

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 20 JULY 2020**

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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****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 29 June 2020 and the Special Council (Planning Authority) Meeting held on 13 July 2020, as circulated, be taken as read and confirmed.

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

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

<b>PURPOSE</b>	<b>DATE</b>
Presentation – Tasman Highway Access Ramps to/from Gordons Hill Road Road Traffic Priorities Ford Parade Multi-user Pathway Update on Electric Vehicle Charging Station Community Consultation Illegal Removal of Trees and Vegetation from Council Land Hardship Policy/Council Leased Facilities	6 July
Clarence Draft Local Provisions Schedule	13 July

**RECOMMENDATION:**

That Council notes the workshops conducted.



<b>5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE</b>
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In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

## **6. TABLING OF PETITIONS**

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

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

## **7. PUBLIC QUESTION TIME**

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

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

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

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

Mrs Jan Counsell has given notice of the following questions:

#### **Rosny Hill RMPAT Hearing**

1. Is the Clarence City Council aware that it was the respondents (Hunter Developments) who requested an adjournment of the RMPAT hearing scheduled for 15 June, not the Rosny Hill Friends Network?
2. Is the Clarence City Council aware that the rescheduled dates for the RMPAT hearing are 7 – 11 September 2020?

Ms Linda J Thompson has given notice of the following questions:

#### **Tourist Accommodation**

1. How many tourist accommodation facilities, in Clarence City, are located in Zone 18 recreation land?
2. Please list the names of the recreation areas where these accommodation facilities exist.

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

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

**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.

**ROSNY HILL NATURE RECREATION AREA**

At Council's Meeting of 29 June 2020 Mrs Denise Hoggan of Rosny asked the following questions:

In June 2018, Greening Australia, in a Natural Values Report of the Rosny Hill Nature Recreation Area, brought to Council's attention the presence of six Declared Weeds, their GPS locations and their densities.

1. Have these Declared Weeds been eradicated as required by law?
2. If no, why not and if yes, what was the precise cost of such eradication?

**ANSWER****Question 1**

The declared weeds on Rosny Hill are actively managed under ongoing programs including the Rosny Hill Bushfire Management Plan 2017 (including pre and post prescribed burn weeding by Council staff) and via weed contractors utilised throughout Clarence's network of bushland and coastal reserves. Additionally, the Rosny - Montagu Bay Land and Coast-care Group run working bees that remove and control small patches of the declared weeds. Complete eradication of the declared weeds is not possible, hence the requirement for ongoing maintenance and management, which reflects a best-practice approach.

**Question 2**

The cost of weed management on Rosny Hill totals approximately \$5,200 per year.

**COVID-19 – DINE IN MEAL AVAILABILITY**

At Council's Meeting of 29 June 2020 Ms Ella Van Tienen asked the following question:

The COVID crisis and temporary cessation of dine in meal availability has seen a significant increase in take-away food consumption. Take-away coffees have also been the only option, with disposable cups being provided and the option of taking your own keep cup being discontinued for hygiene reasons. Some stores which were previously allowing customers to bring their own containers for purchasing items at the butcher or deli have also reverted to providing single use plastic packaging. I am asking whether the Clarence City Council will consider a single use plastic ban like the Hobart and Launceston City Councils have done?

**ANSWER**

Council is currently reviewing its waste management strategy in conjunction with its Strategic Plan and within the context of other issues occurring in the waste industry. These issues include the State Government's Draft Waste Action Plan, possible introduction of a waste levy, container refund scheme and the Australian Government's new recycling arrangements. These issues, including a position on single use plastics, will be discussed with Council at a workshop later this year.

**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.

<b>8. DEPUTATIONS BY MEMBERS OF THE PUBLIC</b>
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(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION - ALD MULDER  
WASTE RECOVERY**

(File No 10-03-05)

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

“That Council

1. endorses, in principle, the mandatory use of recycled glass in the supply of gravel (including concrete and bitumen) for all Council projects;
2. requests an Officer’s Report on the feasibility of requiring all gravel and concrete products used on Council projects to contain recycled glass; and
3. advises the Department of Primary Industries, Parks, Water and the Environment (DPIPWE) of its desire to see the mandatory requirement for recycled glass in government projects included in the Tasmanian Waste Action Plan (under development)”.

**EXPLANATORY NOTES**

1. Council has provided comments to DPIPWE’s draft Tasmanian Waste Action Plan (Sep 30, 2019 – Agenda Item 11.7.7).
2. The Federal Government has announced a \$190M project to “generate \$600 million in recycling investment and drive a \$1billion transformation of Australia’s waste and recycling capacity” ... and ... “create more than 10,000 jobs”.
3. Waste glass is a proven substitute (additive) for quarried gravel and although being used by some quarry operators, mandating its use in all gravel products for government projects provides an opportunity to create a demand (and a circular economy).

T Mulder  
**ALDERMAN**

**GENERAL MANAGER’S COMMENTS**

*A feasibility report investigating market capacity, cost and other factors required to achieve a circular economy outcome is an appropriate start point for consideration of this proposal.*

*A matter for Council.*

**10. REPORTS FROM OUTSIDE BODIES**

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

**10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker

(Ald Luke Edmunds, Deputy Representative)

**Quarterly Reports**

June Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

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



## **11. REPORTS OF OFFICERS**

### **11.1 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 29 June, 6 and 13 July 2020 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 29 June, 6 and 13 July 2020 be noted.

<b>11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS</b>
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### **11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/009190 – 1  
BAYFIELD STREET, ROSNY PARK - RESTAURANT AND TAKEAWAY****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a change of use to a Restaurant and Takeaway at 1 Bayfield Street, Rosny Park.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Central Business and subject to the Road and Railway Assets, Parking and Access and Signs Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 22 July 2020.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and four representations were received raising car parking as an issue.

**RECOMMENDATION:**

- A. That the Development Application for a change of use to a Restaurant and Takeaway at 1 Bayfield Street, Rosny Park (CI Ref PDPLANPMTD-2020/009190) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN C2 – CASH-IN-LIEU [\$180,000] and [15].
  3. GEN S2 – SIGN LOCATION.
  4. GEN S7 – SIGN MAINTENANCE.

5. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 May 2020 (TWDA 2020/00666-CCC).

**ADVICE**

- a) Disabled access requirements to the upper level of the premises must be designed to be in accordance with the NCC provisions of the BCA Vol 1 Part D3.3 (f) for a Class 6 building.
  - b) **ADVICE 5 – FOOD SPECIFICATIONS ADVICE.**
  - c) **ADVICE 6 – FOOD REGISTRATION ADVICE.**
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The building the subject of the application was originally approved by D-1975/48 by Council for use as a bank. Associated permits were granted under D-1978/2 and D-1991/57 for additions in relation to the use of the site as a bank. The latter of these permits did not, however, proceed.

In 1995 a permit was granted under D-1995/81 for a change of use to a restaurant/takeaway food shop (Shop 1 - Banjos). D-1996/507 was subsequently approved for a retail and showroom addition (Shop 2) and D-2009/350 approved in 2009 for a change of use of Shop 2 to an office.

A permit was granted under D-2018/650 for a change of use of Shop 2 to a restaurant. This permit included a condition requiring a cash contribution of \$180,000 over two stages, for a shortfall of 15 parking spaces. This permit has not been acted upon to date and has an expiry date of 21 December 2020.

### **2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned Central Business 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 22.0 – Central Business Zone;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code; and
- Section E17.0 – Signs 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 located at the south-eastern corner of Bligh and Bayfield Street, with an area of 625m<sup>2</sup>. It supports two shops with Shop 1 being Banjos, and Shop 2 being the vacant 2-storey tenancy facing Bligh Street, with a gross floor area of 246m<sup>2</sup>. There is no car parking provided on-site.

The location of the site is shown in the attachments.

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

The proposal is for a change of use to restaurant and takeaway for Shop 2, 1 Bayfield Street.

It is proposed that the restaurant would operate seven days per week, between 11.00am and 9.00pm. It would offer both takeaway deliveries and seated dining, and no parking spaces are provided as part of the development. A total of 80 seats are proposed for the restaurant over the two internal levels and including outdoor dining areas associated with Shop 2. The tenancy has a gross floor area of 246m<sup>2</sup>.

A series of four signs is proposed as part of the development. These include a 3m<sup>2</sup> illuminated wall sign on the north-western façade above the awning, replacement of the graphics above the existing awning signage box of 8.5m by 0.6m with a series of replacement signs on and above the awning/entrance also facing north-west, a 2.8m<sup>2</sup> wall mural on the south-eastern wall of the building facing the adjacent carpark and a 1.08m<sup>2</sup> pole sign to be located between the existing and proposed outdoor dining areas and the north-western property boundary.

It is proposed to replace the existing balustrade around the existing outdoor dining area, with a 1.35m glass balustrade above the existing raised dining area facing north-west. Umbrellas for outdoor dining are proposed and a new roof-top exhaust fan is also proposed.

The application included a traffic impact assessment (TIA) to address the number of car parking spaces required for the proposed use. The assessment concludes that the likely traffic generated by the development is consistent with the requirements of both the Road and Railway Assets and Parking and Access Codes of the Scheme, and that there is sufficient on-street and off-street parking in the vicinity of the site to accommodate any parking shortfall.

The assessment submits that a financial contribution is not considered appropriate for the proposal, as the Scheme requirement is considered to be high for a restaurant of the nature proposed.

The proposal is as illustrated in the attachments and a copy of the TIA is also included.

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

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

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

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

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

References to these principles are contained in the discussion below.

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

The proposal meets the Scheme’s relevant Acceptable Solutions of the Central Business Zone and Road and Railway Assets, Parking and Access and Signs Codes with the exception of the following.

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

- **Clause E6.6.1 (A1)** – the proposal does not comply as there are no additional car parking spaces proposed for the development, and the use of a restaurant requires a total of 25 spaces, based on a rate of 1 per 10m<sup>2</sup> under the Clarence Planning Scheme 2007. The Clarence Interim Car Parking Plan allows the Clarence Planning Scheme 2007 to be used for the calculation of car parking when it results in a lesser amount than the current CIPS.

The site therefore has a “credit” of 10 spaces from the previous permit D-1996/507 and therefore 15 additional spaces are required and cannot be provided on-site.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
E6.6.1 P1	<p><i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i></p> <p><i>(a) car parking demand;</i></p> <p><i>(b) the availability of on-street and public car parking in the locality;</i></p>	<p>The proposal creates an additional demand for car parking in the Rosny Park area.</p> <p>The site is located in close proximity to public car parking, being the Council-owned Bayfield Street and Winkleigh Place car parks. The site is also within close proximity of privately-owned car parks, being those associated with the Village Cinema and the Eastlands Centre.</p>



		<p>Council's most recent Activity Centre Parking Survey was undertaken for Rosny Park in December 2019. A survey is undertaken by Council for each of the Activity Centres in Clarence every three years. The most recent survey concluded that the Bayfield Street car park has an average occupancy rate of 83%, and that the Winkleigh Place carpark has an average occupancy rate of 65%. The privately-owned Village Cinema carpark has an average occupancy rate of 83%, and the Eastlands multi-storey carpark has an average occupancy rate of 86%. The survey concludes that on-street parking in Rosny Park is at an average occupancy of 68%. These figures conclude that the centre is effectively at or close to peak occupancy.</p>
	<p>(c) <i>the availability and frequency of public transport within a 400m walking distance of the site;</i></p>	<p>The site is located within close proximity to public transport, being immediately adjacent the Rosny Park interchange.</p>
	<p>(d) <i>the availability and likely use of other modes of transport;</i></p>	<p>It is anticipated that a proportion of customers would walk or ride bikes, and that being proximate to Eastlands and the Rosny Park commercial sites, that trips would be multi-purpose.</p>
	<p>(e) <i>the availability and suitability of alternative arrangements for car parking provision;</i></p>	<p>None proposed.</p>
	<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></p>	<p>The TIA submitted in support of the development concludes that the likely peak period for the proposed restaurant is identified to be different to the peak period of the shopping and entertainment centre, thus providing for some efficiency in sharing of spaces.</p>

		<p>The proposed hours of operation for the restaurant would be seven days per week between 11.00am and 9.00pm. These hours would include normal business hours, when other businesses are also generating a parking requirement and demand would be high.</p> <p>The TIA includes observations relating to the existing Mr Burger restaurant in Hobart and submits that the peak period of 12.00pm to 1.00pm, and 6.00pm to 8.00pm typically involve there being spare on-street parking capacity.</p> <p>Council's Engineers are not satisfied that this comparison is a useful one in relation to Bayfield and Bligh Streets and Councils' Engineers are further not satisfied with the conclusions of the TIA and do not support the reduction in the number of car parking spaces, given the limited car parking in the Rosny Park area and previous decisions of Council.</p>
	<p>(g) <i>any car parking deficiency or surplus associated with the existing use of the land;</i></p>	<p>The existing use has a car parking deficiency as described above.</p>
	<p>(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>	<p>The use of restaurant requires a total of 25 spaces, based on a rate of 1 per 10m<sup>2</sup> under the Clarence Planning Scheme 2007. The site has a "credit" of 10 spaces from the previous permit D-1996/507 and therefore 15 additional spaces are required and cannot be provided on-site.</p>
	<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>	<p>Cash-in-lieu is considered appropriate in this case and is consistent with previous Council decisions to take cash-in-lieu for the provision of additional car parking in the area.</p>

		<p>The recommendations of the TIA submitted by the applicant were not accepted by Council's Engineers as it was considered that the use of a restaurant and takeaway would generate a greater demand than was proposed in the TIA, and that the hours proposed for the use would further impact the limited car parking available within proximity of the site.</p>
	<p>(j) <i>any verified prior payment of a financial contribution in-lieu of parking for the land;</i></p>	Not relevant.
	<p>(k) <i>any relevant parking plan for the area adopted by Council;</i></p>	<p>The Clarence Interim Car Parking Plan allows the Clarence Planning Scheme 2007 to be used for the calculation of car parking when it results in a lesser amount than the current CIPS.</p> <p>The calculations above are based on this Plan.</p> <p>Council has been consistent in applying the policy where car spaces cannot be provided.</p>
	<p>(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</i>"</p>	Not applicable.

### **Parking and Access Code**

- **Clause E6.6.1 (A2)** – in that there is no associated acceptable solution to this clause.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
E6.6.1 P2	<p><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>	<p>The site is within the Rosny Park Activity Centre, which has a rate for payment of cash-in-lieu for deficient car parking spaces of \$12,000 per space.</p> <p>For the reasons discussed above, the site has a shortfall of 15 spaces for the proposed use. A cash contribution of \$180,000 total is therefore recommended for inclusion as a condition of approval, to address this requirement of the Scheme.</p>

		<p>Recent examples of development approved by Council include 15 Bayfield Street for a Take Away Food Shop and Drive Through (four space shortfall, \$48,000 cash contribution) and 27 Bligh Street for a change of use to Business and Professional Services and General Retail and Hire (23 space shortfall, \$276,000 cash contribution).</p> <p>In some cases where large contributions are required, staged payments have been approved over a suitable period.</p>
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**Signs Code**

- **Clause E17.6.1 (A1)** – in that the above awning signage proposed is not a permitted sign type in the Central Business Zone.

Clause	Performance Criteria	Assessment
E17.6.1 P1	<i>“A sign must be a discretionary sign in Table E.17.3”.</i>	complies

**Signs Code**

- **Clause E17.7.1 (A1) and (A2)** – in that the above awning signage proposed is a discretionary sign type in the Central Business Zone, and there are two proposed where facing Bligh Street.

Clause	Performance Criteria	Assessment
E17.7.1 P1	<p><i>“A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</i></p> <p><i>(a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;</i></p> <p><i>(b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</i></p>	<p>See below assessment.</p> <p>The proposed signage is to be located on/ above the awning and adjacent the main entry proposed for the restaurant. The awning is 600mm and the proposed signage would not dominate the streetscape.</p> <p>The proposed signage would be consistent with the size and nature of the awning upon which it would be sited and would not dominate the façade.</p>

	<p><i>(c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;</i></p> <p><i>(d) not result in loss of amenity to neighbouring properties;</i></p> <p><i>(e) not involve the repetition of messages or information on the same street frontage;</i></p> <p><i>(f) not contribute to or exacerbate visual clutter;</i></p> <p><i>(g) not cause a safety hazard”.</i></p>	<p>The proposed sign would be located on the awning, consistent with the signage box style existing.</p> <p>There would be two awning signs only, meaning that amenity would not be compromised.</p> <p>The two proposed awning signs would display the business name, and other associated icons rather than repetitive messages.</p> <p>The signs would be appropriately spaced and orientated meaning that visual clutter would not occur.</p> <p>The proposed signs would not cause a safety hazard by distracting drivers or obstruct pedestrian access.</p>
E17.7.1 P2	<p><i>“The number of signs per business per street frontage must:</i></p> <p><i>(a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;</i></p> <p><i>(b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;</i></p> <p><i>(c) not involve the repetition of messages or information”.</i></p>	<p>See below assessment.</p> <p>The proposed signage would be appropriately spaced on the main façade of the building, where facing Bligh Street. It would provide for reasonable and appropriate levels of advertising signage with a series of sign types appropriate for the zoning, and the orientation of the awning relative to Bligh Street.</p> <p>The signs proposed would not contribute to visual clutter given the separation distances proposed between the proposed signage.</p> <p>Each of the proposed signs would vary the advertised message, associated with the proposed business as required.</p>

## 5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and four representations were received, all from local businesses within proximity of the site.

The following issue was raised by the representors.

### **5.1. Car Parking**

Concern is raised by the representations that there is insufficient car parking in the vicinity of the site to support the proposed development. The specific concerns are in relation to the use of privately-owned and maintained car parking areas being used by patrons of the proposed use, that the public car parks are not suitably placed to absorb the shortfall of parking and that takeaway food delivery service providers would use the limited parking available within proximity of the site to await orders, further compromising parking capacity in the vicinity of the site.

It is additionally submitted by the representations that the proposal would not meet the requirements of Clause E6.6.1 of the Scheme, in that there would be a loss of amenity to adjacent properties as a result of the anticipated parking conflicts.

- **Comment**

The proposal has been assessed against the requirements of the relevant codes of the Scheme, being the Road and Railway Assets and Parking and Access Codes. The proposal requests a waiver to a number of required spaces under the Scheme.

For the reasons described above, the Scheme requires a cash contribution in-lieu of the shortfall of spaces. The cash contribution required by the Scheme has been included as a recommended condition and is a specific response to Clauses E6.6.1 (P1) and (P2) of the Scheme. The cash contribution is consistent with Council's Policy and has been applied to other businesses in the immediate vicinity. A cash contribution in-lieu of the shortfall of parking is required by the Scheme to allow Council to deliver parking facilities consistent with the rate of growth in the activity centres.

Council's development and traffic engineers advise that while there is sufficient additional parking capacity within the existing Council-owned Winkleigh Place carpark, and the Bayfield Street carpark (at limited times only), to absorb the spaces required by the proposed change of use.

Council is reviewing parking within the Rosny Park Centre to ensure there is appropriate and adequate availability to serve the centre. Contributions of cash-in-lieu are allocated to the improvement of parking arrangements identified by such reviews, the conclusions of which may result in reconfiguration of existing facilities to provide for additional parking, or construction of new parking facilities to service those existing and proposed business within the centre.

The proposal meets the relevant requirements of the Scheme, with the inclusion of appropriate conditions to reflect the required cash contribution. The concerns of the representors are therefore not considered to be of determining weight in relation to the proposal.

## **6. EXTERNAL REFERRALS**

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

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

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

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

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

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy, including the Clarence Interim Parking Plan.

Council recently reviewed its options for dealing with car parking shortfalls associated with new uses, as well as the general management of car parking in Rosny Park. That review concluded that the current mechanisms would remain in place.

**9. CONCLUSION**

The proposal is for a change of use to restaurant and takeaway at 1 Bayfield Street, Rosny Park. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

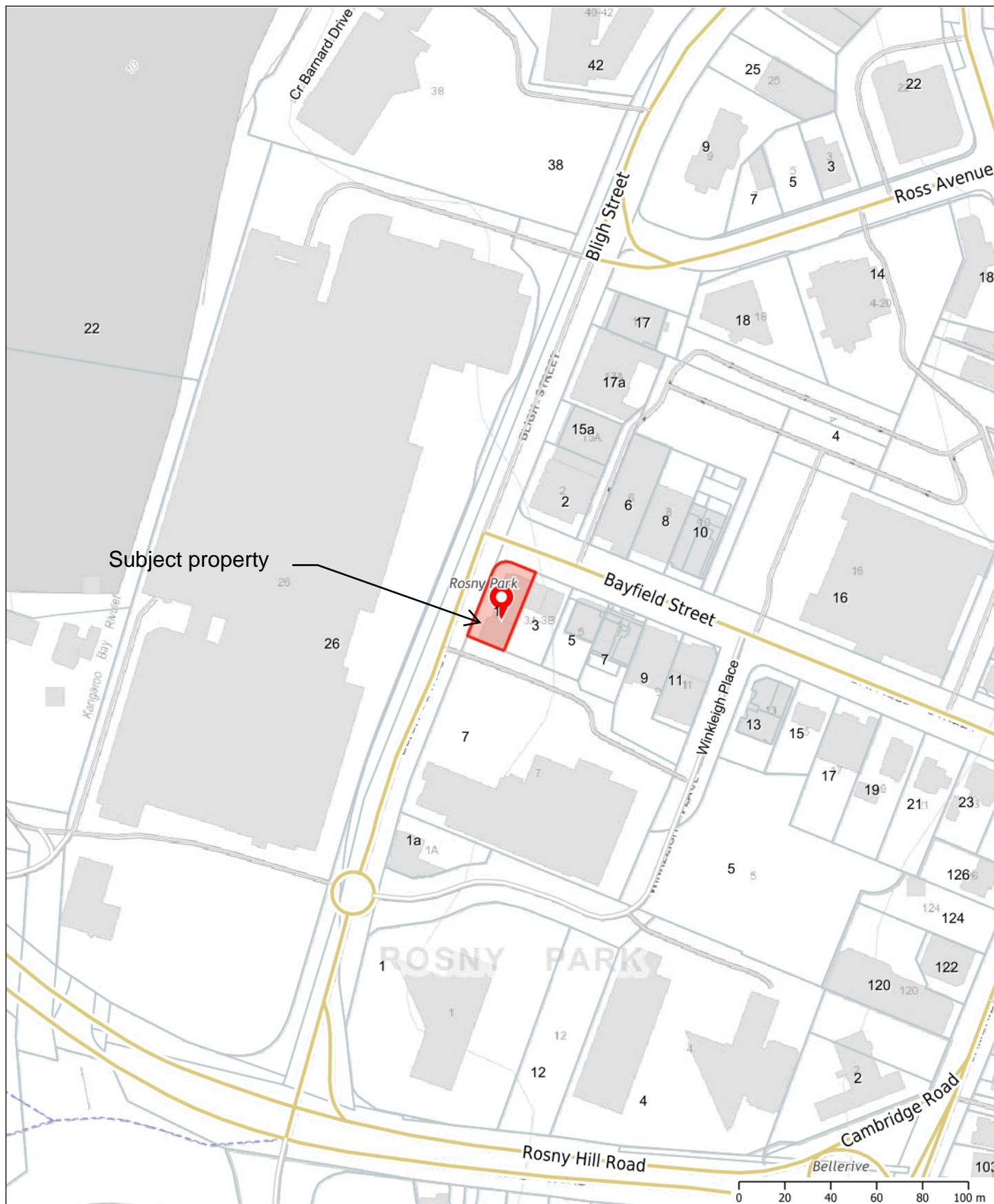
Attachments: 1. Location Plan (1)  
2. Proposal Plans (7)  
3. Traffic Impact Assessment (22)  
4. Site Photo (2)

Ross Lovell  
**MANAGER CITY PLANNING**



# Attachment 1

## LOCATION PLAN - 1 BAYFIELD STREET



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.

7/7/2020

1:2257





Mr Burger Rosny  
2/1 Bligh Street, Rosny  
for  
Alexander Haros

Drawing Schedule

Layout ID	Layout Name	Current Revision ID
DA1.01	Application for Planning Permit	A
DA1.02	Proposed Site Plan	A
DA1.03	Floor Plan	A
DA1.04	Roof Plan	A
DA1.05	Demolition Plan	A
DA2.01	External Elevations	A
DA2.02	External Elevations	A
DA2.03	3d views - signage	A
DA4.01	Plumbing Plan	A

Application for Planning Permit

DRAWING ISSUE: CD-01  
ISSUE DATE: Monday 16th of March 2020





Planning & Site Information

Address

2/1 Bligh Street Rosny Tas 7018 Australia

Property ID

5072732

Title Reference

60623/6

Site Area

625m2

Planning Zone

22 (Central Business Zone & Active Frontage Zone)

Scheme Code

119

Planning Scheme

Clarence Interim Planning Scheme 2015

Use Class (proposed)

Food Services and Hotel Industry

Use Class (existing)

General Retail & Hire

Proposed Development Description

Interior refit of existing premises, new signage and street facade, new outdoor dining, new services and internal fit-out of kitchen and dining areas.

