

COUNCIL MEETING
MONDAY 7 NOVEMBER 2022

TABLE OF CONTENTS

| ITEM | SUBJECT | PAGE |
|-------------|--|-------------|
| 1A. | ACKNOWLEDGEMENT OF COUNTRY | 3 |
| 1B. | CERTIFICATE OF ELECTION – 1 NOVEMBER 2022 | 3 |
| 1C. | ELECTED MEMBERS’ DECLARATIONS | 3 |
| 2. | APOLOGIES | 4 |
| 3. | DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE | 4 |
| 4. | OMNIBUS ITEMS..... | 5 |
| 4.1 | CONFIRMATION OF MINUTES | 5 |
| 4.2 | MAYOR’S COMMUNICATION | 5 |
| 4.3 | COUNCIL WORKSHOPS | 5 |
| 4.4. | TABLING OF PETITIONS..... | 6 |
| 4.5 | REPORTS FROM OUTSIDE BODIES | 7 |
| | • REPORTS FROM SINGLE AND JOINT AUTHORITIES | 7 |
| | • REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES..... | 7 |
| 4.6 | WEEKLY BRIEFING REPORTS..... | 8 |
| 5. | PUBLIC QUESTION TIME..... | 9 |
| 5.1 | PUBLIC QUESTIONS ON NOTICE | 9 |
| 5.2 | ANSWERS TO QUESTIONS ON NOTICE..... | 9 |
| 5.3 | ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE..... | 9 |
| 5.4 | QUESTIONS WITHOUT NOTICE | 10 |
| 6. | DEPUTATIONS BY MEMBERS OF THE PUBLIC | 11 |
| 7 | PLANNING AUTHORITY MATTERS | |
| 7.1 | DEVELOPMENT APPLICATION PDPLANPMTD-2022/030063 – 28 BURGUNDY ROAD, HOWRAH - 2 MULTIPLE DWELLINGS | 13 |
| 8. | REPORTS OF OFFICERS | |
| 8.1 | DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS – NIL ITEMS | 55 |
| 8.2 | ASSET MANAGEMENT – NIL ITEMS | 56 |

| | | |
|------|---|----|
| 8.3 | FINANCIAL MANAGEMENT – NIL ITEMS..... | 57 |
| 8.4 | GOVERNANCE – NIL ITEMS | 58 |
| 9. | MOTIONS ON NOTICE – NIL ITEMS | 59 |
| 10. | COUNCILLOR’S QUESTION TIME | 60 |
| 10.1 | QUESTIONS ON NOTICE..... | 60 |
| 10.2 | ANSWERS TO QUESTIONS ON NOTICE..... | 60 |
| 10.3 | ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING..... | 60 |
| 10.4 | QUESTIONS WITHOUT NOTICE | 64 |
| 11. | CLOSED MEETING | 65 |
| 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

1A. 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.

1B. CERTIFICATE OF ELECTION – 1 NOVEMBER 2022

As provided by Section 304 of the Local Government Act 1993 the Returning Officer for Clarence, Mr Peter Moore, has completed the Certificate of Election for the Clarence City Council Elections held on 25 October 2022. The Chief Executive Officer will table the Certificate of Election.

RECOMMENDATION:

That the advice be noted.

1C. ELECTED MEMBERS’ DECLARATIONS

In accordance with the provisions of Section 321 of the Local Government Act 1993, the Chief Executive Officer will confirm the completion of Declarations by the successful candidates at the 25 October 2022 Elections and the Council is to acknowledge the Declarations at the Meeting.

RECOMMENDATION:

That the Chief Executive Officer’s advice in respect to the completion of Declarations by Councillors be acknowledged.

2. APOLOGIES

Nil.

3. DECLARATIONS OF INTERESTS OF COUNCILLORS 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 Councillors 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 17 October 2022, as circulated, be taken as read and confirmed.

4.2 MAYOR'S COMMUNICATION**4.3 COUNCIL WORKSHOPS**

In addition to the Councillor'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:

No workshops were conducted by council since its last ordinary council meeting.

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer 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.

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.

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:

Quarterly Reports

September Quarterly Report pending

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

4.6 WEEKLY BRIEFING REPORTS

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

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 17, 24 and 31 October 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 a Councillor 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 Chief Executive Officer 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

The Chief Executive Officer provides the following answer to Question taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 17 October Victor Marsh of Bellerive asked the following question.

CONCERT NOISE COMING FROM BLUNDSTONE ARENA

QUESTION

An elderly resident Cath Hyland who lives at the bottom of King Street rang me at 6.20pm tonight. She was very distressed about the concert noise coming from the arena. She said her house was vibrating, she wears a hearing aid and couldn't hear her television properly. My question is, has the council any authority to limit the amount of noise caused by music being played at the T20 World Cup?

ANSWER

Planning permit D-2017/505, for "Consolidation of Permits" at 15 Derwent Street, Bellerive (Bellerive Oval) contains extensive conditions to control the noise level associated with various activities at the oval. In relation to amplified sound, there are permit conditions which address sound time limits, noise levels, sound control arrangements and sound monitoring. The conditions are too extensive to repeat here, however a copy of the permit containing the conditions will be sent to Mr Marsh for his information.

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-2022/030063 – 28 BURGUNDY ROAD, HOWRAH - 2 MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 28 Burgundy Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire-prone Areas Code, Flood-prone Hazard Areas Code, Safeguarding of Airports Code, Road and Railway Assets Code, Parking and Sustainable Transport Code and the North Glebe Hill Specific Area Plan under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

CONSULTATION

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

- Notification procedure;
- Overshadowing impact;
- Loss of privacy;
- Streetscape impact; and
- Parking and traffic impact.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 28 Burgundy Road, Howrah (CI Ref PDPLANPMTD-2022/030063) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Amended plans showing the provision of two separate access points and driveways to service each multiple dwelling must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/development. The access points must be located and designed to maximise the ability for on-street parking and landscaped areas between the dwelling and the street frontage. When approved, the plans will form part of the permit.

3. The recommendations made within Section 6 of the Flood Report prepared by Flussig Engineers dated 12 September 2022 must be implemented to the satisfaction of Council's Group Manager Engineering Services. Certification and documentation demonstrating compliance with the recommendations made within the report must be submitted prior to the issue of a building permit.
4. Two car parking spaces must be provided on-site for each dwelling plus one visitor park for the use of both dwellings prior to the commencement of the use. Each space, including disabled parking, must be clearly marked and used solely for parking purposes.
5. A 3.6m wide kerb and gutter crossing must be provided to each dwelling and must be constructed in accordance with Standard Drawing TSD-R09. A 3.6m wide sealed access is required to be constructed from the road carriageway to the property boundary for each dwelling to accord with Standard Drawing TSD-R09 (copy available from Council). The driveway may reduce to 3.0m over the remaining length of the driveway for each dwelling. This access must be inspected by Council prior to sealing or pouring new concrete.
6. Following construction, the crossovers must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.
7. ENG M1 – DESIGNS DA [access, carpark and driveways and service upgrades].
8. ENG A5 – SEALED CAR PARKING.
9. ENG A7 – REDUNDANT CROSSOVER.
10. ENG S1 – INFRASTRUCTURE REPAIR.
11. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 October 2022 (TWDA 2022/01295-CCC).

ADVICE

The application was referred to TasNetworks who have advised based on the information provided, the development is not likely to adversely affect TasNetworks' operations. As with any development, consideration should be given to the electrical infrastructure works that may be required to ensure a supply of electricity can be provided. To understand what these requirements may entail, it is recommended the developer contact TasNetworks on 1300 137 008 at their earliest convenience.

- 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-2022/030063 – 28 BURGUNDY ROAD, HOWRAH - 2 MULTIPLE DWELLINGS /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The lot was created by subdivision permit SD-2015/35 resulting in the creation of 98 residential lots.

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 relating to the width of openings for garages, building envelope and buildings and works within a flood prone area.

2.3. The relevant parts of the Planning Scheme are:

- Section 6.10 – Determining Applications;
- Section 8.0 – General Residential Zone;
- Section C2.0 – Parking and Sustainable Transport Code;
- Section C3.0 – Road and Railway Assets Code;
- Section C12.0 – Flood-prone Areas Code;
- Section C13.0 – Bushfire-prone Areas Code;
- Section C16.0 – Safeguarding of Airports Code; and
- Section CLA-S10.0 – North Glebe Hill 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 vacant 651m² rectangular shaped lot located on the southern side of Burgundy Road, Howrah. The site has gentle grade falling to the north and is clear of vegetation. The site has a 20.37m frontage to Burgundy Road and was designed at the subdivision stage to be of a size and dimension suitable for multiple dwellings. The adjoining properties to the east and west are currently developed with single storey dwellings. The site is located within a new residential subdivision with land to the north consisting of newly constructed dwellings and dwellings under construction.

3.2. The Proposal

Application is made for two, 2-storey multiple dwellings. The dwellings would each contain three bedrooms, two bathrooms, rumpus room, open plan living room and laundry across the two levels. The dwellings would be conjoined and would form a mirrored design. The dwellings would have a maximum height of 6.4m above existing ground level and incorporate ground level garages fronting the street. Each dwelling will have an upper floor deck and dedicated private open space at ground level, both to the rear (south).

A shared access from Burgundy Road is proposed to provide vehicle access to the garages servicing each dwelling. Each dwelling is provided with two carparks and a shared visitor park located between the dwellings and the street.

A 1.2m high front fence is proposed partially along the property frontage and would offer a 30% transparency to comply with the exemption requirements for front fencing.

The development design differs from the prevailing dwelling form and character within Burgundy Road, where dwellings are setback by around 4.5 to 5m, and separated from the street by front gardens.

This development is a 2-storey conjoined building arrangement, setback 8.666m from the street and separated from the street by a substantial sealed access area.

The size of the building setback and the dominance of the sealed area between the building and the frontage will disrupt the appearance and the rhythm of the streetscape. However, with some minor modifications, this could be largely overcome. This is discussed later in the report.

The design approach giving each unit frontage to the street also has desirable aspects. It allows the provision of each unit with quality open space at the rear, improved connection to and passive surveillance over the street, and allows each unit to present as individual dwellings to the street.

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 does not require an assessment under the Bushfire Prone Areas Hazard Code in accordance with clause C13.2.1(b) of the Code, as the proposal is not for subdivision or a habitable or vulnerable use.

The proposal is exempt from the Safeguarding of Airports Code in accordance with clause C16.4.1(a) of the Code, as the maximum height of the development would be below the prescribed obstacle limitation surface height of 147m AHD.

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone; Flood-Prone Hazard Areas Code; Road and Railway Assets Code; Parking and Sustainable Transport Code and the North Glebe Hill Specific Area Plan except for the following.

General Residential Zone

- **Clause 8.4.5 A1 in relation to width of openings for garages and carports for all dwellings.** The garages for each dwelling would be setback 10.3m from the street frontage and would have an opening width of 5m facing the frontage therefore totalling a 10m wide opening width within 12m of the frontage.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause 8.4.5 as follows.

| Clause | Performance Criteria | Assessment |
|---------------|--|--|
| 8.4.5 P1 | <i>“A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.”</i> | The proposal would effectively result in two double car garages fronting the street. The visual impact arising from the design solution is somewhat reduced by a 10.3m setback from the property frontage and the inclusion of upper-level covered decks resulting in a 1.6m overhang. This is substantially greater than the setbacks of the garages on the adjoining dwellings to the east and west, as well as others in the streetscape. |

| | | |
|--|--|--|
| | | <p>The impact of the garages is somewhat reduced by the 3m wide gap proposed to accommodate the entrance pathways to each dwelling, as this would provide some visual relief when viewed from the street.</p> <p>It is noted the property has a 20.37m frontage to Burgundy Road, as opposed to the 16m frontage for the other properties on the northern and southern sides of Burgundy Road, bound by Lumsden Road to the west and the northern termination of Burgundy Road to the east. It is therefore considered the width of the garage openings facing the street could be generally compatible with the garage to frontage ratio displayed on nearby properties.</p> <p>However, the potential for the garages to dominate the streetscape can be reduced by developing separate access points for each dwelling. This would result in substantially less sealed areas between the dwellings and the street and increase the opportunity for landscaping to break up the building mass the dominance of the garages on the streetscape.</p> <p>This alternative design solution has been discussed with the applicant, who has agreed to the inclusion of amended plans condition to facilitate the modifications (Condition 2 in the recommendation). This will involve two crossovers but will also allow each dwelling to have a visitor car space in their driveways.</p> <p>It is considered that with the inclusion of the amended plans condition, garage openings will not dominate the street frontage and the performance criteria will be satisfied.</p> |
|--|--|--|

General Residential Zone

- **Clause 8.4.2 A3 in relation to setbacks and building envelope for all dwellings.** The north-eastern (side) and north-western (side) corner of the roof over the upper-level decks of the dwellings would project beyond the three-dimensional building envelope as prescribed by the acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause 8.4.2 as follows.

