

Prior to the commencement of the meeting, the Mayor will make the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 8 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

Nil.

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 17 June 2019 and the Special Council Meeting held on 24 June 2019, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION

The Mayor will table the advice from the Tasmanian Electoral Commissioner on the results of the 2019 LGAT election. A copy is attached.

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

Bayview Secondary College Master Plan

STCA – continued participation in Regional Climate Change

Initiative and Waste Strategy South Projects

Howrah Gardens Suburb Proposal

24 June

Presentation by Rosny Hill Friends Network

Presentation by Hunter Developments

Combatting Homelessness Initiatives

LGAT Motions for Annual Conference

1 July

RECOMMENDATION:

That Council notes the workshops conducted.

<p>5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE (File No)</p>

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.


ATTACHMENT 1

2019 LGAT election


Election of President

Electors on Roll	29	Ballot Papers Missing	0	Total ballot papers	29
Ballot Envelopes Returned	29	Ballot Envelopes Rejected	0	Informal ballot papers	0
Percentage Returned	100%	Ballot Envelopes Admitted	29	Formal ballot papers	29

		Candidates								Remarks
		BLOMELEY Brendan Clarence City Council	BURNET Helent Hobart City Council	FRESHENY Peter Latrobe Council	HOLMDAHL Christina West Tamar Council	QUILLIAM Daryl Herbert Circular Head Council	TUCKER Mick Break O'Day Council	Exhausted	Total Votes	
Count 1	Total	3	1	7	9	5	4	0	29	15
Count 2	Votes transferred	0	-1	0	1	0	0			Burnett excluded
	total	3	0	7	10	5	4	0	29	
Count 3	Votes transferred	-3	0	1	2	0	0			Blomeley excluded
	total	0	0	8	12	5	4	0	29	
Count 4	Votes transferred	-	-	1	0	0	-4	3		Tucker excluded
	total			9	12	5	0	3	29	
Count 5	Votes transferred	-	-	3	2	-5	0	0		Quilliam excluded
	total	-	-	12	14	0	-	3	29	Holmdahl ELECTED


 Andrew Hawkey
 Tasmanian Electoral Commissioner
 Date

19-Jun-19


 Kristi Read
 Electoral Officer
 Date

19-Jun-19


2019 LGAT election


Election of General Management Committee Member

Southern Electoral District MORE than 20 000

Electors on Roll	11	Ballot papers Missing	2	Total ballot papers	9
Ballot Envelopes Returned	11	Ballot Envelopes Rejected	0	Informal ballot papers	1
Percentage Returned	100%	Ballot Envelopes Admitted	9	Formal ballot papers	8

		Candidates					Remarks
		BLOMELEY Brendan Clarence City Council	JOHNSTON Kristi Glenorchy City Council	Exhausted	Total Votes	Absolute Majority	
Count 1	Total	5	3	0	8	5	
	Total	5	3	0	8		Blomeley elected


 Andrew Hawkey
 Tasmanian Electoral Commissioner
 date 19-Jun-19


 Kristi Read
 Electoral Officer
 date 19-Jun-19

2019 LGAT election


Election of General Management Committee Member

Southern Electoral District LESS than 20 000

Electors on Roll	11	Ballot papers Missing	0	Total ballot papers	11
Ballot Envelopes Returned	11	Ballot Envelopes Rejected	0	Informal ballot papers	0
Percentage Returned	100%	Ballot Envelopes Admitted	11	Formal ballot papers	11

	Candidates			Exhausted	Total Votes	Absolute Majority	Remarks	
	BISDEE Tony	SHAW Ben	TRIFFITT Loueen (Lou)					
	Southern Midlands Council	Derwent Valley Council	Central Highlands Council					
Count 1	Total	3	5	3	0	11	6	Draw by lot to determine exclusion: LGAT rules 25 July 2018 part 29 drawing or casting of lots LG Act 1993 Schedule 7 Part 2(5) - Bisdee excluded
Count 2	Votes transferred	-3	1	1	1			
	Total	0	6	4	1	11		Shaw elected


 Andrew Hawkey
 Tasmanian Electoral Commissioner
 date 19-Jun-19


 Kristli Read
 Electoral Officer
 date 19-Jun-19

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.

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

- A petition from 54 signatories requesting Council to reject the proposal to introduce a new suburb on the Rokeby Hills.
- A petition from 124 signatories requesting Council to reject the proposal to alter the boundaries of Howrah and Rokeby and introduce a new suburb.

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

LIGHT TOWERS – BELLERIVE OVAL

Joanne Marsh of Bellerive asked, at Council's Meeting of 3 December 2018 the General Manager undertook to write to Cricket Tasmania to ask for a report on the structural issues affecting the light towers in October 2018, to reassure the community that their safety had not been compromised at any stage before the towers were repaired. Considering that the undertaking was given at a public meeting in response to a public question without notice, are the contents of the letter and any response received a matter for public record, if so, where can this information be accessed. If not, could the General Manager please provide an update for this meeting of any outcome from his communications with Cricket Tasmania.

ANSWER

The light towers at Bellerive Oval (Blundstone Arena) were subject to routine maintenance in November 2018. The inspections revealed a fault at the mid-section joint in two towers. Repairs and modifications were made, and after consultation with the engineers it was agreed that the other two towers also be modified in the same manner. A response to the 3 December 2018 question by Mrs Marsh has been provided to Council by Cricket Tasmania, and at the request of Cricket Tasmania that response has been treated as commercial in confidence. For that reason, the TCA response cannot be publicly released.

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 BLOMELEY
SUPPORT FOR THE PROPOSED NEW HOBART HIGH SCHOOL TO BE
LOCATED IN CLARENCE**
(File No 10-03-05)

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

- “A. That this Council acknowledges the State Liberal Government has committed to building a brand new, purpose-built, state-of-the-art high school in Hobart, and
- B. This Council calls on the State Liberal Government to consider building this new educational facility in Clarence”.

EXPLANATORY COMMENT

In the recent State Parliament Budget Estimates, the State Government was unable to commit to a location for the new Hobart High School.

As one of the fastest growing municipalities in Tasmania, Clarence is the ideal location for a new high school.

With Hobart’s transport infrastructure already struggling to cope with current demand, developing a big, new school in the middle of Hobart is not ideal. In addition, there is also tight competition for parcels of land big enough to develop a new school with the University acquiring most of the prime real estate in Hobart.

In summary, this presents a fantastic opportunity to help decentralise major infrastructure away from Hobart’s centre and ease the pressure on the CBD.

Locating the high school within the Clarence municipal boundary would also reflect the fact that not only is the Eastern Shore growing, it is the centre that will continue to service the massive growth in the Sorell region.

BA Blomeley
ALDERMAN

GENERAL MANAGER’S COMMENTS
A matter for Council.

9.2 NOTICE OF MOTION - ALD WALKER REDUCE ILLEGAL DUMPING SQUAD IN SOUTHERN TASMANIA (File No 10-03-05)
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In accordance with Notice given Ald Walker intends to move the following Motion:

“That Council requests Waste Strategy South (WSS) to collaborate with the Department of Primary Industries, Parks, Water and the Environment (DPIPWE) to investigate the formation of a Reduce Illegal Dumping (RID) Squad in Southern Tasmania”.

EXPLANATORY COMMENT

Illegal rubbish dumping occurs on Council, Crown and private land. The responsibility for addressing illegal dumping varies in each instance.

Dumped rubbish is unsightly and can pose public health risks. Local government tends to be reactive responding to illegal dumping after it occurs rather than preventing it occurring in the first place. It can be difficult for the public to know who to notify about dumping and frustrating if the problem is not resolved promptly.

Many New South Wales (NSW) local governments have partnered with each other and the Environmental Protection Authority (EPA) to form RID Squads.

RID Squads are regionally based teams that work across council boundaries to combat and prevent illegal dumping. They provide a coordinated and strategic approach to illegal dumping and they are tailored to the particular challenges faced in each region.

In NSW RID Squads are jointly funded by the EPA and Councils. RID Squads have generated efficiencies of scale and technology in tackling dumping.

RID Squads:

- identify and patrol illegal dumping hotspots;
- investigate illegal dumping incidents and take action against offenders;
- deter community members from illegal dumping and educate them about the consequences;
- track down illegal landfills ;

- organise clean ups;
- run a state-wide hotline to report incidents of illegal dumping; and
- provide an easy to use online portal for reporting incidents of illegal dumping.

DPIPWE has recently released the “Tasmanian Draft Waste Action Plan” for consultation. It proposes a state-wide waste levy which will increase the cost of waste disposal. While this may lead to an increase in illegal rubbish dumping it potentially offers a revenue base to help fund RID Squads.

Submissions from WSS and Council into the draft action plan could suggest the inclusion of a section relating to illegal dumping.

WSS is well placed to negotiate with the DIPWE to advance this project. Depending on its success it would provide a template for other regions in Tasmania.

J Walker
ALDERMAN

GENERAL MANAGER’S COMMENTS
A matter for Council.

**9.3 NOTICE OF MOTION - ALD MULDER
URBAN GROWTH BOUNDARY**
(File No 10-03-05)

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

- “A. That, in order to increase the supply of residential land, Council supports removing the Urban Growth Boundary from the *Southern Tasmanian Regional Land Use Strategy*, in so far as it relates to the City of Clarence.
- B. That Council authorises the General Manager to refer this matter to:
- 1) the Minister for Planning;
 - 2) the Department of Justice Planning Policy Unit; and/or
 - 3) the Greater Hobart Advisory Group that is to be formed under the Greater Hobart Bill 2019, once enacted”.

EXPLANATORY COMMENT**Urban Growth Boundary**

The supply of residential land is curtailed by the Urban Growth Boundary that is part of the *Southern Tasmania Regional Land Use Strategy*. Although subject to 5 yearly reviews, the current demand for residential housing exceeds the supply of land available under that Strategy.

Greater Hobart Bill

The Greater Hobart Bill (No 11 of 2019) has been tabled in the House of Assembly. The 2nd reading is listed on the current Notice Paper.

Once it has received Royal Assent the Greater Hobart Act will establish a Greater Hobart Committee (GHC) comprised of Mayors and relevant State Ministers.

A Greater Hobart Advisory Group comprised of Council General Managers and Departmental Secretaries will be tasked with submitting a draft work program for the GHC. Amongst other things the draft work program, “*must consider the Southern Tasmania Regional Land Use Strategy*”.

Section 14 of the Greater Hobart Act will empower the Chair of the GHC to request the Minister for Planning to amend the Southern Regional Land Strategy in order for GHC work programs to be consistent with that Strategy.

A GHC Work Program is an avenue for removing the artificial constraint on the supply of residential land in Clarence.

T Mulder
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.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

June Quarter Report pending.

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 17 and 24 June and 1 July 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 17 and 24 June 2019 and 1 July 2019 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2019/000899 – 17 COVENTRY RISE, HOWRAH – SINGLE DWELLING
(File No D-2019/899)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 17 Coventry Rise, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended until 10 July 2019.

CONSULTATION

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

- proposed height;
- privacy; and
- not meeting the performance criteria.

RECOMMENDATION:

A. That the Development Application for dwelling at 17 Coventry Rise, Howrah (CI Ref D-2019/899) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. All external surfaces must be finished in non-reflective, muted colours to the Satisfaction of Council's Manager City Planning. Details of the colour scheme must be submitted and approved prior to construction.
3. Boundary fences adjoining a road or public reserve greater than 1.2m and other boundary fences greater than 2.1m must not be constructed of wire mesh.
4. ENG M5 – EROSION CONTROL.

ADVICE

1. ADVICE 14 – BUILDING ADVICE.
 2. The site is located within a Bushfire Prone area. The works are required to comply in accordance with the Building Act 2016 requirements; the Australian Standards AS 3959 and the National Construction Code 2019. It is the owner's responsibility to ensure that the recommendations are satisfactorily addressed on an ongoing basis with regard to their property.
- 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**

- 1.1. The lot was approved as a part of subdivision application SD-2011/30 resulting in the creation of 38 General Residential and Low Density Residential lots within Howrah.
- 1.2. As part of the subdivision approval, two Part 5 Agreements were registered on each of the titles. The Part 5 Agreements deal with tree retention and bushfire protection and do not affect the subject site.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned General Residential under the Scheme.
- 2.2. The proposal is discretionary because it does not meet all of the relevant Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential;
- Section F14 – Oceana Drive Residential and Bushland Specific Area Plan;
- Section E1.0 – Bushfire Prone Areas;
- Section E3.0 – Landslide Hazard Areas;
- Section E6.0 – Parking and Access; 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 a 923m² irregular shaped internal allotment, located at the western (lower side) of Coventry Rise, Howrah. The site slopes steeply to the west with an average grade of 25%. The site is predominately cleared of vegetation. Access is provided via a proposed internal sealed driveway from Coventry Rise. It is surrounded by residential lots to the south and west and public open space to the north and east. A location plan is included in the attachments.

3.2. The Proposal

The proposal is to construct a single-storey dwelling that has been designed to follow the slope of the site rather than excavating into the lot. The maximum height would be 7.5m above natural ground level (NGL) at the highest point and 3m above NGL at the lowest point. The proposed dwelling would occupy a floor area of 262m².

The proposed dwelling will consist of an open space living and dining room

area, a balcony, three bedrooms, an ensuite, a rumpus room and a double garage.

The dwelling will comprise of two separated linear forms with a skillion roof falling in opposing directions. The dwelling is proposed to be constructed of brick and partially clad in Colorbond “Steel Matt” (dark blue/grey), timber cladding and textured coated cement sheeting painted in Monument (a deep charcoal grey). The dwelling would also consist of grey tinted windows and balustrade using low reflective glass. It would have a 3m setback from the northern side boundary, 6.8m southern side setback, 0m east side setback, and 6.1m rear setback. A copy of the proposal is included in the attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone, Codes and Specific Area Plan

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential zone and Oceana Drive Residential and Bushland Specific Area Plan and Bushfire Prone Areas, Landslide Hazard Areas, Natural Assets, Parking and Access and Stormwater Management Codes with the exception of the following.

Oceana Drive Residential and Bushland Specific Area Plan

Clause	Standard	Acceptable Solution (Extract)	Proposed
F14.7.1 A1	Building height, design and colour	The maximum building height is 4.5m.	Does not comply - the proposed maximum height is 7.5m.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 14.7.1 as follows.

Performance Criteria	Proposal
<p><i>“P2 - The maximum building height is 7.5m.</i></p> <p><i>Buildings of a height of up to 7.5m may be approved where the design, colours and materials of buildings on the lot combine with walls and fences so as to unobtrusively blend with the natural landscape and minimise visual intrusion. Materials and surfaces should be:</i></p> <p><i>(a) of low light reflectivity; and</i></p>	<p>The proposed maximum building height is 7.5m, however the proposed dwelling will have low light reflectivity windows and balustrade, and the colour scheme will consist of a combination of Colorbond roof and wall cladding in dark blue/grey, timber cladding and texture coated cement sheet charcoal grey all of low reflectivity. The house will be constructed in brick with the lower proportion of the dwelling being exposed brick. The proposed colour of the brick is ivory, however after discussions with the applicant in relation to the high reflectivity of ivory, the applicant has agreed to amend the brick to a dark shade.</p> <p>In addition, a condition can be added to the planning permit that the white fascia elements must be of a dark natural colour.</p> <p>A colour schedule has been provided with the application demonstrating the use of</p>

<p>(b) of dark natural colour (such as black, grey, brown and green); or</p>	<p>dark natural cladding including a combination of timber, cement sheet wall cladding and colorbond. The external colours for each of these elevations of the dwellings would consist of dark greys which will unobtrusively blend with the natural landscape in the interests of minimising visual intrusion.</p> <p>As discussed above the proposed ivory brickwork will be amended to a dark shade to ensure compliance with the performance criteria. This should be enforced via an appropriate condition on the permit.</p>
<p>(c) of dark appearance throughout the day due to shading”.</p>	<p>The colour scheme will utilise dark colours that will give the impression of a dark shaded appearance throughout the day.</p>

Oceana Drive Residential and Bushland Specific Area Plan

Clause	Standard	Acceptable Solution (Extract)	Proposed
F14.7.4 A2	Bird Strike	<p>Buildings and structures are designed and managed to minimise bird strike by:</p> <p>(a) eliminating or obscuring transparent or highly reflective obstacles that are not readily perceptible by birds in flight, such as uncovered corner or opposing windows that allow sightlines through buildings; and</p> <p>(b) using low reflective glass on external surfaces; or</p> <p>(c) angling glass surfaces to reflect the ground or built fabric rather than the sky or habitat.</p>	<p>Does not comply - the proposed development has uncovered corner windows and windows that allow sightlines through buildings.</p> <p>complies</p> <p>Does not comply – the windows are not angled.</p>

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 14.7.3 as follows.

Performance Criteria	Proposal
<i>“P2 - Other buildings and structures may be approved where it is demonstrated that the relevant State or Commonwealth department confirms the design is acceptable in terms of its impact on the local Swift Parrot (Lathamus discolor) community”.</i>	<p>The proposed development was referred to the Department of Primary Industries, Parks, Water and Environment for review.</p> <p>The conservation assessment section of the Department of Primary Industries, Parks, Water and Environment concluded the corner windows, the glass balustrade and other windows of the proposed residence will have non-reflective glass with a light grey tint, which reduces the risk of collision. It is unlikely that a building proposal of this scale will result in significant impacts to the swift parrot population.</p> <p>Therefore, it can be considered that the proposed development meets the relevant performance criterion.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and Building Envelopes 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</p>	complies

		<p>boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>Does not comply – the following building envelope encroachment would result:</p> <ul style="list-style-type: none"> the dwelling extends out of the building envelope by 2.6m at the highest point on the western elevation and 0.4m at the lower end of the western elevation. <p>complies</p>
--	--	---	---

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

Performance Criteria	Proposal
<p><i>“P3 - 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>Shadow diagrams have been provided illustrating the shadowing impact to be cast on 21 June. As can be seen from these diagrams, the property to the west at 538 Oceana Drive will receive some overshadowing. This will occur in the morning hours and will affect one habitable room (other than a bedroom) along the northern and eastern elevation, this being a sunroom. The sunroom windows which face north, and east would continue to receive sunlight from midday onwards.</p> <p>This early morning shadowing impact upon the eastern window is not considered unreasonable, as solar access to this window would be currently compromised by shadowing from the hill to the east and steep topography.</p> <p>It is considered there will not be an unreasonable reduction of sunlight to habitable rooms on the adjacent property as the sunroom would have in excess of 3 hours of direct sunlight at Winter Solstice on 21 June, as illustrated by the shadow diagrams in the attachments.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>In relation to the adjoining property to the west at 538 Oceana Drive, the shadow diagrams demonstrate that the private open space located to the north of this dwelling would be subject to early morning sunlight loss on 21 June. As mentioned above, this area would also be affected from the shadow of the hill to the east.</p> <p>This private open space would receive direct sunlight between 12pm and 3pm on 21 June.</p>

	It is therefore considered that the proposed development would not cause any unreasonable loss of sunlight to the outdoor living area associated with 538 Oceana Drive.
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	The vacant lot to the south of the subject lot will receive minimal morning overshadowing along their northern boundary due to the proposed dwelling being consistent with that of a single dwelling along the southern elevation.
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>Given the gradient of the land in the vicinity of the site, dwellings are largely orientated to the west to obtain views of the river and mountain and constructed over multiple levels.</p> <p>The neighbouring properties to the west along Oceana Drive comprise of large double storey dwellings with existing (and establishing) landscaped gardens, and built primarily of brick, some exposed others rendered.</p> <p>The visual impact of the proposed development is considered reasonable, in that the building height at its highest point would be consistent with the height and scale of development within proximity of the site.</p>
<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	In this case the adjoining properties to the north and east are bushland blocks that form public open spaces. The adjoining property to the south forms a vacant lot with no development approval in place. The adjoining properties to the west at 536 and 538 Oceana Drive have a setback of 1m and 3.6m respectively from the eastern (rear) boundary of the site. The proposal would therefore be comparable to the established dwelling separation distances. The proposed rear setback of 6m is consistent with the separation distances evident in the surrounding area.

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 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>Does not comply – the proposed deck along the north-eastern side boundary will have a 0.5m setback at the closest point.</p> <p>Complies – the deck will be setback 8.9m from the rear boundary.</p> <p>not applicable</p>

Performance Criteria	Proposal
<p><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 1 m 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 adjoining lot to the north-east is Council owned public open space, and on this basis will not result in any overlooking of dwellings, private open space or vacant residential lots.</p>

5. REPRESENTATION ISSUES

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

5.1. Does not meet several of the P3 Performance Criteria of 10.4.2

The representor raised concern that the proposed dwelling would not meet several of the performance criteria in relation to the building envelope.

- **Comment**

As discussed above, the proposal has been assessed in relation to Clause 10.4.2, and it is considered that the performance criteria P3 is met as the proposal would not cause any significant loss of amenity to the representor’s property.

5.2. Privacy

Concern was raised that the proposal would have significant visual intrusion of privacy both for a deck and sunroom.

- **Comment**

The development satisfies the acceptable solutions to Clause 10.4.6, A2 in relation to privacy for the sunroom and deck on the adjoining property. The proposed development windows are setback 6m from the rear boundary, 2m further than the minimum (4m setback required).

5.3. Building Height when combined with its proximity to rear Boundary

The representor is concerned about the height of the proposed dwelling, especially in relation to the proximity to the boundary.

- **Comment**

The proposed development is considered to meet the relevant performance criteria of Clause 10.4.2 P3 of the Scheme in relation to the building envelope and visual impact. The detailed reasons are provided above and includes consideration of dwellings on adjoining lots.

It is therefore considered that the proposed dwelling will not have any adverse impacts on properties on the adjoining lots in relation to the height and visual appearance when viewed from an adjoining lot.

Furthermore, within the Oceana Drive Residential and Bushland Specific Area Plan, the performance criteria states that the maximum building height can be 7.5m if the design, colours and materials of the building, combined with the walls and fences, unobtrusively blend with the natural landscape and minimise visual intrusion.

The permit will be conditioned to ensure the proposed dwelling will be constructed using materials of dark natural colour and low light reflectivity, which will assist it to blend in with the natural landscape and minimise visual intrusion to adjoining properties. It is considered that the proposed development will not adversely impact on the amenity of the adjoining properties.

6. EXTERNAL REFERRALS

The application was referred to the Department of Primary Industries, Parks, Water and Environment for review on 20 May 2019.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies.

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

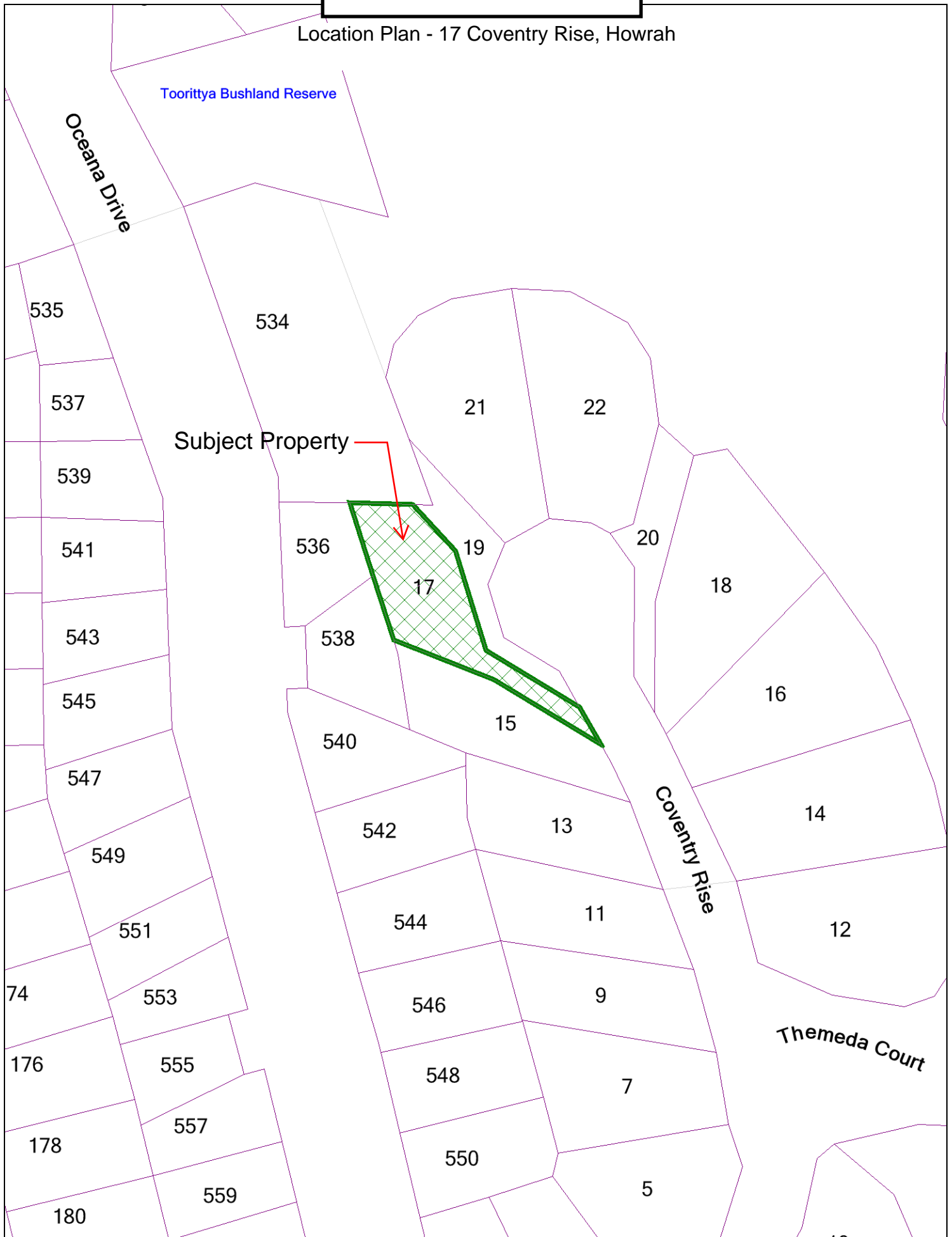
The proposal is for a dwelling at 17 Coventry Rise, Howrah which requires variations to certain standards in the General Residential zone and Specific Area Plan. It is considered that the proposal will not have a detrimental impact on the amenity of the adjoining properties and therefore recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (7)
3. Site Photo (1)

Dan Ford
ACTING MANAGER CITY PLANNING

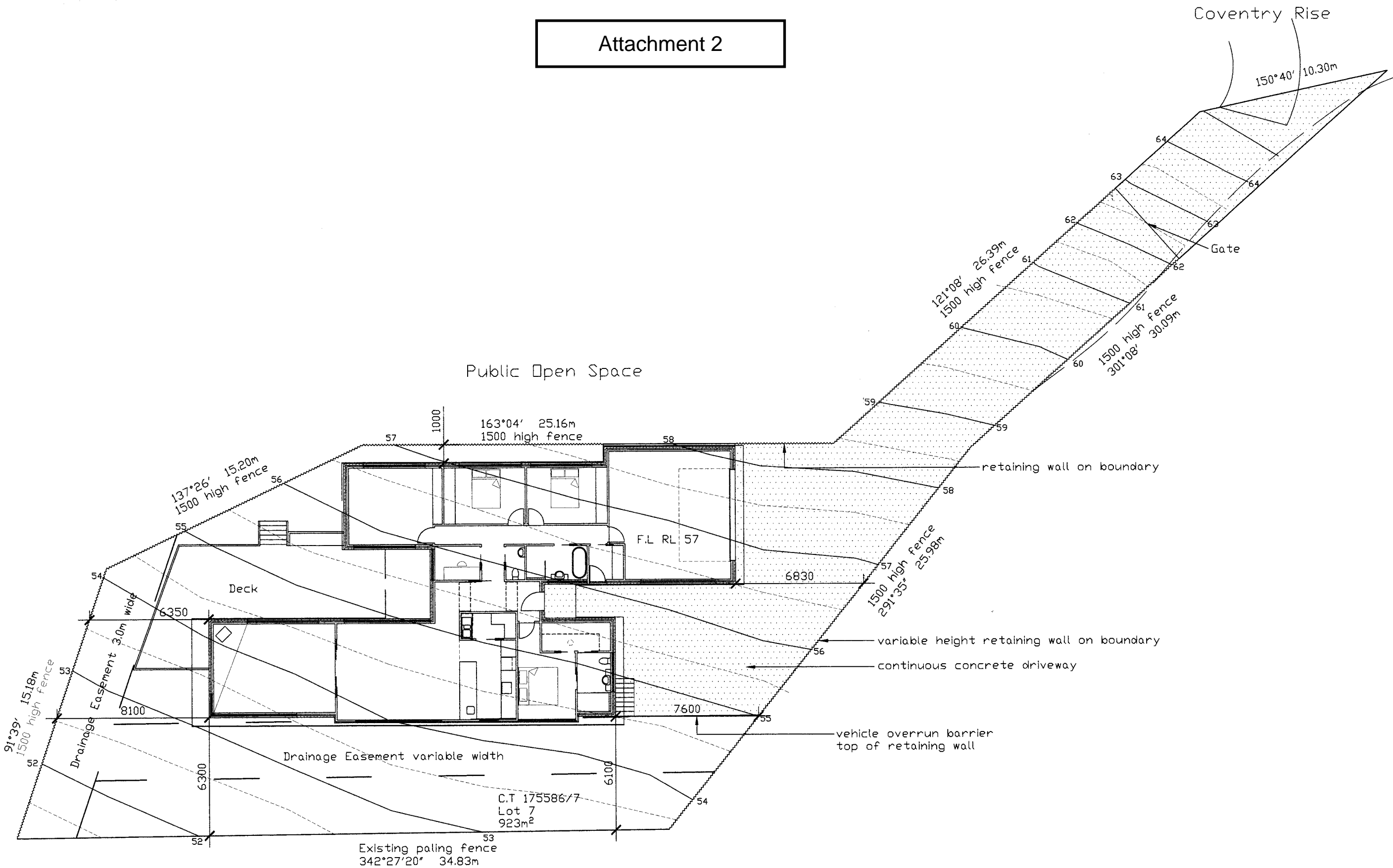
Attachment 1

Location Plan - 17 Coventry Rise, Howrah



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, 24 June 2019 **Scale:** 1:1,159 @A4

Attachment 2



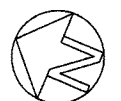
Site information

Total floor area: 262m2
Site coverage: 29%

Ratio of glazing to solid wall surfaces

West facing	22%
North facing	14%
East facing	21%
South facing	5%

Proposed New Dwelling
At Lot 7 Coventry Rise, Howrah
For Mrs E Devine



**TONY
MATHERS**
Accredited
Designer
CC1345F
0408448448

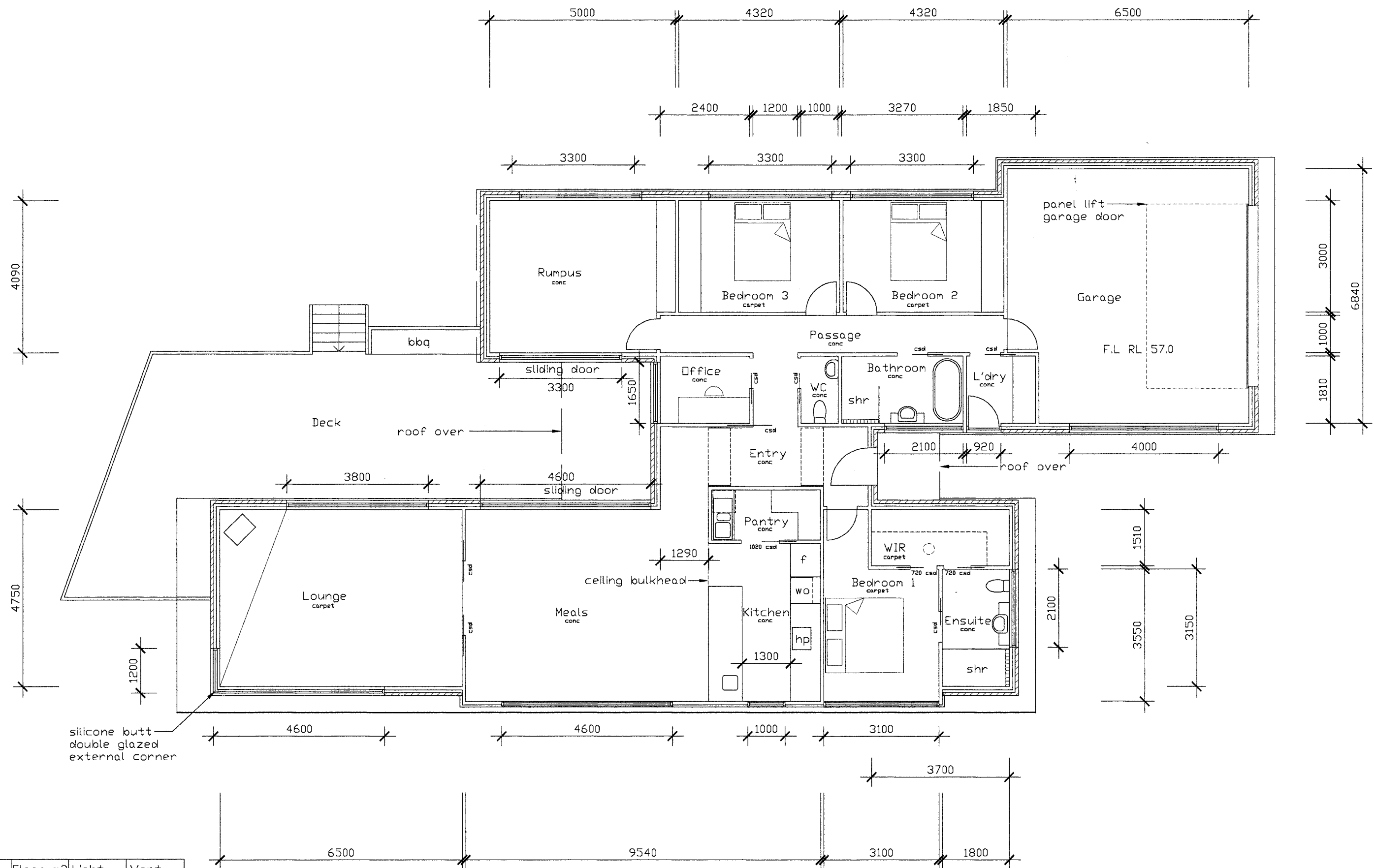
Site Plan

1:200

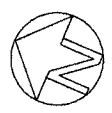
11/5/19

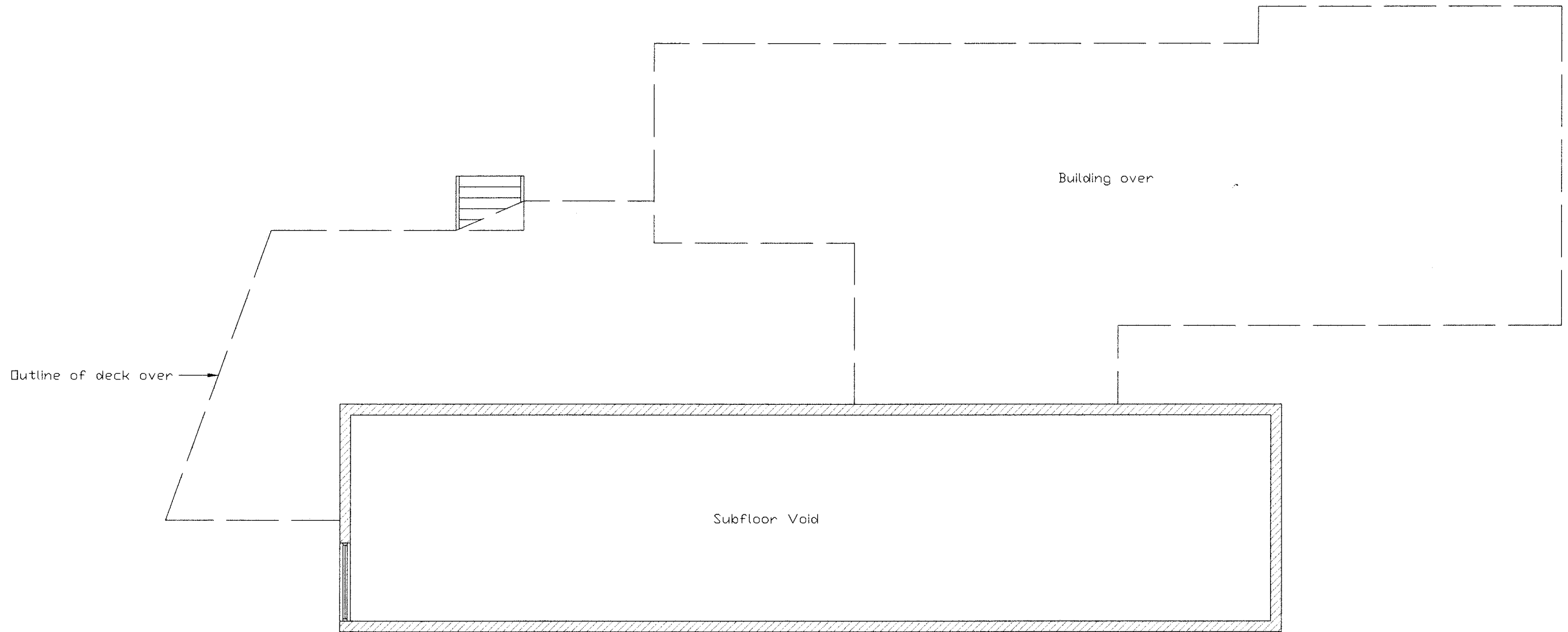
1 of 6


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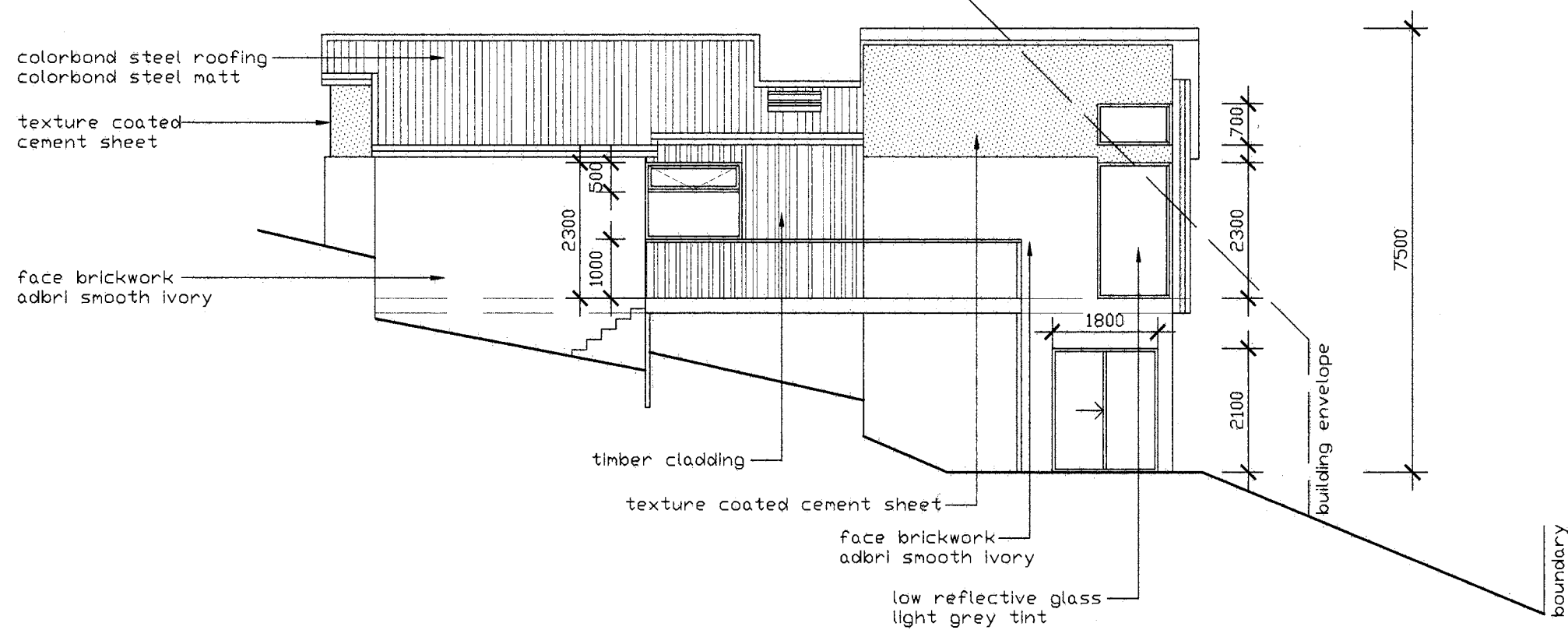
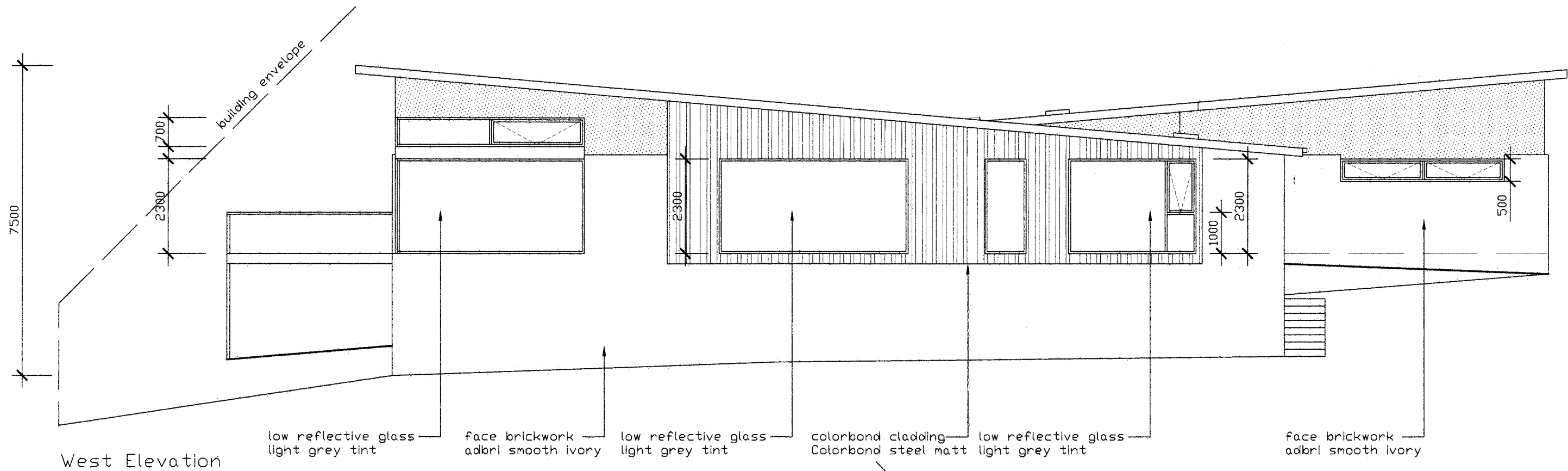


