"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 livestreamed, audio-visually recorded and published to Council's website. The meeting is not protected by privilege.

There is a link to the agenda papers on council's website.

## **COUNCIL MEETING**

## MONDAY 17 JANUARY 2022

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

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

#### 1. APOLOGIES

Ald Ewington (Leave of Absence) Ald Mulder (Leave of Absence) Ald Walker (Leave of Absence)

## 2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

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.

#### 3. OMNIBUS ITEMS

## 3.1 CONFIRMATION OF MINUTES

#### **RECOMMENDATION:**

That the Minutes of the Council Meeting held on 13 December 2021, as circulated, be taken as read and confirmed.

## 3.2 MAYOR'S COMMUNICATION

#### 3.3 COUNCIL WORKSHOPS

An Aldermen's Meeting Briefing (workshop) was conducted on the Friday immediately preceding the Council Meeting.

#### **RECOMMENDATION:**

The Aldermen's Meeting Briefing (workshop) conducted on the Friday immediately preceding the Council Meeting be noted.

## 3.4. 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.

The General Manager will table the following petition which complies with the Act requirements:

• Received from 12 signatories requesting council erect a boundary fence between property 13 Waverley Court and the southern side of Waverley Flora Park together with another gate (to complement the existing one) on the pathway between properties 9 and 11.

## 3.5 **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.

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## 3.6 **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**

The Copping Refuse Disposal Site Joint Authority has distributed its Quarterly Summary of its Meetings for the period ending 10 December 2021 (refer Attachment 1).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period ending 30 September 2021.

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

**Representative Reporting** 

- TASWATER CORPORATION
- GREATER HOBART COMMITTEE

## 3.7 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

Southern Waste Solutions -

ATTACHMENT 1

## Copping Refuse Disposal Site Joint Authority

10 December 2021

Mr Ian Nelson General Manager Clarence City Council PO Box 96 ROSNY PARK 7018 Mr Robert Higgins General Manager Sorell Council P O Box 126 SORELL 7072 Mr Gary Arnold General Manager Kingborough Council Locked Bag 1 KINGSTON 7050

Ms Kim Hossack General Manager Tasman Council 1713 Main Road NUBEENA 7184

Dear General Manager

#### COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORT: September 2021 Quarter

Participating Councils and the Director, Local Government agreed to establish consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your routine report to your Council.

#### Authority meeting held on 25 November 2021

Material matters addressed in the open meeting:

- Endorsed the September 2021 Quarterly Report (attached) for distribution to participating councils
- Approved repayment of Clarence City Council's overpaid Gate Fee for \$148,999.83 for the period from July September 2021
- Discussed the status of the composting business opportunity and the next steps required for consideration by participating councils
- Noted the peripheral costs incurred to date to assess the composting opportunity, undertake due diligence and develop the business case
- Noted the duties of Authority Representatives, particularly those under the Rules, Work Health and Safety legislation, and State and Federal environmental legislation
- Approved the Authority's meeting schedule, including a site visit to Copping in February 2022 and a change to start time (now 2.00pm) for meetings over the rest of the year
- As the single member, noted the standalone financial statements for C Cell Pty Ltd as Trustee
- Noted that the change to Rule 219 had been finalised
- An update on activities of the Boards of Southern Waste Solutions and C Cell Pty Ltd provided by Board Chair, Dr Christine Mucha.

In closed meeting, the outcome of the performance review of the Authority Secretary was reported, as required under the contract.

Copping Refuse Disposal Site Joint Authority trading as **SOUTHERN WASTE SOLUTIONS** PO Box 216, New Town, Tasmania 7008 Mobile: +61 0408 253 770 Email: swstas@me.com ABN: 87 928 486 460

#### SWS Board Meeting held on 25 August 2021

Material matters addressed:

- Continued efforts to secure the lease and purchase of the Lutana site
- Continued the assessment of the composting project, which included a site visit to Dulverton Waste management earlier in the month
- Assessed the refund of Clarence City Council's overpaid Gate Fee for months of July September 2021
- Approved the Management Representation Letters to the Tasmanian Audit Office
- Endorsed the Quarterly Report to the Authority for March 2021
- Noted SWS's Monthly Operational Overview and Financial Report for the month of July 2021
- Endorsed the C Cell management report for the month of July 2021

# Board workshop held on 10 September 2021 to develop the project plan to assess the composting opportunity

## SWS Board Meeting held on 22 September 2021 (unscheduled meeting at the request of the Tasmanian Audit Office)

Material matters addressed:

- Adopted the audited financial statements for the Authority (consolidated) and C Cell Pty Ltd as Trustee
- Due to the change in TAO's procedures, re-signed and reissued the Management Representation Letters and Directors Declarations

#### SWS Board Meeting held on 29 September 2021

Material matters addressed:

- Ongoing efforts to secure the lease and purchase of the Lutana site
- Continued planning and assessment of the composting business opportunity, including the appointment of stakeholder engagement consultants
- Discussed the impact of severe rainfall events on the wetlands pilot project
- Discussed the plans to manage leachate at Copping given the heavy rainfall forecast
- Approved the transfer of the Copping site monitoring contract from AquaSci to Elgin Associates for the remainder of the contract
- Endorsed the C Cell Management Report for the month of August 2021
- Noted SWS's Monthly Operational Overview and Financial Report for the month of August 2021
- Requested the Master Plan for Copping be updated for all known changes
- A meeting of the Board's Audit & Risk Committee was also held on 29 September 2021.

#### SWS Board Meeting held on 27 October 2021

Material matters addressed:

• Ongoing efforts to secure the lease and purchase of the Lutana site

- Acknowledged the CEO's resignation with effect on or before 30 April 2022 and confirmed the recruitment plan
- Continued planning and assessment of the composting business opportunity including:
  - $\circ$  ~ a briefing on MRA's financial model underpinning the feasibility study
  - progress on the initial stakeholder engagement
  - $\circ$  review of the additional (peripheral) costs incurred in assessing the project
- Noted the intention to facilitate weekend deliveries to Lutana for selected customers
- Noted the intention to audit greenhouse gas emissions in anticipation of the future need for carbon tax accounting
- Discussed the feedback from DHHS regarding the unsuccessful clinical waste tender
- Endorsed the C Cell Management Report for the month of September 2021
- Adopted the Annual Report 2020/21
- Authorised the annual compliance declaration to Tascorp
- Approved the September 2021 Quarterly Report to the Authority
- Recommended approval of the repayment of Clarence City Council's overpaid Gate Fee for \$148,999.83 for the period from July September 2021
- Noted SWS's Monthly Operational Overview and Financial Report for the month of September 2021

Note: As minutes of meetings of the Southern Waste Solutions Board and C Cell Pty Ltd Board are <u>commercial in confidence</u>, it is requested that these be held on file for perusal by Aldermen / Councillors but not tabled at Council meetings.

Yours sincerely

Collans

Carolyn Pillans Secretary

Attachment 1: Quarterly Report to the Authority September 2021



Meeting Date:	27 October 2021	Agenda Item #	
Subject:	Authority Quarterly report		
Author:	Christine Bell, CEO		
Relevance:	Reporting		
Recommendation:	That the Authority notes the Quarterly Report and authorises it for distribution to Participating Councils.		

#### INTRODUCTION

The Authority's Rules require the Authority to be provided with a quarterly report dealing with specific matters

#### REPORTING

The Authority's Rule 193 requires the CEO to provide the Board with a quarterly report which includes, in relation to the Authority:

- a) a report on general performance;
- b) a report on financial performance
- c) a statement of statutory and environmental compliance
- d) a report on performance in meeting its objectives and goals;
- e) a report on performance under its Business Plan; and
- f) a report on any matters specifically identified by the Authority or significant issues arising from delegated functions.

Rule 194 states that, once approved by the Board, the Quarterly Report shall be provided to the Authority at its next meeting.

#### DISCUSSION

#### a) General performance:

#### Deliveries

Tonnes delivered exceed budget by 24% but are 3% less than the same time last year.

#### Incidents

To date there have been no workplace incidents on site at Lutana.

There were no incidents at Copping during the period.

#### Leachate management

Leachate is running through the wetland and preliminary results are promising.

Following a 1 in 33-year rainfall event in March and ongoing high levels of rainfall, leachate levels remain high for both the B cells and the C cell.

Following approval by the EPA, the B cell Secondary Stormwater Pond (SSP) has been allocated to the C cell for the short to medium term for use as a leachate pond. This reduces the B cells' emergency storage capacity. To date no C cell leachate has been transferred to this pond but heavy rainfall forecast for mid-October makes it possible that the pond will need to be used by the C cell.

Pitt & Sherry has updated the EPA approved C cell leachate management plan and the Board of C Cell Pty Ltd as Trustee has agreed to construct another leachate pond to assist it to deal with its own leachate. The design has been approved by the EPA and a paper will be put to the Board requesting additional capital expenditure once quotes have been obtained.

A new SSP is required for Stage 1B of the B cell landfill and is included in the capital expenditure budget for 2021-22. Pitt & Sherry is in the process of designing the pond.

#### Climate change

Long term weather forecasts indicate that rainfall patterns are changing and will continue to change with global warming. The major issue for the Authority is the increase in the number of what are currently called abnormal rainfall events, that is a higher number of millimetres of rain falling in a shorter period of time. So, although total monthly rainfall may not vary significantly, its volume and duration are changing. This places stress on the landfill leachate system. Increased capacity, including the wetland, is now being constructed.

#### b) Financial performance:

The net operating result for the period was a profit before income tax of \$604,259, \$458,083 above budget.

The delay in reducing Clarence City Council gate fees to equal those of other Participating Councils resulted in increases during the period in gate fees, other expenditure, debtors and accrued expenses of approximately \$149,000 for the period ended 30 September 2021. As at 30 September 2021 the total amount payable to Clarence was \$149,000.

Positive impacts on the financial result include:

- Above budget throughput at Lutana;
- Higher than budget tonnes of low-level contaminated soil.

Negative effects included:

- · A revision of the cost per tonne for capping and cell write off;
- · Increased capping costs and cell write off due to increased tonnes;
- Transport costs above budget because of above budget throughput; and
- Increased maintenance and operating costs due to increased throughput.

No new bank or investment accounts were opened during the period.

The financial statements and ratios for the period ended 30 September 2021 are **attached**.

#### c) Statement of statutory, environmental and contractual compliance:

Copping monitoring results for the period have been satisfactory. Monitoring results at Lutana were also satisfactory. During the period covered by this report, the requirements of Environmental Protection Notice No 690/1 (Copping Landfill) and Permit 7554 (Lutana Clinical Waste Treatment Plant) were met other than receipt of pharmaceuticals from DHHS as approved by the EPA and in contravention of the permit issued to the Authority by the EPA.

The requirements of other relevant legislation and regulations including the Local Government Act 1993 have been met. These requirements, together with related actions and their status, are summarised in the attached Mandatory Actions Schedule.

During the period covered by this report the Joint Authority has complied with its obligations under the provisions of contracts to which it is a party. The other parties to contracts with the Authority have also met their obligations under those contracts. Major contracts are listed in the **attached** Mandatory Actions Schedule.

#### d) Report on performance in meeting Principal Objectives and Goals:

The report is **attached**.

#### e) Report on performance under Business Plan:

The report is **attached**.

ATTACHMENT 1: Financial Statements September 2021 ATTACHMENT 2: Ratios September 2021 ATTACHMENT 3: Mandatory Actions Schedule ATTACHMENT 4: Report on performance in meeting Principal Objectives and Goals ATTACHMENT 5: Report on performance under Business Plan

## 3.8 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 13 and 20 December 2021 and 10 January 2022 have been circulated to Aldermen.

## **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 13 and 20 December 2021 and 10 January 2022 be noted.

#### 4. 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.

## 4.1 PUBLIC QUESTIONS ON NOTICE

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

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

Anne Boxhall of Seven Mile Beach has given notice of the following question:

#### ANOMALY IN FENCE HEIGHT REGULATIONS

What steps have council taken to resolve the anomaly in fence height regulations where new dwellings are required to be built one metre (or more) above natural ground level in flood prone areas, and if no steps have been taken to date, what is council's timeline for resolution of this issue? The higher floor level of new dwellings effectively "removes" one metre (or more) from the height of an adjoining boundary fence, which has obvious privacy implications.

## 4.2 ANSWERS TO QUESTIONS ON NOTICE

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

#### 4.3 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.

At Council's Meeting of 13 December 2021 Mr Victor Marsh of Bellerive asked the following question.

#### **TRAFFIC AND PARKING MANAGEMENT - BELLERIVE**

I am very concerned about the traffic and planning situation in Bellerive Village and surrounding streets. With proposed developments like the Boulevard apartments, the hotel complex at Kangaroo Bay, the upgrading of the Bellerive Yacht Club, Dan Murphys in Percy Street, the recently completed food store on the corner of Clarence and Scott Street, which has created its own traffic mayhem and not to mention all the events and services happening in the area. In my personal opinion, I believe that Clarence City Council have a develop at any cost mentality in the Bellerive area and don't really care about the consequences these developments will have on the community.

Can the Clarence City Council give a definitive answer on what they are going to do to allay our fears over traffic and parking management in the Bellerive area?

#### ANSWER

In relation to recent developments in the Bellerive area, these development applications have included supporting documentation in relation to the traffic and parking impacts likely to result from each development. Each development has then been assessed against the requirements of the planning scheme – and particularly against the Parking and Sustainable Transport Code and the Road and Railway Assets Code (or equivalent).

More generally, decisions around parking and transport need to be based on appropriate data. Council will soon be calling tenders for the installation of parking sensors for our commercial centres, including the Bellerive Village. These sensors will provide real time data around parking occupancy, duration of stay and compliance with posted time limits. This data will be used to inform future decisions around parking management and parking supply.

As part of the trial of ferry services connecting Bellerive to Hobart, council has undertaken before and after surveys of parking demand across the Bellerive Village – for both the weekday commuter services and for the Summer Saturday services. Daily monitoring has also been happening in Victoria Esplanade and King Street to understand the ongoing parking usage in these areas.

#### 4.4 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.

## 5. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(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)

## 6 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:

## 6.1 DEVELOPMENT APPLICATION PDPLANPMTD-2021/020660 – 6 PAIGE COURT, WARRANE - 12 MULTIPLE DWELLINGS (INCLUDING 3 COMMUNAL RESIDENCES)

## **EXECUTIVE SUMMARY**

#### PURPOSE

The purpose of this report is to consider the application made for 12 Multiple Dwellings (including 3 Communal Residences) at 6 Paige Court, Warrane.

#### **RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Road & Railway Assets, Parking and Access, Stormwater Management and Inundation Prone Areas (Riverine Hazard Areas) Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

#### LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 18 January 2022, as per approved extension of time granted on 9 December 2021.

#### CONSULTATION

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

- inaccurate Traffic Impact Assessment;
- loss of water pressure;
- loss of views;
- overdevelopment of the site;
- unreasonable loss of amenity;
- unreasonable impact of construction activity;
- inadequate landscaping;
- insufficient construction details for retaining walls;
- inaccurate assessment of a site density;
- extending beyond the building envelope;
- shadow diagrams inadequate;
- non-compliant design of private open space;
- non-compliant orientation of townhouses; and
- insufficient detail on internal driveway and parking design.

## **RECOMMENDATION:**

- A. That the Development Application for 12 Multiple Dwellings (3 Communal Residences) at 6 Paige Court, Warrane (Cl Ref PDPLANPMTD-2021/020660) be refused as the proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015 for the following reasons.
  - 1. The proposal does not comply with Clause 10.4.2 Setbacks and building envelope for all dwellings Performance Criterion P3 (a) (ii) and results in unreasonable loss of amenity due to the overshadowing of the private open space of 14, 22 and 24 Bilinga Street, Warrane.
  - 2. The proposal does not comply with Clause 10.4.2 Setbacks and building envelope for all dwellings Performance Criterion P3 (a) (iv) as the design and setback of the nine cojoined multiple dwellings creates an unreasonable loss of amenity due to its visual bulk, when viewed from adjoining properties.
  - 3. The proposal does not comply with Clause 10.4.3 Site coverage and private open space for all dwellings Performance Criterion P2 (b) as the private open spaces for multiple dwellings 2 to 9 inclusive are not oriented to take advantage of sunlight.
  - 4. The proposal does not comply with Clause 10.4.4 Sunlight to private open space of multiple dwellings Performance Criterion P1 as the private open spaces for multiple dwellings 2 to 9 inclusive are overshadowed by the multiple dwellings to their north, and receive no sunlight on 21 June, the shortest day of the year.
  - 5. The proposal does not comply with Clause E5.5.1 Existing road accesses and junctions Performance Criterion P3 (g) as the increase in vehicle traffic is likely to create an unreasonable impact on the efficiency of the road.
  - 6. The proposal does not comply with Clause E5.6.4 Sight distance at accesses, junctions and level crossings Performance Criterion P1 (g) as the reduced sight distance at the access does not provide for safe movements of vehicles.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION PDPLANPMTD-2021/020660 - 6 PAIGE COURT, WARRANE - 12 MULTIPLE DWELLINGS (INCLUDING 3 COMMUNAL RESIDENCES) /contd...

## ASSOCIATED REPORT

### 1. BACKGROUND

The lot was created by subdivision approval SD-2015/55 for the boundary adjustment and creation of seven lots at 165 and 167 Cambridge Road, Warrane.

The applicant previously made a submission to the draft Clarence Local Provision Schedule for the rezoning of 4 and 6 Paige Court, Warrane to higher densities. Council passed Amendment 13 to rezone the land to inner residential (Special Council Meeting Minutes 26 August 2020), however the Tasmanian Planning Commission (TPC) did not approve the rezoning on the basis that it "is not consistent with the objectives set out in Schedule 1 of the Act, which include 'to provide for the fair, orderly and sustainable use and development of air, land and water." (TPC decision – Local Provision Schedule Clarence 1 September 2021).

On two separate occasions, the applicant requested preliminary planning assessment with respect to firstly, a 3 multiple dwelling development and secondly a 12 multiple dwelling development (including three communal residences).

Post lodgement of the current application, extensive communication with the applicant provided information on matters that required attention on how to bring the proposal into compliance with Scheme provisions.

## 2. STATUTORY IMPLICATIONS

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

## CLARENCE CITY COUNCIL - PLANNING AUTHORITY MATTERS- 17 JAN 2022

- **2.3.** The relevant parts of the Planning Scheme are:
  - Clause 7.5 Compliance with Applicable Standards;
  - Clause 8.10 Determining Applications;
  - Clause 10 General Residential Zone;
  - Clause E5.0 Road and Railway Assets Code;
  - Clause E6.0 Parking and Access Code;
  - Clause S7.0 Stormwater Management Code; and
  - Clause E15.0 Inundation Prone Areas Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

#### 3. PROPOSAL IN DETAIL

#### 3.1. The Site

The site is a triangular shaped lot with an area of 4237m<sup>2</sup>. The existing access to Paige Court is located approximately 90m from the intersection with Cambridge Road. From the 14.12m frontage onto Paige Court, the lot fans out to a rear boundary length of 117.28m. The lot slopes from the north-east (57m contour), to the south-west (44m contour) with a steep embankment along the north-east boundary. The site is clear of vegetation with the exception of some vegetation in the south-east corner and along the north-eastern ridge line.

The site is fully serviced by TasWater potable water and reticulated sewerage, and council stormwater infrastructure. A 3m wide services easements runs along the western boundary at the front half of the lot. The site is within an established residential area, with the adjoining land to the west developed with two single dwellings at the front (4A and 2A Paige Court) and a 9 multiple dwelling strata lot development to the rear (4 Paige Court). To the south the site backs onto a row of seven single dwellings accessed from Bilinga Street. To the east 2 multiple dwelling strata developments, namely 3 multiple dwellings at 4 Paige Court, and 8 multiple dwellings at 12 Paige Court adjoin the site.

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

The proposal is to develop the site with 12 multiple dwellings and associated infrastructure.

Of the 12 multiple dwellings, 9 are designed as three storey, cojoined dwellings, which present as townhouses and are referred to as such throughout this report to differentiate them from the other 3 multiple dwellings of the proposal.

The townhouses are located along the north-eastern boundary of the lot and are set into the slope of the land. One townhouse contains three bedrooms, with the remaining 8 townhouses each containing four bedrooms. All townhouses are provided with 2 vehicle lock up garages.

The other 3 multiple dwellings are designed as communal residences.

Communal residence is a defined term in the Scheme and means: "use of land for a building to accommodate persons who are unrelated to one another and who share some parts of the building such as a boarding house, residential college and residential care facility."

The term communal residence is used throughout the report to refer to these 3 multiple dwellings. Each communal residence provides for five self-contained single bedroom units, with access to shared communal kitchen, dining, living, laundry, and open space areas.

On-site facilities include, sealed driveway and vehicle manoeuvring areas, a fully enclosed central bin storage area (with green roof), suitable for a private waste collection service; 43 on-site car parking spaces including 18 dedicated to the 9 townhouses, 15 dedicated to the 3 communal residences and 10 visitor parking spaces, 2 on-site motorcycle parking spaces, and landscaping.

The proposal is for a staged development with proposed staging as follows:

- Stage 1: Construction of Multiple Dwelling 1 to 5, driveway, parking areas, footpaths, installation of private stormwater to Townhouses, individual unit water meters, bin enclosure, associated landscaping and letter boxes;
- Stage 2: Construction of Multiple Dwelling 6 to 9, driveway, parking areas, footpaths, installation of private stormwater to units, sewer to units, individual unit water meters and associated landscaping; and
  - Stage 3: Construction of communal residences (Multiple Dwelling 10 to 12), driveway, parking areas, footpaths, installation of private stormwater to units, sewer to units, individual unit water meters, associated landscaping and swale drain.

## 4. PLANNING ASSESSMENT

#### 4.1. Compliance with Applicable Standards Clause 7.5

- *"7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code."*
- 7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard."

#### 4.2. Determining Applications Clause 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.

## 4.3. 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, and Inundation Prone Area Codes with the exception of the following.

## **General Residential Zone**

• Clause 10.4.2 Setbacks and building envelope for all dwellings – Acceptable Solution A3 is not met as the proposal is not fully contained with the building envelope referred to in Figures 10.1, 10.2, and 10.3, Townhouses 1, 2, 3, 4, 5, 6 and 9, and Communal Residence 10 protrude beyond the allowable building envelope, as depicted by the red lines in the elevation diagrams as shown in Attachment 2.

The proposed variation must be considered pursuant to the Performance Criteria P3 of *Clause 10.4.2 Setbacks and building envelope for all dwellings* as follows.

Clause	Performance Criteria	Assessment
10.4.2 P3	<i>"The siting and scale of a dwelling must:</i>	Shadow diagrams provided have been reviewed to assess these Performance Criteria.
	(a) Not cause an unreasonable loss of amenity to adjoining properties, having regard to:	
	(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;	

	In particular the dwellings at 22
	and 24 Bilinga Street experience
	increased shading from 11am to
	3pm.
	No council records are available
	to assist in determining the
	location of habitable rooms
	within the impacted dwellings,
	due to the age of the dwellings
	and it appears the properties were
	historically administered by the
	Department of Housing.
	It is considered that the
	traditional layout of dwellings
	would place the habitable rooms
	to the front of the house and
	bedrooms to the rear of the house,
	so that it is unlikely that any
	overshadowing would have an
	unreasonable impact.
(ii) overshadowing the	Notwithstanding the existing
private open space of a	structures and fencing to the rear
dwelling on an	of the existing dwellings fronting
adjoining property;	Bilinga Street, an hourly analysis
5 01 1 5	comparing the sunlight to the rear
	yard between the existing and
	proposed revealed that:
	• 14 Bilinga Street – currently
	receives five hours of
	sunlight to more than 50% of
	the rear yard -> this is
	reduced to 0 hours post the
	development;
	• 22 Bilinga Street - currently
	receives four hours of
	sunlight to more than 50% of
	the rear yard -> this is
	reduced to 1 hour post the
	development; and
	• 24 Bilinga Street – currently
	receives three hours of
	sunlight to more than 50% of
	the rear yard -> this is
	reduced to two hours post the
	development.

	(iii) overshadowing of an adjoining vacant property; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property.	It is considered that such a loss of sunlight to these three properties is unreasonable, given their reliance on the northern sections of their properties for suitable private open space; and that the proposal should be refused on this basis. Not applicable – there are no adjoining vacant properties. Townhouses adjoining the north- eastern side boundary are designed with a staggered setback to the side boundary varying from 1.4m to 7m. The Townhouses are designed across three levels with the dwellings protruding from 6.3m above NGL (Natural Ground Level) (Townhouse 1) to 3m above NGL for Townhouse 7, due to the design stepping up and down with the lot's existing elevations. The facades visible from adjoining properties at 8 and 12 Paige Court include the upper storey cladding in Colorbond Monument Matt (which is a dark colour) and precast concreted panels rendered in white. It is considered that the design presents as a contiguous 94m long structure, with limited visual relief. The bulk of the cojoined townhouse design and its scale along the north-eastern side boundary is considered to create unreasonable visual
		create unreasonable visual impact to adjoining properties at 8 and 12 Paige Court and should be refused on this basis.
	<i>(b) Provide separation between</i>	Warrane is an established
	(b) Provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and	residential area with an historic pattern of single dwelling development.

(c) Not cause an unreasonable	Recent developments, especially at 4, 8, 12, 21, 19, 17, 15, 11, 7 Paige Court have resulted in multiple dwelling developments that inherently reduces the separation between dwellings on adjoining properties. The proposed side and rear boundary setbacks of the townhouses and communal residences are consistent with those on adjoining properties. Not applicable, there are no
reduction in sunlight to an	adjoining properties with
existing solar energy installation on:	existing solar energy installations.
(i) an adjoining property; or	
<i>(ii) another dwelling on the same site.</i>	

## **General Residential Zone**

• Clause 10.4.3 Site coverage and private open space for all dwellings – the proposal does not comply with Acceptable Solution A1 (b) as the multiple dwellings are not entirely more than 1.8m above the finished ground level and are not provided with the minimum required area of  $60m^2$  of private open space.

The proposed variation must be considered pursuant to the Performance Criteria P1 of *Clause 10.4.3 Site coverage and private open space for all dwellings* as follows.

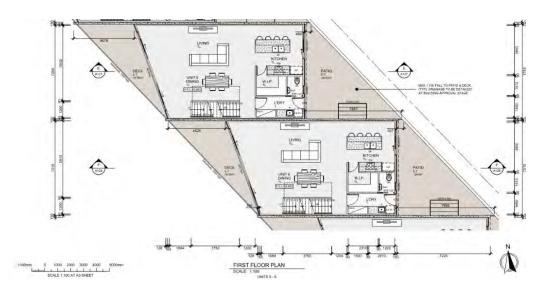
Clause	Performance Criteria	Assessment
10.4.3 P1	"Dwellings must have:	
	e	The proposed site coverage of the 9 townhouses and 3 Communal residences is 30%. An analysis of site coverage of properties within 100m of the subject site, identified an average site coverage of 25%.

(b)	Private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:	Accordingly, the proposed development site coverage is considered consistent with that existing on established properties in the area. This provision is considered separately for the communal residences and the townhouses. On balance it is considered that the private open space (POS) is reasonable given the mixed development, which is targeted at
	(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and	different occupant groups. <u>Firstly:</u> The 3 communal residences are provided with POS accessible from the common rooms with a minimum common area of 24m <sup>2</sup> . In addition, each unit within the communal residence is provided with its own POS, ranging from 7.5m <sup>2</sup> to 58m <sup>2</sup> , for recreational needs. <u>Secondly:</u> The 9 townhouses are provided with west facing decks and north east facing patios at the first-floor level, which combined provides for POS in excess of 24m <sup>2</sup> per townhouse. The townhouse POS areas are triangular in shape, with the north-east facing patios providing the larger area. There is space across the two areas for
	(ii) operational needs, such as clothes drying and storage; and	passive and active recreation.Firstly:Communal residencesprovide washing machine anddryer facilities within eachcommon room area.common room area.communalresidences are not provided withstorage facilities.Secondly:The north-east facingtownhouse patios are providedwith clothes lines, which can bedirectly accessed from thelaundries.Townhouse storage isprovided to the rear of thegarages on the ground floor.

<i>(c)</i>		Firstly: Communal residence
	planting of gardens and	-
	landscaping."	gardening opportunities; it is
		noted that the POS areas although
		fenced are connected via gates to
		provide access for garden
		maintenance.
		Secondly: Townhouses do not
		have access to any ground floor
		or communal garden area and
		would rely on container
		gardening.

#### **General Residential**

• Clause 10.4.3 Site coverage and private open space for all dwellings – the proposal does not comply with Acceptable Solution A2 (b) (i) which requires private open space to have a minimum required horizontal dimension of 4m, unless the dwelling is entirely 1.8m above finished ground level (excluding a garage, carport or entry foyer). The townhouse design places the north-east first floor area at ground level due to the proposed cut into the escarpment. Accordingly, the townhouses are not considered to be entirely 1.8m above finished ground level, but the POS provided for each townhouse do not have a consistent minimum width of 4m due to their triangular shape; as exemplified by the POS layout for Townhouses 5 and 6, shown below.



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The proposed variation must be considered pursuant to the Performance Criteria P2 of *Clause 10.4.3 Site coverage and private open space for all dwellings* as follows.

Clause	Performance Criteria	Assessment
10.4.3 P2	A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:	Refer to response to 10.4.3 P1 above for size, location and orientation of the POS for both the communal residences and townhouses.
	(a) Conveniently located in relation to a living area of the dwelling; and	The POS areas are considered to be conveniently located, to serve as extensions of the dwellings, however the size, shape and surface area of the townhouse POS will limit the type of children's play that could be pursued in these areas.
	(b) Oriented to take advantage of sunlight.	Of the 9 townhouses, Townhouse 1 receives three hours of sunlight on 21 June to its western deck. Townhouses 2 to 8 do not receive any sunlight to either of their first floor POS areas on 21 June the shortest day of the year, so that P2 (b) is not achieved, and the proposal should be refused on this basis.

## **General Residential Zone**

• Clause 10.4.4 Sunlight to private open space of multiple dwellings – the proposal does not comply with either Acceptable Solution A1 (a) or (b), as Townhouses 1 to 9 are less than 3m from the private open space of the adjoining townhouse and the townhouses to the north, namely 1 to 8, overshadow the private open spaces (POS) of the townhouses to the south, namely 2 to 9, so that less than the required amount of sunlight is received to the POS of the townhouses to the south on 21 June (refer to Attachment 1, Shadow diagrams). The proposed variation must be considered pursuant to the Performance Criteria P1 of *Clause 10.4.4 Sunlight to private open space of multiple dwellings* as follows.

## **General Residential Zone**

• Clause 10.4.6 Privacy for all dwellings- the proposal is not compliant with either Acceptable Solution A3 as the dining room windows of Townhouses 4, 5, 6, 7 and 8 are setback less than 1m from the shared driveway.

The proposed variation must be considered pursuant to the Performance Criteria P3 of *Clause 10.4.6 Privacy for all dwellings* as follows.

Clause	Performance Criteria	Assessment
10.4.6 P3	"A shared driveway or parking	It is considered that the Scheme
	space (excluding a parking space	provision can be achieved by the
	allocated to that dwelling), must	inclusion of a permit condition
	be screened, or otherwise located	requiring a fixed screen, or fixed
	or designed, to minimise	obscure glazing no less than 1.7m
	unreasonable impact of vehicle	high above the deck level be
	noise or light intrusion to a	installed along the edge of
	habitable room of a multiple	Townhouse 4, 5, 6, 7 and 8 decks
	dwelling."	until the railing setback to the
		habitable room windows is 1m.

## **General Residential Zone**

• Clause 10.4.8 Waste storage for multiple dwellings – the proposal is not compliant with either Acceptable Solution A1 (a) nor A1 (b) as the proposal does not provide an exclusive area for each dwelling and the proposed common storage area is less than 5.5m from Communal Residence 12.

The proposed variation must be considered pursuant to the Performance Criteria P1 of *Clause 10.4.8 Waste storage for multiple dwellings* as follows.

Clause	Performance Criteria	Assessment
10.4.8 P1	"A multiple dwelling must have storage for waste and recycling bins that is:	The proposal provides for central bin storage for occupants use, which is considered to satisfy the requirements of this provision, as outlined below:
	<ul> <li>(a) capable of storing the number of bins required for the site;</li> <li>(b) screened from the frontage and dwellings; and</li> </ul>	The central bin storage is designed to hold six commercial scale wheelie bins (660L each). The central bin storage is a fully enclosed standalone building set into the site, with a green roof.
	(c) if the storage area is a common storage area, separated from dwelling on the site to minimise impacts caused by odours and noise.	The central bin storage is located 1.5m north of Communal residence 12, however given its design it is considered to minimise impacts caused by odours and noise.

## Road and Railway Assets Code

• Clause E5.5.1 Existing road accesses and junctions – the proposal does not comply with Acceptable Solution A3 because the site has an existing access and is located within an area subject to a speed limit of less than 60km/hr and annual daily traffic vehicle movements to and from the site are calculated to be in the order of 104 per day, which exceeds the permissible 40 vehicle movements per day.

The proposed variation must be considered pursuant to the Performance Criteria P3 of *Clause E5.5.1 Existing road accesses and junctions* as follows.

Clause	Performance Criteria	Assessment
E5.5.1 P3	"Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:	
	(a) the increase in traffic caused by the use;	The submitted Traffic Impact Assessment (TIA) calculates that the daily vehicle movements to and from the site will be in the order of 104 per day with 16 vehicles per morning and evening peak hours.
	<i>(b) the nature of the traffic generated by the use;</i>	The majority of the traffic will be non-commercial vehicles for occupants and visitors to the site. Weekly commercial garbage collection vehicles would also enter and exit the site to collect the waste from the central bin storage.
	(c) the nature and efficiency of the access or the junction;	The existing access onto Paige Court is wide enough to enable two vehicles to pass at the entry. With regards to the Paige Court and Cambridge Road junction the TIA notes:

 1		
		"Although Cambridge Road
		is busy during the morning
		peak, the traffic modelling
		found sufficient gaps to
		enable vehicles turning left
		from Paige Court to enter
		the traffic stream efficiently,
		with the level of service
		being B.
		While turning right out of
		Paige Court is more
		challenging, as the driver
		needs to pick a gap in two
		traffic streams, noting that
		the demand for this
		movement is small, as the
		majority (90 percent) of
		vehicles turned left, heading
		towards Bellerive.
		Overall, the modelling
		found the junction is
		operating at an efficient and
		acceptable level of traffic
 (1)	the material and antegram of the	Performance."
(d)	the nature and category of the	Paige Court is a local road
	road;	terminating in a cul-de-sac
		to the east and connecting
		into the road network via the
		junction with Cambridge
		Road to the west.
(e)	the speed limit and traffic flow of	The speed limit is 50km/hr,
	the road;	but the TIA suggests that
		due to the on-street parking
		on Paige Court, the effective
		vehicle speed is reduced to
		35km/hr.
(f)	any alternative access to a road;	No available alternatives.
(g)	the need for the use;	Residential uses are no
		permit required uses in the
		General Residential zone
		and is an appropriate use for
		the site.

(h)	any traffic impact assessment; and	The applicant provided a TIA which concluded that "from a traffic engineering and road safety perspective, additional vehicle movement generated by this development are not expected to create and adverse safety or traffic impact."
	any written advice received from the road authority.	Council engineers reviewed the proposal including the TIA and note that with regard to impact on the efficiency of the Paige Court and Cambridge Road junction the TIA data shows that the junction is already performing at a poor level of service (class B). Accordingly, it is considered likely that the traffic generated by the proposed development will add into the already existing deficiency leading to greater motorist frustration, increasing risk taking behaviour with the potential to increase crashes at the junction of Paige Court and Cambridge Road. On this basis the proposal is considered to not achieve the Performance Criteria P3, as the increased traffic is potentially unsafe and unreasonably impacts on the efficiency of the road and should be refused, on this basis.

# Road and Railway Assets Code

Clause E5.6.4 Sight distance at accesses, junctions and level crossings – the proposal does not comply with Acceptable Solution A1 (a) which requires an 80m sight distance at an access or junction, where vehicle speed is 50km/hr. The site distance to the east of the site is measured as 54m due to the curve in the road.

The proposed variation must be considered pursuant to the Performance Criteria P1 of *E5.6.4 Sight distance at accesses, junctions and level crossings* as follows.

Clause	Performance Criteria	Assessment
E5.6.4 P1	"The design, layout and location of an access, junction or rail level crossing must provide adequate	
	sight distances to ensure the safe movement of vehicles, having	
	regard to:	
	(a) the nature and frequency of the traffic generated by the	The submitted Traffic Impact Assessment (TIA) calculates that
	use;	the daily vehicle movements to
		and from the site will be in the
		order of 104 per day with 16
		vehicles per morning and
		evening peak hours.
	<i>(b) the frequency of use of the road or rail network;</i>	The TIA notes that due to the on- street car parking on Paige Court,
		the sight distance to the east of
		the access is calculated to be
		54m, which is less than the required 80m.
	(c) any alternative accesses ;	no alternatives
	(d) the need for the access,	Required, as this is the only
	junction or level crossing;	access to the site and the
		Cambridge Road intersection is
		the only junction connecting
		Paige Court into the road network.

(e)	any traffic impact assessment;	The applicant provided a TIA which concluded that the likely operating speed of vehicles in Paige Court would be 35km/hr, stating that "for an operating speed of 35km/hr the corresponding Safe Intersection Sight Distance (SIDS) is calculated at 54m. Drivers are expected to have sufficient sight distance in both directions, to enter and leave the development site in an efficient and safe manner". It is noted that the 54m distance is the actual measured distance, hence this appears to have determined the assumed "operating speed" of vehicles in Paige Court, rather than actual observations.
(f)	any measures to improve or maintain sight distance; and.	Roadside vegetation could be trimmed back, however there are no plans to introduce on street parking controls.
(g)	any written advice received from the road or rail authority."	Council's engineers have reviewed the TIA and consider that while the Paige Court operating speed is likely to be less than 50km/hr, it is more likely to be 40km/hr due to the vertical gradient near the subject site access. This means that the SIDS needs to be around 72m. The sight distance measured of 54m as reported in the TIA appears to also ignore the parked vehicles and the roadside vegetation. It is considered that with the latter the available sight distance is largely compromised and is actually more around 35m. It is noted that Council's traffic engineering team have received some concerns from residents in relation to parking and traffic flow, however, council has no immediate plans for any works within the area.

	The limited sight distance				
	compounded with high on-street				
	parking demand is considered				
	likely to increase risk of crashes				
	in the area should the				
	development proceed.				
	Accordingly, it is considered that				
	the proposal does not achieve Performance Criteria P1 as the				
	access does not provide adequate sight distances to ensure safe movements of vehicles and				
	should be refused on that basis.				

# Stormwater Management Code

• Clause E7.7.1 Stormwater Drainage and Disposal – the proposal does not comply with Acceptable Solution A2 as the proposed stormwater management system to be installed relies on both retention basins with limited water sensitive urban design (WSUD).

The proposed variation must be considered pursuant to the Performance Criteria P2 of *Clause E7.7.1 Stormwater Drainage and Disposal.* 

Clause	Performance Criteria	Assessment
E7.7.1 P2	"A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so."	The applicant provided a Stormwater Design Report, prepared by JSA Consulting Engineers that provides a stormwater system design that incorporates retention basins and swales that are demonstrated to achieve the required water quality targets. Council engineers have reviewed the report and advised that the proposal is able to be designed to achieve the Performance Criteria P2 for this Scheme provision.

**Inundation Prone Areas Code** 

• Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium High Inundation Hazard Area – the proposal does not comply with Acceptable Solution A1 as the walls from Communal Residence 12 are higher than 0.5m and extend for 12m within the overlay area.

The proposed variation must be considered pursuant to the Performance Criteria P1 of *Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium High Inundation Hazard Area* as follows.

Clause	Performance Criteria	Assessment
E15.7.5 P1	"Landfill, or solid walls greater than 5m in length and 0.5m in height, must satisfy the following:	The applicant provided a Stormwater Design Report that considers the location of Communal residence 11, and its design that diverts flood water into the proposed on-site stormwater solutions so that:
	(a) No adverse effect on flood flow over other property through displacement of overland flows;	the swale, running parallel to the
	(b) The rate of stormwater discharge from the property must not increase;	The proposed Water Sensitive Urban Design (WSUD) on-site stormwater solution manages the rate of stormwater discharge so that it does not increase.
	(c) Stormwater quality must not be reduced from pre- development levels."	The proposed WSUD meets the requirements of the State Stormwater Strategy and maintains the pre-development levels.

# **Inundation Prone Areas Code**

• Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium High Inundation Hazard Area – there is no Acceptable Solution A2.

The proposal must be considered pursuant to the Performance Criteria P2 of *Clause E15.7.5 Riverine, Coastal Investigation Area, Low, Medium High Inundation Hazard Area* as follows.

Clause	Performance Criteria	Assessment
E15.7.5 P2	"Mitigation measures if required, must satisfy all of the following:	Council's engineers have reviewed the proposal and proposed stormwater design and are satisfied that the proposed development:
	(a) Be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;	Will be able to be designed to ensure that habitable rooms will be protected from flooding and adapt as sea level rise; and
	(b) Not have a significant effect on flood flow."	Will not have a significant effect on flood flow, given the stormwater infrastructure constructed as part of the approved subdivision. No specific mitigation measures are required, but an advice clause is added to the permit to ensure the draft Council flood maps are considered during the construction of the development.

# 5. REPRESENTATION ISSUES

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

# 5.1. Inaccurate Traffic Impact Assessment

Five representors raised concerns that the Traffic Impact Assessment (TIA) submitted with the application underestimated the parking requirements for the proposed development. The lot should be considered an internal lot and the number of visitor parking spaces increased accordingly. Photos and anecdotal information were provided to demonstrate that any further on-street car parking was likely to cause problems with safety due to reduction of sight lines, blocking larger emergency and delivery vehicles from accessing dwellings at the cul-desac end of Paige Court, and making it difficult to place bins at the curb side for collection.

The subject site is not considered an internal lot, because it does not comply with both elements of the term as defined by the scheme.

"Internal lot means a lot:

- (a) lying predominantly behind another lot: and
- (b) having access to a road by an access strip, private road or right of way."

The lot's frontage of 14.12m is wider than the minimum access strip width requirement of 3.6m and while narrower in the north, the site proper is not accessed via an access strip, private road, or right-of-way.

The Acceptable Solution A1 of *Clause E6.6.1 Number of Car Parking spaces*, requires 33 resident spaces, and nine visitor spaces; the proposal provides 33 resident spaces and 10 visitor spaces and is considered compliant with the provisions.

Other matters of concern raised have been considered previously in the assessment of clauses *E5.5.1 Existing road access and junctions*, and *E5.6.4 Sight distance at accesses, junctions and level crossings*, where the proposal is considered to not satisfy the Performance Criteria and recommended for refusal on that basis.

# **5.2.** Loss of Water Pressure

One representor raised concerns that the large development would result in loss of water pressure to surrounding properties.

# • Comment

Adequate provision of water pressure is considered by TasWater. Council received a Submission from TasWater (TWDA 2021/01240-CCC, dated 5 August 2021, amended 9 September 2021) with conditions to be included if a permit were to be granted.

The scheme has no specific provisions for water pressure and this issue therefore has no determining weight.

# 5.3. Loss of Views

Four representors noted that the proposal would block their views of the mountains to the west, reducing their amenity.

# • Comment

Views and impacts on viewsheds are generally considered in the context of amenity, and visual bulk and massing context. These issues have been previously discussed in the assessment of *clause 10.4.2 Setbacks and building envelope for all dwellings* earlier in this report.

However, the scheme has no specific provisions for the maintenance of views and this issue therefore has no determining weight.

# 5.4. Overdevelopment of the Site

Two representors stated that they were concerned that the development was very different to what the developer had previously advised the neighbours when the development was for 2 houses and 9 units. It is not in keeping with the surrounding development and seems to treat the site like a medium or inner residential zone, which was rejected by the Tasmanian Planning Commission (TPC).

# • Comment

The proposal has been considered with respect to the submitted plans and the provisions of the Scheme. There are no provisions relating to previous applications and accordingly this issue therefore has no determining weight.

# 5.5. Unreasonable Loss of Amenity

Four representors raise concerns that the proposed 9 townhouses would cause an unreasonable loss of amenity including, overshadowing of a ground floor sitting room, overshadowing of backyard private open spaces, overlooking from upper storey windows, increased ambient heat onto their properties due to the proposed reflective surfaces, and visual bulk of the 9 townhouses.

The overshadowing and visual bulk issues have been previously discussed in the assessment of *clause 10.4.2 Setbacks and building envelope for all dwellings*.

With respect to overlooking concerns, the proposal was assessed against Acceptable Solution A1, and A2 of *clause 10.4.6 Privacy for all dwellings* and is considered to be compliant as all decks with FFL higher than 1m above existing ground level (EGL) are provided with screens to 1.7m with uniform transparency of 25% where within 3m of side boundaries and 4m of the rear boundary compliant with A1 (a). Similarly, all habitable room windows, in rooms with finished floor levels (FFL) higher than 1m above EGL, are either setback at least 3m from side boundaries, or have been designed with sill levels at 1.7m above FFL or opaque glass compliant with A2 (a) (i) and (ii) or A2 (b) (ii).

The scheme has no provisions relating to increased ambient heat and this issue has no determining weight.

# 5.6. Unreasonable Impact of Construction Activity

One representor raised the concern that the neighbours would be exposed to construction noise and loss of on-street parking for an extended period of time, given the proposed three stage development. The representor states that a Noise Management Report should be provided.

