

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 14 JANUARY 2019**

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

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

**1. APOLOGIES**

Ald Ewington (Leave of Absence)

**2. CONFIRMATION OF MINUTES**

(File No. 10/03/01)

**RECOMMENDATION:**

That the Minutes of the Council Meeting held on 3 December 2018, the Special Council (Planning Authority) Meeting and Special Council Meeting held on 17 December 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**

Hobart City Deal

Greater Hobart Deal

Workshop Procedures Meeting Times

Strategic Risk Management

**DATE**

10 December

**RECOMMENDATION:**

That Council notes the workshops conducted.



<b>5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE</b> (File No)
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In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

**6. TABLING OF PETITIONS**

(File No. 10/03/12)

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

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

## **7. PUBLIC QUESTION TIME**

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

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

### **7.1 PUBLIC QUESTIONS ON NOTICE**

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

Nil.

### **7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

Nil.

### **7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

### **7.4 QUESTIONS WITHOUT NOTICE**

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

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

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

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

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(File No 10/03/04)

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

**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION - ALD MULDER  
BEGONIA STREET**

(File No 10-03-05)

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

- “A. Noting that current traffic levels on Begonia Street are above acceptable levels for a gravel road, Council requests a report from Officers on options and costings for the sealing of Begonia Street.
- B. Such report is to be presented to Council by March 2019.
- C. Funding for the sealing of Begonia Street is to be included in the draft 2019/2020 Council budget for consideration of Council”.

**EXPLANATORY NOTES**

- 1. Traffic volumes on Begonia Street are in excess of 2000 vehicles per day; this is generally considered excessive for a gravel road.
- 2. Such high usage results in annual maintenance costs of greater than \$30,000 per annum. Even at this level of maintenance, traffic volumes are such that the street is often in a poor condition.
- 3. Council has been debating whether to seal Begonia Street for too long; it is now time to proceed to sealing Begonia Street.
- 4. The proposed motion calls for a report on the options for sealing Begonia Street and the associated cost estimates.
- 5. The Motion also calls for the report to be presented to Council by March 2019, to enable this matter to be considered for funding in the 2019/2020 Council budget.

T Mulder  
**ALDERMAN**

**GENERAL MANAGER'S COMMENTS**

*A matter for Council determination.*

**9.2 NOTICE OF MOTION - ALD WALKER  
STATE-OF-THE-ART DOG PARK**  
(File No 10-03-05)

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

“That the General Manager provides a report on options for the establishment of a state-of-the-art dog park within Clarence. Such report should canvas options and costings for the establishment of a new park and for the upgrade of the existing South Street dog park and be presented to Council in a timeframe to enable consideration of such a facility in the 2019/2020 Council budget”.

**EXPLANATORY NOTES**

- Alongside on lead paths and off lead areas including beaches, Dog Parks are an increasingly important asset for physical and mental stimulation of dogs. State-of-the-art dog parks provide a safe space for natural dog behaviours like running, chasing and playing. They also provide a space for dog owners to socialise and a good place to educate about animal health, welfare as well as dog etiquette.
- Presently there is only one fenced dog park in the Clarence municipality. This facility is also used for car parking when major events occur at Blundstone Arena Bellerive. The facility is rudimentary and lacking in basic features such as double entrance gates.
- With over 10,000 registered dogs there is strong demand for residents to be able to exercise their dogs. Unlike most other passive recreation infrastructure dog owners are also making a contribution through their registration fees.
- The parks help encourage responsible dog ownership and reduce the likelihood of under stimulated dogs excessively barking at home.
- Characteristics of a state-of-the-art dog park often include the following:
  - plenty of space allowing room to roam;
  - challenges so dogs can exercise their body and their brain;
  - different surfaces like level fields, gentle hills, clumps of rocks, logs and tunnels;
  - special use areas for shy, older or smaller dogs;

- careful selection of dog friendly plants and trees for shade;
- walking trail with good accessibility for wheelchairs and strollers;
- waste stations, water for drinking, signs and seating; and
- good fencing and a few carefully planned double entrance and exit points.

J Walker

**ALDERMAN**

***GENERAL MANAGER'S COMMENTS***

*A matter for Council determination.*

**10. REPORTS FROM OUTSIDE BODIES**

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

**10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

**Quarterly Reports**

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 July to 30 September 2018 (refer Attachment 1).

**Representative Reporting**

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker  
(Ald Luke Edmunds, Deputy Representative)

**Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summary of its Meetings for the period ending 27 December 2018 (refer Attachment 2).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period 1 July to 30 September 2018.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

**Representative Reporting**

- **TASWATER CORPORATION**

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





# **Southern Tasmanian Councils Authority**

## **Quarterly Report to Members**

### **September 2018**



**Each Joint Authority is required under Section 36B of the Local Government Act, 1993 to provide to its members a quarterly report that includes a statement of general performance and a statement of its financial performance**

**This report covers the three month period ending 30 September 2018. This report with all previous quarterly reports is published on the Authorities website: [www.stca.tas.gov.au](http://www.stca.tas.gov.au)**

**The Southern Tasmanian Councils Authority commenced on 1 July 2006**

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- STCA Draft Financial Statements ..... 5
- Governance and Audit Committee Update ..... 5



## **Quarterly Report to Member Councils September 2018**

The Authority held an Ordinary Board Meeting on 20 August 2018.

Matters considered at this meeting included:

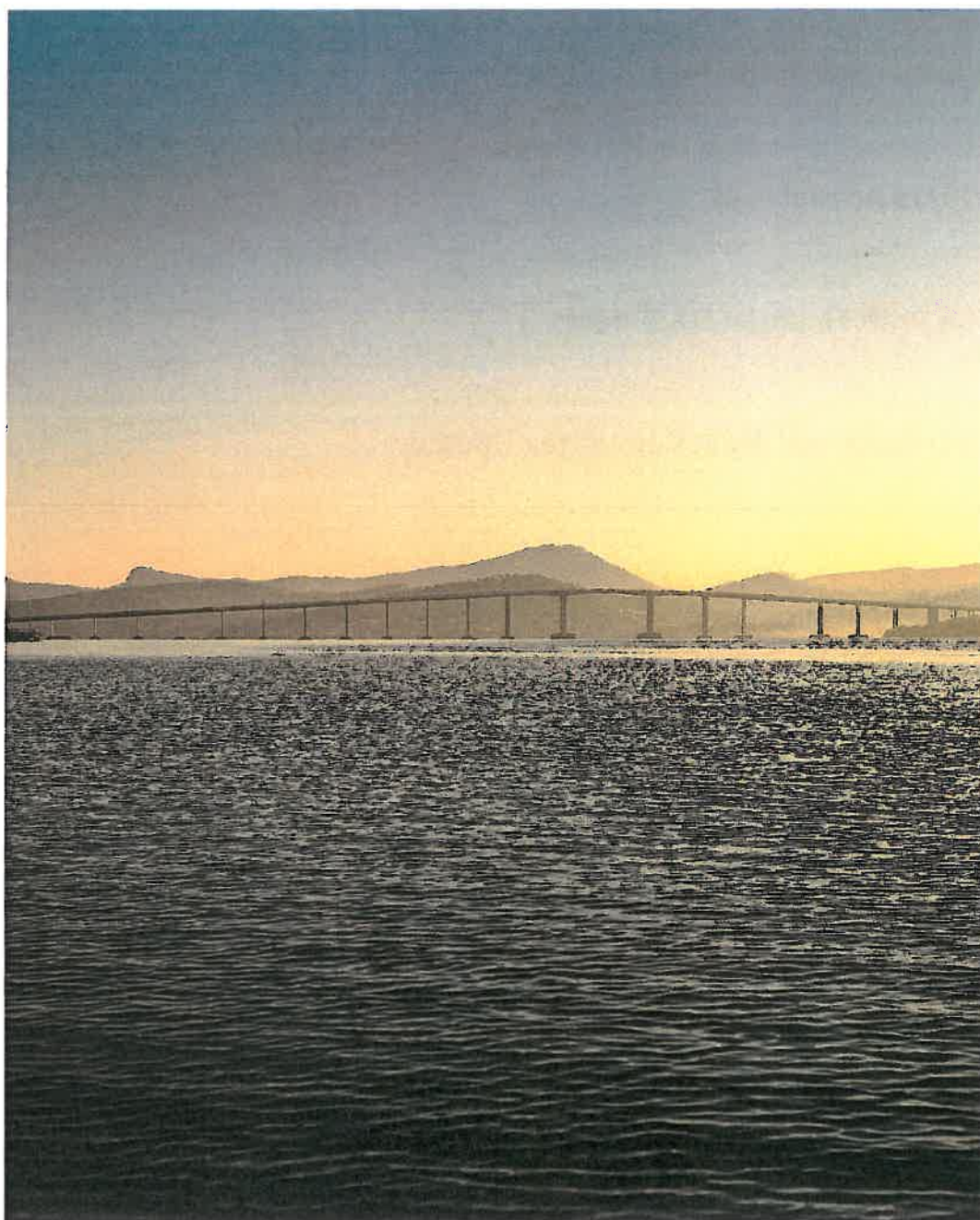
- **Presentation from Mr Alex Tay, Director of Local Government**
- **Member updates on Planning Reform and South Eastern Regional Development Authority**
- **2018/19 Annual Plan**
- **STCA Draft Financial Statements**
- **Governance and Audit Committee Update**

## ORDINARY BOARD MEETING – 20 AUGUST 2018

### PRESENTATION FROM MR ALEX TAY, DIRECTOR OF LOCAL GOVERNMENT

The Southern Tasmanian Councils Authority (STCA) Board were provided with a presentation from Mr Alex Tay, Director of Local Government.

Mr Tay provided an update on the Local Government Board Review Voluntary Amalgamation and Shared Services Options; the review of the *Local Government Act 1993*; amendments to the *Local Government Amendment (Miscellaneous) Bill 2018* and *Local Government (Model Code of Conduct) Amendment Order 2018* and the *Burial and Cremation Act 2002*.





## **MEMBER UPDATES ON PLANNING REFORM AND SOUTH EASTERN REGIONAL DEVELOPMENT AUTHORITY**

A Planning Reform update was provided to the STCA Board and it was noted that:

- Progress continues to be made on the Scenic Protection Code Local Provision Schedule and the Regional Ecosystem Model for Southern Tasmania

A further update was provided from the South Eastern Regional Development Authority in relation to the regional Workforce Plan. It was noted that the project is transferable to other areas.

## **2018/19 ANNUAL PLAN**

The STCA discussed its 2018/19 Annual Plan which includes the following strategies:

- Engagement with the major political parties to promote the key issues identified by the STCA in the lead up to the 2018 election
- Engagement with the State Government on matters included in the Hobart City Deal which affect Southern Councils
- Continue to provide opportunities for member councils to engage with key stakeholders through briefings and information sessions
- Undertake a review of the operations of the STCA following the October Local Government elections
- Delivery of the Waste Strategy South Action Plan
- Preparation of a Southern Regional Coastal Hazards Strategy and associated Action Plan
- Development of a Southern Regional Climate Change Strategy and Associated Action Plan
- Assist councils as necessary with the progression of their Local Provisions Schedules through the assessment, exhibition and hearing process
- Encourage the State Government to commence a review of the Southern Tasmanian Regional Land Use Strategy particularly in relation to the projected supply and demand for housing in the region.

## **STCA DRAFT STATEMENTS**

The STCA Board noted the draft financial statements for 2017/18 which will be forwarded to the Office of the Auditor General for auditing.

## **GOVERNANCE AND AUDIT COMMITTEE UPDATE**

The minutes of the Governance and Audit Committee meeting dated 30 July 2018 were accepted by the Board. Items discussed at the meeting included the 2017/18 draft financial statements, membership to the STCA with agreement that this be discussed in the new year and that the Chairman of the Destination Southern Tasmania Board be invited to attend a future meeting.



## Copping Refuse Disposal Site Joint Authority

27 December 2018

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

Mr Robert Higgins  
General Manager  
Tasman and Sorell Councils  
PO Box 126  
SORELL TAS 7172

Mr Gary Arnold  
General Manager  
Kingborough Council  
Locked Bag 1  
KINGSTON TAS 7050

Mr James Dryburgh  
Acting General Manager  
Tasman Council  
1713 Main Road  
NUBEENA, TAS, 7184

Dear General Manager,

### **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORTS**

Participating Councils and the Director of Local Government have reached agreement on the establishment of consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your General Manager's routine report to your Council.

#### **Authority Meeting held on 13 December 2018**

Matters dealt with:

- Appointment of a new Authority Chair – Mayor Kerry Vincent (Proxy Chair – Ald James Walker).
- The Minutes of the Authority's General Meeting held on 30 August 2018 were accepted.
- The Minutes of the meetings of the Board of Southern Waste Solutions held on 15 August 2018, 19 September 2018 and 29 October 2018 were noted.
- The Minutes of the meeting of the Board of C Cell Pty Ltd held on 18 July 2018 were noted.
- The September 2018 Quarterly Report was presented and accepted.
- An update on Southern Waste Solutions activities was provided, including discussion of the financial position which remains good and the continuing work toward development of a proposed wetland leachate project.

- An update on C Cell Pty Ltd activities was provided, noting that the C Cell is now open and regularly receiving Category C waste.
- Approved a request from Downer to construct a new building and hardstand area at the Copping site.
- Approved the signing of a sub-lease with LMS Energy Pty Ltd, subject to receiving landowner consent, in relation to land associated with the establishment of a gas generation plant at the Copping site.
- Approved the establishment of an easement at the Copping site in favour of TasNetworks, subject to landowner consent, to provide for electricity infrastructure to the LMS Energy generation plant.
- Approved the signing of a lease extension for the Lutana Waste Transfer Station site.
- Two matters were considered in closed meeting.

The September 2018 Quarterly Report is **attached**.

**Note:** Minutes of meeting of the Authority may be tabled in open Council meeting unless they contain confidential material. Given its commercial in confidence content the Quarterly Report, Business Plan, Budget and Contractual, Statutory and other obligations reports are requested to be tabled only in Closed Meeting. Any Closed Meeting items considered by the Authority should also be tabled only in Closed Meeting of Council.

### **Board Meeting held on 15 August 2018**

Matters dealt with:

- The Minutes of the Board meeting held 18 July 2018 were accepted.
- The Monthly Operational Overview and Financial Report for July 2018 was received and noted.
- The C Cell Management report for July 2018 was received and noted.
- A contract for the hire of the C Cell excavator was approved.
- Approval of an updated Board Performance Assessment Tool, for discussion with Authority Representatives.
- An update of the FY2018/19 audit was provided.

### **Board Meeting held on 19 September 2018**

Matters dealt with:

- The Minutes of the Board meetings held on 15 August 2018 were accepted.

.....  
*Copping Refuse Disposal Site Joint Authority trading as* **SOUTHERN WASTE SOLUTIONS**

C\~ Clarence City Council, 38 Bligh Street, Rosny Park  
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 ABN: 87 928 486 460

- The Monthly Operational Overview and Financial Report for August 2018 was received and noted.
- The C Cell Management report for August 2018 was received and noted.
- A waste composition audit was received and noted.
- A request by Downer regarding a new site building and hardstand area was recommended for presentation to the Authority at its next meeting.

### **Board Meeting held on 29 October 2018**

Matters dealt with:

- The Minutes of the Board meeting held 19 September 2018 were accepted.
- The Monthly Operational Overview and Financial Report for September 2018 was received and noted.
- The Authority quarterly report to September 2018 was noted and endorsed for inclusion in the Authority's December 2018 agenda.
- The C Cell Management report for September 2018 was received and noted.
- The TasCorp statement by directors was noted and endorsed.
- The acceptance of EPA approved PFAS contaminated soil and vegetation was approved.
- An unqualified audit report from the Tasmanian Audit Office was received and noted.
- A C Cell Permitted Controlled Waste Agreement was noted.
- Discussion of budget allocation and costs arrangements for director conference attendance was discussed.

### **C Cell Pty Ltd Board Meeting on 18 July 2018**

Matters dealt with:

- The Operations and Financial Reports for the period ending 30 June 2018 was received and noted.
- The Southern Waste Solutions monthly management reports for March 2018, April 2018 and May 2018 were received and noted.
- The C Cell opening date was discussed, including remaining issues to be resolved.

(Note: As minutes of meetings of the Southern Waste Solutions Board and C Cell Pty Ltd Board are commercial in confidence it is requested that these be held on file and may be perused by Aldermen / Councillors but not tabled at Council meetings)

.....  
*Copping Refuse Disposal Site Joint Authority trading as* **SOUTHERN WASTE SOLUTIONS**

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Yours sincerely,



Ian Nelson  
**Secretary**

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

(File No 10/02/02)

The Weekly Briefing Reports of 3, 10 and 17 December 2018 and 7 January 2019 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 3, 10 and 17 December 2018 and 7 January 2019 be noted.

**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS****11.2.1 NORMA STREET, HOWRAH - PETITION ON PARKING**

(File No N014)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the report from Council officers in response to the Petition received for street works to improve traffic conditions in Norma Street, Howrah.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

The Local Government (Highways) Act, 1982 is applicable with Section 31 being relevant if traffic-calming works are to be undertaken.

**CONSULTATION**

Limited consultation has been undertaken with directly affected residents and Metro Tasmania as part of the investigation.

**FINANCIAL IMPLICATIONS**

No funds have been specifically allocated in the current Annual Plan for any road works in Norma Street. Proposed minor works can be funded under the Annual Plans.

**RECOMMENDATION:**

- A. That Council notes the intent of the Petition.
- B. That a centre line (Special Purpose) be installed on the bend in Norma Street from 37 Norma Street to 47 Norma Street for better definition and visual clue.
- C. That Council authorises the General Manager to write to the Petitioners informing them of Council's decision.

---

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

- 1.1** A petition containing 28 signatures was tabled at Council's Meeting held on Monday, 3 December 2018 requesting: *"That the proposed traffic calming yellow line between 37 and 47 Norma Street, Howrah not go ahead"*.

A copy of the covering letter and the background information is Attachment 1.

**1.2** The petition information explained the situation and historical issues with traffic and parking. The following alternative suggestions were presented for Council to investigate.

- Leave the road in its current state since:
  - there is no accident history;
  - all vehicles take a precautionary approach to driving in this area and parked vehicles act as a traffic calming device;
  - once all the housing lots are developed within the Vienne Drive subdivision, the heavy vehicle and other construction traffic along Norma Street should reduce and thus reduce the risks.
- Change the Vienne Drive/Merindah Street intersection with Vienne Drive having priority straight through to the traffic light and the main section of Merindah Street becoming the T-intersection. This will enable the residents of Vienne Drive to access the highway directly and reduce the need for travelling through to Norma Street.
- Metro buses occasionally meet at the crest of the hill which can create a stand-off. A simple solution may be to discuss with Metro to change their timetable for one of their routes.
- Discuss roundabout and traffic light improvement at the Shoreline Drive/South Arm Highway roundabout and Shoreline Drive/Howrah Road/Clarence Street intersections with the Department of State Growth (DSG) to minimise queuing and traffic backing up during peak hours. The aim would be to minimise vehicles using Council roads along Sirius Street, Norma Street and Merindah Street as a “rat run” to bypass these intersections.

- 1.3** Council had also received and considered a petition containing 45 signatures tabled at its Meeting held on Monday, 28 May 2018 requesting: *“Investigate and implement street works and other improvements that will minimise traffic hazards at the crest of Norma Street, Howrah, between Eden Place and Medika Court”*.

Council, at its Meeting held on 10 September 2018 resolved:

- “A. That Council authorises the General Manager to write to the residents of 37 to 47 Norma Street, Howrah to obtain feedback on a proposal to include parking restrictions on the inside curve from 37 to 47 Norma Street, Howrah.*
- B. That Council be informed through a Briefing Report on the outcome of the community consultation and the decision of Council’s Group Manager Engineering Services whether to apply parking restrictions under his delegation.*
- C. Council authorise the General Manager to write to the Petitioners of Council’s decision and again after the community consultation process”*.

- 1.4.** As per Council’s decision, a letter with a feedback sheet was sent to the properties from 37 Norma Street to 47 Norma Street seeking feedback on the parking restriction proposal on the inside curve from 37 to 47 Norma Street on 26 October 2018.
- 1.5.** All 6 properties responded with “Do Not Support” the proposal and in responding to the letter, one resident also sent the latest petition.
- 1.6.** This report addressing the issues raised by both petitions, has been prepared through the internal traffic working group.

## **2. REPORT IN DETAIL**

- 2.1.** Concerns outlined in the previous and the recent petition were discussed through the internal traffic working group meetings to establish appropriate measures to investigate the road safety concerns in Norma Street, Howrah.

**2.2.** The following investigation was undertaken.

- The site in Norma Street between Medika Court and Eden Place has a combined minor horizontal and vertical curve, with reduced sight line and a bitumen road width of approximately 7.40m.
- On-street parking was observed randomly over several days with a total of 4 to 6 cars parked during the day in the concerned area. The parking occupancy on the outside curve was found to be higher than the inside curve, which may relate to confidence of owners parking their car in a deemed safer position. Overall the parking demand was considered to be low.
- As there were no signatories on the first petition from the directly affected residents in this length of Norma Street, it was considered important to understand the position of these residents on the matter. Council officers door knocked and spoke with 4 property owners within the directly concerned road. While the residents noted care is needed to appropriately park their car along the curved road segment and sometimes the road is busy, they were not overly concerned about the road use. A few residents raised concerns of losing on-street parking and the impact this may have if recommended. Some residents also raised concerns of apparent traffic by-passing the highway and using Norma Street during a major event at Blundstone Arena, Bellerive.
- A traffic counter was placed in the street and data was collected for 7 days. A total of 1086 vehicles per day was recorded with no indication of significant traffic increase during the major event at Blundstone Arena on 29 July 2018. The recorded speed data is summarised in section 2.4.

- Metro Tasmania was asked to advise if their bus drivers had experienced any issues in relation to this section of Norma Street. In reply, Metro noted their drivers have not experienced any specific incidents at this location, however, it supports having sufficient road width available for safe passage of their buses.
- The reported crash history data was obtained from the Department of State Growth records and there have been no reported crashes on this section of road in the last 10 years.

**2.3.** The previous petition requested restricting on-street parking within the concerned section of Norma Street. The photos with the petition indicate the travel width for vehicles is at a minimum when vehicles are parked on both sides. Low parking demand was observed during random times over several days. If parking restrictions are to be considered, the inside curve will be the appropriate restriction, however, an elderly resident's carer has raised concerns that possible parking restrictions will impact how the resident obtains care services. It is also noted that on-street parking acts as a traffic calming device and this is apparent with the speed data. Removal of the on-street parking has a risk of potentially increasing traffic speed around this location.

**2.4.** The previous petition requested the installation of traffic calming measures such as "speed humps" on Norma Street to reduce the speed of vehicles. Council undertook a traffic survey to determine the speed behaviour by placing a traffic data logger outside 37 Norma Street for a week. The speed data from the traffic survey is shown below.

	Survey Data
85 <sup>th</sup> percentile speed	47.5kph
95 <sup>th</sup> percentile speed	51.50kph
Mean Speed	40.8kph

This speed data typically represents the speed at which most drivers feel comfortable with travelling. As the traffic speed is under 50kph, the default speed limit (50kph) is considered ideal for the road's speed environment and therefore, the installation of traffic calming devices is not warranted. It is believed the informal on-street parking has contributed towards the natural traffic calming and the nearby residents are concerned that speed will increase if any form of parking restriction is applied, which effectively impacts the ingress/egress from the properties.

- 2.5.** The recent petition suggests the current road layout of Vienne Drive and Merindah Street be reviewed. The current intersection layout was proposed and approved as part of the subdivision development along Vienne Drive due to the limited sight distance and the vertical gradient.
- 2.6.** The recent Petition also suggests liaising with other agencies such as Metro and the Department of State Growth (DSG) for changing the bus timetable and the intersection upgrade at Shoreline Drive/South Arm Highway and Clarence/Howrah Road/Shoreline Drive.
- 2.7.** Following the investigations by Council's Traffic Engineer, the findings were presented and discussed through the internal traffic working group, which agreed on the following measures.
- It is acknowledged the road section has minor horizontal and vertical curves with reduced sight lines but these geometric characteristics are not uncommon in Clarence residential streets.
  - Parking demand is low and represents a typical residential street where residents and their visitors expect to park where it is safe to do so.



- While residents may have noticed traffic growth in recent years and the new subdivision at Vienne Drive has increased traffic to Norma Street, the traffic numbers along the road is still typically low. The feasibility of alteration of intersection layout will be explored as the traffic in Vienne Drive increases. At this stage, Merindah Street carries the major traffic volume and Vienne Drive carries low volume residential traffic. It is important to maintain the continuous flow for the major traffic volume including heavy vehicle/public transport for better compliance.
- The recorded traffic speed is within the default speed limit and the current roadside environment appears to have been a contributing factor.
- There is no evidence of escalated crash history within the road section.
- Metro has moderate operation and while not having experienced any specific incidents, they recognise that the travel width is at a minimum when cars are parked both sides and supports providing increased space.
- Council officers will discuss the congestion and queuing matter with the representative from the Department of State Growth (DSG) and involve them in any process thereafter.
- Some parking restrictions on the inside curve will improve vehicle travel width in the area of reduced sight lines. However, any consideration of parking restrictions may impact the residents' ability to park within their desired location. It is clear from the formal community engagement process that the residents within the immediate proximity do not support any restriction and argue that there is no evidence, only a perception from the users.

- Following the community engagement process, the internal traffic working group has reviewed the results and made a final recommendation not to initiate parking restrictions, however, it recommends to install a broken centre line (Special Purpose) around the curve for providing better definition. The broken centre line is a long strip line with short gaps. The lines do not prohibit parking on the roadside or crossing it at any time and only provides visual clue. It is then appropriate to inform immediate residents and petitioners of the decision.

### **3. CONSULTATION**

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

Consultation with a small (sample) number of affected residents was undertaken as part of the preliminary investigation. A formal consultation was undertaken with residents in the immediate area of potential parking restrictions. Six property owners within the inside curve were consulted and responses were received from all the property owners.

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

Any installation of traffic control devices requires approval by the Transport Commission through the Department of State Growth (DSG). The line marking can be installed under the delegated authority from the Transport Commissioner.

#### **3.3. Other**

Nil.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

- #### **4.1.**
- Council's Strategic Plan 2016-2026, in the Infrastructure section has an Objective: *"To ensure that existing infrastructure is maintained and renewed to meet identified service and amenity levels"*; and within that objective is the strategy *"to provide for the effective and safe transport of people and goods throughout the City"*.

- 4.2.** Council's Strategic Plan 2016-2026, in the Governance section, has an Objective: *"To actively engage the community in Council activities and issues"*; and within that Objective is the strategy *"to review and implement the Consultation and Communication Strategy"*.

**5. EXTERNAL IMPACTS**

Not applicable.

**6. RISK AND LEGAL IMPLICATIONS**

Any installation of traffic control devices requires approval by the Transport Commission through the Department of State Growth (DSG).

**7. FINANCIAL IMPLICATIONS**

No funds have been allocated in the 2018/2019 Annual Plan specifically for road works in Norma Street, Howrah. Proposed minor line marking works can be funded from the Road's Annual Plan.

**8. ANY OTHER UNIQUE ISSUES**

As a result of the community consultation, a resident raised concern with traffic using Norma Street to by-pass South Arm Highway on the major event days at Blundstone Arena, however, the traffic data at the time of the last event did not show any evidence of this occurring.

**9. CONCLUSION**

- 9.1.** Council officers have undertaken an investigation and the evidence indicates that speed humps or any other major traffic devices are not warranted in Norma Street, Howrah.
- 9.2.** Any parking restrictions will have the potential to impact the residents' ability to park at their desired places and may increase traffic speed. Residents from the directly affected properties do not support parking restrictions and prefer the street to be left status quo.

- 9.3.** The Internal Traffic Working Group has recommended a broken centre line (Special Purpose) to be placed around the curved section of Norma Street between 37 and 47 Norma Street.
- 9.4.** The previous and the latest petitioners are to be advised of the results of the current investigation.

Attachment:      Covering Letter (2)

Ross Graham  
**GROUP MANAGER ENGINEERING SERVICES**

## ATTACHMENT 1

24/11/18

Dear Thomas,

In response to the letter sent to the property owners of 43 Norma Street, on the 28<sup>th</sup> October we are writing to inform you of our feedback as requested.

We do not accept the proposal to implement parking restrictions being a "no parking yellow line strip" between 37 and 47 Norma Street.

Below is a petition from the residents living directly in the affected area requesting that the proposed changes are NOT implemented.

**We disagree with the restrictions for the following reasons:**

- No residents from the affected area (on either side of the road) have an issue with traffic or parking, and they have not ever made a complaint, and are happy to leave things as they are.
- Not all the residents directly between 27 and 47 Norma Street, including the even number addresses have been consulted through this process. Only petitioners from down the road have had input into this issue. The proposed changes do not directly affect the original petitioners, which seems extremely unfair for residents who are directly affected and left out of the process.
- Residents reversing out of their driveways often have to do three point turns when cars park opposite their driveways. This is more likely to occur with the proposed changes, and many increase the possibility of reversing accidents.
- Elderly persons who require access to close parking will be forced to park across the road, being forced to walk across the street to access their cars around the crest of the road, increasing the likelihood of being hit by a car.
- Cars parked on the even side of the road will affect current boat and trailer owner's access in and out of driveways when towing. Cars parked close to driveways block long wheelbase vehicles and trailers from exiting their driveways.
- Council minutes stated that there has not been ANY accidents recorded on the road in the ten years prior to 2018. This indicates that drivers are cautious on this part of the road and know to slow down when passing the area, resulting in safer driver behaviour.
- Cars parked on one side of the road only will enable higher speed for vehicles travelling along the road, also increasing the possibilities of collisions as two vehicles will still be a tight fit on the width of remaining road. This is considered to increase the potential for future accidents due to a "perceived" safety driving along this section of road.
- Visitor parking will be minimised as most parking will be taken up by residents vehicles, creating a lack of parking close by.

We also request that Council review the following alternative solutions and reporting back to affected residents:

**Alternative solutions for this problem to be considered by Council:**

- Leave the road in its current state since ie no change since:
  - There is NO accident history, and
  - All vehicles take a precautionary approach to driving through this area. ie parked vehicles acts as a form a traffic calming device, and
  - Once all housing lots are developed within the Vienne Drive subdivision, the heavy vehicle and other construction traffic along Norma St should reduce, thus reducing risks of driving along Norma Street.
- Change the priority at the Vienne Drive / Merindah Street intersection with Vienne Drive having priority straight through to the traffic lights at Oceana Drive, and the main section of Merindah St becoming a T intersection at Vienne Drive. This will enable residents in Vienne Drive to access their street directly off the South Arm Highway, thus reducing and forcing traffic along Norma Street due to the current right hand turn restrictions into Vienne Drive. This will equate to more than 30 less cars per day travelling along Norma St– only accounting for one car per household per day.
- Metro buses occasionally meet at the crest of the hill which can create a standoff. A simple solution may be to discuss with Metro the possibility of changing their timetable for one of the routes by 5 minutes, thus stopping the meeting of the buses at the crest of Norma Street.
- Discuss roundabout and traffic light improvements at the Shoreline Drive / South Arm Highway roundabout and Shoreline Drive/Clarence St/Howrah Road intersection with the Department of State Growth to minimise queuing and traffic backing up during morning and afternoons. The aim would be to minimise vehicles using Council's roads along Sirius St, Norma St and Merindah St as a "rat run" to bypass these intersections.