Floor Area inc Garage	Floor m2	Light 10%	Vent 5%
Ensuite	5.7m2	1.05m2	1.05m2
Bedroom 1	12.9m2	7.1m2	0.81m2
Kitchen/meals	47.2m2	23.8m2	5.2m2
Lounge	31m2	28.1m2	3.4m2
Office	4.3m2	2.1m2	0.6m2
WC	1.8m2	artificial	mechan
Bathroom	5.9m2	1.1m2	1.1m2
Laundry	3.3m2	1.6m2	1.6m2
Garage	42.8m2	N/A	N/A
Bedroom 2	12.9m2	3.3m2	0.67m2
Bedroom 3	12.9m2	3.3m2	0.67m2
Rumpus	18.3m2	10.8m2	7.8m2

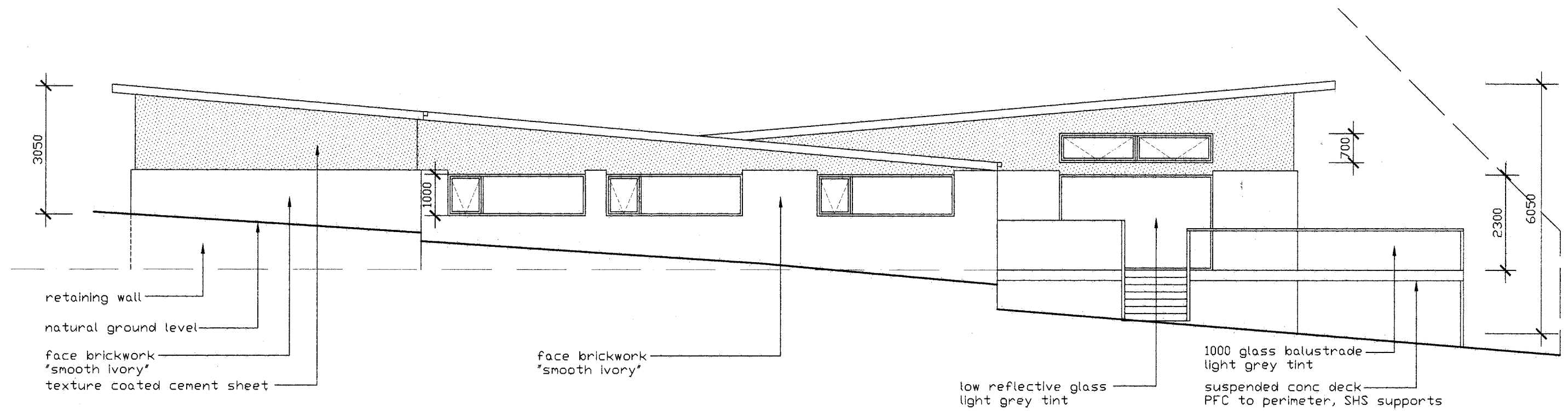
Proposed New Dwelling At Lot 7 Coventry Rise, Howrah For Mrs E Devine				 TONY MATHERS Accredited Designer CC1345F 0408448448
Floor Plan	1:100	11/5/19	2 of 6	
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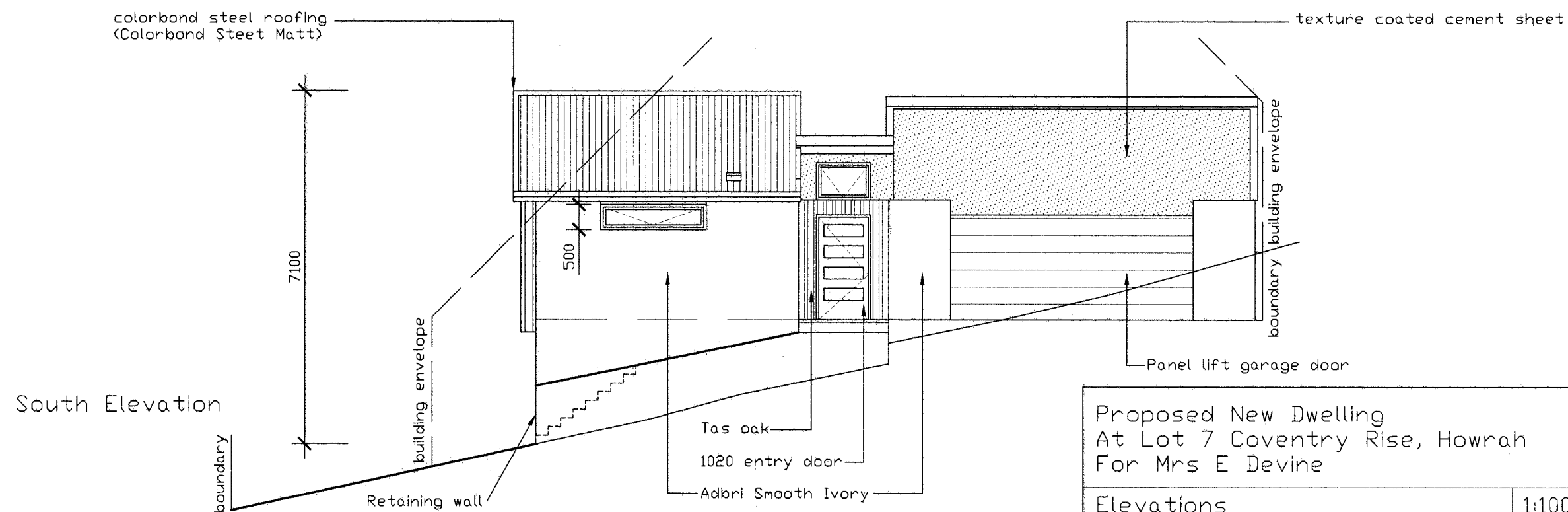
Proposed New Dwelling At Lot 7 Coventry Rise, Howrah For Mrs E Devine					TONY MATHERS Accredited Designer CC1345F
Lower Floor Plan		1:100	11/5/19		2A of 6
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Proposed New Dwelling At Lot 7 Coventry Rise, Howrah For Mrs E Devine				TONY MATHERS Accredited Designer CC1345F 0408448448
Elevations	1:100	11/5/19	4 of 6	
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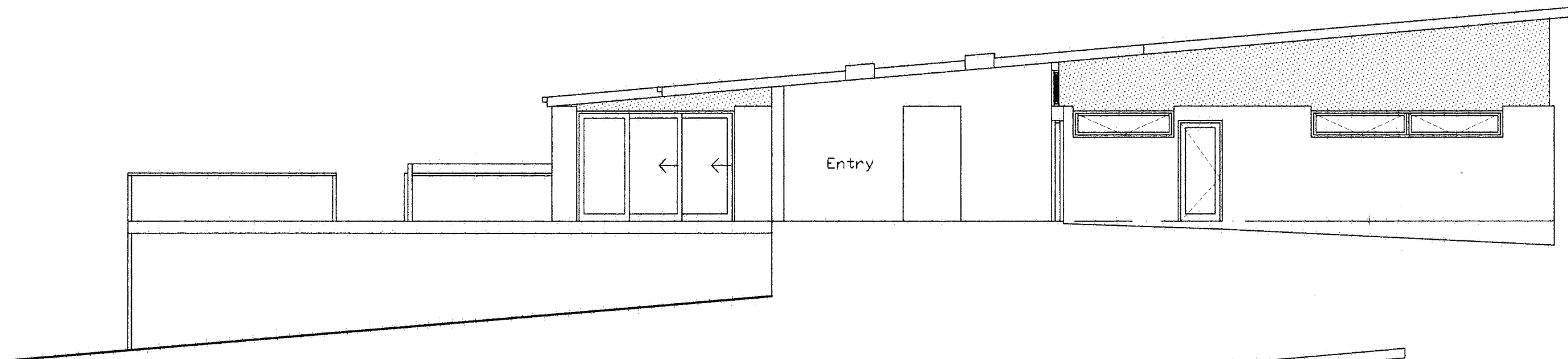


East Elevation

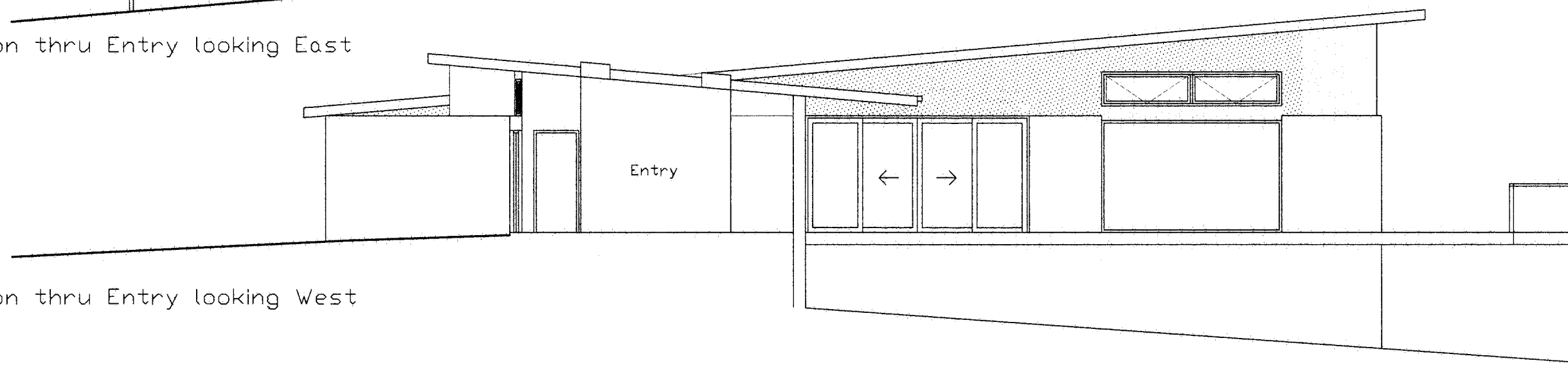


South Elevation

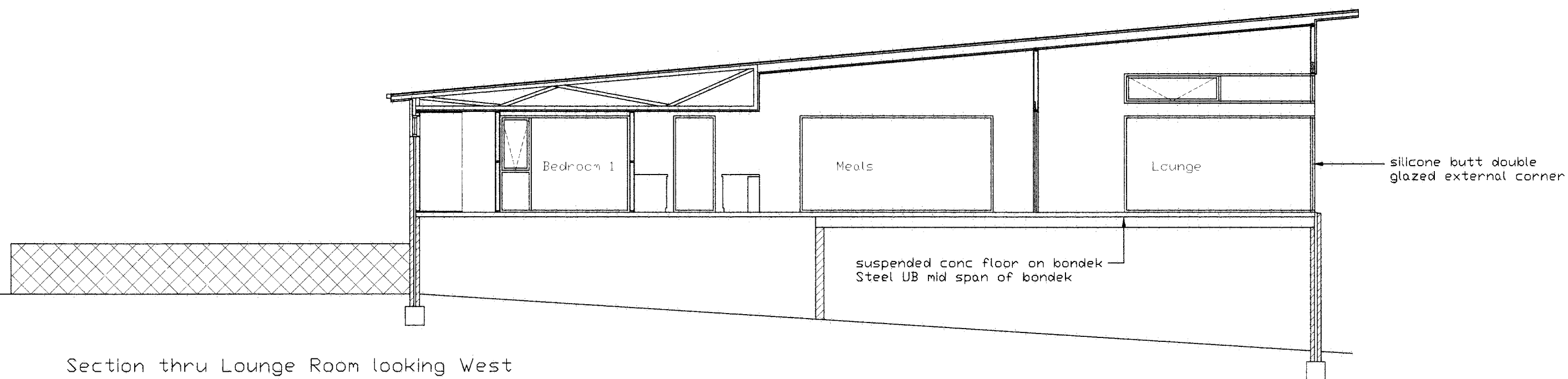
Proposed New Dwelling At Lot 7 Coventry Rise, Howrah For Mrs E Devine				TONY MATHERS Accredited Designer CC1345F 0408448448	
Elevations		1:100	11/5/19	3 of 6	
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Section thru Entry looking East

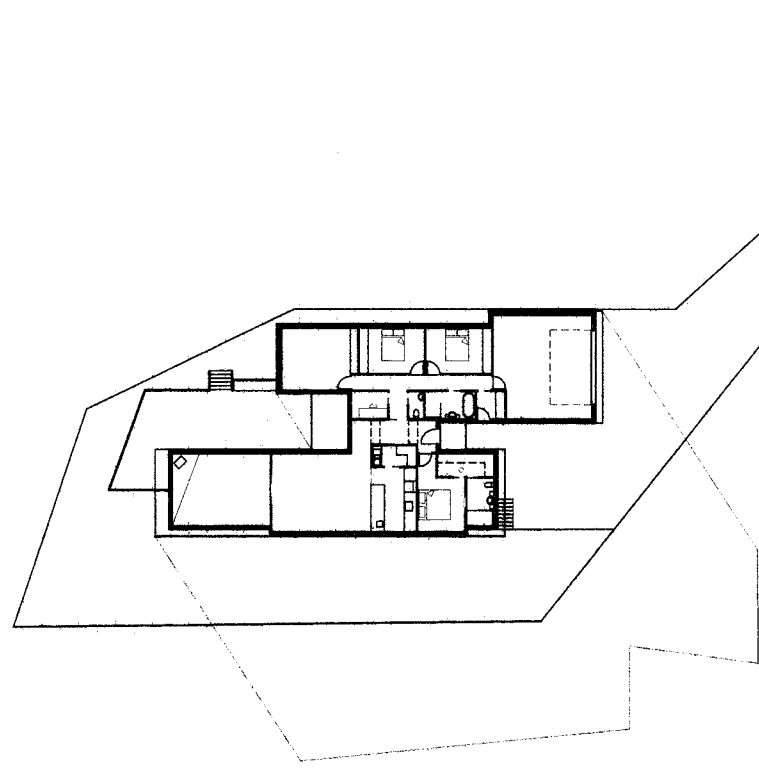


Section thru Entry looking West

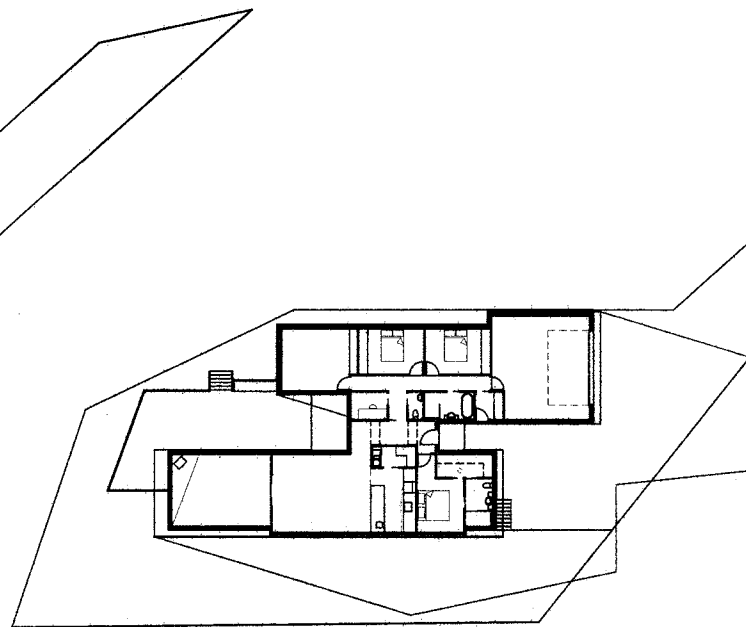


Section thru Lounge Room looking West

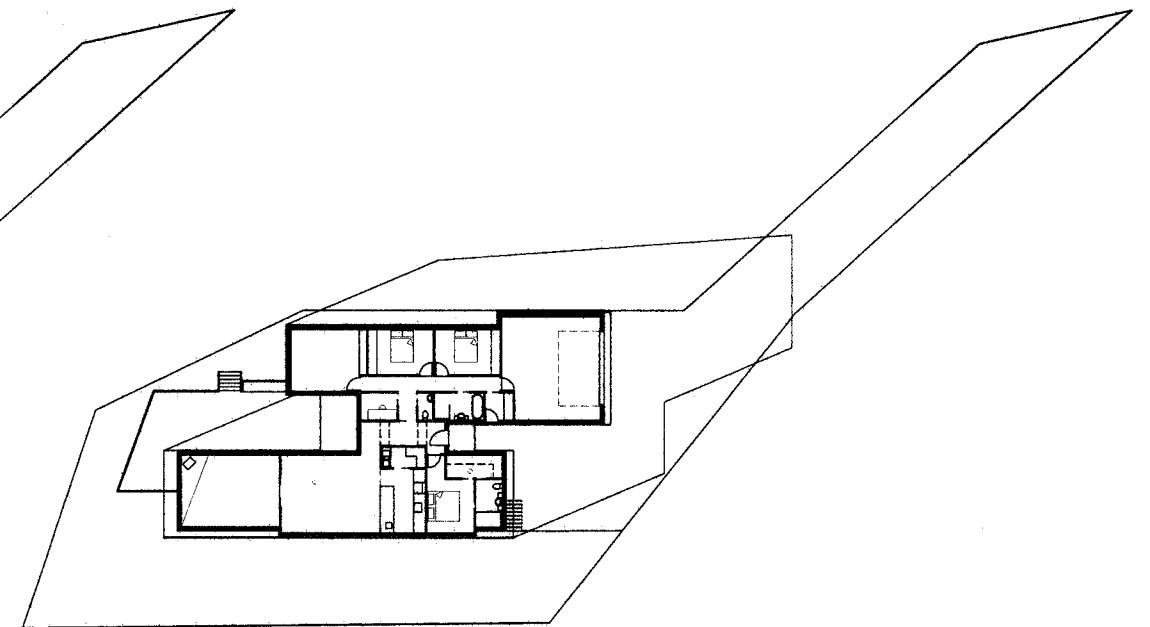
Proposed New Dwelling At Lot 7 Coventry Rise, Howrah For Mrs E Devine				TONY MATHERS Accredited Designer CC1345F 0408448448
Sections	1:100	11/5/19	5 of 6	
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9am 40° east of north
Altitude 15°
Shadow diagram 42.5° south 21 June



12 noon 0° north
Altitude 27°
Shadow diagram 42.5° south 21 June



3pm 40° west of north
Altitude 15°
Shadow diagram 42.5° south 21 June

Proposed New Dwelling
At Lot 7 Coventry Rise, Howrah
For Mrs E Devine

Shadow Diagrams

1:500

11/5/19

6 of 6

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Attachment 3

17 Coventry Rise, Howrah



Site viewed from Coventry Rise, looking northwest

11.3.2 DEVELOPMENT APPLICATION D-2019/8 – 2 BURGUNDY ROAD, HOWRAH – FRONT FENCE
(File No D-2019/8)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a front fence at 2 Burgundy Road, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended until 10 July 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 at 2 Burgundy Road, Howrah (Cl Ref D-2019/8) be refused for the following reasons:
1. The proposal is inconsistent with the front fences for all dwellings objectives at 10.4.7(b) and (c).
 2. The proposal does not satisfy the Performance Criteria 10.4.7 P1 due to the fence not providing mutual passive surveillance between the road and the dwelling.

3. 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 does not warrant the proposed solution.
- 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 the Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 10.0 – General Residential;
 - Section F10.0 – North Glebe Hill Specific Area Plan; and
 - Section E1.0 – Bushfire Prone Areas Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The subject property is a 688m² corner lot within a recently created subdivision at the northern end of Glebe Hill. The property slopes down to the east and supports a newly built double-storey dwelling. A location plan is included in the attachments.

3.2. The Proposal

The proposal is to construct a 2.4m high front boundary fence that would border both Burgundy Road and Glenfern Street. The fence would be constructed of Colorbond to a height of 1.8m with horizontal timber slats with a transparency of 30% from 1.8m up to the height of 2.4m. A copy of the proposal is included in the attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone, Codes and Specific Area Plan

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential zone and North Glebe Hill Specific Area Plan and Bushfire Prone Areas Code, with the exception of the following.

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> <p>(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).</p>	<p>Does not comply - the proposed fence will be 2.4m in height with a solid component up to a height of 1.8m.</p> <p>Does not comply - the maximum height of the fence will be 2.4m.</p>

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><i>(a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and</i></p>	<p>The property supports a double storey house that consists of the living areas being on the upper floor, however due to the slope of the land the elevation that faces the west (Glenfern Street) is equivalent to a single storey dwelling and will not allow mutual passive surveillance between the road and the dwelling.</p> <p>The northern elevation (Burgundy</p>

<p>(b) <i>be compatible with the height and transparency of fences in the street, taking into account the:</i></p> <p>(i) <i>topography of the site; and</i></p> <p>(ii) <i>traffic volumes on the adjoining road”.</i></p>	<p>Road side) would be able to provide surveillance between the road and the dwelling from the elevated open plan living area and two of the bedrooms. This surveillance could be achieved over 20m of the 56m frontage.</p> <p>Although the proposed fence would provide privacy for the residents at 2 Burgundy Road, it would only provide limited mutual passive surveillance between the road and the dwelling along the northern elevation.</p> <p>Furthermore, the limited surveillance from the road may reduce the safety of the people residing within the property.</p> <p>Due to Burgundy Road being part of a newly created subdivision, there are no other examples of front fences within this street. As mentioned above, the site has a steep slope running from the west to the east, the proposed fence has not taken into account the topography of the site by adjusting the height to the slope of the land, but instead it is proposed to maintain the same height all the way around the site.</p> <p>Despite being on a different street, the applicant provides 2 examples at 13 Glenfern Street and 1/1 Sams Court (corner of Glenfern Street), photos of these fences are provided in the attachments.</p> <p>The fence located at 13 Glenfern</p>
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	<p>Street is also located on a sloping lot, however this fence follows the contours of the land, resulting in the fence being of varying heights which allows for passive surveillance of the street.</p> <p>The other example being a solid 1.2m paling fence located at 1/1 Sams Court (corner of Glenfern Street) this example is considered too far away from the subject site to warrant it as a suitable example to support this application. However, should it be used as an example, the fence is substantially lower than the proposed fence and still allows surveillance between the street and the dwelling.</p> <p>Both Burgundy Road and Glenfern Street are located within a newly established, quiet suburban area where the traffic volumes are not considered to be excessive. Furthermore, both roads lead to dead ends, resulting in no through traffic using the roads to get to another location.</p> <p>The proposed fence is not compatible with the height and transparency of those in the street, and has not taken into account the topography of the site, and seems excessive for the traffic volumes along both roads.</p>
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5. REPRESENTATION ISSUES

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

6. EXTERNAL REFERRALS

The application was referred to TasWater who has provided a condition 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.

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

8. COUNCIL STRATEGIC PLAN/PLOCY IMPLICATIONS

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

9. CONCLUSION

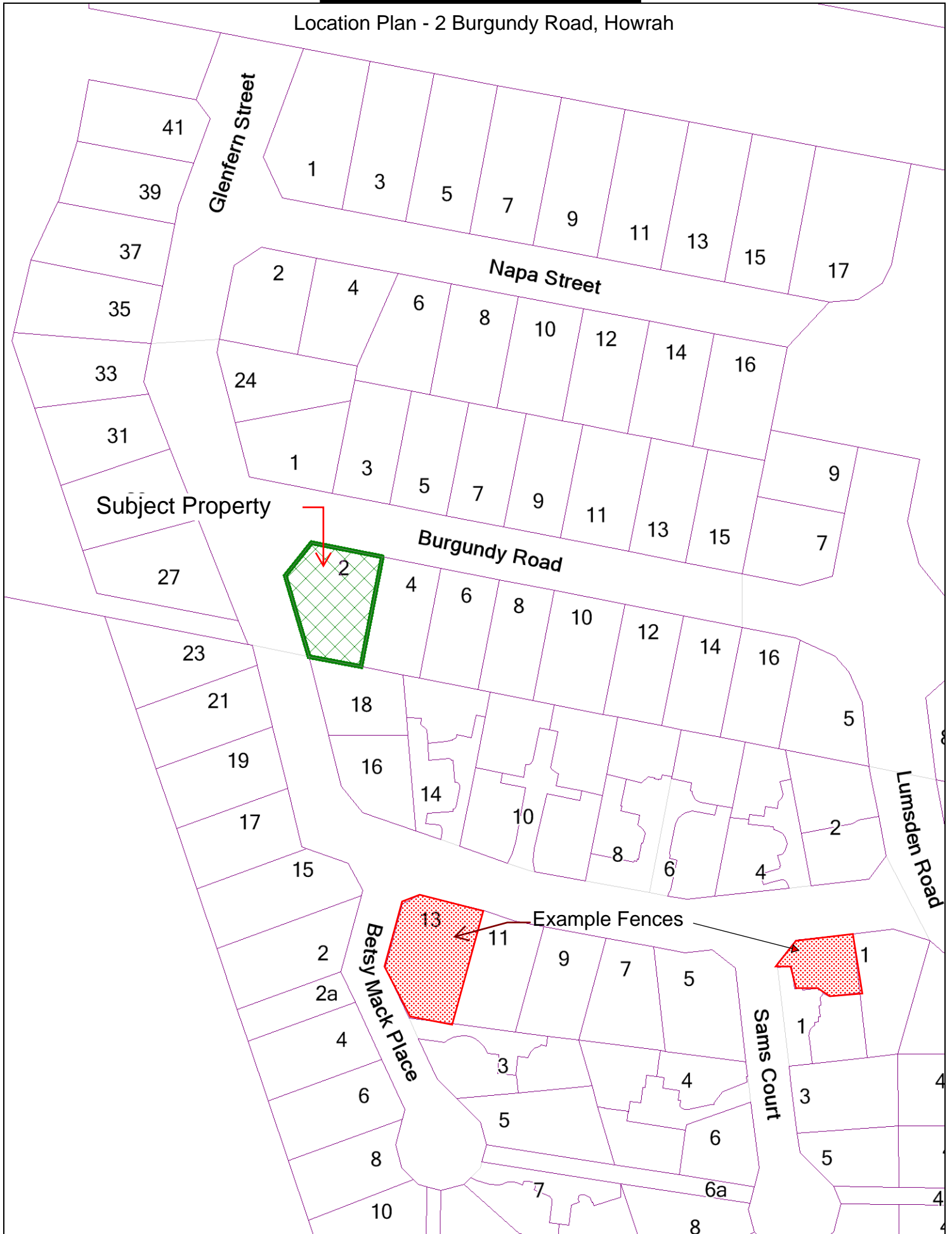
The proposal is recommended for refusal as it does not satisfy the relevant Performance Criteria in the Scheme.

Attachments: 1. Location Plan (1)
2. Proposal (3)
3. Site Photo (1)
4. Photos of Example Fences (1)

Dan Ford
ACTING MANAGER CITY PLANNING

Attachment 1

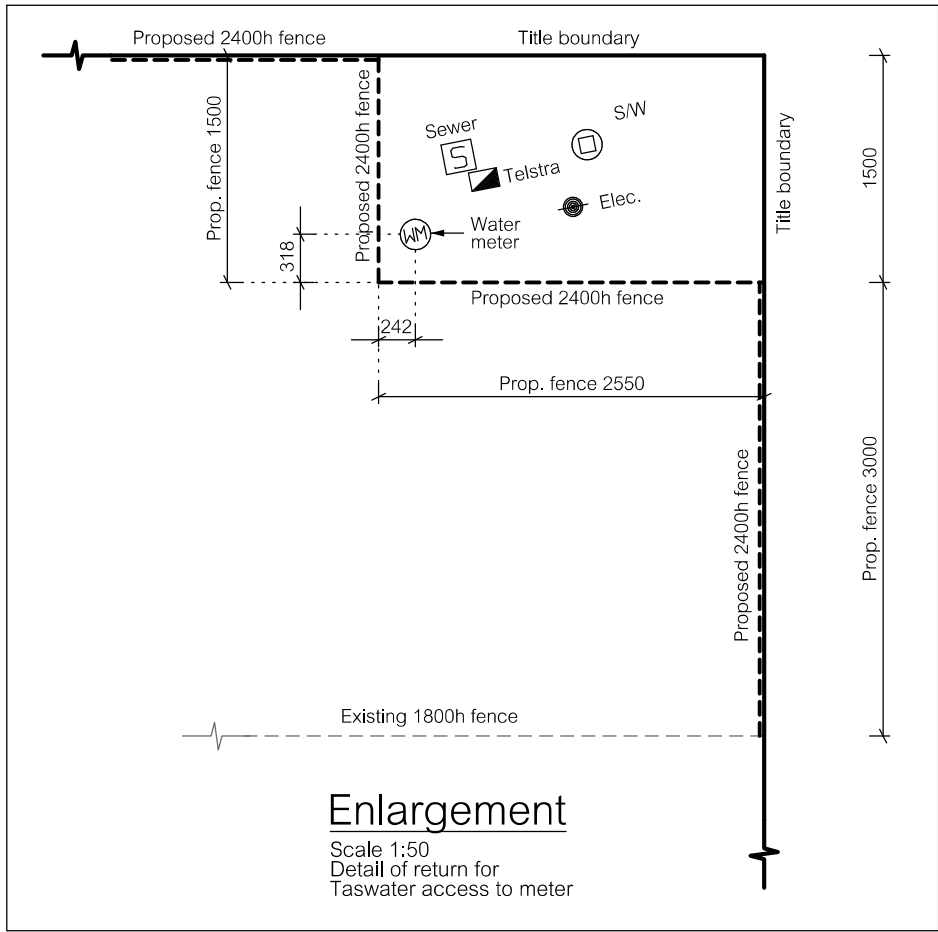
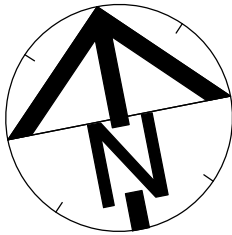
Location Plan - 2 Burgundy Road, Howrah



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, 24 June 2019 **Scale:** 1:1,370 @A4

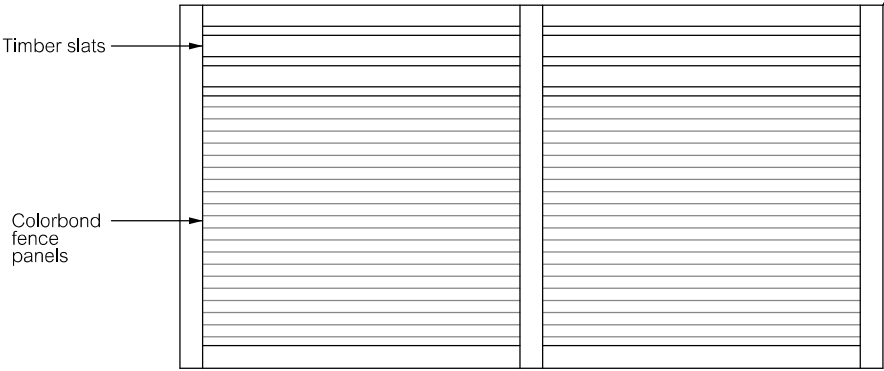
Attachment 2

Burgundy Road



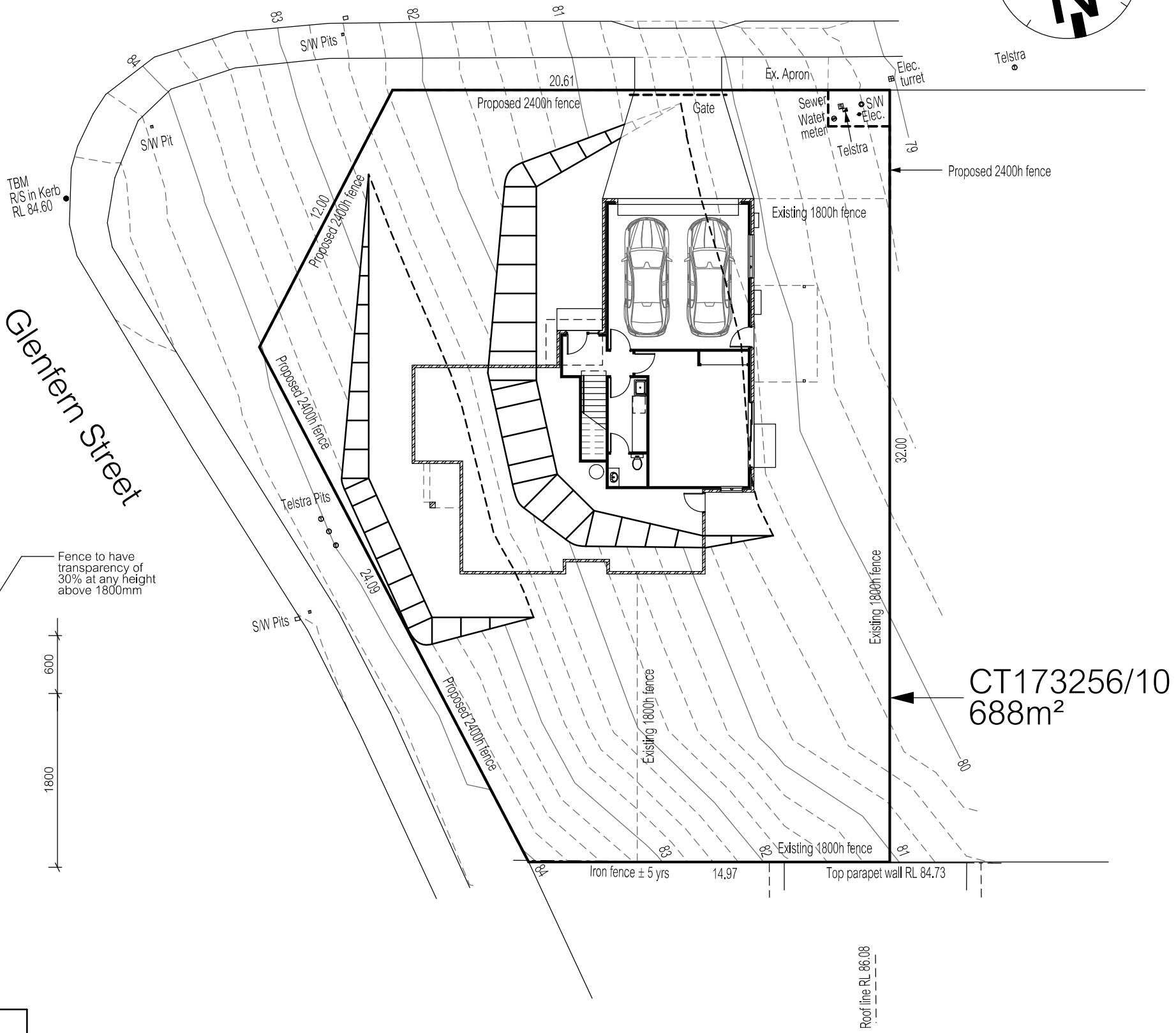
Enlargement

Scale 1:50
Detail of return for
Taswater access to meter



Fence Design Elevation

1:50



CT173256/10
688m²

THIS DWELLING IS BEING CONSTRUCTED IN A BUSHFIRE PRONE AREA (TBC)
Builder to ensure that all construction methods / materials comply with AS3959 - 2009 and sheets T.B.C.

