

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 29 JULY 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**2. CONFIRMATION OF MINUTES**

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 8 July 2019 and the Special Council Meeting held on 22 July 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
Presentation – Droughty Point/Tranmere Structure Plan Rating 2019/20 Waste Survey Funding Application – Sporting Facility Council Meeting Times	15 July
Presentation – Aboriginal Heritage Interpretation Plan Presentation – Reconciliation Action Plan Droughty Point/Tranmere Structure Plan	22 July

RECOMMENDATION:

That Council notes the workshops conducted.

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

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

6. TABLING OF PETITIONS
(File No. 10/03/12)

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Mrs Denise Hoggan of Rosny has given notice of the following question:

ROSNY HILL NATURE RECREATION

The proponent for a development in Rosny Hill Nature Recreation area showed a clearly defined development area, marked on maps displayed to the public, on 2 July 2019. Has Clarence City Council entered into an Offer to Lease, or similar contract, with Hunter Developments?

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

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

BELLERIVE BEACH PARK CARPARK

Joanne Marsh of Bellerive asked the following question: Given that in 2019 the condition of Bellerive Beach Park remains a disgrace to the City of Clarence, what can the community expect in regard to public information about its design and set timeframes for the completion of the entire Bellerive Beach Park Masterplan?

ANSWER

There are a number of projects planned for Bellerive Beach Park in relation to the Master Plan.

Promenade and Seawall

Council has received State Government funding to assist with the construction of the Promenade Interim stage works. Detailed design will commence soon by our Landscape Architects with construction intended to commence near March 2020, after the park's summer usage.

/ contd on Page 9...

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

The development of the old carpark area into a promenade is being investigated by Pitt & Sherry who will provide recommendations on the sea wall construction and ground levels. It is anticipated this work will be received in August. Following this, Council designers need to assess the extent of the future sea wall and prepare concept designs for the other adjacent works being beach steps, ramps etc in accordance with the Master Plan. From this concept design budget estimates will be arranged to discuss with Council.

Irrigation

The installation of irrigation to the Park green space adjacent the playground is underway and due for completion by the end of this month.

Gym Equipment upgrade

A Quotation document is being prepared for replacement gym equipment with installation expected to be complete prior to the coming summer.

Toilet Facility - Changing Places Room

Council has allocated funds for consideration of a changing places room being added to the existing toilets. A quotation document is being prepared to engage Architects to assess the existing facility. We are aiming to provide options to Council by the end of this year.

Further projects for the precinct include:

Bellerive Beach Floating Pontoon

Council has allocated funds for a floating pontoon off Bellerive Beach. A design and construct quotation is being prepared for advertising in August/September, with installation complete by the coming summer.

Beach Street to Alexandra Esplanade Multi-user Pathway

The aim of the project is to upgrade the existing bitumen path to a 2.5m wide concrete pathway. Design will be undertaken this year with construction anticipated to be undertaken in Autumn 2020.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

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

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD EWINGTON
GROWING HEALTH CRISIS**

(File No 10-03-05)

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

“That Council calls on the Tasmanian Government to:

- (1) Acknowledge that Tasmania is facing a growing health crisis caused by chronic and preventable disease.
- (2) Acknowledge that one of the statutory functions of councils is to provide for the health, safety and welfare of the community.
- (3) Recognise that a continued costly focus on hospitals and traditional medical treatment cannot improve community health and health outcomes in the same way that a strategic focus on healthy behaviours and physical activity can.
- (4) Create adequate funding mechanisms through new and existing budget allocations for Local Government - to allow for the adequate provision of sportsgrounds, playgrounds, outdoor walking, cycling and jogging trails and other infrastructure that will increase the exercise and activity options for all Tasmanians, with a key focus on children.
- (5) Facilitate and fund appropriate public health awareness campaigns focussed on the need to increase the uptake of healthy exercise behaviours by the wider Tasmanian community”.

EXPLANATORY COMMENT

The Local Government Act provides that one of the functions of a council is to provide for the health, safety and welfare of its community.

There is a clear need and significant statistical increase in obesity and chronic disease rates in our communities. These problems impact on quality of life and the exponential cost of health care to all Tasmanians. These costs are having an increasingly negative impact on government services. There is no clear, coherent plan to keep these increasing costs contained. Councils need assistance to change the focus of funding toward health behaviours and physical activity in our communities.

To achieve effective change the politics of health must shift. The political narrative must change. We must play a much greater role in preventing illness and disease rather than just increasing the current focus on tertiary health services provided by hospitals and medical facilities. We simply cannot keep doing the same things and expect a different outcome.

Regular exercise opportunities are the key. Regular exercise has been shown to be the single best remedy a wide range of chronic medical conditions, including improved mental health.

The Tasmanian Government has made a commitment to make Tasmania the healthiest state in Australia by 2025 but the results of the Public Health outcomes report 2018 show that we have the lowest health outcomes of all states, in all measures (except for some areas of the NT). This fact must be a warning that we are not going to get anywhere near our stated commitment without a significant change of current policies and funding allocations.

Alarmingly, our children will be the first generations in modern history to have a lower life expectancy than the previous one. If we do not do something about the effects of technology and sedentary lifestyles on health outcomes, health care costs will be unsustainable when combined with the aging of the current population.

Technology is so persuasive and keeping children and adults alike indoors. We need to make our public open spaces and recreational spaces so much more attractive to all, especially children, to affect the change in individual behaviour required to tackle this crisis.

There must be a debate around health that includes the fact that building more hospitals will not fix the problem. Current sport funding is focussed primarily on competitive sports and not on the needs of the wider community, those who require facilities for exercise and recreation in a non-competitive environment. We have got the balance wrong. We are overlooking the needs of the biggest section of our communities – those who want and need to exercise in a non-competitive way.

We must make it easier for everyone to access competitive, social and incidental exercise and activity options as well as appropriate coaching and guidance on what to do from appropriately trained exercise and nutrition professionals.

D Ewington
ALDERMAN

GENERAL MANAGER'S COMMENTS
A matter for Council

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker

(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 8, 15 and 22 July 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 8, 15 and 22 July 2019 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITIONS – PROPOSED SUBURB BOUNDARY CHANGE/CREATION OF NEW SUBURB OF HOWRAH GARDENS**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider 2 petitions received by Council on 8 July 2019, requesting Council to reject the proposal to alter the boundaries of Howrah and Rokeby and introduce a new suburb of Howrah Gardens.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 (the Act) requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

The Rules for Place Names in Tasmania require Council to consult with Lands Tasmania on any proposed suburb boundary change, prior to any community consultation occurring. Lands Tasmania indicated that it was unlikely that the Nomenclature Board would support the creation of a new suburb named Howrah Gardens.

Lands Tasmania also provided 3 options for the proposed boundary change, which were potentially acceptable to the Nomenclature Board. At its Meeting of 8 July 2019, Council resolved to provide in-principle support for one of the options and to undertake broad based community consultation on the preferred option.

Consultation has commenced in the form of correspondence with directly affected landowners and community members who have previously written to Council on the matter. A community survey via the Council's "Have Your Say" forum is also underway. The consultation period concludes on 31 July 2019.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and advises the petitioners that the petitions will be taken into account as part of the broader community consultation process.

PETITIONS – PROPOSED SUBURB BOUNDARY CHANGE/CREATION OF NEW SUBURB OF HOWRAH GARDENS /contd...

ASSOCIATED REPORT**1. BACKGROUND**

Following a request from landowners, Council, at its Meeting of 8 April 2019 resolved to provide in-principle support for alteration of the suburb boundaries between Howrah and Rokeby and creation of a new suburb “Howrah Gardens”. As part of that decision, Council resolved to conduct a broad-based community survey to determine whether there was strong community support for the proposal before forwarding it to the Nomenclature Board for consideration.

2. REPORT IN DETAIL

2.1. Two petitions regarding the boundary change/new suburb proposal were received by Council on 8 July 2019. One petition containing 54 signatures requested Council to reject the proposal to introduce a new suburb on the Rokeby Hills. The other containing 124 signatures requested Council to reject the proposal to alter the boundaries of Howrah and Rokeby and introduce a new suburb. The petitions comply with the requirements of the Local Government Act, 1993.

2.2. Council initially considered the matter of a proposed boundary alteration/creation of new suburb in April 2019 following a request from local landowners. Council resolved to provide in-principle support for the proposal and undertake broad-based community consultation to determine the level of support for the proposal.

2.3. Subsequently, Council was advised that the Rules for Place Names in Tasmania, require consultation with Lands Tasmania regarding any proposed suburb boundary change before community consultation occurs. Lands Tasmania also advised that the request to create a new suburb named “Howrah Gardens” was unlikely to be supported by the Nomenclature Board, but that some options to realign the boundary between Howrah and Rokeby in the Skillion Hill area might be supported by the Board.

2.4. At its Meeting of 8 July 2019, Council rescinded its 8 April decision and resolved that:

- “1. Council authorises the General Manager to advise the community of Council’s decision to rescind its 8 April 2019 decision (Item 11.7.4) and replace that decision with this decision.*
- 2. Council provides in-principle support for an alteration of the suburb boundary between Howrah and Rokeby as shown in Option 2 of the attachments to the Associated Report.*
- 3. Council authorises the General Manager to conduct community consultation regarding the proposed boundary change in accordance with the “Rules for Place Names in Tasmania’ and advice from the Nomenclature Board of Tasmania – to determine whether there is community support for the proposed changes.*
- 4. Following the completion of the consultation, the General Manager provide a report to Council and that Council then determine whether to refer the proposed suburb boundary change to the Nomenclature Board of Tasmania for determination”.*

3. CONSULTATION

3.1. Community Consultation

Consultation has commenced in the form of correspondence with directly affected landowners and community members who have previously written to Council on the matter; and the “Have Your Say” forum via Council’s website. The consultation period concludes on 31 July 2019. Following conclusion of the consultation period, a further report will be provided to Council for consideration of the results and whether to refer the proposed suburb boundary change to the Nomenclature Board of Tasmania for determination.

3.2. State/Local Government Protocol

The Rules for Place Names in Tasmania, require consultation with Lands Tasmania regarding any proposed suburb boundary change before community consultation occurs. Following discussion with Lands Tasmania 3 options for the proposed boundary change were presented to Council for consideration.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Any decision on alteration of suburb boundaries is to be made by the Nomenclature Board of Tasmania.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The petitions request that Council reject the proposal to alter the boundaries between Howrah and Rokeby and introduce a new suburb of Howrah Gardens. It is recommended that Council notes the intent of the petition and advises the petitioners that the petitions will be taken into account as part of the broader community consultation process.

Attachments: Nil

Ian Nelson
GENERAL MANAGER

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 PDPLANPMTD-2019/001548 – 31 TIANNA ROAD, LINDISFARNE AND ADJOINING ROAD RESERVATION - 3 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings at 31 Tianna Road, Lindisfarne and adjoining road reservation.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 31 July 2019 as agreed with the applicant.

CONSULTATION

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

- building height;
- loss of privacy;
- dwelling density;
- site coverage;
- location of visitor park and stairs along the southern side boundary;
- garage opening width facing the street;
- adequacy of access;
- lack of visitor parking; and
- compliance with Bushfire Prone Areas Code.

RECOMMENDATION:

A. That the Development Application for 3 Multiple Dwellings at 31 Tianna Road, Lindisfarne and adjoining road reservation (C1 Ref PDPLANPMTD-2019/001548) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.
2. ENG A3 – COMBINED ACCESS [5.5M wide, TSD-R09 (Urban)].
3. ENG A5 – SEALED CAR PARKING.
4. ENG M1 – DESIGNS DA [Access arrangements, carpark and driveway construction; service upgrades or relocations; and lighting of car parking areas to comply with relevant Australian Standards].
5. ENG M5 – EROSION CONTROL.
6. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles or achieve stormwater quality and quantity targets in accordance with the *State Stormwater Strategy 2010*.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) and a Maintenance Management Schedule/Regime must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. The facility must be maintained in accordance with this schedule.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 June 2019 (TWDA2019/00818-CCC).

ADVICE

- a. Council's Building Department have advised that a Soil and Water Management Plan will be required to form part of the certified documents provided as part of a future building permit application. The plan will need to specifically address how the excavation works will be managed, site drainage arrangements and project management specifications to ensure adjoining properties and Council's road reservation are not impacted during the construction phase.

- b. Council's Building Department have advised that the property is located within a bushfire prone area therefore a Bushfire Attach Level (BAL) and bushfire assessment report will be required to be included as part of the certified documentation provided with a future building permit application. In addition to the proposed access way, a bushfire assessment is likely to specify requirements for water storage, hard stand areas, vehicle turning point and requirements for building and plumbing materials.
- 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

A planning application was lodged with Council on 21 November 2019 (D-2018/700) for 3 Multiple Dwellings in a similar form to that proposed but requiring a building envelope variation to the southern side boundary. Shadow diagrams indicated that the adjoining property at 35 Tianna Road would be significantly affected by overshadowing to habitable room windows. The plan also omitted the required visitor park despite limited on-street parking in Tianna Road.

Accordingly, the applicant withdrew the application and revised the design and location of the building so that it is contained within the building envelope. The revised plans are now the subject of the application currently before Council.

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 private open space, privacy waste storage facilities, traffic generation rates, stormwater management and vehicle passing areas.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10.4 – General Residential Zone;

- Section E1.0 – Bushfire Prone Areas Code;
- Section E5.0 – Road and Rail Assets Code;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

2.4. The site is located within a bushfire prone area. However, the proposal does not involve a habitable or vulnerable use therefore the Code does not apply to the assessment of the application in accordance with Clause E1.2.1(b) of the Code. Notwithstanding, the proposal will be required to address bushfire regulations as part of a future building permit application.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The subject site is a vacant lot with a land area of 2,355m². The site has an “L” shaped configuration with a 21.95m frontage to Tianna Road increasing to 40.23m along the rear boundary. The site has a steep grade of 25% sloping to the east. The rear of the site is covered in native vegetation and adjoins the Natone Hill Reserve.

The front portion of the site contains a right-of-way benefiting the adjoining property to the north at 29 Tianna Road. The right-of-way contains a driveway access servicing the neighbouring property and the subject site.

The site is located within an established urban area of Lindisfarne. Properties to the north and south of the site on the upper side of the road form larger, steeper lots developed with single dwellings. Properties on the lower side of Tianna Road form smaller residential lots developed primarily with single dwellings.

Tianna Road forms a narrow road terminating 100m to the south of the site. Limited opportunity is provided for on-street parking due to the narrow formation and steep embankment on either side of the road.

3.2. The Proposal

Application is made to construct 3 Multiple Dwellings over 3 levels located towards the frontage with Tianna Road. Each level would contain one unit only, stepped up the hillside in response to the steep topography.

Level 1 would have a floor area of 145m². A 55m² terraced area is proposed to the north which would be for the exclusive use of this dwelling. Unit 1 would have a maximum height of 5.1m above natural ground level.

Levels 2 and 3 would each have a floor area of 141m². Unit 2 would have a 36m² deck extending from the eastern façade elevation together with a 16m² partially covered terrace area to the north. Unit 3 would have a 36m² deck to the east and a 59.6m² terrace to the north. Unit 2 would have a maximum height of 7.4m above natural ground level. Unit 3 would have a maximum height of 8.2m above natural ground level.

A basement level is proposed to be excavated below natural ground level to accommodate 6 parking spaces for the multiple dwellings and a storage cage and internal lift.

A screened communal bin storage area is proposed to be concealed within the staircase providing access along the southern elevation of the building.

The building is proposed to be constructed from brick, timber look aluminium panels and concrete blockwork. The inclusion of curved walls for the Level 2 and 3 deck balustrading and parapet roof will provide a 1960's design theme.

It is also proposed to reconstruct the driveway from Tianna Road as it is presently in a poor condition. The reconstruction will involve construction of two retaining walls to support the driveway of which would be located partially within the Council road reservation. Council consent has been provided for the works proposed to be carried out within the road reservation. The suitability of the driveway design will be discussed further below.

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

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A1	Site coverage and private open space for all dwellings	Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and	complies

		<p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) a site area of which at least 25% of the site area is free from impervious surfaces.</p>	Does not comply - the total area of private open space allocated to Units 1 and 2 would be 55m ² and 52m ² , respectively.
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.3 as follows.

Performance Criteria	Proposal
<p><i>“P1 - Dwellings must have:</i></p> <p><i>(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:</i></p>	<p>The private open space allocated to Units 1 and 2 would be below the 60m² requirement. The decks designated to each multiple dwelling has been designed so they are of sufficient size and proportion to meet the recreation and operational needs of the of the occupants.</p>
<p><i>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and</i></p>	<p>The private open space allocated to Units 1 and 2 would be supplemented with a substantial area of communal open space located to the south, north and west of the development.</p> <p>The communal open space to the south of the building would consist of landscaped stairways, terraces and gardens. The primary intent of this space is to provide external access to each unit for occupants and visitors within a quality landscaped setting.</p> <p>The communal areas to the north and west of the dwelling would be less usable due to the slope of the land and visual exposure to adjoining properties.</p>

	<p>However, these areas would be capable of being further developed as garden space and areas of children to play subject to some form of levelling/terracing.</p> <p>The communal space located uphill to the west of the building provides access to the network of walking trails located on Natone Hill including direct connectivity to a walking trail located directly at the rear of the property.</p>
<i>(ii) operational needs, such as clothes drying and storage; and</i>	Units 1 and 2 both include north facing decks which are an adequate size to include outdoor clothes drying and storage facilities without compromising other forms of leisure and recreation use.
<i>(b) reasonable space for the planting of gardens and landscaping”.</i>	<p>The opportunity for planting and landscaping within the private open space allocated to Units 1 and 2 is limited due to the impervious surface materials (deck form). However, 1600m² (70%) of the site would remain available for landscaping which is considered sufficient for the needs of the occupants.</p> <p>The proposal includes landscaping and planting of areas immediately surrounding the building, including the front yard, which is appropriate for meaningful garden planting. The occupants will then have access to the remainder of the site should they wish to carry out further landscaping works.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	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) 24m²; or</p>	complies

		<p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p>	<p>Does not comply - the private open space allocated to Units 1, 2 and 3 would have a minimum horizontal dimension of 3.7m therefore does not comply with Clause (b).</p> <p>complies</p> <p>complies</p> <p>complies</p>
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		(f) has a gradient not steeper than 1 in 10; and	complies
		(g) is not used for vehicle access or parking.	complies

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

Performance Criteria	Proposal
<p><i>“P2 - A dwelling must have private open space that:</i></p> <p><i>(a) Includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p>	<p>The private open space allocated to each multiple dwelling would be adequate in terms of area, location, accessibility from the living room and orientation to facilitate a full range of outdoor activities including outdoor relaxation, dining, entertaining and children’s play.</p>
<p><i>(i) conveniently located in relation to a living area of the dwelling, and</i></p>	<p>The private open space for Unit 1 would consist of a terrace directly accessible from the living room.</p> <p>The private open space for Units 2 and 3 would consist of a north facing terrace and east facing deck with both areas being accessed directly from the living room.</p>
<p><i>(ii) oriented to take advantage of sunlight”.</i></p>	<p>The private open space allocated to each unit has been designed to take advantage of available morning, midday and early afternoon sunlight. Solar access is compromised during the late afternoon during the winter months due to overshadowing caused by Natone Hill to the north-west. Solar access is therefore considered reasonable and will enhance the usability of the outdoor space.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	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>(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>complies</p> <p>Does not comply – the following non-compliances are raised in relation to the design of the decks for Units 1, 2 and 3:</p> <p>Unit 1</p> <ul style="list-style-type: none"> North facing deck located within 6m of the north facing living room window, north facing bedroom window and east facing decks located on the northern elevation of Units 2 and 3 above.

			<p>Unit 2</p> <ul style="list-style-type: none"> • East facing deck located within 6m of Unit 1 north facing deck below and east facing deck associated with Unit 3 above. • North facing deck located within 6m of the living and bedroom window located on the northern elevation of Unit 3 above. <p>Unit 3</p> <ul style="list-style-type: none"> • East facing deck located within 6m of Unit 2 deck below and Units 1 and 2 deck below.
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.6 as follows.

Performance Criteria	Proposal
<i>“P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i>	See below assessment.
<i>(a) a dwelling on an adjoining lot or its private open space; or</i>	Not applicable – the decks of Units 1, 2 and 3 comply with the setback requirements for a dwelling on an adjoining lot.
<i>(b) another dwelling on the same site or its private open space; or</i>	The east facing decks allocated to Units 2 and 3 have been designed to include a fixed bench to the full length of the deck to act as a privacy barrier to the deck beneath it. The east facing decks have therefore been designed to prevent overlooking into the decks associated with the multiple dwelling below.

	The north facing terraces of Units 2 and 3 include a privacy screen pergola extending for a distance of 4.5m from the finished surface level of the eastern elevation of the terrace. The privacy pergolas will prevent overlooking into the terrace associated with the multiple dwelling below.
(c) <i>an adjoining vacant residential lot</i> ”.	Not applicable – the decks and terraces comply with the rear boundary setback requirement from the vacant Council owned land uphill to the west.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A2	Privacy	<p>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4m from a rear boundary; and</p> <p>(iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</p>	<p>Does not comply - the following non-compliances are raised in relation to the design of habitable room windows allocated to Units 2 and 3:</p> <p>Unit 2</p> <ul style="list-style-type: none"> The bedroom and living room window located on the northern elevation of Unit 2 would be located within 6m of the northern deck below associated with Unit 1.

		<p>(b) The window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p>Unit 3</p> <ul style="list-style-type: none"> The bedroom and living room window located on the northern elevation of Unit 3 would be located within 6m of the northern deck below associated with Units 1 and 2. <p>complies</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.6 as follows.

Performance Criteria	Proposal
<i>“P2 - A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i>	See below assessment.

<i>(a) window or glazed door, to a habitable room of another dwelling; and</i>	Not applicable – the windows would not be oriented to face other windows of another dwelling on the same site.
<i>(b) the private open space of another dwelling; and</i>	The bedroom and living room windows located on the northern elevation of Units 2 and 3 include a permanently fixed 4.5m long by 0.7m wide privacy screen along the window sill. The privacy screens will prevent overlooking from these windows into the deck below.
<i>(c) an adjoining vacant residential lot”.</i>	Not applicable – the window design complies with the setback requirement from the adjoining vacant Council owned land upslope to the west.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A3	Privacy	<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> <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>	Does not comply - the living room window located on the eastern elevation of Unit 1 would offer zero horizontal separation from the shared driveway below.

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

Performance Criteria	Proposal
<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>	The living room window would have a sill height of 2.5m above the finished surface level of the shared driveway and is proposed to be double glazed. The elevated sill height and noise attenuating glazing will ensure the bedroom is not subject to detrimental impacts of vehicle noise or vehicle light intrusion.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.8 A1	Waste storage for multiple dwellings	<p>A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> (a) in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) in a communal storage area with an impervious surface that: <ul style="list-style-type: none"> (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area. 	<p>complies</p> <p>Does not comply - the communal waste storage area would be setback 5.5m from the units.</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.8 as follows.

Performance Criteria	Proposal
<i>“P1 – A multiple dwelling development must provide storage, for waste and recycling bins, that is:</i>	See below assessment.
<i>(a) capable of storing the number of bins required for the site; and</i>	The waste storage area would be accommodated beneath the stairs providing access from the ground level garage to Units 1, 2 and 3 above. The waste storage area would provide space for the storage of 6 bins which is adequate to service the 3 multiple dwellings.
<i>(b) screened from the frontage and dwellings; and</i>	The waste storage area would be concealed from the road by a timber screen infill below the stairs which will screen the storage area from the street. The waste storage area would not be visible from the 3 multiple dwellings as it would be located below the dwellings.
<i>(c) if the storage area is a communal storage area, separated from dwellings on the site to minimise impacts caused by odours and noise”.</i>	The waste storage area would be located below the 3 dwellings which is an adequate design response to minimise odour and noise impacts.

Road and Rail Assets Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E5.5.1 A3	Existing road accesses and junctions	The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	The proposed development is expected to generate more than 40 vehicle movements per day based on expected traffic generation rates of 10 vehicle movements per dwelling. The increase is greater than 20% of the existing volume and therefore the Acceptable Solution is not satisfied.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause E5.5.1 as follows.

Performance Criteria	Proposal
<i>“P3 - Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i>	See below assessment.
<i>(a) the increase in traffic caused by the use;</i>	
<i>(b) the nature of the traffic generated by the use;</i>	The traffic generated by the development would be residential in nature, which is consistent with the existing traffic on Tianna Road.
<i>(c) the nature and efficiency of the access or the junction;</i>	Council’s Development Engineer has considered that the proposal would not impact upon the efficiency of the road subject to the access being widened to 5.5m. A permit condition is recommended dealing with the widening of the access to accommodate the required width.
<i>(d) the nature and category of the road;</i>	Tianna Road is a local residential street that carried a very low traffic volume. The traffic generated by the development would not alter the nature or efficiency of the road.
<i>(e) the speed limit and traffic flow of the road;</i>	The General Urban Speed Limit of 50km/h applies to Tianna Road. The speed limit is compatible with the nature and traffic generation of the proposed development. It is noted that the crash rate on Tianna Road is very low, highlighting the low speed/low volume nature of Tianna Road.
<i>(f) any alternative access to a road;</i>	There are no alternative access arrangements to the site.
<i>(g) the need for the use;</i>	The access is required to service an infill development to a density envisaged by the zone.
<i>(h) any traffic impact assessment; and</i>	not applicable
<i>(i) any written advice received from the road authority”.</i>	Council’s Development Engineer is of the view that the proposed access will require widening to 5.5m to minimise conflict between users and to ensure the safety and efficiency of Tianna Road is maintained.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.3 A1	Vehicular passing areas along an access	<p>Vehicular passing areas must:</p> <p>(a) be provided if any of the following applies to an access:</p> <p>(i) it serves more than 5 car parking spaces;</p> <p>(ii) is more than 30m long;</p> <p>(iii) it meets a road serving more than 6000 vehicles per day;</p> <p>(b) be 6m long, 5.5m wide, and taper to the width of the driveway;</p> <p>(c) have the first passing area constructed at the kerb;</p> <p>(d) be at intervals of no more than 30m along the access.</p>	Does not comply - the initial part of the driveway would be 3.9m wide with the remainder varying in width from 3.7m to 7m.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E6.7.3 as follows.

Performance Criteria	Proposal
<i>“P1 - Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</i>	<p>The engineering design drawings make provision for a single width access from Tianna Road to the development site. The access is also proposed to service the existing single dwelling located on 29 Tianna Road as this property has a benefiting right of way over the subject site.</p> <p>Council’s Development Engineer has assessed the proposal and considers it necessary to widen the access to 5.5m for the entire length it is shared. The reasons for this are outlined below.</p>

<p>(a) <i>avoidance of conflicts between users including vehicles, cyclists and pedestrians;</i></p>	<p>The driveway will ultimately service the 3 multiple dwellings and a single dwelling development on the adjoining property at 29 Tianna Road. The development is expected to generate 30 daily vehicle movements.</p> <p>The southern end of Tianna Road is subject to very low residential traffic volumes. However, the narrow road alignment and steep terrain has resulted in limited opportunity for the inclusion of dedicated on-street parking. This results in a situation where vehicles park along the road reducing the width of the road to a single lane width.</p> <p>In consideration of the number of users of the proposed access, steep terrain and limitations in the design of Tianna Road, it is considered necessary to require a driveway access width capable of enabling two vehicles to pass. A condition has been included reflecting this.</p>
<p>(b) <i>avoidance of unreasonable interference with the flow of traffic on adjoining roads;</i></p>	<p>Widening of the driveway to 5.5m wide will allow for vehicles to safely enter and exit the site without impacting upon other users also trying to enter or exit the site at the same time. The provision of a shared driveway will provide for a more efficient access arrangement that will prevent queuing within Tianna Road.</p>
<p>(c) <i>suitability for the type and volume of traffic likely to be generated by the use or development;</i></p>	<p>The traffic generated by the development will be residential in nature, which is consistent with the existing traffic on Tianna Road.</p>
<p>(d) <i>ease of accessibility and recognition for users”.</i></p>	<p>The provision of a 5.5m wide access for the length of the shared driveway will ensure ease of accessibility and recognition for users.</p>

Stormwater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A2	Stormwater Management – Water Sensitive Urban Design	<p>A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600m²;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	Does not comply - the proposed development would result in an impervious area exceeding 1,000m ² and includes the development of more than 6 car parking spaces.

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

Performance Criteria	Proposal
<i>“P2 - A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so”.</i>	A condition of approval is recommended dealing with detailed engineering design capable of satisfying the requirements of the <i>State Stormwater Strategy 2010</i> .

5. REPRESENTATION ISSUES

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

5.1. Building Height

Concern is raised in relation to the height of the proposed dwelling and the resultant overshadowing impact upon the adjoining property to the south at 35 Tianna Road, Lindisfarne.

- **Comment**

The Scheme allows for a maximum building height in the General Residential Zone to be 8.5m above natural ground level. The maximum height of the building would be 8.5m. The proposal therefore complies with Clause 10.4.2 A3 with respect to building envelope. Where an Acceptable Solution is satisfied, no consideration may be had to the corresponding Performance Criteria which in this case, among other issues, deals with overshadowing.

5.2. Loss of Privacy

Concern is raised in relation to overlooking from the decks and habitable room windows into the adjoining properties at 29 and 35 Tianna Road, Lindisfarne.

- **Comment**

The proposed development meets the relevant acceptable solutions in relation to privacy at Clause 10.4.6 A1 and A2 of the Scheme, in that the windows and decks located on the northern elevation have been designed to maintain the required 4m minimum setback from the rear boundary and 3m setback from the side property boundaries. There is therefore no requirement to provide privacy screening on the northern or southern elevations of the decks.

5.3. Dwelling Density

Concern is raised that the density of the proposed multiple dwelling development is too high and not in keeping with the prevailing character in the area.

- **Comment**

Clause 10.4.1 A1 of the General Residential Zone provides that multiple dwellings must have a site area per dwelling of not less than 325m². The proposed site area of 785m² per dwelling is far greater than the minimum allowed by this standard. Accordingly, this issue cannot have any determining weight.

5.4. Site Coverage

Concern is raised in relation to compliance with the site coverage requirements of the Scheme. Concern is also raised in relation to the adequacy of the private open space allocated to each unit in the form of decks for the purposes of complying with Clause 10.4.3 A1(b) of the Scheme.

- **Comment**

Clause 10.4.3 A1(a) of the General Residential Zone provides that site coverage must not exceed 50%. Based on the site area of 2,355m², the resultant site coverage is 10% which complies with the Acceptable Solution.

The adequacy of the private open space arrangements for each dwelling have been considered against the corresponding Performance Criteria above.

5.5. Location of Visitor Park and Stairs along the Southern Side Boundary

Concern is raised in relation to the height of the retaining structures required to support the stairs located along the southern side of the dwellings and the impact this may have on the adjoining property. Concern is also raised in relation to the proximity of the visitor carpark to the southern side property.

- **Comment**

The retaining wall along the southern side boundary complies with the building envelope standard at Clause 10.4.2 A3 of the General Residential Zone. The structural design and protection of adjoining properties from damage are matters that will be addressed as part of a future building permit application.

5.6. Garage Opening Width Facing the Street

Concern is raised in relation to Clause 10.4.5 A1 of the Scheme dealing with the width of garage openings facing the street.

- **Comment**

The garage opening width limitation only applies where a garage is proposed within 12m of a street frontage. The proposed garage would be located 13.9m from the frontage therefore Clause 10.4.5 A1 does not apply to the assessment of the application.

5.7. Adequacy of Access

Concern is raised in relation to the single lane design of the proposed driveway access. Concern is raised that the driveway width is inadequate for the number of users of the driveway and will unfairly disadvantage the occupants of 29 Tianna Road who are beneficiaries of the right-of-way access.

- **Comment**

Council's Development Engineer has advised that the internal driveway access and access crossover should be required to be widened to provide 5.5m in order to minimise conflict between users. A condition has been included to this effect.

5.8. Lack of Visitor Parking

Concern is raised in relation to the adequacy of the visitor parking to service the visitor parking demand created by the development.

- **Comment**

The proposed development would provide for 6 carparks and 1 visitor park therefore satisfying the car parking requirements under Clause E6.6.1 A1 of the Scheme.

5.9. Compliance with Bushfire Prone Areas Code

Concern is raised in relation to the absence of a bushfire hazard management report demonstrating compliance with the requirements of the Bushfire Prone Areas Code.

- **Comment**

As discussed above, a residential development is not subject to the requirements of the Bushfire Prone Areas Code. Bushfire requirements will be dealt with as part of a future building permit application.

5.10. Traffic Impact

Concern is raised in relation to increased traffic volumes and the effect this may have on the safety and efficiency of Tianna Road for vehicles, cyclists and pedestrians.

- **Comment**

The proposal will provide for a dwelling density that is envisaged by the Planning Scheme. Further, Council's Development Engineer has advised that the increase in traffic movements would not exceed the capacity of the surrounding road network, as adequate parking is provided on-site and Tianna Road can support an increase in vehicle movements.

5.11. Stormwater Management

Concern is raised in relation to concentrated run-off impacts being caused by the proposed development upon properties located downslope.

- **Comment**

This is a matter that will be addressed as part of the final engineer design detail submitted prior to, or in conjunction with, a future building permit application. A permit condition has been recommended addressing stormwater management and erosion control. The purpose of this is to ensure adjoining properties and Council's stormwater network is not impacted by run-off generated by the proposed development and associated construction practices.

5.12. Visual Impact

Concern is raised in relation to visual impact in terms of the building's compatibility with surrounding built form.

- **Comment**

The proposal complies with Clause 10.4.2 A3 with respect to building envelope. Where an Acceptable Solution is satisfied, no regard is required to be had to the corresponding Performance Criteria which in this case, among other issues, deals with visual impact.

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 3 Multiple Dwellings at 31 Tianna Road, Lindisfarne and adjoining road reservation is considered to satisfy all relevant Acceptable Solutions and Performance Criteria of the Scheme and is accordingly recommended for conditional approval.