### • Comment

A standard requiring that a Noise Management Report is submitted to council for approval prior to works commencing, should be included if a permit was to be granted.

# 5.7. Inadequate Landscaping

One representor was concerned that the proposed landscaping was inadequate for the proposed density of development and that the tree species proposed (*Banksia marginata*) was inappropriate for the site.

The Acceptable Solution A1 of Clause E6.7.8 Landscaping of Parking Areas requires 5% of the car parking area to be landscaped. The proposed landscape plan shows approximately 6.5% of the property will be landscaped, including along the side boundaries and areas adjacent to the carparks, and is considered compliant with the provisions.

If a permit were to be granted, a landscaping condition requiring more detailed plans for approval should be included, so that proposed plant species can be reviewed and amended as required.

# 5.8. Insufficient Construction Details for Retaining Walls

One representor raised concerns that the proposal does not demonstrate that retaining walls to the north-east of the 9 townhouses will be structurally sound.

# • Comment

Council engineers reviewed the plans and advised that the retaining wall is a building construction consideration, for the independent Building Surveyor.

The scheme has no specific provisions for the retaining wall design and this issue therefore has no determining weight.

# 5.9. Inaccurate Assessment of Site Density

Three representors raised the concern that as the bedroom units in the communal residences are self-contained, they should be considered as multiple dwellings, so that the proposal is in fact for 24 multiple dwellings and not 12; resulting in a site area per dwelling of 176m<sup>2</sup> per dwelling and hence not compliant. No evidence has been provided that the development is for social housing and it is not in keeping with surrounding development so does not satisfy the Performance Criteria either, (referencing Clause P1 (b) of 8.4.1 of the Tasmanian Planning Scheme - Clarence).

It is noted that the representation refers to the clause number for the equivalent provisions in the Tasmanian Planning Scheme – Clarence (TPS). Despite the reference to the TPC provision, the issue raised is considered material and relevant, given Planning Directive 5 which came into effect on 21 February 2021, brought forward the TPS General Residential Zone provisions while retaining the Scheme clause numbers. This consideration also applies to Issues 5.11, 5.12, 5.13, 5.14 and 5.15 below.

Council's lawyer has advised that the proposal design could proceed as multiple dwellings and communal residences on the basis that any permit issued will be conditioned as agreed between the applicant and council. Specifically, this would require entering into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* (LUPAA), ensuring that each communal residence remain in single ownership and cannot be strata titled, as well as such matters as the provision of communal areas in perpetuity and shared facilities.

Accordingly, the proposal is considered to be for 12 multiple dwellings (three of which are communal residences), resulting in a site area per dwelling of 353m<sup>2</sup>, which is compliant with Acceptable Solution A1 of *clause 10.4.1 Residential density for multiple dwellings*.

### **5.10.** Extending beyond the Building Envelope

Three representors noted that the proposal exceeds the acceptable solution building envelope and that due to the inaccurate portrayal of the adjoining property deck locations and heights, underestimates the adverse impact on amenity to neighbours.

• Comment

These issues were considered in the assessment of *clause 10.4.2* Setbacks and building envelope for all dwellings earlier in the report.

### **5.11.** Shadow Diagrams Inadequate

One representor noted that the provided shadow diagrams do not show the location of habitable rooms on adjoining properties and does not demonstrate that it can satisfy the Performance Criteria for the building envelope clause (References P3 (a) (i) of clause 8.4.2 TPS-Clarence).

## • Comment

This issue was considered in the assessment of *clause 10.4.2 Setbacks and building envelope* for all dwellings earlier in the report.

## 5.12. Unreasonable Overshadowing of Properties to the South

One representor noted that the proposal will result in unreasonable overshadowing of 20, 22 and 24 Bilinga Street (References P3 (a) (ii) of clause 8.4.2 TPS-Clarence).

# • Comment

This issue was considered in the previous assessment of *clause 10.4.2* Setbacks and building envelope for all dwellings earlier in the report.

### 5.13. Unreasonable Visual Bulk

One representor noted that the 9 townhouse development will occupy the entire length of the north-eastern boundary and be visually dominant in the landscape and create immediate overlooking to the POS of 8 and 12 Paige Court properties [References P3 (a) (iv) of clause 8.4.2 TPS-Clarence].

### • Comment

This issue was considered in the previous assessment of *clause 10.4.2* Setbacks and building envelope for all dwellings earlier in the report.

# 5.14. Non-compliant Design of Private Open Space

One representor noted that the orientation and design of the 9 townhouses prevented their private open space from receiving adequate sunlight, in large part due to the proposed excavation and large retaining walls to the north-east. The representor contends that the design fails to meet the Performance Criteria for site coverage and open space for all dwellings (References P2 of clause 8.4.3 TPS-Clarence).

This issue was considered in the previous assessment of *clause 10.4.3 Site coverage and private open space for all dwellings* earlier in the report.

# 5.15. Non-compliant Orientation of Townhouses

One representor noted that the orientation of the townhouses is such that Townhouses 1 to 9 completely overshadow the patio areas of the units to the south, and accordingly fails to meet the Performance Criteria for sunlight to open space for multiple dwellings (reference P1 of clause 8.4.4 TPS-Clarence).

# • Comment

This issue was considered in the previous assessment of *clause 10.4.4* Sunlight to private open space of multiple dwellings earlier in the report.

# 5.16. Insufficient Detail on Internal Driveway and Parking Designs

One representor noted that the proposal provided insufficient details on the cut and fill required for the internal driveway and parking spaces, and accordingly has not demonstrated it can meet the provisions of C2.0 Parking and Sustainable Transport Code.

# • Comment

The provisions of C2.0 Parking and Sustainable Transport Code are different to those of E6.0 Parking and Access Code with respect to design and construction of the internal driveway and parking spaces. In this instance, it is not considered appropriate to consider the TPS provisions as applicable to the proposal.

Nevertheless, the issues were considered by council's engineer who has reviewed the submitted plans and TIA and advised that the proposal can be designed to be compliant with relevant Scheme provisions and standard permit conditions for detailed design plans would be included if a permit was to be granted.

# 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, including those of the State Coastal Policy.
- **7.2.** The proposal is considered as not consistent with the objectives of Schedule 1 of LUPAA, as it is not in accordance with Part 1 clause 1 (b) as it does not provide for the fair, orderly and sustainable use and development of air, land and water.

# 8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

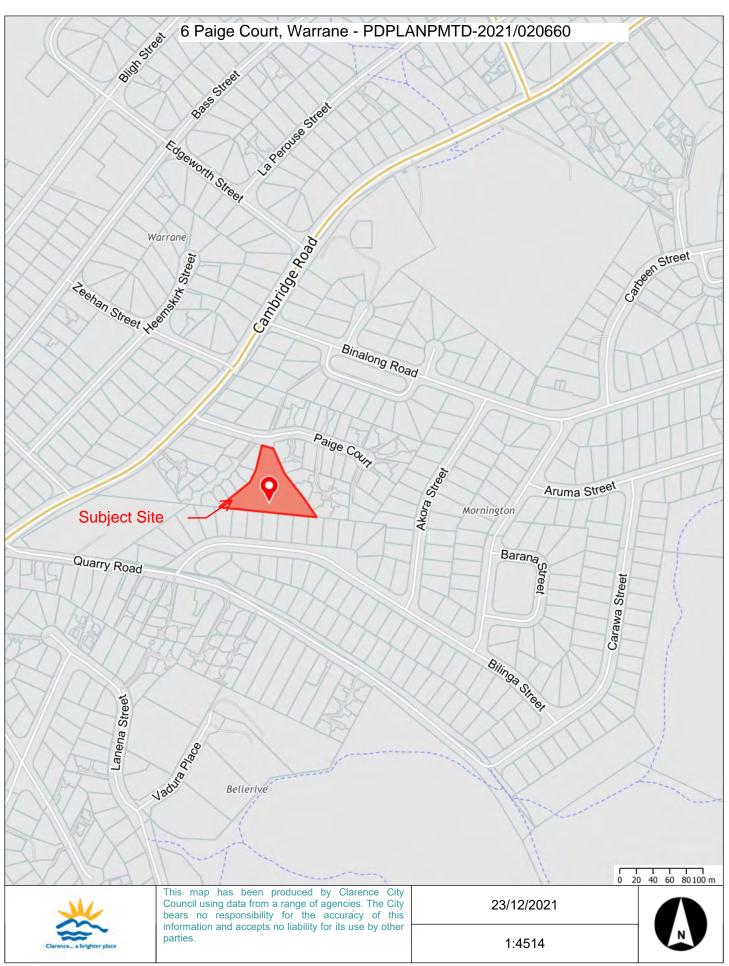
# 9. CONCLUSION

The proposal is recommended for refusal as the design does not comply with all applicable scheme provisions and creates unreasonable impact on the amenity of adjoining properties due to overshadowing of private open space of properties to the south, and visual impact due to the bulk of the 9 townhouses; lack of sunlight to the POS of 8 of the 9 townhouses; and potential for the increased traffic from the site to create unreasonable impacts on the efficiency of the road network and safety of vehicle movements.

- Attachments: 1. Location Plan (1)
  - 2. Proposal Plan (55)
  - 3. Site Photo (1)

Ross Lovell MANAGER CITY PLANNING

Attachment 1



# KEY

EASEMENT REFER TO PLAN FOR TYPE & WIDTH

FLOOD EXTENT FOR THE 1% AEP EVENT. DATA SUPPLIED BY CLARENCE CITY COUNCIL DATED 02/06/21. RANGE OF DEPTH: 0.05 - 0.40m

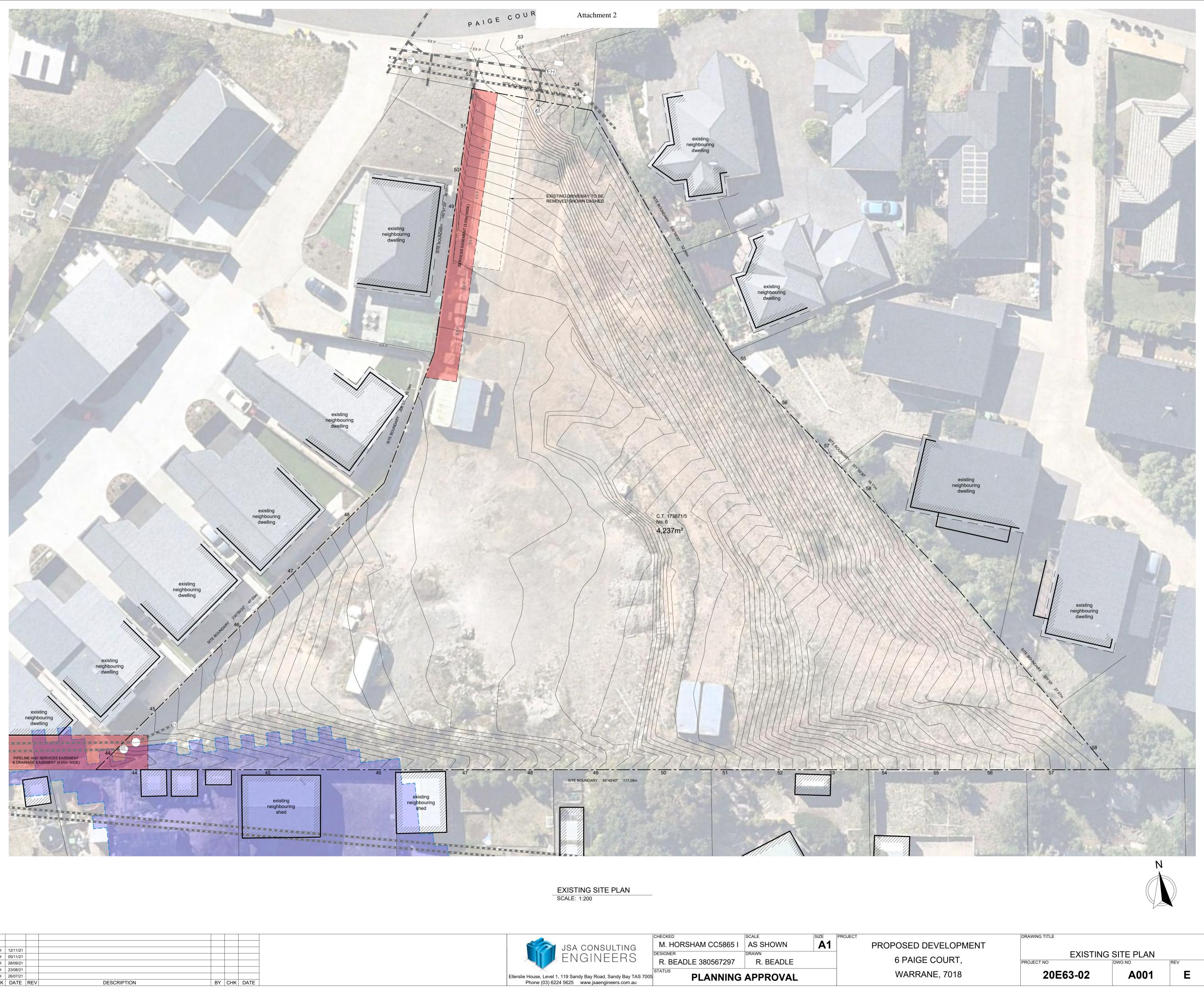
# SURVEY NOTES

SURVEY DATA COMPLETED AND PROVIDED BY ROGERSON & BIRCH SURVEYORS, DATED 19/02/16, REFERENCE No. BRG-009 8298-09. HORIZONTAL DATUM GDA, VERTICAL DATUM AHD, CONTOUR INTERVALS AT 0.25m

SUPPLEMENTARY SURVEY DATA BY JSA ENGINEERS DATED 28/06/21, HORIZONTAL DATUM GDA, VERTICAL DATUM AHD.

LOCATION OF EXISTING SERVICES AS PER DBYD DOCUMENTATION DATED 27/047/20 UNLESS NOTED OTHERWISE.

LOCATIONS AND INVERTS OF EXISTING SERVICES CONFIRMED BY ENGINEER ON SITE, DATED 28/06/21 UNLESS NOTED OTHERWISE.



2m 0 2 4 6 8 10m SCALE 1:200 AT A1 SHEET

# IMPORTANT DRAWINGS MUST BE **PRINTED & READ IN COLOUR**

E	FOR PLANNING APPROVAL	RB	MH	12/11/21				
D	FOR PLANNING APPROVAL - RFI (DATED 20 OCT 21)	RB	MH	05/11/21				
С	FOR PLANNING APPROVAL - RFI (DATED 10 SEPT 21)	RB	MH	28/09/21				
В	FOR PLANNING APPROVAL - RFI (DATED 09 AUG 21)	RB	MH	23/08/21				
Α	FOR PLANNING APPROVAL	RB	MH	26/07/21				
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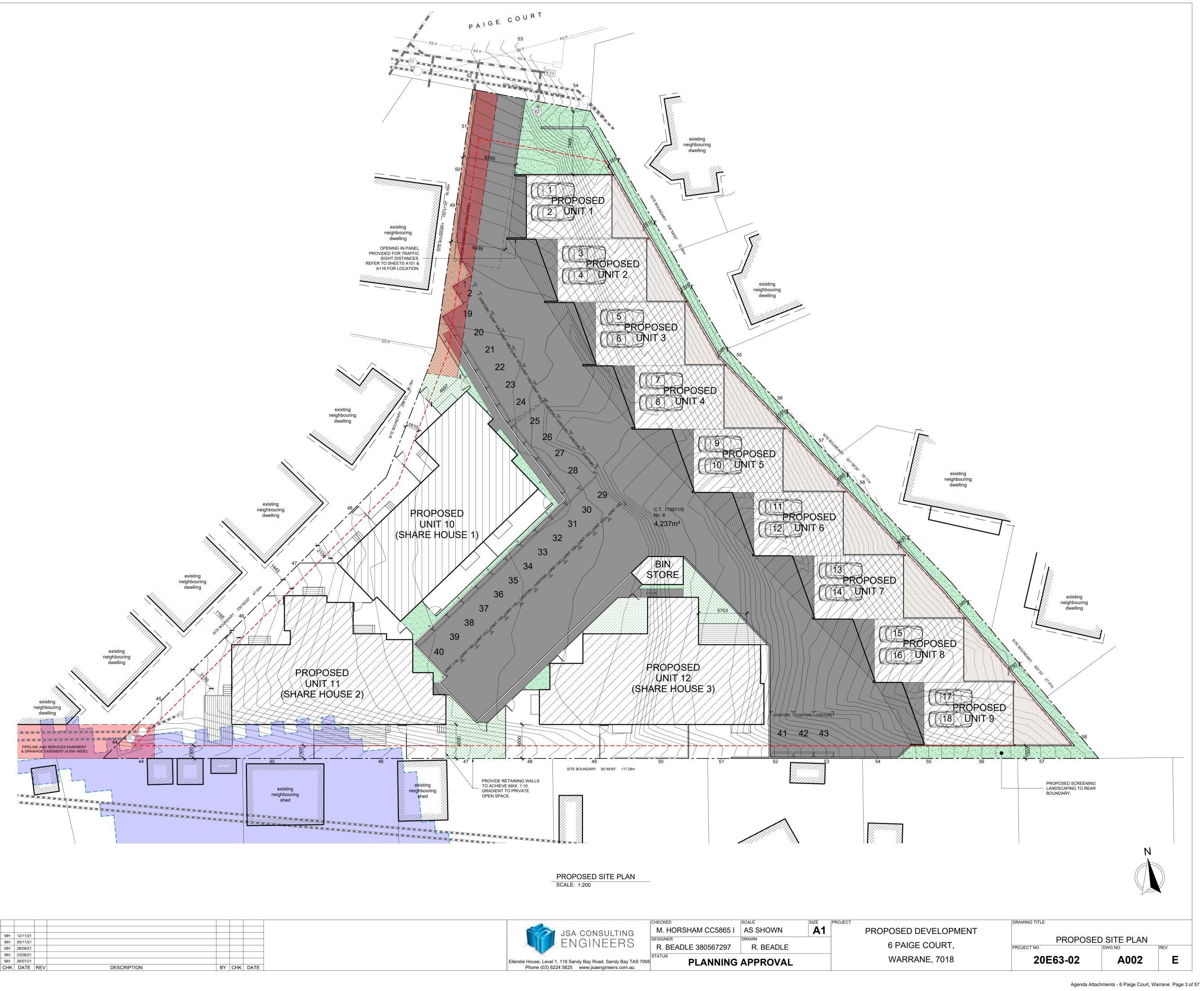
KEY	
	EASEMENT REFER TO PLAN FOR TYPE & WIDTH
	FLOOD EXTENT FOR THE 1% AEP EVENT. DATA SUPPLIED BY CLARENCE CITY COUNCIL DATED 02/06/21. RANGE OF DEPTH: 0.05 - 0.40m
	CONCRETE DRIVEWAY REFER TO CIVIL DOCUMENTATION.
	PROPOSED LANDSCAPING REFER TO SHEET A003 FOR DETAILS.
	MIN. 24m² PRIVATE OPEN SPACE MIN. 4.0m HORIZONTAL WIDTH / MAX. GRADIENT 1:10
	MIN. 12m² PRIVATE OPEN SPACE MIN. 2.0m HORIZONTAL WIDTH / MAX. GRADIENT 1:10 (WHERE FFL GREATER THAN 1.8m ABOVE N.S.L.)
	BOUNDARY SETBACK AS PER CLARENCE INTERIM PLANNING SCHEME

#### SITE COVERAGE Clarence Interim Planning Scheme 2015)

(de per elarence interim rialining (	
SITE AREA	- 4,237m²
PROPOSED UNITS 1 - 9 PROPOSED UNIT 10 PROPOSED UNIT 11 PROPOSED UNIT 12 PROPOSED BIN STORE	- 946.04m <sup>2</sup> - 271.59m <sup>2</sup> - 270.61m <sup>2</sup> - 277.72m <sup>2</sup> - 17.42m <sup>2</sup>
PROPOSED SITE COVERAGE	- 42.09%

# PRIVATE OPEN SPACE

TOWNHOUSES	
PROPOSED UNIT 1	- 27.99m²
PROPOSED UNIT 2	- 34.51m²
PROPOSED UNIT 3	- 33.10m²
PROPOSED UNIT 4	- 40.34m²
PROPOSED UNIT 5	- 45.62m²
PROPOSED UNIT 6	- 46.09m²
PROPOSED UNIT 7	- 45.91m²
PROPOSED UNIT 8	- 40.64m²
PROPOSED UNIT 9	- 43.73m²
SHARE HOUSES	
PROPOSED UNIT 10	- 152.47m²
PROPOSED UNIT 11	- 278.94m²
PROPOSED UNIT 12	- 206.24m²



2m 0 2 4 6 8 10m SCALE 1:200 AT A1 SHEET

# IMPORTANT DRAWINGS MUST BE **PRINTED & READ IN COLOUR**

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С	FOR PLANNING APPROVAL - RFI (DATED 10 SEPT 21)	RB	МН	28/09/21						
В	FOR PLANNING APPROVAL - RFI (DATED 09 AUG 21)	RB	MH	23/08/21						
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JSA CONSULTING	CHECKED M. HORSHAM CC5865 I	SCALE AS SHOWN	SIZE A1	PROJECT
	R. BEADLE 380567297	R. BEADLE		
Ellerslie House, Level 1, 119 Sandy Bay Road, Sandy Bay TAS 7005 Phone (03) 6224 5625 www.jsaengineers.com.au	PLANNING	APPROVAL		

KEY BANKSIA MARGINATA - SILVER BANKSIA (1.0 - 10.0m HEIGHT / 0.5 - 5.0m SPREAD) LEUCOPHYTA BROWNII - CUSHION BUSH (0.4 - 1.0m HEIGHT / 0.5 - 1.5m SPREAD) MASS PLANTING MIX CAREX APPRESSA - TALL SEDGE DIANELLA TASMANICA - FOREST FLAXLILY FICINIA NODOSA - KNOBBY CLUBRUSH (0.5 - 1.0m HEIGHT / 0.5 - 1.0m SPREAD) 'STRATHAYR' EASICARE TALL FESCUE INSTANT LAWN OR SIMILAR (PRIVATE OPEN SPACE AREA) SUSPENDED DECK - TREATED PINE OR TILED (PRIVATE OPEN SPACE AREA) TILED PATIO (PRIVATE OPEN SPACE AREA) MULCHED BEDS OF EUCALYPTUS BARK STORMWATER SWALE DRAIN REFER TO CIVIL DOCUMENTATION FOR DETAILS FENCE 'A' 1.8m HIGH TREATED PINE PALING FENCE & GATE BOLLARD LIGHTING TO BE PROVIDED IN ACCORDANCE WITH E6.7.7 OBJECTIVES OF CLARENCE PLANNING SCHEME 2015. VEHICLE CHARGING POINTS TO BE PROVIDED AT • bol. BOLLARDS ADJACENT TO PARKING BAYS. NOTE: 1. SMALL ROOTS (5mm OR LESS) THAT GROW AROUND, UP, OR DOWN THE ROOT BALL PERIPHERY TO BE ELIMINATED AT THE TIME OF PLANTING. 2. SETTLE SOIL AROUND ROOT BALL OF EACH GROUNDCOVER PRIOR TO MULCHING. 3. APPLY SUITABLE SLOW RELEASE FERTILISER AND WATER CRYSTALS. 4. WATER-IN WITH SEASOL SOLUTION.

DO NOT OBSTRUCT FOOTPATHS AND DRIVEWAYS. IMMEDIATELY CLEAN ANY SPILLS ON FOOTPATH/ROAD. SEEK PRIOR APPROVAL FOR STORAGE OF MATERIALS/EQUIPMENT, PARKING OF VEHICLES, AND ERECTION OF BILLBOARDS ON PUBLIC LAND. REINSTATE PUBLIC LAND (I.E. NEW GRASS TO VERGE) AT PROJECT COMPLETION.

ALL PRACTICABLE MEASURES ARE BE TAKEN TO CONTROL THE GENERATION OF DUST.

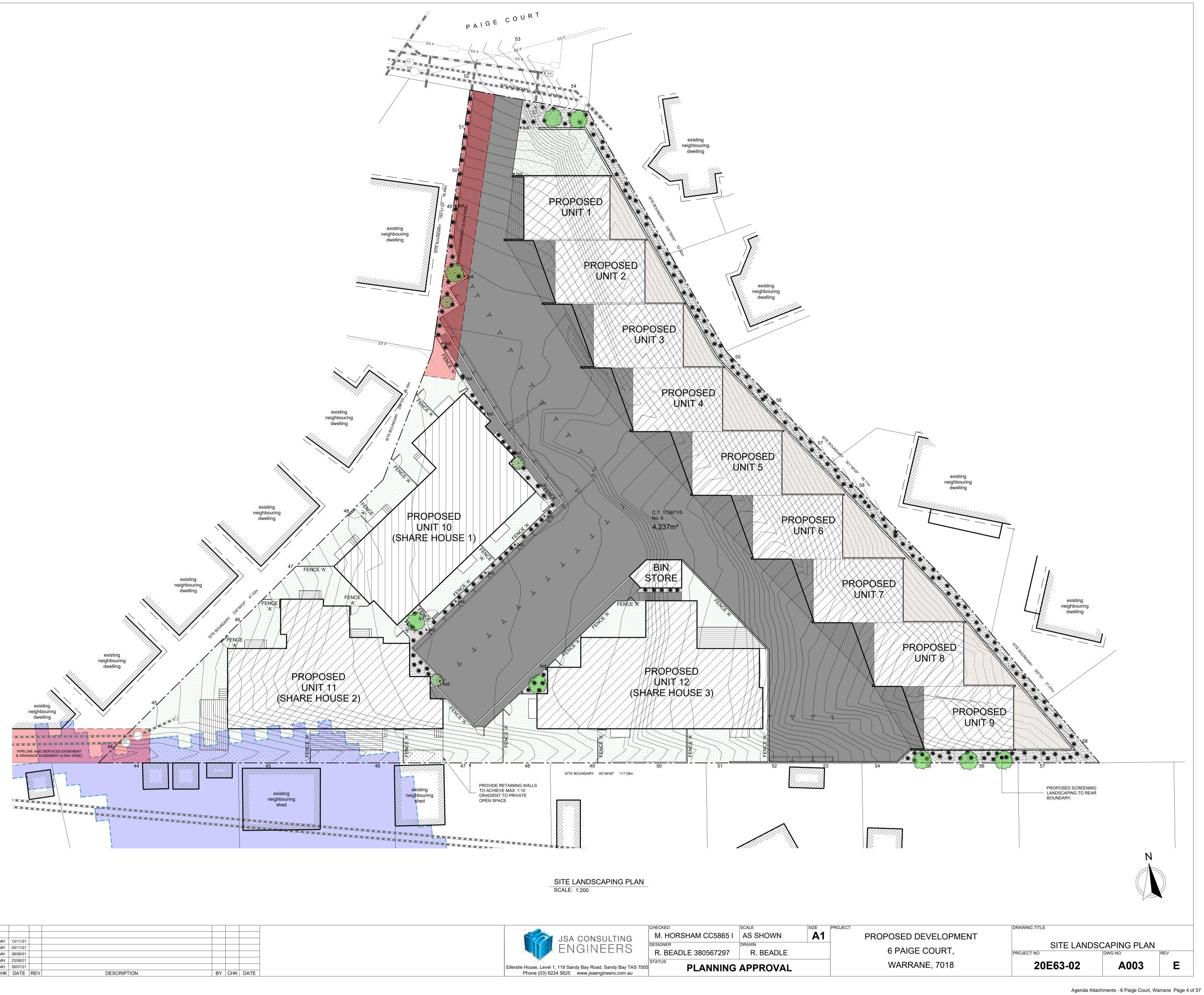
CONTRACTOR RESPONSIBLE FOR APPROVING ALL PLANTS DELIVERED TO SITE. PLANTS OF INCORRECT VARIETY/ SIZE, OR POOR HEALTH/ APPEARANCE SHOULD NOT BE ACCEPTED (ADHERE TO AS2303.2015). DO NOT STORE PLANTS IN DIRECT AFTERNOON SUNLIGHT, OR IN VIEW FROM STREET. PLANTING TO OCCUR STRICTLY AS SPECIFIED IN DETAIL DRAWINGS. PLANTS MAY BE SUBSTITUTED DUE TO AVAILABILITY ISSUES ONLY WITH CLIENT & COUNCIL AUTHORIZATION. CLIENT IS ADVISED TO CONSULT PLANT SUPPLIER OR HORTICULTURALIST REGARDING ANY CONCERN WITH PLANT TOXICITY/ ALLERGIES. PLANTS SPECIFIED MAY BE HARMFUL IF INGESTED.

APPLY MULCH TO ALL GARDEN BEDS TO A DEPTH OF 70-80MM. REMOVE ANY VISIBLE DEBRIS (STONES, PLASTIC, ETC..). FINISH 10-20MM BELOW EDGING. MULCH TO BE ORGANIC FINE FROM LOCAL SUPPLIER, TO AUSTRALIAN STANDARD AS4454.

# LANDSCAPING

(as per Clarence Interim Planning Scheme 2015 - Clause E6.7.8) LANDSCAPING TO BE PROVIDED TO NO LESS THAN 5% OF CAR PARKING AREA.

SEALED ROAD, PARKING & CIRCULATION AREA = 1,365.59m<sup>2</sup> LANDSCAPING AREA REQUIRED = 68.28m<sup>2</sup> LANDSCAPING AREA PROVIDED = 153.17m<sup>2</sup>





# IMPORTANT DRAWINGS MUST BE **PRINTED & READ IN COLOUR**

REV DATE: 31/08/17

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В	FOR PLANNING APPROVAL - RFI (DATED 09 AUG 21)	RB	MH	23/08/21						]
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	CHECKED	SCALE	SIZE	PROJECT
JSA CONSULTING	M. HORSHAM CC5865 I	AS SHOWN	A1	
ENGINEERS	DESIGNER	DRAWN		
ENGINEERS	R. BEADLE 380567297	R. BEADLE		
	STATUS			
Ellerslie House, Level 1, 119 Sandy Bay Road, Sandy Bay TAS 7005 Phone (03) 6224 5625 www.jsaengineers.com.au	PLANNING	APPROVAL		

STAGING KEY

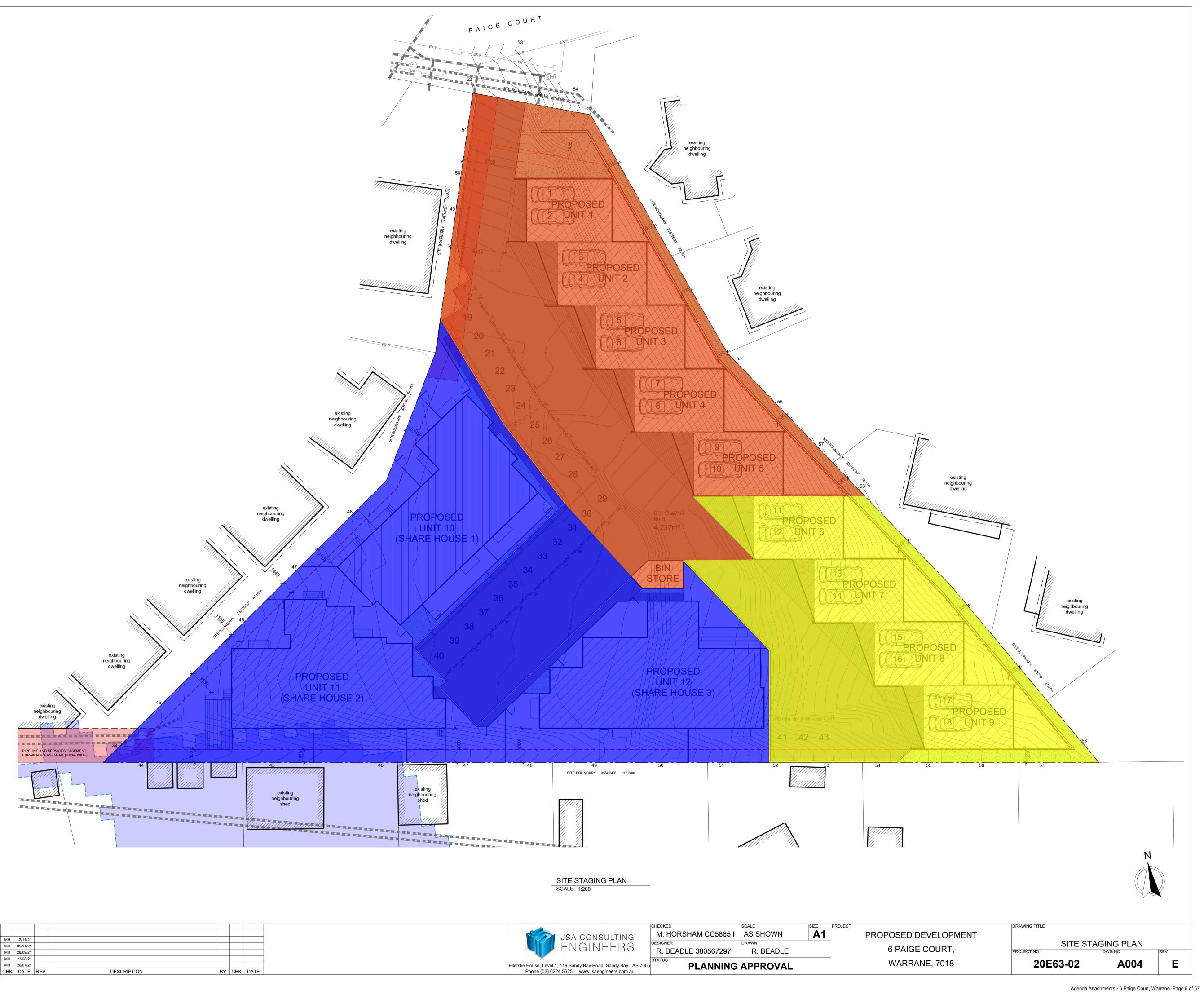
STAGE 1	CONSTRUCTION OF UNITS 1 - 5, DRIVEWAY, PARKING AREAS, FOOTPATHS, INSTALLATION OF PRIVATE STORMWATER TO UNITS, SEWER TO UNITS, MASTER WATER METER, INDIVIDUAL UNIT WATER METERS, BIN ENCLOSURE, ASSOCIATED LANDSCAPING & LETTERBOXES
STAGE 2	CONSTRUCTION OF UNITS 6 - 9, DRIVEWAY, PARKING AREAS, FOOTPATHS, INSTALLATION OF PRIVATE STORMWATER TO UNITS, SEWER TO UNITS, INDIVIDUAL UNIT WATER METERS & ASSOCIATED LANDSCAPING.
STAGE 3	CONSTRUCTION OF SHAREHOUSES 1 - 3, DRIVEWAY, PARKING AREAS, FOOTPATHS, INSTALLATION OF PRIVATE STORMWATER TO UNITS, SEWER TO UNITS, INDIVIDUAL UNIT WATER METERS, ASSOCIATED LANDSCAPING & SWALE DRAIN.

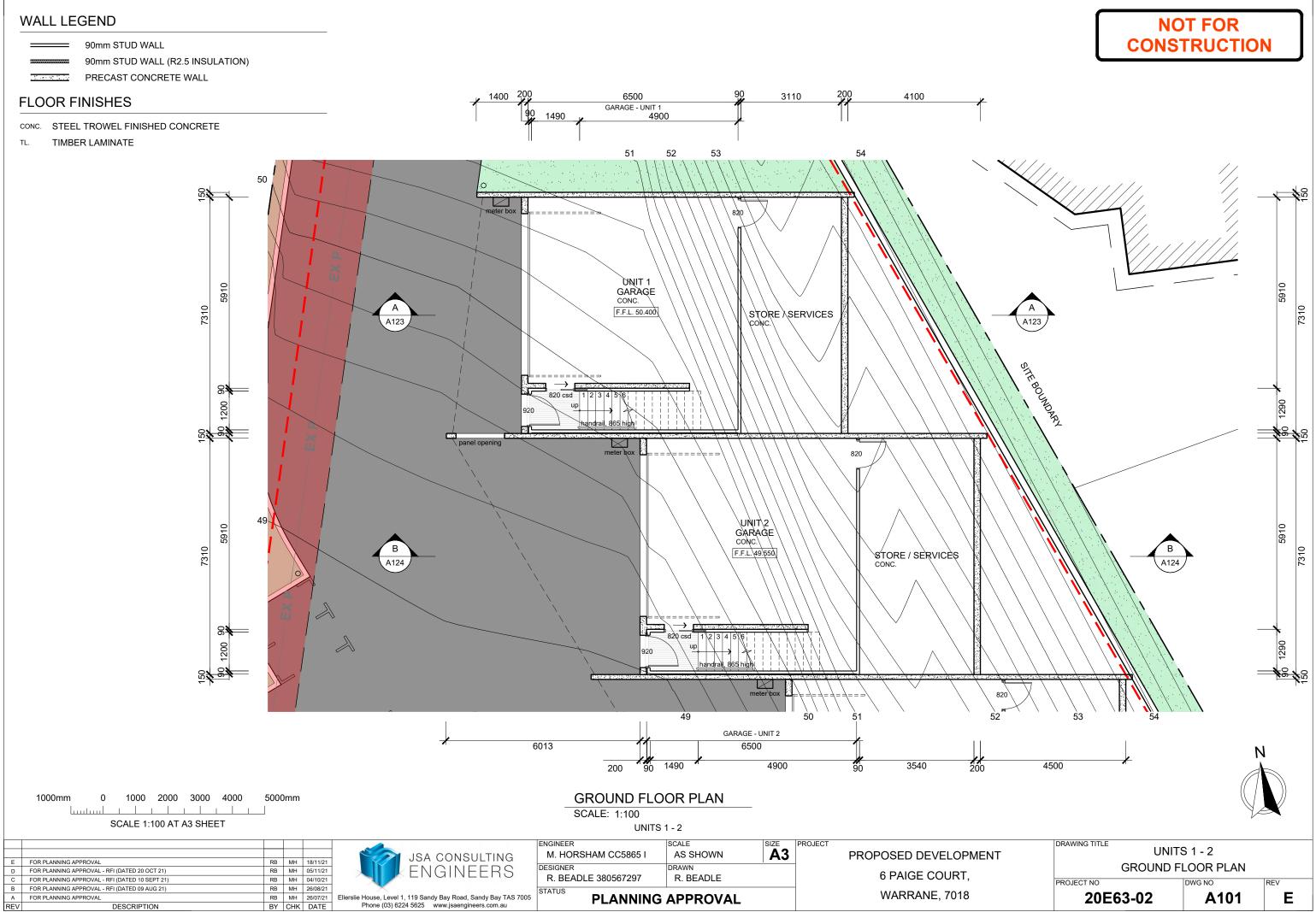
existing neighbouring dwelling V 744 existing neighbouring dwelling existing neighbouring dwelling PROPOSED UNIT 11 (SHARE HOUSE 2) existing neighbouring dwelling PIPELINE AND SERVICES EASEMENT & DRAINAGE EASEMENT (4.00m WIDE) existing neighbouring shed



# IMPORTANT DRAWINGS MUST BE PRINTED & READ IN COLOUR

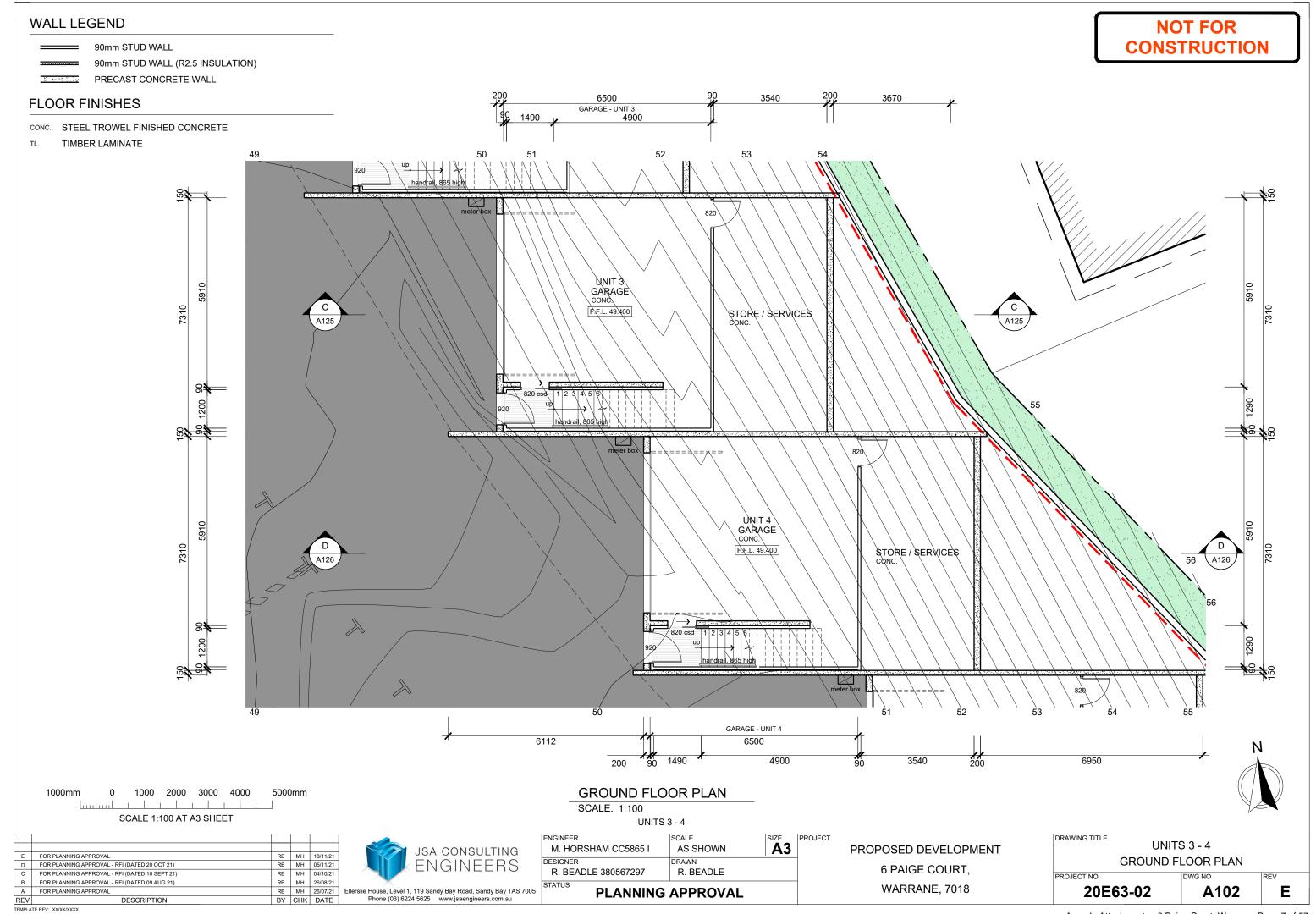
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С	FOR PLANNING APPROVAL - RFI (DATED 10 SEPT 21)	RB	MH	28/09/21					
В	FOR PLANNING APPROVAL - RFI (DATED 09 AUG 21)	RB	MH	23/08/21					
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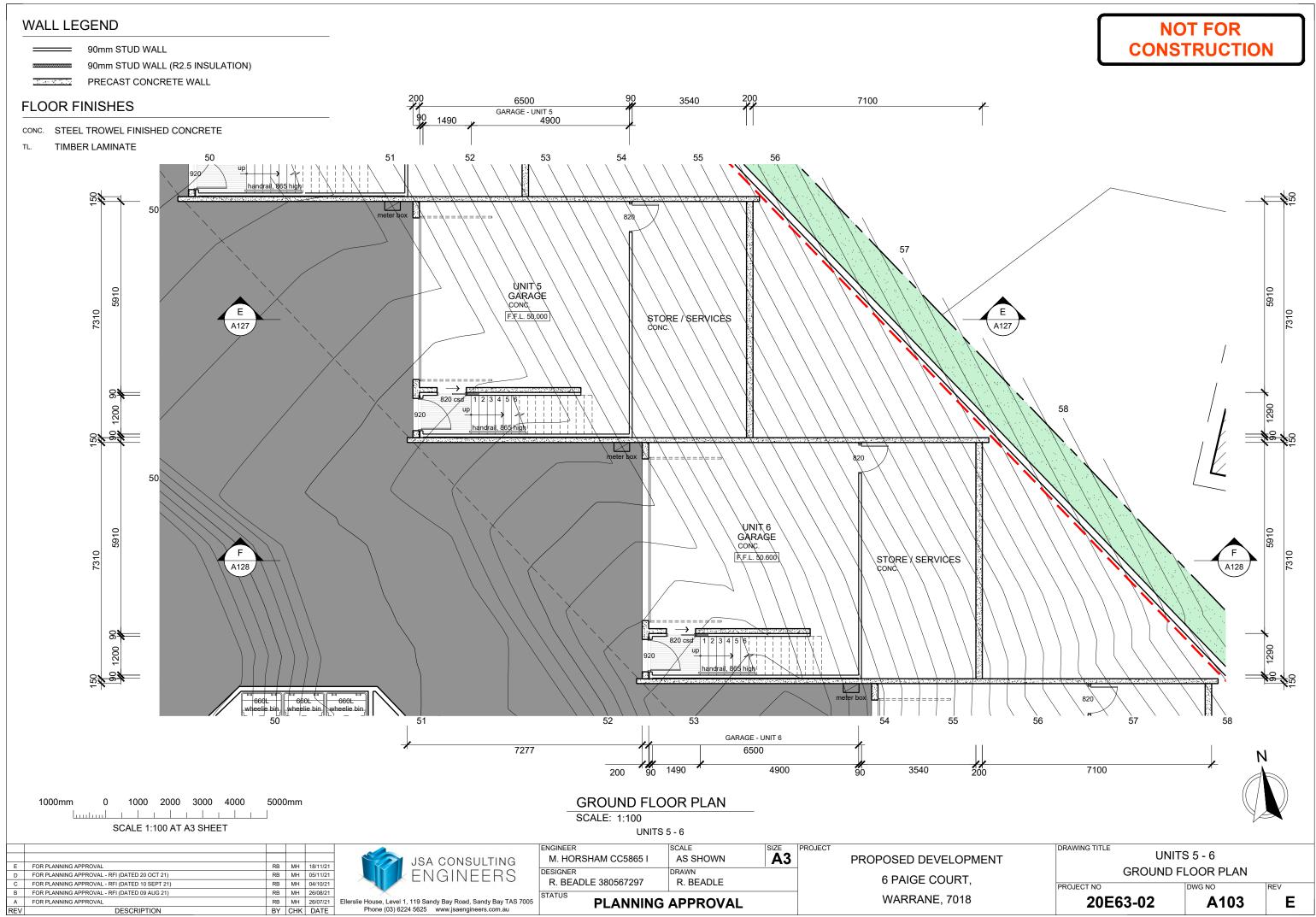