- NOTES
- Builder to verify all dimensions and levels on site prior to commencement of work
 - All work to be carried out in accordance with the current National Construction Code.
 - All materials to be installed according to manufacturers specifications.
 - Dimensions to take precedence over scale.
 - Do not scale from these drawings.

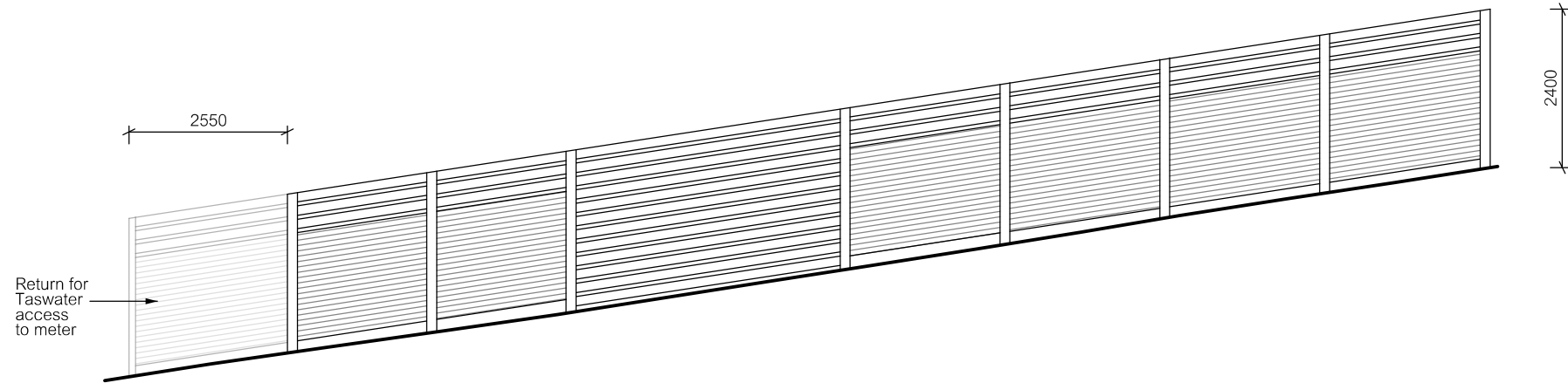
				Designer:	Client / Project info:
				ANOTHER PERSPECTIVE PTY LTD	PROPOSED CHURCHILL FENCE
				PO BOX 21	2 Burgundy Road,
				NEW TOWN	HOWRAH
				LIC. NO. CC2204H (A. Strugnell)	
				Ph: (03) 6231 4122	
				Fx: (03) 6231 4166	
				Email:	
				info@anotherperspective.com.au	
A	Changes as per cover sheet	10 Apr. 19	RJ		
No.	Amendment	Date	Init.		



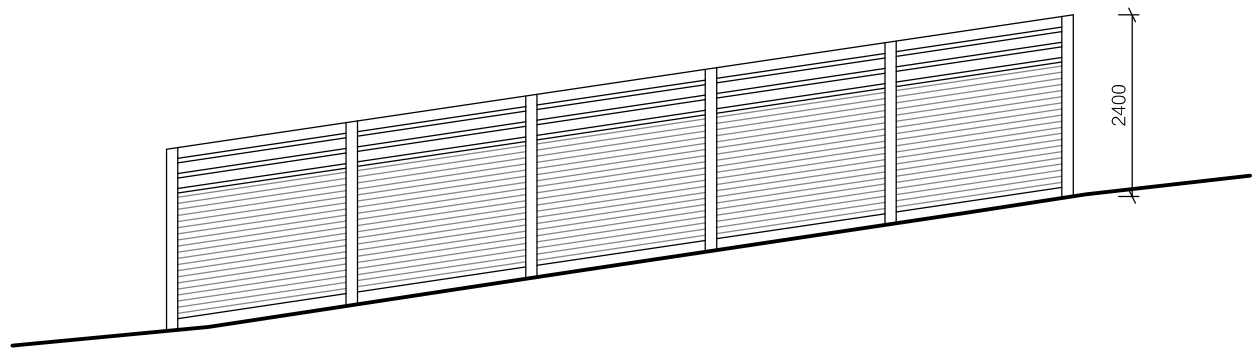
SITE PLAN

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Date	4 December 2018	Sheet
Scale	1:200/1:50	

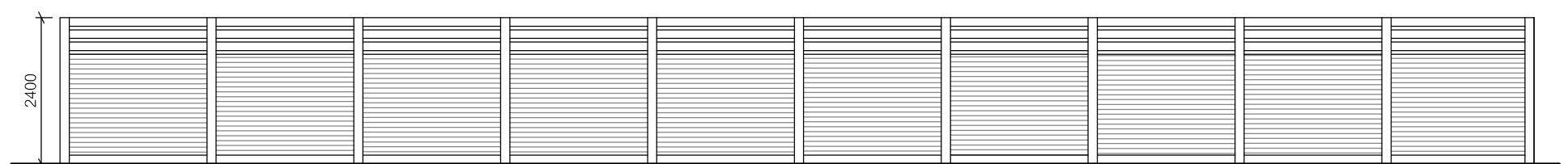
01/02



North Elevation



North West Elevation



West Elevation

THIS DWELLING IS BEING CONSTRUCTED IN A BUSHFIRE PRONE AREA (TBC)
Builder to ensure that all construction methods / materials comply with AS3959 - 2009 and sheets T.B.C.

- NOTES
- Builder to verify all dimensions and levels on site prior to commencement of work
 - All work to be carried out in accordance with the current National Construction Code.
 - All materials to be installed according to manufacturers specifications.
 - Dimensions to take precedence over scale.
 - Do not scale from these drawings.

ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.

				Designer:
				ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnell) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au
A	Changes as per cover sheet	10 Apr. 19	RJ	
No.	Amendment	Date	Init.	

Client / Project info:

PROPOSED CHURCHILL FENCE

2 Burgundy Road,
HOWRAH



ELEVATIONS

Drawn	LH	AP2018-1541
Date	13 December 2018	Sheet
Scale	1:100	
© Copyright 2018		02/02

Level 1, 67 Letitia Street
NORTH HOBART TAS 7000
(03) 6231-4122 Ph
(03) 6231-4166 Fax

15th February 2019

Clarence City Council
PO Box 96
Rosny Park TAS 7018

Re: Development Application – D-2019/8 - 2 Burgundy Road, Howrah

Dear Natalie,

I refer to your letter dated 18th January 2019 requesting additional information with regards to the planning application and the assessment for 2 Burgundy Road, Howrah.

1. 10.4.7 Frontage fences for all dwellings

Whilst the proposed development is unable to meet the acceptable solution (A1) for 10.4.7 Frontage fences for all dwellings, it will meet the performance criteria (P1).

The proposed fence is solid colorbond & timber to 1800mm high, with timber slats (with 30% transparency) for a further 600mm to a total height of 2400mm, on a sloping site on the corner of Burgundy Road & Glenfern Street, Howrah.

The fence provides for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling as the road & footpath is higher than the dwelling (on Glenfern Street); and is compatible with the height and transparency of fences in Glenfern Street, taking into account the:

- (i) topography of the site; and
- (ii) traffic volumes on the adjoining road.

Attachment 3

2 Burgundy Road, Howrah



Site viewed from Glenfern Street looking southeast

Attachment 4

Examples of Existing Fences along Glenfern Street, comparable with 2 Burgundy Road

13 Glenfern Street, Howrah (cnr Betsy Mack Place)

Varying Heights 1400h – 1800h (Betsy Mack side) & 2300h (Glenfern Street)

Rendered/Timber Fence



1 Sams Court, Howrah (cnr Glenfern Street)

1750h Timber Fence



If you require further information with regards to this submission, please let me know.

Regards,

Stuart French
Another Perspective Pty Ltd

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001043 – 71
CREMORNE AVENUE, CREMORNE – SINGLE DWELLING
(File No PDPLANPMTD-2019/001043)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 71 Cremorne Avenue, Cremorne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the applicant's consent until 10 July 2019.

CONSULTATION

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

- overshadowing;
- the location of water tanks;
- construction management plan; and
- external materials.

RECOMMENDATION:

A. That the application for a Single Dwelling at 71 Cremorne Avenue, Cremorne (CI Ref PDPLANPMTD-2019/001043) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned 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 10 – Village Zone;
 - Section E15.0 - Coastal Inundation Code;
 - Section E6.0 – Parking and Access Code; and
 - Section E7.0 – Stormwater Management Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1045m² vacant rectangular shaped allotment on the northern side of Cremorne Avenue. It has two Single Dwellings on both sides and open space at the back of the property. The site is relatively level and partly cleared of vegetation. Access would be provided from Cremorne Avenue.

A location plan is included in the attachments.

3.2. The Proposal

The proposal is to construct a single storey dwelling with integrated carport. The proposed dwelling would have a gross floor area of 105m². The maximum height would be 4.7m above the natural ground level. The dwelling would contain 2 bedrooms, bathroom, toilet, open space living and kitchen and a carport.

The dwelling would be constructed of timber cladded walls and have aluminium framed windows. A sealed driveway would be constructed as a part of the works.

A copy of the proposal plans is included in the attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A2	Setback	Building setback from side and rear boundaries must be less than: 2m.	The proposed north /western side setback is 1m.

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>Complies - the building setback of 1m relates to the setback from the proposed carport.</p> <p>The windows of the habitable rooms of the proposed dwelling are setback over 8m from the western side boundary and over 7m from the eastern property boundary. The rear setback is 16.4m. Therefore, habitable rooms would not have direct view lines to the dwellings on adjoining lots and their respective private open spaces.</p> <p>Therefore, it is considered that the proposed development meets the relevant performance criterion.</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 9.0 am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p>	<p>Complies - shadow diagrams have been submitted with the application, demonstrating that the development would cast shadows to 69 Cremorne Avenues southern side from approximately 2.00pm onwards.</p> <p>A copy of the applicant’s overshadowing diagrams are included in the attachments.</p> <p>It is considered that no habitable room</p>

	<p>windows would be impacted by overshadowing for longer than an hour during Winter Solstice. The private open space of 69 Cremorne Avenue, located at the rear of the property, would not be affected by overshadowing at any time.</p> <p>Given that the proposed dwelling will overshadow the private open space or habitable rooms of 69 Cremorne Avenue for less than 3 hours on 21 June, the proposed development meets the performance criterion.</p>
<p>(iii) <i>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>The proposed dwelling does not have any negative impact on the separation of dwellings. The proposed dwelling is single storey with a maximum height of 4.6m.</p> <p>The separation and siting of dwellings is compatible with the surrounding area. The distances between dwellings on adjoining lots vary from 5m to 10m.</p> <p>It is considered that the proposed modest single storey dwelling would not add significantly to the visual bulk when viewed from the adjoining properties at 69 Cremorne Avenue and 75 Cremorne Avenue.</p>

Coastal Inundation Code (medium)

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.7.2 A1	Coastal Inundation Medium Hazard Areas	For a new habitable building there is no Acceptable Solution.	The proposal is for a new habitable building.

In this instance, the proposal must be considered pursuant to the Performance Criteria P1 of the Clause 15.7.2 as follows.

Performance Criteria	Proposal
<p><i>“A new habitable building must satisfy all of the following:</i></p> <p><i>(a) floor level of habitable rooms, and rooms associated with habitable</i></p>	Complies - the floor level of the proposed dwelling is not lower than the Minimum

<p><i>buildings (other than a dwelling) that are either publicly accessible, used frequently or used for extended periods, must be no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;</i></p> <p><i>(b) risk to users of the site, adjoining or nearby land is acceptable;</i></p> <p><i>(c) risk to adjoining or nearby property or public infrastructure is acceptable;</i></p> <p><i>(d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i></p> <p><i>(e) need for future remediation works is minimised;</i></p> <p><i>(f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;</i></p> <p><i>(g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works;</i></p> <p><i>except if it is development dependent on a coastal location”.</i></p>	<p>Level for the Coastal Inundation Low Hazard Area in Table E15.1.</p> <p>Furthermore, Council’s Building and Engineering Officers were satisfied that the proposed development meets all the relevant development standards and will not increase risk to users of the site, adjoining sites or public infrastructure.</p> <p>Therefore, it is considered that the proposed development meets the relevant performance criterion.</p>
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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. Overshadowing

The representor is concerned that the plans provided with the development application only demonstrate shadow impact during Winter Solstice.

- **Comment**

Clause 16.4.2 A1 of the Clarence Interim Planning Scheme 2015

requires the applicant to demonstrate that the proposed development will not overshadow and reduce sunlight to habitable rooms and private open spaces on adjoining lots for less than 3 hours between 9.00am and 5.00pm on 21 June. Therefore, the applicant is only required to demonstrate the overshadowing impact on Winter Solstice, when the shadows are longest. A detailed explanation of the overshadowing impact of the proposed dwelling is provided above.

5.2. The Location of Water Tanks

The representor is concerned that the water tanks will be partially submerged into the ground.

- **Comment**

Council's Plumbing and Building Officers were satisfied that the proposed development meets all the relevant development standards for E7.0 Stormwater Management Code under the Scheme. Matters regarding the stormwater management will be addressed in the building permit application stage and the development would have to meet the relevant *Building Codes* and *Australian Standards*.

5.3 Construction Working Hours

The representor is concerned that the dwelling will be constructed outside ordinary working hours.

- **Comment**

The construction hours would have to comply with the *Environmental Management and Pollution Control (Noise) Regulations 2016* which will be enforced by Council's Environmental Health Officers. They restrict the noise from mobile machinery and portable equipment, such as power tools and cement mixers, from 7.00am to 6.00pm Monday to Friday, from 8.00am until 6.00pm Saturday and 10.00am until 6.00pm on Sundays and all Statutory Public Holidays.

5.4 External Materials

The representor is concerned that no information is provided about roofing materials and colours.

- **Comment**

The proposed external materials are not a relevant consideration for the Village zone under the Clarence Interim Planning Scheme 2015. Therefore, this concern does not have any determining weight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

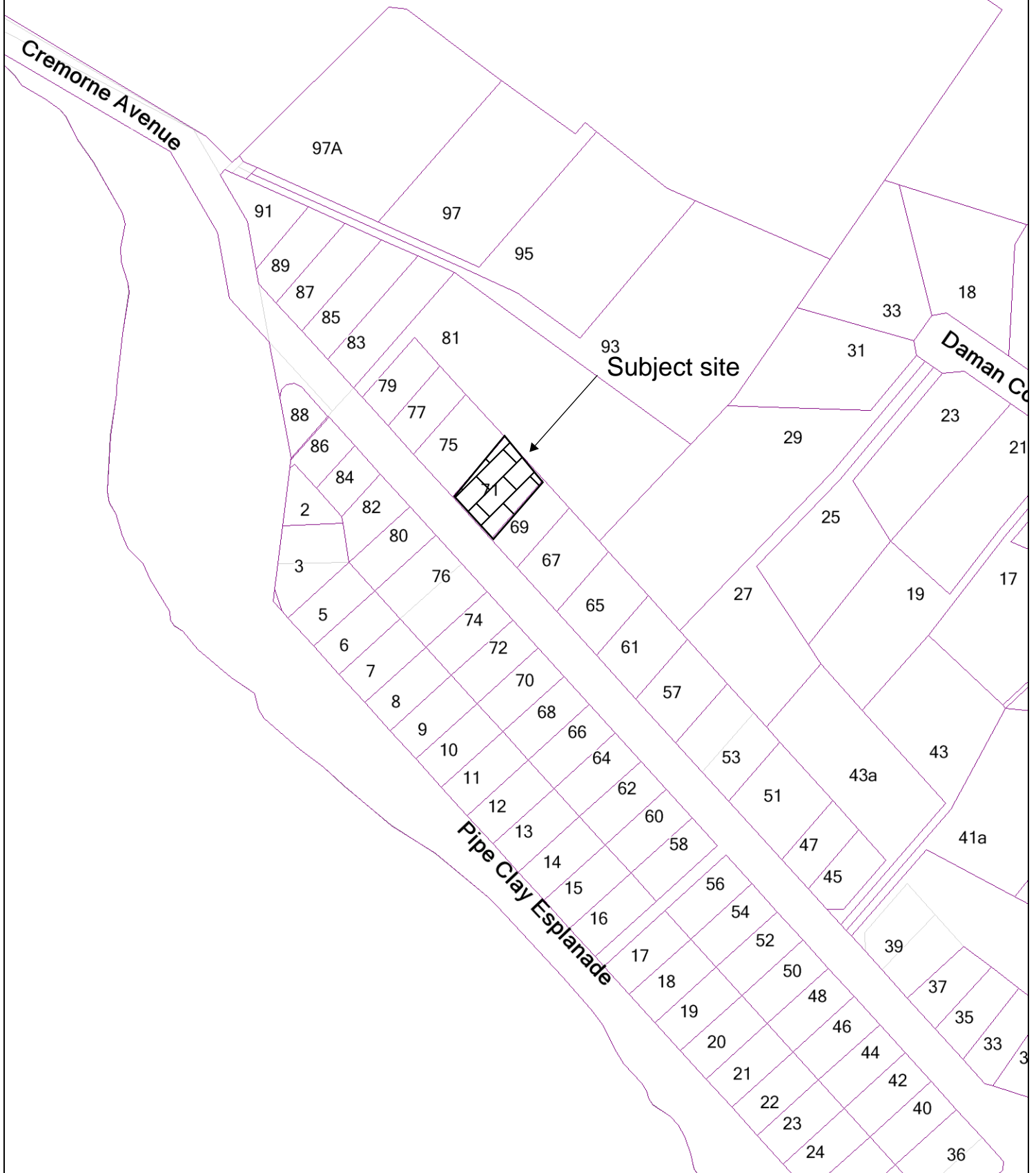
9. CONCLUSION

The proposal is recommended for approval.

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

Dan Ford
ACTING MANAGER CITY PLANNING

Location Plan- 71 Cremorne Avenue, CREMORNE



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 27 June 2019 **Scale:** 1:2,507 @A4

Attachment 2

GENERAL NOTES

DO NOT SCALE FROM THIS DRAWING

ALL LEVELS INDICATED PERTAIN TO FINISHED
LEVELS AND NOT STRUCTURAL LEVELS UNLESS
OTHERWISE INDICATED

MATERIALS AND WORK PRACTICES SHALL COMPLY WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND OTHER RELEVANT CODES REFERRED TO IN THE NCC

THIS DRAWING IS TO BE READ IN CONJUNCTION
WITH ALL OTHER CONTRACT DOCUMENTS,
SPECIFICATIONS AND DRAWINGS

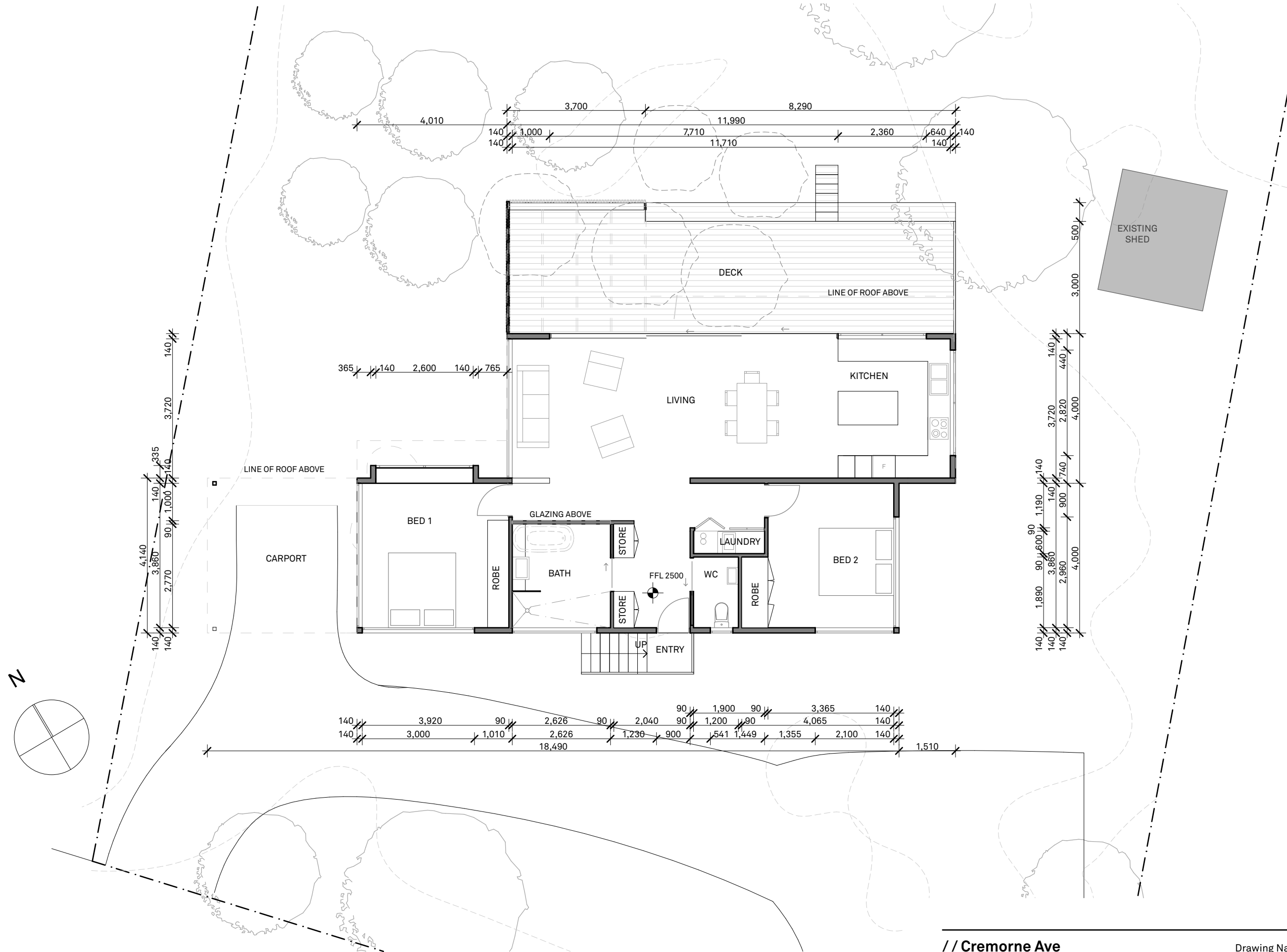


1. Site Plan
1:200

// Cremorne Ave

71 cremorne ave
Cremorne
TAS

Drawing Name	Site Plan
Drawing Scale	1:200
Layout ID	A1.2
Date	16/05/2019



GENERAL NOTES

DO NOT SCALE FROM THIS DRAWING

ALL LEVELS INDICATED PERTAIN TO FINISHED LEVELS AND NOT STRUCTURAL LEVELS UNLESS OTHERWISE INDICATED

MATERIALS AND WORK PRACTICES SHALL COMPLY WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND OTHER RELEVANT CODES REFERRED TO IN THE NCC

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS, SPECIFICATIONS AND DRAWINGS

1.

Ground Floor Plan

1:100

// Cremorne Ave

71 cremorne ave
Cremorne
TAS

Drawing Name
Drawing Scale
Layout ID
Date

Floor Plan
1:100
A1.3
16/05/2019

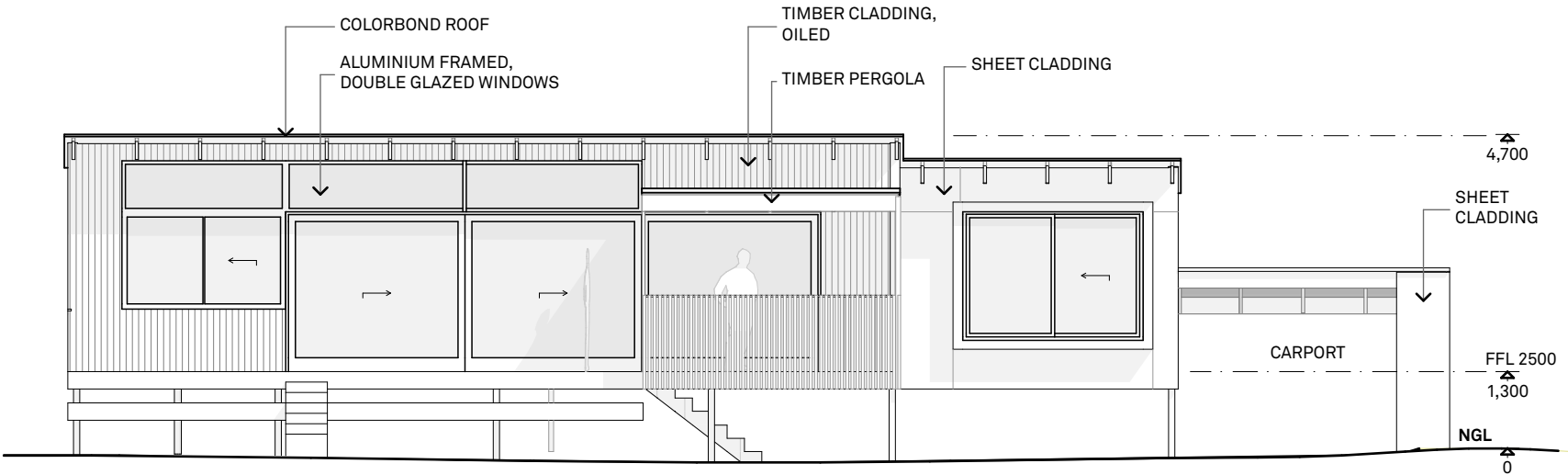
GENERAL NOTES

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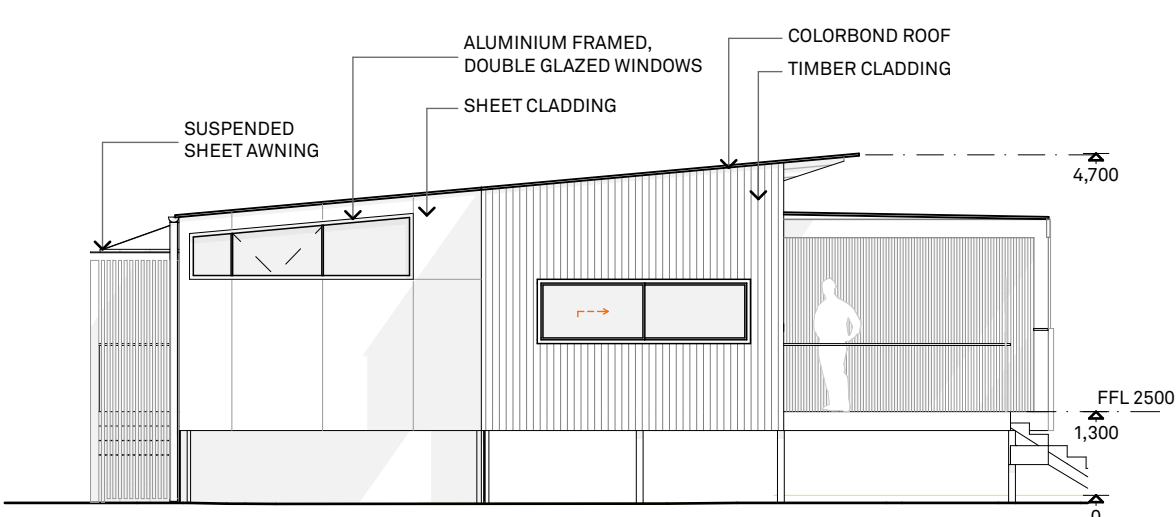
ALL LEVELS INDICATED PERTAIN TO FINISHED LEVELS AND NOT STRUCTURAL LEVELS UNLESS OTHERWISE INDICATED

MATERIALS AND WORK PRACTICES SHALL COMPLY WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND OTHER RELEVANT CODES REFERRED TO IN THE NCC

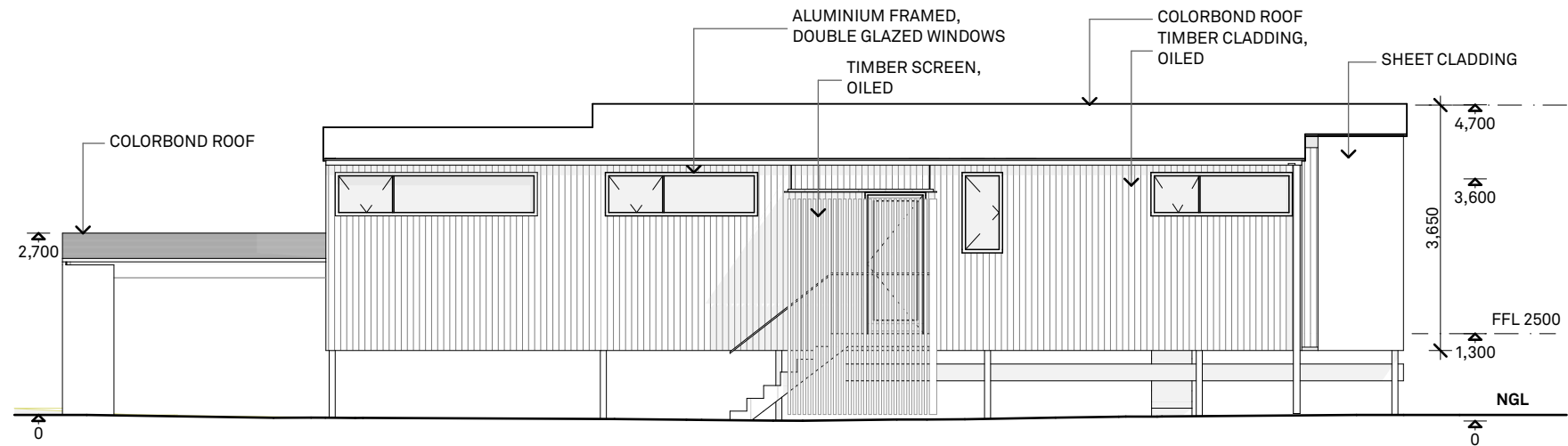
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS, SPECIFICATIONS AND DRAWINGS



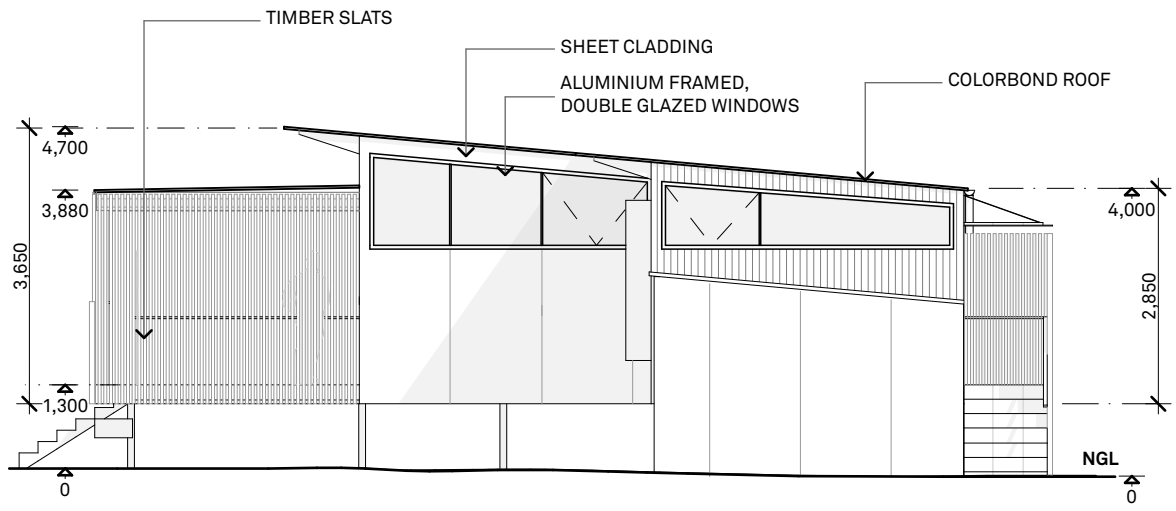
1 North Elevation
1:100



2 East Elevation
1:100



3 South Elevation
1:100



4 West Elevation
1:100

// Cremorne Ave

71 cremorne ave
Cremorne
TAS

Drawing Name

Elevations

Drawing Scale

1:100

Layout ID

A1.4

Date

16/05/2019

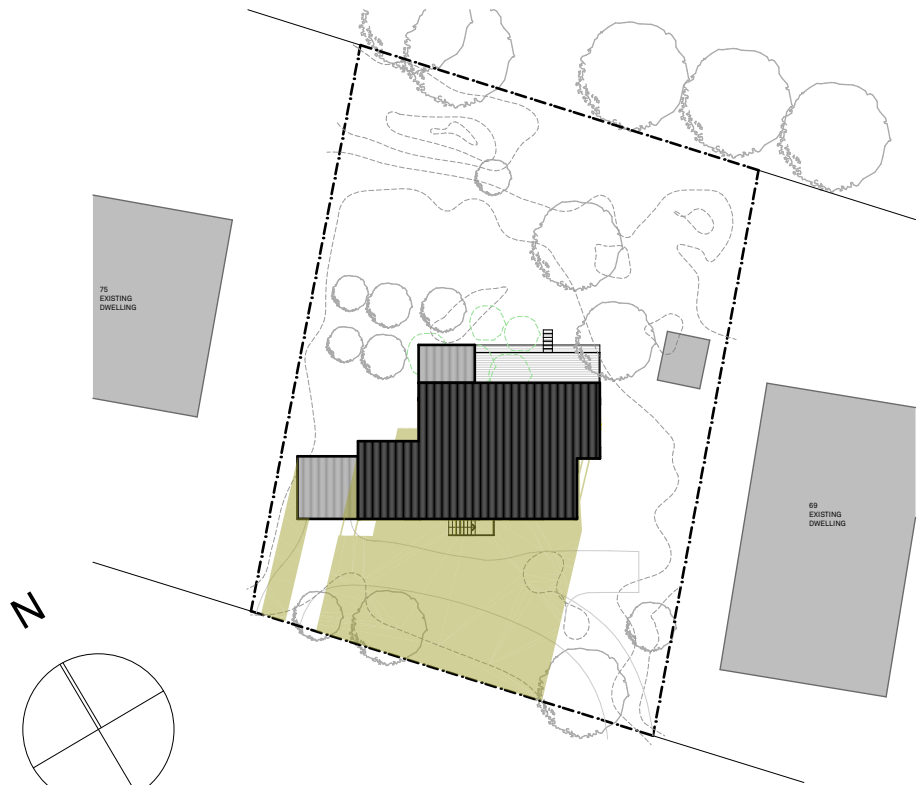
GENERAL NOTES

DO NOT SCALE FROM THIS DRAWING

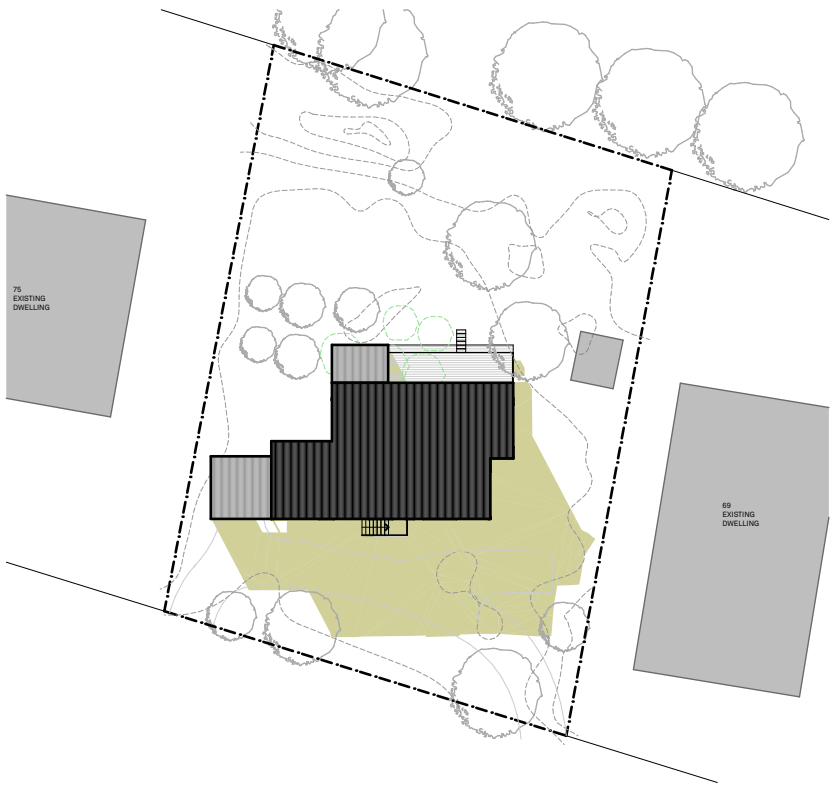
ALL LEVELS INDICATED PERTAIN TO FINISHED LEVELS AND NOT STRUCTURAL LEVELS UNLESS OTHERWISE INDICATED

MATERIALS AND WORK PRACTICES SHALL COMPLY WITH THE NATIONAL CONSTRUCTION CODE (NCC) AND OTHER RELEVANT CODES REFERRED TO IN THE NCC

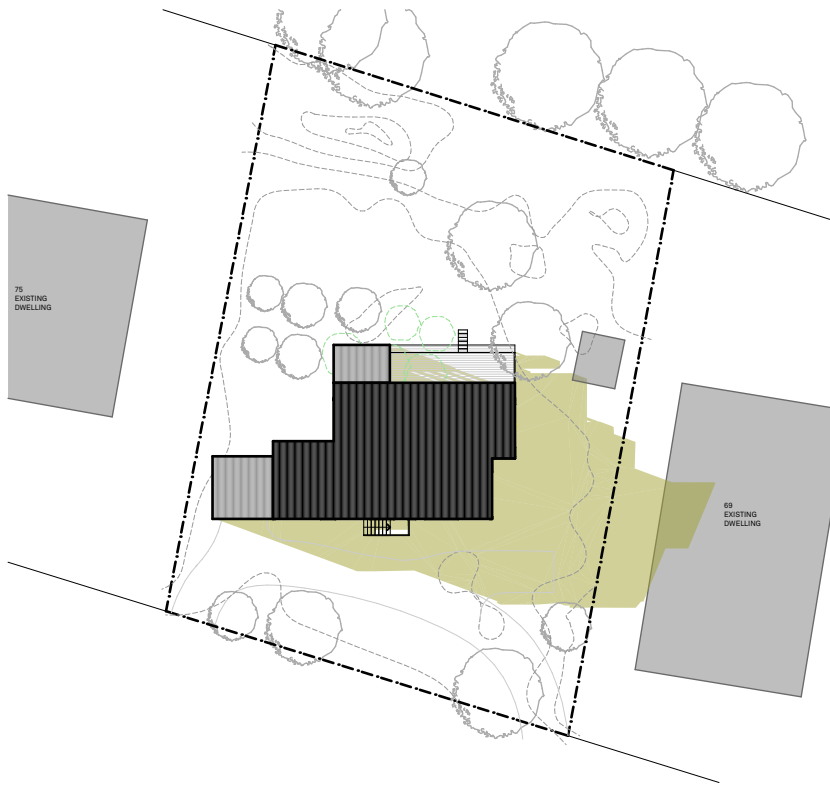
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS, SPECIFICATIONS AND DRAWINGS



1. 21 June 9am



1. 21 June 12pm



1. 21 June 3pm

// Cremorne Ave

71 cremorne ave
Cremorne
TAS

Drawing Name
Drawing Scale
Layout ID
Date

Shadow Diagram

1:500

A1.5

16/05/2019

Attachment 3



Photo. Site viewed from Cremorne Avenue, Cremorne

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001299 - 10
PAWTELLA CLOSE, SANDFORD – SINGLE DWELLING
(File No PDPLANPMTD-2019/001299)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the construction of an outbuilding associated with an existing dwelling at 10 Pawtella Close, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire Prone Areas and Natural Assets 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 11 July 2019.

