

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 8 APRIL 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**

Nil.

**2. CONFIRMATION OF MINUTES**

(File No 10/03/01)

**RECOMMENDATION:**

That the Minutes of the Council Meeting held on 18 March 2019 and Special Council Meeting held on 25 March 2019, as circulated, be taken as read and confirmed.

**3. MAYOR'S COMMUNICATION****4. COUNCIL WORKSHOPS**

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

**PURPOSE****DATE**

Budget – Capital Works Programme

Presentation from Eastern Shore Croquet Club

25 March

Budget

1 April

**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.

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

**7. PUBLIC QUESTION TIME**

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

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

**7.1 PUBLIC QUESTIONS ON NOTICE**

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

Nil.

**7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

Nil.

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

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

**STORMWATER ISSUES**

Mr Michael Figg representing the Advanced Lauderdale Association handed out a paper regarding Lauderdale stormwater drainage and asked the following.

In the Lauderdale Feasibility Study regarding stormwater, it was stated quite strongly that the last 2 people, my property and the property next to me, had to pay \$2M each to upgrade the stormwater. In the paper just presented, there is nothing in the issue coming up with Lauderdale tonight about anything to do with stormwater.

I also ask the question why is there nothing about the conservation of significant fauna, threatened fauna and soil types, which is so close to the development. We are not against the development; in fact we are 100% for it.

/ contd on Page 9...

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

The question is regarding an open drain, highlighted by a circle in the handout; that open drain in 2005 channelled the water from Acton Road down into the properties below; in 2017 you will see that there is an open drain there to catch the water, which is ineffective and maintained by Council. That is in the same property area that the development is on tonight. The last page shows where the stormwater is going from that area into the neighbouring property and this is after it dropped by about 3 inches.

When is Council going to be compliant with stormwater in Lauderdale. The Tasmania Urban Drainage Act states the stormwater service providers must provide an adequate public stormwater system. Property owners are not to direct stormwater onto neighbouring properties, can you please tell me why this has not been addressed in this report and why it has been looked at with a microscope with the feasibility study of Lauderdale and has been overlooked.

**ANSWER**

In relation to the proposed development of 15 Acton Road, Lauderdale the stormwater for the proposed additions will use a stormwater line on the southern side of the property to an existing Council main and not enter the existing open channel mentioned in the question. It is a requirement of the planning permit conditions for engineering drawings to be submitted for the proposed development. When provided, the engineering details of the proposed stormwater will be reviewed for adequacy by Council Engineers.

**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)

**PART A – Public Participation Segment**

In accordance with the Council Meeting Procedures Policy the public participation segment is provided on the following basis:

- the segment is for a maximum of 15 minutes;
- up to 5 persons can make a statement to the Council; and
- each statement is not to exceed 3 minutes.

(Speakers to be confirmed)

**PART B – Other Deputations**

In accordance with the Council Meeting Procedures Policy deputations are:

- not to exceed three persons; and
- not to address the meeting for a period longer than fifteen minutes.

The Mayor in response to requests received has invited the following deputations:

**Deputation:** Sam Barwick  
Matt Klumpp  
Karryn Dargie

**Subject:** South Arm Skate Park

**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION - ALD VON BERTOUCHE**  
**17A FREDERICK HENRY PARADE, CREMORNE – VEHICULAR ACCESS**  
(File No 10-03-05)

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

“That the General Manager prepares a report which is considered at an Aldermen’s Workshop as to Council’s level of responsibility for the state of repair of the vehicular access at 17a Frederick Henry Parade, Cremorne”.

**EXPLANATORY COMMENT**

In September 2018, the owner of 37 Frederick Henry Parade, Cremorne raised a concern with some Aldermen, including myself, as to the physical state of the vehicular access for residents of 35 – 43 Frederick Henry Parade.

It was noted:

*“The access is in complete disrepair and is a source of considerable distress and anxiety for the elderly residents who have no choice but to use this access - it is the only vehicular access to their houses. The residents are in their 70s and 80s and one is blind”.*

At the end of October 2018, I was advised by the owner of 37 that the owners of 43 were putting their property on the market and apparently had paid for the whole access to be gravelled (see attached photos, showing the point where the repairs start and the size of the gravel). The owner of 37 believes this will only be a temporary remediation.

During March 2019, the owner of 37 has been in contact with myself further advising of concern as to the current state of the access and requesting “a commitment to some sort of maintenance before winter” from Council.

I met on-site a number of the concerned residents and liaised with relevant Council officers.

On 22 March 2019, Council's Group Manager Engineering Services has advised myself that:

- The Local Government Act 1993 requires that Council must keep current a list of all roads Council is obliged to maintain.
- Council's land at 17a Frederick Henry Parade is not shown on Council's Road Register nor is it shown as "Road" on the title and is therefore classified as a lot of land only with no road status and as such the land is not maintained or considered as a road or lane way.
- The land is subject to a right-of-way relating to 3 properties in private ownership that have benefiting easements over all the Council's land at 17a Frederick Henry Parade. These rights-of-way arose from the subdivision of a single property with one right-of-way across the entire width of 17a Frederick Henry Parade.
- There is a long history to the land and the role Council plays in maintaining the land. In the past there have been quite divergent views held by adjoining property owners as to the degree of formalisation of the track that would be acceptable to them. There have been numerous Council decisions on the land and these forms the direction that Council officers are obliged to take into account in determining the level of service undertaken for maintaining the land.
- Council, at its Meeting of 27 May 2002 resolved that:
  - "1. Council prepare a report on the risk hazards for vehicles and pedestrians on Lot 17a Frederick Henry Parade, Cremorne; and*
  - 2. Council investigate and report on work measures to be undertaken to allow vehicular essential and emergency services access on the northern end of Lot 17a, to properties situated above 33 Frederick Henry Parade".*
- Council received on 17 July 2002 a letter signed by 12 of the 18 properties that adjoin the land at 17a Frederick Henry Parade, requesting Council not change the use of the land.



- At its Meeting on 29 July 2002, Council resolved:

*“That Council recognises the wishes of the community and takes no further action, at this stage, to formalise new additional formal access arrangements over Council land at 17a Frederick Henry Parade however Council undertakes as soon as possible minor works to remove the obstruction lip on Council land adjacent to 35 Frederick Henry Parade to enable ambulance, fire and essential services vehicles to access the property”.*

- In 2006, Council undertook consultation with the local community following concerns being raised with the standard of the access. Council, at its Meeting on 28 August 2006, resolved:

*“That Council notes the results of the consultation and undertakes the construction of a section of the access track on Council land at 17a Frederick Henry Parade, Cremorne in accordance with the plan as circulated to the community on 20 July 2006.*

*That Council seeks approval from the Department of Infrastructure, Energy and Resources for the installation of warning signage along the lower section of the track to address concerns raised by residents with regard to children’s safety in this public access way.*

*That Council informs the community of the results of the consultation and of the decision of Council”.*

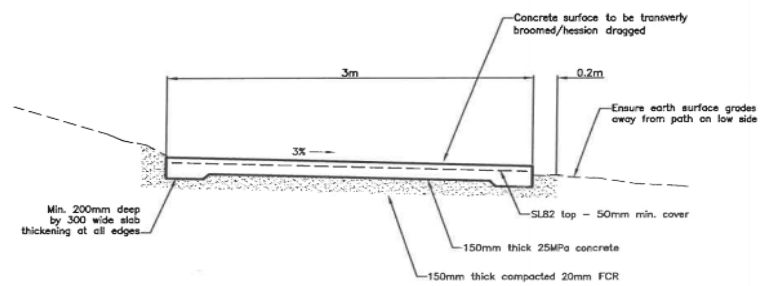
- In accordance with these decisions any maintenance which has occurred on the northern end of lot 17a to the properties above 33 Frederick Henry Parade (the steep section) has been to a level of service set by Council in the adoption of the Annual Plan, necessary to enable ambulance, fire and essential vehicles access to the adjacent properties. All residents adjoining the land, including the residents holding rights-of-way over the land, have been provided with consistent advice reflecting Council’s decisions including their right to undertake minimal maintenance to their access over the land.
- It should be noted that all properties have formal legal frontage to either Frederick Henry Parade or Wisteria Avenue.

- Council officers have recently inspected the area and access is available in accordance with the decision of Council on 27 May 2002.

Following this advice, I am requesting Council to reassess its level of responsibility for the state of repair of this vehicular access.

S von Bertouch  
**ALDERMAN**

***GENERAL MANAGER'S COMMENTS***  
*A matter for Council determination.*



### NOTES

1. This plan is schematic and for discussion purposes only. Field survey and boundary identification is required prior to construction.
2. Contraction joints to be saw cut 15mm deep and at 3m crs. Expansion joints in accordance with MSD 1—04A and at max 18m crs.
3. Driveways from new works to be reinstated to original condition using materials matching existing.
4. Setout and supervision by Council design staff.

PRELIMINARY  
FOR DISCUSSIONS PURPOSES ONLY

*This plan is copyright. Other than for the purposes of and subject to the conditions prescribed under the Copyright Act, no part of it may in any form or by any means (electronic, mechanical, microcopying, photocopying or otherwise) be reproduced, stored in a retrieval system or transmitted without the prior written permission of the Clarence City Council.*

[illegible]

Clarence... a brighter place

PROPOSED CONCRETE DRIVEWAY 7a FREDERICK HENRY PARADE, CREMORNE PROPOSAL PLAN		
INDEPENDENT INFORMATION		CONTRACT NUMBER: -
PLAN No. 5474	PROJECT No.	A1

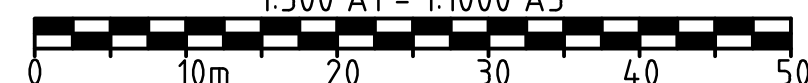




**INFORMATION ONLY**

NOT TO BE USED FOR CONSTRUCTION

1:500 A1 – 1:1000 A3



			STATUS INFORMATION ONLY		
			SCALE 1:500		
			DATUM GDA94/AHD		DATE
			DRAWN		-----
			DRAFT CHECK		-----
			DESIGN CHECK		-----
			APPROVED		-----
No.	REVISIONS	INITIAL	DATE	ENGINEER	



P.O. BOX 96, ROSNY PARK, 70  
TELEPHONE: (03) 62 17 95  
[www.ccc.tqs.gov.au](http://www.ccc.tqs.gov.au)

17A FREDRICK HENRY PARADE

## SITE PLAN

018  
00

DRAWING NUMBER

PROJECT NUMBER

	A1
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**9.2 NOTICE OF MOTION - ALD EDMUNDS  
LAUDERDALE PRIMARY SCHOOL SAFETY**  
(File No 10-03-05)

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

- “A. That Council urgently hold a workshop at the earliest opportunity to examine safety concerns raised by parents and the School Association of Lauderdale Primary School, and work on solutions to those concerns.
- B. That Council would welcome a briefing prior to the workshop from the Chair of the Lauderdale School Association or an appropriate representative of the school community nominated by the School Association”.

**EXPLANATORY COMMENT**

On March 28 Aldermen met with parents and the School Association regarding the safety concerns along the South Arm Highway near Lauderdale Primary. Other Aldermen have had discussions with members of the school community.

At the meeting the following was discussed:

- installation of 40kms school zones;
- closure of the parking space on Ralphs Bay;
- improvements to the Ringwood Road and South Arm; and
- long term plan to install safety barrier along the exposed path.

While the Infrastructure Minister has already floated some traffic calming measures, it is incumbent on Council to ensure we do our part and work with State and Federal Governments to make the school commute safe for young students and families.

With the budget session upon us, the Council needs to be briefed on solutions as soon as possible to make the area around the school safer.

L Edmunds  
**ALDERMAN**

**GENERAL MANAGER'S COMMENTS**

*South Arm Highway is a State road. Nonetheless, it is appropriate for Council to form a view on road safety matters and to convey those views to the State Government.*

<b>9.3 NOTICE OF MOTION – ALD WALKER BELLERIVE BLUFF FORESHORE MASTERPLAN</b> (File No 10-03-05)
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In accordance with Notice given Ald Walker intends to move the following Motion:

“That Council undertakes a review of 2013 Bellerive Bluff Foreshore Masterplan and a cessation of associated scheduled works is put in place until completion of the review”.

**EXPLANATORY COMMENT**

- The foreshore section from Kangaroo Bay to Bellerive Beach is becoming increasingly popular given its ambience and panoramic vistas across to Hobart.
- Since the adoption of the masterplan there has been a marked increase in tourism activity. There has also been continued population growth in Clarence and the greater Hobart area.
- Since 2013 the Bellerive Beach Park has been substantially ungraded with the all abilities playground and a hotel development approved at Kangaroo Bay. Detailed studies have also commenced into ferry services. All of which will lead to increased utilisation along the foreshore area.
- The informal edge of Victoria esplanade creates poor delineation with the foreshore and Council needs to determine what level of curbing and quality of road re seal is appropriate.

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 October to 31 December 2018 (refer Attachment 1).

**Representative Reporting**

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**  
Representatives: Ald James Walker  
(Ald Luke Edmunds, Deputy Representative)

**Quarterly Reports**

March Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

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



# **Southern Tasmanian Councils Authority**

## **Quarterly Report to Members**

### **December 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 December 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**

*Image Credit: Gordon Dam – Stuart Gibson*



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

*The Authority held an Ordinary Board Meeting on 19 November 2018.*

Matters considered at this meeting included:

- **Appointment of Chair and Deputy Chair**
- **Review of STCA Mode of Operation**
- ***Climate Change (State Action) Act 2008* submission**
- **Financial Report for period ending 31 October 2018**

*The Authority held its Annual General Meeting on 19 November 2018*

Matters considered at this meeting included:

- **Annual Report including the audited financial statements**
- **Report of the Comptroller**
- **Appointment of the Auditor**

## **ORDINARY BOARD MEETING – 19 NOVEMBER 2018**

### **APPOINTMENT OF CHAIR AND DEPUTY CHAIR**

The meeting held on 19 November 2018 was the first meeting of the Board since the recent Local Government elections.

As a result of the elections, the Board was required to appoint a Chair and Deputy Chair.

Nominations were called with the Lord Mayor of Hobart, Councillor Anna Reynolds being appointed as the Chair of the STCA and the Mayor of Clarence, Alderman Doug Chipman being appointed as the Deputy Chair of the STCA.

The Board also appointed the Mayor of Sorell, Councillor Kerry Vincent as the Chair of the Governance and Audit Committee.

Nominations were called for the position of STCA representative on the Destination Southern Tasmania Board of Directors. Councillor Rachel Power from Derwent Valley Council was nominated. The STCA have two positions on the Destination Southern Tasmania Board; the other STCA representative is Mr Tim Short, City of Hobart's Director Community Life.

The Board deferred elections for the Chairs of Waste Strategy South and the Regional Climate Change Initiative.

### **REVIEW OF THE STCA MODE OF OPERATION**

The Board commenced a discussion around its mode of operation; this is the second year of the Board operating in this manner.

Since December 2016, the STCA has operated in a collaborative 'communities of interest' model around sub-regions and specific purposes (waste, planning, common services and climate change).

As part of the current mode of operation, the STCA Board has heard from a number of key stakeholders as well as had opportunities to network and discuss issues relevant to local government.

The Board agreed to further discuss this issue at a workshop at its first meeting in 2019.

### **CLIMATE CHANGE (STATE ACTION) ACT 2008 SUBMISSION**

The STCA provided a submission to the *Climate Change (State Action) Act 2008*.

The *Climate Change (State Action) Act 2008* sets the Tasmanian Government's legislative framework for action on climate change.

The STCA's submission supported the implementation and regular review of the Act, as part of the suite of actions needed to reduce greenhouse gas emissions in southern Tasmania and respond to climate change.

### **ANNUAL REPORT INCLUDING THE AUDITED FINANCIAL STATEMENTS**

The STCA Annual Report including the audited annual financial statements were adopted by the Board.

The Annual Report provided a range of highlights for the year, including:

- Regular quarterly meetings with presentations provided by the Tasmanian Labor Party, Tasmanian Audit Office and the Mercury newspaper
- Significant progress made by the Regional Climate Change Initiative on a number of projects
- The development of an Action Plan for the Waste Strategy South group.

### **REPORT OF THE COMPTROLLER**

The Board adopted the report of the Comptroller.

### **APPOINTMENT OF THE AUDITOR**

The STCA Board was in agreement with the proposal to appoint Bentley's as the auditor of the Authority's General Purpose Financial Statements.



## **11. REPORTS OF OFFICERS**

### **11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 18 and 25 March and 1 April 2019 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 18 and 25 March and 1 April 2019 be noted.

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

Nil.

### **11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION D-2019/33 - 9 COVENTRY RISE, HOWRAH - 2 MULTIPLE DWELLINGS**  
(File No D-2019/33)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 9 Coventry Rise, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and is subject to the Bushfire Prone Areas Code, Landslide Code, Parking and Access Code, Stormwater Management Code and Oceana Drive Residential and Bushland Specific Area Plan under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 10 April 2019 as agreed with the applicant.

**CONSULTATION**

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

- loss of privacy;
- overshadowing;
- density of development; and
- noise.

**RECOMMENDATION:**

A. That the Development Application for 2 Multiple Dwellings at 9 Coventry Rise, Howrah (CI Ref D-2019/33) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.



2. Amended plans showing the following must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/development:

- a screen of 1.7m in height above the finished surface level of the Unit 1 upper level deck with a uniform transparency of no more than 25% extending for 2m along either side of the south-western corner of the deck.

When approved, the plans will form part of this permit.

3. ENG A5 – SEALED CAR PARKING.
4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG M1 – DESIGNS DA [RETAIN CARPARK AND DRIVEWAYS].
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 31 January 2019 (TWDA 2019/00099-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**

The lot was created as part of a combined planning scheme amendment (A-2011/9) and subdivision application (SD-2011/30) for a 38 lot subdivision. Two Part 5 Agreements were created for the lots now covered by the Oceana Drive Bushland and Residential Specific Area Plan to protect native vegetation and to implement bushfire hazard management requirements. The Part 5 Agreements do not affect the subject site.

### **2. STATUTORY IMPLICATIONS**

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

**2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme, relating to building envelope, privacy, height and bird strike.

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

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zones;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E2.0 – Landslide Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section F14.0 – Oceana Drive Residential and Bushland Specific Area Plan.

**2.4.** The subject site is located within a bushfire prone area, however, in accordance with Clause E1.2.1(a) of the Bushfire Prone Areas Code, the Code does not apply to the assessment of this application as it does not involve a hazardous or vulnerable use.

**2.5.** The entire site is also subject to the Landslide Low Hazard Area. However, the proposal is exempt from the operation of the Code in accordance with Clause E3.4(c) of the Code.

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

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

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

The site is an 870m<sup>2</sup> regular shaped vacant lot located on the western (lower side) of Coventry Rise. The site slopes steeply to the west with an average grade of 20%. The site is clear of native vegetation. Access to the site is achieved through a steep concrete driveway and crossover provided from Coventry Rise.

The property is zoned General Residential and is located within a newly establishing residential area. Land upslope to the east is zoned Low Density Residential and forms the upper limit of residential development within this part of Howrah.

### **3.2. The Proposal**

Application is made to construct 2 multiple dwellings with Unit 2 located directly to the rear (downslope) of Unit 1.

Unit 1 would be setback 7.59m from the frontage with Coventry Rise and would consist of a 2 storey building located parallel with the southern property boundary. A minor cut is proposed to provide opportunity for a lower level habitable space and garage to be incorporated into the lower level. The lower level would occupy a floor area of 114m<sup>2</sup> with the upper level occupying a floor area of 94m<sup>2</sup>. Unit 1 would vary in height from 2.8m at its eastern end increasing to 6.23m at its western end. A 28.13m<sup>2</sup> deck is proposed to extend from the western elevation of the upper level living space.

Unit 2 would also form a 2 storey building setback 4.2m from the rear boundary. The bulk of the building would be located parallel with the rear and southern side boundaries. The lower level would have a floor area of 111m<sup>2</sup> with the upper level occupying a floor area of 89m<sup>2</sup>. The dwelling would vary in height from 3.5m at its eastern end increasing to 6.95m at its western end. A 15m<sup>2</sup> deck is proposed to extend from the northern elevation of the upper level of the dwelling. A 4.6m<sup>2</sup> ground level deck is also proposed on the western elevation of the lower level below the first floor deck.

The development would be clad using a combination of brick, rendered brick, vertical weatherboard type cladding, imitation wood panelling for the walls and “Colorbond” for the roof.

A shared driveway is proposed along the northern side boundary providing access to the garages and a visitor park located between the dwellings.

Waste storage areas are proposed to be provided within an area for the exclusive use of each dwelling.

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

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

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

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

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

Reference to these principles is contained in the discussion below.

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

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Parking and Access Code, Stormwater Management Code and Oceana Drive Residential and Bushland Specific Area Plan 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	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p>	

		<p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8. m 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 – a 1.6m protrusion at the southern (side) wall of Unit 1.</p> <p>A 0.6m protrusion at the southern (side) wall of Unit 2. In addition, a 2.8m and 3.8m protrusion at the western (rear) wall of Unit 2. These are illustrated in Attachment 2.</p> <p>not applicable</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: Not cause any unreasonable loss of amenity by:</i>	see below

<p>(a) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>3D models have been provided illustrating the shadowing impact to be cast on 21 June, together with internal shadow diagrams for the adjoining dwelling to the south at 7 Coventry Rise which is currently under construction.</p> <p>The dwelling at 7 Coventry Rise is located directly to the south of the proposed development. The upper level of this dwelling contains an open plan living room containing 2 north facing windows, 2 east facing windows and 2 west facing windows (total of 6 windows to the living room).</p> <p>In its decision <i>A Armarego v Launceston City Council and Honed Architecture and Design [2018] TASRMPAT 20</i>, the <i>Resource Management and Planning Appeal Tribunal</i> (Appeals Tribunal) found that Clause 10.4.2 P3(a) of the Scheme requires a reasonableness test to be applied qualitatively (as opposed to quantitatively).</p> <p>In the decision of <i>J Fewkes v Clarence City Council [2016] TASRMPAT 30</i>, the Appeals Tribunal identified a list of matters that ought to be considered when undertaking an assessment of whether an unreasonable loss of amenity is caused by reduction in solar access. These principles are also reproduced in the recent decision of <i>N Mamie v Hobart City Council [2018] TASRMPAT 5</i> at [57] –[58]. The matters listed indicate that an assessment of reasonable solar access into a habitable room involves consideration of all windows associated with the room and consideration of the importance of each window in terms of its size, location, orientation and contribution to solar access for a habitable room on an adjoining property.</p>
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	<p>In consideration of the application of the Appeals Tribunal decisions to 7 Coventry Rise, the shadow diagrams demonstrate that the living space will be capable of receiving in excess of 3 hours of sunlight on 21 June. The internal shadow diagrams of the living space demonstrate that 2 of the north facing living rooms and two east facing living/kitchen windows are the only 2 windows capable of receiving sunlight on 21 June.</p> <p>As a result of the development, the western most living room window would continue to receive sunlight from midday onwards with solar access received through the eastern most living room window from 10.30am to 3pm on 21 June. The early morning shadowing impact upon the eastern most window is not considered unreasonable as solar access to this window is currently compromised by shadowing from the hill to the east and steep topography.</p> <p>Further, proposed development would not impact upon solar access provided through the east facing living, kitchen and living room windows.</p> <p>In relation to the adjoining property to the south-west at 546 Oceana Drive, the shadow diagrams demonstrate that the east facing windows associated with this dwelling would be subject to early morning sunlight loss on 21 June when the dwelling is already in shadow of the hill to the east.</p>
<p><i>i. overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The property at 7 Coventry Rise contains 2 decks on the north elevation of the upper level both of which face the development site. The shadow diagrams demonstrate that that shadow cast by the proposed development would not impact upon the western most deck.</p> <p>In excess of 50% of the eastern most deck would also receive sun between 9.00am and 3.00pm on 21 June.</p>

	<p>It is therefore considered that the proposed development would not cause any unreasonable loss of sunlight to the outdoor living areas associated with 7 Coventry Rise.</p> <p>In relation to the adjoining property to the south-west at 546 Oceana Drive, the shadow diagrams demonstrate that the private open space located to the rear of this dwelling would be subject to early morning sunlight loss on 21 June when the dwelling is already in shadow of the hill to the east.</p>
<p>ii. <i>overshadowing of an adjoining vacant lot; or</i></p>	<p>No overshadowing of the adjoining vacant lot to the north at 11 Coventry Rise would occur as a result of the proposed development due to the siting of the development entirely to the south of this adjoining property.</p>
<p>iii. <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, dwellings are 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 buildings height at their highest point would be largely consistent with the height and scale of development within proximity of the site.</p> <p>The neighbouring properties to the west along Oceana Drive are comprised of a combination of single dwellings and multiple dwellings with existing (and establishing) 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. This part of the performance criterion is therefore met by the proposal.</p>



<p><i>(b) provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i></p>	<p>In this case the adjoining property to the north forms a vacant lot with no development approval in place. The adjoining property to the south has received development approval for a single dwelling providing a minimum side setback of 1.5 and a rear setback of 13.3m. The adjoining property to the west at 546 Oceana Drive is setback 4.8m from the eastern (rear) boundary of the site. The proposal would therefore be comparable to the established dwelling separation distances.</p> <p>The proposed side setback of 0.27m to 2.05m and rear setback of 4.2m is consistent with the separation distances evident in the surrounding area.</p>
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### **General Residential Zone**

Clause	Standard	Acceptable Solution	Proposed
10.4.6 A1	Privacy	<p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and</p>	<p>Does not comply – the upper level deck allocated to the northern elevation of Unit 2 would be located 0.27m from the northern side property boundary. The northern elevation of the deck is proposed to have a 1.5m high solid screen.</p>

		<p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	<p>complies</p> <p>Does not comply - the upper level deck at the western elevation of Unit 1 would be located within 6m of the private open space allocated to Unit 2 on the same site.</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.6 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i>	see below
<i>(a) a dwelling on an adjoining lot or its private open space; or</i>	not applicable
<i>(b) another dwelling on the same site or its private open space; or</i>	The Unit 1 deck would be located within 6m of the private open space allocated to Unit 2. The area of private open space capable of being overlooked by the deck forms a 5m wide grassed area to the south of Unit 2. Considerable overlooking may occur from the south-western corner of the deck as a result of the elevated position and orientation towards the adjoining private open space.

	<p>It is therefore considered reasonable for a 1.7m high privacy screen to be installed for 2m along each side of the corner of the deck. This has been discussed with the applicant and it has been agreed to include a condition requiring amended plans dealing with the above screening measure. The implementation of the condition will ensure the privacy of the private open space of Unit 1 is maintained.</p>
<p>(c) <i>an adjoining vacant residential lot</i>".</p>	<p>The Unit 2 deck would adjoin a vacant property at 11 Coventry Rise. The deck is located on the upper level of Unit 2 and has been designed to be suspended above natural ground level. The resultant floor level for northern elevation of the upper level deck would be between 2.2m – 3.2m above natural ground level.</p> <p>Due to the significantly elevated nature of the deck, close proximity to the northern side boundary and inclusion of a 1.5m high privacy screen along the northern elevation of the deck, a direct line of sight down into the adjoining vacant lot would not be possible as a result of a person standing on the deck. Rather, standing views would be directed horizontally across this vacant lot to features beyond.</p> <p>The deck is therefore considered to be adequately designed and screened to minimise direct views into the adjoining vacant residential lot.</p>

### General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.6 A3	Privacy	A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:	Does not comply - the upper level north facing kitchen window of Unit 1 would have a minimum sill height of 3.2m above the shared driveway however it would not maintain the 1m horizontal separation from the shared drive below it.

		<p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.6 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“P3 - A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling”.</i></p>	<p>The kitchen window design includes a sill height which is significantly elevated above the surface level of the driveway. The perpendicular alignment of the window to the driveway, together with the sill height, will ensure the window will not cause any unreasonable vehicle light intrusion into the kitchen space.</p> <p>Similarly, the use of double glazing and vertical separation will ensure the kitchen space is not subject to unreasonable vehicle noise impacts.</p> <p>No further treatment or design changes are therefore considered necessary to this window to improve the amenity of the occupants of the dwelling.</p>

**Oceana Drive Residential and Bushland Specific Area Plan**

Clause	Standard	Acceptable Solution	Proposed
F14.7.1 A1	Building height, design and colour	The maximum building height is 4.5m.	Does not comply – Unit 1 has a maximum height of 6.23m.  Unit 2 has a maximum height of 6.95m.

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

Performance Criteria	Proposal
<p><i>“P1 - The maximum building height is 7.5m.</i></p> <p><i>Buildings of a height of up to 7.5m may be approved where the design, colours and materials of buildings on the lot combine with walls and fences so as to unobtrusively blend with the natural landscape and minimise visual intrusion. Materials and surfaces should be:</i></p>	<p>Unit 1 would have a maximum height of 6.23m and Unit 2 would have a maximum height of 6.95m.</p>
<p><i>(a) of low light reflectivity; and</i></p>	<p>The proposed exterior building materials would have low light reflectivity and the proposed glazing has been designed to include low reflectivity glass with windows set back with large overhangs to reduce reflectivity in order to minimise the risk of bird strike. This is considered an appropriate response.</p>
<p><i>(b) of dark natural colour (such as black, grey, brown and green); or</i></p>	<p>A colour schedule has been provided with the application demonstrating the use of dark natural cladding including a combination of brick, cement sheet wall cladding, stained timber and “Colorbond”. The external colours for each elevation of the dwellings would consist of dark greys which will unobtrusively blend with the natural landscape in the interests of minimising visual intrusion.</p>
<p><i>(c) of dark appearance throughout the day due to shading”.</i></p>	<p>The colour scheme will utilise dark colours that will give the impression of a dark shaded appearance throughout the day.</p>

**Oceana Drive Residential and Bushland Specific Area Plan**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
F14.7.4 A2	Bird Strike	<p>Buildings and structures are designed and managed to minimise bird strike by:</p> <p>(a) eliminating or obscuring transparent or highly reflective obstacles that are not readily perceptible by birds in flight, such as uncovered corner or opposing windows that allow sightlines through buildings; and</p> <p>(b) using low reflective glass on external surfaces; or</p> <p>(c) angling glass surfaces to reflect the ground or built fabric rather than the sky or habitat.</p>	<p>Does not comply – the proposal plans include opposing windows in the upper level rooms allocated to both Units 1 and 2.</p> <p>complies</p> <p>Not required as (b) satisfied.</p>

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause F14.7.4 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P2 - Other buildings and structures may be approved where it is demonstrated that the relevant State or Commonwealth department confirms the design is acceptable in terms of its impact on the local Swift Parrot (Lathamus discolor) community”.</i>	The application was referred to DPIWE’s Policy and Conservation Assessment Branch given an assessment against the performance criteria is required. The Department have advised low reflectance glass should be used on all windows and that the omission of corner windows (removal from original design) will be sufficient to ensure the development does not pose a risk to the local swift parrot community. The proposal plans include a notation that low reflectivity glass is to be used for all windows which satisfies the Departments advice.

## **5. REPRESENTATION ISSUES**

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

### **5.1. Overlooking**

Concern is raised that the upper level west elevation windows and deck associated with Unit 2 would overlook the private open space of the adjoining property located downslope to the south-west at 548 Oceana Drive. Concern is raised that both Units 1 and 2 decks would overlook the private open space of 9 Coventry Rise.

- **Comment**

With respect to overlooking potential to the property downslope at 548 Oceana Drive, the west facing upper level windows and deck located on the upper level of the western elevation of Unit 2 would be setback over 4m from the rear boundary, therefore complies with Acceptable Solution 10.4.6 A1 and A2 of the Scheme in relation to privacy.

With respect to the potential for loss of privacy to the deck at 9 Coventry Rise, the deck for Unit 1 would be setback over 3m from the side boundary therefore complies with Acceptable Solution 10.4.6 A1 of the Scheme in relation to privacy. However, the applicant has attempted to reduce viewing between the 2 decks through the inclusion of a 1m high solid balustrade along the southern elevation of the deck for Unit 1.

Further, the upper level windows of the southern elevation of Unit 2 have been designed to comply with Acceptable Solution 10.4.6 A2 of the Scheme in relation to privacy.

**5.2. Overshadowing**

Concern is raised that the development would result in excessive overshadowing of the north facing windows, courtyard and deck associated with the adjoining property to the south at 9 Coventry Rise. Concern is also raised that the proposal will impact on morning sunlight to the adjoining property to the west at 546 Oceana Drive, including the living space and private open space.

- **Comment**

The proposed development is considered to meet the relevant performance criteria of Clause 10.4.2 P3 of the Scheme in relation to overshadowing impact. The detailed reasons are provided above and include consideration of loss of sunlight to the habitable room windows and private open space of dwellings on adjoining lots.

Whilst morning sunlight loss will occur as a result of the development, this is not considered to justify the refusal of the proposal as early morning sunlight is compromised by the hill to the east.

**5.3. Density of Development**

Concern is raised that the lot is not large enough to accommodate 2 multiple dwellings. This concern is founded on an understanding that the subdivision lot size requirement of 750m<sup>2</sup> for a lot with a gradient exceeding 1 in 5 applies to multiple dwellings.

- **Comment**

The proposed development satisfies the Acceptable Solution of Clause 10.4.1 which requires a site area per dwelling of 325m<sup>2</sup> per unit, irrespective of the gradient of the land.

**5.4. Noise**

Concern is raised over the proximity of Unit 2 to the boundary with the adjoining residential property to the west and that the use of the decks and outdoor space will cause additional noise impacts upon the adjoining residences.



- **Comment**

The noise standards provided under Clause 10.3.1 A2 of the General Residential Zone apply to non-residential use only. The proposal is for a residential use which is consistent with the surrounding land use activities which are predominantly residential.

## **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.

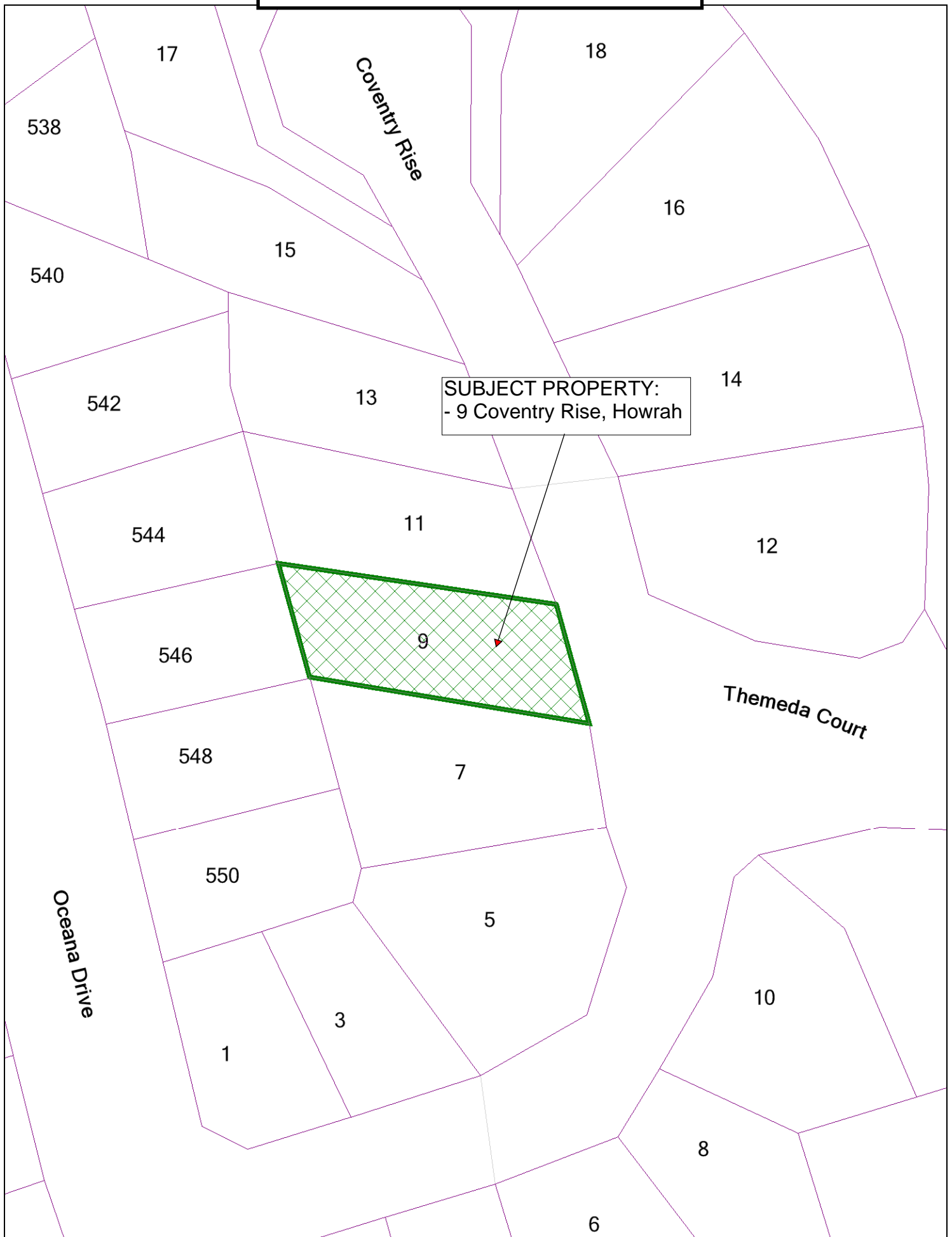
## **9. CONCLUSION**

The proposal for 2 Multiple Dwellings at 9 Coventry Rise, Howrah is considered to meet all relevant Acceptable Solutions and Performance Criteria of the Scheme and is therefore recommended for conditional approval.

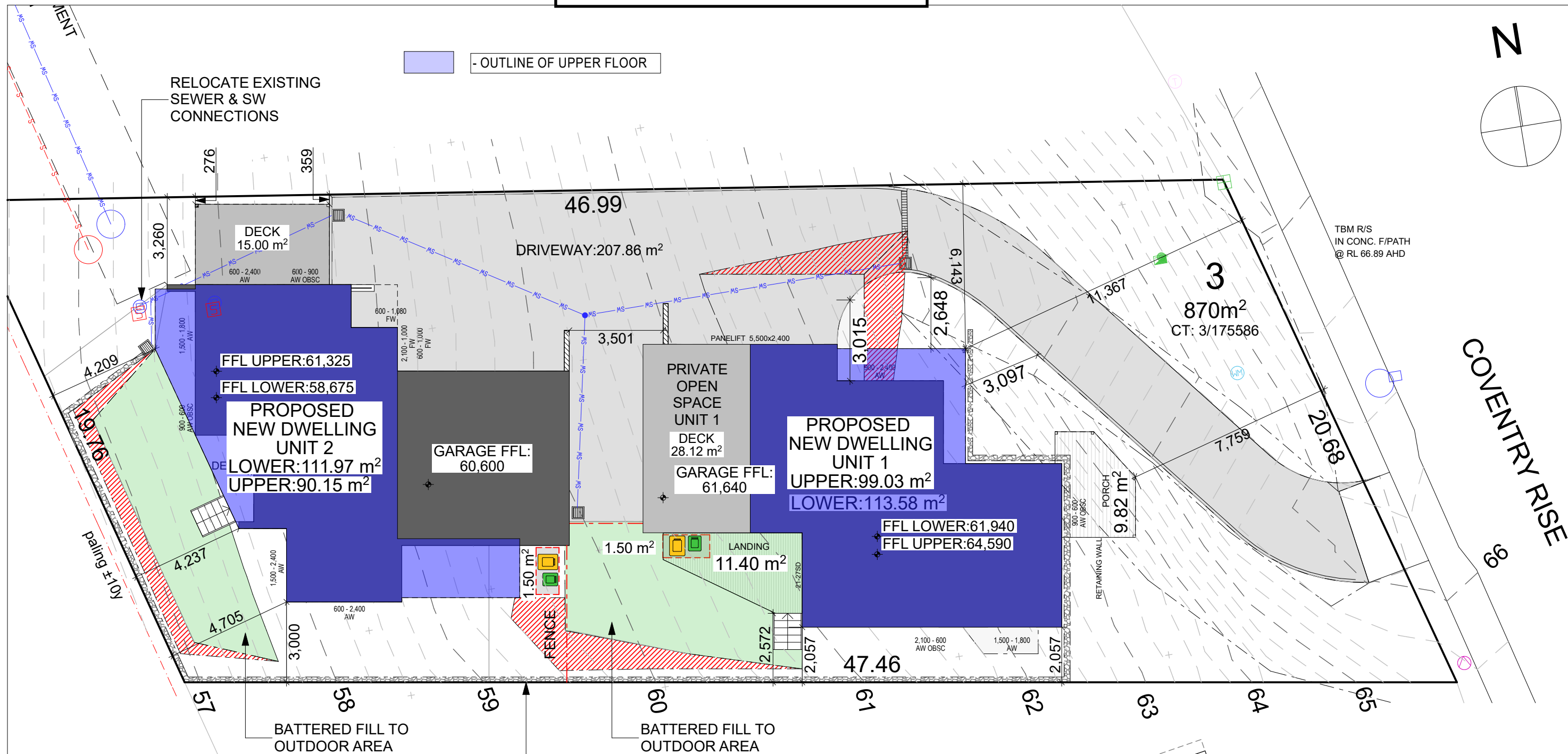
Attachments: 1. Location Plan (1)  
2. Proposal Plan (20)  
3. Site Photo (1)

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:** Friday, 15 March 2019 **Scale:** 1:805.2 @A4



Site Areas	
Site area	870 sqm
Total Building Area U1	127.15 sqm
Total Building Area U2	149.11 sqm
Total Site Coverage	31.75%

Impervious Areas Calculation	
Site area	870 sqm
Total Building Area	276.26 sqm
Driveway	207.86 sqm
Impervious Free	44%

Site Plan



Proposal:	Multiple Dwellings	Scale: 1:150 @ A3	Job No: 206 - 2018	Pg No: DA.01
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response



NOT FOR CONSTRUCTION

written consent. © 2018



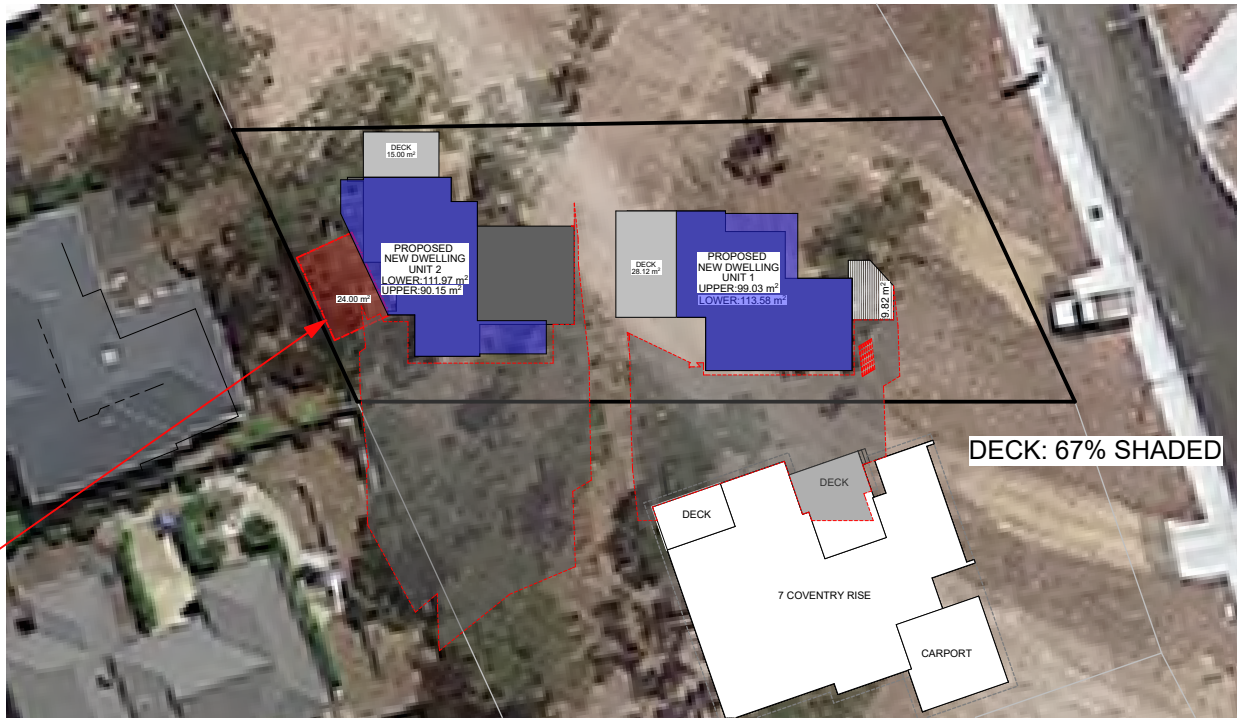


SHADOWS @ 1000 ON JUNE 21ST

- NOTE**
1. SHADOWS @ 0900 NOT DISPLAYED DUE TO THE HILL BLOCKING SUN AT THIS TIME. (9AM SHADOWS WOULD NOT OVERSHADOW DECK AREA FOR THE P.O.S. OF 7 COVENTRY)
  2. NO FENCES OR NEIGHBOURING BUILDING WHERE USED IN THE PRODUCTION OF THESE SHADOW DIAGRAMS.



SHADOWS @ 1100 ON JUNE 21ST



SHADOWS @ 1200 ON JUNE 21ST

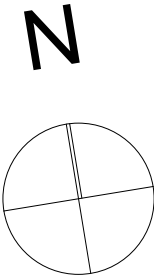
POS FOR UNIT 2 IS OVERSHADOWED UNTIL 1200

## Shadow Study 1



Proposal:	Multiple Dwellings	Scale: 1:500	@ A3	Job No: 206 - 2018	Pg No: DA.02
Client:	Marcus & Anita Fitze	Date: 14/12/18		Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN		Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au					

Amendments	
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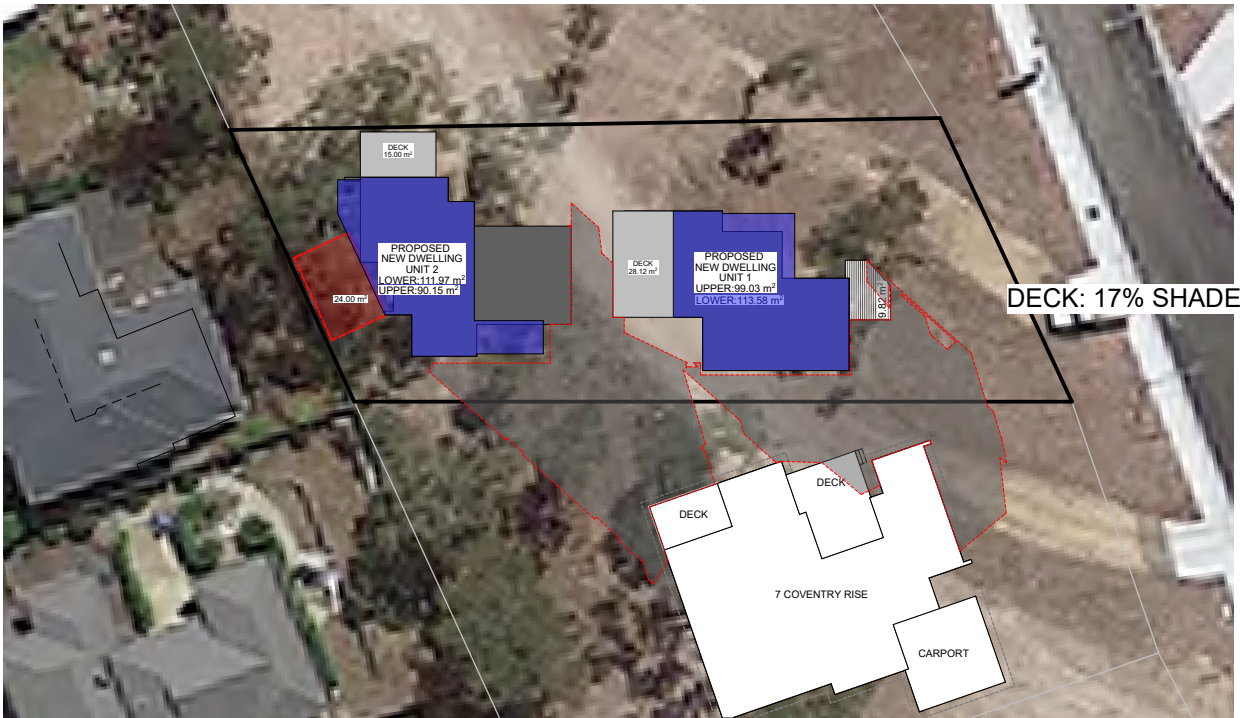




SHADOWS @ 1300 ON JUNE 21ST



SHADOWS @ 1400 ON JUNE 21ST



SHADOWS @ 1500 ON JUNE 21ST

### Shadow Study 2

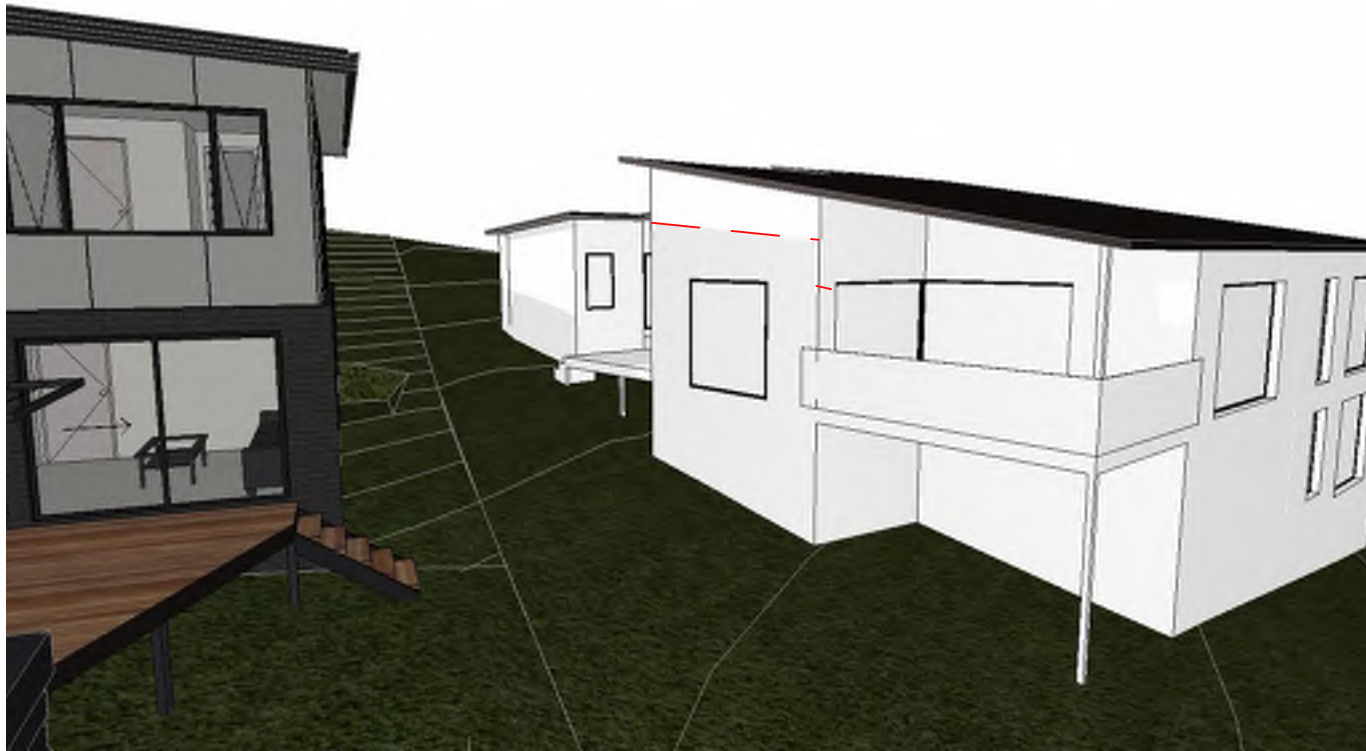


Proposal:	Multiple Dwellings	Scale: 1:500	@ A3	Job No: 206 - 2018	Pg No: DA.03
Client:	Marcus & Anita Fitze	Date:	14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn:	JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au					

Amendments	
Date	Description
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05.02.19	RFI Response