External Signage Schedule			
Sign Ref.	Sign Type	Sign Dimension	Sign Construction
SG01	1no. pole/pylon sign	1200H x 900W	Sign Construction Vinyl printed directly fixed to perspex backlit sign mounted on existing post, orange logo on white sig orange perspex logo on new light-box to match existing. Illuminated (yellow) neon burger logo with backlit Mr Burger Signage, white logo on orange background. Orange perspex graphics on existing backlit sign bc Painted graphic logo on existing external wall, colour to closely match existing (ie. match existing grey and paint using a shade darker, tbc on site)
SG02	1no. fascia sign	600H x 2900W	
SG03	1no. building sn	400H x 500W	
SG04	1no. fascia sign	500H x 1800W	
SG05	1no. wall mural	1440H x 2000W	

PRELIMINARY ISSUE

APPLICATION FOR PLANNING PERMIT

The builder shall check and verify all dimensions and advise the architect of any errors or omissions. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the architect as FOR CONSTRUCTION

revisions		
Rev	Issue Name	Date
A	Application for Planning Permit	14/05/2020

David Johnston Architect

10 Gourlay Street, Blackmans Bay Tas 7004  
m 0407 849 161 e dj.design@gmail.com  
reg: 956 acc: CC6926 ABN: 69 937 068 318



Mr Burger Rosny  
for  
Alexander Haros  
2/1 Bligh Street, Rosny  
Application for Planning Permit



DRAWING TITLE:  
Proposed Site Plan

DATE:	SCALE:	
14/05/2020	1:200, 1:50	
CLIENT CODE:	DWG No:	Rev:
A20001	DA1.02	A

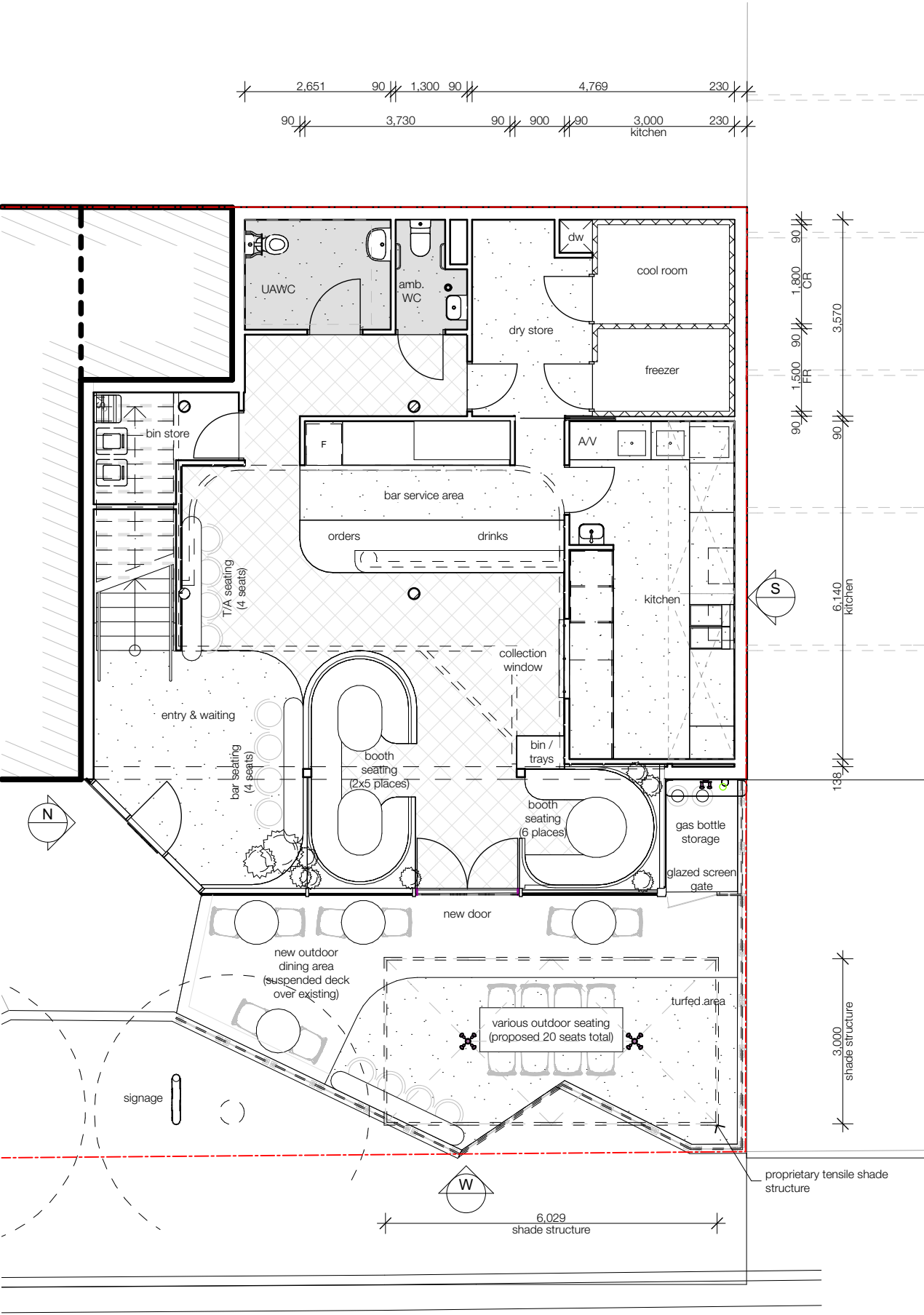
Site Plan

1:200

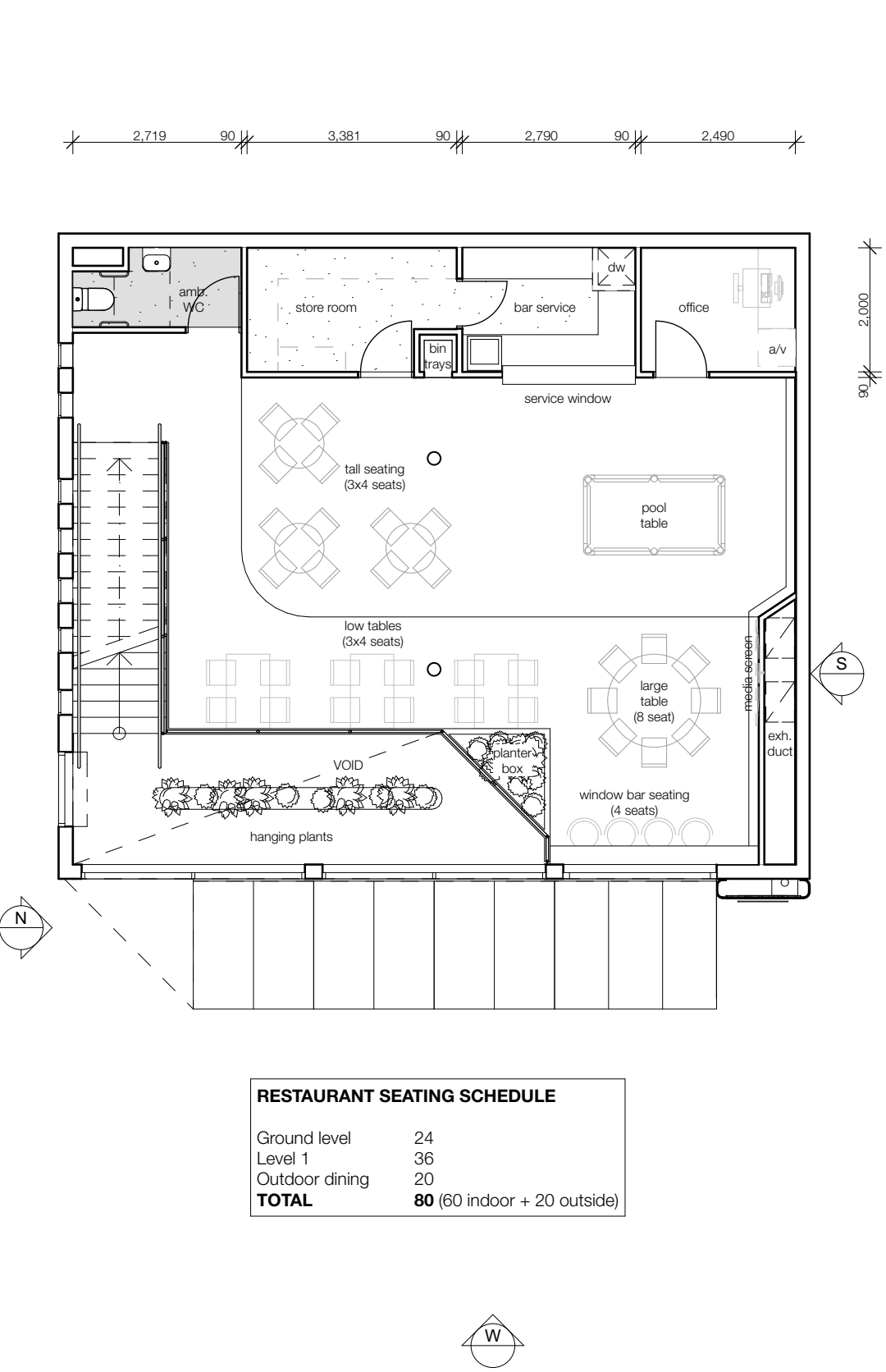
PRELIMINARY ISSUE  
APPLICATION FOR PLANNING PERMIT

The builder shall check and verify all dimensions and advise the architect of any errors or omissions. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the architect as FOR CONSTRUCTION

revisions		
Rev	Issue Name	Date
A	Application for Planning Permit	14/05/2020



Proposed Ground Floor Plan  
Scale 1:100



RESTAURANT SEATING SCHEDULE	
Ground level	24
Level 1	36
Outdoor dining	20
<b>TOTAL</b>	<b>80</b> (60 indoor + 20 outside)

Proposed Level 1 Floor Plan  
Scale 1:100

David Johnston Architect  
10 Gourlay Street, Blackmans Bay Tas 7004  
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reg: 956 acc: CC6926 ABN: 69 937 068 318



Mr Burger Rosny  
for  
Alexander Haros  
2/1 Bligh Street, Rosny  
Application for Planning Permit

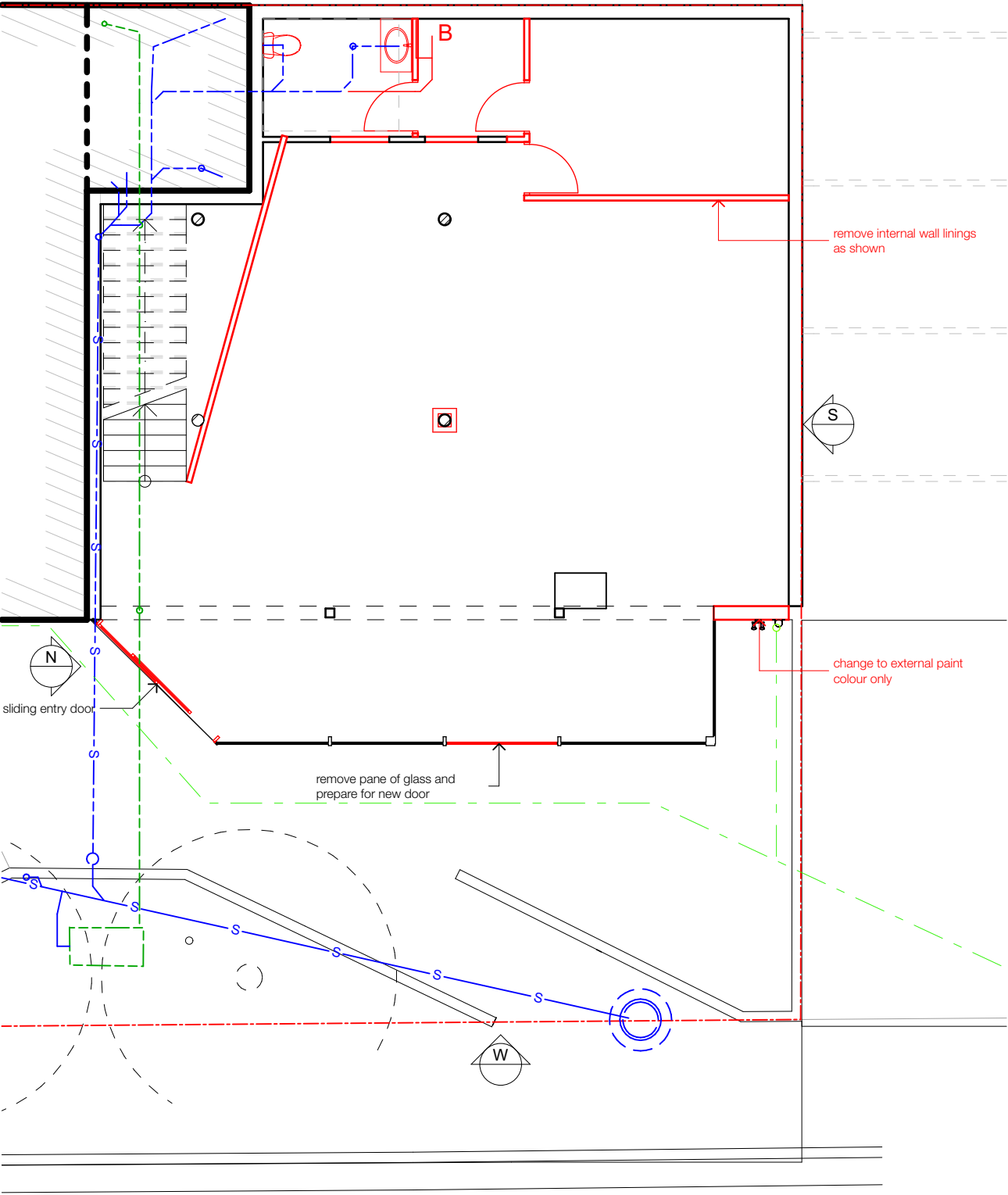
DRAWING TITLE:  
Floor Plan

DATE:	SCALE:
14/05/2020	
CLIENT CODE:	DWG No:
A20001	DA1.03
Rev:	
A	

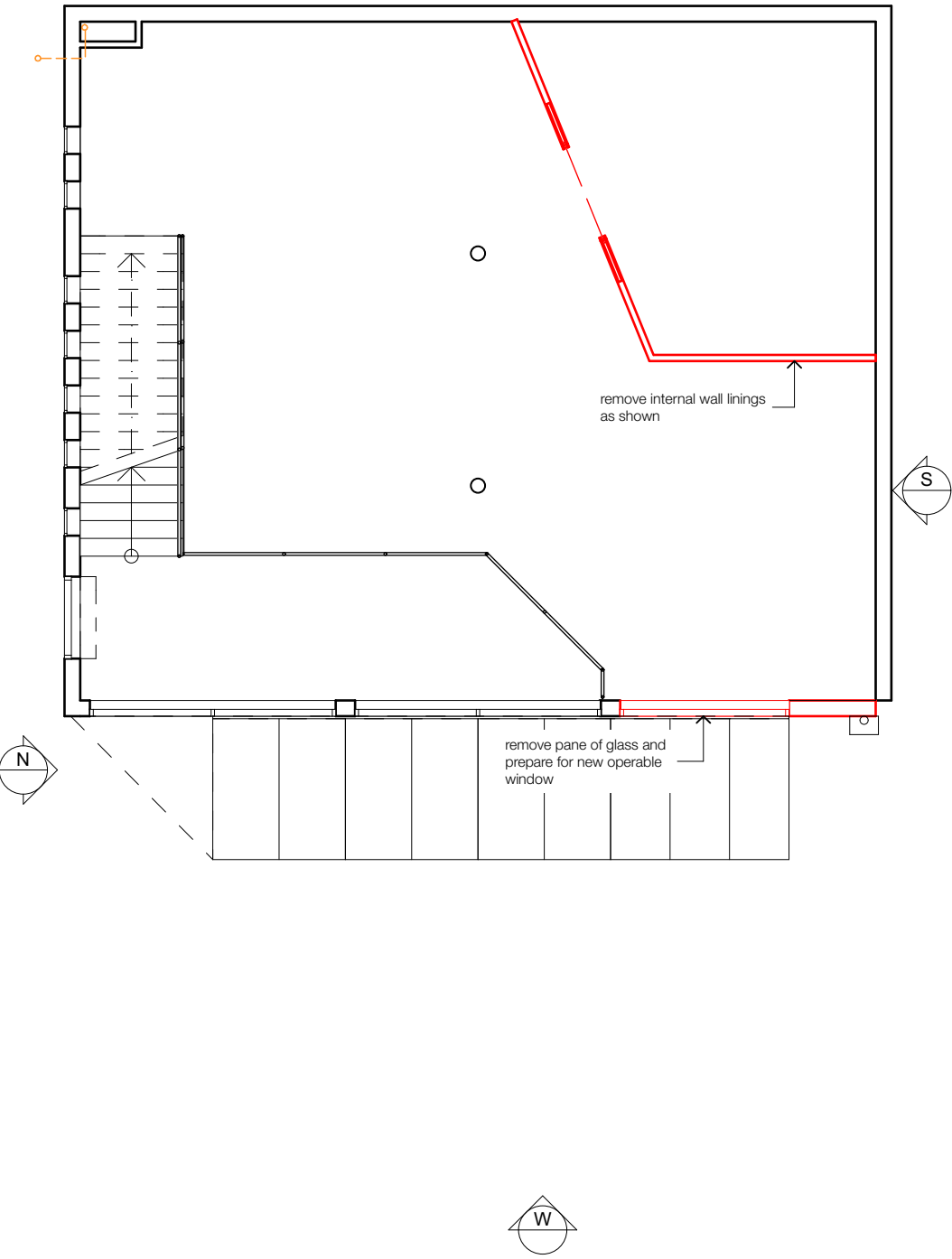
PRELIMINARY ISSUE  
APPLICATION FOR PLANNING PERMIT

The builder shall check and verify all dimensions and advise the architect of any errors or omissions. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the architect as FOR CONSTRUCTION

revisions		
Rev	Issue Name	Date
A	Application for Planning Permit	14/05/2020



Demolition Ground Floor Plan  
Scale 1:100



Demolition Level 1 Floor Plan  
Scale 1:100

David Johnston Architect  
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reg: 956 acc: CC6926 ABN: 69 937 068 318



Mr Burger Rosny  
for  
Alexander Haros  
2/1 Bligh Street, Rosny  
Application for Planning Permit

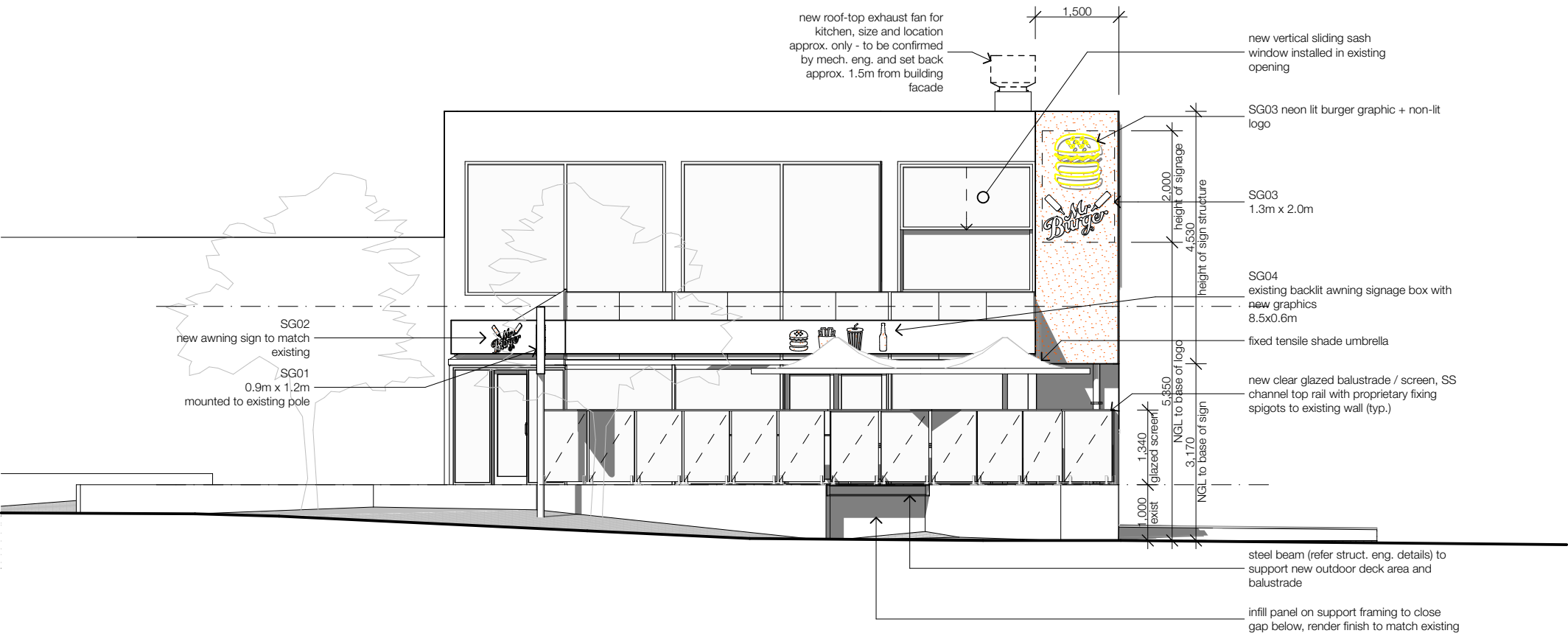
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Demolition Plan

DATE:	SCALE:	Rev:
14/05/2020		
CLIENT CODE:	DWG No:	
A20001	DA1.05	A

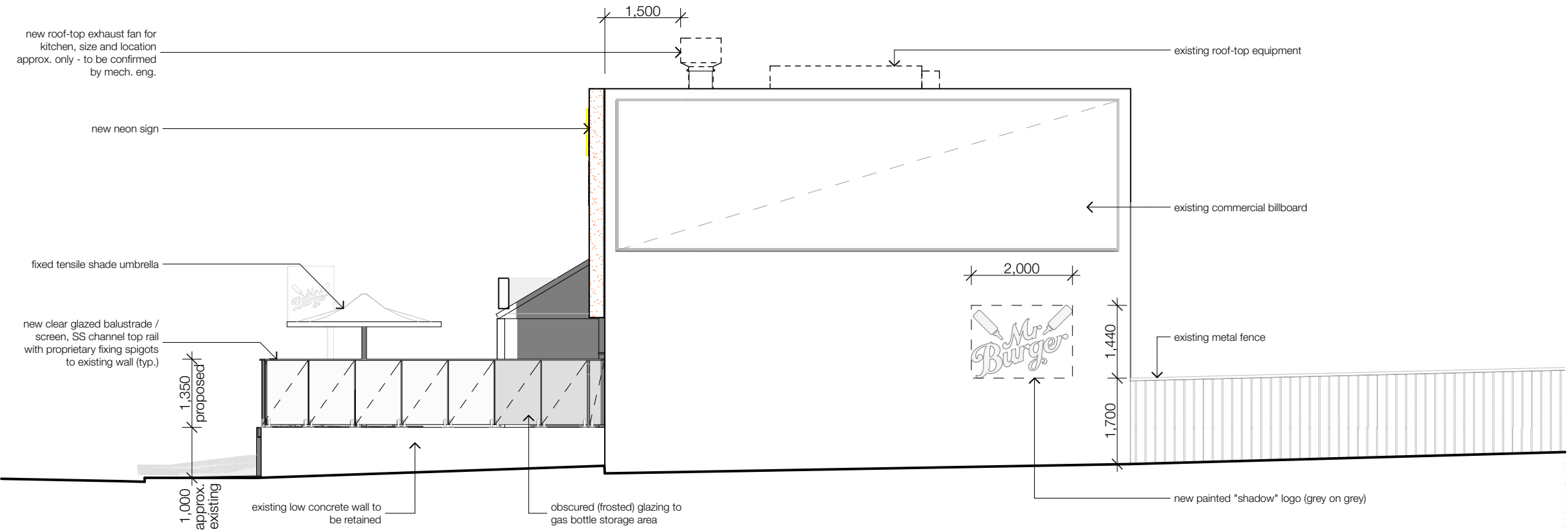
PRELIMINARY ISSUE  
APPLICATION FOR PLANNING PERMIT

The builder shall check and verify all dimensions and advise the architect of any errors or omissions. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the architect as FOR CONSTRUCTION

revisions		
Rev	Issue Name	Date
A	Application for Planning Permit	14/05/2020



Western (Bligh Street) Elevation



South (Car Park) Elevation

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reg: 956  
acc: CC6926 ABN: 69 937 068 318



Mr Burger Rosny  
for  
Alexander Haros  
2/1 Bligh Street, Rosny  
Application for Planning Permit

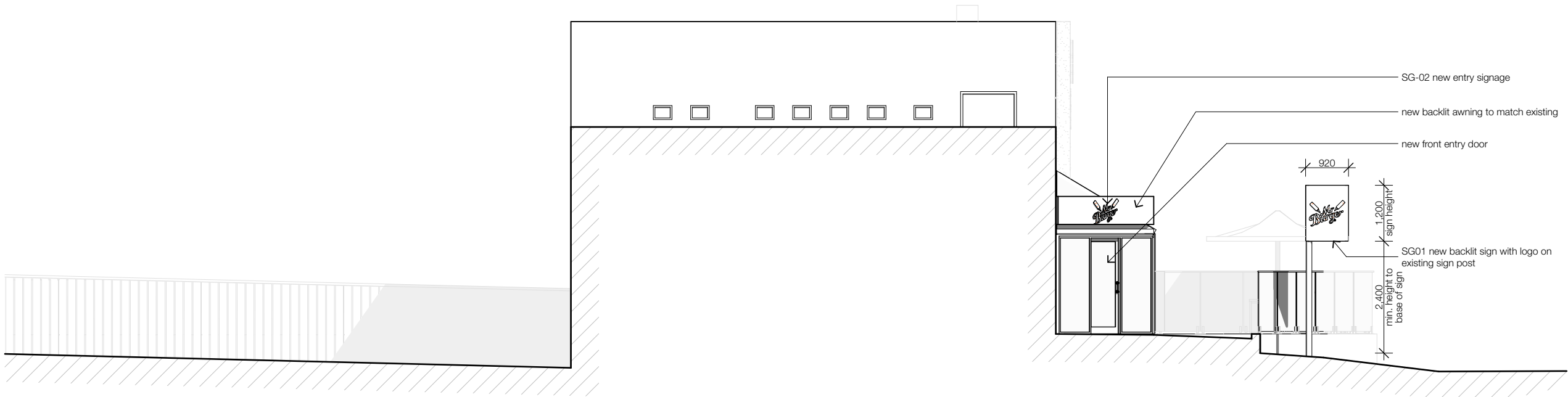
DRAWING TITLE:  
External Elevations

DATE:	SCALE:
14/05/2020	
CLIENT CODE:	DWG No:
A20001	DA2.01
Rev:	A

PRELIMINARY ISSUE  
APPLICATION FOR PLANNING PERMIT

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revisions		
Rev	Issue Name	Date
A	Application for Planning Permit	14/05/2020



North Elevation (cut through adjacent tenancy)

David Johnston Architect

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m 0407 849 161 e dj.design@gmail.com  
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Mr Burger Rosny  
for  
Alexander Haros  
2/1 Bligh Street, Rosny  
Application for Planning Permit