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Agenda Attachments - 6 Paige Court, Warrane Page 6 of 57

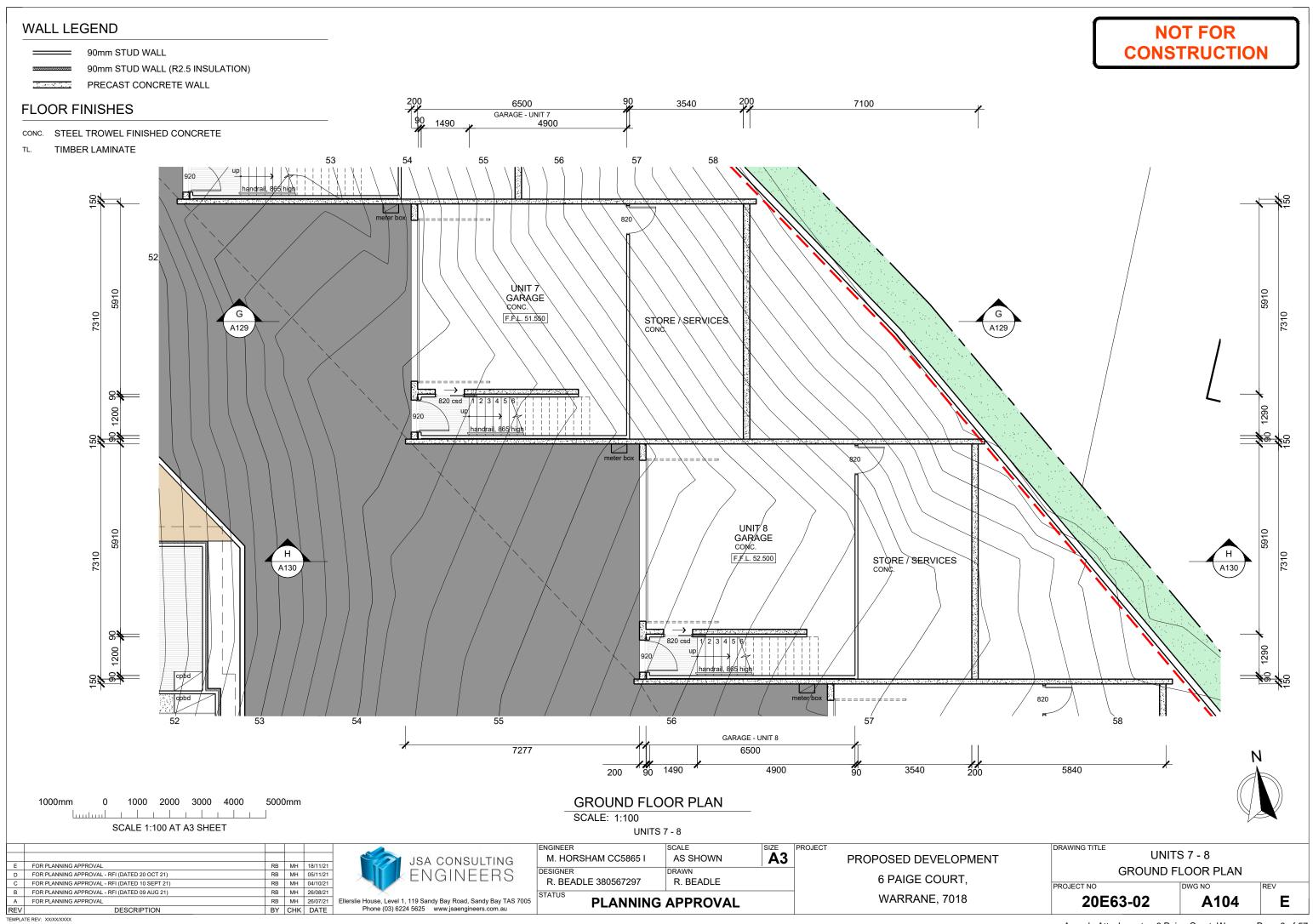


Agenda Attachments - 6 Paige Court, Warrane Page 7 of 57



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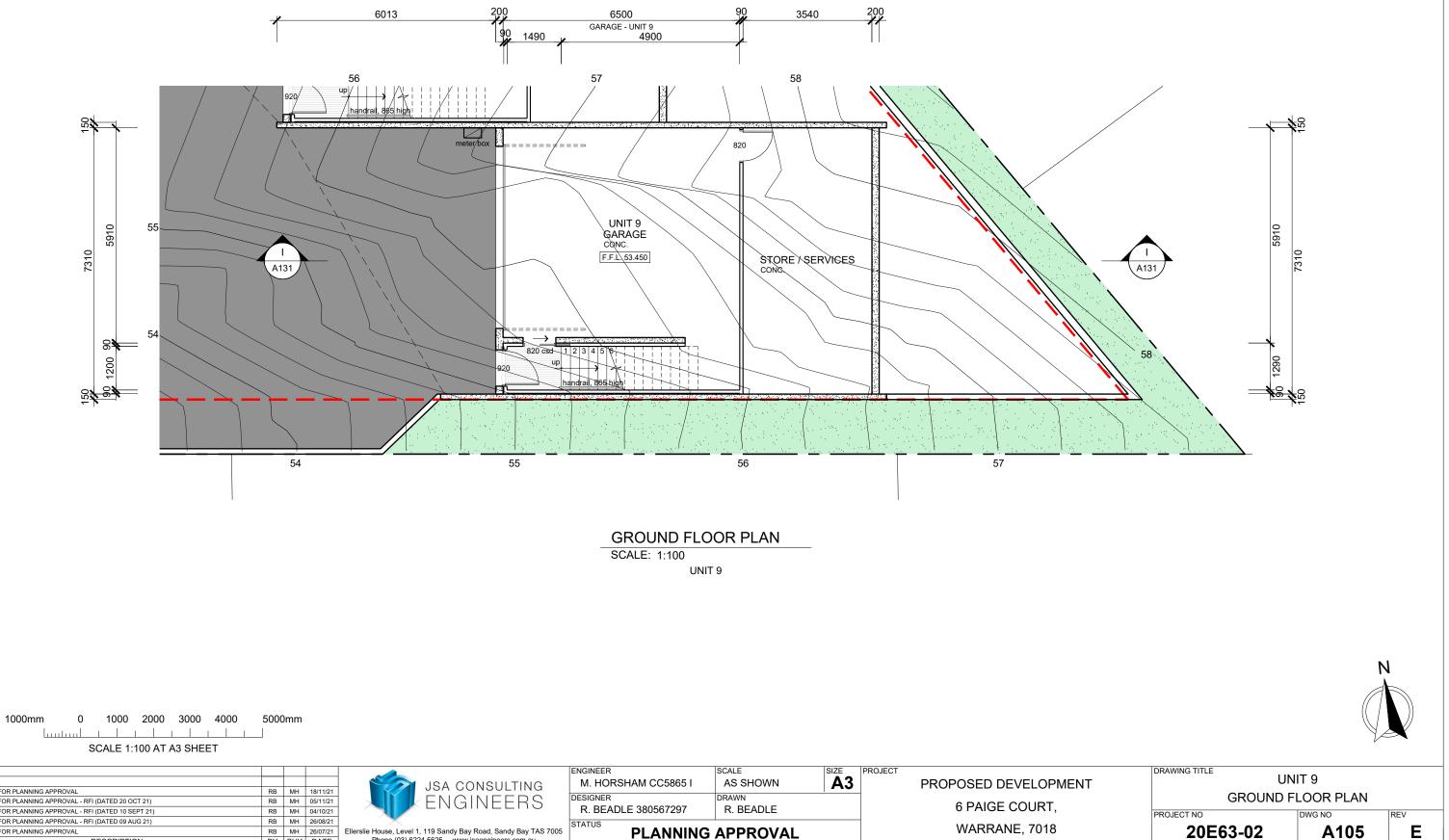
Agenda Attachments - 6 Paige Court, Warrane Page 9 of 57

# WALL LEGEND

- 90mm STUD WALL
- 90mm STUD WALL (R2.5 INSULATION)
- PRECAST CONCRETE WALL

# FLOOR FINISHES

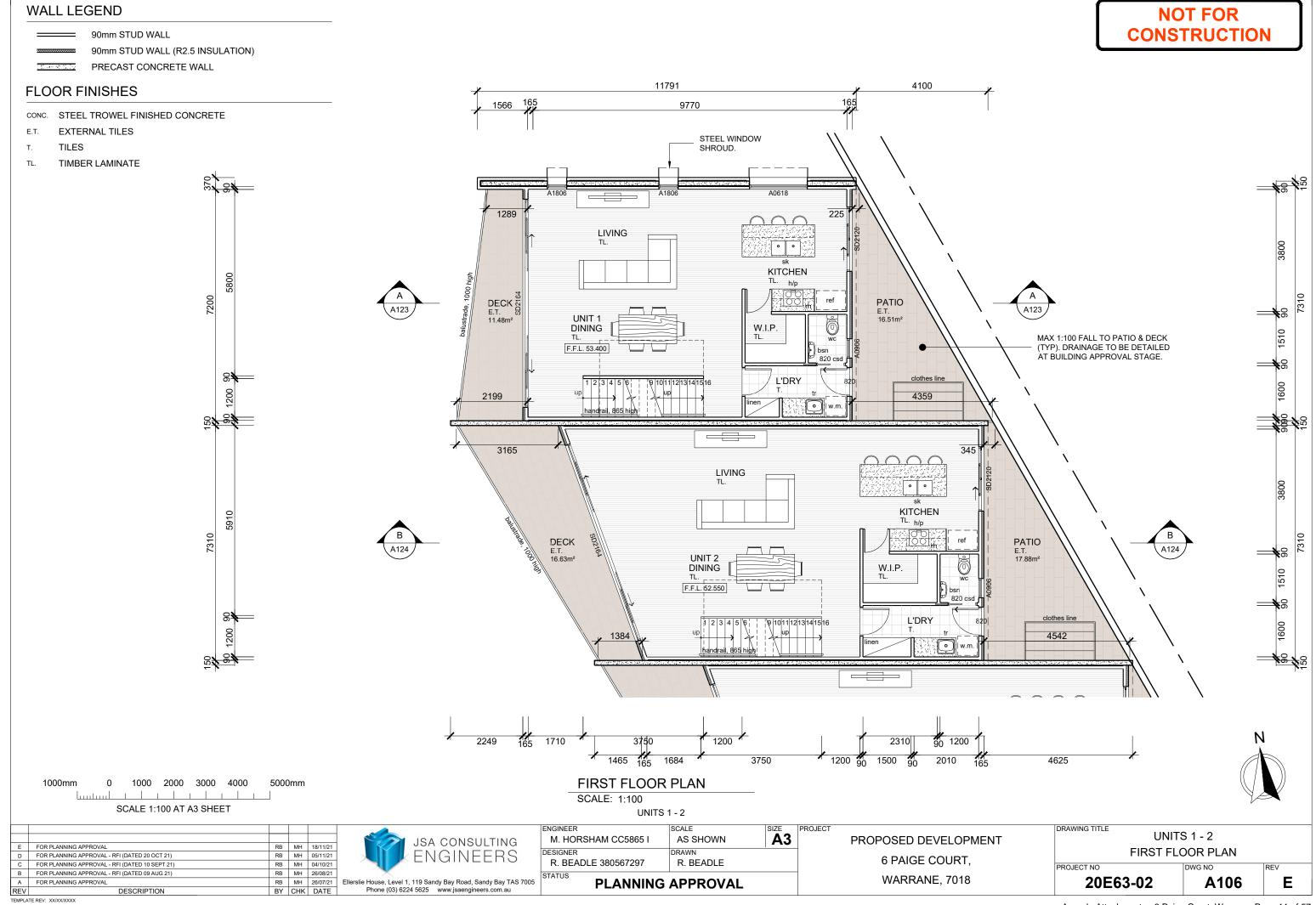
- CONC. STEEL TROWEL FINISHED CONCRETE
- TL. TIMBER LAMINATE



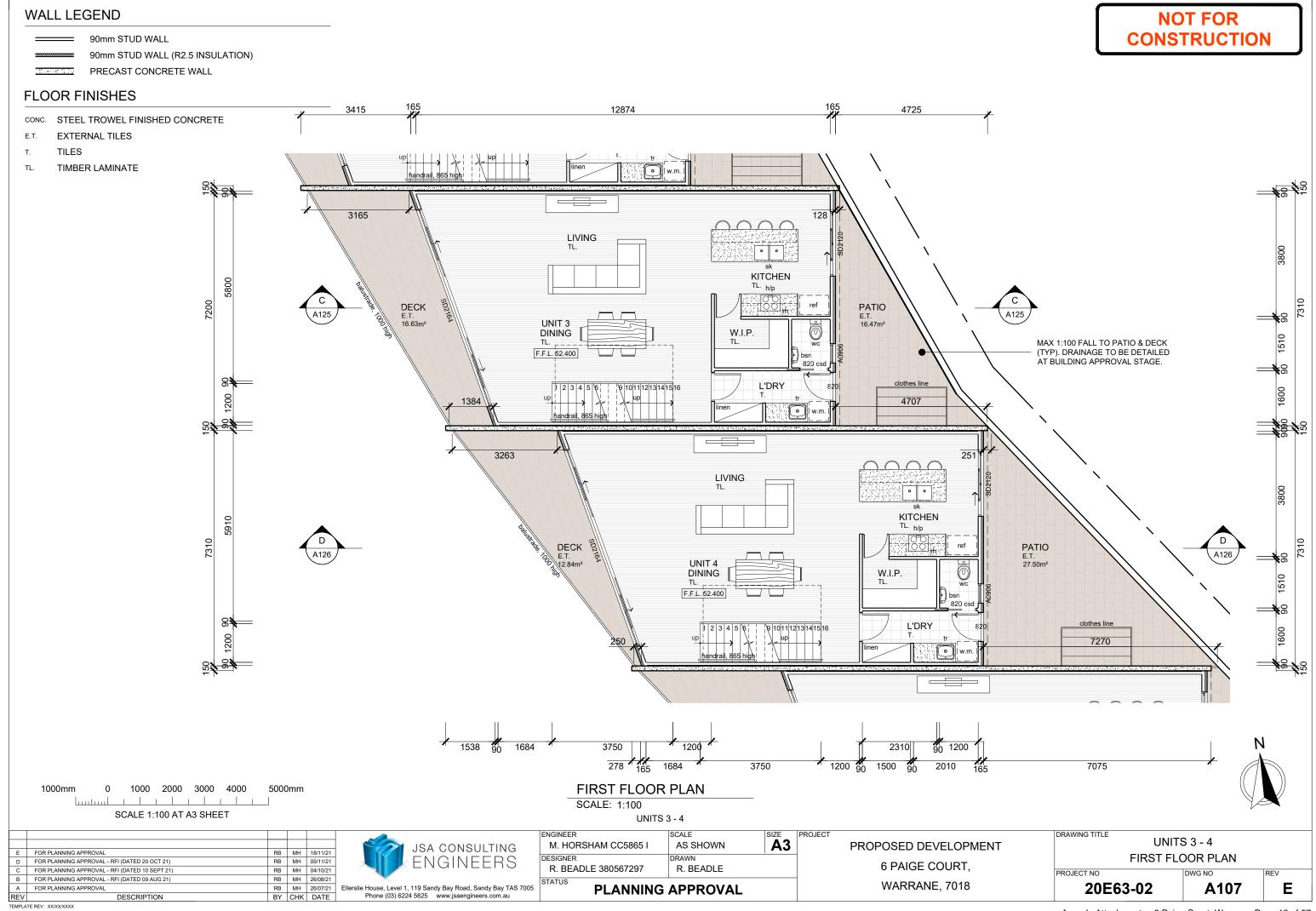
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В	FOR PLANNING APPROVAL - RFI (DATED 09 AUG 21)	RB	MH	26/08/21		STATUS			
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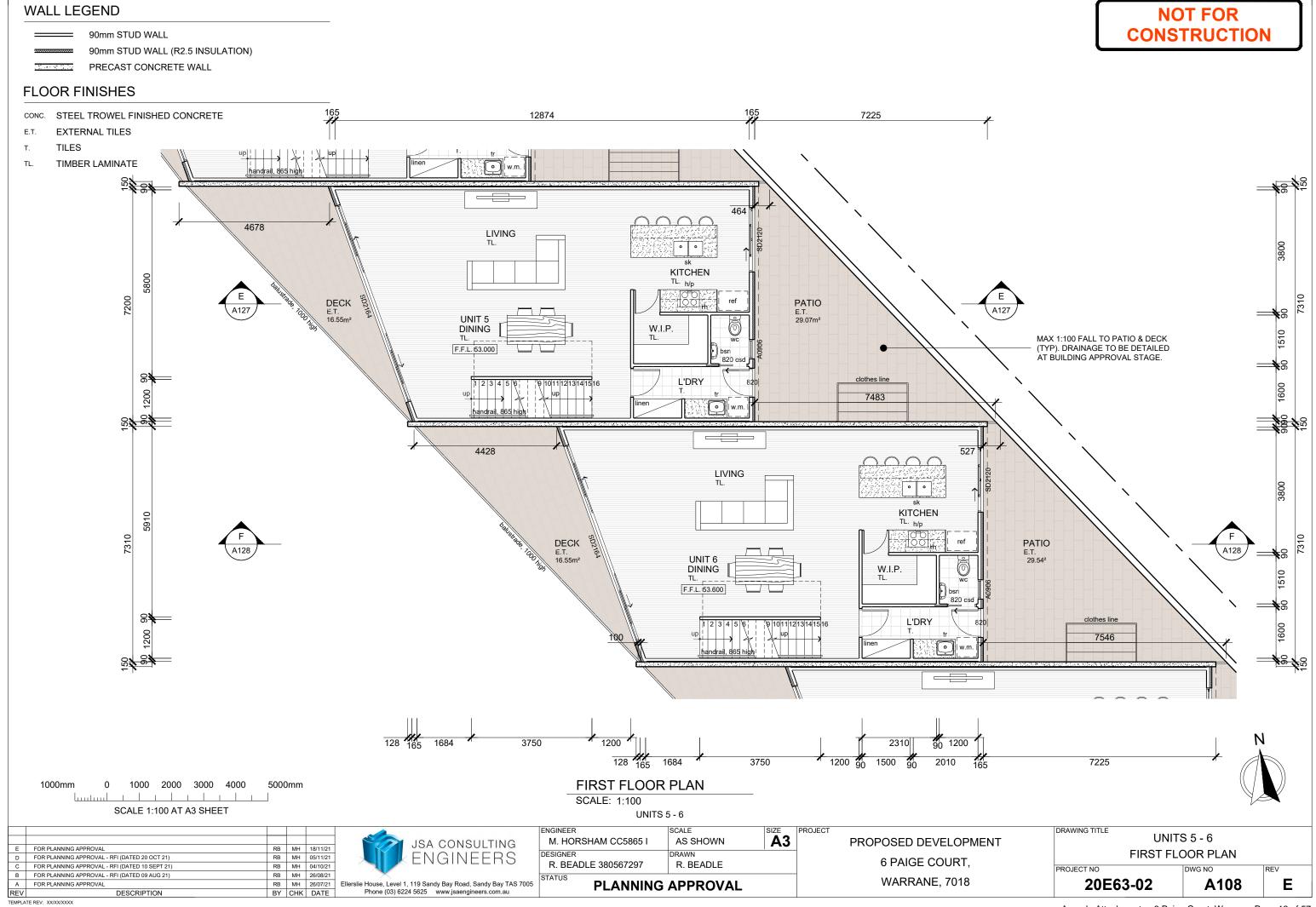
Agenda Attachments - 6 Paige Court, Warrane Page 10 of 57



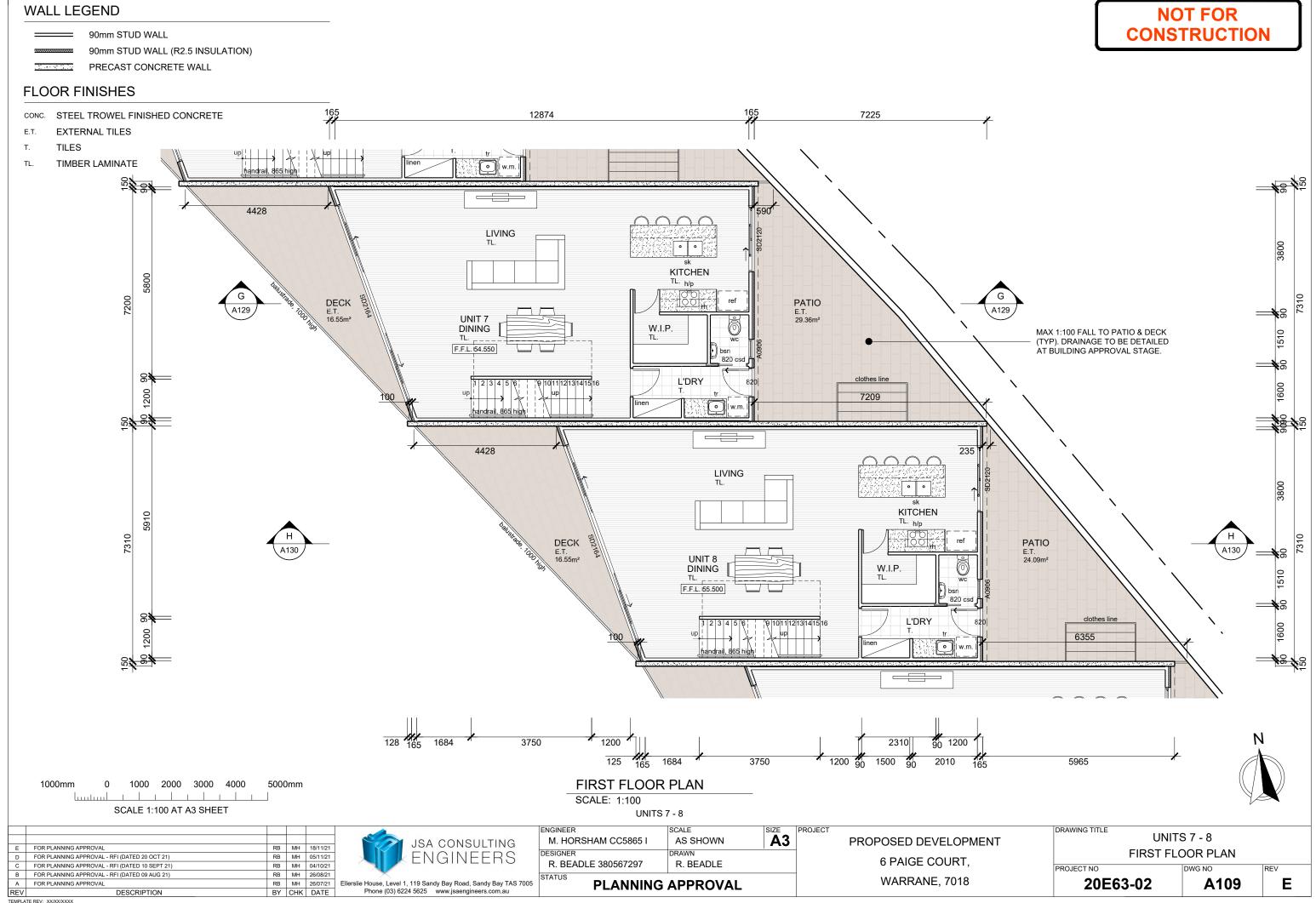
Agenda Attachments - 6 Paige Court, Warrane Page 11 of 57



Agenda Attachments - 6 Paige Court, Warrane Page 12 of 57



Agenda Attachments - 6 Paige Court, Warrane Page 13 of 57



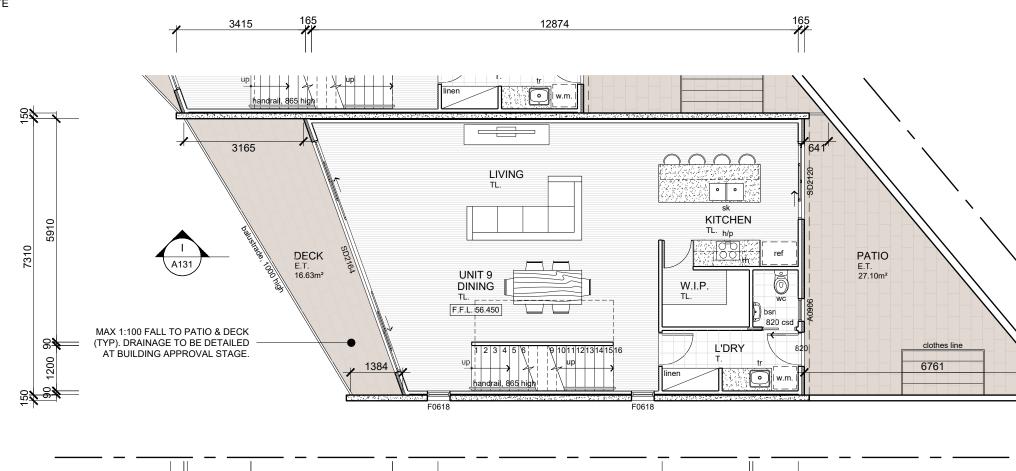
Agenda Attachments - 6 Paige Court, Warrane Page 14 of 57

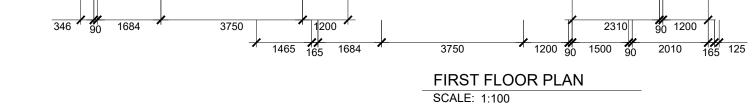
# WALL LEGEND

- 90mm STUD WALL
- 90mm STUD WALL (R2.5 INSULATION)
- PRECAST CONCRETE WALL

# FLOOR FINISHES

- CONC. STEEL TROWEL FINISHED CONCRETE
- E.T. EXTERNAL TILES
- T. TILES
- TL. TIMBER LAMINATE





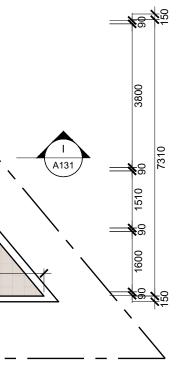
UNIT 9

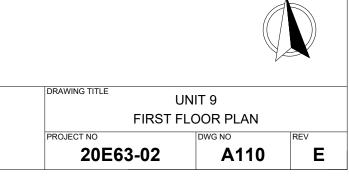
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SCALE 1:100 AT A3 SHEET

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					JSA CONSULTING	M. HORS	HAM CC5865 I	AS SHOWN	<b>A</b> 3		PROPOSED DEVELOPMENT
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A	FOR PLANNING APPROVAL	RB	MH	26/07/21	Ellerslie House, Level 1, 119 Sandy Bay Road, Sandy Bay TAS 7005			APPROVAL			WARRANE, 7018
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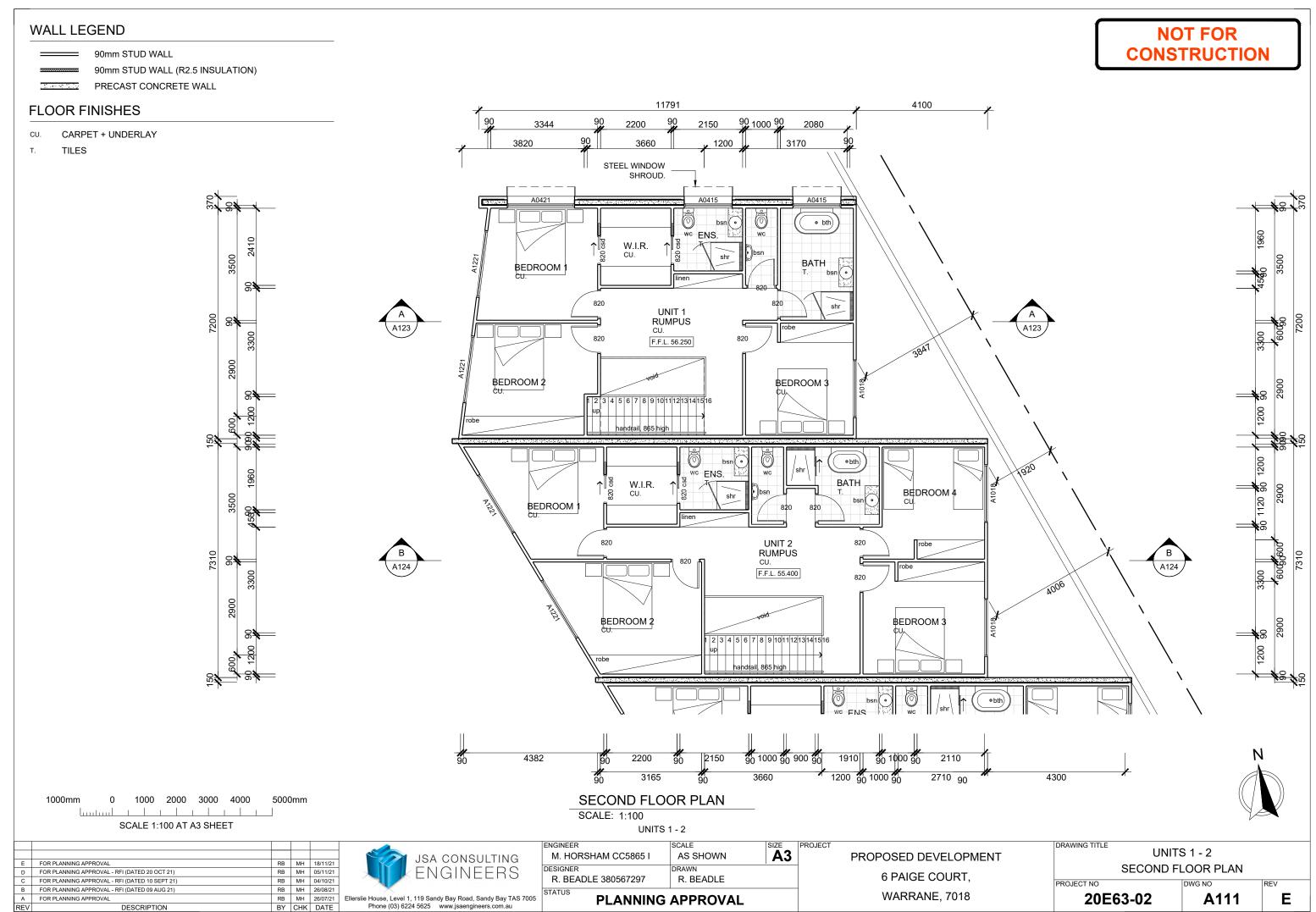
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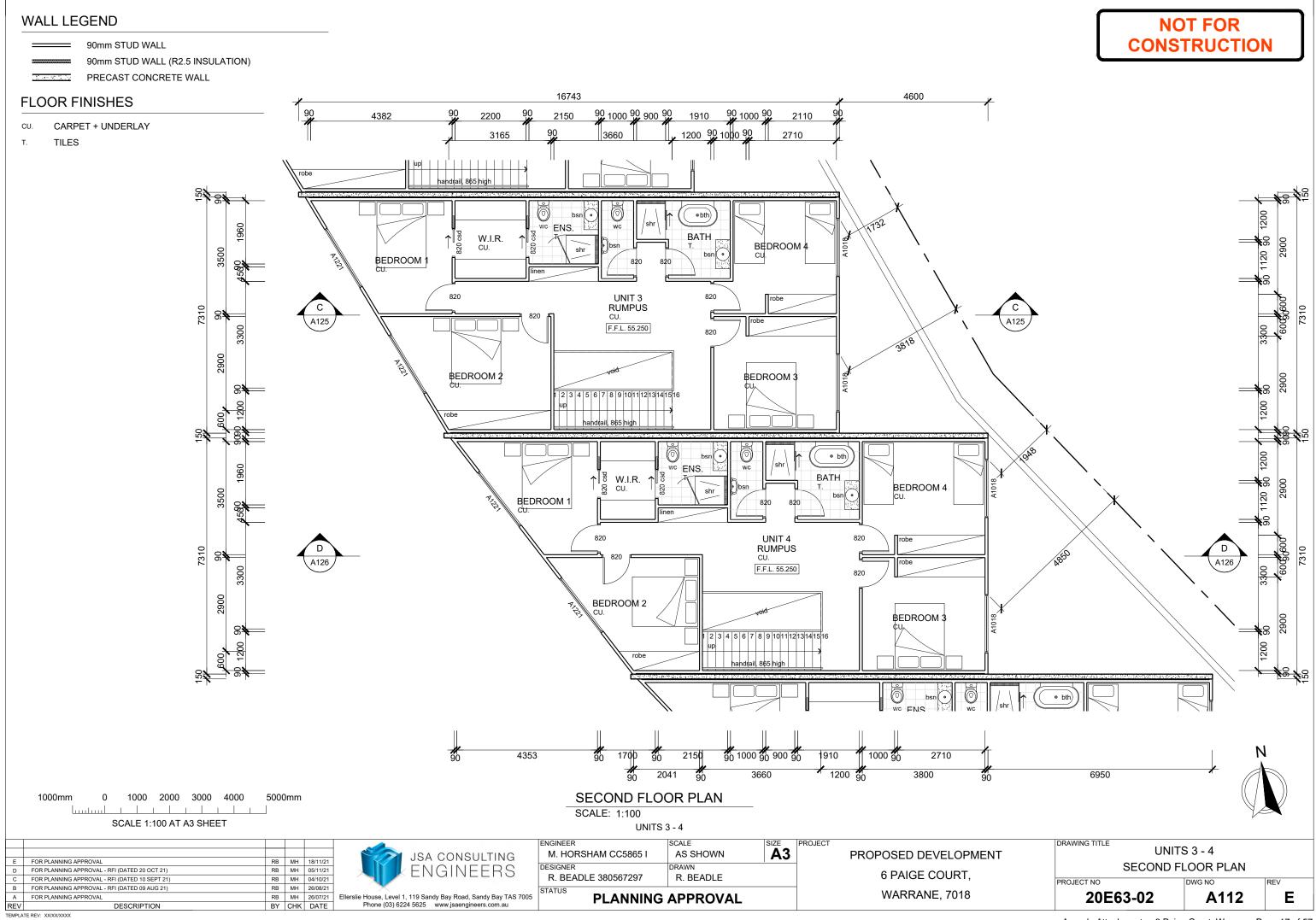
Agenda Attachments - 6 Paige Court, Warrane Page 15 of 57

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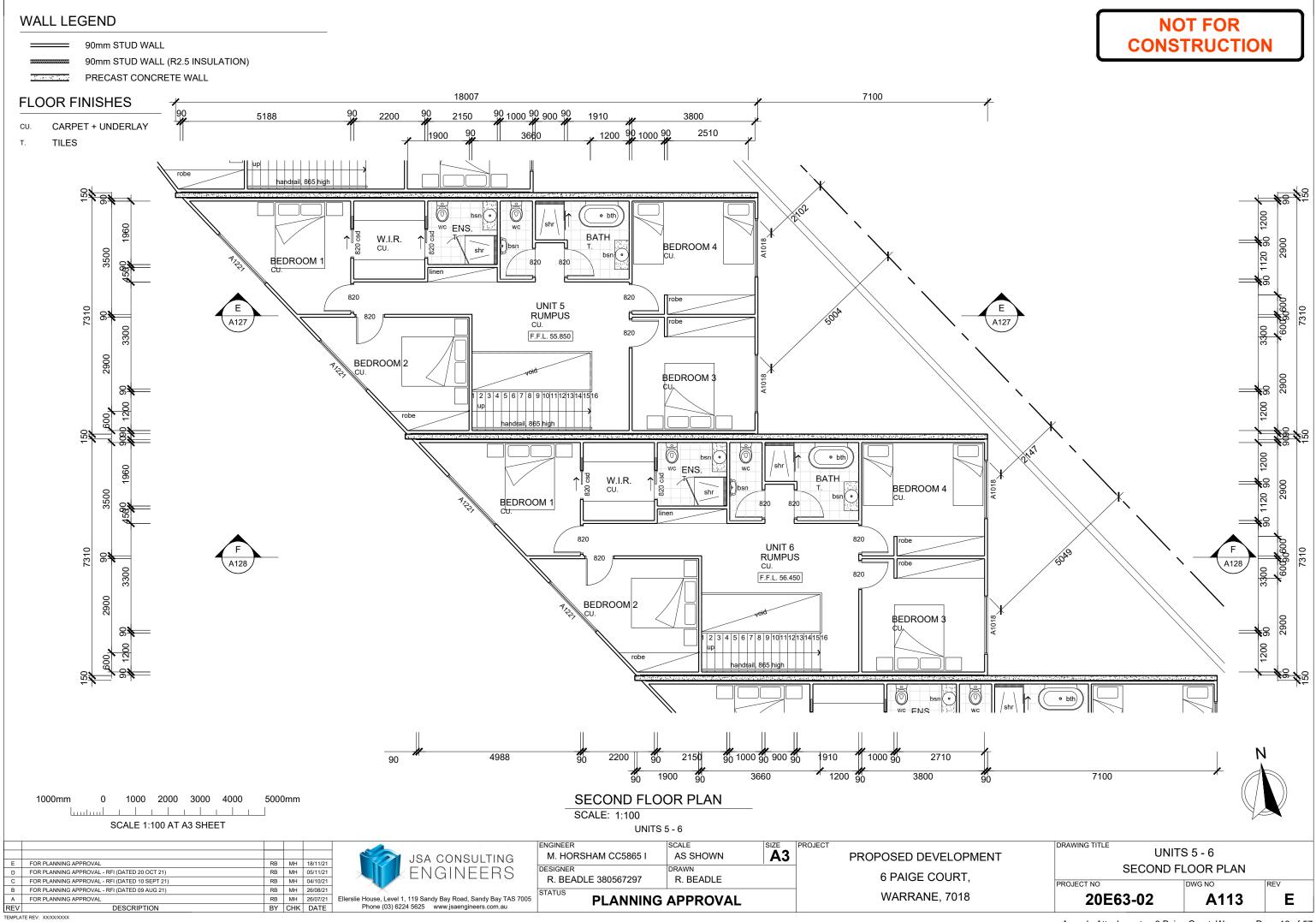


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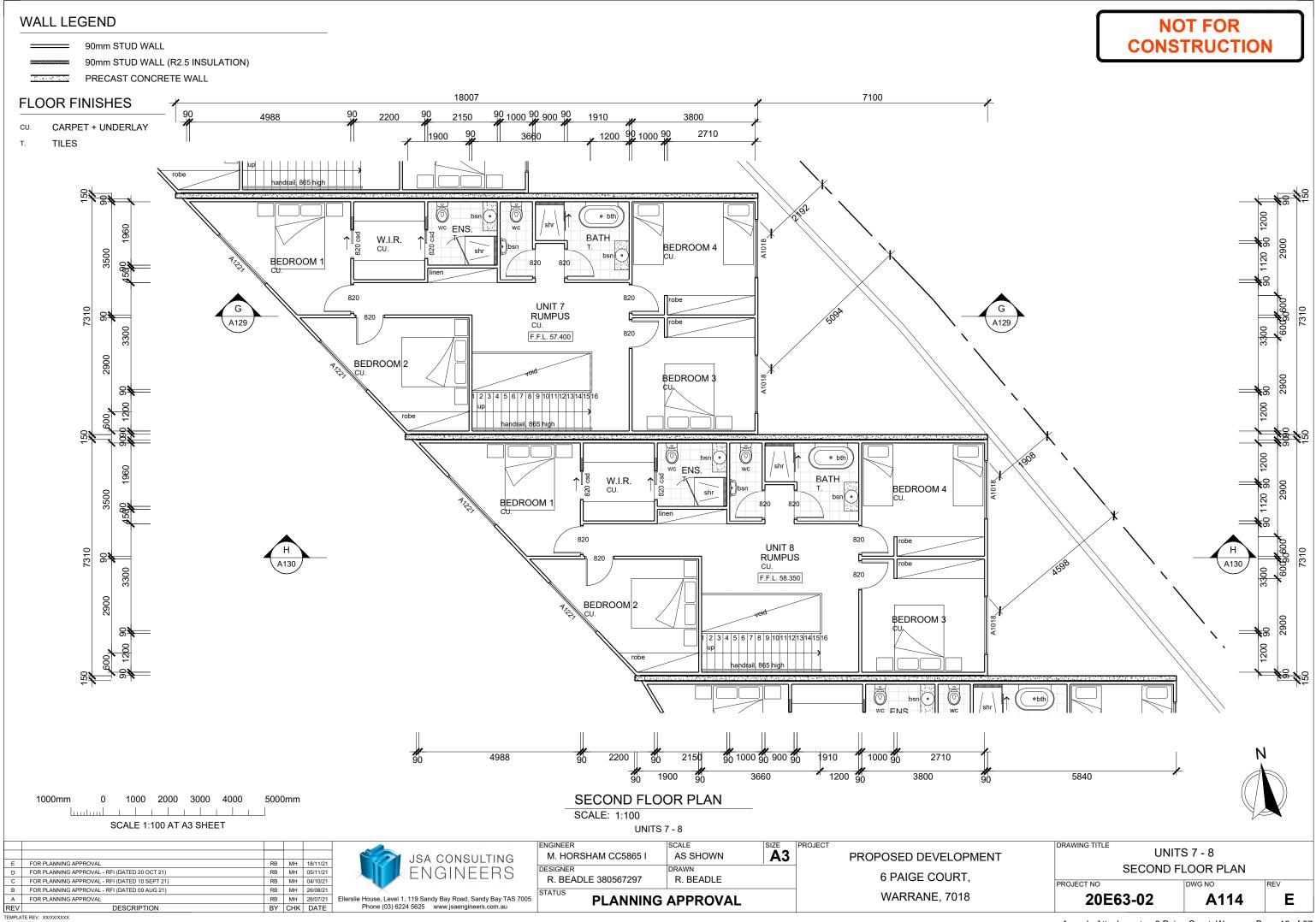
Agenda Attachments - 6 Paige Court, Warrane Page 16 of 57



Agenda Attachments - 6 Paige Court, Warrane Page 17 of 57



Agenda Attachments - 6 Paige Court, Warrane Page 18 of 57



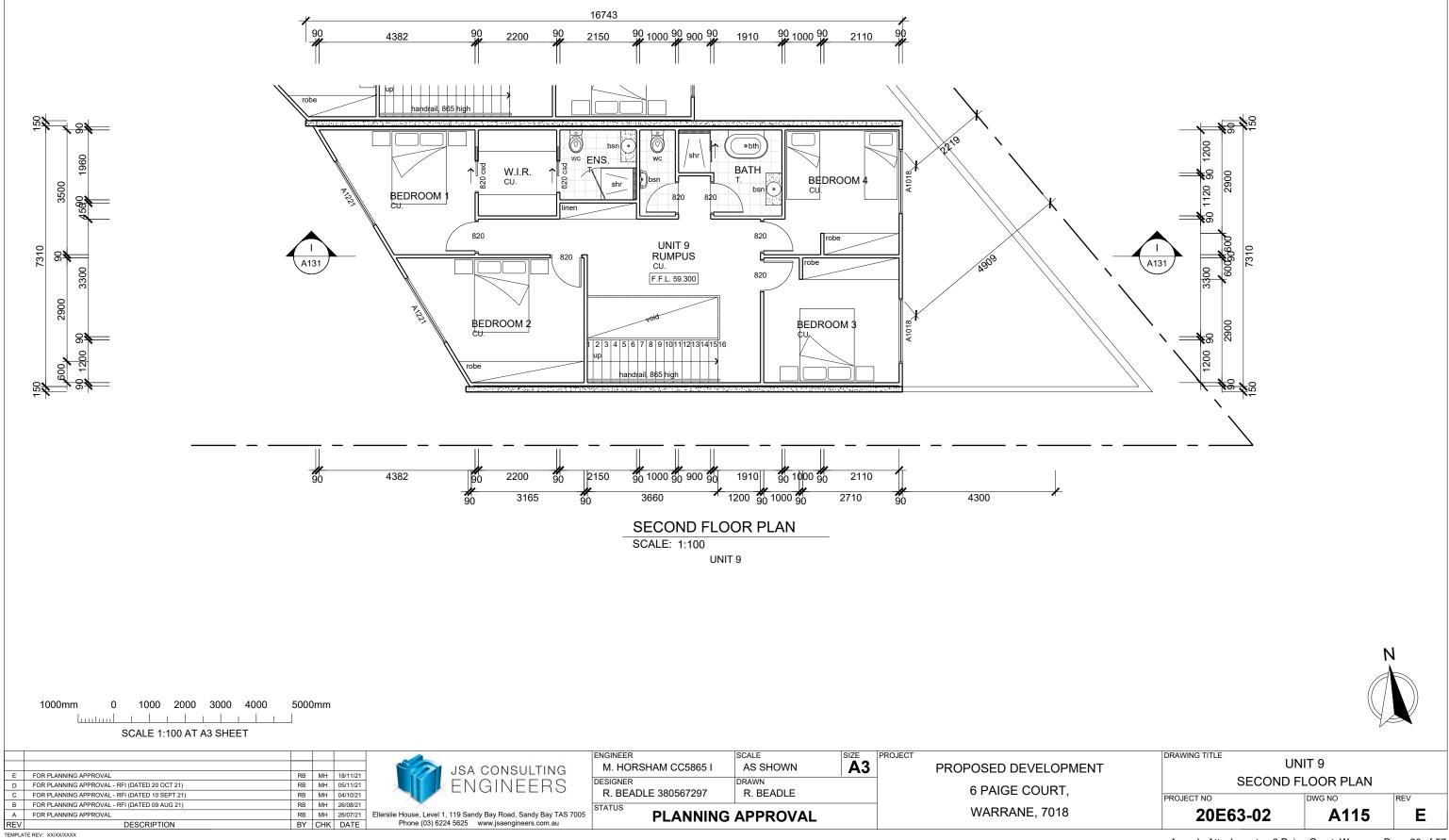
Agenda Attachments - 6 Paige Court, Warrane Page 19 of 57