### **11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION D-2018/631 - 10 YACHTSMANS WAY, TRANMERE - 2 MULTIPLE DWELLINGS**  
(File No D-2018/631)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 10 Yachtsmans Way, Tranmere.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Bushfire Prone Areas, Parking and Access, Stormwater Management and Waterway and Coastal Protection Areas Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 16 January 2019.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 3 representations (1 with 4 signatories) were received raising the following issues:

- inconsistency with character of area;
- size of lots in Yachtsmans Way;
- inconsistency with building envelope requirements;
- privacy;
- loss of value;
- stormwater runoff;
- lack of cladding/colour information;
- intended use not described; and
- prohibited use.

**RECOMMENDATION:**

- A. That the Development Application for 2 Multiple Dwellings at 10 Yachtsmans Way, Tranmere (Cl Ref D-2018/631) be approved subject to the following conditions and advice.



1. GEN AP1 – ENDORSED PLANS.
  2. ENG A5 – SEALED CAR PARKING.
  3. ENG M1 – DESIGNS DA, delete third dot point “service upgrades or relocations”.
  4. The development must meet all required Conditions of Approval specified by TasWater notice dated 23 October 2018 (TWDA 2018/01707-CCC).
  5. ADVICE – The development is located within a mapped bushfire prone area and as such a BAL and bushfire assessment must form part of the certified documents for the building permit application.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The development that created the subject property was a combined application for a scheme amendment and subdivision, granted a permit on 2 June 2012 under A-2010/12 and SD-2010/63. The lot was created within Stage 2A 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 the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 10.0 – General Residential Zone;
  - Section E1.0 – Bushfire Prone Areas; Code;
  - Section E6.0 – Parking and Access Code;

- Section E7.0 – Stormwater Management Code; and
- Section E11.0 – Waterway and Coastal Protection Code.

**2.4.** 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. No works are proposed within the portion of the site affected by the Waterway and Coastal Protection Code, meaning that it does not apply to the proposal.

**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 780m<sup>2</sup> lot with frontage to Yachtsmans Way, Tranmere. It is vacant, clear of significant vegetation, located adjacent to established residential properties to the north and east and recently created lots to the west and south. It slopes moderately down to the west and a natural drainage path exists to the northern part of the site (which is now piped), and vehicular access exists to the site from Yachtsmans Way.

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

The proposal is for the development of 2 Multiple Dwelling units. Each would be 3 bedroom, 2 storey self-contained dwellings with upper level deck areas. Each would be provided with a double car garage and a single visitor parking space proposed adjacent the southern boundary.

The development would be clad using a combination of brick, Colorbond, vertical and horizontal weatherboard-type cladding materials, and rendered brick. The dwelling units would not exceed 6.45m in height at their highest point above natural ground level, would each have a floor area of 101m<sup>2</sup> and would have setbacks ranging from 3.78m to 5.73m 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 located at the front (southern) boundary. Block retaining walls are proposed to the south of each of the dwelling units to a maximum of 1.2m 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”.*

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, the Parking and Access and Stormwater Management Codes with the exception of the following.

###### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and building envelope for all dwellings	A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:	

		<p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>complies</p> <p>Does not comply – 1.6m protrusion at the northern (rear) wall of Unit 2, which itself would be setback 4.0m as illustrated in the attachments. Unit 1 complies.</p> <p>not applicable</p>
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The proposed variation must be considered pursuant to Performance Criteria (P3) of Clause 10.4.2 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<p><i>“P3 – The siting of a dwelling must:</i></p> <p><i>(a) Not cause any unreasonable loss of amenity by:</i></p>	see below
<p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></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 (21 June) were included within the advertised plans.

	<p>The shadow diagrams show that the shadows to be cast by the development would extend to the south-west and south/south-east throughout the day at Winter Solstice.</p> <p>The neighbouring property to the west at 12 Yachtsmans Way would experience overshadowing in the early part of the day at Winter Solstice, however the lot would have in excess of 3 hours of sunlight available as overshadowing impacts from the proposal would cease by 12pm. This is evident from supplementary diagrams provided by the applicant to elaborate on the diagrams first submitted.</p> <p>A development application, D-2018/728 is presently within the advertising period for the adjacent property at 12 Yachtsmans Way and the impact upon this proposal has therefore also been considered. The supplementary diagrams show that the proposed Unit 1 would be impacted at Winter Solstice, however, this impact would cease prior to 12pm meaning that it would be provided with in excess of 3 hours of sunlight at winter as a result of this proposal. This meets the test of the performance criterion.</p>
(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i>	<p>The shadow diagrams demonstrate that the shadow cast by the proposed development would, in relation to 12 Yachtsmans Way, impact the eastern part of that site for part of the morning only at Winter Solstice. The compliant outdoor living areas would have in excess of 3 hours of sunlight at Winter Solstice, with any shadowing impacts to cease by 12pm as demonstrated.</p>
(iii) <i>overshadowing of an adjoining vacant lot; or</i>	<p>Though the adjacent lot to the west (12 Yachtsmans Way) is presently vacant, this proposal has given consideration to the plans presently under assessment, as discussed above.</p>

<p>(iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<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 levels.</p> <p>The visual impact of the proposed development is considered reasonable, in that the building height at its highest point would be 6.45m 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 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 north within Anchorage Court are largely comprised of Single Dwellings with 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> <p>The separation distances between the proposed development and neighbouring dwellings to the rear would be in excess of 20m, which would provide for adequate separation within an urban area. On this basis, it is considered that the relevant tests of the performance criterion are met in relation to visual impact.</p>
<p>(b) <i>Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i></p>	<p>The dwellings located within Anchorage Court to the north of the site are, in the vicinity of the site, setback in excess of 20m from the northern (rear) boundary of the subject lot. The proposal would therefore not conflict with these established separation distances in that in excess of 22m separation would exist as a result of the proposal.</p>

	The surrounding area is characterised by a range of side setbacks consistent with that proposed. The proposed separation distances between dwellings are therefore considered to be compatible with the separation distances evident in the surrounding area.
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## **5. REPRESENTATION ISSUES**

The proposal was advertised in accordance with statutory requirements and 3 representations (1 with 4 signatories) were received. The following issues were raised by the representations.

### **5.1. Inconsistency with Character of Area**

The representations believe the proposed Multiple Dwellings will be inconsistent with the character of the surrounding area, which is one of primarily Single Dwellings on larger lots. This concern is associated with a restrictive covenant on lots within Anchorage Court that prohibits Multiple Dwellings.

- **Comment**

While the surrounding area is characterised by Single Dwellings on larger lots, the Scheme provides for the development at the density proposed. It is noted that the restrictive covenants that apply to land within Anchorage Court described by the representations do not apply to the subject lot, or surrounding lots within Yachtsmans Way. In any event, a restrictive covenant is a civil instrument and cannot constrain a planning scheme.

The site is within the General Residential Zone, the articulated Purpose of which includes the provision for “*residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided*”. The proposal meets the relevant acceptable solutions and performance criteria under the Scheme and this issue is therefore considered not to justify refusal of the application.

**5.2. Size of Lots in Yachtsmans Way**

One representation raises the size of lots in Yachtsmans Way as being too small and therefore inappropriate for the proposal. An issue arising from the representation is that if Council approves the proposed Multiple Dwellings that would create a precedent for future approval of Multiple Dwellings in Yachtsmans Way.

- **Comment**

The proposal satisfies the density requirements at Clause 10.4.1 (A1) of the Scheme which requires that Multiple Dwellings must have a site area of not less than 325m<sup>2</sup>. Lots in excess of 650m<sup>2</sup> are therefore of sufficient area to meet this test under the Scheme.

Precedent is not a relevant consideration under the Scheme in relation to the determination of this proposal.

**5.3. Inconsistency with Building Envelope Requirements**

The representations raise concern that the requirements of the Planning Scheme are not met in relation to the prescribed building envelope and visual impact (Clause 10.4.2). Concerns are also raised that the failure to comply with the Scheme requirements would have a significant visual impact for neighbouring properties and as such should not be approved.

- **Comment**

The proposed development meets the relevant performance criteria of Clause 10.4.2 (P3) of the Scheme in relation to building envelope. The detailed reasons are provided above and whilst elements of the design rely upon the performance criteria, the visual impact of the development is considered to be reasonable in terms of the proposed separation distances.



**5.4. Privacy**

Concern is raised by the representations that the proposed development would diminish the privacy of adjacent residential properties. Specific concerns are in relation to the impact of the elevated upper level of the dwelling units, in that the design does not give appropriate consideration to protection of neighbouring privacy.

- **Comment**

The proposed development has been designed to meet the acceptable solutions for privacy of the Scheme in relation to windows and glazed doors to habitable rooms (Clause 10.4.6, A2), and outdoor living areas (Clause 10.4.6, A1). This issue therefore has no determining weight.

**5.5. Loss of Value**

The representations raise concerns that the proposal would have an adverse impact upon land values.

- **Comment**

Impact upon land value and loss of value as a result of a particular type of development proposed is not a relevant consideration under the Scheme and therefore not of determining weight.

**5.6. Stormwater Runoff**

Concern is raised by the representations that there is a natural drainage path partially within the boundaries of the site at its rear (north), and that the proposed development would have an impact upon flows of stormwater runoff on and in the vicinity of the site.

- **Comment**

The Waterway and Coastal Protection Code affects the northernmost 6.7% of the lot, where adjacent to the property boundary and reflecting the natural drainage path in that part of the site.

Whilst buildings and works are not proposed within this area, Council's Engineers advised the subdivision that created the subject lot included substantial works (and piping of the drainage path referred to by the representations) to upgrade stormwater drainage infrastructure and cater for stormwater drainage associated with development of the lots within Yachtsmans Way.

Council's Engineers are satisfied that there is capacity within the upgraded infrastructure to cater for the proposed development and impervious areas proposed, as required by the Stormwater Management Code. Appropriate conditions have therefore been included in relation to detailed engineering design for the development. This issue is therefore not of determining weight.

#### **5.7. Lack of Cladding/Colour Information**

The representations submit that no colour information has been provided and that insufficient details have been provided regarding the proposed cladding of the development.

- **Comment**

The type of cladding proposed is not mandatory information required by the Scheme, to enable assessment of this proposal. That said the proposal plans show a combination of weatherboard-type materials, Colorbond and rendered brick, which are materials consistent with the appearance of residential development within proximity of the site.

#### **5.8. Intended use not Described**

A representor submits that there has been no information provided in relation to the future intended use of the development, in relation to whether it is proposed to rent the proposed dwelling units or sell independently.

- **Comment**

The future tenure or occupation arrangements are not relevant considerations under the Scheme.

**5.9. Prohibited Use**

One representation raised concerns that the proposed development is a prohibited use under Table 10.2 of the Scheme, which is the Use Table for the General Residential Zone.

- **Comment**

The proposed development is for Multiple Dwellings, which is a use within the Residential Use Class and made possible by the table as either a permitted use or a discretionary use. The proposal seeks to rely upon the performance criteria (P2) of Clause 10.4.2, and is therefore to be assessed as a discretionary development under the Scheme.

**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 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

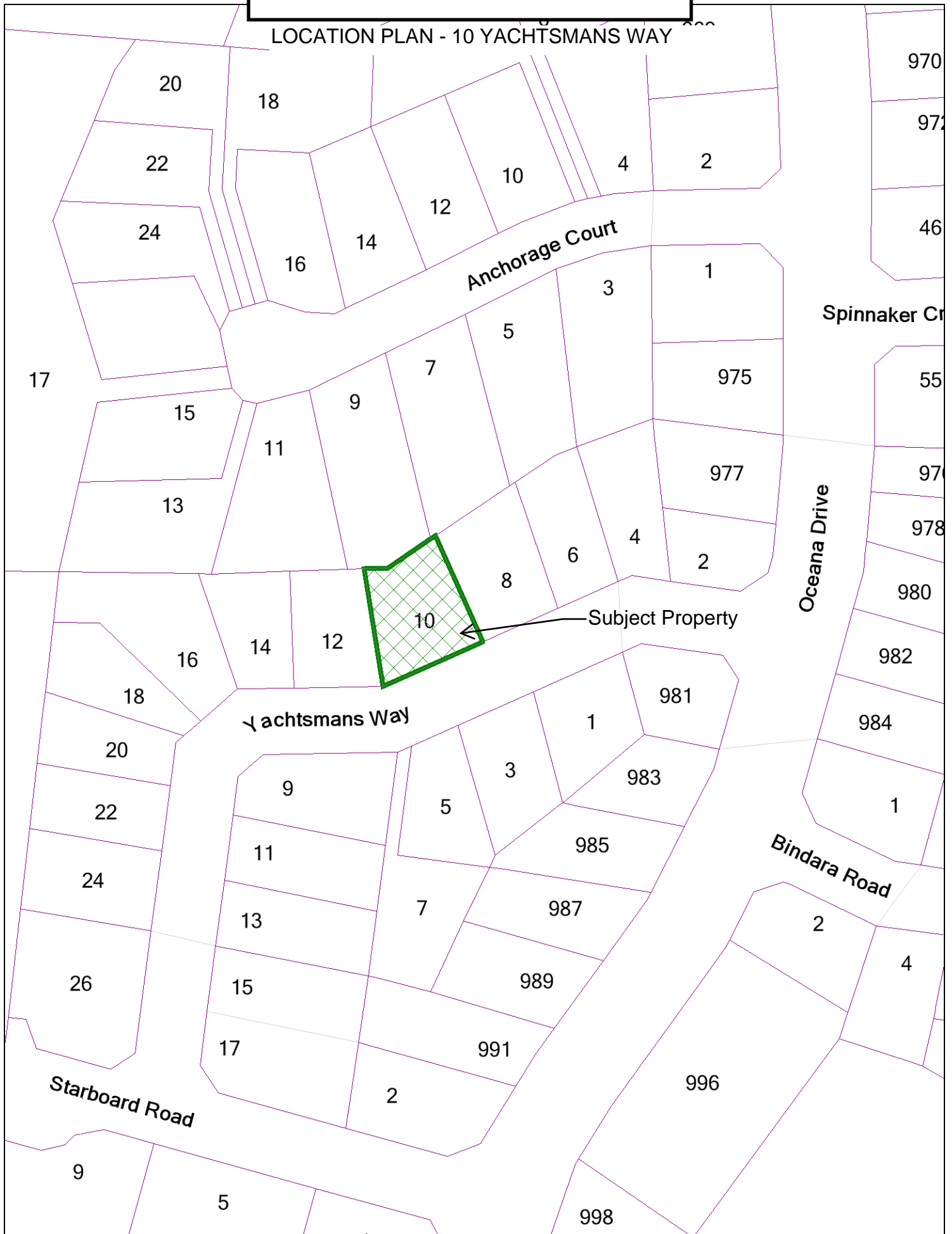
The proposal for 2 Multiple Dwellings at 10 Yachtsmans Way, Tranmere is considered to satisfy all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (11)  
3. Site Photos (1)  
4. Supplementary Shadow Diagrams (3)

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1

## LOCATION PLAN - 10 YACHTSMANS WAY



**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, 31 December 2018 **Scale:** 1:1,308 @A4

Attachment 2

DRAWINGS by QUALITY HOME DESIGN

PROJECT No.	DWG No.	DATE OF ISSUE	ISSUE No.	
2018-052-2	S1	13/11/18	1	SITE LAYOUT PLAN
2018-052-2	S2	13/11/18	1	PRIVATE OPEN SPACE
2018-052-2	S3	13/11/18	1	LANDSCAPE PLAN
2018-052-2	S5	13/11/18	1	BUILDING ENVELOPE
2018-052-2	S6	13/11/18	1	SHADOW DIAGRAMS

UNIT 1				
2018-052-2	1-01	13/11/18	1	LEVEL 1 FLOOR PLAN
2018-052-2	1-02	13/11/18	1	LEVEL 2 FLOOR PLAN
2018-052-2	1-03	13/11/18	1	ELEVATIONS
UNIT 2				
2018-052-2	2-01	13/11/18	1	LEVEL 1 FLOOR PLAN
2018-052-2	2-02	13/11/18	1	LEVEL 2 FLOOR PLAN
2018-052-2	2-03	13/11/18	1	ELEVATIONS

FINISHED FLOOR LEVELS  
L1 16.00  
L2 18.60

FINISHED FLOOR LEVELS  
L1 15.80  
L2 18.40

TITLE REFERENCE - VOLUME 175593 FOLIO 6  
OWNER - A.J Carr Development Corporation  
PROPERTY ID 3604782  
  
TOTAL FLOOR AREA OF EACH RESIDENCE - 197 SQ M

DESIGNED WIND SPEED - N3 (50m/s)  
  
SOIL CLASSIFICATION - CLASS - To be assessed  
ASSESSED BY J.P.Cumming  
  
CLIMATE ZONE 7 FOR THERMAL DESIGN  
CORROSION ENVIRONMENT - NO  
  
BUSHFIRE PRONE AREA - No - RESIDENTIAL  
ALPINE AREA - NO ASSESSMENT REQUIRED  
SITE ASSESSMENT -- NO KNOWN HAZARDS

All construction work shall be carried out in accordance with State Building regulations, Local Council By-Laws and relevant S.A.A. Codes.

BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION.



7  
RUTHWELL STREET  
MONTROSE  
Ph: 0418 121 481

BRIAN RICHARDSON  
TCC Accreditation No.718R  
(Building Designer)  
MEMBER  
Building Designers  
Association of Tasmania

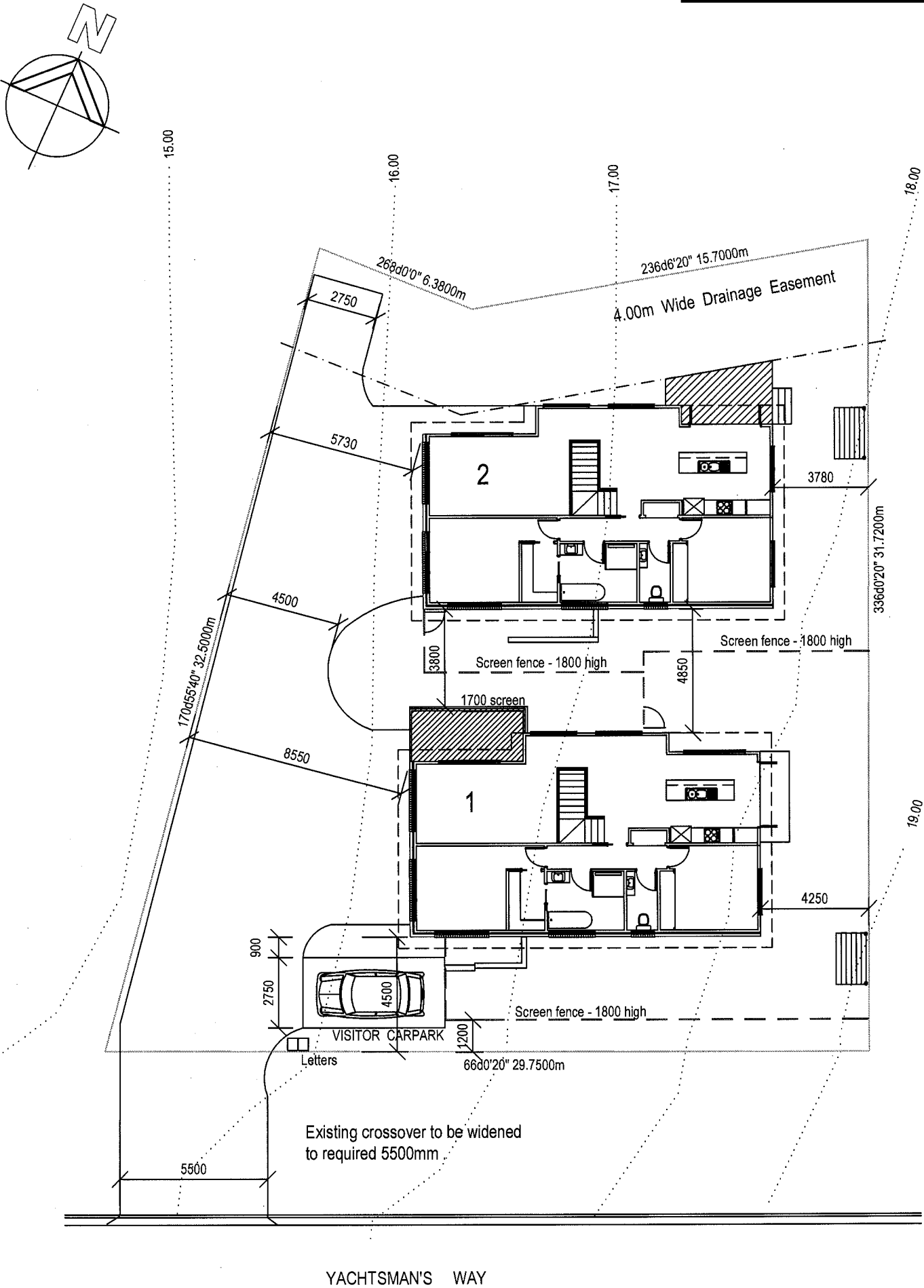
PROJECT:  
**PROPOSED RESIDENTIAL DEVELOPMENT  
at LOT 6 YACHTSMANS WAY, TRANMERE  
for Max WANG**

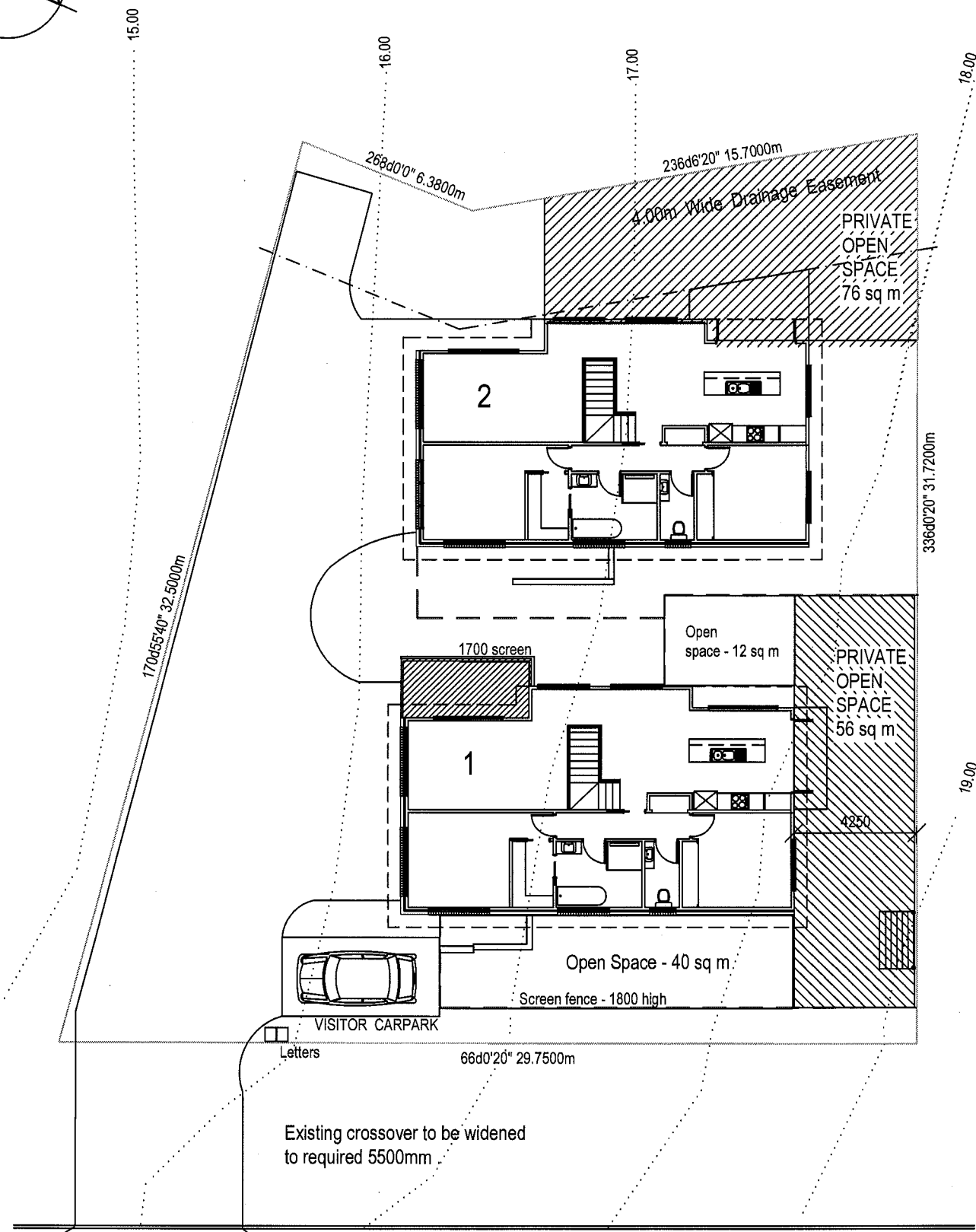
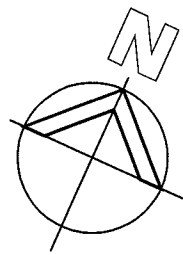
ISSUES  
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SCALES 1:200  
DRAWN: BRIAN  
DATE: 13/11/18

SITE LAYOUT

DRAWING No.  
2018-052-2-S1  
ISSUE NO. 1





YACHTSMAN'S WAY

AREA of Site = 780 sq m  
Residence 1 footprint - 101 sq m  
Residence 1 footprint - 101 sq m  
Area of Pavement - 200 sq m  
Area of Pervious Surfaces - 300+ sq m (38%)



QUALITY  
HOME  
DESIGN

7  
RUTHWELL STREET  
MONTROSE

Ph: 0418 121 481

BRIAN RICHARDSON  
TCC Accreditation No.718R  
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MEMBER  
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ISSUES

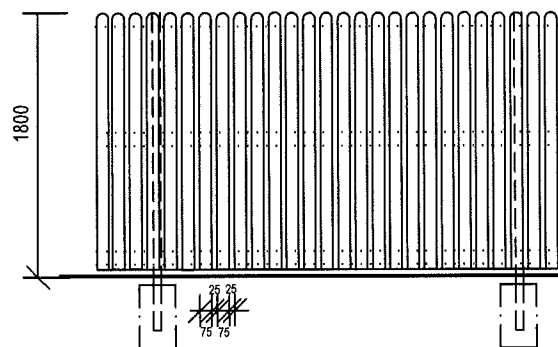
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BRIAN

DATE:  
13/11/18

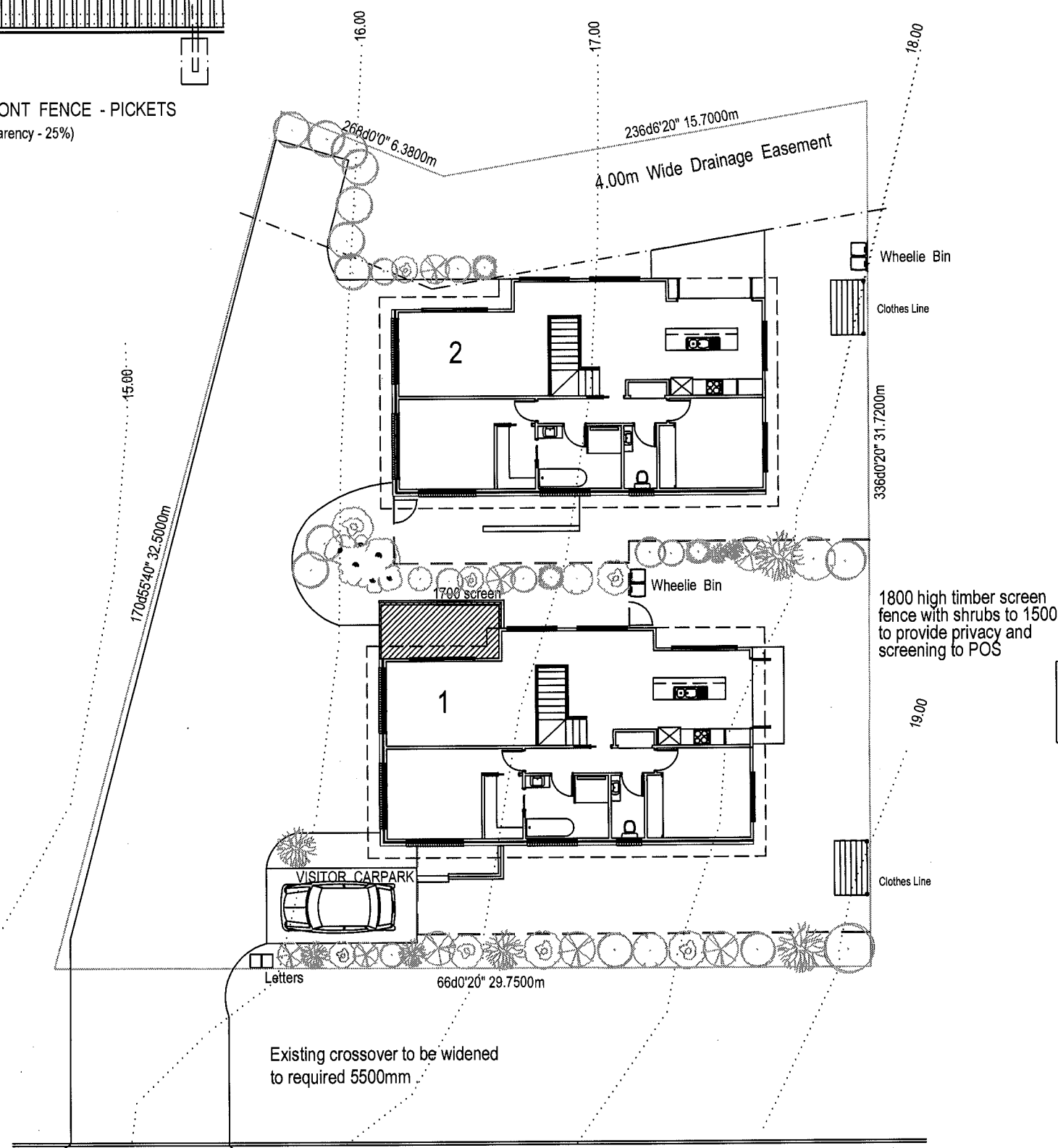
Private Open Space

DRAWING No.  
2018-052-2-S2  
ISSUE NO. 1



PROPOSED FRONT FENCE - PICKETS  
(Transparency - 25%)

-- DENOTES 1800 HIGH PALING FENCE  
OWNER TO MAINTAIN LANDSCAPING UNTIL  
SETTLEMENT OF DWELLINGS WHEN NEW  
OWNERS CAN TAKE RESPONSIBILITY.



