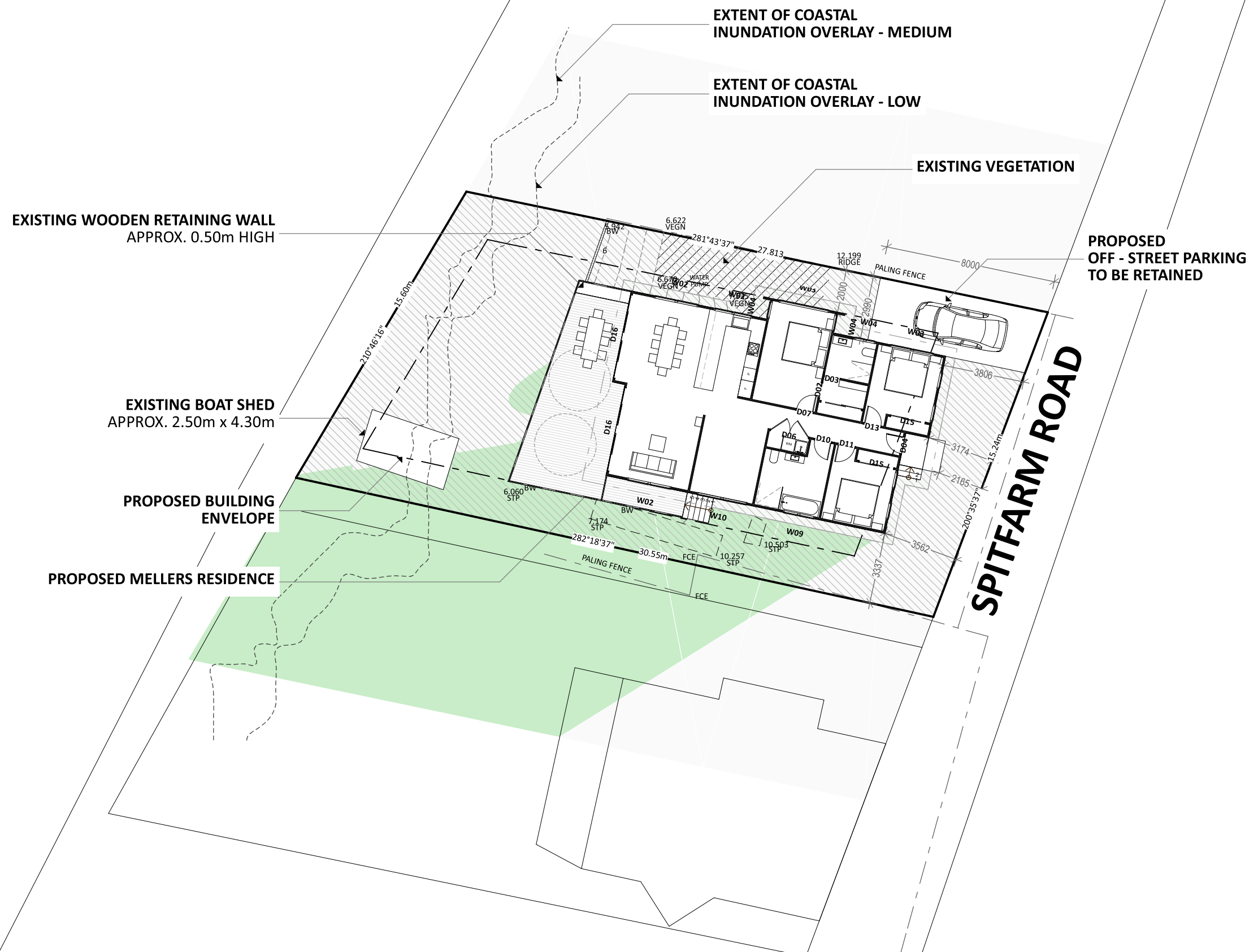






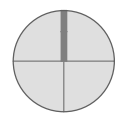
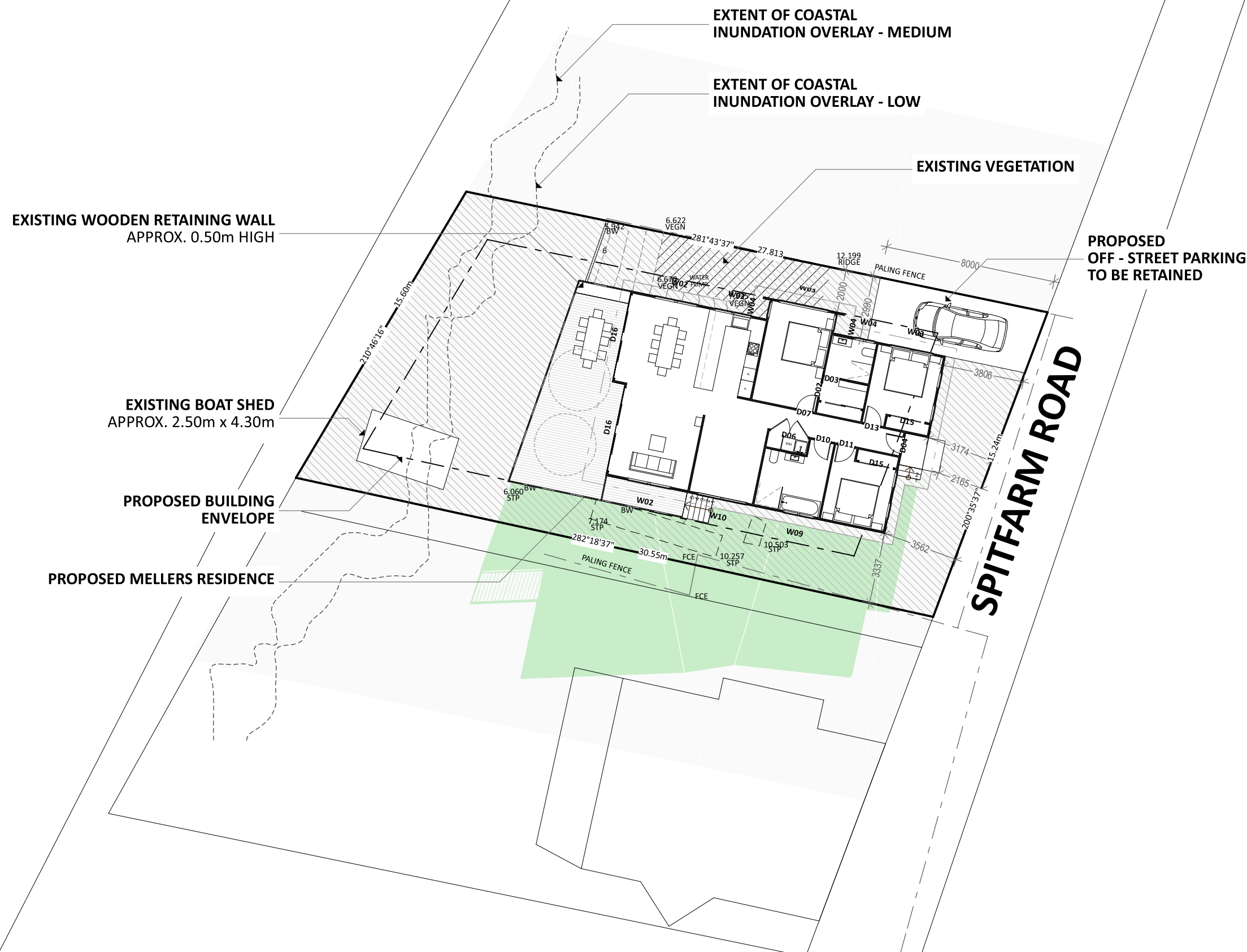
Existing Shadows

Proposed Shadows



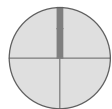
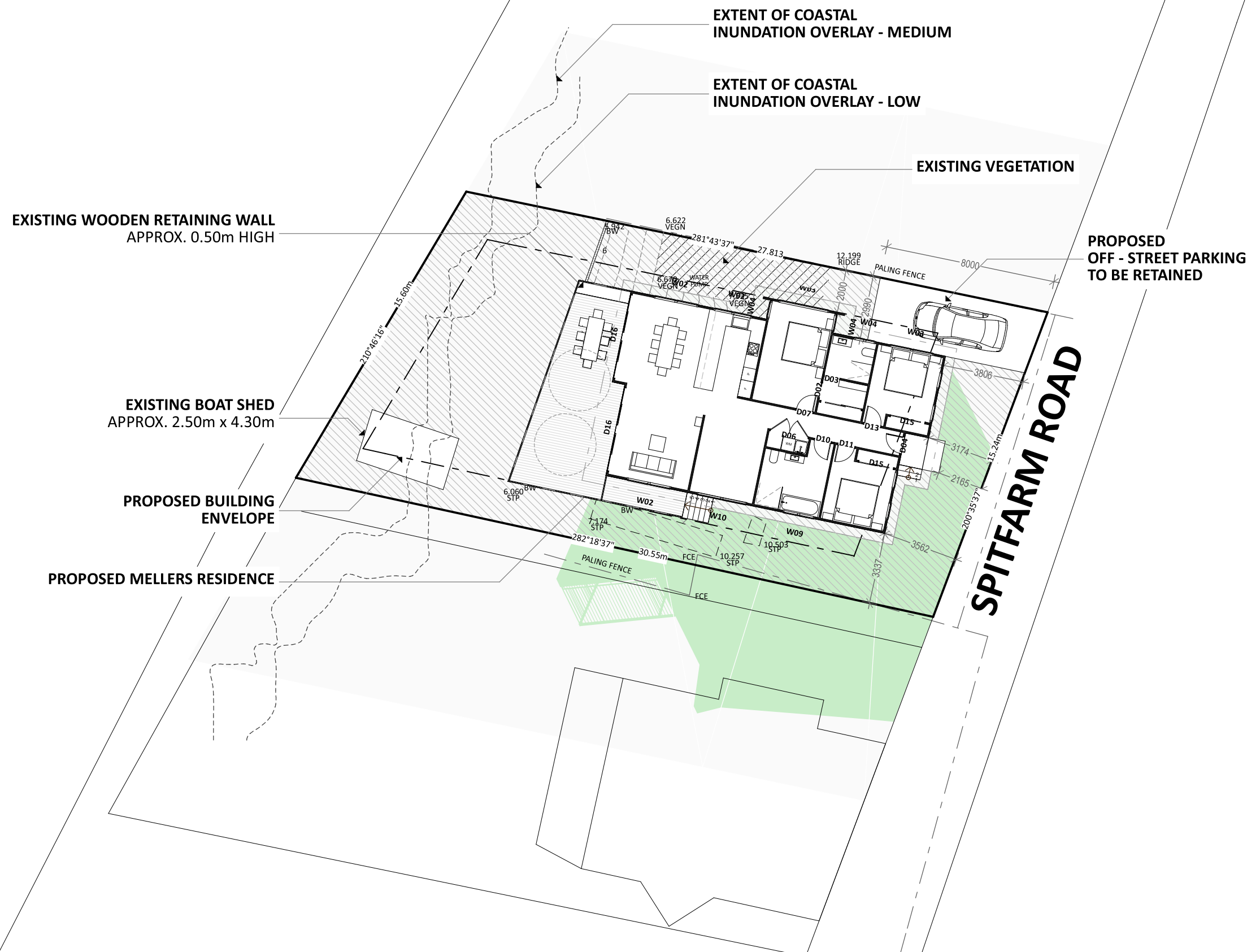


- Existing Shadows
- Proposed Shadows

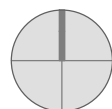




- Existing Shadows
- Proposed Shadows



DRAWN:	N Valentine
CERT:	CC 5180 Y
REVISION:	A



PROPOSED **MELLERS** RESIDENCE
32 SPITFARM ROAD,
OPOSSUM BAY, TASMANIA 7023

© THIS PLAN MAY NOT BE USED OR MODIFIED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE FROM RAINBOW ROOFING & GARAGES PTY LTD AND THE CERTIFIED DESIGNER

PROPOSED DRAINAGE PLAN

#ATT1083

SHEET: 7

DATE: 19/09/2017

SCALE: 1:200

A3



10/10/2018

Absorption area currently 1m from retaining wall.

EXISTING AWTS
MIN. 3000 LITRES

PROPOSED SEWER POINTS FROM RESIDENCE — TO CONNECT INTO EXISTING AWTS

PROPOSED STORMWATER POINTS FROM RESIDENCE TO CONNECT INTO NEW WATER TANK

EXISTING ABSORPTION TRENCH
0.7m(L) x 1.8m(W) x 0.35m

EXISTING RESERVE AREA

**PROPOSED 10,000 LITRES STORMWATER TANK
LOCATED BELOW RESIDENCE**

**EXISTING STORMWATER TANK
RELOCATED BELOW RESIDENCE**

- W00

WINDOW ID
- W00

DOOR ID
- MB

METER BOX
- HW

HOT WATER SYSTEM
- [CS]

CONCRETE SLAB
- [PC]

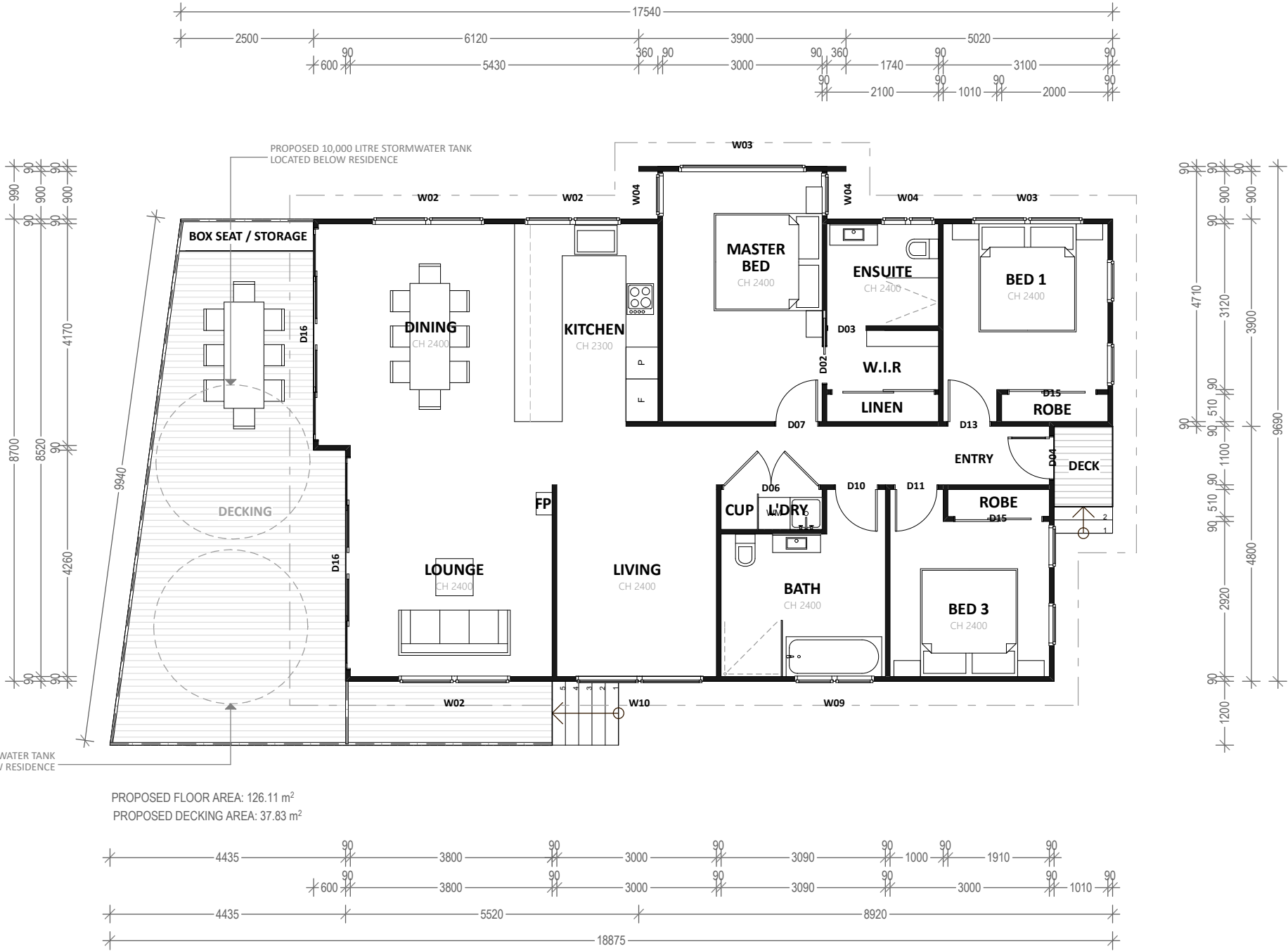
POLISHED CONCRETE
- [TF]

TIMBER FLOOR
- [C]

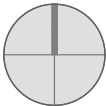
CARPET
- [T]

TILES

ADDITIONAL NOTES:
PROPOSED SHOWER(S) TO BE ENCLOSED U.N.O



PROPOSED FLOOR AREA: 126.11 m²
PROPOSED DECKING AREA: 37.83 m²



MATERIAL SCHEDULE

ROOF

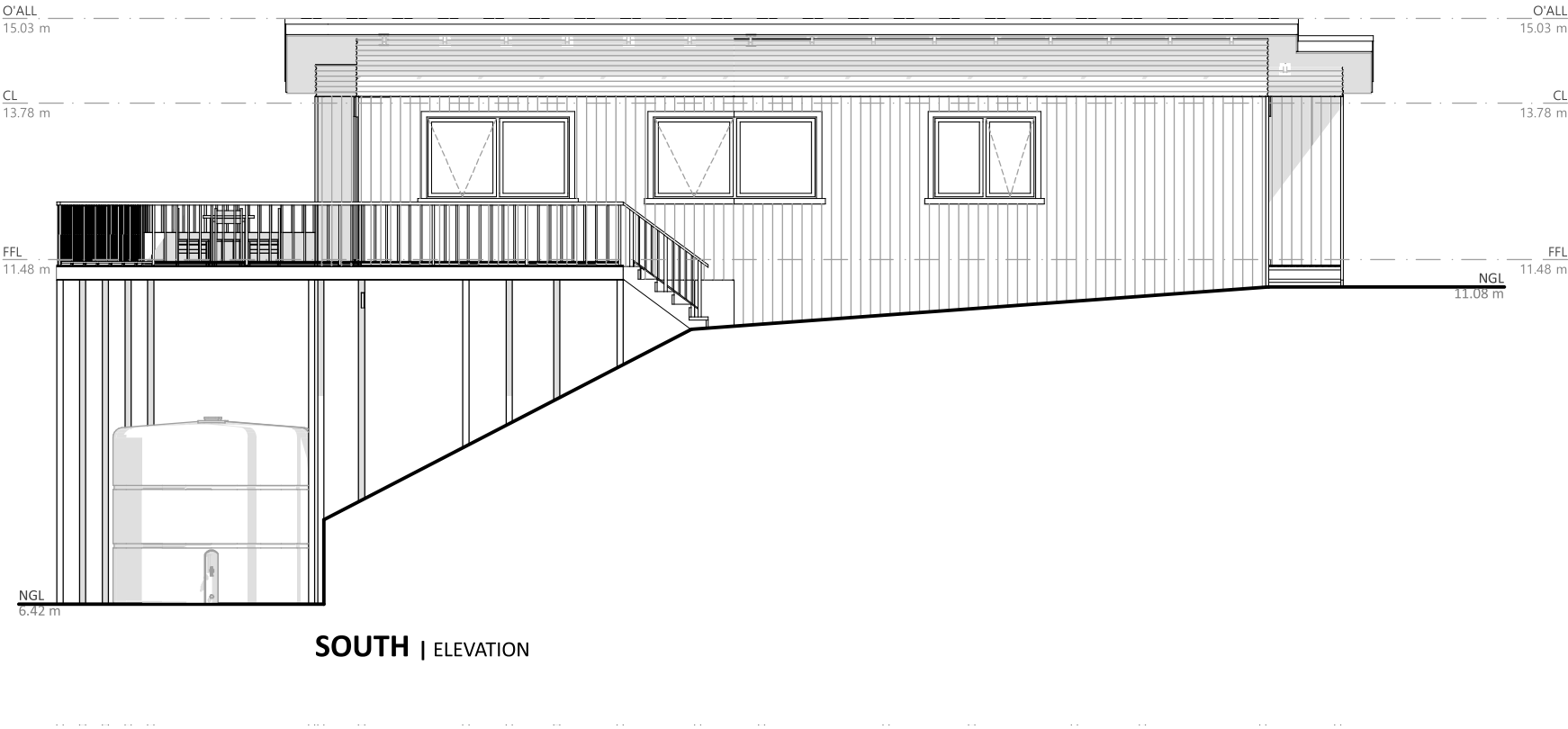
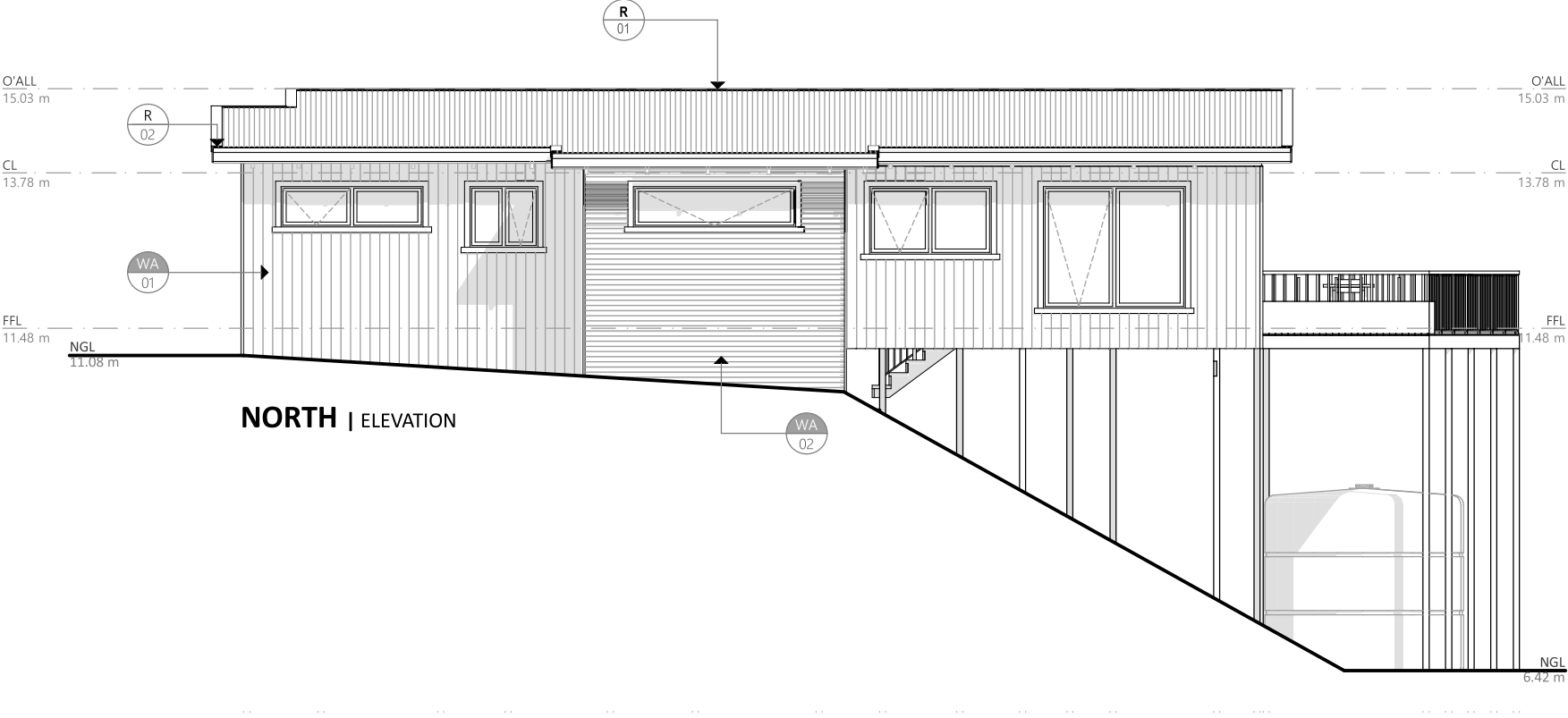
R 01 Proposed Roof Cladding: Colorbond Corrugated Iron
Roof Pitch: 5 Deg
Colour: Windspray

R 02 Proposed Gutter & Fascia: Colorbond® Steel
Proposed Colour: White

WALLS

WA 01 Proposed 90mm External Stud Wall
External Wall Cladding: James Hardie® Scyon Linea
Colour: Off White / Light Grey

WA 02 Proposed 90mm Stud Wall/ Steel Frame
External Wall Cladding: Colorbond® Corrugated Iron
Colour: Colorbond Surfmist



MATERIAL SCHEDULE
ROOF

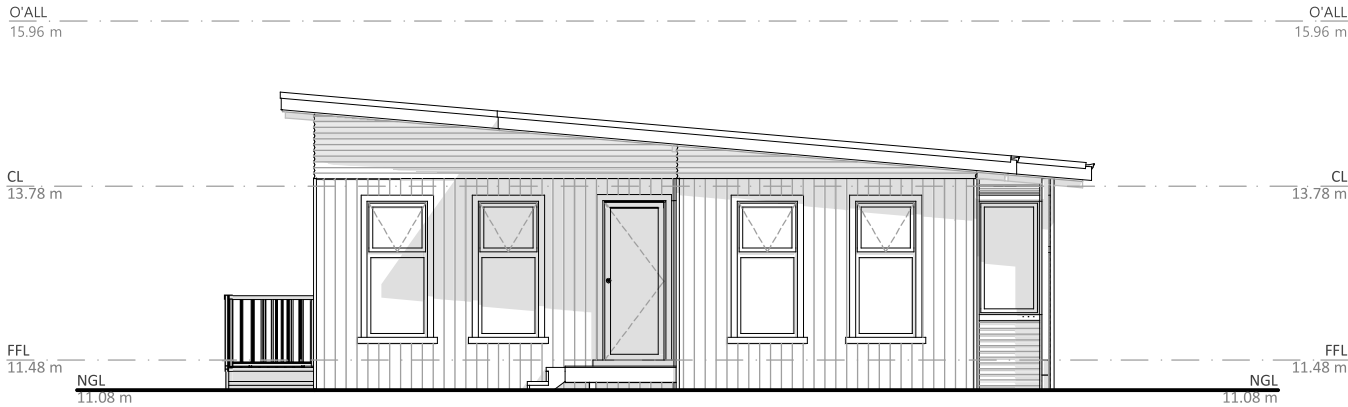
R
01
Proposed Roof Cladding: Colorbond Corrugated Iron
Roof Pitch: 5 Deg
Colour: Windspray

R
02
Proposed Gutter & Fascia: Colorbond® Steel
Proposed Colour: White

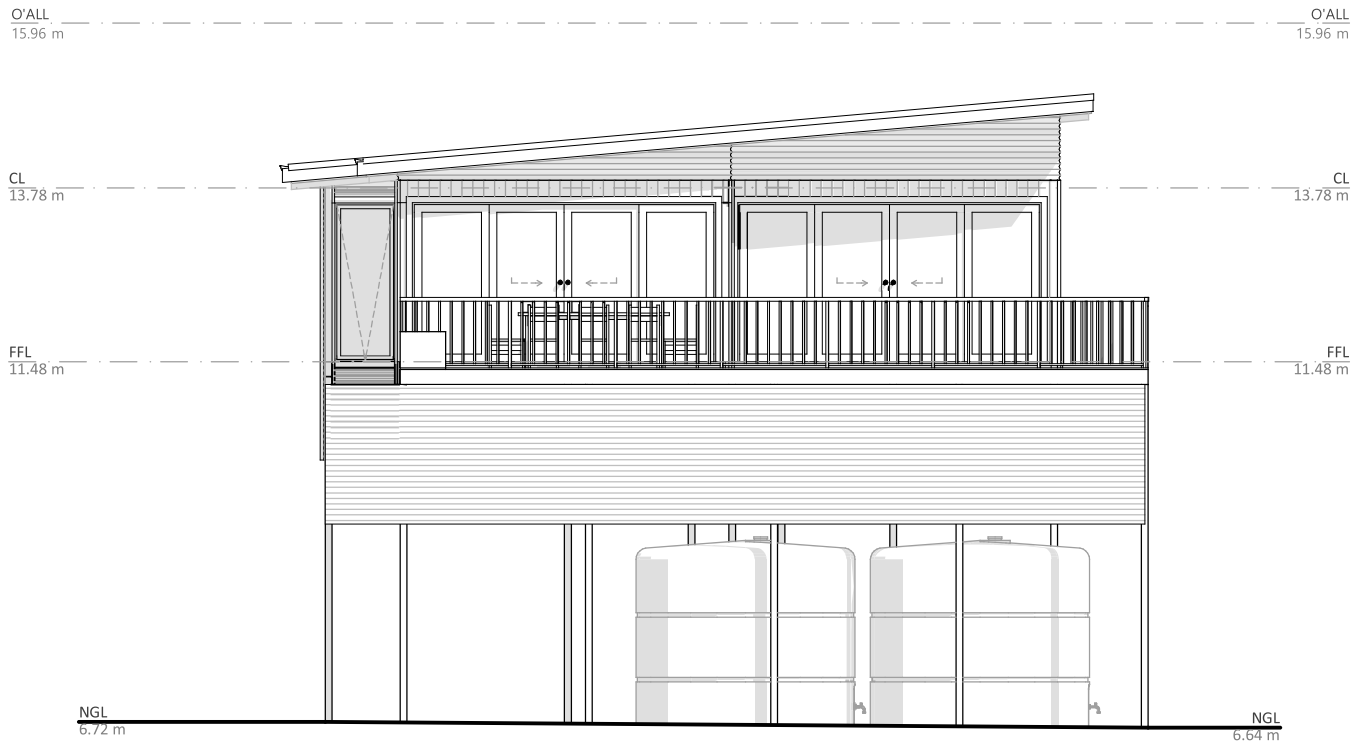
WALLS

WA
01
Proposed 90mm External Stud Wall
External Wall Cladding: James Hardie® Scyon Linea
Colour: Off White / Light Grey

WA
02
Proposed 90mm Stud Wall/ Steel Frame
External Wall Cladding: Colorbond® Corrugated Iron
Colour: Surfmist



EAST | ELEVATION



WEST | ELEVATION

32 Spitfarm Road, Opossum Bay



Photo 1: The existing dwelling when viewed from Spitfarm Road, Opossum Bay.



Photo 2: The existing dwelling when viewed from Opossum Bay Beach.



Photo 3: The existing dwelling and adjoining dwelling at 34 Spitfarm Road when viewed from Opossum Bay Beach.

11.3.3 DEVELOPMENT APPLICATION D-2018/610 - 15 HILL STREET, BELLERIVE - ALTERATIONS AND ADDITIONS
(File No. D-2018/610)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for dwelling alterations and additions at 15 Hill Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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 6 December 2018.

CONSULTATION

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

- Visual bulk;
- Loss of privacy;
- Overshadowing; and
- Inconsistency with the streetscape.

RECOMMENDATION:

- A. That the Development Application for Dwelling Alterations and Additions at 15 Hill Street, Bellerive (CI Ref D-2018/610) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E6.0 – Parking & 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 690m² corner lot located at the intersection of Hill and High Street in Bellerive. The site slopes moderately towards the south and is accessed off High Street. The site contains an existing split level single dwelling.

3.2. The Proposal

The proposal is for a dwelling addition including 9m² (ensuite) to the ground floor and a 40m² (bedroom and ensuite) to the upper level of the dwelling.

As a result of the proposal the dwelling would present as 2 storeys from Hill Street and 3 storeys from High Street and have a maximum height above natural ground level of approximately 8.51m. The additions would both be setback more than 3m from the closest boundary, the southern side boundary.

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.*

References to these principles are 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 relevant Codes with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setback and building envelope for all dwellings	A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:	Does not comply with diagram 10.4.2 C for a corner lot.
		(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:	
		(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and	
		(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5m above natural ground level; and	The maximum height of the building would be approximately 8.51m above natural ground level and protrude the envelope along the southern side boundary. As shown in Attachment 2.
		(b) only have a setback within 1.5 m of a side boundary if the dwelling:	N/A
		(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or	
		(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).	N/A

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

Performance Criteria	Proposal
The siting and scale of a dwelling must:	As a corner lot, 15 Hill Street adjoins two properties - 13 Hill Street and 34a High Street. Both properties are currently split level; 13 Hill Street over 3 levels and 34a High Street over 2 levels.
(a) not cause unreasonable loss of amenity by:	A review of the floor layouts for these properties has shown that the only habitable room (other than a bedroom) of a dwelling on an adjoining lot relates to the study/office window at 34a High Street. As the study is
(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or	

	<p>located on the lower level of the dwelling, it is in the shadow path of the existing dwelling at 15 Hill Street.</p> <p>Following the representation, the applicant provided shadow diagrams that show this room is currently overshadowed by the existing dwelling on the 21 June (Winter Solstice) at 9am, 12pm and 3pm. Accordingly there is not anticipated to be an unreasonable loss of amenity through loss of sunlight to a habitable room.</p>
(ii) overshadowing the private open space of a dwelling on an adjoining lot; or	<p>The proposed additions will not cause an unreasonable loss of amenity by overshadowing the private open space at 13 Hill Street or 34a High Street.</p> <p>The proposed lower level addition will achieve a minimum 12m setback from the dwelling at 13 Hill Street. Whilst the upper level addition would be inset by another 2m. 13 Hill Street is also a large lot with the majority of private open space located south of the dwelling and owing to the above is not subject to overshadowing.</p> <p>The shadow diagrams show that there will be no increase in overshadowing to the private open space in the backyard of 34a High Street at 9am on 21 June (Winter Solstice) as a result of the proposal. In addition, the majority of private open space including the deck at 34a High Street will not be overshadowed on 21 June at 12pm and 3pm. Accordingly, overshadowing of the private open space at 34a High Street is not considered to be unreasonable.</p>
(iii) overshadowing of an adjoining vacant lot; or	N/A
(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and	<p>Whilst the adjoining properties have setbacks to 15 Hill Street's side boundaries of less than 1m, the proposed addition above the upper level will be inset as previously mentioned. Such a siting will assist in mitigating any potential visual impacts when the proposal is viewed from an adjoining lot.</p> <p>In addition both adjoining properties are downslope from the proposed additions with their main living areas and windows orientated in the opposite direction to maximise water views.</p>
(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.	<p>No change to the existing.</p> <p>The proposed additions at 15 Hill Street are further from property boundaries than the existing dwelling.</p>

5. REPRESENTATION ISSUES

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

5.1. Visual bulk

The representation raises concern that the upper level addition will directly affect the representors standard of living and be costly due to impacts arising from overshadowing and overlooking as a result of the proposed height breaching the maximum level prescribed under the Acceptable Solution.

- **Comment**

The height discretion is not considered likely to result in a significant impact. It is worth mentioning that the proposed upper level addition is only 5.2m in length facing the 30m (approximately) shared boundary. Owing to this, potential loss of amenity due to visual bulk is insignificant.

5.2. Loss of privacy

The representor is concerned that the proposal will result in a loss of privacy through overlooking to their entire back and side yards and into the window of their office/study which is regularly used. Concern is also raised regarding the interpretation of the Scheme's privacy standards (Clause 10.4.6).

- **Comment**

Given that the representor's property is located downslope from 15 Hill Street and both properties are currently split level and orientated south for water views, there is existing potential for 15 Hill Street to overlook the adjoining property to the south. Given the height of the upper level addition, it is plausible that the upper level addition would completely overlook the dwelling to the south.

As previously mentioned, the proposal is seeking discretion due to a building envelope protrusion. The proposal meets the Acceptable Solutions for Privacy, as the habitable room windows are setback more than 3m from both side boundaries. Impacts to privacy are however considered under Performance Criteria (Clause 10.4.2) in terms of the building envelope protrusion and separation between dwellings. As mentioned in the assessment section of this report, the separation between dwellings is not changing as a result of the proposal.

5.3. Overshadowing

Concern was raised in relation to overshadowing and the lack of shadow diagrams and an overshadowing report being available to aid with an assessment to be undertaken upon the property to the south. In particular concern relates to loss of sunlight to private open space, habitable rooms and solar panels.

- **Comment**

Shadow diagrams are not a mandatory requirement for an assessment against the building envelope discretion (Clause 10.4.2) being sought by the proposal. However, to further assess in light of the representation received, shadow diagrams were subsequently provided to confirm the amount of overshadowing resulting from the proposal. These reveal an insignificant change to habitable rooms and private open space which has been discussed in the assessment section of this report relevant to overshadowing. Impacts to solar panels are not able to be assessed under the Scheme.

5.4. Inconsistency with the streetscape

The representor is concerned that the proposal is inconsistent with dwellings in the streetscape.

- **Comment**

Whilst consistency of the proposal with development in the street is not an invoked discretion under the Scheme, the majority of nearby dwellings in Hill Street are double storey or split level as are a number of dwellings around the corner in High Street. Furthermore the adjoining property at 13 Hill Street has had upper level bedroom addition added and the dwelling is now split over 3 levels.

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 recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (11)
3. Site Photo (3)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 22 November 2018 **Scale:** 1:1,045 @A4

DWG NO.	DESCRIPTION
	DRAWING INDEX & NOTES
A01	SITE PLAN
A02	EXISTING FLOOR PLANS
A03	DEMOLISH FLOOR PLAN
A04	PROPOSED LOWER GROUND FLOOR
A05	PROPOSED GROUND FLOOR PLAN
A06	PROPOSED FIRST FLOOR PLAN
A07	EXISTING ELEVATION SHEET 01
A08	EXISTING ELEVATIONS SHEET 02
A09	PROPOSED ELEVATION SHEET 01
A10	PROPOSED ELEVATION SHEET 02

CT TITLE:	140713/1
PROPERTY ID:	2266152
EXISTING LOWER GROUND FLOOR AREA:	149.59M ²
EXISTING GROUND FLOOR AREA:	135.16M ²
EXISTING DECK:	14.46M ²
PROPOSED GROUND FLOOR ADDITION AREA:	9M ²
BUILDING FOOTPRINT:	158.59M ²
SITE AREA:	690M ²
PLOT RATIO:	22.98%
SOIL CLASSIFICATION:	
REGION:	A
TERRAIN CATEGORY:	
SHIELDING CLASSIFICATION:	
TOPOGRAPHIC CLASSIFICATION:	
WIND CLASSIFICATION:	
DESIGN WIND GUST SPEED (VH.P):	
BCA CLIMATE ZONE:	7
BUSHFIRE ATTACK LEVEL:	



ALTERATIONS & ADDITIONS

MR P. MISHRA
15 HILL STREET, BELLERIVE

NOTE: 3D VIEWS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND NOT AS PART OF THE CONSTRUCTION DOCUMENTS

ADDRESS:	157 CAMPBELL ST, HOBART 7000
REG NO:	CC 435 0
PHONE:	(03) 62313888
FAX:	(03) 6231 3828
ABN:	25 009 570 843
WEB:	WWW.BMDC.COM.AU
E-MAIL:	MIROWSKI@BIGPOND.NET.AU





GENERAL NOTES
ALL WORKMANSHIP, CONSTRUCTION AND MATERIALS SHALL COMPLY WITH LOCAL REGULATIONS, RELEVANT CODES, LOCAL COUNCIL BY-LAWS AND RELEVANT BCA 2016 CODES

BUILDER MUST VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION

USE WRITTEN DIMENSIONS - DO NOT SCALE



MIROWSKI
DESIGN AND CONSTRUCTION
BRIGHTER BUILDING IDEAS

157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au

AMENDMENTS:

JOB: ALTERATIONS & ADDITIONS

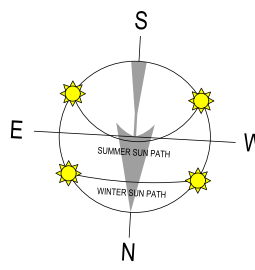
AT: 15 HILL STREET, BELLERIVE

FOR: MR P. MISHRA

DRAWING TITLE:

SITE PLAN

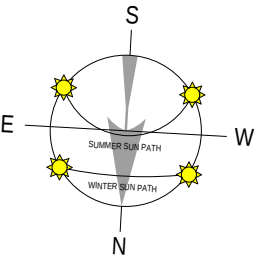
DRAWN: HF	DATE: 16/10/2018
SCALE: 1:150, 1:200 @ A3	STATUS: DA
JOB NO: 1600	DWG NO: A01



© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE: BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES

157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au



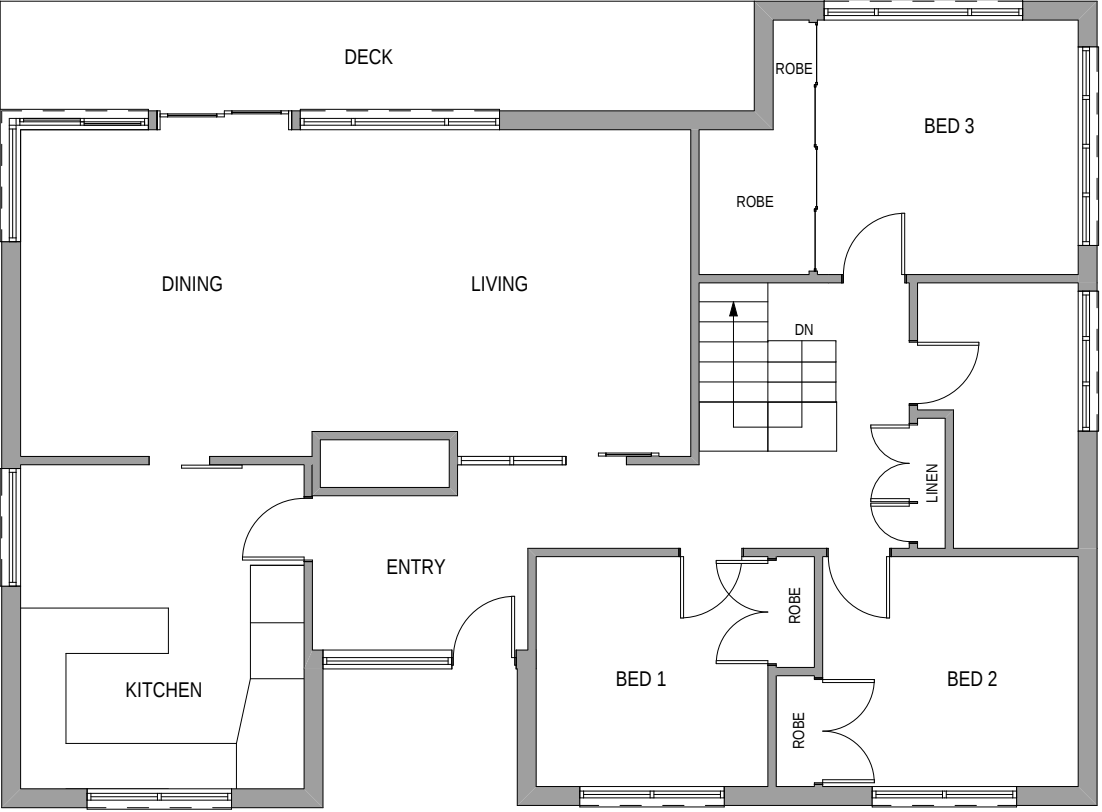
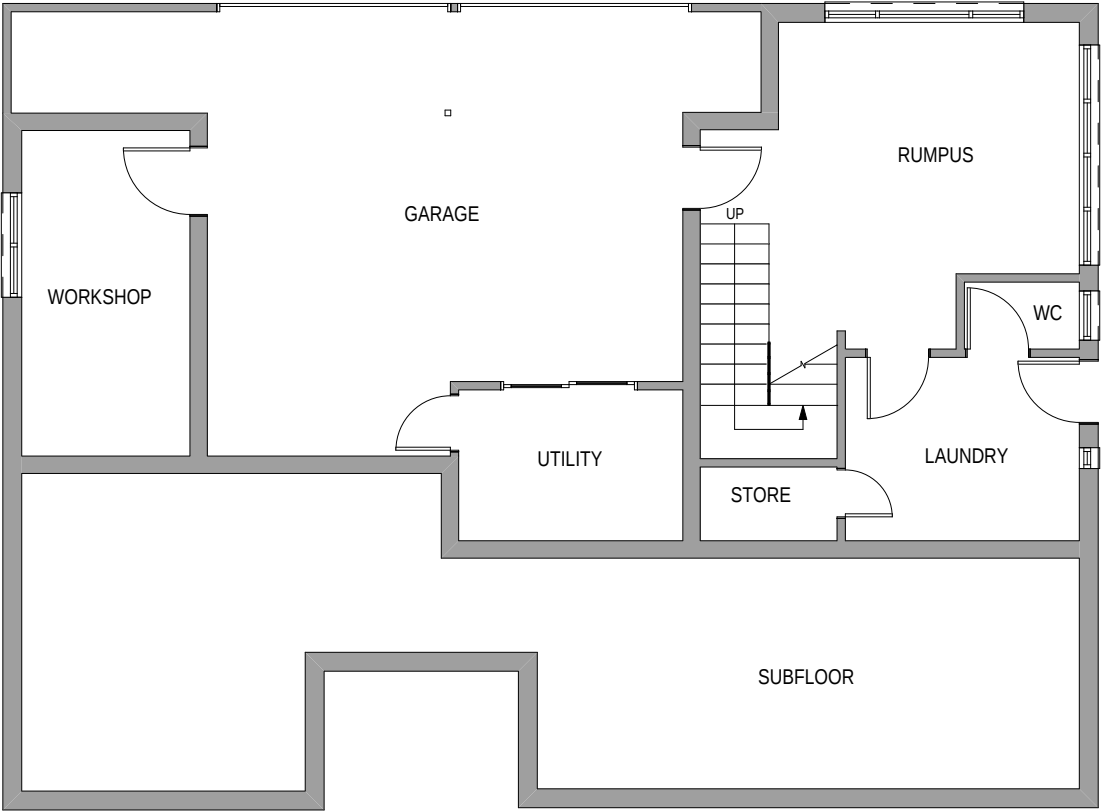
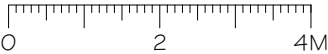
AMENDMENTS:
JOB: ALTERATIONS & ADDITIONS
AT: 15 HILL STREET, BELLERIVE
FOR: MR P. MISHRA

DRAWING TITLE:
EXISTING FLOOR PLANS

DRAWN:	DATE:
HF	16/10/2018

SCALE:	STATUS:
1:100 @ A3	DA

JOB NO:	DWG NO:
1600	A02



1 EXISTING LOWER GROUND FLOOR PLAN 1:100

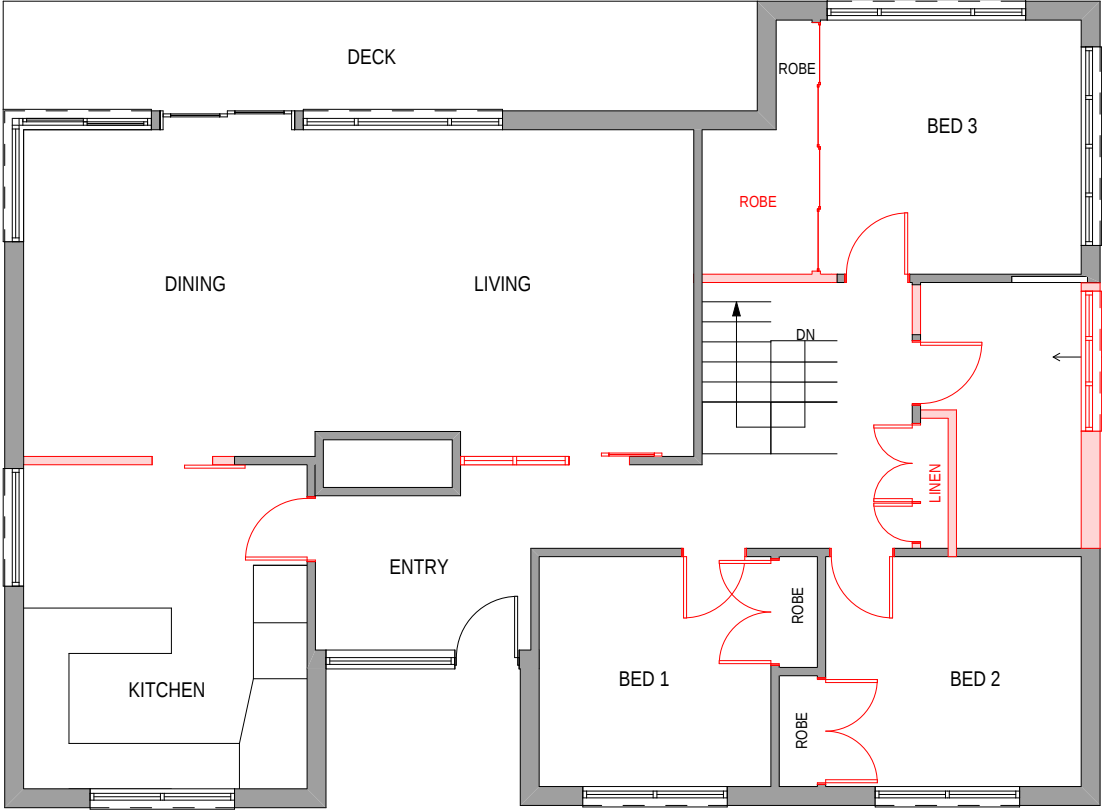
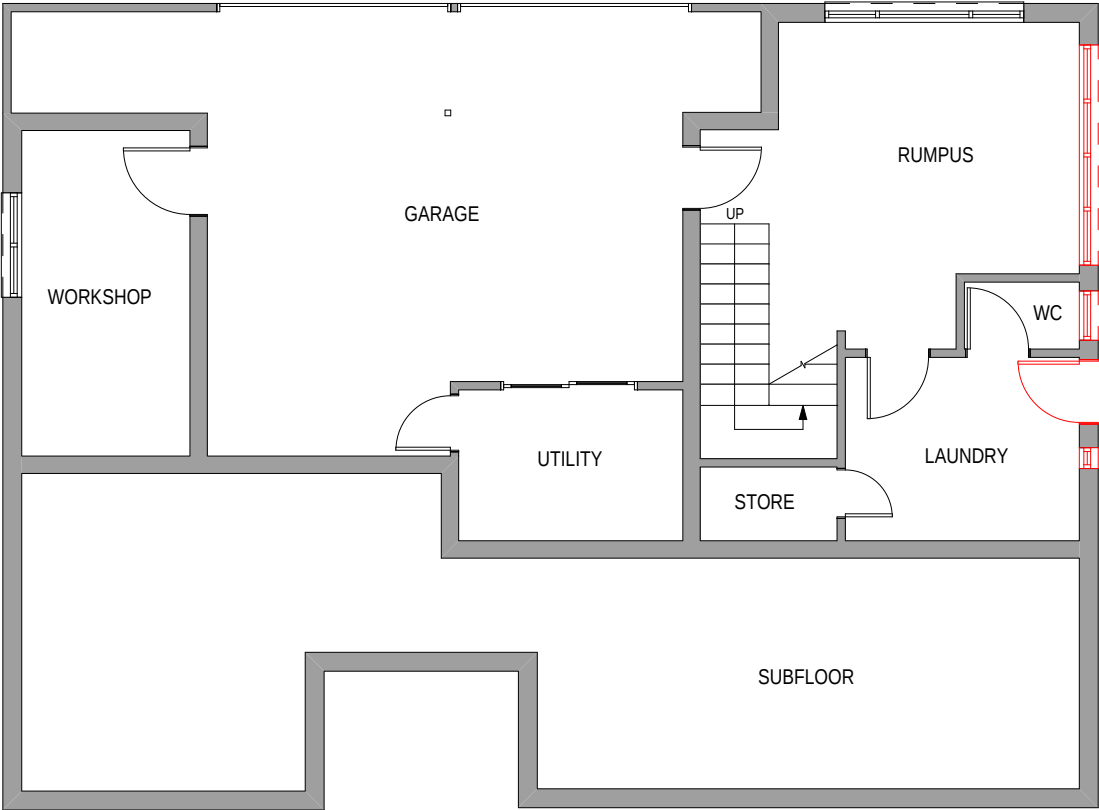
2 EXISTING GROUND FLOOR PLAN 1:100

© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE : BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES

LEGEND

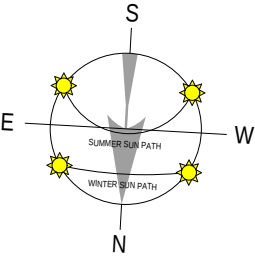
EXISTING WALLS

WALLS TO BE DEMOLISHED



157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au



AMENDMENTS:

JOB: ALTERATIONS & ADDITIONS

AT: 15 HILL STREET, BELLERIVE

FOR: MR P. MISHRA

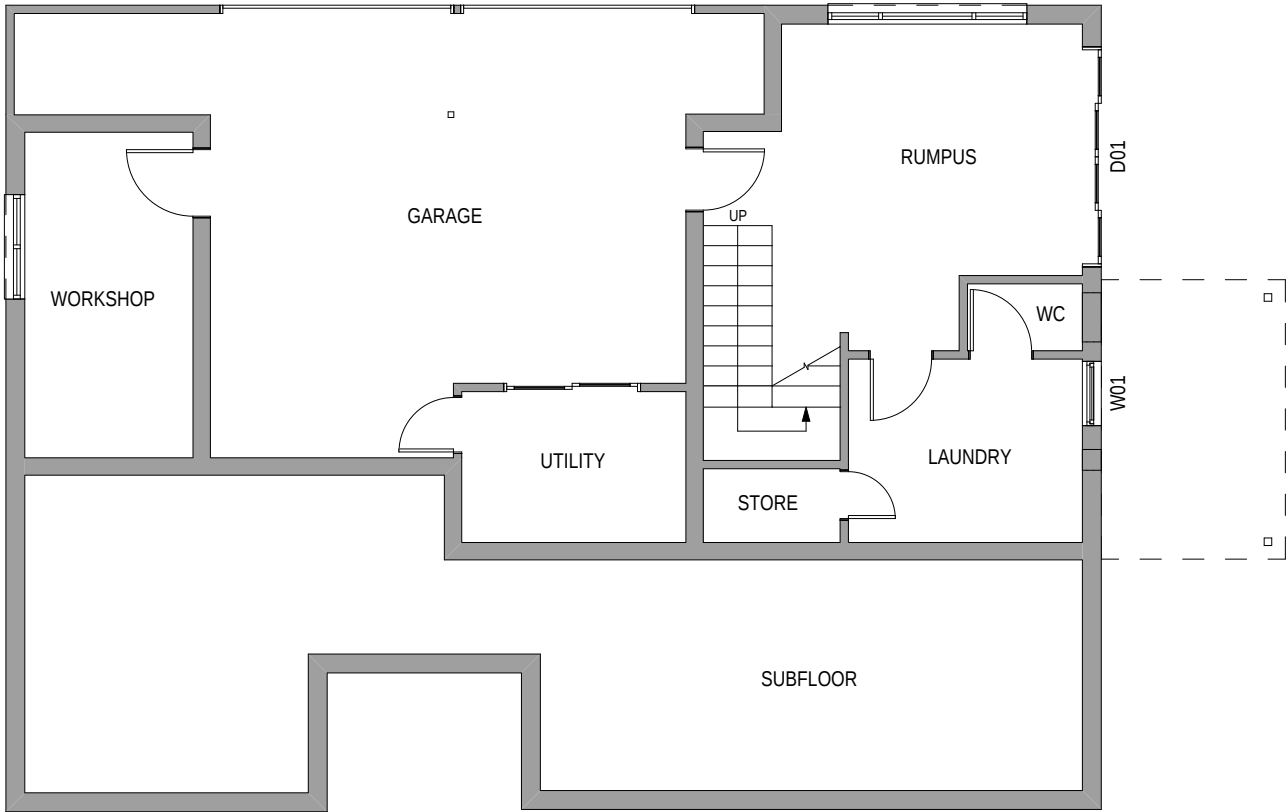
DRAWING TITLE:

DEMOLISH FLOOR PLAN

DRAWN: HF	DATE: 16/10/2018
SCALE: 1:100 @ A3	STATUS: DA
JOB NO: 1600	DWG NO: A03

© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE: BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES

- LEGEND
- EXISTING WALLS
 - NEW WALLS
 - WC
 - TOILET



GENERAL NOTES
ALL WORKMANSHIP, CONSTRUCTION AND MATERIALS SHALL COMPLY WITH LOCAL REGULATIONS, RELEVANT CODES, LOCAL COUNCIL BY-LAWS AND RELEVANT BCA 2016 CODES

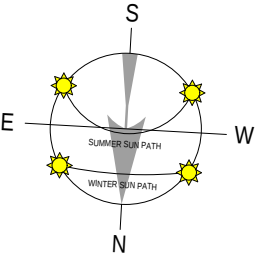
BUILDER MUST VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION

USE WRITTEN DIMENSIONS - DO NOT SCALE



157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au



AMENDMENTS:
JOB: ALTERATIONS & ADDITIONS
AT: 15 HILL STREET, BELLERIVE
FOR: MR P. MISHRA

DRAWING TITLE:
PROPOSED LOWER GROUND FLOOR

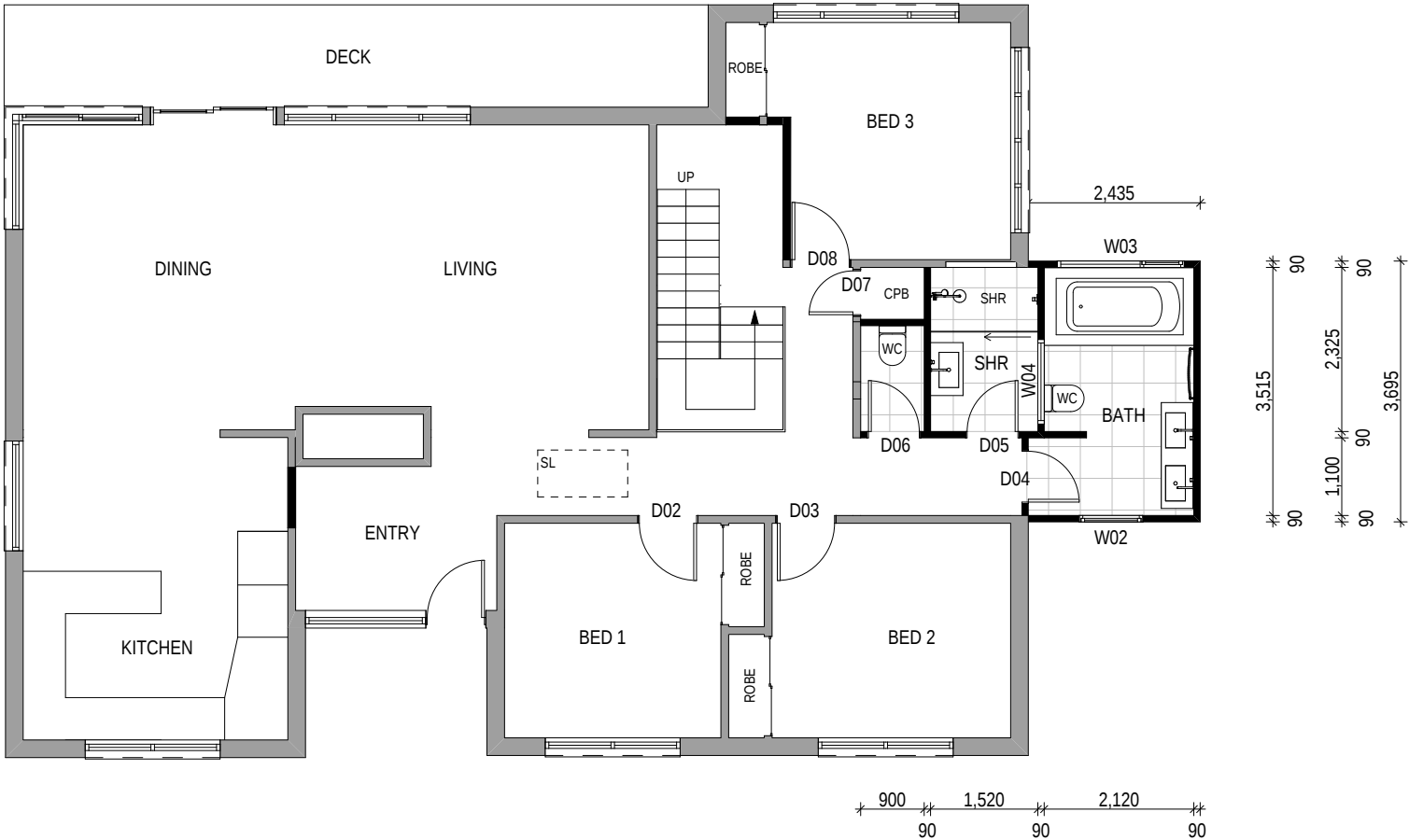
DRAWN:	DATE:
HF	16/10/2018

SCALE:	STATUS:
1:100 @ A3	DA

JOB NO:	DWG NO:
1600	A04

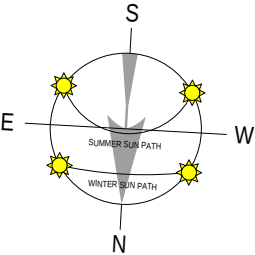
© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE : BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES

- LEGEND
- EXISTING WALLS
 - NEW WALLS
 - BASIN
 - SHOWER
 - SKYLIGHT
 - TOILET



157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au



AMENDMENTS:

JOB: ALTERATIONS & ADDITIONS

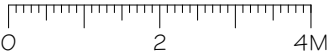
AT: 15 HILL STREET, BELLERIVE

FOR: MR P. MISHRA

DRAWING TITLE:

PROPOSED GROUND FLOOR PLAN

DRAWN:	DATE:
HF	16/10/2018
SCALE:	STATUS:
1:1, 1:100 @ A3	DA
JOB NO:	DWG NO:
1600	A05



GENERAL NOTES

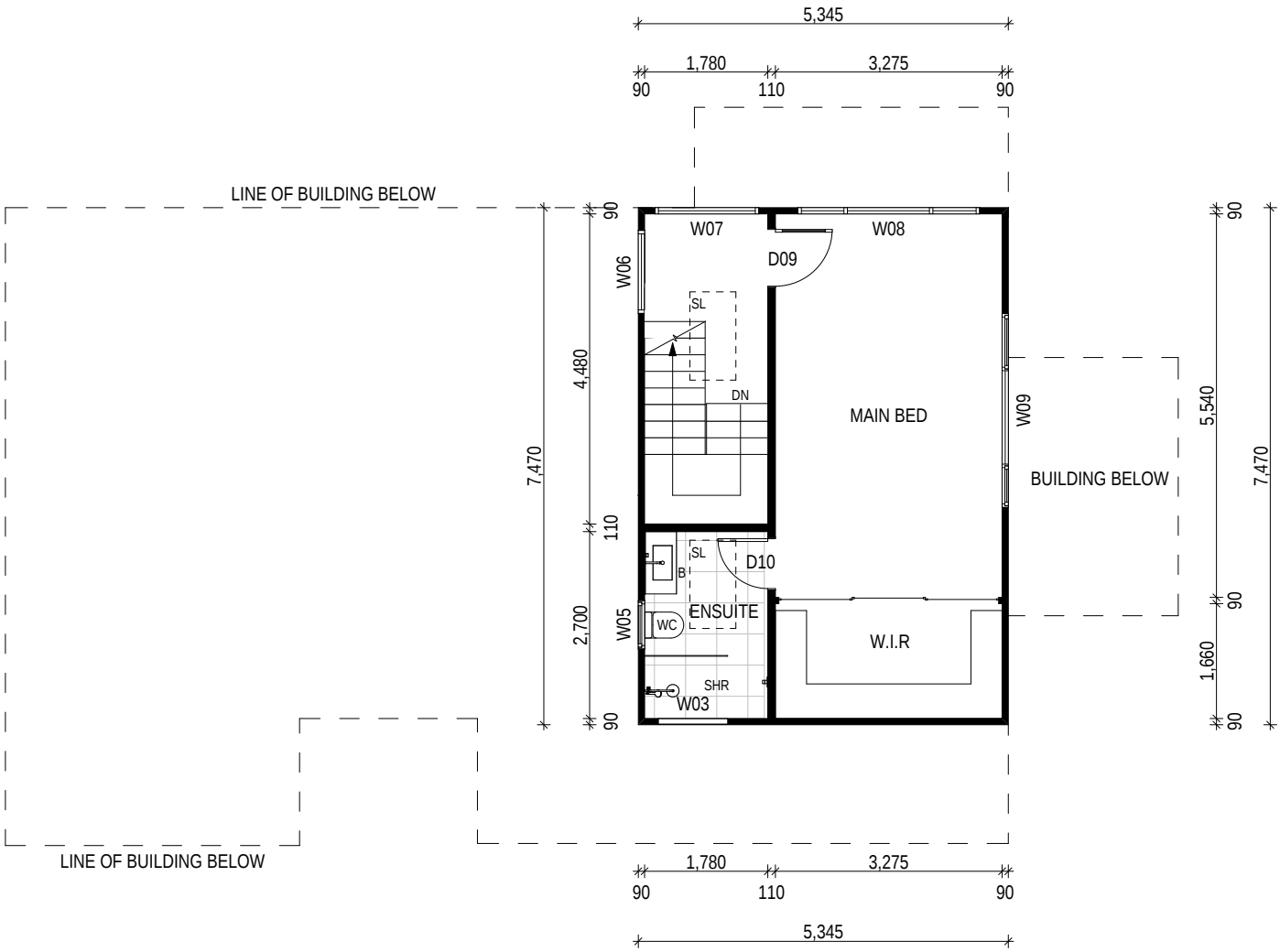
ALL WORKMANSHIP, CONSTRUCTION AND MATERIALS SHALL COMPLY WITH LOCAL REGULATIONS, RELEVANT CODES, LOCAL COUNCIL BY-LAWS AND RELEVANT BCA 2016 CODES

BUILDER MUST VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION

USE WRITTEN DIMENSIONS - DO NOT SCALE

© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE: BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES

- LEGEND
- EXISTING WALLS
 - NEW WALLS
 - B BASIN
 - SHR SHOWER
 - SL SKYLIGHT
 - WC TOILET
 - W.I.R WALK IN WARDROBE



GENERAL NOTES

ALL WORKMANSHIP, CONSTRUCTION AND MATERIALS SHALL COMPLY WITH LOCAL REGULATIONS, RELEVANT CODES, LOCAL COUNCIL BY-LAWS AND RELEVANT BCA 2016 CODES

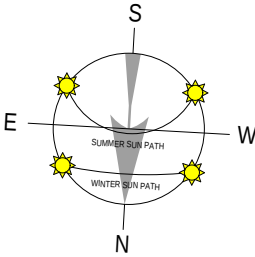
BUILDER MUST VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION

USE WRITTEN DIMENSIONS - DO NOT SCALE



157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au



AMENDMENTS:

JOB: ALTERATIONS & ADDITIONS

AT: 15 HILL STREET, BELLERIVE

FOR: MR P. MISHRA

DRAWING TITLE:

PROPOSED FIRST FLOOR PLAN

DRAWN: DATE:
HF 16/10/2018

SCALE: STATUS:
1:100 @ A3 DA

JOB NO: DWG NO:
1600 A06

© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE : BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES

GENERAL NOTES
ALL WORKMANSHIP, CONSTRUCTION AND MATERIALS SHALL
COMPLY WITH LOCAL REGULATIONS, RELEVANT CODES,
LOCAL COUNCIL BY-LAWS AND RELEVANT BCA 2016 CODES

BUILDER MUST VERIFY ALL DIMENSIONS AND
LEVELS PRIOR TO COMMENCING CONSTRUCTION

USE WRITTEN DIMENSIONS - DO NOT SCALE



157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au

AMENDMENTS:
JOB: ALTERATIONS & ADDITIONS

AT: 15 HILL STREET, BELLERIVE

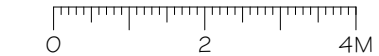
FOR: MR P. MISHRA

DRAWING TITLE:
**EXISTING ELEVATION SHEET
01**

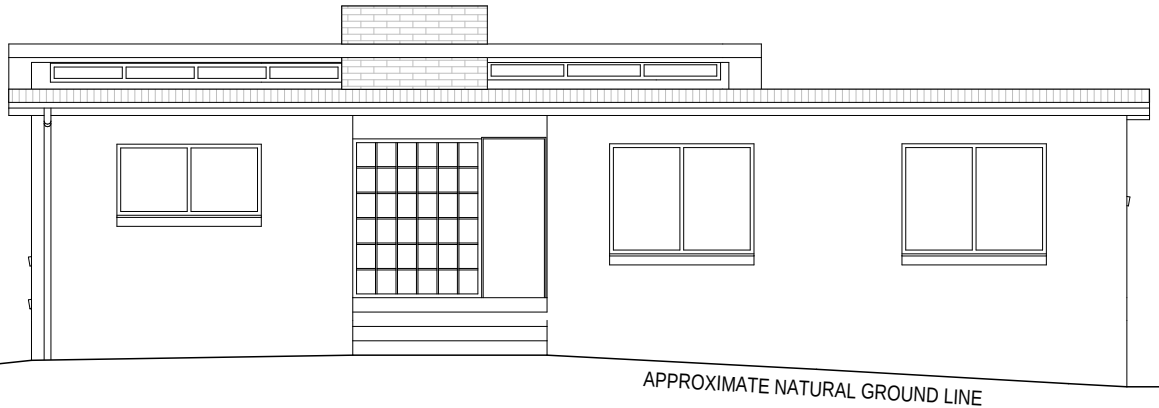
DRAWN:	DATE:
HF	16/10/2018

SCALE:	STATUS:
1:100	DA

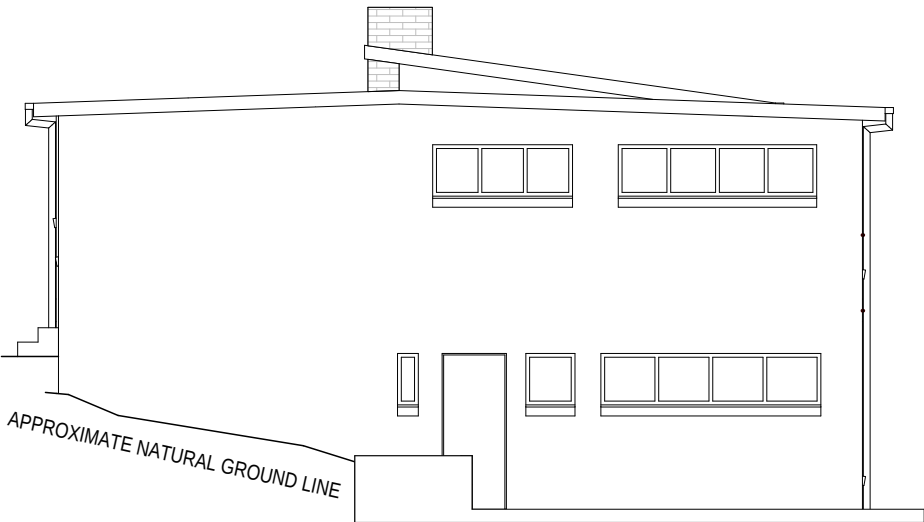
JOB NO:	DWG NO:
1600	A07



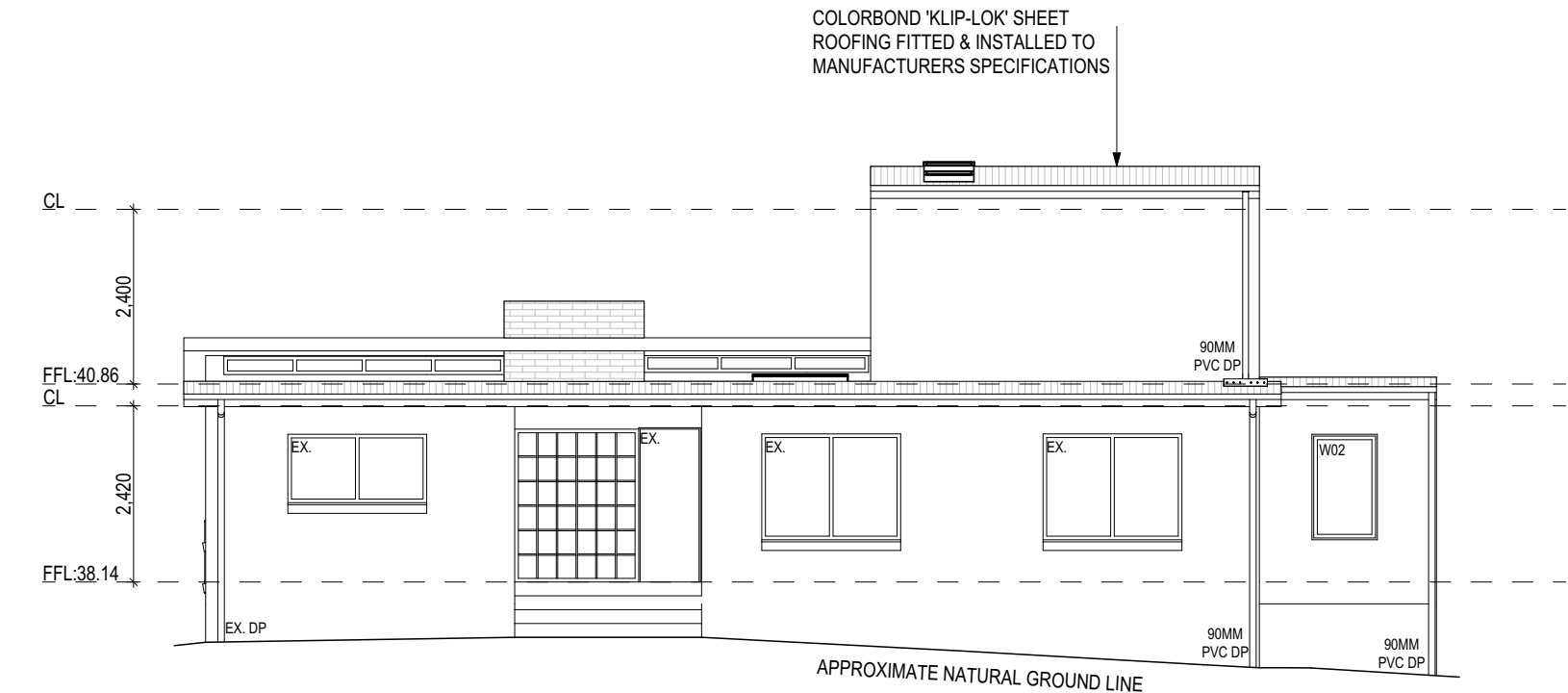
© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE: BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES



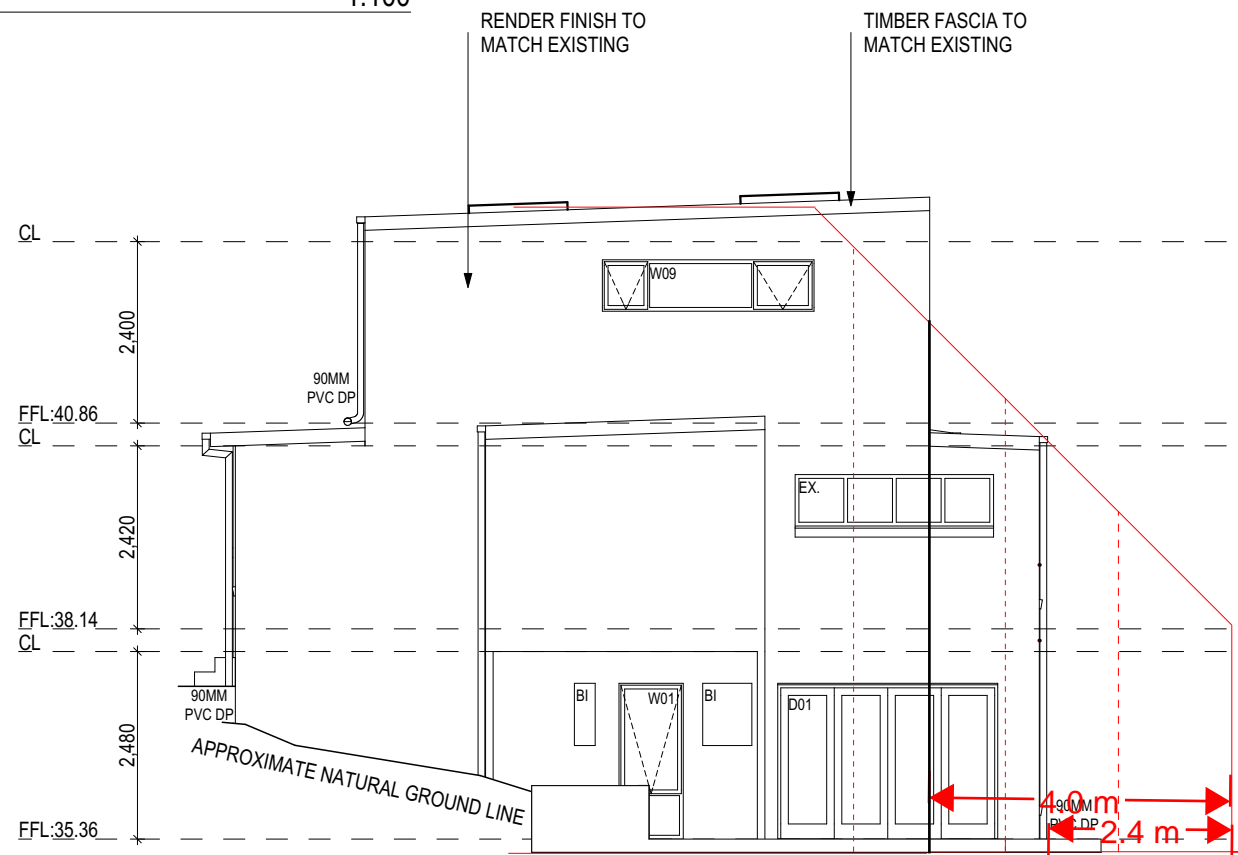
1 EXISTING NORTH ELEVATION 1:100



2 EXISTING WEST ELEVATION 1:100



1 PROPOSED NORTH ELEVATION 1:100



2 PROPOSED WEST ELEVATION 1:100

GENERAL NOTES
ALL WORKMANSHIP, CONSTRUCTION AND MATERIALS SHALL COMPLY WITH LOCAL REGULATIONS, RELEVANT CODES, LOCAL COUNCIL BY-LAWS AND RELEVANT BCA 2016 CODES

BUILDER MUST VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION

USE WRITTEN DIMENSIONS - DO NOT SCALE



157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au

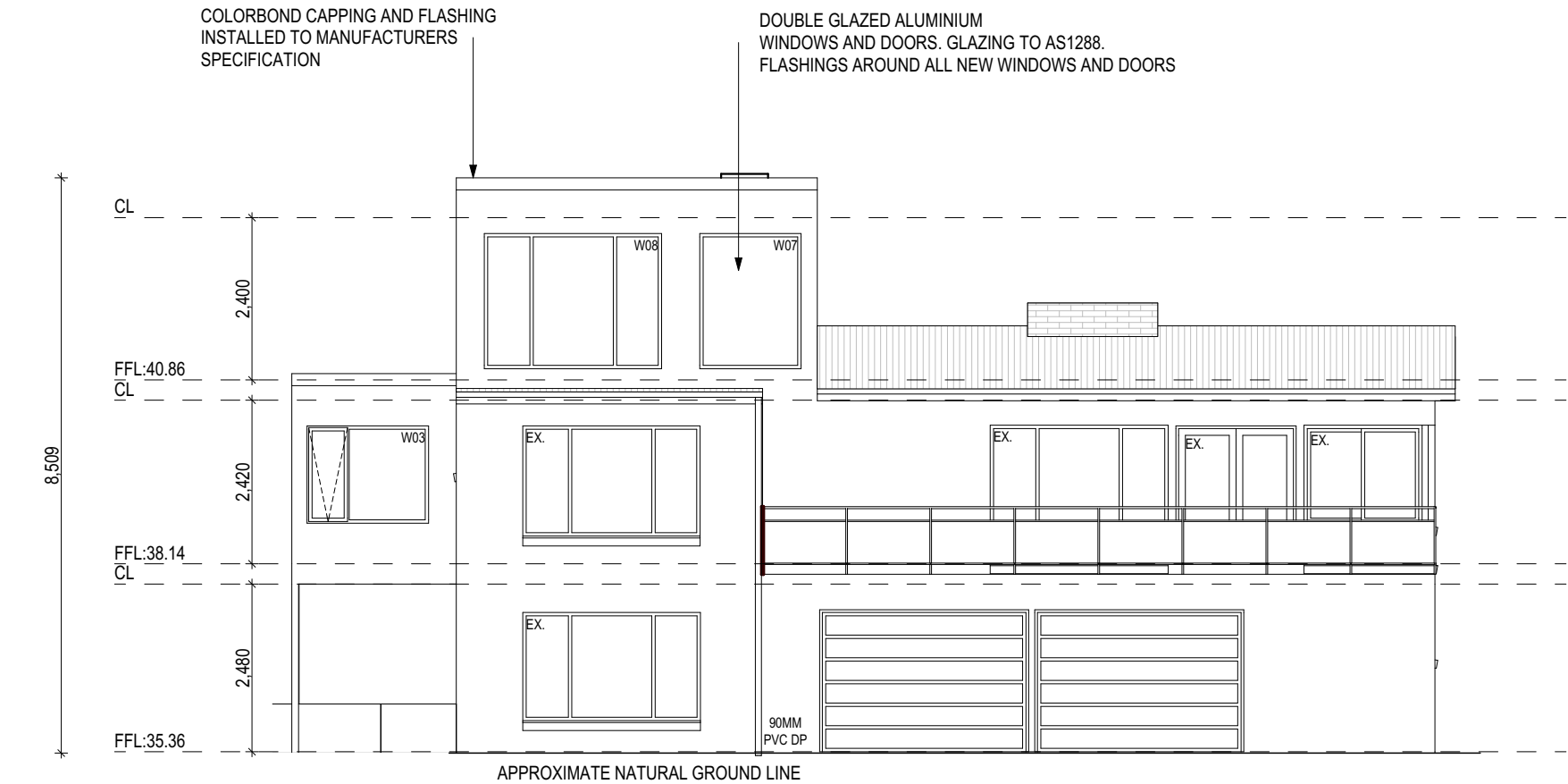
AMENDMENTS:
JOB: ALTERATIONS & ADDITIONS
AT: 15 HILL STREET, BELLERIVE
FOR: MR P. MISHRA

DRAWING TITLE:
PROPOSED ELEVATION SHEET 01

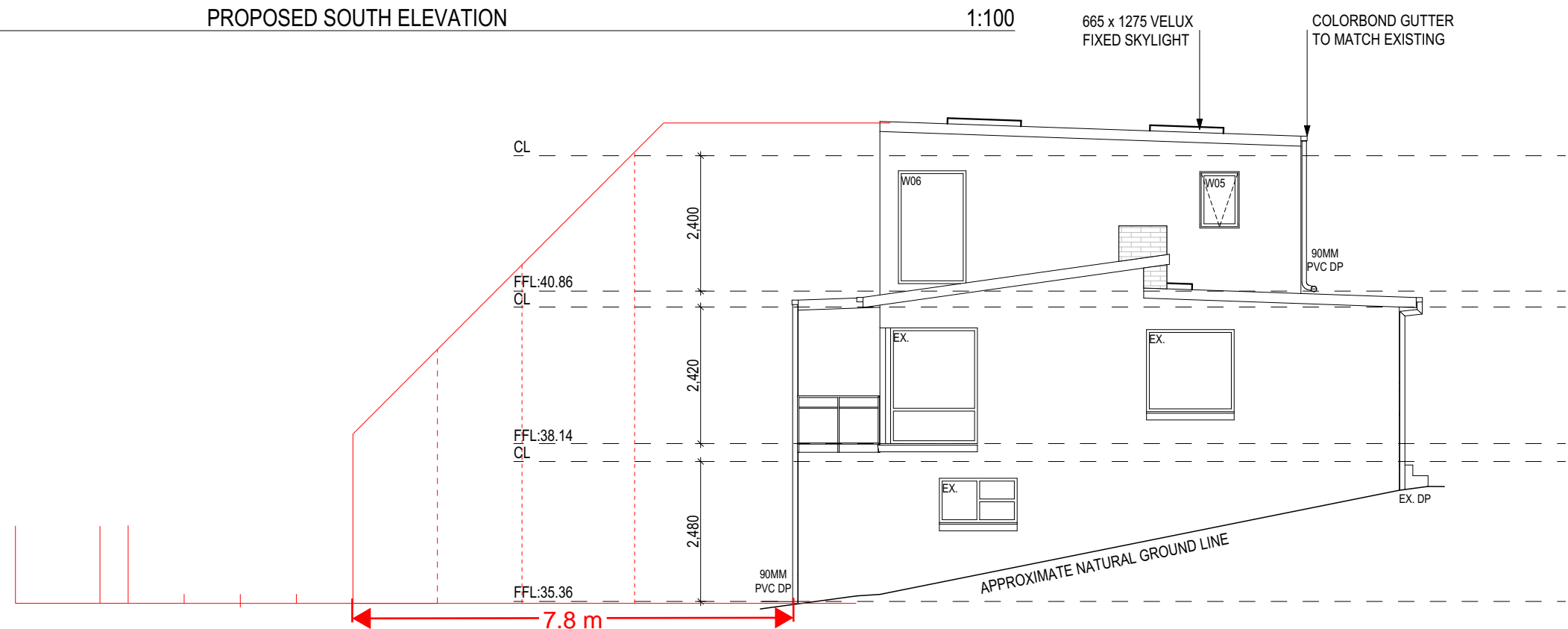
DRAWN: HF	DATE: 16/10/2018
SCALE: 1:100	STATUS: DA

JOB NO: 1600	DWG NO: A09
--------------	-------------

NOTE: BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES



1 PROPOSED SOUTH ELEVATION 1:100



2 PROPOSED EAST ELEVATION 1:100

GENERAL NOTES

ALL WORKMANSHIP, CONSTRUCTION AND MATERIALS SHALL
COMPLY WITH LOCAL REGULATIONS, RELEVANT CODES,
LOCAL COUNCIL BY-LAWS AND RELEVANT BCA 2016 CODES

BUILDER MUST VERIFY ALL DIMENSIONS AND
LEVELS PRIOR TO COMMENCING CONSTRUCTION

USE WRITTEN DIMENSIONS - DO NOT SCALE



MIROWSKI
DESIGN AND CONSTRUCTION
BRIGHTER BUILDING IDEAS

157 CAMPBELL STREET
HOBART, TAS 7000

PHONE: (03) 6231 3888
FAX: (03) 6231 3828
ABN: 25 009 570 843
REG: CC 435 O
WEB: www.bmdc.com.au
EMAIL: mirowski@bigpond.net.au

AMENDMENTS:

JOB: ALTERATIONS & ADDITIONS

AT: 15 HILL STREET, BELLERIVE

FOR: MR P. MISHRA

DRAWING TITLE:

**PROPOSED ELEVATION
SHEET 02**

DRAWN: HF	DATE: 16/10/2018
SCALE: 1:100	STATUS: DA
JOB NO: 1600	DWG NO: A10

© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF BOB MIROWSKI DESIGN & CONSTRUCTION
NOTE: BOB MIROWSKI DESIGN AND CONSTRUCTION RESERVES THE RIGHT TO UPDATE THIS PLAN AND CHANGE INCLUSIONS TO IMPROVE OR BETTER IMPLEMENT COMMON BUILDING PRACTICES

Attachment 3 – Site Photos
15 Hill Street, BELLERIVE



Site viewed from High Street outside the adjoining property to the south, 34a High Street.



Site viewed from High Street with adjoining property to the west (13 Hill Street) visible in the background.



Site viewed from near the roundabout located on the corner of Hill and High Streets showing solar panels at 15 Hill Street and the adjoining properties – 13 Hill Street and 34a High Street.



Site viewed from High Street showing that the proposed addition is likely to overlook the roofline of 34a High Street.



Site viewed from Hill Street showing that the proposed upper level addition is likely to overlook the roofline of 34a High Street.



Site viewed from Hill Street across to the neighbouring property to the west, 13 Hill Street which is split level across 3 storeys.

**11.3.4 DEVELOPMENT APPLICATION D-2018/584 - 6 COVENTRY RISE,
HOWRAH - 2 MULTIPLE DWELLINGS**
(File No. D-2018/584)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 2 multiple dwellings at 6 Coventry Rise, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas, Landslide, Parking and Access Codes and the Oceana Drive Residential and Bushland Specific Area Plan and 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 5 December 2018.

CONSULTATION

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

- Possible damage to tree;
- Previous vegetation removal; and
- Number of bedrooms.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 6 Coventry Rise, Howrah (Cl Ref D-2018/584) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.

2. All external surfaces must be finished in non-reflective, dark, natural colours to the satisfaction of Council's Manager City Planning. Details of the colour scheme must be submitted and approved prior to the granting of a building permit.
 3. ENG A5 – SEALED CARPARKING.
 4. ENG S1 – INFRASTRUCTURE REPAIR.
 5. ENG M1 – DESIGNS DA, delete "access arrangements".
 6. The development must meet all required Conditions of Approval specified by TasWater notice, dated 10 October 2018 (TWDA 2018/01596-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The development that created the subject property was a combined application for a scheme amendment and subdivision, granted a permit on 24 December 2013 under A-2011/9 and SD-2011/30. The lot was created within Stage 2 of the approved subdivision.

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 certain Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 10.0 – General Residential Zone;
 - Section E1.0 – Bushfire Prone Areas; Code;
 - Section E3.0 – Landslide Code;

- Section 6.0 – Parking and Access Code; and
- Section F14.0 – Oceana Drive Residential and Bushland Specific Area Plan.

2.4. The site is within a low landslide hazard area and therefore under Clause E3.4(c) is exempt from the provisions of the Landslide Code. Similarly, Clause E1.2.1(b) provides that the proposal is exempt from the Bushfire Prone Areas Code as the proposed development is not a vulnerable or hazardous use.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1029m² lot with frontage to Coventry Rise, Howrah. It is vacant, supports several mature eucalypts, is located adjacent to established residential properties to the south and west, and recently created lots to the north and east. It slopes moderately down to the north west and vehicular access exists to the site from Coventry Rise.

3.2. The Proposal

The proposal is for the development of 2 multiple dwelling units. Each would be 2 bedroom, 2 storey, self-contained dwellings with upper level deck areas. Each would be provided with a single car garage and an adjacent second parking space, and a single visitor parking space proposed adjacent to the western boundary.

The development would be clad using a combination of brick, Colorbond, vertical Axon cladding and horizontal Stria cladding materials. The dwelling units would not exceed 7.48m in height at their highest point above natural ground level, would each have a floor area of 174.6m² and would have setbacks ranging from 2.45m to 5.0m from the property boundaries.

A 1.8m vertical picket fence with 30 percent transparency is proposed to screen the private open space from Coventry Rise, and would be setback 1.5m from the northern boundary. Core filled retaining walls are proposed to the east and south of each of the dwelling units to range from 1.0m to 1.8m in height.

A copy of the proposal is included in the attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications {Section 8.10}

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

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

References to these principles are 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, the Parking and Access Code and the Oceana Drive Residential and Bushland Specific Area Plan 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 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m 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 4.5 m 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 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and</p> <p>(b) only have a setback within 1.5 m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>Complies.</p> <p>Does not comply – 3.3m protrusion at the southern (rear) wall of Unit 2, which itself would be setback 2.45m and therefore within the prescribed 4m rear setback as illustrated in the attachments. Unit 1 complies.</p> <p>N/A</p>
--	--	---	---

The proposed variation must be considered pursuant to Performance Criteria (P3) of Clause 10.4.2 as follows:

Performance Criteria	Comment
<p><i>P3 – The siting of a dwelling must:</i></p> <p>(a) <i>Not cause any unreasonable loss of amenity by:</i></p> <p>(i) <i>Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>See below.</p> <p>The proposal plans identify the extent of the parts outside the prescribed building envelope. Diagrams illustrating the extent of likely shadows to be cast at Winter solstice (June 21) were provided with the application and included within the advertised plans.</p> <p>The shadow diagrams show that the shadows to be cast by the development would extend to the southwest and south/southeast throughout the day at winter solstice. The neighbouring property to the west at 4 Coventry Rise would experience overshadowing in the early part of the day at Winter solstice, however the dwelling would have in excess of 3 hours of sunlight available in that overshadowing impacts from the proposal would cease by 11am.</p>

	The shadow diagrams indicate that the overshadowing impacts to the south would be associated only with the access to two internal lots, being the adjacent TasWater owned reservoir lot and the driveway access to the residential property at 556 Oceana Drive. No dwellings would be affected.
(ii) <i>Overshadowing the private open space of a dwelling on an adjoining lot; or</i>	The shadow diagrams demonstrate that the shadow cast by the proposed development would, in relation to 4 Coventry Rise, impact the southern part of that site for part of the morning only at winter solstice. All outdoor living areas at 4 Coventry Rise would have in excess of 3 hours of sunlight at Winter solstice, with any shadowing impacts to cease by 11am as demonstrated.
(iii) <i>Overshadowing of an adjoining vacant lot; or</i>	Not applicable.
(iv) <i>Visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>Given the gradient of the land in the vicinity of the site, development is largely orientated to the west to obtain views of the river and mountain and constructed over multiple dwellings.</p> <p>The visual impact of the proposed development is considered reasonable, in that the building height at its highest point would be 7.48m above natural ground level and largely consistent with the nature and scale of development within proximity of the site. The proposed development would be single storey where at the eastern and most elevated part of the site, and 2-storey on the western part of the site which is consistent with the nature of surrounding residential development.</p> <p>The neighbouring properties to the west have existing established landscaped gardens, and the combination of materials proposed for cladding of the development would be consistent with the range of styles in the vicinity of the site.</p>
(b) <i>Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area.</i>	Development within proximity of the subject property is characterised by setbacks consistent with that proposed, in terms of side and rear boundary setbacks. The proposed separation distances at 2.45m to the southern (rear) boundary to 5.0m to the western (side) boundary are therefore compatible with the separation distances evident in the surrounding area.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.3 A2	Site coverage and private open for all dwellings	<p><i>A dwelling must have an area of private open space that:</i></p> <p>(a) <i>is in one location and is at least:</i></p> <p>(i) <i>24 m²; or</i></p> <p>(ii) <i>12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</i></p> <p>(b) <i>has a minimum horizontal dimension of:</i></p> <p>(i) <i>4 m; or</i></p> <p>(ii) <i>2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and</i></p> <p>(c) <i>is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</i></p> <p>(d) <i>is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</i></p> <p>(e) <i>is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</i></p> <p>(f) <i>has a gradient not steeper than 1 in 10; and</i></p> <p>(g) <i>is not used for vehicle access or parking.</i></p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Does not comply – compliant area of private open space of Unit 1 would be located to southwest.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>

The proposed variation must be considered pursuant to Performance Criteria (P2) of Clause 10.4.3 as follows:

Performance Criterion	Comment
<p><i>P2 - A dwelling must have private open space that:</i></p> <p>(a) <i>includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:</i></p> <p>(i) <i>conveniently located in relation to a living area of the dwelling; and</i></p>	<p>Both units would be provided with upper level deck areas accessed from the living areas of each, and orientated to the north/northwest. These areas would be capable of use for outdoor dining, entertaining and relaxing as part of each unit.</p> <p>Similarly, both would have available level outdoor living areas and provision for associated clothes drying facilities on the north eastern side of each dwelling unit, with associated access from the adjacent laundry of each.</p>
<p>(ii) <i>oriented to take advantage of sunlight.</i></p>	<p>The proposed areas of private open space are located to north/north west of each of the units. Whilst Unit 2 does provide its compliant area to the southwest of the dwelling unit, this space when used in conjunction with available outdoor areas to the northeast of that dwelling unit and at the upper level would enable residents to take advantage of sunlight. The deck and ground level open space areas associated with Unit 1 are compliant with the acceptable solution.</p>

Oceana Drive Residential and Bushland Specific Area Plan

Clause	Standard	Acceptable Solution	Proposed
F14.7.1 A1	Building height, design and colour	<i>The maximum building height is 4.5m.</i>	Does not comply – the units would be 7.48m and 7.47m in height respectively.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause F14.7.1 as follows:

Performance Criterion	Comment
<p><i>P1 - The maximum building height is 7.5m.</i></p> <p><i>Buildings of a height of up to 7.5m may be approved where the design, colours and materials of buildings on the lot combine with walls and fences so as to unobtrusively blend with the natural landscape and</i></p>	<p>Both dwelling units comply with this maximum height requirement.</p> <p>The proposed dwelling units have been designed to step down the slope of the land, and involve cut into the rear of the site to minimise visual impact and overall height, when viewed from neighbouring</p>

<p><i>minimise visual intrusion. Materials and surfaces should be:</i></p> <p>(a) <i>of low light reflectivity; and</i></p>	<p>properties and Coventry Rise. The combination of materials and proposed skillion roof would minimise the bulk and scale of the dwelling units, and assist in the blending of the proposal with the natural landscape.</p> <p>The proposal includes submission that all windows would be low reflectivity and would have grey tint.</p>
<p>(b) <i>of dark natural colour (such as black, grey, brown and green); or</i></p>	<p>The dwelling units would be clad using a combination of materials and colours that the applicant submits would be sympathetic to the natural landscape and minimise visual impact. The proposal seeks to use dark colours and has requested that a condition relating to the specific colours be imposed by Council as a condition of approval. This is an appropriate response to the performance criterion and would ensure that a suitable colour combination is identified.</p>
<p>(c) <i>of dark appearance throughout the day due to shading.</i></p>	<p>The development would incorporate a skillion roof and would step down the slope of the site, softening impact by creating pockets of shading and minimising visual impact of the development.</p>

5. REPRESENTATION ISSUES

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

5.1. Possible damage to tree

Concern is raised by the representor that a large “bushy” tree to the south of the site may be impacted (or damaged) by the proposed development.

- **Comment**

The subject property is not affected by the Natural Assets Code and the trees on the site are not identified as significant meaning that their preservation is not mandated by the Scheme. That said, the plans show that it is intended that several existing eucalypts located on the site would be retained as part of the development.

5.2. Previous vegetation removal

Removal of the majority of the trees on the site prior to the lodgement of this application is a concern raised by the representation. The submission is that retention of all trees on the property “borders” was requested of Council by the representor as part of the subdivision approval that created the lot but that vegetation removal has still occurred despite this request.

- **Comment**

The representor in this proposal made representation in 2013 in relation to Council’s assessment of the original subdivision, as noted, and raised concern at that time that the preservation of trees on the site should be required as a condition of approval. This was not required as part of the permit conditions that created the subdivision, and therefore the protection of vegetation on the site as part of the development of the subject lot is not a relevant consideration under the Scheme. This issue is therefore not of determining weight.

5.3. Number of bedrooms

The representor suggests that the “rumpus” room as described by the plans is more likely to be used as a third bedroom.