# WALL LEGEND

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- 90mm STUD WALL (R2.5 INSULATION) ......
- PRECAST CONCRETE WALL

# FLOOR FINISHES

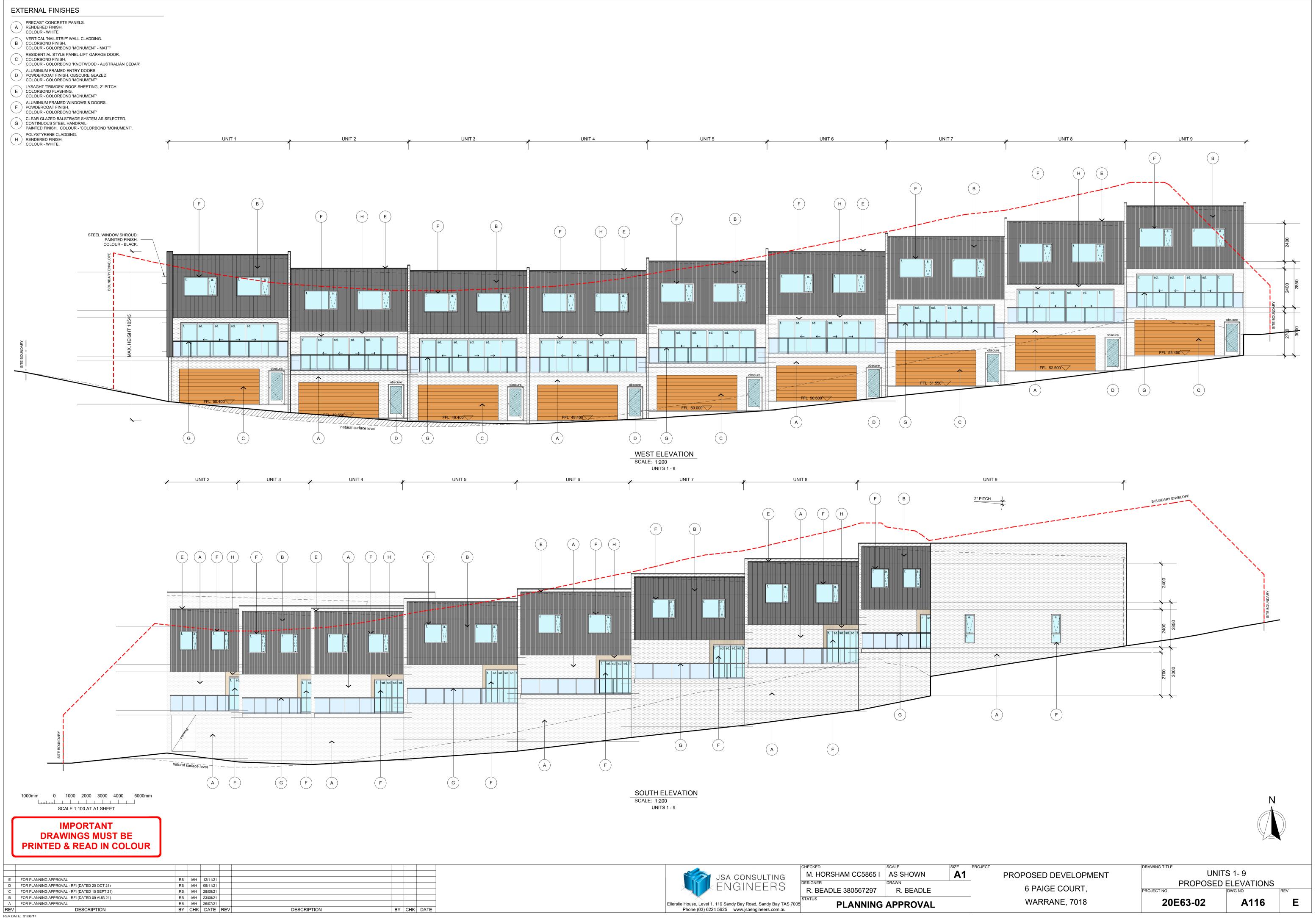
- CU. CARPET + UNDERLAY
- Τ. TILES



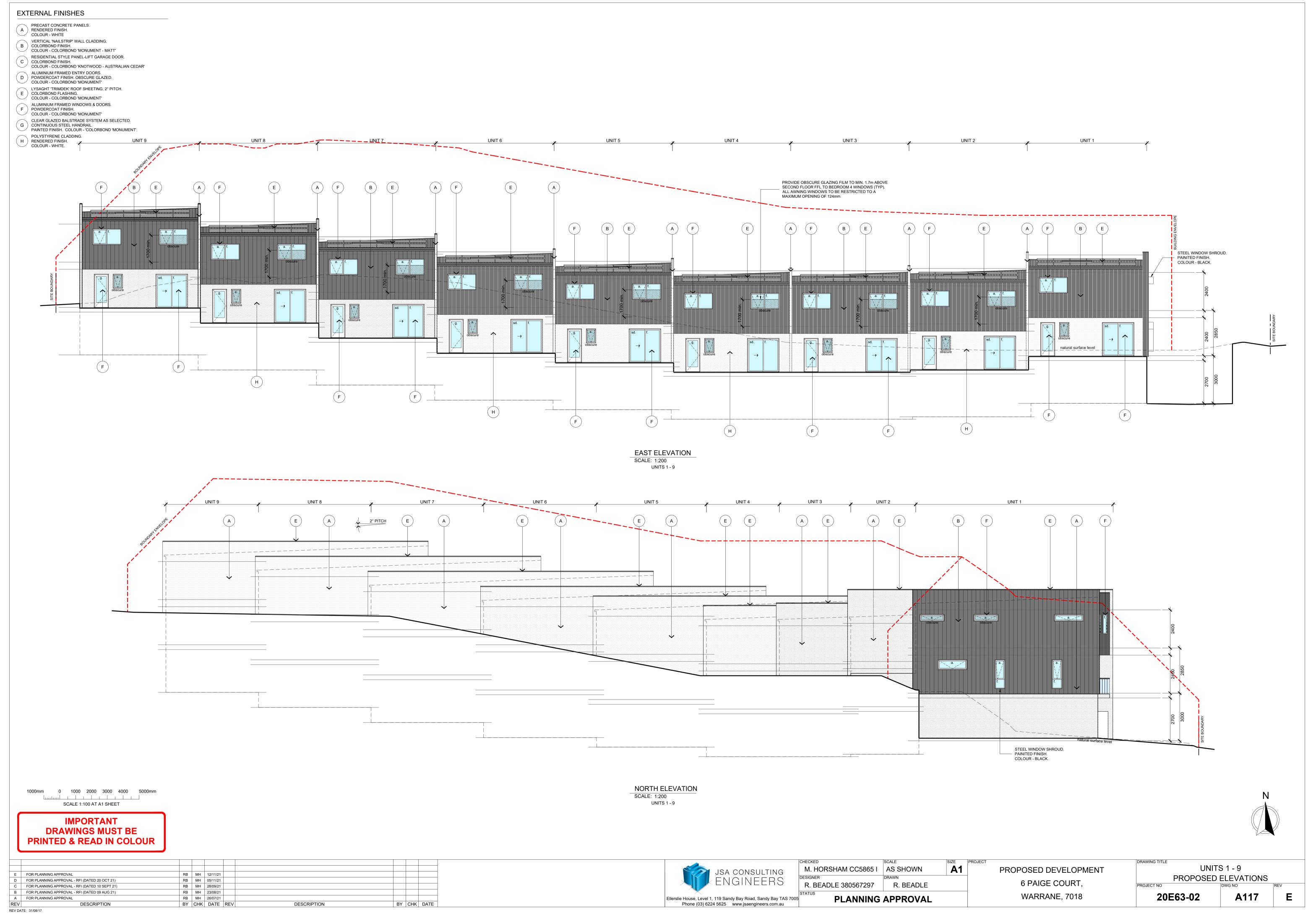
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Agenda Attachments - 6 Paige Court, Warrane Page 20 of 57



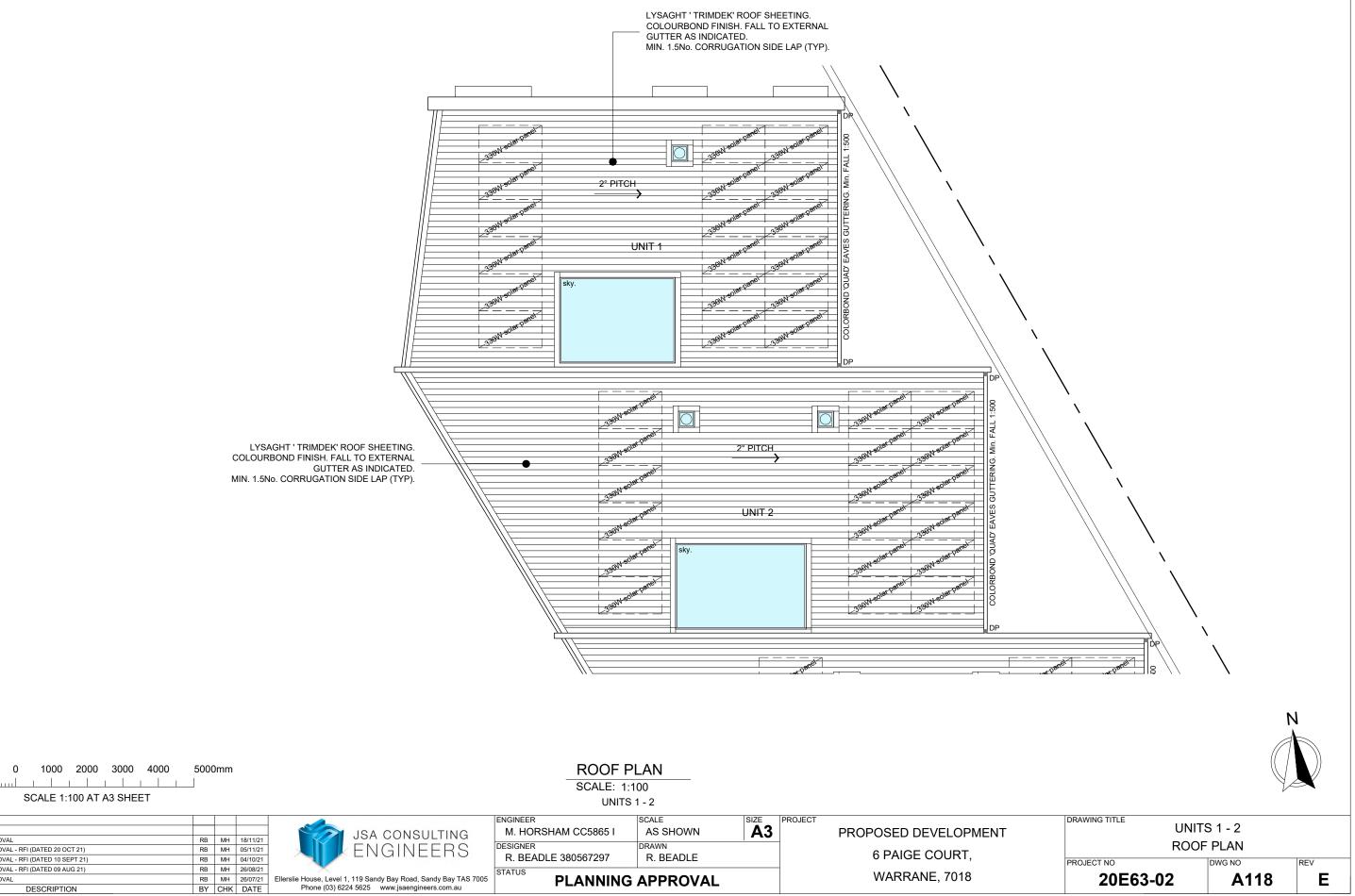
Agenda Attachments - 6 Paige Court, Warrane Page 21 of 57



NOTE: LYSAGHT 'TRIMDEK' ROOF SHEETING TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

ROOF THICKNESS: 0.42mm BMT

ROOF COLOUR: 'COLORBOND MONUMENT' (solar absorptance value - 0.73)





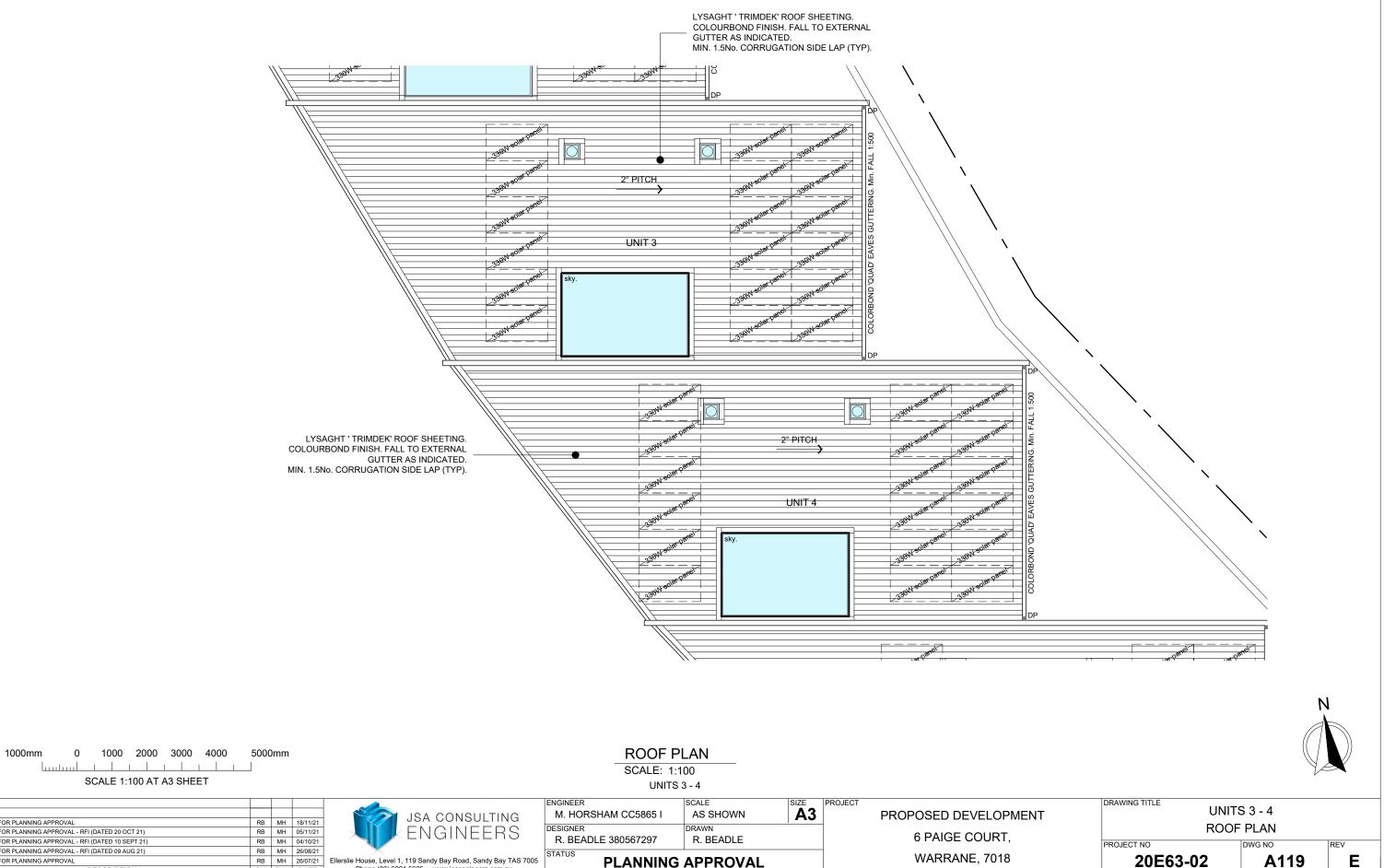
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Agenda Attachments - 6 Paige Court, Warrane Page 23 of 57

NOTE: LYSAGHT 'TRIMDEK' ROOF SHEETING TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

#### ROOF THICKNESS: 0.42mm BMT

ROOF COLOUR: 'COLORBOND MONUMENT' (solar absorptance value - 0.73)



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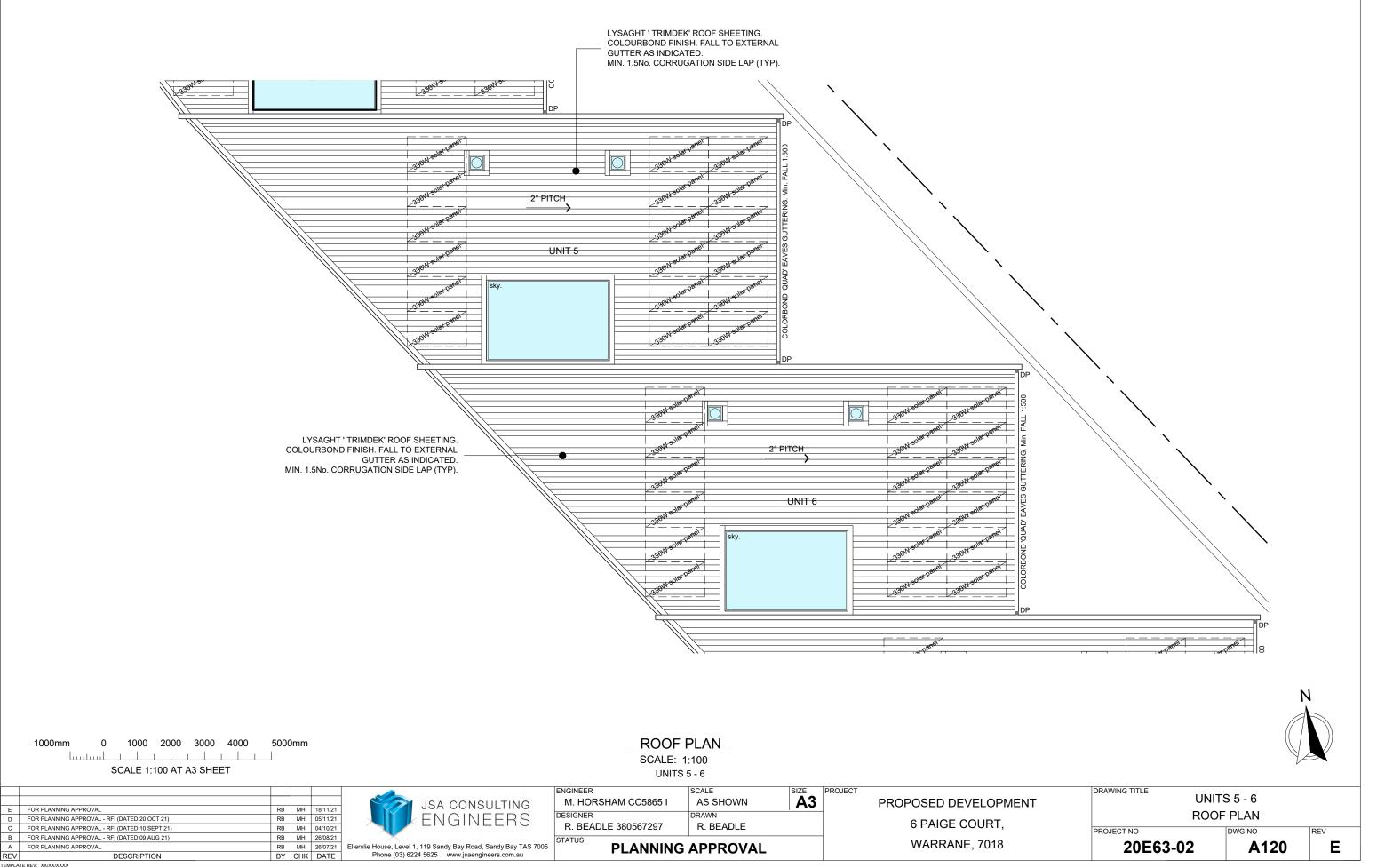
Agenda Attachments - 6 Paige Court, Warrane Page 24 of 57

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NOTE: LYSAGHT 'TRIMDEK' ROOF SHEETING TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

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## **NOT FOR CONSTRUCTION**

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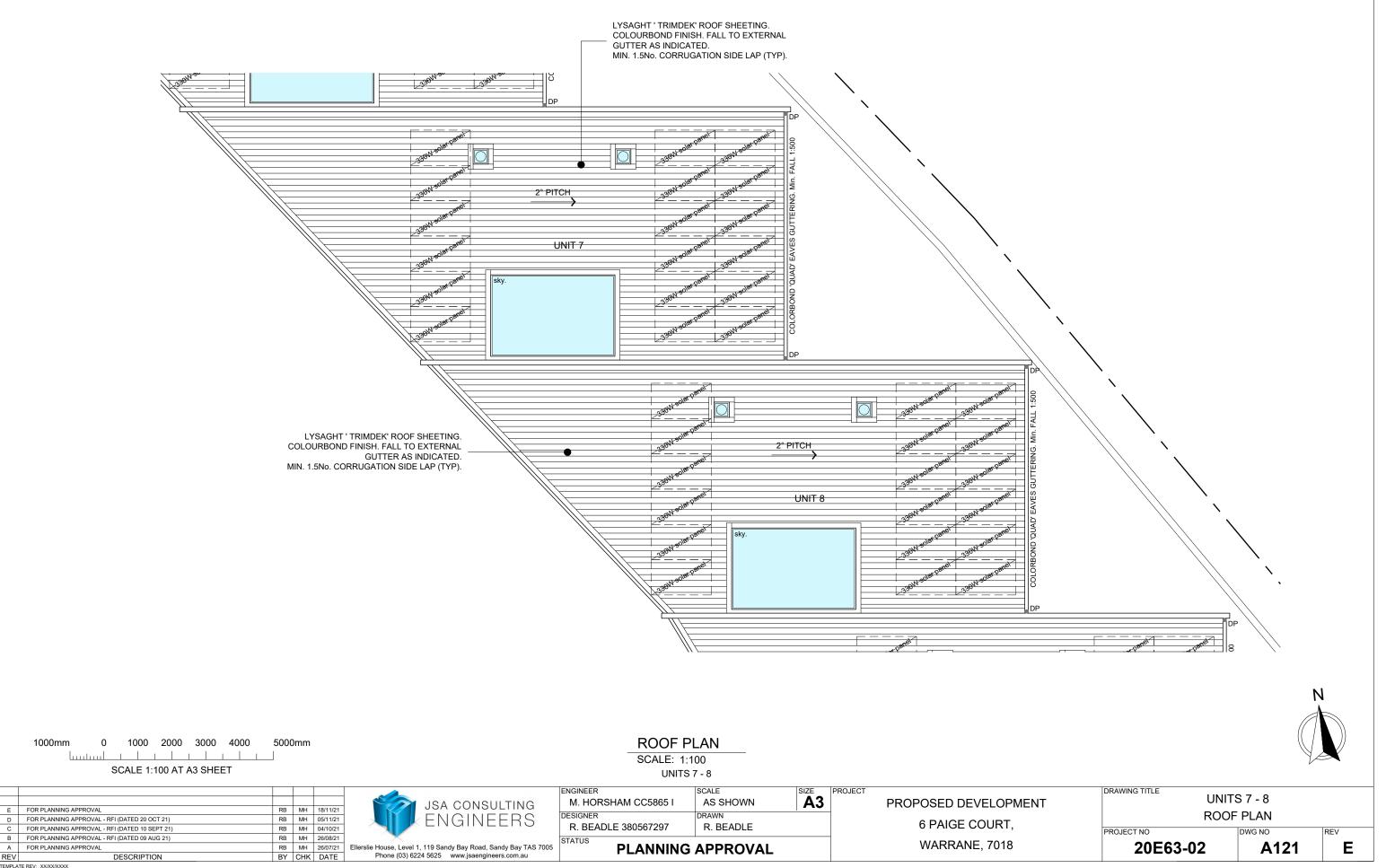
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## **NOT FOR CONSTRUCTION**

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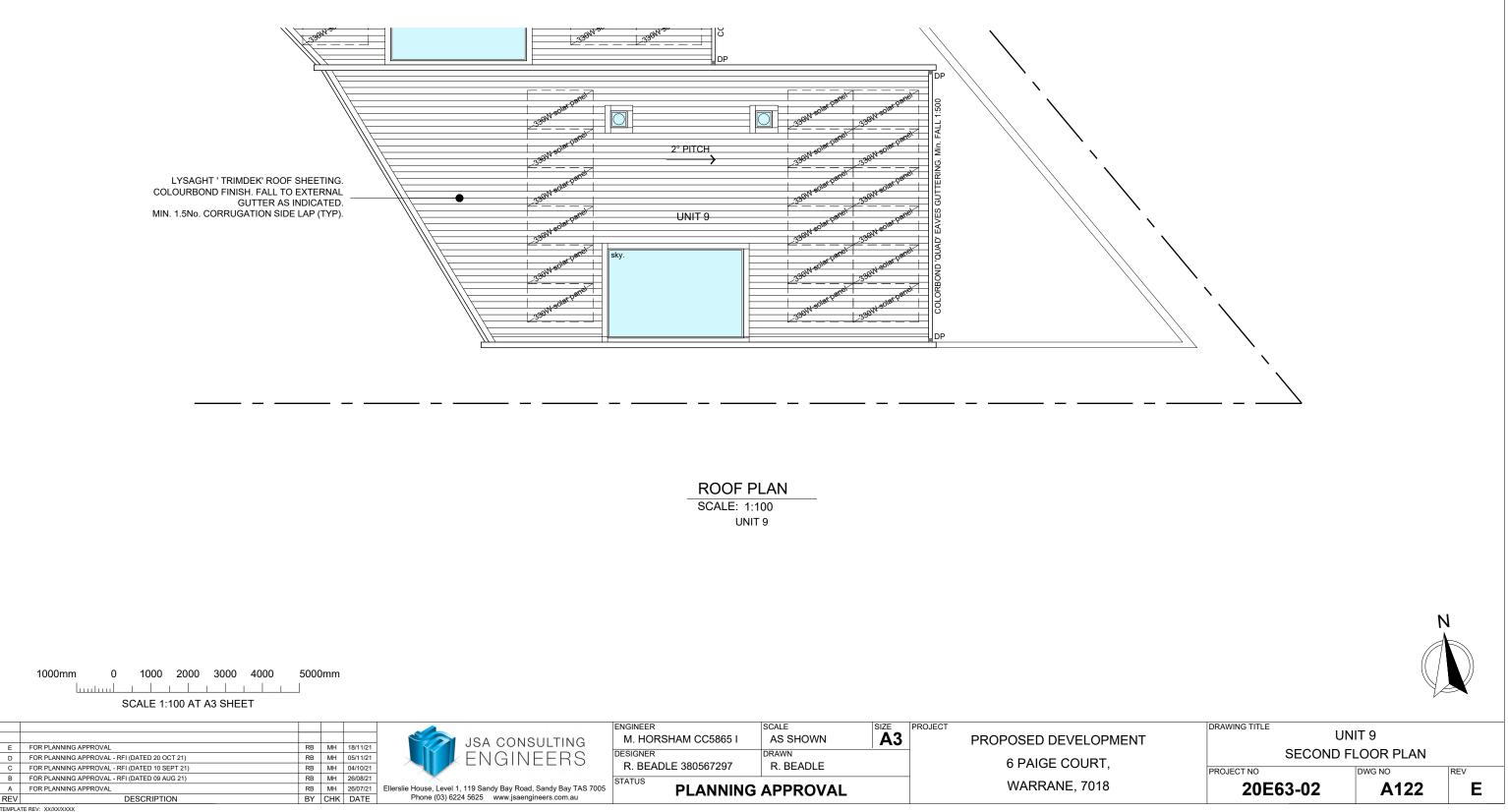
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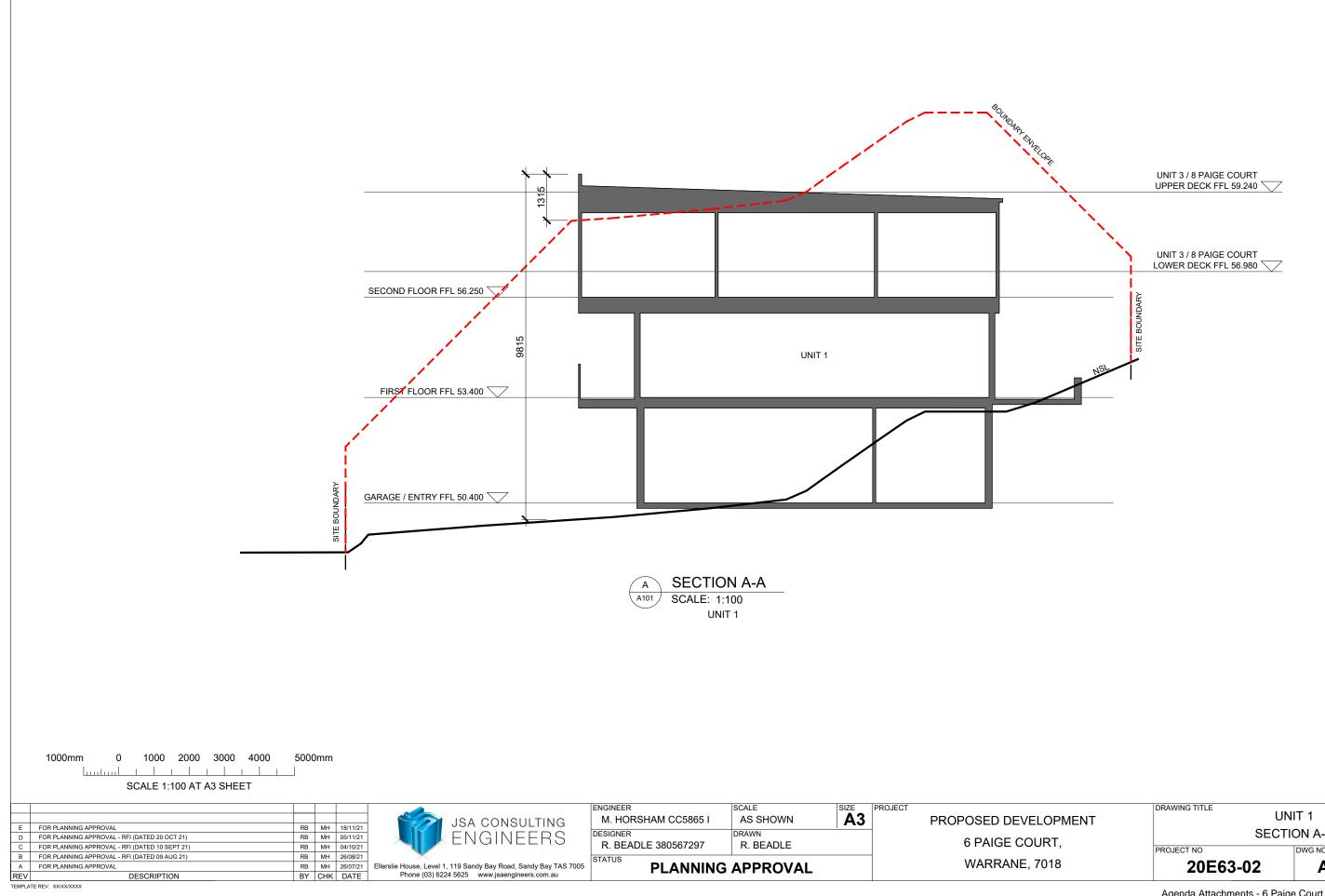
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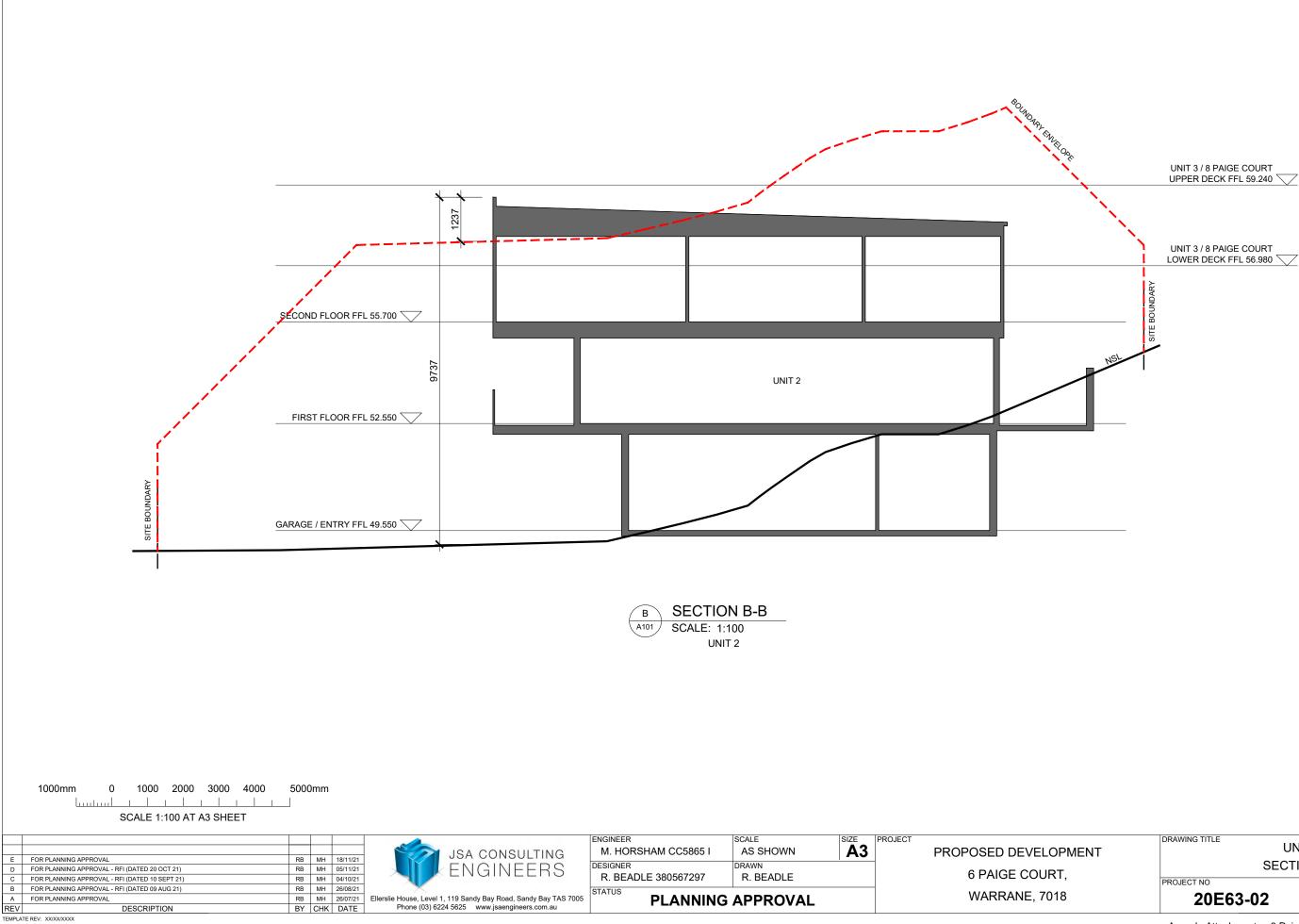
Agenda Attachments - 6 Paige Court, Warrane Page 27 of 57



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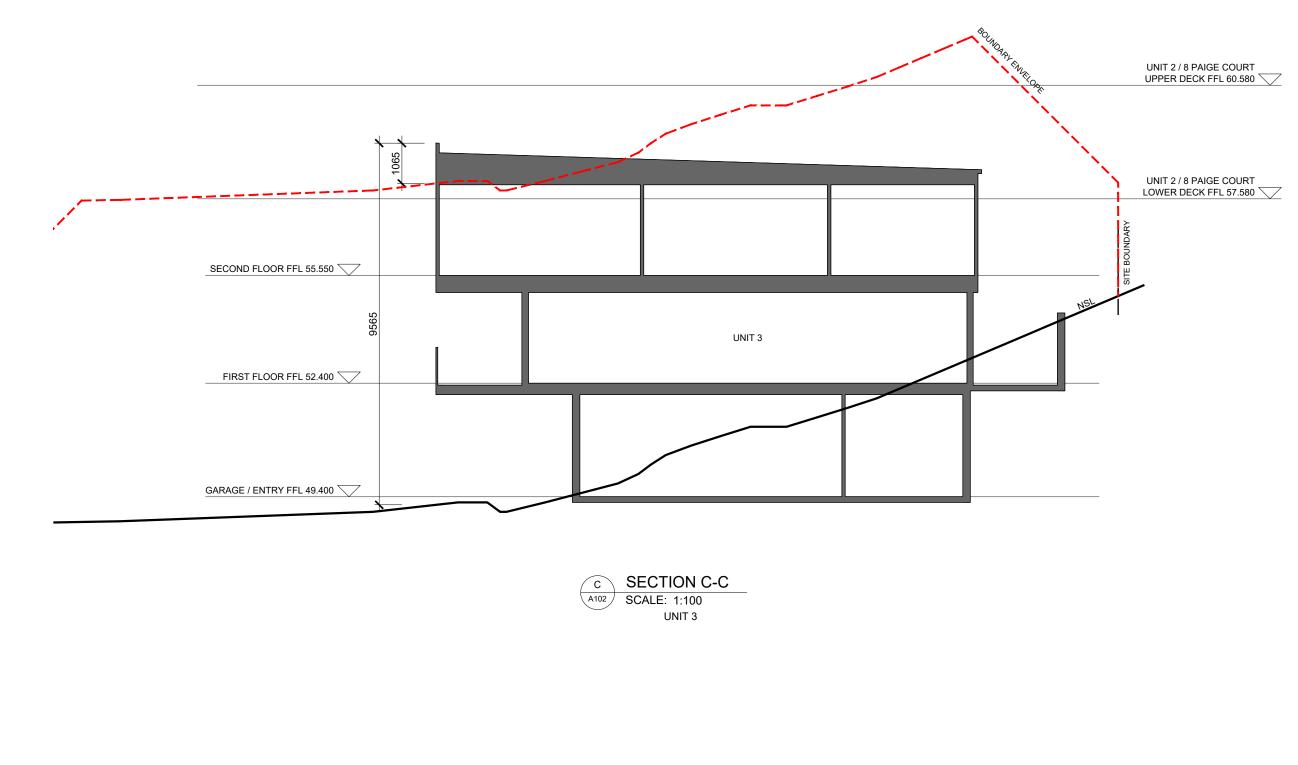
Agenda Attachments - 6 Paige Court, Warrane Page 28 of 57



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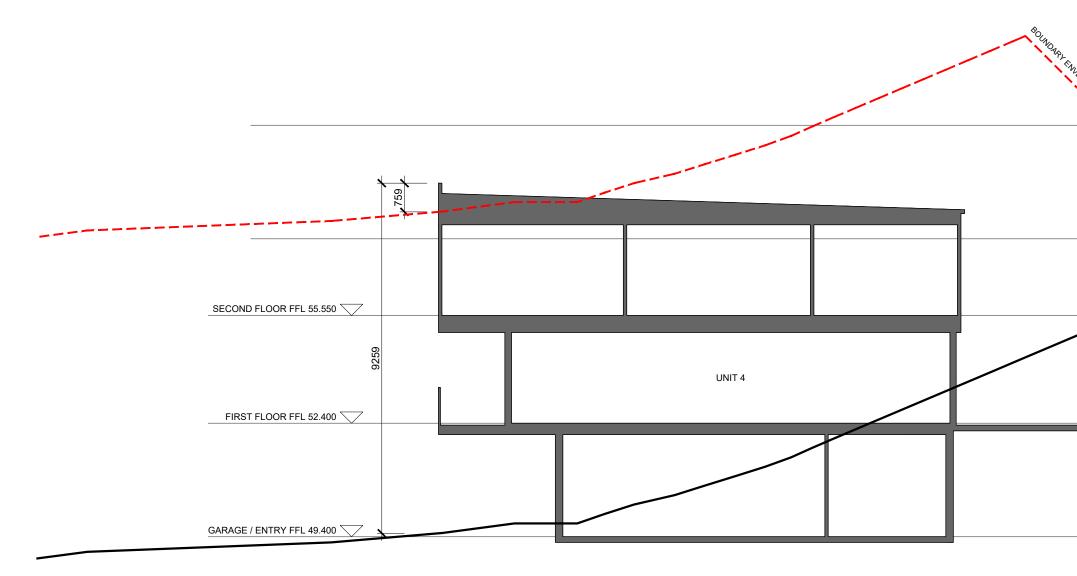
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Ellerslie House, Level 1, 119 Sandy Bay Road, Sandy Bay TAS 7005
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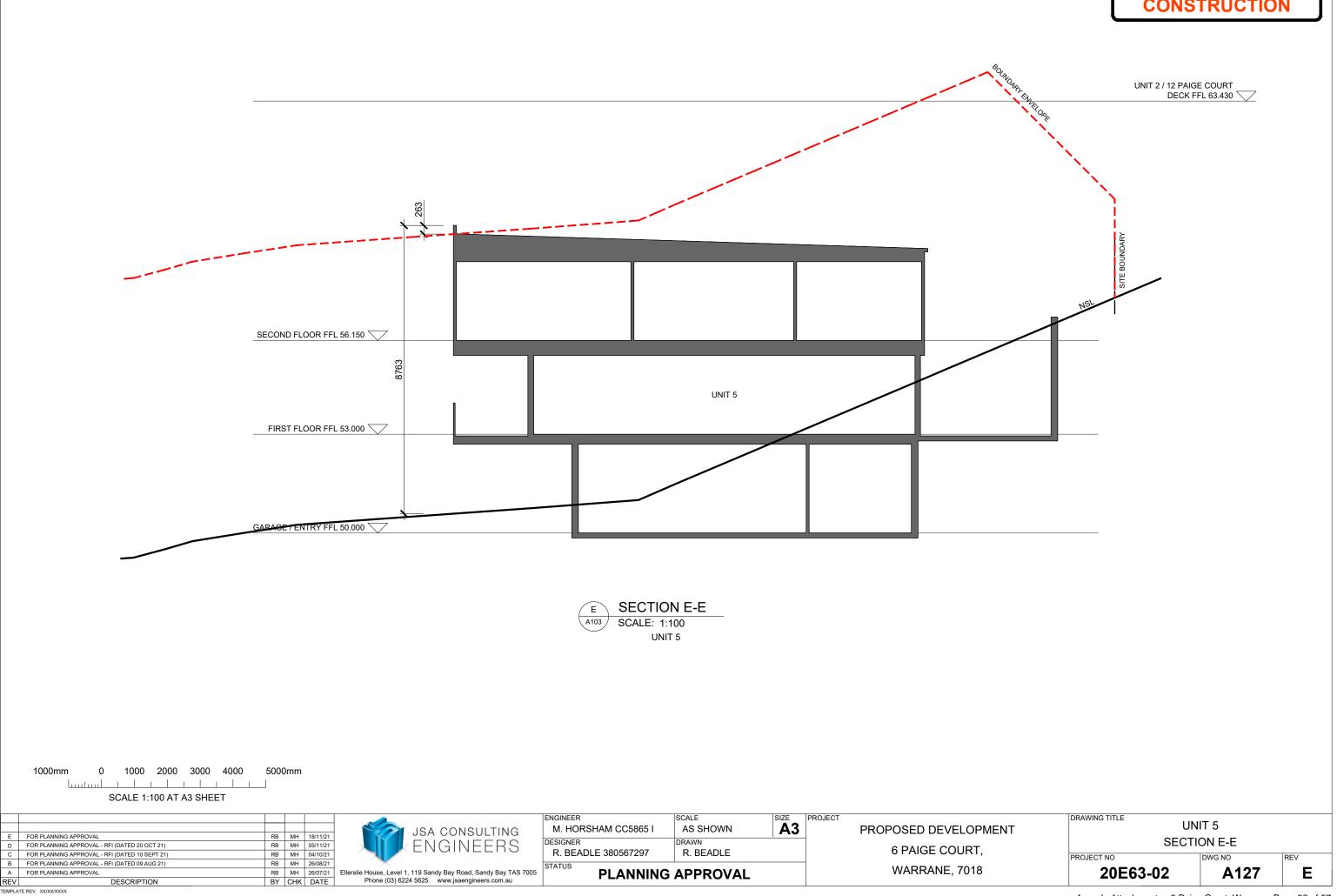
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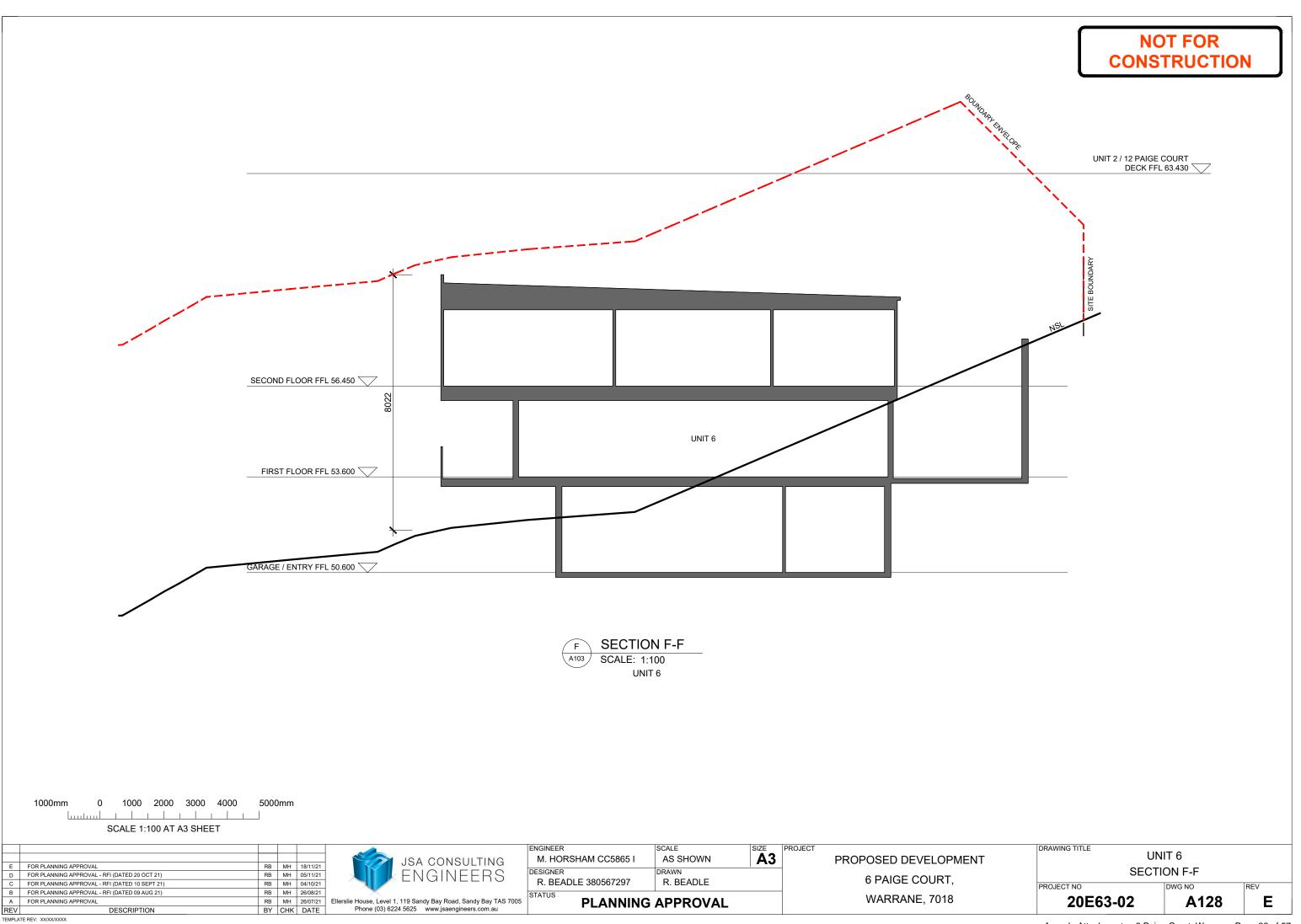
Agenda Attachments - 6 Paige Court, Warrane Page 31 of 57