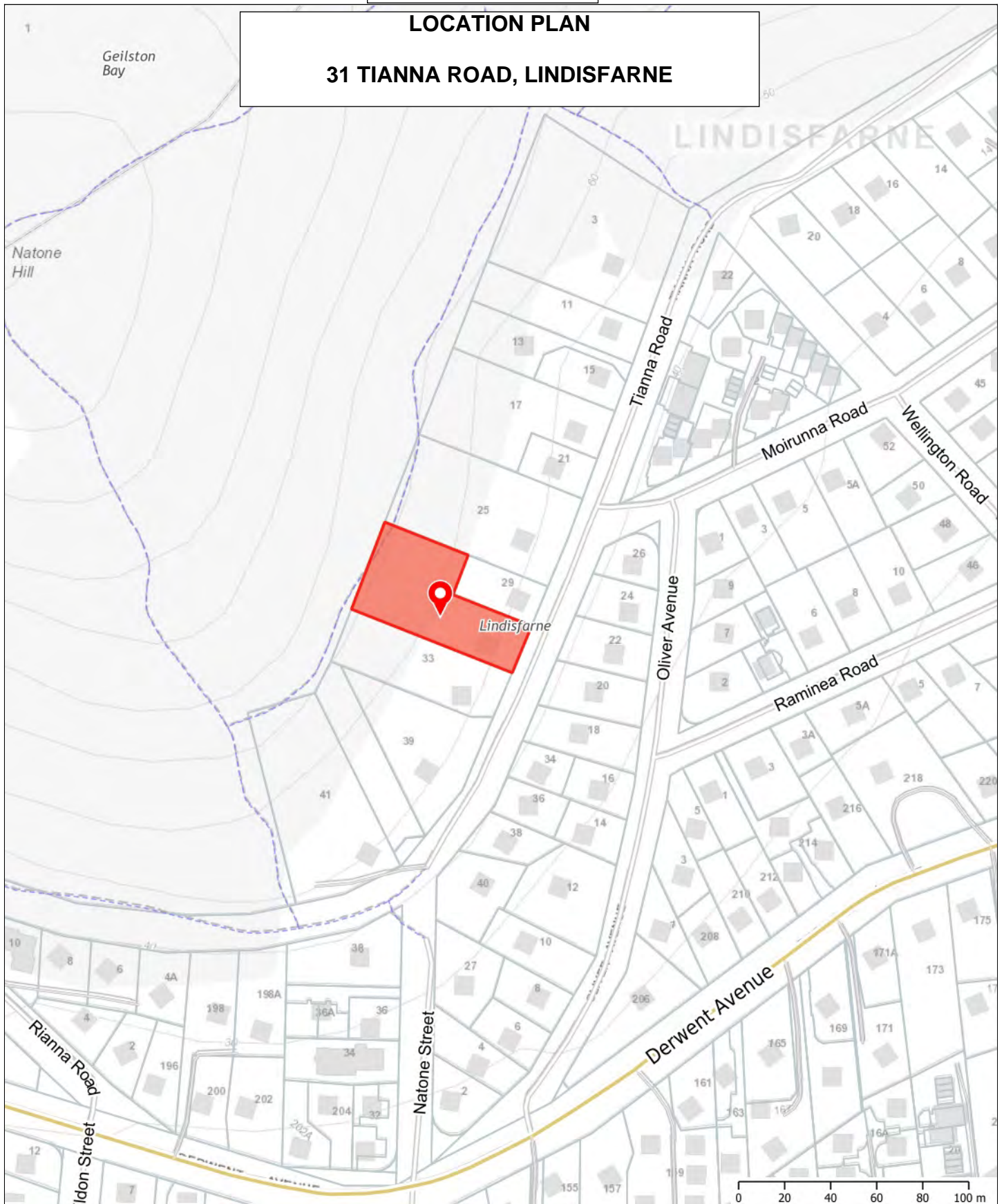
Attachments: 1. Location Plan (1)
2. Proposal Plan (17)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

LOCATION PLAN

31 TIANNA ROAD, LINDISFARNE



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

18/07/2019

1:2257



PROJECT NAME: 31 TIANNA ROAD LINDISFARNE
CLIENT NAME/S: DAVE DAVENPORT & ROSE BAILEY
ARCHITECT: RYAN STRATING, CORE COLLECTIVE ARCHITECTS
ACCREDITATION: ARCHITECT - 661 (TAS)
BUILDING PRACTITIONER CC4652 M

LAND TITLE REFERENCE NUMBER: 154677/2

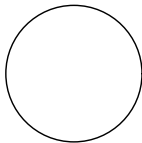
AREA SCHEDULE

SITE AREA: 2355m2
PROPOSED SITE COVERAGE: 450m2 (including terraces, excluding driveway)

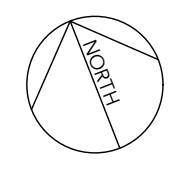
GARAGE: 208m2
UNIT 1: 145m2
UNIT 2: 141m2
UNIT 3: 141m2
PROPOSED TOTAL AREA: 635m2

DRAWINGS

- 01 COVER SHEET
- 02 SITE PLAN - EXISTING
- 05 SITE PLAN - PROPOSED
- 10 PLAN - GARAGE
- 11 PLAN - UNIT 1
- 12 PLAN - UNIT 2
- 13 PLAN - UNIT 3
- 14 PLAN - ROOF
- 40 SECTION A
- 41 SECTION B
- 42 SECTION C & D
- 50 NORTH ELEVATION 01
- 51 NORTH ELEVATION 02
- 52 EAST ELEVATION
- 53 SOUTH ELEVATION 01
- 54 SOUTH ELEVATION 02
- 55 WEST ELEVATION

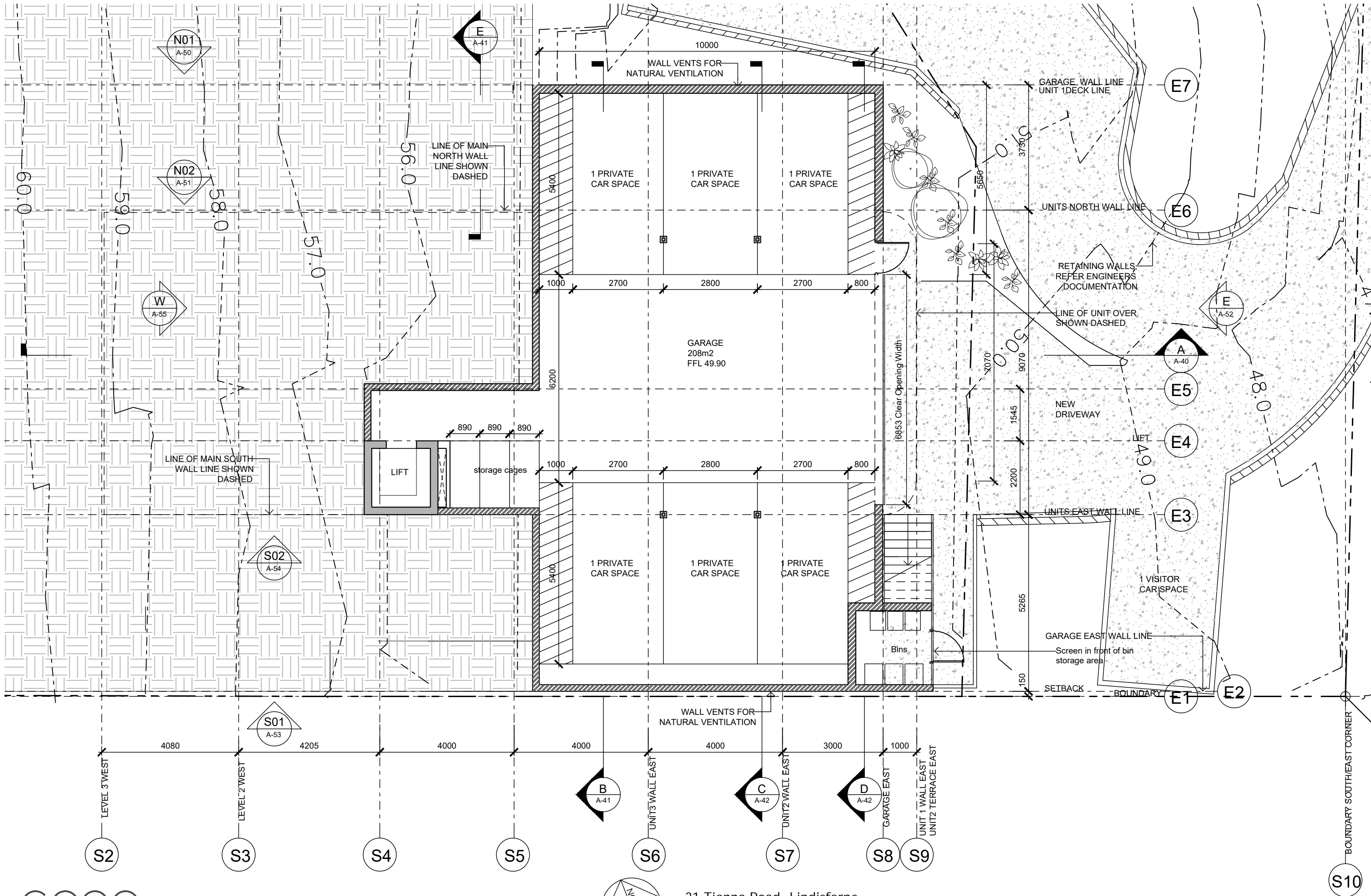


				date:	June 2019	title:	COVER PAGE
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	NTS
issue	rev no.	date	note	job no:	1608	dwg no:	A-01



31 Tianna Road, Lindisfarne

TP 01 7.06.2019 Development Application				date: June 2019	title: Site Plan - Existing
issue rev no. date note				drawn: CC	scale: 1:200 @ A3
				job no: 1608	dwg no: A-02



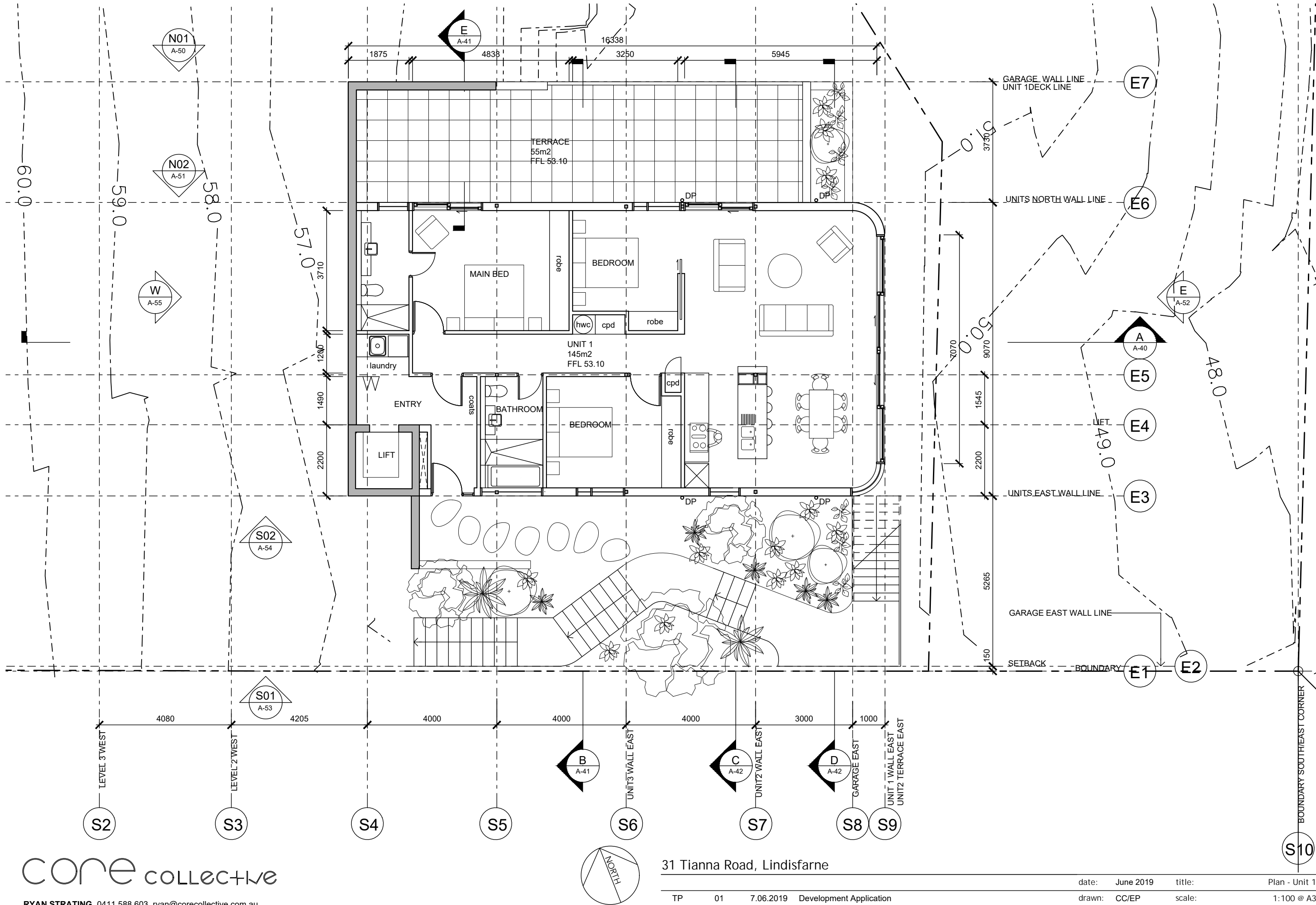
CORE collective

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LEVEL 1, 30 ARGYLE STREET HOBART 7000 ABN 83 732 306 779

31 Tianna Road, Lindisfarne

TP	01	7.06.2019	Development Application
issue	rev no.	date	note

date:	June 2019	title:	Plan - Garage
drawn:	CC/EP	scale:	1:100 @ A3
job no:	1608	dwg no:	A-10

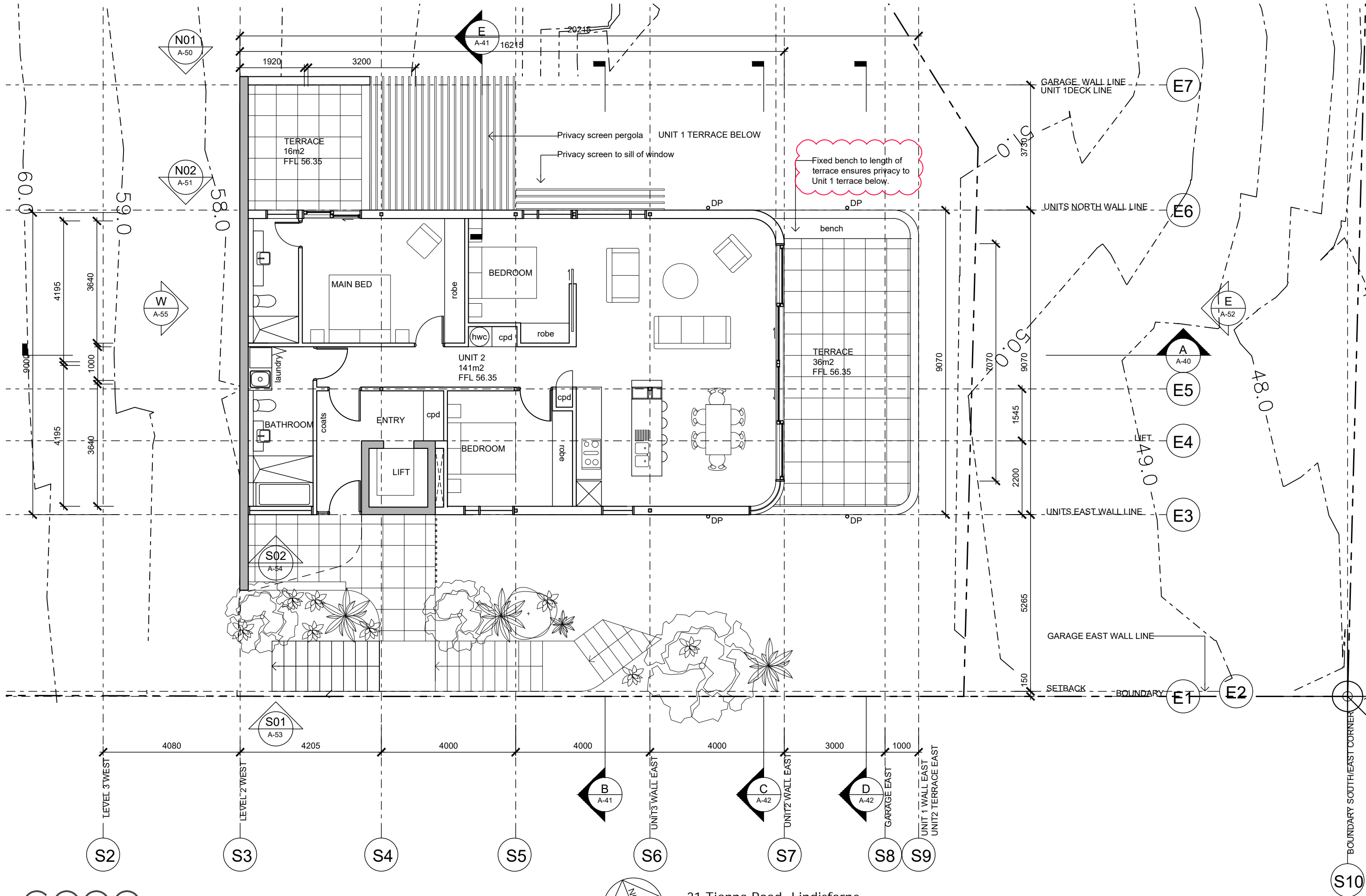


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31 Tianna Road, Lindisfarne

TP	01	7.06.2019	Development Application	date:	June 2019	title:	Plan - Unit 1
issue	rev no.	date	note	drawn:	CC/EP	scale:	1:100 @ A3
				job no:	1608	dwg no:	A-11

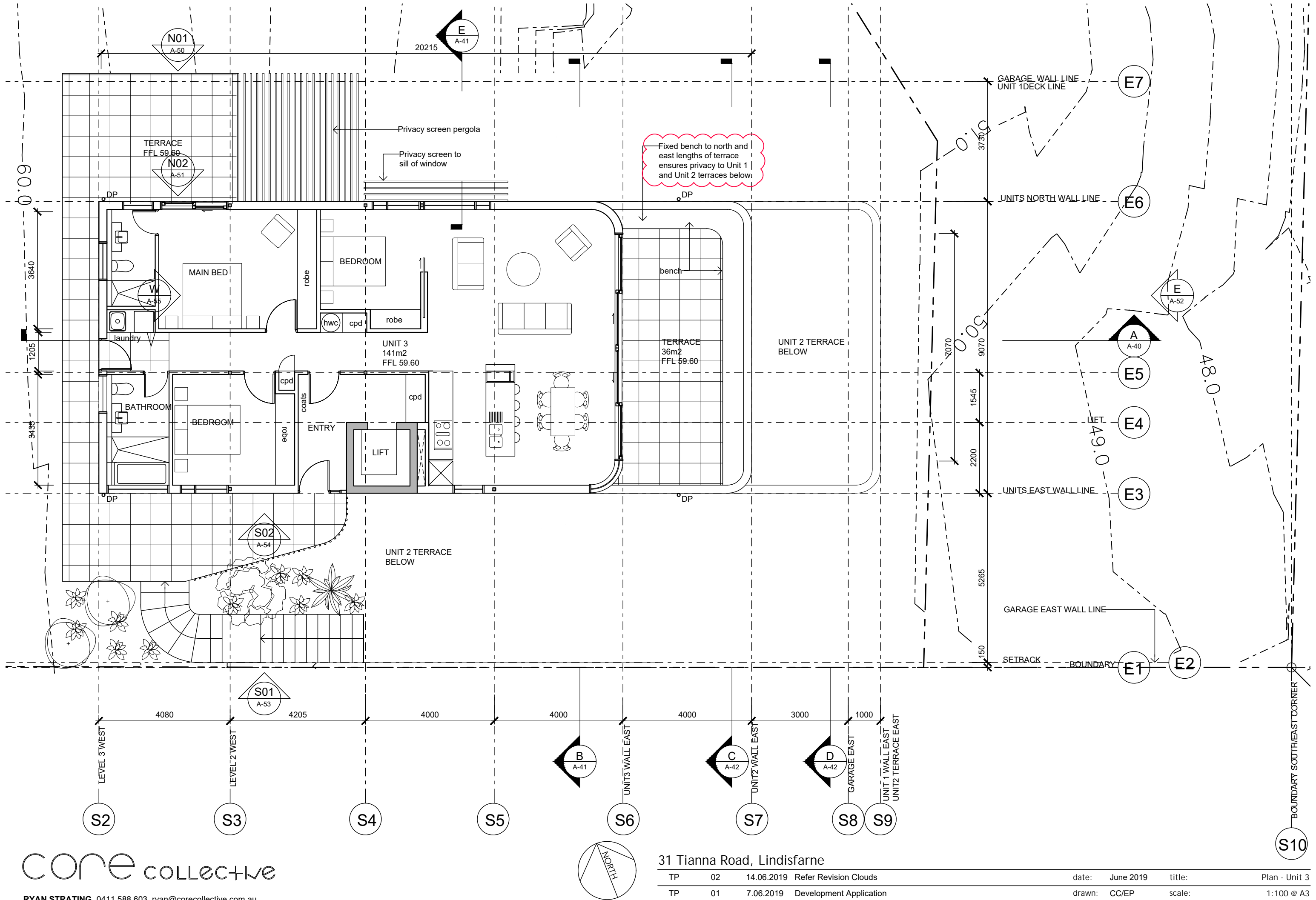


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31 Tianna Road, Lindisfarne

TP	02	14.06.2019	Refer Revision Clouds	date:	June 2019	title:	Plan - Unit 2
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A-12

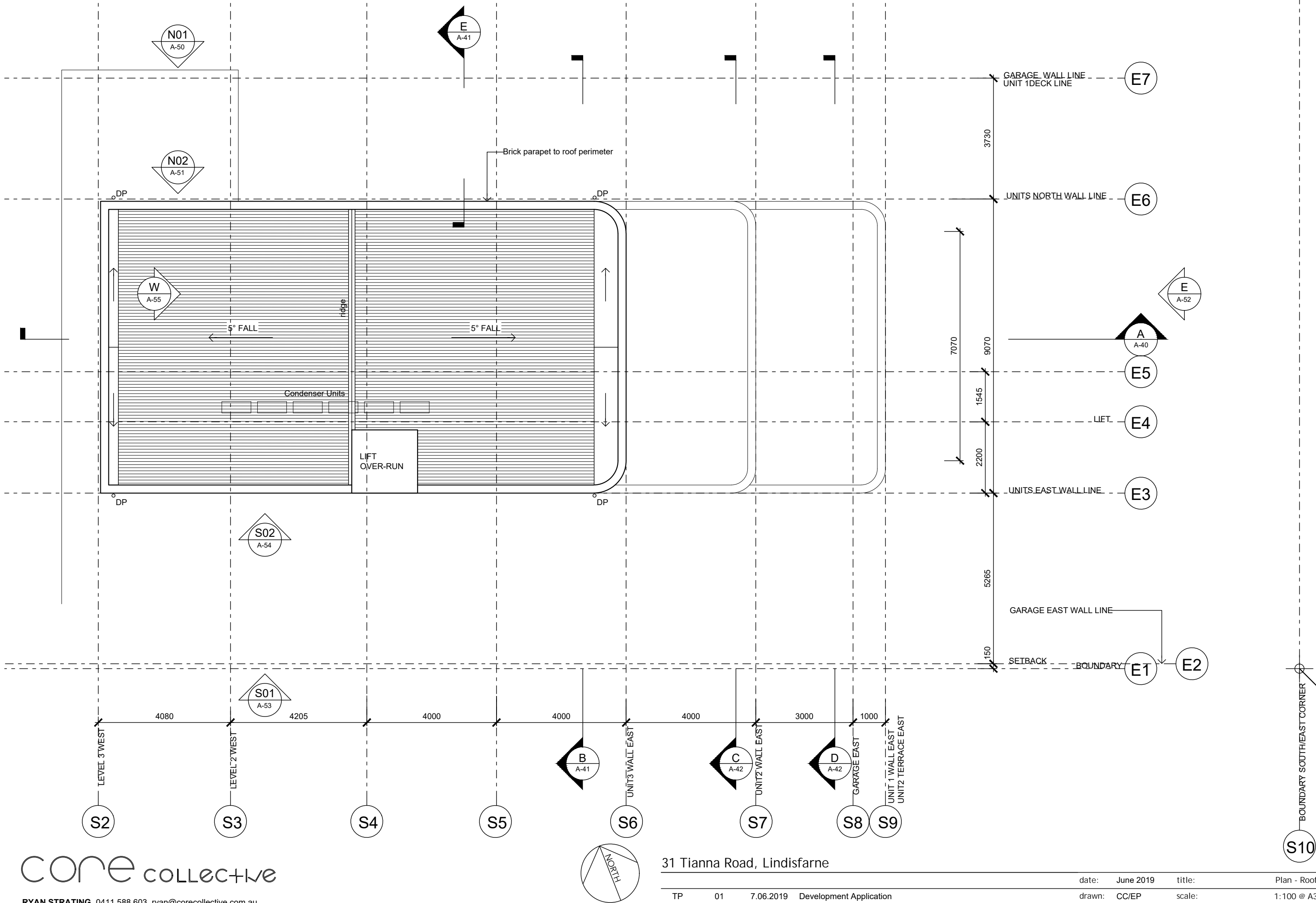


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31 Tianna Road, Lindisfarne

TP	02	14.06.2019	Refer Revision Clouds	date:	June 2019	title:	Plan - Unit 3
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A-13

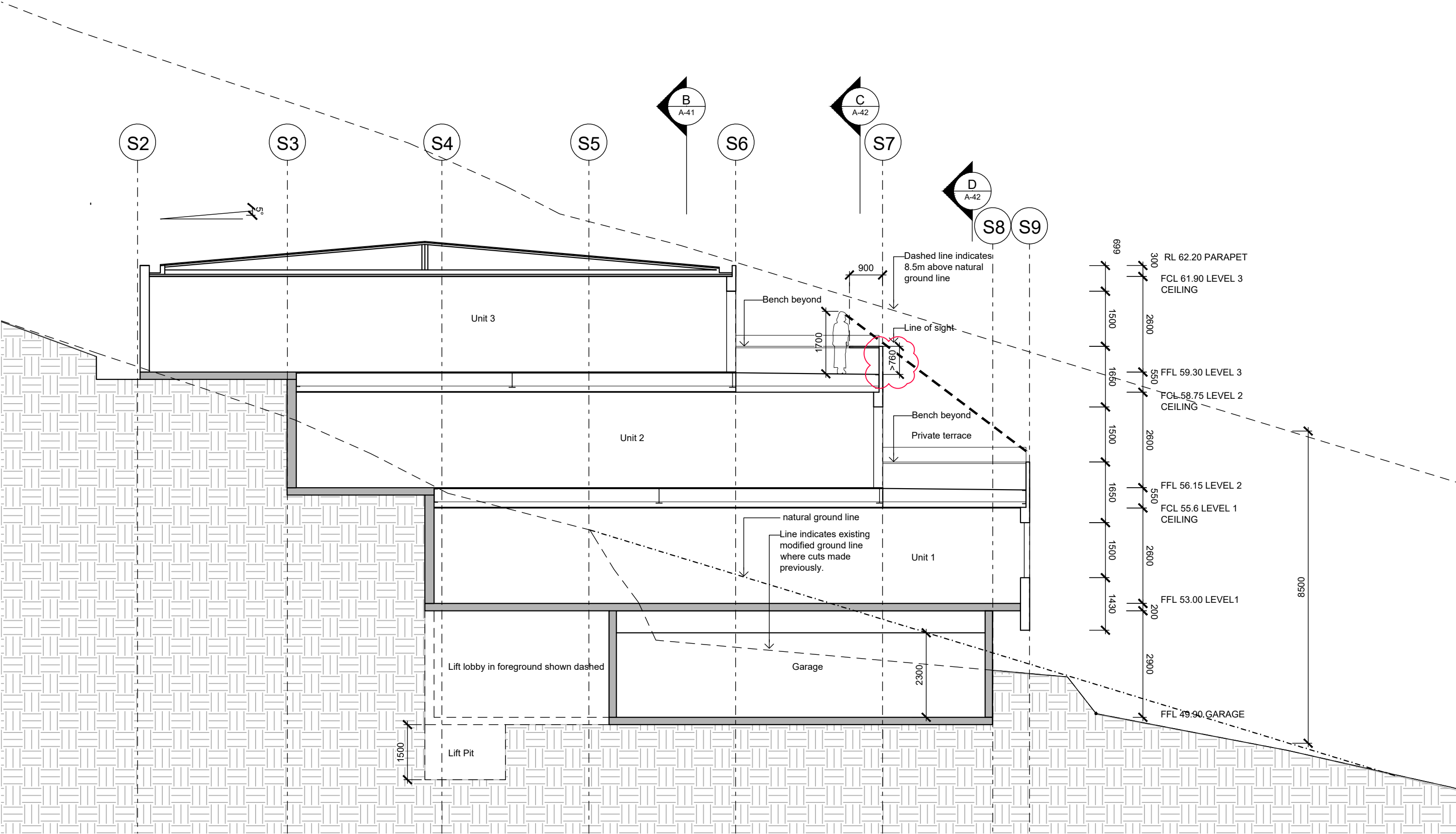


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31 Tianna Road, Lindisfarne

TP 01 7.06.2019 Development Application				date: June 2019	title: Plan - Roof
issue rev no. date note				drawn: CC/EP	scale: 1:100 @ A3
				job no: 1608	dwg no: A-14

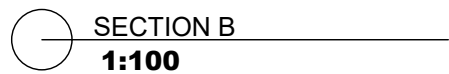


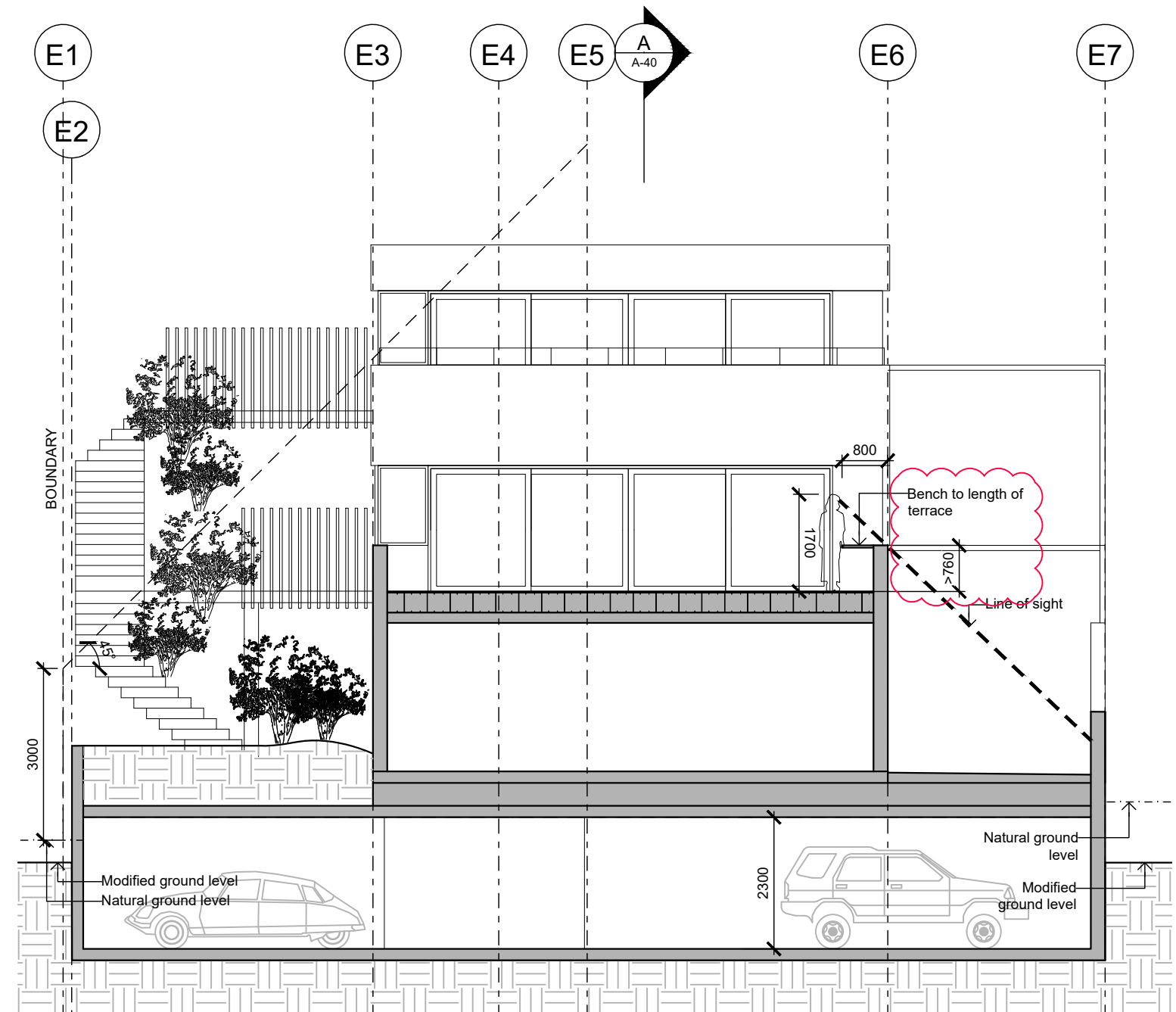
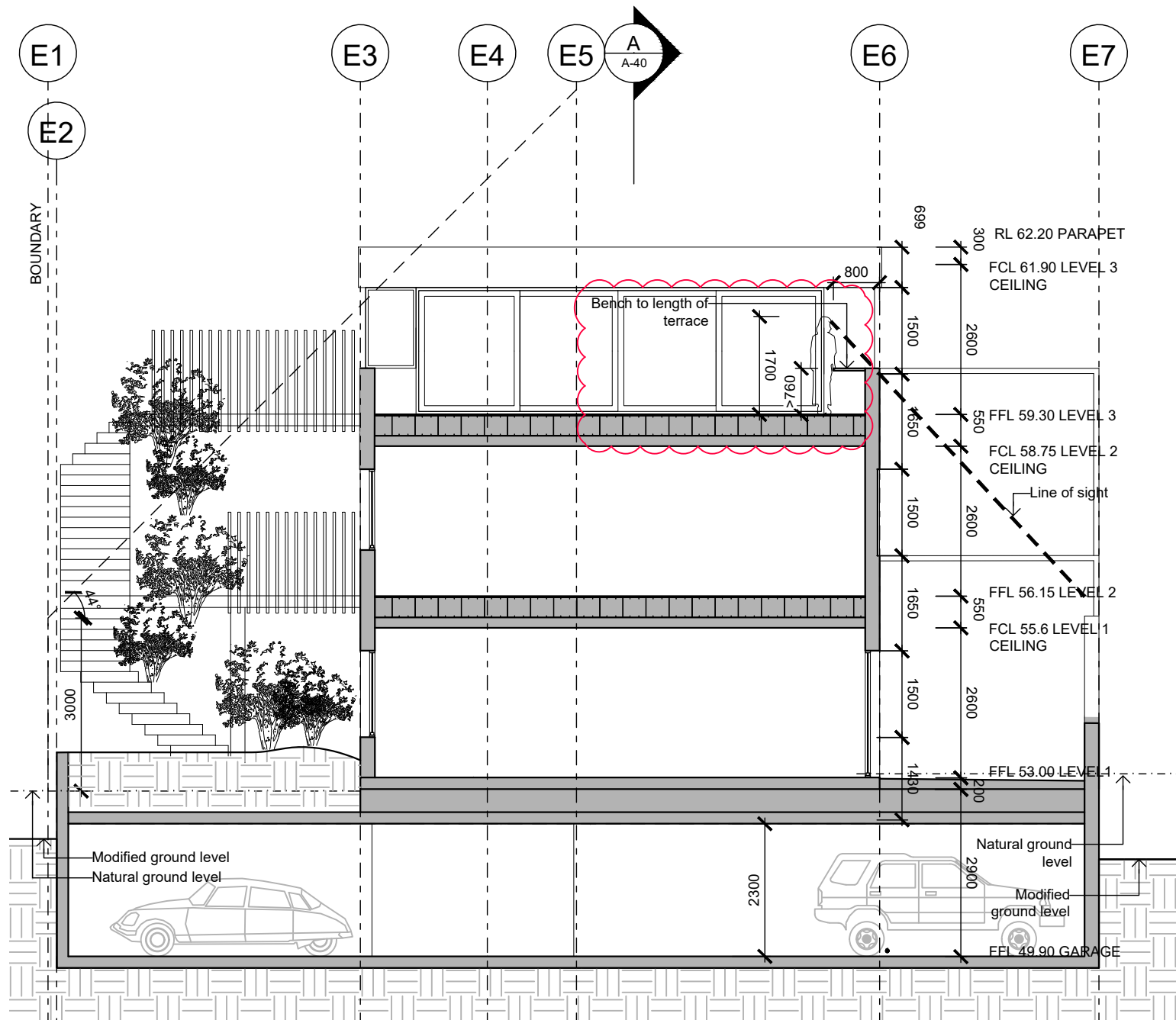
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31 Tianna Road, Lindisfarne

TP	02	14.06.2019	Refer Revision Clouds	date:	June 2019	title:	SECTION A
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A-40





SECTION C
1:100

SECTION D
1:100

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31 Tianna Road, Lindisfarne

TP	02	14.06.2019	Refer Revision Clouds	date:	June 2019	title:	SECTION C & D
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A-42