- **Comment**

The number of bedrooms is only a relevant consideration under the Scheme to inform the number of required parking spaces under the Parking and Access Code. Clause E6.6.1 requires that for a multiple dwelling containing 2 or more bedrooms (including all rooms capable of being used as a bedroom), that 2 parking spaces per dwelling and a single visitor space are required. The proposal is consistent with this requirement.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan or any other relevant Council policy.

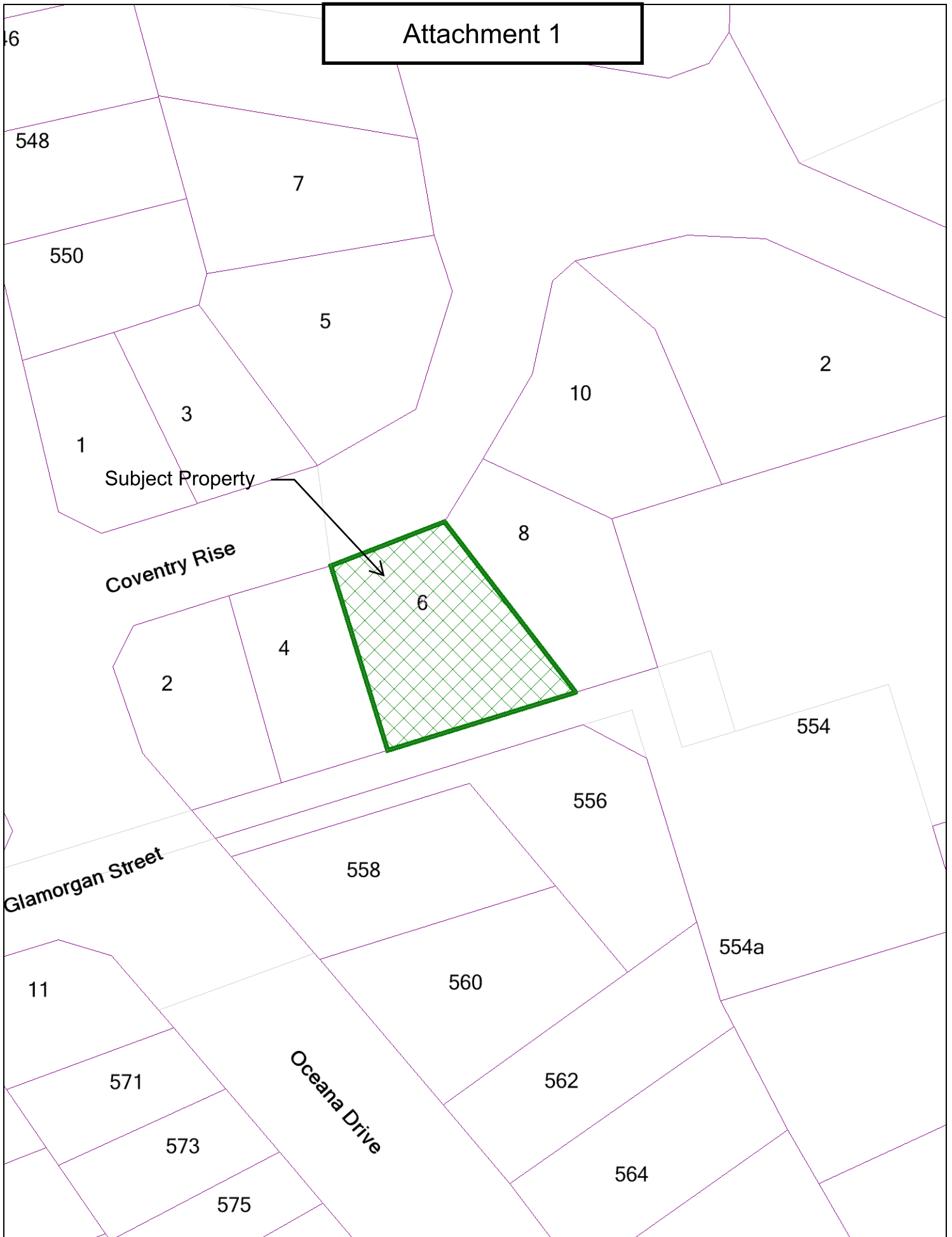
9. CONCLUSION

The proposal for 2 multiple dwellings at 6 Coventry Rise, Howrah 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 (15)
3. Site Photo (1)

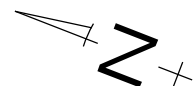
Ross Lovell
MANAGER CITY PLANNING

LOCATION PLAN - 6 COVENTRY RISE



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, 21 November 2018 **Scale:** 1:868 @A4

COVENTRY RISE



PROPOSED UNIT DEVELOPMENT FOR PEARCE AT 6 COVENTRY RISE, HOWRAH

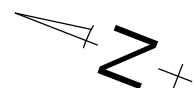
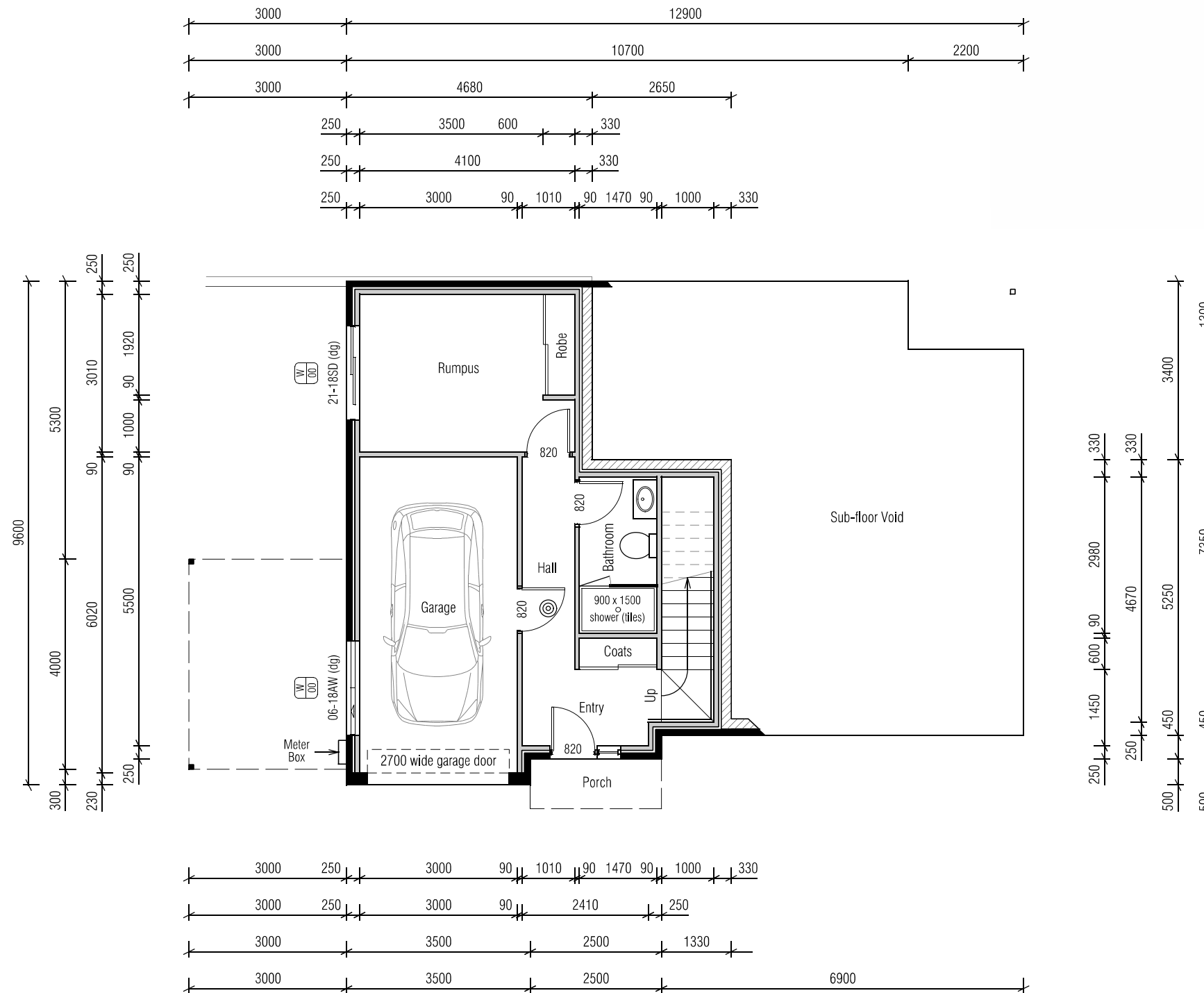
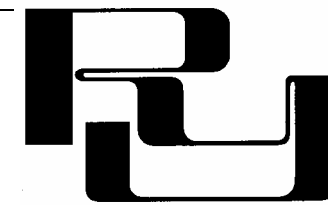
REVISION	DATE	DESCRIPTION
B	20 September 2018	Changes as described on Cover Sheet
C	5 October 2018	Changes as described on Cover Sheet

© This document is copyright and may not be reproduced without the written consent of Ronald Young & Co Builders Pty Ltd
Compliance No. CC102Y - James Collins

DRAWING: SITE PLAN
DATE: 20/09/18
FILE NAME: 1905 DA 020718.dgn
DRAWN BY: PC

DWG No:

- ARTICULATION JOINT
- SMOKE ALARM



Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR PEARCE AT 6 COVENTRY RISE, HOWRAH

REVISION	DATE	DESCRIPTION
A	8 August 2018	Changes as described on Cover Sheet

BAL-TBA

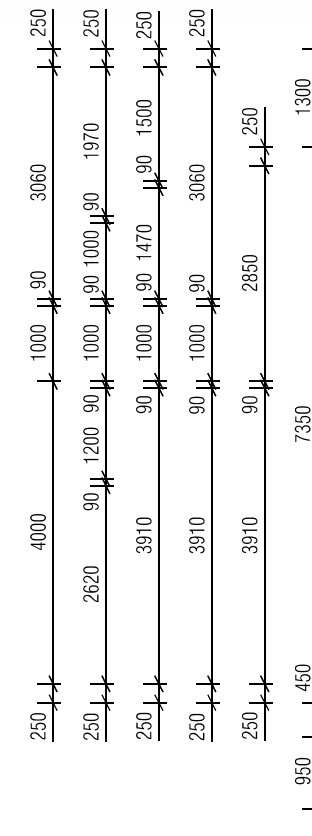
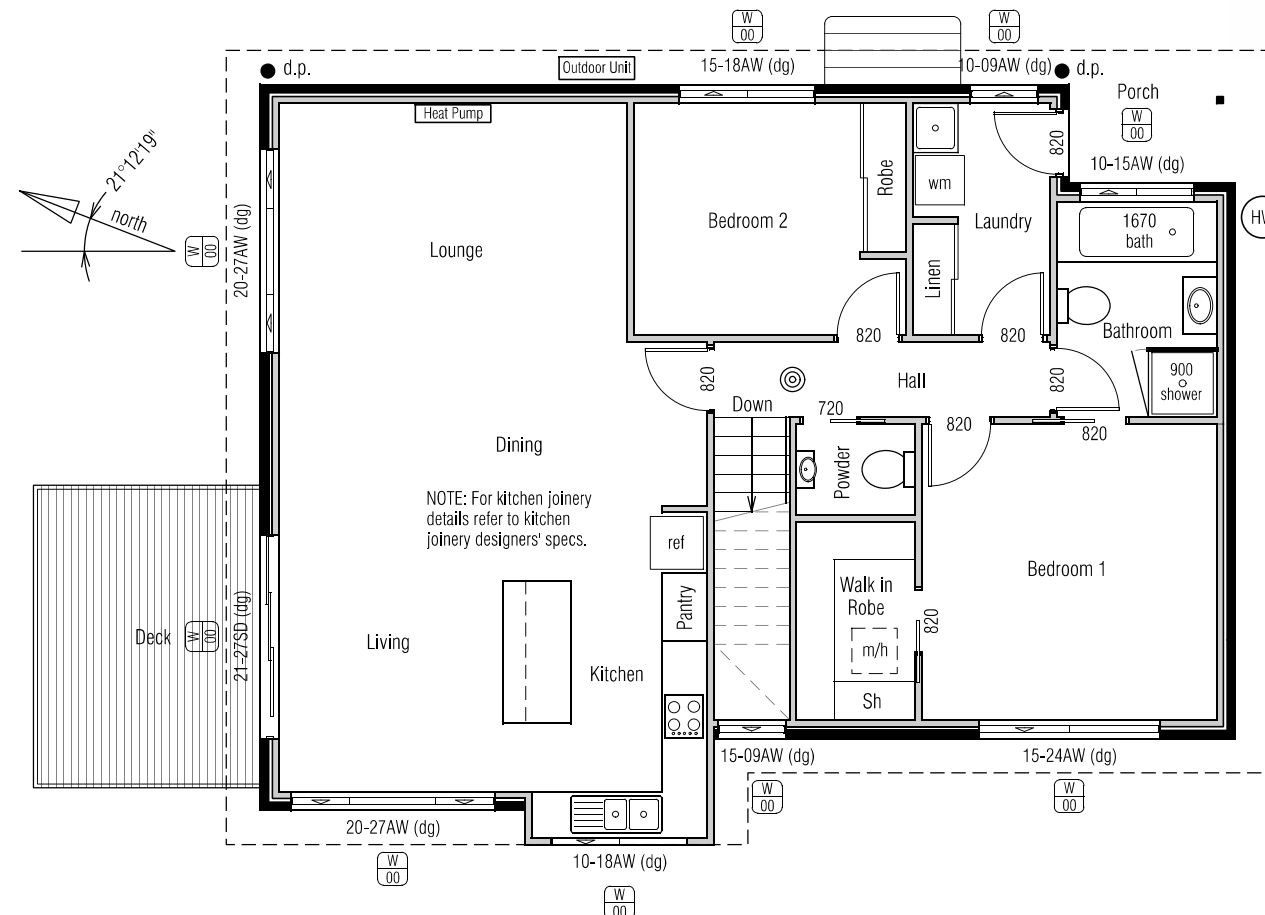
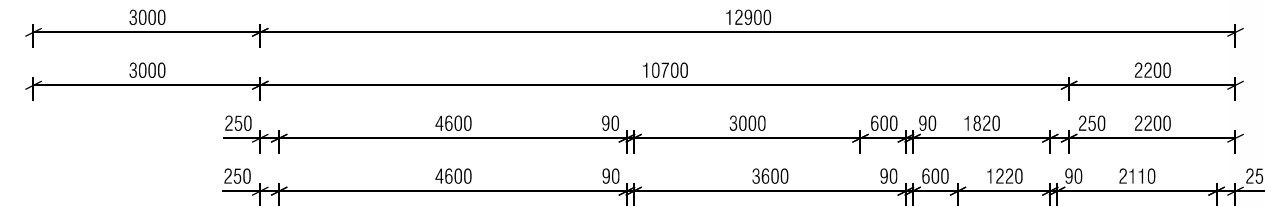
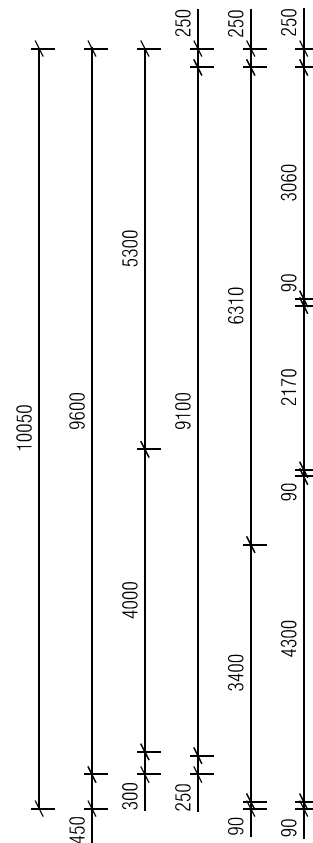
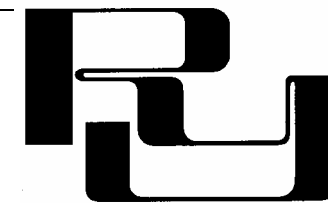
See sheet 14 for
Bushfire Attack Level
construction requirements

© This document is copyright and may not be reproduced without the written consent of Ronald Young & Co Builders Pty Ltd
Compliance No. CC102Y - James Collins

DRAWING: UNIT 1 GROUND FLOOR PLAN
DATE: 08/08/18
FILE NAME: 1905 DA 020718.dgn
DRAWN BY: PC

DWG No:

- ARTICULATION JOINT
- SMOKE ALARM



First Floor Area = 115.8m²
Ground Floor Area = 58.8m²
Total Floor Area = 174.4m²
Deck Area = 12.0m²
First Floor Porch Area = 2.9m²
Ground Floor Porch Area = 2.4m²



Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR PEARCE AT 6 COVENTRY RISE, HOWRAH

REVISION	DATE	DESCRIPTION
A	8 August 2018	Changes as described on Cover Sheet

BAL-TBA

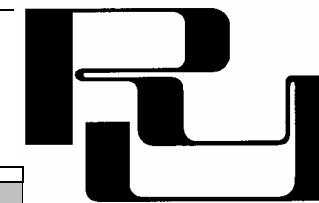
See sheet 14 for
Bushfire Attack Level
construction requirements

© This document is copyright and may not
be reproduced without the written consent
of Ronald Young & Co Builders Pty Ltd
Compliance No. CC102Y - James Collins

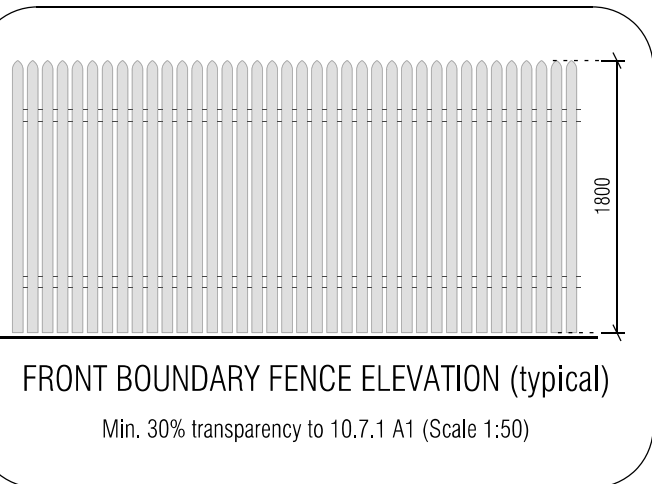
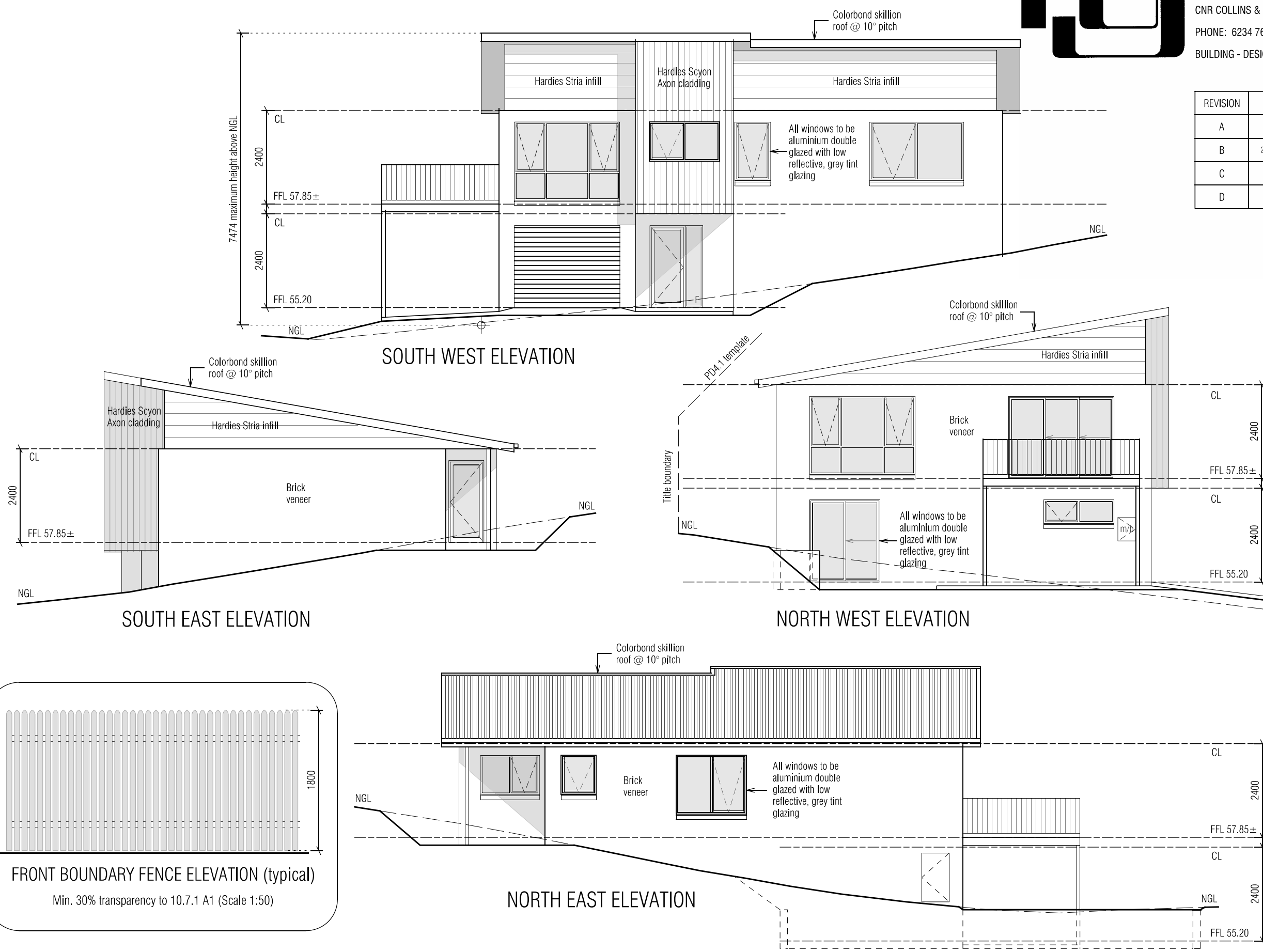
DRAWING: UNIT 1 FIRST FLOOR PLAN
DATE: 08/08/18
FILE NAME: 1905 DA 020718.dgn
DRAWN BY: PC

DWG No:

02a



REVISION	DATE	DESCRIPTION
A	8 August 2018	Changes as described on Cover Sheet
B	20 September 2018	Changes as described on Cover Sheet
C	5 October 2018	Changes as described on Cover Sheet
D	22 October 2018	Changes as described on Cover Sheet



Scale 1:100

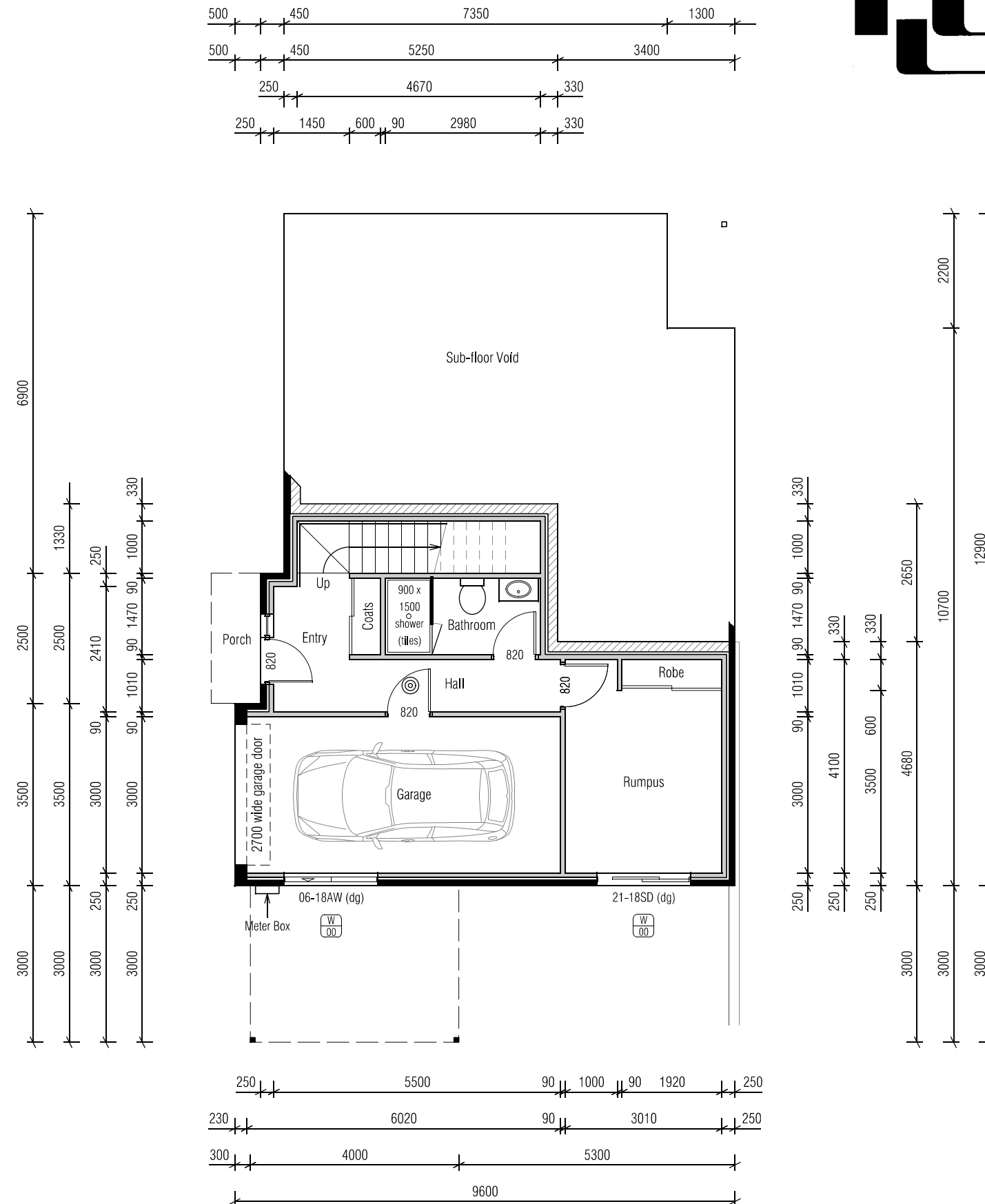
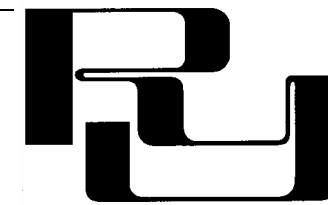
PROPOSED UNIT DEVELOPMENT FOR PEARCE
AT 6 COVENTRY RISE, HOWRAH

BAL-TBA
See sheet 14 for
Bushfire Attack Level
construction requirements
© This document is copyright and may not
be reproduced without the written consent
of Ronald Young & Co Builders Pty Ltd
Compliance No. CC102Y - James Collins

DRAWING: UNIT 1 ELEVATIONS
DATE: 23/10/18
FILE NAME: 1905 DA 020718.dgn
DRAWN BY: PC

DWG No:

- ARTICULATION JOINT
- SMOKE ALARM



Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR PEARCE AT 6 COVENTRY RISE, HOWRAH

REVISION	DATE	DESCRIPTION
A	8 August 2018	Changes as described on Cover Sheet

BAL-TBA

See sheet 14 for
Bushfire Attack Level
construction requirements

© This document is copyright and may not be reproduced without the written consent of Ronald Young & Co Builders Pty Ltd
Compliance No. CC102Y - James Collins

DRAWING: UNIT 2 GROUND FLOOR PLAN
DATE: 08/08/18
FILE NAME: 1905 DA 020718.dgn
DRAWN BY: PC

DWG No:

- ARTICULATION JOINT
- SMOKE ALARM



RONALD YOUNG

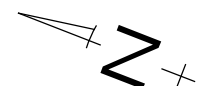
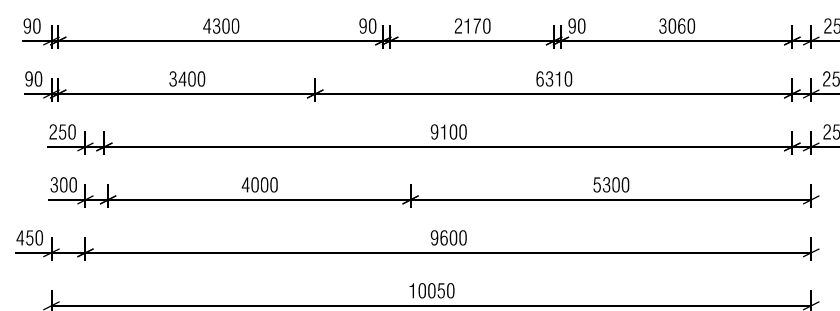
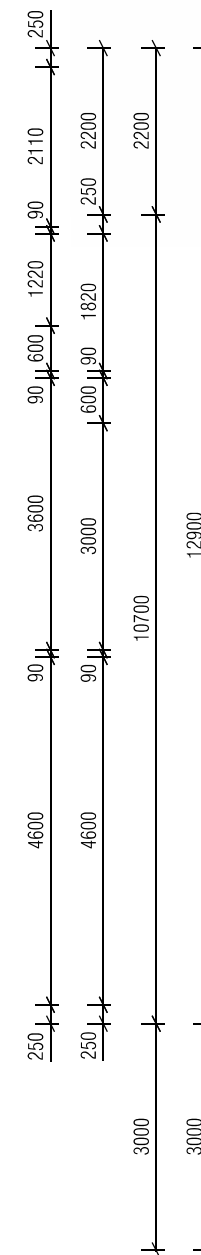
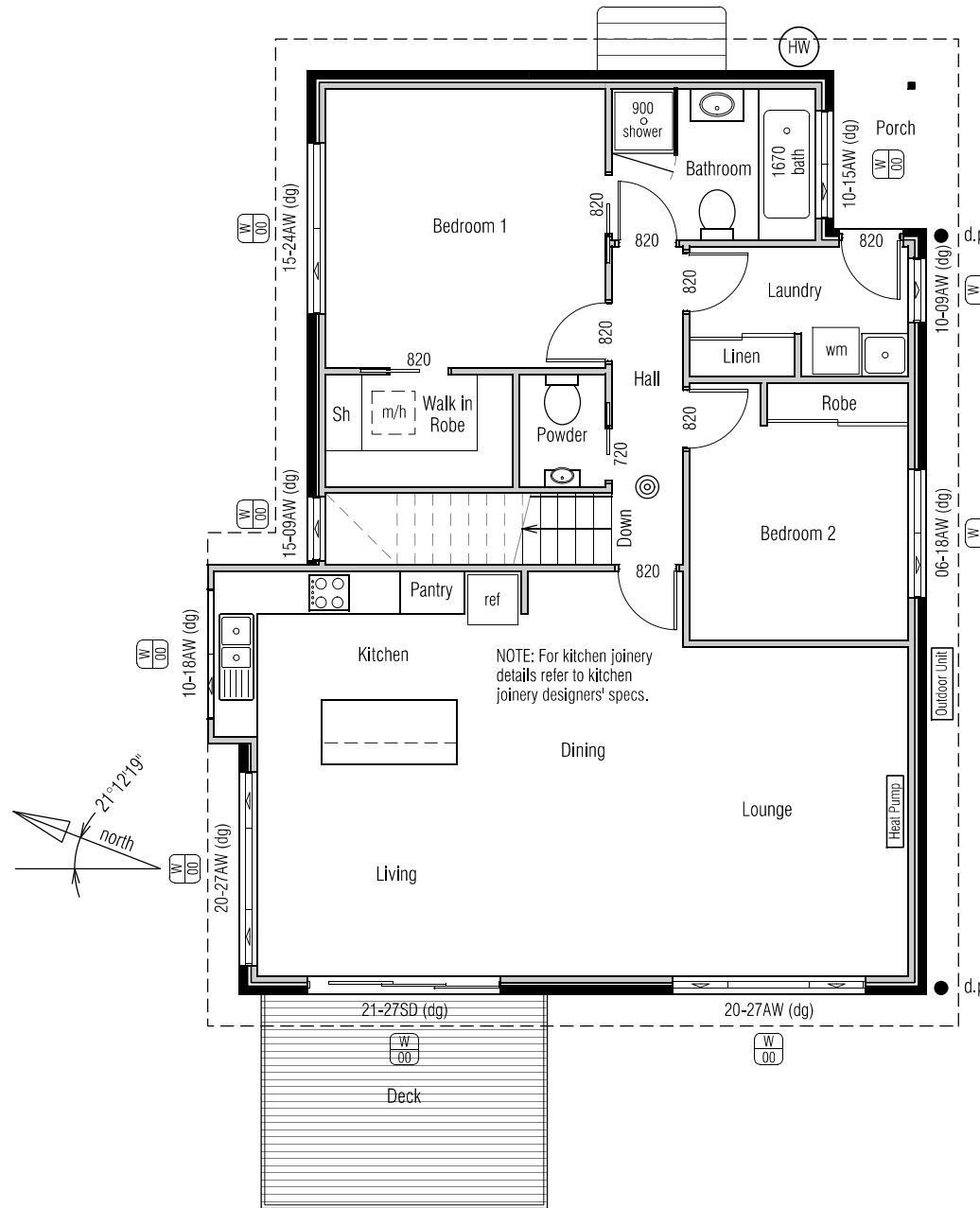
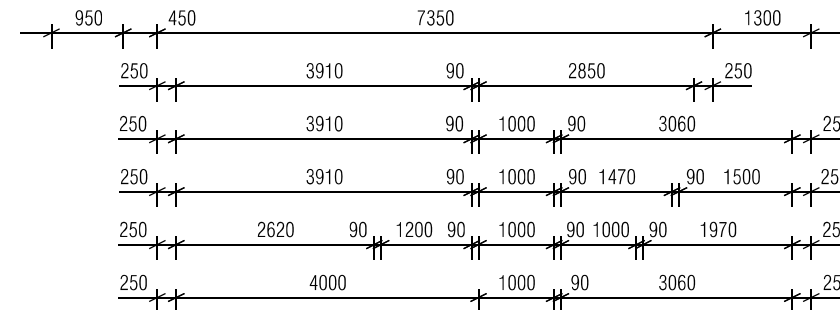
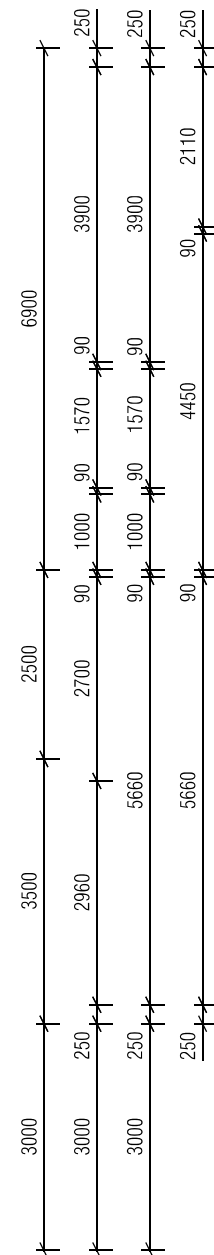
A.B.N. 52 009 494 446

CNR COLLINS & HARRINGTON STS, HOBART 7000

PHONE: 6234 7633 FAX: 6234 6445

BUILDING - DESIGN - DEVELOPMENT

CO BUILDERS PTY



Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR PEARCE
AT 6 COVENTRY RISE, HOWRAH

First Floor Area = 115.8m²
Ground Floor Area = 58.8m²
Total Floor Area = 174.4m²
Deck Area = 12.0m²
First Floor Porch Area = 2.9m²
Ground Floor Porch Area = 2.4m²

BAL-TBA

See sheet 14 for
Bushfire Attack Level
construction requirements

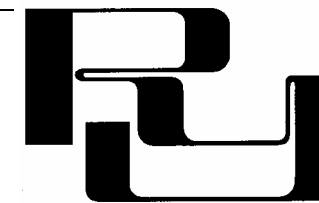
REVISION	DATE	DESCRIPTION
A	8 August 2018	Changes as described on Cover Sheet

© This document is copyright and may not be reproduced without the written consent of Ronald Young & Co Builders Pty Ltd
Compliance No. CC102Y - James Collins

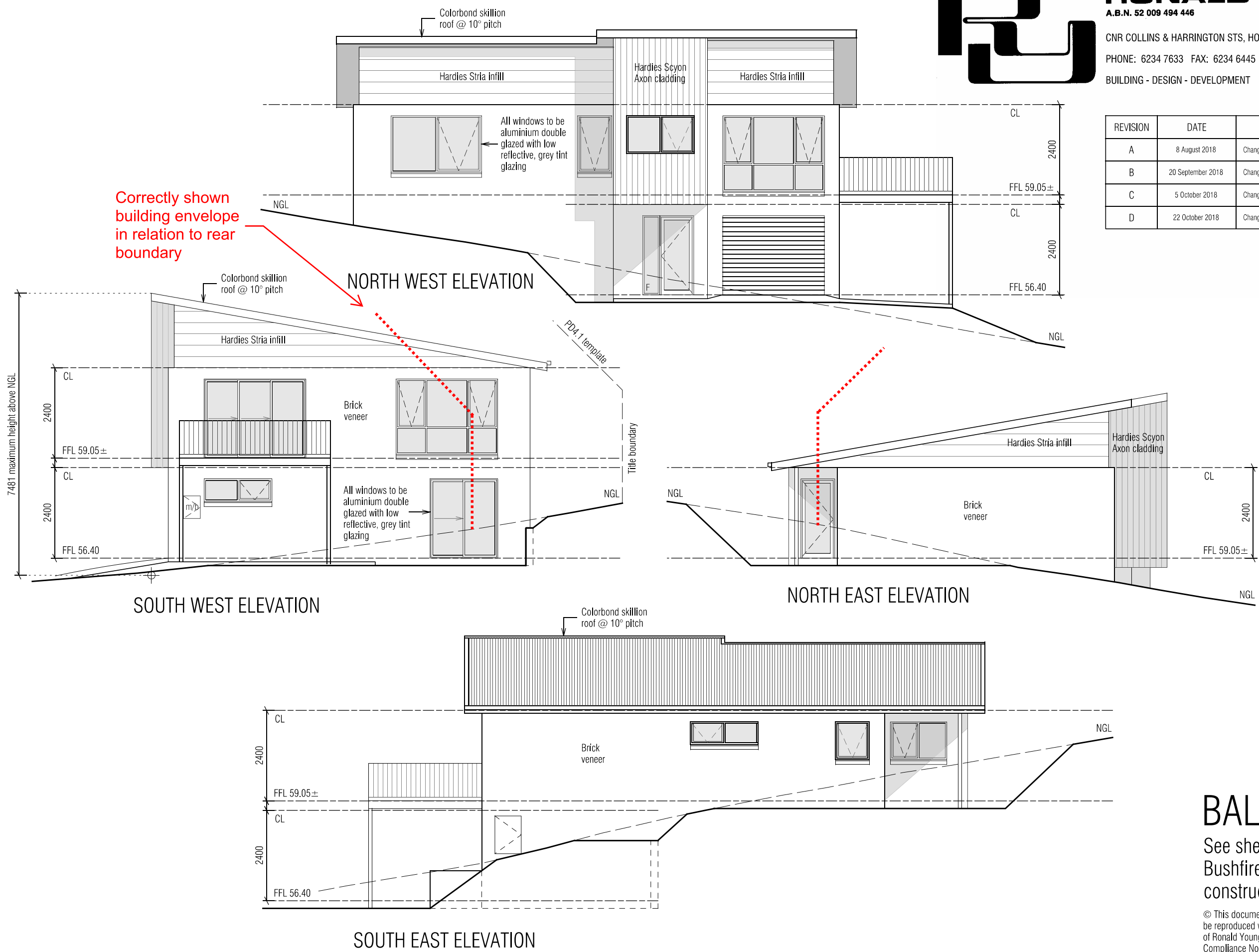
DRAWING: UNIT 2 FIRST FLOOR PLAN
DATE: 08/08/18
FILE NAME: 1905 DA 020718.dgn
DRAWN BY: PC

DWG No:

04a



REVISION	DATE	DESCRIPTION
A	8 August 2018	Changes as described on Cover Sheet
B	20 September 2018	Changes as described on Cover Sheet
C	5 October 2018	Changes as described on Cover Sheet
D	22 October 2018	Changes as described on Cover Sheet



Correctly shown building envelope in relation to rear boundary

BAL-TBA
See sheet 14 for
Bushfire Attack Level
construction requirements

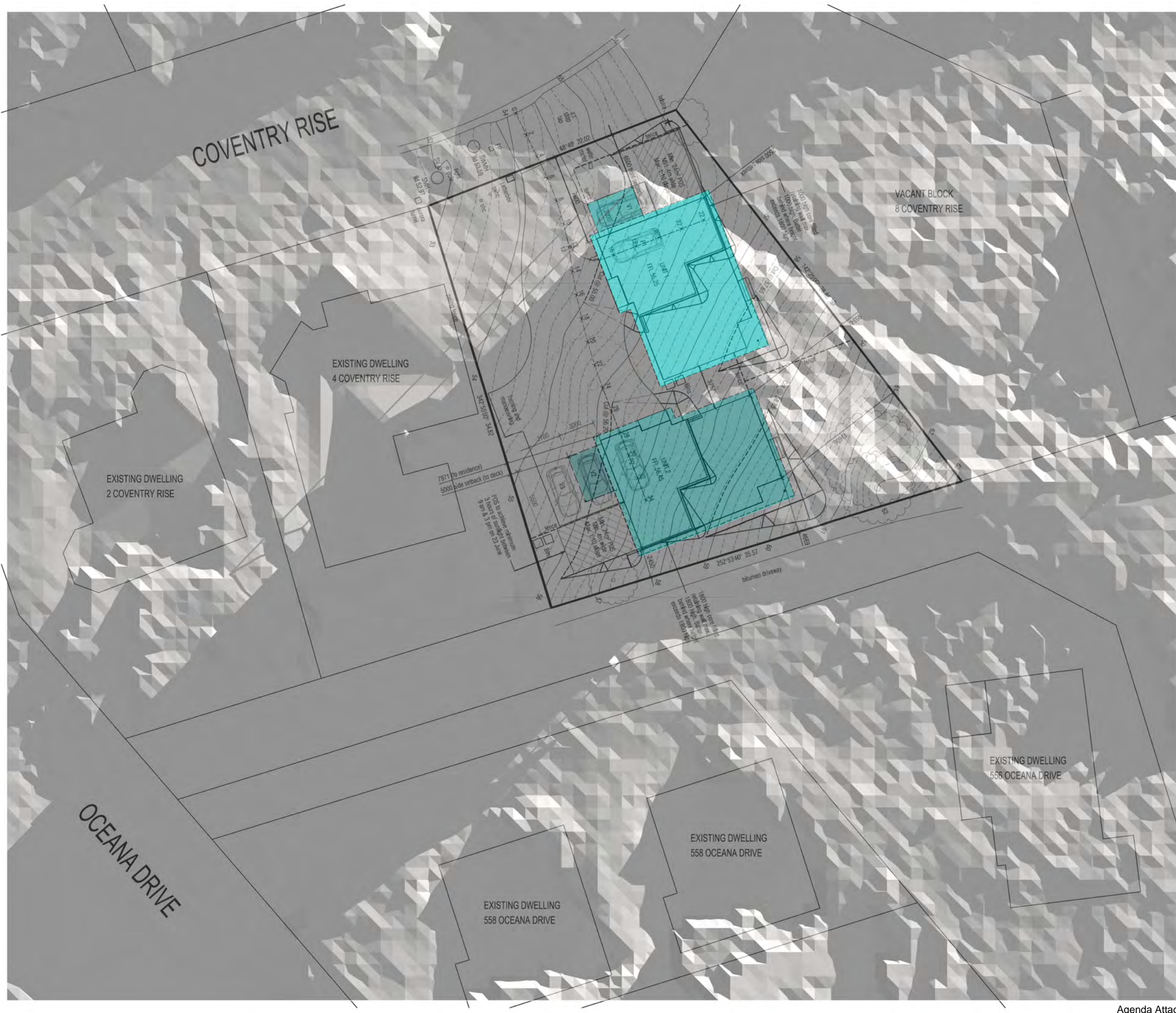
© This document is copyright and may not be reproduced without the written consent of Ronald Young & Co Builders Pty Ltd
Compliance No. CC102Y - James Collins

DRAWING: UNIT 2 ELEVATIONS
DATE: 23/10/18
FILE NAME: 1905 DA 020718.dgn
DRAWN BY: PC

Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR PEARCE
AT 6 COVENTRY RISE, HOWRAH

DWG No:



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



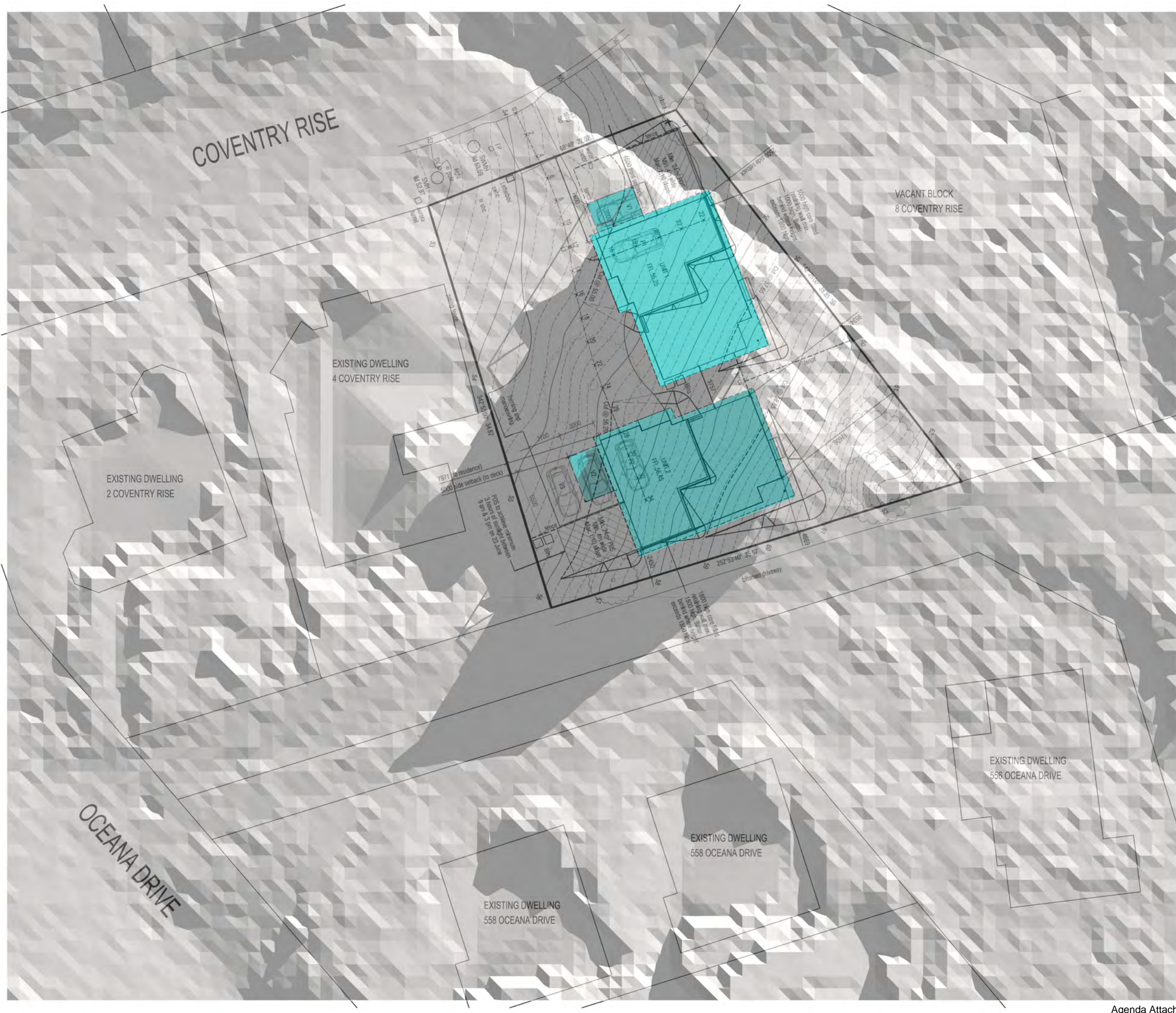
Shadow Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SHADOW DIAGRAMS
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