| Clause | Performance Criteria | Assessment |
|---------------|---|---|
| 8.4.2 P3 | <i>“The siting and scale of a dwelling must: (a) not cause unreasonable loss of amenity by:</i> | See below assessment. |
| | <i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i> | <p>Sun shadow diagrams have been provided with the application demonstrating the degree of shadowing cast by the proposed development upon the adjoining dwellings and associated private open space. The application was advertised with the inclusion of the sun shadow diagrams.</p> <p>However, the sun shadow diagrams did not provide sufficient detail on the impact of the proposal upon the west facing habitable room windows associated with the adjoining dwelling to the east at 30 Burgundy Road.</p> <p>Accordingly supplementary shadow diagrams in the form of 3D models were requested post advertising and are contained within Attachment 3 and referred to as supplementary diagrams in the below assessment.</p> <p>A review of the sun shadow diagrams demonstrates the adjoining dwelling to the west at 26 Burgundy Road would be only minimally affected by sunlight loss on 21 June (Winter solstice).</p> |

| | | |
|--|--|---|
| | | <p>No habitable room windows (other than a bedroom) are located on the eastern elevation of this adjoining dwelling. The reduction in sunlight caused by the proposal is not unreasonable, and the impacts to the bedroom are excluded from assessment under subclause (a)(i). The test of (a) is therefore met by the proposal.</p> <p>In terms of the properties to the south at 2 Lumsden Road and 2/38 Glebe Hill Road, the sun shadow diagrams demonstrate the shadow cast by the proposed development would not extend further than the shadow cast by the boundary fencing separating the subject site from these properties which is a result of local topography.</p> <p>The adjoining dwelling to the east at 30 Burgundy Road contains two living room windows, a dining room window and a family room window on the west elevation directly adjacent to the proposed development. The supplementary shadow diagrams (3D models) show the shadowing impact upon these windows given the westerly orientation limits sunlight into these windows in the afternoon only on 21 June.</p> <p>It is noted the living room contains additional windows on the north elevation, therefore providing the living room with unobstructed sunlight for most of the day on 21 June. The supplementary diagrams demonstrate these north facing windows would not be affected by overshadowing caused by the proposed development.</p> <p>The dining and family room windows are only provided with west facing windows.</p> |
|--|--|---|

| | | |
|--|---|---|
| | | <p>The supplementary diagrams demonstrate these windows will not be subject to any additional overshadowing impact caused by the proposed development, as these windows are in shadow of the dwelling on 30 Burgundy Road due to the dwelling's configuration.</p> <p>For the above reason the test of subclause (a) is met by the proposal.</p> |
| | <p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p> | <p>The proposed overshadowing upon the private open space of 30 Burgundy Road will be at its greatest extent at 2-3pm on 21 June. From 1pm the proposed development will cast shadow along the fence line and will increase over the course of the afternoon where the private open space will be in full shadow at 3pm.</p> <p>While this adjoining property will result in overshadowing of the private open space at 30 Burgundy Road, the impact will be only limited to specific areas with most of the space remaining otherwise unobstructed by the proposed development. Considering the extent of these impacts, the shadowing will not cause an unreasonable loss of amenity.</p> <p>In relation to the overshadowing impact upon the private open space of the adjoining dwelling to the west at 26 Burgundy Road, the shadow diagrams demonstrate only a small area at the rear will be in shadow between 9-10am on 21 June and will reduce over the course of the morning. The extent of this overshadowing is considered to not represent an unreasonable loss of amenity to the occupants of the adjoining dwelling.</p> <p>For the above reasons, the test of subclause (b) of the Scheme is met.</p> |

| | | |
|--|--|---|
| | <p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p> | <p>Not applicable – the site does not adjoin a vacant lot/s.</p> |
| | <p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p> | <p>The visual impact of the development would be moderate as a result of the two-storey design and the proposal being for multiple dwellings within an area typified by single storey detached dwellings. The visual bulk is also exacerbated by the inclusion of two, double car garages facing the street.</p> <p>While the proposal will provide for a higher density than that prevailing on nearby properties, the lot was designed at the subdivision stage to facilitate two multiple dwellings compliant with the Scheme requirement for density. However, the dwellings have been designed to minimise the perceived density when viewed from adjoining properties through a conjoined design and this is considered a preferable design solution, as the buildings will present to the street as individual dwellings with adequate passive surveillance.</p> <p>Further, the footprint of the proposed dwellings is less than the single storey footprint of the adjoining dwellings to the east and west and in addition, the development provides a substantially greater separation from the front, side, and rear boundaries than the prevailing dwelling separation on adjoining properties. The scale, bulk, and proportions of the upper level of the dwelling is also offset through increasing the side setbacks of the upper level when compared to the ground level and inclusion of a low-pitched roof design.</p> |

| | | |
|--|---|--|
| | | <p>However, the visual bulk arising from the development can be reduced further through a redesign of the access arrangements to offer the opportunity for landscaping along the frontage. As discussed previously in this report, Condition 2 addresses this requirement.</p> <p>Subject to the imposition of Condition 2, the proposal would not result in an unreasonable loss of amenity by way of visual impact as required by subclause (a)(iv).</p> |
| | <i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</i> | The proposed separation distances of the dwellings from side and rear boundaries remain greater than that existing on established properties in the area. The proposed separation distances are therefore comparable to and compatible with that existing in the surrounding area. For these reasons, the proposal complies with the performance criterion. |
| | <p><i>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i></p> <p><i>(i) an adjoining property; or</i></p> <p><i>(ii) another dwelling on the same site.”</i></p> | There are no solar installations on adjoining properties that would be compromised as a result of the proposed development, therefore the requirements of subclause (c) are met. |

Flood-prone Areas Hazard Code

- **Clause C12.6.1 (A1) in relation to buildings and works within a flood-prone hazard area.** Specifically, there is no acceptable solution for buildings and works within a flood-prone hazard area. Specifically, the proposed dwelling would be located within a mapped flood-prone area.

The proposed variation must be considered pursuant to the Performance Criteria (P1.1 and P1.2) of Clause C12.6.1 as follows.

| Clause | Performance Criteria | Assessment |
|-----------------|---|--|
| C12.6.1 P1.1 | <i>“Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</i> | See below assessment. |
| | <i>(a) the type, form, scale and intended duration of the development;</i> | See below assessment. |
| | <i>(b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;</i> | <p>Specifically, it is concluded by the Flood Report submitted with the application that stormwater would deflect away from vulnerable parts of the proposed building footprints and that the finished floor levels have been designed to accord with the predicted flood levels and associated building regulations.</p> <p>The Flood Report makes a number of recommendations to be incorporated into the engineering design to ensure the works satisfy the Flood-prone Hazard Areas Code and Building Regulations. These include engineering solutions to resist flood forces and for garden landscaping treatment to consist of stabilised, non-erosive materials.</p> <p>These conclusions are accepted, and there are no further specific hazard reduction or protection measures required by council’s development engineers as part of the development, to minimise risk.</p> |
| | <i>(c) any advice from a State authority, regulated entity or a council; and</i> | Council’s development engineers are satisfied that the proposed multiple dwellings would achieve and maintain tolerable risk from flood, on the basis that the conclusions of the flood hazard assessment submitted as part of the application are accepted. |

| | | |
|--|--|---|
| | | It is therefore considered that this test of the Scheme is met. |
| | <i>(d) the advice contained in a flood hazard report.”</i> | As per above. |

| Clause | Performance Criteria | Assessment |
|-----------------|---|--|
| C12.6.1 P1.2 | <i>“A flood hazard report also demonstrates that the building and works:</i> | See below assessment. |
| | <i>(a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and</i> | Council’s development engineers are satisfied that the proposed development would not cause or contribute to flooding on the site, adjacent land, or nearby public infrastructure, in that the siting of the buildings would allow stormwater to deflect from the building before passing along the modelled AEP flood path. It is therefore considered that this test of the Scheme is met. |
| | <i>(b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.”</i> | Consistency with (b) of this standard is demonstrated by the assessment to the satisfaction of Council’s development engineers, thus satisfying this test of the Scheme. |

Parking and Sustainable Transport Code

- **Clause C2.6.3 A1 in relation to the number of accesses for vehicles.**
Specifically, the amended access and parking layout will result in the creation of a second access point to Burgundy Road.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause C2.6.3 as follows.

| Clause | Performance Criteria | Assessment |
|-----------|--|-----------------------|
| C2.6.3 P1 | <i>“The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:</i> | See below assessment. |

| | | |
|--|---|---|
| | <i>(a) any loss of on-street parking; and</i> | <p>The inclusion of a second access point along the property frontage to Burgundy Road will reduce the number of vehicles that can be parked along the frontage from three to one. However, the amended access and car parking layout will leave space for the parking of one vehicle on the street which is adequate. The demand for on-street parking caused by the proposed development is likely to be minimal given each dwelling would be provided with three car parking spaces.</p> <p>Council's development engineer has advised ample on-street parking is available within close proximity to the site that will offset the reduction in on-street parking arising from the introduction of a second access point.</p> |
| | <i>(b) pedestrian safety and amenity;</i> | <p>While it is uncommon for a dual access arrangement servicing multiple dwellings in this area, the allocation of individual access points will provide satisfactory separation to ensure easy pedestrian and vehicle recognition and is an appropriate design response for an access servicing a larger volume of vehicles. The access to frontage ratio would also remain generally consistent with that of properties located to either side of the development.</p> |
| | <i>(c) traffic safety; and</i> | <p>Conditions of approval have been included to ensure the accesses are designed and constructed in accordance with current Australian Standards to ensure traffic safety is not compromised.</p> |

| | | |
|--|---|---|
| | <i>(d) residential amenity on adjoining land; and</i> | The proposed access points would not compromise residential amenity. |
| | <i>(e) the impact on the streetscape.”</i> | The inclusion of a second access point will improve the presentation of the buildings within the streetscape as it will enhance visual relief through a reduction in the area of sealed surfaces and opportunity for landscaping. |

5. REPRESENTATION ISSUES

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

5.1. Notification Procedure

The representors have raised concern in relation to the way in which the notice was displayed on the site during the statutory advertising timeframe. Specifically, it has been observed by the representors that the notice was attached to an electricity turret which was obscured by long grass and consequently obscured from view of the street.

- **Comment**

Regulation 9(1)(d)(i) and (ii) of the Land Use Planning and Approvals Regulations 2014 requires a notice of an application for a permit to be displayed as near as possible to each public boundary. Photographs taken at the time the sign was erected show the sign was not obscured by long grass. Council has met its obligation in this regard.

5.2. Overshadowing Impact

The representors have raised concern in relation to the overshadowing impact of habitable room windows and private open space of adjoining dwellings.

- **Comment**

The north-eastern (side) and north-western (side) corner of the roof over the upper-level decks of the dwellings would project minimally beyond the three-dimensional building envelope as prescribed by clause 8.4.2 A3 of the Scheme.

An assessment of overshadowing impact upon adjoining properties is provided in detail under Section 4.4 of this report and is considered to satisfy the associated performance criteria P3, in that the supplementary shadow diagrams show that there would be no additional overshadowing of habitable room windows of adjoining dwellings nor any unreasonable loss of sunlight to the private open space of these adjoining dwellings.

The development would have some impact upon solar access at Winter Solstice to the private open space of adjoining dwellings, therefore is not an unreasonable impact, in terms of the tests of the Scheme.

5.3. Loss of Privacy

The representors have raised concern the upper level living and bedroom windows and decks will overlook the adjoining dwellings habitable room windows and private open space.

- **Comment**

The proposed multiple dwelling development satisfies the requirements of the Scheme in relation to privacy, as articulated by the acceptable solutions of Clause 10.4.6 A1 and A2.

5.4. Streetscape Impact

The representors have raised concern in relation to the two-storey design being out of character with the prevailing single storey developments typifying the Burgundy Road streetscape.

- **Comment**

The proposed dwellings require a variation under clause 8.4.2 A3 of the Scheme in relation to building envelope. A details analysis of visual impact (and more broadly streetscape impact) is provided in detail under Section 4.4 of this report, whereby it has been determined the proposal would not cause an unreasonable loss of amenity by way of visual impact.

5.5. Parking and Traffic Impact

The representor is concerned the proposal will result in further shortages of on-street parking within Burgundy Road and that the proposal will detrimentally increase traffic volumes within the street.

- **Comment:**

The proposal complies with the numerical on-site car parking requirements prescribed by the Parking and Sustainable Transport Code and includes the required visitor parking. Council's development engineer is satisfied there is adequate on-street parking available within Burgundy Road to cater for any overflow parking demand arising from the proposed development and that Burgundy Road is designed and constructed to accommodate the traffic volumes anticipated by the development of the original subdivision.

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.

The proposal was referred to TasNetworks who provided advice that they consented to the application, on the basis that certain conditions are met, and measures taken as part of the development to cater for existing infrastructure. Being that this advice is non-statutory and unrelated to Scheme provisions, it is appropriate to include these requirements as advice as part of a planning permit, if granted.

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is for two Multiple Dwellings at 28 Burgundy Road, Howrah. The proposal is considered to comply with all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plans (14)
3. Supplementary Shadow Diagrams (6)
4. Site Photos (2)



Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1

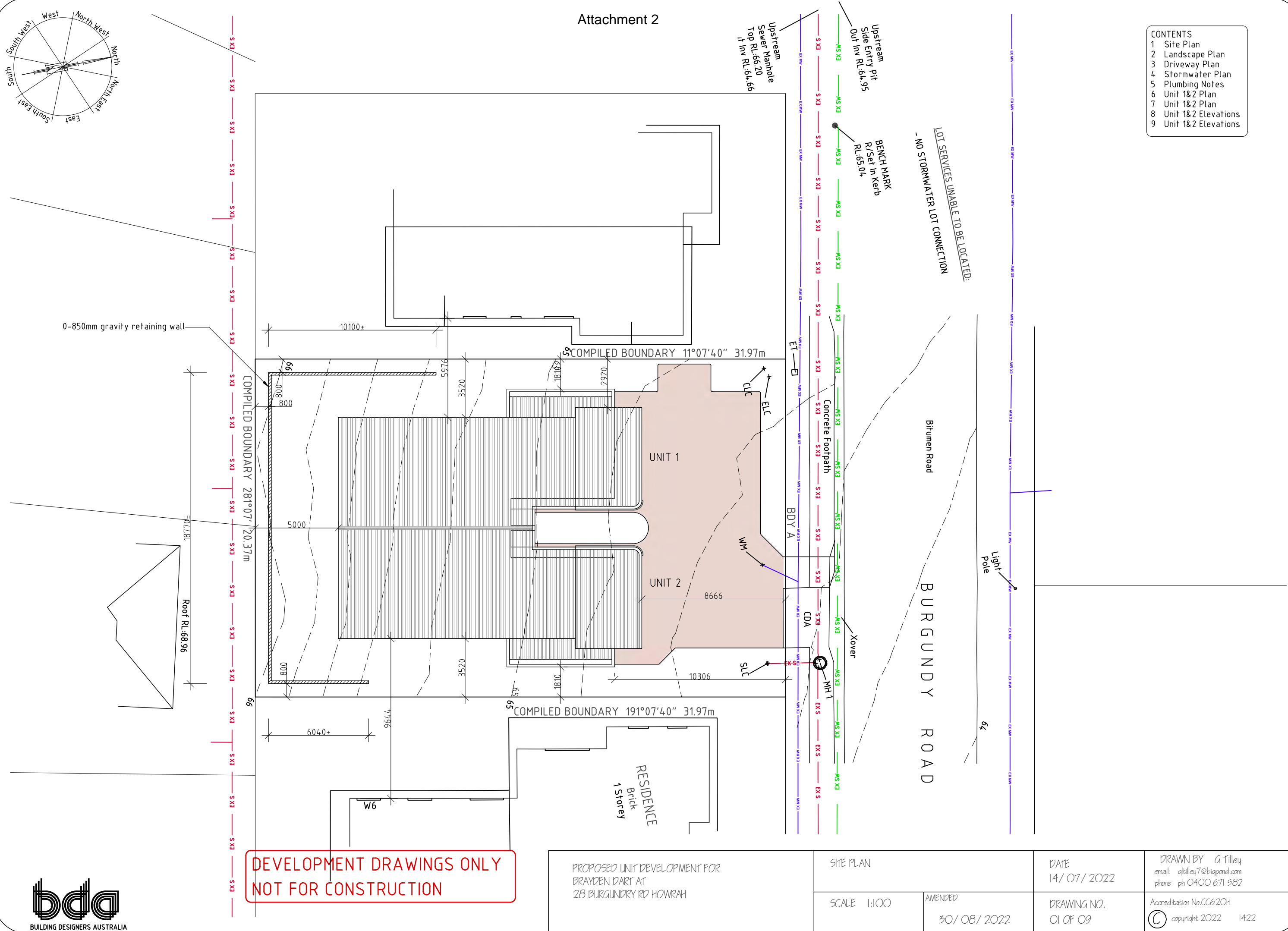
LOCATION PLAN - 28 BURGUNDY ROAD, HOWRAH

