

COUNCIL MEETING
MONDAY 4 JULY 2022

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ACKNOWLEDGEMENT OF COUNTRY	3
2.	APOLOGIES.....	3
3.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	3
4.	OMNIBUS ITEMS	4
4.1	CONFIRMATION OF MINUTES	4
4.2	MAYOR’S COMMUNICATION	4
4.3	COUNCIL WORKSHOPS	4
4.4.	TABLING OF PETITIONS.....	5
4.5	REPORTS FROM OUTSIDE BODIES	6
4.6	REPORTS FROM SINGLE AND JOINT AUTHORITIES	6
4.7	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES	6
4.8	WEEKLY BRIEFING REPORTS.....	7
5.	PUBLIC QUESTION TIME.....	8
5.1	PUBLIC QUESTIONS ON NOTICE	8
5.2	ANSWERS TO QUESTIONS ON NOTICE.....	8
5.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	8
5.4	QUESTIONS WITHOUT NOTICE	8
6.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	9
7	PLANNING AUTHORITY MATTERS	
7.1	DEVELOPMENT APPLICATION PDPLANPMTD-2022/027374 – 1 DOMINIQUE WAY, ROKEBY - 2 MULTIPLE DWELLINGS.....	11
7.2	DEVELOPMENT APPLICATION PDPLANPMTD-2021/021934 - 21 VAUGHAN COURT, TRANMERE - 1 LOT SUBDIVISION.....	35
8.	REPORTS OF OFFICERS	
8.1	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS - NIL ITEMS	
8.2	ASSET MANAGEMENT - NIL ITEMS	

8.3 FINANCIAL MANAGEMENT - NIL ITEMS

8.4 GOVERNANCE

- 8.4.1 DELEGATION UNDER THE LOCAL GOVERNMENT ACT (TAS.) 199359
- 8.4.2 LEASE OF PUBLIC LAND AT 15 ELEANOR COURT, ACTON PARK – TELSTRA CORPORATION –
EXISTING TELECOMMUNICATIONS TOWER.....63

9. MOTIONS ON NOTICE

- 9.1 NOTICE OF MOTION - ALD BLOMELEY
MASTER PLANS.....67
10. ALDERMEN’S QUESTION TIME69
- 10.1 QUESTIONS ON NOTICE.....69
- 10.2 ANSWERS TO QUESTIONS ON NOTICE.....69
- 10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING.....70
- 10.4 QUESTIONS WITHOUT NOTICE75
11. CLOSED MEETING76
- 11.1 APPLICATIONS FOR LEAVE OF ABSENCE

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. ACKNOWLEDGEMENT OF COUNTRY

The Mayor will:

- make the following statement:

“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”.

- recite the Council prayer; and
- 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. A link to the Agenda is available via Council’s website.

2. APOLOGIES

Ald Walker (Leave of Absence)

3. 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.

4. OMNIBUS ITEMS**4.1 CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 14 June 2022 and the Special Council Meeting held on 27 June 2022, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION**4.3 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
Victoria Esplanade and Queen Street Master Plan	
Skylands Internal Discussion	
Rates Modelling	20 June
Mornington Park Waste Transfer Station	
Water Quality Howrah/Bellerive Beach Update	
Seven Mile Beach Consultation Update	
Former Bellerive Library	27 June

RECOMMENDATION:

That Council notes the workshops conducted.

4.4. TABLING OF PETITIONS

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

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

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

- Received from 91 signatories requesting Council investigate and implement traffic management measures to reduce speed of vehicles travelling on North Terrace, Lauderdale to at least the prescribed limit of 50km/hr, in the interests of public safety.

4.5 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.

4.6 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

June Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

4.7 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

4.8 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 13, 20 and 27 June 2022 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 13, 20 and 27 June 2022 be noted.

5. 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.

5.1 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.

5.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5.4 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.

6. 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)

7 PLANNING AUTHORITY MATTERS
--

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

**7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2022/027374 – 1
DOMINIQUE WAY, ROKEBY - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 1 Dominique Way, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Sustainable Transport Code, Bushfire Prone Areas Code, Safeguarding of Airport Assets Code and the Paraville 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 has been extended with the applicant's consent until 6 July 2022.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 1 Dominique Way, Rokeby (CI Ref PDPLANPMTD-2022/027374) be refused for the following reason.
 - 1. The proposal does not comply with Clause 8.4.2 P1 as the front setback of Unit 2 is not compatible with the streetscape and there are no topographical constraints to justify the setback.
- 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-2022/027374 – 1 DOMINIQUE WAY, ROKEBY - 2 MULTIPLE DWELLINGS /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The lot was created as part of the 163 Pass Road, SD-2018/3 subdivision. The newly created lot was part of Stage 4 of the subdivision, which still consists primarily of vacant lots, three dwellings currently are under construction and several other permits have recently been granted for single dwellings and one multiple dwelling site.

The proposed application seeks a reduction to the front setback to Danes Avenue. In communications with the applicant, officers identified the technical inability of the proposed setback to comply with the relevant standard. The applicant has chosen to proceed with the application in its current form.

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 7.5 – Compliance with Applicable Standards;
- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section C2.0 – Parking and Sustainable Transport Code;
- Section C16.0 – Safeguarding of Airport Assets Code; and
- Section CLA-S4.0 – ParanVille 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 a 675m² vacant lot, with frontages to both Dominique Way and Danes Avenue. Vehicle and pedestrian access are from Dominique Way, although the primary frontage as defined by the Scheme is Danes Avenue. This definition of a primary frontage being “*if there are 2 or more frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations*”. In this instance Danes Avenue has a shorter frontage than Dominique Way.

The lot slopes downwards from east to west, with a uniform slope of approximately 16%.

3.2. The Proposal

The proposal is for construction of two multiple dwellings on the subject site. The multiple dwellings would be single storey with each unit provided with a single garage and the additional parking spaces, including visitor parking, contained on-site in allocated parking areas.

The proposal would include a 3m setback to the frontage along Danes Avenue for Unit 2 and a 5.1m setback to Dominique Way for the garage of Unit 2 and a front setback of 8.5m to Unit 1 from Dominique Way.

A fence is proposed along the Danes Avenue frontage, which if the development were approved would require a condition regarding height and transparency levels to meet exemption clause 4.6.3 of the scheme.

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 the Bushfire Prone Areas Code, Safeguarding of Airport Assets Code and the Paranville Specific Area Plan with the exception of the following.

General Residential Zone

- **Clause 8.4.2 A1** – requires a 4.5 m setback to the primary frontage. The proposal would have a setback to Unit 2 of 3m to the primary frontage to Danes Avenue.

Approximately 25m² of Unit 2 would be located within the 4.5m setback, including part of a bedroom, the open plan living and dining room and deck.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 8.4.2 P1 as follows.

Clause	Performance Criteria	Assessment
8.4.2 P1	<i>“A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.”</i>	<p>Does not comply.</p> <p>The streetscape of Danes Avenue is currently dominated by vacant lots, with three dwellings under construction and several others with recent approvals that all meet the 4.5m setback. Currently, upon viewing the street it does not present any established setbacks or a recognised pattern of built form. Therefore, with the street devoid of any examples of dwellings with reduced setbacks to support the proposal, the application is reliant on any topographical constraints the site may present.</p> <p>In communications, the applicant was asked to justify the 3m setback to Danes Avenue or to consider amending the plans to meet the required 4.5m setback. In response, the applicant submitted that the site contained topographical constraints with the embankment parallel to Danes Avenue, and that the crossover was already constructed on Dominique Way, therefore making Dominique Way more appropriate as the frontage.</p>

		<p>On review of these points, it is considered that although the lot does contain a uniform slope of approximately 16%, this slope would not limit the construction of Unit 2 to be built 3m from the front boundary. The limiting characteristic of the site is having two frontages and fitting two moderately sized dwellings within the prescribed setbacks. The topography would not prevent alternative designs for multiple dwellings that meet the setbacks for the site.</p> <p>As the planning scheme only provides for a variation to the acceptable solution if there are other examples of dwellings with a reduced setback within the street, or if there are some kind of topographical constraints, it is considered the application provides no evidence to satisfy either criteria and therefore must be refused.</p>
--	--	---

It is appropriate to consider the purpose of this clause in establishing the front setback standard, in order to consider why the setback variation is not applicable in the current proposal. To do that, it is necessary to refer back to the objective of the clause where the relevant part is set out below.

“The Siting and scale of dwellings:

(a) Provides reasonably consistent separation between dwellings and their frontage within a street.”

Clause 8.4.2 A1 adopts 4.5m to a primary frontage as the means of meeting the above objective. This provides a satisfactory mechanism especially in more modern suburbs, where generous setbacks have been the norm, to ensure that new dwellings or extensions reasonably fit with the existing dwellings in a streetscape. It also implements the objective, when new streets and suburbs develop, by setting or contributing to consistent standard.

However, the performance criteria recognise the need for discretion to vary from the 4.5m front setback, in order to achieve the objective. This facility is necessary, particularly in older inner neighbourhoods or in established suburbs, where there are often lesser or varying setbacks within streetscapes and the appropriate design response for new infilling developments is to adopt a setback in line with the existing arrangements.

5. REPRESENTATION ISSUES

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

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal for the development of 2 multiple dwellings at 1 Dominique Way, Rokeby does not meet the front setback requirements of the performance criteria for Clause 8.4.2 P1. In view of Clause 5.6.1 of the Tasmanian Planning Scheme – Clarence, it is recommended the application be refused.

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

Ross Lovell
MANAGER CITY PLANNING



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.

21/06/2022

1:3000



PINNACLE



1 (Lot 92) Dominique Way, Rokeby

Owner(s) or Clients	Lyden Developments	Title Reference	181271/92
Building Classification	1a	Zoning	General Residential
Designer	Jason Nickerson CC6073Y	Land Size	675m ²
Total Floor Area	Refer to floor plans	Design Wind Speed	N2
Alpine Area	N/A	Soil Classification	M
Other Hazards <small>(e.g., High wind, earthquake, flooding, landslip, dispersive soils, sand dunes, mine subsidence, landfill, snow & ice, or other relevant factors)</small>	TBA	Climate Zone	7
		Corrosion Environment	Moderate
		Bushfire Attack Level (BAL)	12.5

ID	Sheet Name	Issue
A0.01	Site Plan	DA - 02
A0.02	Site Elevation	DA - 02
A1.01	U1 - Floor Plan	DA - 02
A1.02	U1 - Elevations	DA - 02
A1.03	U1 - Elevations	DA - 02
A1.04	U1 - Roof Plan	DA - 02
A2.01	U2 - Floor Plan	DA - 02
A2.02	U2 - Elevations	DA - 02
A2.03	U2 - Elevations	DA - 02
A2.04	U2 - Roof Plan	DA - 02
C.01	Civil Plan	DA - 02
C.02	Parking	DA - 02
L.01	Landscaping Plan	DA - 02
P.01	Sewer & Water Plan	DA - 02

Legend

- Electrical Connection
- Electrical Turret
- Sewer Connection
- Stormwater Connection
- Telstra Connection
- Telstra Pit
- Water Meter
- Water Stop Valve

Note

All driveway pits and grate drains to be **Class B**.

Stormwater pits are indicative. Location may vary depending on site conditions.

Ground to fall away from building in all directions in compliance with AS2870 & N.C.C 3.1.3.3



Site Areas

Site Area	675 m²
Building Footprint	283.24 m²
Total Site Coverage	41.96%

- Access Panel
- Articulation Joint
- Smoke Alarm

Construction of sanitary compartments 3.8.3.3 of current NCC

The door to a sanitary compartment must -

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

unless there is a clear space of at least 1.2 m, measured in accordance with Figure 3.8.3.3 of NCC Vol II, between the closet pan within the sanitary compartment and the doorway.

Note: Safe Movement & Egress

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

Note: Paved Areas

All paths and patios to fall away from dwelling.

Note: Stair Construction

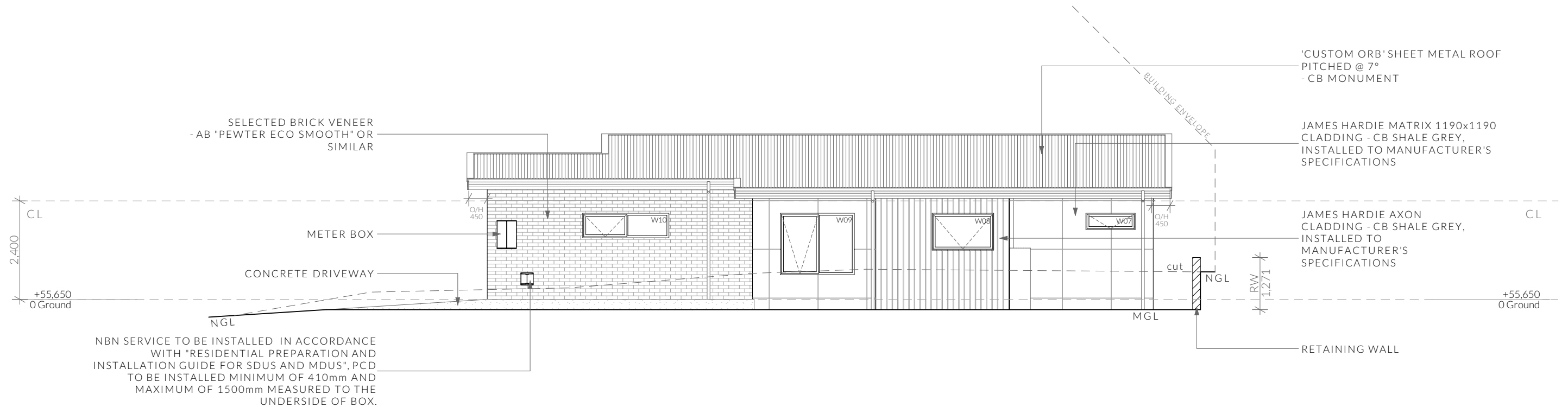
All stairs to be constructed in accordance with N.C.C Part 3.9.1:
Riser: Min 115mm - Max 190mm
Going: Min 240mm - Max 355mm
Slope (2R+G): Max 550 - Min 700



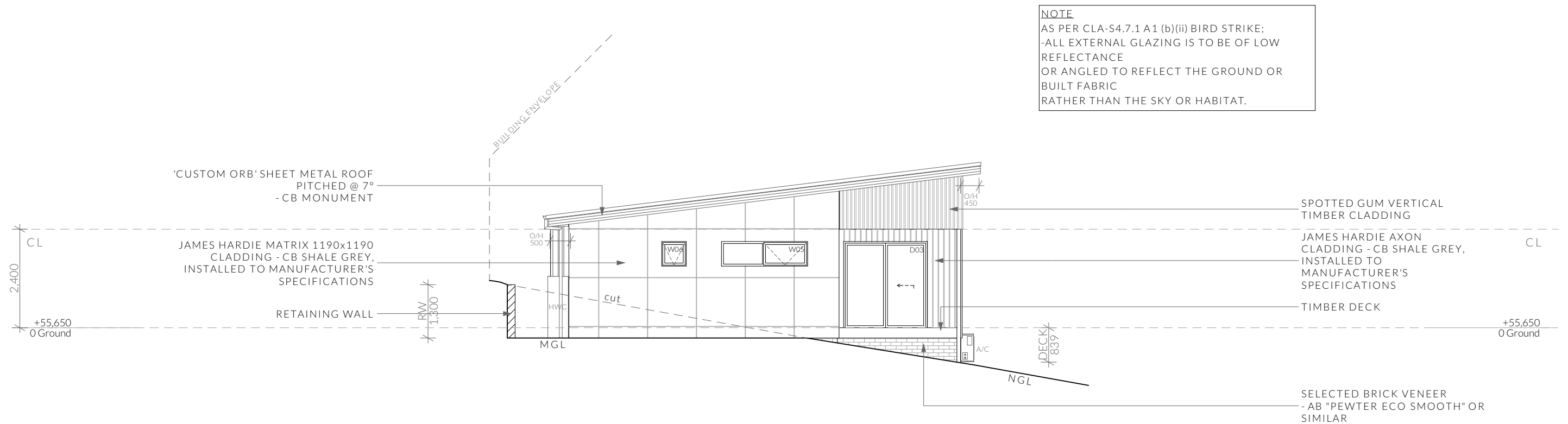
NOTE
AS PER CLA-S4.7.1 A1 (b)(ii) BIRD STRIKE;
-ALL EXTERNAL GLAZING IS TO BE OF LOW REFLECTANCE
OR ANGLED TO REFLECT THE GROUND OR BUILT FABRIC
RATHER THAN THE SKY OR HABITAT.

Floor Areas

Total Floor Area 122.56m²
Deck 10.50m²



1:100



1:100

NOTE

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

- 100mm in low rainfall intensity areas or sandy, well-drained areas; or
- 50mm above impervious areas that slope away from the building; or
- 150mm in any other case.

As per N.C.C part 3.9.2,

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

Except for bedrooms, where the requirement is for heights above 2m.

PINNACLE

PINNACLE DRAFTING & DESIGN
7/3 Abernant Way, Cambridge 7170
03 6248 4218
admin@pinnacledrafting.com.au
www.pinnacledrafting.com.au

U1 - Elevations

Revision:
Approved by:

DA - 02
JRN

Scale:
1:100 @ A3

Pg. No:
A1.02

Proposal: Unit Development
Client: Lyden Developments
Address: 1 (Lot 92) Dominique Way, Rokeby

Date: 12/04/22
 Drawn by: MM
 Job No: 156-2020
 Engineer: TBA
 Building Surveyor: TBA

Issue	Date
DA-01	12.04.2022
DA-02	12.05.2022

Description
Development Application
Council RFI



These drawings are the property of Pinnacle Drafting & Design Pty Ltd, and are drawn in whole or in part strictly confidential without written consent. © 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS; All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.