Existing crossover to be widened  
to required 5500mm

YACHTSMAN'S WAY

Owners require privacy to the front area of the property.  
Planting will be provided in front of fence to soften the  
timber of the proposed fence.

#### PLANTS LIST

Botanical Name	Legend	Space	Height	Soil Conditions	Remarks
<b>Small Trees</b>					
Eucalyptus pulchella	T1	3.00 M	6.00 m	Most Soil Types	Evergreen
Banksia marginata	T2	2.00 m	4.00 m	Well Drained Sunny Areas	Evergreen
Allocasurina stricta	T3	2.00 m	3.00 m	Light Medium Soils	Evergreen
<b>Shrubs</b>					
Epacris impressa	S1	1.00 m	1.00 m	Light Medium Soils	Clump Forming
Correa alba	S2	1.00 m	1.50 m	Light Medium Soils	Clump Forming
Correa reflexa	S3	1.50 m	1.00 m	Light Medium Soils	Evergreen
Helichrysum italicum	S4	1.50 m	2.50 m	Light Medium Soils	Hedge Forming
Hibbertia obtusifolia	S5	2.00 m	1.00 m	Light Medium Soils	Evergreen
Callistemon acuminatus	S6	2.00m	3.00m	Light Medium Soils	Sunny areas
Ceanothus yankee point	S7	1.50m	1.20 m	Well drained soils	Sunny areas
Eriostemon profusion	S8	1.00 m	1.20 m	Good drainage soils	
Grevillea australis	S9	2.00m	0.50m	Moist Soils (Shady)	
Hebe waireke	S10	1.00m	1.00m	Light Soils	Sunny open areas
Lastriopsis hispida	S11	1.00 m	1.00 m	Medium Soils	Shady areas
Prostanthera cuneata	S12	1.50m	1.00m	Moist med-heavy soils	
<b>Ground Cover</b>					
Myoporum parvifolium	G1	1.00 m	1.50 m	Light Medium Soils	Evergreen Spreading
Lomandra longifolia	G2	.90 m	1.50 m	Medium Soils	Clump Forming
Diplarena Moraea	G3	1.00 m	1.50 m	Light Medium Soils	Evergreen Spreading
Dianella tasmanica	G4	.60 m	.60 m	Heavy Soils (Shady)	
Banksia ornata	G5	1.50m	0.30m	Light Soils	Sunny open areas
Boronia gunnii	G6	1.00 m	1.00 m	Light Medium Soils	Shady areas
Coprosma kirkii	G7	2.0m	GC	Most areas	

Builder to ensure the maximum difference  
between the concrete pavement and the  
finished ground level of the Open Space  
is not greater than 300mm.

Sign to be provided at front of site advising of visitor parking available.  
All visitor parks to be clearly nominated with painted lines indicating parks.

Private open space to be levelled and landscaped to achieve maximum 1:6 fall  
across allocated space in accordance with Council planning scheme requirements

All pavement throughout to be 100mm thick concrete unless otherwise selected

All parts of site except for driveways, paths and building area are  
to be levelled and covered with 50mm of loam and sown with lawn seed.  
In selected areas, barked ground covers to be provided in conjunction with  
specified trees, shrubs and ground cover planting.  
(Refer plant list above)

#### GENERAL NOTE:

WHERE WINDOWS FACE EACH OTHER FROM ADJOINING  
UNITS, SHRUBS/SCREEN FENCING IS TO BE PROVIDED  
TO AFFORD PRIVACY TO OCCUPANTS.



7  
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MONTROSE

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PROPOSED RESIDENTIAL DEVELOPMENT  
at LOT 6 YACHTSMANS WAY, TRANMERE  
for Max WANG

PROJECT:

#### ISSUES

SCALES 1:200

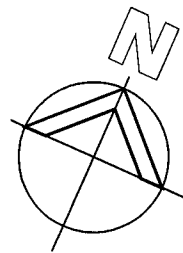
DRAWN:  
BRIAN

DATE:  
13/11/18

LANDSCAPE PLAN

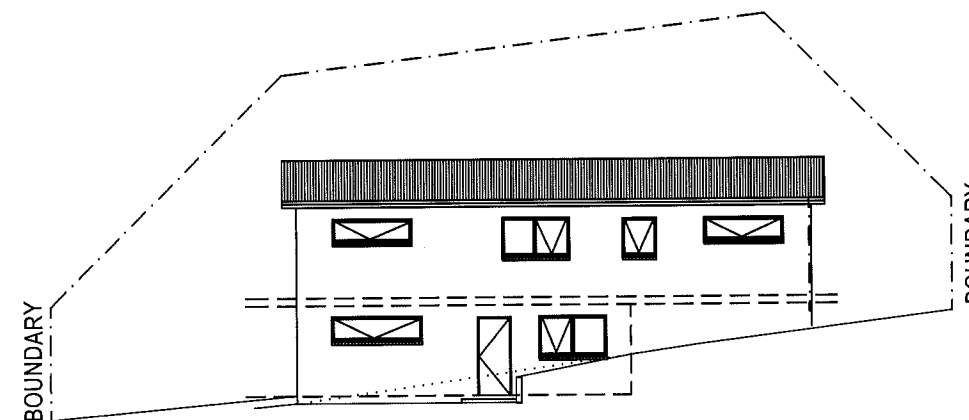
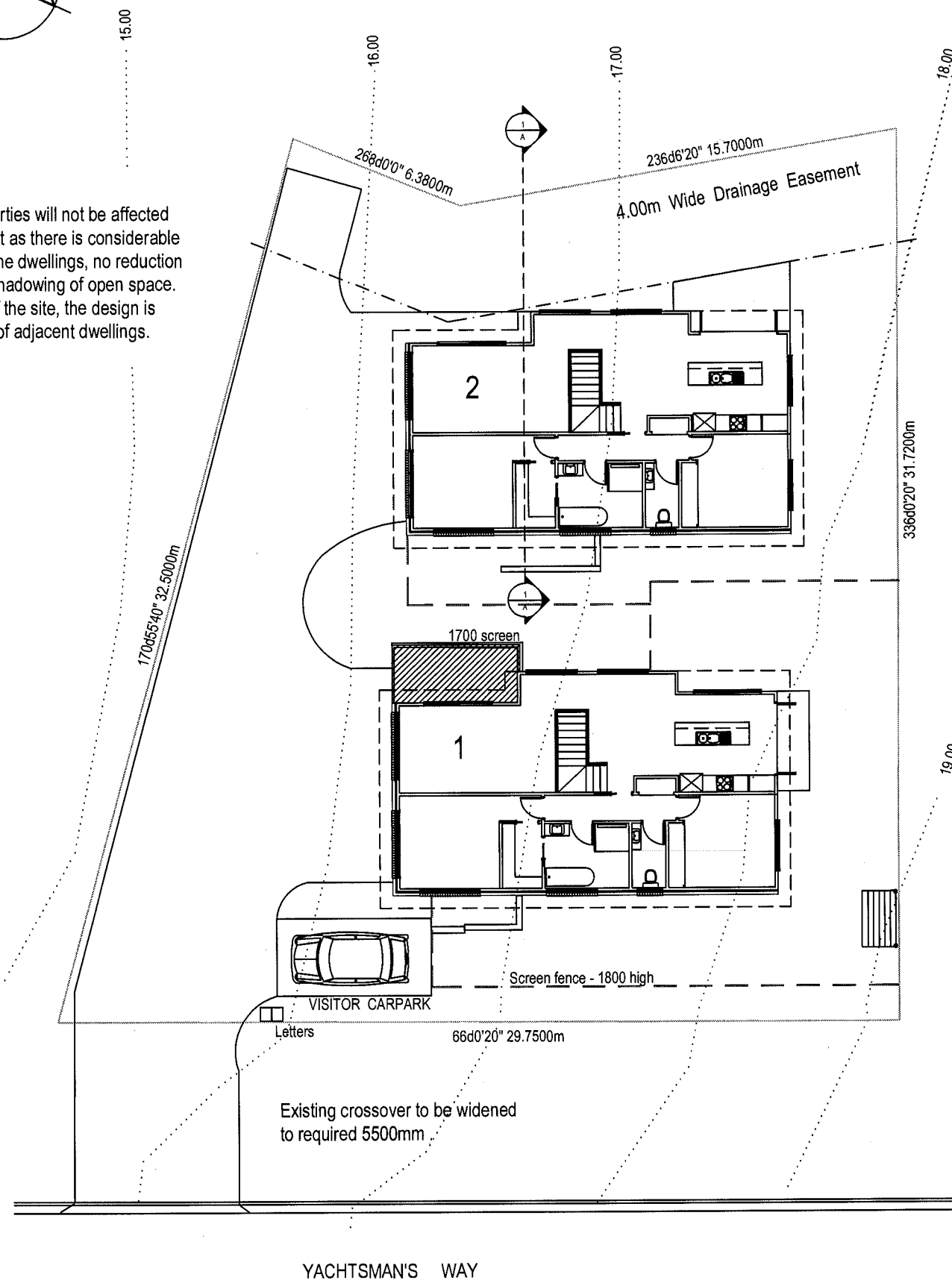
DRAWING No.  
2018-052-2-S3  
ISSUE NO.

1

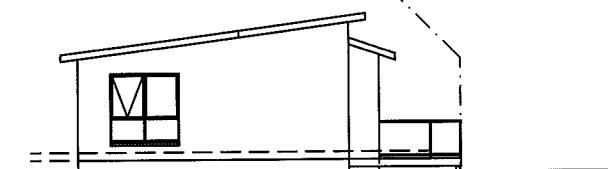


Clause 10.4.2(P3)

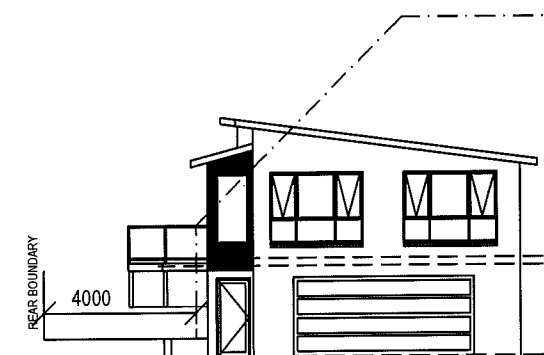
The adjacent properties will not be affected by this development as there is considerable distance between the dwellings, no reduction in sunlight or overshadowing of open space. Due to the grade of the site, the design is no different to that of adjacent dwellings.



SOUTH ELEVATION - UNIT 2



EAST ELEVATION



WEST ELEVATION - UNIT 2 - Section A1



Adjacent properties to the rear of proposed development.



QUALITY  
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ISSUES

SCALES 1:200

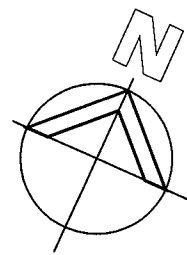
DRAWN:  
BRIAN

DATE:  
13/11/18

BUILDING ENVELOPE

DRAWING No.  
2018-052-2-S5  
ISSUE NO. 1





15.00

16.00

17.00

18.00

268d0°0' 6.3800m

236d6°20' 15.7000m

4.00m Wide Drainage Easement

336d0°20' 31.7200m

170d55°40' 32.5000m

19.00

As 1300 hrs has an angle of 23 degrees from horizontal then adequate sunlight will reach the Living room windows

SHADOW at 1200

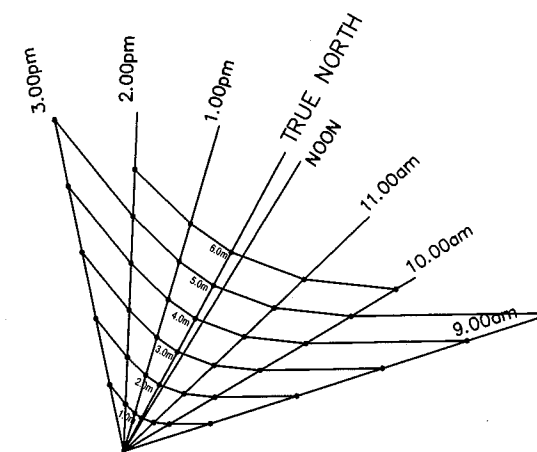
SHADOW at 1200

VISITOR CARPARK

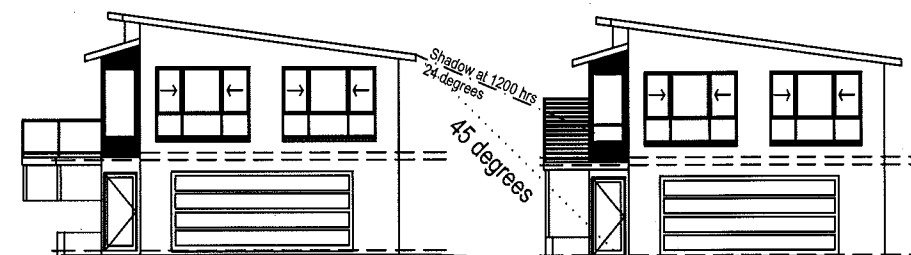
Letters

66d0°20' 29.7500m

YACHTSMAN'S WAY



Details as at 21st June  
WINTER SOLSTICE



UNIT 2  
WEST ELEVATION

UNIT 1

60 sq m of POS will not be affected by shadows for more than 2 hours between 0900 hrs and 1500 hrs

In relation to Diagram 10.4.4c of the IPS the windows in the entire living area of Unit 1 will not be affected by the northerly aspect of Unit 2.

Living room windows will have sunlight from 0900 hrs through to 1300 hrs on the 21st June.

Details as at 21st June

TIME	SUN LOCATION FROM TRUE NORTH	ALTITUDE OF SUN FROM HORIZON
0900 hrs	44 degrees East of North	10 degrees
1000 hrs	31 degrees East of North	17 degrees
1100 hrs	18 degrees East of North	22 degrees
1200 hrs	3 degrees East of North	24 degrees
1300 hrs	12 degrees West of North	23 degrees
1400 hrs	26 degrees West of North	19 degrees
1500 hrs	40 degrees West of North	13 degrees



QUALITY  
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ISSUES

SCALES 1:200

DRAWN:  
BRIAN

DATE:  
13/11/18

SHADOW DETAILS

DRAWING No.  
2018-052-2-S6  
ISSUE NO. 1

Where articulation joints are required, a gap of not less than 10mm must be provided.

They are to be located at the following locations:

1. in straight continuous walls having no openings, at not more than 6.0m centres and not closer than the height of the wall away from the corner.
2. Where the height of the wall changes by more than 20% at the position of change in height
3. Where openings more than 900 x 900 occur, at not more than 5.0m centres, and positioned in line with one edge of the opening.
4. Where walls change in thickness
5. At control or construction joints in footing slabs
6. At junctions of walls constructed of different masonry materials
7. At deep chases (rebates) for services

0.42 colorbond corrugated steel roofing on sisalation 420 and 70 x 35 battens at 900 maximum centres, (H'wood).

Floors to wet areas to have ceramic tiles or sheet vinyl.

Provide Ceramic tile splashbacks to all sanitary fittings and Lamipanel to showers.

All aluminium windows and doors, as shown on the floor plan, are to comply with AS 2047. BCA Part 3.6.0 refers.

All concrete steps and landings to be 100 thick. SL82 bottom mesh 25 min cover. Slab to be poured on 0.2 polythene membrane, 50 well bedded sand and consolidated aggregate.

Internal stairs to be constructed of timber. Risers to be nominally 180.00 and go 250mm. Handrail to be provided - 1000 high. Minimum head clearance throughout to be 2050mm.

NOTE: All ramps, decks and steps greater than 1.0m in height above natural ground must have a 1.0m high ballustrade with no gaps greater than 125mm as per the Building Code of Australia.

#### STAIRS NOTES

In accordance with the BCA - Volume 2, Safe movement and Access - 3.9.1.3 "Treads must have a surface with a slip resistance classification and a nosing strip with a slip resistance as described in Table 3.9.1.1."

#### Part 3.8.1 Building Code of Australia

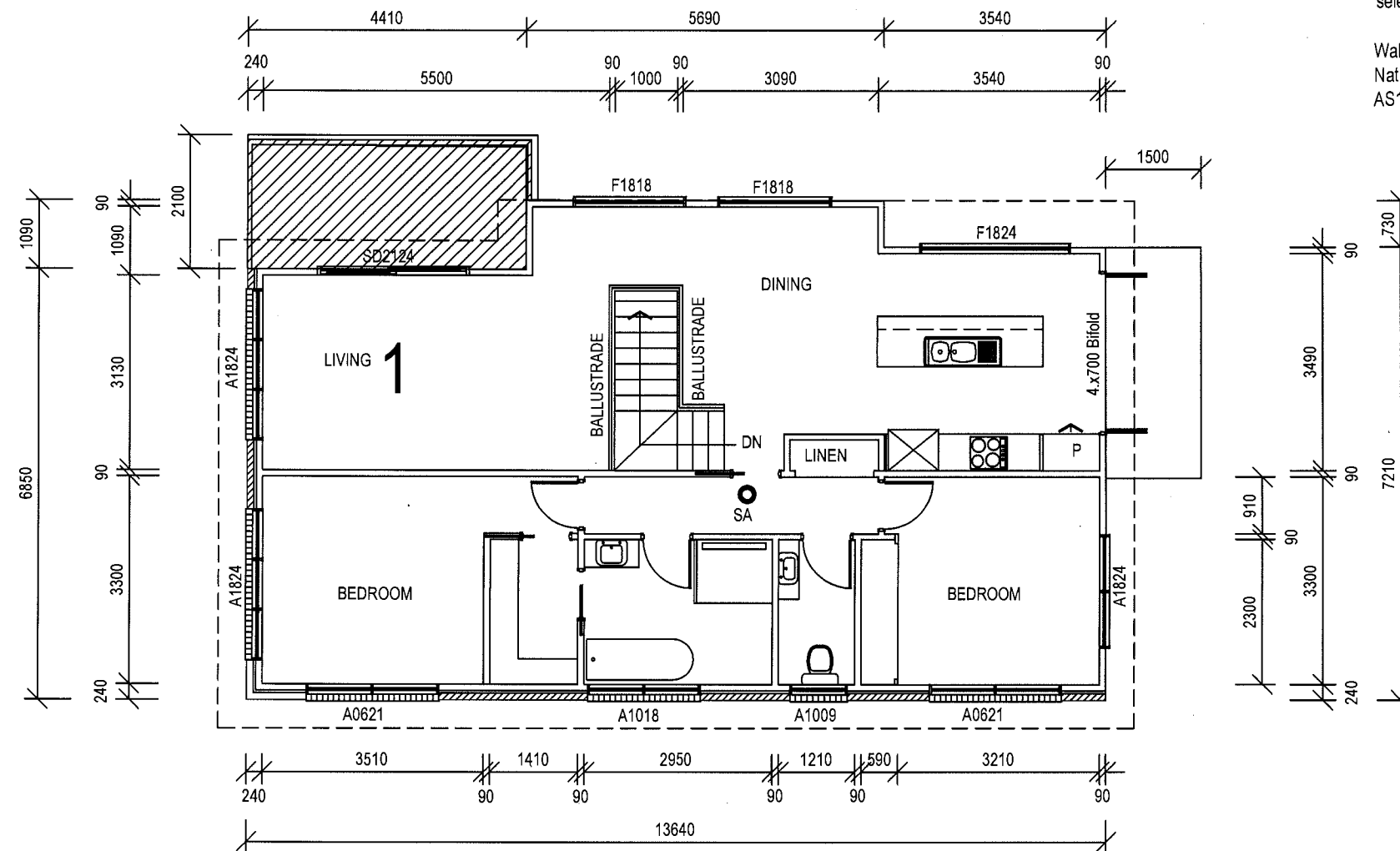
Wet areas within a building, including floors and horizontal surfaces, walls, wall junctions and joints and penetrations must be waterproofed or water resistant in accordance with Table 3.8.1.1 and/or AS3740.

Provide an automatic fire detection system - self contained smoke alarm, where shown on floor plan. Unit must be wired into 240 volt supply.

Builder to ensure that the roof battens spanning complies with the spacing of manufactured roof trusses.

All external brickwork to be extrudex bricks with raked joints. Colour as selected by owner.

Wall bracing to be as per AS1684 National Timber Framing Code & AS1170 Wind Loads



#### GENERAL WINDOW NOTE

ALL BATHROOMS, ENSUITE & TOILET WINDOWS TO HAVE OBSCURE GLASS FITTED. FV DENOTES FIXED VENT (TOILETS)

5 degree gang nailed roof trusses by an approved manufacturer.

Roof cladding to be Colorbond Metal Decking. Colour and profile as selected by owner.

ALL WINDOWS TO BE ALUMINIUM FRAMED WITH AWNING SASHES WHERE SHOWN. PROVIDE FIXED VENTS TO ALL WC WINDOWS.

TOTAL FLOOR AREA L2 - 101 SQM

All construction work shall be carried out in accordance with State Building regulations, Local Council By-Laws and relevant S.A.A. Codes.

**BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION.**



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PROJECT:

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for Max WANG**

#### ISSUES

SCALES 1:100

DRAWN:  
BRIAN

DATE:  
13/11/18

UNIT 1 - L2 FLOOR PLAN

DRAWING No.  
2018-052-2-1-03  
ISSUE NO. 1

Wall bracing to be as per AS1684  
National Timber Framing Code &  
AS1170 Wind Loads

Where articulation joints are required,  
a gap of not less than 10mm must be  
provided.

They are to be located at the following  
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1. in straight continuous walls having no  
openings, at not more than 6.0m centres  
and not closer than the height of the  
wall away from the corner.
2. Where the height of the wall changes  
by more than 20% at the position of  
change in height
3. Where openings more than 900 x 900  
occur, at not more than 5.0m centres,  
and positioned in line with one edge of the  
opening.
4. Where walls change in thickness
5. At control or construction joints in  
footing slabs
6. At junctions of walls constructed of  
different masonry materials
7. At deep chases (rebates) for services

Floors to wet areas to have ceramic  
tiles or sheet vinyl.

Provide Ceramic tile splashbacks  
to all sanitary fittings and  
Lamipanel to showers.

All aluminium windows and doors, as shown on  
the floor plan, are to comply with AS 2047.  
BCA Part 3.6.0 refers.

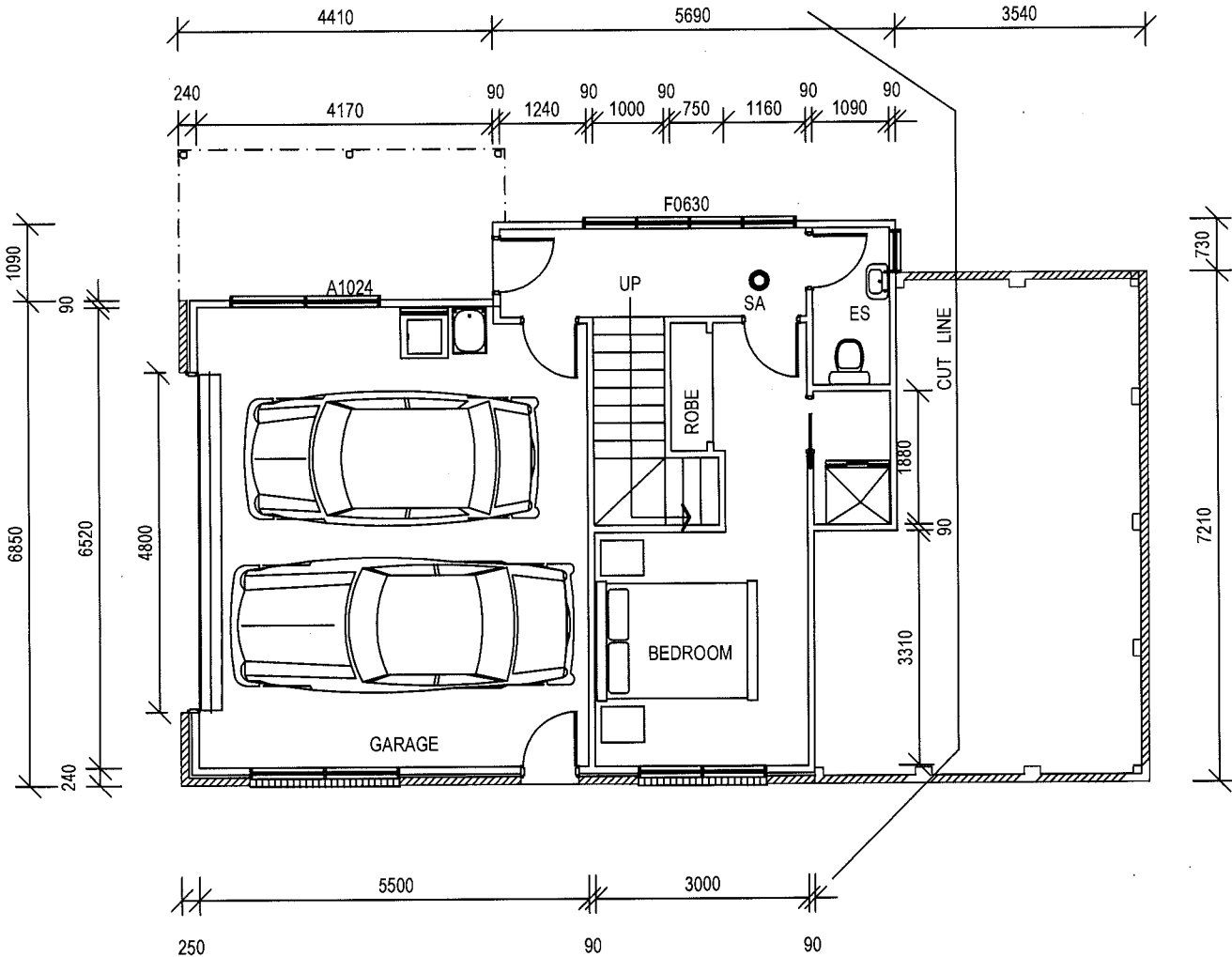
All concrete steps and landings  
to be 100 thick. SL82 bottom mesh  
25 min cover. Slab to be poured on  
0.2 polythene membrane, 50 well bedded  
sand and consolidated aggregate.

Provide an automatic fire detection  
system - self contained smoke alarm,  
where shown on floor plan. Unit must  
be wired into 240 volt supply.

All external brickwork to be extrudex  
bricks with render finish. Colour as  
selected by owner.

### Part 3.8.1 Building Code of Australia

Wet areas within a building, including floors and  
horizontal surfaces, walls, wall junctions and  
joints and penetrations must be waterproofed or  
water resistant in accordance with Table 3.8.1.1  
and/or AS3740.



ALL WINDOWS TO BE ALUMINIUM FRAMED WITH  
AWNING SASHES WHERE SHOWN. PROVIDE FIXED  
VENTS TO ALL WC WINDOWS.

BUILDER TO ENSURE ALL TIMBER FRAMING  
TO BE AS PER FRAMING MANUAL LOAD TABLES.  
GENERALLY:  
TOP & BOTTOM PLATES - 90 x 35 (F10)  
DOUBLE TOP PLATE TO ALL EXTERNAL WALLS  
STUDS: 90 x 35 at 450 cts (F10)  
NOGGINS: 75 x 38 (F8)  
ROOF FRAME TO BE AS PER TRUSS SUPPLIER

Structural steel members and associated parts  
must be protected from corrosion attack.  
Builder to refer to BCA Table 3.4.4.2 for details  
to be used in the construction of this residence.

Framing shall be in accordance with the  
AS1684-2 (2010) Timber Framing Manual.  
Timber to be MPG12 and floor joists to be  
Smartframe unless noted otherwise.  
Fixing to be in accordance with the  
Framing manual or QHD Specification.

GENERAL WINDOW NOTE  
ALL BATHROOMS, ENSUITE & TOILET  
WINDOWS TO HAVE OBSCURE GLASS FITTED.  
FV DENOTES FIXED VENT (TOILETS)

TOTAL FLOOR AREA L1 - 71 SQM  
FLOOR AREA OF GARAGE - 39 SQM

All construction work shall be carried out in accordance  
with State Building regulations, Local Council By-Laws  
and relevant S.A.A. Codes.

BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS  
PRIOR TO COMMENCING CONSTRUCTION.