LEGEND

Br

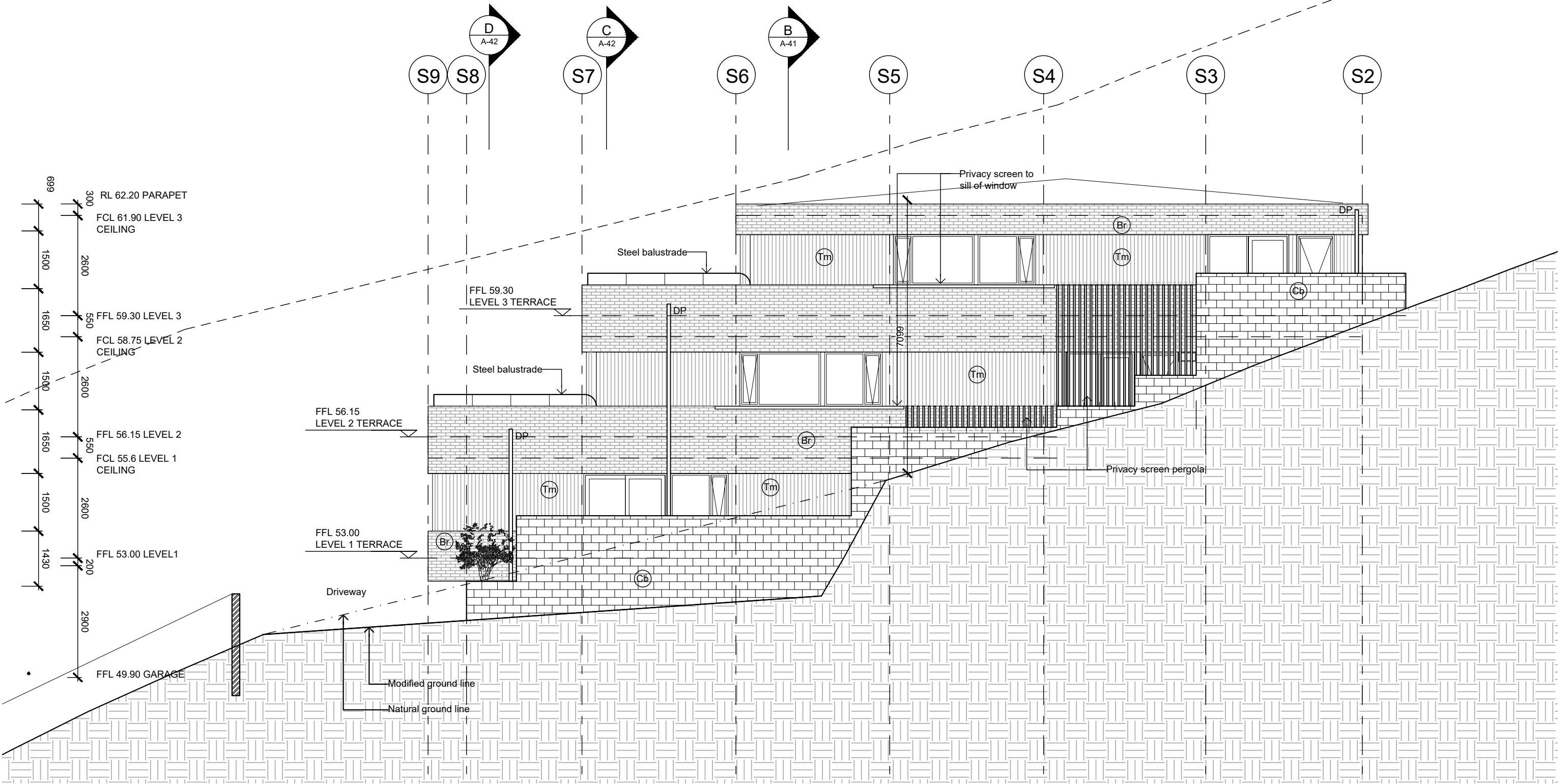
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Tm

TIMBER-LOOK ALUMINIUM PANELS

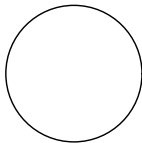
Cb

CONCRETE BLOCK



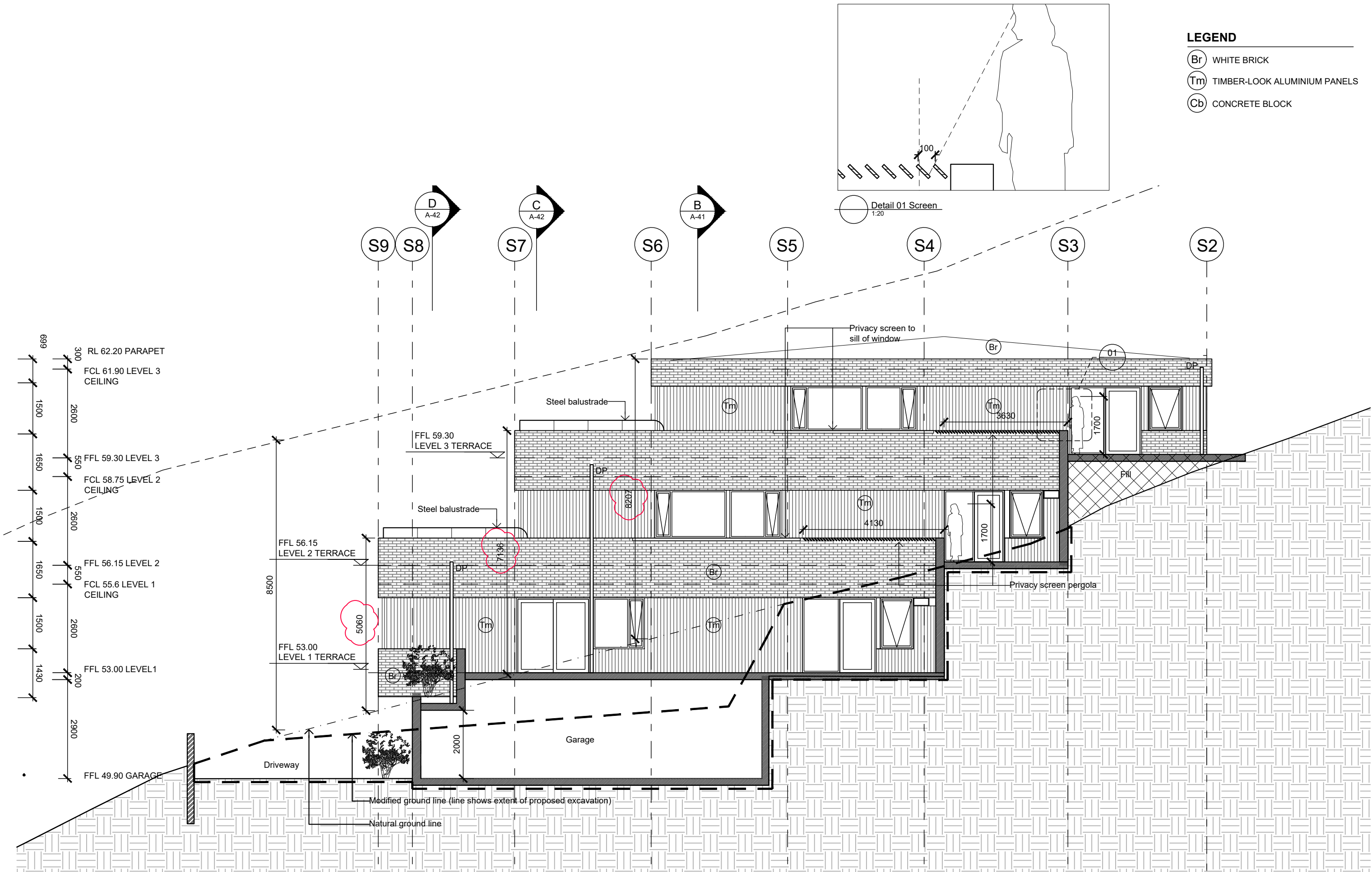
CORE collective

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31 Tianna Road, Lindisfarne

TP 01 7.06.2019 Development Application				date: June 2019	title: NORTH ELEVATION 01
issue rev no. date note				drawn: CC/EP	scale: 1:100 @ A3
				job no: 1608	dwg no: A_50



TP	02	14.06.2019	Refer Revision Clouds	date:	June 2019	title:	NORTH ELEVATION 02
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A_51

- ☐ **Br** WHITE BRICK
- ☐ **Tm** TIMBER-LOOK ALUMINIUM PANELS
- ☐ **Cb** CONCRETE BLOCK



TP	03	17.06.2019	Refer Revision Clouds	date:	June 2019	title:	EAST ELEVATION
TP	02	14.06.2019	Refer Revision Clouds	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A_52

LEGEND

Br

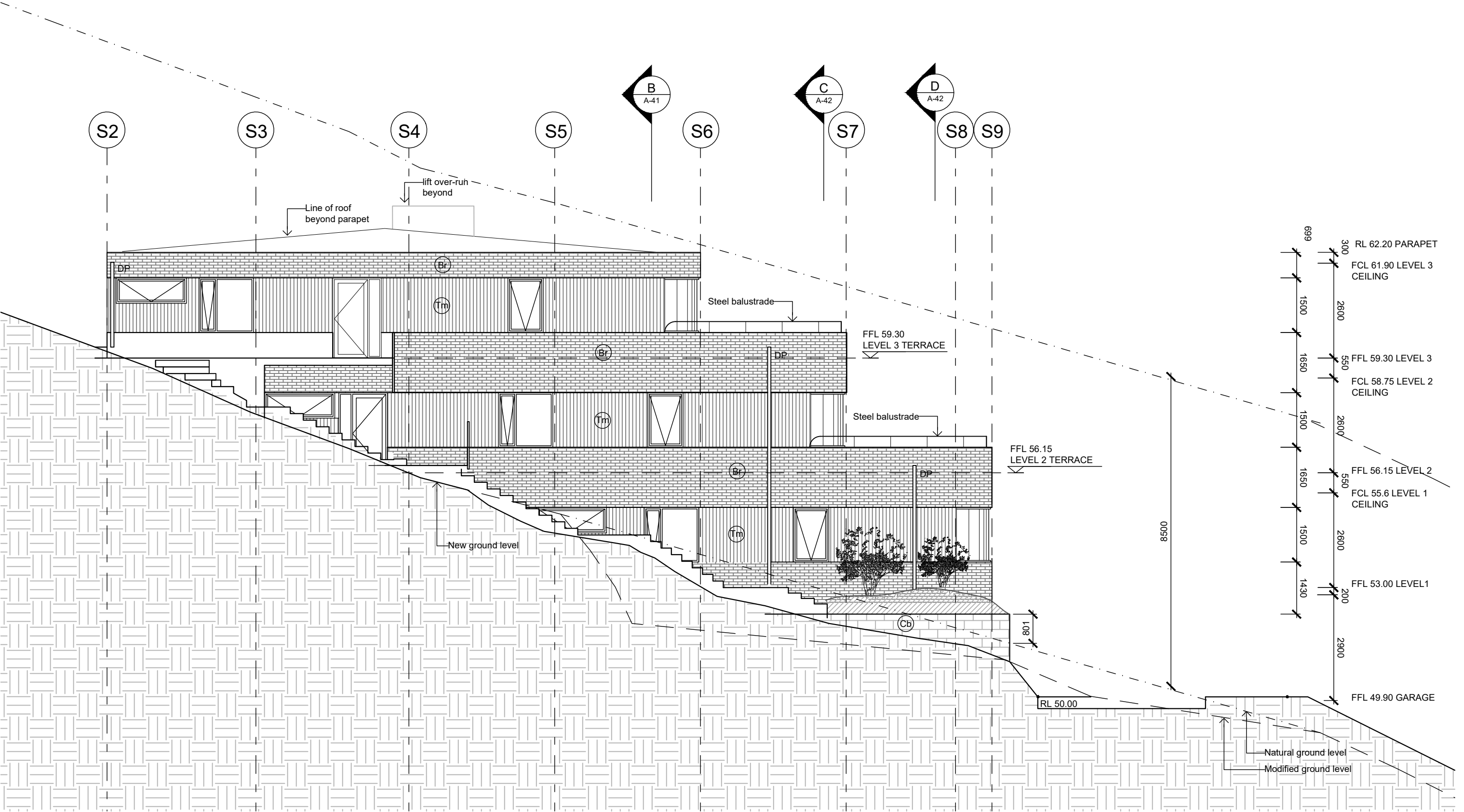
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Tm

TIMBER-LOOK ALUMINIUM PANELS

Cb

CONCRETE BLOCK



CORE collective

RYAN STRATING 0411 588 603 ryan@corecollective.com.au
LEVEL 1, 30 ARGYLE STREET HOBART 7000 ABN 83 732 306 779

31 Tianna Road, Lindisfarne

TP 01 7.06.2019 Development Application				date: June 2019	title: SOUTH ELEVATION 01
issue rev no. date note				drawn: CC/EP	scale: 1:100 @ A3
				job no: 1608	dwg no: A_53

LEGEND

Br

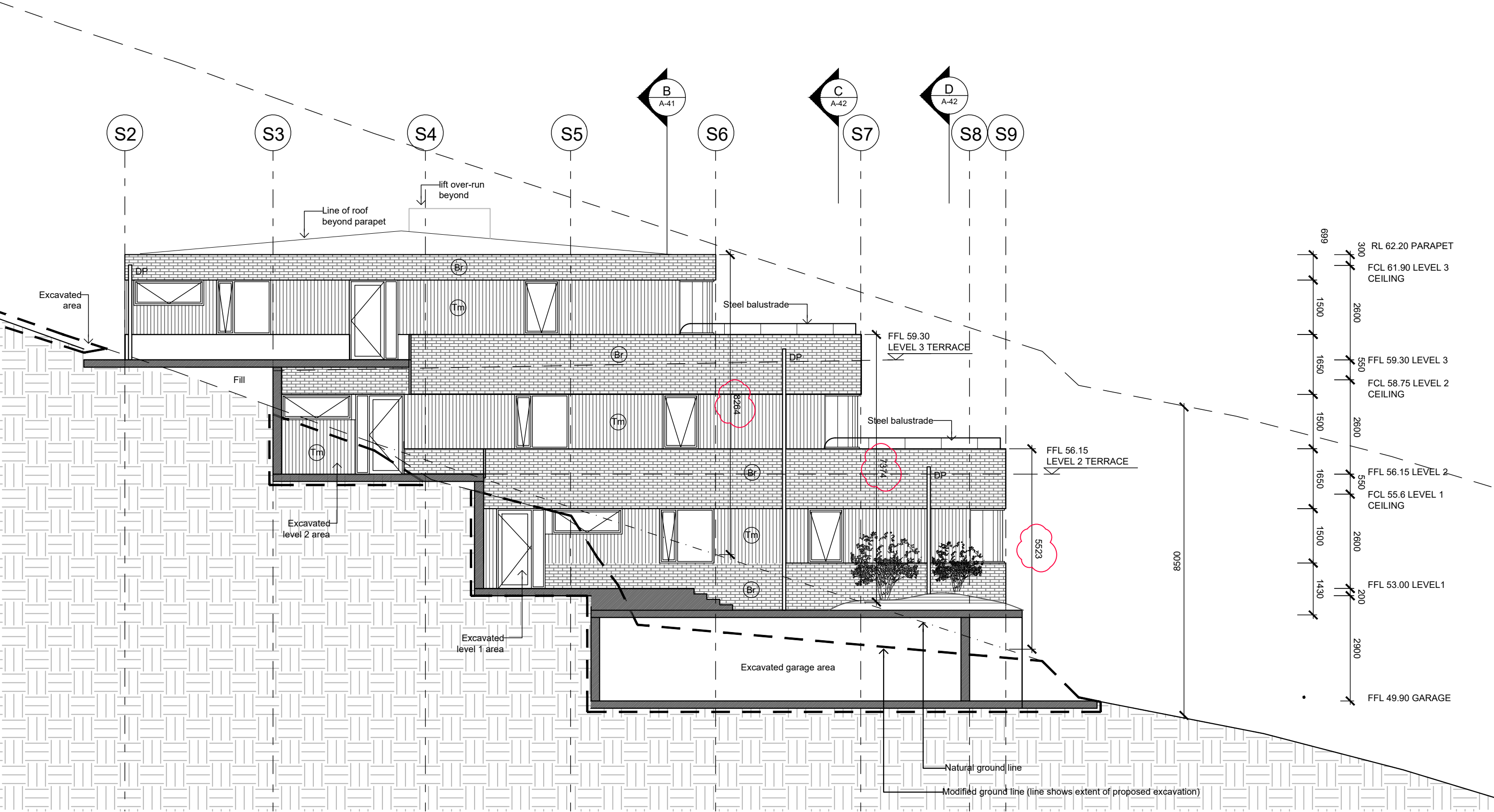
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Tm

TIMBER-LOOK ALUMINIUM PANELS

Cb

CONCRETE BLOCK



CORE collective

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31 Tianna Road, Lindisfarne

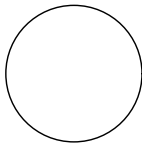
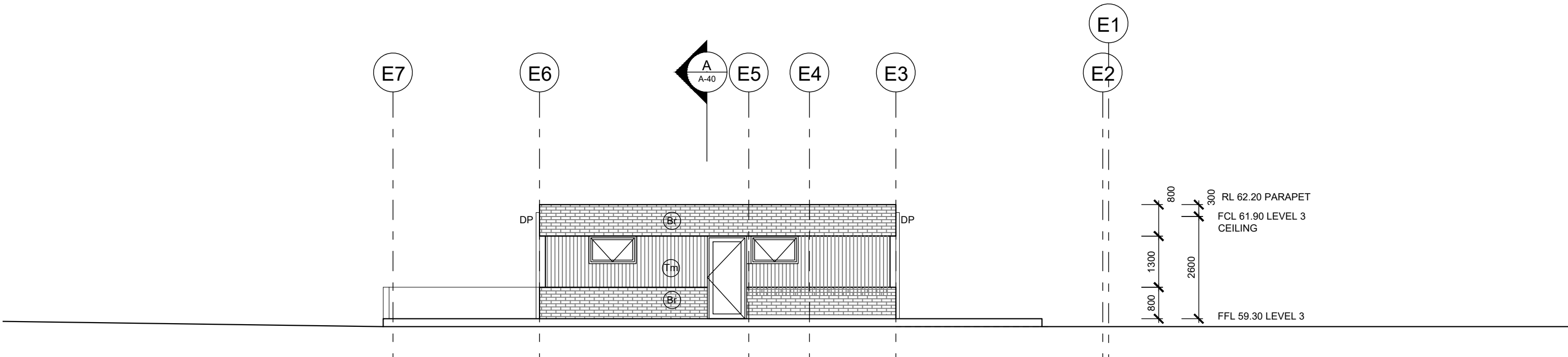
TP	02	14.06.2019	Refer Revision Clouds	date:	June 2019	title:	SOUTH ELEVATION 02
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A_54

- LEGEND
- Br

WHITE BRICK
- Tm

TIMBER-LOOK ALUMINIUM PANELS
- Cb

CONCRETE BLOCK



				date:	June 2019	title:	NORTH ELEVATION
TP	01	7.06.2019	Development Application	drawn:	CC/EP	scale:	1:100 @ A3
issue	rev no.	date	note	job no:	1608	dwg no:	A_55

31 TIANNA ROAD, LINDISFARNE



Photo 1: *The site and driveway access to the site and 29 Tianna Road when viewed from Tianna Road. The dwelling at 29 Tianna Road benefits from a variable width right of way over the subject site.*



Photo 2: *The site forms a vacant property located between 29 Tianna Road and 35 Tianna Road.*



Photo 3: The site once contained a dwelling which was destroyed by fire.

11.3.2 DEVELOPMENT APPLICATION SD-2019/5 – 3 BUSCOMBE STREET, BELLERIVE – 1 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 3 Buscombe Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 30 July 2019.

CONSULTATION

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

- loss of view;
- overshadowing;
- loss of privacy; and
- building envelope.

RECOMMENDATION:

A. That the application for a one lot subdivision at 3 Buscombe Street, Bellerive (CI Ref SD-2019/5) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS4 – POS CONTRIBUTION [5%].
3. ENG A1 – NEW CROSSOVER [3.6m width].
4. ENG S1 – INFRASTRUCTURE REPAIR.

5. ENG M2 – DESIGNS SD (lot access, stormwater drainage).
 6. Lots 1 and 2 must be provided with a minimum 150mm diameter stormwater drainage connection to Council's piped infrastructure. An extension to Council's stormwater main may be required at the owner's expense.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 5 June 2019 (TWDA 2019/00199-CCCJ).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned General Residential under the Scheme.
- 2.2. The proposal is discretionary because it does not meet all the Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 10 – General Residential Zone;
 - Section E6.0 – Parking and Access Code; and
 - Section E7.0 – 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 an irregular corner lot with a 12.93m primary frontage to Alma Street and 80.49m secondary frontage to Buscombe Street which is a no through road. An existing single dwelling and outbuilding are located on the northern half of the site.

The site is adjacent to an approximate 13m wide nature strip, which is located on the eastern side of Buscombe Street. The nature strip contains a number of significant sized native trees. The site slopes at an average gradient of 1 in 8 down to the south towards Alma Street.

While access to Lot 1 would remain unchanged, there is an existing crossover on Alma Street which would provide access to Lot 2. A 1.52m wide drainage easement is located along the eastern boundary.

The site is within 400m of the Clarence Street public transport corridor and within 200m of the preschool and primary schoolground land at 20 Leslie Street.

3.2. The Proposal

The proposal is for a 1 lot subdivision to separate the existing single dwelling and surrounding area from the southern vacant portion of the property.

The proposal would create a 688m² lot (Lot 1) containing the existing dwelling and a 671m² corner lot (Lot 2) with the potential for residential development.

As the property has two existing crossovers and frontage to Alma Street and Buscombe Street, each lot would have its own access.

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

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.1 Lot Design	A1	The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.	Not applicable – Lot 1 is the balance lot and complies. Does not comply – Lot 2 is larger than the maximum lot size in Table 10.1 for a corner lot within 400m of a public transport corridor and 200m walking distance to schoolgrounds.

The proposed variation can be supported pursuant to the Performance Criteria P1 of the Clause 10.6.1 for the following reasons.

Performance Criteria	Proposal
<p><i>“The size of each lot must satisfy all of the following:</i></p> <p>(a) <i>variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints;</i></p>	<p>The proposed Lot 2 would be 671m², 71m² above the maximum lot size prescribed in Table 10.1.</p> <p>The variance is considered to satisfy the Performance Criteria as the site is constrained in terms of the lot shape. As a result of the shape, the lot is suitable for a narrow residential development form.</p>
<p>(b) <i>be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area”.</i></p>	<p>Not applicable – there are no Local Area Objectives or Desired Future Character Statements for the Zone.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.1 Lot Design	A2	<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p>	<p>Does not comply - Lot 1. Although a building area has not been shown on the plan (Attachment 2), the proposed Lot 1 will change from a corner lot to an ordinary lot and what was a side boundary will become a rear boundary. Owing to this, the existing dwelling would be 2.6m from rear boundary and accordingly not clear of the 4m rear setback requirement. Notwithstanding, as there is no development proposed there will be no impact upon adjoining properties.</p> <p>Complies – Lot 2. The proposed corner lot has a building area clear of the primary and secondary frontage setback requirements. Corner lots have no rear boundary and setbacks to side boundaries can be 0m provided the new development does not exceed a length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>
		(b) not subject to any codes in this planning scheme;	Complies (other than general application of the Stormwater Management and Parking & Access Codes).
		(c) clear of title restrictions such as easements and restrictive covenants;	Does not comply – Lot 2. The proposed building area includes a drainage easement on the Title.
		(d) has an average slope of no more than 1 in 5;	complies
		(e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north;	Does not comply – Lot 2. The long axis of the building area faces 79 degrees west of north.

		(f) is 10m x 15m in size.	Does not comply – Lot 2. Lot 2 has a building area 48.8m x 9.6m. It is noted that the 9.6m width includes the existing 1.52m drainage easement.
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The proposed variation can be supported pursuant to the Performance Criteria P2 of the Clause 10.6.1 for the following reasons.

Performance Criteria	Proposal
<p><i>“The design of each lot must contain a building area able to satisfy all of the following:</i></p> <p><i>(a) be reasonably capable of accommodating residential use and development;</i></p>	<p>The proposal design is essentially to separate the existing dwelling from the lower vacant portion of the irregular shaped lot (see Attachment 2). As stated above, no residential development is proposed for Lot 1 therefore there will be no impact as a result of the proposal.</p> <p>The proposed Lot 2, albeit offering an irregular shaped building area, is capable of accommodating residential development.</p>
<p><i>(b) meets any applicable standards in codes in this planning scheme;</i></p>	<p>Not applicable – as above.</p>
<p><i>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</i></p>	<p>The short axis for the proposed Lot 2 is 9.6m and faces within 30 degrees east of north. Owing to this, future development would have northern solar access.</p> <p>In addition, the long axis for the proposed Lot 2 is 48.8m and faces west-north-west and east-south-east which would enable future residential development to receive morning and afternoon sun.</p>
<p><i>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i></p>	<p>The building area for Lot 2 has a slope of approximately 1 in 7.27. Owing to this there may be some need for earth works, retaining walls, fill and excavation as part of a future development. However, while the extent of such works is unknown and dependant on design, the gradient is not considered to present an unreasonable challenge for hillside development.</p>

<p>(e) <i>provides for sufficient useable area on the lot for both of the following:</i></p> <p>(i) <i>on-site parking and manoeuvring;</i></p> <p>(ii) <i>adequate private open space”.</i></p>	<p>As a result of the orientation, lot size width and crossover location there is potential for on-site parking and manoeuvring to be located within the secondary frontage of Lot 2. Private Open Space may also be feasibly located in this area. In both instances, it is considered that there would be no negative impact upon the amenity within the surrounding area due to the vegetation screen and buffer provided by the large adjoining nature strip.</p>
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General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.1 Lot Design	A3	The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.	<p>Complies – Lot 1.</p> <p>Does not comply – Lot 2. Lot 2 has a primary frontage of 12.93m which is below the 15m minimum stated in Table 10.2.</p>

The proposed variation can be supported pursuant to the Performance Criteria P3 of the Clause 10.6.1 for the following reasons.

Performance Criteria	Proposal
<p><i>“The frontage of each lot must satisfy all of the following:</i></p> <p>(a) <i>provides opportunity for practical and safe vehicular and pedestrian access;</i></p>	<p>The primary frontage for Lot 2 contains an existing crossover on Alma Street which provides a second crossover for the site in its current form. It is noted that the Alma Street frontage is currently the primary frontage for the undeveloped site and accordingly the proposal effectively presents no change. Accordingly, the proposal is deemed to provide practical and safe vehicular and pedestrian access to the property.</p>
<p>(b) <i>provides opportunity for passive surveillance between residential development on the lot and the public road;</i></p>	<p>Due to the existing crossover, the proposal is supportable under the Performance Criteria as no new development will result.</p>
<p>(c) <i>is no less than 6m”.</i></p>	<p>The proposed primary frontage for Lot 2 is more than 6m. Again, the proposal achieves compliance with the relevant Performance Criteria.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.3 Ways & Open Space	A1	No Acceptable Solution.	Payment of cash-in-lieu of the provision of open space.

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

Performance Criteria	Proposal
<i>“The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	not applicable
<i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	not applicable
<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	not applicable
<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	not applicable
<i>(f) provides for a legible movement network;</i>	not applicable
<i>(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</i>	not applicable
<i>(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</i>	In accordance with Council’s Public Open Space Policy, in-lieu of the provision of open space, payment of cash-in-lieu must be provided. A condition for the payment of cash-in-lieu is therefore recommended as part of any approval.

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

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

5.1. Loss of View

Concern was raised that future development on the proposed Lot 2 would result in loss of view to the representor's property.

- **Comment**

Development of Lot 2 is not proposed at this time and if the proposed subdivision is approved, while any future development would be subject to the use and development standards for the General Residential Zone, loss of view is not a relevant planning consideration.

5.2. Overshadowing

The representor is concerned that any future development would cause overshadowing to habitable rooms, particularly during winter.

- **Comment**

Development of Lot 2 is not proposed at this time and any future development would be subject to the use and development standards for the Zone. Overshadowing at the Winter Solstice would be assessed as part of a future development application.

It is worth noting that as a long large lot, future residential development may be offset from adjoining properties.

5.3. Loss of Privacy

The representor is concerned that any future development would result in a loss of their privacy.

- **Comment**

Similar to the above, development of Lot 2 is not proposed at this time and any future development would be subject to the use and development standards for the Zone. Any impact upon the privacy of adjoining properties would be assessed as part of a future development application.

5.4. Building envelope

Given the irregular shape of the lot and adjoining large nature strip, the representor suggests an alternative building envelope be applied to the proposed Lot 2. The alternative envelope suggested is a transfer of the 3m secondary frontage front setback to the western boundary, which is considered a side boundary for Lot 2 as it is a corner lot.

- **Comment**

The Zone prescribes the building envelope for a corner lot under Clause 10.4.2 A1 and A3 that would apply to the proposed Lot 2. Accordingly, any future development would need to comply with the Acceptable Solutions A1 and A3 for the Clause which requires a 3m front setback from a secondary frontage and allows a 0m setback from a side boundary if the length of the development does not exceed 9m or one-third the length of the side boundary (whichever is the lesser).

Alternatively, any future development would need to demonstrate compliance with the Performance Criteria for the Clause, this is the only means for adopting a variation to the setbacks prescribed to the proposed Lot 2.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

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

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

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

9. CONCLUSION

The proposal is for a 1 lot subdivision (1 existing into 2 lots) at 3 Buscombe Street, Bellerive. The proposal satisfies the relevant requirements of the Scheme and is recommended for conditional approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan 3 Buscombe Street, Bellerive



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 22 July 2019 **Scale:** 1:1,088 @A4

Attachment 2

GENERAL NOTES:

ALL CONSTRUCTION TO COMPLY WITH THE FOLLOWING LOCAL GOVT. STANDARDS & THE MUNICIPAL STANDARD SPECIFICATION.

TSD-602.v1 URBAN ROADS TYPICAL SERVICE LOCATIONS
TSD-604.v1 REFERENCE POINTS

URBAN ROADS:

TSD-R06.v1 URBAN ROADS TYPICAL SECTION & PAVEMENT WIDTHS
TSD-R07.v1 CUL-DE-SAC TURNING HEADS
TSD-R09.v1 STANDARD VEHICLE CROSSING
TSD-R11.v1 FOOTPATHS

SUB-SOIL:

TSD-R12.v1 CONSTRUCTION DETAILS
TSD-R13.v1 PIT CONNECTION - TYPE FD

CONCRETE KERB AND CHANNELS:

TSD-R14.v1 PROFILE DIMENSIONS
TSD-R15.v1 CONSTRUCTION DETAILS
TSD-R17.v1 VEHICULAR CROSSINGS
TSD-R23.v1 SIGNS

STORMWATER MANHOLES Ø100 – Ø600 DIA PIPES:

TSD-SW02.v1 GENERAL ARRANGEMENTS
TSD-SW03.v1 BENCHING DETAILS

SIDE ENTRY PITS:

TSD-SW04.v1 GRATE AND FRAME DETAILS
TSD-SW09.v1 TYPE 3 TSD-SW11.v1 KERB TRANSITIONS
TSD-SW25.v1 STORMWATER PROPERTY CONNECTION TO MAINS
TSD-SW28.v1 GUIDES TO SEDIMENT CONTROL
TSD-RF04.v1 NATURE STRIP DETAILS

TASWATER INFRASTRUCTURE SEWER NOTES:

- ALL SEWER WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH THE SEWER CODE OF AUSTRALIA WSA 02-2014-3.1 MRWA EDITION V2.0 AND THE PRESSURE SEWER CODE OF AUSTRALIA WSA 07-2007 VERSION 1.1, TASWATER'S SUPPLEMENTS TO THESE CODES, AS3500, THE TASMANIAN PLUMBING CODE & ALL RELEVANT W.H. & S. STANDARDS
- ALL SEWER PIPES TO BE 150Ø UPVC CLASS SNB AT 165% MINIMUM FALL U.N.O.
- ALL MATERIALS AND WORK TO BE TO THE REQUIREMENTS OF AS3500, THE TASMANIAN PLUMBING CODE, CITY WEST WATER AND TASWATER REQUIREMENTS.
- ALL LOT CONNECTIONS TO BE CONSTRUCTED TO THE REQUIREMENTS OF 'TASWATER' AND THE LOCAL AUTHORITY, AWAY FROM DRIVEWAYS AND EXISTING OR FUTURE FENCES WHERE POSSIBLE. WHERE LOT CONNECTIONS ARE LIKELY TO BE UNDER FUTURE TRAFFICABLE AREAS THEY SHALL BE PLACED UNDER CLASS 'D' TRAFFICABLE COVERS IN ACCORDANCE WITH DWG. MRWA-S-301 & HAVE FULL DEPTH FER BACKFILL.
- ALL SEWER DRAINAGE PIPEWORK SHALL BE MIN SNB UPVC.
- DURING CONSTRUCTION TEMPORARILY SEAL ALL OPEN ENDS OF PIPES AND VALVES WITH PROPRIETARY PLUGS.
- FOR MINIMUM COVER OVER PIPES, REFER TO NOTE 1.
- PIPEWORK SHALL BE LAID IN POSITION AND AT THE GRADES SHOWN.
- BELOW GROUND PIPEWORK AND FITTINGS TO BE UPVC SNB OR SNIØ. JOINTS SHALL BE OF SOLVENT CEMENT TYPE OR FLEXIBLE JOINTS MADE WITH APPROVED RUBBER RINGS.
- ALL TRENCHES UNDER TRAFFICABLE AREAS TO BE FULL DEPTH BACK FILLED WITH APPROVED COMPACTED FER.
- ALL WATER & SEWER WORKS MUST BE TESTED AND INSPECTED BY 'TASWATER' PRIOR TO BACKFILL.
- ALL LIVE WATER & SEWER CONNECTIONS ARE TO BE DONE BY TASWATER AT THE DEVELOPERS COST.
- ALL MAINTENANCE STRUCTURES TO BE IN ACCORDANCE WITH MRWA-S-300 SERIES.
- LOT CONNECTIONS MUST BE IN ACCORDANCE WITH MRWA-S-302. 1.0'S MUST BE RAISED TO SURFACE AND PROTECTED WITH A POLY COVER TO TASWATER APPROVAL.
- CONCRETE BULKHEADS MUST BE IN ACCORDANCE WITH MRWA-S-205 & MRWA-S-206.
- LOCATE ALL EXISTING SERVICES AND CONFIRM LEVELS PRIOR TO TRENCHING FOR SEWER.
- ALL WORK TO BE DONE BY CONTRACTOR AT DEVELOPERS COST U.N.O.
- LOCATE ALL EXISTING GAS, ELECTRICAL, TELECOMMUNICATIONS, WATER MAINS, SEWER MAINS AND STORMWATER MAINS ETC. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND ADVISE THE ENGINEER OF ANYTHING THAT APPEARS NOT TO HAVE BEEN CONSIDERED IN THE DESIGN.
- ALL MANHOLES AND MAINTENANCE/INSPECTION SHAFTS IN TRAFFICABLE AREAS TO HAVE MIN CLASS 'D' LIDS.