21/06/2018 9:00:00 AM

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



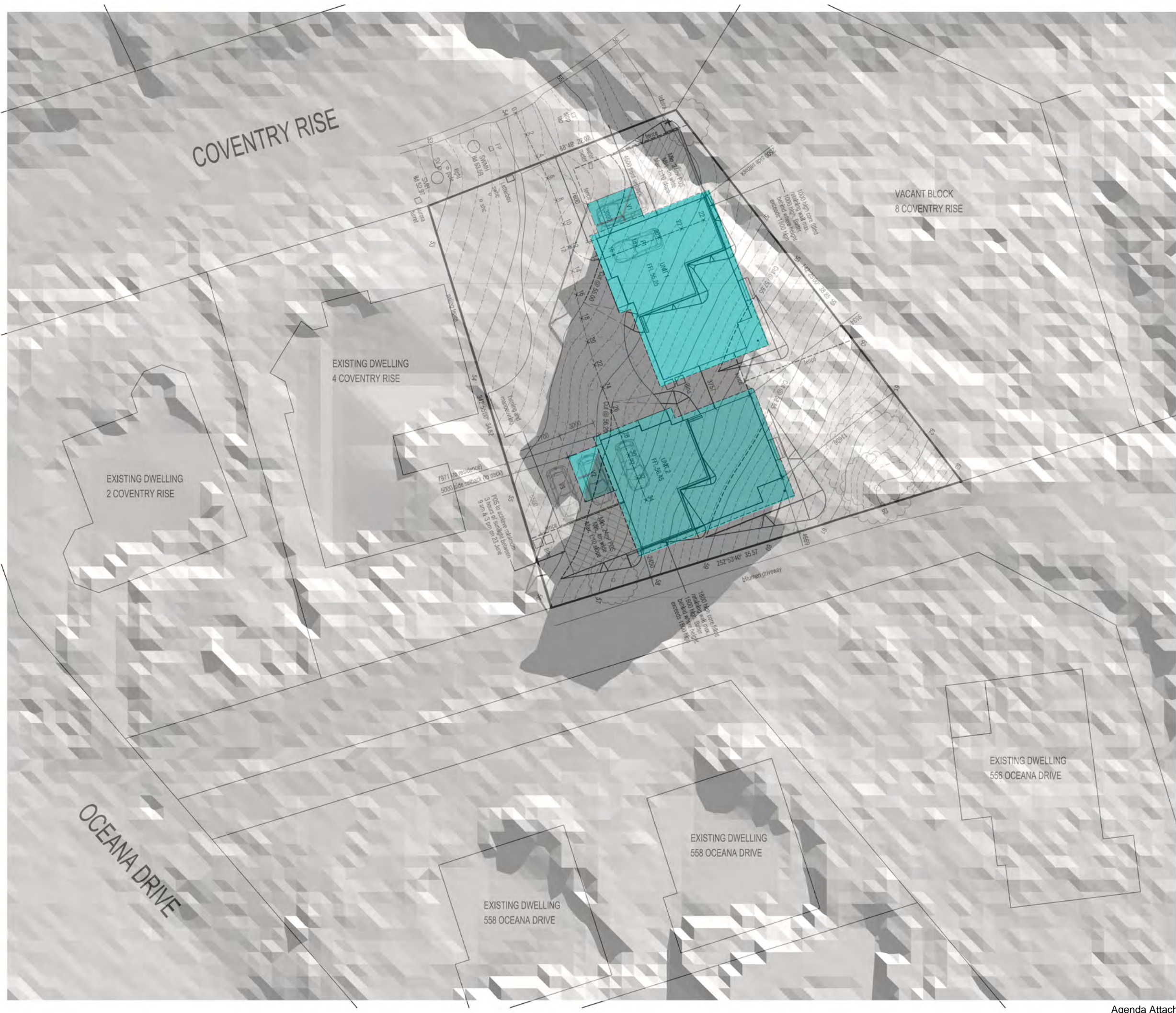
Shadow Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SHADOW DIAGRAMS
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

21/06/2018 10:00:00 AM

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



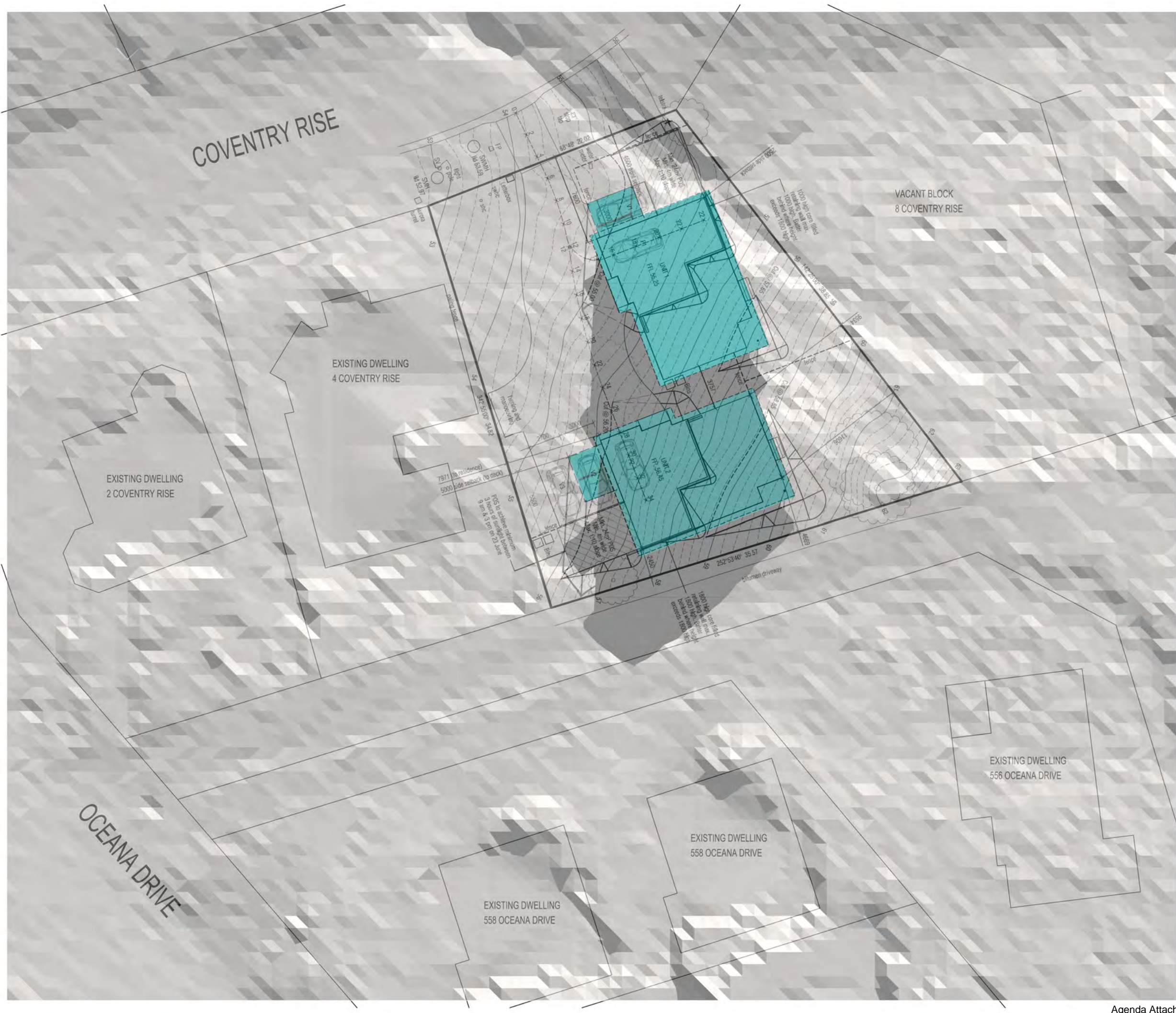
Shadow Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SHADOW DIAGRAMS
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

21/06/2018 11:00:00 AM

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



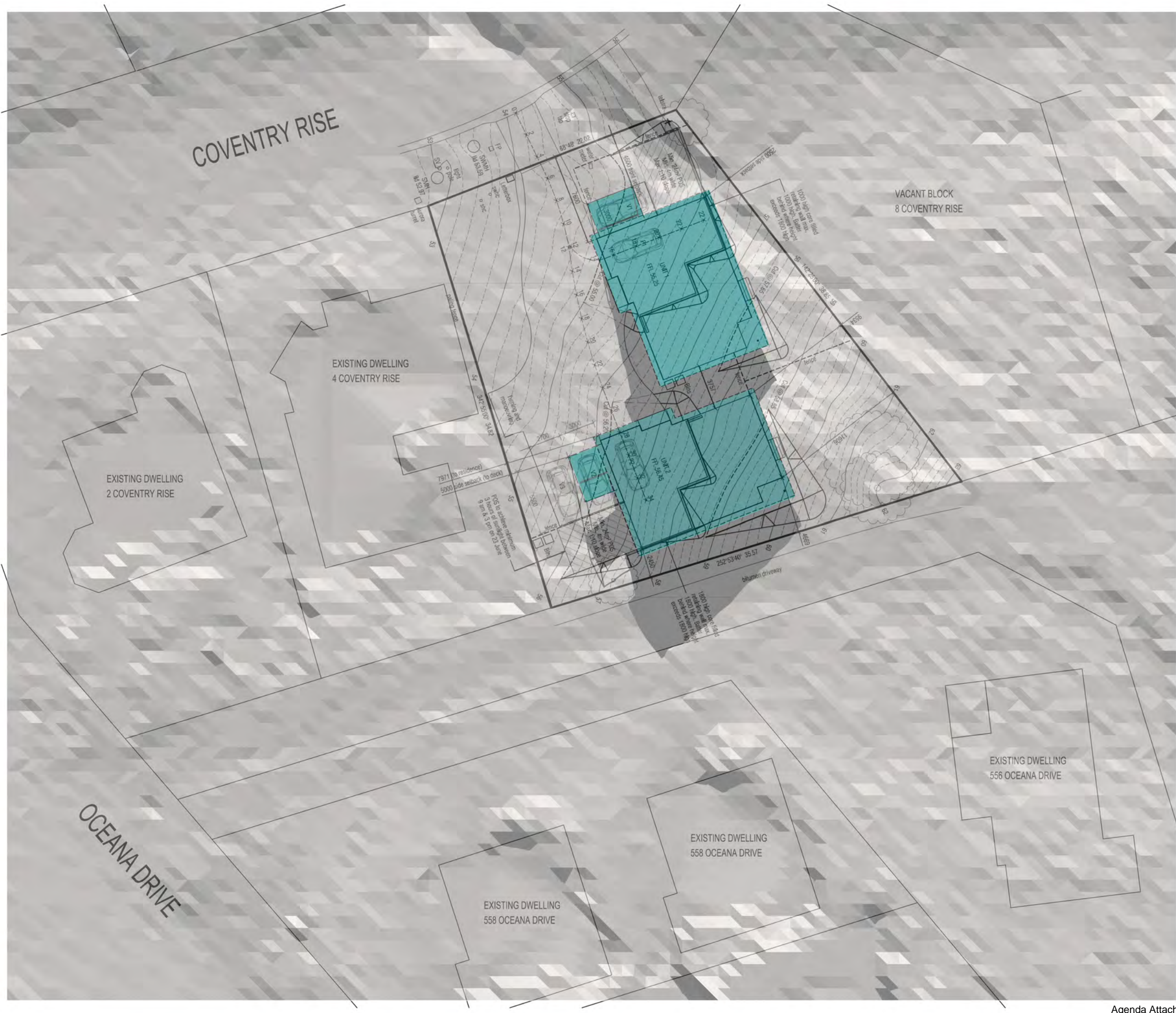
Shadow Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SHADOW DIAGRAMS
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

21/06/2018 12:00:00 PM

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



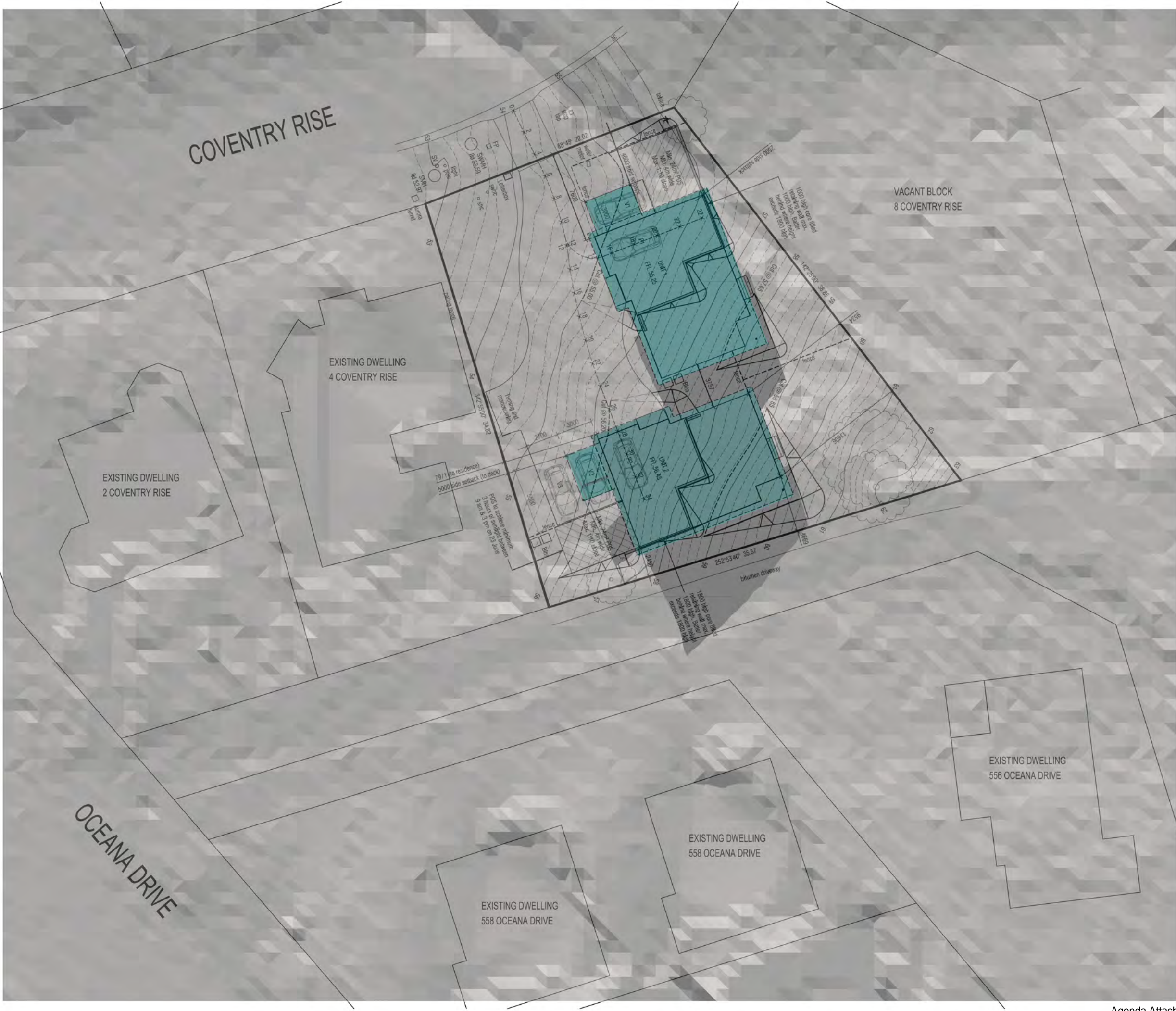
Shadow Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SHADOW DIAGRAMS
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

21/06/2018 1:00:00 PM

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



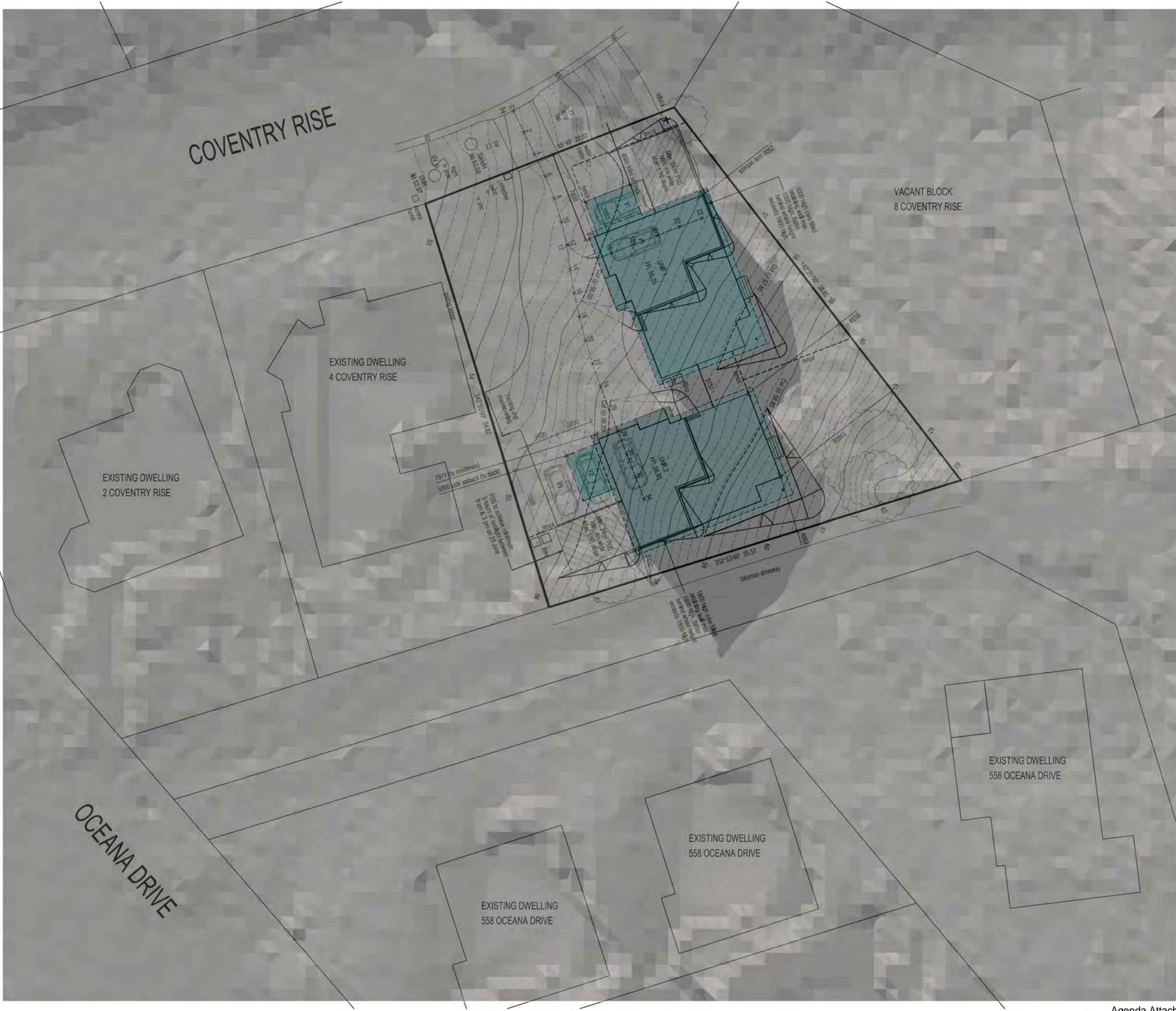
Shadow Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SHADOW DIAGRAMS
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

21/06/2018 2:00:00 PM

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



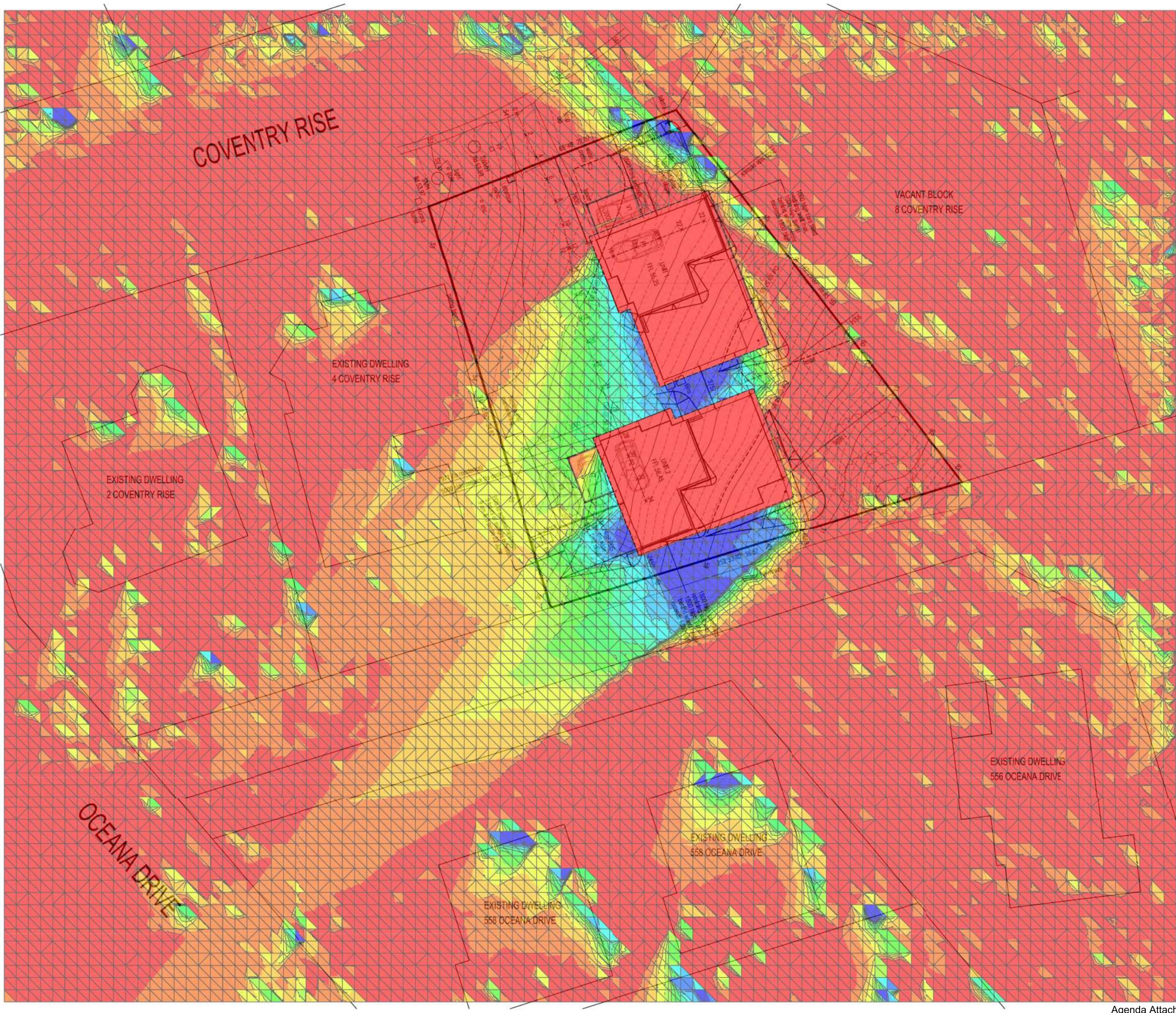
Shadow Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



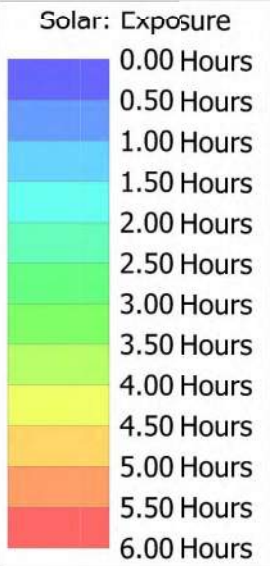
SHADOW DIAGRAMS
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

21/06/2018 3:00:00 PM

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 54'
LONGITUDE: 147°25'
 - No allowance for surrounding topography, trees, structures or fences
 - Terrain surface derived from LIDAR data
Courtesy of LIST - State of Tasmania.



Solar Exposure Diagram Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
PROPOSED UNITS (2)
6 COVENTRY RISE
HOWRAH

June 21st 9.00am - 3.00pm

Drawn	AS	AP2018-1521
Date	V1 09/10/2018	Sheet
Scale	1:300 (A3)	

6 Coventry Rise, HOWRAH



Site viewed from Coventry Rise, looking southeast



Site viewed from Coventry Rise, looking south towards eastern boundary

11.3.5 DEVELOPMENT APPLICATION D-2018/488 - 102, 102A & 104 SPITFARM ROAD, OPOSSUM BAY - DWELLING
(File No. D-2018/488)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 102, 102A and 104 Spitfarm Road, Opossum Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Coastal Erosion Hazard Area, Landslide Areas, Stormwater Management, Waterway and Coastal Protection Areas and Parking and Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a discretionary development.

LEGISLATIVE REQUIREMENTS

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

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 10 November 2018.

CONSULTATION

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

- Setback;
- Streetscape;
- Visual impact; and
- Overshadowing.

RECOMMENDATION:

A. That the Development Application for A Dwelling at 102, 102A and 104 Spitfarm Road, Opossum Bay (CI Ref D-2018/488) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS

2. A plan for the management of demolition and construction works must be submitted and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must outline the proposed demolition and construction practices in relation to:
 - weed hygiene methods to prevent the spread of weeds and soil based pathogens to and from the property during construction;
 - procedures to prevent soil and debris being carried onto Opossum Bay foreshore
 - methods for the storage and removal of materials handled on-site; and
 - how works would be undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).
 3. All design and construction works associated with the dwelling and associated water tanks must be undertaken in accordance with the recommendations made within Section 8 of the *Coastal Vulnerability Assessment* prepared by GES, dated September 2018. Plans demonstrating compliance with this condition must be submitted to and approved by Council's Group Manager Asset Management prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
 4. GEN M5 – ADHESION [the issue of a Building Permit]
 5. ENG A7- REDUNDANT CROSSOVER
 6. The existing dwelling must be demolished prior to the commencement of the use.
- 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 site has been subject to a number of permits, the most recent being for a boundary adjustment between 102 and 102a Spitfarm Road (SD-2013/14). 102 Spitfarm Road is currently vacant but previously contained a dwelling which was demolished by Permit (D-2016/196).

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village under the Scheme and is subject to the Coastal Erosion Hazard Area, Landslide Areas, Stormwater Management Code and Waterway and Coastal Protection Areas Codes.

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 – Village Zone;
- Section E3.0 – Landslide Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 - Waterway and Coastal Protection Areas Code; and
- Section E16 - Coastal Erosion Hazard Area Codes.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is located on the western side of Spitfarm Road and slopes moderately from the east down to the west towards Opossum Bay.

The site consists of 3 titles at 102 Spitfarm Road (595m²), 102a Spitfarm Road (528m²) and 104 Spitfarm Road (550m²) and has a total area of 1673m².

104 Spitfarm Road contains a dwelling, 102 Spitfarm Road contains a boatshed and 102a is vacant.

3.2. The Proposal

The proposal is for a two storey dwelling with a total floor area of 488m² and contains a three car garage accessed from Spitfarm Road (see Attachment 2). The dwelling is proposed to be located 2.895m at its closet point to the boundary fronting Spitfarm Road, 4.715m to the rear boundary, 4.845m to the south boundary and 14.5m to the north boundary and has a maximum height of 6.85m.

The 3 titles are proposed to be consolidated into 1 title and the existing dwelling on 104 Spitfarm Road is to be demolished.

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.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Village Zone and Coastal Erosion Hazard Area, Landslide Areas, Stormwater Management Code and Waterway and Coastal Protection Areas Codes with the exception of the following:

Village Zone:

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A1	Frontage setback	<p>Building setback from frontage must be parallel to the frontage and must be:</p> <p>no less than 6 m, if fronting South Arm Road</p> <p>OR</p> <p>no less than 4.5 m, if fronting any other road.</p>	Does not comply – The proposed dwelling would be setback 2.895m from Spitfarm Road.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 16.4.2 as follows:

Performance Criteria	Proposal
<i>P1 - Building setback from frontage must satisfy all of the following:</i>	
<i>(a) be consistent with any Desired Future Character Statements provided for the area;</i>	Not applicable – There are no Desired Future Character Statements for the Village Zone.
<i>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</i>	<p>The property adjoining the site to the north at 106 Spitfarm Road contains a dwelling located 4.4m from the front boundary and to the south the site contains an outbuilding located 0m to the front boundary. Further south and on the western side of Spitfarm Road, there are many examples of dwellings located up to the front boundary. On the eastern side of the road, in the vicinity of the site, dwellings have setbacks to the front boundary ranging from 0m to 8m.</p> <p>In addition, the proposed dwelling is located at an angle to the road boundary and the setback for ranges from 2.895m to 7.99m which results in around 6m of the dwelling being located within the front setback.</p> <p>For these reasons, it is considered consistent with the setbacks of dwellings in the area.</p>
<i>(c) enhance the characteristics of the site, adjoining lots and the streetscape,</i>	The proposed setback of 2.895m will provide for sufficient landscaping within the front setback which will assist in enhancing the characteristics of the site and the streetscape.

Waterway and Coastal Protection Code:

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1 A1	Buildings and 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.	The dwelling is not located within a building area on the title.

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

Performance Criteria	Proposal
Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:	The proposal is for a dwelling on existing residential lots which are currently or have previously been used for residential purposes. The location of the dwelling is within the existing cleared area of the site and is not considered to have a detrimental impact on the natural values of the lot.
(a) avoid or mitigate impact on natural values;	
(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;	Stormwater run-off from the roof will be directed into rainwater tanks. To ensure that the proposal will not have an impact on the Opossum Bay coastline, it is recommended that a condition be included on any permit to require an erosion and sedimentation control plan in accordance with the <i>Hobart Regional Soil and Water Management on Building and Construction Sites</i> .
(c) avoid or mitigate impacts on riparian or littoral vegetation;	The proposal does not require the removal of any littoral vegetation.
(d) maintain natural streambank and streambed condition, (where it exists);	N/A
(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	N/A
(f) avoid significantly impeding natural flow and drainage;	N/A
(g) maintain fish passage (where applicable);	N/A
(h) avoid landfilling of wetlands;	N/A
(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.	An erosion plan will be required in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010) as a condition, if approved.

Stormwater Management Code:

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Stormwater drainage and disposal	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Reticulated stormwater not available in Opossum Bay.

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

Performance Criteria	Proposal
Stormwater from new impervious surfaces must be managed by any of the following:	Stormwater will be disposed on site and details will required to be submitted with a Plumbing Permit so ensure that the system is satisfactory.
(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles	
(b) collected for re-use on the site;	Stormwater will be collected in 2 rain tanks for re-use on the site.
(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.	Not applicable as there is no reticulated stormwater system in Opossum Bay.

On-site Wastewater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E23.10.1 A6	Land Application Areas	Vertical separation distance between a limiting layer and a land application area must be no less than 1.5m.	Does not comply.

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

Performance Criteria	Proposal
Vertical separation distance between a limiting layer and a land application area must satisfy all of the following:	
(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;	The On-Site Wastewater Assessment (GES, October 2018) has assessed the proposal and considers that the vertical separation is consistent with the AS/NZS 1547 Appendix R and therefore meets the requirements of the <i>Building Act 2016 Guidelines for On-site Wastewater Disposal</i> .
(b) vertical separation distance must be no less than 0.5m, (whether 'in ground' or by use of a raised bed).	Complies.

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. Setback

Concern was raised that the variation to the front setback standard does not contribute positively to the streetscape and results in an adverse amenity impact on the residential amenity of the area, particularly as the dwelling is located over three existing titles.

- **Comment**

As previously discussed, the variation to the front boundary is considered to meet the relevant Performance Criteria as it is compatible with the other setbacks in the streetscape and allows sufficient area within the front setback to provide for landscaping which will enhance the streetscape.

The titles will be consolidated into 1 title and will contain a single dwelling and it is considered that the proposal would not have any more impact than one dwelling on each lot.

5.2. Streetscape

Concern was raised that the proposed dwelling is not aligned with the title boundary and the road and the proposed access and garage does not contribute positively to the streetscape due to its 12m – 16m opening to the street.

- **Comment**

As previously discussed, the variation to the front boundary is considered to meet the Performance Criteria of the Scheme as it is compatible with the streetscape and allows sufficient area within the front setback to provide for landscaping which will enhance the streetscape. In addition, the width of the garage opening is not a relevant standard in the Village zone.

The applicant has proposed that the garage will be accessed via the existing crossover to 102 Spitfarm Road, however, it may need to be widened or moved further north to allow for safe access to the site. The crossovers to 102a and 104 will be removed.

The proposal meets the Parking and Access Code in regards to the provision of access and parking to the site as there will be one access to the site, when the lots are consolidated. In addition, the garage meets the setback requirements of the Village zone being setback 6m from the front boundary. On this basis, this issue of impact on streetscape as a result of the garage design cannot have determining weight.

5.3. Visual impact

Concern was raised that the building form, through the consolidation of three titles, results in a disproportionately large and multiple level design which will have an unreasonable visual impact through its design which uses steep roof slope and roof directions, and places the highest two-storey component at the mid-slope of the block.

- **Comment**

The only variation to the development standards in the Village zone relates to the front boundary setback and as discussed above is considered to meet the Performance Criteria for this standard. The visual impact of a development to an adjoining property can only be considered when there is a variation to the side and rear boundary setbacks or the maximum height, specified in Clauses 16.4.1 A1 and 16.4.2 A2 of the Scheme. As the proposal meets the Acceptable Solution for both these standards the issue of visual impact to the adjoining properties cannot be considered.

5.4. Overshadowing

Concern was raised that the proposed dwelling will have an adverse impact on the amenity of the adjoining lot through overshadowing.

- **Comment**

As previously discussed, the proposal complies with the standards relating to side and rear boundary setbacks and height. It is only when a discretion is sought to these standards that the impact of overshadowing caused by a development to an adjoining property is assessed.

On this basis, the issue of overshadowing cannot have determining weight in the assessment 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 or any other relevant Council policy.

9. CONCLUSION

The proposal for a single dwelling over three titles at 100, 102 and 102a Spitfarm Road, Opossum Bay is recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

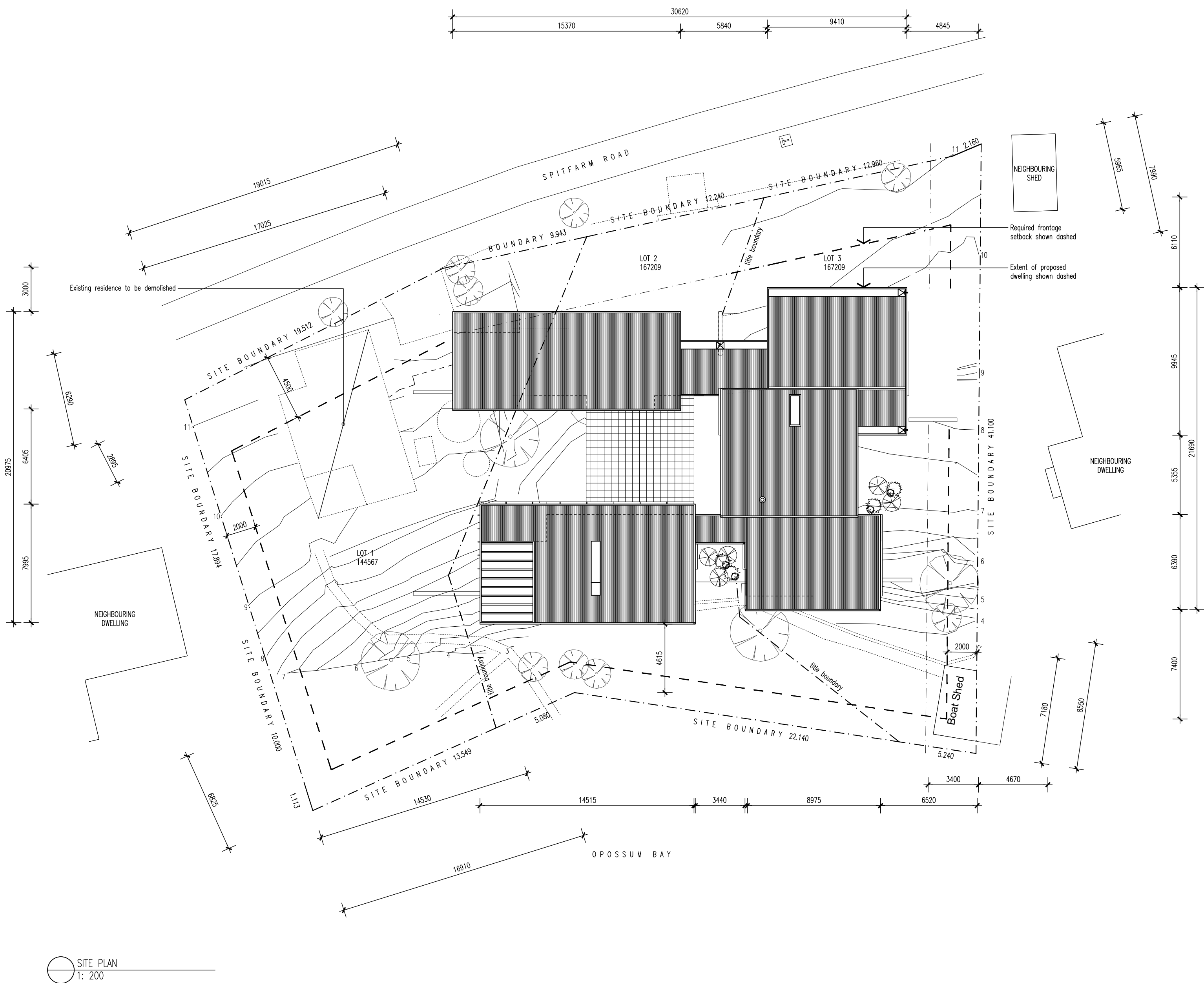
DESIGN DETAILS	
TITLE REFERENCES	
CERTIFICATE FOLIO	167209
VOLUME	2 + 3
CERTIFICATE FOLIO	144567
VOLUME	1

FLOOR AREAS	
EXISTING SITE AREA	1671.8 m ²
PROPOSED GROUND FLOOR	223 m ²
PROPOSED LEVEL 01	265.2 m ²
TOTAL FLOOR AREA	488.2 m ²

CLIMATE ZONE	7
DESIGN WIND SPEED	TBC
SOIL CLASSIFICATION	TBC
BAL RATING	N/A
CORROSION ENVIRONMENT	TBC

DRAWING SCHEDULE -
ARCHITECTURAL

DRAWING NO.	DRAWING	REVISION
A00-00	Cover Page + Site Plan	J
A02-00	Floor Plan - Ground	J
A02-10	Floor Plan - Level 01	J
A02-50	Roof Plan	J
A04-00	Elevations	J
A04-01	Elevations	J



NOTES

The portion of the site is located within a low landslip hazard area, according to City of Clarence Interim Planning Scheme 2015 Landslip Hazard Area Map 8. All excavation works are to be carried out in accordance with Excavation Work Code of Practice 2015 and all retaining walls will be designed and inspected during construction by a Structural Engineer.

All residents will have a remote control for the garage tilt-a-door (refer A02-00). Therefore there will be no queuing on site when exiting of entering.

All courtyard paving is to be permeable paving, unless otherwise notes.



Hobart
45 Guilford Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC30172
Melbourne
3 Throft Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

©No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

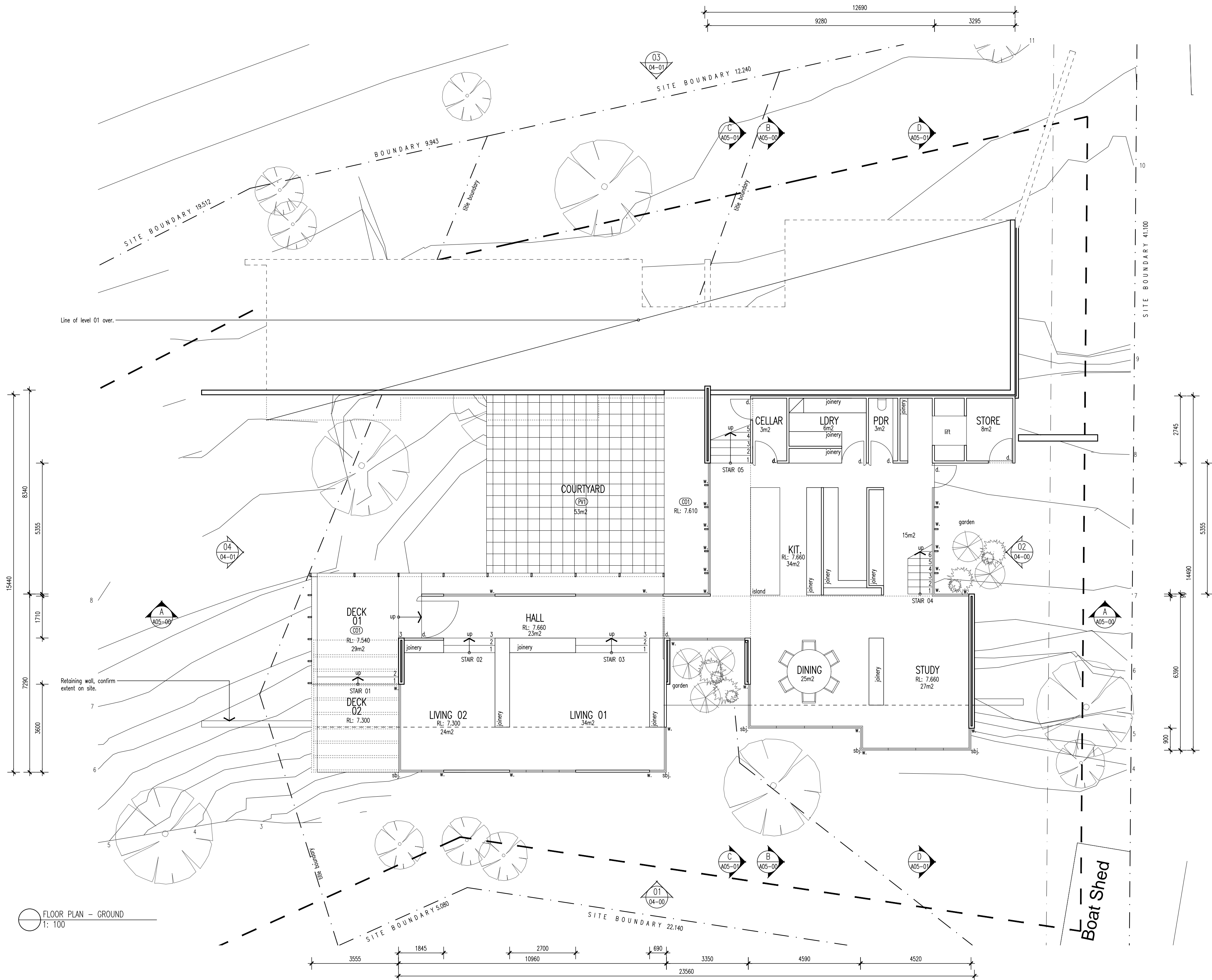


Proprietor NIGHTINGALE
Project NEW RESIDENCE
102- 104 SPITFARM ROAD, OPOSSUM BAY 7023
Drawing COVER PAGE + SITE PLAN

Scale 1:200 @ A2

Revision			
E	01/02/18	Client meeting 04 changes	BT DL
F	04/04/18	Additional art studio	BT DL
G	04/05/18	Bed room wing alterations	BT DL
H	12/06/18	Relocation	BT DL
I	10/07/18	Relocation + tank addition	SC DL
J	14/08/18	Issued for BA	NM DL
K	29/10/18	DA RFI RESPONSE	BT DL
Project No		17048	

Drawing Number



EXTERNAL FINISHES

- (CB1) Colorbond roof sheeting, profile and colour to future selection.
- (C01) Concrete, finish to future selection.
- (CS1) 6mm cement sheet cladding, butt joint silicone seal, point finish, colour to future selection.
- (CS2) 6mm cement sheet cladding, butt joint silicone seal, 90 x 45 timber batten over joint, point finish, colour to future selection.
- (PV1) Pavers, to future selection
- (ST1) Stone veneer.
- (TM1) Timber cladding (shiplap) on 30mm battens. Species to future selection

SCHEDULE

- w. New window
- d. New door
- sbj. Silicone butt joint
- sk1. Skylight, to future detail.

Preston
Lane

Robert
45 Guilburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC30173
Melbourne
3 Trevett Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

Ⓒ No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

Proprietor

NIGHTINGALE

Project

NEW RESIDENCE

102-104 SPITFARM ROAD, OPOSSUM BAY 7023

Drawing

FLOOR PLAN - GROUND

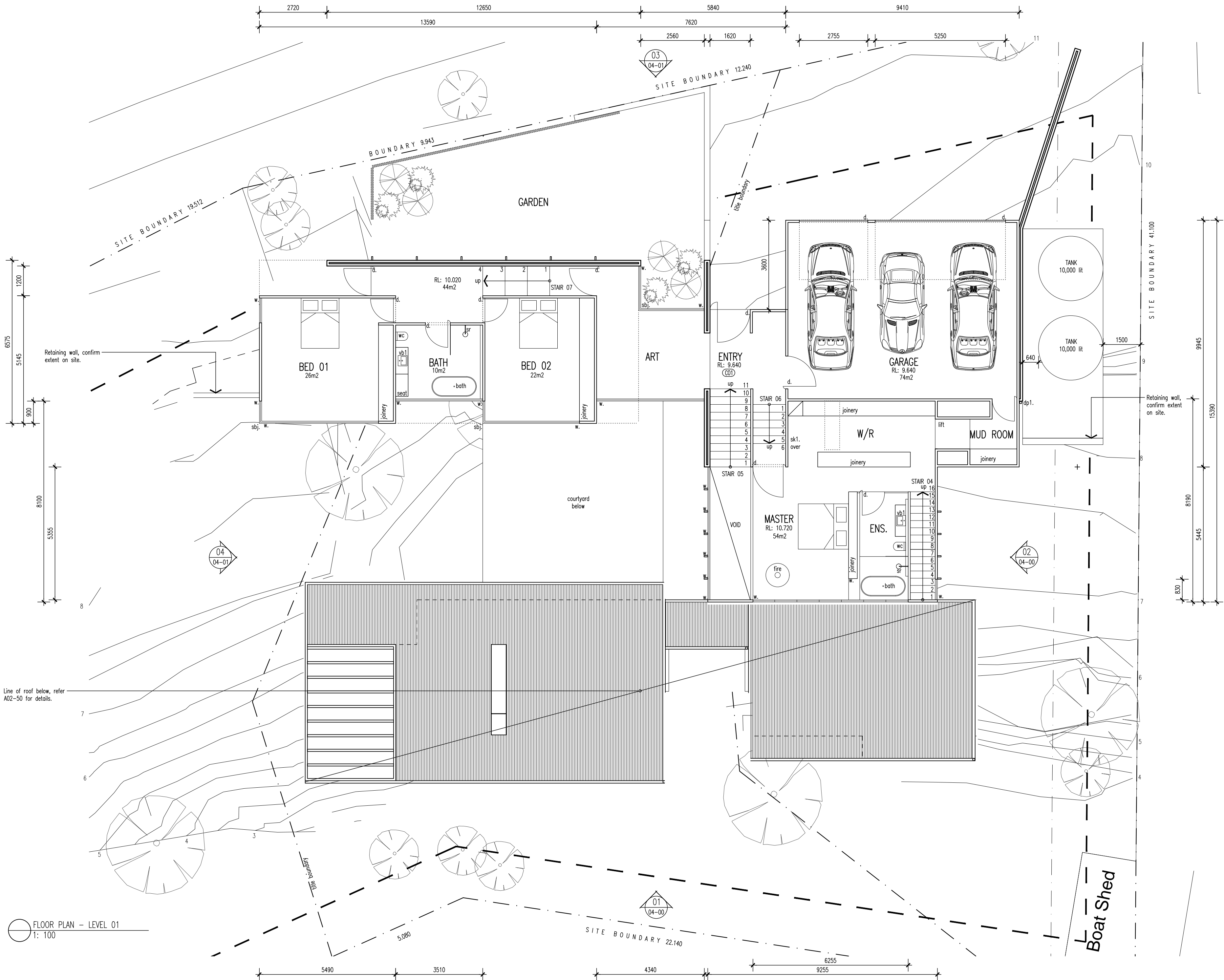
Scale

1:100 @ A2

Revision				
D	08/11/17	Client meeting 03 changes	RT	DL
E	01/02/18	Client meeting 04 changes	BT	DL
F	04/04/18	Additional art studio	BT	DL
G	04/05/18	Bed room wing alterations	BT	DL
H	12/06/18	Relocation	BT	DL
I	10/07/18	Relocation + tank addition	SC	DL
J	14/08/18	Issued for BA	NM	DL
Project No			17048	

Drawing Number

A02-00



EXTERNAL FINISHES

- (CB1) Colorbond roof sheeting, profile and colour to future selection.
- (C01) Concrete, Finish to future selection.
- (CS1) 6mm cement sheet cladding, butt joint silicone seal, point finish, colour to future selection.
- (CS2) 6mm cement sheet cladding, butt joint silicone seal, 90 x 45 timber batten over joint, point finish, colour to future selection.
- (PV1) Pavers, to future selection
- (ST1) Stone veneer.
- (TM1) Timber cladding (ship-lap) on 30mm battens. Species to future selection

SCHEDULE

- w. New window
- d. New door
- sbj. Silicone butt joint
- sk1. Skylight, to future detail.