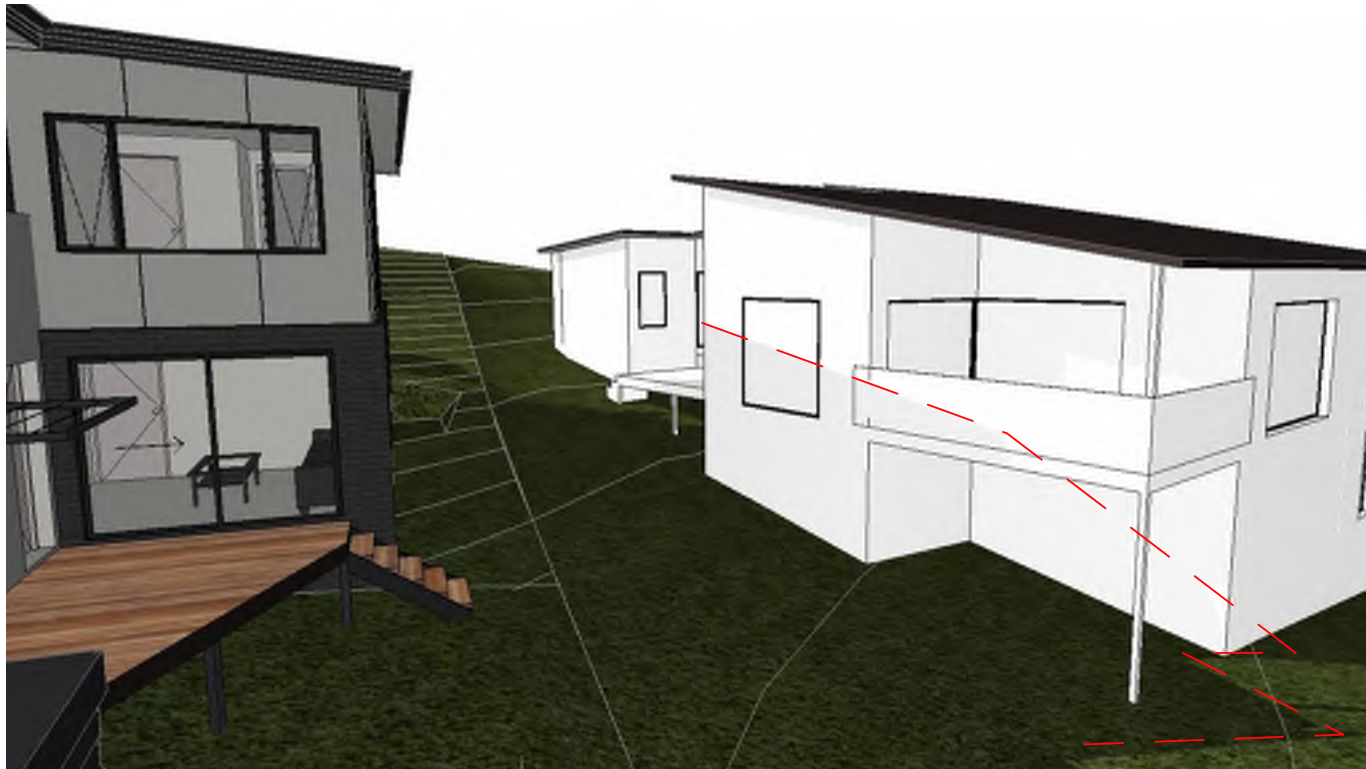
SHADOWS ON JUNE 21st @ 0900

NOTE: THE ROOF OVER THE DECK OF 7 COVENTRY  
OVERSHADOWS THE LIVING ROOM WINDOW FROM  
0900 TO 1200

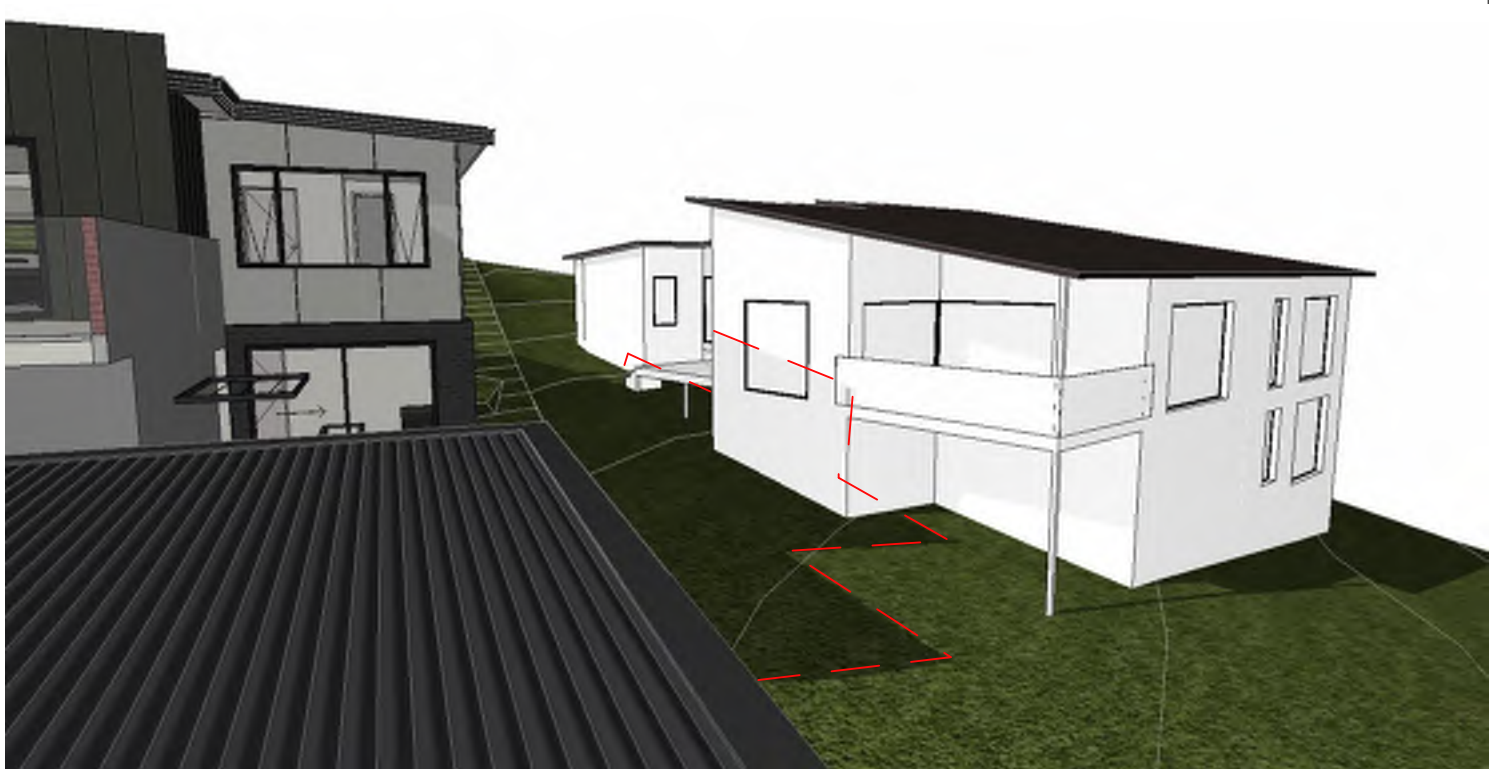


SHADOWS ON JUNE 21st @ 1000

DINING ROOM WINDOW IS OVERSHADOWED FROM  
0900 TO 1100 BY MORE THAN 50%



SHADOWS ON JUNE 21st @ 1100



SHADOWS ON JUNE 21st @ 1200

### Shadow Study 3



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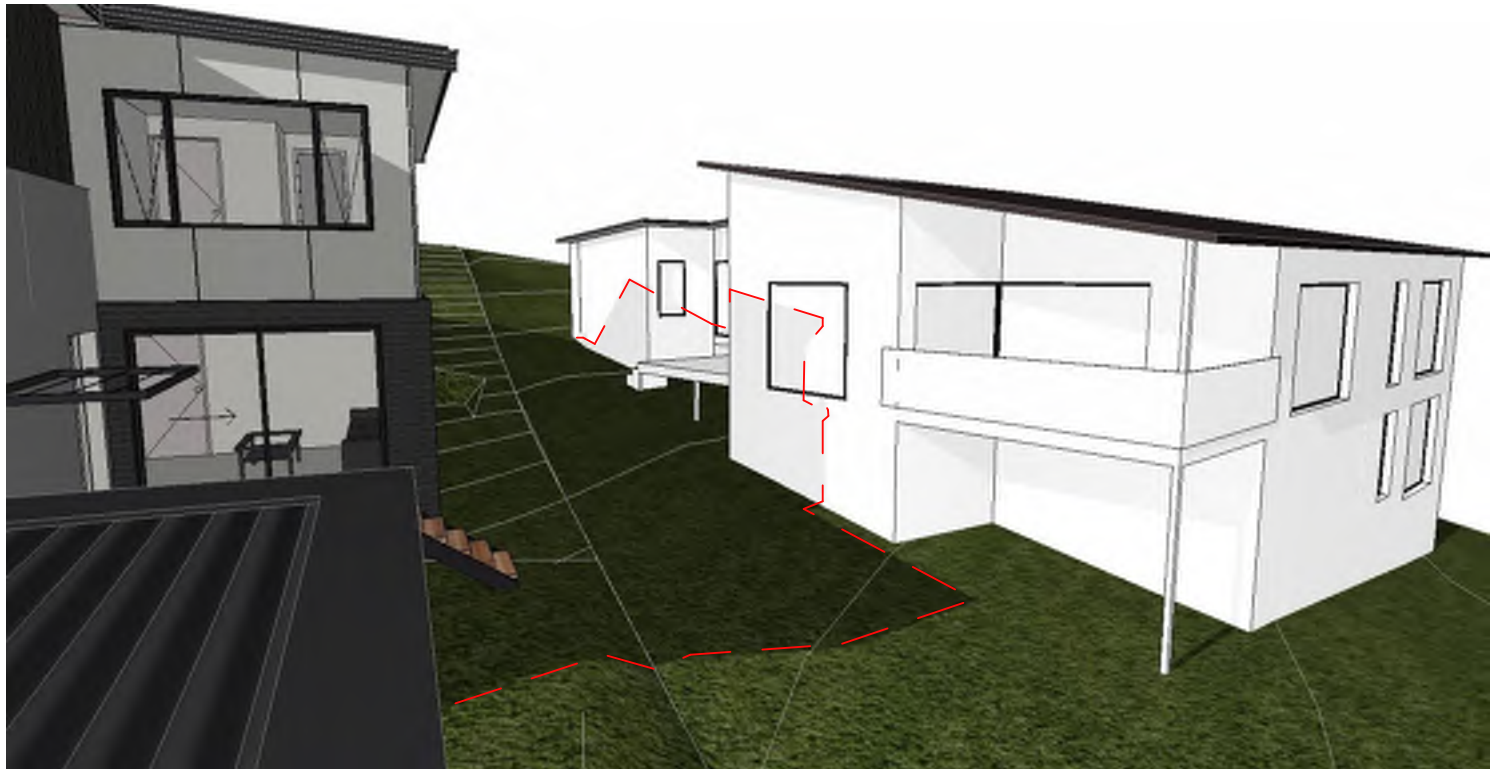
Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.04
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

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05.02.19 RFI Response

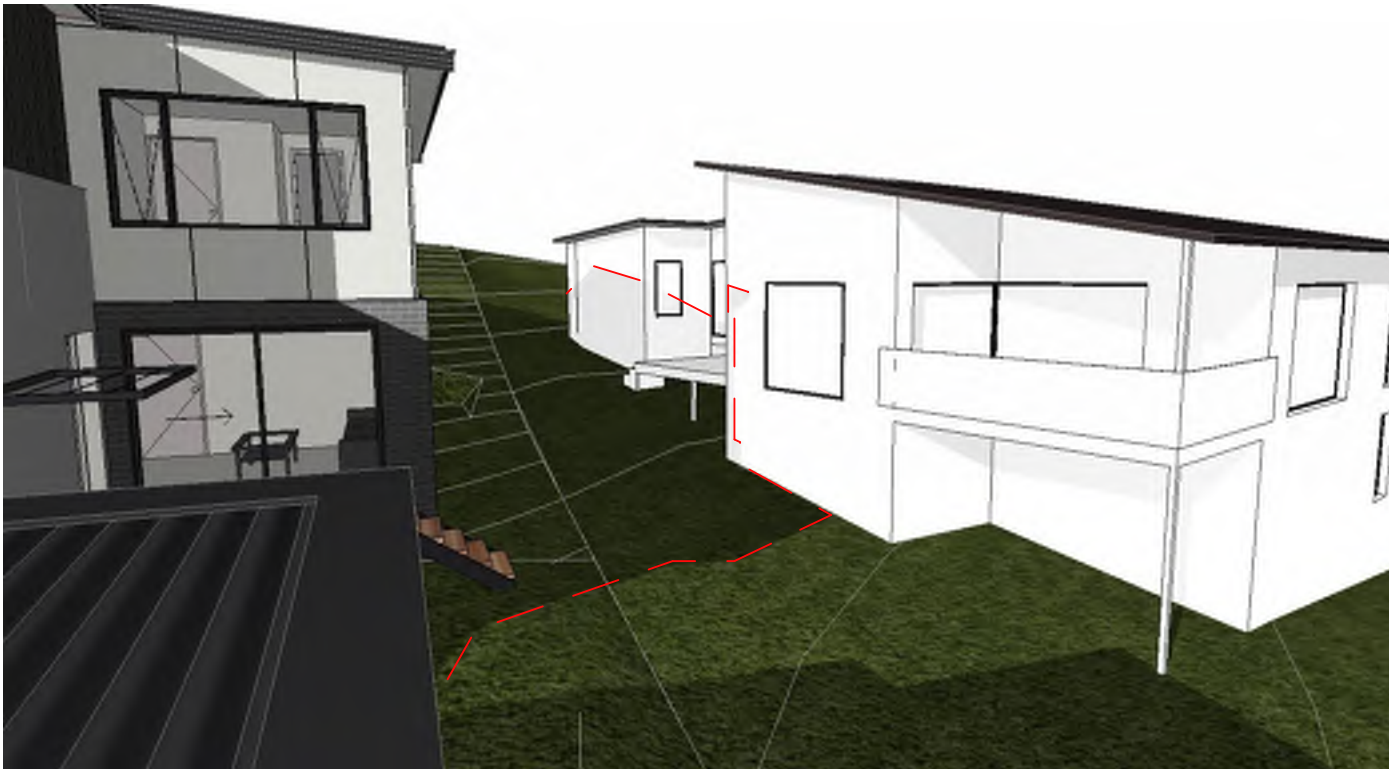




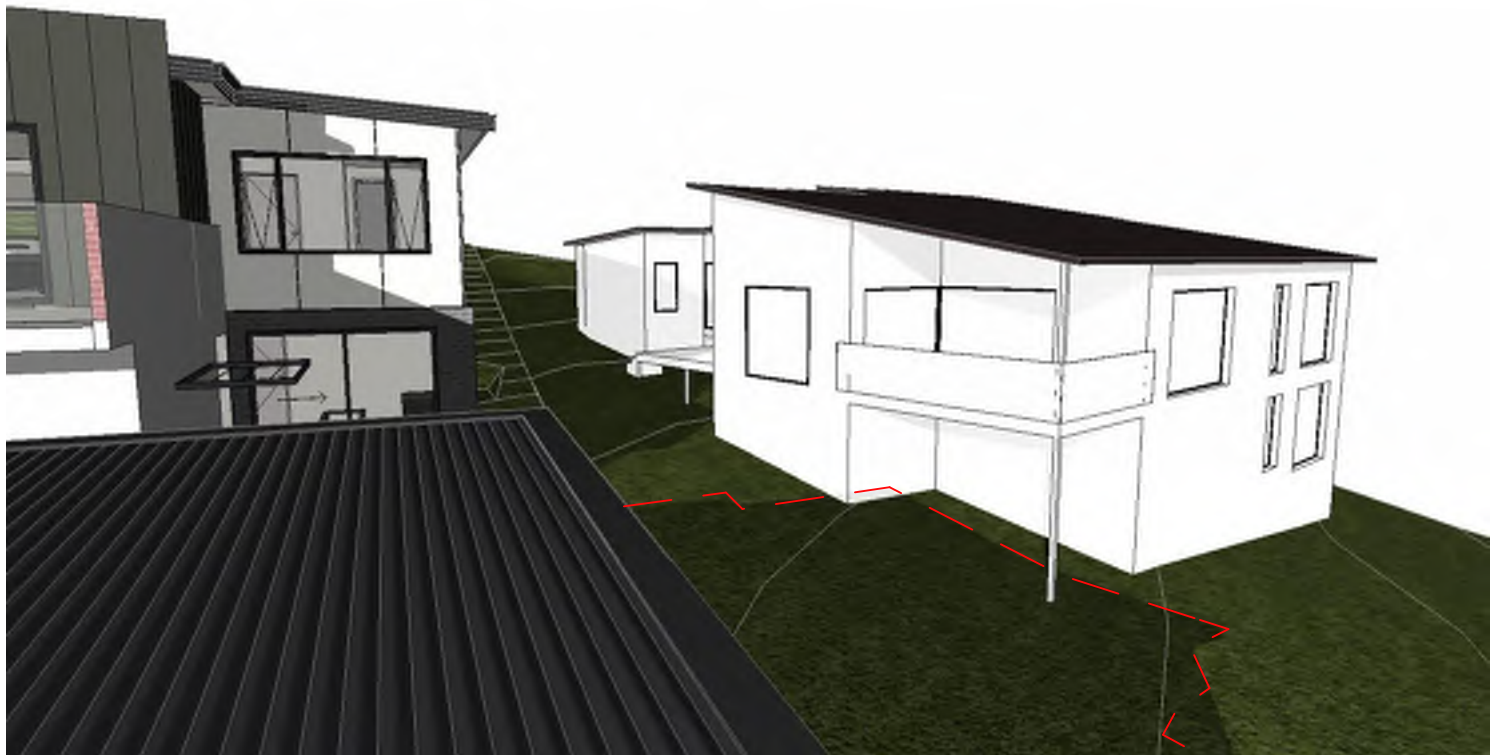


SHADOWS ON JUNE 21st @ 1300

DINING ROOM WINDOW IS OVERSHADOWED LESS THAN 50% AT 1300



SHADOWS ON JUNE 21st @ 1400



SHADOWS ON JUNE 21st @ 1500

### Shadow Study 4



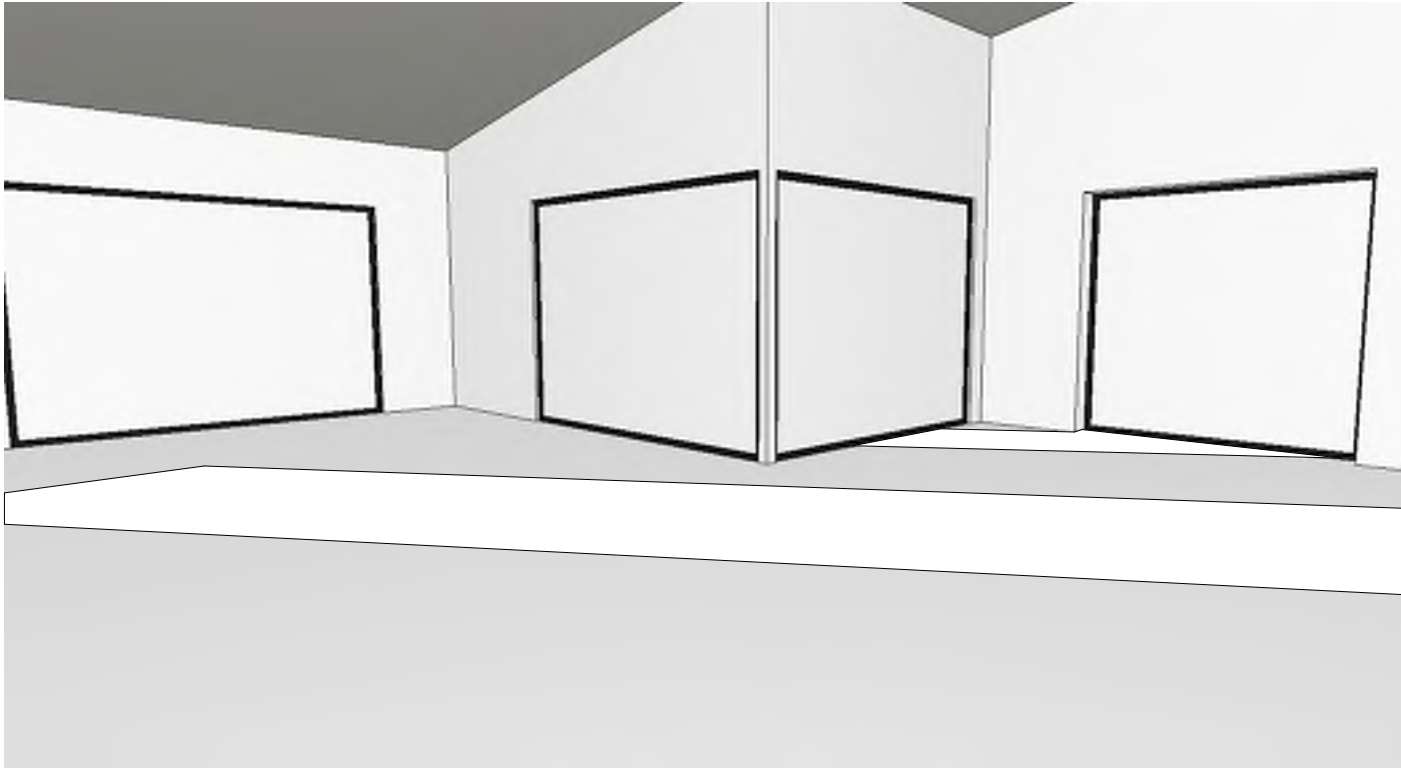
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Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.05
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

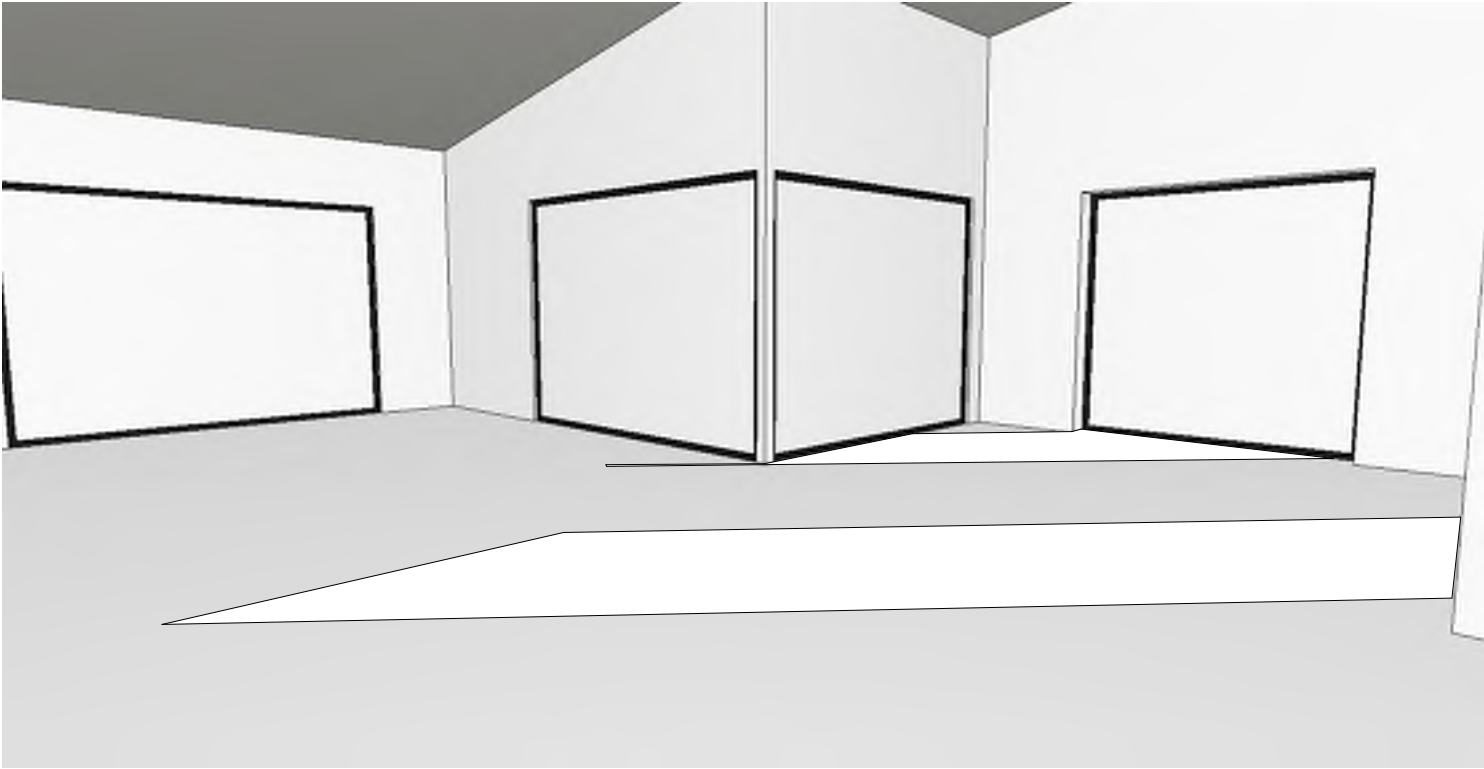
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response

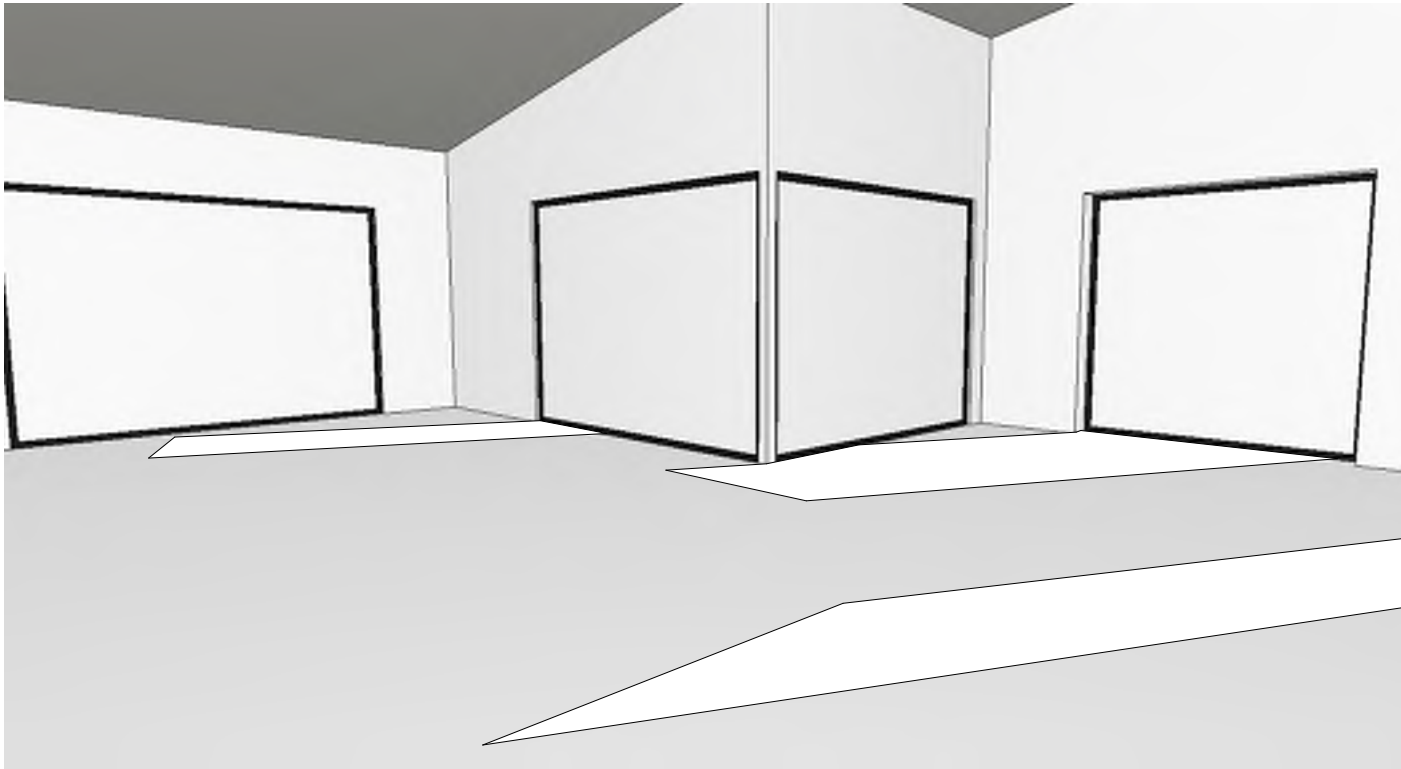




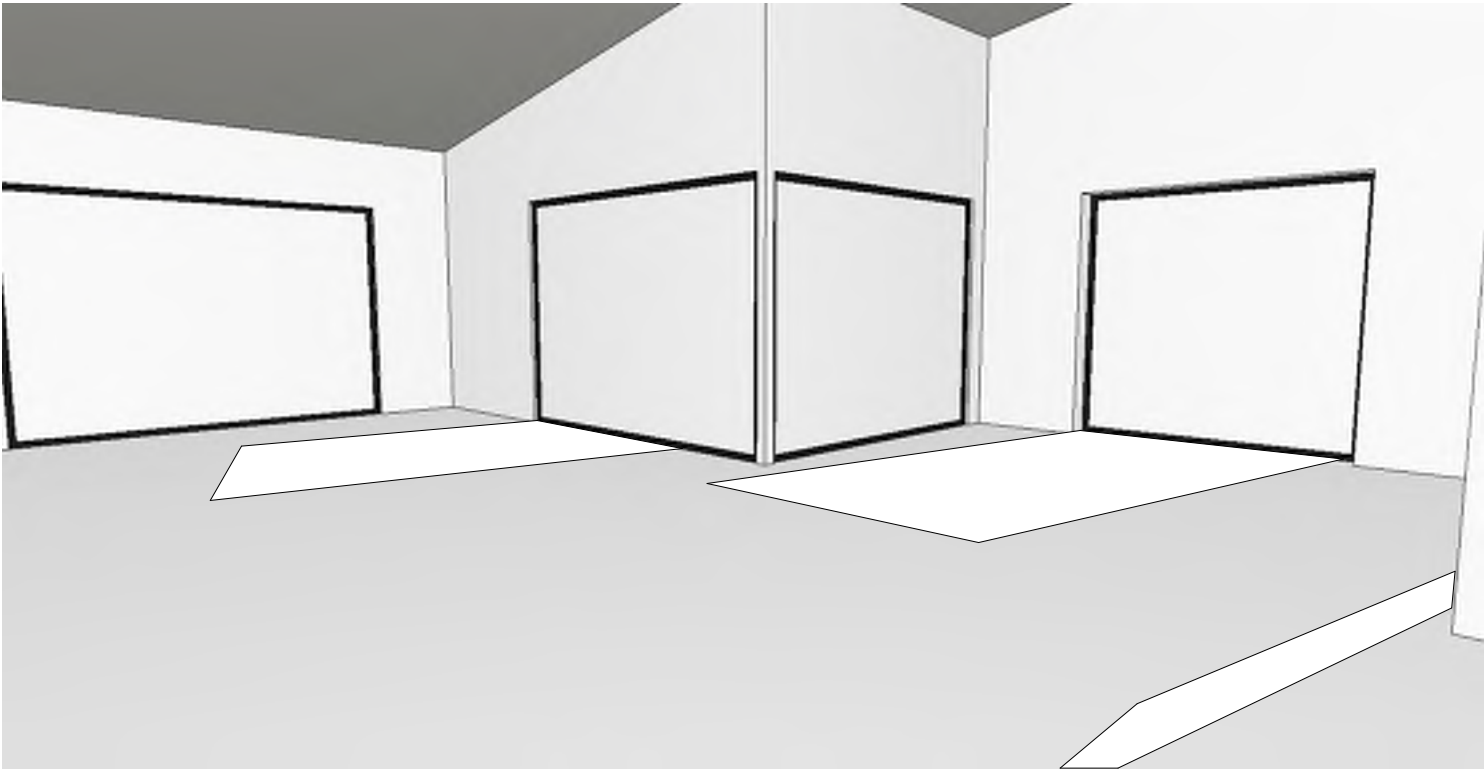
EXISTING 0900 SHADOWS



EXISTING 1000 SHADOWS



EXISTING 1100 SHADOWS



EXISTING 1200 SHADOWS

### Shadow Study 5

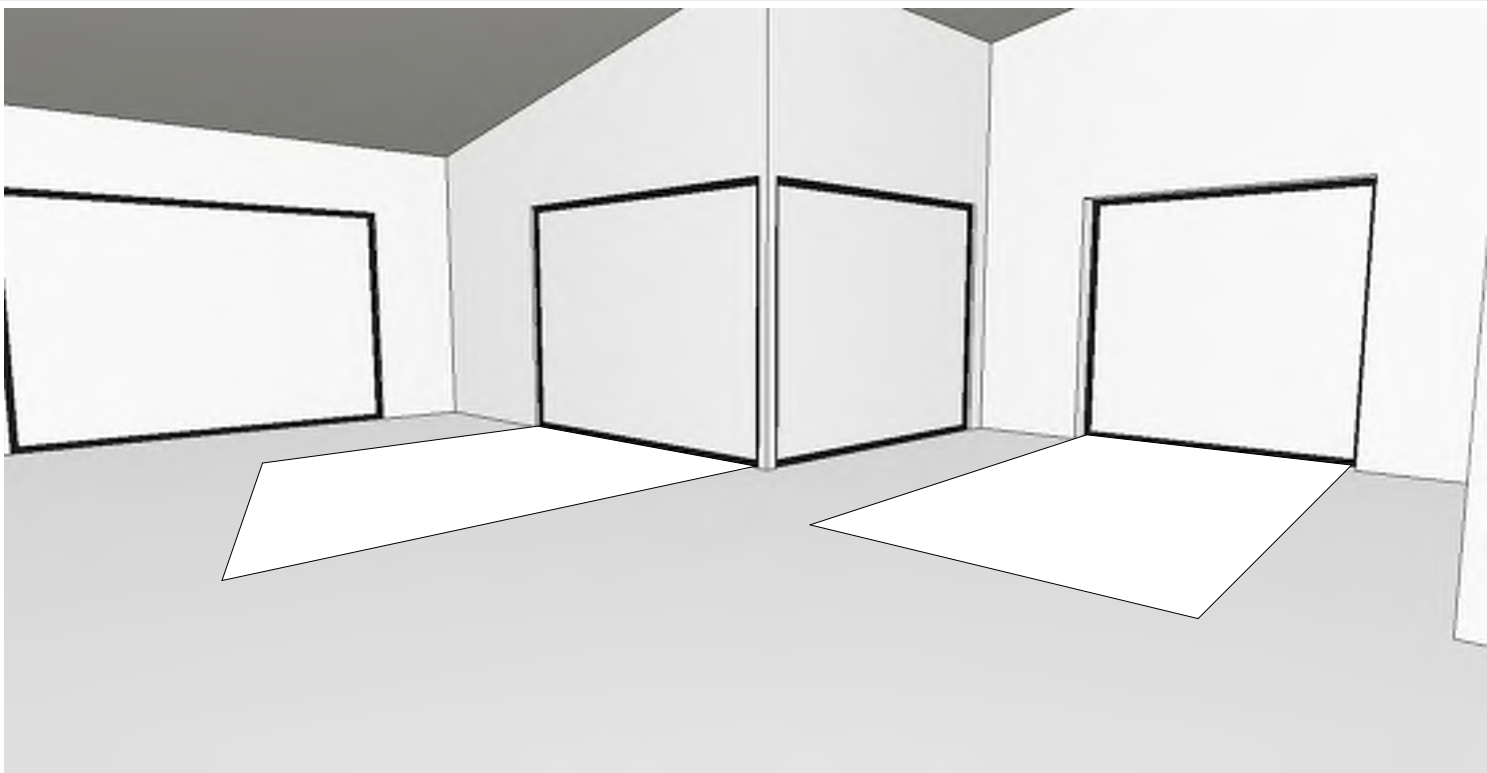


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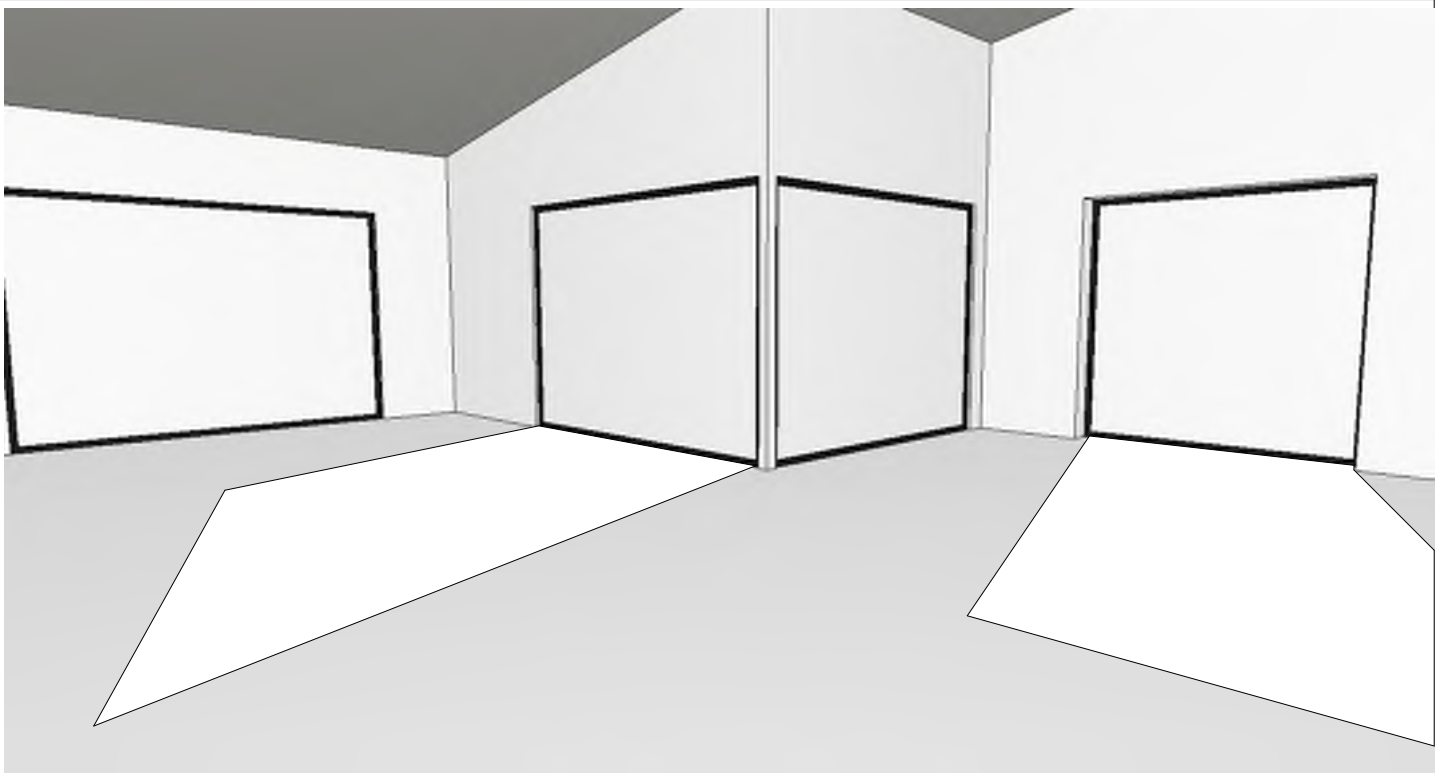
Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.06
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	
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04.02.19	RFI Response
05.02.19	RFI Response

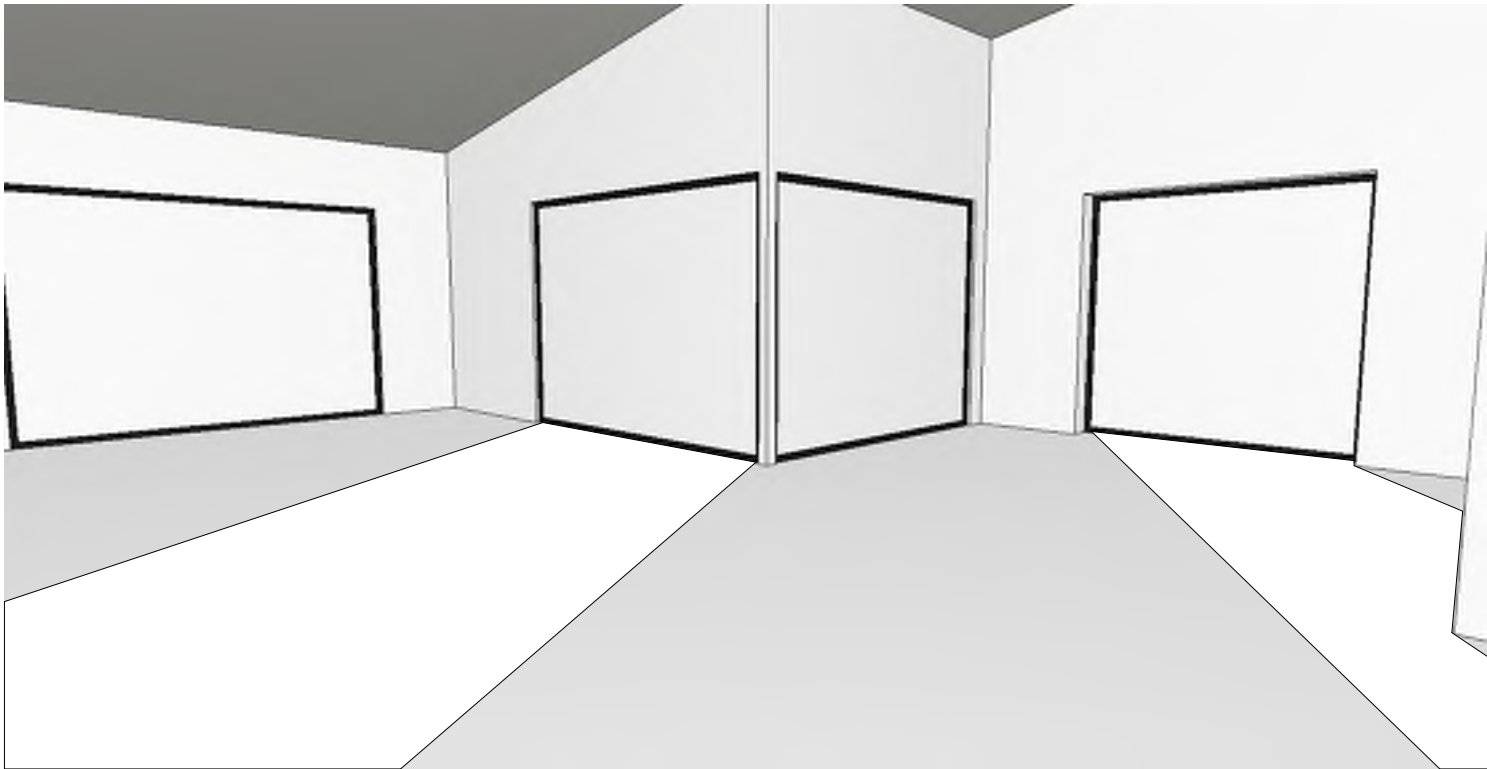




EXISTING 1300 SHADOWS



EXISTING 1400 SHADOWS



EXISTING 1500 SHADOWS

Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response

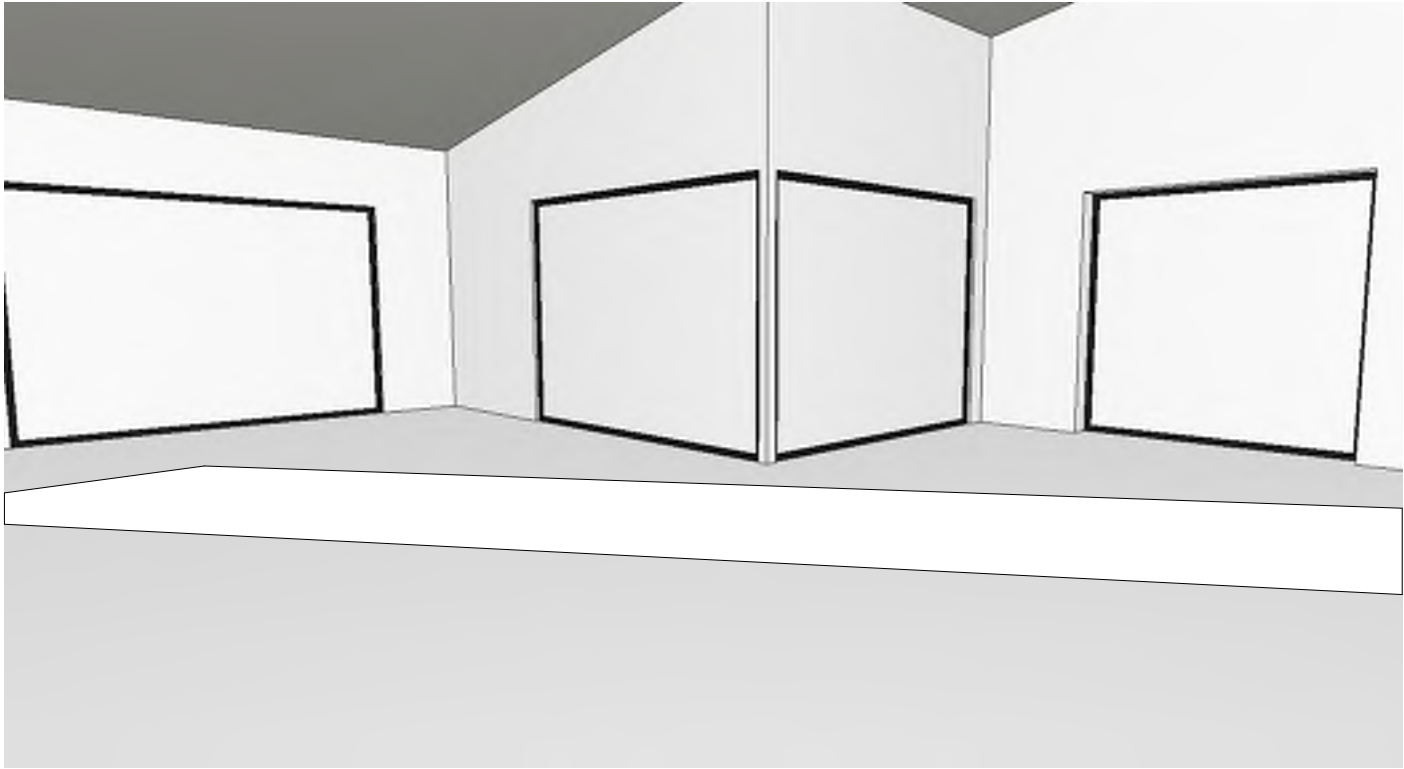
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Shadow Study 6



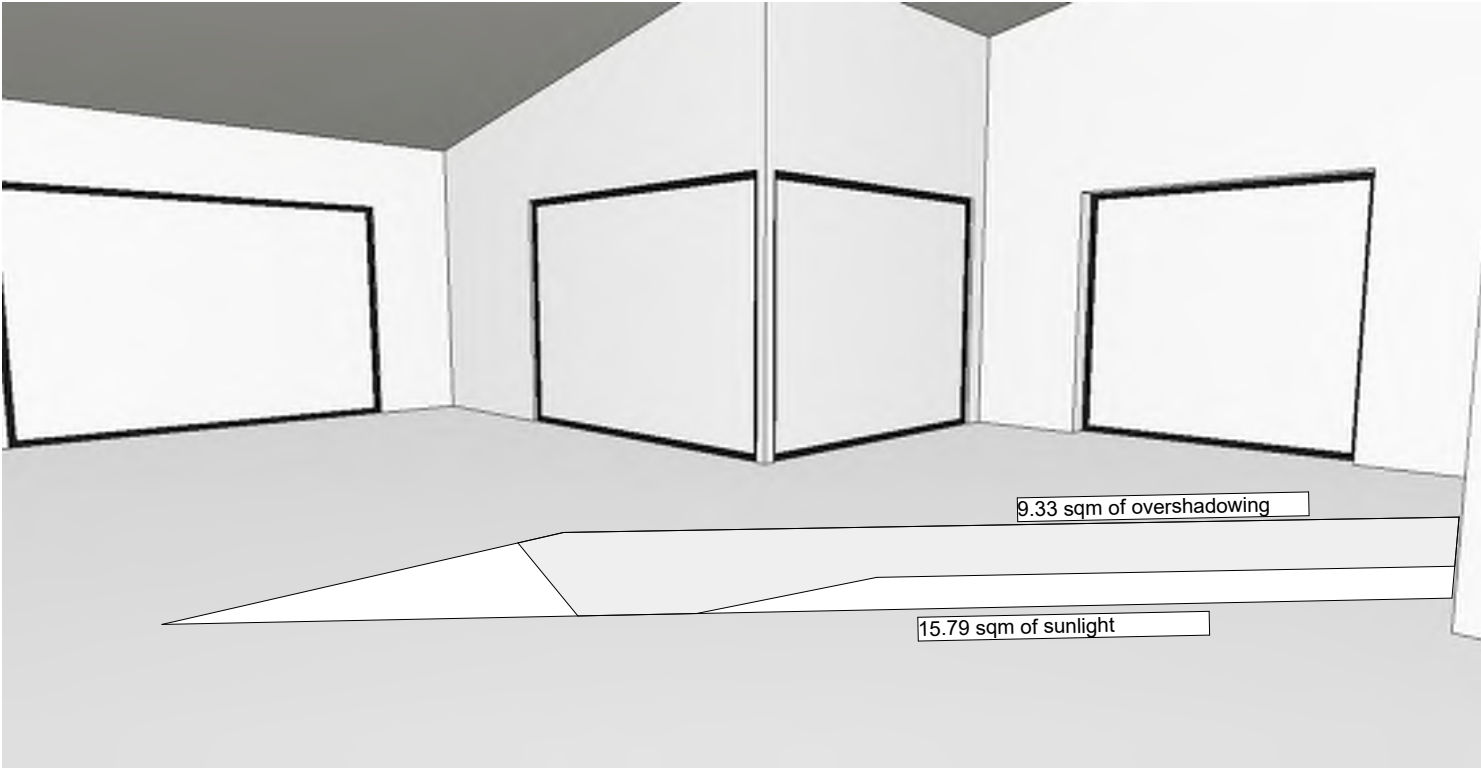
Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.07
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au				





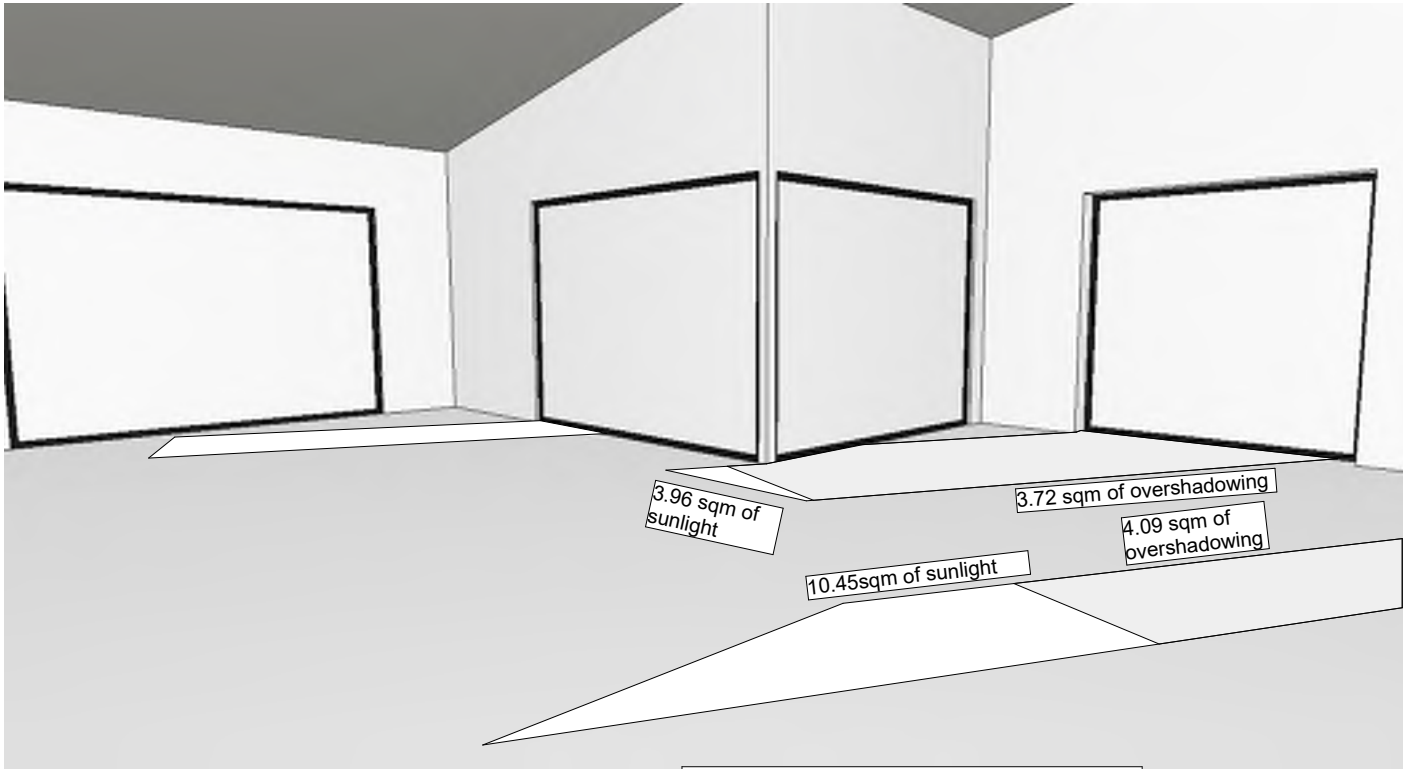
0900 SHADOWS ON JUNE 21ST

Living Window unaffected
Living Window unaffected
100% of sunlight retained through Kitchen Window



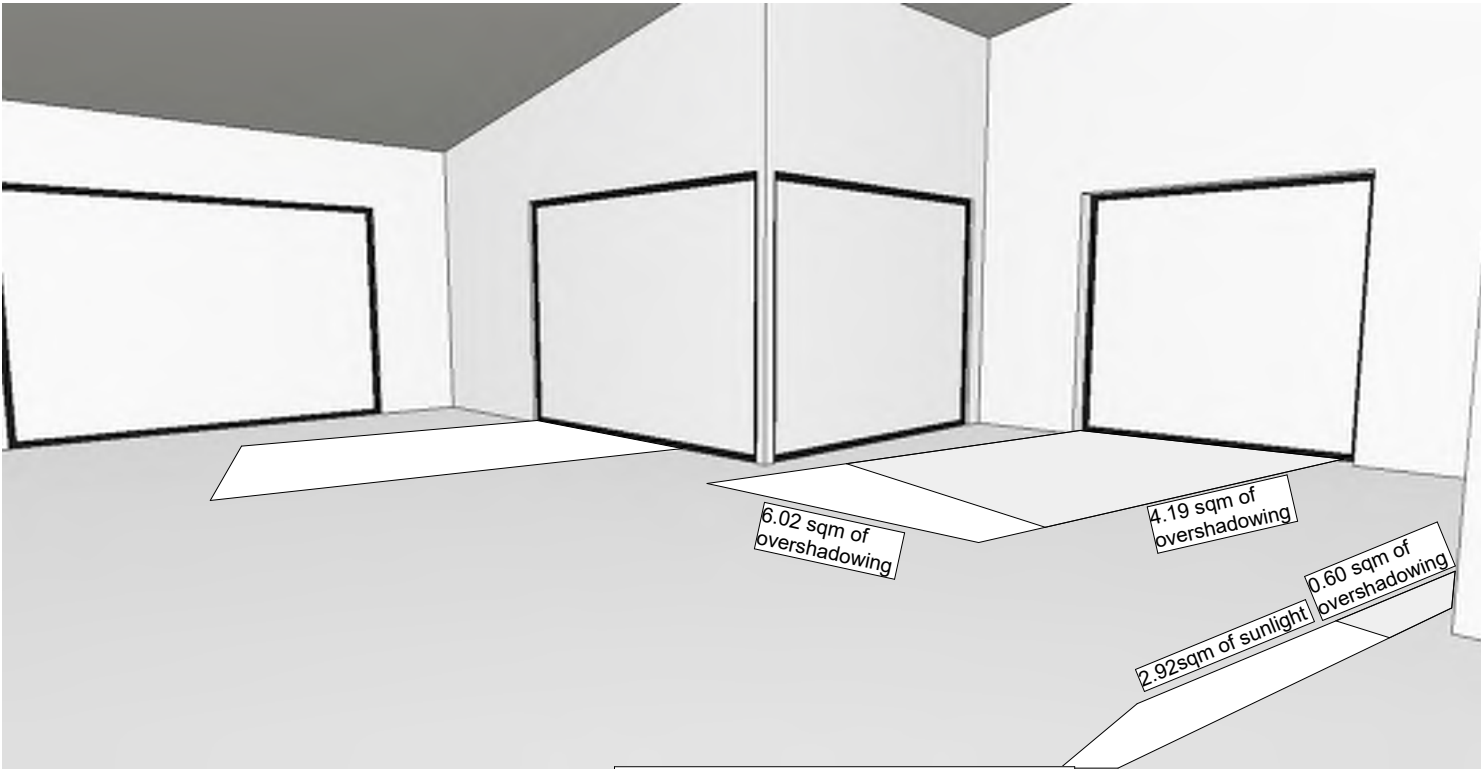
1000 SHADOWS ON JUNE 21ST

0% of sunlight retained through Dining Window
Living Window unaffected
41% of sunlight retained through Kitchen Window



1100 SHADOWS ON JUNE 21ST

6% of sunlight retained through Dining Window
100% of sunlight retained through Living Window
60% of sunlight retained through Kitchen Window



1200 SHADOWS ON JUNE 21ST

30% of sunlight retained through Dining Window
100% of sunlight retained through Living Window
80% of sunlight retained through Kitchen Window

04.02.19	RFI Response
05.02.19	RFI Response

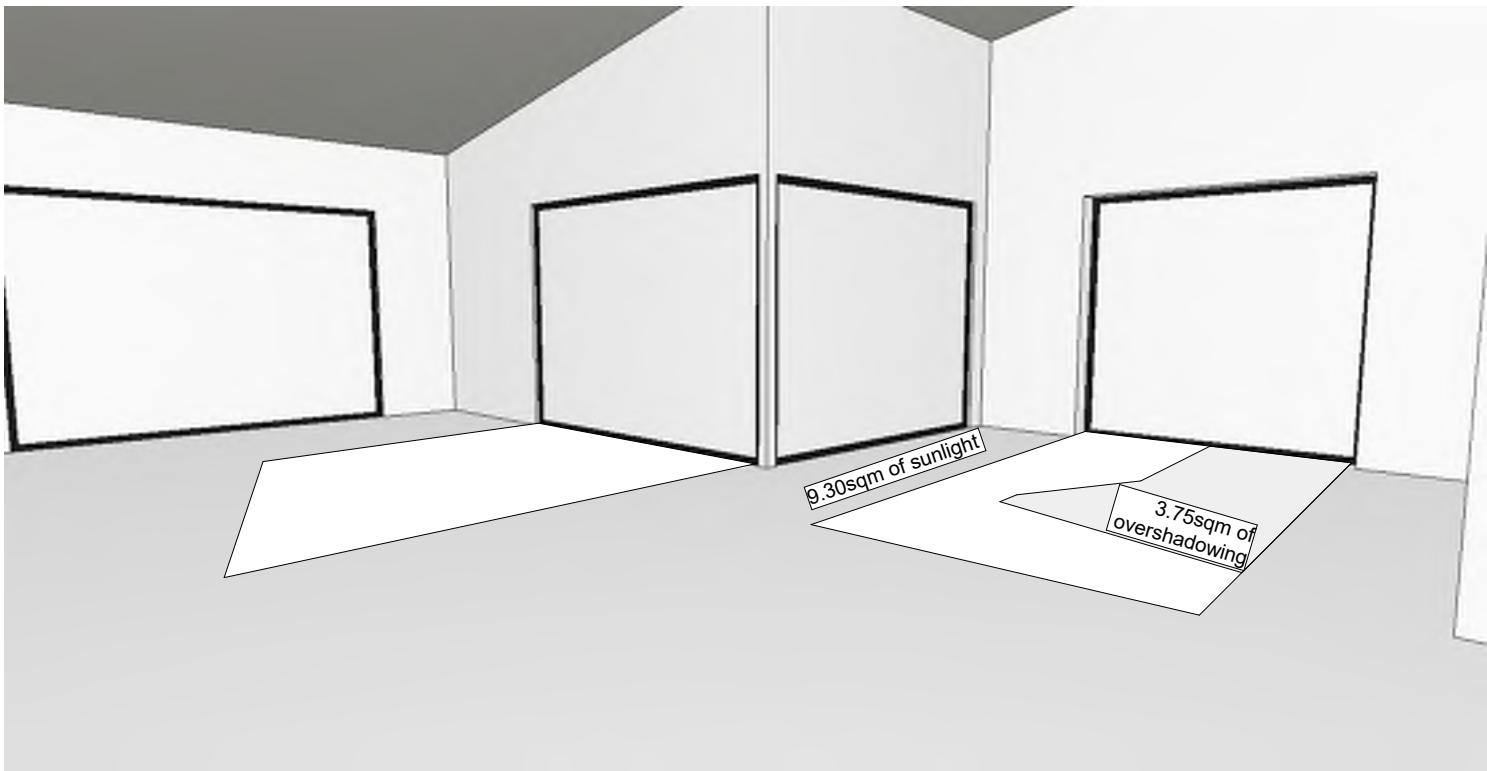
## Shadow Study 7



Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.08
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