WATER NOTES-TASWATER

- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE WATER SUPPLY CODE OF AUSTRALIA WSA 03-2011-3.1 MELBOURNE RETAIL WATER AGENCIES EDITION-VERSION 2
- DETECTOR TAPE IS TO BE INSTALLED OVER ALL NON-METALLIC PIPES
- CONDUITS FOR POLY WATER ROAD CROSSINGS ARE TO BE MIN. ØPVC SNA 100mm
- SINGLE SERVICE ROAD CROSSINGS TO BE DN25 PE100 PN16 PIPE
- CONNECTIONS TO EXISTING SERVICES TO BE DONE BY TASWATER AT DEVELOPERS EXPENSE
- ALL APPURTANCES AND COVERS MUST BE BE RAISED / LOWERED TO NEW LEVELS AS DIRECTED ON SITE
- DN100 PIPELINES IN TRAFFICABLE AREAS (EXCLUDING FOOTPATHS AND VEHICLE CROSS-OVERS) SHALL BE EITHER DIEL OR DIEL PN35 RUBBER RING JOINT, POLYETHYLENE WRAPPED TO AS 3600, NOTE IF DIEL OR DIEL FLANGED PIPE IS TO BE USED THE CLASS SHALL BE FLANGE CLASS PIPE.
- HYDRANT ROAD MARKING INDICATORS SHALL BE IN ACCORDANCE WITH SECTION 8 OF THE INSTITUTE OF MUNICIPAL ENGINEERING AUSTRALIA'S TASMANIAN DIVISION DOCUMENT TITLED "FIRE HYDRANT GUIDELINES"
- VERTICAL CLEARANCE TO OTHER SERVICES IN CLOSE PROXIMITY TO THE PROPOSED WATERMAIN MUST COMPLY WITH THE WATER CODE OF AUSTRALIA WSA 03-2011-3.1 Ver. 2 PART Table 5

STORMWATER NOTES:

- ALL WORKS SHALL BE IN ACCORDANCE WITH TASMANIAN STANDARD DRAWINGS ISSUED BY THE INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA - TAS DIVISION, A.S. 3500, THE TASMANIAN PLUMBING CODE, WATER SERVICES ASSOCIATION OF AUSTRALIA, THE LOCAL COUNCIL REQUIREMENTS & ALL RELEVANT W.H. & S. REQUIREMENTS.
- LOCATE EXISTING SERVICES AND CONFIRM INVERT LEVELS PRIOR TO TRENCHING FOR STORMWATER AND SEWER.
- WORKS SHALL BE CONFIRMED WITH THE COUNCIL PLUMBING DEPARTMENT BEFORE COMMENCEMENT OF CONSTRUCTION.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH (BUT NOT BE LIMITED TO) THE FOLLOWING STANDARD COUNCIL DRAWINGS:
TSD-G01.v1 - TRENCH REINSTATEMENT
TSD-SW25.v1 - STORMWATER CONNECTIONS
- PLACE COMPACTED 20mm F.C.R. BACKFILL TO ALL PIPEWORK AT ROAD & DRIVEWAY CROSSINGS & UNDER FOOTPATHS.
- MINIMUM STORMWATER GRADE 1:100
- ALL CONNECTIONS TO STORMWATER BY COUNCIL AT DEVELOPER'S COST.
- ALL PIPES TO BE DN150 SNB ØPVC UNLESS NOTED OTHERWISE.

TRAFFIC MANAGEMENT NOTES:

- THE CONTRACTOR IS TO PREPARE A TRAFFIC MANAGEMENT PLAN FOR APPROVAL BY THE SUPERVISING ENGINEERS PRIOR TO COMMENCING WORKS ON SITE.
- THE TRAFFIC MANAGEMENT PLAN SHALL COMPLY WITH THE REQUIREMENTS OF AS 1742.
- TRAFFIC MANAGEMENT SHALL BE IMPLEMENTED DURING CONSTRUCTION OF ALL WORKS WITHIN THE ROAD RESERVATION.
- THE CONTRACTOR SHALL MAINTAIN ONE TRAFFICABLE LANE AT ALL TIMES.
- DISRUPTIONS TO TRAFFIC SHALL BE MINIMIZED.
- ALL PERSONS INVOLVED IN TRAFFIC MANAGEMENT MUST HOLD APPROPRIATE QUALIFICATIONS - TO COUNCIL APPROVAL.
- APPROPRIATE SAFETY GEAR SHALL BE WORN BY ALL PERSONS WORKING IN THE ROAD RESERVATION.

SOIL AND WATER MANAGEMENT NOTES

- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING GUIDELINE PUBLICATIONS NRM SOUTH & THE DERWENT ESTUARY PROGRAM FACT SHEETS No.'S 1-19
- EXISTING RUBBISH, GORSE, BLACKBERRIES ETC. TO BE REMOVED FROM SITE
- SILT FENCE SF1500 TO BE INSTALLED TO LOWER BOUNDARIES OF THE SUBDIVISION WHERE SHOWN, SILT FENCE TO BE SECURED IN ACCORDANCE WITH SILT FENCE 1000 & 1500 INSTALLATION SHEET AS PROVIDED BY GEOFABRICS AUSTRALIA PTY LTD
- PROVIDE TEMPORARY SILT RETENTION TRAPS AT ALL OUTFALLS. INSTALL AS PER FACT SHEET 17
- DISTURBANCE OF EXISTING SOILS AND VEGETATION TO BE MINIMISED ESPECIALLY ON LOTS ABOVE THE SUBDIVISION ROAD.
- MATERIALS ARE ONLY TO BE STOCKPILED ON SITE AT DESIGNATED AREAS
- INSTALL SILT FENCE TO LOWER SIDE OF MATERIALS STOCKPILED ON SITE
- NO SOIL OR MUD IS TO BE TRACKED ONTO COUNCIL ROADS BY VEHICLES LEAVING THE SITE. MAINTAIN GRAVEL TURNING AREAS AS REQUIRED TO FACILITATE MANOEUVRING.
- ALL DISTURBED AREAS ARE TO BE LOAMED AND GRASSED.
- NO CLEARING OUT IN THE EXISTING WATER COURSE WITHOUT COUNCIL APPROVAL
- A SOIL & WATER MANAGEMENT PLAN (REFER ITEMS 1-10) SHALL BE PROVIDED PRIOR TO START OF WORKS NOTICE LODGMENT
- ALL STOCKPILES TO BE LOCATED CLEAR OF ANY WATERCOURSE.
- SILT RETENTION DEVICES TO USED TO BEST PRACTICE STANDARDS (OR SIMILAR APPROVED BY COUNCIL AS SUBMITTED BY CONTRACTOR)

THE CONTRACTOR SHALL LOCATE ALL EXISTING SERVICES IN THE VICINITY OF THE WORKS PRIOR TO UNDERTAKING ANY EXCAVATION.

ALL STOCKPILES TO BE LOCATED CLEAR OF ANY WATERCOURSE.

FER BACKFILL OVER ALL PIPES UNDER PROPOSED DRIVEWAYS & ROADWAYS

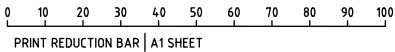
ALL STORM WATER LOT CONNECTIONS TO BE Ø150

SEDIMENT BASINS

SEDIMENT BASINS WILL REQUIRE REGULAR INSPECTION, ESPECIALLY AFTER RAIN EVENTS AND SHOULD BE CLEANED WHEN MORE THAN HALF FULL OF SEDIMENT. LITTER AND DEBRIS SHOULD BE REMOVED WHENEVER OBSERVED IN THE SEDIMENT BASIN.



1 PROPOSED 2 LOT SUB DIVISION OVERALL SITE PLAN
Scale: 1:500 (A3)



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CLIENT: J. KLEYWEGT				HUTCHINGS SPURR PTY. LTD. CONSULTING ENGINEERS 23 ANTILL STREET, HOBART, TASS. A.C.N. 00950825, A.B.N. 7613719273 PHONE 031 6223 5820		• STRUCTURAL • CIVIL • PRINCIPAL • PROJECT • MANAGEMENT • SUBDIVISIONS
No.	AMENDMENT	DATE	DRG No.	REFERENCE	PROPOSED RESIDENTIAL SUBDIVISION AT 38 ALMA STREET, BELLERIVE, TAS 7018 OVERALL SITE PLAN & NOTES SHEET	
P1	ISSUED FOR PLANNING	24-10-2018			SCALE 1:500 (A3)	DRAWING No.
P2	AMENDMENTS TO SEWER LINE	08-05-2019			DRAWN M. FRAWLEY	18558-S01
					DATE OCTOBER. 2018	REVISION
					APPROVED	(P2)
					No. OF SHEETS	

Attachment 3

Attachment 3 – Site Photos

3 Buscombe Street, Bellerive



Site when viewed from Buscombe Street, looking towards Alma Street.



Nature strip adjoining site when viewed from corner of Buscombe Street and Alma Street.



Looking towards proposed Lot 1 and adjoining two properties to the East.



Lot 2 primary frontage on Alma Street and existing crossover.



Existing dwelling on Lot 1 when viewed from the proposed Lot 2.



Existing properties (40 & 40A Alma Street) adjoining the site.

11.3.3 DEVELOPMENT APPLICATION D-2019/183 – 64 KAOOTA ROAD, ROSE BAY - 4 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 4 Multiple Dwellings at 64 Kaoota Road, Rose Bay.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 30 July 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and three representations were received (including one received out of time) raising the following issues:

- additional traffic and congestion in Kaoota Road;
- impact on streetscape;
- overshadowing;
- loss of privacy;
- lack of private open space for each dwelling;
- overdevelopment of the site;
- location of bins on footpath impacting pedestrian movement;
- concern that the parking arrangements do not meet the AS; and
- excavations may impact structural damage to adjoining properties.

RECOMMENDATION:

- A. That the Development Application for 4 Multiple Dwellings at 64 Kaoota Road, Rose Bay (CI Ref D-2019/183) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [the screens on the northern side of the deck on Unit 3 and southern side of the deck on Unit 4 extended for the whole length of the decks, and the sill height of the windows of Bed 1 of all Units increased to a minimum of 1.7m above finished floor level or the use of opaque glass for these windows].
3. GEN A2 – CROSSOVER CHANGE.
4. ENG A5 – SEALED CAR PARKING.
5. ENG A7 – REDUNDANT CROSSOVER.
6. ENG M1 – DESIGNS DA.
7. ENG M5 – EROSION CONTROL.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG S11 – SEALING OF SERVICES.
10. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles or achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.

Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) and a Maintenance Management Schedule/Regime must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. The facility must be maintained in accordance with this schedule.

11. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 May 2019 (TWDA 2019/00517-CCC).

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

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain 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 and Access Code; and
 - Section E7.0 – Stormwater Management.
- 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 1551m² lot comprised on two titles. The site contains a single dwelling with two vehicular accesses from Kaoota Road.

3.2. The Proposal

The proposal is for four, 2 storey multiple dwellings which are all accessed via a single vehicular access from Kaoota Road. All dwellings contain 3 bedrooms and a double garage (see proposal plans in Attachment 2).

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 Stormwater Management Codes with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A1	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 8.5 m above natural ground level; and</p> <p>(b) only have a setback within</p>	<p>complies</p> <p>Does not comply as the privacy screen on the southern side of the decks for Units 2 and 4 extend out of the building envelope (see plans in Attachment 2). Also, Units 3 and 4 are located 0.451m and 1.241mn respectively from the rear boundary.</p> <p>complies</p>

		<p>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>	
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The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 10.4.2 as follows.

Performance Criteria	Proposal
<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><i>(ii) overshadowing the private open</i></p>	<p>The discretion relates to small portion of the screen on the decks, however, the impact on the whole development is therefore required to be assessed against this performance criteria. The applicant provided overshadowing diagrams which show that the northern elevation of the dwelling at 66 Kaoota Road will be overshadowed by the development during the whole day on 21 June. Following advertising, further clarification was provided from the applicant which showed the overshadowing on 21 June using 3D models (Attachment 4). These diagrams show that the living room windows and deck on the upper floor of 66 Kaoota Road will be overshadowed during the morning on 21 June, however these windows will be unaffected from 12pm. On this basis, the overshadowing caused by the development is considered to be reasonable.</p> <p>The adjoining property at 66 Kaoota</p>

<p><i>space of a dwelling on an adjoining lot; or</i></p>	<p>Road is directly south of proposed Unit 4 and has a large area of private open space at the rear of the dwelling. A swimming pool, outbuilding, deck and gazebo are located in the north-eastern part of the site. The overshadowing diagrams show that on 21 June the northern portion of the backyard at 66 Kaoota Road will be overshadowed for the majority of the day on 21 June. The north-eastern corner of this lot containing the pool will be partially overshadowed the whole day on 21 June, however, the deck and gazebo area will be unaffected.</p> <p>Given that the impact is restricted to a relatively small portion of the lot, and an open swimming pool is unlikely to be used in the middle of winter, the overshadowing is not considered to warrant refusal of the application.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>not applicable</p>
<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The proposed dwellings are two storey and their size and scale are similar to dwellings on surrounding lots. On this basis, the proposal is not considered to have a significant visual impact when viewed from the adjoining lots.</p> <p>While the proposed Units 3 and 4 are located within the rear boundary setback, the proposed excavation results in the rear of these units being below the fence height along the rear boundary and as such the adjoining dwellings to the east will look over the top of the proposed dwellings. On this basis, the development will not result in an unreasonable visual impact when viewed from the adjoining properties.</p>
<p><i>(b) provide separation between</i></p>	<p>The adjoining properties typically have</p>

<p><i> dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>the dwellings located at the front of the lot and private open space at the rear and many contain outbuildings and other incidental structures in the rear of these lots. The dwelling at 46A Kaoota Road is located approximately 1m from the rear boundary which is compatible with the setbacks proposed.</p> <p>While the setback differs from many of the adjoining lots, the topography of the site and the design of the development resulting in Units 3 and 4 being located below the level of the rear boundary fence. As such, it is considered that the setback is compatible with the surrounding area.</p>
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General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	<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>(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</p>	<p>Does not comply as the decks are all located within 3m of the side boundaries and the proposed screens do not extend the whole length of the deck.</p> <p>complies</p> <p>complies</p>

		<p>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>complies</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.

Performance Criteria	Proposal
<p><i>“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></p> <p><i>(a) a dwelling on an adjoining lot or its private open space; or</i></p> <p><i>(b) another dwelling on the same site or its private open space; or</i></p> <p><i>(c) an adjoining vacant residential lot”.</i></p>	<p>The applicant has provided a diagram showing the view lines from the proposed decks into the adjoining properties. It is considered the screening proposed for Units 1 and 2 located at the front of the site is sufficient to minimise overlooking as the only direct views will be of the driveway and parking area at the front of the dwelling.</p> <p>However, it is considered that the partial screens on the decks for Units 3 and 4 are not sufficient to prevent overlooking of the dwellings and their private open space of the adjoining properties to the north and south.</p> <p>On this basis it is recommended that the</p>

	<p>screens be extended along the whole length of the decks adjoining the side boundaries.</p> <p>This issue has been discussed with the applicant who has agreed to extend the screens.</p>
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General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A2	Privacy for all dwellings	<p>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4m from a rear boundary; and</p> <p>(iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</p> <p>(b) The window or glazed</p>	<p>Does not comply as the bedroom windows on the upper floor of Units 2 and 4 are located within 6m of the bedroom window on the upper floor of Units 1 and 3.</p>

		<p>door:</p> <p>(i) is to be offset, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
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The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 10.4.6 as follows.

Performance Criteria	Proposal
<p><i>“A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i></p> <p><i>(a) window or glazed door, to a habitable room of another dwelling; and</i></p>	<p>The bedroom windows of Bed 1 on the upper floors of all units are directly opposite each other which is likely to allow for direct views into these rooms.</p> <p>Accordingly, it is recommended that the</p>

	sill height of these window be increased to a minimum of 1.7m above finished floor level, or the windows use opaque glass. These changes will reduce the direct views between the bedroom windows. The applicant is agreeable to this recommendation.
<i>(b) the private open space of another dwelling; and</i>	not applicable
<i>(c) an adjoining vacant residential lot”.</i>	not applicable

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.5 A1	Layout of Parking Areas	The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with Section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.	A total of 9 car parking spaces are proposed on-site including 1 visitor car parking space which did not meet the minimum grade required by AS 2890.1.2004. The driveway has a maximum slope of 28% which exceeds the Australian Standard.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E6.7.5 as follows.

Performance Criteria	Proposal
<i>“The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site”.</i>	Following concerns regarding the compliance of the visitor car parking space, the applicant has provided information from an engineer that recommends that the development not provide a dedicated visitor space on-site and that visitors could park outside the garages if necessary. In addition, the applicant’s engineer considers that there is sufficient on-street parking in Kaoota Road. Kaoota Road is relatively narrow and

	<p>there are parking restrictions on one side of the road directly adjacent to the site which prevent car parking around school drop off and pick up times.</p> <p>Council's Engineers are satisfied with the proposal provided by the applicant's engineer and agree that there is adequate parking and manoeuvring areas in front of each dwelling for visitors and that the driveway configuration is satisfactory.</p> <p>However, as these spaces will consist of tandem parking spaces, they cannot be formally included as visitor spaces for the purposes of compliance with the Parking and Access Code. On this basis, a discretion is triggered in view of the number of spaces provided on-site, as discussed below.</p>
--	--

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	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 (2 spaces per dwelling and 1 visitor spaces);</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>	As discussed above, a formal visitor space is not proposed to be provided on-site, under the revised design proposal.

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

Performance Criteria	Proposal
<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><i>(e) the availability and suitability of alternative arrangements for car parking provision;</i></p>	<p>The development is considered to increase demand for car parking in accordance with the Scheme.</p> <p>Council’s Engineers advise that Kaoota Road is busy around school drop-off and pick-up time and due to the relatively narrow width of the road has installed parking restrictions along part of Kaoota Road adjacent to the development site. On-street parking is therefore limited for short periods of the day, during school days.</p> <p>However, for the remainder of the day there is adequate on-street parking available for visitors. In addition, the replacement of the 2 existing driveways with a single driveway will provide additional on-street parking.</p> <p>On this basis, the availability of the on-street parking is considered to meet the demand of the development.</p> <p>A Metro bus route is located along East Derwent Highway which is 100m from the site.</p> <p>Visitors to the site could walk or bike ride.</p> <p>none provided</p>

(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>	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>	not applicable
(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>	not applicable
(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	not applicable

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations (including 1 received out of time) were received. The following issues were raised by the representors.

5.1. Additional Traffic and Congestion in Kaoota Road

Concern was raised that the proposal will result in additional traffic and congestion in Kaoota Road.

- **Comment**

The proposal is considered to have adequate parking on-site and there is sufficient on-street parking in Kaoota Road. Council's Engineers consider that Kaoota Road is of a sufficient standard to accommodate the additional traffic generated by the development.

5.2. Impact on Streetscape

Concern was raised that the proposed multiple dwellings are inconsistent with the streetscape, where there are no multiple dwellings in the immediate area and may encourage similar developments in the area. In addition, the representor was concerned that the setbacks of the proposed dwellings are not consistent with the setbacks in the street.

- **Comment**

The immediate area generally contains single dwellings, however, there are many examples of multiple dwelling developments in the surrounding area. A multiple dwelling development is a permitted use in the General Residential zone if all relevant standards are met, therefore the concern with the ability for the area to contain similar developments is not relevant to the assessment of the application.

The setback to the front boundary meets the Acceptable Solution and therefore the concern with incompatibility with the dwellings on adjoining lots does not have relevant determining weight.

5.3. Overshadowing

Concern was raised that the proposal will result in overshadowing the adjoining dwelling and backyard of the adjoining property.

- **Comment**

The development will overshadow the dwelling and its private open space at 66 Kaoota Road for part of the day on 21 June. However, the level of overshadowing is not considered to have an unreasonable detrimental impact on the amenity of the adjoining properties.

5.4. Loss of Privacy

Concern was raised that the proposal will result in a loss of privacy to the adjoining properties.

- **Comment**

The proposed screening on the decks for Units 3 and 4 is not considered adequate to minimise direct views into the neighbouring properties to the north and south and a condition requiring the screen to be extended along the length of the deck is recommended.

5.5. Lack of Private Open Space for each Dwelling

Concern was raised that the proposed private open space is inadequate for the future needs of the occupants.

- **Comment**

The proposal meets the Acceptable Solution concerning the provision of private open space for each dwelling and therefore this concern cannot have determining weight.

5.6. Overdevelopment of the Site

Concern was raised that the proposal is an overdevelopment of the site.

- **Comment**

The proposal has been assessed against the relevant performance criteria and is considered an appropriate development. In particular, the proposal meets the Acceptable Solution for density.

5.7. Location of Bins on Footpath Impacting Pedestrian Movement

Concern was raised that the proposal will impact on pedestrian movement along the footpath when the bins are put out.

- **Comment**

The proposal meets the Acceptable Solution in relation to waste storage as each dwelling stores its waste disposal bins on-site. Council's Engineers consider that there is sufficient space on the footpath to accommodate the bins.

5.8. Concern that the Parking Arrangements do not meet the AS

Concern was raised that the on-site vehicle parking and manoeuvring does not meet the relevant Australian Standard.

- **Comment**

The proposed car parking arrangements have been discussed in detail previously in the report and are considered appropriate.

5.9. Excavations may Impact Structural Damage to Adjoining Properties

Concern was raised that the excavations required to achieve the development may have an impact on the structural integrity of the adjoining properties.

- **Comment**

This issue is not relevant to the assessment of the application and therefore does not have determining weight. Notwithstanding, sufficient engineering details will need to be provided with a Building Permit to ensure that the adjoining properties are not detrimentally affected by the development.

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. COUNCIL COMMITTEE RECOMMENDATION

Nil.

8. STATE POLICIES AND ACT OBJECTIVES

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

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

9. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

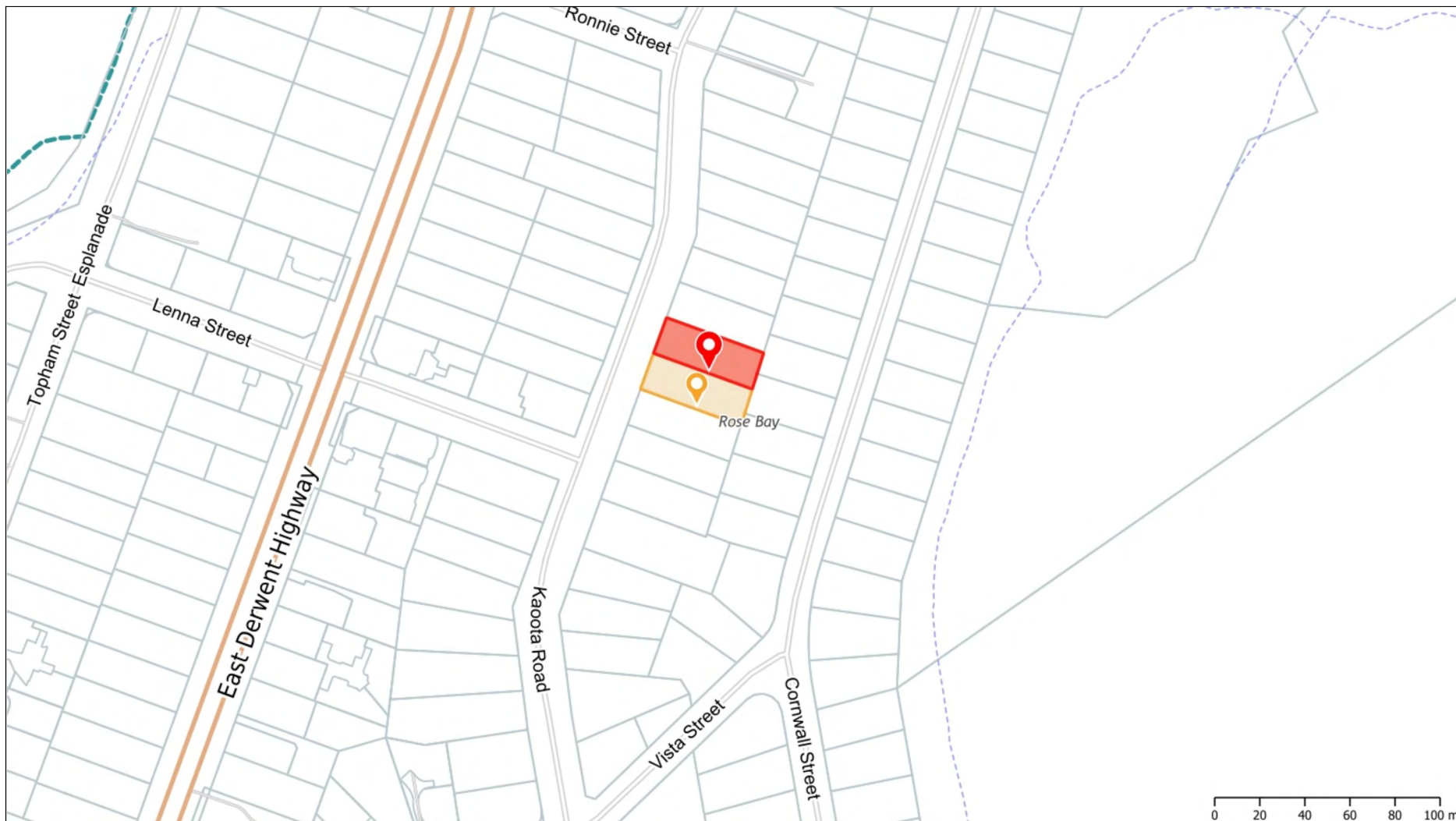
10. CONCLUSION

The proposal is for 4 Multiple Dwellings which is considered to meet the standards of the Scheme and is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (18)
3. Site Photo (1)
4. Overshadowing diagrams (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

19/07/2019

1:2500

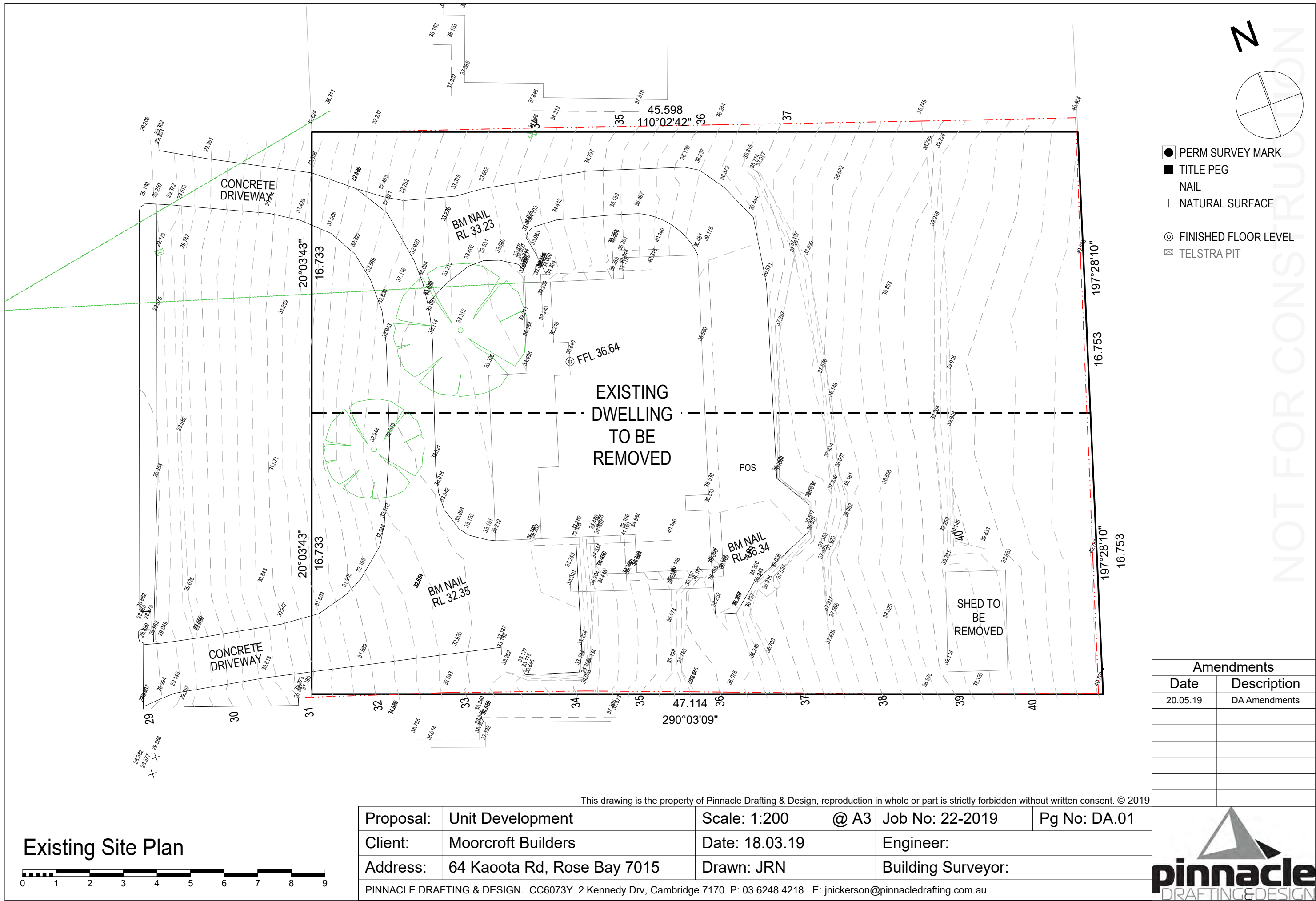


64 Kaoota Rd, Rose Bay 7015



General Information	
Designer	Jason Nickerson CC6073Y
Owner(s) or Clients	Moorcroft Builders
Building Classification	1a
Title Reference	17&18/62273
Zoning	General Residential

Drawing No:	Description
DA.01	Existing Site Plan
DA.02	Site Plan
DA.03	Landscaping Plan
DA.04	Sewer & Water Plan
DA.05	Unit 1 Floor Plan
DA.06	Unit 2 Floor Plan
DA.07	Unit 3 Floor Plan
DA.08	Unit 4 Floor Plan
DA.09	Elevations 01
DA.10	Elevations 02
DA.11	Elevations 03
DA.12	Elevations 04
DA.13	Sections
DA.14	Shadow Study 01
DA.15	Shadow Study 02
DA.16	Shadow Study 03
DA.17	Deck Privacy Diagram



Site Areas	
Site area	1551 sqm
Total Building Area	160.18 sqm
Total Site Coverage	27.38%

NEW 5.5m WIDE CROSSOVER TO TSD-R09 (URBAN)

KAOOTTA ROAD



Site Plan






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Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	

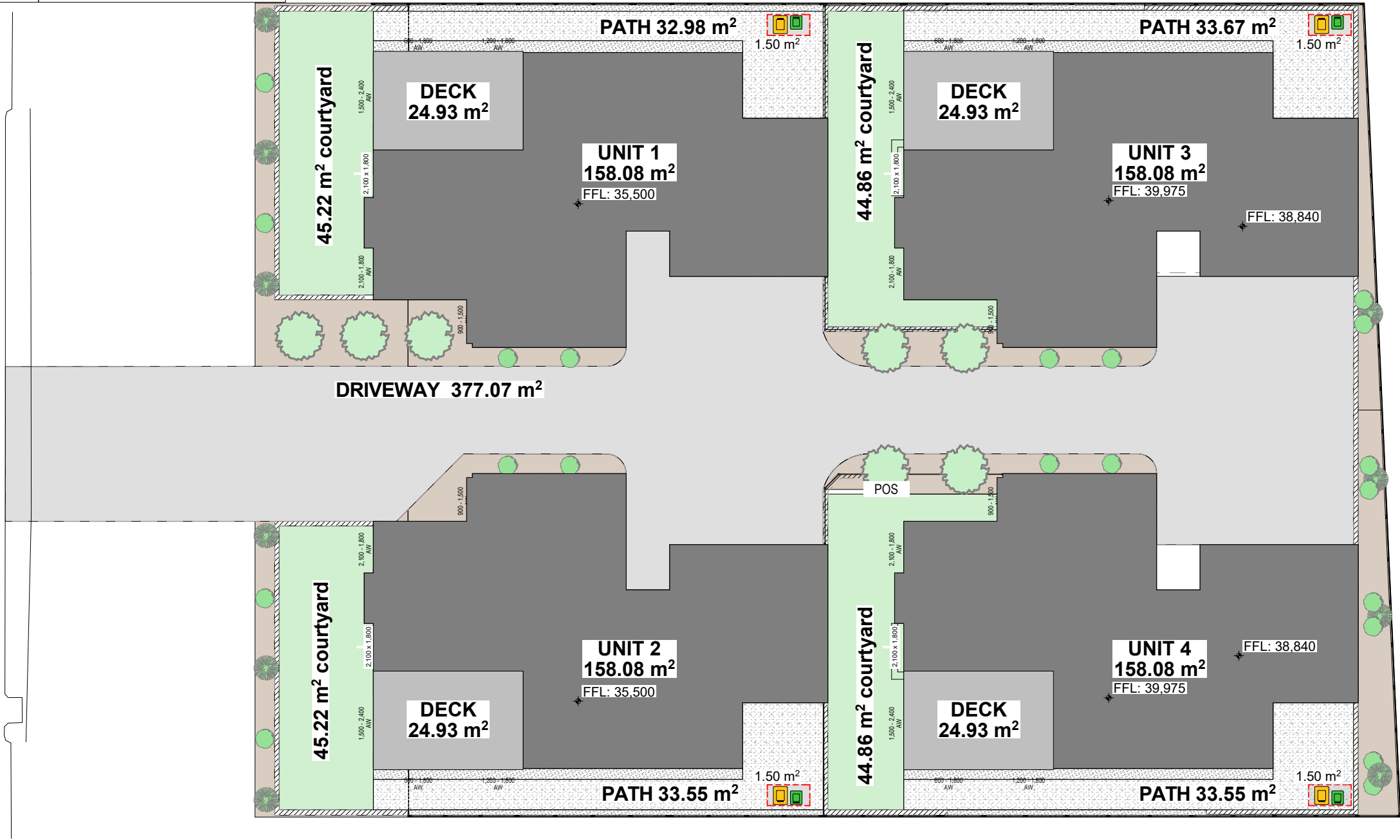
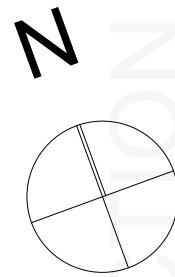
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Amendments	
Date	Description
20.05.19	DA Amendments



	120L bin
	240L bin
	Westringia sp. or similar 1.2m Spread
	Lomandra 'Seascape' or similar 1.2m Spread
	Banksia sp. or similar 2m Height, 2m Spread

	Seeded Lawn		Mulched Garden Bed
	Gravel		



Landscaping Plan



Proposal:	Unit Development	Scale: 1:200 @ A3	Job No: 22-2019	Pg No: DA.03
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
20.05.19	DA Amendments



ALL PLUMBING TO BE IN ACCORDANCE WITH
AS3500, TAS PLUMBING CODE AND LOCAL
AUTHORITY REGULATIONS.