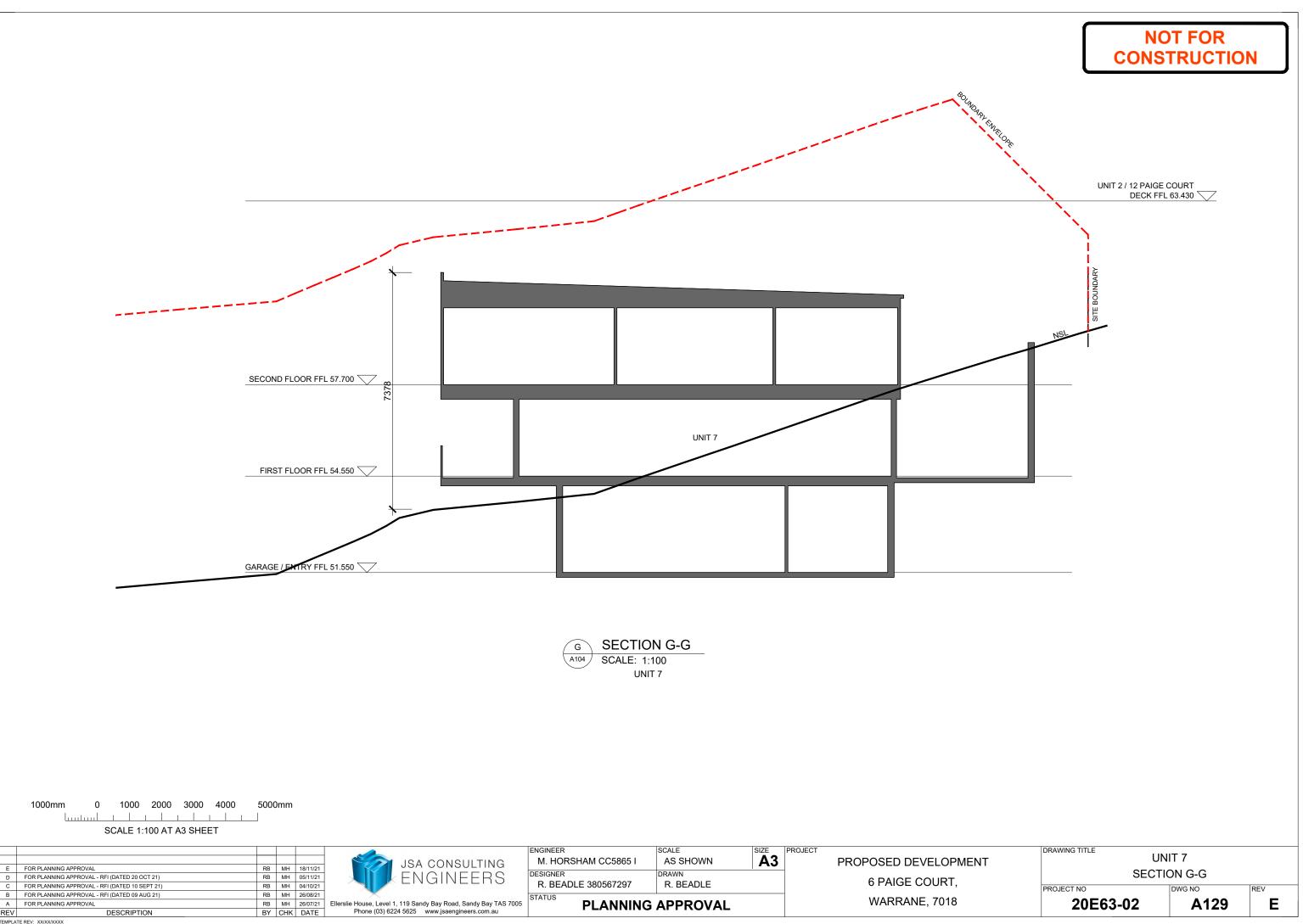
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## **NOT FOR CONSTRUCTION**

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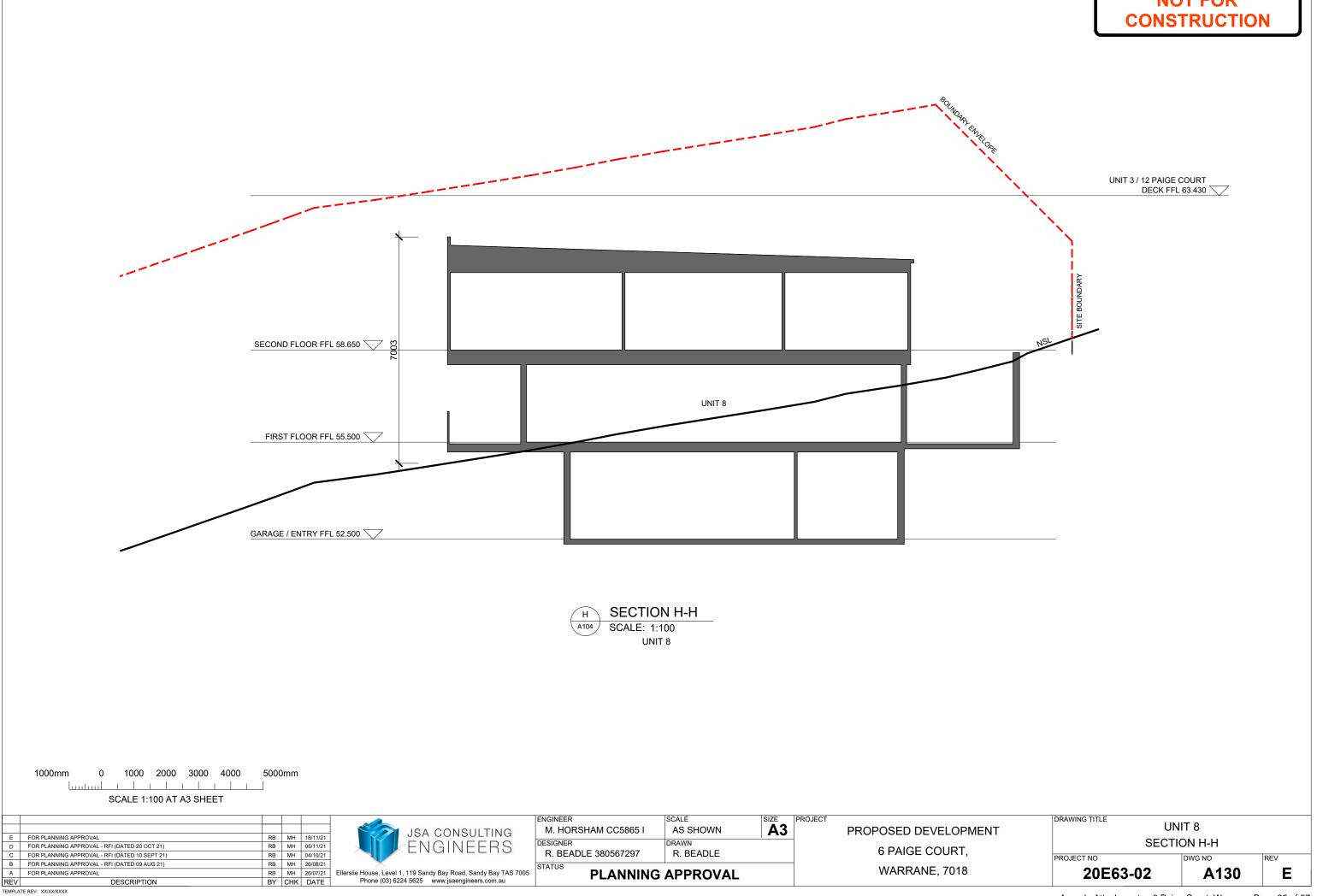


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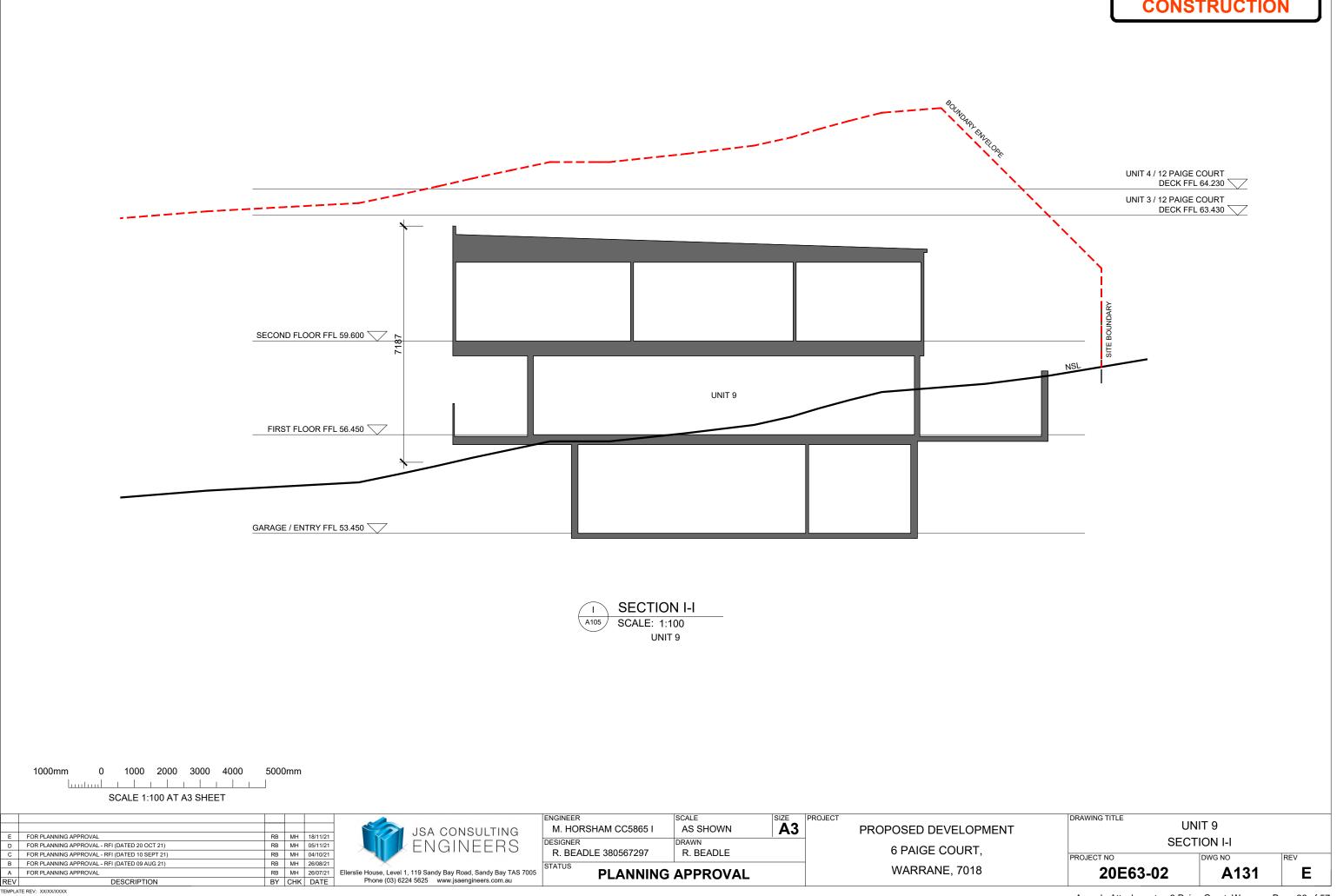
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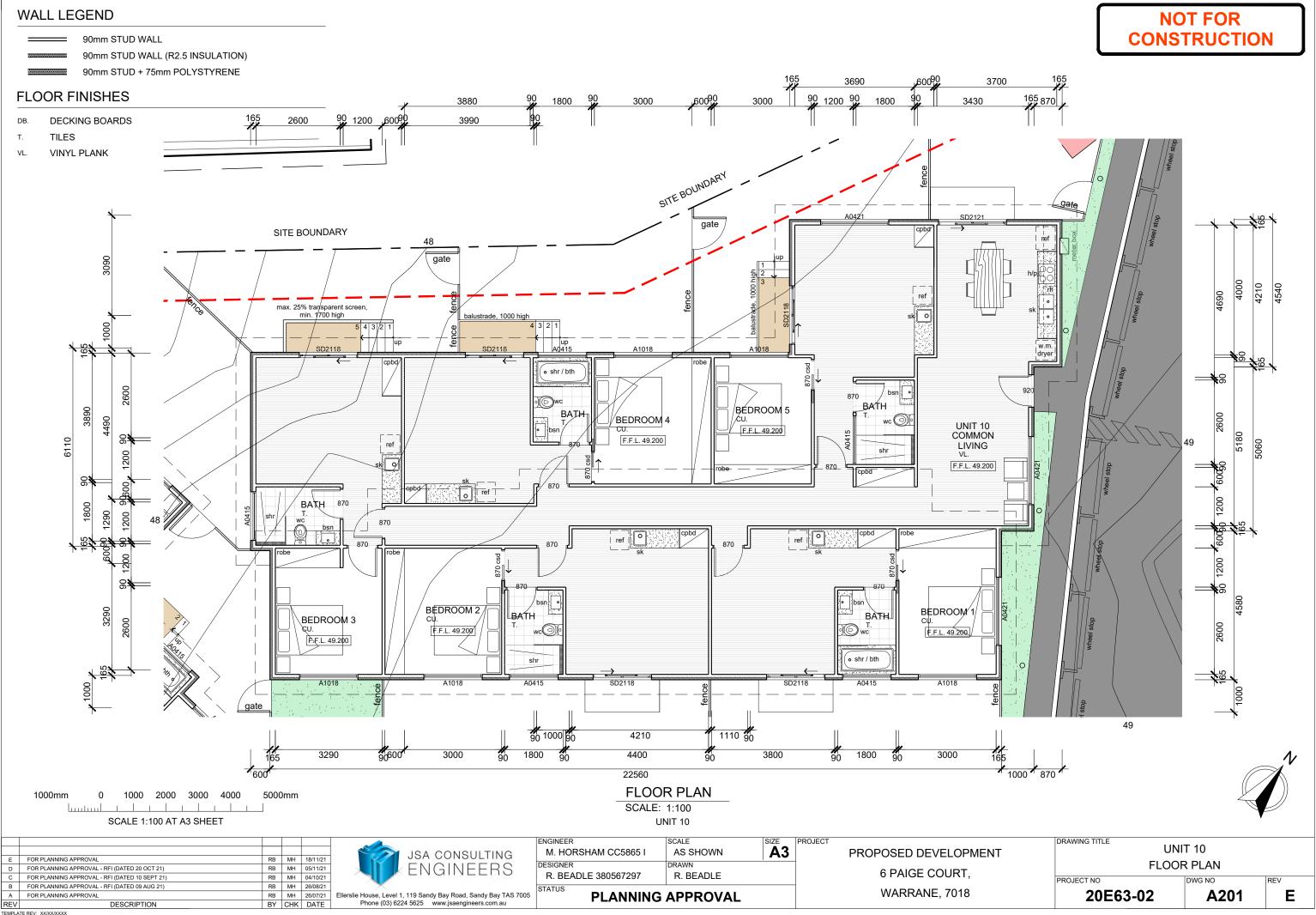
Agenda Attachments - 6 Paige Court, Warrane Page 35 of 57



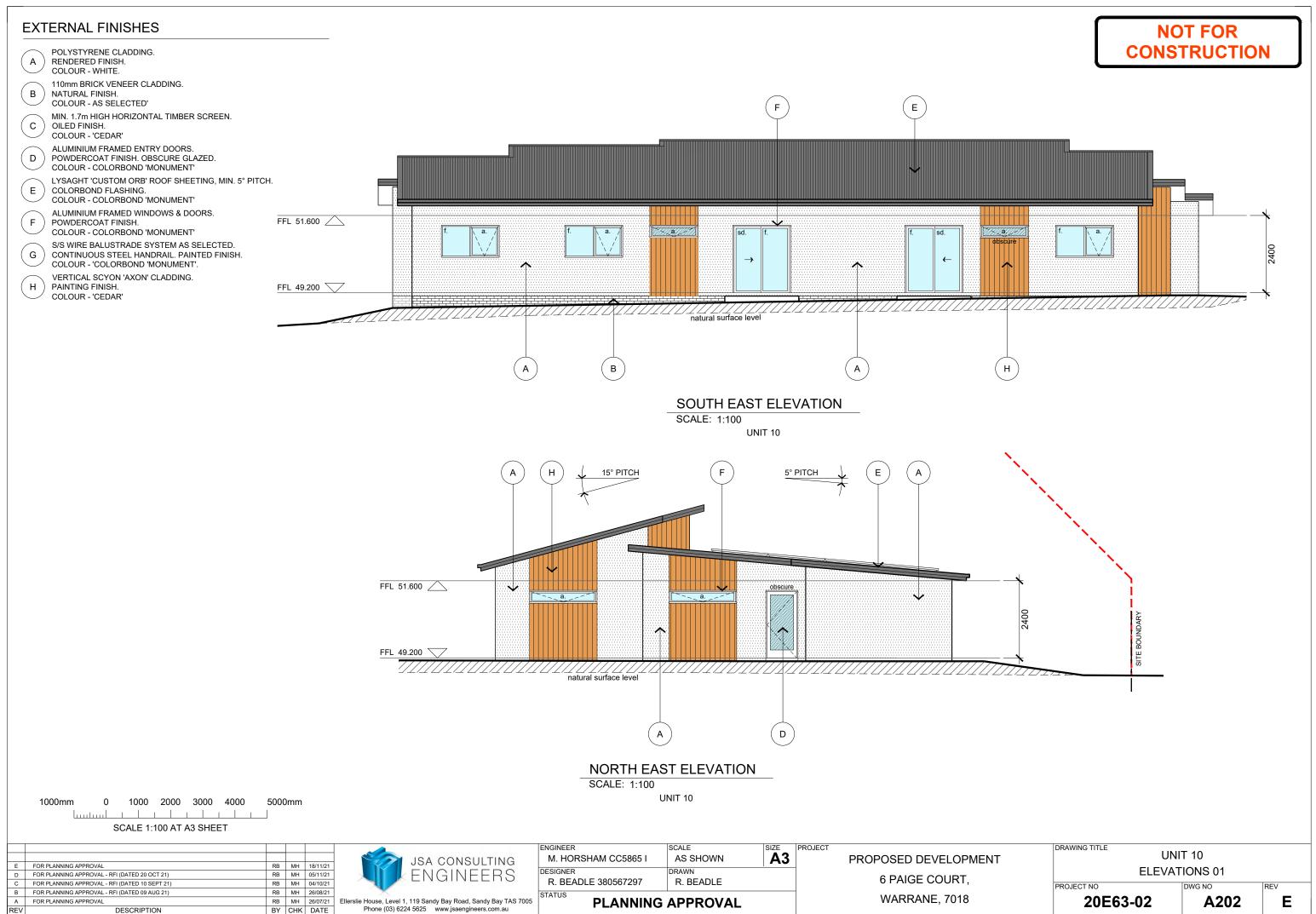
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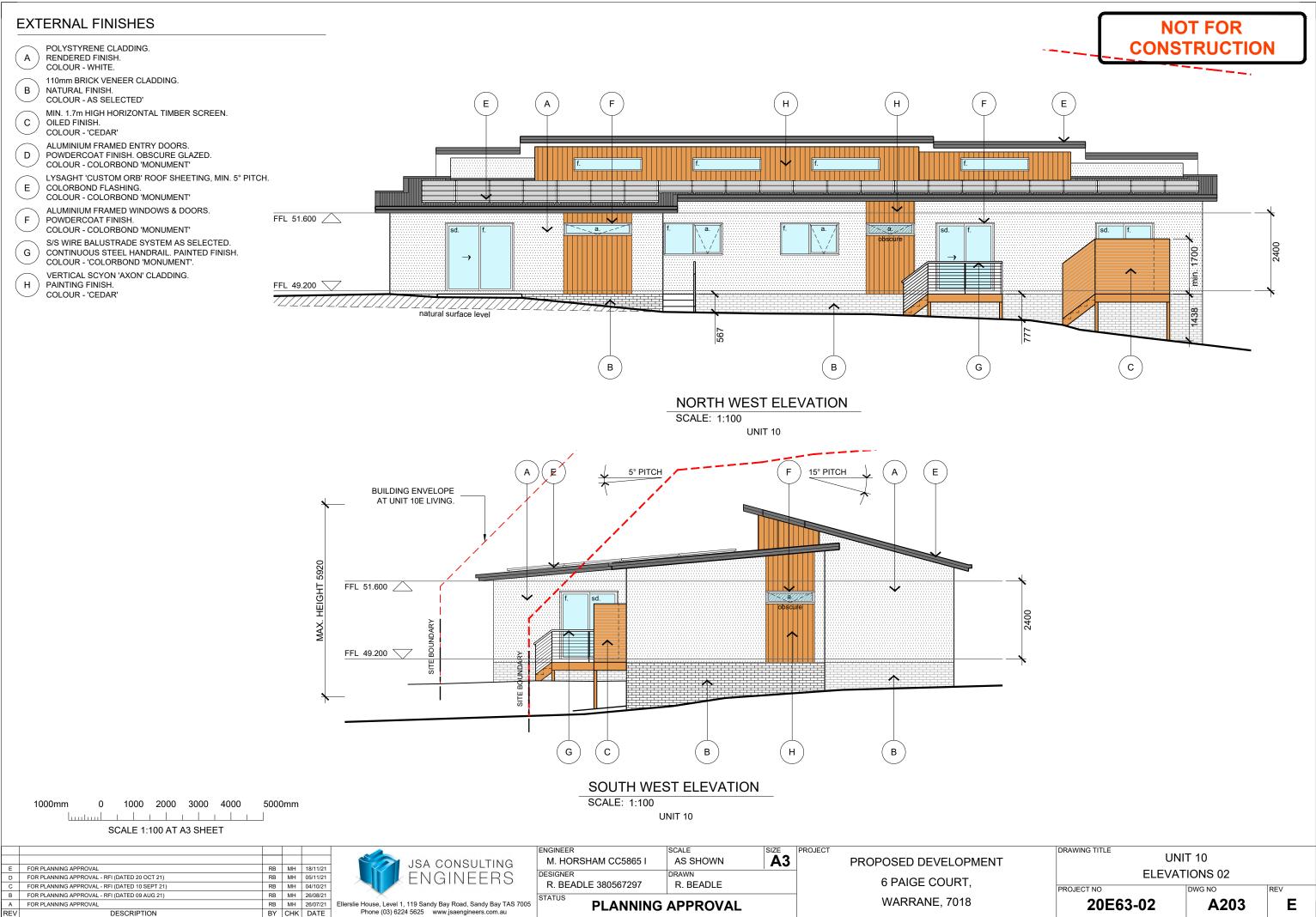
Agenda Attachments - 6 Paige Court, Warrane Page 36 of 57



Agenda Attachments - 6 Paige Court, Warrane Page 37 of 57



Agenda Attachments - 6 Paige Court, Warrane Page 38 of 57



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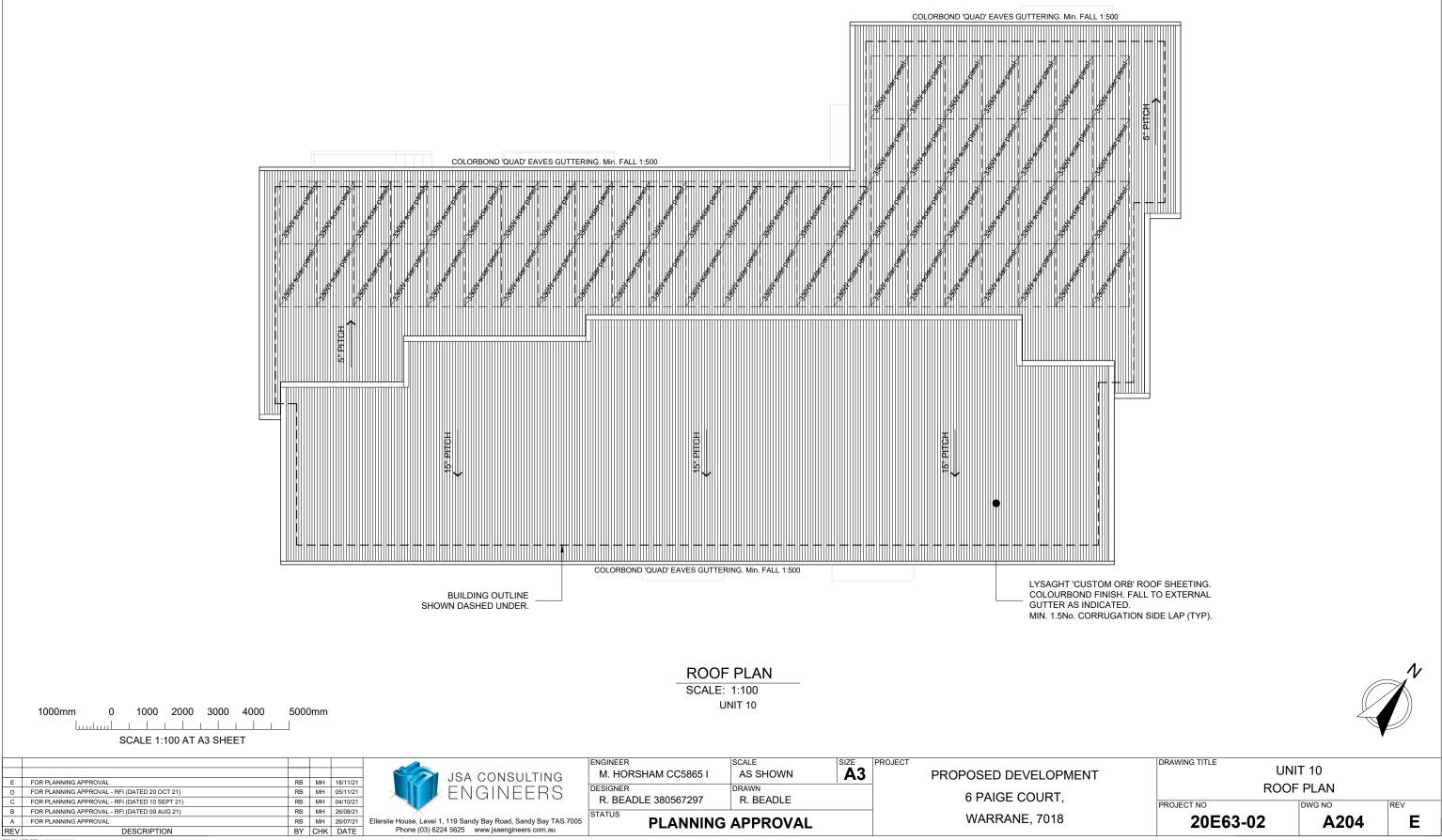
Agenda Attachments - 6 Paige Court, Warrane Page 39 of 57

NOTE:

LYSAGHT 'CUSTOM ORB' ROOF SHEETING TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

ROOF THICKNESS: 0.42mm BMT

ROOF COLOUR: 'COLORBOND MONUMENT' (solar absorptance value - 0.73)

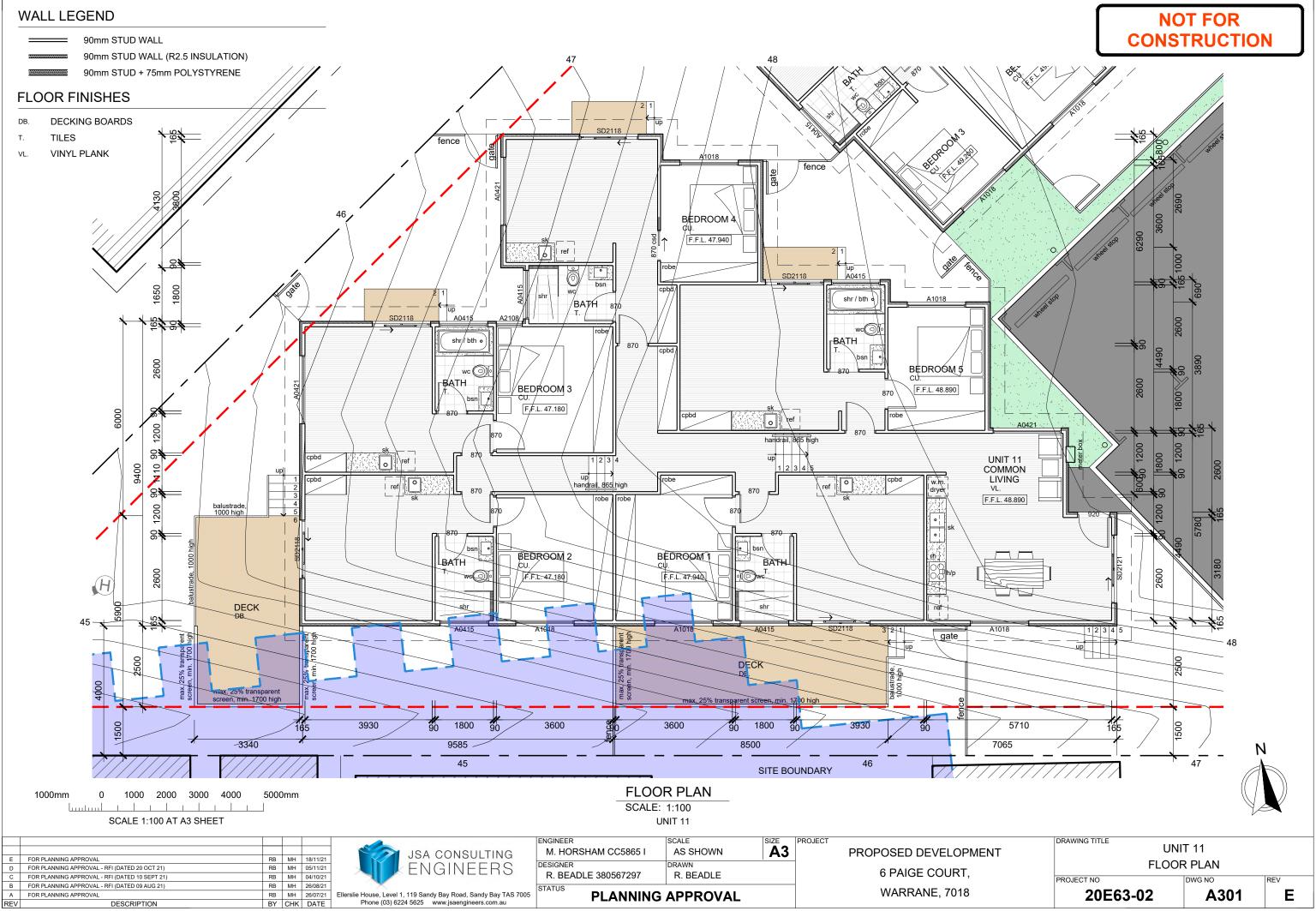


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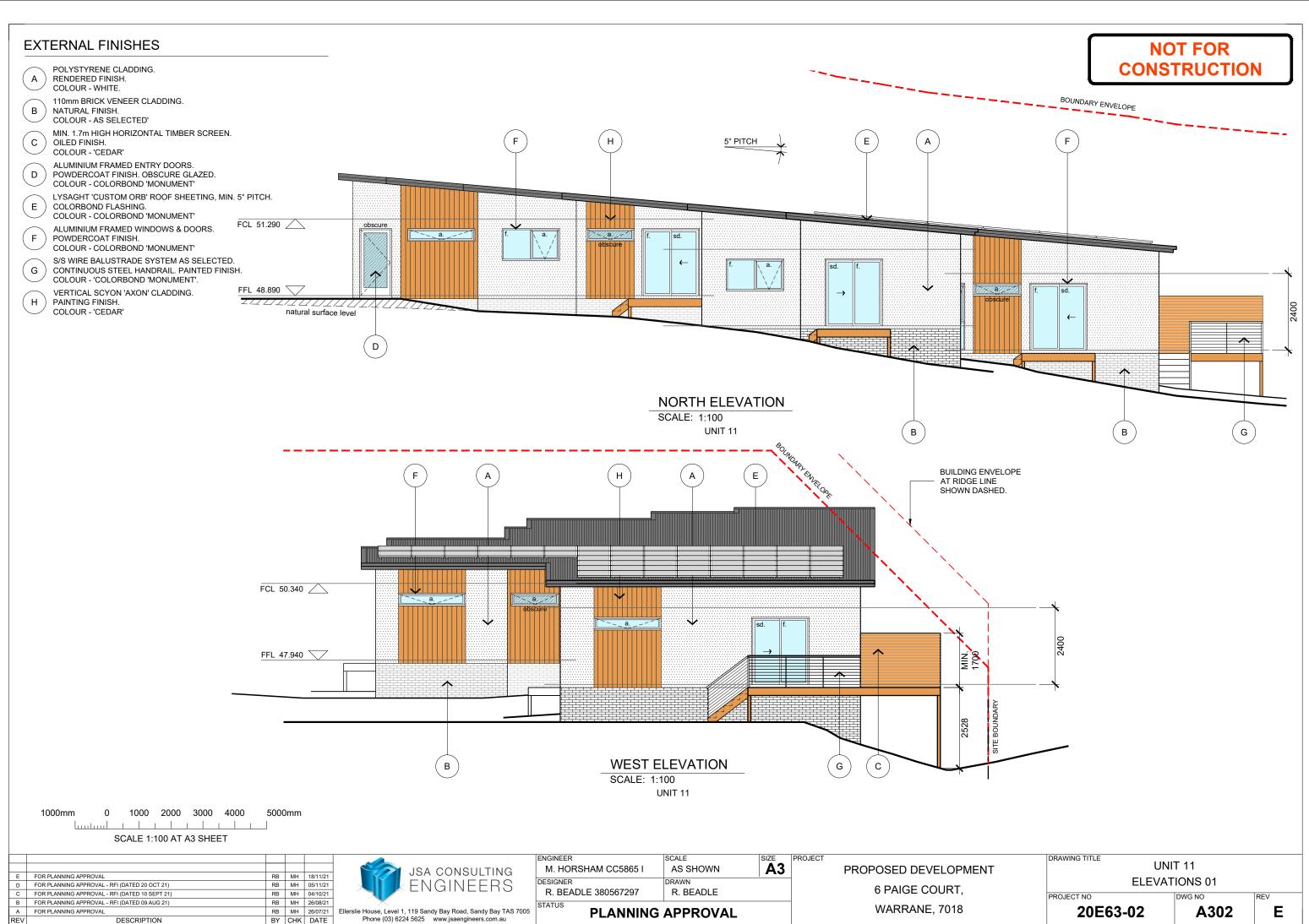
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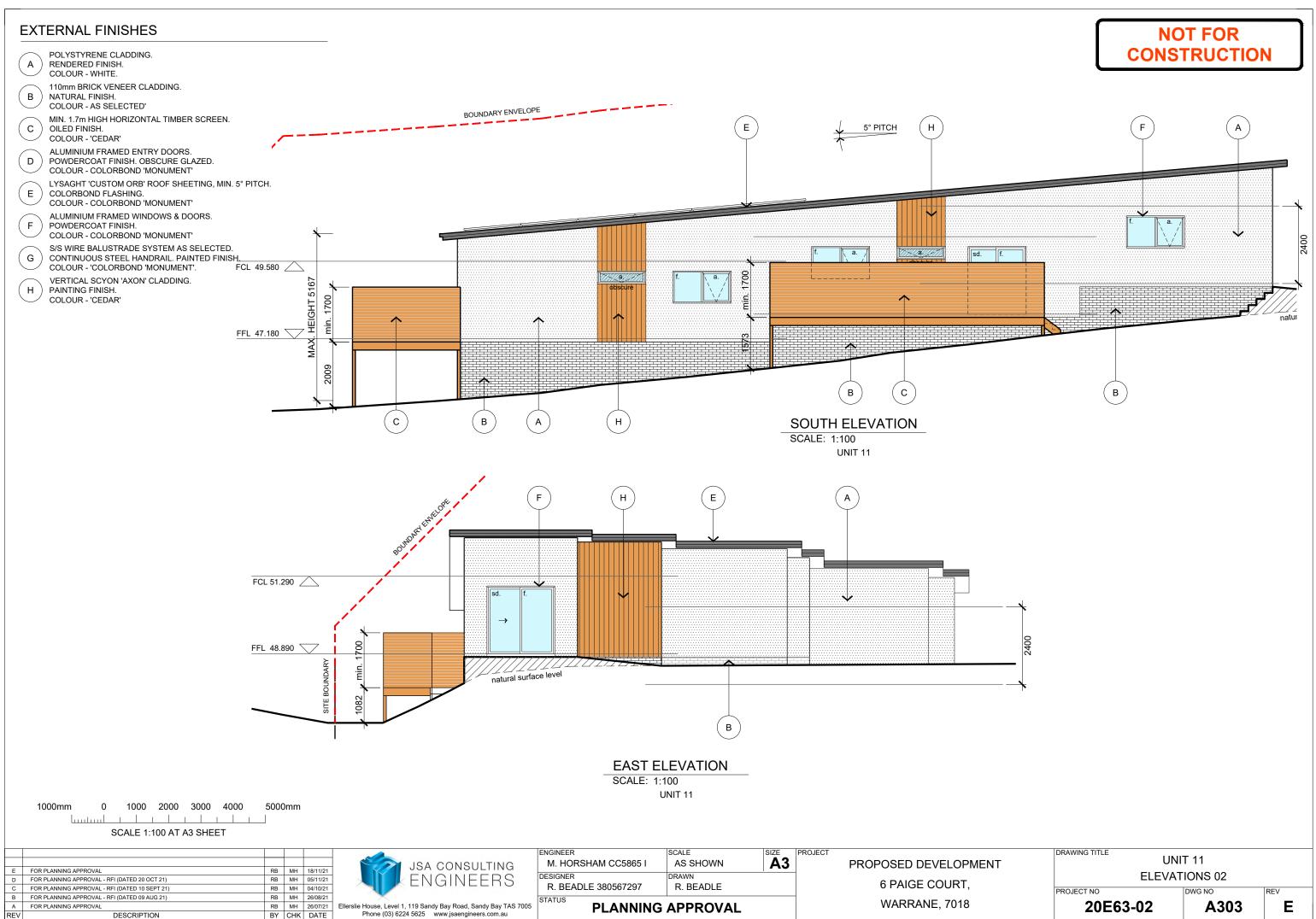
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Agenda Attachments - 6 Paige Court, Warrane Page 41 of 57