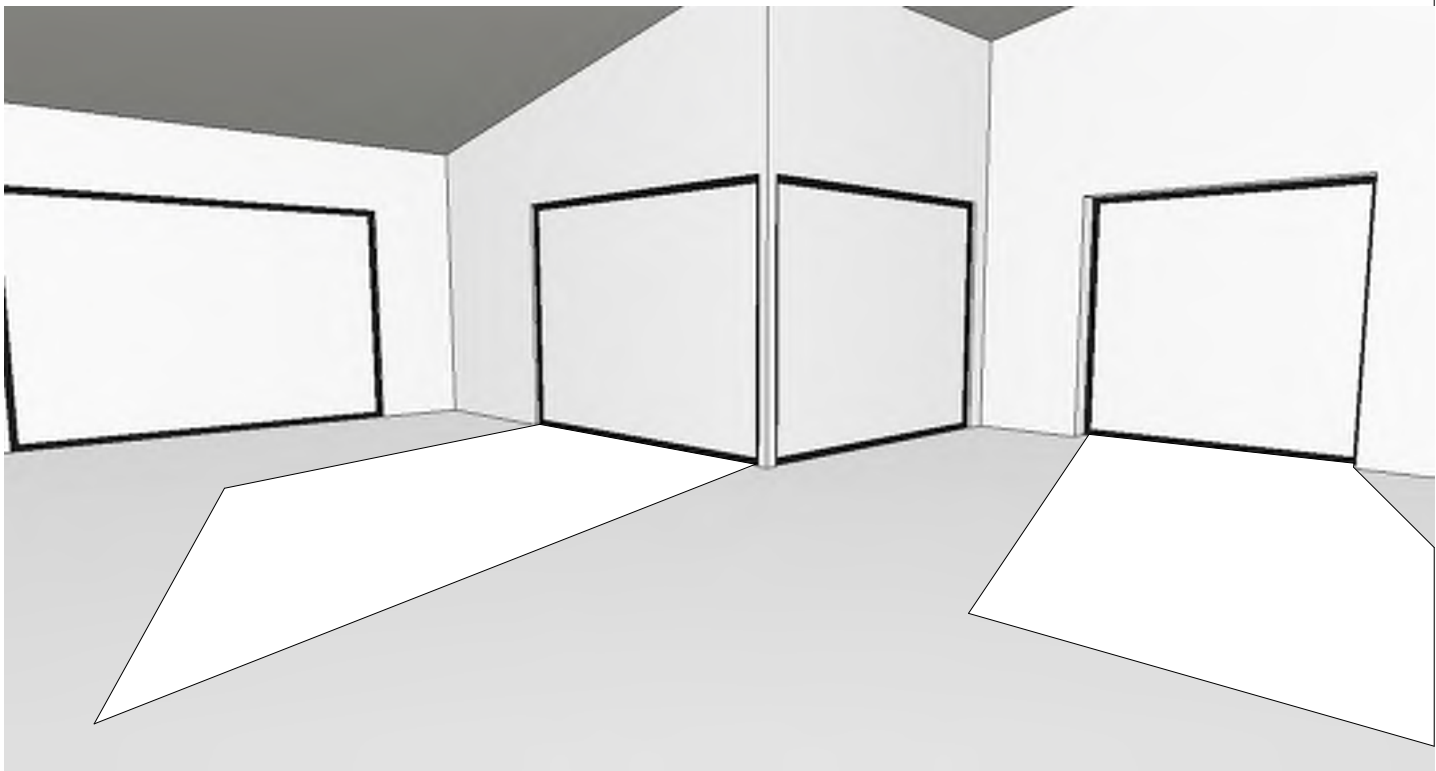
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au





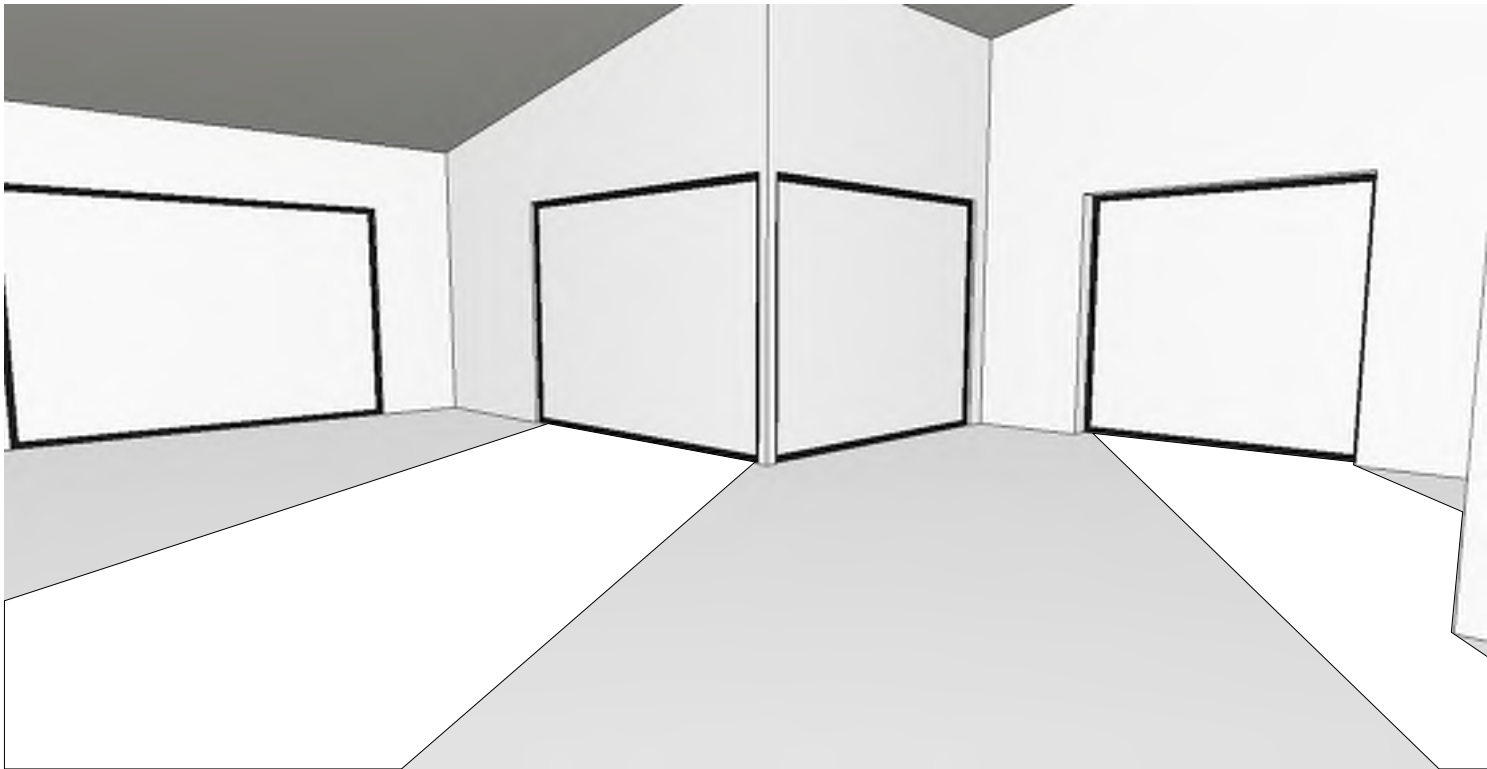
1300 SHADOWS ON JUNE 21ST

60% of sunlight retained through Dining Window
100% of sunlight retained through Living Window
Kitchen window unaffected



1400 SHADOWS ON JUNE 21ST

100% of sunlight retained through Dining Window
100% of sunlight retained through Living Window
Kitchen window unaffected



1500 SHADOWS ON JUNE 21ST

100% of sunlight retained through Dining Window
100% of sunlight retained through Living Window
Kitchen window unaffected

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Shadow Study 8



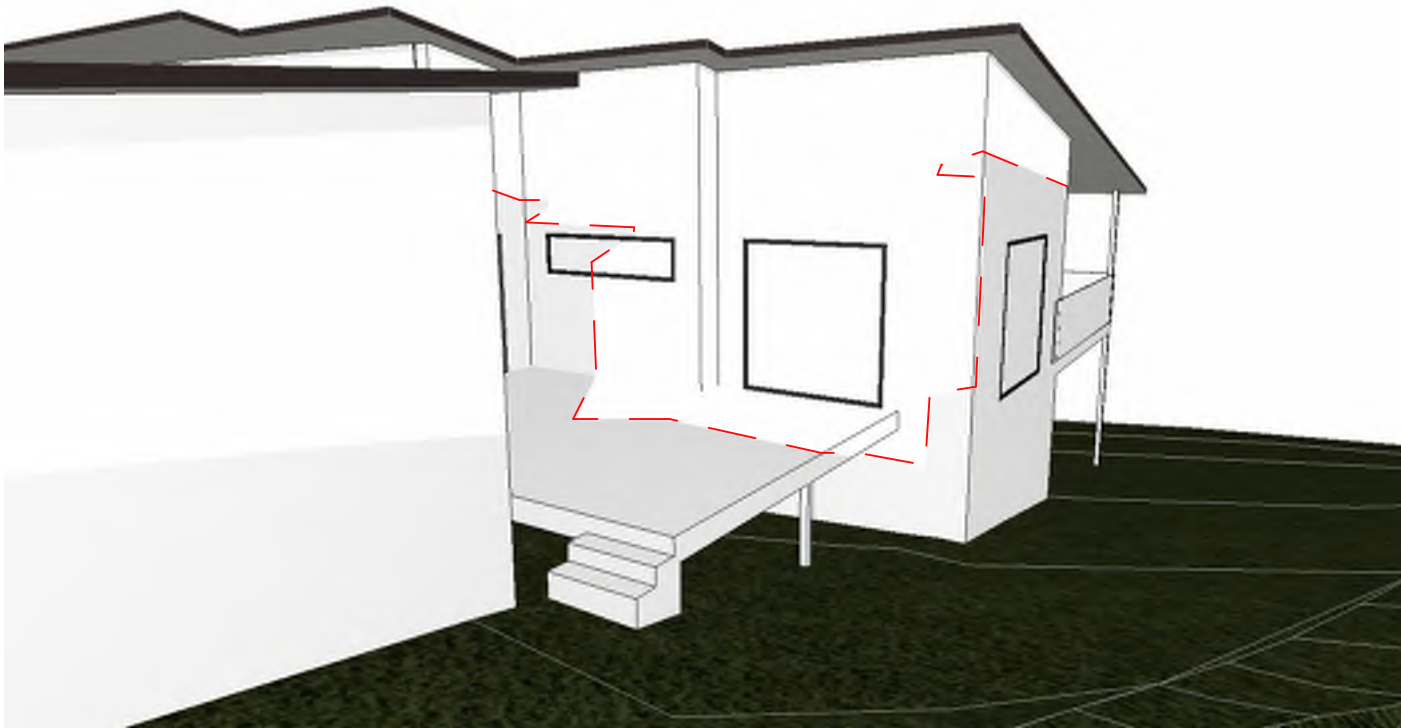
Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.09
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

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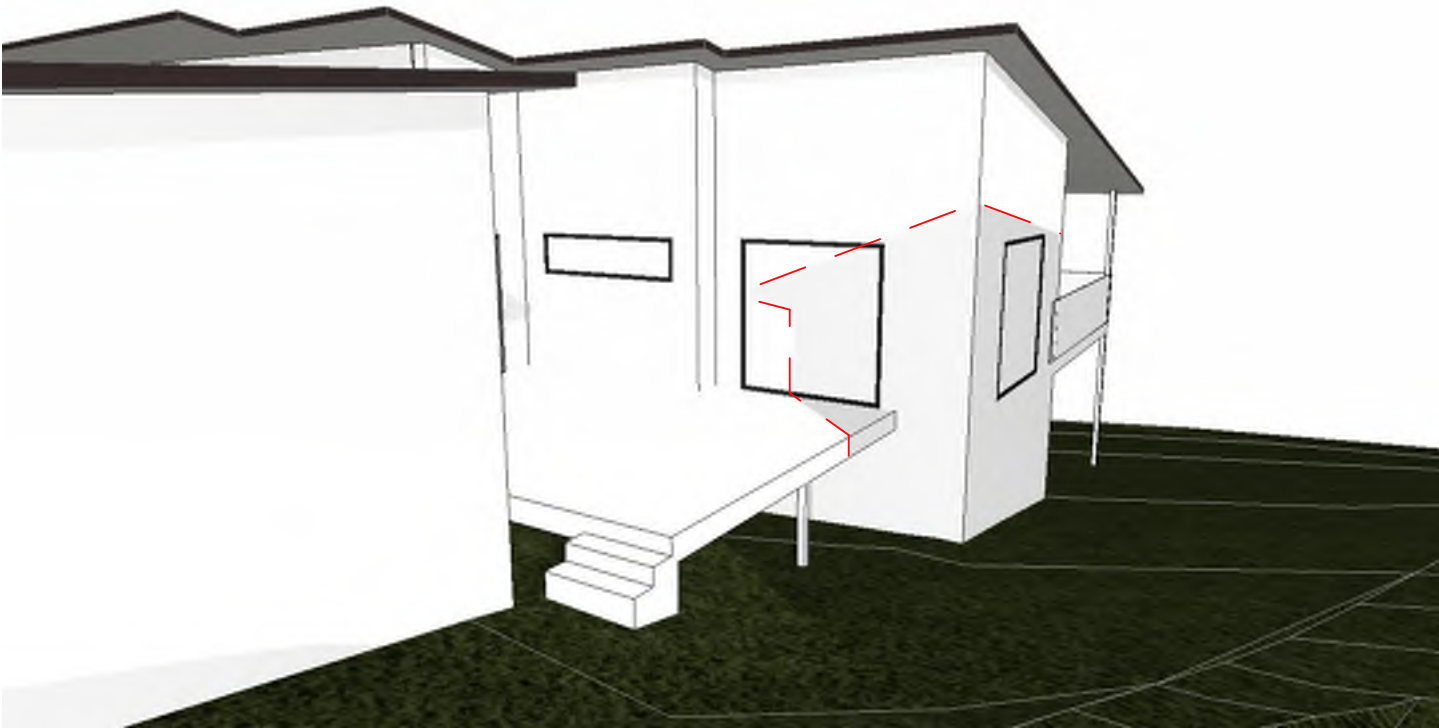
Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response



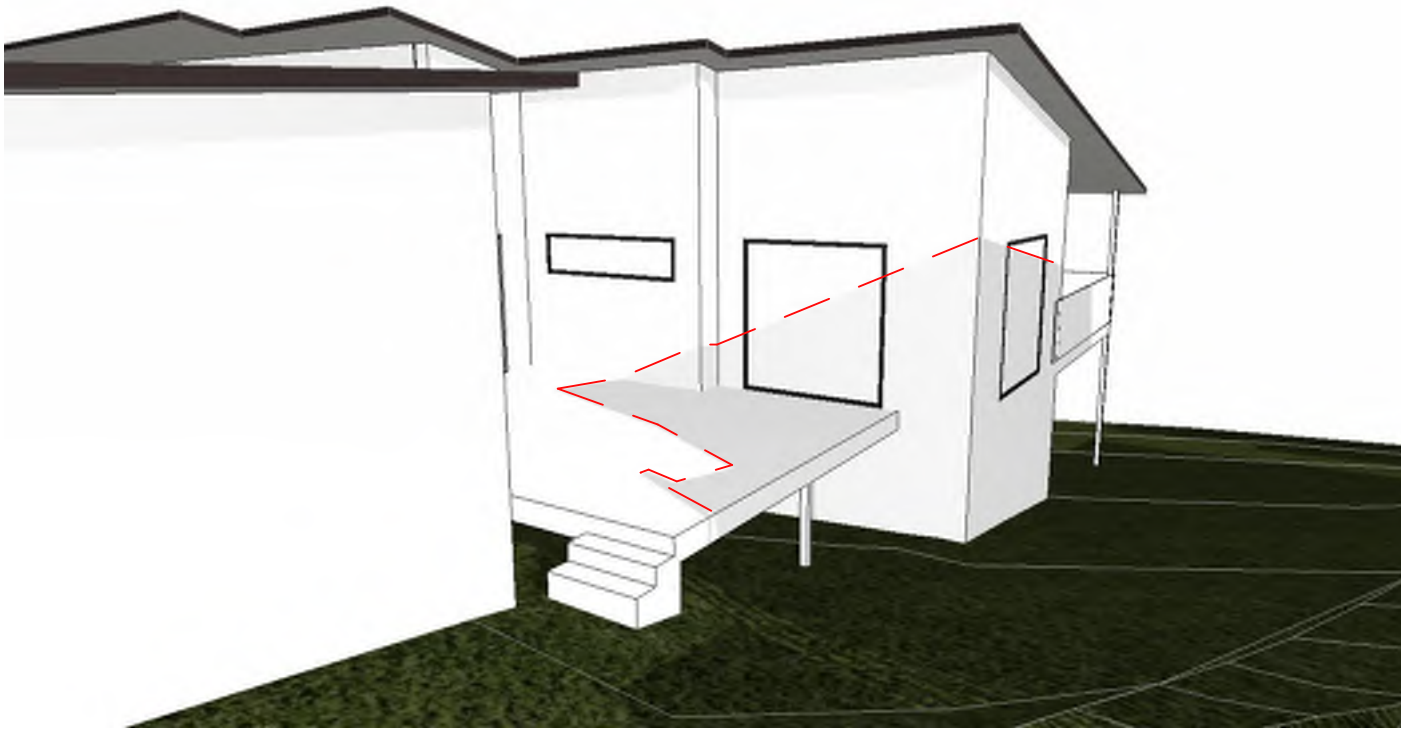




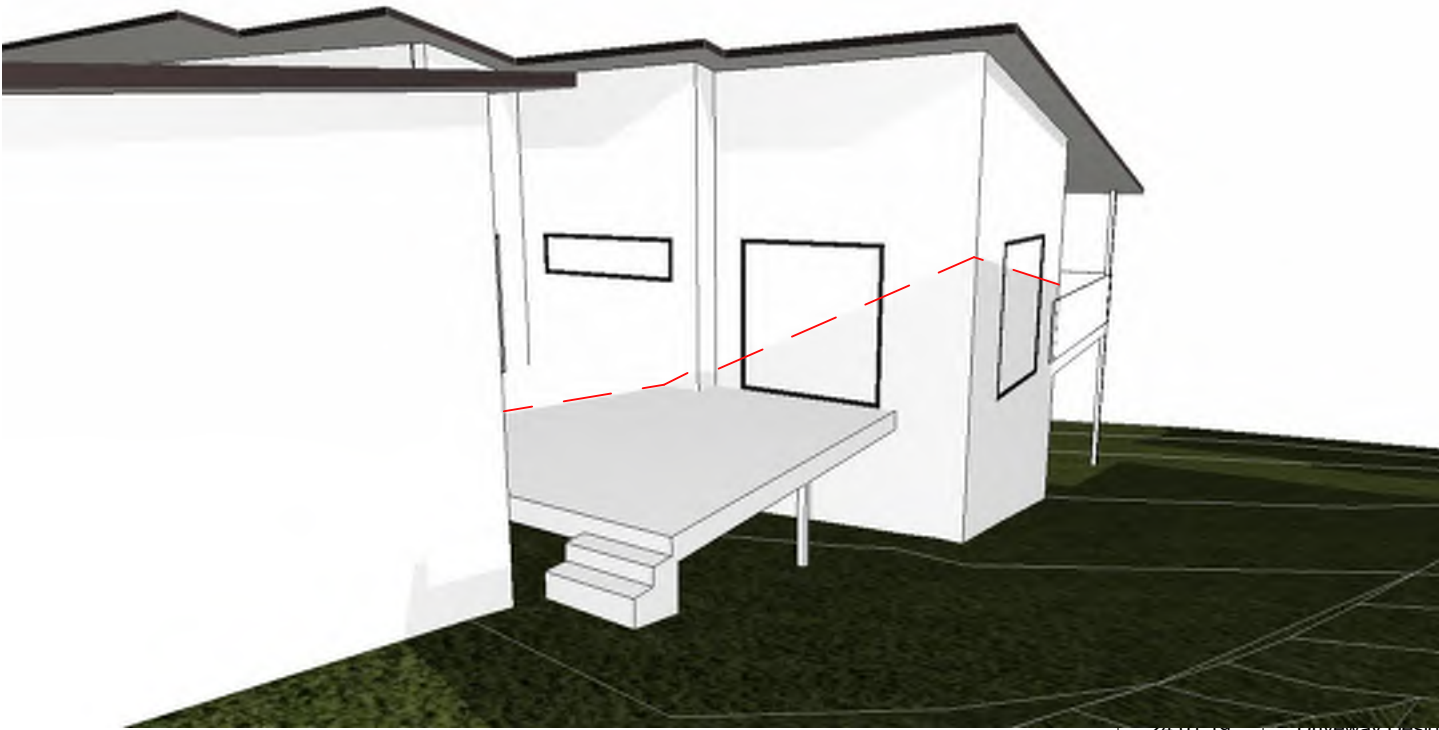
0900 SHADOWS ON JUNE 21st



1000 SHADOWS ON JUNE 21st



1100 SHADOWS ON JUNE 21st



1200 SHADOWS ON JUNE 21st

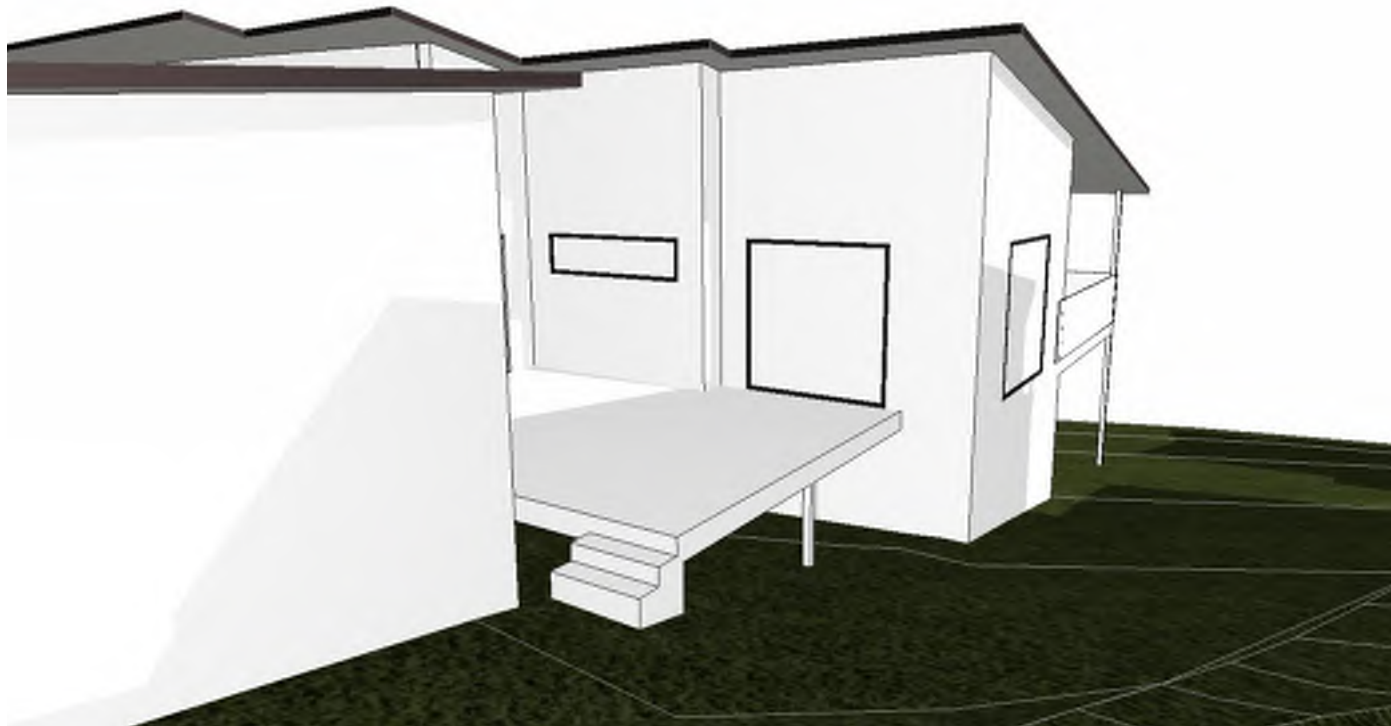
Shadow Study 9



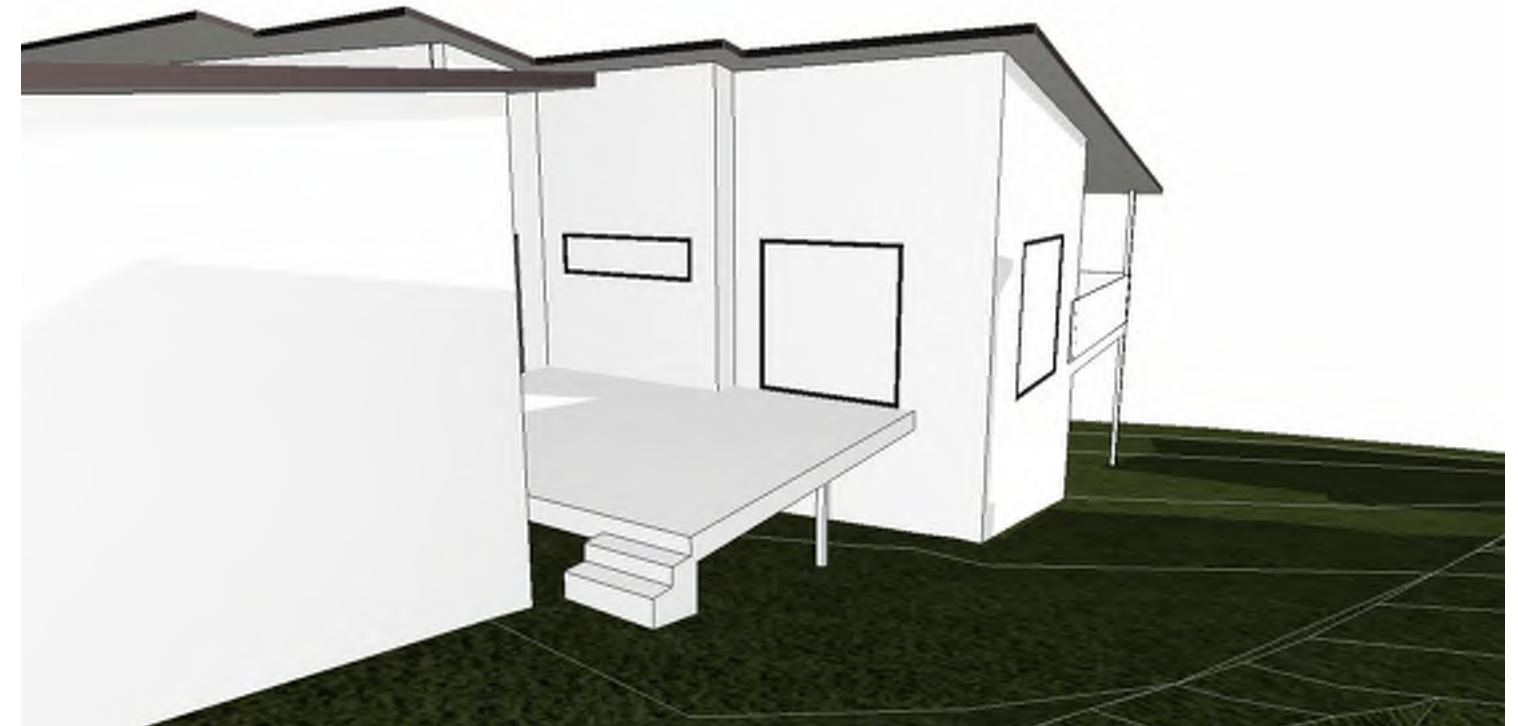
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Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.10
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	
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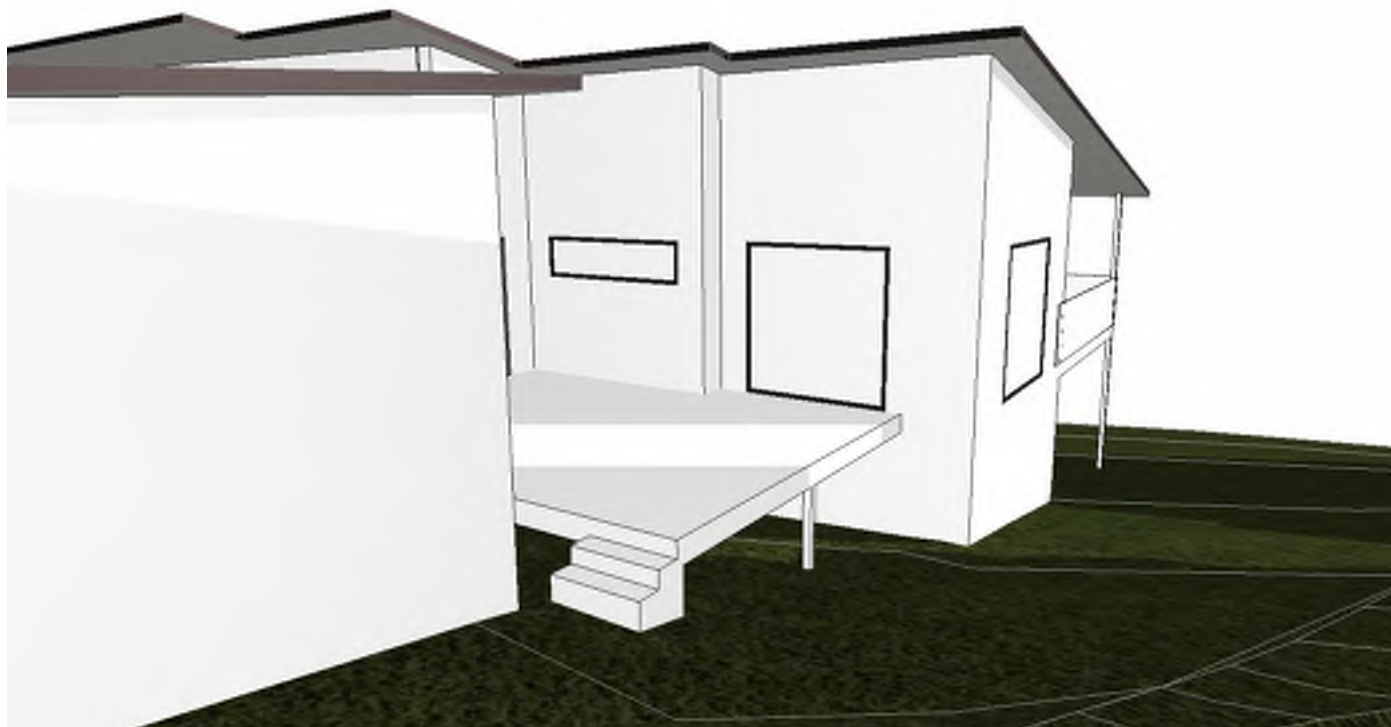
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response



1300 SHADOWS ON JUNE 21st

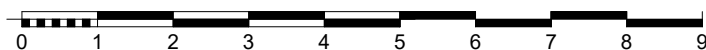


1400 SHADOWS ON JUNE 21st



1500 SHADOWS ON JUNE 21st

## Shadow Study 10



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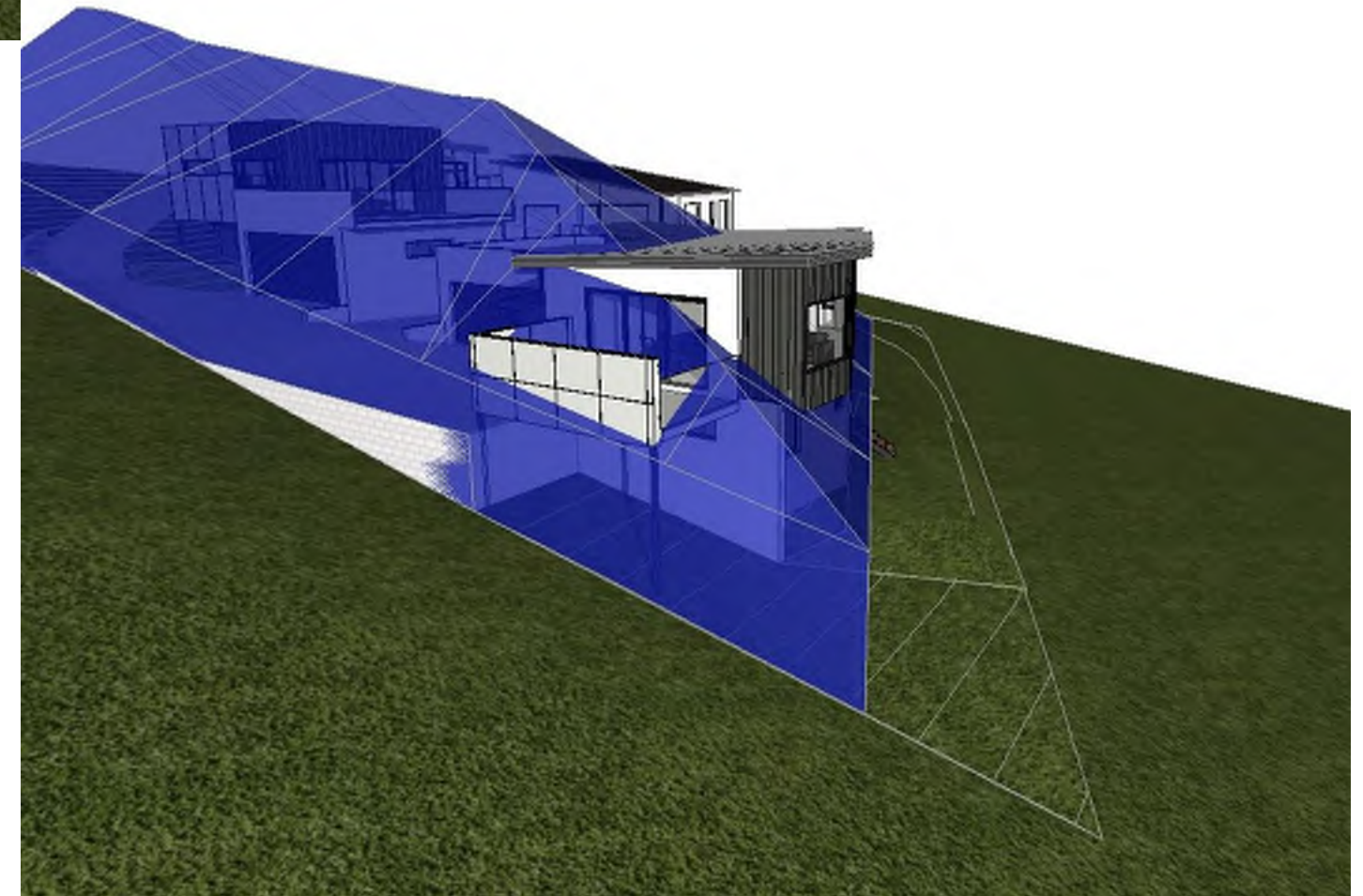
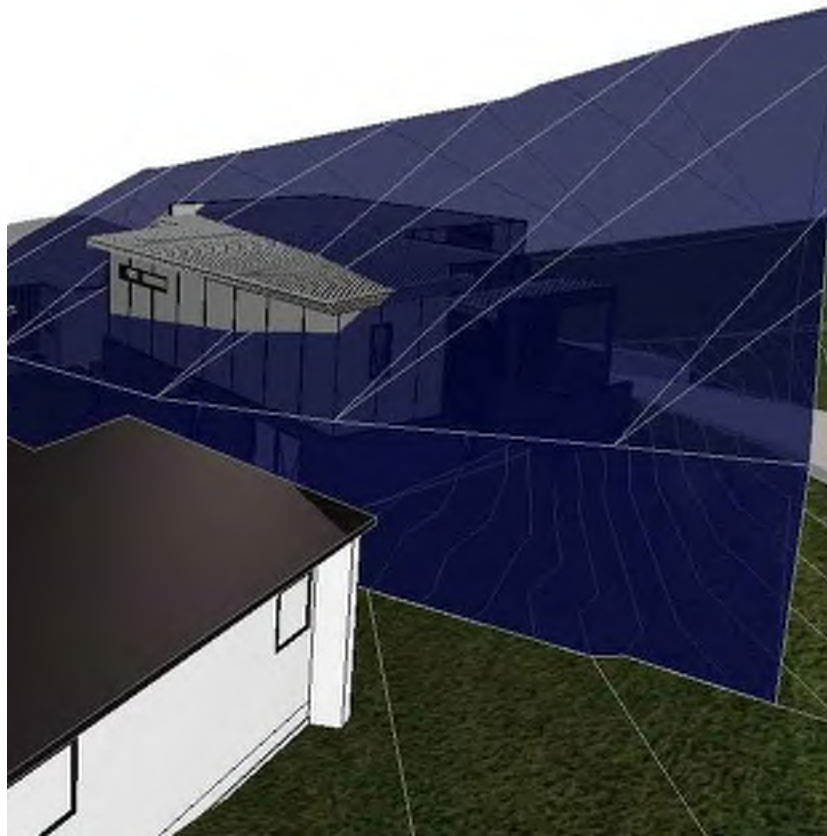
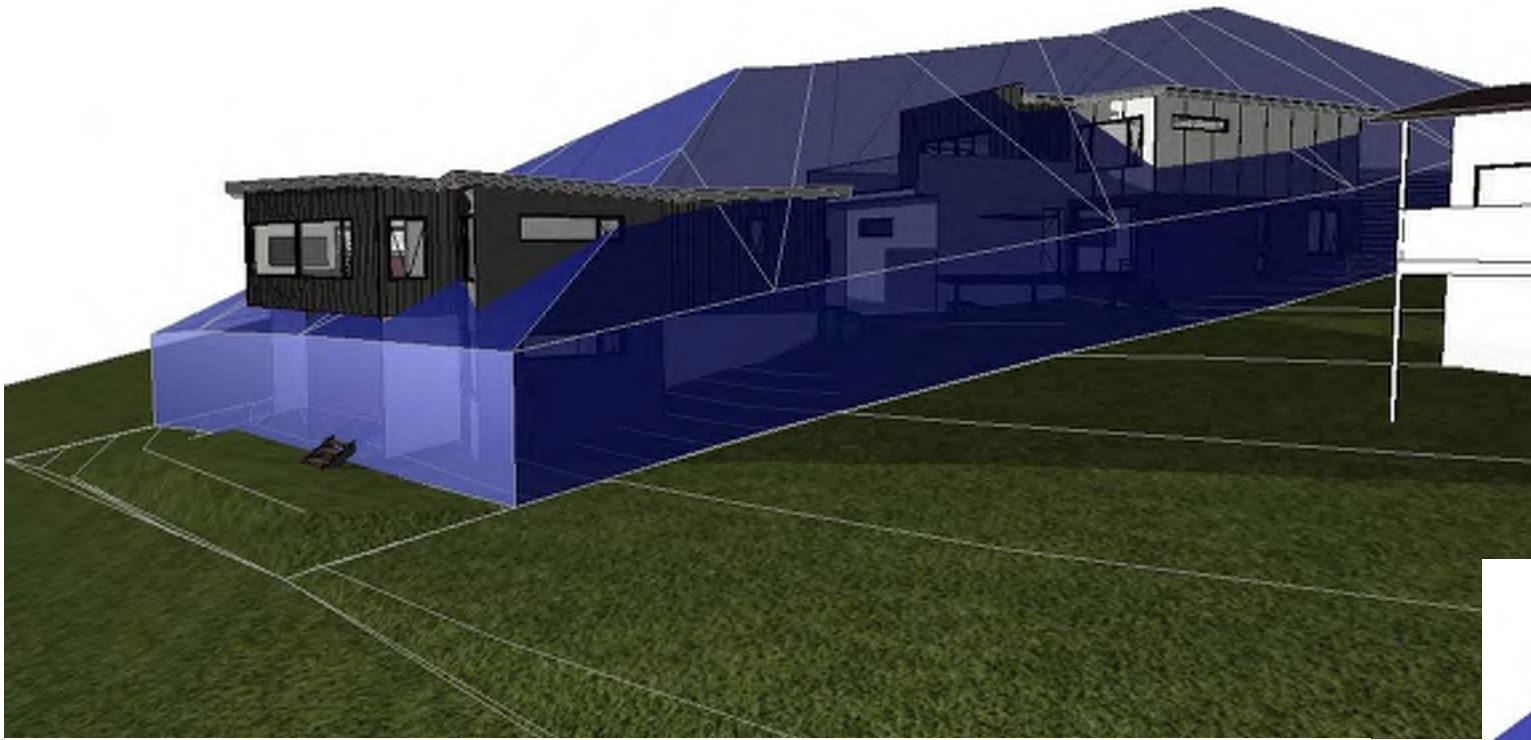
Proposal:	Multiple Dwellings	Scale: 1:285.71 @ A3	Job No: 206 - 2018	Pg No: DA.11
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response







## Building Envelope Diagrams

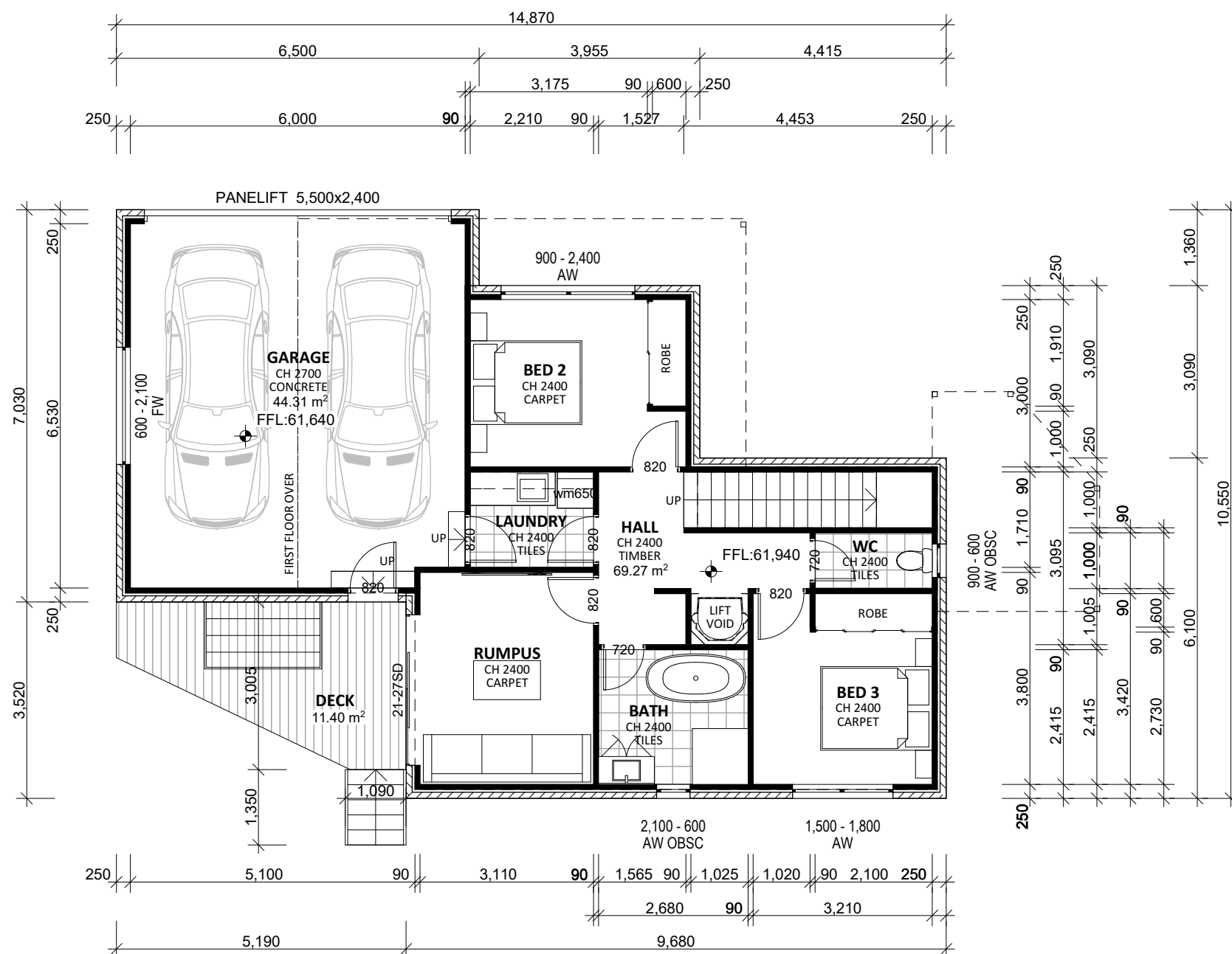
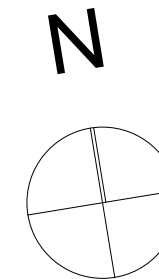


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Proposal:	Multiple Dwellings	Scale: 1:200 @ A3	Job No: 206 - 2018	Pg No: DA.12
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

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Floor Areas	
Lower Floor	69.27 sqm
Garage	44.31 sqm
Upper Floor	94.59 sqm
Total	208.17 sqm
Deck	22.85 sqm
Porch	10.27 sqm
Landing	4.09 sqm

Unit 1 - Lower Floor Plan



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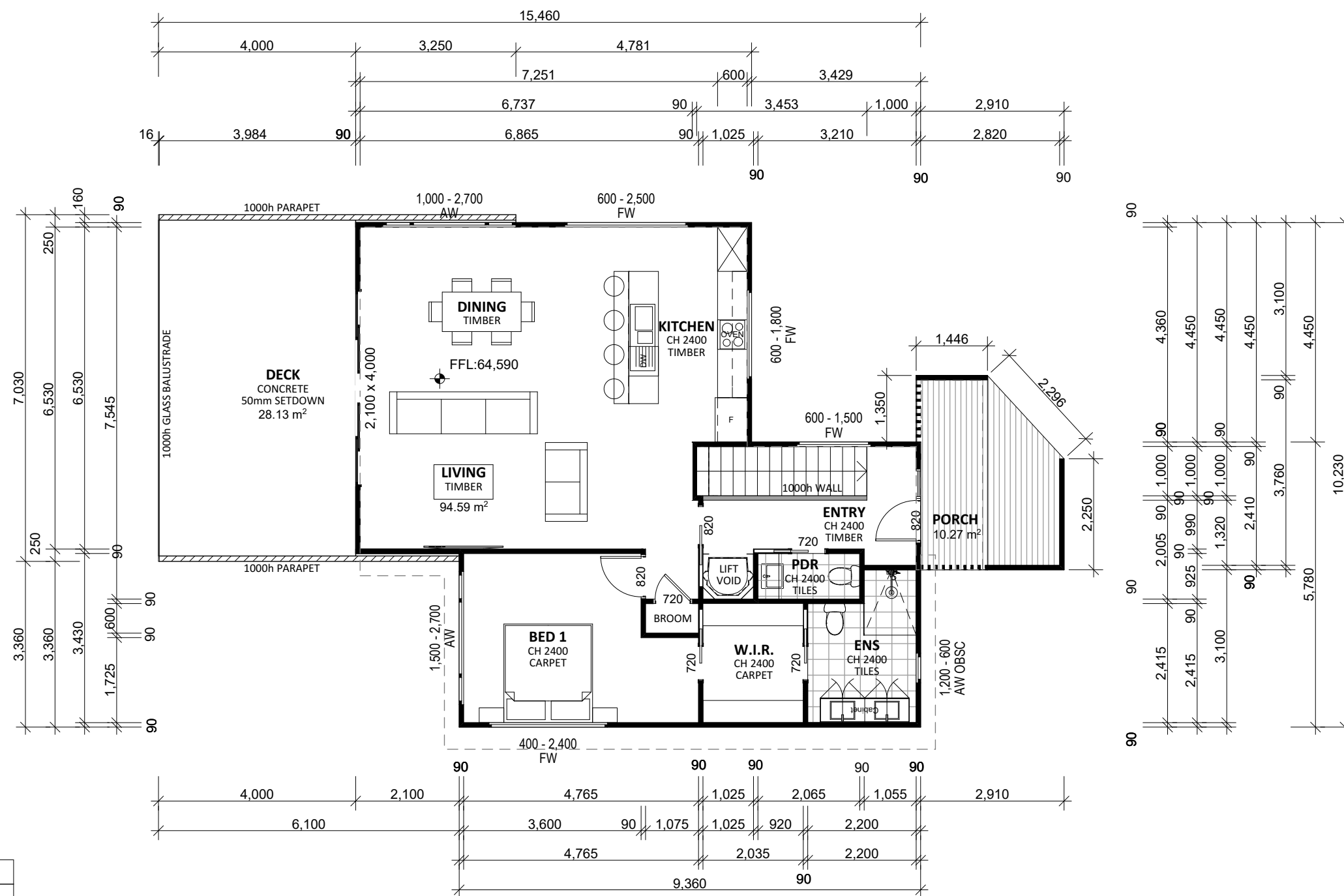
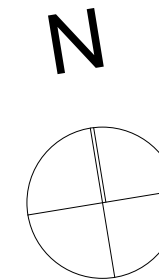
Proposal:	Multiple Dwellings	Scale: 1:100 @ A3	Job No: 206 - 2018	Pg No: DA.13
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response







Floor Areas	
Lower Floor	69.27 sqm
Garage	44.31 sqm
Upper Floor	94.59 sqm
Total	208.17 sqm
Deck	22.85 sqm
Porch	10.27 sqm
Landing	4.09 sqm

Unit 1 - Upper Floor Plan

NOT FOR CONSTRUCTION

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Proposal:	Multiple Dwellings	Scale: 1:100 @ A3	Job No: 206 - 2018	Pg No: DA.14
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

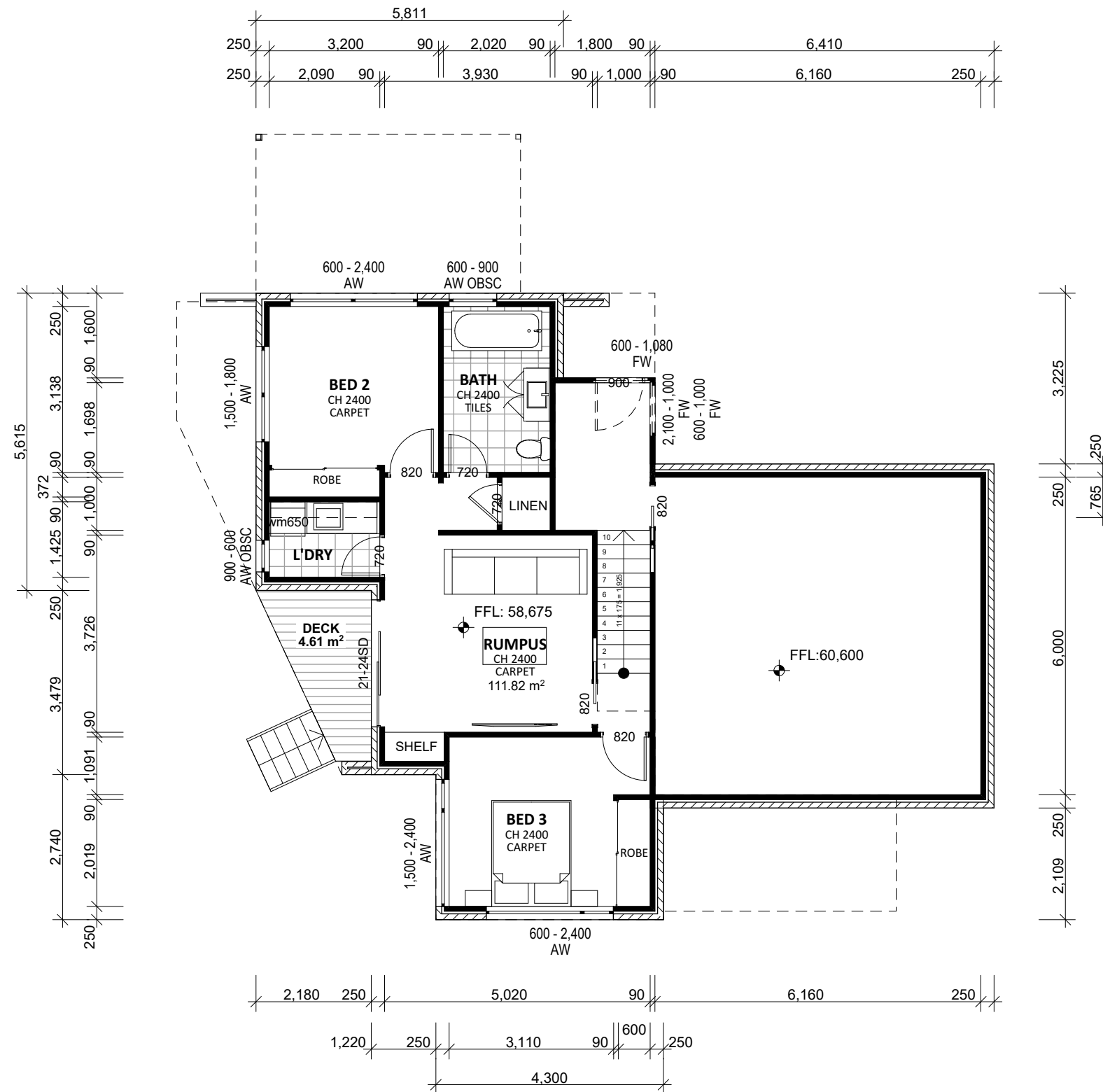
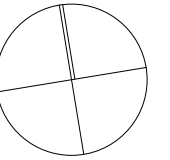
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response





N



Floor Areas	
Lower Floor	111.82 sqm
Upper Floor	89.00 sqm
Total	200.82 sqm
Deck	4.61 sqm

Unit 2 - Lower Floor Plan



**NOT FOR CONSTRUCTION**

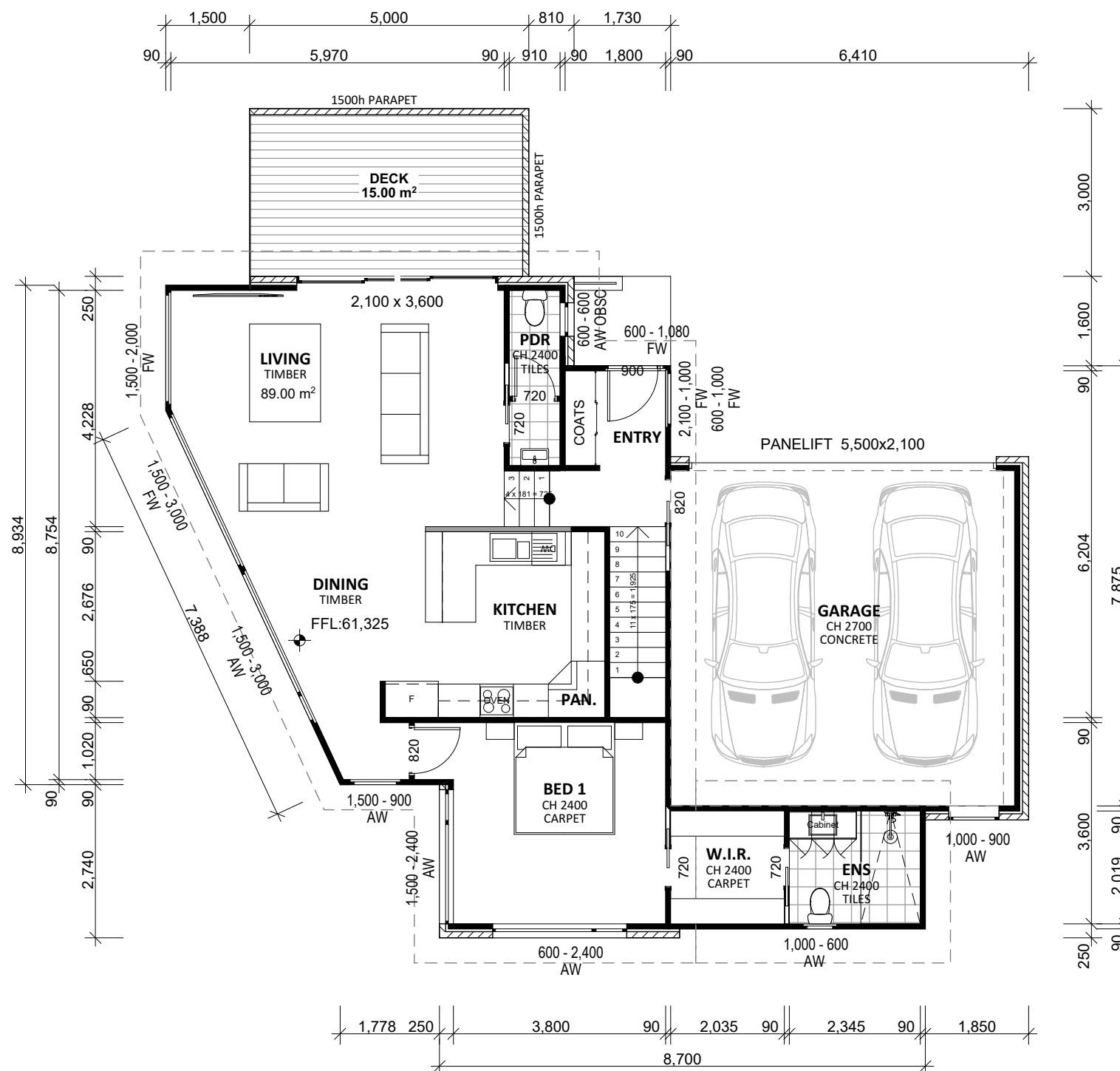
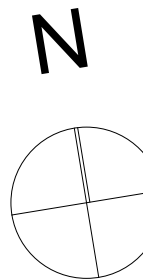
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Proposal:	Multiple Dwellings	Scale: 1:100 @ A3	Job No: 206 - 2018	Pg No: DA.15
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response