MINIMUM GRADIENT ON SEWER PIPES AS PER
AS3500:2000 4.4

- NEW WATER
CONNECTION
FOR PROPERTY

NEW WM AND
MANIFOLD

DRIVEWAY 377.07 m²

DECK
24.93 m²

UNIT 1
158.08 m²

FFL: 35,500

DECK
24.93 m²

UNIT 3
158.08 m²

FFL: 39,975

FFL: 38,840

UNIT 2
158.08 m²

FFL: 35,500

DECK
24.93 m²

DECK
24.93 m²

UNIT 4
158.08 m²

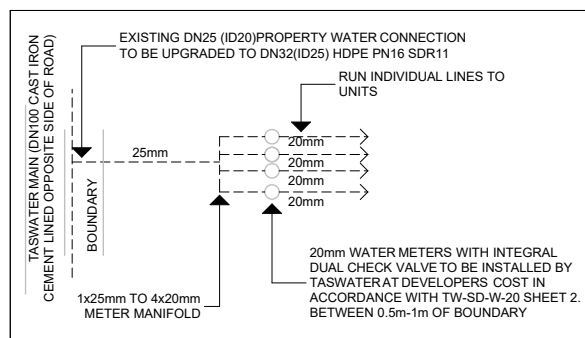
FFL: 39,975

FFL: 38,840

EX WM to be
abandoned

EX SEWER. -

SEWER TO
EX.CONNECTION



Sewer & Water Plan





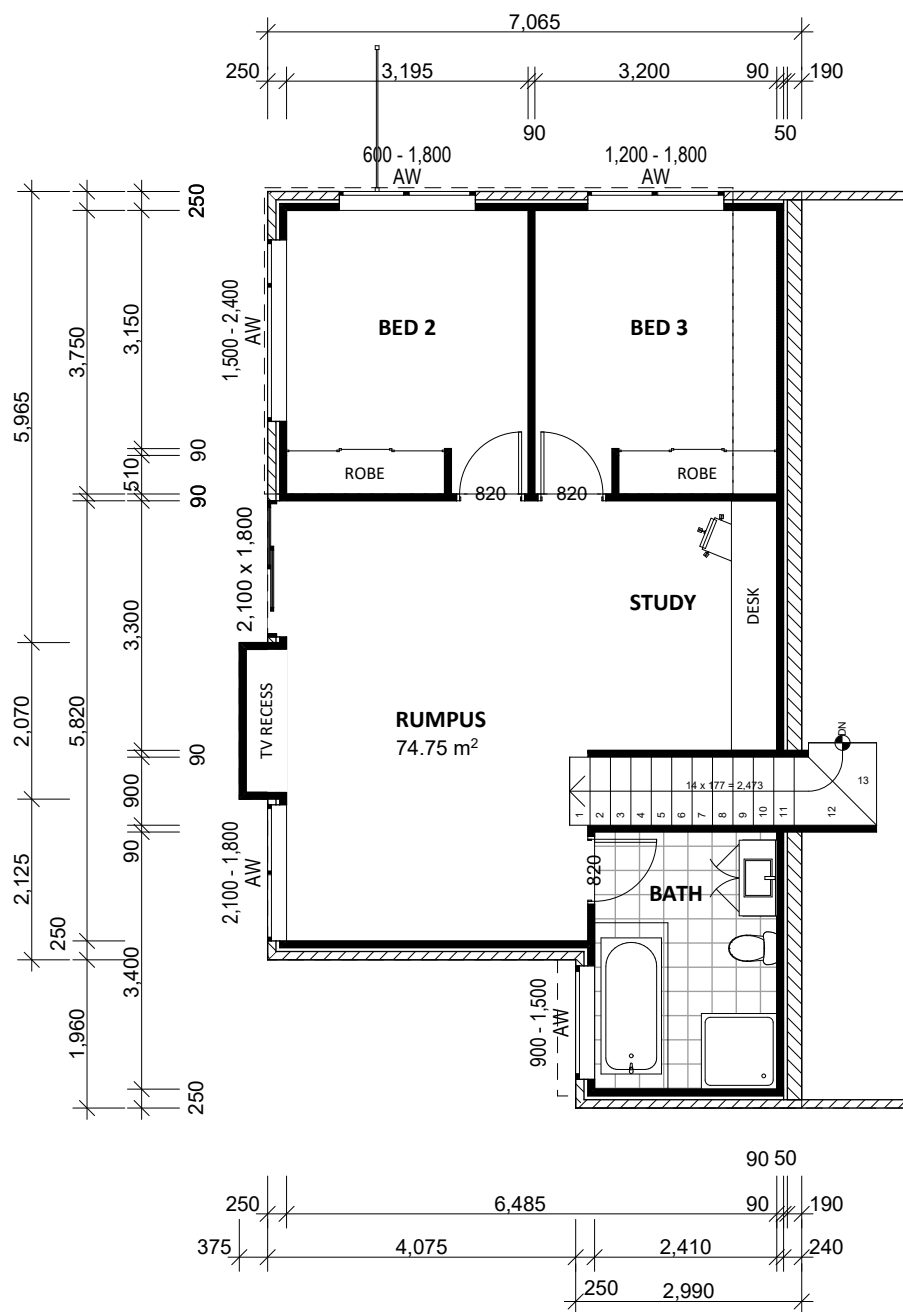
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Amendments	
Date	Description
20.05.19	DA Amendments



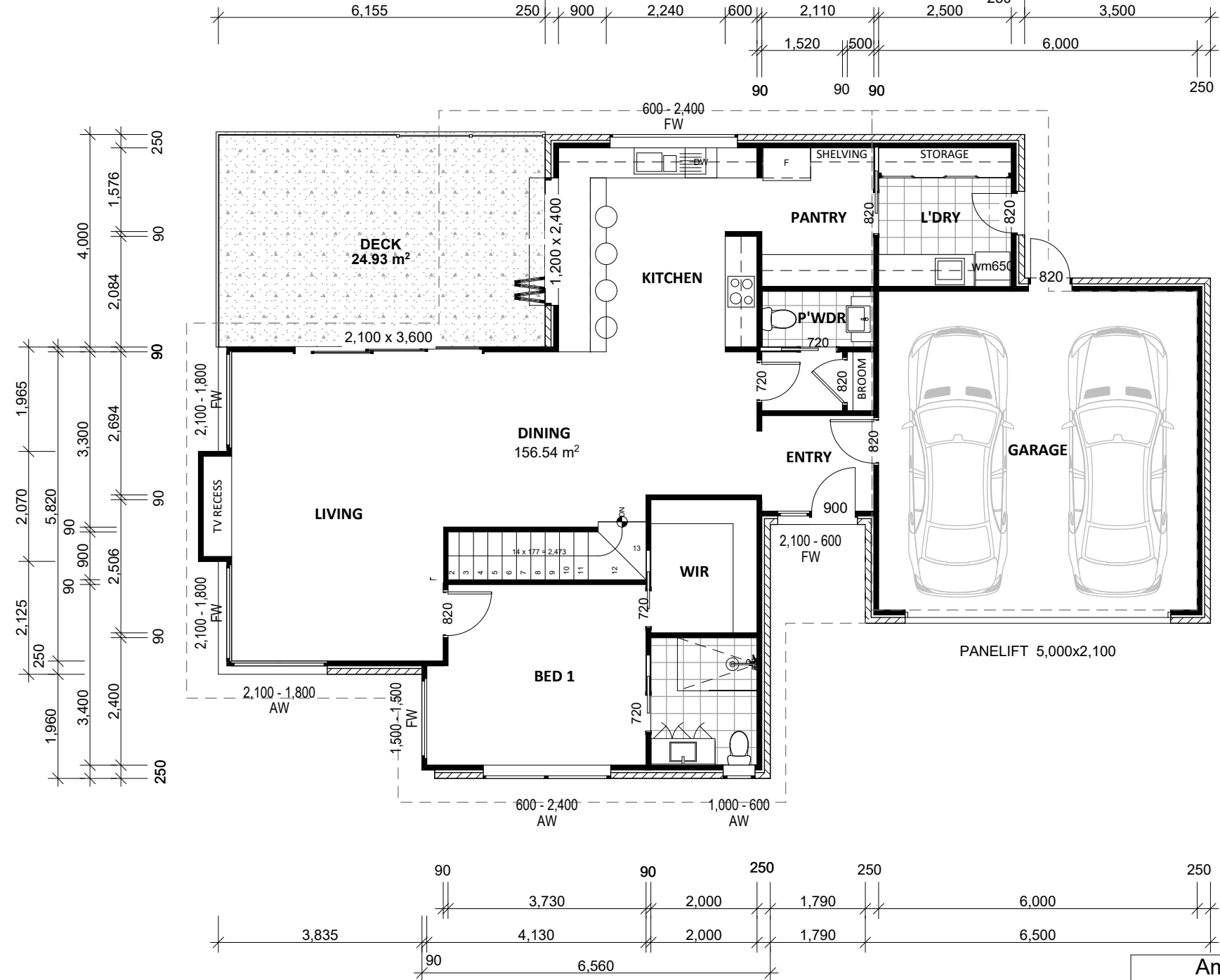
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 = ARTICULATION JOINT



U1 Lower Floor

<u>Floor Areas</u>	
Lower Floor	74.75 sqm
Upper Floor	156.54 sqm
Total	231.29 sqm
Deck	24.93 sqm

Unit 1 Floor Plan



U1 Upper Floor

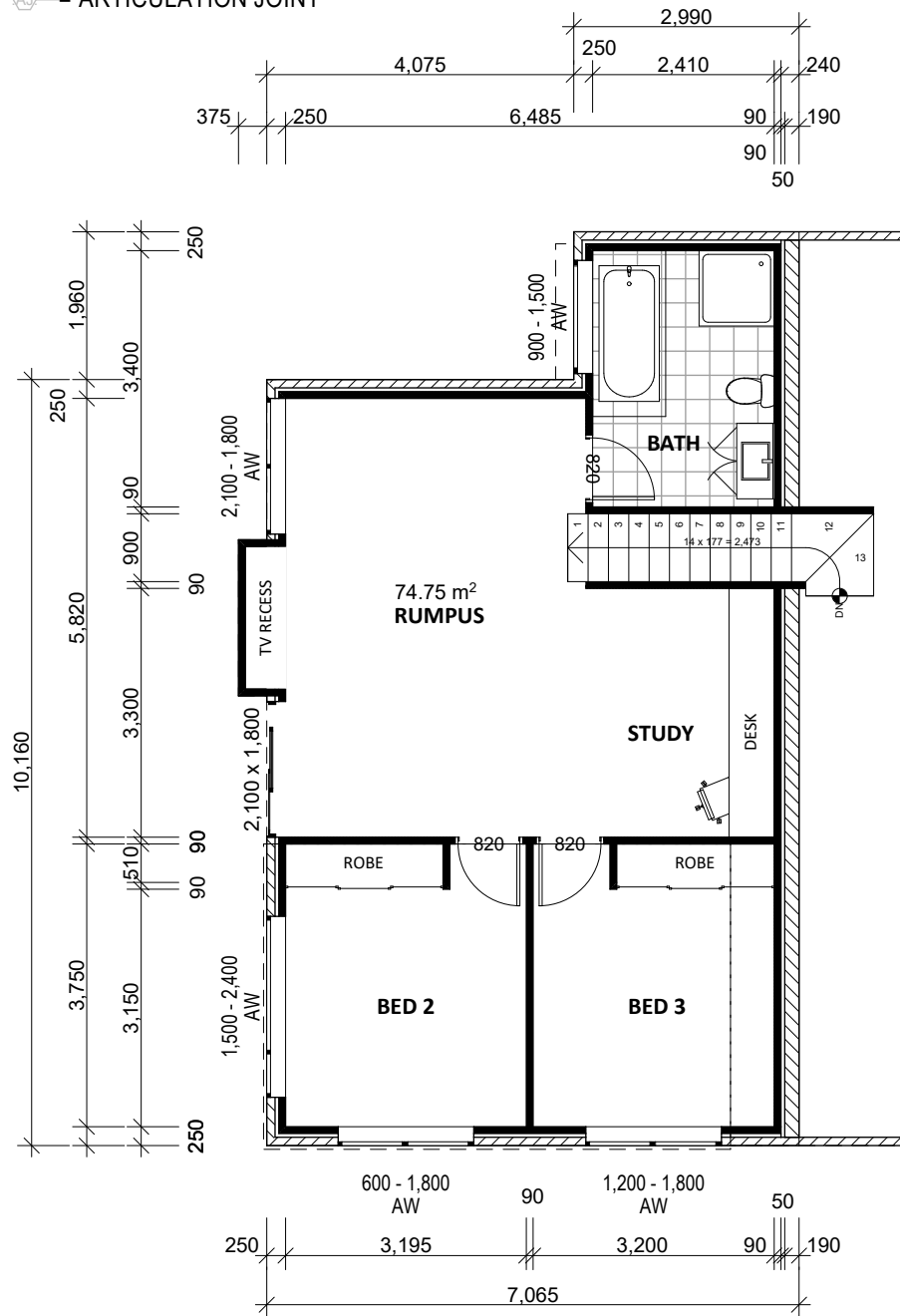
Amendments	
Date	Description
20.05.19	DA Amendments
9	

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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 22-2019	Pg No: DA.05
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	
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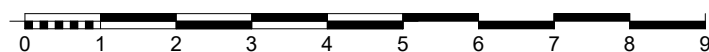
Ⓢ = SMOKE ALARM
Ⓐ = ARTICULATION JOINT



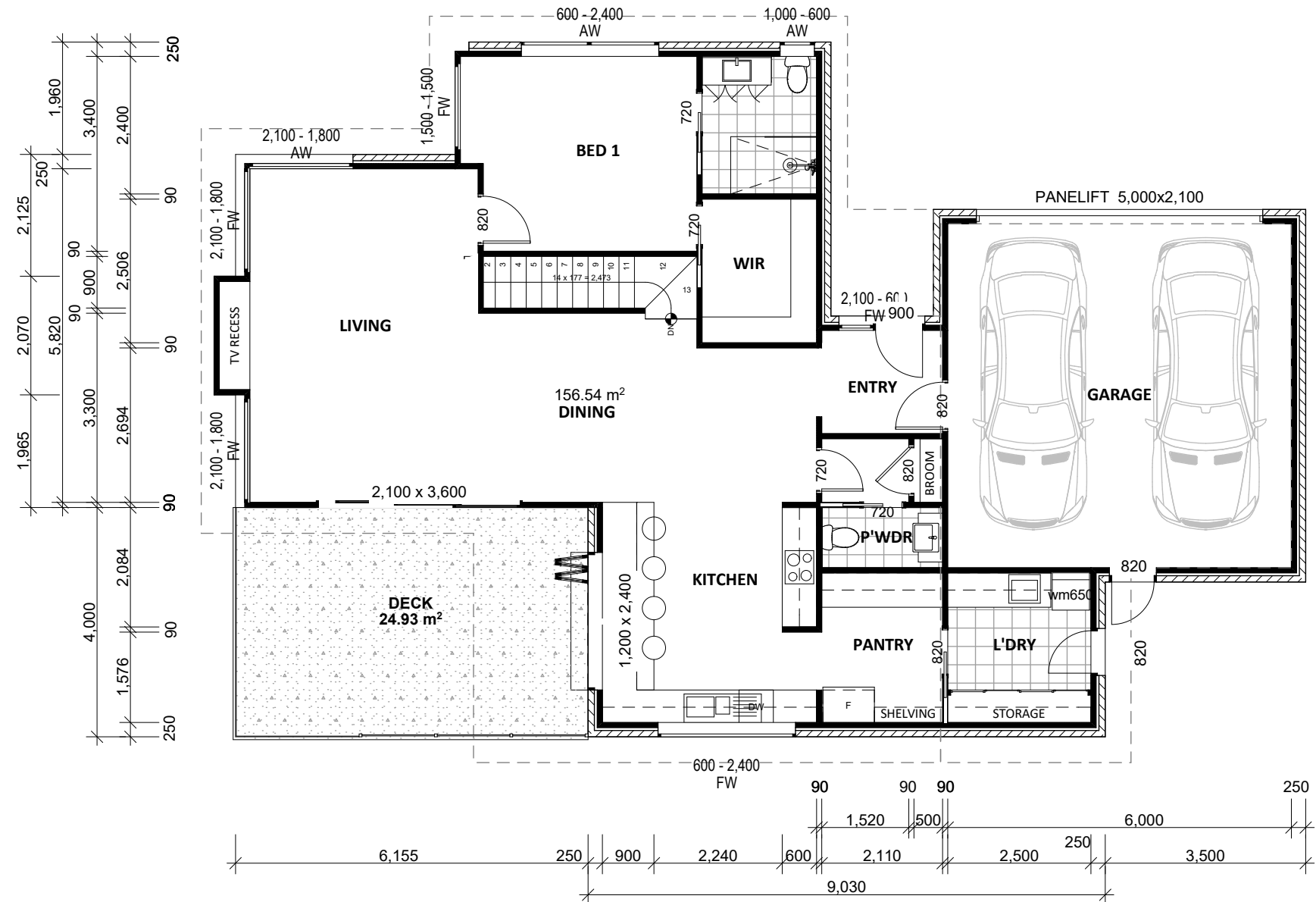
U2 Lower Floor

Floor Areas	
Lower Floor	74.75 sqm
Upper Floor	156.54 sqm
Total	231.29 sqm
Deck	24.93 sqm

Unit 2 Floor Plan



U2 Upper Floor



Amendments



Date	Description
20.05.19	DA Amendments

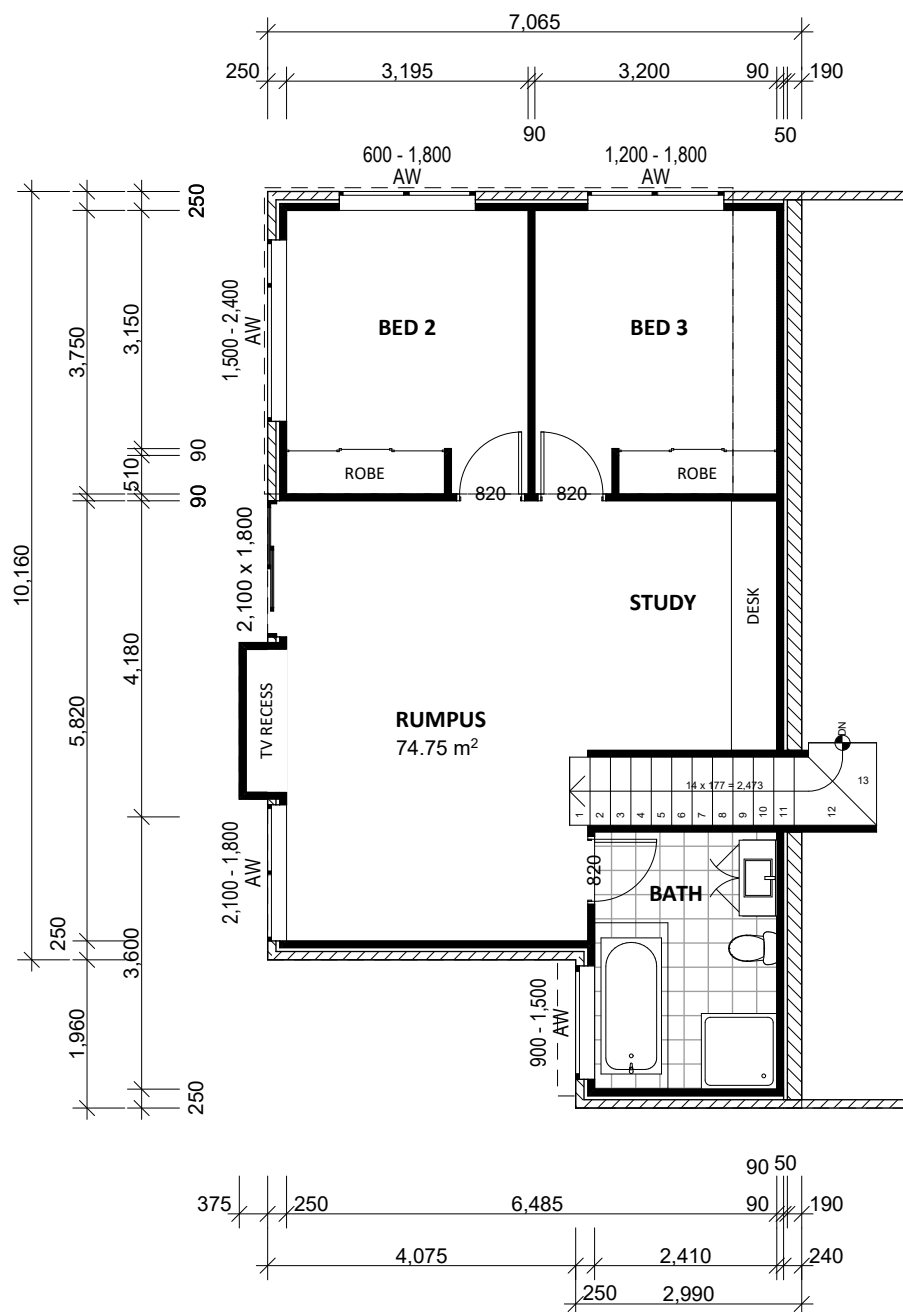
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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 22-2019	Pg No: DA.06
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	

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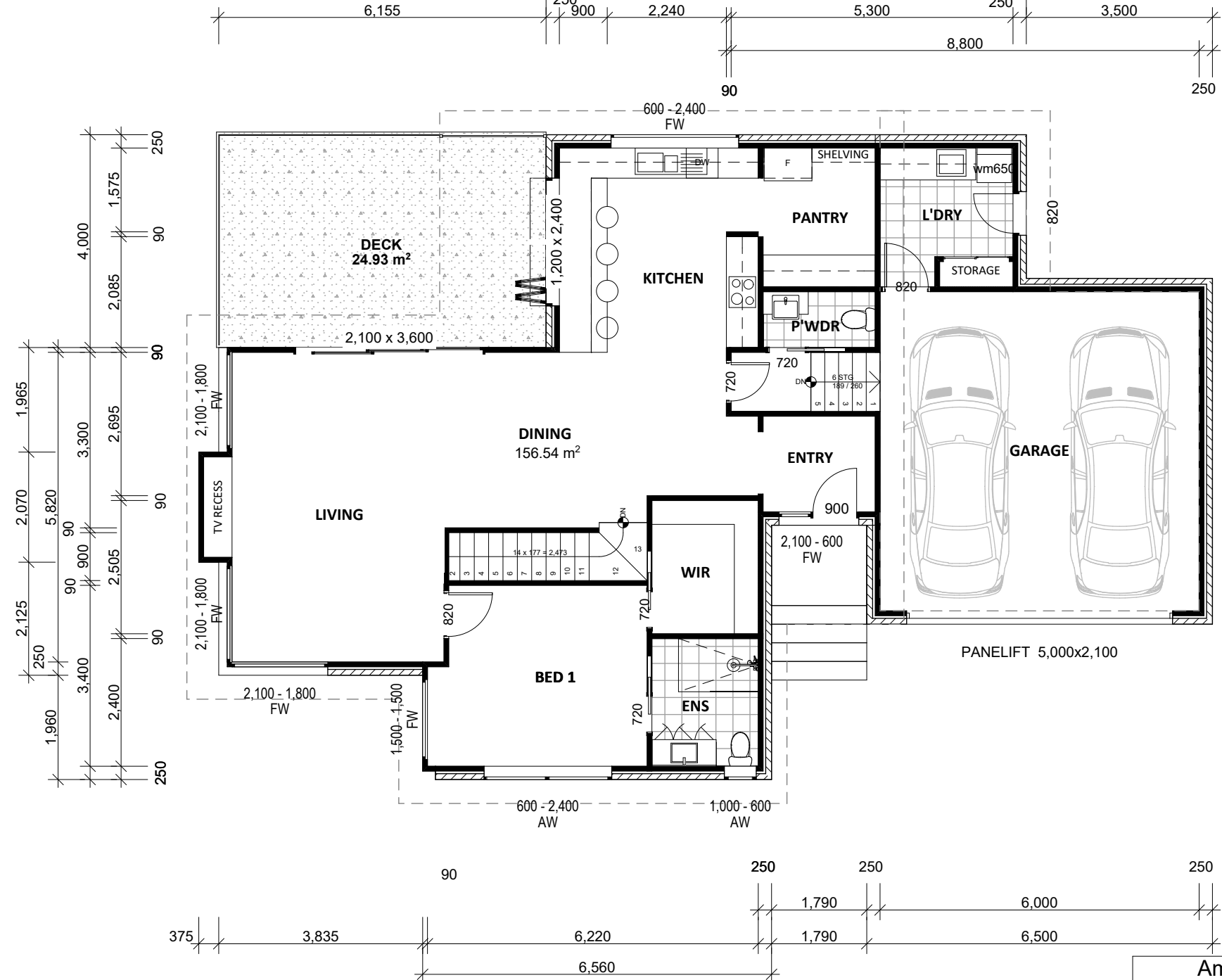
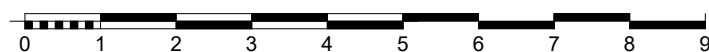
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U3 Lower Floor

<u>Floor Areas</u>	
Lower Floor	74.75 sqm
Upper Floor	156.54 sqm
Total	231.29 sqm
Deck	24.93 sqm

Unit 3 Floor Plan



U3 Upper Floor



Amendments	
Date	Description
20.05.19	DA Amendments
9	

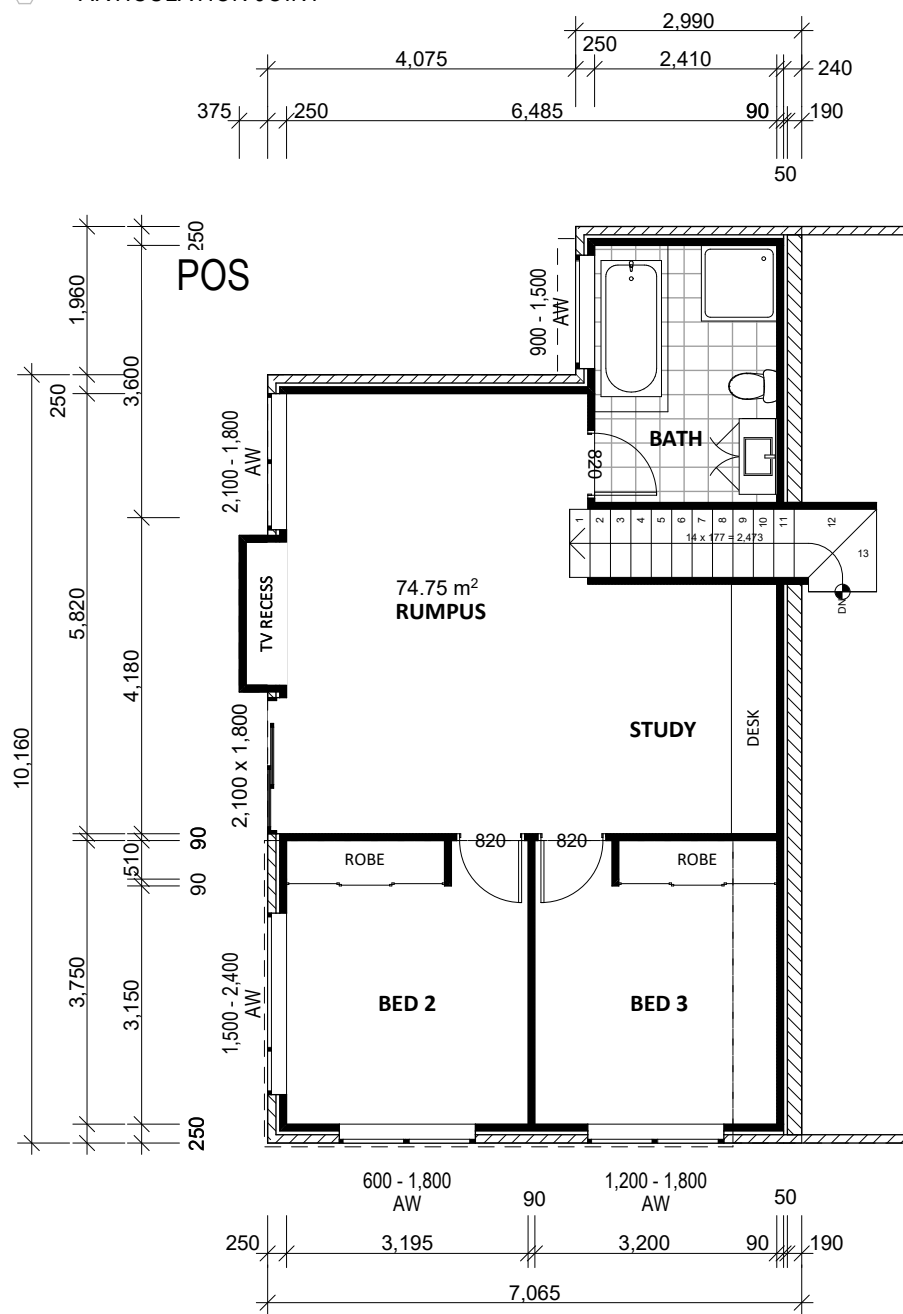
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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 22-2019	Pg No: DA.07
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	

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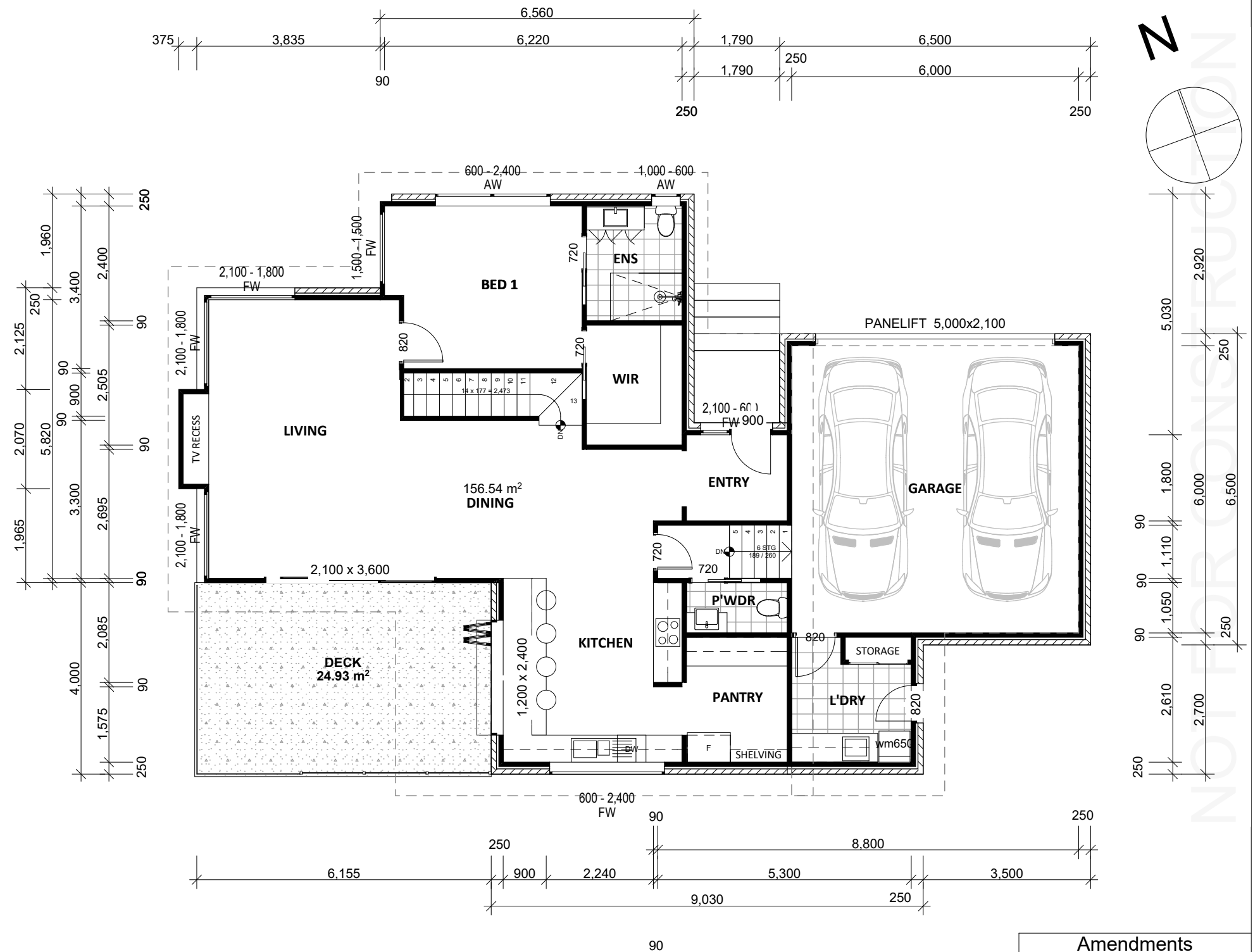
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 = ARTICULATION JOINT



U4 Lower Floor

Floor Areas	
Lower Floor	74.75 sqm
Upper Floor	156.54 sqm
Total	231.29 sqm
Deck	24.93 sqm

Unit 4 Floor Plan



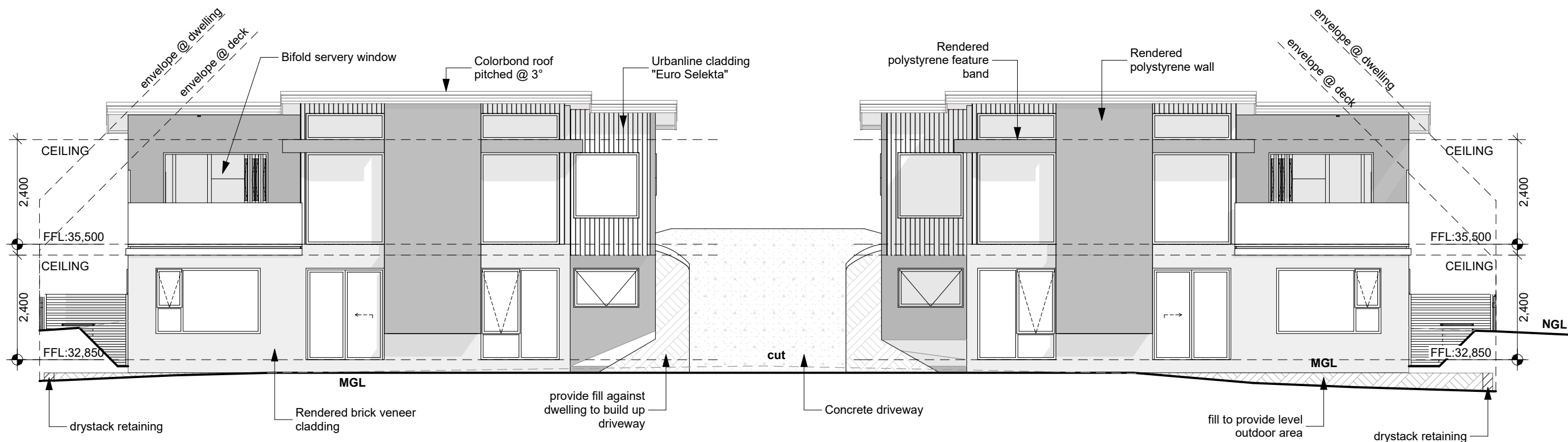
U4 Upper Floor

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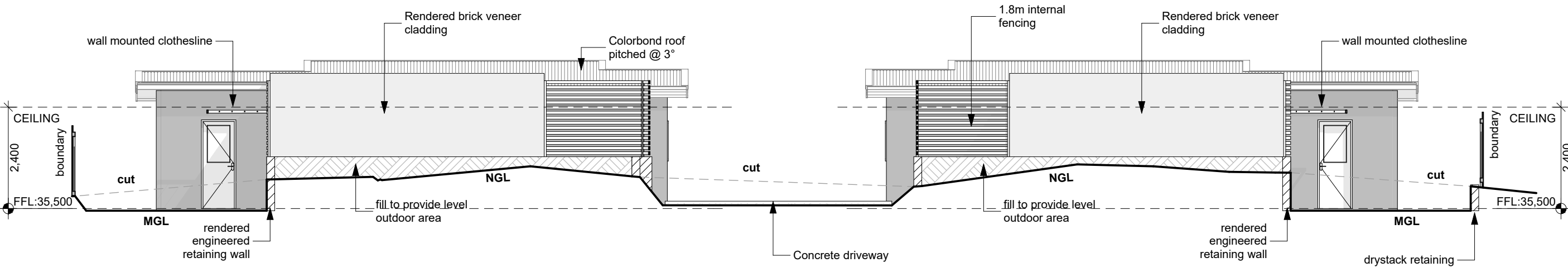
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Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	

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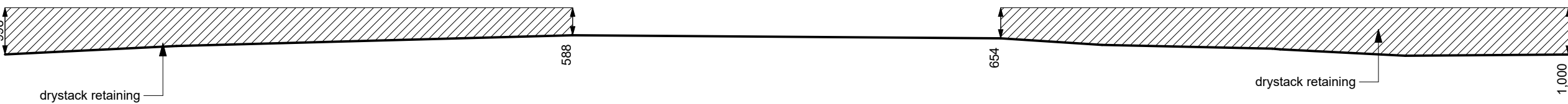
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Units 1 & 2 West Elevation