QUALITY  
HOME  
DESIGN

7  
RUTHWELL STREET  
MONTROSE

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PROJECT:  
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ISSUES

SCALES 1:100

DRAWN:  
BRIAN

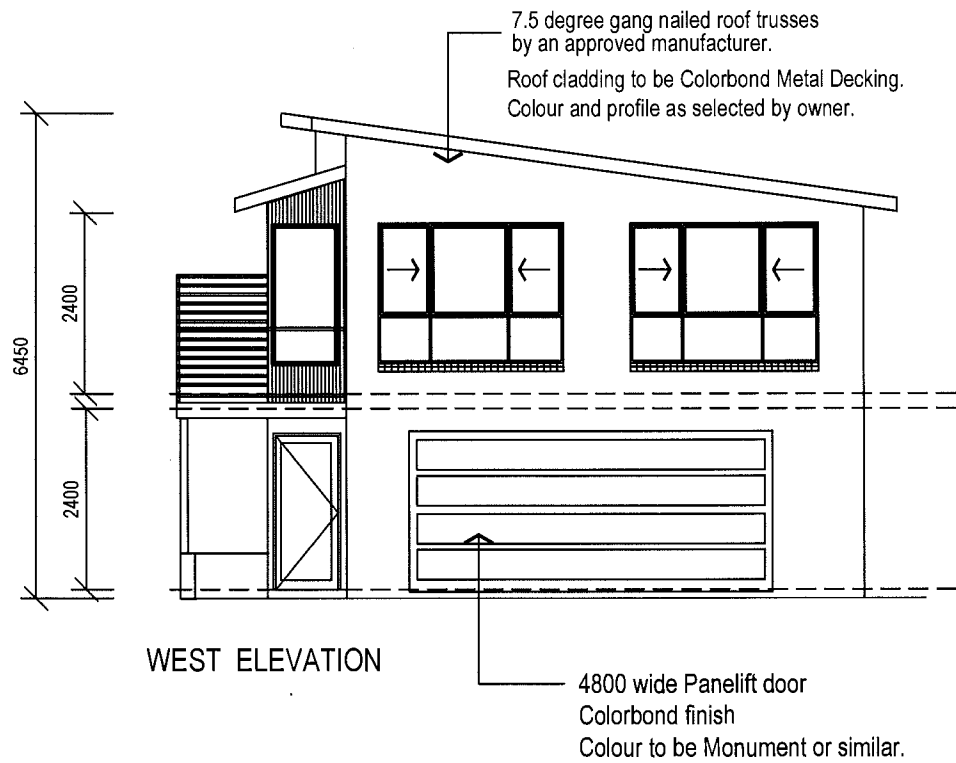
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13/11/18

UNIT 1 - L1 FLOOR PLAN

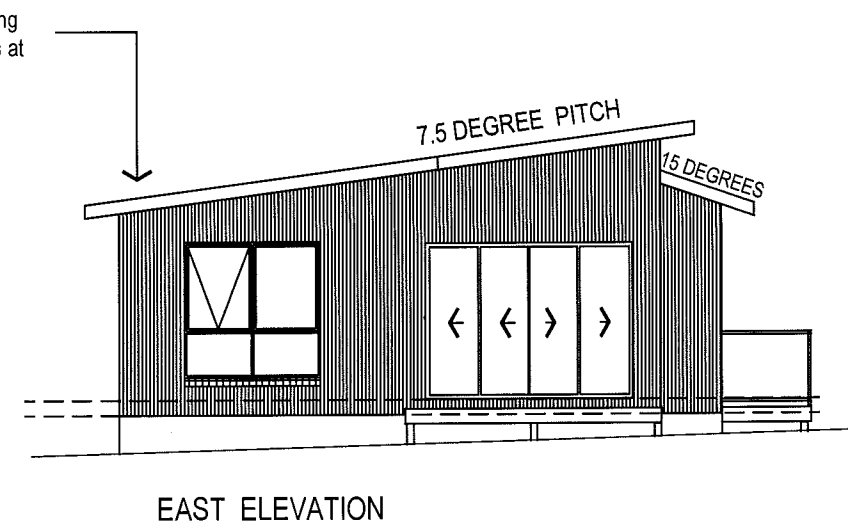
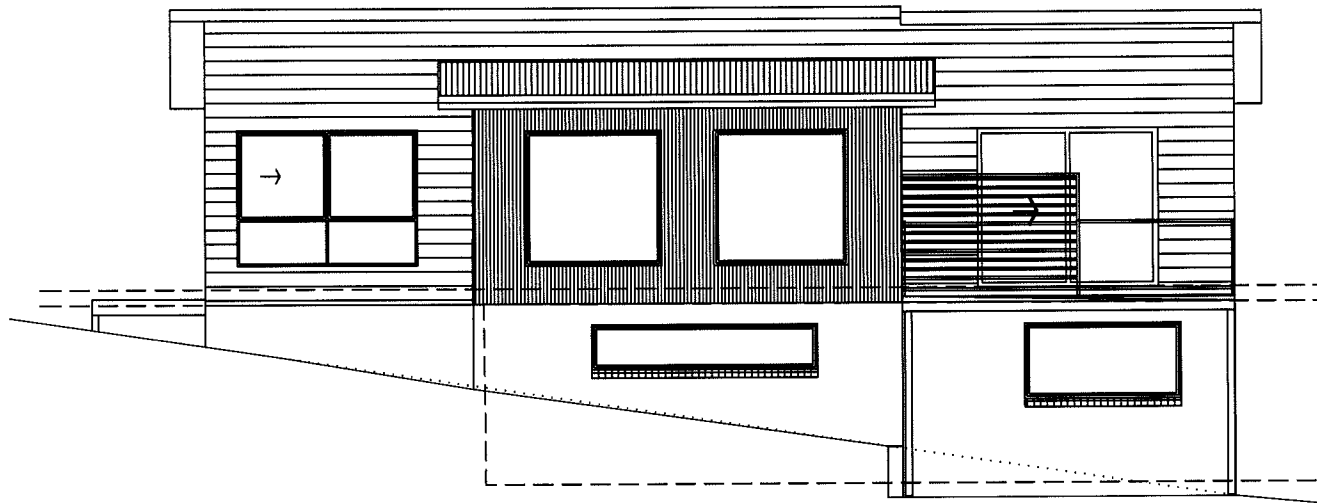
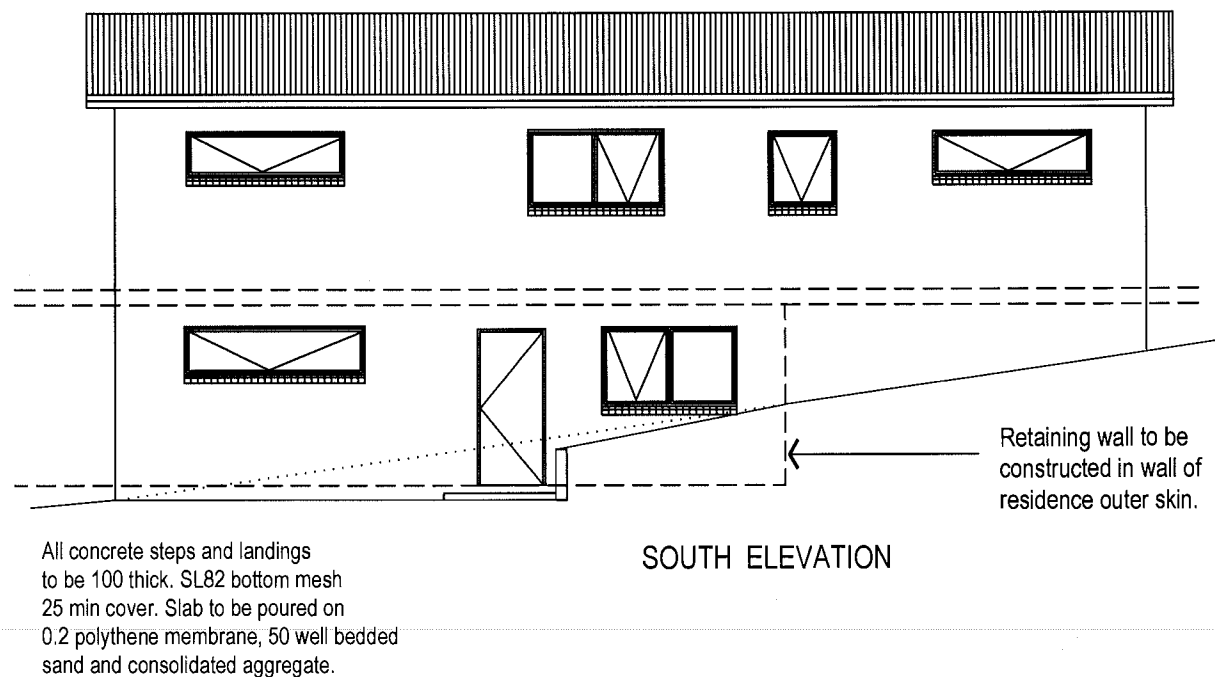
DRAWING No.  
2018-052-2-1-02  
ISSUE NO. 1

Structural steel members and associated parts must be protected from corrosion attack.  
Builder to refer to BCA Table 3.4.4.2 for details to be used in the construction of this residence.

Framing shall be in accordance with the AS1684-2 (2010) Timber Framing Manual.  
Timber to be MPG12 and floor joists to be Smartframe unless noted otherwise.  
Fixing to be in accordance with the Framing manual or QHD Specification.



ALL WINDOWS TO BE ALUMINIUM FRAMED WITH AWNING SASHES WHERE SHOWN. PROVIDE FIXED VENTS TO ALL WC WINDOWS.



#### GENERAL NOTES:

1. All plumbing shall be in accordance with Local Council By-laws and the National Plumbing and Drainage Code AS 3500
2. Floors, walls and roof structures to be framed, fixed and braced in accordance with AS1684-2 (2010). All timber sizes are in direct reference to the Code and manufactured sizes must not be undersized to those specified.
3. All glazing must conform to the requirements of AS1288
4. Smoke detectors are to be fitted in accordance with AS3786 and the Building Code of Australia.

#### GENERAL WINDOW NOTE

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FV DENOTES FIXED VENT (TOILETS)

All construction work shall be carried out in accordance with State Building regulations, Local Council By-Laws and relevant S.A.A. Codes.

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#### ISSUES


SCALES 1:100

DRAWN:  
BRIAN

DATE:  
13/11/18

U1 - ELEVATIONS

DRAWING No.  
2018-052-2-1-04  
ISSUE NO. 1

Wall bracing to be as per AS1684  
National Timber Framing Code &  
AS1170 Wind Loads

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Provide Ceramic tile splashbacks  
to all sanitary fittings and  
Lamipanel to showers.

All aluminium windows and doors, as shown on  
the floor plan, are to comply with AS 2047.  
BCA Part 3.6.0 refers.

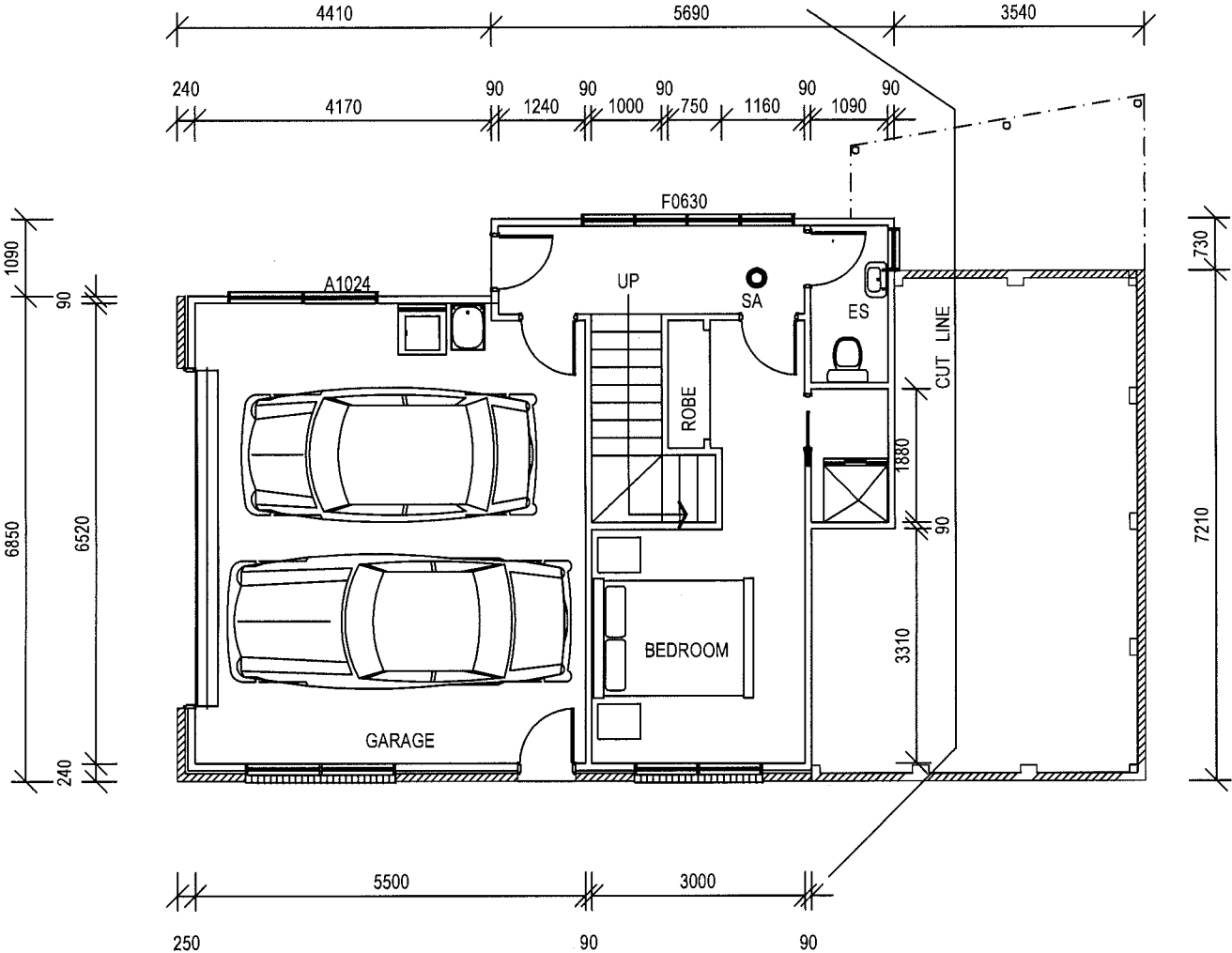
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All external brickwork to be extrudex  
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### Part 3.8.1 Building Code of Australia

Wet areas within a building, including floors and  
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STUDS: 90 x 35 at 450 cts (F10)  
NOGGINS: 75 x 38 (F8)  
ROOF FRAME TO BE AS PER TRUSS SUPPLIER

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ISSUES


SCALES 1:100

DRAWN: BRIAN DATE: 13/11/18

UNIT 2 - L1 FLOOR PLAN

DRAWING No.  
2018-052-2-2-02  
ISSUE NO. 1



QUALITY  
HOME  
DESIGN

7  
RUTHWELL STREET  
MONTROSE

Ph: 0418 121 481

BRIAN RICHARDSON  
TCC Accreditation No.718R  
(Building Designer)  
MEMBER  
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Association of Tasmania

PROJECT:  
**PROPOSED RESIDENTIAL DEVELOPMENT  
at LOT 6 YACHTSMANS WAY, TRANMERE  
for Max WANG**

ISSUES

SCALES 1:100

DRAWN:  
BRIAN

DATE:  
13/11/18

UNIT 2 - L2 FLOOR PLAN

DRAWING No.  
**2018-052-2-2-03**  
ISSUE NO. 1

### Part 3.8.1 Building Code of Australia

Wet areas within a building, including floors and horizontal surfaces, walls, wall junctions and joints and penetrations must be waterproofed or water resistant in accordance with Table 3.8.1.1 and/or AS3740.

Where articulation joints are required, a gap of not less than 10mm must be provided.

They are to be located at the following locations:

1. in straight continuous walls having no openings, at not more than 6.0m centres and not closer than the height of the wall away from the corner.
2. Where the height of the wall changes by more than 20% at the position of change in height
3. Where openings more than 900 x 900 occur, at not more than 5.0m centres, and positioned in line with one edge of the opening.
4. Where walls change in thickness
5. At control or construction joints in footing slabs
6. At junctions of walls constructed of different masonry materials
7. At deep chases (rebates) for services

0.42 colorbond corrugated steel roofing on sisalation 420 and 70 x 35 battens at 900 maximum centres, (H'wood).

Floors to wet areas to have ceramic tiles or sheet vinyl.

Provide Ceramic tile splashbacks to all sanitary fittings and Lamipanel to showers.

All aluminium windows and doors, as shown on the floor plan, are to comply with AS 2047. BCA Part 3.6.0 refers.

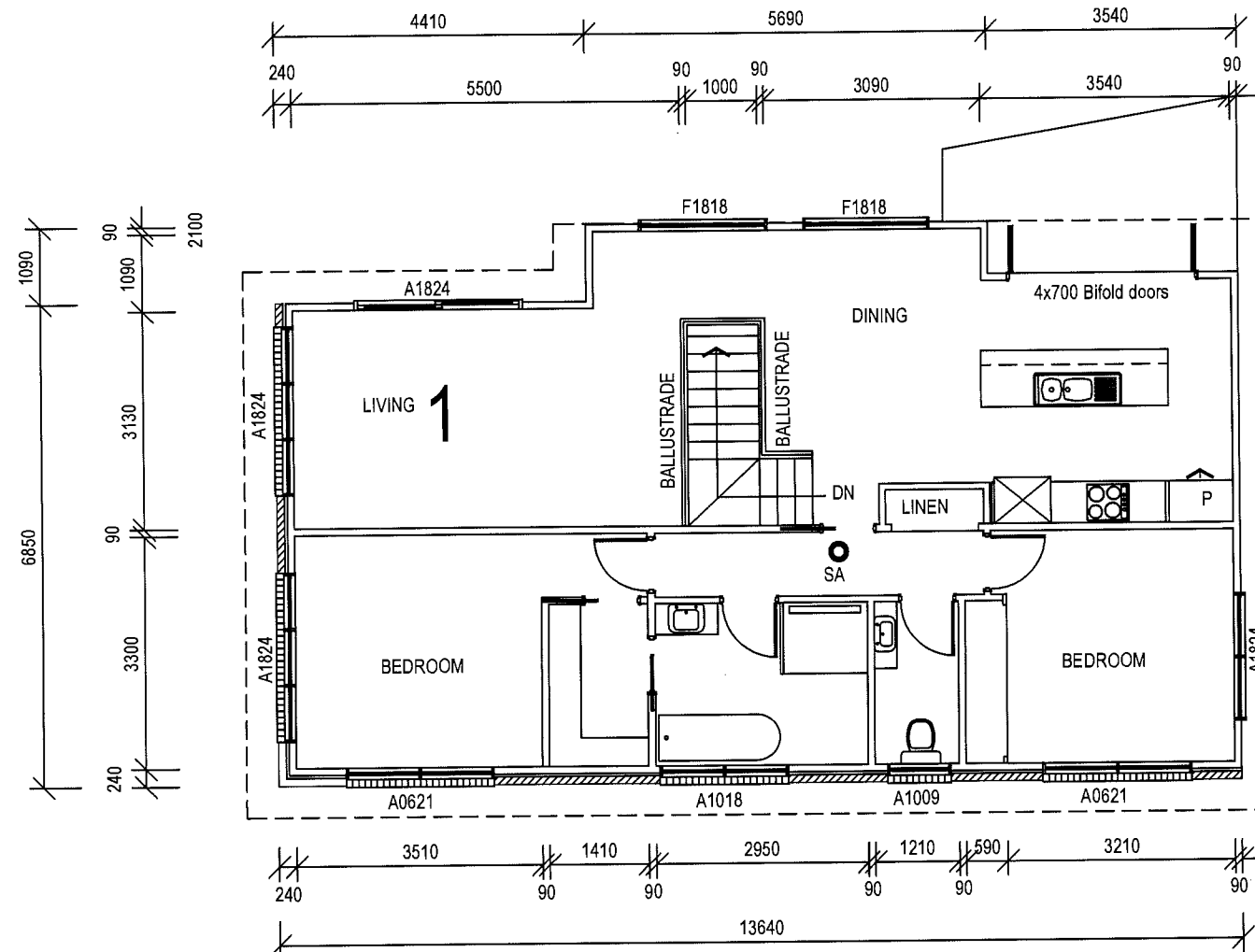
All concrete steps and landings to be 100 thick. SL82 bottom mesh 25 min cover. Slab to be poured on 0.2 polythene membrane, 50 well bedded sand and consolidated aggregate.

Internal stairs to be constructed of timber. Risers to be nominally 180.00 and go 250mm. Handrail to be provided - 1000 high. Minimum head clearance throughout to be 2050mm.

NOTE: All ramps, decks and steps greater than 1.0m in height above natural ground must have a 1.0m high ballustrade with no gaps greater than 125mm as per the Building Code of Australia.

#### STAIRS NOTES

In accordance with the BCA - Volume 2, Safe movement and Access - 3.9.1.3 "Treads must have a surface with a slip resistance classification and a nosing strip with a slip resistance as described in Table 3.9.1.1."



#### GENERAL WINDOW NOTE

ALL BATHROOMS, ENSUITE & TOILET WINDOWS TO HAVE OBSCURE GLASS FITTED. FV DENOTES FIXED VENT (TOILETS)

5 degree gang nailed roof trusses by an approved manufacturer.

Roof cladding to be Colorbond Metal Decking. Colour and profile as selected by owner.

ALL WINDOWS TO BE ALUMINIUM FRAMED WITH AWNING SASHES WHERE SHOWN. PROVIDE FIXED VENTS TO ALL WC WINDOWS.

Provide an automatic fire detection system - self contained smoke alarm, where shown on floor plan. Unit must be wired into 240 volt supply.

Builder to ensure that the roof battens spanning complies with the spacing of manufactured roof trusses.

All external brickwork to be extrudex bricks with raked joints. Colour as selected by owner.

Wall bracing to be as per AS1684 National Timber Framing Code & AS1170 Wind Loads

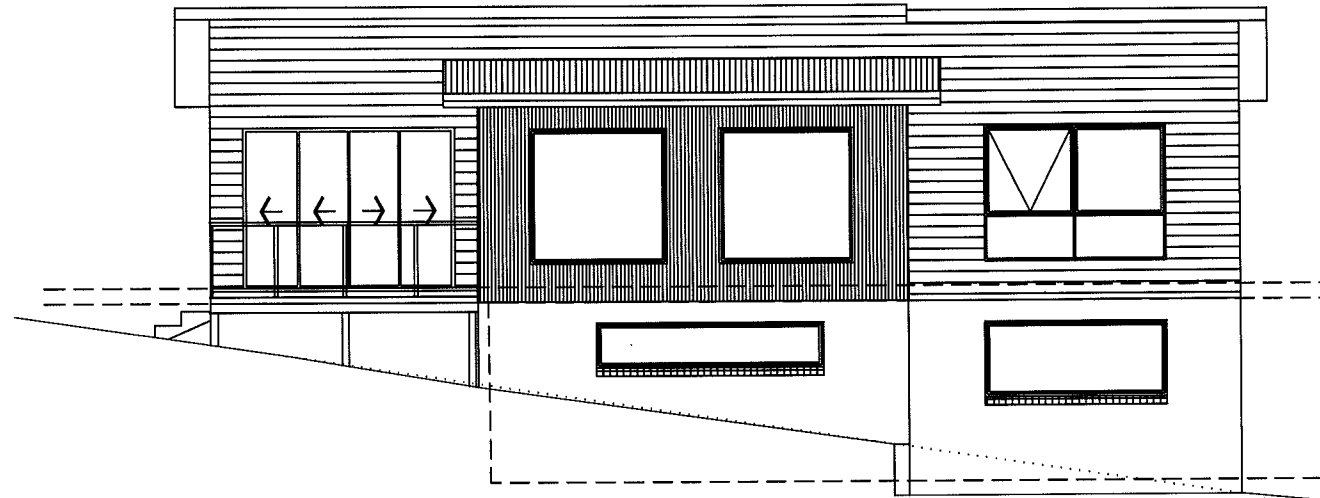
TOTAL FLOOR AREA L2 - 101 SQM

All construction work shall be carried out in accordance with State Building regulations, Local Council By-Laws and relevant S.A.A. Codes.

**BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION.**

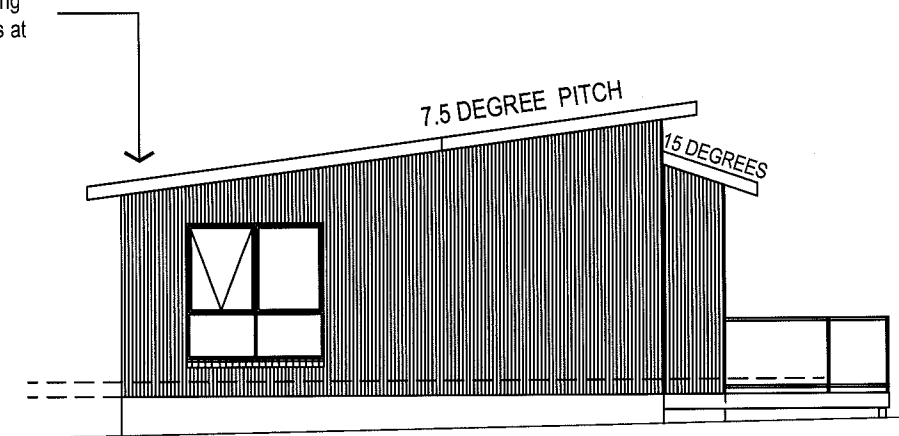
Structural steel members and associated parts must be protected from corrosion attack. Builder to refer to BCA Table 3.4.4.2 for details to be used in the construction of this residence.

Framing shall be in accordance with the AS1684-2 (2010) Timber Framing Manual. Timber to be MPG12 and floor joists to be Smartframe unless noted otherwise. Fixing to be in accordance with the Framing manual or QHD Specification.

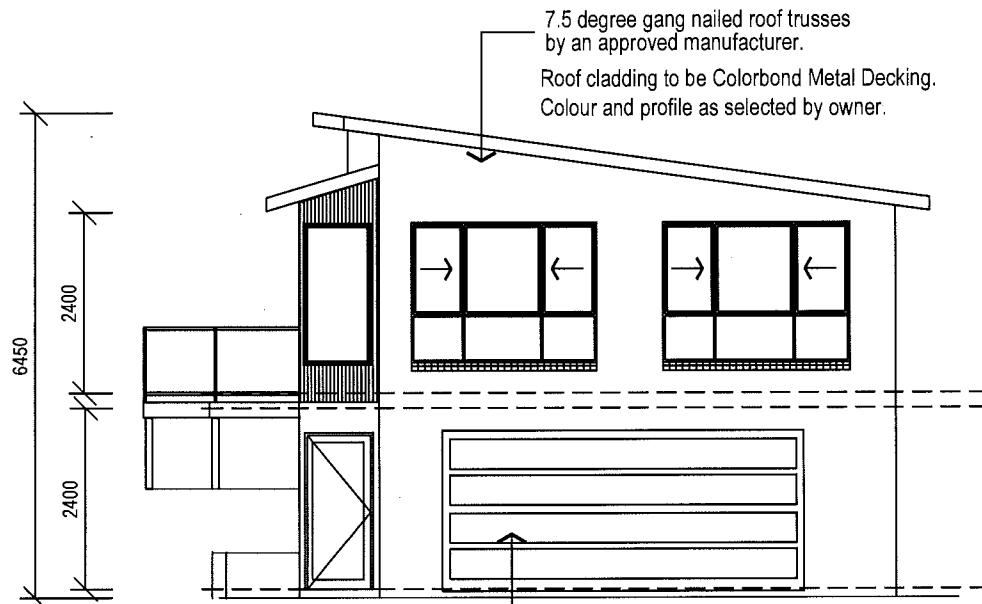


NORTH ELEVATION

0.42 colorbond corrugated steel roofing on sisalation 420 and 70 x 35 battens at 900 maximum centres, (H'wood).



EAST ELEVATION



WEST ELEVATION

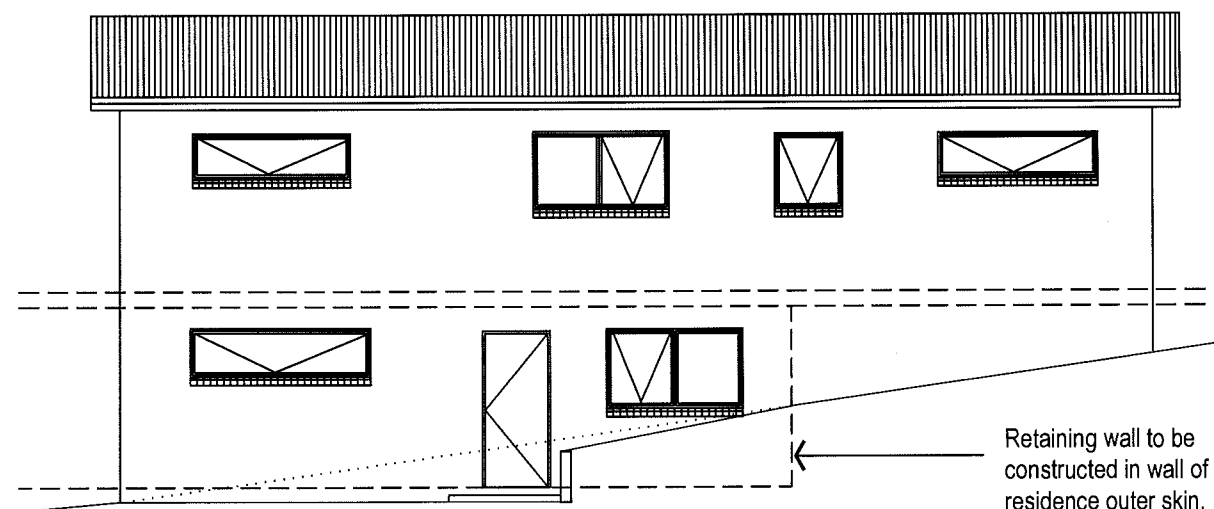
7.5 degree gang nailed roof trusses by an approved manufacturer.  
Roof cladding to be Colorbond Metal Decking. Colour and profile as selected by owner.

Builder to ensure that the roof battens spanning complies with the spacing of manufactured roof trusses.

All external brickwork to be extrudex bricks with render finish. Colour as selected by owner.

4800 wide Panelift door  
Colorbond finish  
Colour to be Monument or similar.

ALL WINDOWS TO BE ALUMINIUM FRAMED WITH AWNING SASHES WHERE SHOWN. PROVIDE FIXED VENTS TO ALL WC WINDOWS.



SOUTH ELEVATION

All concrete steps and landings to be 100 thick. SL82 bottom mesh 25 min cover. Slab to be poured on 0.2 polythene membrane, 50 well bedded sand and consolidated aggregate.

Retaining wall to be constructed in wall of residence outer skin.

#### GENERAL NOTES:

1. All plumbing shall be in accordance with Local Council By-laws and the National Plumbing and Drainage Code AS 3500
2. Floors, walls and roof structures to be framed, fixed and braced in accordance with AS1684-2 (2010). All timber sizes are in direct reference to the Code and manufactured sizes must not be undersized to those specified.
3. All glazing must conform to the requirements of AS1288
4. Smoke detectors are to be fitted in accordance with AS3786 and the Building Code of Australia.

#### GENERAL WINDOW NOTE

ALL BATHROOMS, ENSUITE & TOILET WINDOWS TO HAVE OBSCURE GLASS FITTED. FV DENOTES FIXED VENT (TOILETS)

All construction work shall be carried out in accordance with State Building regulations, Local Council By-Laws and relevant S.A.A. Codes.

BUILDER TO VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION.