CONSULTATION

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

RECOMMENDATION:

- A. That the application for an outbuilding at 10 Pawtella Close, Sandford (CI Ref PDPLANPMTD-2019/001299) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. GEN M7 – DOMESTIC USE.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION PDPLANPMTD-2019/001299 - 10 PAWTELLA CLOSE, SANDFORD – SINGLE DWELLING /contd...

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Living and is subject to the Bushfire Prone Areas and Natural Assets Codes 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 13.0 – Rural Living Zones;
- Section E1.0 – Bushfire Prone Area Codes; and
- Section E27.0 – Natural Assets.

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

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

The site is a 2.24ha rural residential lot which contains a dwelling and associated outbuildings. A location plan is included in the attachments.

3.2. The Proposal

The proposal is for an 128m² outbuilding (garage) with a maximum height above natural ground level of 4.07m. The outbuilding is proposed to be located 31m from the boundary to Pawtella Close and is well clear of all other property boundaries (see attached plans).

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone and Bushfire Prone Areas and Natural Assets Codes with the exception of the following.

Rural Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.3 A3	Design	The combined gross floor area of buildings must be no more than: 375m ² .	Gross floor of all buildings on-site is 498m ² .

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 13.4.3 as follows.

Performance Criteria	Proposal
<p><i>“The combined gross floor area of buildings must satisfy all of the following:</i></p> <p><i>(a) there is no unreasonable adverse impact on the landscape;</i></p> <p><i>(b) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity;</i></p> <p><i>(c) be consistent with any Desired Future Character Statements provided for the area”.</i></p>	<p>The site is not located on a skyline and is not visually prominent. The outbuilding is located 31m from the Pawtella Road boundary and is screened by the existing vegetation located around the boundaries of the site. On this basis, the proposal will not have a detrimental impact on the landscape.</p> <p>The scale of the outbuilding is consistent with the scale of other buildings on the site and in the surrounding area.</p> <p>not applicable</p>

Rural Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.4 A1	Outbuildings	<p>Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:</p> <p>(a) have a combined gross floor area no more than 100m²;</p> <p>(b) have a wall height no more than 6.5m and a building height not more than 7.5m;</p> <p>(c) have setback from</p>	<p>Does not comply as the combined gross floor area of existing and proposed outbuildings is 248m².</p> <p>complies</p> <p>Does not comply as the outbuilding is located in</p>

		frontage no less than that of the existing or proposed dwelling on the site.	front of the existing dwelling when viewed from Gellibrand Drive.
--	--	--	---

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 13.4.4 as follows.

Performance Criteria	Proposal
<p><i>“Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:</i></p> <p>(a) <i>be less visually prominent than the existing or proposed dwelling on the site;</i></p> <p>(b) <i>be consistent with the scale of outbuildings on the site or in close visual proximity;</i></p> <p>(c) <i>be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape”.</i></p>	<p>The lot is located on the corner of Gellibrand Drive and Pawtella Close. The proposed outbuilding is located behind the dwelling when viewed from Pawtella Close.</p> <p>When viewed from Gellibrand Drive, the outbuilding is located 8m closer to the front boundary than the dwelling and is to the south of an existing outbuilding which is 30m from the front boundary.</p> <p>Given the location of the proposed outbuilding to the south of the existing dwelling, its location is generally in line with the existing outbuilding, and the existing vegetation around the boundary of the site, the outbuilding will not be more visually prominent than the dwelling on the site.</p> <p>The proposed outbuilding is similar in size and scale of the existing outbuilding on the site.</p> <p>not applicable</p>

5. REPRESENTATION ISSUES

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

5.1. Noise

Concern was raised that the outbuilding may be used for loud music and/or drumming which has a detrimental impact on the amenity of the area.

- **Comment**

The proposed outbuilding is intended to be used for residential purposes and provided that is the case, there are no further restrictions under the Scheme on what activities can occur in the shed. It is however, recommended that a permit condition be included restricting the use of the shed to domestic use only.

In addition, the proposal meets the setback requirements of the zone which are intended to ensure there is reasonable separation between buildings on adjoining lots. On this basis, the issue raised should not have determining weight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the relevant State Policies.

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 an outbuilding is recommended for approval.

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

Dan Ford
ACTING MANAGER CITY PLANNING

Attachment 1

10 Pawtella Close, Sandford



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.

28/06/2019

1:9028



SITE PLAN 1:1000

- THE SITE IS LOCATED IN THE FOLLOWING AREAS OF THE CLARENCE INTERIM PLANNING SCHEME 2015:-
- RURAL LIVING ZONE 13.0
 - BUSHFIRE PRONE AREA
 - BIO-DIVERSITY PROTECTION AREA (LOW).

SITE COVERAGE

(as per Southern Midlands Interim Planning Scheme 2015)

EXISTING RESIDENCE - 250.00m² (approx)

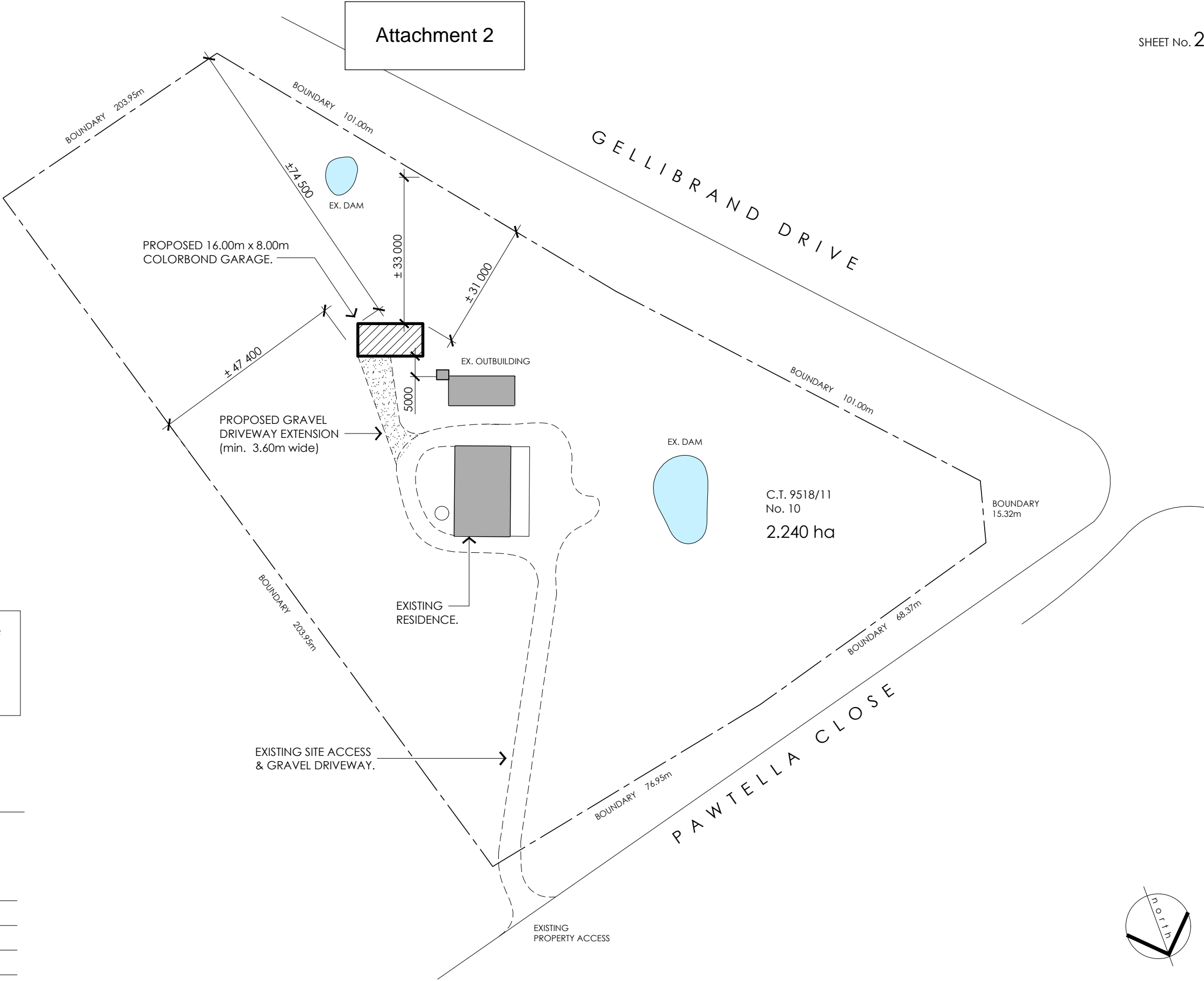
EXISTING OUTBUILDING - 120.00m² (approx)

PROPOSED GARAGE - 128.00m²

TOTAL - 498.00m²

SITE AREA - 22 400m²

TOTAL SITE COVERAGE - 2.22%



MATT GILLEY | building designer

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issue	description	date

project	PROPOSED GARAGE 10 PAWTELLA CLOSE SANDFORD
proprietor	M. GREGG

drawing SITE PLAN		
scale	project no.	drawing no.
1:1000	1514	A01
date	drawn	
MAY 2019	MG	

GENERAL NOTES

WHEN CARRYING OUT THE BUILDING WORK, A BUILDER (or owner builder) SHOULD BE FAMILIAR WITH GENERAL CONSTRUCTION PRACTICES, THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), AS WELL AS LOCAL COUNCIL RULES/REGULATIONS.

A COPY OF ALL PLANNING, BUILDING & PLUMBING PERMITS, AND DRAWINGS STAMPED "APPROVED" BY THE LOCAL AUTHORITY **MUST BE KEPT ON SITE**.

THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SHED MANUFACTURER'S PLANS, DETAILS & SPECIFICATIONS FOR ALL CONCRETE FOOTINGS & SLABS, & STEEL FRAMING.

EARTHWORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH PART 3.1.1 OF BCA. EXCAVATION & FILL UTILISING UNPROTECTED EMBANKMENTS SHALL BE IN ACCORDANCE WITH TABLE 3.1.1.1 OF THE BCA.

IF RECOMMENDED IN SOIL REPORT OR BY STRUCTURAL ENGINEER, SUB-SOIL DRAINAGE AROUND THE BUILDING MUST BE CARRIED OUT IN ACCORDANCE WITH PART 3.1.2 OF THE BCA AND AS/NZS 3500.3.2 OR AS/NZS 3500.5 (domestic installations, section 5).

FOOTING & SLAB CONSTRUCTION (including vapour barriers & damp-proofing membranes) SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH AS 2870, AND MUST COMPLY WITH PART 3.2 OF THE BCA. NO EDGE REBATE SHALL BE LESS THAN 20mm. DESIGN & CERTIFICATION TO BE BY AN ACCREDITED PRACTICING STRUCTURAL ENGINEER.

CONCRETE MUST BE MANUFACTURED TO COMPLY WITH AS 3600 - AND HAVE A MINIMUM STRENGTH OF OF 25MPa (N25) AT 28 DAYS. STEEL REINFORCING MUST COMPLY WITH AS 2870. GENERALLY CONCRETE AND REINFORCING MUST COMPLY WITH PART 3.2.3 OF BCA, ALSO REFER TO STRUCTURAL ENGINEER'S GENERAL NOTES AND DETAILS.

FOOTING AND SLAB CONSTRUCTION SHALL BE CARRIED OUT IN ACCORDANCE WITH PART 3.2.5 OF BCA AND AS 2870. ALSO REFER TO STRUCTURAL ENGINEER'S GENERAL NOTES AND DETAILS.

ALL STEEL WALL & ROOF FRAMING SHALL BE CARRIED OUT IN ACCORDANCE WITH PART 3.4.2 OF THE BCA, AS 4100 AND AS/NZS 4600. DESIGN & CERTIFICATION TO BE BY AN ACCREDITED PRACTICING STRUCTURAL ENGINEER. ALSO REFER TO STRUCTURAL ENGINEER'S GENERAL NOTES AND DETAILS.

ALL TIMBER FLOOR, WALL & ROOF FRAMING SHALL BE CARRIED OUT IN ACCORDANCE WITH PART 3.4.3 OF THE BCA, AS 1684.2 AND/OR AS 1684.4. DESIGN & CERTIFICATION TO BE BY AN ACCREDITED PRACTICING STRUCTURAL ENGINEER. ALSO REFER TO STRUCTURAL NOTES AND DETAILS.

ROOF CLADDING SHALL BE INSTALLED IN ACCORDANCE WITH PART 3.5.1 OF BCA. COLORBOND FINISH TO SHEET ROOFS (uno) AS SELECTED BY OWNER. ALL RIDGES, FASCIAS, BARGE ENDS, HIP ENDS AND ROOF PENETRATIONS MUST BE PROPERLY FLASHED AND SEALED(i.e. watertight). REFER TO ARCHITECTURAL DWGS FOR TYPICAL SARKING DETAILS AND EXTENT OF ROOF CLADDINGS.

ALL GUTTERS AND DOWNPIPES SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH AS/NZS 3500.3.2 OR AS/NZS 3500.5 (domestic installations, section 5). REFER TO ARCHITECTURAL DWGS FOR TYPICAL GUTTER & FASCIA DETAILS.

ALL FLOOR, WALL & ROOF CONSTRUCTION SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 3959 - CONSTRUCTION OF BUILDINGS IN BUSHFIRE PRONE AREAS. REFER TO ARCHITECTURAL DWGS FOR TYPICAL DETAILS AND BUSH FIRE HAZARD ASSESSMENT, MANAGEMENT PLAN & SPECIFICATION PROVIDED BY OTHER CONSULTANTS.

MINIMUM CEILING HEIGHTS SHALL BE GENERALLY 2.4m, UNLESS IN A KITCHEN, HALL, BATHROOM, LAUNDRY OR GARAGE, WERE A MINIMUM OF 2.1m IS ACCEPTABLE. MINIMUM CEILING HEIGHTS ABOVE THE NOSINGS OF STAIR TREADS MUST BE 2.0m CLEAR.

PROVIDE ARTIFICIAL LIGHTING TO ALL ROOMS IN ACCORDANCE WITH AS/NZS 1680.0. LIGHTING LAYOUT TO BE CO-ORDINATED BETWEEN THE OWNER AND BUILDER.

ALL WINDOWS AND INTERNAL GLAZING SHALL BE TAGGED OR CERTIFIED COMPLIANT WITH AS1288 (safety) AND AS2047(weatherproofing). GLAZING SHALL ALSO COMPLY WITH PART 3.6 OF THE B.C.A.

PROTECTIVE COATINGS FOR STEELWORK (FROM BCA TABLE 3.4.4.2)

ENVIRONMENT - **MODERATE** (more than 1km from breaking surf or more than 100m from salt water not subject to breaking surf or heavy non-industrial areas).

NO PROTECTION REQUIRED FOR INTERNAL STEELWORK IN A PERMANENTLY DRY LOCATION.

EXTERNAL STEELWORK PROTECTION OPTIONS:-

- 1. 2No. COATS ALKYD PRIMER.
- 2. 2No. COATS ALKYD GLOSS.
- 3. HOT DIP GALVANISE 300g/m²
- 4. HOT DIP GALVANISE 100g/m² min. PLUS (a) 1No. COAT SOLVENT BASED VINYL PRIMER; OR (b) 1No. COAT VINYL GLOSS OR ALKYD.

WHS REGULATIONS 2012

WORKPLACE HEALTH & SAFETY REGULATIONS 2012 (WHS REGULATIONS) REQUIRE THERE TO BE A PRINCIPAL CONTRACTOR (THE BUILDER) FOR ANY PROJECT WITH A CONSTRUCTION VALUE OVER \$250,000.

THE BUILDER SHALL SAFELY CARRY OUT ALL WORK IN ACCORDANCE WITH WHS REGULATIONS. THE WHS REGULATIONS REQUIRE THAT BEFORE STARTING WORK THE BUILDER MUST IDENTIFY ALL OF THE HIGH RISK CONSTRUCTION WORK THAT WILL BE UNDERTAKEN, DEVELOP SAFE WORK METHOD STATEMENTS FOR THESE, AND ENSURE THAT ALL WORK IS CARRIED OUT IN ACCORDANCE WITH THEM.

POWER SUPPLY

WHERE WORK IS IN PROXIMITY TO OVERHEAD POWER LINES, THE BUILDER SHALL FORM AN APPROPRIATE SAFE WORK STRATEGY. WHERE THE EXISTING POWER SUPPLY NEEDS TO BE RELOCATED, THE BUILDER SHALL CONSULT WITH 'AURORA' & ALL OTHER RELEVANT AUTHORITIES. POWER LINE RELOCATION SHALL BE CONDUCTED IN A SAFE MANNER, AND IN ACCORDANCE WITH ALL RELEVANT STANDARDS & REGULATIONS.

CONSTRUCTION WORK - CODE OF PRACTICE

THE CODE OF PRACTICE FOR CONSTRUCTION WORK IS AN APPROVED CODE OF PRACTICE UNDER SECTION 274 OF THE WORK HEALTH & SAFETY ACT (the WHS Act).

AN APPROVED CODE OF PRACTICE IS A PRACTICAL GUIDE TO ACHIEVING THE STANDARDS OF HEALTH, SAFETY AND WELFARE REQUIRED UNDER THE WHS ACT AND THE WORK HEALTH & SAFETY REGULATIONS (WHS regulations).

THE CODE PROVIDES GUIDANCE TO PRINCIPAL CONTRACTORS AND OTHER PERSONS CONDUCTING A BUSINESS OR UNDERTAKING, WHO CARRYOUT CONSTRUCTION WORK, ON HOW TO MEET THE HEALTH & SAFETY REQUIREMENTS UNDER THE WHS ACT & REGULATIONS RELATING TO CONSTRUCTION WORK.

THE CODE SHOULD BE READ IN CONJUNCTION WITH OTHER CODES OF PRACTICE ON SPECIFIC HAZARDS AND CONTROL MEASURES RELEVANT TO THE CONSTRUCTION INDUSTRY INCLUDING (but not limited to):-

- DEMOLITION WORK
- EXCAVATION WORK
- MANAGING ELECTRICAL RISK AT THE WORKPLACE
- MANAGING THE RISK OF FALLS AT WORKPLACES
- MANAGING NOISE AND PREVENTING HEARING LOSS AT WORK
- PREVENTING FALLS IN HOUSING CONSTRUCTION
- CONFINED SPACES
- HAZARDOUS MANUAL TASKS
- FIRST AID IN THE WORKPLACE
- SAFE DESIGN OF STRUCTURES

A COPY OF THE CODE OF PRACTICE FOR CONSTRUCTION WORK CAN BE DOWNLOADED FROM THE FOLLOWING LINK:-
<http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/construction-work>

MATT GILLEY

building designer

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issue	description	date

project

PROPOSED GARAGE
10 PAWTELLA CLOSE
SANDFORD

proprietor

M. GREGG

drawingGENERAL NOTES		
scale	project no.	drawing no.
N/A	1514	A02
date	drawn	
MAY 2019	MG	

WALL KEY

HORIZONTAL 64mm TOP HAT BATTENS OVER STEEL FRAME.
REFER TO DRAWINGS PROVIDED BY 'STEELINE'.
COLORBOND 'STEELCLAD' SHEET WALL CLADDING OVER.

PLUMBING NOTES

ALL PLUMBING & DRAINAGE SHALL COMPLY WITH AS 3500, THE TASMANIAN PLUMBING CODE, THE PLUMBING CODE OF AUSTRALIA & THE MUNICIPLE STANDARD DRAWINGS.

UNLESS NOTED OTHERWISE, ALL SEWER AND STORMWATER DRAINS SHALL BE PVC SEWER CLASS "SN6" TO AS 1260.

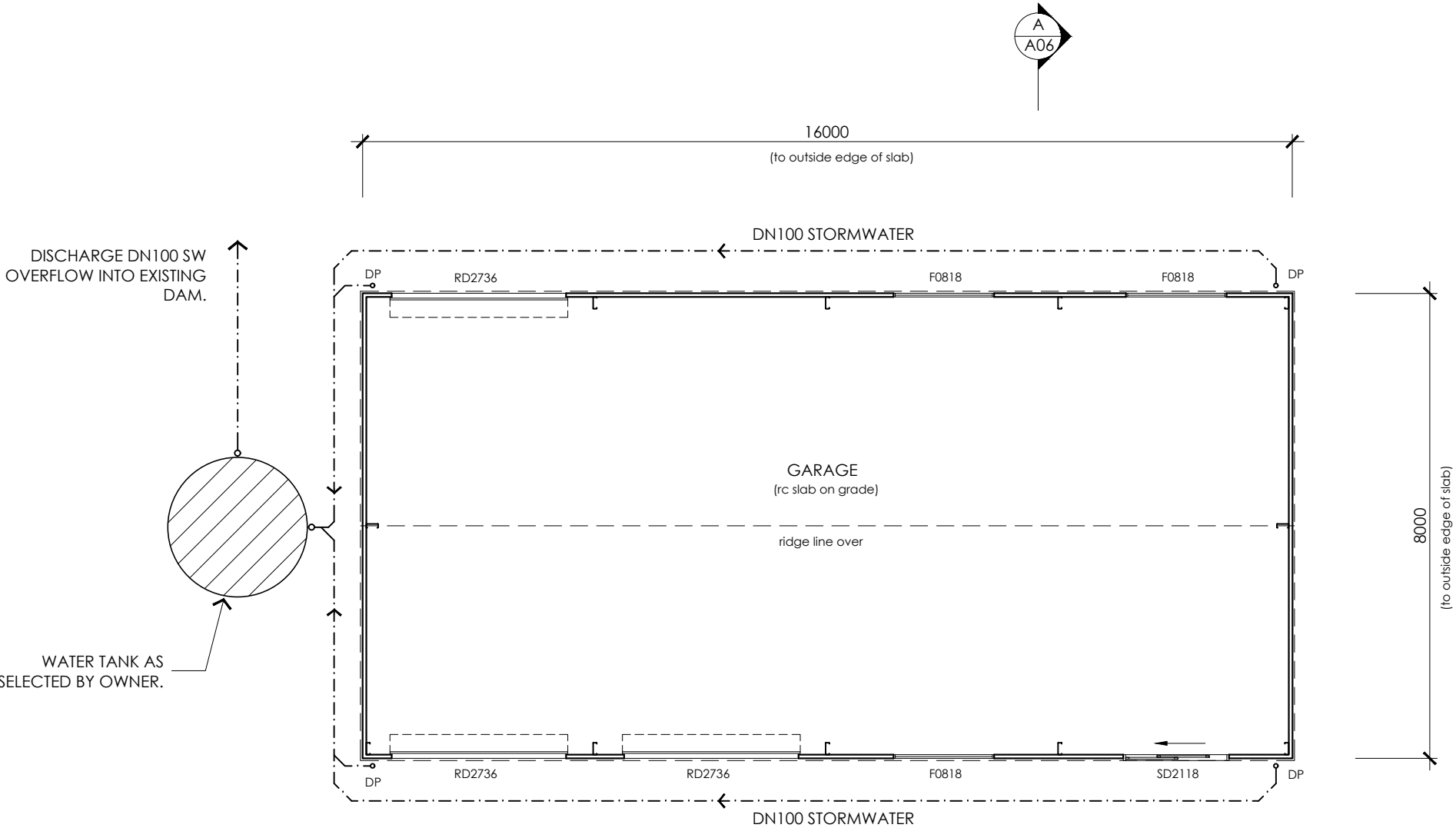
ALL CONNECTIONS TO COUNCIL OR Tas Water SERVICES SHALL BE UNDERTAKEN BY BY THE COUNCIL OR Tas Water AUTHORITY AT THE DEVELOPER'S COST.

THE BUILDER SHALL CONFIRM THE PRESENCE & LOCATION OF ALL EXISTING SERVICES ON THE SITE & WITHIN THE AREA OF WORKS.
ALL DANGEROUS SERVICES (underground & overhead) MUST BE CLEARLY IDENTIFIED.

DP - NEW uPVC DOWNPIPE Ø90 (unless noted otherwise).

MINIMUM PIPE GRADES:-

STORMWATER - 1.00% (1:100)



FLOOR PLAN 1:100
PROPOSED GARAGE - 130.00m²

MATT GILLEY | building designer

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issue	description	date

project	PROPOSED GARAGE 10 PAWTELLA CLOSE SANDFORD
proprietor	M. GREGG

drawing FLOOR PLAN & ROOF PLAN		
scale	project no.	drawing no.
1:100	1514	A03
date	drawn	
MAY 2019	MG	

ROOF KEY

- R1

'STEELCLAD' STEEL ROOF CLADDING. PITCH - 10°
COLORBOND FINISH - WOODLAND GREY, LRV - 12%
- DP

NEW uPVC DOWNPIPE Ø75

ROOFING NOTES

METAL ROOF SHEETING SHALL COMPLY WITH AS 1562.1 DESIGN & INSTALLATION OF SHEET ROOF & WALL CLADDING: METAL.

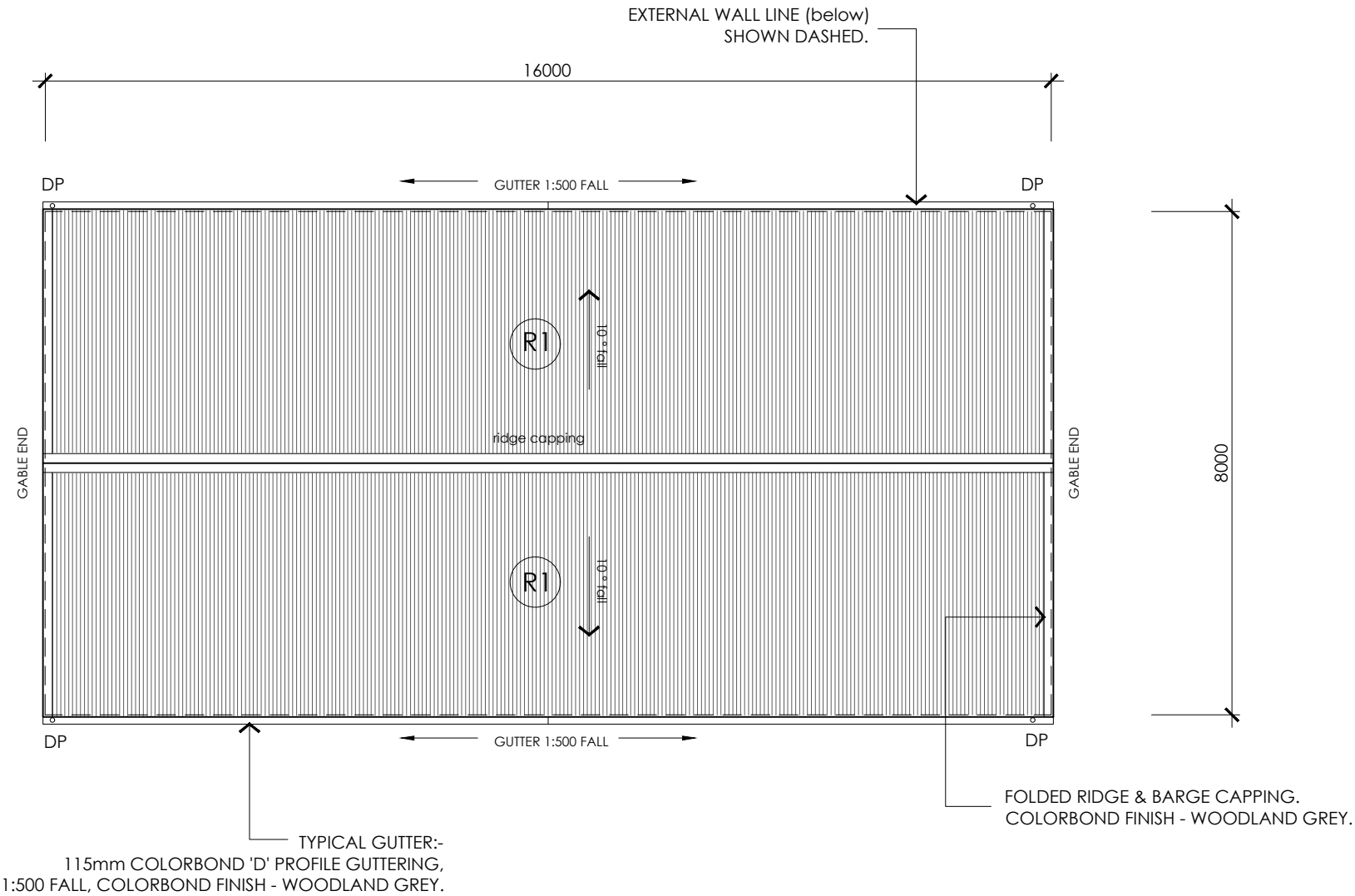
ALL ROOF SHEETING, FLASHINGS, CAPPINGS, FIXINGS AND PENETRATION FLASHING SHALL BE INSTALLED IN ACCORDANCE WITH AS 1562.1 & MANUFACTURER'S DETAILS & SPECIFICATIONS.

ALL FIXINGS/FASTENERS SHALL BE GALVANISED, AND COMPLY WITH THE RELEVANT AUSTRALIAN STANDARDS. CUSTOM ORB SHEETS CREST FIXED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATION.

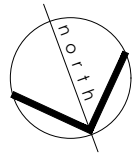
WHEREVER POSSIBLE, ROOF SHEETS ARE TO BE LAID WITH ONE AND A HALF SIDE LAPS, ENSURING THAT THE SIDE LAP IS FACING AWAY FROM PREVAILING WEATHER.

ROOF SHEETS MUST BE LAID, WHEREVER POSSIBLE, USING COMPLETE LENGTHS FROM FASCIA TO RIDGE.

ALL ROOF FLASHINGS AND CAPPINGS MUST BE PURPOSE MADE, MACHINE FOLDED COLORBOND SHEET. FLASHINGS THAT RUN PARALLEL WITH THE ROOF SHEET SHOULD HAVE THEIR EDGE TURNED DOWN TO DIP INTO THE ROOF SHEET PAN/VALLEY. FLASHINGS THAT RUN ACROSS THE TOP OF THE ROOF SHEETING SHALL ALSO HAVE THEIR EDGE TURNED DOWN AND NOTCHED TO FIT OVER THE 'TRIMDEK' SHEET RIBS. ALL FLASHINGS SHALL BE FIXED AT 600 cts. max.



ROOF PLAN 1:100



MATT GILLEY

building designer

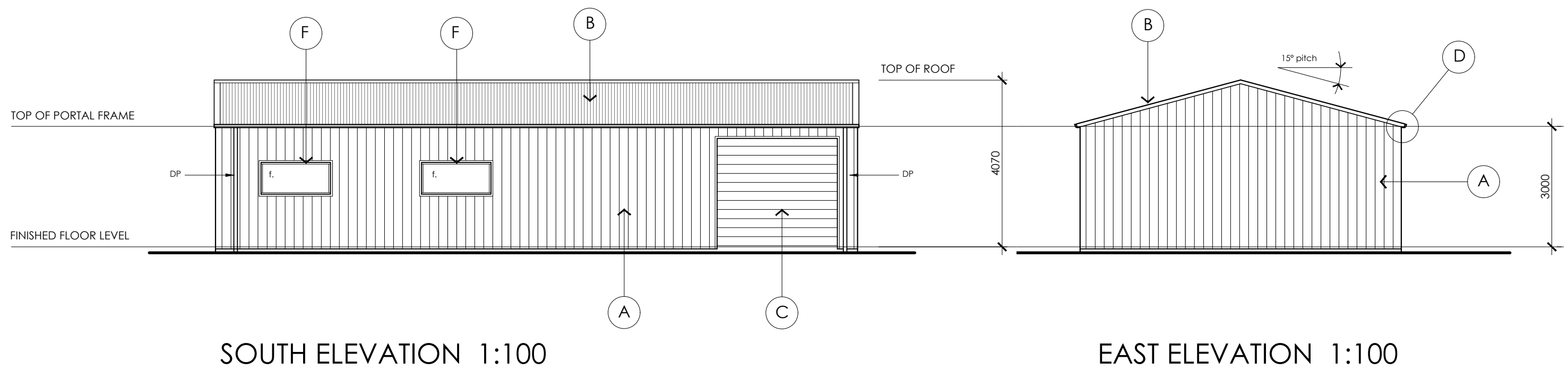
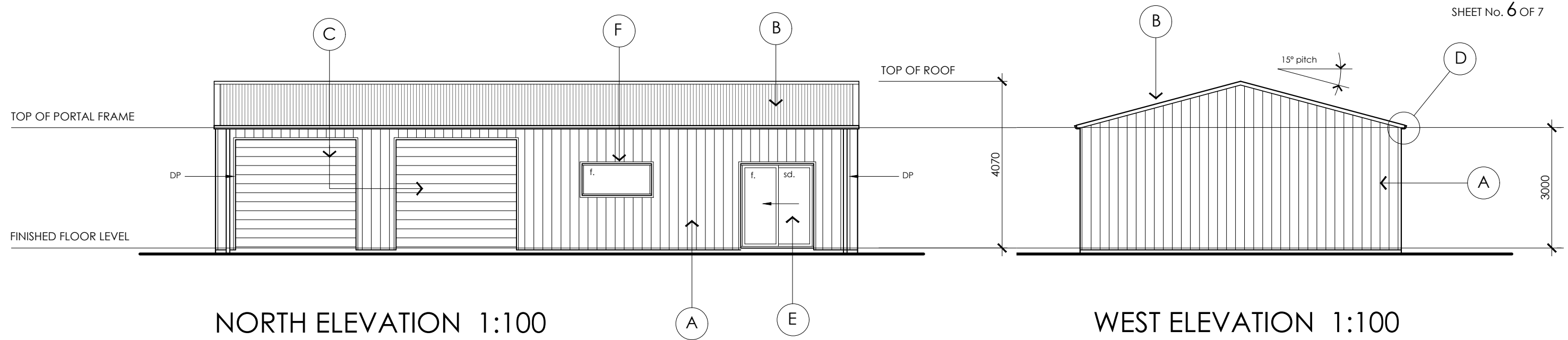
PO Box 224 Lindisfarne Tasmania 7015

p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date

project	PROPOSED GARAGE 10 PAWTELLA CLOSE SANDFORD	
proprietor	M. GREGG	

drawing ROOF PLAN		
scale 1:100	project no. 1514	drawing no. A04
date MAY 2019	drawn MG	



EXTERNAL MATERIALS & FINISHES

- (A) 'STEELCLAD' SHEET WALL CLADDING. COLORBOND - GULLY, LRV - 21%
- (B) 'STEELCLAD' ROOF SHEETING. COLORBOND - WOODLAND GREY, LRV - 12%
- (C) 2700h x 3000w SERIES 'A' ROLLER-DOOR, REMOTE OPERATED. COLORBOND - GULLY, LRV - 21%
- (D) METAL 115mm QUAD GUTTERING, BARGE & CAPPING. COLORBOND - WOODLAND GREY, LRV - 12%
- (E) 2110h x 1820w ALUMINIUM SLIDING DOOR FRAME. SINGLE GLAZED. COLORBOND - GULLY, LRV - 21%
- (F) 790h x 1731w ALUMINIUM WINDOW FRAME. SINGLE GLAZED. COLORBOND - GULLY, LRV - 21%

COLORBOND WALL CLADDING

INSTALL COLORBOND WALL SHEETING IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. PROVIDE COLORBOND FLASHINGS TO ALL WINDOW HEAD, SILL & JAMBS; AND ALL INTERNAL/EXTERNAL CORNERS. COLORBOND TRIM/FLASHING TO BASE OF SHEETS.

REFER TO MANUFACTURER'S SPECIFICATION FOR SCREW FIXING GAUGE & SPACINGS.