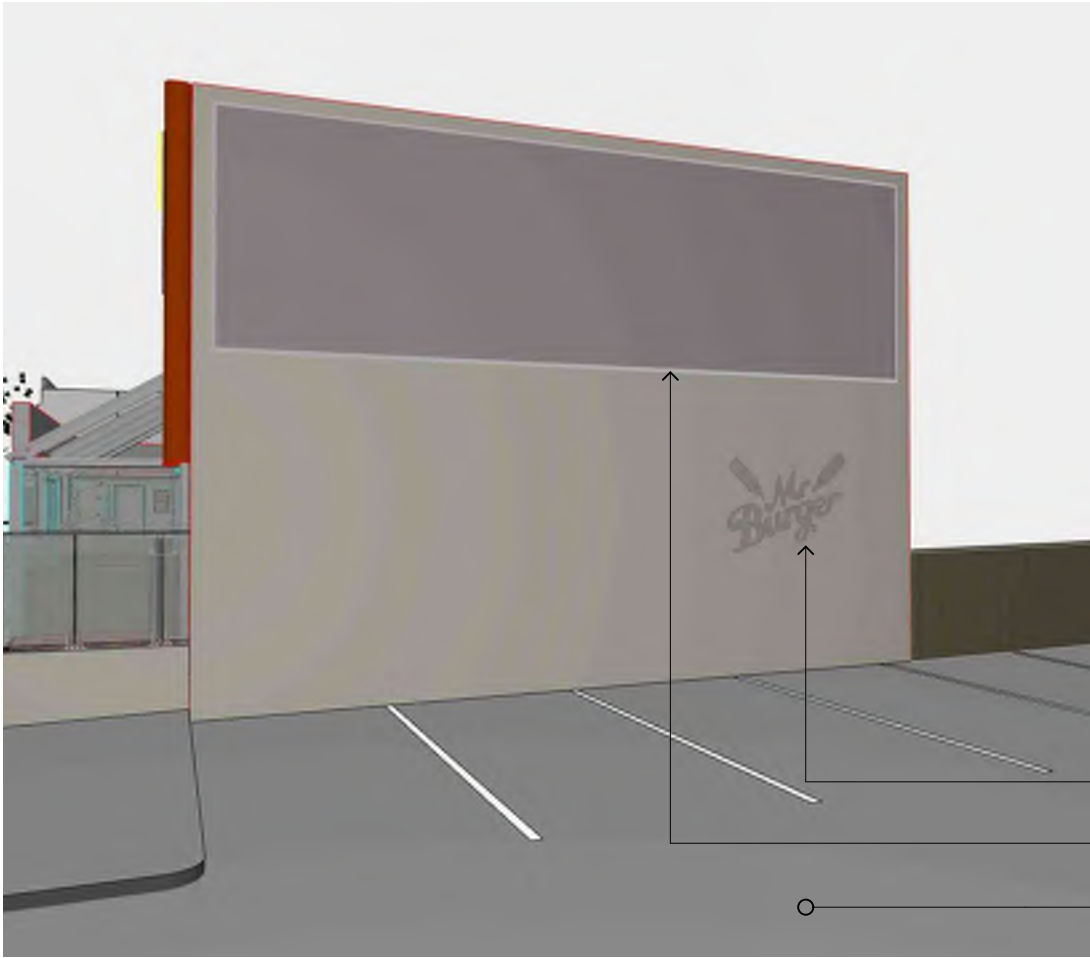
DRAWING TITLE:  
External Elevations

DATE:	SCALE:
14/05/2020	
CLIENT CODE:	DWG No:
A20001	DA2.02
Rev:	A





Entrance Signage



Rear Signage



Front (Main) Signage

- SG05 painted "shadow" sign on existing wall
- existing advertising billboard (owned by others - not in this application)
- cinema carpark

- SG02 new back-lit signage to match existing orange logo on lit white background
- SG01 post-mounted perspex sign, orange logo on white, internally lit

PRELIMINARY ISSUE  
APPLICATION FOR PLANNING PERMIT

The builder shall check and verify all dimensions and advise the architect of any errors or omissions. Do not scale off the drawings. Drawings are not to be used for construction purposes until issued by the architect as FOR CONSTRUCTION

revisions		
Rev	Issue Name	Date
A	Application for Planning Permit	14/05/2020

SG04 burger, chips, drink & beer logos over new door

SG03 wall sign with 3 dimensional signage backboard, orange logo & burger white on orange background neon light over burger logo.

existing downpipe and rainwater head to be concealed behind new screen, allow for access

SG05 painted logo on external painted wall surface

new permanent umbrellas with heating  
new glass screen to perimeter of outdoor area

David Johnston Architect

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reg: 956 acc: CC6926 ABN: 69 937 068 318



Mr Burger Rosny  
for  
Alexander Haros  
2/1 Bligh Street, Rosny  
Application for Planning Permit

DRAWING TITLE:  
3d views - signage

DATE:	SCALE:	Rev:
14/05/2020		
CLIENT CODE:	DWG No:	
A20001	DA2.03	A



# Attachment 3

David Johnston **Architect**  
m | 0407849161  
e | [dji.design@gmail.com](mailto:dji.design@gmail.com)

14/05/20

Department of Planning  
Clarence City Council  
38 Bligh Street  
Rosny Park  
TAS 7018

Dear Sir / Madam,

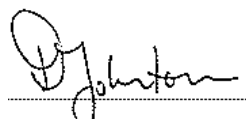
Further to the submitted drawings for the proposed development at 1a Bligh Street, Rosny for the new Mr Burger restaurant, please refer to the following responses to address the relevant planning criteria for the proposed restaurant within the planning zone 22 Central Business.

22.3.1	A1	Proposed development is not within 50m of residential dwellings
22.3.2	P1	Excessive noise is not anticipated from the proposed development and there is sufficient distance to the nearest residential zone boundary that any unexpected noise will not cause issue to residents.
22.3.3	P1	External lighting (including neon signage) is proposed, however the development is in excess of 50m from residential areas and adjacent properties are all commercial in nature. External lighting will be kept to a low level and will be zoned and controlled lighting to illuminate within outdoor dining areas only.
22.3.4	A1	Proposed development is not within 50m of residential dwellings
22.4		<i>Proposal is within existing building, only relevant criteria will be addressed</i>
22.4.6	A1	Proposed outdoor storage area is; (a) Located behind the building line (b) Proposed to be screened from view using opaque glazing or glazing film on screen. (c) Does not encroach upon car parking, driveway or landscaped areas
22.4.7	P1	The proposed new glazed balustrade/screen is; (a) A reasonable height above the existing wall to protect patrons from wind without overbearing the street below; (b) The screen will be completely transparent for its entirety, other than where required to be opaque to screen the storage area as shown, providing views into the proposed outdoor dining area; (c) The location and extent of the screen is to a primary street frontage and consistent with the existing screen of the neighbouring tenancy; (d) The design of the fence is using high quality materials and will tie in with the existing fence located adjacent; (e) The screen materials and construction will be consistent with the neighbouring tenancy; (f) The screen will provide valuable protection to the proposed outdoor dining area making the area more appealing to patrons and, in turn, increasing opportunity for activation along the street frontage; (g) Being a major commercial area, the proposed glazed screen will not appear out of place and other similar materials are located throughout the areas adjacent; (h) The proposed screen will create an outdoor dining area that will be befitting of a traditional commercial strip centre and will enhance the urban spaces through activation and visibility.

E6.0	Car Parking Code	Refer to traffic impact assessment prepared by Pitt & Sherry Engineers.
E17.0	Signs Code	All proposed sign-types permitted under Central Business zone, refer to signage schedule and drawings for the proposed building signage.

Please do not hesitate to contact me by phone or email if you have any questions or would like to discuss this or any other matter in relation to this application with me in more detail.

Yours sincerely,



David Johnston  
Architect

## Mr Burger

Traffic Impact Assessment

Prepared for

**Mr Burger Tasmania Pty Ltd**

Client representative

**Alexander Haros**

Date

**1 June 2020**

Rev 01



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## Appendices

**Appendix A —** Site Plans

**Appendix B —** Parking Data

**Prepared by —** Leenah Ali

*Leenah Ali*

**Date —** 1 June 2020

**Reviewed by —** Ross Mannering

*R Mannering*

**Date —** 1 June 2020

**Authorised by —** Ross Mannering

*R Mannering*

**Date —** 1 June 2020

### Revision History

Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
00	Traffic Impact Assessment	L Ali	R Mannering	R Mannering	12/03/2020
01	Traffic Impact Assessment (Minor updates)	L Ali	R Mannering	R Mannering	1/06/2020

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# 1. Introduction

Mr Burger are proposing a new restaurant at 2/1 Bayfield Street, Rosny Park. As part of the Development Application (DA) a Traffic Impact Assessment (TIA) is required to be submitted to Clarence City Council Council).

Mr Burger have engaged pitt&sherry to prepare a TIA for the proposed Mr Burger restaurant.

This report has been prepared in accordance with the Department of State Growth (DSG) Publication *Framework for Undertaking Traffic Impact Assessments* and the *Clarence Interim Planning Scheme 2015* (Planning Scheme).

## 2. Existing Conditions

### 2.1 Site Location

The site is located in the existing building at 2/1 Bayfield Street in Rosny Park and has a frontage to Bligh Street. The Eastlands Shopping Centre is located to the west of the site while the Eastlands Entertainment Centre is located to the south of the site. Council owned Winkleigh Place Car Park is located 100m east of the site while Council owned Bayfield Street Car Park is located 100m north-east of the site.

Under the Planning Scheme, the site and its surrounds have a land use classification as 22.0 Central Business.

Figure 1 shows the site in the local context.

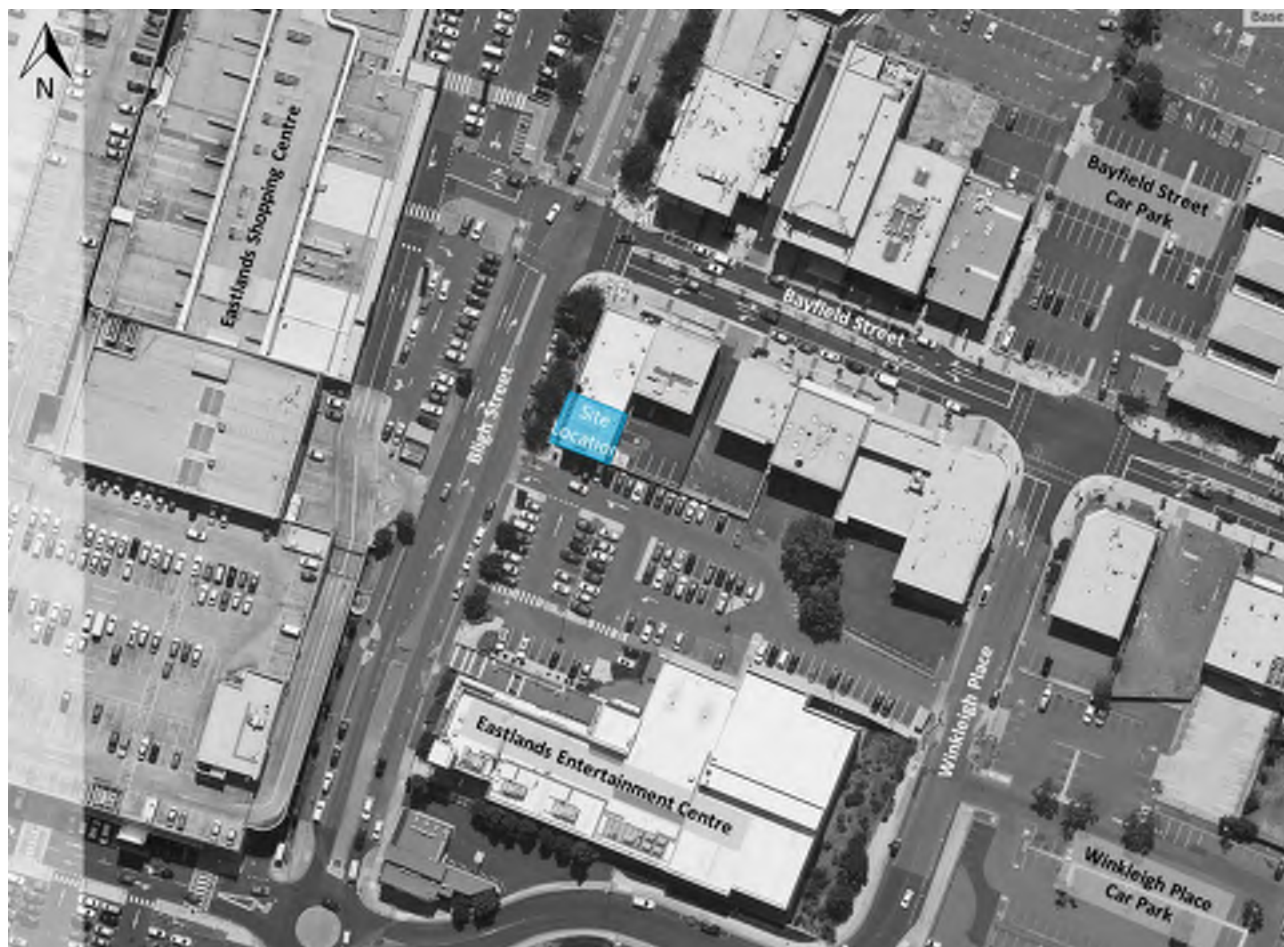


Figure 1: Site location in local context (Aerial source: <https://maps.thelist.tas.gov.au/listmap/app/list/map>)

## 2.2 Surrounding Road Network

### 2.2.1 Bligh Street

Bligh Street (shown in Figure 2 and Figure 3) is a Council owned street with a single lane in each direction. The street operates in a north-east south-west direction in the vicinity of the site and is the major bus centre for local and regional bus services. Bligh Street is subject to a 40km/h posted speed limit and has free, time-restricted parking permitted along the eastern side of the street.

Bligh Street carries approximately 7,760<sup>1</sup> vehicles a day.



Figure 2: Bligh Street (facing south-west)



Figure 3: Bligh Street (facing north-east)

### 2.2.2 Bayfield Street

Bayfield Street (shown in Figure 4 and Figure 5) is a Council owned two-way street operating in an east west direction. Bayfield Street is configured with a single lane in each direction and is subject to the Tasmanian Urban Speed Limit of 50km/h. Free, time restricted parking is permitted along both sides of Bayfield Street.

Bayfield Street carries approximately 4,920<sup>1</sup> vehicles a day.



Figure 4: Bayfield Street (facing east)



Figure 5: Bayfield Street (facing west)

### 2.2.3 Winkleigh Place

Winkleigh Place (shown in Figure 6 and Figure 7) is a Council owned two-way street operating between Bligh Street and Bayfield Street. Winkleigh Place is subject to the Tasmanian Urban Speed Limit of 50km/h. Free, time restricted parking is permitted along both sides of Winkleigh Place.

---

<sup>1</sup> Traffic volume obtained from SCATS data provided by DSG

Winkleigh Place carries approximately 4,160<sup>2</sup> vehicles a day.



Figure 6: Winkleigh Place (facing south-west)



Figure 7: Winkleigh Place (facing north-east)

## 2.3 Surrounding Intersections

The following intersections currently exist in the vicinity of the site:

- Bligh Street/ Bayfield Street/ Eastlands Shopping Centre (four-leg signalised intersection)
- Bligh Street/ Winkleigh Place/ Eastlands Shopping Centre (four-leg roundabout)

## 2.4 Traffic Volumes

DSG provided Sydney Coordinated Adaptive Traffic System (SCATS) data for the Bligh Street/ Bayfield Street/ Eastlands Shopping Centre intersection collected in December 2019. A summary of the peak hour traffic volume along Bligh Street is presented in Table 1.

Table 1: Weekday traffic volumes along Bligh Street

Peak Hour	Peak Hour Times	Traffic Volume along Bligh Street	
		Northbound	Southbound
AM	8:00am – 9:00am	317	612
Midday	12:00pm – 1:00pm	425	451
PM	3:30pm – 4:30pm	558	383

## 2.5 Bligh Street Operation

Based on the identified peak hours, pitt&sherry staff undertook a site visit on Thursday 27 February 2020.

It was observed during the site visit that Bligh Street in the vicinity of the site operated well with acceptable queues and delays experienced by all vehicles.

While some queues were noted during the PM peak hour, these were as a result of the signal phasing at the Bligh Street/ Rosny Hill Road signalised intersection. All queued vehicles along Bligh Street were noted to travel through the Bligh Street/ Rosny Hill Road intersection within the next signal phase.

<sup>2</sup> Traffic volume calculated using pitt&sherry peak hour traffic counts and assuming a peak to daily ratio of 10%

## 2.6 Car Parking

### 2.6.1 Car Parking Inventory

#### **Off Street Car Parking**

As discussed in Section 2.1, Council owned Winkleigh Place Car Park is located 100m east of the proposed restaurant site while the Council owned Bayfield Street Car Park is located 100m north-east of the proposed restaurant site. The existing off-street car parking supply and restrictions are summarised in Table 2.

Table 2: Off-street parking supply and restrictions

Car Park	Restriction	Supply
Bayfield Street Car Park	2P (8am – 6pm Monday – Saturday)	175
	1/2P (8am – 6pm Monday – Saturday)	5
	1/4P (8am – 6pm Monday – Saturday)	13
	Unrestricted	12
	DDA Accessible	11
Winkleigh Place Car Park	2P (8am – 6pm Monday – Saturday)	80
	1P (8am – 6pm Monday – Saturday)	12
	1/2P (8am – 6pm Monday – Saturday)	2
	Unrestricted	48
	DDA Accessible	6

#### **On Street Car Parking**

As discussed in Section 2.2, a considerable amount of on-street parking is provided on the streets surrounding the site. The Monash University Institute of Transport Studies Publication *Traffic Engineering and Management* states that the 'convenient walking distance' for 15-minute parking is 107m. Based on this, the on-street car parking supply and demand within the convenient walking distance has been determined as shown in Table 3. The car parking supply was approximately one block in each direction on Bligh Street and Bayfield Street.

Table 3: On-street parking supply and restrictions

Street	Restriction	Supply
Bayfield Street	1P (8am – 6pm Monday – Saturday)	8
	1/2P (8am – 6pm Monday – Saturday)	18
	5 Min (8am – 6pm Monday – Saturday)	4
Bligh Street	1P (8am – 6pm Monday – Saturday)	11
	1/4P (8am – 6pm Monday – Saturday)	6



## 2.6.2 Car Parking Survey and Results

Car parking demand surveys were undertaken to gain an indication of the parking demand on a typical weekday. The surveys were completed in the locations detailed in Section 2.6.1 at the following times:

- Tuesday 3 December 2019 – 9:00am – 5:00pm; and
- Tuesday 3 March 2020 – 5:00pm – 9:00pm.

It is noted that the car parking survey undertaken on Tuesday 3 December 2019 is within the Christmas shopping period. The Christmas shopping period is a peak period for parking demand and as such, the parking occupancy survey results represent the peak period. Average parking demands in non-peak periods are expected to be lower.

The *RMS Guide to Traffic Generating Developments* (RMS Guide) is a widely recognised source for indicative trip generation rates for various types of developments. The RMS Guide indicates shopping centre trip generation variations for each month of the year as summarised in Table 4.

Table 4: Summary of shopping centre trip generation by month of year (Source: RMS Guide)

Month	Variation % (compared with average)
January	0.89
February	0.87
March	0.97
April	0.96
May	1.01
June	0.97
July	1.03
August	1.01
September	0.96
October	0.98
November	1.08
December	1.28

Based on the above, it is seen that December parking rates compared to the average is at a ratio of 1.28:1 while the March parking rates compared to the average is at a ratio of 0.97:1.

Using the above rates, the average parking occupancy results are summarised in Table 5. Collected parking survey results are presented in Appendix B.

Table 5: Average car parking occupancy results

		Bayfield Street Car Park	Winkleigh Place Car Park	Bayfield Street (On-Street)	Bligh Street (On-Street)
<b>Supply</b>		216	148	30	17
<b>Demand   Percentage Occupancy</b>	<b>9:00 am</b>	139   64%	72   49%	17   57%	10   60%
	<b>10:00 am</b>	141   65%	80   54%	14   47%	10   60%
	<b>11:00 am</b>	142   66%	88   60%	20   65%	11   64%
	<b>12:00 pm</b>	138   64%	73   50%	13   42%	10   60%
	<b>1:00pm</b>	129   60%	71   48%	14   47%	9   51%
	<b>2:00pm</b>	123   57%	78   53%	14   47%	12   69%
	<b>3:00pm</b>	125   58%	74   50%	20   68%	10   60%
	<b>4:00pm</b>	123   57%	57   39%	12   39%	7   41%
	<b>5:00pm</b>	95   44%	41   28%	10   34%	8   49%
	<b>6:00pm</b>	53   24%	24   16%	10   34%	4   24%
	<b>7:00pm</b>	20   9%	21   14%	9   31%	2   12%
	<b>8:00pm</b>	7   3%	6   4%	2   7%	3   18%
<b>Peak Occupancy (%)</b>		64%	58%	66%	67%

The *Austroads Guide to Traffic Management Part 11: Parking* states that parking is generally considered to be 'at capacity' when available spaces are 85% occupied at times of peak demand. This level of occupancy is recognised as best practice approach to the management of parking.

The survey results above suggest that both on-street and off-street parking in the vicinity of the site currently have spare capacity.

## 2.7 Public Transport

Metro Tasmania provide the main mode of public transport in southern Tasmania.

Currently, 22 bus routes operate from the Rosny Park Bus Interchange which amounts to approximately 220 trips each way on weekdays and 100 trips each way on weekends. Buses travel from the interchange to the southern, western and northern suburbs of Hobart along with trips to Opossum Bay, Lauderdale and Dodges Ferry.

As discussed in Section 2.2.1, the Rosny Park Bus Interchange is located along Bligh Street, within a convenient walking distance from the proposed restaurant making it a viable option for trips to the area.

## 2.8 Pedestrian and Cycling Facilities

Pedestrian paths are located on either side of the road in the vicinity of the site. The footpaths along Bligh Street in the vicinity of the site are between 2m and 4m wide.

No dedicated cycling infrastructure is present in the vicinity of the site.

## 3. Development Proposal

### 3.1 Overview

It is proposed to use the currently unoccupied building at 2/1 Bayfield Street in Rosny Park for a Mr Burger restaurant. The restaurant will have a gross floor area of 246m<sup>2</sup>.

The Mr Burger restaurant will operate 7 days a week, between 11:00am and 9:00pm and will offer Uber Eats deliveries.

No parking spaces are proposed as part of the development.

## 4. Transport Assessment

### 4.1 Traffic Impact Assessment

#### 4.1.1 Traffic Generation

The traffic generation rate for the proposed development has been sourced from the RMS Guide. The RMS Guide specifies the following generation rates for restaurants:

- Weekday PM peak hour      5 trips per 100m<sup>2</sup> gross floor area; and
- Daily      60 trips per 100m<sup>2</sup> gross floor area.

It is noted that the proposed restaurant is located adjacent to the Eastlands Shopping Centre and Eastlands Entertainment Centre. As such, it is expected that a significant number of trips to the restaurant will be linked or multi-purpose trips. A linked trip is a trip taken as a side-track from another trip while a multi-purpose trip is where more than one shop or facility is visited. The RMS guide specifies a discount rate of 25% for linked and multi-purpose trips.

Based on the above traffic generation and discount rate, the traffic expected to be generated by the proposed restaurant is as follows:

- Weekday PM peak hour      13 trips; and
- Daily      148 trips.

#### 4.1.2 Traffic Impact

The traffic generation of 13 trips during the PM peak hour and 148 trips daily is considered low. When compared with the overall traffic volumes on Bligh Street, the traffic expected to be generated by the proposed restaurant is not anticipated to result in a detrimental impact to the safety or function of the road network.

### 4.2 Car Parking

#### 4.2.1 Car Parking Requirements

The Planning Scheme specifies car parking rates for restaurants at a rate of 15 spaces for each 100m<sup>2</sup> of floor area or 1 space for each 3 seats, whichever is greater.

For a floor area of 246m<sup>2</sup>, the development is required to provide 37 parking spaces.

For 80 seats the development is required to provide 27 parking spaces. As the parking requirement calculated based on the floor area is greater, the development is required to provide 37 parking spaces.

#### 4.2.2 Car Parking Provision

The Planning Scheme parking requirement of 37 parking spaces is considered high for the proposed restaurant due to a number of reasons as follows:

- Although the site has a gross floor area of 246m<sup>2</sup>, all restaurant operation is understood to be situated on the ground floor (142m<sup>2</sup>) while the first floor (104m<sup>2</sup>) will be used for storage
- The proposed restaurant is located opposite the Eastlands Shopping Centre and adjacent to the Eastlands Entertainment Centre. Due to its proximity to these facilities, it is expected that a large number of restaurant patrons will already be in the area and will undertake a linked or multi-purpose trip to the restaurant, resulting in minimal demand for parking
- The proposed restaurant is located in the immediate vicinity of the Rosny Park Bus Interchange. As there are currently 22 bus routes with approximately 220 trips each way on weekdays and 100 trips each way on weekends operating from the bus interchange, buses are a convenient alternative mode of transport for patrons
- There is good pedestrian infrastructure in the vicinity of the proposed restaurant
- There are currently two Council owned off-street car parks (Bayfield Street Car Park and Winkleigh Place Car Park) located within 100m of the site. Based on parking survey results discussed in Section 2.6.2 of this report, both car parks currently have capacity to accommodate any additional parking demand generated by the restaurant
- On-street car parking is available along Bayfield Street and Bligh Street in the vicinity of the site. Based on parking survey results discussed in Section 2.6.2 of this report, there is capacity on-street to accommodate any additional parking demand generated by the restaurant; and
- Based on observations made at the existing Mr Burger restaurant on Liverpool Street, peak time for the restaurant is during lunch time (12:00pm – 1:00pm) and dinner time (6:00pm – 8:00pm). At these times, there is spare capacity at both the on-street and off-street car parks to accommodate any additional parking demand generated by the restaurant with a significant number of parking spaces noted to be available during the dinner time peak period.

Based on the above, it is highly unlikely for the proposed restaurant will need 37 parking spaces at any time and parking demand at most times is expected to be minimal. It is noted that there is currently sufficient parking available in the vicinity of the site to meet any parking demands that may arise. This allows the proposed restaurant to satisfy the parking provision objective of the Planning Scheme.