Hobart
45 Gaulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC38172
Melbourne
3 Threlk Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

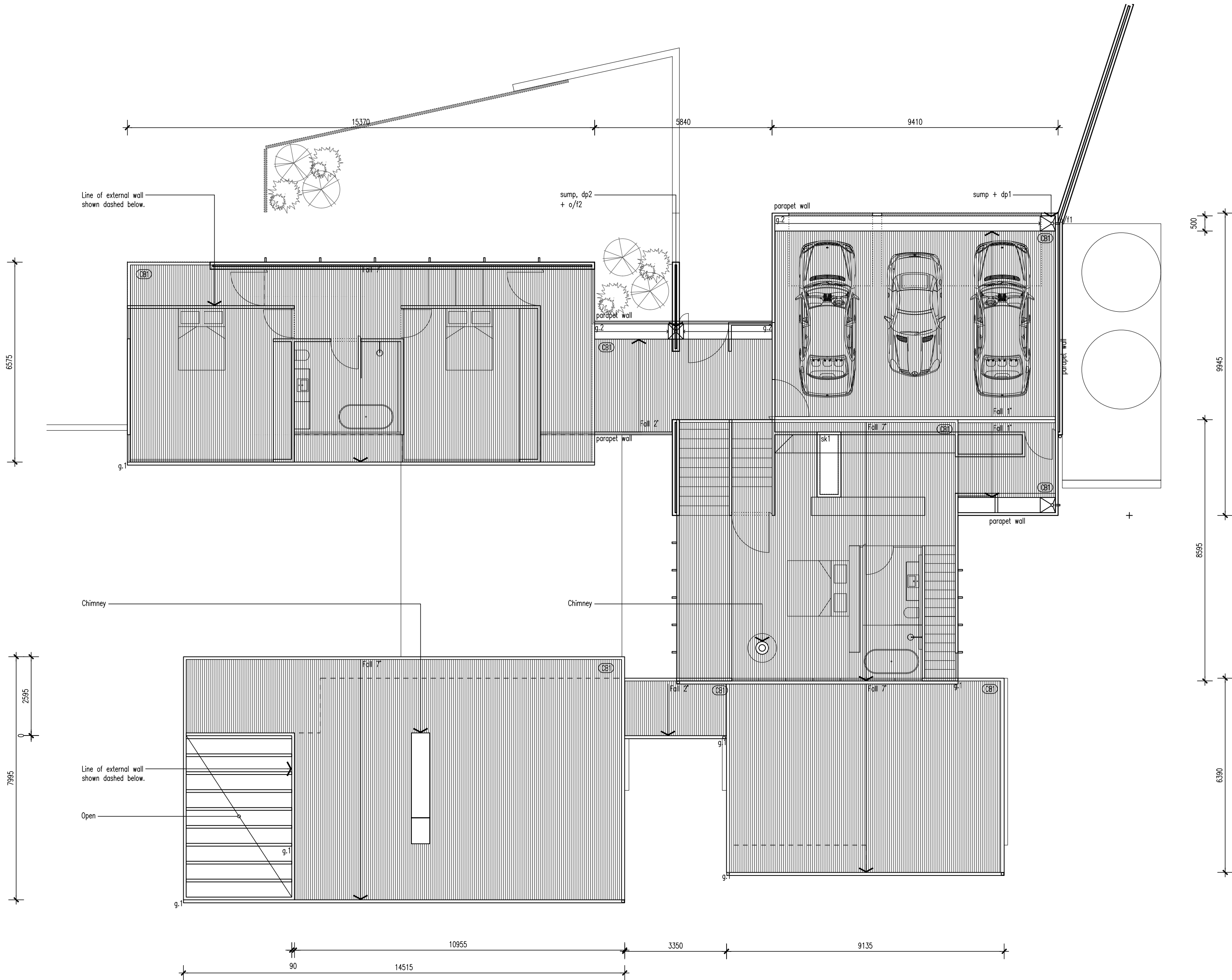
Ⓒ No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.



Proprietor NIGHTINGALE
Project NEW RESIDENCE
102-104 SPITFARM ROAD, OPOSSUM BAY 7023
Drawing FLOOR PLAN - LEVEL 01

Scale	1:100 @ A2			
Revision				
D	08/11/17	Client meeting 03 changes	BT	DL
E	01/02/18	Client meeting 04 changes	BT	DL
F	04/04/18	Additional art studio	BT	DL
G	04/05/18	Bed room wing alterations	BT	DL
H	12/06/18	Relocation	BT	DL
I	10/07/18	Relocation + tank addition	SC	DL
J	14/08/18	Issued for DA	NM	DL
Project No				

Drawing Number



- ROOF LEGEND**
- CB1 New clip-lok roof sheeting, colour to future selection. Base metal thickness 0.48.
 - g1. Stratco Smoothline eaves gutter.
 - g2. 500 x 150mm min (deep) Colorbond box gutter. 1 in 100 (min) fall to sump.
 - dp1 90mm diameter PVC down pipe, point finish colour to future selection.
 - dp2 90mm diameter PVC down pipe, concealed in wall cavity.
 - o/f Machine folded colorbond overflow. 50mm x 300mm (confirm).
 - o/f.2 Concealed internal overflow dp.
 - sk1 Capral St Lucia double glazed fixed skylight, refer details.

Notes
Supply and install proprietary infill strips to suit roof sheeting profiles, typical.

Roof Lights 3.12.1.3
Sk1
Roof light shaft index =
Percentage of roof light servicing the room =
Therefore;
Max U-Value =
Max SHGC =



Hobart
45 Gaulthier Street Hobart TAS 7000
T 61 3 6231 2023
ACC CC30173
Melbourne
3 Throft Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

Ⓒ No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

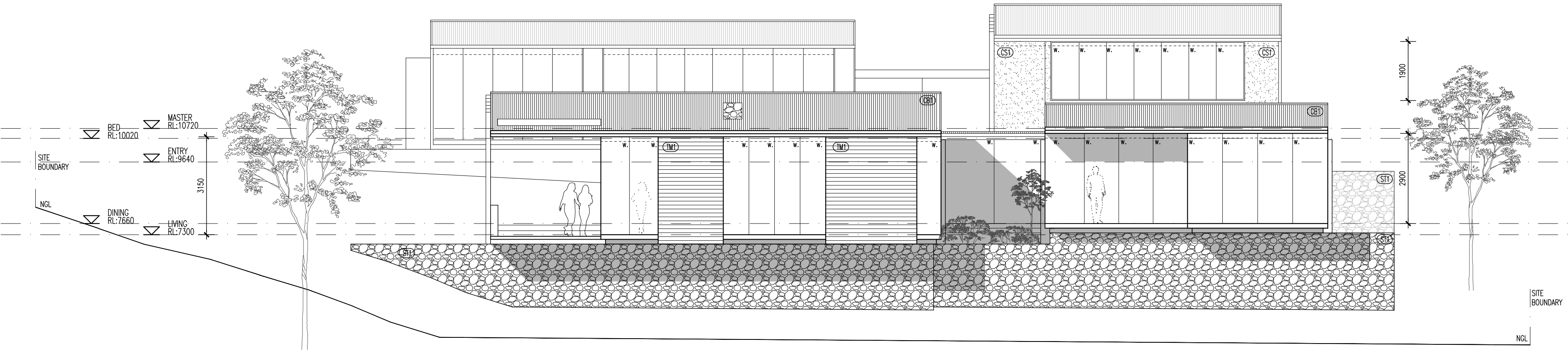


Proprietor
Project
Drawing
Scale

NIGHTINGALE
NEW RESIDENCE
102-104 SPITFARM ROAD, OPOSSUM BAY 7023
ROOF PLAN
1:100 @ A2

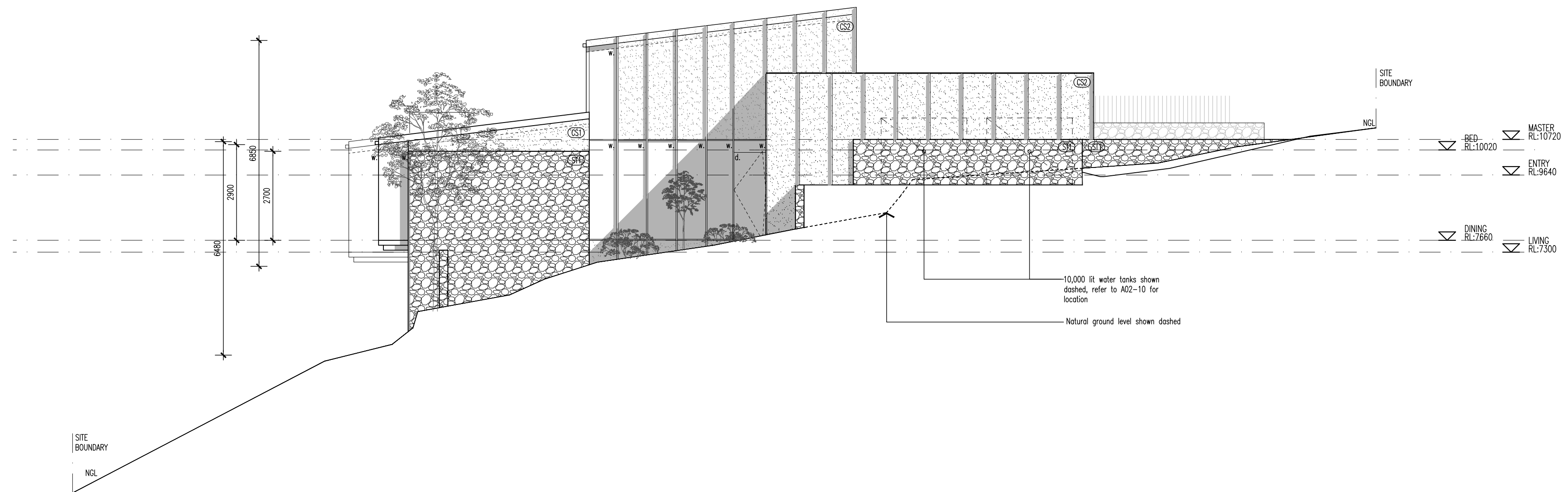
Revision				
D	08/11/17	Client meeting 03 changes	BT	DL
E	01/02/18	Client meeting 04 changes	BT	DL
F	04/04/18	Additional art studio	BT	DL
G	04/05/18	Bed room wing alterations	BT	DL
H	12/06/18	Relocation	BT	DL
I	10/07/18	Relocation + tank addition	SC	DL
J	14/08/18	Issued for BA	NM	DL
Project No			17048	

Drawing Number

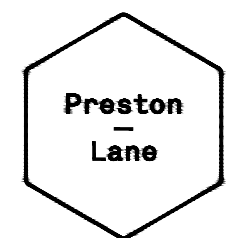


01 ELEVATION 01 (WEST)
A02-00 1: 100

- EXTERNAL FINISHES**
- (CB1) Colorbond roof sheeting, profile and colour to future selection.
 - (C01) Concrete. Finish to future selection.
 - (CS1) 6mm cement sheet cladding, butt joint silicone seal, paint finish, colour to future selection.
 - (CS2) 6mm cement sheet cladding, butt joint silicone seal, 90 x 45 timber batten over joint, paint finish, colour to future selection.
 - (PVI) Pavers, to future selection
 - (ST1) Stone veneer.
 - (TM1) Timber cladding (shipap) on 30mm battens. Species to future selection
- SCHEDULE**
- w. New window
 - d. New door
 - sbj. Silicone butt joint
 - sk1. Skylight, to future detail.



02 ELEVATION 02 (SOUTH)
A02-00 1: 100

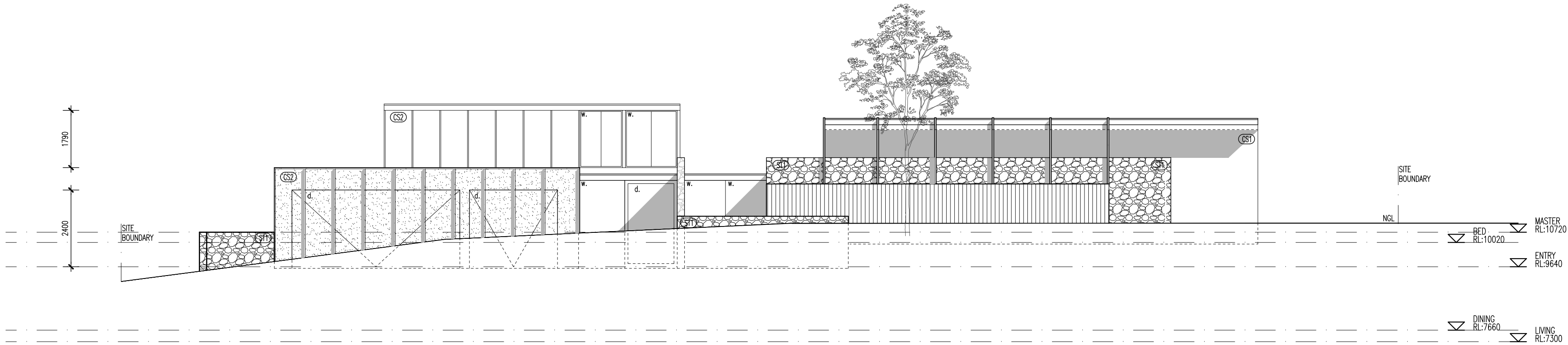


Hobart
45 Gaulthier Street Hobart TAS 7000
T 61 3 6231 2023
A02-00
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9427 8902
info@prestonlane.com.au
prestonlane.com.au

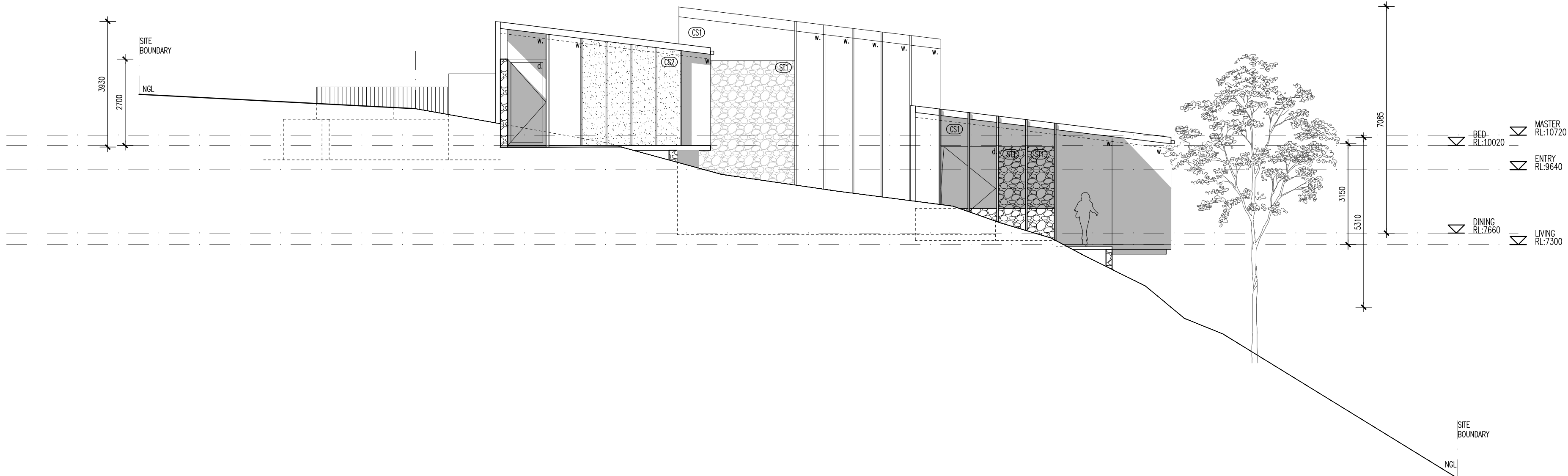
The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

© No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

Proprietor	NIGHTINGALE		
Project	NEW RESIDENCE		
	102-104 SPITFARM ROAD, OPOSSUM BAY 7023		
Drawing	ELEVATIONS		
Scale	1:100 @ A2		
Revision			
D	08/11/17	Client meeting 03 changes	RT DL
E	01/02/18	Client meeting 04 changes	BT DL
F	04/04/18	Additional art studio	BT DL
G	04/05/18	Bed room wing alterations	BT DL
H	12/06/18	Relocation	BT DL
I	10/07/18	Relocation + tank addition	SC DL
J	14/08/18	Issued for BA	NM DL
Project No	17048		
Drawing Number	A04-00		



03 ELEVATION 03 (EAST)
A02-00 1: 100



04 ELEVATION 04 (NORTH)
A02-00 1: 100



Hobart
45 Gaulthier Street Hobart TAS 7000
T 61 3 6231 2023
ACC CC30177
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.
© No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

Proprietor	NIGHTINGALE		
Project	NEW RESIDENCE 102-104 SPITFARM ROAD, OPOSSUM BAY 7023		
Drawing	ELEVATIONS		
Scale	1:100 @ A2		
Revision			
D 08/11/17	Client meeting 03 changes	RT	DL
E 01/02/18	Client meeting 04 changes	BT	DL
F 04/04/18	Additional art studio	BT	DL
G 04/05/18	Bed room wing alterations	BT	DL
H 12/06/18	Relocation	BT	DL
I 10/07/18	Relocation + tank addition	SC	DL
J 14/08/18	Issued for DA	NM	DL
Project No	17048		

Drawing Number

102, 102A & 104 Spitfarm Road, OPOSSUM BAY



View from Spitfarm Road looking towards the adjoining property at 100 Spitfarm Road.



View of site from Spitfarm Road.



View of dwelling on 104 Spitfarm Road.

11.3.6 DEVELOPMENT APPLICATION D-2018/579 - 36 AND 38 FREDERICK HENRY PARADE, CREMORNE - 4 MULTIPLE DWELLINGS
(File No. D-2018/579)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 4 Multiple Dwellings at 36 and 38 Frederick Henry Parade, Cremorne.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Waterway and Coastal Protection, Coastal Erosion Hazard, Parking and Access, Stormwater Management and On-site Wastewater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expired on 22 November 2018 but was extended with the consent of the applicant until 4 December 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 33 representations were received (26 objections and 7 in support including one from the property owners) raising the following issues:

- Multiple dwellings;
- Visual impact;
- Overshadowing;
- Rezoning to Low-density Residential;
- Impact on dunes;
- Water usage;
- Lack of sunlight to dwellings;
- Car parking;
- Wastewater;
- Traffic;
- Loss of privacy;

- Public walkway ; and
- General support.

RECOMMENDATION:

- A. That the Development Application for 4 Multiple Dwellings at 36 and 38 Frederick Henry Parade, Cremorne (CI Ref D-2018/579) be refused for the following reason:
1. The proposal does not comply with 16.4.2 P2 as the proposal will cause an unreasonable adverse impact from overshadowing on the residential amenity of the adjoining property at 34 Frederick Henry Parade.
- 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 Village under the Scheme and is subject to the Waterway and Coastal Protection, Coastal Erosion Hazard, Parking and Access, Stormwater Management and On-site Wastewater Management Codes.
- 2.2.** The proposal is Discretionary because of the use and 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 – Village Zones;
 - Section E6.0 –Parking and Access Code;
 - Section E7.0 – Stormwater Management Code;
 - Section E11.0 – Waterway and Coastal Protection Code;
 - Section E16.- Coastal Erosion Hazard; and
 - Section E23.0 – On-site Wastewater 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 contained within 2 titles at 36 Frederick Henry Parade and 38 Frederick Henry Parade and has a total site area of 1449.2m². The site adjoins Frederick Henry Parade to the east, a residential property to the north, separated from the site by a 6m wide public walkway, Cremorne Beach to the east and a residential property to the south.

The site contains an existing single storey dwelling and outbuilding which is located over the boundary between 36 and 38 Frederick Henry Parade.

3.2. The Proposal

The proposal is for 4 conjoined Multiple Dwellings and includes the demolition of the existing dwelling and outbuildings. All are three storeys and contain a double garage on the ground level. The building will have a maximum height of 7.839m above natural ground level and includes excavation to a depth of 2.4m to provide for the garages on the lower floor.

Each dwelling will contain a deck on the lower and upper floors on the eastern elevation and a deck on the lower floor on the western elevation. The building uses a combination of external cladding types and finishes.

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.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Village Zone and Waterway and Coastal Protection, Coastal Erosion Hazard, Parking and Access, Stormwater Management and On-site Wastewater Management Codes with the exception of the following:

Village Zone:

Clause	Standard	Acceptable Solution	Proposed
16.4.2 A1	Setback	Building setback from side and rear boundaries must be no less than: (a) 2 m; (b) half the height of the wall, whichever is the greater.	Does not comply as follows: Setback of 2.2m to the southern boundary which is a variation from 3.7m (half the height of the 7.34m high wall) Setback of 2.2m to the northern boundary which is a variation from 3.8m (half the height of the 7.6m high wall).

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 16.4.2 as follows:

Performance Criteria	Proposal
Building setback from side and rear boundaries must satisfy all of the following: (a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:	

(i) overlooking and loss of privacy	<p>The proposal includes screening to the upper level decks on the northern and southern elevation which will ensure that the adjoining properties are not subject to overlooking from the development.</p> <p>The proposal includes highlight windows on the upper floor level on the northern and southern elevations which will also prevent overlooking to the adjoining properties.</p>
(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;	<p>No 34 Frederick Henry Parade is located to the south of the development site and has full length living room window on its north and eastern elevations on the upper floor. The window on the northern elevation is 2.4m high and 2m wide. The overshadowing diagrams and information provided by the applicant shows that a portion of the window on the northern elevation of 34 Frederick Henry Parade will be overshadowed all day on 21 June leaving a maximum section of the window measuring 1.5m of its 2.4m height, free of overshadowing (at 12pm).</p> <p>The windows on the eastern elevation of 34 Frederick Parade, overlooking the beach, obtain direct sunlight from 10am to 11am and by 12pm are starting to be overshadowed by its roof above the deck.</p> <p>Whilst part of the window on the northern elevation of 34 Frederick Henry Parade will receive at least 3 hours of sunlight between 9.00 am and 5.00 pm on June 21, the proposed development will substantially reduce the area of this window that currently receives sunlight.</p> <p>In assessing the overshadowing impact on the adjoining dwelling, the previous decision of the <i>Resource Management Planning and Tribunal</i> must be considered and in this case, the most relevant recent decision is <i>J Fewkes v Clarence City Council [2016] TASRMPAT 30</i> (Attachment 4) Whilst this decision related to the General Residential zone provisions of the Scheme, the method of determining what amount of sunlight received through a window is relevant to the current proposal.</p> <p>In this decision, the Tribunal considered that the <i>‘sunlight into habitable rooms is a matter of particular importance in the Tasmanian context. An unreasonable loss of amenity will occur when multiple dwellings will cause an excessive loss of sunlight to another dwelling or excessive interruption thereto. In cases where a habitable room receives reduced or only intermittent patches of sunlight, the loss of that which was previously enjoyed may amount to “an unreasonable loss”. The matter requires consideration on a case by case basis...’</i></p> <p>In the case of the Fewkes decision, an existing window, which currently received 6 hours of sunlight, was overshadowed by a proposed dwelling to the north which reduced the amount of sunlight to less than 3 hours.</p>

	<p>The Tribunal found that, in the case of the Fewkes decision, that <i>‘in order for the sunlight received to have an appreciable impact on amenity, most of the subject window should be in sun in order to be measured in three hours on 21st June. The sunlight received, on the Appellants case, is precious for its scarcity. It is not plentiful or meaningfully continuous and the standard cannot be considered satisfied in that there is not ‘received’ (in the requisite sense) three hours of sunlight.’</i></p> <p>In making its decision, the Tribunal considered that there are a range of matters that an assessment should have regard to including the size of the window, proportion of the area of the window receiving sunlight and the density of the proposed development.</p> <p>In the case of the proposed development, the large living room windows on the eastern elevation of 34 Frederick Henry Parade receive sunlight during the morning on 21 June but start to be overshadowed by the roof over its upper level deck from 11am and by 12pm the amount of sunlight received into the living room windows would be significantly reduced. The afternoon sunlight would then be mainly from the window on the northern elevation.</p> <p>Although the living room will receive 3 hours of sunlight, after taking into account the loss in the area of sunlight received through the only living room window on the northern elevation, and the proportion of this window that will be overshadowed, it is considered that the proposal to reduce the side setback will result in an unreasonable impact to the adjoining property at 34 Frederick Henry Parade and on this basis should not be supported.</p>
<p>(iii) visual impact, when viewed from adjoining lots, through building bulk and massing;</p> <p>taking into account aspect and slope.</p>	<p>When viewed from the adjoining lots to the north and south, the proposed building appears like a 2 storey dwelling and its height and form is similar that of the adjoining dwellings.</p> <p>Whilst the conjoined nature of the dwellings is not typical of dwellings in the area which consists generally of detached single dwellings, it is considered that the building when viewed from properties on the western side of Frederick Henry Parade does not have an unreasonable visual impact through its compatible height and articulation of the southern and northern elevations through use of a combination of cladding materials and windows.</p>

Waterway and Coastal Protection Code:

Clause	Standard	Acceptable Solution	Proposed
E11.7.1 A1	Buildings and 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.	Dwelling is not located within a building area on the title.

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

Performance Criteria	Proposal
<p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <p>(a) avoid or mitigate impact on natural values;</p>	<p>The proposal is for a dwelling on existing residential lots which are currently used for residential purposes. The location of the dwelling is within the existing cleared area of the site and is considered acceptable providing that the works are undertaken in accordance with recommended conditions, discussed below.</p>
<p>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</p>	<p>Stormwater run-off from the roof will be directed into rainwater tanks. To ensure that the proposal will not have an impact on the coastline, it is recommended that a condition be included on any permit to require an erosion and sedimentation control plan in accordance with the <i>Hobart Regional Soil and Water Management on Building and Construction Sites</i>. Protection of the coastal dunes and vegetation located on the beach adjoining the site must also be considered.</p> <p>The dwelling located on 38 Frederick Henry Parade has an existing access to the beach through the dunes. The proposal shows timber steps from each of the four decks which lead to a path located within the property boundary but the location of access through the dunes is not shown. The applicant has confirmed that the intended access to the beach for all dwellings will be via the existing formed path from the dwelling at 38 Frederick Henry Parade.</p> <p>The retention of the existing vegetation on the sand dunes is a relevant issue to ensure that the development does not cause coastal erosion through the removal of vegetation. If the development were to be approved, a condition should be included requiring that all access to the beach must be via the existing public access path adjacent to the boundary to the north and the site should be adequately treated to ensure that no additional vegetation is removed from the coastal dune system.</p>
<p>(c) avoid or mitigate impacts on riparian or</p>	<p>The proposal does not require the removal of any</p>

	littoral vegetation;	littoral vegetation.
(d)	maintain natural streambank and streambed condition, (where it exists);	N/A
(e)	maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	N/A
(f)	avoid significantly impeding natural flow and drainage;	N/A
(g)	maintain fish passage (where applicable);	N/A
(h)	avoid landfilling of wetlands;	N/A
(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.	If approved, an erosion plan will be required in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).

Coastal Erosion Hazard Code:

Clause	Standard	Acceptable Solution	Proposed
E16.7.1 A1	Buildings and Works	No Acceptable Solution	Multiple Dwellings

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

Performance Criteria	Proposal
Buildings and works must satisfy all of the following: (a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;	A Coastal Vulnerability Assessment (GES, September 2018) was submitted with the application which concluded that the proposal was an acceptable solution to managing potential site risks providing that the recommendations in the report regarding building design and construction are adhered to. Council's Engineer has reviewed the report and are satisfied that the proposal will not increase the level of risk to the life of the users of the site, adjoining properties or public infrastructure. If approved, a condition should be included on the permit to require the development to be in accordance with the recommendations of the above report.
(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;	The Coastal Vulnerability Assessment concluded that the site is vulnerable to erosion, however the risk is acceptable providing that the recommendations in the report regarding building design and construction are adhered to. This includes ensuring that all building foundations are to be seated with in the stable

	foundation zone and engineered to withstand lateral forces when eroded.
(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;	As above.
(d) need for future remediation works is minimised;	The recommendations in the above report are to ensure that remediation works within the buildings life expectancy are minimised.
(e) health and safety of people is not placed at risk;	As above.
(f) important natural features are adequately protected;	Discussed above in the assessment against the Performance Criteria for Clause E11.7.1.
(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;	Not applicable.
(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;	Access to the site from Frederick Henry Parade will not be lost or substantially compromised.
(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;	Not applicable.
(j) not be located on an actively mobile landform.	The report concludes that the development is not located on an actively mobile dune system.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 33 representations were received (26 objections and 7 in support, including one from the property owners). The following issues were raised by the representors.

5.1. Multiple dwellings

Concerns were raised that the development is not appropriate for a coastal village and is out of character with the surrounding area which is predominantly detached single dwellings.

- **Comment**

Multiple dwelling is a Discretionary use in the zone and can be approved if it is demonstrated that it meets the relevant standards in the zone. In this case, the discretionary aspect of the application relates to the side boundary setbacks and the Performance Criteria require an assessment of the impact on the amenity of the adjoining properties and does not require an assessment of compatibility of the character of the area.

5.2. Visual impact

Concern was raised that the proposal would have an unreasonable visual impact on adjoining properties and the beach through the bulk and mass of the building, the continuous wall fronting the beach and the decks and privacy walls that extend past the building line of neighbouring dwellings.

- **Comment**

The proposed development has a greater density of dwellings than that typically found in the area. However, density is not a relevant planning consideration as discussed previously, its height and form is similar to that of the adjoining dwellings and when viewed from the adjoining properties and therefore would not have an unreasonable visual impact.

Consideration of the visual impact of the development from the beach is not relevant to the assessment. The only standard that requires an assessment of the impact on public spaces is in Clause 16.4.1 P1 which relates to the maximum height of a development and requires consideration of whether a development overshadows adjacent public open space. In this case, the proposal complies with the Acceptable Solution for maximum height and therefore, the concern regarding impact on the beach is not relevant.

5.3. Overshadowing

Concern was raised that the proposal would result in an unreasonable level of overshadowing to the adjoining property to the south and the beach.

- **Comment**

As discussed previously in the report, the proposal reduces the amount of sunlight currently received through the only north facing window to the living room at 34 Frederick Henry Parade, due to the variation to the side setback standard. On this basis, the proposal is recommended for refusal.

As discussed above, the concern regarding overshadowing of the beach is not a relevant planning consideration.

5.4. Impact on dunes

Concern was raised that the proposal will have an unreasonable impact on the dune system from services including the wastewater system and the additional foot traffic generated by the development. It was suggested that the owners be required to use the adjacent public access to the beach from their property.

- **Comment**

It is considered that the building will not have an unreasonable impact on the coastal dune system as the dwelling is not located on an actively mobile dune system and if the development is approved, an erosion control plan would be required to be submitted with a building application which will ensure that the dunes are not affected during the construction of the building. A wastewater report has confirmed that there is sufficient area on the site to contain a wastewater system for the dwellings which complies with the On-site Wastewater Code.

The concern regarding the potential for numerous accesses through the dunes is relevant and has been discussed previously in the report. If approved, it is recommended that a condition be included that restricts access to the beach through the existing form path to minimise the impact of the development to the dune system.

5.5. Rezoning to Low-density Residential

Concern was raised that the approval of multiple dwellings would set a precedent in the area and may adversely affect the proposal to rezone the Cremorne area to Low Density Residential as was proposed by residents in Cremorne.

- **Comment**

Council has prepared its Local Planning Provisions for the future Tasmanian Planning Scheme and has proposed that the current Village zones covering several small communities, including Cremorne, be zoned Low Density Residential. However, until this is approved, it cannot over-ride the discretionary status of the proposal under the current Scheme.

5.6. Water usage

Concern was raised that proposed roof area will not generate enough water to meet the water requirements of the dwelling.

- **Comment**

The anticipated water usage for the dwellings is not a relevant planning consideration.

5.7. Lack of sunlight to dwellings

Concern was raised that the orientation of the dwellings will not allow adequate sunlight into each dwelling.

- **Comment**

The Village zone does not include standards regarding to the provision of sunlight into dwellings on the same site and on this basis, this issue does not have relevant planning consideration.

Notwithstanding the above, the building will be required to comply with standards of the Building Code of the Australia regarding light, ventilation and energy efficiency.

5.8. Car parking

Concern was raised that the proposal does not provide adequate car parking to service the development.

- **Comment**

The proposal meets the Parking and Access Code and therefore this is not a relevant planning consideration.

5.9. Wastewater

Concern was raised that the proposed wastewater system will not cope with the high levels of occupancy anticipated with the development.

- **Comment**

The proposal includes an On-site Wastewater Assessment which has assessed the development based on the maximum loading of a maximum occupancy of 5 people per person and tank water supply. Council's Environmental Health Officer has assessed the above report and considered that the proposed system meets all standards of the On-site Wastewater Code and is satisfactory.

5.10. Traffic

Concern was raised that the proposal will result in additional traffic movements to the site which will impact on the amenity of the area. Particular concern was raised regarding the frequency of water trucks that are likely to be generated by the development.

- **Comment**

This issue is not a relevant planning consideration. However, Council's engineers are satisfied that Frederick Henry Parade is of a suitable standard to cope with the additional traffic generated by the development. The provision of water trucks may be anticipated, however, the supply of water to the dwellings in this manner is not a relevant planning consideration

5.11. Loss of privacy

Concern was raised that the proposal will result in a loss of privacy to the private open space of the adjoining property to the north.

- **Comment**

The proposed includes privacy screens to the northern side of the upper floor deck which will prevent direct views from these decks to the adjoining property. The lower ground deck on the eastern elevation is proposed to be less than 1m above natural ground level. Taking into consideration the vegetation located along the southern boundary of private open space at 40 Frederick Henry Parade, the relatively low height of the ground level deck, and 6m wide public walkway that separates the two dwellings, the proposal should not result in an unreasonable loss of privacy.

5.12. Public walkway

Concern was raised that the proposed building would result in an ‘alley’ like effect to the public walkway leading to the beach.

- **Comment**

Consideration of the impact of the development on the public walkway is only relevant where the development requires discretion to the maximum height and only in respect of overshadowing impacts. As the proposal meets the Acceptable Solution for maximum height, this issue cannot have relevant planning consideration.

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 or any other relevant Council policy.

9. CONCLUSION

The proposal for 4 Multiple Dwellings is considered to result in an unreasonable impact on the amenity of the adjoining property at 34 Frederick Henry Parade.

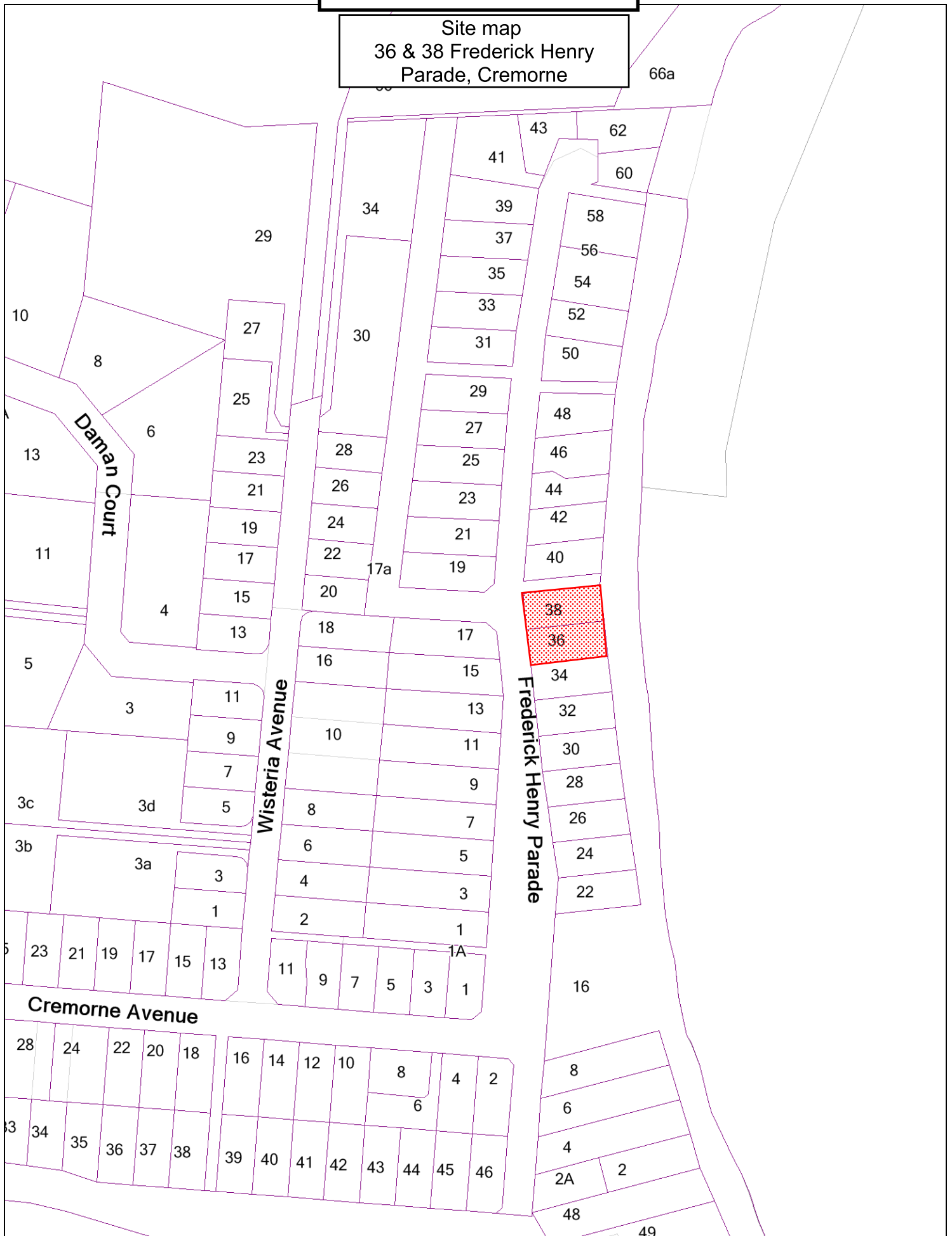
Attachments: 1. Location Plan (1)
2. Proposal Plan (19)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1

Site map
36 & 38 Frederick Henry
Parade, Cremorne



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 26 November 2018 **Scale:** 1:2,452 @A4



PROPOSED DWELLINGS - 36 & 38 FREDERICK HENRY PARADE, CREMORNE

DW+Λ

INDEX:

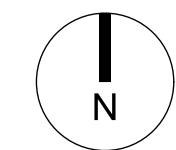
- SHEET 01 - INDEX AND SITE LOCATION PLAN
- SHEET 02 - SITE PLAN
- SHEET 03 - DETAIL SITE PLAN (RFI RESPONSE)
- SHEET 04 - LOWER GROUND FLOOR PLAN
- SHEET 05 - GROUND FLOOR PLAN
- SHEET 06 - FIRST FLOOR PLAN
- SHEET 07 - NORTH AND EAST ELEVATIONS
- SHEET 08 - SOUTH AND WEST ELEVATIONS
- SHEET 09 - FRONT BOUNDARY FENCE AND STREETSCAPE
- SHEET 10 - DESIGN ANALYSIS AND EXISTING CONTEXT
- SHEET 11 - 2D SHADOW DIAGRAMS/PROJECTIONS
- SHEET 12 - SIDE SETBACK AND HEIGHT RELATIONSHIPS
- SHEET 13 - EXTERNAL PERSPECTIVE IMAGES
- SHEET 14 - EXTERNAL PERSPECTIVE IMAGES AND PHOTO MONTAGE
- SHEET 15 - PHOTOGRAPHIC CONTEXT STUDY AND MONTAGE
- SHEET 16 - 3D SHADOW PROJECTIONS (RFI RESPONSE)
- SHEET 17 - 3D SHADOW PROJECTIONS (RFI RESPONSE)
- SHEET 18 - 3D SHADOW PROJECTIONS AND EXPLANATORY NOTES (RFI RESPONSE)

AMENDMENT SCHEDULE:

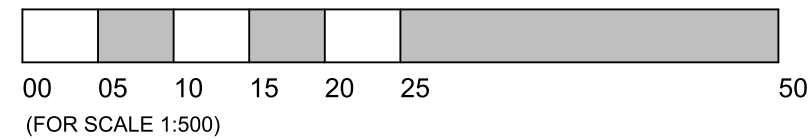
DATE	REV No	DETAIL
12-10-18	REV01	RESPONSE TO COUNCIL RFI ISSUED 9TH OCTOBER 2018 FOR DA D-2018/579 3D SHADOW DIAGRAMS - SEE SHEETS 16, 17 & 18 WATER STORAGE - RAIN WATER TANKS SHOWN ON SITE PLAN, WITH DETAIL ON LOWER GROUND FLOOR PLAN (SHEET 04) AMENDED WASTE WATER DESIGN - TWIN TANK SYSTEM AS SHOWN ON SITE PLANS (SHEET 02/03) AND REVISED REPORT GEO SOLUTIONS PTY LTD
30-10-18	REV02	RESPONSE TO COUNCIL RFI ISSUED 23RD OCTOBER 2018 FOR DA D-2018/579 NOTES RELATING TO DRIVEWAY AND GARAGE RETAINING WALLS RELATIVE TO WASTE WATER, KERB DETAIL TO DRIVEWAY - SEE SHEET 03 AND ACCOMPANYING LETTER BY JSA ENGINEERS

LEGEND:

- = LOCATION OF PROPOSED DEVELOPMENT AND EXISTING SITE CONDITIONS
- = NEIGHBOURING PROPERTIES AND TITLE BOUNDARIES



SCALE:



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE



SITE LOCATION - SCALE 1:500

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

INDEX AND SITE LOCATION

Drawn XW CC:1660

Scale - 1:500

Date: OCT 2018

Checked



PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au

AREAS:

DWELLING 1 & 4 AREAS:
PROPOSED LOWER LEVEL GARAGE = 57.80M2
PROPOSED GROUND FLOOR LIVING = 149.15M2
PROPOSED GROUND FLOOR DECKS/TERRACES = 53.34M2
PROPOSED FIRST FLOOR LIVING = 137.39M2 (INCLUDING VOID AREA)
PROPOSED FIRST FLOOR DECK = 7.53M2

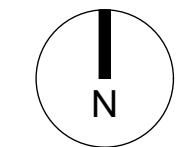
DWELLING 2 & 3 AREAS:
PROPOSED LOWER LEVEL GARAGE = 57.40M2
PROPOSED GROUND FLOOR LIVING = 147.33M2
PROPOSED GROUND FLOOR DECKS/TERRACES = 51.94M2
PROPOSED FIRST FLOOR LIVING = 138.59M2 (INCLUDING VOID AREA)
PROPOSED FIRST FLOOR DECK = 5.02M2

EXISTING DWELLING TO BE DEMOLISHED = 103.24M2
EXISTING OUTBUILDINGS TO BE DEMOLISHED = 17.77M2

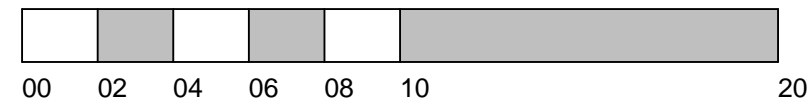
SITE AREA (LOT 161/54550) = 724.6M2M2
SITE AREA (LOT 162/54550) = 724.6M2M2
TOTAL SITE AREA = 1,449.2M2

LEGEND:

- [Hatched Box] = PROPOSED DWELLING
- [White Box] = PROPOSED DECK
- [Dashed Line] = EXISTING DWELLING (TO BE DEMOLISHED)
- [Dotted Line] = ROOF, EAVE OR STRUCTURE OVER
- [Contour Line] = EXISTING GROUND CONTOUR LINE AND RL



SCALE:



SITE PLAN - SCALE 1:200

AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 02

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

SITE PLAN

Drawn XW CC:1660	Scale - 1:200 (A2)
Date: OCT 2018	Checked

DW+A

PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au

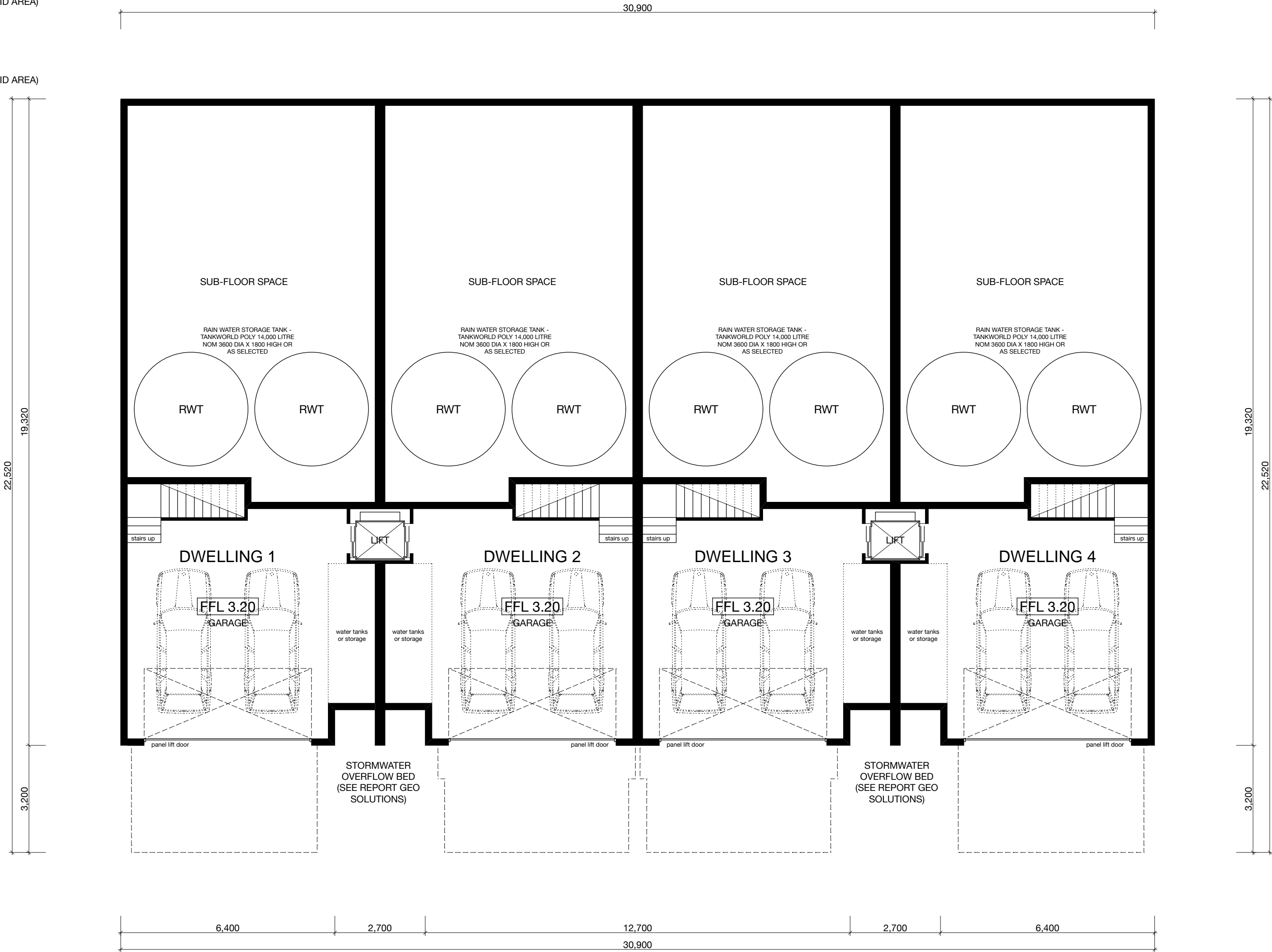
AREAS:

DWELLING 1 & 4 AREAS:
PROPOSED LOWER LEVEL GARAGE = 57.80M2
PROPOSED GROUND FLOOR LIVING = 149.15M2
PROPOSED GROUND FLOOR DECKS/TERRACES = 53.34M2
PROPOSED FIRST FLOOR LIVING = 137.39M2 (INCLUDING VOID AREA)
PROPOSED FIRST FLOOR DECK = 7.53M2

DWELLING 2 & 3 AREAS:
PROPOSED LOWER LEVEL GARAGE = 57.40M2
PROPOSED GROUND FLOOR LIVING = 147.33M2
PROPOSED GROUND FLOOR DECKS/TERRACES = 51.94M2
PROPOSED FIRST FLOOR LIVING = 138.59M2 (INCLUDING VOID AREA)
PROPOSED FIRST FLOOR DECK = 5.02M2

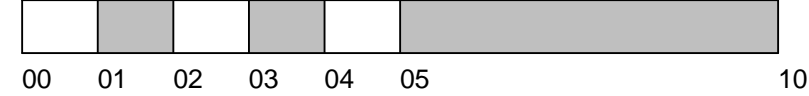
EXISTING DWELLING TO BE DEMOLISHED = 103.24M2
EXISTING OUTBUILDINGS TO BE DEMOLISHED = 17.77M2

SITE AREA (LOT 161/54550) = 724.6M2M2
SITE AREA (LOT 162/54550) = 724.6M2M2
TOTAL SITE AREA = 1,449.2M2



LOWER GROUND FLOOR PLANS

SCALE:



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

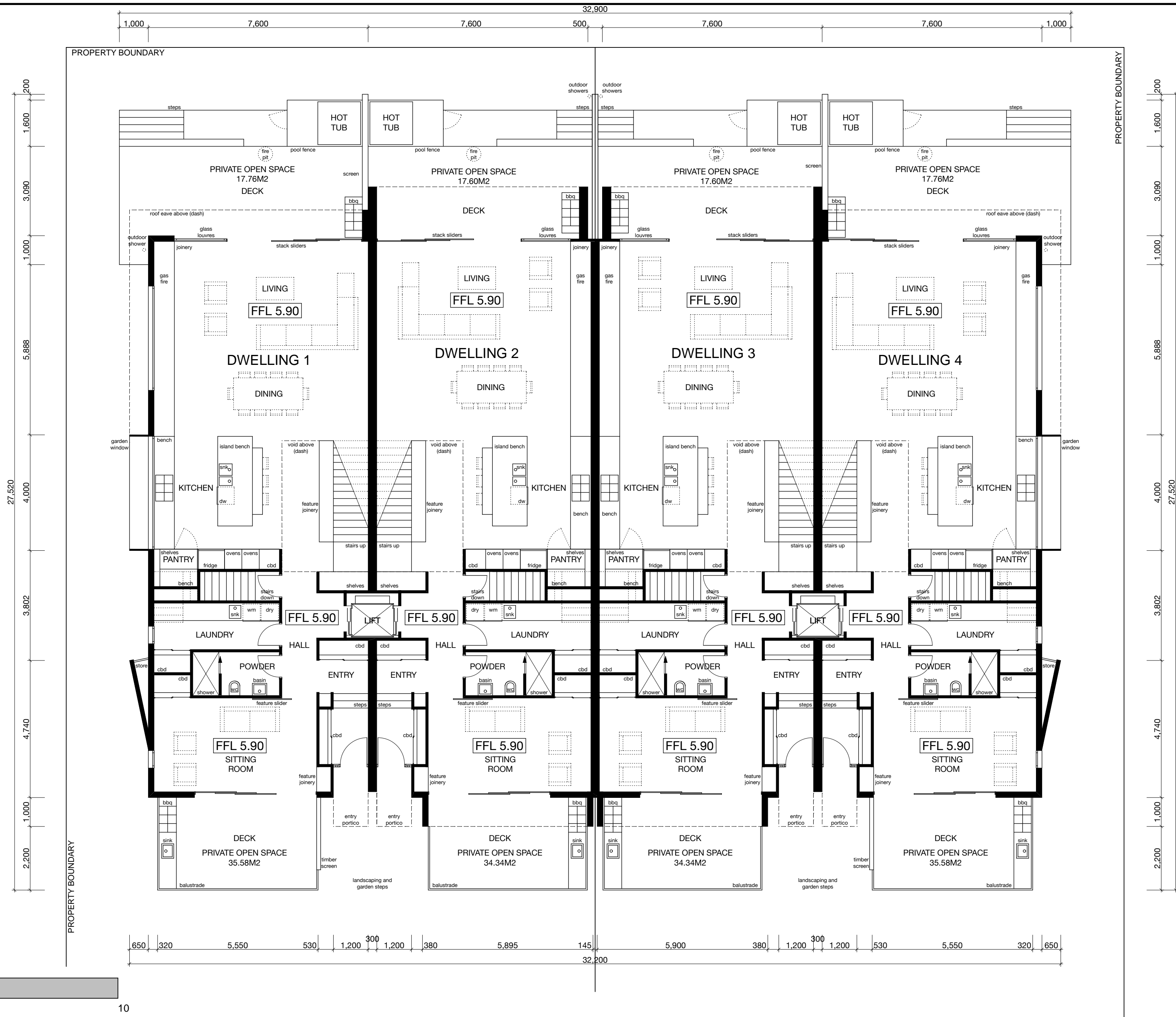
SHEET 04

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

FLOOR PLANS

Drawn XW CC:1660	Scale - 1:100 (A2)
Date: OCT 2018	Checked

DW+
PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au



GROUND FLOOR PLANS

AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 05

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

FLOOR PLANS

Drawn XW CC:1660

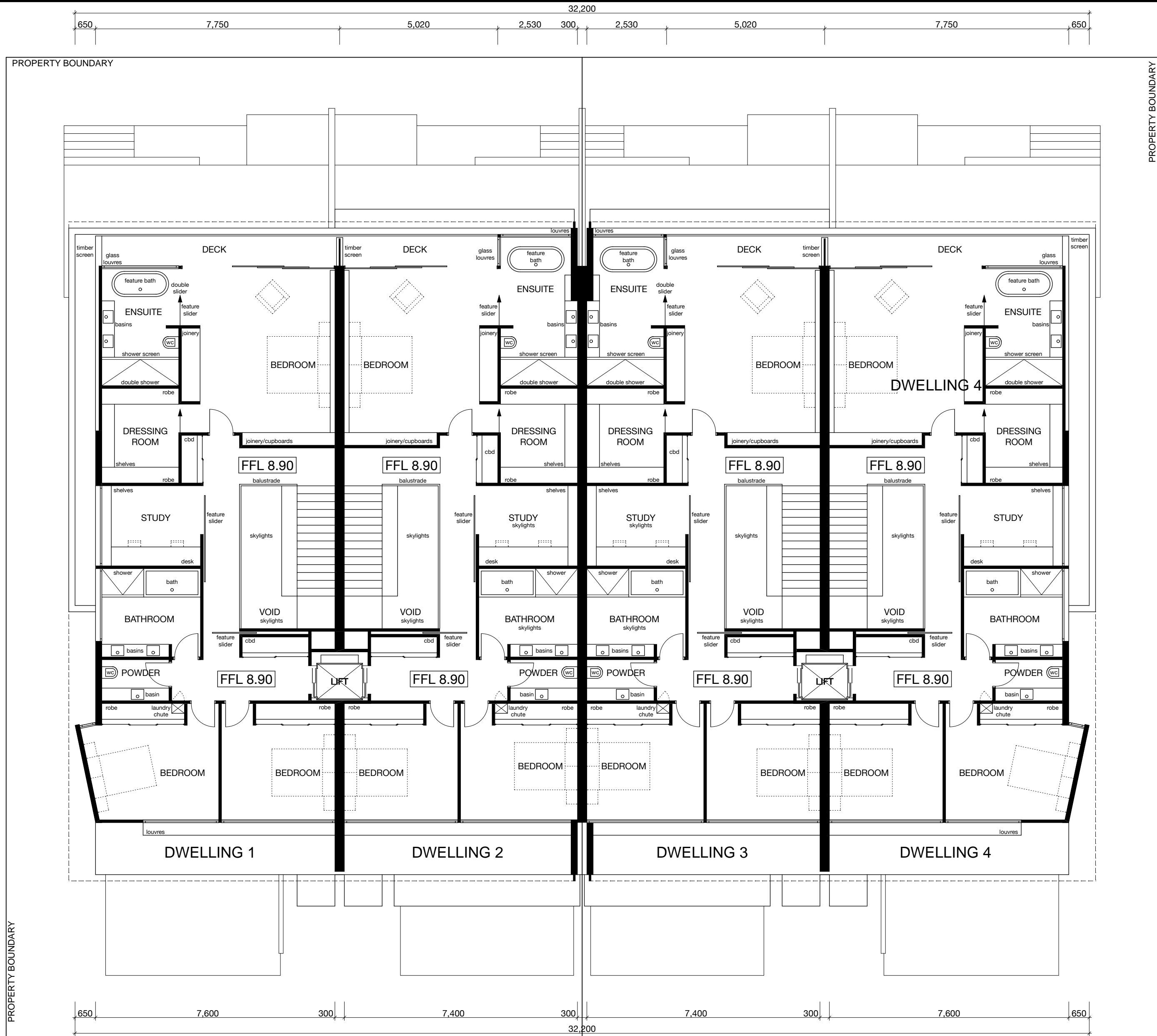
Scale - 1:100 (A2)

Date: OCT 2018

Checked

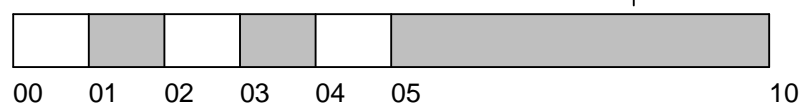
DW+A

PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au



FIRST FLOOR PLANS

SCALE:



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 06

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

FLOOR PLANS

Drawn XW CC:1660

Scale - 1:100 (A2)

Date: OCT 2018

Checked

DW+A

PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au

LEGEND:

HS: HARDWOOD TIMBER CLADDING/SCREEN
RM: RENDERED MASONRY OR CONCRETE
AG: ALUMINUM FRAMED DOUBLE GLAZING
SS: STACK SLIDER GLASS DOORS
GL: GLASS LOUVRES
CR: COLORBOND ROOF SHEETING
GB: FRAMELESS GLASS BALUSTRADE
PF: FRAMELESS GLASS BALUSTRADE/POOL FENCE (MIN 1200MM HIGH)
WH: EXTENDED WINDOW HOOD/EAVE
ES: EXTERNAL STEPS WITH TILED FINISH
TS: EXTERNAL STEPS WITH TIMBER FINISH
TD: DECK/PATIO WITH TILE FINISH
HD: DECK/PATIO WITH HARDWOOD TIMBER FINISH
AL: EXTERNAL ALUMINIUM SUN-CONTROL LOUVRES
FF: EXTENDED STEEL FEATURE FASCIA
NGL: NATURAL GROUND LEVEL
FFL: FINISHED FLOOR LEVEL
CL: CEILING LEVEL

CREMORNE
BEACH

FREDERICK
HENRY
PARADE

NORTHERN ELEVATION

34 FREDERICK HENRY PARADE

36 FREDERICK HENRY PARADE

38 FREDERICK HENRY PARADE

PUBLIC RIGHT OF WAY

40 FREDERICK HENRY PARADE

EASTERN ELEVATION

SCALE:



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 07

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

ELEVATIONS

Drawn XW CC:1660

Scale - 1:100 (A2)

Date: OCT 2018

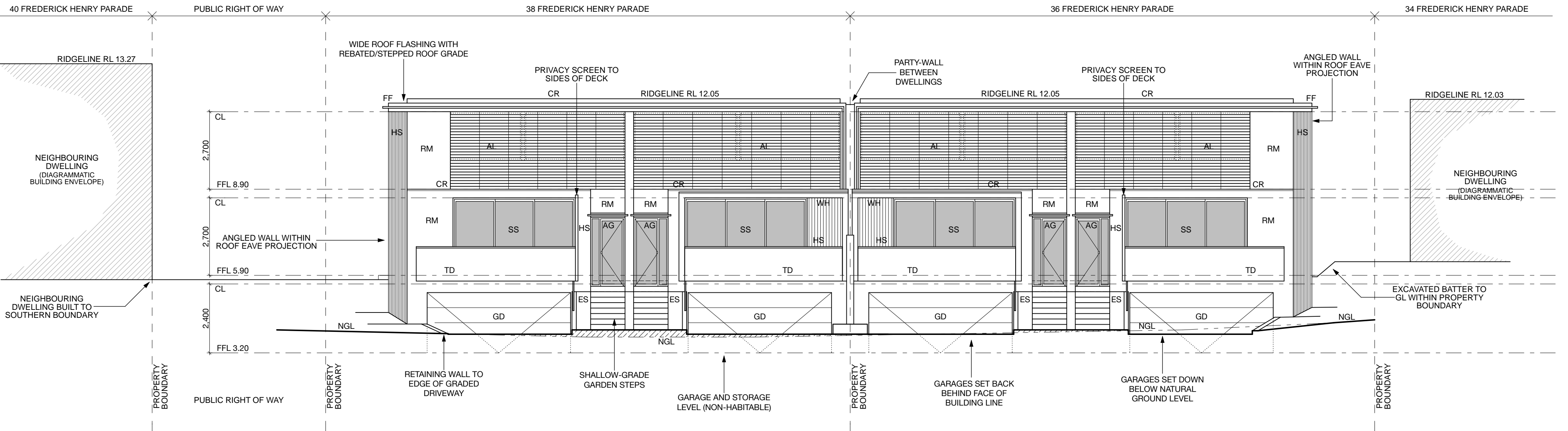
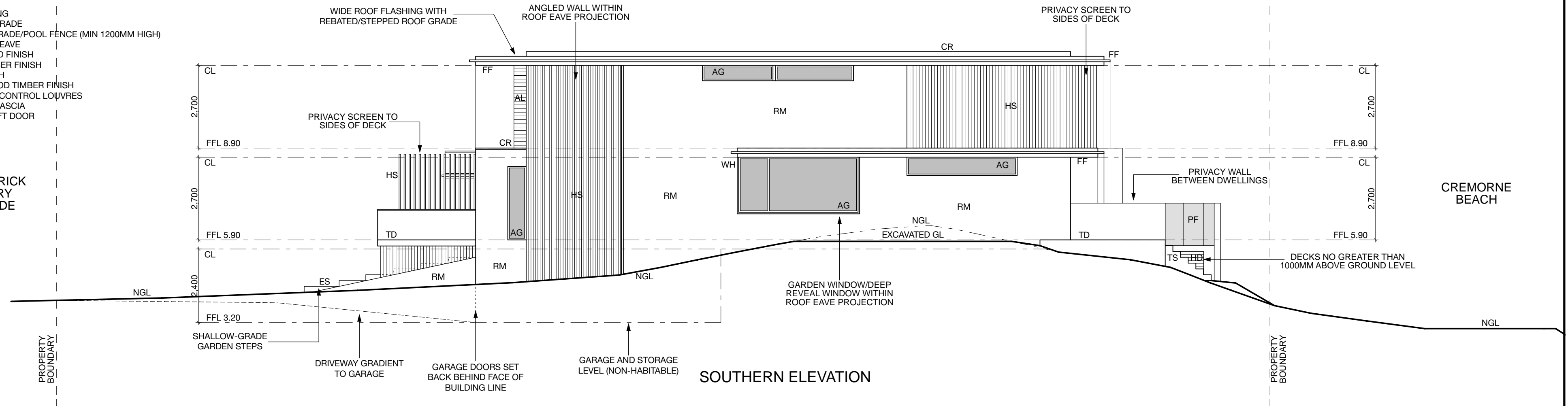
Checked

DW+A

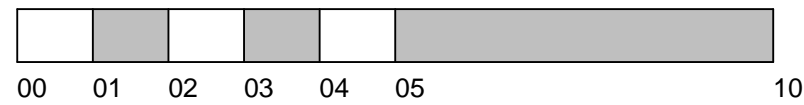
PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au

LEGEND:

HS: HARDWOOD TIMBER CLADDING/SCREEN
RM: RENDERED MASONRY OR CONCRETE
AG: ALUMINUM FRAMED DOUBLE GLAZING
SS: STACK SLIDER GLASS DOORS
GL: GLASS LOUVRES
CR: COLORBOND ROOF SHEETING
GB: FRAMELESS GLASS BALUSTRADE
PF: FRAMELESS GLASS BALUSTRADE/POOL FENCE (MIN 1200MM HIGH)
WH: EXTENDED WINDOW HOOD/EAVE
ES: EXTERNAL STEPS WITH TILED FINISH
TS: EXTERNAL STEPS WITH TIMBER FINISH
TD: DECK/PATIO WITH TILE FINISH
HD: DECK/PATIO WITH HARDWOOD TIMBER FINISH
AL: EXTERNAL ALUMINIUM SUN-CONTROL LOUVRES
FF: EXTENDED STEEL FEATURE FASCIA
GD: SMOOTH PANEL GARAGE LIFT DOOR
NGL: NATURAL GROUND LEVEL
FFL: FINISHED FLOOR LEVEL
CL: CEILING LEVEL



SCALE:



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 08

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

ELEVATIONS

Drawn XW CC:1660

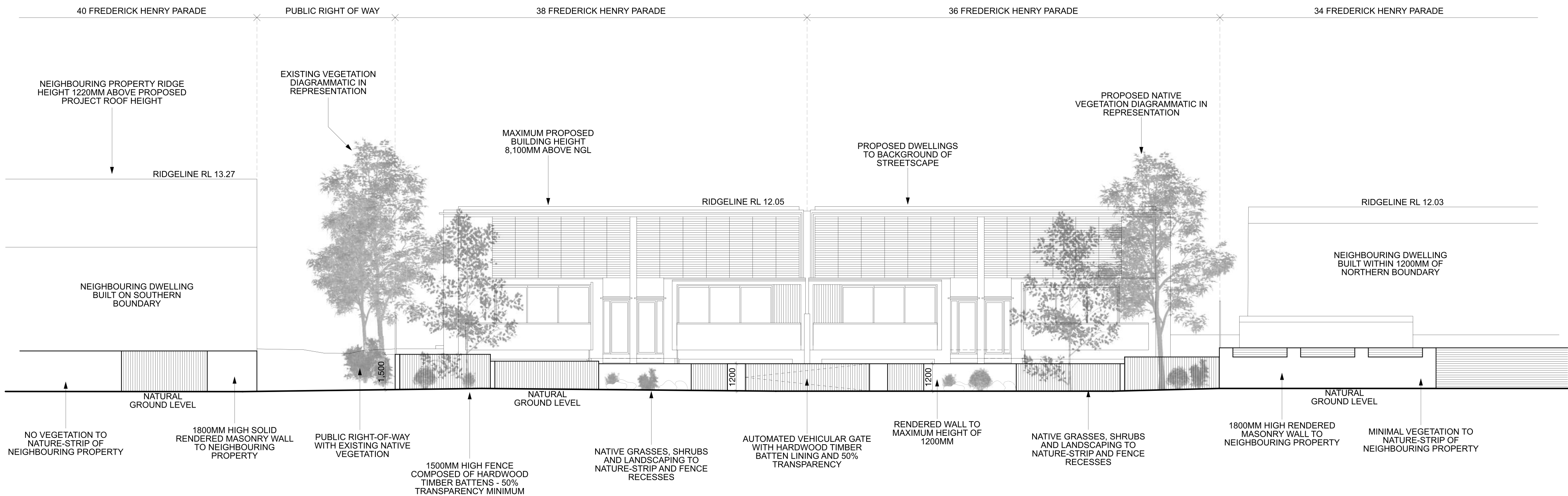
Scale - 1:100 (A2)

Date: OCT 2018

Checked

DW+A

PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au



WESTERN STREETSCAPE ELEVATION
FREDERICK HENRY PARADE - ELEVATION SCALE 1:150



42 FREDERICK HENRY PARADE
- GARAGE BUILT AT APPROXIMATELY 5.0M FROM FRONT BOUNDARY
- TALL TIMBER FENCE 1800MM HIGH TO STREET
- NO VEGETATION TO NATURE STRIP OR TO FRONT GARDEN AREA
- LARGE PORTION OF SITE COVERED IN IMPERVIOUS SURFACES
- STREET-FRONTAGE DOMINATED BY SOLID SURFACES, GARAGE DOOR AND BULK-FORMS
- GARAGE LOCATED ON SOUTHERN BOUNDARY (NO SETBACK)
- SITE COVERAGE APPROXIMATELY 52%

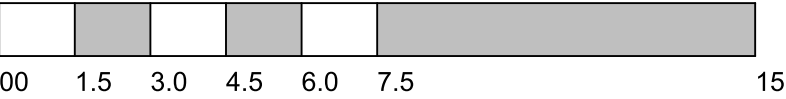


40 FREDERICK HENRY PARADE
- GARAGE BUILT AT APPROXIMATELY 5.0M FROM FRONT BOUNDARY
- TALL RENDERED SOLID MASONRY WALL 1800MM HIGH TO STREET
- NO VEGETATION TO NATURE STRIP AND MINIMAL TO FRONT GARDEN AREA
- LARGE PORTION OF SITE COVERED IN IMPERVIOUS SURFACES
- STREET-FRONTAGE DOMINATED BY SOLID SURFACES, GARAGE DOOR AND BULK-FORMS
- SOUTHERN SIDE WALL HEIGHT 7.5M AND LOCATED ON BOUNDARY (NO SETBACK)
- SITE COVERAGE APPROXIMATELY 55%



34 FREDERICK HENRY PARADE
- GARAGE BUILT AT APPROXIMATELY 4.5M FROM FRONT BOUNDARY
- TALL RENDERED MASONRY WALL 1800MM HIGH TO STREET
- MINIMAL VEGETATION TO NATURE STRIP AND FRONT GARDEN AREA
- LARGE PORTION OF SITE COVERED IN IMPERVIOUS SURFACES
- STREET-FRONTAGE DOMINATED BY SOLID SURFACES AND BULK-FORMS
- APPROXIMATE SIDE WALL HEIGHT TO SETBACK RATIO OF 4:1
- SITE COVERAGE APPROXIMATELY 32%

SCALE:



EXISTING WESTERN STREETSCAPE/NEIGHBOURING CONTEXT

AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 09

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

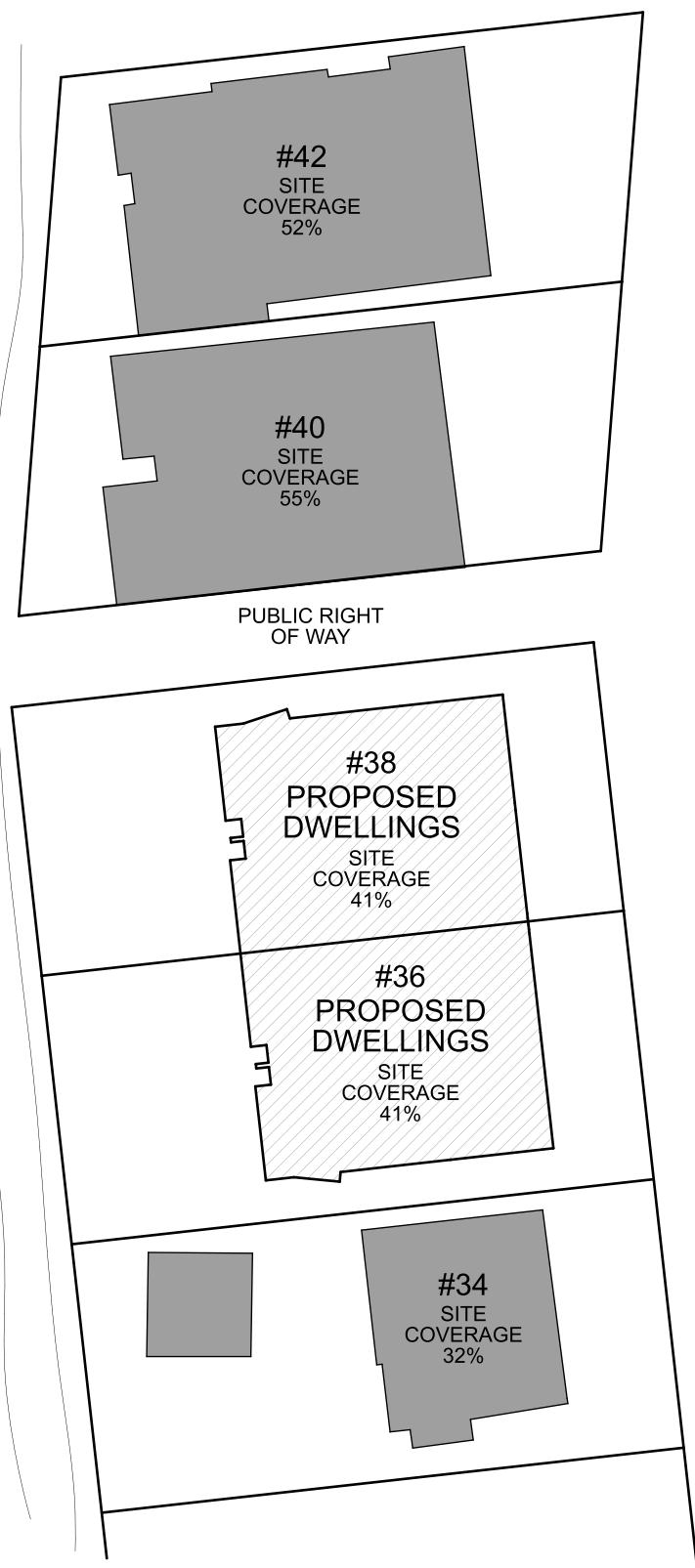
FRONT BOUNDARY FENCE
AND STREETSCAPE

Drawn XW CC:1660	Scale - 1:150 (A2)
Date: OCT 2018	Checked

DW+
PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au

*NOTE:
ANALYSIS CONSIDERS ROOFED AREAS AND
MAJOR STRUCTURES, BUT EXCLUDES DECKS
AND MINOR PROTRUSIONS

FREDERICK HENRY PARADE



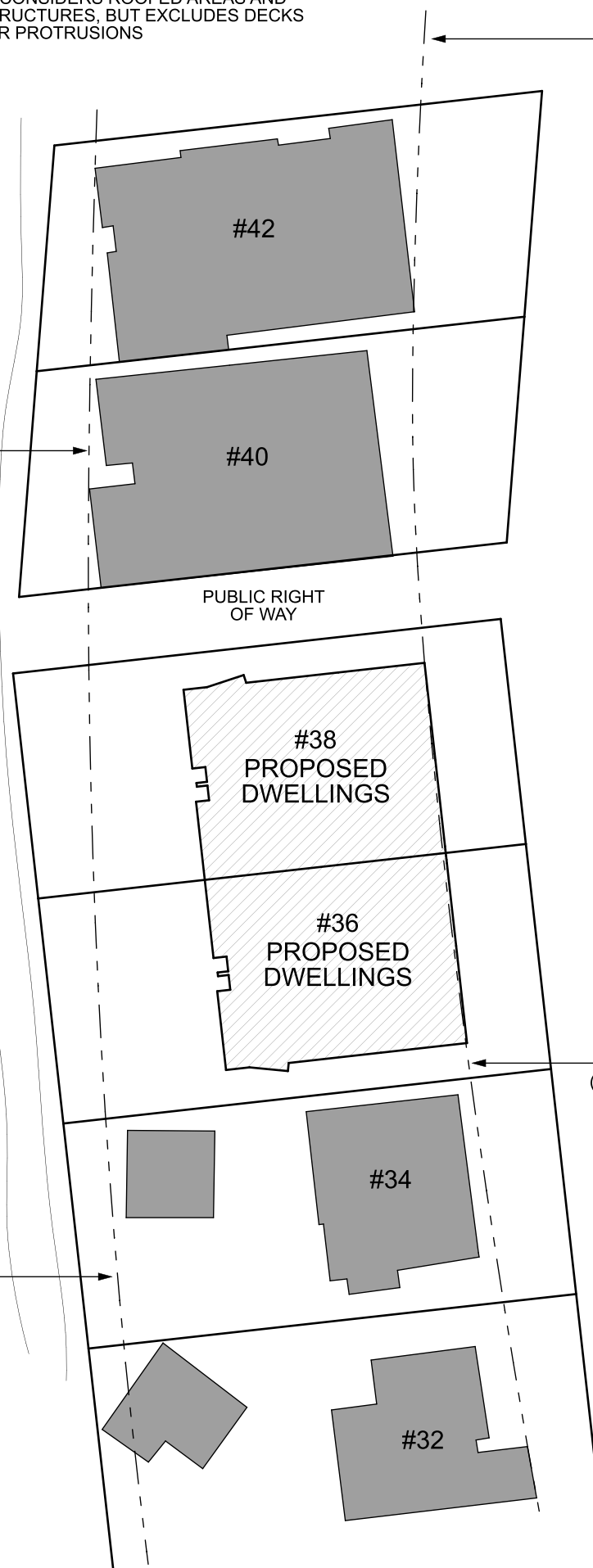
SITE COVERAGE OF EXISTING NEIGHBOURING CONTEXT
SITE PLAN VIEW - PLAN SCALE 1:500

*NOTE:
ANALYSIS CONSIDERS ROOFED AREAS AND
MAJOR STRUCTURES, BUT EXCLUDES DECKS
AND MINOR PROTRUSIONS

DOMINANT SETBACK TO EXISTING
NEIGHBOURING DWELLINGS
(WESTERN/STREET SIDE)

CREMORNE BEACH

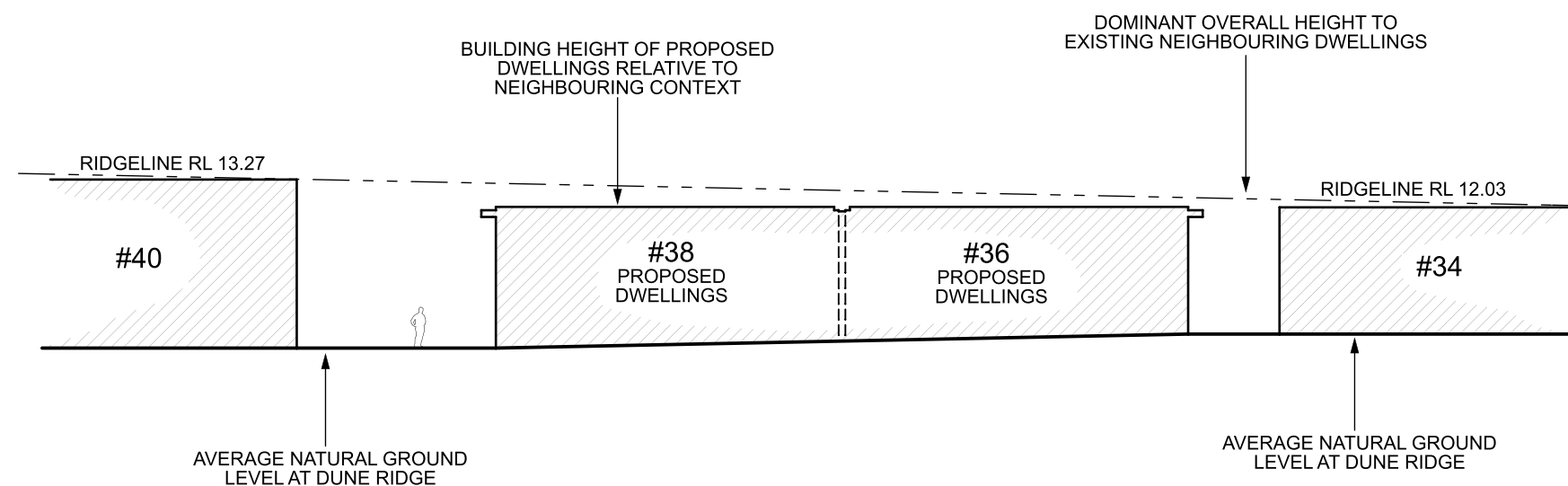
FREDERICK HENRY PARADE



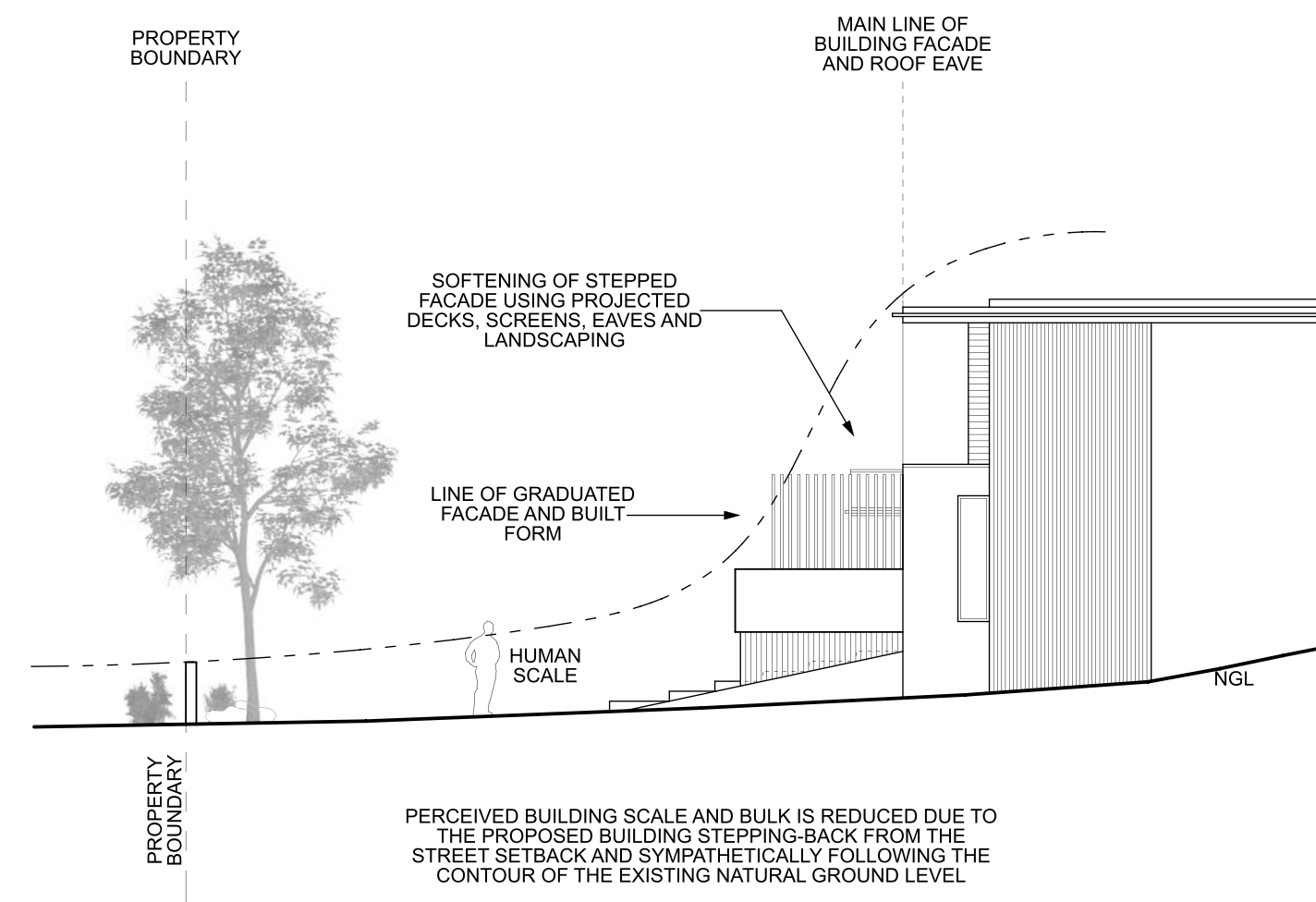
DOMINANT SETBACK OF EXISTING NEIGHBOURING CONTEXT
SITE PLAN VIEW - PLAN SCALE 1:500

DOMINANT SETBACK TO EXISTING
NEIGHBOURING DWELLINGS
(EASTERN/CREMORNE BEACH SIDE)

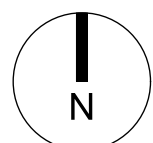
CREMORNE BEACH



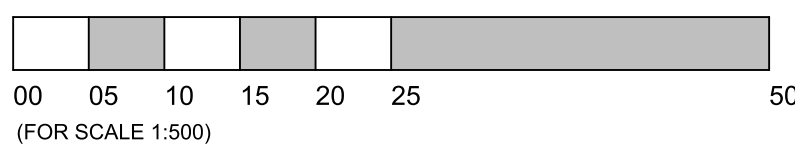
SCALE AND BULK - DIAGRAMMATIC ELEVATION
WESTERN ELEVATION/DIAGRAM - SCALE 1:300



SCALE AND BULK - SIDE ELEVATION
PARTIAL SOUTH ELEVATION - SCALE 1:150



SCALE:



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 10

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

DESIGN ANALYSIS AND
EXISTING CONTEXT

Drawn XW CC:1660

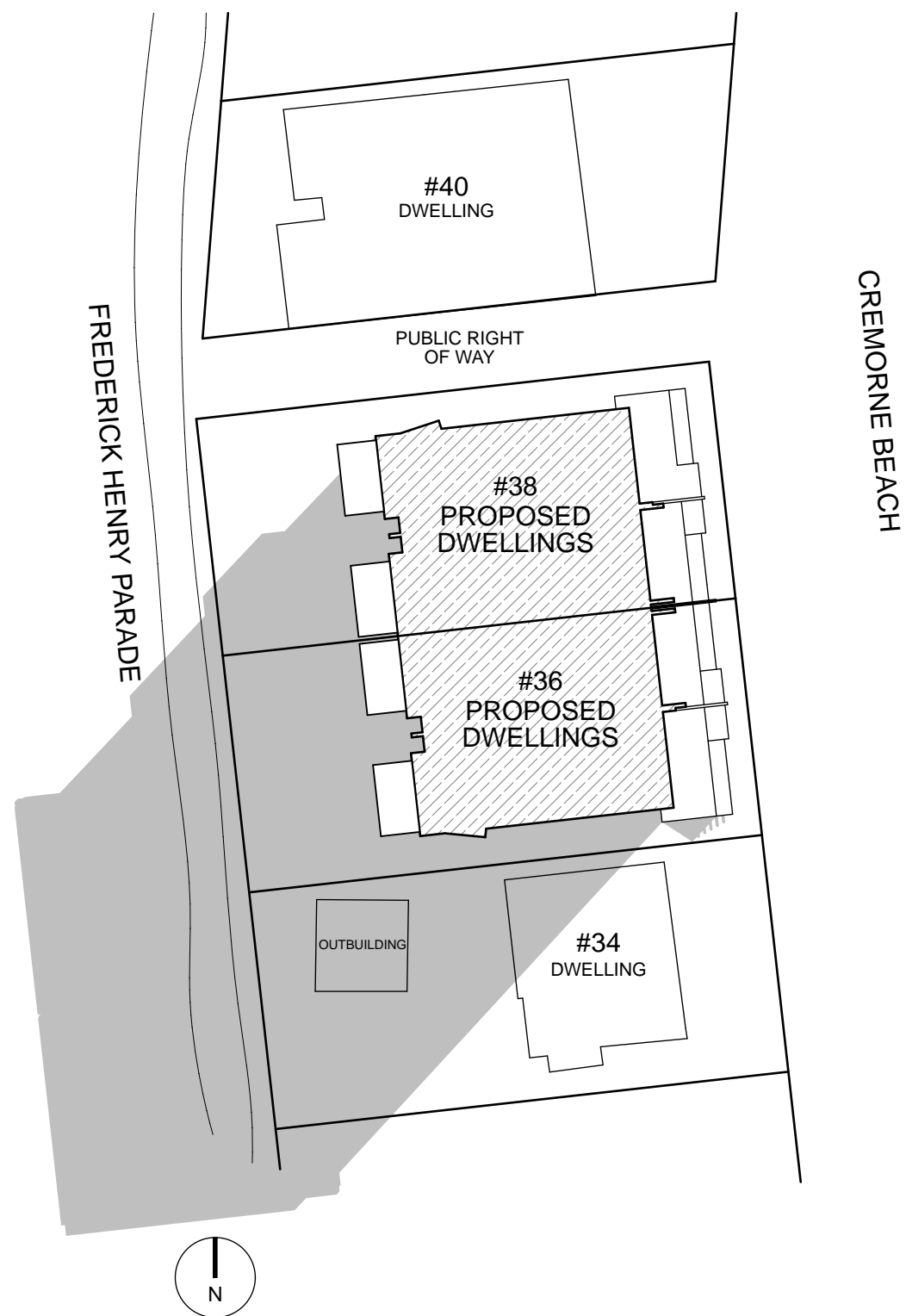
Scale - 1:150/500

Date: OCT 2018

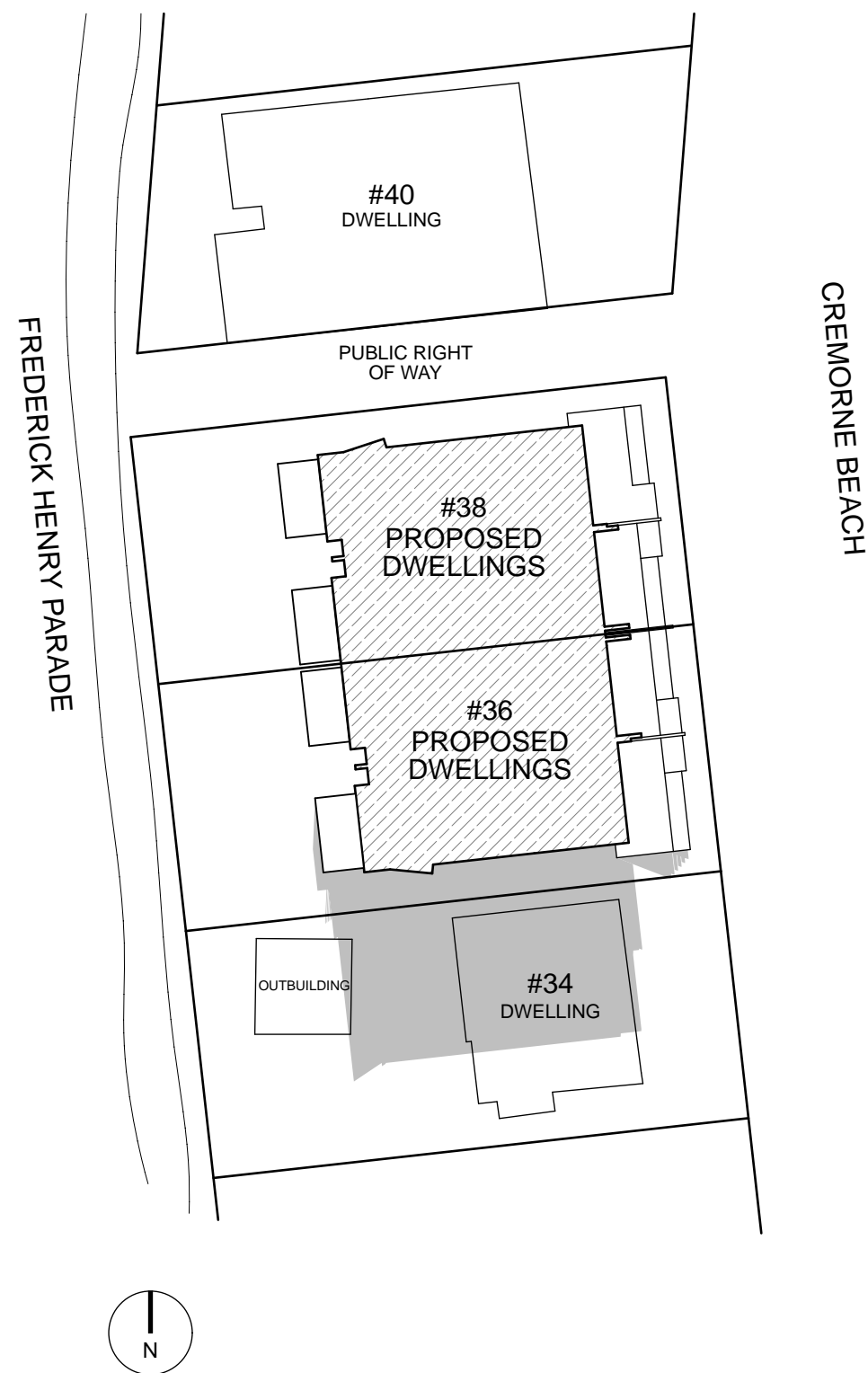
Checked

DW+A

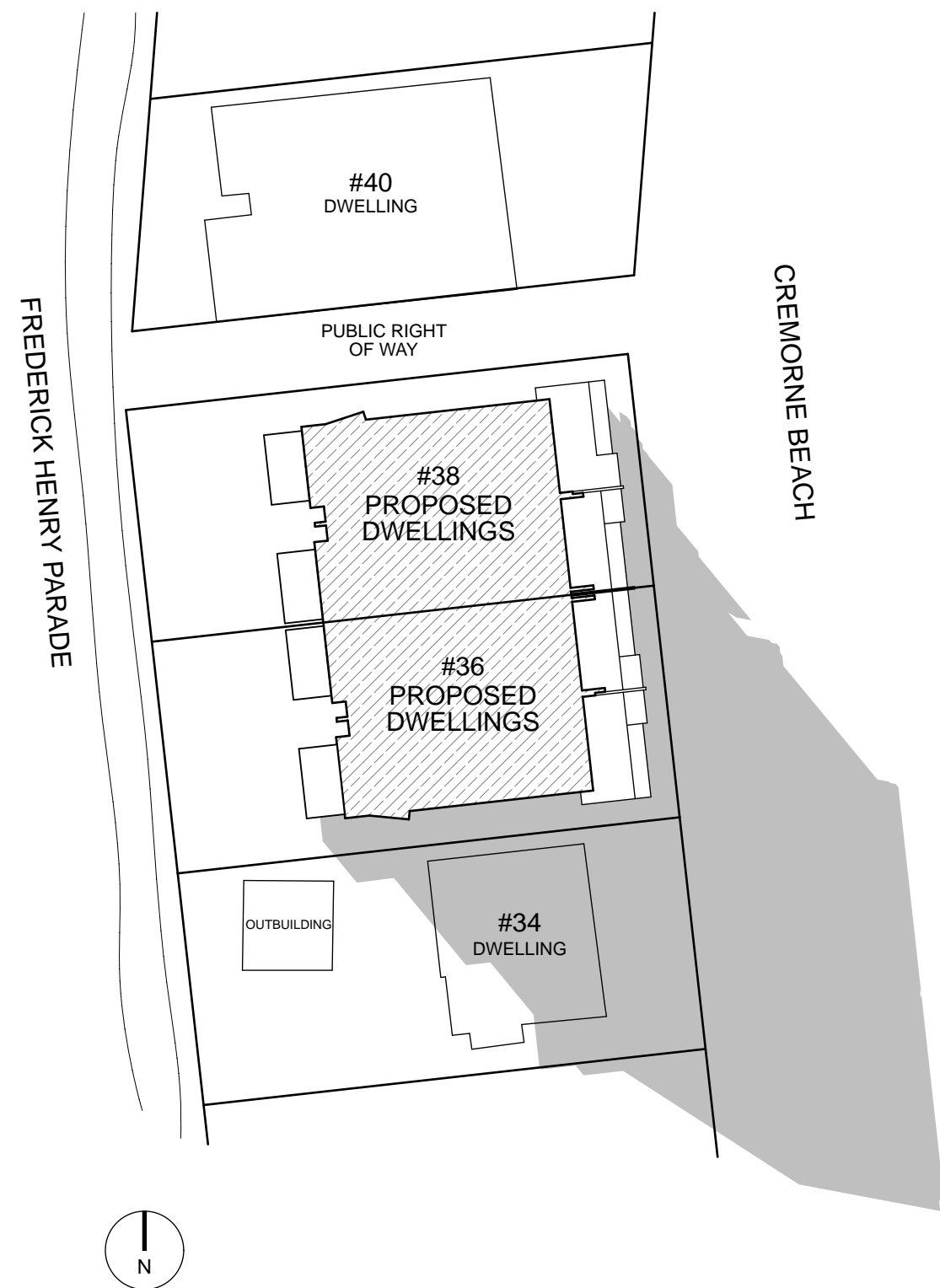
PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au



SHADOW PROJECTION - JUNE 21ST, 9AM



SHADOW PROJECTION - JUNE 21ST, 12PM






SHADOW PROJECTION - JUNE 21ST, 3PM

SCALE:



LEGEND:

-  = NORTH POINT
-  = PROPOSED DWELLING
-  = SHADOW PROJECTION

AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

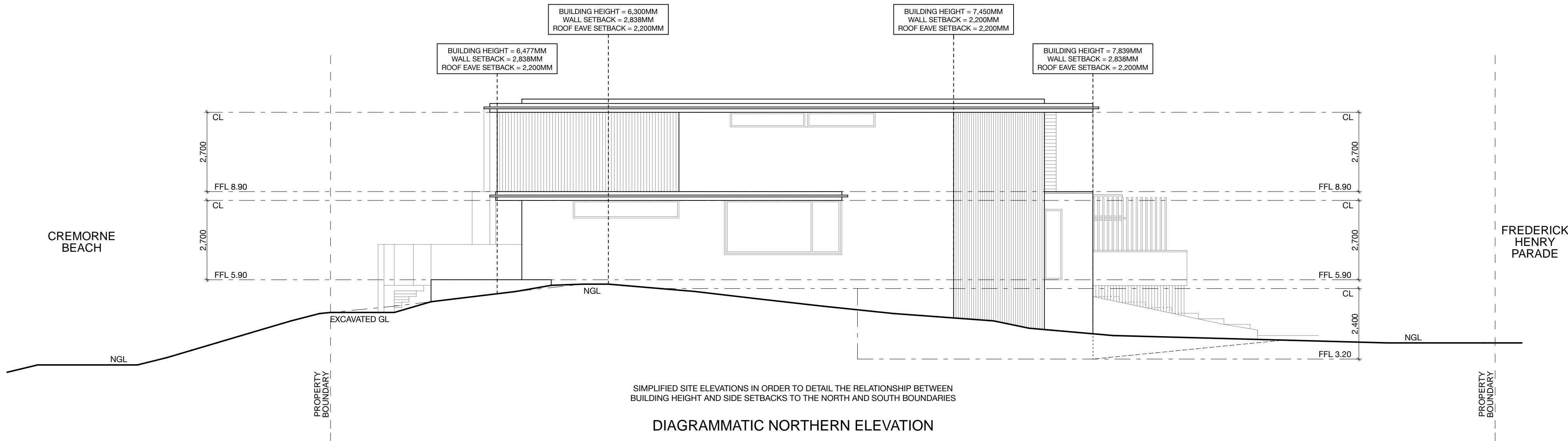
SHEET 11

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

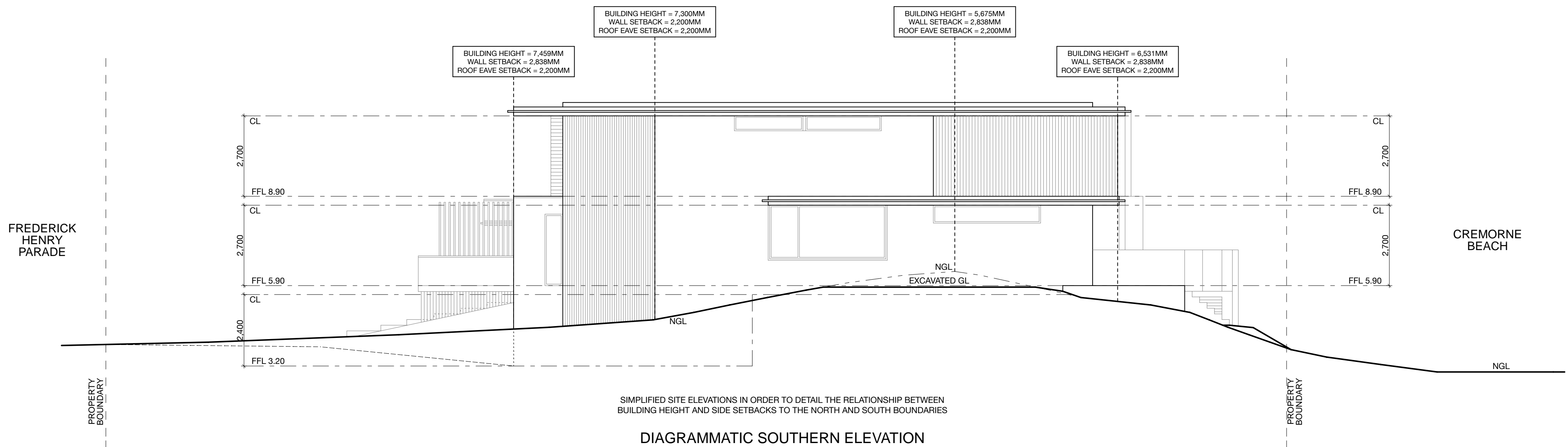
SHADOW DIAGRAMS

Drawn XW CC:1660	Scale - 1:500 (A2)
Date: OCT 2018	Checked

DW+A
PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au



DIAGRAMMATIC NORTHERN ELEVATION



DIAGRAMMATIC SOUTHERN ELEVATION

SCALE:



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 12

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

SIDE SETBACKS AND
HEIGHT RELATIONSHIPS

Drawn XW CC:1660

Date: OCT 2018

Scale - 1:100 (A2)