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#### ISSUES


SCALES 1:100

DRAWN:  
BRIAN

DATE:  
13/11/18

UNIT 2 -ELEVATIONS

DRAWING No.  
2018-052-2-2-04  
ISSUE NO. 1



**10 Yachtsmans Way, TRANMERE**



**Site viewed from Yachtsmans Way, looking northwest**



**Site viewed from Yachtsmans Way, looking north**



Attachment 4



7  
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PROJECT:  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
**at No.10 YACHTSMANS WAY, TRANMERE**  
**for Max WANG**

ISSUES

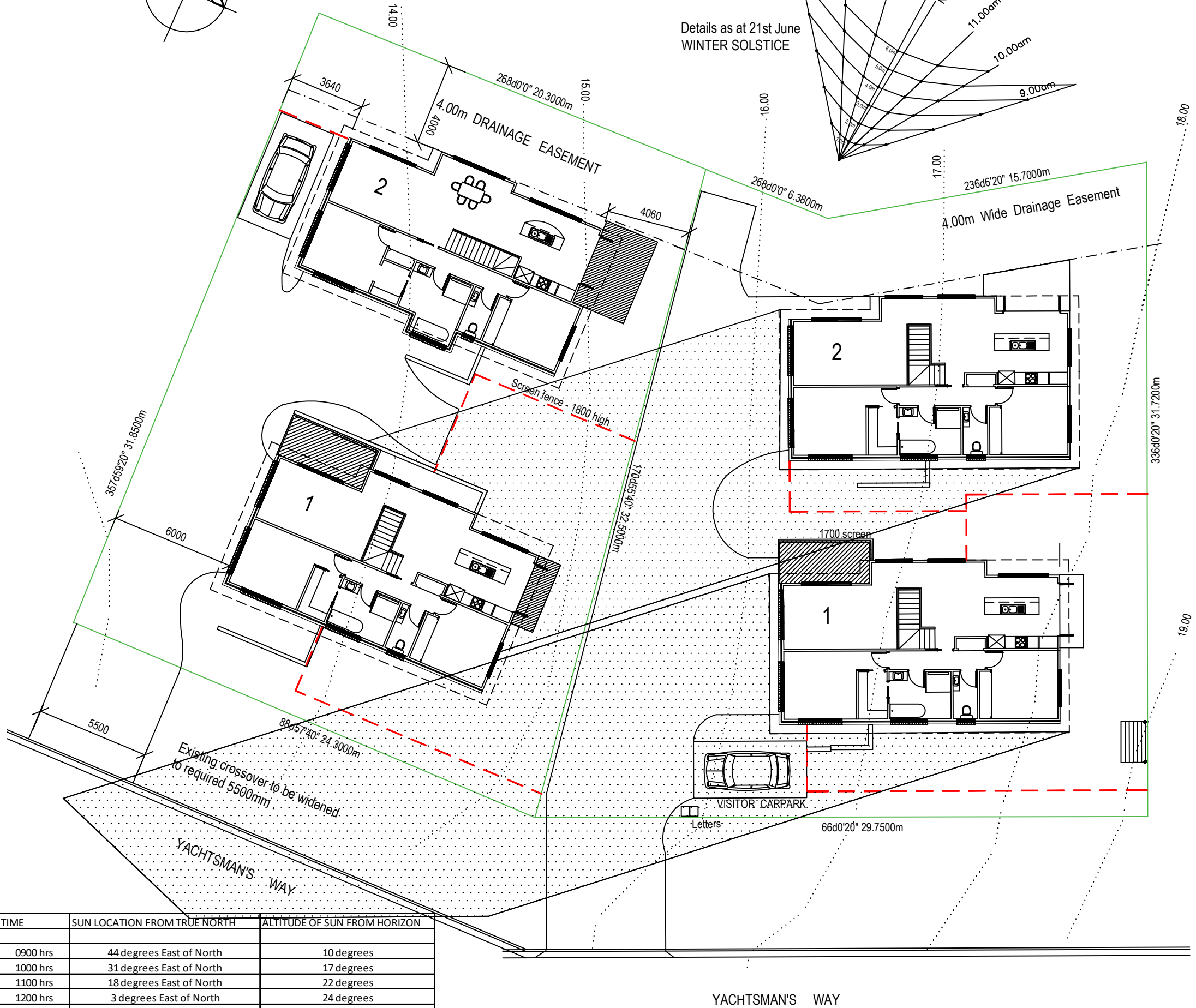
SCALES 1:200

DRAWN:  
BRIAN

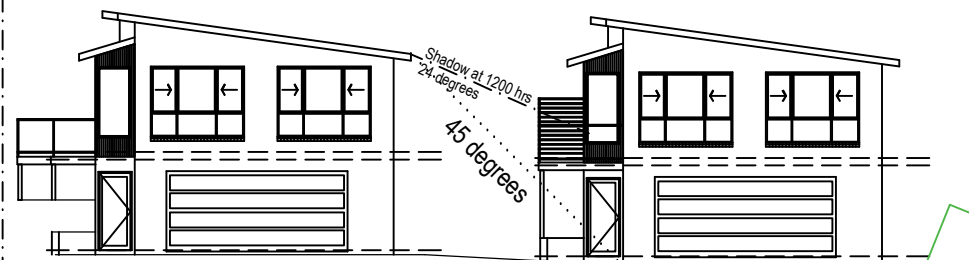
DATE:  
31/12/18

SHADOW DETAILS - 0900 hrs

DRAWING No.  
**2018-052-2-S6a**  
ISSUE NO. 1



TIME	SUN LOCATION FROM TRUE NORTH	ALTITUDE OF SUN FROM HORIZON
0900 hrs	44 degrees East of North	10 degrees
1000 hrs	31 degrees East of North	17 degrees
1100 hrs	18 degrees East of North	22 degrees
1200 hrs	3 degrees East of North	24 degrees
1300 hrs	12 degrees West of North	23 degrees
1400 hrs	26 degrees West of North	19 degrees
1500 hrs	40 degrees West of North	13 degrees

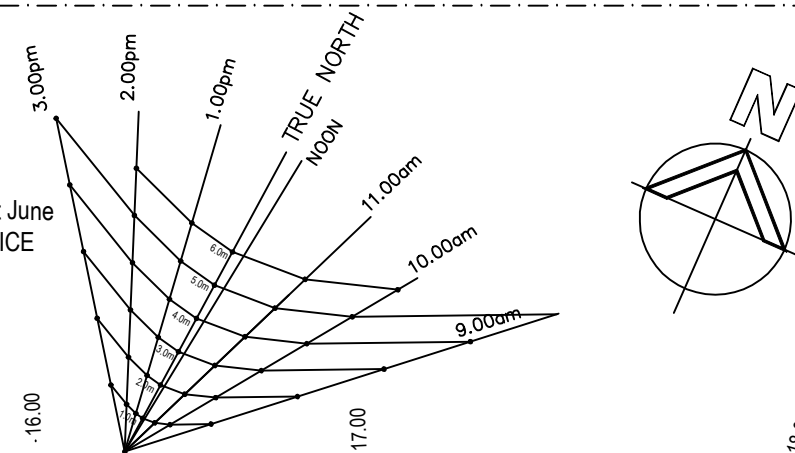


UNIT 2  
WEST ELEVATION

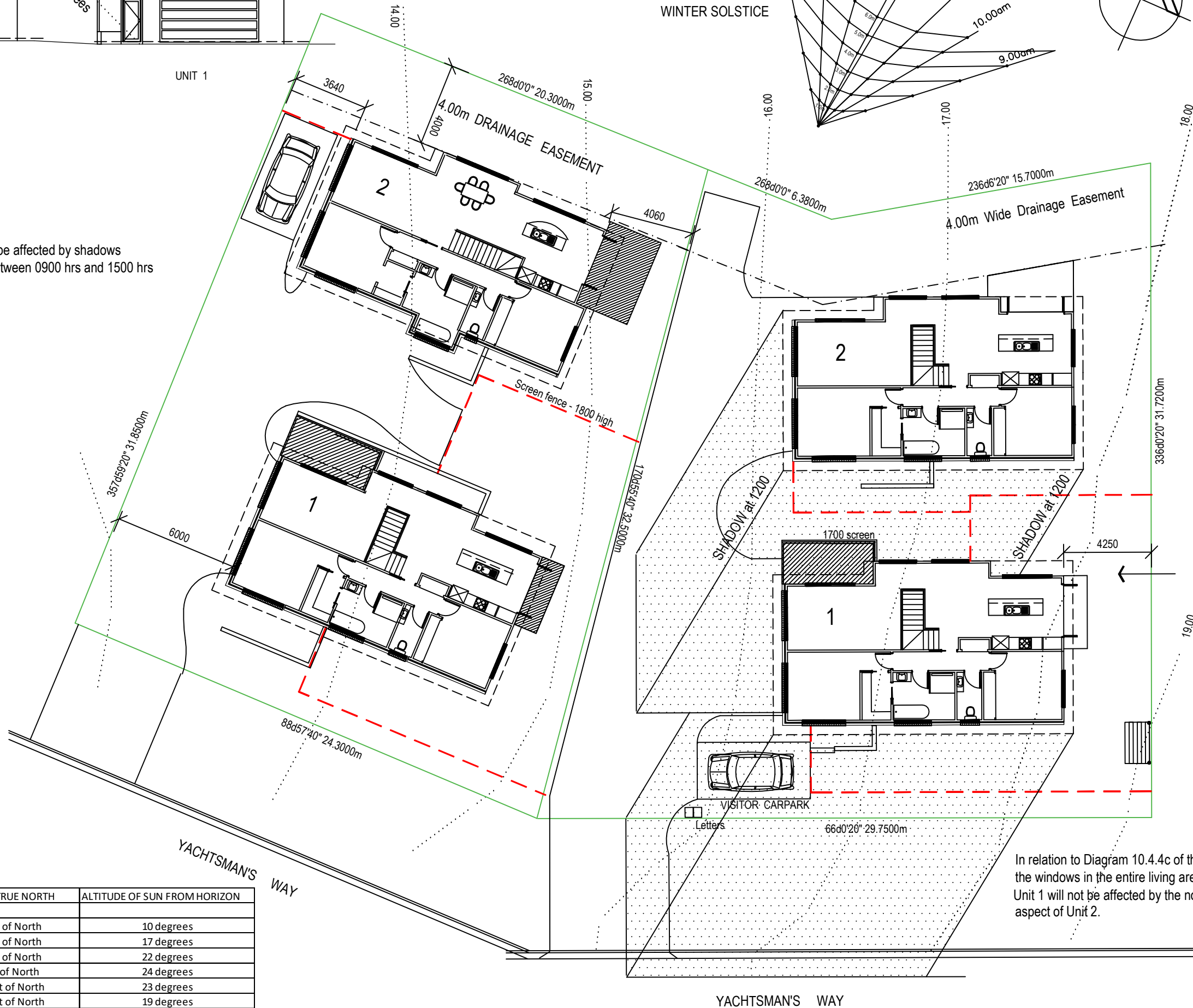
UNIT 1

Living room windows will have sunlight from 0900 hrs through to 1300 hrs on the 21st June.

Details as at 21st June  
WINTER SOLSTICE



60 sq m of POS will not be affected by shadows for more than 2 hours between 0900 hrs and 1500 hrs



TIME	SUN LOCATION FROM TRUE NORTH	ALTITUDE OF SUN FROM HORIZON
0900 hrs	44 degrees East of North	10 degrees
1000 hrs	31 degrees East of North	17 degrees
1100 hrs	18 degrees East of North	22 degrees
1200 hrs	3 degrees East of North	24 degrees
1300 hrs	12 degrees West of North	23 degrees
1400 hrs	26 degrees West of North	19 degrees
1500 hrs	40 degrees West of North	13 degrees



QUALITY  
HOME  
DESIGN

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SCALES 1:200

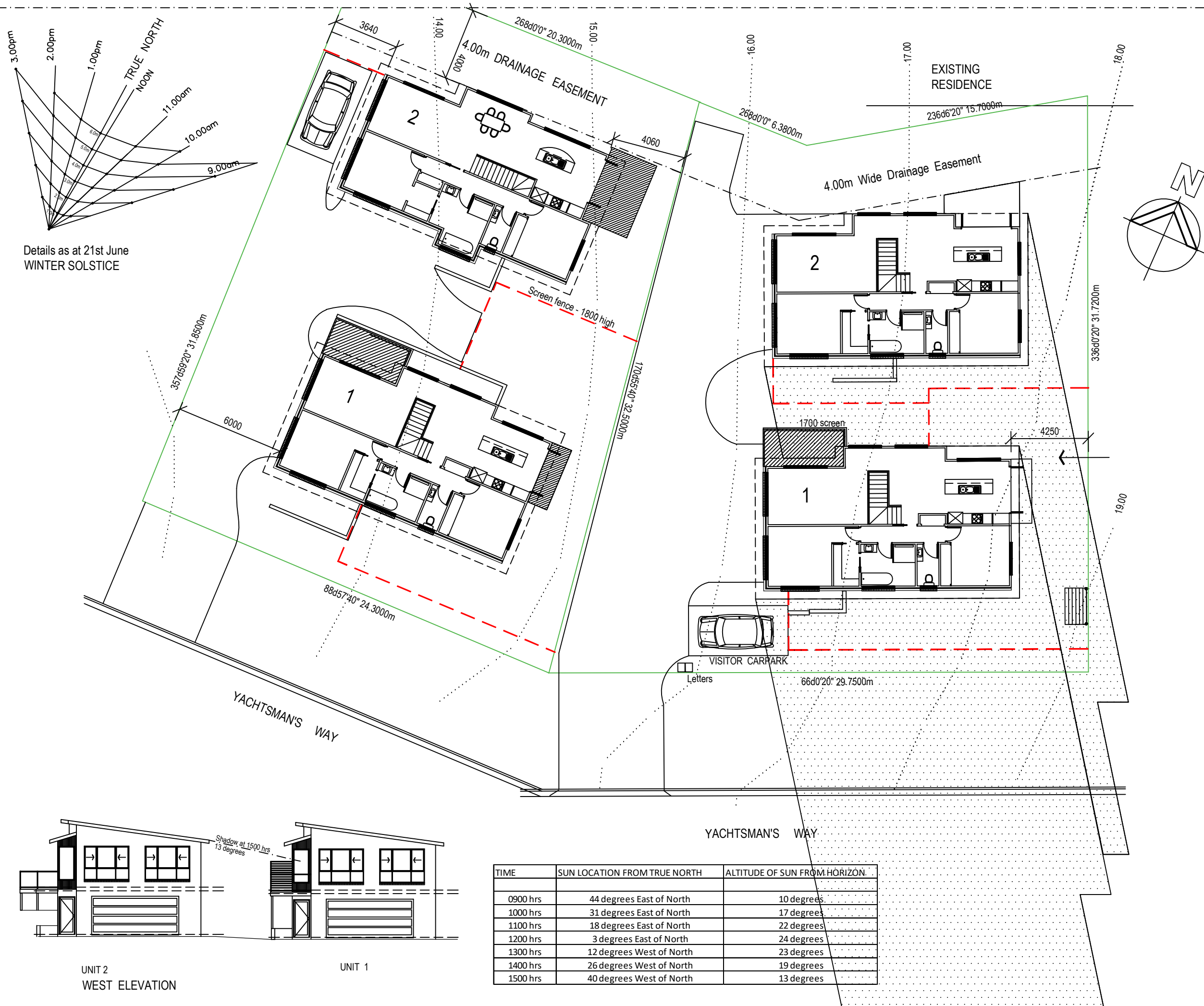
DRAWN:  
BRIAN

DATE:  
31/12/18

SHADOW DETAILS - 1200 hrs

DRAWING No.  
2018-052-2-S6b  
ISSUE NO. 1

In relation to Diagram 10.4.4c of the IPS  
the windows in the entire living area of  
Unit 1 will not be affected by the northerly  
aspect of Unit 2.





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ISSUES

SCALES1:200

DRAWN:  
BRIAN

DATE:  
31/12/18

SHADOW DETAILS - 1500 hrs

DRAWING No.  
2018-052-2-S6c  
ISSUE NO.1

TIME	SUN LOCATION FROM TRUE NORTH	ALTITUDE OF SUN FROM HORIZON
0900 hrs	44 degrees East of North	10 degrees
1000 hrs	31 degrees East of North	17 degrees
1100 hrs	18 degrees East of North	22 degrees
1200 hrs	3 degrees East of North	24 degrees
1300 hrs	12 degrees West of North	23 degrees
1400 hrs	26 degrees West of North	19 degrees
1500 hrs	40 degrees West of North	13 degrees



**11.3.2 DEVELOPMENT APPLICATION D-2018/598 - 26 SUGARLOAF ROAD, RISDON VALE - CHANGE ROOMS AND PUBLIC TOILETS**  
(File No. D-2018/598)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Change Rooms and Public Toilets at 26 Sugarloaf Road, Risdon Vale.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

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 written consent of the applicant on 16 January 2019.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of sustainability of design.

**RECOMMENDATION:**

A. That the Development Application for Change Rooms and Public Toilets at 26 Sugarloaf Road, Risdon Vale (C1 Ref D-2018/598) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The external surfaces of the north-western and south-western elevations must be coloured using colours with a light reflectance value not greater than 40%, 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. GEN AM7 – OUTDOOR LIGHTING.

4. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 November 2018 (TWDA 2018/01628-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**

There have been a series of development applications approved for the subject property. The most recent include:

- D-2016/167 – a new bicycle track;
- D-2014/400 – upgrades to the bicycle park;
- D-2011/407 – community garden and storage building; and
- D-2009/154 – floodlighting of skate park.

### **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Recreation 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 – Recreation Zone;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section.E11.0 – Waterway and Coastal Protection Code.

- 2.4.** No works are proposed within the portion of the site affected by the Waterway and Coastal Protection Code, meaning that it does not apply to the proposal.
- 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 1.75ha parcel with frontage to Sugarloaf Road and Heather Road, Risdon Vale. It is owned by Council and supports a series of uses including a community garden; various storage buildings; bicycle tracks and park; the Risdon Vale community hall, the Risdon Vale oval and an existing change room and public toilet facility.

A gravel car parking area that services the site is located to the north of the existing building on-site, with access from Sugarloaf Road. This car parking area is informal in terms of the arrangement of spaces and supports the combination of uses on-site. The site slopes gradually down to the north-east and is located within an established residential area at Risdon Vale.

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

The proposal is for the development of new change rooms and public toilets at the Risdon Vale oval. It is proposed to demolish an existing outbuilding, existing change rooms and public toilets on the site to enable the development of the replacement building. The development would not intensify the use or the anticipated number of patrons visiting the site, meaning that the number of parking spaces required would not be increased.

The proposed building would have a footprint of 440m<sup>2</sup>, would be 6.0m in height above natural ground level at its highest point and would be setback 15.2m from the western (front) boundary and 12.9m from the south-eastern boundary.

The building would be clad using a combination of painted and untreated precast concrete panels, Colorbond roofing, and steel mesh security gates and screening. The proposal plans are included in the attachments.

The applicant has submitted that the proposed development would have levels of use and hours of operation consistent with that existing, being as follows:

- 7.00am to 8.30pm Monday to Thursday inclusive;
- 7.00am to 9.30pm Fridays;
- 8.00am to 10.00pm Saturdays; and
- 8.30 am to 6.00pm Sundays.

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

##### **4.1. Determining Applications [Section 8.10]**

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

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

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

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Recreation Zone and Parking and Access and Stormwater Management Codes with the exception of the following.

**Recreation Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
18.3.1 A1	Hours of operation	<p>Hours of operation of a use within 50m of a residential zone must be within:</p> <p>(a) 7.00am to 8.00pm Mondays to Fridays inclusive;</p> <p>(b) 8.00am to 6.00pm Saturdays;</p> <p>(c) 10.00am to 5.00pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks.</p>	Does not comply – proposed hours of 7.00am to 8.30pm Monday to Thursday, 7.00am to 9.30pm Fridays, 8.00am to 10.00pm Saturdays and 8.30am to 6.00pm Sundays.

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

<b>Performance Criteria</b>	<b>Comment</b>
<i>“Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent”.</i>	The proposed development is the replacement of existing change rooms and a public toilet facility at the subject property, and the proposed replacement building is to be used in a manner consistent with that existing. On the basis that there is no evidence of conflict surrounding noise (or other emissions) associated with use of the existing facility, the test of this performance criterion is met.

**Recreation Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
18.3.4 A1	Commercial vehicle movements	Commercial and patron vehicle movements, (including loading and unloading and garbage removal), to or from a site within 50m of a residential zone must be within the hours of:	



		(a) 7.00am to 9.00pm Mondays to Fridays inclusive;	Does not comply – proposed vehicle movement hours of 7.00am to 8.30pm Monday to Thursday, 7.00am to 9.30pm Fridays, 8.00am to 10.00pm Saturdays and 8.30am to 6.00pm Sundays (as per hours of operation).
		(b) 8.00am to 7.00pm Saturdays;	
		(c) 10.00am to 6.00pm Sundays and Public Holidays.	

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 18.3.4 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<p><i>“Commercial and patron vehicle movements, (including loading and unloading and garbage removal), to or from a site within 50m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</i></p> <p>(a) <i>the time and duration of commercial vehicle movements;</i></p> <p>(b) <i>the number and frequency of commercial vehicle movements;</i></p> <p>(c) <i>the size of commercial vehicles involved;</i></p> <p>(d) <i>the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</i></p> <p>(e) <i>noise reducing structures between vehicle movement areas and dwellings;</i></p> <p>(f) <i>the level of traffic on the road;</i></p> <p>(g) <i>the potential for conflicts with other traffic”.</i></p>	<p>The proposed development is the replacement of existing change rooms and a public toilet facility at the subject property, and the proposed replacement building is to be used by both patrons and commercial operators in a manner consistent with that existing.</p> <p>On the basis that there is no evidence of conflict surrounding noise (or other emissions) associated with use of the existing facility, the tests of the performance criteria are met by the proposal.</p>

**Recreation Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
18.4.3 A1	Design	<p>Building design must comply with all of the following:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	<p>complies</p> <p>Does not comply – 30% of main façade to be windows and door openings.</p> <p>complies</p> <p>complies</p> <p>not applicable</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 18.4.3 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<p><i>“Building design must enhance the streetscape by satisfying all of the following:</i></p> <p><i>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</i></p>	<p>The main entrance to the building would be on the north-western elevation, facing Sugarloaf Road. This elevation would provide the kiosk and public toilet facilities and main walkway entrance to the remainder of the building, thus addressing both the streetscape and the recreation area itself.</p>
<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></p>	<p>The proposed development is to provide for a change room facility, coupled with public toilets. The entry areas to these spaces would enable passive surveillance to the existing gravel car park and associated walkways that would surround the redeveloped site and building.</p>
<p><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></p>	<p>There are no large expanses of blank wall proposed as part of the development. Whilst the south-western elevation has only a series of highlight windows, this elevation faces the community hall to the south-west and there is limited scope for interaction between the new building and Sugarloaf Road. The windows and openings provided on each elevation provide the necessary architectural detail to ensure that the building makes a positive contribution to the streetscape in the vicinity of the site.</p>
<p><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></p>	<p>All plant associated with the development would be either located within the proposed structure, or screened from public view as shown by the proposal plans in the attachments.</p>
<p><i>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</i></p>	<p>No rooftop infrastructure is proposed as part of the development.</p>

(f) <i>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, in that the proposed development does not adjoin a public footpath.
(g) <i>only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</i>	No shutters are proposed as part of the development.
(h) <i>be consistent with any Desired Future Character Statements provided for the area”.</i>	not applicable

**Recreation Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
18.4.4 A1	Passive surveillance	<p>Buildings design must comply with all of the following:</p> <p>(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;</p> <p>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front facade which amount to no less than 40% of the surface area of the ground floor level facade;</p> <p>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the facade of any wall which faces a public space or a carpark which amount to no less than 30% of the surface area of the ground floor level facade;</p> <p>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p>	<p>complies</p> <p>Does not comply – 30% of main façade to be windows and door openings.</p> <p>Does not comply – 30% of main façade (which faces the existing gravel carpark) to be windows and door openings.</p> <p>complies</p>

	(e) provide external lighting to illuminate car parking areas and pathways;	complies
	(f) provide well-lit public access at the ground floor level from any external carpark.	complies

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 18.4.4 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“Buildings design must provide for passive surveillance of public spaces by satisfying all of the following:</i>	The main entrance to the building would face Sugarloaf Road. This elevation would provide the kiosk and public toilet facilities and main walkway entrance to the remainder of the building, thus addressing both the streetscape and the recreation area itself.
<i>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</i>	
<i>(b) locate windows to adequately overlook the street and adjoining public spaces;</i>	The windows associated with the development would encourage overlooking and passive surveillance (where appropriate) of the oval itself and associated car parking and access areas to the north-west.
<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
<i>(d) locate external lighting to illuminate any entrapment spaces around the building site;</i>	It is proposed that low level security lighting would be established on-site to surround the building. This is reflected by a recommended condition of approval.
<i>(e) provide external lighting to illuminate car parking areas and pathways;</i>	
<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 proposed building would replace an existing change room and public toilet facility. It would provide for pedestrian access from the existing gravel car ark to the north-west, and from Sugarloaf Road.

(g) <i>provide for sight lines to other buildings and public spaces”.</i>	The proposed building would provide for interaction between visitors to both the Risdon Vale hall and community garden to the south-east, and through to the primary school to the east of the site. The associated sight lines and access would not be compromised by this proposal.
---	---

## **5. REPRESENTATION ISSUES**

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

### **5.1. Sustainability of Design**

The sustainability of the design and project was raised and the representor suggests modifying the building to address this issue by incorporating capture of rainwater for re-use within the proposed facility and installation of roof-top solar panels. It is submitted that such modifications would reduce/offset the ongoing costs of power to the building, and would provide an opportunity for the building to feed power back into the grid. The representor submits that this would reduce ongoing costs to ratepayers.

- **Comment**

The environmental sustainability of the building design is not a relevant consideration under the Scheme, and therefore not of determining weight.

That said, the suggested modifications are possible additions that could be added to the development in the future, at Council’s discretion.

## **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 2016-2026 or any other relevant Council Policy.

**9. CONCLUSION**

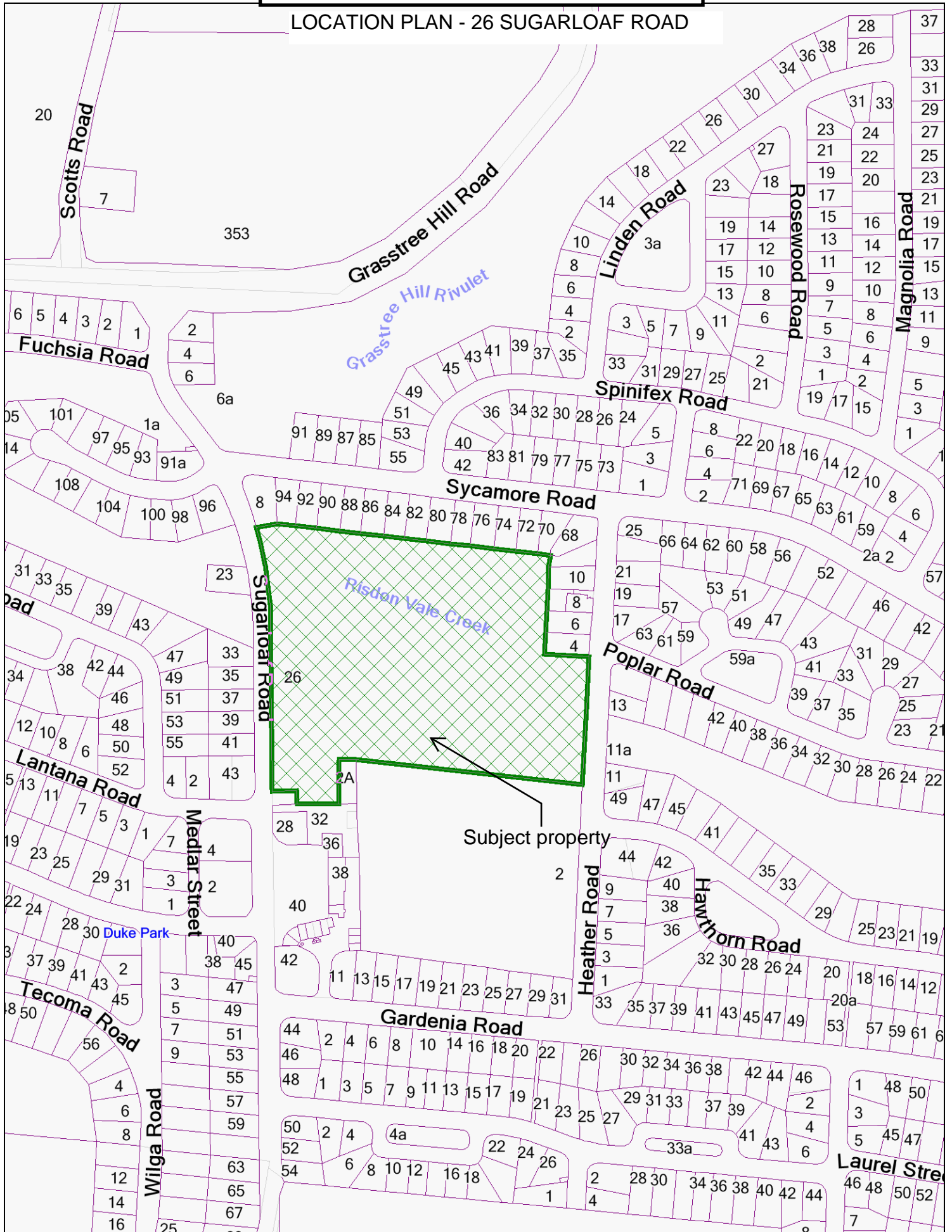
The proposal for the development of change rooms and public toilets at 26 Sugarloaf Road, Risdon Vale is considered to satisfy all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (10)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1

## LOCATION PLAN - 26 SUGARLOAF ROAD



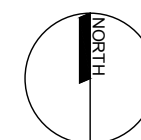
**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 2 January 2019 **Scale:** 1:3,943 @A4



