

The Mayor will open the meeting with the council prayer and make the following declaration:

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

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are 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 7 FEBRUARY 2022**

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- 10.4 APPOINTMENT OF COMMITTEE MEMBER AND CHAIRPERSON

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

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

**1. APOLOGIES****2. 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 17 January 2022, as circulated, be taken as read and confirmed.

**3.2 MAYOR'S COMMUNICATION**

### 3.3 COUNCIL WORKSHOPS

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

PURPOSE	DATE
Confidential Briefing – Droughty Point Urban Growth Boundary	
52 Richardsons Road Urban Growth Boundary Consultation Results	
Tangara Trail – Dog Management Policy	
Confidential Briefing – Aldermanic Workplace Behaviour Report	31 January

#### RECOMMENDATION:

That Council notes the workshops conducted.

### 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.

**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.

**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**

December Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report for the period ending 31 December 2021 (Refer Attachment 1).

- **GREATER HOBART COMMITTEE**

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



## Quarterly Report to Owners' Representatives

Progress update to 31 December 2021



## Document Approval and Issue Notice

This is a managed document. For identification of amendments each page contains a release number and a page number.

Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

<b>PREPARED: (For release)</b>	Michael Mulley, Acting Department Manager Business Performance	Date: 12 January 2022
<b>APPROVED: (For acceptance)</b>	Matthew Pigden, Chief Financial Officer	Date: 14 January 2022
<b>APPROVED: (For acceptance)</b>	Michael Brewster, Chief Executive Officer	Date: 21 January 2022

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### Amendments in this release:

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## 1. Introduction

TasWater is pleased to present its second quarter (Q2) FY2021/22 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

Outlined within the report are key aspects of TasWater's performance for the quarter ended 31 December 2021. This includes performance against key performance indicators outlined in the FY2022-26 Corporate Plan as well as financial performance compared to the FY2021/22 Budget.

Consistent with the approach taken in FY2020/21, the report also includes a dedicated section outlining TasWater's performance against a range of operational key performance indicators.

## 2. Executive Summary

### 2.1 Operating performance

Key points to note for the quarter include:

- TasWater's net profit of \$29.7 million as at 31 December 2021 is \$4.6 million favourable to budget
- Capital expenditure is at \$117.5 million for the quarter end being ahead of the YTD budget of \$109.6M
- Four Lost Time Injuries (LTIs) occurred during the quarter, resulting in a total of five YTD
- One notifiable safety incident occurred during the quarter, an investigation has been undertaken into the root cause and the report findings are being finalised.

### 2.2 Innovations

#### H2Go Inventory Management

TasWater has continued to leverage our digital platform to improve stores and inventory management. A new stock take and inventory application has been implemented, enabling more efficient and accurate inventory counting in comparison to prior years, with no disruption to business as usual. The application also allows for cycle counts, an improved user interface and navigation for data entry, improved use of a device camera for product photographs and QR code scanning.

#### Divisional Safety Innovation Focus

An innovation focus on safety is currently underway, with two current innovations of note.

A valve signage pilot is currently in progress, which involves replacing faded road markings with metal plates on gutters. This will allow integration with virtual reality for real-time valve status, ensuring safer work practices.

The second innovation is usage of QR codes at work locations, enabling quick access to work instructions before commencing work to increase safety. This has future potential to also check the operator has completed the required training to perform the task.

### 2.3 Customer Experience Initiatives

#### New Billing Print provider

TasWater moved to new bill print provider ABCorp in October 2021. ABCorp partner with Payreq, our new digital billing provider. Both contracts were the result of a tender process and will result in greater efficiencies across TasWater's range of billing activities. TasWater is in the final stages of redesigning its bills to be simpler and easier for our customers to understand. Implementation is forecast to commence from 1 April 2022.

### **Water Night**

Water Night was held on 22 October 2021 during National Water Week. The aim was to raise awareness of how often we all use our water throughout the day. The event is in its second year, and although the numbers are currently relatively low, they will continue to grow with the support of utilities like TasWater. Tasmania had the highest per capita participation in Water Night of any state in Australia.

### **2.4 Diversity and Inclusion**

No significant Diversity and Inclusion update during quarter 2.

### 3. Performance Results for the Quarter

#### 3.1 Strategic performance summary

Customer priorities	Key performance indicators	RESULT	TARGET	RESULT
<b>Customer and Community – Deliver a positive customer experience to you</b>		<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Identify and close critical customer service gaps	Customer experience percentage	62%	64%	Research is conducted every six months with the next results due January 2022
	Customer satisfaction percentage	69%	68%	
	Brand perception percentage	54%	60%	
Improve our community engagement and understanding	Community and stakeholder satisfaction percentage	62%	68%	68% <sup>1</sup>
<b>Water and Environment – Provide you with safe drinking water and responsibly manage your sewage</b>		<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Meet agreed regulatory compliance targets	Customers supplied by drinking water systems meeting best practice risk mitigation (per cent)	4.1%	10.7%	4.1%
	Number of dams above the ANCOLD Limit of Tolerability	4	2	4
	Number of wastewater systems considered high risk to the environment	22	20	22
	Real losses: water mains (kL/km water main/day) - (less than or equal to)	8.9	10.0	8.8 <sup>2</sup>
Optimise system performance	Number of critically notifiable spills (less than or equal to)	8	4	7
	Treated wastewater compliant with EPA requirements (flow-weighted)	90.4%	89.0%	87.2%
<b>People and Culture – Build culture and skills for the long-term benefits of Tasmania</b>		<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Enhance workforce capability and culture	Fifty per cent constructive leadership styles by 2023	Material improvement in pulse cultural survey results	Constructive styles between the 25 <sup>th</sup> and 50 <sup>th</sup> percentile. Defensive styles at or below the 50 <sup>th</sup> percentile.	Next survey results expected in June 2022

<sup>1</sup> Satisfaction score relates to 'community' only and doesn't include 'stakeholder', based on a change in the way the research is conducted. A change to this metric is being proposed as part of the development of the next corporate plan

<sup>2</sup> This is based on previous years value modified with known leakage reduction initiatives. System/process limitations do not allow full reporting beyond an end of year result.

Customer priorities	Key performance indicators	RESULT	TARGET	RESULT
Relentless focus on safety (Zero Harm)	Total recordable injury frequency rate (TRIFR) - (less than or equal to)	9.4	8.5	11.3
	Notifiable injury frequency rate	2.5	1.1	2.1
<b>Commercial and Economic – Give you value for money</b>		<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Deliver Price and Service Plan commitments	Capital Expenditure	\$177.6M	\$229.9M	\$117.5M
Achieve further efficiencies	EBITDA	\$155.7M	\$163.7M	\$83.0M
	Interest cover ratio	3.2	3.3	3.8

### 3.2 Operational performance summary

Key performance indicators	RESULT	TARGET	RESULT
<b>Customer and Community – Deliver a positive customer experience to you</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Total complaints	2,800 <sup>3</sup>	2,500	1,258
First point resolution percentage for calls	95.1%	90%	94.9%
Percentage of calls answered by an operator within 30 seconds	92.1%	85%	85.1%
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks	90.0%	90%	66.7%
<b>Water and Environment – Provide you with safe drinking water and responsibility manage your sewage</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Number of BWAs and DNCs throughout the year	0	1	0
Percentage of customers where microbiological compliance has been achieved	100%	100%	100%
Percentage of trade waste volume covered by a meaningful agreement	58%	70%	76%
Percentage of industrial customers on a long term agreement	13%	20%	40% <sup>4</sup>
<b>People and Culture – Build culture and skills for the long-term benefits of Tasmania</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Lost-time injury frequency rate (LTIFR)	2.8	2.4	3.1
Number of lost-time injuries (LTIs)	9	7	5

<sup>3</sup> This figure was reported as 1,012 in the June 2021 report but has been adjusted to reflect a revised interpretation of water quality complaints to enable a meaningful comparison with FY2021/22 results.

<sup>4</sup> This KPI is already above the full-year target as a recent process and legal review of existing agreements identified that a number with automatic extensions were not being included in the results.

Key performance indicators	RESULT	TARGET	RESULT
Number of notifiable incidents	8	3	2
Number of full time equivalent (FTE) <sup>5</sup>	919	932.3	929
<b>Commercial and Economic – Give you value for money</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q2 FY2021/22</b>
Productivity - savings realised	\$3.7M	\$2.2M	\$0.5M
Productivity - Increased revenue initiatives	\$10.3M	\$6.5M	\$4.6M
Total overdue debtors as a percentage of revenue at end of year	4.7%	4.0%	4.6%

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<sup>5</sup> Includes TasWater FTEs in the Capital Delivery Office.

### 3.3 KPI Gaps and Responses

**Table 1: Gaps and responses**

Gap	Cause and response
Customers supplied by drinking water systems meeting best practice risk mitigation (per cent) at 4.1% against a year-end target of 10.7%	Asset upgrades and improvements, including the UV program, will improve the result over the next two quarters.
Number of critically notifiable spills at 7 against a year-end target of 4.	A further two spills occurred during the quarter. Refer to section 3.5 for additional detail.
Treated wastewater compliant with EPA requirements (flow-weighted) at 87.2% against a target of 89%	Result only just outside target with results over coming two quarters expected to improve to meet the year-end target.
Total recordable injury frequency rate (TRIFR) at 11.3 against a target of 8.5.	Increase from Quarter 1 result but focus on Safety Interactions and Leadership Walks should bring result within target by year end.
Notifiable Injury Frequency Rate at 2.1 against target of 1.1.	Has improved from 2.5 in Quarter 1 and are currently on track to meet our target for the year.
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks at 66.7% against a target of 90%	The quarter only had one priority 1 burst, and this was handled within the appropriate timeframe. A priority 1 burst in St Helens in Quarter 1 is still the only instance to fall outside of target.
Lost-time injury frequency rate (LTIFR) at 3.1 against a target of 2.4.	There were three Lost Time Injury incidents in the month of December which has impacted the quarterly result. Two of these injuries were on the lower end of actual severity, however, the treating GPs took a cautious route to avoid aggravation of the injuries and declined to discuss/consider suitable alternative duties.  Continued focus on Safety Interactions and Leadership Walks are expected to ensure that target is met by year end.

### 3.4 Financial Performance

**Table 2: Financial summary**

KPI	FY2020/21		FY2021/22	
	Actual Result	Q2 Target	Q2 Result	Q2 Variance
Net Profit (\$M)	43.5	25.1	29.7	4.6
Underlying Net Profit <sup>6</sup> (\$M)	16.3	10.6	13.1	2.5
Dividends (\$M)	10.0	10.0	10.0	-
Special Dividend Target (\$M)	-	-	-	-
Debt (\$M)	619.8	720.8	678.4	42.4
Gearing ratio	39.1%	47.4%	40.4%	7.0%
Interest cover ratio (times)	3.2	3.1	3.8	0.7

TasWater's net profit of \$29.7 million as at 31 December 2021 is \$4.6 million favourable to budget. This is primarily driven by a favourable variance in developer revenue (\$2.0 million), profit on disposal of motor vehicles (\$0.4 million), grant received for training programs (\$0.4 million), lower depreciation (\$0.5 million) and lower interest expense (\$0.5 million). Underlying net profit of \$13.1 million is \$2.5 million above budget.

<sup>6</sup> Underlying net profit adjusted for contributed asset revenue

Two interim dividends of \$5.0 million each were paid to Owner Councils on 30 September and 17 December 2021 as planned.

As at 31 December 2021, total debt of \$678.4 million was \$42.4 million lower than budget predominantly due the opening debt position in FY2021/22 being lower than originally forecast and the early receipt of the FY2021/22 state government equity instalment. Total debt is well within TasWater's approved facility limit.

### **3.5 Significant incidents**

#### **Coronavirus (COVID-19) pandemic**

The business continues to operate in accordance with COVID-safe guidelines and government requirements by maintaining COVID safe practices, including appropriate physical distancing measures, check ins and hygiene and cleaning protocols at its sites.

From 21 December 2021, the government also introduced a direction that wearing masks is mandatory for all indoor settings except a persons' place of residence, including on public transport. This is now required at TasWater sites too.

December also saw Tasmania open its borders to interstate and international visitors (with various controls and restrictions), and positive COVID-19 cases began to appear in the community as a result of this. TasWater is confident that our procedures, processes and contingency planning effectively respond to this dynamic environment.

#### **Sewage spills impacting shellfish leases**

Tasmania experienced a number of significant rainfall events during the quarter and this has resulted in numerous shellfish lease closures across the harvest areas of Dover, Pittwater, Smithton, Dunalley, Orford, Triabunna and Cygnet. Most leases were closed multiple times, all during wet weather events, but no closures occurred during December.

TasWater have completed inflow and infiltration investigations in Dunalley, Sorell and Woodbridge and are working through the process to rectify issues. Some rectification will involve working with councils where cross-connections have been identified.

Updates have been presented to both Pittwater and Dunalley growers on planned infrastructure upgrades and timelines.

#### **Ridgeway Dam**

The remaining work for the dam's investigation is being considered. The following outlines the proposed activities that are required and a high-level review of the schedule.

- Re-assess budget and undertake additional sensitivity analysis that are required to complete this phase of the design works (February 2022) including:
  - Undertake corrections to the structural model
  - Undertake sensitivity analysis and update engineering report
- Develop scope of work and Request for Quotation, that will incorporate the work done to date by the consultant (GHD) and what will be required to be done for the dam's arch
- Tender further consulting activities
- Select preferred consultant
- Undertake additional design, investigation, selection of Contractor (proposed approach - early contractor involvement – ECI) and detailed Business Case incorporating:
  - Preliminary design up to Dam Works Permit



- Selection of suitable ECI contractor
- Additional investigation.

### **Howrah Beach Project**

We are supporting the Clarence City Council to identify and rectify infrastructure issues following the downgrading of the water quality rating at Howrah Beach. On the 13 November we participated in a community information session with council and the Derwent Estuary Program. This was well received by the community, alderman and resulted in significant media coverage. The community was supportive of our collaborative approach. The situation is a result of a combination of both sewer and stormwater issues, with a number of issues identified and rectified so far. Recent beach results have been good, but the water quality rating is determined annually using a 5-year rolling average.

### **Westbury Sewage Overflow**

On 14 June 2021, a sewer manhole at 115 Meander Valley Road, Westbury became blocked with debris, causing an overflow of approximately 650kL of raw sewage into a small farm dam via the stormwater system. The EPA was notified, and actions undertaken including a solids clean-up, drainage pathway remediation and pump-out of the dam. The dam contents were returned to our sewerage system for treatment.

Sludge removal is now largely complete, and refilling of the dam is expected to occur in the coming weeks. We have continued to engage with the impacted property owners and legal and insurance processes are ongoing.

## **3.6 Capital expenditure**

### **Summary**

The FY2022 Capital Work Program (CWP) expenditure (as at 31 December 2021) is \$117.5M. This figure is above the year to date (YTD) budget of \$109.6M and reflects the positive position this program is in. At this stage, TasWater is confident it will deliver the full year target for capital expenditure of \$229.9M.

During the quarter, TasWater's largest capital project at the Bryn Estyn WTP has progressed well. It is forecasted that the commissioning process for the first of the new tanks will commence in Q4 FY2021/22. Good progress was also made during the quarter on several of our other major projects with TERHAP, Macquarie Point STP and North West Water Strategy all achieving project milestones. Most notably, construction work has commenced on the first of the TERHAP related projects for the St Johns Sewer Rising Main Upgrade.

In the last three months we have made considerable progress on Stage 1 of the UV Disinfection program, including completion of the first site at Bracknell. The completion of the UV sites will provide the systems with Best Practise Risk Mitigation water quality.

The current status of the Top 25 projects by total project budget are shown in Table 3 below. The list of Top 25 projects has been refreshed to reflect the commencement of the FY2021/22 Capital Works Program, including removal of projects completed in FY2020/21. For projects that have continued into FY2021/22, the table outlines changes in project budget estimates and completion dates since the September 2021 quarter report.

**Table 3: Status updates - Top 25 by total project budget**

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
1	Bryn Estyn WTP Major Upgrade	Project Delivery	May-23	243,944	Commissioning of first tank to commence in Q4 FY2021/22.
2	Northern Midlands Sewerage Improvement Plan - Longford STP Upgrade	Project Delivery	<del>Dec-21</del> Apr-22	33,672	Commissioning of the new plant has commenced however some delays have arisen whilst JBS complete upgrades to their pre-treatment infrastructure. Domestic waste is currently being treated by the new Longford STP with the JBS effluent expected to be cut over in January/February 2022.
3	UV Program – Burnie, Chimney Saddle, Distillery Creek, Mt Leslie & West Tamar (Stage 2a)	<del>Project Development</del> Target Out-turn Cost/Project Budget Estimate	Jun-23	5,032	On Track
4	Lake Mikany Dam Upgrade	Project Delivery	<del>Aug-22</del> Jun-22	20,067	Site works recommenced in September 2021, with outlet works currently in progress and embankment works to commence in the near future.
5	Tamar Estuary Health River Action Plan (TEHRAP)	<del>Target Out-turn Cost/Project Budget Estimate</del> Project Delivery	<del>TBD</del> Mar-25	128,500	This plan will be delivered as a series of projects, with the first currently under construction (St Johns Sewer Rising Main).
6	Rosebery, Triabunna, Tunbridge and Coles Bay Reservoir	Project Delivery	Dec-22	12,821	Construction has commenced on the first reservoir at Rosebery.
7	Upper Reservoir Dam Upgrade	<del>Project Delivery</del> Completed	Nov-21	6,085	Construction completed. Project finalisation underway.
8	UV Program – Campbell Town/Ross, Fingal, Queenstown, South Esk, Swansea, Triabunna, Tullah, West Tamar and Zeehan (Stage 2b)	<del>Project Development</del> Target Out-turn Cost/Project Budget Estimate	<del>Oct-23</del> Jul-23	8,513	Project brought forward following success of Stage 1
9	Davis St, Smithton SPS Upgrade	Project Development	<del>Aug-22</del> Sep-23	17,628	Revised Business Case developed and under review to deliver project benefits for a substantial overall saving.
10	Geeveston Outfall	Target Out-turn Cost/Project Budget Estimate	Nov-23	9,890	On Track
11	Tasman Highway, Orford - Trunk main	<del>Project Delivery</del> Project Development <sup>7</sup>	<del>Sep-22</del> Feb-23	2,358	Project deferred whilst value engineering work is undertaken.
12	Lake Fenton Pipeline (Gateway) , New Norfolk Water Main Renewal	Project Delivery	Jun-22	2,238	Construction of the pipeline has commenced.
13	North West Water Supply Upgrade - NWWS (Old Forth Leven)	<del>Target Out-turn Cost/Project Budget Estimate</del> Project Development	<del>May-26</del> Jun-28	Not yet approved	SBC completed in the quarter. The SBC has provided a more accurate timeframe for the project and report has been updated to reflect this new information.

<sup>7</sup> This project stage was incorrectly reported in prior quarter and also applies to item #13.

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
14	Bicheno STP Recycled Water Scheme Expansion (EPA Top 20)	Project Development	<del>Dec-24</del> <b>Feb-25</b>	7,380	On track.
15	Bridport Water Supply Improvements	Project Development	Oct-25	30,160	On track.
16	Ridgeway Upgrade	<del>Project Development</del> <b>Strategy</b>	<del>Apr-26</del> <b>Jun-26</b>	Not yet approved	Further information available within this report.
17	Upper Prosser scour valve	Project Delivery	Feb-22	1,521	Construction 90% complete
18	Hamilton STP Relocation	Project Development	<del>Feb-24</del> <b>Feb-22</b>	Not yet approved	Project prudency being reviewed and subsequent document to be provided to the Board in January 2022.
19	Macquarie Point Relocation	Project Development	TBD	Estimate to be updated as part of the detailed design phase	Detailed design commenced and environmental impact assessment underway.
20	Turriff Lodge STP Outfall Relocation (EPA Top 20)	<del>Project Development</del> <b>Project Delivery</b>	<del>Aug-22</del> <b>May-22</b>	2,225	Design process continuing, major procurement items contracted.
21	Chimney Saddle Clarifier & Floc Tank	<del>Project Delivery</del> <b>Completed</b>	Oct-21	2,832	Completed.
22	Queenstown STP remediation	Project Delivery	<del>Oct-22</del> <b>Jun-22</b>	2,659	On Track
23	Zeehan Raw Water Pump Station Replacement	Project Delivery	<del>May-22</del> <b>Mar-22</b>	1,755	Construction works commenced in January 2022.
24	UV Program Stage 1 (Glen, Westbury, St Helens, Scottsdale, Bridport, Deloraine, Longford, Bracknell)	Project Delivery	May-22	10,481	On track Bracknell completed and several other sites underway.
25	Whitemark raw water storage upgrade - Hendersons Dam raising	Project Delivery	<del>Feb-22</del> <b>Apr-22</b>	11,868	Dam construction works underway, new spillway walls under construction, embankment construction commenced.

### 3.7 Externally funded major projects

#### Port Arthur Historic Site Management Authority (PAHSMA)

During the previous quarter, TasWater and the State Government executed a Grant deed under which TasWater received \$500,000 to undertake a feasibility study into the potential transfer of the water and sewerage assets currently owned and managed by PAHSMA to TasWater. Under the deed, TasWater has 15 months to complete the feasibility study.

Investigations have now commenced on the Tasman Peninsular Feasibility Study. The study will address water security, water and sewerage treatment and network issues within the study area as well as consideration of the wider servicing of the peninsular.

The investigation report is expected to be completed in the first quarter of FY2022/23.

### 3.8 Matters of public and key stakeholder interest

#### Water Supply Outlook

The outlook for the remainder of the summer period is generally favourable, with rainfall during winter and spring close to long-term averages and most storages at or near full supply levels. The

Bureau of Meteorology also confirmed that La Niña conditions were established as of late November, which are expected to remain until early Autumn. La Niña typically brings higher than average rainfall in eastern Tasmania during summer.

Despite this outlook, restrictions are still planned in some communities and are possible in others, particularly those with limited raw water storage. A summary of the outlook for all systems is provided in Table 4 below.

In relation to the Greater Hobart system, water quality in multiple storages is currently being affected by elevated turbidity and colour, due in part to wet and windy conditions during spring. The Hobart Water Supply Working Group is overseeing management of the supply and has co-ordinated short-term actions including low-level water restrictions to mitigate potential supply/demand imbalance in the system, as well as taking steps to ensure high utilisation of good quality water sources over the summer period.

**Table 4: Seasonal outlook for all systems**

System Name	Restriction Likelihood	System Name	Restriction Likelihood
<b>Adventure Bay</b>	Likely	<b>Longford</b>	Possible
<b>Bell Bay</b>	Possible	<b>Manuka River (Strahan)</b>	Possible
<b>Bicheno</b>	Possible	<b>Mathinna</b>	Possible
<b>Bothwell</b>	Unlikely	<b>Maydena</b>	Possible
<b>Bracknell</b>	Possible	<b>Mole Creek</b>	Possible
<b>Bridport</b>	Likely	<b>Mountain River</b>	Unlikely
<b>Bronte Park</b>	Unlikely	<b>National Park</b>	Possible
<b>Campbell Town/Ross</b>	Unlikely	<b>Oatlands</b>	Possible
<b>Coles Bay</b>	Unlikely	<b>Orford</b>	Possible
<b>Conara</b>	Possible	<b>Ouse – Hamilton</b>	Unlikely
<b>Cornwall</b>	Unlikely	<b>Pet River (Burnie)</b>	Possible
<b>Deep Creek (Smithton – Stanley)</b>	Possible	<b>Queenstown</b>	Possible
<b>Deloraine</b>	Unlikely	<b>Ringarooma</b>	Unlikely
<b>Dover</b>	Possible	<b>Rocky Creek</b>	Possible
<b>Dowlings Creek (Yolla)</b>	Possible	<b>Rosebery</b>	Possible
<b>Epping Forest</b>	Possible	<b>Rossarden</b>	Possible
<b>Fentonbury – Westerway</b>	Possible	<b>Scamander</b>	Possible
<b>Fingal – Avoca</b>	Possible	<b>Scottsdale</b>	Possible
<b>Forth River (Devonport)</b>	Possible	<b>St Helens</b>	Possible
<b>Gawler (Ulverstone)</b>	Possible	<b>St Marys</b>	Unlikely
<b>Gladstone</b>	Possible	<b>Swansea</b>	Unlikely
<b>Grassy</b>	Unlikely	<b>Triabunna</b>	Possible
<b>Greater Hobart</b>	In Place	<b>Tullah</b>	Unlikely
<b>Gretna – Glenora – Bushy Park</b>	Possible	<b>Tunbridge</b>	Possible
<b>Herrick</b>	Unlikely	<b>Waratah</b>	Possible
<b>Huon Valley</b>	Unlikely	<b>Wayatinah</b>	Unlikely
<b>Lady Barron</b>	Unlikely	<b>Westbury</b>	Unlikely
<b>Lake Barrington</b>	Unlikely	<b>Whitemark</b>	Likely
<b>Launceston</b>	Possible	<b>Zeehan</b>	Unlikely
<b>Leven (Penguin)</b>	Possible		

### Waratah Dam Decommissioning

In December, the full supply level of the reservoir was again lowered (by approximately one metre). This was done to assist in flood management and to largely drain the upper reaches of the reservoir (as the lake is relatively shallow) so that revegetation can commence prior to the embankment being removed.

**Figure 1: Waratah Dam Spillway**



Waratah Dam – Dam safety improvements (spillway deepening, looking upstream)



Waratah Dam – Dam safety improvements (spillway deepening, looking downstream)

### Service Replacement at Pioneer

Work on the detailed design for the reticulated water supply has commenced following positive meetings with the Pioneer community and Dorset Council in September 2021. Pioneer residents are being kept informed as the project progresses.

### Legislative Council Select Committee

Following its establishment in June 2020, the Legislative Council Select Committee inquiring into TasWater's operations published its final report in November 2021. The report contained eleven recommendations and where TasWater has primary responsibility, work addressing these was already underway or complete. While the report referenced evidence heard by the Committee that had previously been noted by TasWater to be flawed or incorrect, it was largely as expected and received very little media coverage.

The CEO, Mike Brewster, wrote to the Committee Chair on 6 December 2021 providing a summary of TasWater's responses to its findings. A copy of this correspondence has been provided to Owners' Representatives.

### Enterprise Agreement Negotiations

After the first unsuccessful ballot and the commencement of protected industrial action in September 2021, negotiations continued with a second ballot on proposed Enterprise Agreements conducted in November 2021; without in-principle agreement with Employee Representatives.

The TasWater Senior Employees Enterprise Agreement was approved by 65 per cent of employees covered by it, and it received formal approval from the Fair Work Commission on 24 December 2021.



The TasWater General Employees Enterprise Agreements were not approved by employees. Following further negotiations, in-principle agreement (including the cessation of all protected industrial action) was reached with Employee Representatives in early December 2021. The agreed base wage increases are a 2.5 per cent increase in year one, a 2.5 per cent increase or CPI capped at 3.0 per cent in year two and a 2.8 per cent increase or CPI capped at 3.0 per cent in year three. In addition, a 0.5 per cent increase to superannuation each year is proposed to maintain the current 3.5 per cent gap between the Superannuation Guarantee and employer contributions. Ballots will be held on the three General Employee Agreements in January/February 2022.

### **Engagement with Aboriginal Land Council of Tasmania**

In September 2021 we received a letter from the Aboriginal Land Council of Tasmania (ALCT) with a request to consider the return of certain TasWater land to Aboriginal ownership. On 12 November 2021 an initial meeting was held between representatives of the ALCT and TasWater.

Whilst discussions are still in their early days, and there are many matters still to be explored before any decisions can be made, engagement with the ALCT was highly constructive and an important part of TasWater's broader journey towards reconciliation.

### **Coles Bay Sewerage**

TasWater have had discussions with the Freycinet Association Inc (FAI) on various wastewater and water quality matters following the Freycinet Peninsula Master Plan, which highlighted sewage management as a community concern. TasWater has no sewerage infrastructure at Freycinet.

In 2019 the Department of Premier and Cabinet asked TasWater to develop a Freycinet Peninsula Wastewater Feasibility Study (FPWFS) to supplement the Master Plan and funded this through a \$365,000 grant deed. The FAI has requested that future work incorporates Swanwick, which was not included in the scope of the original feasibility study. The study recommended upgrades to the Parks & Wildlife infrastructure, which has been funded by state government and is underway.

The monitoring of existing septic systems is a responsibility of council.

In a recent FAI media interview FAI highlighted elevated E. coli levels on the Coles Bay Beach after heavy rainfall.

As part of the FPWFS, testing showed no evidence of contamination pathways between sewerage systems and the marine environment, however under different conditions such as heavy rainfall, contamination pathways could occur. Heavy rain will also wash a range of nutrients including faecal matter into waterways from their catchments, and as such reticulated sewerage would not fully eliminate this issue.

The long-term recommendation (6 years plus) in the FPWFS aligns with the stated FAI conclusion of the need for reticulated sewerage and a sewerage treatment plant to address the issue.

This long-term solution requires a detailed engineering investigation. External funding would be required to undertake this study and for building sewerage infrastructure. This would involve a service introduction. TasWater currently has no funding for this and has completed the commitment to develop the FPWFS.

## **4. Key policy, risk and strategy matters**

### **4.1 Price and Service Plan 4 (PSP4) update**

In this quarter, work has continued with the Investigation team appointed by the Tasmanian Economic Regulator (TER) to provide independent draft findings for consideration in the final Price and Service Plan 4. Due to a number of issues including the volume of responses to the initial

findings, the investigation timeline has been revised. The Draft Report is now scheduled to be released for consultation on 7 February 2022 and be open until 11 March 2022. This is two months later than the initial timelines, however the final approved PSP date remains unchanged.

TasWater will respond to the final draft report and submit the final revised PSP4 on 31 May 2022 with an approved PSP expected to be endorsed by the TER on 15 June 2022. Preparation for implementation of the updated pricing in our billing system has recently commenced.

## **4.2 Hydrogen**

During the quarter, TasWater continued to engage with the Office of the Coordinator General (OCG) on the potential development of a hydrogen project in the Bell Bay area. Renewables Tasmania submitted a bid for Federal funding in November 2021 to support a Hydrogen Hub in Bell Bay. A decision regarding whether the submission was successful is expected in February 2022.

In addition, an initial draft term sheet containing various provisions related to the water supply for a proponent's planned hydrogen production facility in Bell Bay has been drafted and will be used for negotiating water supply options.

## **4.3 Reduction in water losses**

Consistent with TasWater's strategic focus to reduce water losses in its networks, leakage control initiatives are continuing in Greater Hobart Region and in other parts of TasWater's water network. This includes the use of leak noise correlating loggers, leak noise correlators and acoustic ground microphones to localise and pinpoint leaks.

Establishment of the DMAs in the Clarence system commenced in October 21 with the installation of six DMA meters at the outlets of Lindisfarne, Pilchers Hill, Oakdowns and Risdon Vale reservoirs. Each DMA meter is equipped with a data logger monitoring the flows. The flow data is sent to a cloud-based monitoring system where it is monitored via the Technology Utilicor web site.

## **4.4 Executive Resignations**

As advised in the previous report, two members of the Executive team, Cathy Cuthbertson (GM People & Safety) and Juliet Mercer (GM Corporate & Community Relations) announced their resignations. They both departed TasWater during December 2021, with interim arrangements put in place until the new CEO commences in March 2022.

## **4.5 Cybersecurity**

On Friday 10 December 2021 (Australia time) a new Zero Day vulnerability<sup>8</sup> was announced which affected organisations globally, including potentially hundreds of TasWater systems (Log4J/Log4Shell). Since then the Digital & Technology team have been evaluating and addressing vulnerability to this exploit across all systems commencing with the higher risk systems.

This evaluation found no vulnerabilities to external systems and only a few internal systems with vulnerability that could not be immediately resolved (patched, removed or switched off). The internal systems are considered a low risk as the vulnerability is non-exploitable as they do not have the necessary internet access. This is due to the existing good security architecture with most systems having very limited access to the internet preventing the described payload being delivered.

TasWater are now working with our vendors to implement any further mitigations recommended as well as working with our partners (which either host or provide us IT services) to confirm that they have done likewise. The findings have been validated by repeatedly running penetration testing and

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<sup>8</sup> A Zero Day vulnerability is a software or hardware vulnerability discovered by hackers before the vendor has become aware of it. If exploited, the Log4J vulnerability allowed for the remote execution of code on compromised systems.

vulnerability scanning over the systems. TasWater will continue to monitor for changes in advice and will adjust the approach as required.

#### 4.6 Climate Change mitigation

TasWater are developing new corporate strategies focusing on the environment and climate change adaptation, with final drafts due in June 2022. One of the key themes being progressed in the climate change adaptation strategy is reducing our contribution to climate change: i.e. reducing TasWater's greenhouse gas emissions. Initially work in this key area will focus on ensuring TasWater are accurately accounting for our emissions, followed by identifying opportunities to reduce our Scope 1 and Scope 2 emissions.<sup>9</sup>

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<sup>9</sup> Scope 1 – direct emissions from company-owned and controlled resources (fugitive gases, fleet, etc)

Scope 2 – Indirect emissions from the generation of purchased energy

Scope 3 – Indirect emissions not included in Scope 2 resulting from the value chain (waste generated emissions, manufacturing and transport of consumables, concrete, etc)



## 5. Responses to queries from prior updates

Date	Region	Issue	Raised by	Response
4 November 2020	All	Publish the Water Surety Strategy on TasWater's website	Gary Arnold (Kingborough Council)	This had initially been scheduled to be addressed at the ORG General Meeting (Planning) on 24 June 2021. However, key elements of the overarching strategy continue to be developed and are expected to be completed by the end of FY2021/22.
24 June 2021	All	Consider the structure of future Corporate Plans in relation to compliance with the Shareholders' Letter of Expectations (SLE).	Gary Arnold (Kingborough Council)	Will be addressed in the process of development of future Corporate Plans and review of the SLE.
10 November 2021	All	Further information to be provided regarding the calculation of TasWater's greenhouse gas emissions, specifically in relation to electricity	Ian Nelson (Clarence City Council)	Will be addressed in the quarterly meetings in February 2022.
10 November 2021	All	Advising any learnings in relation to the process of utilising TasWater's enforcement powers regarding unauthorised connections	Mayor Peter Freshney (Latrobe Council)	Update to be provided to the General Meeting (Planning) in June 2022.



### **3.8 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 17, 24 and 31 January 2022 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 17, 24 and 31 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.

Nil.

**4.2 ANSWERS TO QUESTIONS ON NOTICE**

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

Nil.

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

Nil.

**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)

<b>6</b>	<b>PLANNING AUTHORITY MATTERS</b>
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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-2021/023463 – 53A SEVEN MILE BEACH ROAD, SEVEN MILE BEACH - DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 53A Seven Mile Beach Road, Seven Mile Beach.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Low Density Residential and subject to the Parking and Sustainable Transport, Natural Assets, Coastal Inundation Hazard, Flood-Prone Areas Hazard 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 was extended with the consent of the applicant until 9 February 2022.

**CONSULTATION**

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

- Flood Hazard report not provided;
- non-compliance with Natural Assets Code;
- inundation/flooding;
- structure plan not completed; and
- statutory timeframe/delegations.

**RECOMMENDATION:**

A. That the Development Application for a Dwelling at 53A Seven Mile Beach Road, Seven Mile Beach (CI Ref PDPLANPMTD-2021/023463) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG M5 – EROSION CONTROL.

**ADVICE**

- a. The proposed works are located within a mapped overland flow path and prone to flood. Please refer to Council's flood mapping system <https://www.ccc.tas.gov.au/flood-maps/>

Therefore, in accordance with the requirements of the Building Act and Regulations, the finished floor level FFL of all habitable rooms must be 300mm or more above the designated flood level for that land. You should seek advice on this from your designer and building surveyor at the earliest possible opportunity.

- b. The property is within a mapped Coastal Inundation Hazard area. Please provide a Hazard Report for Coastal Inundation from a suitably qualified person that meets the requirements of the Determinations and Building Act 2016. These reports must form part of the certified documents issued by the Building Surveyor for the building application.
  - c. 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.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The title was created by SD-2018/38 (Attachment 3) which approved a 2-lot subdivision to be developed in two stages. Stage 1 has been completed which created a title containing the existing dwelling (53 Seven Mile Beach).

### **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Low Density Residential under the Scheme and is subject to the Parking and Sustainable Transport, Natural Assets, Coastal Inundation Hazard, Flood-Prone Areas Hazard and Safeguarding of Airports Codes.

**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 10 – Low Density Residential Zone;



- Clause C2.0 – Parking and Sustainable Transport Code;
- Clause C7.0 – Natural Assets Code;
- Clause C10.0 – Coastal Erosion Hazard Code;
- Clause C11.0 – Coastal Inundation Hazard Code;
- Clause C12.0 – Flood-Prone Areas Hazard Code; and
- Clause C16.0 – Safeguarding of Airports 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 an internal lot, 3099m<sup>2</sup> in area, containing two outbuildings. The title contains a drainage easement over a creek running through the northern part of the site. Access to the site is via a sealed driveway from Seven Mile Beach Road. The surrounding area consists of residential development to the east, west and south and land forming part of the Royal Hobart Golf Course to the north.

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

The proposal is to construct a single dwelling (see plans in Attachment 2).

### **4. PLANNING ASSESSMENT**

#### **4.1. Compliance with Applicable Standards [Section 5.6]**

*“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 [Section 6.10]**

*“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 is exempt under both the Coastal Inundation Hazard Code and Coastal Erosion Hazard Code as both Codes provide that works that require authorisation under the *Building Act 2016* do not require an assessment against these Codes.

The proposal is also exempt under the Safeguarding of Airport Code as the development complies with the AHD height specified for the site.

The Flood-Prone Hazard Code does not apply as the site is covered by the Coastal Inundation Hazard Code and therefore the Scheme provides that an assessment against this Code is not required.

The proposal meets the Scheme’s relevant Acceptable Solutions of the Low Density Residential Zone and Parking and Sustainable Transport, Natural Assets with the exception of the following.

**Low Density Residential Zone**

- **Clause 10.4.3 A2** – the proposed dwelling is setback 0.9m to the eastern (side) boundary and the proposed carport is setback 4.5m to the southern boundary which is less than the 5m side and rear setbacks required by the Acceptable Solution.