#### 4.2.3 Uber Eats Provision

As discussed, the proposed development will offer Uber Eats deliveries.

There are currently 6 short-term car parking spaces located along Bligh Street, approximately 15m south-west of the proposed restaurant. Based on the parking survey results discussed in Section 2.6.2 of this report, there is sufficient capacity at these short-term car parks to accommodate any Uber Eats delivery vehicle demand that may be generated by the proposed restaurant.

#### 4.2.4 Deliveries

The proposed restaurant will require regular deliveries. It is understood that delivery vehicles will make use of the existing loading zone located along Bligh Street between Bayfield Street and Ross Avenue.

## 5. Planning Scheme Assessment

### 5.1 Roads and Railway Assets Code

The traffic generation by the proposed restaurant has been assessed against the E5.0 Roads and Railway Assets Code of the Planning Scheme. The use standards have been assessed in Table 6.

Table 6: E5.5 Use Standards

E5.5.1 Existing road accesses and junctions	
<b>Objective:</b> To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.	
Acceptable Solution	Comment
<b>Acceptable Solution A3</b> The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. <b>Performance Criteria P3</b> Any increase in traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unnecessarily impact on the efficiency of the road, having regard to: <ol style="list-style-type: none"> <li>The increase in traffic caused by the use</li> <li>The nature of the traffic generated by the use</li> <li>The nature and efficiency of the access or junction</li> <li>The nature and category of the road</li> <li>The speed limit and traffic flow of the road</li> <li>Any alternative access to a road</li> <li>The need for the use</li> <li>Any traffic impact assessment; and</li> <li>Any written advice received from the road authority.</li> </ol>	<b>Satisfies Performance Criteria P3</b> As the proposed restaurant is expected to generate 148 trips per day, it is unable to comply with Acceptable Solution A3. It does however satisfy Performance Criteria P3 as follows: <ol style="list-style-type: none"> <li>The proposed restaurant is expected to generate 148 trips daily which is equivalent to 1.9% of the existing traffic along Bligh Street. This traffic generation is considered to be low</li> <li>The proposed restaurant is expected to predominantly generate light vehicles which are already catered for on the surrounding road network</li> <li>Based on observations on site, Bligh Street is noted to operate well with acceptable queues and delays experienced by all vehicles</li> <li>Based on the width and classification of Bligh Street, it is considered to have the capacity to accommodate the additional 148 vehicles per day that could potentially be generated by the proposed restaurant</li> <li>The speed limit along Bligh Street in the vicinity of the restaurant is 40km/h. This speed limit is consistent with safe and efficient access to the proposed restaurant</li> <li>There is no alternative access available for the proposed restaurant</li> <li>The proposed restaurant will provide an additional location for eating and socializing within the Rosny Park shopping area</li> <li>This Traffic Impact Assessment has been prepared for the proposed restaurant and identifies that the proposed restaurant is not expected to have any major impacts on the safety and operation of the road network; and</li> <li>Clarence City Council own and maintain the local road network in the vicinity of the site. No written advice has been received from the Council at this stage.</li> </ol>

## 5.2 Parking and Access Code

The provision of parking by the proposed development has been assessed against the E6.0 Parking and Access Code of the Planning Scheme. The use standards have been assessed in Table 7.

Table 7: E6.6 Use Standards

### E6.6.1 Number of Car Parking Spaces

#### Objective:

To ensure that:

- a. There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport
- b. A use or development does not detract from the amenity of users or the locality by:
  - i Preventing regular parking overspill
  - ii Minimising the impact of car parking on heritage and local character
- c. There is enough car parking to meet the reasonable needs of all users of a use or development, taking into account:
  - i The level of parking available on or outside of the land
  - ii The impact on the demand for and supply of car parking associated with approved but uncompleted uses and developments and the future occupation of vacant premises
  - iii The access afforded by other modes of transport; and
- d. Where car parking cannot be provided for onsite, a cash contribution toward the development of public parking facilities may be required.

Acceptable Solution/ Performance Criteria	Comment
<p><b>Acceptable Solution A1</b></p> <p>The number of on-site car parking spaces must be</p> <ol style="list-style-type: none"> <li>a. No less than the number specified in Table E6.1</li> </ol> <p>except if:</p> <ol style="list-style-type: none"> <li>i The site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan.</li> </ol> <p><b>Performance Criteria P1</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>a. Car parking demand</li> <li>b. The availability of on-street and public car parking in the locality</li> <li>c. The availability and frequency of public transport within a 400m walking distance of the site</li> </ol>	<p><b>Satisfies Performance Criteria P1</b></p> <p>The proposed restaurant is subject to the Clarence Interim Parking Plan which specifies that parking rates should be obtained from the Clarence Interim Planning Scheme 2007. However, Council's Traffic Engineer has advised that parking rates from the Clarence Interim Planning Scheme 2015 should be used.</p> <p>The Clarence Interim Planning Scheme 2015 requires the proposed restaurant to provide 37 parking spaces. As the proposed restaurant provides no parking spaces, it is unable to satisfy Acceptable Solution A1.</p> <p>The proposed restaurant does however satisfy Performance Criteria P1 as follows:</p> <ol style="list-style-type: none"> <li>a. The proposed restaurant is located opposite the Eastlands Shopping Centre and adjacent to the Eastlands Entertainment Centre. Due to its proximity to these facilities, it is expected that a large number of restaurant patrons will already be in the area and will undertake a linked or multi-purpose trip to the restaurant, resulting in minimal demand for parking</li> <li>b. The proposed development is located within 100m of Council owned Bayfield Street Car Park and Winkleigh</li> </ol>

- d. The availability and likely use of other modes of transport
- e. The availability and suitability of alternative arrangements for car parking provision
- f. Any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces
- g. Any car parking deficiency or surplus associated with the existing use of the land
- h. Any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site
- i. 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
- j. Any verified prior payment of a financial contribution in lieu of parking for the land
- k. Any relevant parking plan for the area adopted by Council; and
- l. The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code.

Place Car Park. On-street parking is also available along Bayfield Street and Bligh Street in the vicinity of the site. All on-street and off-street car parks are noted to have spare capacity to accommodate any additional parking demand generated by the restaurant

- c. The proposed development is located in the immediate vicinity of the Rosny Park Bus Interchange which services 22 bus routes (220 trips each way on weekdays and 100 trips each way on weekends)
- d. The presence of the Rosny Park Bus Interchange in the immediate vicinity of the restaurant will encourage the use of public transport. There is also good pedestrian infrastructure in place on all streets surrounding the site
- e. There is sufficient spare capacity along Bayfield Street and Bligh Street as well as in the Council owned Bayfield Street Car Park and Winkleigh Place Car Park
- f. The proximity of the proposed restaurant to the Eastlands Shopping Centre and Eastlands Entertainment Centre will result in a large number of linked and multi-purpose trips and minimal parking demand generation. The peak period of the proposed restaurant is also identified to be different to the peak period of the shopping and entertainment centre, resulting in effective sharing of parking between the different uses
- g. N/A
- h. N/A
- i. Financial contributions are not considered appropriate for the proposed restaurant as the Planning Scheme parking requirement is considered to be high for the proposed restaurant. The restaurant is expected to generate minimal parking demand due to its proximity to the Eastlands Shopping Centre, Eastlands Entertainment Centre and Rosny Park Bus Interchange. Any parking demand that may be generated can easily be accommodated along Bayfield Street, Bligh Street and in the two Council car parks
- j. N/A
- k. The Clarence Interim Parking Plan applies to the site which states to use the rate of the Clarence Interim Planning Scheme 2007. However, Council Traffic Engineer has advised that parking rates of the Clarence Interim Planning Scheme 2015 should be used; and
- l. The site is not subject to the Local Heritage Code.

## 6. Conclusion

An assessment of the traffic and parking impacts associated with the Mr Burger restaurant development proposed at 2/1 Bayfield Street, Rosny Park has been undertaken in accordance with the Department of State Growth Publication *Framework for Undertaking Traffic Impact Assessments* and the *Clarence Interim Planning Scheme 2015*. The findings of the assessment presented within this report can be summarised as follows:

- The traffic expected to be generated by the proposed restaurant satisfies the Performance Criteria of Clause E5.5.1 of the Clarence Interim Planning Scheme 2015
- Although there is a shortfall of parking spaces, the parking provision satisfies the Performance Criteria of Clause E6.6.1 of the Clarence Interim Planning Scheme 2015; and
- There is sufficient on-street and off-street parking in the vicinity of the site to accommodate any parking shortfall.



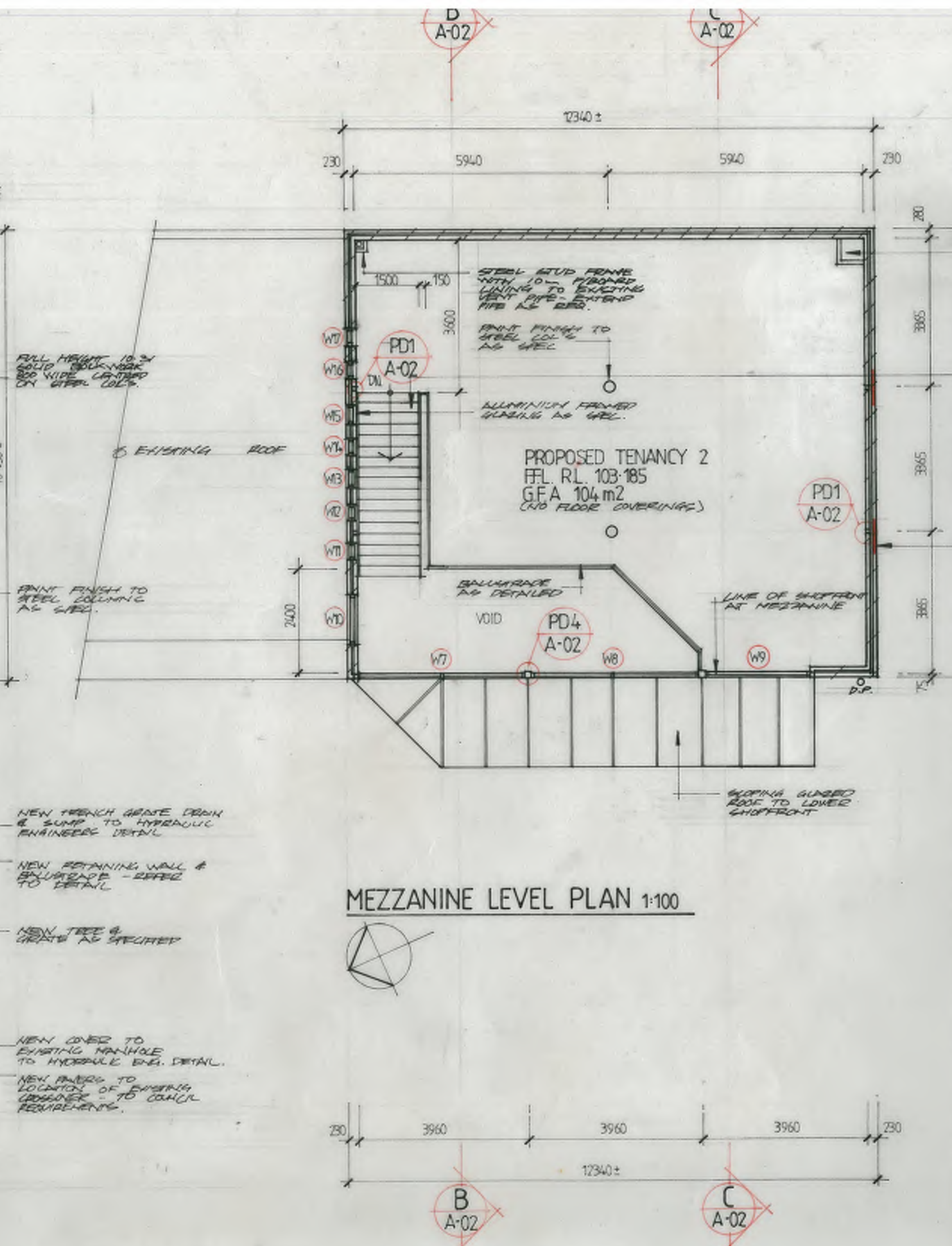
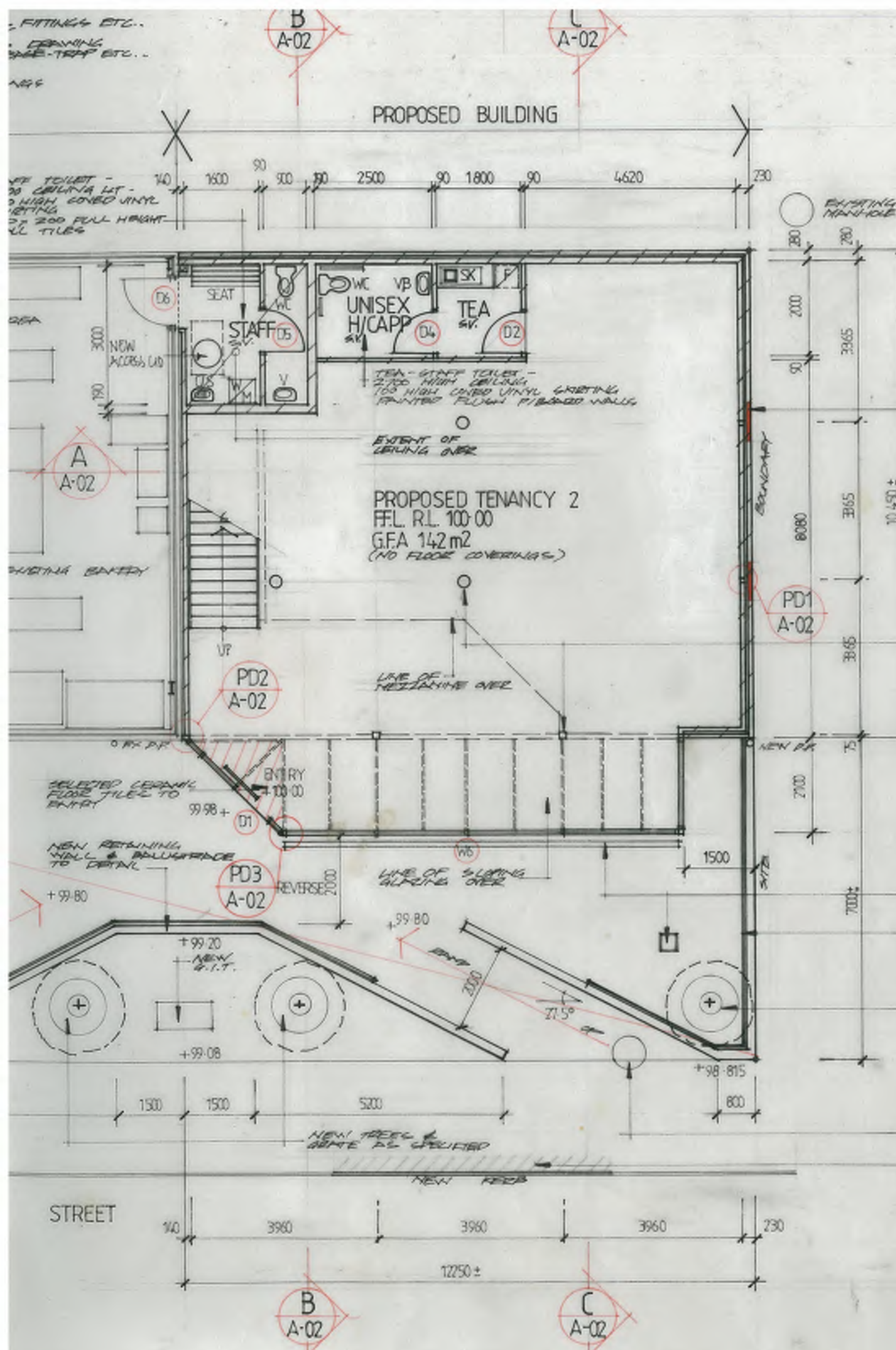


# Site Plans

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## Appendix A









# Parking Survey Results

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Appendix B

Location	Address/ Street	Between	Side of Road	Restrictions	Supply	Tuesday 3rd December 2019								Daily Average	Average % Occupancy
						9:00 - 10:00	10:00 - 11:00	11:00 - 12:00	12:00 - 1:00	1:00 - 2:00	2:00 - 3:00	3:00 - 4:00	4:00 - 5:00		
Bayfield Street Public Car Park	4 Bayfield Street	Car Park Lane & Central Car Park Road	N	2P 8am-6pm Mon-Sat	85	73	70	72	71	68	62	58	59	67	78%
			N	1/4P 8am-6pm Mon-Sat	11	9	10	9	9	8	8	9	8	9	80%
			N	Unrestricted Disabled	4	4	3	4	3	2	2	1	2	3	66%
		Central Car Park Road & East Car Park Exit Road	N	2P 8am-6pm Mon-Sat	83	71	75	72	69	65	64	67	66	69	83%
				1/2P 8am-6pm Mon-Sat	5	4	3	3	3	2	2	3	3	3	58%
			N	Unrestricted	12	12	12	12	12	12	12	10	11	12	97%
			N	2P Disabled	5	0	3	4	2	2	2	1	2	2	40%
		East Car Park Exit Road & Gordans Hill Road (north of Cash Converters)	N	2P 8am-6pm Mon-Sat	7	5	4	4	5	4	4	7	4	5	66%
			N	1/4P 8am-6pm Mon-Sat	2	0	1	1	1	1	1	2	1	1	50%
	N	P Disabled	2	0	0	1	1	1	1	2	1	1	44%		
Total					216	178	181	182	176	165	158	160	157	170	79%
Occupancy Percentage					100%	82%	84%	84%	81%	76%	73%	74%	73%		
Winkleigh Place Car Park	5 Winkleigh Place	Winkleigh Place & Betta Electrical Car Park	E	1/2P 8am-6pm Mon-Sat	2	2	2	1	2	1	0	0	0	1	50%
			E	1P Disabled 8am-6pm Mon-Sat	3	1	1	2	1	1	1	1	0	1	33%
			E	Unrestricted Disabled	3	1	1	1	1	1	0	0	0	1	21%
			E	1P 8am-6pm Mon-Sat	12	6	5	6	9	8	10	8	9	8	64%
			E	2P 8am-6pm Mon-Sat	80	42	55	57	41	42	42	40	24	43	54%
			E	Unrestricted	48	40	38	46	40	38	47	46	40	42	87%
Total					148	92	102	113	94	91	100	95	73	95	64%
Occupancy Percentage					100%	62%	69%	76%	64%	61%	68%	64%	49%		
Bayfield Street	Bayfield St	Bligh St & Car Park Lane	N	5 Min 8am-6pm Mon-Sat	3	2	2	3	1	3	2	3	2	2	75%
		Car Park Lane & Mid Car Park Entry/Exit	N	1/2P 8am - 6pm Mon-Sat	7	6	6	6	3	5	3	6	4	5	70%
		Cambridge Road & Winkleigh Place	S	1P 8am-6pm Mon-Sat	8	5	4	6	4	2	3	7	4	4	55%
			S	1/2P 8am-6pm Mon-Sat	4	2	1	3	2	2	4	4	0	2	56%
			S	5 Min 8am-6pm Mon-Sat	1	1	0	0	0	0	0	1	0	0	25%
		Winkleigh Place & Bligh Street	S	1/2P 8am-6pm Mon-Sat	7	6	5	7	6	6	6	5	5	6	82%
Total					30	22	18	25	16	18	18	26	15	20	66%
Occupancy Percentage					100%	73%	60%	83%	53%	60%	60%	87%	50%		
Bligh Street	Bligh Street	Eastlands South Carpark Entrance & Eastlands East Carpark Entrance	W	1P 8am-6pm Mon-Sat	4	3	3	3	4	3	4	4	3	3	84%
		Bayfield Street & Village Cinemas Entry	E	1P 8am-6pm Mon-Sat	4	4	3	4	4	2	4	4	2	3	84%
		Village Cinemas Entry & Winkleigh Place	E	1/4P 8am-6pm Mon-Sat	6	3	4	4	3	3	4	3	3	3	56%
				1P 8am-6pm Mon-Sat	3	3	3	3	2	3	3	2	1	3	83%
Total					17	13	13	14	13	11	15	13	9	13	74%
Occupancy Percentage					100%	76%	76%	82%	76%	65%	88%	76%	53%		

Location	Address/ Street	Between	Side of Road	Restrictions	Supply	Tuesday 3 March 2020				Daily Average	Average % Occupancy
						5:00 - 6:00	6:00 - 7:00	7:00 - 8:00	8:00 - 9:00		
Bayfield Street Public Car Park	4 Bayfield Street	Car Park Lane & Central Car Park Road	N	2P 8am-6pm Mon-Sat	85	28	21	8	5	16	18%
			N	1/4P 8am-6pm Mon-Sat	11	6	3	0	1	3	23%
			N	Unrestricted Disabled	4	1	0	0	0	0	6%
		Central Car Park Road & East Car Park Exit Road	N	2P 8am-6pm Mon-Sat	83	48	21	7	0	19	23%
				1/2P 8am-6pm Mon-Sat	5	2	1	1	0	1	20%
			N	Unrestricted	12	3	3	1	1	2	17%
			N	2P Disabled	5	1	0	0	0	0	5%
		East Car Park Exit Road & Gordans Hill Road (north of Cash Converters)	N	2P 8am-6pm Mon-Sat	7	3	2	1	0	2	21%
			N	1/4P 8am-6pm Mon-Sat	2	0	0	0	0	0	0%
	N	P Disabled	2	0	0	1	0	0	13%		
Total					216	92	51	19	7	42	20%
Occupancy Percentage					100%	43%	24%	9%	3%		
Winkleigh Place Car Park	5 Winkleigh Place	Winkleigh Place & Betta Electrical Car Park	E	1/2P 8am-6pm Mon-Sat	2	0	0	1	0	0	13%
			E	1P Disabled 8am-6pm Mon-Sat	3	0	0	0	0	0	0%
			E	Unrestricted Disabled	3	0	1	0	0	0	8%
			E	1P 8am-6pm Mon-Sat	12	4	0	0	0	1	8%
			E	2P 8am-6pm Mon-Sat	80	10	7	4	2	6	7%
			E	Unrestricted	48	26	15	15	4	15	31%
Total					148	40	23	20	6	22	15%
Occupancy Percentage					100%	27%	16%	14%	4%		
Bayfield Street	Bayfield St	Bligh St & Car Park Lane	N	5 Min 8am-6pm Mon-Sat	3	1	3	2	0	2	50%
		Car Park Lane & Mid Car Park Entry/Exit	N	1/2P 8am - 6pm Mon-Sat	7	3	2	2	1	2	29%
		Cambridge Road & Winkleigh Place	S	1P 8am-6pm Mon-Sat	8	2	2	1	0	1	16%
			S	1/2P 8am-6pm Mon-Sat	4	0	0	1	0	0	6%
			S	5 Min 8am-6pm Mon-Sat	1	1	1	0	0	1	50%
		Winkleigh Place & Bligh Street	S	1/2P 8am-6pm Mon-Sat	7	3	2	3	1	2	32%
Total					30	10	10	9	2	8	26%
Occupancy Percentage					100%	33%	33%	30%	7%		
Bligh Street	Bligh Street	Eastlands South Carpark Entrance & Eastlands East Carpark Entrance	W	1P 8am-6pm Mon-Sat	4	2	1	1	0	1	25%
		Bayfield Street & Village Cinemas Entry	E	1P 8am-6pm Mon-Sat	4	2	2	1	1	2	38%
		Village Cinemas Entry & Winkleigh Place	E	1/4P 8am-6pm Mon-Sat	6	2	0	0	1	1	13%
				1P 8am-6pm Mon-Sat	3	2	1	0	1	1	33%
Total					17	8	4	2	3	4	25%
Occupancy Percentage					100%	47%	24%	12%	18%		

## Mr Burger Traffic Impact Assessment

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### Located nationally —

Melbourne  
Sydney  
Brisbane  
Hobart  
Launceston  
Newcastle  
Devonport  
Wagga Wagga



## Attachment 4

### 1 BAYFIELD STREET, ROSNY PARK

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**Photo 1:** Site viewed from Bligh Street, viewed looking southwest towards the subject property.



**Photo 2:** Site of proposed development viewed from adjacent car park looking northeast





**Photo 3:** Site viewed from site Bligh Street, looking northeast



**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/006792 – 377 SOUTH ARM ROAD, LAUDERDALE - FRONT FENCE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Front Fence at 377 South Arm Road, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Natural Assets Code, Waterway and Coastal Protection Code, Landslide Hazard Area 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 with the applicant's consent until 22 July 2020.

**CONSULTATION**

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

- interfere with the flow of water;
- visually obtrusive;
- not in keeping with the surrounding area; and
- encourage graffiti along the fence.

**RECOMMENDATION:**

A. That the Development Application for a Front Fence at 377 South Arm Road, Lauderdale (Cl Ref PDPLANPMTD-2020/006792) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM3 – EXTERNAL COLOURS.

3. Where the proposed fence crosses over the waterway from the culvert under South Arm Road, it is to be designed and constructed in a manner to ensure the waterway is not obstructed in any way. This section of the fence is to have either a 300mm diameter pipe under the fence to allow for water to flow under, or a similar area be left under the fence to allow for water flow.
  4. The development must meet all required Conditions of Approval specified by TasWater notice dated 28 May 2020 (TWDA 2020/00488-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

Prior to lodging the planning application, the applicant had commenced constructing the fence due to being unaware the fence required planning approval. The construction of this fence was brought to Council’s attention and the applicant stopped work immediately when told a planning application was required. Only the poles that will support the fence have been constructed.

### **2. STATUTORY IMPLICATIONS**

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

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

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

- Section 8.10 – Determining Applications;
- Section 14 – Rural Living Zone;
- Section E3.0 – Landslide Code;
- Section E11.0 - Waterway and Coastal Protection Code; and
- Section E27.0 – Natural Assets 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 1.9Ha irregular shaped allotment that fronts South Arm Road. The site supports an existing dwelling and outbuilding, and slopes southward towards Ralphs Bay. The lot is within a rural living setting.

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

The proposal is for a front fence that will be setback 5m from the front boundary and run parallel to this boundary. The fence will have a maximum height of 2.1m above natural ground level and will be a solid wooden paling fence. The applicant has advised the fence will be painted in a colour that will complement the surrounding landscape and shrubs will be planted along the front of the fence facing South Arm Road. The proposed fence will also include a 2.4m high sliding access gate and two stone walls on either side. The stone walls and gates will be set back behind the paling fence. The proposed fence is to provide security and privacy from the busy South Arm Road.