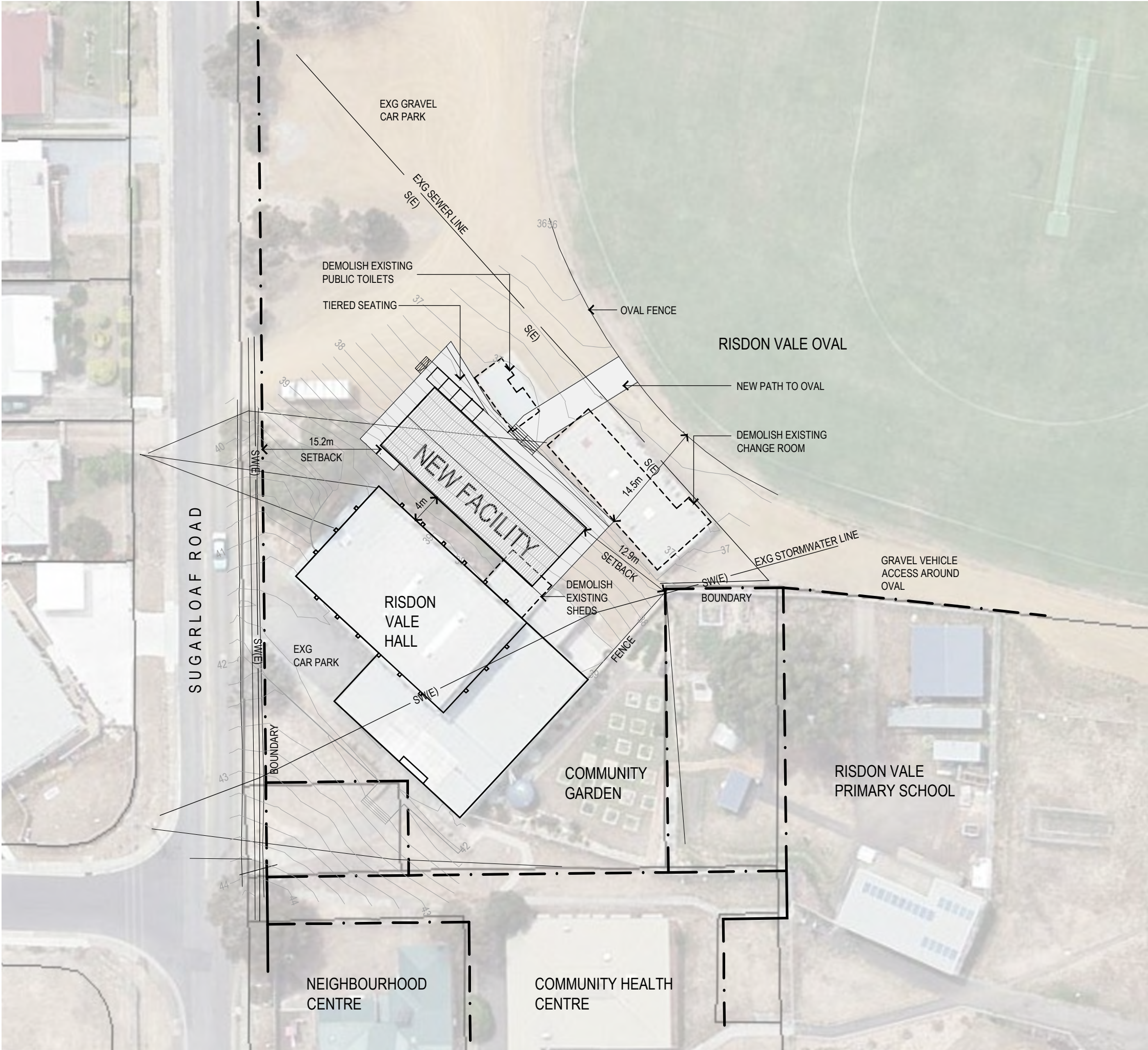


# DRAWING SCHEDULE

SK00	COVER PAGE
SK01	SITE PLAN
SK02	FLOOR PLAN
SK03	ELEVATIONS
SK04	ELEVATIONS & SECTION
SK05	IMAGE 01
SK06	IMAGE 02
SK07	IMAGE 03
SK08	IMAGE 04
SK09	FINISHES



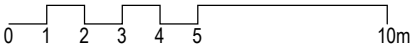
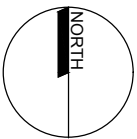




NOTES

LEGEND

EXG EXISTING  
--- DEMOLITION



PhilpLighton Architects

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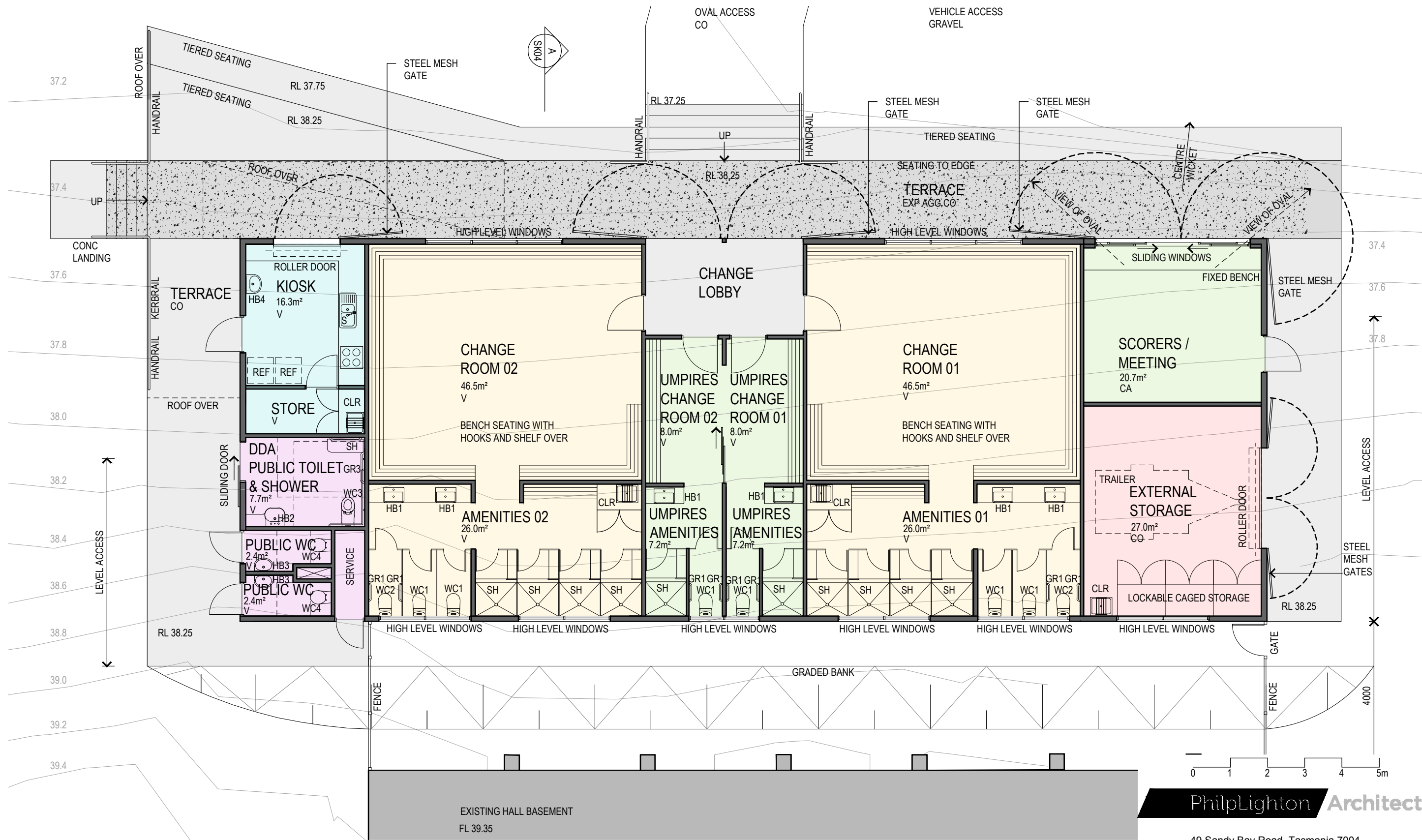
**CLARENCE CITY COUNCIL**  
RISDON VALE OVAL CHANGEROOMS  
26 SUGARLOAF ROAD  
RISDON VALE TAS

SITE PLAN

Scale 1:500 @ A3 Date 19.09.18 Project 012.18107

Drawing No **SK01** Rev **-**





BUILDING FLOOR AREA 262m²

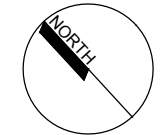
NOTES

FLOOR FINISHES

- CA CARPET
- CO CONCRETE
- T TILES
- V VINYL

LEGEND

- CLR CLEANER SINK
- DP DOWNPIPE
- GR GRAB RAIL
- HB HAND BASIN
- SH SHOWER
- S SINK
- REF REFRIGERATOR
- WC TOILET PAN/SUITE



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CLARENCE CITY COUNCIL  
RISDON VALE OVAL CHANGEROOMS  
26 SUGARLOAF ROAD  
RISDON VALE TAS

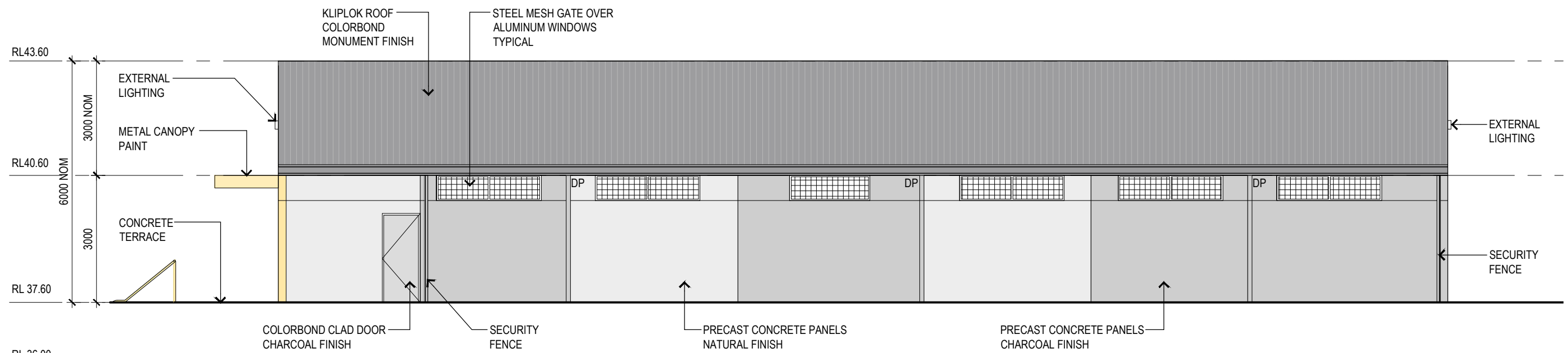
FLOOR PLAN

Scale 1:100 @ A3 Date 19.09.18 Project 012.18107

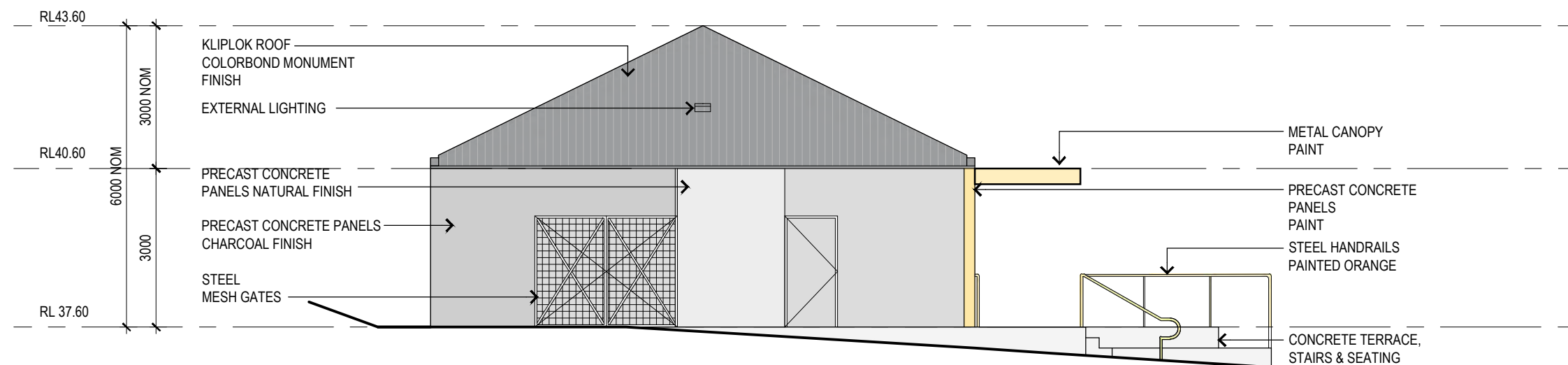
Drawing No SK02 Rev



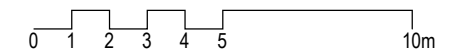
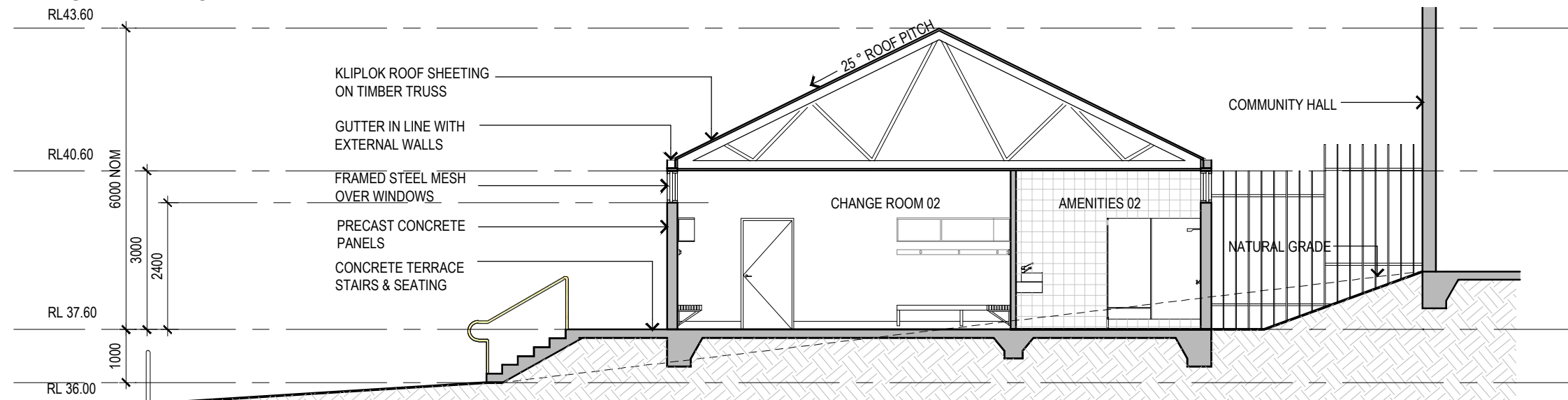
# SK03



SOUTH ELEVATION



## EAST ELEVATION



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26 SUGARLOAF ROAD  
RISDON VALE TAS

## ELEVATIONS & SECTION

**Scale** 1:100 **@** A3 **Date** 19.09.18 **Project** 012.18107

Drawing No **SK04** Rev

G:\000\012.18107 RV CHANGEBOOMS\ADDITIONAL REPORT\_11-10-18\07 SKIP\XEL-2\_V0-08 2018-11-03 PM 12





IMAGE 01

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26 SUGARLOAF ROAD  
RISDON VALE TAS

IMAGE 01

Scale
@ A3
Date
19.09.18
Project
012.18107

Drawing No
**SK05**
Rev
-



















**26 Sugarloaf Road, RISDON VALE**



**Site viewed from Sugarloaf Road, looking east towards development site**



**Site viewed from internal gravel carpark, adjacent oval looking south**

**11.3.3 SUBDIVISION APPLICATION SD-2018/53 - 25 TALUNE STREET, LINDISFARNE (WITH ACCESS OVER 25A TALUNE STREET) - 2 LOT SUBDIVISION**  
(File No SD-2018/53)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 2 lot subdivision at 25 Talune Street, Lindisfarne (with access over 25A Talune Street).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and is subject to the Landslide Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Coastal Erosion Hazard Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on the 16 January 2019 as agreed with the applicant.

**CONSULTATION**

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

- impact of future development; and
- vegetation loss.

**RECOMMENDATION:**

A. That the application for a 2 lot subdivision at 25 Talune Street, Lindisfarne (with access over 25A Talune Street) (C1 Ref SD-2018/53) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS 4 – POS CONTRIBUTION [Lot 1 and 2].

3. ENG A3 – COMBINED ACCESS [TSD-R09 (Urban) 5.5m wide].
  4. An amended subdivision plan must be submitted to and approved by Council's Manager City Planning prior to the sealing of the final plan of survey providing for the provision of a 5.5m wide sealed access from the property boundary to the boundary of Lot 3. When approved, the amended subdivision plan will form part of the permit.
  5. ENG S1 – INFRASTRUCTURE REPAIR.
  6. ENG S2 – SERVICES.
  7. ENG S4 – STORMWATER CONNECTION.
  8. ENG M2 – DESIGNS SD [Lot accesses and stormwater drainage].
  9. ENG M8- EASEMENTS.
  10. The development must meet all required Conditions of Approval specified by TasWater notice dated 7 January 2019 (TWDA 2018/02090-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.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

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

**2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to lot design, public open space, vehicular passing areas along an access and coastal erosion hazard. Subdivision is also a discretionary development pursuant to Clause 9.7.2 of the Scheme.

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

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

- Section E3.0 – Landslide Code;
- Section E5.0 – Road and Rail Assets Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section E16.0 – Coastal Erosion Hazard Code.

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

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

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

The subject site is a 3,337m<sup>2</sup> internal lot located to the south of Talune Street. The site is level and obtains access and frontage to Talune Street via a 60m long 5.9m wide access strip. The site is developed with a dwelling located towards the southern boundary.

Access to the site is shared with a 3.6m wide access strip associated with 25A Talune Street. The physical driveway alignment is mostly contained within the access strip of 25A Talune Street with this arrangement formally recognised through a benefiting right-of-way. The crossover access from Talune Street servicing both properties is contained within the access strip of 25 Talune Street.

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

Application is made to subdivide the existing 3,337m<sup>2</sup> lot into 3 lots. Lot 1 would have a land area of 550m<sup>2</sup> with Lot 2 having a land area of 1,048m<sup>2</sup> (562m<sup>2</sup> excluding the area contained within the fee simple access strip). Lots 1 and 2 would be located at the northern end of the parent lot with Lot 2 retaining the 5.9m wide fee simple access strip to Talune Street. The Balance Lot would form a 1,818m<sup>2</sup> lot and would contain the existing dwelling.

Access to the lots would be provided via the existing right-of-way over the access strips allocated to 25 and 25A Talune Street. The right-of-way is proposed to be widened to 5.5m to facilitate the construction of a 5.5m sealed dual access driveway. It is proposed to extend the right-of-way alongside the southern boundary of Lots 1 and 2 to provide access to these lots. The right-of-way would have a minimum width of 5.5m. The existing right-of-way access arrangement would be retained for the Balance Lot.

A pipeline and services easement and drainage easement is proposed along the southern boundary of Lots 1 and 2 and would return along the western boundary of the Balance Lot.

A 15m x 10m building area has been allocated within Lots 1 and 2 and is clear of the required setbacks, servicing easements and codes.

The proposed subdivision would not impact upon the existing dwellings compliance with the development standards contained in Section 10.4 of the Scheme.

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

##### **4.1. Determining Applications [Section 8.10]**

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

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

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

Reference to these principles is contained in the discussion below.

**4.2. Compliance with Zone and Codes**

The proposal meets the Scheme's relevant Acceptable Solutions of the General Residential Zone and the Landslide Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Coastal Erosion Hazard Code with the exception of the following.

**General Residential Zone**

Clause	Standard	Acceptable Solution	Proposed
10.6.1 A4	Lot design	No lot is an internal lot.	Does not comply - Lots 1, 2 and 3 would each form internal lots provided with a right-of-way access from Talune Street.

The proposed variation must be considered pursuant to the Performance Criteria (P4) of the Clause 10.6.1 as follows.

Performance Criteria	Proposal
<i>"P4 - An internal lot must satisfy all of the following:</i>	See below assessment.
<i>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</i>	Proposed Lot 2 would obtain direct access to Talune Street which existed prior to 1 July 2015 via a fee simple access strip. Proposed Lot 1 and the Balance Lot would rely on a right-of-way arrangement over the access strip servicing Lot 2 and 25A Talune Street which is considered a reasonable configuration response to encourage the more efficient utilisation of the land.
<i>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</i>	It would not be reasonably possible to construct a new road from Talune Street for 2 new residential lots. The existing right-of-way arrangements would service a total of 4 lots which is consistent with Council's Shared Rights-of-Way Policy which limits the number of right-of-way beneficiaries to 4.  The proposed right-of-way arrangement is considered a reasonable response to the separation of the rear of the existing lot to increase density within an area identified by the Scheme as appropriate.



<i>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i>	The proposal is the only reasonable way to separate the land to the rear of the existing dwelling, in that the site is entirely constrained by residential development.
<i>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</i>	The proposed subdivision will provide for an infill development opportunity therefore contributing to the more efficient utilisation of residential land and infrastructure. The proposed subdivision would also facilitate future development of Lots 1 and 2 in a manner that is considered unlikely to create conflict with adjoining residential land.
<i>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i>	The proposed development is for a subdivision only, and the only physical works proposed at this time would be construction of the sealed right-of-way and service connection – both which would be in accordance with required engineering designs, and would therefore not compromise amenity.
<i>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i>	Each lot would have in excess of the required 3.6m wide access via a right-of-way and a condition has been included above requiring the sealing of all shared rights-of-way to ensure an appropriate level of service.
<i>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</i>	A 5.5m wide right-of-way is proposed to facilitate the construction of a 5.5m wide shared carriageway to service the proposed lots together with 25A Talune Street. Additional passing bays are unnecessary as the proposed access arrangement will enable 2 vehicles to pass along the entire length of the right-of-way.
<i>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</i>	No additional access strips are proposed. Instead, it is proposed to create additional right-of-way beneficiaries and to widen the existing carriageway to facilitate 2 way traffic flows.
<i>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i>	It is recommended that a condition be included on any permit granted requiring the 5.5m wide access to be sealed prior to the sealing of the Final Plan of Survey.

<i>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces”.</i>	The proposed lot would not front any public open space or rights-of-way.
--	--

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.6.3 A1	Ways and Public Open Space	No Acceptable Solution.	Does not comply - given there is no Acceptable Solution in which to satisfy, consideration is automatically required under the corresponding Performance Criteria.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.6.3 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P1 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	see below assessment
<i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	not applicable
<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	not applicable
<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	not applicable
<i>(f) provides for a legible movement network;</i>	not applicable

(g) <i>the route of new ways has regard to any pedestrian and cycle way or public open space plan adopted by the Planning Authority;</i>	not applicable
(h) <i>Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council policy;</i>	In this case, the creation of 2 additional (vacant) residential lots will increase the demand for public open space on a local and regional scale. A condition has been included, requiring the payment of cash-in-lieu for 5% of the value of proposed Lots 1 and 2.
(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i>  (i) <i>the width of the way;</i> (ii) <i>the length of the way;</i> (iii) <i>landscaping within the way;</i> (iv) <i>lighting;</i> (v) <i>provision of opportunities for 'loitering';</i> (vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i>	not applicable

**Coastal Erosion Hazard Code**

Clause	Standard	Acceptable Solution	Proposed
E16.7.1 A1	Buildings and Works	No Acceptable Solution.	Does not comply – the proposal involves the laying of a new stormwater line within the Coastal Erosion Low Hazard Area covering the southern end of 25 Talune Street, Lindisfarne. The infrastructure will connect into an existing stormwater and sewer line located on 19 and 25A Talune Street, Lindisfarne.

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

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P1 - Buildings and works must satisfy all of the following:</i>	See below assessment.
<i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i>	The new stormwater and sewer infrastructure provided to support the development will be connected into an existing stormwater and sewer pipe currently located within the Coastal Erosion Hazard Area and would therefore not increase the level of risk to the life of the users of the site or create a hazard for adjoining or nearby properties.
<i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i>	Council’s Development Engineer has advised the proposed underground stormwater infrastructure works would be significantly elevated so that there is no risk of wave run-up that would compromise the works.
<i>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i>	The proposed infrastructure would connect into existing infrastructure therefore would not create an additional erosion risk.
<i>(d) need for future remediation works is minimised;</i>	Council’s Development Engineer has advised that no future remediation future works will be required due to the elevated position and rocky profile of the shoreline.
<i>(e) health and safety of people is not placed at risk;</i>	The minor additional infrastructure works would not increase the risk to the health and safety of people.
<i>(f) important natural features are adequately protected;</i>	There are no identified important natural features in this location that would be affected by the proposed works.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	not applicable

(h) <i>access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	All works within the Coastal Erosion Hazard Area would be located at the rear of the site, away from the Talune Street access to the site.
(i) <i>provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	The infrastructure works will be transferred to the ownership of Council and TasWater therefore a developer contribution is not required in this case.
(j) <i>not be located on an actively mobile landform”.</i>	There is no evidence to suggest the area of the proposed works is on an actively mobile landform.

### Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution	Proposed
E16.8.1 A1	Subdivision in Coastal Erosion Hazard Areas	No Acceptable Solution.	Does not comply – 25 Talune Street is covered by the Coastal Erosion Low Hazard Area (10.9%).

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E16.8.1 as follows.

Performance Criteria	Proposal
<i>“P1 – Subdivision of a lot, all or part of which is within a Coastal Erosion Hazard Area must be for the purpose of one or more of the following:</i>	See below assessment.
<i>(a) separation of existing dwellings;</i>	not applicable
<i>(b) creation of a lot for the purposes of public open space, public reserve or utilities;</i>	not applicable
<i>(c) creation of a lot in which the building area, access and services are outside the Coastal Erosion Hazard Area”.</i>	The building area allocated to proposed vacant lots, Lots 1 and 2, would be located entirely outside of the Coastal Erosion Hazard Area.

## 5. REPRESENTATION ISSUES

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

**5.1. Impact of Future Development**

The representor has raised concern in relation to the location of the indicative building envelope for Lot 1 and the potential for a future dwelling to have an unreasonable visual impact and solar access to the existing dwelling located at 21 Talune Street, Lindisfarne.

- **Comment**

The design of Lot 1 is consistent with the relevant subdivision standards applied to the General Residential Zone. Should approval of the subdivision be granted, any future development of Lot 1 would need to demonstrate compliance with the relevant privacy, setback and height standards of the Scheme, which are intended to ensure no unreasonable loss of privacy or sunlight.

**5.2. Vegetation Loss**

The representor has raised concern in relation to the location of the indicative building envelope for Lot 1 and the potential for a future dwelling to have an unreasonable visual impact and solar access to the existing dwelling located at 21 Talune Street, Lindisfarne.

- **Comment**

The Scheme protects vegetation through the Natural Assets Code and Heritage Code. The vegetation on the property is not protected through either of these means therefore is not a matter that can be given any determining weight.

**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 2016-2026 or any other relevant Council Policy.

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

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion due to the internal nature of the lot and allocation of existing recreation assets within the vicinity. Notwithstanding, it is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the LGMBP Act provides for a maximum of up to 5% of the value of the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lots created (Lots 1 and 2), representing the increased demand for POS generated by the proposal and not the entire site the subject of the application.

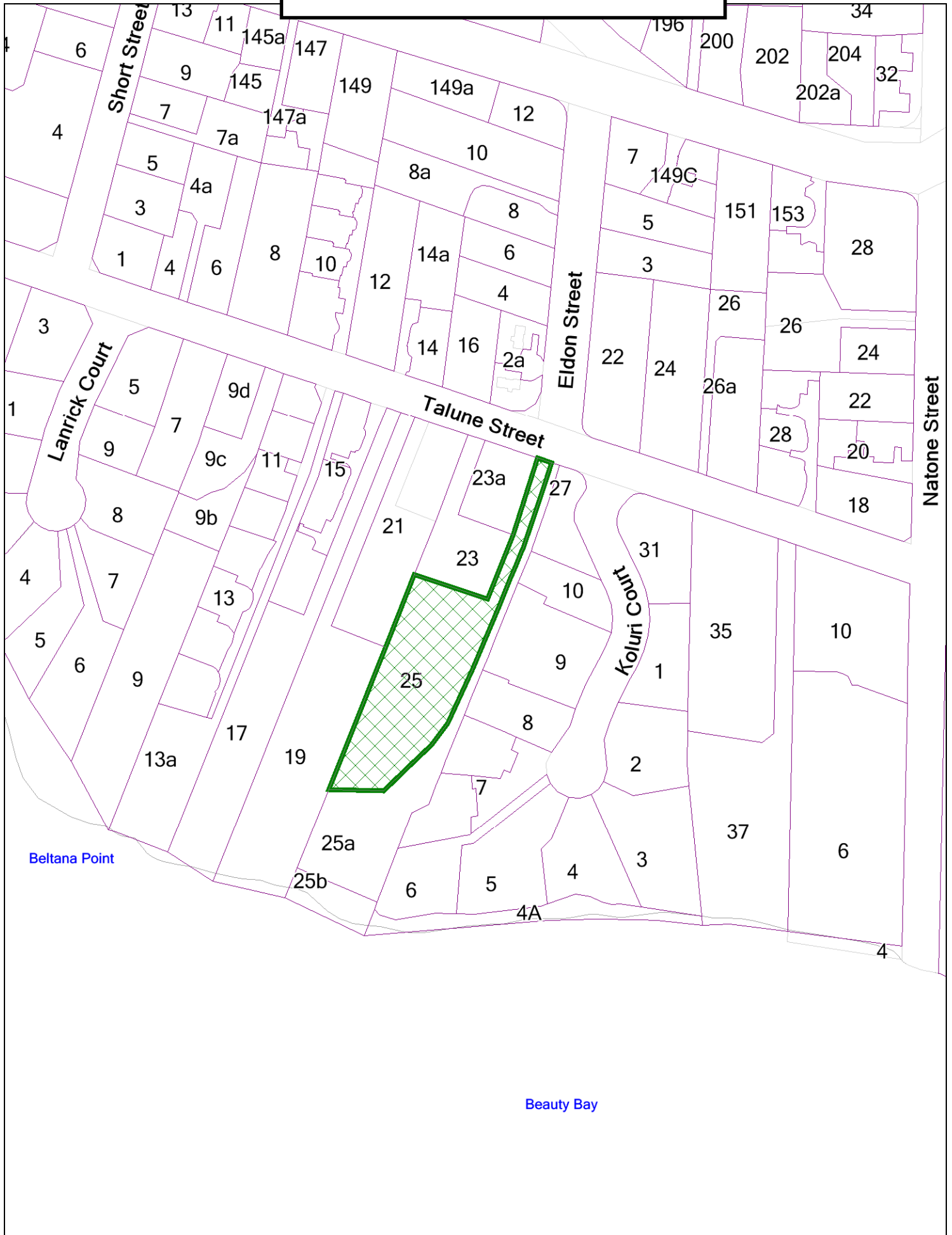
**9. CONCLUSION**

The proposal seeks approval for a 2 lot subdivision at 25 Talune Street, Lindisfarne (with access over 25A Talune Street). The proposal is considered to satisfy the Acceptable Solutions and Performance Criteria of the Scheme and is accordingly recommended for conditional approval.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 3 January 2019 **Scale:** 1:1,962 @A4





UNIT 1, 2 KENNEDY DRIVE  
CAMBRIDGE 7170  
PHONE: (03)6248 5898  
EMAIL: admin@rbsurveyors.com  
WEB: www.rbsurveyors.com

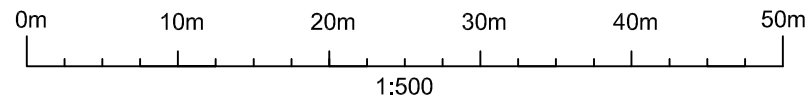
This plan has been prepared only for the purpose of obtaining preliminary  
subdivisional approval from the local authority and is subject to that approval.  
  
All measurements and areas are subject to the final survey.  
  
Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania  
Base data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



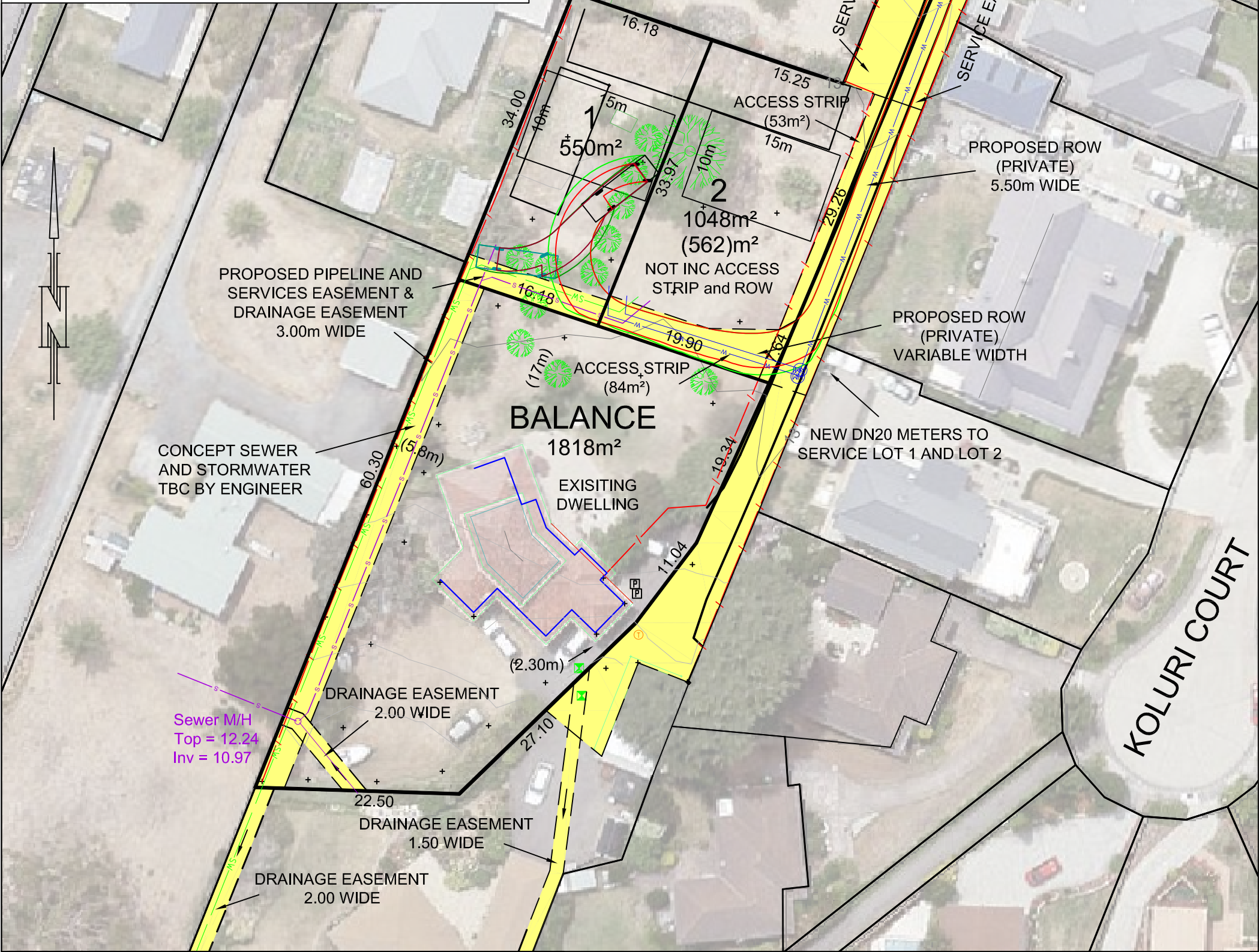
Development Standards for Subdivision

10.6.1 General Residential

- A1-Complies 550m² to 1000m².
  - A2-Complies 10mx15m rectangle clear of setbacks.
  - A3-The frontage does not comply with A3. It does satisfy P3.
  - A4-Internal Lot. P4-3.6m access strip provided
  - A5-Complies. 2 additional lots
- see Memo (T003 Talune Street - 29-12-2017) for further information



LOCATION PLAN



E				
D				
C				
B	ADDITIONAL ROW AND ACCESS CHANGES	SH	03-12-18	
A	RFI CHANGES-AREA TOTALS, BALANCE LOT, CONCEPT SERVICING	SH	28-11-18	
REV	AMENDMENTS	DRAWN	DATE	APPR.

OWNER: NEIL & RUTH READETT AND  
MICHAEL & ALISON READETT  
TITLE REFERENCE: C.T.126072/1 & 2  
LOCATION: 25 & 25A TALUNE STREET  
LINDISFARNE

Proposed Subdivision

Date:	Reference:
12-11-2018	BUPRO01 11377-01
Scale:	Municipality:
1:500 (A3)	CLARENCE

**25 Talune Street, Lindisfarne (with access over 25a Talune Street)**



***Photo 1: The subject site when viewed from Talune Street.***

**11.3.4 SUBDIVISION APPLICATION SD-2018/46 - 9 AND 11 BASTICK STREET, ROSNY - 2 LOT SUBDIVISION**  
(File No SD-2018/46)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 2 lot subdivision (2 existing lots into 4 lots) at 9 and 11 Bastick Street, Rosny.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Road and Railway 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 with the written consent of the applicant on 16 January 2019.

**CONSULTATION**

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

- character of area;
- privacy; and
- residential density.

**RECOMMENDATION:**

- A. That the application for a 2 lot subdivision at 9 and 11 Bastick Street, Rosny (C1 Ref SD-2018/46) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN POS4 – POS CONTRIBUTION [5%] and [Lots 2 and 3].
  3. ENG A1 – NEW CROSSOVER [5.5m].



4. ENG S1 – INFRASTRUCTURE REPAIR.
  5. ENG S2 – SERVICES.
  6. Each lot (including lots of existing dwellings) must be provided with minimum 150mm diameter stormwater drainage connected to Council's main. An extension to Council's stormwater main may be required at the owner's expense.
  7. ENG M2 – DESIGNS SD, delete "road design" and "road stormwater drainage".
  8. ENG M8 – EASEMENTS.
  9. A 5.5 wide kerb and gutter crossing must be provided to the lot and must be constructed in accordance with Tasmanian standard drawings. A 5.5 wide sealed driveway must then continue a minimum length of 7.5m and then may reduce to 3.6m over the remaining length of the driveway. This access must be inspected by Council prior to sealing or pouring new concrete. Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.
  10. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 December 2018 (TWDA 2018/01583-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.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

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

**2.2.** The proposal is discretionary because it is for subdivision and 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 E5.0 – Road and Railway Assets Code; and
- Section E6.0 – Parking and Access Code.

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

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

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

The site is comprised of 2 lots with areas of 835m<sup>2</sup> and 919m<sup>2</sup>, located within an established residential area at Bastick Street, Rosny. Each supports an existing dwelling with established gardens and has frontage and existing vehicular access to Bastick Street.

The lots slope at an average gradient of 1 in 5 down to the east towards Bastick Street, and there are no easements or covenants that affect the subject properties.

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

The proposal is to create 2 internal lots at the rear of 9 and 11 Bastick Street, Rosny. The development would be undertaken as a single stage and the proposed lots would be 472m<sup>2</sup> and 458m<sup>2</sup> respectively, leaving the 2 dwellings on lots of 400m<sup>2</sup> and 424m<sup>2</sup>.

The 2 lots with direct frontage to Bastick Street would have 17.12m and 15.29m of frontage each, whilst the internal lots (Lots 2 and 3) would each have 3.0m frontage and reciprocal rights-of-way.

The reciprocal right-of-way arrangement for Lots 2 and 3 would provide a total access strip width of 4.0m for the internal lots. The existing dwellings on Lots 1 and 4 would retain the existing driveway accesses.

The proposed shared access strips would be 24m in length, and both existing dwellings would be setback in excess of 4m from the proposed rear boundaries of each respective lot.

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

##### **4.1. Determining Applications [Section 8.10]**

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

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

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

Reference to these principles is contained in the discussion below.

##### **4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Road and Railway Assets and Parking and Access Codes with the exception of the following.

##### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.2 A3	Setbacks and building envelope for all dwellings	A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:	

		<p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>complies</p> <p>Does not comply – protrusions at northern and southern walls of the existing dwellings at 11 and 9 Bastick Street respectively, with setbacks of 0.45m and 0.84m proposed from the new lot boundaries.</p> <p>not applicable</p> <p>complies</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 as follows.

<b>Performance Criteria</b>	<b>Comment</b>
<i>“P3 – The siting of a dwelling must: (c) Not cause any unreasonable loss of amenity by:</i>	See below.
<i>i. reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or ii. overshadowing the private open space of a dwelling on an adjoining lot; or iii. overshadowing of an adjoining vacant lot; or</i>	There are no new buildings proposed as part of the proposal. There would therefore be no impacts with solar access or overshadowing.
<i>(v) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The side setback variation proposed by the development would have bearing only on the proposed shared access way, and associated reciprocal rights-of-way. There would therefore be no detrimental impact upon residential amenity as a result of the reduced side setback in this instance.
<i>(d) Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i>	The proposal does not alter the separation distance between the 2 existing dwellings at 9 and 11 Bastick Street (Lots 1 and 4). As such, this criterion is met by the proposal.

### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.3 A2	Site coverage and private open for all dwellings	A dwelling must have an area of private open space that:  (a) is in one location and is at least: (i) 24m <sup>2</sup> ; or (ii) 12m <sup>2</sup> , if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and	complies



		<p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	complies
		<p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p>	Lot 1 (9 Bastick Street) does not comply. Lot 4 (11 Bastick Street) complies.
		<p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p>	complies
		<p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p>	complies
		<p>(f) has a gradient not steeper than 1 in 10; and</p>	Lot 1 (9 Bastick Street) does not comply – gradient of open space of 1 in 6.5. Lot 4 (11 Bastick Street) complies.
		<p>(g) is not used for vehicle access or parking.</p>	complies

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

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“P2 - A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p> <p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>The provision of an outdoor living area to the rear (west) of the dwelling on Lot 4 (11 Bastick Street) with direct access from the living spaces of that dwelling satisfies the relevant acceptable solution. The outdoor living area associated with the existing dwelling on Lot 1 (9 Bastick Street) whilst moderately sloping would, in conjunction with existing outdoor living areas to the north and east of the dwelling provide areas capable of serving as an extension to the living space for outdoor dining, entertaining, relaxation, children’s play.</p> <p>Both Lots 1 and 4 would have sufficient areas to meet both the recreational and practical needs of the occupants of the dwelling units such as for clothes drying.</p>
<p><i>(ii) oriented to take advantage of sunlight”.</i></p>	<p>The areas of private open space are accessible from the living areas of both existing dwellings; with the dwelling on Lot 1 being via the existing laundry. This is an existing situation and the proposal would not compromise access to useable areas of open space associated with those lots that support the existing dwellings given the various areas of private open space provided across the site.</p>

### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.6 A2	Privacy for all dwellings	A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):	

		<p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> <li>i. is to have a setback of at least 3m from a side boundary; and</li> <li>ii. is to have a setback of at least 4 m from a rear boundary; and</li> <li>iii. if the dwelling is a Multiple Dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>iv. if the dwelling is a Multiple Dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</li> </ul>	<p>Does not comply – 0.84m setback proposed from southern wall (bedroom) of dwelling on Lot 1 and 0.94m setback proposed from northern wall of dwelling on Lot 4 (living) to new boundaries.</p>
		<p>(b) The window or glazed door:</p> <ul style="list-style-type: none"> <li>i. is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</li> <li>ii. is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</li> <li>iii. is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</li> </ul>	<p>Not applicable as not new dwellings.</p>

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.6 as follows.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“P1 - A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i></p> <p><i>(a) window or glazed door, to a habitable room of another dwelling; and</i></p> <p><i>(b) the private open space of another dwelling; and</i></p> <p><i>(c) an adjoining vacant residential lot”.</i></p>	<p>The proposal does not incorporate any new buildings, meaning that there would be no change and therefore no privacy impacts associated with the proposed side boundary setbacks.</p>

### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.6.1 A2	Lot design	<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p>	<p>Does not comply – the building areas on the vacant lots (Lots 2 and 3) would encroach within the rear and internal front setbacks.</p> <p>complies</p> <p>complies</p> <p>complies</p>

		(e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north;	complies
		(f) is 10m x 15m in size.	complies

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 10.6.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“The design of each lot must contain a building area able to satisfy all of the following:</i>	The proposed lots are of a size and shape that would provide for the development of a Single Dwelling and associated residential use consistent with surrounding residential lots in Rosny. The proposed lots would support a range of development types as permitted within the General Residential Zone.
<i>(a) be reasonably capable of accommodating residential use and development;</i>	
<i>(b) meets any applicable standards in codes in this planning scheme;</i>	The development is reliant upon the Road and Railway Assets and Parking and Access Codes under the Scheme only. The relevant provisions of both are met by the proposal.
<i>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</i>	The proposed lots would accommodate the building areas identified with northerly orientation, capable of supporting future development with maximum solar access.
<i>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i>	The proposed lots would be accessed from Bastick Street, with a new crossover sited to the satisfaction of Council’s Engineers. To achieve this, appropriate conditions have been included in relation to detailed engineering designs. Council’s Engineers are satisfied that a driveway and access to each of the proposed lots can be constructed with minimal earthwork, compliant with the associated Australian Standards. The existing accesses to the dwellings on Lots 1 and 4 are to be retained.

<p>(e) <i>provides for sufficient useable area on the lot for both of the following:</i></p> <p>(i) <i>on-site parking and manoeuvring;</i></p> <p>(ii) <i>adequate private open space”.</i></p>	<p>The proposed lots range in size from 400m<sup>2</sup> to 472m<sup>2</sup>. This meets the prescribed minimum and maximum lot size for the zone and is considered to be sufficiently large to enable reasonable and appropriate residential development, with compliant private open space and vehicle parking and manoeuvring areas.</p>
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### **General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.6.1 A4	Lot design	No lot is an internal lot.	Two internal lots are proposed.

The proposed variation can be supported pursuant to the Performance Criteria P4 of Clause 10.6.1 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<p><i>“An internal lot must satisfy all of the following:</i></p> <p>(a) <i>the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</i></p>	<p>The rear of the subject property can only be accessed from Bastick Street, and the gradient of the site and location of the existing dwellings makes the proposed internal lots the only possible option for subdivision of the land at the rear. This would provide for efficient utilisation of the residential land.</p>
<p>(b) <i>it is not reasonably possible to provide a new road to create a standard frontage lot;</i></p>	<p>There is insufficient width between the 2 existing dwellings on the lots to construct a new road to provide access to the rear of both lots.</p>
<p>(c) <i>the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i></p>	<p>The rear of the subject property can only be accessed from Bastick Street, being surrounded by private properties to the rear, meaning that the proposed internal lots are the only possible option for subdivision of the land at the rear.</p>
<p>(d) <i>the lot will contribute to the more efficient utilisation of residential land and infrastructure;</i></p>	<p>The proposed development can be appropriately accommodated by existing infrastructure networks, and the Scheme permits the creation of lots of the size and nature proposed. As such, the proposal would be an efficient use of residential land and infrastructure as envisaged by the zone.</p>

<i>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i>	The future development of each of the proposed lots would be subject to the relevant Use and Development Standards of the Scheme, which give consideration to amenity impacts upon neighbouring residents. The subdivision itself would have little impact, beyond the provision of service connections and driveway construction.
<i>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i>	The proposed internal lots would have access via an access strip with a width of 4.0m with reciprocal rights-of-way, being in excess of the minimum requirement of 3.6m.
<i>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</i>	Council's Engineers are satisfied with the length of the proposed access strip, in that it does not trigger a requirement for passing bays in this instance.
<i>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</i>	The proposed access strips (with reciprocal rights-of-way) would result in 2 adjacent access strips only, thus satisfying this requirement.
<i>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i>	A condition is recommended requiring that a sealed driveway be provided, in accordance with Council Policy and to satisfy this requirement.
<i>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces".</i>	Not applicable, as the site does not adjoin any public open space or rights-of-way.

**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.6.3 A1	Ways and public open space	No acceptable solution.	Payment of cash-in-lieu of the provision of physical open space.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 10.6.3 for the following reasons.

<b>Performance Criterion</b>	<b>Comment</b>
<i>“P1 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	not relevant
<i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	
<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	not relevant
<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	not relevant
<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	not relevant
<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	not relevant
<i>(f) provides for a legible movement network;</i>	not relevant
<i>(g) the route of new ways has regard to any pedestrian and cycle way or public open space plan adopted by the Planning Authority;</i>	not relevant
<i>(h) Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council Policy.</i>	The applicant proposes to pay cash-in-lieu of the provision of open space, in accordance with Council’s Public Open Space Policy. An appropriate permit condition has been included above to reflect this requirement in relation to Lots 2 and 3.



<p>(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i></p> <p>(i) <i>the width of the way;</i></p> <p>(ii) <i>the length of the way;</i></p> <p>(iii) <i>landscaping within the way;</i></p> <p>(iv) <i>lighting;</i></p> <p>(v) <i>provision of opportunities for 'loitering';</i></p> <p>(vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i></p>	not relevant
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## **5. REPRESENTATION ISSUES**

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

### **5.1. Character of Area**

Concern is raised that the proposed small lots would be inconsistent with the character of the area, which the representor submits is comprised of Single Dwellings close to the road frontage with large backyards to the rear.

- **Comment**

The proposal is consistent with the requirements of the Scheme in relation to minimum lot size and therefore this issue is not of determining weight.

### **5.2. Privacy**

The representor raises privacy of outdoor living areas as a concern in relation to the proposal. It is submitted that the nearby residential properties have large, landscaped backyards which provide for visual separation between outdoor living areas, and that the proposal would adversely impact the use of these spaces.

- **Comment**

The development of each lot is not proposed at this time and, if this subdivision is approved, any future development would be subject to the relevant use and development standards of the General Residential Zone which include consideration of privacy should a variation to the prescribed building envelope and setback standards be sought.

Given that this issue is not relevant to the subdivision itself, it is not of determining weight

### **5.3. Residential Density**

The small size of the proposed lots is raised as an issue in relation to the proposal, and the representor submits that because each of the proposed vacant lots cannot accommodate the building envelope prescribed by the Scheme that the lots are therefore too small and should not be approved.

- **Comment**

The proposed development is a subdivision that accords with the minimum lot sizes prescribed by the General Residential Zone. Lots of the size and nature proposed are envisaged by the Scheme and given that the proposal satisfies the relevant Acceptable Solutions and Performance Criterion, this is not an issue that justifies refusal of the proposal.

## **6. EXTERNAL REFERRALS**

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

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

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

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

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

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

In relation to Council's Public Open Space Policy and as discussed above in Section 4.2, the development site is within an established urban area and will be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's open space network and associated facilities.

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

Section 117 of the Local Government Building and Miscellaneous Provisions Act 1993 (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS. It is considered appropriate in this case to limit the contribution only to each additional lot created being Lots 2 and 3, which represents the increased demand for open space generated by the proposal and not the entire site the subject of the application. A condition has therefore been included recommending that this occurs.

**9. CONCLUSION**

The proposal is for a 2 lot subdivision (2 existing lots into 4 lots) at 9 and 11 Bastick Street, Rosny. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to the conditions above.

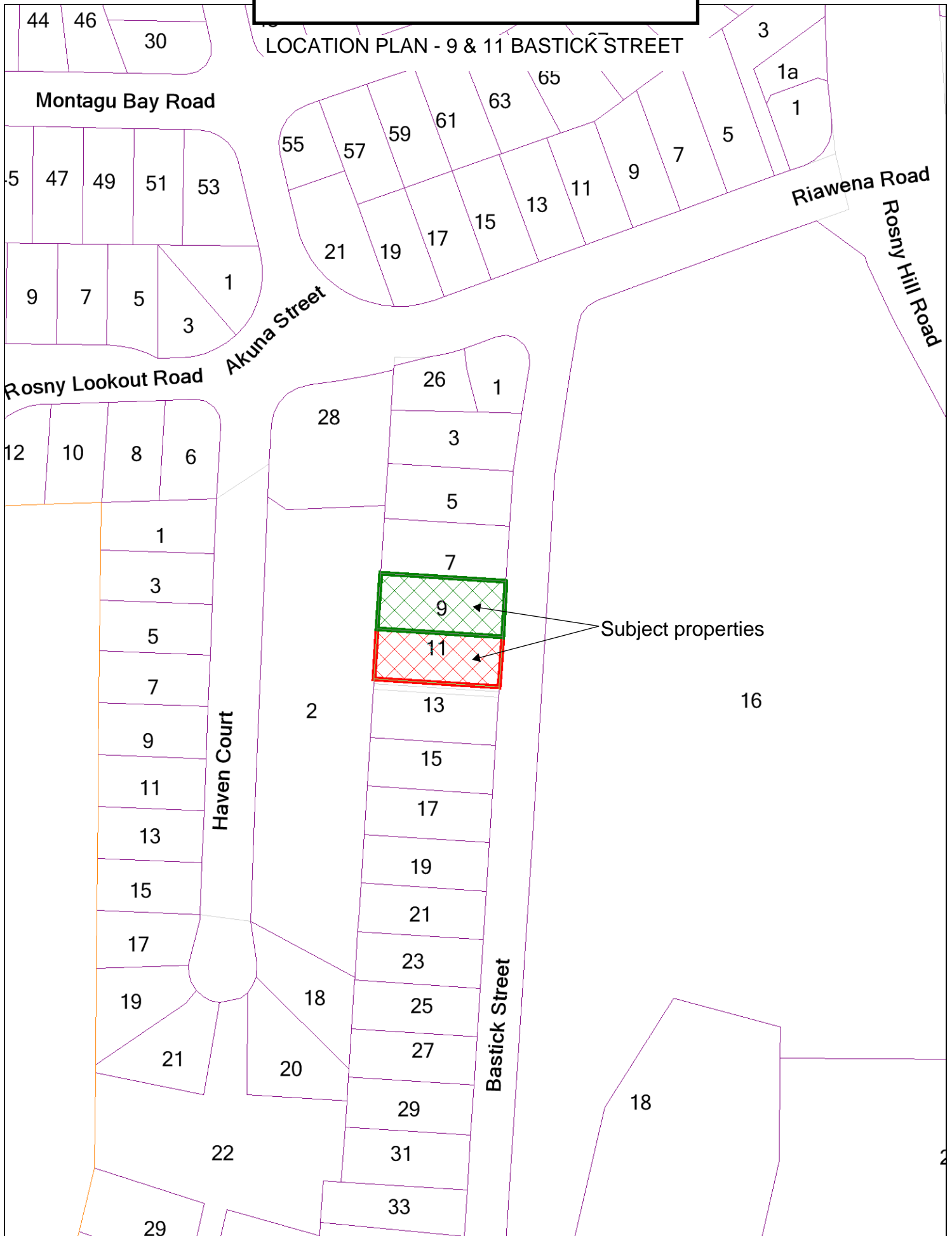
Attachments: 1. Location Plan (1)  
2. Proposal Plan (1)  
3. Site Photo (3)

Ross Lovell  
**MANAGER CITY PLANNING**

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

# Attachment 1

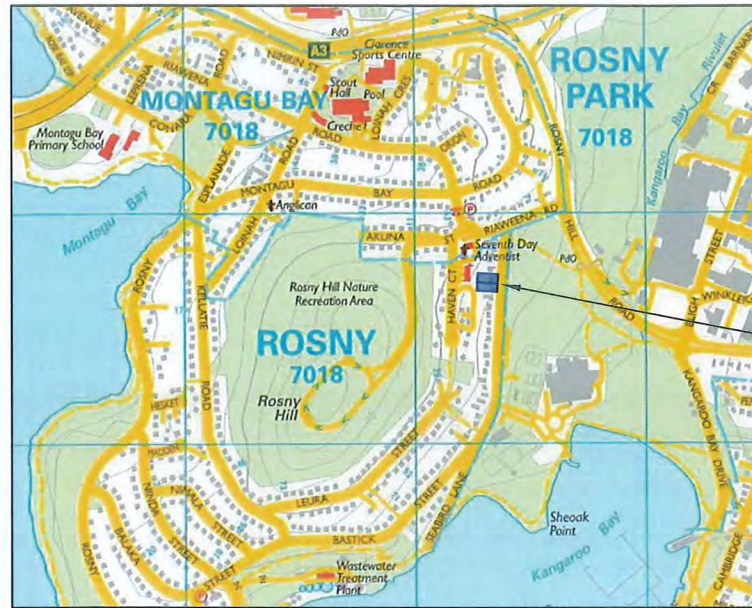
## LOCATION PLAN - 9 & 11 BASTICK STREET



**Disclaimer:** This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 3 January 2019 **Scale:** 1:1,748 @A4



# Attachment 2



C.T.91543/14; C.T.91543/15

## LOCATION PLAN

## LEGEND

- Water meter
- Water Tap
- Sewer Manhole
- Telstra Pit
- Power Conn.
- Fire Plug
- Survey Mark
- Side Entry Pit
- Property Boundary
- Fence
- Setback Limit
- Electric Line Overhead
- Proposed Right of Way (Private) benefitting Lot 3
- Proposed Right of Way (Private) benefitting Lot 2
- 10m x 15m Minimum Build Area
- Existing Concrete Driveways

Lot 2 area not covered by  
Proposed Right of Way = 410m<sup>2</sup>  
Lot 3 area not covered by  
Proposed Right of Way = 400m<sup>2</sup>

## Development Standards for Subdivision

### 10.6.1 General Residential

A1-Lot areas comply with A1, opposite public open space, within 400m of public transport corridor & within 200m walking distance of school.

A2-A 10mx15m rectangle will not fit within setbacks, for Lots 1, 2 & 3 but we believe it will satisfy P2. Average slope across lots is 1:6.

A3-The frontages for lots 1 & 4 complies with A3. Lots 2 & 3 are internal lots.

A4-Satisfies P4.

A5-Satisfies P5.



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

All measurements and areas are subject to the final survey.

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania  
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania



UNIT 1, 2 KENNEDY DRIVE  
CAMBRIDGE 7170  
PHONE: (03)6248 5898  
EMAIL: admin@rbsurveyors.com  
WEB: www.rbsurveyors.com

OWNERS: MARY ELIZABETH TAPLIN;  
KATHLEEN MARY FLANAGAN (DEC.)  
TITLE REFERENCES: C.T.91543/14; C.T.91543/15  
LOCATION: 9 & 11 BASTICK STREET  
ROSNY

## Proposed Subdivision

Date: 24-09-2018	Reference: TAPLM01 11277-01
Scale: 1:250 (A3)	Municipality: CLARENCE



## Attachment 3

### 9 & 11 Bastick Street, ROSNY



Site viewed from Bastick Street, looking west to the dwelling at 9 Bastick Street



Site viewed from Bastick Street, looking west to the dwelling at 11 Bastick Street





**Site of proposed access to rear lots, viewed from Bastick Street looking north**



**Site of proposed Lot 2, viewed from rear of dwelling at 9 Bastick Street looking southwest**





**Site of proposed Lot 3, viewed from rear of dwelling at 9 Bastick Street looking southwest**

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

**11.5 ASSET MANAGEMENT**

Nil Items.

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE****11.7.1 CAMBRIDGE PRIMARY SCHOOL – LEASE OF PUBLIC LAND**

(File No C004-1000)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to enable Council the opportunity to consider submissions in relation to the proposed lease of a portion of public land located at the Cambridge Memorial Oval, to the Department of Education.

**RELATION TO EXISTING POLICY/PLANS**

Council, at its Meeting of 10 September 2018 resolved to lease public land (a portion of Cambridge Memorial Oval) to the Department of Education for development of the Cambridge Primary School.

**LEGISLATIVE REQUIREMENTS**

Section 178 of the Local Government Act details the process Council must follow in determining to lease public land.

Section 178 provides that (in part):

*“... if a Council intends to lease ... public land the General Manager is to:*

- (a) publish that intention on at least 2 separate occasions ...; and*
- (b) display a copy of the notice on the property; and*
- (c) notify the public that objection to the proposed lease may be made within 21 days”.*

Further, the Council must consider any objection lodged. A decision to lease public land requires an absolute majority of Council.

**CONSULTATION**

In addition to the statutory requirements under Section 178 of the Act, Council also conducted a public meeting at the Cambridge Hall to advise the community in regard to the proposal to lease. Approximately 90 people attended the public meeting.

**FINANCIAL IMPLICATIONS**

The proposal to lease part of the reserve to the Department of Education will necessitate relocation of the existing reserve clubrooms and toilets and require the relocation of the reserve car parking. A condition of Council's proposed lease is that these costs be met by the State Government (Department of Education).

**RECOMMENDATION:**

- A. That Council resolves to lease public land as depicted in Attachment 1 of the Associated Report to the Department of Education for a period of up to 99 years.

- B. That the lease be subject to the following conditions (as determined by Council at its Meeting of 10 September 2018).
- that the Department of Education agree that no further encroachment onto the reserve will be sought for further expansion of the school footprint;
  - that the State Government fund the relocation of the existing clubrooms and toilet facilities and the redevelopment of new like facilities on the eastern end of the oval. Such cost and relocation to be further negotiated between Council and the State. Noting that the existing facilities are to continue in use until replacement facilities are built;
  - that the State Government and Council explore options for additional parking at the site; and that the State Government meet the cost of providing for agreed additional car parking for both school and public use; and
  - that the Department of Education agree to work with Council to facilitate the provision of a public walking trail along the Barilla Creek rivulet at the rear of the school.
- C. That the General Manager be authorised to undertake the necessary actions to negotiate and finalise lease arrangements in accordance with this report and the requirements of the Local Government Act.
- D. That the General Manager advise all parties who lodged an objection to the proposed lease of Council's decision and their rights to appeal Council's decision in accordance with Section 178A of the Local Government Act.

**NB: A decision to lease public land requires an absolute majority of Council.**

---

## ASSOCIATED REPORT

### 1. BACKGROUND

- 1.1.** The Cambridge Memorial Oval is situated on a parcel of land that was gifted to Council as a memorial for members of the Maxwell family who died during the Second World War.
- 1.2.** The land was gifted to be used as a recreation or sports facility. A condition of the transfer was that Council: *“not without the consent of the transferor or his personal representatives use the said piece of land for any other purpose and would not without such consent, sell, lease or otherwise part with the possession of such land”*.

- 1.3.** The transferor and his personal representatives are now deceased and the power to consent to dealing with the land did not pass to any descendants of the transferor. In dealing with the land it is therefore now a matter for Council.
- 1.4.** Council is however, under the requirements of the Local Government Act required to deal with the land as public land.
- 1.5.** Council, as its Meeting of 10 September 2018 resolved to lease the land to the Department of Education, subject to conditions, and to give notice of intention under Section 178 of the Act.
- 1.6.** Section 178 of the Act sets out process requirements for Council where it intends to lease public land. In summary, the Act requires Council give notice of intent, invite objections, consider submissions received and determine whether to proceed or not. Any decision to lease public land is appealable to the Resource Management and Planning Appeals Tribunal.