MATT GILLEY building designer PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com	<table><thead><tr><th>issue</th><th>description</th><th>date</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	issue	description	date													<table><thead><tr><th>project</th></tr></thead><tbody><tr><td>PROPOSED GARAGE 10 PAWTELLA CLOSE SANDFORD</td></tr><tr><th>proprietor</th></tr><tr><td>M. GREGG</td></tr></tbody></table>	project	PROPOSED GARAGE 10 PAWTELLA CLOSE SANDFORD	proprietor	M. GREGG	<table><thead><tr><th colspan="3">drawing</th></tr><tr><th colspan="3">ELEVATIONS</th></tr></thead><tbody><tr><td>scale</td><td>project no.</td><td>drawing no.</td></tr><tr><td>1:100</td><td>1514</td><td rowspan="2">A05</td></tr><tr><td>date</td><td>drawn</td></tr><tr><td>MAY 2019</td><td>MG</td></tr></tbody></table>			drawing			ELEVATIONS			scale	project no.	drawing no.	1:100	1514	A05	date	drawn	MAY 2019	MG
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1:100	1514	A05																																						
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MAY 2019	MG																																							

EXTERNAL MATERIALS & FINISHES

- A

'STEELCLAD' SHEET WALL CLADDING. COLORBOND - GULLY, LRV - 21%
- B

'STEELCLAD' ROOF SHEETING.
COLORBOND - WOODLAND GREY, LRV - 12%
- C

2700h x 3000w SERIES 'A' ROLLER-DOOR, REMOTE OPERATED.
COLORBOND - GULLY, LRV - 21%
- D

METAL 115mm QUAD GUTTERING, BARGE & CAPPING.
COLORBOND - WOODLAND GREY, LRV - 12%

NOTES

1. ALL PIER HOLES TO BE THOROUGHLY CLEANED OUT PRIOR TO POURING CONCRETE. DEEP PIER HOLES MAY REQUIRE A VAC TRUCK TO ASSIST IN CLEANING OUT LOOSE MATERIAL.
2. ALL CONCRETE TO BE PLACED WITH A MECHANICAL VIBRATOR. MOIST CURE SLABS MIN. 7 DAYS **OR** APPLY APPROVED CURING COMPOUND.
3. SLAB MESH COVER:- BAR CHAIR HEIGHT TO BE SELECTED TO ACHIEVE SPECIFIED COVER. BUILDER TO CHECK CORRECT COVER HAS BEEN PROVIDED, BY STRING LINES OR LASER LEVEL PRIOR TO POURING CONCRETE.

NOTE:- ENGINEER TO INSPECT AND APPROVE ALL FOUNDATION BASE, REINFORCING, FOOTING & SLAB PREPARATION.

CONCRETE STRENGTH - 25MPa(footings);

CONCRETE SLUMP - 100mm MAX.

COLORBOND WALL CLADDING

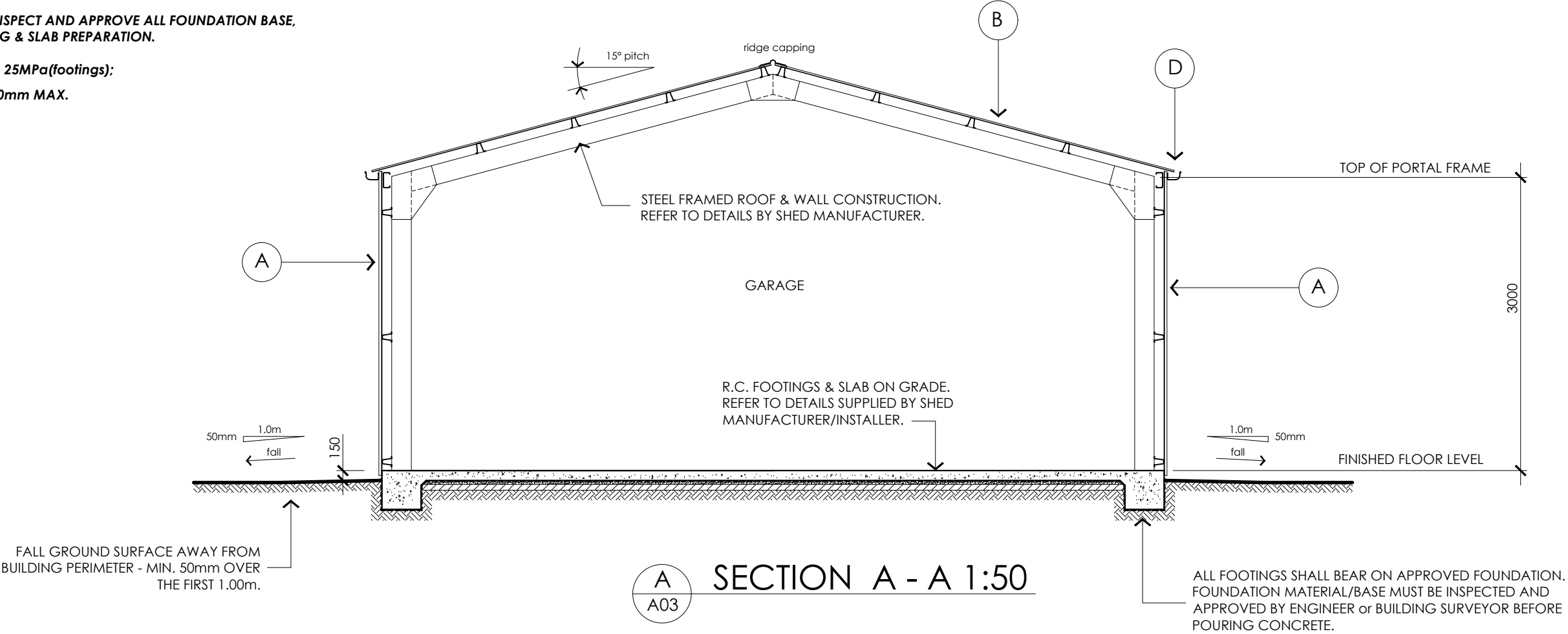
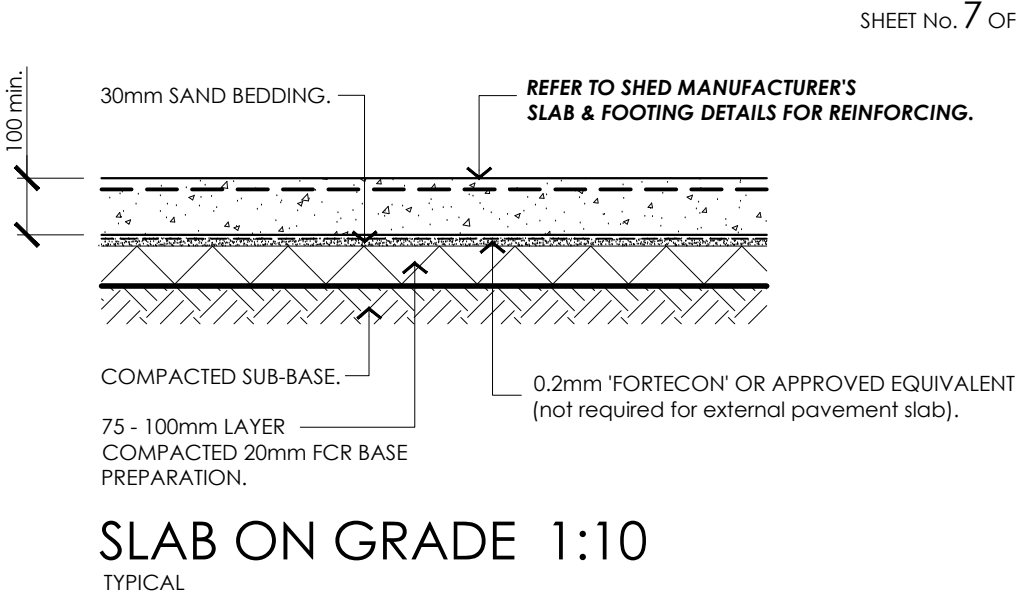
INSTALL COLORBOND WALL SHEETING IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. PROVIDE COLORBOND FLASHINGS TO ALL WINDOW HEAD, SILL & JAMBS; AND ALL INTERNAL/EXTERNAL CORNERS. COLORBOND TRIM/FLASHING TO BASE OF SHEETS.

REFER TO MANUFACTURER'S SPECIFICATION FOR SCREW FIXING GAUGE & SPACINGS.

FOOTING & SLAB NOTE

THESE DRAWINGS DO NOT COVER FOOTING & SLAB DETAILS. THEY ARE TO BE READ ALONGSIDE THE STANDARD FOOTING & SLAB DRAWINGS & DETAILS PROVIDED BY THE SHED MANUFACTURER/SUPPLIER (STEELINE ROOFING). A SOIL TEST/REPORT HAS NOT BEEN CARRIED OUT OR PROVIDED TO THE DESIGNER.

BEFORE COMMENCING BUILDING WORK:- FINAL FOOTING & SLAB SPECIFICATIONS WILL NEED TO BE CONFIRMED BY A STRUCTURAL ENGINEER AND/OR THE BUILDING SURVEYOR.



MATT GILLEY | building designer

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issue	description	date

project	PROPOSED GARAGE 10 PAWTELLA CLOSE SANDFORD	
proprietor	M. GREGG	

drawing			SECTION A-A
scale	1:10 1:50	project no. 1514	drawing no. A06
date	MAY 2019	drawn MG	

Attachment 3



View of site and its access from Pawtella Close.

**11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001261 – 9
YACHTSMANS WAY, TRANMERE – 2 MULTIPLE DWELLINGS AND
ADDITIONAL CROSSOVER**
(File No D-2019/001261)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings and an additional crossover at 9 Yachtsmans Way, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Area, Waterway and Coastal Protection, Stormwater Management and 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 has been extended until 10 July 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and one representation was received raising the issue of overshadowing and loss of views.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings and an additional crossover at 9 Yachtsmans Way, Tranmere (C1 Ref D-2019/001261) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A1 – NEW CROSSOVER.
 3. ENG A5 – SEALED CAR PARKING.

4. ENG M1 – DESIGNS DA.
5. ENG A7 – REDUNDANT CROSSOVER.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 29 May 2019 (TWDA 2019/00746-CCC).

ADVICE

- a. As identified in the Clarence Interim Planning Scheme 2015 mapping, the proposed works are within a Bushfire Prone area. The works are required to comply with the Building Act 2016, Australian Standard AS 3959 and the National Construction Code 2019.
- 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 subject property was created through the approval of Combined Planning Scheme Amendment A-2010/12 and Subdivision Approval SD-2010/63 granted on 2 June 2012. A 270m extension of Oceana Drive south of Anchorage Court and Spinnaker Crescent was enabled through the Tasmanian Planning Commission's (TPC) approval of A-2010/12 and SD-2010/6. Yachtsmans Way was created through SD-2010/63.

Council has previously approved 2 Multiple Dwellings at both 10 and 12 Yachtsmans Way.

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 relevant Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 872m² vacant corner lot located on the south-eastern side of Yachtsmans Way. It is clear of vegetation and in a newly developing residential area and slopes moderately down to the west, towards the River Derwent.

The site adjoins 11 Yachtsmans Way to the south and 7 Yachtsmans Way to the east. The property at 7 Yachtsmans Way is an upslope internal lot and only the access strip for the lot shares a boundary with 9 Yachtsmans Way. Refer to Attachment 1 – Location Plan.

3.2. The Proposal

The proposal is for 2 new Multiple Dwellings, modification of the existing crossover and additional crossover along the secondary frontage. Each dwelling would resultingly have individual direct access from Yachtsmans Way.

The development would be cut in and facilitated by a retaining wall ranging in height from 0.4m to 2m below natural ground level along the eastern and southern side boundaries.

Both dwellings are 2 storey with integral garages and balconies on the upper

level. A copy of the proposal is included in the Attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the zone and codes with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m 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</p>	<p>does not comply</p> <p>The proposed Unit 1 would protrude the building on the western elevation. Please see Attachment 2.</p>

		from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level.	
--	--	--	--

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

Performance Criteria	Comments
<i>“The siting and scale of a dwelling must: (a) not cause unreasonable loss of amenity by:</i>	As previously mentioned the proposed Multiple Dwellings are on a corner lot and adjoined by an access strip to the east and vacant lot to the south.
<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	Not applicable - as above, the adjoining land is vacant.
<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	Not applicable - as above, the adjoining land is vacant.
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	<p>The applicant has provided sun shadow diagrams that show the impact upon the adjoining properties (Attachment 2). The diagrams show the building envelope area and the percentage of overshadowing at 9.00am, 12.00pm and 3.00pm on 21 June.</p> <p>The adjoining property to the south (11 Yachtsmans Way) would be affected the most, with overshadowing as follows:</p> <ul style="list-style-type: none"> • 9.00am – 61% of the building envelope; • 12.00pm – 30% of the building envelope; and • 3.00pm – 28% of the building envelope. <p>Owing to the above, the property will maintain 3 hours of sunlight to 70% of the building envelope area on 21 June and the overshadowing impact is not considered unreasonable.</p>

<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	As the dwellings would be cut in, the visual impact when viewed from adjoining lots will be minimised. While the surrounding lots are vacant, many of the existing and approved dwellings in Yachtsmans Way are two storey. The proposal will not cause an unreasonable impact due to the scale or bulk when viewed from an adjoining lot.
<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	Not applicable – as mentioned above the adjoining land is vacant. Although Unit 1 does have a minor protrusion outside the building envelope as shown in Attachment 2, this occurs on the upper level and is not the result of a setback variation.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E.6.7.1 A1	Number of Vehicular Accesses	The number of vehicle access points provided for each road frontage must be no more than one or the existing number of vehicle access points, whichever is the greater.	An additional crossover is proposed to provide Unit 2 with direct access to Yachtsmans Way.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E.6.7.1 as follows.

Performance Criteria	Comments
<i>“The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:</i> <i>(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;</i>	Council’s Engineers have reviewed the proposal for a second crossover to be located on the secondary frontage and are satisfied that compliance with the Performance Criteria is achieved in terms of potential impacts upon traffic safety and off-street parking.
<i>(b) whether the additional access points can be provided without compromising any of the following:</i> <i>(i) pedestrian safety, amenity and convenience;</i>	The property is not subject to heritage provisions and the application was advertised and no representations received. There are no other planning issues raised by the proposal.

<p>(ii) <i>traffic safety;</i></p> <p>(iii) <i>residential amenity on adjoining land;</i></p> <p>(iv) <i>streetscape;</i></p> <p>(v) <i>cultural heritage values if the site is subject to the Local Historic Heritage Code;</i></p> <p>(vi) <i>the enjoyment of any ‘al fresco’ dining or other outdoor activity in the vicinity”.</i></p>	
---	--

5. REPRESENTATION ISSUES

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

5.1. Overshadowing and Loss of View

Concern was raised that the proposed Multiple Dwellings will block most of the sunlight to the adjoining property to the south.

The proximity of the dwellings to the shared boundary, protrusion of the dwellings outside the building envelope and loss of view were also raised by the representor in relation to their overshadowing concern.

- **Comment**

Prior to advertising the application, the applicant provided shadow diagrams (Refer Attachment 2) to demonstrate the impact of overshadowing resulting from the proposal.

As discussed in the assessment section of this Report, the proposal will not cause an unreasonable loss of sunlight on 21 June to the adjoining property to the south. The proposal therefore complies with the Performance Criteria.

Loss of views are not a relevant consideration under the Scheme.

6. EXTERNAL REFERRALS

The application 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 relevant State Policies.

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

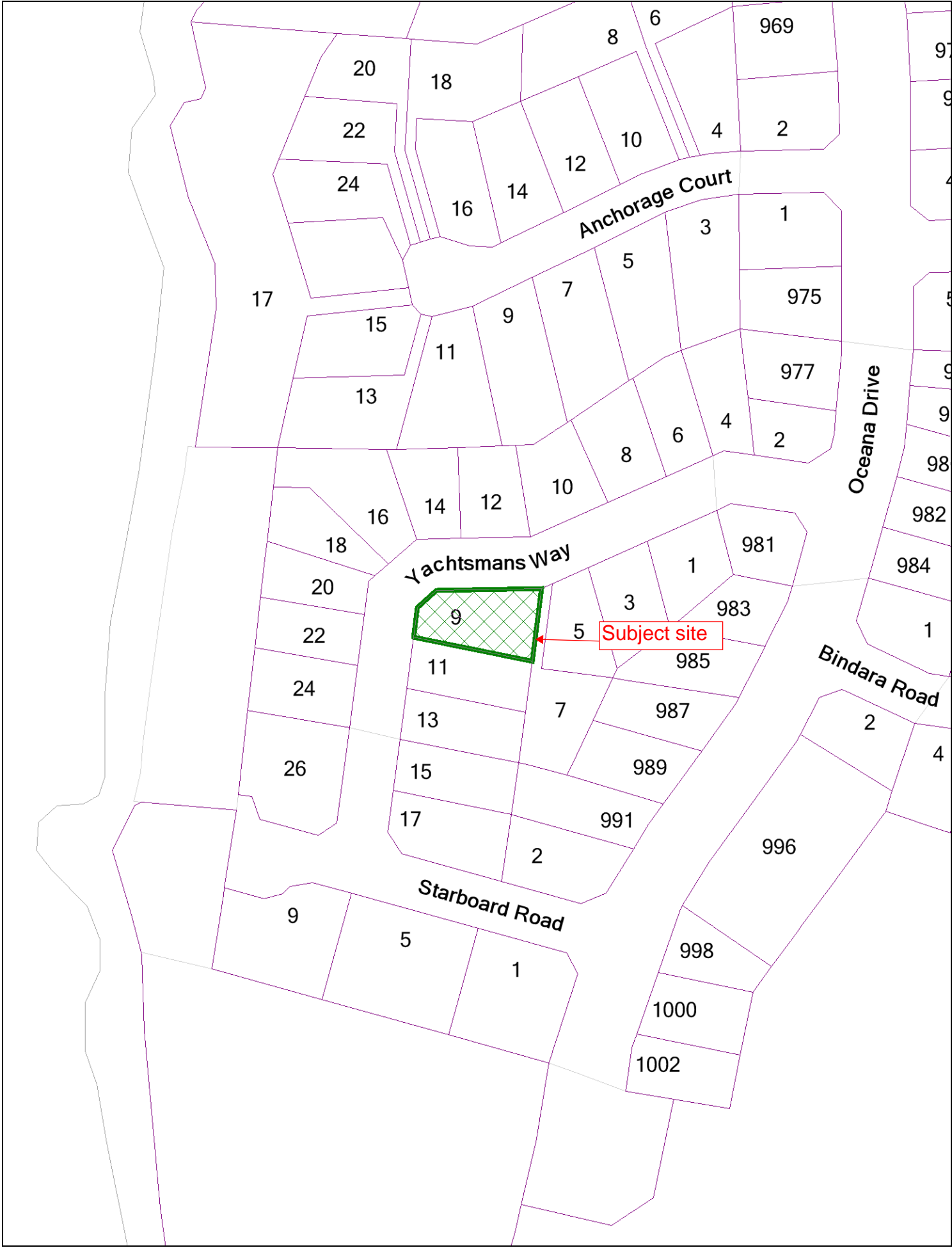
9. CONCLUSION

The proposal for 2 Multiple Dwellings at 9 Yachtsmans Way, Tranmere is considered to satisfy all relevant standards in the Scheme and is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (8)
3. Site Photo (1)

Dan Ford
ACTING MANAGER CITY PLANNING

Attachment 1 - Location Plan



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 28 June 2019 **Scale:** 1:1,695 @A4

IMPORTANT

1. USE WRITTEN DIMENSIONS ONLY.
2. DO NOT SCALE DRAWINGS.
3. THE CONTRACTOR IS TO CHECK ALL LEVELS, DATUMS, AND DIMENSIONS IN REPLY TO THE DRAWINGS AND THE SITE BEFORE PROCEEDING WITH THE WORK OR SHOP DRAWINGS.
4. ENSURE THAT THIS DRAWING AND ANY ACCOMPANYING DETAILS AND/OR SPECIFICATIONS HAVE BEEN STAMPED AS 'APPROVED' BY THE BUILDING SURVEYOR, RELEVANT COUNCIL, AND OTHER STATUTORY AUTHORITIES ARE PASSED ONTO THE CONTRACTOR BEFORE COMMENCING WORK.
5. MATERIALS AND WORKMANSHIP SHALL CONFORM WITH RELEVANT STANDARDS, BUILDING CODE OF AUSTRALIA AND PRODUCT MANUFACTURERS WRITTEN INSTRUCTIONS.
6. ANY ALTERATION TO THE CONSTRUCTION AND/OR MATERIALS NOTED IN THESE DRAWINGS MUST BE APPROVED BY THE DESIGNER, THE ENGINEER, THE BUILDING SURVEYOR, AND THE PROPRIETOR BEFORE PROCEEDING WITH THE WORK.
7. **IF IN DOUBT, ASK CONTACT THE BUILDING DESIGNER AND/OR RELEVANT CONSULTANT.**

NOTE:- THERE ARE NO FENCES PROPOSED TO BE BUILT WITHIN 4.50m OF A FRONTAGE.



SITE KEY

PROPOSED UNIT 1 (roofed areas only) - 149.59m²

TOTAL - 299.18m²

SITE AREA - 872m²

MATT GILLEY | building designer

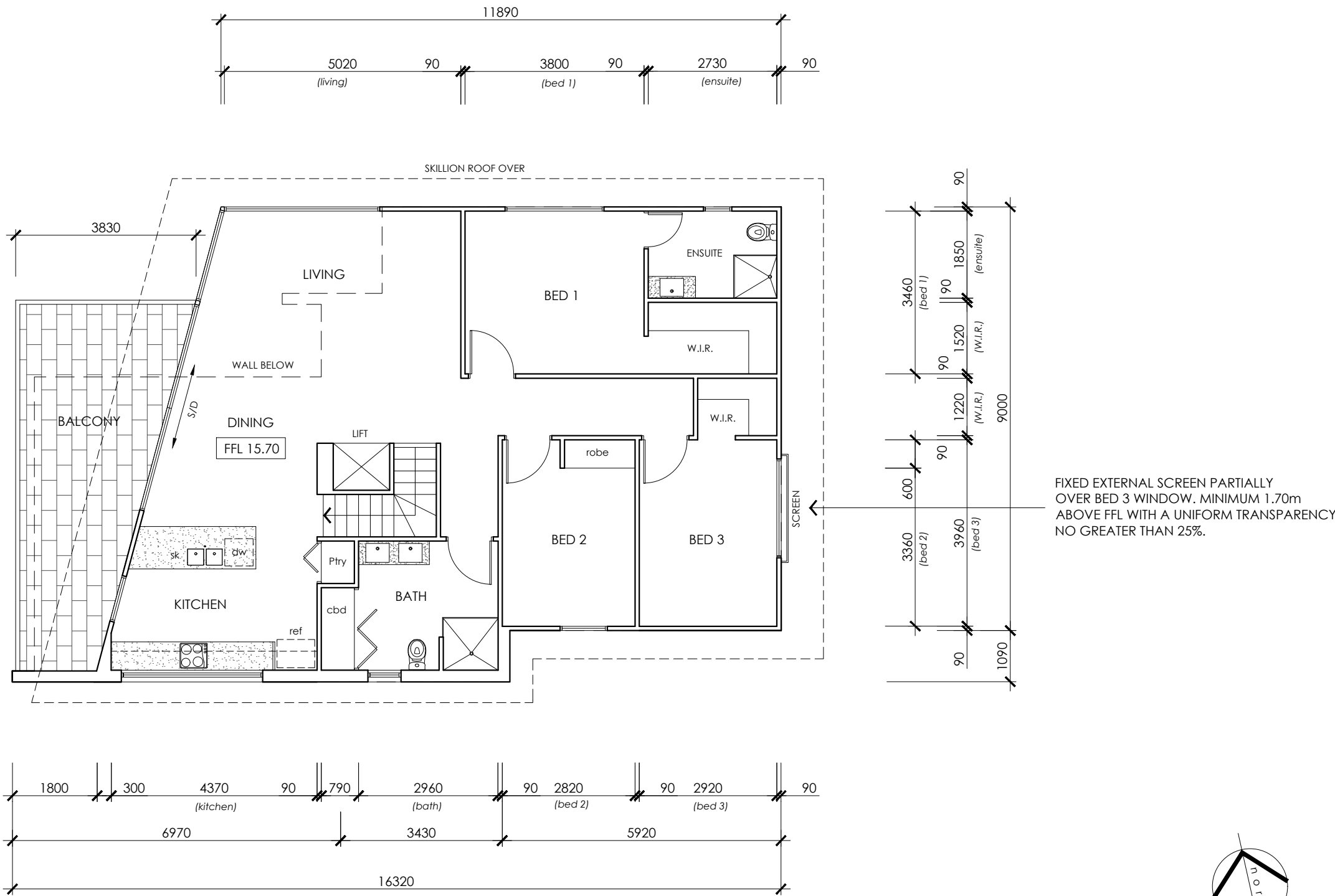
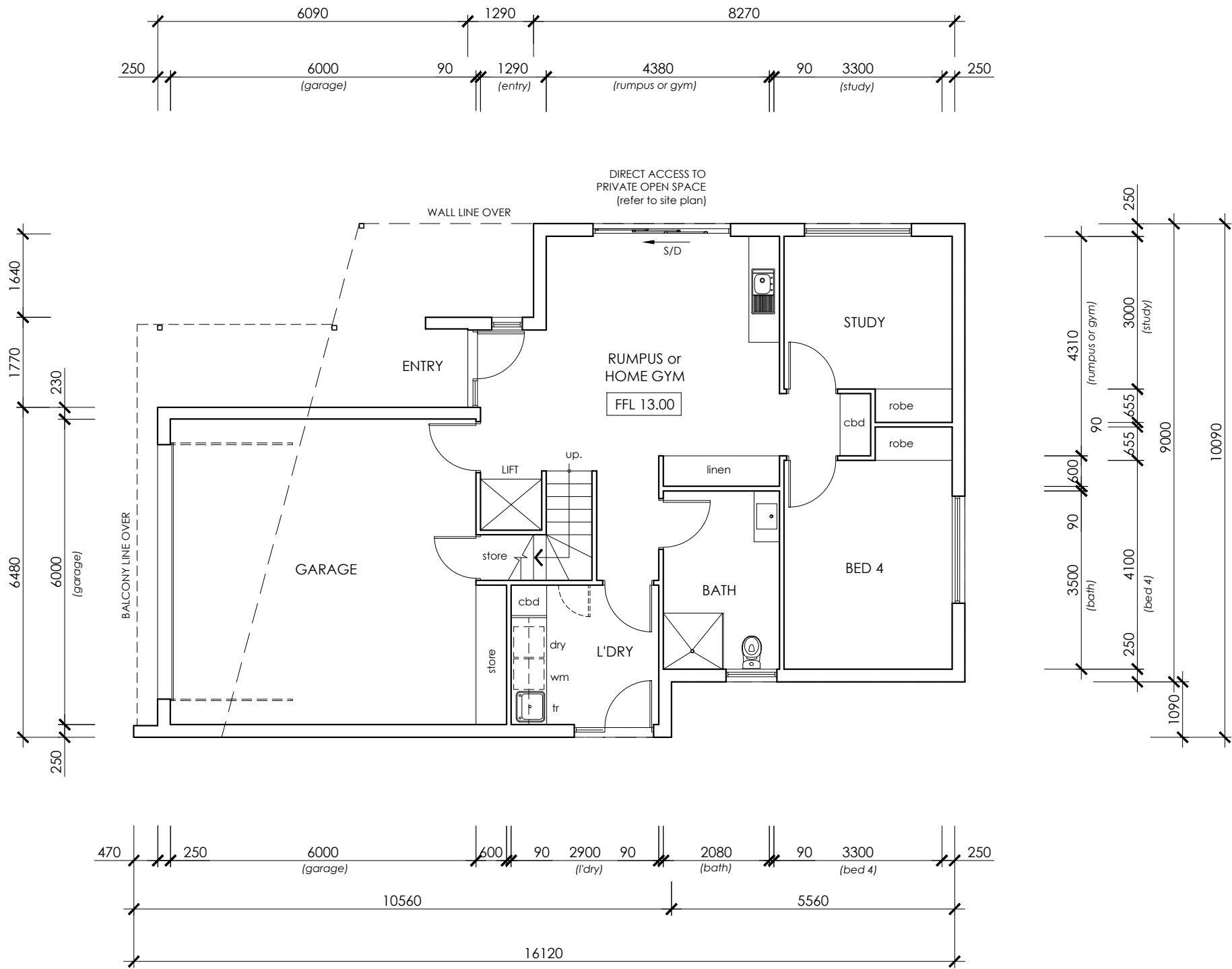
project

PROPOSED UNIT DEVELOPMENT
9 YACHTSMANS WAY
TRANMERE

drawing SITE PLAN

A01

issue	description	date
A.	BED 3 WINDOW SCREENED.	31.5.19



MATT GILLEY | building designer

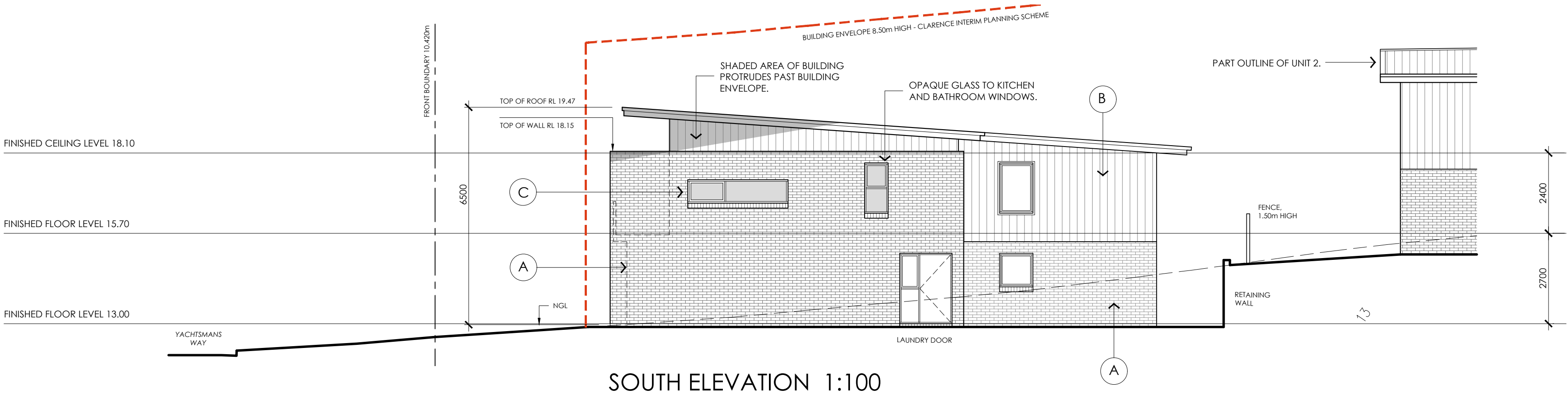
P.O. Box 224 Lindisfarne Tasmania 7015
p: 0437499238 e: matt.gilley@bigpond.com

project
**PROPOSED UNIT DEVELOPMENT
9 YACHTSMANS WAY
TRANMERE**

proprietor
PROPERTY FRIENDS (U. JACOBS)

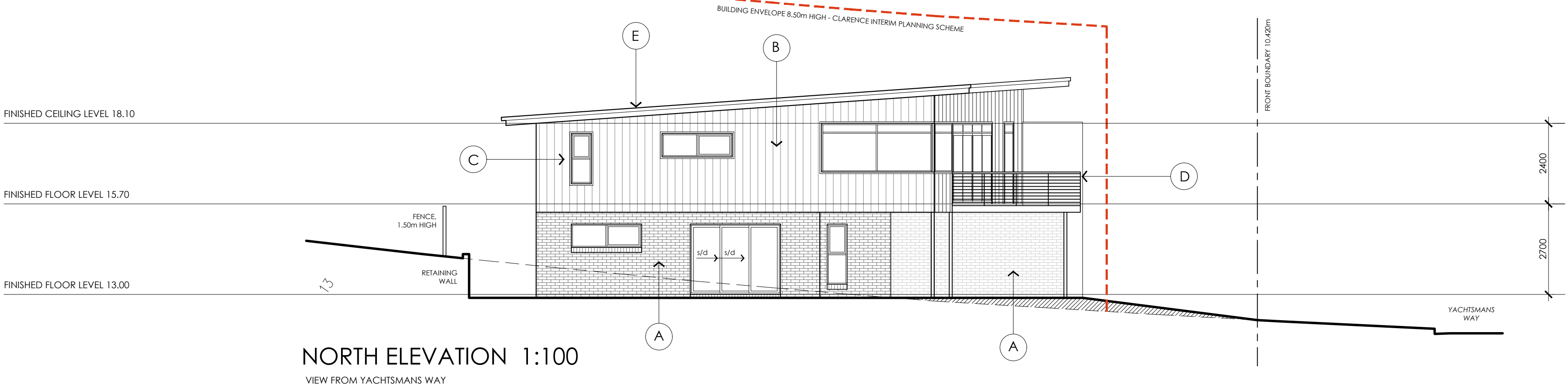
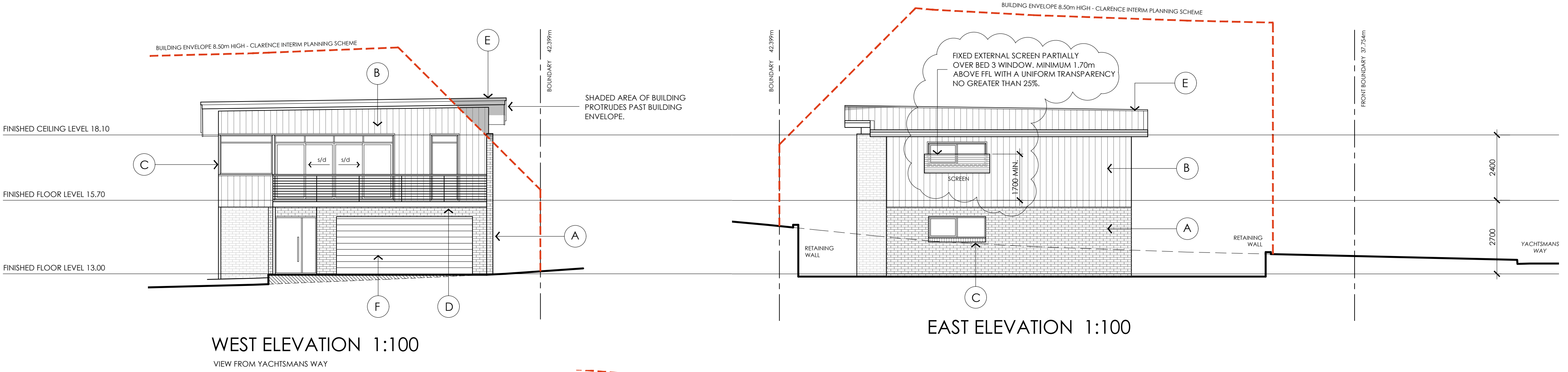
drawing
UNIT 1 - FLOOR PLANS

scale 1:100 A2 SHEET	project no. 1492	drawing no. A02
date MAY 2019	drawn MG	



issue	description	date
A.	BED 3 WINDOW SCREENED ON EAST ELEV.	31.5.19

- EXTERNAL CLADDING & FINISHES
- A BRICK VENEER EXTERNAL WALLS. FACE BRICKWORK.
 - B COLORBOND VERTICALLY RIBBED METAL CLADDING.
 - C ALUMINIUM WINDOW & DOOR FRAMES. POWDERCOAT FINISH. BRICK ON EDGE SILLS IN MASONRY WALLS.
 - D TILED BALCONY WITH TENSIONED WIRE BALUSTRADE.
 - E COLORBOND 'TRIMDEK' ROOF SHEETING.
 - F 5000w x 2100h COLORBOND GARAGE DOOR.