### **4. PLANNING ASSESSMENT**

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

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

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

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

References to these principles are contained in the discussion below.

**4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone and Landslide Code, Waterway and Coastal Protection Code and Natural Assets Code with the exception of the following.

**Rural Living Zone**

- **Clause 13.4.2 A1** - it is proposed that the development would have a front setback of at least 5m, which does not comply with the front setback prescribed by the acceptable solution of 20m for buildings.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 13.4.2 as follows.

<b>Performance Criteria</b>	<b>Proposed</b>
<p><i>“Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</i></p> <p>(a) <i>the topography of the site;</i></p> <p>(b) <i>the prevailing setbacks of existing buildings on nearby lots;</i></p> <p>(c) <i>the size and shape of the site;</i></p> <p>(d) <i>the location of existing buildings on the site;</i></p> <p>(e) <i>the proposed colours and external materials of the building;</i></p> <p>(f) <i>the visual impact of the building when viewed from an adjoining road;</i></p> <p>(g) <i>retention of vegetation;</i></p> <p>(h) <i>be no less than:</i></p> <p>(i) <i>15m; or</i></p> <p>(ii) <i>5m for lots below the minimum lot size specified in the acceptable solution; or</i></p>	<p>The proposed fence will have a height of 2.1m, which does not meet the limited exemption Clause 6.4 for fences. This clause states front boundary fences must be no more than a total height of 1.2m above natural ground level. Therefore, the fence must be assessed against the standards of the Rural Living zone. Under this zone there are no specific standards for fences, consequently the fence is required to be assessed against the requirements of all buildings, in which under LUPAA the definition of buildings does include fences.</p> <p>The site’s frontage is 1m lower than South Arm Road and then the site continues to gently slope downwards towards Ralphs Bay. The site has no topographic constraints for the fence. However, due to the proposed location of the fence being 1m below the road, the fence and gate will appear to be less visually obvious than if the site was at the same level. As such, cars driving along the road will still have sight lines over the proposed fence to Ralphs Bay.</p>

<p>(iii) <i>the setback of an existing roofed building (other than an exempt building) from that boundary”.</i></p>	<p>The surrounding neighbourhood is one of a rural living setting with dwellings typically setback towards the middle to the back of each lot, with the exception of Lauderdale Primary School that is located two lots from the subject property.</p> <p>The school includes a building that is setback approximately 10m from South Arm Road. However, this school is subject to a different zone and setback requirements.</p> <p>The applicant has advised the proposed wooden paling section of the fence and the gate will be painted a colour that complements the surrounding landscape, and shrubs will be planted the entire length of the fence facing South Arm Road to enhance the frontage of the property. A condition of this permit is for the applicant to provide the proposed colour of the fence and gate for approval.</p> <p>Although the surrounding rural living lots contain fences that are lower in height and are more transparent, solid fences are evident along South Arm Road where the zoning changes to General Residential, 1.5km west of the subject site. These fences are all solid timber paling fences up to approximately 1.8m in height and are located on the front boundary.</p> <p>In summary, the paling fence which also includes two stone walls and gate will be set 1m below the height of the road, have a setback of at least 5m from the front boundary and be painted in a colour that complements the surrounding landscape. Furthermore, the paling fence will be set behind a row of shrubs. When considering all these factors, the proposed fence and gate will not have a detrimental impact when viewed from the adjoining road.</p>
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- **Clause 13.4.2 A2** - it is proposed that the development would have a side setback of 5m, which does not comply with the side setback prescribed by the acceptable solution of 20m for buildings.

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

<b>Performance Criteria</b>	<b>Proposed</b>
<i>“Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</i>	As discussed above, the proposed fence and gate is required to be assessed against the standards of the Rural Living zone. Under this zone there are no specific standards for fences and consequently needs to be assessed against the requirements for proposed buildings.
<i>(a) the topography of the site;</i>	As discussed above.
<i>(b) the size and shape of the site;</i>	As discussed above.
<i>(c) the location of existing buildings on the site;</i>	As discussed above.
<i>(d) the proposed colours and external materials of the building;</i>	As discussed above.
<i>(e) visual impact on skylines and prominent ridgelines;</i>	The proposed fence will not be located on a skyline or ridgeline.
<i>(f) impact on native vegetation;</i>	The proposed fence will not involve the clearing of native vegetation, the fence will sit on top of a grassed area, while the gate will be located on the current gravel driveway.
<i>(g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i>	The proposed fence and gate will not have any adverse impacts on the adjoining lots in relation to overlooking or loss of privacy. The proposed structure will provide the contrary.
<i>(i) overlooking and loss of privacy;</i>	
<i>(ii) visual impact, when viewed from adjoining lots, through building bulk and massing;</i>	

<p>(h) <i>be no less than:</i></p> <p>(i) <i>10m; or</i></p> <p>(ii) <i>5m for lots below the minimum lot size specified in the acceptable solution; or</i></p> <p>(iii) <i>the setback of an existing roofed building (other than an exempt building) from that boundary.</i></p> <p><i>unless the lot is narrower than 40m at the location of the proposed building site”.</i></p>	<p>As discussed above, the proposed fence and gate will be set 1m below the height of the road, have a setback of at least 5m from the front boundary, painted in a colour that complements the surrounding landscape and set behind a row of shrubs. Considering all these factors, the proposed structure will not have a detrimental impact when viewed from the adjoining lots.</p>
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## **5. REPRESENTATION ISSUES**

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

### **5.1. Stop Water Flow**

Two of the representors raised concern that the proposed fence would impact on the water flow coming from the culvert that runs under South Arm Road. The representor is concerned particularly that the water will flow down into their property and cause major damage.

- **Comment**

There is a waterway that runs under the proposed fence, that takes water which drains through a culvert under South Arm Road. Council’s Engineers have viewed the proposed plans and inspected the site and to prevent any change in the flow of water from the culvert, an engineering condition is to be included within the permit. The condition is to request either a 300mm diameter pipe under the fence to allow for water to flow under, or a similar area be left under the fence to allow for water flow.

### **5.2. Out of Place**

The three representors all expressed concern that the fence will be the only paling fence within the vicinity and will create an eye sore.

- **Comment**

As discussed above in the assessment, the proposed fence and gate will be located 1m lower than South Arm Road, be setback at least 5m from the front boundary and will be painted in a colour in keeping with the surrounding landscape. Furthermore, the applicant proposes to plant shrubs along the length of the paling fence facing the road. In regard to all of the above the proposed fence and gate will meet the requirements of the performance criteria.

### **5.3. Graffiti**

The three representors all expressed concern that the fence will encourage graffiti artists to use the fence as an art board.

- **Comment**

Whether the paling fence will be subject to graffiti did not form part of the assessment under the performance criteria. However, the paling fence will be located 5m within the property's front boundary, therefore anyone seeking to graffiti the fence will be trespassing on private property. Furthermore, the fence will be painted and located behind a row of shrubs to deter anyone from graffitiing the fence.

### **5.4. Increase Noise**

Two of the representors are concerned that road noise will be reflected off the fence and up towards their houses.

- **Comment**

There is no noise report from an acoustic engineer accompanying the application. However, this was not required as there are no applicable performance criteria.

Nevertheless, Council's Environmental Health Officer considers that it would be unlikely the proposed fence would have a noticeable impact on background noise. Again, there are no performance criteria to give this matter any determining weight.



**6. EXTERNAL REFERRALS**

The proposal was referred to TasWater, who provided conditions to be included on the planning permit if granted.

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

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

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

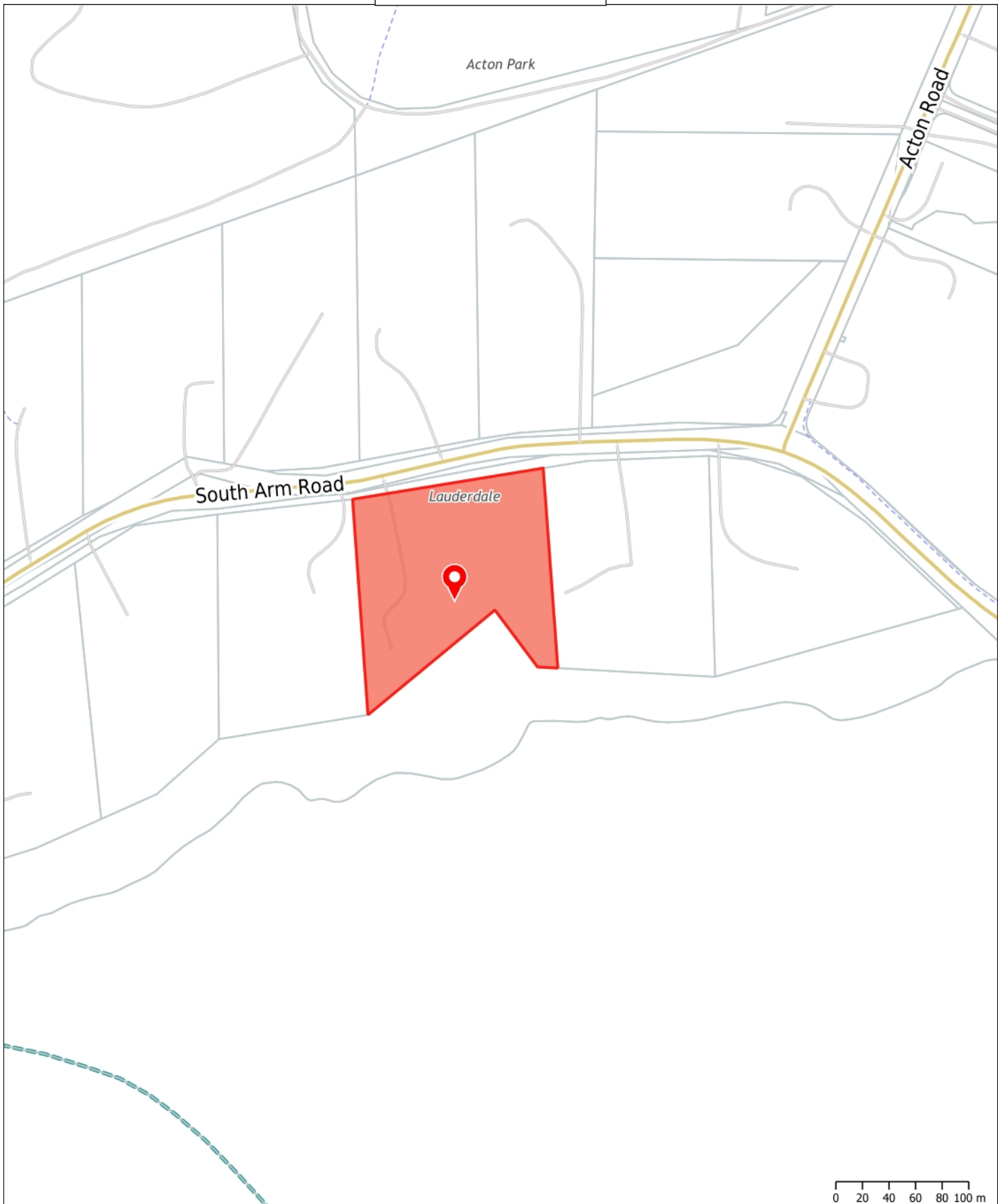
**9. CONCLUSION**

The proposal for a front fence is considered to meet the standards of the Scheme and is recommended for approval.

Attachments: 1. Location Plan (1)  
2. Proposal Plan (5)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1



0 20 40 60 80 100 m



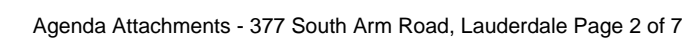
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

6/07/2020

1:3931









SOUTH ARM ROAD.

# 377

STONE WALL @ 2400 HIGH.

SLIDING GATE

2m

SEWER MAIN.

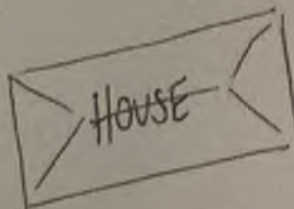
5m  
SET BACK FROM  
FRONT BOUNDARY

\* PROPOSED FRONT FENCE

\* TREATED PINE PALING @ 2100 HIGH.

\* TREATED PINE PALING

@ 2400 WHERE NATURAL  
GROUND DROPS AWAY



DATE - 17-5-2020

REVISION - 2.

SOUTH ARM ROAD

377.

SURVEYED BOUNDARY LINE.

FENCE  
200mm HIGH

5M SETBACK

STONE GLAD  
WALL 2400mm HIGH.

PALING FENCE  
2100mm

3500mm

1500mm

2000mm

SLIDING GATE 2400mm  
HIGH.

LOCATED SEWER MAIN

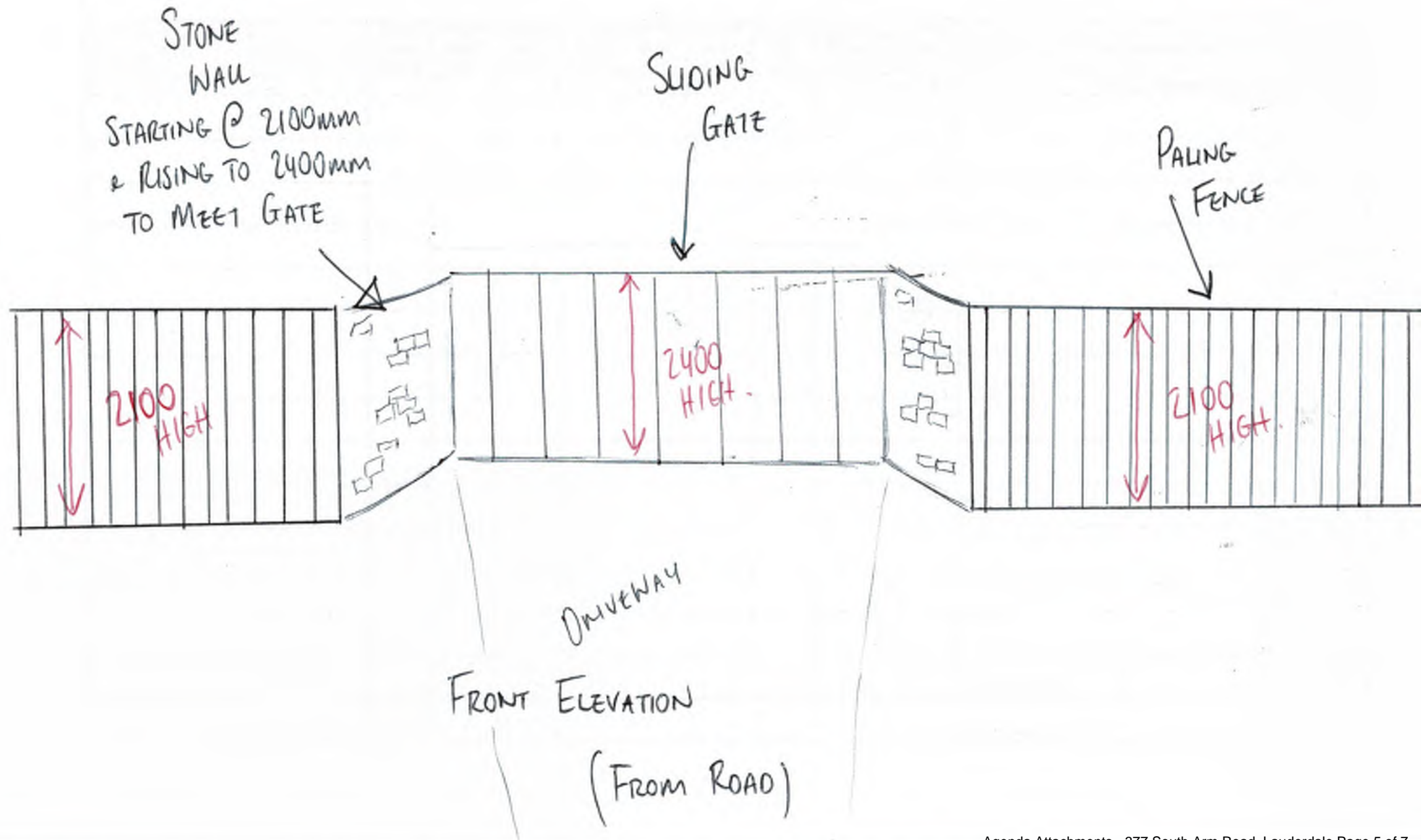
DISTANCE  
BETWEEN MAIN  
& GATE TO BE 2000mm

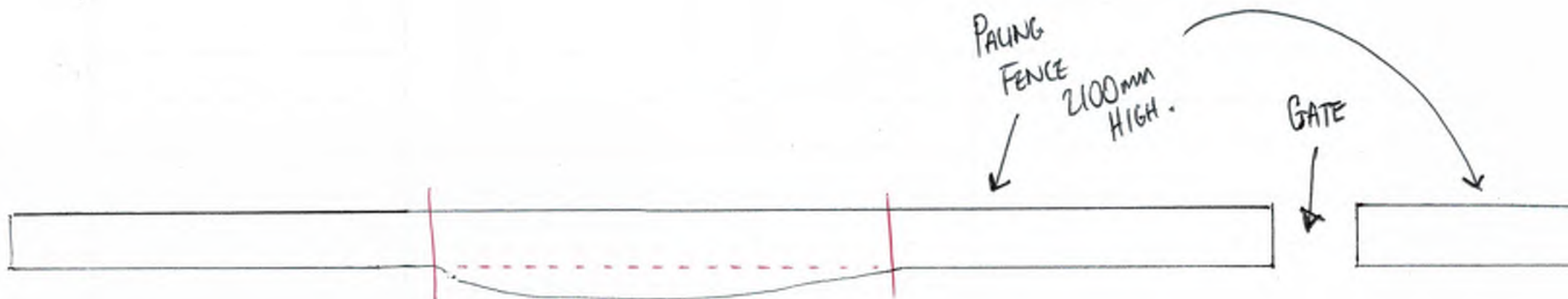
DATE - 17

REVISION -



377 South Arm Road.





PALINGS @ 2400 WHERE NATURAL GROUND DROPS  
AWAY BUT WILL RETAIN  
SAME HEIGHT HORIZONTALLY AT  
TOP WITH 2100 PALINGS.

## Attachment 3



View of 377 South Arm Road from across the road looking south



**11.3.3 DEVELOPMENT APPLICATION SD-2019/6 – 28 PERCY STREET, RICHMOND - 10 LOT SUBDIVISION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 10 lot Subdivision at 28 Percy Street, Richmond.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 12 August 2020.

**CONSULTATION**

The proposal was advertised on two occasions in accordance with statutory requirements. A total of six representations were received during the first advertising period, with one received outside of time. The representations received raised the following issues:

- well on-site;
- impact on amenity;
- lot sizes and density of development;
- lot design;
- land stability;
- Public Open Space;
- building restrictions;
- traffic and extension of Percy Street;
- staging; and
- local service provision.

Following the representations, the applicant amended the proposal and the application was readvertised. A total of two representations were received during the second advertising period, with an amended subdivision layout for proposal. The representations received raised the following additional issues:

- internal lot Scheme requirements not met;
- pattern of development; and
- Waterway and Coastal Protection Code.

**RECOMMENDATION:**

A. That the Development Application for a 10 Lot Subdivision at 28 Percy Street, Richmond (CI Ref SD-2019/6) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS4 – POS CONTRIBUTION [5%] and [Lot 2 – 10 inclusive].
3. ENG A1 – NEW CROSSOVER [3.6m].
4. ENG A3 – COMBINED ACCESSES [TSD-R09 (Urban)] and delete “All lots with combined right-of-way accesses” and replace with “Lots 5 and 6 must be provided with a combined right-of-way access from Percy Street, and”.
5. All lots requiring accesses by access strip to the body of the lot must be provided with a 3.6m wide sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD-R09 (Urban) (copy available from Council). A 3.6m wide sealed driveway also must be constructed over the remaining length of the access to the body of the lot. This access must be inspected by Council prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner’s expense in accordance with any directions given by Council to the owner.

6. ENG M2 – DESIGNS SD. Delete third dot point and replace with “lot accesses, in that the combined crossovers for access to the lots are only approved in the locations shown by the endorsed plan”.
7. ENG M5 – EROSION CONTROL.
8. ENG M7 – WEED MANAGEMENT PLAN.
9. ENG M8 – EASEMENTS.
10. ENG R2 – URBAN ROAD.
11. ENG R5 – ROAD EXTENSION.

12. ENG S1 – INFRASTRUCTURE REPAIR.
  13. ENG S10 – UNDERGROUND SERVICES.
  14. ENG S12 – HEADWORKS – SUBDIVISION [\$38,000] and [\$38,000].
  15. ENG S4 – STORMWATER CONNECTION.
  16. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
  17. TASWATER – The development must meet all required Conditions of Approval specified by TasWater notice dated 5 June 2020 (TWDA 2019/00274-CCC).
  18. ADVICE – An application for works in the Council road reserve must be submitted and approved by Council’s Group Manager Engineering Services prior to the commencement of any works and must have regard to the Richmond Townscape study.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

A planning permit was granted on 25 July 2011 under SD-2011/22 for a 5 lot Subdivision. This permit was not acted upon and has expired.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned General Residential under the Scheme.
- 2.2. The proposal is discretionary because subdivision is discretionary, and it does not meet the Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
  - Section 8.10 – Determining Applications;
  - Section 10.0 – General Residential Zone;
  - Section E5.0 – Road and Railway Assets Code;

- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection; and
- Section E13.0 – Historic Heritage Code.

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

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

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

The site is comprised of a single lot at Percy Street, Richmond. The site does not support any existing buildings, is clear of significant vegetation and has an area of 8255m<sup>2</sup> with 136.79m frontage to Percy Street.

The site slopes gradually down to the north-east, away from Percy Street, and a natural drainage area traverses’ part of the site. The site is within an area serviced by water and sewer and is located within an established residential area at Richmond. Percy Street does not have kerb and gutter for the length of the frontage of the development site.

The location of the site is shown in Attachment 1.

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

The proposal is for the subdivision of the site into 10 lots with frontage to Percy Street.

The proposal is to create four internal lots with areas ranging from 845m<sup>2</sup> to 1096m<sup>2</sup>, with access via access strips with widths in excess of 4m to Percy Street. Six ordinary lots are proposed with areas ranging from 600m<sup>2</sup> to 962m<sup>2</sup>. It is proposed that Lots 5 and 6 would benefit from reciprocal rights-of-way, and that a single driveway would be constructed to benefit both sites. A sealed driveway is proposed for both Lots 3 and 10, with the extent of the sealed driveway proposed reflected by the proposal plan as being to the body of each of the lots as shown.

The extension of the constructed part of Percy Street is proposed and would also include the construction of kerb and gutter for the length of the frontage of the site. The applicant also proposes to construct a gravel road extension to then link the newly formed part of Percy Street to Victoria Street to the north.

The subdivision layout first submitted was for the development of a cul de sac configuration, with access and frontage proposed from the cul de sac to each lot. After the conclusion of the first advertising period the applicant provided an amended subdivision layout to better provide for a pattern of subdivision consistent with the established patterns of development in the surrounding area. This second layout provided for frontage to each of the lots to Percy Street itself, removed the cul de sac from the proposal and was developed following consideration of the representation issues and advice from Council's Heritage Advisor on a preferred layout to meet the relevant Scheme standards.

An assessment of the proposal against the provisions of the Historic Heritage Code was provided as part of the application, which related to the subdivision layout first proposed by the application and included assessment against the requirements of Clause E13.8.3 of the Scheme.

The proposal plans are provided in Attachment 2.

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

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

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

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

References to these principles are contained in the discussion below.

**4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Road and Railway Assets, Parking and Access, Stormwater Management, Waterway and Coastal Protection and Historic Heritage Codes with the exception of the following.

**General Residential Zone**

- **Clause 10.6.1 A2** – in that the development is proposed on land affected by the Historic Heritage and Waterway and Coastal Protection Codes.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P2 - The design of each lot must contain a building area able to satisfy all of the following:</i>	See below assessment.
<i>(a) be reasonably capable of accommodating residential use and development;</i>	Each of the proposed lots are of sufficient size to accommodate the required building envelope, with appropriate northerly orientation. The lots have sufficient area to provide for future residential development and associated outdoor living areas, as prescribed by the Scheme.
<i>(b) meets any applicable standards in codes in this planning scheme;</i>	The proposal is subject to and meets the tests of those relevant standards of the Historic Heritage and Waterway and Coastal Protection Codes, discussed below.

(c) <i>enables future development to achieve maximum solar access, given the slope and aspect of the land;</i>	The site slopes down to the north-east, away from Percy Street. The gradient of the site would provide for a range of residential development styles, which would include provision for considerations of solar access as required by the Scheme for development within the zone.
(d) <i>minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i>	The proposal does not involve road construction but would necessitate limited excavation and earthwork for services connections as shown by the proposal plan. The site slopes down to the north-east, indicating that substantial earthworks are not required or proposed for the future residential development of each of the proposed lots.
(e) <i>provides for sufficient useable area on the lot for both of the following:</i> (i) <i>on-site parking and manoeuvring;</i> (ii) <i>adequate private open space”.</i>	Council’s Engineers are satisfied that the proposal would allow for the required parking spaces and associated manoeuvring areas on-site as required by the relevant Australian Standards, and reflected by the Parking and Access Code of the Scheme.  Due to lot size and shape, the private open space areas required by the development standards of the zone could comfortably be met within the boundaries of the proposed lots. It is therefore considered that the tests of this performance criteria are met.

- **Clause 10.6.1 A4** – it is proposed that four internal lots, Lots 3, 5, 6 and 10, would be created by the development.

<b>Performance Criteria</b>	<b>Proposal</b>
“P4 - An internal lot must satisfy all of the following:	See below assessment.
(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>	Percy Street existed prior to the commencement of the current Scheme, and the proposed lot layout represents efficient use of land, in accordance with the minimum lot sizes prescribed by the Scheme.
(b) <i>it is not reasonably possible to provide a new road to create a standard frontage lot;</i>	The creation of a road is not a desirable means of development the subject lot, given the established pattern of residential development in Richmond.