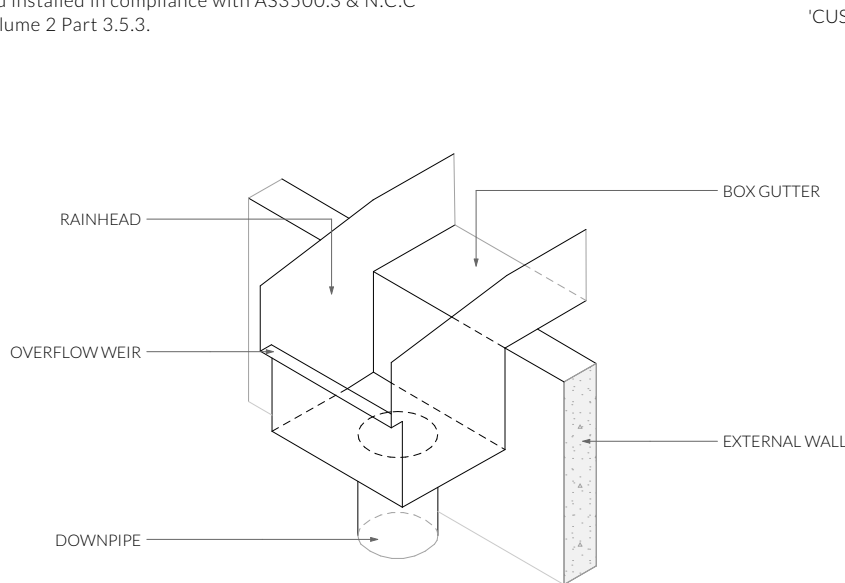
Roof Ventilation Notes

Roof space to be ventilated in accordance with BSOL
"Guide for Control of Condensation and Mould in
Tasmanian Homes" 2019:

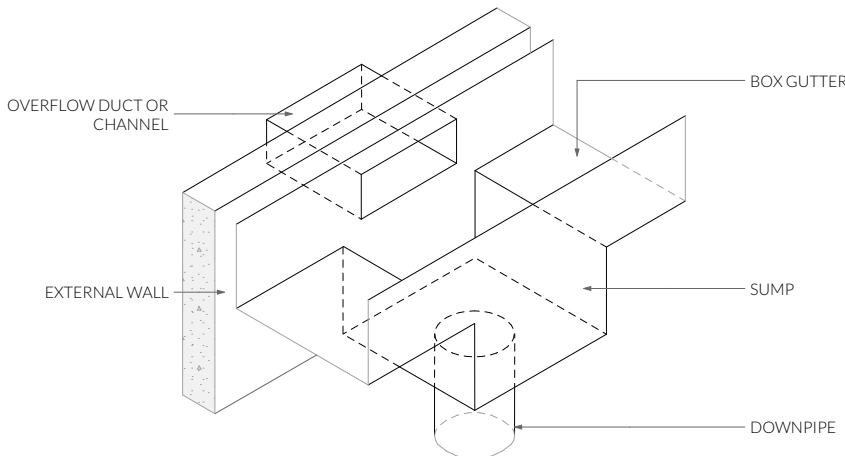
- Openings must have a total unobstructed area of 1/300 of the respective ceiling area if the roof pitch is more than 16°, or 1/150 of the respective ceiling area if the roof pitch is less than 16°.
- 25% of the total unobstructed area required must be located not more than 900 mm below the ridge or highest point of the roof space, measured vertically, with the remaining required area provided by eave vents.

Stormwater Notes

All gutters, downpipes and rain heads to be designed and installed in compliance with AS3500.3 & N.C.C Volume 2 Part 3.5.3.

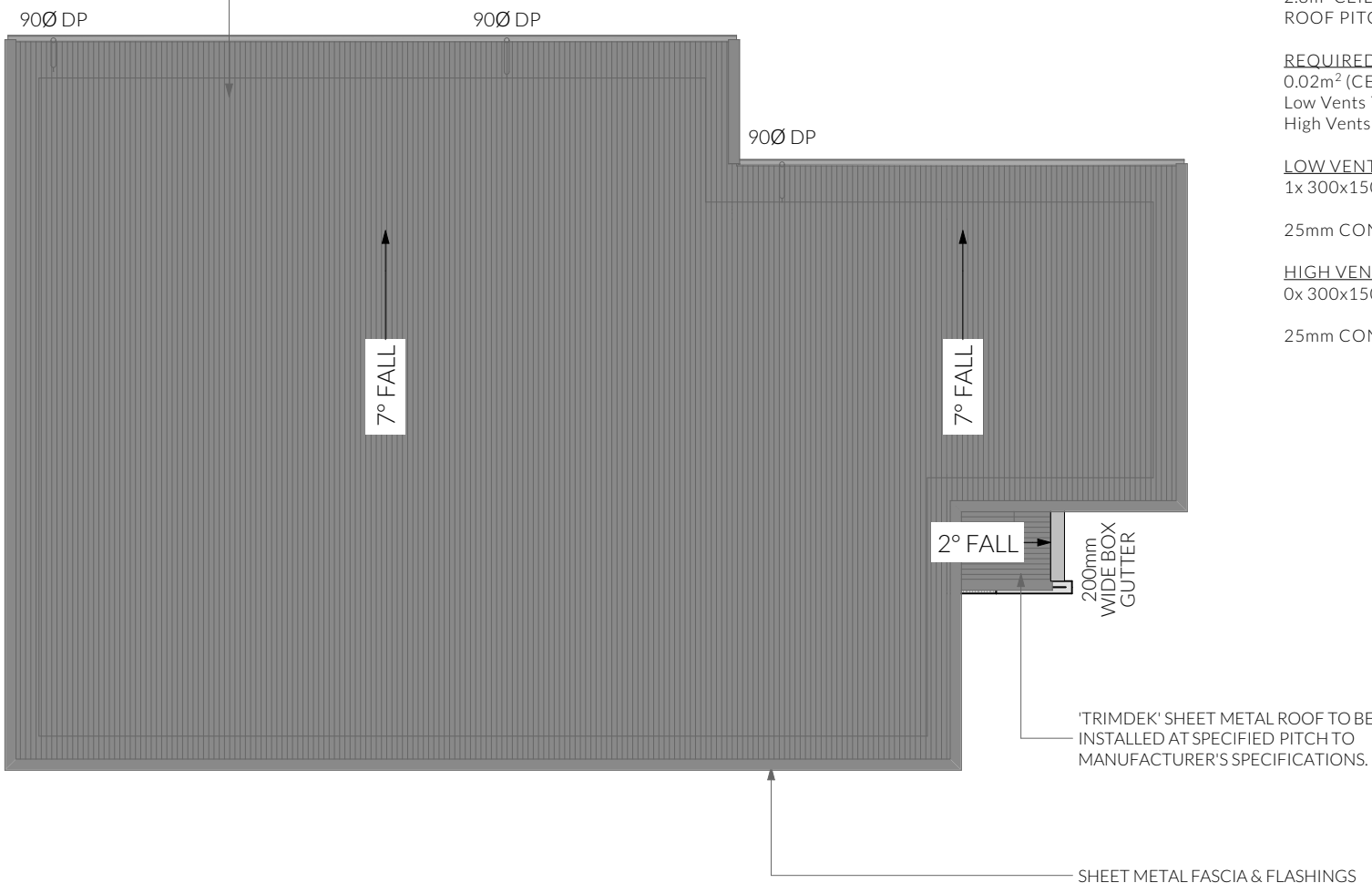


EXTERNAL RAIN HEAD DETAIL (TYP)



INTERNAL SUMP DETAIL (TYP)

'CUSTOM ORB' SHEET METAL ROOF TO BE
INSTALLED AT SPECIFIED PITCH TO
MANUFACTURER'S SPECIFICATIONS.



REQUIRED NUMBER OF ROOF VENTS:

HIP/GABLE ROOF

CEILING AREA & PITCH
155m² CEILING
ROOF PITCH < 16°

REQUIRED VENT AREA

0.97m² (CEILING AREA/150)
Low Vents 75% = 0.73m²
High Vents 25% = 0.24m²

EAVE VENTS

BUILDERS EDGE EAVE VENT (EV4020) FITTED WITH
STAINLESS STEEL BUSHFIRE MESH
28x 400X200mm(0.035m²) VENTS EVENLY SPACED
OR
25mm CONTINUOUS VENT

PARAPET ROOF - LIGHTWEIGHT CLAD

CEILING AREA & PITCH

2.8m² CEILING
ROOF PITCH < 16°

REQUIRED VENT AREA

0.02m² (CEILING AREA/150)
Low Vents 75% = 0.02m²
High Vents 25% = 0.00m²

LOW VENTS

1x 300x150 WALL VENTS (0.05m²)
OR
25mm CONTINUOUS VENT

HIGH VENTS

0x 300x150 WALL VENTS (0.05m²)
OR
25mm CONTINUOUS VENT

NOT FOR CONSTRUCTION

	PINNACLE DRAFTING & DESIGN 7/3 Abernant Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	U1 - Roof Plan Revision: DA - 02 Approved by: JRN	Scale: 1:20, 1:100 @ A3 Pg. No: A1.04	Proposal: Unit Development	Date: 12/04/22	<table><tr><th>Issue</th><th>Date</th><th>Description</th></tr><tr><td>DA-01</td><td>12.04.2022</td><td>Development Application</td></tr><tr><td>DA-02</td><td>12.05.2022</td><td>Council RFI</td></tr></table>	Issue	Date	Description	DA-01	12.04.2022	Development Application	DA-02	12.05.2022	Council RFI		These drawing are the property of Pinnacle Drafting & Design Pty Ltd, reproduction in whole or part is strictly forbidden without written consent. © 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS; All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.	 
	Issue			Date	Description													
DA-01	12.04.2022	Development Application																
DA-02	12.05.2022	Council RFI																
Client: Lyden Developments	Drawn by: MM	Job No: 156-2020	Engineer: TBA	Building Surveyor: TBA														
Address: 1 (Lot 92) Dominique Way, Rokeby																		

- Access Panel
- Articulation Joint
- Smoke Alarm

Construction of sanitary compartments 3.8.3.3 of current NCC

The door to a sanitary compartment must -

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

unless there is a clear space of at least 1.2 m, measured in accordance with Figure 3.8.3.3 of NCC Vol II, between the closet pan within the sanitary compartment and the doorway.

Note: Safe Movement & Egress

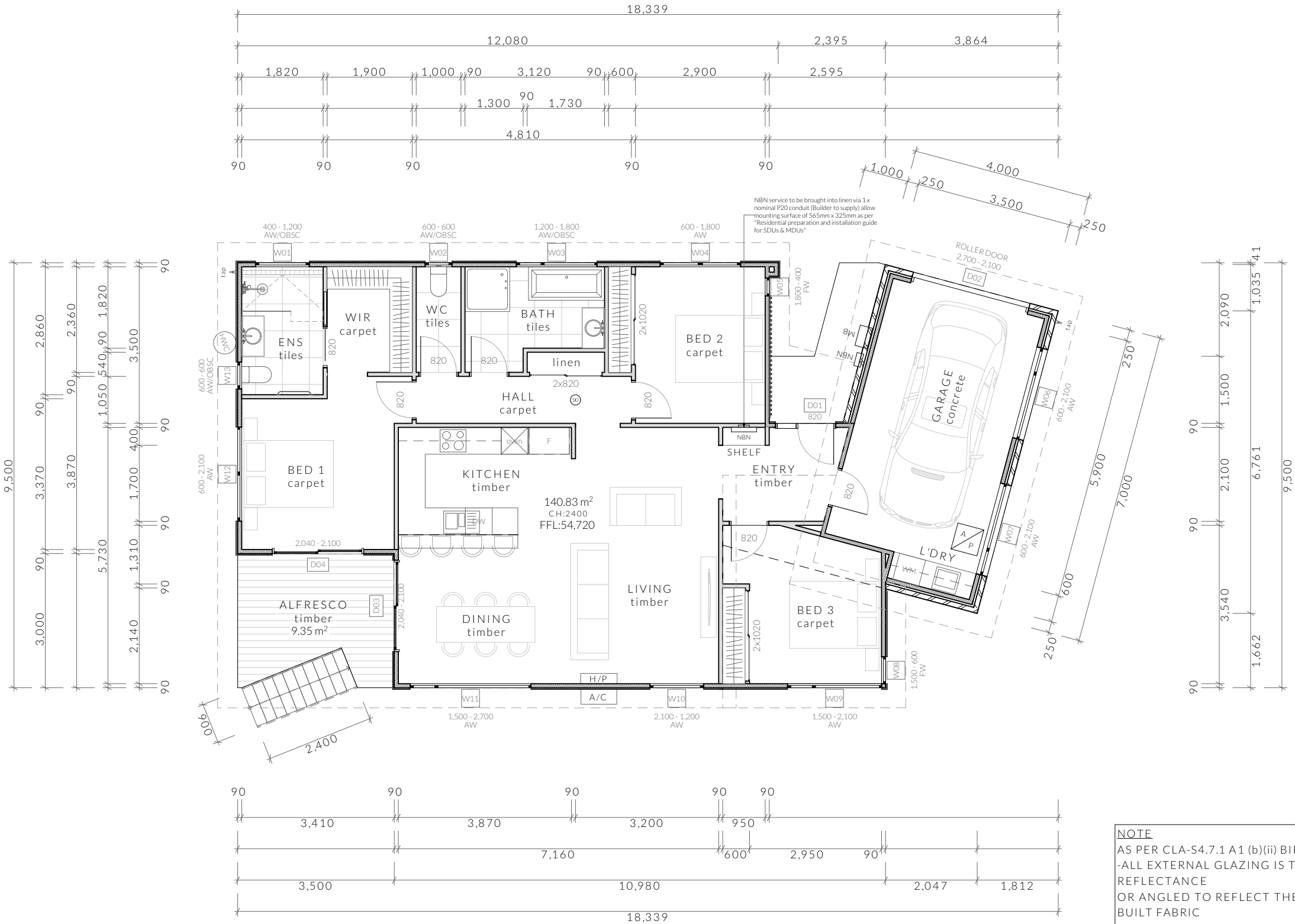
Openable windows greater than 4m above ground level are to be fitted with a device to limit opening or a suitable screen so a 125mm sphere cannot pass through. Except for Bedrooms, where the requirement is for heights above 2m.

Note: Paved Areas

All paths and patios to fall away from dwelling.

Note: Stair Construction

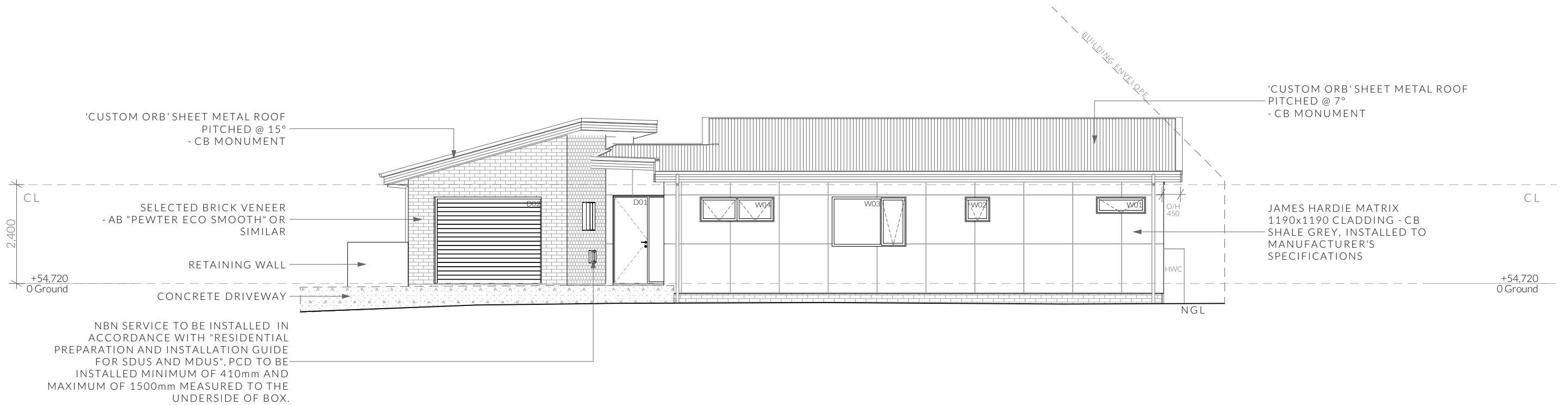
All stairs to be constructed in accordance with N.C.C Part 3.9.1:
Riser: Min 115mm - Max 190mm
Going: Min 240mm - Max 355mm
Slope (2R+G): Max 550 - Min 700



NOTE
AS PER CLA-S4.7.1 A1 (b)(ii) BIRD STRIKE;
-ALL EXTERNAL GLAZING IS TO BE OF LOW REFLECTANCE
OR ANGLED TO REFLECT THE GROUND OR BUILT FABRIC
RATHER THAN THE SKY OR HABITAT.