MATT GILLEY | building designer

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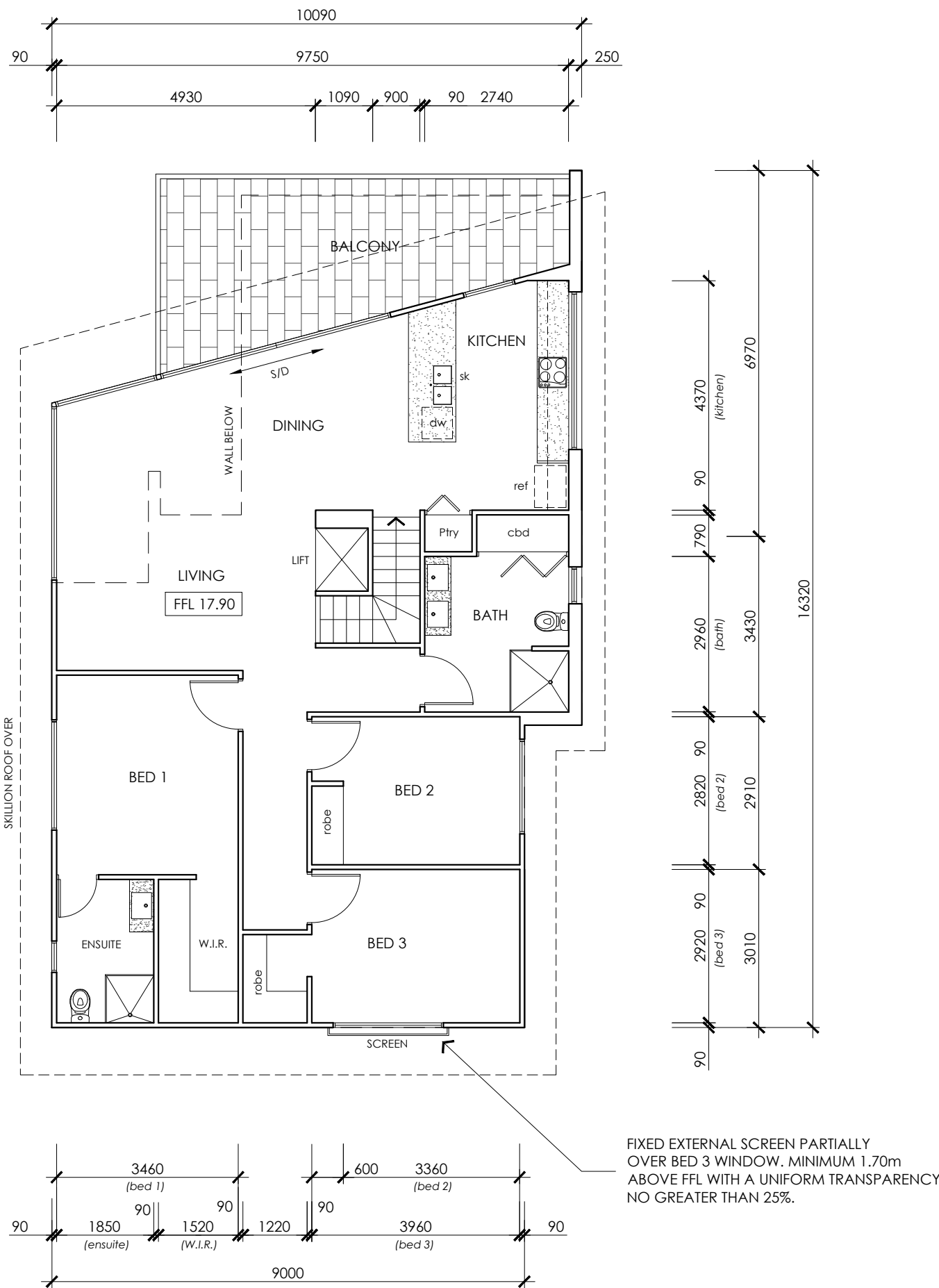
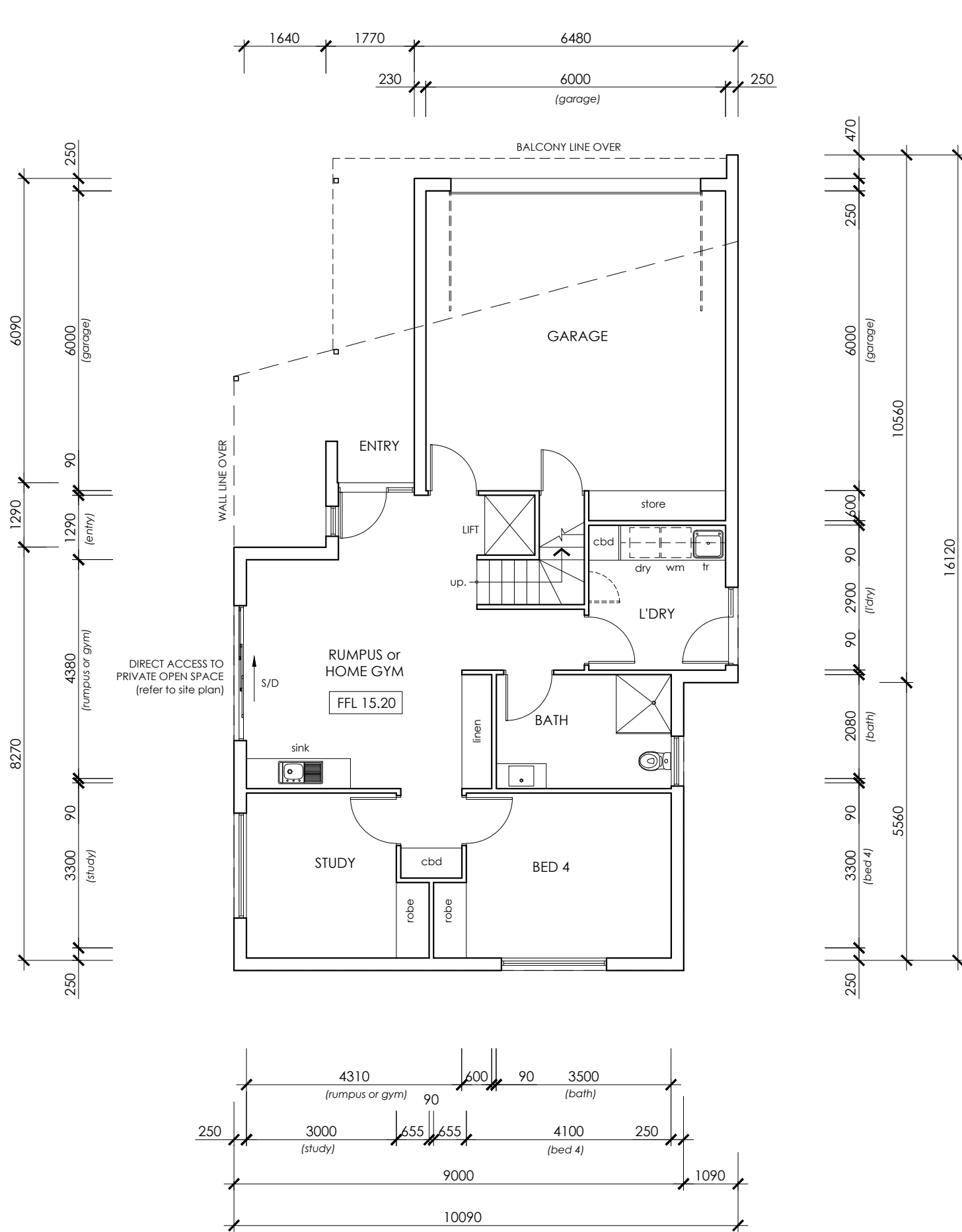
project
**PROPOSED UNIT DEVELOPMENT
9 YACHTSMANS WAY
TRANMERE**

proprietor
PROPERTY FRIENDS (U. JACOBS)

drawing
ELEVATIONS - UNIT 1

scale 1:100 A2 SHEET	project no. 1492	drawing no. A03
date MAY 2019	drawn MG	

issue	description	date
A.	BED 3 WINDOW SCREENED.	31.5.19



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project

PROPOSED UNIT DEVELOPMENT

9 YACHTSMANS WAY

TRANMERE

proprietor

PROPERTY FRIENDS (U. JACOBS)

drawing

UNIT 2 - FLOOR PLANS

scale

1:100

A2 SHEET

project no.

1492

drawing no.

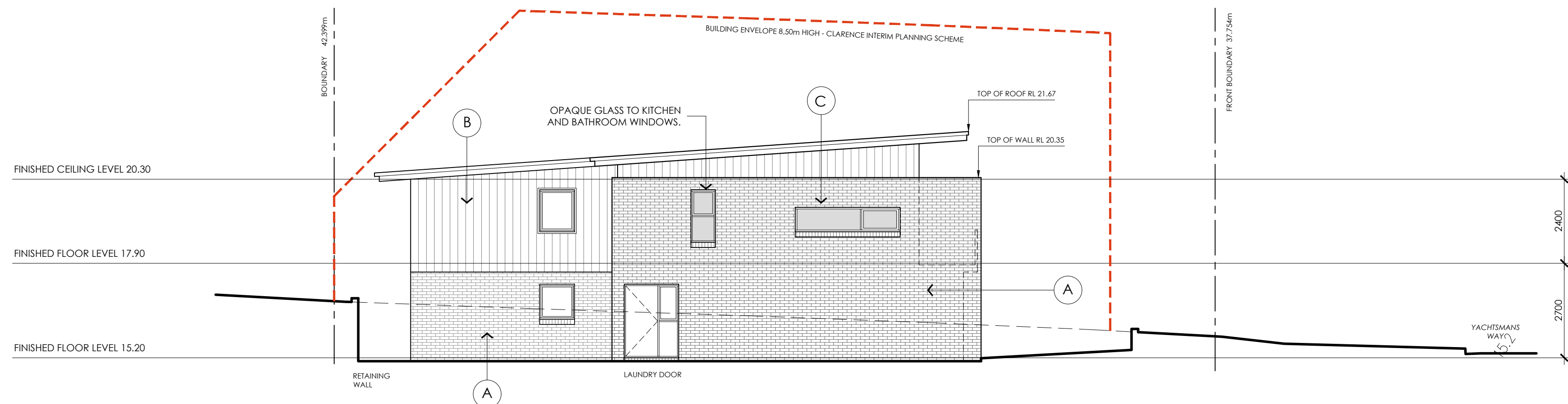
A04

date

MAY 2019

drawn

MG

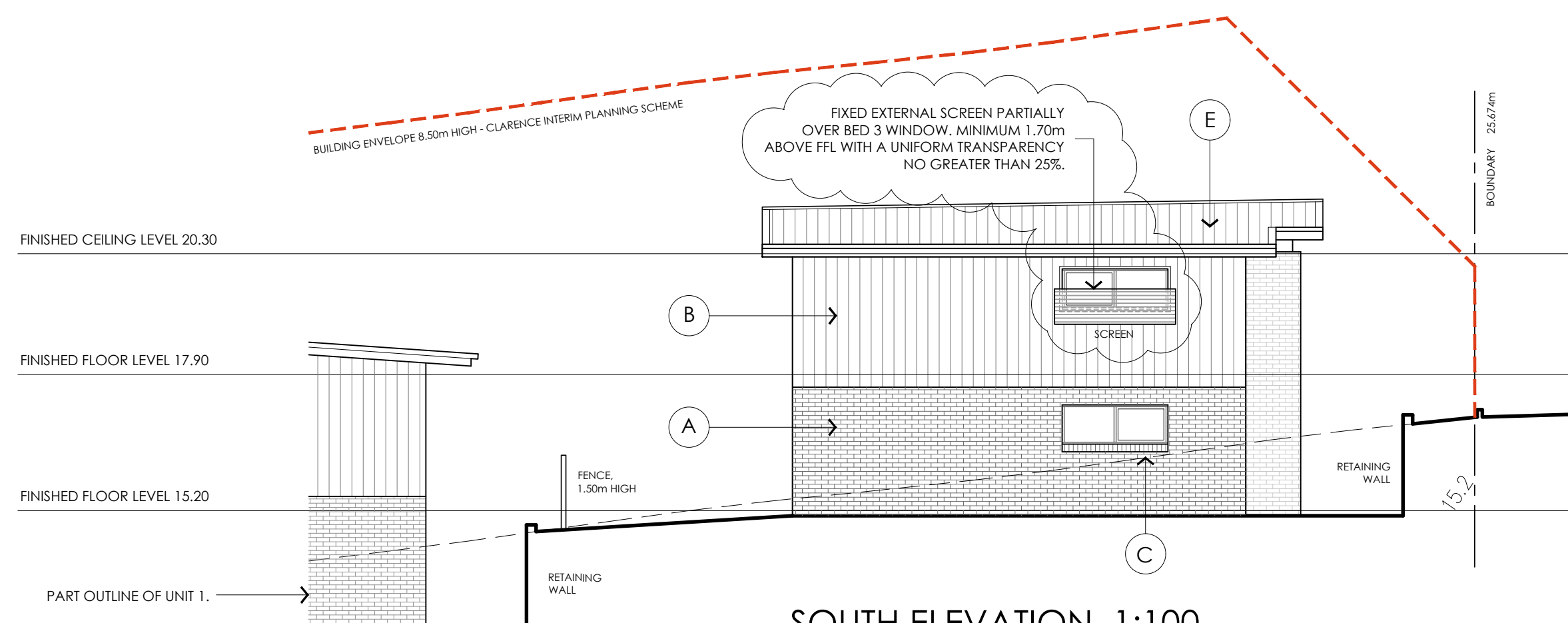


EAST ELEVATION 1:100

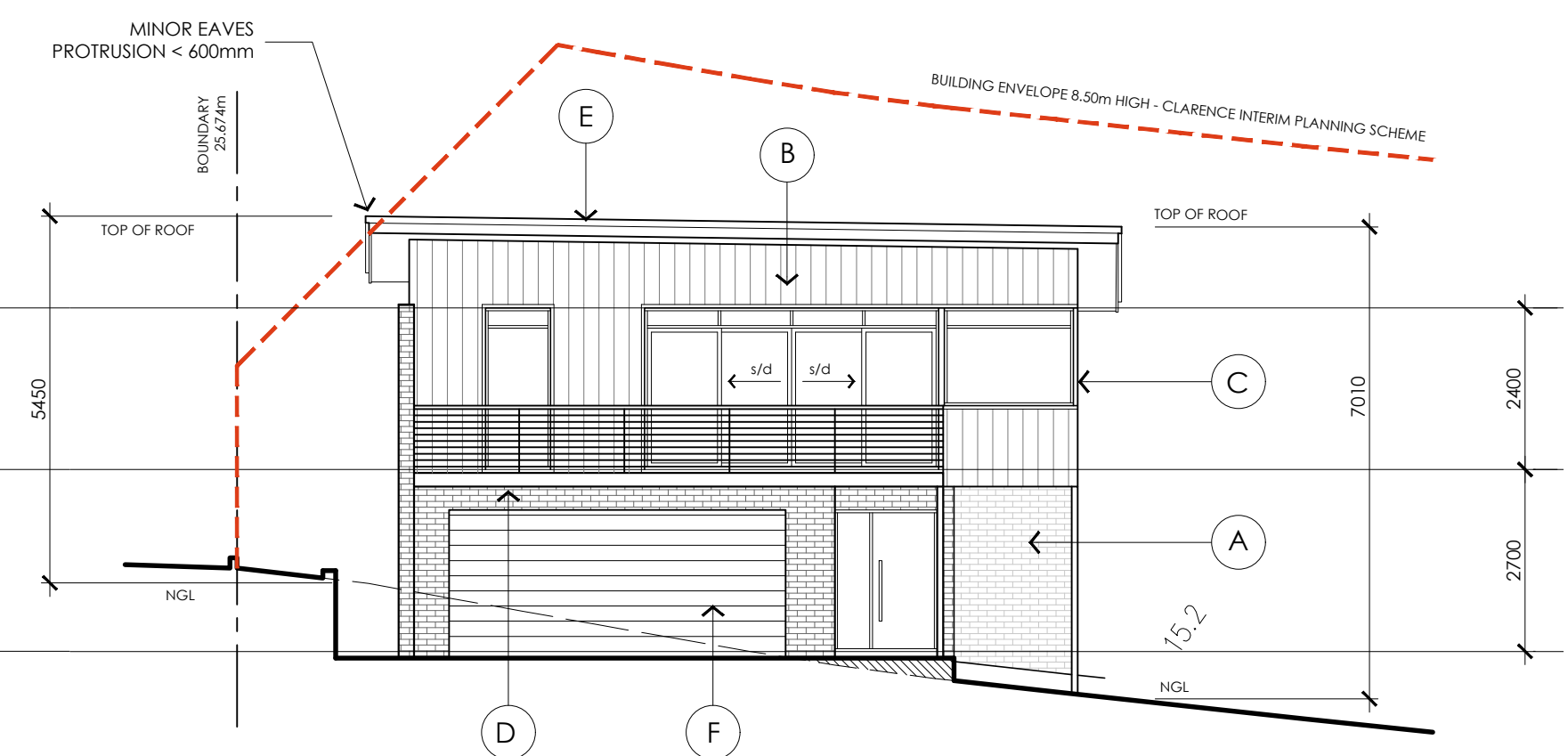
issue	description	date
A.	BED 3 WINDOW SCREENED ON SOUTH ELEV.	31.5.19

EXTERNAL CLADDING & FINISHES

- (A) BRICK VENEER EXTERNAL WALLS. FACE BRICKWORK.
- (B) COLORBOND VERTICALLY RIBBED METAL CLADDING.
- (C) ALUMINIUM WINDOW & DOOR FRAMES. POWDERCOAT FINISH. BRICK ON EDGE SILLS IN MASONRY WALLS.
- (D) TILED BALCONY WITH TENSIONED WIRE BALUSTRADE.
- (E) COLORBOND 'TRIMDEK' ROOF SHEETING.
- (F) 5000w x 2100h COLORBOND GARAGE DOOR.

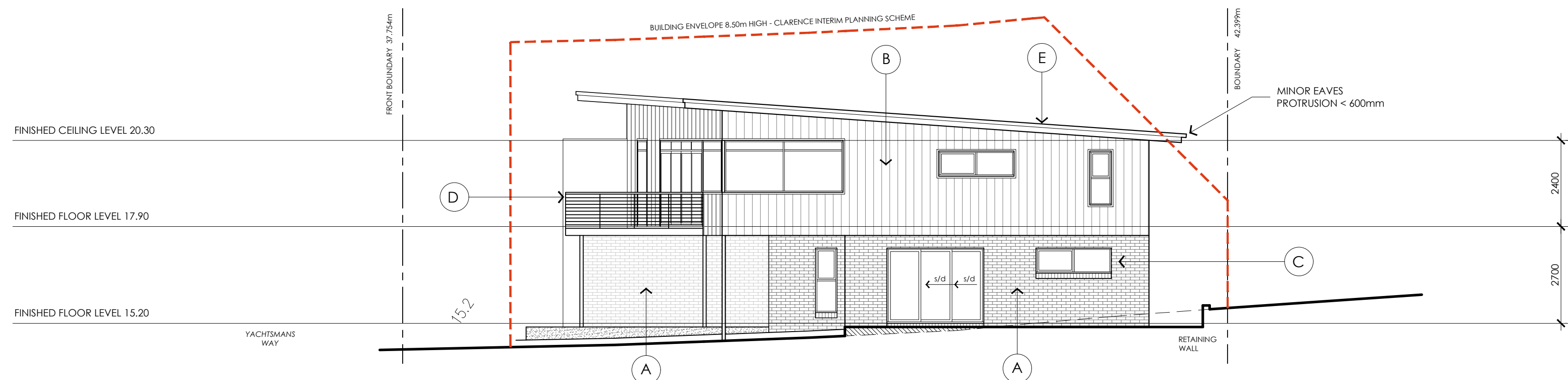


SOUTH ELEVATION 1:100



NORTH ELEVATION 1:100

VIEW FROM YACHTSMANS WAY



WEST ELEVATION 1:100

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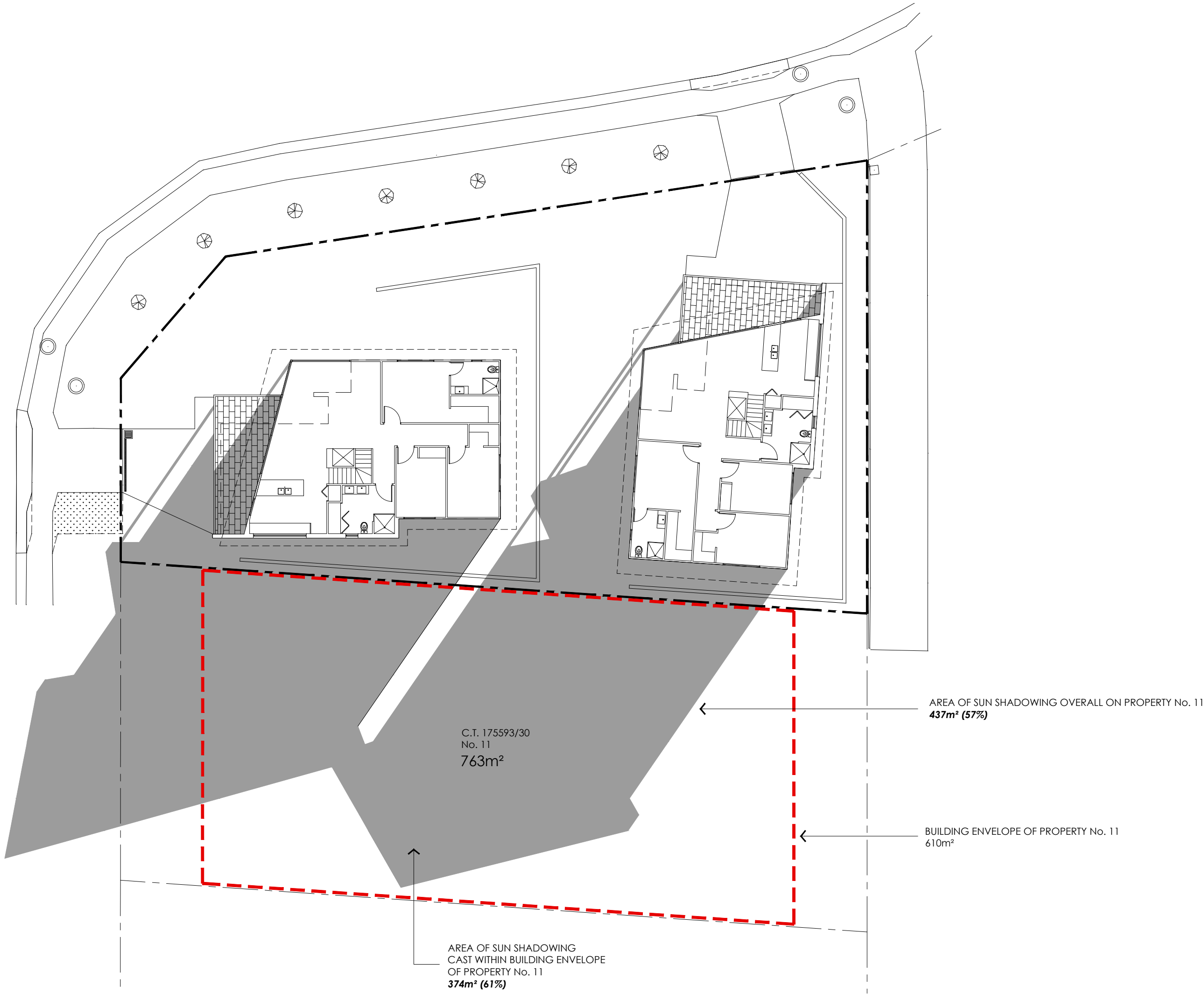
project
**PROPOSED UNIT DEVELOPMENT
9 YACHTSMANS WAY
TRANMERE**

proprietor
PROPERTY FRIENDS (U. JACOBS)

drawing
ELEVATIONS - UNIT 2

scale 1:100 A2 SHEET	project no. 1492	drawing no. A05
date MAY 2019	drawn MG	

issue	description	date
A.	AREA OF SUN SHADOWING ONTO NEIGHBOURING PROPERTY.	31.5.19



9am, JUNE 21st
 SUN SHADOW PLAN 1:200



MATT GILLEY
 building designer

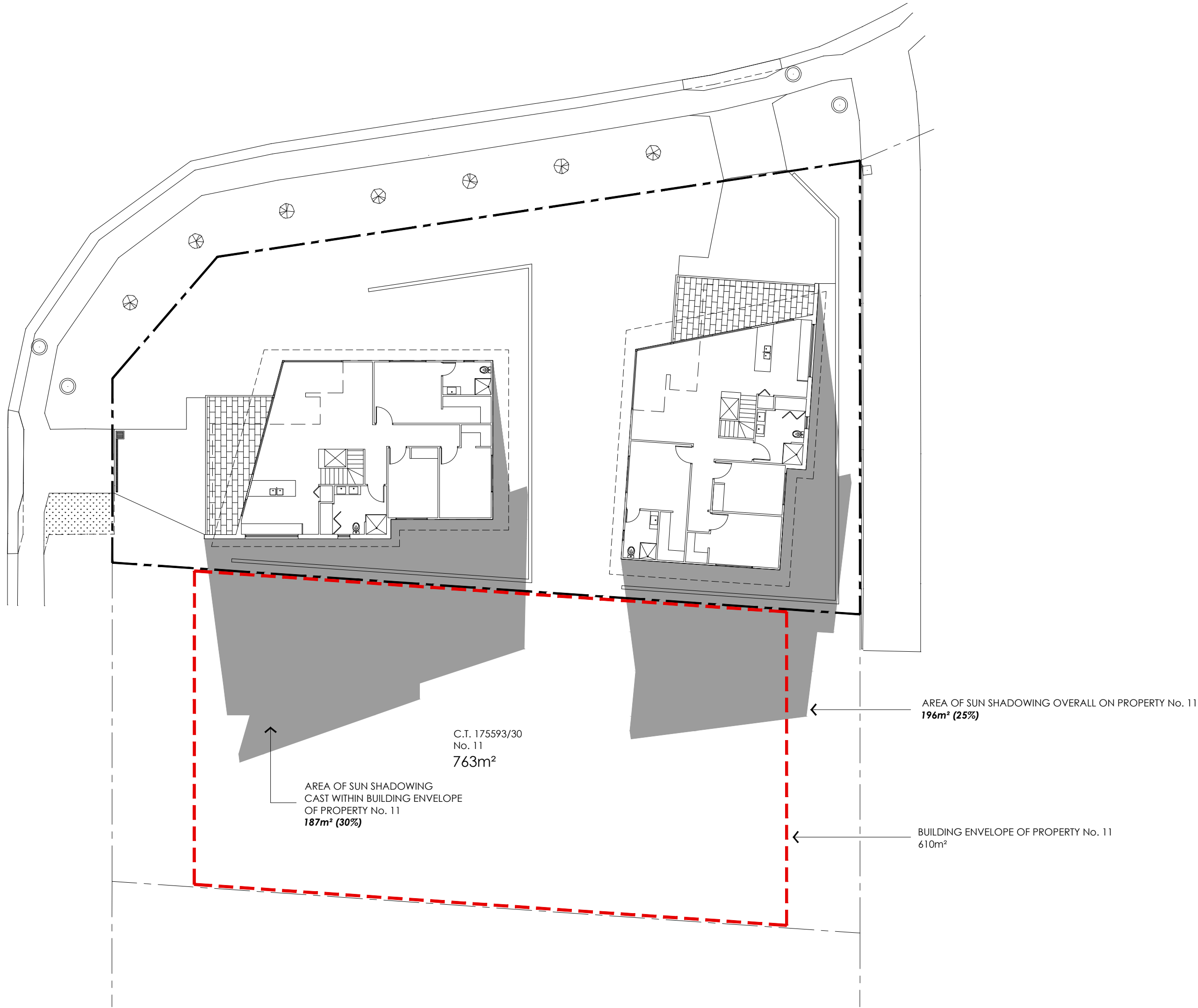
PO Box 224 Lindisfarne Tasmania 7015
 p: 0497499238 e: matt.gilley@bigpond.com

project
 PROPOSED UNIT DEVELOPMENT
 9 YACHTSMANS WAY
 TRANMERE

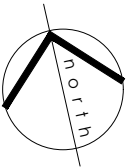
proprietor
 PROPERTY FRIENDS (U. JACOBS)

drawing			SUN SHADOWING
scale	project no.	drawing no.	A06
1:200 A2 SHEET	1492		
date	drawn		
MAY 2019	MG		

issue	description	date
A.	AREA OF SUN SHADOWING ONTO NEIGHBOURING PROPERTY.	31.5.19



12pm, JUNE 21st
 SUN SHADOW PLAN 1:200



MATT GILLEY

building designer

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project

PROPOSED UNIT DEVELOPMENT
 9 YACHTSMANS WAY
 TRANMERE

proprietor

PROPERTY FRIENDS (U. JACOBS)

drawing

SUN SHADOWING

scale	project no.	drawing no.
1:200 A2 SHEET	1492	
date	drawn	
MAY 2019	MIG	A07

issue	description	date
A.	AREA OF SUN SHADOWING ONTO NEIGHBOURING PROPERTY.	31.5.19



3pm, JUNE 21st
SUN SHADOW PLAN 1:200

MATT GILLEY

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project
 PROPOSED UNIT DEVELOPMENT
 9 YACHTSMANS WAY
 TRANMERE

proprietor
 PROPERTY FRIENDS (U. JACOBS)

drawing		SUN SHADOWING	
scale	project no.	drawing no.	
1:200 A2 SHEET	1492		
date	drawn		
MAY 2019	MG		
		A08	

Attachment 3

Attachment 3 – Site Photos



The site when viewed from Yachtsmans Way, looking down towards the River Derwent.



The site when viewed from Yachtsmans Way, looking up towards Oceana Drive and Starboard Road.

11.3.6 DEVELOPMENT APPLICATION D-2019/124 – 2/8 BAYFIELD STREET, ROSNY PARK – CHANGE OF USE TO FITNESS CENTRE
(File No D-2019/124)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Fitness Centre at Level 2, 8 Bayfield Street, Rosny Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Central Business and subject to the Signs 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 has been extended until 10 July 2019.

CONSULTATION

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

RECOMMENDATION:

- A. That the proposed change of use to fitness centre at 2/8 Bayfield Street, Rosny Park (CI Ref D-2019/124) be refused for the following reasons:
1. The proposal does not comply with Clause E6.6.1 P1 of the *Clarence Interim Planning Scheme 2015* (the Scheme) relating to car parking demand and availability.
 2. The proposal does not comply with Clause E6.6.1 P2 of the *Clarence Interim Planning Scheme 2015* (the Scheme) in that the applicant is seeking a waive of cash-in-lieu for 2 car parking spaces (in-lieu of 3) that cannot be provided on-site.

ADVICE

- a. That in the event of an appeal, Council would be prepared to consent to a permit condition for a cash-in-lieu payment for 3 car parking spaces prior to the commencement of the use. The submission of a new development application addressing this issue would likely result in a recommendation for approval.
- 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 subject site is located within the commercial building at 8 Bayfield Street.

Numerous permits have been issued for the building including:

- D-1987/100 – for a 3 storey office/showroom building;
- D-1991/6 – for an illuminated pole sign;
- D-1992/19 – for a commercial sewing work room, garment manufacture and retail sales outlet;
- D-1993/4 – for a painted wall sign;
- D-1999/65 – for consulting rooms; and
- D-2012/287 – change of use to shop.

The complex is currently serviced by 12 car parking spaces located at the rear of the site accessed by Council's Bayfield Street carpark. Even so, the permits indicate that the subject tenancy has been approved as an office and none of the previous permits indicate the number of car parking spaces allocated to the subject tenancy. Accordingly, the car parking demand generated by the proposal has been calculated under the Clarence Interim Car Parking Plan (Parking Plan) and the Scheme, as follows.

Use	CPS 2007 – number of spaces required	CIPS 2015 – number of spaces required
Proposed Pilates 220m ²	9 spaces (1 space per 25m ²)	10 spaces (4.5 spaces per 100m ²)
Previous Use (Office)	5 spaces (1 space per 45m ²)	7 spaces (1 space per 30m ²)
Additional spaces required	4	3

In accordance with the Parking Plan, the number of spaces required for the proposal shall be no more than what would have been required under the CPS 2007. While fewer spaces are required under the CPS 2007 to support the proposed use (9 spaces instead of 10), the number of additional spaces required is less under the Scheme (3 spaces instead of 4).

For the above reasons the tenancy is considered to require 10 spaces for the change of use, has a credit of 7 spaces from the previously approved office use and needs 3 additional car parking spaces to support the proposed use.

2. THE APPLICATION

The applicant is satisfied that the proposal theoretically generates a need for 3 additional car parks per the above calculations. However, the applicant proposes to pay a cash contribution equivalent to 1 parking space and seeks a variation to waive the remaining 2 additional spaces.

This is a departure from the consideration of previous applications within the Rosny Park area whereby developers have requested consideration of a reduction in the total cash-in-lieu payment. Council's assessment is therefore focused to the consideration of the appropriateness of waiving the parking shortfall created by this development and cannot consider the imposition of a permit condition dealing with a cash-in-lieu payment to offset this shortfall. If Council were to consider imposing a condition requiring a financial contribution in-lieu of the required on-site parking, in doing so, this may be deemed an effective refusal exposing it to an appeal under Section 59 of the Act.

As indicated in the advice clause within the recommendation, in the event the applicant lodges an appeal this issue could be resolved by consent through the RMPAT, on the basis the applicant agrees to the payment of a financial contribution for the 3 car parking spaces that cannot be provided on-site.

3. STATUTORY IMPLICATIONS

- 3.1.** The land is zoned Central Business under the Scheme.
- 3.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 3.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 22.0 – Central Business Zone;
 - Section E6.0 – Parking and Access Code; and
 - Section E17.0 – Signs Code.
- 3.4.** 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).

4. PROPOSAL IN DETAIL

4.1. The Site

The property at 8 Bayfield Street is 884m² in area and supports a three-storey split level building which was approved under Permit D-1987/100. The property is 3 levels from Bayfield Street and 2 levels from the Bayfield Street carpark.

The subject tenancy is 220m² and located on the upper level (Level 2) on the eastern side of the building used as Tenancy 1 (Shop 2A). It has most recently been approved as an office. The other tenancies in the building are approved for a combination of shops and offices.

A 12 space car parking area is located at the rear adjacent to the Bayfield Street carpark servicing the complex. The site has frontage to Bayfield Street and has access to the Bayfield Street carpark. A copy of the location plan is included in the Attachments.

4.2. The Proposal

Application is made for a Change of Use from an Office to a Fitness Centre (Pilates Studio). The Pilates Studio; KX Pilates Rosny would involve classes and personal training with hours of operation as follows:

- group classes (1 trainer, 12 clients maximum): Monday to Friday 6.00am – 2.00pm; Saturday 5.00pm – 9.00pm; and Sunday 8.00am – 5.00pm;
- personal training (1 trainer, up to 3 clients max): weekdays 2.00pm – 5.00pm.

The applicant seeks a car parking variation of 2 spaces, reducing a cash-in-lieu requirements from 3 spaces to 1 space. This issue is considered in further detail below.

Additionally, two wall signs (one on the front of the building and one at the rear) are proposed and 1 x illuminated pole sign (2.5m wide x 0.5m high) along the Bayfield Street frontage would replace an existing pole sign.

A copy of the proposal and the applicants supporting information is included in the Attachments. It is noted that the hours of operation vary in the supporting information from the advertised proposal.

5. PLANNING ASSESSMENT**5.1. 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.

5.2. Compliance with Zone and Codes

A Fitness Centre falls within the Sport and Recreation Use Class which is a Discretionary Use in the Central Business zone.

The wall signs meet the Sign Standards in Table E17.2 and are Permitted in the zone. The pole sign does not require assessment as it would be a replacement of an existing sign previously approved under D-1991/6.

The proposal meets the Scheme’s relevant Acceptable Solutions of the zone and codes with the exception of the following.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of on-site car parking spaces	<p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is</p>	<p>Does not comply - there is insufficient on-site parking available for the proposal.</p> <p>As per the car parking rates calculated and presented in the Background Section of this Report, KX Pilates Rosny generates the need for 3 additional spaces.</p>

		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;	
--	--	---	--

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

Performance Criteria	Comments
<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>The applicant engaged a planning consultant to prepare a submission in support of the shortfall in on-site car parking spaces. A copy of this documentation is included in the Attachments.</p> <p>The applicant submits that KX Pilates Rosny would occupy only 51% of the tenancy floor area. The amenities, reception and office area constitute the remaining 49% floor area of the tenancy. In addition, it is submitted that the proposal would also operate outside office hours which will reduce the parking demand.</p> <p>Notwithstanding the applicant’s submission, the car parking rates reflect floor areas having regard to ancillary services and infrastructure. The proposal would operate during office hours and on this basis, the overall demand for car parking is unlikely to be significantly reduced during peak periods. Furthermore, it is foreseeable that there will be overlap in the parking demand generated as a result of patron changeover before and after class and appointment times.</p> <p>Accordingly, it is considered that the proposal generates an additional car parking demand that cannot be provided on-site.</p>

<i>(b) the availability of on-street and public car parking in the locality;</i>	<p>Although there is public car parking in the vicinity of 8 Bayfield Street, recent car parking studies undertaken by Council have found that demand for car parking in Rosny Park is high and existing carpark supply is nearing capacity.</p> <p>These results are based on average figures attained during normal business hours. The proposal would operate during normal business hours and therefore have an impact on the existing supply during peak periods, which is considered unreasonable.</p>
<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	<p>8 Bayfield Street is located within 400m of the Rosny Park Bus Mall which provides a regular Clarence and Hobart bus service. Access to surrounding suburbs generally involves two separate bus trips however.</p> <p>While the site provides convenient access to public transport, this is limited to a bus service which is not considered to be of a suitable standard to form a sustainable alternative to car ownership given the variety of functions residents expect to be able to access.</p>
<i>(d) the availability and likely use of other modes of transport;</i>	<p>Other modes of transport within the area include walking, cycling, running or taxi services.</p> <p>While it is feasible that these may provide an option for those living and/or working in the local area and Bayfield Street has recently been upgraded with improved pedestrian amenity, it is unlikely that these options can be relied upon as alternative modes of transport that would reduce the car parking demand generated by the proposal.</p> <p>Aside from walking, cycling and running, taxi services may provide a viable alternative to access KX Pilates Rosny, however, due to the associated costs, the use of taxis is also unlikely to reduce the car parking demand generated by the proposal.</p>
<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	<p>There are no available suitable alternative arrangements for providing additional car parking.</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>	There is no practical solution for sharing car parking spaces by multiple uses as a means of reducing car parking demand. As KX Pilates Rosny would operate primarily during business hours there is foreseeably increased car parking demand with the potential for overlap before and after classes and appointments.
(g) <i>any car parking deficiency or surplus associated with the existing use of the land;</i>	There is no surplus of car parking for the existing use of the land and the proposal generates an additional demand.
(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>	<p>As indicated in the Background Section of this Report, the tenancy is considered to have a credit of 7 spaces based on the existing use as an office.</p> <p>This credit does not cover the increased demand and results in a requirement for 3 additional spaces associated with the proposed change of use to KX Pilates Rosny.</p>
(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>	<p>The planning consultant proposes that a cash-in-lieu contribution be paid for a short fall of 1 car parking space.</p> <p>It is considered that a cash contribution is appropriate in-lieu of any increased car parking demand that cannot be provided on-site. Which in this instance ought to apply to 3 spaces.</p>
(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 - as stated in the Background Section of this Report, whilst the site is subject to a Parking Plan adopted by Council, KX Pilates Rosny requires less additional carparks under the Scheme.
(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	not applicable

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A2	Number of on-site car parking spaces	No Acceptable Solution	The applicant proposes that cash-in-lieu for 1 deficient space is appropriate.

In this instance, the proposal must be considered pursuant to the Performance Criteria (P2) of the Clause E6.6.1.

Performance Criteria	Comments
<i>“Use and Development on land within the Activity Centres specified in Table E6.3 must make a cash in lieu payment for any deficient spaces at the rate specified in Table E6.3. Alternative arrangements may be made in accordance with any parking plan adopted by Council”.</i>	<p>KX Pilates Rosny would be in the Rosny Park activity centre and is therefore subject to a rate of \$12,000 cash-in-lieu for each deficient car parking space.</p> <p>While the applicant proposes to make a contribution it is limited to only 1 space. For these reasons detailed within this Report, it is considered that the contribution ought to apply for the 3 deficient spaces and on this basis the Performance Criteria is not supported.</p>

6. REPRESENTATION ISSUES

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

7. EXTERNAL REFERRALS

The application was not referred.