	Whilst there is scope to develop a road for access, this would not be an appropriate outcome for Richmond, on the basis of the heritage considerations relevant to the site as being within a heritage precinct. It is therefore considered that this test is met by the proposal.
<i>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i>	It is considered that the proposed lot layout is a reasonable and appropriate means of subdividing the site, in a manner consistent with the established pattern of development in Richmond.
<i>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</i>	The site is located within a reticulated part of Richmond and serviced by existing networks. The proposal includes consideration of stormwater drainage for the site and surrounds, and a concept plan for the necessary infrastructure has been considered by TasWater as being satisfactory. The layout proposed is therefore considered to be an efficient utilisation of residential land, and existing infrastructure networks in this location.
<i>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i>	Given the size of the proposed internal lots, the development of either single or multiple dwellings is possible, subject to assessment under the relevant Scheme provisions. The lots are adequately sized to ensure residential amenity is maintained, which is a consideration of future proposals for development.
<i>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i>	The proposed internal lots each have access via an access strip with a width exceeding 4m, as required.
<i>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</i>	Council's Engineers are satisfied that passing bays are not required for the proposed internal lots in that there would be appropriate sight lines provided to Percy Street, suitable for likely future residential use of these lots.
<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>	complies



(i) <i>a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i>	Conditions and advice have been included in the recommended conditions above, to ensure this occurs and to ensure that the works are in accordance with the requirements of the Richmond Townscape Study.
(j) <i>the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces”.</i>	not applicable

- **Clause 10.6.1 A5** – it is proposed that a total of 10 resultant lots would be created by the proposal, which exceeds three lots as prescribed by the acceptable solution.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P5 - Arrangement and provision of lots must satisfy all of the following:</i>	See below assessment.
(a) <i>have regard to providing a higher net density of dwellings along;</i> i. <i>public transport corridors;</i> ii. <i>adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</i> iii. <i>within 200m of business zones and local shops;</i>	The proposed development is within close proximity (165m) of an existing public transport corridor at Bridge Street and would provide for a higher net density in this location. It is additionally within 200m of the General Business Zone at Bridge Street.
(b) <i>will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;</i>	The subject land is within the General Residential Zone and provides for the subdivision of the whole of the parent lots to densities envisaged for the zone.
(c) <i>staging, if any, provides for the efficient and ordered provision of new infrastructure;</i>	It is not proposed to stage the development.
(d) <i>opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</i>	The four proposed internal lots would not directly front public spaces, however, there would be opportunities for future residential development to provide for passive surveillance, due to the rectilinear layout which would provide for dwelling configuration to overlook the street for those lots with direct road frontage.
(e) <i>is consistent with any applicable Local Area Objectives or Desired Future Character Statements”.</i>	not applicable

- **Clause 10.6.3 A1** – in that there is no acceptable solution for this clause, in relation to the provision of public open space and noting it is not proposed to provide any physical public open space as part of the development.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P1 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	See below assessment.
<i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	not applicable
<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	not applicable
<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	not applicable
<i>(f) provides for a legible movement network;</i>	not applicable
<i>(g) the route of new ways has regard to any pedestrian &amp; cycle way or public open space plan adopted by the Planning Authority;</i>	not applicable
<i>(h) Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council policy.</i>	No public open space is proposed to be provided as land as part of this proposal. Council’s Public Open Space (POS) Policy therefore provides that it is appropriate for a cash contribution to be made by the developer in-lieu of the provision of physical open space as part of the proposal and in response to the further demand created by the development upon Council’s POS network by the proposed vacant lots. A cash contribution of 5% of the value of these lots should therefore be required as a permit condition.

	Further details are discussed in relation to Council's Public Open Space Policy at Section 8.0 of this report, below.
(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i> (i) <i>the width of the way;</i> (ii) <i>the length of the way;</i> (iii) <i>landscaping within the way;</i> (iv) <i>lighting;</i> (v) <i>provision of opportunities for 'loitering';</i> (vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)''.</i>	not applicable

### **Waterway and Coastal Protection Code**

- **Clause 11.8.1 A1** – in that there is no acceptable solution for subdivision of land within a Heritage Precinct.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P1 - Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:</i>	See below assessment.
<i>(a) minimise impact on natural values;</i>  <i>(b) provide for any building area and any associated bushfire hazard management area to be either:</i>  <i>i. outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or</i>  <i>ii. able to accommodate development capable of satisfying this code.</i>	<p>A natural drainage line traverses' part of the site and flows only during periods of high rainfall. There is no established stream bed in the location of the watercourse, and it is considered that there would therefore be no impact upon natural values associated with the proposal.</p> <p>Council's Engineers are satisfied that the design and larger lot sizes in the central part of the subdivision are an appropriate response to the provisions of the Code in that these lots can be developed in a manner consistent with the use and development standards as appropriate.</p>

<i>(c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority”.</i>	not applicable
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### **Historic Heritage Code**

- **Clause E13.8.3 A1 & A2** – in that there is no acceptable solution for subdivision of land within a Heritage Precinct.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P1 - Subdivision must not result in any of the following:</i>	See below assessment.
<i>(a) detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2;</i>	Council’s Heritage Advisor has considered the proposal and is of the opinion that this proposal is located within the General Residential Zone and represents a transitional zone that rests between higher-density development (historic and contemporary) and the adjoining rural fringe. The subject site also sits within a natural hollow within the landscape and is unlikely to adversely affect the heritage values of adjoining property or more intact portions of the heritage precinct.
<i>(b) a pattern of subdivision unsympathetic to the historic cultural heritage significance of the precinct;</i>	Council’s Heritage Advisor considers the updated rectilinear pattern of subdivision to be consistent with and sympathetic to period development within the broader heritage precinct, in that it replicates the rectilinear, traditional layout of historic Richmond. This is supported by a condition requiring consolidation of crossover points from Percy Street, relating to grouping of access points.
<i>(c) potential for a confused understanding of the development of the precinct;</i>	Although representative of historic development patterns, it is considered by Council’s Heritage Advisor that this proposal is unlikely to result in a confused understanding of development, in that future development must satisfy the requirements of the Historic Heritage Code. Such development would likely include use of contemporary materials and finishes that complement the heritage palette of the precinct.

<i>(d) an increased likelihood of future development that is incompatible with the historic cultural heritage significance of the precinct.</i>	The proposed subdivision pattern will afford opportunities for compatible development (subject to individual scrutiny) and maintenance of predominant street setbacks/frontages.
<i>(e) potential loss of raised view lines through urban areas to non-urban areas around Richmond.</i>	The subject site is located within a natural hollow within the landscape and is unlikely to significantly affect the heritage values of adjoining heritage property or more intact portions of the heritage precinct.
<i>P2 - Subdivision must comply with any relevant design criteria/conservation policy listed in Table E13.2”.</i>	As a subdivision, Council’s Heritage Advisor considers this proposal to have limited capacity to retain and enhance heritage characteristics other than to maintain and contribute to the heritage pattern of development within the broader precinct. Future development of each newly created lot (subject to individual planning processes) will ultimately have the potential to further enhance/contribute to the more physical attributes of the precinct via highly scrutinised built form and landscaping.

## **5. REPRESENTATION ISSUES**

The proposal was advertised on two occasions in accordance with statutory requirements. The subdivision layout first submitted was for the development of a cul de sac configuration, and after the conclusion of the first advertising period the applicant provided an amended subdivision layout developed following consideration of the representation issues and advice from Council’s Heritage Advisor on a preferred layout to meet the relevant Scheme standards.

A total of six representations were received during the first advertising period, one of which was received outside of time. The proposal as first advertised included a cul de sac configuration, with access and frontage proposed from the cul de sac to each lot. The representations received in relation to this proposal raised the following issues.

### **5.1. Well On-site**

Concern is raised by one representation in relation to a well that exists within the boundaries of the site, constructed using convict bricks and the necessity for its protection as part of the development.

- **Comment**

The site is not heritage-listed by the Historic Heritage Code or the Tasmanian Heritage Register. There is no requirement to protect the well described by the representation, meaning that this issue is not of determining weight.

## **5.2. Impact on Amenity**

The representations raise concerns that the proposal would compromise the amenity for neighbouring properties and businesses, specifically in relation to privacy, impact on views and possible noise associated with future residential development of the new lots.

Privacy associated with the future residential development of the lots is also raised as a concern, given the sloping nature of the lots and possible overlooking impacts created by residential development of the vacant lots. A resultant loss of value is a concern in relation to the development.

- **Comment**

The proposal is for the subdivision only. The development of the proposed vacant lots would be subject to further development applications, which would be required to address those relevant Scheme provisions (which include privacy standards) for the development itself. The provisions of the Historic Heritage Code would also be relevant to future development applications for residential development of the lots and include consideration of the impacts of future development on heritage sites.

Issues relating to both construction and residential noise are, independently of the Scheme, managed by the Environmental Management and Pollution Control (Noise) Regulations 2016 and the *Environmental Management and Pollution Control Act 1994*, which require that noise should not cause a nuisance for other people.

Loss of land value is not a relevant consideration under the Scheme. This issue is therefore not of determining weight.

**5.3. Lot Sizes and Density of Development**

Concerns are raised by the representations that the proposal, if approved, would create a number of inappropriately dense lots that are unsuited to the Richmond Village area. It is additionally submitted that the lots that are sufficiently large to accommodate multiple dwellings in the future would not be appropriate for the area and would cause conflict with neighbouring land use.

- **Comment**

This issue is raised in relation to the design first advertised, though lots of a similar size are proposed by the amended proposal advertised second.

This proposal relates to subdivision only, meaning that any future development applications for the lots must be considered based on their merits and compliance with the relevant provisions of the Scheme. The site is within the General Residential Zone, and the layout and lot size proposed are consistent with that envisaged by the Scheme as being appropriate, within the zone. This issue is therefore not of determining weight.

**5.4. Lot Design**

Concerns are raised that the original layout does not provide a regular shape for the proposed lots, and that the size and shape of the lots would not provide for a sufficient or useable area for residential development.

- **Comment**

The proposal meets the relevant performance criteria for lot design at Clause 10.6.1 of the Scheme and, as discussed above, it is considered that the lots would provide for a range of residential development provided for within the General Residential Zone. The lots in the amended layout, however, are now regular in shape and supported by Council's Heritage Advisor as appropriate for the precinct. This issue is therefore not of determining weight.

**5.5. Land Stability**

The representations include a submission that the proposal would undermine land stability both for the site, and for neighbouring properties. It is indicated that a detailed study of this issue should have been undertaken by the proponent, as part of the development application.

- **Comment**

The site is not affected by the Landslide Code under the Scheme, meaning that it is not identified as being at risk in relation to instability. Council's Engineers are satisfied that the proposed subdivision layout would not create any issues surrounding stability, and that the proposed service/infrastructure connections would address existing site issues relating to stormwater drainage.

**5.6. Public Open Space**

Concern is raised that there has been no public open space proposed as part of the development application.

- **Comment**

The proposal does not include the provision of physical open space as part of the development, nor is it considered a desirable location for Council to seek the acquisition of such land given proximity to other facilities within the Richmond area.

In accordance with Council's Public Open Space Policy, discussed above and below in detail, a condition has been included in the recommended conditions to include a cash contribution to the value of 5% of the vacant lots. This is consistent with Council's Policy, and such a contribution is taken to cater for demand on Council's public open space (POS) network and associated facilities. This issue is therefore not of determining weight.



**5.7. Building Restrictions**

The representations submit that covenants and other such building restrictions should be imposed on the future lots to ensure that views are retained from surrounding properties, and that privacy is also protected.

- **Comment**

The Scheme provides a series of Development Standards for the General Residential Zone which would need to be met by future development of each of the lots. These standards and those of the Historic Heritage Code include possible impacts on nearby heritage-listed sites and would be considered as part of a future development application. The Scheme does not provide power to require additional “planning” covenants, and such an approach is therefore not supported.

**5.8. Traffic and Extension of Percy Street**

Concerns are raised that there would be traffic impacts upon neighbouring properties in terms of congestion in the Percy Street area and surrounds, and it is submitted that Percy Street should be extended as part of the proposal to address this issue.

- **Comment**

Council’s Engineers are satisfied that there is capacity in the existing road network to absorb and cater for the additional traffic likely as a result of the proposal.

The extension of the constructed part of Percy Street is proposed and would also include the construction of kerb and gutter for the length of the frontage of the site. The applicant also proposes, as part of the amended layout, to construct a gravel road extension to then link the newly formed part of Percy Street to Victoria Street to the north. The amended layout addresses the issue raised by the representations.

A number of conditions have been included in the recommended conditions above, to reflect the engineering requirements. These relate to engineering designs, construction of shared access ways, service connections and the construction of the extension of Percy Street for the length of the site frontage. A specific headworks condition has also been included in relation to the construction of the extension, and allows for a payment per lot by the applicant to Council to undertake the works, or for the works to be undertaken by the applicant as part of the construction of the development. The applicant has submitted that they intend constructing the road extension as part of the development.

### **5.9. Staging**

Concern is raised by one representation that the development should be over a series of stages, to reduce the increase in load upon existing service networks as a result of the proposal.

- **Comment**

Both Council's Engineers and TasWater are satisfied that the existing infrastructure networks have adequate capacity for the proposed development. The proposed service connections have been appropriately designed to consider the requirements of the relevant Australian Standards, and this is reflected by the recommended conditions. This is therefore not an issue of determining weight.

### **5.10. Local Service Provision**

The representations raise concerns that access to the provision of local services has not been adequately considered by the proposal. This concern relates to schooling, healthcare and other such services.

- **Comment**

The provision of local services is not an issue relevant to the determination of the proposal under the Scheme. The proposal cannot be determined under the Scheme on the basis of any claimed insufficient access to local services.

A total of two representations were received during the second advertising period, with an amended subdivision layout for proposal. As noted, the amended subdivision layout provided to address concerns raised in relation to the pattern of subdivision and heritage considerations in terms of the established patterns of development in the surrounding area. The amended layout provided frontage to each of the lots to Percy Street itself and removed the cul de sac from the proposal. The representations received raised the following additional issues in relation to the amended layout:

#### **5.11. Internal Lot Scheme Requirements Not Met**

Concern is raised by the representations that the amended layout would also not provide for residential amenity, specifically concerning the requirements of Clause 10.6.1 of the Scheme in relation to lot design. It is submitted that solar access would be poor, and that future development would create overlooking and privacy concerns.

- **Comment**

The proposed internal lots, Lots 3, 5, 6 and 10 have been assessed above as being compliant with the requirements of the performance criteria of Clause 10.6.1 of the Scheme. It is considered that the proposed internal lots would be capable of catering for a range of development types encouraged within the zone, and that the proposal would provide for the efficient utilisation of land as required. This issue is not of determining weight in relation to the proposal.

#### **5.12. Pattern of Development**

The representation submits that the proposal is inconsistent with the historic cultural heritage significance of Richmond, in that lots in Richmond are typically larger than that proposed and are not consistent with those surrounding.

- **Comment**

The proposed lots comply with the minimum lot sizes for development within the zone. The proposal has been assessed as complying with the relevant requirements of the Historic Heritage Code for the reasons given above. The development is not considered detrimental to the heritage significance of the precinct in that it complies with the tests of the performance criteria and is considered satisfactory by Council's Heritage Advisor, as discussed. It is therefore considered that this issue is not of determining weight.

### **5.13. Waterway and Coastal Protection Code**

It is submitted by one representation that the requirements of the Code have not been considered as part of the application, or the proposal.

- **Comment**

The requirements of the Code have been addressed above, and it is concluded that the Performance Criteria, P1, of Clause E11.8.1 are met by the proposal in relation to the natural drainage line that traverses the site. Council's Engineers are satisfied that the proposed engineering designs are an appropriate response to the site constraints, and the requirements of the Scheme. This issue is therefore not of determining weight.

## **6. EXTERNAL REFERRALS**

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

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

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

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

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

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

Developer contributions are required to comply with Council's Public Open Space Policy, in that the subject site is zoned General Residential and will form an extension of an existing urban area and be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's Public Open Space (POS) network and associated facilities.

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

While Section 117 of the *Local Government Building and Miscellaneous Provision Act 1993* (LGBMP) provides for a maximum of up to 5% of the value of the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created, representing the increased demand for POS generated by the proposal and not the entire site the subject of the application. A condition to reflect this has therefore been included in the recommended conditions, above.

**9. CONCLUSION**

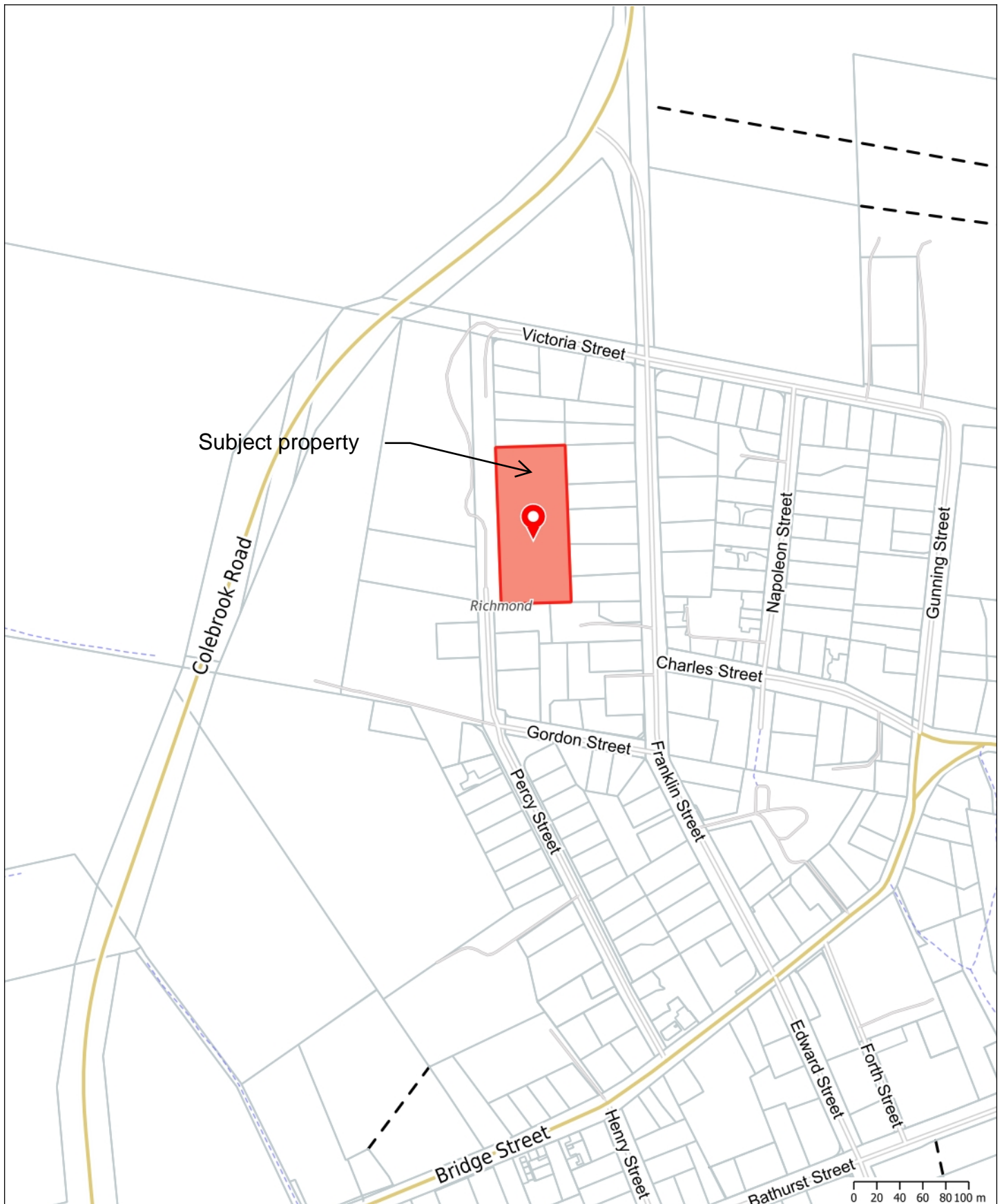
The proposal is for the subdivision of the site to create a total of 10 lots at 28 Percy Street, Richmond. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1

## LOCATION PLAN - 28 PERCY STREET



Subject property

Richmond



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.

7/8/2020

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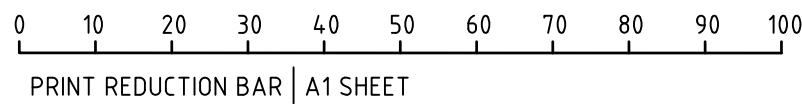
WARNING

Beware of underground services. Locate all existing services prior to construction. The location shown on plans are indicative only and precise location should be proven on site. No guarantee is given that all services are shown on plan.

Attachment 2




PRELIMINARY OVERALL PLAN  
SCALE 1:500



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CLIENT:		
JTS BUILDERS		
AMENDMENT		REFERENCE:
No.	DATE	
A	PRELIMINARY - NOT FOR CONSTRUCTION	05/05/2020



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- ▲ STRUCTURAL
- ▲ CIVIL
- ▲ MUNICIPAL
- ▲ PROJECT MANAGEMENT
- ▲ SUBDIVISIONS

PROPOSED 10 LOT SUBDIVISION  
28 PERCY STREET, RICHMOND  
PRELIMINARY OVERALL PLAN

SCALE	AS NOTED AT A1
DRAWN	DHJ
DATE	MAY 2020
APPROVED	PETER HOLMES

DRAWING No.  
**18534/101**  
No. of SHEETS

REVISION  
**A**

NOT FOR CONSTRUCTION



## Attachment 3

### 28 PERCY STREET, RICHMOND

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**Photo 1:** Site viewed from the northern boundary, looking south towards the subject property.



**Photo 2:** Site of proposed development viewed from Percy Street, looking north





**Photo 3:** Northern part of the site



**Photo 3:** Site viewed looking northeast

**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/008491 – BELLERIVE BEACH PARK - 54 QUEEN STREET, 15 DERWENT STREET AND 14A VICTORIA ESPLANADE, BELLERIVE - FOOTPATH WORKS AND LANDSCAPING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for footpath works and landscaping at Bellerive Beach Park - 54 Queen Street, 15 Derwent Street and 14A Victoria Esplanade, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Open Space and subject to the Waterway and Coastal Protection, Inundation Prone Areas and Coastal Erosion Hazard Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 22 July 2020.

**CONSULTATION**

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

- description of advertised proposal;
- future replacement works;
- specific details of proposal unclear;
- recommendations for modification of works;
- inconsistency with master plan;
- accessible parking and safety; and
- recommendations of safety review disregarded.

**RECOMMENDATION:**

- A. That the Development Application for footpath works and landscaping at Bellerive Beach Park - 54 Queen Street, 15 Derwent Street and 14A Victoria Esplanade, Bellerive (C1 Ref PDPLANPMTD-2020/008491) 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.

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

The Bellerive Beach Park Master Plan was adopted in 2012 following extensive public consultation. In 2015, Council undertook further public consultation and adopted a revised design for the western end of the Master Plan that shifted the proposed location of car parking on-site to maximise the connection between public open space and the beach.

A number of stages of the adopted master plan have been undertaken to date, which include the Beach Street car park, Derwent Street carpark, picnic plaza area, all abilities playground and upgrades to the outdoor exercise equipment. The main outstanding components of the Master Plan include the eastern play and picnic areas, the beach front promenade and public art works.

The works associated with this proposal have been designed in accordance with the adopted Master Plan and would connect with existing park features as well as a new beachfront promenade that will be delivered in a future construction stage.

A preliminary planning assessment was requested and a response prepared by Council in relation to the proposed works in March 2020, prior to the submission of the development application.

## **2. STATUTORY IMPLICATIONS**

- 2.1.** The land is zoned Open Space 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 19.0 – Open Space Zone;
  - Section E11.0 – Waterway and Coastal Protection Code;
  - Section E15.0 – Inundation Prone Areas Code; and
  - Section E16.0 – Coastal Erosion Hazard Code.
- 2.4.** The Waterway and Coastal Protection Code relates to the site; however the proposal is exempt by Clause E11.4.1(c)(ii) from the provisions of the Code, in that the development relates to soil disturbance within a public park.
- 2.5.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

## **3. PROPOSAL IN DETAIL**

### **3.1. The Site**

The site is comprised of three lots being 54 Queen Street, 15 Derwent Street and 14a Victoria Esplanade, Bellerive. The works form part of the Clarence Foreshore Trail in the vicinity of the existing path to the north of Bellerive Beach, extending from Queen Street to the north-east as shown by the proposal plans. The total development area would be 3410m<sup>2</sup> and the consent of the Crown was provided as part of the proposal in relation to 14a Victoria Esplanade.

The site location is shown in Attachment 1.

### **3.2. The Proposal**

The proposal is to undertake works to develop a new section of footpath and associated landscaping at the Bellerive Beach Park.

The works are to construct a new 3.0m wide footpath connecting the Clarence Foreshore Trail from the Queen Street and Victoria Esplanade corner to the existing path adjacent to the public toilet block in Bellerive Beach Park. Footpath connections also extend to the north to the Bellerive Beach Park playground and picnic area and to the south to the existing stepped beach access points and viewing deck. The works will install seating at various locations as well as two new beach wash down areas. New bollards are proposed along the road edge of Queen Street to prevent vehicle access into the park and the concrete path would be made good to match into existing footpaths.

An engineering statement was submitted in support of the proposal to address the requirements of both the Coastal Erosion Hazard and Inundation Prone Areas Codes under the Scheme and is included in the attachments.

The proposal is as shown by Attachment 2.

## **4. PLANNING ASSESSMENT**

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

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

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

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

References to these principles are contained in the discussion below.

**4.2. Compliance with Zone and Codes**

The proposal meets the Scheme’s relevant Acceptable Solutions of the Open Space Zone and Inundation Prone Areas and Coastal Erosion Hazard Codes with the exception of the following.

**Inundation Prone Areas Code**

- **Clause E15.7.5 A2** – in that the development is proposed on land affected by the Inundation Prone Areas Code and there is no associated acceptable solution.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“P2 - Mitigation measures, if required, must satisfy all of the following:</i>	See below assessment.
<i>(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;</i>	There are no habitable rooms associated with the proposal.
<i>(b) not have a significant effect on flood flow”.</i>	The proposed development and associated landscaping works would not have a significant impact upon flood flows within the vicinity of the site. Council’s Engineers are satisfied that the proposed works and viewing platforms would not create any obstructions to flood flow, and therefore meet this test of the Scheme.