Floor Areas

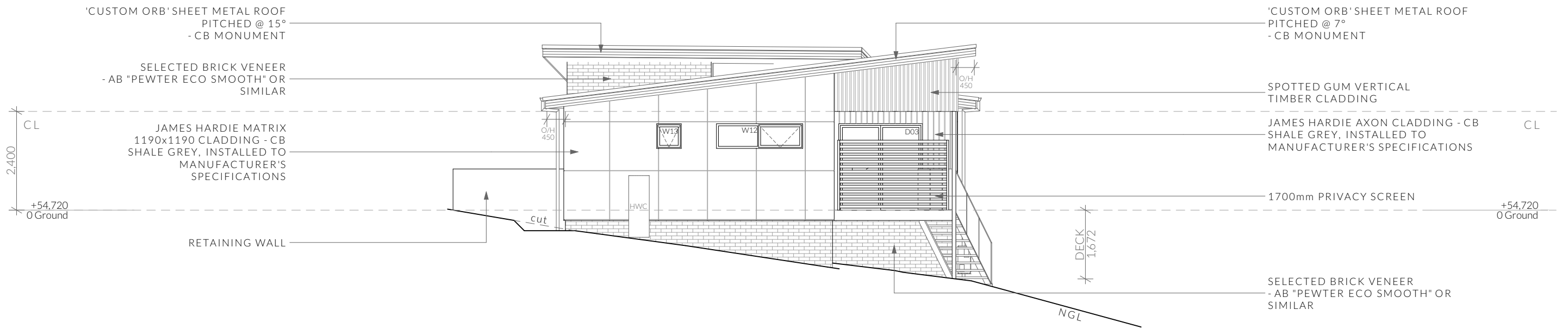
Total Floor Area	140.83m ²
Deck	9.35m ²



East Elevation

NOTE
AS PER CLA-S4.7.1 A1 (b)(ii) BIRD STRIKE;
-ALL EXTERNAL GLAZING IS TO BE OF LOW
REFLECTANCE
OR ANGLED TO REFLECT THE GROUND OR
BUILT FABRIC
RATHER THAN THE SKY OR HABITAT.

1:100



North Elevation

1:100

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

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

NOT FOR CONSTRUCTION

PINNACLE

PINNACLE DRAFTING & DESIGN
7/3 Abernant Way, Cambridge 7170
03 6248 4218
admin@pinnacledrafting.com.au
www.pinnacledrafting.com.au

U2 - Elevations

Revision: DA - 02
Approved by: JRN

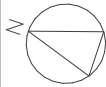
Scale:
1:100 @ A3
Pg. No:
A2.02

Proposal: Unit Development
Client: Lyden Developments
Address: 1 (Lot 92) Dominique Way, Rokeby

Date: 12/04/22
Drawn by: MM
Job No: 156-2020
Engineer: TBA
Building Surveyor: TBA

Issue Date
DA-01 12.04.2022
DA-02 12.05.2022

Description
Development Application
Council RFI



These drawings are the property of Pinnacle Drafting & Design Pty Ltd, reproduction in whole or part is strictly forbidden without written consent. © 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS; All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.



Roof space to be ventilated in accordance with BSOL
"Guide for Control of Condensation and Mould in
Tasmanian Homes" 2019:

- ## Stormwater Notes

All gutters, downpipes and rain heads to be designed and installed in compliance with AS3500.3 & N.C.C Volume 2 Part 3.5.3.



CEILING AREA & PITCH

125m² CEILING
ROOF PITCH < 16°

REQUIRED VENT AREA

0.83m² (CEILING AREA/150)
Low Vents 75% = 0.62m²
High Vents 25% = 0.21m²

EAVE VENTS

BUILDERS EDGE EAVE VENT (EV4020) FITTED WITH
STAINLESS STEEL BUSHFIRE MESH
24x 400X200mm(0.035m²) VENTS EVENLY SPACED
OR
25mm CONTINUOUS VENT

CEILING AREA & PITCH

17m² CEILING
ROOF PITCH < 16°

REQUIRED VENT AREA

0.12m² (CEILING AREA/150)
Low Vents 75% = 0.09m²
High Vents 25% = 0.03m²

EAVE VENTS

BUILDERS EDGE EAVE VENT (EV4020) FITTED WITH
STAINLESS STEEL BUSHFIRE MESH
4x 400X200mm(0.035m²) VENTS EVENLY SPACED
OR
25mm CONTINUOUS VENT

CEILING AREA & PITCH

38m² CEILING
ROOF PITCH < 16°

REQUIRED VENT AREA

0.26m² (CEILING AREA/150)
Low Vents 75% = 0.20m²
High Vents 25% = 0.06m²

EAVE VENTS

BUILDERS EDGE EAVE VENT (EV4020) FITTED WITH
STAINLESS STEEL BUSHFIRE MESH
8x 400X200mm(0.035m²) VENTS EVENLY SPACED
OR
25mm CONTINUOUS VENT

PINNACLE	PINNACLE DRAFTING & DESIGN 7/3 Abernart Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	U2 - Roof Plan	Scale: 1:20, 1:100 @ A3	Proposal: Unit Development Client: Lyden Developments Address: 1 (Lot 92) Dominique Way, Rokeby	Date: 12/04/22 Drawn by: MM Job No: 156-2020 Engineer: TBA Building Surveyor: TBA	<table><tr><th>Issue</th><th>Date</th><th>Description</th></tr><tr><td>DA-01</td><td>12.04.2022</td><td>Development Application</td></tr><tr><td>DA-02</td><td>12.05.2022</td><td>Council RFI</td></tr></table>	Issue	Date	Description	DA-01	12.04.2022	Development Application	DA-02	12.05.2022	Council RFI		These drawing are the property of Pinnacle Drafting & Design Pty Ltd, reproduction in whole or part is strictly forbidden without written consent. © 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS; All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.	 
	Issue	Date	Description															
DA-01	12.04.2022	Development Application																
DA-02	12.05.2022	Council RFI																
	Revision: DA - 02 Approved by: JRN		Pg. No: A2.04															

Note

All driveway pits and grate drains to be **Class B**.

Stormwater pits are indicative. Location may vary depending on site conditions.

Ground to fall away from building in all directions
in compliance with AS2870 & N.C.C 3.1.3.3

General Notes

1. Remove all topsoil and organic matter from beneath concrete driveway areas and provide 100m deep compacted FCR basecourse layer.
2. Concrete strength shall be 32 mpa min.
3. Provide control joints at 6.0 m centres-refer detail.
4. Compact concrete using mechanical vibrators.
5. Cure all exposed concrete surfaces by keeping moist for 7 days. i.e cover with plastic sheets.
6. Connect new service connections into existing. Liaise with council's plumbing surveyor for location of existing connections.
7. All new and/or altered service connections shall be undertaken by council at the developer's expense.
8. Provide 65 dia agricultural drains at base of cut and connect to stormwater at lowest point
9. Driveway to be min 100mm thick 32mpa concrete with s182 @ 40mm cover over 100mm compacted FCR. Provide deep tooled joints @ max. 6m crs.
10. Driveway to be sloped to integrated kerb and gutter system on low side of driveway
11. Rainwater pipes to be PVC or Colorbond finish metal.
12. Driveway sawcuts to be installed at approx. 4m centers with expansion joints at 8-12m centers.

Legend

—SW— - Stormwater Line

— —AG— - Ag Drain

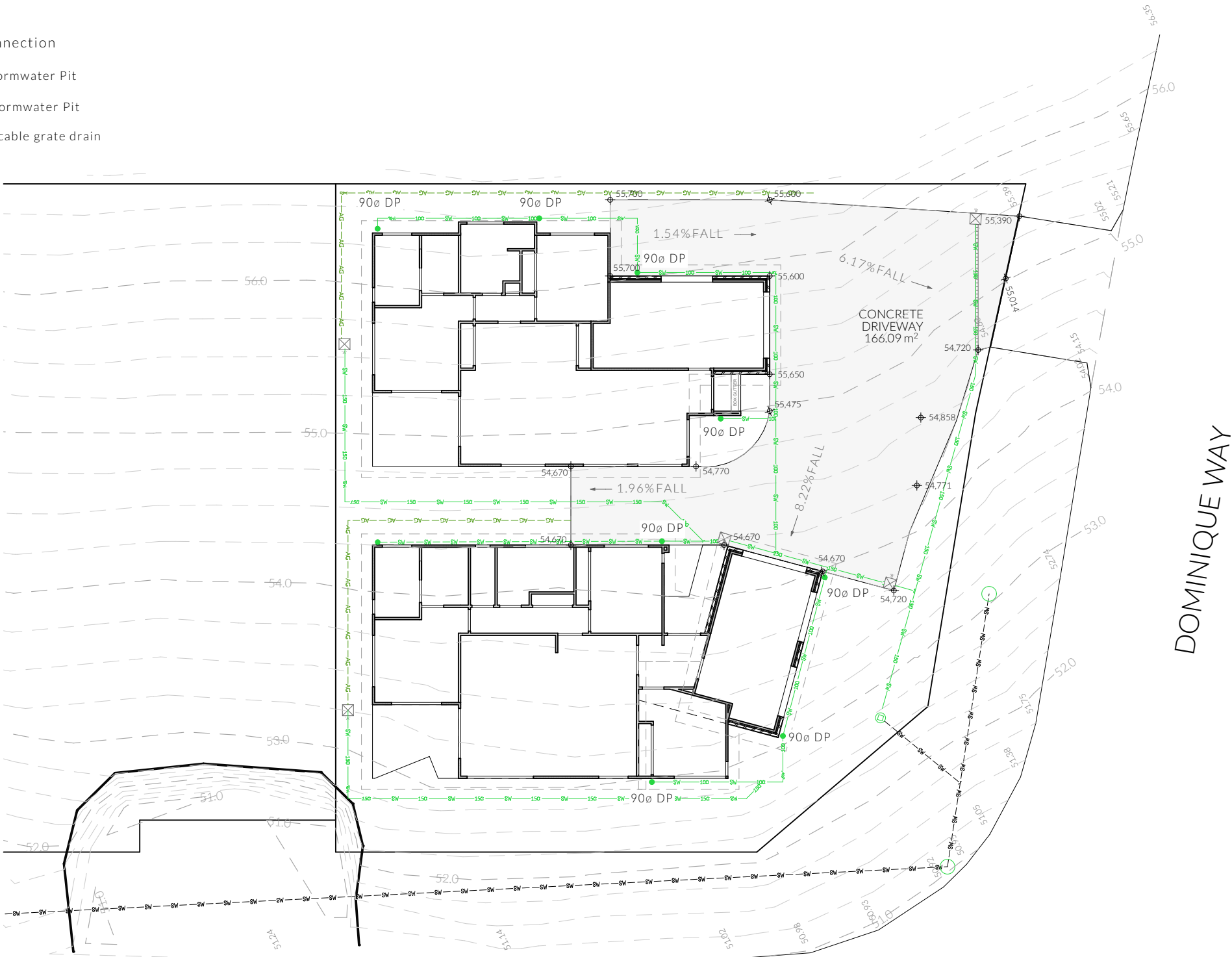


- Stormwater Connection

- Class A 450mm Stormwater Pit

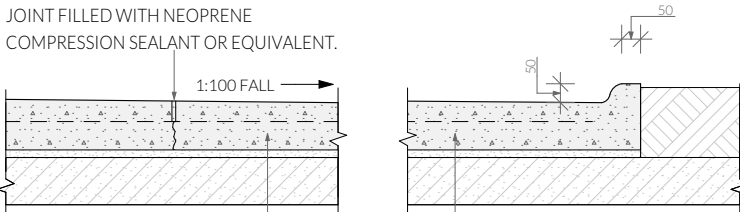
- Class B 450mm Stormwater Pit

- 100mm wide trafficable grate drain



TYPICAL PAVEMENT DETAIL

40 DEEP WETFORMED OR SAWCUT CONTROL
JOINT FILLED WITH NEOPRENE
COMPRESSION SEALANT OR EQUIVALENT.



100 THICK X 32 MPa CONCRETE PAVEMENT. SL 82 MESH (T)
OVER 20mm SAND BED AND 100mm MIN DEEP COMPACTED
FCR BASECOURSE.

P I N N A C L E

PINNACLE DRAFTING & DESIGN
7/3 Abernant Way, Cambridge 7170
03 6248 4218
admin@pinnacledrafting.com.au
www.pinnacledrafting.com.au

Civil Plan

Revision:
Approved by:

DA - 02
JRN

Scale:
1:200 @ A3
Pg. No:
C.01

Proposal: Unit Development
Client: Lyden Developments
Address: 1 (Lot 92) Dominique Way, Rokeby

Date: 12/04/22
 Drawn by: MM
 Job No: 156-2020
 Engineer: TBA
 Building Surveyor: TBA

Issue	Date
DA-01	12.04.2022
DA-02	12.05.2022

Description
Development Application
Council RFI



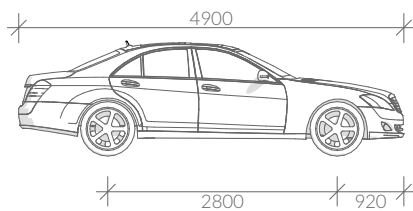
These drawings are the property of Pinnacle Drafting & Design Pty Ltd, reproduction in whole or part is strictly forbidden without written consent. © 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS: All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.



All driveway pits and grate drains to be **Class B**.

Vehicle Movement Notes

- Movement templates demonstrate the ability of vehicles to enter intersection in a forwards direction and leave in a forwards direction.
- The base dimensions of the vehicle template represent the B85 (85th Percentile) Vehicle
- The swept path of the vehicle represent the outer extents of the vehicle.



B85 Vehicle Dimensions












Width:	1870
Track:	1770
L-L Time:	6.0
Turning Radius:	5800



NOT FOR CONSTRUCTION

<div>PINNACLE</div>	PINNACLE DRAFTING & DESIGN 7/3 Abernart Way, Cambridge 7170 03 6248 4218 admin@pinnacledrafting.com.au www.pinnacledrafting.com.au	<div>Parking</div> <div>Revision: DA - 02 Approved by: JRN</div>	<div>Scale: 1:200 @ A3 Pg. No: C.02</div>	<div>Proposal: Unit Development Client: Lyden Developments Address: 1 (Lot 92) Dominique Way, Rokeby</div>	<div>Date: 12/04/22 Drawn by: MM Job No: 156-2020 Engineer: TBA Building Surveyor: TBA</div>	<table><tr><th>Issue</th><th>Date</th><th>Description</th></tr><tr><td>DA-01</td><td>12.04.2022</td><td>Development Application</td></tr><tr><td>DA-02</td><td>12.05.2022</td><td>Council RFI</td></tr></table>	Issue	Date	Description	DA-01	12.04.2022	Development Application	DA-02	12.05.2022	Council RFI	<div></div>	<div>These drawing are the property of Pinnacle Drafting & Design Pty Ltd. reproduction in whole or part is strictly forbidden without written consent. © 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS; All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.</div>	<div> </div>
	Issue	Date	Description															
DA-01	12.04.2022	Development Application																
DA-02	12.05.2022	Council RFI																

Legend

-  - General Waste Bin
-  - Recycling Bin
-  - Green Waste Bin
-  - 1.2m to 2.1m Paling Fence U.N.O.
-  - Lomandra 'Seascape' or similar, 1.2m spread
-  - Westringia sp. or similar, 1.5m Spread
-  - Cordyline 'Red Star' or similar, 2m Height, 1m spread
-  - Pittosporum 'James Stirling' 3m height, 2m spread or similar
-  - Acer Palmatum 'Bonfire' or similar, 3m height, 3m spread
-  - Seeded Lawn
-  - Mulched Garden Bed
-  - Gravel Area

Note

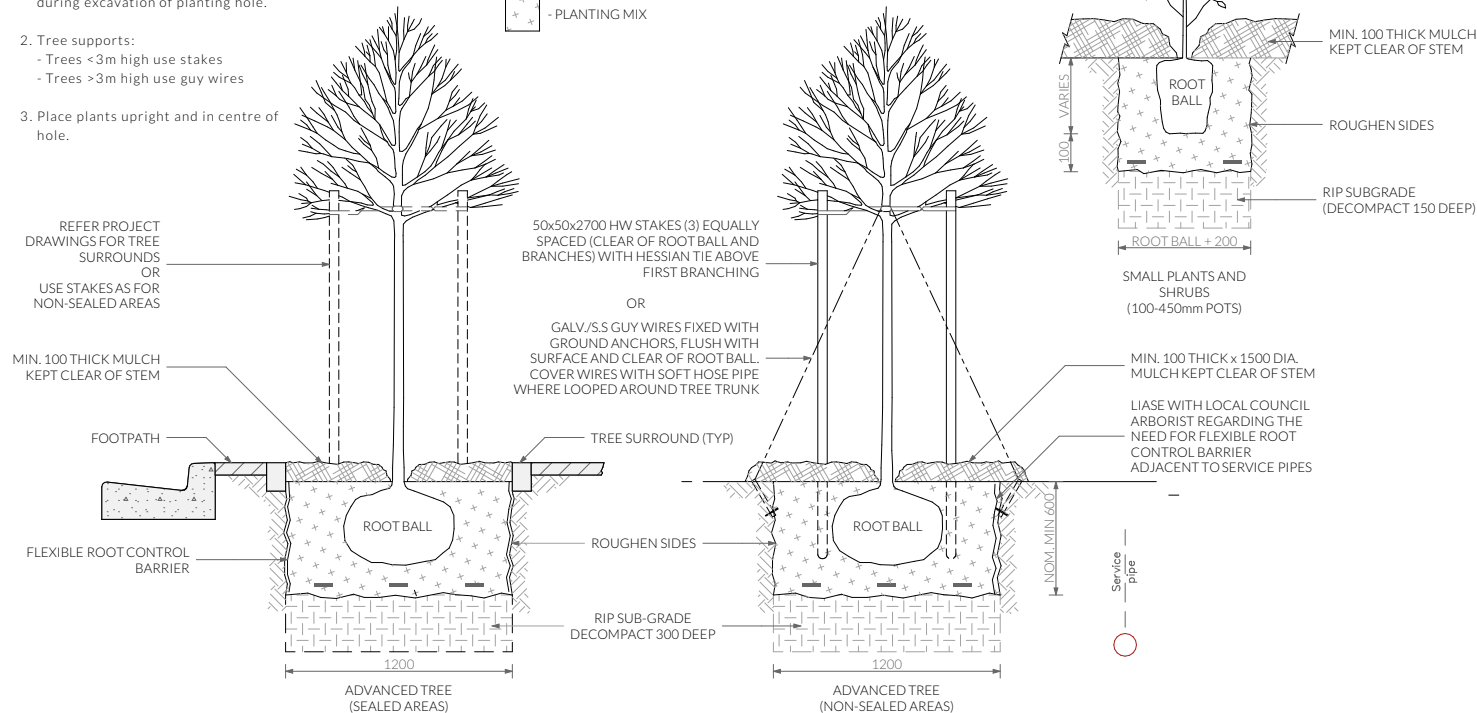
Plants have been selected to be drought tolerant and low maintenance once established, it is recommended that a dripper system or similar be put into place until established. Plant locations are indicative and may be altered where suitable growing conditions cannot be met. Garden areas to be mulched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

Notes

1. Liase with superintendent where clay or ground water is encountered during excavation of planting hole.
2. Tree supports:
 - Trees <3m high use stakes
 - Trees >3m high use guy wires
3. Place plants upright and in centre of hole.