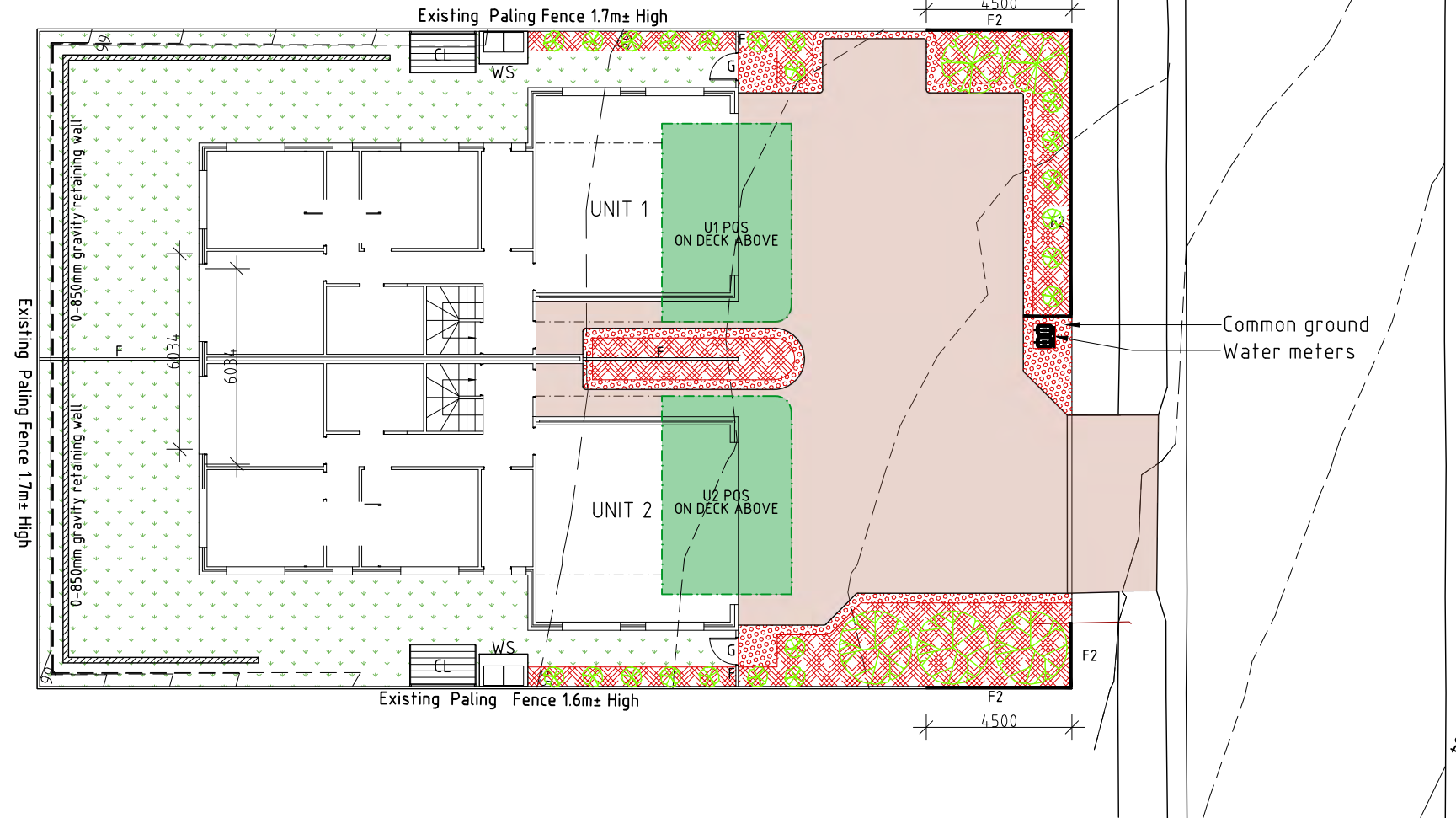
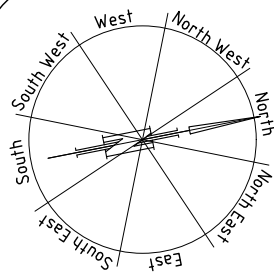


| | | | |
|---|--|-------------------|---|
|  | <p>This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.</p> | <p>26/10/2022</p> |  |
| | | <p>1:2257</p> | |

Attachment 2

| CONTENTS | |
|----------|---------------------|
| 1 | Site Plan |
| 2 | Landscape Plan |
| 3 | Driveway Plan |
| 4 | Stormwater Plan |
| 5 | Plumbing Notes |
| 6 | Unit 1&2 Plan |
| 7 | Unit 1&2 Plan |
| 8 | Unit 1&2 Elevations |
| 9 | Unit 1&2 Elevations |





- CL Freestanding Retractable clothes line
- F 1800 high paling fence
- S 750x1500 shed
- WS 1.5m² impervious area for waste storage
- 1000x1500 concrete pad/paving
- B off Thorn Bollard lights
- Satin black 1500-840 400K
- 24.5 watt LED
- 140Ø x 230mm high

- Protea neriifolia 2-3m high
- Leucadendron Red gem 1.5m high
- Escallonia "Hedge edge" or similar 0.5m high

NOTE: Plant height stated is matured height apart from the hedge which can be managed to desired height.

Garden bed not to extend against building, refer to CSIRO report for info

6.0m x 4.0m (24.00m²)
Private Open Space
Max. 1:10 gradient

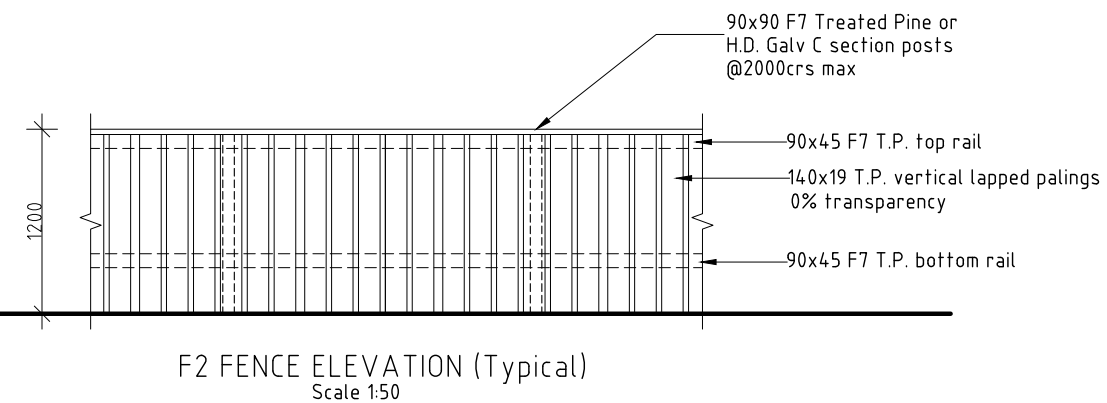
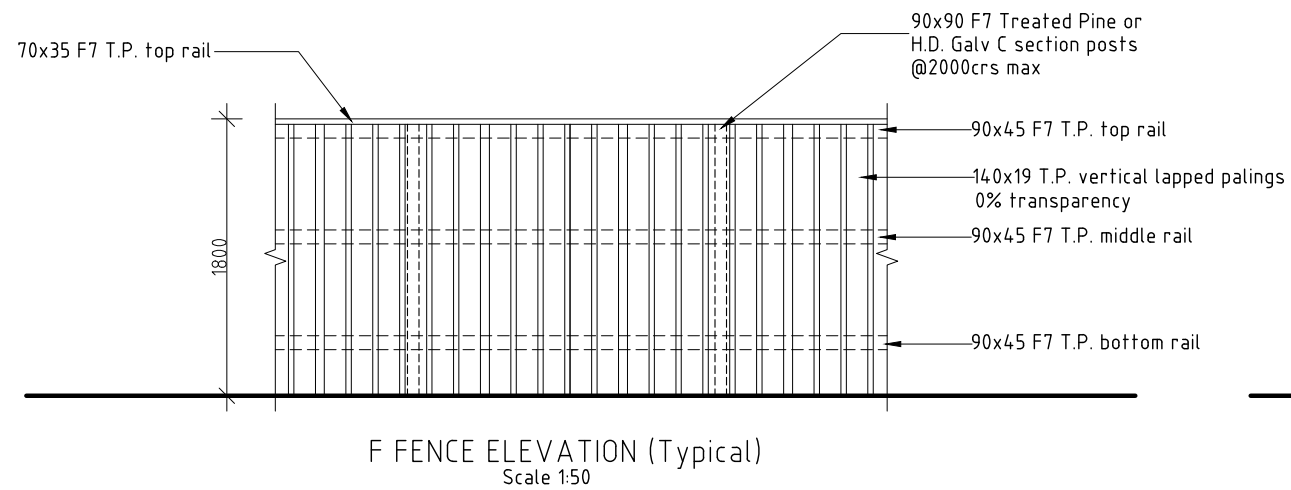
Lawn

Decorative pebbles/gravel

Mulched garden

Unit 1 Private Open Space 98.13m²
Unit 2 Private Open Space 98.13m²

Impervious surface 384.64² divide
by 651.15m² =59.07%
Pervious surface 266.51m² divide
by 651.15m² =40.93%



DEVELOPMENT DRAWINGS ONLY
NOT FOR CONSTRUCTION

PROPOSED UNIT DEVELOPMENT FOR
BRAYDEN DART AT
28 BURGUNDY RD HOWRAH

LANDSCAPE PLAN

SCALE 1:200

AMENDED

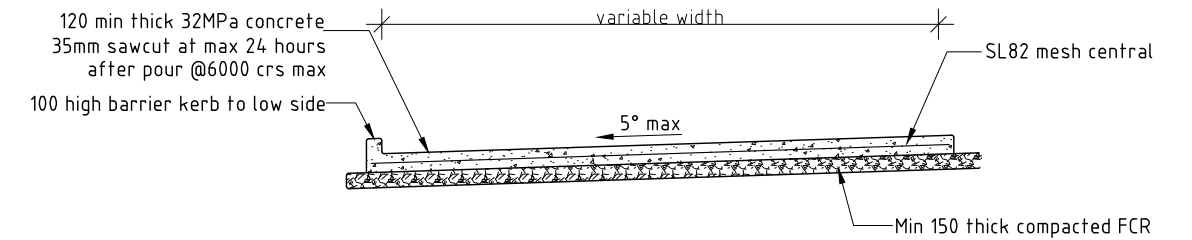
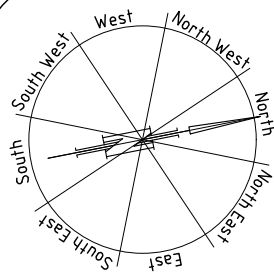
26/09/2022

DATE
14/07/2022

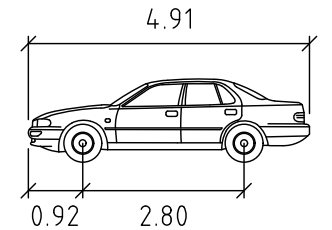
DRAWING NO.
02 OF 09

DRAWN BY G Tilley
email: gtilley7@biopond.com
phone ph 0400 671 582

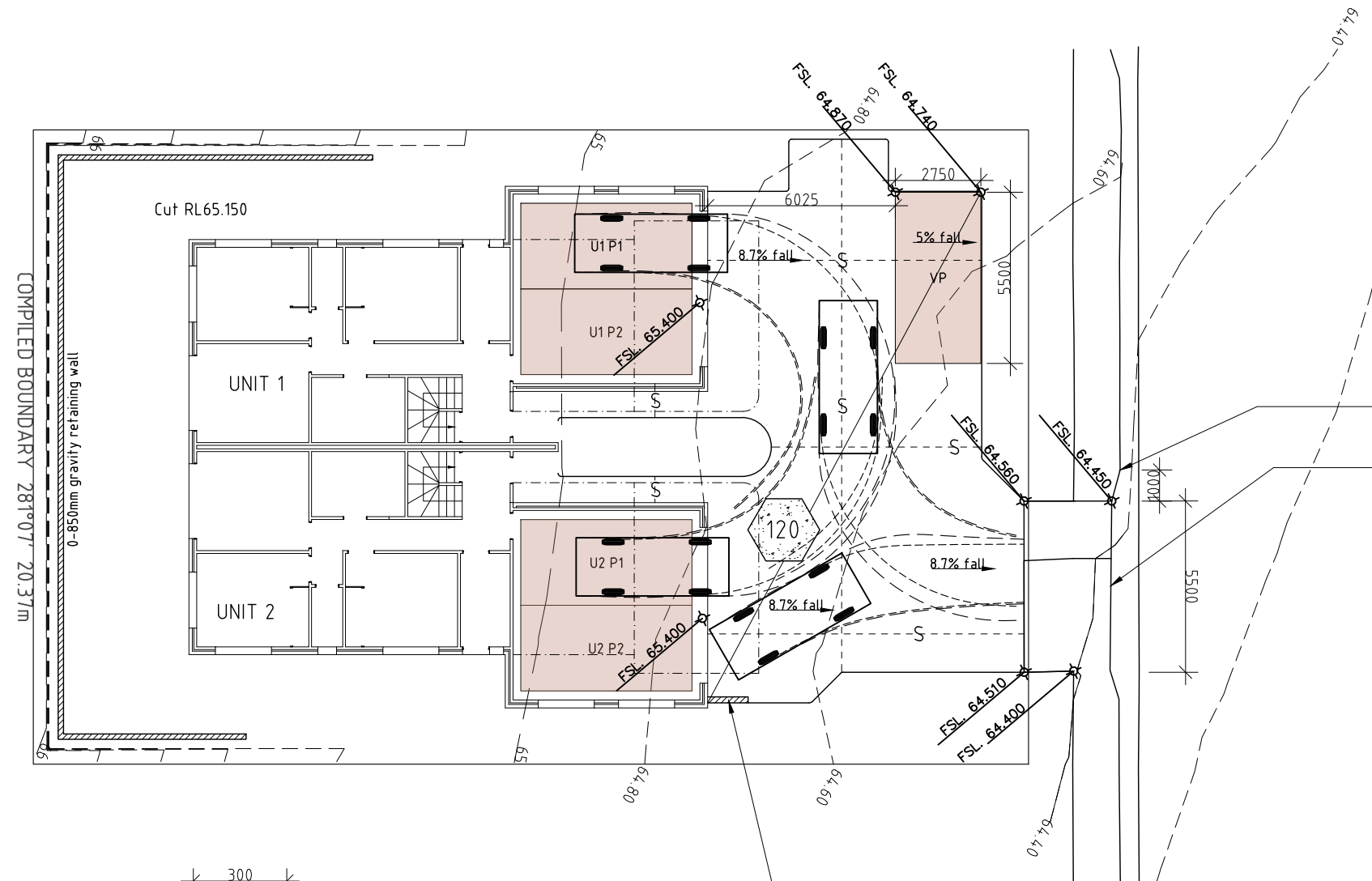
Accreditation No.CC620H
© copyright 2022 1422