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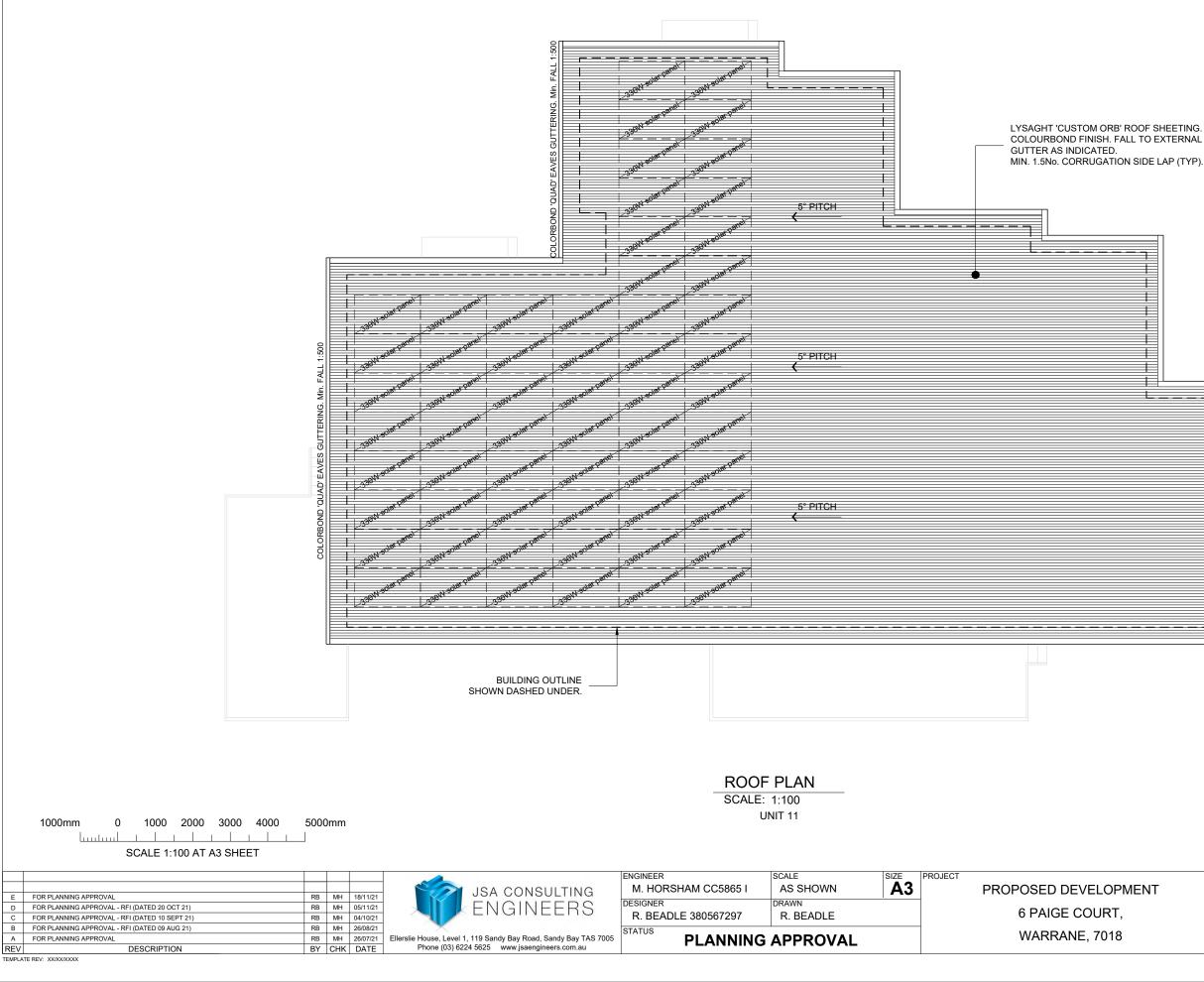
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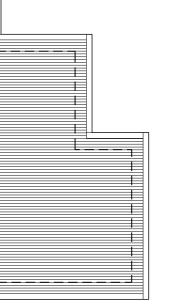
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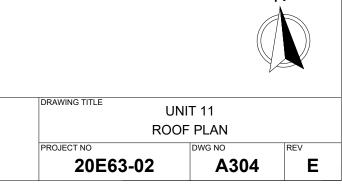
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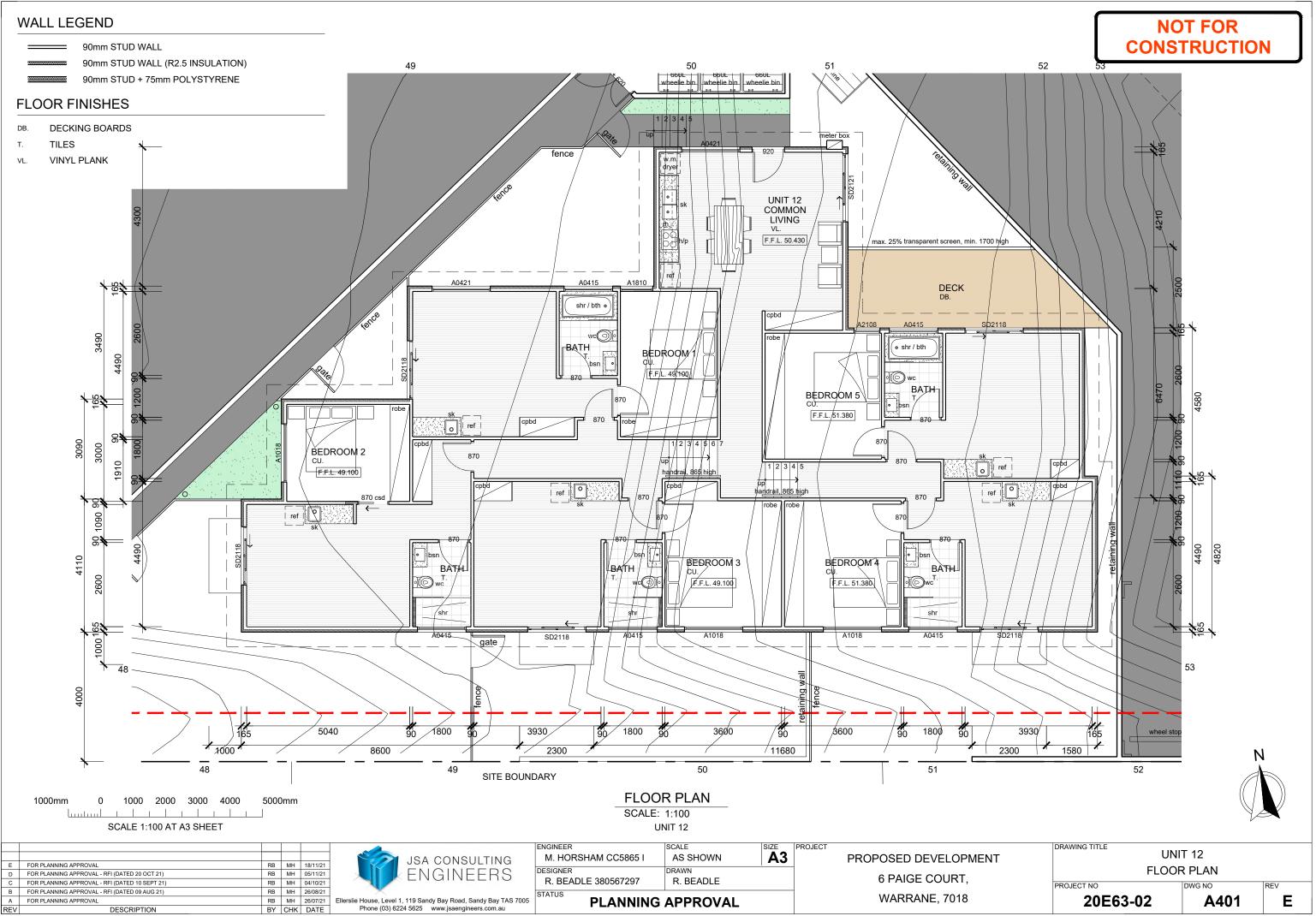


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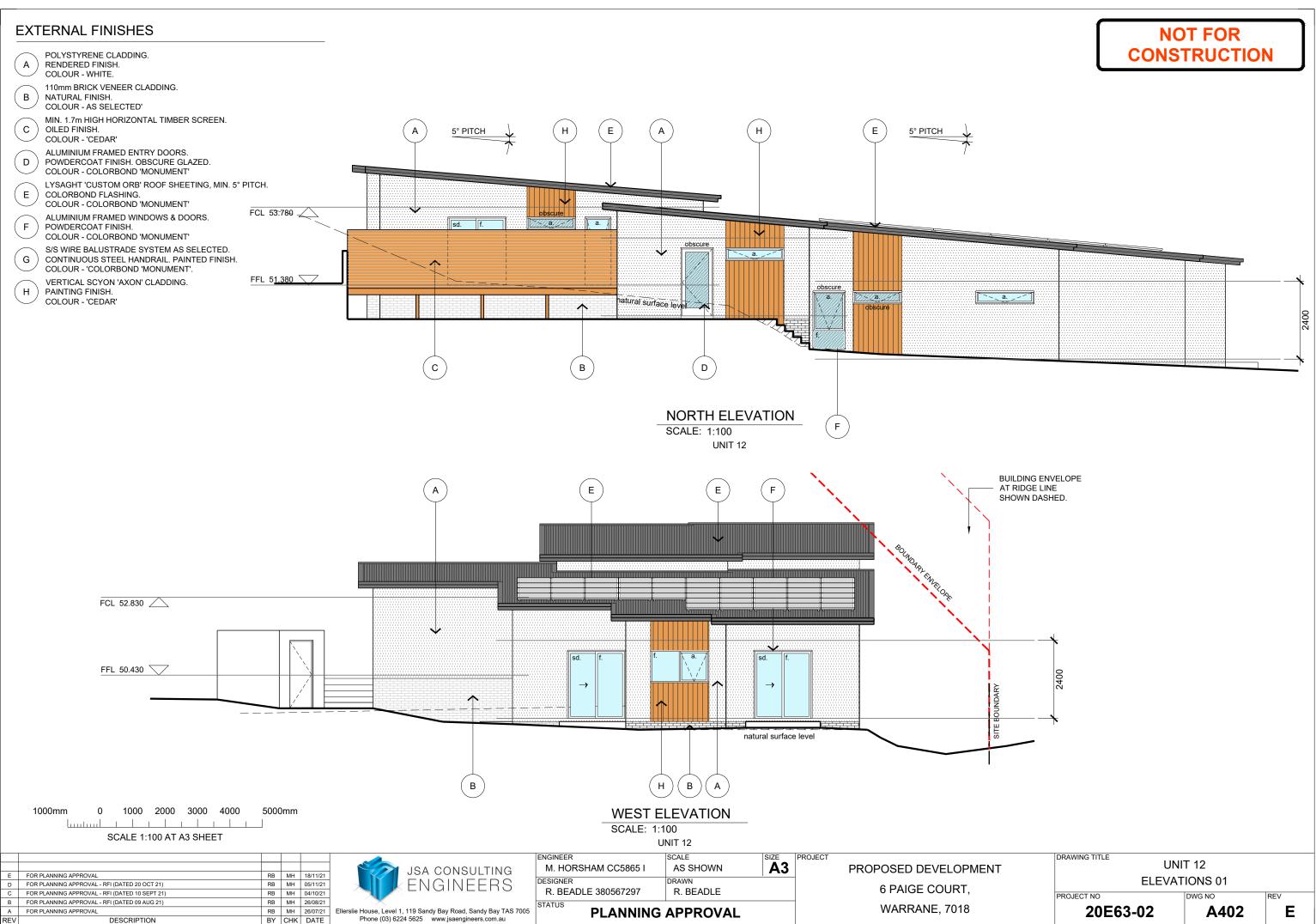




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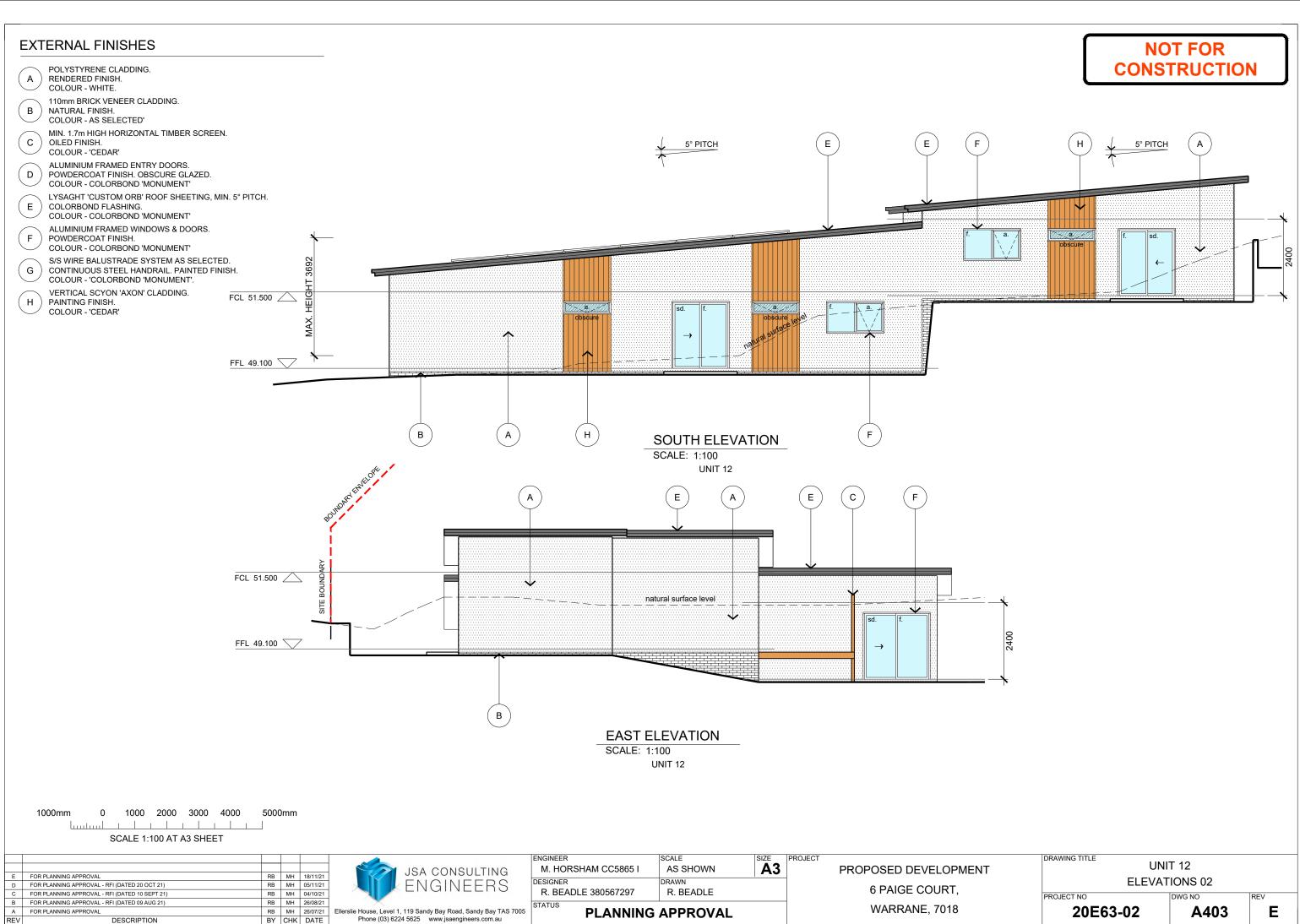
Agenda Attachments - 6 Paige Court, Warrane Page 45 of 57



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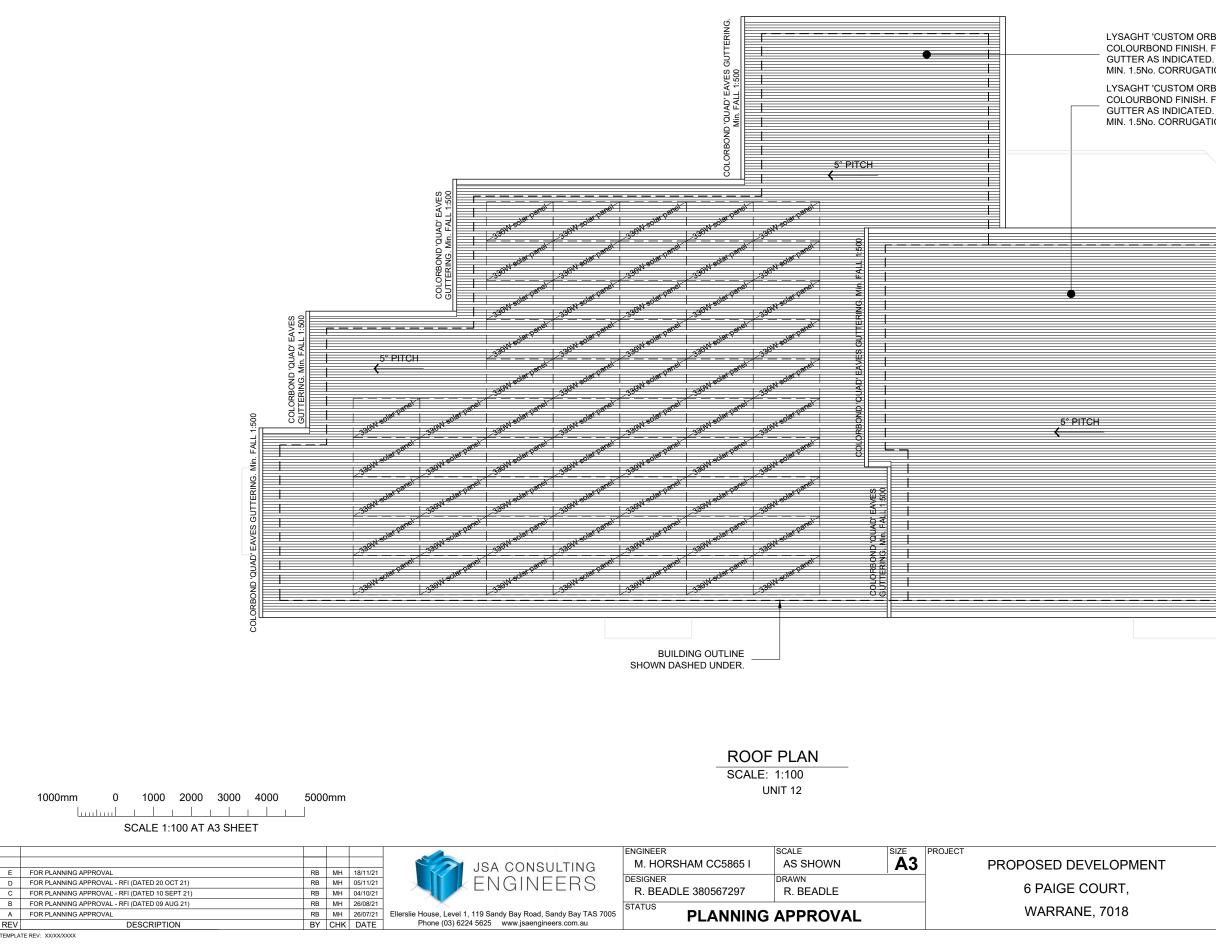
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ROOF THICKNESS: 0.42mm BMT

ROOF COLOUR: 'COLORBOND MONUMENT' (solar absorptance value - 0.73)

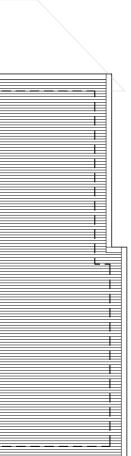


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LYSAGHT 'CUSTOM ORB' ROOF SHEETING. COLOURBOND FINISH. FALL TO EXTERNAL

MIN. 1.5No. CORRUGATION SIDE LAP (TYP).

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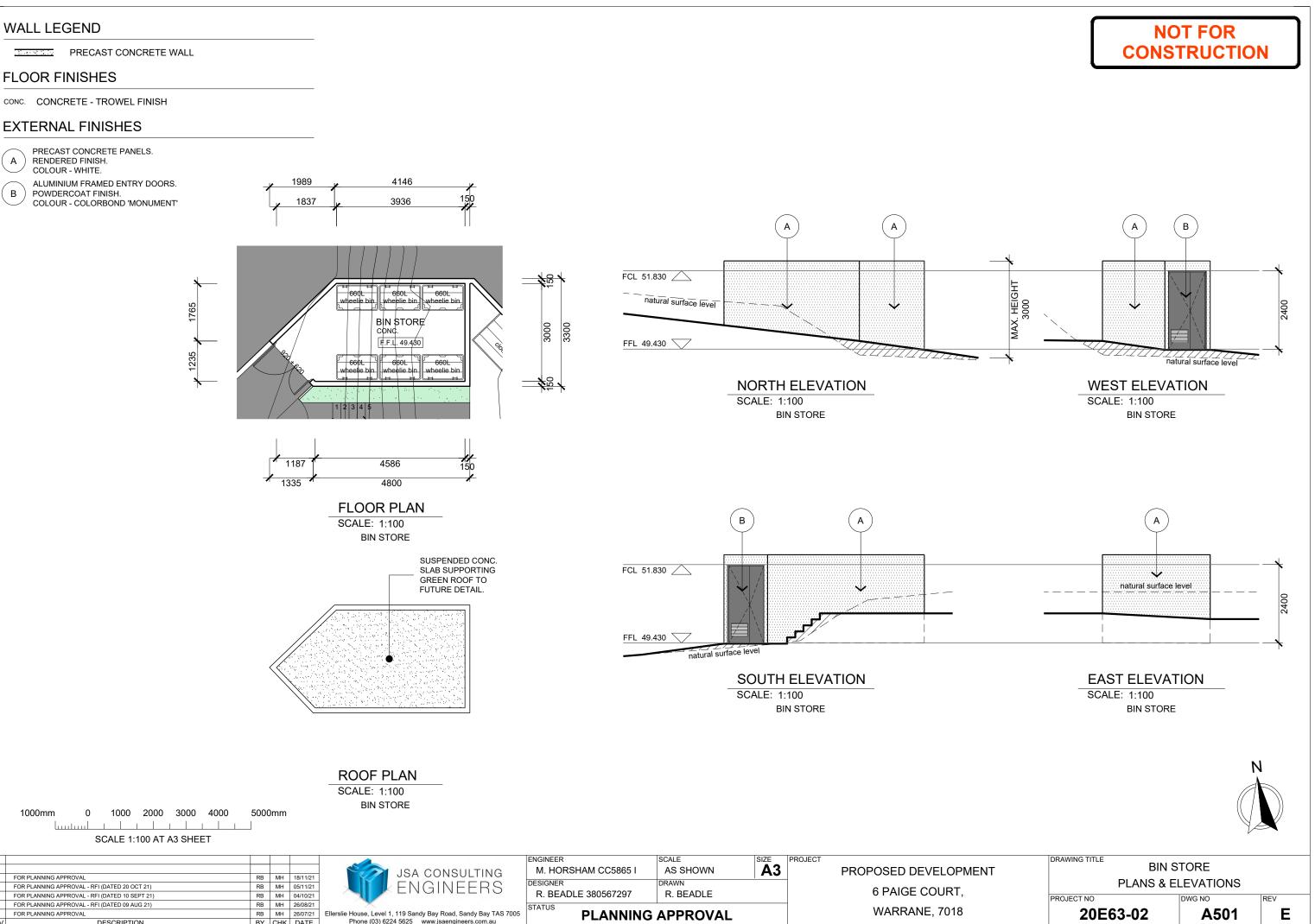


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#### WALL LEGEND

#### FLOOR FINISHES

#### EXTERNAL FINISHES

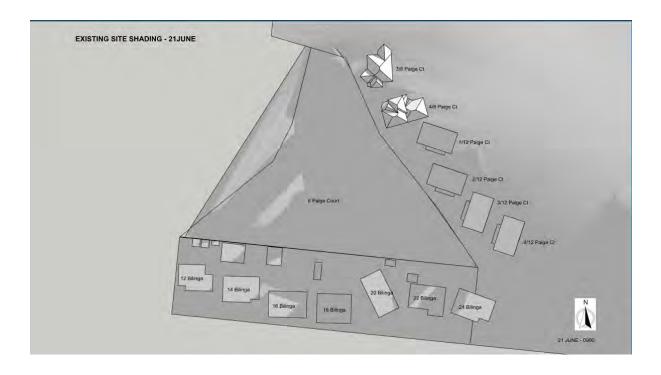


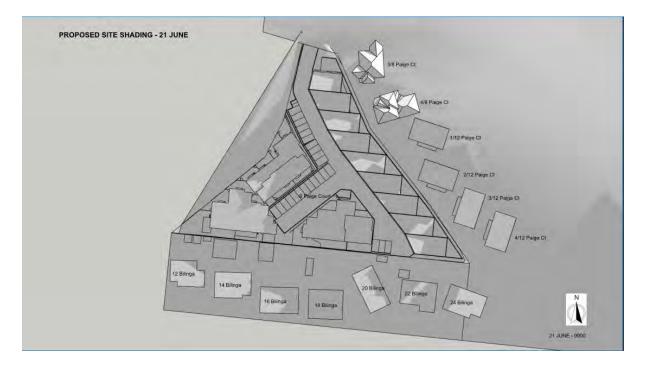
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С	FOR PLANNING APPROVAL - RFI (DATED 10 SEPT 21)	RB	MH	04/10/21
В	FOR PLANNING APPROVAL - RFI (DATED 09 AUG 21)	RB	MH	26/08/21
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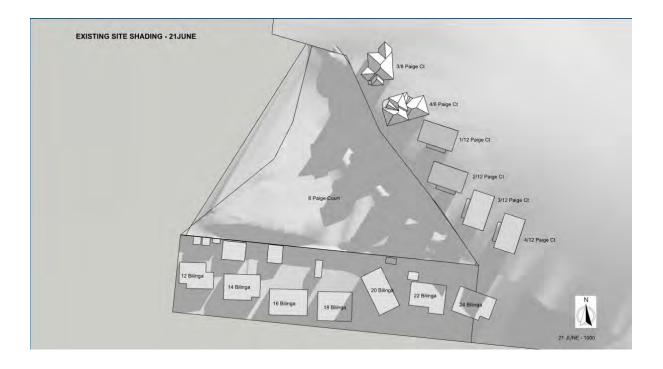
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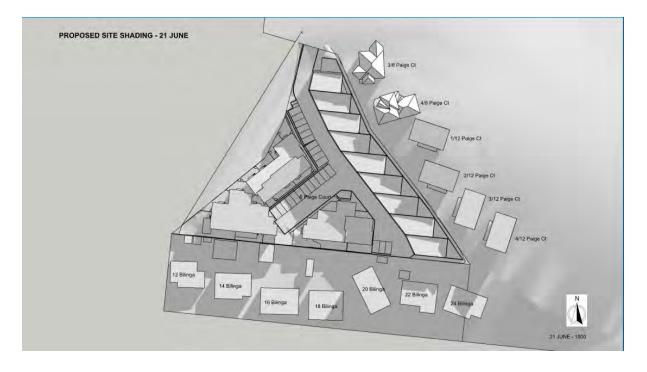
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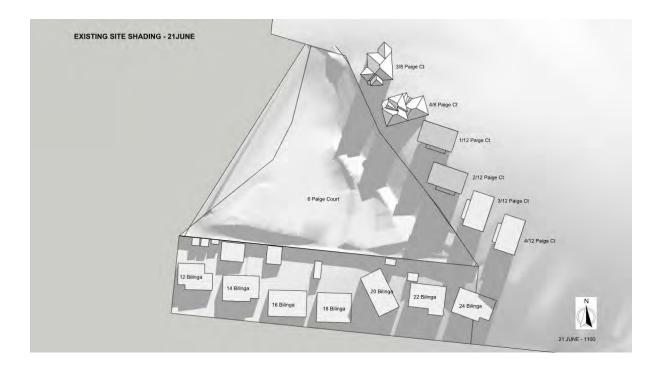
Agenda Attachments - 6 Paige Court, Warrane Page 49 of 57

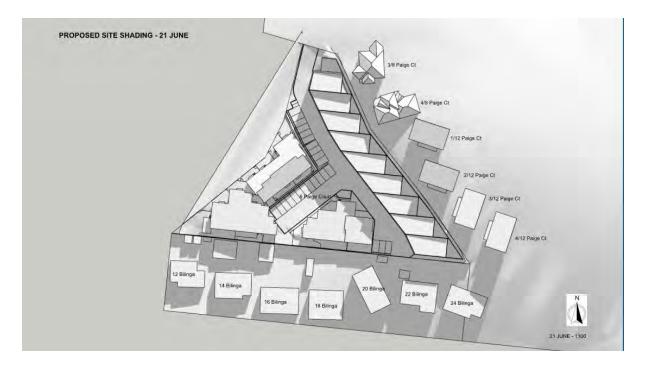


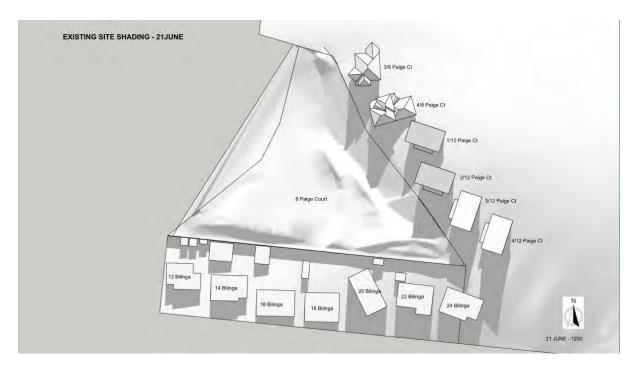


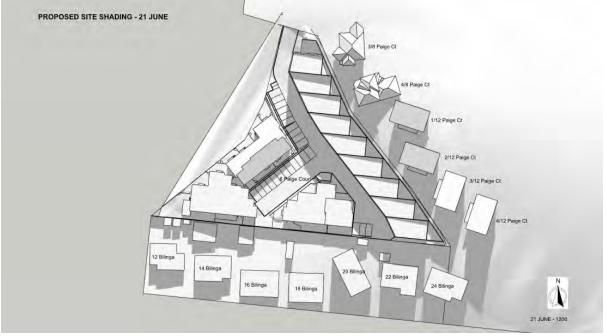


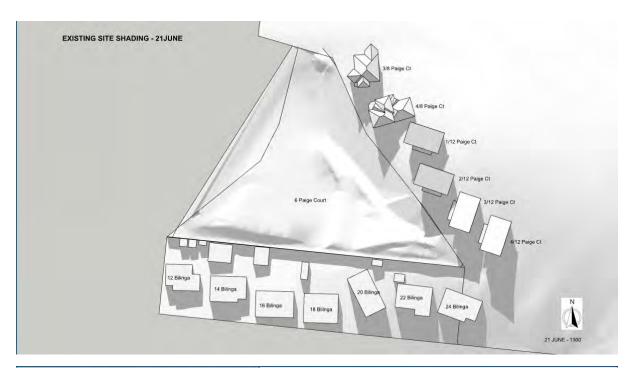


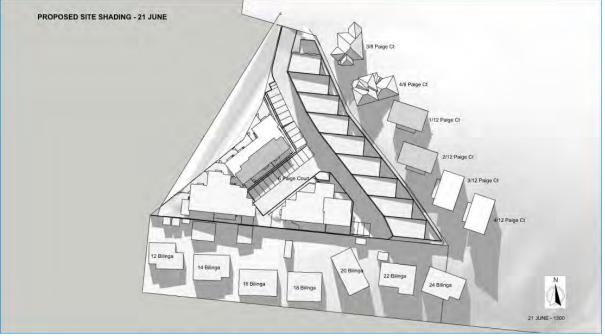


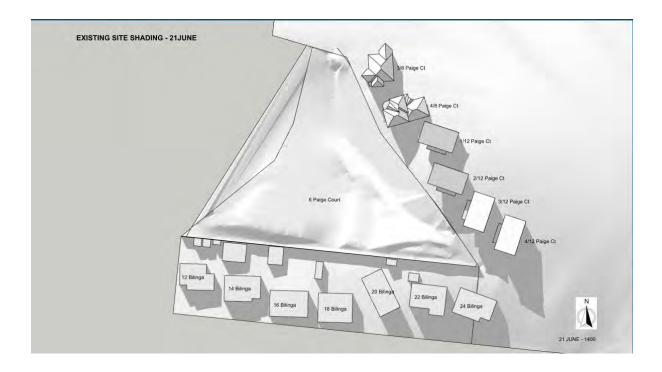


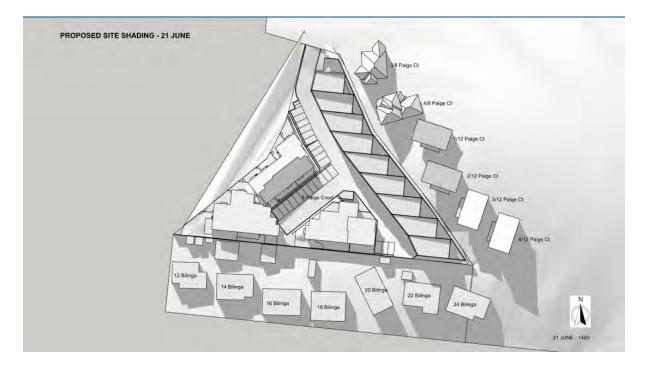


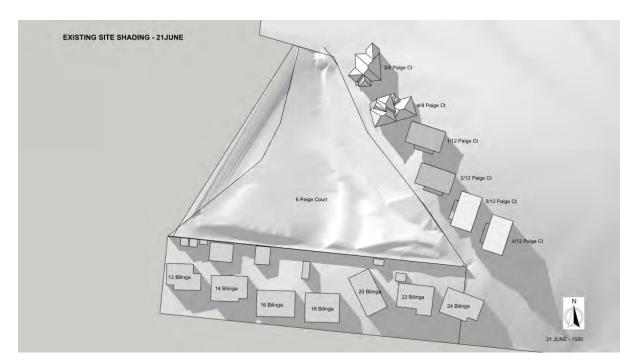


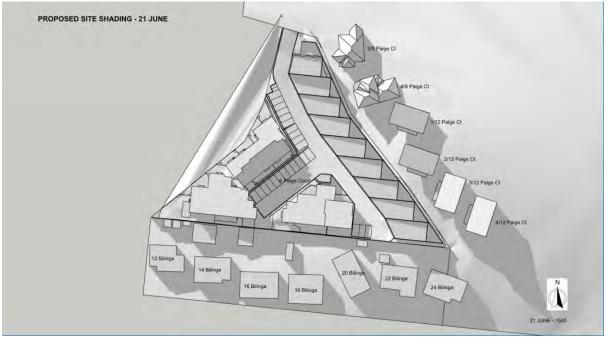












#### Attachment 3 Site Photos – 6 Paige Court, Warrane – PDPLANPMTD-2021/020660



Site frontage onto Paige Court, showing existing cross over to the lot.



View of main section of the lot, showing adjoining dwellings on Bilinga Street to the south at the rear of the lot and, adjoining properties to the north-west at 4a Paige Court.



View of steep escarpment along north-eastern boundary of the lot, location of the proposed 9 townhouses. Existing development on 3 Paige Court visible in top left corner.

#### 6.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/021880 – 107 DERWENT AVENUE, LINDISFARNE - 3 MULTIPLE DWELLINGS

#### **EXECUTIVE SUMMARY**

#### PURPOSE

The purpose of this report is to consider the application made for 3 multiple dwellings at 107 Derwent Avenue, Lindisfarne.

#### **RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Sustainable Transport, Potentially Contaminated Land and Safeguarding of Airports Codes under the Tasmanian Planning Scheme - Clarence (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.

Council is required to exercise a discretion within the statutory 42-day period which has been extended with the consent of the applicant until 20 January 2022.

#### CONSULTATION

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

- use of right-of-way;
- stormwater infrastructure impacting on existing dwelling; and
- development not in keeping with character of the area.

#### **RECOMMENDATION:**

- A. That the Development Application for 3 multiple dwellings at 107 Derwent Avenue, Lindisfarne (Cl Ref PDPLANPMTD-2021/021880) be approved subject to the following conditions and advice.
  - 1. GEN AP1 ENDORSED PLANS.
  - 2. The development must be undertaken in accordance with the recommendations of the Environmental Site Assessment (8 November 2021.
  - 3. ENG M1 DESIGNS DA.
  - 4. ENG A5 SEALED CAR PARKING.
  - 5. ENG S1 INFRASTRUCTURE REPAIR.

- 6. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 October 2021 (TWDA 2021/01549-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

### ASSOCIATED REPORT

#### 1. BACKGROUND

No relevant background.

### 2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned General Residential under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
  - Clause 7.5 Compliance with Applicable Standards;
  - Clause 8.10 Determining Applications;
  - Clause 10 General Residential Zone;
  - Clause C2.0 Parking and Sustainable Transport Code;
  - Clause C14.0 Potentially Contaminated Land Code; and
  - Clause C16.0 Safeguarding of Airports.
- 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  $1335m^2$  residential lot containing a centrally located single dwelling, with vehicular access from Derwent Avenue. The site slopes at approximately 1 in 6 down from Derwent Avenue to the south-west. The surrounding area is residential in nature containing a mix of single and multiple dwelling developments.

#### 3.2. The Proposal

The proposal is for two additional dwellings to be located on either side of the existing dwelling which are accessed from a shared driveway from Derwent Avenue (see proposal plans in Attachment 2). A total of seven car parking spaces are provided on-site.

#### 4. PLANNING ASSESSMENT

#### 4.1. Compliance with Applicable Standards

"5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules."

#### 4.2. Determining Applications

- "6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(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 section 57(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.

#### 4.3. General Provisions

The Scheme contains a range of General Provisions relating to specific circumstances not controlled through the application of Zone, Code or Specific Area Plan provisions.

There are no General Provisions relevant to the assessment of this proposal.

#### 4.4. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the General Residential zone and subject to the Parking and Sustainable Transport, Potentially Contaminated Land and Safeguarding of Airports codes with the exception of the following.

#### **General Residential**

• Clause 8.4.3 A3 – Unit 3 does not comply with the prescribed building envelope as it extends out of the building envelope on its eastern elevation by 1.3m.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause 8.4.3 as follows.

Clause	Performance Criteria	Assessment
8.4.3 P3	<i>"The siting and scale of a dwelling must:</i>	
	(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:	
	(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;	open space on the property to the

		The properties to the east of the site at 5 Ambleside and 109 Derwent Avenue will start to get overshadowed from 11am on 21 June, however, the habitable rooms in these dwellings on these lots will not be impacted until 1.30pm. On this basis, the impact to these dwellings from overshadowing is considered reasonable.
	ii) overshadowing the private open space of a dwelling on an adjoining property;	The majority of the private open space located to the rear of the dwelling at 105 Derwent Avenue will be overshadowed at 9am on 21 June. However, the impact reduces during the morning so that during the afternoon only a small portion of the northern part of the backyard, is overshadowed. Given that the impact is to a relatively small portion of the private open space and the majority of the area, including the compliant private open space will not be affected, the proposal is not considered to result in an unreasonable loss of amenity through overshadowing. The majority of the private open space associated with dwellings at 5 Ambleside and 109 Derwent Avenue will not be impacted by
(1	iii) overshadowing of an adjoining vacant property; or	the development. not applicable
(1	iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;	The proposed dwellings are two storey and have a bulk and scale similar in scale to other dwellings in the area and therefore will not result in an unreasonable visual impact when viewed from an adjoining property.

b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the	The setbacks to boundaries are similar to other dwellings in the area and therefore consistent with the separation between dwellings in the surrounding area.
area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: (i) an adjoining property; or	As shown by the overshadowing diagrams, the solar panels on the adjoining dwelling at 5 Ambleside will not be overshadowed by the proposed dwellings.
(ii) another dwelling on the same site."	

#### Potentially Contaminated Land Code

• Clause C14.5.1.A1 – The site is potentially contaminated due to its proximity to Nystar, a zinc smelter located on the Derwent River, north of the development site. The Acceptable Solution is not met as the Director has not certified that the land is suitable for the intended use or has certified a plan to manage contamination to ensure the site is suitable.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C14.5.5.1 as follows.

Clause	Performance Criteria	Assessment
C14.5.1 P1	"Land is suitable for the intended use, having regard to:	
	assessment that demonstrates there is no	The applicant has provided an Environmental Site Assessment (8 November 2021) which has concluded that heavy metals are concentrated predominantly within the topsoil of the site.

	an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or	The concentration levels do not exceed guideline limits for commercial workers or future residents, providing that the site is managed appropriately.
(C)	an environmental site assessment that includes a plan, to manage contamination and associated risk to human health or the environment that includes:	The report includes recommendations for the management of the site, and it is recommended that permit conditions be included to require development of the site to be in accordance with the report.
	(i) any specific remediation and protection measures required to be implemented before any use commences; and	recommendations are followed,
	(ii) a statement that the land will be suitable for the intended use."	

#### 5. REPRESENTATION ISSUES

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

#### **5.1.** Use of Right-of-Way

Concern was raised that the proposal includes landscaping over a right-of-way that benefits the property to the south at 105 Derwent Avenue.

#### • Comment

This issue is not relevant to the assessment of the application under the Scheme and is a civil matter between property owners. However, the developer cannot prevent the use of the right of the property that has the benefit of this easement. This issue has been discussed with the developer who will ensure that the landscaping and works proposed will not prevent the use of the right-of-way.

#### 5.2. Stormwater Infrastructure Impacting on Existing Dwelling

Concern was raised that the stormwater infrastructure will adversely impact the footings of the existing dwelling on 105 Derwent Avenue and there is a lack of engineering detail regarding the provision of stormwater to the site.

#### • Comment

The lot has a benefiting easement over 105 Derwent Avenue for the purpose of stormwater drainage. The provision of stormwater infrastructure is exempt under Clause 4.2.2 of the Scheme and therefore this issue cannot have determining weight. Notwithstanding the above, a condition requiring engineering plans is recommended for inclusion on the permit which will ensure that the works do not adversely affect the dwelling on 105 Derwent Avenue. Clause 6.11.2 of the Scheme provides that council may include conditions on permits, including requirements for specific acts to be done, and controls on stormwater.

#### 5.3. Development not in keeping with the Character of the Area

Concern was raised that the density of the development is not in keeping with the character of the area.

#### • Comment

The density of the development is compliant with the Acceptable Solution in Clause 8.4.1 and therefore this issue cannot have determining weight. Notwithstanding, there are other examples of multiple dwellings in the area at a similar density and therefore the development is not considered to be inconsistent with the pattern of development in the surrounding area.

#### 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, 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 to construct two additional multiple dwellings at 107 Derwent Avenue. The proposal is considered to meet all relevant standards and is recommended for approval.

Attachments: 1. Location Plan (1)

- 2. Proposal Plan (15)
- 3. Site Photo (1)

Ross Lovell MANAGER CITY PLANNING



# PINNAC Attachment 2





# 107 Derwent Ave, Lindisfarne

Owner(s) or Clients	Tom & Jess Walter
Building Classification	1a
Designer	Jason Nickerson CC6073Y
Total Floor Area	413.95m <sup>2</sup>
Alpine Area	N/A
Other Hazards (e.g High wind, earthquake, flooding, landslip, dispersive soils, sand dunes, mine sub-residance	N/A

landfill, snow & ice, or other relevant factors)

Iom & Jess Walter
1a
Jason Nickerson CC6073Y
413.95m <sup>2</sup>
N/A
N/A

Title Reference	1982
Zoning	10.0 (
Land Size	1335
Design Wind Speed	N3
Soil Classification	М
Climate Zone	7
Corrosion Environment	Mode
Bushfire Attack Level (BAL)	LOW

198239/1
10.0 General Residential
1335m <sup>2</sup>
N3
Μ
7
Moderate
LOW

ID	Sheet Name	lssue
A0.01	Site Plan	DA - 02
A0.02	Shadow Study 01	DA - 02
A0.03	Shadow Study 02	DA - 02
A0.04	Shadow Study 03	DA - 02
A1.01	Floor Plan - Lower - Unit 01	DA - 02
A1.02	Floor Plan - Upper - Unit 01	DA - 02
A1.03	Elevations - Unit 01	DA - 02
A1.04	Elevations - Unit 01	DA - 02
A2.01	Floor Plan - Unit 02	DA - 02
A2.02	Elevations - Unit 02	DA - 02
A3.01	Floor Plan - Lower - Unit 03	DA - 02
A3.02	Floor Plan - Upper - Unit 03	DA - 02
A3.03	Elevations - Unit 03	DA - 02
A3.04	Elevations - Unit 03	DA - 02
C.01	Civil Plan	DA - 02
L.01	Landscaping Plan	DA - 02
P.01	Sewer & Water Plan	DA - 02





Site Area Site Area Building Footprint Total Site Coverage 33.75%	WITH NCC 3.1.1.2 & TABLE 3.1.1.1 11	ALFRESCO 21.89 m <sup>2</sup> DECK LIVING 26.05 m <sup>2</sup> ECK 4 25.40 132°10'45"	DECK@RUMPUS 13.20 m <sup>2</sup>	© 	-12
PINNACL	PINNACLE DRAFTING & DI 7/3 Abernant Way, Cambridg 03 6248 4218 admin@pinnacledrafting.com www.pinnacledrafting.com.ad	.au			IssueDateDescriptionDA-0107.09.21CLIENT CHANGESDA-0204.10.21RFI AMENDMENTS
Site Plan Revision: DA-01 Approved by:	Scale: 1:200 @A3 Pg. No: A0.01	Proposal: Unit Development Client: Tom & Jess Walter Address: 107 Derwent Ave, Lindisfarne	Date: 28.08.21 Drawn by: JRN Job No: 034-2021 Engineer: Building Surveyor:		These drawing are the property of Pinnacle Drafting & Design Pty Ltd, reproduction in whole or part is strictly forbidden without written consent. © 2021. These drawings are to be real in conjunction with all drawings and documentation. DE Engineers, Surveyors and any other consultants referred to within this drawing set as wells as any CLC and/or permit documentation. DD NOT SCALE FROM DRAWINGS, All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIESARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.

#### Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 3 of 17



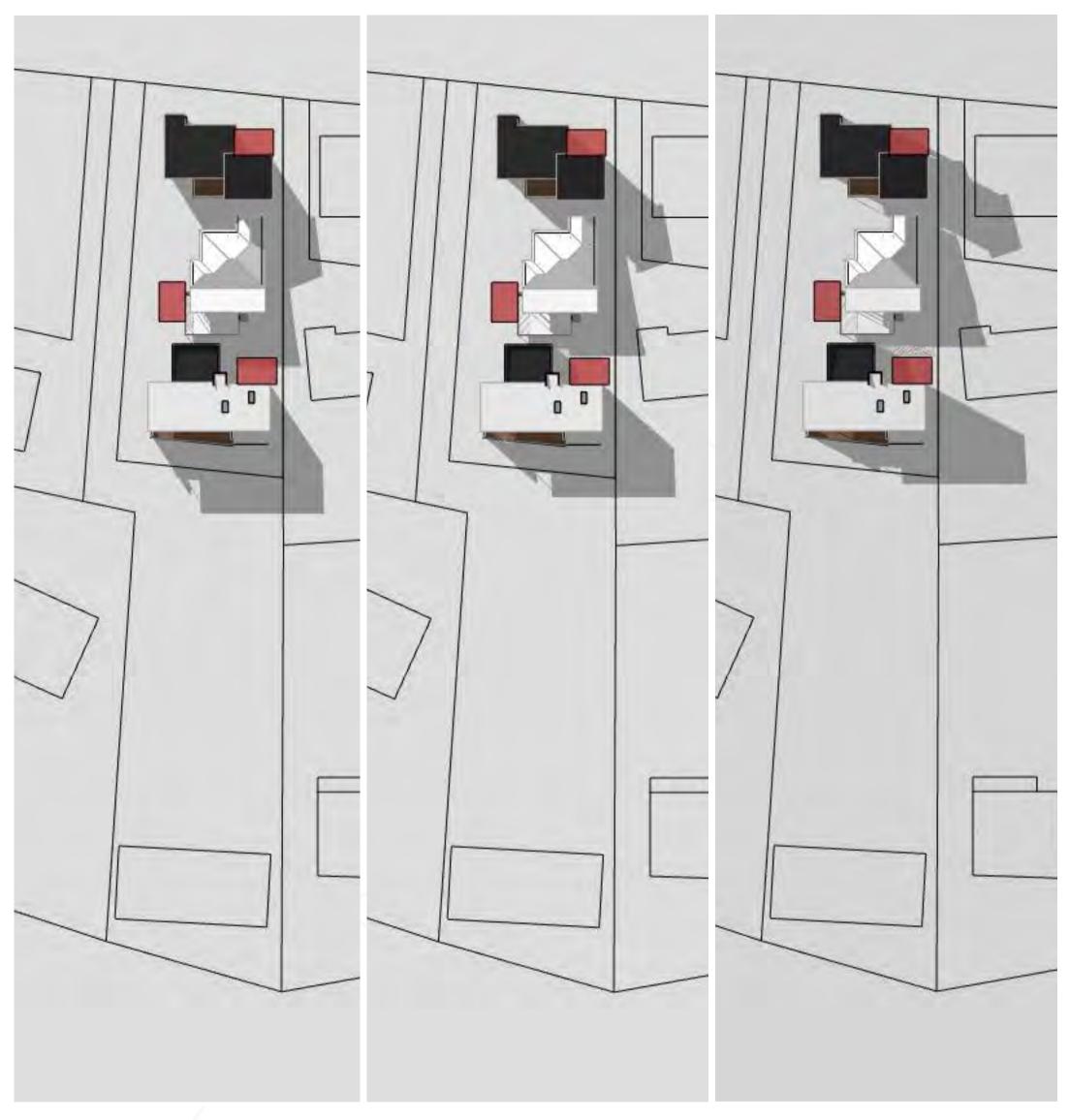
Shadows on June 21st @ 0900

Shadows on June 21st @ 1000

Shadows on June 21st @ 1100

PINNACL	PINNACLE DRAFTING & D 7/3 Abernant Way, Cambrid 03 6248 4218 admin@pinnacledrafting.co www.pinnacledrafting.com.	lge 7170 m.au			DA-01 07.09.21 C	Description ELIENT CHANGES FI AMENDMENTS
Shadow Study 01 Revision: DA - 01 Approved by:	Scale: 1:100 @ A3 Pg. No: A0.02	Proposal: Unit Development Client: Tom & Jess Walter Address: 107 Derwent Ave, Lindisfarne	Date: 28.08.21 Drawn by: JRN Job No: 034-2021 Engineer: Building Surveyor:	reproduction in whe consent. © 2021. Tr drawings and docum consultants referrer permit documental Contractors are to orders, works or rec DISCREPARCIES	e property of Pinnacle Drafting & Design Pty Ltd e or part is strictly forbidden without written see drawings are to be read in conjunction with al entation by Engineers. Surveyors and any other to within this drawings et as well as any CLC and n. DO NOTSCALE FROM DRAVINGS, All erity dimensions on site before commencing any uesting/producing shop drawings. ANY AND ALL ISCOVERED BY OUTSIDE PARTIESARE TOBE ATTENTION OF THE PINNACLE DRAFTING &	l Jor BUILDING DESIGNERS ASSOCIATEN OF AUSTRALIA

#### Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 4 of 17



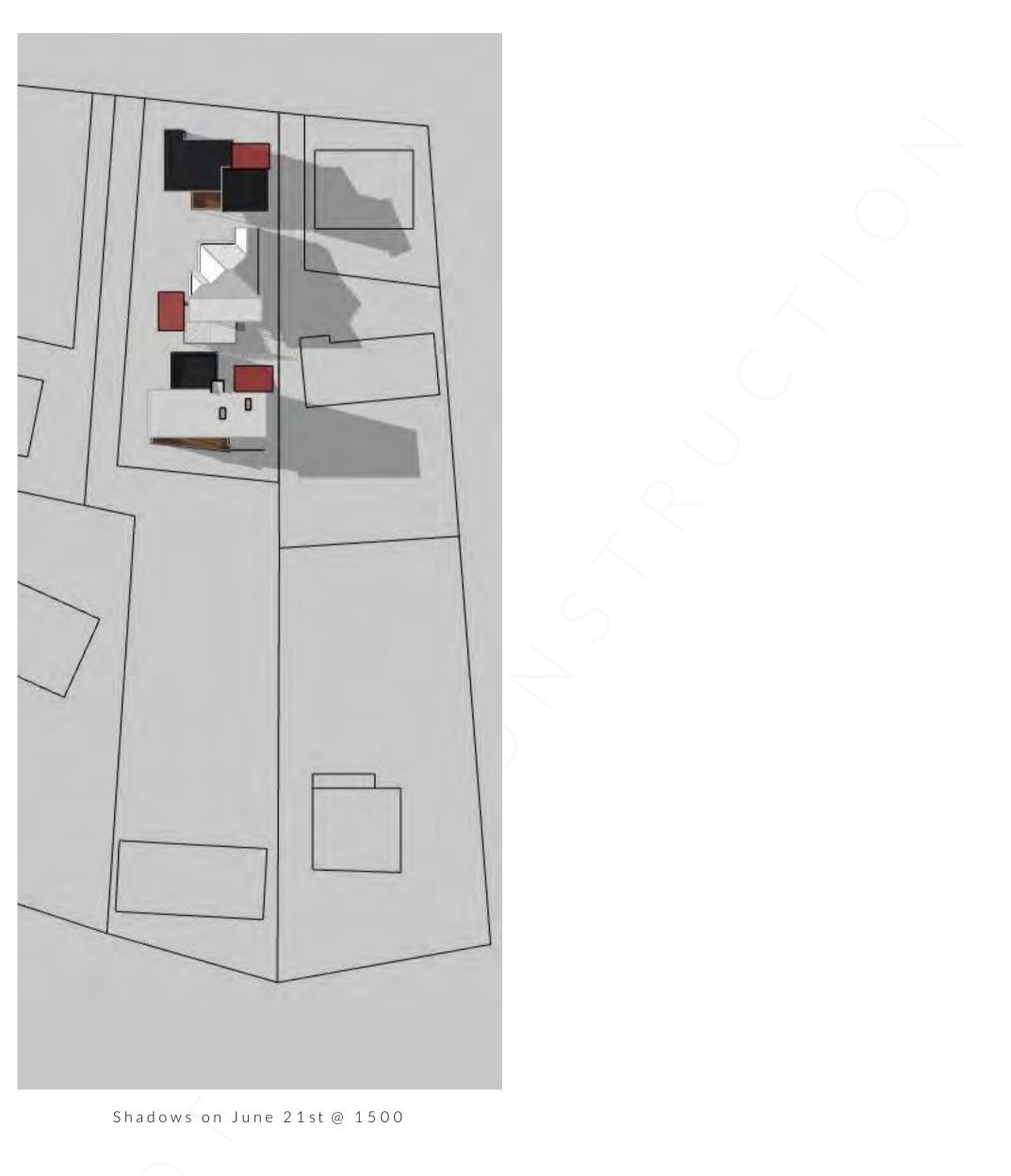
Shadows on June 21st @ 1200

Shadows on June 21st @ 1300

Shadows on June 21st @ 1400

PINNACL	PINNACLE DRAFTING & E 7/3 Abernant Way, Cambrid 03 6248 4218 admin@pinnacledrafting.co www.pinnacledrafting.com.	dge 7170 m.au				Description CLIENT CHANGES RFI AMENDMENTS
Shadow Study 02 Revision: DA - 01 Approved by:	Scale: 1:100 @ A3 Pg. No: A0.03	Proposal: Unit Development Client: Tom & Jess Walter Address: 107 Derwent Ave, Lindisfarne	Date: 28.08.21 Drawn by: JRN Job No: 034-2021 Engineer: Building Surveyor:	reproduction in v consent. © 2021 drawings and dou consultants refer permit document Contractors are orders, works or DISCREPANCE	e the property of Pinnacle Drafting & Design Pty L hole or part is strictly forbidden without written These drawings are to be read in conjunction with unentation by Engineers. Surveyors and any other red to within this drawing sets awayed as any CLG a tation. DO NOT SCALE FROM DRAVINGS; All o verify dimensions on site before commencing an erequesting/producing shop drawings. ANY AND AI DISCOVERED BY OUTSIDE PARTIESARE TOB HE ATTENTION OF THE PINNACLE DRAFTING D	all Indi/or BUILDING DESIGNERS LL ASSOCIATION OF AUSTRALIA E

#### Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 5 of 17



PINNACL	PINNACLE DRAFTING & E 7/3 Abernant Way, Cambrid 03 6248 4218 admin@pinnacledrafting.co www.pinnacledrafting.com.	lge 7170 m.au			DA-01 07.09.21	Description CLIENT CHANGES RFI AMENDMENTS
Shadow Study 03 Revision: DA - 01 Approved by:	Scale: 1:100 @ A3 Pg. No: A0.04	Proposal: Unit Development Client: Tom & Jess Walter Address: 107 Derwent Ave, Lindisfarne	Date: 28.08.21 Drawn by: JRN Job No: 034-2021 Engineer: Building Surveyor:	reproduction in w consent. © 2021. drawings and doc consultants refer prid document. Contractors are t orders, works or n DISCREPANCIES	the property of Pinnacle Drafting & Design Pty Ltc ole or part is strictly forbidden without written hese drawings are to be read in conjunction with a mentation by Engineers. Surveyors and any other et ol within this drawing set as well as any CLC and iton. DO NOT SCALE FROM DRAWINGS, All verify dimensions on site before commencing any questing/producing shop drawings. ANY AND ALL DISCOVERED BY OUTSIDE PARTIESARE TO BE E ATTENTION OF THE PINNACLE DRAFTING &	II J/or BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

#### Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 6 of 17

🔊 Smoke Alarm

— Articulation Joint

#### Construction of sanitary

#### compartments 3.8.3.3 of current

<u>NCC</u>

- The door to a sanitary compartment must -
- open outwards; or
   slide; or
- be readily removable from the outside of the compartment.

#### Note: Safe Movement & Egress

Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

#### Note: Paved Areas

All paths and patios to fall away from dwelling.

2,000

4,810

50

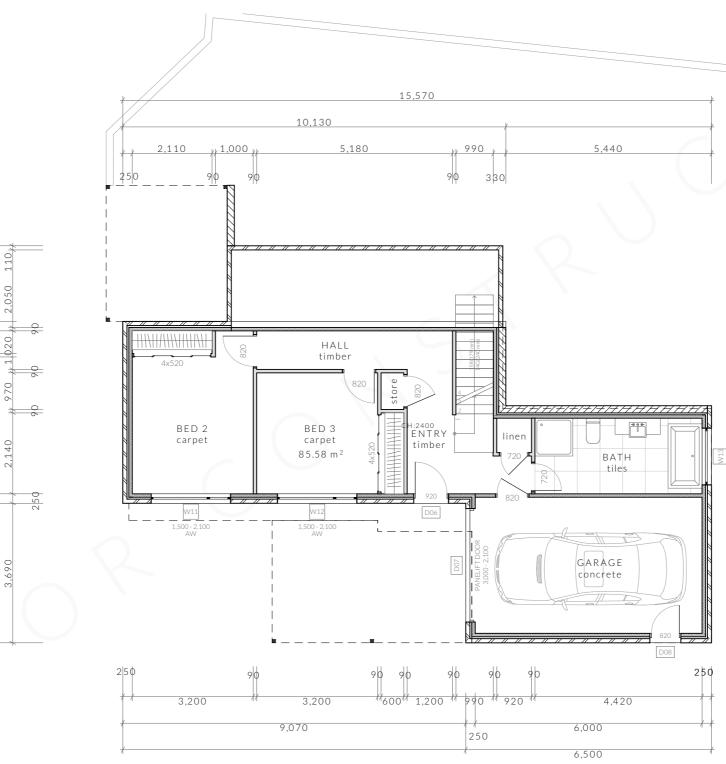
600

3,620

90

#### Note: Stair Construction

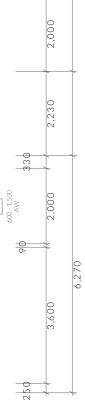
All stairs to be constructed in accordance with N.C.C Part 3.9.1: Riser: Min 115mm - Max 190mm Going: Min 240mm - Max 355mm Slope (2R+G): Max 550 - Min 700



Floor	Areas
-------	-------

Lower Floor85.58m²Upper Floor105.39m²Total Floor Area190.97m²

PINNACLE	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170		Scale: <b>1:100</b> @ A3	Proposal: Unit Development	Date: 28.08.21 Drawn by: JRN		Description CLIENT CHANGES RFI AMENDMENTS
	03 6248 4218		Pg. No:	Client: Tom & Jess Walter	Job No: 034-2021	DA-02 04.10.21	RITAMENDMENTS
	admin@pinnacledrafting.com.au	Revision: DA - 01		Address: 107 Derwent Ave, Lindisfarne	Engineer:		
	www.pinnacledrafting.com.au	Approved by:	A1.01		Building Surveyor:		





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Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 7 of 17

Smoke Alarm

— Articulation Joint

#### Construction of sanitary

#### compartments 3.8.3.3 of current

#### <u>NCC</u>

The door to a sanitary compartment must -

- open outwards; or
- slide; or
   be readil
- be readily removable from the outside of the compartment.

#### Note: Safe Movement & Egress

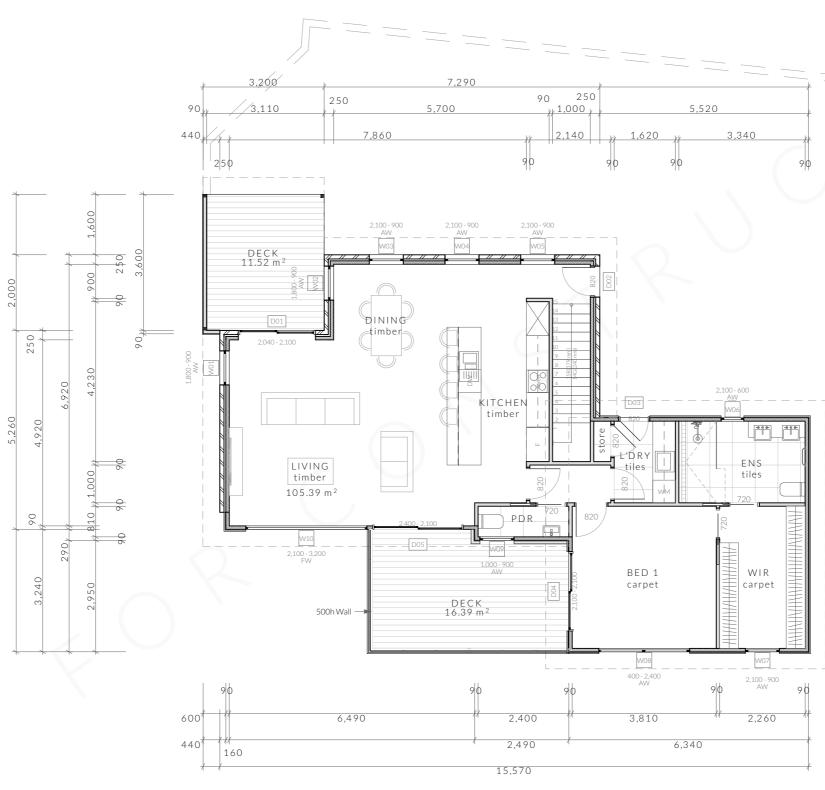
Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

#### Note: Paved Areas

All paths and patios to fall away from dwelling.

#### Note: Stair Construction

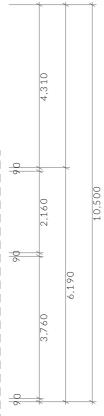
All stairs to be constructed in accordance with N.C.C Part 3.9.1: Riser: Min 115mm - Max 190mm Going: Min 240mm - Max 355mm Slope (2R+G): Max 550 - Min 700



TOOLATEAS	=	oor	Areas
-----------	---	-----	-------

Lower Floor	85.58m <sup>2</sup>
Upper Floor	105.39m²
Total Floor Area	<u>190.97m<sup>2</sup></u>
Deck	17.32m <sup>2</sup>

PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218	Floor Plan - Upper - Unit 01	1:100 @ A3	Proposal: Unit Development Client: Tom & Jess Walter	Date: 28.08.21 Drawn by: JRN Job No: 034-2021	Issue Date DA-01 07.09.21 DA-02 04.10.21	Description CLIENT CHANGES RFI AMENDMENTS
admin@pinnacledrafting.com.au Revision: DA www.pinnacledrafting.com.au Approved by:		A102	Address: 107 Derwent Ave, Lindisfarne	Engineer: Building Surveyor:		

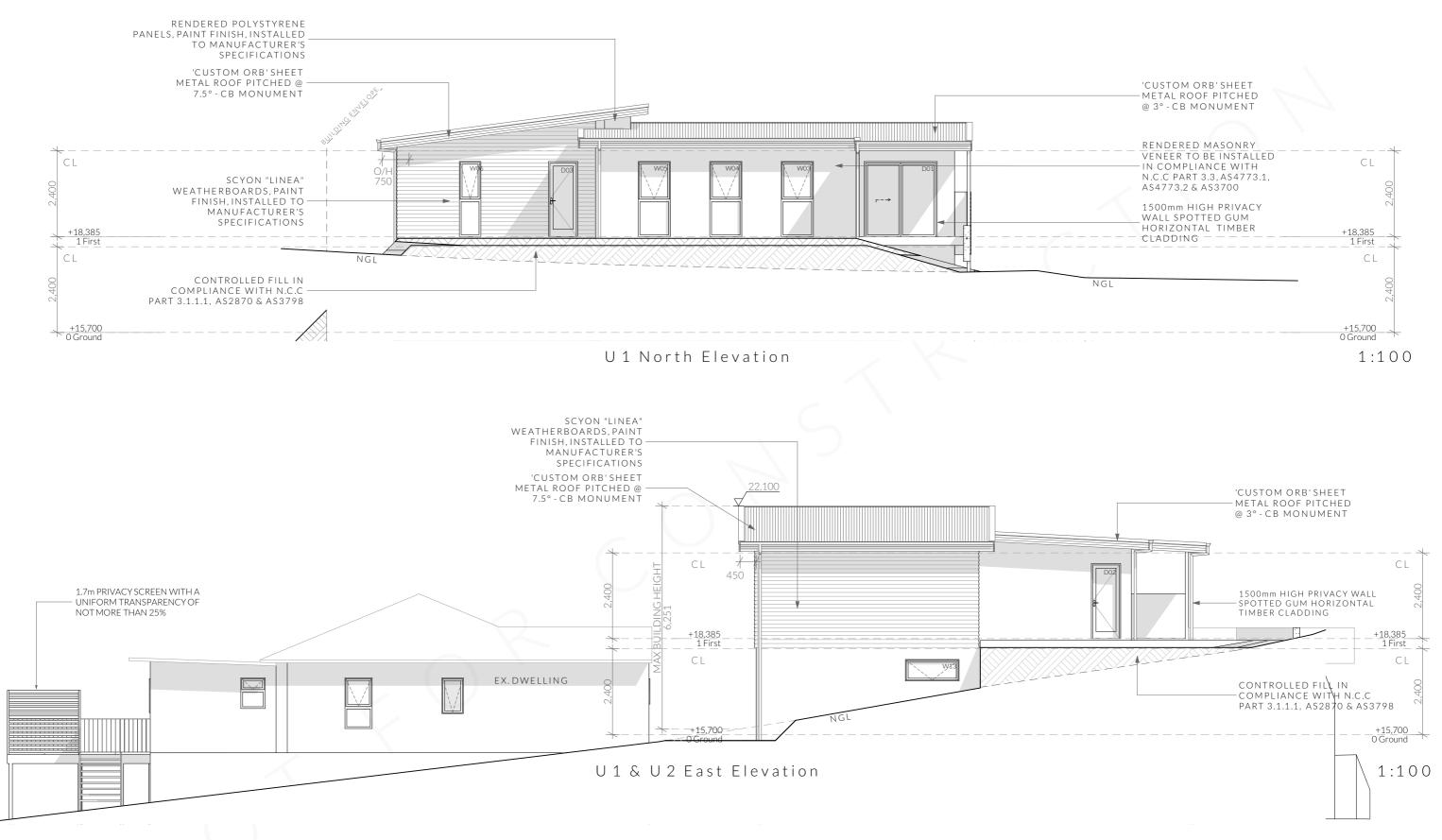




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Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 8 of 17



#### NOTE

- Clearances between cladding and ground shall comply with 3.5.4.7 of the current N.C.C and shall be a minimum clearance of:
- 100mm in low rainfall intensity areas or sandy, well-drained areas; or
- 50mm above impervious areas that slope away from the building; or
- 150mm in any other case.

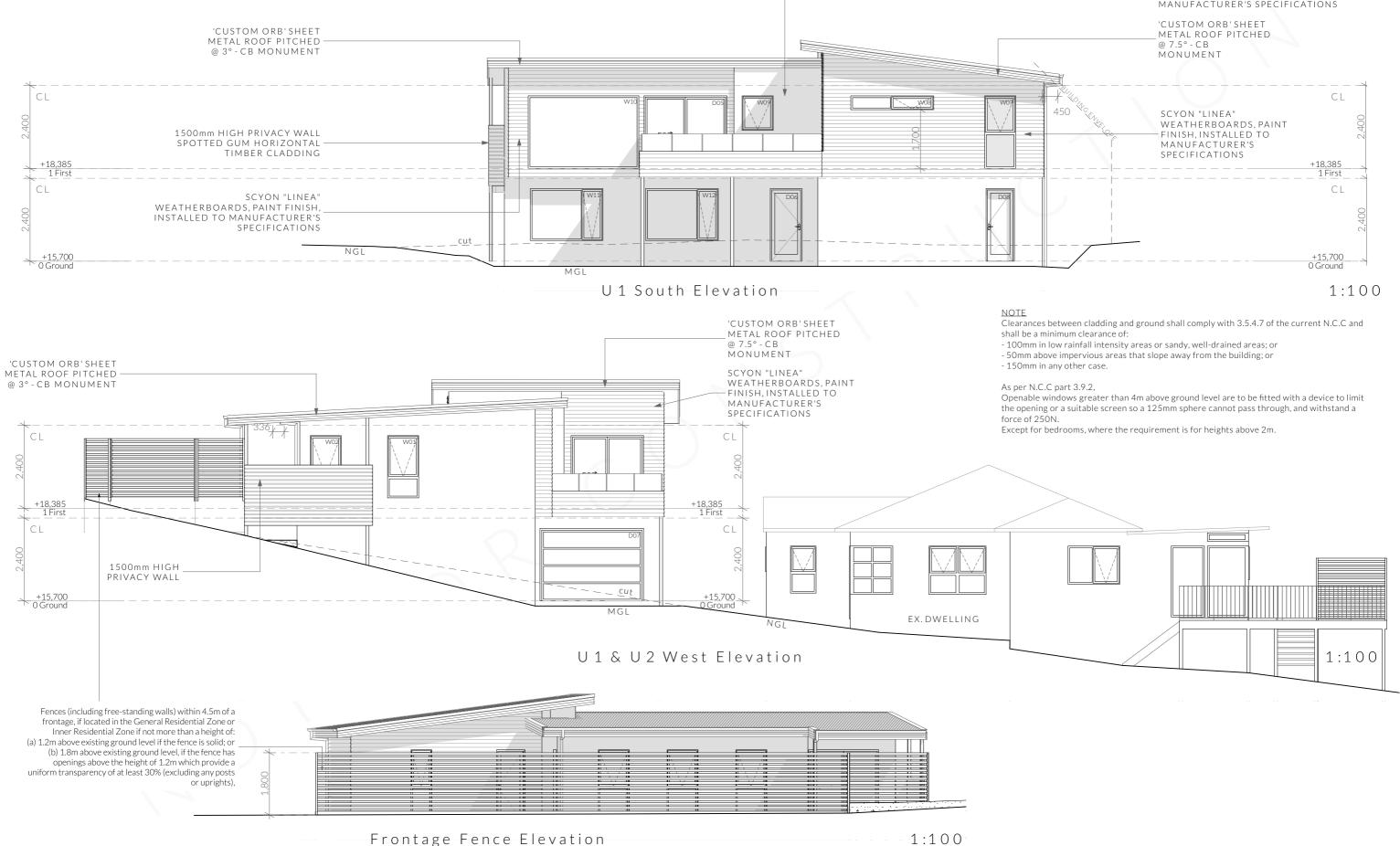
#### As per N.C.C part 3.9.2,

Openable windows greater than 4m above ground level are to be fitted with a device to limit the opening or a suitable screen so a 125mm sphere cannot pass through, and withstand a force of 250N. Except for bedrooms, where the requirement is for heights above 2m.

PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218	Elevations - Unit 01	Scale: 1:100 @ A3	Proposal: Unit Development Client: Tom & Jess Walter	Date: 28.08.21 Drawn by: JRN Job No: 034-2021	Issue Date DA-01 07.09.21 DA-02 04.10.21	Description CLIENT CHANGES RFI AMENDMENTS
admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Revision: DA-01 Approved by:	Pg. No: A1.03	Address: 107 Derwent Ave, Lindisfarne	Engineer: Building Surveyor:		



Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 9 of 17

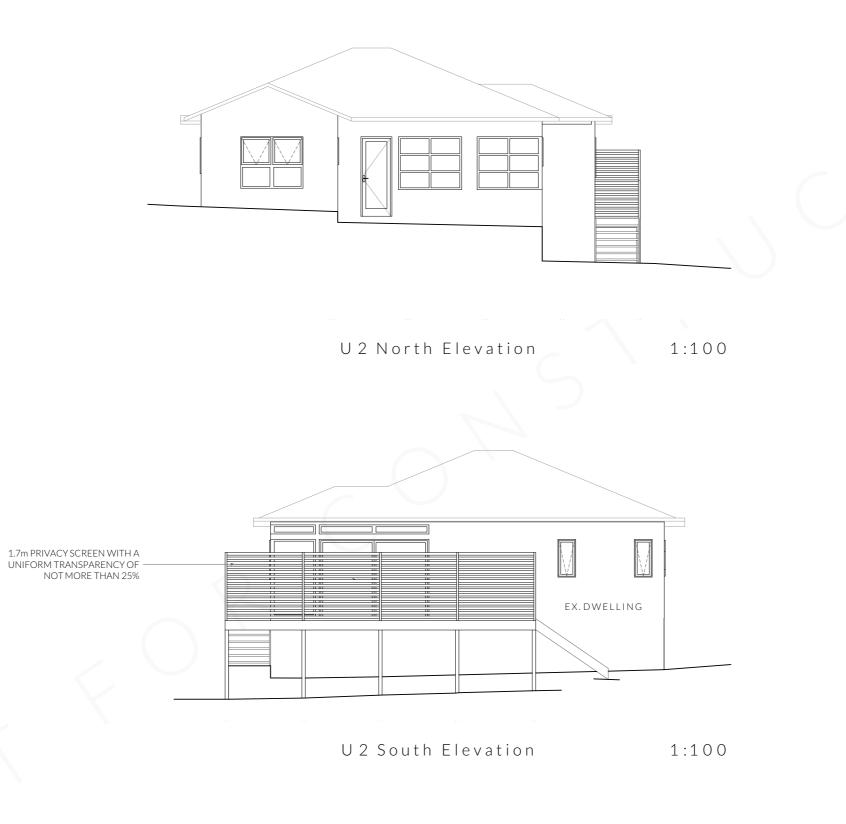


	7/3 Abernant Way, Cambridge 7170	Elevations - Unit 01	Scale: <b>1:100</b> @ A3	Proposal: Unit Development	Date: 28.08.21 Drawn by: JRN	Issue Date DA-01 07.09.21 DA-02 04.10.21	Description CLIENT CHANGES RFI AMENDMENTS
PINNACLE	03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Revision: DA - 01 Approved by:	Pg. No: A1.04	Client: Tom & Jess Walter Address: 107 Derwent Ave, Lindisfarne	Job No: 034-2021 Engineer: Building Surveyor:		

- PAINT FINISH, INSTALLED TO	)	
SCYON "LINEA" WEATHERBOARDS, PAINT FINISH, INSTALLED TO MANUFACTURER'S SPECIFICATIONS	+18,385 1First CL	2,400
	+15,700	2,400
	- PAINT FINISH, INSTALLED TC MANUFACTURER'S SPECIFIC 'CUSTOM ORB' SHEET _METAL ROOF PITCHED @ 7.5° - CB MONUMENT SCYON "LINEA" WEATHERBOARDS, PAINT - FINISH, INSTALLED TO MANUFACTURER'S	METAL ROOF PITCHED @ 7.5° - CB MONUMENT CL SCYON "LINEA" WEATHERBOARDS, PAINT -FINISH, INSTALLED TO MANUFACTURER'S SPECIFICATIONS +18,385 1First CL







#### NOTE

- Clearances between cladding and ground shall comply with 3.5.4.7 of the current N.C.C and shall be a minimum clearance of:
- 100mm in low rainfall intensity areas or sandy, well-drained areas; or
- 50mm above impervious areas that slope away from the building; or
- 150mm in any other case.

As per N.C.C part 3.9.2, Openable windows greater than 4m above ground level are to be fitted with a device to limit the opening or a suitable screen so a 125mm sphere cannot pass through, and withstand a force of 250N. Except for bedrooms, where the requirement is for heights above 2m.

	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170	Elevations - Unit 02	Scale:	Proposal: Unit Development	Date: 28.08.21 Drawn by: JRN	Issue Date DA-01 07.09.21	Description CLIENT CHANGES
PINNACLE	03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Revision: DA - 01 Approved by:	1:100 @ A3 Pg. No: A2.02	Client: Tom & Jess Walter Address: 107 Derwent Ave, Lindisfarne	Job No: 034-2021 Engineer: Building Surveyor:	DA-02 04.10.21	RFI AMENDMENTS









🔊 Smoke Alarm

— Articulation Joint

#### Construction of sanitary

#### compartments 3.8.3.3 of current

#### <u>NCC</u>

The door to a sanitary compartment must -

- open outwards; orslide; or
- be readily removable from the outside of the compartment.

#### Note: Safe Movement & Egress

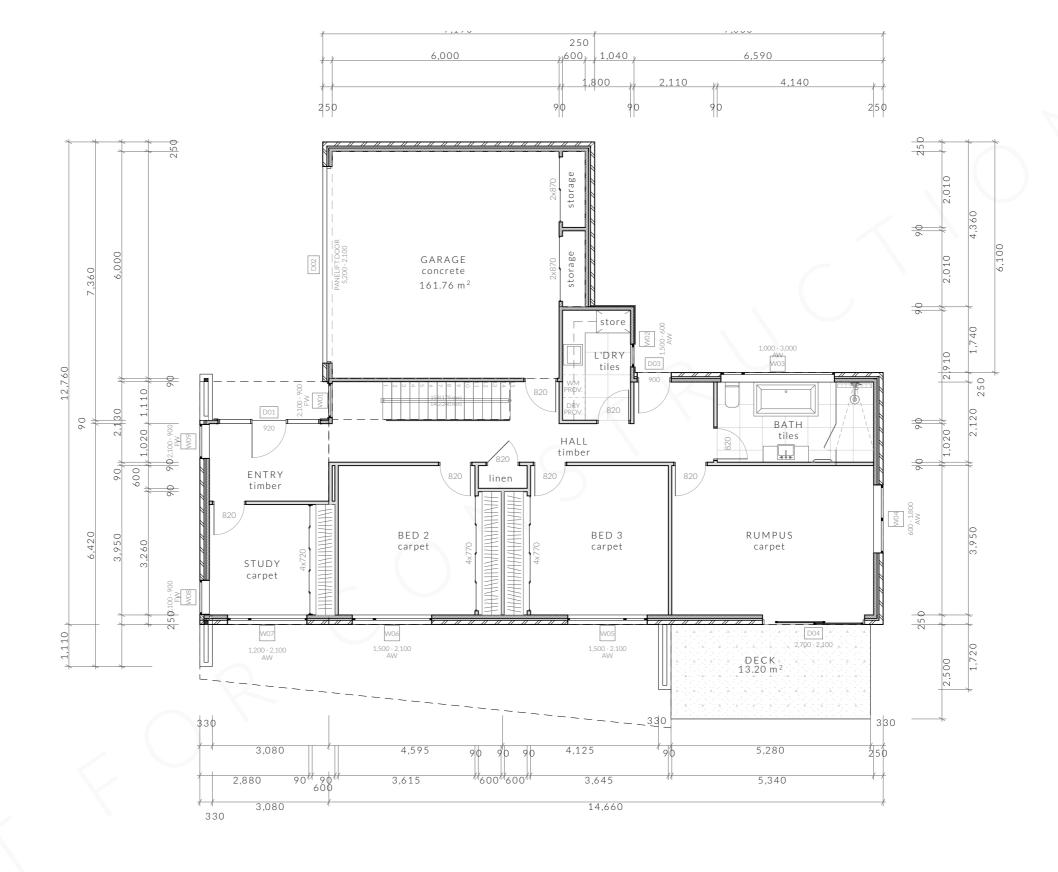
Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

#### Note: Paved Areas

All paths and patios to fall away from dwelling.

#### Note: Stair Construction

All stairs to be constructed in accordance with N.C.C Part 3.9.1: Riser: Min 115mm - Max 190mm Going: Min 240mm - Max 355mm Slope (2R+G): Max 550 - Min 700



F	loor	Areas
	1001	711005

Lower Floor	153.29m²
Upper Floor	93.51m²
Total Floor Area	246.80m <sup>2</sup>
Deck	9.48m <sup>2</sup>

PINNACI	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218	Floor Plan - Lower - Unit 03	Scale: <b>1:100</b> @ A3	Proposal: Unit Development Client: Tom & Jess Walter	Date: 28.08.21 Drawn by: JRN Job No: 034-2021	Issue Date DA-01 07.09.21 DA-02 04.10.21	Description CLIENT CHANGES RFI AMENDMENTS
	us 62464216 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Revision: DA-01 Approved by:	Pg. No: <b>A3.01</b>	Address: 107 Derwent Ave, Lindisfarne	Engineer: Building Surveyor:		



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© Smoke Alarm

— Articulation Joint

#### Construction of sanitary

#### compartments 3.8.3.3 of current

#### <u>NCC</u>

The door to a sanitary compartment must -

- open outwards; or
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#### Note: Safe Movement & Egress

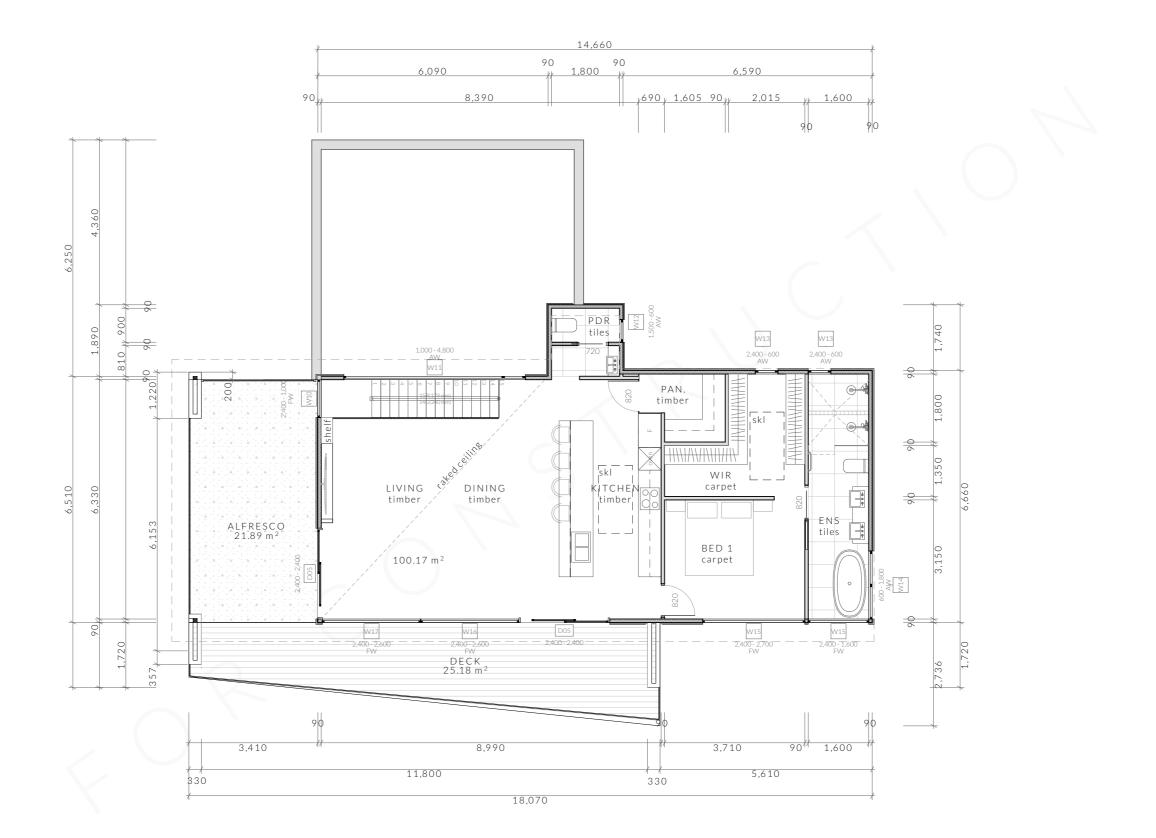
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Floor Areas
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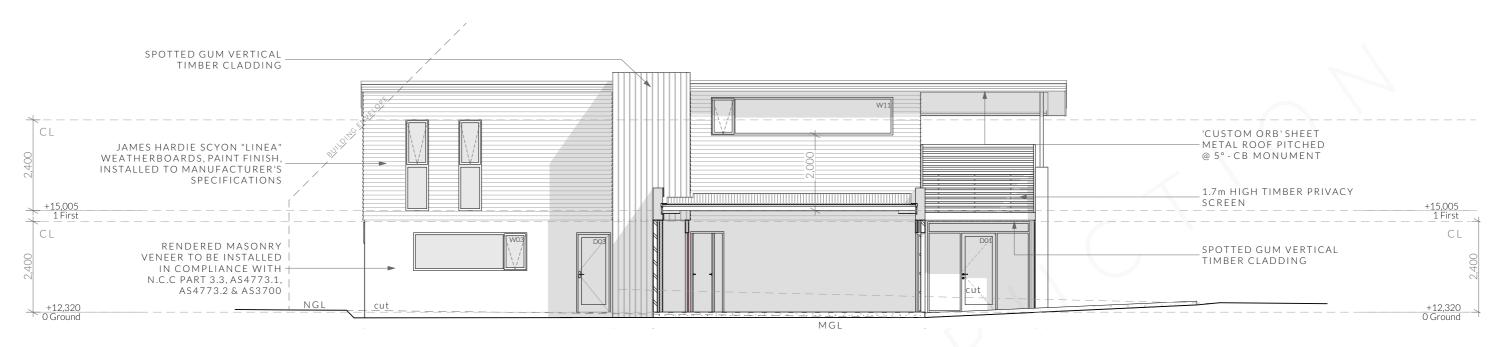
Lower Floor	153.29m²
Upper Floor	93.51m²
Total Floor Area	<u>246.80m<sup>2</sup></u>
Deck	33.36m²

	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170	Floor Plan - Upper - Unit 03	Scale: <b>1:100</b> @ A3	Proposal: Unit Development	Date: 28.08.21 Drawn by: JRN	Issue Date DA-01 07.09.21	Description CLIENT CHANGES
PINNACLE	03 6248 4218			Client: Tom & Jess Walter	Job No: 034-2021	DA-02 04.10.21	RFI AMENDMENTS
	admin@pinnacledrafting.com.au	Revision: DA - 01	Pg. No: A3.02	Address: 107 Derwent Ave, Lindisfarne	Engineer:		
	www.pinnacledrafting.com.au	Approved by:	A3.02		Building Surveyor:		

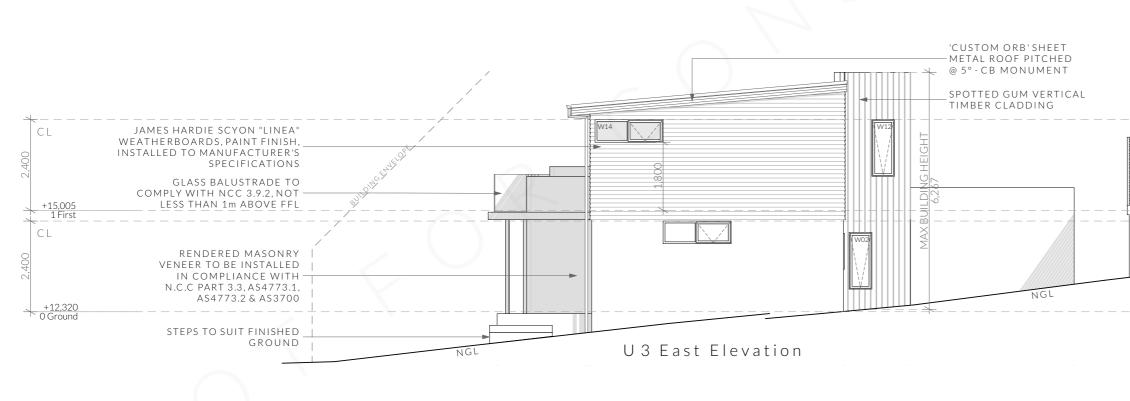


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#### <u>NOTE</u>

Clearances between cladding and ground shall comply with 3.5.4.7 of the current N.C.C and shall be a minimum clearance of:

- 100mm in low rainfall intensity areas or sandy, well-drained areas; or

- 50mm above impervious areas that slope away from the building; or

- 150mm in any other case.

#### As per N.C.C part 3.9.2,

Openable windows greater than 4m above ground level are to be fitted with a device to limit the opening or a suitable screen so a 125mm sphere cannot pass through, and withstand a force of 250N. Except for bedrooms, where the requirement is for heights above 2m.

	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170	Elevations - Unit 03	Scale:	Proposal: Unit Development	Date: 28.08.21 Drawn by: JRN	Issue Date DA-01 07.09.21	Description CLIENT CHANGES
PINNACLE	03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Revision: DA-01 Approved by:	1:100 @ A3 Pg. No: A3.03	Client: Tom & Jess Walter Address: 107 Derwent Ave, Lindisfarne	Job No: 034-2021 Engineer: Building Surveyor:	DA-02 04.10.21	RFI AMENDMENTS

1:100



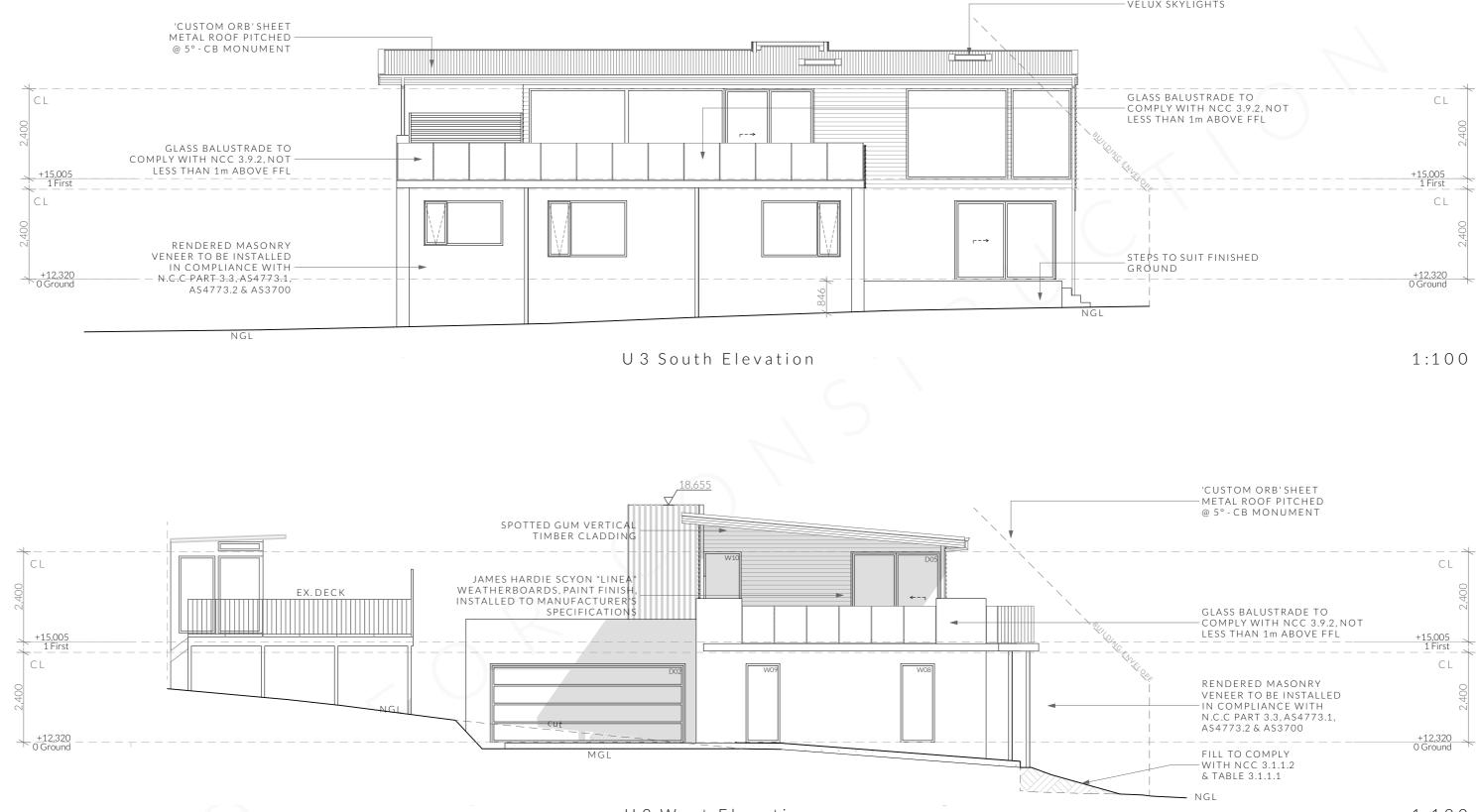
1:100



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Agenda Attachments - 107 Derwent Avenue, Lindisfarne Page 14 of 17



#### U 3 West Elevation

#### <u>NOTE</u>

- Clearances between cladding and ground shall comply with 3.5.4.7 of the current N.C.C and shall be a minimum clearance of:
- 100mm in low rainfall intensity areas or sandy, well-drained areas; or
- 50mm above impervious areas that slope away from the building; or
- 150mm in any other case.

#### As per N.C.C part 3.9.2,

Openable windows greater than 4m above ground level are to be fitted with a device to limit the opening or a suitable screen so a 125mm sphere cannot pass through, and withstand a force of 250N. Except for bedrooms, where the requirement is for heights above 2m.