KEY

- - SLOW RELEASE FERTILISER
 + + - PLANTING MIX



Tree & Shrub Planting



PINNACLE DRAFTING & DESIGN
7/3 Abernant Way, Cambridge 7170
03 6248 4218
admin@pinnacledrafting.com.au
www.pinnacledrafting.com.au

Landscaping Plan

Revision: DA-02
Approved by: JRN

Scale:
1:200 @ A3

Pg. No:
L.01

Proposal: Unit Development
Client: Lyden Developments
Address: 1 (Lot 92) Dominique Way, Rokeby

Date: 12/04/22
 Drawn by: MM
 Job No: 156-2020
 Engineer: TBA
 Building Surveyor: TBA

Issue	Date
DA-01	12.04.2022
DA-02	12.05.2022

Description
Development Application
Council RFI



These drawings are the property of Pinnacle Drafting & Design Pty Ltd, reproduction in whole or part is strictly prohibited without written consent. © 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS; All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.

Plumbing Notes

All plumbing to be in accordance with AS3500, Tas Plumbing Code and local authority regulations.

Sewer and stormwater to mains connections, plumber to verify location on site.
(refer to site plan.)

All works are to be in accordance with the water supply code of Australia WSA 03-2011-3.1 version 3.1 MRWA edition v2.0 and Sewerage Code of Australia Melbourne Retail Water Agencies Code WSA 02-2014-3.1 MRWA version 2 and TasWater's supplements to these codes.

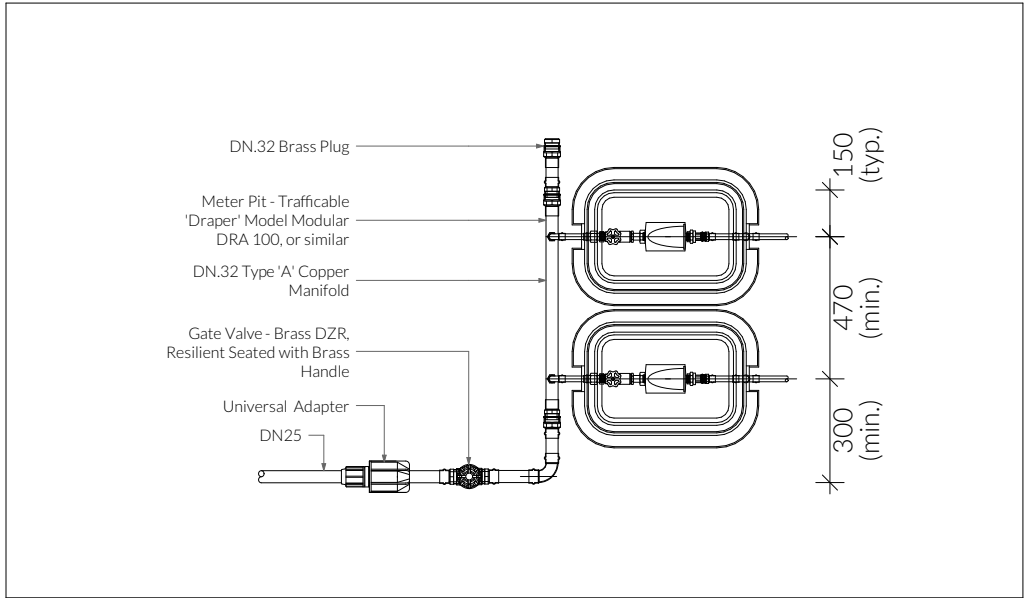
Minimum gradient on sewer pipes as per AS3500.2.2

·65Ø	= 1:40
·80Ø, 100Ø	= 1:60
·125Ø	= 1:80
·155Ø	= 1:100

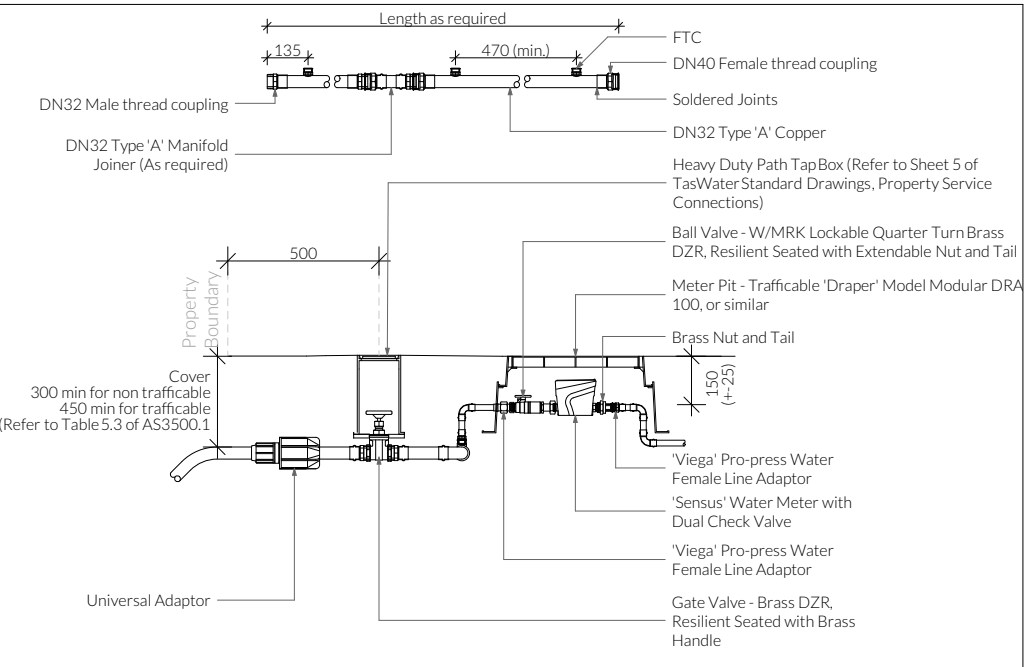
Note

All driveway pits and grate drains to be **Class B**.

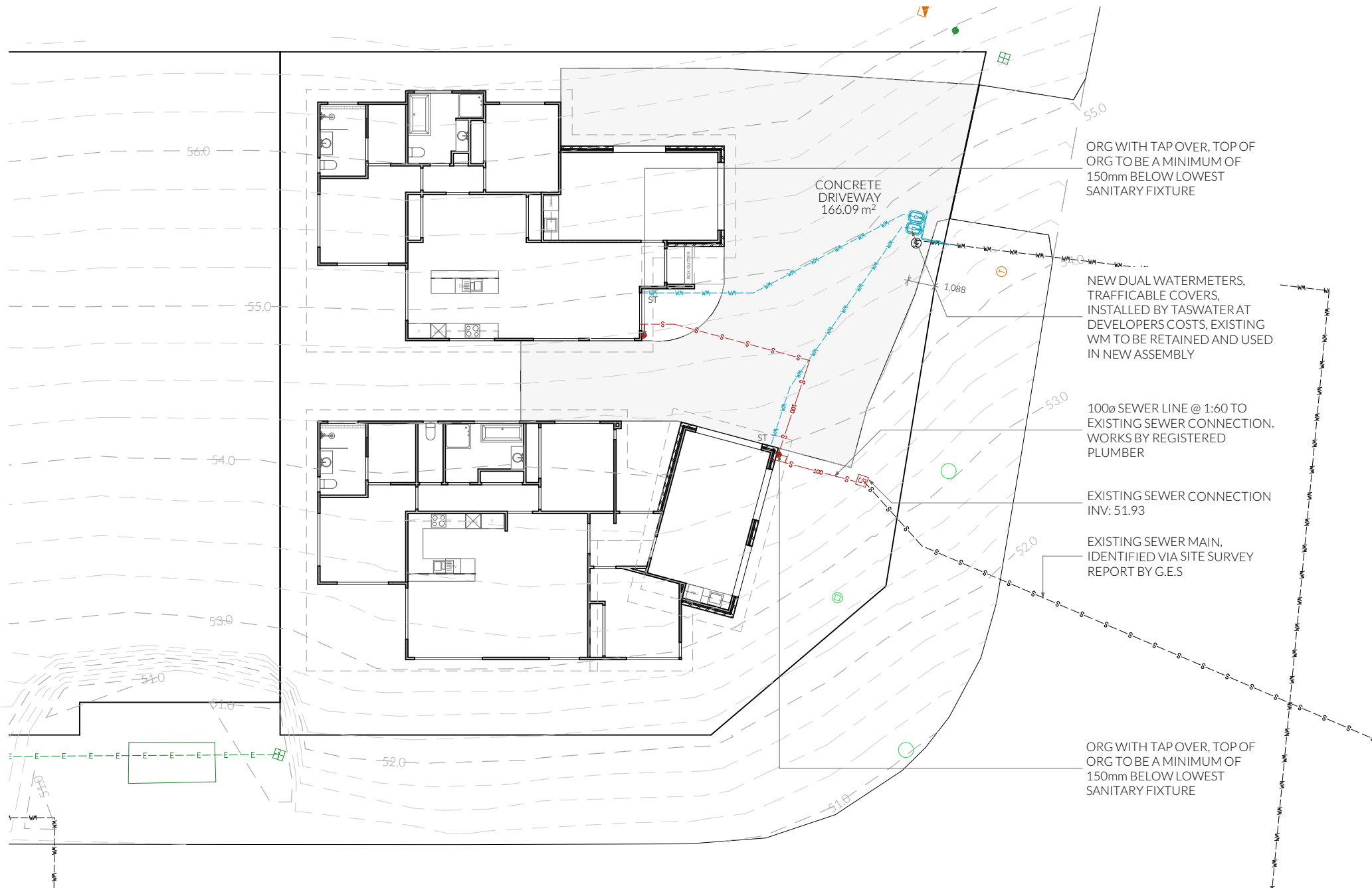
Stormwater pits are indicative. Location may vary depending on site conditions.



Meter Assembly - Below Ground Plan View



Meter Assembly - Profile View



Legend

——WM—— - Water Line

—S— - Sewer Line

 - Water Connection

 - Water Stop Valve

S - Sewer Connection

NOT FOR CONSTRUCTION



These drawings are the property of Pinnacle Drafting & Design Pty Ltd, reproduction in whole or part is strictly forbidden without written consent. 2022. These drawings are to be read in conjunction with all drawings and documentation by Engineers, Surveyors and any other consultants referred to within this drawing set as well as any CLC and/or permit documentation. DO NOT SCALE FROM DRAWINGS; All Contractors are to verify dimensions on site before commencing any orders, works or requesting/producing shop drawings. ANY AND ALL DISCREPANCIES DISCOVERED BY OUTSIDE PARTIES ARE TO BE BROUGHT TO THE ATTENTION OF THE PINNACLE DRAFTING & DESIGN PTY LTD.



PINNACLE DRAFTING & DESIGN
7/3 Abernant Way, Cambridge 7170
03 6248 4218
admin@pinnacledrafting.com.au
www.pinnacledrafting.com.au

Sewer & Water Plan

Revision: DA-02
Approved by: JRN

Scale:
1:200 @ A3
Pg. No:
P.01

Proposal: Unit Development
Client: Lyden Developments
Address: 1 (Lot 92) Dominique Way, Rokeby

Date: 12/04/22
 Drawn by: MM
 Job No: 156-2020
 Engineer: TBA
 Building Surveyor: TBA

Issue	Date
DA-01	12.04.2022
DA-02	12.05.2022

Description
Development Application
Council RFI

1 Dominique Way Rokeby Location Plan

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.

21/06/2022

1:3000



7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/021934 - 21 VAUGHAN COURT, TRANMERE - 1 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 Lot Subdivision at 21 Vaughan Court, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Landslip Hazard Code and Safeguarding of 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 6 July 2022.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and two representations were received during the statutory timeframe. One representation was received outside of the statutory timeframe. The representors raised the following issues:

- Increase in traffic;
- Construction impacts;
- Loss of amenity;
- Devaluation of property and
- Flood impacts.

RECOMMENDATION:

A. That the Development Application for a 1 Lot Subdivision at 21 Vaughan Court, Tranmere (CI Ref PDPLANPMTD-2021/021934) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS1 – POS CONTRIBUTION [5% - Lot 2].
3. ENG M1 – DESIGNS DA [access, carpark, services].
4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG S4 – STORMWATER CONNECTION.

6. The driveway access to Lot 2 must be sealed with concrete, providing for adequate stormwater drainage, prior to the sealing of the Final Plan of Survey. Details of the construction must be submitted to and approved by Council's Group Manager Engineering Services prior to the commencement of any works.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 21/09/21 (TWDA 2021/01580-CCC), as amended on 09/05/2022.

ADVICE:

- a. Advice from a Building Surveyor will be required to be sought in relation to any building permit requirements that may apply under the Building Act 2016 and the Directors Determinations for excavation works associated with future development. The existing dwelling and surrounding properties may also be affected by a rock breaker where a Form 6 Notice of Protection Work under Section 76 of the Building Act 2016 may be required. <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2016-025#HP6@EN>.
- b. Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations and the standard arrangements (for developments of this type) will apply for connection to the electricity network. For further information, please refer to more information on the TasNetworks' website: New electricity connections – TasNetworks.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 7.5 – Compliance with Applicable Standards;
- Section 8.10 – Determining Applications;
- Section 8.0 – General Residential Zone;
- Section C3.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Sustainable Transport Code;
- Section E15.0 – Landslip Hazard Code; and
- Section E16.0 – Safeguarding of Airports Code.

2.4. The proposed subdivision is exempt from the Landslip Hazard Code in accordance with clause C15.4.1(e) of the Code, in that the development would be on land within a low landslip hazard band and does not involve significant works.

2.5. The proposed subdivision is exempt from the Safeguarding of Airports Code in accordance with clause C16.4.1(a), in that the development would not be more than the AHD specified for the site of the development.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1,170m² residential property located on the eastern (upper) side of Vaughan Court. The site has a moderate grade of 23% sloping down to the west from the eastern (rear) boundary. The site contains a two-storey dwelling located centrally within the lot. The dwelling is accessed via a moderately steep driveway accessed from the northern end of the property frontage to Vaughan Court.

The site is adjoined by residential properties on its northern, eastern and southern boundary.

3.2. The Proposal

The proposal is for a 1 lot subdivision resulting in a 523m² lot (Lot 1) containing the existing dwelling and a 647m² internal lot (Lot 2) comprising the vacant lot to the rear of Lot 1.

The existing access and internal driveway are proposed to be retained to service the existing dwelling on Lot 1. Access to the new lot (Lot 2) would initially be via a shared access from Vaughan Court and then comprising a single driveway within the variable width access strip located along the northern side property boundary. Due to the moderate gradient, engineering design drawings (including long and cross sections) have been provided for the driveway design demonstrating compliance with relevant acceptable solutions under C3.0 Road and Railway Assets Code and Clause C2.6.2 A1.1(a)(i) Design and layout of parking areas of the Parking and Sustainable Transport Code. This information is also relevant to determine the impact of any cut upon adjoining properties and existing buildings on the site.

The existing shade sail located on the northern elevation of the existing dwelling is proposed to be removed to facilitate the construction of the access to Lot 2.

The proposal plans show a 10m x 15m indicative building area on Lot 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 meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Parking and Sustainable Transport Code and the Road and Railway Assets Code with the exception of the following.

General Residential Zone

- **Clause 8.6.1 A1(a)(ii) Lot Design** – The northern elevation of the existing dwelling on Lot 1 is not fully contained within the building envelope as prescribed by clause 8.4.2 A3(A) and therefore does not meet the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause 8.6.1 as follows.

Clause	Performance Criteria	Assessment
8.6.1 P1	<i>“Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</i>	See below assessment.
	<i>(a) the relevant requirements for development of buildings on the lots;</i>	The building envelope encroachment relates to the upper level of the northern side elevation of the existing dwelling on proposed Lot 1. The northern elevation of the dwelling adjoins the access strip proposed to service Lot 2. The building envelope encroachment would therefore not impact upon the ability for a future residence on Lot 2 to comply with relevant development standards of the zone, including setbacks, heights and provision of private open space and parking.
	<i>(b) the intended location of buildings on the lots;</i>	As above.
	<i>(c) the topography of the site;</i>	The site has a moderate slope with an average gradient of 23%. The indicative building area for proposed Lot 2 is located over a partially levelled area. Although the site presents a moderate grade, the topography would not preclude development on Lot 2.
	<i>(d) the presence of any natural hazards;</i>	Not applicable
	<i>(e) adequate provision of private open space; and</i>	Proposed Lot 2 would have a width of 15-19m and an area of 455m ² which is of sufficient area and dimensions to allow for the provision of private open space, which meets the minimum requirements of the zone.