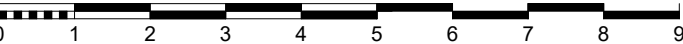


Unit 1 & 2 East Elevation



Front Retaining Wall West Elevation

Elevations 01

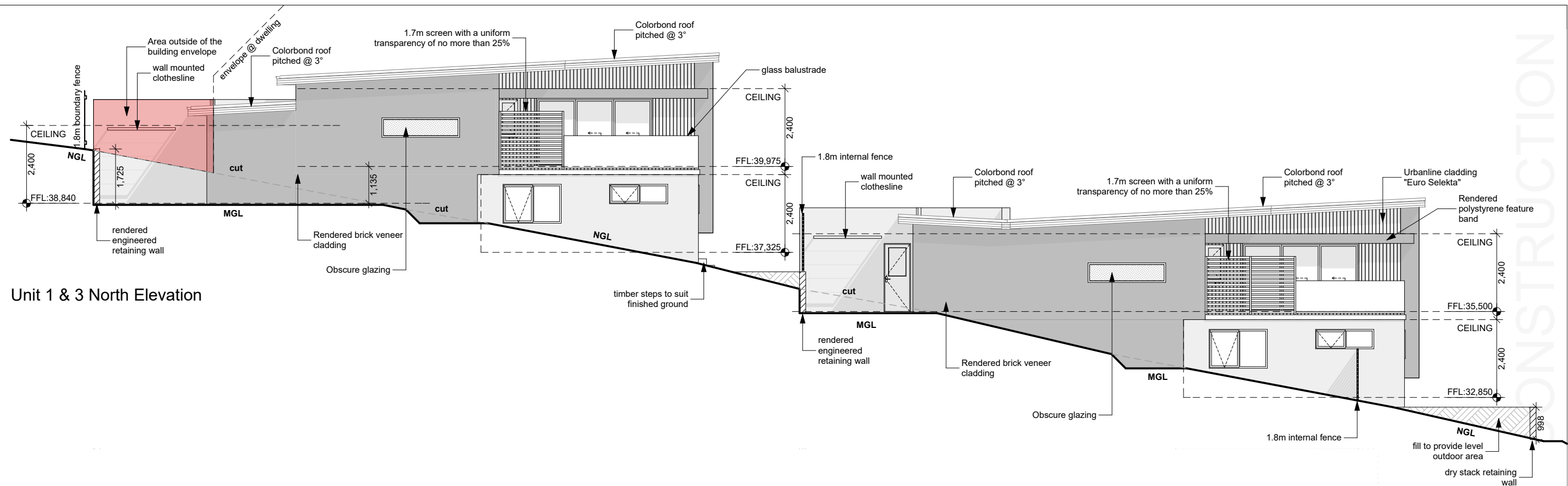


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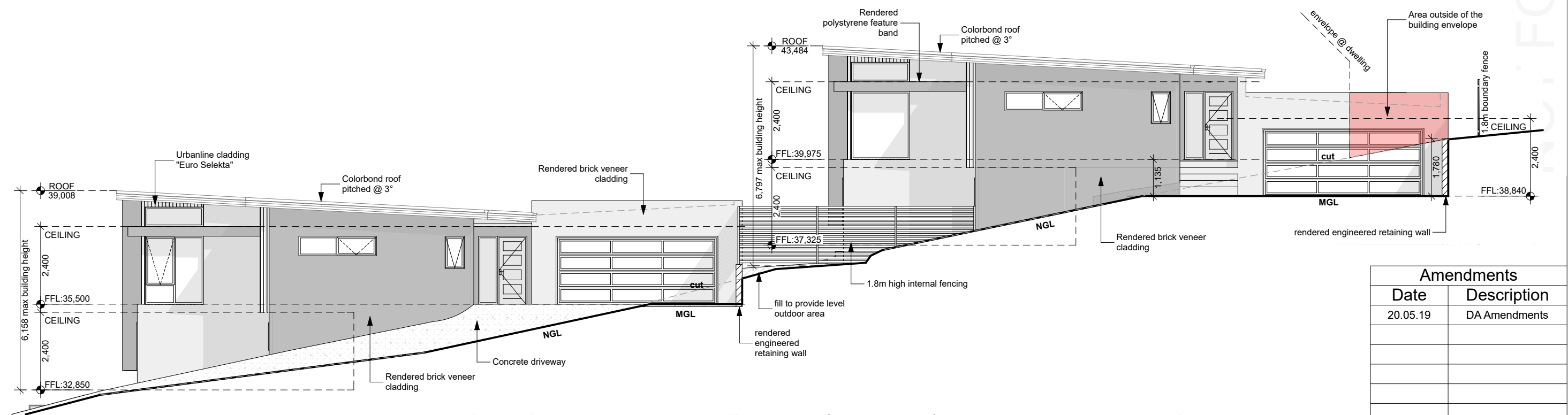
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Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	
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Amendments	
Date	Description
20.05.19	DA Amendments





Unit 1 & 3 North Elevation



Unit 1 & 3 South Elevation

Elevations 02



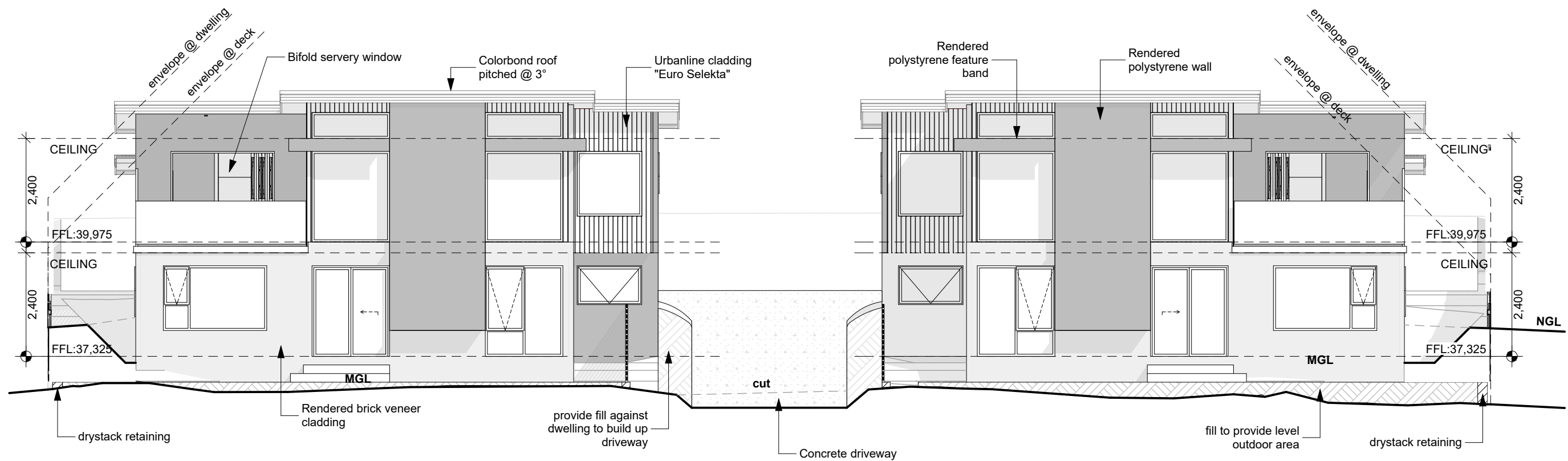
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Proposal:	Unit Development	Scale: 1:125 @ A3	Job No: 22-2019	Pg No: DA.10
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	

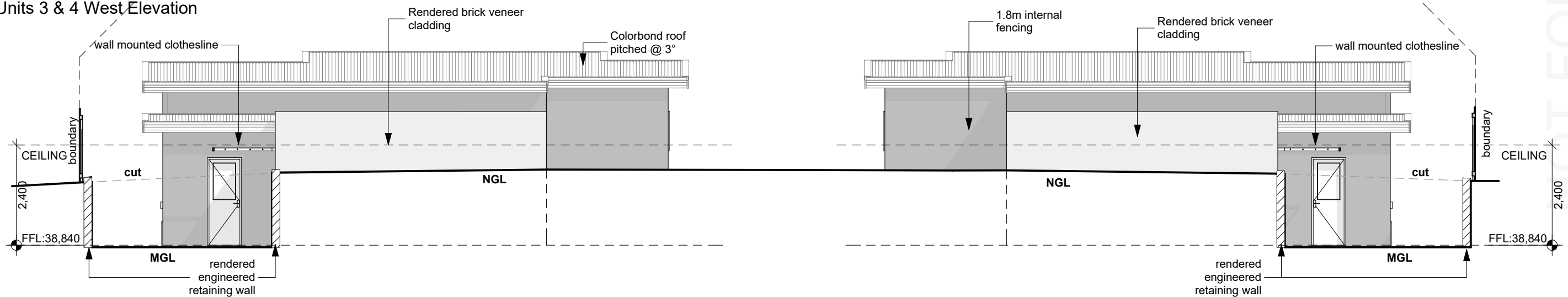
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Amendments	
Date	Description
20.05.19	DA Amendments





Units 3 & 4 West Elevation



Unit 3 & 4 East Elevation

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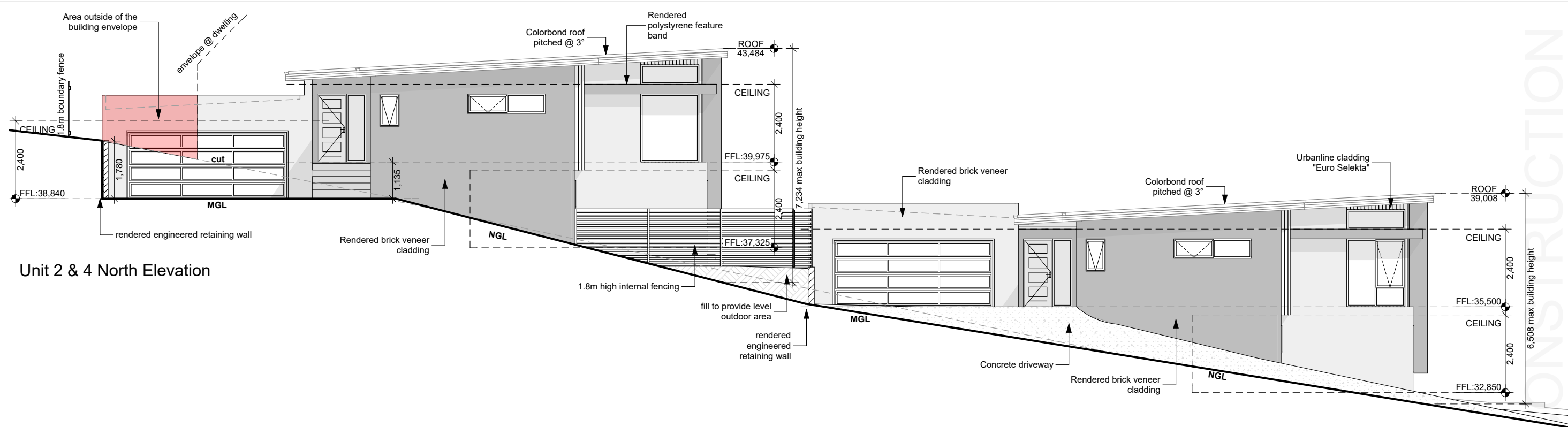
Elevations 03



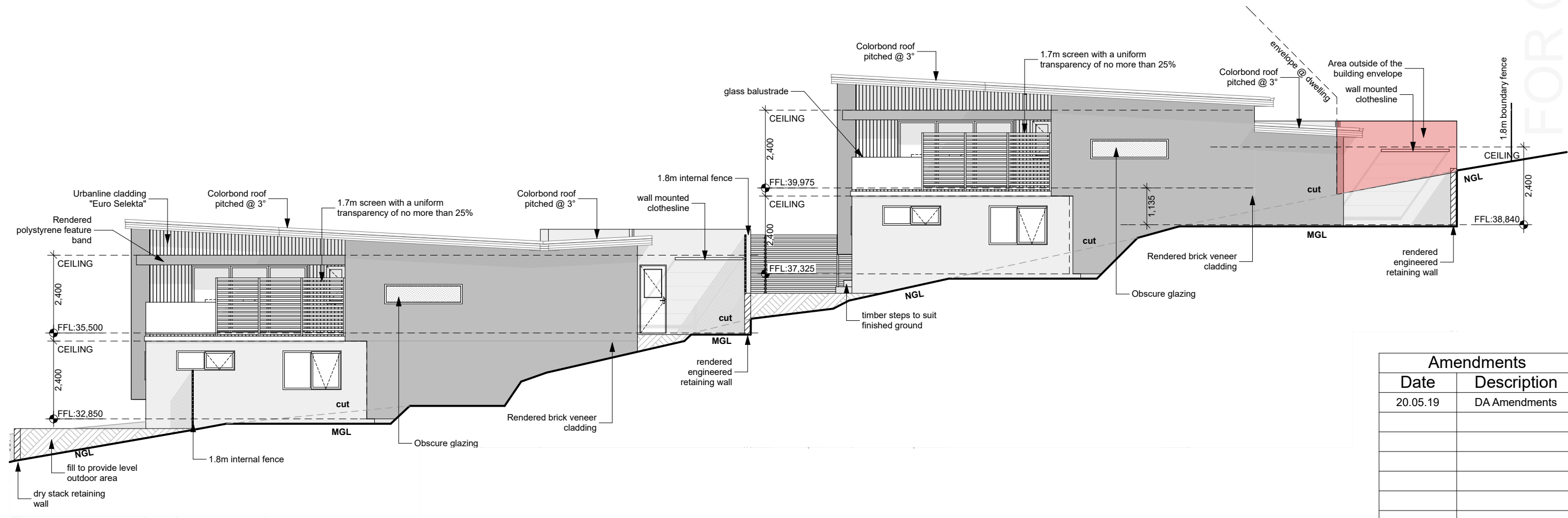
Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 22-2019	Pg No: DA.11
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	
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Amendments	
Date	Description
20.05.19	DA Amendments





Unit 2 & 4 North Elevation



Unit 2 & 4 South Elevation

Elevations 04



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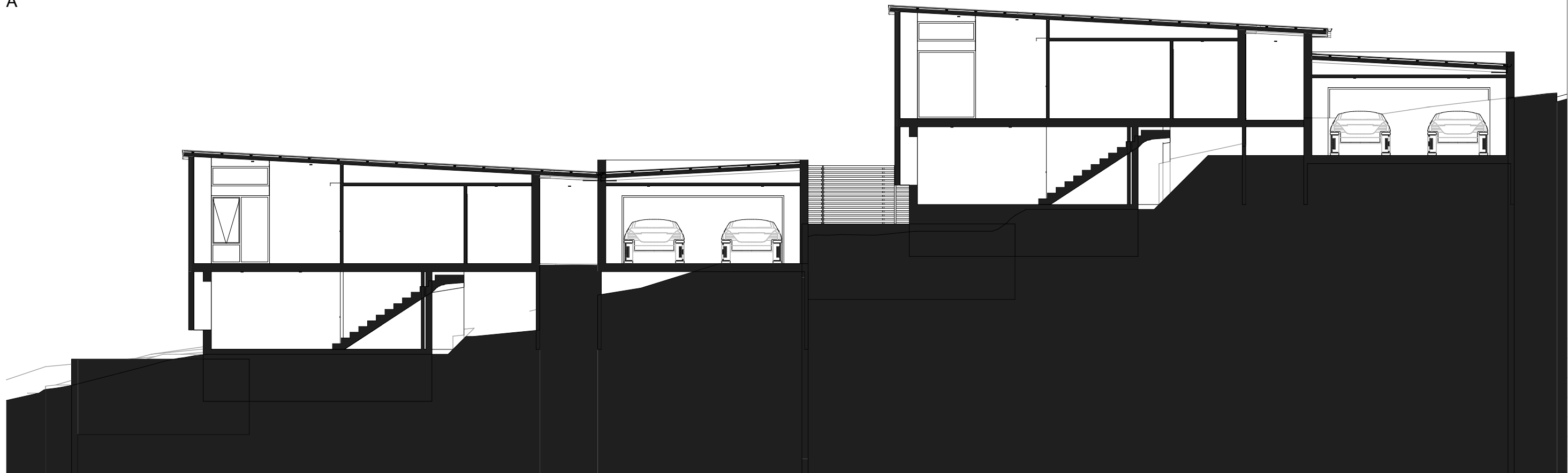
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Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	
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Amendments	
Date	Description
20.05.19	DA Amendments





A



B

Sections



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Proposal:	Unit Development	Scale: 1:125 @ A3	Job No: 22-2019	Pg No: DA.13
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au





SHADOWS @ 0900 ON JUNE 21st



SHADOWS @ 1000 ON JUNE 21st



SHADOWS @ 1100 ON JUNE 21st

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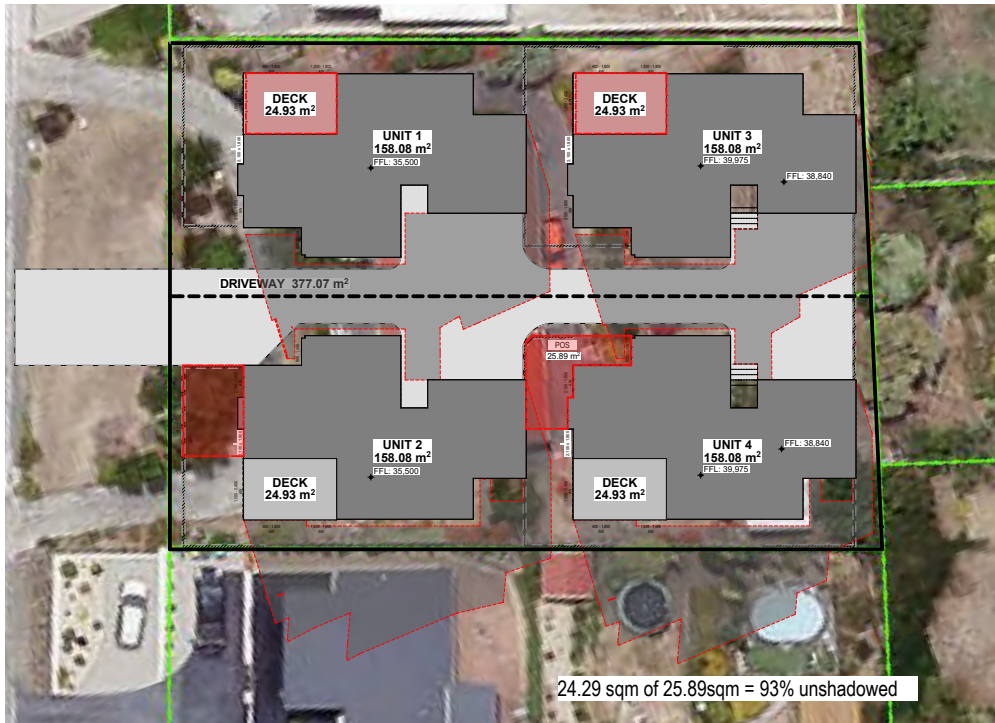
Shadow Study 01



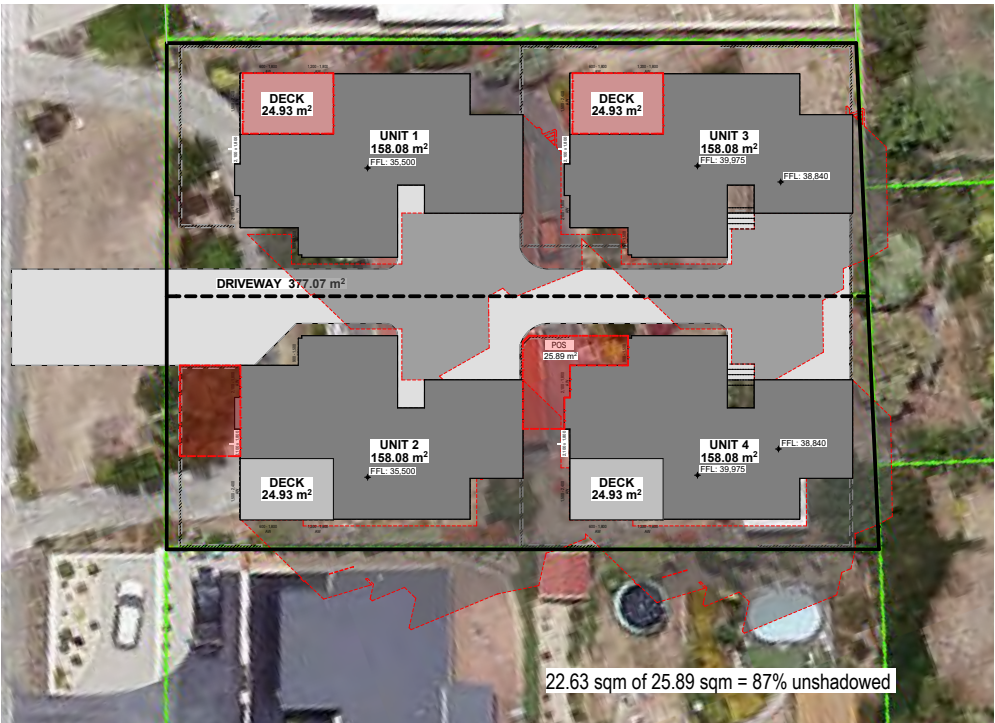
Proposal:	Unit Development	Scale: 1:500 @ A3	Job No: 22-2019	Pg No: DA.14
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
20.05.19	DA Amendments

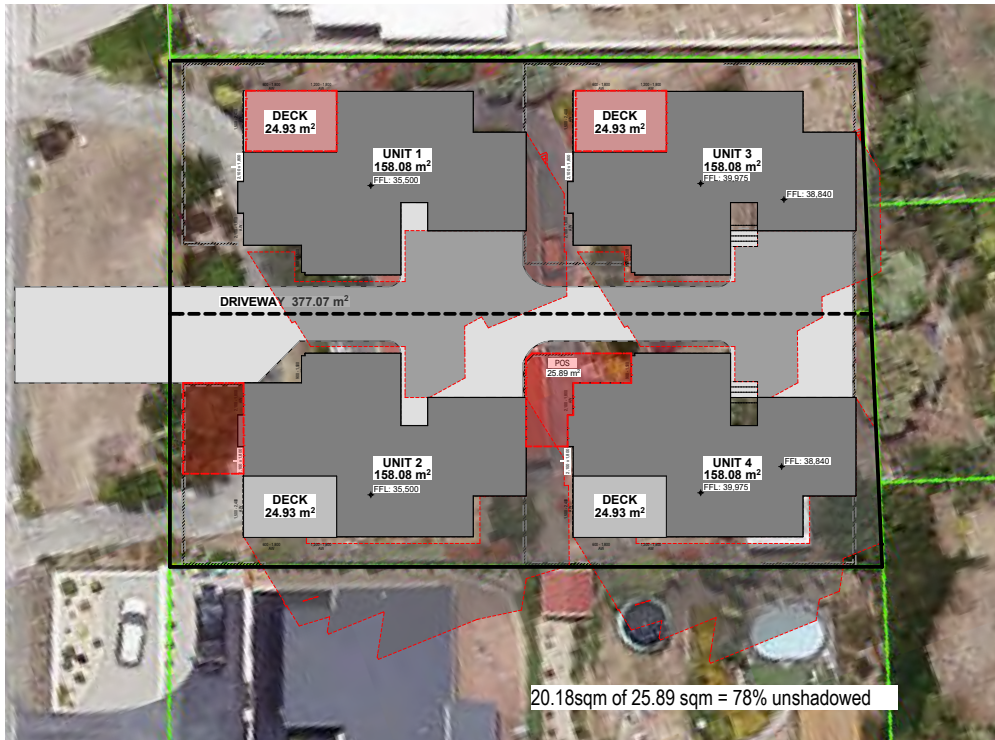




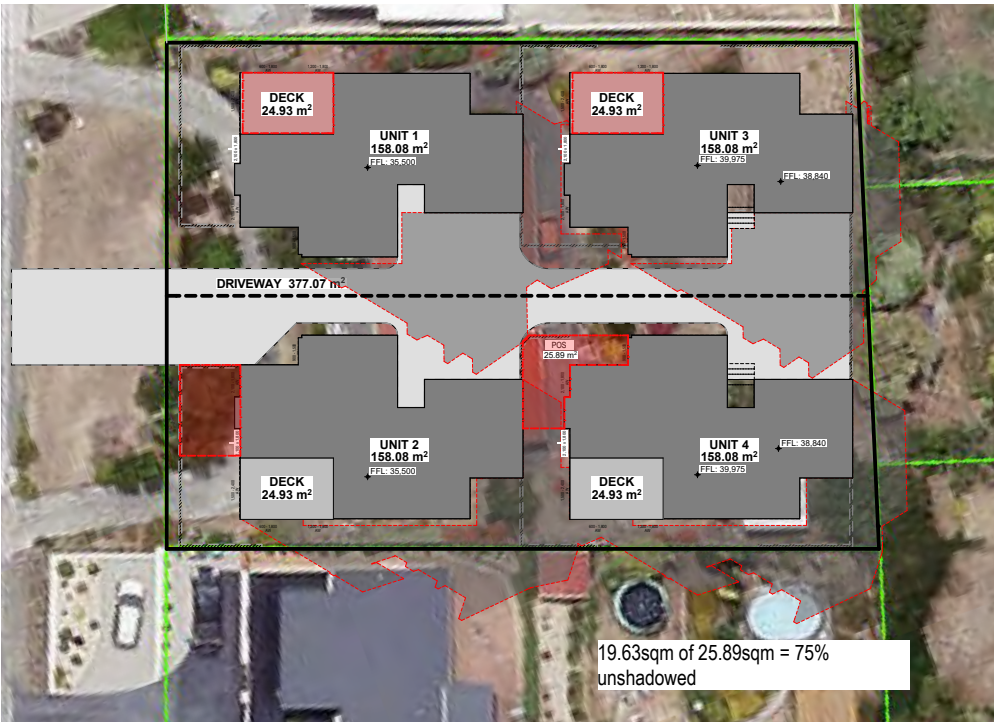
SHADOWS @ 1200 ON JUNE 21st



SHADOWS @ 1400 ON JUNE 21st



SHADOWS @ 1300 ON JUNE 21st



SHADOWS @ 1500 ON JUNE 21st

Shadow Study 02



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Proposal:	Unit Development	Scale: 1:500	@ A3	Job No: 22-2019	Pg No: DA.15
Client:	Moorcroft Builders	Date: 18.03.19		Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN		Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au					

Amendments	
Date	Description
20.05.19	DA Amendments





3D Shadows @ 0900



3D Shadows @ 1200



3D Shadows @ 1500

Shadow Study 03

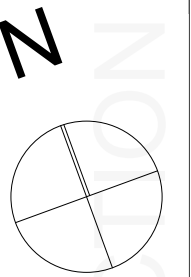
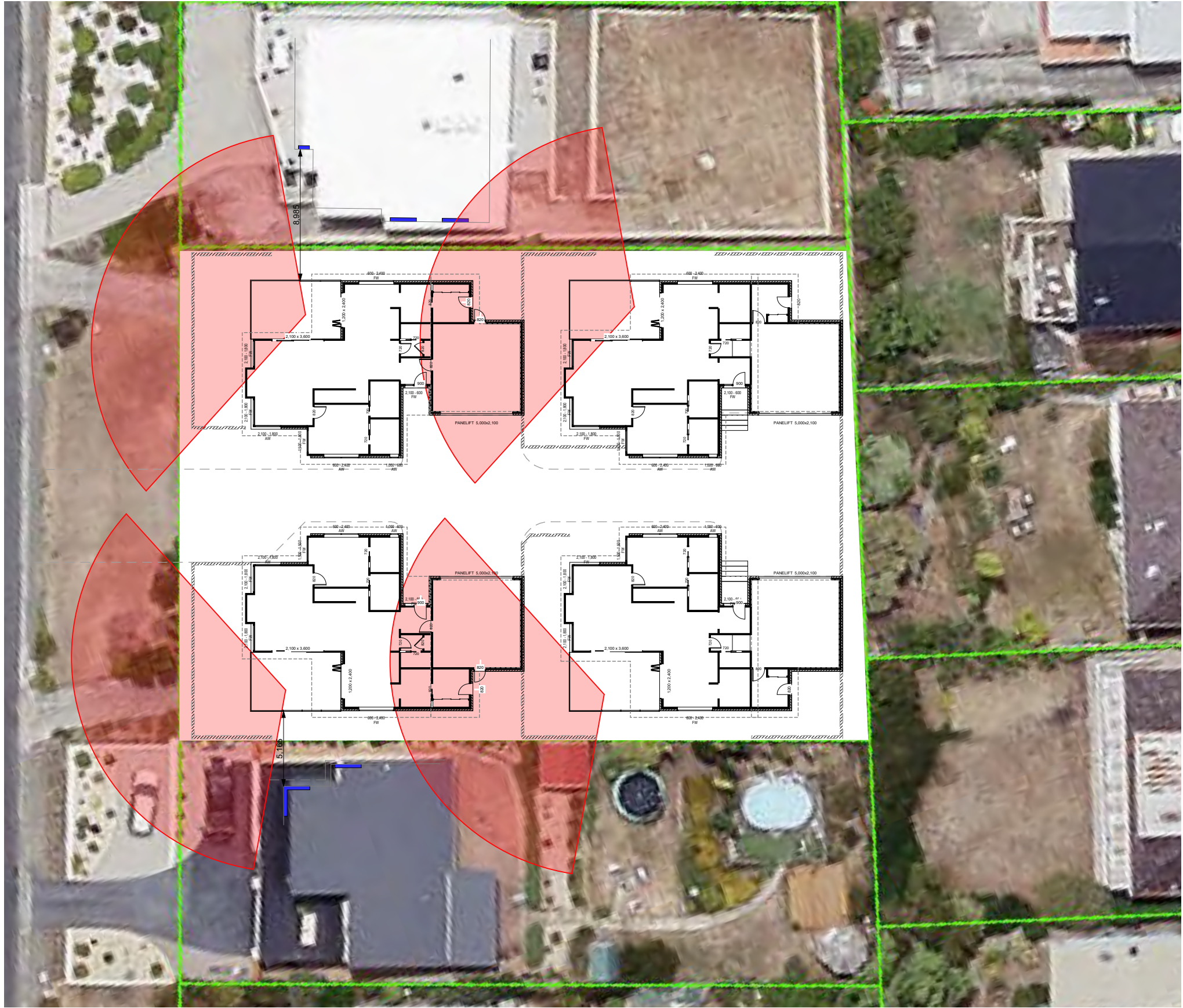


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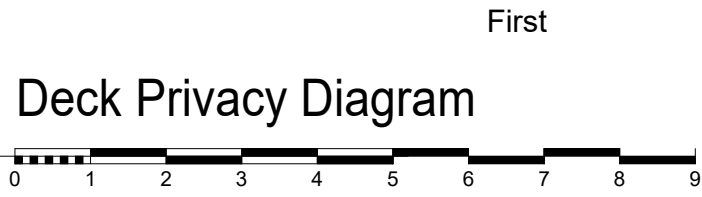
Proposal:	Unit Development	Scale: 1:261.68 @ A3	Job No: 22-2019	Pg No: DA.16
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
20.05.19	DA Amendments





NOT FOR CONSTRUCTION



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Proposal:	Unit Development	Scale: 1:300	@ A3	Job No: 22-2019	Pg No: DA.17
Client:	Moorcroft Builders	Date: 18.03.19		Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN		Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au					

Amendments	
Date	Description
20.05.19	DA Amendments



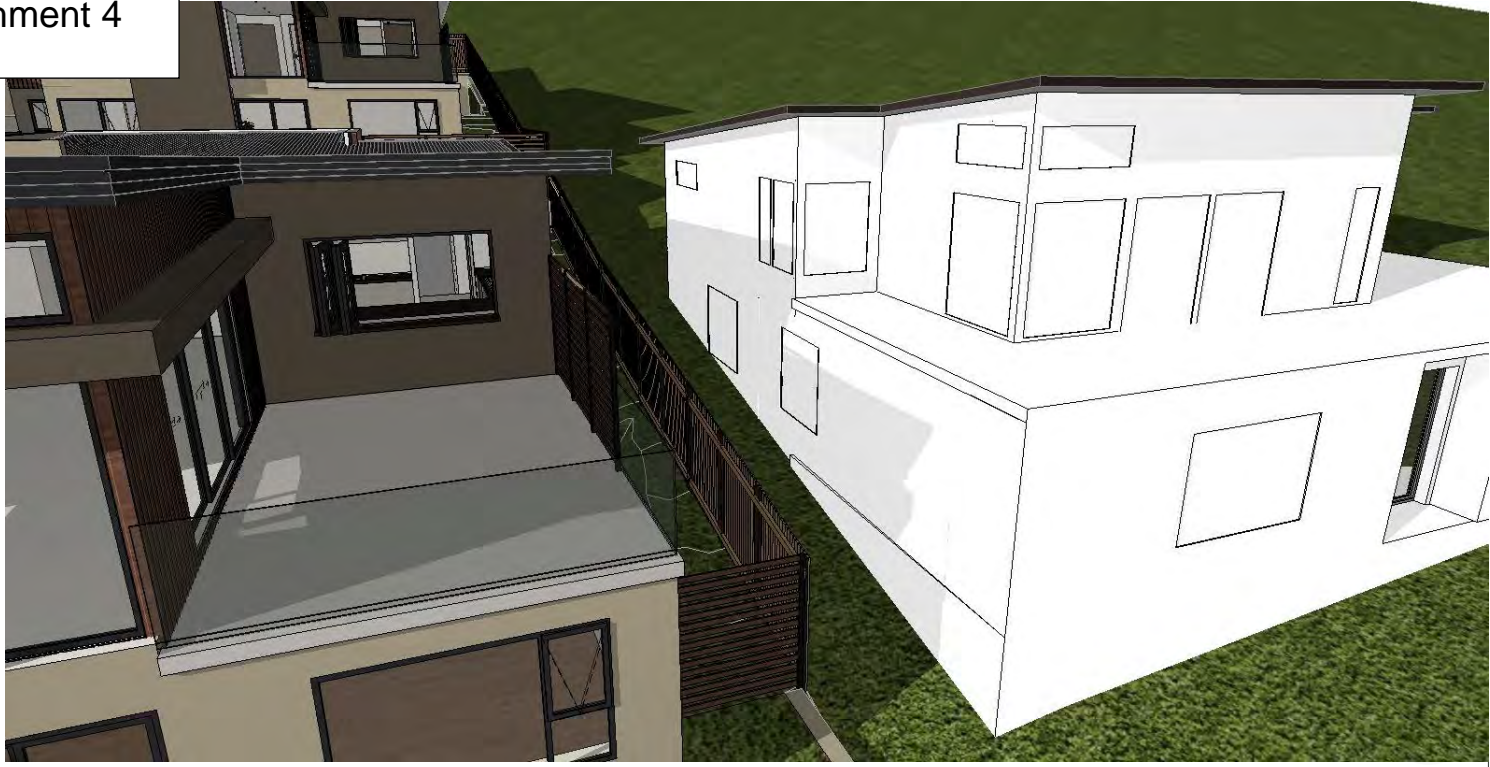
Attachment 3



View of the site from Kaoota Road.



SHADOWS @ 0900 ON JUNE 21ST



SHADOWS @ 1200 ON JUNE 21ST



SHADOWS @ 1500 ON JUNE 21ST

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Shadow Study 04



Proposal:	Unit Development	Scale: 1:285.71 @ A3	Job No: 22-2019	Pg No: DA.18
Client:	Moorcroft Builders	Date: 18.03.19	Engineer:	
Address:	64 Kaoota Rd, Rose Bay 7015	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au				

Amendments	
Date	Description
20.05.19	DA Amendments



11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001133 – 25 DILLON STREET, BELLERIVE - FENCE EXTENSION (RETROSPECTIVE)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Fence Extension (Retrospective) at 25 Dillon Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access 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 1 August 2019.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a Fence extension (Retrospective) at 25 Dillon Street, Bellerive (CI Ref PDPLANPMTD-2019/001133) be refused for the following reasons.
1. The proposal is inconsistent with the front fences for all dwellings objectives at 10.4.7(c) of the Clarence Interim Planning Scheme 2015.
 2. The proposal does not satisfy the Performance Criteria 10.4.7 P1 due to the fence not being compatible with the height and transparency of fences in the street. Specifically, there are no other examples in the street and the topography and traffic volumes does not warrant the proposed solution.

ADVICE

If a permit is not granted, the structure must be removed within 60 days of the date of the decision otherwise Council may take enforcement action.

- 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**

Permit D-2017/65 was issued on 10 April 2017 for additions to the dwelling which include a swim spa. BPA-2017/421 was issued in 2017 for these works. Following construction of the works approved by the above permits, the developer constructed a timber screen on the inside of the boundary fence which extended the fence for an additional 550mm for a 6.684m portion of the fence, without approval.

The Clarence Local Planning Provisions have been adopted and are currently with the Tasmanian Planning Commission for review. While these provisions do not have statutory standing yet, it is noted that the site falls within the Proposed “Bellerive Area Bluff Specific Plan”. This plan was developed to implement the “Bellerive Bluff Precinct – Neighbourhood Character and Urban Design Framework Study” (2016), which Council commissioned.

Although previously unsupported by the Commission as a stand-alone planning scheme amendment, Council determined to resubmit it as part of the Local Planning Provisions, to allow for its reconsideration in the context of the complete set of local planning controls in the new planning scheme.

The stated Purpose of the Specific Area Plan is to recognise the role and distinctive character of the Bellerive Bluff, in terms of its landscape setting, settlement pattern and built form and to implement the above study. The Specific Area Plan includes a range of controls to meet that Purpose and with reference to the current planning application, seeks to ensure “development contributes to the sociability of the neighbourhood” with an Acceptable Solution to allow a fence within 4.5m of a frontage not exceeding 1.2m in height.