PINNACIE	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218	Elevations - Unit 03	Scale: <b>1:100</b> @ A3	Proposal: Unit Development Client: Tom & Jess Walter	Date: 28.08.21 Drawn by: JRN Job No: 034-2021	Issue Date DA-01 07.09.21 DA-02 04.10.21	Description CLIENT CHANGES RFI AMENDMENTS
	admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	Revision: DA - 01 Approved by:	Pg. No: <b>A3.04</b>	Address: 107 Derwent Ave, Lindisfarne	Engineer: Building Surveyor:		

1:100





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#### <u>Note</u>

Plants have been selected to be drought tolerant and low maintenance once established, it is recommended that a dripper system or similar be put into place until established. Plant locations are indicative and may be altered where suitable growing conditions cannot be met. Garden areas to be mulched with 75mm cover of selected mulch and plants are to fertilised 6 monthly or where required until established. Garden edges are to be timber, steel, or brick. Plantings that were unsuccessful will be





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Attachment 3



View of site from Derwent Avenue.

#### 6.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019730 – 21 SEVEN MILE BEACH ROAD, SEVEN MILE BEACH (WITH ACCESS OVER 23 SEVEN MILE BEACH ROAD, SEVEN MILE BEACH) - 1 LOT SUBDIVISION

#### **EXECUTIVE SUMMARY**

#### PURPOSE

The purpose of this report is to consider the application made for a 1 Lot Subdivision at 21 Seven Mile Beach Road, Seven Mile Beach (with access over 23 Seven Mile Beach Road, Seven Mile Beach).

#### **RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Parking and Access Code, Road and Railway Assets Code and Inundation Hazard Areas 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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 18 January 2022.

#### CONSULTATION

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

- inundation;
- lack of Structure Plan;
- accuracy of On-site Wastewater Assessment;
- on-site Wastewater Management;
- outdated information contained in the Flood Hazard Report;
- underground services;
- access;
- hazard avoidance;
- solar access; and
- delegation issues.

#### **RECOMMENDATION:**

- A. That the Development Application for a 1 Lot Subdivision at 21 Seven Mile Beach Road, Seven Mile Beach (with access over 23 Seven Mile Beach Road, Seven Mile Beach) (Cl Ref PDPLANPMTD-2021/019730) be approved subject to the following conditions and advice.
  - 1. GEN AP1 ENDORSED PLANS.

- GEN POS1 POS CONTRIBUTION [5%] [Lot 1].
- 3. ENG A3 COMBINED ACCESSES [TSD-R03].
- 4. ENG M2 DESIGNS SD.
- 5. ENG M8 EASEMENTS.
- 6. ENG S1 INFRASTRUCTURE REPAIR.
- 7. ENG S2 SERVICES.
- 8. ENG S10 UNDERGROUND SERVICES.
- 9. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 November 2021 (TWDA 2021/00995 -CCC).
- ADVICE: An application for a Plumbing Permit to install an on-site wastewater disposal system must be submitted and approved as part of the Building Application.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

## ASSOCIATED REPORT

2.

#### 1. BACKGROUND

A Petition to Amend Sealed Plan 16780 was lodged on 15 February 2021 and approval granted on 26 May 2021. Council was petitioned to delete the restrictive covenants shown on page 2 of the Schedule of Easements appearing on Sealed Plan 16780 and remove the following words:

- "1. Not to erect or place or maintain upon the said Lot more than a single residence for use by one family only.
- 2. Not to further subdivide any Lot on the plan or any part thereof.
- 4. Not to construct or permit to be constructed any vehicular access from Lot 14 on the Plan to Seven Mile Beach Road other than by use of the land marked "RIGHT OF WAY (PRIVATE) "R" & "Q" shown on the Plan."

The amendment sought to facilitate the subdivision of 21, 23 and 27 Seven Mile Beach Road in accordance with the requirements of the *Clarence Interim Planning Scheme* 2015 (the Scheme at that time) which permitted further subdivision of the lots.

#### 2. STATUTORY IMPLICATIONS

- **2.1.** The land is zoned Village under the Scheme.
- **2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- **2.3.** The relevant parts of the Planning Scheme are:
  - Clause 7.5 Compliance with Applicable Standards
  - Clause 8.10 Determining Applications;
  - Clause 16.0 Village Zone;
  - Clause E5.0 Road and Railway Assets Codes;
  - Clause E6.0 Parking and Access Code;
  - Clause E7.0 Stormwater Management Code;
  - Clause E15.0 Inundation Prone Areas Code; and
  - Clause E23.0 On-site Wastewater Management Code.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

#### 3. PROPOSAL IN DETAIL

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

The site forms a 3817m<sup>2</sup> internal allotment with frontage onto Seven Mile Beach Road. The site currently supports a dwelling and outbuildings. Access to the subject site is provided via a combined access from Seven Mile Beach Road with numbers 17, 19, 23 and 27 Seven Mile Beach Road utilising the same access. A location plan is included in Attachment 1.

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The site is zoned Village under the Clarence Interim Planning Scheme 2015 and is surrounded by residential developments.

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

The proposal is for a 1 lot subdivision on the subject site. The proposal would create a  $1170m^2$  lot (Lot 1) containing an existing outbuilding and a  $2647m^2$  lot (Lot 2). Lot 2 will retain the existing dwelling and two outbuildings. The proposal also encompasses the widening of the existing right-of-way to 5.5m as required under the Scheme given the number of users of the combined access.

The proposal includes the following supporting reports:

- a Flood Hazard Report; and
- on-site Wastewater Assessment.

No provision is made for public open space.

The proposal plans are provided in the Attachments.

## 4. PLANNING ASSESSMENT

#### 4.1. Compliance with Applicable Standards [Section 7.5]

- *"7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.*
- 7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard."

#### 4.2. 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.

#### 4.3. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Village Zones and Road and Railway Assets, Parking and Access Code Inundation Prone Areas Code, On-site Wastewater Management Code and Stormwater Management Codes with the exception of the following.

#### Village Zone

• Clause 16.5.1 A2 – the site is subject to a number of Codes under the Scheme.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 16.5.1 as follows.

Clause	Performance Criteria	Assessment
Clause	"The design of each lot must	See assessment below.
16.5.1 P2	contain a building area able to	
	satisfy all of the following:	
	(a) be reasonably capable of accommodating residential	Both lots comply with the minimum lot size of 1000m <sup>2</sup> with
	use and development;	Lot 1 having a total area of
		1170m <sup>2</sup> and Lot 2 having a total
		land area of 2647m <sup>2</sup> and this is
		considered adequate area for a
		future residential development.
	(b) meets any applicable	The proposal is considered to
	standards in codes in this	meet the requirements of the
	planning scheme;	Inundation Prone Areas Code,
		On-site wastewater management
		Code, Parking and Access Code,
		Road and Railway Assets Code
		and Stormwater Management
		Code as would be later discussed
		in this report.

(C)	enables future development to achieve maximum solar access, given the slope and aspect of the land;	The site is generally flat with the long axis of the developable area facing north, therefore allowing for adequate solar access to future development on the subject site.
(d)	minimises the need for earth works, retaining walls, and fill and excavation associated with future development;	The site is generally flat which will minimise the need for earthworks. Any future residential developments on the subject site would be assessed under the Tasmanian Planning Scheme – Clarence and would be exempt from assessment under the Inundation Prone Areas Code and the Flood Prone Areas Code. However, the Inundation Prone Areas stipulates a minimum floor level of 3.2AHD for Seven Mile Beach. The subject site has an AHD level of 3m and therefore any future residential development will require minimal fill, if any for the construction of the dwelling.
<i>(e)</i>	<ul> <li>provides for sufficient useable area on the lot for both of the following;</li> <li>(i) on-site parking and manoeuvring;</li> <li>(ii) adequate private open space."</li> </ul>	As mentioned above, the proposed lots would have sufficient area to provide for adequate vehicle manoeuvring and circulation areas and also provide adequate area for recreation and relaxation.

## Village Zone

• Clause 16.5.1 A4 – the proposed lots form internal lots.

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

Clause		Performance Criteria	Assessment
16.5.1	"An	internal lot must satisfy all of	See assessment below:
P4		ollowing:	
	(a)	the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;	In consideration of the shape of the lot and the subdivision design, it is not feasible to construct a new road for access. The proposal is therefore considered a reasonable response to the site constraints.
	(b)	<i>it is not reasonably possible to provide a new road to create a standard frontage lot;</i>	Access to the proposed development would be via an existing right-of-way and it is impractical to alter this arrangement.
	(c)	the lot constitutes the only reasonable way to subdivide the rear of an existing lot;	The proposal is the only reasonable way to subdivide the land given the existing buildings on-site and that the site is constrained by existing residential development.
	(d)	the lot will contribute to the more efficient utilisation of residential land and infrastructure;	Given the size of the lot, the proposal will provide for an infill development therefore contributing to more efficient utilization of land. The proposed subdivision would also facilitate future
			development on Lot 1 in a manner that is considered unlikely to conflict with adjoining residential land.
	(e)	the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;	The proposed lots would have a land area of more than 1000m <sup>2</sup> and this is considered sufficient to facilitate future development which is unlikely to have a negative impact on the amenity of the surrounding area.
	<i>(f)</i>	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; width of no less than 3.6m;	The proposed lot would be accessed through a combined access with a total width of more than 3.6m providing for safe access and egress to the proposed development.

 (g)	passing bays are provided at	The proposal includes the
	appropriate distances to	widening of the existing access
	service the likely future use of	to 5.5m and Council Engineers
	the lot;	are satisfied that the combined
		access is of sufficient width to
		ensure vehicular passing area
		for the proposed development.
(h)	the access strip is adjacent to	The proposal complies with the
	or combined with no more	performance criterion in that
	than three other internal lot	the total number of internal lot
	access strips and it is not	access strips within the shared
	appropriate to provide access	access would not be more than
	via a public road;	four. Currently, the combined
	-	access consists of three internal
		lots, numbers 21, 23 and 27
		Seven Mile Beach Road.
		Although number 17 and 19
		Seven Mile Beach Road utilise
		the same right-of-way, they do
		not form internal lots by virtue
		of having frontage onto Seven
		Mile Beach Road.
<i>(i)</i>	a sealed driveway is provided	It is proposed to widen the
	on the access strip prior to the	sealed driveway to 5.5m to
	sealing of the final plan;	accommodate the proposed
		development therefore a
		condition would be included in
		the recommended conditions to
		ensure that the driveway is
		sealed and widened prior to
		sealing of the final plan.
(j)	the lot addresses and provides	The proposed lot would not
· · ·	for passive surveillance of	front any public open space or
	public open space and public	public rights-of-way.
	rights of way if it fronts such	
	public spaces."	
1	* <b>i</b>	

#### Village Zone

• Clause 16.5.3 A1 – There is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 16.5.3 as follows.

Clause	Performance Criteria	Assessment
16.5.2 P1	"The arrangement of ways and public open space within a subdivision must satisfy all of the following:	See assessment below.
	(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;	not applicable
	(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;	not applicable
	(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;	not applicable.
	(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;	not applicable.
	(f) provides for a legible movement network;	not applicable
	(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;	
	(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.	The subject site is zoned Village under the Clarence Interim Planning Scheme and is within an established area at Seven Mile Beach and will be afforded the highest level of access to both local and regional recreational opportunities.

(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment	It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities. The proposal, therefore, provides an opportunity to secure POS consistent with general principles outlined in Section 6.1 of Council's Public Open Space Policy (2013). While Section 117 of the Local Government Building and Miscellaneous Provisions Act 1993 (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, it is considered appropriate 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. The area of land required for this purpose represents an area of 5% of the proposed additional lot. In this instance acquisition of POS through this subdivision proposal would further enhance Council's POS network and associated facilities. For this reason, it ought to be conditioned as part of any approval. not applicable
opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following: (i) the width of the way; (ii) the length of the way; (iii) landscaping within the way; (iv) lighting;	

(v)	provision of opportunities for	
	'loitering';	
(vi)	the shape of the way (avoiding bends, corners or other	
	opportunities for concealment)."	

#### **Inundation Prone Areas Code**

• Clause 15.7.5 A2 – No Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 15.7.5 as follows.

Clause	Performance Criteria	Assessment
15.7.5	"Mitigation measures, if	See assessment below.
A2	required, must satisfy all of the	
	following:	
	(a) be sufficient to ensure	The subject site has an AHD
	habitable rooms will be	level of 3m and will ensure that
	protected from flooding and	future developments meet the
	will be able to adapt as sea	required finished floor level of
	levels rise;	3.2m AHD.
	(b) not have a significant effect	The Flood Hazard Report
	on flood flow."	submitted with the application
		indicates that the proposed
		development would not have an
		adverse effect on flood flow.
		Council's Engineers have
		assessed the report and are
		satisfied that the proposal
		complies with the performance
		criterion.

#### **Inundation Prone Areas Code**

• Clause 15.7.5 A3 – the land application area for the on-site wastewater management does not offer a vertical separation distance of more than 1.5m from the water table.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause 15.7.5 as follows.

Clause	Performance Criteria	Assessment
15.7.5 P3	"A Land application area for on- site wastewater management	See assessment below:
	site wastewater management must satisfy all of the following:	
	(a) A horizontal separation	The On-site Wastewater report
	distance from high water	submitted as part of this
	mark or separation from the	application indicates that the
	top of the bank of a watercourse or lake must	proposed development complies
	satisfy all of the following:	with the performance criteria. The report was reviewed by
	(i) be no less than 15m;	Council's Environmental Health
	(ii) effluent must be no less	Officer and they are satisfied that
	than secondary treated	the proposal complies with the
	effluent standard and applied through a	performance criteria.
	applied through a subsurface land	
	application system;	
	(iii) the average gradient is	
	no more than 16	
	degrees;	
	(b) Vertical separation distance from the water table must	
	satisfy the following:	
	(i) be no less than 0.6m,	It is proposed to utilise raised
	(whether 'in ground' or	beds in order to ensure that the
	by use of a raised bed); (ii) effluent must be no less	land application area attains the required vertical separation
	than secondary treated	distance of 0.6m to the
	effluent standard and	underlying water table.
	applied through a	
	subsurface land	As mentioned above, an On-site
	application system."	Wastewater Assessment was submitted as part of this
		application and the report was
		reviewed by Council's
		Environmental Health officers.
		The information provided
		demonstrated that the proposal complies with the performance
		criteria in that the on-site
		wastewater will involve a
		secondary treatment of effluent
		and the effluent would be less
		than secondary treated effluent standard.
	L	statiuatu.

# **Inundation prone Areas Code**

• Clause 15.8.1 A1– there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 15.8.1 as follows.

Clause	Performance Criteria	Assessment		
	"Subdivision of a lot, all or part of which is within a Medium or High Inundation Hazard Area must be for the purpose of one or more of the following:			
	(a) separation of existing dwellings;	The proposed subdivision is not for the separation of existing dwellings.		
	(b) creation of a lot for the purposes of public open space, public reserve or utilities;	No lots have been provided for the purposes of public open space. However, the creation of additional lots would generate an increase in POS demand therefore, a condition would be appended on the permit to ensure a cash-in-lieu contribution is made for the POS.		
	(c) creation of a lot in which the building area, access and services are outside the hazard area, with the exception of stormwater;	The proposal does not meet (c) as the entire development site is covered by the Code.		
	(d) creation of a lot in which the building area or access or services are inside the hazard area provided that it can be demonstrated that subsequent development will not adversely affect flood flow or be affected by flood water or change coastal dynamics in a way detrimental to the subject property or any other property.	The developer has submitted a report in response to the requirements of the Code (Flussig Engineers – 03 September 2021). It was determined that the site would be subject to flooding during a 1% AEP catchment flood event therefore the construction of any new dwellings within the building envelope would be required to have a habitable floor level of >1% & AEP CC Flood level + 300mm or greater than the Medium Inundation level which is equivalent to a height of 3.083m AHD.		

		This application does not include any filling and any future dwellings on-site would have to comply with the 3.2m AHD level under the Scheme. The assessment found that the proposed development will not increase flood levels or velocities on off-site properties and the minimum floor level is controlled by coastal flooding rather than catchment flooding. Council's Engineer is satisfied that, based on the information provided, the proposal will not detrimentally impact neighbouring properties by overland flood flow
(e)	Stormwater, mitigation and/or developer contributions applicable to any lot/s created under (c) or (d) are as follows: (i) on-site stormwater and/or mitigations works must be consistent with any adopted Council Policy, prior to the commencement of works. In the absence of such a strategy, demonstration that Council's stormwater system has the capacity, and the proposal will not adversely impact any other properties in terms of increased water levels, flow or diverted overland flow.	sufficient for wastewater onsite disposal. As above, Council's Engineers are satisfied that the proposal will not adversely affect the adjoining properties in terms

	(ii) provision of developer contributions for required off site stormwater and/or mitigation works consistent with any adopted Council Policy, prior to the commencement of works,"	
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# **On-site Wastewater Management Code**

• Clause E23.9.1 A1 – the proposed lots all have an area less than 5000m<sup>2</sup>.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E23.9.1 as follows.

Clause	Performance Criteria	Assessment
E23.9.1 P1	"The area of a new lot must be adequate to accommodate a land application area of sufficient size to comply with the requirements of AS/NZ1547 for a dwelling containing a minimum of 3 bedrooms."	The applicant submitted an On- site Wastewater Assessment (GES-Environmental Solutions, October 2021) which concludes that the proposed subdivision design allows for sufficient space to accommodate an On-site Wastewater System that can service a typical three-bedroom dwelling on the basis that Lot 1 would need to involve secondary treatment of effluent and raise the land application area to ensure minimum separation distance of 0.6m from the underlying table. Also, the proposed subdivision allows for significant space on each lot for wastewater disposal with adequate setbacks in regard to boundaries and sensitive features. It is recommended that advice be provided on any permit to advise of the above requirements for future developments.

Notwithstanding the above, any
future development of the lots
will be required to provide an
On-site Wastewater Assessment
specific to the development and
in compliance with the applicable
standards.

# **On-site Wastewater Management Code**

• Clause E23.10.1 – as the subject site is not within soil category 4.6 or 6. The soil category within the site is 1.

The proposed variation must be considered pursuant to the Performance Criteria P4 of Clause E23.10.1 as follows.

Clause	Performance Criteria	Assessment
E23.10.1	"Horizontal separation distance from downslope surface water for a land application area must satisfy all of the following:	See assessment below.
	(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;	An On-site Wastewater Assessment was submitted as part of this application and the report was reviewed by Council's Environmental Health officers. The information provided demonstrates that the proposal complies with the performance criteria in that the on-site wastewater will involve a secondary treatment of effluent and the effluent would be less than secondary treated effluent standard.
	(b) be no less than 15m;	Complies as per the On-site Wastewater Assessment provided.
	(c) the surface water is not of high resource or environmental value;	complies
	(d) the average gradient is no more than 16 degrees;	The gradient is less than 16 degrees as per the report provided.
	(e) the site is not in a flood prone area with an ARI of no less than 20 years;	complies

(f)	either of the following	The On-site Wastewater
	applies:	Assessment states that a raised
	(i) the site soil category is	bed would be utilised for the
	1, 2 or 3;	application area and the site soil
	(ii) a raised bed is used."	category is 1.

# **On-site wastewater Management Code**

• Clause E23.10.1 A3 – the land application area would not be capable of meeting the allowable horizontal separation distance of 40m from the property boundary given the size and shape of the lots.

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause E23.10.1 as follows.

Clause	Performance Criteria	Assessment
E23.10.1 P3	"Horizontal separation distance from a property boundary to a land application area must satisfy all of the following:	See assessment below.
	(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;	Given the depth of the water table encountered at depth of less than 1.5m, the proposal would need to involve secondary treatment and the report demonstrates that the proposal complies with (a).
	(b) be no less than 15m;	Complies as per report provided and reviewed by Council's Environmental Health Officer.
	(c) the average gradient is no more than 16 degrees;	The average gradient is 1 as per the report provided with the application.
	<ul> <li>(d) either of the following applies:</li> <li>(i) the vertical separation between the land application area and groundwater or any limiting layer is no less than 1.5m;</li> <li>(ii) a raised bed is used to achieve a minimum vertical separation of 1.5m between the land."</li> </ul>	A raised bed would be utilised to achieve the required vertical separation.

# **Onsite wastewater Management Code**

• Clause E23.10.1 A5 – the Onsite Wastewater Report indicates that groundwater was encountered at a depth of less than 1.5m.

The proposed variation must be considered pursuant to the Performance Criteria P5 of Clause E23.10.1 as follows.

Clause	Performance Criteria	Assessment			
E23.10.1	"Vertical separation distance	See assessment below.			
P5	between groundwater and a land				
	application area must satisfy all				
	of the following:				
	(a) effluent must be no less than	As discussed previously, the on-			
	secondary treated effluent	site wastewater report			
	standard and applied	demonstrates that the proposal			
	through a subsurface land	complies with the performance			
	application system;	criteria.			
	<i>(b) vertical separation distance</i>	A raised bed would be utilised as			
	must be no less than 0.5m,	per recommendations contained			
	(whether 'in ground' or by	in the on-site wastewater report.			
	use of a raised bed). "				

# **Onsite Wastewater Management Code**

• Clause E23.10.1 A6 – the On-site Wastewater Report indicates that groundwater was encountered at a depth of less than 1.5m.

The proposed variation must be considered pursuant to the Performance Criteria P6 of Clause E23.10.1 as follows.

Clause	Performance Criteria	Assessment				
E23.10.1	"Vertical separation distance	See Assessment below.				
P6	between a limiting layer and a					
	land application area must					
	satisfy all of the following:					
	(a) effluent must be no less than	As mentioned above, the				
	secondary treated effluent	proposal complies with the				
	standard and applied	corresponding performance				
	through a subsurface land	criterion as demonstrated in the				
	application system;	submitted report.				

(b)	must be no less than 0.5m,	Complies as per report provided and reviewed by Council's Environmental Health officer and are satisfied that the proposal meets the relevant performance
		criteria.

## 5. REPRESENTATION ISSUES

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

## 5.1. Inundation

Concern was raised by the representor that the proposed subdivision will further exacerbate the existing issues relating to inundation and flooding within Seven Mile Beach.

## • Comment

As previously discussed, the design of the subdivision and associated stormwater infrastructure is considered adequate to ensure that the adjoining properties will not be adversely impacted by the development from overland flood flow.

The on-site waste water report prepared by Geo-Environmental Solutions dated October 21 assessed the capability of the lots for an onsite wastewater system and concluded that the proposed subdivision design allows for adequate space for the installation and successful operation of a wastewater system. It is recommended that raised beds are utilised to ensure adequate vertical separation distance as required under the Scheme. Council's Environmental Health Officer has reviewed the assessment and considers that the lots are suitable for onsite wastewater systems. An application for an on-site wastewater system will be required to be lodged with building documentation for any future dwellings on these lots.

## 5.2. Lack of Structure Plan

Concern was raised that council's decision to put a Structure plan for Seven Mile Beach to address the inundation and flooding issues within the area has not been implemented.

## • Comment

Following on from council's decision regarding the need for a Seven Mile Beach Structure Plan, funds have been allocated in this year's budget for a consultancy to deliver a local area plan to address a wide range of planning and management issues in Seven Mile Beach. It is anticipated that the plan will be substantially completed by the end of this financial year. Notwithstanding the above, there is no standard in the Scheme requiring such a plan prior to making a planning decision on the current application and it therefore can have no determining weight.

## 5.3. Accuracy of On-site Wastewater Assessment

Concern was raised by a representor regarding the accuracy of the report in terms of demonstrating compliance with the relevant requirements of the Scheme.

# • Comment

The Scheme requires the report to be prepared by a suitably qualified person who can adequately demonstrate relevant qualifications or equivalent and experience in the recognised field of knowledge, expertise or practice with direct relevance to the matter under consideration. The report is considered as being prepared by such a person, furthermore, the report was reviewed by Council's Environmental Health Officer and the information provided is considered satisfactory to address the requirements of the Scheme relating to On-site Wastewater Management.

#### 5.4. On-site Wastewater Management

Concern was raised by the representors in relation to the potential risk around on-site wastewater disposal due to the soil structure, stability and the high-water table within the subject site and the need for site modifications specifically the need to raise the application area in order to meet the requirements of the Onsite Wastewater Management Code.

#### • Comment

As previously discussed, the proposed lots are considered suitable for residential development. Any future development of the lots would be assessed under the Tasmanian Planning Scheme – Clarence and issues regarding on-site wastewater management will be assessed as part of the application for a Building or Plumbing Permit.

#### 5.5. Outdated Information Contained in the Flood Report

Concern was raised that the information within the Flood report is based on data which is outdated and not applicable to Seven Mile Beach.

#### • Comment

The report was reviewed by Council's Development Engineer who advised that the rain gauge data was only used for model calibration and the report provides a justification for using the data for calibration which is deemed reasonable. The report is written by a suitably qualified person and has justified using the rain gauge data from the Orielton base being similar and in the absence of not having other nearby sources around Seven Mile Beach. Council Engineers are satisfied and consider the information provided satisfactory to address the requirements of the Inundation Prone Areas Code.

#### **5.6.** Underground Services

Concern was raised regarding the need for future services being located underground and lack of information regarding the disconnection and later reconnection of services.

## • Comment

Underground services are a standard requirement for residential subdivisions and a condition requiring this is recommended for inclusion in the permit.

## 5.7. Access

Concern was raised that the proposed 1.8m right-of-way is not of adequate width to allow for vehicular access to the subject site and lack of information regarding the sealing of the access.

## • Comment

As discussed under the assessment section of this report (Clause 16.5.1 P2), access to the site would be provided by a shared right-of-way offering a total width of 5.5m which is considered adequate to allow for safe vehicular access and passing considering the number of users of the combined access.

The advertised plans indicate the intention to seal the additional sections to the right-of-way therefore complying with the requirements of Clause E6.7.3 A1 of the Parking and Access Code ,which warrants a 5.5m wide sealed surface to the lot proper for 21 and 23.

# 5.8. Hazard Avoidance

Concern was raised that the proposed development does not comply with the objectives of Clause 16.5.1 of the Clarence Interim Scheme – 2015 in relation to lot design specifically objective (b) which stipulates that "*new lots are to contain building areas which are suitable for development, consistent with Zone Purpose, located to avoid hazards and values.*"

The representor cited the high-water table as an indication of soil instability and the soil being incapable of supporting the established trees within the property and therefore posing a natural hazard threat of toppling over in strong winds.

## • Comment

As previously discussed under the assessment section, the proposed lots are considered suitable for future development. Issues regarding soil stability and the water table have been addressed in the On-site wastewater assessment and the Flood Report provided. Council's Environmental Health Officer and Development Engineers are satisfied that the proposal meets the requirements of the Scheme.

## 5.9. Solar Access

Concern was raised that the proposed building area is not oriented to take advantage of solar access and therefore any future residential dwelling would not be able to achieve maximum solar aspect given the slope and aspect of the land.

## • Comment

The long axis of the developable area faces north as required under Clause 16.5.1 A1(d). The issues relating to lot design have been addressed in detail under the assessment section of Clause 16.5.1 P2. It is considered that proposed lots comply with the objectives of Clause 16.5.1 relating to lot design and the proposed lots are capable of providing a high level of residential amenity including privacy and good solar access.

## 5.10. Delegation Issues

Concern was raised that the proposal would be decided under delegation if the applicant does not grant the required extension of statutory timeframe to allow for the application to be determined at the next council meeting.

## • Comment

This is not an issue that has determining weight when assessing the application.

## 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, 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

- **8.1.** There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council policy.
- **8.2.** Developer contributions are required to comply with the following Council policies:
  - Public Open Space Policy.

## 9. CONCLUSION

The proposal for a 1 Lot subdivision is considered to satisfy all relevant acceptable solutions and performance criteria of the Scheme and accordingly is recommended for conditional approval.

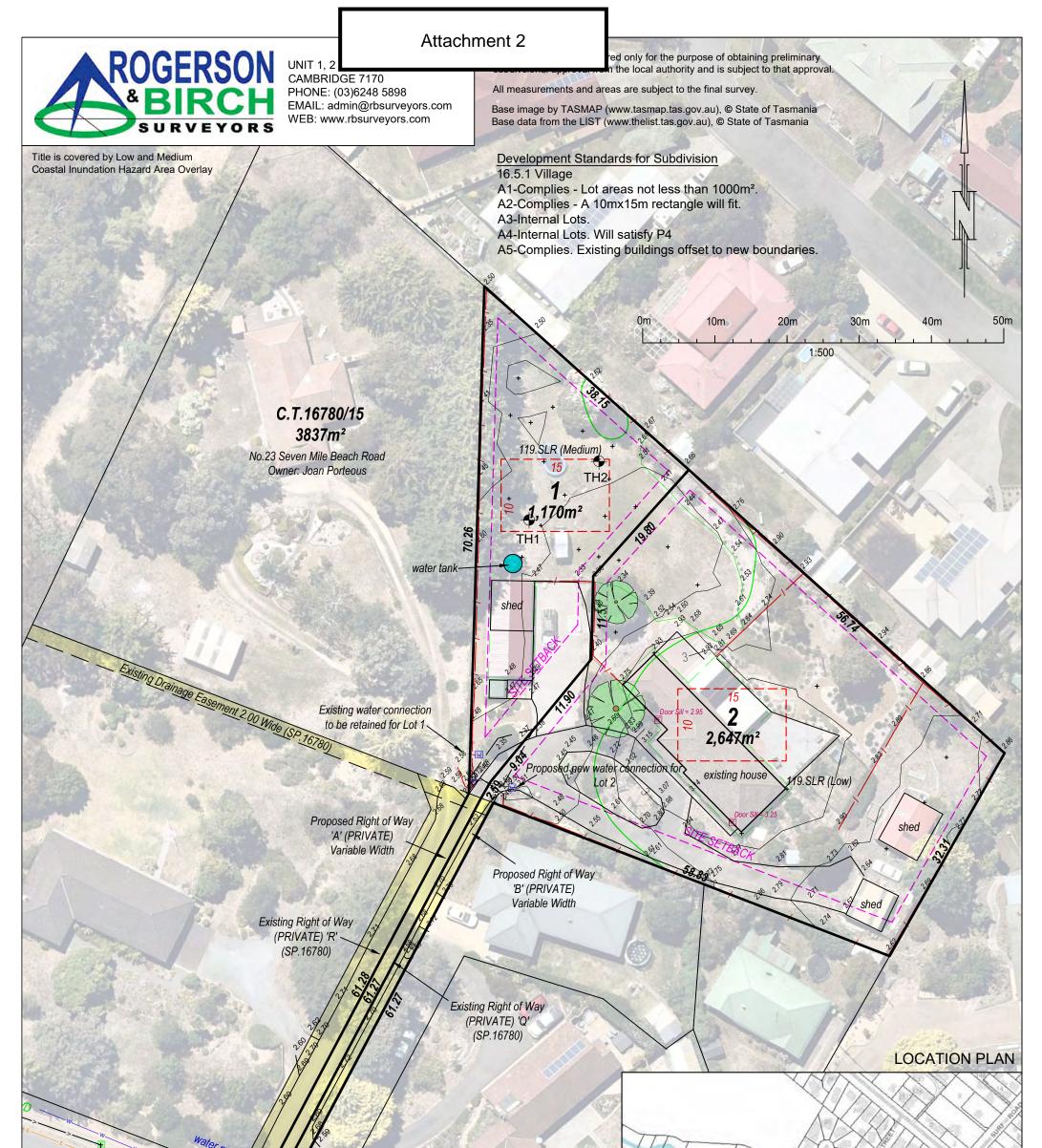
Attachments: 1. Location Plan (1)

- 2. Proposal Plan (1)
- 3. Site Photo (4)

Ross Lovell MANAGER CITY PLANNING

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





	1.81 each Nation main SEL	stor EN M Poer DB W	mwater pipe MLE L	pes per De BEAC	TH ROAD	C.T.16780/15	C.T	5.16780/16
E					OWNER:	R. J. PARK & M. M. TOMES	Propose	d Subdivision
C						J. PORTEOUS		
В	UPDATED PLAN TO INCLUDE NO.23	NC	16-06-21	NC	TITLE REFERENCE:	C.T.16780/16 & C.T.16780/15	Date: 22/01/2021	Reference: TOMEM01 13088-01
А	ADD DETAIL SURVEY	AH	03-02-21	CBR	LOCATION:	21 & 23 SEVEN MILE BEACH ROAD,	Scale:	Municipality:
REV	AMENDMENTS	DRAWN	DATE	APPR.		SEVEN MILE BEACH	1:500 (A3)	

Document Set ID: 4708558 Version: 2, Version Date: 23/12/2021

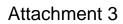




Photo 1: Site viewed from Seven Mile Beach Road



Photo 2: Entrance to site viewed from right of way.



Photo 3: Site viewed from western property boundary



Photo 4: Site viewed from rear property boundary

# 7. REPORTS OF OFFICERS

# 7.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

# 7.2 ASSET MANAGEMENT

Nil Items.

# 7.3 FINANCIAL MANAGEMENT

Nil Items.

# 7.4 GOVERNANCE

Nil Items.

#### 8. MOTIONS ON NOTICE

#### 8.1 NOTICE OF MOTION - ALD EDMUNDS OUTDOOR DINING – WAIVING OF FEES

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

"That Council:

- Acknowledges the rapid spread of the omicron variant of COVID-19 in Clarence and the impact this is having on local businesses, particularly hospitality-based businesses, who have been forced to close or scale back their operations.
- Authorises the General Manager to provide assistance to hospitality (food and beverage) businesses located within the Clarence municipality by waiving the following fees for the period 18 January to 31 March 2022:
  - Mobile Food Businesses in Public Places Permit 3 months \$350.00;
  - Public Land Annual rental for Commercial Activity Use of Footpath /Forecourt for Outdoor Dining \$42.50 per square metre;
- Notes that normal regulatory compliance and policy requirements will continue to apply notwithstanding the waiver of certain fees.
- Requests that the General Manager provide advice and recommendations to Aldermen identifying any further opportunities to provide business and community support as part of council's ongoing COVID response."

## **EXPLANATORY NOTES**

Several Clarence businesses have had to close their doors temporarily due to the surge in COVID-19 cases and uncertainty caused by the lack of available testing provided by the State Government.

Clarence City Council provides permits to allow businesses to locate food vans on council land and expand dining into sidewalk and similar areas subject to certain requirements being met. These permits usually require an application process and payment of a fee. While it is necessary to ensure risk assessments and other checks continue to be undertaken when applications are received, council can authorise the General Manager to waive certain fees to assist these businesses at this critical time. Providing outside food van and other dining options will assist hospitality businesses and their customers to dine safely.

L Edmunds ALDERMAN

GENERAL MANAGER'S COMMENTS A matter for council.

## 9. 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.

## 9.1 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).

Ald Warren has given notice of the following question:

#### SIGNIFICANT FLOOD EVENT – 7 JANUARY

"On Friday 7 January 2022, significant flooding occurred in Clarence at the Bellerive village shopping precinct, Eastlands, the major Eastlands intersection and South Street Bellerive. These areas have suffered significant flood events at least three times in recent years.

Can you please advise:

- 1. When are the approved remedial works for South Street scheduled to commence?
- 2. What plans are in place to address the flooding at Bellerive?
- 3. What plans are in place to address flooding at Eastlands and the intersection caused by the nearby rivulet breaking its banks in heavy rain events?"

Ald James has given notice of the following question:

#### STORMWATER UPGRADES – BELLERIVE VILLAGE

I understand that Council has approved funds in its 2021/22 budget funds for stormwater upgrades in the Bellerive village. When is work on these upgrades expected to commence? Will council notify businesses of progress in relation to this project?

## 9.2 ANSWERS TO QUESTIONS ON NOTICE

#### 9.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

#### Ald Warren

In relation to Rosny golf course, I understand that it has been mowed recently but the rubbish seems to be a problem. Can I ask if there are any plans to do a regular rubbish collection, as much as we do on Rosny Hill?

#### ANSWER

Yes, we can certainly do that.

(Further information) The golf course site is inspected and mowed according to a schedule of work. Following the above meeting a further inspection was undertaken with a small amount of litter removed from the area around the club house building.

#### Ald James

1. Have all compliance defects been addressed with relation to the Bellerive Public Pier and Breakwater?

#### ANSWER

It is under defects liability period, so the contractor has a year to rectify all defects and we are liaising with the contractor and these will be undertaken over this year coming.

2. Will we be receiving in the New Year any requests for additional funding as a result it would appear to be a lot more mowing that council would be required to do in relation to its council land and verges?

#### ANSWER

We are completing our first run and it is highly likely that we will be coming back to council for the need of a second run, but I will further advise council when all the information is to me.

Ald von Bertouch

1. Will the Almas Activities Centre options report to be presented to a council workshop be developed by internal staff, if so, from which programme areas of council will those staff be drawn. If not, how will the options report be funded?

#### ANSWER

I expect the options report to be developed by council staff, drawn from a number of programme areas, including governance, community services and asset management.

2. What is the timeframe for the Almas Activities Centre options report to be presented to a council workshop?

#### ANSWER

Subject to the amount of work involved, I anticipate the options report to be presented to a workshop in the early part of the budget process, most likely late February or early March.

#### Ald Blomeley

Just confirming that "Kellyfield" is 16Ha in size, so we are talking about 39½ acre parcel of land, a significant parcel of land, that would be the conversion roughly.

#### ANSWER

I trust your calculation on that.

#### Question contd

I note the public advertisement was published in the Saturday Mercury of 4th of this month. Now no other community groups have been approached to utilise this land and we are proposing to lock it away for a 10 year lease with the Hobart Model Aero Club. So, I am just wondering Mr Mayor, through you the General Manager, what the process is if another community group wanted to say "hang on a moment I'd like to utilise a part of that nearly 40 acres that is available." What is the process they go through considering that we are looking at a 31 January lease expiration date?

#### ANSWER

I will provide an answer but reserve the right to make some further enquiries, including some further information. Essentially, the way Section 178 of the Act works is to provide the community with an opportunity to object to a lease of public land, this land fits into that category. So, without having done any particular research in terms of the question, my answer would be that there are essentially two steps. There would need to be an objection to the lease and an accompanying proposal for an alternative use that council could consider. Then there would need to be a process that follows in terms of resolving any alternate proposal. So essentially if I could maybe clarify it in a different way, the Act requires us to do strictly a particular thing which is seek objections and then bring those back to council, we would then need to decide how to deal with any objection. In terms of do you proceed with the original proposal or do you wish to do something different as a council and if we had an alternative proposal, we would bring that to council and discuss it at a workshop as a first step.

#### Question contd

Just to make sure I am crystal clear on this. So, if someone does bring an objection, puts an alternative proposal there, you would then come back to us, through you Mr Mayor, the General Manager because it is obviously a decision that this councils made unanimously just to extend that lease for another 10 years. So, if there is an alternative proposal, you would be duty bound to come back to this body with a recommendation?

#### ANSWER

Yes, so that would happen in two steps. There would be a discussion at a workshop to discuss the details of that and inform Alderman and then we would need to put a recommendation to council to finalise that process under Section 178 of the Local Government Act. So, the other point I would make there is that the other alternative is if there are no objections then council would generally delegate to me to essentially renew the lease under whatever the terms were that we proposed. So, if there is an objection then there are things to talk about at a workshop and then ultimately the determination of how to proceed is still a report to council with a recommendation of course that could be amended, or an alternative recommendation put forward.

#### Question contd

Is it normal practice to publicly, like this, it's been delegated as it has for shared public use to be locked away for 10 years in a lease, is there a precedent for this?

#### ANSWER

(Mayor) I think what is important is this is a process we adopt for all sporting clubs and other organisations in the city when a lease comes up, so we have got a consistent process here. If there is any objection, then it is absolutely only this body sitting as a full council that can decide whether or not to extend the lease. So, if you have got any further follow up on this, if you can take it up outside of the meeting that would be good.

#### Ald Peers

With the school's triathlon at Bellerive and Howrah beach could the South Street Reserve car parking be open on that day, because apparently there were a lot of cars everywhere.

#### ANSWER

(Mayor) Can we take that as something to consider next year?

(Mr Graham) Certainly will, and we do consider that each year in terms of whether it is needed or not.

## Ald Walker

1. Provision of recycling units for difficult to recycle items. This is an initiative that we see in the Hobart City Council area and in Launceston, in fact it is at the Tafe and University campus as well. There is a range of small boxes for as it says difficult to recycle items to be disposed of. So again, my question pertains to these, as I have explained to some degree what they are. Are we looking at offering such a service, such as in our foyer here? What would be the inhibitions or barriers for that to occur?

#### ANSWER

We have investigated this before through an Alderman request and we can provide that answer to all Alderman because we investigated what the costs were for other councils who actually make up the units. Also, Mornington Park Waste Transfer Station does have a large range of recycling options for our community to go directly to, but I will provide Alderman with the list of what we investigated before and could be a matter for budget consideration next financial year.

## (Further information)

A memo was provided to Aldermen detailing the requested information.

2. You might remember a Special General Planning Meeting I think was last month, which went for quite some time. My question pertains to the boulevard site application. I raised the issue of car parking, waivers was part of that and it was put to us that there was a precedence involving two councils, one being Sorell. Can I be furnished with what the Sorell precedent was please?

## ANSWER

The Mayor took the Question on Notice.

(Further information) The question relates to the special council meeting agenda briefing on Friday 5 November 2021 for PDPLANPMTD-2020/011070 - 86 Multiple Dwellings, Shops, Food Services and Museum - 30 Kangaroo Bay Drive, Rosny Park, 7 Pembroke Place, 92, 94, 96 and 98 Cambridge Road, Bellerive (the Boulevard site). At the briefing, there was a discussion about the officer recommendation to waive car parking spaces for 1 and 2 bedroom Multiple dwellings and the *legal basis* for doing so.

In that context, examples were provided of where the Tribunal had considered a reduction of car parking, without a cash-in-lieu requirement, under the performance criteria of interim planning schemes. The examples cited were:

- 53/21P, 9 Pelham Street, Sorell; and
- 102/16P, 4 and 6-12 Wynyard Street, Hobart.

In the Sorell example, the Tribunal considered whether the number of on-site car parking spaces was sufficient to meet the reasonable needs of users having regard to demand. Considering the RMS/RTA Guide, the Tribunal considered that the case for a reduction of car parking was not made given the evidence of high car ownership, the decentralised, semi-bucolic nature of Sorell, the high level of car commuting for work and education; a lack of on-street car parking; the lack and in frequency of public transport within a 400m walking distance of the site; and the lack of other modes of transport.

In the Hobart example, the RMS/RTA guide was accepted as an appropriate reference and a reduced level of car parking appropriate.

#### Ald Ewington

Just in relation to we have seen signs pop up around playgrounds and children's playgrounds in the community of late and I just had a couple of questions around that. Obviously State Health directed us to place the signs in certain locations, I assume that is the case. Did they provide any evidence or information to show that these areas had been hot beds of Covid transmission anywhere in the world and if they did, could that be provided to Alderman?

#### ANSWER

The Mayor took the Question on Notice.

(This question is answered in the next question below)

#### Question contd

Could we be provided with a list of the locations that are being proposed, as I assume there are going to be more of these put around the place and I would like to know what costs are incurred by council and/or if there is any subsidy or reimbursement or funding for this in relation to the ones placed in Clarence.

#### ANSWER

I can probably answer both questions. In terms of those signs at playgrounds, they are subject to a Department of Health order. The Department of Health does not provide its background information to justify its decisions, we simply get a direction that says here are all the categories of places that need to have Covid signage, that's it.

In term of locations, all parks with play equipment have had signage installed, that should be all complete. We started that process a couple of months ago and we chose to install signs on steel backing because the alternative was laminated paper, which would have resulted in more requirements to reattend those sites, reattach them as they weathered or were torn off. Most of those steel signs are attached to fencing where the park has a fence. On the odd occasion where there isn't a fence, they have been installed on a pole. So, the cost per sign ranges between about \$50 and about \$150, depending on the circumstance.

#### Question contd

So, with that note are the State Government paying for us to do that, or are we expected to cover that cost ourselves?

#### ANSWER

We are covering that.

Question contd

Can we get a cost on what that is costing us to do that around the whole city?

#### ANSWER

The Mayor took the Question on Notice.

(Further information) The sign installation to date has cost \$16,362. This cost includes the installation of signs (sometimes multiple) into parks with play equipment. Installation has been on existing signs or on standalone poles depending on the situation. At this time, 67 QR codes have been registered for play and skate parks.

#### Question contd

Further, what will be the process for these to come down at some stage, was there any indication from the initial notice to say this is only for what one year, two years, five years, forever?

#### ANSWER

They will be removed once we have had advice from Public Health to remove them.

#### Ald Mulder

1. Has council received any indication to date of when building applications relating to approved developments on Rosny Hill and Kangaroo Bay Road boulevard are likely to be submitted.

#### ANSWER

Not that I am aware but will take that on notice.

(Mayor) I certainly have no knowledge of anything that is about to be submitted.

(Further information) – We are not aware of any likely dates for submission of building applications for either site.

2. Recently council engaged a consultant to examine our workplace culture. When are we expecting this report?

## ANSWER

I have been liaising with the consultant and I am hoping that we will have a copy of the report before Christmas, preferably this week.

(Mayor) Which means it will be brought to a workshop early in the New Year.

# 9.4 QUESTIONS WITHOUT NOTICE

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

Questions without notice and their answers will 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.

#### 10. 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.

- 10.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 10.2 JOINT AUTHORITY MATTER
- 10.3 TENDER T1437-21 ANNUAL RESEAL PROGRAM ASPHALT RESURFACING WORKS 2021/2022
- 10.4 APPOINTMENT OF COMMITTEE MEMBER

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:

- personnel matters;
- contracts and tenders for the supply of goods and services;
- information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence.

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

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

#### **PROCEDURAL MOTION**

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