	<p><i>(f) the pattern of development existing on established properties in the area.”</i></p>	<p>The surrounding area is generally residential with most of the lots within the immediate area being between 700-1000m² in area and containing large single dwellings and associated outbuildings.</p> <p>On the eastern (upper) side of Vaughan Court, dwellings have a relatively substantial setback from the street and car parking is generally provided off street in driveways, carports or garages.</p> <p>Development existing within the nearby area is comprised of single detached dwellings. However, beyond a 250m radius from the site, medium density multiple dwelling developments are located to the south within Yachtsmans Way and to the south-east in Cherrington Drive.</p> <p>When considering the pattern of development in the area, it is beneficial to consider the type of development that is allowable on the site. The size of the lot provides that multiple dwellings are a permitted use as it meets the Acceptable Solution for density of 1 dwelling per 325m².</p> <p>Additionally, a secondary dwelling could be a “no permit required” development on the site if all relevant standards are met.</p> <p>Regardless of whether the lot obtains approval for a subdivision or a permitted multiple dwelling application, the form of development on the lot will appear the same when viewed from the street.</p>
--	---	---

		<p>On this basis, the development will not be inconsistent with the pattern of development in the area when taking into consideration the “no permit required” and “permitted” developments that can and have occurred on the subject and surrounding lots.</p> <p>It is considered that the proposal meets the objective of the standard as it has been demonstrated that proposed Lot 2 can be developed appropriately for residential use.</p>
--	--	---

General Residential Zone:

- **Clause 8.6.1 A2(a)(ii) Lot Design** – Proposed Lot 2 would have frontage via an access strip 7.63m wide as opposed to the required 12m.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause 8.6.1 as follows.

Clause	Performance Criteria	Assessment
8.6.1 P2	<i>“Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</i>	See below assessment.
	<i>(a) the width of frontage proposed, if any;</i>	Preliminary engineering design drawings for the access and internal driveway have been provided demonstrating both lots contain adequate frontage to be able to provide practical and safe access.

	<i>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</i>	The initial section of the access will provide a right-of-way benefiting Lot 1 (existing dwelling). This is a reasonable approach in the interests of minimising the number of access points onto Vaughan Court.
	<i>(c) the topography of the site;</i>	While the site has a moderate gradient, the proposed frontages would be of an appropriate width to provide safe, functional, and useable access as demonstrated by the submitted preliminary engineering design drawings.
	<i>(d) the functionality and useability of the frontage;</i>	As above.
	<i>(e) the ability to manoeuvre vehicles on the site; and</i>	The subject lots would each have sufficient area to provide for manoeuvring of vehicles, as required.
	<i>(f) the pattern of development existing on established properties in the area;</i>	The lots are all greater than the minimum size for the zone, and the associated frontage consistent with development within proximity of the site.
	<i>and is not less than 3.6m wide.”</i>	The proposed access strip would exceed the minimum width requirement of 3.6m.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and two representations were received during the statutory timeframe. One representation was received outside of the statutory timeframe. The following issues were raised by the representors.

5.1. Increase in Traffic

Concern was raised that the proposal will result in increased traffic and congestion in Vaughan Court.

- Comment**

The proposal complies with the requirements of the Road and Railway Assets Code as the use of the existing crossover will not increase by more than 40 vehicle movements per day (expected increase of six vehicle movements per day).

Future development on Lot 2 will require car parking to satisfy the Parking and Sustainable Transport Code. Furthermore, Vaughan Court has sufficient capacity to contain any overflow parking demand, without impacting traffic safety.

5.2. Construction Impacts

Concern is raised in relation to impacts associated with future development on Lot 2. Specifically, concerns relate to possible damages to neighbouring properties caused by excavation and rock breaking and works in proximity of existing property boundaries.

- **Comment**

The method of future construction works associated with a dwelling construction is not a relevant consideration under the Scheme, but relevant to the building permit application process that may apply to the construction of a future dwelling.

Council has no power to control or intervene in relation to alleged construction impacts. This is a civil matter. However, Council's Building Team have indicated that the owners will require a Building Surveyor to determine any requirements under the Building Act 2016 and the Director's Determinations for a Certificate of Likely Compliance and Form 6 Notice of Protection Work. The Form 6 Notice of Protection Work will address the protection of adjoining properties from damage incurred because of construction works. Advice has been included in the permit alerting the applicant to these requirements.

Any neighbour who is concerned that their property may be impacted by construction works would be best engaging a structural engineer or suitably qualified person to prepare a report on their building so that if any damage is incurred, appropriate evidence is obtained should civil action be undertaken.

5.3. Loss of Amenity

Concern is raised that future development on Lot 2 will create an unreasonable loss of amenity to adjoining properties through overshadowing, loss of privacy and lack of separation between dwellings on adjoining lots.

- **Comment**

As discussed earlier in this report, proposed Lot 2 is of sufficient area and dimensions to provide for a future development that can comply with all relevant development standards in the Scheme and may not require a planning permit on this basis. In the event that a future proposal sought discretions, the development application will be considered on its merits against the Scheme requirements.

5.4. Devaluation of Property

Concern is raised that the subdivision and future development on the new vacant lot may impact upon property values within the surrounding area.

- **Comment**

Devaluation of property is not a matter addressed by the Scheme and therefore this issue cannot have any determining weight.

5.5. Flood Impacts

Concern is raised the new access and future development on the new vacant lot will exacerbate flooding impacts experienced by houses on the lower (western) side of Vaughan Court.

- **Comment**

Council's Senior Development Engineer has advised the new access will include strip drains and stormwater discharge into the kerb which will then be collected via a side entry pit located downstream. The stormwater management solution will ensure stormwater generated from the proposed development will not increase the flooding risk at the representor's property.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

Developer contributions are required to comply with the following Council policies:

- **Public Open Space Policy**

The subject site is zoned General Residential and will be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's Public Open Space (POS) network and associated facilities.

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

While Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP) provides for a maximum of up to 5% of the value of the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created (Lot 2), representing the increased demand for POS generated by the proposal and not the entire site the subject of the application.

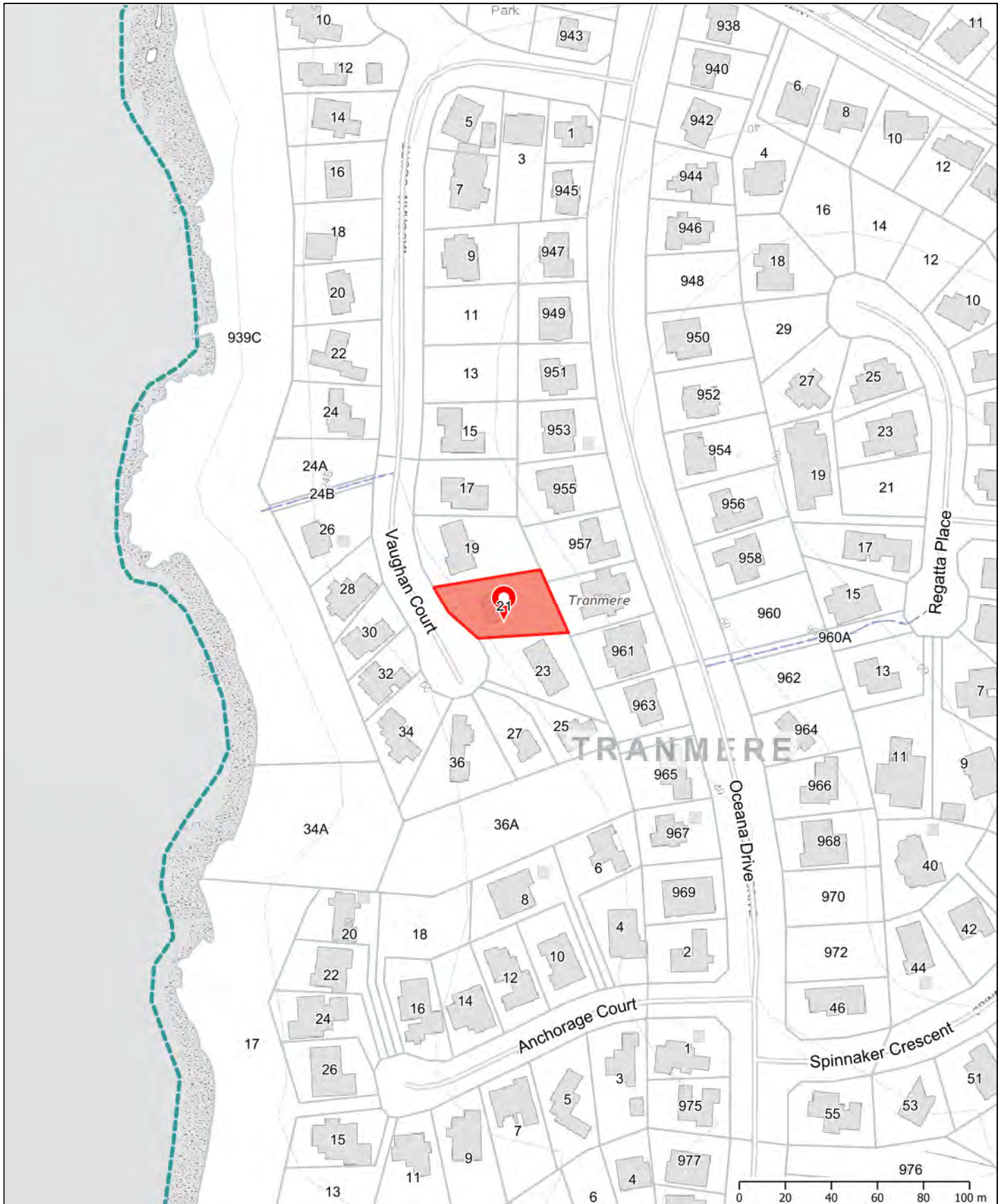
9. CONCLUSION

The proposal for a 1 lot subdivision is considered to meet the relevant standards of the Scheme and is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

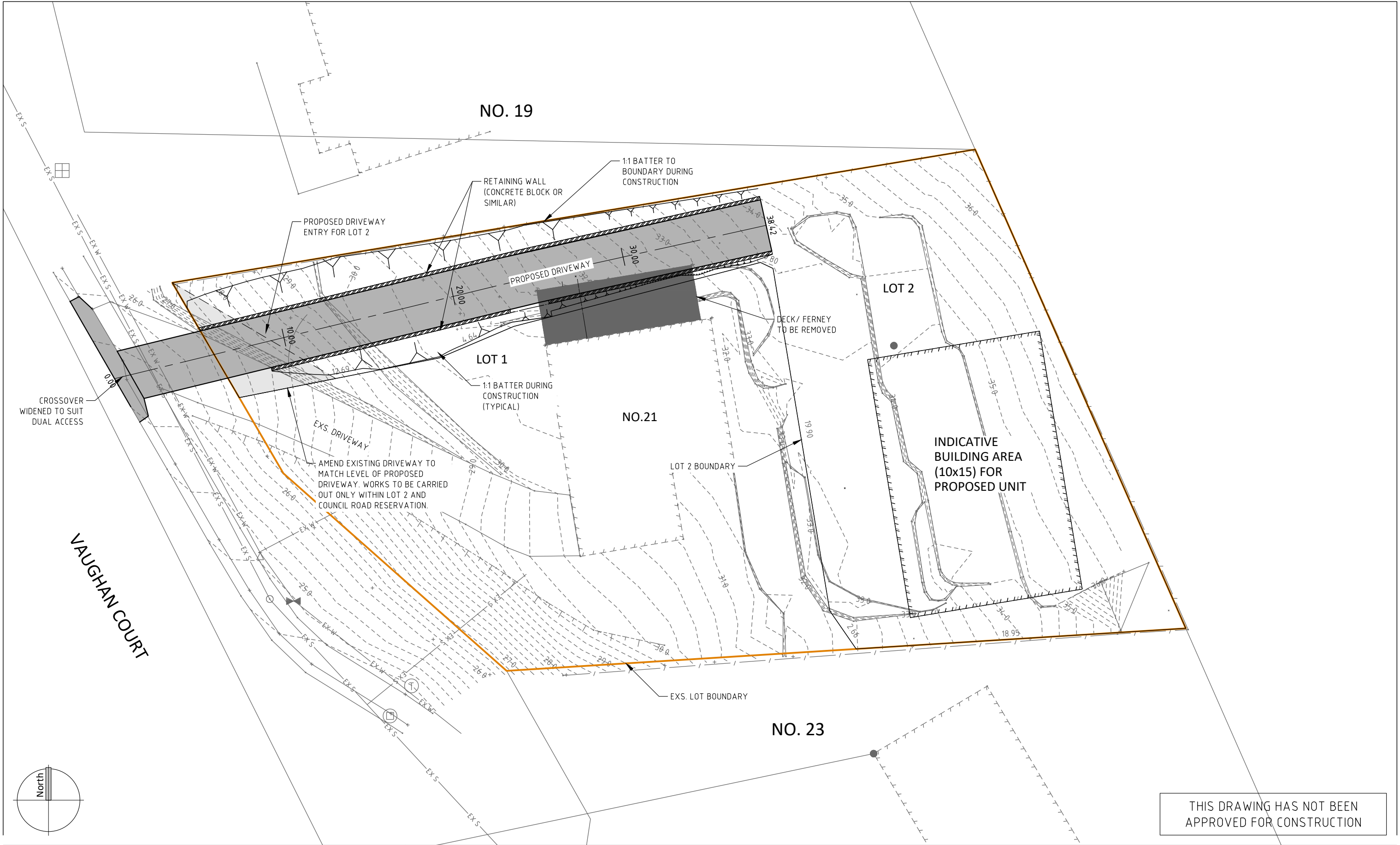
Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.



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.

16/06/2022
1:2257





THIS DRAWING HAS NOT BEEN
APPROVED FOR CONSTRUCTION

REV	DESCRIPTION	APP'D	DATE
D	DEVELOPMENT APPROVAL	SP	26.04.2022
C	DEVELOPMENT APPROVAL	SP	14.04.2022
B	COUNCIL RFI	SP	18.03.2022
A	DEVELOPMENT APPROVAL	SP	25.11.2021

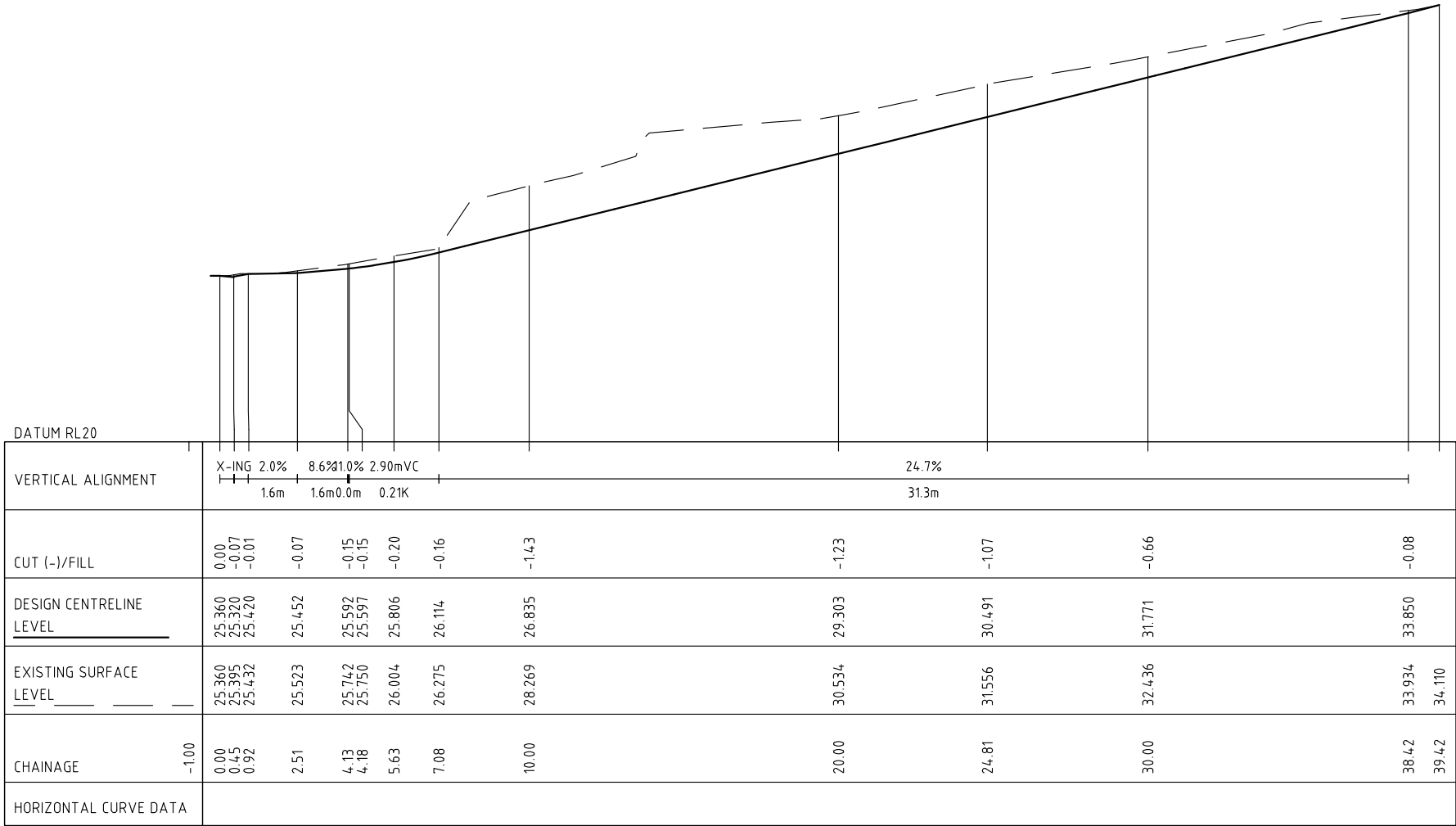
**GANDY AND
ROBERTS**
**CONSULTING
ENGINEERS**

159 DAVEY ST, HOBERT
TASMANIA, AUSTRALIA 7000
www.gandyandroberts.com.au
mail@gandyandroberts.com.au
ph 03 6223 8877 fx 03 6223 7183

**PROPOSED SUBDIVISION
21 VAUGHAN COURT
TRANMERE, TAS 7018**
DRAWING TITLE
DRIVEWAY DESIGN

0 50mm SCALE 1:200 @A3		
DESIGNED IM	DRAWN FZ	CHECKED SP
PROJECT 21.0526	DRAWING C010	REVISION C

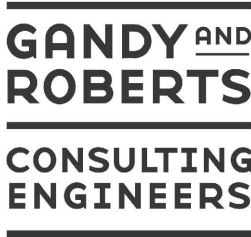
4/26/2022 2:30:42 PM \\SERVER\GRG\1\data\Projects\2021\210526 21 Vaughan Court Subdivision\5 - GR drawings\CIV - Working drawings_model\210526 C.dwg
Document Set ID: 4802128
Version: 1, Version Date: 27/04/2022