Checked

DW+A

PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au



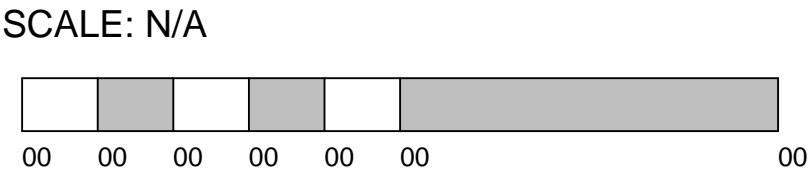
EXTERNAL PERSPECTIVE - STREET VIEW

EXTERNAL PERSPECTIVE FROM NORTH NORTH-WEST ORIENTATION, FREDERICK HENRY PARADE. DEPICTING FRONTAGE FENCE AND DIAGRAMMATIC NATIVE LANDSCAPING



EXTERNAL PERSPECTIVE - BUILDING APPROACH

EXTERNAL PERSPECTIVE FROM NORTH NORTH-WEST ORIENTATION, WITHIN THE PROPERTY. DEPICTING LAYERED FRONTAGE AND DIAGRAMMATIC NATIVE LANDSCAPING



NOTE:
EXTERNAL PERSPECTIVES ARE DIAGRAMMATIC, FOR ILLUSTRATION PURPOSES ONLY AND INDICATIVE OF EVENTUAL PROJECT OUTCOME - REFER TO FUTURE STRUCTURAL DOCUMENTATION FOR SPECIFIC MEASUREMENTS, MATERIALS, FORMS AND DETAILS

AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 13

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

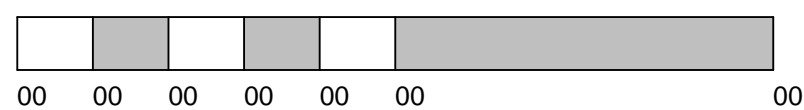
EXTERNAL
PERSPECTIVE IMAGES

Drawn XW CC:1660	Scale - NA (A2)	DW+ 	PO Box 4564, Bathurst Street Hobart, TAS 7000 P: 0362 348777 F: 0362 348988 info@dwadesign.com.au
Date: OCT 2018	Checked		



EXTERNAL PERSPECTIVE / PHOTO MONTAGE FROM THE EAST AS POSITIONED ON CREMORNE BEACH. DEPICTING RELATIONSHIP OF DWELLINGS AND DECKS TO BEACH, DUNES AND EXISTING VEGETATION

SCALE: N/A



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE



EXTERNAL PERSPECTIVE - BUILDING DETAIL

EXTERNAL PERSPECTIVE FROM NORTH NORTH-WEST ORIENTATION, WITHIN THE PROPERTY.
DEPICTING LAYERED FRONTAGE AND DIAGRAMMATIC EXISTING VEGETATION IN THE
FOREGROUND

NOTE:
EXTERNAL PERSPECTIVES ARE DIAGRAMMATIC, FOR ILLUSTRATION PURPOSES ONLY AND
INDICATIVE OF EVENTUAL PROJECT OUTCOME - REFER TO FUTURE STRUCTURAL
DOCUMENTATION FOR SPECIFIC MEASUREMENTS, MATERIALS, FORMS AND DETAILS

PROPOSED DEMOLITION AND NEW DWELLINGS 36-38 FREDERICK HENRY PARADE, CREMORNE

EXTERNAL PERSPECTIVE IMAGES

Drawn XW CC:1660

0	Scale - NA (A2)
---	-----------------

Date: OCT 2018

Checked

$$-DW + \Lambda$$

PO Box 4564, Bathurst Street
Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au

SHEET 14

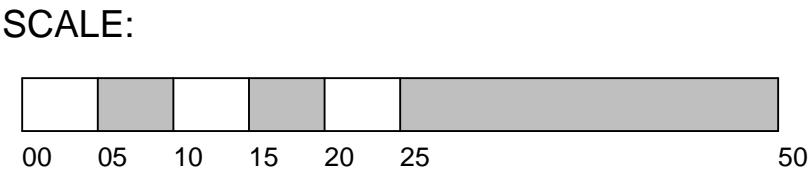
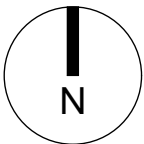
LEGEND:
= APPROXIMATE CAMERA LOCATION AND VIEW ANGLE OF PHOTOGRAPHIC CONTEXT STUDY



IMAGE #1 = PHOTOGRAPH OF 40 & 42 FREDERICK HENRY PARADE FROM FREDERICK HENRY PARADE



IMAGE #2 = PHOTOGRAPH OF 34 FREDERICK HENRY PARADE FROM FREDERICK HENRY PARADE



VIEW ANGLES OF PHOTOGRAPHIC CONTEXT STUDY
SITE PLAN VIEW - PLAN SCALE 1:500

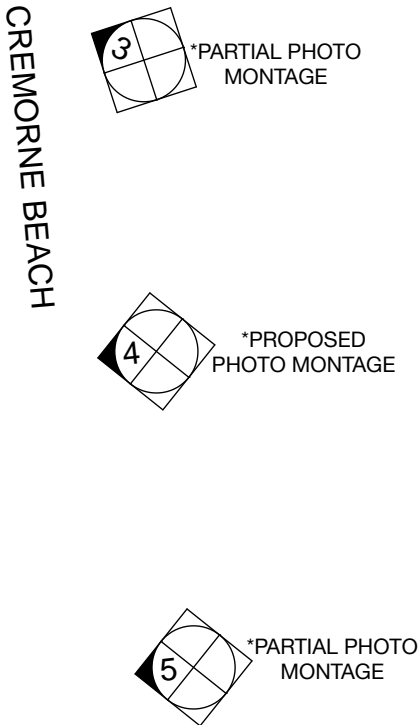


IMAGE #3 = PHOTOGRAPH OF 40 FREDERICK HENRY PARADE FROM CREMORNE BEACH WITH PARTIAL MONTAGE OF PROPOSED DWELLINGS IN CONTEXT

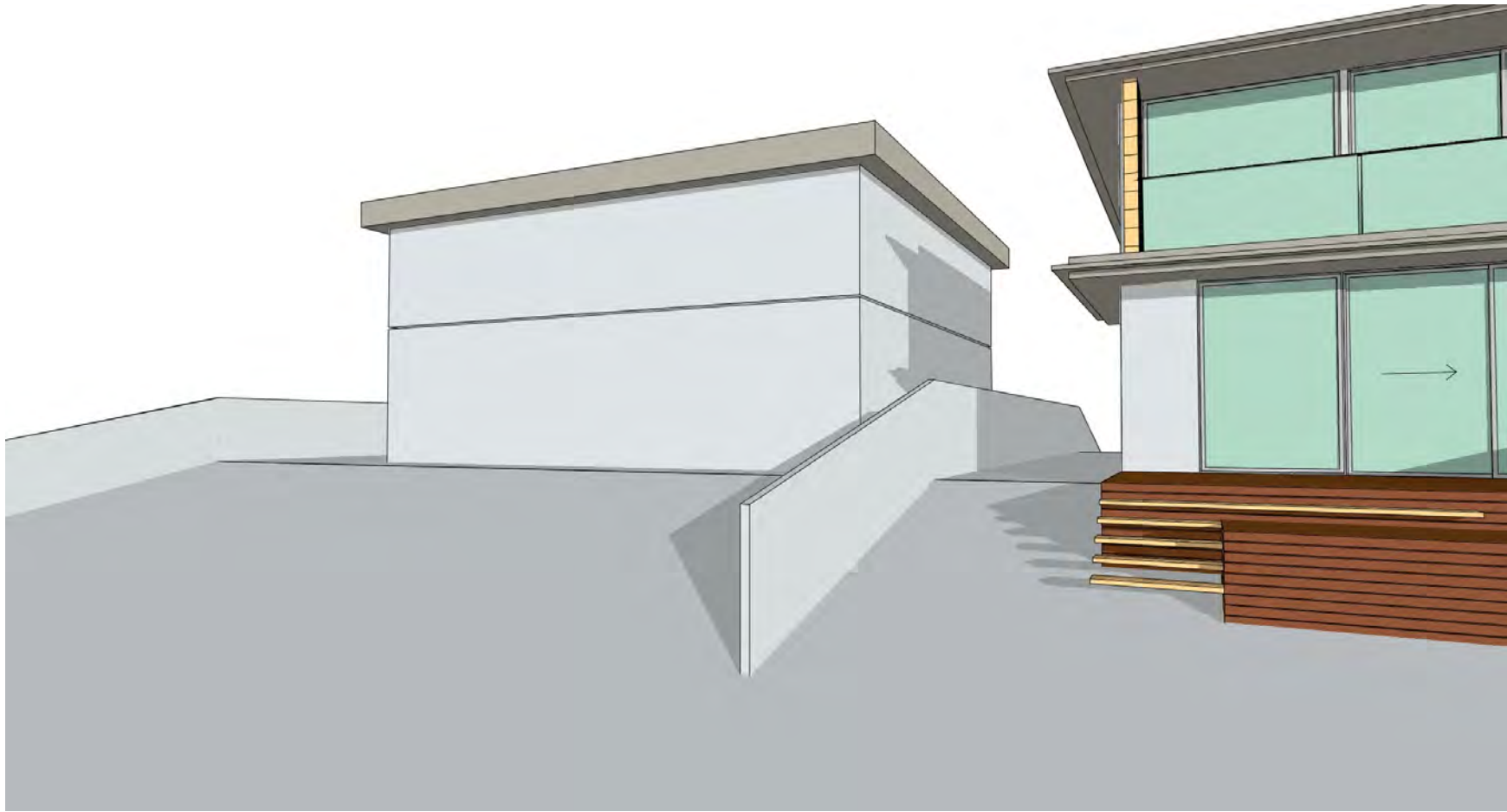


*IMAGE #4 = PHOTO MONTAGE OF PROPOSED DWELLINGS

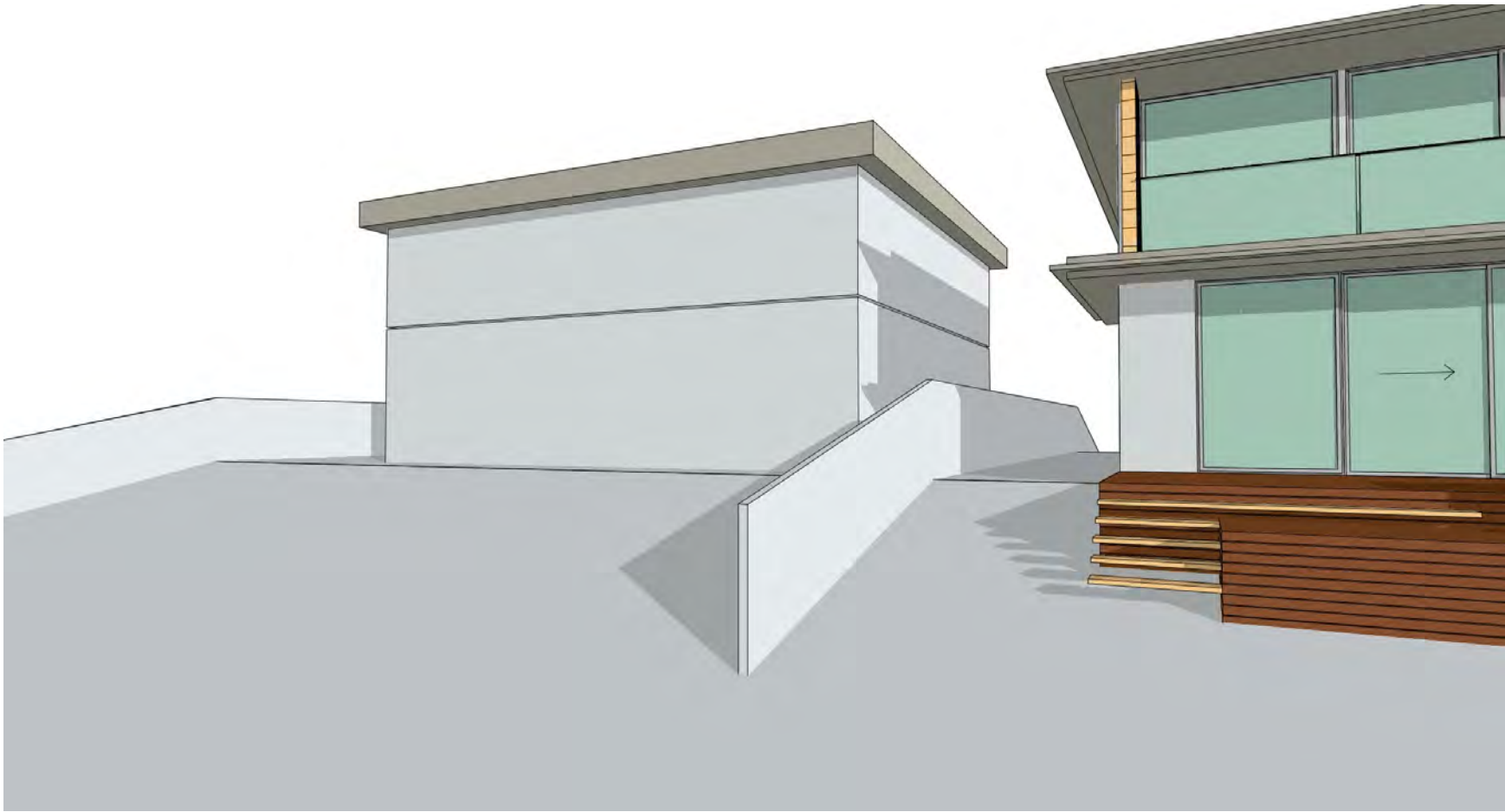


IMAGE #5 = PHOTOGRAPH OF 34 FREDERICK HENRY PARADE FROM CREMORNE BEACH WITH PARTIAL MONTAGE OF PROPOSED DWELLINGS IN CONTEXT

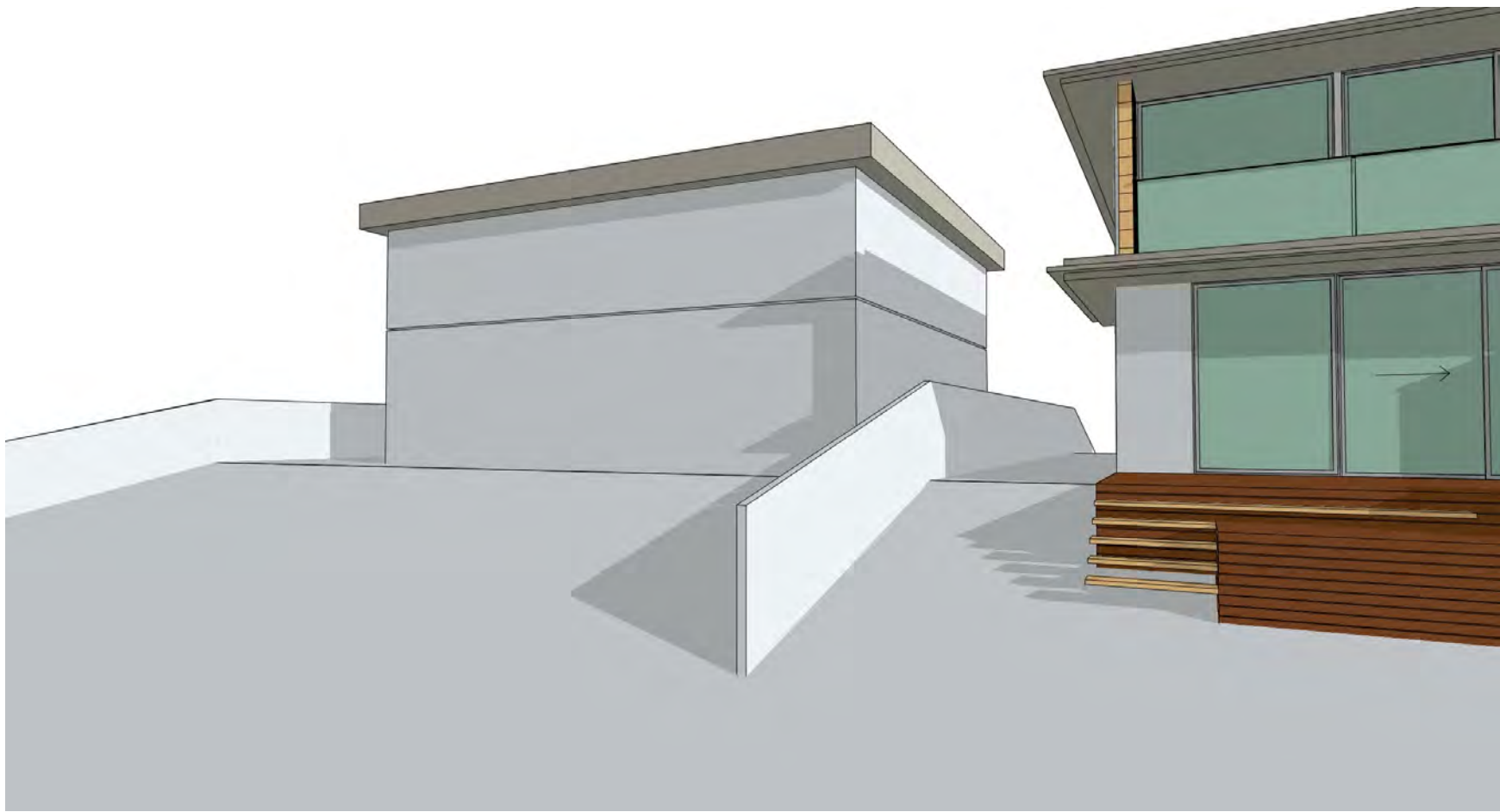
*REFER TO SHADOW-PROJECTION
EXPLANATORY NOTES ON SHEET 18



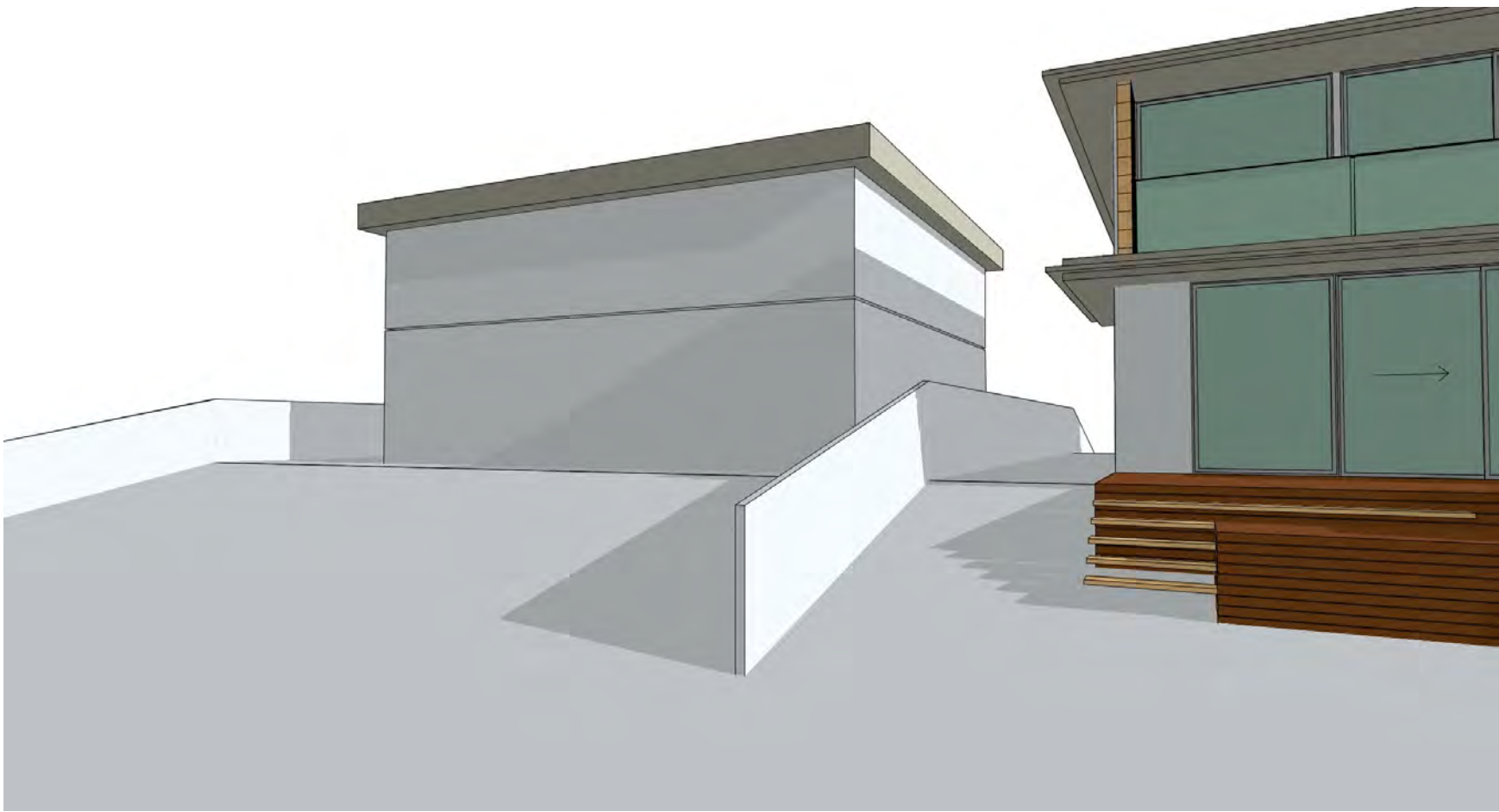
SHADOW PROJECTION - JUNE 21ST, 9AM
PERSPECTIVE AS VIEWED FROM EAST, LOOKING TOWARDS 34 FREDERICK
HENRY PARADE, WITH PROPOSED DWELLINGS ON RIGHT HAND SIDE



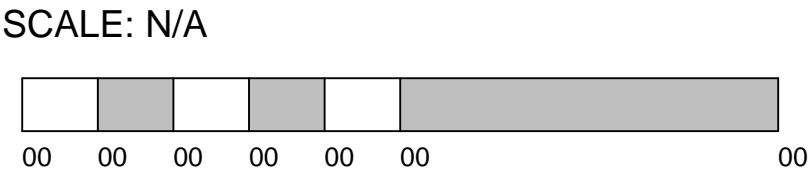
SHADOW PROJECTION - JUNE 21ST, 10AM
PERSPECTIVE AS VIEWED FROM EAST, LOOKING TOWARDS 34 FREDERICK
HENRY PARADE, WITH PROPOSED DWELLINGS ON RIGHT HAND SIDE



SHADOW PROJECTION - JUNE 21ST, 11AM
PERSPECTIVE AS VIEWED FROM EAST, LOOKING TOWARDS 34 FREDERICK
HENRY PARADE, WITH PROPOSED DWELLINGS ON RIGHT HAND SIDE



SHADOW PROJECTION - JUNE 21ST, 12PM
PERSPECTIVE AS VIEWED FROM EAST, LOOKING TOWARDS 34 FREDERICK
HENRY PARADE, WITH PROPOSED DWELLINGS ON RIGHT HAND SIDE



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

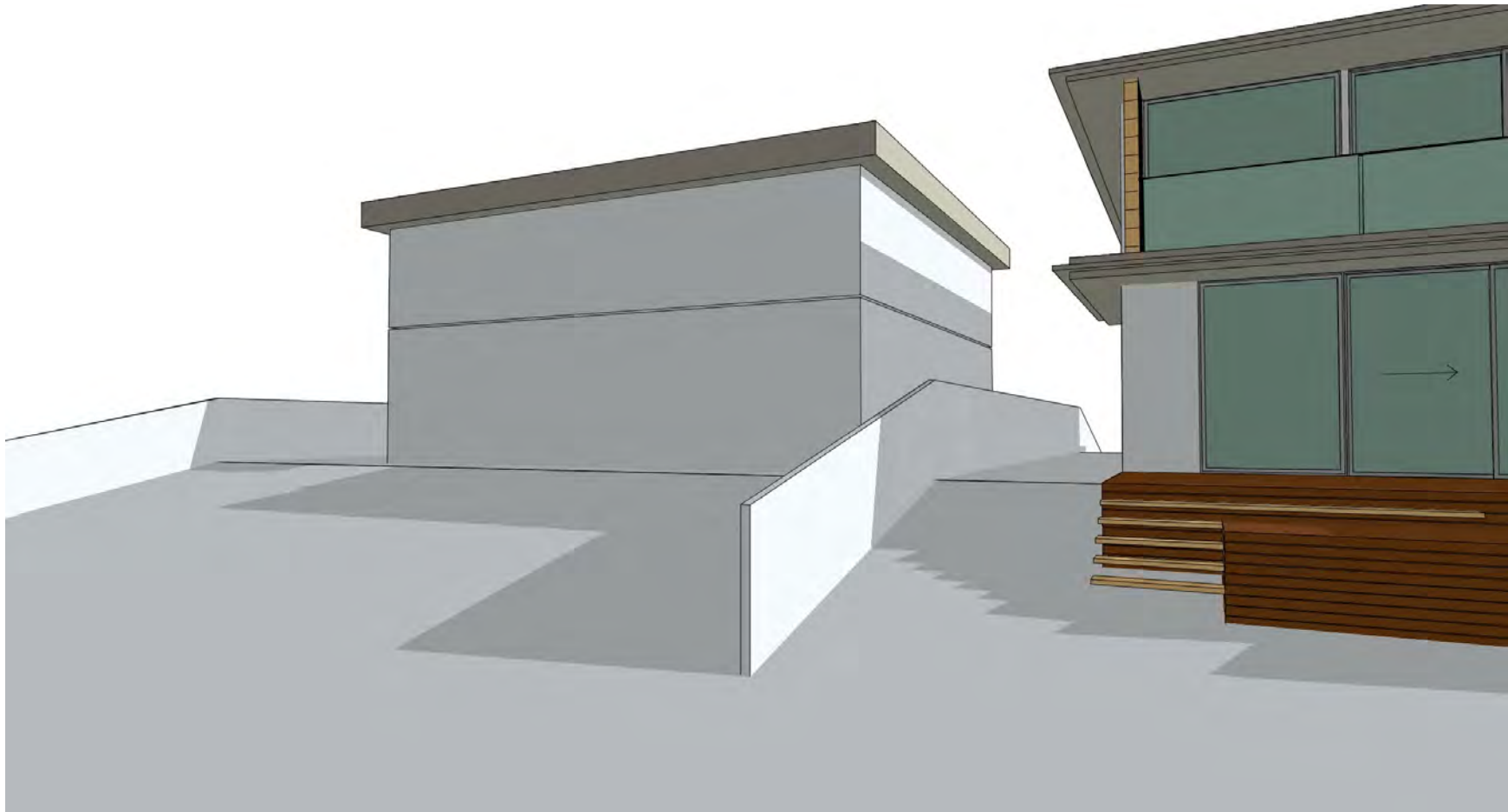
SHEET 16

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

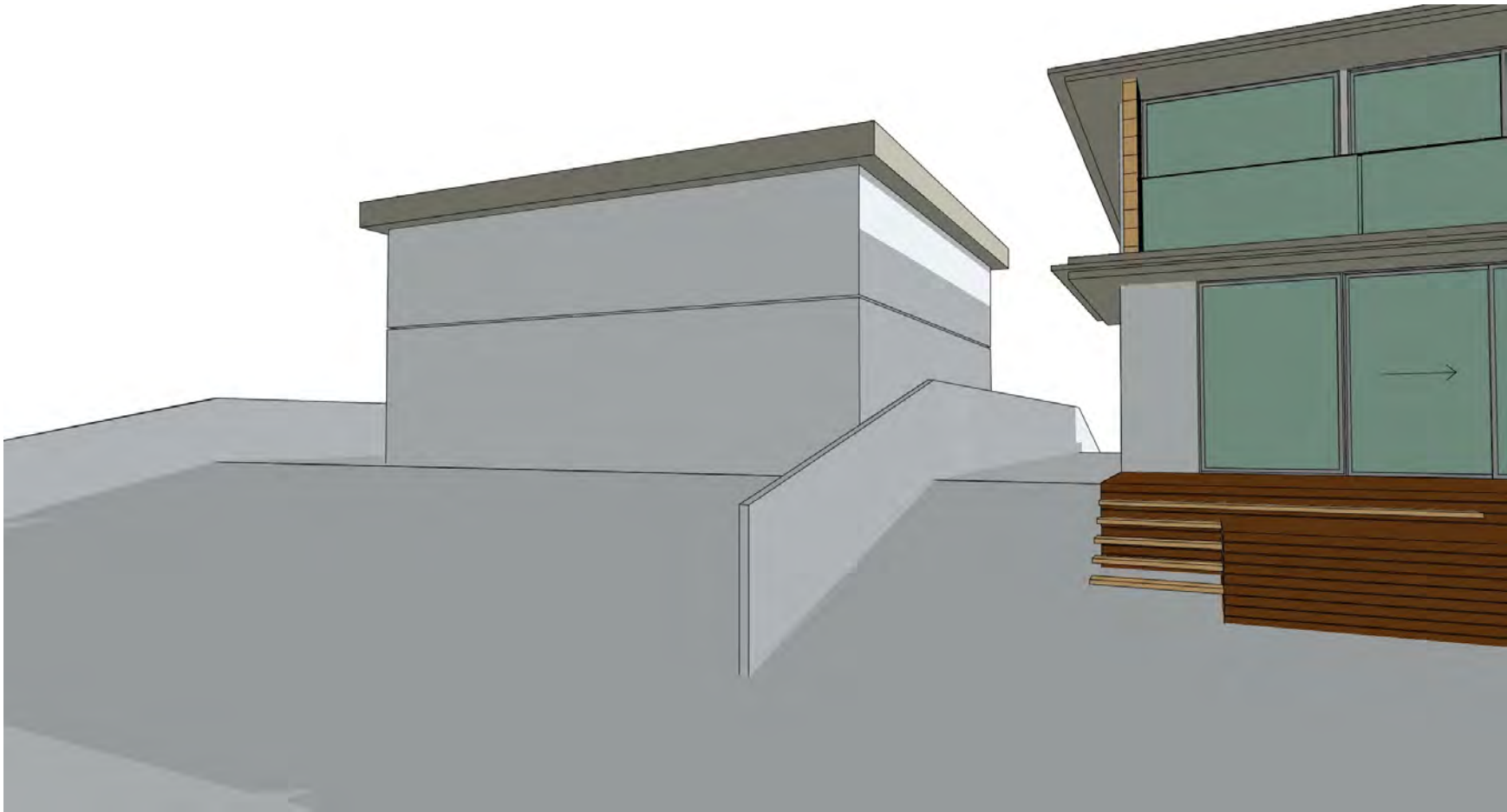
3D SHADOW PROJECTIONS

Drawn XW CC:1660	Scale - NTS (A2)	 David Wakefield + Assoc Creating + Inspiring Architectural Designs	PO Box 4564, Bathurst Street Hobart, TAS 7000 P: 0362 348777 F: 0362 348988 info@dwadesign.com.au
Date: OCT 2018	Checked		

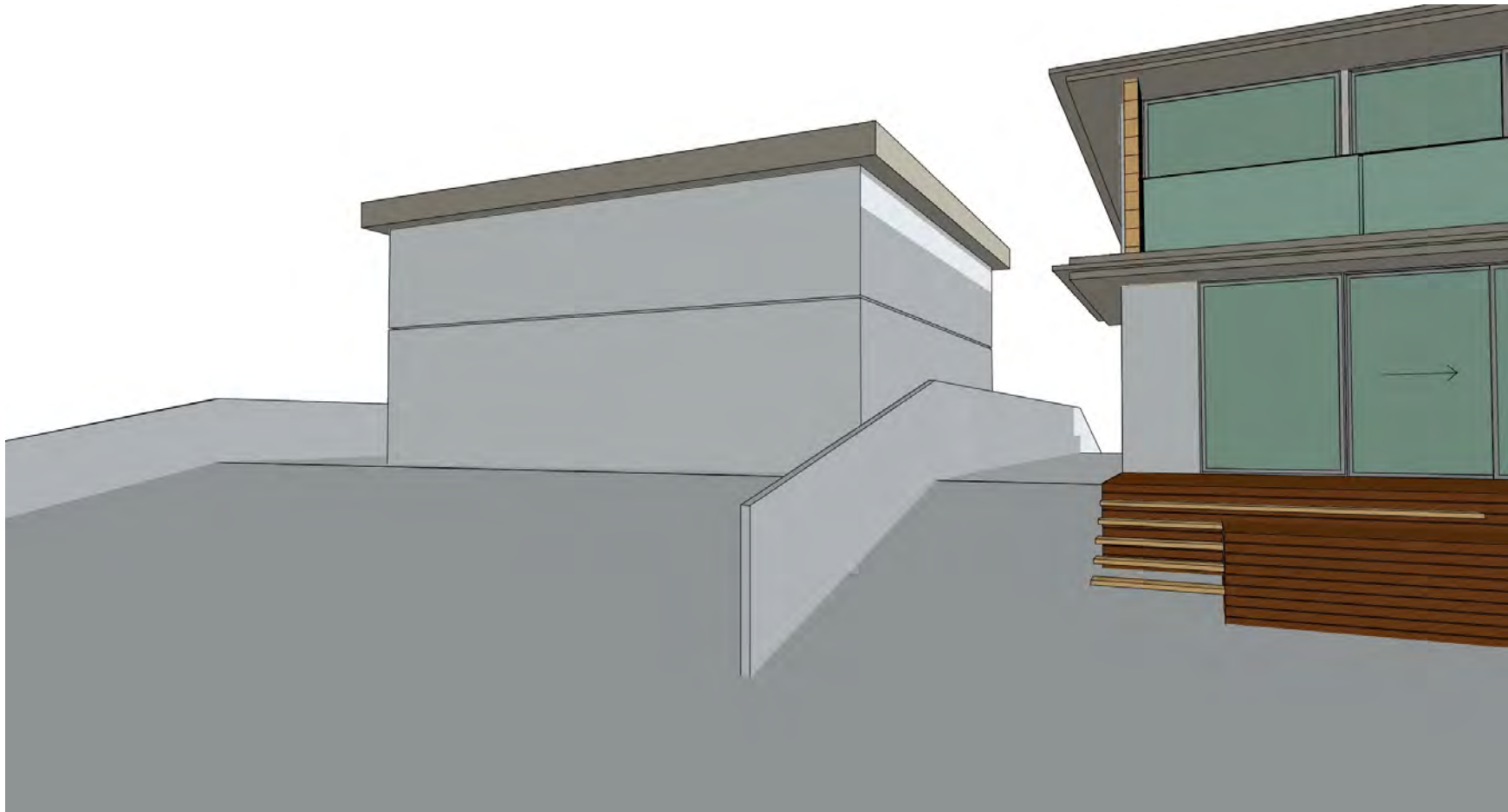
*REFER TO SHADOW-PROJECTION
EXPLANATORY NOTES ON SHEET 18



SHADOW PROJECTION - JUNE 21ST, 1PM
PERSPECTIVE AS VIEWED FROM EAST, LOOKING TOWARDS 34 FREDERICK
HENRY PARADE, WITH PROPOSED DWELLINGS ON RIGHT HAND SIDE

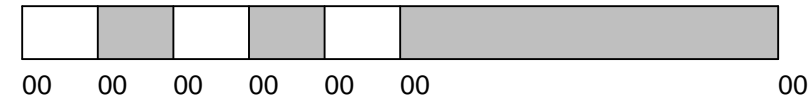


SHADOW PROJECTION - JUNE 21ST, 2PM
PERSPECTIVE AS VIEWED FROM EAST, LOOKING TOWARDS 34 FREDERICK
HENRY PARADE, WITH PROPOSED DWELLINGS ON RIGHT HAND SIDE



SHADOW PROJECTION - JUNE 21ST, 3PM
PERSPECTIVE AS VIEWED FROM EAST, LOOKING TOWARDS 34 FREDERICK
HENRY PARADE, WITH PROPOSED DWELLINGS ON RIGHT HAND SIDE

SCALE: N/A



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 17

PROPOSED DEMOLITION AND NEW DWELLINGS
36-38 FREDERICK HENRY PARADE, CREMORNE

3D SHADOW PROJECTIONS

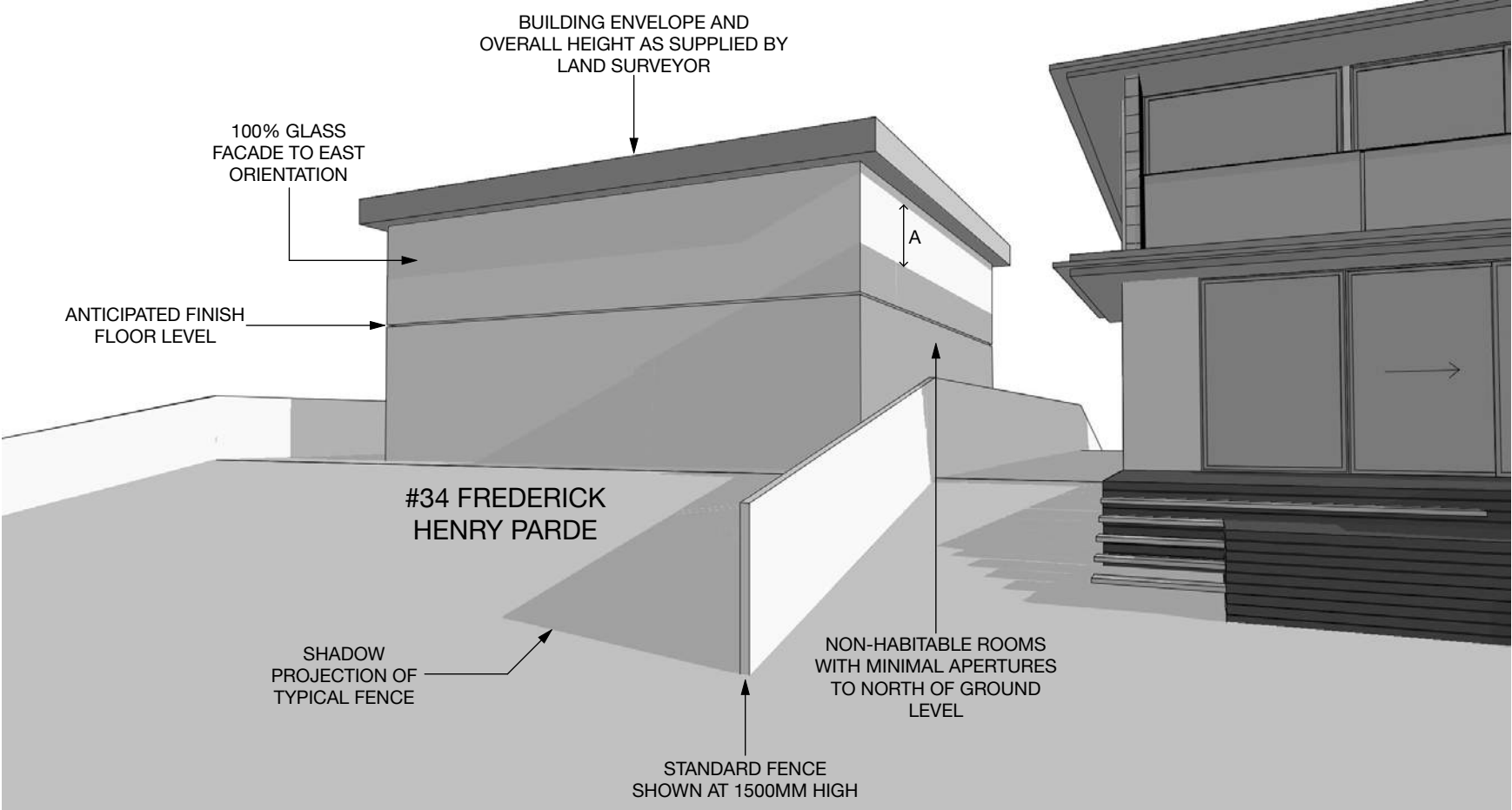
Drawn XW CC:1660	Scale - NTS (A2)	 David Wakefield + Assoc Creating + Inspiring Architectural Designs	PO Box 4564, Bathurst Street Hobart, TAS 7000 P: 0362 348777 F: 0362 348988 info@dwadesign.com.au
Date: OCT 2018	Checked		



34 FREDERICK HENRY PARADE



34 FREDERICK HENRY PARADE



EXPLANATORY IMAGE AND NOTES

HEIGHTS AND FLOOR LEVELS OF NEIGHBOURING BUILDING AT 34 FREDERICK HENRY PARADE HAVE BEEN CALCULATED BASED ON BASIC SURVEY INFORMATION OF ROOF HEIGHTS AND ANALYSIS OF PHOTOGRAPHS.

DUE TO THE LARGE OPEN PLAN LIVING AREA AND EXPANSE OF EASTERN GLASS ON THE UPPER FLOOR OF 34 FREDERICK HENRY PARADE, IT IS ANTICIPATED THAT THE EXISTING DWELLING WILL RECEIVE AT LEAST 3 HOURS OF UNINTERRUPTED SUNLIGHT ON JUNE 21ST. THIS IS DUE TO LARGE AMOUNTS OF INITIAL EASTERN SUN PENETRATION THROUGH THE OPEN PLAN SPACE, COMBINED WITH LATER NORTHERN PENETRATION.

MEASUREMENT "A" ON THE ABOVE THREE DIMENSIONAL SHADOW PROJECTION REPRESENTS NO LESS THAN 1500MM OF VERTICAL SUN PENETRATION TO THE NORTH FACADE OF 34 FREDERICK HENRY PARADE AT 12 NOON, JUNE 21ST. RELATIVE TO UPPER FLOOR LEVELS, THIS WOULD EQUATE TO SUNLIGHT FROM 800MM ABOVE FIRST FLOOR FFL, UP TO 2,300MM ABOVE FIRST FLOOR FFL.

APPROXIMATE HEIGHT OF 34 FREDERICK HENRY PARADE IS 6,500MM ABOVE NATURAL GROUND LEVEL, WITH A SIDE SETBACK OF 1200MM. BASED ON PLANNING LEGISLATION OF SETBACKS EQUATING TO HALF THE HEIGHT OF THE WALL, A SETBACK OF 3,250MM WOULD BE THE STANDARD REQUIREMENT. A DWELLING WITH A GREATER SETBACK WOULD THEREFORE HAVE FAR GREATER SOLAR GAIN.

THE NORTHERN FACADE ON THE GROUND FLOOR IS MADE UP OF NON-HABITABLE SERVICE SPACE WITH MINIMAL GLAZED AREAS AND FROSTED WINDOW TREATMENTS.

CURRENTLY, EXISTING VEGETATION CONTRIBUTES TO OVERSHADOWING ON THE NORTH FACADE OF 34 FREDERICK HENRY PARADE.

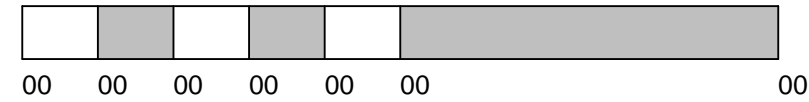
BEYOND 12 NOON ON JUNE 21ST, THE EASTERN FACADE OF 34 FREDERICK HENRY PARADE IS SELF-SHADED DUE TO IT'S EASTERLY ORIENTATION, NOT BECAUSE OF THE PROPOSAL AT 36-38 FREDERICK HENRY PARADE.



CONTEXTUAL MONTAGE

CONTEXT IMAGE DETAILING PROXIMITY OF 34 FREDERICK HENRY PARADE TO WITHIN 1200MM TO NORTHERN BOUNDARY

SCALE: N/A



AMENDMENT 2: 30/10/18 RFI #2 RESPONSE

SHEET 18

36 & 38 Frederick Henry Parade, CREMORNE



Site viewed from Cremorne Parade.



Site viewed from the Cremorne Beach.



View of the dwelling at 34 Fredrick Henry Parade from Cremorne Beach.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items

11.6 FINANCIAL MANAGEMENT**11.6.1 PUBLIC ARTWORK - TRANSFER OF FUNDS**

(File No.) 24-03-07

EXECUTIVE SUMMARY**PURPOSE**

To seek approval for the transfer of funds from reserves for the purpose of commissioning a public artwork in accordance with the Clarence Interim Planning Scheme 2015.

RELATION TO EXISTING POLICY/PLANS

Clarence Interim Planning Scheme 2015
Public Art Policy 2013

LEGISLATIVE REQUIREMENTS

Nil

CONSULTATION

Public Art Panel

FINANCIAL IMPLICATIONS

Nil

RECOMMENDATION:

That Council approves the transfer of \$20,000 from reserves, accumulated through the Public Art Code developer contribution, for the purpose of commissioning a public artwork in Rosny Park.

NB: An Absolute Majority is required for a Decision on this matter

ASSOCIATED REPORT**1. BACKGROUND**

1.1. In 2015 the Public Art Code was inserted in to the Clarence Interim Planning Scheme 2015. Under the Planning Scheme all developments, within the prescribed zones, over the value of \$1,000,000 must make a contribution of 1% of the estimated total project cost (up to a maximum of \$20,000) for the development of Public Artworks.

- 1.2.** Developers can choose to commission artworks themselves or make a cash-in-lieu contribution to the Council. Any contributions that are not used in the financial year in which it is received are placed in the public art developer contribution reserves.

2. REPORT IN DETAIL

- 2.1.** Chau Nominees Pty Ltd chose to make a cash-in-lieu contribution of \$20,000 to Council in relation to the development at 26 Bayfield Street for the commissioning of a Public Artwork in the prescribed zone; the contribution was received in 2016/2017 financial year.
- 2.2.** In accordance with the Public Art Code Implementation Procedure, Tasmanian artist Tony Woodward was commissioned to create a work, to be installed adjacent 26 Bayfield Street.
- 2.3.** Expected completion of the artwork is December 2018. In order to complete the work, transfer of \$20,000 from reserves is now sought for appropriation into the current purchase of public art capital program.

3. CONSULTATION

3.1. Community Consultation

Nil

3.2. State/Local Government Protocol

Nil

3.3. Other

Public Art Panel and Chau Nominees Pty Ltd.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil

5. EXTERNAL IMPACTS

Nil

6. RISK AND LEGAL IMPLICATIONS

Nil

7. FINANCIAL IMPLICATIONS

7.1. The funds (\$20,000) to be transferred are a cash-in-lieu contribution from the developer specifically for the purpose of the creation of Public Art as set out in the Public Art Code.

8. ANY OTHER UNIQUE ISSUES

Nil

9. CONCLUSION

In order to complete the commissioning of the artwork transfer of \$20,000 from reserves is required into the Capital Works budget.

Attachments: Nil.

Andrew Paul
GENERAL MANAGER

11.7 GOVERNANCE**11.7.1 REVISED PARTNERSHIP GRANTS ASSESSMENT PANEL
CONSTITUTION**
(09-17-06A)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to adopt changes to the revised constitution for the Partnership Grants Assessment Panel.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016-2026
- Community Grants Policy

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred with the Partnership Grants Assessment Panel.

FINANCIAL IMPLICATIONS

Nil

RECOMMENDATION:

That Council adopts the revised Constitution for the Partnership Grants Assessment Panel that includes the following changes:

- revising the membership/make-up of the panel to allow for the Deputy Mayor to stand on the panel in the absence of the Mayor; and
- allocating a proxy Alderman for the Partnership Grant panel to stand on the panel in the absence of the nominated Alderman.

ASSOCIATED REPORT**1. BACKGROUND**

Changes recommended to the Partnership Grants Assessment Panel Constitution include:

- revising the membership/make-up of the panel to allow the Deputy Mayor to stand in on the panel in the absence of the Mayor; and

- allocating a proxy Alderman for the Partnership Grants Assessment Panel to stand in on the panel in the absence of the nominated Alderman as determined by Council.

2. REPORT IN DETAIL

2.1 The Partnership Grants Assessment Panel meets in October each year to assess the Partnership Grant applications and put forward a recommendation for funding to Council.

2.2 At the last Partnership Grants Assessment Panel meeting it seemed likely that the meeting would have to be cancelled due to the unavailability of an Alderman. To avoid this possibility the panel agreed there should be a nominated proxy allocated for the Mayor and Alderman.

2.3 To address this issue it is recommended that an amendment to the panel's constitution is made; specifically that if the Mayor is unavailable then the Deputy Mayor can take the chair and run the meeting and if the nominated Alderman is unavailable then the nominated proxy Alderman can take the position on the panel.

3. CONSULTATION

3.1 Community Consultation
Nil

3.2 State/Local Government Protocol
Nil

3.3 Other
The Constitution was reviewed by the Partnership Grants Assessment Panel.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil

9. CONCLUSION

That Council endorses the proposed changes to the Partnership Grants Assessment Panel's Constitution.

Attachments: 1. Revised Partnership Grants Assessment Panel Constitution (7)

Andrew Paul
GENERAL MANAGER



Revised: November 2018

CONSTITUTION OF THE CLARENCE CITY COUNCIL PARTNERSHIP GRANTS ASSESSMENT PANEL

The Clarence City Council Partnership Grants Assessment Panel has been established to assist Council by recommending the recipients for a Partnership Grant including the financial allocations in accordance with the guidelines of the Community Grants Program.

1. Interpretation

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

“**Alderman**” means an elected member of the Clarence City Council.

“**City**” means municipal area of the City of Clarence

“**Committee**” means the Partnership Grants Assessment Panel

“**Council**” means Clarence City Council

“**General Manager**” means the General Manager of the Clarence City Council

“**Partnership Grant**” means a grant as defined in the Council’s Community Grants Program

2. Objectives

The Committee is to:

1. Assist Council by recommending financial allocations for Council’s Community Grant’s Program; and
2. Recommending to Council the allocation of Partnership Grants.