8. STATE POLICIES AND ACT OBJECTIVES

8.1. The proposal is consistent with the outcomes of the State Policies.

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

9. COUNCIL STRATEGIC PLAN/POLOCY IMPLICATIONS

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

10. CONCLUSION

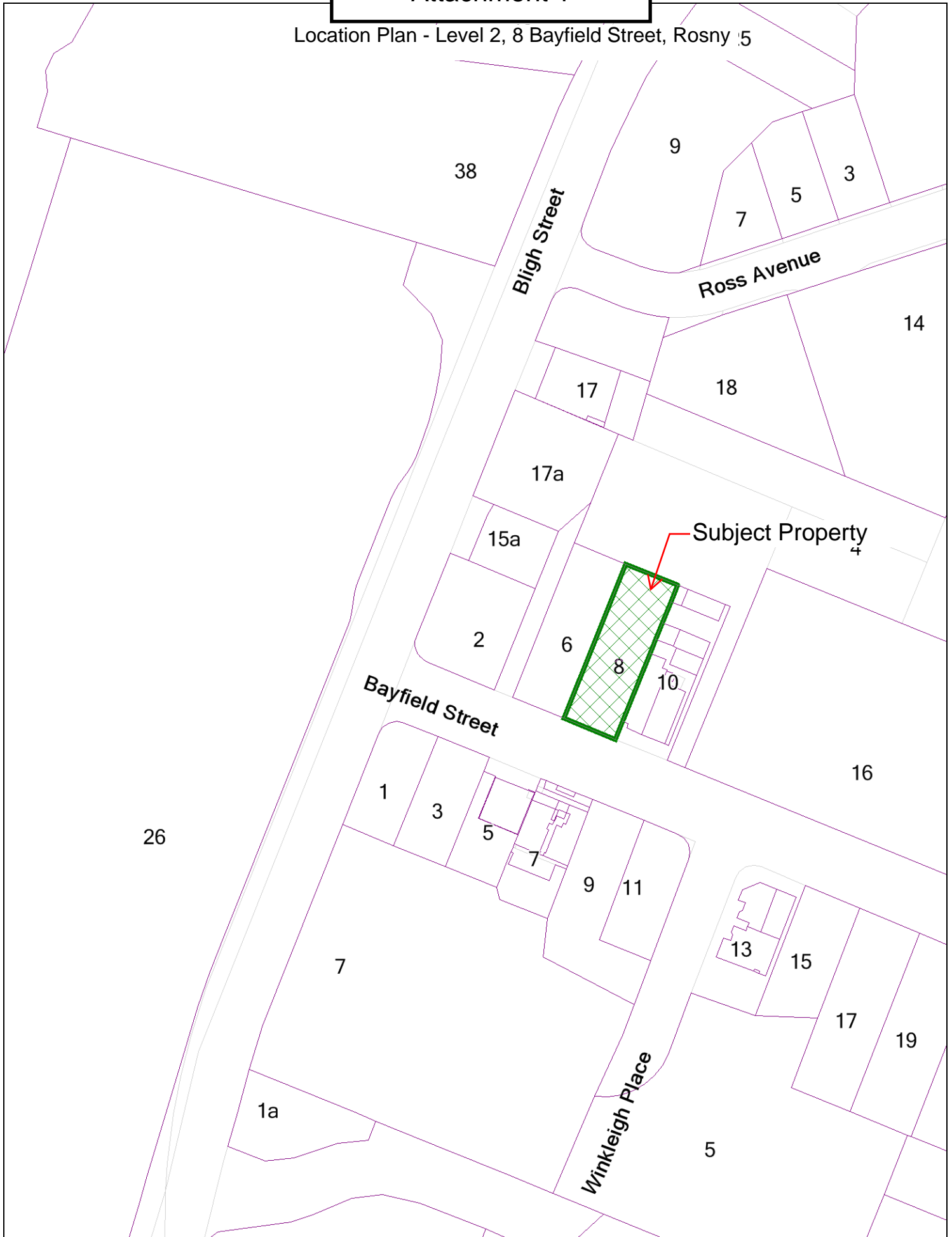
It is considered that the Change of Use to fitness centre would provide a beneficial service to the community and people using or working in Rosny Park. However, it is considered that the proposal does not satisfy all of the Scheme's relevant Performance Criteria associated with parking demand and for this reason it is recommended that the proposal be refused.

Attachments: 1. Location Plan (1)
2. Proposal Plan (11)
3. Site Photo (1)
4. Planning Consultant Correspondence (2)

Dan Ford
ACTING MANAGER CITY PLANNING

Attachment 1

Location Plan - Level 2, 8 Bayfield Street, Rosny



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, 24 June 2019 **Scale:** 1:1,497 @A4

Attachment 2



PERMIT APPLICATION.

Trading Name: KX Pilates Rosny
www.kxpilates.com.au

Business Name: HOP Rosny Pty LTD
ABN 61 525 674 310

Business Address: Level 2, 8 Bayfield Street. Rosny Park. 7018

Applicant: Julia Wade
Contact: 0430 231 301/ julia@kxpilates.com.au
Title: Director/Studio Owner

Permit Application: Application for DA - Planning and Change of Use.

Dear Clarence City Council Planning,

Please refer to our submitted drawings for application of Planning and Change of Use, for KX Pilates Rosny, for Level 2, 8 Bayfield Street. Rosny Park.

The site is within a shared-use building on the second floor. The building is 3 storey and currently used as primarily office space.

We propose to change the use of the second floor ONLY, from an 'office' to a gym facility, in specific, a pilates studio.

The max patrons on site at any given time will be 14.

There will be no loud music played, excessive jumping or high volume machinery being used, nor is there any high volume of unexpected traffic expected on site in association with the intended use.

There will be no structural changes or alterations to the external fabric of the building, there will be minor changes to interior layout which we will be applying for a building permit for, once we have DA/Town planning approval. There is no structural walls being pulled out.

We have engaged Nigel Grice, of Holdfast Building Surveyors, to oversee the project and works. He has already assessed the site, and has advised accordingly.

KX Pilates
www.kxpilates.com.au

DEFINE
YOURSELF.



We welcome any discussions that may need to happen, or any requests for further information.

Please don't hesitate to contact me.

Warm Regards,

Julia Wade

Julia Wade

Studio Owner/Director

0430 231 301

KX Pilates
www.kxpilates.com.au

DEFINE
YOURSELF.



KX Pilates (Trading under the name KX Pilates Rosny) wishes to open up a High Performance Pilates studio to people living on the Eastern Shore. We opened our first Tasmania studio in Hobart, in August 2018. A brand new and exciting style of Pilates training to Hobart. KX comes with a twist, focusing a little less on the precise core stabilization of clinical/traditional Pilates and instead adds a cardio aspect - so whilst the core is still being activated and trained, the rest of the body can be trained at pace making the client sweat, reach muscle fatigue, tone and tighten.

Why KX & What KX Provides

KX is a new independent business and is aimed to provide a high level service/ training to its clients. Although KX still carries the Pilates name, it is a totally different technique classified under the style of 'High Performance Pilates'; which is currently not being offered by any other company in Australia. Seeing first hand the excitement, popularity and mass growth that this new style brings in Melbourne, it is now time for Hobart to experience the KX difference. KX training is seen to improve cardiovascular fitness, muscle strength and endurance along with fat loss and toning.

The flagship Malvern studio in Melbourne opened in Feb 2010, followed closely by studio two and three in Port Melbourne and Richmond respectively. KX Pilates now operates 54 studios Australia wide.

We confirm we have made application to Clarence City Council for a change of use permit on Sunday 10th March.

A signage permit will be submitted to Clarence City Council on Tuesday 12th March.

The Studio

The classes are carried out in a group environment - 1 trainer: 12 clients max. So at any one time there will only be a maximum of 14 people in the studio each hour. This includes all clients, the Receptionist and Trainer.

Reception will be comprised of a reception desk, couches, coffee table and pigeonholes for the clients to keep their belongings. In the studio space there will be 12 Pilates Reformer beds placed evenly throughout. The internal structure will not change as the studio is kept open plan.

Hours

The hours of group class operation are as follows:

- 6am - 2pm & 5pm-9pm MON - FRI
- 8am - 5pm SAT & SUN

KX Pilates
www.kxpilates.com.au

DEFINE
YOURSELF.



KX Pilates Personal Training (1 on 1) will be conducted every afternoon in the short space between 2pm and 5pm – bringing only 1-3 clients max into the studio.

The busy time for the studio will be mostly in the morning and evening during the week (7-10am & 5:30-8:30pm) and mainly mornings on the weekends (9am-12pm).

Target Market

The typical target market for KX is women/men who live or work locally aged between 20 – 50 years old. They are health conscious individuals who are already quite active and health/body conscious. There will be two types of cliental – the professional women/men who will come before and after work and the stay at home mothers/wives who will fill the classes during the day.

Parking

The cliental KX is seeking to attract to the studio will be women/men that either live or work locally to the Rosny Park area. As there will only be maximum of 12 clients plus Receptionist and Trainer at any one time, the requirement for car parking will be minimal. Also, from previous experience with other studios, the busiest times for the studio will be early mornings and evenings – this being outside normal commercial/retail operating hours.

The premises has 2 parking spots made available to it, for the trainer and receptionist.

From the Director's experience, many of the health conscious clients who attend these classes walk/run/ride or work close by to the studio. Clients also make their exercise coincide with their daily routine of visiting a local coffee shops, supermarket, post office, Eastlands shopping centre and or the local library. Therefore, clients will be visiting with multiple purposes.

For those clients who are coming outside of local boundaries there are public transport options:

For those wishing to drive to the studio the Parking options are:

CARPARKING

- **Bayfield Street**
 - o 1 hr park - Monday - Saturday 8.00am - 6.00pm. 1/2 hr parks will be utilised before monitored hours. ie. Before 8am and after 6pm.
- **Bligh Street**
 - o 1 hr park - Monday - Saturday 8.00am - 6.00pm.
- **Ross Ave**
 - o 1 hr park - Monday - Saturday 8.00am - 6.00pm.
- **Winkleigh Place**
 - o 1/2 hr parks will be utilised before monitored hours. ie. Before 8am and after 6pm.
- **Kangaroo Bay Drive**



PUBLIC CARPARK

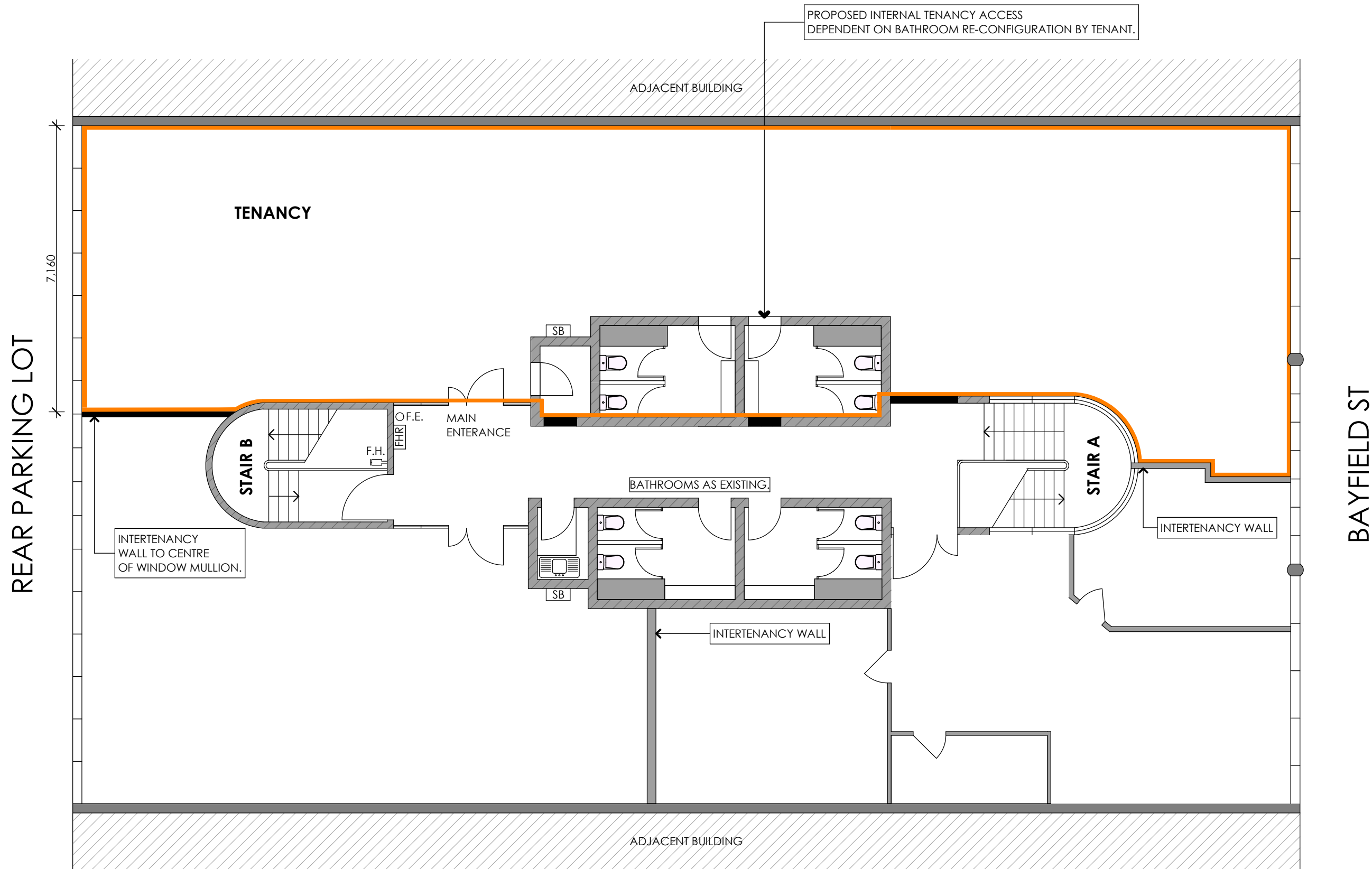
- To the rear of the building a public carpark with a maximum 2 hr parking will be utilised by our clients.
- The public carpark, accessed off Winkleigh Place will be utilised by clients.

Public Transport

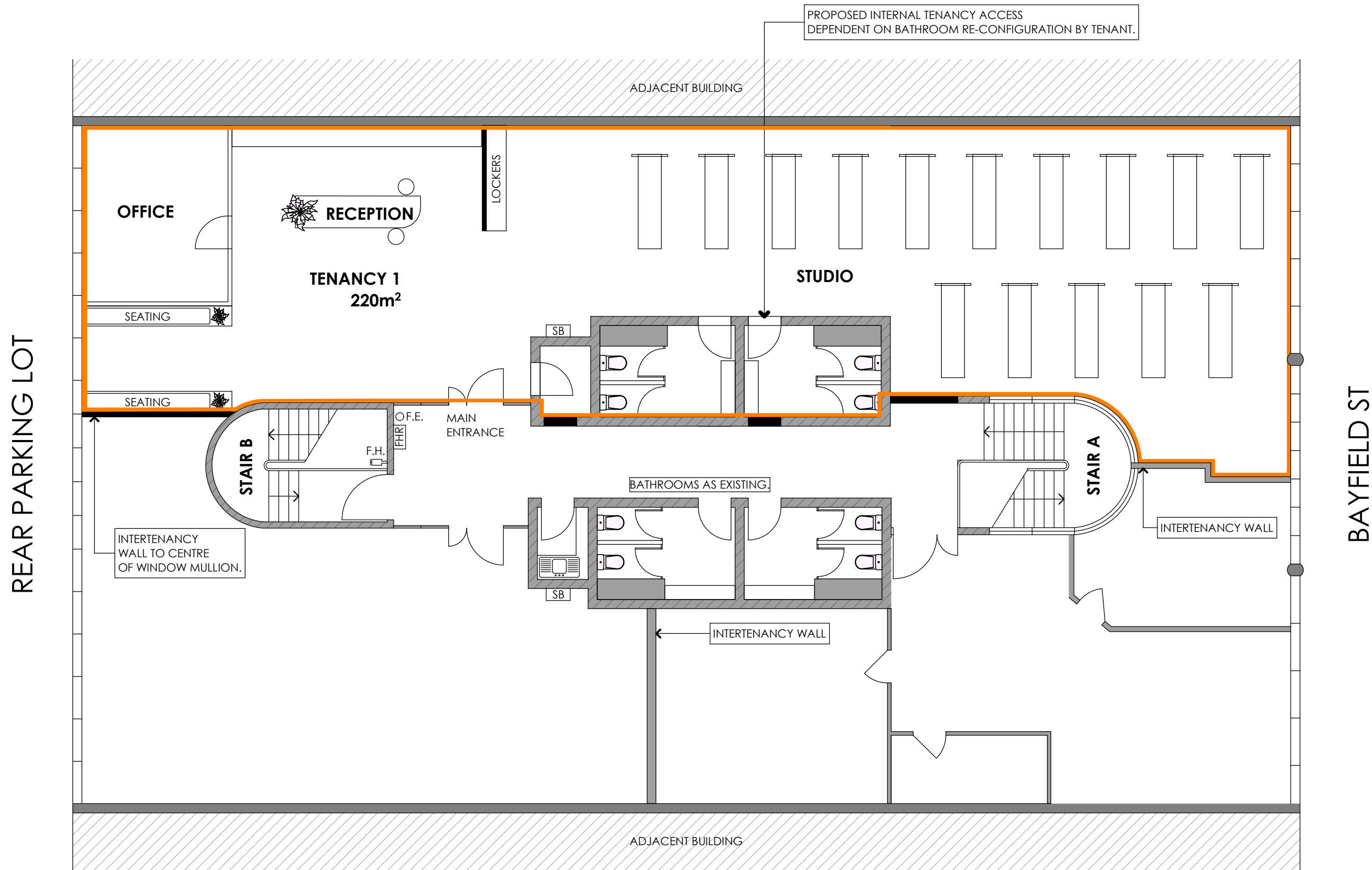
- Local buses: The main depot and exchange route of the Rosny Park bus mall will be utilised by a vast number of our clients.
 - o High Frequency Services - X15, X16, X34, X44
 - o Waverly St (Howrah Heights) - 606
 - o Tranmere - 605, 614, 615, 616
 - o Rokeby - Clarendon Vale - 624, 625
 - o Lauderdale - 634, X34, 635, 646, X44
 - o South Arm - X44, 646
 - o Seven Mile Beach - 635, 664, X64, X65, 665
 - o Warrane - Mornington - 654, 655
 - o Risdon Vale - 684, 685, 694, 695, 696
 - o University 401, 501, 601
 - o Gagebrook - Old Beach - 522, 530, X30, 696

Granted permit approval, KX Pilates Rosny wishes to open its studio in early May; a perfect time for clients to move inside to move and become active, when the weather cools down, and clients are looking for an alternative to outdoor training classes.

Please see our website at www.kxpilates.com.au for any more information on the company or any questions please do not hesitate to contact myself on 0430 231 301, Founder Aaron Smith on 0408 089 965, or CEO Selina Bridge on 0434 754 931

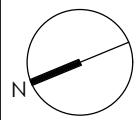


FIRE ESCAPE ROUTES TO BE CONSIDERED
BY BUILDING OWNER AND TENANT.



Rev.	Amendment	Date

This drawing is to be read in conjunction with the other contract documents and instructions issued during the course of the contract. Contractors must verify all dimensions and levels on site prior to commencing. Do not scale drawings. Notify any errors, discrepancies or omissions to the Designer. © These drawings and designs are subject to copyright laws.



Project:
8 Bayfield St
ROSNY PARK
Kalis Property

Drawing name:
Tenancy Floor Plan
Level 02
Issue date:
8/03/2019

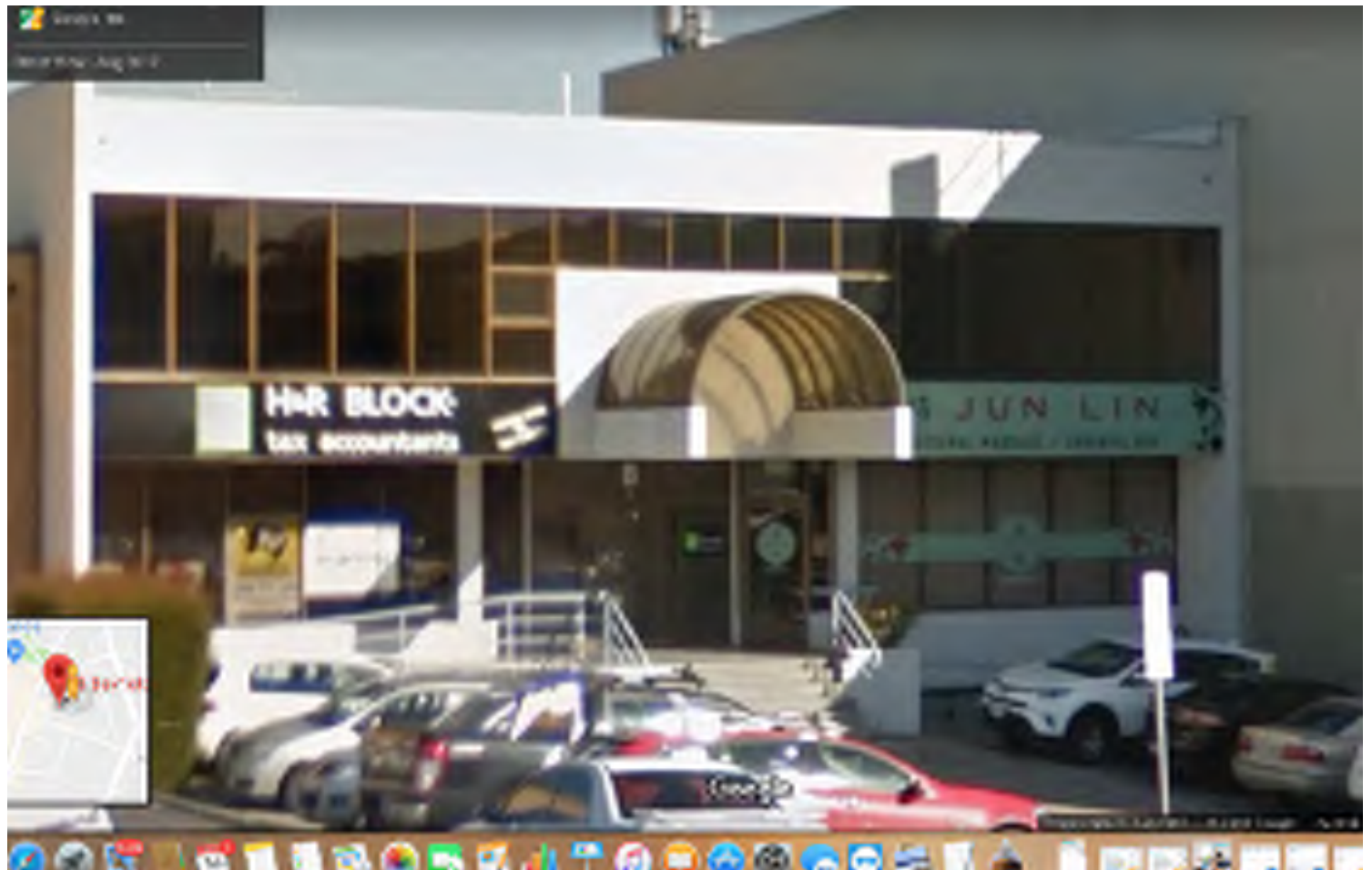
Project stage:
Information

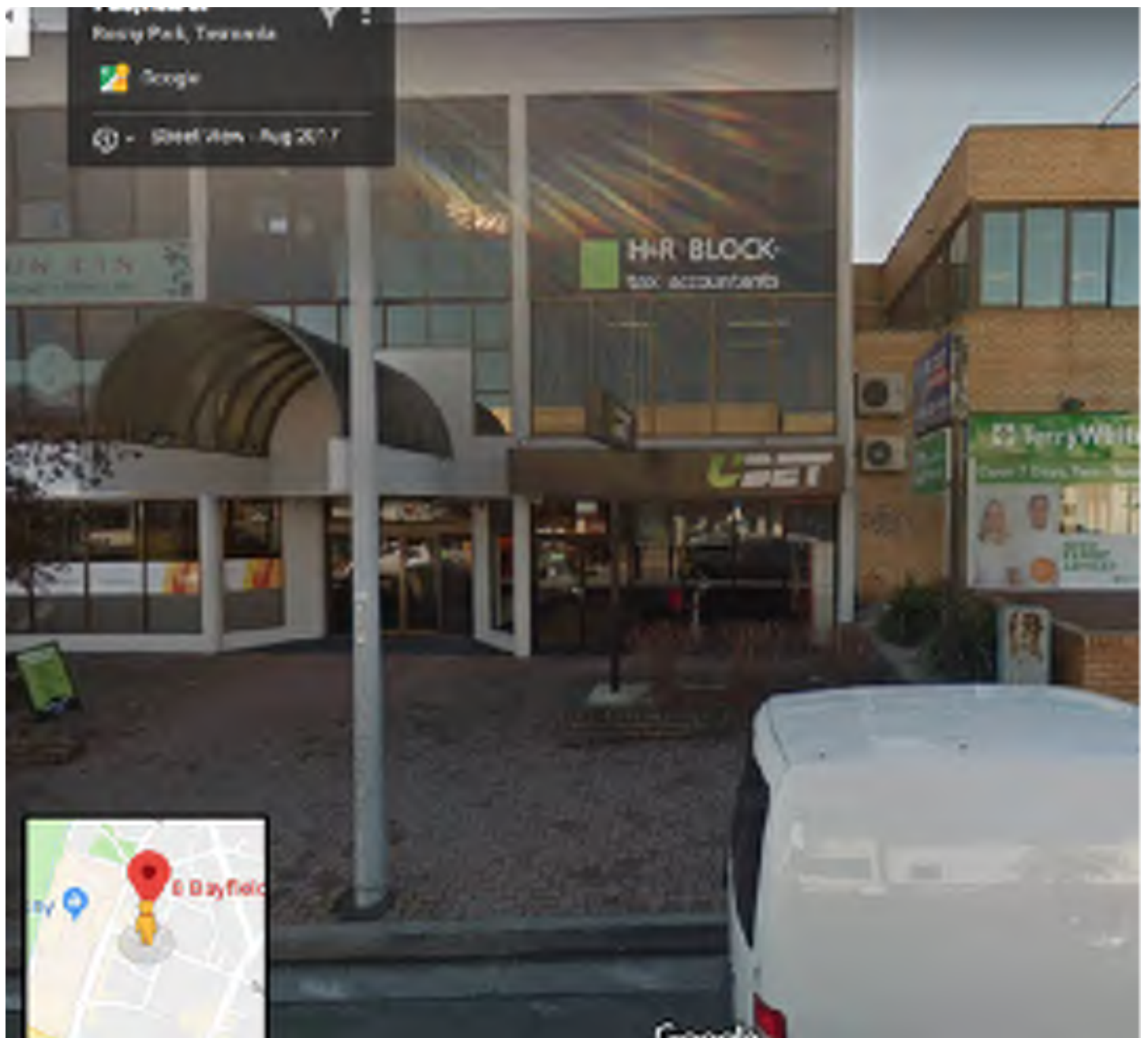
Drawing no:
18.026- A02
Scale @ A3:
1:100

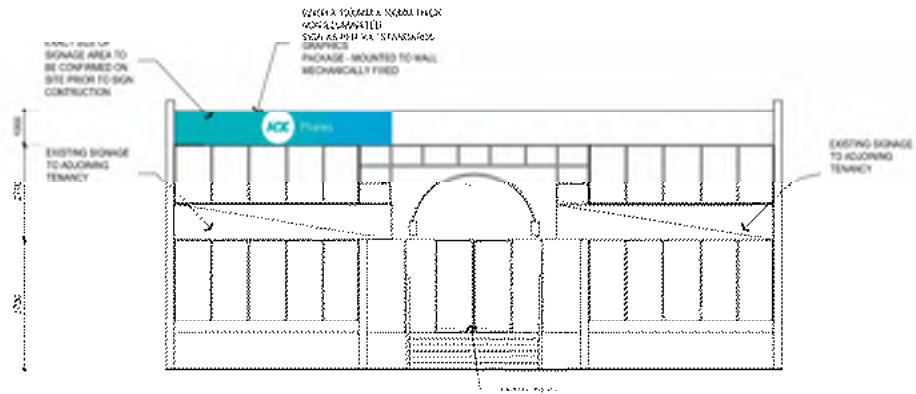
Revision:

POTTER PROJECTS
0408 303 034
admin@potterprojects.com
PO Box 320 Rosny Park
Tasmania 7018





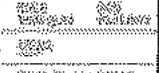
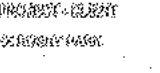




C EXTERNAL ELEVATION C



06 80 080 927 050 telephone 0412



PRELIMINARY

INTERNAL ELEVATION

EXTERNAL ELEVATION

EXTERNAL ELEVATION

INTERNAL ELEVATION

EXTERNAL ELEVATION

EXTERNAL ELEVATION

Attachment 3

Attachment 3 – Site Photos



The site when viewed from the opposite side of Bayfield Street.



The site when viewed from the car park at the rear of 8 Bayfield Street.



5 June 2019

Clarence City Council
38 Bligh Street
PO Box 96
ROSNY PARK, TAS 7018

By email: cityplanning@ccc.tas.gov.au

Dear Natalie

FURTHER INFORMATION - D-2019/124 - 8 BAYFIELD STREET, ROSNY

I am writing in response to your letter of 21 March 2019 requesting further information in response to the proposed change of use for the Pilates Studio and subsequent generation of car parking at Level 2, 8 Bayfield Street, Rosny Park.

The tenancy currently has an allocation of 2 parking spaces available on the site. The existing approved use as an office generates 7 car parking spaces based on the tenancy floor area. Under the Parking Table of the Parking and Access Code, the proposed use as a fitness centre would generate additional parking of 3 spaces with no specific requirements for gym.

The KX Pilates Studio format proposed is a model which provides for both small groups (maximum classes of 12) with 1 instructor, or alternatively personal training sessions. In addition, there will sometimes be an administration staff member on site, meaning the maximum people on site will be 14 at any time, however as the average class size is 8, the number is likely to be over 9-10.

The layout of the studio provides a generous area per workstation, as well as toilets, reception and office area. The active gym area therefore only accounts for 51% of the overall tenancy floor area.

The proposed Pilates Studio model requires people attend either booked classes or individual booked training sessions, as opposed to the drop-in model of more traditional gyms. The program that KX Pilates offer is a 50 minute session with classes booked on a minimum hourly basis to provide changeover in between. This format is also less intensive than the model many gym setups aim for where higher turnover and shorter workouts are provided for.

The group classes will be held during the following times:

- 6am - 2pm & 4pm - 8.30pm Monday to Friday; and
- 8am - 1pm Saturday & Sunday

Between 2pm and 4pm weekdays, personal one-on-one sessions will be provided.

The peak operation times across all KX Pilates studios are during the morning and evening on weekdays (7am - 10am & 5:30pm - 8:30pm) and in the mornings on the weekends (9am-12pm) which are largely outside business hours when parking within existing public parking areas is in peak demand.

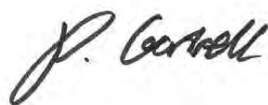
The use proposed therefore generates less parking across the day than would be expected from other models which provide a drop-in high turnover model. The operating hours and class times also reduce the generation of parking in business hours when parking in the local centre is busier.

It is therefore requested that Council approve the proposal on the basis of additional parking and subsequent cash in lieu contribution calculated on the portion of the tenancy where the gym activity is occurring (112m2) as follows:

Office	112m2	@ 1/30m2	4
Gym		@ 4.5/100m2	5
Net increase			1

If you have any further questions, please do not hesitate to contact me on 6234 9281.

Yours sincerely



Phil Gartrell

Planner

IRENEINC PLANNING & URBAN DESIGN

11.3.7 APPLICATION SD-2019/7 – 3178 SOUTH ARM ROAD, SOUTH ARM – 4 LOT SUBDIVISION
(File No Sd-2019/7)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 4-lot subdivision (and balance) at 3178 South Arm Road, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Coastal Erosion Hazard, Inundation Prone Areas, Waterway & Coastal Protection Areas and 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 10 July 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the issue of lack of foreshore reserve.

RECOMMENDATION:

A. That the application for a 4-lot subdivision at 3178 South Arm Road, South Arm (Cl Ref SD-2019/7) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN – [the provision of public open space which encompasses the foreshore area with a variable width measured from 1m east of the base of the sand dune to the western boundary of the lot, generally in accordance with the Rogerson and Birch subdivision plan dated 27 June 2019].
3. ENG A3 – COMBINED ACCESS [TSD-R03 (Rural)].

4. ENG A4 – DIER ACCESS.
5. ENG M2 – DESIGNS SD.
6. ENG S2 – SERVICES.
7. The applicant is to enter into a licence agreement for the use of the boatsheds in accordance with Council's adopted Leased Facilities Pricing and Terms of Lease Policy, indemnifying Council in relation to the owner's use of Council land during the period of the licence. The agreement shall be entered into within 60 days of the transfer of the public open space to Council.

The landowner is responsible for the preparation of the agreement and is responsible for all Land Titles Office fees and charges.

8. PROP 3 – TRANSFER.

ADVICE

1. Please note that the license agreement is assessed on a yearly basis and Council is not obligated to renew if circumstances change in the future.
 2. If a licence agreement, required by Condition 7, is not entered into within 60 days of the transfer of the public open space to Council the boatsheds will be removed from the site.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 16.0 – Village Zones;
- Section E5.0 – Road and Railway Code;
- Section E6.0 – Parking and Access Code;
- Section E11.0 – Waterway and Coastal Protection Code;
- Section 16.0 – Coastal Erosion Hazard Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1.265ha lot containing a dwelling and associated outbuildings. A location plan is included in Attachment 1. The site has a title boundary to high water mark incorporating the frontal dune and contains two boatsheds.

3.2. The Proposal

The proposal is for a subdivision which will result in a total of 5 lots (see plans in Attachment 2). Lot 5 will retain the existing dwelling and two outbuildings. One outbuilding on proposed Lot 3 will also be retained and all other outbuildings, with the exception of the boatsheds, on the site are to be demolished.

Access is consolidated into 2 points, on which will provide access to Lots 1 and 2 and the other which will provide access to Lots 3, 4, and 5. Rights-of-way are proposed to ensure legal access is provided to each lot.

The plan also includes a right-of-way along the north and south boundary of proposed Lots 1 and 4 to provide access to the foreshore from Lots 2 and 5.

The applicant did not originally propose any land to be provided as public open space. Following the advertising period, the issue of providing public open space along the foreshore was discussed with the applicant. The applicant subsequently provided an amended plan showing an area along the foreshore which encompasses the sand dunes along the foreshore and provides an area of approximately 1490m² in area representing approximately 14.5% of the existing lot area.

The amended plan dated 27 June 2019, was provided on the basis that access to the boatsheds be retained by the respective lot owners and formalised through a suitable license agreement with Council. This is discussed in further detail below and a copy of the advertised and amended plan dated 27 June 2019 is included in the attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Village Zone and Coastal Erosion Hazard, Inundation Prone Areas and Waterway & Coastal Protection Areas Codes with the exception of the following.

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.5.1 A4	Lot design	No lot is an internal lot.	Does not comply as Lots 1 and 4 are internal lots.

The proposed variation must be considered pursuant to the Performance Criteria P4 of the Clause 16.5.1 as follows.

Performance Criteria	Proposal
<p><i>“An internal lot must satisfy all of the following:</i></p> <p>(a) <i>the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</i></p> <p>(b) <i>it is not reasonably possible to provide a new road to create a standard frontage lot;</i></p> <p>(c) <i>the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i></p> <p>(d) <i>the lot will contribute to the more efficient utilisation of residential land and infrastructure;</i></p> <p>(e) <i>the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i></p> <p>(f) <i>the lot has access to a road via an</i></p>	<p>complies</p> <p>Given the relatively small number of lots created it is not reasonable to require a new road to be created.</p> <p>Given the proportions of the existing lot and the location of the existing buildings on-site that are to be retained, it would be difficult to subdivide without incorporating internal lots.</p> <p>The proposal will increase densities in an existing Village zoned area of South Arm which will lead to more efficient use of the existing road network.</p> <p>The future residential development on the lots is consistent with the envisaged density and the use in the surrounding area. Subsequent development will be assessed against the provisions of the Scheme to ensure that the amenity of the area will not be detrimentally affected.</p>

<p><i>access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i></p> <p><i>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</i></p> <p><i>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</i></p> <p><i>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i></p> <p><i>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces”.</i></p>	<p>Lots 1 and 4 are accessed via a 4m right-of-way.</p> <p>Passing bays are not provided on the proposal plan. However, as combined accesses are proposed, Council’s Engineers have recommended that a 5.5m wide access and passing bay at each access point be required, which can be conditioned as part of any approval.</p> <p>Complies as the subdivision proposed only 2 internal lots.</p> <p>The access strips will be required to be sealed to the end of the rights-of-way and it is recommended that a permit condition be included to this effect.</p> <p>The proposed internal lots will front the public open space proposed by the applicant (Attachment 4) and will provide for passive surveillance of this area.</p>
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Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.5.2 A1	Ways and Public Open Space	No Acceptable Solution	As previously discussed in the report, the applicant has proposed an amended plan following advertising which incorporates a public open space lot of variable width fronting the foreshore.

The proposed variation must be considered pursuant to the Performance Criteria P4 of the Clause 16.5.1 as follows.

Performance Criteria	Proposal
<p><i>“The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i></p> <p>(a) <i>connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i></p> <p>(b) <i>connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i></p> <p>(c) <i>connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i></p> <p>(d) <i>convenient access to local shops, community facilities, public open space and public transport routes is provided;</i></p> <p>(e) <i>new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i></p> <p>(f) <i>provides for a legible movement</i></p>	<p>The amended proposal plan includes a lot approximately 1490m² in area that abuts an existing foreshore reserve along South Arm Beach. The provision of this land will provide for a continuation of the coastal reserve to the north and south of the lot and connect with the existing public open space. As public open space was not originally proposed, it is recommended that a condition requiring an amended plan generally in accordance with Attachment 3 be included on the permit.</p> <p>Lots 2 and 5 are provided with direct access to the foreshore via a right-of-way.</p> <p>There are existing connections from South Arm Road from Saltair Court and Sadler Place, which will provide adequate connections to the public open space and is considered that direct access through this subdivision is necessary.</p> <p>The lot is located within the township of South Arm and has access to facilities, shops, public open space and public transport.</p> <p>No new ways are proposed.</p> <p>The amended proposal provides for a</p>

<p><i>network;</i></p> <p>(g) <i>the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</i></p> <p>(h) <i>Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</i></p> <p>(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i></p> <p>(i) <i>the width of the way;</i></p> <p>(ii) <i>the length of the way;</i></p> <p>(iii) <i>landscaping within the way;</i></p> <p>(iv) <i>lighting;</i></p> <p>(v) <i>provision of opportunities for 'loitering';</i></p> <p>(vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i></p>	<p>continuation of the foreshore reserve which creates a legible area of public open space along South Arm Beach.</p> <p>Not applicable as no new ways are provided.</p> <p>The amended proposal provides for 14.5% of the lot to be provided as public open space. This land is consistent with Council's Public Open Space Policy providing public access to the foreshore and management of the frontal dune.</p> <p>Not applicable as no new ways are provided.</p>
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Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.8.1 A1	Subdivision in Coastal Erosion Hazard Areas	No Acceptable Solution.	Subdivision as proposed.