LONGITUDINAL SECTION: PROPOSED DRIVEWAY
HORIZONTAL SCALE 1:200 VERTICAL SCALE 1:200

THIS DRAWING HAS NOT BEEN
APPROVED FOR CONSTRUCTION

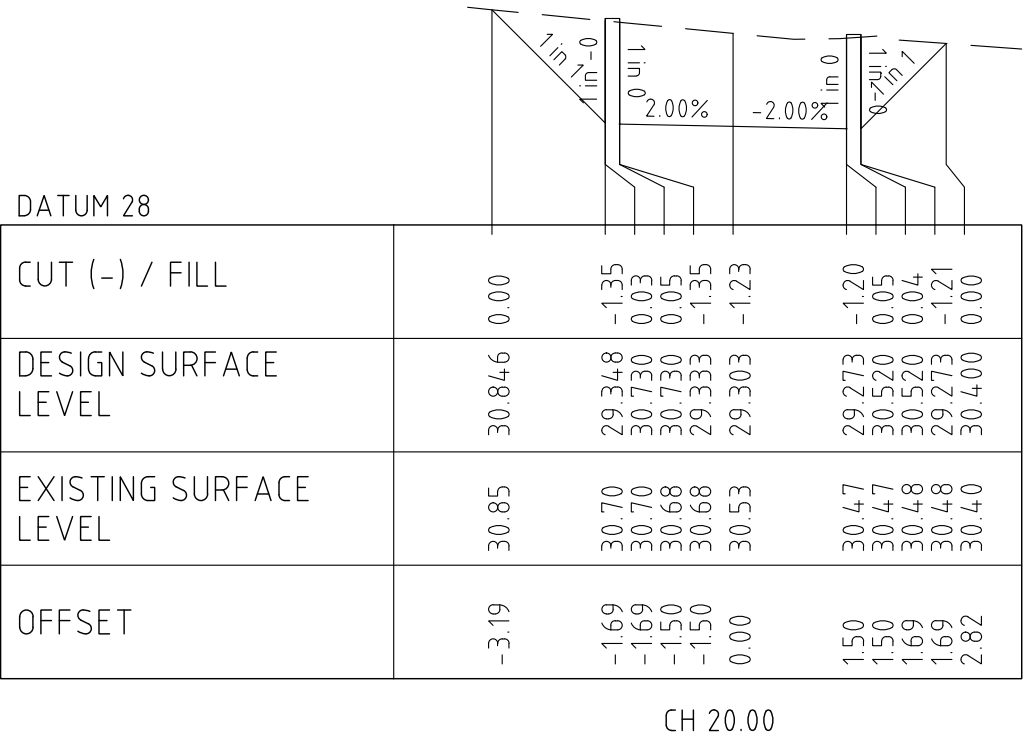
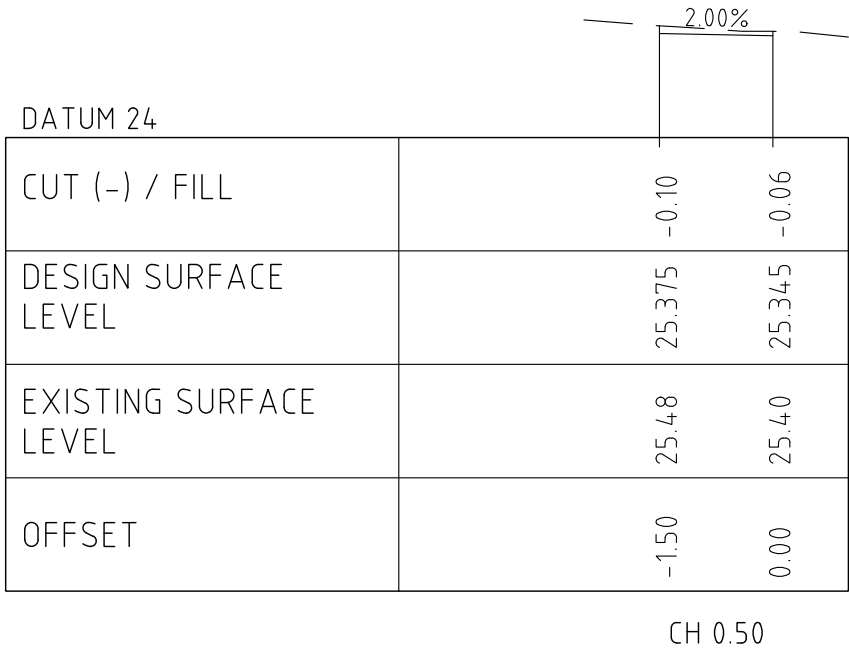
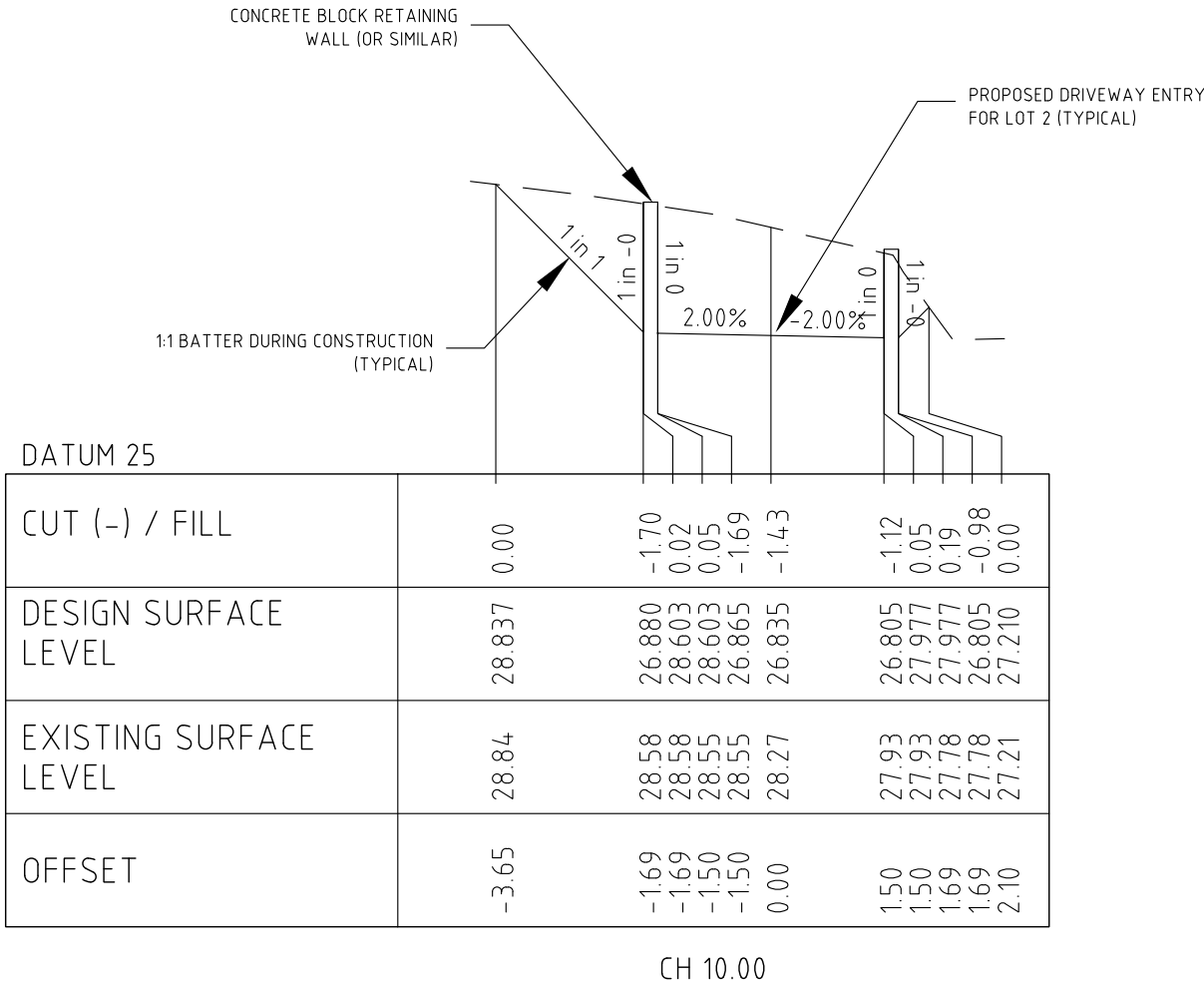
C	DEVELOPMENT APPROVAL	SP	14.04.2022
B	COUNCIL RFI	SP	18.03.2022
A	DEVELOPMENT APPROVAL	SP	25.11.2021
REV	DESCRIPTION	APP'D	DATE



159 DAVEY ST, HOBART
TASMANIA, AUSTRALIA 7000
www.gandyandroberts.com.au
mail@gandyandroberts.com.au
ph 03 6223 8877 fx 03 6223 7183

PROPOSED SUBDIVISION
21 VAUGHAN COURT
TRANMERE, TAS 7018
DRAWING TITLE
PROPOSED DRIVEWAY LONG SECTION

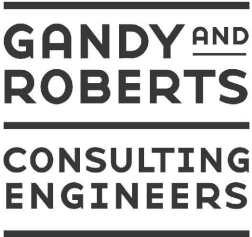
0 50mm SCALE 1:200 @A3		
DESIGNED IM	DRAWN FZ	CHECKED SP
PROJECT 21.0526	DRAWING C011	REVISION C



THIS DRAWING HAS NOT BEEN
APPROVED FOR CONSTRUCTION

4/26/2022 2:30:47 PM \\SERVER\GRG\1\data\Projects\2021\210526 21 Vaughan Court Subdivision\5 - GR drawings\CIV - Working drawings_model\210526 C.dwg
Document Set ID: 4802128
Version: 1, Version Date: 27/04/2022

C	DEVELOPMENT APPROVAL	SP	14.04.2022
B	COUNCIL RFI	SP	18.03.2022
A	DEVELOPMENT APPROVAL	SP	25.11.2021
REV	DESCRIPTION	APP'D	DATE

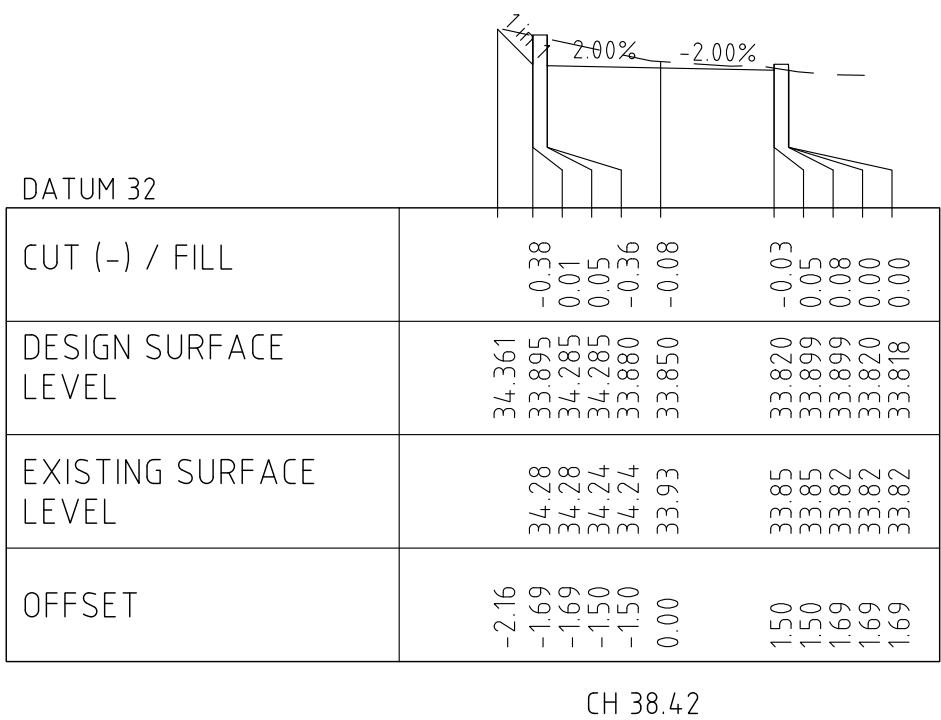
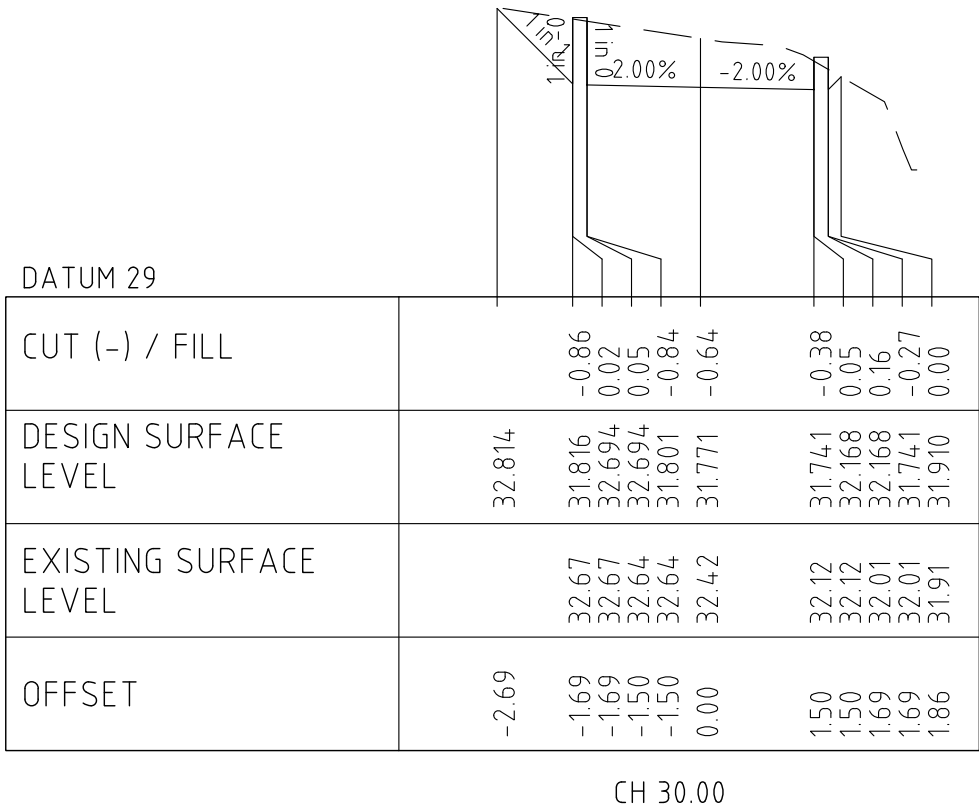


159 DAVEY ST, HOBART
TASMANIA, AUSTRALIA 7000
www.gandyandroberts.com.au
mail@gandyandroberts.com.au
ph 03 6223 8877 fx 03 6223 7183

PROPOSED SUBDIVISION
21 VAUGHAN COURT
TRANMERE, TAS 7018
DRAWING TITLE
PROPOSED CROSS SECTIONS 01

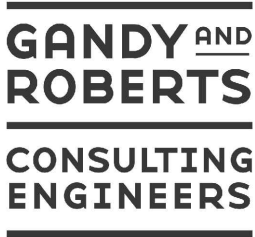
0 50mm SCALE 1:100 @A3		
DESIGNED IM	DRAWN FZ	CHECKED SP
PROJECT 21.0526	DRAWING C012	REVISION C

4/26/2022 2:30:52 PM \\SERVER\GR\1\data\Projects\2021\210526 21 Vaughan Court Subdivision\5 - GR drawings\CIV - Working drawings_model\210526 C.dwg
Document Set ID: 4802128
Version: 1, Version Date: 27/04/2022