**NOT FOR CONSTRUCTION**

Floor Areas	
Lower Floor	111.82 sqm
Upper Floor	89.00 sqm
Total	200.82 sqm
Deck	15 sqm

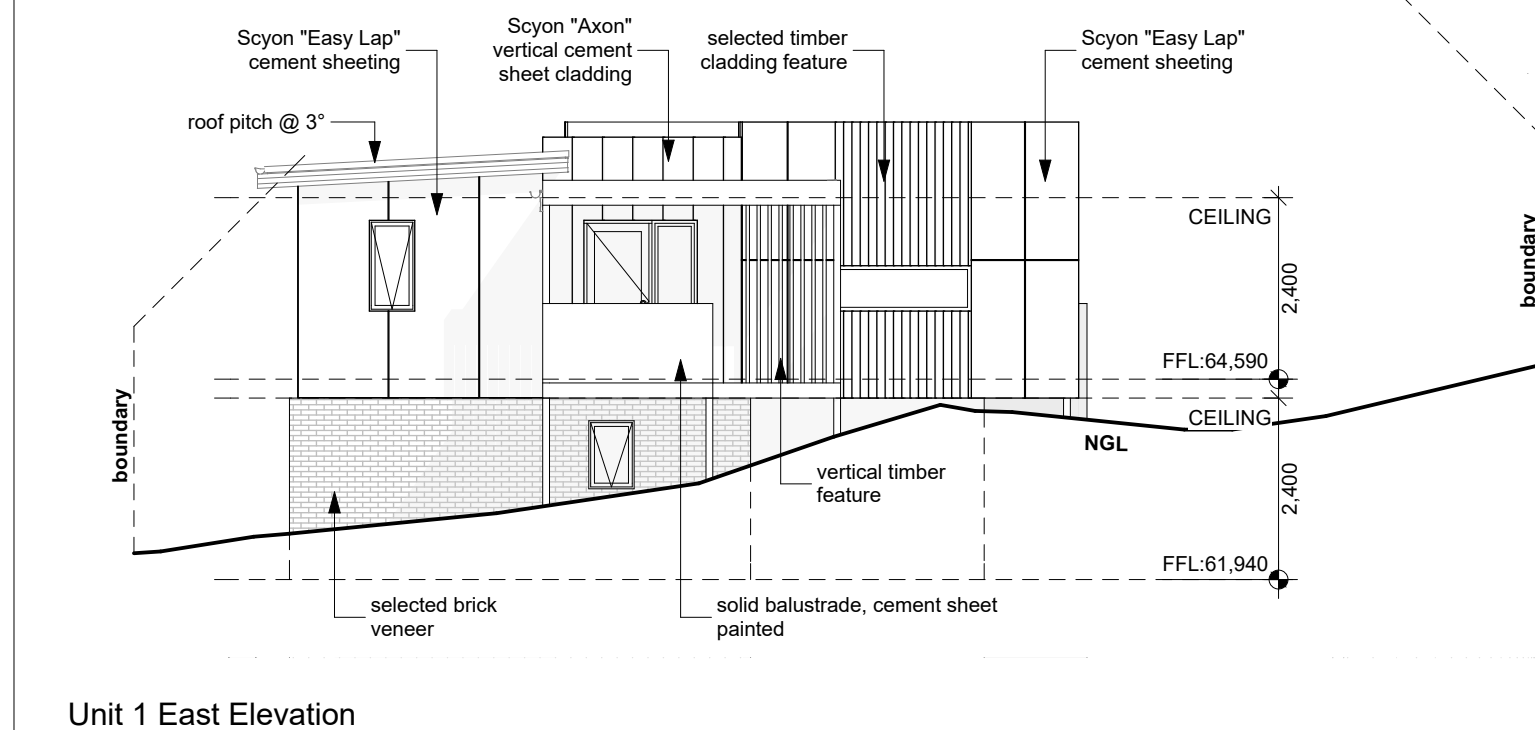
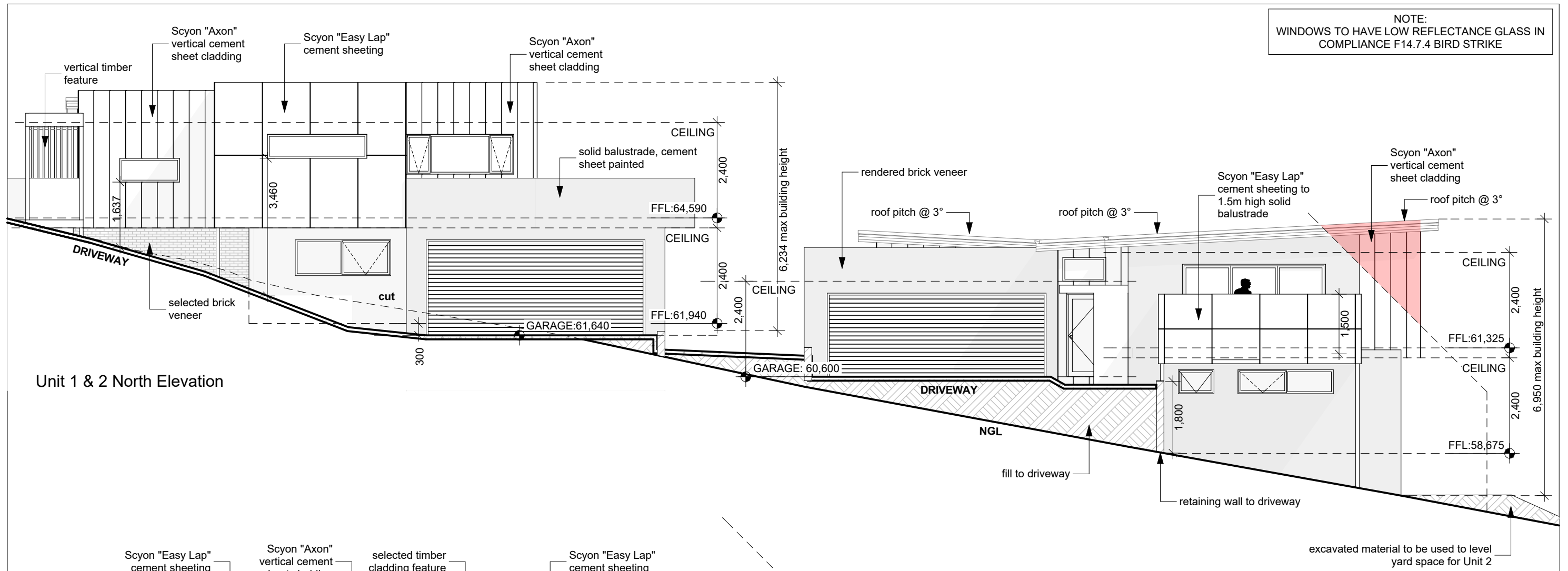
Unit 2 - Upper Floor Plan

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Proposal:	Multiple Dwellings	Scale: 1:100 @ A3	Job No: 206 - 2018	Pg No: DA.16
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	
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Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response





ROOF,FASCIA&GUTTERS	COLORBOND MONUMENT
WINDOWS & DOORS	COLORBOND MONUMENT
SCYON EASY LAP	DULUX TEAHOUSE GREY
SCYON AXON	COLORBOND WOODLAND GREY
TIMBER	SPOTTED GUM
BRICKS	AUSTRAL BRICKS - GRAPHITE OR SIMILAR

Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response

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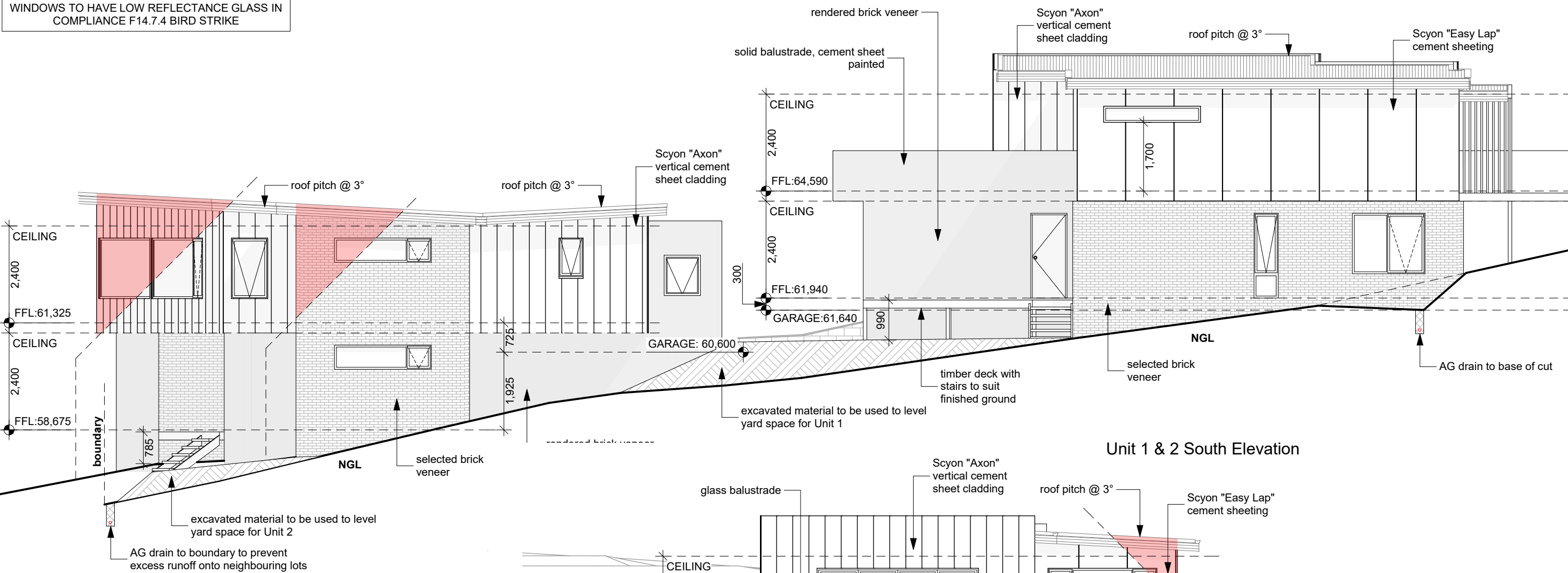
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Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	

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Elevations

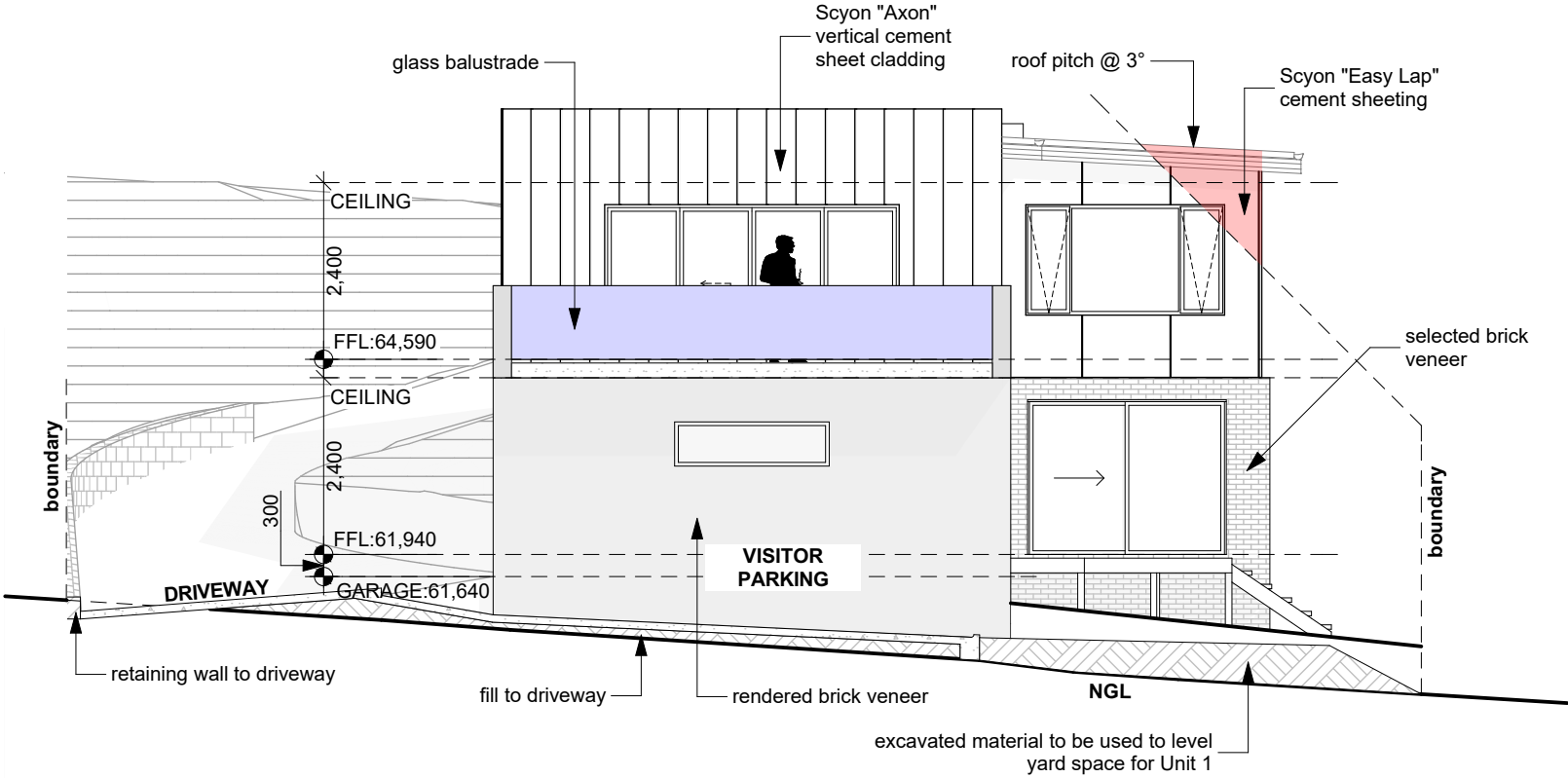


NOTE:  
WINDOWS TO HAVE LOW REFLECTANCE GLASS IN  
COMPLIANCE F14.7.4 BIRD STRIKE



Unit 1 & 2 South Elevation

ROOF,FASCIA&GUTTERS	COLORBOND MONUMENT
WINDOWS & DOORS	COLORBOND MONUMENT
SCYON EASY LAP	DULUX TEAHOUSE GREY
SCYON AXON	COLORBOND WOODLAND GREY
TIMBER	SPOTTED GUM
BRICKS	AUSTRAL BRICKS - GRAPHITE OR SIMILAR



Unit 1 West Elevation

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Elevations

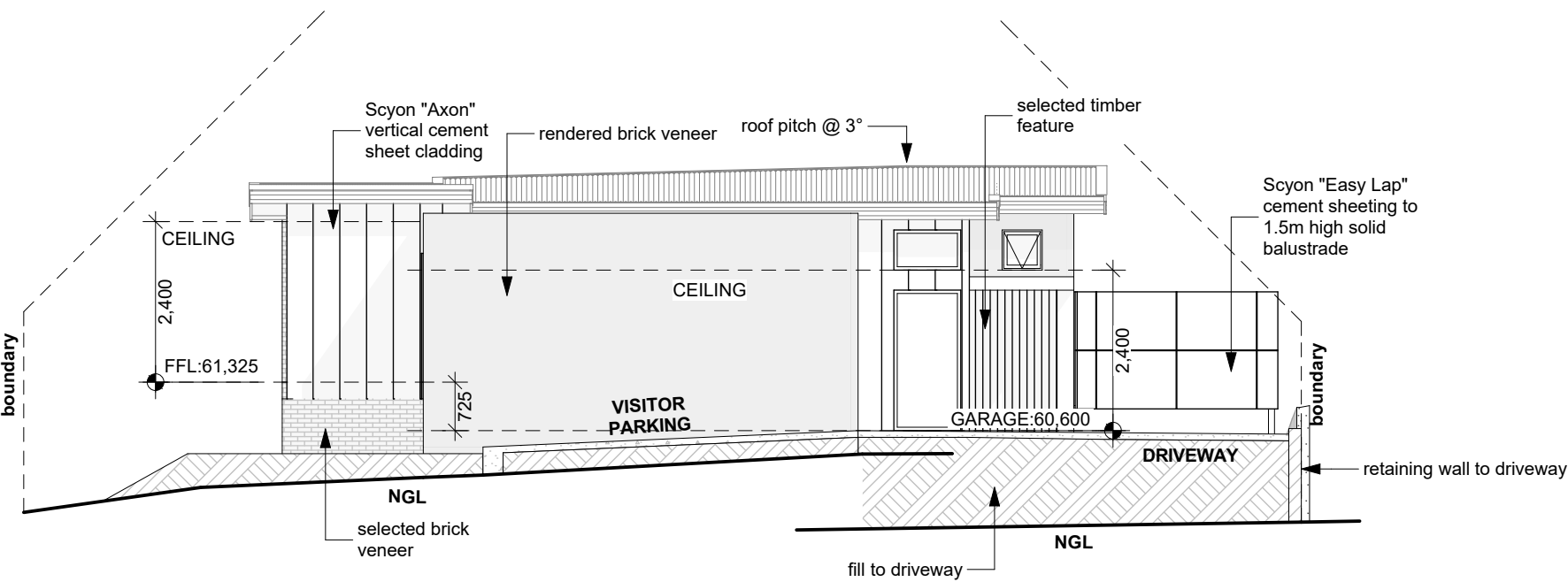


Proposal:	Multiple Dwellings	Scale: 1:100 @ A3	Job No: 206 - 2018	Pg No: DA.18
Client:	Marcus & Anita Fitze	Date: 14/12/18	Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN	Building Surveyor:	
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Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response

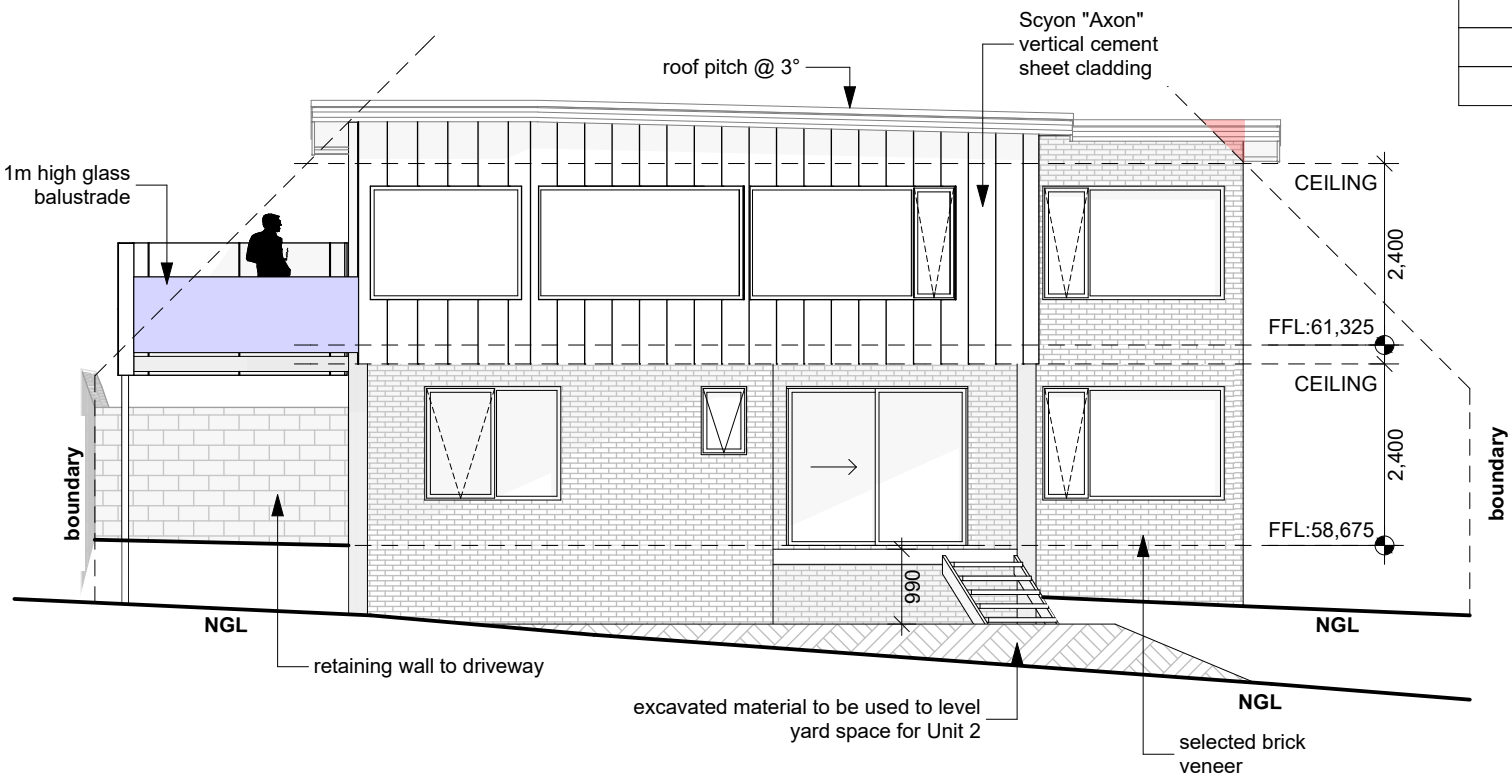


NOTE:  
WINDOWS TO HAVE LOW REFLECTANCE GLASS IN  
COMPLIANCE F14.7.4 BIRD STRIKE



Unit 2 East Elevation

ROOF,FASCIA&GUTTERS	COLORBOND MONUMENT
WINDOWS & DOORS	COLORBOND MONUMENT
SCYON EASY LAP	DULUX TEAHOUSE GREY
SCYON AXON	COLORBOND WOODLAND GREY
TIMBER	SPOTTED GUM
BRICKS	AUSTRAL BRICKS - GRAPHITE OR SIMILAR



Unit 2 West Elevation

Amendments	
Date	Description
29.12.18	Client Revisions
04.01.19	Client Revisions
24.01.19	Driveway Design
04.02.19	RFI Response
05.02.19	RFI Response

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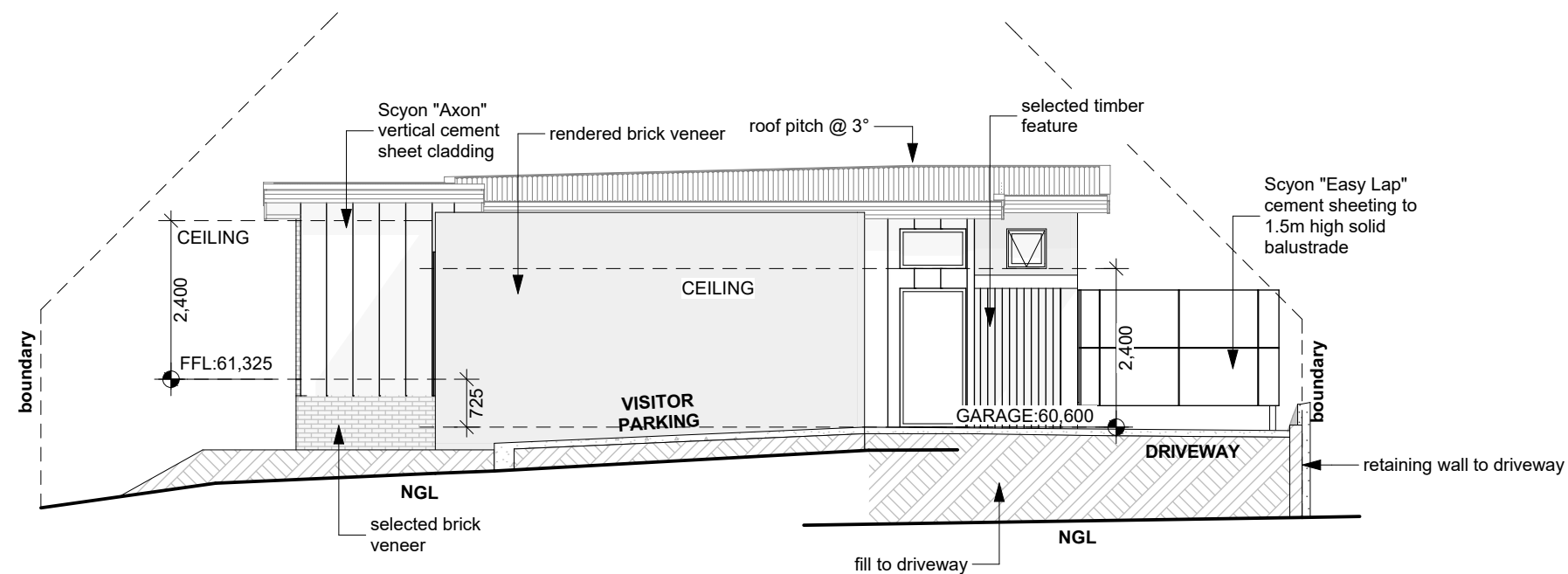
Proposal:	Multiple Dwellings	Scale: 1:100	@ A3	Job No: 206 - 2018	Pg No: DA.19
Client:	Marcus & Anita Fitze	Date: 14/12/18		Engineer:	
Address:	9 Coventry Rise, Tranmere 7018	Drawn: JRN		Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au					

Elevations



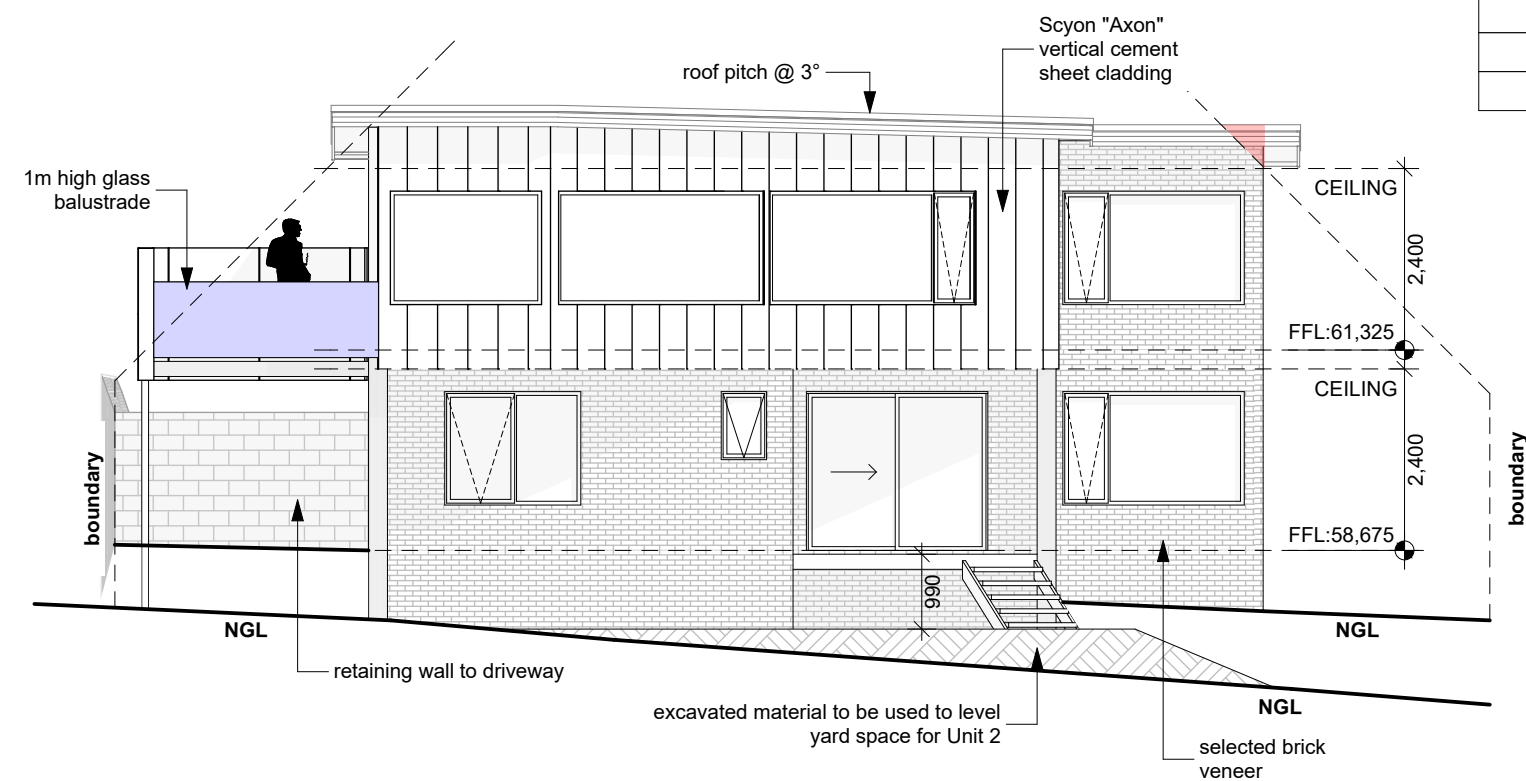


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Unit 2 East Elevation

ROOF, FASCIA & GUTTERS	COLORBOND MONUMENT
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Unit 2 West Elevation

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Proposal:	Multiple Dwellings	Scale: 1:100 @ A3	Job No: 206 - 2018	Pg No: DA.19
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Elevations



Amendments	
Date	Description
29.12.18	Client Revisions
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05.02.19	RFI Response





**9 Coventry Rise, Howrah**



**Photo 1:** *The site when viewed from Coventry Rise, Howrah with the adjoining dwelling to the south at 7 Coventry Rise visible in the left hand side of photo.*



**Photo 2:** *The site when viewed from Coventry Rise, Howrah.*

**11.3.2 DEVELOPMENT APPLICATION D-2018/657 - 89 GERMAIN COURT, SANDFORD - KENNELS**  
(File No D-2018/657)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Kennels at 89 Germain Court, Sandford.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Parking and Access, Stormwater Management and Bushfire Prone 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 on 14 April 2019.

**CONSULTATION**

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

- negative impact on residential amenity;
- de-valuing property values; and
- negative impact on native wildlife.

**RECOMMENDATION:**

A. That the Development Application for Kennels at 89 Germain Court, Sandford (CI Ref D-2018/657) be approved subject to the following conditions and advice.

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



3. GEN K1 - ANIMAL NUMBERS [No more than 12 greyhound dogs older than 6 months and 12 greyhound dogs younger than 6 months are to be kept on-site at any time].
4. Noise levels from the proposed kennel must not exceed the predicted noise levels as indicated by JTA Dog Kennel Environmental Noise Assessment, dated February 2019. A noise report, from a suitably qualified person, verifying the noise as not exceeding the noise levels predicted in the report mentioned above, is to be submitted to Council within 6 months of the commencement of the use, to the satisfaction of Council's Senior Environmental Health Officer.

In the event that approved noise levels are exceeded, the report must make suitable recommendations for changes to the use or development, which must be implemented to the satisfaction of Council's Senior Environmental Health Officer.

5. The following Acoustic Treatments are to be implemented as part of the proposed dog kennel, as recommended by JTA Dog Kennel Environmental Noise Assessment, dated February 2019:
  - 17m<sup>2</sup> of cork board, felt pin board, low rated acoustic tiles, insulation batts or other absorptive material mounted onto the walls of the shed and/or storage rooms where dogs are located;
  - a 90mm stud wall and 10mm plasterboard internal layer at the 4m stretch of wall on the southern side of the shed between the 2 internal storage rooms, and along the western wall; and
  - seals and flush fitting edges for the western side swing door, with airgaps minimised as much as practicable, particularly at the bottom of the door.
6. The use must operate in accordance with the Best Practices as recommended by JTA Dog Kennel Environmental Noise Assessment, dated February 2019.

#### **ADVICE**

1. Council's building department has advised that the proposed development Notifiable Building will require an application (Notice of Work) made to a building surveyor, for a Certificate of Likely Compliance.
  2. This is a planning permit only. The permit holder is required to comply with the planning permit conditions in order to receive a kennel licence. Please contact Council's City Ranger to obtain a Kennel Licence under the Dog Control Act, 2000.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2018/657 - 89 GERMAIN COURT, SANDFORD  
– KENNELS /contd...**

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

No relevant background.

**2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Rural Living under the Scheme.

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

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

- Section 8.10 – Determining Applications;
- Section 10 – Rural Living Zones; and
- Section E6.0 – Bushfire Prone Areas, Parking and Access and Stormwater Management Codes.

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

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

The site is a 2.001Ha irregular shaped allotment, located at Germain Court, Sandford. It is surrounded by single dwellings. The site is mildly northwards sloping and cleared of vegetation. Access would be provided via Germain Court.

The site contains an existing dwelling and an outbuilding. The area surrounding the site is similarly zoned Rural Living and is characterised by a rural living setting.

### **3.2. The Proposal**

The proposal is to construct a shed to house greyhounds. The shed would occupy a floor area of 96.2m<sup>2</sup>. It would also have an undercover area of 18m<sup>2</sup>. The maximum height would be 2.86m. The proposed shed will house up to 12 adult dogs and dogs under 6 months of age. It includes kennels, an undercover area, internal storage rooms and access doors to outside runs. The runs will not be used during the night time period and will be locked. The shed will include a side access door and a 1.5m wide roller door. The runs face towards the north of the site, away from the residents.

The shed would have an 11m west side setback and a 63.5m east side setback. It would have a 60m separation distance to the dwelling on 81 Germain Court and a 106m separation to the dwelling on 95 Germain Court.

The shed is constructed of a corrugated sheet metal façade and roof, a roller door and a swing side door. The 2 internal rooms will be made of wood stud plasterboard or similar for the partitions. The kennels have an open barred opening to the internal area of the shed.

## **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 Rural Living Zone and Parking and Access, Stormwater Management and Bushfire Prone Areas Codes with the exception of the following.

**Rural Living Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
13.3.1 A1	Non-residential use	<p>Hours of operation must be within:</p> <p>(a) 8.00am to 6.00pm Mondays to Fridays inclusive;</p> <p>(b) 9.00am to 12.00 noon Saturdays;</p> <p>(c) Nil Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>	Does not comply - the proposed use will not have operating hours.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 13.3.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>"Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent".</i>	<p>Complies - the dogs would be contained within a fenced area to the north-west of the dwelling during the day and housed inside the kennels during night time.</p> <p>However, the use is not commercial by nature and does not involve any elements of commercial use, such as external lighting or commercial vehicle movements.</p> <p>Also, a noise report was provided as part of the application, demonstrating that the proposed use will not have an unreasonable impact on residential amenity through noise.</p>



	<p>However, it would be appropriate to limit the number of dogs on-site and to ensure additional acoustic absorption treatments are included in the kennel structures, to limit noise impacts.</p> <p>In relation to waste management and possible odour emissions, a wastewater management plan was also provided with the application, demonstrating that the proposed use will not have any negative environmental impacts.</p>
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**Rural Living Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
13.3.1 A2	Non-residential use	<p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 8.00am to 6.00pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00pm to 8.00am;</p> <p>(c) 65dB(A) (LAmx) at any time.</p>	Does not comply - the predicted noise level at the boundary of 81 Germain Court is 42dB and it does not comply with Clause 13.3.1 (b).

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 13.3.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Noise emissions measured at the boundary of the site must not cause environmental harm”.</i>	Complies - it can be considered that the potential noise from the kennels will have the greatest impact during the evening and night time, when residents are relaxing or sleeping. The planning permit can include a condition that the dogs will be locked inside the kennel during those periods and therefore predicted noise levels at residential dwellings and boundaries will meet those predicted in the noise report.

	<p>The noise assessment report predicts that the proposal complies with the Acceptable Solution during day time. In any case, a permit condition to ensure compliance should be imposed. This condition should entail a further noise report after the operation begins to demonstrate that noise levels do not exceed those that have been predicted.</p> <p>The report concludes that when the recommended noise absorption treatments are installed, it is predicted that the noise level will be 34dB or below at the adjoining residential dwellings. Due to the proximity of the proposed kennel to the residential boundary of 81 Germain Court, the dog kennel is predicted to exceed the Scheme's Acceptable Solution during the night time period. However, the predicted level of 42dB at the boundary of the residence at 81 Germain Court is only 2dB short of the Acceptable Solution under the Scheme, and therefore it can be considered that the proposed development will not cause unreasonable environmental harm.</p> <p>Again, a condition regarding noise absorption treatments is to be included in the kennel structure, as well as the best practices recommended by the JTA Environmental Noise Assessment report.</p>
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**Rural Living Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution (Extract)</b>	<b>Proposed</b>
13.4.2 A2	Setback	Building setback from side and rear boundaries must be no less than: 20m.	Does not comply - the west side setback is 11m.

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 13.4.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</i></p> <p><i>(a) the topography of the site;</i></p>	<p>Complies - the proposed kennel structure has a maximum height of 2.86m and it occupies a floor area of 96.2m<sup>2</sup>. As the proposed kennel is aligning with a contour line, its location minimises the need for excavation and fill, and consequently reduces visual impact on the surrounding environment.</p> <p>In addition, the proposed kennel is located on a lower contour line than the existing house, therefore reducing its visual impact when viewed from Germain Court.</p>
<p><i>(b) the size and shape of the site;</i></p>	<p>Complies - the lot has a land area of 2.001Ha and therefore is sufficiently large enough to accommodate the proposed kennel structure in a location that meets the performance criterion.</p>
<p><i>(c) the location of existing buildings on the site;</i></p>	<p>Complies - the existing dwelling on-site is larger and located in front of the proposed kennel structure. The proposed kennel structure would not be visible when viewed from the streetscape.</p>
<p><i>(d) the proposed colours and external materials of the building;</i></p>	<p>Complies - the walls of the dwelling are proposed to be corrugated metal. The roof is proposed to be a shed style roof. It is considered that the neutral colour scheme and simple low impact design solutions should blend in with the surrounding landscape.</p>
<p><i>(e) visual impact on skylines and prominent ridgelines;</i></p>	<p>Complies - the proposed works are not located on a skyline or prominent ridgeline.</p>
<p><i>(f) impact on native vegetation;</i></p>	<p>Complies - the subject site is cleared of vegetation.</p>
<p><i>(g) be sufficient to prevent unreasonable impacts on residential amenity on adjoining lots by:</i></p> <p><i>(i) overlooking and loss of privacy;</i></p>	<p>Complies - the proposed kennel structure, being a non-habitable building, will not cause any overlooking or loss of privacy.</p>

<p>(h) (ii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p>	<p>Complies - whilst the proposed building will be visible from 81 Germain Court, it is a single storey structure with a maximum height of 2.8m. In comparison to the surrounding area, the proposed building is small, with a proposed floor area of 96.2m<sup>2</sup>, and given the small scale and setback, there would be minimal visual impacts caused to the adjoining dwellings. The dwellings on an adjoining lot also contain large outbuildings similar to the proposed kennel structure.</p> <p>The dwellings on adjoining lots are located on a downslope and orientated towards the north. The subject structure will therefore not compromise their main view lines.</p>
<p>(i) <i>be no less than;</i>            (i) <i>10m; or</i>            (ii) <i>5m for lots below the minimum lot size specified in the acceptable solution ; or</i>            (iii) <i>the setback of an existing roofed building (other than exempt building) from that boundary;</i></p> <p><i>unless the lot is narrower than 40m at the location of the proposed building site”.</i></p>	<p>Complies - the lot is above the minimum lot size and the proposed setback is 11m which is the minimum setback specified in the performance criterion.</p>

## **5. REPRESENTATION ISSUES**

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

### **5.1. Impact on the Surrounding Rural Environment**

Representor has stated that:

- the proposed use will have a negative visual impact on adjoining residences;
- the proposed kennel will cause environmental harm through noise and visual impacts;



- the proposed use will have a negative impact on the native wildlife currently attracted to the area.

**Comment**

Whilst the concern regarding noise is understood, conditions to mitigate the noise impacts are recommended. In addition, a noise assessment was provided as a part of the application to demonstrate that the proposed development will not cause environmental harm to the adjoining properties through the inclusion of the recommended noise absorption treatments and best practices.

In regard to the representor's concern regarding wildlife, the subject site is not covered by the Natural Assets code, which protects native flora and fauna, and therefore Council does not have any statutory authority in terms of flora or fauna protection to control the development. Nevertheless, the dogs will be kept in a fenced off area.

The proposed kennel structure is a single storey building with a maximum height of 2.8m and a low impact design solution with corrugated metal walls and a shed style roof. It will be located behind the existing dwelling on-site, and therefore will not be visible from the streetscape. The subject site and the surrounding lots are all above minimum lot sizes for the Rural Living zone, and therefore it is considered that the surrounding rural amenity will not be compromised, as there is ample space surrounding. It is noted that the properties on adjoining lots also contain large outbuildings similar to the proposed kennel structure and therefore the proposed structure is compatible with the surrounding landscape.

**5.2. Property Values**

Representor has stated that:

- the proposed use will de-value neighbouring property values and undermine the quiet rural aspect that has attracted the residents to the area.

**Comment**

This matter is not a relevant consideration under the Scheme and therefore does not have any determining weight.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

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

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

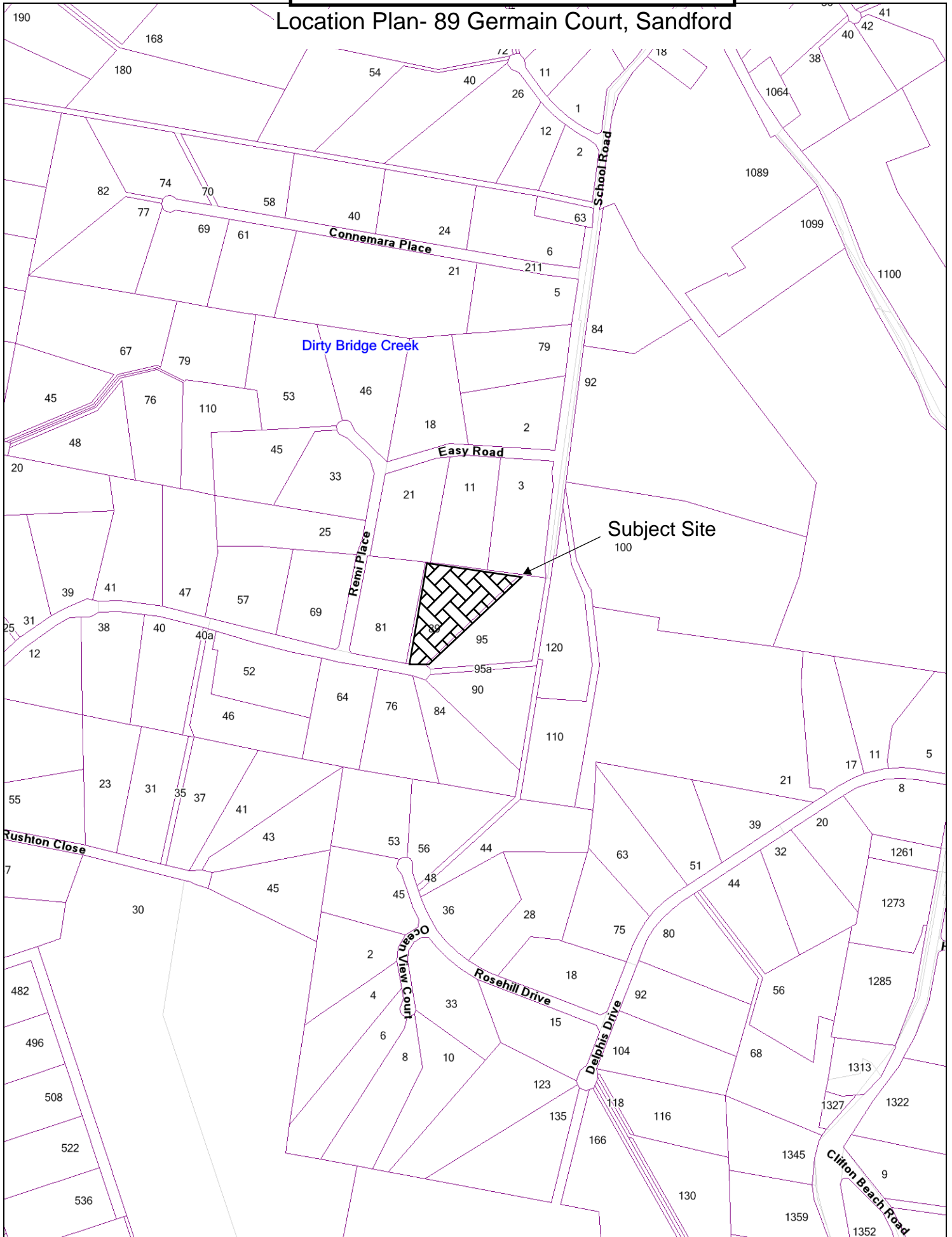
**9. CONCLUSION**

The proposal is for a Dog Kennel at 89 Germain Court, Sandford. The proposal satisfies all the relevant development standards of the Scheme and is recommended for conditional approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (15)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

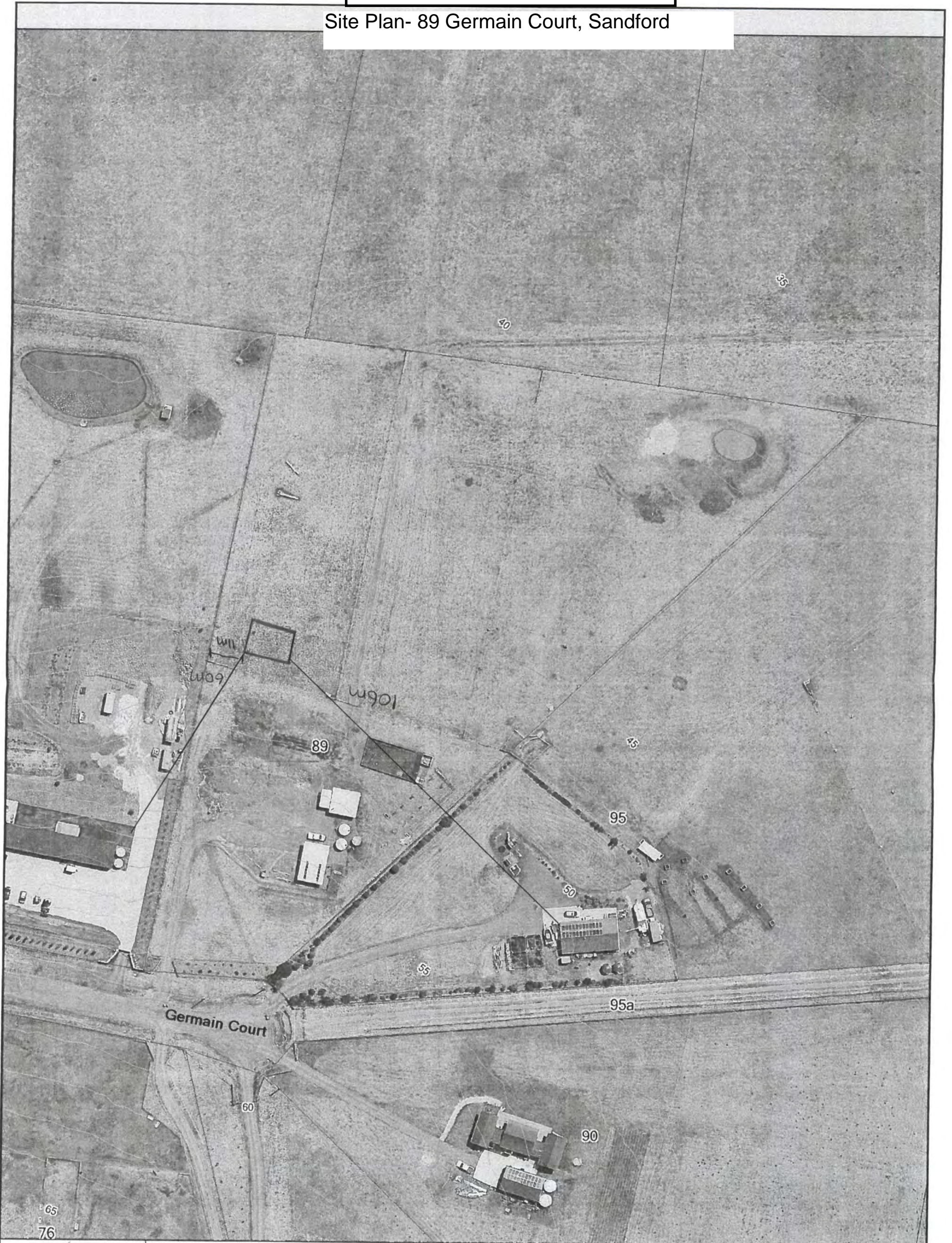
## Location Plan- 89 Germain Court, Sandford



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Site Plan- 89 Germain Court, Sandford



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**Date:** Tuesday, 12 February 2019 **Scale:** 1:1,000 at A3



The architectural drawings include:

- FRONT VIEW:** A side elevation showing a building with a 5° pitched roof. The main section is 7.50m wide and 2.86m high. A smaller section on the right is 1.50m wide and 2.20m high. A door is visible in the main section.
- REAR VIEW:** A side elevation showing the rear of the building with a 5° pitched roof. The main section is 2.07m high. A door and a window are visible.
- FRONT ELEVATION:** A front elevation showing a building with a 5° pitched roof. The main section is 13.00m wide. There are three windows and a door visible.
- PLAN VIEW:** A plan view showing the layout of the building. It includes a dashed line indicating the rear boundary.

Figure 3.2 – Proposed Dog Kennel Layout

## SUMMARY

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JTA Health, Safety & Noise Specialists has been commissioned to provide an Environmental Noise Assessment of a proposed dog kennel located at 89 Germain Ct, Sandford. The state of Tasmania does not currently have any guidance documentation on how to assess noise from dog kennels. The Victorian EPA Noise Control Guidelines has been adopted as an appropriate assessment methodology, which specifies that assessments are to be carried out using the State Environmental Protection Policy N-1 (Control of Noise from Commerce, Industry and Trade) (SEPP N-1).

Additionally, the Clarence Interim Planning Scheme 2015; A-2 Acceptable Solution & P-2 Performance Criteria is also considered as an appropriate assessment methodology, which specifies noise criteria, operational times to ensure noise emissions measured at the boundary of the site does not cause environmental harm.

### SEPP N-1

Due to low background levels in the area, the SEPP N-1 Base Noise Limits are the applicable noise limits for the dog kennel.

The predicted noise level results of the dog kennel determined the following:

Compliant to SEPP N-1 at the following residential dwellings:

- 95 Germain Ct
- 11 Easy Rd
- 21 Easy Rd

Marginally-compliant to SEPP N-1 at the following residential dwellings:

- 3 Easy Rd

Non-compliant to SEPP N-1 at the following residential dwellings:

- 81 Germain Ct

### Clarence Interim Planning Scheme 2015

The predicted noise level results of the dog kennel determined the following:

Compliant to A-2 Acceptable Solution at the following residential boundaries:

- 95 Germain Ct
- 3 Easy Rd
- 11 Easy Rd
- 21 Easy Rd

Non-compliant to A-2 Acceptable Solution at the following residential boundaries:

- 81 Germain Ct

Due to the proximity of the proposed kennel to the residential boundary of 81 Germain Ct, the dog kennel is predicted to exceed the Clarence Interim Planning Scheme 2015 Acceptable Solution during the night time period. Therefore the scheme defaults to the Performance Criteria of if the proposal will cause environmental harm.

It has been calculated that a combination of acoustic absorption and improving sound insulation of the kennel structure will reduce noise levels at residential dwellings to meet the required noise limits.

The following acoustic treatment options are to be implemented as part of the proposed dog kennel:

- 17m<sup>2</sup> of cork board, felt pin board, low rated acoustic tiles, insulation batts or other absorptive material mounted onto the walls of the shed and/or storage rooms where dogs are located.
- A 90mm stud wall and 10mm plasterboard internal layer at the 4m stretch of wall on the southern side of the shed between the two internal storage rooms, and along the western wall.
- Seals and flush fitting edges for the western side swing door, with airgaps minimised as much as practicable, particularly at the bottom of the door.

With the above treatments installed, it is predicted the noise level will be 34 dB(A) or below at residential dwellings, therefore complying with the SEPP N-1 base noise limits.

Based on the proposal with the required treatments detailed above implemented, the kennel is predicted to meet the requirements of SEPP N-1 and therefore is unlikely to cause environmental harm at the residences.

When the kennel is constructed and in use, if there is found to be reported potential environmental harm within the property of neighbouring residences, further sound insulation treatments are required to mitigate kennel noise emissions to levels deemed acceptable by the responsible authority.

Additionally the following best practices should be considered:

- Some fully enclosed or acoustically baffled kennels should be available to house particularly noisy animals, at a ratio of 1:15.
- Electronic masking noise devices should be provided to reduce audible stimuli to the dogs.
- Kennels should be constructed to visually screen stimuli such as other dogs, animals, traffic or passers-by.
- Access to kennels should be restricted solely to staff.
- Feeding of the dogs should be restricted to the daytime hours of 7 am — 6 pm.
- Exercise of the dogs may only be performed between the hours of 9 am and 5 pm.
- A responsible person must be available on site 24 hours per day.
- Kennels should be constructed of such a material so as to provide an appropriate reduction in the emission of noise. Materials such as masonry and cement sheeting would provide a suitable structural basis.
- The kennels should be positioned so as to utilise the ability of the topography to reduce noise.

## 1 INTRODUCTION

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JTA Health, Safety & Noise Specialists has been commissioned to provide an Environmental Noise Assessment of a proposed dog kennel located at 89 Germain Ct, Sandford. The Environmental Noise Assessment was commissioned by Trent Fenton.

The proposed dog kennel is to house up to 12 dogs and includes a shed with dog runs.

The state of Tasmania does not currently have any guidance documentation on how to assess noise from dog kennels. JTA contacted the Clarence City Council and confirmed that the assessment can be conducted in accordance with Victorian or New South Wales methodologies. JTA has chosen to adopt the Victorian dog kennel noise assessment methodologies outlined in the EPA Noise Control Guidelines, which specifies that assessments are to be carried out using the State Environmental Protection Policy N-1 (Control of Noise from Commerce, Industry and Trade) (SEPP N-1). Additionally the Clarence Interim Planning Scheme 2015; A-2 Acceptable Solution & P-2 Performance Criteria is to be considered.

The Environmental Noise Assessment included the following:

1. Calculation of the Noise Limits for the relevant noise sensitive locations.
2. Calculation of the sound insulation properties of the proposed dog kennel structure.
3. The prediction of Noise Levels ( $L_{Aeq}$ ) and the calculation of Noise Levels associated with the operation of the dog kennel.
4. Comparison of Effective Noise Levels with Noise Limits to determine compliance with the requirements of SEPP N-1.
5. Comparison of Noise Levels with Noise Limits to determine compliance with the requirements of the Clarence Interim Planning Scheme 2015.
6. Preparation of a report detailing the conditions during the assessment, the results of the assessment and a comparison with the relevant Noise Limits.

A Glossary of Terms is presented in Appendix I.

Disclaimer: JTA Health, Safety, and Noise Specialists has prepared this report exclusively for the use by the named client. JTA Health, Safety, and Noise Specialists believe that the information in this report is correct, and that any opinions, conclusions or recommendations are reasonably held or made at the time of writing. Assessment results and concluding recommendations are based on the representative operational conditions during the attended survey. Changes in operational conditions or plant, machinery, equipment or systems can result in deviating noise levels. JTA Health, Safety, and Noise Specialists disclaim all responsibility for any loss or damage which may be suffered by any person, directly or indirectly from the use of this report.



## 2 METHODOLOGY

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### 2.1 Victorian EPA Noise Control Guidelines

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Section 4 of EPA Publication 1254 – *Noise Control Guidelines* provides guidance on assessing dog kennels. It states the following criteria for dog kennels to limit both the physical stimuli to the dogs and the outbreak of noise from the kennels.

- The kennels should be located at least 500 metres from residential areas.
- Some fully enclosed or acoustically baffled kennels should be available to house particularly noisy animals, at a ratio of 1:15.
- Electronic masking noise devices should be provided to reduce audible stimuli to the dogs.
- Kennels should be constructed to visually screen stimuli such as other dogs, animals, traffic or passers-by.
- Access to kennels should be restricted solely to staff.
- Feeding of the dogs should be restricted to the daytime hours of 7 am — 6 pm.
- Exercise of the dogs may only be performed between the hours of 9 am and 5 pm.
- A responsible person must be available on site 24 hours per day.
- Kennels should be constructed of such a material so as to provide an appropriate reduction in the emission of noise. Materials such as masonry and cement sheeting would provide a suitable structural basis.
- The kennels should be positioned so as to utilise the ability of the topography to reduce noise.

Note, the above criteria are not a requirement, but are recommended as best practice.

- Noise originating from dog kennels may be assessed using State Environment Protection Policy (Control of noise from commerce, industry and trade) No. N-1.

### 2.2 Victorian State Environmental Protection Policy No. N-1

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The Government of Victoria sets out its policies to control and reduce environmental pollution through State Environment Protection Policies (SEPPs). The goal of SEPP (Control of Noise from Commerce, Industry and Trade) No. N-1 is to protect people from commercial, industrial and trade noise that may affect the beneficial uses made of noise sensitive areas, which include normal domestic and recreational activities, including in particular, sleep in the night period.