DRIVEWAY CROSS SECTION (TYPICAL)
SCALE 1:50



B85 meters
Width : 1.87
Track : 1.77
Lock to Lock Time : 6.00
Steering Angle : 34.00



Install new transition wing as per IPWEA drawing TSD-R09-V3
Widen crossover to 5500 wide

--- S --- Sawcut to 25% of slab thickness as soon as able to cut without dragging out the aggregate

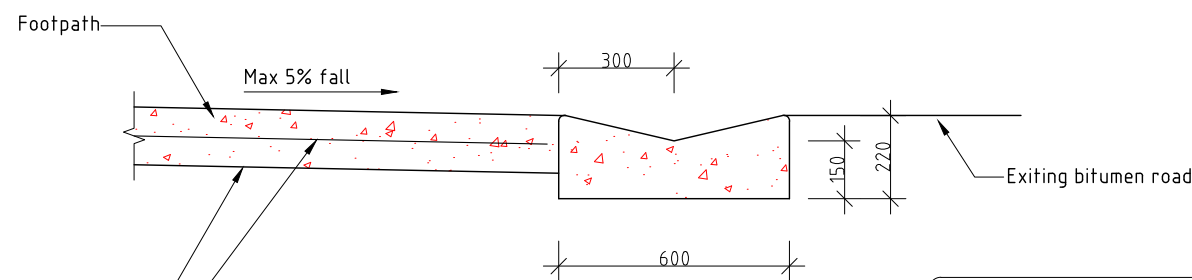
120 120mm Slab on grade, N25, 100 slump SL82 Central

Natural coloured concrete broom finished paving slab to driveway/access & parking

NOTE: All parking and turning areas to be clearly marked

Carparking and vehicle maneuvering to be of sealed construction and comply with AS2890.1-2004
NO PARKING/KEEP CLEAR signage to be installed for the turning bays so as to remain clear of vehicles at all times.
Visitor parking signs to be installed at visitor parking bays
Signage noting residential parking for all units to be installed for Unit parking spaces.
Parking and vehicle circulation roadways & pedestrian paths to be provided with bollard lighting. Refer to landscape plan for lighting locations.

NOTE: Max 5% gradient to vehicle maneuvering areas



CROSSOVER TYPE KCS
VEHICULAR CROSSING
SCALE 1:20

New cross over and footpath concrete to match colour & finish
New Crossover to match gradient and concrete depth if it found to differ from the STANDARD DRAWING by IPWEA.

DEVELOPMENT DRAWINGS ONLY
NOT FOR CONSTRUCTION

PROPOSED UNIT DEVELOPMENT FOR
BRAYDEN DART AT
28 BURGUNDY RD HOWRAH

DRIVEWAY PLAN

SCALE 1:200

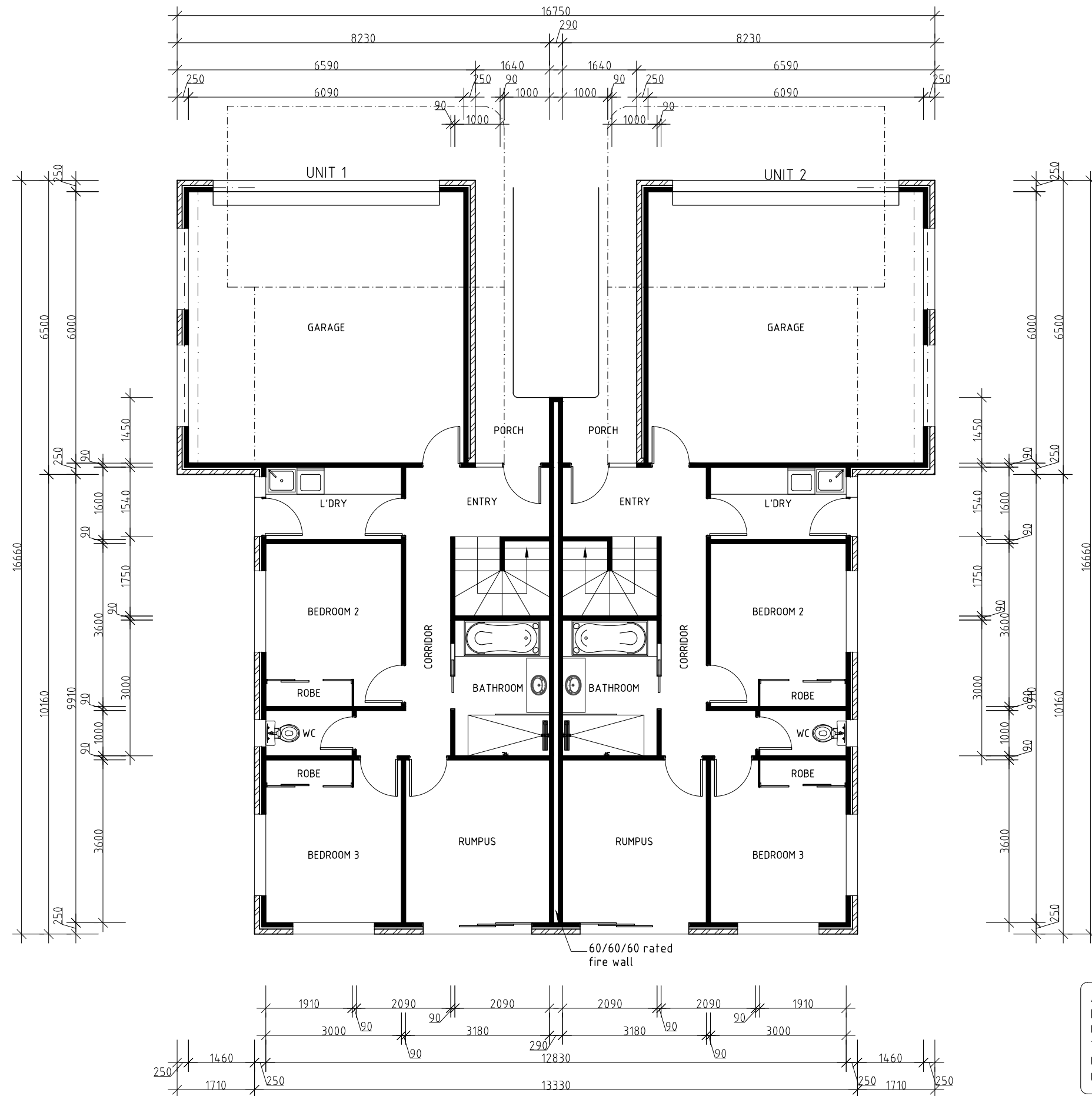
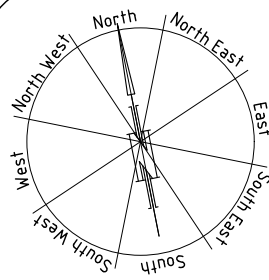
AMENDED
30/08/2022

DATE
14/07/2022

DRAWING NO.
03 OF 09

DRAWN BY G Tilley
email: gtilley7@biapond.com
phone ph 0400 671 582

Accreditation No.CC620H
© copyright 2022 1422



Minimum floor height
FFL65.400mAH, refer to
flood report by Flussig
Engineers

| AREA | |
|--------------|----------------------|
| Lower Level: | 222.41m ² |
| Upper Level: | 182.13m ² |
| Total: | 404.54m ² |
| Unit 1 Deck: | 24.42m ² |
| Unit 2 Deck: | 24.42m ² |

CONJOINED UNITS 1 & 2 LOWER LEVEL

DEVELOPMENT DRAWINGS ONLY
NOT FOR CONSTRUCTION

PROPOSED UNIT DEVELOPMENT FOR
BRAYDEN DART AT
28 BURGUNDY RD HOWRAH

CONJOINED UNITS 1 & 2 PLAN

SCALE 1:100

AMENDED

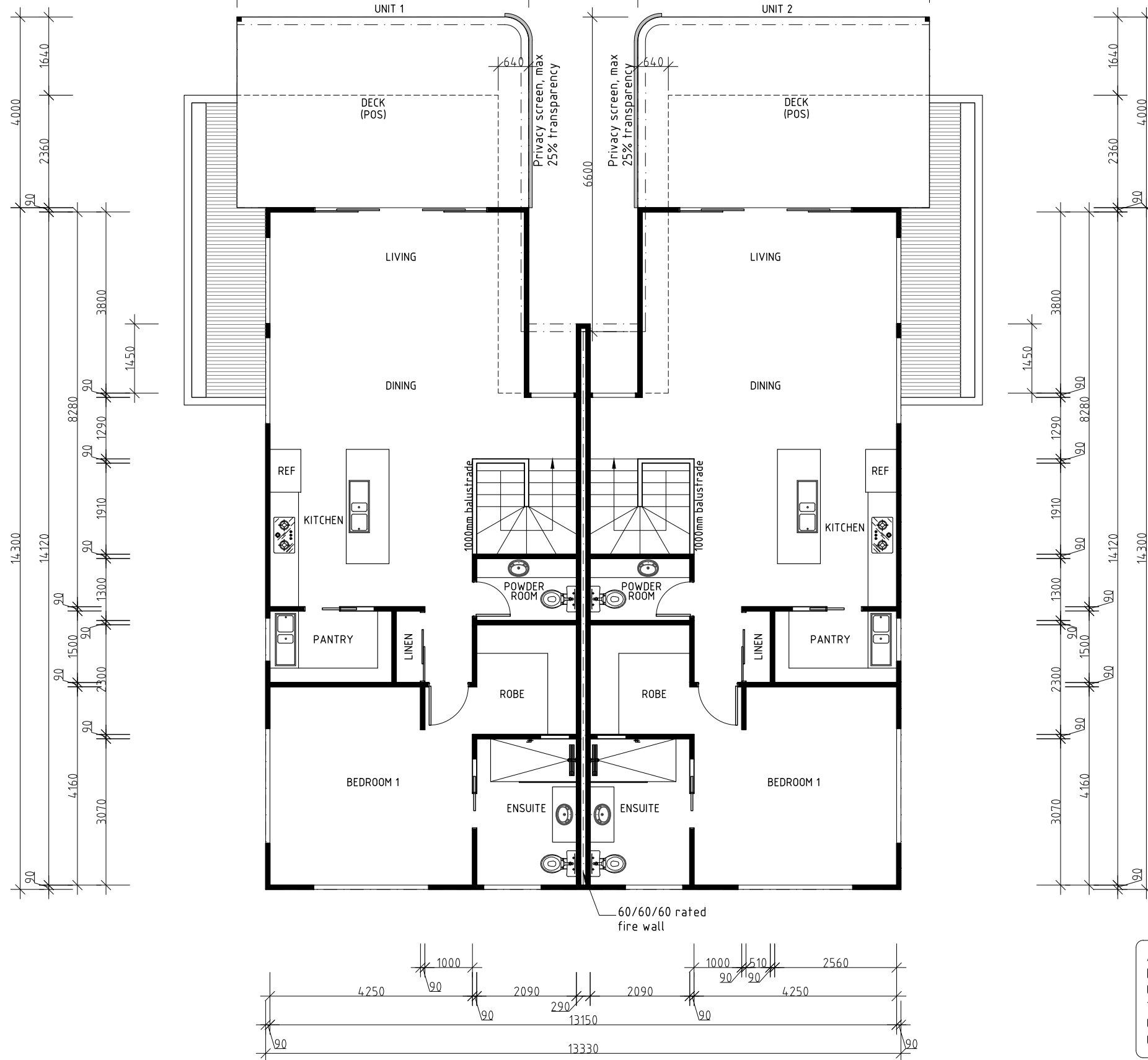
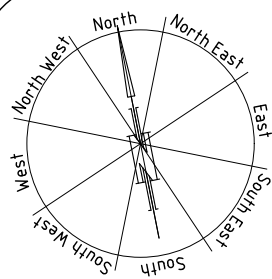
26/09/2022

DATE
14/07/2022

DRAWING NO.
06 OF 09

DRAWN BY G Tilley
email: gtilley7@biapond.com
phone ph 0400 671 582

Accreditation No.CC620H
© copyright 2022 1422



| AREA | |
|--------------|----------------------|
| Lower Level: | 222.41m ² |
| Upper Level: | 182.13m ² |
| Total: | 404.54m ² |
| Unit 1 Deck: | 24.42m ² |
| Unit 2 Deck: | 24.42m ² |