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

Clause	Performance Criteria	Assessment
10.4.3 P2	<p><i>“The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i></p> <p><i>(a) the topography of the site;</i></p>	<p>The site is generally flat, and development is restricted to the southern part of the site due to the location of the drainage easement on the title in the northern part of the lot.</p>
	<p><i>(b) the size, shape and orientation of the site;</i></p>	<p>The site is relatively long and narrow. While the application must be assessed in relation to the existing lot boundaries, the applicant has designed the dwelling to fit within the approved lot boundaries for Stage 2 of SD-2018/57 which has not yet been completed.</p> <p>As the approved lot has a width of between 14m to 22m, it makes it more difficult to build on the lot in accordance with the required setbacks.</p> <p>It is noted that the change in zoning from Village under the previous Clarence Interim Planning Scheme 2015 to the current zoning has resulted in an increase in the side boundary setbacks from 2.5m to 5m which could not be considered in the subdivision.</p>

	<i>(c) the setbacks of surrounding buildings;</i>	The dwellings located on adjoining properties at 47 and 55A Seven Mile Beach Road are located 1.5m and 2.5m to the side boundary respectively. In addition, the surrounding area contains many examples of residential structures being built up to side boundaries. On this basis, the proposed setback is considered consistent with that found in the surrounding area.
	<i>(d) the height, bulk and form of existing and proposed buildings;</i>	The dwelling is single dwelling with a maximum height of 5.8m from NGL. The bulk and scale is consistent with dwellings on adjoining properties and is not considered to result in a loss of amenity to adjoining properties.
	<i>(e) the existing buildings and private open space areas on the site;</i>	The site contains existing outbuildings which will be removed to enable the construction of the dwelling.
	<i>(f) sunlight to private open space and windows of habitable rooms on adjoining properties; and</i>	<p>The dwelling is located to the west of the closest adjoining dwelling on 47 Seven Mile Beach Road which contains a kitchen window located 3.2m from the eastern boundary of the subject site.</p> <p>The proposed dwelling will not impact the adjoining dwelling or its private open space on 47 Seven Mile Beach Road by overshadowing until after 12pm on 21 June.</p> <p>Given that this dwelling is not affected until the afternoon on 21 June, and the overshadowing is only over a relatively small portion of the private open space, the proposal is not considered to unreasonably impact the adjoining property.</p>

	<i>(g) the character of development existing on established properties in the area.”</i>	The development is for a single dwelling which is consistent with the residential character of the surrounding area.
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#### Natural Assets Code

- **Clause C7.6.1 A2**– the dwelling is partly located within an area of the site covered by a waterway and coastal protection area and as the title does not contain a building envelope, the Acceptable Solution is not met.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause C7.6.1 A2 as follows.

Clause	Performance Criteria	Assessment
C7.6.1 P1	<p><i>“P1.1</i></p> <p><i>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</i></p> <p><i>(a) impacts caused by erosion, siltation, sedimentation and runoff;</i></p>	<p>The lot has been highly modified and developed for residential use, as prior to the subdivision, it formed part of the backyard for the dwelling at 53 Seven Mile Beach Road. The impact on the natural values of the site, being Acton Creek, were assessed as part of subdivision SD-2018/38.</p> <p>There were no identified natural values on the site that would be impacted by the subdivision or a future residential development, provided that measures were put in place to ensure that stormwater outflow into the creek was designed appropriately.</p> <p>As Stage 2 has not been completed, these measures have not yet been put in place.</p>

		To ensure that development site does lead to erosion of the waterway, it is recommended that a permit condition be included to require a soil and water management plan with a Certificate of Likely Compliance.
	<i>(b) impacts on riparian or littoral vegetation;</i>	The development of the site for a dwelling will not require clearing of riparian vegetation located along the creek.
	<i>(c) maintaining natural streambank and streambed condition, where it exists;</i>	The proposal dwelling is located 20m from the banks of Acton Creek and will not impact the natural streambank and condition.
	<i>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	as above
	<i>(e) the need to avoid significantly impeding natural flow and drainage;</i>	as above
	<i>(f) the need to maintain fish passage, where known to exist;</i>	as above
	<i>(g) the need to avoid land filling of wetlands;</i>	not applicable
	<i>(h) the need to group new facilities with existing facilities, where reasonably practical;</i>	not applicable
	<i>(i) minimising cut and fill;</i>	Fill is required only to ensure that the finished floor level will comply with the requirements under the <i>Building Act 2016</i> and as the dwelling is setback approximately 20m from the creek, the impact on the waterway will be minimal.

	<i>(j) building design that responds to the particular size, shape, contours or slope of the land;</i>	The majority of the development, including the carport and approximately 50% of the dwelling is located in the southern part of the lot which is not covered by the Natural Assets Code. On this basis, it is considered that the dwelling responds appropriately to the lot constraints.
	<i>(k) minimising impacts on coastal processes, including sand movement and wave action;</i>	not applicable
	<i>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</i>	Council's Engineer is satisfied that the proposal will not result in a need for future works as the proposed development will have minimal impact on the creek.
	<i>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</i>	To ensure that the creek is not detrimentally affected by the proposed works, it is recommended that a permit condition be included that requires a Soil and Water Management Plan to be submitted with a building application to Certificate of Likely Compliance.
	<i>(n) the guidelines in the Tasmanian Coastal Works Manual.</i>	Not applicable as these guidelines relate to developments on coastlines.
	<p><i>P1.2</i></p> <p><i>Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</i></p> <p><i>(a) the need to access a specific resource in a coastal location;</i></p>	Not applicable as no works are located within the spatial extent of tidal waters.
	<i>(b) the need to operate a marine farming shore facility;</i>	not applicable
	<i>(c) the need to access infrastructure available in a coastal location;</i>	not applicable

	(d) <i>the need to service a marine or coastal related activity;</i>	not applicable
	(e) <i>provision of essential utility or marine infrastructure; or</i>	not applicable
	(f) <i>provisions of open space or for marine-related educational, research, or recreational facilities.”</i>	not applicable

## 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. Flood Hazard Report Not Provided

Concern was raised that a Flood Hazard Report was required to be provided as part of an application.

- **Comment**

Clause C12.2.5 of the Flood-Prone Areas Hazard Code provides that this code does not apply to land subject to the Coastal Inundation Hazard Code. As the site is subject to the Coastal Inundation Hazard Code, a flood report is not required to be provided with a planning application.

Additionally, the proposal is exempt under both the Coastal Inundation Hazard Code and Coastal Erosion Hazard Code as the works require authorisation under the *Building Act 2016*. However, it is likely that reports will be required as part of a building application in accordance with the Directors Determinations for the relevant hazard.

### 5.2. Non-compliance with Natural Assets Code

Concern was raised that information was not provided in response to this Code and that the creek should not be considered as part of the public stormwater system.

- **Comment**

The creek running through the site forms part of council's stormwater infrastructure and the drainage easement provides a legal right to drain stormwater from the lot.



As discussed above, the impact on the natural values of the lot was assessed as part of the subdivision application and it was anticipated at this time that the lots would be developed for residential development. The subdivision was considered to be satisfactory as there were no significant natural values identified on the lot and therefore additional information in regard to this issue was not required for the assessment of the application.

### **5.3. Inundation/Flooding**

Concern was raised that the development will exacerbate existing impacts of inundation and flooding in the Seven Mile Beach area.

- **Comment**

Due to the changes associated with the implementation of the Tasmanian Planning Scheme and the *Building Act 2016* in relation to hazards such as inundation, coastal erosion and flooding, the proposal is exempt from an assessment under the Inundation Prone Areas, Coastal Erosion Hazard and Flood-Prone Areas Codes, as discussed above.

### **5.4. Structure Plan Not Completed**

Concern was raised that the Structure Plan for Seven Mile Beach, in accordance with the decision on subdivision SD-2019/10, has not been completed.

- **Comment**

Following on from council's decision regarding the need for a Seven Mile Beach Structure Plan, council has advertised for expressions of interest for the development of a Local Area Plan to address a wide range of planning and management issues in Seven Mile Beach. Notwithstanding, 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.

**5.5. Statutory timeframe/Delegations**

The representor is concerned that there were a number of planning applications advertised over the Christmas period and if more than one representation was received, an extension of time to the statutory timeframe would be required for each application to enable the applications to be considered at the next available council meeting.

- **Comment**

This issue is not a relevant planning consideration and should not have determining weight. Council is bound by statutory timeframes (which includes a requirement to extend the advertising period for each of the public holidays that falls within the 14-day advertising period) and provision for council and the applicant for an extension of time, as was the case in this instance.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

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

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

**9. CONCLUSION**



The proposal for a single dwelling which is considered to meet the requirements of the Scheme and is recommended for approval.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1



	<p>This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.</p>	<p>25/01/2022</p> <p>1:2257</p>	
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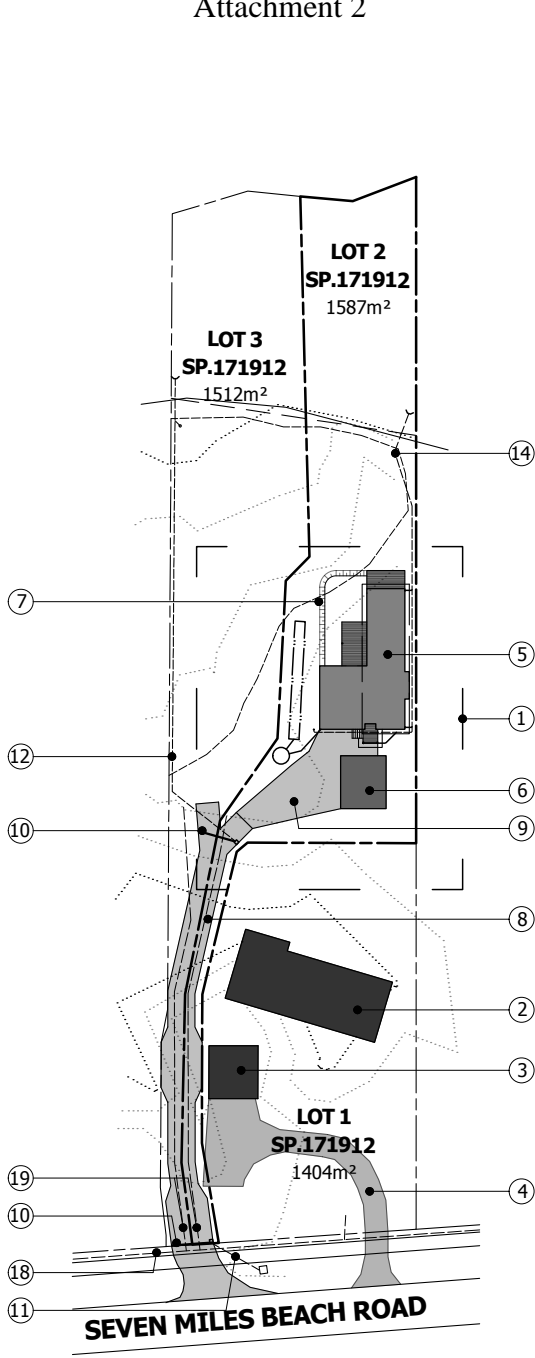
Slicer House  
LOT2, 53 Seven Mile Beach Road  
Seven Miles Beach, Tasmania

SITE AREA:	1587m²
HOUSE:	155.4m²
DECK:	18.9m² (12.9m² covered)
TOTAL:	173.3m²
SITE COVERAGE:	10.7%
TITLE REFERENCE:	180858/ 2
ZONE:	16.0 Village
OVERLAY:	Coastal Inundation Hazard Area

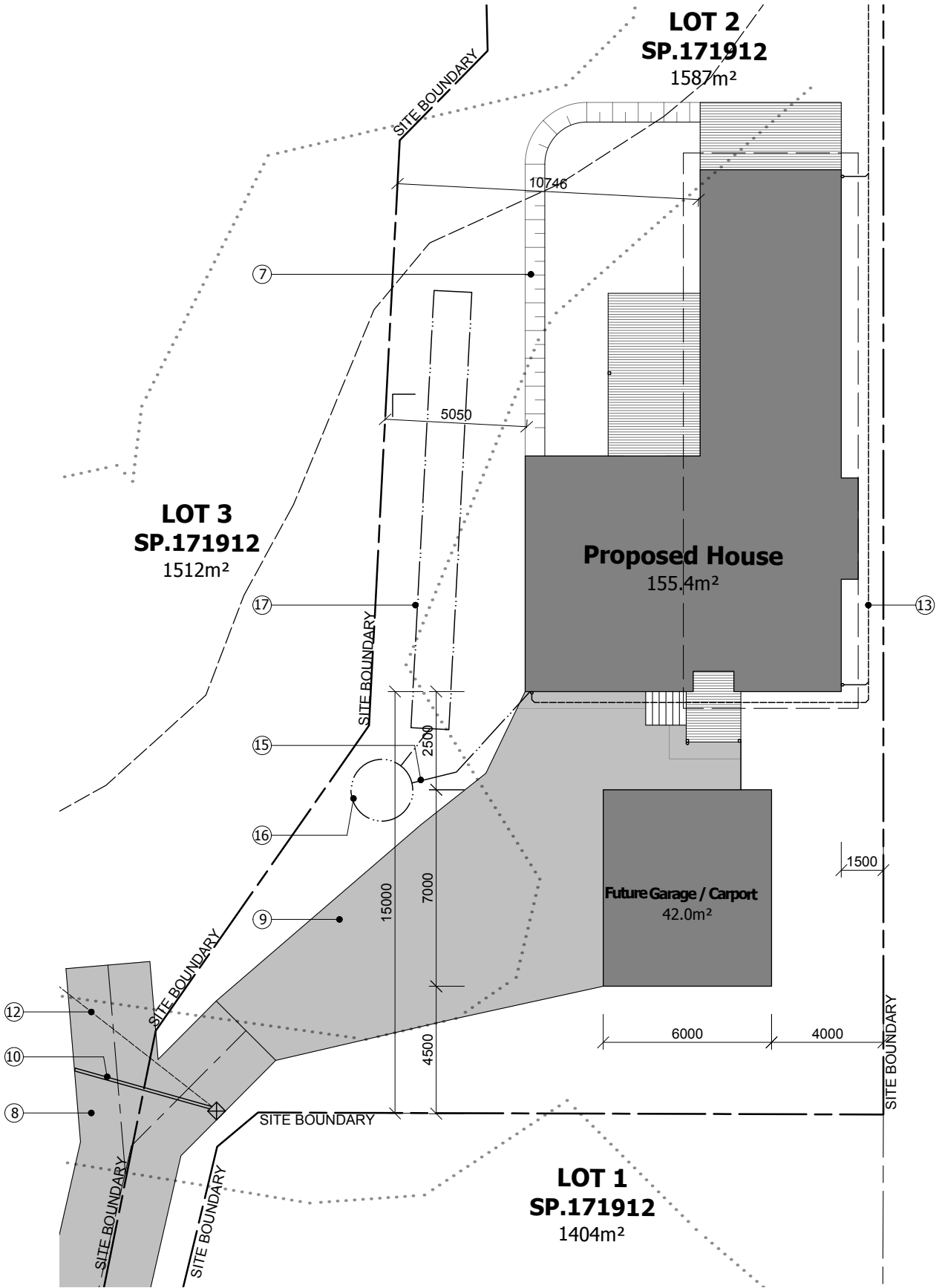
DRAWING SCHEDULE:

Sk.01	SITE PLAN / LOCATION PLAN
Sk.02	FLOOR PLAN
Sk.03	ELEVATIONS 1
Sk.04	ELEVATIONS 2

LEGEND:	
①	Extent of Location Plan.
②	Existing Dwelling.
③	Existing Shed.
④	Existing Driveway.
⑤	Proposed House - 155.4m².
⑥	Future Garage / Carport - 42m².
⑦	Extent of fill.
⑧	New shared asphalt driveway. Refer to subdivision plan by Henry design and consulting for more detail.
⑨	New asphalt driveway, parking and turning.
⑩	150 wide grated drain to 450square SW-pit. Class 'B' trafficable.
⑪	150Ø uPVC stormwater to ex. pit in road.
⑫	150Ø uPVC stormwater to be discharged to watercourse.
⑬	100Ø uPVC stormwater to be connected to site connection point.
⑭	Stormwater connection point. 150Ø uPVC to watercourse.
⑮	100Ø uPVC sewer to be connected to septic tank.
⑯	Min. 3000ltr. septic tank to be connected to absorption trenches.
⑰	Absorption trenches to detail by Rock Solid Geotechnics.
⑱	Existing Water Main.
⑲	New 25Ø water connections to LOT2 & 3 inc. integral dual check valve and meter in Class 'B' trafficable box to TasWater requirements.



SITE PLAN 1:1000



LOCATION PLAN 1:200

gary reed building design

residential, commercial and industrial building design, plumbing and drainage design, construction management, housing energy rating, thermal performance efficiency accreditation no. CC841f

103 bayview road tasmania

abn

mob

email

lauderdale 7021

56 498 752021

0418526785

greedesign@bigpond.com

Slicer House

LOT2, 53 Seven Mile Beach Road

Seven Mile Beach TAS

Drawn: L Mrosek

Date: September 2021

Scale: 1:1000 / 1:200 at A3

Project No: 20.014



Site Plan / Location Plan

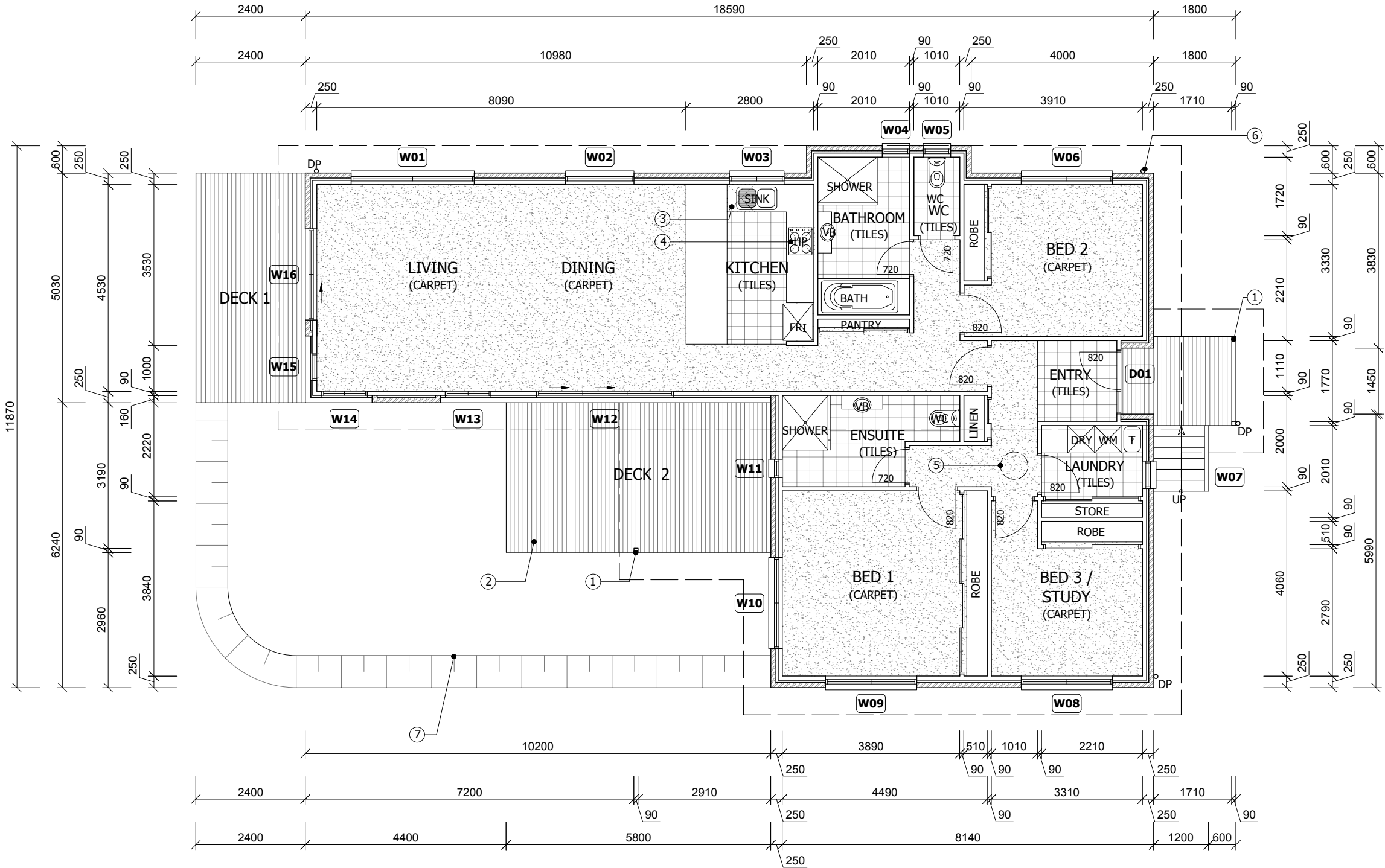
DRAWING NO: Sk.01 OF 03

LEGEND:

- ① 89x3.5 Duragal post to support verandah beams.
- ② 22mm selected TP decking. Galv. 'Titadek' nail to joists. Stain finish to owners specifications.
- ③ Dishwasher under.
- ④ Range hood over.
- ⑤ 'Solatube' skylight.
- ⑥ 90Ø uPVC downpipes throughout.
- ⑦ Top of fill.

WINDOW SCHEDULE:

	HEIGHT	WIDTH	TYPE
W01	400	2700	FIXED
W02	400	1500	FIXED
W03	800	1200	AWNING
W04	2100	600	FIXED
W05	600	600	AWNING
W06	1200	2000	SLIDING WINDOW
W07	900	900	AWNING
W08	1200	2000	SLIDING WINDOW
W09	400	2000	SLIDING WINDOW
W10	1600	2000	SLIDING WINDOW
W11	2400	400	FIXED
W12	2400	3000	SLIDING DOOR
W13	1600	1000	SLIDING DOOR
W14	1600	1000	AWNING
W15	1600	600	AWNING
W16	2400	2000	SLIDING DOOR
HW01	500	1000	FIXED
HW02	500	1000	FIXED
HW03	500	3000	FIXED
HW04	500	1500	FIXED
HW05	500	1500	FIXED
D01	2400	1400	ENTRY UNIT



gary reed building design

residential, commercial and industrial building design,  
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housing energy rating, thermal performance efficiency  
accreditation no. CC841f

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tasmania

lauderdale  
7021

abn

56 498 752021

mob

0418526785

email

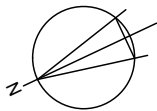
greedesign@bigpond.com

**Slicer House**  
**LOT2, 53 Seven Mile Beach Road**  
**Seven Mile Beach TAS**

Drawn: L Mrosek Date: September 2021

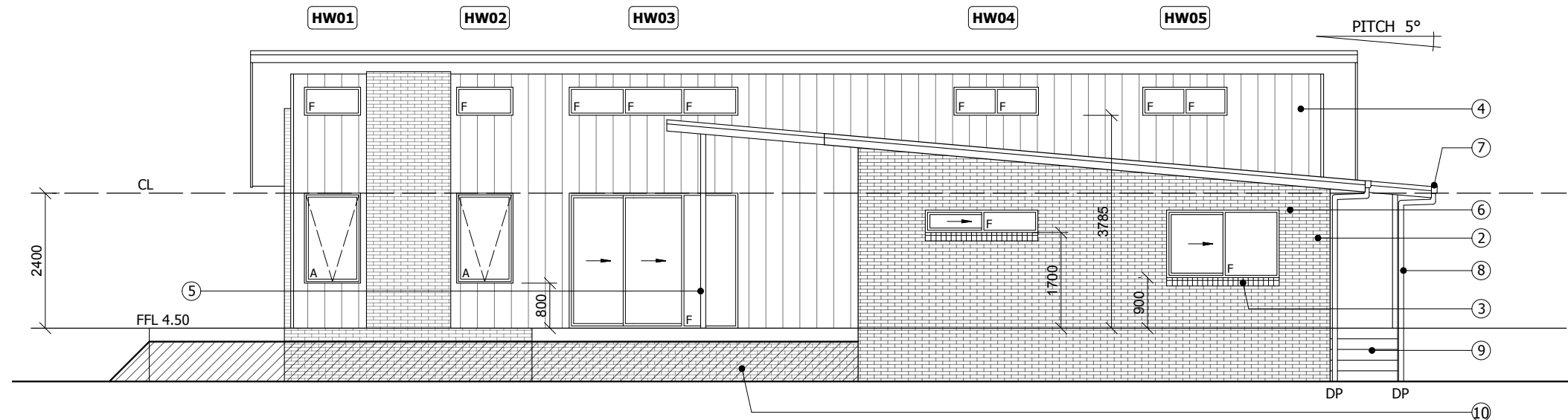
Scale: 1:100 at A3

Project No: 20.014



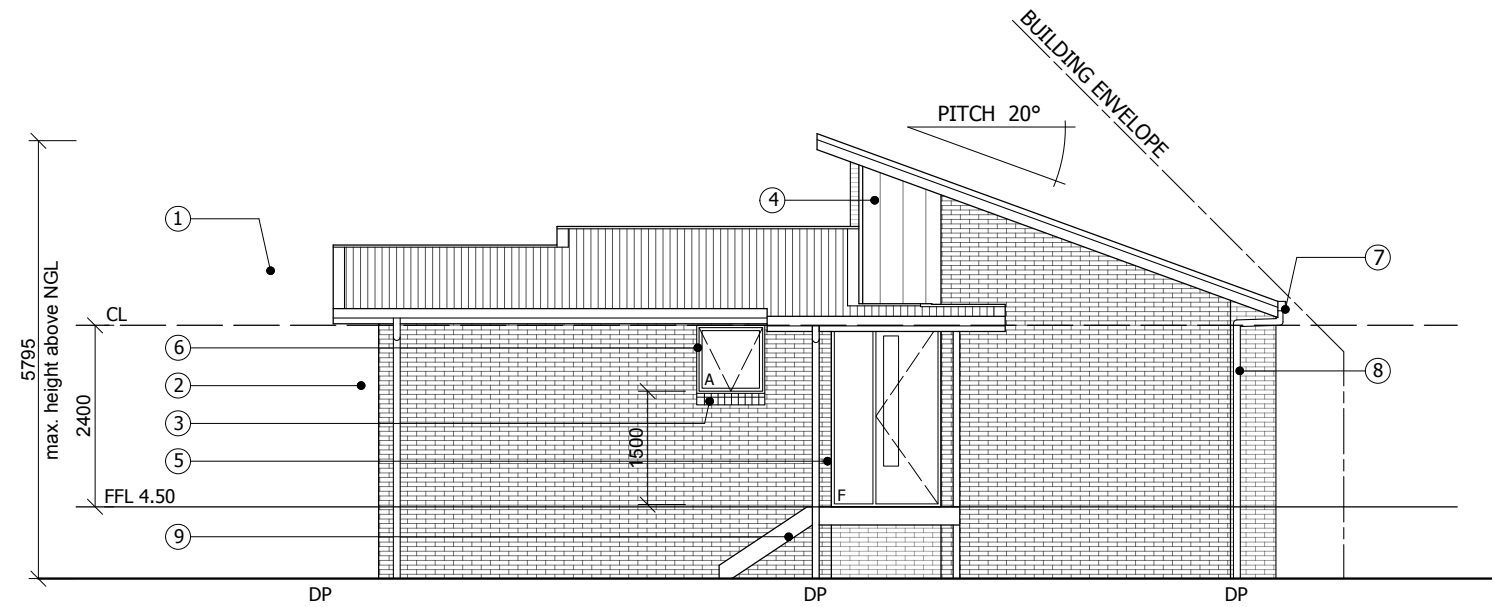
Floor Plan

DRAWING NO: **Sk.02** OF 03



**NORTH-WEST ELEVATION**

- LEGEND:**
- ① Colorbond corrugated roofing and flashing. Colour: Surfmist
  - ② Brick veneer cladding externally. Colour: San Selmo - Reclaimed Original
  - ③ Brick on edge sills throughout.
  - ④ Colorbond wall cladding. Colour: Woodland Grey
  - ⑤ 90x90 SHS to support verandah beams. Paint finish. Colour: Woodland Grey
  - ⑥ Powdercoated aluminium windows and sliding doors throughout. Colour: Woodland Grey
  - ⑦ Colorbond fascia gutters throughout. Set fall to DP's. Colour to match roofing.
  - ⑧ 90Ø uPVC downpipes. Colour to match brickwork.
  - ⑨ TP stairs to landing.
  - ⑩ Fill - shown hatched.



**SOUTH-WEST ELEVATION**

**gary reed building design**

residential, commercial and industrial building design,  
plumbing and drainage design, construction management,  
housing energy rating, thermal performance efficiency  
accreditation no. CC841f

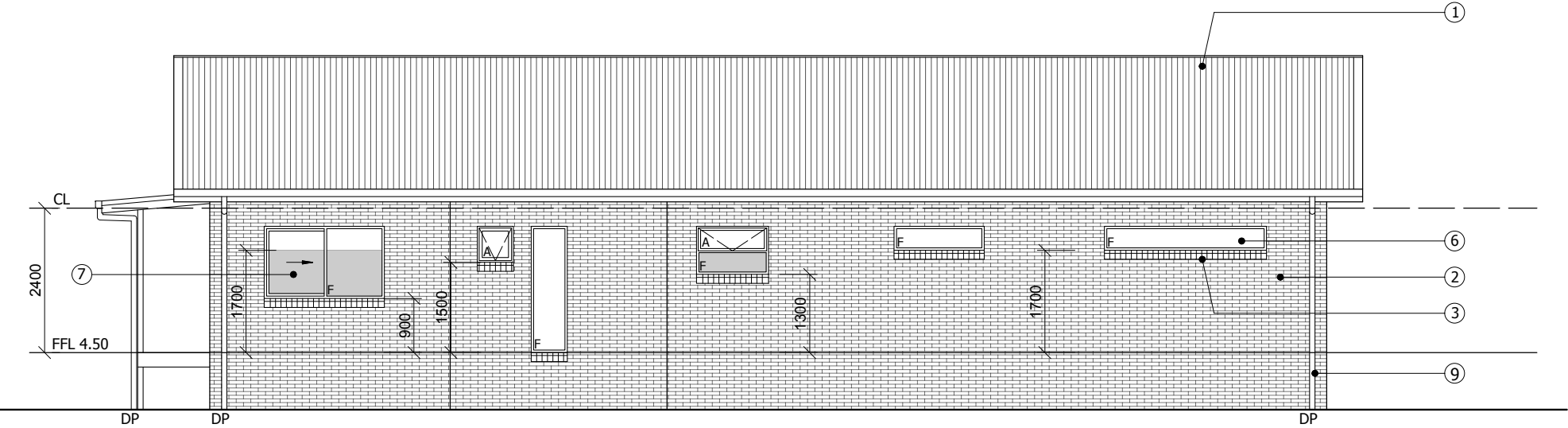
103 bayview road  
tasmania  
7021  
  
abn 56 498 752021  
  
mob 0418526785  
  
email greedesign@bigpond.com

**Slicer House**  
**LOT2, 53 Seven Mile Beach Road**  
**Seven Mile Beach TAS**

Drawn: L Mrosek Date: September 2021 Scale: 1:100 at A3 Project No: 20.014

**Elevations**

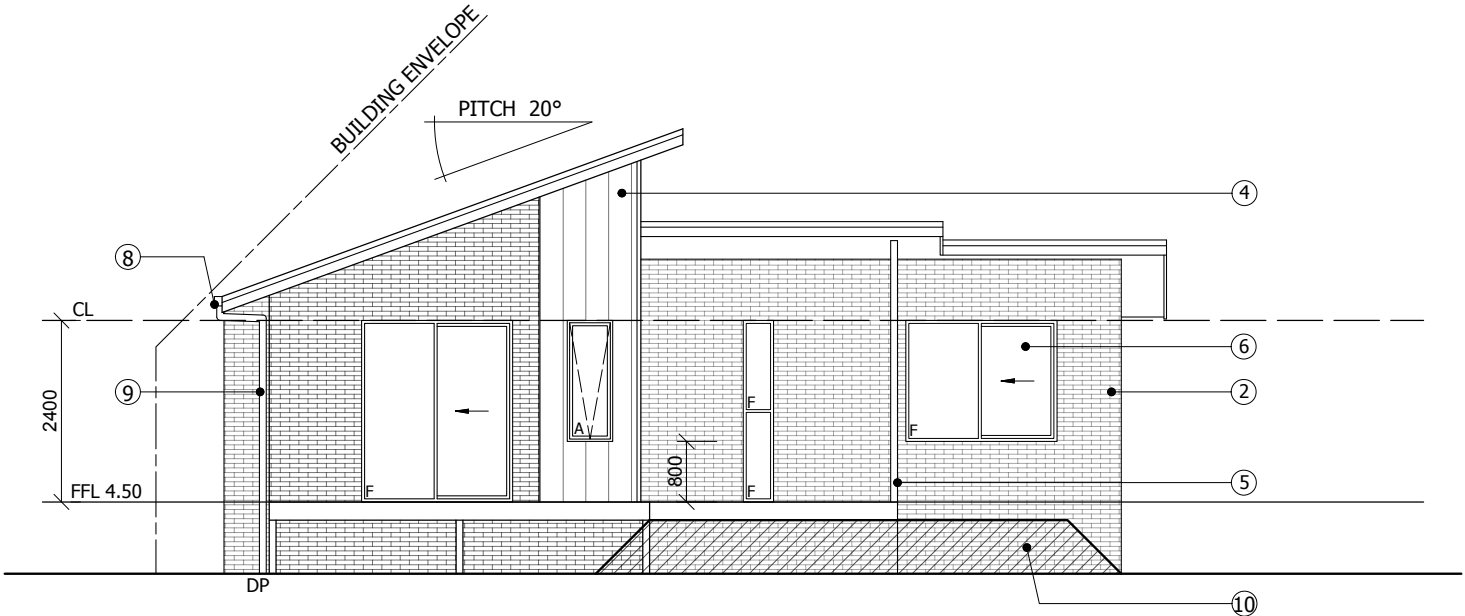
DRAWING NO: **Sk.03** OF 04



**SOUTH-EAST ELEVATION**

**LEGEND:**

- ① Colorbond corrugated roofing and flashing.  
Colour: Surfmist
- ② Brick veneer cladding externally.  
Colour: San Selmo - Reclaimed Original
- ③ Brick on edge sills throughout.
- ④ Colorbond wall cladding.  
Colour: Woodland Grey
- ⑤ 90x90 SHS to support verandah beams. Paint finish.  
Colour: Woodland Grey
- ⑥ Powdercoated aluminium windows and sliding doors throughout.  
Colour: Woodland Grey
- ⑦ Obscure glass to 1.7m above FFL as indicated.
- ⑧ Colorbond fascia gutters throughout. Set fall to DP's.  
Colour to match roofing.
- ⑨ 90Ø uPVC downpipes. Colour to match brickwork.
- ⑩ Fill - shown hatched.



**NORTH-EAST ELEVATION**

**gary reed building design**

residential, commercial and industrial building design,  
plumbing and drainage design, construction management,  
housing energy rating, thermal performance efficiency  
accreditation no. CC841f

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7021  
abn 56 498 752021  
mob 0418526785  
email greedesign@bigpond.com

**Slicer House**  
**LOT2, 53 Seven Mile Beach Road**  
**Seven Mile Beach TAS**

Drawn: L Mrosek Date: September 2021 Scale: 1:100 at A3 Project No: 20.014

**Elevations**

DRAWING NO: **Sk.04** OF 04

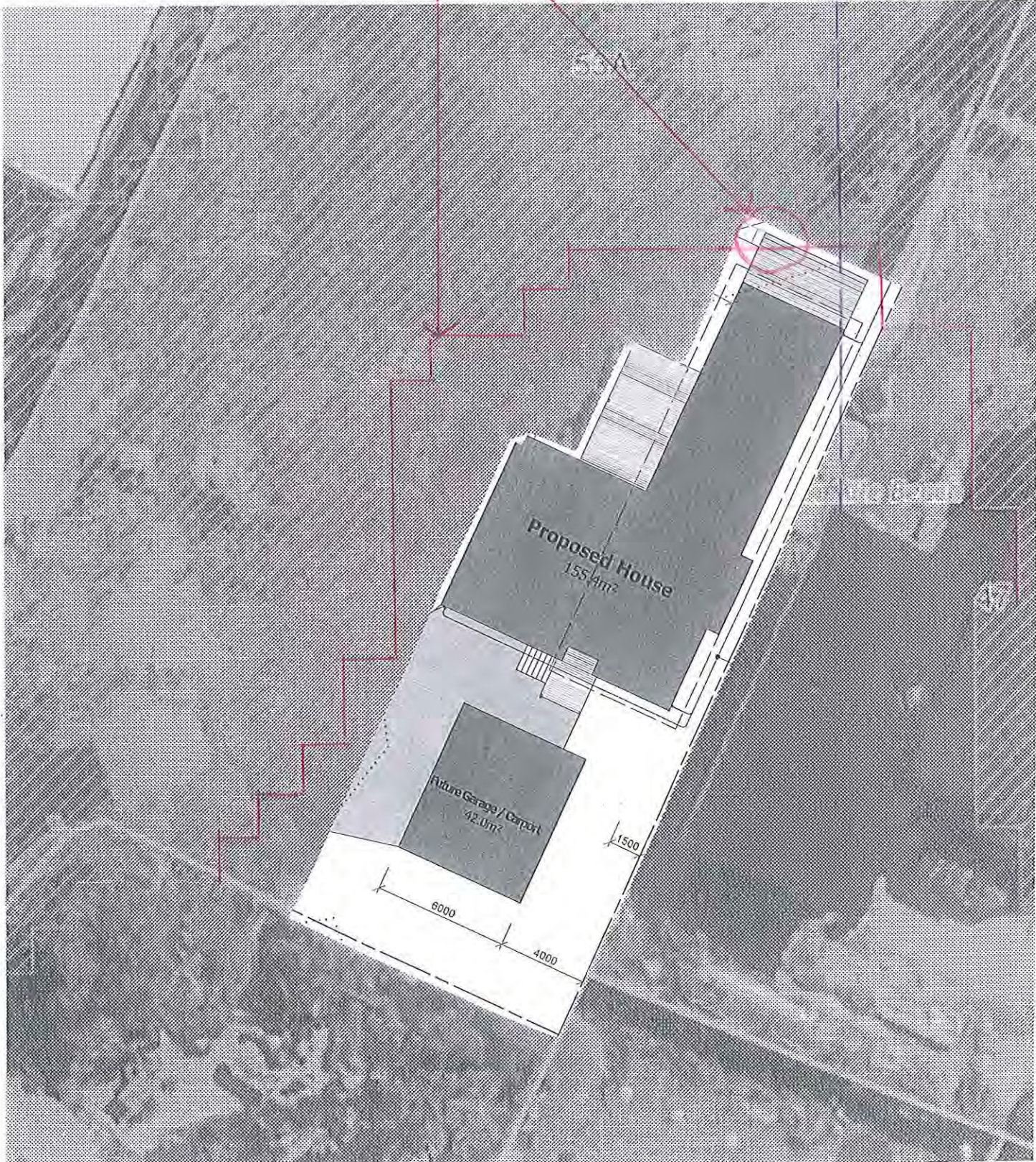


12:00 Noon

MORNING SUN

EXTENT OF FLOOD PROBE  
AREA CODE  
MINOR ENCROACHMENT  
DECK UNDER UNDER 1 MARCH

OVERSHADOWING  
BEGINNS







#### E11.7 Development Standards

- (a) No impact on natural values for future development, building area setback at least 8m from streambank, onsite wastewater treatment system to be installed in LAA (see geotechnical Assessment (Hofo 2-4-19);
- (b) No evidence of erosion or or other geotechnical hazards on site (see geotechnical Assessment (Hofo 2-4-19);
- (c) No vegetation (few mature trees) to be removed;
- (d) ample development area clear of natural streambank;
- (e) N/A, development will not impact in stream habitat;
- (f) N/A, development will not impede natural flow and drainage;
- (g) N/A;
- (h) N/A;
- (i) No works to be undertaken within watercourses or wetlands.

Sealed Driveway to be provided to Lots 2 and 3 within PROPOSED MUTUAL RIGHT OF WAY (PRIVATE) & SERVICES EASEMENT as per 16.5.1 P.4(i)

Red Hatch Represents PROPOSED MUTUAL RIGHT OF WAY (PRIVATE) & SERVICES EASEMENT

Existing Garage on Lot 1 is approximately 2.6m high along face adjacent to new boundary.