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

Performance Criteria	Proposal
<p><i>“Subdivision of a lot, all or part of which is within an Coastal Erosion Hazard Area must be for the purpose of one or more of the following:</i></p> <p>(a) <i>separation of existing dwellings;</i></p> <p>(b) <i>creation of a lot for the purposes of public open space, public reserve or utilities;</i></p> <p>(c) <i>creation of a lot in which the building area, access and services are outside the Coastal Erosion Hazard Area”.</i></p>	<p>not applicable</p> <p>The amended plan provides a public open space foreshore reserve.</p> <p>All lots contain a building area, access and services that are located outside the area of the site covered by the Coastal Erosion Hazard Code.</p>

Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.8.1 A2	Subdivision in Coastal Erosion Hazard Areas	No Acceptable Solution.	Subdivision as proposed.

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause E16.8.1 as follows.

Performance Criteria	Proposal
<p><i>“Subdivision must satisfy all of the following:</i></p> <p>(a) <i>not increase risk to adjoining or nearby property;</i></p> <p>(b) <i>any increased reliance on public infrastructure must not result in a unacceptable level of risk;</i></p>	<p>Council’s Engineers are satisfied that the proposal will not increase risk to adjoining or nearby property.</p> <p>The subdivision is in an existing residential area and will not result in an unacceptable increase in the reliance on public infrastructure.</p>

<i>(c) need for future remediation works is minimised;</i>	With the exception of the proposed public open space lot, the proposed lots all contain building areas located approximately 70m from the boundary to the western boundary adjacent to the reserve, which is considered sufficient to ensure that future remediation works are minimised.
<i>(d) access to the lot will not be lost or substantially compromised by coastal hazards on or off-site;</i>	Access to all lots are via the South Arm Highway which will not be significantly affected by coastal hazards.
<i>(e) no building area is located within the Coastal Erosion Hazard Area;</i>	complies
<i>(f) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	not required
<i>(g) not be prohibited by the relevant zone standards”.</i>	complies

5. REPRESENTATION ISSUES

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

5.1. Lack of Foreshore Reserve

Concern was raised that the proposal did not include a foreshore reserve which would enable the continued use of the existing public open space land to the north and south of the site.

- **Comment**

As discussed previously, the applicant provided an amended plan following advertising which showed a public open space lot adjacent to the foreshore which will provide a significant community benefit. This lot will encompass the sand dune area and ensure that this area will continue to be managed and protected. It is considered that the amended plan provided by the applicant adequately addresses the representor's concerns.

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

The proposal provides opportunity to secure land for public open space which links with existing foreshore reserves along South Arm Beach. The provision of public open space in this area will provide for a significant community benefit and an opportunity to ensure that the fragile dune system along the foreshore is appropriately protected and managed in the future. The area of land provided for this purpose represents an area of 14.5% of the site which is well above the minimum required by the Policy.

The public open space lot contains two boatsheds that the applicant wishes to continue to access. Given the large area of land proposed to be provided for public open space it is reasonable that the boatsheds be licensed back to the landowners as requested. It is noted that this arrangement is intrinsically linked to the public open space offer and must be determined in this context. It should be noted that this is a yearly license and Council is not obligated to renew the license if circumstances change in the future.

9. CONCLUSION

The proposal for a 4-lot subdivision is recommended for approval.

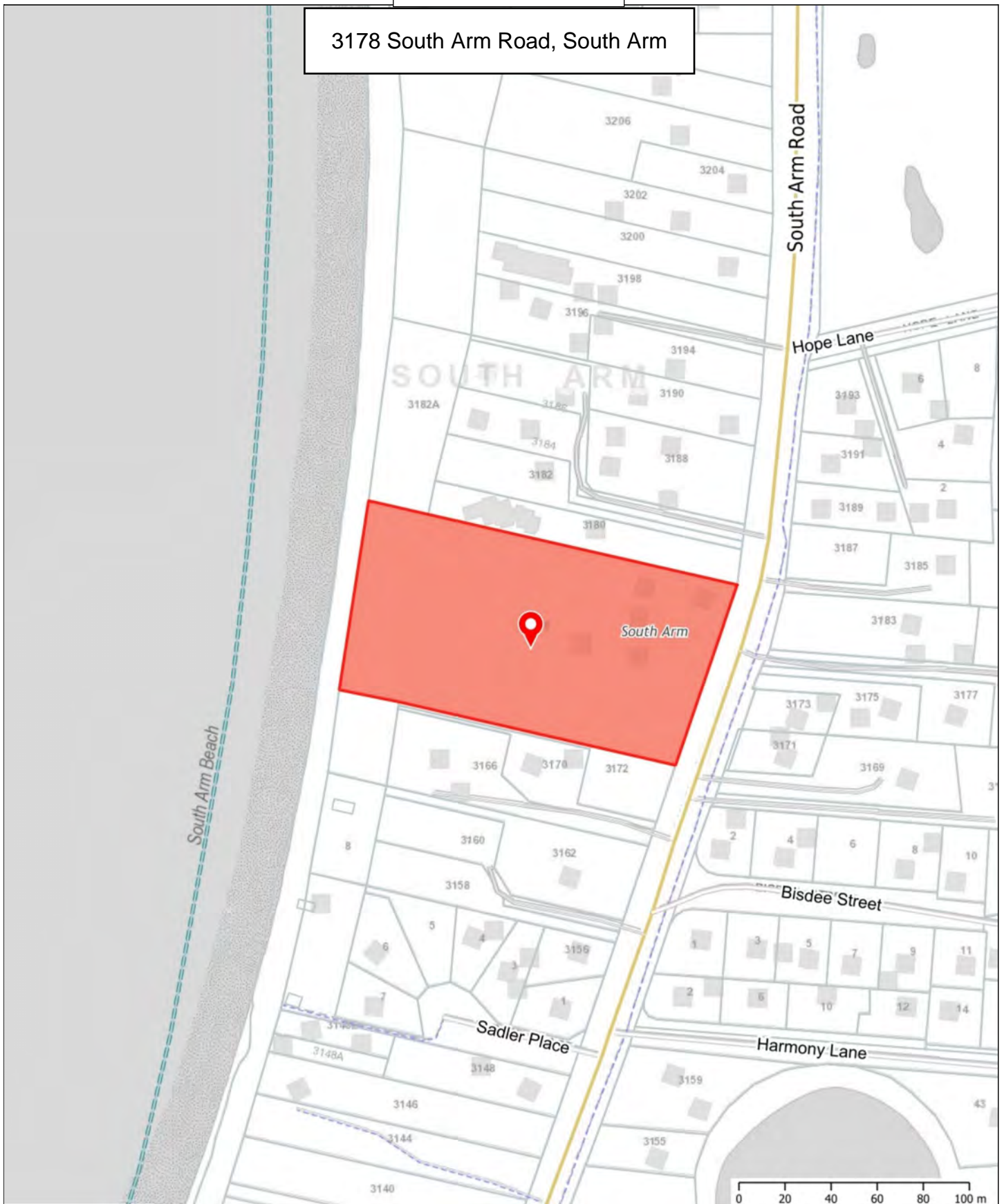
Attachments: 1. Location Plan (1)
2. Proposal Plan (1)
3. Proposal Plan (1)
4. Site Photo (2)

Dan Ford
ACTING MANAGER CITY PLANNING

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

Attachment 1

3178 South Arm Road, South Arm



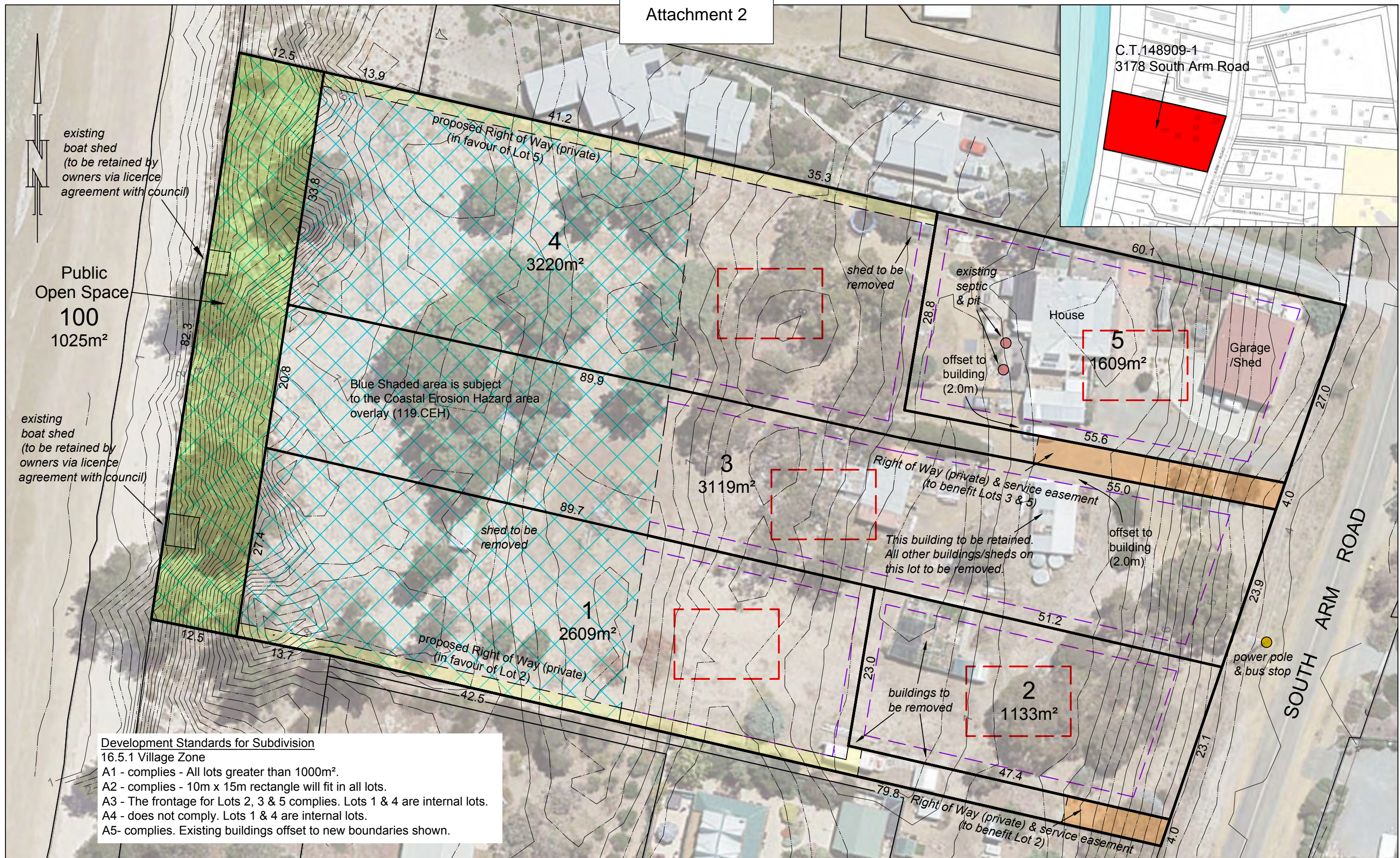
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

28/06/2019

1:2257



Attachment 2



Development Standards for Subdivision
 16.5.1 Village Zone
 A1 - complies - All lots greater than 1000m².
 A2 - complies - 10m x 15m rectangle will fit in all lots.
 A3 - The frontage for Lots 2, 3 & 5 complies. Lots 1 & 4 are internal lots.
 A4 - does not comply. Lots 1 & 4 are internal lots.
 A5 - complies. Existing buildings offset to new boundaries shown.

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

All measurements and areas are subject to the final survey.

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



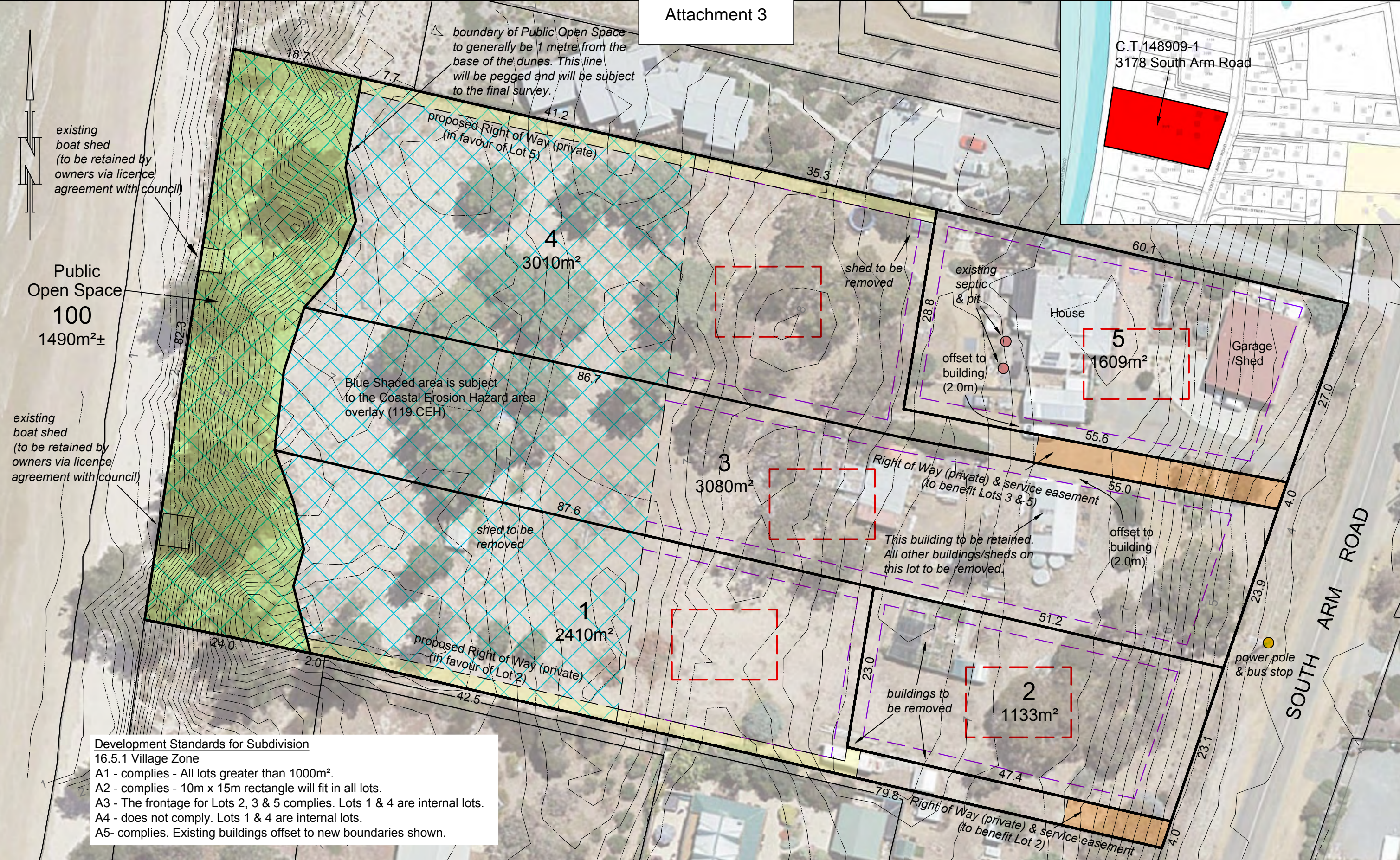
UNIT 1, 2 KENNEDY DRIVE
 CAMBRIDGE 7170
 PHONE: (03)6248 5898
 EMAIL: admin@rbsurveyors.com
 WEB: www.rbsurveyors.com

OWNER: G.A & S.M DAVIS
 TITLE REFERENCE: C.T.148919/1
 LOCATION: 3178 SOUTH ARM ROAD
 SOUTH ARM

Proposed Subdivision

Date: 26-6-2019	Reference: DAVGE01 11588-00
Scale: 1:500 (A3)	Municipality: Clarence

Attachment 3



Development Standards for Subdivision
16.5.1 Village Zone
A1 - complies - All lots greater than 1000m².
A2 - complies - 10m x 15m rectangle will fit in all lots.
A3 - The frontage for Lots 2, 3 & 5 complies. Lots 1 & 4 are internal lots.
A4 - does not comply. Lots 1 & 4 are internal lots.
A5- complies. Existing buildings offset to new boundaries shown.

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



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

OWNER: G.A & S.M DAVIS
TITLE REFERENCE: C.T.148919/1
LOCATION: 3178 SOUTH ARM ROAD
SOUTH ARM

Proposed Subdivision

Date: 27-6-2019	Reference: DAVGE01 11588-00
Scale: 1:500 (A3)	Municipality: Clarence

Attachment 4



View of the existing dwelling on proposed Lot 5 from South Arm Road.



View of proposed Lot 2 from the South Arm Road.



Aerial photo of site.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 RESCISSION OF COUNCIL DECISION – HOWRAH GARDENS SUBURB PROPOSAL / REPLACEMENT DECISION**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To rescind Council's decision of 8 April 2019 providing in-principle support for creation of a new suburb named "Howrah Gardens" including consequential suburb boundary changes; and replace the rescinded decision with a new decision related to the Howrah / Rokeby suburb boundary.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

- *Local Government (Meeting Procedures) Regulations 2015;*
- *Local Government Act 1993;*
- *Survey Co-ordination Act 1944;*
- *Rules for Place Names in Tasmania (Nomenclature Board of Tasmania).*

CONSULTATION

Should Council approve the rescission motion, community advice regarding the rescission of Council's 8 April 2019 decision should occur.

Should Council approve the request for a suburb boundary change, community consultation in accordance with the Rules for Place Names in Tasmania will be required before submission to the Nomenclature Board.

FINANCIAL IMPLICATIONS

There are none identified.

RECOMMENDATION A:

That Council rescinds its decision of 8 April 2019 (Item 11.7.4).

RECOMMENDATION B:

That subject to Recommendation A above being Carried:

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 3 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.

NB: This matter requires an absolute majority of Council

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. Council has previously considered and approved a request by the owners of land located at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road, Rokeby to alter the suburb boundaries of Howrah and Rokeby and to create a new suburb named “Howrah Gardens”.
- 1.2. Following Council’s decision of 8 April 2019, Council officers were advised that the Rules for Place Names in Tasmania (**Rules**) had been updated in March 2019 (but not published on the Lands Tasmania website until after 8 April 2019). The updated Rules require consultation regarding any proposed suburb boundary changes with Lands Tasmania (the Tasmanian Government office of DPIPWE that supports the Nomenclature Board) before community consultation occurs.
- 1.3. Land Tasmania has indicated that the Nomenclature Board is very unlikely to support the creation of a new suburb named Howrah Gardens, but that some adjustments to the suburb boundary between Howrah and Rokeby may be supported.
- 1.4. Land Tasmania has provided three boundary change options for consideration (refer Attachment 1). Each of the options comply with the Rules.

2. REPORT IN DETAIL

Background

2.1. Council has previously received two requests from developers in the Howrah/Rokeby area to alter the suburb/locality boundary between Howrah and Rokeby and to create a new suburb named “Howrah Gardens”. The first request has been superseded by the second request.

2.2. At its Meeting of 8 April 2019, Council resolved as follows:

- “A. That Council notes the requests to rename the land at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road by altering the suburb boundaries of Howrah and Rokeby and creating a new suburb names ‘Howrah Gardens’.*
- B. That Council recognises the area colloquially known as ‘Howrah Gardens’, and supports the inclusion of this area in the new suburb of ‘Howrah Gardens’.*
- C. That Council supports, in-principle, the requested suburb boundary changes, ensuring that the area presently colloquially known as ‘Howrah Gardens’ is incorporated, and the creation of a new suburb named ‘Howrah Gardens’ for the reasons set out by the proponents.*
- D. That the General Manager, on behalf of Council, conduct a broad-based community survey to determine whether there is strong community support for the proposed changes.*
- E. That, following the completion of the broad-based community survey, the General Manager provide a report to Council and that Council then determine whether to refer the proponent’s request to the Nomenclature Board of Tasmania for determination”.*

2.3. Land Tasmania has advised that the Nomenclature Board is unlikely to support the creation of a new suburb in the Howrah Gardens area. Land Tasmania has advised that the proposal does not adequately meet the requirements set out in the Rules, and at this preliminary stage shows signs of significant community opposition.

- 2.4.** Land Tasmania has however suggested that a boundary change in the area could be supported from a technical perspective and subject to consultation being undertaken that demonstrates broad based community support. Land Tasmania has provided three options for consideration (Attachment 1).
- 2.5.** At the request of Council following the workshop held on 24 June 2019, the three developers of the land were contacted to ascertain their view of the options provided by Land Tasmania. Each developer confirmed Option 3 as their preferred option.
- 2.6.** Considering the options provided by Land Tasmania, and subject to Council determining to rescind its 8 April 2019 decision, there are four options available to Council
1. Do nothing – make no amendment to current boundaries between Howrah and Rokeby.
 2. Adopt Option 1 (refer Attachment 2).
 3. Adopt Option 2 (refer Attachment 3).
 4. Adopt Option 3 (refer Attachment 4)

Rescission and Replacement of Council's 8 April 2019 Decision

- 2.7.** Regulation 18 of the Local Government (Meeting Procedures) Regulations 2015 provides:

“Motion to overturn decision

(1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by–

- (a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or*
- (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.*

(2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election–

- (a) by an absolute majority, in the case of a council; or*
- (b) by a simple majority, in the case of a council committee.*

- (3) *Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include—*
- (a) *a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and*
 - (b) *the details of that previous decision, or the part of that previous decision, that would be overturned; and*
 - (c) *advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and*
 - (d) *if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out”.*

2.8. Addressing the requirements of Regulation 18(3) (in order):

- (a) Recommendation A of this report, if resolved in the affirmative, will result in Council’s decision of 8 April 2019, Item 11.7.4, being overturned in whole.
- (b) The details of the decision of 8 April 2019 are reproduced at Clause 2.2 of this report.
- (c) The requirements arising from Council’s decision of 8 April 2019 did not require any action in respect to decisions A, B and C. Actions arising from decisions D and E required consultation to occur and a report back to Council at the conclusion of the consultation period.
- (d) Actions related to decisions D and E have not occurred as a consequence of the Land Tasmania advice received.

2.9. A decision of Council to rescind its 8 April 2019 (Item 11.7.4) decision in accordance with Recommendation A requires an absolute majority of Council.

3. CONSULTATION

3.1. Community Consultation

Rule 36(3) requires the following in respect to alteration of a suburb boundary:

“(a) ...

(b) ...

(c) evidence of consultation with owners whose property addresses would change; and

(d) evidence of support for the proposal from a majority of the affected owners”.

Land Tasmania has confirmed that “broad-based community consultation” means those residents, property owners and businesses within the area subject to any proposed boundary or name change.

In the circumstances of Option 3, as sought by the relevant landowner developers, this will include those landowner developers, plus three residential properties in Maum Street, Rokeby.

Notwithstanding the consultation requirements of the Rules, in the circumstances of a rescission of Council’s 8 April 2019 decision, it is appropriate to advise the wider “Howrah Gardens” community of the rescission decision and this decision (should Council determine Recommendation A as provided).

3.2. State/Local Government Protocol

Consultation with Lands Tasmania has occurred in accordance with the Rules.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no specific strategic policy implications that will arise as a result of this decision.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

It is recommended that Council rescind its 8 April 2019 decision on the basis that Land Tasmania advises that the Nomenclature Board is unlikely to approve the creation of a new suburb named “Howrah Gardens”. Based on the advice provided by Land Tasmania and the identified preference by the landowners / developers for “Option 3” as proposed by Land Tasmania, that Council replaces its earlier decision as recommended in this report.

Attachments: 1. Land Tasmania Boundary Change Options (1)
2. Locality Boundary Review Howrah/Rokeby – Option 1 (1)
3. Locality Boundary Review Howrah/Rokeby – Option 2 (1)
4. Locality Boundary Review Howrah/Rokeby – Option 3 (1)

Ian Nelson
GENERAL MANAGER

ATTACHMENT 1

HOWRAH / ROKEBY BOUNDARY CHANGE OPTIONS

Advice from Nomenclature Office

One of the outcomes of our meeting was a request for plans of the options for the locality boundary realignment in the vicinity of Skillion Hill. I have prepared 3 plans that have boundaries that are compliant with the guidelines for locality boundary definition.

Option 1: This could be considered the minimum change option.

- Skillion Road is united into a single locality
- The streets starting and ending from Skillion Road are kept in the same locality with Skillion Road
- The small valley to the south of reservoir site overlooks Howrah Gardens area not Rokeby
- The change includes the whole of streets on the west side of the watershed.
- This option only has 2 street intersection where the locality changes within the residential area
- No existing residents would have address changes

Option 2: This option is trying to connect the watershed to vicinity of the Pass Road intersection

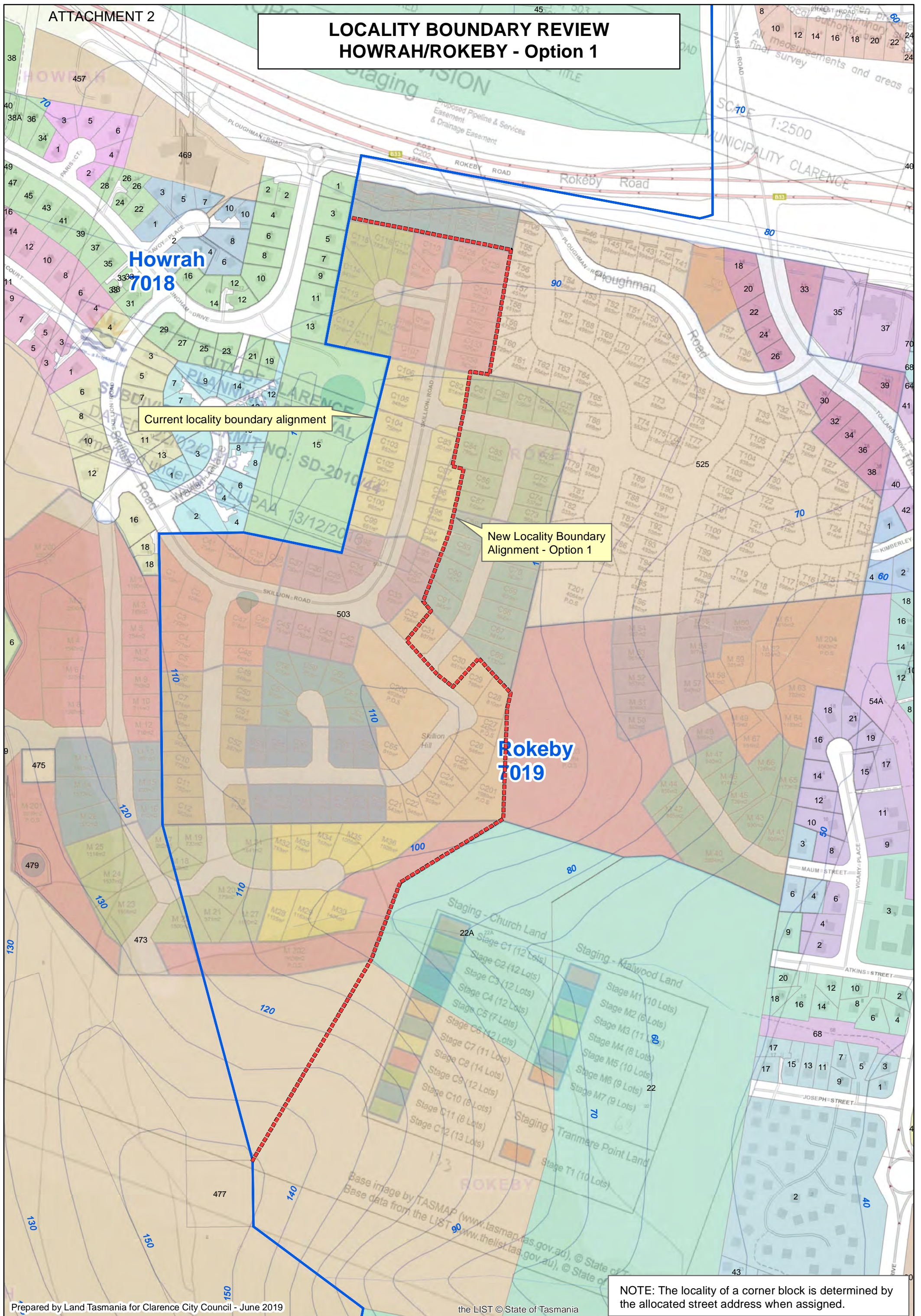
- Follows the ridgeline as much as the “Whole of an urban street should be in 1 locality” rule allows
- Maum Street & Kimberley Street would remain as Rokeby Streets with the new boundary being the western side of the properties addressed to Maum Street & the southern boundary of any properties addressed to Ploughman Road
- The locality boundary position around the intersection of Ploughman Road & the new section of Maum Street may be unclear on ground.
- No existing residents would have address changes

Option 3

- The whole of the new connected development area is included into the locality change
- Kimberley Street has no road connectivity to the new development area so must remain Rokeby
- This option goes past the watershed and includes the western valley slope above Tollard Drive
- The boundary could be clearly signposted with only 2 signs (Entrance to Ploughman Road from Tollard Drive and entrance to Maum Street from Vicary Place)
- This option would require the 3 existing houses in Maum Street to be reassigned to the Howrah Locality.

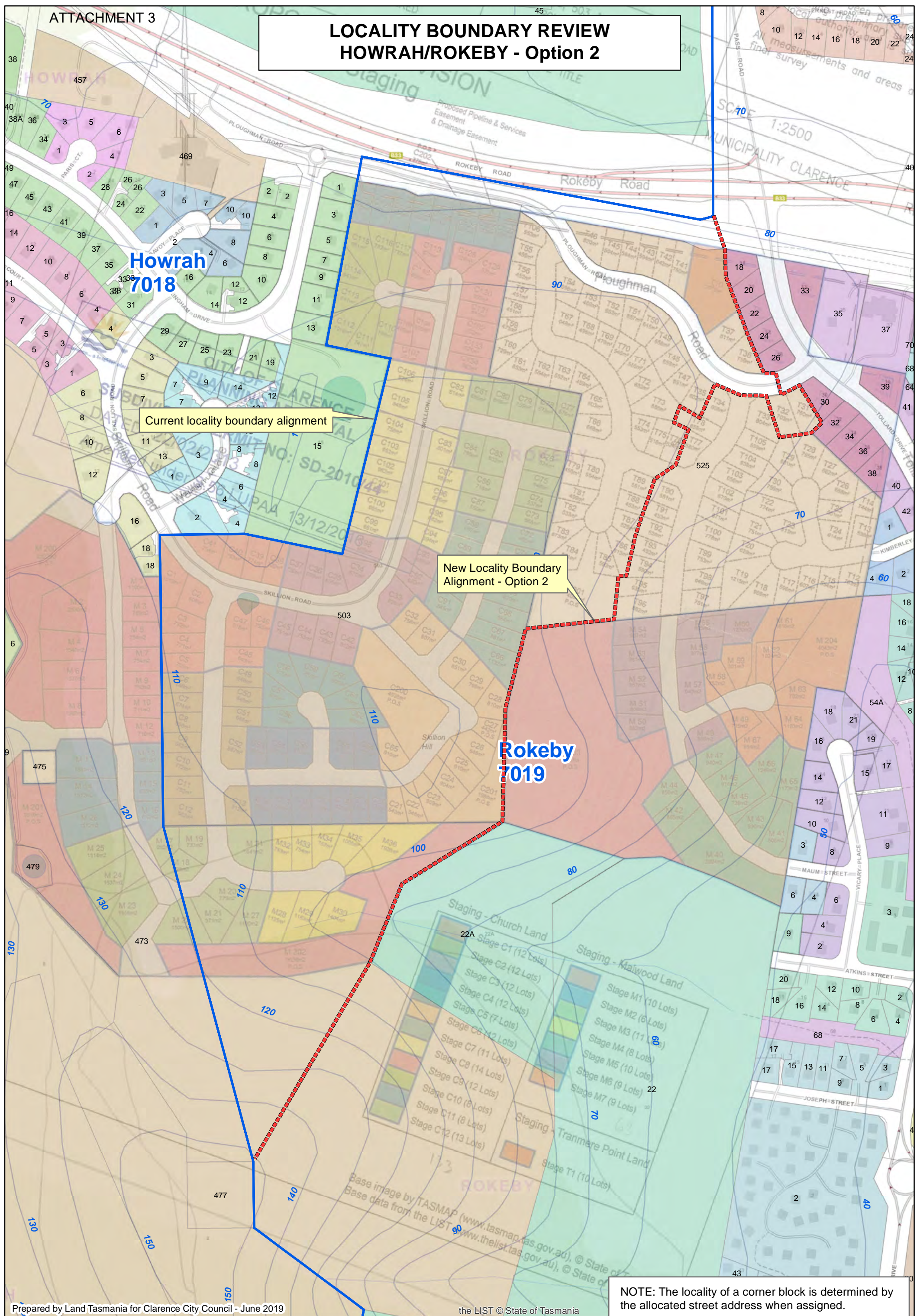
The 3 plans are based on the current proposed layout of the Malwood & Tranmere point development proposals. If there were to be any changes to the street connectivity the options may need to be reviewed.

LOCALITY BOUNDARY REVIEW HOWRAH/ROKEBY - Option 1

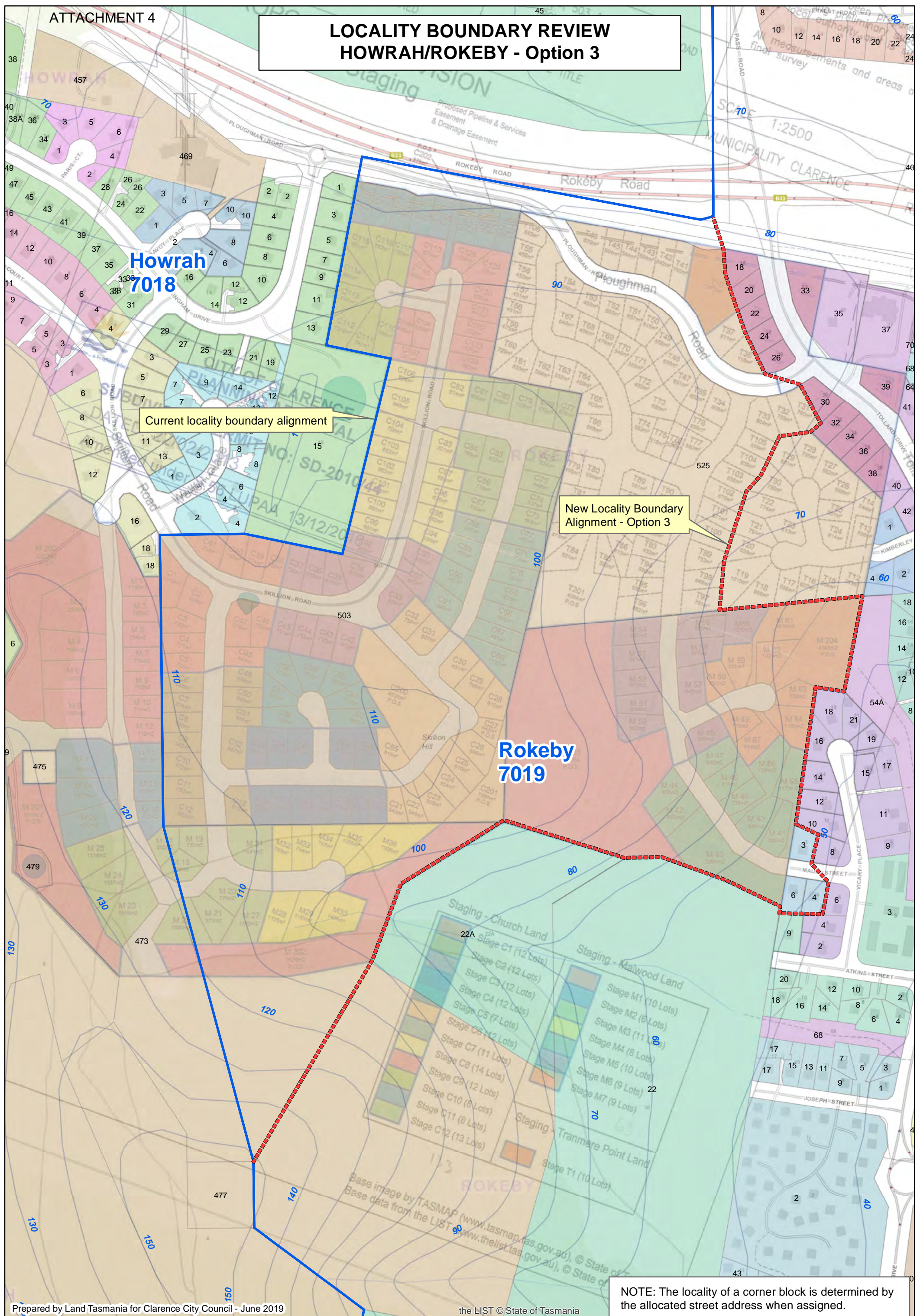


NOTE: The locality of a corner block is determined by the allocated street address when assigned.

LOCALITY BOUNDARY REVIEW HOWRAH/ROKEBY - Option 2



LOCALITY BOUNDARY REVIEW HOWRAH/ROKEBY - Option 3



12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

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

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 GREAT SOUTHERN LIGHTS – STREET LIGHT ENERGY EFFICIENCY, LED ROLL OUT

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

- contracts and tenders for the supply of goods and services; AND
- 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”.