DEVELOPMENT DRAWINGS ONLY
NOT FOR CONSTRUCTION

CONJOINED UNITS 1 & 2 UPPER LEVEL

PROPOSED UNIT DEVELOPMENT FOR
BRAYDEN DART AT
28 BURGUNDY RD HOWRAH

CONJOINED UNITS 1 & 2 PLAN

SCALE 1:100

AMENDED

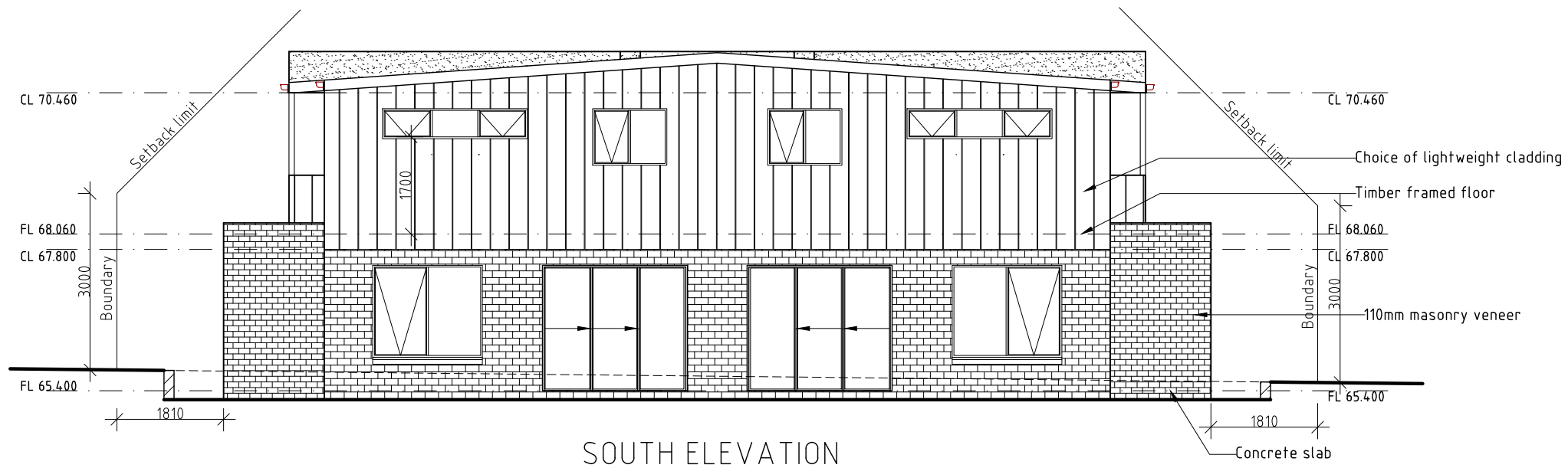
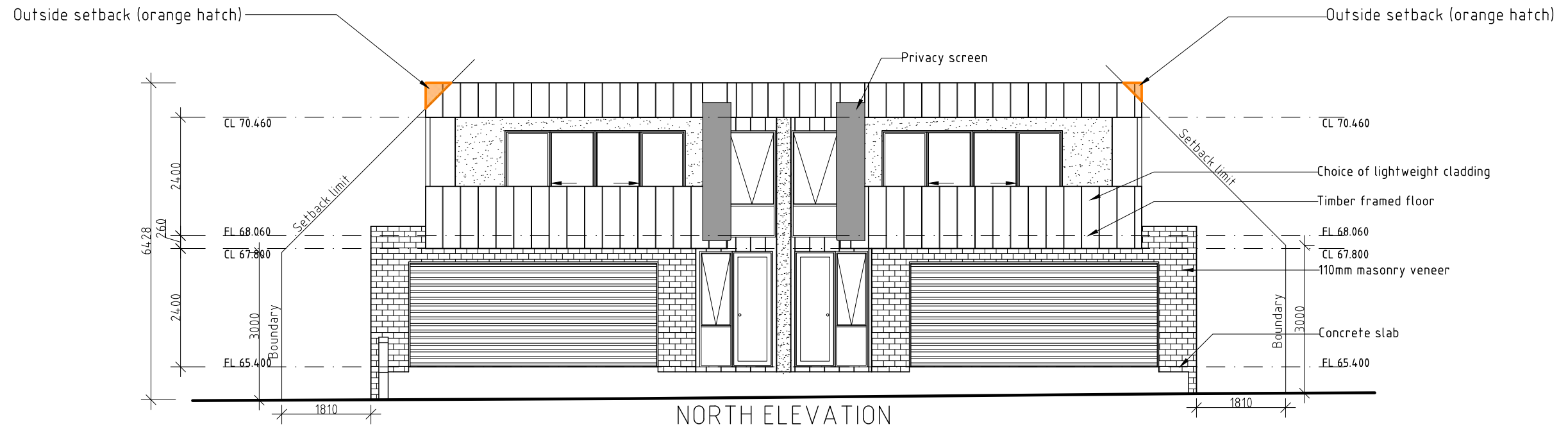
26/09/2022

DATE
14/07/2022

DRAWING NO.
07 OF 09

DRAWN BY G Tilley
email: gtilley7@biapond.com
phone ph 0400 671 582

Accreditation No.CC620H
© copyright 2022 1422



CONJOINED UNITS 1 & 2

DEVELOPMENT DRAWINGS ONLY
NOT FOR CONSTRUCTION

PROPOSED UNIT DEVELOPMENT FOR
BRAYDEN DART AT
28 BURGUNDY RD HOWRAH

CONJOINED UNITS 1 & 2 ELEVATIONS

SCALE 1:100

AMENDED

30/08/2022

DATE
14/07/2022

DRAWING NO.
08 OF 09

DRAWN BY G Tilley
email: gtilley7@biopond.com
phone ph 0400 671 582

Accreditation No. CC620H
© copyright 2022 1422



DEVELOPMENT DRAWINGS ONLY
NOT FOR CONSTRUCTION

CONJOINED UNITS 1 & 2

PROPOSED UNIT DEVELOPMENT FOR
BRAYDEN DART AT
28 BURGUNDY RD HOWRAH

CONJOINED UNITS 1 & 2 ELEVATIONS

SCALE 1:100

AMENDED

30/08/2022

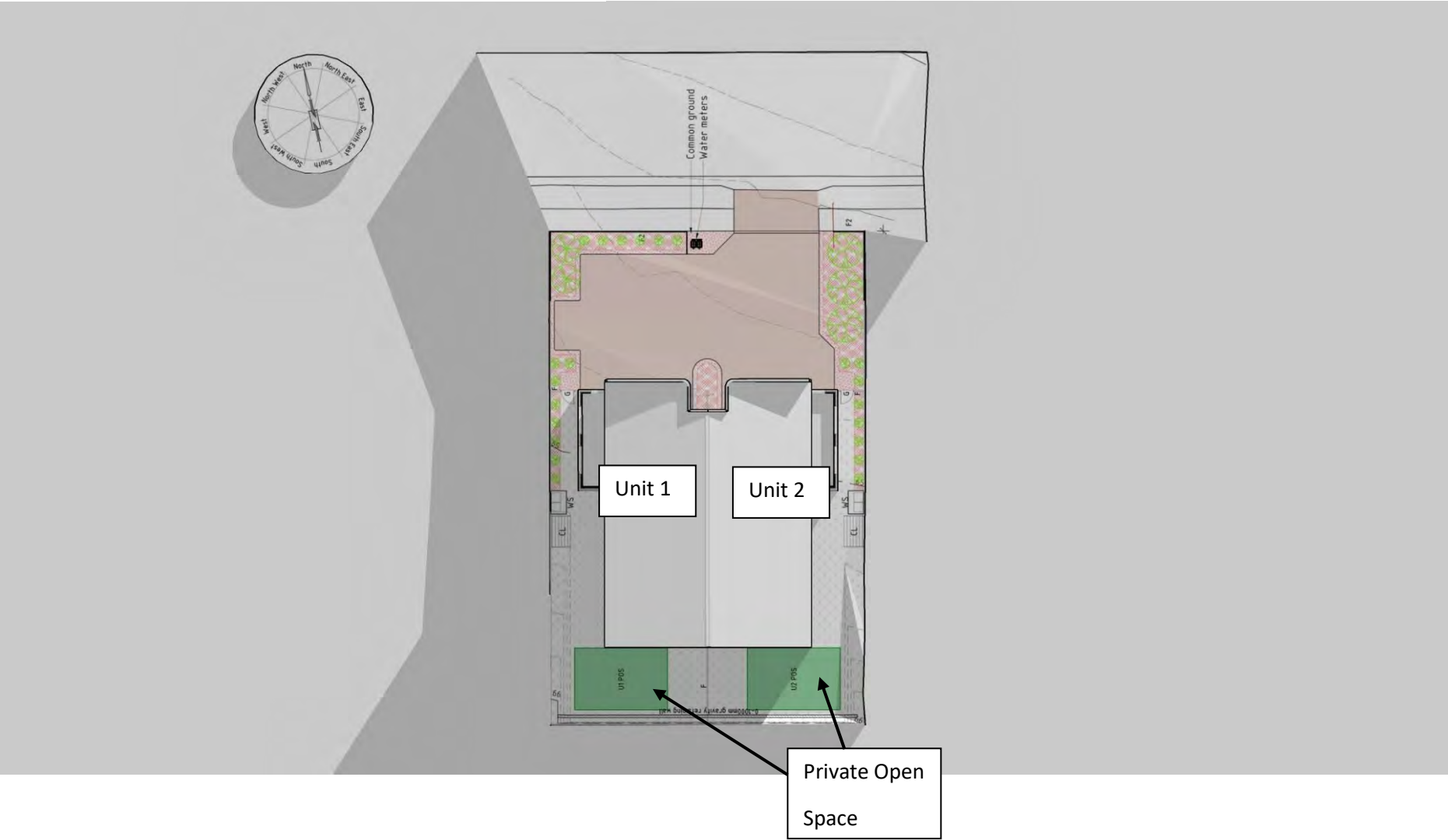
DATE
14/07/2022

DRAWING NO.
09 OF 09

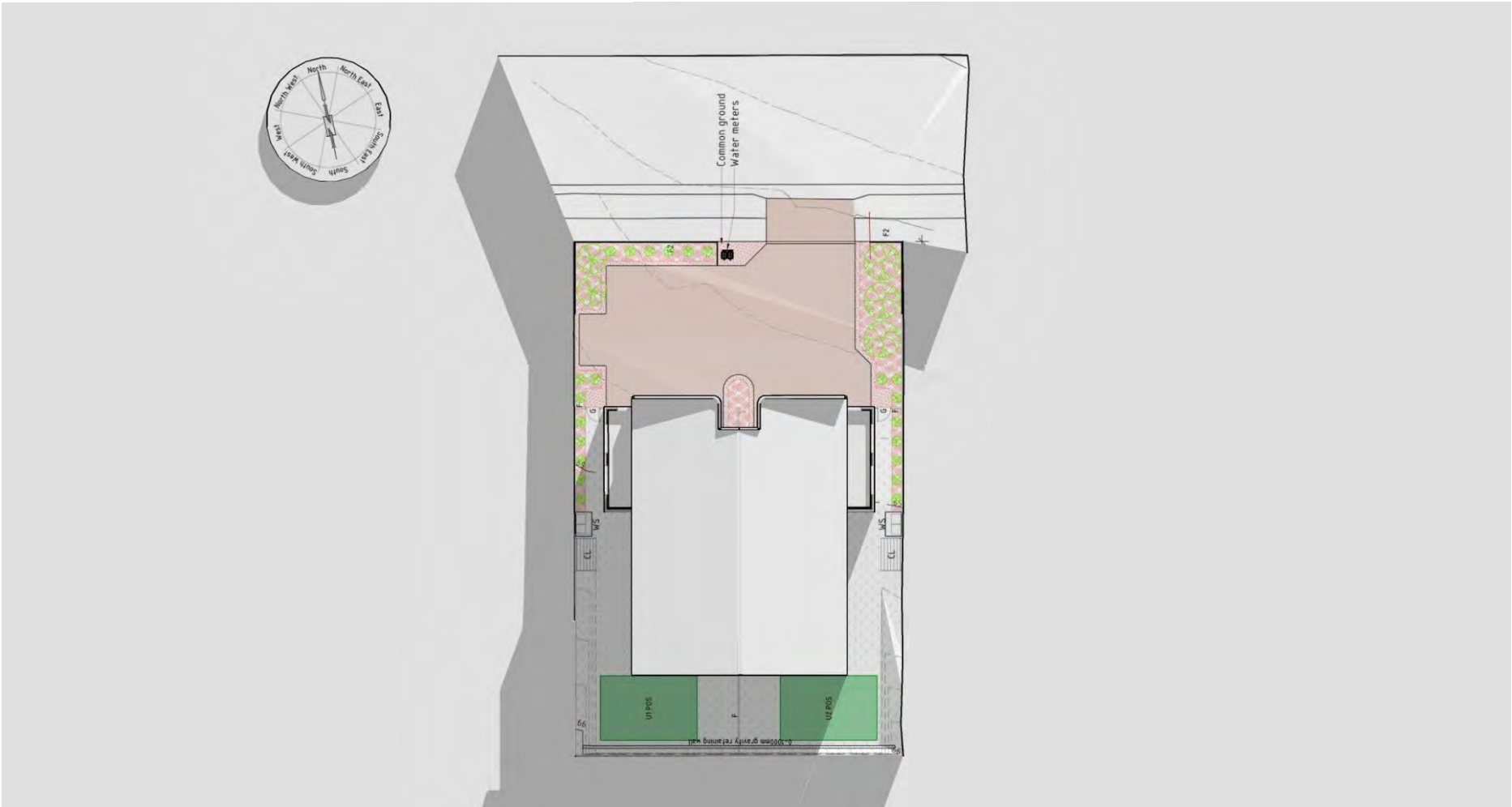
DRAWN BY G Tilley
email: gtilley7@biapond.com
phone ph 0400 671 582