#### LOCATION PLAN



#### Development Standards for Subdivision

##### 16.5.1 Village

A1-Complies. Lot areas greater than 1000m<sup>2</sup>.

A2-Min. Build Areas not clear of 2.00m side setbacks. All are subject to 119 SLR Code.

Lot 3 subject to 119 WCP Code (Orange Hatching).

A3-Lot 2 frontage does not comply with A3. It does satisfy P3.

A4-Lot 3 is an internal Lot. There is no reasonable way to create frontages for all Lots due to existing house location.

A5-Existing dwelling complies with offsets to new boundaries. Existing garage does not comply we believe satisfies P5.

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

All measurements and areas are subject to the final survey.

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

OWNER:

CATHERINE SLICER

TITLE REFERENCE:

C.T.171912/4

LOCATION:

53 SEVEN MILE BEACH ROAD  
SEVEN MILE BEACH

#### Proposed Subdivision

Date:

08-04-2019

Reference:

SLICC01 5829-03

Scale:

1:500 (A3)

Municipality:

CLARENCE



**53A SEVEN MILE BEACH ROAD, SEVEN MILE BEACH**

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**Photo 1:** Site viewed looking north from the access strip to the site.



**Photo 2:** Site viewed looking northeast from the access strip to the site.

**6.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/024357 – 64 SURF ROAD, SEVEN MILE BEACH - DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 64 Surf Road, Seven Mile Beach.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Low Density Residential and subject to the Parking and Sustainable Transport Code, Road and Railway assets Code and Safeguarding of the Airports Code 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 expires on 9 February 2022.

**CONSULTATION**

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

- structure plan not completed;
- stormwater management;
- visual impact;
- overshadowing;
- site coverage;
- inconsistency with the character of the area; and
- loss of property values.

**RECOMMENDATION:**

- A. That the Development Application for a Dwelling at 64 Surf Road, Seven Mile Beach (C1 Ref PDPLANPMTD-2021/024357) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

**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.

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/024357 - 64 SURF ROAD,  
SEVEN MILE BEACH - DWELLING /contd...**

---

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

No relevant background.

**2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Low Density 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 – Low Density Residential Zone;
- Clause C2.0 – Parking and Sustainable Transport Code;
- Clause C3.0 – Road and Railway Assets Code; and
- Clause C16.0 – Safeguarding of the Airports 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 596m<sup>2</sup> rectangular shaped residential allotment located to the north-western side of Surf Road within an established area at Seven Mile Beach. The site is currently vacant and devoid of significant vegetation.

Access to the site would be provided via a shared driveway with 64A Surf Road which runs along the north-eastern property boundary.

### **3.2. The Proposal**

The proposal is to construct a double storey dwelling on the subject site. The dwelling would be setback 8m from the primary frontage, 2m from the south-western boundary and 4.97m from the north-eastern boundary. The dwelling would be setback 7.01m from the rear boundary and a maximum height of 6.0m from the natural ground level.

The proposal plans are provided in the Attachments.

## **4. PLANNING ASSESSMENT**

### **4.1. Compliance with Applicable Standards [Section 5.6]**

*“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] [Section 6.10]**

*“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 is exempt under the Safeguarding of Airport Code as the development complies with the AHD height specified for the site.

The proposal meets the Scheme's relevant Acceptable Solutions of the Low-Density Residential Zone and Parking and Sustainable Transport Code, Road and Railway Assets Code and Safeguarding of the Airports Code with the exception of the following.

##### **Low Density Residential Zone**

- **Clause 10.4.3 A2** – the proposed dwelling is setback 2m from the southern (side) boundary and 4.97m from the northern (side) boundary which is less than the 5m minimum setback required under the Acceptable Solution A2.

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

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
10.4.3 A2	<i>“The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i>	See Assessment below.
	<i>(a) the topography of the site;</i>	The land's topography is generally flat with the long axis of the lot facing north-east and does not impose any significant restrictions. The dwelling was sited in response to the orientation of the lot with the living areas and the private open spaces facing north-east in order to take advantage of sunlight.

	<i>(b) the size, shape and orientation of the site;</i>	<p>The site forms a rectangular shaped lot providing a total land area of 596m<sup>2</sup> which is below the minimum lot sizes for the Low-Density Residential Zone making it difficult for the proposal to meet the required side and rear setbacks. Therefore, the minimum allowable setback cannot be met.</p> <p>The size and configuration of the subject site is not consistent with that of other lots in the area. Lots 58, 60 and 72 Surf Road are of similar size to the subject site and the lots contain residential developments, the proposal is for a single dwelling and therefore consistent with other developments in the area.</p>
	<i>(c) the setbacks of surrounding buildings;</i>	<p>The surrounding area is generally characterised by established residential developments offering similar setbacks to the proposal. The dwellings at 62, 64A and 66 Surf Road offers lesser setback than the proposal, therefore the proposed setbacks would be compatible with the existing setbacks associated with other dwellings in the area.</p>
	<i>d) the height, bulk and form of existing and proposed buildings;</i>	<p>The maximum height of the dwelling would be 6.0m from the natural ground level which is below the maximum 8.5m height requirement under the Acceptable Solutions A1 and therefore considered reasonable and consistent with the height of other dwellings in the area with the dwelling at number 64A Surf Road being of similar height and scale. It is considered that the proposed dwelling would not result in unreasonable loss of amenity through bulk and massing.</p>



	<i>(e) the existing buildings and private open space areas on the site;</i>	The subject site is vacant. The designated private open space for the proposed dwelling would be located to the rear of the dwelling and opens up to the backyard providing adequate space for relaxation and capable of receiving sunlight throughout the day due to the northerly orientation.
	<i>(f) sunlight to private open space and windows of habitable rooms on adjoining properties; and</i>	<p>The shadow diagrams provided with the application indicate that the proposed dwelling would have an overshadowing impact on the dwelling at number 62 Surf Road early in the morning at Winter solstice with the impact reduced by 12noon and restricted to the driveway and fence line. However, this is not considered unreasonable in that the dwelling at number 62 would have in excess of three hours of sunlight during the Winter solstice.</p> <p>The shadow diagrams provided show that there will be no impact to habitable room windows for dwellings on adjoining lots at 64A and 66 Surf Road.</p> <p>It is considered that the proposal meets the test of the Scheme, and the impact is not considered unreasonable.</p>
	<i>(g) the character of development existing on established properties in the area.”</i>	The site is surrounded by established lots and the proposed development is for a single dwelling which is consistent with the established residential developments in the area.

### **Low Density Residential Zone**

- **Clause 10.4.4 A1** – the proposed dwelling would have a site coverage of 33% which is more than the maximum site coverage of 30% required by the Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.4.4 as follows.

Clause	Performance Criteria	Assessment
	<i>“The site coverage of dwellings must be consistent with that existing on established properties in the area, having regard to:</i>	See assessment below.
	<i>(a) the topography of the site;</i>	The site is generally flat and contains a right-of-way along the northern boundary and a drainage easement along the southern boundary which created significant design and siting constraints to the proposed development.
	<i>(b) the capacity of the site to absorb runoff;</i>	A Stormwater Assessment report prepared by GES Geo Environmental Solutions and a Hydraulic Design report prepared by Flussig Engineers was submitted with the application and reviewed by Council’s Development Engineers who are satisfied that the site has capacity to absorb runoff.
	<i>(c) the size and shape of the site;</i>	As mentioned previously, the site is a rectangular shape sub-minimum lot offering a total land area of 596m <sup>2</sup> . The size of the lot makes it difficult to maintain the required site coverage of 30%. The proposed dwelling would be of a size and shape compatible with the rectangular shape of the lot.
	<i>(d) the existing buildings and any constraints imposed by existing development;</i>	The site is vacant.
	<i>(e) the provision for landscaping and private open space;</i>	There is sufficient area for private open space contained within the pergola area to the rear and the courtyard providing a total area of approximately 40m <sup>2</sup> which is considered adequate for relaxation and recreation.

		The existing vegetation will be retained, and landscaping would be provided to both the front and rear yards.
	(f) <i>the need to remove vegetation; and</i>	No vegetation clearance required.
	(g) <i>the site coverage of adjacent properties.”</i>	<p>The adjoining lots are substantially larger than the subject site offering a land area of more than 1000m<sup>2</sup> on average which is almost double the land area of the subject lot. This therefore makes it difficult for the proposal to achieve site coverage which would be of a comparable percentage to that of the surrounding properties.</p> <p>However, the proposed site coverage would be comparable to that of other residential properties including 70 Surf Road.</p>

#### Road and Railway Assets Code

- **Clause C3.6.1 A1** – the proposal is within the road attenuation area and offers lesser frontage setback than the existing habitable buildings on the adjoining lots and as the title does not contain a building envelope, the Acceptable Solution is not met.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause C3.6.1 A1 as follows.

Clause	Performance Criteria	Assessment
C3.6.1 P1	<i>“Habitable buildings for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise adverse effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</i>	See assessment below.

	<i>(a) the topography of the site;</i>	The site is generally flat and on the same level as Surf Road, the dwelling is designed with an 8m setback and proposed screening along the frontage to absorb the adverse effects of vehicular noise and light along Surf Road.
	<i>(b) the proposed setback;</i>	Despite the size of the lot, the proposal offers an 8m setback from Surf Road which complies with the frontage setback requirements within the Low-Density Residential zone. The proposed setback is considered adequate to minimise any adverse effects of noise, vibration and light emissions from Surf Road.
	<i>(c) any buffers created by natural or other features;</i>	The proposed 8m setback from Surf Road offers sufficient area for landscaping which will assist in further attenuation any negative impacts from noise and light intrusion.
	<i>(d) the location of existing or proposed buildings on the site;</i>	The site is vacant.
	<i>(e) the frequency of use of the rail network;</i>	not applicable
	<i>(f) the speed limit and traffic volume of the road;</i>	Council Engineers have advised that Surf Road is classed as a collector road with minimum traffic volume and therefore the potential detrimental impacts of vehicle noise and light intrusion are considered minimal.
	<i>(g) any noise, vibration, light and air emissions from the rail network or road;</i>	Council Engineers are satisfied that the potential impacts are minimal, and the design elements are considered sufficient to attenuate traffic noise, vibration, light and air emissions from the adjacent road
	<i>(h) the nature of the road;</i>	As mentioned above, Council's Engineers advised that Surf Road is not a major road and has no potential to be a major road.

	<i>(j) the need for the development;</i>	The proposal is for a single dwelling which is consistent with the existing residential development in the area.
	<i>(k) any traffic impact assessment;</i>	As mentioned above, Council Engineers are satisfied that the potential impacts are minimal, and a TIA would not be required for the proposed development.
	<i>(l) any mitigating measures proposed;</i>	The proposed frontage setback and landscaping to the front yard would adequately attenuate potential detrimental impacts of vehicular noise and light intrusion.
	<i>(m) any recommendations from a suitably qualified person for mitigation of noise; and</i>	not required
	<i>(n) any advice received from the rail or road authority.”</i>	Council Engineers have been satisfied that the proposal meets the relevant performance criteria, and the nature of the road negates the need for a noise report and any further mitigation measures.

## 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. Structure Plan Not Completed

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, council has advertised for expressions of interest for the development of a Local Area Plan to address a wide range of planning and management issues in Seven Mile Beach. Notwithstanding, 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.

**5.2. Stormwater Management**

Concern was raised regarding stormwater management within the site and the potential risk of inundation due to incapacity of the site to effectively contain and manage stormwater.

- **Comment**

Issues relating to management of stormwater runoff were discussed under the assessment section (clause 10.4.4 P1). A Stormwater Assessment report was submitted with the application and reviewed by Council's Development Engineer who is satisfied that the land area of the property and the proposed stormwater management system is sufficient to absorb run-off. Details of the stormwater disposal system, such as trenches and /rainwater tanks would need to be submitted with applications for building and plumbing as normally required.

**5.3. Visual Impact**

Concern was raised in relation to the height, size and scale of the proposed dwelling in terms of the development being inconsistent with the low visual impact of other dwellings in the area. The representors state that the proposal will result in substantial visual impact when viewed from adjoining lots.

- **Comment**

As previously discussed under the assessment section of this report, considerations relevant to the appearance of the development are articulated by Clause 10.4.3 P2 of the Scheme. The scale and size of the proposed dwelling is considered consistent with other domestic buildings in the area and therefore will not cause unreasonable loss of amenity due to bulk, height or massing.

**5.4. Overshadowing**

Concern was raised that the proposed development will result in unreasonable loss of sunlight to the dwelling on the adjoining lot.

- **Comment**

As discussed in the earlier assessment against the Performance criteria P2 of Clause 10.4.3 A2 relating to side and rear setbacks, the applicant provided shadow diagrams for the existing and proposed buildings for 21 June and 23 September. The Scheme requires shadow diagrams for 21 June which is the shortest day of the year and with the sun angle at its lowest point gives the worst-case extremity in terms of overshadowing. The shadow diagrams were reviewed and deemed accurate and sufficient to adequately address the requirements of the Scheme. This issue therefore is not of determining weight.

### **5.5. Site Coverage**

Concern is raised that the proposal does not comply with Clause 10.4.4 A1/P1 relating to site coverage and therefore not consistent with the objectives of the Low-Density Residential Zone.

- **Comment**

As previously discussed under the assessment section of Clause 10.4.4 P1, the subject site is a subminimal lot created under previous Schemes with the area being zoned Village at the time with no requirement for site coverage. The change in zoning to Low Density Residential under the Tasmanian Planning Scheme – Clarence makes it difficult to comply with the Acceptable Solution for site coverage taking into consideration the size of the lot.

### **5.6. Inconsistency with the Character of the Area**

Concern was raised that the proposed development will be inconsistent with the character of the surrounding area due to building height, bulk, proposed setbacks and site coverage and therefore would impact the residential amenity of the area.

- **Comment**

The proposal complies with the relevant Acceptable Solutions and Performance criteria under the scheme as discussed under the assessment section of this report. The proposal meets the Acceptable solution of Clause 10.4.2 A1 relating to building height, with the maximum allowable height being 8.5m which clearly anticipates double storey dwellings. The surrounding area is characterised by residential developments and the proposal is for a single dwelling and therefore consistent with other developments in the area and will not cause any unreasonable loss of amenity to the area.

This issue, therefore, is not of determining weight.

#### **5.7. Loss of Property Values**

Concern was raised that scale of the development is not appropriate for the land size and therefore will be out of character and therefore would have a negative impact on property values in the area.

- **Comment**

Impact upon land value and loss of value as a result of a particular type of development proposed is not a relevant consideration under the scheme and therefore not of determining weight.

### **6. EXTERNAL REFERRALS**

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

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

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

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



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

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

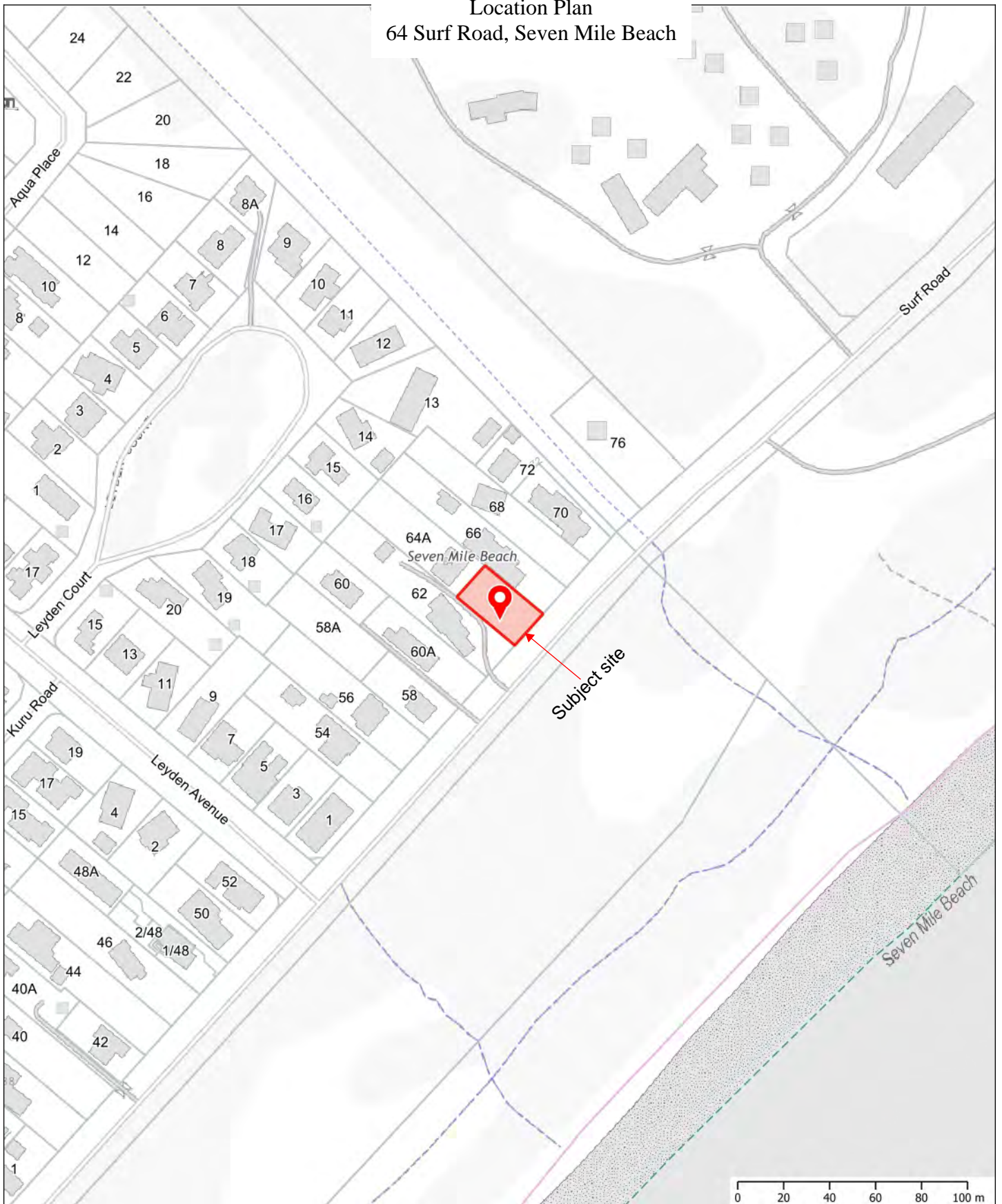
**9. CONCLUSION**

The proposal is for a single dwelling at 64 Surf Road, Seven Mile Beach. The proposal satisfies the relevant requirements of the Scheme and is recommended for conditional approval.

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

Ross Lovell  
**MANAGER CITY PLANNING**

Attachment 1  
Location Plan  
64 Surf Road, Seven Mile Beach



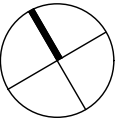
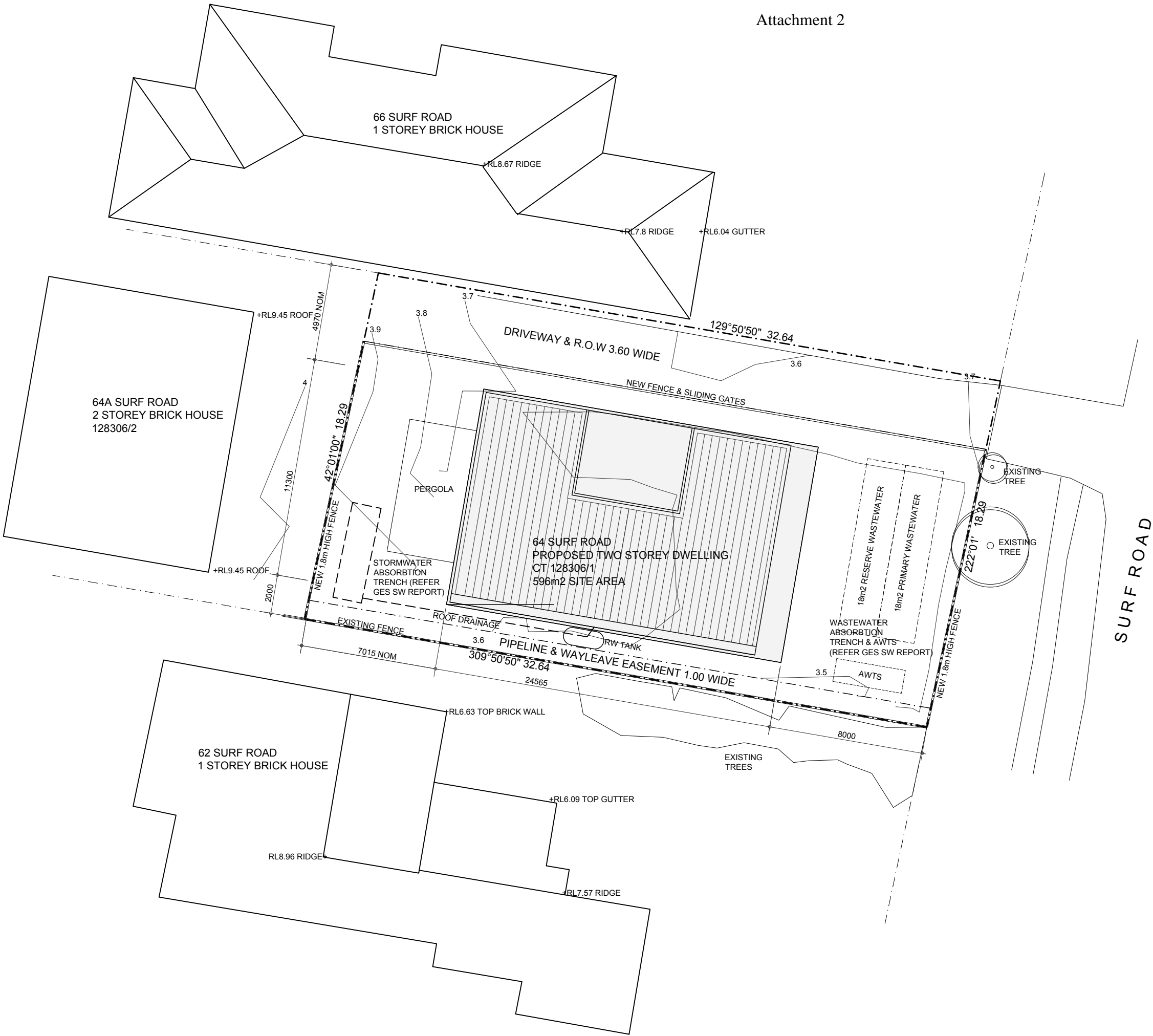
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

28/01/2022

1:2257



AREA SCHEDULE	
Site area	596m2
Building footprint	198m2
Site coverage	33%
Floor area	332m2
(including Courtyard excluding Forecourt)	
Roof area	198m2
Permeable site area	279m2
(excluding Driveway/ROW)	



C - 02.12.21 PLANNING APPLICATION  
B - 11.11.21 PRELIMINARY  
A - 13.10.21 PRELIMINARY

Issue

Project HARRIS RESIDENCE  
64 SURF ROAD  
SEVEN MILE BEACH

Drawing SITE PLAN

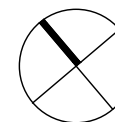
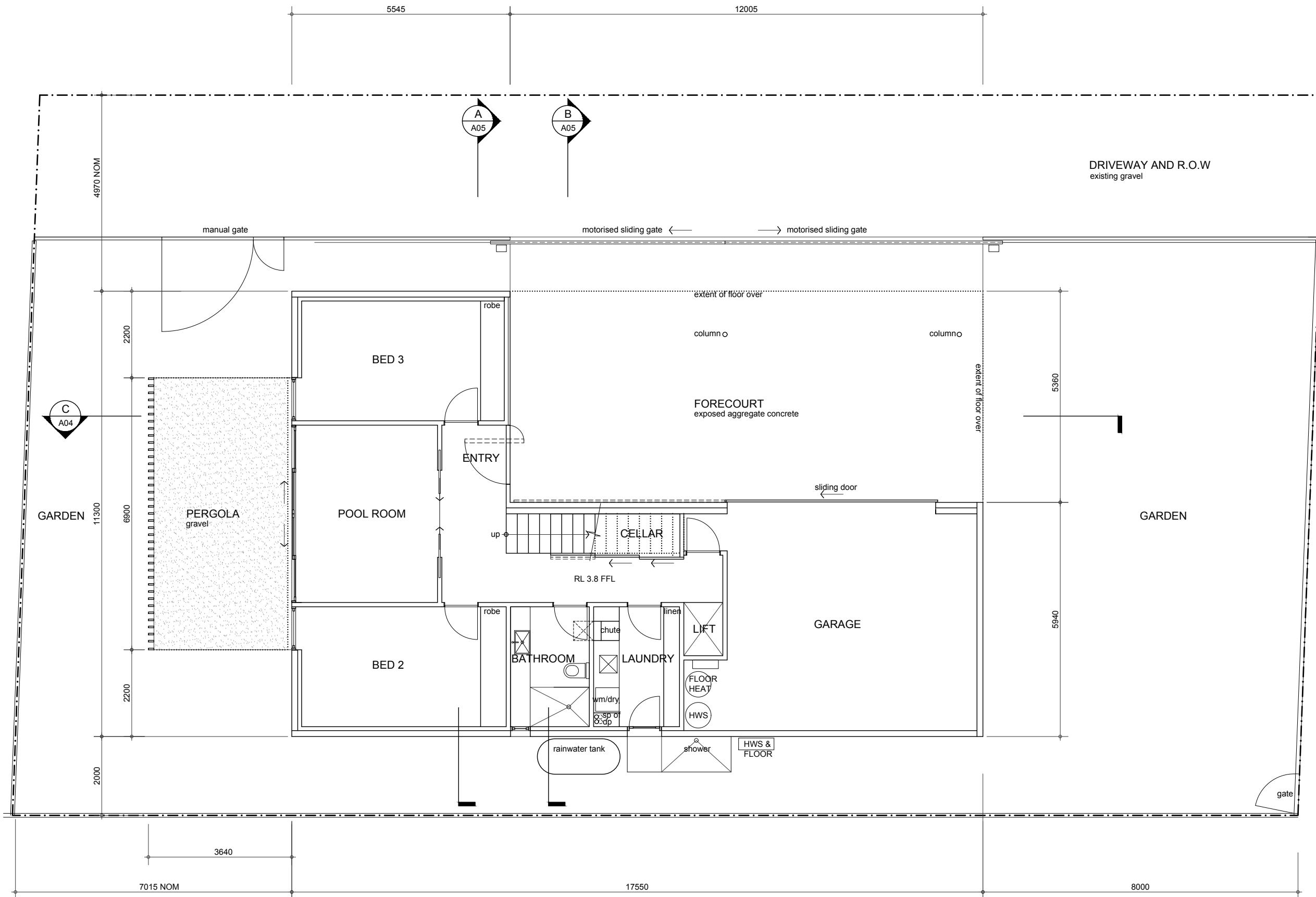
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Drawing No 130.A01 Issue C

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B - 11.11.21 PRELIMINARY  
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Project HARRIS RESIDENCE  
64 SURF ROAD  
SEVEN MILE BEACH

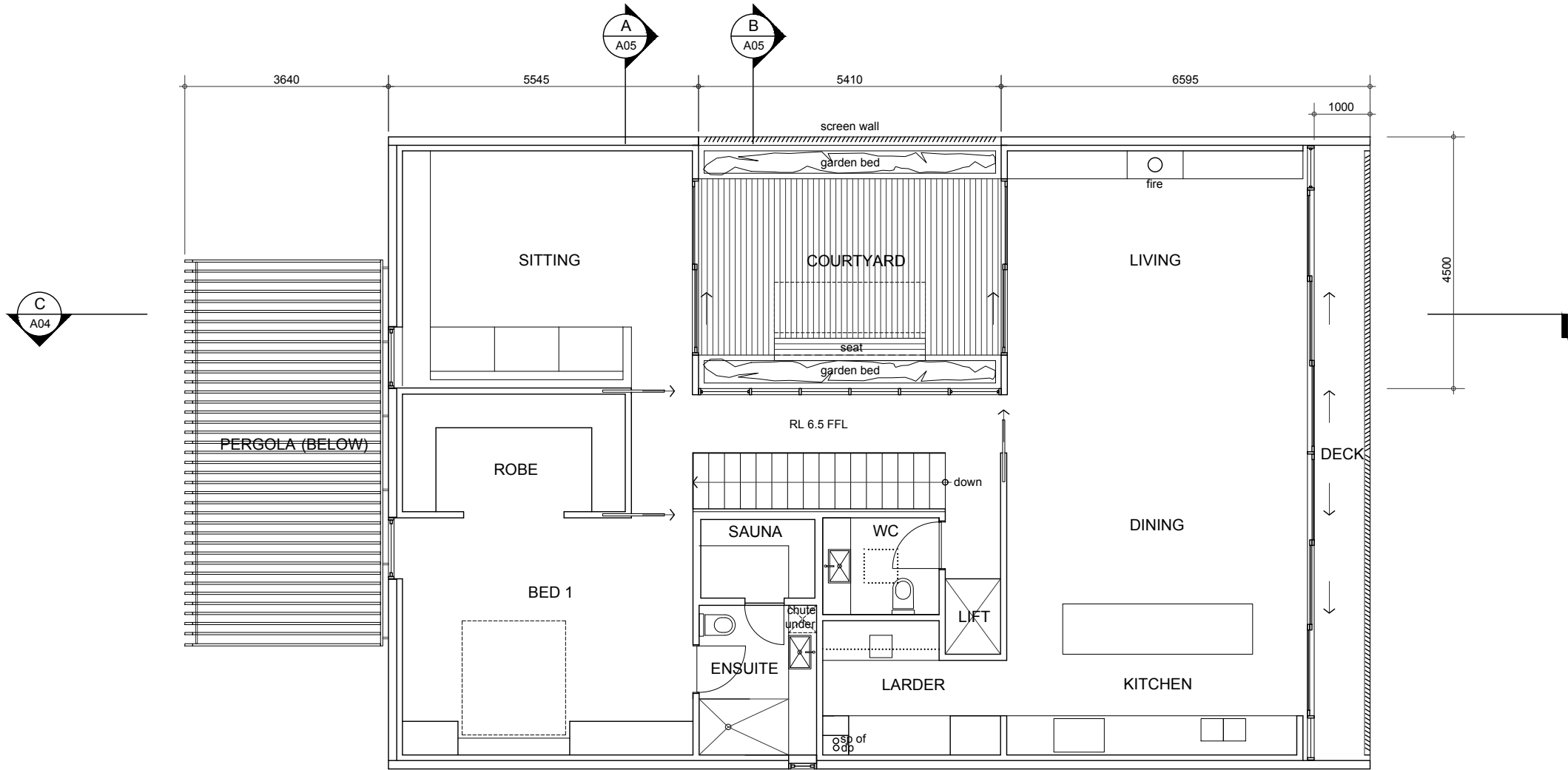
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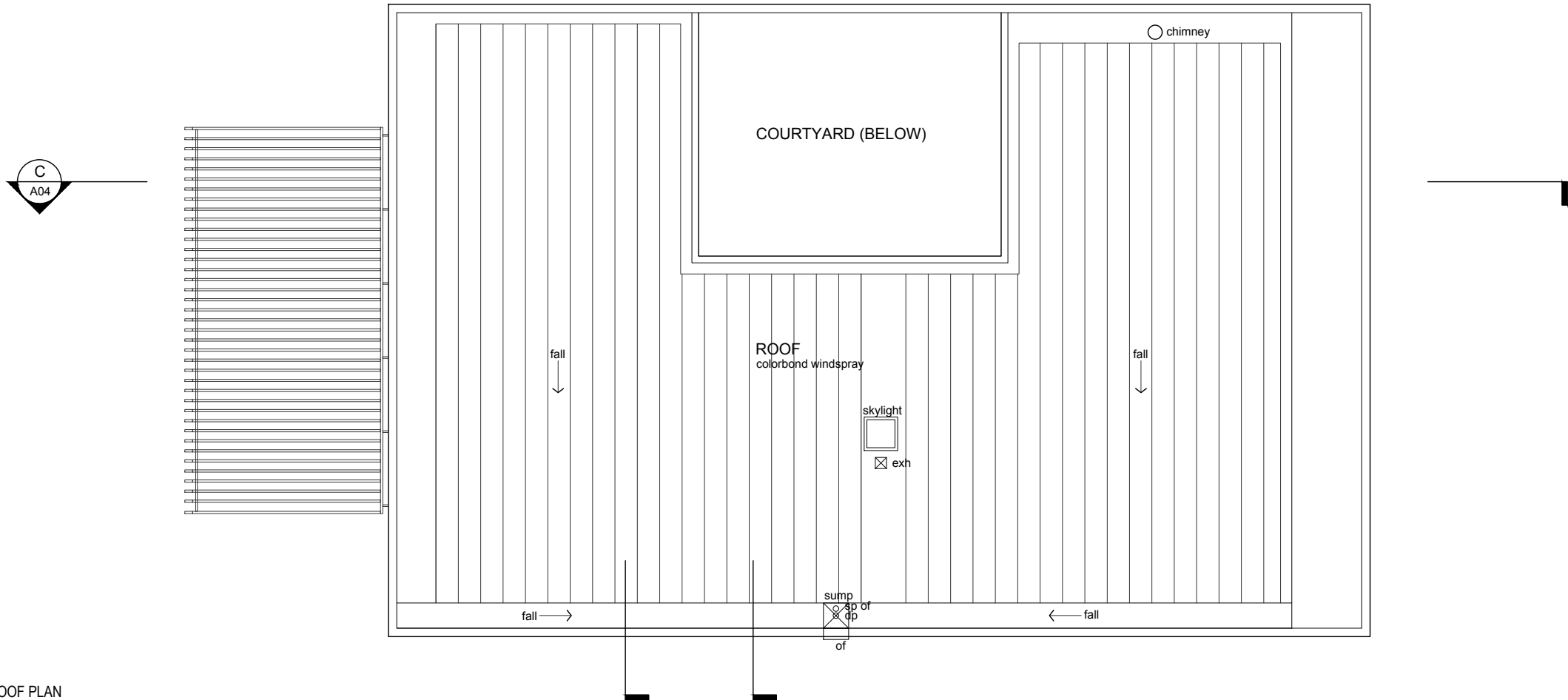
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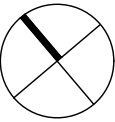
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UPPER FLOOR PLAN



ROOF PLAN



C - 02.12.21 PLANNING APPLICATION  
B - 11.11.21 PRELIMINARY  
Issue A - 13.10.21 PRELIMINARY

Project HARRIS RESIDENCE  
64 SURF ROAD  
SEVEN MILE BEACH

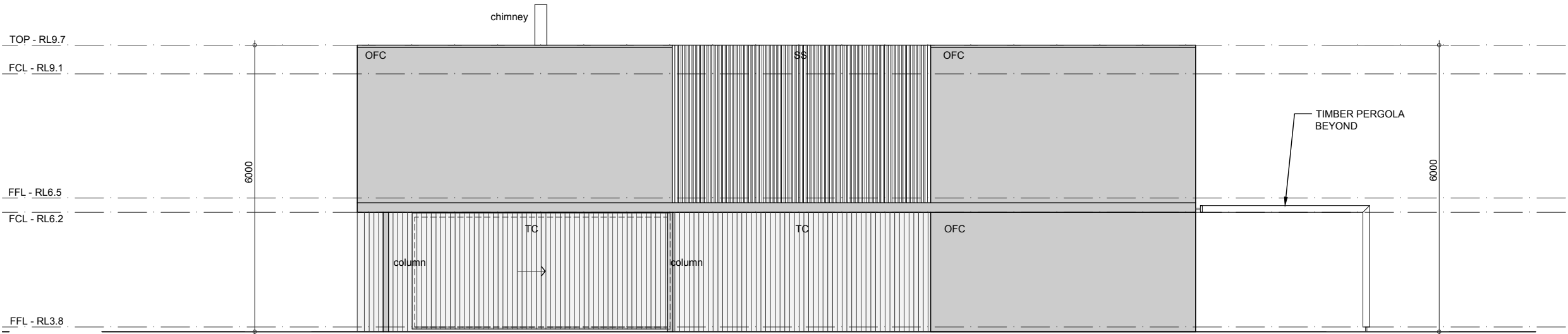
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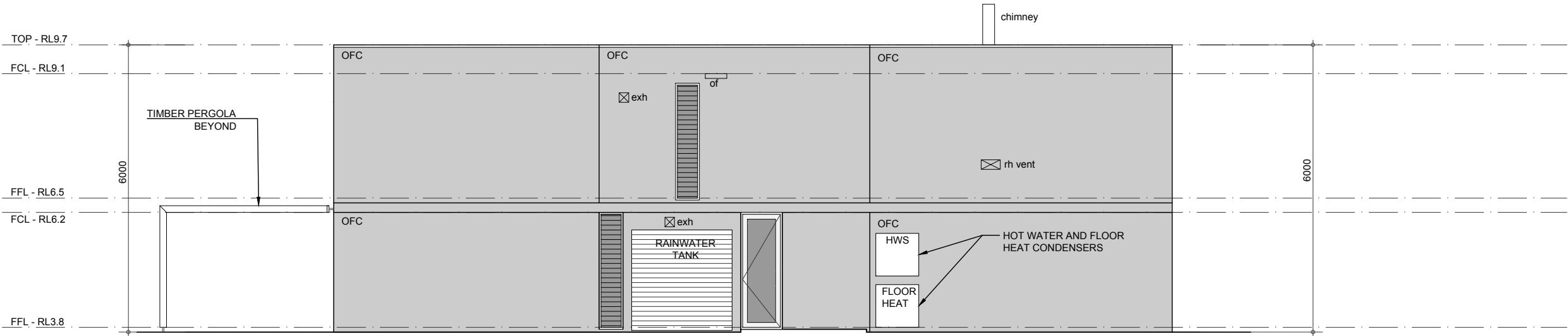
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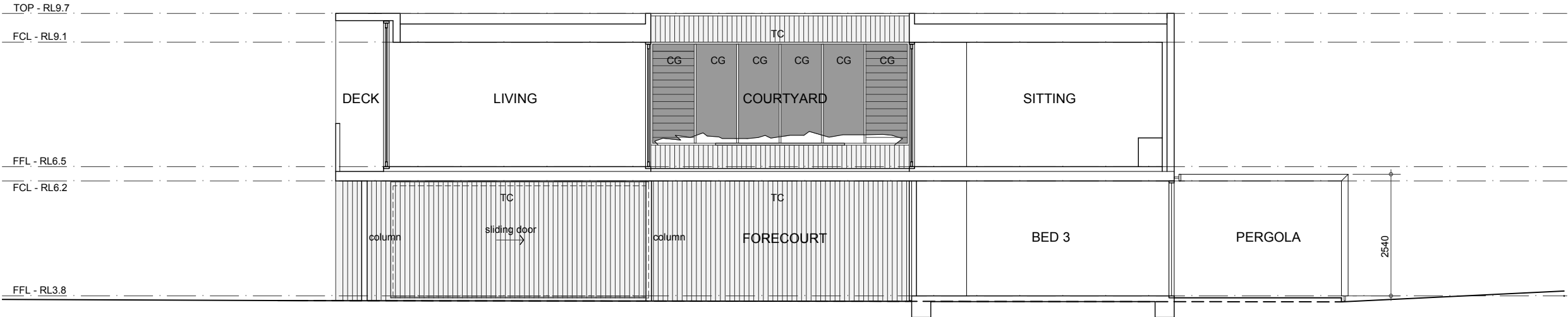
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NORTH EAST ELEVATION