SEPP N-1 prescribes noise limits for commercial, industrial and trade, and provides details on noise measurement procedures, including the measurement of background levels and adjustments to effective noise levels.

Noise Limits are based on the combination of the Background Level, the land use zoning and the time period being measured. The Influencing Factor and Noise Limits were calculated using local zoning information (Appendix II – Zoning Map).

The Background Noise Levels and Noise Level from a site are **measured at a point within a "Noise Sensitive Area"**, usually the nearest residence or a site of complaint. The noise level is adjusted where necessary for factors that increase the annoyance of the noise such as tone, intermittency, and impulsive components. The final level is the Effective Noise Level, and is compared with the Noise Limit to determine compliance.

SEPP N-1 uses the time periods detailed in Table 2.1 below.

Table 2.1 – SEPP N-1 Time Periods			
Period	Parameters		
	Monday to Friday	Saturday	Sunday
Day:	0700 – 1800	0700 - 1300	-
Evening:	1800 – 2200	1300 - 2200	0700 - 2200
Night:	2200 - 0700	2200 - 0700	2200 - 0700

### 2.2.1 Base Noise Limits

For situations where the premises is located in the same building as the nearest noise sensitive area or where external background noise levels are exceptionally quiet, SEPP N-1 provides base noise limits which are the most stringent noise levels allowed by the policy. i.e. even if background noise levels and zoning levels would result in levels that would be lower than the base noise limits, the base noise limits apply.

Base SEPP N-1 noise limits are as follows:

Day period	45 dB(A)
Evening period	40 dB(A)
Night period	35 dB(A)

### 2.2.2 Project Criteria

In consultation with the applicant of the proposed dog kennel, it has been determined that existing background noise levels in the area are very low. Therefore background noise level measurements were not conducted and the base noise limits instead adopted as the applicable criteria for the dog kennel at nearby residential dwellings.

## 2.3 Clarence Interim Planning Scheme 2015

The Clarence City Council sets out its policy to control and reduce environmental noise pollution of new developments through the Clarence Interim Planning Scheme 2015 (the Scheme). The goal of the Scheme is to protect people from commercial, industrial, transportation infrastructure and domestic noise activities that may affect the beneficial uses made of noise sensitive areas, which include normal domestic and recreational activities, including in particular, sleep in the night period.

The Clarence Interim Planning Scheme 2015 will be used as the noise limit and compared with the predicted noise levels of the proposed site.

The noise levels from a facility are measured at the boundary of the nearest residence or a site of complaint. The noise level is adjusted where necessary for factors that increase the annoyance of the noise such as tone, intermittency, and impulsive components. The final level is the Noise Level, and is compared with the Noise Limit to determine compliance.

### 2.3.1 Noise Limits and Operational Hours

The Clarence Interim Planning Scheme 2015 (clause: 12.3.1.A2) specifies noise emissions are to be measured at the boundary of a residential zone and must not exceed the following:

#### A2 – Acceptable Solution

- a) 55 dB(A) ( $L_{eq}$ ) between the hours of 7:00am to 7:00pm;
- b) 5 dB(A) above the background ( $L_{A90}$ ) level or 40 dB(A) ( $L_{eq}$ ), whichever is the lower, between the hours of 7:00 pm to 7:00 am;
- c) 65 dB(A) ( $L_{max}$ ) at any time

#### P2 – Performance Criteria

- Noise emissions measured at the boundary of the site must not cause environmental harm.

### 3 SITE DESCRIPTION

The proposed dog kennel is to be located on the northern section of the 89 Germain Ct property. It will be located approximately to the following properties:

Boundary distance from proposed dog kennel

- 11m to 81 Germain Ct
- 88m to 95 Germain Ct
- 79m to 3 Easy Rd
- 79m to 11 Easy Rd Ct
- 132m to 21 Easy Rd Ct

Residential dwelling distance from proposed dog kennel

- 70m to 81 Germain Ct
- 115m to 95 Germain Ct
- 101m to 3 Easy Rd
- 127m to 11 Easy Rd Ct
- 194m to 21 Easy Rd Ct

The proposed kennel will house up to 12 dogs and includes kennels, undercover area, internal storage rooms and access doors to outside runs. JTA has been advised the runs will not be used during the night time period and locked. The shed will include a side access door and a 1.5m wide roller door.

Figure 3.1 details the site and the surrounds.

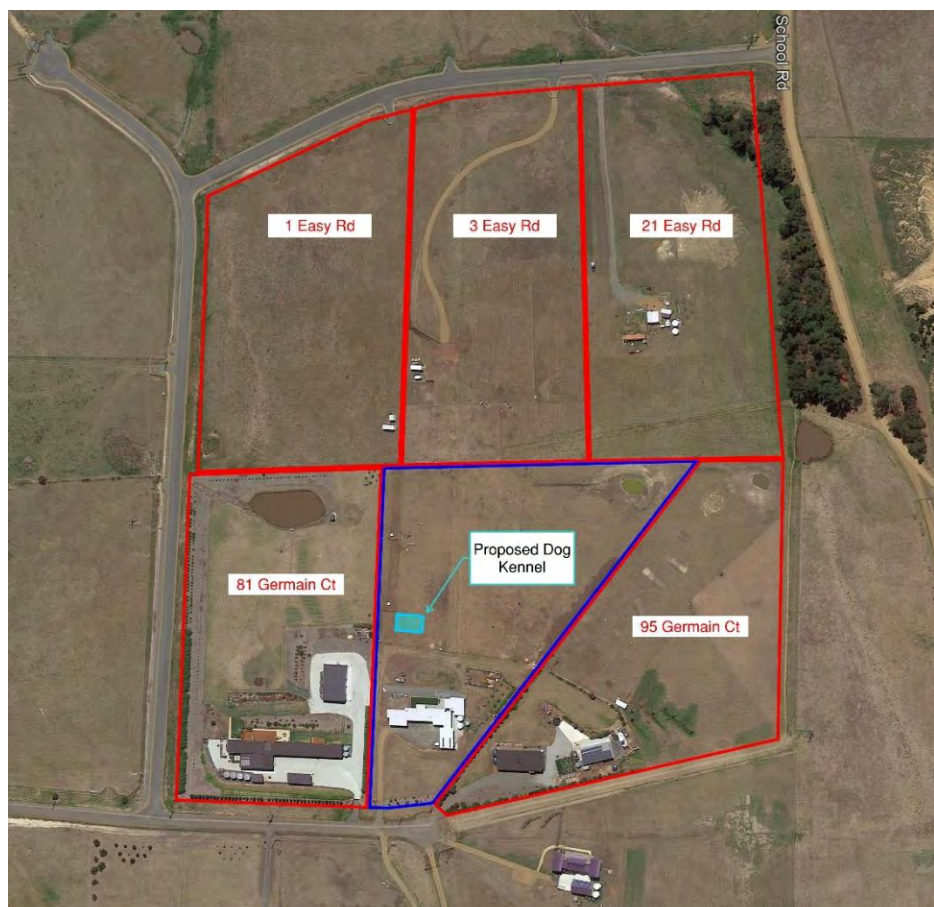


Figure 3.1 – Proposed Dog Kennel and Surrounding Residential Boundary & Dwellings.



The architectural drawings include:

- FRONT VIEW:** A side elevation showing a building with a 5° pitched roof. The main section is 7.50m wide and 2.86m high. A smaller section to the right is 1.50m wide and 2.20m high. A door is visible in the main section.
- REAR VIEW:** A side elevation showing the rear of the building with a 5° pitched roof. The height is 2.07m. It features a door and a window.
- FRONT ELEVATION:** A front elevation showing a building with a 5° pitched roof. The total width is 13.00m. It features three windows and a door.
- PLAN VIEW:** A top-down view of the building footprint, showing the layout of the walls and the positions of the windows and door.

Figure 3.2 – Proposed Dog Kennel Layout

## 4 PREDICTED DOG KENNEL NOISE LEVELS

Potential noise from the kennels will have the greatest impact during the evening and night time period when residents are relaxing or sleeping. It is understood the dogs will be locked inside the kennel during these periods and therefore predicted noise levels at residential dwellings and boundaries will be based on this condition. As the night time period noise limit is the most stringent, only the night time period will be considered in this component of the assessment as compliance with night time limits will ensure compliance at all other times.

Predicted noise levels of dog barking noise has been determined by calculating the amount of noise stopped by the kennel structure, the noise level of dog barking and the distance between the kennel and the nearest residential receivers.

### 4.1 Dog Barking Noise Levels

For the prediction, dog barking has been assumed as multiple dogs barking simultaneously with no significant silence between barks to represent worst-case conditions.

The noise level of the dogs barking is based on the upper levels of typical dog barking noise data available. Table 4.1 details the sound power level of the dogs barking.

Table 4.1 – Dog Barking Sound Power Level

Parameter	Frequency (Hz) / dB(Z)						
	125	250	500	1k	2k	4k	8k
Dogs Barking Sound Power Level - $L_W$	99	89	97	110	99	65	80

From the above sound power data, an internal reverberant noise level of 102 dB(A) has been calculated from the internal absorption characteristics of the kennel shed.

### 4.2 Sound Insulation of Kennel Structure

The sound insulation properties of the kennel structure has been calculated by modelling the construction material of each component of the shed and determining the amount of noise escaping from each component.

JTA understands the proposed kennel is to be made from corrugated sheet metal façade and roof, a roller door and swing side door. The two internal rooms have been assumed to be made of wood stud plasterboard or similar for the partitions. The kennels themselves have been assumed to have an open barred opening to the internal area of the shed.

The sound transmission loss of the building components is detailed in Table 4.2 below.

Table 4.2 – Sound Transmission Loss of the building components

Component	Frequency (Hz) / dB						
	125	250	500	1k	2k	4k	8k
Steel Roof	13	20	24	29	33	39	42
Roller Door	10	17	20	24	28	33	36
Steel Walls	13	20	24	29	33	39	42
Side Door	12	13	14	16	18	24	28
Plasterboard Partitions	7	13	19	25	19	22	25

The sound escaping from each component of the kennel was combined to determine the total noise escaping from the kennels.

#### 4.3 Predicted Noise Levels at Residential Receivers

Based on the dog barking noise and the sound insulation properties of the kennel structure, predicted noise levels at the residences has been calculated from the noise escaping from the kennel and the distance between the kennel and dwellings.

The predicted noise level of dog barking at the residences dwelling is presented in Table 4.3 below.

Table 4.3 – Predicted Noise Levels

Location	Predicted Noise dB(A)
81 Germain Ct	40
95 Germain Ct	35
3 Easy Rd	34
11 Easy Rd	32
21 Easy Rd	28

To obtain the Effective Noise Level, adjustments are required to account for undesirable characteristics that can cause annoyance such as impulsiveness, duration and tonality.

The predicted Effective Noise Level is presented in Table 4.4 below. Note the impulsiveness character of the noise is considered to be prominent, and the dog barking has been assumed to occur for 15 minutes per half an hour period.

Table 4.4 – Effective Noise Levels

Location	Predicted Noise dB(A)	Impulsiveness Adjustments dB(A)	Duration Adjustments dB(A)	Tonal Adjustments dB(A)	Effective Noise Level dB(A)
81 Germain Ct	40	+5	-3	+0	42
95 Germain Ct	35	+5	-3	+0	37
3 Easy Rd	34	+5	-3	+0	36
11 Easy Rd	32	+5	-3	+0	34
21 Easy Rd	28	+5	-3	+0	30

#### 4.4 Compliance with Noise Limits

A comparison of the Effective Noise Levels with the Base Noise Limits is presented in Table 4.5.

Table 4.5: Compliance Status

Location	Period	Noise Limit dB(A)	Effective Noise Level dB(A)	Compliance with SEPP N-1?
81 Germain Ct	Night	35	42	Non-Compliance
95 Germain Ct	Night	35	37	Marginal Compliance
3 Easy Rd	Night	35	36	Marginal Compliance
11 Easy Rd	Night	35	34	Compliance
21 Easy Rd	Night	35	30	Compliance

#### 4.5 Predicted Noise Levels at Residential Boundary

Based on the dog barking noise and the sound insulation properties of the kennel structure, predicted noise levels at the residences boundary has been calculated from the noise escaping from the kennel and the distance between the kennel and dwellings.

The predicted noise level of dog barking at the residences boundary is presented in Table 4.6 below.

Table 4.6 – Predicted Noise Levels

Location	Predicted Noise dB(A)
81 Germain Ct	56
95 Germain Ct	38
3 Easy Rd	36
11 Easy Rd	36
21 Easy Rd	31

#### 4.6 Compliance with Noise Limits

A comparison of the Noise Levels with the Base Noise Limits is presented in Table 4.7.

Table 4.7 - Compliance Status

Location	Period	Noise Limit dB(A)	Noise Level dB(A)	Compliance?
81 Germain Ct	Night	40	47	Non-Compliance
95 Germain Ct	Night	40	38	Compliance
3 Easy Rd	Night	40	36	Compliance
11 Easy Rd	Night	40	36	Compliance
21 Easy Rd	Night	40	31	Compliance



## 5 DISCUSSION

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JTA Health, Safety & Noise Specialists has been commissioned to provide an Environmental Noise Assessment of a proposed dog kennel located at 89 Germain Ct, Sandford. The state of Tasmania does not currently have any guidance documentation on how to assess noise from dog kennels. The Victorian EPA Noise Control Guidelines has been adopted as an appropriate assessment methodology, which specifies that assessments are to be carried out using the State Environmental Protection Policy N-1 (Control of Noise from Commerce, Industry and Trade) (SEPP N-1).

Additionally, the Clarence Interim Planning Scheme 2015; A-2 Acceptable Solution & P-2 Performance Criteria is also considered as an appropriate assessment methodology, which specifies noise criteria, operational times to ensure noise emissions measured at the boundary of the site does not cause environmental harm.

### 5.1 SEPP N-1

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Due to low background levels in the area, the SEPP N-1 Base Noise Limits are the applicable noise limits for the dog kennel.

The predicted noise level results of the dog kennel determined the following:

Compliant to SEPP N-1 at the following residential dwellings:

- 95 Germain Ct
- 11 Easy Rd
- 21 Easy Rd

Marginally-compliant to SEPP N-1 at the following residential dwellings:

- 3 Easy Rd

Non-compliant to SEPP N-1 at the following residential dwellings:

- 81 Germain Ct

### 5.2 Clarence Interim Planning Scheme 2015

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The predicted noise level results of the dog kennel determined the following:

Compliant to A-2 Acceptable Solution at the following residential boundaries:

- 95 Germain Ct
- 3 Easy Rd
- 11 Easy Rd
- 21 Easy Rd

Non-compliant to A-2 Acceptable Solution at the following residential boundaries:

- 81 Germain Ct

A non-complaint result at the site boundary at the adjacent residential property of 81 Germain Ct indicates a failure to meet the Performance Criteria and modifications to specifications of the proposed development is required to meet the criteria.

### 5.3 Recommendation

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It has been calculated that a combination of acoustic absorption and improving sound insulation of the kennel structure will reduce noise levels at residential dwellings to meet the required noise limits.

The following acoustic treatment options are to be implemented as part of the proposed dog kennel:

- 17m<sup>2</sup> of cork board, felt pin board, low rated acoustic tiles, insulation batts or other absorptive material mounted onto the walls of the shed and/or storage rooms where dogs are located.
- A 90mm stud wall and 10mm plasterboard internal layer at the 4m stretch of wall on the southern side of the shed between the two internal storage rooms, and along the western wall.
- Seals and flush fitting edges for the western side swing door, with airgaps minimised as much as practicable, particularly at the bottom of the door.

With the above treatments installed, it is predicted the noise level will be 34 dB(A) or below at residential dwellings, therefore complying with the SEPP N-1 base noise limits.

Due to the proximity of the proposed kennel to the residential boundary of 81 Germain Ct, the dog kennel is predicted to exceed the Clarence Interim Planning Scheme 2015 Acceptable Solution during the night time period. Therefore the scheme defaults to the Performance Criteria of if the proposal will cause environmental harm.

Based on the proposal with the required treatments detailed above implemented, the kennel is predicted to meet the requirements of SEPP N-1 and therefore is unlikely to cause environmental harm at the residences.

When the kennel is constructed and in use, if there is found to be reported potential environmental harm within the property of neighbouring residences, further sound insulation treatments are required to mitigate kennel noise emissions to levels deemed acceptable by the responsible authority.

Additionally the following best practices should be considered:

- Some fully enclosed or acoustically baffled kennels should be available to house particularly noisy animals, at a ratio of 1:15.
- Electronic masking noise devices should be provided to reduce audible stimuli to the dogs.
- Kennels should be constructed to visually screen stimuli such as other dogs, animals, traffic or passers-by.
- Access to kennels should be restricted solely to staff.
- Feeding of the dogs should be restricted to the daytime hours of 7 am — 6 pm.
- Exercise of the dogs may only be performed between the hours of 9 am and 5 pm.
- A responsible person must be available on site 24 hours per day.
- Kennels should be constructed of such a material so as to provide an appropriate reduction in the emission of noise. Materials such as masonry and cement sheeting would provide a suitable structural basis.
- The kennels should be positioned so as to utilise the ability of the topography to reduce noise.

## Attachment 3

### **89 Germain Court, SANDFORD**



**Site viewed from Germain Court, Sandford**

**11.3.3 DEVELOPMENT APPLICATION D-2018/737 - 16 WELLINGTON ROAD, LINDISFARNE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)**  
(File No D-2018/737)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 Existing + 2 New) at 16 Wellington Road, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 12 April 2019.

**CONSULTATION**

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

- building design and surrounding area;
- setbacks;
- driveway design;
- overshadowing; and
- Heritage value of existing dwelling.

**RECOMMENDATION:**

That the Development Application for 3 Multiple Dwellings (1 Existing + 2 New) at 16 Wellington Road, Lindisfarne (Cl Ref D-2018/737) be refused for the following reasons.



1. The proposal does not satisfy the Performance Criteria 10.4.3 P2 as the private open space for the eastern conjoined dwelling is not capable of serving as an extension of the dwelling for dining, entertaining and children's play area that is orientated to take advantage of sunlight.
2. The proposal does not satisfy the Performance Criteria 10.4.3 P2 as the conjoined dwellings do not have private open space that is conveniently located in relation to a habitable room.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

Prior to lodging the application, the applicant had the property resurveyed and an additional 10m<sup>2</sup> of land was identified which resulted in a new Title for the property being created based on a lot size of 990m<sup>2</sup>.

### **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 – General Residential Zone;
  - Section E6.0 – Parking & Access Code; and
  - Section E7.0 – Stormwater Management Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

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

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

The site is a 990m<sup>2</sup> rectangular shaped lot located on the western side of Wellington Road and contains a single dwelling. It is surrounded by residential development and direct access is available from Wellington Road.

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

The proposal is 3 multiple dwellings (1 existing and 2 new conjoined).

No changes to the existing dwelling are proposed other than replacing the north facing lounge/dining windows adjacent the proposed driveway with double glazed windows.

The conjoined dwellings would both be 2 storey, 3 bedroom dwellings with 2 car integrated garages on the ground level and balconies off the lounge/dining/kitchen on the upper level. The dwellings both include a staircase and a lift.

Access to the existing dwelling would remain unchanged, however, a second crossover and driveway is proposed to facilitate access to the new dwellings.

The proposed private open space for each multiple dwelling (existing and conjoined) would be in 2 separate locations.

### **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 relevant 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	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p>	<p>Does not comply - the proposed conjoined western multiple dwelling would protrude the building envelope into the rear setback, despite the building being setback 4m from the rear boundary.</p> <p>The maximum height of the building is 6.79m. The extent of the protrusion due to the height being more than 3m at the 4m rear setback is shown on the north and south elevation plans in Attachment 2.</p>
		(b) only have a setback within 1.5m of a side boundary if the dwelling:	not applicable

		<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>	
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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>Proposal</b>
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The siting and scale of the conjoined dwellings will result in a loss of amenity as follows:</p> <p>The conjoined dwellings would be located directly north of the adjoining property, 14A Wellington Road; 14A Wellington Road is an internal lot with a single storey dwelling and north facing family room. The dwelling has no other north facing habitable rooms.</p> <p>Council’s overshadowing assessment shows that the family room would be overshadowed on 21 June by the conjoined dwellings between 9am and 11am. By 12pm the room would essentially receive full sunlight. Accordingly the room would still obtain 3 hours of sunlight on 21 June which is considered reasonable.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The conjoined dwellings will overshadow an area of open space accessible via sliding doors from the family room at 14A Wellington Road. This area will be subject to overshadowing from 9am to 1pm. By 2pm this area will almost receive full sunlight and at 3pm, it would not be overshadowed at all.</p> <p>Although this area will be left with less than 1 hour of full afternoon sun, there are other areas at the property that meet the requirements for private open space and therefore the Performance Criteria is satisfied.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>not applicable</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>Whilst the conjoined dwellings would protrude into the rear setback as a result of the height, the dwellings would fit within the building envelope along the side boundary shared with 14A Wellington Road.</p> <p>The dwelling's roofline slopes down to the south and construction would involve a cutting near the southern side boundary. Owing to the above, visual bulk when viewed from the adjoining property to the south will be reduced and is considered reasonable.</p> <p>The proposal will not have a visual impact upon 6 Beltana Street as this is a large lot and the dwelling and main open space areas are located away from the shared boundary.</p> <p>The adjoining property to the north, 18 Wellington Road contains 5 multiple dwellings and the shared driveway is located adjacent the shared boundary. Due to this existing driveway and the proposed driveway for 16 Wellington Road, there will be approximately 9.8m between multiple dwellings at the properties which will reduce the potential for visual impact. The only exception to this is Unit 4/18 is to the west of the proposed conjoined dwellings. However, the conjoined dwellings are offset in the horizontal plane, reducing visual impacts to this adjoining property.</p>
<p>(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area</i>".</p>	<p>The proposed 3 multiple dwellings at 16 Wellington Road are located adjacent 18 Wellington Road, which as mentioned above, contains 5 multiple dwellings (2 of which are conjoined). Accordingly the proposal provides separation between dwellings that is compatible with that on adjoining lots.</p>

### **General Residential Zone**

Clause	Standard	Acceptable Solution	Proposed
10.4.3 A2	Site coverage and private open space for all dwellings	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24m<sup>2</sup>; or</p>	complies – all dwellings

		(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	
		(b) has a minimum horizontal dimension of: (i) 4m; or (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	Does not comply – conjoined dwelling (eastern) does not have a 24m <sup>2</sup> area of private open space with a horizontal dimension of 4m.
		(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and	Does not comply – other than the upper level balconies, the conjoined dwellings private open space areas are not accessible from or adjacent to a habitable room.
		(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	Does not comply – the eastern conjoined dwelling has private open space located to the south behind the dwelling and also behind the existing dwelling. The open space for this conjoined dwelling does not receive at least 3 hours of sunlight to 50% of the area on 21 June.

	(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	not applicable
	(f) has a gradient not steeper than 1 in 10; and	complies – all dwellings
	(g) is not used for vehicle access or parking.	complies – all dwellings

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

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p> <p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p> <p><i>(ii) orientated to take advantage of sunlight”.</i></p>	<p>The private open space for the existing multiple dwelling is compliant. However, the private open space for the eastern conjoined dwelling requires assessment under the Performance Criteria as there is not a 24m<sup>2</sup> area that has a 4m horizontal dimension. In addition, the majority of the 60m<sup>2</sup> area is located south of the dwelling as well as partially south of the existing multiple dwelling in the form of a narrow strip. The 60m<sup>2</sup> also does not have direct access from a habitable room, nor is the area conveniently located in relation to a living area of the dwelling as the habitable rooms for the conjoined dwellings are on the upper level. Owing to this access to the private open space is via the staircase and laundry, or alternatively via the lift and laundry, which is not considered convenient.</p> <p>Access is also available from the main entrance, however, this would involve passing through the shared driveway area which is not reasonable in terms of convenience for dining/entertaining and children’s play.</p> <p>The horizontal dimension of the private open space for the eastern conjoined dwelling is 2.5m.</p>

	<p>Council's overshadowing assessment shows that 60m<sup>2</sup> area would receive a maximum of 47% sunlight to the area at 12pm. Otherwise the area is 100% overshadowed at 9am and 95% overshadowed at 3pm. One hour of sunlight to the minority of the area is not considered reasonable in terms of the area being orientated to take advantage of sunlight.</p> <p>The conjoined dwelling balconies at 2.2m wide would provide an area capable of serving as an extension of the lounge for outdoor relaxation, and would receive adequate sunlight due to their northern orientation. However, due to the width, these areas are not considered to provide a suitable area for dining, entertaining and children's play. Owing to this they have not been included in the private open space and overshadowing assessment.</p> <p>The proposed private open space for the conjoined dwellings does not satisfy the Performance Criteria due to the location of the areas not being conveniently accessible from a habitable room and as the private open space of the eastern conjoined dwelling is not orientated to take advantage of sunlight or capable of providing an area for children's play.</p>
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**General Residential Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
10.4.6 A3	Privacy for all dwellings	<p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p>	Does not comply - the proposed shared driveway for the conjoined dwellings is less than 1m from the existing dwelling's sunroom and lounge room.



		(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.	
--	--	--	--

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 10.4.6 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling”.</i>	<p>The shared driveway would be located 0.4m from the wall of the existing dwelling.</p> <p>It is proposed that the living room windows be replaced with double glazing as a means of reducing noise. The sunroom is essentially an enclosed verandah and would remain unchanged.</p> <p>Both rooms have a window sill height of more than 1.7m above natural ground level which will minimise light intrusion into these rooms.</p> <p>Due to the amended window design, the proposal is deemed to comply with the Performance Criteria.</p>

## **5. REPRESENTATION ISSUES**

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

### **5.1. Building Design and Surrounding Area**

The representor is concerned that the proposed conjoined dwellings are out of character with development in the locality.

- **Comment**

Whilst this is not a matter that relates to a discretion being sought by the proposal, it is noted that there are 5 multiple dwellings at the adjacent property at 18 Wellington Road, 2 of which are conjoined dwellings.

Notwithstanding the above, there is no requirement per se for a development to be similar to what is in the surrounding area other than with regard to density. The proposal complies with the Acceptable Solution under Clause 10.4.1 in terms of the density standard of at least 325m<sup>2</sup> per dwelling.

## **5.2. Setback**

The representor believes that the proposed conjoined dwellings are too close to the existing dwelling.

- **Comment**

Due to the proximity of the existing dwelling to the proposed conjoined dwellings, opaque glazing has been added to the second storey habitable rooms facing the existing dwelling. In addition, a privacy screen is proposed for the eastern side of the balcony. These mitigation measures have resulted in the proposal complying with the Acceptable Solutions A1 and A2 for Clause 10.4.6.

The proximity between dwellings also has an impact upon overshadowing to private open space which has been assessed against the Performance Criteria P2 for Clause 10.4.3 in this Report.

## **5.3. Lack of Open Space**

Concern is raised that the development does not contact adequate open space and garden to provide future residents with a reasonable amenity.

- **Comment**

Whilst the proposed multiple dwellings would each have in excess of 60m<sup>2</sup> private open space as required by the Scheme, the amenity is unsatisfactory for reasons discussed above and therefore does not satisfy Clause 10.4.3 P3.

#### **5.4. Driveway Design**

The representor is concerned that the shared access for the proposal has the potential to be dangerous and that the turning space is realistically inadequate.

- **Comment**

Council's Development Engineer has reviewed the proposed new driveway design which included turning templates. The proposal has been deemed to comply with Australian Standards for driveway design.

#### **5.5. Overshadowing**

The representor raised concern that the proposed multiple dwellings will overshadow and prevent sun from the north reaching adjoining properties.

- **Comment**

As discussed above, there will be reduced sunlight reaching the adjoining property at 14A Wellington Road. Whilst the Performance Criteria P3 for Clause 10.4.2 will be satisfied in terms of sunlight to a habitable room, the loss of sunlight to the private open space will be impacted. However, the property has other areas that satisfy the open space standard.

#### **5.6. Heritage**

The representor suggested that the existing dwelling should be considered for local listing to ensure that it is appropriately and sympathetically treated.

- **Comment**

As the existing dwelling is not heritage listed, no additional controls for heritage values are applicable to 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.

**9. CONCLUSION**

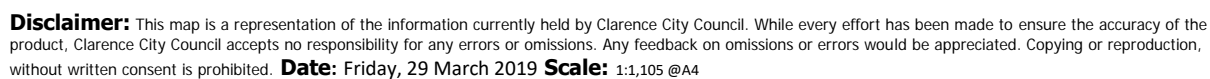
The proposal is recommended for refusal as it does not satisfy the relevant Performance Criteria in the Scheme.

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

Ross Lovell  
**MANAGER CITY PLANNING**



## Attachment 1



PROPERTY/ PROJECT DETAILS

CLIENT: TJW TAS PTY LTD  
SITE TITLE REF: 96254/11  
PROPERTY IDENTIFICATION NO: 5152484  
ADDRESS: 16 WELLINGTON ROAD  
LINDISFARNE 7015  
LOCAL AUTHORITY: CLARENCE  
PLANNING SCHEME: CLARENCE INTERIM PLANNING SCHEME 2015  
ZONE: 10.0 GENERAL RESIDENTIAL  
OVERLAYS: N/A

LOT SIZE: 990m²  
DWELLING FOOTPRINT: 341m²  
TOTAL SITE COVERAGE %: 34.44%

HARDSTAND AREA: 347.55m²  
HARDSTAND %: 35.10%

IMPERVIOUS FREE AREA %: 30.46%

Attachment 2

ARCHITECTURAL

- A-01 COVER SHEET
- A-02 SITE PLAN
- A-03 FLOOR PLANS
- A-04 ELEVATIONS 1
- A-05 ELEVATIONS 2
- A-06 SHADOW DIAGRAM
- A-07 TURNING 1
- A-08 TURNING 2
- A-09 NEW STORM WATER/ TAS WATER METER UP GRADE
- A-10 ORIGINAL DWELLING FLOOR PLAN

DIMENSION NOTE:

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CLIENT NAME:

TJW TAS PTY LTD

PROJECT ADDRESS:

16 WELLINGTON RD  
LINDISFARNE 7015

DATE:

20/02/2019

REVISION No:

R:0

DRAWN BY:

PK

SCALE:

N/A

PROJECT:

STRATA DEVELOPMENT

DRAWING TITLE:

COVER SHEET

SHEET SIZE:

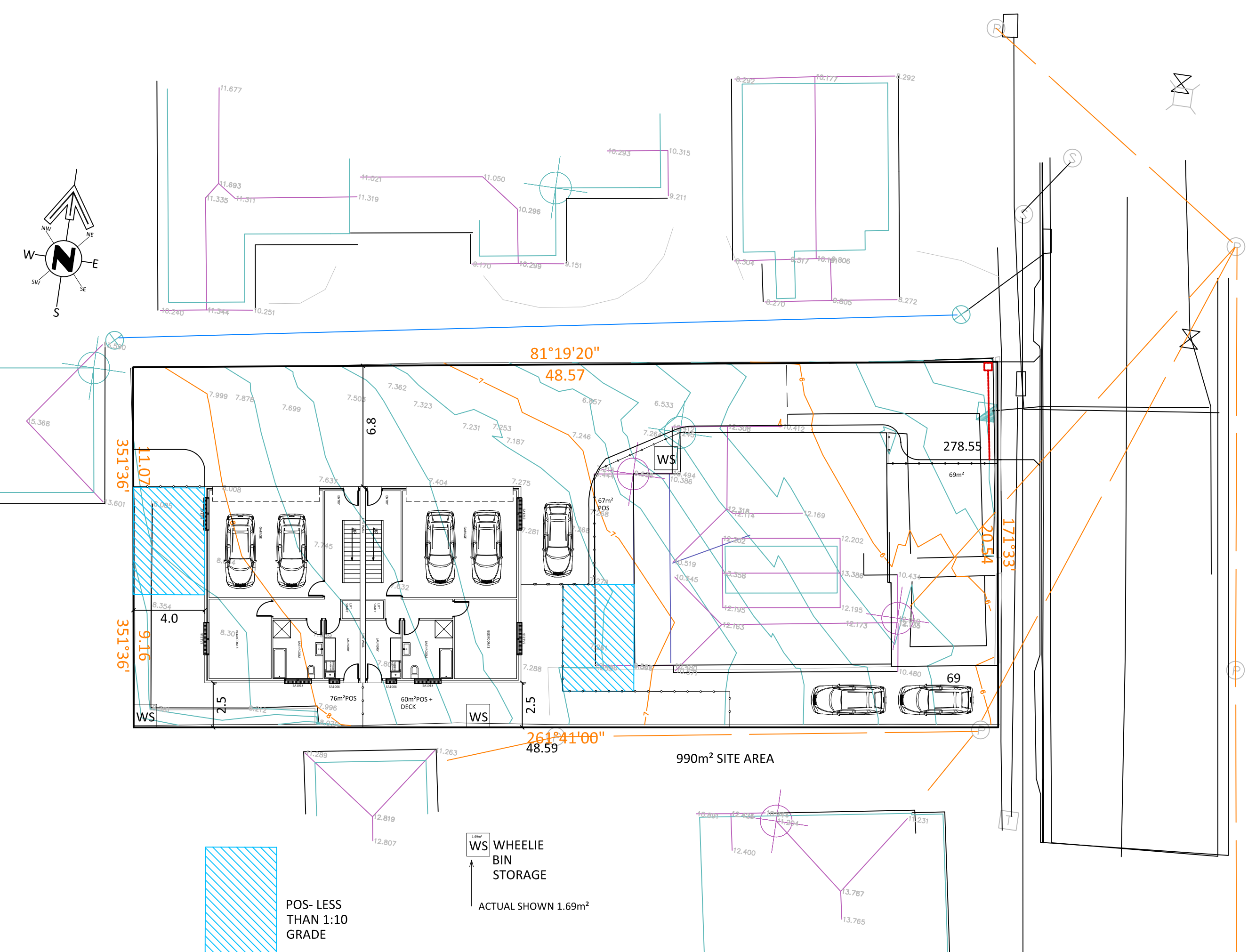
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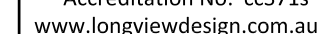
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SHEET No:

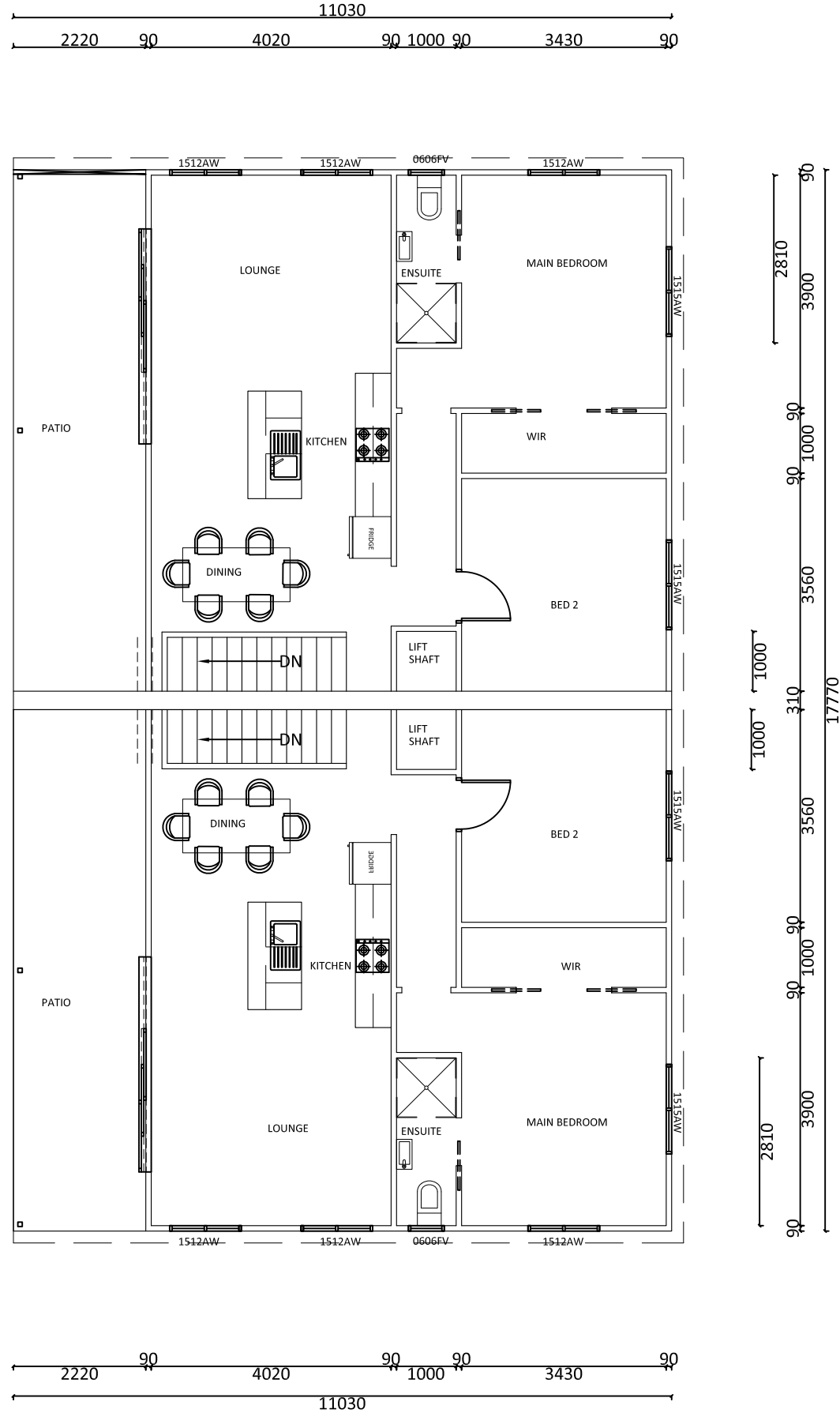
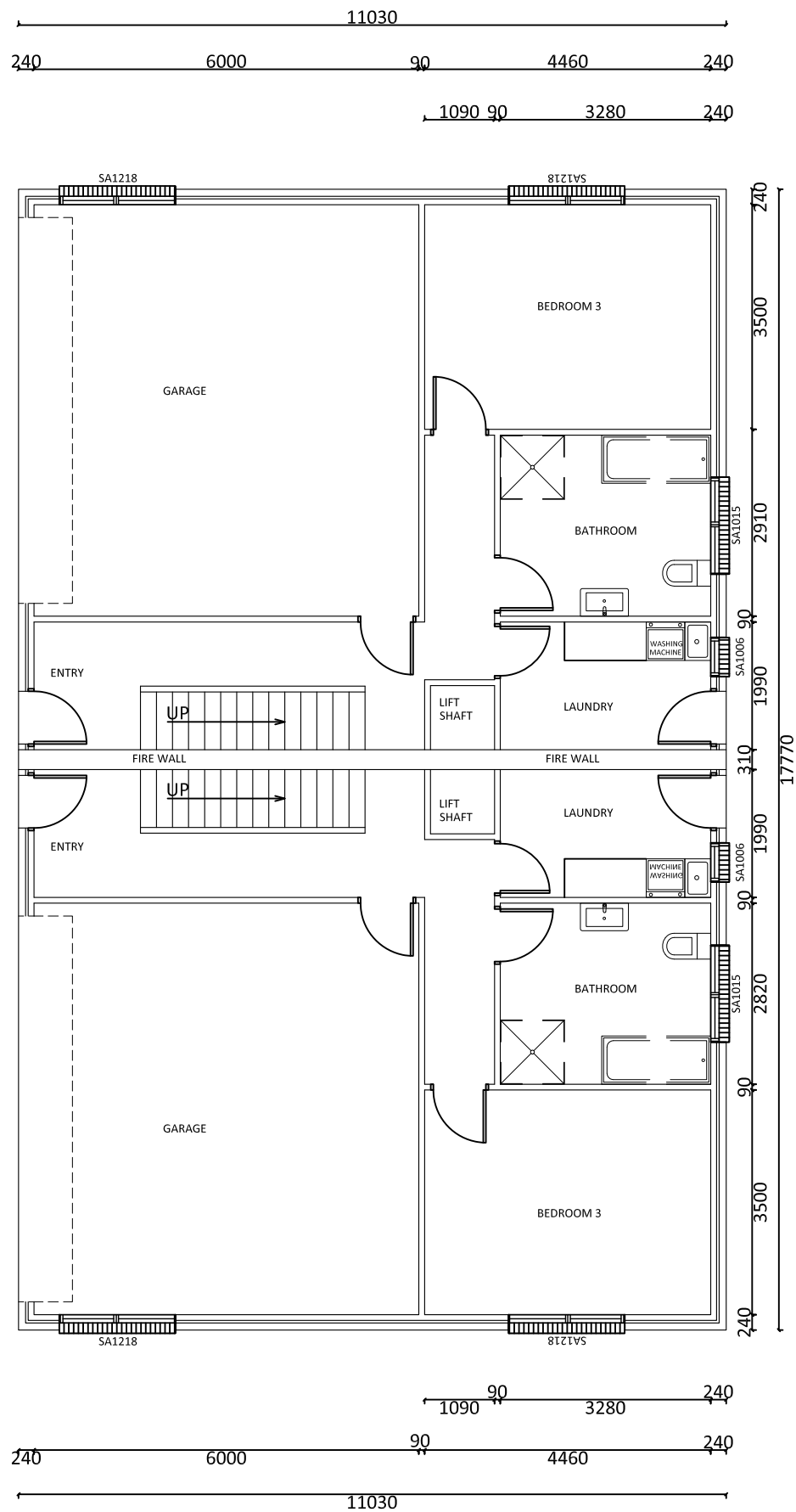
A-01



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A-02



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#### CLIENT NAME:

TJW TAS PTY LTD

#### PROJECT ADDRESS:

16 WELLINGTON RD  
LINDISFARNE 7015

#### DATE:

05-12-2018

#### REVISION No:

R:0

#### DRAWN BY:

PK

#### SCALE:

1:100

#### PROJECT:

STRATA DEVELOPMENT

#### DRAWING TITLE:

FLOOR PLAN

#### SHEET SIZE:

A3

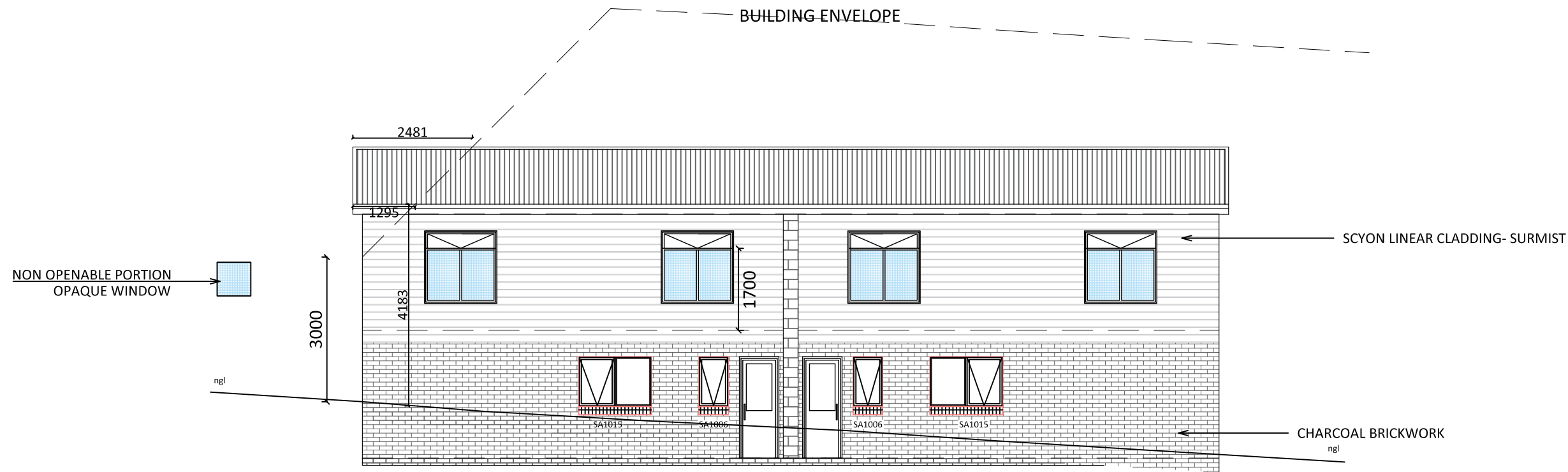
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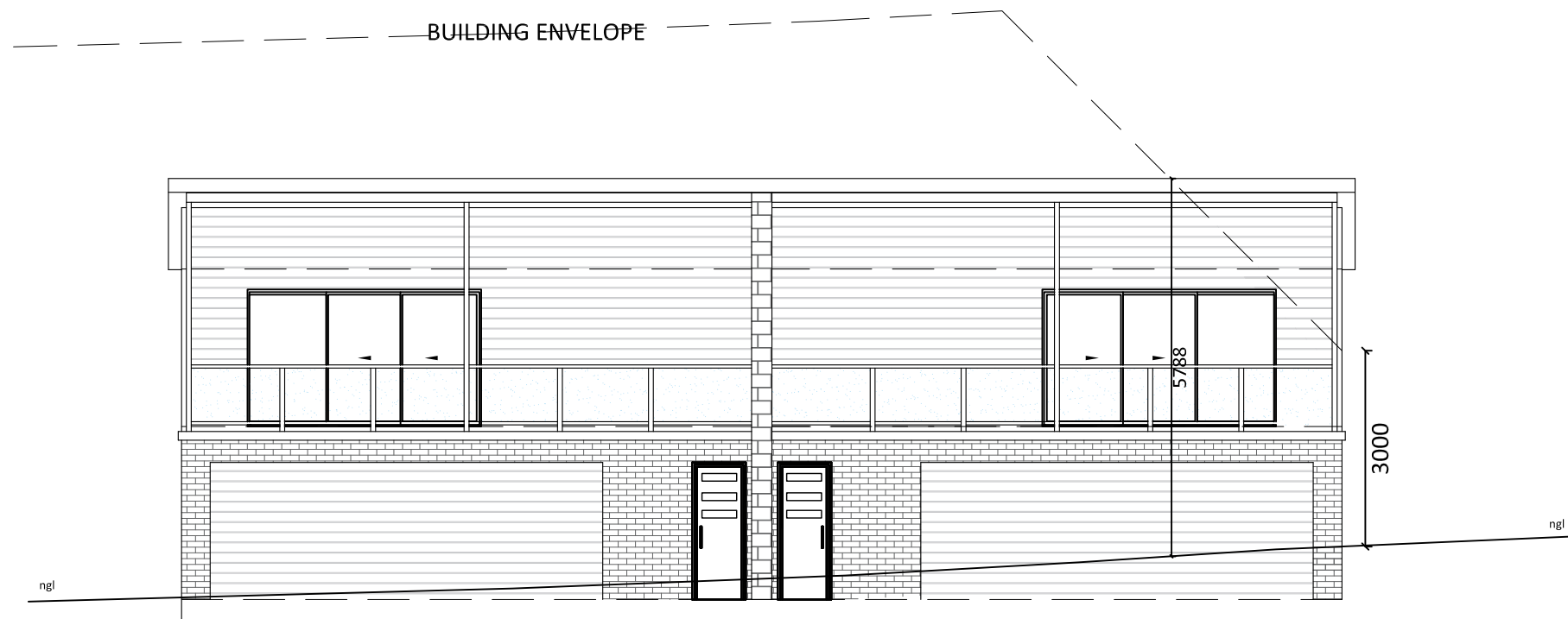
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A-03





**SOUTHERN ELEVATION**



**NORTHERN ELEVATION**

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**16 WELLINGTON RD  
LINDISFARNE 7015**

**DATE:**

**05-12-2018**

**REVISION No:**

**R:0**

**DRAWN BY:**

**PK**

**SCALE:**

**1:100**

**PROJECT:**

**STRATA DEVELOPMENT**

**DRAWING TITLE:**

**ELEVATION**

**SHEET SIZE:**

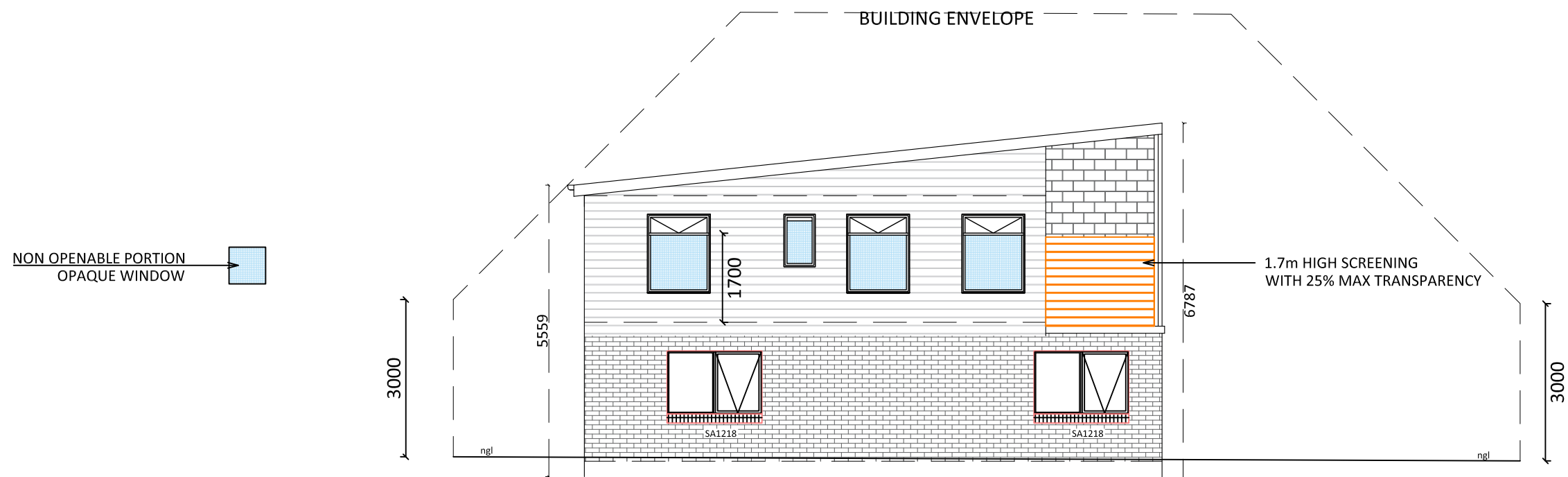
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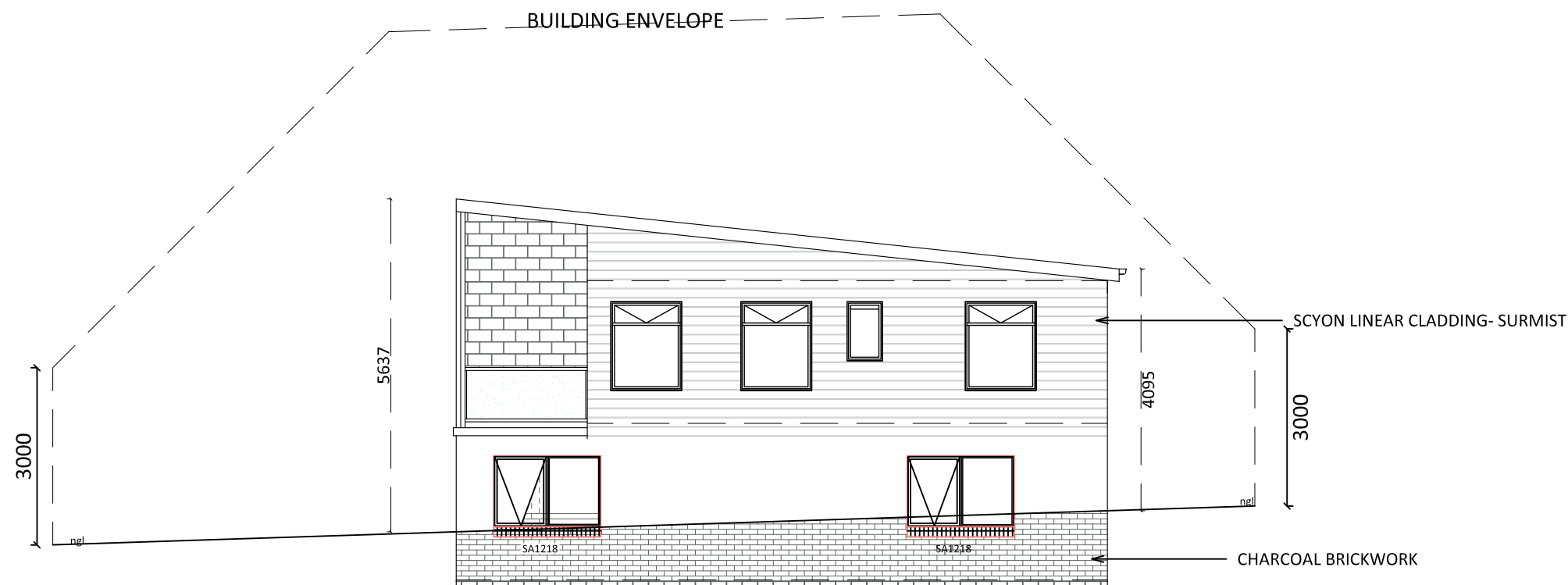
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**SHEET No:**

**A-04**



**EASTERN ELEVATION**



**WESTERN ELEVATION**

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LINDISFARNE 7015**

**DATE:**

**05-12-2018**

**REVISION No:**

**R:0**

**DRAWN BY:**

**PK**

**SCALE:**

**1:100**

**PROJECT:**

**STRATA DEVELOPMENT**

**DRAWING TITLE:**

**ELEVATION**

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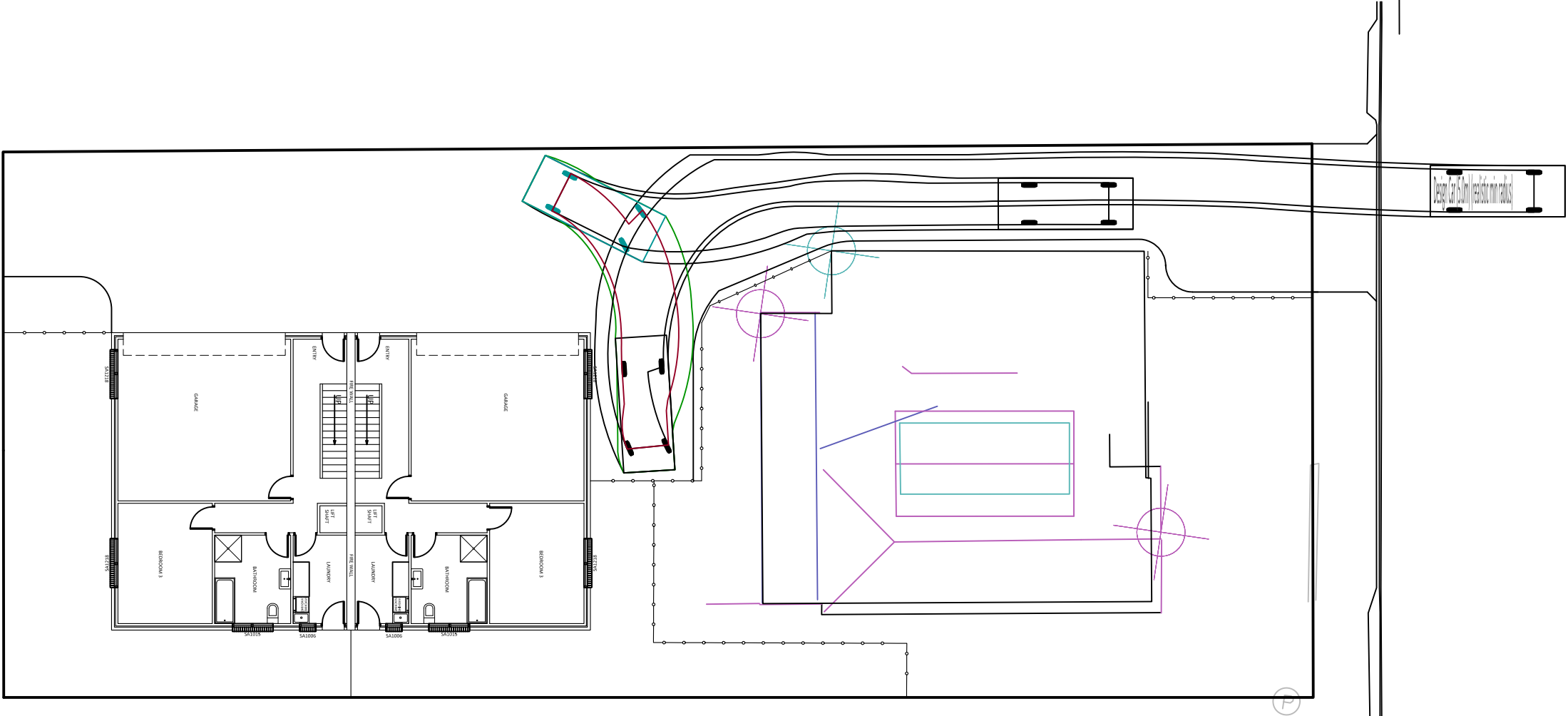
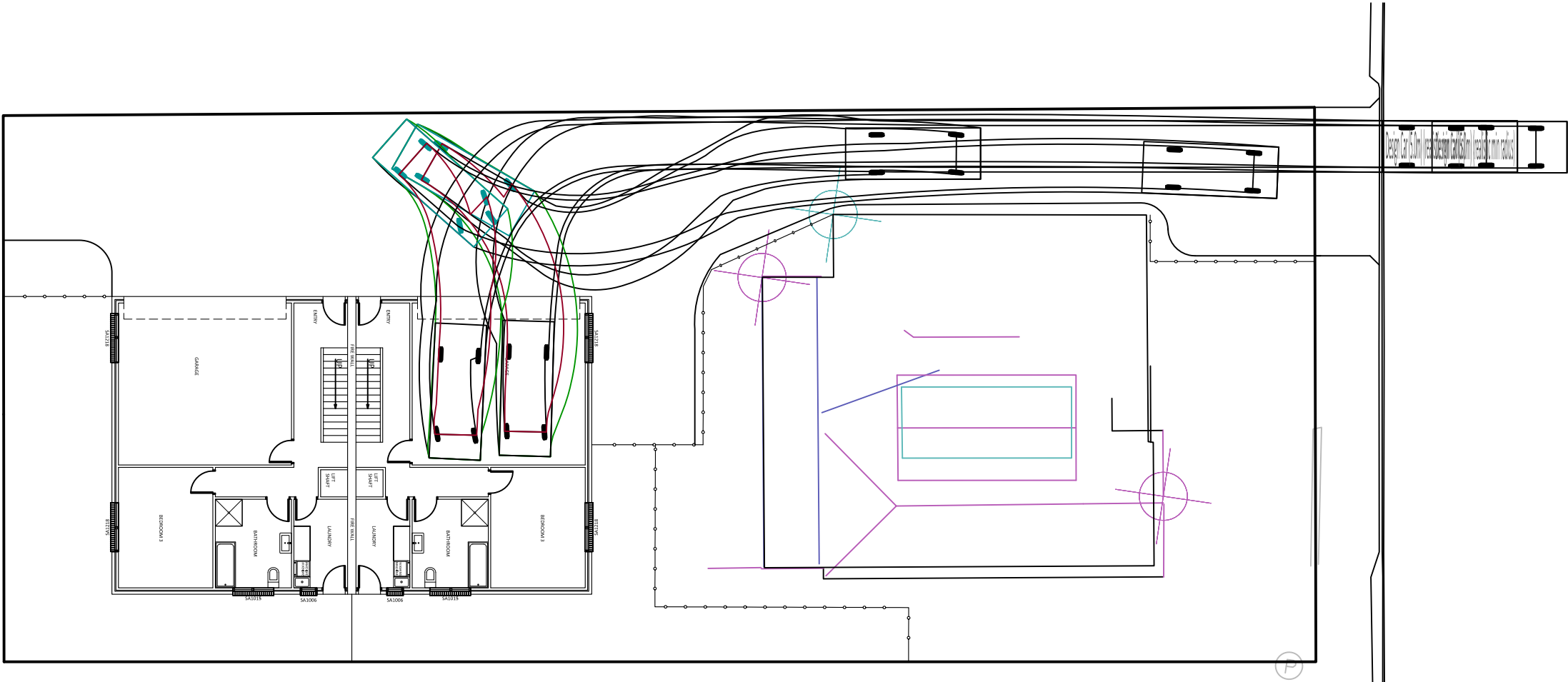
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**18-169**