The Corresponding Performance Criteria provides a discretion allowing a fence that contributes to neighbourhood sociability having regard to factors including the extent that the street is overviewed from the dwelling, having regard to height, materials and construction. In this case, there is no overviewing of the street.

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; and
 - Section 10 – General Residential Zones.
- 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 residential lot containing a single storey dwelling. A swim spa and associated decking (approved by D-2017/65) is located between the dwelling and the north-eastern boundary. A solid 1.8m brick fence is located along most of the north-eastern boundary. A 1.8m fence continues along the remainder of the north-east and north-west boundary but has a degree of transparency as the sections between the posts are constructed using horizontal timber slats with gaps between.

3.2. The Proposal

The proposal is for retrospective approval of a 6.684m fence extension which has a maximum height of 2.350m from natural ground level. The applicant proposed the fence extension to ensure compliance with the safety standards under the Building Code and provide additional privacy from overlooking when buses use the bus stop adjacent to the site. These matters are discussed further below.

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 with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.7 A1	Frontage Fences for all dwellings	<p>A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p>	Does not comply as the proposed extension to the fence will have a maximum height of 2.35m.

		(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).	
--	--	---	--

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 10.4.7 as follows.

Performance Criteria	Proposal
<p><i>“P1 - A fence (including a free-standing wall) within 4.5m of a frontage must:</i></p> <p>(a) <i>provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and</i></p> <p>(b) <i>be compatible with the height and transparency of fences in the street, taking into account the:</i></p>	<p>The property supports a single storey dwelling and includes a swim spa and decking located between the dwelling and north-eastern boundary fence.</p> <p>The timber screen on top of the fence which extends for 6.684m along the boundary will provide for privacy when the landowners are using the swim spa. The existing (approved) boundary fence is a solid brick wall and the existing (approved) 1.8m fence did not provide for any passive surveillance of the street from the northern side of the dwelling. On this basis, the proposal will not affect the existing passive surveillance between the street and the northern part of the site.</p> <p>The site is generally flat and therefore there are no constraints in regard to its topography.</p>

<p>(i) <i>topography of the site; and</i></p> <p>(iii) <i>traffic volumes on the adjoining road</i>".</p>	<p>Dillon Street is a residential street and Council's Engineers consider that the traffic volumes on this street would not warrant any additional noise attenuation measures.</p> <p>The majority fences in the streetscape are timber picket fences up to approximately 1.8m in height. There are a few examples of solid fences along Dillon Street, however, these fences do not extend for the whole length of the boundaries and therefore provide some degree of passive surveillance between the road and dwelling. In addition, there are no examples that are visible in the streetscape which are as high as the proposed screen.</p> <p>Photos in Attachment 1 show the fences in the surrounding streetscape.</p> <p>The applicant has provided examples of other similar developments (see Attachment 2), however, two of the examples relate to walls of the dwelling which are built up to the boundary and not relevant to the assessment and the other is not visible from the site.</p> <p>The height of the screen above the existing fence is not considered to meet the performance criteria as it is incompatible with other fences in the street. In addition, the traffic volumes in the street do not warrant additional attenuation measures.</p>
---	--

	<p>While the fence extension will ensure compliance with the Building Code (BCA) requirements, this is not a relevant consideration under the performance criteria of the scheme. Notwithstanding, information was sought from the applicant as to whether alternative solutions were available to ensure compliance with the BCA. The applicant did not identify an alternative solution; however, Council's Building Officer considers that there may be alternative methods of ensuring compliance with the safety standards. Under AS1926.2 pool fencing only needs to be 1.2m high. The previous 1.8m high wall would have complied with the AS and does not require additional height.</p>
--	--

5. REPRESENTATION ISSUES

There were no representations received during the advertising period.

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

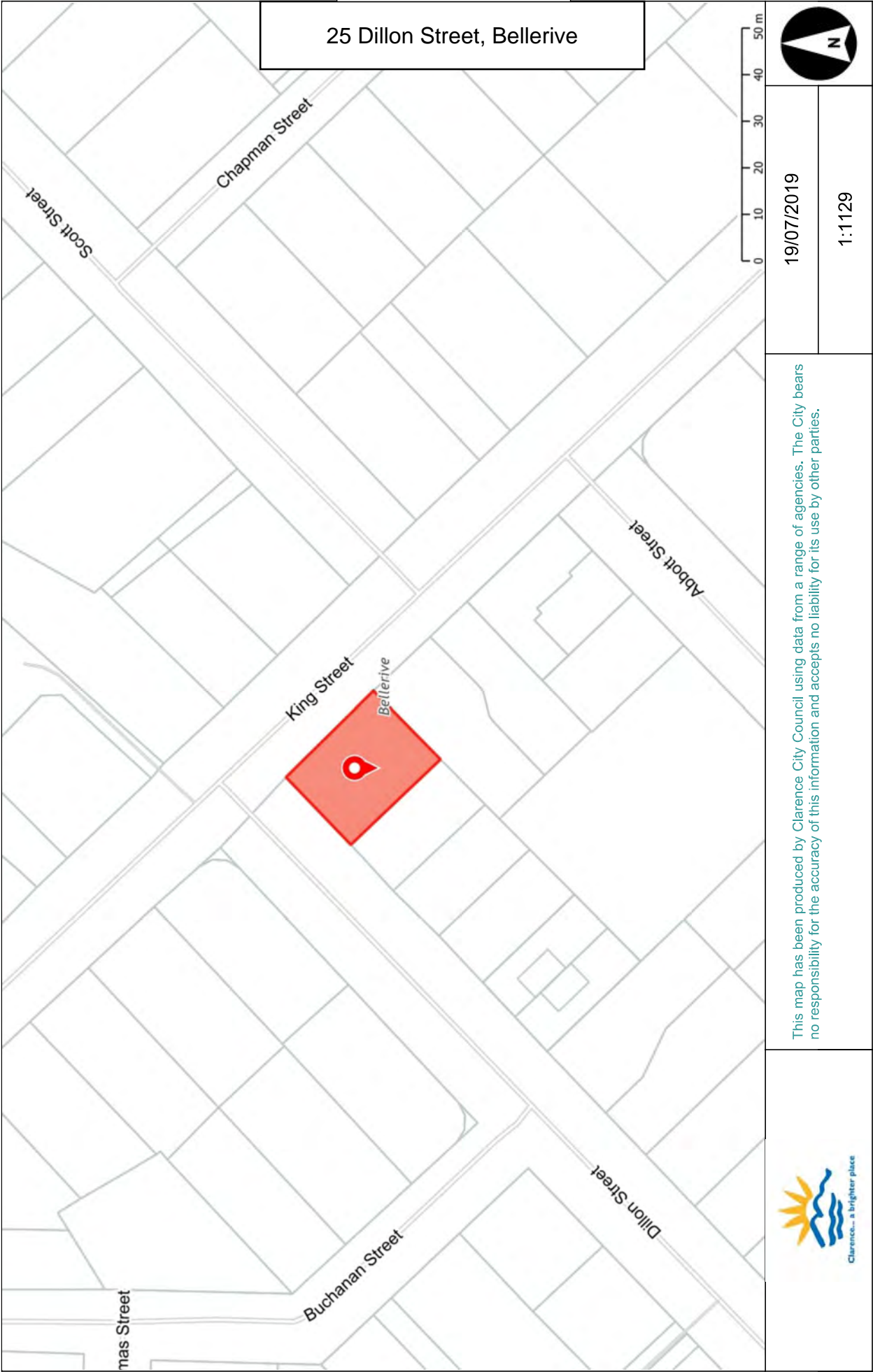
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal is for retrospective approval for a fence extension. The proposal is not considered to meet the standards of the Scheme and is recommended for refusal.

Attachments: 1. Location Plan (1)
2. Proposal Plan (4)
3. Site Photos (3)

Ross Lovell
MANAGER CITY PLANNING



Attachment 2

Existing house (roof line unchanged as part of extension and renovation)

Site access limited to one point wherever possible

Proposed Addition (including new living, deck, swim spa, shed and carport)

existing sheds and carport (shown dotted in red) to be demolished- all buuildings to be demolished in a sensitive way to all neighbours with particular attention being paid to dust production.

Site Coverage Calcs:

Block size: 532sqm
Floor Area: 124.3sqm (exist), 53.7sqm (proposed)
Private Open Space: 105sqm
Site coverage: 185.7sqm (34.9%)
Impervious Surface: 164.6sqm (30.9%)

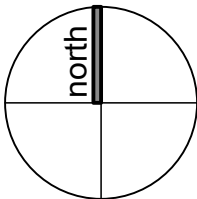
Heights:
AHD levels as supplied by Rogerson and Birch Surveyors.

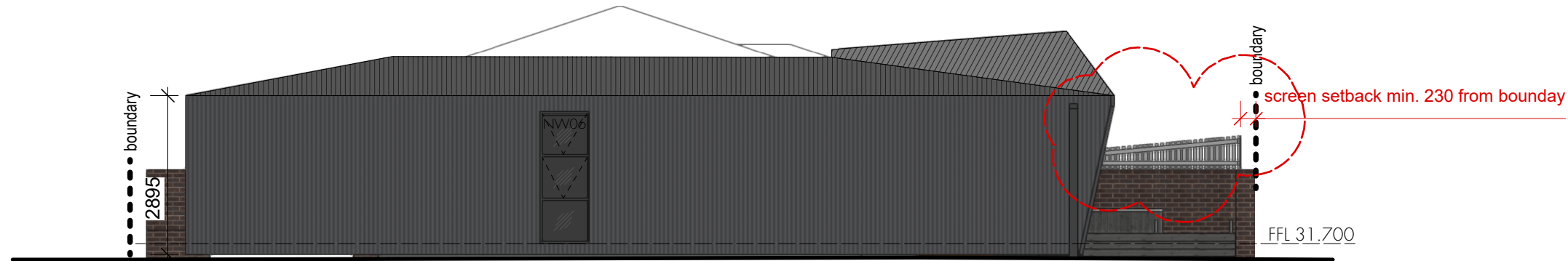
Energy Efficiency Requirements:
Energy report from Independent Energy Advisory Service to be supplied with Building Approval documents.

Notes:
All runoff and sediment control structures will be regularly checked and maintained in functional condition, particularly after rain.

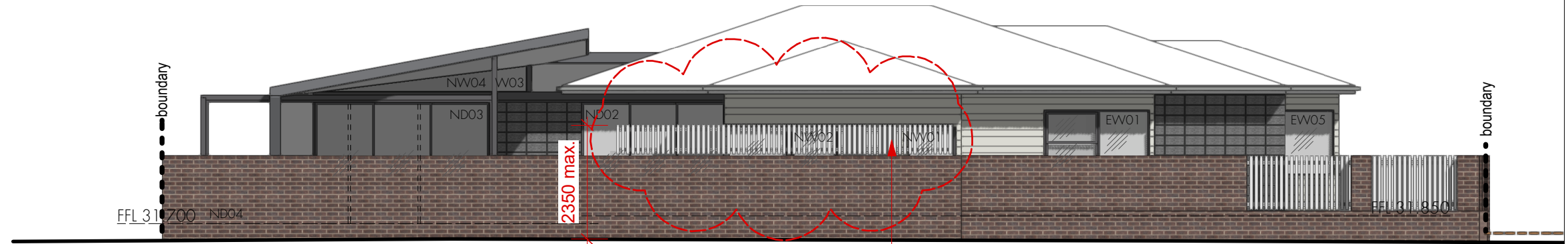
All vegetation outside the excavation area will be retained.

Remaining disturbed areas will be revegetated immediately after construction is completed.





Southern Elevation



Additional screen added to top of existing brickwork for pool safety compliance and privacy from adjacent bus stop



Northern Elevation

External walls of existing house are to have original weatherboards revived and painted Dulux "Monk" and roof reclad with colorbond "Shale Grey"



Western Elevation

Notes:

- All Exposed Steelwork to be waterproof primed immediately then painted Monument.
- New Roof/Custom Fascia in Colorbond "Monument", Existing reclad in Shale Grey.
- New Windows and Doors Powdercoated Colorbond Monument other than white to Kitchen
- All external walls to have bulk insulation of R2.5 (internally to existing building) or higher installed and wrapped in TuffStuff or similar prior to placement of Colorbond/CFC.
- All ceilings are to be insulated with R5.0 bulk insulation + R1.3 anti-con blanket
- R1.5 Compressed Foam insulation under new slab
- Line eaves with 6mm CFC Sheet, 2mm sealant joins, painted Dulux "White on White" UNO

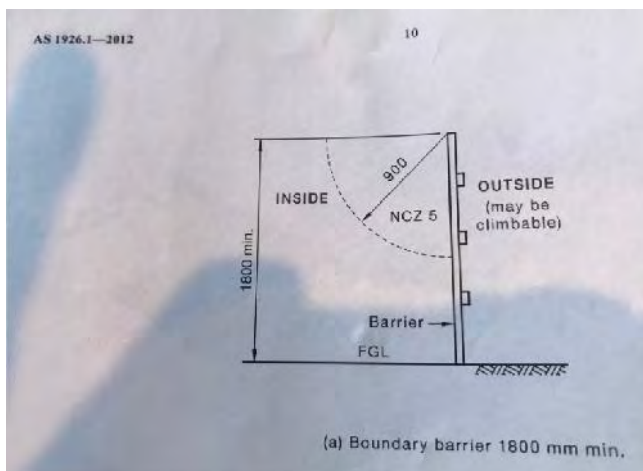
Date: 22.05.19

Re: Response to RFI from Council dated 20th May 2019

Dear Lisa,

We worked diligently with both Clarence City Council and also Holdfast Building Surveyors with the design and documentation of the proposed extension and renovation of 25 Dillon St, Bellerive.

The design was documented thoroughly and fully approved by both the council and building surveyors, however during site inspections late in the building process, the building surveyors noticed an anomaly on the plan regarding the safety fencing around the swim spa, they advised that when looking at the built deck around the spa in relation to AS1926.1 the internal line of the existing brick fence (which was 1800 above NGL not the decking skirt around the swimspa) would need to be raised to provide the minimum in compliance with the AS (see clause attached below).



That revised assessment and direction (the screen was needed for both occupant and passer-by safety immediately) from Holdfast is what has lead to us seeking a planning amendment (or new application as the case may be) during the process of completing the build- it hasn't yet had a final as we still need to sort this safety screen issue, we certainly never intended to have the screen there and pushed firmly for another interpretation of the standard, however their on-site assessment was correct.

As far as justification for performance criteria, we feel that there is no greater security than personal safety and wellbeing (particularly that of young residents and visitors) provided by an adequate and compliant pool safety barrier (a pleasant added benefit of this safety screen is the increased privacy given by precluding the regular prying eyes from numerous buses stopping right outside the pool and living space of the dwelling).

There are numerous examples of similar fences and dwelling offsets equivalent up and down King St as well as various adjacent side streets, probably the most relevant example is 33 King St (next door to subject property-shown below along with 7 Victoria Esp and 50 King St) which has a sun room and verandah built right up to the boundary- thus providing a 2.9m wall adjacent to our small proposed safety screen, which is visually still clearly a subtle inclusion in the streetscape.



Sincerely

Bruce Glanville (GLANNILLE architects \ ideas \ solutions)

Shop 3/5 Clarence St, Bellerive

www.glanville.net.au

bruce@glanville.net.au

0409 223 106 \ 6244 7266

Attachment 3



View of site from 25 Dillon Street.



View of the site and streetscape looking eastwards down Dillon Street.



View of the streetscape opposite the site looking eastwards along Dillon Street



View of the streetscape along Dillon Street looking westwards.



View of the streetscape along Dillon Street looking westwards.

11.3.5 DEVELOPMENT APPLICATION D-2019/170 – 24 THOMPSON WAY, CLIFTON BEACH - DWELLING, OUTBUILDING AND POOL**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling, Outbuilding and Pool (Re-advertised) at 24 Thompson Way, Clifton Beach.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 30 July 2019.

CONSULTATION

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

- visitor accommodation;
- height, size, mass – visual impact;
- development footprint; and
- inundation.

RECOMMENDATION:

A. That the Development Application for Dwelling, Outbuilding and Pool (Re-advertised) at 24 Thompson Way, Clifton Beach (Cl Ref D-2019/170) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

ADVICE

- a. Stormwater is to be collected and connected to the property stormwater system and is to comply with AS/NZS 3500.
- b. The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for the building permit application.

The bushfire assessment should also consider water for fire-fighting provision and access to the site for fire-fighting vehicles.

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

ASSOCIATED REPORT**1. BACKGROUND**

The applicant originally applied for a dwelling, pool, outbuilding and visitor accommodation. This proposal was advertised and two representations were received.

The issues raised by the representors were discussed with the applicant, who subsequently provided an amended proposal which removed the proposed guest house and saw the inclusion of an outbuilding. Some amendments were also made to the dwelling deck design and the height of the dwelling was reduced.

The application was re-advertised and no additional representations were received.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Village under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 16.0 – Village Zone;

- Section E1.0 – Bushfire-Prone Area Code;
- Section E16.0 – Coastal Erosion Hazard (Low, Med) Code; and
- Section E23.0 – On-Site Wastewater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 2023m² rectangular lot, located on the south-eastern side of Thompson Way. The rear boundary of the site adjoins the Clifton Beach dunes, namely a 30.48m wide Crown Reserve. The south-western side boundary adjoins a 10.06m wide right-of-way that provides pedestrian access to Clifton Beach.

The site is accessible via a series of rights-of-way, accessed via Bicheno Street.

The northern half of the site has been recently cleared of vegetation and is fairly level. The southern half contains coastal vegetation and has an upward slope towards the Crown Reserve.

On inspection of the site, an unapproved shipping container was observed, and the applicant was advised that planning approval may be required, and subsequently advised that it may be used in conjunction with the construction of the proposed development. This is to be confirmed with the applicant as the building would be exempt for this purpose.

3.2. The Proposal

The proposal is to construct a 95.96m² single dwelling with 2 deck areas adjoining a 36.72m² swimming pool. The proposal also includes a 48m² outbuilding and a 357.96m² driveway.

The dwelling would be a 3 storey split level and have a maximum height above natural ground level of 8.9m. The dwelling would be 3 storeys when viewed from Thompson Way and have 2 storeys facing the Crown Reserve and Clifton Beach.

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 Village Zone and relevant Codes with the exception of the following.

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A1	Building Height	Building height must be no more than: <ul style="list-style-type: none"> ● 8m. 	Does not comply. The proposed split-level dwelling would have a maximum height above natural ground level of 8.9m on the eastern and northern elevations (see Attachment 2). The majority of the dwelling is under 8.5m due to being 2 storey on the southern and western elevations.

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

Performance Criteria	Proposal
<p><i>“Building height must satisfy all of the following:</i></p> <p><i>(a) be consistent with any Desired Future Character Statements provided for the area;</i></p>	<p>There are no Desired Future Character Statements provided for the Zone.</p>
<p><i>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p><i>(i) overlooking and loss of privacy;</i></p> <p><i>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p> <p><i>(iii) visual impact when viewed from adjoining lots, due to bulk and height;</i></p>	<p>The site does not adjoin a lot containing residential development.</p> <p>The site adjoins a 10m wide pedestrian beach access to the south-west, a vacant lot adjoins the north-eastern side boundary and the south-eastern boundary adjoins a Crown Reserve.</p>
<p><i>(c) not unreasonably overshadow adjacent public space;</i></p>	<p>The dwelling would have a length of 14m adjacent the adjoining pedestrian beach access. As the adjoining access is over 100m in length, any potential overshadowing impacts from the proposal upon public open space would be minimal.</p>
<p><i>(d) allow for a transition in height between adjoining buildings, where appropriate;</i></p>	<p>not applicable</p>
<p><i>(e) be no more than 9.5m”.</i></p>	<p>complies</p>

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A2	Setback	<p>Building setback from side and rear boundaries must be no less than:</p> <p>(a) 2m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>Does not comply. The proposed dwelling would not be setback 2m from the south-western side boundary. The dwelling would be setback 3m from the south-western side boundary and the wall height is 6.3m.</p> <p>Therefore, a setback of 3.15m to the side boundary is required to meet the Acceptable Solution.</p>

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 16.4.2 as follows.

Performance Criteria	Proposal
<p><i>“Building setback from side and rear boundaries must satisfy all of the following:</i></p> <p><i>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p><i>(i) overlooking and loss of privacy;</i></p> <p><i>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p> <p><i>(iii) visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p> <p><i>taking into account aspect and slope”.</i></p>	<p>As stated above, the site adjoins a 10m wide beach access, vacant lot and Crown Reserve.</p> <p>Therefore, there would be no impact on residential amenity on adjoining lots.</p>

Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.7.1 A1	Building & Works	No Acceptable Solution.	Does not comply. The south-eastern corner of the dwelling would be located in the Medium area of the Code (see Attachment 2). The remainder of the dwelling, decks and the pool would be subject to the Low area of the Code.

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

Performance Criteria	Proposal
<p><i>“Buildings and works must satisfy all the following:</i></p> <p>(a) <i>not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i></p>	<p>Council’s Engineers are satisfied that the proposed development will not increase the level of risk to users of the site and neighbouring properties as the majority of the dwelling is located in the area covered by the Low level of the Code.</p> <p>There is no public infrastructure adjoining the site.</p>
<p>(b) <i>erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i></p>	<p>The proposed dwelling would be located almost 20m from the rear boundary of the lot which adjoins a 30m wide reserve encompassing the Clifton Beach dunes. Council’s Engineers are satisfied there is no erosion risk from wave run-up associated with the proposal.</p>
<p>(c) <i>erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i></p>	<p>not applicable</p>
<p>(d) <i>need for future remediation works is minimised;</i></p>	<p>There will not be an increase in the demand for remediation works as a result of the proposal.</p>
<p>(e) <i>health and safety of people is not placed at risk;</i></p>	<p>The lot is zoned for residential use it is not considered that the health and safety of people is placed at risk due to the dwelling primarily being in an area subject to the Low level of the Code.</p>

<i>(f) important natural features are adequately protected;</i>	The proposed dwelling would be located almost 20m from the rear boundary of the lot which adjoins the 30m wide reserve encompassing the Clifton Beach dunes. This is considered adequate protection of the Crown Reserve and Clifton Beach foreshore.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	Access to Clifton Beach will not change as a result of the proposal.
<i>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	Access to the site is outside the area covered the Code.
<i>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	not applicable
<i>(j) not be located on an actively mobile landform”.</i>	not applicable

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 2 representations were received. It is noted that these were received during the first advertising period and once visitor accommodation was removed from the proposal no representations were received. Notwithstanding, the following issues were raised by the representors.

5.1. Visitor Accommodation

Representors were concerned about visitor accommodation proposed in the original application.

- **Comment**

This issue is not relevant as visitor accommodation does not form part of the revised proposal.

5.2. Height, Size, Mass - Visual Impact

Both representations raised concern in relation to the height, size, mass of the proposed dwelling in terms of the development being inconsistent with the low visual impact of other dwellings in Thompson Way.

The visual impact of the dwelling when viewed from the beach and the unique amenity provided by the beach is said to be at risk, due to the proposed dwelling height.

- **Comment**

The proposed dwelling height is considered to satisfy the relevant Performance Criteria in the Scheme for reasons highlighted in the Planning Assessment section of this Report. The dwelling height was 9.2m during the original advertising period when the representations were received.

The dwelling height for the current proposal has been reduced and would be a maximum of 8.9m above natural ground level facing Thompson Way. The dwelling would have a maximum height of 6.7m above natural ground level facing the Crown Reserve and Clifton Beach as shown in Attachment 2.

5.3. Development Footprint

One representor is concerned that the amount of construction is excessive in that the development is nearly double that of the existing dwelling next door.

- **Comment**

The development footprint of the original proposal included visitor accommodation and totalled 260.23m². The proposal now has a 215.41m² footprint. Given that the proposed site coverage is approximately 10.65%, the proposal is not considered to have a significant development footprint.

5.4. Inundation

One of the representors raised flooding on the lower area of the site as an issue. Their concern is that two residential buildings would increase flooding risk in this area and that the visitor accommodation would be in this location.

- **Comment**

As the visitor accommodation no longer forms part of the proposal, there would now only be one residential building at the property. Although the outbuilding would be located in the vicinity of the same area, the building would not be habitable, and the proposal is located outside areas covered by the Inundation Prone Area Code. Notwithstanding the above, Council's Plumbing Officers have advised that stormwater would need to be collected and managed within the property.

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 dwelling, pool and outbuilding at 24 Thompson Way, Clifton Beach. The proposal satisfies the relevant requirements of the Scheme and is recommended for conditional approval.

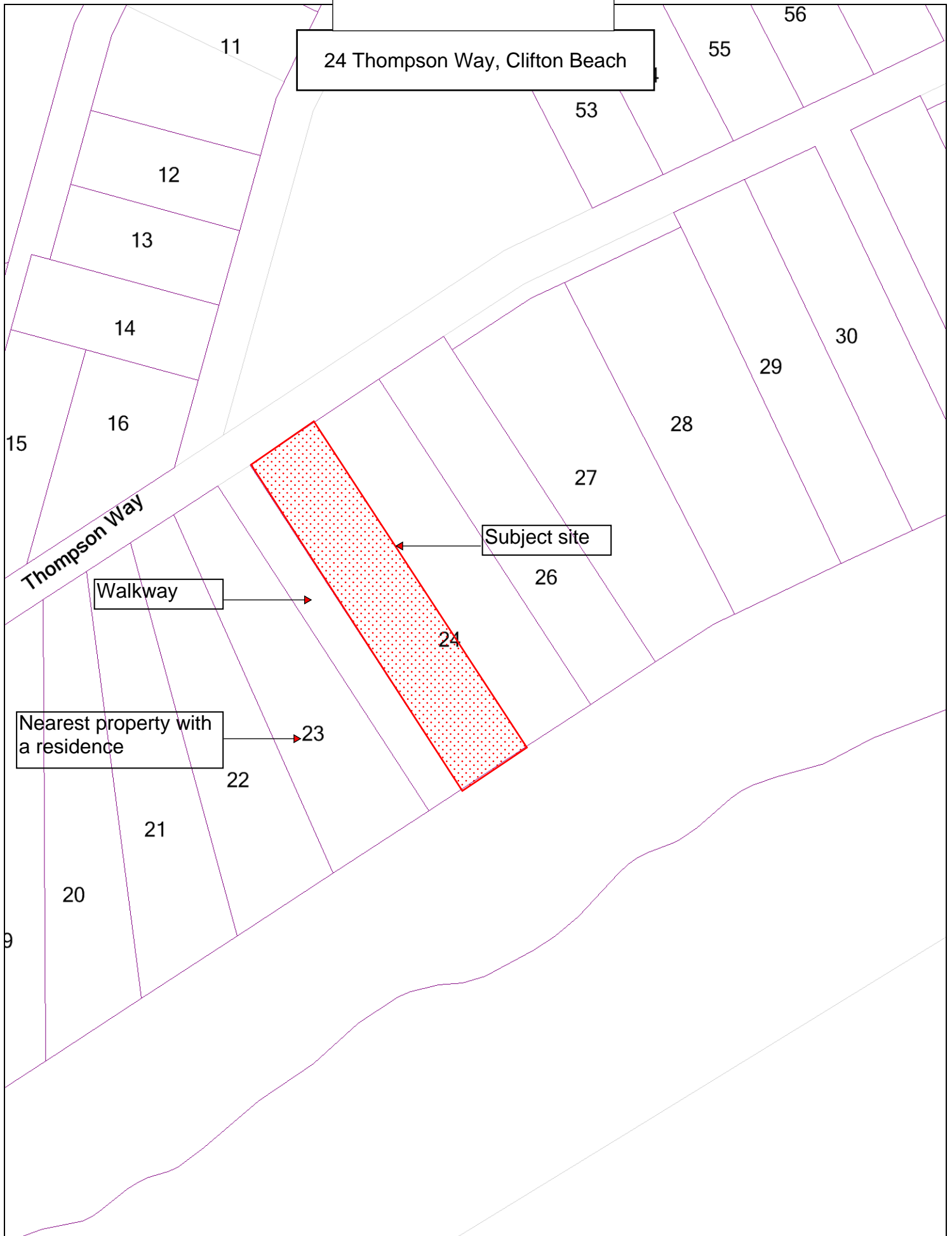
Attachments: 1. Location Plan (1)
2. Proposal Plan (9)
3. Site Photo (4)

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

24 Thompson Way, Clifton Beach



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, 22 July 2019 **Scale:** 1:1,243 @A4

DRAWING NO:	DESCRIPTION
A1.0	Location Plan
A2.0	Site Plan
A3.0	Entry Level & Ground Floor Plan
A4.0	First Floor Plan
A5.0	Elevations
A6.0	Elevations 2
A7.0	Perspectives
A8.0	Shed floor plan & Elevations



24 THOMPSON WAY, CLIFTON BEACH

SITE INFORMATION

Title Reference:

Wind Classification:

Soil Classification:

Climate Zone:

BAL Level:

Alpine Area:

Corrosion Environment:

Other Hazards:

Entry Floor Plan Area:

Ground Floor Plan Area:

First Floor Plan Area:

Deck 1 :

Deck 2 :

Shed:

112366/24

#WIND SPEED

"SAND"

7

"BAL29"

Coastal Erosion Hazard area

22.84m2

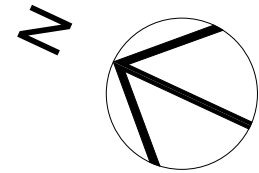
95.98m2

95.98m2

23.51m2

11.22m2

48m2

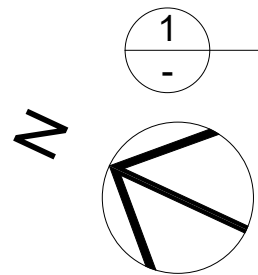
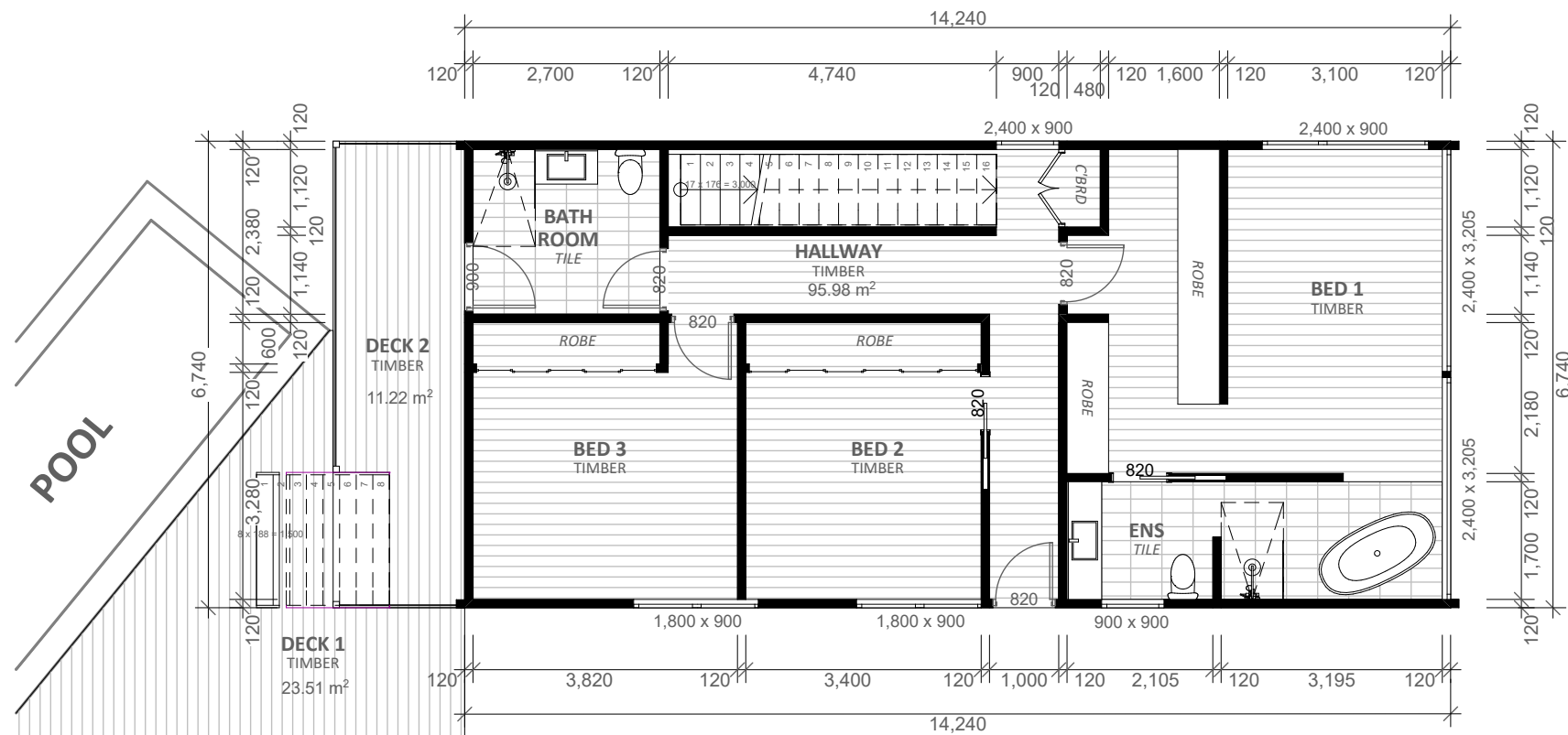
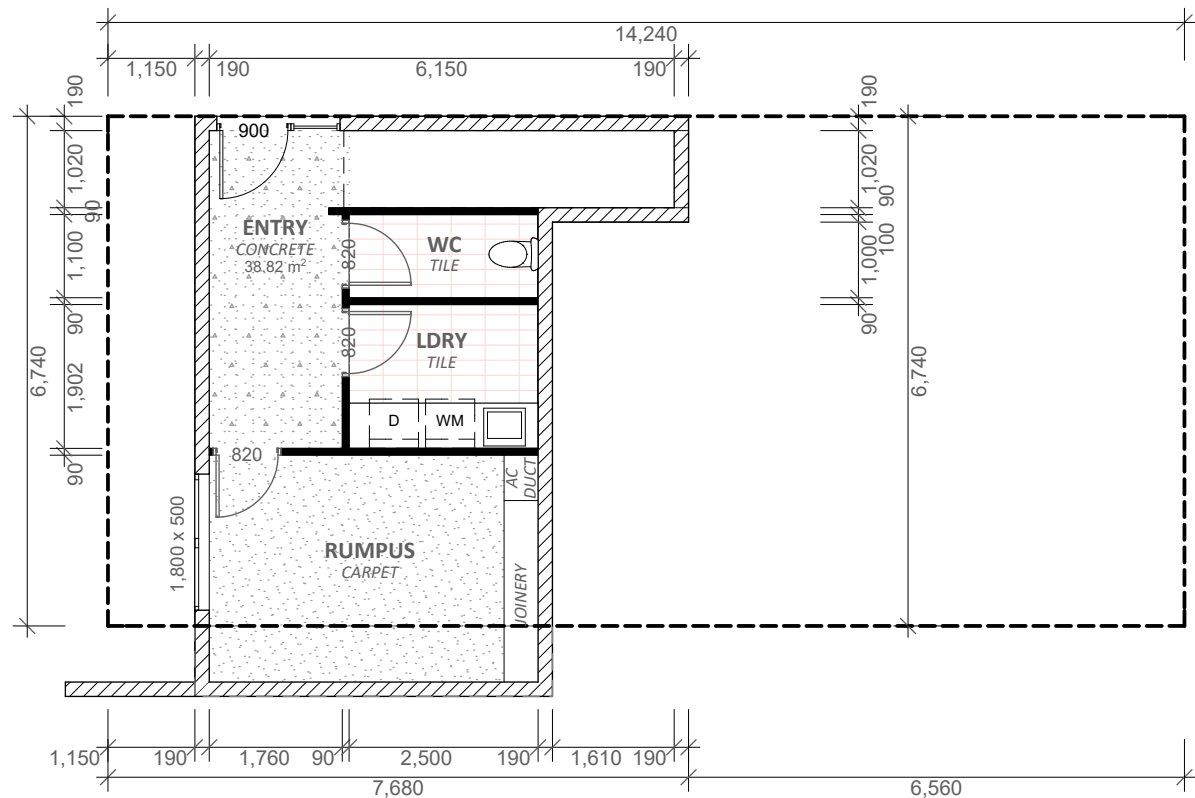