SOUTH WEST ELEVATION



SECTION C

ABBREVIATIONS	
BAL	Painted steel balustrade
CG	Clear glass in timber frame, clear finished
DP	Downpipe
EXH	Exhaust vent
OF	Overflow
OFC	Off form concrete
OG	Obscured glass in timber frame, clear finished
SP OF	Standpipe overflow
SS	Angle slated screen approx. 50% open
TC	Timber cladding, clear finished

C - 02.12.21 PLANNING APPLICATION  
B - 11.11.21 PRELIMINARY  
A - 13.10.21 PRELIMINARY

Project HARRIS RESIDENCE  
64 SURF ROAD  
SEVEN MILE BEACH

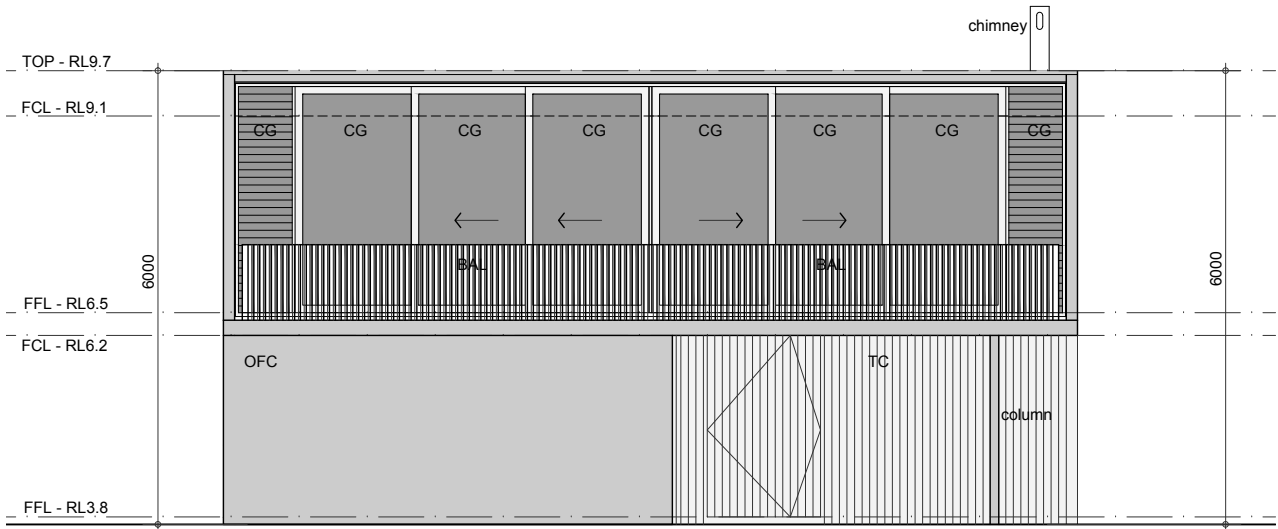
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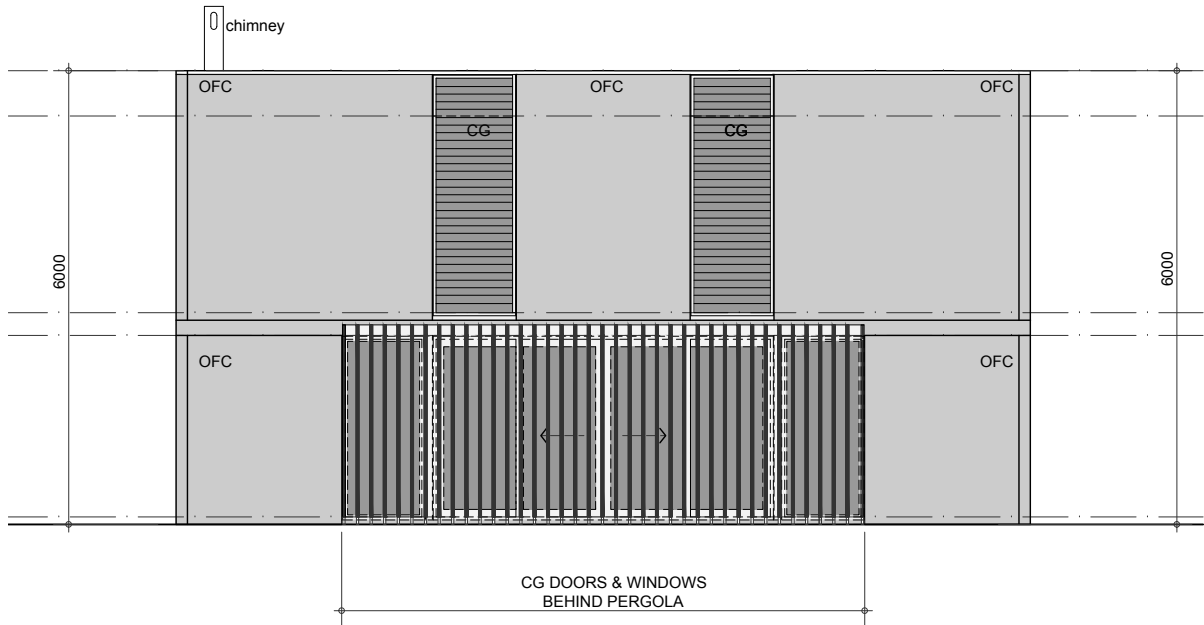
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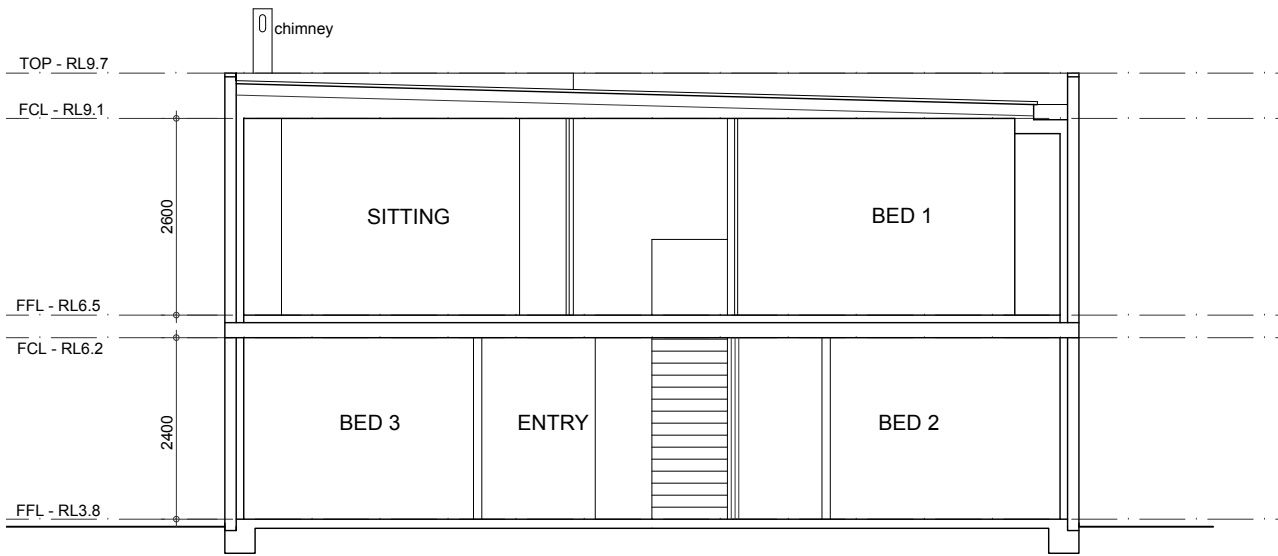
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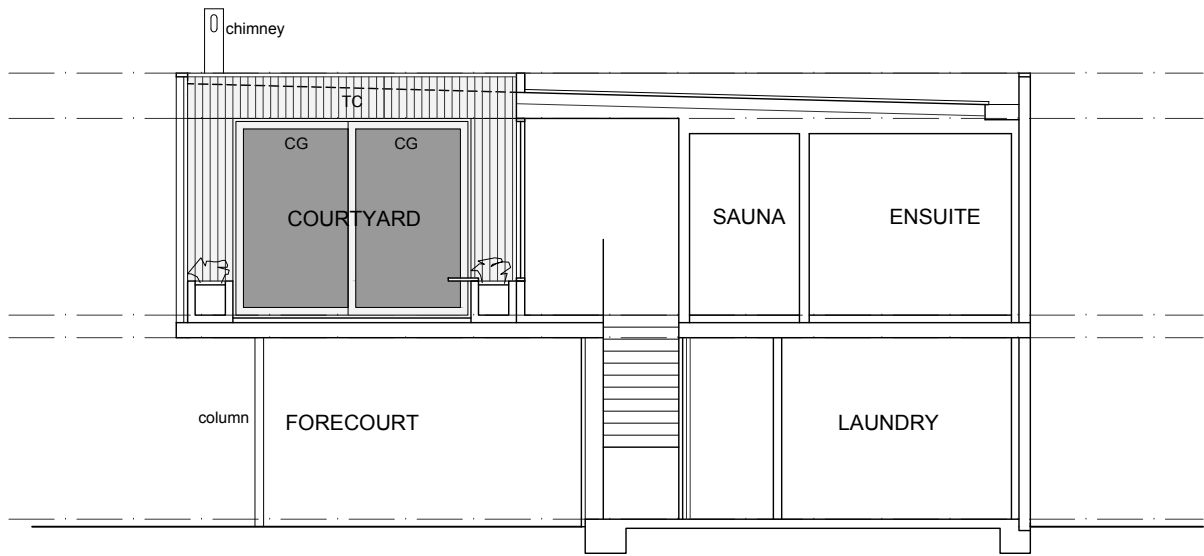
SOUTH EAST ELEVATION



NORTH WEST ELEVATION



SECTION A



SECTION B

ABBREVIATIONS

BAL	Painted steel balustrade
CG	Clear glass in timber frame, clear finished
DP	Downpipe
EXH	Exhaust vent
OF	Overflow
OFC	Off form concrete
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SP OF	Standpipe overflow
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TC	Timber cladding, clear finished

Issue	C - 02.12.21 PLANNING APPLICATION B - 11.11.21 PRELIMINARY A - 13.10.21 PRELIMINARY
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Project	HARRIS RESIDENCE 64 SURF ROAD SEVEN MILE BEACH
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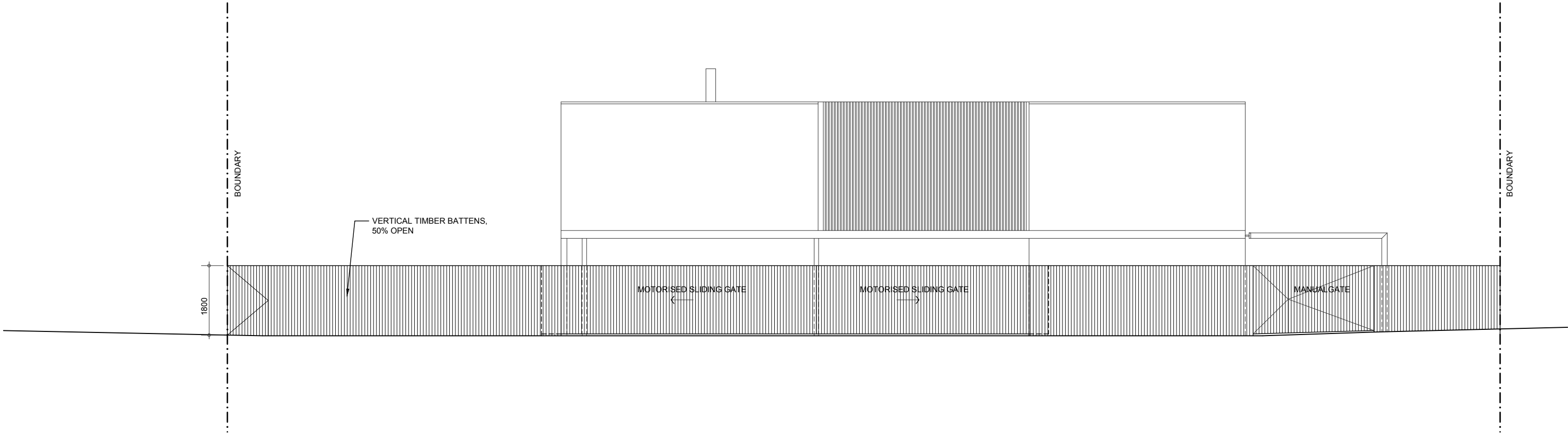
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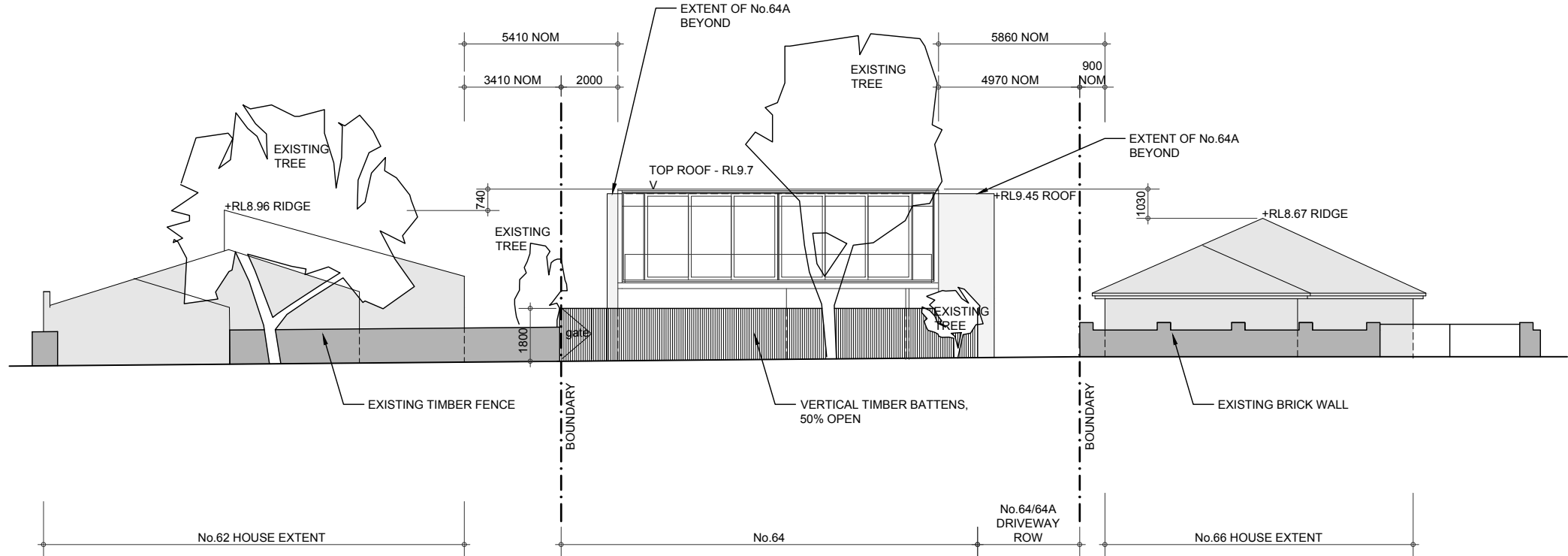
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NORTH EAST DRIVEWAY ELEVATION 1:100



SOUTH EAST STREET ELEVATION 1:200

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B - 11.11.21 PRELIMINARY  
A - 13.10.21 PRELIMINARY

Project HARRIS RESIDENCE  
64 SURF ROAD  
SEVEN MILE BEACH

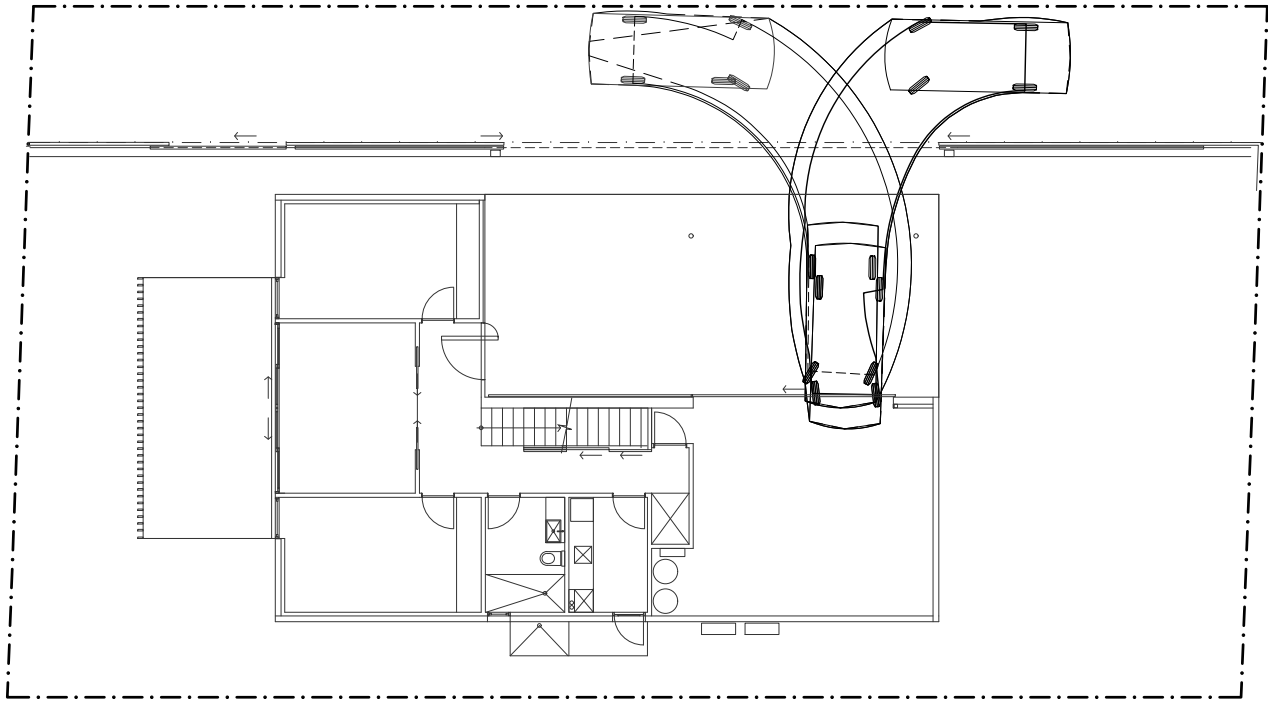
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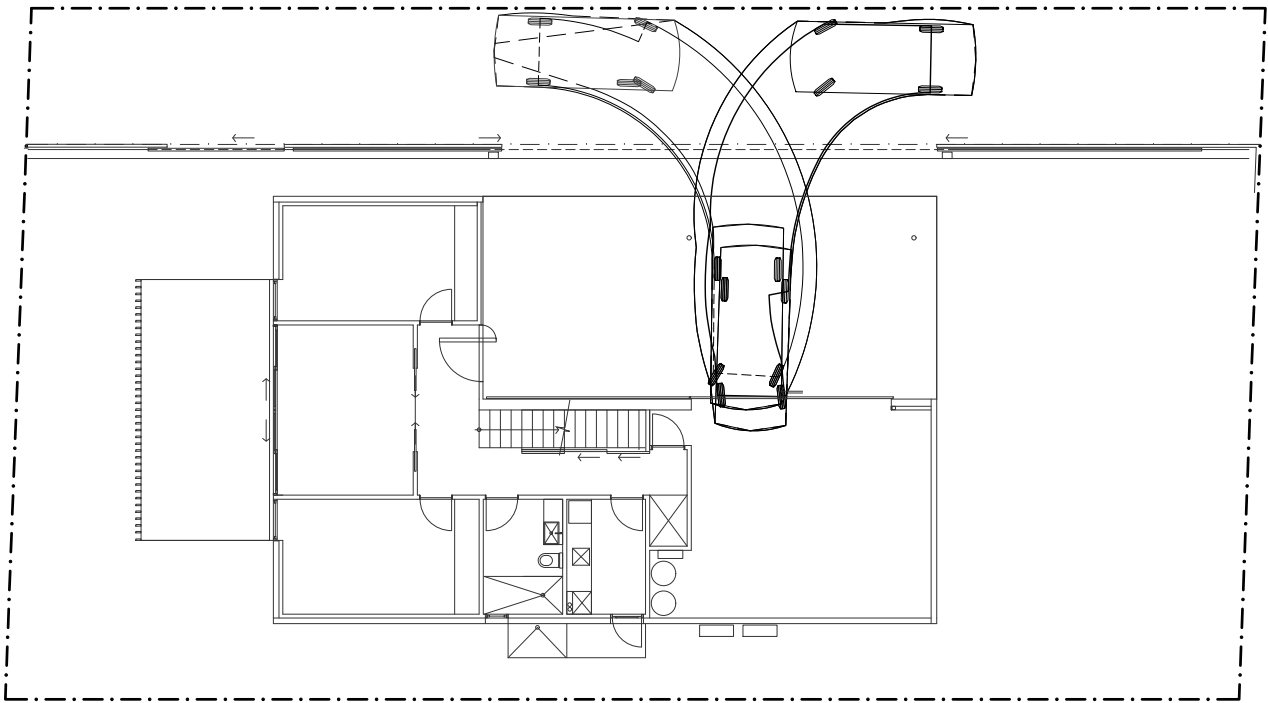
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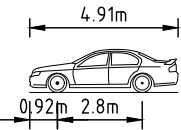




B85 TURNING DIAGRAM FOR GARAGE SPACE 1



B85 TURNING DIAGRAM FOR GARAGE SPACE2



STANDARDS AUSTRALIA AS/NZS 2890.1:2004  
B85 VEHICLE (REALISTIC MIN RADIUS)

OVERALL LENGTH	4.910m
OVERALL WIDTH	1.870m
OVERALL BODY HEIGHT	1.421m
MIN BODY GROUND CLEARANCE	0.159m
TRACK WIDTH	1.770m
LOCK-TO-LOCK TIME	4.00s
CURB TO CURB TURNING RADIUS	5.750m

SWEPT PATHS GENERATED USING AUTODESK  
VEHICLE TRACKING 2018 SOFTWARE

C - 02.12.21 PLANNING APPLICATION  
B - 11.11.21 PRELIMINARY  
A - 13.10.21 PRELIMINARY

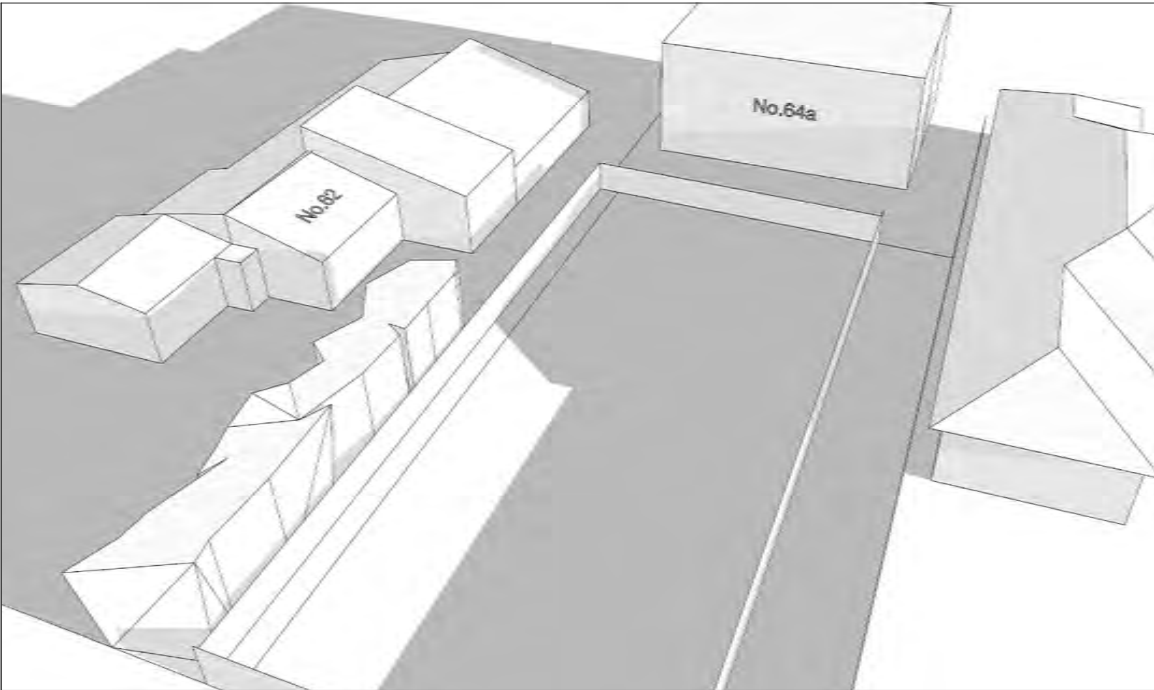
Project HARRIS RESIDENCE  
64 SURF ROAD  
SEVEN MILE BEACH

Drawing TURNING DIAGRAMs

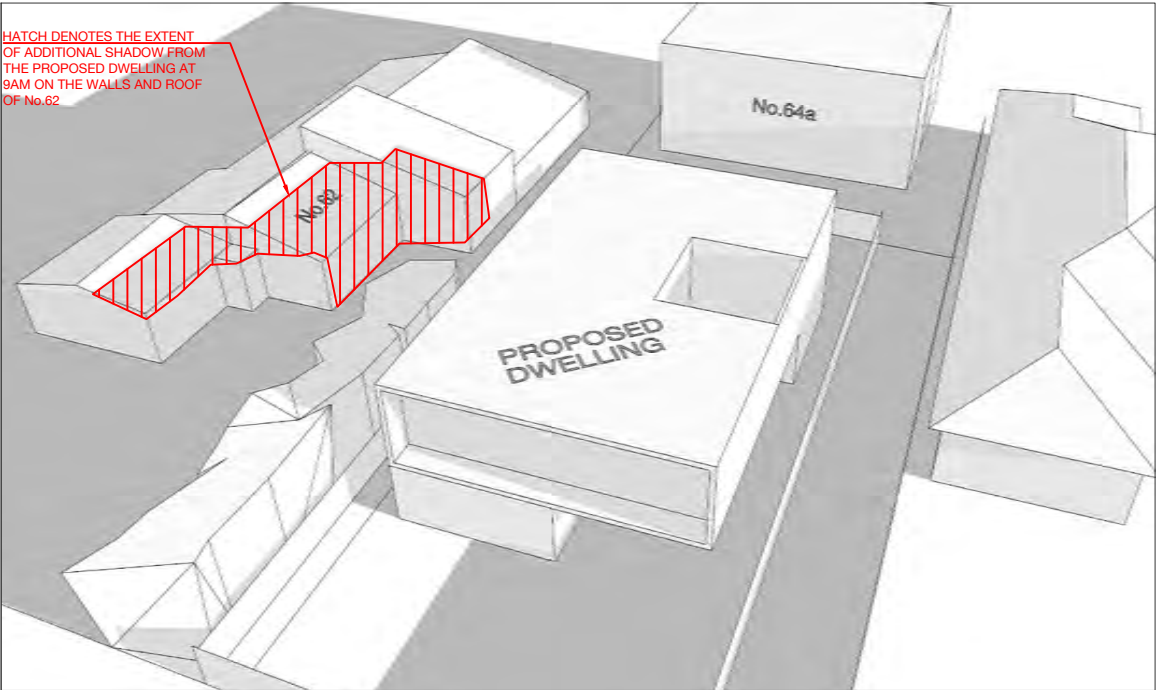
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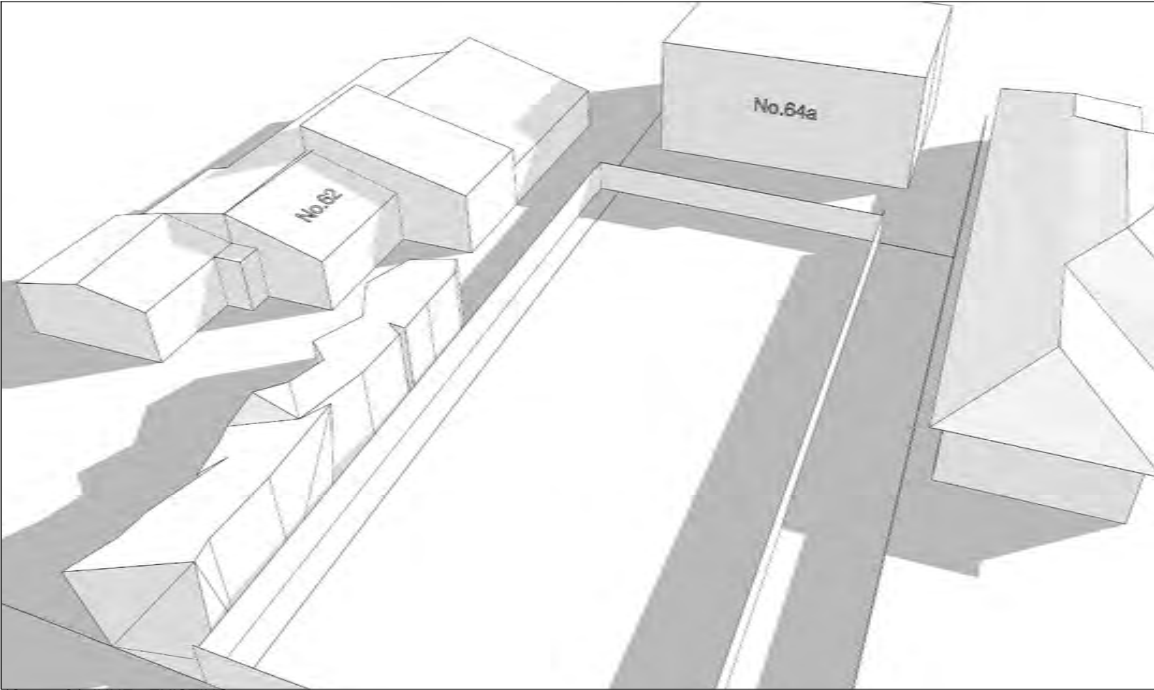
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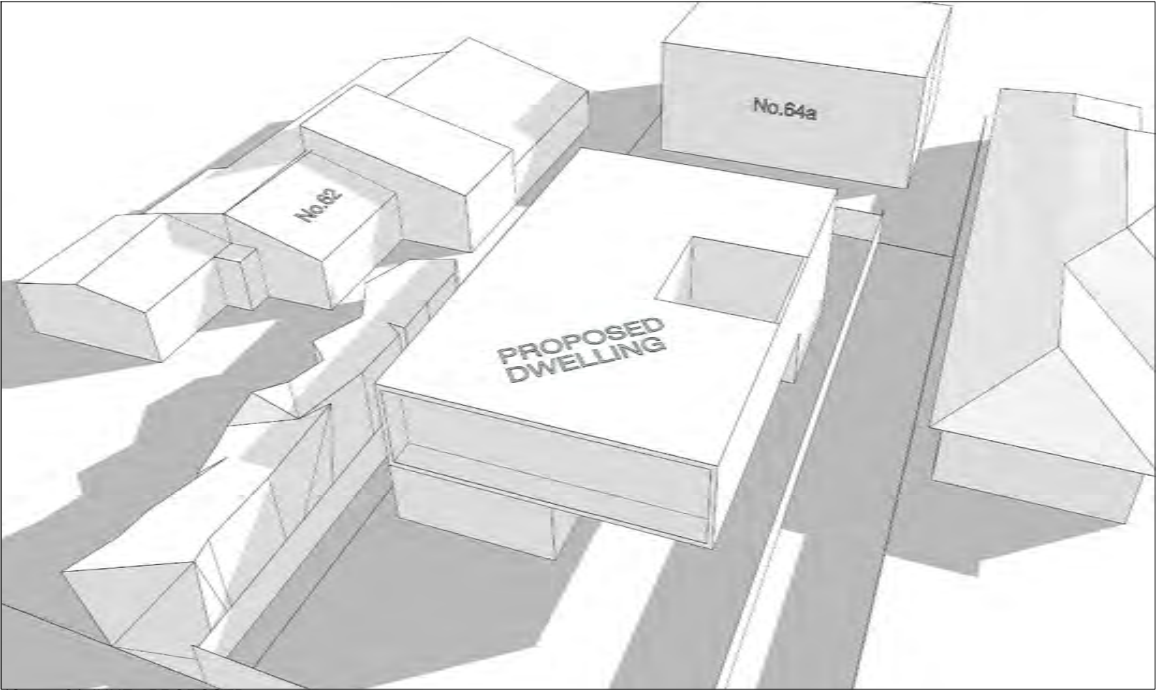
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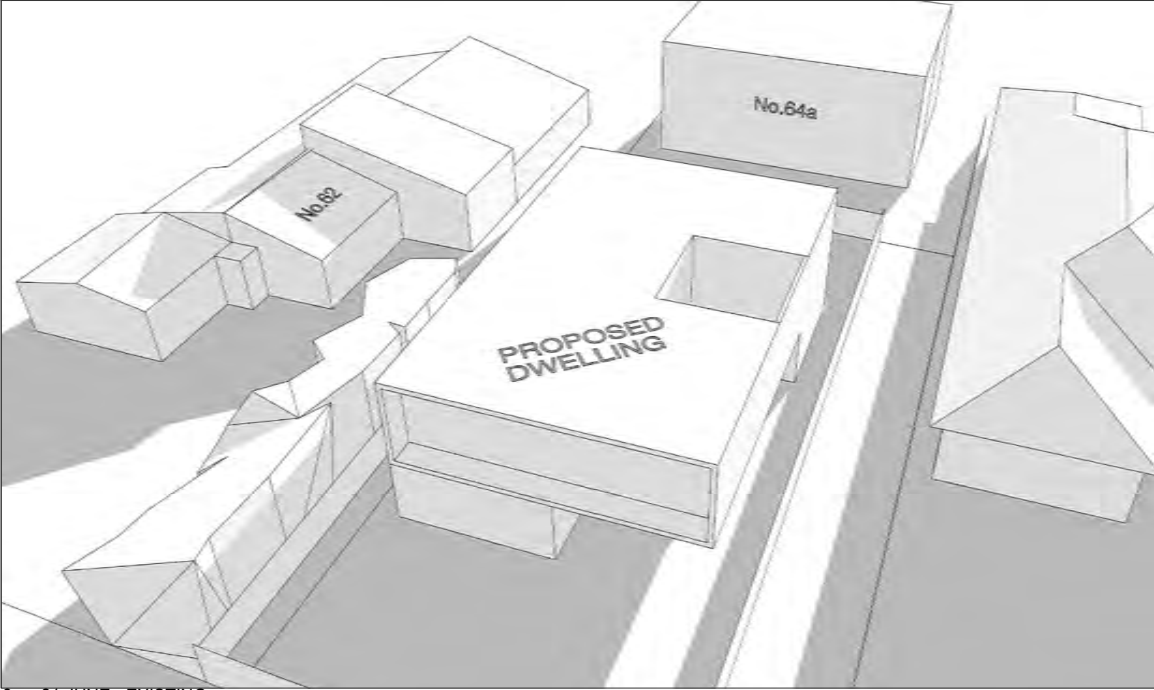
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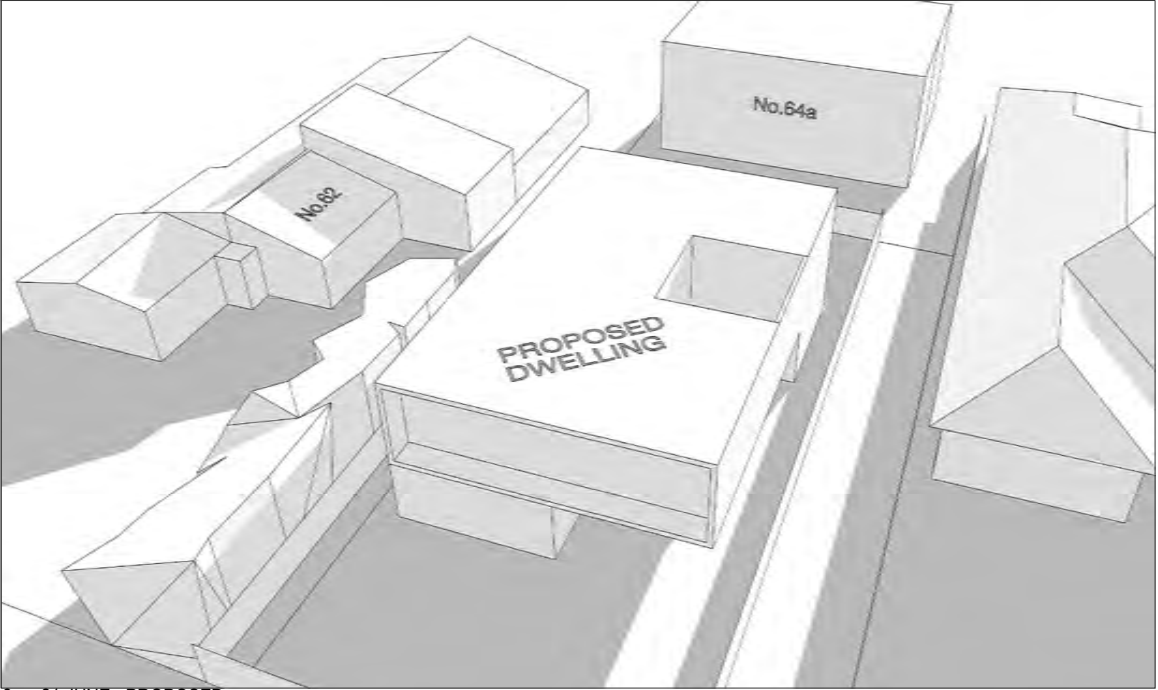
12noon 21 JUNE - EXISTING