**Coastal Erosion Hazard Code**

- **Clause E16.7.1 A1** – in that the development is proposed on land affected by the Coastal Erosion Hazard Code, and there is no associated acceptable solution.

<b>Performance Criteria</b>	<b>Proposal</b>
<i>“Buildings and works must satisfy all of the following:</i>	See below.
<i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i>	The submitted engineering statement concludes that the risk from the location of the site is acceptable and low in that the proposal relates to an upgrade of footpath works to create a 3.0m wide path.

	There would be minimal cut/fill associated with the works, and Councils' Engineers are satisfied that the development would not increase the risk to life of either users or adjacent properties.
<i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i>	The proposed development is to be founded within the stable foundation zone, to the north-east of the mobile dune system at this location. Erosion risk arising from wave run-up is therefore low and meets this test of the Scheme.
<i>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i>	The submitted statement concludes that there is a low risk of erosion as a result of the proposal, in that the path and works would be constructed at-grade, meaning that negligible cut and fill is required. There is therefore a low likelihood of any hazards not identified by the engineering statement, and associated assessment.
<i>(d) need for future remediation works is minimised;</i>	The proposal does not exacerbate existing conditions, in relation to retention of the coastal boundary of the site. The works would have a design life of greater than 30 years and would limit the need for future remediation.
<i>(e) health and safety of people is not placed at risk;</i>	Council's Engineers are satisfied that there would be no risk to health and safety, and construction works and the proposed footpath upgrades would be replacement/upgrade works that would not increase the risk to health and safety of people using the site, upon completion of the works.
<i>(f) important natural features are adequately protected;</i>	The important natural features (which include sight lines) of the adjacent Bellerive Beach Park and beach itself would be protected as part of the proposal, and associated works.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	There would be no loss of public access, or foreshore access as a result of the proposal in that the purpose of the proposal is for improvement of existing access arrangements and additional viewing areas as shown.
<i>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	The assessment concludes that access to the site would not be lost or compromised as a result of the proposal and associated with coastal recession.



(i) <i>provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	There are no requirements for coastal protection works to facilitate the proposal. A developer contribution is therefore not required.
(j) <i>not be located on an actively mobile landform”.</i>	The engineering statement concludes that the proposal would not be located on an actively mobile landform and seeks to rehabilitate the existing carpark surface. The requirements of the performance criteria are therefore met by the proposal.

## **5. REPRESENTATION ISSUES**

The proposal was advertised on two occasions in accordance with statutory requirements. There were no representations received during the first advertising period, and two representations received during the second period.

The proposal was first advertised in May 2020 as being works proposed for 54 Queen Street. The proposal was advertised for a second time in June 2020 with the inclusion of an additional plan to provide further detail in relation to the works, the proposal description modified to relate to Bellerive Beach Park and to include the additional addresses 15 Derwent Street and 14A Victoria Esplanade.

A range of issues were raised by the representations which include documentation relating to timelines associated with the assessment of the proposal, the development of the Bellerive Beach Master Plan and staging, funding of the works, concerns in relation to the master plan itself and Council’s alleged failure to comply with its Customer Service Charter in relation to the development of the master plan.

The following issues raised by the representors that relate specifically to this proposal are as follows.

### **5.1. Description of Advertised Proposal**

Concerns are raised by the representations that the proposal was inaccurately described when first advertised, and that it was not sufficiently clear as to the location and extent of the works proposed. It is also raised as an issue that the master plan was not referenced in the advertised description.

- **Comment**

The proposal was advertised on two occasions in response to this issue. When advertised for the second time, an additional plan was included with the advertised plans on Council's website for review to provide further detail in relation to the works. The proposal description was also modified to ensure that it was clear that the proposal relates to Bellerive Beach Park and includes the 15 Derwent Street and 14A Victoria Esplanade as part of the development site.

A reference to the master plan is not necessary under the Scheme or the *Land Use Planning and Approvals Act 1993* in order to accurately describe the extent of works proposed. This issue is therefore not of determining weight.

## **5.2. Future Replacement Works**

One representation raises concern that the works must be undertaken and constructed using such methods that they would not require replacement in the short term.

- **Comment**

The requirements of Clause E16.7.1 of the Coastal Erosion Hazard Code of the Scheme include considerations of the need for future remediation works. Council's Engineers are satisfied that the proposed works would meet their design life target in excess of 30 years, and both address the performance criteria of the above-mentioned clause, and the concerns of the representor.

## **5.3. Specific Details of Proposal Unclear**

The representations submit that the details of the proposal are unclear, in that the number of proposed picnic tables is not clearly described.

- **Comment**

There are four picnic benches that exist within the development area. These would be removed for the duration of the works, and replaced in a similar location when complete, as shown by the proposal plans.

**5.4. Recommendations for Modification of Works**

A series of recommendations is provided by both representations in relation to suggested changes to the proposal. These include suggestions to delete the washdown stations, the addition of further picnic tables and seating areas, further plantings of banksia seedlings in response to possible future foreshore loss, widening of the proposed footpath to 4.5m, suitable tactile surface ground indicators and appropriate treatment of footpath edging to limit risk.

- **Comment**

The proposal the subject of this application is as described above and reflected by the attachments. The issues raised above are not applicable to the assessment of the proposal under the Scheme and are not of determining weight.

**5.5. Inconsistency with Master Plan**

The representations raise concerns that the proposed works the subject of this application are inconsistent with the Bellerive Beach Master Plan. Specifically, it is a concern that the development area would occupy a large part of Stage 3 of the Master Plan and is not in accordance with the Plan.

- **Comment**

This is not a relevant consideration under the Scheme, in relation to the determination of this proposal. This issue is therefore not of determining weight.

That said, the works associated with the shared path construction have been designed in line with the adopted Master Plan and are interim works. The works have been designed to complement and connect with existing park features as well as a new beachfront promenade that will be delivered in a future construction stage.

**5.6. Accessible Parking and Safety**

Concern is raised by the representations that there has been insufficient consideration of the provision of accessible parking areas as part of the master plan and as part of this proposal, and that this therefore is a safety risk not addressed by this proposal.

- **Comment**

The proposal satisfies the relevant requirements of the Scheme in relation to the Parking and Access Code, largely on the basis that the works are upgrades to existing public infrastructure on Council-owned and managed land. There is no proposal to modify the existing parking areas within the vicinity of the site as part of the proposed works, meaning that this issue is not of determining weight.

**5.7. Recommendations of Safety Review Disregarded**

The representations raise concerns that the safety review commissioned by Council from Pitt and Sherry Consulting Engineers in 2014 have been disregarded in relation to crossing points, sight distances, width of pathways and gradient of footpath works.

- **Comment**

This is not a relevant consideration under the Scheme, and therefore has no determining weight in relation to the proposal.

That said, the recommendations made in the safety review by Pitt and Sherry have been and will continue to be implemented across all stages of the project. Some elements of the recommendations will form part of future stages of the project and will be integrated into the detailed design of areas such as the beachfront promenade and road works associated with the corner of Queen Street and Victoria Esplanade.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

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

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

**9. CONCLUSION**

The proposal is for works to develop a new section of footpath and associated landscaping at the Bellerive Beach Park at 54 Queen Street, 15 Derwent Street and 14a Victoria Esplanade, Bellerive. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

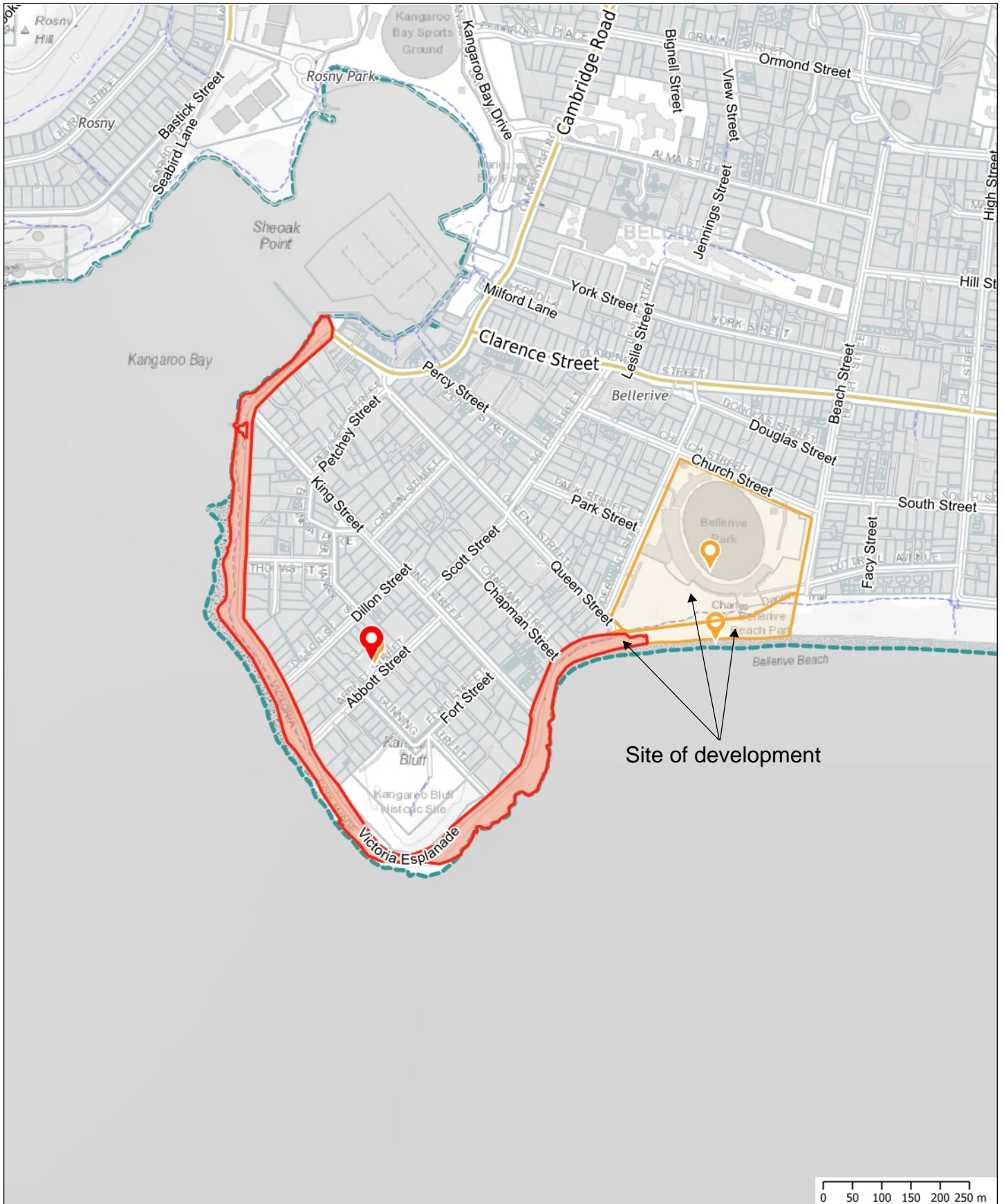
Attachments: 1. Location Plan (1)  
2. Proposal Plan (5)  
3. Site Photo (2)

Ross Lovell  
**MANAGER CITY PLANNING**

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

# Attachment 1

## LOCATION PLAN - BELLERIVE BEACH PARK 54 QUEEN STREET, 15 DERWENT STREET & 14A VICTORIA ESPLANADE



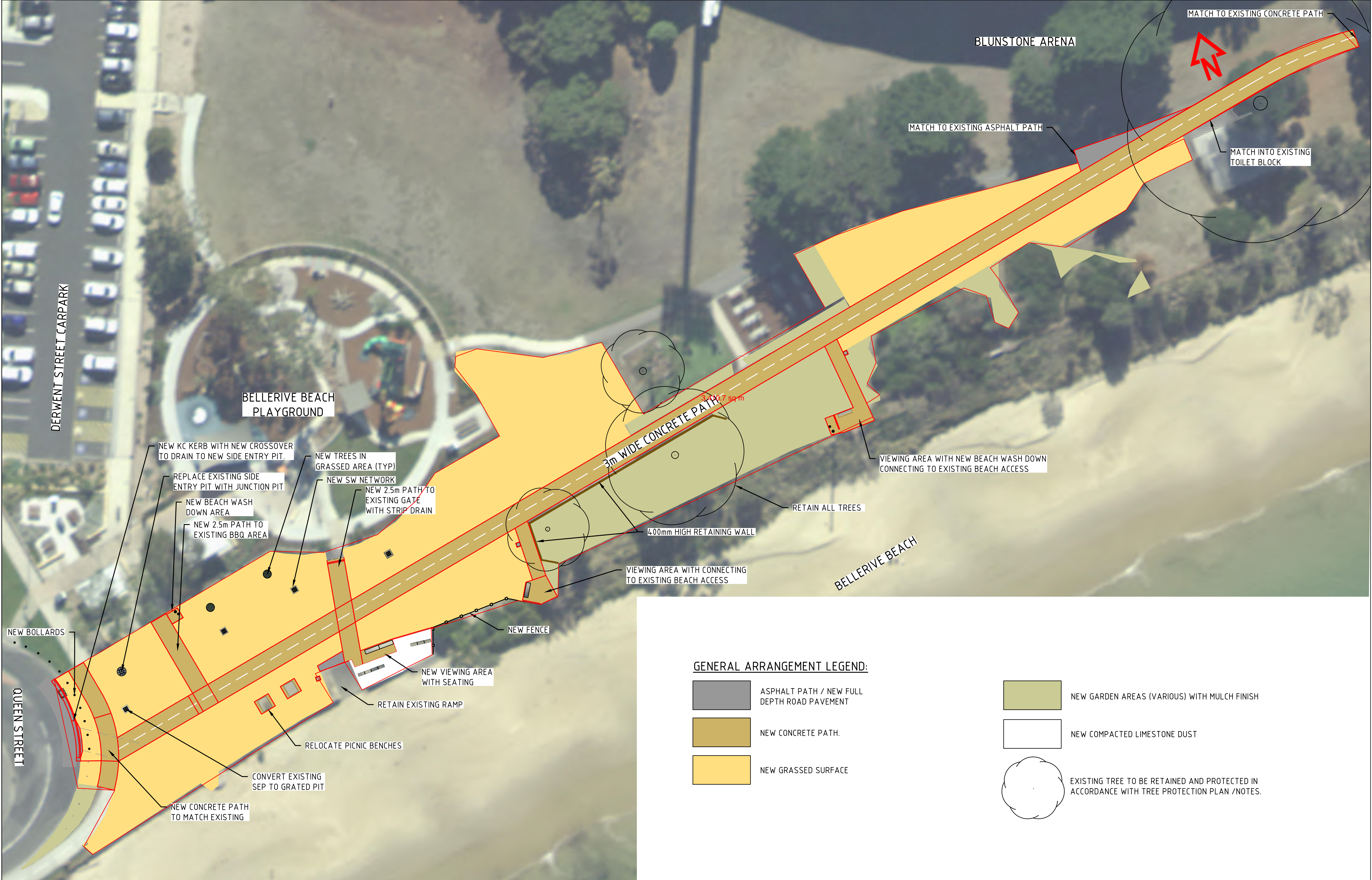
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

7/9/2020

1:9028







DERWENT STREET CARPARK

QUEEN STREET

BELLERIVE BEACH PLAYGROUND

BLUNSTONE ARENA

BELLERIVE BEACH

NEW KC KERB WITH NEW CROSSOVER TO DRAIN TO NEW SIDE ENTRY PIT.

REPLACE EXISTING SIDE ENTRY PIT WITH JUNCTION PIT

NEW BEACH WASH DOWN AREA

NEW 2.5m PATH TO EXISTING BBQ AREA

NEW TREES IN GRASSED AREA (TYP)

NEW SW NETWORK

NEW 2.5m PATH TO EXISTING GATE WITH STRIP DRAIN

3m WIDE CONCRETE PATH

3,210.7 sq m

VIEWING AREA WITH NEW BEACH WASH DOWN CONNECTING TO EXISTING BEACH ACCESS

RETAIN ALL TREES

400mm HIGH RETAINING WALL

VIEWING AREA WITH CONNECTING TO EXISTING BEACH ACCESS

NEW FENCE

NEW VIEWING AREA WITH SEATING

RETAIN EXISTING RAMP

RELOCATE PICNIC BENCHES

CONVERT EXISTING SEP TO GRATED PIT

NEW CONCRETE PATH TO MATCH EXISTING

GENERAL ARRANGEMENT LEGEND:



ASPHALT PATH / NEW FULL DEPTH ROAD PAVEMENT



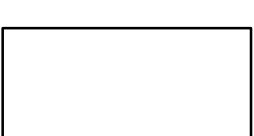
NEW CONCRETE PATH.



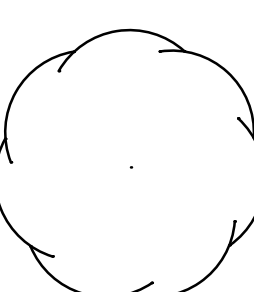
NEW GRASSED SURFACE



NEW GARDEN AREAS (VARIOUS) WITH MULCH FINISH



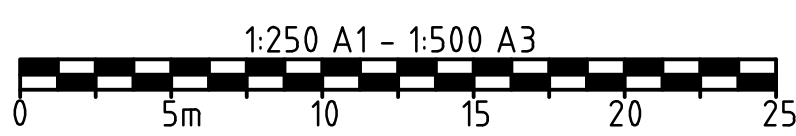
NEW COMPACTED LIMESTONE DUST



EXISTING TREE TO BE RETAINED AND PROTECTED IN ACCORDANCE WITH TREE PROTECTION PLAN /NOTES.

SERVICES

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.



**WORKING DRAFT**  
NOT TO BE USED FOR CONSTRUCTION

			STATUS		WORKING DRAFT	
			SCALE		1:250	
			DATUM		GDA94 / AHD	DATE
			DRAWN		AWH	DEC 19
			DRAFT CHECK			
			DESIGN CHECK			
			APPROVED			
WORKING DRAFT - NOT TO LEAVE OFFICE						
No.	REVISIONS	INITIAL	DATE	ENGINEER		

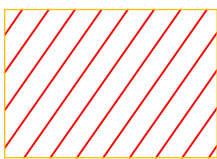
P.O. BOX 96, ROSNY PARK 7018  
TELEPHONE: (03) 62 17 9900  
www.ccc.tas.gov.au


BELLERIVE BEACH PARK PROMENADE PATH GENERAL ARRANGEMENT		
6534-02		
DRAWING NUMBER	PROJECT NUMBER	A1





**LEGEND:**

 EXTENT OF NEW WORK

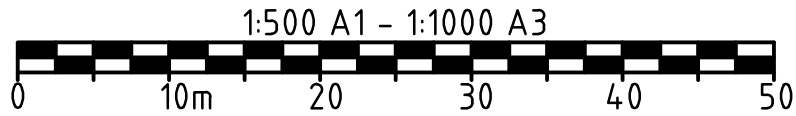
 TITLE BOUNDARY

**NOTE:**

1. FILL HEIGHT IN NEW WORK DOES NOT EXCEED 500mm

**SERVICES**

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.



**INFORMATION ONLY**  
NOT TO BE USED FOR CONSTRUCTION

STATUS				INFORMATION	
				SCALE	1:250
				DATUM	GDA94/AHD
				DRAWN	AWH
				DRAFT CHECK	APR 20
				DESIGN CHECK	
A	ISSUED TO PLANNING FOR INFORMATION	AWH	03.04.20	APPROVED	
No.	REVISIONS	INITIAL	DATE	ENGINEER	



**BELLERIVE BEACH PARK  
SHARED CYCLE PATH CONSTRUCTION  
SET BACK PLAN**

6534-201		A1
DRAWING NUMBER	PROJECT NUMBER	



2 April 2020

Clarence City Council  
Planning Department  
PO Box 96  
Rosny Park Tasmania 7018

Dear Sir/Madam

**54 Queen Street, Bellerive – Statement to Satisfy the Planning Requirements of PDPLIMPLN-2020/007229**

According to the preliminary planning assessment, dated 23 March 2020, Council require a coastal erosion hazard and coastal inundation code assessment for the construction of a walkway and associated minor infrastructure at 54 Queen Street, Bellerive.

Due to the scope of the development, a brief assessment against the performance criteria is required. The assessment against the Coastal Erosion Hazard area code is as follows:

<b>Coastal Erosion Hazard Area</b> <b>E16.7.1 Performance Criteria</b> Buildings and works must satisfy all of the following:	
Performance Criteria	Response
(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;	This development seeks to upgrade the existing asphalt footpath along the Charles Darwin Trail with a 3m wide concrete footpath. The footpath will be constructed at-grade hence, negligible cut or fill is required. There are also precedent 3m wide footpaths along adjacent properties recently constructed by Council. This development will not increase in risk to the life of the users of the site or adjoining properties.
(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;	This development is behind the mobile dune landform and as a result, this development will not be impacted by erosion risk arising from wave run-up.
(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;	As this primarily is a development of an at-grade footpath and minor associated infrastructure (replacing an existing footpath) it does not induce any further erosion risks than what is currently present.
(d) need for future remediation works is minimised;	This project has a design life of greater than 30 years and will be constructed in a manner to reduce further remediation.
(e) health and safety of people is not placed at risk;	This development will not further increase the risk to people's health and safety than the existing footpath.

(f) important natural features are adequately protected;	It is the intention of the designer to maintain and highlight important natural features adjacent to the development. These being both physical features and sightlines to the foreshore.
(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;	It is the intention of the upgrade of the footpath and associated minor infrastructure that the public foreshore access is improved.
(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;	There will be no loss of access to the site by expected future erosion. This site can be accessed in areas not subject to the erosion hazard code.
(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;	This development does not require a development contribution for future mitigation works.
(j) not be located on an actively mobile landform.	This development rehabilitates the redundant car park surface and existing defined garden beds. There are no specific new works located on actively mobile landforms.

In response to E15.5.1, the development does traverse the medium inundation zone but there is no landfill in this zone which meets the definition of landfill in the Scheme (*means fill or manipulation of the natural ground level that is greater than 0.5 m in height and 10 m<sup>2</sup> in area but does not include fill within 3 m of the footings or foundations of a building.*). All landfill within the medium inundation zone will be below 500mm.

The assessment against the Inundation Prone Areas code is as follows:

<b>Inundation Prone Areas Code</b> <b>E15.7.5</b>	
<b>A1 Acceptable Solution</b>	<b>Response</b>
For landfill, or solid walls greater than 5 m in length and 0.5 m in height, there is no acceptable solution.	Although there is a solid wall greater than 5m in length, it is less than 0.5m high and as a result meets the acceptable solution
<b>P2 Performance Criteria</b> Mitigation measures, if required, must satisfy all of the following:	<b>Response</b>
(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;	There are no habitable rooms associated with this development.
(b) not have a significant effect on flood flow.	This development will not have significant effect on flood flow the development consists of a minor retaining wall, landscaping and a footpath. All items are minor in elevation and do not introduce obstructions to the flood flow.

Accordingly, the above statements show this development can satisfy the performance criteria as outlined in E16.7.1 and E15.7.5. It is recommended that the development is approved.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Phil Gee'.

**Phil Gee**, MBA, BE, FIEAust, CPEng, EngExec, NER, APEC Engineer, IntPE (Aus), RPEQ  
Managing Director, Chartered Professional Engineer  
Phone: 0417 305 878 email: [phil@suggee.com.au](mailto:phil@suggee.com.au) web: [suggee.com.au](http://suggee.com.au)



## Attachment 3

### BELLERIVE BEACH PARK

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**Photo 1:** Site viewed from the western end of the development area, looking east.



**Photo 2:** Site viewed from adjacent the playground, looking east.





**Photo 3:** Eastern part of the development area, looking east.



**Photo 3:** Development area, viewed looking west.



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

**11.5 ASSET MANAGEMENT****11.5.1 MAJOR ROADS PRIORITIES LIST**

(ECM: 4375070)

**EXECUTIVE SUMMARY****PURPOSE**

To seek Council's endorsement of a priority-based list of potential projects as a basis for Council to advocate for infrastructure funding from State and Federal Governments.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is applicable.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There is no direct impact on Council's budget in recommending the priority-based projects to the Tasmanian Government.

**RECOMMENDATION:**

- A. That Council identifies the following priority outstanding traditional Road Transport issues for the City, which are (in order of priority):
- Mornington Interchange upgrade;
  - Rosny Park access - Tasman Highway access ramps;
  - South Arm Road upgrade from the Police Academy roundabout to Acton Road at Lauderdale;
  - Rokeby Main Road - Hawthorne Place to the Police Academy roundabout;
  - Flagstaff Gully Link Road connection to East Derwent Highway;
  - Richmond Eastern By-pass;
  - East Derwent Highway 4 lane extension from Grass Tree Hill Road roundabout to East side of Bowen Bridge; and
  - Brighton to Cambridge freight corridor upgrade.
- B. That Council identifies the following priority outstanding Active Transport issues for the City, which are (in order of priority):
- bus stop and pedestrian/bicycle access improvements;
  - Oakdowns to Lauderdale multi-user pathway;
  - Tasman Highway to Cambridge – Airport – Sorell multi-user pathway; and
  - East Derwent Highway to Bowen Bridge multi-user pathway.