Accreditation No. CC620H
© copyright 2022 1422

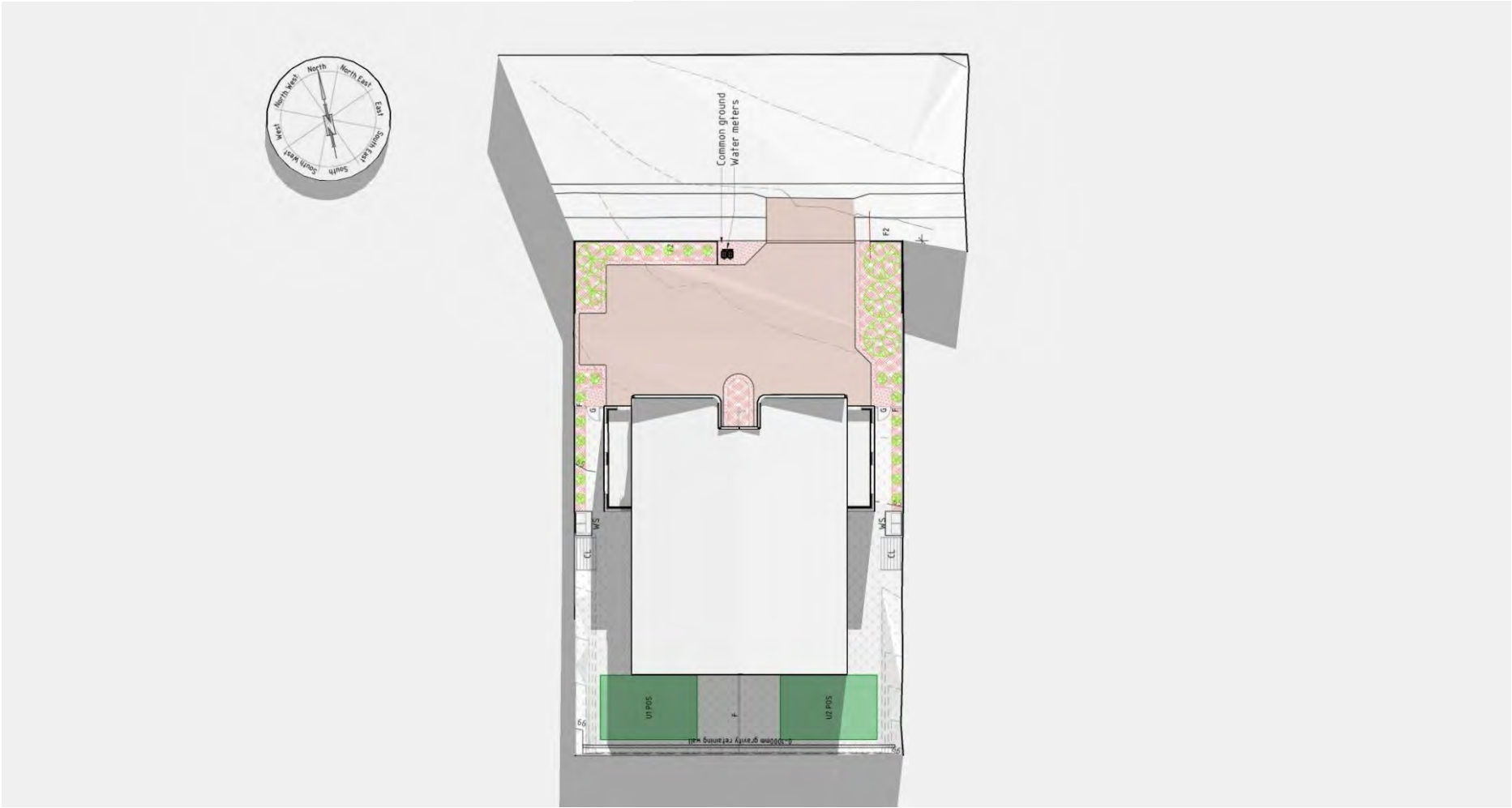
June 21 – 9 am



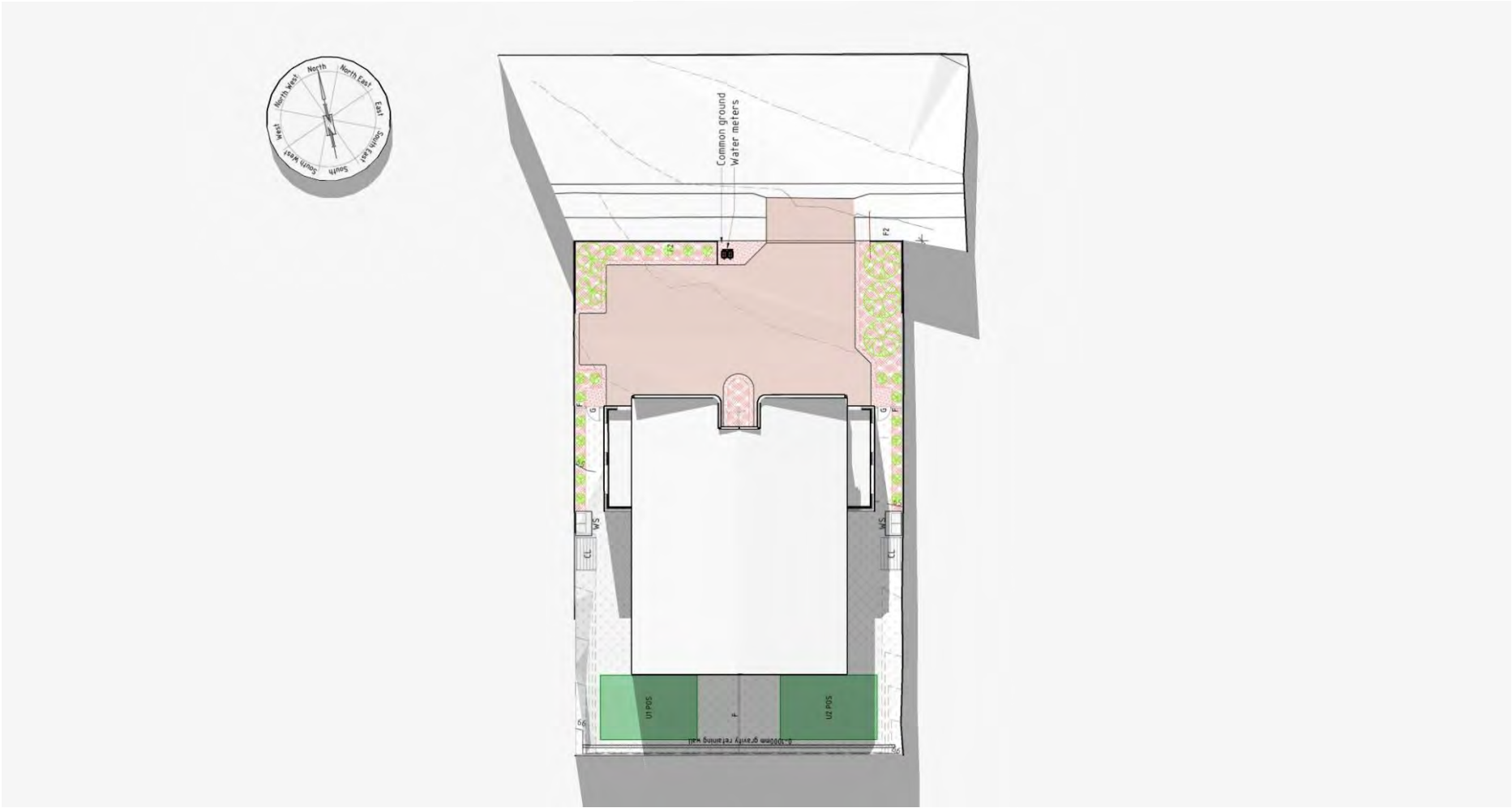
June 21 – 10 am



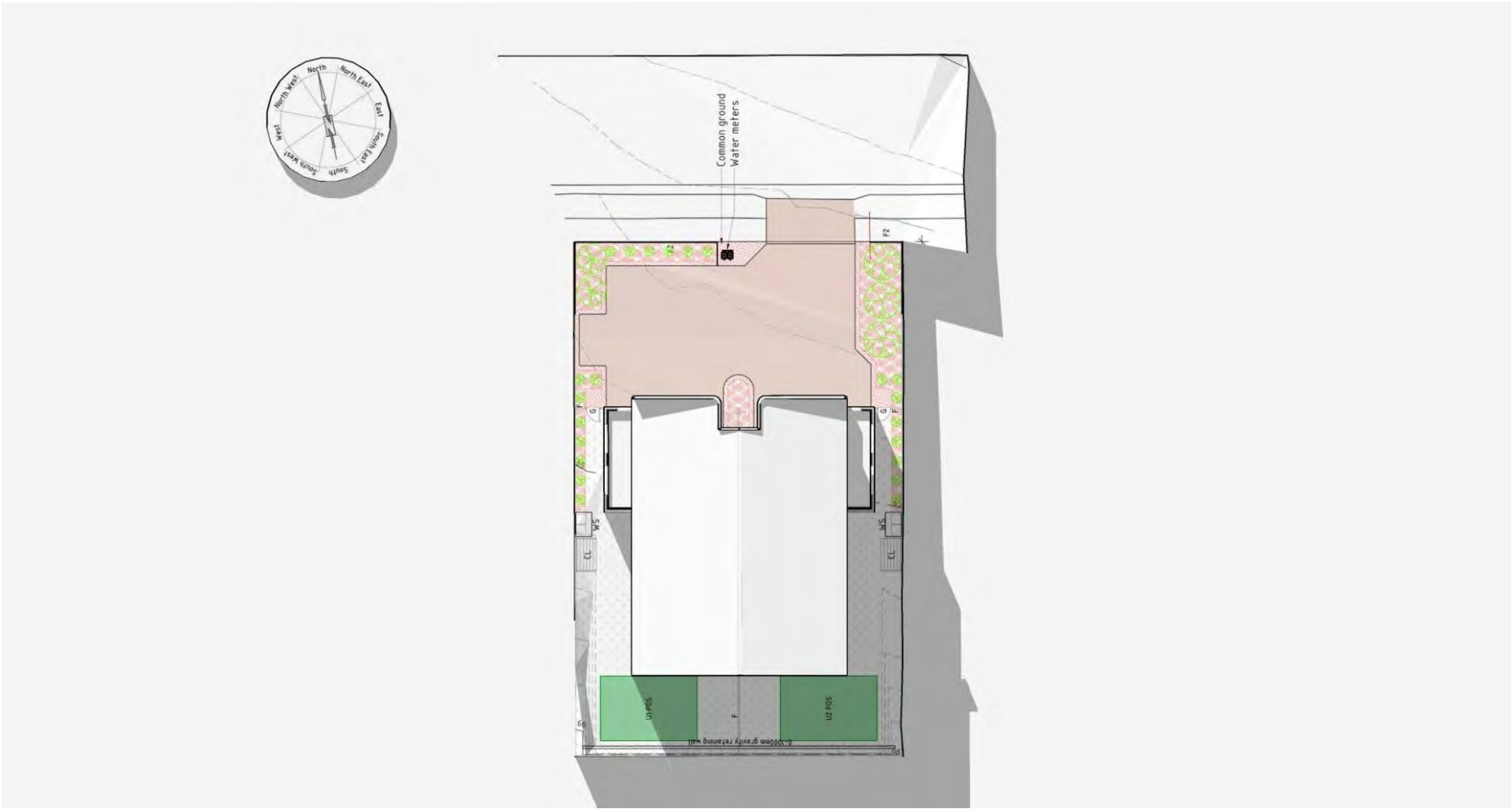
June 21 – 11 am



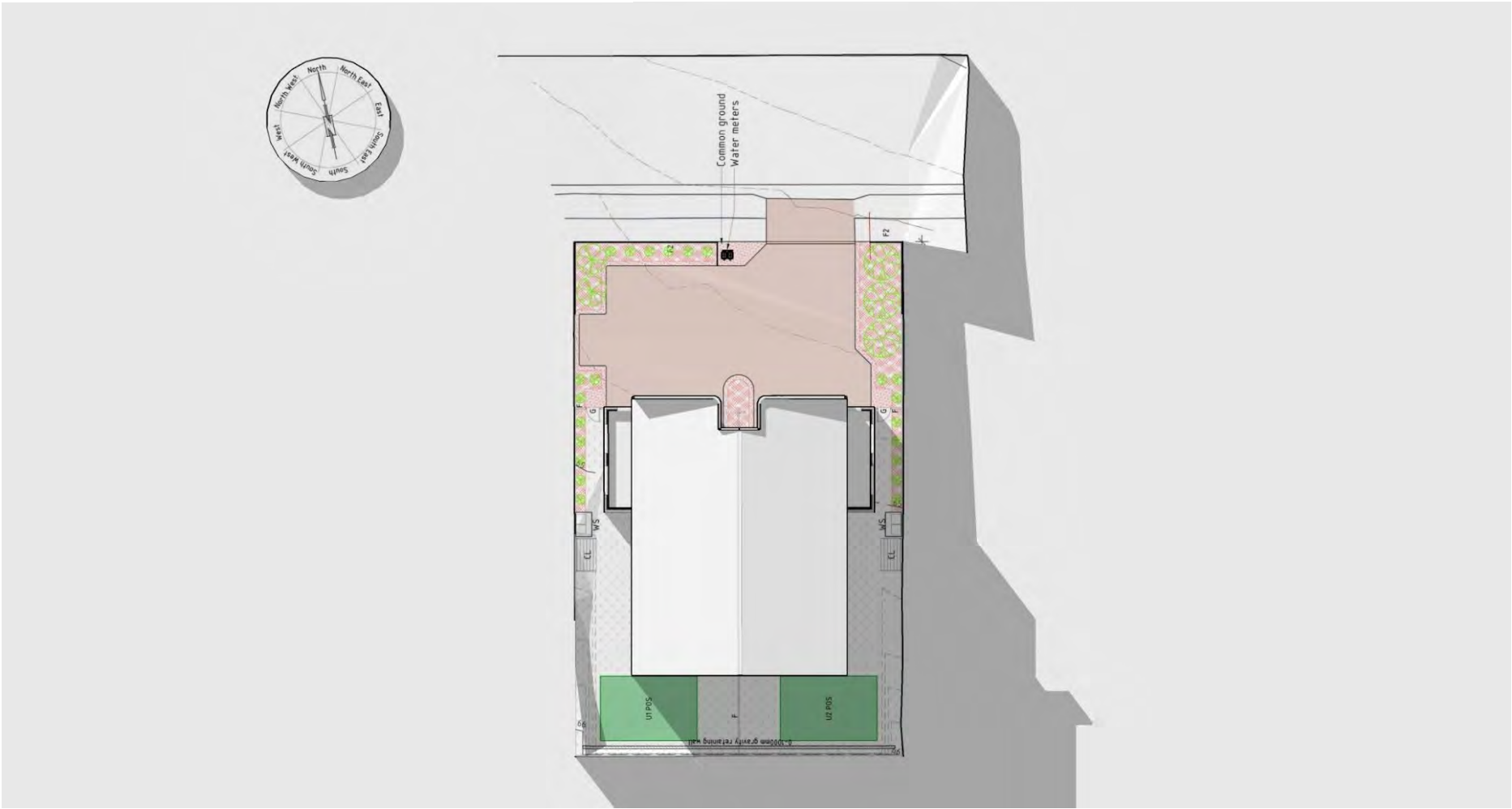
June 21 – 12pm