THIS DRAWING HAS NOT BEEN
APPROVED FOR CONSTRUCTION

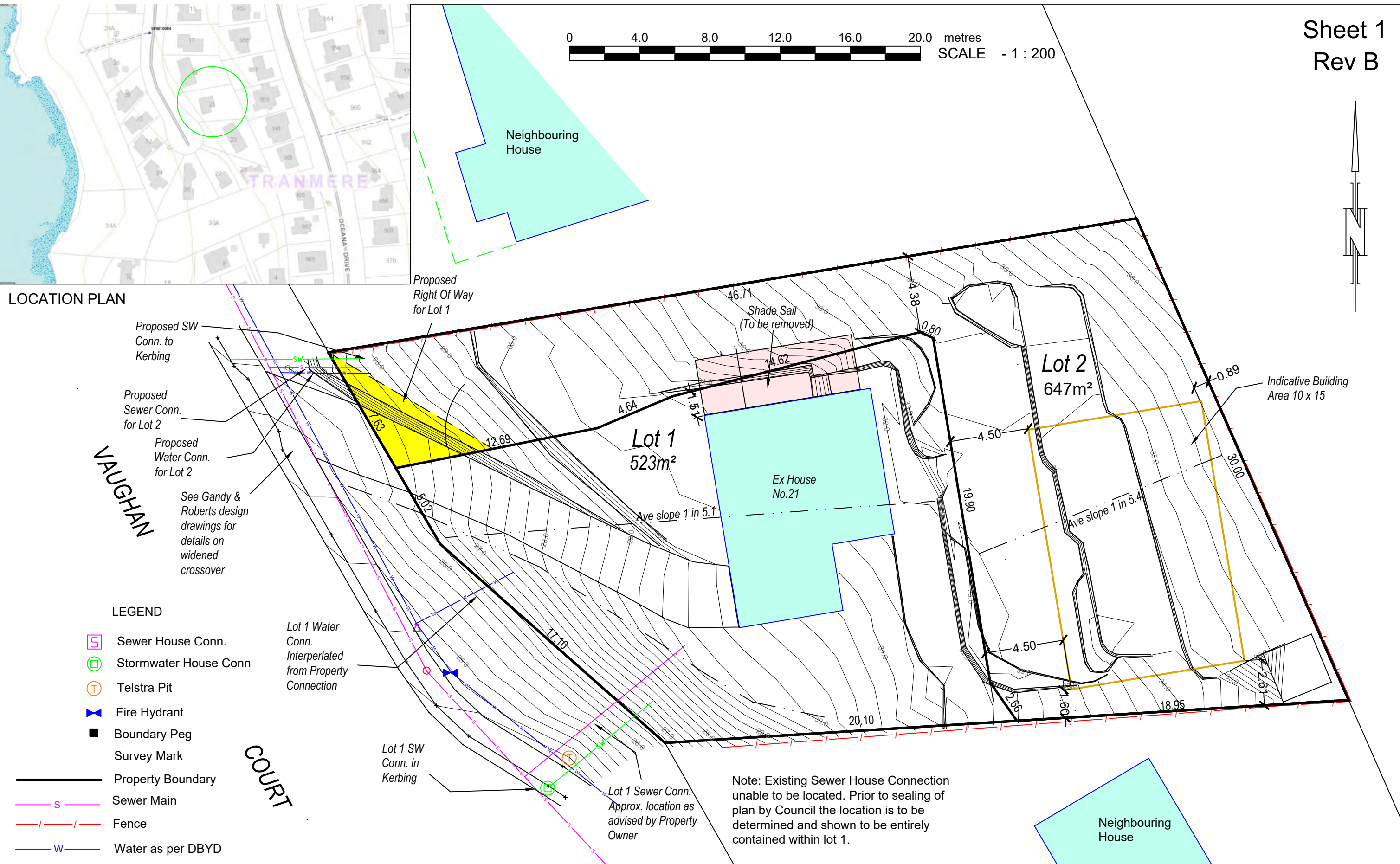
A	DEVELOPMENT APPROVAL	SP	14.04.2022
REV	DESCRIPTION	APP'D	DATE



159 DAVEY ST, HOBART
TASMANIA, AUSTRALIA 7000
www.gandyandroberts.com.au
mail@gandyandroberts.com.au
ph 03 6223 8877 fx 03 6223 7183

PROPOSED SUBDIVISION
21 VAUGHAN COURT
TRANMERE, TAS 7018
DRAWING TITLE
PROPOSED CROSS SECTIONS 02











0 50mm SCALE 1:100 @A3		
DESIGNED IM	DRAWN FZ	CHECKED SP
PROJECT 21.0526	DRAWING C013	REVISION A



LOCATION PLAN

VAUGHAN
COURT

LEGEND

-  Sewer House Conn.
 -  Stormwater House Conn
 -  Telstra Pit
 -  Fire Hydrant
 -  Boundary Peg
 -  Survey Mark
 -  Property Boundary
 -  Sewer Main
 -  Fence
 -  Water as per DBYD
- Lot 1 Water Conn. Interperlated from Property Connection
- Lot 1 SW Conn. in Kerbing
- Lot 1 Sewer Conn. Approx. location as advised by Property Owner

Note: Existing Sewer House Connection unable to be located. Prior to sealing of plan by Council the location is to be determined and shown to be entirely contained within lot 1.

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



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

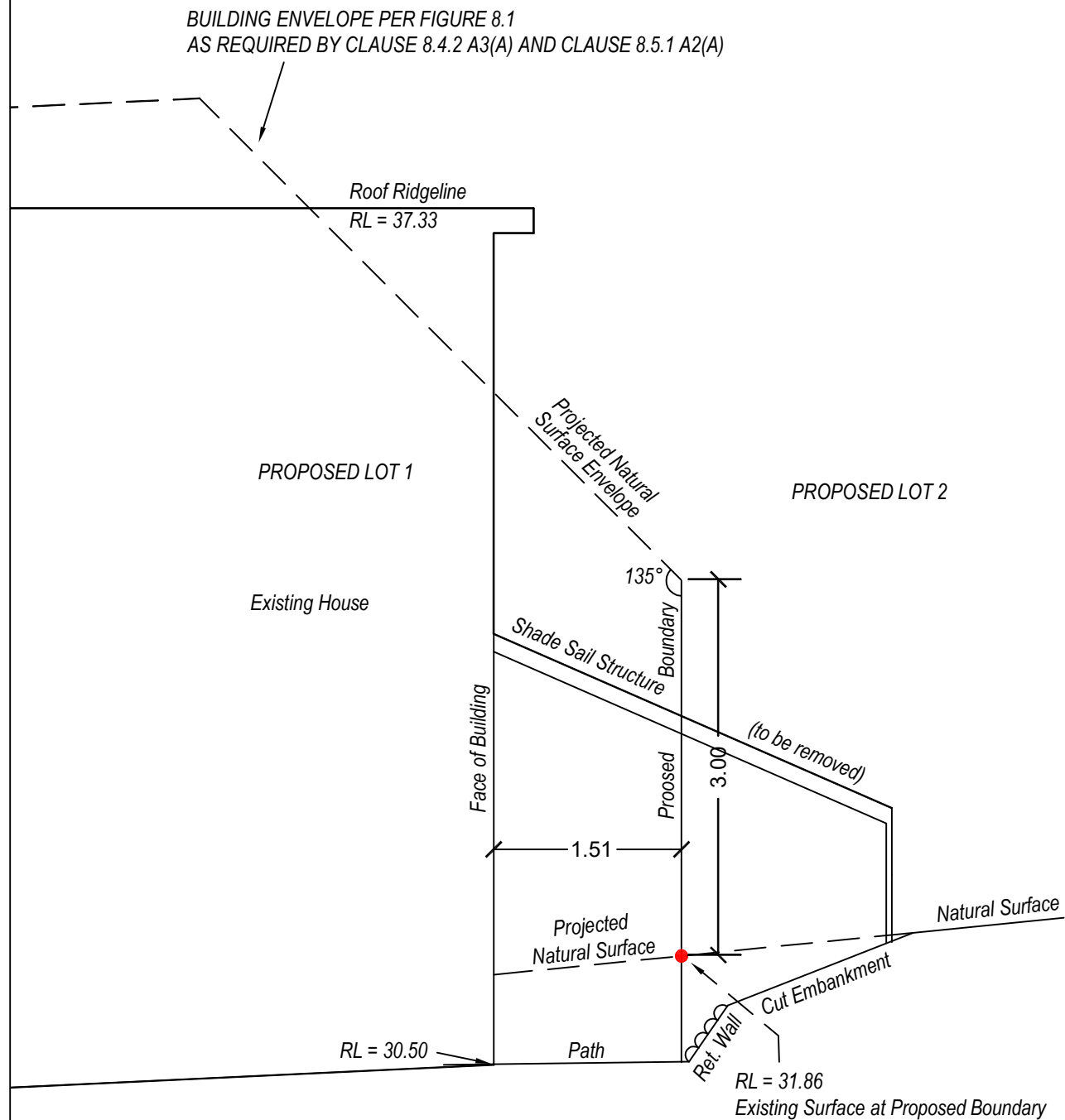
OWNER: GAVIN WILLIAM BURNS SMITH
TITLE REFERENCE: C.T.41544/20
LOCATION: 21 VAUGHAN COURT
TRANMERE

Proposed Subdivision			
Date:	29/03/2022	Reference:	SMITG02 1314401
Scale:	1:200 (A3)	Municipality:	CLARENCE



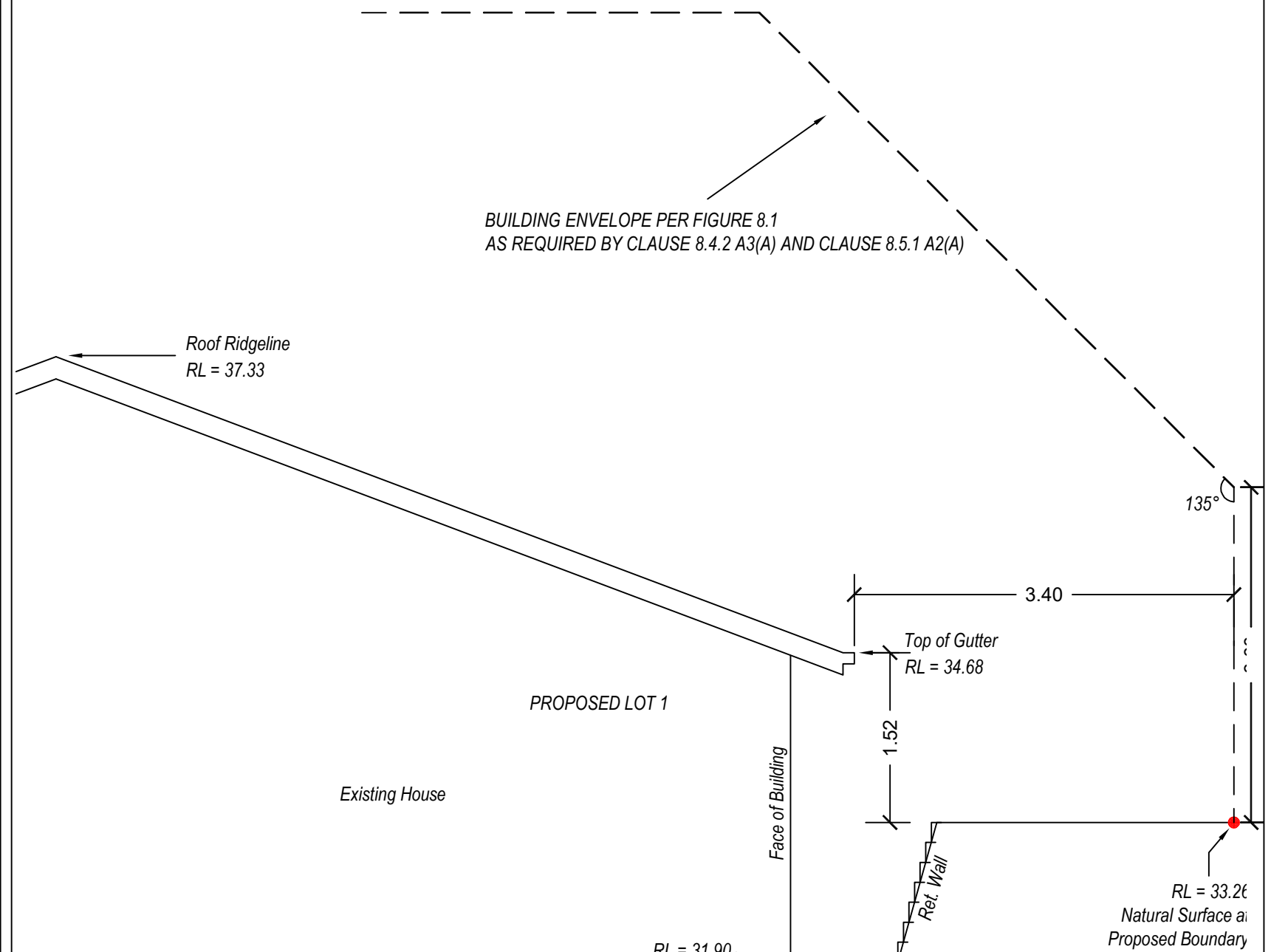
Elevation Plan proposed Lot 1 Northern Boundary

Note: Elevation at the north western corner of existing house looking west.



Elevation Plan proposed Lot 1 Eastern Boundary

Note: Elevation at the north eastern corner of existing house looking north.



Sheet 2
Rev B

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

All measurements and areas are subject to the final survey.

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



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

OWNER: GAVIN WILLIAM BURNS SMITH
TITLE REFERENCE: C.T.41544/20
LOCATION: 21 VAUGHAN COURT
TRANMERE

Proposed Subdivision

Date: 29/03/2022	Reference: SMITG02 1314401
Scale: 1:50 (A3)	Municipality: CLARENCE

SITE PHOTOS – 21 Vaughan Court, Tranmere



Photo 1: The subject site when viewed from Vaughan Court.



Photo 2: The subject site and adjoining property at 23 Vaughan Court.

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 DELEGATION UNDER THE LOCAL GOVERNMENT ACT (TAS.) 1993****EXECUTIVE SUMMARY****PURPOSE**

To consider the addition of a Council delegation under the Local Government Act 1993.

RELATION TO EXISTING POLICY/PLANS

The addition sought is specifically to deal with daily operational matters and will not impact on any pre-existing policies or strategies of council.

LEGISLATIVE REQUIREMENTS

Section 22 of the Local Government Act 1993 provides that a Council, in writing, may delegate with or without conditions to the General Manager, any of its functions or powers under any Act.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council resolves that the following delegation be approved and added to the Schedule of Delegations in respect to the Local Government Act 1993:

NO.	ACT REF	DETAILS OF DELEGATION	DELEGATION
183	Local Government Act 1993 s.207	To remit all or part of a fee or charge paid or payable in accordance with Council's List of Fees and Charges where indicated that the General Manager may remit, either at his discretion or on application.	General Manager

ASSOCIATED REPORT**1. BACKGROUND**

Council regularly approves a range of delegations under various legislation as a means of better effecting the provision of services to its community. Section 22 of the Local Government Act (LGA) enables Council to delegate its functions and powers to the General Manager.

2. REPORT IN DETAIL

2.1. Section 207 of the LGA provides:

“207. Remission of fees and charges
A council may remit all or part of any fee or charge paid or payable under this Division.”

2.2. Section 207 provides that a Council may remit all or part of any fee or charge paid or payable to Council in accordance with Council’s List of Fees and Charges.

2.3. At its meeting of 14 June 2022, Council adopted the List of Fees and Charges for 2022-2023. The List of Fees and Charges set out council’s fees and charges in relation to matters specified under section 205 of the LGA. These matters include:

- (a) the use of any property or facility owned, controlled, managed or maintained by Council;
- (b) services supplied at a person’s request;
- (c) carrying out work at a person’s request;
- (d) providing information or materials, or providing copies of, or extracts from, records of the Council;
- (e) any application to Council;
- (f) any licence, permit, registration or authorization granted by the Council; and
- (g) any other prescribed matter.

2.4. The List of Fees and Charges specifies certain fees and charges that the General Manager may remit in part or in full. These are:

- a) fees for use for public places by a charitable organisation or for fundraising;
- b) hire charges for the Risdon Vale Hall; and

- c) statutory advertising fees in relation to requests for road closures, on application, from charitable organisations, fundraising and some sporting events.

2.5. Council does not currently have a delegation in respect of section 207. The introduction of the delegation will allow the General Manager to exercise his discretion to remit, in full or in part, the specified fees and charges listed above. The delegation does not extend to the General Manager remitting any other fee or charge listed in the List of Fees and Charges.

3. CONSULTATION

3.1. Community Consultation Undertaken

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

3.4. Further Community Consultation

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The change sought is specifically to deal with daily operational matters and will not impact on any pre-existing policies or strategies of Council.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

The proposed delegation will assist in the efficient administration of applications for fees and charges remissions in relation to Council's List of Fees and Charges.

7. FINANCIAL IMPLICATIONS

The Recommendation has no direct implications on Council's Annual Operating Plan.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The LGA sets out the functions and powers of the Council, including the power under section 207 to remit a fee or charge set out in the List of Fees and Charges.

9.2. It is administratively efficient that the General Manager be delegated the power to remit all, or part of a fee or charge set out in the List of Fees and Charges where it specifies that the General Manager may do so.

Attachments: Nil.

Ian Nelson
GENERAL MANAGER

8.4.2 LEASE OF PUBLIC LAND AT 15 ELEANOR COURT, ACTON PARK – TELSTRA CORPORATION – EXISTING TELECOMMUNICATIONS TOWER**EXECUTIVE SUMMARY****PURPOSE**

To consider entering into a lease with Telstra Corporation Limited for the existing telecommunications tower on public land at 15 Eleanor Court, Acton Park (Single Hill).

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy applies.

LEGISLATIVE REQUIREMENTS

Section 178 of the Local Government Act, 1993 is applicable.

CONSULTATION

Section 178 of the Local Government Act, 1993 provides that Council must advertise its intention to dispose of public land through public advertisement.

FINANCIAL IMPLICATIONS

Recommendation has no direct implications on Council's Annual Operating Plan.

RECOMMENDATION:

- A. That in accordance with section 178 of the Local Government Act 1993, Council gives notice of intention to enter into a lease for part of the public land at 15 Eleanor Court, Acton Park for the existing telecommunications tower to Telstra Corporation Limited.
- B. That provided the notice of intention to lease process is finalised and no objections are received, Council authorises the General Manager to enter into a lease agreement with Telstra Corporation Limited for a term of five years with an option for two further renewal terms of five years each and that the annual rental for the lease is to be in accordance with Council's Leased Facilities Pricing and Term of Lease Policy.
- C. That, in the alternative to Recommendation B above, should objections be received, the matter be referred to a further meeting of council for consideration.

NB: A decision to lease public land requires an absolute majority of Council.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Since 2010, Telstra Corporation Limited has leased part of 15 Eleanor Court, Acton Park from Toronto Pastoral Coy Pty Ltd for an existing telecommunications tower.

- 1.2. The property at 15 Eleanor Court, Acton Park which incorporates Single Hill transferred to Council on 8 November 2019 as public open space in accordance with the subdivision permit for 351 Acton Road, Acton Park.
- 1.3. Telstra has contacted Council to formalise a lease agreement with Council as the landowner.