**SHEET No:**

**A-05**



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LINDISFARNE 7015**

**DATE:**

**05-12-2018**

**REVISION No:**

**R:0**

**DRAWN BY:**

**PK**

**SCALE:**

**N/A**

**PROJECT:**

**STRATA DEVELOPMENT**

**DRAWING TITLE:**

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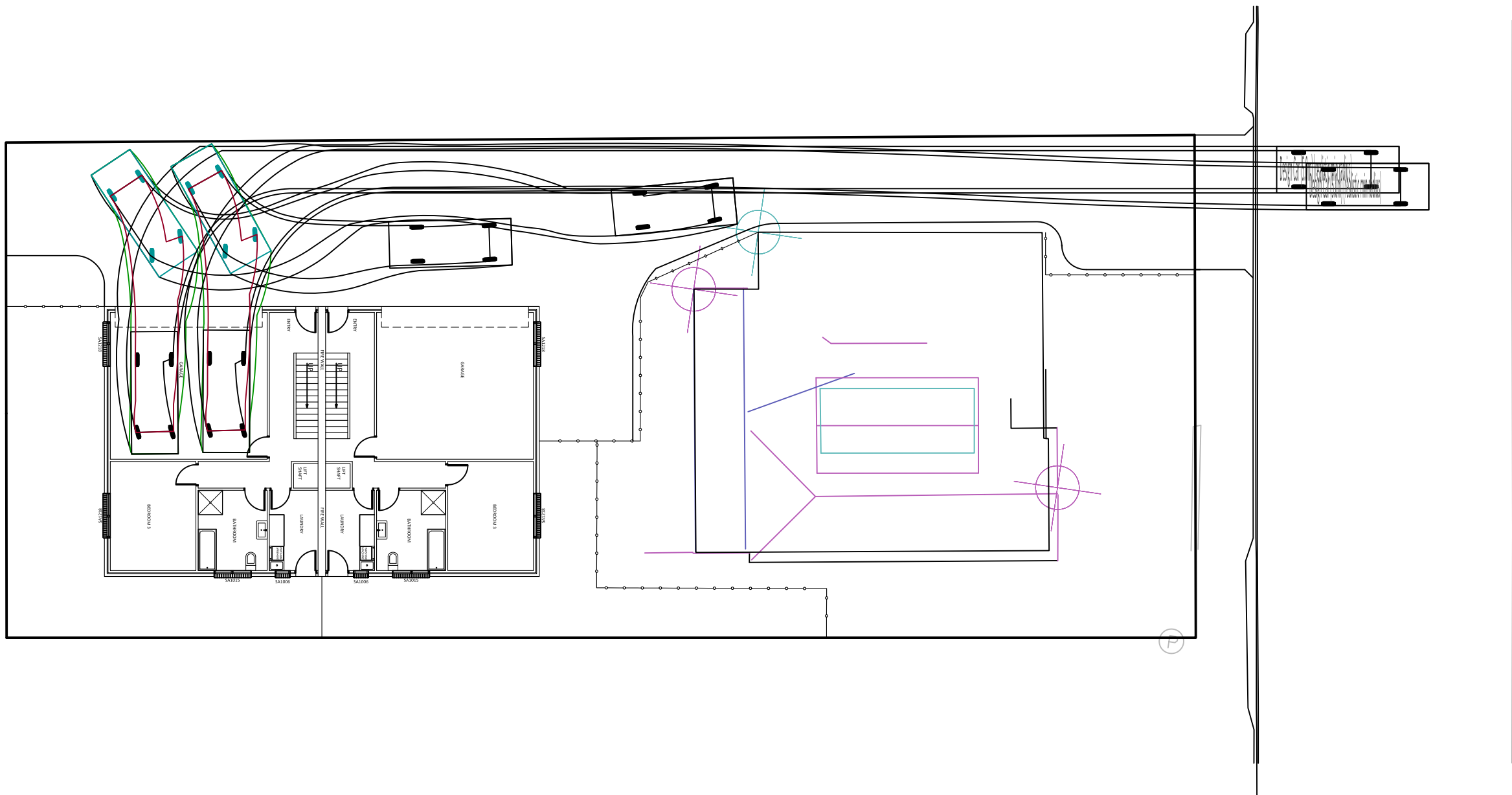
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**JOB No:**

**18-169**

**SHEET No:**

**A-07**



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05-12-2018

REVISION No:

R:0

DRAWN BY:

PK

SCALE:

N/A

PROJECT:

STRATA DEVELOPMENT

DRAWING TITLE:

TURNING 2

SHEET SIZE:

A3

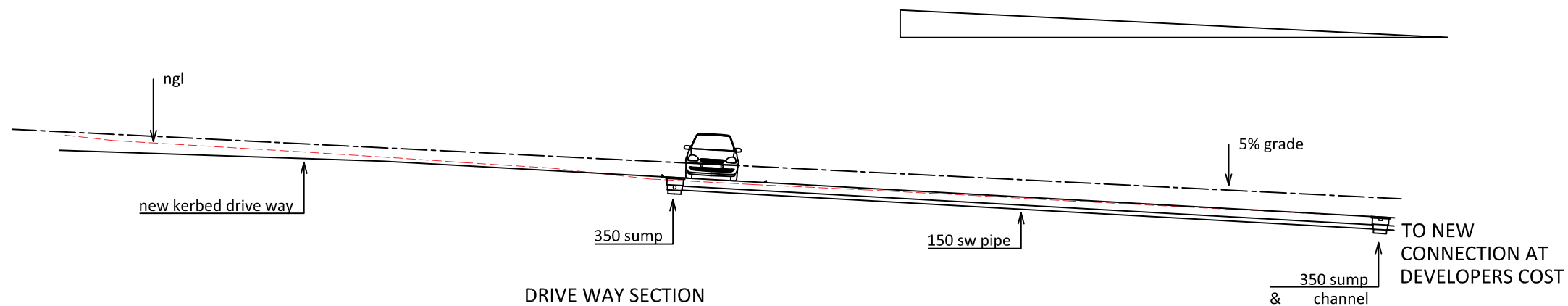
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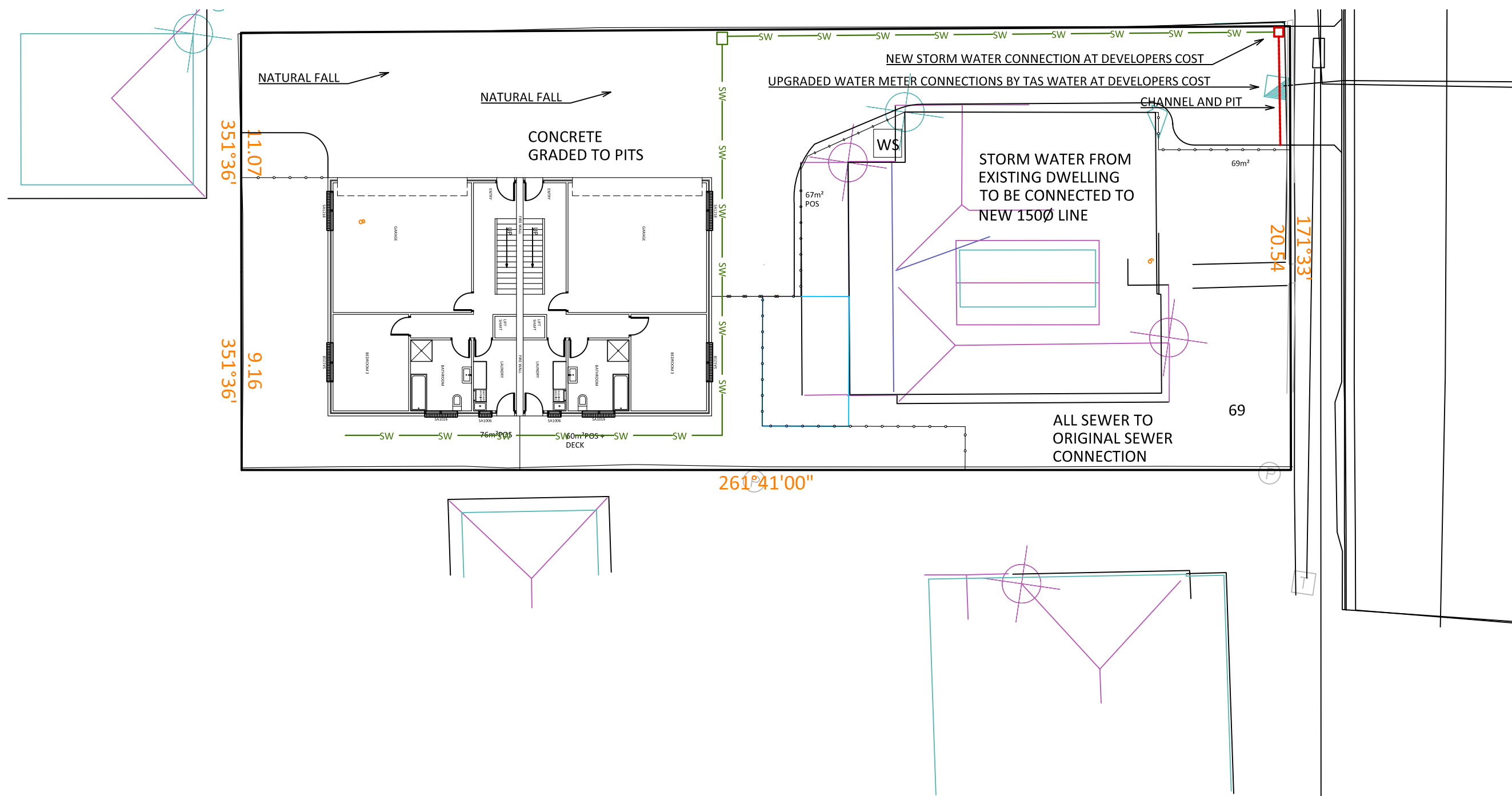
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A-08





DRIVE WAY SECTION



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DATE:

05-12-2018

REVISION No:

R:0

DRAWN BY:

PK

SCALE:

N/A

PROJECT:

STRATA DEVELOPMENT

DRAWING TITLE:

NEW SW PLUMBING  
FOR ENTIRE SITE

SHEET SIZE:

A3

JOB No:

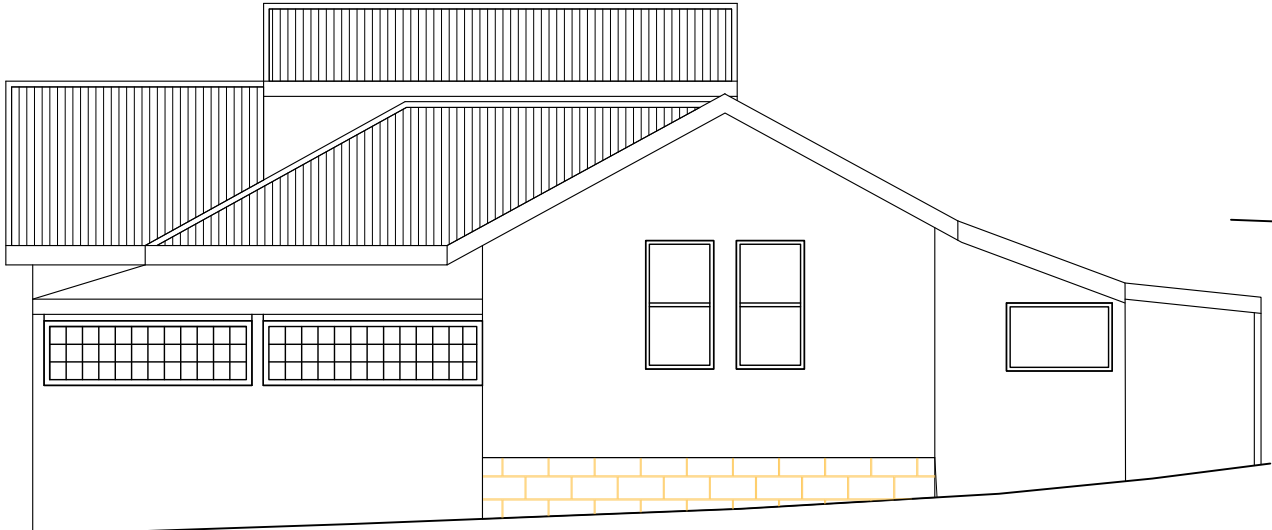
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SHEET No:

A-09



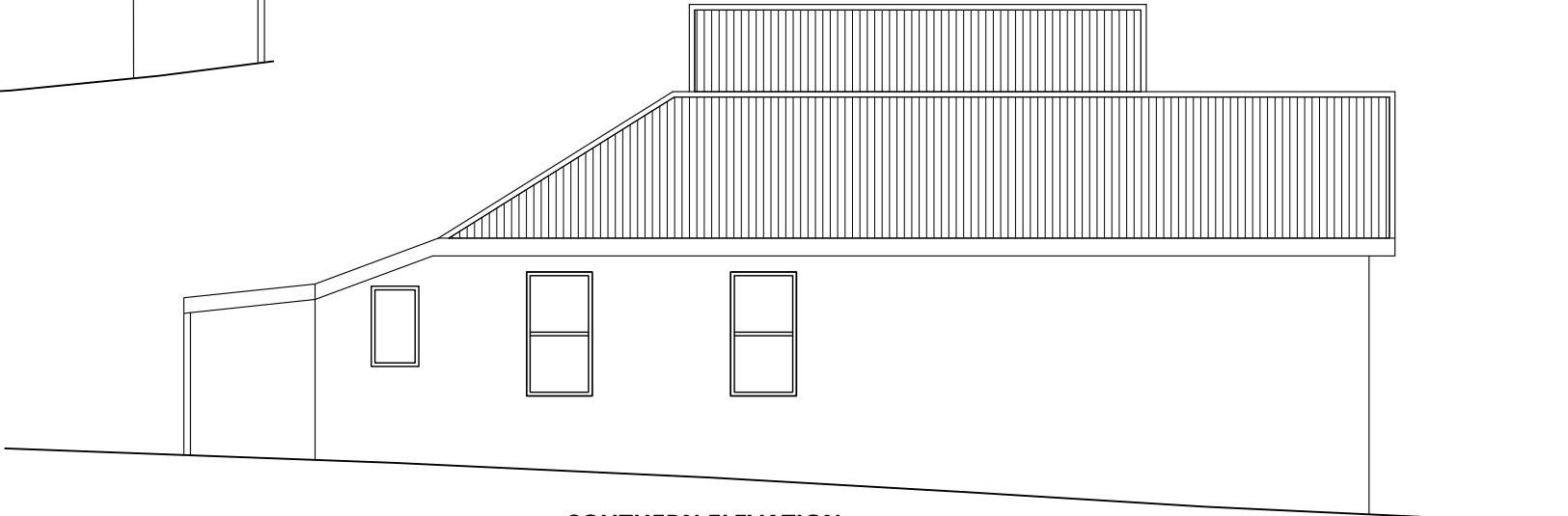
**WESTERN ELEVATION**



**NORTHERN ELEVATION**



**EASTERN ELEVATION**



**SOUTHERN ELEVATION**

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**16 WELLINGTON RD  
LINDISFARNE 7015**

**DATE:**

**23/01/2019**

**REVISION No:**

**R:0**

**DRAWN BY:**

**PK**

**SCALE:**

**N/A**

**PROJECT:**

**STRATA DEVELOPMENT**

**DRAWING TITLE:**

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**SHEET SIZE:**

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**JOB No:**

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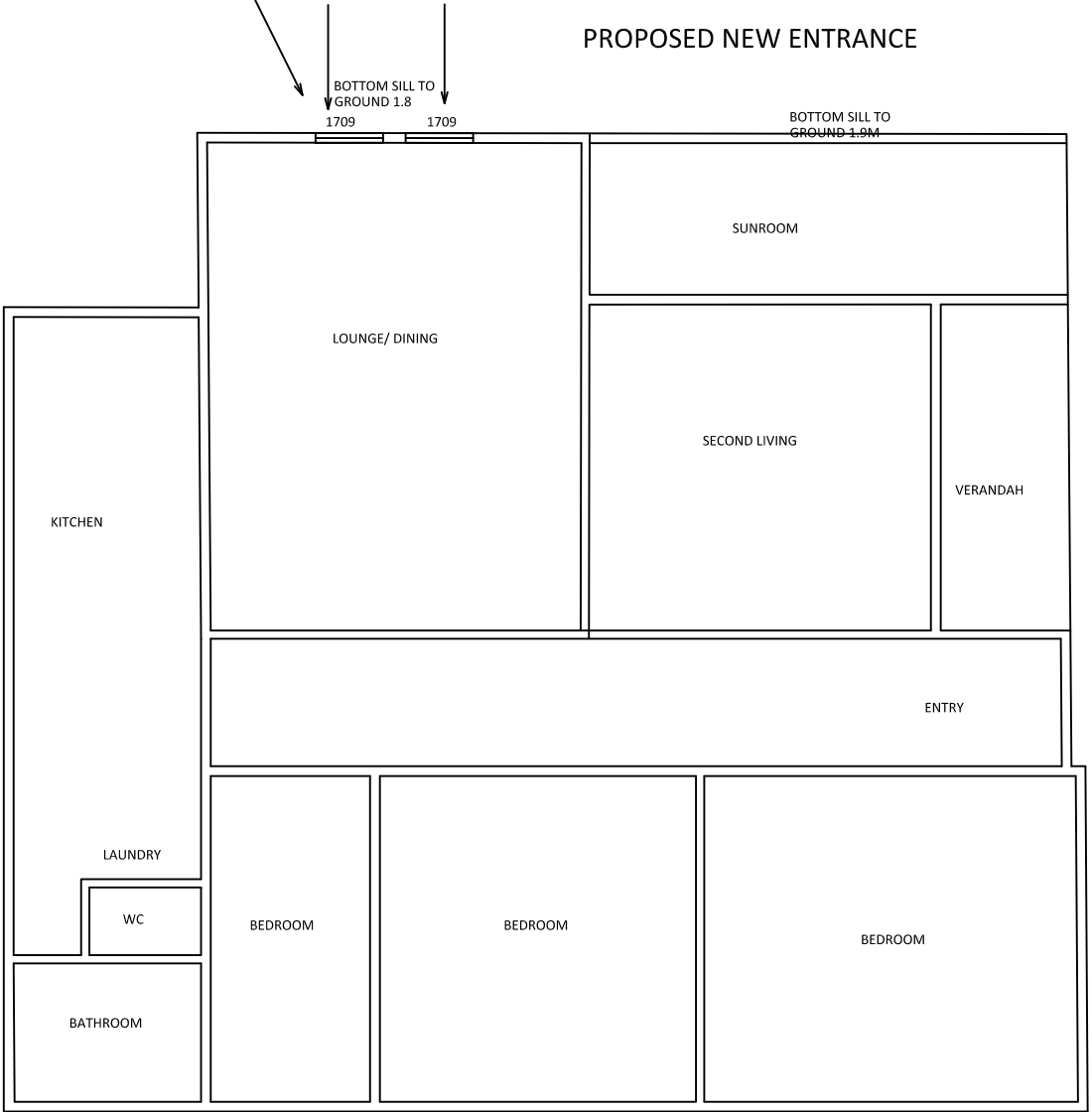
**SHEET No:**

**A-11**



THESE WINDOWS ARE TO BE DOUBLE GLAZED FOR NOISE CONTROL

PROPOSED NEW ENTRANCE



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PROJECT ADDRESS:

16 WELLINGTON RD  
LINDISFARNE 7015

DATE:

05-12-2018

REVISION No:

R:0

DRAWN BY:

PK

SCALE:

N/A

PROJECT:

STRATA DEVELOPMENT

DRAWING TITLE:

ORIGINAL DWELLING  
FLOOR PLAN

SHEET SIZE:

A3

JOB No:

18-169

SHEET No:

A-10



**16 Wellington Road, LINDISFARNE**



***Photo 1: The subject site when viewed from Wellington Street, Lindisfarne.***



**11.3.4 DEVELOPMENT APPLICATION D-2018/487 - 4, 8, 30 AND 30A  
CAMBRIDGE ROAD, BELLERIVE - ADDITIONS TO HOTEL (OUTDOOR  
DINING)**  
(File No D-2018/487)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions to Hotel (Outdoor Dining) at 4, 8, 30 and 30A Cambridge Road, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Particular Purpose 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 12 April 2019.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of location of waste storage bins;

**RECOMMENDATION:**

- A. That the Development Application for additions to Hotel (Outdoor Dining) at 4, 8, 30 and 30A Cambridge Road, Bellerive (CI Ref D-2018/487) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. PROP 1 – LICENCE AGREEMENT.
  3. The garbage bins currently stored on-site adjacent to the boardwalk must be relocated on-site and appropriately screened to the satisfaction of Councils' Manager City Planning.

4. The deck and balustrading must be designed so that it can be removed. Details of the construction methods used to affix the deck to the land must be submitted to and approved by Council's Group Manager Engineering Services prior to the issue of a Building Permit.
5. The glass balustrading around the deck must not be used to display signage.
6. GEN C2 – CASH-IN-LIEU [\$30,000] [3].

**ADVICE**

Approval of this permit must not be taken as Council commitment to the permanent occupation of the Council land. Furthermore, the use must not commence until a license agreement with Council has been entered into.

- 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 numerous permits issued for the site with the most relevant being a permit issued in 2002 for outdoor dining (D-2002/12).

**2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned Particular Purpose Zone 4 (Kangaroo Bay) 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 – Particular Purpose Zone;
  - Section E6.0 – Historic Heritage Code; and
  - Section E26 – Hotel Industries 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 contains the Waterfront Hotel and outdoor dining area. The development involves the outdoor dining area which is located across several titles, some owned by the hotel and others owned by the Crown and Council and leased to the hotel.

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

The proposal is for alterations to the existing outdoor seating area and includes the construction of a timber deck in the expanded outdoor dining area. A glass balustrade will be constructed around the perimeter of the deck (excluding the access ramp), and new furniture and umbrellas are proposed. A 3.5m entry ramp is proposed to provide access from the boardwalk area to the outdoor area.

The application also includes a shipping container, 6.79m<sup>2</sup> in area which is to be refurbished to operate as an outdoor bar. The bar will be located on the northern elevation of the building which is currently used as part of the outdoor dining area.

The outdoor dining area approved by Permit D-2002/12 was approximately 106m<sup>2</sup> in area. During the assessment process, it was discovered that current area of outdoor dining area had extended outside of the area leased to the hotel, without approval, by approximately 46m<sup>2</sup>. The proposal seeks to formalise this existing unapproved use of the boardwalk and if approved, will result in a total outdoor area of approximately 154m<sup>2</sup>. The lease agreement will then need to be amended to reflect the proposed arrangements.

Council and Crown consent has been granted for the lodgement of the application.

#### **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 Particular Purpose Zone 4 – Kangaroo Bay and the Parking and Access, Hotel Industries, and Historic Heritage Codes with the exception of the following.

##### **Particular Purpose Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
35.3.1 A2	Amenity	Noise emissions measured at the boundary of a residential zone must not exceed the following: <ul style="list-style-type: none"> <li>(a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;</li> <li>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;</li> <li>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</li> </ul>	Noise measurements have not been provided.



		Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	
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The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 35.3.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“The 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 noise or other emissions in their timing, duration or extent”.</i>	<p>The nearest residential zone is located approximately 49m from the hotel site and separated by Cambridge Road and commercial properties fronting this road. The existing outdoor area is located between the boardwalk and the hotel which provides a buffer between the outdoor area and the nearest residential zone to the south west.</p> <p>It is considered that any increase in noise as a result of the increased capacity of the hotel would not be noticeable from the residential zoned land.</p>

#### **Particular Purpose Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
35.4.1 A1	Urban Design	The development is for minor additions and/or alterations to an existing building.	The proposal for alterations to the outdoor dining area and an outdoor bar is an intensification of the use and is not considered to be minor additions or alterations and therefore requires assessment against the Performance Criteria.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 35.4.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“The urban design of the development satisfactorily responds to the context of the site through:</i></p> <p><i>(a) private spaces are to provide open and clear connection to public spaces;</i></p> <p><i>(b) development forecourts are to be interconnected to provide for easy and legible movement between each other;</i></p> <p><i>(c) frontages to the street and pedestrian areas are to be active while entrances to buildings and spaces are to be legible in the wider streetscape”.</i></p>	<p>Whilst the proposal is formalising the current use of the boardwalk for hotel dining, a clear connection is provided from the outdoor dining to the boardwalk by the inclusion of a 3.5m wide entry ramp from the boardwalk area. The clear glass balustrade provides transparency through the outdoor area which assists in providing a greater connection to the boardwalk area. To ensure that this connection is maintained it is recommended that a permit condition be included preventing the use of the balustrading for signage.</p> <p>not applicable</p> <p>The proposal provides a clear access to the outdoor dining area and the glass balustrades around the outdoor deck area assists in activating the boundary between the boardwalk and the hotel.</p>

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
35.4.3 A1	Setbacks	The development complies with a three-dimensional building envelope described within an approved plan of subdivision.	No 3D building envelope shown on subdivision plan.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 35.4.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
“(a) setbacks from frontages to the boardwalk and Kangaroo Bay Drive are to be sufficient to contain activities within development forecourts;	5m of the proposed 24m long deck is setback 5m from the water’s edge and Council’s Engineer considers that this setback is sufficient width to allow access for pedestrians and bike riders along the area in front of the outdoor dining.
(b) setbacks between buildings are sufficient to allow for view corridors through and beyond the area”.	The shipping container is to be located against the northern wall of the hotel but sits behind the façade of the dining area of the hotel. Due to its location the outdoor bar will not impact on view corridors along the boardwalk.

#### **Parking and Access Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E6.6.1 A1	Number of car parking spaces	<p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.</p> <p>When assessed against the current Scheme, the additional 46m<sup>2</sup> outdoor dining, 7.6 spaces are required.</p>	No additional spaces proposed.

		<p>The 6.79m<sup>2</sup> bar area would require an additional 2 spaces but is replacing an existing outdoor dining area which would have a credit of 1 space, therefore 1 additional space is required for the bar. A total of 8.6 additional spaces is therefore required.</p> <p>However, if the development was assessed under the Clarence Planning Scheme 2007 in accordance with (i), it would require 3 additional spaces based on 1 space per 3m<sup>3</sup> for the additional bar area. The outdoor dining does not invoke any additional car parking under this Scheme.</p>	
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 35.4.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i></p> <p><i>(a) car parking demand;</i></p> <p><i>(b) the availability of on-street and public car parking in the locality;</i></p> <p><i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i></p> <p><i>(d) the availability and likely use of other modes of transport;</i></p>	<p>The proposal will generate additional parking demand due to the additional bar area which will result in an expansion of service and the accommodation of patrons on the site.</p> <p>The site is located adjacent to public carpark and there is on-street parking available in the immediate area.</p> <p>A metro bus stop is located within 150m of the site.</p> <p>Walking and ferry transport could also be used to travel to the site.</p>

(e) <i>the availability and suitability of alternative arrangements for car parking provision;</i>	none provided
(f) <i>any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i>	not applicable
(g) <i>any car parking deficiency or surplus associated with the existing use of the land;</i>	There is no surplus of car parking associated with the existing use of the land.
(h) <i>any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i>	not applicable
(i) <i>the appropriateness of a financial contribution in-lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	It is considered appropriate to request a cash-in-lieu contribution for the 3 car parking spaces that cannot be provided on-site which will be used to upgrade or provide additional car parking in the immediate area.
(j) <i>any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	not applicable
(k) <i>any relevant parking plan for the area adopted by Council;</i>	The Clarence Interim Car Parking Plan has been adopted by Council which allows the Clarence Planning Scheme 2007 to be used for calculating car parking if it results in a lesser amount.
(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	not applicable



**Historic Heritage Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E13.7.2 A1, A2, A3 and A5	Buildings and Works other than Demolition	No Acceptable Solution.	As per proposal plans.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 35.4.1 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“P1 Development must not result in any of the following:</i></p> <p><i>(a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</i></p> <p><i>(b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.</i></p>	<p>The proposal was referred to the Heritage Council who has issued an exemption for the works. The proposal was also assessed by Council’s Heritage Advisor who considers that the proposed works are clearly distinguishable from the heritage building as the alterations are to the existing contemporary fabric adjoining the heritage building.</p> <p>There are no changes to that part of the building fronting Cambridge Road and therefore the alterations will not have a detrimental impact on the historic values of the site.</p>
<p><i>P2 Development must be designed to be subservient and complementary to the place through characteristics including:</i></p> <p><i>(a) scale and bulk, materials, built form and fenestration;</i></p> <p><i>(b) setback from frontage;</i></p>	<p>The proposal is for additions to the existing outdoor area which are subservient to the existing hotel.</p> <p>The works are located behind the existing building.</p>

(c) <i>siting with respect to buildings, structures and listed elements;</i>	The deck has been setback 5m from the edge of the boardwalk which will ensure that the public has sufficient access in front of the outdoor area.
(d) <i>using less dominant materials and colours.</i>	The proposal uses light coloured decking, a light grey colour for the shipping container bar, white umbrellas and clear balustrading which will allow views into and through the site and will ensure that the new works will be less dominant than the existing hotel building.
P4 <i>Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct”.</i>	Not relevant as the site is not located with a heritage precinct.

**Historic Heritage Code**

Clause	Standard	Acceptable Solution	Proposed
E26.5.1 A1	Use or Development for the Hotel Industries Code	<p>The Hotel industry must:</p> <p>(a) use existing floor space within a shopping centre complex; and</p> <p>(b) be at least 100m from a residential or Community Purpose zone, as measured from the premises to be occupied.</p>	<p>not applicable</p> <p>Does not comply as site is located 49m from a residential zone.</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 35.4.1 as follows.

Performance Criteria	Proposal
<p><i>“The operation of Hotel industry uses must:</i></p> <p>(a) <i>not have an unreasonable impact on the amenity and safety of the surrounding uses, having regard to the following:</i></p> <p>(i) <i>the hours of operation and intensity of the proposed use;</i></p>	<p>The proposed use is an expansion of an existing outdoor area and will not have an unreasonable impact on the amenity of the residential area.</p>

<ul style="list-style-type: none"><li>(ii) <i>the location of the proposed use and the nature of surrounding uses and zones;</i></li><li>(iii) <i>the impact of the proposed use on the mix of uses in the immediate area;</i></li><li>(iv) <i>the cumulative impact of any existing hotel industry uses and the proposed hotel industry on the amenity of the surrounding area;</i></li><li>(v) <i>methods to be employed to avoid conflict with nearby sensitive uses, including houses, schools, community facilities and the like;</i></li><li>(vi) <i>the impacts of light spill on adjacent properties;</i></li><li>(vii) <i>possible noise impacts and proposed noise attenuation measures, including no amplified music audible outside the property;</i></li><li>(viii) <i>impacts on traffic and parking in the vicinity;</i></li><li>(ix) <i>any other measures to be undertaken to ensure minimal amenity impacts from the licensed premises during and after opening hours;</i></li><li>(x) <i>the need for security personnel to control behaviour around the site;</i></li><li>(xi) <i>the use of landscaping to enhance the appearance of the site used for hotel industry; and</i></li></ul>	
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<p>(xii) <i>demonstration that the outcomes of the Hotel Industry Impact Assessment have been satisfied;</i></p>	
<p>(b) <i>ensure that signage is limited in order to avoid clutter and reduced streetscape qualities, especially where shared with a residential zone.</i></p>	<p>Signage is not proposed and permit conditions will restrict the use of the balustrading around the deck for signage.</p>
<p>(c) <i>not provide outdoor seating on a free standing bottle shop site.</i></p>	<p>not applicable</p>
<p>(d) <i>not provide a drive through facility on a free standing bottle shop site.</i></p>	<p>not applicable</p>
<p>(e) <i>be designed and operated in accordance with the principles of Crime Prevention Through Environmental Design, including:</i></p>	<p>The open deck provides excellent passive surveillance to the surrounding public areas.</p>
<p>(i) <i>reducing opportunities for crime to occur;</i></p>	
<p>(ii) <i>providing safe, well designed buildings with appropriate opportunities for surveillance of the surroundings;</i></p>	
<p>(iii) <i>minimising the potential for vandalism and anti-social behaviour; and</i></p>	
<p>(iv) <i>promoting safety on neighbouring public and private land”.</i></p>	

## **5. REPRESENTATION ISSUES**

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

### **5.1. Location of Waste Storage Bins**

Concern was raised about the location of the garbage bins on the property which may have implications for hygiene, devaluation of property and may affect the other businesses and users of the boardwalk.

- **Comment**

The bins detract from the amenity of the boardwalk area and it is recommended that a condition be included on the permit requiring the bins to be relocated and screened from public view. This may include a roof structure to prevent views from above.

## **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 is for additions to the Waterfront Hotel which are recommended for approval subject to conditions.

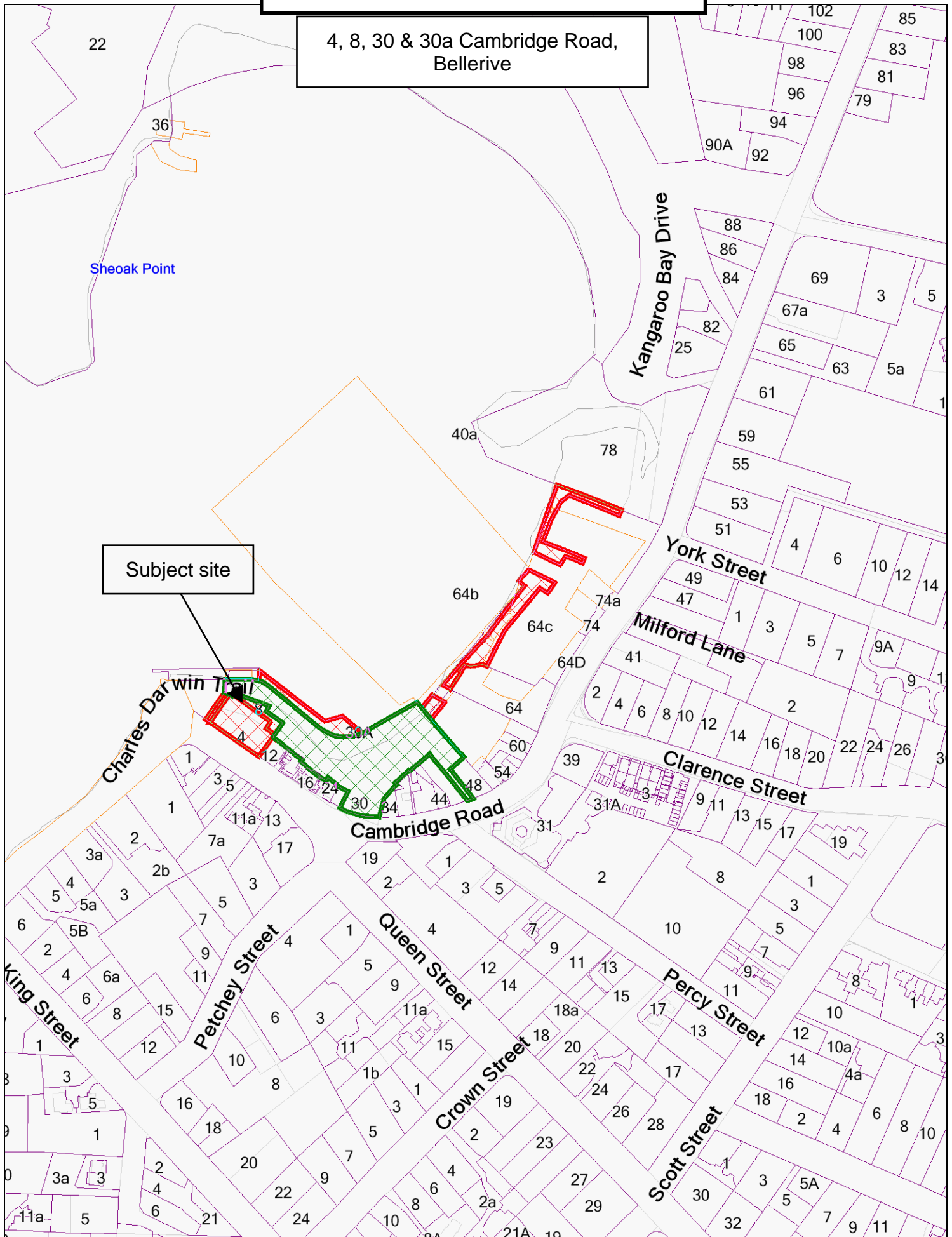
Attachments: 1. Location Plan (1)  
2. Proposal Plan (6)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**



# Attachment 1

4, 8, 30 & 30a Cambridge Road,  
Bellerive



Subject site

Charles Darwin Trail

Cambridge Road

York Street

Milford Lane

Clarence Street

Percy Street

Scott Street

Queen Street

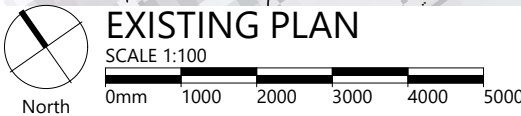
Crown Street

Petchey Street

King 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:** Monday, 1 April 2019 **Scale:** 1:3,154 @A4

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VANTAGE GROUP

184004


SHEET SIZE: A2 (LANDSCAPE)


A1000-DA2

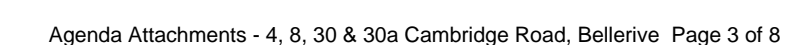
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 AREA OF COUNCIL LAND LEASE

 AREA OF CROWN LEASE









[illegible]

PERSPECTIVE VIEW 1 (EXISTING)



PERSPECTIVE VIEW 1 (PROPOSED ARTISTS IMPRESSION)

# WATERFRONT HOTEL EXTERNAL WORKS

VANTAGE GROUP

## APPROVAL

184004

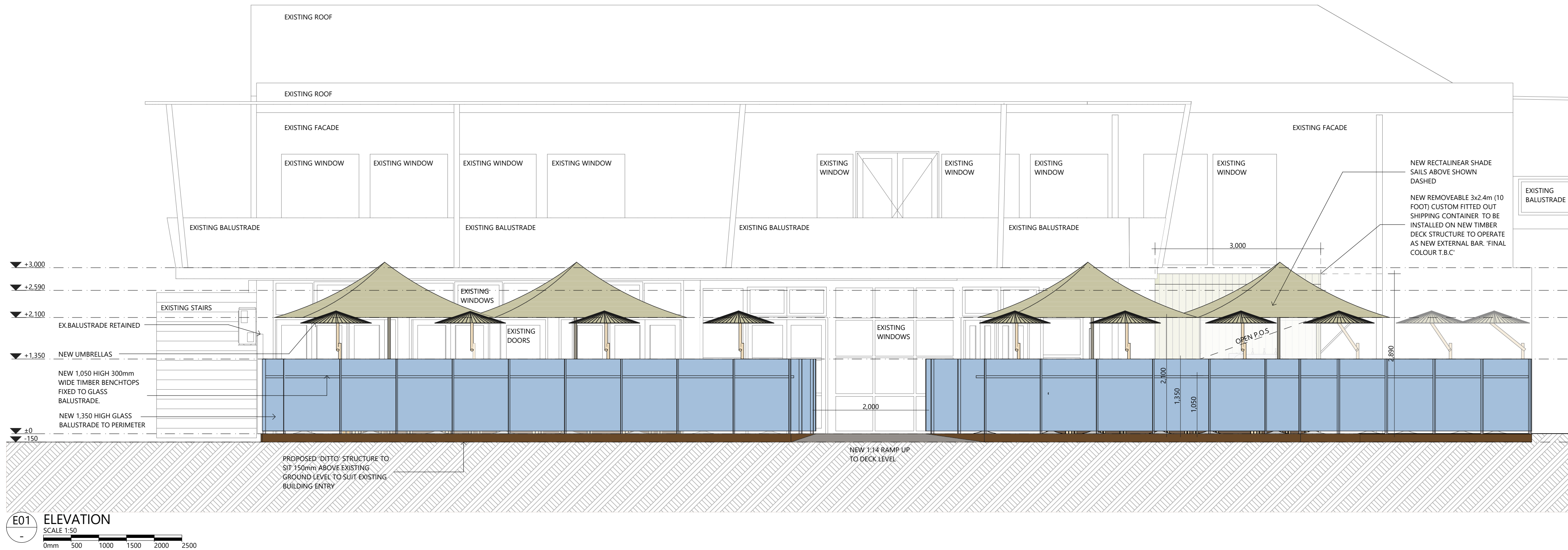
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# WATERFRONT HOTEL EXTERNAL WORKS

VANTAGE GROUP

**APPROVAL**

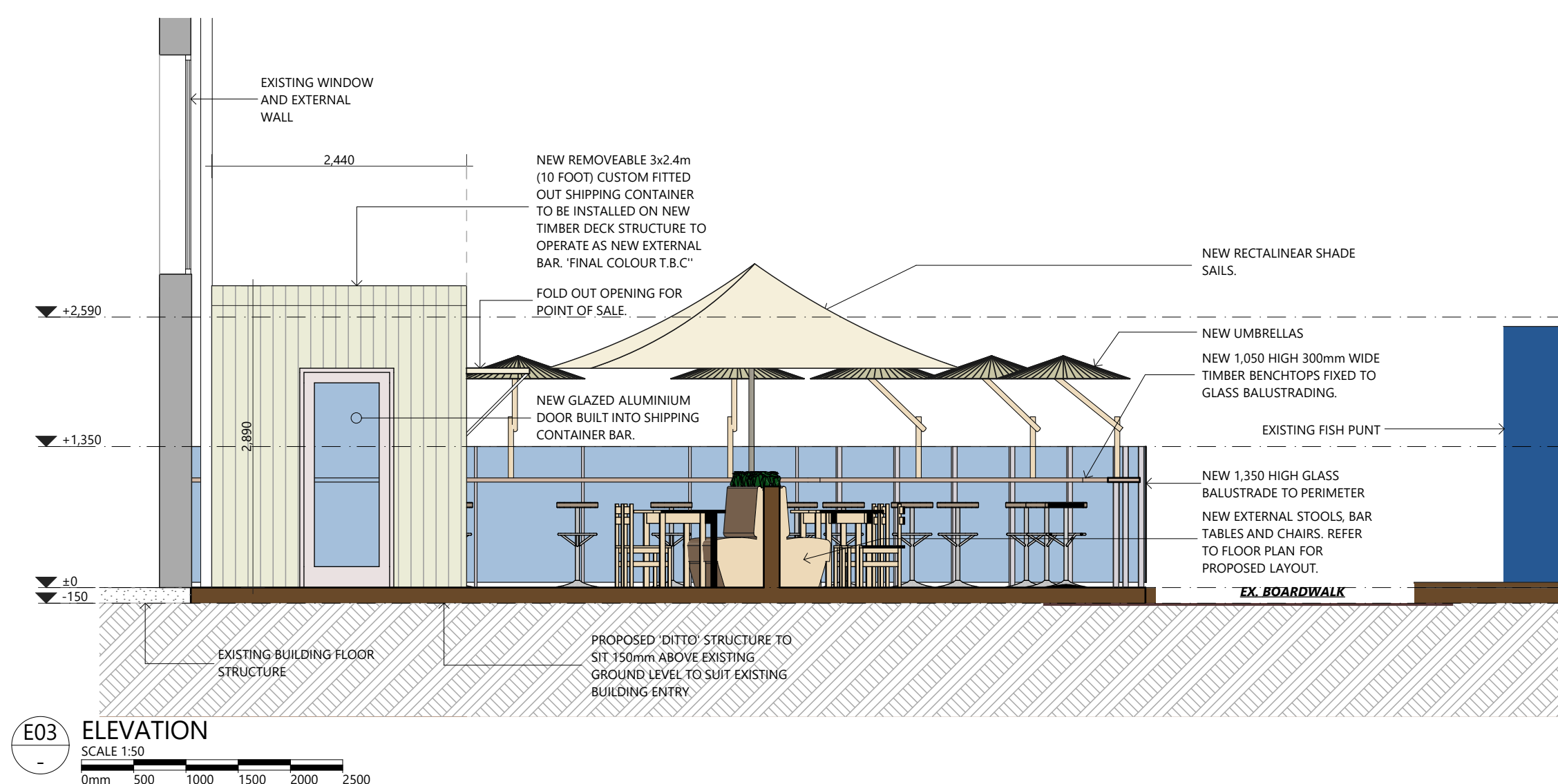
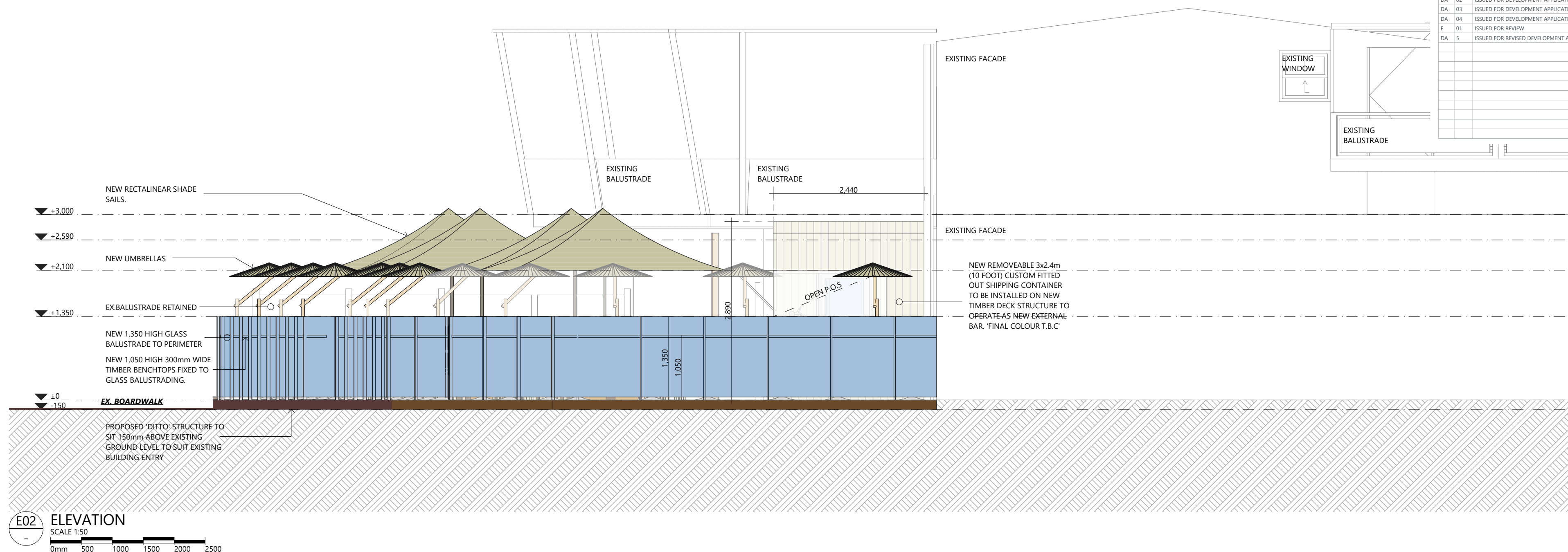
184004

SHEET SIZE: A2 (LANDSCAPE)

A2100-DA4

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# WATERFRONT HOTEL EXTERNAL WORKS

VANTAGE GROUP

## APPROVAL

184004

SHEET SIZE: A2 (LANDSCAPE)

A2101-DA5

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**4, 8, 30 & 30A Cambridge Road, BELLERIVE**



**Site viewed from the boardwalk.**

**11.3.5 DEVELOPMENT APPLICATION D-2018/637 - 37A BRIDGE STREET, RICHMOND - MULTIPLE DWELLINGS, FOOD SERVICES AND GENERAL RETAIL AND HIRE**  
(File No D-2018/637)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Multiple Dwellings, Food Services and General Retail and Hire at 37A Bridge Street, Richmond.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Business and subject to the Parking and Access and Historic Heritage 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 was extended with the consent of the applicant until 10 April 2019.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 4 representations were received raising the following issues:

- signage;
- parking;
- density; and
- heritage.

**RECOMMENDATION:**

A. That the Development Application for Multiple Dwellings, Food Services and General Retail and Hire at 37A Bridge Street, Richmond (CI Ref D-2018/637) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.



2. GEN AP3 – AMENDED PLAN [insert dot points]:
  - reduction of eaves overhangs;
  - removal/reconsideration of horizontally proportioned glazing; details of compatible colours;
  - the use of muted earthy tones, to enable new works to recede into vistas from other adjoining properties and/or precincts;
  - details of fencing;
  - and a reduction in the wall width of the structure surrounding the interpretive dormer window forms to makes them visually less dominant in the façade.
3. GEN C2 – CASH-IN-LIEU [\$77,000] [14].
4. GEN S1 – SIGN CONSENT.
5. ENG A5 – SEALED CAR PARKING.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. ENG M1 – DESIGNS DA delete first dot point, add additional dot point “any minor modifications required to Council’s carpark to facilitate the parking arrangements”.
8. External lighting must be provided at the access and entrance to each of the residential apartments. The lighting must be located, designed and baffled to ensure that no direct light is emitted outside the property boundaries of the site.
9. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 February 2019 (TWDA 2018/637).

ADVICE 5 – FOOD SPECIFICATIONS ADVICE.

ADVICE 6 – FOOD REGISTRATION ADVICE.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2018/637 - 37A BRIDGE STREET, RICHMOND  
- MULTIPLE DWELLINGS, FOOD SERVICES AND GENERAL RETAIL AND HIRE  
/contd...**

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

The site has been subject to a number of planning permits with the most recent being D-2015/64, which was for a change of use to a Take-Away Shop and Shop fronting Bridge Street. At the time of making the application to Council, the site had an existing access from Bridge Street, over the public laneway to the Council carpark at the rear.

A condition of the above permit was to close the vehicular access to the laneway as Council will be upgrading the pedestrian access from Bridge Street to the carpark. Council provided a new access and ramp to the rear of the site from the Council carpark.

**2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned General Business 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 – General Business Zone;
  - Section E6.0 – Parking and Access Code; and
  - Section E13.0 – Historic Heritage Code.

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

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

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

The site is a 940m<sup>2</sup> lot which has frontage to Bridge Street to the south, Council carpark to the north and the Council laneway to the east. The site contains a single storey shop and takeaway in the southern part of the site which pedestrian access from Bridge Street and vehicular access from the Council carpark.

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

The proposal is for two, 2 storey buildings to be constructed behind the existing shop. The development will have a maximum height of 8.11m above natural ground level.

The building behind the existing shop will contain a commercial kitchen and associated retail space with a floor area of 80m<sup>2</sup> on the ground floor and a 2 bedroom residential apartment on the first floor. The second building will contain 3 retail tenancies, each with a floor area of 44m<sup>2</sup>, on the ground floor and three, 2 bedroom residential apartments above.

Each retail tenancy on the ground floor will access directly from the laneway that runs along the eastern boundary of the site. The residential apartments will access from the Council carpark at the rear of the building.

Six on-site car parking spaces are provided to the north of the building which will be accessed from the Council carpark which are proposed to be allocated to the residential apartments.

The applicant has submitted a Traffic Impact Assessment (Milan Prodanovic, 20 November 2018) which has assessed the adequacy of the proposed car parking spaces for the residential apartments and also assessed the parking demand for the retail development and the commercial kitchen/retail tenancy.

The assessment considers that as the operation of the existing shop/takeaway will be distributed between the existing building and new commercial kitchen, the demand for car parking would be for 1 additional space as opposed to the 6 spaces required by the Scheme.

The report claims that the demand created by the development would require an additional 7-8 car parking spaces and concludes the following:

- Franklin Street carpark is not highly used and with better definition of parking bays, could accommodate more vehicles;
- 4 – 5 vacant parking spaces were observed as being available along Bridge Street between Percy Street and east of the development site at most times;
- consideration for applying time limits along a section of Bridge Street could increase turnover;
- the marking of individual parking bays along a section of Bridge Street would increase the number of parked cars.

The report considered that the above measures would significantly increase the available parking in the area by more than the parking demand that the proposed development is likely to generate.



**4. PLANNING ASSESSMENT****4.1. Determining Applications [Section 8.10]**

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

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

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

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

Reference to these principles is contained in the discussion below.

**4.2. Compliance with Zone and Codes**

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

**General Business Zone**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
21.3.2 A1	Noise	<p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;</p> <p>(c) 65dB(A) (LAmix) at any time.</p>	noise levels not provided

		<p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 21.3.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone”.</i>	The site is located within a commercial area of Richmond and it would be anticipated that the noise from the development would not generate levels of noise above existing noise levels and therefore would not have a detrimental impact on the amenity of the residential amenity of the area.

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
21.4.4 A1	Passive Surveillance	<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 buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade;</p>	<p>complies</p> <p>complies</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;	Does not comply as the facade of the building does not have windows at ground level.
		(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;	complies
		(e) provide external lighting to illuminate car parking areas and pathways;	Does not comply as no external lighting is provided.
		(f) provide well-lit public access at the ground floor level from any external carpark.	Does not comply as no external lighting is provided.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 21.4.4 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“Building design must provide for passive surveillance of public spaces by satisfying all of the following:</i></p> <p><i>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</i></p> <p><i>(b) locate windows to adequately overlook the street and adjoining public spaces;</i></p>	<p>The main entrances to the retail tenancies will be clearly visible from the public laneway. The entrances to the residential apartments will be clearly visible from the carpark.</p> <p>Windows from the upper level apartment will overlook the carpark and laneway and provide passive surveillance of these spaces. This is an increase in surveillance over the current situation.</p>

(c) <i>incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</i>	The development includes large glass windows along the front façade facing the laneway.
(d) <i>locate external lighting to illuminate any entrapment spaces around the building site;</i>	External lighting is not proposed. However, it is considered that external lighting is necessary around the entrances to the multiple dwellings which are located at the rear of the building. A condition should be included to this effect.
(e) <i>provide external lighting to illuminate car parking areas and pathways;</i>	The carpark contains lighting and Council's Engineers consider that this will provide sufficient overflow lighting for the car parking spaces proposed for the development.
(f) <i>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 public access to the site has high visibility from Bridge Street and the carpark.
(g) <i>provide for sight lines to other buildings and public spaces".</i>	as above

**Parking and Access Code**

Clause	Standard	Acceptable Solution	Proposed
E6.6.1 A1	Number of car parking spaces	<p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.</p>	The development provides 6 spaces on-site which are to be allocated to the multiple dwellings. The proponent requests to waive the remaining spaces, which cannot be provided on-site.