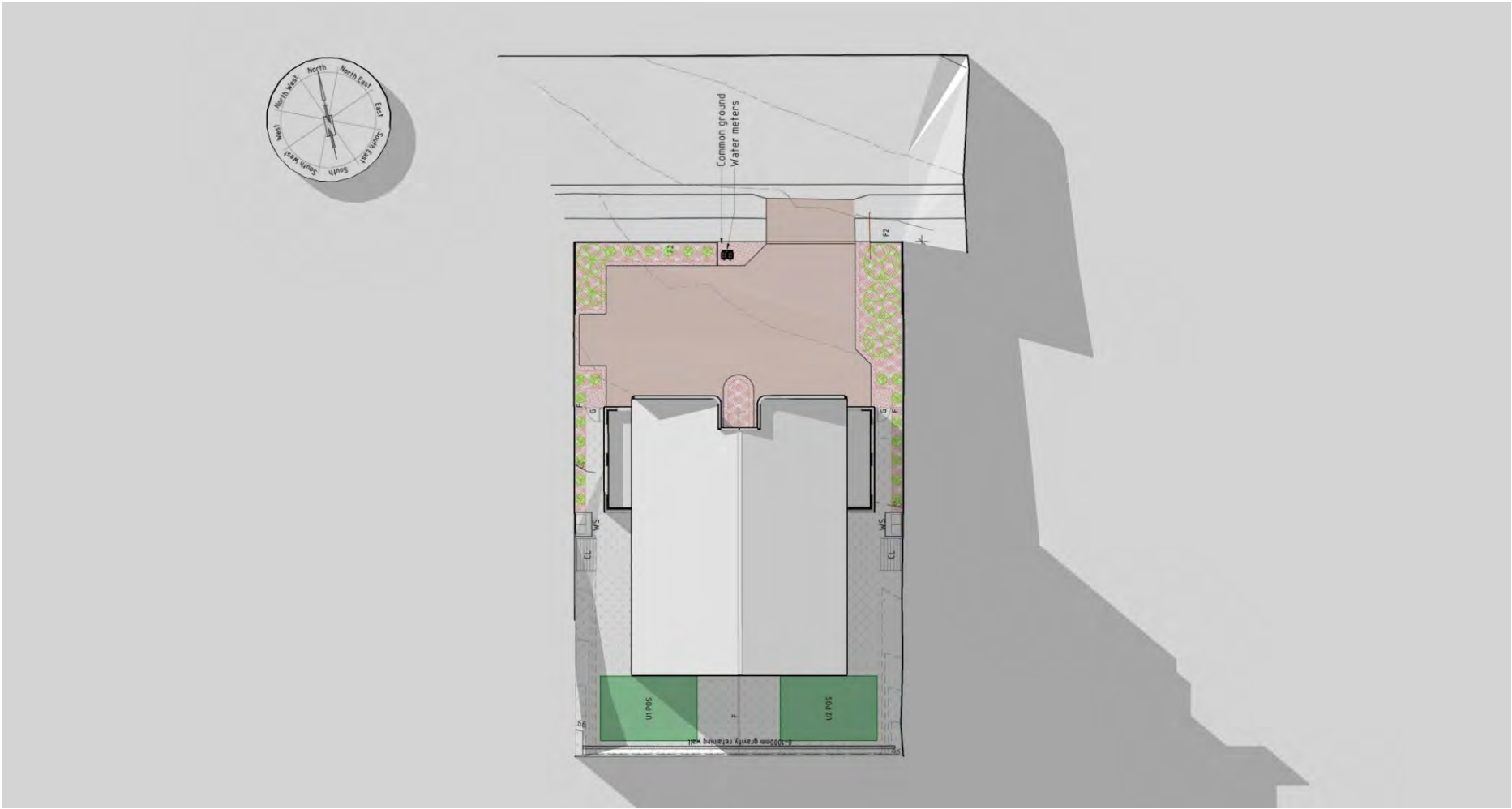
June 21 – 1 pm



June 21 – 2 pm

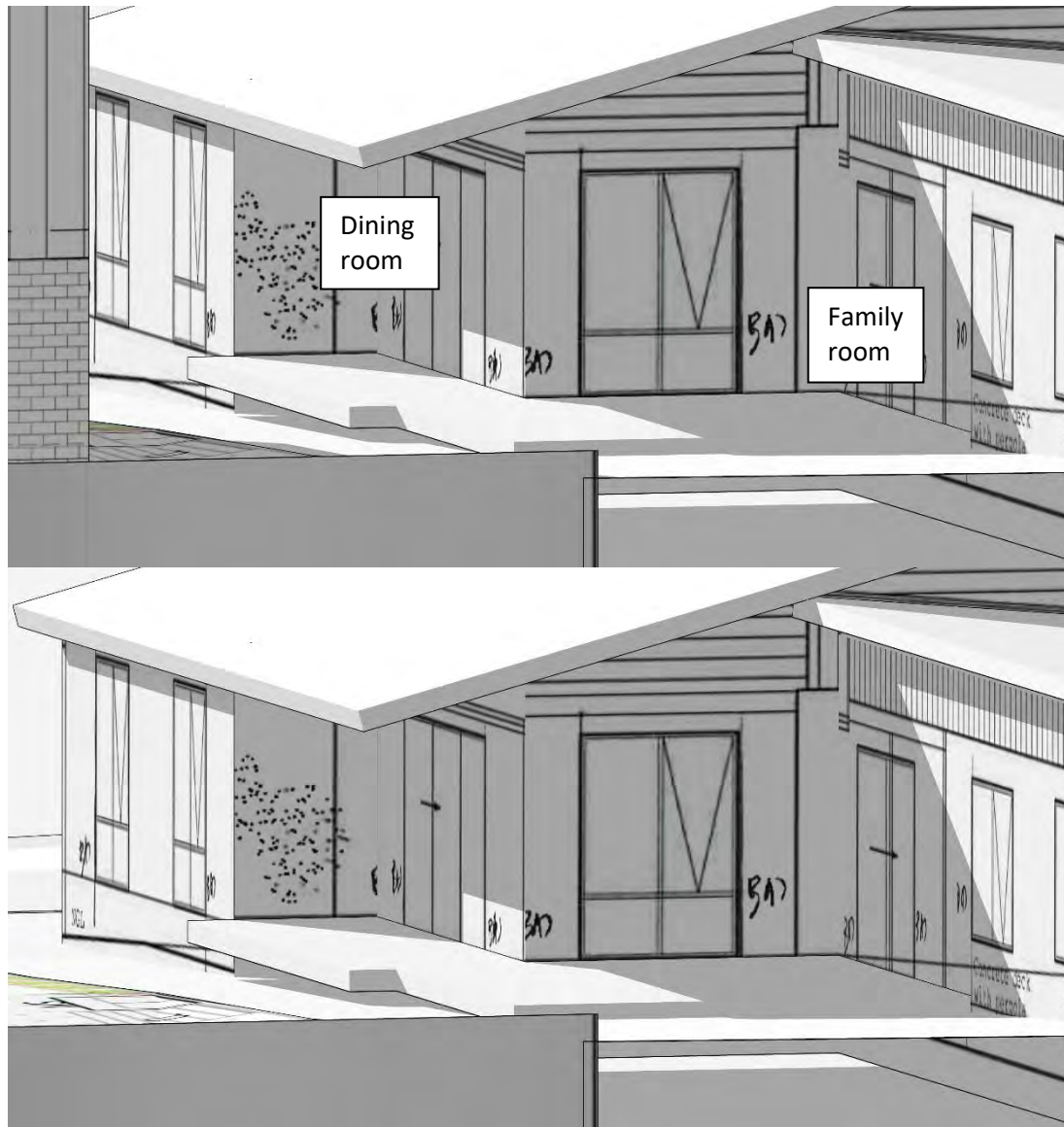


June 21 – 3 pm



Attachment 3

June 21 – 1 PM – Comparison With Number 28 Shadows and No Shadows



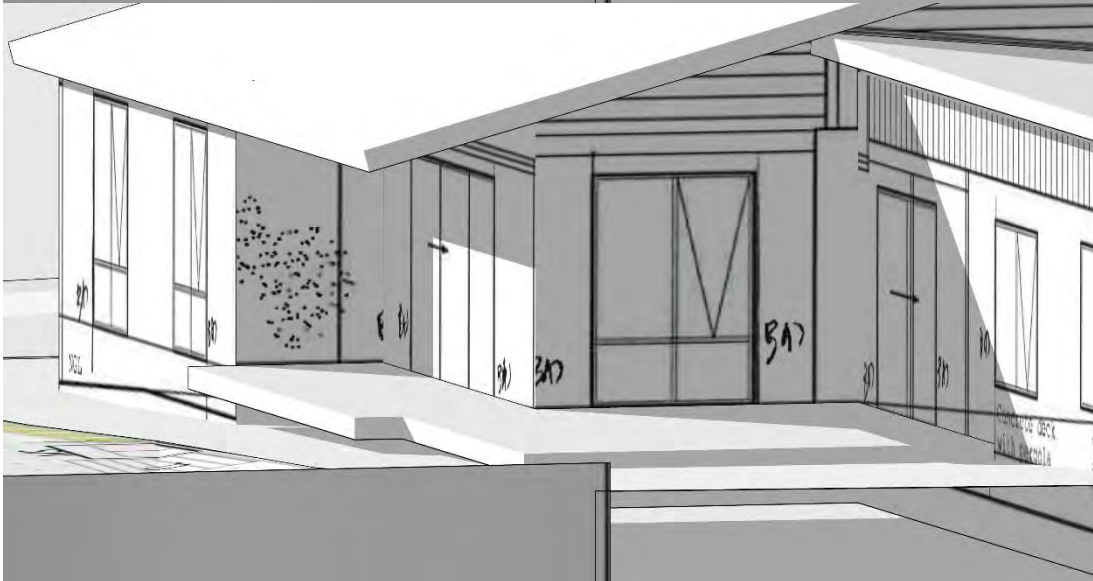
**June 21 – 1 PM – Comparison With
Number 28 Casting Shadows**