2. REPORT IN DETAIL

- 2.1. The owner of 351 Acton Road, Acton Park (now known as 15 Eleanor Court, Acton Park) subdivided the property and a condition of the subdivision permit required the owner to transfer the land to Council as public open space.
- 2.2. At the time of subdivision and transfer of the public open space, the telecommunications tower was already present on the land. The owner leased part of the land to Telstra to operate the telecommunications tower.
- 2.3. The lease between the previous owner and Telstra expired in August 2020 and Telstra has now sought a lease agreement from Council as the new owner of the land.
- 2.4. As Council was aware of the existing telecommunications tower at the time of requiring the land for public open space, it is considered appropriate that Council enters into a lease of part of the land with Telstra as depicted in Attachment 1.
- 2.5. The land is classified as “public land” and it is a requirement to advertise Council’s intention to enter into a new lease in accordance with the *Local Government Act, 1993*.

3. CONSULTATION

- 3.1. **Community Consultation Undertaken**
Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Further Community Consultation

Section 178 of the Local Government Act, 1993 provides that Council must advertise its intention to dispose of public land through public advertisement. The notice of intention to lease public land will be publicly advertised and invite members of the public to lodge an objection within 21 days. Council is required to consider any objection received.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Leased Facilities Pricing and Term of Lease Policy applies.

5. EXTERNAL IMPACTS

There are no external impacts identified.

6. RISK AND LEGAL IMPLICATIONS

Section 178 of the Local Government Act requires Council to give notice of an intention to lease public land if the lease is for more than five years.

7. FINANCIAL IMPLICATIONS

Recommendation has no direct implications on Council's Annual Operating Plan.

8. ANY OTHER UNIQUE ISSUES

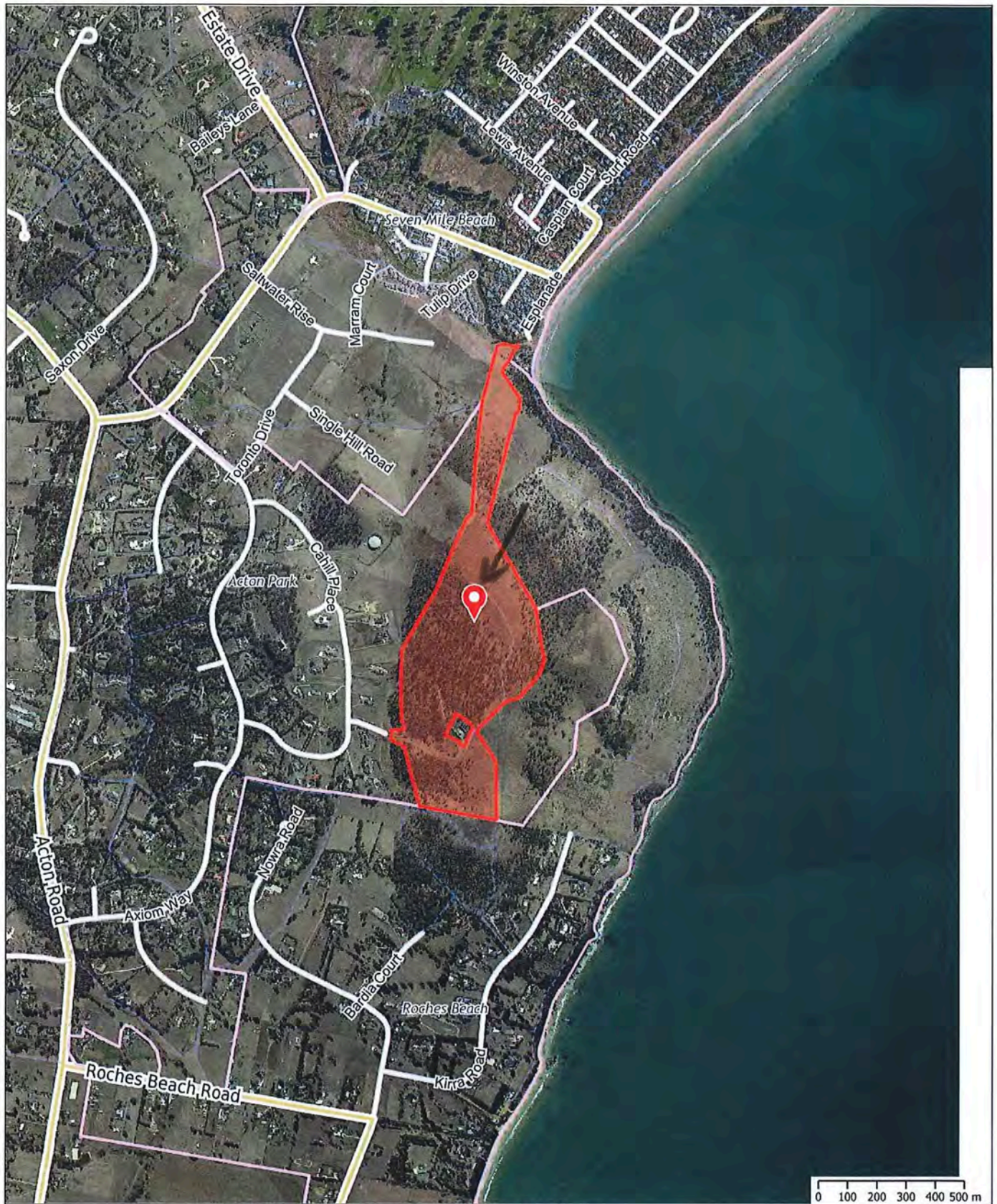
Nil.

9. CONCLUSION

As Council was aware of the existing telecommunications tower at the time of requiring the land for public open space, it is considered appropriate that Council enters into a lease of part of the land with Telstra.

Attachments: 1. Aerial Photograph (1)

Ian Nelson
GENERAL MANAGER



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

28/06/2022

1:18056



9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD BLOMELEY
MASTER PLANS**

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

- “1. That this Council:
 - a. acknowledges that there are 30 Master Plans, at differing phases, under consideration by this Council, and
 - b. recognises the importance of appropriate resourcing to ensure quality delivery of Master Plans.
2. Calls for a high-level presentation of all 30 Master Plans at a workshop of Aldermen.
3. Following this workshop and advice from Officers, Aldermen to agree:
 - a. the order of priority of Master Plans,
 - b. the timeframes for completion, and
 - c. appropriate resourcing levels.
4. To ensure accountability, the agreed priority list of Master Plans be made publicly available on Council’s website, with regular project status updates.”

EXPLANATORY NOTES

All too often, our community is frustrated by the time it takes to deliver on promised Master Plans and there is a need to ensure the expectations of all stakeholders are managed through open and transparent communication and accountability mechanisms.

With 22 Asset Management Master Plans and 5 City Planning Master Plans presently underway, along with 3 City Planning Master Plans proposed for the near future (2023/24), it is timely to ensure Council’s resources are appropriately directed to deliver on the priority Master Plans and that there is accountability around cost and delivery timeframes.

Moreover, there is a need to ensure Council’s resources meet the expectations of stakeholders to deliver Master Plans in a timely, professional and most cost-effective manner.

B A Blomeley
ALDERMAN

/contd on Page 68...

**NOTICE OF MOTION - ALD BLOMELEY
MASTER PLANS /contd...*****GENERAL MANAGER'S COMMENTS***

In the past two years Aldermen have been provided with a summary of master plans including delivery and resourcing assessments as a part of the first budget workshop in February. These discussions are then used to inform budget decisions and priorities. Progress with approved master plans is reported in the Quarterly Report with a link to each Strategic Plan strategy, progress comments and status.

10. 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.

10.1 QUESTIONS ON NOTICE

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

Ald Edmunds has given notice of the following question:

UPGRADING COSTS - BLUNDSTONE ARENA

Does the Council have a record of how much money has been spent upgrading Blundstone Arena since 1999? Is it possible to have a breakdown of which level of Government spent what?

Ald Warren has given notice of the following questions:

COUNCIL'S COASTAL HAZARDS STRATEGY

Can the General Manager please provide information on the attendance at recent forums in Lauderdale and Sandford regarding Clarence City Council's Coastal Hazards Strategy? wWhat communication methods were used to alert local residents to the forum, and will consideration be given to holding another forum given this one was held on a long weekend when some residents may have been away?

HOMELESSNESS

Can the General Manager please update us on measures being taken by Clarence City Council to provide support and assistance to people experiencing homelessness in our community?

10.2 ANSWERS TO QUESTIONS ON NOTICE

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Blomeley

Question re answer provided to previous question on notice

Regarding the drainage issue in Derwent Avenue, I note from my Aldermen's Request update that a draft response has been with Mr Graham since last Wednesday. Could I urgently be provided with a copy of that response.

Taken on notice

(Further information) This request was finalised on 17 June 2022.

Alderman James

1. I refer to the Minister for Planning's letter regarding the land use strategy urban growth boundary at 52 Richardsons Road. My question is, it appears that "unfortunately Lauderdale and by extension the immediately adjacent portion of Sandford that is subject to the proposed urban growth boundary was not included in the scope of the Greater Hobart Plan for the purpose of data gathering or strategic planning". Is this basically the end of it now for the time being and will it be appropriate for Council to advise the public as to what the Minister has said in this correspondence?

ANSWER

The Minister has set the matter aside, it is not a final decision, so it is pending the outcome of certain studies. We have informed the applicant of the Minister's letter and we have posted a copy of the Minister's letter on the website so that other parties are aware of it.

2. In regard to Council's situation in relation to Chambroad and Council's discussion regarding the imminent substantial commencement of the hotel and training centre at Kangaroo Bay what stage are we at and have Chambroad made any approaches to Council as to whether to obviously sell on their share to another party or to basically start substantial commencement by the due date of 17 October 2022?

ANSWER

(Mayor) At this stage I do not have any further information from what I provided last time, but I do note that the General Manager and I have one of those quarterly briefings coming up later this month and I would be very happy to keep Council apprised of whatever information I discover.

Ald Edmunds

1. Re the Ferry Parking Report per Alderman James' recent motion, who is responsible for it and when should we expect to see findings? Do we have a status update on where things are at and what's being considered?

ANSWER

Over the coming weeks Council officers are finishing compiling the parking survey data from our officers, parking survey data from DSG and ferry service numbers. Officers plan to assess the data in July, to plan for an August workshop with Aldermen to discuss the information and any recommendations.

2. FOGO – where is this at following the Council report/decision of 13 December 2021?

ANSWER

Copping was unsuccessful with the State Government FOGO grant earlier this year and we understand are further considering FOGO options.

Council officers have been focusing efforts on:

- Council's kerbside waste collection contract;
- the proposed new regional MRF contract with the 12 southern councils;
- considering scope options for review of Council's waste strategy and the scope on how a FOGO business case may be managed;
- now that the budget has been adopted, recruitment will occur for a 12-month waste position who will help provide some support in moving forward with these items.

Ald von Bertouch

In light of the response to a question I asked at the last Council meeting which is detailed earlier in the agenda, what measures have and/or will be undertaken to immediately remedy the non-compliance of the sole access external stairway to the second floor of Alma's Activities Centre currently tenanted by the Hobart FM 96.1 Radio Station, bearing in mind Council was advised of the non-compliance of access determined by Australian Standards in 2017 and this was reiterated in January 2018 in Preston Lane's Alma's Existing Conditions Report which details recommended intervention and make good costs?

ANSWER

We will not be taking any action regarding those stairs. Any action that is required is required when renovations are undertaken to bring up to current standards, but existing standards apply as the date of that original build, so there are no plans.

(Mayor) Given that tonight's budget has now gone through this Council will be helping the radio station move to a safer site as soon as possible.

Ald Blomeley

1. I refer to the Aldermen's Request update received on Friday and note that my request number REQ2022-055805 of 4 April regarding the drainage issues at 35 Honeywood Drive Sandford. I further note that this was assigned to Asset Management "draft response underway" on 3 June nearly two months later. Could you advise Mr Mayor when I am likely to receive a response to this Alderman's Request?

ANSWER

We send out Aldermen's Request updates every week for Aldermen to allow you to provide us with any urgency requirements. I am not aware that we have received one in respect to that request. We have been significantly affected by staff shortages because of COVID-19 and other illnesses so we are doing our best to keep up.

2. Last Monday being the 6th I sent an email to both the General Manager and the elected members' request email requesting information about Council master plans. This Request does not appear on the Aldermen's Request update list that was sent to me on Friday last week, obviously some 4 or 5 days later. I think it necessary that I place on the record the content of that Request and that is Mr Mayor, and this is to the General Manager, "could you or one of your team please assist in the following question re master plans. Please list all the master plans that Council is dealing with at present including:
 - a. when initiated
 - b. at what stage they are at and when likely to be completed
 - c. requirements for outside consultant assistance
 - d. cost involved to formalise plan or plans"
 Please also accept this query as notice that I intend to move a motion on notice at the next Council meeting of 4 July. Mr Mayor can this Request please now be taken as another urgent Request and actioned as a matter of urgency?

ANSWER

I took that Request from you. I understood that it was an email request to me, I didn't see it as an Alderman's Request, and we undertook to do that work. There is a significant body of work to compile all that information, we will do it as soon as we possibly can.

(Further information) The request was registered as an Alderman Request, contrary to advice above. The Outstanding Request reports are provided to Aldermen weekly (usually on a Friday). These reports include Alderman requests that have not been able to be responded to within 10 working days. The report will be amended to include all incomplete Alderman requests. The advice requested in regard to master plans was received on 6 June and finalised on 17 June 2022.

Ald Peers

During discussion on Ald Mulder's motion I raised the point of abstentions when we are forcing people to do compulsory voting. Are abstentions just our Council or is that a statutory regulation?

ANSWER

(Mayor) It is now the law and all Councils have compulsory voting.

Question contd

No, I mean abstentions when an Alderman abstains and now, I'm saying why should Aldermen abstain now we have compulsory voting. I don't believe we should have abstentions. Would it be appropriate to put a notice of motion to remove abstentions except in certain areas if it's a code of conduct for example?

ANSWER

(Mayor) The answer is simple if you want that thought to go forward, we need to lobby LGAT to have a change to the regulations of the Local Government Act.

(Further information) Regulation 28(3) of the Local Government (Meeting Procedures) Regulation 2015 provides: "*to abstain from voting at a meeting is to vote in the negative*". The Regulations therefore permit abstentions from voting on a particular matter.

Ald Walker

1. My question relates to performance budgeting, a motion that was if not unanimously passed then very close to being unanimously passed last year. I note that we have had a transition in CFO and that may have disrupted the process for the budget that has just been but given that that motion was passed what assurances can you give me that those actual steps that were agreed to that all the work that was done by staff to look at how it could be done that the future Council will see that as part of the 2023-2024 budget?

ANSWER

I would need to review the commitment that we made regarding that and see where we are at. I cannot recall how far through we were or whether to take any action at all.

(Further information) In accordance with the motion approved by Council, performance budgeting principles were investigated. This included a workshop in late 2021, a survey of Aldermen and a workshop presentation on 15 February 2022. The workshop identified opportunities for further work in this area that included internal metrics to support budget processes, a community based KPI project and engagement with the Local Government Division and LGAT to progress the CDC Benchmark Project.

2. Just walking past the standard notice of development application that was posted on a property over the weekend I wonder what the capacity would be as well as what the administrative burden would be when Council creates these signs that they could also potentially include a QR code so someone walking by can actually see straight away what is being proposed, as opposed to a nebulous "alterations to dwelling" or whatever? I think that would be a value add for probably not a lot of administrative burden.

ANSWER

Taken on notice.

(Further information) A QR code is now included on all planning application notices. The QR code links to Council's website planning application page.

Ald Ewington

1. I put forward a motion about reviewing the Bellerive Beach master plan looking at the café restaurant, DDA compliant toilets and showers two years ago I would like to know where we are at with that, what works have been done to the master plan or looking at the operations in terms of public/private situation with the pavilion itself?

ANSWER

(Mr Graham) Our landscape architect is just completing the tender drawings for the South Arm oval playground so the berm is coming near completion and the next priority is the Bellerive Beach master plan; so first of all, we will pull all the master plans together assess that and then come to an Aldermen's workshop to discuss.

(General Manager) So the short answer is we have not had resources to do any work on that master plan yet.

(Further information) Master Plan priorities are reviewed as part of the annual budget process. This includes development, detailed design and construction phases. The 2021/2022 budget process identified that the Bellerive Beach Master Plan review would commence in March 2022. This has been delayed due to resourcing impacts and is currently expected to commence in the first quarter of the 2022/23 financial year.

2. Looking at the model of public/private partnership and operations owners and land use of a potentially private operator with the café?

ANSWER

(Mayor) We need the master plan first.

(Further information) In respect to the Bellerive Beach Master Plan, it is not feasible to consider whether a public / private partnership or other option is preferred in respect to a pavilion / café or other facility until basic design parameters are determined. There are too many variables. Any consideration should occur as part of a master planning process, which will also enable proper community consultation to occur.

Ald Mulder

1. I asked this question a few meetings ago. In relation to the commitments of both federal parties and now the election is over it relates to the promise of further ferry infrastructure at two additional locations. My question remains does anyone know whether that means just a wharf for a ferry to tie up or does that commitment cover on ground infrastructure like parking which is my concern that that would be foisted upon local government if it's not covered in the commitment

ANSWER

We do not know the details of what the extent of those commitments are, yet they will obviously need to be subject to discussion with the Department of State Growth.

(Mayor) It is not possible for us to commit Council without Council making a decision.

2. Apropos our discussions about the 4.8% rate rise could I be provided with the residential rate for a standard say \$400,000 residence in both Kingborough and Glenorchy. I do note I think that one of those Councils uses assessed annual value and some others use capital so there is that little bit of a difficulty but if we went to a \$400,000 house and although it may have been rated on assessed annual value the capital value would still be there so could some enquiries be made of those other Councils as to what the actual rate, how many dollars the owners of those houses are paying in rates for what I would suggest is a reasonably standard house?

ANSWER

Taken on notice.

(Further information) Comparable general rate values were provided during the recent “rate modelling” workshop, based on a notional residence valued at \$750,000.

10.4 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.

11. CLOSED MEETING

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

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

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

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

- applications by Aldermen for a Leave of Absence.

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

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

PROCEDURAL MOTION

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