		<p>When assessed under the current Scheme, the development would require an additional 24 spaces. However, when assessed under the Clarence Planning Scheme 2007 in accordance with (i), the development would require an additional 16 spaces which is calculated as follows:</p> <p>Retail tenancies: 5 spaces (176m<sup>2</sup>) Food services 5 spaces (76m<sup>2</sup>) 3 Multiple Dwellings 6 spaces</p> <p>TOTAL: 16 spaces</p> <p>The existing permit D-2015/64 requires 4 car parking spaces to be provided on-site which services the existing shop and takeaway on-site. These spaces are proposed to be removed as a result of the development.</p> <p>Therefore, the total requirement for the site is 20 spaces.</p>	
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 21.3.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i></p> <p>(a) <i>car parking demand;</i></p>	<p>It is considered that the development will generate additional demand for car parking in the area for customers visiting the retail shops fronting the laneway.</p>



<p>(b) <i>the availability of on-street and public car parking in the locality;</i></p>	<p>The argument put forward in the Traffic Impact Assessment that the proposed commercial kitchen/retail tenancy will increase the demand for only 1 additional car parking space on the basis that it will be used in conjunction with the existing shop/takeaway is not accepted. Both the existing businesses and proposed tenancies can clearly operate independently from each other which would require staff in both premises. In addition, the car parking requirement is based on floor area.</p> <p>The proponent's report has also not taken into consideration the 4 car parking spaces required for the existing development when calculating the parking demand for the site.</p> <p>Therefore, the parking demand for the development is in accordance with the Scheme requirement which requires a total of 20 spaces for the existing and proposed development on the site.</p> <p>The site is located adjacent to the public Franklin Street carpark. A 2018 Pitt and Sherry report identified that on-street parking in the area and the Franklin Street carpark is currently under-utilised and therefore is adequate car parking in the immediate area to meet the demand of the development.</p> <p>In response to the conclusions regarding the availability of parking in the area, Council's Engineer acknowledges that there is potential for a higher car parking density within the Franklin Street carpark lot, however, the Council is in the process of improving its profile and attracting users through the planned upgrade of the pedestrian laneway from Bridge Street to the Franklin Street carpark.</p>
---	--

	<p>The possibility of line marking spaces along Bridge Street and limiting parking restrictions along Franklin Street is not something Council is considering at this point, as Council's Engineer does not consider that this will significantly increase the numbers of on street parking</p>
(c) <i>the availability and frequency of public transport within a 400m walking distance of the site;</i>	The site is adjacent to the Council carpark and bus stop.
(d) <i>the availability and likely use of other modes of transport;</i>	Visitors will generally visit Richmond by car and tourist buses.
(e) <i>the availability and suitability of alternative arrangements for car parking provision;</i>	No alternative arrangements proposed.
(f) <i>any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i>	Sharing of spaces is not proposed.
(g) <i>any car parking deficiency or surplus associated with the existing use of the land;</i>	not applicable
(h) <i>any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i>	not applicable
(i) <i>the appropriateness of a financial contribution in-lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	As discussed above, improvements can be undertaken in the Council carpark to increase the density of car parking and it would be appropriate to require a cash-in-lieu contribution which will go towards these upgrades.

	<p>It is considered that the development and the above proposed improvements will add to the demand for car parking in the vicinity of the site and therefore it is appropriate to require cash-in-lieu to ensure that this additional demand can be met.</p> <p>It is noted that a recent Tribunal decision regarding car parking in Richmond (<i>Hobart Properties &amp; Securities Pty Ltd v Clarence City Council and R Scaife</i> [2018] TASRMPAT 30 accepted the evidence of Council's Engineer that the improvement and upgrading of the Franklin Street carpark is likely to increase its utilisation and the financial contribution is therefore appropriate.</p>
(j) <i>any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	On this a basis, the Tribunal considered that it was appropriate to take cash-in-lieu for the deficient spaces that cannot be provided on-site as upgrading of this carpark will increase its utilisation.
(k) <i>any relevant parking plan for the area adopted by Council;</i>	not applicable
(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	<p>not applicable</p> <p>The site is not heritage listed and it is considered that the reduction in the number of car spaces provided on-site is not considered to have a detrimental impact on the heritage values of the area.</p>

**Historic Heritage Code**

<b>Clause</b>	<b>Standard</b>	<b>Acceptable Solution</b>	<b>Proposed</b>
E13.8.2 A1, A2, A3, A5	Building Works other than Demolition	No Acceptable Solution	As per proposal plans.

The proposed variation must be considered pursuant to the Performance Criteria (P1, P2, P3 and P5) of the Clause E13.8.2 as follows.

<b>Performance Criteria</b>	<b>Proposal</b>
<p><i>“P1 Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.</i></p>	<p>Council’s Heritage Advisor has assessed the proposal and provides the following comments:</p> <p>“The proposal is located upon an internal allotment behind existing primary frontages to Bridge Street which subsequently diminishes its potential impact upon significant streetscape vistas and public interpretation of the precinct. I also note that historic character of the immediate precinct adjoining the subject site is significantly compromised by prior inappropriate development. This proposal, albeit large in scale, appears to adopt a variety of forms &amp; features to assist with diffusion of its scale. Some detail design elements, however, would benefit from reconsideration to accord with predominant characteristics of simplified predominant period forms”.</p>
<p><i>P2 Design and siting of buildings and works must comply with any relevant design criteria/conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.</i></p>	<p>As discussed above.</p>
<p><i>P3 Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.</i></p>	<p>Not applicable as the proposal is for new buildings, not an extension.</p>
<p><i>P4 New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.</i></p>	<p>Council’s Heritage Advisor has assessed the proposal and provides the following comments:</p> <p>This proposal does not incorporate fences that abut a significant street frontage. It does, however, include fencing that adjoins a significant public thoroughfare to the Franklin Street carpark.</p>

	<p>The height and appearance of proposed fencing appears consistent with what would be expected in that zone but additional details are required to ensure that the fence is consistent with the heritage values of the area.</p>
<p><i>P5</i>  <i>The design of new development must be sympathetic to the heritage locality in terms of bulk, setbacks, materials, colour scheme, form, and character of the place, streetscape and surrounding area. It therefore must:</i></p> <p><i>(a) not be confused with the original historic fabric associated with nearby historic places in the locality;</i></p> <p><i>(b) be compatible with the architectural design, colour and aesthetic characteristics of the historic places in the area;</i></p> <p><i>(c) not visually dominate an existing heritage place or street in terms of size, height and bulk when viewed from the street frontage or frontages;</i></p>	<p>Council's Heritage Advisor has assessed the proposal and provides the following comments:</p> <p>This proposal presents as an unambiguously modern insertion within a heritage precinct albeit removed from the main streetscape and significant vistas thereof.</p> <p>Whilst the overall forms, colour and aesthetics of this proposal could generally be described as compatible with historic places, some detailed design elements may require further review to assist with integration. These include:</p> <ul style="list-style-type: none"> <li>• reduction of eaves overhangs;</li> <li>• removal/reconsideration of horizontally proportioned glazing;</li> <li>• selection of compatible colours, ie, muted earthy tones, to enable new works to recede into vistas from other adjoining properties and/or precincts; and</li> <li>• a reduction in the wall width of the structure surrounding the interpretive dormer window forms to makes them visually less dominant in the façade.</li> </ul> <p>The proposal is located behind existing primary frontages to Bridge Street which subsequently diminishes its potential to impact upon significant streetscape vistas and frontages.</p>



(d) <i>adopt a contemporary architectural character of an understated appearance to minimise the visual dominance over adjacent contributory buildings, the heritage place or historic places in the locality, in terms of size, height or bulk;</i>	Although the proposed building does maintain a dominant appearance in its own right, its articulation and location to the rear of similarly proportioned buildings, appears to assist with its visual integration.
(e) <i>repeats the particular rhythm, spatial characteristics and character of historic places and other contributory buildings in the area;</i>	There appear to be a number of repetitive elements that reference predominant Georgian characteristics and simplified forms. Over-accentuated elements, however, may need further consideration to reduce visual impact, ie, interpretive dormer window forms, eaves overhang.
(f) <i>relates to and uses as reference points the materials, front and side setbacks, roof form, colours and details of adjacent buildings and the surrounding precinct;</i>	
(g) <i>avoid blank walls at ground and upper floor levels when viewed from surrounding streets;</i>	This proposal does not appear to incorporate any blank walls that can be viewed from significant street frontages.
(h) <i>utilise landscaping, fencing or other techniques to enhance the property and to reduce conflict with historic streetscapes”.</i>	The development is located behind the shop fronting Bridge Street and therefore landscaping is not required.

## 5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 4 representations were received. The following issues were raised by the representors.

### 5.1. Signage

Concern was raised that a notice was not placed on the boundary fronting Bridge Street.

- **Comment**

Council records show that the notice was placed on the site boundaries fronting Bridge Street, the laneway and the Council carpark in accordance with statutory requirements.

**5.2. Parking**

Concern was raised that the development does not include sufficient car parking.

- **Comment**

As discussed above, the development does not meet the Parking and Access Code and as there is an identified need to provide additional parking in the future, a cash-in-lieu contribution is required.

**5.3. Density**

Concern was raised that the density of the development is inappropriate for the Richmond historic precinct.

- **Comment**

Richmond includes commercial areas along either side of Bridge Street which have a similar density to that proposed on the site and on this basis, the proposal is considered appropriate.

**5.4. Heritage**

Concern was raised that the proposed development is not in keeping with the heritage architecture of the area.

- **Comment**

As discussed above, Council's Heritage Officer has assessed the development and considers the design is generally consistent with the Georgian attributes of the heritage precinct and will not have a detrimental impact on the heritage values of the area.

**5.5. Signage**

Concern was raised that signage is not shown on the proposal plans.

- **Comment**

Signage is not proposed and a permit condition is recommended requiring approval for any future signage.

**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, including the following.

**9. CONCLUSION**

The proposal for Multiple Dwellings, Food Services and General Retail and Hire is recommended for approval.

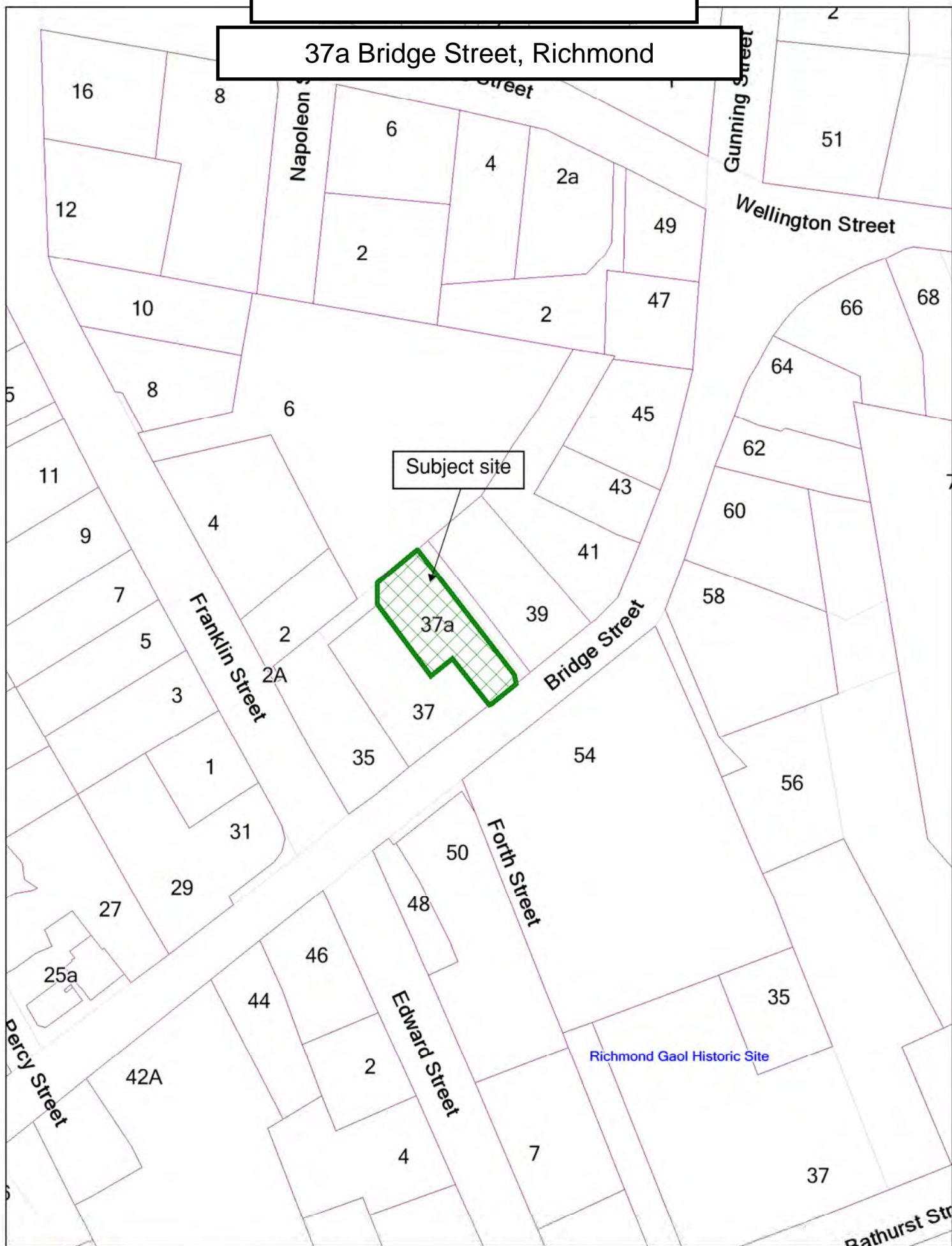
Attachments: 1. Location Plan (1)  
2. Proposal Plan (6)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

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

# Attachment 1

## 37a Bridge Street, Richmond



**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, 1 April 2019 **Scale:** 1:1,543 @A4





KEY PROPOSAL STATISTICS  
PROJECT DATA

TITLE	VOLUME 159858	FOLIO 1
	EDITION 2	DATE OF ISSUE 19-MAY-2011
LOCATION SITE AREA:	37a BRIDGE STREET RICHMOND 940m2	
FOOTPRINT EXISTING	92.7M2	
FOOTPRINT PROPOSED	288.30M2	
SITE COVERAGE	30%	
CROSSOVER WIDTH	15,550	
HIGHTEST POINT OF BUILDING	7,985	

DRAWING LIST

SHEET DA01	COVER SHEET/KEY DATA
SHEET DA02	EXISTING CONDITIONS
SHEET DA03	SITE PLAN
SHEET DA04	FLOOR PLANS
SHEET DA05	ELEVATIONS 01
SHEET DA06	ELEVATIONS 02

DA APPLICATION

Client:

Julian & Sherri Coomer

Site  
Address:

37a Bridge Street, Richmond

Drawn by:

IJ

GENERAL NOTES:

**CHECK ALL** DIMENSIONS AND MEASUREMENTS ON SITE PRIOR TO FABRICATION AND OR CONSTRUCTION. DIMENSIONS ARE IN MILLIMETERS "FRAME TO FRAME" AND DO NOT ALLOW FOR INTERIOR LININGS.

**DO NOT** SCALE DRAWINGS. **IF IN DOUBT ASK.**

**ALL** WORK IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AS AMENDED, RELEVANT AUSTRALIAN STANDARDS (AS) CODES AND GOOD BUILDING PRACTICES. DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND SCHEDULES.

ISSUE	DESCRIPTION	DATE

**File  
Number:**  
JENARC/18/9/3

**Title:**  
Specifications & detailing  
for certification & permit issue  
of residential construction

**Sheet  
Original:**

A - 2

Scale:

As Shown

map  
modern architecture practice

Registered Architects

**Leon Jenkins**

34 Silwood Avenue  
Howrah Tas 7018  
Phone: (03) 6244 4850  
Mobile 0419 894 623  
Email: maparch@netspace.net.au

TCC No: 1003  
QCC No: 4833

**Drawing Number:**

DA01

PROJECT  
CONSULTANTS:

Engineer:

Surveyor:



Client:

Julian & Sherri Coomer

Site Address:

37a Bridge Street, Richmond

Drawn by:

LJ

GENERAL NOTES:

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ISSUE	DESCRIPTION	DATE

File Number: JENARC/18/9/3

Title: Specifications & detailing for certification & permit issue of residential construction

Sheet Original:

A - 2

Scale:

As Shown



Registered Architects

Leon Jenkins

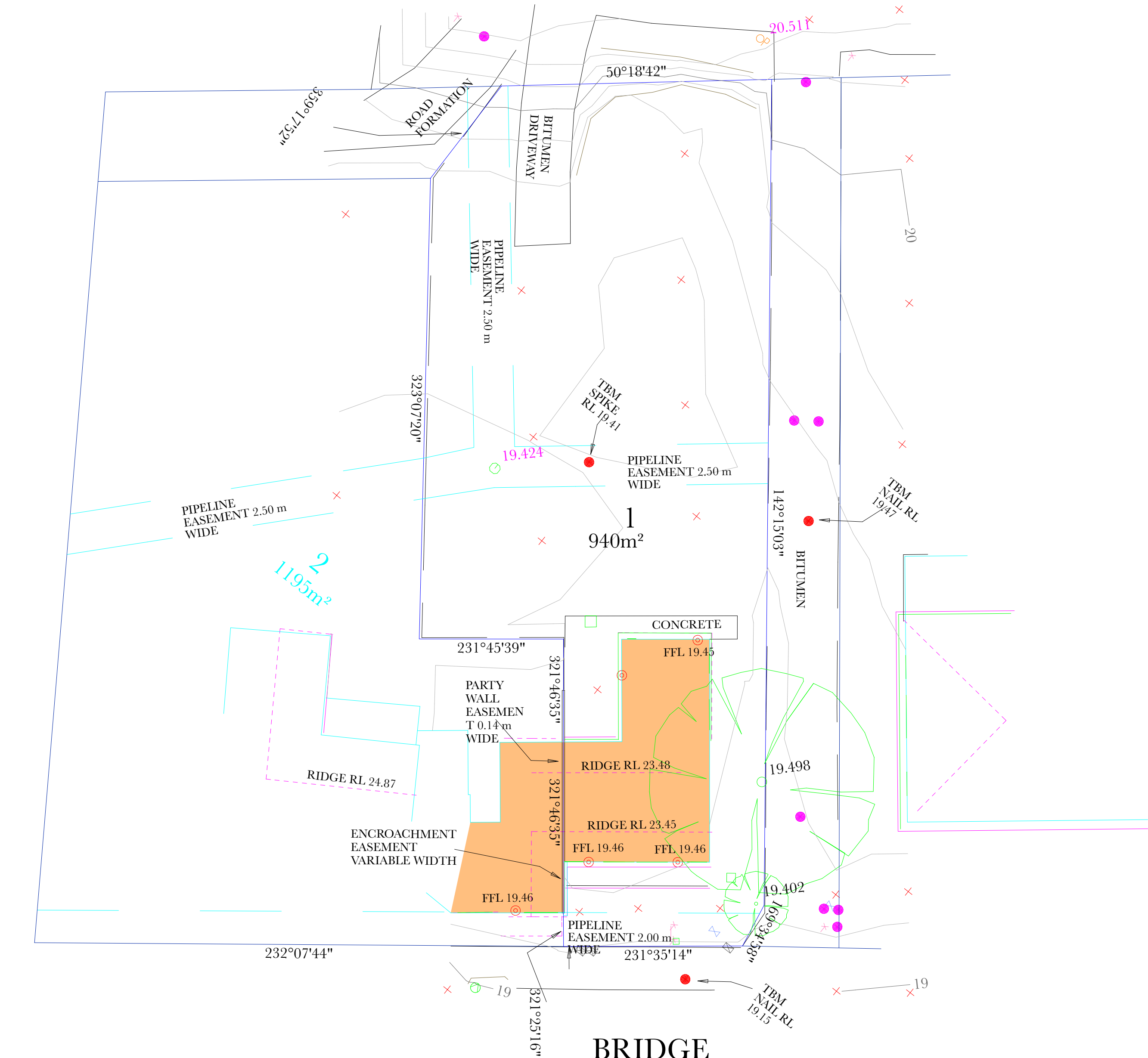
34 Silwood Avenue  
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TCC No: 1003  
QCC No: 4833

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DA02

DA APPLICATION



Existing Conditions

Scale 1:200 @ A2

PROJECT CONSULTANTS:

Engineer:

Surveyor:





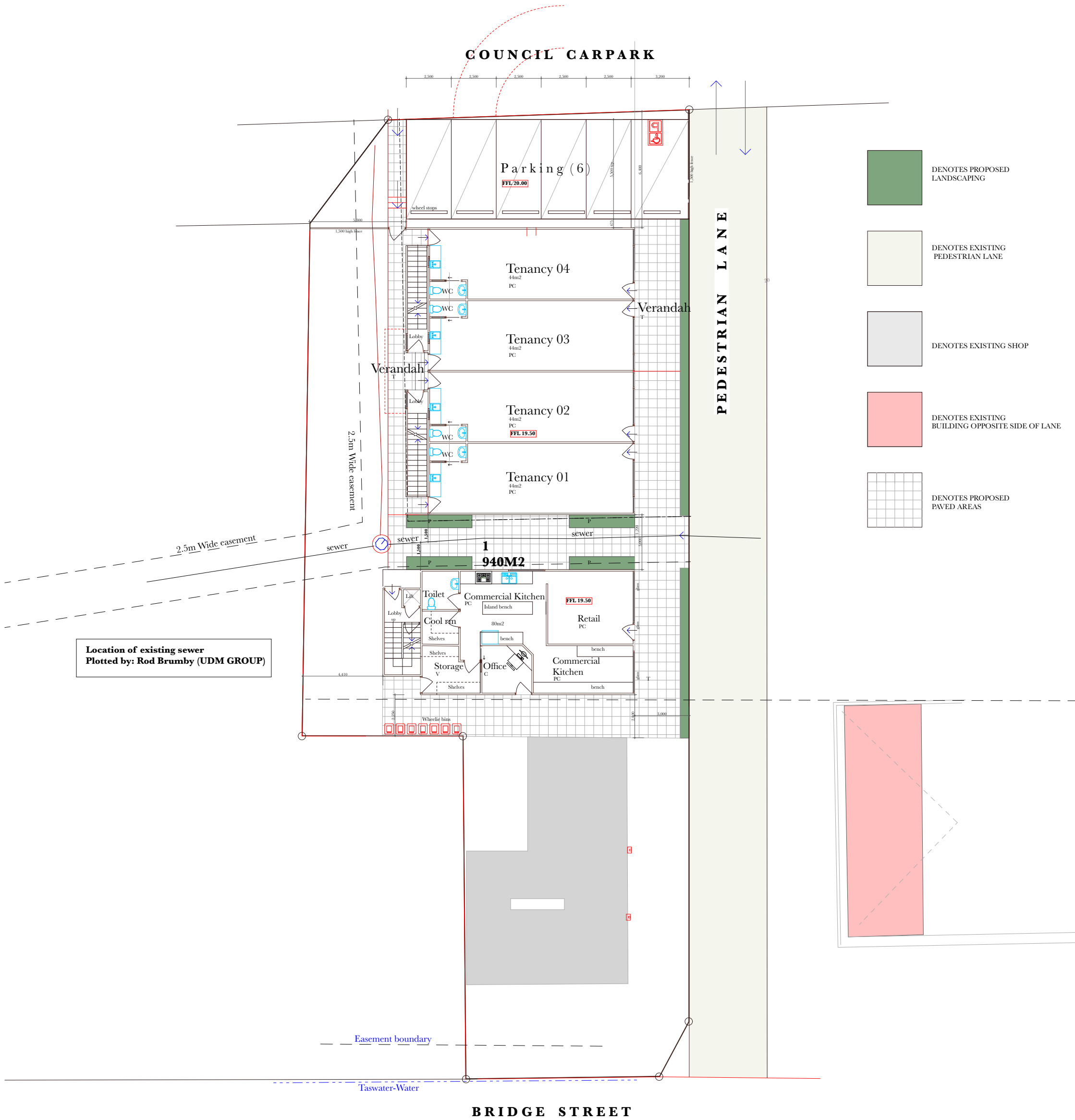
Location of Sewer

NTS



Location Plan

NTS



Site Plan

Scale 1:200 @ A2

DA APPLICATION

Client:

Julian & Sherri Coomer

Site Address:

37a Bridge Street, Richmond

Drawn by:

LJ

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ISSUE	DESCRIPTION	DATE
Taswater	location of sewer	20/12/18
Taswater	location of water	20/12/18
CCC	location of sewer	20/12/18

File

Number:  
JENARC/18/9/3

Title:

Specifications & detailing for certification & permit issue of residential construction

Sheet

Original:

A - 2

Scale:

As Shown

map  
modern architecture practice

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TCC No: 1003

QCC No: 4833

Drawing Number:

DA03

PROJECT CONSULTANTS:

Engineer:

Surveyor:



2

SECTION NUMBER

2

BUILDING SECTION FLAG

2

SHEET NUMBER

2

DETAIL NUMBER

2

DETAIL FLAG

2

SHEET NUMBER

2

ELEVATION NUMBER

2

EXTERIOR ELEVATION FLAG

2

SHEET NUMBER

BI-FOLD OPENING FLAG

OPEN SASH FLAG

Item

Comments

OS

Opening Sash

F

Fixed Glazing

GD

Glazed entry door

DP

Down Pipe

Stainless Steel

T

Tiled Paving

FGL

Finished Ground Level

NGL

Natural Ground Level

CO

Custom orb roofing (typical)

CS

9mm Compressed sheet

PC

Polished concrete

walls & roof - dormers

C

Carpet

V

Vinyl flooring

P

Planting

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The completion of the Issue Details Checked and Authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed 'For Construction' and authorised for issue.

Architectural drawing of the First Floor Plan. The plan shows two main apartment units, each with a Kitchen, Dining/Living area, two Bedrooms, a Bath, and a central Lobby. Dimensions are provided for various rooms and overall sections. Orientation is indicated by a North arrow (NW) and a South arrow (SE). The plan is divided into sections A, B, and C horizontally, and 1 through 7 vertically.

First Floor Plan  
Scale 1:100 @ A2

Architectural drawing of the Ground Floor Plan. The plan shows four tenancy units (Tenancy 01 to Tenancy 04) with various rooms including Lobbies, WCs, and Verandahs. It also includes a Commercial Kitchen, Retail area, Office, Storage, and a Parking area with 6 spaces. Dimensions are provided for various areas. Orientation is indicated by a North arrow (NW) and a South arrow (SE). The plan is divided into sections A, B, and C horizontally, and 1 through 7 vertically.

Ground Floor Plan  
Scale 1:100 @ A2

DA APPLICATION

Client:

Julian & Sherri Coomer

Site Address:

37a Bridge Street, Richmond

Drawn by:

IJ

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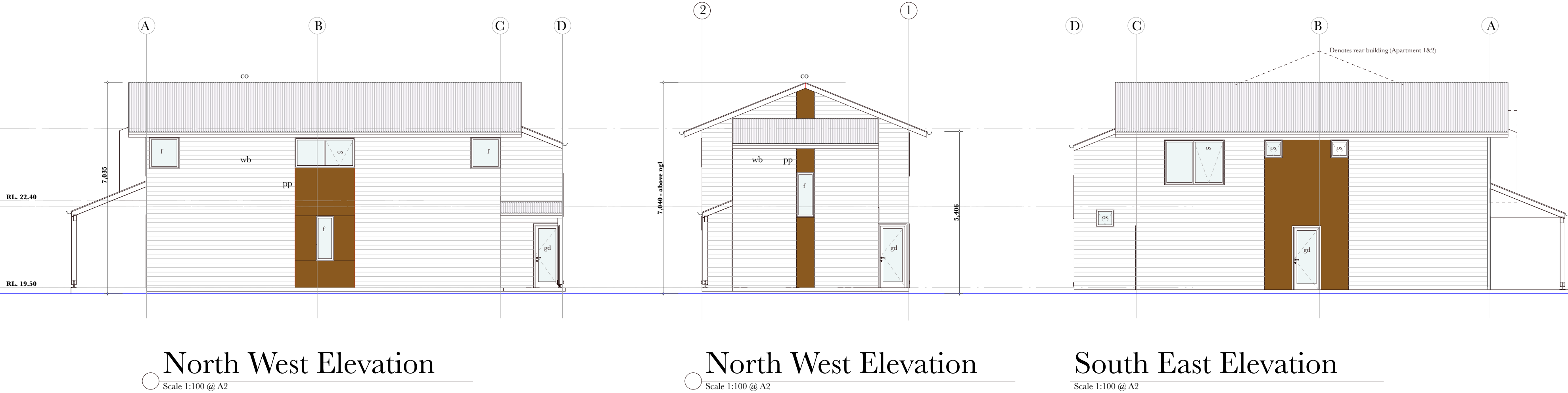
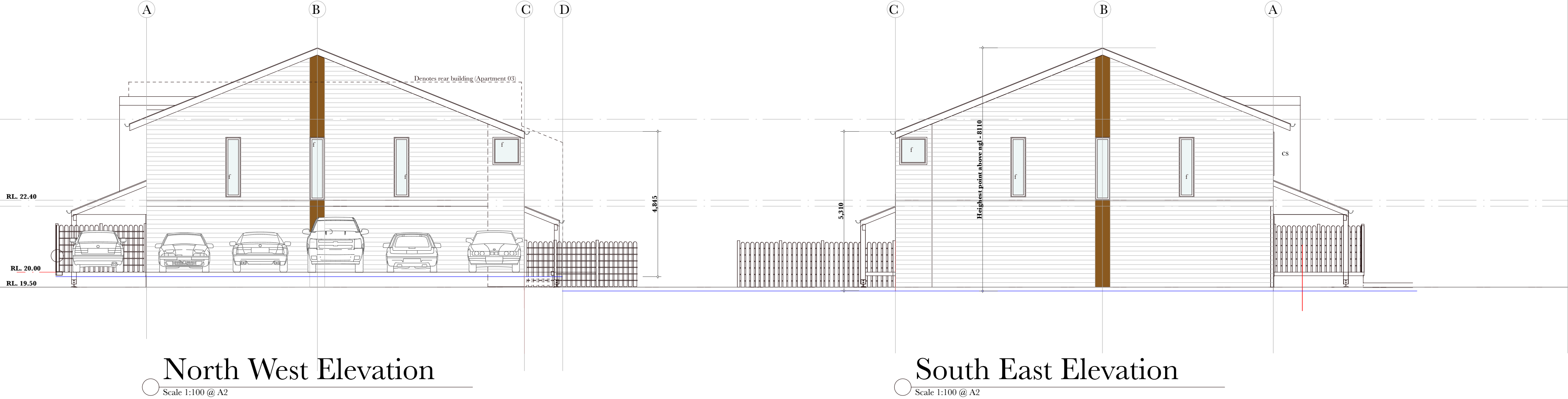
PROJECT CONSULTANTS:

Engineer:

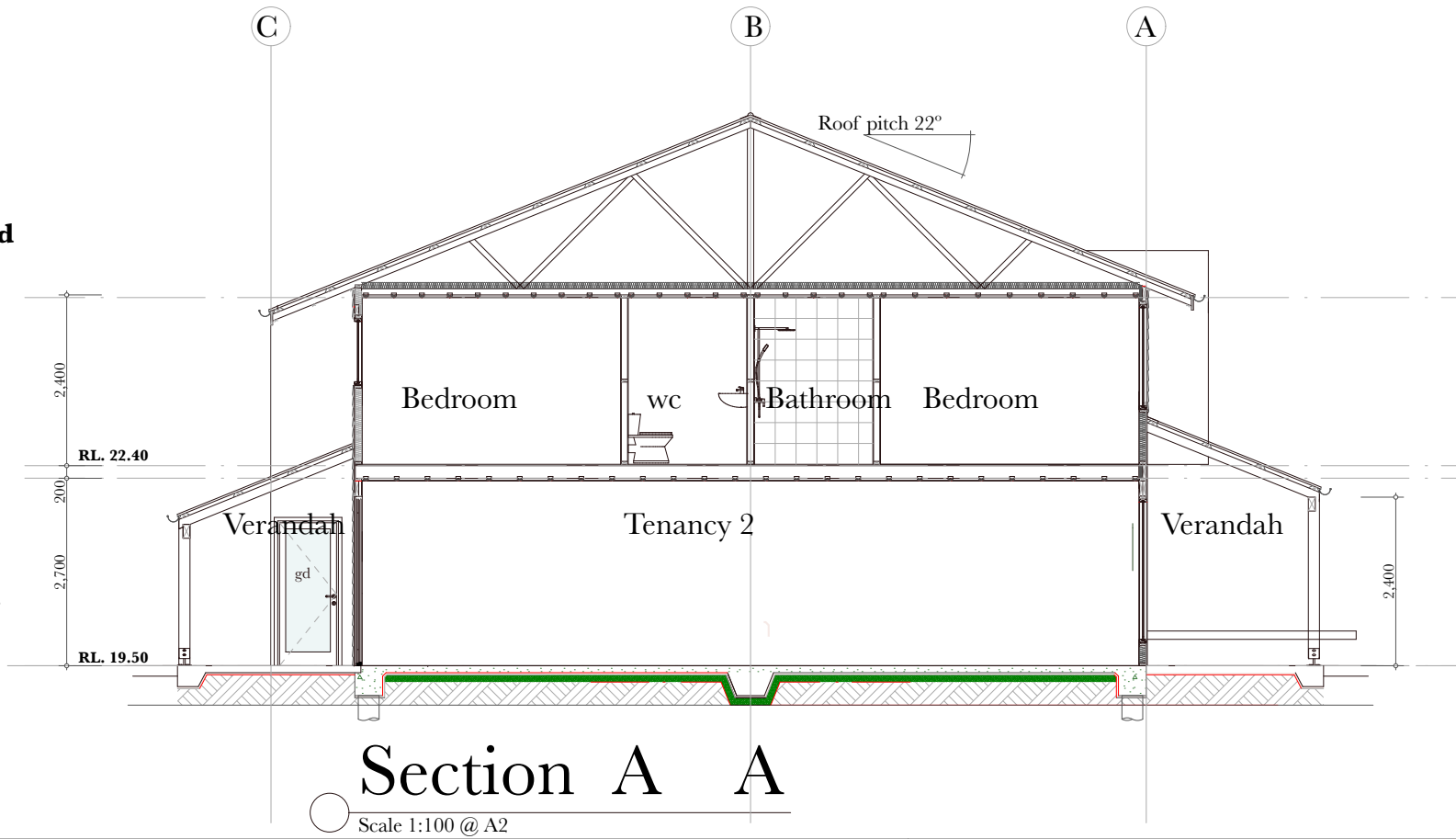
Surveyor:

Agenda Attachments - 37a Bridge Street, Richmond Page 5 of 8





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**CHECK ALL** DIMENSIONS AND MEASUREMENTS ON SITE PRIOR TO FABRICATION AND OR CONSTRUCTION. DIMENSIONS ARE IN MILLIMETERS "FRAME TO FRAME" AND DO NOT ALLOW FOR INTERIOR LININGS.

**DO NOT** SCALE DRAWINGS. **IF IN DOUBT ASK.**

**ALL** WORK IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AS AMENDED, RELEVANT AUSTRALIAN STANDARDS (AS) CODES AND GOOD BUILDING PRACTICES. DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND SCHEDULES.

ISSUE	DESCRIPTION	DATE
CCC	REVISED WINDOWS	12/11/18
CCC	BUILDING HEIGHT ABOVE NGL	13/11/18

**File Number:**  
JENARC/18/9/3

**Title:**  
Specifications & detailing for certification & permit issue of residential construction

**Sheet Original:**

A - 2

**Scale:**

As Shown

**map**  
modern architecture practice

Registered Architects  
**Leon Jenkins**  
34 Silwood Avenue  
Howrah Tas 7018  
Phone: (03) 6244 4850  
Mobile 0419 894 623  
Email: maparch@netspace.net.au

TCC No: 1003  
QCC No: 4833

**Drawing Number:**

**DA06**

**PROJECT CONSULTANTS:**

**Engineer:**

**Surveyor:**



**37A Bridge Street, RICHMOND**



**Site viewed from Bridge Street.**



**Site viewed from the Council car park.**

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

**11.5 ASSET MANAGEMENT****11.5.1 BEGONIA STREET-COLLECTION OF TRAFFIC ORIGIN/DESTINATION DATA**

(File No B035)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a report on funding the collection of traffic study data for Origin/Destination survey of vehicles using the gravel section of Begonia Street, Lindisfarne.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Extensive consultation has been carried out relevant to previous Council decisions. However, no consultation has occurred in relation to this agenda item.

**FINANCIAL IMPLICATIONS**

The options presented will have minimal impact on the Council's Annual Plan.

**RECOMMENDATION:**

Council authorises the General Manager to approve funding of \$12,000 to be obtained from savings within the Roads Programme of the 2018/2019 Annual Plan for the purpose of obtaining Origin/Destination data for Begonia Street, Lindisfarne.

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

- 1.1.** The gravel section of Begonia Street (formerly known as Karoola Road) links the Lindisfarne and Flagstaff Gully residential area. The street also provides an informal connection between the East Derwent and Tasman Highway via the Flagstaff Gully Link Road.

- 1.2.** As a result of concerns regarding increased traffic on local streets in the area, Council on 5 October 1987, considered a report on Lindisfarne/Flagstaff Gully Traffic Matters. Since that time a number of other reports relating to traffic matters in the Lindisfarne/Flagstaff Gully area and Begonia Street have been considered by Council.

These are listed below;

- in August 1995, Council considered a report commissioned by the State Government and prepared by Ratio Consultants Pty Ltd in conjunction with Thompson & Brett Pty Ltd titled “Flagstaff Gully Link Road Planning Study”; and
- in June 1998, Council considered the “Lindisfarne Local Area Traffic Management Plan”.

- 1.3.** In July 2011, a subdivision proposal was lodged for the land at 166 Begonia Street which included a link from the Flagstaff Gully Road to Begonia Street in accordance with earlier traffic management reports. Eventually this went to the Tasmanian Planning Commission where a decision was made for the subdivision to have a connection from Flagstaff Gully Road and not Begonia Street.

- 1.4.** Council’s last decision on this section of road was at its Meeting on 6 August 2012, where it considered responses for a proposal to make the gravel section of Begonia Street one-way and resolved the following:

*“A. That Council resolves not to proceed with the proposal.*

*B. That Council authorises the General Manager to inform the community of Council’s decision”.*

- 1.5.** At its Meeting on 25 February 2019, Council considered a Notice of Motion on obtaining data relating to vehicles using Begonia Street and Malunna Road and adopted:

*“A. That Council seek to obtain the data relating to the origins and destinations of vehicles using Begonia Street and Malunna Road.*



- B. *That the information, if available, be presented to a future Council Workshop to consider options of sealing, making one way or implementing traffic calming safety measures and/or do nothing.*
- C. *That if needed a public meeting and community consultation be undertaken to determine which option, if any is preferred”.*

## **2. REPORT IN DETAIL**

**2.1.** In consideration of the gravel section of Begonia Street there are 2 key issues;

- strategic function of Begonia Street in the road network; and
- road safety and public amenity.

Closely aligned to these 2 key issues are 2 principal objectives that should be considered as part of the assessment:

- arterial traffic should be confined to arterial roads with residential roads handling only residential traffic; and
- any upgrade or modification to the road network should reduce risk of conflict and limit the impact to the residential amenity.

Origin/Destination data will help provide Council with more information to assess these issues and objectives in relation to future options for the gravel section of Begonia Street.

**2.2.** Council officers enquired with the Department of State Growth (DSG) on the availability of Origin/Destination data for Begonia Street from the modelling work they have undertaken on the Tasman Highway corridor.

**2.3.** The Department of State Growth provided a copy of their report and Council officers requested a traffic engineering consultant review this report and the availability of other data to assist in providing Council with the necessary information.

- 2.4.** The traffic consultant advised that additional data collection is required as there is no station within or near Begonia Street. The available data is not specific enough to Begonia Street and may leave the results open to interpretation.
- 2.5.** How the Origin/Destination data is collected:
- an external consultant arranges for a number of vehicle plate detection cameras to be installed at various (4-5) locations including one at Begonia Street. Other locations may be Flagstaff Gully Road at Mornington Interchange, East Derwent Highway at Gordons Hill Road, Beach Road and Malunna Road and Flagstaff Fully Road - Dampier Street overpass. The final locations are to be determined;
  - Peak hour traffic data is collected in a typical day and this data is processed, and
  - Traffic engineers undertake an assessment of the data collected and provide a report to Council officers.
- 2.6.** A traffic consultant has indicated a fee of approximately \$12,000 for the cost of obtaining and processing this information.
- 2.7.** In consideration of any future upgrade or decision, it is important to understand the traffic movement and where people are travelling. It is not possible to estimate how many of the vehicles travelling Begonia Street go to the northern part of Lindisfarne or beyond without the appropriate level of information. The Origin and Destination survey of the vehicles travelling through this route will provide such information. It may be considered important for Council to provide this information to the community when making any decision on this issue.

**3. CONSULTATION****3.1. Community Consultation**

Consultation has been carried out previously relevant to previous Council Decisions. The adopted 25 February 2019 Notice of Motion notes that if needed, a public meeting and community consultation be undertaken to determine which option, if any, is preferred.

**3.2. State/Local Government Protocol**

Nil.

**3.3. Other**

Nil.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Council's adopted Strategic Plan has a Strategy to: *"Provide essential infrastructure to support, sustain and enhance community safety and social well-being"*.

**5. EXTERNAL IMPACTS**

**5.1.** A number of residents "downstream" of Begonia Street have long standing issues with the amount of traffic using Begonia Street as a shortcut. Upgrading of Begonia Street may impact on the amenity of local residents should an increase in traffic usage occur.

**5.2.** Currently DSG officers are undertaking planning works for the Tasman Highway Corridor improvements project. It is anticipated there are likely to be future projects to improve traffic flow through this corridor.

**6. RISK AND LEGAL IMPLICATIONS**

Nil.

**7. FINANCIAL IMPLICATIONS**

**7.1.** The proposed works are estimated to cost approximately \$12,000.

- 7.2.** The current Annual Plan has not set aside any specific funds for this work.
- 7.3.** It is proposed to commission this work through a direct procurement from the traffic consultant which was commissioned for the Rosny Park/Bellerive Traffic modelling. The traffic consultant has already carried out similar works for the Department of State Growth (DSG) and it is considered beneficial to use this knowledge.
- 7.4.** The \$12,000 funding can be allocated from savings identified within the 2018/2019 Roads Programme.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

- 9.1.** Council has adopted a Notice of Motion to seek origin and destination data on vehicles using Begonia Street and Malunna Road.
- 9.2.** Consultants have advised the cost to provide this information is approximately \$12,000.
- 9.3.** This report seeks Council's decision to approve the use of savings through the 2018/2019 Roads Programme to fund the consultant's fees to obtain the data.

Attachments: Nil.

Ross Graham  
**GROUP MANAGER ENGINEERING SERVICES**

**11.6 FINANCIAL MANAGEMENT**

Nil Items.



**11.7 GOVERNANCE****11.7.1 COMMUNITY SUPPORT GRANTS**

(File No 09-17-05a)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the Community Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the March 2019 round of Community Support Grants.

**RELATION TO EXISTING POLICY/PLANS**

Community Grants Policy and social plans including Youth Plan, Cultural Arts Plan, Age Friendly Plan, Community Health and Wellbeing Plan, Cultural History Plan, Community Participation Policy, Clarence Events Plan, Community Safety Plan, Reserve Activity Plans and Recreation Strategies.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There is an annual budget for the Community Grants Program including the bi-annual Community Support Grants.

**RECOMMENDATION:**

That Council approves financial grants amounting to \$15,492.65 to community groups and organisations, as detailed in the schedule attached to the Associated Report.

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

- 1.1.** A funding round for bi-annual Community Support Grants closed on 15 March 2019. Ten applications were received plus 1 application that was deferred from the previous round (refer to Attachment 1).
- 1.2.** The Community Grants Assessment Panel reviewed all applications and has recommended all projects be funded to varying amounts.

**2. REPORT IN DETAIL**

**2.1.** The Community Support Grants program was advertised in “The Mercury”, the Council Rates News, the Eastern Shore Sun and on Council’s website. An email was sent to all non-profit groups listed in the Community Directory.

**2.2.** Applications for this round of the Community Support Grants closed on 15 March 2019 and a total of 10 applications were received and consideration was given to an application that was deferred from the previous round for funding totalling \$15,492.65.

**2.3.** An application from the Lauderdale Yacht Club was put on hold in September 2018, by agreement, pending the outcome of their application for a defibrillator through the State Government Community Defibrillator Fund. As their application was unsuccessful it has been added to this round.

**2.4.** All applications received have been recommended for approval for the requested funding; the total amounts to \$15,492.65:

• Nexus Inc.	\$1,231.00
• Rokeby Primary School Association	\$1,500.00
• Hobart Model Aero Club	\$1,500.00
• Limekiln Point Landcare Group Inc.	\$1,500.00
• Clarence Gymnastics Association	\$1,416.30
• Palliative Care Tasmania (PCT)	\$1,500.00
• Citywide Baptist Church	\$1,345.35
• Working It Out	\$1,500.00
• Eastern Shore Croquet Club Inc.	\$1,000.00
• Risdon Vale Neighbourhood Centre	\$1,500.00
• Lauderdale Yacht Club	\$1,500.00

Refer to the attachment for detailed information.

**3. CONSULTATION**

**3.1. Community Consultation**

Nil.

**3.2. State/Local Government Protocol**

Nil.

**3.3. Other**

Nil.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

**4.1.** The Community Support Grants aim to support groups for amounts of up to \$1,500.00 for one-off activities or projects that benefit the Clarence Community.

**4.2.** The Grants Program is a strategic investment tool, assisting the community to meet and respond to Council's priorities and vision as outlined in the Strategic Plan 2016-2026. It enables Council to contribute to the community by:

- supporting local communities to build on existing capacity and progress their health and well-being;
- supporting local communities to sustainably manage and enhance the natural and built environments of the City;
- supporting local communities to work together for a vibrant, prosperous and sustainable city; and
- encouraging engagement and participation in the community.

**4.3.** It operates in the context of other related Council Policies, Plans and activities, for example: Youth Plan, Cultural Arts Plan, Age Friendly Plan, Cultural History Plan, Community Health and Wellbeing Plan, Community Participation Policy, Clarence Events Plan, Community Safety Plan, Reserve Activity Plans and Recreation Strategies.

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK AND LEGAL IMPLICATIONS**

Nil.

**7. FINANCIAL IMPLICATIONS**

A budget of \$35,000.00 has been approved for the 2018/19 financial year. There is \$17,541 available for the March 2019 round.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

The Community Grants Panel has assessed the 11 applications and all are recommended to Council for approval for the amounts indicated as per the attached schedule.

Attachments: 1. Community Support Grants March 2019 Schedule (6)

Andrew Paul  
**GENERAL MANAGER**

## ATTACHMENT 1

### Community Support Grant Assessment – March 2019

10 applications were submitted to Council in the March 2019 round of Community Support Grants and 1 application that was deferred from the September 2018 round has been included.

Applications	Project	Requested Amount
Nexus Inc.	La Perouse Street Raised Garden Bed Project	\$1,231
Rokeby Primary School Association	Getting Kids Outside – National Families Week Event	\$1,500
Hobart Model Aero Club	Purchase of Defibrillator	\$1,500
Limekiln Point Landcare Group Inc.	Riverside Recycle – Student Sculpture Trail	\$1,500
Clarence Gymnastics Association	Purchase of Safety Equipment	\$1,416.30
Palliative Care Tasmania (PCT)	Life is Short: Plan Ahead	\$1,500
Citywide Baptist Church	Bob Cure Exhibition Space (Stage 1)	\$1,345.35
Tomatoes Swim Club Inc.	Shade Shelter Marquee	\$1,050
Working It Out	Making Inclusion Stick – Clarence	\$1,500
Eastside Shore Croquet Club Inc.	Replacement of Club Mallets	\$1,000
Risdon Vale Neighbourhood Centre	Men's Shed Restock	\$1,500
Lauderdale Yacht Club	Purchase of Defibrillator	\$1,500
<b>Total</b>		<b>\$15,492.65</b>

### Applications Supported for Consideration

**Applicant:** Nexus Inc.

**Project:** La Perouse Street Raised Garden Bed Project

**Funds Requested:** \$1,231.00

**Project Description:** The project is to create a small accessible community vegetable garden for the new residents at a unit complex at La Perouse Street, Warrane. These young people are living semi-independently and learning skills to enable them to live independently in the future. These young people have limited informal supports and finances. Being able to grow and eat their own fresh vegetables would be a health benefit, as well as provide a meaningful project for them to work on together, develop new skills, relationships and improve wellbeing. The project aims align with all 5 key domains of the Community Health and Wellbeing Plan, especially promoting health and enhancing connectivity, community participation and lifelong learning. Funds are requested to put towards the cost of raised garden beds, garden mix, seedlings and tools.

**Comments:** Meets the criteria. Aligns with Council's Health and Wellbeing Plan. This application is supported by the Grants Assessment Panel as there is a social and wellbeing benefit for these community members.

**Recommendation:** The application is supported for the amount of \$1,231.00.

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**Applicant:** Rokeby Primary School Association (auspiced by Warrane Mornington Neighbourhood Centre)

**Project:** Getting Kids Outside – National Families Week Event

**Funds Requested:** \$1,500.00



**Project Description:** The 'Getting Kids Outside' initiative focuses on nature play as an underlying theme. Sam Crosby from the Centennial Parks in Sydney has been invited to return to Tasmania to host a series of professional learning opportunities for teachers and parenting programs for parents and their children based on nature play.

The week's main event will be held at the OUR PLACE nature play space in Clarendon Vale in May celebrating families engaged in nature play. On the day Michelle Pears from Make-believe Children's Entertainment will support Sam to offer a family fun day which will combine music, storytelling, exploration and investigation, building things from sand, mud, branches and leaves. Water play and cooking over an open fire will also feature as part of the event. A 'Love in a Lunchbox' inspired morning tea will take place featuring healthy snacks, fruit platters and water stations. Four kinder classes will be invited from Clarendon Vale and Rokeby Primary Schools, Emmanuel Christian School and John Paul 11.

The workshops will take place on May 15 in Clarence Plains during National Families Week and will provide opportunities for parents / teachers to learn strategies for engaging children in outdoor play. Encouragement, appropriate language, modelling and developing risk awareness will form the objectives of the program. Members from the school community will be invited to participate.

Funds are requested to put towards the performance costs, bus transport, accommodation and food.

**Comments:** Meets the criteria and aligns with Council's Health and Wellbeing Plan with good community benefit outcomes. This project was fully supported by the assessment panel.

**Recommendation:** This application is supported for the amount of \$1,500.00.

---

**Applicant:** Hobart Model Aero Club

**Project:** Purchase of Defibrillator

**Funds Requested:** \$1,500.00

**Project Description:** The installation of a defibrillator would be in the clubhouse of the Hobart Model Aero Club's airfield 'Kelly Field' at 142 Colebrook Road, Richmond. The club has an older membership with approximately 56% of members being over 70 years and up to 88 years old.

As the club is situated in a rural environment although close to Richmond, it would be to the club's advantage to have a defibrillator on site in case of an emergency.

Funds are requested to put towards the purchase of the defibrillator.

**Comments:** Meets the criteria. Aligns with Council's Health and Wellbeing Plan. This application is supported by the Grant Assessment Panel as it will provide emergency equipment available for the community.

**Recommendation:** This application is supported for the partial amount of \$1,500.00.

---

**Applicant:** Limekiln Point Landcare Group Inc.

**Project:** Riverside Recycle – Student Sculpture Trail

**Funds Requested:** \$1,500.00

**Project Description:** Riverside Recycled – Student Sculpture Trail will be a sculpture exhibition produced by students from the schools in the area. The sculptures will be made from recycled plastic, driftwood and discarded materials that could end up in the river. This project should link with science / art content in the curriculum related to the environment and the amount of debris, especially plastic, that ends up in our oceans and waterways.

The sculptures will be displayed along the public walking / cycle path between the end of Talune Street to 97 Derwent Avenue and the exhibition will be set up at the end of October and be displayed for 4 weeks.

Funds are requested to engage workshop tutors to work with the students on their creations.

**Comments:** Meets the criteria and aligns with Council's Cultural Arts Plan and Youth Plan and it will make students more aware of the amount of waste that is in the environment.

**Recommendation:** This application is supported for the amount of \$1,500.00.

---

**Applicant:** Clarence Gymnastics Association

**Project:** Purchase of Safety Equipment

**Funds Requested:** \$1,416.30

**Project Description:** The aim of the project is to improve the safety of the programs being offered through the purchase of the following additional safety equipment:

1. Safety Landing Mat – this is a landing mat 3.6 metres x 1.8 metres x 30cm. The safety landing mat is placed underneath equipment to minimise the risk of injury if a gymnast was to fall or as a landing surface when the gymnasts are dismounting the equipment.
2. Beam Mat – this is a mat that is placed over the beam, when gymnasts are learning new skills. The additional matting will provide an additional layer of cushioning. The beam mat will also help prevent repetitive strain injuries with the gymnasts performing higher level skills.
3. Replacement Bar Rail - the current rail is showing wear and tear after over 20 years of usage. A new rail is required to enable the gymnasts to continue to safely use the uneven bars.

The equipment to be purchased will benefit the full range of participants in the club from 1 to 18 years of age.

**Comments:** Meets the criteria. Aligns with Council's Health and Wellbeing Plan and Youth Plan as it provides much needed equipment for safety while participating in a sporting activity.

**Recommendation:** This application is supported for the partial amount of \$1,416.30.

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**Applicant:** Palliative Care Tasmania (PCT)

**Project:** Life is Short: Plan Ahead

**Funds Requested:** \$1,500.00

**Project Description:** Palliative Care Tasmania would like to hold an all-day Forum in the Clarence City with the aim to empower the community with knowledge that is needed to be prepared for end of life. This forum will promote positive ageing, preparing people with the information and tools needed so that people, their families and communities can plan ahead to live, die and grieve well. Other relevant speakers will be a part of the day covering important issues that are relevant to people as they age such as: Wills, Enduring Guardianships and Power of Attorneys, information on how to access My Aged Care, Financial information for retirees and PCT will speak on the importance of advance care planning. All of these speakers bring together a wealth of information that will benefit the members of the Clarence community to live, die and grieve well. Funding would assist with the costs of marketing and promotion, venue hire and catering.

**Comments:** Meets the criteria. Aligns with Council's Age Friendly Plan and Health and Wellbeing Plan as its aim is provide the information for the community to age well in the Clarence area.

**Recommendation:** This application is supported for the amount of \$1,500.00.

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**Applicant:** Citywide Baptist Church

**Project:** Bob Cure Exhibition Space (Stage 1)

**Funds Requested:** \$1,345.35

**Project Description:** From its origins as Eastern Shore and Lenah Valley Baptist Churches, Citywide has had a long history as a church with a unique and creative flair. It has fostered creativity and provided support for both its own and broader arts community. Time out, a production of Lion Witch and Wardrobe (a significant number of the cast were from local theatre companies), and the art, music and videos from the Nepali Church are but a few examples of the creativity. Citywide now looks for an opportunity to showcase the creativity of its people and to honour the memory of one of its foundational members - the much loved Bob Cure` veteran ABC radio host, poet, artist, and April Fools day prankster.

Funding is sought for the first stage in the transformation of the foyer and café areas of the Citywide Function Centre into gallery space. This first section of gallery space will be established in a 3m x 6.5 metre area between the office and Citywide Fitness currently given to shabby, perpetually untidy notice boards. It will require their removal and repainting of the wall. 'The Gallery System picture rail' will be installed. The kit includes fully relocatable led lighting wands that will allow flexibility in the number and siting of artworks. This submission also seeks funding for the purchase of components for 3 small computers that will drive electronic display units to replace the notice boards. These will be relocated within the cafe area, and have the potential to also be used for media art. An acrylic frame will be used to display the artist(s) information. Funds are requested to purchase paint, lighting, signage and computer accessories for the project.

**Comments:** Meets the criteria. Aligns with Council's Cultural Arts Plan and will provide a space for the community members that attend art and craft activities at the centre a small space to exhibit their works.

**Recommendation:** This application is supported for the amount of \$1,345.35.

---

**Applicant:** Working It Out

**Project:** Making Inclusion Stick - Clarence

**Funds Requested:** \$1,500.00

**Project Description:** The project aim is:

- What: SignPost is an existing online directory available to any organisation or business wanting to demonstrate that theirs is an inclusive service for LGBTI Tasmanians. There is also a SignPost app map showing listings on SignPost. This Making Inclusion Stick - Clarence project provides stickers for all services listed on SignPost in the Clarence Municipal area, thereby advertising a truly welcoming Clarence, increasing the listings on SignPost, and assisting LGBTI people in Clarence, and their families, to find safe and the inclusive services.
- Why: LGBTI people are still subject to discrimination, harassment and isolation due to their identity or perceived identity. Identifying places that are safe and inclusive can be difficult and stressful. SignPost was established by Working It Out (WIO) to assist people who are seeking these places. This project will be of benefit to LGBTI people in Clarence in regards to their health and wellbeing, as well as their confidence in participating and engaging in the community.
- Who: WIO will engage local Clarence residents and visitors to identify and nominate services and businesses which they would like to see listed on SignPost, along with people who would like to access those services. It will also involve local Clarence organisations and businesses who would like to be listed on SignPost and access a sticker for their door/window.
- Where: Access to the listings will happen online and via the mobile app. The physical spaces will be all local Clarence organisations and businesses who are listed and displaying a SignPost sticker.