**June 21 – 1 PM – Comparison With
Number 28 removed showing only Number
30 own shadowing**

June 21 – 2 PM – Comparison With Number 28 Shadows and No Shadows

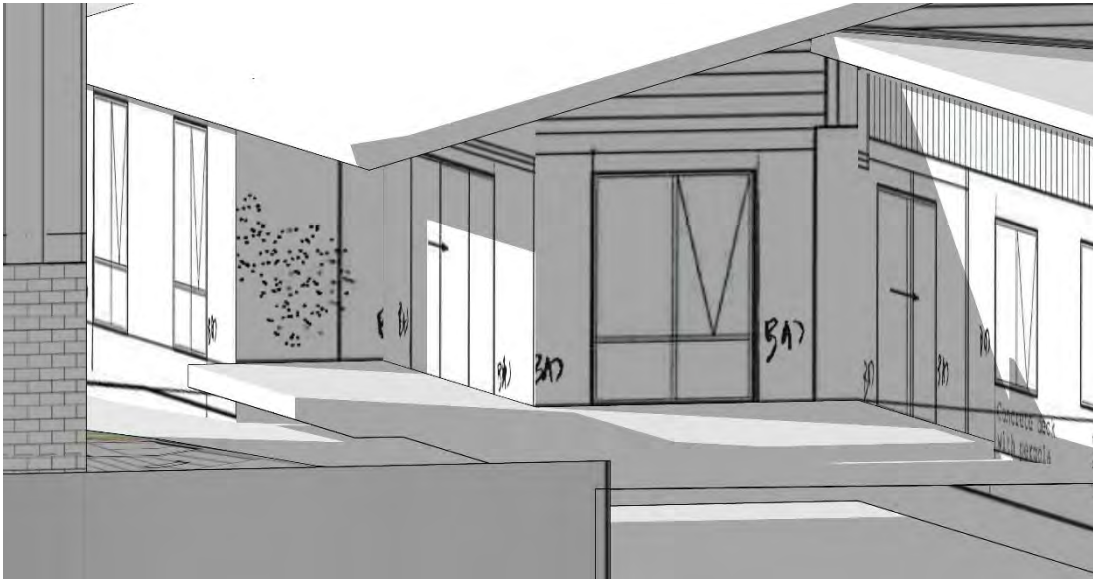


**June 21 – 2 PM – Comparison With
Number 28 Casting Shadows**

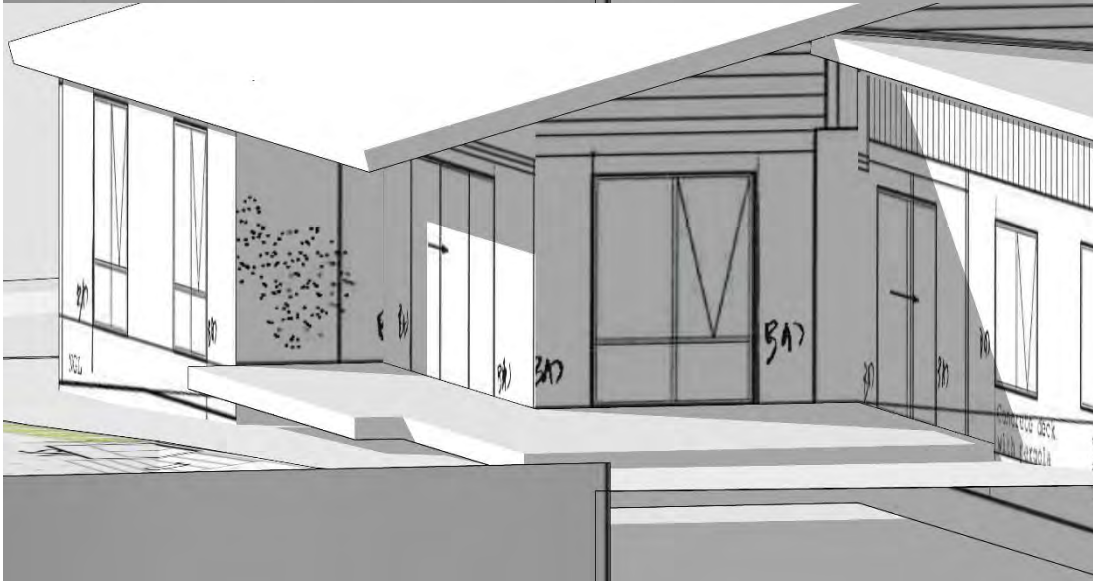


**June 21 – 2 PM – Comparison With
Number 28 removed showing only Number
30 own shadowing**

June 21 – 2:15 PM – Comparison With Number 28 Shadows and No Shadows

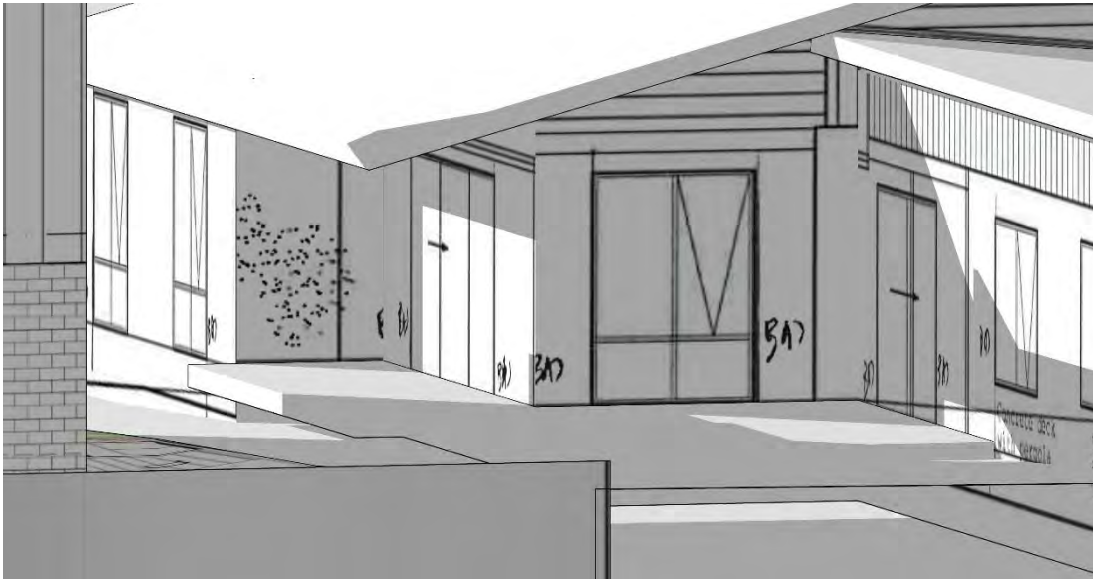


**June 21 – 2:15 PM – Comparison With
Number 28 Casting Shadows**

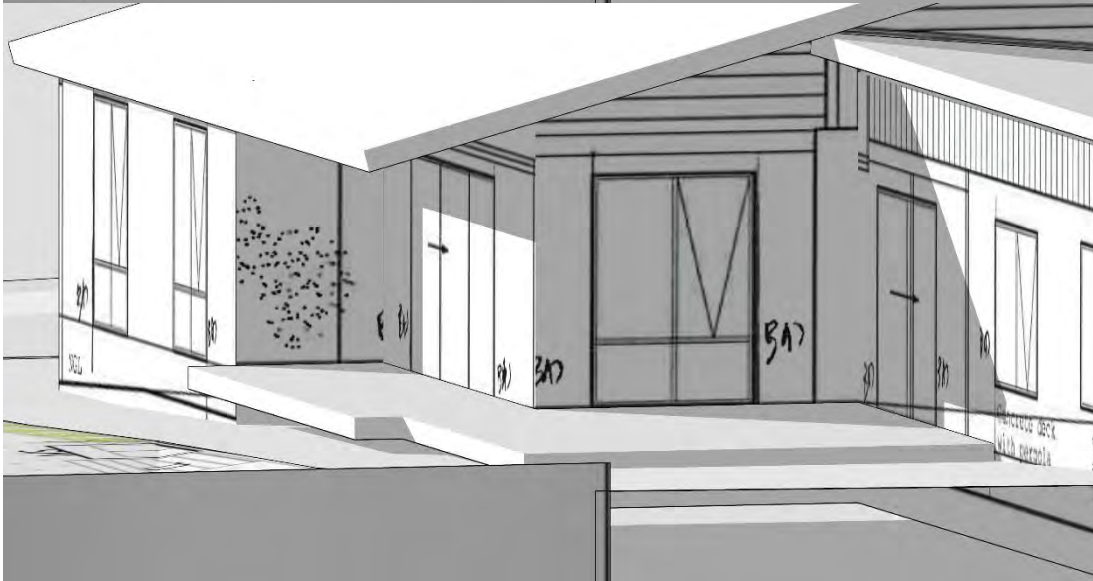


**June 21 – 2:15 PM – Comparison With
Number 28 removed showing only Number
30 own shadowing**

June 21 – 2:30 PM – Comparison With Number 28 Shadows and No Shadows



**June 21 – 2:30 PM – Comparison With
Number 28 Casting Shadows**

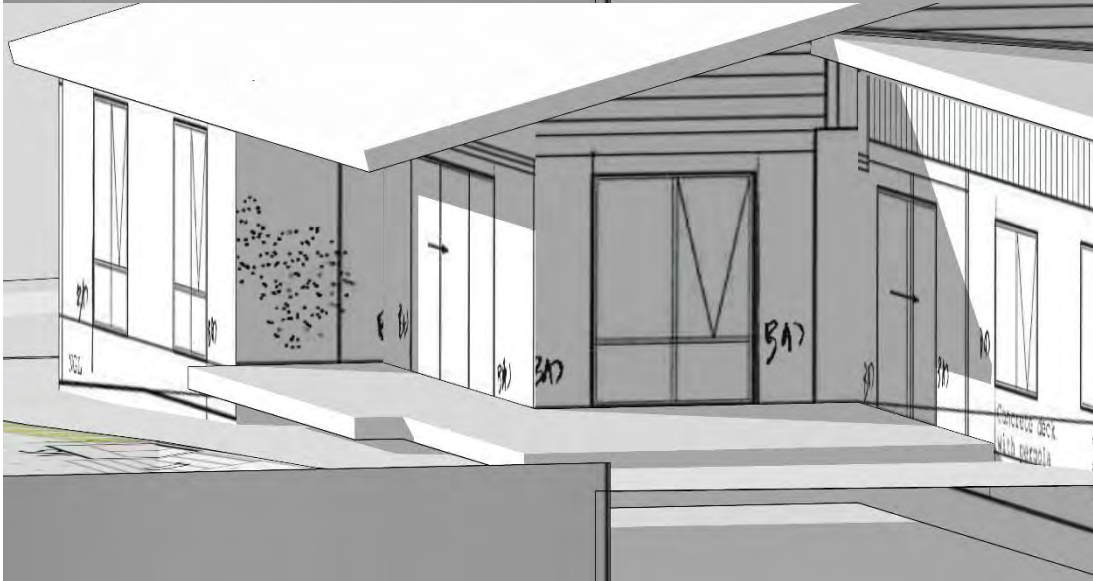


**June 21 – 2:30 PM – Comparison With
Number 28 removed showing only Number
30 own shadowing**

June 21 – 2:45 PM – Comparison With Number 28 Shadows and No Shadows



**June 21 – 2:45 PM – Comparison With
Number 28 Casting Shadows**



**June 21 – 2:45 PM – Comparison With
Number 28 removed showing only Number
30 own shadowing**

June 21 – 3 PM – Comparison With Number 28 Shadows and No Shadows



**June 21 – 3 PM – Comparison With
Number 28 Casting Shadows**

**June 21 – 3 PM – Comparison With
Number 28 removed showing only Number
30 own shadowing**

Site Photos – 28 Burgundy Road, Howrah



Figure 1: The site when viewed from Burgundy Road.



Figure 2: The view to the west along Burgundy Road demonstrating the prevailing single storey building form.



Figure 3: The view to the east along Burgundy Road demonstrating the prevailing single storey building form.

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

Nil Items.

9. MOTIONS ON NOTICE

Nil.

10. COUNCILLOR'S QUESTION TIME

A Councillor 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, a Councillor may give written notice to the Chief Executive Officer of a question in respect of which the Councillor seeks an answer at the meeting).

Nil.

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Warren

1. Could we have an update on the status of the Rosny Hill development?

ANSWER

(Mr Paske) We are still negotiating a draft lease with the proponents, and we will come back to council when we have made progress on that.

2. Has council considered giving a grace period for payment of rates in a similar way to energy suppliers such as Aurora? I understand that our rates incur a penalty the day they are due whereas most organisations give a week or a couple of weeks' grace, so I just wondered is that something council might like to consider in the future?

ANSWER

(Ms Murrell) We do not have that arrangement in place. We do have a Hardship Policy that can be applied for, and we can consider interest and payment terms under that.

(Mayor) It is something a future council may wish to consider.

(Further information) Council's Rates resolution applies interest from the due date. This means we do not have any formal grace period in place, however as Australia Post is unable to put a receipt date on the files they provide to us, we cannot apply interest after the due date, until all Australia Post files are received. Therefore, in a practical sense, we have a grace period of 4 days until interest is applied to all payments to ensure payments from Australia Post made prior to the due date have been received. If Australia Post can provide us with an accurate payment date this grace period may be removed to match the rating resolution.

Ald James

1. I spent a good hour with the manager of the Clarence Lifestyle Village last week and of course most of us are aware that they have a request for an extension of the urban growth boundary into the area that they purchased along the East Derwent Highway. My question is, where are we at in relation to the Clarence Lifestyle Village request and is there any light on the horizon as to whether the Tasmanian Planning Commission will be considering the application in the foreseeable future?

ANSWER

(Mr Lovell) An application for a planning scheme amendment was received several months ago, we have asked for further information. We have not had that information provided to us so there is no further action we can take or advice we can give. We cannot advise on the likely course of action or what we might recommend to council or what the TPC might say until we receive the information that has been requested.

2. Regarding the decision of council in relation to the Seven Mile Beach structure plan which was part of a number of conditions in relation to Regal Court, could we be advised of the current situation in relation to progress and presumably the new council will take some ownership or stewardship of that matter once we have that information to hand?

ANSWER

(Mr Lovell) There is a live appeal on it although it is on hold at the moment, and I cannot add to that however I can provide a weekly briefing report to council on where it is at the moment.

(Further information) Council's lawyers have advised that the delay is due to the appellant applicant who has been granted time to obtain expert engineering reporting.

Ald von Bertouch

1. Where are we at with the Seven Mile Beach local area plan development?

ANSWER

(Mr Lovell) The first major phase is virtually completed in that the community engagement process has been completed and we are waiting for a final report from the consultant to the steering committee. If that request is considered satisfactory by the steering committee and no further work needs to be done, it will go forward to a council workshop and if council is happy with it from there the consultant will proceed with the final major stage which is the plan arising from consultation.

2. Could we be apprised of where the Arm End golf course permit substantial commencement is at? I am aware the key date was 1 October.

ANSWER

(Mr Lovell) The expected expiry date has come and gone however we have received correspondence from the applicant's legal representatives which claims that they have achieved substantial commencement and that they will provide further information to justify that and to seek council's view of that. At the moment we have not received that further information so we are not in a position to consider whether substantial commencement has been achieved however we anticipate that should not be too far away. We are in the hands of the applicant at the moment.

Ald Blomeley

Two weeks ago, I was approached at Bellerive Yacht Club by some elderly residents regarding waste collection, they had a concern because of mobility issues and the bin not been collected. I rang the customer contact line, the manager Mr Steele was not available, but staff member Isabelle took the call very professionally and then escalated it very quickly to Mrs Coleman and I am pleased to say Mr Mayor the next day Mrs Coleman, on her day off as I understand it, went around to see these residents to ensure this matter had been addressed. My question is could the Chief Executive Officer pass on my appreciation and that of the residents who were so impressed by the customer service that Mrs Coleman and her team were able to provide?

Ald Peers

1. I put in an Alderman's request about potholes in Derwent and Church Streets and roads around Blundstone Arena. As the cricket is on an and it is a world cup are we doing anything, or we may have already done it to get those potholes fixed?

ANSWER

(Mr Graham) I can have this reviewed. We can undertake the works, but it has to be well before the matches because of security provisions for each game.

2. Can we congratulate the staff because I had a phone call about the footpath at ANZAC Park and I had two Aldermen requests and the person is extremely happy about what we have done there.

Cr Walker

1. My question relates to the Boulevard site, a more interesting special council planning meeting I don't think I have sat on ever. What is the status after council's non approval then approval by delegation?

ANSWER

The Boulevard site has some similarities to Rosny Hill. We are waiting for a response from Hunter developments, we have provided them with information including a valuation of the site and we are waiting he hear back from them.

Question contd

There is a possibility they might not want to pursue the purchase.

ANSWER

That is hypothetical and I cannot comment.

2. My question is in relation to my motion on notice regarding parking contributions looking at ways and means that parking contributions are required and that there might be a more staggered process for council to be able to get that funding which was a matter that was going to be taken up with the State I believe. Is there any update or progress on that?

ANSWER

The question was taken on notice.

(Further Information) At the meeting of 10 August 2020, Council supported a Notice of Motion to engage with the Planning Policy Unit (PPU) with view to developing a more flexible approach to staging cash-in-lieu contributions for car parking that cannot be provided on-site. Officers subsequently entered into discussion with the PPU and provided relevant background material.

As previously advised in a memo in May 2021, those discussions covered the issues previously raised in workshops with Council, around the constraints on taking cash-in-lieu for car parking via permit conditions. Unfortunately, the PPU advised that it felt that they did not have power or a role in determining the specifics of a council's cash-in-lieu policy or to amend the State Planning Provisions (SPP).

The PPU was satisfied that the SPP gives a “head of power” to take cash-in-lieu and refer to any adopted parking plan, and therefore councils will have discretion to determine the appropriate cash amount based on a variety of issues. While the PPU could not address the constraints around the reasonableness of time frames for cash-in-lieu payments, which had been raised, the PPU did suggest that councils address cash-in-lieu payment arrangements through a parking plan.

As the LPS has been subsequently approved, the preparation of a parking plan has been listed on the relevant officers' work program. Progression is influenced by work on the City Heart project and by the outcome of a current review of the SPP planning controls, by the State Planning Office (formerly the Planning Policy Unit). This review includes the statutory parking and access code controls. However, it is intended that the plan will be developed during 2023 and that this will include a workshop with council.

Ald Ewington

1. My question is in relation to the Bellerive Beach master plan, has internal work started on that or is it still waiting to be commenced?

ANSWER

(Mr Graham) Staff have commenced work on that but I will need to confirm when we are planning to come to the new council at a workshop.

2. Has there been any progress on the steps at Little Howrah Beach?

ANSWER

(Mr Graham) The steps will be completed before the end of this year. It is a possibility that it may be the same contractor that will be constructing the ramp, but I will need to ascertain whether they will be undertaking that individually or at the same time. It certainly has been confirmed to me that the steps will be in before the end of the year.

Cr Kennedy

Following on from a question asked by Ald Peers at the last meeting regarding Pipe Clay Esplanade, the response was that the grader was going to be there at the end of October/early November. Do we actually have a confirmation of date?

ANSWER

(Mr Graham) No but I will check with the crew and advise council.

Further information

Our grader will attend Pipe Clay Esplanade by the end of the week of 7 November 2022.

Cr Mulder

In State and Federal Government there is a very longstanding convention that elected members of parliament and government staff do not receive directors' or sitting fees for serving on government business enterprises or government boards. Does the same apply to councils, the joint authorities, boards, authorities, committees, etc on which we sit on, or the staff sit on?

ANSWER

There is no rule that I am aware of that precludes sitting fees, in fact in a number of councils that occurs for particular boards. There is one that applies for us and that is the sitting fee for the C Cell Director that is on the basis that it applies equally to all those directors.

Question contd

Do you think Mr Mayor that it is appropriate that we have a look at that?

ANSWER

(Mayor) I don't see the need to have a look at that, I think that is a matter for council in the future. I will point out that there have been plenty of precedents for that. I am aware of other councillors on this council who have had other positions on joint authorities or boards that have been entitled to some sitting fees for the jobs that they are doing.

10.4 QUESTIONS WITHOUT NOTICE

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. 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, a Councillor or the Chief Executive Officer 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 Councillors 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”.