## **2. REPORT IN DETAIL**

- 2.1.** The Department of Education, in conjunction with the Cambridge Primary School, have undertaken a master-planning exercise to identify the future needs of the school.
- 2.2.** The school has a growing enrolment and is expected to reach 500 students by 2030 from a current enrolment of 355 students.
- 2.3.** To facilitate implementation of the Masterplan, the Department is seeking to lease a small portion of the Cambridge Memorial Oval from Council. Shown as Attachment 1.
- 2.4.** In accordance with the requirements of the Local Government Act Section 178, Notice of Intention for Council to lease the land, was given by Council at its Meeting of 10 September 2018.

- 2.5.** Subsequently, a public meeting was held to inform the Cambridge community of Council's decision and statutory advertising was undertaken inviting objections or submissions in regard to the intention to lease.
- 2.6.** At the close of submissions, 38 submissions, including 6 objections, have been received.
- 2.7.** In summary, the submissions/objections raised the following matters.

<b>OBJECTION</b>	<b>COMMENT</b>
Alienation of public space	The proposed lease area is approximately 3% of the recreation reserve area.
Traffic/access to Cambridge Road	Lease of the proposed area will not in itself affect traffic volumes or access to and from the school.
Land donated for community use	As noted in the Associated Report, power to consent to dealing with the land did not pass to any descendants of the Maxwell family and as such is now a matter for Council.
Relocation of cricket pavilion and parking	A condition of Council's proposed lease is for these facilities to be replaced at the cost of the State Government. The current facilities are reaching end of life and would require significant upgrading in the short-medium term. The proposed lease provides the opportunity for Council to work with the Education Department to improve parking and traffic movements in the precinct.
Removal of "memorial"	There is no proposal to remove the "memorial" status of the land.
Other school options are available	This is a matter for the Education Department and the school.
Oval closure will result in loss of recreation space	The proposed lease does not result in the closure or impact on the use of the existing oval.
Problems with proposed school masterplan and design	This is a matter for the school and Department of Education. Matters raised, in particular the location of the proposed gymnasium will be discussed with the school as part of any subsequent development application lodged by the Department of Education.



**2.8.** An additional submission was received from St Aidains Cricket Club expressing support for the proposal, subject to the development of new recreation facilities prior to the demolition of existing facilities. This would be a condition of any proposed lease.

**2.9.** Thirty-one other submissions in support of the proposed lease were received.

**2.10.** Should Council resolve to grant the lease, objectors would have 14 days to lodge a further objection with the Resource Management and Planning Appeals Tribunal.

### **3. CONSULTATION**

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

A public meeting to discuss the proposed lease of land was held at the Cambridge Hall on 14 November 2018. A statutory consultation process in accordance with Section 178 of the Local Government Act was also undertaken.

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

Not applicable.

#### **3.3. Other**

Nil.

### **4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Nil.

### **5. EXTERNAL IMPACTS**

The expansion of the school into the reserve will marginally reduce the size of the overall reserve, noting there will be no change to the size or alignment of the actual playing surface. The proposal includes relocation and development of current oval facilities and re-alignment of car parking and roadways within the oval precinct.

**6. RISK AND LEGAL IMPLICATIONS**

Advice received is that there is no impediment to Council dealing with the land as set out in this report.

**7. FINANCIAL IMPLICATIONS**

There are no specific financial implications to Council at this time.

**8. ANY OTHER UNIQUE ISSUES**

The expansion of the school may require a minor change to the zoning boundaries under the Clarence Interim Planning Scheme. These changes are expected to be minor in nature and readily achievable.

**9. CONCLUSION**

That Council resolve to approve the proposed lease of the identified parcel of land to the Department of Education subject to the conditions set out in Council's decision of 10 September 2018.

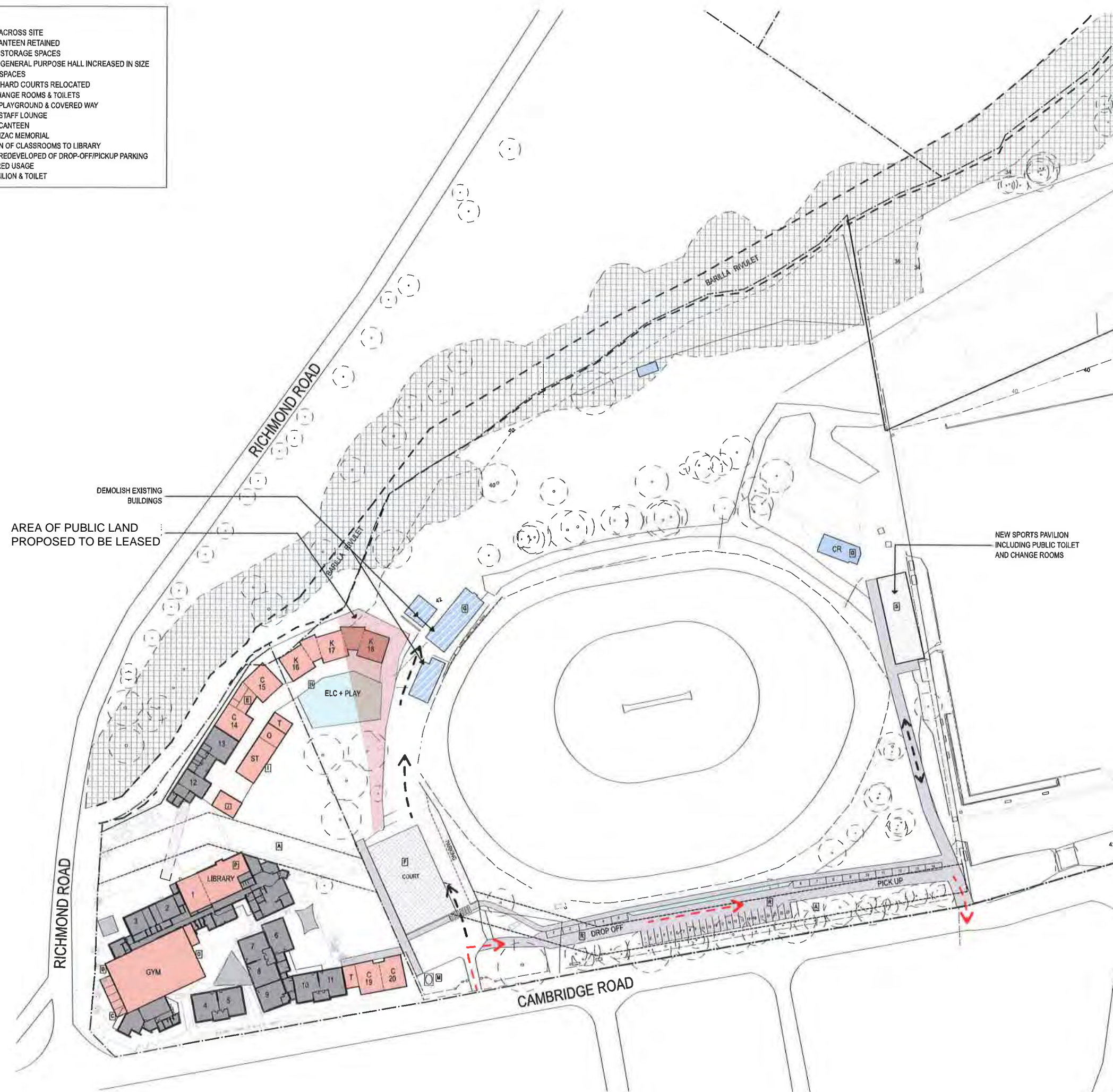
Attachments: 1. Proposed Site Plan (1)  
2. Summary of Representations (11)

Andrew Paul  
**GENERAL MANAGER**

# ATTACHMENT 1

LEGEND	
	EXISTING BUILDINGS
	NEW SCHOOL BUILDING
	NEW SPORTS BUILDING
	PROPOSED COVERED WAY/ DECK
	PROPOSED ROAD / PATH / CARPARKING
	EXISTING CARPARKING
	EXISTING GRAVEL ROAD
	EXISTING CHANGE ROOMS / TOILETS
	EXISTING VEGETATION
	PROPOSED PLAYGROUND/
	ADDITIONAL COUNCIL PROPERTY OCCUPIED BEYOND SCHOOL BOUNDARY
	VEHICULAR ACCESS
	SECONDARY ACCESS

KEY	
A.	EASEMENT ACROSS SITE
B.	EXISTING CANTEEN RETAINED
C.	PROPOSED STORAGE SPACES
D.	PROPOSED GENERAL PURPOSE HALL INCREASED IN SIZE
E.	ANCILLARY SPACES
F.	PROPOSED HARD COURTS RELOCATED
G.	EXISTING CHANGE ROOMS & TOILETS
H.	PROPOSED PLAYGROUND & COVERED WAY
I.	PROPOSED STAFF LOUNGE
J.	PROPOSED CANTEEN
M.	EXISTING ANZAC MEMORIAL
P.	CONVERSION OF CLASSROOMS TO LIBRARY
R.	PROPOSED REDEVELOPED OF DROP-OFF/PICKUP PARKING AREA - SHARED USAGE
S.	SPORTS PAVILION & TOILET



A Client Issue 28.02.18

Project Name  
**Cambridge Kindergarten**

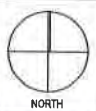
Address  
**74 Wilmot Road  
Huonville  
Hobart 7109**

Client  
**Department of  
Education**

Drawing Title:  
**Proposed Site plan -  
option 1**

Sheet:	Drawing No.:	Revision:
<b>B</b>	<b>107</b>	<b>A</b>

DO NOT SCALE DRAWING  
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Plot Date:  
**28/02/2018**  
Project No:  
**1418**  
Scale @ A1:  
**1:1000**



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**M2a**

## CAMBRIDGE PRIMARY SCHOOL MASTER PLAN

### Notice of Intention to lease public land (Section 178 of the Local Government Act, 1993)

#### OBJECTIONS RECEIVED TO THE PROPOSED LEASE AND SUMMARY OF GROUNDS OF OBJECTION

NO	GROUNDS OF OBJECTION
1**	<ul style="list-style-type: none"><li>• Oval and surrounds used by many people for access to walking areas, jogging etc. Already limited amount of land available</li><li>• Access to Cambridge Road already difficult from side streets during time of school pick up and drop off and recent addition of parking bays; increasing heavy vehicle use near school accessing shop.</li></ul>
2	<ul style="list-style-type: none"><li>• Land donated for whole of community use “<u>and not for any other purpose</u>” concerned that lease of the land could create a precedent for further lease or sale in the vicinity Express wishes of family who donated the land should not be disregarded</li><li>• School plan requires relocation of parking and cricket club facilities so although lease area relatively small, Council should consider its impact on land availability on the site.</li><li>• Very little land available in the Cambridge Village area and the proposed lease area currently allows for natural recreation by the community -frequently used for walking dogs, recreation and exercise and area would be enhanced by walking trails and plans proposed in Council’s Cambridge Master Plan. No other land available in Cambridge once this is lost</li><li>• School plan does not seem to give adequate consideration to parking with little, if extra parking planned for the increase in student numbers. As the proposed new parking areas are already used during school drop off and pick up this will cause additional traffic and parking pressure on side streets and around the oval</li><li>• Proposed changes to the entry and exit from the oval while assisting in traffic management at the current entrance, the changes appear to only focus on the school’s requirements rather than the broader community access. Problems caused for access by motor homes and caravans to the waste/black water dump point required to navigate through the school traffic</li></ul>

**OBJECTIONS RECEIVED TO THE PROPOSED LEASE AND SUMMARY OF GROUNDS OF OBJECTION /CONTD...**

<b>NO</b>	<b>GROUNDS OF OBJECTION</b>
3	<ul style="list-style-type: none"><li>• Land donated by a family in memory of their sons who died in World War II. The land was donated for public use and recreational space. Council should continue to honour the donation of the land A very emotive issue in the community for those who know the family and it seems disrespectful to remove a memorial for fallen soldiers.</li><li>• School has already taken some of that land to lease for its own use</li><li>• School is part of the whole community and all needs should be taken into account</li><li>• Area needs to retain its green space. As more people are moving to area this need is increasing</li><li>• Department of Education has a number of other options to deal with increased numbers of children</li><li>• School currently uses the oval for recess and lunch recreation time to provide enough space for children to play in; National standards set out how much outside space should be available for school children to use The school only currently meets those when the oval is taken into account There are a large number of days when the oval is closed for use by the school. If all available space in the current school. area is built on the children will have virtually no play area when the oval is closed</li><li>• Out of area children enrolled for next year so is the extra space required?</li><li>• Location is already a traffic and safety issue for children A larger school and more children will make the situation worse.</li></ul>

# **OBJECTIONS RECEIVED TO THE PROPOSED LEASE AND SUMMARY OF GROUNDS OF OBJECTION /CONTD...**

NO	GROUNDS OF OBJECTION
4	<ul style="list-style-type: none"> <li>As an architect, was involved in the previous redevelopment of the school</li> <li>Considers the plan has 4 major design flaws - Refer attached sketch (Existing Master (Concept) Plan: <ul style="list-style-type: none"> <li>Additions to GP hall to provide a gym – this encroachment on the existing courtyard with a possible 6m high wall will ruin the space and create a difficult area for teachers to supervise students. It is an expensive option and will be very disruptive to the school during construction</li> <li>Objection to allowing School to construct 3 classrooms on the oval land – positioned over 3 drainage easements - questions whether a thorough site survey and analysis was done prior to the preparation of the master plan</li> <li>New buildings (unknown function) positioned on the playground will occupy valuable grassed playground space and create a corridor effect and again difficult for teachers to supervise students</li> <li>Relocation of the car park to provide for netball court - existing car par park is an ideal central and convenient location for parents and visitors and respects the war memorial area, the netball court can be relocated on the oval land even over the drainage easements if necessary . Location of the new car park is remote, inconvenient, may require the removal of some trees</li> </ul> </li> </ul> <p>Has offered alternative to cover his objection and perhaps a preferred option for the school as follows</p> <ul style="list-style-type: none"> <li>GP hall to become Library/Computer studies – minimum alteration required; courtyard left as a useable space, existing library converted back to a classroom and two adjacent classrooms to remain, this eliminates having to build the new 3 classroom block (over the drainage easements and on oval land)</li> <li>The buildings planned over the grassed playground alternatively positioned west of the kindergarten between the Richmond Road boundary and the 10m wide easement.</li> <li>Construction of a new gym on the oval land (positioned to avoid drainage easements)</li> <li>This satisfies the spirit of the Maxwell family land gift as the gym can be used by both the school and the Cambridge community. It also avoids relocating the netball court and the car park as the netball court will be within the gym.</li> </ul>



# **OBJECTIONS RECEIVED TO THE PROPOSED LEASE AND SUMMARY OF GROUNDS OF OBJECTION /CONTD...**

NO	GROUNDS OF OBJECTION
5**	<ul style="list-style-type: none"> <li>• Does not understand proceeding with this option as there are others</li> <li>• School has made no effort to explain why this proposal is superior to other options (eg greenfield site, using land over the creek)</li> <li>• This option (taking over the community land) seems to offer the school and the community the worst possible outcome – further consolidation of grounds (once the new buildings are added), more reliance on the Council oval, less parking, no real resolution of traffic issues</li> <li>• Seems that the school is selling out both the local community and their future students</li> <li>• Maxwell family would be horrified with this proposal</li> <li>• School making its students write letters of support was disgraceful</li> </ul>
6**	<ul style="list-style-type: none"> <li>• Parent of student(s) at the school and resident of Clarence</li> <li>• Does not agree with the proposal to gift memorial land to the DoE for construction.</li> <li>• Does not agree with the proposed encroachment of Cambridge Primary School onto any land that is part of a memorial donation.</li> <li>• DoE offered other alternatives</li> <li>• Is aware that the school and DoE have the opportunity to purchase land over the creek</li> <li>• Over the creek expansion would mean               <ul style="list-style-type: none"> <li>• Opportunity to expand into the future</li> <li>• no building site on campus and the associated health and safety issues that children would be exposed to by having a building site at the school</li> <li>• No loss of playground area</li> <li>• Incorporation of greater playground spaces for children</li> <li>• No disruption to classes during construction</li> </ul> </li> <li>• Believes that the choice of the current proposal is to make life easier for the DoE rather than the long term future of the school and for the people of Cambridge</li> <li>• Would support Council making improvements to the memorial land</li> <li>• It is not appropriate to gift it to government departments it should be preserved for future generations.</li> </ul>

**SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND**

<b>NO</b>	<b>BASIS OF SUPPORT</b>
7	<ul style="list-style-type: none"> <li>• Parent of students at the school – concerned at large class numbers which is due to the lack of space in the school.</li> <li>• The development would allow the construction of more classrooms and will be less crowded and provide for more opportunities</li> <li>• Schools is part of the community</li> <li>• Decision should be based on what is best for the future which is with the children</li> </ul>
8	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• Schools is 95% capacity and increasing</li> <li>• Classes already crowded – increase in growth will result in overcrowding and decrease in well-being of students</li> <li>• Need more space to practice fire drills and emergency exits. If school becomes overcrowded students may have change schools and their parents will have to drive further to take them to school – will increase student stress and anxiety</li> <li>• Need space for exercise and release of energy</li> <li>• Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities</li> </ul>
9	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• Will have to use the multi-purpose room and library as class rooms</li> <li>• Will not have a venue to do PE in wet weather</li> <li>• May need to change schools and then may be bullied at another school</li> <li>• Overcrowding could result in injury to students</li> </ul>
10	<ul style="list-style-type: none"> <li>• Cambridge Primary School student</li> <li>• Currently at 95% capacity</li> <li>• Need more space to create a healthy, happy learning environment</li> <li>• Overcrowding will result in an unhappy, unhealthy environment and stress for teachers.</li> <li>• Children's learning will suffer with too many children per teacher</li> <li>• Less room in playground</li> <li>• A bigger playground would increase self-awareness, self-esteem and self-respect of children. Families will benefit from healthier, happier children</li> </ul>
11	<ul style="list-style-type: none"> <li>• Increasing student numbers and overcrowding of classroom space and playground</li> <li>• Will have to use multi-purpose room and library for classrooms</li> </ul>



**SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND /CONTD...**

<b>NO</b>	<b>BASIS OF SUPPORT</b>
12	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• Will need to use fun learning facilities for classrooms. These activities increase self-awareness, self-esteem and self-respect</li> <li>• Will reduce play area and equipment use</li> <li>• Classrooms will become overcrowded</li> </ul>
13	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• Currently at 95% capacity and this is increasing</li> <li>• Stress for teachers with overcrowding. If the school needs to build up rather than out this may exclude students with disabilities. It will make emergency exit more difficult</li> <li>• Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities</li> </ul>
14	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• If numbers continue to increase local children will need to be turned away and 370 students will have to find another school – they will lose their friends</li> <li>• Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities</li> <li>• More classroom money will need to be spent and then no money for excursions</li> </ul>
15	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• Overcrowding of classrooms resulting in bad behaviour and stress for teachers</li> <li>• May need to change schools if becomes too crowded</li> </ul>
16	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• Overcrowding of classrooms</li> <li>• Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities</li> <li>• More space will mean happier students</li> </ul>
17	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• At 95% capacity and increasing</li> <li>• Classrooms will become overcrowded</li> <li>• Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities, nowhere to hold PE in wet weather</li> <li>• Students will have to move school if too overcrowded and will have to leave their friends</li> <li>• Acknowledge that the land is memorial land but the school needs the space</li> </ul>

**SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND /CONTD...**

<b>NO</b>	<b>BASIS OF SUPPORT</b>
18	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• At 95% capacity and increasing</li> <li>• School will need to build upwards if it cannot expand on the Council land and the school will have to shut while the building is undertaken</li> <li>• Only a small piece of land is needed and Council does not use the land</li> <li>• Will need to use existing playground space for classrooms as well as library and multi purpose rooms and will lose the facilities</li> <li>• Overcrowded classrooms lead to behaviour problems and stress for teachers as well as reduced learning opportunities</li> </ul>
19	<ul style="list-style-type: none"> <li>• Cambridge Primary School students</li> <li>• At 95% capacity and increasing.</li> <li>• Classrooms will become overcrowded and learning will be reduced as teachers will not be able to give children the attention they need It will also result in discipline issues</li> <li>• Will have to use the multi-purpose room and library as class rooms resulting in loss of these facilities - nowhere for PE in wet weather</li> </ul>
20	<ul style="list-style-type: none"> <li>• Respects and acknowledges the historical significance of the area however, only a small piece of land is required and the memorials, monuments and oval remain intact.</li> <li>• Acknowledges the concerns regarding loss of public space but considers that it is not widely use</li> <li>• The public has always been able to use the school basketball court, play equipment and grassed areas.</li> <li>• Feels that the land to be used by the school is offset by the new public park in Blossom Court recently developed by Council.</li> <li>• The school has focussed on the current open areas near the school and cared for the nearby creek and surrounds. The school's expansion into this area would enhance the space and provide educational opportunities for the natural environment</li> <li>• The school expansion may solve current anti-social behaviour behind the current changing rooms.</li> <li>• The resulting upgrade of the toilet facility would provide a major improvement to the current facilities</li> <li>• Cambridge and the school expanded rapidly without adequate planning Use of the land would solve many of the associated problems</li> </ul>

**SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND /CONTD...**

<b>NO</b>	<b>BASIS OF SUPPORT</b>
21	<ul style="list-style-type: none"> <li>• The school is the heart of the Cambridge community culturally and materially.</li> <li>• Proposal is spatially efficient and respects all stakeholder users of the greater Cambridge oval vicinity</li> </ul>
22	<ul style="list-style-type: none"> <li>• Grew up in Cambridge and has now moved back and has 2 children at the school</li> <li>• School has a great reputation for size, caring and inclusive empathetic nature</li> <li>• Concern at the subdivisions in Cambridge which have impacted on the school</li> <li>• Additional land will enhance the value to the school and the entire Coal Valley area; and Clarence's reputation for sensitivity and a high quality of strategic well planned development</li> <li>• Consequence of not providing the land is a threat to the living standards in the area for children, families and businesses</li> </ul>
23	<ul style="list-style-type: none"> <li>• Have two grandchildren at the school</li> <li>• Feel that the forebears of the memorial would not object to the proposal in such a growing area</li> </ul>
24	<ul style="list-style-type: none"> <li>• School is reaching capacity and given the large amount of public space in the immediate area (the memorial oval) the small amount of land required would be put to highly important use for future generations</li> </ul>
25**	<ul style="list-style-type: none"> <li>• See it as the most financially, environmentally and educationally efficient and common sense way for the school to expand while ensuring on-going effective teaching and learning</li> <li>• Plan will not impact on the war memorial and will make a positive impact on the car park oval change rooms for school and club members, it will improve access to and preservation of green spaces and the creek for students and local residents</li> </ul>
26**	<ul style="list-style-type: none"> <li>• Has had children at the school since 2009</li> <li>• Sees the success of the Cambridge housing development as due to the school's reputation</li> <li>• The Council plays a large role in the housing developments and is aware of the significant growth and lacking infrastructure to support such growth</li> </ul>

# **SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND /CONTD...**

NO	BASIS OF SUPPORT
27**	<ul style="list-style-type: none"> <li>• Grew up in Cambridge</li> <li>• See it as the most financially, environmentally and educationally efficient and common sense way to expand while ensuring on-going effective teaching and learning</li> <li>• Understand community concern with impact on the war memorial however, considers that the community can work together to create a more respectful and peaceful place to remember</li> <li>• Will make a positive impact on the car park, oval, change rooms for school and club members</li> <li>• Will improve access to and preservation of green spaces and the creek for students and local residents</li> <li>• School strives to provide an environmentally respectful learning space that can be used to educate the future citizens of Tasmania</li> </ul>
28**	<ul style="list-style-type: none"> <li>• Daughter attends school.</li> <li>• Fully supports the intention to lease the area of land for proposed new school buildings and playground</li> </ul>
29**	<ul style="list-style-type: none"> <li>• Most financially, environmentally and educationally efficient, and common sense way for the school to expand while ensuring on-going effective teaching and learning</li> <li>• Will not impact on the war memorial and will make a positive impact on the car park, the oval, the change rooms for school and club members</li> <li>• Will improve access to and preservation of green spaces and the creek for students and local residents</li> </ul>
30**	<ul style="list-style-type: none"> <li>• Local residents and will have 2 children at school</li> <li>• Most financially, environmentally and educationally efficient and common sense way for the school to expand while ensuring on-going effective teaching and learning</li> <li>• Will not impact on the war memorial and will make a positive impact on the car park, oval, change rooms for school and club members</li> <li>• Will improve access to and preservation of green spaces and the creek for students and local residents</li> </ul>
31**	<ul style="list-style-type: none"> <li>• With new development across the road to the school, majority of homes are being built by young families - school is already seeing increased numbers in its Launching into Learning program and an extra third kindergarten class added</li> <li>• Have children in grades 1 and already have large classes</li> <li>• Any additional classroom will mean that the library and multi-purpose rooms will be converted to classrooms</li> <li>• Most financially, environmentally and educationally efficient and common sense way for the school to expand and ensure on-going effective teaching and learning</li> <li>• Amount of land sought to be leased is very small and part of that land has the public toilets on them which the Department has offered funding for replacement as well as the clubrooms</li> <li>• Will improve access to and preservation of green spaces and the creek for students and local residents</li> </ul>

**SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND /CONTD...**

<b>NO</b>	<b>BASIS OF SUPPORT</b>
32**	<ul style="list-style-type: none"> <li>• Will not impact on the war memorial</li> <li>• Is a necessary upgrade to the school and more houses are being built meaning more students for the school which the school will not be able to accommodate</li> <li>• Will improve access to and preservation of green spaces and the creek for students and local residents</li> </ul>
33**	<ul style="list-style-type: none"> <li>• Believes the request is reasonable to expand the school to accommodate the growing number of children that are now in the Cambridge district</li> <li>• Son to be in kindergarten and worries that the school is at full capacity</li> <li>• The lease of land will facilitate the best learning environment for all of the students</li> </ul>
34**	<ul style="list-style-type: none"> <li>• Most cost effective, least disruptive and environmentally friendly approach to developing the school</li> <li>• New subdivisions have brought more families to the area and more facilities are needed to accommodate increase in school numbers</li> <li>• Proposed lease area is predominantly car park and will not impact on the environment in a negative way</li> <li>• Upgrade to the toilet block and change rooms will benefit the wider community</li> </ul>
35**	<ul style="list-style-type: none"> <li>• Contrary to comments from some attending the public meeting the land is not going to be “stolen”.</li> <li>• Parcel of land to be used by the school is for the community</li> </ul>
36**	<ul style="list-style-type: none"> <li>• Most financially, environmentally and educationally efficient and common sense way for the school to expand while ensuring on-going effective teaching and learning</li> <li>• Plan will not impact on the war memorial and will have a positive impact on the car park, oval and change rooms for both the school and club members</li> <li>• Will improve access to and preservation of green spaces and the creek for students and local residents</li> </ul>
37**	<ul style="list-style-type: none"> <li>• Has 2 children attending the school</li> <li>• Having public toilets in close proximity is major cause for concern</li> <li>• There have been several complaints of speeding vehicles leaving worksites and suspicious activity associated with the toilets</li> </ul>

**SUMMARY OF SUBMISSIONS RECEIVED IN SUPPORT OF PROPOSED INTENTION TO LEASE LAND /CONTD...**

<b>NO</b>	<b>BASIS OF SUPPORT</b>
38**	<ul style="list-style-type: none"> <li>• Submission on behalf of St Aidan's Cricket Club Committee</li> <li>• Club has a good relationship with Cambridge Primary School</li> <li>• Would be supportive of the lease of the land on which their clubrooms are situated on the following conditions. <ul style="list-style-type: none"> <li>• New purpose built change rooms, kiosk and clubrooms are constructed before any of the current buildings are demolished If this does not occur, the club (which originated over 60 years ago with the emphasis of providing disadvantaged and troublesome youth with a club to be a part of) would be forced to fold without a home base for practice and no form of revenue.</li> <li>• Also need to ensure that the nets remain as they are a training facility for senior and junior programs and used by the local community. Without the nets the club cannot train leading to a loss of income for the club.</li> </ul> </li> <li>• Cambridge is a fast growing area and the club is running a variety of junior cricket programs to develop and nurture local talent. The Club plans to expand to programs to incorporate women's and girls' cricket. This will require purchase of new equipment</li> <li>• To fully facilitate these programs the new club rooms and facilities will need to be adequately constructed to meet the club's needs</li> <li>• Existing facilities are outdated and too small for expanding use.</li> <li>• Club is happy to assist during the planning stage</li> </ul>

\*\* Submissions received after the close of the advertising period

**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**

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

**Kangaroo Bay**

Ald James asked the following question: The developer has purchased the encroachment onto Crown land, is that basically in the Title of the purchaser, or in fact is he or she leasing it and is there anything in relation to reclamation of Crown land still remaining in the ownership of Crown land?

**Answer Details**

The area of reclaimed land that has been infilled as part of the kangaroo bay development is freehold land that was incorporated in the title at the time of the original subdivision undertaken by Council in October 2013.

**Bus Stop – Bridge Street, Richmond**

Ald Walker asked the following question: “Opposite Ashmore on Bridge Street is a bus stop that gets used by a bus once a day, it is a premium parking space but not a parking space because it is a bus stop that generates some revenue for the State, as visitors and tourists to the area are quite often getting fined. What can we possibly do to discuss whether that bus stop can be relocated to another location?”

**Answer Details**

There are 3 bus stops along Bridge Street: one being east of the Colebrook Road intersection, one at the Henry Street intersection (opposite Ashmore's) and the Franklin Street carpark. The distance between the bus stops is approximately 300m.

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**ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**

The regular bus service through the area operates 6 journeys in each direction. It is unknown how many times patrons use the bus stop opposite Henry St during the day.

Unfortunately there is no way to combine car parking and a bus stop at a specific location. In order to assist motorists in understanding the specific area is a bus stop Council can highlight the bus stop area with road markings to indicate it is a bus stop.

Council Officers will liaise with bus service operators on possible locations and obtain feedback from the Richmond Advisory Committee. It is noted a bus stop can take up to 30m length and any location along Bridge Street is likely to affect a local business. We will advise Aldermen further through a Briefing Report.

**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 REPORTS FROM SINGLE AND JOINT AUTHORITIES**

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence.

**Note: The decision to move into Closed Meeting requires an absolute majority of Council.**

**The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.**

**PROCEDURAL MOTION**

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.