Funds are requested to part fund a project coordinator and associated administration, and the printing and distribution of stickers.

**Comments:** Meets the criteria. Aligns with Council's Health and Wellbeing Plan and Youth Plan and will allow LGBTI members of the community to feel accepted and welcomed in the Clarence area.

**Recommendation:** This application is supported for the amount of \$1,500.00.

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**Applicant:** Eastern Shore Croquet Club Inc.

**Project:** Replacement of Club Mallets

**Funds Requested:** \$1,000.00

**Project Description:** The purpose in purchasing new club mallets is to replace some of our ageing mallets passed down through the years by previous club members. Many of these old mallets are in poor condition and are of older design.

The club needs a pool of mallets to be able to provide them to our visitors and those undergoing the club 8 week introductory coaching program. Visitors to the club include disabled and school groups as well as private groups. It is also usual for new members to use the club mallets until they purchase their own. Providing good quality mallets as part of the club services is important both for visitors and those starting out in the game as it means we assist them in the best way we can.

Eastern Shore Croquet Club conducts regular introductory coaching out of which most of our new members are sourced. It is necessary that the club is ready to meet its coaching requirements and the needs of new members which include the basic of providing them with a quality mallet to use.

Funds are requested to purchase 10 new croquet mallets.

**Comments:** Aligns with Council's Health & Wellbeing Plan. While the Grants Assessment Panel questioned the eligibility against the Community Support Grants criteria in relation to replacement of equipment, the equipment will be used for coaching new players and for visitor groups. There is sufficient funding available to support this application on this occasion.

**Recommendation:** This application is supported for the amount of \$1,000.00.

---

**Applicant:** Risdon Vale Neighbourhood Centre

**Project:** Men's Shed Restock

**Funds Requested:** \$1,500.00

**Project Description:** The Risdon Vale Men's Shed group take on a lot of community projects as well as teach youth woodwork and mechanics. Projects that are taken on can be a number of things; whether its building ramps for wheelchair access, repair and build furniture as well as general car mechanics all free of charge.

The Men's Shed group are also active in the repair of small motors which include whipper snippers, lawn mowers and more. We have a core group of 10 with community members coming and going during the year, with an estimate of around 19 members on an annual basis.

The Men's Shed would like funding to purchase the tools as quoted as they have never had new tools, only what has been donated. The new tools will increase the efficiency and the quality of the work done to the community projects taken on by the Men's Shed group.

Funds have been requested to purchase a Dewalt power tool pack, welder, welding mask & gloves, earmuffs, drill bits and a screw driver set. A quote has been provided for the equipment.

**Comments:** Aligns with Council's Health & Wellbeing, Age Friendly and Youth Plans. While the Grants Assessment Panel questioned the eligibility against the Community Support Grants criteria in relation to replacement of equipment, however the equipment is required and will support the activities undertaken at the Men's Shed which is assisting the local community.

**Recommendation:** This application is supported for the amount of \$1,500.00.

---

**Applicant:** Lauderdale Yacht Club

**Project:** Defibrillator Purchase

**Funds Requested:** \$1,500.00

**Project Description:** The Lauderdale Yacht Club (LYC) wishes to purchase a defibrillator for use at club events. The LYC has been steadily growing over the past few years, with more people comes an increased risk one of our members will suffer a sudden cardiac arrest.

**Comments:** The Lauderdale Yacht Club agreed to put this application (made in September 2018) on hold as they await the outcome of their application submitted to the State Government for a defibrillator through the Community Defibrillator Fund.

**Recommendation:** This application is supported for the amount of \$1,500.00 as the State Government grant application was unsuccessful.

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### Community Support Grants – Funding Summary

2018-2019 budget allocation for Community Support Grants (September 2018 & March 2019 rounds)	\$35,000.00
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Total funds allocated for the September 2018 round	\$17,459.00
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Total applications recommended for funding for March 2019	\$15,492.00
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**11.7.2 COMMUNITY CONSULTATION ON DECLARATION OF BELLERIVE BEACH PARK AND SURROUNDING AREAS AS SMOKE FREE UNDER THE PUBLIC HEALTH ACT 1997**

(File No D006-3)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to detail the basis and reasons for Council to enter into community consultation on the possibility of declaring Bellerive Beach Park, surrounding streets and the dog free area of Bellerive Beach as smoke-free.

**RELATION TO EXISTING POLICY/PLANS**

This proposal is consistent with the principles of the Strategic Plan and Health and Wellbeing Plan.

**LEGISLATIVE REQUIREMENTS**

Under Section 67B of the *Public Health Act 1997*, an occupier of an area is permitted to designate an area as smoke free. Parts of the park are already declared to be smoke free since 2015 under the *Public Health Act 1997*, as shown in attachment 2.

**CONSULTATION**

A consultation process would be undertaken with local businesses and stakeholders to gauge community feedback.

**FINANCIAL IMPLICATIONS**

There will be minimal financial implications for the consultation process.

**RECOMMENDATION:**

That Council enter into consultation with stakeholders to gauge community feedback in relation to declaring Bellerive Beach Park, surrounding streets and the dog free area of Bellerive Beach as smoke free under the provisions of Section 67B of the *Public Health Act 1997*.

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**ASSOCIATED REPORT****1. BACKGROUND****1.1. The Site**

The site is a 6.44ha parcel located at the intersection of Derwent, Church and Beach Streets, and bounded by Bellerive Beach. The site includes Bellerive Beach Park (including children and adult play/exercise facilities), Bellerive Oval (Blundstone Arena), the adjacent roads and footpaths and part of the beach.

The attached map shows the proposed smoke free areas (refer Attachment 1). Parts of the park are already designated as smoke free under the *Public Health Act 1997* (ie 10m of any play equipment/any air intake, 3m from entrances to public buildings and 20m from an outdoor sporting venue during an organised sporting event being held at that venue). These areas are marked on the attached map (refer Attachment 2).

- 1.2.** Bellerive Oval (Blundstone Arena) venue is smoke free.

## **2. REPORT IN DETAIL**

- 2.1.** Bellerive Park is Council owned land used for recreational purposes by the public. Council's recent development in the park includes the installation of an all abilities playground and exercise stations suitable for adult use. There are existing picnic facilities, public toilets, bike path, carpark, grassed open space with existing landscaping (treed areas) and beach access. Bellerive Oval complex (Blundstone Arena) and the dog free area of Bellerive Beach also fall within the proposed area.
- 2.2.** There are benefits in declaring Bellerive Beach Park as smoke free in line with the *Public Health Act 1997*, by helping to:
- protect the health of non-smokers using the park and nearby facilities from exposure to environmental tobacco smoke; and
  - reduce uptake in young people by de-normalising smoking and making it less appealing.
- 2.3.** In 2015, the *Public Health Act 1997* was amended to state that any areas including, but not limited to, public streets may be designated by their occupiers as smoke-free. Since the legislation was amended, parts of Bellerive Park are now smoke free. Smoking is not permitted within 10m of play equipment and air intakes (air intakes are for Blundstone Arena), 3m from the entrance to Blundstone Arena and 20m from Blundstone Arena (as an "outdoor sporting venue") during events being held at that venue – as marked on Attachment 2.

The dog free area of Bellerive Beach is popular for families and is used for exercise programs, and so it would be sensible to include this in the declaration. Declaring a complete area as smoke free would assist in making it clear to the public, whilst simplifying signage and enforcement.

- 2.4.** The Tasmanian Government has already declared a number of public places as smoke-free, including bus and pedestrian malls, workplaces, children's playgrounds, sporting venues and swimming pools. In the same way, Council can designate the land that it occupies as being smoke-free. Hobart City Council has already designated a number of areas as smoke free, including Elizabeth Mall, Wellington Court, Hobart bus mall, Mathers Lane, Collins Court and Salamanca Square.
- 2.5.** A guide for local Councils designating smoke-free areas has been published by the Department of Health and Human Services. This guide recommends early engagement and consultation with local businesses and/or stakeholders before introducing new smoke-free areas.
- 2.6.** Initially, community consultation could be undertaken with stakeholders. Stakeholders are property owners and residents in Derwent, Church and Beach Streets adjacent to the park, users of the park, local businesses and Cricket Tasmania.
- 2.7.** Bellerive Oval (Blundstone Arena) is currently smoke-free under the provisions of the Place of Assembly Licence. All Places of Assembly under the *Public Health Act 1997* were declared as smoke free in 2015.
- 2.8.** Given the extent of the prescribed smoke free areas, it would be sensible to rationalise the restricted areas into one consolidated area. This would assist with public awareness, enforcement and improving health conditions.
- 2.9.** A workshop was held with Aldermen on 25 June 2018 in respect to declaring the area smoke free.

- 2.10.** The Department of Health and Human Services approval regarding signage is required if Council supports this proposed declaration.

**3. CONSULTATION**

**3.1. Community Consultation**

A consultation process will commence with the stakeholders, including nearby property owners in Derwent, Church and Beach Streets adjacent to Bellerive Beach Park, users of Bellerive Beach Park, local businesses and Cricket Tasmania.

**3.2. State/Local Government Protocol**

Referral to Department of Health and Human Services for approval of signage.

**3.3. Other**  
Nil.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

This proposal is consistent with the following Council plans:

- Strategic Plan – by promoting active and healthy lifestyles through provision and support for active and passive recreation programs and activities.
- Community Health and Wellbeing Plan – by providing opportunities to participate in health activities and by promoting health living to the Clarence Community.

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK. AND LEGAL IMPLICATIONS**

Nil

**7. FINANCIAL IMPLICATIONS**

There will be minor costs for the consultation process.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

There are provisions under the *Public Health Act 1997* for Council to declare areas as smoke free. It is proposed that Council commences community consultation with relevant stakeholders into the option of declaring Bellerive Beach Park, surrounding streets and the dog free area of Bellerive Beach as a smoke free area.

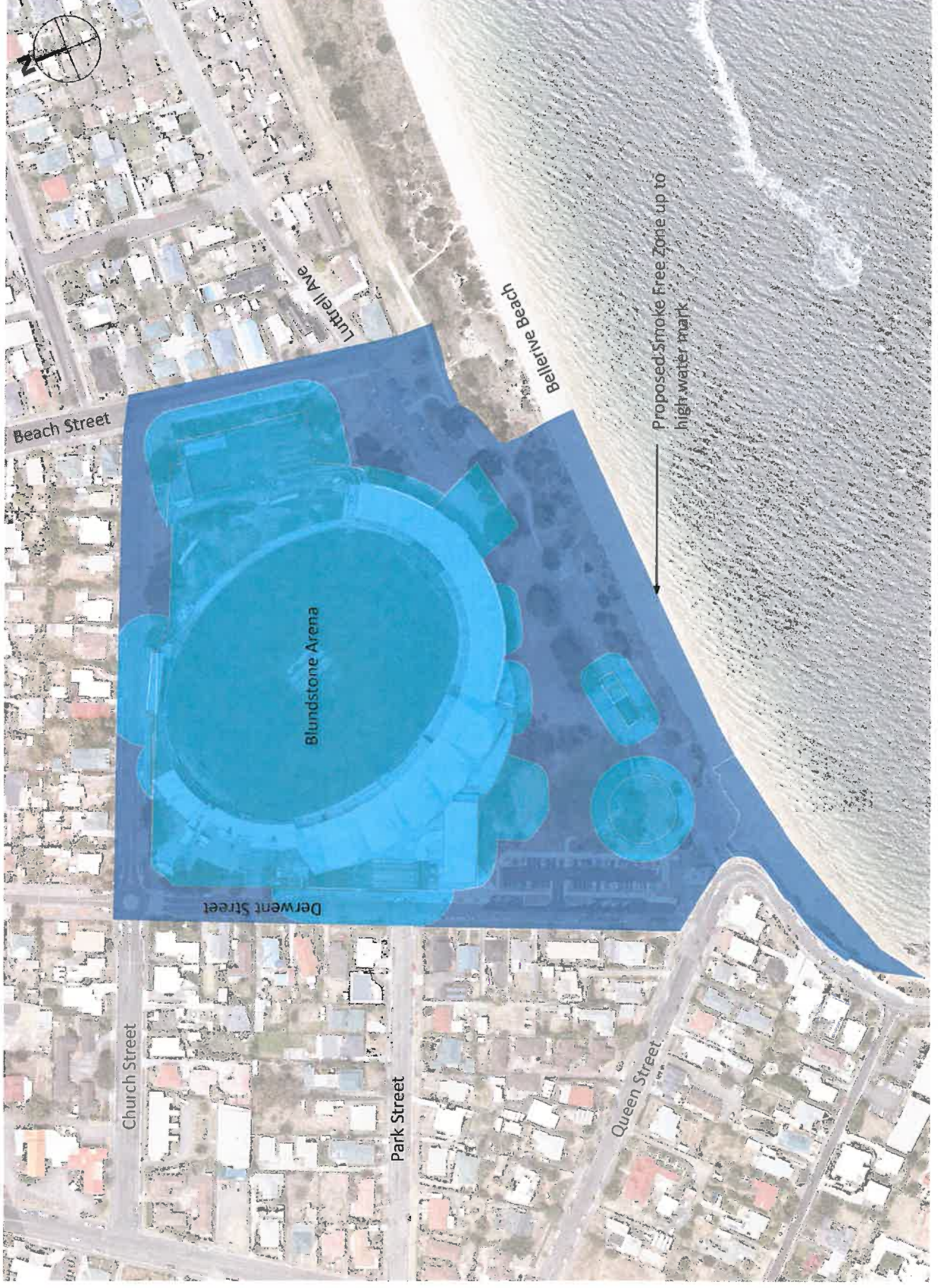
Attachments: 1. Plan of Proposed Smoke Free Areas (1)  
2. Existing Smoke Free Areas (1)

Andrew Paul  
**GENERAL MANAGER**



# Clarence City Council

## Bellerive Beach Park - Smoke Free Area





# Clarence City Council

## Bellerive Beach Park - Smoke Free Area



**11.7.3 REVISED AUSTRALIA DAY AWARDS COMMITTEE CONSTITUTION**

(File No 22-03-01)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to adopt an updated constitution for the Australia Day Awards Committee.

**RELATION TO EXISTING POLICY/PLANS**

- Strategic Plan 2016-2026; and
- Clarence Events Plan 2014–2018.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Consultation has occurred with the Australia Day Awards Committee.

**FINANCIAL IMPLICATIONS**

Nil.

**RECOMMENDATION:**

That Council adopts the revised Australia Day Awards Committee Constitution.

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

The Australia Day Awards Committee (Committee) has reviewed its constitution. There are no significant changes to the constitution; however, it has been reformatted to be consistent with other constitutions applicable to council Special Committees.

**2. REPORT IN DETAIL**

**2.1.** The Australia Day Awards Committee meets 3 times per year to oversee the planning and nomination process for Australia Day awards.

**2.2.** The Committee has the following objectives:

- to monitor progress of the Australia Day Awards in Clarence in an advisory capacity;

- to provide advice and make recommendations on the promotion of the Awards to the Clarence community; and
- to advocate for the awards in the community and invite and encourage nominations for the awards.

**2.3.** The Committee selects recipients for the following Australia Day Awards:

- Clarence Citizen of the Year Award;
- Young Citizen of the Year Award; and
- Senior Citizen of the Year Award.

**2.4.** Membership of the Committee comprises:

- the Mayor;
- Two Aldermen;
- One Council officer (providing administrative support, non-voting); and
- Three community representatives.

**2.5.** The Committee has revised the constitution to:

- align the age range of the young citizen of the year with the Australian awards guidelines;
- refine meeting frequency; and
- refine the eligibility criteria for individual nominees.

**3. CONSULTATION**

**3.1. Community Consultation**

Nil.

**3.2. State/Local Government Protocol**

Nil.

**3.3. Other**

The Constitution was reviewed by the Australia Day Awards Committee.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Nil.

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK AND LEGAL IMPLICATIONS**

Nil.

**7. FINANCIAL IMPLICATIONS**

Nil.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

That Council endorses the proposed changes to the Australia Day Awards Committee Constitution.

Attachments: 1. Revised Australia Day Awards Committee Constitution (10)

Andrew Paul  
**GENERAL MANAGER**





Revised: April 2019

### **Constitution of the Australia Day Awards Committee**

The Clarence City Council Australia Day Awards has been established under the provisions of Section 24 of the *Local Government Act 1993* (Tas) as an Advisory Committee. The Committee selects the annual recipients of City of Clarence Australia Day Awards and oversees the promotion and presentation of those Awards.

#### **1. Interpretation**

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

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

**"Award"** means an Australia Day Award.

**"City"** means municipal area of the City of Clarence.

**"Committee"** means the Clarence City Council Australia Day Awards Committee.

**"Council"** means Clarence City Council.

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

#### **2. Objectives**

The Committee is to:

1. Monitor progress of the Australia Day Awards in Clarence in an advisory capacity.
2. Provide advice and make recommendations on the promotion of the Awards to the Clarence community.
3. Advocate for the awards in the community and invite and encourage nominations for the awards.

### **3. Functions and Obligations**

The Committee has the following functions and obligations:

1. To consider whether awards ought to be issued in the following categories:
  - Clarence Citizen of the Year Award;
  - Young Citizen of the Year Award; and
  - Senior Citizen of the Year Award.
2. To select recipients of each Award.
3. To provide advice and make recommendations on the conduct of the Awards ceremony.

### **4. Awards criteria**

The following Award criteria apply to Committee recommendations:

1. Clarence Citizen of the Year Award - all nominees.
2. Young Citizen of the Year Award - nominees 30 years of age and under.
3. Senior Citizen of the Year Award - nominees 60 years of age and over.

### **5. Committee Membership and Roles**

#### **5.1. Membership**

The Committee shall consist of:

##### **Council**

- The Mayor of Clarence who will be the Chair of the Committee;
- Two (2) Aldermen; and
- One (1) Council Officer appointed to provide administrative support.

##### **Community**

Community representation will consist of three (3) community members.

## **5.2. Appointment**

The method of appointment shall be as follows:

### **Council Appointees**

- The Council will appoint its Alderman representation (and a proxy representative);
- Officer representation will be determined by the General Manager; and
- Other Council Officers may be invited to attend meetings at the request of the Chair.

### **Community nominees**

Community nominations will be conducted as follows:

1. An advertisement will be placed in the local newspapers and Council's social media networks;
2. Nominations will be received in writing on a completed nomination form (Attachment 1);
3. To be considered, nominees will be required to meet the criteria for nomination:
  - Must be a resident of Clarence.
  - Must have experience with Not for Profit groups/organisations in the Clarence community.
  - Must have a commitment to assisting Council promote the aims of the Australia Day Awards as a focal point for Australia Day celebrations, a forum for the recognition of outstanding achievement, and an insight into Australian identity.
4. A current Committee member shall be eligible to renominate for a further or subsequent term.
5. The following appointment guidelines shall apply to Committee appointments:
  - All age groups should be equally represented as far as reasonably practicable.
  - Preference will be given to people who are not already members of a Special Committee of Council; and,

- The Committee may consider it appropriate that an even geographical spread of representatives within the municipality (based upon the nominees residential address) is desirable in the make-up of the Committee.
6. New Committee membership is determined by Council Representatives in consultation with the appointed Council officer.
  7. The timing of changes to Committee membership shall be as follows:
    - a. Outgoing members will leave in March of the relevant year;
    - b. Selection of new members will occur in July of the same year; and
    - c. The new Committee members will meet as part of the newly constituted Committee in October of the same year.

### **5.3. Terms of Office**

#### **Council Representatives**

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

#### **Community Representatives**

1. The term of appointment for community Committee members will be four (4) years.
2. Community Committee members may only serve two (2) consecutive four (4) year terms.

#### **Casual vacancies**

Should a Community Representative position become vacant before the expiration of that representative's term then the vacancy will be filled using the method of appointment described at clause 5.2 above for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

#### **5.4. Office Bearers**

1. The Mayor as Chairperson is the only Office Bearer of the Committee.
2. There is no requirement for a Secretary however Council administrative support will be provided by the nominated Council officer via:
  - a. Issuing notice of meetings;
  - b. Issuing agendas;
  - c. Taking minutes of meetings; and
  - d. There is no voting entitlement for this position.

#### **6. Public communication**

Public communication on matters arising from the Committee will be through the Mayor or the Council nominated officer only, in accordance with Council Policy C1.60 – *Policy and Operational Framework for Media Communications by Council “Special” Committees*.

#### **7. Meeting Procedures**

##### **7.1. Committee Meetings**

1. The Council officer providing administrative support will provide a standard agenda for each meeting (Attachment 2);
2. Any additional topics for each agenda must be forwarded to the Secretary no later than one (1) week prior to the scheduled meeting date;
3. A copy of each agenda will be distributed to all representatives at least one (1) week prior to the next meeting;
4. Decisions of the Committee are to be made by consensus or, if necessary, by a majority vote of members present at the meeting;
5. The Council officer will ensure that Minutes of each Committee and working party meeting are taken. Minutes are to be distributed to all Committee members, Aldermen, relevant Council officers and other identified relevant Council advisory Committees on advice from the Committee;
6. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee;



7. All members of the Committee must act in accordance with all Council policies and applicable legislation when carrying out their respective responsibilities on behalf of the Committee.

## **7.2. Public Attendance**

Public attendance at a Committee Meeting is by invitation only.

## **7.3. Frequency of Meetings:**

### **Frequency**

1. Meetings will be held three (3) times per year as follows:
  - a. In March to review the previous awards ceremony;
  - b. In July to review plans for the coming awards and ceremony;  
and
  - c. In December to select award recipients, or
  - d. Otherwise determined by the Chair.

### **Venue**

1. The Meeting venue will be the Council Chambers unless the Committee otherwise decides.

### **Quorum**

1. A quorum will be the Chairperson plus three (3) members of the Committee.
2. At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.
3. Representatives who do not attend three (3) consecutive meetings without tendering apologies will not be considered as a current representative (the Committee may vacate that Representative's position on the Committee and fill the vacancy as a Casual Vacancy in accordance with the requirements of this Constitution).

## **8. Reporting requirements and arrangements**

### **8.1. Nature of Reporting**

1. Minutes will be distributed for all Committee meetings to all committee members, the Council, relevant Council officers, other identified council advisory committees and identified organisations associated with the Committee's activities.
2. The Committee may, at its discretion, provide reporting to the Council through the Chair of the Committee on matters (non-operational) that the Committee has considered based on the following:
  - a. Reports are to be presented to the General Manager for inclusion in the "Reports From Council And Special Committees And Other Representative Bodies" section of the Council's meeting agenda;
  - b. The Committee report may include recommendations to the Council on matters that have been considered by the Committee.
3. The activities of the Committee will also be highlighted in Council's quarterly reports and Annual Report.
4. Any other reports required will be on an as needed basis.

### **8.2. Provision of information to the community**

Provision of information to the community shall occur via:

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

## **9. Resourcing**

### **9.1. Budget**

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

1. Council administrative support;
2. Paper, postage and stationary requirements;

3. Reimbursement of reasonable out of pocket expenses for committee members (i.e. travel, refreshments); and
4. Any additional committee expenses (i.e. conference fees).

#### **9.2. Responsible Council Officer**

The Manager Communications and Marketing is the Responsible Council Officer.

### **10. Review of Constitution**

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



## ***Attachment 1***

### **Clarence Australia Day Awards Committee– Nominee Form**

**Nominee Name:**

**Category:**

**Referee Name:**

**Referee Email:**

**Referee Phone Number:**

1. How do you know <nominee>?
2. What significant achievements or service has <nominee> undertaken and how do you believe they exceed the expectations of an average person?
3. What contribution do you believe <nominee> has made to their community?
4. What inspires you about <nominee> and what personal qualities define <nominee> as a role model for our community?
5. Why do you believe <nominee> should receive a City of Clarence Australia Day Award?
6. Is there anything else you would like to let us know about <nominee>?

## ***Attachment 2***

### **Clarence City Council Australia Day Awards Committee Agenda**

#### **Date/Time**

- 1. Present**
- 2. Apologies**
- 3. Confirmation of Previous Minutes**
- 4. Correspondence**
- 5. General Business**
  - 5.1 XXX
  - 5.2 Reports
  - 5.3 Information sharing
- 6. Matters Arising**
- 7. Meeting Closed**
- 8. Next Meeting**



**11.7.4 REQUEST TO ALTER THE BOUNDARIES OF HOWRAH AND ROKEBY AND INTRODUCE NEW SUBURB OF HOWRAH GARDENS**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a request by the owners of land located at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road, Rokeby to alter the suburb boundaries of Howrah and Rokeby and to create a new suburb named “Howrah Gardens”.

**RELATION TO EXISTING POLICY/PLANS**

There are no relevant existing policies or plans. Council is currently developing the Clarence Plains Master Plan, which will include this area of land.

**LEGISLATIVE REQUIREMENTS**

- *Local Government Act 1993; and*
- *Survey Co-ordination Act 1944.*

Rules for Place Names in Tasmania (Nomenclature Board of Tasmania).

**CONSULTATION**

Should Council approve the request for a suburb name change, community consultation will be required before submission to the Nomenclature Board.

**FINANCIAL IMPLICATIONS**

There are none identified.

**RECOMMENDATION:**

- A. That Council notes the requests to rename the land at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road, Rokeby by altering the suburb boundaries of Howrah and Rokeby and creating a new suburb named “Howrah Gardens”.
- B. That Council refuse the request on the basis that the proposal does not evince a sufficient basis for support.

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

- 1.1. In 2017 and 2018 Council received 2 requests from developers in the Howrah/Rokeby area to alter the boundaries of Rokeby and Howrah and also to introduce a new suburb named “Howrah Gardens”.

- 1.2. The process to make a suburb boundary alteration and/or create a new suburb must be initiated and supported by the relevant local Council and then submitted to the Nomenclature Board of Tasmania for consideration.
- 1.3. The Nomenclature Board has established Rules for Place Names in Tasmania (**Rules**) in accordance with the *Survey Co-ordination Act* 1944. The Rules set out, amongst other things, the grounds that must be satisfied in order for the Nomenclature Board to approve a suburb change request.
- 1.4. This matter was discussed with Aldermen at a workshop on 12 February 2019.
- 1.5. A subsequent meeting with representatives of the proponents to further discuss the proposal was held on 22 March 2019.

## 2. **REPORT IN DETAIL**

### **Background**

- 2.1. Council has received 2 requests from developers in the Howrah/Rokeby area to alter the suburb/locality boundary between Howrah and Rokeby and to create a new suburb named “Howrah Gardens”. The first request has been superseded by the second request.
- 2.2. The second request seeks establishment of a new suburb named “Howrah Gardens” on land that is currently largely within the suburb of Rokeby. The relevant land is shown at Attachment 1.
- 2.3. The existing suburb boundaries between Howrah and Rokeby are shown at Attachment 2. It is relevant to note that the locality known as Glebe Hill falls within the suburb of Howrah; however, previously this area was part of Rokeby until a relatively recent suburb boundary change.

### **Requirements for Suburb Name Change**

- 2.4. The Nomenclature Board will only consider a submission for a suburb boundary and/or name change from a government department or council.

- 2.5.** A submission by a council for a suburb boundary and/or name change must set out reasons for the requested alteration. The council must also demonstrate that it has consulted with affected owners and demonstrate that the majority of affected owners support the proposal to amend a suburb boundary. In respect to a place-name change, the council must demonstrate that it has very strong community support for the change as demonstrated by the results of a broad-based community survey.
- 2.6.** The Nomenclature Board's "Rules for Place Names in Tasmania" (**Rules**) set out the process for altering a suburb boundary and/or altering a suburb name. Specifically Rules 36 and 37 provide:

*"36. Altering suburb/locality boundary*

- (1) A written submission for altering a suburb/locality boundary will only be accepted by the Board from a department or council.*
- (2) The boundary of a suburb/locality may be altered if the Board is satisfied that the alteration is:-*
  - (a) for public safety reasons;*
  - (b) for reasons of access or enhancing the property addressing system;*
  - (c) necessary for realignment of boundaries with a new or proposed subdivision;*
  - (d) to accommodate a suburb/locality divided by a newly constructed major carriageway; or*
  - (e) to correct an anomaly.*
- (3) For the purposes of sub-rule (1) a submission to alter a suburb/locality boundary must include:*
  - (a) clear spatial depiction of the existing and proposed boundary alignments;*
  - (b) reasons for the proposed alteration;*
  - (c) evidence of consultation with owners whose property addresses would change; and*
  - (d) evidence of support for the proposal from a majority of the affected owners.*
- (4) The portion of the suburb/locality transferred by alteration of the boundary to an adjoining suburb/locality will adopt the place-name of the suburb/locality into which it has been transferred.*

*Note 1: An individual who wishes to initiate an alteration to a suburb/locality boundary must first contact the relevant local government authority for support. All private proposals submitted to the Board that have not been forwarded to the relevant council will be returned.*

*Note 2: Submissions for boundary alterations that include alteration of the suburb/locality name must address rule 36 and rule 37.*

**37. Altering a suburb/locality place-name**

- (1) A written submission for altering a suburb/locality place-name will only be accepted by the Board from a council.*
- (2) The place-name of a suburb/locality may be altered if the Board is satisfied that the alteration:*
  - (a) will remove confusion and enhance public safety;*
  - (b) has very strong community support that is supported by the results of a broad-based community survey; and*
  - (c) uses a name that is distinctive and unique in Australia and has some long-standing association with the area.*

*Note 1: An individual who wishes to initiate an alteration to a suburb/locality name must contact the relevant council. All private proposals submitted to the Board will be returned.*

*Note 2: Submissions for name alteration that includes alteration of the boundary must address rule 36 and rule 37”.*

### **The Proponent’s Request and Reasons**

**2.7.** The suburbs of Howrah and Rokeby have both enjoyed an increase in subdivisions and the creation of new estates such as Glebe Hill, Howrah Heights and other infill development throughout Howrah and Rokeby. Over recent years, references of “Glebe Hill” and “Howrah Gardens” have become commonplace to distinguish separate subdivision estates within the Howrah and Rokeby areas. However, these are not suburbs in an official sense - they are colloquially known localities within the area.

**2.8.** In 2010, the Howrah Gardens Group, which is comprised of Tranmere Point Pty Ltd, the Roman Catholic Archdiocese of Hobart (**Archdiocese**) and Malwood Pty Ltd applied for and obtained rezoning and subdivision approval for a 176 lot residential subdivision incorporating 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road, Rokeby.

The rezoning and subdivision was intended to be an integrated development across the parcels of land. The current suburb/locality boundaries split the subdivision across Howrah and Rokeby.

- 2.9.** In July 2017 Rogerson & Birch Surveyors contacted Council on behalf of the Archdiocese to request the amendment of the boundary of Howrah so that the Archdiocese's property of 503 Rokeby Road, Rokeby was included within the Howrah boundary. This request did not articulate any specific basis for the request and therefore did not proceed.
- 2.10.** In September 2018 a second request was made by Neil Shephard & Associates on behalf of the Archdiocese, Malwood Pty Ltd, Tranmere Point Pty Ltd and Mr Ian Johnson. This request sought alteration of the boundaries of Howrah and Rokeby and to introduce a new suburb name - Howrah Gardens - which would also include the areas owned by the developers and the existing area colloquially known as "Howrah Gardens" (Attachment 3). The request included reasons addressing the Nomenclature Board requirements in accordance with the Rules. Those reasons are detailed at Page 2 of the correspondence. Further reasons were provided via email dated 29 March 2019 (Attachment 4).
- 2.11.** The reasons for the requested change are summarised as follows:
- the area is colloquially known as "Howrah Gardens";
  - the subdivision is distinct from the much larger area and physical location of Rokeby;
  - left unattended, the subdivision will result in potential confusion in emergency situations particularly where part of the subdivision will be in Howrah and part in Rokeby;
  - the proposed boundary is more logical and will reduce potential for confusion related to access and property address;
  - the principal access points are from Buckingham Drive and Tollard Drive and do not involve access through Rokeby;



- the subdivision provides a significant infill development between Rokeby and Howrah Gardens but is more similar in character, topography and design to Howrah Gardens;
- the new development has facilitated the development of Tollard Drive, the major feeder to Rokeby and future development on the eastern side of Droughty Point;
- Tollard Drive generally divided the development from the established area of Rokeby;
- the current boundary is an illogical division and ought to be reviewed having regard to the new configuration of the developed area;
- the location of the existing boundary is an anomaly as it splits an approved subdivision in the same ownership as well as an integrated development; and
- the proposed boundary relocation is more local and pragmatic.

**2.12.** The email received from Neil Shephard on 29 March 2019 provides additional reasoning and makes the following conclusion: *‘As discussed, the allocation of either ‘Howrah’ or ‘Rokeby’ nomenclature to the locality may be problematic for residents of either. Accordingly, a name that does not raise such issues, whilst remaining reflective of the character and identity of the locality might be preferred. One such name is ‘Howrah Gardens’. It simply reflects what the locality is already known as, and avoids the tensions that might arise through identifying with either Howrah or Rokeby’.*

#### **Arguments against the Request**

**2.13.** Due to the nature of the process required by the Nomenclature Board, it is appropriate, by adoption of a position as “contradictor”, to consider arguments against the request.

**2.14.** At a macro-level and unrelated to the considerations required by the Rules, the request does not:

- take into account the economic effect the suburb boundary alteration may have on the area of Rokeby which over recent years has emerged as a rapidly growing area. This proposal, and others that could model the same argument, may have the effect of economically isolating Rokeby in terms of future property values;
- assist in promoting Rokeby as a desirable residential location. Rather, the proposed suburb boundary alteration may serve to increase a sense of segregation between Howrah and Rokeby, with no discernible future benefit to Rokeby; and
- consider that the area can continue to be known colloquially as Howrah Gardens without the need for a suburb boundary change or formal suburb name.

**2.15.** Addressing the responses provided by the developers in respect to the Rule 36(2) criteria, and as a counter-point to those arguments in favour of change:

- Public safety reasons: the potential for confusion in emergency situations does not appear to be a well-founded submission. Many other suburbs share boundaries without the fundamental confusion suggested by the proponents. For example, the boundaries between Howrah and Tranmere, Oakdowns and Rokeby, and Bellerive and Howrah are all boundaries within densely populated areas with no apparent confusion evident.
- Access and property address: access to “Howrah Gardens” from Buckingham Drive and Tollard Drive are provided as reasons for establishing the new suburb. Tollard Drive is within Rokeby while Ploughman Road links Tollard Drive to Buckingham Drive. The road structure already provides a cohesive link that is considered neither complex nor problematic under the current suburb boundary arrangement. Similar transitional road networks exist in other suburbs.

- Realignment of boundaries with a new subdivision: the realignment is suggested to be, at least in part, on the basis that the development will be “more in character” with Howrah than Rokeby. This reasoning suggests a fundamentally commercial or economic reason for seeking the renaming of the suburb and realignment of the suburb boundary. That is, a suburb more aligned with Howrah will be more desirable than Rokeby. If this is a primary reason underpinning the proposal, it is suggested to be an improper reason for the purpose of the Rules.
- A suburb/locality divided by a new major carriageway: Tollard Drive is suggested to be a major carriageway in the area as a consequence of the development. This view should be rejected - Rokeby Road is the major carriageway with Tollard Drive (and on the opposite side, Pass Road) being feeder roads to Rokeby Road. Categorisation of Tollard Drive as a major carriageway is considered to significantly overstate the nature of that road.
- To correct an anomaly: It is suggested that the current suburb boundary presents an anomaly because it splits the approved subdivision in the same ownership. As indicated earlier, there are other suburbs with substantially similar characteristics. The current boundary is not considered to be an anomaly requiring correction.

**2.16.** It is considered that the reasons put forward by on behalf of the developers, when considered overall and specifically, do not warrant Council supporting the request to either alter the boundaries of Rokeby and Howrah or to introduce a new suburb of Howrah Gardens.

### **3. CONSULTATION**

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

Rule 36(3) requires the following in respect to alteration of a suburb boundary:

- “(a) ...
- (b) ...
- (c) evidence of consultation with owners whose property addresses would change; and
- (d) evidence of support for the proposal from a majority of the affected owners”.

Attachment 3 includes statements from the relevant owners of the land in support of the proposed suburb boundary change. This requirement is satisfied.

Rule 37(2)( b) provides in respect to altering a suburb name: “*(b) has very strong community support that is supported by the results of a broad-based community survey*”;

There is no evidence of “very strong community support” supported by “results of a board-based community survey”. Such a survey would be required should Council determine to support the requested suburb change.

**3.2. State/Local Government Protocol**

Nil.

**3.3. Other**

Nil.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no specific strategic policy implications that will arise as a result of this decision.

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK AND LEGAL IMPLICATIONS**

Nil.

**7. FINANCIAL IMPLICATIONS**

Nil.

**8. ANY OTHER UNIQUE ISSUES**

The proposal to create a suburb named “Howrah Gardens” in the identified locality has the potential to set a precedent for the creation of small “micro” suburbs within the broader fabric of suburbs within the City. This could have unforeseen impacts in terms of suburb naming and delineation within the City, particularly in circumstances where future large scale development is planned within existing suburb boundaries.

In the circumstances, it is considered reasonable to reject any suburb boundary change and to rely on colloquial naming of localities within formal suburbs, as is the current practice.

**9. CONCLUSION**

It is recommended that Council advises the developers requesting amendments to the suburb boundaries of Rokeby and Howrah, and the formal naming of the area known as “Howrah Gardens”, that Council does not support the requested amendments.

- Attachments:
1. Map Showing Land that comprises the proposed new suburb “Howrah Gardens” (1)
  2. Current Suburb Boundary Map (1)
  3. Proposed Boundary Alteration submitted to Council by Neil Shephard & Associates (9)
  4. Further email from Neil Shephard, dated 29 March 2019 (1)

Andrew Paul  
**GENERAL MANAGER**



# ATTACHMENT 1

C.T.114229/2  
102 Pass Road

GLEBE HILL

PASS ROAD

ROKEBY ROAD

HOWRAH

C.T.173200/2  
525 Rokeby Road

C.T.120109/1  
503 Rokeby Road

C.T.174742/200  
473 Rokeby Road

ROKEBY

C.T.169863/114  
Atkins Street  
Owner: Clarence  
City Council

C.T.174742/200  
473 Rokeby Road

— CURRENT POSTAL BOUNDARY  
— PROPOSED POSTAL BOUNDARY

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



**ROGERSON  
& BIRCH**  
SURVEYORS

UNIT 1, 2 KENNEDY DRIVE  
CAMBRIDGE 7170  
PHONE: (03)6246 5896  
EMAIL: [admin@rbsurveyors.com](mailto:admin@rbsurveyors.com)  
WEB: [www.rbsurveyors.com](http://www.rbsurveyors.com)

**TITLE REFERENCE:** see details above  
**LOCATION:** 473 ROKEBY ROAD  
503 ROKEBY ROAD  
525 ROKEBY ROAD  
102 PASS ROAD

## Proposal

Date: 20-8-2016	Reference: ROMAN13 9604-90
Scale: 1:5000 (A3)	Municipality: CLARENCE





**NEIL SHEPHARD  
& ASSOCIATES**

*Planning and Development Consultants*

General Manager  
Clarence Council  
PO Box 96  
ROSNY PARK TAS 7018

27 September 2018  
by email: [clarence@ccc.tas.gov.au](mailto:clarence@ccc.tas.gov.au)

Dear Sir/Madam,

**RE: SUBURB BOUNDARY AND NAME - 473 & 485 ROKEBY ROAD, HOWRAH AND 503 & 525 ROKEBY ROAD, ROKEBY.**

Please find attached a request for changes to suburb boundary in the abovementioned location. The changes are shown on the accompanying plan.

The request from Mr Ron Brooks is supported by letters from the attached affected owners.

We look forward to your consideration in due course.

Yours faithfully,

NEIL SHEPHARD BA, MTCP(Syd), FPIA, CPP

Obo:

- *Roman Catholic Church Trust Corporation of the Archdiocese of Hobart;*
- *Malwood Pty Ltd;*
- *Tranmere Point Pty Ltd;*
- *Ian Johnson*

**Attachments:**

- Request from R Brooks
- Owners' letters of support
- ROGERSON & BIRCH SURVEYORS, Proposal Plan, 20/8/18

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P.O. BOX 273, SANDY BAY, TASMANIA 7006 AUSTRALIA  
TELEPHONE & FACSIMILE (03) 6225 4200

General Manager  
Clarence City Council  
ROSNY PARK 7018

3 August 2018

Dear Sir,

**RE: SUBURB BOUNDARY AND NAME - 473 & 485 ROKEBY ROAD, HOWRAH AND 503 & 525 ROKEBY ROAD, ROKEBY.**

Following the rezoning and approved subdivision of the abovementioned land, we seek an alteration of the boundary between Howrah and Rokeby suburbs to reflect the approved development.

The current and proposed boundaries are shown on the attached proposal plan (Rogerson & Birch Surveyors).

The overall area of the rezoning and approved subdivision is that centered on Skillion Hill between the existing area known colloquially as 'Howrah Gardens', and the western extent of the development of Rokeby.

The rezoning and subdivision was undertaken by 'The Howrah Gardens Group' comprising:

- Tranmere Point Pty Ltd;
- Trustees of the Roman Catholic Church in Tasmania; and
- Malwood Pty Ltd.

Approved subdivision includes:

- a road network with access from Buckingham Drive/Skillion Road, Tollard Drive, and Maum Street;
- new sewer, water and stormwater infrastructure;
- public open space in several parcels;
- approximately 272 residential lots.

#### **Reasons for altering the boundary**

The present suburb boundary follows the eastern extent of the development known as 'Howrah Gardens'. The southernmost portion, off Skillion Road includes part of the Malwood owned subdivision, ie within Howrah. The balance of the Malwood land together with the Church land and the Tranmere Point land are currently within Rokeby.

The entire rezoning and subdivision was conceived as an integrated development, based on Howrah Gardens/Skillion Hill, and is being developed in stages.

The land is physically distinct from the lower-level, established Rokeby development, and the new development will be different in character, having been designed to meet entirely different standards under a different planning regime.

The current suburb boundary splits the new development, contrary to the intended integration, and will create confusion in terms of identity.

Ideally the entirety of the new subdivision, plus the existing 'Howrah Gardens' development should take on the name 'Howrah Gardens', as that is the commonly used identifier for the locality. However the current land owners of the existing Howrah Gardens development have not been consulted, to date.

### **s.36 Rules for Place Names in Tasmania**

The following matters are provided in support of the proposal, pursuant to s.36 of the Nomenclature Board's *Rules for Place Names in Tasmania*:

#### **s.36(2)**

##### ***(a) Public safety reasons***

The subject area is colloquially known as Howrah Gardens, and is distinct from the much larger area and physical location of the suburb of Rokeby. This will result in potential confusion in emergency situations – particularly where part of the new development will be in Howrah, and part will be in Rokeby. The proposed new boundary is more logical and will reduce the potential for confusion.

##### ***(b) Access and property address***

The principal access points are from Buckingham Drive and Tollard Drive, and do not involve accessing through Rokeby. Similarly the proposed boundary will provide a more integrated and cohesive identity in terms of address.

##### ***(c) Realignment of boundaries with a new subdivision***

The approved subdivision provides a significant 'infill' development between Rokeby and Howrah Gardens. However it is more similar in character to the latter, and is distinct by virtue of its topography and design compared to Rokeby. The existing boundary essentially follows the edge of the existing Howrah Gardens development plus a portion of the Malwood approved new subdivision. The balance of the approved subdivision extends that edge eastwards until it meets the established edge of Rokeby development proper.

##### ***(d) A suburb/locality divided by a new major carriageway***

The new development has facilitated the completion of Tollard Drive, which is the major feeder to Rokeby and future development on the eastern side of Droughty Point. Tollard Drive generally divides the subject land from the established area of Rokeby. The current boundary does not reflect this, but rather provides an artificial, illogical division, and ought to be reviewed having regard to the new configuration of developed area.

##### ***(e) To correct an anomaly***

The location of the existing boundary, to the extent that it splits both an approved subdivision in the same ownership, as well as an integrated development, represents an anomaly. The proposed boundary relocation represents a more logical and pragmatic outcome.

We seek Council's support in recommending to the Nomenclature Board that the proposed suburb boundary change be adopted.



Please do not hesitate to contact me in the first instance, should you wish to discuss or clarify any matter further.

Yours faithfully,

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the left.

RON BROOKS



# Archdiocese of Hobart

Office of the Business Manager

21 September, 2018

General Manager  
Clarence City Council  
ROSNY PARK TAS 7018

Dear Sir,

**RE: SUBURB BOUNDARY AND NAME - 102 PASS ROAD, ROKEBY, 473 & 485 ROKEBY ROAD, HOWRAH AND 503 & 525 ROKEBY ROAD, ROKEBY – OWNERS' SUPPORT.**

We refer to Mr Brooks' letter of 3<sup>rd</sup> August, 2018 requesting changes to the Howrah/Rokeby boundary (and possibly local name).

Please be aware that as the owners of one of the large parcels of land that are included in this request, we are entirely supportive of the proposed changes, and concur with the reasons provided for the change and hereby confirm our consent to the proposed changes.

We understand that all of the affected owners share the same view.

It is also our understanding that the Surveyor General has suggested that, given the significant zoning changes and subsequent subdivision approvals, there is merit in Council strategically reviewing the suburb boundaries in this location. We trust we have not misrepresented that view.

Accordingly, we urge you to consider the request at your earliest convenience. We look forward to hearing from you, and are happy to meet with you to discuss this matter at our mutual convenience.

Yours faithfully,

Mr Ron Ward  
Business Manager and Trustee  
Roman Catholic Church Trust Corporation  
Of the Archdiocese of Hobart

28 August, 2018

General Manager  
Clarence City Council  
ROSNY PARK 7018

Dear Sir,

**RE: SUBURB BOUNDARY AND NAME - 102 PASS ROAD, ROKEBY, 473 & 485 ROKEBY ROAD, HOWRAH AND 503 & 525 ROKEBY ROAD, ROKEBY – OWNERS' SUPPORT.**

We refer to Mr Brooks' letter of 3<sup>rd</sup> August, 2018 requesting changes to the Howrah/Rokeby boundary (and possibly local name).

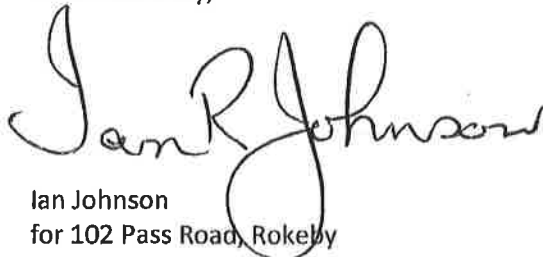
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Accordingly, we urge you to consider the request at your earliest convenience. We look forward to hearing from you, and are happy to meet with you to discuss this matter at our mutual convenience.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Ian R Johnson', with a large, stylized loop at the end.

Ian Johnson  
for 102 Pass Road, Rokeby

General Manager  
Clarence City Council  
ROSNY PARK 7018

24 September 2018

Dear Sir,

**RE: SUBURB BOUNDARY AND NAME - 473 & 485 ROKEBY ROAD, HOWRAH AND 503 & 525  
ROKEBY ROAD, ROKEBY – OWNERS' SUPPORT**

We refer to Mr Brooks' letter of 3 August 2018 requesting changes to the Howrah/Rokeby boundary (and possibly local name).

Please be aware that as the owners of one of the large parcels of land that are included in this request, we are entirely supportive of the proposed changes, and concur with the reasons provided for the change.

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It is also our understanding that the Surveyor General has suggested that, given the significant zoning changes and subsequent subdivision approvals, there is merit in Council strategically reviewing the suburb boundaries in this location. We trust we have not misrepresented that view.

Accordingly we urge you to consider the request at your earliest convenience. We look forward to hearing from you, and are happy to meet with you to discuss this matter at our mutual convenience.

Yours faithfully,



Rod Scurrah

for Directors Malwood Pty Ltd

21 September, 2018

General Manager  
Clarence City Council  
ROSNY PARK 7018

Dear Sir,

**RE: SUBURB BOUNDARY AND NAME - 102 PASS ROAD, ROKEBY, 473 & 485 ROKEBY ROAD, HOWRAH AND 503 & 525 ROKEBY ROAD, ROKEBY – OWNERS' SUPPORT.**

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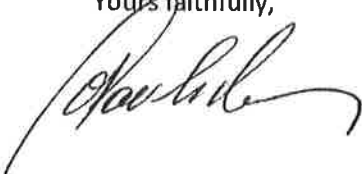
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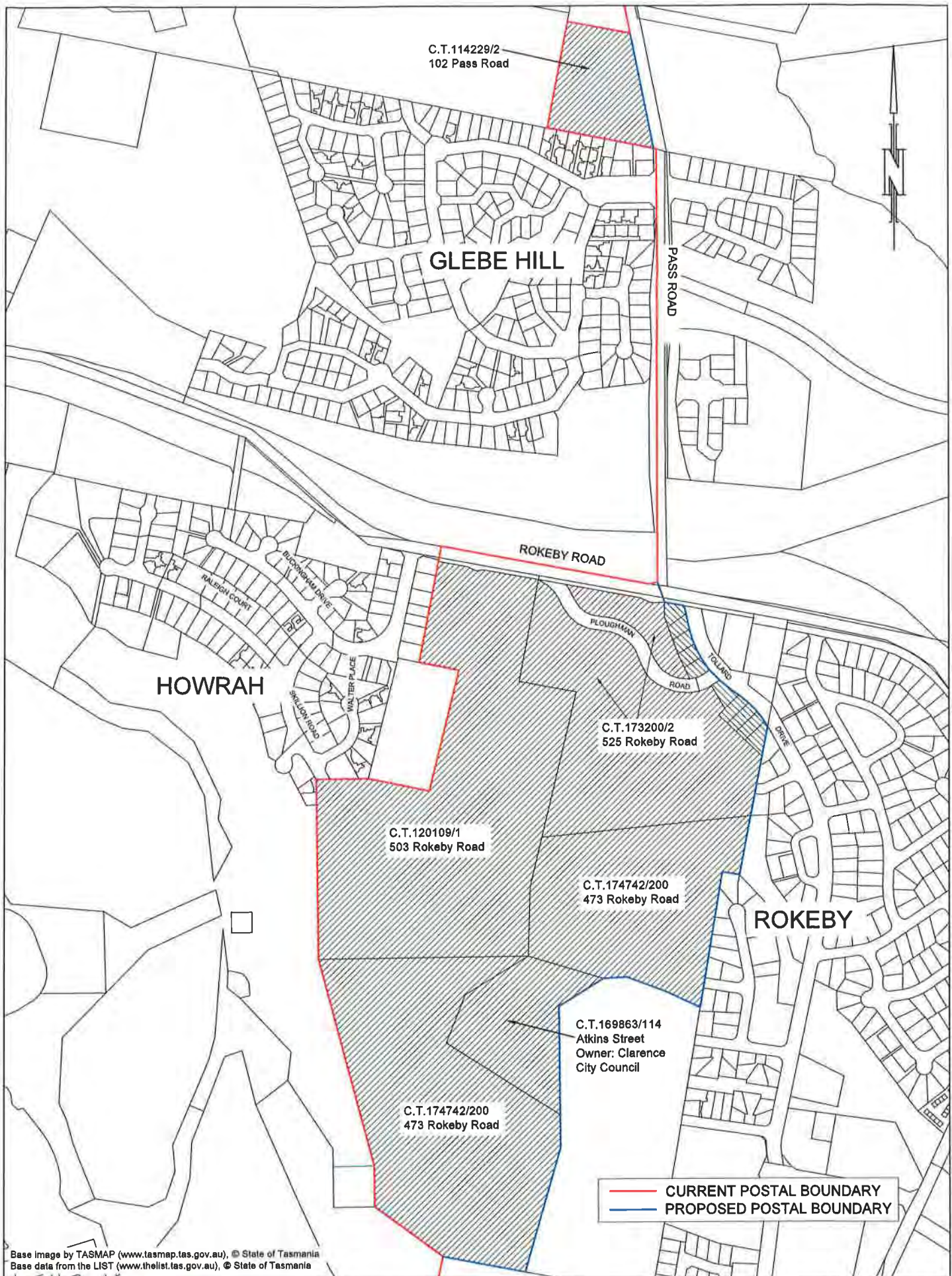
Accordingly, we urge you to consider the request at your earliest convenience. We look forward to hearing from you, and are happy to meet with you to discuss this matter at our mutual convenience.


Yours faithfully,

A handwritten signature in black ink, appearing to read 'Arthur Pavlides', written over a horizontal line.

Mr Arthur Pavlides  
Manager  
Tranmere Point Pty Ltd.





 <p>UNIT 1, 2 KENNEDY DRIVE CAMBRIDGE 7170 PHONE: (03)6248 5898 EMAIL: <a href="mailto:admin@rbsurveyors.com">admin@rbsurveyors.com</a> WEB: <a href="http://www.rbsurveyors.com">www.rbsurveyors.com</a></p>	<p><b>TITLE REFERENCE:</b> see details above</p> <p><b>LOCATION:</b> 473 ROKEBY ROAD 503 ROKEBY ROAD 525 ROKEBY ROAD 102 PASS ROAD</p>	<p><b>Proposal</b></p>	
		<p>Date: 20-8-2018</p> <p>Scale: 1:5000 (A3)</p>	<p>Reference: ROMAN13 9604-90</p> <p>Municipality: CLARENCE</p>

**Ian Nelson**

**From:** neilsh@bigpond.com  
**Sent:** Friday, 29 March 2019 10:10 AM  
**To:** Ian Nelson  
**Subject:** suburb boundaries

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ian,

Thanks for meeting with Ron Brooks and myself regarding progressing the above matter.

Further to our discussion I make the following points, in addition to Mr Brooks' letter of 3 August:

- The approved subdivision is located on land that hitherto has formed a physical and perceptual buffer between existing Howrah development (on the western side of Skillion Hill), and existing Rokeby development (on the eastern side of the hill);
- The area known colloquially as Howrah Gardens based on the small commercial centre and adjoining residential development, is perceived by the community and its residents as a locality in its own right, with access separate from both existing suburbs;
- The approved subdivision is based on Howrah Gardens, and physically centred on Skillion Hill, not Howrah or Rokeby;
- Its principal access is through Howrah Gardens, and from the eastern side of the new Tollard Drive/Rokeby Road intersection;
- The character of the land, is derived from its location centred on Skillion Hill and the approved road framework reflects the different topography to the surrounding areas;
- The approved subdivision is founded on current best practice, and current planning scheme standards: it is quite different to the much earlier development patterns and densities of Howrah and Rokeby, which also differ from each other;
- The current suburb boundary cuts through a large number of approved lots, and does not align with any road or property boundary;
- The owners are due to seek new titles in accordance with the approved plans and need to advise the titles office of the correct addresses. Multiple addresses for a single title are not acceptable;
- The owners are also due to begin marketing the new lots, and need to accurately represent their correct address.

We are conscious of the need to provide a fair and equitable outcome: one that does not prejudice the residents on either side of the subject locality. As discussed, the allocation of either 'Howrah' or 'Rokeby' nomenclature to the locality may be problematic for residents of either. Accordingly, a name that does not raise such issues, whilst remaining reflective of the character and identity of the locality might be preferred. One such name is 'Howrah Gardens'. It simply reflects what the locality is already known as, and avoids the tensions that might arise through identifying with either Howrah or Rokeby.

This would seem to be a simple solution, and a win-win for the community, and the current and future owners.

Kind regards,  
**Neil Shephard**

*Fellow of the Planning Institute of Australia  
Certified Practising Planner*

**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.

**ACCOMMODATION UNITS – PETCHEY STREET**

Ald Mulder asked the following question: Council at its last Meeting approved 15 visitor accommodation units in Petchey Street at a density that would not be permitted for long stay residential accommodation; it is clear from the developer's own traffic impact statement that the site is intended to be used as a mix of long term and short term accommodation.

Given the accommodation crisis in Greater Hobart I ask:

- a) What enforcement action is planned should the developer begin renting the units on a long term basis?
- b) What enforcement action has ever been taken at the Richmond Caravan Park where many of the sites are clearly occupied on a permanent basis?

**ANSWER**

- a) This development was not for 15 visitor accommodation units; it was for only 1 Visitor accommodation premises (the existing Heritage Building) and 15 Multiple dwellings.

/ contd on Page 230...

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

As the proposal is subject to a planning appeal, no planning for enforcement action has been considered at this time. However, in the event that the visitor accommodation premises was not used in accordance with the permit, it would be open for Council to undertake the normal planning enforcement procedures, which untimely lead to serving of Infringement notices (\$2,445 for an individual or 12,225 for a company) and Enforcement notice (Court enforced).

- b) The Richmond Caravan Park has operated since 1979 and is not subject to any planning controls covering length of stay.

**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 QUOTATION Q1266/18 – SOUTH ARM SKATE PARK – DETAILED DESIGN AND CONSTRUCT

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

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence.

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

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

**PROCEDURAL MOTION**

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