12noon 21 JUNE - PROPOSED



3pm 21 JUNE - EXISTING



3pm 21 JUNE - PROPOSED

C - 02.12.21 PLANNING APPLICATION  
B - 11.11.21 PRELIMINARY  
A - 13.10.21 PRELIMINARY

Project HARRIS RESIDENCE  
64 SURF ROAD  
SEVEN MILE BEACH

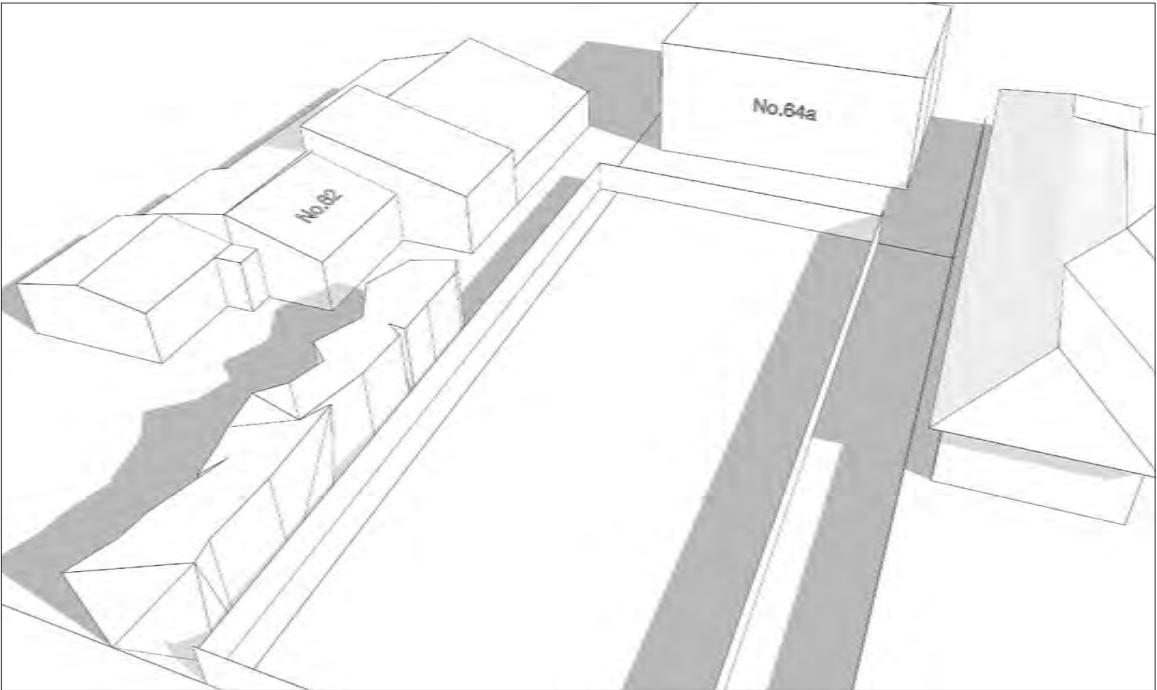
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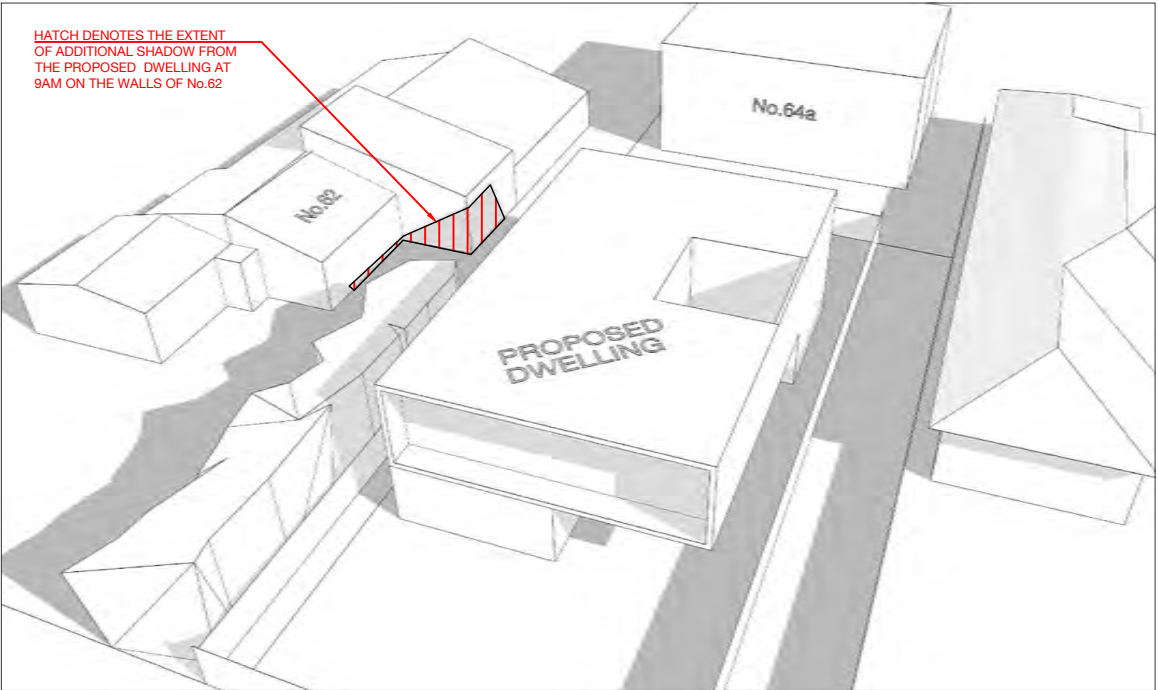
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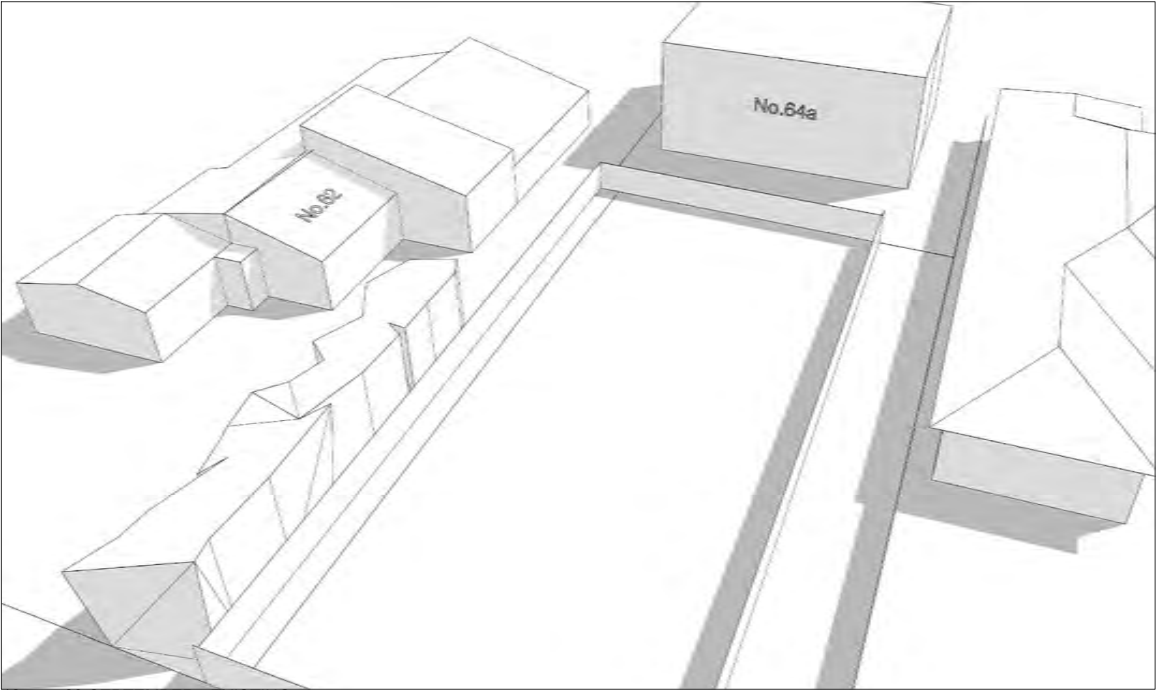




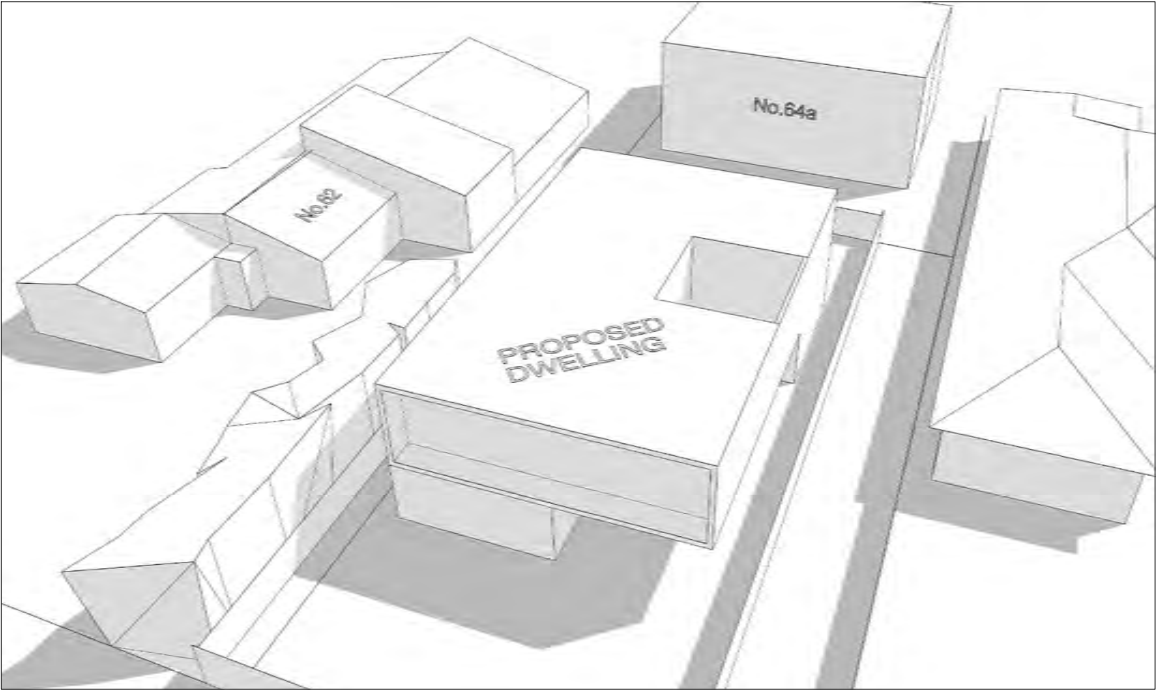
9am 23 SEPTEMBER - EXISTING



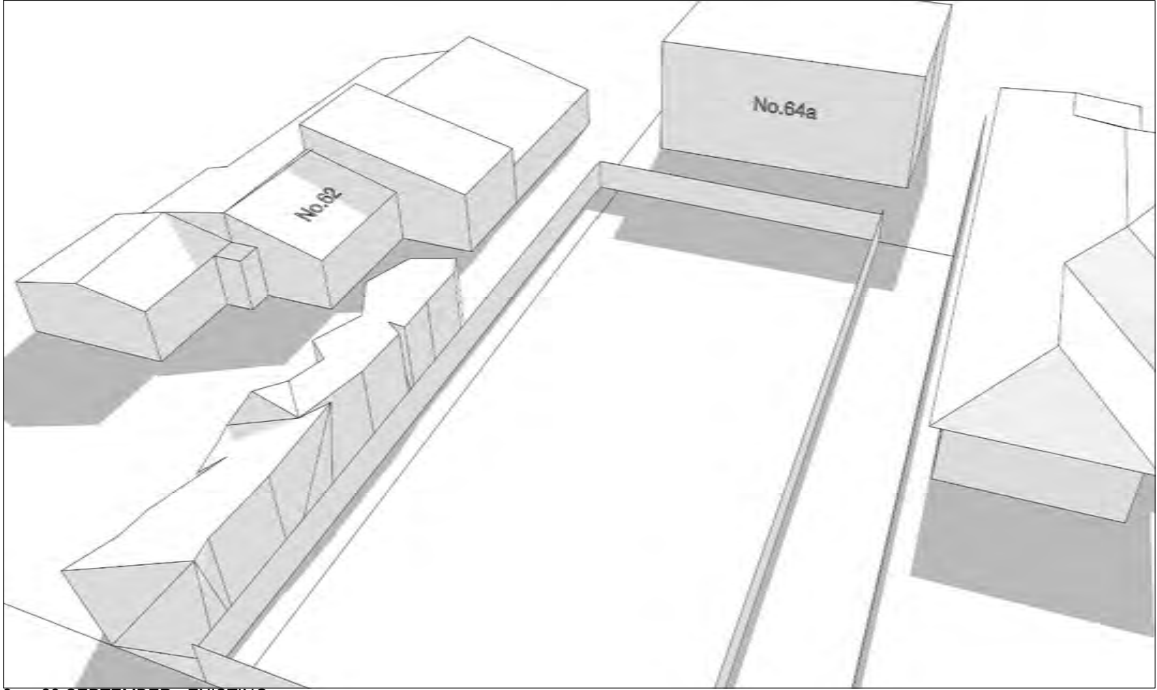
9am 23 SEPTEMBER - PROPOSED



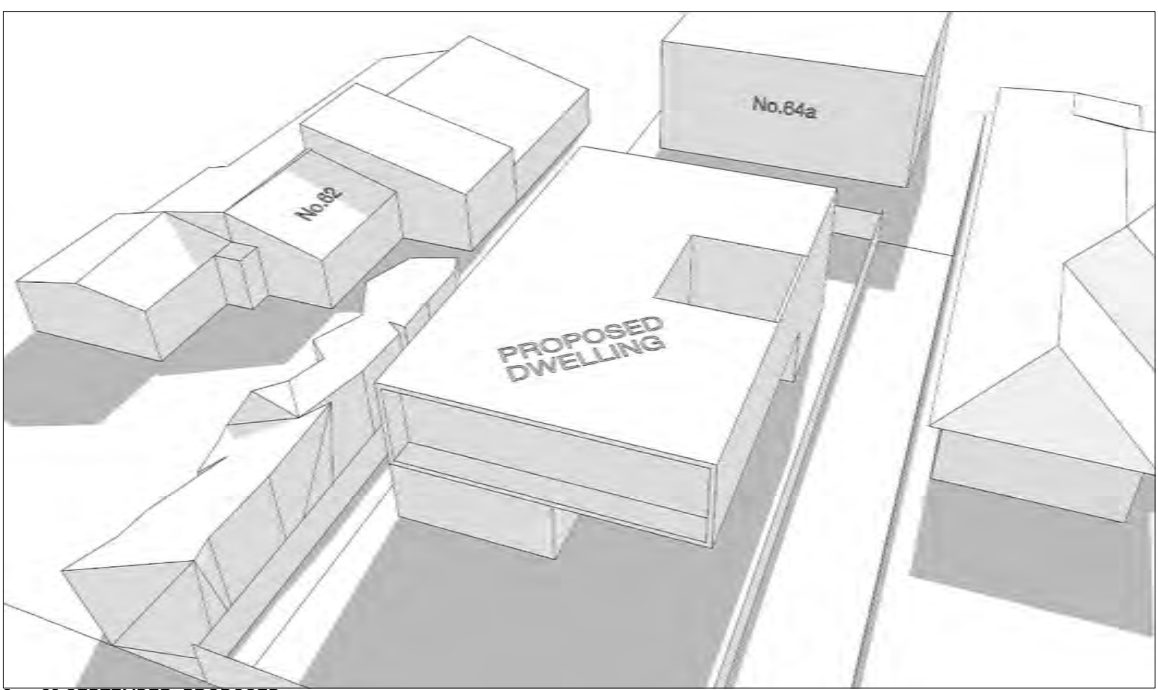
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12noon 23 SEPTEMBER - PROPOSED



3pm 23 SEPTEMBER - EXISTING



3pm 23 SEPTEMBER- PROPOSED

C - 02.12.21 PLANNING APPLICATION  
B - 11.11.21 PRELIMINARY  
A - 13.10.21 PRELIMINARY

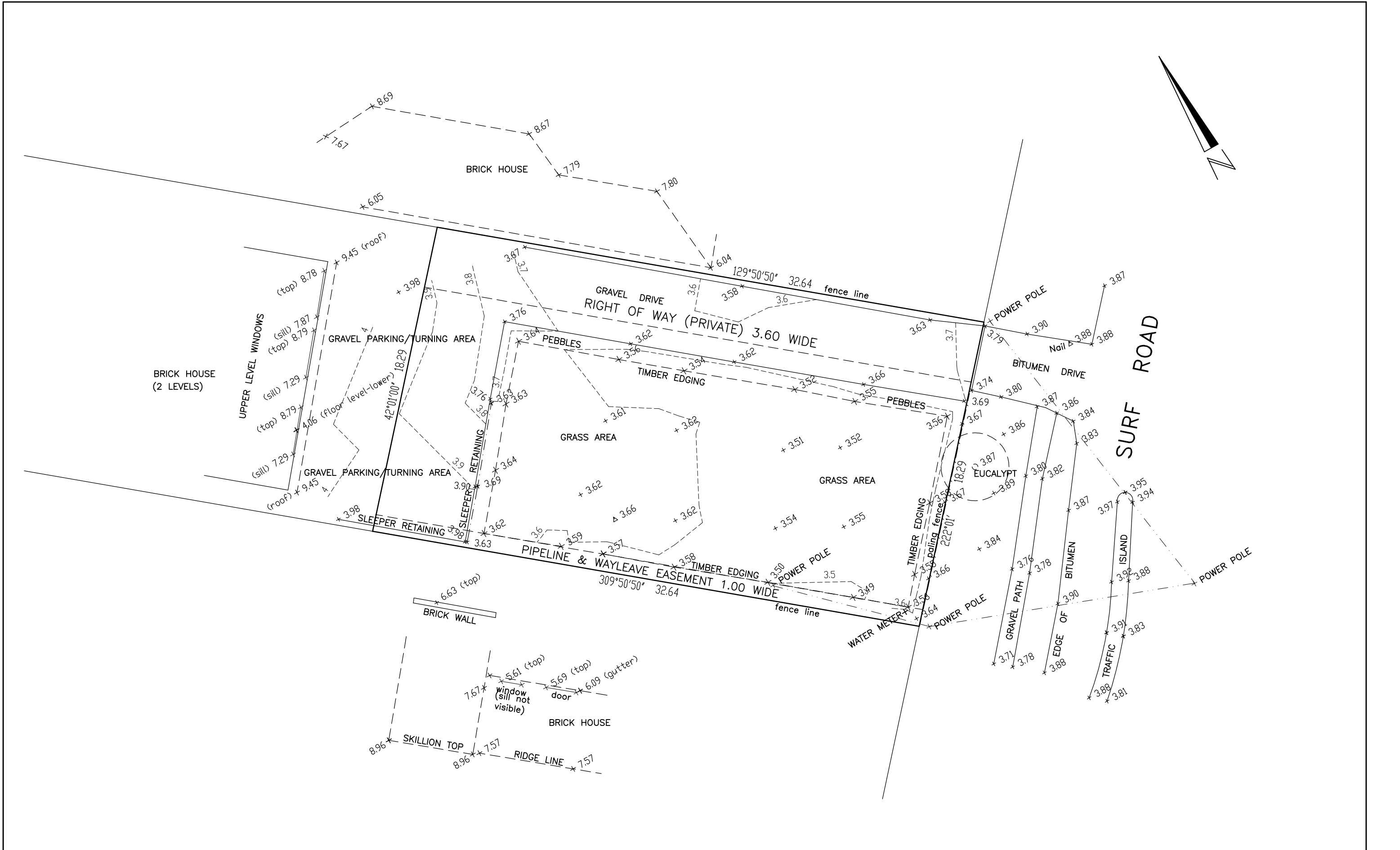
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64 SURF ROAD  
SEVEN MILE BEACH

Drawing SHADOW DIAGRAMS 23 SEPTEMBER

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Attachment 3



**Photo 1: Site viewed from Surf Road.**

**6.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/024326 – 228 DERWENT AVENUE, LINDISFARNE - CHANGE OF USE FROM RESIDENTIAL TO CONSULTING ROOMS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use from Residential to Consulting rooms at 228 Derwent Avenue, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Sustainable Transport, Flood Prone Areas 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 expires on 9 February 2022.

**CONSULTATION**

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

- car parking;
- traffic;
- pedestrian safety;
- decreased values on adjoining properties;
- security of medication storage;
- reduction in residential use; and
- more suitable alternative locations available.

**RECOMMENDATION:**

A. That the Development Application for Change of Use from Residential to Consulting Rooms at 228 Derwent Avenue, Lindisfarne (Cl Ref PDPLANPMTD-2021/024326) be approved, subject to the following conditions.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.
3. GEN AM5 – TRADING HOURS [Tuesday – Saturday: 10am – 5pm].
4. ENG M1 – DESIGNS DA.

5. ENG A5 – SEALED CAR PARKING.
6. Only the equivalent of (1) one fulltime practitioner must operate from the site.
7. The hedge located adjacent to the south-eastern boundary of the site must be retained and maintained in perpetuity by the existing and future owner/occupiers of the property, and in a healthy state. If the vegetation that comprises the hedge dies or is removed, it is to be replaced with vegetation of a similar species and, to the greatest extent practicable, the same maturity as the vegetation which died or which was removed.
8. TASWATER – the development must meet all required Conditions of Approval specified by TasWater notice dated 15 December 2021 (TWDA 2021/02129-CCC).

#### ADVICE

Advice should be sought from your designer and a building surveyor, with regard to fire separation, disability access and the requirements for the change of use from a 1a dwelling, to a class 5 office/consulting room and issue of a new occupancy permit.

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

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## ASSOCIATED REPORT

### 1. BACKGROUND

The property has had several previous applications of relevance, with the most recent being:

- PDPLANPMTD-2020/011811 – Food Van – Refused; and
- D-2019/72 – Partial change of use to Food Services – Refused.

### 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 10.0 – General Residential Zone;
- Clause C2.0 – Parking and Sustainable Transport Code;
- Clause C3.0 – Road and Railway Assets Code;
- Clause C12.0 – Flood Prone Areas Code; and
- Clause C16.0 – Safeguarding of Airports 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 581m<sup>2</sup> rectangular lot with an angled frontage and vehicle access onto Derwent Avenue. The property contains an existing 3-bedroom weatherboard dwelling, covered outdoor area and garage. The surrounding area on the north side of Derwent Avenue is residential with a mix of single and multiple dwelling developments.

Across the road to the south there is an extensive area zoned General Business which is included in the Lindisfarne Specific Area Plan.

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

The proposal is to change the use of the dwelling in its entirety from residential to consulting rooms. The business would specialise in cosmetic injectables.

The change of use would involve two employees at the site operating five days a week from 10am – 5pm. One of the employees would be a practitioner, while the other would be at reception. There would be 8-9 clients a day and a product delivery once a month.



Waste would be disposed of through general curb side collection, apart from sharps disposal, which would be collected every 10-12 weeks.

Five car parking spaces would be 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 the Parking and Sustainable Transport, Road and Railway Assets, Flood Prone Areas and Safeguarding of Airports Codes except for the following.

**General Residential Zone**

- **Clause 8.3.1** – the proposal is a discretionary use and there is no acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P4) of Clause 8.3.1 as follows.

<b>Clause</b>	<b>Performance Criteria</b>	<b>Assessment</b>
8.3.1 P4	<p><i>“P4 A use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:</i></p> <p><i>(a) the intensity and scale of the use;</i></p> <p><i>(b) the emissions generated by the use;</i></p> <p><i>(c) the type and intensity of traffic generated by the use;</i></p>	<p>The proposal is for two staff. One treating clinician and one receptionist. The operating hours would be 10.00am to 5.00pm Monday to Friday. There would be 8-9 clients per day and one commercial vehicle once a month undertaking deliveries.</p> <p>Based on this information it is considered the scale or the intensity of the proposed use would not be unreasonably intrusive to the adjacent residential uses.</p> <p>The proposal does not include any activities which produce emissions.</p> <p>There would be potentially a minimum of 19-20 vehicle movements to and from the site daily. Council’s development engineers have assessed the proposal against the requirements of the Road and Railway Assets Codes.</p>

	<p>(d) <i>the impact on the character of the area; and</i></p>	<p>The traffic generated is expected to be predominately vehicles up to 5.5m long, with a more irregular occurrence of vehicles which may exceed 5.5m for deliveries and waste collection.</p> <p>They have determined there would be an increase in vehicle traffic however, the proposal could meet the requirements of the scheme Clause C3.5.1 A1.4 in relation to vehicle traffic to and from a site and A1.5 in relation to vehicles exiting a site onto a major road in a forward direction.</p> <p>The south side of Derwent Avenue contains the Lindisfarne commercial centre. The change of use will have no impact on the character of the centre.</p> <p>However, the north side of Derwent Avenue is characterised primarily by residential land use. The surrounding properties are a mix of single and multiple dwelling developments.</p> <p>The proposal would not involve any buildings or works aside from some carpark marking. The proposal has not included removal of the hedge and a permit condition is recommended for any permit issued to retain the hedge on the frontage to reduce potential impact of the on-site car parking on the character of the area.</p> <p>The building would retain its single dwelling appearance and character and be consistent with other surrounding buildings.</p>
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	<p>(e) <i>the need for the use in that location.”</i></p>	<p>The proposed use would not involve an increase of activity on the site which would be considered detrimental to the surrounding residential uses or out of character with the surrounding area.</p> <p>The character of the area would remain intact as a residential neighbourhood. The proposed use is considered compatible with the surrounding uses.</p> <p>The applicant is currently operating nearby and proposes there is a need for the use in that location.</p> <p>This form of mixed use is often found in traditional neighbourhoods to serve local communities. The scheme recognises this by providing for a range of potentially compatible uses within the General Residential zone.</p>
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## **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. Car Parking**

Concern was raised by representors that the proposed change of use would further exacerbate issues with on street and the adjacent shopping centre parking.

- **Comment**

Council's engineers have reviewed the proposal and assessed it against the Parking and Sustainable Transport Code. They have confirmed car parking is a legitimate concern and any approval would require improved car parking on the site to meet the requirements of Clauses C2.5.1 car parking numbers, C2.6.1 construction of car parking areas, and C2.6.2 design and layout of car parking areas.

A condition has been recommended for any permit issued to improve and mark on-site car parking.

## **5.2. Traffic**

Concern was raised by representors that the proposed change of use would further exacerbate issues with traffic.

- **Comment**

Council's engineer assessed the proposal against the requirements of the Road and Railway Assets Code and determined it met all the relevant requirements of Clause C3.5.1 for vehicle movements.

## **5.3. Pedestrian Safety**

Concern was raised by representors that the proposed change of use would result in risk to pedestrians.

- **Comment**

Council's engineer assessed the proposal against the requirements of the Parking and Sustainable Transport Code and Road and Railway Assets Code and determined the proposal could meet all the relevant requirements in relation to pedestrian access and safety.

## **5.4. Adjoining Property Value**

Concern was raised by representors that the proposed change of use would reduce the values of adjoining properties.

- **Comment**

This issue is not relevant to the assessment of the application under the Scheme and therefore has no determining weight.

### **5.5. Security of Medical Supply Storage**

Concern was raised by representors in relation to the storage of medicines.

- **Comment**

This issue is not relevant to the assessment of the application under the Scheme and therefore has no determining weight.

The application was referred to council's environmental health officer and they have advised that the activities would be regulated by the Australian Health Practitioners Regulation Agency (AHPRA), and this would require registration and include guidelines. The guidelines include consideration of sharps disposal, storage and disposal of medical waste, and security measures for medical waste bins.

### **5.6. Reducing Residential Use**

Concern was raised by representors that the proposed change of use would result in diminishing the residential use in the area.

- **Comment**

As discussed in the report the reduction to residential use was considered against Clause 8.3.1 P4 and determined to meet the performance criteria as discussed in the report.

### **5.7. Alternative More Suitable Locations Available**

Concern was raised by representors that the proposed change of use could be undertaken in a more suitable commercial location.

- **Comment**

There may well be alternative sites available for this use and each may have advantages. However, the planning authority is bound to consider the application on its own merits, in relation to the site which is the subject of the application.

**6. EXTERNAL REFERRALS**

The proposal was referred to TasWater, which has provided several 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 2021-2031 or any other relevant council policy.

**9. CONCLUSION**

The proposal is recommended for approval, subject to conditions.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1



**Subject Property**



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

19/01/2022

1:2257



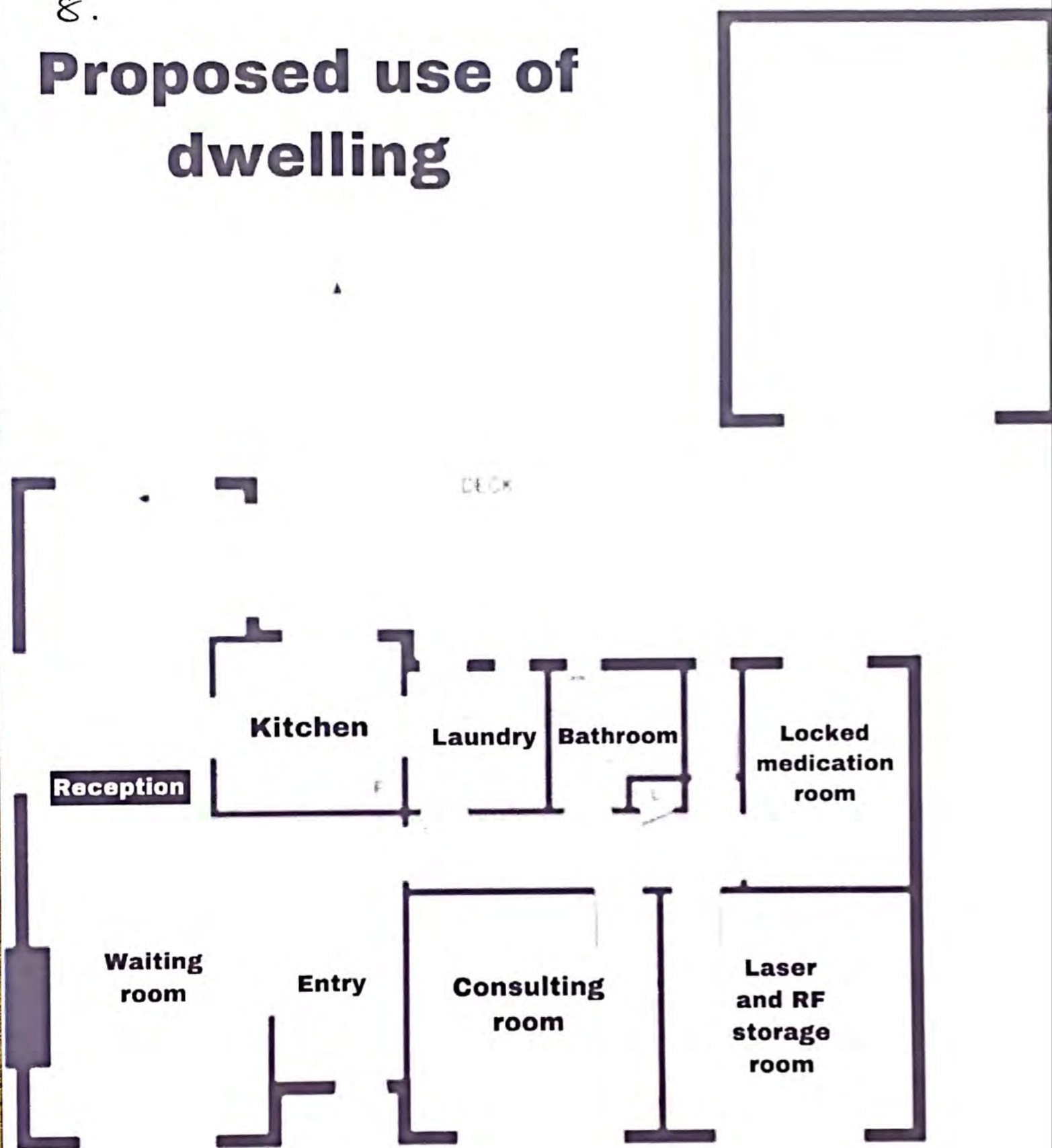


1. Current space for proposed on-site parking

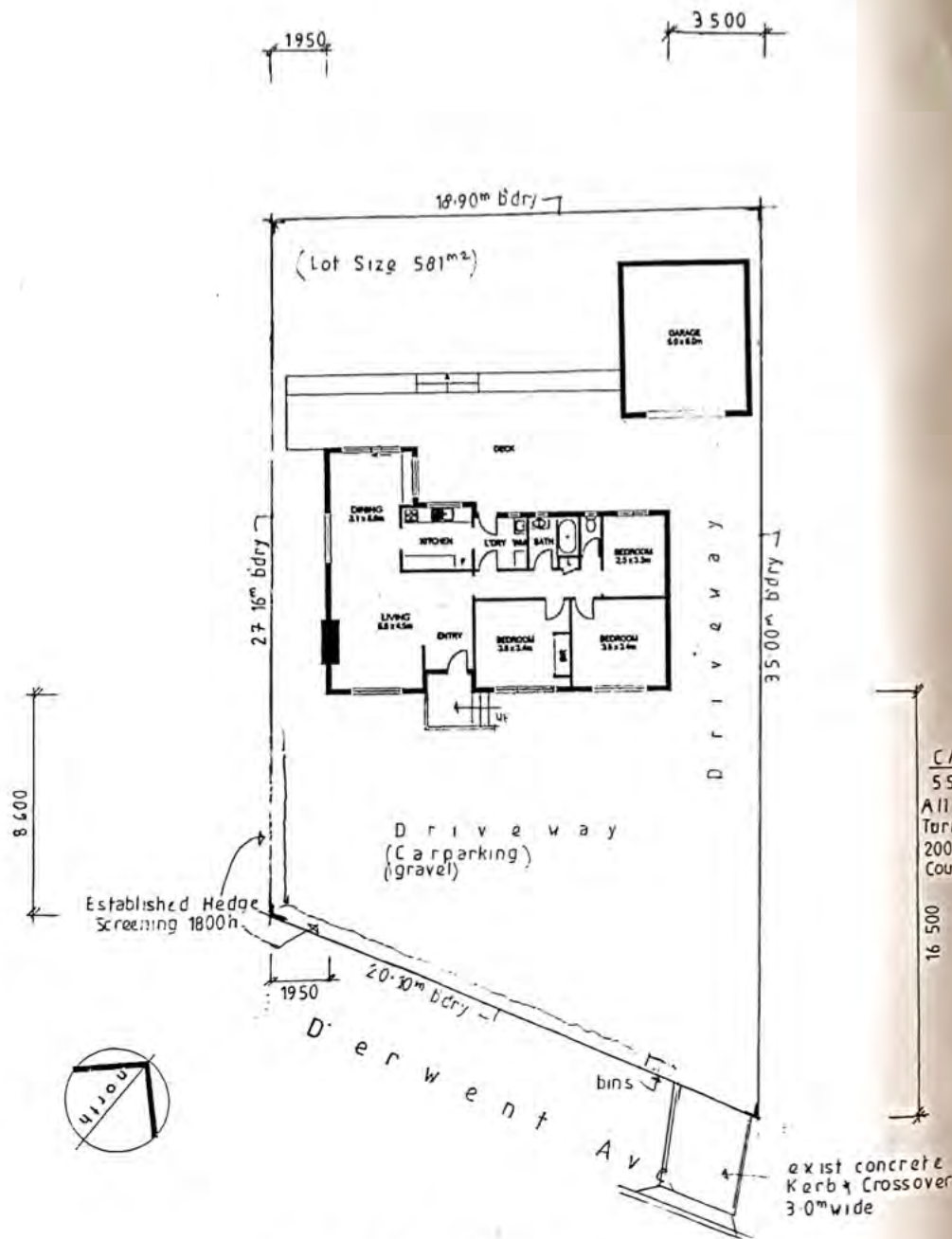


8.

## Proposed use of dwelling



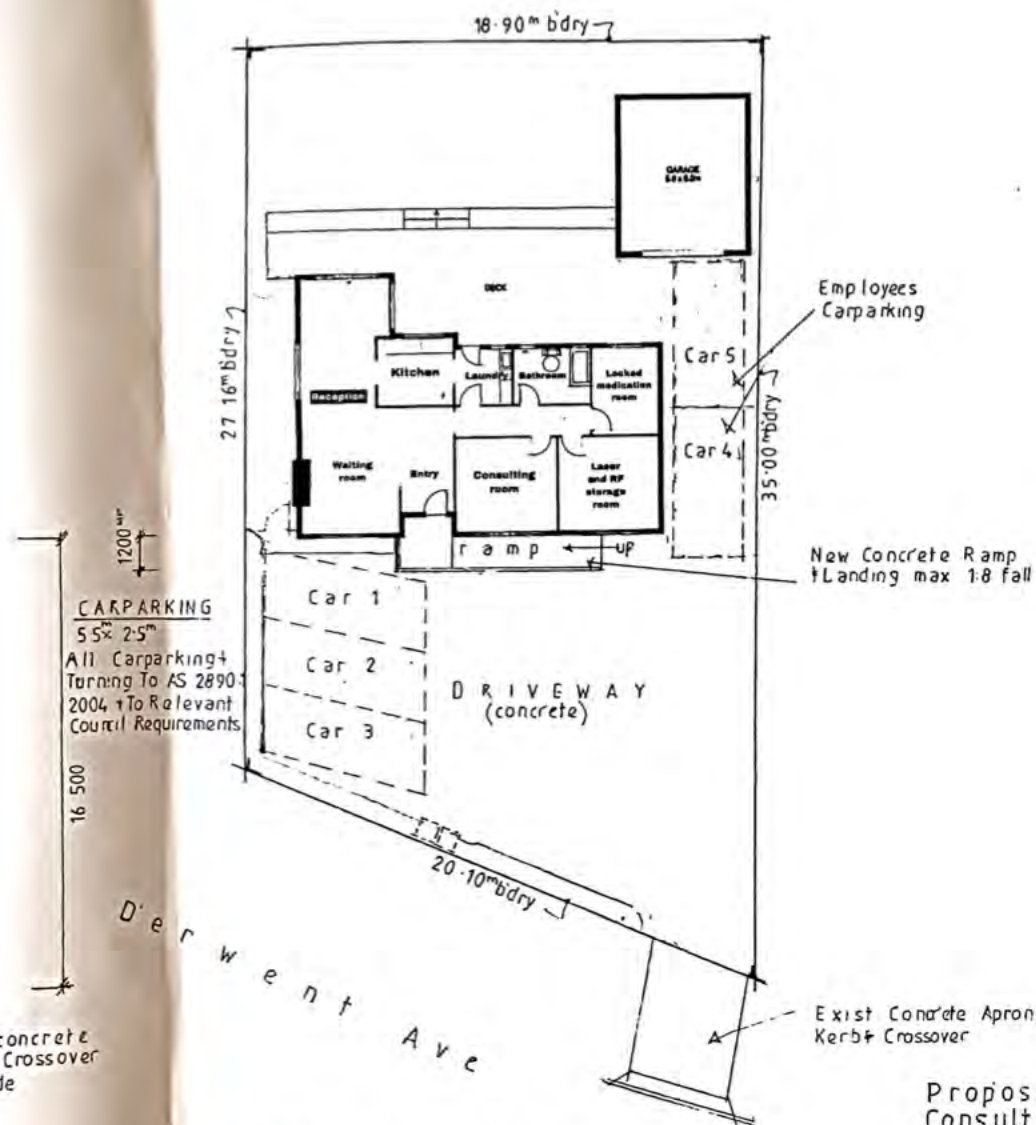




**SITE PLAN 1:200 (scale)**

(EXISTING)

House: 94 sqm  
Garage: 30 sqm  
Total Approx Area: 124 sqm



**SITE PLAN 1:200 (scale)**

(PROPOSED)

Proposed Medical Consulting Rooms,  
228 DERWENT AVENUE,  
LINDISFARNE.

For Nicky Paine Nov 21



**Photo 1:** Site viewed from the street (source Google Maps).





**Photo 2:** Site viewed from the driveway to the property, looking west.



**Photo 3:** Existing dwelling viewed from Derwent Avenue, looking northwest.

**6.4 DEVELOPMENT APPLICATION PDPLANPMTD-2021/023849 – 2 FORT STREET, BELLERIVE - ADDITIONS AND ALTERATIONS TO DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Additions and Alterations to Dwelling at 2 Fort Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code, Safeguarding of Airports Code, and the Bellerive Bluff Specific Area Plan 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 expires on 7 February 2022, as extended with approval from the applicant.