**MAJOR ROADS PRIORITIES LIST /contd...****ASSOCIATED REPORT****1. BACKGROUND**

**1.1.** At its Meeting of 3 August 2015, Council resolved the following roads projects:

*“A. That Council identifies the following priority outstanding traditional Road Transport issues for the City, which are (in order priority):*

- *Rosny Park access – Tasman Highway access ramps;*
- *West bound Rosny Hill Road Highway to Tasman Highway slip lane;*
- *East Derwent Highway – Expansion to 4 lanes from Lindhill Avenue to Clinton Road including signalisation of the Geilston Bay Road/Clinton Road intersection;*
- *Tasman Highway – Holyman Avenue roundabout upgrade;*
- *Cambridge By-pass – Richmond Road deviation to Acton interchange on Tasman Highway;*
- *Rokeby Main Road – Hawthorne Place to the Police Academy roundabout;*
- *Cambridge Road/Richmond Road intersection upgrade;*
- *East Derwent Highway 4 lane extension from Grass Tree Hill Road roundabout to East side of Bowen Bridge;*
- *South Arm Road upgrade from the Police Academy roundabout to Acton Road at Lauderdale; and*
- *Flagstaff Gully Link Road connection to East Derwent Highway”.*

**1.2.** Council also resolved the following active transport projects at its Meeting of 3 August 2015:

- *Cambridge Road multi-user pathway from the Mornington Roundabout to the Cambridge Township. This project has 2 stages/components. The first stage is the multi-user pathway along Cambridge Road from the Redgate Interchange at the Tasman Highway to Richmond Road and the second stage is the multi-user pathway along the Tasman Highway from the Mornington Roundabout to Cambridge Road at the Redgate Interchange;*
- *Richmond Road - wider sealed shoulders; and*

- *East Derwent Highway from Geilston Bay to the Bowen Bridge – wider sealed shoulders”.*

**1.3.** At its Meeting of 4 September 2017, Council resolved the following roads projects:

“A. *That Council identifies the following priority outstanding traditional Road Transport issues for the City, which are (in order priority):*

- *Rosny Park access – Tasman Highway access ramps;*
- *West bound Rosny Hill Road Highway to Tasman Highway slip lane;*
- *East Derwent Highway – Expansion to 4 lanes from Lindhill Avenue to Clinton Road including signalisation of the Geilston Bay Road/Clinton Road intersection;*
- *Cambridge By-pass – Richmond Road deviation to Acton interchange on Tasman Highway;*
- *Rokeby Main Road – Hawthorne Place to the Police Academy roundabout;*
- *Cambridge Road/Richmond Road intersection upgrade;*
- *East Derwent Highway 4 lane extension from Grass Tree Hill Road roundabout to East side of Bowen Bridge;*
- *South Arm Road upgrade from the Police Academy roundabout to Acton Road at Lauderdale; and*
- *Flagstaff Gully Link Road connection to East Derwent Highway”.*

Council did not resolve any active transport projects at this meeting.

**1.4.** Adopting a priority list of road infrastructure projects provides Council with the opportunity to provide an immediate response when requests for funding arises from State or Federal Government. This opportunity may arise with Governments considering stimulus packages as a COVID-19 recovery policy.

## **2. REPORT IN DETAIL**

**2.1.** Subsequent to Council’s resolutions of 2015 and 2017, several of the adopted priority projects have been progressed by the Department of State Growth (DSG), with construction underway in some instances and funding committed with others towards planning studies or planned construction, as summarised below.

- Rosny Park access – Tasman Highway access ramps. A detailed planning study and modelling has been completed and DSG has presented the findings to a Council workshop on 6 July 2020. DSG are interested to receive a response from Council.
- East Derwent Highway – expansion to 4 lanes from Lindhill Avenue to Clinton Road including signalisation of the Geilston Bay Road/Clinton Road intersection – funding has been committed for construction, currently planned for late 2020.
- Cambridge By-pass – Richmond Road deviation to Acton interchange on Tasman Highway – construction is underway and due for completion in July/August 2020.
- Tasman Highway – Holyman Avenue roundabout upgrade – design and construction are underway.
- Richmond Road – wider sealed shoulders – staged improvements are underway.
- Rokeby Main Road – Hawthorne Place to the Police Academy roundabout/South Arm Road upgrade from the Police Academy roundabout to Acton Road at Lauderdale – a planning study is underway for Rokeby Road/South Arm Highway duplication between Pass Road to Acton Road. DSG will present the findings to a future Council workshop. It is understood the State Government has provided no commitment for funding the construction of the upgrade.

**2.2.** The remaining items on the road transport priority list that may still be considered relevant are:

- West bound Rosny Hill Road Highway to Tasman Highway slip lane. DSG considered means of improving access between Rosny Hill Road and the East Derwent Highway as part of their Sorell to Hobart corridor study. We are awaiting to hear the results of this work. However, the cost of providing a separate overpass road linking Rosny Hill Road to East Derwent Highway is likely to outweigh the benefit and Council, at its 6 July 2020 workshop, advised to remove this project from the priority list.

- Cambridge Road/Richmond Road intersection upgrade with DSG currently building the Cambridge Link Road, old Cambridge Road and Richmond Road, including the intersection, is likely to come under Council's ownership and it will then be Council's responsibility to address the intersection.
- Rokeby Main Road – Hawthorne Place to the Police Academy roundabout/South Arm Road upgrade from the Police Academy roundabout to Acton Road at Lauderdale – a planning study is underway for Rokeby Road/South Arm Highway duplication between Pass Road to Acton Road. However, there has been no commitment for funding the upgrade.
- East Derwent Highway 4 lane extension from Grass Tree Hill Road roundabout to East side of Bowen Bridge. DSG is about to commence a corridor study on this section of road.
- Flagstaff Gully Link Road connection to East Derwent Highway. DSG is about to commence a corridor study on this section of road.

**2.3.** The 2020 Major Roads priorities list for consideration includes the outstanding roads projects resolved in 2017 as well as the following 3 additional roads projects:

- Mornington Interchange upgrade;
- Richmond Eastern Bypass; and
- Brighton to Cambridge Freight Corridor upgrade.

**2.4.** The Mornington Interchange upgrade is experiencing growing capacity, congestion, pedestrian and safety issues. It is proposed that the Mornington roundabout be upgraded to a signalised intersection with grade separated active transport pathways.

Some of the anticipated pros for this project may be:

- improve travel time and safety for motor vehicles and pedestrians/cyclists;



- improve connectivity and access issues to Mornington commercial/industrial area; and
- improve entry and exit to the Tasman Highway.

Some of the anticipated cons for this project may be:

- complex intersection; and
- significant number of above and below ground services.

- 2.5.** The proposed Richmond Eastern Bypass will connect Colebrook Main Road and Brinktop Road. This will introduce a bypass of the Richmond Bridge for the increasing number of vehicles using this road network and also potentially divert heavy vehicles away from the bridge.

Some of the anticipated pros for this project may be:

- provide a bypass for increasing number of vehicles and heavy vehicles, to improve amenity within the Richmond Village and preserve the Bridge.

Some of the anticipated cons for this project may be:

- requires a new road corridor and new bridge.

- 2.6.** The proposed Brighton to Cambridge freight corridor upgrade will improve the existing road network between the Brighton Transport Hub and the Cambridge Industrial area/Airport. This will involve upgrading existing roads and widening/shoulder improvements.

Some of the anticipated pros for this project may be:

- provide heavy vehicles direct access between the two industrial areas; and
- reduce heavy vehicle access through minor roads.

Some of the anticipated cons for this project may be:

- significant planning and road widening; and
- major disruption for residents during construction.

**2.7.** The following points support the inclusion of Active Transport projects onto the 2020 funding list:

- an increase of residents exercising as a result of the COVID-19 pandemic and consequently using active transport to commute to and from work;
- the future Hobart – Bellerive commuter ferry connection;
- the active transport mode share goals within the Hobart City Deal of reaching 10% of all trips to work by public/active transport; and
- continue the momentum of recently completed multi-user pathway projects alongside the Tasman Highway at Rosny and along Rosny Hill Road.

Possible projects to include as Active Transport (multi-user pathway) priorities are:

- Oakdowns to Lauderdale – to benefit linkage to Lauderdale Primary School;
- Tasman Highway to Cambridge – Airport - Sorell; and
- East Derwent Highway to Bowen Bridge.

**2.8.** A proposed Bus Stop and Pedestrian/Bicycle access improvements project will seek to improve both bus stop infrastructure and the active transport connections to stops along high frequency bus routes (Tasman Highway/Rosny Park/Clarence Street/Shoreline). It will also seek to improve the pedestrian environment and streetscape within Bellerive as a result of increased pedestrian movements from proposed commuter ferry. Current issues with bus stops and pedestrian/bicycle access include:

- current bus stops are not compliant with the Disability Discrimination Act;
- bus stops will benefit from showing smart city principles, including “real-time to next bus”;
- existing bus stop infrastructure along high frequency bus routes is relatively poor and amenity for bus users is low;
- pedestrian/bicycle connection to bus stops can be improved; and
- pedestrian/bicycle access from Bellerive to a possible future ferry terminus will require upgrading to promote increased patronage.

Some of the anticipated pros for this project may be:

- improve safety for pedestrians and cyclists crossing roads near high frequency bus routes (crossings near Shoreline, bicycle access at Rosny Park);
- improving public transport amenity to increase bus patronage, and hence reducing traffic congestion;
- value add to the public transport network by installing “future proofing” technology;
- improve connections between the existing Foreshore Trail and Shoreline and Rosny Park Activity Centres; and
- improve amenity, access and safety at Rosny Park Bus Mall.

Some of the anticipated cons for this project may be:

- some possible loss of parking to provide greater pedestrian/cycling amenity.

**2.9.** Aldermen discussed the road priorities at a workshop on 6 July 2020 and provided direction that the two highest road priorities were:

- Mornington Interchange upgrade; and
- Rosny Park access – Tasman Highway access ramps.

**2.10.** It is noted at this stage desktop analysis has been undertaken in evaluating the pros and cons and further corridor study work on each proposal is required to indicate the cost/benefit and possible consequences on the surrounding road network.

**2.11.** Officers from DSG presented to a Council Workshop on 6 July 2020 the outcome of their Rosny Park access ramps between Gordons Hill Road and the Tasman Highway study. A separate agenda report will be presented to Council to consider the outcomes of the study and a response to the State Government.

### **3. CONSULTATION**

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

No community consultation has been recently carried out by Council or DSG on the potential projects listed.

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

Consultation has occurred between Council and DSG officers to develop basic solutions for the issues. The projects were discussed at Council's Workshop on 6 July 2020.

#### **3.3. Other**

Not applicable.

#### **3.4. Further Community Consultation**

Community consultation will be undertaken in accordance with a developed Consultation Plan as each project develops in the future. The Department of State Growth will be responsible for most of the community consultation as the major roads listed are State roads.

- **Consultation Plan**

A consultation Plan will be developed as part of each project as they develop in the future.

- **Consultation Aim**

To review opportunities within a specific Study area to understand the amenity improvements and consequences on the road network.

- **Communication Engagement Tools**

In accordance with Clause 8 of the Community Engagement Policy 2020, this consultation will use Council’s “Have Your Say” site, letter drop and email correspondence as well as Council’s Facebook page.

- **Consultation Timing**

No timing has been identified at present.

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

**4.1.** Council’s Strategic Plan 2016-2026 under the Strategic Goal Area – Governance and Leadership considers the following: *“Respond to the changing needs of the community through leadership, advocacy and innovative governance”*.

**4.2.** Council’s Strategic Plan 2016-2026 under the Strategy – Roads and Transport considers the following: *“Establish and review a prioritised list of outstanding and alternative transport issues for the City to facilitate the appropriate ranking of projects for capital works planning and funding”*.

#### **5. EXTERNAL IMPACTS**

The impact of the implementation of these infrastructure projects will be felt not only in the Clarence area but also to travellers through the City.

#### **6. RISK AND LEGAL IMPLICATIONS**

Nil.



**7. FINANCIAL IMPLICATIONS**

There is no direct impact on Council's budget in formulating the priority-based list of infrastructure projects.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

The identified infrastructure and active transport projects are strategically important to manage current and future traffic needs of a growing city. By defining the priority of these projects, Council will be in readiness to respond for State and/or Federal Government assistance when funding opportunities arise.

Attachments: Nil

Ross Graham  
**GROUP MANAGER ENGINEERING SERVICES**

**11.5.2 VICTORIA ESPLANADE AND KANGAROO BLUFF RESERVE MASTER PLAN****EXECUTIVE SUMMARY****PURPOSE**

To consider reallocating capital funds to develop a holistic Victoria Esplanade and Kangaroo Bluff Reserve Master Plan which references the City Heart and incorporates a Cultural Precinct viewpoint.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Community consultation occurred in 2013 on the existing Landscape and Master Plan. This proposal will involve consultation through the development of a new Master Plan.

**FINANCIAL IMPLICATIONS**

Council has sufficient Victoria Esplanade capital funds carried over from the 2019-2020 Annual Estimates to reallocate for the development of the new Victoria Esplanade and Kangaroo Bluff Master Plan.

**RECOMMENDATION:**

That Council reallocates the following funds to a new project to develop a Victoria Esplanade and Kangaroo Bluff Master Plan.

• Victoria Esplanade flush kerb	\$200,000
• Victoria Esplanade road works	\$20,700
• Victoria Esplanade reserve irrigation system	\$90,000
• Victoria Esplanade reserve rejuvenate grass	\$80,000

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

- 1.1.** Council adopted the Victoria Esplanade and Kangaroo Bluff Landscape Plan (Plan) in 2013.
- 1.2.** Stages of the Plan have been implemented through budget allocations. Some areas of the Plan have been problematic to achieve the desired outcome and the result has not achieved the standard of Council's other Master Plans.

- 1.3.** Council, at its 8 April 2019 Meeting, via a Notice of Motion, approved a review of the Victoria Esplanade and Kangaroo Bluff Landscape Plan 2013 and placed all interim works on-hold until the review and public consultation were complete. The resolution required the review to be concluded by the end of 2019.
- 1.4.** At its 2 December 2019 meeting the results of the public consultation were reported and resolved as follows:

*“That Council:*

- A. Acknowledge the outcomes of the community consultation and requests that the General Manager develop a revised Landscape Plan for the Victoria Esplanade and Kangaroo Bluff area, to be presented to a future Council Workshop prior to further public consultation.*
- B. Resolves not to undertake any significant works on Victoria Esplanade/Kangaroo Bluff area until the revised Landscape Plan is adopted by Council.*
- C. Authorises the General Manager to write to residents in the Victoria Esplanade/Kangaroo Bluff area and to the Bellerive Bluff Landcare and Coast Care Group to advise of this decision”.*

- 1.5.** Council is liaising with the Department of Parks & Wildlife on a preferred management arrangement and responsibilities for the Kangaroo Bluff Historic Site.

- 1.6.** Council’s 2019-2020 Annual Plan included the following projects linked to the Victoria Esplanade and the Landscape Plan:

• Victoria Esplanade flush kerb	\$200,000
• Car park (remaining funds)	\$20,700
• Irrigation	\$90,000
• Grass rejuvenation	\$80,000
<b>Total:</b>	<b>\$390,700</b>

## **2. REPORT IN DETAIL**

- 2.1.** The 2019 consultation responses identified the community is passionate about this space and interested to see it developed in a way which celebrates the location. The most common responses included: more viewing platforms to enjoy the view; improved connections; activation of Kangaroo Bluff Reserve; improve native vegetation; improve the shared path; develop a set of cohesive materials and finishes; incorporate way finding and historic interpretation signage.
- 2.2.** In the development of a revised landscape plan for Victoria Esplanade and with the announcement of the City Heart project, an opportunity exists to look more broadly to encompass key spaces and places to contribute to the City. These include Bellerive Boardwalk integration, Kangaroo Bluff Reserve preservation and activation and explore the possibilities for the Regatta Pavilion and Starters Box.
- 2.3.** Victoria Esplanade and Kangaroo Bluff Reserve have the potential to become iconic locations for the City of Clarence and greater Hobart area. They are spaces which provide opportunities for people to connect, exercise, relax, share and exchange culturally and economically. These spaces have the capacity to become key elements within the City Heart.
- 2.4.** The option to review the Victoria Esplanade Landscape plan in the context of the City Heart and Cultural Precinct Framework provides Council with the potential to create exciting places for residents, economic development, historic site preservation and artist development. Victoria Esplanade is the connecting spine linking the City Heart to the foreshore environment and the Kangaroo Bluff reserve (Fort Site). Moreover, it will provide opportunities to support cultural events like sculpture by the sea, market pop ups, exercise groups and annual community celebration events etc.
- 2.5.** The proposed leasing of the Fort Site will not only increase open space within Bellerive, it will provide a destination location that contributes significantly to the city's vibrancy and cultural depth.

**2.6.** While the management arrangement for the Fort Site has not been finalised with the Department of Parks & Wildlife, there is merit in evaluating the opportunity the site presents as part of the Master Plan development process. It is proposed that the Fort Site be subject to a separate concept planning process that can be integrated into the overall Master Plan.

**2.7.** A 12-month open space planning and design development process was discussed with Council at its 1 June 2020 workshop. The proposed development of the Master Plan will include:

- a detailed site analysis and feature survey;
- establishment of a reference group with representatives of the community, special interest groups, businesses and youth;
- consideration of economic development opportunities and funding partnerships;
- exploration of place activation with cultural and creative networks;
- design development of a landscape plan for Victoria Esplanade from Cambridge Road to Queen Street Bellerive;
- a Concept Plan for Kangaroo Bluff Reserve;
- review issues surrounding incorporation of the Regatta Pavilion, Starters Box and the connection to Bellerive Village to ascertain their viability and future function; and
- a comprehensive report on opportunities and challenges within the study area as shown in **Attachment 1**.

**2.8.** The proposed estimated costs for this work are:

- Site Survey \$30,000;
- Engagement of Landscape Architect \$160,000 (includes QS, DDA and Engineer etc);
- DPIPWE lease investigations \$5,000;
- Concept plan for Kangaroo Bluff Reserve \$20,000;



- Investigations into cultural heritage/coastal protection/stormwater management \$20,000;
- Economic development and partnership investigations \$5,000; and
- Consultation and communications \$6,000.

**TOTAL \$246,000**

- 2.9.** Council has funds totaling \$390,700 currently allocated to Victoria Esplanade and the Landscape Plan. These funds can be reallocated to the Master Plan development process. Following adoption of the Master Plan, it is estimated approximately \$144,700 of these funds will be available towards implementation of Stage 1.

### **3. CONSULTATION**

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

The local community and the Bellerive Bluff Land Care and Coast Group were consulted on a review of the current Landscape Plan.

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

Not applicable.

#### **3.3. Other**

An internal review was conducted with a multi-disciplinary team to understand and consider a broad view of the space, its functions, aesthetics, safety and options for improvement.

#### **3.4. Further Community Consultation**

Community consultation will be undertaken in accordance with the developed Consultation Plan as outlined below and consistent with Council's Community Engagement Policy 2020.

- **Consultation Plan**

A consultation Plan will be developed as part of the project. This will include the establishment of a reference group with representatives of the community, special interest groups, businesses and youth.

Aldermen will be informed during the progress of the project and by workshops at relevant stages.

- **Consultation Aim**

To review opportunities with the study area, linking in with the City Heart project and cultural precinct.

- **Communication Engagement Tools**

In accordance with Clause 8 of the Community Engagement Policy 2020, this consultation will use Council's "Have Your Say" site, letter drop and email correspondence as well as Council's Facebook page.

- **Consultation Timing**

The timing of consultation is dependent on the progress of the project.

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

**4.1.** Council's Strategic Plan 2016-2026 under the goal of *A people city* has a strategy under *Liveability*: "*Enhance the liability of activity centres, community hubs and villages through streetscape and urban design projects and local area master plans*".

**4.2.** Also, the goal of *A well-planned liveable city* has under the strategy of Parks and recreation facilities: "*Planning for and providing new sporting and recreation facilities to meet community demand*".

#### **5. EXTERNAL IMPACTS**

Nil.

#### **6. RISK AND LEGAL IMPLICATIONS**

There are some risk issues with the existing fencing and vegetation adjacent to the multi-use pathway. This can be addressed through the Master Plan.

## 7. FINANCIAL IMPLICATIONS

**7.1.** Council's 2019-2020 Annual Plan included the following projects linked to the Victoria Esplanade and the Landscape Plan:

• Victoria Esplanade flush kerb	\$200,000
• Car park (remaining funds)	\$20,700
• Irrigation	\$90,000
• Grass rejuvenation	\$80,000
<b>Total:</b>	<b>\$390,700</b>

**7.2.** These funds can be reallocated to the development of the Master Plan with residual funds contributing towards the implementation of Stage 1.

## 8. ANY OTHER UNIQUE ISSUES

Nil.

## 9. CONCLUSION

**9.1.** Council has approved a review of the 2013 Victoria Esplanade and Kangaroo Bluff Landscape Plan.

**9.2.** A review of the 2019 consultation results, with the announcement of the City Heart project has identified an opportunity to look more broadly to encompass key spaces and places to contribute to the benefit of the City.

**9.3.** It is proposed to undertake an open space planning and design development process for a new Victoria Esplanade and Kangaroo Bluff Master Plan.

**9.4.** It is recommended to reallocate existing funds linked to Victoria Esplanade and the existing Landscape Plan, to develop a new Master Plan.

Attachments: 1. Victoria Esplanade & Kangaroo Bluff Master Plan - Proposed Study Area (1)

Ross Graham

**GROUP MANAGER ENGINEERING SERVICES**

## Attachment 1



<b>11.6 FINANCIAL MANAGEMENT</b>
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Nil Items.



<b>11.7 GOVERNANCE</b>
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Nil Items.

**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 QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

Ald Blomeley

1. Following the 17 March 2020 deadline for submissions to the Clarence draft Local Provisions schedule can Aldermen be advised when Council will have an opportunity to formally consider the submissions received?

**ANSWER**

A detailed review of the representations will be circulated to Aldermen this week. The report will then be considered at a workshop during July and after Aldermen have had time to read it the intention is that it be reported to the following Council Meeting for a determination, provided the workshop does not raise any matters that would require a further workshop. We are aiming for the Council Meeting in July.

2. I refer to the recently commissioned stormwater report for the Lauderdale area that I understand was received by Council in mid-June. Can you please advise when Aldermen will be provided with a copy of the report and the timeframe associated with consideration of the report's findings?

**ANSWER**

Council has received stormwater management plans for 7 of our urban catchments and our engineers are finishing the last one being Richmond using our own resources. Each management plan identified considerable stormwater challenges to be met by Council in the long term. It is quite significant work for us to go through each of the management plans, summarise these and recommend findings to Council. The timing of this with our workload is likely to be the end of 2020. The next action with the Council adopted stormwater management plans is to actually compile all the respective flood maps and go to a workshop to show the flood risk communication strategy which was discussed at a workshop last year. It will be most likely in August in terms of publicly releasing of the flood risk maps to the community.

Ald Edmunds

1. Regarding Wirksworth Park, works have begun again on that site. Do we have any advice on a delivery date and whether that has been adjusted because of the hold-ups?

**ANSWER**

I am not aware of any hold-ups or delivery dates. It is a Department of Education project, on their land in conjunction with a third party so most of those details are with the department.

2. There is a lot of conflicting advice about people having fire pits in their backyards. Are regular suburban families breaking the law if they have a fire pit in their backyard which they light?

**ANSWER**

Fire pits are not illegal provided they are used solely for heating or cooking. However, if you use them to get rid of vegetative or other types of waste, then backyard burning restrictions do apply. The requirements for wood-fired heating and cooking can be found at EPA Tasmania's website <https://epa.tas.gov.au/epa/air/wood-fired-heating-and-cooking>. However, a nuisance must not be caused by way of excessive smoke.

Ald Ewington

Has any work been done on the food van issue in relation to the coastal trail and on Council land which was part of my motion passed a few meetings ago regarding Bellerive Beach. Can that be looked at as the restrictions are reduced and when we can get that into a workshop. Has there been some work already started on it by Council staff?

**ANSWER**

At this point in time we will need to follow up on what work has been done but we are starting to schedule workshops now that the budget is complete. The matter was taken on notice.

The further update from the General Manager is that this topic will be listed for workshop presentation at the end of July or early August.

Ald Kennedy

How many staff are still working remotely?

**ANSWER**

It is difficult to put an exact number on this; we are probably at around 50 % capacity at the moment. As the rules change in terms of numbers within confined spaces we are reviewing things but we are also taking a very flexible approach so that we are not having a lot of people come back into the building. We have people moving through in a more rostered type way rather than back here permanently every day of the week. It is a very flexible approach at the moment.

Ald Mulder

Last year Council passed a motion to review the Urban Growth Boundary Policy and I believe it was to be referred to the Local Government Association of Tasmania to take up with the State Government. What steps have been taken to conduct this review?

**ANSWER**

In real terms there has been very little movement on this as we indicated at a previous Council Meeting. The responsibility for reviewing the urban growth boundary and the regional strategy within which it fits is actually a task that is dedicated by law to the Minister for Planning and is carried out for him by the Planning Policy Unit. In our previous discussions in various meetings the Policy Planning Unit has revealed that it has no timeline for reviewing the strategy or the urban growth boundary because it has other tasks it intends to undertake first which involve developing some state planning policies and as they do not have a timeline for completing that work they are unable to offer us a timeline on completion of the review of the strategy. However, Councils through the Greater Hobart Act are doing everything they can to encourage that work to get underway. It was discussed as recently as last Thursday so hopefully we will get some more news in the short term.

Question contd

The Motion we passed did not relate to a review of the strategy it related to a review of the policy so the fact that we do not have a policy at all that was the question. Having said that, is there any documentary evidence or agenda items of these bodies or meetings where it has actually appeared that we can see or is this just general discussion around these points?

**ANSWER (Mayor)**

I will follow up with LGAT and circulate a memo to all Aldermen as part of the Weekly Briefing Report.

Ald Peers

Have we appointed an architect yet for the Lindisfarne changeroom complex?

**ANSWER**

We are finalising the assessment process and in discussion with the General Manager we intend to complete that this week and engage an architect.

Ald Walker

1. In relation to consultation around the South Arm Master Plan which I believe in recent weeks some community members have received correspondence on, is Council's process through this likely to be a Vox pop on the issues or would you be more looking at a quantitative approach of inviting specific concerns and concepts on a case by case basis?

**ANSWER**

We have circulated some suggested issues and designs as part of consultation, and we intend to bring the full scope of the feedback we receive on those to a workshop probably within three or four weeks of the consultation concluding.

2. This Council nearly a year ago unanimously passed by those in the room at the time the motion that I moved around reducing illegal dumping or RID squads and part of that motion was to convey it through to Waste Strategy South. Now given it has been a year can you give me an update on how that has progressed please?

**ANSWER**

The Waste Strategy South group has effectively been replaced by the Southern Councils Waste Management and Resource Recovery MOU which established a steering committee and secretariat. This matter was reported to the steering committee but will need to be further raised as it did not receive a response. The issue has been noted for further action.

<b>12.4 QUESTIONS WITHOUT NOTICE</b>
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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 be recorded in the following Agenda.

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 TENDER T1362-20 – BANGALEE STREET ROAD RECONSTRUCTION WORKS

13.3 ANZAC PARK COMMUNITY SPORTS PAVILION – DESIGN SERVICES CONSULTANCY

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

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence.

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

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

**PROCEDURAL MOTION**

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