3. Functions and Obligations

The Committee has the following functions and obligations:

1. To provide advice and make recommendations to Council regarding applications and for recipients of Council's Partnership Grants;
2. To review the achievements and acquittal process of Partnership Grant recipients; and
3. To provide feedback to Council regarding the efficacy of the Partnership Grants policy and guidelines.

4. Committee Membership and Roles

4.1. Membership

The Committee shall consist of:

Council

- The Mayor (or, in the absence of the Mayor, the Deputy Mayor) who will be the Chair of the Committee;
- A Council Alderman (or Proxy);
- Community Grants Officer (or proxy); and
- Relevant Council Officers as nominated by the General Manager.

Community

Representation from the community including but not limited to:

- Where possible up to three (3) representatives external to and independent of Clarence City Council. The three (3) independent representatives are to be taken from a pool of up to six (6) possible representatives.

4.2. Appointment

The method of appointment shall be as follows:

Council Appointees

- The Council will appoint its Aldermanic representation (and a proxy representative);
- Officer representation will always include the Community Grants Officer (or proxy);
- The General Manager may nominate other Council officers to provide representation on the panel to assist by providing advice and/or assess whether the applications meet the identified actions of the relevant Council Plans.

Community Nominees

Community nominations will be conducted as follows:

1. A pool of up to six (6) representatives from the community and local government sectors will provide external representation to the assessment panel;
2. From the pool of six (6), up to three (3) representatives will be chosen to sit on the assessment panel;
3. The Mayor, Alderman, and Council officers nominated by the General Manager may invite external representatives to nominate themselves to the Committee as community nominees;
4. To be considered, external representatives will be required to meet the following criteria for nomination:
 - Preference will be given to residents of the City.
 - Nominees must have a capacity to contribute from their own knowledge and experiences in discussions and providing advice on recommendations for Partnership Grants.
 - Nominees must have a commitment to assisting Council by being available to meet once per year in October for a maximum of 2 hours, and be prepared to be involved in any additional meetings if necessary during business hours.
 - Priority will be given to people who are not already members of a special committee of Council.
5. After the invitee's nomination has been received and having regard to the criteria for appointment, the Chair, in consultation with the General Manager (or their representative), shall appoint external representatives.

4.3. Terms of Office

Council Representatives

1. The Mayor is appointed to the Panel by virtue of office.
2. Council will appoint an Alderman and a proxy as its representative member(s) on the Committee. Appointments are made immediately following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently four (4) years).
3. The duration of appointment for Council officer representatives (other than the Community Grants Officer) is at the discretion of the General Manager.

Community Representatives

1. The terms of appointment for Community Representatives is four (4) years and will be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representative.
2. Previous members may reapply.

4.4. Casual vacancies

Any Community Representative vacancy that occurs before the end of the relevant four (4) year period may be filled will be filled using the method of appointment described at clause 4.2 above for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

4.5. Office Bearers

1. The Chairperson is the only office bearer.
2. The role of Chairperson will be filled by the Mayor, or in the Mayor's absence, the Deputy Mayor.
3. The Grants Officer will support the assessment panel by providing:
 - A meeting agenda prior to the meeting;
 - Copies of grant applications prior to the meeting; and
 - Distribution of the minutes of the meeting to members of the panel.

4.6. Role of Chair

1. The Chair is responsible for facilitating the assessment of Partnership Grant applications by:
 - Listening, guiding and ensuring that all Committee members have the opportunity to participate and contribute to discussions and provide advice; and
 - Summarising actions associated with the outcomes of the discussions.
2. If the Chair is not present at a meeting of the Committee then a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting then the meeting is adjourned to the time and place of the next scheduled meeting as notified by the Secretary.

5. Meeting Procedures

1. A meeting will be called in October on a mutually agreed date to assess applications and review efficacy of the Partnership Grant program;
2. Minutes will be taken for all meetings by the Community Grants Officer (or proxy) and distributed to all Committee members, aldermen, relevant council officers and other relevant council advisory committees;

3. A review process will be undertaken for each application;
4. A copy of the meeting agenda will be distributed to all group members at least one (1) week prior to the next meeting.

5.1. Frequency of meetings

1. The Partnership Grant Assessment Panel will meet at least once each year in October upon receipt of any Partnership Grants applications;
2. Any issues regarding the Partnership Grants policy can be raised at the Committee meetings.

Time/Duration/Venue

1. Meeting time and duration will be approximately two (2) hours at an arranged time suitable to the panel members.
2. Meetings will be held at the Council Chambers.

Quorum

1. A quorum will consist of: the Mayor and Alderman, two (2) Community Representatives, the Grants Officer, and one (1) General Manager nominee.
2. At a meeting where a quorum is not present, the meeting may proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.
3. Recommendations for amendments to the constitution may be made at any time provided that suggested changes are noted on the agenda (in accordance with this constitution), a quorum is present at the meeting, and two-thirds of those present support the recommendations.

6. Public attendance

Public attendance is by invitation only.

7. Reporting requirements and arrangements

7.1. Objects and Obligations

1. The assessment panel will work to assess Partnership Grant applications and provide recommendations to Council regarding those applications.
2. The Grants Officer will provide an annual review of the achievements of the program and the efficacy of the Partnership Grants policy.

3. Decisions by the Committee will be by majority vote.

7.2. Areas of Reporting

The Committee will report against the key themes of the Community Grants Program.

1. The Community Grants Program is a strategic investment tool, assisting the community to meet and respond to Council's priorities and vision as outlined in the Strategic Plan. It enables Council to contribute to the community by:
 - Supporting local communities to build on existing capacity and progress their health and well-being;
 - Supporting local communities to sustainably manage and enhance the natural and built environments of the City;
 - Supporting local communities to plan, lead and provide for the sustainable economic growth of the City; and
 - Encouraging engagement and participation in the community.
2. The Grants Officer is responsible for reporting on the allocation of budgeted monies through the Annual Report, including stories of achievements.

7.3. Nature of Reporting

The Community will report to Council by:

1. Providing recommendations for Partnership Grant allocations.
2. Highlighting the achievements of each Partnership Grant in Council's quarterly reports and Annual Report.
3. Providing any other reports on an as requested or needs basis.

7.4. Provision of information to the community

Provision of information to the community shall occur via:

1. Quarterly Reports and Annual Report; and
2. Other means as appropriate throughout the year (for example, via regular updates in the Council rates newsletter, via Council's website, etc.).

7.5. Communication of budget matters

The Community Grants Officer through the Manager Health and Community Development will communicate recommendations regarding budget allocations for Partnership Grants to Council prior to annual budget deliberations.

8. Resourcing

8.1. Budget

The Committee does not have a budget but will be supported by Council as follows:

1. Council administrative support;
2. Paper, postage and stationary requirements;
3. Reimbursement of reasonable out of pocket expenses for Committee members (i.e. travel, refreshments); and
4. Any additional Committee expenses (i.e. conference fees).

8.2. Key Council Officer Contact

Community Grants Officer

Email: grants@ccc.tas.gov.au

Phone: 6217 9572

9. Review of Constitution

1. As a minimum the Committee will review the efficacy of the Partnership Grants program every 5 years of operation.
2. Recommendations for amendments to the constitutional framework can be made at any time provided that suggested changes are noted on the agenda (as per the framework), a quorum is present at the meeting, and two-thirds of those present and entitled to vote support the recommendations.
3. Amendments to this constitution must be approved by Council.

11.7.2 NEW SPECIAL COMMITTEE OF COUNCIL – YOUTH ADVISORY COMMITTEE

(File No. 09-06-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to create a committee of Council for Youth.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016-2026
- Youth Plan 2018-2022

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred with the review of the Youth Plan.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That Council endorses:

1. The creation of a Special Committee of Council for Youth (Youth Advisory Committee).
2. The constitution for the Youth Advisory Committee.

ASSOCIATED REPORT**1. BACKGROUND**

1.1 The Youth Plan was reviewed and recently endorsed by Council, and an action in the Youth Plan 2018-2022 is to “form a special committee of Council to facilitate the exchange of ideas, information, knowledge and skills between young people and Council”.

1.2 As a new Council has been elected it is timely to form the new committee and to have an Alderman allocated as Council’s representative on the committee.

2. REPORT IN DETAIL

2.1 The Youth Plan has been recently reviewed and the Youth Plan 2018-2022 was endorsed by Council.

2.2 Under the theme of “Giving Young People a Voice” the goal is to enable young people to “have a voice” and become more connected, engaged and active within their respective and collective communities.

2.3 An action within that section under the strategy “Promote the contribution young people make in Clarence and establish a positive image for young people” (Page 19) is to:

“Form a special committee of Council to facilitate the exchange of ideas, information, knowledge and skills between young people and Council”.

2.4 The objective of the committee will be to:

- promote the contribution young people make in Clarence and establish a positive image for young people by facilitating the exchange of ideas, information, knowledge and skills between young people;
- develop pathways to ensure youth representation on Council and other committees or groups relevant to young people; and
- acknowledge the collaborations that young people have with people of all ages and abilities across Clarence.

2.5 The committee will function to:

- provide advice and make recommendations to Council regarding youth matters;
- to provide feedback to Council regarding the strategies and outcomes of the Youth Plan; and
- to assist in the review of the Youth Plan.

3. CONSULTATION

3.1 Community Consultation

Nil

3.2 State/Local Government Protocol

Nil;

3.3 Other

The Youth Plan has been recently reviewed through focus groups, stakeholders, and community consultation and has been endorsed by Council.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

That Council endorses the formation of a Youth Advisory Committee and the Committee's constitution.

Attachments: 1. Youth Advisory Committee Constitution (7)

Andrew Paul
GENERAL MANAGER



November 2018

CONSTITUTION OF THE CLARENCE CITY COUNCIL YOUTH ADVISORY COMMITTEE

The Clarence City Council Youth Advisory Committee has been established to enable young people to 'have a voice' and become more connected engaged and active within the City.

1. Interpretation

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

"Alderman" means an elected member of the Clarence City Council.

"City" means municipal area of the City of Clarence

"Committee" means the Clarence City Council Youth Advisory Committee

"Council" means Clarence City Council

"General Manager" means the General Manager of the Clarence City Council

"YNAG" means the Youth Network Advisory Group

2. Objectives

The Committee is to

1. Promote the contribution young people make in Clarence and establish a positive image for young people by facilitating the exchange of ideas, information, knowledge and skills between young people;
2. Develop pathways to ensure youth representation on Council and other committees or groups relevant to young people; and
3. Acknowledge the collaborations that young people have with people of all ages and abilities across Clarence.

3. Functions and Obligations

The Committee has the following functions and obligations:

1. To provide advice and make recommendations to Council regarding Youth matters;
2. To provide feedback to Council regarding the strategies and outcomes of the Youth Plan; and
3. To assist in the review of the Youth Plan.

4. Committee Membership and Roles

4.1. Membership

The Committee shall consist of:

Council

- A Council Alderman (or Proxy) who will be the Chair of the Committee;
- Youth Participation Officer or Youth Services Coordinator;
- Relevant Council Officers as nominated by the General Manager.

Community

Representation from the community will consist of the members of the Youth Network Advisory Group (YNAG). These are young people aged 12-24 who live, work, or go to school in the Clarence area and are interested in providing a stronger voice for youth in the City.

4.2. Appointment

The method of appointment shall be as follows:

Council Appointees

- The Council will appoint its Alderman representation (and a proxy representative);
- Officer representation will include the Youth Participation Officer or the Youth Services Coordinator;
- Other Council Officers as nominated by the General Manager if required.

Community Representatives

To be considered, Community Representatives will be required to meet the criteria for nomination:

1. Be a representative on the Youth Network Advisory Group;
2. Have the capacity to contribute from their own knowledge and experiences in discussions relating to youth;
3. Preference will be given to residents of the City;

4. Community Representatives must have a commitment to assisting Council and other organisations by being available to meet four (4) times per year for a maximum of two (2) hours at a time, and be prepared to be involved in any additional meetings if necessary during business hours.

4.3. Terms of Office

Council Representatives

1. Council will appoint an Aldermen and a proxy as its representative member(s) on the Committee. Appointments are made immediately following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently four (4) years).
2. The duration of appointment for Council officer representatives is at the discretion of the General Manager.

Community Representatives

1. The terms of appointment for community representatives is while they remain a member of the Youth Network Advisory Group.

4.4. Office Bearers

1. There is only one office bearer required for the committee in the role of a Chairperson.
2. The role of Chairperson will be filled by the Alderman (or proxy).
3. The Youth Participation Officer will support the committee by providing:
 - A meeting agenda prior to the meeting;
 - Taking minutes; and
 - Distribution of the minutes of the meeting to members of the panel.

4.5. Role of Chair

1. The Chair is responsible for:
 - Conducting committee meetings in an efficient, effective and inclusive manner;
 - Listening, guiding and ensuring that all committee members have the opportunity to participate and contribute to discussions and provide advice;
 - Public communication on matters arising from the Committee will be communicated by the Chair only and in accordance with Council Policy C1.60

– “Policy and Operational Framework for Media Communications by Council “Special” Committees.”

2. If the Chair or proxy is not present at a meeting of the Committee then a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting then the meeting is adjourned to the time and place of the next scheduled meeting as notified by the Secretary.

5. Meeting Procedures

5.1. Committee Meetings

1. The Youth Participation Officer will provide a set standard agenda for each meeting;
2. A copy of each agenda will be distributed to all representatives at least one (1) week prior to the next meeting;
3. Decisions of the Committee are to be made by a majority vote of members present at the meeting;
4. The Youth Participation Officer will ensure that Minutes of each meeting are taken and distributed to all Committee members, Aldermen, relevant Council officers and other relevant Council advisory Committees;
5. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee; and
6. All members of the Committee must act in accordance with all Council policies and applicable legislation when carrying out their respective responsibilities on behalf of the Committee.

5.2. Frequency of meetings

Frequency

Meetings will be held according to the following requirements:

1. The Committee will meet once every quarter on a Wednesday of the month, unless the Committee agrees otherwise, e.g.:
 - March
 - June
 - September
 - December

Time/Duration/Venue:

1. Meeting time and duration will be a maximum of two (2) hours between 3.00pm and 5.00pm unless the committee agrees otherwise.
2. Meetings will be held at the Council Chambers.

Quorum

1. A quorum will consist of an Alderman (or proxy), the Youth Participation Officer, or Youth Services Coordinator and at least four (4) YNAG members.
2. At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.

Non Member Attendance

1. Other persons will be invited to attend meetings by request, as required, to assist in implementing the identified actions of the plan.
2. Non-member attendance is to be arranged through the Chair or Youth Participation Officer (in consultation with the Chair).

6. Reporting requirements and arrangements**6.1. Areas of Reporting**

The Committee will report against:

1. Identified projects in the Youth Plan; and
2. Matters which come before the Youth Advisory Committee.

6.2. Nature of Reporting

1. Minutes will be distributed for all Committee and working party meetings to all committee members, the Council, relevant Council officers, other relevant council advisory committees and relevant organisation associated with the Youth Plan.
2. The Committee may, at its discretion, provide reporting to the Council through the Chair of the Committee on matters (non-operational) that the Committee has considered based on the following:
 - Reports are to be presented to the General Manager for inclusion in the “Reports From Council And Special Committees And Other Representative Bodies” section of the Council’s meeting agenda;

- The Committee report may include recommendations to the Council on matters that have been considered by the Committee.
- 3. The activities of the Committee will also be highlighted in Council's quarterly reports and Annual Report.
- 4. Any other reports required will be on an as needed basis.

6.3. Provision of information to the community

Provision of information to the community shall occur via:

1. Quarterly Reports and Annual Report;
2. Other means as appropriate throughout the year (for example, via regular updates in the Council rates newsletter, via Council's website, social media, etc.).

6.4. Communication of budget matters

The Committee, when forward planning and considering upcoming actions, will communicate recommendations to Council on a timely basis prior to annual budget deliberations.

7. Resourcing

7.1. Budget

The Committee does not have a budget but will be supported by Council as follows:

1. Council administrative support;
2. Paper, postage and stationary requirements;
3. Reimbursement of reasonable out of pocket expenses for committee members (i.e. travel, refreshments); and
4. Any additional committee expenses (i.e. conference fees).

7.2. Key Council Officer Contact

Youth Participation Officer.

8. Review of Constitution

1. The Committee may make recommendations to Council on the review of the Committee's responsibilities (Powers and Obligations) and this constitutional framework.

2. Recommendations for amendments to the constitutional framework can be made at any time provided that suggested changes are noted on the agenda (as per the framework), a quorum is present at the meeting, and two-thirds of those present and entitled to vote support the recommendations.
3. Amendments to this constitution must be approved by Council.
4. As a minimum timeframe the Constitution is to be reviewed every 5 years by report to the Council.

DRAFT

11.7.3 COUNCIL POLICY – ALDERMAN ALLOWANCES AND ENTITLEMENTS

(File Nos 10-01-02; 10-01-05)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider amendments to Council's Policy for Alderman Allowances and Entitlements as considered at a recent Aldermen's Workshop.

RELATION TO EXISTING POLICY/PLANS

This report proposes to amend Council's existing Policy.

LEGISLATIVE REQUIREMENTS

The Local Government Act 1993 requires that a Council is to adopt a policy in respect of payment of expenses incurred by Aldermen in carrying out the duties of office. The policy must deal with an Alderman's entitlement to be reimbursed for reasonable expenses in relation to:

- (a) telephone rental, telephone calls and use of the internet; and
- (b) travelling; and
- (c) care of any person who is dependent on the councillor and who requires the care while the councillor is carrying out his or her duties or functions as a councillor; and
- (d) stationery and office supplies.

CONSULTATION

The matter has been the subject of a previous Workshop.

FINANCIAL IMPLICATIONS

No significant issues of a financial nature have been identified. The changes proposed are of a minor nature and any additional expenses associated with these changes are expected to be absorbed within the current budget allocation.

RECOMMENDATION:

That Council endorses the revised Alderman Allowances and Entitlements Policy, refer Attachment 1, noting the amendments that have been made.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The purpose of this report is to consider amendments to Council's Policy for Alderman Allowances and Entitlements considered at a recent Aldermen's Workshop.

- 1.2. The last review of the Policy was in December 2014.

2. REPORT IN DETAIL

- 2.1. Council, at a recent Workshop, considered a range of proposed changes associated with Council's adopted Alderman Allowances and Entitlements Policy. In general terms the changes deal with the following matters:

- Inclusion of a 'Policy Statement';
- Inclusion of legislative references rather than re-statement of legislative provisions;
- Updating of vehicle (kilometres travelled), accommodation and meal allowance rates by reference to current (rather than out of date) documents; and
- Simplification of the language of the policy where possible.

- 2.2. The Workshop discussions identified one further change. The policy has been amended to remove the reference to provision of up to 500 stamps per financial year and insert a provision permitting expenditure of up to \$500 per financial year in respect to community consultation expenses associated with Council related matters. This change reflects a more modern approach to community consultation and captures traditional 'post' based consultation as well as internet based and other forms of consultation.

- 2.3. The revised redrafted Policy incorporating the proposed Amendments is attached for formal consideration by Council (refer Attachment 1).

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

The revised policy was circulated to Aldermen for consideration prior to a Council Workshop.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

This report proposes to amend Council's existing Policy.

5. EXTERNAL IMPACTS

No issues to be addressed.

6. RISK AND LEGAL IMPLICATIONS

6.1. The Local Government Act 1993 requires that Council adopt a Policy in respect of payment of expenses incurred by Councillors in carrying out the duties of office. The policy must deal with an Alderman's entitlement to be reimbursed for reasonable expenses in relation to:

- (a) telephone rental, telephone calls and use of the internet; and
- (b) travelling; and
- (c) care of any person who is dependent on the councillor and who requires the care while the councillor is carrying out his or her duties or functions as a councillor; and
- (d) stationery and office supplies.

6.2. Whilst Council is under no obligation to do so it has been in the practice of reviewing its policy at the commencement of the term of each new Council.

7. FINANCIAL IMPLICATIONS

No significant issues of a financial nature have been identified. The changes proposed are minor and any additional expenses associated with these changes are expected to be absorbed within the current budget allocation.

8. ANY OTHER UNIQUE ISSUES

No other unique issues.

9. CONCLUSION

A revised Alderman Allowances and Entitlements Policy is submitted for Council's consideration.

Attachments: 1. Draft Revised Alderman Allowances and Entitlements Policy (14)

Andrew Paul

GENERAL MANAGER



CLARENCE CITY COUNCIL

Alderman Allowances and Entitlements

Revised: December 2018

1. Policy Statement

The purpose of the Alderman Allowances and Entitlements Policy is to define the allowances and entitlements Aldermen are entitled to claim when performing their role and functions.

2. Policy Objectives

The objectives of this policy are to:

- Provide a range and level of support, to reimburse expenses and provide facilities to Aldermen to assist them in discharging the functions of their office.
- Provide the Mayor and Deputy Mayor with additional resources to meet the responsibilities of their office.
- Assist Aldermen to represent the interests of the residents and ratepayers of Clarence, as they provide leadership and guidance to the community and to facilitate communication between the community and Council.
- Provide a level of support that will reasonably enable any person to hold civic office without suffering financial hardship in meeting their statutory and civic responsibilities.

3. The Roles of Mayor and Alderman

The role of Mayor and Deputy Mayor is set out in section 27 of the *Local Government Act 1993*.

The role of Alderman is set out in Section 28 of the *Local Government Act 1993*.

4. Allowances and Expenses

The *Local Government Act 1993* (**Act**) and the *Local Government (General) Regulations 2015* (**Regulations**) set out the allowances and expenses to which the Mayor, Deputy Mayor and Aldermen are entitled, or entitled to claim.

4.1 Allowances

Section 340A of the Act sets out the terms by which an Alderman, (including Deputy Mayor and Mayor) are paid. Regulation 42 of the Regulations sets out the rates applicable to each allowance type.

The following provisions apply to allowances:

- Allowances are subject to yearly review with allowance rates set for the forthcoming year, commencing 1 November in each year.
- Allowances are payable in arrears and are paid on a fortnightly basis by electronic funds transfer.
- The Mayor, Deputy Mayor or an Alderman may elect not to receive part or all of an allowance. This decision is to be communicated in writing to the General Manager.

Section 340A(1) of the Act is the sole basis for allowance payments to Aldermen. Section 77 of the Act provides that no other forms of grant or pecuniary or non-pecuniary benefit may be made by the Council to an Alderman.

4.2 Aldermen Expenses

Regulation 43 of the Regulations entitles an Alderman to reimbursement for reasonable expenses incurred in carrying out the duties of office and in accordance with this policy. The following types of expenses can be claimed:

- telephone rental, telephone calls and use of internet;
- travelling; and
- care of any person who is dependent on the Alderman and also requires care while the Alderman is carrying out their duties as an Alderman; and
- stationery and office supplies.

4.3 Telephone Rental, Calls & Internet

Council will reimburse Aldermen for reasonable expenses incurred in carrying out the Alderman's duties of office in relation to telephone rental, telephone calls and use of the internet.

The following provides a guideline to be used in establishing reasonable expenses recognised by this policy. The following table should be regarded as the maximum allowable however, Aldermen may choose to claim lesser percentages based on their

assessment of the proportion of Council-related business incurred on their telephone accounts.

- Landline:** 50% of rental charges, or, 100% of rental charges where a dedicated line has been installed solely for Council purposes
- Internet Connection** To a maximum of \$100 per month.
- Mobile:** Council will meet all Council related call costs. Where requested, Council will supply a modern mobile phone. Where a phone is supplied by Council such phone shall be returned to Council at the end of the term of office.

Each Alderman is responsible for the details and amounts of the claim shown on their claim form. Claims submitted must provide clear details that demonstrate how the claimed amounts, supported by the supplementary documentation, link with the above guideline.

The policy recognises that packages and billing for telecommunication arrangements between provider and client can vary significantly. Where the details shown in packages differ from the above guideline an explanatory note (to the satisfaction of the General Manager) is to be provided by the Alderman detailing how the claim amount is determined and how it meets the objectives of the guideline. This explanatory note may be used as the basis to support subsequent claims based on the same package arrangement.

As an alternative to privately managed telecommunications arrangements by Aldermen, access (when available) to a Council negotiated corporate plan may be provided. Such plans will cover domestic line, mobile services and internet services. Entering into a plan will replace any claimable reimbursement of costs under this section of the policy and for internet services. An Alderman may utilise the plan for private use provided that the major portion of the use is for Council purposes.

4.4 Travelling

4.4.1 General Guidelines for Travel Expenses

Council will reimburse Aldermen for reasonable travel expenses incurred in the use of a private vehicle when executing the duties of office. The duties of office are:

- attendance at:
 - formal meetings of Council, Council Committees, Council Workshops, Council Briefings;
 - meetings of any Regional Committee, Authority, Council Special Committee or external organisation to which the Alderman has been appointed as a representative of Council provided that the organisation does not have in place a reimbursement policy to cover such expenses; and

- any other meetings where the Alderman has been delegated or authorised by Council to attend;
- conducting inspections of relevant sites and talking with interested parties regarding matters formally listed as Agenda Items for a meeting of the Council;
- travelling to and from meetings with residents and ratepayers in response to their request or problem;
- travel to and from a meeting with Council staff; and
- travel to and from any seminar/conference in compliance with a resolution or policy of Council.

Council's reimbursement of reasonable travel expenses does not extend to an Alderman's attendance to activities and responsibilities assigned or required of them by the Regional Committee, Authority or external organisation upon which an Alderman is the Council's appointed representative. In such circumstances this policy assumes that any expenses incurred would be appropriately and legitimately authorised and reimbursed by the relevant committee or organisation.

Council will not reimburse an Alderman for travelling in relation to unsolicited visits to citizens that have been undertaken for the self-promotion of the Alderman (canvassing, door knocking etc).

4.4.2 Use of Motor Vehicle

Claims for travelling expenses shall, where practicable, be submitted monthly and must state the following:

- The date of travel
- The place of departure and place of arrival.
- Distance travelled.
- Reason for journey.
- Total amount of each claim.

The rate used for reimbursement of travelling expenses will be based on the number of kilometres travelled in accordance with public service rates outlined in Clause 15.2(a)(i) of the Local Government Industry Award 2010 (MA000112) (the Modern Award applicable to the Local Government sector throughout Australia) as determined from time to time.

4.4.3 Cab Charge Facility

Aldermen may claim reimbursement for taxi fares incurred in the course of undertaking the duties of Alderman as outlined in the general guidelines criteria set out above relating to travel expenses.

Aldermen may elect to obtain a cab charge card from the General Manager for use in connection with Council business. Cab Charge can only be used for payments of travelling expenses for attendance at Council Meetings, authorised meetings, conferences

and seminars. All use of cab charge arrangements are to be documented on a subsequent claim form in the same manner as provided for in respect to private vehicle use and ordinary cab fares.

4.5 Care Support

Aldermen may claim reimbursement for reasonable expenses incurred in relation to the care of a person who is dependent on the Alderman. The care must relate to the period of time that the Alderman is attending to their duties of office.

The circumstances set out above whereby travel expenses may be claimed are to also be the same circumstances where Alderman may seek to claim care support related expenses.

5. Additional Support for Aldermen

5.1 Facilities and Resources

Council will provide the following facilities and resources support to Aldermen in the performance of their duties of office:

- A supply (not exceeding two reams per financial year) of Clarence City Council "Alderman's Room" letterhead, stationery and envelopes for use on Council business.
- As required, a supply of personalised Council business cards. Such cards will be in accordance with the Standard corporate design and branding.
- An annual community consultation allowance for community consultation expenses associated with Council related matters, which is not to exceed the value of \$500 per financial year.

A fully maintained office, known as the "Aldermen's Room" will be available at all times for the use of all Aldermen, excluding the Mayor. The office will be adequately furnished to a standard determined by the General Manager.

5.2 Conferences, Training Courses, Seminars, Study Tours and Sister City Visits

5.2.1 General Guidelines for Conferences Training Courses Seminars and Study Tours

Council will pay registration fees in respect of attendance at any intrastate, interstate or overseas seminar, training course study tour or conference, as provided for in this policy or as endorsed by Council. Arrangements for the registration of Aldermen's attendance are to be made through the General Manager's Office.

(**Note:** The General Guidelines for Conferences Training Courses Seminars and Study Tours relates to all conference and seminar attendance including those attendances

approved by the Council for conferences, training courses, seminars and study tours above threshold level stated below.)

5.2.2 LGAT Conferences

Council recognises the importance of Aldermen's attendance at the annual Local Government Association of Tasmania Conference and will pay for all registration and related costs (in accordance with the general guidelines above) of those Aldermen who register to attend this conference. Council will also pay an accompanying person's attendance and participation in the partner/guest programme.

Attendance at the Local Government Association of Tasmania Conference is a right for all Aldermen. Consequently, an Alderman's attendance at a Local Government Association of Tasmania Conference does not have a bearing on the threshold provisions for other seminar and conference attendances by an Alderman.

5.2.3 Core Elected Member Training

Council recognises that sound corporate governance and an appropriate level of understanding of the broader responsibilities of elected members is important for the performance of the role of Alderman. Council will pay for Aldermen's attendance at locally conducted Company Directors and elected member focussed governance and professional development courses as of right and as such cost thresholds do not apply for this category.

5.2.4 Professional Development Education, Seminars and Training

Without a requirement for referral to the Council for endorsement, Council will support Aldermen in education and training (that is, attending small cost education and/or training courses, seminars, conferences and study tours by meeting the associated costs subject to the following conditions:

- the activity is Local Government related and relevant to the functions of an Alderman;
- the support may relate to various education and training attendances during each financial year, and
- the total financial allocation per Alderman is up to \$600 (inclusive of travelling and accommodation) per financial year.

5.2.5 Large Scale Conferences, Seminars, Sister City Relations and Study Tours

Council will support Aldermen in attending large scale seminars, conferences and study tours by making available an annual allocation to each Alderman of up to \$2,000 which may be used to meet the costs associated with such attendances.

This allocation may also be used by an Alderman to participate in an official Council Sister City delegation.

The allocation is based on the following conditions:

- An Alderman's first entitlement is made available immediately upon their first election to Council (regardless of time of election).
- The allocation is available on a calendar year basis from 1 November in each year (1 November – 31 October, hereafter "allocation year").
- An Alderman elected to office to fill a casual vacancy is entitled to a pro-rata allocation from the date of election to the end of the current allocation year.
- The allocation made available to an Alderman may:
 - for any unexpended allocation in a particular allocation year, be accumulated to the following accumulation year ; with
 - the maximum allocation for an Alderman in any "allocation year" is \$6,000; and
 - Any unexpended allocation in excess of \$6,000 is deemed to be exhausted funds.

The following evaluation criteria will be used as the basis for the endorsed use of the Aldermen's large scale seminars, conferences and sister city relations annual allocation:

- In the case of a visit to a Council Sister City, that such attendance forms part of a delegation visit which has been officially endorsed by the Council; In the case of an attendance at a conference /seminar, the primary consideration is whether the attendance would reasonably be regarded by the public as relevant to the role of Alderman and consistent with the provisions and requirements of the Council's Code of Conduct; and
- That the attendance would satisfy one or more of the following prerequisite criteria:
 - Assist an Alderman in the performance of their role;
 - Relevant to policy, project, issues and matters currently being considered by the Council;
 - Direct relevance to the local government industry (including implications, roles and responsibilities due to legislative change);
 - Related to the functions of, and services delivered by the Council;
 - An identified need within the Clarence community which can be directly linked to an objective and strategy in Council's Strategic Plan; and/or
 - Related to a Council function or the functional responsibilities of a Council Committee or Special Committee of the Council upon which the Alderman is an appointed representative.

Authorisation of attendances by Aldermen to large scale conferences seminars and study tours is to be conducted on the following basis:

Domestic (Intrastate and Interstate) Attendance

An Alderman wishing to attend a conference or seminar at a domestic venue or undertake a study tour within Australia may submit a request and explanatory memorandum to the General Manager. The explanatory memorandum is to include:

- details of how the attendance satisfies the evaluation criteria;
- an estimate of the reasonable expenses likely to be incurred in relation to registration, accommodation, meals and transport when attending the conference or seminar; and
- any other relevant supporting information.

The General Manager may endorse the request(s) without referral of the request to Council provided he / she is satisfied that the request(s) meet the evaluation criteria.

Overseas Attendances and Sister City Visits

An Alderman wishing to attend a conference or seminar at an overseas venue; undertake an overseas study tour; or to visit a Council Sister City may submit a request and explanatory memorandum to the General Manager for listing as an agenda item on an ordinary Council meeting agenda. The explanatory memorandum is to include:

- details of how the attendance satisfies the evaluation criteria set out in the Large Scale Conferences and Seminars category;
- an estimate of the reasonable expenses likely to be incurred in relation to registration, accommodation, meals and transport when attending the conference or seminar; and
- any other relevant supporting information.

It is a matter for the Council to determine the level of support that is to be provided to the applicant Alderman in this category.

Aldermen are to provide a written report to the Council following their attendance at conferences and seminars (domestic and overseas) under this category.

5.2.6 Conferences, Training Courses, Seminars, Study Tours and Sister City Visit Costs in excess of Allocated Thresholds

Where the cost of attendance is anticipated to or has exceeded the thresholds stated in the relevant category above, an Alderman may submit a request for further assistance including an explanatory memorandum with any relevant supporting information to the General Manager for listing as an agenda item on an ordinary Council meeting agenda. Where applicable the explanatory memorandum is to include details of how the attendance satisfies the evaluation criteria set out in the Large Scale Conferences, Seminars, Study Tours and Sister City Relations category.

An Alderman may elect to either:

- Seek reimbursement for reasonable expenses incurred in relation to accommodation, meals and transport when attending a seminar training course or conference as endorsed by Council; or
- Be paid a daily travelling allowance inclusive of accommodation and meals in accordance with the Australian Taxation Office determination 'Income tax; what are the reasonable travel and overtime meal allowance expense amounts for the [relevant financial] year?' (currently Taxation Determination TD 2017/19) as determined and varied from year to year by the Australian Taxation Office.

It is a matter for the Council to determine the level of support/assistance that is to be provided to the applicant Alderman in this category.

5.3 Information/Communication Technology

5.3.1 Equipment

Council will provide information and communication technology equipment to enable Aldermen to discharge their official duties in an efficient and effective manner. This equipment will be fully maintained by Council. Included with the equipment available to each Aldermen will, on request, be the provision of a suitable portable electronic device (tablet technology) for receiving and accessing electronic Council papers and other related documentation, a laptop or personal computer, and a printer. Such equipment will generally be of a standard in accordance with Council's standard equipment purchasing policies. The equipment may be replaced from time to time at the discretion of the General Manager.

Council will provide IT support/training and all consumables within reasonable limits for such equipment.

5.3.2 Internet Access

In recognition of the communication and research needs associated with the role of Alderman, Council will provide for an unlimited access to the Internet. To facilitate this need a choice of options are available to Aldermen.

The policy notes the existence of a range of product packaging provided by telecommunication service providers which aggregate a range of services including internet, fax, telephone, etc. Aldermen are encouraged as part of this policy to explore suitable packages which minimise the costs of services obtained by them under the various relevant reimbursement categories of this policy, particularly noting the provisions of Section 4.3 of this policy.

5.3.4 ICT Support

Where information and communication technology provided to Aldermen is of a similar specification to that utilised generally in the organisation, basic support with respect to configuration and operational issues will be provided by Council officers. Where

equipment is of a specification not generally utilised in the organisation, or where more complex issues arise, support will need to be provided through the product supplier or third party services.

6. Process for Claiming Expenses and Payment of Allowances

6.1 Claims Exclusions

An Alderman shall not claim travel or other expenses where the expenses would otherwise have been incurred as a result of private business. An Alderman is to make claim for expenses for the recognised duties of office only through the Council's Claims lodgement process and is not to seek or obtain any reimbursement for the same expenses directly from the individual Regional Committee, Authority, Council Special Committee or external organisation to which the Alderman has been appointed as a representative of Clarence City Council:

- unless this has been formally authorised by the Council, and
- provided that such a payment is not contrary to the provisions of Section 77 of the *Local Government Act 1993*.

6.2 Claims Procedure

The claimant is responsible for the details and amounts of claim shown on a claim form (**Attached**).

Claims for reimbursement are to be submitted to the General Manager on a monthly basis using the approved Claim Form. In order for effective quarterly and end of financial year reporting, the policy requires that all outstanding claims are submitted within 6 months of the expenses being incurred, one claim of which must occur in July each year. The policy will not honour expenses that are older than 6 months.

Claims for reimbursement are to be accompanied by corresponding receipts or tax invoices and each claim must clearly identify the purpose, in order to make clear the basis of claim and its relation to the policy guidelines.

Where, in the opinion of the General Manager, a question arises as to whether a claim for reimbursement of expenses or any part thereof is eligible under this policy, the matter will, in the first instance be brought to the attention of the Mayor who will, in turn, discuss the matter with the Alderman making the claim. Should the question still remain, the matter is to be referred to a closed session of Council for a decision.

6.3 Payment of Allowances

The payment of Allowances is made through the Council's payroll system. Payment transactions are made by direct deposit into a bank account nominated by Aldermen.

6.4 Salary Sacrifice Arrangements

This Alderman's Allowances and Entitlements Policy recognises and makes available to Aldermen "salary sacrifice" arrangements with respect to their allowance payments where such arrangements are provided for by law and do not result in additional costs for the Council. In particular, Aldermen may request that all or part of their allowance be paid into a superannuation fund which is complying for the purposes of Australian taxation and superannuation legislation. Such arrangements are authorised under this policy subject to them being entered into by agreement in writing on an individual basis through the General Manager who is authorised and delegated to enter into such agreements in accordance with this policy.

7. Support for the Office of Mayor

The level of support provided to the Mayor is the same as provided to Aldermen plus the following:

7.1 Mayoral Vehicle

In recognising the responsibilities of office, the Mayor is provided with an official vehicle of an appropriate standard as determined by Council from time to time and in accordance with the following requirements:

- The vehicle shall be fully maintained by Council and shall be available to the Mayor for full private use,
- When deemed necessary by the Mayor, a person, other than a Council employee or an Alderman, may drive the vehicle.
- The vehicle is also available for the Mayor's partner/spouse to support him or her in community activities as may arise from time to time.; and
- The vehicle may be made available to Aldermen or staff for use on Council business at the discretion of the Mayor.

7.2 Mayor's Office

An office will be provided for the Mayor to assist him/her in conducting his/her civic duty.

This office will be adequately serviced and furnished to the requirements of the Mayor.

The Mayor will be provided with secretarial and administrative support as required and as approved by the General Manager in accordance with Council's approved budget.

8. Support for the Office of Deputy Mayor

The level of support provided to the Deputy Mayor is the same as provided to Aldermen.

When the Deputy Mayor acts in the office of Mayor the support provided to the Mayor shall apply.

9. Public Reporting and Disclosure of Aldermanic Allowances and Entitlements

In recognition of Council's desire to implement a policy regarding Alderman Allowances and Entitlements that are fair and equitable for all elected members, and, importantly, open and transparent for ratepayers, all entitlements and allowances paid will be reported in the Quarterly Report to Council.

The Quarterly Report will individually list all elected members and provide to ratepayers, in a transparent and accountable manner, the full cost under appropriate groupings/categories of all entitlements and all allowances paid to Aldermen.



ALDERMAN CLAIM FORM

REQUEST FOR REIMBURSEMENT

NAME: _____

DATE: _____

Office Use Only:
ALDERMAN IDENTIFIER: _____

OFFICE and BUSINESS STATIONERY		63208	Quantity
Letterhead - Alderman's Room			
Envelopes - Alderman's Room			
Plain Paper			
Community Consultation expenses			
Business Cards (if alterations needed, please attach card showing required changes)			
IT EQUIPMENT AND CONSUMABLES		63210	\$
Personal Computer and Printer:			
Fax machine :			
Printer:			
Software/consumables:			
IT support training:			
TOTAL			
TELEPHONE, MOBILE PHONE and INTERNET		63212	\$
Period	Type % of Account	A/C Ref	
	Landline (shared/dedicated)		
	Mobile (shared/dedicated)		
	Internet		
	Mobile phone handset		
TOTAL			
CONFERENCES AND SEMINARS - Large Scale conferences, seminars, study tours		63211	\$
(include conference registration, airfare, accommodation, transfers)			
Date	Details		
TOTAL			
DELEGATES EXPENSES - LGAT Conferences, training, professional development		63203	\$
(include costs associated with registrations, transfers, accommodation)			
Date	Details		
TOTAL			
CHILD CARE		63206	\$
Date	Purpose	Provider	
TOTAL			
USE OF PRIVATE VEHICLE and TAXI		63204	\$
Transfer of amount shown at "a+b" from Page 2			
			\$
CLAIM TOTAL			

REQUEST FOR REIMBURSEMENT - Continued

TRAVELLING: For reasonable expenses incurred when executing the duties of office including formal Council Meetings, Workshops and Briefings, meeting of any Committee the Alderman has been appointed to as a representative of Council, of other meeting as delegated or authorised by Council: conducting inspections of relevant sites , talking with interested parties regarding Council agenda items, meetings with residents and ratepayers, meeting with staff: and seminar/conference attendance as per Council decision.

[illegible]

TAXI HIRE					
Date	Place of Departure	Place of arrival	Reason for Journey	\$	
	TOTAL TAXI HIRE				<i>b</i>
	TOTAL of PRIVATE VEHICLE USE CLAIM		Transfer this amount to FRONT PAGE		<i>a + b</i>

I certify the details of the above request for reimbursement and entitlements relate to claimable expenses incurred in the performance of the role of Alderman and are in accordance with the Council's policy.

Signed and Dated: _____

AUTHORISED FOR PAYMENT: _____

11.7.4 APPOINTMENT TO COMMITTEES BOARDS AND AUTHORITIES

(File No.)

EXECUTIVE SUMMARY**PURPOSE**

To appoint Aldermen to Committees, Boards and Authorities.

RELATION TO EXISTING POLICY/PLANS

Council, following each ordinary Council election, deliberates on its appointments to committees and outside organisations.

LEGISLATIVE REQUIREMENTS

Council Committees and Special Committees are established under Sections 23 and 24 of the Local Government Act 1993.

CONSULTATION

In preparing the Committees profile document, a process of consultation and review was undertaken to confirm details of meetings, membership etc of each committee.

FINANCIAL IMPLICATIONS

Not applicable

RECOMMENDATION:

A. That the following schedule of nominations be endorsed by Council:

COMMITTEE, BOARD, AUTHORITY	APPT REQUIRED	NOMINATIONS RECEIVED	
Almas Activities Centre Management Committee	Committee Member and Proxy 2 positions	Committee Member Ald von Bertouch	Proxy Ald Mulder
Lindisfarne Community Activities Centre Management Committee	2 Committee Members At least 1 position	Committee Members Ald Blomeley Ald Mulder	
Risdon Vale Community Centre Management Committee	Committee Members At least 1 position	Committee Members Ald Peers	

COMMITTEE, BOARD, AUTHORITY	APPT REQUIRED	NOMINATIONS RECEIVED	
Geilston Bay Community Centre Management Committee	Committee Members At least 1 position	Committee Members Ald Blomeley Ald Walker	
Howrah Community Centre Committee	Committee Member and Proxy 2 positions	Committee Member Ald Mulder	Proxy Ald Ewington
Audit Panel	2 Committee Members and Proxy 3 positions	Committee Members Ald Chong Ald Warren	Proxy Ald Edmunds
Natural Resource Management and Grants Committee	Chair and Proxy 2 positions	Chair Ald Warren	Proxy Ald Edmunds
Tracks and Trails Committee	2 Committee Members 2 positions	Chair Ald Ewington	Committee Member Ald Kennedy
Richmond Advisory Committee	Committee Member and Proxy 2 positions	Committee Member Ald Chong	Proxy Ald Peers
Clarence Positive Ageing Advisory Committee	Chair and Proxy 2 positions	Chair Ald von Bertouch	Proxy Ald Walker
Clarence Bicycle Advisory Committee	Chair and Alternative Chair 2 positions	Chair Ald Ewington	Alternative Chair Ald Blomeley
Events Special Committee	Mayor (or nominee) and 2 Committee Members	Mayor's Nominee Ald Chong	Committee Members Ald James Ald Kennedy
Australia Day Awards Committee	Mayor (or nominee) and 2 Committee Members	Chair Mayor Chipman	Committee Members Ald Blomeley Ald Kennedy

COMMITTEE, BOARD, AUTHORITY	APPT REQUIRED	NOMINATIONS RECEIVED	
Cultural History Advisory Committee	Chair and Proxy 2 positions	Chair Ald Chong	Proxy Ald Blomeley
Community Health and Well-being Plan Advisory Committee	Committee Member and Proxy 2 positions	Committee Member Ald Chong	Proxy Ald Ewington
Partnership Grants Assessment Committee	Mayor (or nominee) and 1 Committee Member	Mayor's Nominee Ald Chong	Committee Member Ald Kennedy
Youth Plan Committee	Chair and Proxy 2 positions	Chair Ald Chong	Proxy Ald Kennedy
Disability Access and Advisory Committee	Chair and Proxy 2 positions	Chair Ald Warren	Proxy Ald Edmunds
National Fitness Southern Recreation Association	Committee Member 1 position	Committee Member Ald Ewington	
Bellerive Community Arts Centre Management	Committee Member 1 position	Committee Member Ald Kennedy	
South Arm Calverton Hall Management Committee Inc.	Committee Member 1 position	Committee Member Ald von Bertouch	
Committee of Management of Business East Inc	Observer and Proxy Observer 2 positions	Observer Ald Walker	Proxy Observer Ald James
Copping Refuse Disposal Site Joint Authority	Council Representative and Proxy 2 positions	Council Representative Ald Walker	Proxy Ald Edmunds
C Cell Pty Ltd	Director 1 position	Director Ald Blomeley	

COMMITTEE, BOARD, AUTHORITY	APPT REQUIRED	NOMINATIONS RECEIVED	
Waste Strategy South	Mayor (or nominee) 1 position	Mayor's Nominee Ald Warren	
Cycling South	Mayor (or nominee) 1 position	Mayor's Nominee Ald Ewington	

B. That a ballot be conducted for the following nominations

COMMITTEE, BOARD, AUTHORITY	APPT REQUIRED	NOMINATIONS RECEIVED	
Petitions to Amend Hearings Committee	3 Committee Members and Proxy 4 positions	Committee Members Ald Blomeley Ald Chong Ald Walker	Proxy Nomination Required
Clarence City Band	1 Committee Member	Committee Member Nomination Required	

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. Council, immediately following each ordinary Council election, deliberates on its appointments to committees and outside organisations.
- 1.2. Council held discussions at Workshops to discuss the various appointments and to seek expressions of interest from Aldermen.

2. REPORT IN DETAIL

- 2.1. Council staff developed and provided to Aldermen a profile document outlining the purpose and make up of each of the committees or organisations including an expression of interest form for completion by Aldermen.

- 2.2.** The profile document was discussed at an Aldermen Workshop on 19 November 2018 and expressions of interest were subsequently sought. A further Workshop was held on 26 November 2018 to discuss the expressions of interest received.
- 2.3.** It has been previous practice, and it was agreed to continue the practice, that the method for appointment be by resolution of Council for those bodies which received the same number of nominations as positions to be filled. If the number of nominations received exceeded the number of available positions, these were marked for a ballot to be conducted as part of the appointment process at Council's Meeting on 3 December 2018.
- 2.4.** For ease of identification, the nominations have been grouped into tables in Recommendation A for appointment by resolution of Council and Recommendation B for determination by ballot respectively. It is important to note that some committees identified within Recommendation B did not receive sufficient nominees, and hence those positions remain open for nomination.
- 2.5.** Council's Policy on conduct of a ballot for appointment to Committees is as follows.

“Where there are two or more positions to filled to represent Council on a particular body, then each position is to be dealt with as a separate election in accordance with the following election process.

The election process for filling of the expired terms is to be in accordance with the following procedures:

- a. nominations put before the meeting do not require a seconder, however, the nomination must be accepted by the nominee;*
- b. in the event that there are two or more nominations received, the nominee members must leave the meeting room whilst the election takes place;*
- c. if there are more than two candidates for an appointment then the election is to be conducted in the following manner:*
 - the vote is to be taken in stages;*

- *the candidate having the least number of votes is to be eliminated from the ballot and excluded from the next stage of the ballot;*
- *the candidate member who has been excluded from the ballot is entitled to return to the meeting room and thereafter is entitled to take part in the voting for the remaining candidates;*
- *this procedure is to be followed until the number of candidates has been reduced to two;*
- d. *if there is a tie in the number of votes cast for two or more nominee members,*
 - *the nominee eliminated or the successful nominee, whichever the case may require, is to be determined by lot”.*

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

A number of the appointments relate to Committees or Special Committees established under the Local Government Act, the make-up of which is at the discretion of Council.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

No other issues.

9. CONCLUSION

9.1. Council, immediately following each ordinary Council election, deliberates on its appointments to committees and outside organisations.

9.2. Nominations were sought from Aldermen for appointment to each committee at Aldermen Workshops on 19 and 26 November 2018. It was agreed that the method for appointment be by resolution of Council for those bodies which received the same number of nominations as positions to be filled. If the number of nominations received exceeded the number of available positions, or if insufficient nominations were received, these committee positions were marked for a ballot to be conducted as part of the appointment process at Council's Meeting on 3 December 2018. Details of nominations received have been presented for appointment by Council by either resolution or ballot as appropriate.

Attachments: Nil

Andrew Paul
GENERAL MANAGER

12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

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

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 LEGAL MATTER

13.3 PROPERTY MATTER – GEILSTON BAY

The grounds for listing these reports in Closed Meeting are that the detail covered in the reports relates to: -

- proposals for the acquisition of land or an interest in the land or for the disposal of land;
- matters relating to actual or possible litigation taken by or involving the Council or an employee of the Council;
- applications by Aldermen for Leave of Absence;

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