**CONSULTATION**

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

- loss of privacy – overlooking;
- loss of amenity – overlooking;
- proximity to and inadequate setback of existing dwelling;
- loss of sunlight to private open space;
- lack of clarity in plans; and
- increased bulk due to enclosure of upper balcony.

**RECOMMENDATION:**

A. That the Development Application for Additions and Alterations to Dwelling at 2 Fort Street, Bellerive (Cl Ref PDPLANPMTD-2021/023849) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [showing the glass wall of the upper deck enclosure, in the south-east corner, for a distance of 2.5m along the eastern and 2.8m along the southern elevation, from the south-east corner, constructed from opaque glass to a height of 1.7m above finished floor level].

**ADVICE**

The Certificate of Title contains several private covenants. Compliance with the covenants is the landowner's legal responsibility and may prevent or alter the ability to act upon this permit.

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

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

A preliminary planning assessment (PDPLIMPLN-2021/022771) was provided to the applicant on 25 October 2021, identifying elements of the proposal plans that would rely on Performance Criteria for Scheme provision in the General Residential Zone and in the Bellerive Bluff Specific Area Plan.

The site has been developed with a residential dwelling since 1946 with planning approval in 2001 for a second floor addition and carport, which was built. A proposal to extend to the southern section of the upper storey in 2017 did not require planning approval and was undertaken in accordance with approved Building Permit BPA-2017/211.

**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 5.6 – Compliance with Applicable Standards;
  - Clause 6.10 – Determining Applications;
  - Clause 8.0 – General Residential Zone;
  - Clause C2.0 – Parking and Sustainable Transport Code;
  - Clause C16.0 – Safeguarding of Airports Code; and

- Clause CLA - S21.0 – Bellerive Bluff Specific Area Plan.

**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 578m<sup>2</sup> irregular shaped lot with an existing dwelling, with frontage onto Fort Street and King Street. Vehicle and pedestrian access is from Fort Street, although the primary frontage is to King Street.

The land is developed with an existing double storey dwelling and associated carport and slopes from west to east with an average slope of 1 in 10.

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

The proposal is to enclose and roof the existing upper deck along the eastern façade with glass. The south-east corner of the deck will be extended to align with the existing deck along its eastern elevation. This increases the upper deck area by approximately 4m<sup>2</sup> but does not increase the building footprint as the proposed deck extension aligns with the external east wall of the existing storeroom on the ground floor.

### **4. PLANNING ASSESSMENT**

#### **4.1. Compliance with Applicable Standards [Section 5.6]**

*“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 [Section 6.10]**

*“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 Parking & Sustainable Transport Code, and the Bellerive Bluff Specific Area Plan with the exception of the following.

##### **General Residential Zone**

- **Clause 8.4.6 Privacy for all dwellings** – the proposal does not comply with either Acceptable Solution A2 (a) because the enclosed upper deck is setback less than 3m from the north-eastern side boundary to 51 King Street; nor Acceptable Solution A2 (b) because the upper deck has a finished floor level (FFL) higher than 1m above existing ground level (EGL) but is not screened or otherwise designed to minimise direct views to glazed/windows of habitable rooms or private open space of another dwelling. The proposed glassed enclosure for the existing upper deck, in effect creates an habitable room to the upstairs extension.

The proposed variation must be considered pursuant to the Performance Criteria P2 of *Clause 8.4.6 Privacy for all dwellings* as follows.

Clause	Performance Criteria	Assessment
	<p><i>“P2</i>  <i>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i></p>	<p>It is noted that the subject dwelling setback does not change with the proposed glass wall and roof upper deck enclosure.</p> <p>The proposal retains the existing side boundary setback of 2.1m to 51 King Street.</p> <p>The proposed glass walls of the upper deck are offset by more than 1.5m from the habitable room windows of 51 King Street, with the exception of approximately 2.5m of the deck along the east and 2.8m along the south elevation.</p>
	<p><i>(a) a window or glazed door, to a habitable room of another dwelling; and</i></p>	<p>The existing distance between the upper verandah habitable room windows of 51 King Street, and the:</p> <ul style="list-style-type: none"> <li>- living room window ranges from approximately 8.5m to 14.5m; and from the</li> <li>- bedroom windows range from approximately 4.4m to 7.5m.</li> </ul> <p>No 51 King Street has existing mature vegetation along the majority of the side boundary that provides screening to its habitable room windows for the majority of the side boundary.</p> <p>As vegetation can change over time, and to ensure direct views of habitable rooms of 51 King Street are minimised it is considered appropriate that those elements of the enclosed glass verandah in the south-east corner, that are not offset from habitable windows of 51 King Street, are designed and constructed with opaque glass to a height of 1.7m above finished floor level.</p>

		Thereby satisfying Performance Criterion P2 (a).
	<i>(b) the private open space of another dwelling.”</i>	<p>No 51 King Street has private open space (POS) in the northern area of the front yard and to the rear of the dwelling.</p> <p>The existing deck is setback over 3m from the southern side boundary to 51 King Street, hence the proposal is compliant with respect to the rear yard POS of 51 King Street and does not change the potential for overlooking into this POS area.</p> <p>With respect to the front yard POS of 51 King Street, it is considered that the above planning permit condition will contribute to minimise the potential for overlooking, so that in combination with the existing setback the proposal provides for reasonable opportunity for maintaining the privacy for the front yard POS of 51 King Street and is considered to satisfy Performance Criteria P2.</p>

### **Bellerive Bluff Specific Area Plan**

- Clause CLA-S21.7.1 Setbacks and building height** – the proposal creates a glass wall along the south-east elevation of the existing deck, which on top of the existing ground floor building results in a wall that is higher than 3.5m, and thereby does not comply with Acceptable Solution A2 (b), which states that “for wall heights greater than 3.5m, there is no acceptable solution”.

The proposed variation must be considered pursuant to the Performance Criteria P2 of *Clause CLA -S21.7.1 Setbacks and building height* as follows.

Clause	Performance Criteria	Assessment
P2	<i>“The siting and scale of a dwelling must:</i>	<p>There is no change to the existing siting of the dwelling.</p> <p>It is considered that by enclosing the existing upper deck there is a minor change to the scale of the dwelling. The verandah glass roof sits below the existing upper storey extension roof and reads as a subservient building element.</p> <p>Furthermore, given that the enclosing material for both roof and walls is glass, the structure would still allow for light penetration.</p> <p>It is noted that the adjoining property to the south-west is 4A Fort Street, where the land immediately adjoining the subject site is the access strip, so that there is no impact on either the habitable room windows or private open space of 4A Fort Street.</p> <p>Hence the remainder of this assessment focuses on the potential impact on 51 King Street, the adjoining property to the south-east.</p>
	<i>(a) Not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i>	<p>The proposal is considered to not cause an unreasonable loss of amenity to adjoining properties, because:</p> <ul style="list-style-type: none"> <li>- the enclosed glass walls and roof of the existing deck will be located adjacent to the eastern elevation of the existing upper storey and, with the exception of the north-east corner, will be within the shadow cast by the existing dwelling;</li> </ul>

	<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i>	<p>The subject site dwelling is located to the north-west of the adjoining property at 51 King Street. Based on the relationship between the dwellings, any shadow cast onto 51 King Street would not occur until 1pm on 21 June, the shortest daylight day of the year.</p> <p>Therefore, the 51 King Street living room window (the only non-bedroom habitable room window impacted) would still receive at least a minimum of three hours sunlight on 21 June, and any increased shading from the glass enclosure of the upper deck would be a minor increase to the existing shading experienced after 1pm.</p>
	<i>(ii) overshadowing the private open space of a dwelling on an adjoining property;</i>	<p>The POS of 51 King Street is located in the north front of the lot and the south-west rear area of the lot.</p> <p>For the reasons explained above, the north front POS area will still receive at least three hours of sunlight to over 50% of its area on 21 June.</p> <p>There is no change to the shadow cast to the rear yard POS, where 51 King Street dwelling itself creates existing shadow.</p>
	<i>(iii) overshadowing of an adjoining vacant property; or</i>	Not applicable – there are no adjoining vacant properties.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i>	<p>As discussed above, the entire upper verandah will be enclosed with glass, walls and roofs; lower in height than the existing upper extension.</p> <p>Hence, it is considered that there will be minimal visual impact on the bulk or scale of the existing dwelling when viewed from adjoining properties.</p>

	<i>(b) Provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area;</i>	<p>The proposal does not change the existing dwelling setbacks of 2.1m to the eastern or 3m to the southern side boundaries.</p> <p>Side boundary setback of surrounding properties range from 0m (4A Fort Street), to 5.4m (53 King Street) and the subject site is considered to have compatible setbacks.</p>
	<i>(c) Not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i>	Not applicable – there are no existing solar energy installations.
	<i>(i) an adjoining property; or</i>	not applicable
	<i>(ii) another dwelling on the same site</i>	not applicable
	<i>(d) Have regard to:</i>	
	<i>(i) the relevant established precinct characteristics and the objectives identified in the local area objectives;</i>	Refer to Table 1 below for an assessment against the applicable Local Area Objectives, which assesses the proposal as being consistent.
	<i>(ii) Any topographical constraints;</i>	Not applicable – the proposal design is not impacted by the site topography.
	<i>(iii) any existing development on site;</i>	The proposed development is an alteration of the existing dwelling on-site and retains the existing footprint and boundary setbacks.
	<i>(iv) development built up to the boundary should avoid the appearance of conjoined terraces or side by side town houses; and</i>	Not applicable – the development is not built up to the boundary.
	<i>(v) the extent to which the variation visually impacts an immediately adjoining property identified in the Local Historic Heritage Code within its streetscape setting.”</i>	Not applicable – there is no immediately adjoining property identified in the Local Historic Heritage Code within the streetscape setting.

Table 1 - Assessment against Local Area Objectives - CLA- S21.3.5.1 Beach Face Precinct

Clause	Performance Criteria	Assessment
CLA-S21.3.5.1	<i>“To enable development consistent with the following established precinct characteristics:</i>	The proposed development is considered consistent with the established precinct characteristics because:
	<i>(a) Comprising some of the steepest contours, a number of buildings are contour aligned, rather than street-facing. This gives rise to a distinctive built pattern where skewed and multi-storied buildings, stepping with the grade, are not uncommon.</i>	The existing dwelling at 2 Fort Street sits between the 22m and 23m contour and is consistent with the described distinctive built pattern.  As the proposal retains the existing building footprint this pattern is preserved.
	<i>(b) Some of the largest dwellings and multi-unit developments on the Bluff are within the precinct. While development of the generous sized lots continues to occur, site coverage of individual lots is generally less than other precincts.</i>	The subject site is one of the smaller lots at 578m <sup>2</sup> , the proposal retains the existing site coverage of approximately 32%.
	<i>(c) Dwellings are generally set well within their lots, and from the more elevated precinctual contours, some are readily viewed over, even disguising their true scale. From the adjacent street contours, especially where Gunning and King approach the Esplanade, there is a widening of the breadth of view in response to these setbacks. The individual bungalow character with the occasional larger dwelling, is however changing with substantive alterations, additions and redevelopments impacting the earlier unencumbered view-scapes.</i>	The proposal retains the existing setback to King Street and Fort Street, so that at eyelevel the view-scapes are retained from the adjacent street contours.  Enclosing the existing upper deck with glass walls and roof is not considered a substantial alteration, and the existing dwelling retains its well set in location on the lot.



CLA-S21.3.5.1	<i>To enable siting, massing and design of new development and additions to existing housing stock to support the achievement of:</i>	The proposal of a glass enclosure to the existing deck is considered to be an alteration to the existing dwelling that results in siting, massing and design that achieves:
	<i>(a) continued visual connectivity to the water as viewed from public places.”</i>	continual visual connectivity to the water as viewed from King Street, and Fort Street, for a distance of 16m from the King Street intersection at which point the existing dwellings at 2 Fort Street and 51 King Street become part of the view-scapes.

- **Clause CLA – S21.7.2 Design** – the proposal does not comply with Acceptable Solution A1 (a) or A1 (b) as the proposed glass enclosure and roof of the upper deck will impact on the façade of the existing building and is not at ground level.

The proposed variation must be considered pursuant to the Performance Criteria P1 of *Clause S21.7.2 Design* as follows.

Clause	Performance Criteria	Assessment
S21.7.2 P1	<i>“Design responses must provide for:</i>	At the northern end of the existing upper deck, the proposed glass wall will extend the existing upper extension façade to Fort Street.
	<i>(a) passive surveillance to and from the building to the street; and</i>	The proposed wall materials, namely glass, provide for users of the enclosed deck and pedestrians to passively surveil to and from the building to the street; and
	<i>(b) the incorporation of semi-public treatments such as landscaping, verandahs and deck treatments visible from the street.”</i>	Retains its semi-public treatments as the upper deck will still be visible through the glass. Accordingly, the proposal is considered to satisfy the Performance Criteria and objectives of the clause by contributing to the sociability of the neighbourhood.

## **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. Loss of Privacy - Overlooking**

Two representors were concerned that the deck would create a loss of privacy due to overlooking into the private open space of 51 King Street, especially the front yard. There is no screening proposed and the vegetation on 51 King Street cannot be relied upon to provide privacy screening.

- **Comment**

This issue was previously discussed in the assessment of *clause 8.4.6 Privacy for all dwellings* earlier in this report. The proposal makes no change to the existing building setback to the POS of 51 King Street. While the glass enclosure allows the deck to be used in inclement weather, it is considered that the front yard POS is unlikely to be used at such times, so there is no net increase to the existing situation.

### **5.2. Loss of Amenity - Overlooking**

One of the representors was concerned that the potential for increased overlooking into the living room window of 51 King Street, would require the blinds to be permanently drawn to maintain privacy, with the subsequent loss of light and sunlight reducing the amenity of the adjoining dwelling.

- **Comment**

This issue was previously discussed in the assessment of *clause 8.4.6 Privacy for all dwellings* earlier in this report.

A permit condition requiring obscure glass, is included to minimise the potential for overlooking for those areas of the enclosed deck not offset from the living room window of 51 King Street.

**5.3. Proximity to and Inadequate Setback of Existing Dwelling**

One representor raised concerns that the existing dwelling at 2 Fort Street is too close to the side boundary, there is no screening proposed and the vegetation on 51 King Street cannot be relied upon to provide privacy screening.

- **Comment**

Refer to responses 5.1 and 5.2 above.

**5.4. Loss of Sunlight to Private Open Space**

One representor raised concerns that the increased bulk of the building will unreasonably impact on sunlight to the POS of 51 King Street.

- **Comment**

This issue was considered in the response to *clause CLA-S21.7.1 Setbacks and building heights*, where it is considered that the proposal does not unreasonably impact on the amount of sunlight received by the POS of 51 King Street, as the majority of the proposed structure will be within the shadow of the existing upper storey, and only the north-east corner would increase the building shadow between 1pm and 2pm.

**5.5. Lack of Clarity in Plans**

One representor was concerned that the plans lacked detail and it looks like there will be an additional set of stairs, creating the upstairs as a second dwelling.

- **Comment**

The area of the plans causing confusion is the proposed extension of the existing upper floor deck in the south-east corner to align with the existing deck further to the north. As shown on the Plan 2100-A01, it can be seen that the only stairs in the property are the existing internal stairs leading from the downstairs living room to the upstairs area.

The plans are sufficiently clear to enable an assessment and this matter has no determining weight.

**5.6. Increased Bulk due to Enclosure of Upper Balcony**

One representor was concerned that enclosing the upper verandah will create inappropriate bulk to the building, creating a “top heavy” appearance. Glazing does not compensate for the massing and the development is not in keeping with the surrounding character.

- **Comment**

This matter was previously discussed in the assessment of *clause CLA-S21.7.1 Setbacks and building height*, where the proposal is assessed as satisfying the Local Area Objectives of *CLA-S21.3.5.1 Beach Face Precinct*.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

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

There are no inconsistencies with Council’s adopted Strategic Plan 2021-2031 or any other relevant council policy.

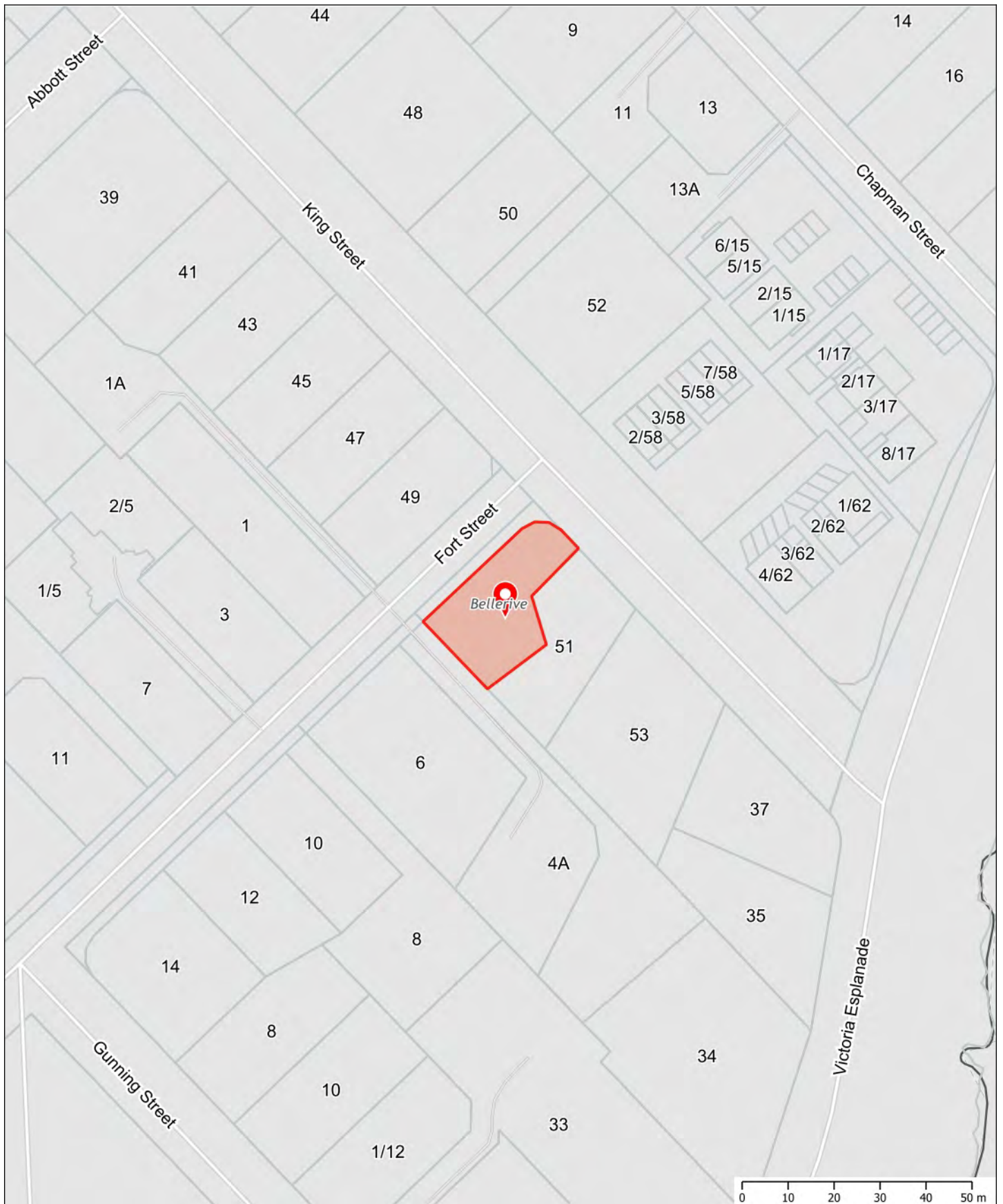
**9. CONCLUSION**

The proposal is recommended for approval subject to conditions.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1



0 10 20 30 40 50 m



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

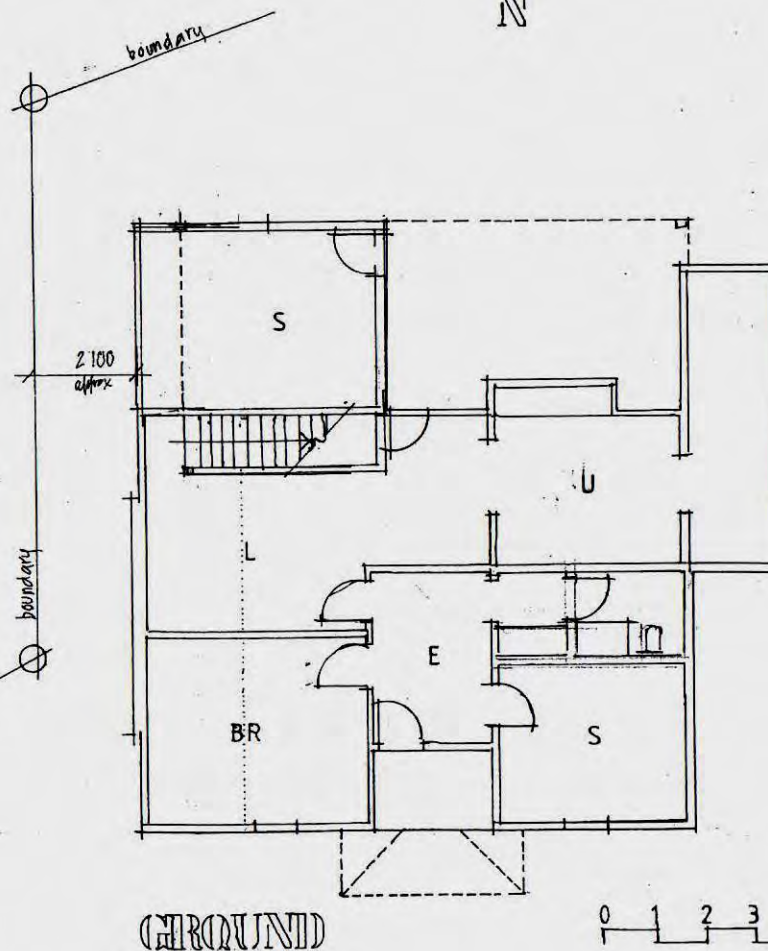
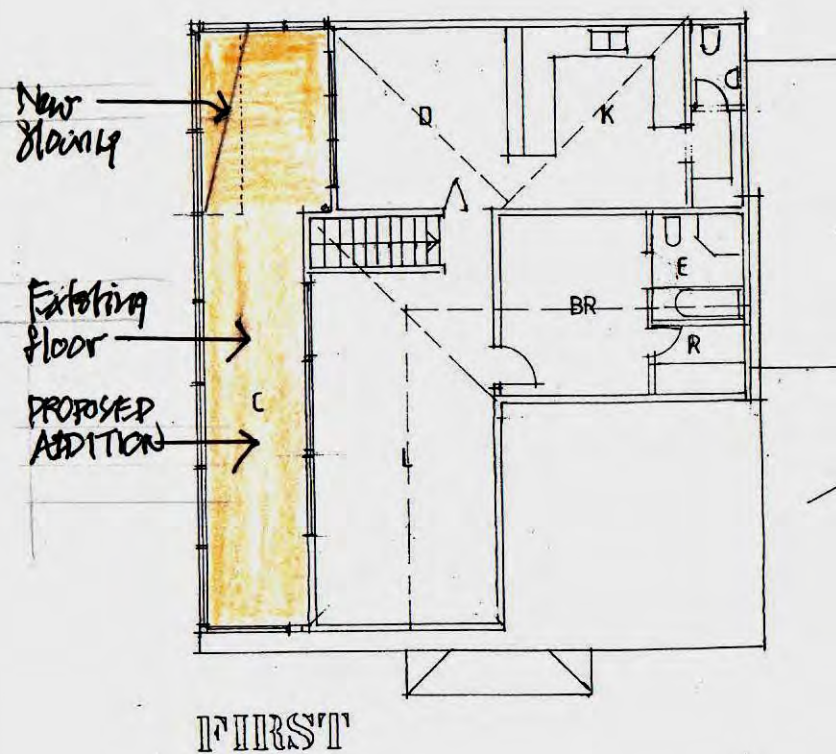
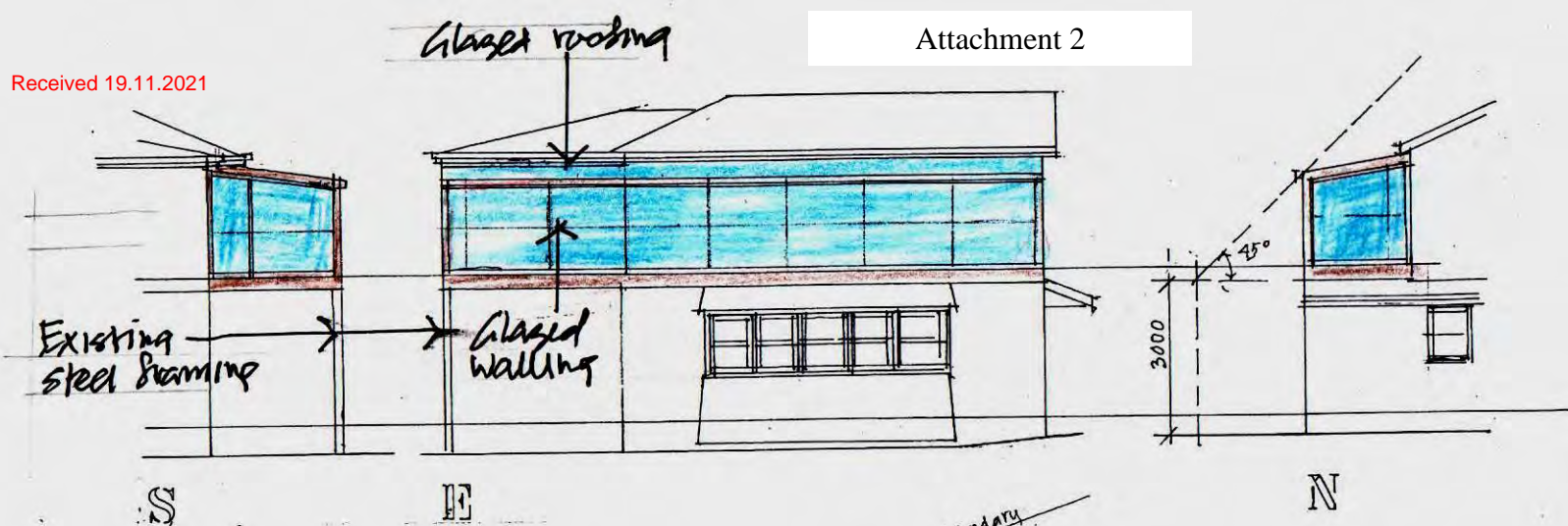
14/01/2022

1:1129





Received 19.11.2021



- C Conservatory
- L Living
- D Dining
- K Kitchen
- BR Bedroom
- O Office
- U Utility
- E Entry
- S Store

2110-AD1

GREEN GATES  
2 FORT STREET BELLERIVE  
CONSERVATORY ADDITION

1:100

0 1 2 3 5





## OUTLOOK FROM EXISTING VERANDAH

THE OUTLOOK FROM THE PROPOSED CONSERVATORY WILL BE EXACTLY THE SAME



Living room window of neighbour



Bed room windows of neighbour



Neighbour private open space

## PANORAMA MOVING FROM NORTHERN END OF VERANDAH TO SOUTHERN END

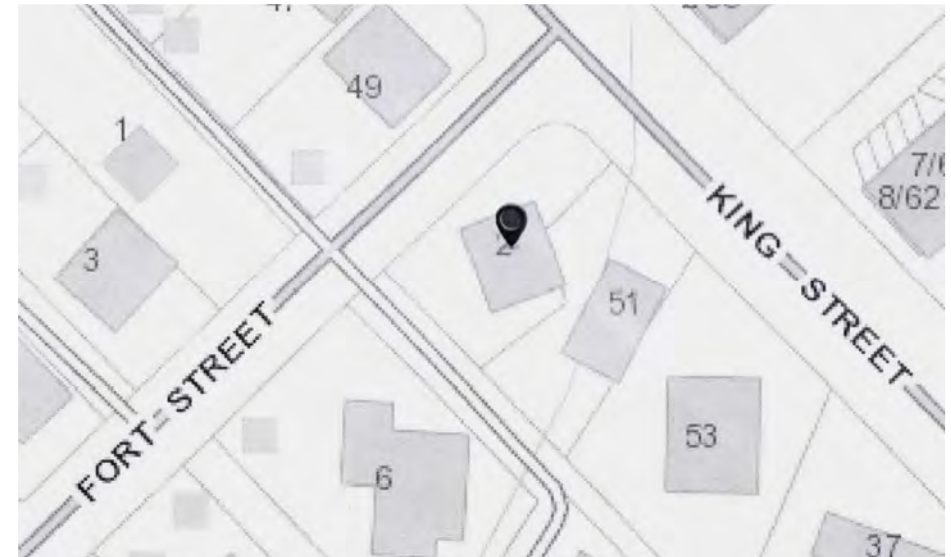


Screen planting is on  
51 King Street property.  
Refer photos.

Living room.

Bed room.

The neighbour at 51 King Street  
use this area at rear for  
outdoors recreation.



## SITE SHOWING RELATIONSHIP TO ADJACENT DWELLING

## 2 FORT STREET BELLERIVE – PLANNING



2110- A02



### Attachment 3



View from King Street/ Fort Street intersection – looking south east



View from Fort Street – looking south



View from Fort Street – looking south east

**6.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/006697 – 23 AND 25 HILL STREET, BELLERIVE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW) AND BOUNDARY ADJUSTMENT****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 existing + 2 new) and Boundary Adjustment at 23 and 25 Hill Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 9 February 2022.

**CONSULTATION**

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

- overshadowing;
- loss of privacy;
- devalued land;
- height and massing; and
- mental and physical health and quality of life.

**RECOMMENDATION:**

- A. That the Development Application for 3 Multiple Dwellings (1 existing + 2 new) and Boundary Adjustment at 23 and 25 Hill Street, Bellerive (Cl Ref PDPLANPMTD-2020/006697) be refused for the following reasons.
1. The proposal does not comply with Clause 10.4.2 P3 (a) as the development would cause a loss of solar access to habitable room windows and the private open space of adjoining properties which would result in an unreasonable loss of amenity.
  2. The proposal does not comply with Clause 10.4.6 P2 as the development would cause an unreasonable impact upon residential amenity of neighbouring properties due to loss of privacy and overlooking.
- 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-2020/006697 - 23 AND 25 HILL STREET, BELLERIVE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW) AND BOUNDARY ADJUSTMENT /contd...**

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

No relevant background.

**2. STATUTORY IMPLICATIONS**

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

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

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

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E5.0 – Road and Rail Assets Code; and
- Section E6.0 – Parking and Access Code.

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

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

The subject site consists of two adjoining properties 23 Hill Street and 25 Hill Street, Bellerive. Each Title area is 761m<sup>2</sup>. The land slopes 15°, falling to the south. There is an existing dwelling on each property with large backyards behind.

**3.2. The Proposal**

The proposal is for 3 multiple dwellings, 1 existing (Unit 1) and 2 new (Units 2 and 3). The application also incorporates a boundary adjustment which would result in 23 Hill Street being reduced to 451.25m<sup>2</sup> and 25 Hill Street becoming 1069.5m<sup>2</sup>.

The proposed Units 2 and 3 would be double storey with parking provided in the form of a double garage. The dwelling at 23 Hill Street and existing Unit 1 would each have open parking for two vehicles.

A sewer main is proposed to be relocated to be situated along the southern property boundaries.

Each dwelling would have an excess of 24m<sup>2</sup> private open space.

**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 General Residential Zone and relevant Codes with the exception of the following.

**General Residential Zone**

- **Clause 10.4.2 (Building Envelope)** – the proposal would project beyond the prescribed 3D building envelope along the southern boundary.

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

Clause	Performance Criteria	Assessment
	<i>“P3 The siting and scale of a dwelling must:</i>	
	<i>(a) not cause unreasonable loss of amenity by:</i>	As below:
	<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	<p>The shadowing diagrams provided (refer Attachment 2) demonstrate that the development would cause a significant impact upon a habitable room window of a dwelling on a neighbouring property.</p> <p>The dwelling unit at 2/28 Stanley Street would lose almost the entirety of its habitable room solar access due to the development. The only north facing window to a habitable room (kitchen) for 2/28 Stanley Street would receive partial sunlight to 26% of its area for one hour of the day during the Winter solstice. For the remainder of the day this window would be completely in shadow. This window receives almost unrestricted solar access currently.</p> <p>The unit at 28 Stanley Street does not have any eastern or western facing windows to a habitable room that could supplement the loss of sunlight from the kitchen window.</p>

		<p>The unit does have a window facing due south to the lounge room; however, this window would receive negligible indirect sunlight during the winter months.</p> <p>The shadowing diagrams provided were completed by a qualified person. The modelling is considered to be sufficiently accurate.</p> <p>It is considered that such a loss of sunlight to the unit at 28 Stanley Street is unreasonable, given the extent and duration of overshadowing; and that the proposal should be refused on this basis.</p>																								
	<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>Due to the arrangement of the strata boundaries, the only private open space for unit 2/28 Stanley Street would be almost entirely in shadow during the Winter solstice due to the proposed development. This is in stark contrast to the high quality and duration of solar access the private open space currently gets.</p> <p>Unit 2/28 Stanley would receive the following solar access to private open space during the Winter solstice:</p> <table border="1"> <thead> <tr> <th>Time</th><th>Proposed</th><th>Existing</th></tr> </thead> <tbody> <tr> <td>9am</td><td>0%</td><td>0%</td></tr> <tr> <td>10am</td><td>0%</td><td>30%</td></tr> <tr> <td>11am</td><td>3%</td><td>72%</td></tr> <tr> <td>noon</td><td>0%</td><td>100%</td></tr> <tr> <td>1pm</td><td>14%</td><td>94%</td></tr> <tr> <td>2pm</td><td>32%</td><td>89%</td></tr> <tr> <td>3pm</td><td>58%</td><td>80%</td></tr> </tbody> </table> <p>As the proposed 2 storey units sit directly north of the adjoining property and are elevated due to the site's topography, there would be a significant impact upon the residential amenity due to lack of sunlight.</p>	Time	Proposed	Existing	9am	0%	0%	10am	0%	30%	11am	3%	72%	noon	0%	100%	1pm	14%	94%	2pm	32%	89%	3pm	58%	80%
Time	Proposed	Existing																								
9am	0%	0%																								
10am	0%	30%																								
11am	3%	72%																								
noon	0%	100%																								
1pm	14%	94%																								
2pm	32%	89%																								
3pm	58%	80%																								

		It is considered that such a loss of sunlight to the unit at 28 Stanley Street is unreasonable, given the limited amount of private open space; and that the proposal should be refused on this basis.
	<i>(iii) overshadowing of an adjoining vacant lot; or</i>	There are no vacant residential lots adjoining the subject site.
	<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>The proposal would involve 2 two-storey buildings being placed on the site behind the existing dwellings. There would be a 1.5m gap between the two proposed units. The maximum height of the development would be 7.05m from Natural Ground Level.</p> <p>There are some design elements incorporated in an attempt to articulate the building form and reduce the instance of blank expanses. These include use of windows, different cladding types and some stepping down of the buildings towards the centre of the subject site. Despite this, the proposed units would present as significant 2 storey structures extending for 72% of the width of the subject site.</p> <p>Due to the 3m rear setback and the topography of the subject site being steeply sloping, the proposed design elements are not sufficient to adequately lessen visual bulk impacts.</p> <p>It is considered that the design presents as an almost contiguous 27.5m long structure along the 37.5m rear boundary, with limited visual relief.</p>



		The bulk of the design and its scale is considered to create unreasonable visual impact to the adjoining properties at 2/28 Stanley Street, 3/28 Stanley Street and 3/25A High Street and should be refused on this basis.
	<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area."</i>	<p>There are numerous instances of development with comparable separation in the surrounding area.</p> <p>There are several unit developments to the south of the subject site which have units less than 4m apart.</p> <p>Proposed Unit 2 would have a separation of 5.35m from the nearest adjacent dwelling.</p> <p>The proposal is therefore consistent with the separation of dwellings in the area and considered compatible in the streetscape.</p>

### General Residential Zone

- **Clause 10.4.6 (Privacy for Dwellings)** – the proposal would each have two large windows on the second storey of the proposed units. These would not be setback 4m from the rear boundary, are not screened, and are not offset horizontally from existing windows to dwellings on adjoining lots.

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

Clause	Performance Criteria	Assessment
P2	<i>"A window or glazed door, to a habitable room of dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i>	<p>The proposed units would have large south facing windows from the dining and living rooms on the upper storey. The windows would have sill heights of 1m from the finished floor level.</p> <p>The applicant has not proposed screening to these windows.</p>

	<p>(a) <i>window or glazed door, to a habitable room of another dwelling; and</i></p> <p>(b) <i>the private open space of another dwelling; and</i></p> <p>(c) <i>an adjoining vacant residential lot.”</i></p>	<p>The Dining room window for proposed Unit 2 would align with the north facing kitchen and living room windows of 2/28 Stanley Street. There would be 5.2m of separation between the existing and proposed windows.</p> <p>The Lounge room window of proposed Unit 3 aligns with the glazed door to the lounge room of 3/25A High Street. There would be 7.6m of separation between the existing and proposed windows.</p> <p>Additionally, the Dining room window of proposed Unit 3 would overlook the entirety of the private open space for 2/28 Stanley Street.</p> <p>The potential for overlooking is further exacerbated by the subject site being located upslope from the impacted properties.</p> <p>It is considered that the low proposed sill heights, the translucent glazing, lack of screening, and that the windows would directly align with the neighbouring dwellings with very little separation there would be an unreasonable impact upon 3/25A High Street and 2/28 Stanley Street due to overlooking; and should be refused on this basis.</p> <p>The site does not adjoin a vacant lot.</p>
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## **5. REPRESENTATION ISSUES**

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

**5.1. Overshadowing**

Concern was raised by all representors that the proposed units would cause unreasonable overshadowing.

- **Comment**

As discussed in the assessment of 10.4.2 P1 above, the proposal is not considered to have demonstrated compliance with the standards of the Performance Criteria related to overshadowing.

**5.2. Height and Massing**

Concern was raised by one representor that the units would not be in keeping with the height and scale of dwellings in the surrounding area.

- **Comment**

The application was considered against the Performance Criteria P3 of clause 10.4.2 P1 as detailed above, the proposal is not considered to have demonstrated compliance with the Performance Criteria related to height and massing.

**5.3. Devaluation of Property**

Concern was raised by one representor that there would be a devaluation to their dwelling caused by the development.

- **Comment**

There is no relevant Acceptable Solution or Performance Criteria for council to consider related to potential devaluation of property. Therefore, this issue holds no determining weight.

**5.4. Loss of Privacy**

Concern was raised by all representors that there would unreasonable impacts due to overlooking and privacy from the proposed development.

- **Comment**

The application was considered against the zone standards related to overlooking and privacy, as discussed in the assessment of 10.4.6 P1 above, the proposal is not considered to have demonstrated compliance with the Performance Criteria related to privacy.

**5.5. Mental and Physical Health and Quality of Life**

Concern was raised by one representor that there would be unreasonable impacts upon their mental and physical health and quality of life as a stroke survivor from the imposition of the proposed development.

- **Comment**

There is no relevant Acceptable Solution or Performance Criteria for council to consider related to mental and physical health and quality of life. Notwithstanding this, there are considerations within the scheme related to residential amenity, as discussed in the assessment of 10.4.2 P1 above, the proposal is not considered to have demonstrated compliance with the Performance Criteria concerning overshadowing which has a direct impact on quality of life in this instance.