Location Plan



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	CLIENT: ADAM DIREEN ADDRESS: 24 THOMPSON WAY CLIFTON BEACH	REV	AMENDMENT	DATES	JOB NO: 1808	PROPOSAL: NEW DWELLING	STATUS: APPROVAL	PG NO. REV	
					LICENCE NO.	ENGINEER:	DATE: 04/05/19	A1.0	
					189009392	BUILDING SURVEYOR:	SCALE: @ A3		
					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU			

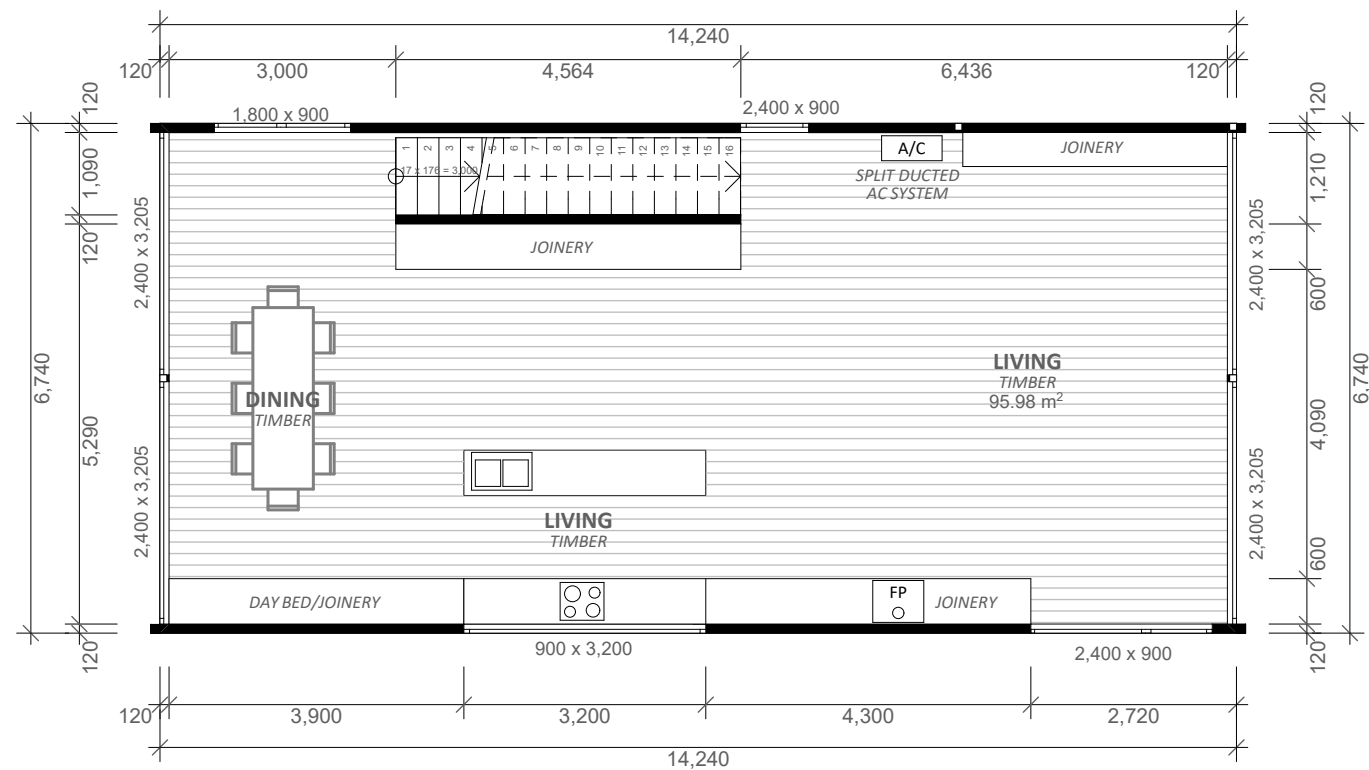


Entry Level & Ground Floor Plan

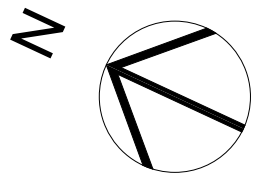


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				DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU		



3
- FIRST FLOOR PLAN
1:100 @ A3

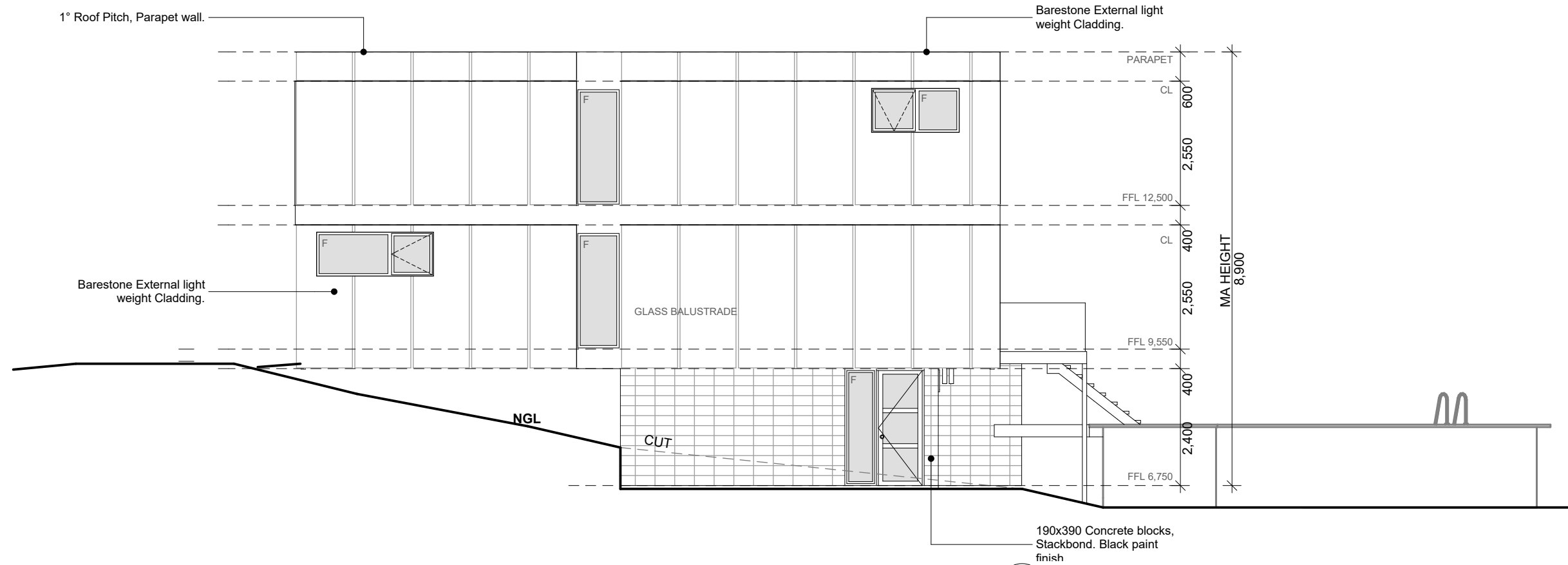


First Floor Plan

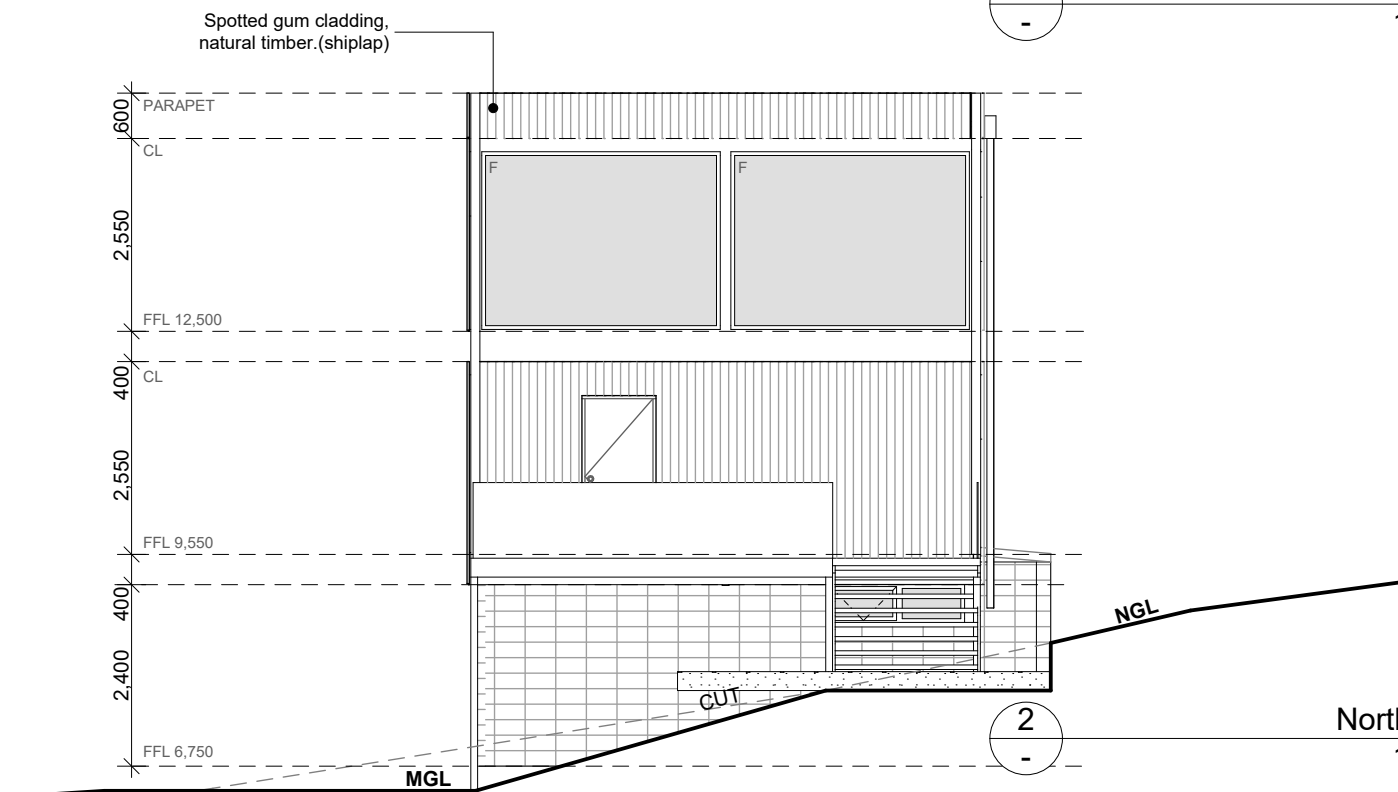


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	CLIENT: ADAM DIREEN ADDRESS: 24 THOMPSON WAY CLIFTON BEACH	REV	AMENDMENT	DATES	JOB NO: 1808	PROPOSAL: NEW DWELLING	STATUS: APPROVAL	PG NO. REV
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					DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU		



East Elevation
1:100 @ A3



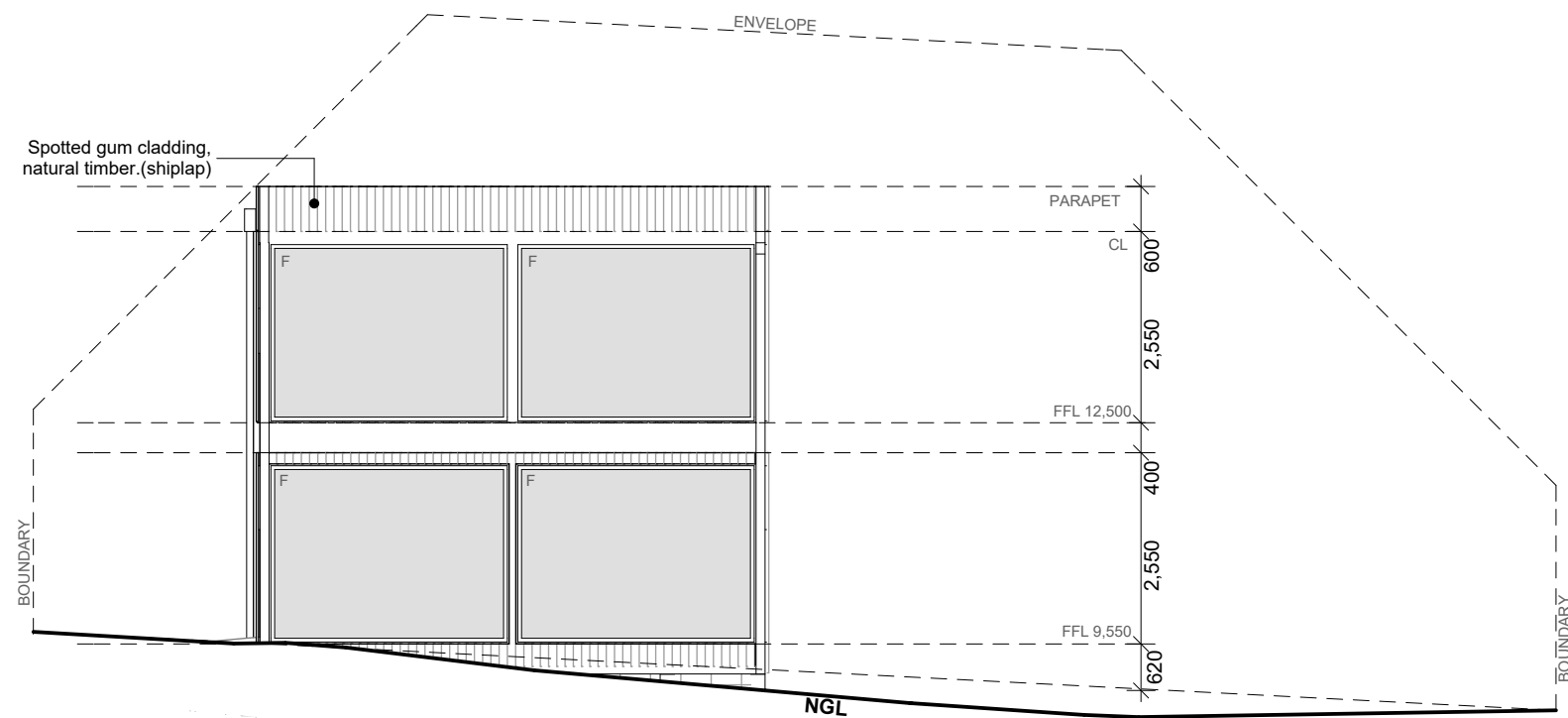
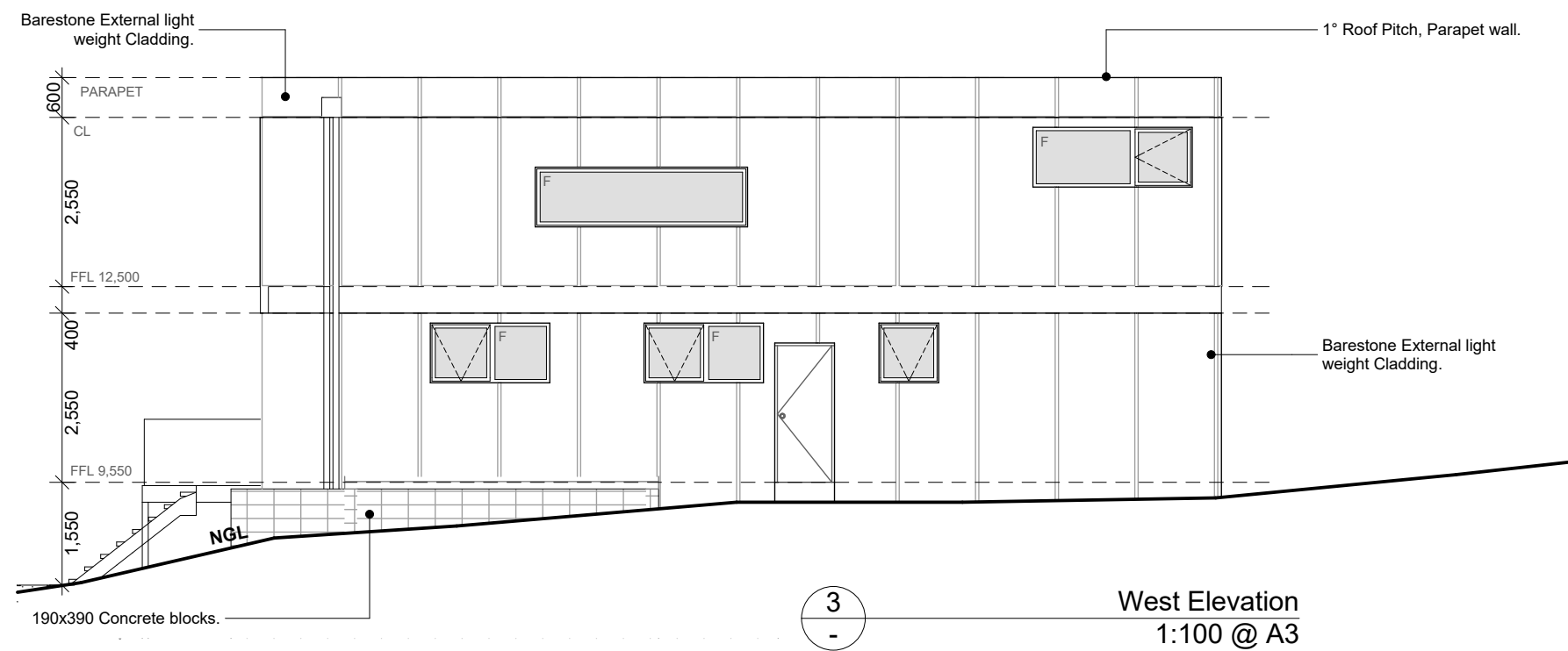
North Elevation
1:100 @ A3

Elevations



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<div>CLIENT: ADAM DIREEN</div> <div>ADDRESS: 24 THOMPSON WAY CLIFTON BEACH</div>	REV	AMENDMENT	DATES	JOB NO: 1808	PROPOSAL: NEW DWELLING	STATUS: APPROVAL	PG NO. REV A5.0
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				DRAWN: MK	MATT KENNEDY DRAFTING & DESIGN / 189009392 / 0405241677 / MATT@MATT-KENNEDY.COM.AU		



Elevations 2



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<div>CLIENT: ADAM DIREEN</div> <div>ADDRESS: 24 THOMPSON WAY CLIFTON BEACH</div>	REV	AMENDMENT	DATES	JOB NO: 1808	PROPOSAL: NEW DWELLING	STATUS: APPROVAL	PG NO. REV
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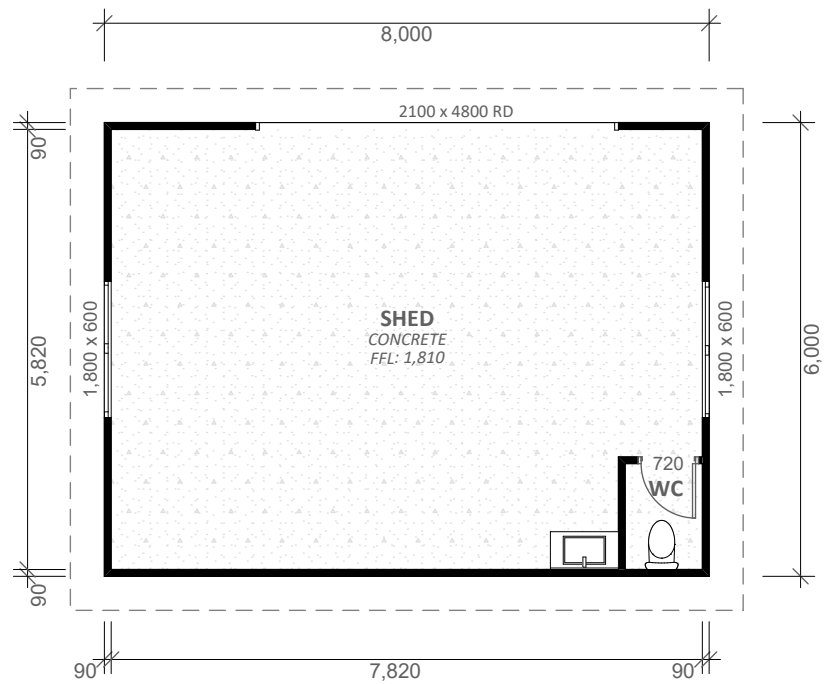


Perspectives

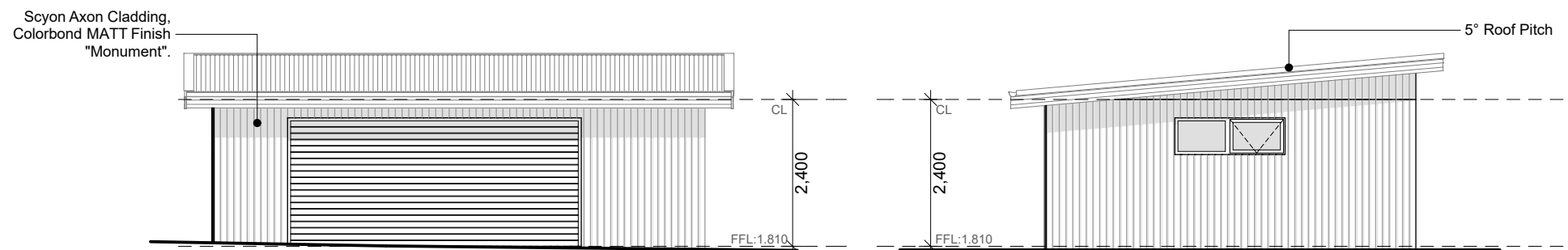


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	CLIENT: ADAM DIREEN ADDRESS: 24 THOMPSON WAY CLIFTON BEACH	REV	AMENDMENT	DATES	JOB NO: 1808	PROPOSAL: NEW DWELLING	STATUS: APPROVAL	PG NO. REV A7.0
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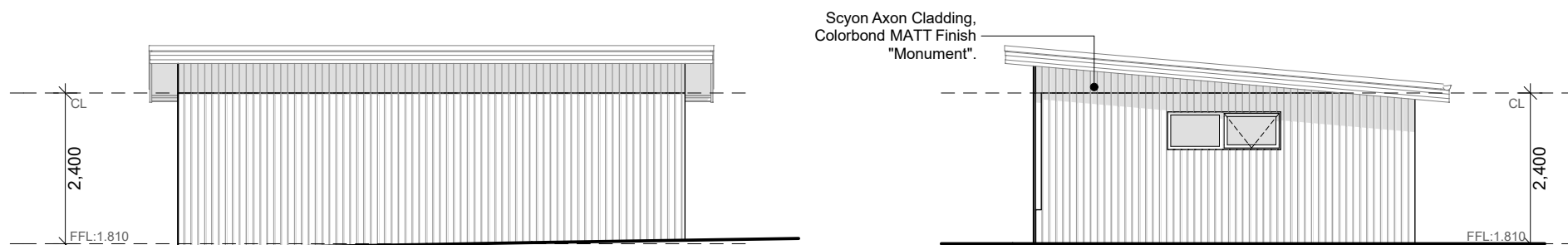


0
-
GROUND FLOOR PLAN
1:100 @ A3



1
-
North Elevatio
1:100 @ A3

2
-
East Elevation
1:100 @ A3



3
-
South Elevation
1:100 @ A3

4
-
West Elevation
1:100 @ A3

Shed floor plan & Elevations



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<div>CLIENT: ADAM DIREEN</div> <div>ADDRESS: 24 THOMPSON WAY CLIFTON BEACH</div>	REV	AMENDMENT	DATES	JOB NO: 1808	PROPOSAL: NEW DWELLING	STATUS: APPROVAL	PG NO. REV
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Attachment 3

Attachment 3 – Site Photos

24 Thompson Way, Clifton Beach



Site when viewed from Thompson Way, nearest residential dwelling (3 storey) in the background.



Pedestrian beach access walkway (10m wide) adjacent western side boundary of site.



Site when viewed from pedestrian beach access walkway.



Site looking towards rear boundary, Crown Reserve (30m wide) and Clifton Beach.



Public walkway looking towards site rear boundary, Crown Reserve (30m wide) and Clifton Beach.



View from Clifton Beach towards 24 Thompson Way.



Nearest residential dwelling, pedestrian beach access walkway is located between the site and this property.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 LEVELLING THE PLAYING FIELD GRANT PROGRAM – ANZAC PARK PAVILION UPGRADE****EXECUTIVE SUMMARY****PURPOSE**

To support the application to the Department of Communities, Sport and Recreation Levelling the Playing Field grant program, for the upgrade of the ANZAC Park Pavilion.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 and Recreation Needs Analysis 2019 are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Council has undertaken consultation with local clubs and State Sporting Associations with in-principle support for the funding application.

FINANCIAL IMPLICATIONS

Council will need to allocate an amount of \$10,000 - \$15,000 to engage a consultant for the preparation of a concept design and cost estimate to support the Levelling the Playing Field grant application. This funding is available in the Active Recreation Programme.

RECOMMENDATION:

- A. That Council authorises the General Manager to submit the necessary information as described in the Report for the Stage 2 application of the Levelling the Playing Field grant program for the upgrade of the ANZAC Park Pavilion.
- B. That should Council be successful with the Stage 2 application of the Levelling the Playing Field grant for the upgrade of the ANZAC Park Pavilion, that a Report will be presented to Council to consider funding options.

LEVELLING THE PLAYING FIELD GRANT PROGRAM – ANZAC PARK PAVILION UPGRADE /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The State Government through the Department of Communities, Sport and Recreation (CSR) has released the second round of the Levelling the Playing Field Grants Program of between \$15,000 to \$1 million per project to assist with the development of and/or upgrade of community sporting facilities to cater for female participation including change rooms, lockers, shower facilities and amenities.
- 1.2.** An amount of \$5 million is available in total for this round of funding.
- 1.3.** Stage 1 involved submitting an expression of interest in which Council applied to the grant program for an amount of \$1 million for the construction of a new modern sports pavilion at ANZAC Park, Lindisfarne including the demolition of the existing football pavilion. The proposed location of the new pavilion is shown on the plan in Attachment 1.
- 1.4.** Recently CSR advised our Stage 1 application was successful in progressing to Stage 2 of the application process, with a deadline of 29 July 2019 for the submission of detailed information.
- 1.5.** Due to the tight timelines of the grant program, Council officers have been unable to source a concept design and cost estimate for the proposal, which is a requirement of the application for assessment.
- 1.6.** Council officers have met with officers from CSR with approval provided to submit some application documentation such as concept design and cost estimate, after the deadline for the grant program being 29 July 2019.

1.7. The Recreation Needs Analysis 2019 includes the following items in relation to ANZAC Park Football Pavilion:

- Council facilities have varying levels of use with some ovals nearing capacity (eg ANZAC Park and Lauderdale Oval);
- recommended actions (noting just the relevant one below);
finalise ANZAC Park Master Plan, including the upgrade of the football Pavilion.

2. REPORT IN DETAIL

2.1. The existing Anzac Park football pavilion change rooms and amenities are not code compliant for community level sport and cannot be readily refurbished to a modern standard. Construction of a new pavilion is the only option to bring the facility up to a modern standard including universal design principles (ie female friendly facilities).

2.2. In 2017, AFL Tasmania undertook a state-wide facilities audit including all Council facilities where AFL is played. The ANZAC Park precinct was one of Council's lowest ranking facilities due to the age and design of infrastructure to support players, coaches, officials and spectators. Overall the facility ranked moderately, however the audit highlighted the existing change amenities do not cater for female participation for players and officials.

2.3. Without a concept design and basic cost estimate at this time, an indicative cost for the proposed development may be in the range of \$2 to \$3 million given the scale of the development and infrastructure requirements to service regional level sport (primarily AFL and Cricket).

2.4. Requirements for submission of the Stage 2 funding application include:

- submission of the funding application closing 29 July 2019;
- concept design and cost estimate;
- commitment from Council to match the funding amount request by CSR.
A maximum of \$1 million available to applicants; and

- commitment to undertake the development within 2 years of a successful outcome. Funding is likely to be announced October 2019.

2.5. Consultants will need to be engaged to prepare a concept plan and construction estimates for the Stage 2 application. Funds for this work are available in the current Active Recreation Programme funding for the ANZAC Park Master Plan.

3. CONSULTATION

3.1. Community Consultation

Council officers have undertaken consultation with the ANZAC Park Steering Committee (includes AFL and Cricket) with overwhelming support for the upgrade of the pavilion due to the age and design of the building to service female participation.

AFL Tasmania support the application and are prepared to co-invest in the proposal. An amount of \$50,000 – \$100,000 has been discussed with officers from AFL Tasmania with an exact amount to be confirmed prior to submission of the grant application.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2016-2026 under the Goal Area, A Well Planned Liveable City, has the following Parks and Recreation Facilities Strategies to:

“Develop and implement a sport and active recreation strategy to monitor trends and changing needs, and provide sport and recreation infrastructure through a planned approach which encourages partnerships with local clubs, state or regional sporting organisations, and other levels of government”.

“Work with government agencies, community organisations, and private providers with a view to sharing existing and planned assets for sport and recreation”.

“Planning for and providing new sporting and recreation facilities to meet community demand”.

4.2. Guiding Principles contained with the Recreation Needs Analysis:

“Identify shared facility provision and investment through strategic partnerships with local clubs, peak bodies, state agencies and all level of government”.

“Future sporting facilities will be fit for purpose and promote universal design to provide inclusive opportunities for all ages abilities, genders, cultures and abilities”.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

7.1. An Amount of \$10,000 - \$15,000 is required to engage a consultant for preparation of a concept design and cost estimate, to support the Levelling the Playing Field Grant application.

7.2. An amount of \$15,000 is available in the 2018/2019 and 2019/2020 Annual Plans for the purpose of planning at ANZAC Park. These funds are available to procure concept design and a detailed cost estimate for the grant application.

7.3. In the event of a successful Stage 2 application, and to comply with the two-year construction timeframe (completion by October 2021), Council funds will need to be allocated this financial year to engage architectural/engineering services for detailed design (ie sports pavilion, road access and car parking), with capital funds in the order of \$1 to \$2 million, allocated in the 2020/2021 financial year.

7.4. In the event of a successful Stage 2 application, a further report to Council will be prepared to consider funding options for the next phase.

8. ANY OTHER UNIQUE ISSUES

8.1. The proposed development of the pavilion will trigger the need for improved access to the site given the entrance off Lincoln street is narrow with minimal setback from the AFL oval, constraining traffic and spectator circulation.

8.2. In addition, the proposal will require the review of precinct parking provisions on and off-site and pedestrian/spectator connectivity.

9. CONCLUSION

9.1. Council has successfully progressed to Stage 2 of the Levelling the Playing Field grant application.

9.2. Council support is required to submit the Stage 2 application for the Levelling the Playing Field Grant Program for the purpose of upgrading the football pavilion at ANZAC Park, to a modern standard for community level sport.

Attachments: 1. ANZAC Park Site Plan (1)

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

Attachment 1 - ANZAC Park – Site Plan



11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 COUNCIL MEETINGS – CHANGE OF COMMENCEMENT TIME**

(File No 10/03/03)

EXECUTIVE SUMMARY**PURPOSE**

To consider altering the commencement time for Ordinary Council Meetings.

RELATION TO EXISTING POLICY/PLANS

Council has historically commenced its Ordinary Council Meetings at 7.30pm. Special Council Meeting times can vary to accommodate other Council commitments such as Workshop sessions.

LEGISLATIVE REQUIREMENTS

Regulation 6(1) of the Local Government (Meeting Procedures) Regulations 2015 requires Councils to conduct meetings after 5.00pm unless otherwise determined by a resolution of Council. Provided that the meeting is held after 5.00pm, Councils have discretion to set a preferred meeting time.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

- A. That Council changes the commencement time for Ordinary Meetings from 7.30 to 7.00pm to come into effect from its Meeting of 19 August 2019.
- B. That Council's previously adopted meeting schedule remain unchanged, other than to amend the commencement time.
- C. That members of the public be advised of the change to meeting time via Council's website, social media and the statutory advertising process.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. Council has previously adopted a forward schedule of meetings based on its existing three weekly cycle. Historically, Ordinary Meetings have commenced at 7.30pm.

- 1.2.** Regulation 6 of the Local Government (Meeting Procedures) Regulations 2015 sets out the following:

“6. Times of meetings

- (1) A meeting is not to start before 5:00p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.*
- (2) After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.*

- 1.3.** Council considered its meeting arrangements, including the commencement time of its meetings at a Workshop in December 2018 and agreed to retain the 7.30pm commencement time.
- 1.4.** The issue has been raised again recently and Council further considered the matter at a Workshop on 15 July 2019. It is now proposed that Ordinary Council Meetings commence at 7.00pm.

2. REPORT IN DETAIL

- 2.1.** Following the commencement of the new Council term in late 2018, Council reviewed its meeting arrangements and specifically the timing of meetings.
- 2.2.** A comparison of other Tasmanian Councils was undertaken, and the information collected was presented to Council at a Workshop session in December 2018. A schedule showing each Council’s meeting time is attached (Attachment 1).

It is noted that Clarence is the only Council to have a 7.30pm commencement time, making it the latest of all Tasmanian Councils.

- 2.3.** Following discussion at the Workshop session in December 2018, Council determined to retain its current meeting time of 7.30pm.

- 2.4.** The matter of meeting times has been raised again recently and Council further considered the matter at a Workshop on 15 July 2019. Council now proposes to bring its meeting time forward to 7.00pm.

3. CONSULTATION

3.1. Community Consultation

Should Council formally agree to alter its meeting time from 7.30 to 7.00pm, advice will be placed on Council's website and social media and will be noted in the statutory advertising of each meeting in The Mercury newspaper.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Although it is proposed to alter the commencement time of Ordinary Council Meetings, the previously adopted meeting schedule, based on the three-weekly cycle, will remain unchanged.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Regulation 6(1) of the Local Government (Meeting Procedures) Regulations 2015 requires Councils to conduct meetings after 5.00pm unless otherwise determined by a resolution of Council. Provided that the meeting is held after 5.00pm, Councils have discretion to set a preferred meeting time.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

Council has considered its meeting arrangements and commencement time for Ordinary meetings and now proposes to bring the time forward from 7.30 to 7.00pm.

Attachments: 1. Schedule of Meeting Times for Tasmanian Councils (1)

Ian Nelson
GENERAL MANAGER

ATTACHMENT 1

COUNCIL	MEETING SCHEDULE	TIME
Break O'Day	Varied every 4 - 5 Weeks (1 per month)	10.00am
Brighton	Third Tuesday of each month	5.30pm
Burnie	Third Tuesday of each month	7.00pm
Central Coast	One per month	6.00pm
Central Highlands	Third Tuesday of each month	9.00am
Circular Head	Third Tuesday of each month	6.00pm
Clarence	Every 3 weeks	7.30pm
Derwent Valley	Third Tuesday of each month	6.30pm
Devonport	Fourth Monday of each month	5.30pm
Dorset	Third Monday of each month	6.00pm
Flinders	Third Thursday of each month	1.00pm
George Town	Third Wednesday of each month	1.00 or 5.00pm
Glamorgan Spring Bay	Fourth Tuesday of each month	5.00pm
Glenorchy	Last Monday each month	6.00pm
Hobart	Monday every 2 weeks	5.00pm
Huon Valley	Fourth Wednesday of each month	6.00pm
Kentish	Third Tuesday of each month	7.00pm
Kingborough	Second and Fourth week of each month	5.30pm
King Island	Third Tuesday of each month	4.30pm
Latrobe	One per month on a Monday	5.00pm
Launceston	Monday every 2 weeks	1.00pm
Meander Valley	Second Tuesday of each month	1.30pm
Northern Midlands	Generally third Monday each month	5.00pm
Sorell	Third Tuesday of each month	6.00pm
Southern Midlands	Fourth Wednesday of each month	10.00am
Tasman	Fourth Wednesday of each month	1.00pm
Waratah/Wynyard	Third Monday of each month	6.00pm
West Coast	Fourth Tuesday of each month	5.00pm
West Tamar	Third Tuesday of each month	1.30pm

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

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

- 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”.