**6. EXTERNAL REFERRALS**

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

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

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

There are no inconsistencies with Council's adopted Strategic Plan 2021-2031 or any other relevant council policy.

**9. CONCLUSION**

The proposal is recommended for refusal. The application has not demonstrated that it complies with the requirements of the Scheme, in particular clause 10.4.2 P3 (a) as the proposal would cause an unreasonable loss of amenity due to overshadowing and loss of solar access to habitable room windows and the private open space of 2/28 Stanley Street.

Additionally, the proposal does not comply with Clause 10.4.6 P2 as the proposal would cause an unreasonable loss of privacy to 3/25A High Street and 2/28 Stanley Street.

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

Ross Lovell  
**MANAGER CITY PLANNING**

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

## Attachment 1



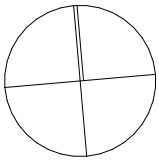
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

27/01/2022

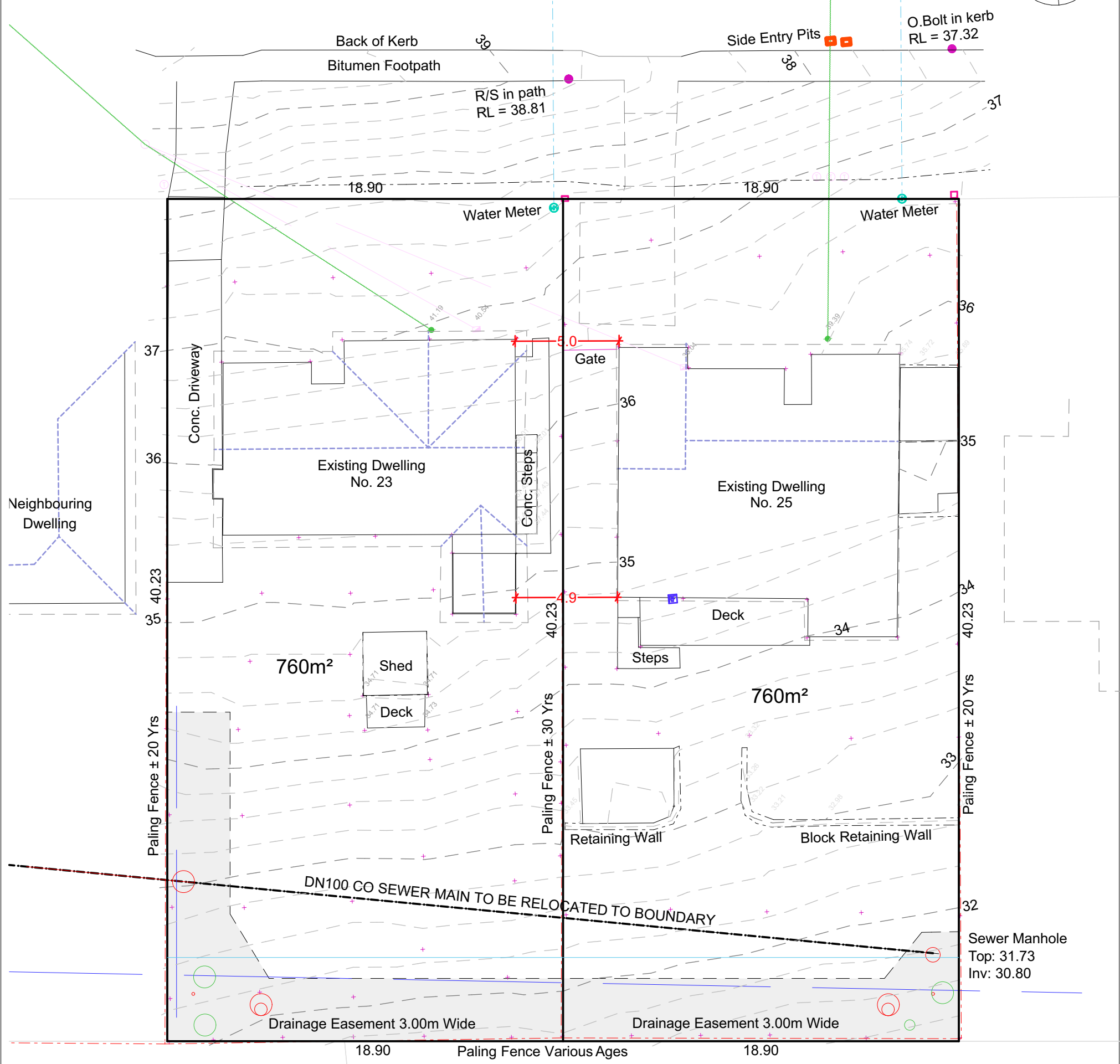
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N



HILL STREET



Existing Site Plan

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Proposal:	Unit Development	Scale: 1:200	Job No: 164-2019	Pg No: DA.01
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
01.04.20	Planning RFI
27.10.21	Planning RFI 2



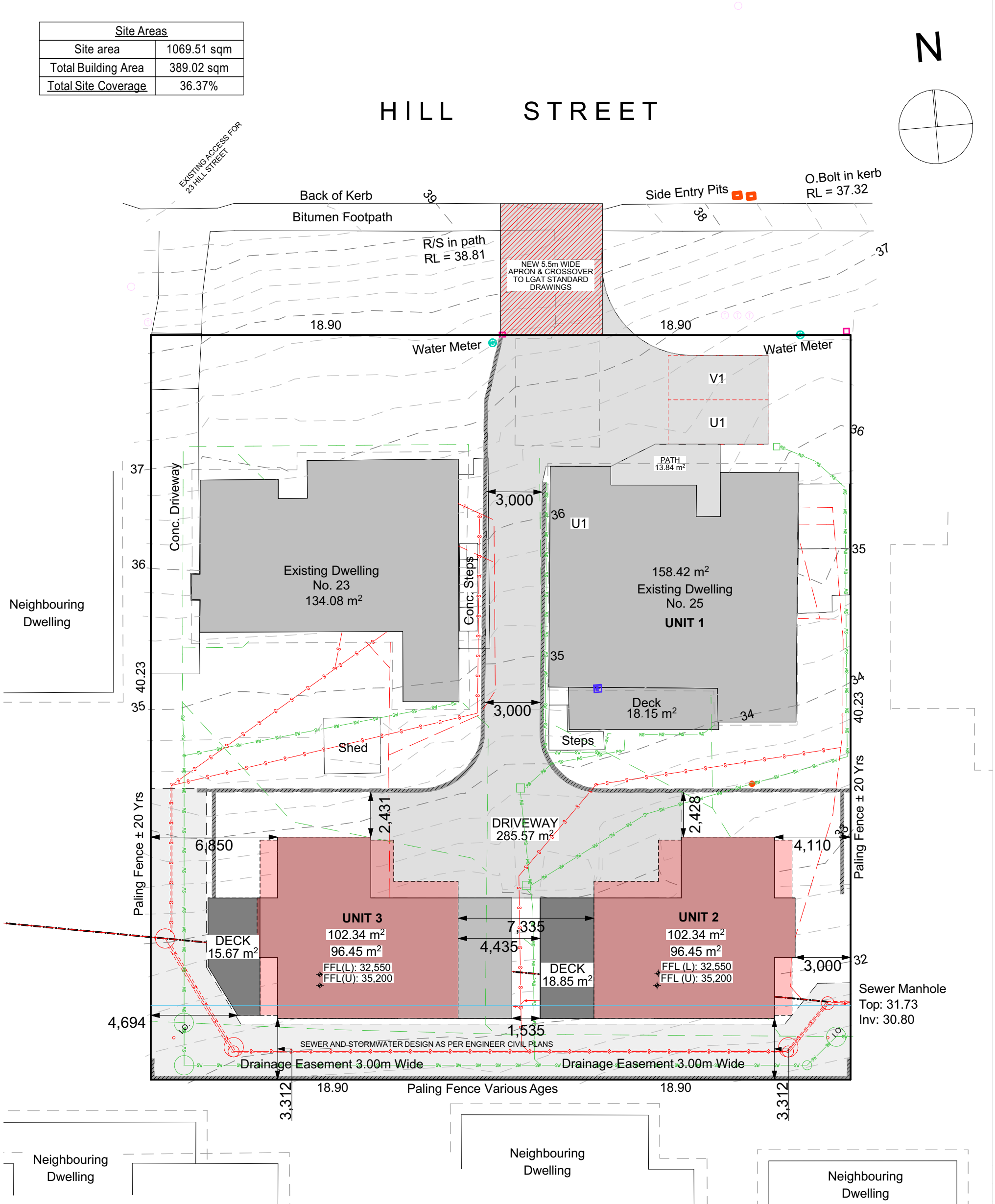
bdca  
BUILDING DESIGNERS  
ASSOCIATION OF AUSTRALIA



pinnacle  
DRAFTING&DESIGN



Site Areas	
Site area	1069.51 sqm
Total Building Area	389.02 sqm
Total Site Coverage	36.37%



## Site Plan

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Proposal:	Unit Development	Scale:	Job No: 164-2019	Pg No: DA.02
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au				

Neighbouring Dwelling

01.04.20	Planning RFI
27.10.21	Planning RFI 2

bdca

BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

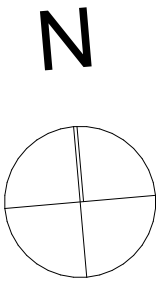
pinnacle

DRAFTING&DESIGN

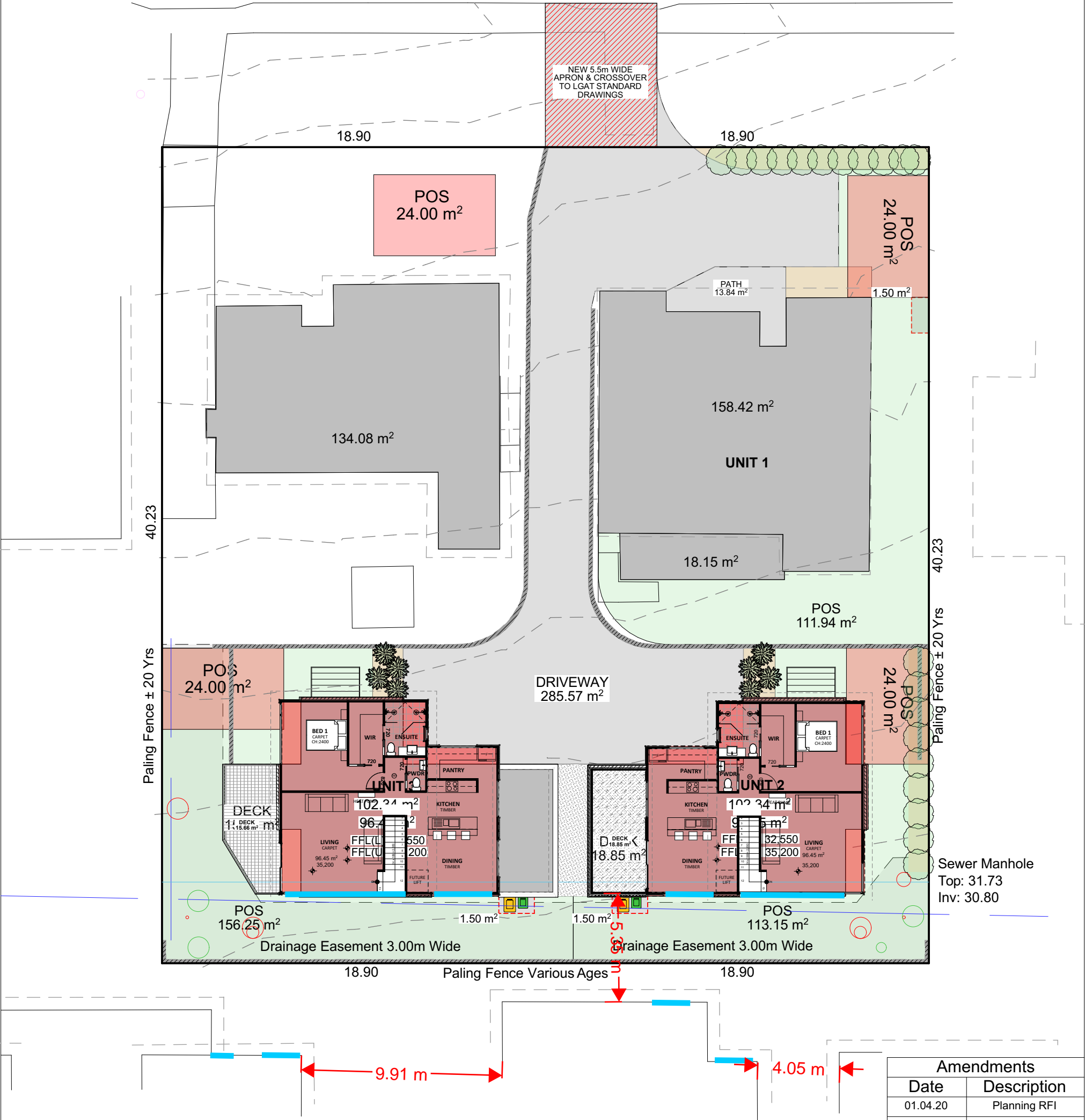
E6.0 Parking & Access Code	
minimum 6 + 1 visitor parking	2 plus 1 visitor per 4 dwellings

Parking	
6+1 visitor	Total Provided
Impervious Areas	
1069.51 sqm	Site area
389.02 sqm	Total Building Area
281.73 sqm	Driveway Area
670.75 sqm	Total Area
37.28%	Impervious Free

Habitable room  
windows



HILL STREET



Landscaping Plan

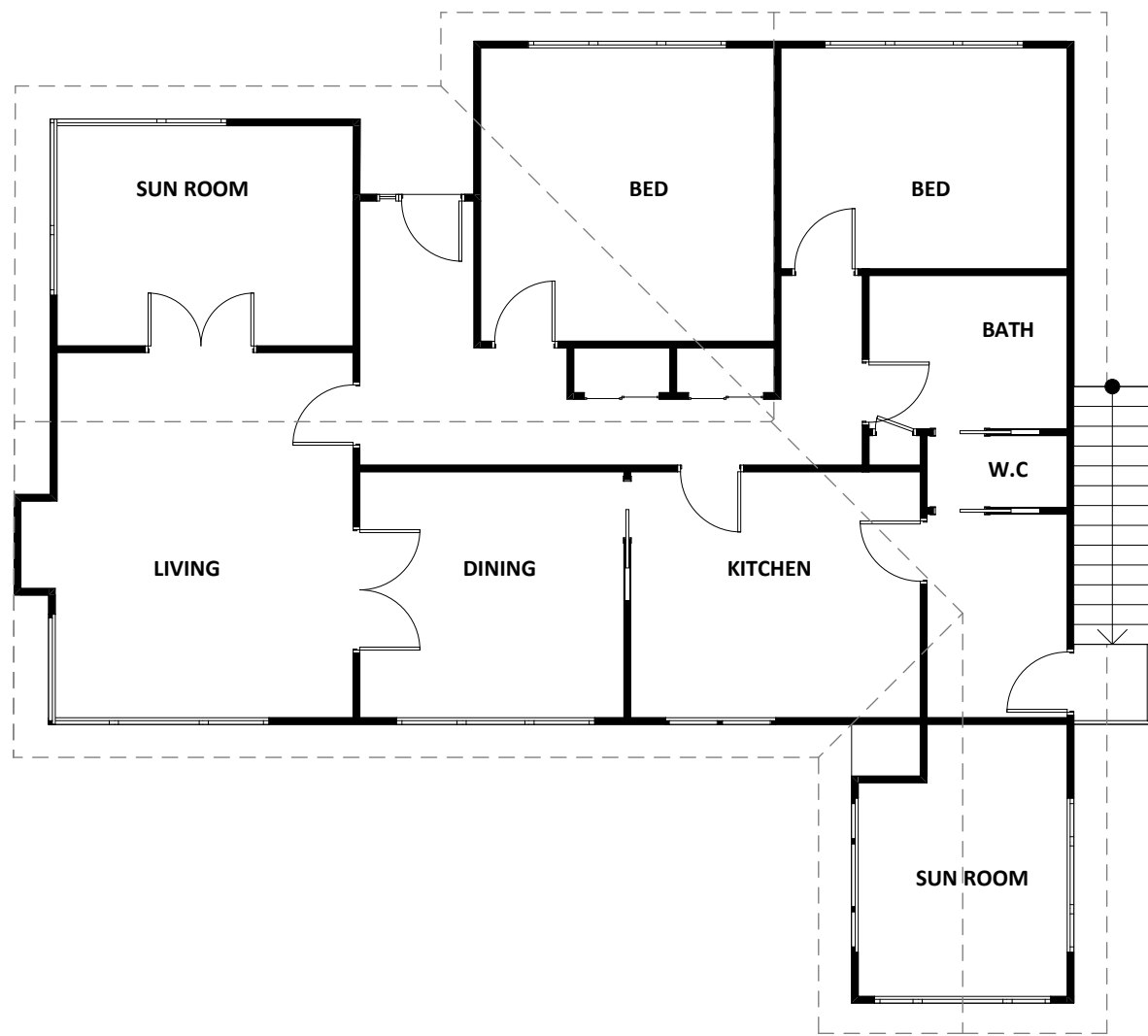
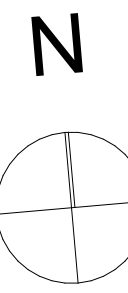
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Proposal:	Unit Development	Scale:	1:200	Job No:	164-2019	Pg No:	DA.03
Client:	Brent McDermont & Belinda Collis	Date:	14.11.19	Engineer:			
Address:	23 & 25 Hill St, Bellerive	Drawn:	JRN	Building Surveyor:			

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Amendments	
Date	Description
01.04.20	Planning RFI
27.10.21	Planning RFI 2





NOT FOR CONSTRUCTION

Total	134 sqm
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23 Hill Street Existing House



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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 164-2019	Pg No: DA.04	
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:		
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:		
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au					

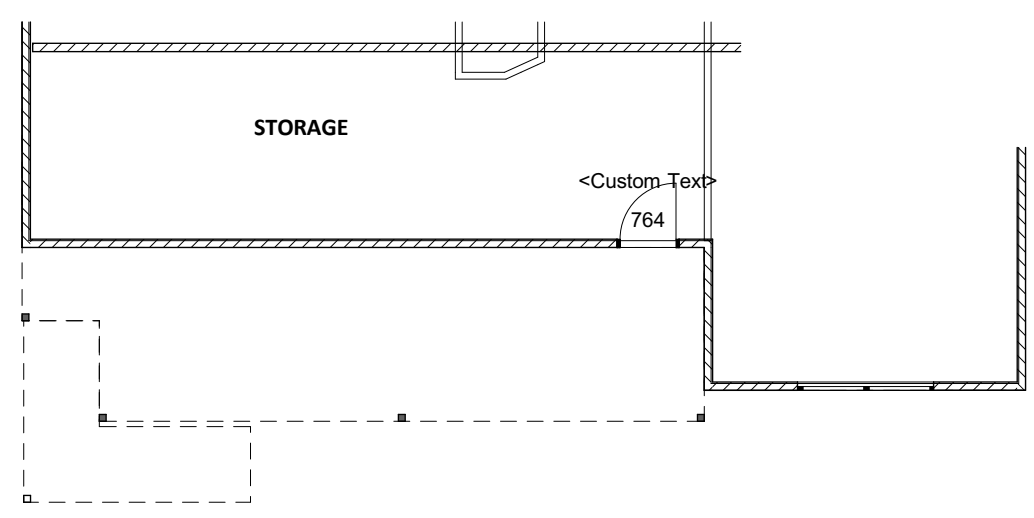
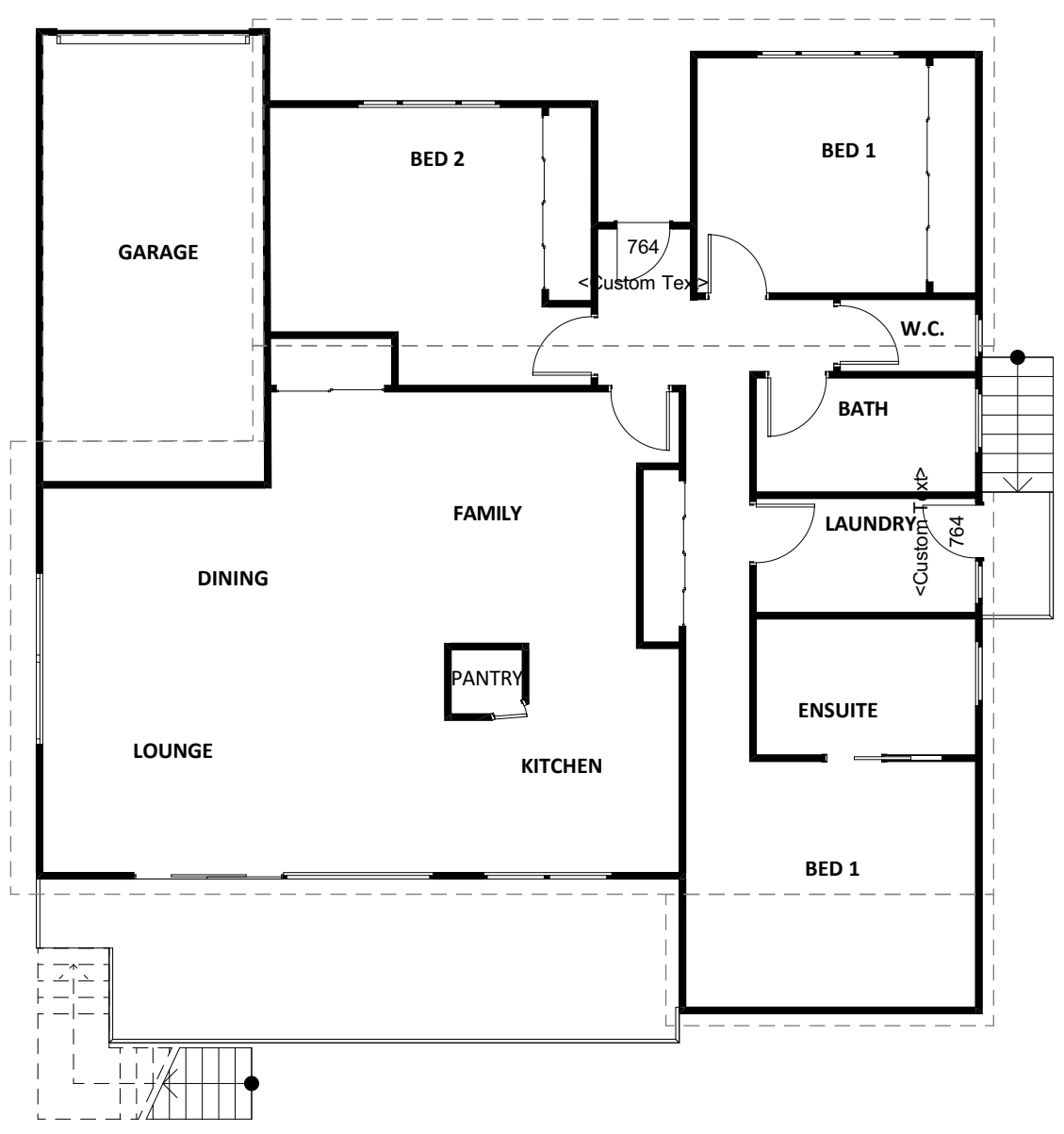
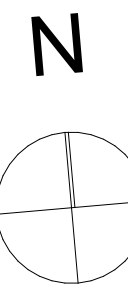
Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2



bdaa  
BUILDING DESIGNERS  
ASSOCIATION OF AUSTRALIA



pinnacle  
DRAFTING & DESIGN



NOT FOR CONSTRUCTION

Total	158.52 sqm
Deck	18.15 sqm

Unit 1 - 25 Hill Street



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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 164-2019	Pg No: DA.05
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au				

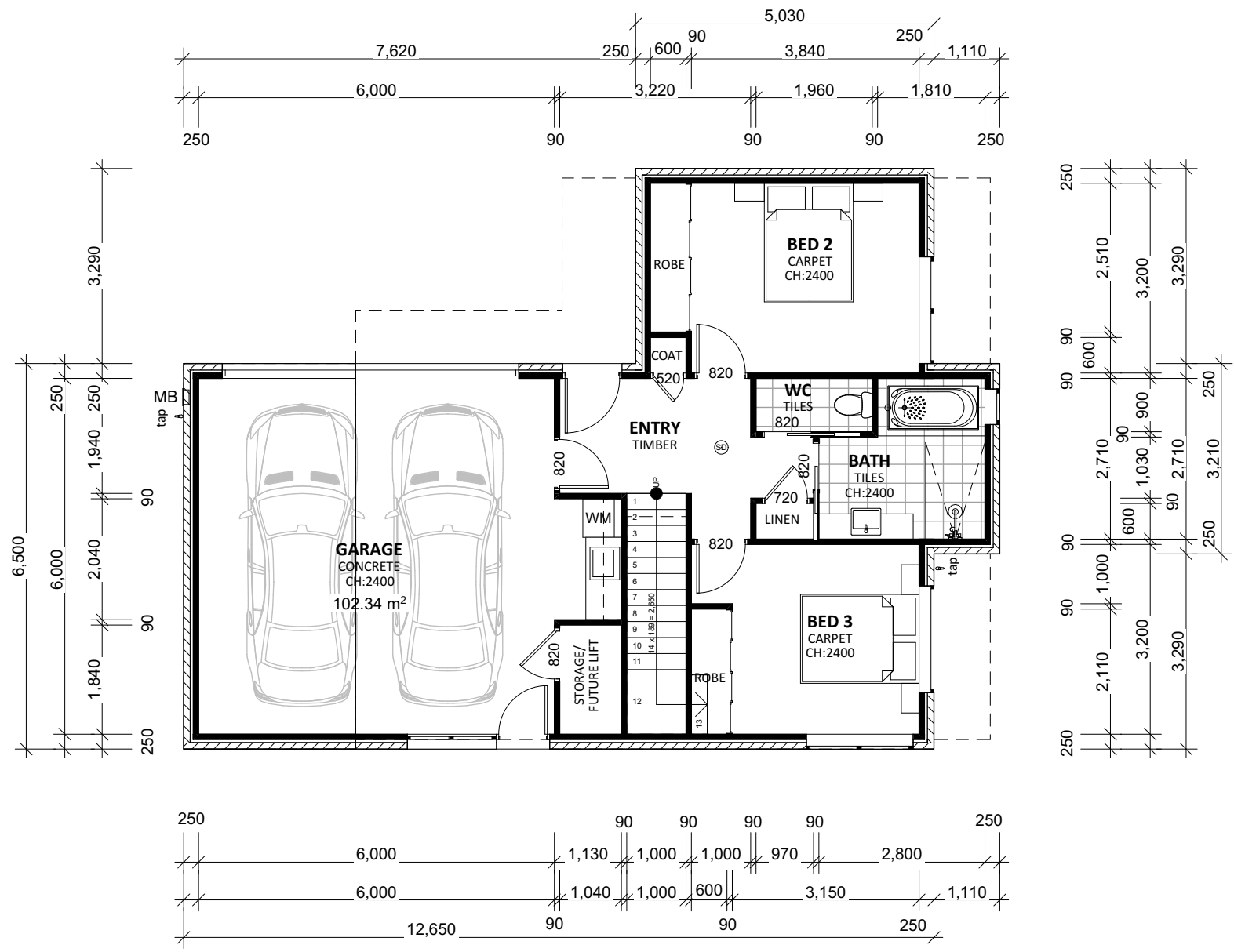
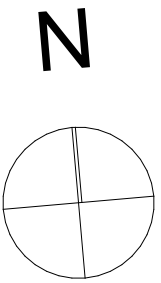
Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2



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Floor Areas	
Lower Floor	102.34 sqm
Upper Floor	96.45 sqm
Total	198.79 sqm
Deck	18.85 sqm

Unit 2 Lower Floor Plan



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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 164-2019	Pg No: DA.06
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	
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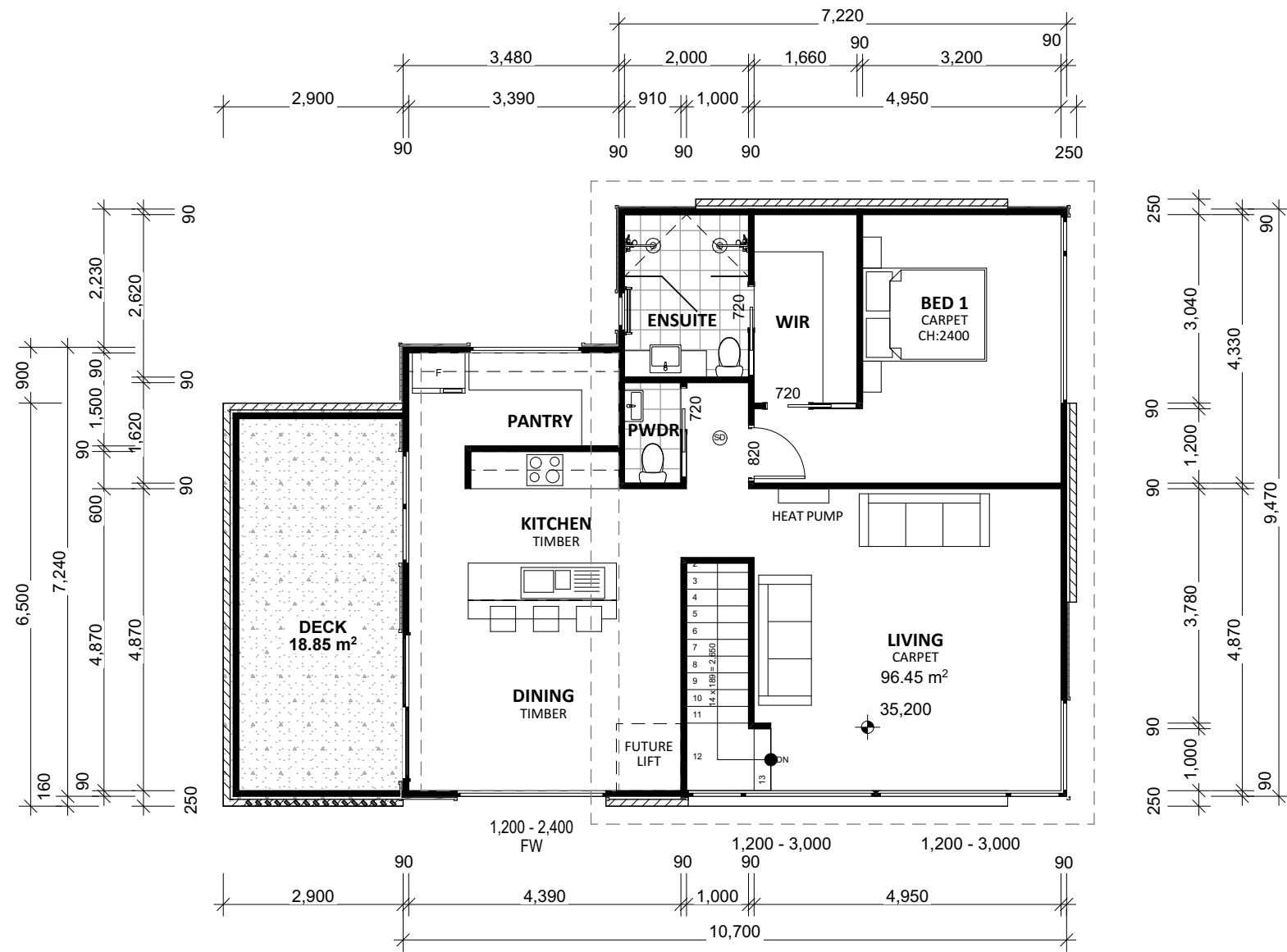
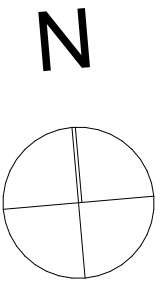
Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2



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Floor Areas	
Lower Floor	102.34 sqm
Upper Floor	96.45 sqm
Total	198.79 sqm
Deck	18.85 sqm

Unit 2 Upper Floor Plan



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Proposal:	Unit Development	Scale: 1:100	@ A3	Job No: 164-2019	Pg No: DA.07
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19		Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN		Building Surveyor:	
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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2



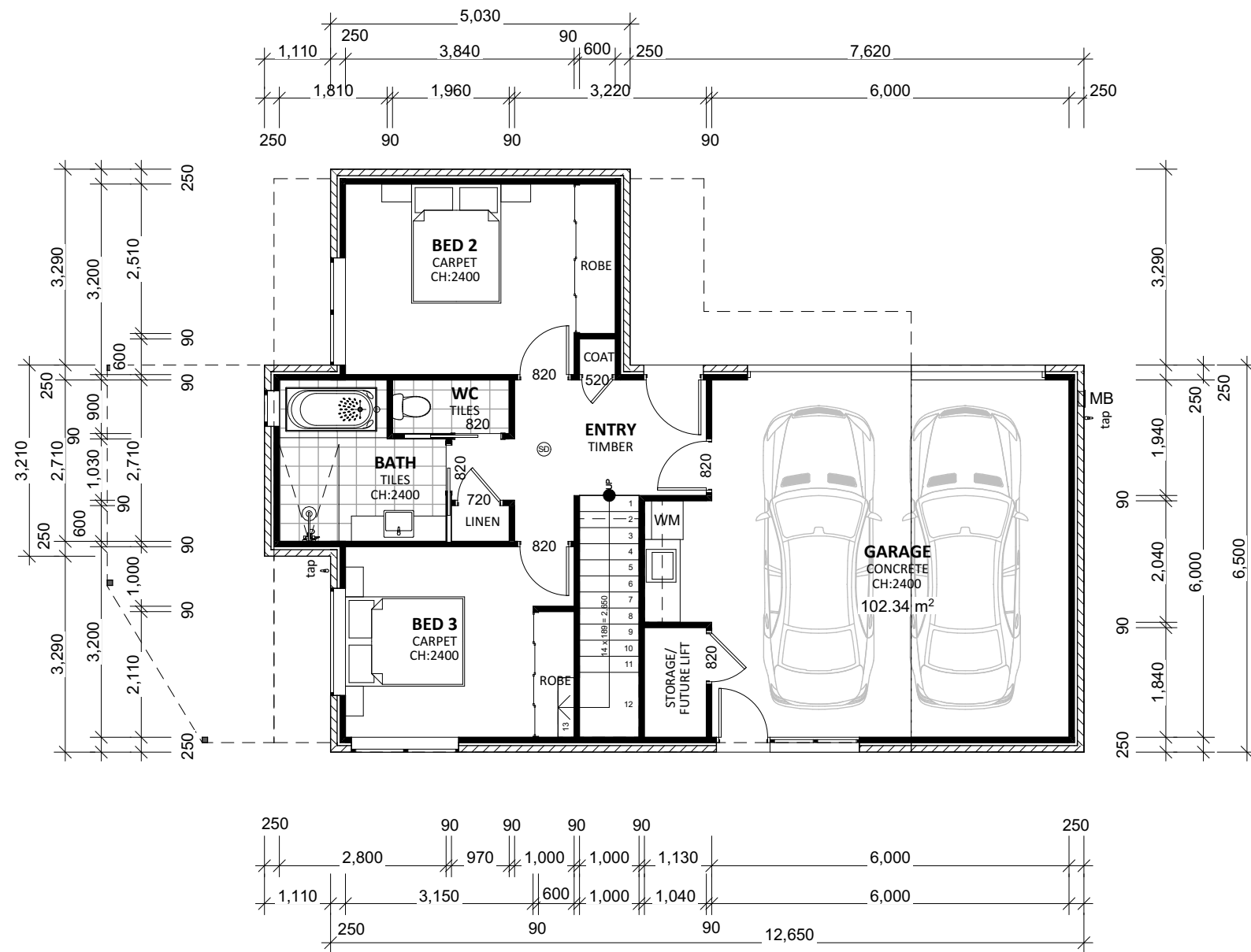
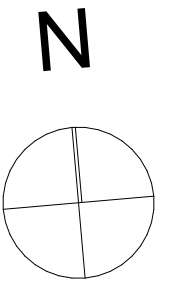
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Floor Areas	
Lower Floor	102.34 sqm
Upper Floor	96.45 sqm
Total	198.79 sqm
Deck	18.85 sqm

Unit 3 Lower Floor Plan



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Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 164-2019	Pg No: DA.08
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

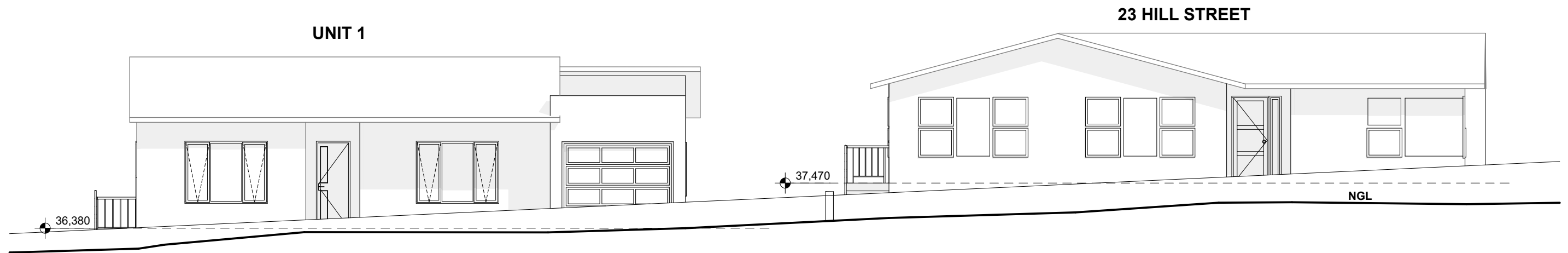
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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2

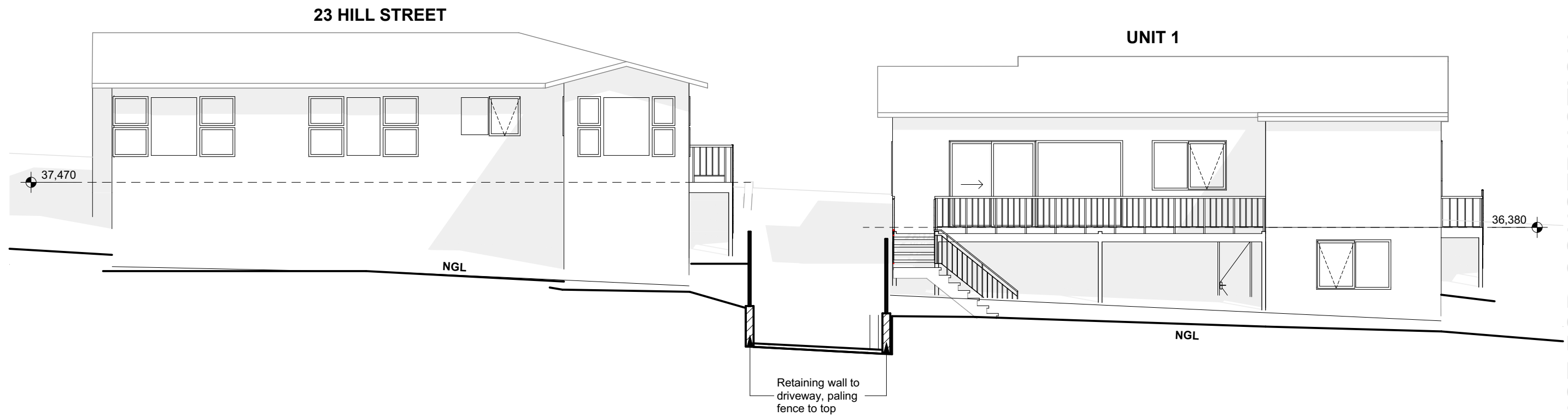


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U1 & 23 Hill Street North Elevation



U1 & 23 Hill Street South Elevation

# Elevations



Proposal:	Unit Development	Scale: 1:100 @ A3	Job No: 164-2019	Pg No: DA.11
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	

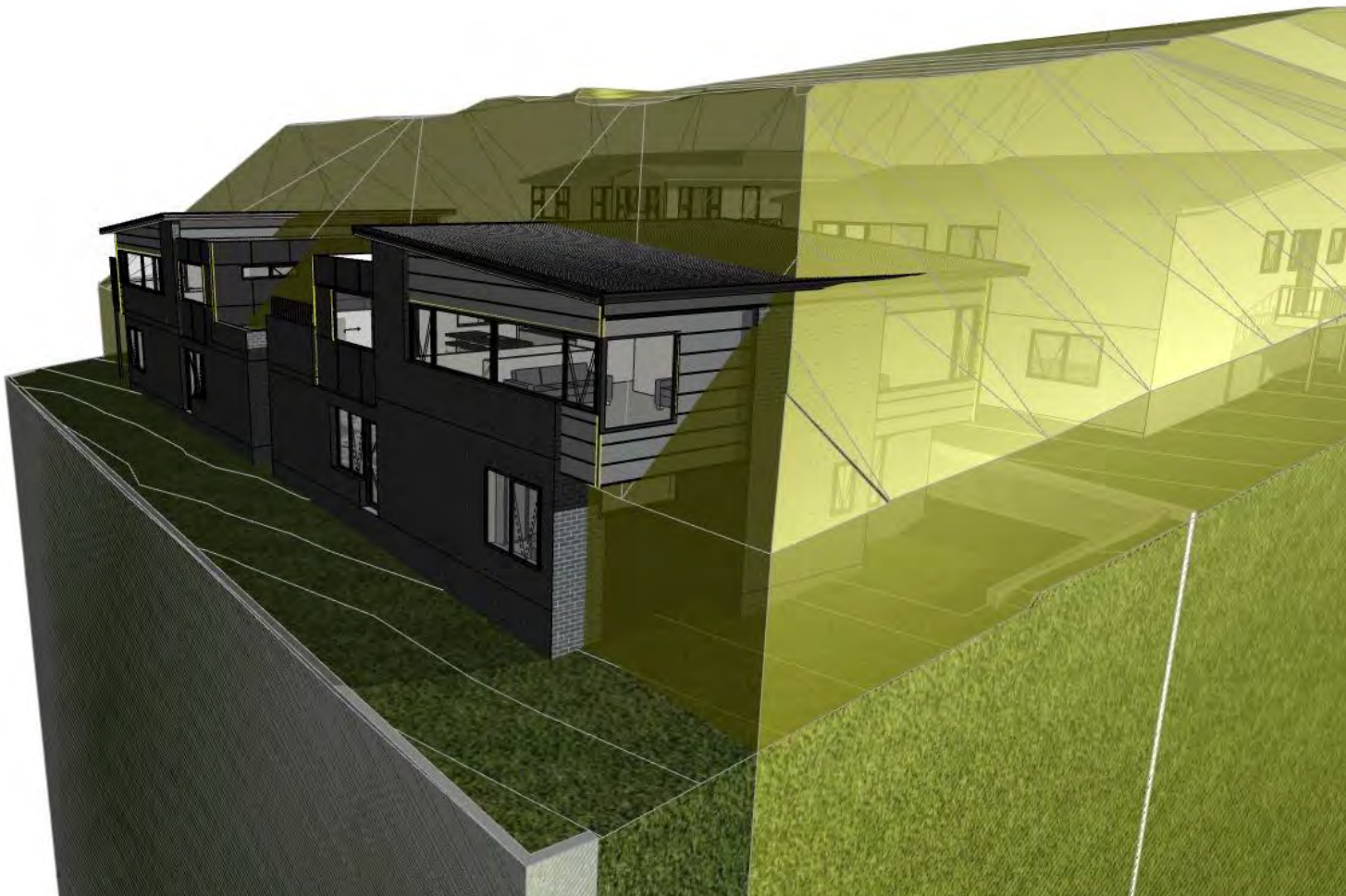
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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2

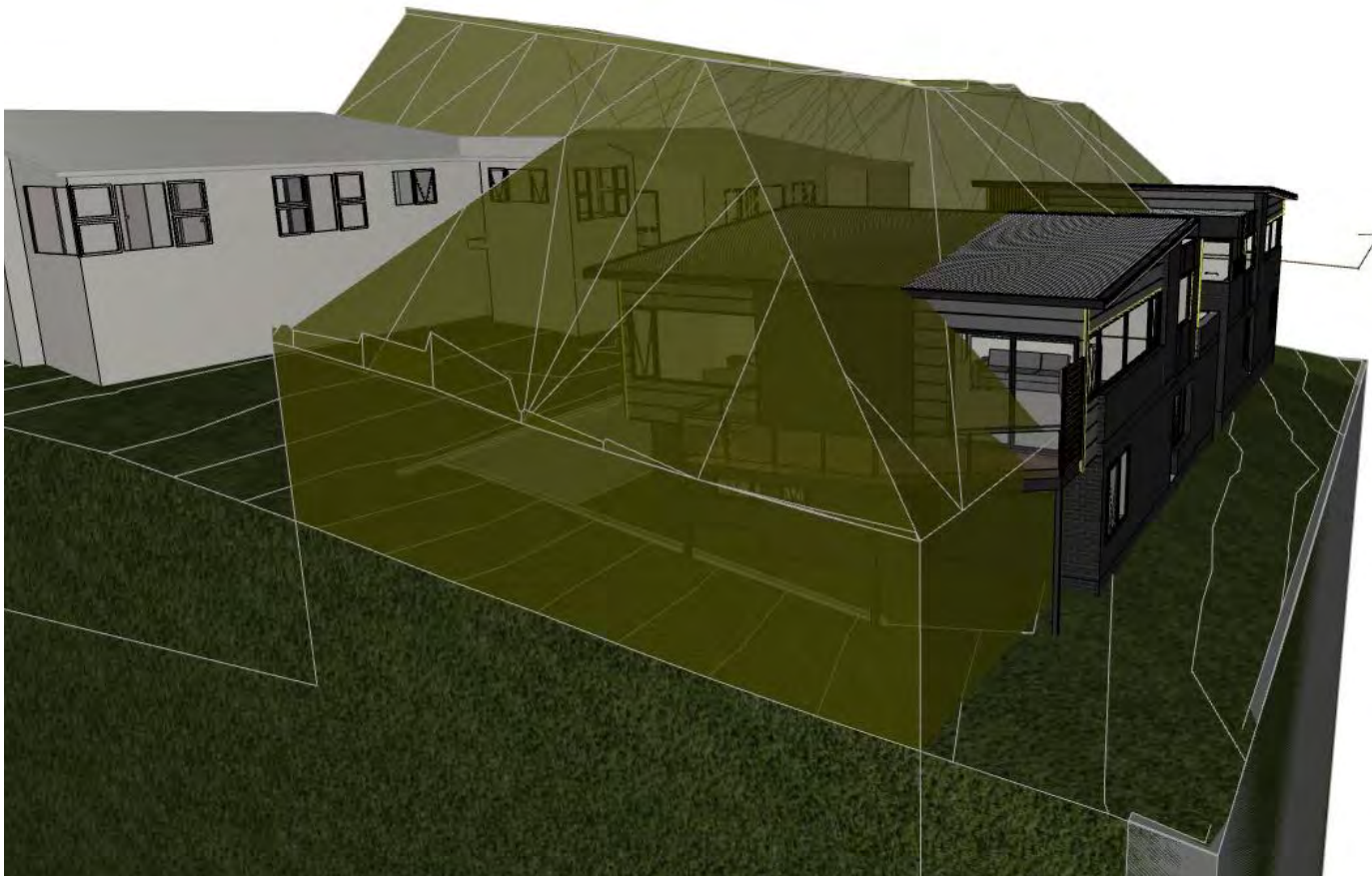


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SHADOWS @ 0900 ON JUNE 21st



SHADOWS @ 0900 ON JUNE 21st

### 3D Building Envelope



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Proposal:	Unit Development	Scale: 1:204.37 @ A3	Job No: 164-2019	Pg No: DA.15
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au				

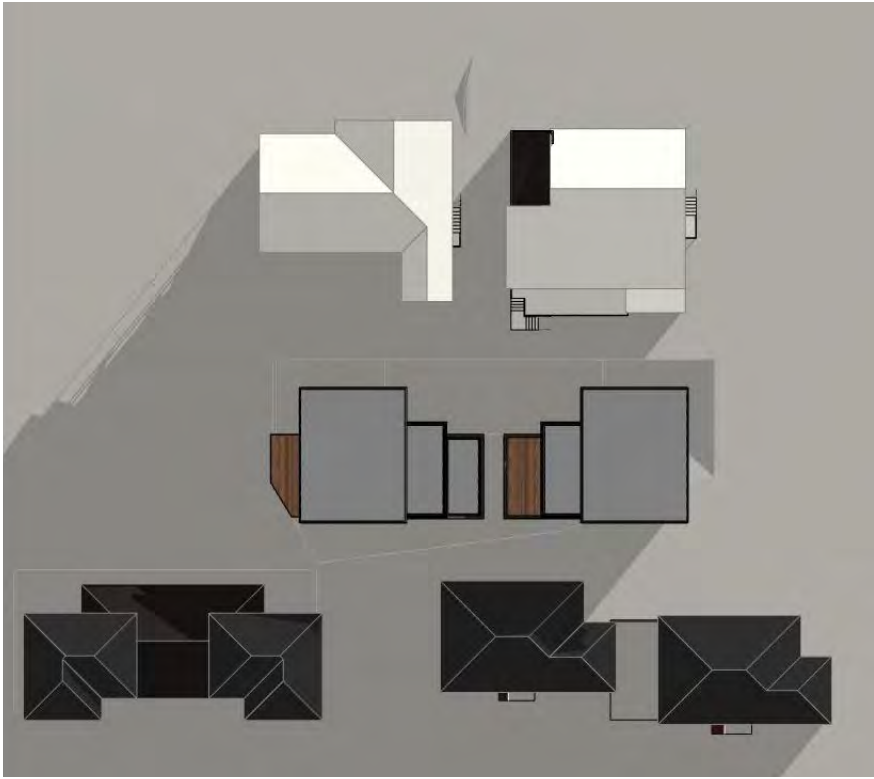
Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2


  
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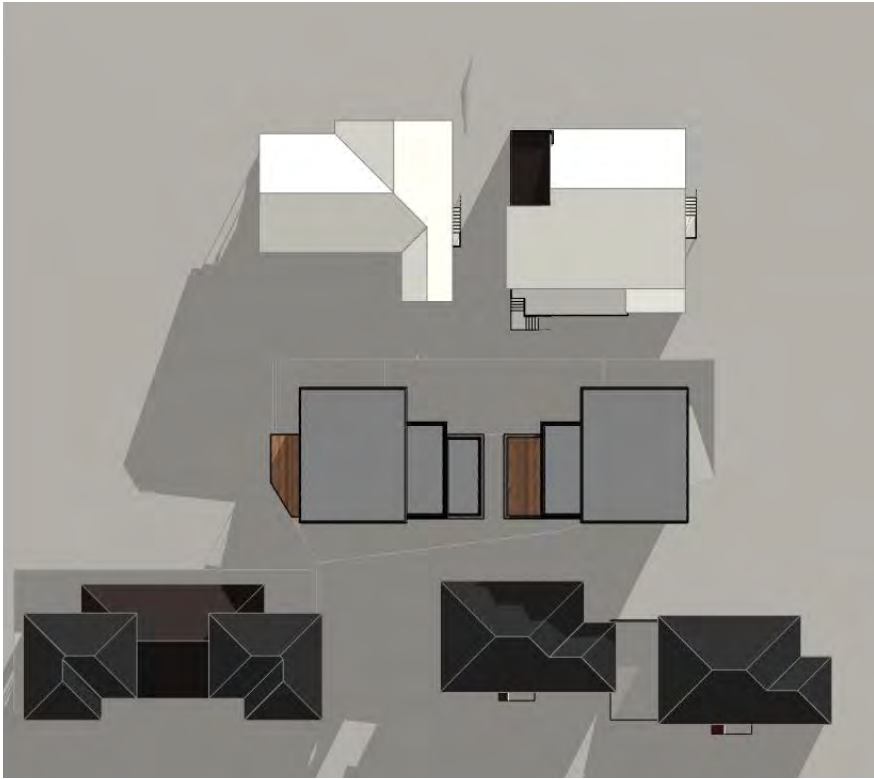


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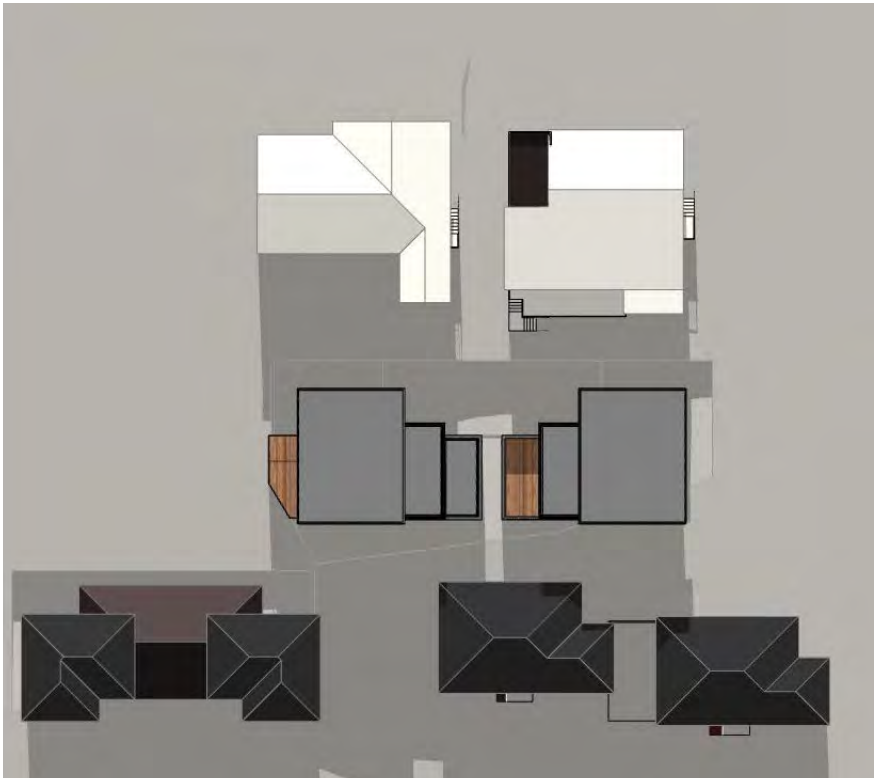
SHADOWS @ 0900 ON JUNE 21st



SHADOWS @ 1000 ON JUNE 21st

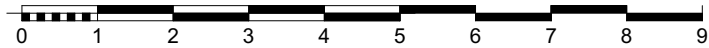


SHADOWS @ 1100 ON JUNE 21st



SHADOWS @ 1200 ON JUNE 21st

Shadow Study 01



Proposal:	Unit Development	Scale:	@ A3	Job No: 164-2019	Pg No: DA.16
Client:	Brent McDermont & Belinda Collis	Date:	14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn:	JRN	Building Surveyor:	

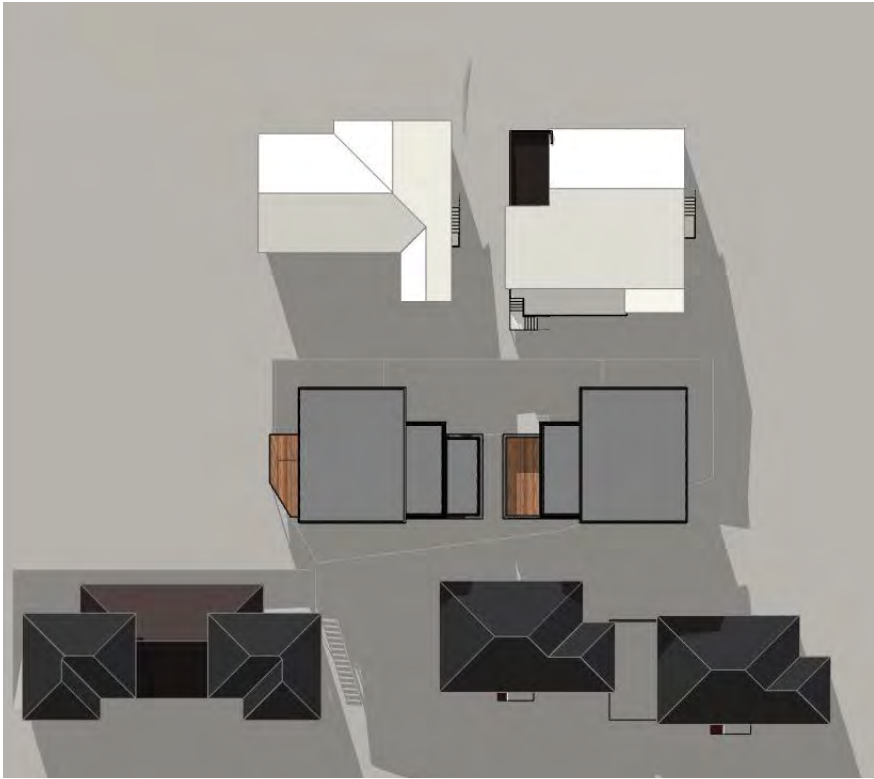
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Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2

  
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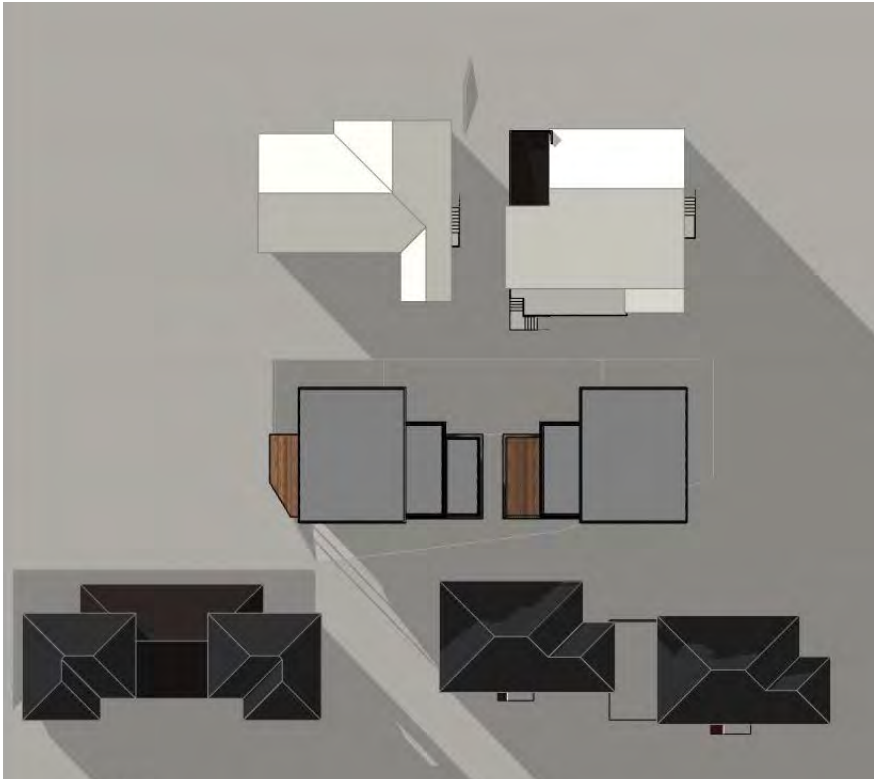
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SHADOWS @ 1300 ON JUNE 21st



SHADOWS @ 1400 ON JUNE 21st



SHADOWS @ 1500 ON JUNE 21st

Shadow Study 02



Proposal:	Unit Development	Scale:	@ A3	Job No: 164-2019	Pg No: DA.17
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:		
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:		
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4218 E: jnickerson@pinnacledrafting.com.au					

Amendments	
Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2



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JUNE 21 9 AM



JUNE 21 10 AM



JUNE 21 11 AM



JUNE 21 NOON



JUNE 21 1 PM



JUNE 21 2 PM



JUNE 21 3 PM



JUNE 21 4 PM



JUNE 21 9 AM



JUNE 21 10 AM



JUNE 21 11 AM



JUNE 21 NOON



JUNE 21 1 PM



JUNE 21 2 PM



JUNE 21 3 PM



JUNE 21 4 PM

### 3D Sun Study June 21



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Proposal:	Unit Development	Scale:	@ A3	Job No:	164-2019	Pg No:	DA.21
Client:	Brent McDermont & Belinda Collis	Date:	14.11.19	Engineer:			
Address:	23 & 25 Hill St, Bellerive	Drawn:	JRN	Building Surveyor:			

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

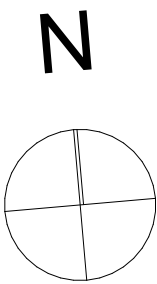
#### Amendments

Date	Description
17.12.19	Client Revisions
01.04.20	Planning RFI
27.10.21	Planning RFI 2

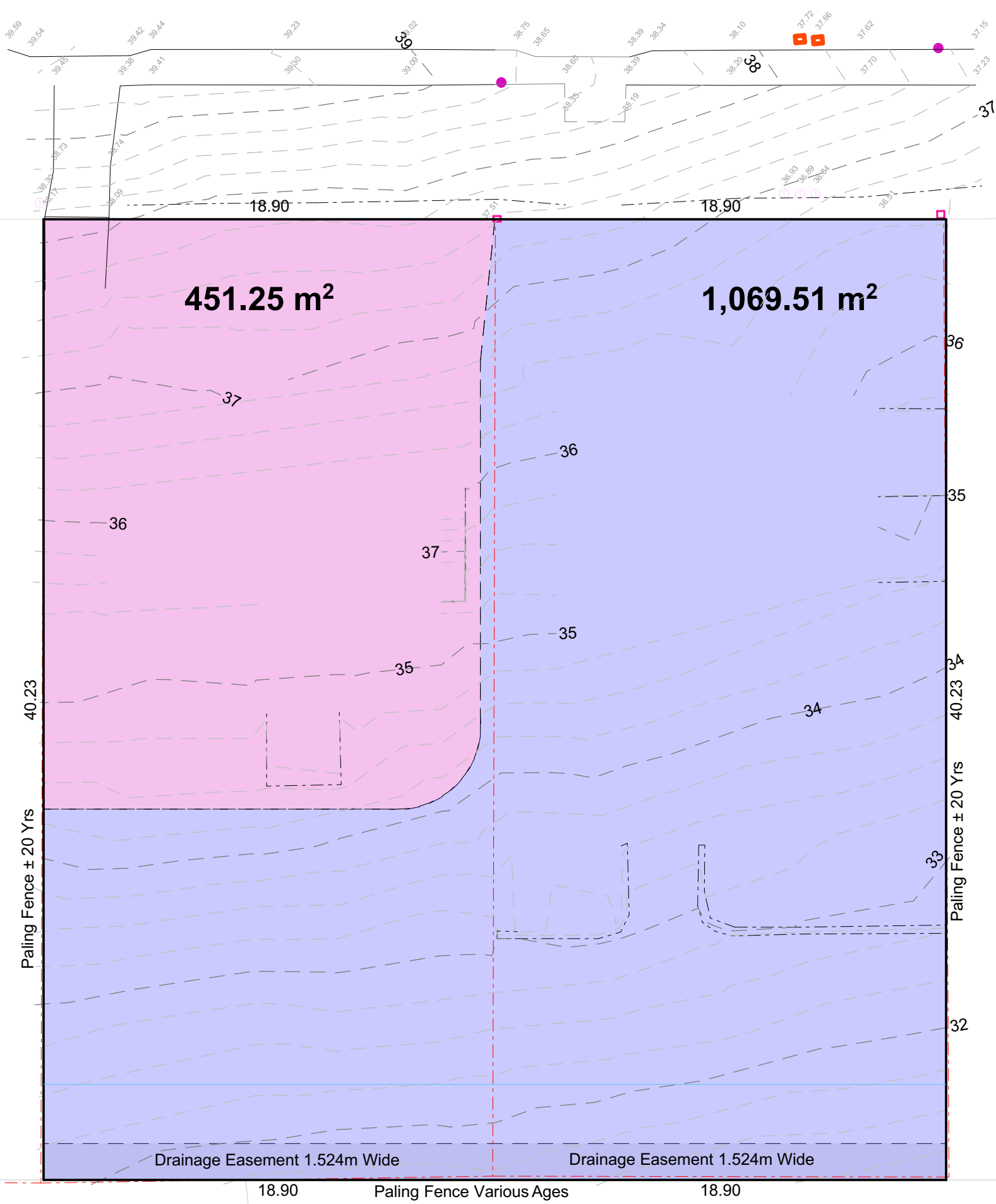


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Site Areas	
23 HILL STREET	451.25m <sup>2</sup>
25 HILL STREET	1069.51m <sup>2</sup>



HILL STREET



Lot Layouts

Amendments	
Date	Description
01.04.20	Planning RFI



Proposal:	Unit Development	Scale: 1:200, 1:100	Job No: 164-2019	Pg No: DA.03
Client:	Brent McDermont & Belinda Collis	Date: 14.11.19	Engineer:	
Address:	23 & 25 Hill St, Bellerive	Drawn: JRN	Building Surveyor:	
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### Attachment 3



Photo 1: looking at 23 Hill Street from the roadway.



Photo 2: looking at 25 Hill Street from the roadway.



Photo 3: looking toward 2/28 Stanley Street (red arrow), below and between 23 and 25 Hill Street.



Photo 4: looking south at 23 and 25 Hill Street.

**7. REPORTS OF OFFICERS**

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

Nil.

<b>7.2 ASSET MANAGEMENT</b>
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Nil Items.



<b>7.3 FINANCIAL MANAGEMENT</b>
---------------------------------

Nil Items.

<b>7.4 GOVERNANCE</b>
-----------------------

Nil Items.

**8. MOTIONS ON NOTICE****8.1 NOTICE OF MOTION – ALD WALKER  
DERELICT BUILDINGS WITHIN THE CLARENCE MUNICIPALITY**

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

“That Council:

- A. Provides in principle support for a Dilapidated, Derelict and Abandoned Properties Register for the Clarence municipality.
- B. Requests that the General Manager investigate and report to council via a workshop:
  - the viability of establishing a publicly available ‘dilapidated, derelict and abandoned properties’ register in the Clarence municipality; and
  - the options, if any, for establishing a charge (levy, rate or similar) to be applied to buildings placed upon the dilapidated, derelict and abandoned buildings register.
- C. That LGAT lobby the State Government to investigate a legislative mechanism enabling state-wide, publicly available dilapidated, derelict and abandoned buildings registers and to charge levies in respect to those properties.”

**EXPLANATORY NOTES**

- 1. The purpose of this Motion is to seek advice from the General Manager on the statutory options currently available to council, and to also refer the matter to LGAT to seek support from other councils for legislative change, with the aim of establishing a state-wide, consistent approach to this issue.
- 2. The motion is informed by The Derelict Sites Act 1990 (Republic of Ireland) which defines a derelict site as any land that “detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of”:
  - structures which are in a ruinous, derelict or dangerous condition; or
  - the neglected, unsightly or objectionable condition of the land or of structures on it; or
  - the presence, deposit or collection of litter, rubbish, debris or waste.

3. There are several dilapidated, derelict and abandoned buildings within our municipality. It is not clear that the owners have any particular plans for these buildings, and, in a number of cases, they are unsightly and detract from the area's amenity.
4. Establishment of a register of these buildings and a levy or charge could assist to encourage owners to either demolish the building, redevelop the property or sell it so that someone else can do something effective with the land.

J Walker  
ALDERMAN

**GENERAL MANAGER'S COMMENTS**

*There are presently very few legislative options to appropriately manage dilapidated, derelict and abandoned buildings within the City. Investigating and reporting on mechanisms utilised in other jurisdictions will assist to understand options for Clarence, should there be support to progress this issue.*

## 8.2 NOTICE OF MOTION – ALD MULDER PLANNING AUTHORITY DELEGATION

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

“That this Council approve the following delegation in respect to section 59 of the Land Use Planning & Approvals Act 1993, delegating its powers in the specified circumstance to the identified council officers.

Land Use Planning & Approvals Act 1993 Section 59(7)	To grant permits with or without conditions and to refuse permits (development applications and subdivisions) as appropriate in relation to applications for permits in accordance with the provisions of the relevant Planning Scheme and/or consistent with Council policies and standards where Council, sitting as a Planning Authority, has been unable to determine the application and the statutory time under section 57(6)(b)(i) or (ii) or 58 (2) has not yet expired.	General Manager Manager City Planning Principal Planner.”
--	---	---

### EXPLANATORY NOTES

1. The current two-step process utilises a delegation in a way that was not originally contemplated when the delegation was originally approved.
2. Where council has been unable to make a decision on a planning item, proponents and the community have been left unclear as to what happens next.
3. The new delegation will give certainty in terms of process and decision-making.

T Mulder  
ALDERMAN

### GENERAL MANAGER'S COMMENTS

*In circumstances where Council has been unable to resolve a planning application council officers utilise a two-step process to resolve the application. The delegation, as proposed, would ensure that the application can be resolved within a single step.*

**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).

Nil.

**9.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil.

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

Ald Blomeley

Both my questions relate to the severe storm event of 7 January.

1. You would be aware of the damage to the East Derwent Highway but also the flooding of homes as the water cascaded down towards the Esplanade to the river. A number of homes were flooded and damaged one resident lost a fence, so it was quite severe. My question is have we, particularly in that area between Ronnie and Shore Streets Rose Bay /Lindisfarne, contacted the State Government particularly the Minister for Infrastructure and Transport regarding the need for adequate drainage in that area?

**ANSWER**

I don't believe that we have contacted anyone in the State Government regarding those areas.

(Further information) We have asked the Department of State Growth and are awaiting a response. Aldermen will be updated once an answer is received.

2. That night when residents were dealing with this severe weather event the council works crew came out at about 9.30 on that Friday night and assisted a number of residents bringing a brick fence that had fallen over back to the property and securing that so my question is Mr Mayor could you or the General Manager please extend to our works crew the appreciation of many grateful residents particularly those of Rose Bay who were so appreciative of the assistance they received from our hardworking staff?

**ANSWER**

(Mayor) We will certainly do that.



Ald Edmunds

1. With regard to the questions on notice I sent an email around I think we are all sort of dealing with different people or different issues because there is so much flooding that has occurred. I was really encouraged by what the General Manager said about providing some info to businesses about when the works might have started. I wondered if we could consider in our comms as well an update for our residents because if it's just dribs and drabs through various Aldermen it might be better with this issue with the way it's to be started to have a proper comms package a bit like we did with the estuary. I'm not saying we have to have a pop up event but a fact sheet or something like that just so everyone knows where they're coming from and we have a consistent message out there about when this is coming and why and if there are further queries etc?

**ANSWER**

(Mayor) That is a good suggestion Ald Edmunds we will follow that up.

(Further information) A two-page FAQ is being prepared detailing our stormwater projects. This will be finalised shortly.

2. Could we acknowledge the hard work that everyone put in for the cricket match, the City looked fantastic so congratulations to everyone involved?

**ANSWER**

We intend to recognise the work of the many council staff involved in the preparation and support of the Ashes Test.

Ald Ewington

Just a follow on from the questions I asked at the last meeting, you will note in there I did actually ask for a list of the sites or locations where we placed these signs, these signs that are now a waste of time to be honest, the check-in signs. So, if I could get the list of locations from the General Manager?

**ANSWER**

The QR signs have been placed in parks with play and/or skate equipment, in accordance with the Public Health Direction. Check-in is still mandated by Department Health at these sites. In the larger parks, multiple signs have been erected where reasonable to do so. Actual locations of installation are:

1	Adina Park	34	Leyden Court Park
2	Anulka Park	35	Linden Park
3	Anzac Park Lindisfarne	36	Malunna Park
4	Astor Park	37	Minerva Park South
5	Banyalla Play Park	38	Montague Bay lease
6	Barana Neighbourhood Park	39	Morrisby Play Park
7	Bayview Park	40	Mortyn Place Park
8	Bellerive Beach Park	41	Nelson Park
9	Beltana Park	42	Oakdown Park
10	Blessington Street Reserve	43	Opossum Bay Park
11	Camelot Park	44	Percy Park
12	Carbeen Play Park	45	Pindos Park

13	Carella Park	46	Poplar Play Park
14	Clarendon Vale Green Belt	47	Raleigh Court Reserve
15	Clifton Beach Reserve	48	Richmond Municipal Park
16	Coobar Play Park	49	Risdon Vale Community Park
17	Cremorne Apex Park	50	Rose Bay Foreshore Park
18	Cremorne Beach Outdoor gym	51	Rosny Point Reserve - 1
19	Currajong Park	52	Rosny Skate Park
20	Eastwood Play Park	53	Rotuma Park
21	Elinga Play Park	54	Shoreline Park
22	Epping Play Park	55	Simmons Park
23	Fairfield Park	56	South Arm Skate Park
24	Flinders Street Park	57	Stanley Park
25	Geilston Bay Recreation Centre	58	Sunshine Home Playgroup
26	Glebe Hill Estate	59	Swinton Play Park
27	Glebe Hill Park	60	Tandundal Park
28	Hookey Street Park	61	Tranmere Hall Playground
29	Kangaroo Bay Water Park	62	Vela Park
30	Kerria Play Park	63	War Memorial Recreation Reserve
31	Lauderdale Canal Skate Park		
32	Laurel Play Park	64	Warrane Green Belt
33	Lewis Park	65	Waverly Flora Park
		66	Wentworth Park Play Park

2. Just to confirm the amounts you have put in for the installation costs are only for the cost of the signs it doesn't include staff time or liaison with the Health Department and all those sort of issues?

**ANSWER**

The cost provided is for signs and installation materials only. It does not include labour costs.

Ald James

1. I have a photo of council workers working on that parcel of land at Kangaroo Bay which is the section where the training facility as part of the Chambroad development was to be. Did Chambroad pay for the clearing of the high grass on that land or pay council workers for the clearing of that high grass on that land that's owned by Chambroad or was it basic clean up before the Ashes test within the City?

**ANSWER**

The General Manager sought clarification of the location referred to. (Mayor) I believe it to be the bank parallel to Cambridge Road where the hospitality school was going to be as opposed to the hotel.

(Further information) Part of the Chambroad site was tidied up by council staff as part of our wider Ashes preparation program. The land at the corner of Rosny Hill Road and Kangaroo Bay Drive was also tidied up, as were a number of verges and nature strips throughout the wider area. This work was not charged to anyone. It was undertaken on a discretionary basis as part of a wider program of works to showcase the city ahead of the Ashes Test.

2. In relation to the 42 [day] statutory timeline for planning, the question is whether there needs to be or is there some extraordinary extension of the period arising over the Christmas period as that would have a bearing on many of the development applications lodged in the November/December timeline, is there some extraordinary extension granted to allow for that time lodgement for the 42 days to be extended because of that time over the Christmas break?

**ANSWER**

The Act provides that the 42 days does not include days where the office is normally closed.

Ald Mulder

My question relates to the eastern link of the Richmond Bypass, the Minister for Infrastructure has advised us that his department intends to contact council to assist us in developing a structure plan as a basis for the Richmond Bypass to protect our historic gems. Has that contact been made and what is the timeframe for development of the plan?

**ANSWER**

The Department of State Growth has engaged consultants to develop a Transport Network Operating Framework for Clarence, with the objective to guide the operation and development of the transport network on Hobart's eastern shore and provide a basis for decision making that reflects the competing demands on the transport network. The study includes the following three areas:

- Urban area of Clarence (generally the settled area between the Derwent River and the Meehan Range, from Sugarloaf Road to Acton Road)
- Richmond township
- Road network between Brighton and the Hobart Airport (including Tea Tree Road, Back Tea Tree Road, Middle Tea Tree Road, Colebrook Road, Malcolm's Hut Road, Richmond Road and Cambridge Link Road)

The project commenced in December 2021 and will involve individual stakeholder meetings including council officers to inform the development of the Network Operating Framework.

Ald Walker

1. My question relates to the E-scooters that are gracing Launceston and Hobart council areas. I had some issues raised by residents expressing concern about where Clarence stands, so I guess while it is not something we have deliberated on I think that perhaps to give the community some comfort if the steps for that to happen could be generalised so that when we are having discussions with members of the community we could let them know that that is what needs to happen or what the potential steps are, certainly there are problems on the other side of the river and trying to get the balance right between dynamic transport and community safety is an issue. Could we be provided with the steps involved that would be required for E-scooters on the Eastern Shore?

**ANSWER**

E scooters are restricted to a speed of 15km/h on footpaths, and 25km/h on shared paths, bicycle paths and local roads.

Councils have the power to restrict footpaths that should not be shared and to add divided local roads to the network on a case-by-case basis. We have not identified or declared any no-go zones.

Anyone 16 years of age or older will be able to use an eScooter as long as they wear a helmet and comply with all of the road rules, including speed limits and don't use mobile phones.

There are privately owned eScooters being used in Clarence, however the hire companies operating in Hobart have "geofenced" their scooters so that cannot be used here.

For a large-scale commercial trial to take place in the city it would require a decision of council and subsequent negotiations on licences and permits.

2. With the storm event could we be provided with a breakdown with the sum of our stormwater systems if an increase in hard surfaces was a contributing factor or a factor that is the straw that is breaking the camel's back and the reason for that is to try and figure out whether there are certain developments that are occurring that suddenly steps up a stormwater requirement?

**ANSWER**

We do not have that specific information to assess the contributing factor question. The particular flooded areas in recent years have experienced high intensity rainfall in a localised area. The events are modelled in our stormwater management plans which contain a capital investment plan to improve areas of concern in the long term.

Ald Warren

If we are contacting the State Government to ask for an update on the damage to the East Derwent Highway, would it be possible to include consideration of planting along that area because it seems to me that there was nothing to hold the soil on and it just washed away and took all the bricks with it? That area used to be well planted, I recall fondly the ubiquitous pig face all the way from the bridge to Lindisfarne and it is certainly something that our constituents frequently contact us and complain about the state of that middle section of the East Derwent Highway and how unattractive it is.

**ANSWER**

(Mayor) We will ask the State Government to take the vegetation into account as well.

(Further information) We have asked the Department of State Growth and are awaiting a response. Aldermen will be updated once an answer is received.

**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 TENDER T1397-20 – CLARENCE AQUATIC CENTRE – PLANT UPGRADE

10.3 TENDER T1434-21 – OAKBANK ROAD, OTAGO BAY – ROAD RECONSTRUCTION

10.4 APPOINTMENT OF COMMITTEE MEMBER AND CHAIRPERSON

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; and
- applications by Aldermen for a Leave of Absence.

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

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

**PROCEDURAL MOTION**

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